



PLANNING COMMISSION REGULAR SESSION AGENDA

Monday, June 12, 2023 - 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 Erik Glover, City Recorder at 541.574.0613, or e.glover@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: Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Marjorie Blom.

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Work Session Meeting Minutes of May 8, 2023.

[Draft PC Work Session Minutes 05-08-2023](#)

2.B Approval of the Planning Commission Regular Session Meeting Minutes of May 8, 2023.

[Draft PC Reg Session Minutes 05-08-2023](#)

2.C Approval of the Planning Commission Work Session Meeting Minutes of May 22, 2023.

[Draft PC Work Session Minutes 05-22-2023](#)

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 4-CUP-23 / 2-ADJ-23: Conditional Use Permit for Samaritan Drug and Alcohol Rehab Offices.

[Staff Report](#)

[Attachment A - Application Form](#)

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

[Attachment C - Lincoln County Assessor Map](#)

[Attachment D - Application Narrative](#)

[Attachment E - Site Plan and Elevation Drawings, Clark/Kjos Architects, LLC, dated 5/5/23](#)

[Attachment F - Public Improvements Plan and Details, Devco Engineering, dated 4/19/23](#)

[Attachment G - Zoning Map of the Area](#)

[Attachment H - Terrain and Utility Map of the Area](#)

[Attachment I - Public Hearing Notice](#)

[Public Comments](#)

[High Resolution Image of Site Plan, Entrance & Courtyard Drawings](#)

[Susan Hogg Public Testimony Presented at Hearing](#)

5.B File 2-VAR-23: Sign Variance for Port of Newport, Port Dock 1, on Behalf of the Newport Sea Lion Foundation.

Staff Report

Attachment A - Application Form

Attachment B - Applicant's Narrative

Attachment C - Lincoln County Property Record Card

Attachment D - Record of Survey No. 11713

Attachment E - Illustration of the Size and Location of the Freestanding Sign

Attachment F - Public Hearing Notice

Janelle Gopen Email with Previous Sign Photo

5.C File 6-Z-22: Amendments to NMC Chapter 14.11 Related to Multi-Family/Commercial Trash Enclosure Standards.

Staff Report

Attachment A - June 9, 2023 Mark-up of Revisions to NMC Chapter 14.11

Attachment B - Draft Thompson's Sanitary Solid Waste Plan Guide & Enclosure Standards

Attachment C - Minutes from the 11/28/22, 5/8/23, and 5/22/23 Commission Work Sessions

Attachment D - Email Confirmation of 35-day DLCD PAPA Notice

Attachment E - Published Public Hearing Notice

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
May 8, 2023
6:00 p.m.

Planning Commissioners Present: Bill Branigan, Bob Berman, Braulio Escobar, Jim Hanselman, Marjorie Blom, and John Updike (*by video*).

Planning Commissioners Absent: Gary East (*excused*).

PC Citizens Advisory Committee Members Present: Dustin Capri.

PC Citizens Advisory Committee Members Absent: Greg Sutton.

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

1. **Call to Order.** Chair Branigan called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **Review Draft Multi-Family/Commercial Solid Waste and Recycling Enclosure Standards.**
Tokos reviewed the staff memorandum. He noted that there would be a hearing held for the draft standards on June 12th. Tokos reviewed the additions to Chapter 14.11.60 for the solid waste and recyclable enclosure and access requirements. He noted the changes were to address the baseline standards the city wanted to have in place to be able to address situations such as the Surf View Village apartments where they have a large number of buildings and only had one trash enclosure. There were ADA requirements for accessible buildings to make the trash enclosures accessible. Berman asked if the Surf View apartments were designed as accessible even though they didn't have elevators. Tokos explained they had accessible units on the ground floor. They were not required to make all units accessible, they were only required to have a percentage of their units accessible. Also, accessibility was not limited to multifamily. Employees who had mobility issues needed to be thought of in this context as well.

Branigan asked if yard waste or compostable waste needed to be spelled out in "B.2" where it referenced having accommodations for solid waste and recycling. Hanselman questioned if Thompsons only provided composting for residential. Tokos would talk to Thompsons about this. Berman thought it was a good idea to include it.

Berman asked if the listed types of buildings under "A" were defined in the code. He also thought public buildings should be included in the list. Tokos explained that public buildings were typically institutional. He thought they could frame it as multifamily and commercial, and say any building subject to the Oregon Structural Code. Berman noted that the city should be involved with the alternative approach for "Applicability."

Capri asked about the 6-foot height requirement for enclosures in section B.1, and noted that Newport didn't allow fences in front yards to be over three feet. Tokos noted that they typically wouldn't have

enclosures in the front yards of multifamily units. He would clarify this because fences were different from enclosures.

Escobar questioned why there would be a need for the city to then intervene in the collection of trash if a developer and the trash service provider reached an agreement as to an alternative to what was proposed in the code. Berman thought the principles could change and having a quick review by the planning department would guarantee that the alternative solution conforms to all the requirements. Escobar thought if they knew the rules and reached an accommodation, why should they add another layer of bureaucracy or a barrier when the two parties had an agreement. Berman thought it was important for the city to sign off on this. Then, if they were to vary from the code and provisions of the ordinance, the city would at least be aware of the agreement and sign off on it. Tokos didn't have a problem with the city signing off on this. Updike asked if there would be a clear path to resolve things if the city said no to the alternative. Tokos explained they needed to be clear on the reasons why the city didn't sign off on it. This was a discussion point about the adjustments that would need to be made so the sign off could happen. Escobar thought there needed to be a written alternative added to the file. Tokos said the expectation would be that they had the documentation. Berman asked if this would be determined prior to a plan review. Tokos explained it would be a part of the plan review. Berman thought the city should have to agree on the adjustment. Hanselman agreed that the city needed to be aware of what the plan was. Capri suggested that trash enclosures not be located in the front of the property and the street. Escobar reminded this was brought forward by Thompsons and he didn't see a scenario where they wouldn't sign off with a developer on something that was strongly adverse to what the city was trying to propose. He thought the rules needed to be clearer without being overly burdensome. Escobar thought that if Thompsons and the developer came to an agreement and the agreement was provided and reviewed by the city, this should be enough rather than requiring a formal approval from the city. Tokos was okay with administrative sign off from the city. They couldn't think of every circumstance when dealing with different terrains and issues for each location, and it was important to have an outlet. Tokos didn't think the Commission would want to see adjustments come to them for trash enclosures approvals. He thought it would be fine to put in language that said they had the agreement in writing that was signed off by the provider and the city.

Tokos discussed trash receptacles and noted they wanted to make sure the enclosure requirements and access were generally addressed under guidelines. They wanted to avoid determining how much space somebody would need. The city's interest was to ensure that the enclosures could house the receptacles, and to make sure there was two feet of clearance when they were going to have dumpsters or a compactor.

Tokos reviewed the gate opening requirements. Branigan asked if they needed to specify depth. Tokos thought if they had two feet of clearance around the drop box it would determine what the size of the opening should be. He had a problem with specifying dimensions because of the variety of different ways to configure the handling of waste. Berman noted that the two sample codes they looked at required some sort of latching on the gate and thought that was a good idea to add this because the amount of wind in Newport.

Tokos reviewed the drop box and compactors requirements. He then reviewed the access standards. Branigan asked if someone could put the enclosure within six feet of the property line or if it could be right up to the property line. Tokos reported they could put it up to a property line. If it was in a front yard, there were reduced height allowances for fences to make sure people could see. Tokos noted that care would need to be taken if they were in a front area. He would make it clear that dumpsters were not subject to building setbacks because setbacks were for buildings that were occupied. Dumpsters weren't occupied. Berman noted one of the model codes went into detail on roofs and asked

if they should consider them for enclosures. Capri thought roofs were hard to design because they could turn into kites and it was hard to hold them down in the wind. Tokos reminded that Thompsons had the expertise in dealing with water saturation for their drop boxes and they may have some thoughts on this.

Tokos reviewed the accessible pedestrian routes standards. He shared an aerial image of the Surf View Village apartments and the locations of their trash enclosure. Blom asked if there were requirements to say how many trash enclosures they were required to have based on the number of buildings. Tokos explained it was up to the developer to determine how many they had. He was trying to avoid having to calculate the number of enclosures a developer needed based on their anticipated needs. Tokos would rather it say they have an enclosure within 150 feet from accessible buildings. Berman pointed out the language said within 150 feet from the entrance of an accessible building and asked how that would work when each of the Surf View buildings had three entrances. Tokos suggested changing it to say the nearest accessible entrance. Hanselman asked if the distance should be set from the accessible rooms. Tokos noted he didn't have many examples of how the distance was set in the other codes, and he would check with Thompson on this. Berman thought it needed to be more specific and should be from any accessible unit. Tokos was concerned that doing that would mean the site would be loaded up with enclosures. Escobar asked what the rationale was to include the language on the distance from the apartment to the dumpster. Tokos explained that in the Surf View Village configuration the enclosure was too far away from it to be functional for a number of the residents. Capri noted that the ADA standards from the Department of Justice only states that there needed to be a clear floor area in front of trash enclosures and didn't state anything about proximity.

Tokos asked if the Commission was generally comfortable with the standards. Berman stated he understood the intent for this, and noted that if someone was looking to circumvent this they would have to work it out with Thompsons and the city. Tokos said he could talk to Thompsons about the 150 foot distance and tying it to the accessible pathway provisions. He hoped the Commission could initiate the legislative process for this at their regular session meeting. Escobar asked what the people who had accessibility issues were doing with their debris who weren't using the dumpsters. Tokos reported that Thompsons had a number of photos showing where trash wasn't being hauled all the way to the compactor. He thought that part of this was a management problem at the complex and the other was about people generally not using the compactor because it was too far away from a number of the units. Tokos liked tying this to accessibility because it forced the developer to think about where they placed their accessible units relative to their trash enclosures. Hanselman saw developments that had large waste stations near their entrances. This made it easy for people to take their trash out when they left their apartments, and helped the developments from being trashed. Tokos reminded that the city couldn't regulate on the management side. Hanselman noted if it wasn't convenient for people they wouldn't use them.

B. Continued Discussion about Updating Special Parking Area Requirements for the Bayfront.

Tokos reported a number of cities had eliminated off-street parking minimums altogether, particularly in commercial core areas where public parking was available and they have transitioned to demand management. He noted that another approach used was to eliminate off-street parking for development under a certain demand threshold. Tokos reviewed the areas on the Bayfront where redevelopment opportunities existed. He explained that some of the sites were large enough to accommodate a substantial amount of development whereas others were more modest in size. The Commission was considering whether or not off-street parking requirements should be kept in place for more intensive use. Building size could be a factor; however, parking demand attributed to spaces varied significantly depending upon the use. The City could use its existing parking ratios, and set a demand threshold above which off-street parking would be required. Relieving private property owners from existing

off-street parking requirements was another factor, as several of the redevelopment opportunities were currently developed as private parking lots.

Berman asked if the requirements would be retroactive, and if the existing businesses that were currently subject to providing off street parking could get rid parking when they expanded their building. Tokos confirmed this was the concept. Berman asked if this meant there would be fewer parking spaces on the Bayfront. Tokos noted there would be circumstances where this would happen. He noted some developers would argue why they were being asked to provide parking when 80 percent of the businesses down there provided zero parking. Berman asked if this were to go through, would it mean the new Hotel wouldn't have to provide any parking. Tokos said that was true, but noted that a new hotel would want to provide parking for their guests. The thought was when development happened, the developers would provide parking where it was necessary.

Tokos reviewed the locations of parking areas on the Bayfront that could be developed if there were reduced parking requirements. He noted they could put in place carpool/vanpool requirements for employers over a certain size to provide this option. They needed to think about what they could rationally do in terms of a reductions. The Commission could do a reduction of the existing parking ratios by looking at what they had in terms of public parking to try to correlate it. Capri thought that if there wasn't a hard elimination of parking on the Bayfront, the problem with parking would be about the access to parking spaces. When they put in curb cuts and drive aisles they took up access to parking spaces and added to the volume of parking in the lots on the Bayfront. Capri thought the perceived lack of parking on the Bayfront was because the lots are already full with shift workers parking there because it was convenient for people to park and leave their cars. Tokos reminded that this was a tradeoff that they were looking to put in place because they would be metering and permitting these areas. This would influence the behavior and improve turnover rates.

Berman asked what the Commission needed to do. Tokos said they needed input from the Commission on if they wanted to see two or three different options on how to structure this, and then they could pick one. Berman thought that made sense. Capri pointed out the point of the reduction was that the lots that were already developed were too small to develop and put any buildings on them. Tokos noted they could do a straight percentage reduction, or an elimination for development up to a certain scale or intensity. Capri thought that was fair. Tokos thought the trick was coming up with a threshold that made sense. They might have to do an assessment on a number of the undeveloped properties and figure out how they could reasonably be redeveloped. Blom asked if one of the goals was to see the Bayfront being developed. Tokos thought the objective was to see robust development and redevelopment on the Bayfront. Hanselman asked if metering changed the number of daily round trips that were used to establish the parking requirements for some businesses. Tokos explained it didn't change the parking ratios because it related to the increase in the turnover rate on the utilization of the stalls. He thought the argument for eliminating the parking requirements wasn't to try to figure out what the appropriate reduction was because the figures would be incredibly wrong. Tokos thought they should focus on the meter permit program. If the program wasn't functioning and getting the turnover they wanted they could adjust the pricing or the hours for parking. Berman thought the argument was that if the development needed parking they would put it in. Tokos said this was a reasonable and rational way to approach this. Berman expressed concerns that permits would be bought up by employers and their staff would take up all of the parking spaces. Capri pointed out there were only two lots that could be developed on the Bayfront that would actually have a traffic generating requirement and would be able to do off street parking. Berman reminded they couldn't make the distinction to eliminate it for the little guys and retain it for the larger ones. Capri liked the idea of looking at what the development was going to generate and then base the number of off street parking spaces they needed to provide. Updike agreed with finding a threshold such as trip generation

for smaller ones and then making that threshold big. He thought they wanted to encourage the small mom and pop developments, and this was how to do it. Updike thought that if the parking management program wasn't working they could adjust the way they wanted to do things.

2. **New Business.** None were heard.
3. **Adjourn.** The meeting adjourned at 7:08 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
May 8, 2023

Planning Commissioners Present: Bill Branigan, Bob Berman, Jim Hanselman, Braulio Escobar, John Updike (*by video*), and Marjorie Blom.

Planning Commissioners Absent: Gary East (*excused*).

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

1. **Call to Order & Roll Call.** Chair Branigan called the meeting to order in the City Hall Council Chambers at 7:09 p.m. On roll call, Commissioners Branigan, Berman, Hanselman, Escobar, Updike, and Blom were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work Session Meeting Minutes of April 24, 2023.**

MOTION was made by Commissioner Berman, seconded by Commissioner Hanselman to approve the Planning Commission Work Session meeting minutes of April 24, 2023 with minor corrections. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of April 24, 2023.**

MOTION was made by Commissioner Berman, seconded by Commissioner Hanselman to approve the Planning Commission Regular Session meeting minutes of April 24, 2023 as written. The motion carried unanimously in a voice vote.

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

4. **Action Items.**

A. **File 2-CUP-23: Final Order and Findings South Beach Church Conditional Use Permit.**

MOTION was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Final Order and Findings of Facts for File No. 2-CUP-23 with conditions. The motion carried unanimously in a voice vote.

B. **File 1-CP-21, Action on Recommended Housing Production Strategies.**

Tokos reviewed the staff memorandum concerning the Housing Production Strategies (HPS) report. He reported that there were around 49 people who attended the in person open house. The meeting included a live polling element. The polling results made it obvious what the public's highest priorities were. Tokos noted the report would go to the City Council on June 15th and they

would adopt the HPS by resolution. He pointed out this was a flex document that could be adjusted over time. Tokos ran through the summary and asked the Commission for their thoughts on what they wanted to share with the City Council.

Berman asked if there was any effort to make the revitalization in the City Center more affordable. Tokos explained it depended on the project, but there were opportunities to get affordable housing with a percentage of the units being available at 60 percent to 80 percent median area income. Berman asked what the 120 percent of the median sales price was. Tokos thought it was in the \$400,000 range.

Tokos went over the strategies to reduce housing development barriers; to allocate CET funds to support affordable housing development; and to lobby the legislature for support of housing development and remove regulatory barriers. Berman asked if the City Council hired someone to do the lobbying for Newport. Tokos reported the Council had a lobbyist they worked with for the dam and new reservoir. Newport had lobbyist at the federal and state levels that they would hire. Tokos noted that the Council used the League of Oregon Cities, and also engaged state representatives directly.

Tokos reviewed the strategy to participate in the regional homelessness action plan and establish a low barrier emergency center. He reported that currently the Council and the County provided money to Grace Winds for hotel voucher funds. The Episcopal church wanted to rally the community to do rotating warming centers. They needed at least four churches onboard to do this to make it work. Berman asked if the recreation center could be a warming center. Tokos reported they thought about it, but because of the other uses at the center they never went down that path.

Tokos reviewed the support of a regional housing entity focused on low- and moderate-income housing; participating in a regional homeless plan; paying system development charges for workforce housing; partnerships with Community Land Trusts; supporting outreach in education to promote equitable housing access; pursuing a UGMA with the County; and researching a rental housing maintenance code feasibility. Escobar was concerned that there were already safeguards built into the statutes for renters. Landlords were already required to have habitable dwelling units, which were clearly defined as having adequate water, sewage, eating, garbage disposal, and roofs. These were already addressed in the state statutes. Escobar thought that if they were going to add another layer here, someone would have to fund it. If the landlords had to fund it they would want to increase their rents. Escobar didn't see it being a pressing need compared to finding housing for people. Tokos noted this wasn't a commitment to do anything, it would be looking at the feasibility to do a program and research what would be involved with doing it so policymakers could weigh whether or not they wanted to do it. Berman asked if part of it would be an assessment of existing rental housing conditions. Tokos thought that doing that in of itself would be a huge time and resource step. A cursory one could be done to look at the data perspective and find the number of multifamily units and determine which ones were built before 1970 to find the age of the rental stock. Berman asked if rental housing was subject to Fire Department inspections. Tokos reported the larger multifamily units were. They wouldn't look at one and two family rentals because they didn't even know where they existed. Escobar noted the legislature was considering bills to address rental control to limit the amount of rent increases, and to modify the eviction process. He wondered if some of these issues were already being considered at the state level. Tokos thought this would be something to pass along to the Council to ask them be cognizant of what might be coming through the legislature when they looked at the issues. What the legislature did could significantly influence this on a number of fronts.

Tokos stated that what he was hearing from the Commission was there were some concerns on strategy “M” to research a rental housing maintenance code feasibility, and a request to be cognizant of what might be coming down the pipe from the legislature. Updike thought for “M” rather than beefing up the code they could provide better access to advocacy for tenants on how best to advocate for their needs. This would be a matchmaking between tenants and resources that could help them force a landlord to do the right thing, and would be a lot less expensive than a maintenance code team. Tokos reported he had heard concerns from existing property owners who owned multifamily properties that the rules were getting such that they weren’t really interested in continuing to own multifamily property. This was because they were having to be so accommodating to tenants, including those that were no longer paying their rent, for example. It was no longer attractive to have multifamily as an investment and owners wanted to get out of those properties.

Tokos would summarize what the Commission’s thoughts were and provide it in a staff report to the City Council.

C. Initiate Legislative Amendments for Multi-Family/Commercial Trash Enclosure Standards.

MOTION was made by Commissioner Escobar, seconded by Commissioner Berman to initiate the legislative amendments for multi-family/commercial trash enclosure standards. The motion carried unanimously in a voice vote.

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

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

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

8. **Director Comments.** Berman asked if the appeal for the hotel on the Bayfront would be limited to the record without having any addition public testimony. Tokos explained the way the code worked was the appellant would have their opportunity to make their case on the record, staff would provide a staff report, and then the Council would deliberate. Berman asked if Tokos would present the staff report. Tokos would be presenting this as the nature of the Planning Commission’s decision, and go through what the rationale was on the one particular issue, and go over thing that were in play with the conditional use criteria so the Council had the full context of the whole package. If there were any issues in the appellant’s support brief that the City Attorney believed the Council couldn’t consider, he would point this out to them. Berman asked if staff would present the rationale for why the Commission could have approved this based on the buildings that weren’t there anymore. Tokos explained he would go through the Commission’s decision to not grant the adjustment for the parking. Because the adjustment for parking was denied, he would talk about what the standards were so the Council understood everything and had the full context of what the entire permit package was. Escobar asked if the Commission could review the staff report before the Council. Tokos noted the City Manager would be doing most of the presentation to the Council on this. He would not be advocating on it. Tokos would lay out what the decision was and stick to what was articulated in writing that had been signed off. He wouldn’t deviate from it. The appellants were the only ones making arguments. The staff report would be provided to everyone at the same time it was provided to the Council.

9. **Adjournment.** Having no further business, the meeting adjourned at 8:24 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
May 22, 2023
6:00 p.m.

Planning Commissioners Present: Bill Branigan (*by video*), Bob Berman, Braulio Escobar, Jim Hanselman, Gary East, and John Updike.

Planning Commissioners Absent: Marjorie Blom (*excused*).

PC Citizens Advisory Committee Members Present: Dustin Capri.

PC Citizens Advisory Committee Members Absent: Greg Sutton.

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

1. **Call to Order.** Chair Branigan called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **Comments from Thompson Sanitary on Draft Trash Enclosure Amendments.** Tokos thanked Thompsons for providing comments and input on the amendments. He noted that Walter Budzik with Thompsons responded to the request to give comments on the enclosure standards. Budzik asked if they would be adding language to calculate the volume of solid waste that was going to be needed. Tokos reported they were trying to avoid this. Thompsons offered to produce a document that could be added to a building permit application to provide guidance to multifamily and commercial developers in terms of how to size the enclosures. Tokos said there was also a suggestion to add compostables to the language, even though they didn't currently provide the service. This could change in the future and he didn't think it was a problem to include this. Tokos reported that Thompsons was also willing to go down to 10 feet for the driveways. They also asked if Thompsons could be involved with the review process and sign off on all applications. Tokos noted this would be tricky for all sign offs, because the city by state law had to have a clear and objective path to approval for multifamily. Any discretion would be a problem that would hang up the approval process. Tokos cautioned the Commission to be thoughtful on how they did this so they didn't get in a spot where multifamily developers were saying they couldn't navigate forward because a third party didn't agree with their approach.

Rob Thompson addressed the Commission and noted he thought it was helpful to developers and citizens to be upfront on what their needs were. When they didn't have the option to provide adequate service, problems would arise, which wasn't good for anyone. Thompson felt good about the examples that had been shared. He explained that they had asked Budzik to respond because he came from McMinnville and had experience with provisions for enclosures. Thompson said they were willing to give back on the size requirements for the driveway and wanted to ask about being a part of the sign off. This would give them a direct review in order to sign off any problems. Thompson didn't have a problem not pursuing this at that time and thought the one page document they could add to the permit applications would be more than adequate. Tokos agreed that getting the developers into

communication with Thompsons was the biggest first step to making sure they were thinking about enclosures, and especially advantageous when it was early on in the design phase so they could make adjustments. Thompson noted that the Surf View apartments were a good example of where the design for enclosures was done the cheapest way and the management company was managing inside of a budget, which couldn't be done. This was what brought Thompsons into the enclosure discussion. Surf View only had one compactor and Thompsons thought they should of had three. Escobar asked if their management or Thompsons was in charge of cleaning up Surf View's enclosures. Thompson explained they could do it for an additional fee, but it was Surf View's responsibility. The cost for Thompsons to do it was high, and they preferred the property management do it. Thompson thought that they should have a maintenance person who monitored this on a daily basis to see the best results. Escobar asked if Thompsons could ever threaten not having service if there were problems. Thompson reported they had the option to do this but they preferred that a remedy be found before this was done.

Berman asked what Thompson's thoughts were concerning roofs on the enclosures to keep the weather out. Thompson didn't have a problem with roofs and thought they were workable. He thought it would be up to the Commission to make that decision. Updike asked if they went with Option C.1 and a developer came in with a roof proposal, would the Commission have to approve it. Tokos reported they wouldn't. He asked how Thompsons typically serviced drop boxes or compactors if they were roofed. Thompson explained for drop boxes and compactors, the trucks would hook the front of the box with a line and pull it out of the enclosure before it was lifted and rolled up onto the truck body. He noted they needed to have 50 feet in front of the compactors to be able to have enough access. Thompson reported they had seen plans for compactors in parking garages and thought this would be terrible for their trucks because they were so big. They wouldn't want to be put in a position where they had to drag a box a long distance, because the trucks weren't designed for that.

East asked how they were dealing with the enclosures at the Wyndhaven apartments. Thompsons said they didn't have any problems with them because they had more staff to monitor them. Tokos noted one of their buildings wouldn't be within 150 feet and moving forward this type of project would require them to have another enclosure location. Thompson reported that he looked at Wyndhaven's current set up and noted they could have put in a corral for auxiliary recycling or garbage if they wanted to get away from the compactor and the staffing.

Capri asked if they could require developers to provide a sanitary letter from Thompsons as part of the permit process to help take the administrative burden off of the city. Tokos thought they could have developers submit something from Thompsons confirming they had a conversation about service and what their service requirements were. Thompson pointed out that this was the intention of the McMinnville code, and he was open to that. Capri thought they should do this for large commercial developments. Tokos noted they needed to be clear that the letter wasn't an approval. It was a letter saying they had a conversation and gives the city a heads up about how they could get things resolved. Amy Thompson addressed the Commission and noted this would have helped them in the case of Surf View. Berman thought it was a good idea.

Berman asked if Thompsons wanted to see the five foot swinging doors secured. Thompson thought it was a great idea. Capri asked if overhangs were going to be a part of the proposed code language. Tokos said it wasn't included and recommended this be left up to the person designing the enclosure.

Tokos asked if the 10 foot width was okay for drop boxes in the compactors. Thompson said it was and noted that a compactor needed to fit on a truck going down the highway, which was an eight feet maximum.

Tokos reported the amendments would come before the Commission on their June 12th meeting where they would give a recommendation to the City Council. Thompson thought having a letter in the file that said the proposed plans did or didn't meet Thompson's recommendations would be helpful for the city to have as a backstory.

B. Revisions to Parking Codes to Facilitate Bayfront Metering. Tokos reviewed the draft code changes needed to facilitate the installation of parking meters along the Bayfront. The changes to NMC Chapters 6.15, 6.20, and 6.25 were provided for context, but they didn't require Planning Commission approval. The city was looking at implementing the meters on the Bayfront in October. The City had a commitment as a matter of policy to reduce or eliminate off street parking requirements when the meters were implemented.

Tokos reviewed the updates to Chapter 14.14.030(B). He noted that these changes would have applied to the considerations for the new Abbey Hotel build as far as the number of credits that would be given for the old use over the last 10 years. Tokos explained that since a new dwelling had credits for the use over the previous 10 years, it made sense logically to do a credit for the last 10 years for commercial.

Tokos reviewed the changes to 14.14.100. He covered the three options for off-street requirements. Option B.1. would eliminate off street parking requirements in areas where the city required payment for the use of public parking. Capri asked if the original parking analysis found that there wouldn't be any need for off street parking for development based on the turnover from the meters. Tokos explained that the policy adopted was to reduce or eliminate parking. Capri asked if there would be an analysis based on the turnover generated from parking meters. Tokos explained the parking study didn't delve into it that far. It established that we are at functional capacity on the Bayfront at over 85 percent observed utilization, which was the general bar communities used to institute demand management such as a metering program. There was nothing in the parking study that said by instituting metering, you're going to free up a certain percentage of utilization. He noted that how much turnover increase and relief it provided was not quantified in the study. Capri thought this was pitched as there were undeveloped lots and limited opportunities for development. If the requirements weren't lifted, properties wouldn't be able to be developed because the lots were too small to do so. Capri feared that if the parking requirements weren't lifted, there would only be two lots on the Bayfront that could be developed. Tokos thought that the different options would help address Capri's concerns. Option B.1 would lift the parking requirement, but it had the potential to bring in a heavy parking demand that they would be stuck with. Option B.2 would allow developers to pay a onetime fee in lieu of providing the off-street parking required. They could structure it so that the more demand a development placed on parking, the stiffer the fee on parking it would be. Capri thought these didn't address the parking issue in the area and the whole point of metering was to improve the flow of parking. There was a public perception that they were already adding fees for meters. Someone who wanted to do new development would be able to pay for they parking they couldn't provide, and it would cost even more money. Tokos noted the principle was that you could use this to disincentivize somebody coming in would be placing a tremendous impact on the available supply. Escobar noted that around 1977 there was a fee charged for those who didn't provide off street parking. He didn't think any of this money collected had been used to generate new parking. Escobar was opposed to developers being able to pay money to build something and not have adequate parking. The impact of the development's parking affected everyone on the Bayfront. Escobar thought the if someone was to build something they should provide parking. Tokos noted the payment in lieu fee was discontinued around 2009-2010 and the \$250,000 collected had been used to get the meters installed.

Berman noted the problem he had with Option B.2 was that it put a burden on the parking system and there was no kind of offset to provide additional parking. He thought this would be more of a penalty rather than a fee. It wouldn't be a deterrent in any of the discussed developments other than building a new hotel. Hanselman thought that someone who paid the in lieu fees who paid off all of the parking they needed to have for 20 years or less, didn't add up to him. He noted that the amount of parking would increase with a payment in lieu, and a business would get away with only having to pay a onetime fee. Tokos reminded the commitment that was made in the council policy in the Comprehensive Plan was to reduce or eliminate off street parking requirements, not to keep them in place. They had to come up with a program that reduced in a meaningful way or eliminated off street parking requirements for these businesses. Option B.2 disincentivized somebody developing on the Bayfront who would put heavy demand on those street parking spaces and create additional revenue that could be used to add supply down the road. One way to disincentivize somebody from coming down to the Bayfront and redeveloping in a manner that took up a bunch of the streets supply was to add a financial disincentive. Capri thought that would affect the small businesses more because they couldn't absorb the costs. If he were to pick anything besides Option B.1, it would be Option B.3 because it would target the high demand user and avoid the small businesses. Tokos noted he knew a restaurant could do this because he sat down with a restaurant owner who had to put in 8 to 10 parking spaces. The cost to install a parking lot was \$70,000 and asking for \$15,000 would be easier to pay. Capri liked Option B.1 the best and also liked B.3 because set a cap and allowed developers to do a small infill project without paying a bunch of money.

Tokos reviewed Option B.3 that lifted the requirements only if the development exceeded a certain threshold. He had listed the spaces at 25, but it could be changed to 20. Berman thought 25 was too high. Tokos thought they could set it at 20 instead which would mean there could be a 12,000 square foot size if it was on the water side.

Udike liked all three options. He thought for those that generated one to five spaces, there should be no fee. The ones that generated six to 20 should pay a fee. Then over 20 would pay a higher price. Udike thought they needed to find a way to incentivize the small mom and pop stores that had a nominal impact to parking. Udike thought the larger developments should provide parking spaces. Tokos noted they already had a track record of allowing the first five spaces to be exempt from the business license fee, which helped out modestly for projects. Berman asked what would happened to the fee people were paying on their business licenses when this went into effect. Tokos reported the fee would go away. He noted that the total annual collections on this fee had been around \$14,000. Tokos thought they shouldn't go over five spaces for those that wouldn't pay anything.

Hanselman questioned how they could have more businesses on the Bayfront without more parking. He thought that if they infilled all the properties on the Bayfront it would bring in more people. They would have metering to help with turnover, but there would still be many more people that walked on the sidewalks there. Tokos reminded that the principal to doing the meters and permits was to adjust the rates until they got them right. Capri asked how the fees would be adjusted. Tokos explained it would be done by City Council resolution.

