



PLANNING COMMISSION REGULAR SESSION AGENDA

Monday, May 09, 2022 - 7:00 PM

City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613, or p.hawker@newportoregon.gov.

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to publiccomment@newportoregon.gov. Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

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

Commission Members: Jim Patrick, Bill Branigan, Bob Berman, Jim Hanselman, Gary East, and Braulio Escobar.

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Work Session Meeting Minutes of April 25, 2022.

[Draft PC Work Session Minutes 04-25-2022](#)

2.B Approval of the Planning Commission Regular Session Meeting Minutes of April 25, 2022.

[Draft PC Reg Session Minutes 04-25-2022](#)

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

5. PUBLIC HEARINGS

5.A File 1-CUP-22 Conditional Use Permit for McWatkins Airport Industrial Village

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Attachment E](#)

[Attachment F](#)

[Attachment G](#)

[Attachment H](#)

[Attachment I](#)

[Attachment J](#)

[Attachment K](#)

[Attachment L](#)

[Attachment M](#)

[Attachment N](#)

[Attachment O](#)

[Attachment P](#)

[Attachment Q](#)

[Attachment R](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
April 25, 2022
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar, Gary East, and Bill Branigan.

Planning Commissioners Present: Jim Hanselman (*excused*)

PC Citizens Advisory Committee Members Absent: Greg Sutton, and Dustin Capri.

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. **New Business.**

A. **Draft Request for Proposals to Redevelop the 2.3 Acres Property at 35th & US 101.** Tokos reviewed the request for proposals. Berman noted that the proposal needed to be corrected to state that it was Southeast 35th Streets. Tokos would change this. He noted they were looking to redevelop the property in 2024 and this gave the South Beach Church ample time to find another location. Berman asked when the demolition of the building would happen. Tokos explained that once the church and the Oregon Coast Community Forest Association was out, the agency would demolish existing structures. A discussion ensued regarding the redevelopment on Option C. These properties would only be in play if the owners chose to participate. If they didn't, the agency wouldn't do anything in this location.

Tokos reviewed the introductions of the proposals and the site context. Berman pointed out the map didn't show the city limits on it. He also noted that in the second paragraph of the site context page, "Newport Aquarium" needed to be changed to "Oregon Coast Aquarium", and "Hatfield Center" should be "Hatfield Marine Science Center."

Tokos reviewed the development considerations next. He noted the City Council would determine the date for properties to be vacated and expected it to happen around 2023 after the construction season. He noted that there would most likely be no System Development Charges (SDCs) to develop on the property because of credits from prior uses in the last 10 years. Berman asked if the credits would be just from the two buildings standing on the property. Tokos explained they would come from them and there were also credits for the old Flashbacks restaurant and a drive thru coffee stand that were previously on the property. He didn't see there being any SDCs charged for this property. A discussion ensued regarding how SDC credits worked and how there were more credits for the property than anything that would be payable. Patrick asked when the clock ran out for the credits. Tokos explained it would be 10 years from when the improvements were removed, and noted the credits wouldn't run out before 2024. Patrick thought they should add an expiration date for the credits to help developers to move faster. Berman asked how the construction excise taxes would apply. Tokos explained these would apply to the project and they were included in the document.

Gary East entered the meeting at 6:20 p.m.

Tokos reviewed the zoning considerations, the gateway, and public/private partnerships. Berman noted that the caption on the two photos for Gateway was bold and shouldn't be there. He also thought the "public rest area" wording should be changed. Tokos suggested they use the term "stopping point."

Tokos reviewed the public outreach next. Berman asked what the mechanism for public outreach would be. Tokos noted the public vetting would start happening after the award was done and the design was further refined. Berman thought the wording needed to be reworked. He also noted a comma was missing on the third line of the paragraph.

Tokos reviewed the example concepts. Berman noted the third line had a comma that shouldn't be there. He thought that under Alternative B that "South Beach Market" wasn't correct because it was a business name. This needed to be changed to either the South Beach "environment, area, or neighborhood."

Tokos reviewed the submission and evaluation next. Berman noted the number of hard copies required for when the proposals were submitted needed to be noted.

Tokos asked if the scheduled seemed reasonable. Berman thought it did depended on the outreach. No other comments were heard.

B. Transportation System Plan Part I - Comprehensive Plan Changes. Tokos reported the Transportation System Plan (TSP) needed to be adopted into the city's Comprehensive Plan. To do this they would take the full copy of the February 20, 2022 TSP document and relative information out of the executive summary from March 2022, and work them into the Comprehensive Plan ordinance. He explained that the Commission would be reviewing the TSP summary, and the goals and policies documents of the Comprehensive Plan at this current meeting. They would then review a copy of the code changes at the next meeting.

Tokos reviewed the TSP edits to the Comprehensive Plan. He pointed out that the street standards would be included in the Municipal Code, not the Comprehensive Plan. Branigan questioned how correct the Figure 1, North Map was. He noted that a lot of people on NE 71st Street went down Avery Street to 73rd Street because it was easy to take a left turn onto US 101 from it instead of 71st Street. Branigan thought this needed to be a green line on the map. Tokos suggested this be a neighborhood collector. Branigan agreed. Tokos thought they could add it and note that they were keeping a tracking sheet. Patrick agreed that it should be a neighborhood collector. Berman pointed out that Figure 6 was not downtown. Patrick asked why the area by Szabos and Yaquina Head wasn't a neighborhood collector. He thought it should be one. Tokos noted this was Lucky Gap Road and suggested not doing anything with Lighthouse Drive. Patrick thought it should be Lucky Gap Road up to the entrance of Longview Hills mobile home community.

Patrick asked if the City had any intention to finish 7th Street. Tokos said they didn't. Patrick noted it was still shown on the maps. Tokos would take it off the maps. Patrick asked why Harney Street that deadened at 7th Street was a freight route. Tokos explained part of it was because Road and Driveway was up to 3rd Street. They also had the County and City shops further up Harney Street and why it was designated for freight. Tokos noted that the project advisory committee had discussed freight routes. They also discussed whether or not the route on Bay Boulevard to Naterlin made more sense compared to the route up Bay Street to 13th Street to the hospital. They had talked to the operators on

the Bayfront and this wasn't a direction freight generally went at all because they utilized Moore Drive. If they made future improvements they needed to keep freight routes in mind because they would then to make the travel routes wider to accommodate larger vehicles. Tokos also didn't think they would want to route trucks up to 13th Street because Naterlin Drive could accommodate them better.

Tokos reviewed the multimodal network design and projects next. He noted that they updated the project website for the city which included interactive maps. Berman reported that he had been having problems using the maps on the project website. Tokos showed the Commission where to find the maps on the City's website and how they worked. Berman noted that the annexation for the UGB expansion wasn't included. Tokos would look to add this. Berman questioned if the Nye Street extension would be two options. Tokos confirmed they were and noted they were included on the tracking sheet. Patrick pointed out that on page 234 they still had some the projects listed as "financially constrained" instead of "aspirational." Tokos would update this.

Tokos reviewed the goals and policies for the public facilities element next. He explained that Goal 5, Policy 5 was the section of the plan where they would possibly have a discussion whether or not to do a couplet. He asked the Commission if they wanted to use this process to sort this out, or if they wanted to go with the language in the plan that left the door open to either option. They were going to be doing the City Center revitalization project and looking at the private side standards for the downtown area. They already had SERA Architects and DKS look at the options, and did public outreach that proved to be limited during the pandemic. Tokos explained there were people who wanted to see it stay as it was and others that liked the couplets, but he was unsure if they understood what the options were. The question to the Commission was if it should be framed as a policy option for them to pick one now, or leave it on the document to say both options were on the table. Then, when they did the downtown revitalization it would be the forum to select from the two options. Patrick thought they should leave it as it was. He didn't think they were able to get good public consensus on this due to the pandemic. Tokos thought they could run it through one more process and then have another consulting firm that could take a look at it in conjunction with the downtown revitalization process. He stated he would keep Goal 5, Policy 5 the same. The Commission was in general agreement to do this.

Berman asked at what point the tracking sheet would be incorporated into the document. Tokos explained it would be done between the hearing with the Planning Commission and the City Council.

Tokos acknowledged the public comments that were submitted to the Commission by Jeff Bertuleit and Wendy Engler. Berman asked if there was a list of the people who asked to stay informed on the TSP process. Tokos reported they had a list established that they could email and send notices to.

3. **Unfinished Business.** None were heard.
4. **Adjourn.** The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
April 25, 2022

Planning Commissioners Present: Jim Patrick, Braulio Escobar, Bob Berman, Gary East, and Bill Branigan.

Planning Commissioners Absent: Jim Hanselman (*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 7:01 p.m. On roll call, Commissioners Patrick, Branigan, Berman, Escobar, and East were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work Session Meeting Minutes of March 28, 2022.**

MOTION was made by Commissioner Branigan, seconded by Commissioner Escobar to approve the Planning Commission Work Session meeting minutes of March 28, 2022 as written. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of March 28, 2022.**

MOTION was made by Commissioner Branigan, seconded by Commissioner Escobar to approve the Planning Commission Regular Session meeting minutes of March 28, 2022 as written. The motion carried unanimously in a voice vote.

3. **Action Items.** None were heard.

4. **Public Hearings.** At 7:03 p.m. Chair Patrick opened the public hearing portion of the meeting. Chair Patrick acknowledged the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None were heard. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File 1-Z-22.**

Tokos reviewed the staff report. Berman noted that the rules said that a tiny home on wheels was a recreational vehicle. He asked if a tiny home was going to be used as an accessory dwelling unit (ADU), did it need to be taken off the wheels. Tokos confirmed this was true and it had to be put on a foundation.

Branigan asked what the deadline was to have all the rules had to be implemented. Tokos explained the State didn't set deadlines, it was more about when the law was effective. If the city didn't update the code then they would have to apply the State law directly.

Patrick asked if the design standards in the Nye Beach Overlay would still apply. Tokos confirmed that because they were clear and objective standards they would applied.

MOTION was made by Commissioner Berman, seconded by Commissioner East to make a favorable recommendation to the City Council for File 1-Z-22. The motion carried unanimously in a voice vote.

Berman asked for clarification of what the Council would review. Tokos reported they would be shown the red line markups in the code with notes on what the changes would be. Then, after their adoption the full code would be recorded.

5. New Business.

A. Commissioner Lee Hardy Resignation.

Tokos reported they would be advertising for the open Commission spot. Escobar asked if the Commission could send a letter to Hardy as a group. Tokos suggested they send a joint Planning Commission/City Council letter to Hardy. They Commission was in general agreement to do so.

6. Unfinished Business. None were heard.

7. Director Comments.

A. File 7-CUP-21-A: City Council Final Order and Decision for the Lincoln County Animal Shelter Conditional Use Permit.

Tokos reported that City Council affirmed the Commission's decision for the conditional use permit for the animal shelter. He noted the case could potentially be appealed to LUBA. The County would have to defend the decision if it did. Escobar pointed out that the County was actively looking at other sites for the animal shelter. Tokos confirmed the County was taking a 90 day pause and looking at other locations. He hoped that this would be a transparent process for them. If the County ultimately choose the airport at the best solution, they would have to sell the idea to the community to get them onboard with it being the ultimate solution. Tokos noted that the Council would want to see community support to do the lease for the shelter. He explained that the conditional use criteria had been met and it wasn't the tool to work through these issues. Berman thought that it had raised the level of public awareness and thought the Commission did a tremendous public service because of it. He hoped the County would come up with a better solution.

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

Respectfully submitted,

Sherri Marineau
Executive Assistant

PLANNING STAFF REPORT

Case File No. 1-CUP-22

- A. **APPLICANT:** Mark Watkins, Lessee and Alan Wells, Commercial Broker as co-applicants (Linsey McLane-Godwin, MSS, Inc., representative) City of Newport (owner).
- B. **REQUEST:** Approval of a request per Section 14.22.100(E)(4) and (5)/“Airport Development Zone Overlay” of the Newport Municipal Code, for a conditional use permit to allow an industrial park project, with a range of light-industrial and commercial uses, on a portion of the Newport Municipal Airport designated for Non-Aeronautical Development. The concept includes a potential live work option for tenants.
- C. **LOCATION:** A 10.8 acre undeveloped lease area northwest of Runway 2-20 (Lincoln County Tax Map 11-11-32-00, Tax Lot 200).
- D. **LEGAL DESCRIPTION:** See Attachment "F".
- E. **LEASE AREA:** Approximately 10.8 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:** Single-family home sites to the west, airport fixed based operator to the east, undeveloped airport property to the north, and airplane hangars and the U.S. Coast Guard Station (helipad) to the south.
- d. **Topography and Vegetation:** The lease area encompasses the gradually sloped property immediately north of the airport entrance driveway from SE 84th Street. Much of the site has been cleared and is maintained as a mowed open area. A line of mature trees and understory vegetation along the west line of the lease area provides a visual buffer between the property and US 101.
- e. **Existing Structures:** None.
- f. **Utilities:** All can be provided 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 May 9, 2022 public hearing date was mailed on April 20, 2022; and notice was published in the Newport News-Times on April 29, 2022.
- j. **Attachments:**
 - Attachment "A" – Application Form
 - Attachment "B" – Lincoln County Assessor Property Report
 - Attachment "C" – Application Narrative, 2/25/22
 - Attachment "D" – Application Narrative Addendum, 4/20/22
 - Attachment "E" – Applicant's Site Plan & Profile Drawings by MSS, Inc., dated 4/20/22 (Exhibits 1 to 4)
 - Attachment "F" – Lease Agreement with the City of Newport
 - Attachment "G" – Public Hearing Notice
 - Attachment "H" – Phase 3 Project List, SB URA Resolution No. 3943
 - Attachment "I" – Excerpt from Supplemental Budget Resolution #3947
 - Attachment "J" – FY 22/23 Draft Budget, LOSS Capital Project #AP-5
 - Attachment "K" – 2018 Airport Master Plan On-Airport Land Use Map
 - Attachment "L" – 2018 Airport Master Plan Airport Airspace Plan (Part 77)
 - Attachment "M" – 2018 Aerial Image with Wetlands and Topography
 - Attachment "N" – Email from Adam Denlinger, SRWD, dated 1/19/22
 - Attachment "O" – Email from City Engineer Aaron Collett, dated 4/29/22
 - Attachment "P" – City Council Final Order & Findings File #7-CUP-21
 - Attachment "Q" – Table B105.1(2), Appendix B, 2019 Oregon Fire Code
 - Attachment "R" – Airport Transitional Surface Map

2. **Explanation of the Request:** This conditional use permit application identifies a range of permissible light industrial and commercial uses and provides a conceptual development plan for a new industrial park on a portion of the Newport Municipal Airport designated for Non-Aeronautical Development. The proposal includes a potential live work option for light industrial/commercial tenants.

The applicant's representative, Linsey McLane-Godwin with MSS, Inc. ("MSS, Inc."), prepared a detailed narrative describing the project with the February 25, 2022 submittal (Attachment "C") and supplemented the narrative with a memo prepared April 20, 2022 (Attachment "D"). MSS, Inc. notes that their client, Mark Watkins, has entered into a long term lease with the City of Newport for approximately 10.8- acres of "Non-Aeronautical Development Area." The site is situated immediately north of the access driveway at SE 84th Street, between US 101 and the Airport's Fixed Base Operator (FBO) Building. It is part of a larger, 273.11 acre, City of Newport owned property identified by the Lincoln County Assessor's Office as Tax Lot 200 of Tax Assessor's Map 11-11-32-00 (Attachment "B"). A copy of the lease agreement is also enclosed (Attachment "F").

MSS, Inc. points out that the leased area is currently vacant and that multiple official City documents, reports and master plans identify a general vision for how this Non-Aeronautical Development Area should develop. They summarize that vision as a desire to see commercial and industrial development and emergency services that support on-airport operations and bring in additional revenue for the city and for the airport. MSS, Inc. further notes that public capital improvement projects have been identified and put into motion to provide improved water, fire and septic infrastructure to support development of Non-Aeronautical Development Areas.

The applicant is looking to market the property to prospective tenants and is finding that prospect challenging without a framework that provides certainty as to the permissible types of commercial and industrial development. MSS, Inc. points out that the current zoning, P-1 Public Structures limits use of the property almost entirely to publicly owned or operated uses, with the exception of "Recreation equipment" and "Trails, paths, bike paths, walkways, etc.". They note that since the current zoning does not allow commercial or industrial development, and it is unknown what uses will be approved, no future tenants have committed to leasing building(s) at the subject site. They further indicate that a clear development plan cannot be created until the applicant knows with certainty what uses will be allowed. This application addresses the problem by identifying a set of permissible commercial and industrial uses, consistent with Newport Development Code Section 14.22.100.E.4 and E.5.

MSS, Inc. indicates that the Lessee anticipates implementing up to three (3) phases that would be completed within 5 years from city approval. This phasing will depend heavily on the success of bringing in businesses to provide rental income during the first phase to fund the subsequent phases.

They note that the project is intended to provide building spaces for businesses that are supportive of airport and emergency services activities and uses, need airport access as part of their operations, or need general industrial or commercial space. Additionally, the Lessee is a member of the Airport Advisory Committee, which has been tasked with finding ways for the airport to be more financially self-sufficient. MSS, Inc. asserts that the subject site is well positioned to create a "Fly in Village" with spaces for services to support pilots and their families coming to the airport and spending time in Newport. These visitors will need short-term overnight accommodations, recreation equipment rentals, travel support services (showers, washers/dryers), car rentals, and recreational opportunities that they believe that the "Fly in Village" can satisfy. On-site recreational activities may include a dog park and a disc golf course. These amenities would benefit local residents as well as tourists. A conceptual site plan illustrates potential building placement for each project phase (Attachment "E").

Lessee anticipates that there will likely be two freestanding, monument signs associated with the development. One sign is to be located on the northeast corner of the intersection of Hwy 101 and SE 84th Street (exact location to be determined in coordination with the Airport Advisory Committee and City of Newport) and the other at the northwest corner of the intersection of SE 84th Street and the access

road that leads to the site (see Attachment "E," Exhibit 2). Though these signs have not been designed yet, MSS, Inc. notes they will be designed to meet all the criteria listed in Newport Municipal Code Chapter 10. Additionally, they point out that example sign design and materials are included in Attachment B of the application narrative (Attachment "C"). MSS, Inc. notes that lighting associated with this signage will be shielded and limited to the minimum required for legibility.

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 April 20, 2022 or legal ad published in the Newport News-Times on January 29, 2022. It was an email from City Engineer, Aaron Collett, dated 4/29/22 (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.

4. Aviation dependent or related commercial, industrial, or public uses not otherwise listed as permitted uses.

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 "K," shows that the proposed lease area for the industrial park 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 applicant has leased is 10.8-acres in size as depicted on the site plan (Attachment "E") and lease (Attachment "F"); therefore, Planning Commission review and approval is required per NMC 14.34.030(B). Evidence of public notice, included as Attachment "G," demonstrates that the May 9, 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. **Conditional Use Criteria (NMC Chapter 14.22.100(F)):**

In addition to the approval standards listed in Section 14.35.050, an application for a conditional use permit shall:

1. Demonstrate that the uses will not create a safety hazard or otherwise limit existing and/or approved airport uses.

f. **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.

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

With respect to the question of whether or not sanitary sewer service can adequately accommodate the use, MSS, Inc. indicates that the service will be provided by the City of Newport via a community system that is in the planning stage. They cite to analysis performed by the engineering firm Murraysmith, included with the recently completed South Beach / US 101 Refinement Plan, that assessed the effluent needs for the airport at anticipated buildout, and rely upon the analysis as evidence that a Large On-site Septic System (LOSS) is a viable option to meet the project’s sanitary sewer needs. A copy of the Murraysmith memo is included with the applicant’s narrative (Attachment "C"). MSS, Inc. notes that once the community sewer system is constructed, pumps will be installed at each development site to pump the waste up a collector to the septic system’s location. They further indicate that if the LOSS is not in place when their client is prepared to develop, then a holding tank(s) will be installed onsite to meet their needs and that a service will be used to remove waste from the tank and dispose of it properly offsite. MSS, Inc. points out that the Lessee understands they will need to provide a pump station and make the necessary connections to the LOSS once the system goes online.

With its decision in File 7-CUP-21, for an animal shelter project on airport property that would be served by this same LOSS, the Planning Commission found that Murraysmith’s analysis was sufficient to establish that a LOSS could accommodate the effluent demand from that project and other airport uses, and that the presence of four separate septic systems on airport property, serving the FBO building, FedEx building, U.S. Coast Guard building, and the Airport Rescue and Firefighting (ARFF) building, is evidence that soil conditions are such that it is feasible a LOSS can be built on airport property. That particular decision by the Planning Commission was appealed to the City Council, and the Council concurred with the Commission’s reasoning (Attachment "P").

City Engineer, Aaron Collett, in a 4/29/22 email, notes that the LOSS project is not fully underway. MSS, Inc. acknowledges that the timing for construction of the LOSS and their client’s need to move forward with the industrial park project might not align, in which case they are prepared to construct a holding tank to address effluent needs in the interim. This is a reasonable alternative offered by the applicant. The Newport Urban Renewal Agency is reserving \$2 million in South Beach Urban Renewal District funding to address wastewater needs at the airport (Attachment "H"). Planning level cost estimates by Murraysmith show that this amount is sufficient to fund the LOSS or a package treatment plant. The City Council, with Supplemental Budget Resolution #3947, advanced \$75,000 of urban renewal funding into the current FY 21/22 fiscal year budget so that the LOSS design work could be initiated with the balance of the construction funding,

\$640,000 in total, being included in the proposed FY 22/23 budget (Attachments "I" and "J"). FAA review of the LOSS is required to ensure that it does not impede airport operations if it is to be built in between the runways, which is the preferred location. Staff has had preliminary discussions with the FAA, and they have identified issues the City will need to address as the design moves forward. There is a good chance that the LOSS will be in place to serve applicant's initial phase of development and, if not, they have identified a holding tank(s) as an interim solution. The Commission is charged with determining whether or not it is feasible sanitary service can be provided to adequately accommodate the proposed use, and the above analysis and information in the record is sufficient to support such a finding.

With respect to water service, the subject site lies within the Seal Rock Water District (SRWD) which maintains a water main along US 101. The City has a master meter with the District that feeds the airport's internal water distribution system. That internal system includes an 8-inch city line that runs along SE 84th Street adjacent to the site as depicted on a 2018 aerial of the property (Attachment "M"). MSS, Inc. notes that Lessee intends to utilize the City of Newport water service that is currently serving the airport. They point out that the site will tie onto this line and run a main up the proposed road to serve the new development as shown on the site plan (Attachment "E," Exhibit 2). This project proposes a range of uses that can be scaled such that they can be supported by the available water supply. With its decision in File 7-CUP-21, for the animal shelter project, the Commission accepted an email from the SRWD indicating that they could meet the demand of that 12,000 sq. ft. facility which was projected to be 1,331 Gal/Day (Attachment "N"). The Commission can accept that same email as evidence the SRWD has the capacity to meet the domestic water needs of moderately sized commercial/industrial development, with similar requirements as the shelter. Since the water demands of a particular user can vary significantly, it would be reasonable for the Commission to impose a condition of approval requiring the applicant obtain a capacity to serve letter from the SRWD with each phase of development once the end users have been identified.

Adequacy of water pressure for fire suppression can be an issue with large commercial or industrial buildings. MSS, Inc. included a letter with their application narrative (Attachment "C"), dated August 12, 2020, from the Newport Fire Department indicating that the airport's water distribution system will support hydrant flows between 1700-1800 gallons per minute flow tested as 20 PSI. The letter goes on to identify a range of commercial building types and sizes that those fire flows can support. Fire flow requirements for new construction are governed by Table B105.1(2), Appendix B, of the 2019 Oregon Fire Code (Attachment "Q"). The table further shows that flow requirements drop substantially (i.e. typically by 75%) if a structure is fitted with an automatic sprinkler system. The City will be automating its intertie with SRWD, a step that is expected to improve fire flows at the hydrant from 1,750 to 2,250 gallons per minute. That project is included in the upcoming FY 22/23 draft budget (Attachment "J"). Taken

collectively, the Commission can accept this as evidence the fire flows will support a range of commercial or industrial building construction types and sizes in the locations shown on the applicant's conceptual site plan (Attachment "E").

Currently the subject property has uncontrolled vehicular access from a shared airport drive off of SE 84th Street, which is a turnoff from US 101. According to city staff, this road meets city and fire standards and no further road improvements will be required as part of the development of the subject site. A driveway from this existing road will be constructed by the Lessee within the subject site and design and constructed to city and fire department standards.

With respect to stormwater management, MSS, Inc. indicates that onsite run-off will be collected and routed to the creek at the north end of the lease area by way of a combined rain garden and detention facility. They note that the facility will have vegetation at the bottom and a filtration medium for treating the storm runoff. A perforated pipe will be installed to route the treated water to the outfall. The system will have enough storage to detain the two, five and ten-year storm to its pre-development flows. The sizing for detention and water quality was determined with a preliminary model based on an 85% impervious surface development of the site in Autodesk's Storm and Sanitary Analysis, a stormwater modeling program. MSS, Inc. notes that the size of the system as a whole will be about 10,000 square feet (Attachment "E," Exhibit 2) with about four feet of storage depth and one foot of freeboard. This system will either be one system of treatment and detention, or multiple systems with similar areas and volumes. They point out that the system will drain the stormwater to the creek to the North of the Property, Grant Creek, and understand that drainage of the stormwater to the creek may require permitting through DEQ and a joint permit from Department of State Lands and Army Corps of Engineering.