Berman asked if there would be anything to keep existing private parking lots from being developed if this went into effect. Tokos thought that part of the agreement was to allow these to be developed. He reported that there was somewhere between 65 and 90 spaces that were tied up in private lots on the Bayfront that could get redeveloped reasonably easy. Tokos reminded that this was part of the deal when they changed to metering. Capri noted that there would be a lot of developers that wouldn't do development without providing parking because the industry demanded they provide them. Hanselman thought if they did the parking fees correctly they could make enough money to have a

shuttle. He thought they should raise the fees for the business owners, and have them pay into providing a shuttle bus because they would be the ones benefiting from it. Tokos noted once they had the meter and permit revenues they would have enough money to do transit if that was what policymakers wanted to do. They could also subsidize a carpool/vanpool program. Tokos thought that either of these would meet different demands, they just needed funds to support them.

Hanselman thought the concept of reducing parking and increasing business wasn't reasonable. Tokos noted that the meters had a positive track record across many communities in terms of turnover. Hanselman thought the metering was a separate issue than development. Tokos explained that cities who were eliminating their off street parking minimums in their commercial core areas were doing this because they had demand management in place. There was a risk that they would get a business that came in who had a significant demand on supply. Hanselman thought they should put in the parking meters and see what happened first before making decisions on these options. Escobar asked what the proposed rate for meters was. Tokos reported \$1 per hour. Berman was concerned that the permits would be bought out by employers for staff and block out all of the parking. Tokos reported the committee was comfortable with this price going out as the baseline and agreed that in the meter/permit zone they wouldn't make more permits available than the spaces that were available. Capri asked what the consultant thought about the rates. Tokos reported that they recommended it be \$1 an hour. The committee also proposed permit fees that were higher than what the study recommended at \$45 a month for the high demand areas and \$25 a month for lower areas. Hanselman asked if all the permits had been purchased in other communities. He was concerned that if all of the permit weren't purchased it meant that there would be permit spaces left open because they were permit only spots. Tokos reminded these were both permit and meter parking areas and there would be no reserved parking for permits. Every spot would have a meter. Tokos said the less desirable areas that were permit timed were areas where people could park free for four hours or if they had a permit they could park over a period of time. These areas were where they wanted a lot of people to park. In those cases they were looking at having around 140 percent of the stalls sold in terms of permits. Hanselman asked if the Port suggested they would provide more parking or fishermen. Tokos reported they weren't. They were still working through their own issues but their permit fees were cheaper than the city's.

Capri thought Option B.3 was a reasonable approach because it allowed development to occur and gave the City control over big development. Tokos thought that if they chose B.3, it would be justifiable to peg the number of spaces at 20 rather than 25, but they wouldn't want to go much lower. Tokos reported the Parking Advisory Committee liked combining B.2 and B.3, where they could set it at requiring nothing for a small impact and then hit developers with fees as the impact intensified. He thought they could set the prices at \$0 for 0 to 5 spaces, \$5,000 for 5 to 10 spaces, \$7,500 for 10 to 15 spaces, \$10,000 for 15 to 20 spaces, then stop it at that. They could also change B.3 to not exceed 20 spaces instead of 25. The Commission was in general agreement with this.

Berman was concerned about the fees for Option B.3 and asked if they talked about making the amounts smaller and changing them to annual fees. Tokos pointed out they were trying to avoid annual fees. The concern with annual fees was that they could go on for an extended period of time and there was the potential to lose sight on what the fees were for in the first place. Berman thought charging the one time fee didn't have any value over an extended period of time. Tokos explained that one of the reasons they discontinued annual fees was that over time it became a situation where some businesses were paying more than others, while some didn't pay at all. He explained that policy makers didn't think that was fair.

Tokos reiterated that he would bring back a revision showing \$0 for 0 to 5 spaces, \$5,000 for 5 to 10 spaces, \$7,500 for 10 to 15 spaces, \$10,000 for 15 to 20 spaces, and then changing B.3 down to 20 spaces. Capri asked if there was any leniency for big developers. Tokos said there wouldn't be because everyone would be on the same playing field. If there was an existing use on a property, the new development would have a credit for parking based on that use. A discussion ensued regarding examples of how different property uses had changed over the years and how their credits worked. Tokos reminded the changes would be the bar for what someone could do to meet the parking requirements. There would still be an adjustment process for different requirements, such as a parking demand analysis or request an adjustment to a dimensional requirements.

Berman asked if Section 14.14.100(C) meant that existing uses weren't required to retain parking. Tokos confirmed that was true and noted that this was what the business community supported when they included the Comprehensive Plan policies that reduced or eliminated off street parking requirements for those that were previously constructed. They couldn't tell one person to keep their parking while allowing another to come in and not have to provide anything. Tokos noted that Section 14.14.100(D) memorialized that Nye Beach and the City Center would continue to pay their business license annual fees until they had an alternative program where there was payment for the use of public parking. This was already a resolution.

Capri asked how this would be evaluated later. Tokos reported there were firms who did this. He thought that it would make sense to wait until the meter program was up and running for a couple of year before they evaluated it. Tokos noted they would have good data because T2 Systems would be able to track the data by permit zone.

Escobar asked how the permits would work for someone who bought one permit and had three cars. Tokos explained this would something more so for Nye Beach, not the Bayfront. The Bayfront had commercial fishermen who had multiple vehicles, and the Advisory Committee discussed adding a surcharge for additional vehicles that fell under one permit. Capri asked if there was a way to know if two vehicles were being used on the permits. Tokos reported there would be license plate technology that would ping each license plate to know this. It would be set up that when someone has exhausted their time, they couldn't just go to another available space in the same zone because they would be set up by permit zone. Berman asked if someone parked with a permit in a meter space, would they need to go to a kiosk to register they were parking. Tokos reported if they had the right permit for the area they could park without having to go to the kiosk. Berman asked if the permits were for a certain number of hours. Tokos reported they would be 12 hours, and the commercial fishermen permits would be done by invite and they would be 72 hours. Capri asked who made the final determination on the fee amounts. Tokos said the City Council would. Capri asked if anyone had brought up inflation in the discussions. Tokos reported they had, and it was why they adjusted the fees to \$25 and \$45 from what they were set at previously. This was a work in progress that they would key it to an inflationary adjustment right off the bat. Berman asked if someone could buy annual permits. Tokos reported they hadn't gone down that path and were pretty much dealing with just monthly permits. Branigan guessed they wouldn't do annual permits because there would be questions on proration for people who switched cars. Berman thought it was a good idea not to do an annual permit.

Tokos asked for comments on other sections. Berman thought that for Section 6.20.02(C) emergency vehicles should be able to park anytime, not just in emergencies. Tokos thought this had been doubled up in the language and they had already included an exemption for government vehicles. He would confirm for this. Berman questioned Section 6.20.030(D) because it was hard to unload a truck in 30 seconds. Tokos noted this was in their code and suggested it be changed to five minutes. Berman thought 15 minutes would work better.

Berman noted that in Section 6.20.040(F) he didn't know what a space reservation device was. Tokos reported they could define this. He pointed out there would be instances such as special events or construction permit authorizations where someone would have to put up space reservations. Updike thought these devices could come in many shapes and forms, and why it was kept generic.

Berman pointed out that the text in Section 6.20.045 was written as if they were referring to the meters with the old galvanized steel posts with a head on them. Tokos would clean the language up. It should have been written for a kiosk. Berman questioned Section 6.20.050 that said that if there were disable placards they behaved like everyone else and if there was a wheelchair placard, they didn't have to do anything. Tokos reported this was the state law.

Tokos noted the non-land use updates would go into place before the meters were implemented. He explained that there would be public outreach in August and September, and another opportunity to do one round of refinements to the meter/permits options after. Berman asked if they would have a sample of the machine at the outreach meetings. Tokos didn't know if they would have one at the outreach meetings. He reported they had just ordered them and they would arrive in around four weeks. Public Works was working on the parking lot revisions and they would be putting out bids in June to get it lined up to do the improvements to the parking lots in September. There were 110 sign poles that needed to be either swapped out or put in new, then the pay stations and regulatory signs installed and then go live. There would also be a break in period where people received warnings for a while. The meters would only be live on the weekends during the off season starting in October, which would help the public get used to them.

Berman asked if someone parked longer than they were metered for and received a ticket, would the meter collect the ticket amount if they came back to park. Tokos explained there would be an enhanced level enforcement for what's called scofflaw, where if somebody has a certain number of unpaid parking tickets, they would get tagged and it would be elevated in terms of its level of enforcement. They were working with the Police Department on how to do this. Tokos noted there were certain circumstances where a parking ticket would be an automatic hit when someone was renting a car and got a ticket. The ticket would go on their rental bill. Enforcement of this was done by license plate recognition. Tokos reported when people didn't pay their tickets, T2 Systems would be acting in the capacity of the city to look up people how didn't pay and send out an automatic letter with information on additional fees due. The intent was to have this be as light of an impact on the police officers as possible.

Tokos reported that the City Council voted in favor of the appellant for the appeal for the new Abbey Hotel. They felt it was essential to consider the previous development when weighing the relative impact of the project, and felt the project had less of an impact than the prior development given the parking they were going to construct. The final order would be brought to the City Council on June 5th. Berman asked if they formally acknowledged the other adjustments. Tokos reported the acknowledge the adjustment on the yard and authorized the package on a 5 to 2 vote.

Hanselman asked if the parking kiosks would be cash or credit card, or both. Tokos reported there was a coin option and credit card option. Hanselman asked if the city considered collecting tickets by charging them directly to the ticket holder's credit cards. Tokos would share where this ended up with the Commission and would talk to T2 Systems on this. He thought that the public would had the right to contest whether or not a ticket was property issued. Most people didn't pay for the tickets on the fly. Tokos reminded that rental cars agree in advance that if they had a ticket they would be charged on their rental fees.

C. **Planning Commission Work Program Update.** No discussion was heard.

2. **New Business.** None were heard.

3. **Adjourn.** The meeting adjourned at 7:44 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Case File: #4-CUP-23/2-ADJ-23
 Date Filed: May 8, 2023
 Hearing Date: June 12, 2023/Planning Commission

PLANNING STAFF REPORT

Case File No. 4-CUP-23 / 2-ADJ-23

- A. **APPLICANT:** John Conner, 930 SW Abbey Street, Newport Oregon 97365 (applicant). Pacific Communities Health District (owner) and Teresa Kruse, Clark Kjos Architects, LLC (authorized representatives).
- B. **REQUEST:** Approval per Chapter 14.03.050/"Residential Uses" of the Newport Municipal Code (NMC) for a conditional use permit and adjustment to add an 8,300 +/- sq. ft. office addition onto the east side of an existing 4,700 sq. ft. building. The addition will be used for counseling and support services for both the residential unit and extended outpatient programs. The existing 4,700 sq. ft. building will be renovated into a residential facility serving 16 clients, a portion of the project that does not require conditional use approval. An application for an adjustment has also been submitted. It relates to the north driveway, which at 10-ft, 6-in. in width is narrower than the 12-ft. typically required.
- C. **LOCATION:** 5840 and 5842 NW Biggs Street.
- D. **LEGAL DESCRIPTION:** Parcel of Partition Plat 2015-05 (Assessor's Map 10-11-29-BB, Tax Lot 04902).
- E. **LOT SIZE:** Approximately 0.67 acres per Lincoln County Tax Assessor records.
- F. **STAFF REPORT**
 1. **REPORT OF FACT**
 - a. **Plan Designation:** High Density Residential.
 - b. **Zone Designation:** R-4/"High Density Multi-Family Residential." The southernmost 25-feet of the property is within an R-2/"Medium Density Single Family Residential" Zone District. It contains the access driveway and is not material to the project. All site improvements are within the R-4 zoned portion of the site.
 - c. **Surrounding Land Uses:** Park uses, single and multi-family uses (north), vacant and multi-family uses (east), single family detached and attached uses (west/south).
 - d. **Topography and Vegetation:** The property is relatively level having been cleared for development in the past. An existing concrete pad is to be removed and landscaping will be introduced with the development.
 - e. **Existing Structures:** 4,700 sq. ft. building (formerly a group home).
 - f. **Utilities:** All are available to the site.

g. **Development Constraints:** None known.

h. **Past Land Use Actions:**

File No. 1-PAR-14 – Approval to divide the property into two parcels, ultimately recorded as Partition Plat 2015. Approved 5/30/14.

File No. 1-TB-89 – Approval to place a temporary travel trailer on the site for the contractor to reside in while the United Methodist Church Building was being constructed (later converted to a group home). Approved 4/24/89.

i. **Notification:** Notification to surrounding property owners and to city departments/public agencies announcing the new public hearing date was mailed on May 15, 2023; and notice was published in the Newport News-Times on June 2, 2023.

j. **Attachments:**

Attachment "A" – Application Form

Attachment "B" – Lincoln County Assessor Property Reports

Attachment "C" – Lincoln County Assessor Map

Attachment "D" – Application Narrative

Attachment "E" – Site Plan and Elevation Drawings, Clark/Kjos Architects, LLC, dated 5/5/23

Attachment "F" – Public Improvements Plan and Details, Devco Engineering, dated 4/19/23

Attachment "G" – Zoning Map of the Area

Attachment "H" – Terrain and Utility Map of the Area

Attachment "I" – Public Hearing Notice

2. **Explanation of the Request:** In their narrative (Attachment "D"), the applicant notes that the redevelopment of the substance use disorder treatment facility will contain two major components: renovating the existing building that will house the resident program and adding an 8,300 sq. ft. two story addition to the east of the existing building that will house counseling and support services that will serving both the resident unit and extended outpatient programs. Oregon ranks 2nd in the nation for people with substance use disorder yet 50th for access to treatment. Substance use disorder involves patterns of symptoms caused by using a substance that an individual continues taking despite its negative effects (DSM5). The Regional Mental Health/Substance Use Disorder Coalition reported that 1933 (4.5% of the adult population) Lincoln County residents had a substance use disorder between 9/1/19 and 8/31/21. There is no inpatient facility in Lincoln County and the nearest one is 50 miles from the county seat. Often there a long wait lists and residents are forced to drive up to 300 miles for residential treatment. By providing both inpatient and outpatient services, Samaritan will be able to begin intensive outpatient treatment for individuals waiting for inpatient services to become available as well as provide aftercare for people who graduate from the inpatient program. As a nonprofit service provider, Samaritan doesn't turn anyone away for inability to pay or insurance type.

The residential care facility will have a 16-bed capacity serving all gender identities with substance use disorder. Clients in the facility will have enrolled in the treatment program on a voluntary basis because they are actively seeking help with their problems. There will be no “court ordered” treatment and all clients will be permitted to end their treatment and leave when they wish. Clients will have already been through a detox program before they begin treatment at the facility.

A typical stay at the facility is 90-days, though it can be longer or shorter based on individual need. As a resident graduates, another person is enrolled in the program. So, enrollment is more of a slow trickle rather than a large group being admitted or graduating at once. Generally inpatient clients do not come and go on a regular basis, except to take walks or go to occasional appointments. Clients may have one outside visitor per week during the visitation hours of 1pm – 4pm on Saturday or Sunday.

The goal of the outpatient counseling is to provide services to people waiting for an inpatient bed to become available as well as aftercare for clients who have graduated from inpatient programs, to prevent relapse. This includes both private, group and family counseling sessions scheduled throughout the week, including:

- Morning Groups for all gender identities, including those who are pregnant, parenting, or experiencing a life transition.
- Evening Intensive Outpatient Groups - Intensive treatment group sessions for those who work during the day.
- Substance Abuse Assessments - Check-in sessions to assess progress, current state, and make treatment plan adjustments.
- DUII Education and Intervention Groups.
- Medication-Assisted Recovery.
- Support and Referral for Mental Health Needs.
- Skill-Based Groups, designed for ongoing support and education.

Outpatient visits will be up to three hours in length and will occur between the hours of 8:30 a.m. and 8:30 p.m. up to five days a week. Currently, the program in Lebanon offers (2) three-hour sessions (one in the morning and one in the afternoon) three days per week and (2) two-hour sessions (one in the morning and one in the afternoon) one day per week, with approximately 25 outpatient participants entering the facility throughout each of those four days (resulting in a weekly average of 100 outpatient visits). Their current usage is a representative average, and the Coastal STARS facility can expect a similar average. In the future the facility might add a 7 am outpatient class to serve patients before their workday.

The overall goal for the project is to treat 200 in-resident patients and 600 outpatients each year. The project anticipates opening in the summer of 2024.

Staff for both the inpatient and outpatient services are anticipated to be approximately 15 total including medical staff, counselors, office specialists, Peer Support Specialists, kitchen staff, Program Manager, Medical Director, and Program Director. Typically, 2-3 staff members will be on the site during nighttime

hours and the rest of the staff will be on site during the operating hours of 8am to 6pm Monday - Friday.

The remodeled residential area will include an intake area to receive new patients, a 16-bed resident unit, an area for support staff and a small gym, library and living room. The addition will include a reception area, lobby and vestibule accessed from the main entrance on the south side of the addition. Also included will be a kitchen and dining room that will primarily serve both the outpatient and the residential units, with a snack cabinet and occasional, as-needed meal service available to outpatients. Therapy sessions will occur in one of the 4 new group rooms, or in one of the 9 individual counseling rooms. There will also be administrative offices, a staff break room and storage. The second floor will be accessed by two staircases and an elevator. Located between the two sections of the building will be a protected outdoor courtyard that will include landscaping and outdoor furnishings.

Site work includes paving the existing south driveway and adding a new deliveries-only driveway on the north side of the building that will provide direct access to the new kitchen. Food delivery is anticipated to occur twice a week on the same schedule as Samaritan Pacific Communities Hospital. The food delivery would occur either before or after the hospital delivery in the early morning. The current hospital food delivery trucks are typically 50-55 feet long which cannot make the internal parking lot turn at the northeast corner of the site. Therefore, the plan for a large delivery truck would be to park on the gravel in front of the facility and then use a hand cart along the north driveway to deliver the boxes to the kitchen. If a smaller delivery truck is used it could turn into the delivery drive and stop directly in front of the kitchen door.

A new paved parking lot providing spaces for 20 vehicles, including 2 ADA spaces will be created south and east of the building. A concrete sidewalk connecting the ADA spaces to the main entrance of the building on the south will be provided. A new trash enclosure will also be added to the parking area. New landscaping will be added throughout the site, with new lawn and non-invasive ornamental plantings being proposed around the building and non-invasive canopy trees provided in the parking lot at a rate of once per 12 parking spaces. Landscaping will be primarily native plants that can withstand coastal conditions. New trees will also be added between the building and NW Biggs Street and near the main entrance. There are currently no existing trees on the site, so no trees will be removed with this proposal.

Improvements to NW Biggs Street will be coordinated with the City of Newport, Newport Urban Renewal Agency and Pacific Communities Health District per an intergovernmental agreement that would be executed before construction is commenced. When completed, Biggs Street will include 4 parallel parking spaces along the site frontage and will connect through to NW 60th Street.

A new sign is proposed near to the main building entrance that will be approximately 28 square feet in size, facing towards the south. Otherwise, the only other signage proposed on the site will be related to wayfinding.

3. **Evaluation of the Request:**

- a. **Comments:** No comments were received in response to the public notice.
- b. **Adjustment Approval Criteria (NMC 14.33.050):**
 - (1) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
 - (2) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and
 - (3) The adjustment will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access; and
 - (4) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.
- c. **Conditional Use Approval Criteria (NMC 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.
- d. **Planning Commission Review Required:**
 - (1) *NMC Section 14.33.030(B), requires that a development request seeking to deviate more than 10%, but less than or equal to 40%, from a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.*

The applicant is seeking a 12.4% reduction to the 12-ft. minimum width required for a one-way driveway per NMC 14.46.030(P). This is for the northern driveway that will be used exclusively for deliveries. The site plan shows that this driveway will be 10-ft., 6-in. in width (Sheet A1.01, Attachment "E"). This requested adjustment is within the range that requires Planning Commission approval.

(2) *Per NMC 14.34.030, an application for a Conditional Use Permit shall be processed and authorized using a Type II decision making procedure where specifically identified as eligible for Type II review elsewhere in this Code or when characterized by the following:*

(i) *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*

(ii) *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.*

All other applications for Conditional Uses shall be processed and authorized as a Type III decision making procedure.

The existing 4,700 sq. ft. building was formerly used as a group home, and its conversion to a 16 unit residential facility will have a negligible impact on vehicle trips to and from the site. On the other hand, the 8,300 sq. ft. medical office an outpatient program will increase vehicle traffic. Medical Office (ITE Code 720) may be the most similar use, with a facility of this size projected to generate 300 daily trips. General office (ITE 710) uses typically generate less traffic because they don't have patients travelling to and from the site. Even that use is projected to generate 91 vehicle trips per day. It may be that the subject project lands somewhere in between the two, generating more than 50 vehicle trips per day. Planning Commission review under a Type III decision making procedure is required given the number of anticipated vehicle trips attributed to the proposed development.

e. **Compliance with Adjustment Approval Criteria (NMC 14.33.050):**

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

(1) *Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and*

In regard to this criterion, the Planning Commission must consider whether the applicant has sufficiently demonstrated that granting the adjustments will equally or better meet the purpose of the regulation to be modified.

- i. NMC 14.46.030(P) stipulates that *“Approaches and driveways shall be a minimum of twelve (12) feet for a one-way drive and twenty (20) feet for a two-way drive.”* Applicant’s site plan (Sheet A1.01, Attachment "E") shows that the northern entrance only driveway, which is new, will be 10 ft., 6 in. in width, a 12.4% reduction to the standard.
- ii. In their narrative, the applicant indicates that the adjustment is being requested because the location of the existing building limits the area available for the new north driveway. They further assert that the drive aisle, as proposed, will be adequate for its intended use, which is to provide delivery-only access to the kitchen which is located on the north side of the new addition. The drive aisle will be marked as a one-way driveway, so it will not need to be wide enough to allow two vehicles to pass each other. Additionally, the driveway entrance will be signed as “deliveries only” so that all visitors will be aware that they are to use the main driveway to the south which is proposed as 20 feet wide. The main driveway will also be available for emergency vehicles and trash pick-up since it is wide enough to accommodate larger vehicles.
- iii. Context for why the City imposes a minimum driveway width requirement can be found in the purpose section of NMC Chapter 14.46, Vehicular Access and Circulation, which states:

“Chapter 14.46 implements the street access policies of the City of Newport Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. “Safety,” for the purposes of this chapter, extends to all modes of transportation.”
- iv. The fact that the applicant will be restricting the north driveway to deliveries only makes it a controlled access where they can coordinate with vendors to ensure that the limited width is not an issue for their vehicles. While there will be staff and delivery entries off the driveway, they are ancillary to the principal entrance on the south side of the facility. Pedestrians are not being directed down the one-way drive, limiting the potential of conflict with vehicles along the narrow drive.
- v. Operational safety issues are often most acute at the driveway intersection, which the applicant’s site plan shows will be at a conforming width with good line of sight for pedestrians walking along NW Biggs St and vehicles entering the property. As noted by the applicant, the bulk of the traffic to and from the facility will use the southern entrance, which is a conforming two-way driveway approach and drive aisle.

- vi. Considering the above, it is reasonable for the Planning Commission to conclude that granting the adjustment will equally or better meet the purpose of the regulation to be modified.

(2) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

- i. In their narrative (Attachment "D"), the applicant notes that some potential impacts from a reduced width drive aisle could be: inadequate emergency vehicle access, and not enough maneuvering room for vehicles to easily move around the site. They point out that both of these potential impacts will be resolved by providing the second (south) driveway on the site that will exceed the required width standard allowing all vehicles to easily access and maneuver around the site. By clearly marking the north driveway as "one-way" and providing signage that indicates that it is for "deliveries only" any impacts from visitors accidentally using this driveway will be mitigated.
- ii. The applicant notes that beyond the potential impacts to site access mentioned above, the reduced width driveway will have no impact on the light or privacy of adjoining properties. The property directly north of the site is a City Park and the new addition will not be moving closer to this property than the setback established by the existing building. They also indicate that deliveries to the site will be infrequent, and that beyond these deliveries there will be no other activities occurring on the north side of the site that could impact the use of the park. Additionally, a wood fence is proposed to be installed along the north property line that will help screen the new driveway from the park, mitigating any potential noise or visual impacts related to having the driveway located adjacent to the north property line.
- iii. Considering the above, it is reasonable for the Planning Commission to conclude that the site design considerations identified by the applicant adequately mitigate impacts to neighboring properties attributed to the adjustment.

(3) The adjustment will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access; and

- i. The proposed adjustment to the drive aisle width will not interfere with any of the proposed utilities that will serve the site. A new sanitary sewer and storm sewer line are proposed to run along the north side of the building under the proposed driveway, and the width of the drive aisle is adequate to accommodate both these utility lines with adequate spacing from both the building and the north property line. As described above, fire access to the site will be available from the south driveway that will be wide enough to accommodate a large emergency vehicle.
- ii. The Terrain and Utility Map (Attachment "H") shows that there is an existing hydrant at the northeast corner of NW 58th and NW Biggs available for the Newport Fire Department's use and their vehicles can respond directly from NW Biggs since the facility fronts this street. The structures will adhere to building setbacks, which ensures that fire personnel have access to all sides of the building. There are no city utilities internal to the property and the applicant's site utility plan shows how services for the facility can be brought into the property with the one-way driveway at the proposed width (Sheet C240, Attachment "E").
- iii. Given the above, it is reasonable for the Planning Commission to conclude that granting the adjustment will not interfere with utility or fire access.

(4) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

- i. Only one adjustment is being requested, so this criterion is not applicable.

f. **Compliance with Conditional Use Approval Criteria (NMC 14.34.050):**

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.
 - i. Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets and electricity. All public facilities are available and serve the proposed use.
 - ii. The applicant notes that the existing building and new addition will be connected to an 8-inch public wastewater gravity line located in NW 59th Street. This will require the extension of the public gravity line from its current terminal point in the NW 59th Street right-of-way east across NW Biggs Street as generally depicted on the applicant's Public

Improvement Plan (Sheet C320, Attachment "F"). Public water will be supplied to the development by way of a main in NW Biggs Street. The existing 12-inch diameter asbestos concrete main is in poor condition and will need to be replaced. A preliminary design for the replacement line, including stubs into the site, is shown on the applicants Public Improvement Plan (Sheet C330, Attachment "F"). The applicant notes that stormwater runoff will be captured from all the roof areas and paved surfaces on the site and directed to a public storm line located just east of the site. Its location is identified on the Terrain and Utility Map (Attachment "H").

- iii. In their narrative, the applicant acknowledges that NW Biggs Street is currently under-improved, with only an unpaved vehicle surface. Concurrent with development of the project, the roadway will need to be paved to a width of 20-ft. with 4-ft. shoulders between NW 58th and NW 59th Street, which aligns with the City standards for low-volume local streets (NMC 14.44.060(B)). NW Biggs Street is presently 20-ft in width south of NW 58th Street. If this project is approved, the Newport Urban Renewal Agency would look to partner with the Pacific Communities Health District to extend NW Biggs Street north to NW 60th Street. The applicant has provided a conceptual alignment of the needed street improvements demonstrating that they can be constructed within the 50-foot NW Biggs Street right-of-way (Sheet C320, Attachment "F").
 - iv. Goal 1, Policy 5, Stormwater, of the Comprehensive Plan's Public Facilities Goals and Policies Section provides that "*storm run-off attributed to new development in geologically hazardous areas is evaluated by qualified professionals to minimize impacts to the subject, or nearby properties.*" Much of the Agate Beach area is within a geologic hazard area; however, the subject property is not. That said, the applicant has secured the services of a geotechnical engineering firm to assess the planned public street improvements to determine if it is appropriate to shed and infiltrate run-off or if structured storm drainage improvements are needed. The applicant's conceptual street alignment shows storm drainage being collected in a roadside ditch where it is then directed north into a structured drainage system at NW 60th. It is not clear that the plans have been informed by the geotechnical engineering firm's storm drainage assessment.
 - v. Considering the above, there is adequate information in the record for the Planning Commission to find that public infrastructure and facilities are adequate to accommodate the proposed development provided applicant completes the proposed water, wastewater, street and storm drainage improvements.
- (2) The request complies with the requirements of the underlying zone or overlay zone.

- i. The 4,700 sq. ft. existing building that is to be renovated into a residential unit serving 16 clients is a "Residential Facility," permitted outright in the R-4/"High Density Multi-Family" zone district where the property is located (NMC 14.03.050(U)). A residential facility can include a number of different state regulated group living arrangements, like the subject circumstance, which is categorized as a residential treatment facility. A residential treatment facility, as defined in ORS 443.400(11), is a facility that provides, for six or more individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence, residential care and treatment in one or more buildings on contiguous properties. Since it is an outright permitted use in the existing building, the use is not subject to the conditional use application.
- ii. The 8,300 sq. ft. addition on the east side of the building that is to be used for counseling and support services for both the residential unit and extended outpatient programs is the subject of this permit application, as professional offices of this nature are only allowed conditionally in the R-4 zone district (NMC 14.03.050(I)). This use will be housed in the two-story addition, and it is that addition which is driving the need for off-site and on-site improvements.
- iii. Section III of the applicant's narrative (Attachment "D") describes in detail how the residential facility with the addition for counseling, support services, and outpatient programs satisfies the development standards of the R-4 zone district. An explanation of how the project satisfies relevant code requirements starts on page I-5, and is supported by the applicant's site plan and exterior architectural elevations (Attachment "E"), which illustrate that the project will comply with development standards applicable to R-4 zoned areas.
- iv. City Zoning Maps do not show any overlay zones applicable to the applicant's property.
- v. Agate Beach has its own sign regulations, contained in Chapter 10.15 of the Newport Municipal Code. Conditional uses in R-4 zoned areas are allowed one freestanding sign that, in the case of the subject property, cannot exceed 5-ft. in height and 50 sq. ft. in size (NMC 10.15.030(B)(2)). Other freestanding signs, such as the "deliveries only" sign, will need to fall within the exempt parameters, which allow non-illuminated signs up to 2 sq. ft. in size (NMC 10.15.020(C)). A sign permit will be required for the proposed freestanding sign (NMC 10.15.015).
- vi. Considering the above, it would be 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.
- i. This criterion relates to the issue of whether the proposed use has potential "adverse impacts" greater than existing uses and whether conditions may be attached to ameliorate those "adverse impacts." Impacts are defined in the Zoning Ordinance as including, but not being limited to, the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood. Adequate off-street parking, or the lack thereof, may also be considered by the Commission under this criterion.
 - ii. The applicant indicates that they believe the proposed replacement building will not adversely impact nearby properties. Their narrative (Attachment "D") includes a chart listing the parking credit associated with the former uses of the property. Using City parking ratios listed in NMC Chapter 14.14, the site is credited with 49 spaces. By the same measure, the proposed use generates a demand for 29 parking spaces.
 - iii. In their narrative, the applicant notes that proposed changes to the existing facility will have minimal impact on the livability of the surrounding neighborhood. To date, the use of the site by Samaritan Health Systems has not had any negative impacts on the surrounding properties since the facility is well-maintained and the individuals using the facility are respectful of the neighbors in terms of noise, trash, and other potential nuisances.
 - iv. The applicant acknowledges that the addition of the professional office use on the site will create an increase in the intensity of the use, but point out that it is not anticipated to create any additional impacts to the surrounding neighborhood. With the planned improvements, the street system will be capable of serving the existing traffic volume as well as the increase in vehicle trips associated with the proposed use without creating any capacity issues. The applicant further indicates that the additional traffic to the site will be spread throughout the day and due to the daytime operational hours of the outpatient facility no additional traffic is anticipated on nights and weekends.
 - v. The proposed professional office use will not create any significant noise or air quality issues since the entire use will take place inside the building. The applicant notes that visitors to the site will continue to be directed by Samaritan Health Services to be respectful of the surrounding neighbors in terms of noise and trash when they are outside of the facility. Additionally, they point out that the new enclosed courtyard in the center of the facility will provide the residents with new outdoor activity space, but it should not create any

off-site impacts since noise from the courtyard will be buffered by the surrounding building. Lastly, the applicant notes that paving the existing parking lot will result in less dust from the site during dry periods.