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's concept can satisfy that requirement; however, they will need to document the adequacy of the system in more exact terms once the final end uses are identified. However, for the purpose of this conditional use permit, it would be reasonable for the Planning Commission to find it feasible that the applicant's proposal will be sufficient to manage runoff for the design storm.

For street access, MSS, Inc. notes that the Lessee will be responsible for constructing a road access from SE 84th Street to the site. A conceptual alignment of the roadway is depicted on the applicant's site plan (Attachment "E," Exhibit 2). They note that within the site, each sub-tenant will be responsible for access improvements, which includes the connecting driveways and parking areas.

Since the specific tenants are not known, MSS, Inc. indicates that their client is prepared to address potential traffic impacts by obtaining a traffic impact analysis permit for each new use that is established. This would include implementing improvements recommended by the analysis. NMC Chapter 14.45 sets out the City's traffic impact analysis requirements. It provides that an applicant must conduct the analysis if their project will generate 10 or more heavy truck trips per day or 100 or more PM peak hour trips onto city streets such as SE 84th Street (NMC 14.45.010(C)). Considering the range of impacts that different uses can have, it would be reasonable for the Commission to impose a condition of approval identifying the need for traffic impact analysis to be performed as tenants are identified.

Lastly, with regards to the provision of electrical service, MSS, Inc. notes that Central Lincoln People's Utility District (CLPUD) provides power to the airport property as a whole. They further indicate that CLPUD did not express any concern with providing power to the site when asked; however, they stated no specific information will be available until a request for service is obtained. Electrical service is available to the site, crossing the southern end of the lease area as shown on the applicant's site plan (Attachment "E," Exhibit 2) and MSS, Inc. indicates that their client will coordinate with CLPUD to obtain service. Capacity of the available power supply can be a limiting factor for certain industrial/commercial users. That said, the presence of power onsite is sufficient evidence for the Commission to find that the service can be made available to prospective users.

MSS, Inc. notes that all necessary public facilities are or will be available for the subject property, and will be extended or modified as necessary to serve the subject property. They further point out that 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.

Given the above, it is reasonable for the Planning Commission to find that the public facilities can adequately accommodate development of the proposed industrial park.

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

This criterion addresses requirements of the underlying or overlay zone. MSS, Inc. notes that the site is located within the Airport Development Zone Overlay and the Public Structures (P-1) Zone. There are no specific requirements of the underlying P-1/"Public Structures" zone district that are relevant to the project. The maximum building height limitation of the P-1 zone exceeds that of the Airport Development Zone Overlay and there are no setback limitations. With regard to the Airport Development Zone Overlay, MSS, Inc. notes that NMC 14.22.100(E)(4) and 14.22.100(E)(5) allow commercial and industrial uses to be authorized in areas designated for non-aeronautical use, such as the subject site, through a conditional use permitting process. MSS, Inc. indicates that the uses being requested are

those uses permitted in either the C-1/“Retail-Service Commercial” or the I-1/“Light Industrial” zones, as identified in Table 1 below.

Table 1: Requested Uses

Uses	C-1 Zone	I-1 Zone
Office		P
Retail Sales and Service - Sales-oriented, general retail		P
Retail Sales and Service – Sales-oriented, bulk retail		P
Retail Sales and Service – Entertainment (RV Parks, subject to 14.06.060 and “other temporary lodging with an average length of stay less than 30 day”		P
Retail Sales and Service – Repair-oriented		P
Vehicle Repair		P
Self-Service Storage		P
Parking Facility		P
Contractors and Industrial Service		P
Manufacturing and Production - Light Manufacturing		P
Warehouse, Freight Movement, & Distribution		P
Wholesale Sales		P
Community Service		P
Trade/Vocational Schools/Other		P
Communication Facilities		P
Residences on Floors Other than Street Grade	P	

MSS, Inc. believes that the proposed uses are consistent with the City’s Refinement Plan, Goals and Objectives, Master Plans and Adopted Budget, which all state that the purpose of the Non-Aeronautical Development Areas is for commercial/industrial development. This conditional use permitting process is an opportunity to provide a clearer understanding of development authorized in these areas. MSS, Inc. notes that the Lessee has selected uses listed as “outright permitted uses” from the City’s commercial and industrial zones because these uses have been identified by the City as appropriate for areas intended for light industrial and commercial activities without need for additional site specific review.

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). Those compatibility and safety standards are specifically identified in NMC Chapter 14.22, and the applicant has addressed them as follows:

NMC Section 14.22.060, entitled “Height Limitations on Allowed Uses in Underlying Zones,” states that 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. It further notes:

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(D) as imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transition surface.

The Airport Airspace Plan (Part 77) shows that the subject property falls within the transitional surface of both runways; however, it is closest to Runway 2-20 (Attachment "L"). This is a surface that extend upward and outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the runway approach surfaces to the point of intersection with the horizontal and conical surfaces. The horizontal distance from the Runway 2-20 visual approach surface to the lease area varies, with it being roughly 300-feet at its closest point (Attachment "R"). This translates to 42.8-feet of vertical height, with the transitional surface increasing as it extends north across the lease area. The applicant has committed to a 35-foot maximum building height as illustrated with the profile drawings included with the site plan (Attachment "E," Exhibits 3 and 4). This evidence is sufficient for the Commission to find that the buildings will not breach the transitional surface consistent with the height limits outlined in NMC 14.22.060.

NMC 14.22.080 Land Use Compatibility Requirements, states that 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. MSS, Inc. addressed each of those standards as follows:

NMC 14.22.080(A), Outdoor Lighting, stipulates that 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.

MSS, Inc. notes that any lighting associated with on-site signage will be shielded and limited to the minimum required for legibility. Parking area and exterior building lighting will be oriented toward the ground, shielded and limited to the minimum brightness and coverage required for safety. A condition of approval can be imposed to ensure compliance with this requirement.

NMC 14.22.080(B), Glare, provides that 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.

MSS, Inc. points out that 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. Building exterior walls will be made of one or more of the following or similar non-reflective materials: concrete, CMU blocks, fiber cement siding, metal panel, rock or brick, and wood siding. Building roofs will be made of either standing seam metal roofing or asphalt shingle roofing. Building design and materials will be reviewed by city staff at the time of building permit submittal. A condition of approval can be imposed to ensure compliance with this requirement.

NMC 14.22.080(C), Industrial Emissions, states that no new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

MSS, Inc. notes that all proposed uses will be contained within structure(s) such that no emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces will occur. A condition of approval can be imposed to ensure compliance with this requirement.

NMC 14.22.080(D), Communications Facilities and Electrical Interference, Proposals for the location of new or expanded radio, radiotelephone, television transmission facilities, and electric transmission lines shall be coordinated with the ODOT Aeronautics Division to ensure that the use will not cause or create electrical interference with navigational signals or radio communications between an airport and aircraft.

MSS, Inc. indicates that the applicant is prepared to coordinate with the ODOT Aeronautics Division to ensure that any proposed communication facilities will not cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. A condition of approval can be imposed to ensure compliance with this requirement.

NMC 14.22.080(E), Limitations on Water Impoundments, provides that no new water impoundments of one-quarter acre or larger shall be allowed less than 5,000 feet from the end of a runway within an approach surface or on land owned by the airport or airport sponsor where the land is necessary for airport operations. An exception exists in cases where the impoundment is for a storm water management basin established by the airport.

MSS, Inc. points out that this standard is not applicable to their project because the industrial park site is just outside the area where it would apply. The industrial park is situated outside of the Runway 2-20 approach surface and is not on land that is necessary for airport operations. In order to reduce the chance of attracting birds, however, the applicant agrees to limit any surface retention or detention facilities to one-quarter acre size or design the detention to be underground.

NMC 14.22.080(F), Prohibited Uses within a Runway Protection Zone (RPZ), provides that new residential development, schools, hospitals, nursing homes, theaters, auditoriums and other public assembly facilities are prohibited within the RPZ.

MSS, Inc. notes that this standard is not applicable because the industrial park site is located outside of the runway protection zones.

NMC 14.22.080(G), Limitations on Landfills, states that new landfills are prohibited within 10,000 feet of any airport runway.

MSS, Inc. points out that the standard is not applicable because a landfill will not be situated within the industrial park.

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.

MSS, inc. indicates that due to the conceptual nature of the site plan and the unknown status of what uses will be allowed on this property, they have elected to use a maximum building floor area to determine the number of required parking space for site build out. They note that the most likely use of the property will be industrial warehouse with some office space and bulk

retail space. Industrial uses require 1 parking space per 2,000 square feet gross floor area and both general office space and bulk retail space requires 1 parking space per 600 square feet gross floor area. Our estimate is that 80% of the space would be warehouse, 10% would be general office and 10% would be bulk retail. Each building would have a sidewalk in front of it of between 4 and 6 feet and the drive aisles will be at least 24 feet wide.

Table 2: Calculations of Area for Each Use to Determine Maximum Floor Area

Use	SF Area Per Parking Space	Area of 1 parking Space & 6ft Sidewalk	Area of Adjacent Roadway	% of Site	Portion of 10 acre site	Number of parking spaces	Max Use Area of Site
Warehouse	2,000 sf	216 sf	108 sf	80%	348,480 sf	150	300,000 sf
General Office	600 sf	216 sf	108 sf	10%	43,560 sf	48	28,800 sf
Bulk Retail	600 sf	216 sf	108 sf	10%	43,560 sf	48	28,800 sf

Using the above table, the maximum floor area of the site at full build out would be 300,000 square feet of warehouse space, and 28,800 square feet each of general office and bulk retail space, for a total of 357,600 square feet of building space. In total with these uses, 246 parking spaces would be required. These calculations are theoretical, would require extremely efficient road aisle design and do not consider landscaping space, stormwater detention or the irregular shape of the development site. However, MSS, Inc. notes that the analysis indicates that even at max build out there would be sufficient space for the required parking for these uses.

They further note that the conceptual site plan shows a mix of uses similar to the theoretical calculation above with 78% of the building gross floor area used for warehouse space, 9% used for general office space and 13% used for bulk retail space. The total gross floor area of all these uses is 164,473 square feet (requiring 124 parking spaces), assuming each building is only one story. If each building was two stories, the gross floor area would be 328,946 square feet (requiring 248 parking spaces). MSS, Inc. notes that while parking striping is not shown on phases 2 and 3 of the conceptual site plan, space for a sidewalk and parking has been provided along the entire front of each building. As a result, the conceptual site plan will accommodate a total of approximately 267 parking spaces, which exceeds the required parking for both the theoretical maximum floor area and the conceptual site plan with two story buildings.

Uses with higher parking requirements will be limited to smaller building footprints. The parking requirements for the final site design will be reviewed and approved as part of the building permit process.

In conclusion, MSS, Inc. points out that the development site will provide more than the required amount of parking for the anticipated uses. All uses with the potential to create unreasonable amounts of dust or odor will be enclosed within the buildings. Buildings will be designed with noise mitigation and ventilation systems as needed for loud uses or uses that produce significant amounts of particulates to meet DEQ standards. They further note that each building will be reviewed at the time of building permit review for use/occupancy and available parking. Uses with higher parking requirements will be limited in floor area in relation to the availability of space for parking.

MSS, Inc. points out that existing uses at the airport include airport hangar space, warehouse space, car-rentals, emergency services and a welcome center. Proposed uses such as parking facility, vehicle repair, and bulk retail may include the outdoor storage of vehicles (cars, trucks, recreational vehicles, etc.). This type of vehicular storage is compatible with the airport as evidenced by the existing car rental facility at the airport and the existing storage of work vehicles associated with airport operations.

In order to address potential traffic impacts, MSS, Inc. notes that a traffic impact analysis permit will be required for each new use if the threshold for requiring such analysis is met.

MSS, Inc. notes that the overall proposed mix of commercial and industrial uses is consistent with the existing uses, particularly in regards to anticipated traffic and parking needs, and similar types of outdoor storage. Uses with the potential to create unreasonable amounts of dust or odor will be contained and have no adverse impact due to unreasonable noise, dust or loss of air quality.

They point out that the subject site is a small portion of a large property that contains the Newport Municipal Airport. Further MSS, Inc. notes that the request is an extension of the city's effort to establish commercial/industrial development within the Non-Aeronautical Development Areas of the airport. The Airport Master Plan specifically identified the subject site as being appropriate for commercial and industrial uses. While all commercial and industrial uses may not be appropriate adjacent to the airport, MSS, Inc. notes that light commercial and industrial uses, such as those proposed, have been deemed appropriate next to residential areas and have minimal offsite impacts in general.

MSS, Inc. notes that the Lessee is also interested in creating a "Fly-In Village" to support the tourists arriving at the airport. This portion of the leased area would be limited to a maximum of 2 acres of the total leased area. This village could include temporary overnight accommodations in the form of yurts or cabins with supporting buildings housing showers, bathrooms, washers and dryers. Other services could include recreation equipment and car rentals. They point out that these types of amenities have the potential to increase the number of visitors to the airport and establish it as a sought-after travel destination due to the full support services. Phase 2, where the "Fly-In

Village” is proposed, is identified in the Newport Airport Master Plan as a moderate noise impact zone at 55 to 65 decibels (ref: 2018 Airport Master Plan Off-Airport Land Use Map, Sheet 15.1, prepared by WHPacific). While the City did not adopt noise mitigation standards as part of the Airport Development Zone Overlay, there are building code standards that the City applies in noise sensitive areas that may limit the types of construction available for temporary overnight accommodations.

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.

MSS, Inc. notes that all buildings will conform to the required design standards. They point out that the overall character of the airport area visible from SE 84th Street consists of one and two story painted, primarily metal buildings. There does not appear to be a consistent color scheme, with buildings ranging from beige/tan/taupe to blue/gray to barn red and white. The uses of these buildings are airport-focused, according to the Newport Airport website (<https://www.newportoregon.gov/dept/onp/>) specifically there are buildings for reception and customer service (Fixed Base Operations), grounds maintenance, building maintenance, office maintenance, Hertz Rental Car rentals, and airplane hangars.

They further note that 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. Building exterior walls will be made of one or more of the following or similar non-reflective materials: concrete, CMU blocks, fiber cement siding, metal panel, rock or brick, and wood siding. Building roofs will be made of either standing seam metal roofing or asphalt shingle roofing. Examples of building types, colors and materials are included with the applicant’s narrative (Attachment "C"). MSS, Inc. points out that building design and materials will be reviewed by city staff at the time of building permit submittal.

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

- (5) Demonstrate that the uses will not create a safety hazard or otherwise limit existing and/or approved airport uses.

MSS, Inc. notes that the subject site has been specifically identified by the City and the 2017 Airport Master Plan as an appropriate place to locate

aeronautical-related and non-aeronautical-related commercial/industrial development. They further point out that future buildings will have a maximum height of 35 feet and consist of non-reflective building materials. Parking area and exterior building lighting will be oriented toward the ground, shielded and limited to the minimum brightness and coverage required for safety.

They note that heavy manufacturing is a use that has not been requested for this site due to the potential to create noise, dust, vibration or fumes incompatible with airport uses. In contrast, Light Manufacturing as defined in the Newport Municipal Code 14.03.060(D)(2)(b)(i), is described as allowing uses that do not “generate excessive noise, dust, vibration or fumes, such that they can be located near residential and commercial zones without creating nuisance impacts.” MSS, Inc. points out that the airport is more industrial and commercial in nature than residential and itself generates some noise, dust, vibrations and fumes. In this way the proposed uses will not limit the existing or potential future airport uses. Further, the subject site is separated from the airport by SE 84th Street, trees and shrubs, and two or more fences. MSS, Inc. notes that limits on hazardous materials will be enforced at the time of building permit review, where the application will be required to conform to building code and fire code. A condition of approval can be imposed to ensure compliance with those codes.

Landscape plants that provide food or shelter to large birds, small birds that congregate into large flocks, as well as small mammals that may attract raptors will be avoided to decrease wildlife hazards around the airport. Specific guidelines include avoiding:

- a) Evergreen trees or shrubs, including, but not limited to Junipers, Spruces, Pines, Yews and Arborvitae.
- b) Densely branched or densely foliated trees to avoid nesting. This includes, but is not limited to, Maples, Linden and Cypress.
- c) Trees, shrubs and plants that produce wildlife edible fruit and seeds or provide palatable forage for grazing animals. Non-fruiting or male plants of a given species may be satisfactory in some instances.

The trees, shrubs, perennials and grasses contained in the applicant’s narrative (Attachment "C") provide a list of plant species that will be avoided for landscaping within the subject property. Considering the properties location within the transitional surface of both runways, it would be reasonable for the Commission to impose a condition requiring the applicant identify the mature height of proposed landscaping with each building application. That way, the City can confirm that the landscaping is not likely to breach the transitional surface at some point in the future.

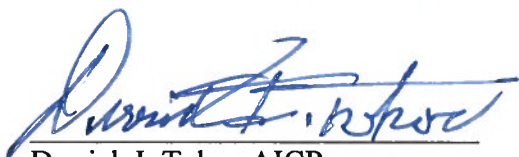
Given the above, it is reasonable for the Planning Commission to find that this criterion has been satisfied.

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 an industrial park 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 industrial park. 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 industrial park 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 the first building.
4. Applicant shall be responsible for constructing the access road from SE 84th Street north to the turnaround as depicted on the site plan for "Newport Airport Village" by MSS, Inc., dated 4/20/22. A right-of-way permit for the road approach onto SE 84th Street shall be obtained from the Newport Public Works Department before the roadway work is commenced and the road shall be completed prior to occupancy of the first building.
5. Traffic impact analysis shall be required for any use that triggers the need for such analysis pursuant to NMC Chapter 14.45.
6. A landscape plan shall be included with each 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.

7. Outdoor lighting fixtures are to be downward directed and shielded. Specifications for the fixtures are to be included with each building permit application.
8. 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 building permit submittals, along with the reflectivity rating of exterior windows.
9. Industrial uses shall be contained within structure(s) to the extent that they emit smoke, dust or steam with ventilation systems designed to ensure such emissions will not obscure airplane visibility.
10. Applicants shall include with building permit applications, written confirmation from the Seal Rock Water District that they have capacity to meet the domestic water supply needs of the intended use.
11. No new or expanded radio, radiotelephone, television transmission facilities, and electric transmission lines are to be located within the industrial park unless the ODOT Aeronautics Division indicates, in writing, that the use will not cause or create electrical interference with navigational signals or radio communications between an airport and aircraft.
12. A sign permit(s) shall be obtained consistent with the requirements set forth in NMC Chapter 14.10 for the industrial park monument sign(s) at the time of the first building permit submission.
13. 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.
14. Consistent with NMC 14.52.140, building permits for structures envisioned as part of the three development phases shall be obtained within 5-years of the date this land use decision is final.



Derrick I. Tokos AICP
Community Development Director
City of Newport

May 5, 2022



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Mark Watkins (Lessee)	City of Newport
Applicant Mailing Address:	Property Owner Mailing Address:
P.O. Box 2302, Newport 97365	169, SW Coast Hwy, Newport 97365
Applicant Phone No.	Property Owner Phone No.
541-270-6778	541-574-0629
Applicant Email	Property Owner Email
tangoair@peak.org	
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Linsey McLane-Godwin, MSS Inc.	
Authorized Representative Mailing Address:	
215 NW 4th Street, Corvallis, 97330	
Authorized Representative Telephone No.	
541-753-1320	
Authorized Representative Email. linseyg@mssengineering.com	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
135 SE 84th St, Newport, OR 97366	
Tax Assessor's Map No.: 11-11-32-00	Tax Lot(s): 00200-00
Zone Designation: P-1 Public Structures	Legal Description: <i>Add additional sheets if necessary</i>
Comp. Plan Designation: Public	Book 90, Page 523 (1942)
Brief description of Land Use Request(s):	
<i>Examples:</i> 1. Move north property line 5 feet south 2. Variance of 2 feet from the required 15-foot front yard setback	
CUP to allow permitted uses from P-2 zone on leased land within the Airport Master Plan Property	
Existing Structures: if any	
Leased portion of land is vacant, Newport Airport	
Topography and Vegetation:	

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:		
Date Received:	Fee Amount:	Date Accepted as Complete:
Received By:	Receipt No.	Accepted By:

City Hall
169, SW Coast Hwy
Newport, OR 97365
541.574.0629



City of Newport Land Use Application

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development and Planning Department Staff Report concerning the applicable criteria.

I certify that, to the best of my knowledge, all information provided in this application is accurate.

Applicant Signature(s)

02/25/2022

Date

Property Owner Signature(s) (if other than applicant)

Date

Linsey McLane-Godwin

Digitally signed by Linsey McLane-Godwin
DN: c=US, E=linseyg@mssengineering.com, O=MSS Inc.,
OU=Planner II, CN=Linsey McLane-Godwin
Date: 2022.02.24 16:45:37-08'00'

02/24/2022

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:	TWNSHP 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

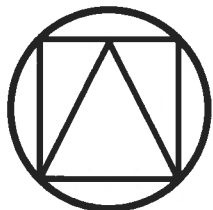
[Foundation Code List](#) [Heating/AC Code List](#) [Plumbing Code List](#)

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 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		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.	
IND SITE DEVELOPMENT		24,420					
INDUSTRIAL DEV SITE	1.26						

Today's Date: 05/02/2022



MSS INC
ENGINEERING CONSULTANTS
SURVEYORS
PLANNERS

Attachment "C"

1-CUP-22

February 25, 2022

To: Community Development
 Department
 169, SW Coast Hwy
 Newport, OR 97365

Applicant: MSS Engineering
 Linsey McLane-Godwin
 215 NW 4th St
 Corvallis, OR 97330

Lessee: Mark Watkins
 P.O. Box 2302
 Newport, OR 97365

Co-Applicant: Alan Wells
 202 NW 6th St
 Corvallis, OR 97330

CONDITION USE

PLANNING APPLICATION NARRATIVE

CONTENTS

Overview	2
Applicable Criteria and Findings	4
NMC 14.34.050 Criteria for Approval of a Conditional Use.....	4
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Exhibits

- 1 – Coversheet
- 2 – Conceptual Site Plan
- 3 – Conceptual Elevations

Attachments

A – Leased Area Legal Description

B – Example Sign Designs

C – Discouraged Landscape Plants

D – Appendix A-D. Sewer Connection Alternatives

E – August 12, 2020 Newport Fire Department Letter

OVERVIEW

The applicant has purchased a 40-year lease (with options to extend) for an approximately 10.8-acre “Non-Aeronautical Development Area”, which is a portion of Parcel 7 (Tax Assessor’s Map No. 11-11-32-00-00200-00) as shown on Sheet Number 16 of the “Exhibit “A” Property Map” of the *Newport Municipal Airport Master Plan Update*. The legal description of the leased area is included as Exhibit A. This leased land is currently vacant.

Multiple City adopted documents, reports and master plans¹ have identified a general vision for the Non-Aeronautical Development Areas in the Newport Municipal Airport property. In summary, this vision is for commercial and industrial development and emergency services support on airport property that will bring in additional revenue for the city and for the airport. Capital Improvement Projects have been identified and put into motion to provide improved water, fire and septic infrastructure to support development of the Non-Aeronautical Development Areas. For example, the **South Beach / US 101 Refinement Plan - Fall 2021** discusses investment in sewer infrastructure to “expand the types of development possible and reduce developer uncertainty”² for development sites near the airport. Few specific uses have been identified by the city. The **Opportunities and Constraints Report** (Draft June 2021) generated as a result of the Refinement Plan, did collect a range of potential uses from stakeholders at the open house (see Exhibit 16 below).

¹: South Beach / US 101 Refinement Plan - Fall 2021; City of Newport Adopted Goals and Objectives 2021-2022; 2018 Newport Municipal Airport Master Plan Update; Opportunities and Constraints Report Draft 2021; 2018 City of Newport Sanitary Sewer Master Plan and 2017-2018 Adopted Budget, City of Newport.

²: Exhibit 8, Key C page 17 of South Beach / US 101 Refinement Plan - Fall 2021

Exhibit 16. Development Concepts Gathered During Engagement

Source: ECONorthwest and community stakeholders

Development Concepts	Water Demand?
Airport hangar (t-hangars, residential hangars)	Low
Flex warehouse (could include cold storage)	Medium
Industrial condominiums	Medium
Prefabricated home factory	Low
Human composting	Unknown
Glamping	Low
Golf	Low

Exhibit 16 is included in this application not to imply that these uses are specifically intended for the subject site, but to highlight the diversity of uses deemed appropriate adjacent to the airport by attendees of the Refinement Plan open house. The **City of Newport Adopted Goals and Objectives 2021-2022** documents states that the #1 goal for the Airport Advisory Committee included “Encourag[ing] commercial/industrial development of airport property by finalizing the listing agreement with Alan Wells³.” The agreement was finalized and a leasing agreement with the City was reached. Nevertheless, no steps were taken by the City to address the zoning of the Non-Aeronautical Development Areas to allow commercial, industrial or residential uses and further reduce the uncertainty of development. Instead a provision has been added to the Newport Municipal Code providing a process for the Lessee to request additional uses through a conditional use review.

This conditional use application is the next step in allowing the commercial and industrial development of the leased land. The current zoning, *P-1 Public Structures* limits use of the property almost entirely to publicly owned or operated uses, with the exception of “Recreation equipment” and “Trails, paths, bike paths, walkways, etc.”. Since the current zoning does not allow commercial or industrial development and it is unknown what uses will be approved, no future tenants have committed to leasing building(s) at the subject site. A clear plan cannot be created until more certainty about what uses will be allowed at the subject site is determined. As a result, this application is not for a specific development proposal, but is rather to obtain approval for light commercial and industrial uses as provided through a conditional use review pursuant to Newport Development Code Sections 14.22.100.E.4 and 14.22.100.E.5. The Lessee anticipates up to three (3) phases that would be completed within 5 years from city approval. This phasing will depend heavily on the success of bringing in businesses to provide rental income during the first phase to fund the subsequent phases.

The intent of this development site is to provide building spaces for businesses that are supportive of airport and emergency services activities and uses, need airport access as part of their operations, or need general industrial or commercial space. Additionally, the Lessee is a

³ Alan Wells is a representative for the Lessee.

member of the Airport Advisory Committee, which has been tasked with finding ways for the airport to be more financially self-sufficient. The subject site is well positioned to create a “Fly in Village” with spaces for services to support the pilots and their families coming to the airport and spending time in Newport. There is a need for short-term overnight accommodations, recreation equipment rentals, travel support services (showers, washers/dryers), car rentals, and recreational opportunities for these visitors. Some on-site recreational activities under consideration are a dog park and a disc golf course. These amenities would benefit local residents as well as tourists. As shown on the **Newport Parks Master Plan Figure 2. Park Inventory Map – South** a future bike/multi-use path connects the subject site to the existing trails within the Mike Miller County Park to the north. A conceptual site plan is included as Exhibit 2 showing potential building placements for Phase 1 and a portion of Phase 2. Exhibit 2 also shows the bike/multi-use path connecting to the subject property on its east side.

The Lessee anticipates that there will likely be two freestanding, monument signs associated with this development. One to be located on the northeast corner of the intersection of Hwy 101 and SE 84th Avenue (exact location to be determined in coordination with the Airport Advisory Committee and City of Newport) and the second at the northwest corner of the intersection of SE 84th and the access road that leads to the site (see Exhibit 2). 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. Some examples of potential sign design and materials are included as Attachment B. Any lighting associated with this signage will be shielded and limited to the minimum required for legibility. A sign permit consistent with the requirements laid out in Newport Municipal Code 10.10.035 will be submitted at the time of the first building permit submission.

This narrative includes a list of the applicable review criteria, followed by a response which indicates compliance.

APPLICABLE CRITERIA AND FINDINGS

NMC 14.34.050 Criteria for Approval of a Conditional Use

The approval authority must find that the application complies with the following criteria:

NMC 14.34.050.A. *The public facilities can adequately accommodate the proposed use.*

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

The Newport Municipal Airport is served by the Seal Rock Water District, a community septic system, and SE 84th Street. Power, gas, and communications utilities will be brought to the subject site by the Lessee in coordination with these companies and the City. Central Lincoln People’s

Utility District (CLPUD) provides power to the airport property as a whole. When contacted, CLPUD did not express any concern with providing power to the site when asked, however they stated no specific information will be available until a request for service is obtained. Electrical service is available as shown on Exhibit 2. The Lessee will coordinate with CLPUD to connect the subject property to the electrical lines.

The Lessee will be responsible for construction of a road access from SE 84th Avenue to the site. Within the site, each sub-tenant will be responsible for access improvements.

As described above, 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 the Lessee.

1. *Section 4F of the Land Lease City of Newport Municipal Airport*, 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."
2. *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 the Lessee 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 Lessee will need to provide a pump station and make the necessary connections. *According to the South Beach / US 101 Refinement Plan – Fall 2021 Project Sheet C*, the City has identified expansion of the airport septic system as a viable option to expand the number and types of industrial uses that can be accommodated at the airport. This expansion is intended to coincide with the establishment of the Lincoln County Animal Shelter at the Airport. A draft technical memorandum dated June 9, 2021 and titled *Appendix A-D. Sewer Connection Alternatives* (Attachment C), projected that future development at the airport, both aeronautical and non-aeronautical, will have a flow of approximately 4,000 gallons per day (gpd) and stated that the system will be designed to accommodate that level of flow. Once the community sewer system is constructed, pumps will be installed at each development site to pump the waste up a collector to the septic system's location. Until this time, a holding tank will be installed onsite at each development and a service will be used to remove the waste and dispose of it properly offsite.

The subject site lies within the Seal Rock Water District (SRWD) which has the capacity to provide water to the subject site. Although water will be provided by SRWD, the subject site will connect

to a City of Newport water service that is currently serving the airport. The site will tie onto this line and run a main up the proposed road to serve the new development. A letter dated August 12, 2020 (Attachment D) from the Newport Fire Department describes planned improvements to the Inter-tie between Newport Water System and SRWD to increase the hydrant flows to between 1700-1800 gallons per minute flow tested as 20 PSI.

Currently the subject property has uncontrolled vehicular access from a shared airport drive off of SE 84th Street, which is a turnoff from US 101. According to city staff, this road meets city and fire standards and no further road improvements will be required as part of the development of the subject site. A driveway from this existing road will be constructed by the Lessee within the subject site and design and constructed to city and fire department standards.

The stormwater onsite will be collected and routed to the creek at the north end of the lease area by way of a combined rain garden and detention facility. This facility will have vegetation at the bottom and a filtration medium for treating the storm runoff. A perforated pipe will be installed to route the treated water to the outfall. The system will have enough storage to detain the two, five and ten-year storm to its pre-development flows. The sizing for detention and water quality was determined with a preliminary model based on an 85% impervious surface development of the site in Autodesk's Storm and Sanitary Analysis, a stormwater modeling program. The size of the system as a whole will be about 10,000 square feet (see Exhibit 2) with about four feet of storage depth and one foot of freeboard. This system will either be one system of treatment and detention or multiple systems with similar areas and volumes. The system will drain the stormwater to the creek to the North of the Property, Grant Creek. The drainage of our stormwater to the creek will be permitted through DEQ and with a joint permit from Department of State Lands and Army Corps of Engineering.

In summary, all necessary public facilities are or will be available for the subject property, and will be extended or modified as necessary to serve the subject property. 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.

NMC 14.34.050.B. *The request complies with the requirements of the underlying zone or overlay zone.*

14.22.100.E. *Conditional Uses. The following conditional uses replace the permitted uses identified in the underlying zoning district:*

...

14.22.100.E.4. *Aviation dependent or related commercial, industrial, or public uses not otherwise listed as permitted uses.*

14.22.100.E.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).

RESPONSE: The site is located within the Airport Development Zone Overlay and the Public Structures (P-1) Zone. As provided by NDC 14.22.100.E.5, the Airport Development Zone Overlay can authorize commercial and industrial uses in areas designated for non-aeronautical use, such as the subject site, if those uses comply with the conditional use criteria. The uses being requested are those uses permitted in either the C-1 Light Commercial or the I-1 Light Industrial zones, specifically Table 1 below.

Table 1: Requested Uses

Uses	C-1 Zone	I-1 Zone
Office		P
Retail Sales and Service - Sales-oriented, general retail		P
Retail Sales and Service – Sales-oriented, bulk retail		P
Retail Sales and Service – Entertainment (RV Parks, subject to 14.06.060 and “other temporary lodging with an average length of stay less than 30 day” (pg 568))		P
Retail Sales and Service – Repair-oriented		P
Vehicle Repair		P
Self-Service Storage		P
Parking Facility		P
Contractors and Industrial Service		P
Manufacturing and Production - Light Manufacturing		P
Warehouse, Freight Movement, & Distribution		P
Wholesale Sales		P
Community Service		P
Trade/Vocational Schools/Other		P
Communication Facilities		P
Residences on Floors Other than Street Grade	P	

These proposed uses are consistent with the City’s Refinement Plan, Goals and Objectives, Master Plans and Adopted Budget, which all stated that the purpose of the Non-Aeronautical Development Areas is for commercial/industrial development and that the City intended to provide a clearer understanding of what development is authorized in these areas. The Lessee chose Permitted Uses, because these uses have been identified by the City as appropriate for areas

intended for light commercial and industrial activities without need for additional review for each specific site development proposal.

NMC 14.34.050.C. *The proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval.*

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

RESPONSE: The subject site is a small portion of a large property that contains the Newport Municipal Airport. As described in the Overview, this request is an extension of the city's effort to establish commercial/industrial development within the Non-Aeronautical Development Areas of the airport. The Airport Master Plan specifically identified the subject site as being appropriate for commercial and industrial uses. Additionally, the **City of Newport Adopted Goals and Objectives 2021-2022** documents states that the #1 goal for the Airport Advisory Committee included "Encourag[ing] commercial/industrial development of airport property by finalizing the listing agreement with Alan Wells." While all commercial and industrial uses may not be appropriate adjacent to the airport, light commercial and industrial uses such as those proposed, have been deemed appropriate next to residential areas and to have minimal offsite impacts in general.

The subject site is directly adjacent (west and northwest) of the buildings serving the airport including the reception office, grounds maintenance, building maintenance, office maintenance, airplane hangars and rental car office. There are currently no businesses committed to leasing space in the subject site, since it is not yet known what uses will be allowed. The intent is to construct buildings with modular interiors that can be adjusted in size as uses come and go depending on the needs of the local economy. The request for a range of light commercial and industrial uses will then facilitate leasing of the site by businesses that are compatible with the airport and allow continued use of the site by a variety of businesses as the economy changes over time. Business types will be limited by design and site constraints to those appropriate for being adjacent to the airport. For example, the 35-foot building height restriction will keep out any high-rise type businesses, the limited space for parking will reduce the likelihood of high volume, high traffic retail or event spaces, and the finite availability of water and sewer will prevent uses that need large amounts of water or produce higher than average amounts of waste.

The Lessee is also interested in creating a "Fly-In Village" to support the tourists arriving at the airport. This portion of the leased area would be limited to a maximum of 2 acres of the total leased area. This village could include temporary overnight accommodations in the form of yurts or cabins with supporting buildings housing showers, bathrooms, washers and dryers. Other services could include recreation equipment and car rentals. These types of amenities have the potential to increase the number of visitors to the airport and establish it as a sought-after travel destination due to the full support services.

In order to address potential traffic impacts, a traffic analysis permit shall be obtained by each new use prior to the establishment of that use as required by Newport Municipal Code 14.44.020. If a particular use will cross the Newport Municipal Code 14.45.010 threshold requiring a Traffic Impact Analysis, one shall be performed as required by code.

NMC 14.34.050.D. *A proposed building or building modification is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.*

RESPONSE: All buildings will conform to the required design standards, no modifications are being requested. The overall character of the airport area visible from SE 84th Avenue consists of one and two story painted, primarily metal buildings. There does not appear to be a consistent color scheme, with buildings ranging from beige/tan/taupe to blue/gray to barn red and white. The uses of these buildings are airport-focused, according to the Newport Airport website (<https://www.newportoregon.gov/dept/onp/>) specifically there are buildings for reception and customer service (Fixed Base Operations), grounds maintenance, building maintenance, office maintenance, Hertz Rental Car rentals, and airplane hangars.



Looking east from SE 84th Avenue at existing airport buildings.



Fixed Base Operations building and Hertz Rental Car building at end of SE 84th Avenue.

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. Building exterior walls will be made of one or more of the following or similar non-reflective materials: concrete, CMU blocks, fiber cement siding, metal panel, rock or brick, and wood siding. Building roofs will be made of either standing seam metal roofing or asphalt shingle roofing. As required by code, the building height maximum is 35 feet. Building design and materials will be reviewed by city staff at the time of building permit submittal.

Some examples of building types, colors and materials are shown in the four (4) images below:





To support business flexibility and responsiveness to changes in the economy, many of the buildings will be designed to be modular as shown in the images above to accommodate retail, warehousing, storage, and manufacturing and the other allowed uses.

The proposed building materials and examples of building designs are compatible with the existing character of the buildings at the airport. The building heights are managed by the Newport Municipal Code and limited to 35 feet tall.

NMC 14.34.050.F. Conditional Use Approval Criteria. *In addition to the approval standards listed in Section 14.35.050, an application for a conditional use permit shall:*

1. Demonstrate that the uses will not create a safety hazard or otherwise limit existing and/or approved airport uses.

RESPONSE: The subject site has been specifically identified by the City and the 2017 Airport Master Plan as an appropriate place to locate aeronautical-related and non-aeronautical-related commercial/industrial development. As described above, future buildings will have a maximum

height of 35 feet and consist of non-reflective building materials. Parking area and exterior building lighting will be oriented toward the ground, shielded and limited to the minimum brightness and coverage required for safety.

Heavy manufacturing is a use that has not been requested for this site due to the potential to create noise, dust, vibration or fumes incompatible with airport uses. In contrast, Light Manufacturing as defined in the Newport Municipal Code 14.03.060(D)(2)(b)(i), is described as allowing uses that do not “generate excessive noise, dust, vibration or fumes, such that they can be located near residential and commercial zones without creating nuisance impacts.” The airport is more industrial and commercial in nature than residential and itself generates some noise, dust, vibrations and fumes. In this way the proposed uses will not limit the existing or potential future airport uses. Further, the subject site is separated from the airport by SE 84th Avenue, trees and shrubs, and two or more fences. Limits on hazardous materials will be enforced at the time of building permit review, where the application will be required to conform to building code and fire code.

Landscape plants that provide food or shelter to large birds, small birds that congregate into large flocks, as well as small mammals that may attract raptors will be avoided to decrease wildlife hazards around the airport. Specific guidelines include avoiding:

- a) Evergreen trees or shrubs, including, but not limited to Junipers, Spruces, Pines, Yews and Arborvitae.
- b) Densely branched or densely foliated trees to avoid nesting. This includes, but is not limited to, Maples, Linden and Cypress.
- c) Trees, shrubs and plants that produce wildlife edible fruit and seeds or provide palatable forage for grazing animals. Non-fruiting or male plants of a given species may be satisfactory in some instances.

The trees, shrubs, perennials and grasses shown in Attachment C provide a list of plant species that will be avoided for landscaping within the subject property.

ATTACHMENT A

LEASE BOUNDARY LEGAL DESCRIPTION

A property located in the Northeast 1/4 of Section 31 and the Northwest 1/4 of Section 32, Township 11 South, Range 11 West, Willamette Meridian, City of Newport, Lincoln County, Oregon, more particularly described as follows:

Beginning at a point which lies S28°31'44"W 308.58' from the northeast corner of said Section 31; running thence N86°39'18"W 125.44'; thence S47°01'07"W 168.40'; thence S16°05'20"W 154.16'; thence S12°34'01"W 145.54'; thence S7°12'52"W 131.96'; thence S4°17'57"W 157.77'; thence S1°08'03"W 139.82'; thence S1°17'44"W 136.07'; thence S69°34'22"E 182.80' to a point which lies 30' northwesterly of the approximate centerline of a paved roadway; thence parallel to and 30' distant from said approximate centerline for the following three (3) courses:

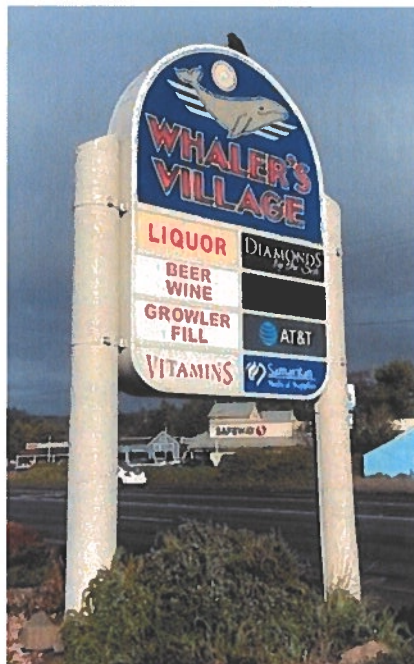
N39°54'05"E 229.30'; thence along a curve to the right with a radius of 561.86' and a length of 305.70', the long chord of which bears N55°29'17"E 301.94'; thence N71°04'29"E 74.33';

Thence departing the offset of said approximate centerline N19°41'28"W 74.07'; thence N6°32'02"E 267.11'; thence N27°47'09"W 43.18'; thence N40°39'41"W 105.22'; thence N39°03'15"W 34.63'; thence N73°25'12"W 78.23'; thence S59°48'55"W 39.05'; thence N16°08'01"W 160.82'; thence N2°49'10"W 99.35' back to the point of beginning.

The land herein described containing an area of 10.74 acres, more or less.

ATTACHMENT B

Sign Example #1



Sign Example #2



ATTACHMENT C

Discouraged Landscaping Plant Species

<u>Botanical Name</u>	<u>Common Name</u>	<u>Concern</u>
Trees and Shrubs		
Acer sp.	Maples	Nesting, roosting site due to dense foliage and branching
Amelanchier sp.	Serviceberry	Fruit
Cornus sp.	Dogwoods	Fruit
Ilex sp.	Holly	Fruit, shelter
Juniperus sp.	Junipers	Shelter, nesting site
Malus sp.	Crabapples	Fruit
Picea sp.	Spruces	Shelter, roosting site, nesting site
Pinus sp.	Pines	Shelter, nesting site
Prunus sp.	Cherries	Fruit
Taxodium distichum	Bald Cypress	Dense foliage, seeds, shelter for waterfowl
Taxus sp.	Yews	Shelter, nesting site
Thuja sp.	Arborvitae	Shelter, nesting site
Tilia americana	American Linden	Seeds, shelter due to dense foliage
Vaccinium sp.	Blueberry	Fruit
Perennials and Grasses		
Bouteloua curtipendula	Side Oats Grama	Seeds
Dalea purpurea	Purple Prairie Clover	Seeds, forage
Echinacea sp.	Coneflowers	Seeds
Elymus canadensis	Canada Wild Rye	Seeds
Helianthus sp.	Sunflowers	Seeds
Liatris sp.	Blazingstar	Seeds
Panicum ramosum	Brown Top Millet	Seeds, forage
Penstemon sp.	Penstemon, Foxglove	Seeds
Silphium sp.	Cupplant, Prairie Dock, Rosinweed	Seeds
Solidago sp.	Goldenrods	Seeds
Sorghastrum nutans	Indiangrass	Seeds
Sporobolus sp.	Dropseed	Seeds
Botanical Name	Common Name	Concern

Source: Chicago Department of Aviation, Master Specifications, Vol. IIIA, Rev. 8, Sustainable Airport Landscaping- Section 02905, February 1, 2010.

ATTACHMENT D

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

ATTACHMENT E



Wednesday, August 12, 2020

To: Lance Vanderbeck, Airport Director

From: Rob Murphy, Fire Chief

Re: Fire flow availability at the Newport Airport

Recently we met with City Manager Spencer Nebel, City Engineer & Public Works Director Tim Gross, and Adam Denlinger, General Manager of Seal Rock Water District. We met to discuss the ongoing work both NPW and SRWD have been doing to improve fire flow at the Newport Airport.

To summarize, they have worked on removing debris from the lines, adjusted pressure control valves and have tested the system with the Inter-tie between Newport Water System and Seal Rock Water System in the on position. Mr. Denlinger reported that their flow testing with the Inter-tie open resulted in hydrant flows of between 1700-1800 gallons per minute **flow tested at 20 PSI**. Since a decrease in pressure at the Inter-Tie will send an alarm signal to the on-call employee at SRWD, the Fire Department will accept the added pressure and flow having the Inter-Tie open will provide.

In order to explain what can be built with the above-mentioned fire flow, the Oregon Fire Code (OFC) takes several factors into account. First is occupancy type, that is, what the building will be used for. Another factor would be construction type of the building (i.e. wood frame vs. metal). There are other considerations such as whether the building has a fire sprinkler system.

Two examples of occupancy types that may be located at the airport is an aircraft hanger and a business occupancy. The size of building that can be built depends on the construction type. The size limitations for each construction type are the same for a hanger or a B occupancy. Each size limitation is based on the expected fire flow of 1,750 gallons per minute flow tested at 20 PSI (per the fire code).

Type I-A Construction: Fire Resistive Non-combustible:
Up to 30,200 Sq. ft.

Type II-A: Protected Combustible & Type III-A: Unprotected Non-Combustible
Up to 17,000 Sq. ft.

Type IV: Heavy Timber & Type V-A: Protected Wood Frame
Up to 10,900 Sq. ft.

Type IIB: Unprotected Non-combustible & Type III-B: Unprotected Combustible
Up to 7,900 Sq. ft

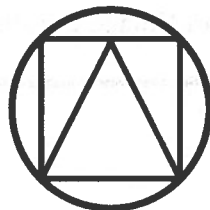
Type V-B: Unprotected Wood Frame
Up to 4,800 Sq. ft.

An aircraft hanger that is used only for storage is classified as a Storage (S-1) occupancy by the OFC. A Fire Sprinkler system is required by code for any S-1 occupancy greater than 12,000 sq. ft. (other requirements exist but this is the main one). There are no Fire Sprinkler requirements for Business (B) occupancy.

If the hanger is used for aircraft repair (such as working on fuel tanks or painting) than additional requirements are likely. Repair work will follow the OFC and NFPA standards.

The final determination of occupancy is determined by the Building Official. Any proposed project is subject to plans review and any applicable permitting. Final determination of Fire Code requirements, including needed fire flow will be made during plans review.

I hope this letter gives a basic understanding of what can be built at the Newport Airport. If you have any questions or need any further details feel free to contact either Fire Marshal Bob Harvey or Myself. We look forward to working with to further development at the Airport.



MSS INC

ENGINEERING CONSULTANTS
SURVEYORS
PLANNERS

April 20, 2022

To: Community Development
Department
169, SW Coast Hwy
Newport, OR 97365

Applicant: MSS Engineering
Linsey McLane-Godwin
215 NW 4th St
Corvallis, OR 97330

Lessee: Mark Watkins
P.O. Box 2302
Newport, OR 97365

Co-Applicant: Alan Wells
202 NW 6th St
Corvallis, OR 97330

CONDITIONAL USE - ADDENDUM PLANNING APPLICATION NARRATIVE

CONTENTS

Applicable Criteria and Findings	2
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NMC 14.22.080.A.....	2
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NMC 14.34.050.E.	3
NMC 14.34.050.F.	3
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Exhibits

1 – Coversheet

2 – Conceptual Site Plan

3 – Conceptual Elevations

4 – Conceptual Elevations

APPLICABLE CRITERIA AND FINDINGS

NMC 14.22.080 Land Use Compatibility Requirements

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.

NMC 14.22.080.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.*

RESPONSE: Any lighting associated with on-site signage will be shielded and limited to the minimum required for legibility. Parking area and exterior building lighting will be oriented toward the ground, shielded and limited to the minimum brightness and coverage required for safety.

NMC 14.22.080.B. The 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.*

RESPONSE: As described in the response to NMC 14.34.050.D, the 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. Building exterior walls will be made of one or more of the following or similar non-reflective materials: concrete, CMU blocks, fiber cement siding, metal panel, rock or brick, and wood siding. Building roofs will be made of either standing seam metal roofing or asphalt shingle roofing. Building design and materials will be reviewed by city staff at the time of building permit submittal.

NMC 14.22.080.C. Industrial Emissions. *No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or*

incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

RESPONSE: All proposed uses will be contained within structure(s) such that no emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces will occur.

NMC 14.34.050.D. Communications Facilities and Electrical Interference. *Proposals for the location of new or expanded radio, radiotelephone, television transmission facilities, and electric transmission lines shall be coordinated with the ODOT Aeronautics Division to ensure that the use will not cause or create electrical interference with navigational signals or radio communications between an airport and aircraft.*

RESPONSE: Any communication facility will be coordinate with the ODOT Aeronautics Division to ensure that the use will not cause or create electrical interference with navigational signals or radio communications between an airport and aircraft.

NMC 14.34.050.E. Limitations on Water Impoundments.

No new water impoundments of one-quarter acre or larger shall be allowed:

1. *Less than 5,000 feet from the end of a runway within an approach surface; and*
2. *On land owned by the airport or airport sponsor where the land is necessary for airport operations, except where such impoundment is for a storm water management basin established by the airport.*

RESPONSE: Not applicable. The industrial park site is just outside the area where this criterion would apply. It is situated outside of the Runway 2-20 approach surface and is not on land that is necessary for airport operations. In order to reduce the chance of attracting birds, however, any surface retention or detention facilities will be kept under the one-quarter acre size or design the detention to be underground.

NMC 14.34.050.F. Prohibited Uses within a Runway Protection Zone (RPZ). *New residential development, schools, hospitals, nursing homes, theaters, auditoriums and other public assembly facilities are prohibited within the RPZ.*

RESPONSE: Not applicable. The site is not located within the RPZ.

NMC 14.34.050.G. Limitations on Landfills. *New landfills are prohibited within 10,000 feet of any airport runway.*

RESPONSE: Not applicable. No landfill is proposed.

NMC 14.34.050(A)

The public facilities can adequately accommodate the proposed use.

RESPONSE: Due to the conceptual nature of the site plan and the unknown status of what uses will be allowed on this property, we are using a maximum building floor area to determine the number of required parking space for site build out. The most likely use of the property will be industrial warehouse with some office space and bulk retail space. Industrial uses require 1 parking space per 2,000 square feet gross floor area and both general office space and bulk retail space requires 1 parking space per 600 square feet gross floor area. Our estimate is that 80% of the space would be warehouse, 10% would be general office and 10% would be bulk retail. Each building would have a sidewalk in front of it of between 4 and 6 feet and the drive aisles will be at least 24 feet wide.

Table 1: *Calculations of Area for Each Use to Determine Maximum Floor Area*

Use	SF Area Per Parking Space	Area of 1 Parking Space & 6ft Sidewalk	Area of Adjacent Roadway	% of Site	Portion of 10 acre site	Number of parking spaces	Max Use Area of Site
Warehouse	2,000 sf	216 sf	108 sf	80%	348,480 sf	150	300,000 sf
General Office	600 sf	216 sf	108 sf	10%	43,560 sf	48	28,800 sf
Bulk Retail	600 sf	216 sf	108 sf	10%	43,560 sf	48	28,800 sf

Using the above table, the maximum floor area of the site at full build out would be 300,000 square feet of warehouse space, and 28,800 square feet each of general office and bulk retail space, for a total of 357,600 square feet of building space. In total with these uses, 246 parking spaces would be required. These calculations are theoretical, would require extremely efficient road aisle design and do not take into account landscaping space, stormwater detention or the irregular shape of the development site. However, it indicates that even at max build out there would be sufficient space for the required parking for these uses.