- vi. 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.

- i. The applicant notes that the site has most recently been used as an adult foster care facility. They point out that during that time the visual character of the property has remained residential, with the house looking like any other house in the neighborhood. In addition to the single-family dwellings in the neighborhood, several multi-story apartment buildings reside to the east and northeast of the site.
- ii. As illustrated on the architectural elevations (Attachment "E"), the new addition to the facility has been designed to match or complement the existing building in terms of siding materials and color, roof slope, window size and placement and trim. The applicant notes that the detailing of the new doors and windows of the addition have been selected to appear more residential in nature than commercial.
- iii. The new two-story addition will be 34'-6" feet tall to the peak of the roof, which will not exceed the 35-foot height limit of the R-4 zone and is consistent with other two-story dwellings in the neighborhood. The applicant acknowledges that the overall size of the building is larger than most houses, but points out that the addition will be setback away from the street, behind the existing building to help minimize this impact. The building size is comparable to apartment buildings in the surrounding area. The applicant asserts that along the NW Biggs Street frontage, the building will appear much as it always has, and the addition will not dominate the appearance of the property from the public street. Additionally, new trees and landscaping are proposed in the front yard to soften the appearance of the facility and a new wood fence will surround the site on the north, east and south property lines to provide privacy to surrounding neighbors.
- iv. Given the above, it is reasonable for the Planning Commission to find that the use will be consistent with the overall development character of the neighborhood regarding building size and height.

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Zoning Ordinance for granting a conditional use permit

and adjustment, 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 8,300 +/- sq. ft. office addition onto the east side of an existing 4,700 sq. ft. building that is to be used for counseling and support services for both the residential unit and extended outpatient programs, can satisfy the approval criteria for a conditional use and adjustment provided conditions are imposed as outlined below. Accordingly, the Commission should approve this request, subject to the following:

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.
2. The applicant shall extend the gravity sewer line from its current terminal point in the NW 59th Street right-of-way east across NW Biggs Street, and replace the existing 12-inch asbestos concrete water main in accordance with the Newport Public Works Department standards. Such work shall be completed and accepted by the City Engineer prior to occupancy.
3. NW Biggs Street shall be paved to a width of 20-ft. with 4-ft. shoulders between NW 58th and NW 59th Street. The applicant may complete the improvements themselves or negotiate with the Newport Urban Renewal Agency to extend NW 60th Street further north to NW 60th Street. The design of the roadway drainage system is to conform to the recommendations of a licensed geotechnical engineer, or individual with equivalent expertise, and the improvements shall adhere to Newport Public Works Department standards. The completed improvements must be accepted by the City Engineer prior to occupancy of the new facility.
4. The applicant shall obtain a City of Newport sign permit for the signage conceptually described in this conditional use application, unless such signage is listed as exempt under NMC 10.15.020.
5. The applicant shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use. If the applicant must materially modify the size or height of the building to comply with these codes, then a conditional use permit shall be submitted to establish that the changes are consistent with the overall development character of the neighborhood.



Derrick I. Tokos AICP
Community Development Director
City of Newport

June 8, 2023

City of Newport Land Use Application

Attachment "A"
4-CUP-23 / 2-ADJ-23

Print Form **36**

PLEASE PRINT OR TYPE • COMPLETE ALL BOXES • USE ADDITIONAL PAPER IF NEEDED

Applicant Name(s): <div style="text-align: center;">Jon Conner</div>		Property Owner Name(s): <i>If other than applicant</i> <div style="text-align: center;">Pacific Communities Health District</div>	
Applicant Mailing Address: <div style="text-align: center;">930 SW Abbey Street, Newport, OR</div>		Property Owner Mailing Address: <i>If other than applicant</i> <div style="text-align: center;">930 SW Abbey Street, Newport, OR 97365</div>	
Applicant Telephone No.: 541-574-4668 E-mail: jconner@samhealth.org		Property Owner Telephone No.: 541-574-4668 E-mail: jconner@samhealth.org	
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicants behalf</i> Clark Kjos Architects, LLC			
Authorized Representative Mailing Address: 621 SW Alder Street, Suite 700			
Authorized Representative Telephone No.: 503 752 2072 or 503 206 3826		E-Mail: TeresaKruse@ckarch.com	

Project Information

Property Location: <i>Street name if address # not assigned</i> 5840 & 5842 NW Biggs Street, Newport, OR 97365	
Tax Assessor's Map No.: NEWPORT 10 11 29 BB	Tax Lot(s): 4902
Zone Designation: R-4	Legal Description: <i>Add additional sheets if necessary</i>
Comp Plan Designation: High Density Multi-Family	Parcel 1 of Partition Plat 2015-5, a partition plat
Brief Description of Land Use Request(s): <div style="display: flex; justify-content: space-between;"> <div style="width: 30%; font-size: small;"> <i>Examples:</i> 1. Move north. Property line 5 feet south. or 2. Variance of 2 feet from the required 15-foot front yard setback. </div> <div style="width: 65%;"> Existing building to be remodeled to serve as a residential treatment unit and a proposed 2 story building to be built adjacent to the existing building. The new building will be used for counseling and support services serving both the resident and unit and new extended outpatient programs. The proposed outpatient counseling and administrative offices are considered 'Professional Office' use and requires approval of a Conditional Use in the R4 zone. </div> </div>	
Existing Structures: <i>If any</i> Yes - single story building, approximately 4,700 SQFT	
Topography and Vegetation: Generally flat topography with lawn and ornamental landscaping.	

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
<div style="margin-left: 20px;"> <input checked="" type="checkbox"/> PC
 <input type="checkbox"/> Staff </div> <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 checked="" type="checkbox"/> Variance/Adjustment
<div style="margin-left: 20px;"> <input checked="" type="checkbox"/> PC
 <input type="checkbox"/> Staff </div> <input type="checkbox"/> Zone Ord/Map Amendment
<input type="checkbox"/> Other _____ |
|---|---|--|

FOR OFFICE USE ONLY

Date Received: <u>5/8/23</u> Received By: <u>8m</u>	File No. Assigned: <u>4-CUP-23/2-ADJ-23</u> Fee Amount: <u>\$1606-</u> Receipt No.: <u>6943</u>	Date Accepted as Complete: _____ Accepted By: _____
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(SEE REVERSE SIDE)

Community Development & Planning Department • 169 SW Coast Hwy, Newport, OR 97365 • Derrick I. Tokos, AICP, Director

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 & 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.

JON CONNER

Applicant Signature(s)

Date Signed

Property Owner Signature(s)

Date Signed

TERESA A KRUSE

Authorized Representative Signature(s)

05.05.2023

Date Signed

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.

LINCOLNPROD PROPERTY RECORD CARD

Attachment "B"

4-CUP-23 / 2-ADJ-23

Property ID: R16463

Map and Taxlot: 10-11-29-BB-04902-00

Tax Year: 2023

Run Date: 6/6/2023 10:41:44 AM

PROPERTY SITUS ADDRESS

340 NW BIGGS ST
Maintenance Area: E-09

GENERAL PROPERTY INFORMATION

Prop Class: 987
 NBH Code: NAM6
 Prop Type Code: COM
 Prop Code: Z5: COMMERCIAL NEWPORT & LINC
 Next Appr Date:
 Next Appr Reason:
 Last Appr Date: 08/24/2018
 Appraiser: DAC, KL
 Zoning: R-4
 Code Area: 115
 Related Accts: P527343

VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	212,370	571,230	783,600	0	
2021	176,940	548,300	725,240	425,590	
2020	158,200	500,360	658,560	413,200	
2019	161,030	500,360	661,390	401,170	
2018	143,320	396,120	539,440	389,490	
2017	122,820	307,260	430,080	325,620	

OWNER NAME AND MAILING ADDRESS

ACIFIC COMMUNITIES
EALTH DISTRICT
O BOX 873
EWPORT, OR 97365

LEGAL DESCRIPTION

P. 2015-05, PARCEL 1, ACRES 0.67,
OC202202615

ASSESSMENT INFORMATION

Land Non-LSU:	237,080	Prior MAV:	0	Except RMV:
Improvement:	625,440	Prior MAV Adj:	0	CPR:
Non-LSU RMV Total:	0	Prior AV:	0	EX. MAV:
Land LSU:	0	Prior AV Adj:	0	LSU:
RMV Total:	0	AV +3%:	0	New M50 AV:

SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
03/08/2022	27			SALE	WD WARRANTY DEE	202202615
11/09/2010	32			SALE	WD WARRANTY DEE	201011373
08/14/1987	05			SALE	WD WARRANTY DEE	MF184-1827

Cres: 0.67 Sqft:

Effective Acres: 0.67

BUILDING PERMITS AND INSPECTIONS

Type	Appraiser	Issue Date	Date Checked	% Comp	Comment
RM: REMODEL - COM	Z5, Z	01/01/2023		0	DESC: GAS WATER HEATER

PARCEL COMMENTS

enFlag- M_15C,M_16C,M_17C,M_18C,M_22C
 enCom- 2022-23 ADV TO MUNI JV#134, ENTERED 3/17/22 2016-17 JV#339 NPT NORTHSIDE UR, ORD.2083, FROM CODE 104
 rop-Note- 18NO,FORMER CHURCH. COND=AVG. REMODELED 2016. /ASSISTED LIVING HOME

EXEMPTIONS

Code	Exempt RMV
CH	862,520

Exceptions

Code	Year	Amount	Metho
NI	2018	61,700	
DVN	2016	205,260	
DV	2016	115,850	
DVN	2015	312,090	
DEX	2011	449,400	

MARKET LAND INFORMATION

Type	Table	Method	Acres	Base Value	Adjustment Code - %	NBHD %	Total Adj %	Final Value
R: DEV RESIDENTIAL LOT	NAT	AB	0.670	217,500	A-95	0.000	0.950	189,580
SD: COMMERCIAL SITE DEV	NAOS	LT	0.000	11,500	LSF-1500,AREA-400	0.000	4.000	47,500
Total Acres:			0.670			Total Market Land Value:		237,080

LAND SPECIAL USE

Code	SAV	Unt	Pr	MSAV	Unt	Pr	LSU
Total LSU:							

LINCOLNPROD PROPERTY RECORD CARD

Property ID: R16463

Map and Taxlot: 10-11-29-BB-04902-00

Tax Year: 2023

Run Date: 6/6/2023 10:41:44 AM

COMMERCIAL IMPROVEMENTS

o.	Inst. ID	OAA Seg	Business Name	Occupancy	Class	Occ %	Stories	Hgt	Rank	Yr Blt	Eff Yr	Area	Perim	Adjustment	Code-%	NBHD %	Total Adj %	RCNLD	MS Depr %	RMV
.1	2197533	MA		589-Elderly /		100	1		2.0	1988		4,696	360.00			3.000	3.000	197,808	0	593,42
.2	2197536	EP		163-Site Imp		100	1		2.0	1988		60				3.000	3.000	2,728	0	8,18
.3	2197538	CP		163-Site Imp		100	1		2.0	1800		70				3.000	3.000	1,103	0	3,31
.4	2197539	CONC		163-Site Imp		100	1		2.0	1800		2,660				3.000	3.000	2,979	0	8,94
.5	2197540	FNC		163-Site Imp		100	1		2.0	1800		552				3.000	3.000	3,864	0	11,59
Total RMV:																				625,44

COMMERCIAL ADDITIONS

o.	Instance ID	Type	Desc	Value
----	-------------	------	------	-------

COMMERCIAL BASEMENTS

No.	Instance ID	Bsmt Type	Area	Depth
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COMMERCIAL COMMENTS

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 50 100 150 200 Feet

N.W.1/4 N.W.1/4 SEC.29 T.10S. R.11W. W.M.
LINCOLN COUNTY
1" = 100'

Attachment "C"
4-CUP-23 / 2-ADJ-23

10 11 29 BB
NEWPORT

Cancelled
101
1900
2400
3100
3400
4700
4901
5600
5601
6101
6102
6900
7400
7608
8501
8502



Revised: SAO
01/31/2023

NEWPORT
10 11 29 BB

I. SUMMARY OF PROPOSAL

Owner: Pacific Communities Health District
Jon Conner, Project Manager
930 SW Abbey Street
Newport, OR 97365
Telephone: 541-574-4668
Email: jconner@samhealth.org

Project Manager: Teresa Kruse, Project Manager
Clark/Kjos Architects, LLC
621 SW Alder Street, Suite 700
Portland, OR 97205
Telephone: 503.752.2072
Email: TeresaKruse@ckarch.com

Planner: Debbie Cleek, Senior Planner
The Bookin Group LLC
1120 SW Taylor Street, Suite 555
Portland, OR 97205
Telephone: 503.241.2423
Email: cleek@bookinggroup.com

Request: A Type III Conditional Use, a Type I Adjustment

Location: 5840 NW Biggs Street

Property ID: R16463

Site Size: 29,185 sq. ft

Zoning: R4 (High Density Multi-Family Residential)

Overlays: None

Summary: The subject site is developed with an adult foster care facility. The current proposal is to redevelop the site into a substance use disorder treatment facility. The existing 4,700 sq. ft. building will be renovated and used as a residential unit serving 16 clients. An approximately 8,300 sq. ft. addition onto the east side of the building will be used for counseling and support services serving both the resident unit and extended outpatient programs. The "Residential Care Facility" is allowed outright in the R4 zone. The proposed outpatient counseling and administrative offices are considered a "Professional Office" use in the Newport Zoning Code, requiring approval of a Conditional Use in the R4 zone.

The exterior of the site will be redeveloped with a new parking lot providing 20 stalls and a new driveway on the north side of the building. The proposed north driveway will be 10 feet 6 inches wide, requiring an Adjustment to the minimum drive aisle width of 12 feet.

Pre-Application Conference: A Pre-Application Meeting with the City of Newport was held on March 13, 2023.

Neighborhood Meeting: The project team met twice with the surrounding neighborhood to discuss the proposal on Saturday, April 29, 2023, from 10am-12pm and Monday, May 1, 2023, from 4pm-6pm.

II. EXISTING CONDITIONS

SITE CHARACTERISTICS

Vicinity. The site is located on NW Biggs Street at the dead end of NW 59th Street. North of the property is the Agate Beach Neighborhood and Dog Park. South and west of the property are single-family residential homes. East of the property the lot is vacant, but new proposed new single-family mobile homes are proposed to be constructed on the lot in the future.

Site Description. The site consists of an approximately 4,700-sq ft, single-story residential care facility. East of the existing building there is a concrete pad that was previously used as a sport court and is connected to the building via a concrete sidewalk. The site is accessed by a gravel driveway on the south side of the building. Lawn and ornamental landscaping surround the lot. NW Biggs Street along the site frontage is a two-lane unpaved road, and does not include curbs, sidewalks, or parking on either side.

Zoning. The zoning of the property is R4 (High Density Multi-Family Residential). Residential Care Facilities are allowed outright in the R4 zone, but Professional Offices require a Conditional Use.

SITE OPERATIONS

Guiding Philosophy. The Pacific Communities Health District owns the property and has a lease agreement with Samaritan Health Services to staff and operate the Coastal Samaritan Treatment and Recovery Services (STARS) program. They operate a similar program in Lebanon. The guiding philosophy for Samaritan Health Services used in the current facility in Lebanon is as follows: "We believe people, who are struggling with a substance use disorder, deserve to heal in a safe, warm, and welcoming environment. We provide evidence-based practices and believe substance use disorders can be treated successfully."

Current Operations. Currently, the existing building is underutilized. Samaritan Health Services occasionally uses it to house medical interns and visiting staff associated with Samaritan Pacific Communities Hospital for a few weeks at a time. Previously the existing building was used as an adult foster care facility, which ceased operation about two years ago. The facility includes eleven individual bedrooms, a room for an on-site manager, two small kitchens and dining areas to serve the residents as well as some small offices and work areas for administrative and support staff.

III. PROPOSED PLAN

PROPOSED PLAN

Program Overview. The redevelopment of the substance use disorder treatment facility will contain two major components: renovating the existing building that will house the resident program and adding an 8,300 sq. ft. two story addition to the east of the existing building that will house counseling and support services that will serving both the resident unit and extended outpatient programs. Oregon ranks 2nd in

the nation for people with substance use disorder yet 50th for access to treatment. Substance use disorder involves patterns of symptoms caused by using a substance that an individual continues taking despite its negative effects (DSM5). The Regional Mental Health/Substance Use Disorder Coalition reported that 1933 (4.5% of the adult population) Lincoln County residents had a substance use disorder between 9/1/19 and 8/31/21. There is no inpatient facility in Lincoln County and the nearest one is 50 miles from the county seat. Often there a long wait lists and residents are forced to drive up to 300 miles for residential treatment. By providing both inpatient and outpatient services, Samaritan will be able to begin intensive outpatient treatment for individuals waiting for inpatient services to become available as well as provide aftercare for people who graduate from the inpatient program. As a nonprofit service provider, Samaritan doesn't turn anyone away for inability to pay or insurance type.

The residential care facility will have a 16-bed capacity serving all gender identities with substance use disorder. Clients in the facility will have enrolled in the treatment program on a voluntary basis because they are actively seeking help with their problems. There will be no "court ordered" treatment and all clients will be permitted to end their treatment and leave when they wish. Clients will have already been through a detox program before they begin treatment at the facility.

A typical stay at the facility is 90-days, though it can be longer or shorter based on individual need. As a resident graduates, another person is enrolled in the program. So, enrollment is more of a slow trickle rather than a large group being admitted or graduating at once. Generally inpatient clients do not come and go on a regular basis, except to take walks or go to occasional appointments. Clients may have one outside visitor per week during the visitation hours of 1pm – 4pm on Saturday or Sunday.

The goal of the outpatient counseling is to provide services to people waiting for an inpatient bed to become available as well as aftercare for clients who have graduated from inpatient programs, to prevent relapse. This includes both private, group and family counseling sessions scheduled throughout the week, including:

- Morning Groups for all gender identities, including those who are pregnant, parenting, or experiencing a life transition.
- Evening Intensive Outpatient Groups - Intensive treatment group sessions for those who work during the day.
- Substance Abuse Assessments - Check-in sessions to assess progress, current state, and make treatment plan adjustments.
- DUII Education and Intervention Groups.
- Medication-Assisted Recovery.
- Support and Referral for Mental Health Needs.
- Skill-Based Groups, designed for ongoing support and education.

Outpatient visits will be up to three hours in length and will occur between the hours of 8:30 a.m. and 8:30 p.m. up to five days a week. Currently, the program in Lebanon offers (2) three-hour sessions (one in the morning and one in the afternoon) three days per week and (2) two-hour sessions (one in the morning and one in the afternoon) one day per week, with approximately 25 outpatient participants entering the facility throughout each of those four days (resulting in a weekly average of 100 outpatient visits). Their current usage is a representative average, and the Coastal STARS facility can expect a similar average. In the future the facility might add a 7 am outpatient class to serve patients before their workday.

The overall goal for the project is to treat 200 in-resident patients and 600 outpatients each year. The project anticipates opening in the summer of 2024.

Staff for both the inpatient and outpatient services are anticipated to be approximately 15 total including medical staff, counselors, office specialists, Peer Support Specialists, kitchen staff, Program Manager, Medical Director, and Program Director. Typically, 2-3 staff members will be on the site during nighttime hours and the rest of the staff will be on site during the operating hours of 8am to 6pm Monday - Friday.

Project Overview. The remodeled residential area will include an intake area to receive new patients, a 16-bed resident unit, an area for support staff and a small gym, library and living room. The addition will include a reception area, lobby and vestibule accessed from the main entrance on the south side of the addition. Also included will be a kitchen and dining room that will primarily serve both the outpatient and the residential units, with a snack cabinet and occasional, as-needed meal service available to outpatients. Therapy sessions will occur in one of the 4 new group rooms, or in one of the 9 individual counseling rooms. There will also be administrative offices, a staff break room and storage. The second floor will be accessed by two staircases and an elevator. Located between the two sections of the building will be a protected outdoor courtyard that will include landscaping and outdoor furnishings.

Site work includes paving the existing south driveway and adding a new deliveries-only driveway on the north side of the building that will provide direct access to the new kitchen. Food delivery is anticipated to occur twice a week on the same schedule as Samaritan Pacific Communities Hospital. The food delivery would occur either before or after the hospital delivery in the early morning. The current hospital food delivery trucks are typically 50-55 feet long which cannot not make the internal parking lot turn at the northeast corner of the site. Therefore, the plan for a large delivery truck would be to park on the gravel in front of the facility and then use a hand cart along the north driveway to deliver the boxes to the kitchen. If a smaller delivery truck is used it could turn into the delivery drive and stop directly in front of the kitchen door.

A new paved parking lot providing spaces for 20 vehicles, including 2 ADA spaces will be created south and east of the building. A concrete sidewalk connecting the ADA spaces to the main entrance of the building on the south will be provided. A new trash enclosure will also be added to the parking area.

New landscaping will be added throughout the site, with new lawn and non-invasive ornamental plantings being proposed around the building and non-invasive canopy trees provided in the parking lot at a rate of once per 12 parking spaces. Landscaping will be primarily native plants that can withstand costal conditions. New trees will also be added between the building and NW Biggs Street and near the main entrance. There are currently no existing trees on the site, so no trees will be removed with this proposal.

Improvements to NW Biggs Street will be done by the City of Newport per an intergovernmental agreement expected to be signed with the Pacific Communities Health District. When completed, Biggs Street will include 4 parallel parking spaces along the site frontage and will connect through to NW 60th Street.

A new sign is proposed near to the main building entrance that will be approximately 28 square feet in size, facing towards the south. Otherwise, the only other signage proposed on the site will be related to wayfinding.

DEVELOPMENT STANDARDS

Section 14.13.020 Table A – R4 Development Standards. The following standards apply to the R4 zone:

Minimum Front setback: 15 feet

Minimum Side setback: 5 feet

Minimum Rear setback: 10 feet

Response: The existing building is setback approximately 20 feet from the front property line, 12 feet from the north side property line and 25 feet from the south side property line. The new addition to the building will not be any closer to any of these property lines and will be setback approximately 40 feet from the east (rear) property line, so all setback standards are met.

Maximum Height: 35 feet

Response: The peak of the roof of the new building addition will be approximately 34.5 feet so the maximum height standard is met.

Maximum Lot Coverage: 64%

Response: The site is 29,185 sq. ft in size and the building roof area totals 12,647 sq. ft., which equates to 43% lot coverage, so this standard is met.

14.14.030 – Number of Parking Spaces Required. *Off street parking is required based on the use and rate listed in the table found in Section 14.14.030.*

Response: According to this table General Office requires 1 space per 600 sq. ft. A Residential Care Facility is not listed on this table, but “Congregate Care” is the most comparable use, which requires 1 space per 1,000 sq. ft. Based on these requirements a total of 13.8 parking spaces are required for the 8,300 sq. ft of new office area and 4.7 spaces are required for the 4,700 sq. ft. of residential care facility. A total of 20 parking spaces are provided, so this standard is met.

14.14.060 – Compact Spaces. *40% of the spaces may be compact spaces measuring 7.5 feet wide by 15 feet long. Each compact space must be marked with the word "Compact" in letters that are at least six inches high.*

Response: Eight of the 20 parking spaces on site are proposed as compact spaces, which equates to 40% of the parking spaces. These spaces will be marked with the word “Compact”. This standard is met.

14.14.070 - Bicycle Parking. *The required number of bicycle parking spaces is related to the number of vehicle parking spaces. For developments requiring between 5 and 25 vehicle parking spaces 1 bicycle parking space is provided.*

Response: Four bicycle parking spaces are being provided (two staple-style racks that provide 2 spaces each) directly east of the main entrance to the building, so this standard is met.

14.14.110 – Loading and Unloading Area. *The required number of loading spaces is based on the square footage of the building. A building between 0 and 19,999 sq. ft. requires no loading space.*

Response: The proposed building will be approximately 13,000 sq. ft., requiring no loading space, so this standard is met.

14.17.020 - Clear Vision Area. *At the intersection of two streets a triangle formed by the intersection of the curb lines, with each leg of the vision clearance triangle shall be a minimum of 35 feet in length. A Clear Vision Area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three feet in height,*

Response: The existing development on the site maintains the clear vision area, and no new development is proposed in this area with this proposal. This standard is met.

14.19.050 A & B – Landscaping Required for New Development. *Landscaping shall be ten percent of the total square footage of a lot or parcel. Landscaping shall be located along a street or frontage.*

Response: The lot exceeds this standard, with approximately 15.9% of the lot area proposed as landscaping. New landscaping is proposed between the existing building and NW Biggs Street. Landscaping will be primarily native plants that can withstand coastal conditions, and all plantings will be non-invasive. This standard is met.

14.19.050 D – Landscaping and Screening for Parking Lots. *A minimum of 10 percent of the total surface area of all parking areas shall be landscaped.*

Response: New landscaping will be provided in a landscape island in the middle of the parking lot (near the transformer), in the southeast corner of the parking lot, and adjacent to the south driveway. These areas combined total more than 10% of the surface area of the parking lot and this standard is met.

VI. LEGAL JUSTIFICATION

CONDITIONAL USE CRITERIA

The purpose of this section is to provide the legal justification for the requested Conditional Use as governed by Section 14.34.050 of the Newport Zoning Code. The approval authority must find that the application complies with the following criteria:

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

Findings: Existing public facilities are available in the area to serve the proposed use. Both the existing building and new addition will be connected to the public sanitary sewer line located in NW 59th Street. Public water will be supplied to the development via the existing water main in NW Biggs Street, that will connect to the south side of the building. Stormwater runoff will be captured from all the roof areas and paved surfaces on the site and directed to a public storm line located just east of the site. All of these systems have adequate capacity to serve the proposed use.

The new on the site uses will only create a nominal number of new vehicle trips on NW Biggs each day. The inpatient clients will create little or no traffic to or from the site, since they arrive on the site and then generally do not go anywhere for 90 days. Additionally, because the outpatient appointments will be happening throughout the day these trips will not occur solely during the AM and PM peak hours but will be spread over the hours of operation, including the evening, which will help to minimize congestion. The 15 staff members will arrive on site in the morning and leave in the evening.

Though NW Biggs Street is currently under-improved, with only an unpaved vehicle surface, it contains adequate capacity to serve the existing traffic volume and the small number of additional vehicle trips that would be created by this new use on the site. Additionally, the City of Newport intends to improve this street by widening and straightening the vehicle area and connecting this street through to NW 60th Street. Pacific Communities Health District has agreed to participate in these improvements with the City when they occur. Otherwise, additional improvements to the surrounding transportation system are not warranted with the minimal amount of additional capacity the new use represents.

As shown, the public facilities in the area can adequately accommodate the proposed professional office use and this criterion is met.

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

Findings: As shown in Section III of this report, the proposed addition to the existing building and the new site improvements comply with the requirements of the zoning code. The placement of the addition will meet all applicable setback standards of the R4 zone and will still allow the site to meet the minimum required landscaping percentage using the new landscaped areas. No trees will be removed from the site to place the new addition.

The only exception to the development standards that will not be met is the width of the new north driveway which will be 10 feet, 6 inches wide rather than the required 12 feet. This reduced driveway width is due to the location of the existing building, limiting the area available for this new driveway. An Adjustment to this standard is requested with this application and with the approval of this Adjustment this criterion will be met.

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.

Findings: The proposed changes to the existing facility will have minimal impact on the livability of the surrounding neighborhood. To date, the use of the site by Samaritan Health Systems has not had any negative impacts on the surrounding properties since the facility is well-maintained and the individuals using the facility are respectful of the neighbors in terms of noise, trash, and other potential nuisances.

The addition of the professional office use on the site will create an increase in the intensity of the use but is not anticipated to create any additional impacts to the surrounding neighborhood. The existing street system is capable of serving the existing traffic volume as well as the small increase in vehicle trips proposed with this use without creating any capacity issues. The additional traffic to the site will be spread throughout the day and due to the daytime operational hours of the outpatient facility no additional traffic is anticipated on nights and weekends.

The proposed professional office use will not create any significant noise or air quality issues since the entire use will take place inside the building. Visitors to the site will continue to be directed by Samaritan Health Services to be respectful of the surrounding neighbors in terms of noise and trash when they are outside of the facility. The new enclosed courtyard in the center of the facility will provide the residents with new outdoor activity space, but it should not create any off-site impacts since noise from the courtyard will be buffered by the surrounding building. Additionally, paving the existing parking lot will result in less dust from the site during dry periods.

As shown, the proposed use will not have any adverse impact that is greater than the residential uses that surround the site and this criterion is met.

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.

Findings: The site has most recently been used as an adult foster care facility. During that time the visual character of the property has remained residential, with the house looking like any other house in the neighborhood. In addition to the single-family dwellings in the neighborhood, several multi-story apartment buildings reside to the east and northeast of the site. The new addition to the facility has been designed to match or complement the existing building in terms of siding materials and color, roof slope, window size and placement and trim. The detailing of the new doors and windows of the addition have been selected to appear more residential in nature than commercial.

The new two-story addition will be 34'-6" feet tall to the peak of the roof, which will not exceed the 35-foot height limit of the R4 zone and is consistent with other two-story dwellings in the neighborhood. The overall size of the building is larger than most houses, but the building will be setback away from the street, behind the existing building to help minimize this impact. Along the Biggs Street frontage, the building will appear much as it always has, and the addition will not dominate the appearance of the property from the public street. Additionally, new trees and landscaping are proposed in the front yard to soften the appearance of the facility and a new wood fence will surround the site on the north, east and south property lines to provide privacy to surrounding neighbors.

As shown, the building addition has been designed to be consistent with the residential character of the area and this criterion is met.

ADJUSTMENT CRITERIA

The purpose of this section is to provide the legal justification for the requested Adjustment as governed by Section 14.33.050 of the Newport Zoning Code. To approve the Adjustment the following criteria must be met:

- A. *Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and*
Findings: The requested Adjustment is to reduce the required width of the drive aisle on the north side of the building from the required 12 feet to 10 feet, 6 inches. This Adjustment is requested because the location of the existing building limits the area available for the new north driveway. The drive aisle width requirement is found in the Parking and Loading Chapter (Chapter 14.14). The purpose of the parking and loading requirements is found in Section 14.14.010 as follows:

The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport.

The drive aisle as proposed will be adequate for its intended use, which is to provide delivery-only access to the kitchen which is located on the north side of the new addition. The drive aisle will be marked as a one-way driveway, so it will not need to be wide enough to allow two vehicles to pass each other. Additionally, the driveway entrance will be signed as "deliveries only" so that all visitors to the site will use the main driveway to the south which is proposed as 20 feet wide. This main driveway will also be available for emergency vehicles and trash pick-up since it is wide enough to accommodate larger vehicles.

With this main driveway meeting the applicable drive aisle width standards the site can provide all necessary maneuverability required by the Parking and Loading chapter while still providing a second

vehicle access that will greatly improve the functionality of the facility. Therefore, the request to reduce the width of the drive aisle is consistent with the above purpose statement because the health, safety and welfare of the occupants and visitors to the site will be provided for with the south driveway that complies with the code standards and is consistent with the Comprehensive Plan policies. This criterion is met.

- B. Any impacts resulting from the Adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and*

Findings: Some potential impacts from a reduced width drive aisle could be: inadequate emergency vehicle access, and not enough maneuvering room for vehicles to easily move around the site. Both these potential impacts will be resolved by providing the second (south) driveway on the site that will exceed the required width standard allowing all vehicles to easily access and maneuver around the site. By clearly marking the north driveway as “one-way” and providing signage that indicates that it is for “deliveries only” any impacts from visitors accidentally using this driveway will be mitigated.