The conceptual site plan shows a mix of uses similar to the theoretical calculation above with 78% of the building gross floor area used for warehouse space, 9% used for general office space and 13% used for bulk retail space. The total gross floor area of all these uses is 164,473 square feet (requiring 124 parking spaces), assuming each building is only one story. If each building was two stories, the gross floor area would be 328,946 square feet (requiring 248 parking spaces). While parking striping is not shown on phases 2 and 3 of the conceptual site plan, space for a sidewalk and parking has been provided along the entire front of each building. As a result, the conceptual site plan will

accommodate a total of approximately 267 parking spaces, which exceeds the required parking for both the theoretical maximum floor area and the conceptual site plan with two story buildings.

Uses with higher parking requirements will be limited to smaller building footprints. The parking requirements for the final site design will be reviewed and approved as part of the building permit process.

NMC 14.34.050(C)

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

For the purpose of this criterion, “adverse impact” is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality.

RESPONSE: As described above in the response to NMC 14.34.050(A), the development site will provide more than the required amount of parking for the anticipated uses. All uses with the potential to create unreasonable amounts of dust or odor will be enclosed within the buildings. Buildings will be designed with noise mitigation and ventilation systems as needed for loud uses or uses that produce significant amounts of particulates to meet DEQ standards. Each building will be reviewed at the time of building permit review for use/occupancy and available parking. Uses with higher parking requirements will be limited in floor area in relation to the availability of space for parking.

Existing uses at the airport include airport hangar space, warehouse space, car-rentals, emergency services and a welcome center. Proposed uses such as parking facility, vehicle repair, and bulk retail may include the outdoor storage of vehicles (cars, trucks, recreational vehicles, etc.). This type of vehicular storage is compatible with the airport as evidenced by the existing car rental facility at the airport and the existing storage of work vehicles associated with airport operations.

As discussed in the February 25th narrative in section NMC 14.34.050(C), in order to address potential traffic impacts, a traffic analysis permit shall be obtained by each new use prior to the establishment of that use as required by Newport Municipal Code 14.44.020. If a particular use will cross the Newport Municipal Code 14.45.010 threshold requiring a Traffic Impact Analysis, one shall be performed as required by code.

The overall proposed mix of commercial and industrial uses is consistent with the existing uses, particularly in regards to anticipated traffic and parking needs, and similar types of outdoor storage. Uses with the potential to create unreasonable amounts of dust or odor will be contained and have no adverse impact due to unreasonable noise, dust or loss of air quality.

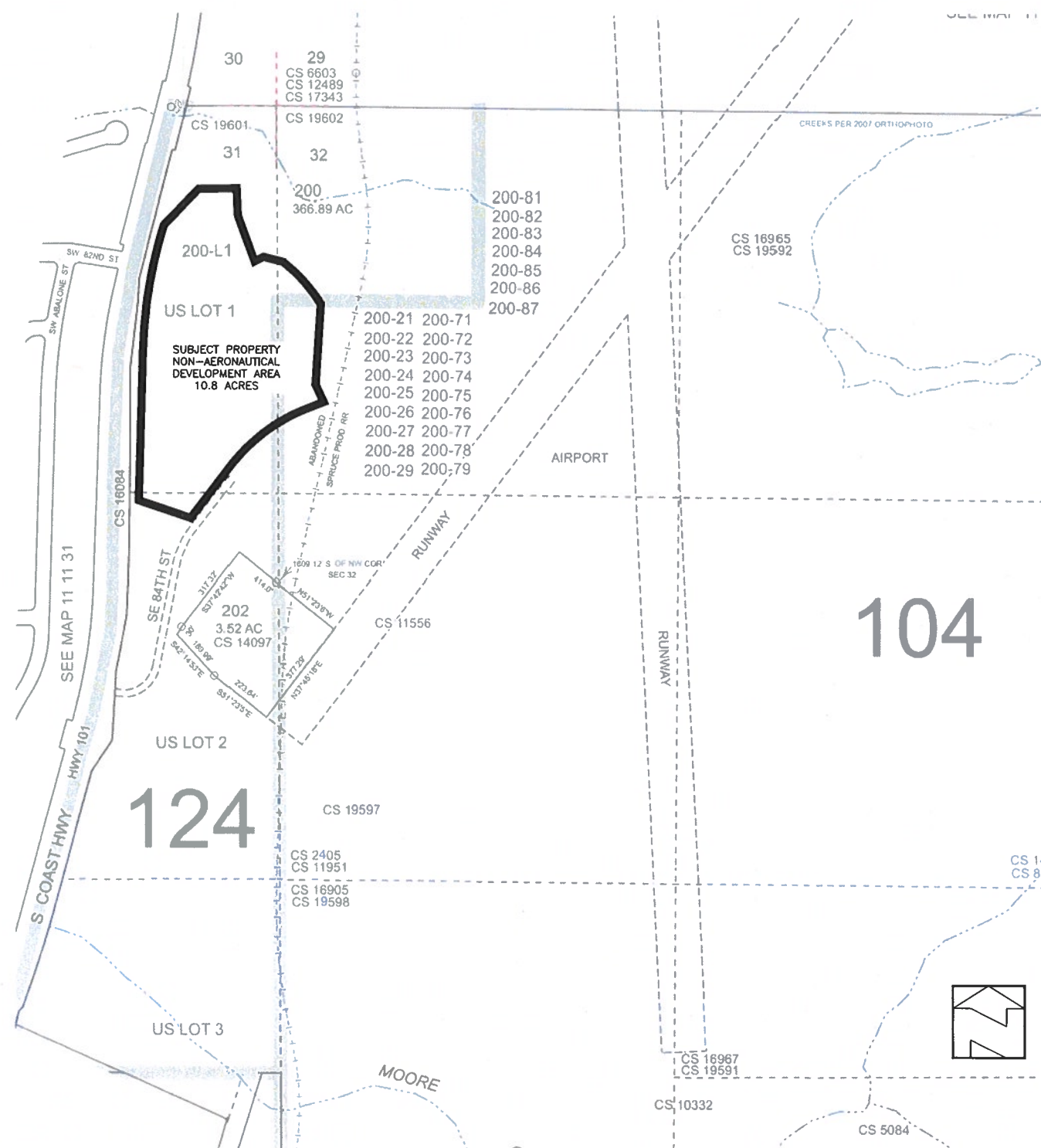
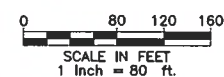
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 N16°06'01"W 160.82'
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 N40°39'41"W 105.22'
 N27°47'09"W 43.18'
 N39°03'15"W 34.63'
 S59°48'55"W 39.05'
 N63°02'E 267.11'
 N19°41'28"W 74.07'
 N71°04'29"E 74.33'
 L=303.70', R=561.86'
 D=31°10'24"
 N55°29'17"E
 CH=50.94'
 229.30'
 N39°54'05"E
 182.80'
 S69°34'22"E
 S1°17'44"W 136.07'
 S1°08'03"W 139.82'
 S4°17'57"W 157.77'
 S71°52'W 131.96'
 S12°34'01"W 145.54'
 S16°05'20"W 154.16'
 S12°34'01"W 145.54'
 S71°52'W 131.96'
 S4°17'57"W 157.77'
 S1°08'03"W 139.82'
 S1°17'44"W 136.07'
 182.80'
 S69°34'22"E

SUBJECT PROPERTY
 NON-AERONAUTICAL
 DEVELOPMENT AREA
 10.8 ACRES

22
 23

PROPERTY MAP

SCALE: 1" = 80'



VICINITY MAP

NOT TO SCALE

ALAN WELLS
202 NW 6TH ST
CORVALLIS, OREGON
541.754.6320

NEWPORT AIRPORT VILLAGE
NEWPORT AIRPORT, OREGON

COVER SHEET

T11S R11W SECTION 32 TAX LOT 200 (PORTION)



MSS INC
ENGINEERING CONSULTANTS

215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX: (541) 753-5956

JOB # 21064	FILE SITE
SCALE AS SHOWN	DATE 4/20/22

EXHIBIT 1

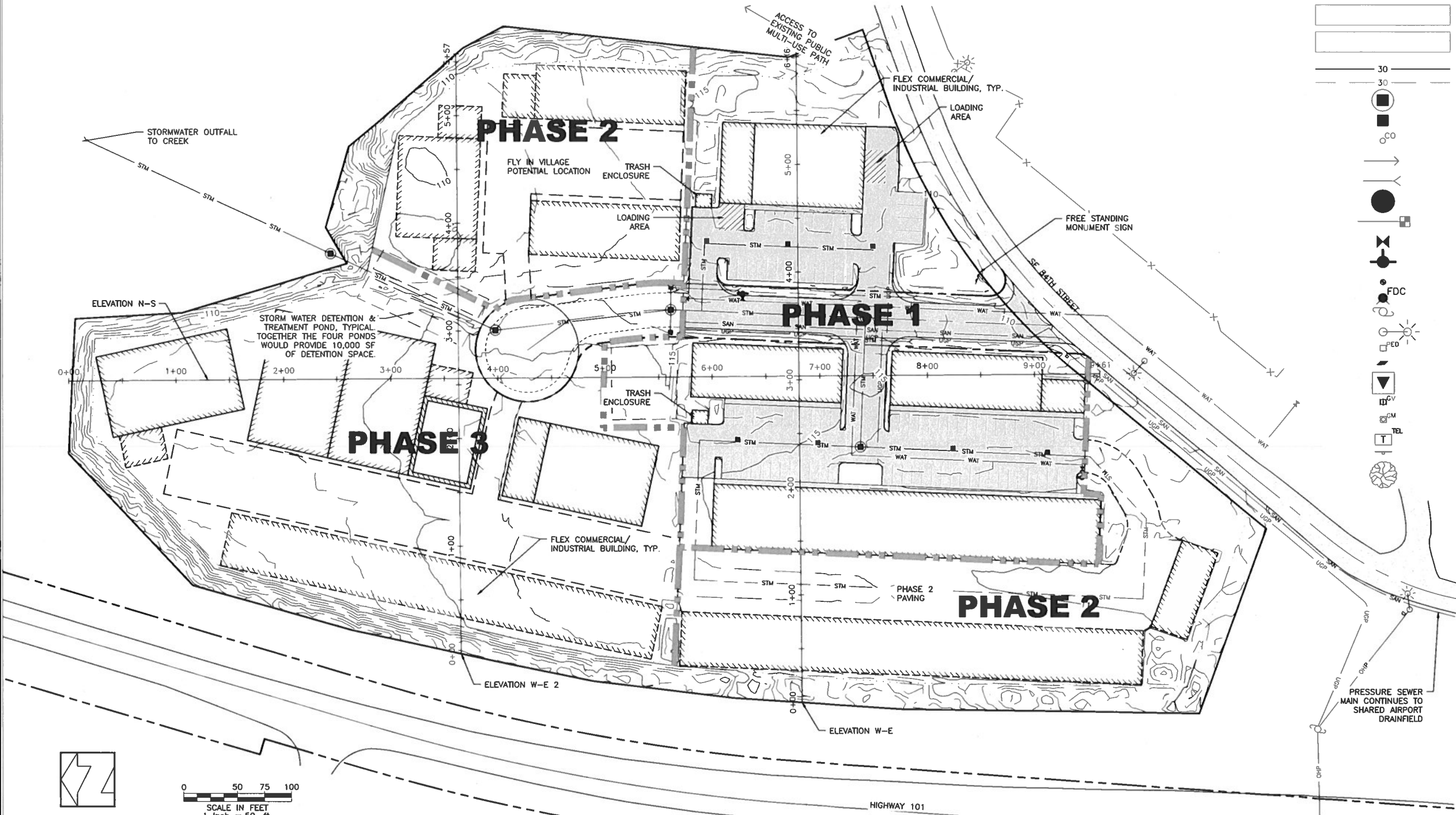
MSS Inc. holds all rights to the plans and ideas on this sheet. These plans and specifications are for the construction of one project and restricted to the original site for which they were prepared as shown in the title block. These plans are not to be copied in any form whatsoever without the expressed written permission of MSS Inc. The contractor shall be responsible for checking dimensions and site conditions and is to report any errors or omissions in writing to the designers before the start of construction.

CONCEPTUAL SITE PLAN NOTES

- AREA: 10.3 ACRES
- THE BUILDING SIZES AND LOCATIONS SHOWN BELOW FOR ALL PHASES ARE ENTIRELY CONCEPTUAL. SINCE THE CURRENT ZONING DOES NOT ALLOW INDUSTRIAL NOR COMMERCIAL USES, THERE IS TOO MUCH UNCERTAINTY FOR PROSPECTIVE TENANTS. THE PROPOSED INTERNAL DRIVEWAY AND CUL-DE-SAC WILL PROVIDE ACCESS TO THE FUTURE USES. FUTURE TENANTS WILL BE RESPONSIBLE FOR THEIR ADDITIONAL DRIVEWAY AND PARKING NEEDS.
- AS SHOWN ON THE CONCEPTUAL SIGN PLAN BELOW, WATER, SANITARY AND STORMWATER INFRASTRUCTURE ARE AVAILABLE AND WILL BE PROVIDED TO THE SITE.
- AT THE TIME OF BUILDING PERMIT SUBMISSION FOR EACH BUILDING, THE PLANS WILL BE REVIEWED FOR COMPLIANCE WITH THE APPLICABLE CODES FOR UTILITIES, STORMWATER, ELECTRICAL, SANITARY SERVICES AND WATER.

MAP LEGEND

	PROPERTY BOUNDARY
	CENTERLINE
	DETENTION POND
	BUILDING
	CURB
	FENCE
	WATERLINE
	SANITARY SEWER
	STORM DRAIN LINE
	OVERHEAD POWER
	UNDERGROUND POWER
	DITCH
	PROPOSED PAVING
	CONCRETE PAVING
	ASPHALT PAVING
	GRAVEL SURFACE
	MAJOR CONTOURS
	MINOR CONTOURS
	STORM MANHOLE
	STORM CATCHBASIN
	STORM/SEWER CLEANOUT
	FLOW DIRECTION ARROW
	STORM CULVERT END
	SEWER MANHOLE
	WATER METER
	WATER VALVE
	FIRE HYDRANT
	IRRIGATION CONTROL VALVE
	FIRE DEPARTMENT CONNECTION
	POWER/UTILITY POLE
	STREET LIGHT
	POWER PEDESTAL
	ELECTRICAL DISCONNECT
	TRANSFORMER
	GAS VALVE
	GAS METER
	TEL/COMM PED/RISE
	STREET SIGN
	DECIDUOUS TREE

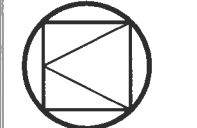


ALAN WELLS
202 NW 6TH ST
CORVALLIS, OREGON
541.754.6320

NEWPORT AIRPORT VILLAGE
NEWPORT AIRPORT, OREGON
CONCEPTUAL SITE LAYOUT
T11S R11W SECTION 32 TAX LOT 200 (PORTION)

REGISTERED PROFESSIONAL ENGINEER
60183PE
OREGON
MAY 13, 2008
PETER J. SEADERS
RENEWAL: 6/30/2018

MSS INC
ENGINEERING CONSULTANTS
AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX: (541) 753-5956



JOB #
21064
SCALE
AS SHOWN
FILE
SITE
DATE
4/20/22
DRAW
LMG

EXHIBIT 2
2 OF 4 SHEETS

EXHIBIT 3
3 OF 4 SHEETS

BUILDING HEIGHT

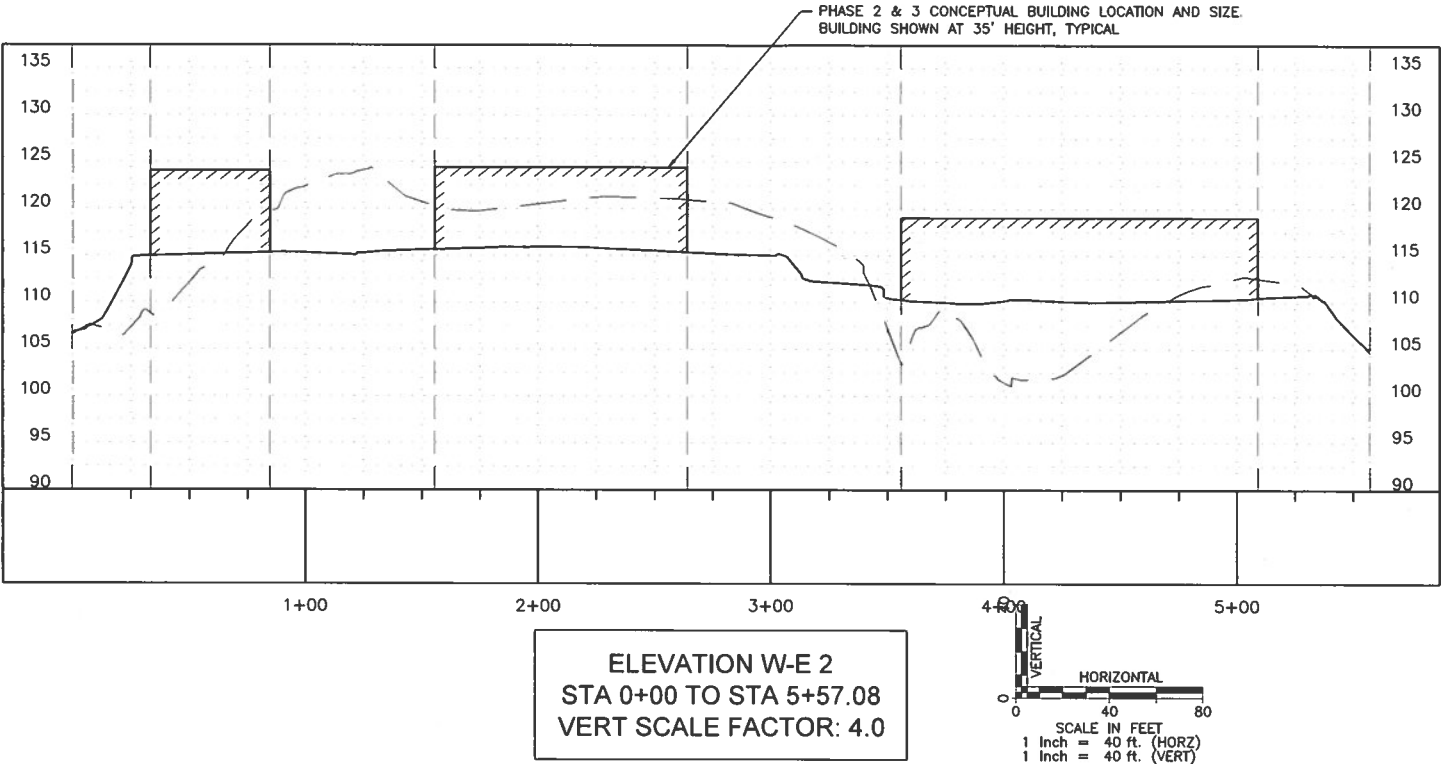
14.22.060 Height Limitations on Allowed Uses in Underlying Zones

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.

NO BUILDINGS WILL EXCEED THE 35 FEET HEIGHT LIMIT



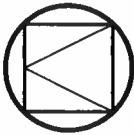
ALAN WELLS
202 NW 6TH ST
CORVALLIS, OREGON
541.754.6320

NEWPORT AIRPORT VILLAGE
NEWPORT AIRPORT, OREGON
CONCEPTUAL ELEVATIONS

T11S R11W SECTION 32 TAX LOT 200 (PORTION)



MSS INC
ENGINEERING CONSULTANTS
AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX: (541) 753-5956



JOB # 21064
SCALE AS SHOWN
FILE SITE
DATE 4/20/22
DRAW LMG

EXHIBIT 4
4 OF 4 SHEETS

MSS Inc. holds all rights to the plans and ideas on this sheet. These plans and ideas are not to be used for any other project without the written permission of MSS Inc. The contractor shall be responsible for checking dimensions and site conditions and is to report any errors or omissions in writing to the designers before the start of construction.

After Recording, Return to:
City of Newport
City Recorder
169 SW Coast Highway
Newport, Oregon 97365

LAND LEASE
CITY OF NEWPORT
MUNICIPAL AIRPORT

City

City of Newport
169 SW Coast Highway
Newport, Oregon 97365

Lessee

McWatkins, LLC
P.O. Box 2302
Newport, Oregon 97365

This LEASE, made this 23 day of June, 2021, by and between the City of Newport, an Oregon municipal corporation, hereinafter referred to as the City, and McWatkins, LLC, hereinafter referred to as the Lessee.

1. PREMISES

The Newport Municipal Airport is owned and managed by the City of Newport. The City, in consideration of the terms, covenants, and agreements herein contained on the part of the Lessee to be kept and performed, does hereby lease the following property located at the Newport Municipal Airport:

See attached Exhibit A - legal description; Exhibit B - corresponding map/graphic.

2. TERM

The Lessee shall have the right to possession, use, and enjoyment of the leased property for a period of 40 years, beginning on June 23, 2021 and ending on June 23, 2061. Thereafter, this lease may be extended by mutual approval of both parties, for up to two (2) ten (10) year periods. Lessee shall notify the City, in writing, at least sixty (60) days prior to the termination date of this lease, of its intent to exercise this option. The City shall not unreasonably withhold its approval for the extension. Good reasons for the City to withhold its approval would include, but not be limited to: failure of Lessee to provide insurance; failure of Lessee to make timely payment of rent; or City's determination of a better use of the property. At the end of the second ten (10) year extension period, City and Lessee may negotiate a new lease agreement.

3. RENT

A. Rental Rate. Beginning on the day of execution of the Lease, Lessee shall pay to City the amount of \$250,000. Following that, monthly rental payments will be as follows:

July 1, 2021 through August 31, 2024	\$0
September 1, 2024 through December 31, 2024	\$6,586

Monthly rental payments are due on or before the first day of each calendar month, throughout the term of the Lease, without notice or demand, deduction, or offset.

Beginning January 1, 2025, and continuing on January 1 of each subsequent year of the Lease, the monthly rent will increase by 2.5 percent.

B. Late Charges. It is hereby agreed that if rent is unpaid after fifteen (15) days following the due date, the Lessee shall pay a late charge of \$15.00 per day computed to include the first day due and continuing until both rent and late charges are fully paid. Payments will be applied first to the late charges, then to outstanding rent.

C. Extended Term. If the Lease is extended as provided in Section 2 above, the rate shall be adjusted annually on the basis described in Section 3(A) above.

4. USE OF THE PROPERTY

A. Permitted Use. The property shall be used for permitted uses as defined in the Newport Municipal Code, and as approved by the City of Newport, Lincoln County, and the Federal Aviation Administration.

B. Conformance with Laws. Lessee shall conform to all applicable laws and regulations, municipal, state, and federal, affecting the premises and the use thereof. Lessee also agrees to comply with the Airport Master Plan and applicable provisions of other City Master Plans as adopted by City Council.

C. Nuisance. Lessee shall not use or permit the use or occupancy of the property for any illegal purposes, or commit or permit anything which may constitute a menace or hazard to the safety of persons using the property, or that would tend to create a nuisance, or that interferes with the safe operation of aircraft using the Newport Municipal Airport.

D. Hazardous Materials. Lessee shall not store or handle on the premises or discharge onto the property any hazardous wastes or toxic substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and as further defined by state law and the City's Municipal Code, Chapter 5.15, Sewer System and Charges, except upon prior written approval of the City and in strict compliance with rules and regulations of the United States and State of Oregon and the City's Municipal Code, and in conformance with the provisions of this Lease. Any violation of this section may, at City's option, cause this Lease to be immediately

terminated in accordance with the provisions of Section 17 of this Lease.

E. Roads. Lessee shall be entitled to reasonable use for its purposes of the roads now existing and serving the leased property. The City may locate and relocate roads as desirable to improve the Newport Municipal Airport so long as reasonable and adjacent access is provided to Lessee on a continual basis. City shall have the right to review and approve any driveway connections onto roads the City maintains.

F. Infrastructure Improvements. Lessee hereby irrevocably agrees to financially participate in the future improvements for public water, sewer, storm drainage, and transportation consistent with the Airport Master Plan and any refinement or other plans developed for this area. It is understood by Lessee that:

1. The cost of improvements shall be borne by the benefited property in accordance with state law, the Charter of the City of Newport and its ordinances and policies.

2. The City in its sole discretion may initiate the construction of all or part of the local improvements required, or may join all or part of Lessee's property with other property when creating a local improvement district.

3. Lessee and Lessee's heirs, assigns and successors in interest in the property shall be bound by this document which will run with the property and will be recorded by the City in the deed records of Lincoln County, Oregon.

4. Lessee declares that the public improvements herein will directly benefit the described property and any development thereof.

5. WATER, SEWER, AND STORM DRAINAGE SYSTEMS

A. Water, Sewer, and Storm Drainage. The City agrees to provide the use and benefits of the public water, sewer, and storm drainage systems as they now exist or may be later modified. Conditions for the use of these systems shall be the same as the conditions and regulations within other parts of the City of Newport, including any assessments or charges for expansion or intensification of Lessee's use of the property.

B. Utility Bills. Water, sewer, and storm drainage charges shall be paid by the Lessee in addition to the basic monthly rental and at the same rates applicable within other parts of the City of Newport, except that water service is provided by Seal Rock Water District. Lessee shall promptly pay all water, sewer, and storm drainage charges, and all other utility charges or assessments, for the premises as they come due.

C. Prohibited Discharges. Discharge of industrial waste into the sanitary sewer system, storm drainage system, surface ponds or ditches, or elsewhere is specifically prohibited, except as permitted by a valid Industrial Wastewater Discharge Permit in strict accordance with Chapter 5.15 of the Newport Municipal Code and applicable state and federal laws as may be amended. Violation of any provision contained in Chapter 5.15 of the Newport Municipal Code, as presently constituted or amended, may cause

this Lease to be immediately terminated in accordance with the provisions of Section 17 of this Lease.

D. Discharge Response Procedures. In the event of any discharge or spill of noxious or hazardous material into the environment, sewer system, or storm drainage system, Lessee shall immediately notify the Oregon Department of Environmental Quality and the City. The City and any appropriate state or federal agency shall have the right to inspect the premises immediately to determine if the discharge or spill constitutes a violation of any local, state, or federal laws, rules, or regulations. If a violation exists, the City shall notify the Lessee of the specific violations and Lessee shall immediately cease all activities and use of the property until the violations are remedied, all at the Lessee's sole cost and expense and without expenses whatsoever to the City.

6. DEVELOPMENT STANDARDS

This Lease is made subject to the terms and conditions in the Airport Master Plan, the Newport Municipal Code, and all other applicable standards. In addition, compliance with all Newport development regulations is required. Enforcement of development provisions is the responsibility of the City's Community Development Department.

7. ALTERATIONS AND IMPROVEMENTS

A. Right to Develop. Lessee, or its sub-lessee(s), shall pay all costs associated with development of the property. All improvements made to the property shall be subject to Lessee's compliance with all applicable city, county, and state laws and regulations and issuance of necessary building permits.

B. Ownership of Improvements. Any buildings constructed by the Lessee on the leased property during the term of this lease shall belong to the Lessee and may be removed by the Lessee at will. Lessee shall have the right to enter the premises during the thirty (30) day period following termination of this lease to remove any of its property, including buildings or other improvements, on the leased premises. If, after thirty (30) days after termination of the lease, any of said property remains on the premises, the City may retain the property or, at its option, remove the property at the Lessee's expense. Roads and utilities internal to the leased premises will belong to City upon acceptance by the City.

8. ENTRY ON PROPERTY

A. Right to Inspect. The City shall have the right to enter the property at any reasonable time or times to examine the condition of the premises or Lessee's compliance with the terms of this Lease.

B. Access. The City retains the right to enter the leased premises at any reasonable time or times to repair or modify utilities located upon the property or to conduct repairs or other work on the property, provided such repairs or modifications shall be scheduled with Lessee to minimize any disruption to Lessee's business operations.

9. ASSIGNMENT AND SUBLETTING

Lessee shall not assign or sublease this Lease without the prior written consent of the City; provided, however, that the City shall not unreasonably withhold such consent. Lessee shall have the right to sublet the land or the space within any building it may construct on the leased premises to others, subject to the following conditions:

1. No sublease shall relieve Lessee from primary liability for any of its obligations under this Lease, and Lessee shall continue to remain liable for payment of rent and for performance and observance of its other obligations and agreements under this Lease.

2. Every sublease shall require the sub-lessee to comply with and observe all obligations of the Lessee under this Lease, with the exception of the obligation to pay rent to the City.

3. The sale of any building(s) constructed on the leased premises during the term of this Lease will be subject to approval by the City. This provision is intended to maintain and continue the City's interest in supporting the operations of the Newport Municipal Airport, and assigning responsibility for risks, including environmental protection and cleanup.

10. LIENS

The Lessee, and its sub -lessees, shall promptly pay for any material and labor used to improve the leased property and shall keep the leased property free of any liens or encumbrances.

11. TAXES

The Lessee shall promptly pay all personal and real property taxes and assessments levied upon the leased premises during the tax year that they become due. Lessee shall not permit a lien to be placed on the leased property.

12. INSURANCE

A. Coverage Requirements. The Lessee shall purchase and maintain commercial general liability insurance coverage. The limit of liability shall be no less than \$1,000,000 for any claims arising from a single accident or occurrence, with an annual aggregate limit of not less than \$2,000,000. The policy shall name the City of Newport, its officers, agents, and employees as an additional insured. Lessee agrees to increase the coverage amounts as deemed appropriate by the City in consultation with the City's commercial insurance advisor.

B. Certificate of Insurance. At the time that this Lease is executed, the Lessee shall purchase the insurance coverage in this section and provide to the City a certificate of insurance complying with the requirements of this section and indicating that the insurer will provide the City with 30 days' notice prior to cancellation of the policy. A current

certificate shall be maintained at all times during the term of the Lease.

13. INDEMNITY

A. General. Lessee shall at all times indemnify, defend, and hold harmless the City, its officers, agents, and employees from any claims, demands, losses, actions, or expenses, including attorney fees, to which the City may be subject to arising or alleged to arise from the acts or omissions of the Lessee, its agents, invitees, or employees, or in connection with the use, occupancy, or condition of the property.

B. Environmental Protection. Lessee shall be liable for and hold harmless the City from, all costs, fines, assessments, and other liabilities arising from Lessee's use of the premises resulting in the need for environmental cleanup under state or federal environmental protection and liability laws, including, but not limited to costs of investigation, remedial and removal actions, and post-cleanup monitoring arising under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as presently constituted or amended.

14. NONDISCRIMINATION

Lessee will not discriminate against any person by reason of race, color, national origin, ancestry, religion, age, sex, disability, or any other grounds prohibited by law.

15. WAIVER OF BREACH

A waiver by the City of a breach of any term, covenant, or condition of this Lease by the Lessee shall not operate as a waiver of any subsequent breach of the same or any other term, covenant, or condition of this Lease.

16. DEFAULT

A. Declaration. Except as otherwise provided in this Lease, the City shall have the right to declare this Lease terminated and to enter the property and take possession upon either of the following events:

1. Rent or Other Payments. If the monthly rent or any other payment obligation provided hereunder to the City, including but not limited to property taxes and utility bills, remains unpaid for a period of thirty (30) days after it is due, unprotested and payable, if not corrected after ten (10) days written notice by the City to Lessee; or

2. Other Obligations. If any other default is made in this Lease and not corrected after thirty (30) days written notice to the Lessee. Where the default is of such nature that it cannot be reasonably remedied within the thirty (30) day period, the Lessee shall not be deemed in default if the Lessee proceeds with reasonable diligence and good faith to effect correction of the default.

B. Court Action. Either party shall have the right to institute any proceeding at law or in equity against the other party for violating or threatening to violate any provision of

this Lease. Proceedings may be initiated against the violating party for a restraining injunction or damages, or for both. In no case shall a waiver by either party of the right to seek relief under this provision constitute a waiver of any other or further violation.

17. TERMINATION

A. Immediate Termination. Where a specific violation of this Lease gives the City the option to terminate this Lease immediately, this Lease shall be terminated upon written notification to the Lessee.

B. Termination Upon Default. In the event of any other default under Section 16 of this Lease, the Lease may be terminated at the option of the City upon written notification to the Lessee as provided herein.

C. Surrender Upon Termination. Upon termination or the expiration of the term of the Lease, the Lessee will quit and surrender the property to the City in as good order and condition as it was at the time the Lessee first entered and took possession of the property under this or a prior lease, usual wear and damage by the elements excepted.

D. Restoration of Property. Upon termination or expiration of this Lease or Lessee's vacating the premises for any reason, the Lessee shall, at its own expense, remove and properly dispose of all tanks, structures, and other facilities containing waste products, toxic, hazardous, or otherwise, which exist on the leased property or beneath its surface and did not pre-exist the commencement of this Lease. Lessee shall comply with all applicable state and federal requirements regarding the safe removal and proper disposal of said facilities containing waste products. If the Lessee fails to comply or does not fully comply with this requirement, the Lessee agrees that the City may cause the waste products and facilities to be removed and properly disposed of, and further, Lessee agrees to pay the cost thereof with interest at the legal rate from the date of expenditure.

E. Holding Over. No holding over upon expiration of this Lease shall be construed as a renewal thereof. Any holding over by the Lessee after the expiration of the term of this Lease or any extension thereof shall be as a tenant from month-to-month only and not otherwise, and the exercise of rights provided under Section 7(B) shall not be deemed a holding over. During any holdover period, the then existing monthly rental rate shall increase by 150 percent.

F. Expiration. Notwithstanding Sections 17(A)-(E) above, at the end of the second ten (10) year extension period, City and Lessee may negotiate a new lease agreement per Section 2 of this Lease.

18. RECORDING FEES

The Lease will be recorded with the Lincoln County Clerk's Office, and the Lessee shall be responsible for paying all associated fees.

19. ATTORNEY FEES

In any action or suit arising under this Lease, the prevailing party shall be entitled to such sum as the court may award as reasonable attorney fees and court costs, including attorney fees and court costs on appeal.

20. GOVERNING LAW

The provisions of this Lease shall be governed by and construed in accordance with the laws of the State of Oregon, without regard to conflict of law principles. Any actions or suits arising under this Lease must be brought in the appropriate court of the State of Oregon, and the parties hereby consent to venue in Lincoln County Circuit Court, Oregon, unless exclusive jurisdiction is in federal court, in which case venue shall be in federal district court for the District of Oregon.

21. ENTIRE AGREEMENT

This Lease contains the entire Agreement between the parties concerning the leased premises and supersedes all prior agreements, oral and written, concerning the leased premises. This Lease may be modified only in writing and signed by the parties.

22. SEVERABILITY

In the event any provision of this Lease is unenforceable as a matter of law, the remaining provisions will stay in full force and effect.

23. NOTICE

When any notice or anything in writing is required or permitted to be given under this Lease, the notice shall be deemed given when actually delivered or 48 hours after deposited in the United States mail, with proper postage affixed, directed to the following address:

City of Newport
Attn: City Manager
169 SW Coast Highway
Newport, Oregon 97365
541-574-0603
s.nebel@newportoregon.gov

McWatkins, LLC
Attn: Mark Watkins
P.O. Box 2302
Newport, Oregon 97365
tangoair@peak.org

IN WITNESS WHEREOF, the parties have executed this Lease on the date first written below.

DATED this 23rd day of June, 2021.

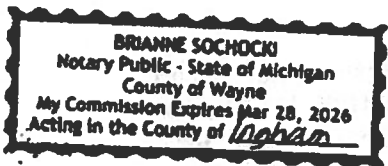
McWATKINS, LLC

By: [Signature]
Mark Watkins
Title: President

STATE OF MICHIGAN)
) ss.
COUNTY OF INGHAM)

Personally appeared the above-named Mark Watkins, who acknowledged he is the president and accepted the foregoing instrument on behalf of McWATKINS, LLC.

Before me this 23 day of June, 2021.

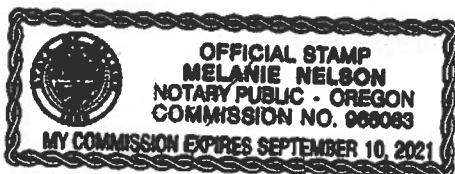


[Signature]
MICHIGAN NOTARY PUBLIC

My Commission Expires: 03/28/2024

ACCEPTED BY:
CITY OF NEWPORT, OREGON

By: [Signature]
Spencer R. Nebel, City Manager



STATE OF OREGON)
) ss.
COUNTY OF LINCOLN)

Personally appeared the above-named Spencer R. Nebel, who acknowledged he is the City Manager of NEWPORT and accepted the foregoing instrument on behalf of the City of NEWPORT by authority of its City Council.

Before me this 24 day of June, 2021.

[Signature]
OREGON NOTARY PUBLIC

My Commission Expires: 9/10/21

APPROVED AS TO FORM:

[Signature]
David N. Allen, City Attorney

EXHIBIT A
LEASE BOUNDARY LEGAL DESCRIPTION

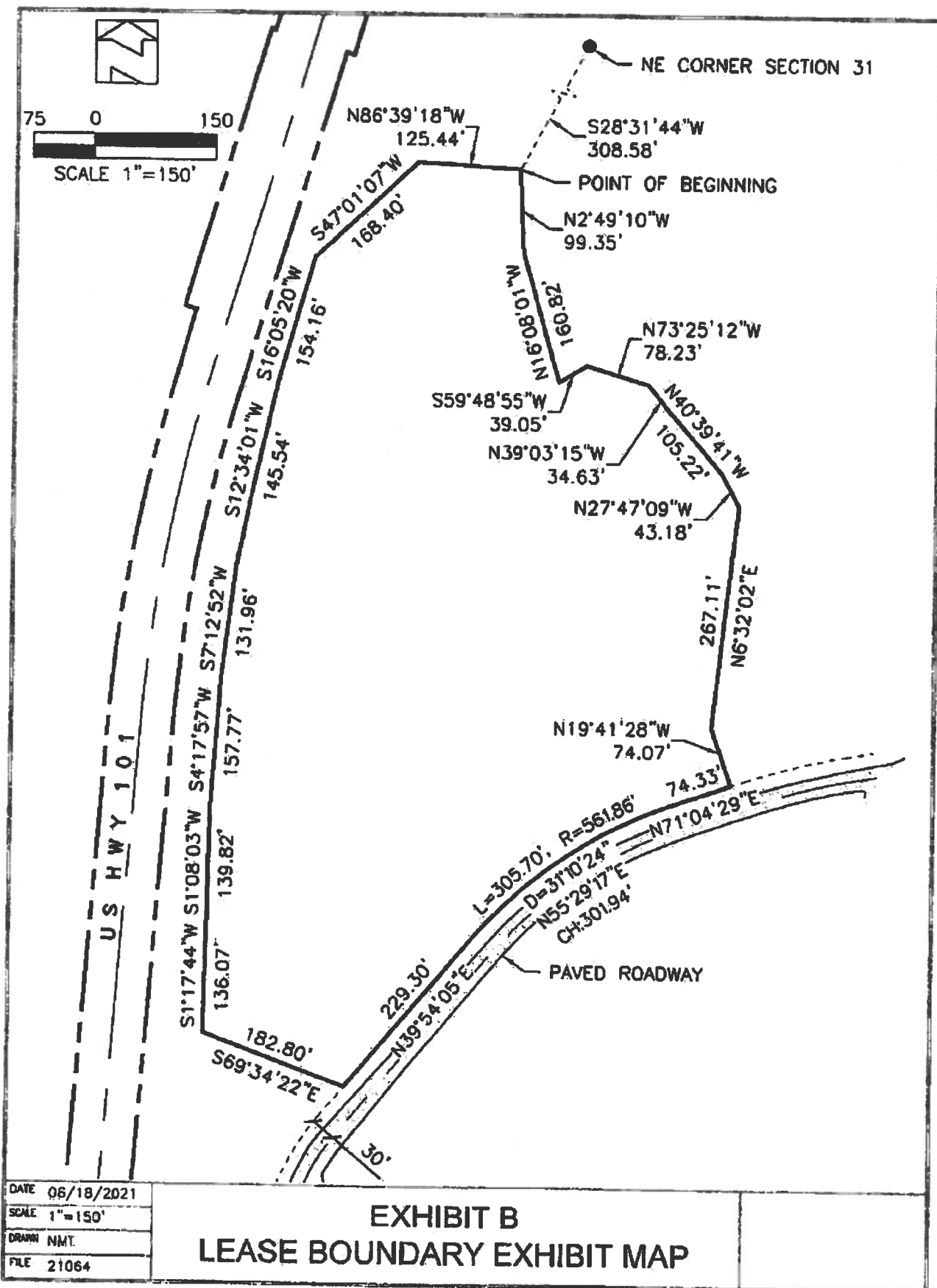
A property located in the Northeast 1/4 of Section 31 and the Northwest 1/4 of Section 32, Township 11 South, Range 11 West, Willamette Meridian, City of Newport, Lincoln County, Oregon, more particularly described as follows:

Beginning at a point which lies S28°31'44"W 308.58' from the northeast corner of said Section 31; running thence N86°39'18"W 125.44'; thence S47°01'07"W 168.40'; thence S16°05'20"W 154.16'; thence S12°34'01"W 145.54'; thence S7°12'52"W 131.96'; thence S4°17'57"W 157.77'; thence S1°08'03"W 139.82'; thence S1°17'44"W 136.07'; thence S69°34'22"E 182.80' to a point which lies 30' northwesterly of the approximate centerline of a paved roadway; thence parallel to and 30' distant from said approximate centerline for the following three (3) courses:

N39°54'05"E 229.30'; thence along a curve to the right with a radius of 561.86' and a length of 305.70', the long chord of which bears N55°29'17"E 301.94'; thence N71°04'29"E 74.33';

Thence departing the offset of said approximate centerline N19°41'28"W 74.07'; thence N6°32'02"E 267.11'; thence N27°47'09"W 43.18'; thence N40°39'41"W 105.22'; thence N39°03'15"W 34.63'; thence N73°25'12"W 78.23'; thence S59°48'55"W 39.05'; thence N16°08'01"W 160.82'; thence N2°49'10"W 99.35' back to the point of beginning.

The land herein described containing an area of 10.74 acres, more or less.



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

The City of Newport Planning Commission will hold a public hearing on Monday, May 9, 2022, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-CUP-22, a request submitted by Mark Watkins, Lessee (Linsey McLane-Godwin, representative) (City of Newport, Owner) per Section 14.22.100(E)(5)/"Airport Development Zone Overlay" of the Newport Municipal Code, for a conditional use permit to allow an industrial park project, with a range of light-industrial and commercial uses, on a portion of the Newport Municipal Airport designated for Non-Aeronautical Development. The concept includes a potential live work option for tenants. The property is located at a 10.8 acre undeveloped lease area northwest of Runway 2-20 (Lincoln County Tax Map 11-11-32-00, Tax Lot 200 (135 SE 84th Street)). 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 197.797 (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, 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).

FOR PUBLICATION ONCE ON FRIDAY, April 29, 2022.

4/29/2022

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NOTICE OF BUDGET COMMITTEE MEETING
A public meeting of the Budget Committee of the Southwest Lincoln County Water PUD, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2022 to June 30, 2023, will be held at the Southwest Lincoln County Water PUD Office, 7740 Hwy 101 N., Yachats, Oregon. The meeting will take place on the 18th of May, 2022 at 10:30 a.m. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. A copy of the budget document may be inspected or obtained on May 17th, 2022 at the Southwest Lincoln County Water PUD Office, between the hours of 8:00 a.m. and 4:00 p.m. A29, M06 (78-06)

NOTICE OF BUDGET COMMITTEE MEETING
A public meeting of the Budget Committee of the City of Siletz, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2022, to June 30, 2023, will be held at Siletz City Hall, 215 W Buford Avenue, Siletz, OR 97380. The meeting will take place on May 12, 2022, at 7:00 PM. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget, and discuss the city's use of State Revenue Sharing funds. A Public Hearing on the use of State Revenue Sharing Funds will be held at this meeting. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. A copy of the budget document may be inspected or obtained on or after May 4, 2022, at Siletz City Hall, 215 W Buford Avenue, Siletz, OR 97380 between the hours of 9:00 AM and 4:00 PM. A29, M06 (77-06)

INVITATION TO BID (ON-LINE BIDDING)
Only on-line bids will be accepted for this project. Paper bids will not be accepted. ON-LINE bids for the 2022 East 2nd Street Improvements will be received on behalf of City of Yachats, Oregon ("Owner") by Raymond C. Engel, P.E., Project Manager, of Westech Engineering, Inc., until the bid closing time of 2:00 p.m. local time on Tuesday, May 24, 2022. All bidders must register with and obtain plans from the online plan distribution system (QuestCDN) which can be accessed at Westech Engineering's website at <http://www.westech-eng.com> (under

the currently bidding tab). Only firms that obtain bidding documents from this online plan distribution system will have access to the online bidding system, which can also be accessed at Westech Engineering's website as noted above, or directly from QuestCDN at www.questcdn.com. All firms choosing to submit a bid must submit an on-line bid and required bidding documents online and pay a \$30.00 bidding fee through QuestCDN. Bids will be opened and evaluated shortly after the bid closing time, but written bid tabulations will not be finalized or released until after 4:00 p.m. (the submittal deadline for the "First-Tier Subcontractor Disclosure Form"). By no later than 4:00 p.m. local time on Tuesday, May 24, 2022, each bidder shall submit through the online bidding system noted above, the "First Tier Subcontractor Disclosure Form" contained in the bidding documents. This form shall be submitted regardless of the bid total. Bidders who fail to submit the required disclosure form will be considered non-responsive, and their bid will not be considered for award. The disclosure form can either be submitted at the same time as the on-line bid, or can be submitted separately. The work includes the following: Approximately 550 feet of local street improvements including curbs and asphalt paving, storm drainage improvements, new 8-inch waterline, and repair to the existing sanitary sewer line. Paper sets of the bid documents will not be available for purchase from Westech Engineering for bidding purposes. Complete digital (pdf) copies of Bid Documents (including drawings) are available at <http://www.westech-eng.com> (under the Currently Bidding tab). The digital Bid Documents may be downloaded for a non-refundable payment of \$25 by inputting QuestCDN eBidDoc Number listed on the project information sheet available through the website link above. Assistance with free QuestCDN registration, document downloading or working with the project information may be obtained at QuestCDN.com, at 952-233-1632, or via email at info@questcdn.com. This contract is for a public works project subject to ORS 279C.800 to 279C.870 (state prevailing wages) as applicable. Dated: April 21, 2022 City of Yachats, Oregon /S/ Raymond C. Engel, P.E., Project Manager A29 (74-29)

LEGAL NOTICE OF BOARD VACANCY
Due to a resignation, a vacancy has been declared for the Subdivision 2 board seat on the Central Lincoln People's Utility District's Board of Directors. Eligible can-

didates under ORS 261 are encouraged to submit letters of interest and/or resumes to fill the vacancy. This is normally an elected office; the current term of which expires December 31, 2022. Candidates must be registered voters, or capable of being registered voters, residing in Subdivision 2: Central Lincoln territory in Depoe Bay, Lincoln Beach, Otter Rock, Siletz, and Toledo, to wit: District Territory in Toledo, north to the city of Siletz, and northwest including the city of Depoe Bay, and the communities of Otter Rock and Lincoln Beach, including a portion of the Bittler Precinct. Candidates may make certain they reside within Subdivision 2 by contacting the Lincoln County Clerk's Office. Candidates also must have resided in Central Lincoln's District continuously for two years or more. Those meeting the above requirements, and who desire to serve the public as a Central Lincoln board member are invited to submit letters of interest and/or resumes to fill the anticipated vacancy. Candidates must be available to be interviewed for the anticipated vacancy on May 18, 2022 in Newport. It is anticipated the candidate selected could be appointed by Central Lincoln's Board of Directors to fill the vacancy on June 30, 2022. Letters of interest and/or resumes should be addressed to the Board, and must be submitted electronically to Board Executive Assistant Sunnetta Capovilla at scapovilla@cencoast.com no later than Tuesday, May 10, 2022. Only electronic submissions will be accepted. Central Lincoln is a public organization for community service under ORS Chapter 261, and a governmental entity. Central Lincoln's mission is "to ensure our communities have access to reliable and affordable energy products and services." A27 A29 MY04 MY06 (72-06)

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING
The City of Newport Planning Commission will hold a public hearing on Monday, May 9, 2022, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-CUP-22, a request submitted by Mark Watkins, Lessee (Linsey McLane-Godwin, representative) (City of Newport, Owner) per Section 14.22.100(E)(5) "Airport Development Zone Overlay" of the Newport Municipal Code, for a conditional use permit to allow an industrial park project, with a range of light-industrial and commercial uses, on a portion of the Newport Municipal Airport designated for Non-Aeronautical Development. The concept includes a potential live work option for tenants. The property is located at a 10.8 acre undevel-

oped lease area northwest of Runway 2-20 (Lincoln County Tax Map 11-11-32-00, Tax Lot 200 (135 SE 84th Street)). 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 197.797 (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, 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). A29 (71-29)

NOTICE TO INTERESTED PERSONS IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN In the Matter of the Estate of ANN LANG, Deceased, Case No. 22PB03057 NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN that Joy Kaiser has been appointed personal representative of the Estate of Ann Lang. All persons having claims against the estate are required to present them, with vouchers attached to the personal representative through the personal representative's attorney at PO Box 1987, Newport, OR 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the attorney for the personal representative, Traci P. McDowell. Dated and first published on April 22, 2022. YAQUINA LAW, LLC /s/ Traci P. McDowell Traci P. McDowell, OSB #184063 Attorney for Personal Representative. PERSONAL REPRESENTATIVE: Joy Kaiser, 321 Thacker Loop, Oxford, MS 38655 LAWYER FOR PERSONAL REPRESENTATIVE: Traci P. McDowell, OSB #184063, PO Box 1987, Newport, OR 97365 Telephone: (541) 272-5500 Fax: (541) 265-7633 Email: traci@yaquinlaw.com A22 A29 MY06 (76-06)

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN Association of Unit Owners of the Resort At Whale Pointe MERGED Condominiums, Plaintiff v. RICHARD F. MARKS, TRUSTEE OR SUCCESSOR TRUSTEE OF THE MARKS FAMILY TRUST DATED AUGUST 5, 2008, MARIAN J. MARKS, TRUSTEE OR SUCCESSOR TRUSTEE OF THE MARKS FAMILY TRUST DATED AUGUST 5, 2008, JACK T. TURPIN, TRUSTEE OF THE JACK T. TURPIN TRUST DATED JULY 8, 1994, JANELLE PINARDI, ELISA L. MANLEY, BENJAMIN R. HAUGER, DIANNE J. HAUGER and MARIAN H. MILLIGAN Defendant(s) Case No.: 22CV05976 SUMMONS BY PUBLICATION To: ABOVE-NAMED DEFENDANTS A case has been filed against you for the foreclosure of a lien aris-

ing from overdue assessments on your respective interest in The Resort at Whale Pointe II Condominium. You are hereby required to appear and defend the Complaint filed against you in the above-entitled case within thirty (30) days from the date of first publication: April 22, 2022. NOTICE TO DEFENDANTS: READ THESE PAPERS CAREFULLY! You must "appear" in this case or the other side will win automatically. To "appear" must file with the court a legal document called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff. If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at <http://www.oregonstatebar.org> or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636. Christopher B. Conley (OR Bar # 180708) Hayes, Johnson & Conley, PLLC, 700 South 21st Street, Fort Smith, AR 72901. Phone: (479) 242-5906 Fax: (501) 770-7077 Email: ir@hjclegal.com Attorney for Plaintiff. A22 A29 MY6 MY13 (67-13)

NOTICE OF BUDGET COMMITTEE MEETING
A public meeting of the Budget Committee of the Depoe Bay Rural Fire Protection District, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2022, to June 30, 2023, will be held at the Gleneden Beach Fire Station, 6445 Gleneden Beach Loop, Gleneden Beach, Oregon, on Monday, May 9, 2022, at 10:00 am. The purpose of the meeting is to receive the budget message and to hear comment from the public on the budget. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. The Board asks that members of the public who wish to attend via phone or computer contact the Administrative Assistant at least 48 hours prior to the noticed meeting time by phone at 541-764-2202 or by email at info@depoebayfire.com. A copy of the budget document may be inspected or obtained on or after May 6, 2022, at the Depoe Bay Fire Station between the hours of 9:00 am and 5:00 pm or at info@depoebayfire.com. A29 (83-29)

**CITY OF NEWPORT
PUBLIC NOTICE¹**

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

File No. 1-CUP-22:

Applicants & Representatives: Mark Watkins, Applicant and Lessee (Linsey McLane-Godwin, representative) (City of Newport, Owner)

Request: Approval of a request per Section 14.22.100(E)(5)/"Airport Development Zone Overlay" of the Newport Municipal Code, for a conditional use permit to allow an industrial park project, with a range of light-industrial and commercial uses, on a portion of the Newport Municipal Airport designated for Non-Aeronautical Development. The concept includes a potential live work option for tenants.