Beyond the potential impacts to site access mentioned above, the reduced width driveway will have no impact on the light or privacy of adjoining properties. The property directly north of the site is a City Park and the new addition will not be moving closer to this property than the setback established by the existing building. As described in Section II of this report, deliveries to the site will be infrequent. Beyond these deliveries there will be no other activities occurring on the north side of the site that could impact the use of the park. Additionally, a wood fence is proposed to be installed along the north property line that will help screen the new driveway from the park, mitigating any potential noise of visual impacts related to having the driveway located adjacent to the north property line. This criterion is met.

- C. The Adjustment will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access; and*

Findings: The proposed Adjustment to the drive aisle width will not interfere with any of the proposed utilities that will serve the site. A new sanitary sewer and storm sewer line are proposed to run along the north side of the building under the proposed driveway, and the width of the drive aisle is adequate to accommodate both these utility lines with adequate spacing from both the building and the north property line. As described above, fire access to the site will be available from the south driveway that will be wide enough to accommodate a large emergency vehicle. This criterion is met.

- D. If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zoning district.*

Findings: Only one Adjustment is requested, so this criterion does not apply.

CONCLUSION

As shown in this report, the requested Conditional Use have been found to meet the approval criteria of Section 14.34.050 of the Zoning Code. The addition of the professional office use to the site will not have any impacts on the surrounding neighborhood. The requested Adjustment to the width of the north deliveries-only drive aisle meets the approval criteria found in Section 14.33.050. Adequate visitor and emergency vehicle access will be provided by the south driveway that meets the minimum width standard. The addition to the existing building to accommodate counseling and support services for both the resident patients and outpatients will allow Samaritan Health Services to better provide needed

services to their clients, creating a higher success rate for their substance use disorder programs. Therefore, this proposal should be approved.

An architectural rendering of a two-story brick building with a dark roof and large glass windows. The building features a covered entrance area. It is surrounded by landscaping, including trees with yellow and orange foliage, and a parking lot in the foreground. A few people are shown walking near the entrance.

A 3D architectural rendering of a modern residential courtyard. The scene features a paved patio area with a wooden bench, a large red-leafed tree, and a building with large windows. A person is visible in the background near a covered walkway.

1/4 12
SLOPE

WALL ASSEMBLY
STUD SATE
WALL TAG
MODIFIER

1
KEYNOTE

1
DOOR TAG

A-1
FINISH TAG

W1
WINDOW TYPE - REF WINDOW SCH
WINDOW TAG

ACT-1
9'-0"
CEILING MATERIAL
CEILING TAG

CEILING HEIGHT ABOVE FINISHED FLOOR - ALL CEILING 8'-0" UNLESS OTHERWISE NOTED
ELEVATION TAG

Room Name
12' 150 SF
ROOM TAG
ROOM NUMBER

1
DRAWING REVISION

1
A7.01
DRAWING NUMBER
CALLOUT
SHEET NUMBER

1
A1.01
BUILDING SECTION

1
A1.01
WALL SECTION

1
A3.00
DRAWING NUMBER
EXTENSION ELEVATION
SHEET NUMBER

1
A3.00
DRAWING NUMBER
INTERIOR ELEVATION
SHEET NUMBER

11'-6"
DIVISION TO FACE OF FRAMING FACE OF CONCRETE GRID LINE - OR AS NOTED

11'-6"
CLEAR DIMENSION TO FINISH FACE NOTED

NORTH ARROW
PROJECT NORTH (SEE CTA FOR TRUE NORTH)

- 1 CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND DESIGN PRIOR TO PROCEEDING WITH THE WORK
- 2 DRINGERS HAVE PRECEDED OVER DRAWINGS. DO NOT SCALE DRAWINGS. NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH THE WORK
- 3 CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION METHODS AND METHODS
- 4 CONTRACTOR IS RESPONSIBLE FOR VERIFICATION AND COORDINATION OF SUBCONTRACTORS WORK, COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS, ACCURATE LOCATION OF STRUCTURAL MEMBERS AND PROTECTION FOR EXISTING UTILITIES AND MECHANICAL EQUIPMENT
- 5 CONTRACTOR SHALL VERIFY DIMENSIONS AND CLEARANCES FROM MANUFACTURERS PRIOR TO THE CONSTRUCTION AND INSTALLATION OF ALL EQUIPMENT, FURNISHINGS AND ACCESSORIES
- 6 CONTRACTOR IS RESPONSIBLE FOR THE COMPLETE SECURITY OF THE SITE DURING CONSTRUCTION AND UNIT PROTECTION
- 7 CONTRACTOR SHALL LOCATE AND PROTECT EXISTING UTILITIES (WHEN INDICATED IN DRAWINGS OR LOGS)
- 8 PROVIDE BANDING, BLOCKING OR STRUTTING AS REQUIRED OF GRUBBERS, SHEAVING EQUIPMENT
- 9 COORDINATE, LOCATIONS OF PIVOTAL ITEMS TO AVOID BACK-TO-BACK INSTALLATION
- 10 ALL SIGHT GLAZING SHALL BE PERMANENTLY LABELED WITH THE MANUFACTURER'S NAME AND TEST APPROVAL INFORMATION
- 11 SEE STRUCTURAL FOR REQUIRED SPECIAL INSPECTIONS
- 12 SEE MECHANICAL AND ELECTRICAL DRAWINGS FOR ADDITIONAL ELECTRICAL AND EQUIPMENT INFORMATION

I	DIAMETER PERPENDICULAR	IN	INSIDE DIAMETER INSULATED INSULATION INTERIOR
AC	AIR CONDITIONING	IN	INSIDE DIAMETER
AB	ANCHOR BOLT	INT	INTERIOR
ACC	ACCESSIBLE	JT	Joint
ACT	AGRICULTURAL TILE		
ADD	ADDED	LAM	LAMINATE(D)
AF	ABOVE FINISH FLOOR	LA	LAVATORY
AL	ALUMINUM	LH	LEFT HAND
ALT	ALTERNATE	LH	LIGHTING
ANOD	ANODED	LW	
AP	ACCESS PANEL	MANU	MANUAL
ARCH	ARCHITECTURAL	MEDH	MEDICAL
AUTO	AUTOMATIC	MFR	MANUFACTURER(P)
		MGR	MANAGER
B.G.	BOTTOM OF	MANU	MANUAL
BATT	BATT INSULATION	MN	MINOR
BT	BITUMENS	MSC	MISCELLANEOUS
BLDG	BUILDING	MSC	MISCELLANEOUS
BLD	BENCH MARK	MO	MASONRY OPENING
BL	BOLLARD	MOD	MODULAR
BP	BUILDING PAPER	MTL	METAL PANEL
		MRB	MOISTURE RESISTANT GYPSUM WALL BOARD
CCTV	CLOSED CIRCUIT TV	MTL	METAL
CF	CONCRETE FOOT		
CFG	CONTRACTOR FURNISHED CONTRACTOR INSTALLED	NC	NOT IN CONTRACT
CG	CORNER GUARD	NC	NOT IN CONTRACT
CI	CONTROL JOINT	NO	NOT TO SCALE
CL	CLEARANCE	NTS	NOT TO SCALE
CLR	CLEARANCE	OC	ON CENTER(S)
CAU	CONCRETE MASONRY UNIT	OC	ON SIDE DIAMETER
CU	CULVERT	OF	OWNER FURNISHED CONTRACTOR INSTALLED
CGC	CERAMIC	OF	OWNER FURNISHED CONTRACTOR INSTALLED
CONST	CONSTRUCTION	OF	OWNER FURNISHED CONTRACTOR INSTALLED
CONT	CONTINUOUS CONTINUE	OVER	OVERHEAD
CT	CERAMIC TILE	OPP	OPPOSITE
CTR	CENTER		
		P	PAINT(ED)
DA	DOUBLE GLAZING	PERF	PERFORATED
DEMO	DEMOLITION/DEMOLITION	PLAS	PLASTIC LAMINATE
DE	DETAIL	PSF	POUNDS PER SQUARE FOOT
DF	OPENING FOUR INCH	PSI	POUNDS PER SQUARE INCH
DA	DIAMETER	PT	PRESSURE TREATED
DAG	DIGITAL	PTD	PAPER TOWEL DISPENSER
DM	DIMENSION	PTN	FASTENING
DEP	DEPENDENT	PWD	PLYWOOD
DNS	DIVISION		
DNT	DEMOUNTABLE	QT	QUARRY TILE
DR	DRAIN		
DP	DAMP PROOFING	RA	RETURN AIR
DR	DOOR	RAD	RADIUS
DS	DOWNPOUT	RD	ROAD GRAB
DTL	DETAIL	REF	REFRIGERATOR
DK	DEMOUNTABLE	REQ	REQUIRED
DWG	DRAWINGS	REV	REVISION(S) REVISED
DWR	DRAINER	RH	RIGHT HAND
		RM	ROOM

OWNER	SAMANTHA HEALTH SERVICES 840 SW Abby St. Hempert, OR 97365 TEL: (503) 254-4952 ATTN: Jan Travers EMAIL: jgonner@samantha.org	CNTR. DEVELOPING RESOURCES INC. 240 NE Conder Blvd. Camden, OR 97330 TEL: (503) 272-8991 FAX: (503) 275-6845 ATTN: Steve Heltzer EMAIL: sheltzer@developingres.com	STRUCTURAL	LEMMS & LEMMIS 16455 SW Sequoia Pkwy Suite 100 Tigard, OR 97224 TEL: (503) 625-1100 ATTN: Gary Lemm EMAIL: glenn@lemm.com
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- REMODEL APPROX. 4,700SF OF INTERIOR SPACE TO ACCOMMODATE COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS)
- ADDITION INCLUDES APPROX. 4,400SF ON THE FIRST FLOOR AND 3,900SF ON THE SECOND FLOOR
- DEVELOP SITE WITH 20 PARKING SPACES (INCLUDING ACCESSIBLE SPACES)
- INSTALL NEW MECHANICAL SYSTEMS FOR BOTH EXISTING AND ADDITION

GENERAL		STRUCTURAL	
G0.01	PROJECT INFORMATION AND SHEET INDEX	S1.10	STRUCTURAL NOTES
G1.01	FIRE AND LIFE SAFETY	S1.01	FOUNDATION PLAN
G1.11	FBI NOTES PLAN	S1.11	FOUNDATION DETAILS
		S2.01	2ND FLOOR (LOW ROOF FRAMING) PLAN

01/01	DEMOLITION SITE PLAN	SJ 11	ROOF FRAMING DETAILS
02/01	DEMOLITION PLANS		

A1.01	SITE PLAN	M001	MECHANICAL PLAN - ROOF / MEZZANINE
A1.01	SITE DETAILS	M002	MECHANICAL PLAN - ROOF
A2.01	FLOOR PLANS - 1ST FLOOR	M0.01	MECHANICAL LEGEND DETAILS AND SCHEDULES
A2.02	FLOOR PLANS - 2ND FLOOR & MEZZANINE	M0.01	MECHANICAL PLUMBING PLAN - 1ST FLOOR
A2.03	POOF PLAN	M0.02	MECHANICAL PLUMBING PLAN - 2ND FLOOR / MEZZANINE
A3.01	CEILING PLAN - 1ST FLOOR	M0.00	MECHANICAL LEGEND DETAILS AND SCHEDULES
A3.02	CEILING PLANS - 2ND FLOOR & MEZZANINE	M0.01	MECHANICAL DETAILS
A4.01	EXTERNAL ELEVATIONS	M0.02	MECHANICAL VENTILATION SCHEDULES
A4.02	EXTERIOR ISOMETRIC VIEWS		
A4.11	BUILDING SECTIONS		
A4.21	WALL SECTIONS		
A5.01	INTERIOR ELEVATIONS - 1ST FLOOR	P01.01	PLUMBING DEAD END TO PLAN
A5.02	INTERIOR ELEVATIONS - 1ST FLOOR	P01.02	PLUMBING DEAD END - 1ST FLOOR
A5.03	INTERIOR ELEVATIONS - 1ST FLOOR	P1.00	PLUMBING PLAN - UNDERDRAIN
A5.04	INTERIOR ELEVATIONS - 1ST FLOOR	P2.01	PLUMBING PLAN - 1ST FLOOR
A5.05	INTERIOR ELEVATIONS - 1ST FLOOR	P2.02	PLUMBING PLAN - 2ND FLOOR / MEZZANINE
A5.06	INTERIOR ELEVATIONS - 1ST FLOOR	P5.00	PLUMBING LEGEND, DETAILS AND SCHEDULES
A5.07	INTERIOR ELEVATIONS - 1ST FLOOR - CORRIDORS		
A5.08	INTERIOR ELEVATIONS - 2ND FLOOR		
A5.09	INTERIOR ELEVATIONS - 2ND FLOOR - CORRIDORS		
A6.01	DOOR SCHEDULE & WINDOW TYPES		
A6.02	FINISH SCHEDULE AND SUMMARY		
A6.11	FINISH PLAN - 1ST FLOOR		
A6.12	FINISH PLANS - 2ND FLOOR & MEZZANINE		
A7.01	INTERIOR VIEWS		
A7.02	INTERIOR REVIEWS		
A8.12	INTERIOR REVIEWS		

02.01	1ST FLOOR EQUIPMENT PLAN	TECHNOLOGY	
02.02	2ND FLOOR EQUIPMENT PLAN		
08.01	EQUIPMENT SCHEDULE		
		T100	TECHNOLOGY COVER

C200	PRIVATE IMPROVEMENTS COVER SHEET AND EASING CONDITIONS PLAN	1301	FIRST FLOOR PLAN - TECHNOLOGY
C210	CLEARING AND GRUBBING AND DEMOLITION PLAN	1302	SECOND FLOOR PLAN - TECHNOLOGY
C220	SITE LAYOUT PLAN	1303	THIRD FLOOR PLAN - TECHNOLOGY
C230	SITE GRADING PLAN	1401	TECHNOLOGY DETAILS
C240	SITE CROSS SECTIONS	1501	TECHNICAL MECHANICAL DIAGRAM
C250	SITE UTILITIES PLAN		
C260	DETAILS		
C261	DETAILS		
		1100	FOOD SERVICE EQUIPMENT PLAN - 1ST FLOOR

1.1	LAYOUT #INTERNAL PLAN
1.2	PLANTING PLAN
1.3	IRRIGATION PLAN
1.4	CONSTRUCTION DETAILS
1.4.1	CONSTRUCTION DETAILS
1.4.2	CONSTRUCTION DETAILS
1.4.3	CONSTRUCTION DETAILS
1.4.4	PLANTING DETAILS
1.4.5	IRRIGATION DETAILS

1. WOOD JOISTS
2. METAL SUPPORTS FOR HEALTHCARE EQUIPMENT
3. FIRE SUPPRESSION SYSTEM
4. FIRE ALARM AND DETECTION SYSTEM
5. SUSPENDED CEILING ASSEMBLIES
6. AS NOTED ON STRUCTURAL DRAWINGS

GENERAL NOTES

1. SEE MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS FOR
ALL PENETRATIONS AND ITEMS TO BE ACCOMMODATED ON THE
EXTERIOR.

KEYNOTES

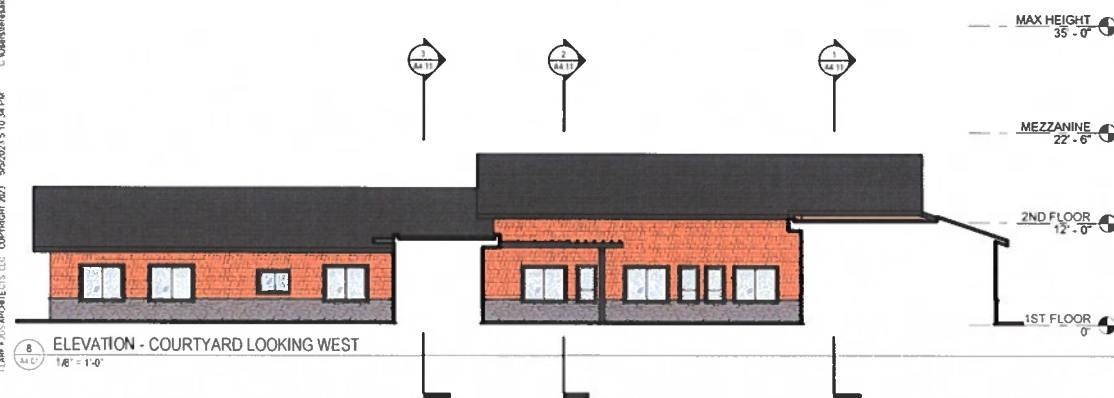
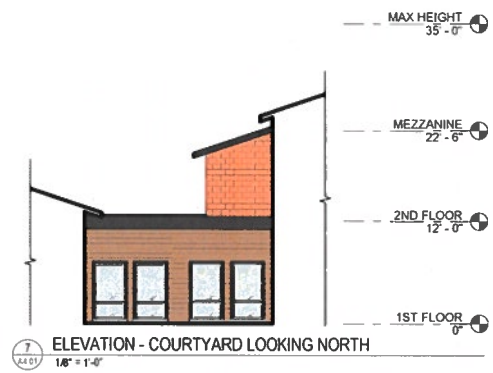
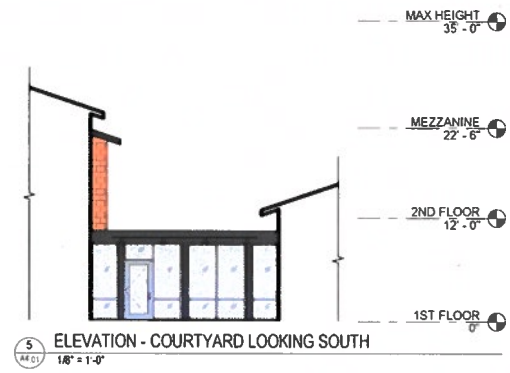
LEGEND - MATERIALS

- STONE VENEER (EXISTING)
- CEMENT BOARD SHINGLES (EXISTING)
- ASPHALT ROOF SHINGLES (EXISTING)
- CEMENT BOARD LAP SIDING
- TERRA COTTA TILE
- FLUSH PANEL METAL SIDING
- PRE-FINISHED METAL TRIM
- STANDING SEAM METAL ROOF

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SAMARITAN HEALTH SERVICES

5840 NW Biggs St., Newport, OR 97365



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LAND USE APPLICATION

EXTERIOR ELEVATIONS

A4.01

PROJECT NO: 22014

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SAMARITAN HEALTH SERVICES



ISSUE DATE: 05.05.23

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LAND USE APPLICATION

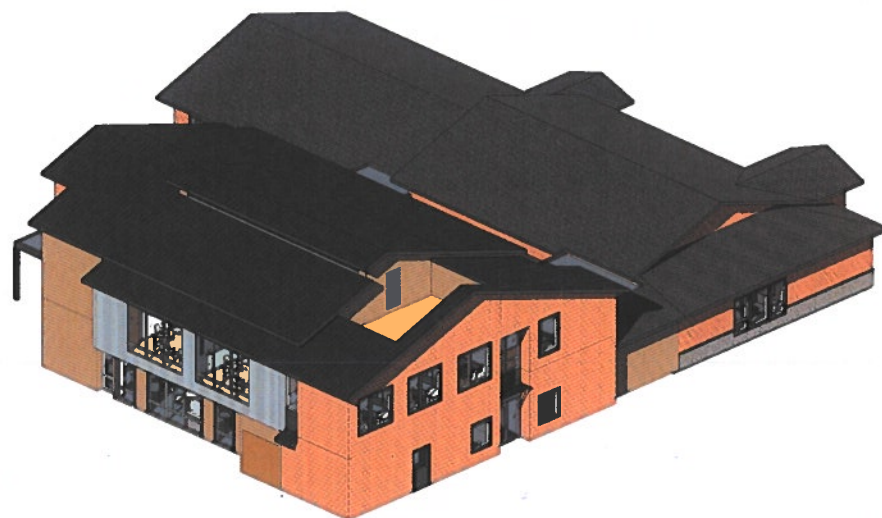
EXTERIOR ISOMETRIC VIEWS

A4.02

PROJECT NO. 22014

LEGEND - MATERIALS

- | | |
|---|----------------------------------|
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|  | CEMENT BOARD SHINGLES (EXISTING) |
|  | ASPHALT ROOF SHINGLES (EXISTING) |
|  | CEMENT BOARD LAP SIDING |
|  | TERRA COTTA TILE |
|  | FLUSH PANEL METAL SIDING |
|  | PRE-FINISHED METAL TRIM |
|  | STANDING SEAM METAL ROOF |

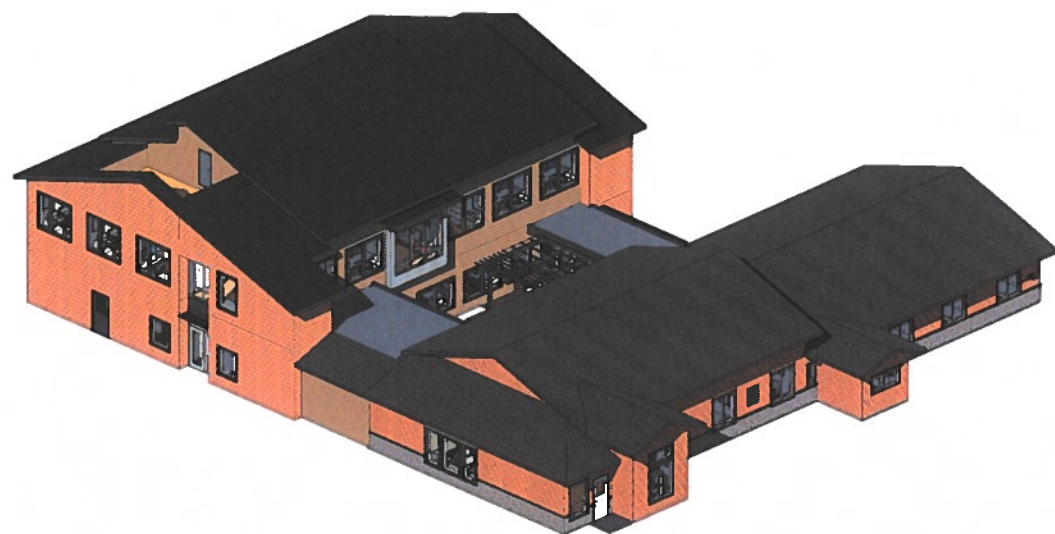


3
M 02

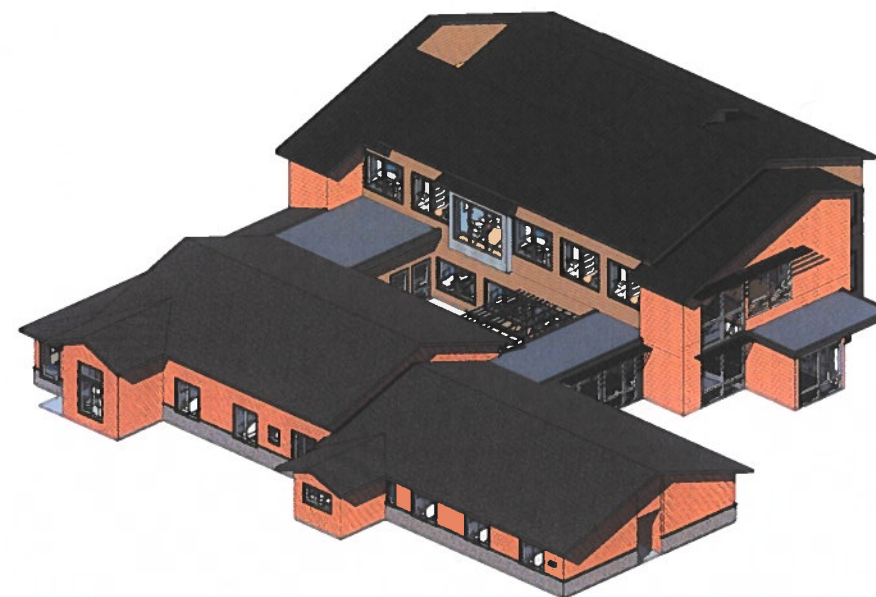
SOUTHEAST ISOMETRIC VIEW



2 SOUTHWEST ISOMETRIC VIEW

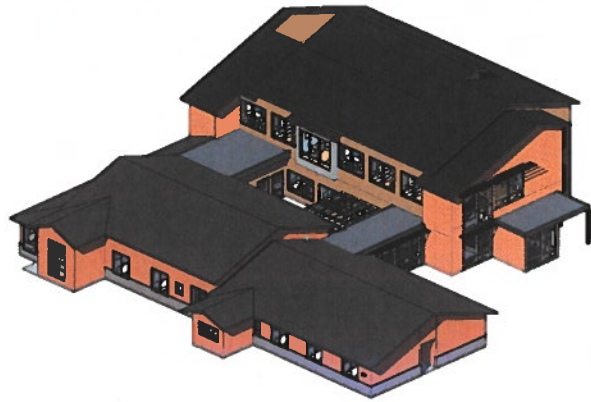


4 NORTHEAST ISOMETRIC VIEW

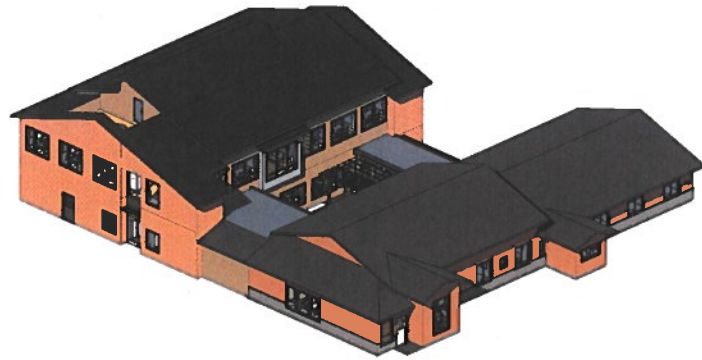


AXON - NORTHWEST 402

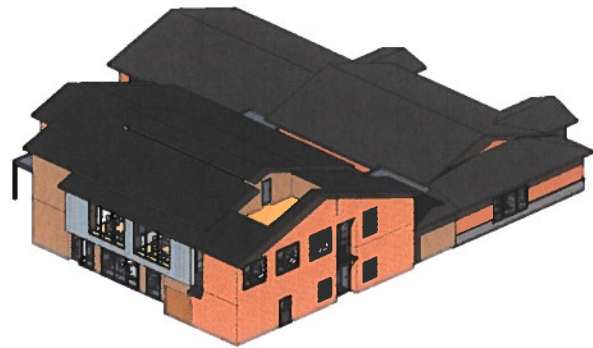
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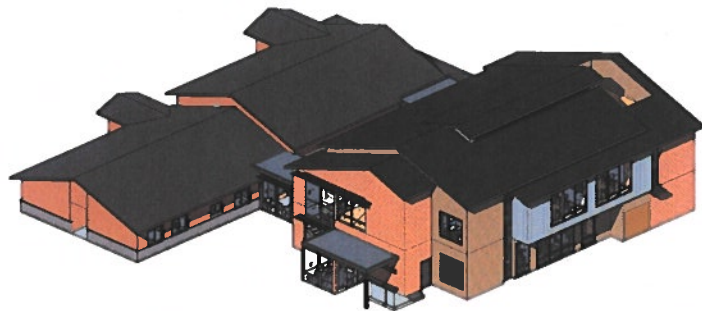
7 AXON - NORTHWEST
3D VIEW FOR REFERENCE ONLY



8 AXON - NORTHEAST
3D VIEW FOR REFERENCE ONLY



9 AXON - SOUTHEAST
3D VIEW FOR REFERENCE ONLY



10 AXON - SOUTHWEST
3D VIEW FOR REFERENCE ONLY



4 COURTYARD
3D VIEW FOR REFERENCE ONLY



5 COURTYARD
3D VIEW FOR REFERENCE ONLY



6 SITE ENTRANCE
3D VIEW FOR REFERENCE ONLY



1 BUILDING ENTRANCE
3D VIEW FOR REFERENCE ONLY



2 DELIVERY AISLE
3D VIEW FOR REFERENCE ONLY



3 NORTH FACADE
3D VIEW FOR REFERENCE ONLY

LEGEND - MATERIALS

- STONE VENEER (EXISTING)
- CEMENT BOARD SHINGLES (EXISTING)
- ASPHALT ROOF SHINGLES (EXISTING)
- CEMENT BOARD LAP SIDING
- TERRA COTTA TILE
- FLUSH PANEL METAL SIDING
- PRE-FINISHED METAL TRIM
- STANDING SEAM METAL ROOF

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DESIGN DEVELOPMENT

EXTERIOR 3D VIEWS

A9.01

PROJECT NO. 22014



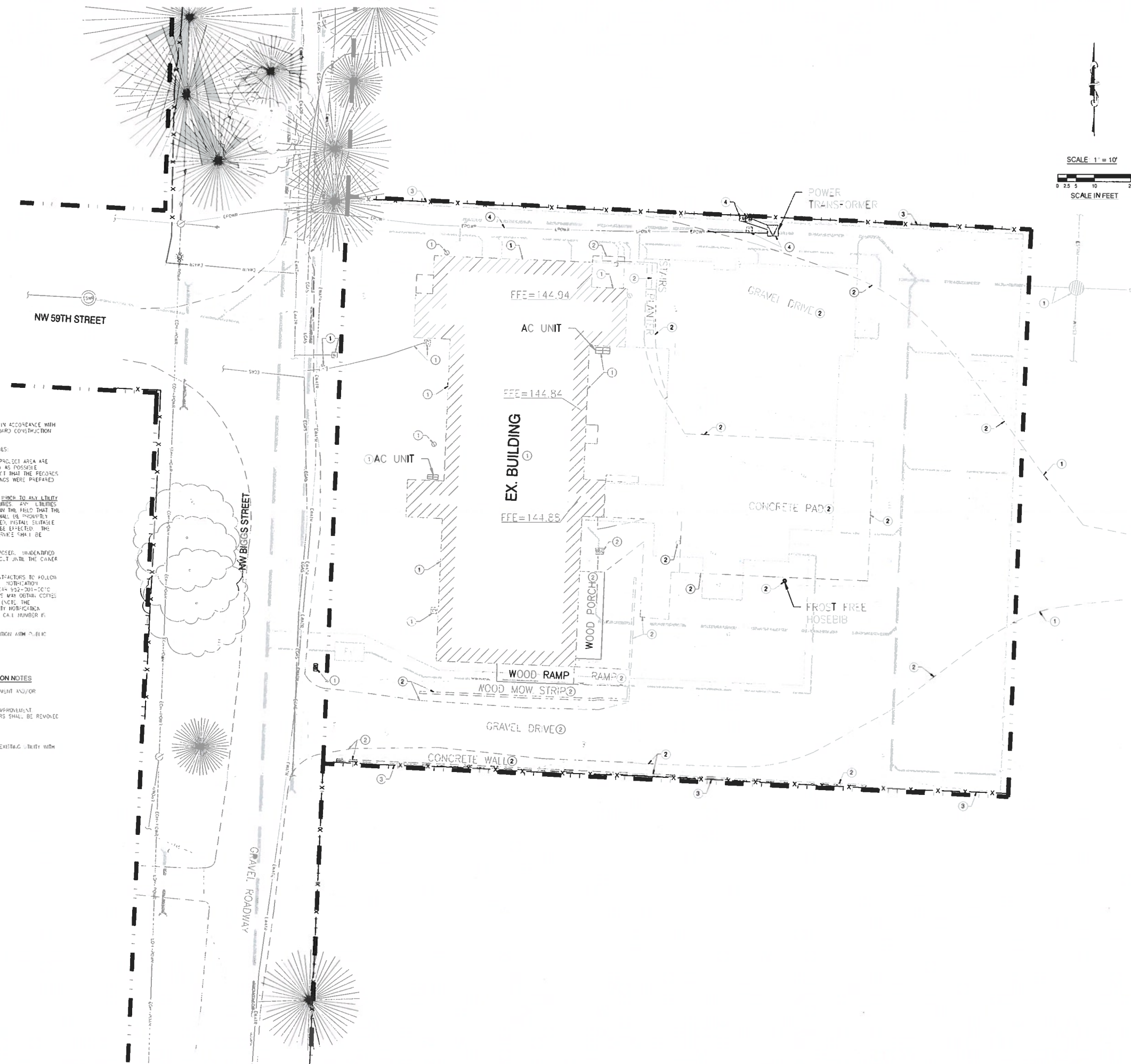
1. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH CURRENT APPLICABLE CITY OF ALBANY STANDARD CONSTRUCTION SPECIFICATIONS AND DETAILS.
2. LOCATION AND PROTECTION OF EXISTING UTILITIES:

a. EXISTING UTILITIES LOCATED WITHIN THE PROJECT AREA ARE SHOWN AS ACCURATELY AND COMPLETELY AS POSSIBLE.


b. THE CONTRACTOR SHALL VERIFY AND LOCATE ALL UTILITIES FROM WHICH THE EXISTING UTILITY DRAWINGS WERE PREPARED ARE NOT COMPLETE.
3. VERIFY THE LOCATIONS OF ALL UTILITIES PRIOR TO ANY UTILITY CONSTRUCTION AND PROTECT THESE UTILITIES. ALL UTILITIES SHOWN ON THE DRAWINGS OF LOCATED IN THE FIELD THAT THE CONTRACTOR DISCOVERS OR DAMAGES SHALL BE IMMEDIATELY REPAIRED. IF NEW TOWNHOMES IF REQUIRED, INSTANT UTILITIES REPAIR SERVICE SHALL BE PROVIDED. THE COST OF THE REPAIR OR TEMPORARY SERVICE SHALL BE BORNE BY THE CONTRACTOR.
4. NOTIFY THE OWNER OF ALL UTILITIES EXPOSED. UNIDENTIFIED UTILITIES SHALL NOT BE DISRUPTED. P.C.T. IN THE CANNER SHALL BE ASSURED THE PROTECTION OF THE UTILITIES.
5. ATTENTION: DESIGN LAW REQUIRES CONTRACTORS TO FOLLOW RULES ADOPTED BY THE DESIGN UTILITY NOTIFICATION CENTER. THESE RULES SET-ORTH IN C.A. 922-201-201C (C.A. 922-201-201C) AND C.A. 922-201-201C (C.A. 922-201-201C) AND C.A. 922-201-201C (C.A. 922-201-201C) OF THE RULES BY CALLING THE CENTER (C.A. 922-201-201C) THE TELEPHONE NUMBER FOR DESIGN UTILITY NOTIFICATION CENTER IS (505) 333-1907. THE ONE CALL NUMBER IS (505) 333-2564.
6. CONTRACTORS ARE ADVISED, PRESENT, AND DEMONSTRATION WITH PUBLIC UNIDENTIFIED DRAWINGS.