Location/Subject Property: A 10.8 acre undeveloped lease area northwest of Runway 2-20 (Lincoln County Tax Map 11-11-32-00, Tax Lot 200 (135 SE 84th Street)).

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 197.797 (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, May 9, 2022; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

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.

MAILED: April 20, 2022.

PUBLISHED: April 29, 2022/News-Times.

Subject Property
File No. 1-CUP-22



Sherri Marineau

From: Sherri Marineau
Sent: Wednesday, April 20, 2022 4:01 PM
To: Derrick Tokos; Spencer Nebel; Robert Murphy; Joseph Lease; Jason Malloy; Laura Kimberly; Michael Cavanaugh; Beth Young; Clare Paul; David Powell; Aaron Collett; Lance Vanderbeck; Steve Baugher
Subject: Conditional Use Permit 1-CUP-2
Attachments: File 1-CUP-22 City Dept & Utilities Notification.pdf; File 1-CUP-22 Notice.pdf

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing. Please review this information to see if you would like to make any 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.**

Sherri Marineau
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 ph: 541.574.0629, option 2
 fax: 541.574.0644
s.marineau@newportoregon.gov



PUBLIC RECORDS LAW DISCLOSURE. This e-mail is a public record of the City of Newport, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Records Retention Schedule for Cities.

ADAIR JOHN N JR &
ADAIR DEBRA S
4609 BELLINGER LN
MEDFORD, OR 97501

BIP OREGON LLC
PO BOX 12
INDEPENDENCE, OR 97351

BLACKWOOD ROBERT LEE &
BLACKWOOD CYNTHIA D
9450 SE CEDAR ST
SOUTH BEACH, OR 97366

BORIS PETER A &
BORIS THEODORA A
9631 SE CEDAR ST
SOUTH BEACH, OR 97366

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

BUSWELL OLGA A (TOD)
8365 SW ABALONE ST
SOUTH BEACH, OR 97366

CARTER RICHARD B COTSTEE &
CARTER ELIZABETH A COTSTEE
8563 SW ABALONE ST
SOUTH BEACH, OR 97366

CITY OF NEWPORT
CITY MANAGER
169 SW COAST HWY
NEWPORT, OR 97365

COAST TOWN ENTERPRISES LLC
648 NE FOGARTY ST
NEWPORT, OR 97365

CORVALLIS GEORGE WILBERT &
CORVALLIS JOETTA KAY
9775 SE CEDAR ST
NEWPORT, OR 97365

COSTANZO JOHNNIE L &
COSTANZO VELDA R
8311 SW ABALONE ST
SOUTH BEACH, OR 97366

EAMES ROLAND TSTEE &
EAMES KAYLENE TSTEE
12542 W KRALL CT
GLENDALE, AZ 85307

ELLINGSEN PETER &
ELLINGSEN ALISON SPANGLER
PO BOX 1281
WALDPORT, OR 97394

ERTEL JOHN R
9629 SE CEDAR ST
SOUTH BEACH, OR 97366

EVERGREEN TRUST
ATTN CHERYL SPERLING
9491 SE BIRCH ST
SOUTH BEACH, OR 97366

FAILOR JOANN LOPRESTI (TOD)
9765 SE CEDAR ST
SOUTH BEACH, OR 97366

FERRIS PETER K &
FERRIS WILLARD S &
GOODPASTURE KATHERINE
415 SE 98TH CT
SOUTH BEACH, OR 97366

FISHER KURT M &
FISHER HEIDI L
9414 SE CEDAR ST
SOUTH BEACH, OR 97366

FOGARTY YALE S &
FOGARTY TAMMY
429 SE 98TH ST
SOUTH BEACH, OR 97366

FORD CAITLIN
101 LEUCADIA BLVD
STE 600
ENCINITAS, CA 92024

GUSTAFSON EMIL V JR &
GUSTAFSON SHIRLEY
8633 SW ABALONE ST
SOUTH BEACH, OR 97366

HECKER D LYNN
PO BOX 1361
NEWPORT, OR 97365

HEISEL ROBERT L TRUSTEE
460 SE CONIFER PL
SUBLIMITY, OR 97385

HERBERT GREG L TSTEE &
HERBERT TERRI L TSTEE
2005 LAW LN
EUGENE, OR 97401

HOLM ELLAINE A TSTEE
8303 SW ABALONE ST
SOUTH BEACH, OR 97366

HUNT HIROKO &
HUNT BRADY G
11361 E RALEIGH AVE
MESA, AZ 85212

JENKINS DONALD L &
JENKINS JUDY L
409 SE 98TH CT
SOUTH BEACH, OR 97366

JOHNSON PATRICIA ANN TSTEE
9415 SE CEDAR ST
SOUTH BEACH, OR 97366

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

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

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

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

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

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 MICHAEL JAMES
9443 SE BIRCH ST
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

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

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

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

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

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

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

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

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

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

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

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

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

MARK WATKINS
PO BOX 2302
NEWPORT, OR 97365

LINSEY MCLANE-GODWIN
MSS INC
215 NW 4TH ST
CORVALLIS, OR 97330

File No. 1-CUP-22

Adjacent Property Owners Within 200
Feet

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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

Central Lincoln PUD
ATTN: Ty Hillebrand
PO Box 1126
Newport OR 97365

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

****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

Steve Baugher
Interim 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

Lance Vanderbeck
Airport

EXHIBIT 'A'
(Affected Agencies)

(1-CUP-22)



00212404202200015940310319

I, Dana W. Jenkins, County Clerk, do hereby certify
that the within instrument was recorded in the Lincoln
County Book of Records on the above date and time.
WITNESS my hand and seal of said office affixed.

Dana W. Jenkins, Lincoln County Clerk

**AFTER RECORDING RETURN TO:**

City Recorder
City of Newport
169 SW Coast Highway
Newport, OR 97365

RESOLUTION NO. 3943**A RESOLUTION APPROVING A FOURTEENTH AMENDMENT TO THE
SOUTH BEACH URBAN RENEWAL PLAN AND REPORT****FINDINGS:**

1. City of Newport adopted a South Beach Urban Renewal Plan and Report ("Plan"), dated September 12, 1983, by Ordinance No. 1341, and Lincoln County did subsequently approve the Plan by Resolution 83-26-9. Thirteen amendments to the Plan have been previously adopted with the most recent being dated September 17, 2018.
2. In February of 2021, the Newport Urban Renewal Agency initiated work on a South Beach / US 101 Refinement Plan ("Refinement Plan") for areas proximate to the highway within the urban renewal boundary. The Refinement Plan had three principal objectives. The first was to identify a final round of urban renewal projects that (a) align with South Beach Urban Renewal Plan and Report priorities, (b) garner community support, and (c) can be implemented within the remaining life of the Plan. The second objective was to identify potential future uses of the Agency owned property at the NE corner of the new 35th and US 101 intersection that meet community goals and enhance the tax base. The last objective was to identify changes needed to City land use policies or regulations to ensure that they complement Plan priorities and project investments.
3. The Refinement Plan was informed by extensive public engagement that included 18 stakeholder interviews, a marine focus group session (4 participants), a community workshop (23 participants), and two online preference surveys that generated 466 participant responses.
4. Agency members provided input as the Refinement Plan was being developed at work sessions on June 21, 2021, September 7, 2021 and September 20, 2021. Other city committees provided input as well, including the Airport Committee, Planning Commission, Bike/Pedestrian Committee and Public Arts Committee. A final draft of the Refinement Plan was presented to the Agency at its November 15, 2021 meeting.

5. This Fourteenth Amendment to the South Beach Urban Renewal Plan and Report incorporates the results of the first two objectives of the Refinement Plan, those being a prioritized list of final round urban renewal projects, and redevelopment concepts for the Agency owned 35th and US 101 property. Details for each project and the specific redevelopment options are contained in the Refinement Plan, which is included as an appendix to the South Beach Urban Renewal Plan and Report.
6. Further, this amendment updates the financial elements of the document to include anticipated funding and debt obligations for the remaining life of the Plan, and allocates available funding for the final round of projects. Agency has agreed to provide \$50,000 to the Oregon Coast Aquarium to offset a portion of their costs to install new electric vehicle charging stations. This amendment adds that as a Phase 2 project and the funds are included in the City's 2021/22 fiscal year budget.
7. Consistent with ORS 457.085, the South Beach Urban Renewal Plan and Report must specifically identify projects and provide a financial analysis with sufficient information to determine the Plan's feasibility before urban renewal funds can be expended. The proposed amendments are responsive to these requirements and do not alter the major assumptions, purposes, and objectives underlying the Plan. They; therefore, are properly characterized and adopted as minor plan amendments under Agency Resolution No. 91-4, the 3rd amendment to the Plan, (incorporated verbatim in Section VI of this amendment).
8. Changes to the Plan are outlined in detail in this Minor Amendment Fourteen to the South Beach Urban Renewal Plan and Report, and are consistent with the requirements for minor amendments set forth in Chapter 457 of the Oregon Revised Statutes and the third amendment to the South Beach Urban Renewal Plan and Report, dated September 11, 1991, by Ordinance 91-4, which contains the provisions for amending the Plan. While minor amendments, as opposed to substantial amendments, are not required to be recorded, a copy of this minor amendment should nonetheless be filed with the Lincoln County Clerk to maintain a clear record of the amendments to the Plan. Copies of this minor amendment should also be provided to taxing entities within the district.
9. The Newport City Council and Urban Renewal Agency considered Minor Amendment Fourteen to the South Beach Urban Renewal Plan and Report at a public meeting on January 18, 2022 and voted to approve the fourteenth amendment.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

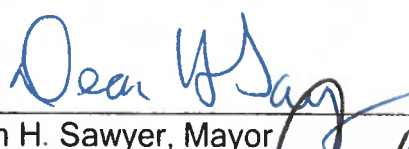
Section 1. Minor Amendment Fourteen to the South Beach Urban Renewal Plan and Report is hereby adopted as attached in Exhibit A.

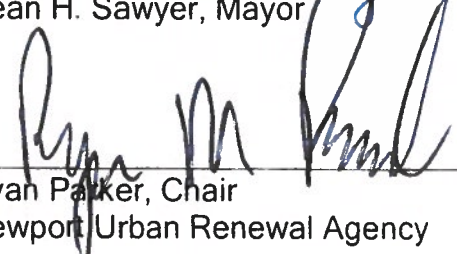
Section 2. The Executive Director of the Newport Urban Renewal Agency is hereby directed to record Minor Amendment Fourteen to the South Beach Urban Renewal Plan and Report with the Lincoln County Clerk and shall distribute a copy of the adopted document to the governing bodies of the taxing entities within the district.

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

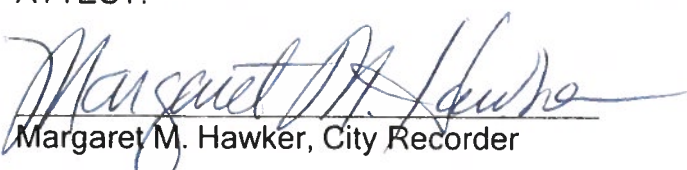
Adopted by the Newport City Council and the Newport City Council acting as the Newport Urban Renewal Agency on January 18, 2022.

Signed on JAN 26, 2022.


Dean H. Sawyer, Mayor


Ryan Parker, Chair
Newport Urban Renewal Agency

ATTEST:


Margaret M. Hawker, City Recorder

3. Phase 3 – 2019/2025

PUBLIC RIGHTS OF WAY	Escalated Cost Estimate (2021)	UR Portion
<u>Streets</u>		
40 th / US 101 Signal and Enhanced Pedestrian Facilities (Moved from Phase 2)	\$1,500,000	\$1,500,000
50 th and US 101 Intersection Improvements	-----	Not funded
<u>Sidewalks/Paths</u>		
Abalone Street Multi-Use Path Extension (Coho/Brant Project #12B)	-----	Not funded (Shifted to Phase 2)
Enhance mobility for Cyclists and Pedestrians through South Beach Loop path Improvements (Project G, South Beach / US 101 Refinement Plan)	\$1,420,000	\$1,420,000
<u>Acquisition/Development</u>		
Match for LIDs formed to implement Tier 2 and Tier 3 Coho/Brant improvements (Moved from Phase 2)	-----	Not funded
<u>UTILITIES</u>		
<u>Water</u>		
Install Redundant Yaquina Bay Under-Crossing Pipeline	\$3,000,000	\$750,000
Improve Fire Suppression Capability at Airport Industrial Sites	\$500,000	\$500,000
<u>Sewer</u>		
Enhance Wastewater Service to the Airport	\$2,000,000	\$2,000,000
Henderson Creek Piping	-----	Not funded
Henderson Creek Lift Station	-----	Not funded
<u>Storm</u>		
170-feet of 36-inch storm drain crossing US 101 in the vicinity of Southshore	-----	Not funded
<u>Utility Lines</u>		
Bury existing/new underground utility lines	-----	Not funded
<u>PUBLIC AMENITIES</u>		
Neighborhood Park (Under Bridge Space – Coho Brant Plan)	-----	Not funded
Enhance Placemaking with Improvements to Landscaping, Public Art, and Gateways (Project F, South Beach / US 101 Refinement Plan)	\$1,000,000	\$1,000,000
<u>COMMUNITY IMPROVEMENT PROGRAMS</u>		
Fund Storefront Façade Loan/Grant Program	-----	Not funded
<u>ACQUISITION/DEVELOPMENT/SITE PREP FOR REUSE</u>		
Redevelop 35 th Street Site to Meet Community Needs (Includes Potential Strategic Investment in Neighboring Parcels to Promote Redevelopment Concepts per Project A, South Beach / US 101 Refinement Plan)	\$1,300,000	1,300,000
<u>SPECIAL PROJECT IDEAS</u>		
Coastal Gully Open Space Improvements (Coho/Brant Project #19)	-----	Not funded
Tsunami Evacuation Route Improvements	-----	Not funded
Wetland Mitigation Bank	-----	Not funded
Incentivize Annexation of Unincorporated Properties w/ Focus on US 101 Industrial Sites (Project B, South Beach / US 101 Refinement Plan)	\$500,000	\$500,000
Total:		\$8,970,000
Source of Funding		
Accumulated Proceeds from Lease of Agency property:		-\$250,000
Short-Term Loan Against Last Two Years of Increment:		-\$3,620,000
Pay as you go increment:		-\$5,100,000

CITY OF NEWPORT

RESOLUTION NO. 3947

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET ADJUSTMENT FOR FISCAL
YEAR 2021-22, MAKING APPROPRIATION/TOTAL REQUIREMENT CHANGES FOR
SPECIFIC FUNDS**

WHEREAS, the City of Newport's 2021-2022 Fiscal Year budget requires changes of appropriation for the General, Capital Projects - Governmental, Capital Projects - Proprietary, Reserve, Capital Improvements, Water, Wastewater, Stormwater, and Public Works funds due to unplanned circumstances and have complied with the provisions of ORS 294.

WHEREAS, under the provisions of Oregon Local Budget Law, fund accounts are required to reflect sufficient authorized appropriations consistent with available resources; and

WHEREAS, ORS 294.473 requires a supplemental budget with a public hearing when the estimated expenditures differ by 10 percent or more from the most recent amended budget prior to the supplemental budget, the governing body may adopt the supplemental budget with a public hearing at a regular meeting; and

THE CITY OF NEWPORT RESOLVES AS FOLLOWS: that this supplemental budget is hereby adopted and hereby provides for:

- 1) General Fund: Adjustment to the General fund for increased cost of Oregon Humanities grant, Library Association grant, State of Oregon wildland fire response receipt, Newport HB housing capacity & production strategy project, Big Creek Dam project from ARPA funds, and soccer field development project from ARPA funds,
- 2) Capital Projects - Governmental Fund: Record adjustments to City/District consolidation/merger feasibility study project, Yaquina Bay estuary management plan update project, Newport HB housing capacity & production strategy project, refinement plan for South Beach US 101 project, annexation of unincorporated pockets of South Beach project, SE 35th & Hwy 101 project, and Ferry Slip utility underground project,
- 3) Capital Projects - Proprietary Fund: Record adjustments to Big Creek dam project, SW Neff Way sanitary sewer extension & improvements project, Northside pump station improvement project, Northside pump station force main inspection project, biosolids alternative analysis project, WWTP master plan project, the Golf Course Drive water system improvement phase 2 project, and SE Harney St sidewalk from SE Moore Dr to Yaquina View elementary project.,
- 4) Reserve Fund: Adjust beginning fund balances and record water bond issuance fees,
- 5) Capital Improvements Fund: Adjust beginning fund balance and soccer field development project from ARPA funds,
- 6) Water Fund: Adjust beginning fund balance and record maintenance fees for WaterSmart software,
- 7) Wastewater Fund: Adjust beginning fund balance, adjustment to SW Neff Way sanitary sewer extension & improvements project, Northside pump station improvement project, Northside pump station force main inspection project, biosolids alternative analysis project, WWTP master plan, and purchase of PLC panel for 32nd Street controls,

- 8) Stormwater Fund: Adjust beginning fund balance and repair storm line under SW Bay Blvd,
- 9) Public Works Fund: Move from personnel services appropriation of \$179,088 in the Engineering program to cover funds for possible purchase of software and GPS unit,

Attachment A sets forth the supplemental budgets listed here and such Attachment A is incorporated herein.

This resolution will become effective immediately upon passage.

Adopted by the Newport City Council on April 18, 2022.

Dean Sawyer, Mayor

Attest:

Margaret M. Hawker, City Recorder

CITY OF NEWPORT
Budget with Supplements/Transfer Resolutions
Fiscal Year 2021-2022

Fund Appropriation Level	Project No.	7/1/2021 Adopted Budget # 3922	11/15/2021 Resolution #3933	1/3/2022 Resolution #3940	4/18/2022 Resolution #3947	Next Res.	Total Adjusted Budget
S9-Big Creek Bridge Abutment Repairs (17009)	17009	47,000					47,000
PP4-Northside TSP Update/Downtown Revitalization Plan (17014)	17014	89,550		(32,850)			56,700
PP7-Infrastructure Code Revisions (17017)	17017	20,000		(20,000)			-
S10-SW 9th Angle to Hurbert Street and Sidewalk Improvements (19002)	19002	21,450					21,450
S4-US 101 NW 25th to NW 36th Street Sidewalk Project (19009)	19009	126,000		19,480			145,480
PP2-Refinement Plan for South Beach US 101 Commercial Industrial Corridor (21011)	21011	25,000		28,124	6,946		60,070
S16-SE Harney St Sidewalk from SE Moore Dr to Yaquina View Elementary (21019)	21019	75,000					75,000
PP8-City/District Consolidation/Merger Feasibility Study (21022)	21022	40,000		10,000	(10,000)		40,000
PP10-Downtown Revitalization Plan (21023)	21023	125,000					125,000
PP1-Parking Study Implementation (Phase 1) (21045)	21045	600,000					600,000
PP11-Newport HB Housing Capacity and Production Strategy (21046)	21046	75,000			30,000		105,000
S13-Upgrade Power at Ernest Block Wayside and City Hall for EV Station Installs (21048)	21048	100,000					100,000
S14-Conduct Intersection Control Eval. & Signal Warrant Analysis NE 36th and SE 40th and 101 (21049)	21049	25,000					25,000
S15-Pedestrian Activated Rapid Flashing Beacon US 20 & Eads St Crosswalk (21050)	21050	80,000					80,000
Yaquina Bay Estuary Management Plan Update		-			10,000		10,000
Annexation of Unincorporated Pockets in South Beach		-			100,000		100,000
Total General Appropriations		4,363,654	154,295	506,614	611,939	-	5,636,502
6130 - Airport							
Airport Storage Building	17016	-		-			-
AP2-AIP 25 Airport Storm Drain Pipe Rehabilitation-Design	17006	-		(477,081)			(477,081)
AP1-AIP Obstruction Removal - Trees, Easements Appraisals Phase I & II (17023)	17023	100,000					100,000
AP5-AIP 26 Airport Environmental Assessment Phase II (17025)	17025	166,668		(2,500)			164,168
Fuel Farm Replacement and Seismic updates (18012)	18012	-	-				-
AP2-AIP 27 Airport Storm Drain Pipe Rehabilitation-Design and Construction (21026)	21026	3,100,000					3,100,000
Large Septic Installation at Airport		-			75,000		75,000
Total Airport Appropriations		3,366,668	-	(479,581)	75,000	-	2,962,087
Transfers Out							
Transfer to General Fund		-					-
Transfer to Recreation Fund		-		23,929			23,929
Transfer to Airport Fund		-		41,650			41,650
Transfer to Room Tax		-					-
Transfer to Debt Svc - General		-	27,671				27,671
Transfer to Capital Projects - Proprietary Fund		-					-
Transfer to Stormwater fund		-					-
Total Transfer Appropriations		-	27,671	65,579	-	-	93,250
Total Appropriations:		7,730,322	181,966	92,612	686,939	-	8,691,839
Reserve for Future Expenditures		24,000					24,000
Unappropriated Ending Fund Balance		-					-
Total Capital Projects - Governmental Fund		7,754,322	181,966	92,612	686,939	-	8,715,839
CAPITAL PROJECTS - GOVERNMENTAL FUND - 402		-	-	-	-	-	-



2022-2023

PROPOSED BUDGET

FOR THE CITY OF NEWPORT AND
NEWPORT URBAN RENEWAL
AGENCY

Preliminary Meeting
March 1, 2022 at 6:00 P.M.

First Meeting
April 26, 2022 at 5:00 P.M.

Second Meeting
May 17, 2022 at 5:00 P.M.

Third Meeting
May 24, 2021 at 6:00 PM



Wastewater Collections



Off Road Wildland Brush
Vehicle-



Coast Park



Lifeflight

Mission Statement: The City of Newport pledges to effectively manage essential community services for the well-being and public safety of residents and visitors. The City will encourage economic diversification, sustainable development, and livability.