CLEARING AND GRUBBING AND DEMOLITION NOTES

- 1 PRESERVE AND PROTECT EXISTING IMPROVEMENT AND/OR VEGETATION.
- 2 SAW CUT AND/OR REMOVE EXISTING SITE IMPROVEMENTS: SIDEWALKS, CURBS, AND CURB AND GUTTERS SHALL BE REMOVED IN FULL JOINT-TO-JOINT SECTIONS.
- 3 REMOVE EXISTING FENCE.
- 4 COORDINATE RELOCATION OR REMOVAL OF EXISTING UTILITY WITH SERVICING FRANCHISE UTILITY COMPANY.



SCALE: 1" = 10'



SCALE IN FEET

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ISSUE DATE 05.05.23

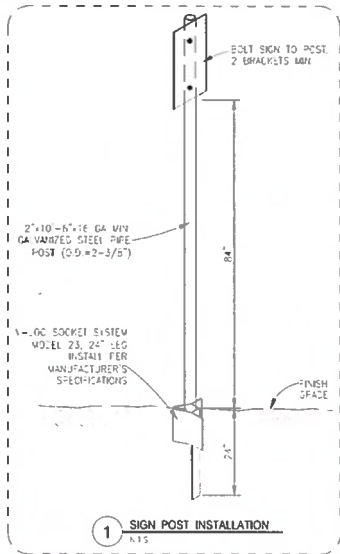
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1 AND USE APPLICATION

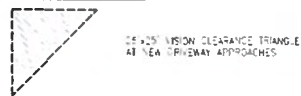
CLEARING AND GRUBBING AND DEMOLITION PLAN

C210

19.2 11/18/2023 Project: SHS Coastal Stars, 5840 NW Biggs St, Newport, OR 97365 (C220) 5/7/2023 2:16 PM - Revise



VISION CLEARANCE AREA



DRAWING HATCHING LEGEND



GENERAL LAYOUT NOTES:

1. DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. ALL CURB RICH SHALL BE 5' UNLESS OTHERWISE SHOWN.

LAYOUT CONSTRUCTION NOTES:

1. PAINT 4" WIDE WHITE STRIPE.
2. CONSTRUCT SIGN POST PER DETAIL 1/C220.
3. PAINT THE SYMBOL OF ACCESSIBILITY WHITE, WITH BLUE BACKGROUND. SEE FIGURE 6 ON SHEET C251 FOR STANDARD DIMENSIONS.
4. INSTALL SIGN, "RESERVE PARKING WITH SYMBOL OF ACCESSIBILITY", STANDARD FEDERAL SIGN R7-8 MOUNT 84" ABOVE FINISH GRADE TO BOTTOM OF SIGN SEE FIGURE 8 ON SHEET C251 FOR SIGN DIMENSIONS.
5. INSTALL SIGN, "VAN-ACCESSIBLE", STANDARD FEDERAL SIGN R7-8A MOUNT 84" ABOVE FINISH GRADE TO BOTTOM OF SIGN SEE FIGURE 9 ON SHEET C251 FOR SIGN DIMENSIONS.
6. INSTALL SIGN, "NO PARKING IN ACCESSIBLE", COST SIGN R7-9 MOUNT 84" ABOVE FINISH GRADE TO BOTTOM OF SIGN SEE FIGURE 11 ON SHEET C251 FOR SIGN DIMENSIONS. WHERE POST IS NOT CENTERED ON ARROW, INSTALL DOWN ARROW SIGN COST SIGN R7-9A ALSO.
7. PAINT 4" WIDE WHITE STRIPE AT 24" O.C. AT 36" FROM INTERSECTION. SEE FIGURE 1 OR 2 ON SHEET C251 FOR ADDITIONAL INFORMATION.
8. PAINT THE WORDS "NO PARKING", 12" HIGH, WHITE, LOCATED WORKING IN THE ACCESSIBLE PER FIGURE 7 ON SHEET C251 ALONG WITH THE WORD DIMENSIONS.
9. PAINT THE WORD "COMPACT", 12" HIGH, WHITE.
10. PAINT WHITE DIRECTIONAL ARROW, AS SHOWN, PER MUTCO FIGURE 50-24.
11. CONSTRUCT 6" L.C.G., 6" TALL CONCRETE CURB STOP BUMPERS.

NW 59TH STREET

NW BIGGS STREET

SCALE 1" = 10'

0 2.5 5 10 20

SCALE IN FEET

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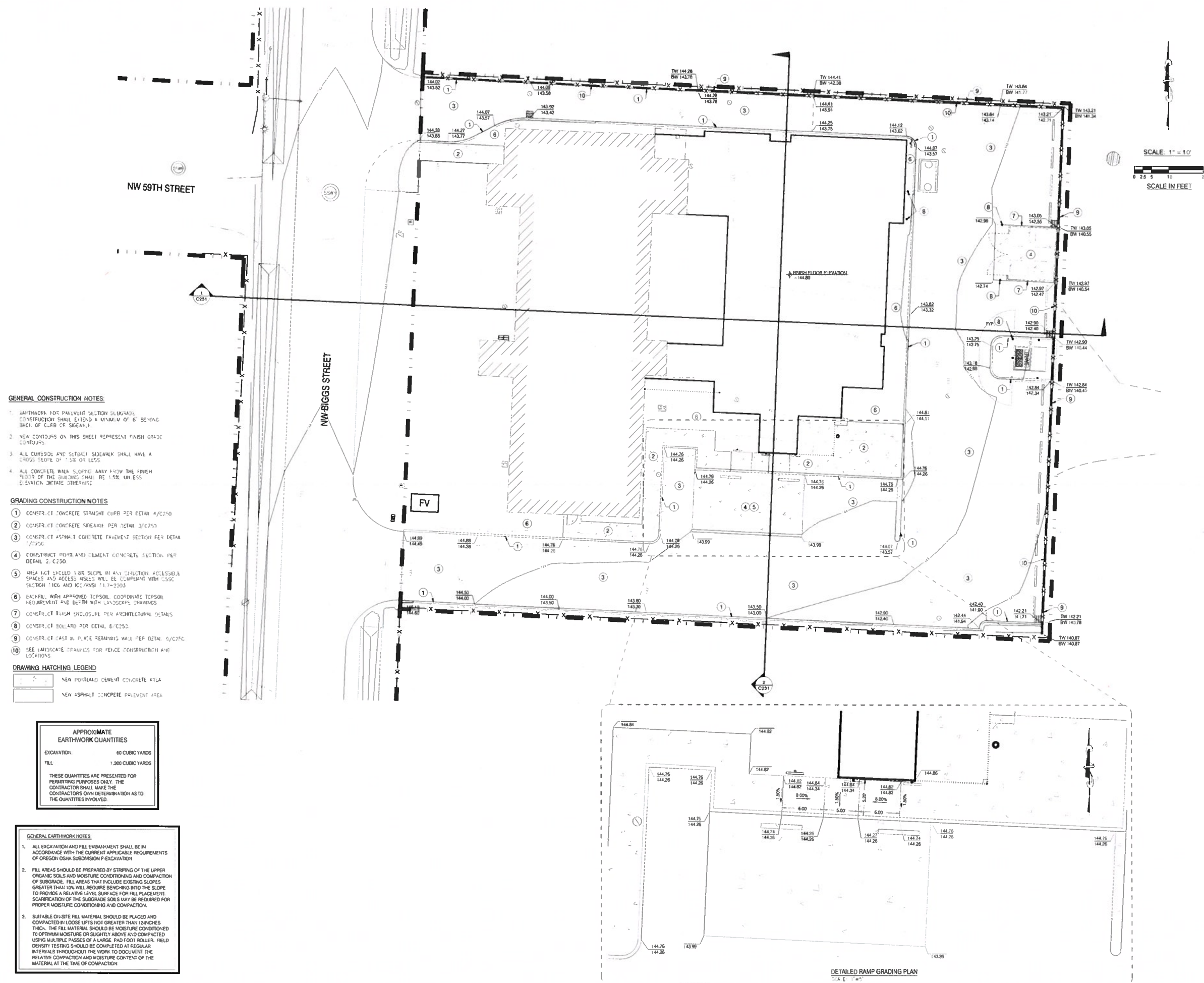


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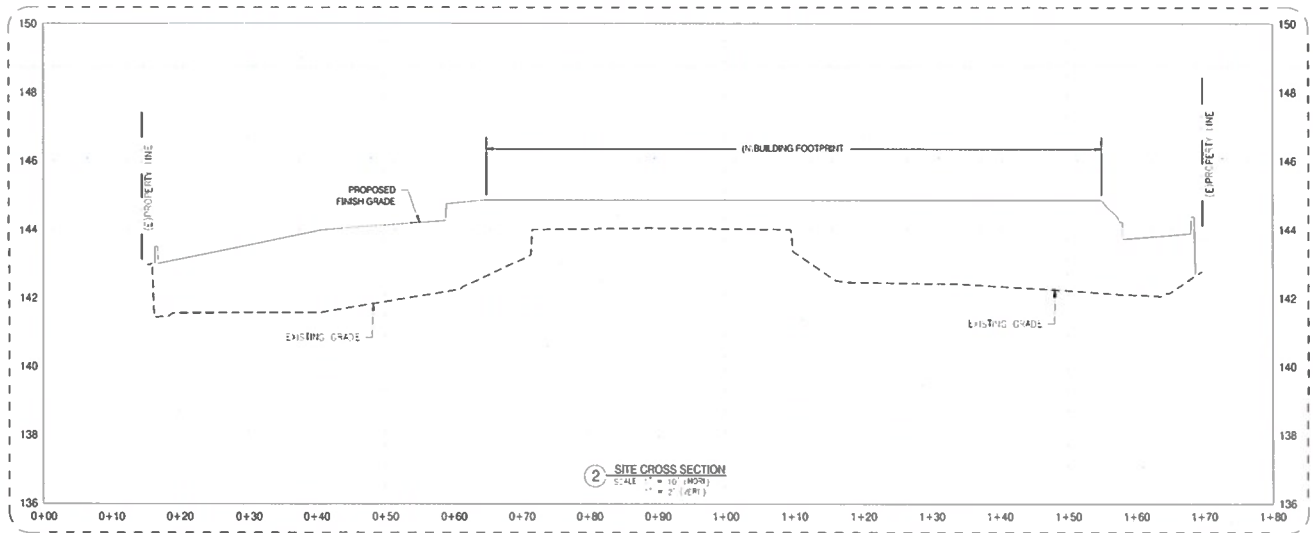
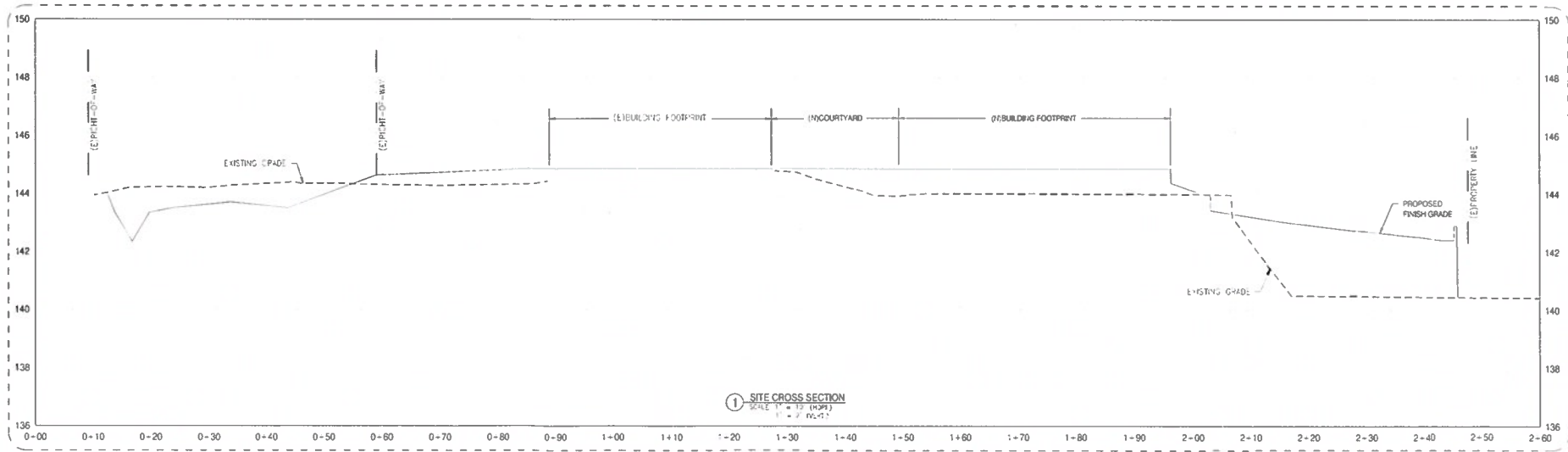
SITE LAYOUT PLAN

C220

LAND USE APPLICATION



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C231

SITE CROSS SECTIONS

LAND USE APPLICATION

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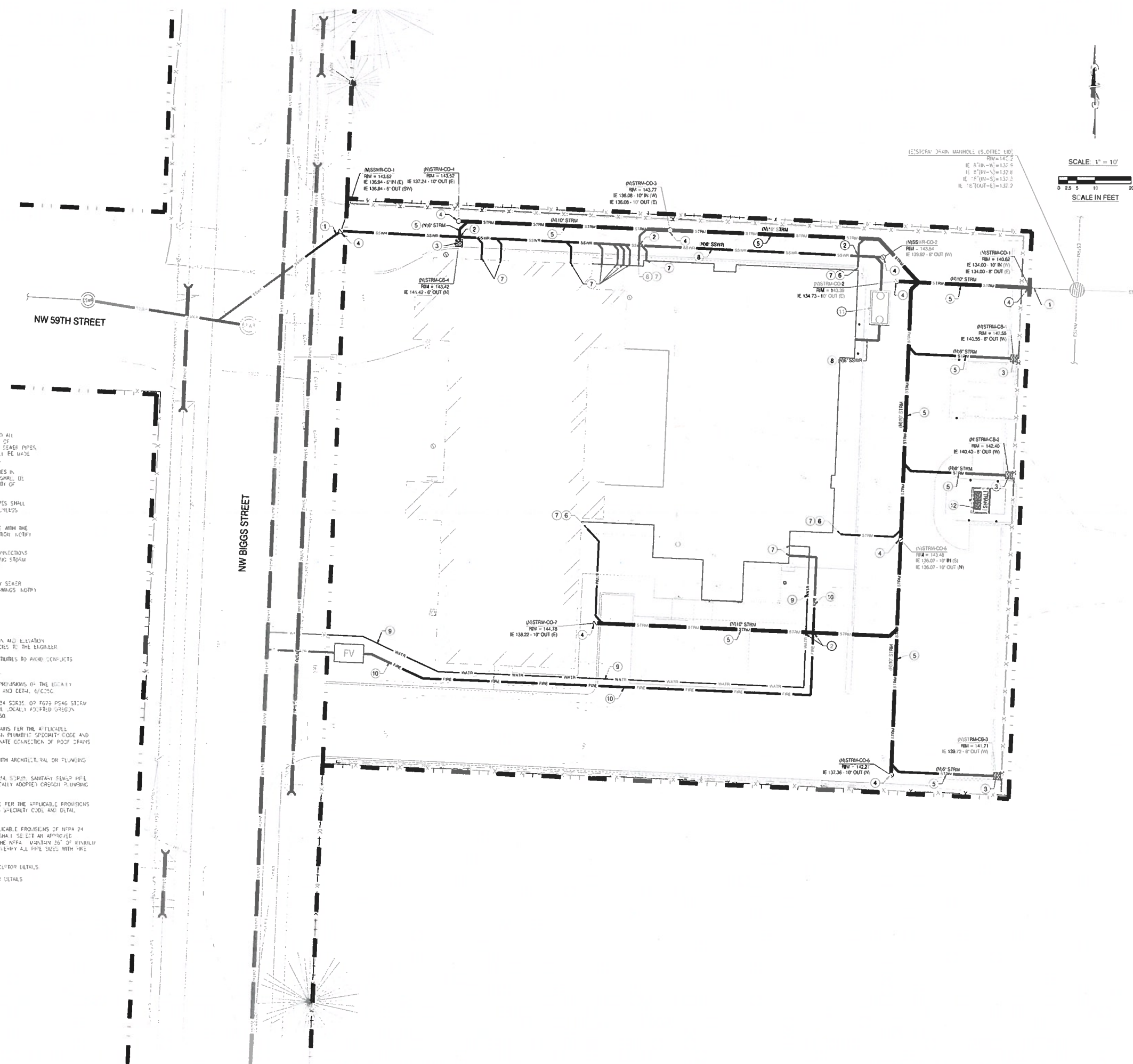
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Phone: 503.224.4848




1. COORDINATE WITH PROCEDURE AND CONCERN TO ALL CONSTRUCTION PERMITS REQUIRED BY THE CITY OF CORVALLIS FOR STORM DRAINAGE AND SANITARY SEWER PIPES, ALL CONNECTIONS AT PIPE INTERSECTIONS SHALL BE MADE WITH THE FITTINGS, UNLESS OTHERWISE SHOWN.
2. IF UTILITY CROSSINGS ARE LESS THAN 12-INCHES IN DIAMETER, SANITARY OR STORM DRAINAGE SHALL BE CONSTRUCTED OVER THE LOWER UTILITY PER CITY OF CORVALLIS STANDARD DETAIL NO. 202/C229.
3. ALL SANITARY SEWER AND STORM DRAINAGE PIPES SHALL HAVE A MINIMUM PIPE SLOPE OF 0.01 "/FT, UNLESS ELEVATION INDICATES OTHERWISE.
4. COORDINATE A.1. ROOF DRAIN SPOTS LOCATIONS WITH THE ARCHITECTURAL DRAWINGS PRIOR TO CONSTRUCTION WITH THE ENGINEER OF ANY CONFLICTS.
5. COORDINATE A.1. SUBS. FENCE STORM DRAIN CONNECTIONS (IE FOUNDATION/FOOTING DRAINS) WITH A BERING STORM DRAIN COLLECTIONS, NOTIFY ENGINEER IF ANY DISCREPANCIES.
6. COORDINATE DOMESTIC WATERLINE AND SANITARY SEWER LOCATIONS TO AVOIDING WITH EXISTING BERING STORM DRAIN COLLECTIONS, NOTIFY ENGINEER OF ANY CONFLICTS.

UTILITIES CONSTRUCTION NOTES

- (1) PRIOR TO CONSTRUCTION, FIELD VERIFY LOCATION AND ELEVATION OF EXISTING UTILITY, REPORT ANY DISCREPANCIES TO THE ENGINEER.
- (2) FIELD VERIFY DEPTH OF NEW AND EXISTING UTILITIES TO AVOID COLLISIONS.
- (3) CONSTRUCT CATCH BASIN PER DETAIL 7, C/256.
- (4) CONSTRUCT (LARGEST PER THE APPLICABLE PROVISIONS OF THE LOCALLY ADOPTED OREGON PLUMBING SPECIFIC CODE AND DETAIL, C/256).
- (5) CONSTRUCT DESIGNATED SIZE PIP, ASTM D2064, SDR41, OF 60/70 PPG STEEL PIPE PER THE APPLICABLE PROVISIONS OF THE LOCALLY ADOPTED OREGON PLUMBING SPECIFIC CODE AND DETAIL, C/256.
- (6) CONSTRUCT 3" DIAMETER DUCTILE IRON MAIN PER THE APPLICABLE PROVISIONS OF THE LOCALLY ADOPTED OREGON PLUMBING SPECIFIC CODE AND DETAIL, C/256. CONTRACTOR SHALL COORDINATE CONNECTION OF ROOF DRAINS AND "OOTING DRAIN."
- (7) COORDINATE ACTUAL POINT OF CONNECTION WITH ARCHITECTURAL OR PLUMBING DRAWINGS.
- (8) CONSTRUCT DESIGNATED SIZE PIP, ASTM D2064, SDR41, SANITARY SEWER PIPE PER THE APPLICABLE PROVISIONS OF THE LOCALLY ADOPTED OREGON PLUMBING SPECIFIC CODE AND DETAIL, C/256.
- (9) CONSTRUCT 3" DIAMETER DOMESTIC WATERLINE PER THE APPLICABLE PROVISIONS OF THE LOCALLY ADOPTED OREGON PLUMBING SPECIFIC CODE AND DETAIL, C/256.
- (10) CONSTRUCT ONE SERVICE LINE PER THE APPLICABLE PROVISIONS OF NFPA 24 AND 13B AND DETAIL, C/256. CONTRACTOR SHALL SET 2" AT 40' SPACED WATERPAIL AS IDENTIFIED IN SECTION 1.3 OF THE NFPA 24. MAINTAIN 30" OF MINIMUM COVER OVER TOP OF PIPE. COORDINATE AND VERIFY ALL PIPE SIZES WITH THE SUBMITTER DRAWINGS.
- (11) SEE PLUMBING DRAWINGS FOR GROUND WATER/INLET DETAILS.
- (12) SEE ELECTRICAL DRAWINGS FOR TRANSFORMER DETAILS.



SCALE: 1" = 10'



0 2.5 5 10 20

SCALE IN FEET

C L A R K  **K J O S**
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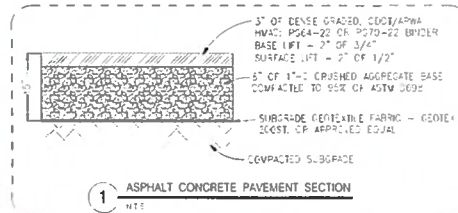
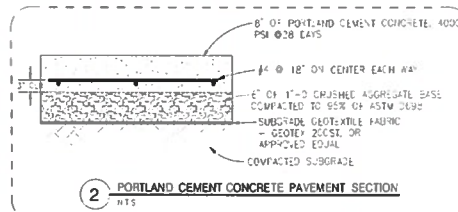
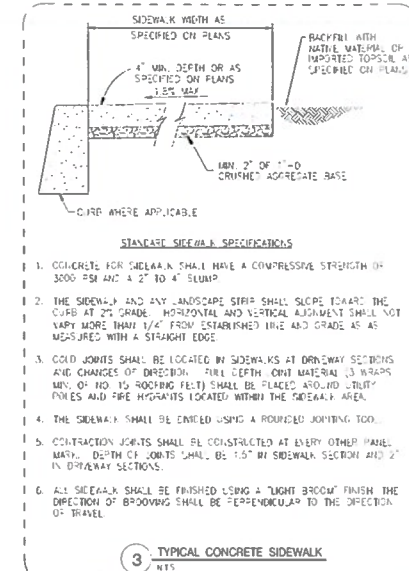
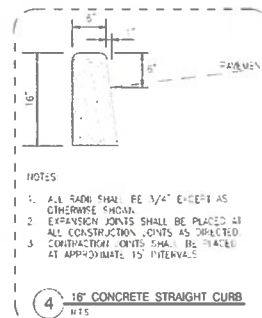
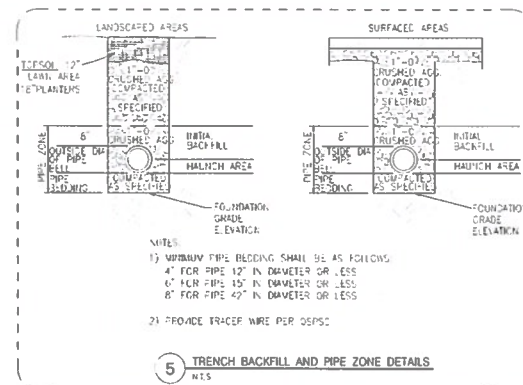
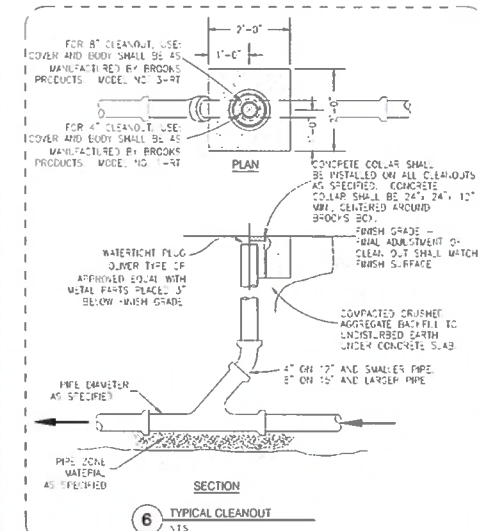
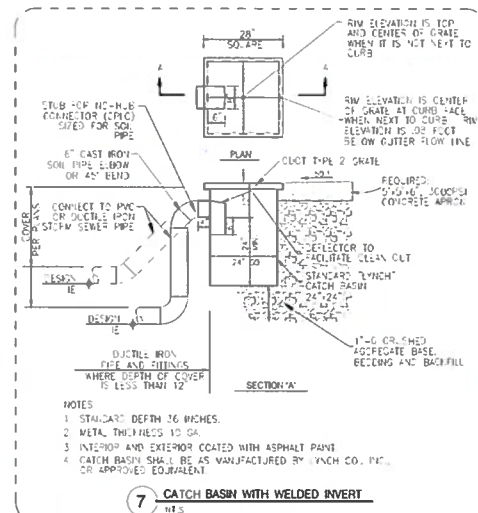
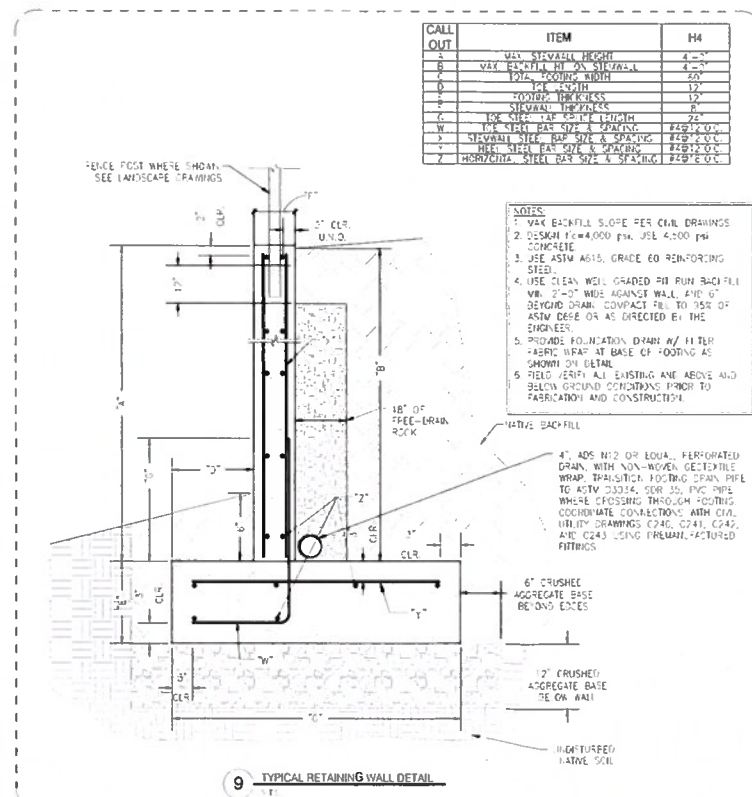


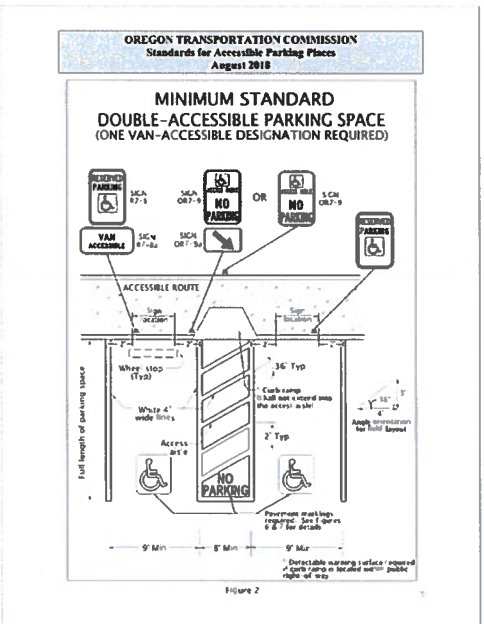
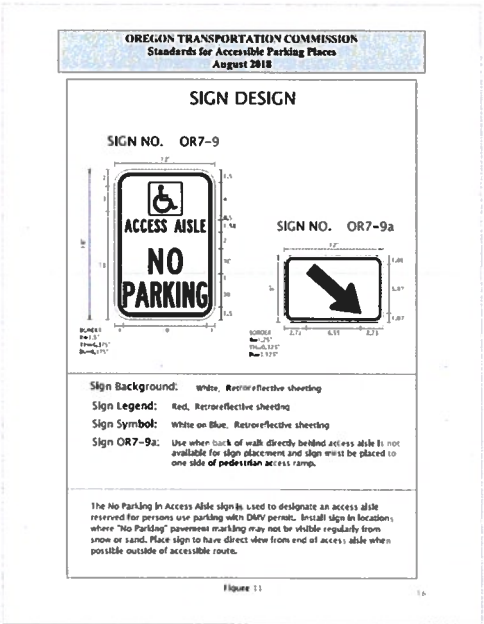
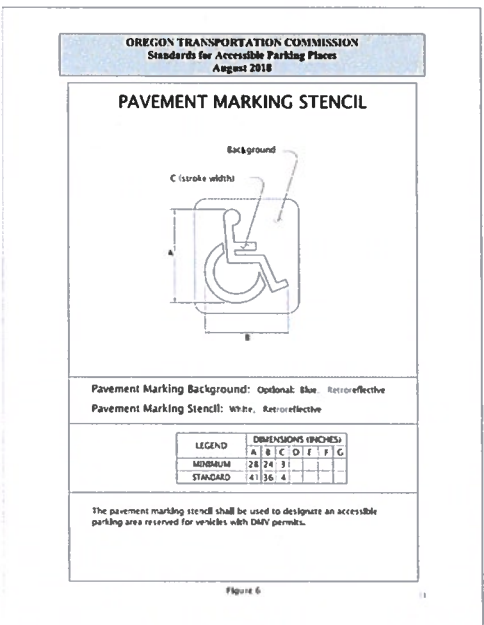
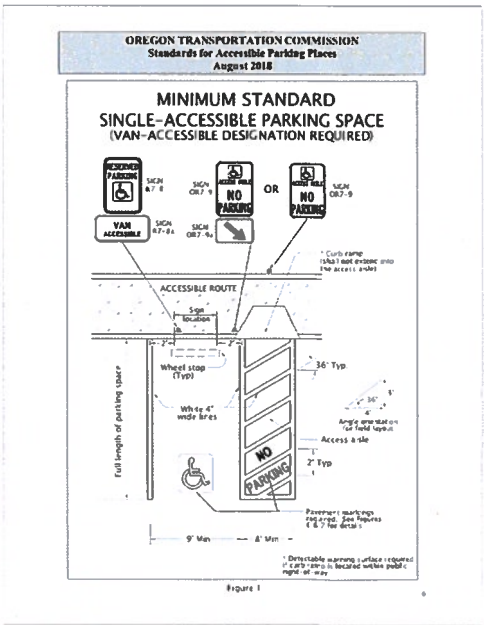
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SITE UTILITIES PLAN

C240





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DETAILS

C251

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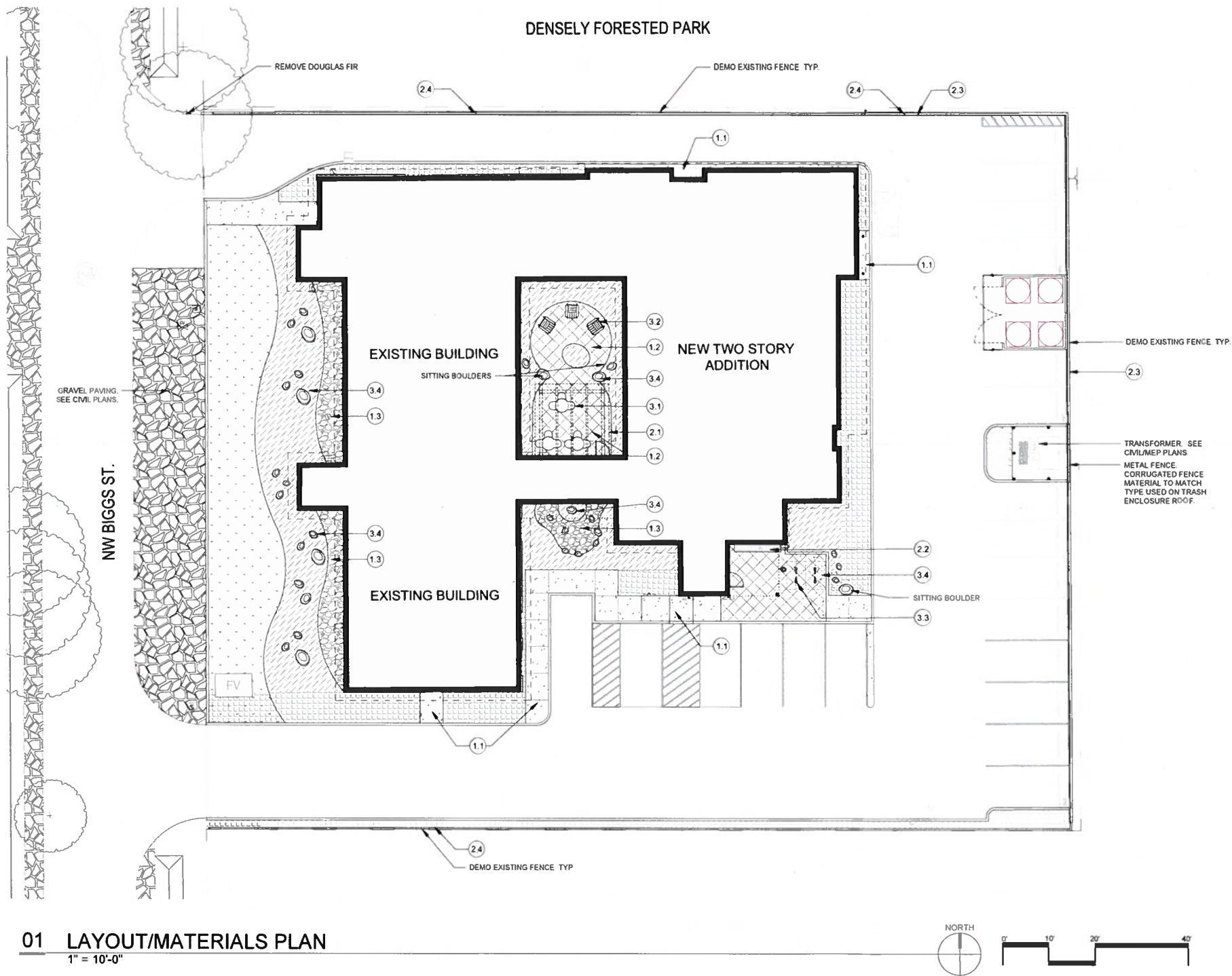
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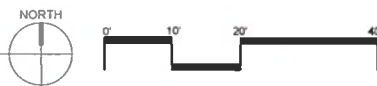
CLARK K JOSS
ARCHITECTS, LLC

821 SW Adams St, Suite 700
Portland, OR 97205

Phone: 503.224.4448



01 LAYOUT/MATERIALS PLAN
1" = 10'-0"



PARKING LOT PLANTING REQUIREMENT

TOTAL PROPERTY AREA - 29,284 S.F.
TOTAL PLANTING AREA PROVIDED - 4,448 S.F.
PERCENTAGE OF LANDSCAPING PROVIDED - 15.19%

MATERIALS LEGEND

---	PROPERTY LINE
---	SCORED PEDESTRIAN CONCRETE PAVING - 5,593 S.F.
---	EXISTING CONCRETE PAVING TO REMAIN - 510 S.F.
---	RIVER ROCK - 1,698 S.F.
---	SITE FURNITURE
---	BIKE RACK
---	BOULDERS
---	EXISTING TREES
---	PARKING LOT PLANTING - 1,366 S.F.
---	GENERAL SITE PLANTING - 1,733 S.F.
---	NEW SEEDED LAWN - 1,349 SF.

SITE DETAIL KEYNOTES

1.0	PAVING	DETAIL/ SHEET	QUANTITY
1.1	CONCRETE PAVING	1+2/L4.3	891 S.F.
1.2	CONCRETE PAVERS	4/L4.3	787 S.F.
1.3	RIVER ROCK MULCH	3/L4.3	358 S.F.
2.0	WALLS / FENCES / PERGOLAS		
2.1	PERGOLA IN COURTYARD. SEE ARCH PLANS FOR ADDITIONAL DETAILS.	1/L4.1	14'X17'
2.2	SEATBENCH AT FRONT ENTRYWAY	2/L4.2	15 L.F.
2.3	WOOD FENCE ON RETAINING WALL	1/L4.2	334 L.F.
2.4	WOOD FENCE	2/L4.1	188 L.F.
3.0	SITE FURNITURE		
3.1	CAFE TABLES / CHAIRS	6/L4.3	3 / 9
3.2	LOUNGE CHAIRS	7/L4.3	3
3.3	BIKE RACK	8/L4.3	1
3.4	BOULDERS	5/L4.3	32

LANDSCAPE NOTES

1. FOR GRADING, UTILITIES AND DRAINAGE AND PARKING LOT SEE CIVIL PLANS
2. FOR SIGHT LIGHTING SEE LIGHTING CONSULTANT'S PLANS AND NARRATIVES
3. FOR SITE SIGNAGE SEE ARCH PLANS
4. FOR TRASH ENCLOSURE AND COURTYARD PERGOLA CONNECTIONS TO BUILDING SEE ARCHITECTS PLANS
5. FOR RETAINING WALL AROUND THE PARKING LOT SEE CIVIL PLANS. FOR FENCE INSTALLED ON TOP OF RETAINING WALL SEE DETAIL 2/L4.2
6. SEE ARCH PLANS FOR ADDITIONAL DETAILS OF PERGOLA WITHIN COURTYARD
7. AN IRRIGATION SYSTEM IS RECOMMENDED AND AN IRRIGATION PLAN IS PROVIDED. IF THE OWNER DECIDES TO NOT INSTALL IRRIGATION A TEMPORARY IRRIGATION SYSTEM WILL BE INSTALLED IN ORDER TO ESTABLISH PLANTINGS FOR A MINIMUM PERIOD OF 2 YEARS.



COURTYARD PLANTINGS



FRONT OF BUILDING PLANTINGS



TREE SCHEDULE							
SYMBOL	BOTANICAL NAME	COMMON NAME	DECIDUOUS / EVERGREEN	SIZE	SPACING	CONDITION	QTY.
	EXISTING TREES TO REMAIN						-
	CHAMAECYPARIS OBTUSA 'GRACILIS'	FALSE HINOKI CYPRESS	E	6'-8" TALL	AS SHOWN	B&B	-
	CORNUS KOUSA 'EDDIE'S WHITE WONDER'	VENUS DOGWOOD	D	2" CAL.	AS SHOWN	B&B	4
	ACER PALMATUM BLOODGOOD	CREPE MYRTLE	D	2" CAL.	AS SHOWN	B&B	9
	GINKGO BILOBA 'AUTUMN GOLD'	PRINCETON SENTRY GINKGO	D	2" CAL.	AS SHOWN	B&B	4
	PYRUS CALLERYANA 'ARISTOCRAT'	ARISTOCRAT ORNAMENTAL PEAR	D	2" CAL.	AS SHOWN	B&B	-

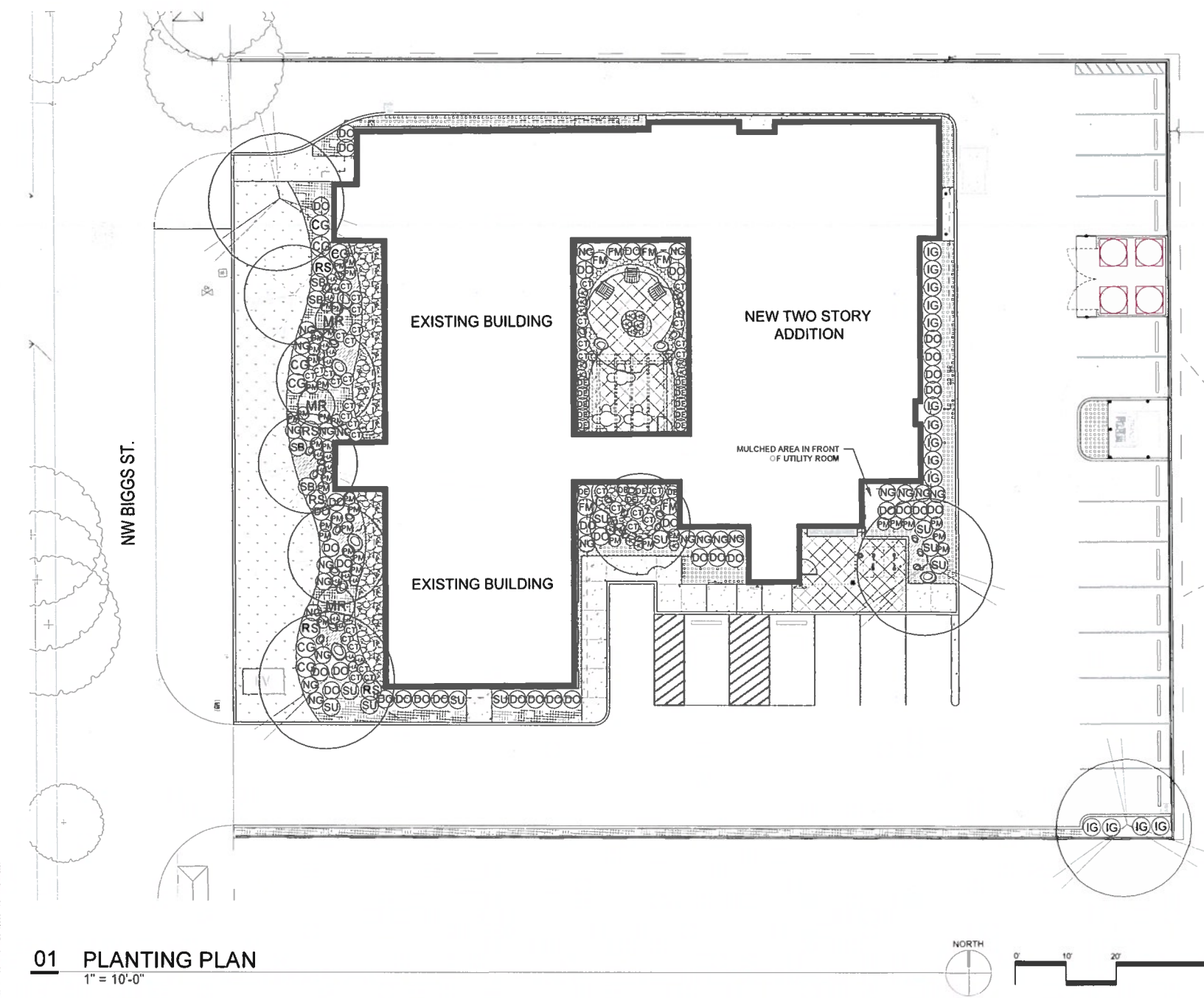
SHRUB SCHEDULE							
SHRUBS							
SYMBOL	BOTANICAL NAME	COMMON NAME	DECIDUOUS / EVERGREEN	SIZE	SPACING	CONDITION	QTY.
CK	CORNUS X KELSEYI	KELSEYI DOGWOOD	D	5 GAL	AS SHOWN	CONTAINER	-
CT	CAREX TESTACEA	NEW ZEALAND SEDGE	E	1 GAL	AS SHOWN	CONTAINER	35
CG	CEANOTHUS GLORIOSUS 'ANCHOR BAY'	ANCHOR BAY CALIFORNIA LILAC	E	5 GAL	AS SHOWN	CONTAINER	7
DE	DRYOPTERIS ERYTHROSORA	AUTUMN FERN	E	1 GAL	AS SHOWN	CONTAINER	15
DO	DAPHNE X PERFUME PRINCESS	ETERNAL FRAGRANCE DAPHNE	E	5 GAL	AS SHOWN	CONTAINER	44
FM	FUSCHIA MAGELLANICA 'AUREA'	HARDY FUSCHIA	E	5 GAL	AS SHOWN	CONTAINER	6
HA	HELLEBORUS ARGUTIFOLIUS	CORSICAN HELLEBORUS	E	1 GAL	AS SHOWN	CONTAINER	19
HO	HELLEBORUS ORIENTALIS	JAPANESE HELLEBORUS	E	1 GAL	AS SHOWN	CONTAINER	18
MR	MAGNOLIA STELLATA 'ROYAL STAR'	ROYAL STAR MAGNOLIA	E	48-60" TALL	AS SHOWN	CONTAINER	3
PM	POLYSTICHUM MUNITUM	SWORD FERN	E	1 GAL	AS SHOWN	CONTAINER	43
RS	ROSMARINUS 'SHIMMERING STARS'	DWARF ROSEMARY	E	5 GAL	AS SHOWN	CONTAINER	5
SB	SPIREA BETULIFOLIA	BIRCHLEAF SPIREA	D	5 GAL	AS SHOWN	CONTAINER	5
SU	SPIREA BUMALDA	JAPANESE SPIREA	D	5 GAL	AS SHOWN	CONTAINER	10
TJ	TRACHELSPERMUM JASMINOIDES	STAR JASMINE	E	4 TALL	AS SHOWN	CONTAINER	2

GROUND COVER SCHEDULE							
	BOTANICAL NAME	COMMON NAME	DECIDUOUS / EVERGREEN	SIZE	SPACING	CONDITION	QTY.
	SUNMARK PHO PERENNIAL RYEGRASS SEED MIX	SEEDED TURF	E	SOD	10 LBS. PER 1,000 S.F.	N/A	14 LBS.
	CAREX MORROWII 'ICE DANCE'	JAPANESE SEDGE	E	1 GAL	18" O.C.	CONTAINER	294
	CAREX OSHIMENSIS 'EVERGOLD'	EVERGOLD SEDGE	E	1 GAL	18" O.C.	CONTAINER	43
	NASELLA TENUISSIMA	MEXICAN FEATHER GRASS	E	1 GAL	24" O.C.	CONTAINER	162
	ECHINACEA PURPUREA	CREEPING MAHONIA	E	1 GAL	24" O.C.	CONTAINER	44

PLANTING AREA LEGEND	
	PROPERTY LINE
	PROPOSED TREES
	EXISTING TREES
	PARKING LOT PLANTINGS - 1,523 S.F.
	GENERAL SITE PLANTINGS - 1,784 S.F.
	NEW SEEDED LAWN - 1,349 S.F.

PARKING LOT PLANTING REQUIREMENT	
TOTAL PROPERTY AREA - 29,284 S.F.	
TOTAL PLANTING AREA PROVIDED - 4,448 S.F.	
PERCENTAGE OF LANDSCAPING PROVIDED - 15.19%	

PLANTING NOTES	
1. THE PARKING LOT PLANTING REQUIREMENT HAS BEEN ACHIEVED. SEE ABOVE CALCULATION.	
2. (1) CANOPY TREE IS REQUIRED PER 12 PARKING SPACES. THERE ARE 20 PARKING SPACES THEREFORE (2) PARKING LOT TREES ARE REQUIRED.	
3. FOR PARKING LOT PAVING, ROW PAVING, UTILITIES, LIGHTING AND DRAINAGE SEE CIVIL PLANS.	
4. IT IS EXPECTED THAT LANDSCAPE CONTRACTOR WILL TO THE BEST OF THEIR ABILITY SOURCE HEALTHY PLANTS AT THE QUANTITY OF SIZE SHOWN ON TREE AND PLANT LEGENDS. IF A SPECIES CAN'T BE FOUND PLANT SUBSTITUTION REQUESTS WILL BE PROVIDED BY CONTRACTOR TO LANDSCAPE ARCHITECT FOR APPROVAL. IF SUBSTITUTION SUGGESTIONS ARE NOT ACCEPTABLE LANDSCAPE ARCHITECT WILL PROVIDE ALTERNATE SPECIES TO LANDSCAPE CONTRACTOR TO SOURCE.	
5. ALL TREES AND PLANTS WILL ARRIVE TO THE SITE IN GOOD HEALTH AND FORM. IF PLANTS ARE NOT IN GOOD HEALTH OR FORM THEY WILL BE REPLACED AT THE COST OF THE INSTALLING CONTRACTOR.	
6. IT IS RECOMMENDED THAT A PERMANENT IRRIGATION SYSTEM IS INSTALLED FOR THE PROJECT. IF THE CLIENT DOES NOT WANT A PERMANENT IRRIGATION SYSTEM A TEMPORARY IRRIGATION SYSTEM WILL BE PROVIDED IN ORDER TO ESTABLISH NEW PLANTINGS.	
7. PREPARE SOILS PER DETAILS AND SPECIFICATIONS IN SECTION 32 91 00.	
8. INSTALL TREES AND PLANTS PER PLANTING DETAILS AND SPECIFICATION SECTION 32 90 00.	



CLARK K JOSE ARCHITECTS, LLC

PRELIMINARY
NOT FOR CONSTRUCTION

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2021 N Cornwell Ave
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SAMARITAN HEALTH SERVICES
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Newport, OR 97365

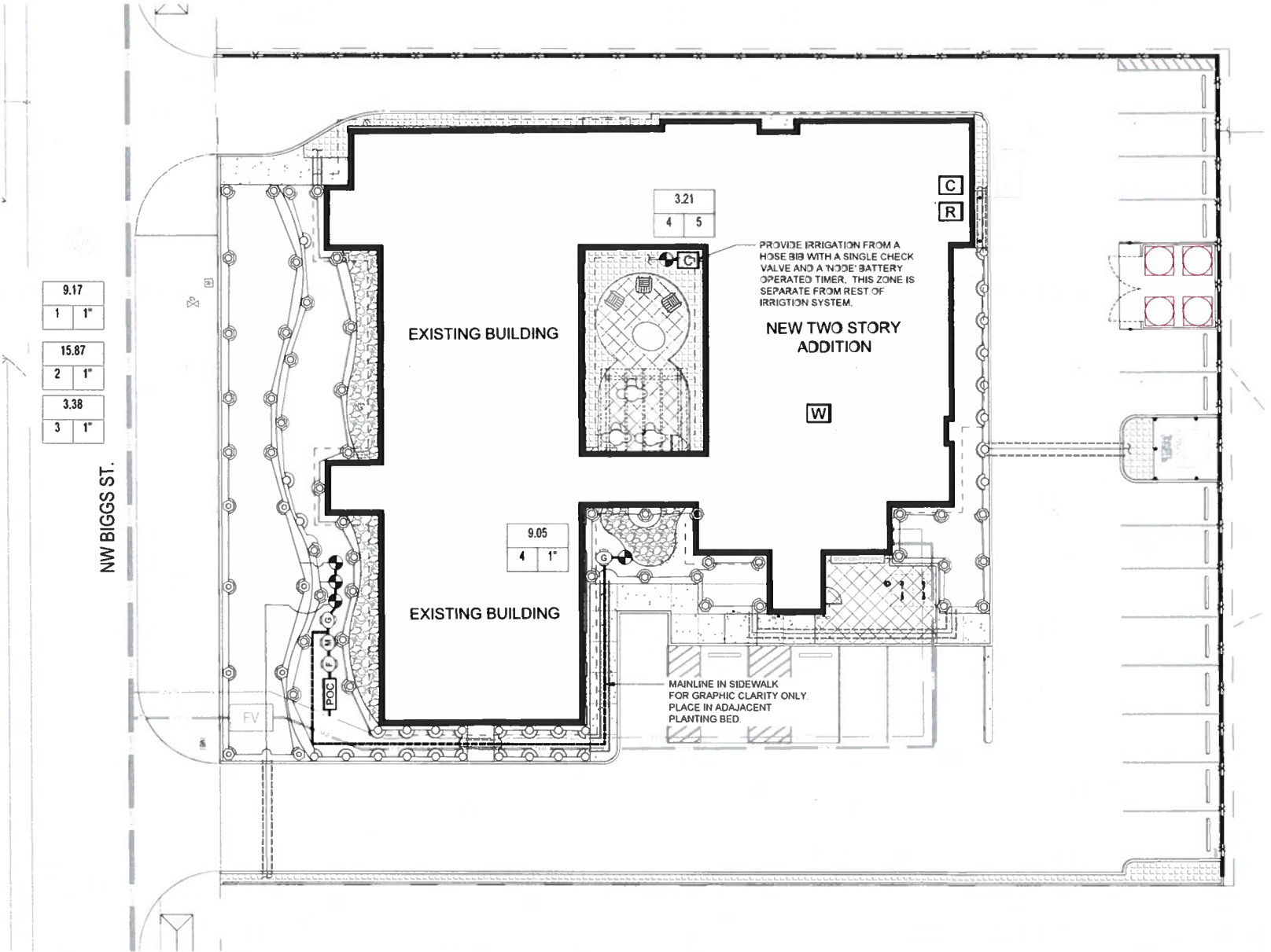
LAND USE APPLICATION

PLANTING PLAN
L2.1

621 SW Alder St., Suite 700
Portland, OR 97205
Phone: 503.224.4648

01 IRRIGATION PLAN

1" = 10'-0"



- NOTES
1. SLEEVING IS REQUIRED FOR ALL IRRIGATION AND CONTROL WIRE UNDER ALL PAVEMENTS, WALLS, ETC. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF THE SIZE OF ALL SLEEVING REQUIRED.
 2. RUN 2-WIRE CONTROL WIRE FROM CONTROLLER TO REMOTE CONTROL VALVES ALONG SIDE MAINLINE TO REDUCE TRENCHING.
 3. MAINLINE SHOWN RUNNING PARALLEL TO PAVING EDGE SHALL BE INSTALLED IN ADJACENT PLANTING AREAS AND NOT UNDER PAVEMENT.
 4. VERIFY SITE DIMENSIONS AND EXISTING CONDITIONS INCLUDING LOCATIONS OF UNDERGROUND UTILITIES SUCH AS GAS LINE AND WATER LINES PRIOR TO BEGINNING WORK.
 5. IRRIGATION PLAN IS DIAGRAMMATIC. PLACE MAINLINES AND LATERALS IN PLANTING BEDS AND AVOID TO THE EXTENT POSSIBLE PLACING THEM UNDER PAVEMENT. PLACE ALL VALVE BOXES/POC IN PLANTING AREAS AWAY FROM EDGE. VALVE BOXES PLACED IN SHRUB AREAS OR CIRCULATION PATHS WILL BE MOVED AT CONTRACTOR EXPENSE.
 6. DRAIN VALVES FOR MAIN LINES AND LATERAL LINES REQUIRED FOR WEATHERIZATION.
 7. ALL SPRAYHEADS TO RECEIVE 6" POP-UPS UNLESS OTHERWISE NOTED. 12" POP UPS AREA ACCEPTABLE FOR PLANTING BEDS WHERE DEFLECTION IS ANTICIPATED. ALL ROTORS TO RECEIVE NOZZLES TO SUCCESSFULLY ACHIEVE FULL HEAD TO HEAD COVERAGE.
 8. MASTER VALVE IS A 'CLOSED VALVE' SET UP. PROGRAM MASTER VALVE TO RUN CONTINUOUSLY DURING TIMES THAT IRRIGATION CONTROL VALVES ARE PROGRAMMED TO IRRIGATE. PROGRAM MASTER VALVE TO SHUT DOWN WHEN ALL IRRIGATION VALVES ARE NOT PROGRAMMED TO IRRIGATE.
 9. IRRIGATION SYSTEM IS CONNECTED TO POTABLE WATER CONNECTION AS SHOWN. THEREFORE ALL YARD HYDRANTS AND EMISSION DEVICES ARE STANDARD AND DO NOT HAVE LABELS STATING 'NON POTABLE' WATER SOURCE.

SYSTEM CALCULATIONS

- RESIDUAL DESIGN PRESSURE - 56PSI
- MAXIMUM WORKING FLOW 18 GPM
- PRESSURE LOSS / GAIN AT FURTHEST VALVE.