Account No.	Description	FY 2019-2020 Prior Year Actuals	FY 2020-2021 Prior Year Actuals	FY 2021-2022 Current Year Beg. Budget	FY 2021-2022 Current Year Amend. Budget	FY 2021-2022 8 Months Actuals	FY 2021-2022 Fiscal Year End Estimates	FY 2022-2023 Department Request	FY 2022-2023 Proposed Budget	FY 2022-2023 Approved Budget	FY 2022-2023 Adopted Budget
	FAA NPE GRANT FY 2020										
	AP3-AIP 26 Airport Environmental Assessment Phase II (17025)							60,000	60,000	-	-
	TOTAL FEDERAL SOURCES	82,678	34,716	3,250,000	3,250,000	374,535	1,766,178	3,160,000	3,160,000	-	-
402-6130-43009	HR 2075 GRANT FROM THE ODA	-	10,817	-	-	-	-				
	AP2-Storm Pipe Flex Seal Installation							150,000	150,000	-	-
	TOTAL STATE SOURCES	-	10,817	-	-	-	-	150,000	150,000	-	-
402-6130-47001	INTEREST ON INVESTMENTS	7,868	2,804	3,000	3,000	76	84	80	80	-	-
	TOTAL INVESTMENTS	7,868	2,804	3,000	3,000	76	84	80	80	-	-
	TOTAL AIRPORT REVENUES	90,546	48,337	3,253,000	3,253,000	374,611	1,766,262	3,310,080	3,310,080	-	-
402-6130-49220	TRANSFER FR. AIRPORT FUND	50,000	90,306	-	-	-	-				
	AP2-Storm Pipe Flex Seal Installation							94,444	66,111	-	-
402-6130-49230	TRANSFER FR ROOM TAX FUND	-	-	-	-	-	-				
	AP2-Storm Pipe Flex Seal Installation (30%)							-	28,333	-	-
402-6130-49270	TRANSFER FROM URA-SO BEACH	-	-	-	-	-	75,000				
	AP4-Automate City of Newport-Seal Rock Water District Intertie to Improve Airport Fire Flows							150,000	150,000	-	-
	AP5-Large Septic Installation at Newport Municipal Airport							565,000	565,000	-	-
	TOTAL TRANSFERS FROM	50,000	90,306	-	-	-	75,000	809,444	809,444	-	-
	TOTAL AIRPORT REVENUES & TRANSFERS	140,546	138,643	3,253,000	3,253,000	374,611	1,841,262	4,119,524	4,119,524	-	-
402-6130-49901	BEGINNING FUND BALANCE	620,137	449,595	116,668	(293,592)	127,105	127,105				
	AP1-AIP Obstruction Removal - Trees, Easements Appraisals Phase I & II (17023)							25,861	25,861	-	-
	AP3-AIP 26 Airport Environmental Assessment Phase II (17025)							14,139	14,139	-	-
	AP5-Large Septic Installation at Newport Municipal Airport							75,000	75,000	-	-
	TOTAL AIRPORT RESOURCES	760,683	588,238	3,369,668	2,959,408	501,716	1,968,367	4,234,524	4,234,524	-	-
	EXPENDITURES										
	MATERIAL & SERVICES										
402-6130-60100	PROFESSIONAL SERVICES	120,360	9,727	266,668	266,668	74,139	74,139				
	AP1-AIP Obstruction Removal - Trees, Easements Appraisals Phase I & II (17023)							925,861	925,861	-	-
	AP3-AIP 26 Airport Environmental Assessment Phase II (17025)							74,139	74,139	-	-
	TOTAL MATERIAL & SERVICES	120,360	9,727	266,668	266,668	74,139	74,139	1,000,000	1,000,000	-	-
	CAPITAL OUTLAY										
402-6130-74700	AIRPORT CAPITAL IMPROVEMENTS	143,744	389,861	3,100,000	2,620,419	1,689,907	1,709,907				
	AP2-Storm Pipe Flex Seal Installation							2,444,444	2,444,444	-	-
	AP4-Automate City of Newport-Seal Rock Water District Intertie to Improve Airport Fire Flows							150,000	150,000	-	-
	AP5-Large Septic Installation at Newport Municipal Airport							640,000	640,000	-	-
	TOTAL CAPITAL OUTLAY	143,744	389,861	3,100,000	2,620,419	1,689,907	1,709,907	3,234,444	3,234,444	-	-
	TOTAL AIRPORT EXPENDITURES	264,104	399,588	3,366,668	2,887,087	1,764,046	1,784,046	4,234,444	4,234,444	-	-

**CAPITAL PROJECTS / FACILITIES IMPROVEMENTS
FISCAL YEAR 2022-2023**

Item No	Project Name/Description	Current Proj No.	Expense Account No.	Department Request	Proposed Budget	Revenue Source	Revenue Amount	Revenue Account No
AP5	Large Septic Installation at Newport Municipal Airport Installation of a Large Onsite Septic System (LOSS) to meet effluent requirements.		402-6130-74700	640,000	640,000	BFB Airport Capital Project Transfer from SB URA	75,000 565,000	402-6130-49901 402-6130-49270
TOTAL AIRPORT PROJECTS				4,234,444	4,234,444		4,234,444	
TOTAL CAPITAL PROJECT - 402 FUND				12,759,101	10,561,900		10,561,900	
403 PROPRIETARY CAPITAL PROJECTS								
WATER (6210)								
W1	Main Water Tanks Replacement Replace two seismically resilient tanks	16013	403-6210-75100	\$ 1,041,216	\$ 860,363	BFB Capital Projects Matching funds 1/3 - Transfer from Water Bond Fund FEMA Grant	65,363 795,000 -	403-6210-49901 403-6210-49404 403-6210-42050
W2	Big Creek Dam Project (Formerly "Big Creek Dam Preliminary Design")	11025	403-6210-60100	6,302,583	6,302,583	BFB Water Capital Projects IFA Bridge Loan/Lottery Bond Funds FEMA AA Grant	1,957,583 4,000,000 345,000	403-6210-49901 403-6210-48500 403-6210-42050
W4	WTP Garage and Storage Building Design and construct a 40' X 40" 2 bay garage/storage building with retaining wall	19023	403-6210-75100	250,000	-	Transfer from Water Fund	-	403-6210-49601
W5	Golf Course Drive Water System Improvements Phase 2 Replace water line/Install storm drain wastewater repair/paving	15035	403-6210-75100	59,462	59,462	BFB Capital Projects	59,462	403-6210-49901
W6	Metal Roof for Siletz Pump Station Design, construct and intallation of a metal roof system over existing roof	20013	403-6210-75100	75,000	-	Transfer from Water Fund	-	403-6210-49601
W7	40th Street Pump Station Building Upgrade Lengthen pump station to include enclosed room for generator		403-6210-75100	20,000	-	Transfer from Water Fund	-	403-6210-49601
W8	Pave Parking Lot at WTF Pave the parking area and drive at the water treatment facility	14012	403-6210-75100	10,000	-	Transfer from Water Fund	-	403-6210-49601
W9	Siletz Water Quality Study/Groundwater Monitoring Continuation of previous water quality study with partners	16015	403-6210-60100	9,035	9,035	BFB Water Capital Fund DEQ Drinking Water Grant	9,035 -	403-6210-49901 403-6210-42002
W10	NE 54th PS Replacement Replacement of the NE Water Distribution Pump Station	17020	403-6210-75100	440,177	102,864	BFB Water Capital Project Transfer from Water Fund	102,864 -	403-6210-49901 403-6210-49601
W11	Fiber Installation at NE 71ST Street PS and Tank Install fiber from North Fire Station to NE 71ST Street Pump Station and Tank.	20016	403-6210-75100	9,980	55,000	Transfer from Water Fund 2022 Bonds Proceeds	- 55,000	403-6210-49601 403-6210-49404
W12	Water System Master Plan Update Requirement to update every 10 yrs last update 2010	19022	403-6210-60100	400,000	400,000	BFB Water Capital Projecy SDC Admin ARPA Funds 2022 Bonds Proceeds	150,000 50,000 100,000 100,000	403-6210-49901 403-6210-49253 403-6210-49101 403-6210-49404
W13	Earthquake Actuator Valve at 71st Street Tank Installation of an automatic valve at tank in the event of an earthquake		403-6210-75100	15,000	-	Transfer from Water Fund	-	403-6210-49601

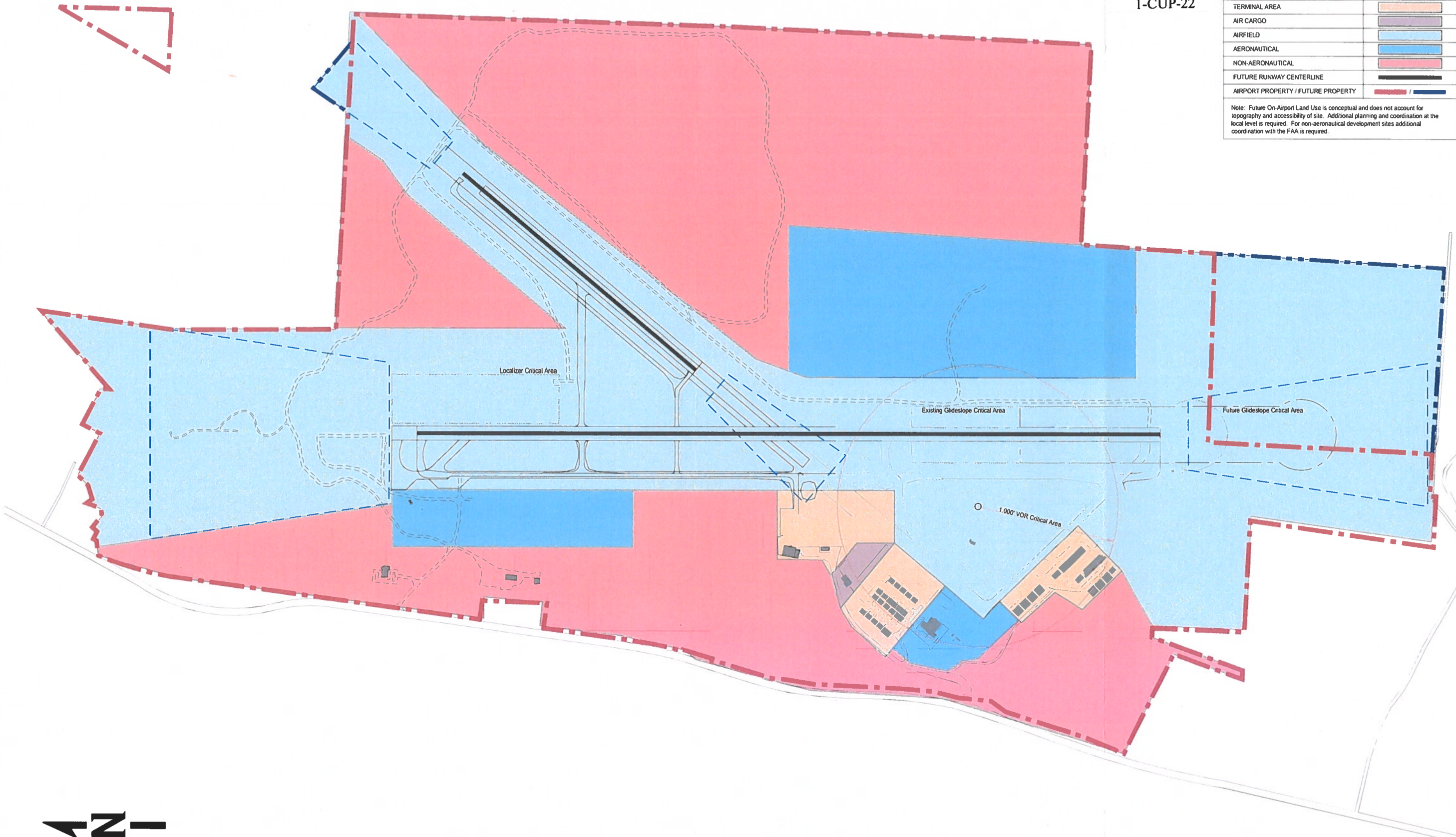
Account No.	Description	FY 2019-2020 Prior Year Actuals	FY 2020-2021 Prior Year Actuals	FY 2021-2022 Current Year Beg. Budget	FY 2021-2022 Current Year Amend. Budget	FY 2021-2022 8 Months Actuals	FY 2021-2022 Fiscal Year End Estimates	FY 2022-2023 Department Request	FY 2022-2023 Proposed Budget	FY 2022-2023 Approved Budget	FY 2022-2023 Adopted Budget
270-9120-90101	TRANSFER TO GENERAL FUND	1,000,000	-	-	-	-	-	-	-	-	-
270-9120-90304	TRANSFER TO DEBT SERVICE-URA	737,000	1,510,000	1,350,000	1,350,000	63,715	1,350,000	1,350,000	1,350,000	-	-
270-9120-90402	TRANSFER TO CAPITAL PROJECTS	1,600,000	25,000	148,300	148,300	111,225	330,246	-	-	-	-
	PP17-Annexation of Unincorporated Pockets in South Beach (22002)							400,000	400,000	-	-
	S5-Building Demolition Reserve -NE Corner 35th and US 101 (17008)							45,000	45,000	-	-
	S20-South Beach Loop Path Improvements							335,000	335,000	-	-
	S21-South Beach Placemaking Improvement Package							250,000	250,000	-	-
	AP4-Automate City of Newport-Seal Rock Water District Intertie to Improve Airport Fire Flows							150,000	150,000	-	-
	AP5-Large Septic Installation at Newport Municipal Airport							565,000	565,000	-	-
270-9120-90404	TRANSFER TO RESERVE FUND	50,000	-	-	-	-	-	-	-	-	-
	TOTAL TRANSFERS TO	3,387,000	1,535,000	1,498,300	1,498,300	174,940	1,680,246	3,095,000	3,095,000	-	-
TOTAL URA-SOUTH BEACH FUND EXPENDITURES & TRANSFERS		3,471,113	1,613,915	1,636,754	1,636,754	232,503	1,766,274	3,233,188	3,234,264	-	-
270-9120-98100	CONTINGENCY ACCOUNT	-	-	1,539,423	1,549,004	-	-	551,622	550,546	-	-
270-9120-99200	UNAPPROPRIATED ENDING FUND BAL	187,211	874,169	-	-	2,852,842	1,423,765	-	-	-	-
TOTAL URA-SOUTH BEACH FUND REQUIREMENTS		3,658,324	2,488,084	3,176,177	3,185,758	3,085,345	3,190,039	3,784,810	3,784,810	-	-

Attachment "K"
1-CUP-22

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\LP\Sheets\0009837W-P-land-use.dwg] [LAYOUT: 15.2 ON-Airport Land Use]

WHPacific
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

P0009837W0009837W-P-LAND-USE

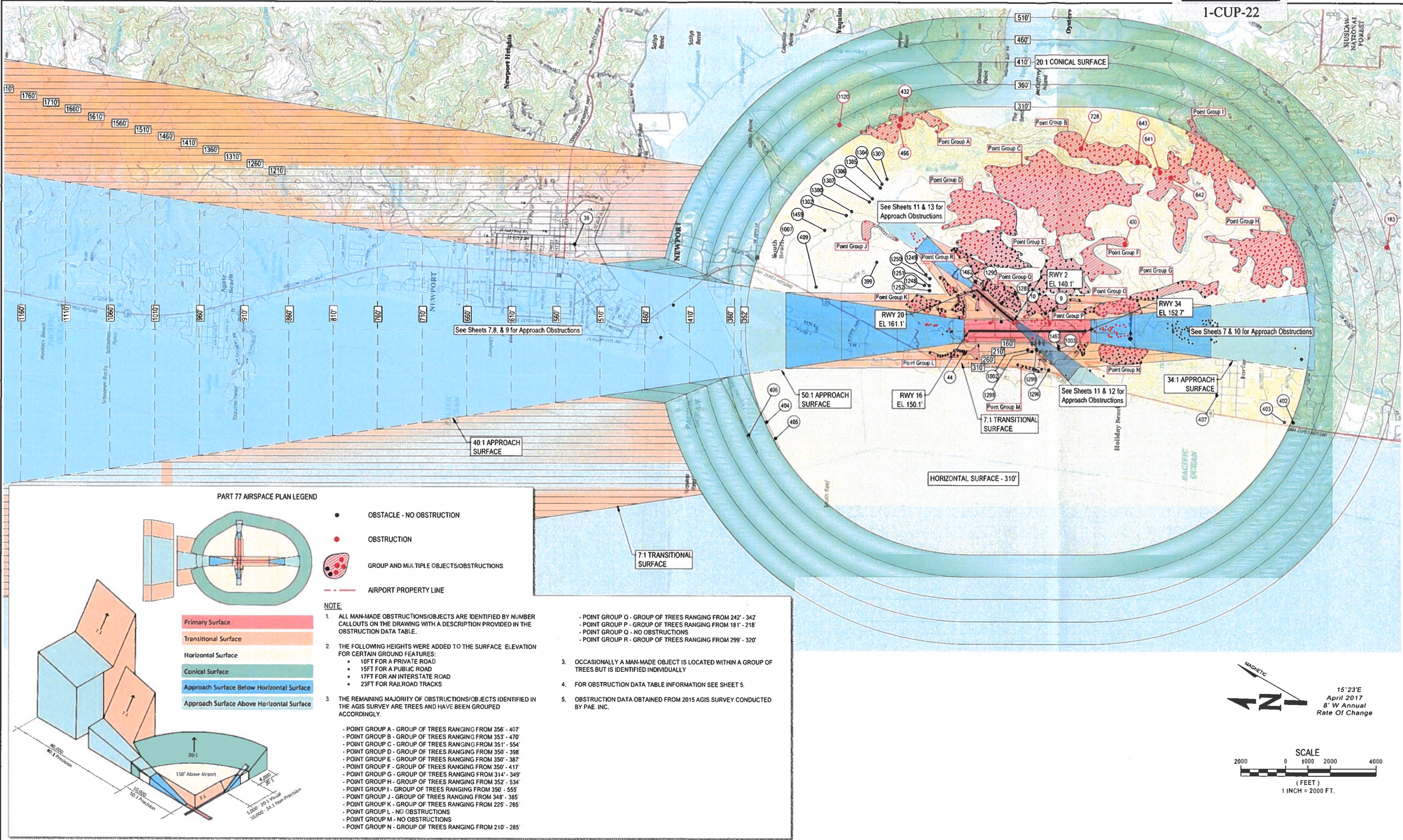
DRAWING FILE NAME

SCALE

NOT TO SCALE

SHEET NUMBER
15.2

DATE: 9/25/2016 10:18 AM [AUTHOR: mdane] [PLOTTER: None] [STYLE: WHP-Standard.ctb] [PATH: P:\City of Newport\0009837W\Drawings\Civil\ALP\Sheets\0009837W-F-part77.dwg] [LAYOUT: 6 Airspace Plan (Part 77)]



WHPacific
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 341-0031-20) 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	
DESIGNED	MD
DRAWN	RI
CHECKED	MD
APPROVED	DN
LAST EDIT	2/2/2018
PLOT DATE	2/2/2018
SUBMITTAL	

REVISIONS				REMARKS
NO.	BY	DATE		

AIRPORT AIRSPACE PLAN (PART 77)

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

PROJECT NUMBER: P0009837W
DRAWING FILE NAME: 0009837W-F-PART77
SCALE: 1"=2000'

SHEET NUMBER
6

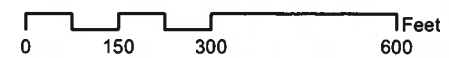


City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365
Phone: 1.541.574.0629
Fax: 1.541.574.0644

McWatkins Airport Commercial/Industrial Site (Water service in blue)

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 completion or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.



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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From: Derrick Tokos <D.Tokos@NewportOregon.gov>
Sent: Wednesday, January 19, 2022 12:50 PM
To: Adam Denlinger <ADenlinger@srwd.org>
Subject: FW: Conditional Use Permit - 7-CUP-21

Hi Adam,

Have you had a chance to take a look at the County's response? Our initial take is that the Animal Shelter will connect to the existing Airport system fed through the master meter.

Our Conditional Use approval criteria require a finding that public facilities, such as the water system, can adequately accommodate the proposed use. Could you provide a brief response to that effect?

Derrick I. Tokos, AICP
Community Development Director
City of Newport
169 SW Coast Highway
Newport, OR 97365
ph: 541.574.0626 fax: 541.574.0644
d.tokos@newportoregon.gov

From: chris dangermondkeane.com <chris@dangermondkeane.com>
Sent: Friday, January 7, 2022 9:14 AM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>; Adam Denlinger (adenlinger@srwd.org) <adenlinger@srwd.org>
Cc: Steve Hodge <jhodge@co.lincoln.or.us>
Subject: Re: Conditional Use Permit - 7-CUP-21

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

From: Adam Denlinger <ADenlinger@srwd.org>

Sent: Thursday, January 6, 2022 9:53 AM

To: Derrick Tokos <D.Tokos@NewportOregon.gov>

Cc: Brad Wynn <BWynn@srwd.org>; Trish Karlsen <TKarlsen@srwd.org>; Brendi Hargrove <BHargrove@srwd.org>; Joy King <JKing@srwd.org>; Adam Denlinger <ADenlinger@srwd.org>

Subject: RE: Conditional Use Permit - 7-CUP-21

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

Hi Derrick,

Thanks for your email,

I'm happy to meet with you regarding this matter, however, next week is busy with some fairly major storm related distribution priorities. So, my availability for a meeting is going to be difficult to schedule at the moment.

Perhaps in advance of our discussion can you please respond to the following questions:

We have reviewed the information provided and after discussions internally the question came up regarding demand for the facility? Generally I don't believe the district will have an issue meeting demand, but can the city/county provide a projected/estimated MDD for the proposed facility?

Also, is this location looking for an independent service from the District? Or, will the new facility be connected to the existing Airport system currently fed through the Airport master meter?

Sorry for any inconvenience Derrick, if you would like to suggest some days/times to meet next week we will do our best to accommodate your schedule.

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
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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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From: Derrick Tokos <D.Tokos@NewportOregon.gov>
Sent: Tuesday, January 4, 2022 5:13 PM
To: Adam Denlinger <ADenlinger@srwd.org>
Subject: FW: Conditional Use Permit - 7-CUP-21

Hi Adam,

Per my voicemail message, attached is a notice of a conditional use application that we received for a new Lincoln County Animal Shelter that will be located on airport property. Would you have some time next week to meet to discuss water service options to this site?

Derrick I. Tokos, AICP
 Community Development Director
 City of Newport
 169 SW Coast Highway
 Newport, OR 97365
 ph: 541.574.0626 fax: 541.574.0644
d.tokos@newportoregon.gov

From: Sherri Marineau
Sent: Monday, January 3, 2022 12:42 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>; Robert Murphy <R.Murphy@NewportOregon.gov>; Michael Murzynsky <M.Murzynsky@NewportOregon.gov>; Joseph Lease <J.Lease@NewportOregon.gov>; Jason Malloy <J.Malloy@newportpolice.net>; Laura Kimberly <L.Kimberly@NewportLibrary.org>; Michael Cavanaugh <M.Cavanaugh@NewportOregon.gov>; Beth Young <B.Young@NewportOregon.gov>; Clare Paul <C.Paul@NewportOregon.gov>; David Powell <D.Powell@NewportOregon.gov>; Aaron Collett <A.Collett@NewportOregon.gov>
Cc: Lance Vanderbeck <L.Vanderbeck@NewportOregon.gov>
Subject: Conditional Use Permit - 7-CUP-21

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing. Please review this information to see if you would like to make any 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.**

Sherri Marineau
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 ph: 541.574.0629, option 2
 fax: 541.574.0644
s.marineau@newportoregon.gov

<image001.jpg>

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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		Gal/Day	Gal/SF/Day
3/30/2010	1,513		11,317.24	Lowest	377.24	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			
	<u>20,310</u>		<u>151,918.80</u>	Gal/Year	Gal/Day/Avg	Gal/SF/Day
					416.22	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 Nelson	Gross S.F.	Walls/Circ.	Sallyport	Net S.F.	Ext. Housing	Attic Mech.
	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	
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".

Sherri Marineau

From: Aaron Collett
Sent: Friday, April 29, 2022 11:05 AM
To: Sherri Marineau
Cc: Clare Paul
Subject: FW: Conditional Use Permit 1-CUP-2
Attachments: File 1-CUP-22 City Dept & Utilities Notification.pdf; File 1-CUP-22 Notice.pdf

Hi Sherri,
 Clare made a couple good points about lack of infrastructure.
 Aaron

From: Clare Paul <C.Paul@NewportOregon.gov>
Sent: Wednesday, April 27, 2022 5:10 PM
To: David Powell <D.Powell@NewportOregon.gov>; Aaron Collett <A.Collett@NewportOregon.gov>
Subject: FW: Conditional Use Permit 1-CUP-2

If you haven't already, one of us should respond to Sherri that there are currently no City wastewater facilities in place and we don't know how they will address their wastewater. The large septic project is not fully underway.

We don't need to deal with water because it is Seal Rock water.

Thanks - Clare

From: Sherri Marineau <S.Marineau@NewportOregon.gov>
Sent: Wednesday, April 20, 2022 4:01 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>; Robert Murphy <R.Murphy@NewportOregon.gov>; Joseph Lease <J.Lease@NewportOregon.gov>; Jason Malloy <J.Malloy@newportpolice.net>; Laura Kimberly <L.Kimberly@NewportLibrary.org>; Michael Cavanaugh <M.Cavanaugh@NewportOregon.gov>; Beth Young <B.Young@NewportOregon.gov>; Clare Paul <C.Paul@NewportOregon.gov>; David Powell <D.Powell@NewportOregon.gov>; Aaron Collett <A.Collett@NewportOregon.gov>; Lance Vanderbeck <L.Vanderbeck@NewportOregon.gov>; Steve Baugher <S.Baugher@NewportOregon.gov>
Subject: Conditional Use Permit 1-CUP-2

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing. Please review this information to see if you would like to make any 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.**

Sherri Marineau
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 ph: 541.574.0629, option 2

fax: 541.574.0644

s.marineau@newportoregon.gov



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Thanks - Clare

From: Sherri Marineau <S.Marineau@NewportOregon.gov>

Sent: Wednesday, April 20, 2022 4:01 PM

To: Derrick Tokos <D.Tokos@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>; Robert Murphy <R.Murphy@NewportOregon.gov>; Joseph Lease <J.Lease@NewportOregon.gov>; Jason Malloy <J.Malloy@newportpolice.net>; Laura Kimberly <L.Kimberly@NewportLibrary.org>; Michael Cavanaugh <M.Cavanaugh@NewportOregon.gov>; Beth Young <B.Young@NewportOregon.gov>; Clare Paul <C.Paul@NewportOregon.gov>; David Powell <D.Powell@NewportOregon.gov>; Aaron Collett <A.Collett@NewportOregon.gov>; Lance Vanderbeck <L.Vanderbeck@NewportOregon.gov>; Steve Baugher <S.Baugher@NewportOregon.gov>

Subject: Conditional Use Permit 1-CUP-2

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Sherri Marineau
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Derrick Tokos

From: Sherri Marineau
Sent: Friday, April 29, 2022 11:13 AM
To: Aaron Collett
Cc: Clare Paul; Derrick Tokos
Subject: RE: Conditional Use Permit 1-CUP-22

Aaron,

I am sharing the comments with Derrick to include with the considerations for the public hearing.

Regards,

Sherri Marineau
City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365
ph: 541.574.0629, option 2
fax: 541.574.0644
s.marineau@newportoregon.gov



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From: Aaron Collett
Sent: Friday, April 29, 2022 11:05 AM
To: Sherri Marineau <S.Marineau@NewportOregon.gov>
Cc: Clare Paul <C.Paul@NewportOregon.gov>
Subject: FW: Conditional Use Permit 1-CUP-2

Hi Sherri,
Clare made a couple good points about lack of infrastructure.
Aaron

From: Clare Paul <C.Paul@NewportOregon.gov>
Sent: Wednesday, April 27, 2022 5:10 PM
To: David Powell <D.Powell@NewportOregon.gov>; Aaron Collett <A.Collett@NewportOregon.gov>
Subject: FW: Conditional Use Permit 1-CUP-2

**THE CITY COUNCIL OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON**

In the Matter of:

APPEAL OF NEWPORT PLANNING COMMISSION'S)	
FINAL ORDER AND FINDINGS OF FACT)	ORDER NO.
APPROVING A CONDITIONAL USE PERMIT)	2022-1
APPLICATION FOR THE LINCOLN COUNTY)	
ANIMAL SHELTER)	

WHEREAS:

A. On December 22, 2021, the City of Newport ("City") received a complete conditional use permit application with an application narrative (titled: Lincoln County Conditional Use Application for an Animal Shelter and Storage Buildings at the Newport Municipal Airport) from Lincoln County for a 12,000 +/- square foot animal shelter and 10,000 +/- square feet of storage to be built on land designated for non-aeronautical use at the Newport Municipal Airport (File No. 7-CUP-21); and

B. The subject site is 5-acres in size and is situated south of Runway 2-20 and the U.S. Coast Guard Station on property owned by the City and identified by the Lincoln County Assessor as Tax Lot 200, on Tax Map 11-11-32-00; and

C. Lincoln County has entered into a non-binding Memorandum of Understanding with the City to lease the 5-acres for the animal shelter project and that document, which indicates the County is responsible for obtaining a conditional use permit for the use, serves as evidence that the City authorized submittal of this application; and

D. Pursuant to Newport Municipal Code (NMC) Section 14.34.030, an application for approval of a conditional use permit is subject to review and approval by the Newport Planning Commission ("Commission") after notice and a public hearing in cases, such as this, where the property exceeds one (1) acre in size; and

E. The Commission held a de novo (full evidentiary) hearing on January 24, 2022 to consider the conditional use permit application and, after taking testimony and considering evidence and information in the record, the Commission closed the hearing, deliberated, and voted to approve the conditional use permit application with conditions; and

F. On February 14, 2022, the Commission adopted a final order and findings of fact approving the conditional use permit application with conditions; and

G. On February 28, 2022, Dan McCrea ("Appellant") appealed the Commission's decision and requested that the appeal be heard "on the record with additional facts." Mr. McCrea attended and provided testimony at the Commission's January 24, 2022 hearing and, therefore, has standing to appeal and the appeal was filed in a timely manner; and

H. City understood Appellant's desire to submit additional facts to be a request for a de novo appeal hearing and, consistent with the process set out in NMC Section 14.52.100, the City Council ("Council") met on March 7, 2022 to decide whether or not the circumstances warranted a de novo appeal hearing or if the scope of review should be limited to the same record of evidence that was before the Commission. After due deliberation, the Council concluded that the appeal hearing would be limited to the same record that was available to the Commission; and

I. Appellant was given until March 14, 2022 to supplement his appeal petition to include references or items in the record to support his arguments and he submitted an updated appeal brief by the deadline; and

J. Lincoln County ("Respondent") was then given until March 21, 2022 to prepare a brief responding to appellant's arguments, and they were also required to correlate their arguments and analysis to information contained in the record. Respondent's brief was submitted by the deadline; and

K. On April 4, 2022 the Council held an on the record hearing where argument was accepted from the appellant and respondent along with comments from staff. Council members had an opportunity to ask questions and, after accepting rebuttal arguments from both parties, the Council closed the hearing, deliberated, and voted to affirm the Commission's decision to approve the conditional use permit application with conditions; and

L. In affirming the Commission's decision the Council made clear that its action was limited to the question of whether or not a limited set of conditional use permit approval criteria had been met, and should not be construed to suggest that the Council would necessarily conclude that it is in the public interest for the City to execute a lease with Lincoln County, which will require a separate decision at a future meeting.

The City of Newport orders as follows:

1. The foregoing recitals are hereby confirmed and adopted as findings in support of this order, along with the supplemental findings of fact attached as Exhibit "A."
2. The Newport City Council hereby enters this final order denying the appeal, and affirming the Newport Planning Commission's decision to approve the conditional use permit application, including the listed conditions of approval, as the City's final decision.

So ordered this 18th day of April, 2022.


Dean H. Sawyer, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

EXHIBIT "A"

Case File No. 7-CUP-21

SUPPLEMENTAL FINDINGS OF FACT

The findings of fact outlined below supplement those made by the Newport Planning Commission in support of its February 14, 2022 decision, and support Newport City Council Final Order No. 2022-1.

1. At issue is a conditional use permit application filed by Lincoln County, by and through its authorized representative Chris Keane, Dangermond and Keane Architecture, on December 22, 2021 for a 12,000 +/- square foot animal shelter and 10,000+/- square feet of storage on land designated for non-aeronautical use at the Newport Municipal Airport. The application was approved by the Newport Planning Commission ("Commission") following an evidentiary hearing on January 24, 2022. The Commission's decision, distilled to writing on February 14, 2022, was appealed by Dan McCrea ("Appellant"), and the Newport City Council ("Council") conducted an "on the record" appeal hearing on April 4, 2022 where it considered appellants arguments and those by M. Gerard Herbage, Assistant Lincoln County Legal Counsel, on behalf of Lincoln County ("Respondent"), before voting to affirm the Commission's decision.
2. At the April 4, 2022 hearing, Appellant argued that Lincoln County, and by extension County staff, lacked standing to act as respondent because the County did not file the permit application. They pointed to the land use application form (Exhibit H-1) which lists Chris Keane, Dangermond and Keane Architecture, as both the applicant and applicant's authorized representative. There is no reference on the application form to Lincoln County. Respondent noted the application narrative submitted with the application form (Exhibit H-2) is titled "Lincoln County Conditional Use Application for an Animal Shelter and Storage Buildings at the Newport Municipal Airport" which makes it clear the animal shelter is a County project and the County is the applicant, as reflected also by County staff participation throughout the process including the Planning Commission public hearing (Exhibit H-19). The City Council is satisfied the County is the applicant and that County staff has standing to act as respondent with respect to the appeal of the Planning Commission decision.
3. Approval criteria for a Conditional Use Permit are listed in Newport Municipal Code (NMC) Section 14.34.050 and 14.22.100(F)(1). They read as follows: (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 area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright; and (5) demonstrate that the uses will not create a safety hazard or otherwise limit existing and/or approved airport uses.

In their briefs, both Respondent and Appellant accept that these are the applicable approval criteria. Other city standards referenced in the Commission's decision, and by the parties, relate back to these five (5) approval criteria and the Council finds that there are no other relevant criteria that need to be addressed with this decision.

4. With respect to the first criterion, that public facilities can adequately accommodate the proposed use, the Council finds that the Commission's decision was supported by evidence in the record. Public facilities needed to serve the animal shelter facility include sanitary sewer, water, streets and electricity, and the parties accepted that this is the scope of public services that must be addressed under this criterion.

a. Appellant's principal argument relates to the adequacy of sanitary sewer service, where he argues that evidence relied upon by the Commission is insufficient to establish that it is feasible a shared sub-surface septic system can be constructed to serve the animal shelter facility. He points to the preferred location of the system, a large grassy area between the two runways, as a location that requires FAA approval, an approval that has yet to be obtained. While the Commission acknowledged that the City is looking to construct a Large On-site Septic System (LOSS) at this location, it did not dictate that it be placed there nor did it rely upon such placement when determining that it is feasible that a septic system could be built to support the animal shelter use. Rather, the Commission found that analysis by the engineering firm Murraysmith (Exhibit H-22 Attachment "K") was sufficient to establish that a LOSS can accommodate the effluent demand from the animal shelter and other airport uses, and that the presence of 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, is evidence that soil conditions are such that it is feasible a LOSS can be built on airport property. It is relevant to note that the FBO, FedEx, and U.S. Coast Guard buildings are all proximate to the proposed lease area, and that those systems could be connected to the LOSS and decommissioned. Further, the record reflects that there is ample land area upon which to place a LOSS, which Murraysmith indicates will require a drainfield that is 1.4 acres in size (Exhibit H-22, Attachment "K"), considering the 273.11 acre size of the airport parent parcel (Exhibit H-22, Attachment "B").

b. With respect to water service, Appellant asserts that it has been a chronic issue at the airport in the past, but provides no evidence to establish that it is inadequate to support Respondent's project. The subject property is within the jurisdiction of the Seal Rock Water District, and the Commission appropriately relied upon Respondent's analysis quantifying the anticipated maximum daily water demand of the proposed animal shelter (Exhibit H-22, Attachment "J"), coupled with correspondence from the Seal Rock Water District, confirming that they can meet the anticipated demand (Exhibit H-22, Attachment "P"), in determining that water service is adequate.

c. Regarding the adequacy of street service, Appellant argues in his petition that it is not adequate because the road serving the proposed lease area must be widened to allow emergency access to the site. The Commission relied upon the presence of that road, an existing 16-foot wide paved driveway, and Respondent's willingness to widen the road to 22-feet from its intersection at SE 84th Street to the proposed animal shelter site, as evidence that street service can be made adequate for emergency responders. NMC 14.34.020(D) requires that a conditional use

application be approved if it satisfies the applicable criteria or can be made to meet the criteria through imposition of reasonable conditions of approval. The Commission's decision, which included a road widening condition, is consistent with this requirement. Appellant, in his brief, also argues that US 101 is inherently unsafe, but failed to provide evidence establishing that to be the case. At the Commission hearing, city staff indicated that the proposed use will not generate enough traffic to warrant improvements at 84th and US 101 where there are existing deceleration lanes for north/southbound traffic. (Exhibit H-19, pg. 5). NMC Chapter 14.45 sets out the City's traffic impact analysis requirements. It provides that an applicant must conduct the analysis if their project will generate 100 PM peak hour trips or more onto city streets such as SE 84th Street (NMC 14.45.010(C)). The Municipal Code further notes that when traffic impact analysis is required, the applicable review process shall be the same as that accorded to the underlying land use proposal (NMC 14.45.040). The underlying land use proposal in this case is the Conditional Use Permit, and given the staff comments at the hearing, noted above, and the fact that traffic impact analysis was not required with the Conditional Use permit application, it is reasonable that the Commission did not assess the adequacy of streets serving the subject site beyond the intersection of the site access road and SE 84th Street.

d. As to the adequacy of stormwater services, Appellant's arguments are directed at the method Respondent will use to manage run-off from impervious surfaces, rather than whether or not the service is adequate. The Commission's decision notes the City requires that development with new impervious surfaces demonstrate storm 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 (Exhibit H-22). The Commission cites to Policy 1, Goal 2, Storm Drainage, in the Public Facilities Element of the Newport Comprehensive Plan, a policy that must be applied directly since it has not been implemented as part of the Municipal Code. Respondent's analysis identified that a 3,075 sq. ft. storm basin is needed for the 51,250 sq. ft. (1.2 acres) of impervious surfaces attributed to the project (Exhibit H-22, Attachment "H"). While this basin size may not exactly comport with what is ultimately needed for a 25-year, 24-hr storm, the Commission found that a 1.2-acre development on a 5-acre site, will leave an ample amount of land area where appropriately sized drainage basins can be built to manage runoff. Appellant takes issue with the use of drainage basins, which will be surface water impoundments that can attract birds and create safety risks to pilots. The Commission acknowledged that the animal shelter site is within the visual approach surface of Runway 2-20, where the Airport Restricted Area Overlay limits individual surface water impoundments to less than ¼ acre in size (ref: NMC 14.22.080(E)) because larger impoundments are a safety risk for the reason noted by Appellant. They then reasonably concluded that it is feasible Respondent will be able to construct one or more storm basins smaller than ¼ acre in size on the 5-acre site given that the amount of water to be impounded is relatively modest relative to the land area available to Respondent to construct the requisite drainage facilities.

e. Appellant acknowledges in his brief that electrical service is available to the airport, but notes that it will need to be extended to the site at an unknown cost. This approval criterion requires the Commission establish that electric service can adequately accommodate the proposed use. It is not an assessment of whether or not Respondent can afford to acquire the service. If it is not cost effective for Respondent to obtain electric service, or to pay for other improvements needed to ensure that public facilities are adequate, then the animal shelter project will not be constructed.

Plans prepared by Respondent show that Central Lincoln PUD, the local electric service provider, has extended power along the access drive to the property such that it is proximate to the proposed development (Ref: Sheet CU-1, Exhibit H-22, Attachment "H"). Respondent acknowledged that they are responsible for ensuring the property is properly hooked up to the electric lines, and it was reasonable for the Commission to rely upon this statement and the plan information to conclude that electric service is adequate to support the project.

5. With respect to the second criterion, that the request complies with the requirements of the underlying zone or overlay zone, the Council finds that the Commission's decision was supported by evidence in the record.

a. Appellant correctly notes that Airport Restricted Area and Airport Development Overlay zones apply to the property and that Respondent is responsible for satisfying the overlay requirements. He then indicates that Respondent failed to satisfy the purpose of these overlays, described in NMC 14.22.010 as follows:

"The purpose of the Airport Restricted Area and Airport Development Zone 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."

Most of Appellant's arguments relate to this purpose statement. He argues that animals and aircraft are inherently incompatible; that the location selected for the shelter will place pilots, workers, volunteers, and the public at risk of a plane collision; that constructing buildings at this location deprives planes of an emergency landing space; and that birds attracted by the stormwater basins will create safety hazards for pilots. Collectively, appellant asserts that these factors fail to promote air navigational safety or reduce potential safety hazards for persons living, working, or recreating near the airport in violation of NMC 14.22.010.

In making these arguments, Appellant misconstrues the purpose language to be open ended where he or a policy making body can hold an applicant to whatever compatibility or safety standard they wish to assert. The plain language of the purpose statement demonstrates that this is not the case. The language states that the purpose of the 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." It is only the compatibility and safety standards spelled out in NMC Chapter 14.22 that Respondent is required to meet, and the Council is satisfied that they have been adequately addressed in the Commission's decision.

b. The Airport Development Zone Overlay limits the range of uses permitted within its boundaries, replacing those otherwise identified as permitted uses in the underlying zone (NMC 14.22.100(D)). Non-aviation related uses, such as an animal shelter, are permitted in areas designated for non-aeronautical use subject to conditional use approval (NMC 14.22.100(E)(5)), and the record shows that the proposed lease area is designated for non-

aviation related use (Exhibit H-22, Attachment "M"). Appellant argues that the location where the animal shelter is proposed is an inherent safety risk to both pilots and building occupants because it is located within the Runway 2-20 visual approach surface. The Commission considered Appellant's argument and found that the question of what is or isn't a compatible use of the subject site had been answered with the adoption of the 2018 Airport Master Plan and its implementing provisions in the Newport Municipal Code. The Commission was correct in taking this stance, and in its view that had the area where the animal shelter is proposed been viewed as an inherent safety risk to new development then it would not have been designated as being appropriate for non-aviation related uses, or the list of permissible uses within the Airport Development Zone Overlay would have been significantly pared back. Given that is not the case, the Council is satisfied with the Commission's determination that placement of the animal shelter at the subject site does not, in of itself, constitute a safety hazard because it is identified as a permitted conditional use at that location provided the safety and compatibility standards in NMC Chapter 14.22 are satisfied.

c. The conditional use process is a mechanism for ensuring safety and compatibility standards are met, or can be met through the imposition of reasonable conditions of approval. One such safety standard is a height limitation that prohibits new development or vegetation from penetrating airport imaginary surfaces, the relevant one in this case being the visual approach surface for Runway 2-20. New development or vegetation that penetrates a visual approach surface is a safety risk to planes, whereas development or vegetation below the visual approach surface is not considered an aviation related safety risk. In rendering its decision, the Commission appropriately relied upon map and profile drawings in the 2018 Airport Master Plan (Exhibit H-22, Attachment "Q") and Respondent's scaled elevation drawings (Exhibit H-22, Attachment "H") to establish that the new animal shelter and storage buildings will be situated below the visual approach surface. It was also reasonable for the Commission to impose a condition of approval requiring Respondent provide a landscape plan with the building permit since the peak height at maturity of various tree species is typically well understood and documented such that City staff can verify that the plantings will not eventually penetrate the visual approach surface.

d. NMC Section 14.22.080, Land Use Compatibility Requirements, sets out the specific compatibility standards that Respondent was required to address. They include limitations on the use of outdoor lighting to prevent such lighting from imitating or impeding the ability of pilots to distinguish between airport lighting and other lighting (NMC 14.22.080(A)); a prohibition on glare producing materials that could impede a pilot's vision (NMC 14.22.080(B)); and a prohibition on water impoundments ¼ acre or more in size on lands within 5,000 feet from the end of a runway within an approach surface (NMC 14.22.080(E)). This is due to the risk of impoundments attracting birds. The Commission addresses each of these criteria in the decision, and has imposed reasonable conditions of approval to ensure that they are fully complied with through the building permitting process. Compatibility standards that were not addressed by the Commission, including uses with industrial emissions that could obscure visibility within airport approach surfaces (NMC 14.22.080(C)); communication and related facilities that could cause or create electrical interference with aircraft navigational signals or radio communications equipment (NMC 14.22.080(D));

prohibited uses within runway protection zones to avoid conflicts with aircraft departing or landing at the airport (NMC 14.22.080(F)); and limitations on landfills, another use that attracts birds, were clearly unrelated to Respondent's project and; therefore, it was not necessary for the Commission to address them. The 2018 Airport Master Plan On-Airport Land Use Map (Exhibit H-22, Attachment "M") illustrates that the subject site is not within a runway protection zone.

e. Appellant does not assert that there are overlays other than the Airport Restricted Area and Airport Development Zone Overlays that apply to the project or that the project failed to satisfy requirements of the underlying zone, and the Council finds that there are no additional provisions of the underlying zone or overlay zones that Respondent was required to address in order to demonstrate compliance with this criterion.

6. With respect to the third criterion, 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 Council finds that the Commission's decision was supported by evidence in the record.

a. Appellant argues that dog barking attributed to the animal shelter is likely to be exacerbated by helicopter/airplane noise, startling dogs and causing excessive barking. He then argues that the barking will contribute to a cumulative level of noise that results in an adverse impact greater than existing uses on nearby properties. This criterion is not directed at cumulative impacts of a proposed use in conjunction with nearby uses. Rather, it requires a finding that the proposed use, in of itself, will not result in an adverse impact greater than existing uses on nearby properties. Consequently, it was appropriate for the Commission to limit its evaluation to impacts that can be reasonably attributed to the animal shelter use. The Commission found that Respondents plan to partially soundproof the animal shelter building, in conjunction with its isolated location and the substantial vegetated buffer between the shelter location and nearby residences, is sufficient to ensure that noise from the animal shelter will not result in an adverse impact greater than existing uses on nearby properties. That finding is supported by evidence in the record included as attachments in the Commission's decision (Exhibit H-22). The record further reflects that existing uses on nearby properties, an airport and US 101, are also noise generators and it is reasonable to conclude that noise from the shelter will be no greater than noise generated by those uses, particularly US 101 which is closer to established residential uses.

b. Appellant further argues that a subsurface septic drainfield will result in bacteria in the grass that will attract birds creating a safety risk to pilots; that the addition of 20,000 square feet of buildings with relatively low roof pitches and overhangs will increase bird roosting, resting, and nesting habitat; and that allowing the Respondent to plant trees in cleared portions of the proposed lease area will allow them to grow to the point that they are a safety hazard. He does not relate these arguments to this approval criterion, and the Council does not find them to be relevant to this criterion. Additionally, as discussed earlier, the City' consideration of compatibility and safety standards attributed to Respondents project are limited to those outlined in NMC Chapter 14.22. Bacterial impacts of septic drainfields, the nesting habits of birds on buildings with low pitched roofs, and the introduction of landscaping that will not grow to the point that it breaches a runway approach surface, are not among the listed compatibility and safety standards.

7. With respect to the fourth criterion, a proposed building or building modification is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright; the Council finds that the Commission's decision was supported by evidence in the record.

a. Appellant's arguments in his brief and at the appeal hearing speak to compatibility and safety of the proposed use, and alternative uses that might be more appropriate at this location. These arguments do not relate to this approval criterion, which is focused on the compatibility of the proposed animal shelter and storage buildings with the overall development character of the area relative to building size and height. It was reasonable for the Commission to define the development character of the area to be the leased private airplane hangars and other buildings at the airport given the proximity of the proposed lease area to those buildings. They then compared Respondent's proposed architectural elevations (Exhibit H-22, Attachment "H") to existing airport buildings, noting that the size of the shelter and storage structures, palette of likely exterior materials, and the single-story pitched roof characteristics of the proposed buildings is consistent with the size and height of structures elsewhere at the airport. The Council concurs with the Commission's reasoning in this regard.

8. With respect to the fifth and final criterion, that an applicant demonstrate that proposed uses will not create a safety hazard or otherwise limit existing and/or approved airport uses; the Council finds that the Commission's decision was supported by evidence in the record.

a. There are two components to this criterion. First, will the animal shelter use create a safety hazard for existing and/or approved airport uses and second, will the animal shelter use otherwise limit existing and/or approved airport uses. It was reasonable for the Commission to concur with Respondent that the topographically isolated location of the proposed lease area, coupled with the single-story nature of the proposed buildings, would allow the shelter to operate without limiting existing or approved airport uses. Evidence in the record illustrates that the lease site is roughly 13-feet below the runway/taxiway surfaces and about 350-feet from the closest taxiway (Exhibit H-22, Attachment "Q"). Additionally, it has been established that the height of the single-story buildings will not protrude into the visual approach surface of Runway 2-20, which is a threshold for establishing whether a building will be close enough to flying aircraft that it constitutes a safety hazard. The Commission further reasonably relied upon testimony from the Airport Committee who conveyed support for the animal shelter project moving forward, considering that the Committee represents pilots and other interests at the airport, (Exhibit H-18).

b. The Airport Committee expressed a concern that large animals boarded at this location could create a safety hazard to airport uses because they might be frightened by aircraft noise and break through the perimeter fence surrounding the airport operation area. Appellant echoed this concern. Respondent has advised that it is not their intent to board large animals at this location, but that there may be a need in the event of an emergency. The Commission concurred with the Airport Committee and Appellant that boarding large animals at this location, outside the shelter on the undeveloped portion of the lease area, could create a safety hazard of the type described. They were also sensitive to the needs of the County and broader community to accommodate displaced animals during an emergency. The Commission noted that should a state of emergency be declared, then additional resources would be brought to bear by federal, state, and/or local

authorities to address the issue, and that associated planning and logistics might leverage or at least take into consideration airport operations given the location of the shelter. It is evident in this analysis that the Commission carefully weighed the arguments and evidence and that their ultimate decision, with a carefully crafted condition to narrowly define the scope of what constitutes an emergency where the boarding of large animals would be permissible, reasonably mitigates the concerns raised by the Airport Committee and Appellant.

9. In their response brief, Respondent takes issue with information contained in Appellant's appeal petition that they believe to be new "evidence" that was not in the record before the Planning Commission. This includes a conversation Appellant indicates that they had with Warren Ferrell and Valerie Thorsen from the FAA Flight Standards District Office regarding septic, storm drains, water impoundments and safety concerns; discussion on the amount of funds that the Newport Municipal Airport has to provide for infrastructure; more specific discussion on Animal Shelter and Airport budgets; information regarding the FAA 163 letter and FAA Advisory Circular 150/5200-33C; assertions related to the impact that Jet A fuel exhaust has on animals; reference to studies about dogs and stress and the International Five Freedoms for Companion Animals in care standards; and data on planes using the airport, and airport safety statistics. Respondent is correct that this information is not in the Planning Commission record. The referenced documents were not provided to the Planning Commission, and no one cited these conversations, data, or related information in their arguments so that members of the Commission could respond to them. Accordingly, the City Council has not relied upon this information in determining whether or not the conditional use permit approval criteria have been met.

APPENDIX B—FIRE-FLOW REQUIREMENTS FOR BUILDINGS

TABLE B105.1(2)
REFERENCE TABLE FOR TABLES B105.1(1) AND B105.2

FIRE-FLOW CALCULATION AREA (square feet)					FIRE FLOW (gallons per minute) ^b	FLOW DURATION (hours)
Type IA and IB ^a	Type IIA and IIIA ^a	Type IV and V-A ^a	Type IIB and IIIB ^a	Type V-B ^a		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	3
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	4
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895 kPa.

a. Types of construction are based on the *International Building Code*.

b. Measured at 20 psi residual pressure.

TABLE B105.2
REQUIRED FIRE FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>International Fire Code</i>	25% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>International Fire Code</i>	25% of the value in Table B105.1(2) ^b	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire flow shall be not less than 1,000 gallons per minute.

b. The reduced fire flow shall be not less than 1,500 gallons per minute.



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Airport Transitional Surface Map

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

0 200 400 Feet



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