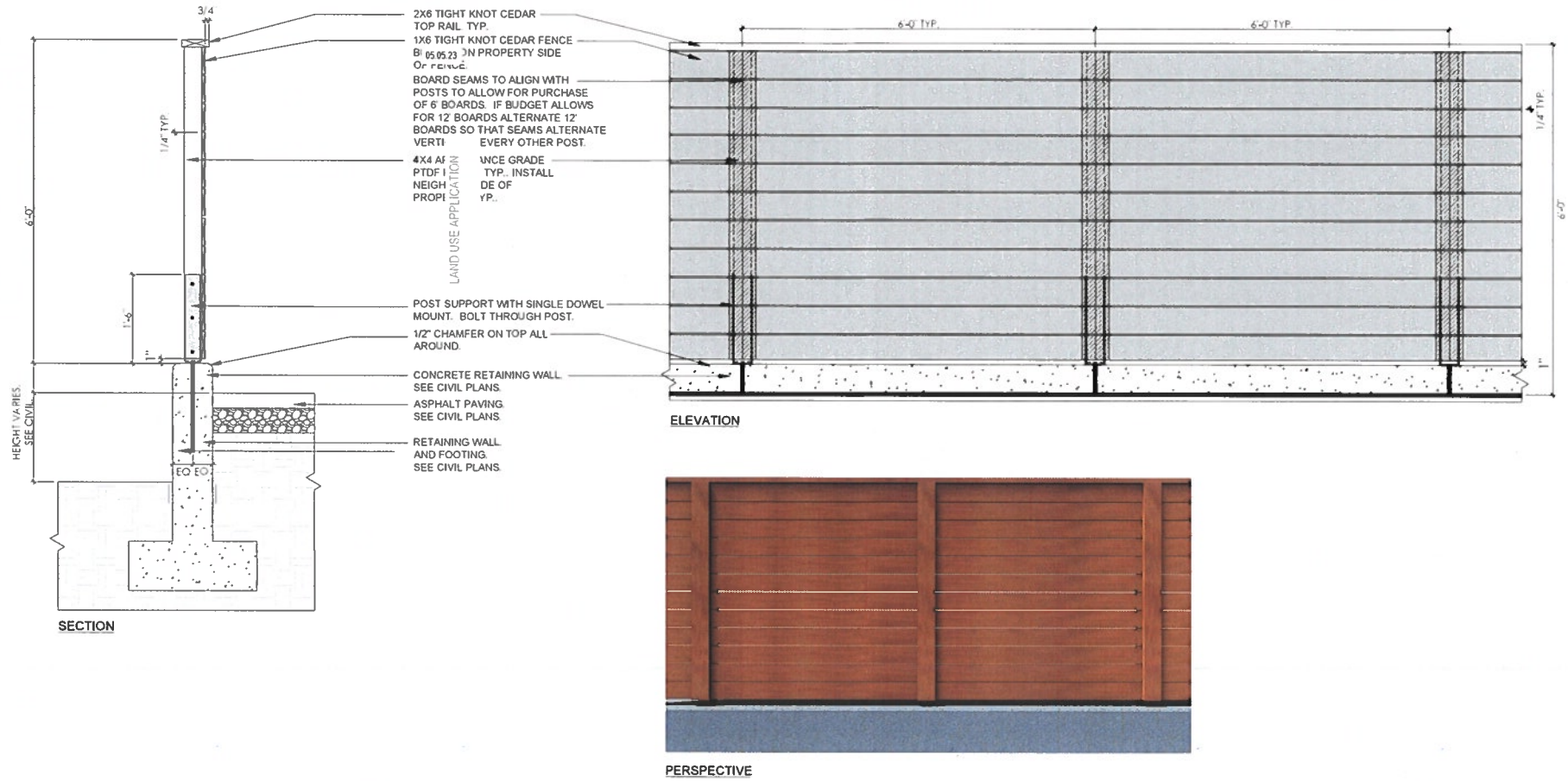
1" WATER METER.....	1.4 PSI
1" DOUBLE CHECK BACKFLOW.....	4.6 PSI
(2) 1" GATE VALVES.....	.36 PSI
1" MASTER VALVE.....	3.00 PSI
1" CONTROL VALVE.....	3.00 PSI
1" PVC MAINLINE 108 L.F.....	5.73 PSI

TOTAL PRESSURE LOSS..... = 17.79
TOTAL MINIMUM PRESSURE AT FURTHEST VALVE 38.21 PSI

ZONE DIAGRAM		LATERAL PIPE SIZING	
XX	VALVE GPM	PIPE SIZE	MAX. FLOW
X X	VALVE SIZE	3/4"	11 GPM
	VALVE NUMBER	1"	18 GPM
		1-1/4"	26 GPM
		1-1/2"	35 GPM
		2"	50 GPM

IRRIGATION LEGEND

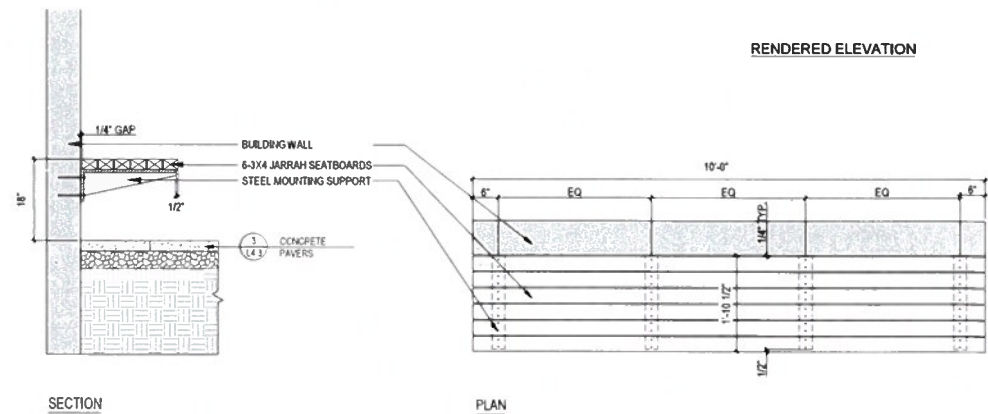
SYMBOL	MANUFACTURER	MODEL / PERFORMANCE / REMARKS	DETAIL / SHEET
Ⓢ	MASTER VALVE	HUNTER MODEL# ICV-101-G	4/L4.5
Ⓣ	FLOW SENSOR	HUNTER HC-100-FLOW	3/L4.5
Ⓝ	DRAIN VALVE	HIGH PRESSURE CAPABLE	6/L4.5
Ⓢ	SHUTOFF VALVE	SEE L1.0 FOR SPECIFICATIONS	1/L4.2
Ⓢ	QUICK COUPLER	HUNTER # HQ 44 LRC AW	5/L4.5
Ⓢ	CONTROL VALVE WITH HUNTER EZ-1 DECODERS.	MODEL # ICV-101-G + HUNTER EZ-DM DECODER OUTPUT MODULE + EZ-1 DECODERS	4/L4.5 12/L4.5
—	1" SCHEDULE 40 PVC MAINLINE		8/L4.5
—	SCHEDULE 40 PVC LATERAL LINE	SEE PLANS FOR SIZING	8/L4.5
—	SCHEDULE 40 PVC SLEEVE	SIZE PER SIZE OF PIPE TO SLEEVE	7/L4.5
POC	POINT OF CONNECTION	CONNECT TO 1" DOUBLE CHECK VALVE DOWNSTREAM OF WATER METER	1+2/L4.5
C	HUNTER I-CORE FOR ALL BUT CENTRAL COURTYARD. FOR COURTYARD USE A 'NODE' BATTERY OPERATED 2 ZONE CONTROLLER.	HUNTER IC-600-PL FOR SITE. 'NODE' CONTROLLER FOR CENTRAL COURTYARD	11+12/L4.5
W	WEATHER SENSOR	HUNTER SOLAR SYNC	11/L4.5
R	REMOTE CONTROL	HUNTER ROAM XL	11/L4.5
Ⓢ	HUNTER PROS-06-PRS40-CV	MP STRIP SPRAY/5X15'	8/L4.3
Ⓢ	HUNTER PROS-06-PRS40-CV	MP 800/90-210 6'-12'	8/L4.3
Ⓢ	HUNTER PROS-06-PRS40-CV	MP 1000/90-210 8'-15'	8/L4.3
Ⓢ	HUNTER PROS-06-PRS40-CV	MP 2000/90-270 13'-21'	8/L4.3
Ⓢ	HUNTER PROS-06-PRS40-CV	MP 2000/360 13'-21'	8/L4.3
Ⓢ	HUNTER 'PLD' DRIP TUBING	6GPH EMITTERS @12" O.C.	10/L4.5



01 FENCE MOUNTED ONTO CONCRETE WALL

1"=1'-0"

DETAIL



02 BENCH MOUNTED ONTO BUILDING AT ENTRYWAY

3/4"=1'-0"

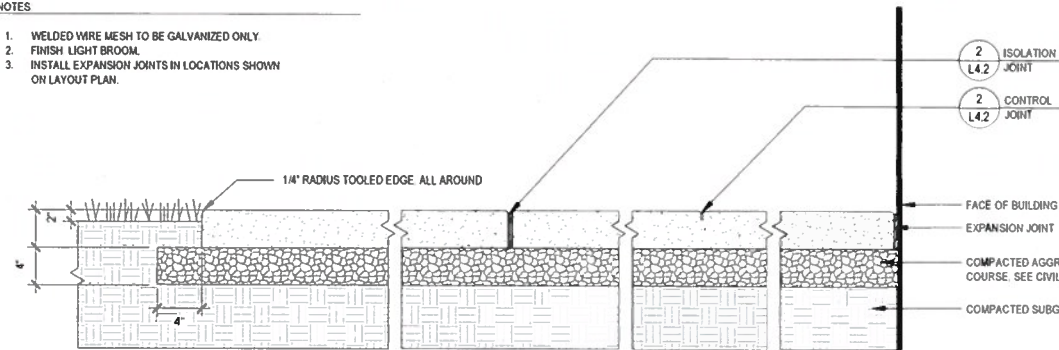
DETAIL



PERSPECTIVE

NOTES

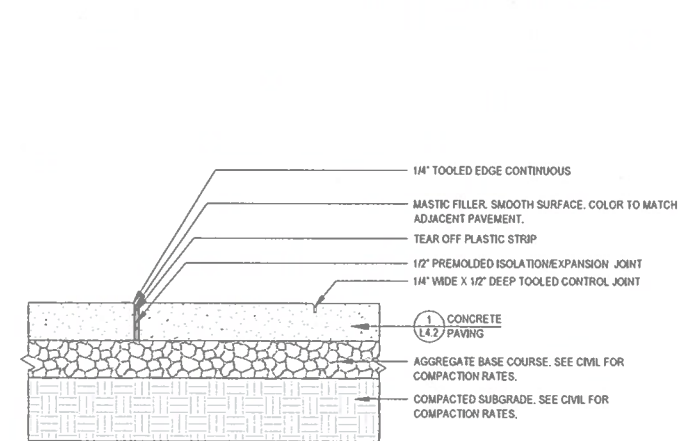
1. WELDED WIRE MESH TO BE GALVANIZED ONLY
2. FINISH LIGHT BROOM.
3. INSTALL EXPANSION JOINTS IN LOCATIONS SHOWN ON LAYOUT PLAN.



01 PEDESTRIAN CONCRETE PAVING

1\"/>

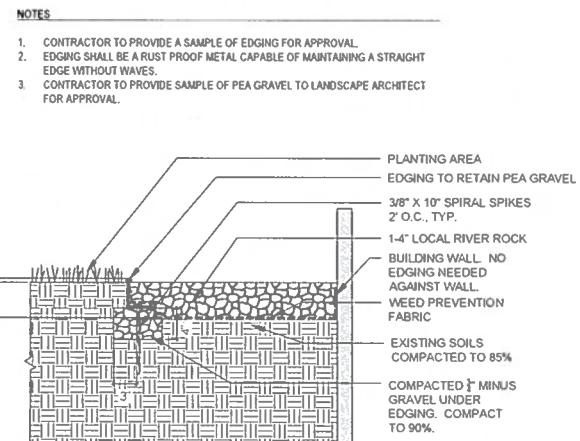
SECTION



02 CONCRETE JOINT DETAIL

1\"/>

SECTION



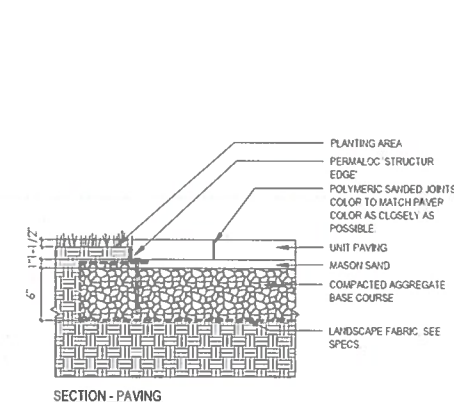
03 RIVER ROCK MULCH DETAIL

1-1/2\"/>

SECTION

NOTES

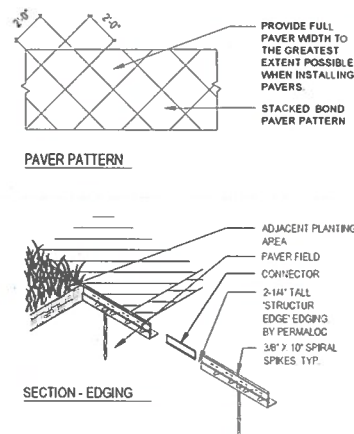
1. CONTRACTOR TO PROVIDE A SAMPLE OF EDGING FOR APPROVAL.
2. EDGING SHALL BE A RUST PROOF METAL CAPABLE OF MAINTAINING A STRAIGHT EDGE WITHOUT WAVES.
3. CONTRACTOR TO PROVIDE SAMPLE OF PEA GRAVEL TO LANDSCAPE ARCHITECT FOR APPROVAL.



04 CONCRETE PAVERS

1\"/>

SECTION

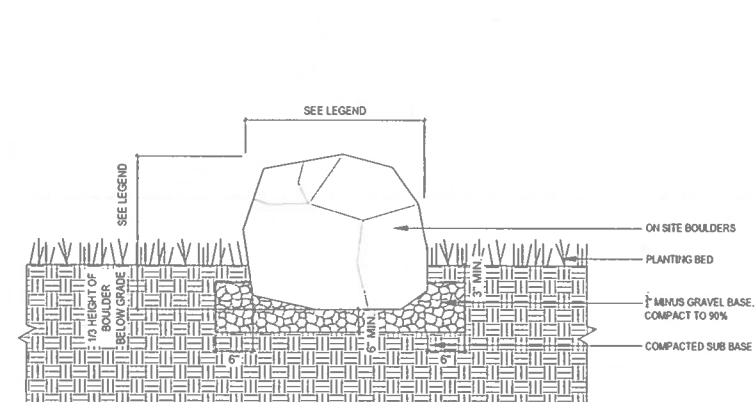


NOTES

1. PAVER TYPE: VANCOUVER BAY ARCHITECTURAL SLABS SUPPLIER: MUTUAL MATERIALS 1-888-668-8250, EMAIL: WWW.MUTUALMATERIALS.COM
2. PAVER SIZE: 24\"/>
3. PAVER STACKED BOND.
4. PAVER JOINTS TO RECEIVE POLYMERIC SAND.
5. PROVIDE FULL WIDTH PAVERS WHENEVER POSSIBLE.



PAVER IMAGES



05 LANDSCAPE BOULDERS

1\"/>

SECTION

BOULDER LEGEND (SEE MATERIALS PLAN FOR LOCATIONS)

- A. SITTING BOULDERS - 30-36\"/>
- B. MEDIUM BOULDERS - 24-36\"/>
- C. SMALL BOULDERS - 18-24\"/>

NOTES

1. SITTING BOULDERS SHALL HAVE NO SHARP EDGES.
2. BOULDER TYPE: TAN COLORED BOULDERS.
3. PROVIDE MIN. OF SIZES AS DIRECTED BY CHART ABOVE.
4. LANDSCAPE ARCHITECT TO APPROVE BOULDERS EITHER BY INSPECTING BOULDERS CHOSEN BY CONTRACTOR ON SITE OR BY PHOTOS PROVIDED BY CONTRACTOR.



06 CAFE TABLE AND CHAIRS

NTS

SITE FURNISHING

PRODUCT SPECIFICATIONS - TABLE

PRODUCT NAME: COLUMBIA TABLE
SUPPLIER: FORMS + SURFACES
WEBSITE: FORMS-SURFACES.COM
CONTACT: MATT LAURER
EMAIL: MATT.LAURER@FORMS-SURFACES.COM
PHONE: 971.409.0340
MODEL #: SPCOL-SFM-T30R36-CS
SIZE: 36\"/>

NOTES

1. INSTALL PER MANUFACTURER'S INSTRUCTIONS.
2. TABLE IS FREESTANDING. NO MOUNTING NECESSARY.

PRODUCT SPECIFICATIONS - CHAIRS

PRODUCT NAME: FACTOR CHAIR WITH ARMS
SUPPLIER: FORMS + SURFACES
WEBSITE: FORMS-SURFACES.COM
CONTACT: MATT LAURER
EMAIL: MATT.LAURER@FORMS-SURFACES.COM
PHONE: 971.409.0340
MODEL #: SCFAC-CAT-A
SEATING MATERIAL: FSC TEAK
METAL FRAME COLOR: LICHEN

NOTES

1. INSTALL PER MANUFACTURER'S INSTRUCTIONS.
2. TABLE IS FREESTANDING. NO MOUNTING NECESSARY.



07 LOUNGE CHAIR

NTS

SITE FURNISHING

PRODUCT SPECIFICATIONS

PRODUCT NAME: YAYA CHAIR
SUPPLIER: FORMS + SURFACES
WEBSITE: FORMS-SURFACES.COM
CONTACT: MATT LAURER
EMAIL: MATT.LAURER@FORMS-SURFACES.COM
PHONE: 971.409.0340
MODEL #: SCVYA-YV
METAL FRAME COLOR: LICHEN
SEATBOARD MATERIAL: FSC CAMARU

NOTES

1. INSTALL PER MANUFACTURER'S INSTRUCTIONS.
2. FREESTANDING. NO MOUNTING NEEDED.



08 BIKE RACK

NTS

SITE FURNISHING

PRODUCT SPECIFICATIONS

PRODUCT NAME: THE SOL BIKE RACK
SUPPLIER: HUNTICO SITE FURNISHINGS
WEBSITE: HUNTICO.COM
EMAIL: SALES@HUNTICO.COM
PHONE: 503-224-8700
MODEL #: SBFL0-4FT-BACKED-CS
METAL FRAME: STAINLESS STEEL

NOTES

1. INSTALL PER MANUFACTURER'S INSTRUCTIONS.
2. SURFACE MOUNT THROUGH CONCRETE PAVERS PER MFG. INSTRUCTIONS.

SHS COASTAL STARS
SAMARITAN HEALTH SERVICES

5840 NW Biggs St.
Newport, OR 97365



ISSUE DATE: 05.05.23

REVISIONS:

LAND USE APPLICATION

CONSTRUCTION DETAILS

L4.3

PRELIMINARY
NOT FOR CONSTRUCTION

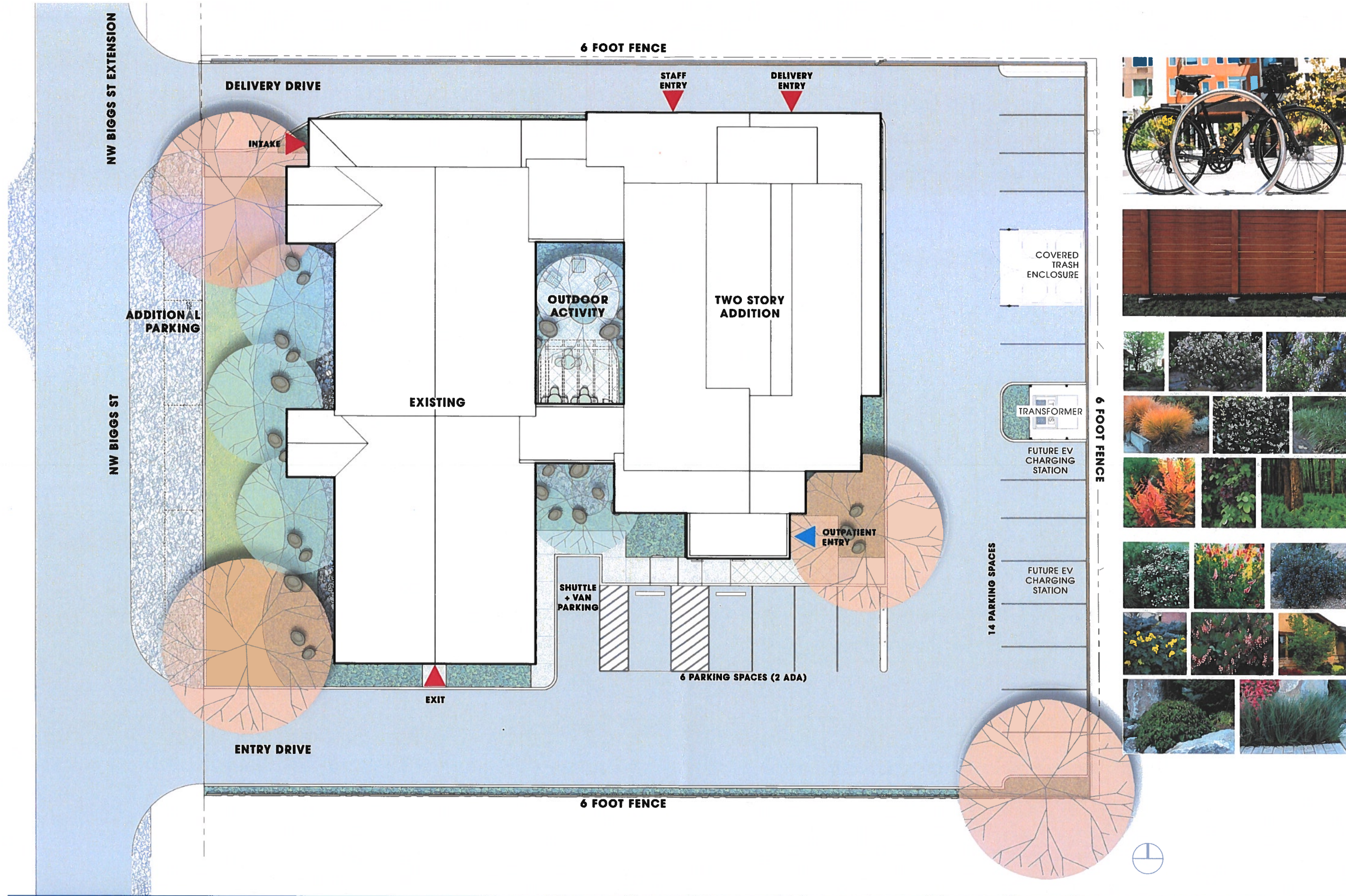
DELA

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Portland, OR 97203
www.dela-architects.com
phone: 503-276-0134

CLARK K JOSS
ARCHITECTS, LLC

Phone: 503-224-4848

621 SW Alder St., Suite 700
Portland, OR 97205



SITE PLAN

COASTAL SAMARITAN TREATMENT AND RECOVERY SERVICES



SAMARITAN HEALTH SERVICES | APRIL 2023

CLARK KJOS



SITE ENTRANCE

COASTAL SAMARITAN TREATMENT AND RECOVERY SERVICES



SAMARITAN HEALTH SERVICES | APRIL 2023

CLARK KJOS



ENTRANCE

COASTAL SAMARITAN TREATMENT AND RECOVERY SERVICES



SAMARITAN HEALTH SERVICES | APRIL 2023

CLARK KJOS



COURTYARD

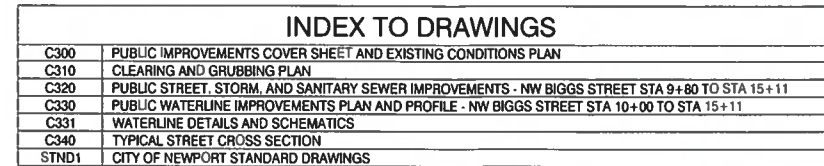
COASTAL SAMARITAN TREATMENT AND RECOVERY SERVICES



SAMARITAN HEALTH SERVICES | APRIL 2023

CLARK KJOS

Attachment "F"
4-CUP-23 / 2-ADJ-23



THE ELEVATIONS SHOWN ARE BASED ON NGS BENCHMARK OE1186 (DESIGNATION 1102). A BRASS CAP IN THE PARKING LOT OF SZABOS STEAK HOUSE. THE ELEVATION OF SAID CAP BEING 125.89, THE VERTICAL DATUM OF WHICH IS NAVD88.

[illegible]

NOT FOR CONSTRUCTION

PROJECT:
SHS COASTAL STARS - PUBLIC
IMPROVEMENTS

PROJECT LOCATION:
NEWPORT, OR

CLIENT:
SAMARITAN PACIFIC
COMMUNITY HOSPITAL

SHEET TITLE:

JOB NO.	22436
DRAWN BY:	DEVCO
DRAWING:	C300

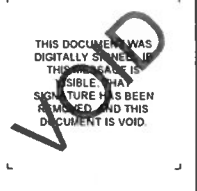
 **devco**
engineering inc.
240 NE CENTER, P.O. BOX 1231
CORVALLIS, OR 97339
WWW.DEVCOENGINEERING.COM

Corvallis
Oregon
(503) 752-4501

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<input type="checkbox"/> SUBMITTED		△		
<input type="checkbox"/> BID SET		△		
<input type="checkbox"/> PERMIT SET		△		
<input type="checkbox"/> CONST. SET		△		
<input checked="" type="checkbox"/> 95% DD	04/19/23	△		
		△		

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 **DEVCO**
Engineering Inc.

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Corvallis
Oregon
(541) 757-4801

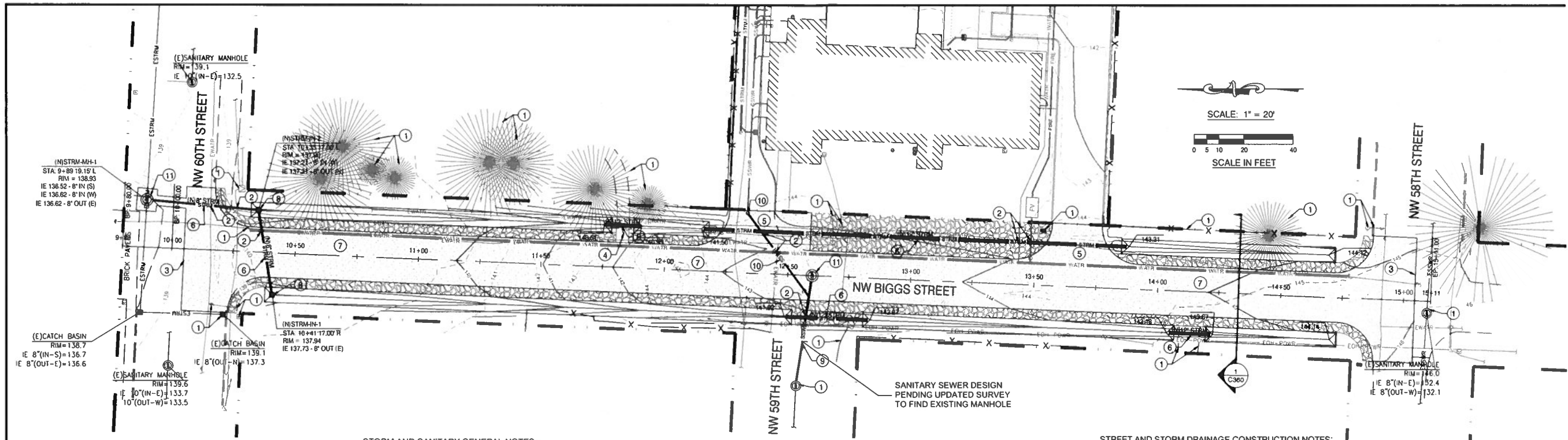
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SHEET TITLE:

**CLEARING AND GRUBBING
PLAN**

JOB NO. 22436
DRAWN BY: DEVCO
DRAWING:
C310

- ① PRESERVE AND PROTECT EXISTING IMPROVEMENT AND/OR VEGETATION.
- ② SAW CUT AND/OR REMOVE EXISTING SITE IMPROVEMENT. SIDEWALKS, CURBS, AND CURB AND GUTTERS SHALL BE REMOVED IN FULL JOINT-TO-JOINT SECTIONS.
- ③ CLEAR AND GRUB EXISTING TREE AND/OR SHRUB.



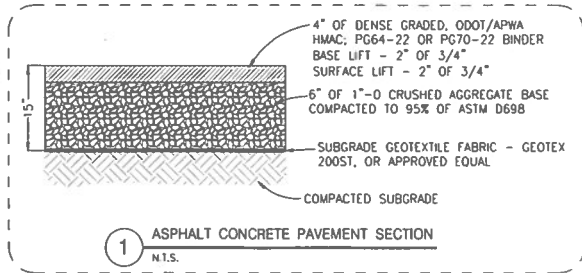
STORM AND SANITARY GENERAL NOTES:

1. ALL SANITARY SEWER LATERALS SHALL HAVE A LATERAL SLOPE OF 2% MINIMUM.
2. COORDINATE THE ANGLE OF SANITARY SEWER LATERAL SLOPE FROM MAIN TO AVOID CONFLICTS WITH OTHER UTILITIES.
3. DEPTH OF SANITARY SEWER LATERAL FLOW LINE AT PROPERTY LINE SHALL BE A MINIMUM OF 5-FEET BELOW FINISH SIDEWALK GRADE, UNLESS SHOWN OTHERWISE.
4. ALL SEWER MAIN AND LATERALS SHALL BE SEPARATED FROM WATER MAIN AND SERVICES IN COMPLIANCE WITH OREGON HEALTH AUTHORITY (OAR 333-061-0050 (9) AND OREGON DEQ REGULATIONS.

HATCH LEGEND

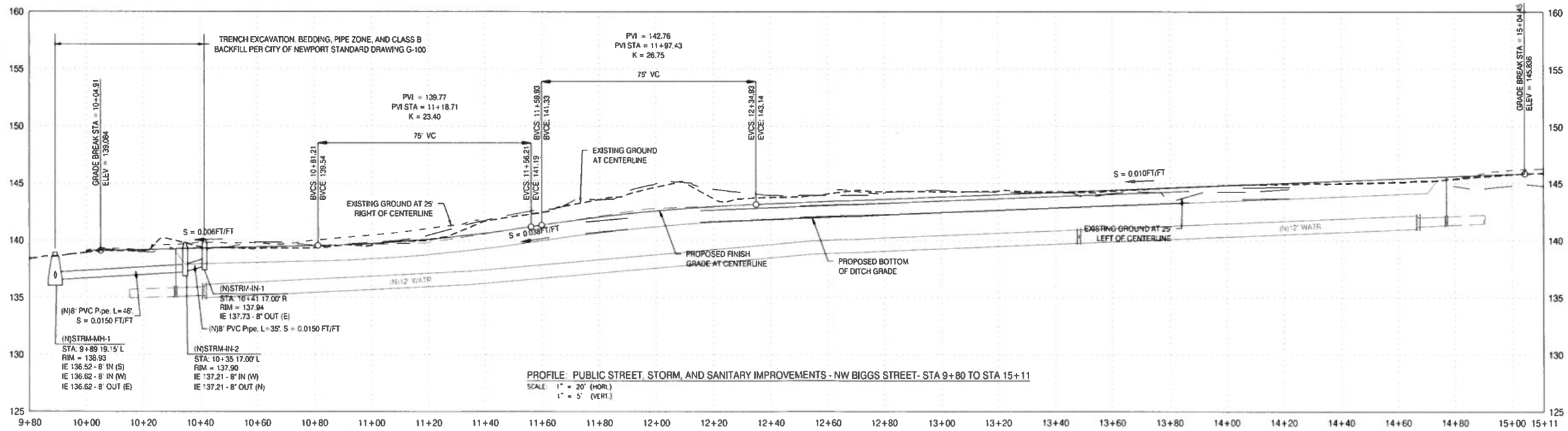
- PUBLIC ASPHALT CONCRETE STREET SECTION
- PUBLIC PORTLAND CONCRETE SECTION
- PUBLIC GRAVEL SECTION

PLAN: PUBLIC STREET, STORM, AND SANITARY IMPROVEMENTS - NW BIGGS STREET - STA 9+80 TO STA 15+11
SCALE: AS SHOWN



STREET AND STORM DRAINAGE CONSTRUCTION NOTES:

1. PRESERVE AND PROTECT EXISTING IMPROVEMENTS AND/OR VEGETATION.
2. FIELD VERIFY THE DEPTH OF NEW AND EXISTING UTILITY CROSSINGS. COORDINATE ALL UTILITY CROSSINGS TO AVOID CONFLICTS. SEE STORM DRAINAGE GENERAL NOTE 1 FOR MORE INFO ON VERTICAL SEPARATION.
3. SAW CUT EXISTING ASPHALT TO CREATE CLEAN EDGE FOR NEW ASPHALT PAVEMENT SECTION.
4. CONSTRUCT PUBLIC SIDEWALK PER CITY OF NEWPORT STANDARD DRAWING T-210/STND1.
5. CONSTRUCT DRIVEWAY APPROACH AS SHOWN ON PLAN AND WITH ASPHALT SECTION PER DETAIL 1/C320.
6. CONSTRUCT DESIGNATED SIZE DUCTILE IRON PIPE PER CITY OF NEWPORT STANDARD DRAWING G-100/STND1.
7. CONSTRUCT STREET SECTION PER SECTION 1/C340.
8. CONSTRUCT DITCH INLET PER CITY OF NEWPORT STANDARD DRAWING D-310/STND1.
9. CONSTRUCT DESIGNATED SIZE PVC, ASTM D3034, SDR 35, SANITARY SEWER MAINLINE PIPE PER CITY OF NEWPORT STANDARD DRAWING G-100/STND1.
10. CONSTRUCT 6" SANITARY SEWER SERVICE LATERAL WITH CLEAN OUT PER CITY OF NEWPORT STANDARD DRAWING S-300/STND1. PVC PIPE SHALL BE ASTM D3034, SDR 35.
11. CONSTRUCT 48" DIAMETER STANDARD PRECAST MANHOLE PER CITY OF NEWPORT STANDARD DRAWING S-200/STND1.



PROFILE: PUBLIC STREET, STORM, AND SANITARY IMPROVEMENTS - NW BIGGS STREET - STA 9+80 TO STA 15+11
SCALE: 1" = 20' (HORIZ.)
1" = 5' (VERT.)

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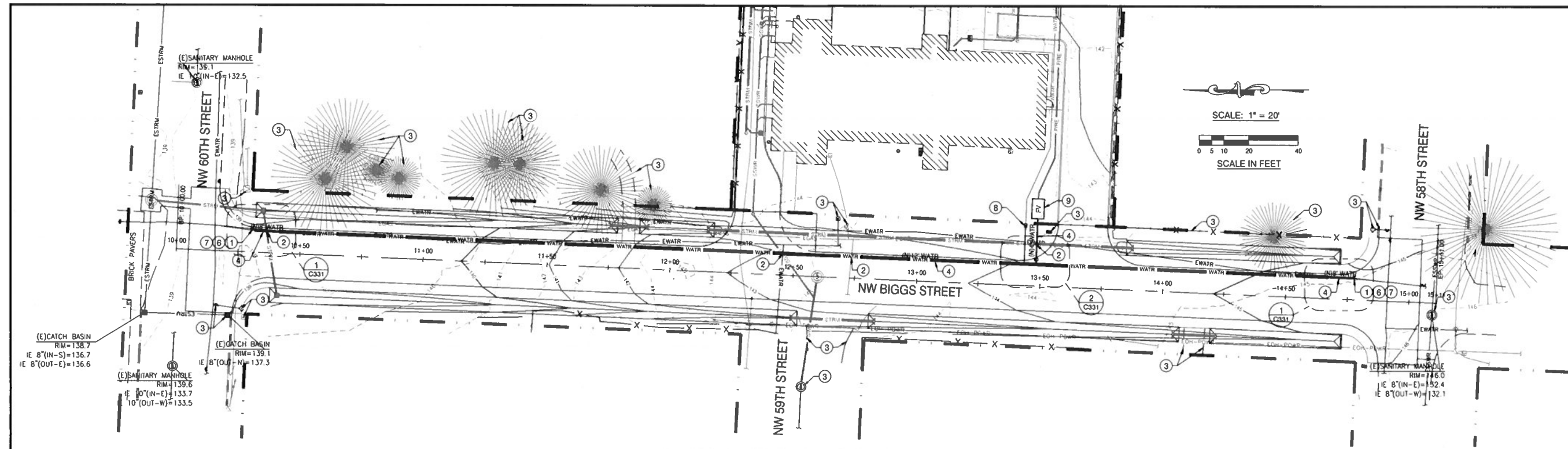
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PROJECT: SHS COASTAL STARS - PUBLIC
IMPROVEMENTS
PROJECT LOCATION: NEWPORT, OR
CLIENT: SAMARITAN PACIFIC
COMMUNITY HOSPITAL

SHEET TITLE:
PUBLIC STREET, STORM,
AND SANITARY SEWER
IMPROVEMENTS
NW BIGGS STREET
STA 9+80 TO STA 15+11

JOB NO. 22436
DRAWN BY: DEVCO
DRAWING:
C320

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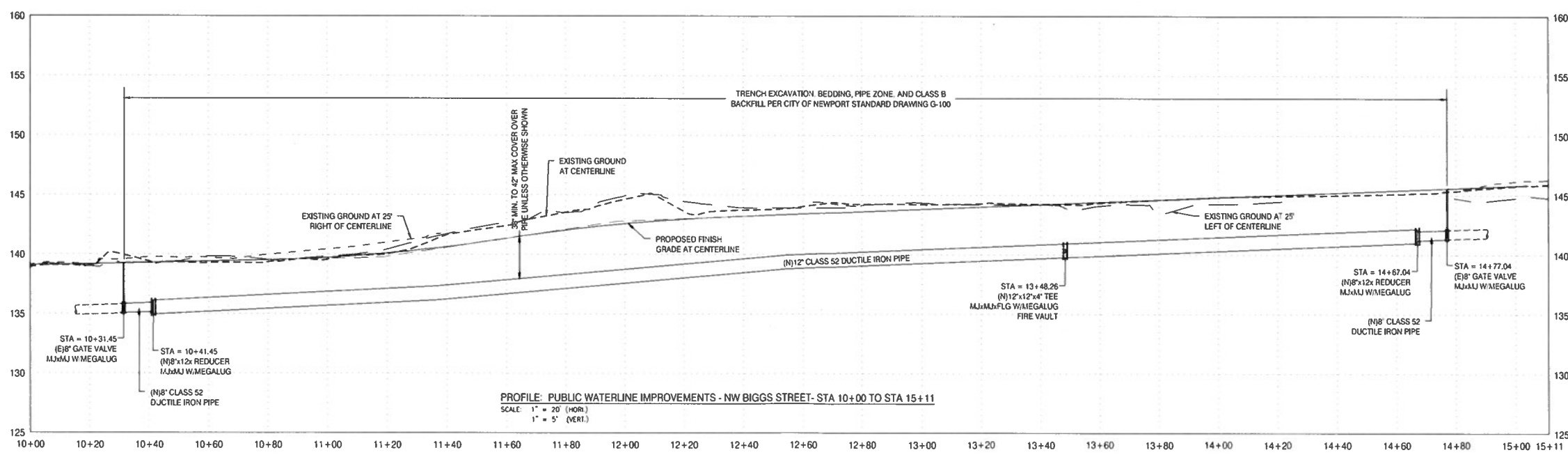
PLAN: PUBLIC WATERLINE IMPROVEMENTS - NW BIGGS STREET- STA 10+00 TO STA 15+11
SCALE: AS SHOWN

WATERLINE GENERAL NOTES:

1. CITY FORCES TO OPERATE ALL VALVES ON EXISTING PUBLIC WATER MAINS, ON THE PUBLIC SIDE OF WATER METERS, OR AT THE CONNECTION OF FIRE SERVICE LINES TO PUBLIC WATER MAINS.
2. NO PERSON OTHER THAN PUBLIC WORKS STAFF SHALL OPERATE OR FLOW TEST FIRE HYDRANTS WITHOUT FIRST OBTAINING WRITTEN AUTHORIZATION FROM THE PUBLIC WORKS DIRECTOR. THIS HYDRANT USE RESTRICTION SHALL NOT APPLY TO FIRE DEPARTMENT/FIRE DISTRICT STAFF IN THE PERFORMANCE OF THEIR REGULAR DUTIES. ALL HYDRANT FLOW TESTS SHALL BE PERFORMED WITH PUBLIC WORKS STAFF PRESENT UNLESS OTHERWISE APPROVED BY THE PUBLIC WORKS DIRECTOR. OPENING OR OPERATING FIRE HYDRANTS WITH ANY TOOL OTHER THAN A STANDARD HYDRANT WRENCH DESIGNED FOR THAT PURPOSE IS PROHIBITED.
3. ALL WATER MAINS SHALL BE CLASS 52 DUCTILE IRON ALL FITTINGS 4-INCHES THROUGH 24-INCHES IN DIAMETER SHALL BE DUCTILE IRON FITTINGS IN CONFORMANCE WITH AWWA C-153 OR AWWA C-110. THE MINIMUM WORKING PRESSURE FOR ALL MJ CAST IRON OR DUCTILE IRON FITTINGS 4-INCHES THROUGH 24-INCH IN DIAMETER SHALL BE 350 PSI FOR MJ FITTINGS AND 250 PSI FOR FLANGED FITTINGS.
4. ALL WATER MAINS TO BE INSTALLED WITH A MINIMUM 36 INCH COVER TO FINISH GRADE UNLESS OTHERWISE NOTED OR DIRECTED. SERVICE LINES TO BE INSTALLED WITH A MINIMUM 30 INCHES COVER WITHIN THE RIGHT-OF-WAY. DEEPER DEPTHS MAY BE REQUIRED AS SHOWN ON THE DRAWINGS OR TO AVOID OBSTRUCTIONS.
5. UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER, ALL VALVES SHALL BE FLANGE CONNECTED TO ADJACENT TEES OR CROSSES (WHERE SUCH FITTINGS ARE INSTALLED ADJACENT TO VALVES) IN-LINE VALVES SHALL BE MJ X MJ.
6. MECHANICAL JOINT RESTRAINTS ARE REQUIRED ON ALL BENDS, TEES, HYDRANTS, ETC., WHERE CONCRETE THRUST BLOCKS ARE NORMALLY USED. CONCRETE THRUST BLOCKS SHALL NOT BE USED UNLESS SPECIFICALLY APPROVED BY THE CITY.
7. ALL SERVICES 1-1/2" AND SMALLER SHALL BE DONE BY CITY PERSONNEL. AT THE DISCRETION OF THE PUBLIC WORKS DEPARTMENT MAINTENANCE SUPERVISOR, SERVICE CONNECTIONS 1-1/2" AND LARGER MAY BE ACCOMPLISHED BY A LICENSED CONTRACTOR. PRE-QUALIFICATION IS REQUIRED.
8. WATER SERVICE PIPE ON THE PUBLIC SIDE OF THE METER SHALL BE PEX PIPING WITH LEAD-FREE BRASS FITTINGS AND GALVANIZED PIPING FOR BUILD-UP SERVICE CONFIGURATIONS. SERVICE LINES SHALL BE NO CLOSER THAN 24" TO THE NEXT ADJACENT SERVICE OR PIPE BELL; SERVICE LINES SHALL MAINTAIN SEPARATION OF 12" TO 24" TO THE PROPERTY LINE, AND SERVICES LINES SHALL BE A MINIMUM OF 24" BELOW GRADE SURFACE.
9. ALL CORPORATION STOPS ARE BALL STYLE VALVES, MODEL Mgd 4701BT OR 4701BO FOR 3/4" OR 1" INLET SIZES, FORD CO. FB1100-4-Q-NL BRASS FITTINGS, OR EQUAL, ARE ACCEPTABLE.
10. UNLESS OTHERWISE NOTED, WATER SERVICE PIPE ON THE PRIVATE SIDE OF THE METER SHALL BE SCHEDULE 40 PVC OR AS APPROVED BY THE OPS.
11. DOMESTIC, IRRIGATION AND FIRE BACKFLOW PREVENTION DEVICES AND VAULTS SHALL CONFORM TO REQUIREMENTS OF PUBLIC AND/OR PRIVATE AGENCIES HAVING JURISDICTION.
12. THE WORK SHALL BE PERFORMED IN A MANNER DESIGNATED TO MAINTAIN WATER SERVICE TO BUILDINGS SUPPLIED FROM THE EXISTING WATERLINES. IN NO CASE SHALL SERVICE TO ANY MAIN LINE OR BUILDING BE INTERRUPTED FOR MORE THAN FOUR (4) HOURS IN ANY ONE DAY. CONTRACTOR SHALL NOTIFY THE CITY AND ALL AFFECTED RESIDENTS AND BUSINESSES A MINIMUM OF 24 BUSINESS HOURS (1 BUSINESS DAY) PRIOR TO ANY INTERRUPTION OF SERVICE.

WATERLINE CONSTRUCTION NOTES:

1. PRIOR TO ORDERING ANY WATERLINE MATERIAL, THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION, DEPTH, TYPE OF EXISTING PIPE, AND OUTSIDE DIAMETER OF EXISTING PIPE AT ALL POINTS OF CONNECTION. ALL FINDINGS SHALL BE SUBMITTED TO THE ENGINEER OF RECORD FOR CONCURRENCE.
2. FIELD VERIFY THE DEPTH OF NEW AND/OR EXISTING UTILITY CROSSING. COORDINATE ALL UTILITY CROSSINGS TO AVOID CONFLICTS.
3. PRESERVE AND PROTECT EXISTING IMPROVEMENT AND/OR UTILITY.
4. REMOVE EXISTING 12" AC WATER LINE AND CONSTRUCT DESIGNATED SIZE, CEMENT LINED, CL 52, DUCTILE IRON WATERLINE. TRENCH EXCAVATION, PIPE BEDDING, PIPE ZONE, AND BACKFILL PER CITY OF NEWPORT STANDARD DRAWING G-100/STND1.
5. INSTALL DESIGNATED SIZE AND TYPE OF VALVE WITH VALVE BOX PER CITY OF NEWPORT STANDARD DRAWING W-200/STND1.
6. COORDINATE WITH CITY'S FIELD REPRESENTATIVE THE TESTING OF THE EXISTING VALVE. IF THE TEST PASSES, CONNECT NEW WATERLINE. IF TEST FAILS, CITY CREWS WILL INSTALL NEW VALVE FOR NEW WATERLINE CONNECTION. VALVE AND ALL RELATED MATERIAL SHALL BE PROVIDED BY THE CONTRACTOR FOR INSTALLATION BY CITY OF NEWPORT CREWS. CONTRACTOR SHALL PAY CITY FOR INSTALLATION COSTS. CONTRACTOR SHALL PROVIDE AND INSTALL ALL OTHER WATERLINE RELATED MATERIALS, AND ALL EXCAVATION AND SHORING AS NECESSARY.
7. INSTALL CHLORINATION TAP. UPON CITY APPROVAL OF TESTING REMOVE PIPING, TAP TO REMAIN. CHLORINATION TAP MUST BE LOCATED WITHIN 18-INCHES TO 10 FEET OF THE NEW VALVE AT THE BEGINNING OF THE NEW WATERLINE EXTENSION.
8. CONSTRUCT 2" DOMESTIC WATER METER SETTING PER CITY OF NEWPORT STANDARD DRAWING W-608/STND1 AND CITY OF NEWPORT REQUIREMENTS.
9. CONSTRUCT FIRE SERVICE VAULT WITH 4" DOUBLE DETECTOR CHECK VALVE ASSEMBLY PER DETAIL 3/C331. BED AND BACKFILL SIMILAR TO CITY OF NEWPORT STANDARD DRAWING G-100/STND1. PROVIDE VAULT SUMP PUMP WITH FLOAT CONTROL AND CHECK VALVE. COORDINATE POWER, CONDUIT AND SWITCHING WITH ELECTRICAL DRAWINGS.
10. CONSTRUCT THRUST BLOCKING PER CITY OF NEWPORT STANDARD DRAWING W-700/STND1.



PROFILE: PUBLIC WATERLINE IMPROVEMENTS - NW BIGGS STREET- STA 10+00 TO STA 15+11
SCALE: 1" = 20' (HORIZ.)
1" = 5' (VERT.)

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PROJECT: SHS COASTAL STARS - PUBLIC IMPROVEMENTS
PROJECT LOCATION: NEWPORT, OR
CLIENT: SAMARITAN PACIFIC COMMUNITY HOSPITAL

SHEET TITLE: PUBLIC WATERLINE IMPROVEMENTS
NW BIGGS STREET
STA 10+00 TO STA 15+11

JOB NO. 22436
DRAWN BY: DEVCO
DRAWING: C330

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PROJECT: SHS COASTAL STARS - PUBLIC IMPROVEMENTS
PROJECT LOCATION: NEWPORT, OR
CLIENT: SAMARITAN PACIFIC COMMUNITY HOSPITAL

SHEET TITLE:
WATERLINE DETAILS AND SCHEMATICS

JOB NO. 22436
DRAWN BY: DEVCO
DRAWING:

C331

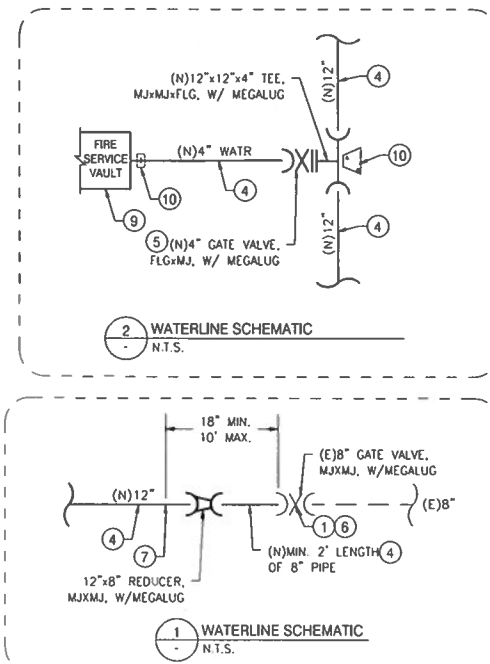
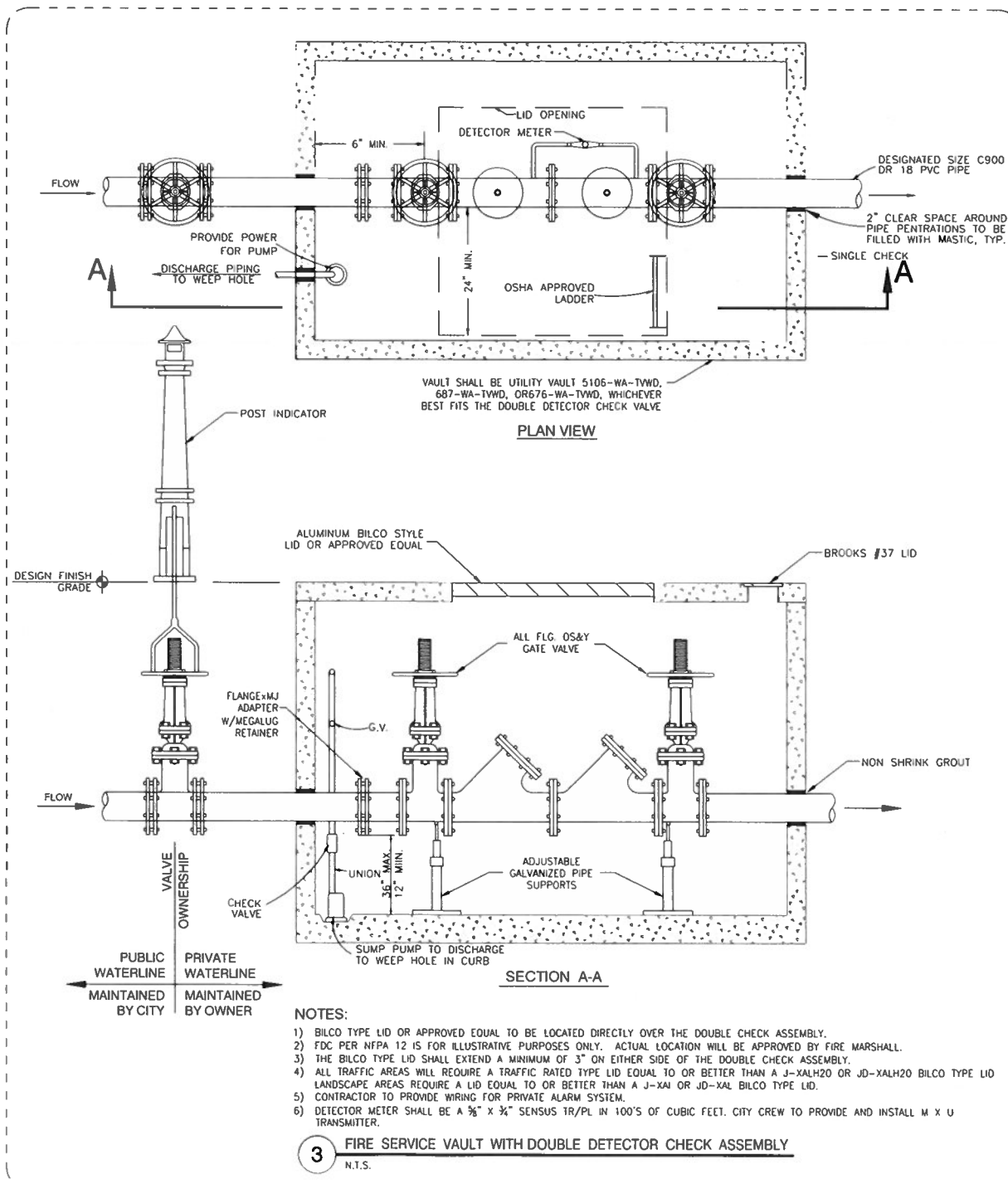
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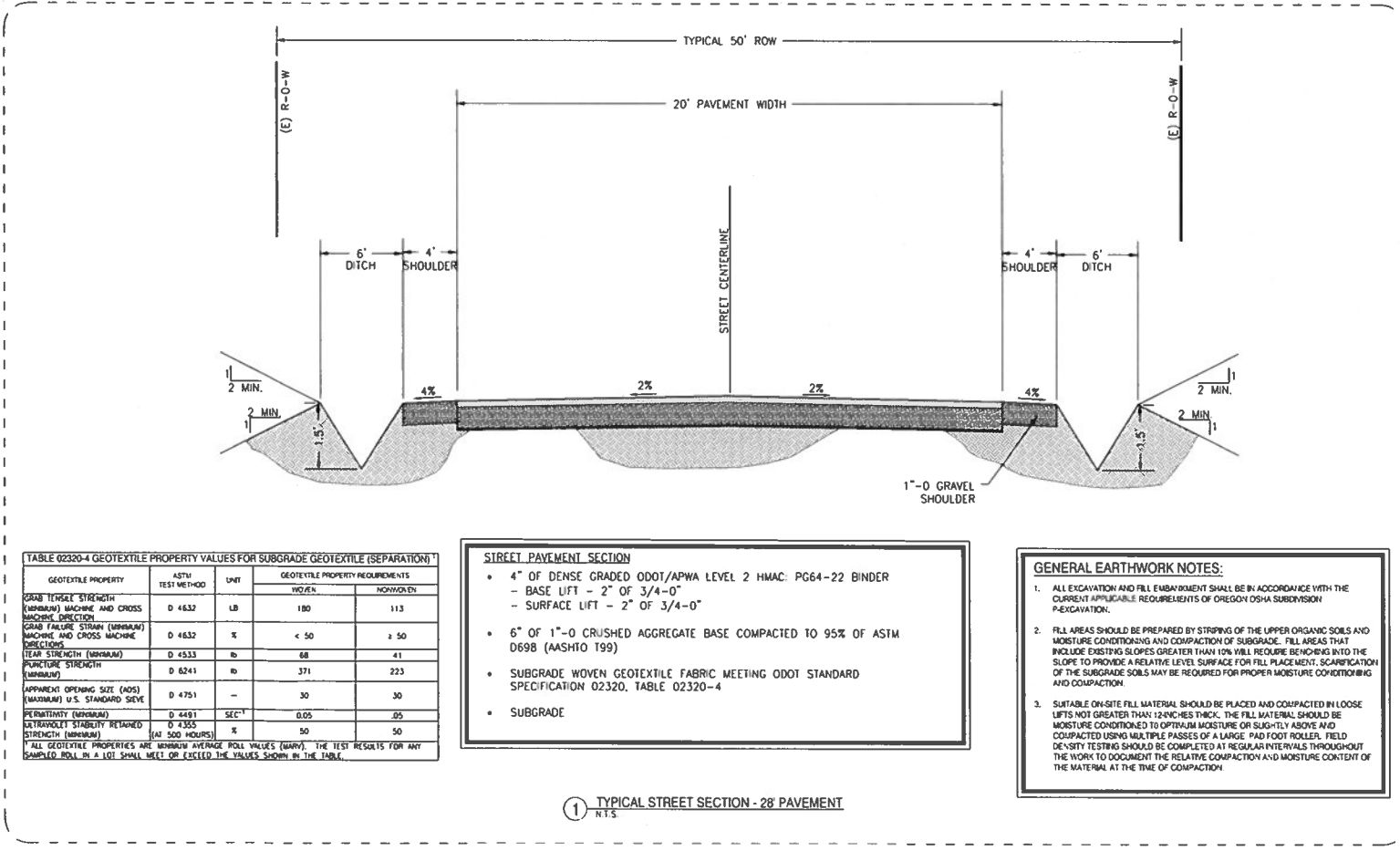
X
C300 WATERLINE SCHEMATIC REFERENCE

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10. CONSTRUCT THRUST BLOCKING PER CITY OF NEWPORT STANDARD DRAWING W-700/STND1.



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PROJECT:
SHS COASTAL STARS - PUBLIC
IMPROVEMENTS
PROJECT LOCATION:
NEWPORT, OR
CLIENT:
SAMARITAN PACIFIC
COMMUNITY HOSPITAL

SHEET TITLE:
TYPICAL STREET SECTION

JOB NO. 22436

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DRAWING:
C340

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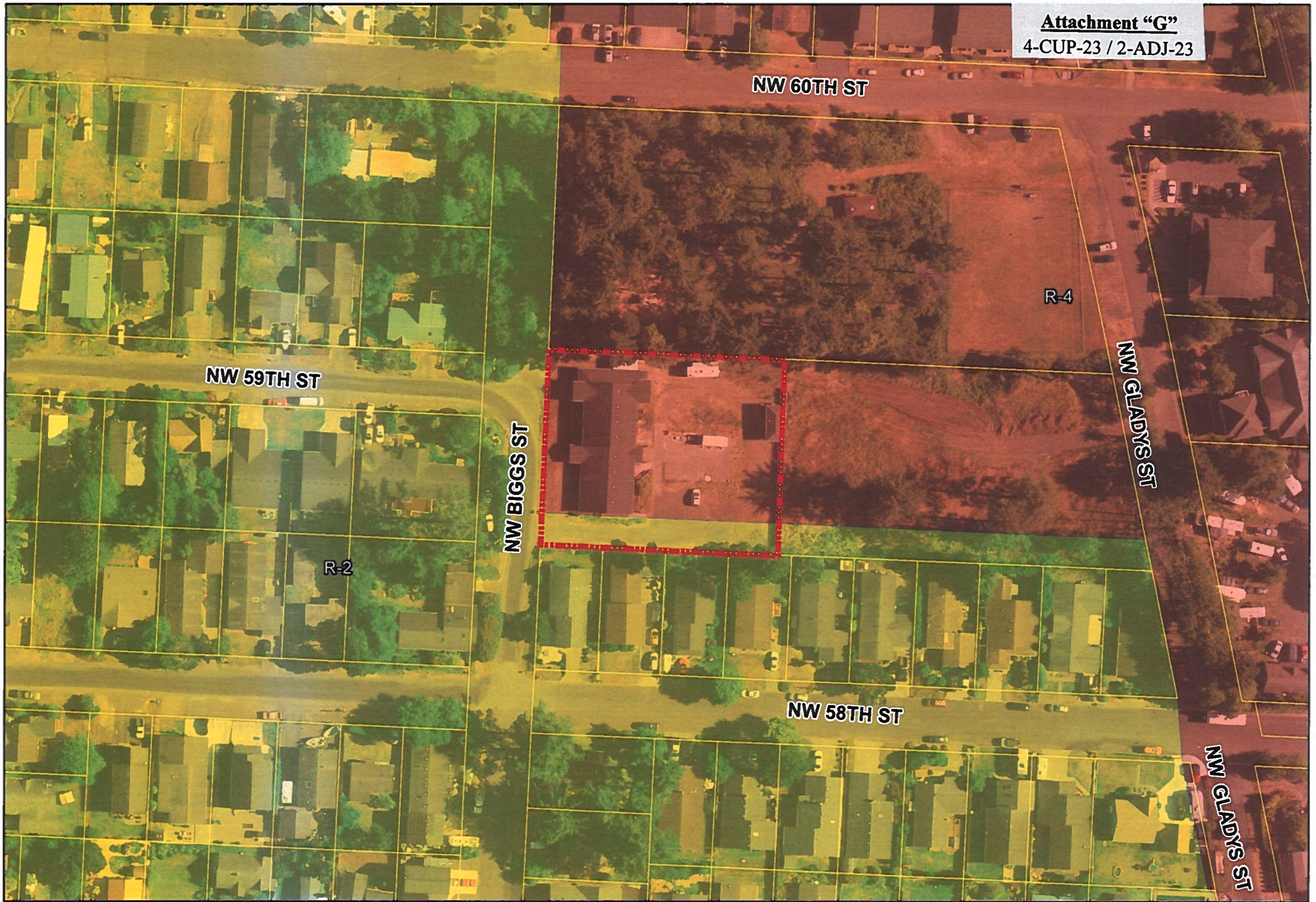
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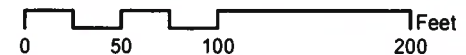


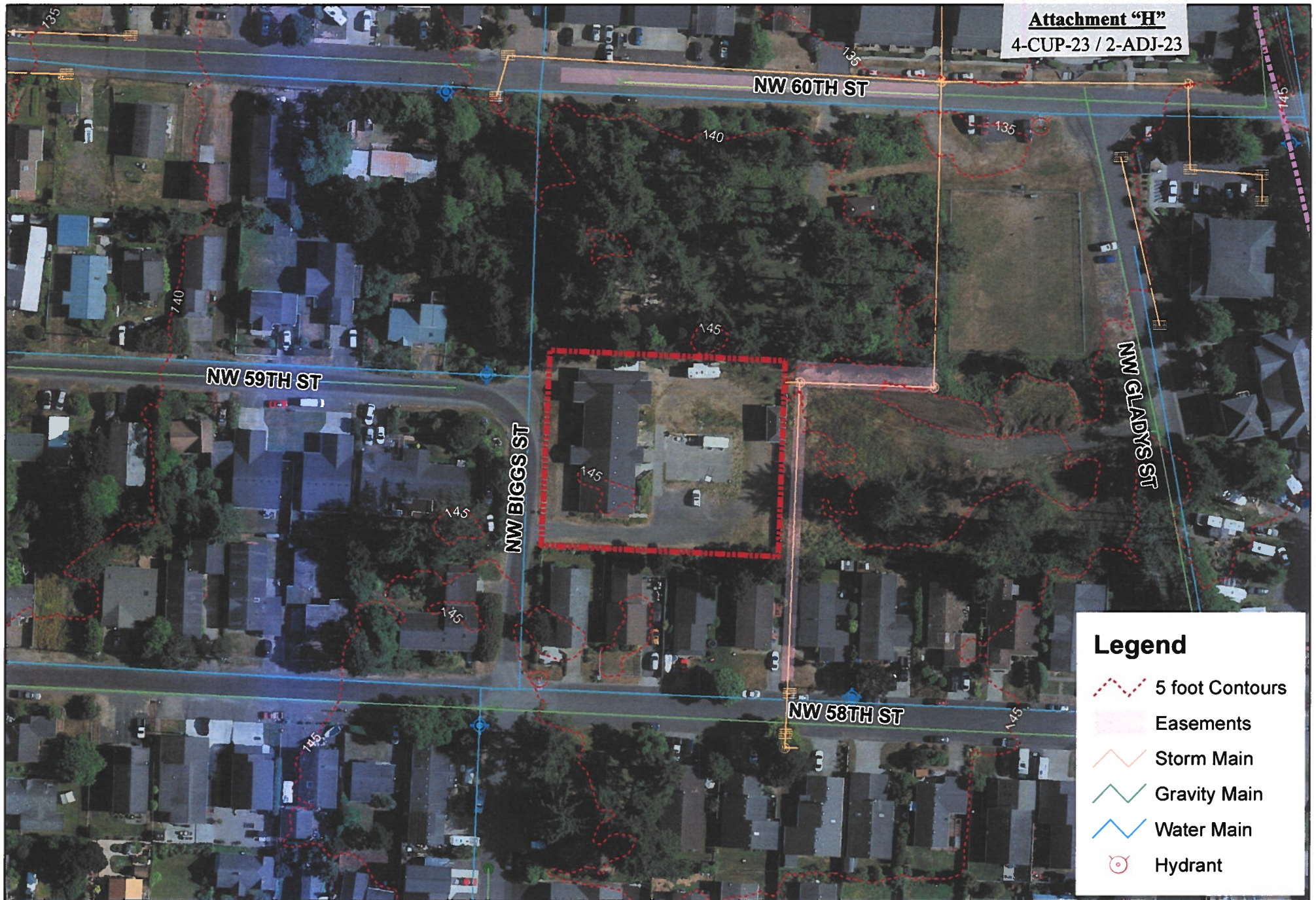
City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365
Phone: 1.541.574.0629
Fax: 1.541.574.0644

Zoning Map 5840 & 5842 NW Biggs Street

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

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Legend

- 5 foot Contours
- Easements
- Storm Main
- Gravity Main
- Water Main
- Hydrant

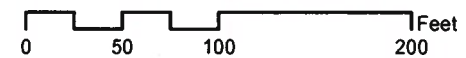


City of Newport
Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 Phone: 1.541.574.0629
 Fax: 1.541.574.0644

Terrain and Utility Map 5840 & 5842 NW Biggs Street

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

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**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 and Adjustment Permit request:

File No. 4-CUP-23 / 2-ADJ-23

Applicant & Owner: Jon Conner, applicant (Pacific Communities Health District, owner) (Teresa Kruse, Clark Kjos Architects, LLC, representative).

Request: Consideration by the Planning Commission of a request for a conditional use permit and adjustment permit per Section 14.03.050/"Residential Uses" of the Newport Zoning Ordinance, for a conditional use permit to renovate an existing 4,700 SF building as a residential unit to serve 16 clients and add an approximately 8,300 SF addition on the east side of the building to be used for counseling and support services for both the residential unit and extended outpatient programs. The "Residential Care Facility" is allowed outright in the R-4 "High Density Multi-Family Residential" zone. The outpatient counseling and administrative offices are considered a "Professional Office" use in the Newport Zoning Code, requiring Conditional Use approval. The exterior of the site will be redeveloped with a new parking lot providing 20 stalls and a new driveway on the north side of the building. The proposed north driveway will be 10 feet 6 inches wide, requiring an Adjustment to the minimum drive aisle width of 12 feet.

Location/Subject Property: 5840 & 5842 NW Biggs Street (Tax Map 10-11-29-BB, Tax Lot 4902).

Applicable Criteria: NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) 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 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.797 (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

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.

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.

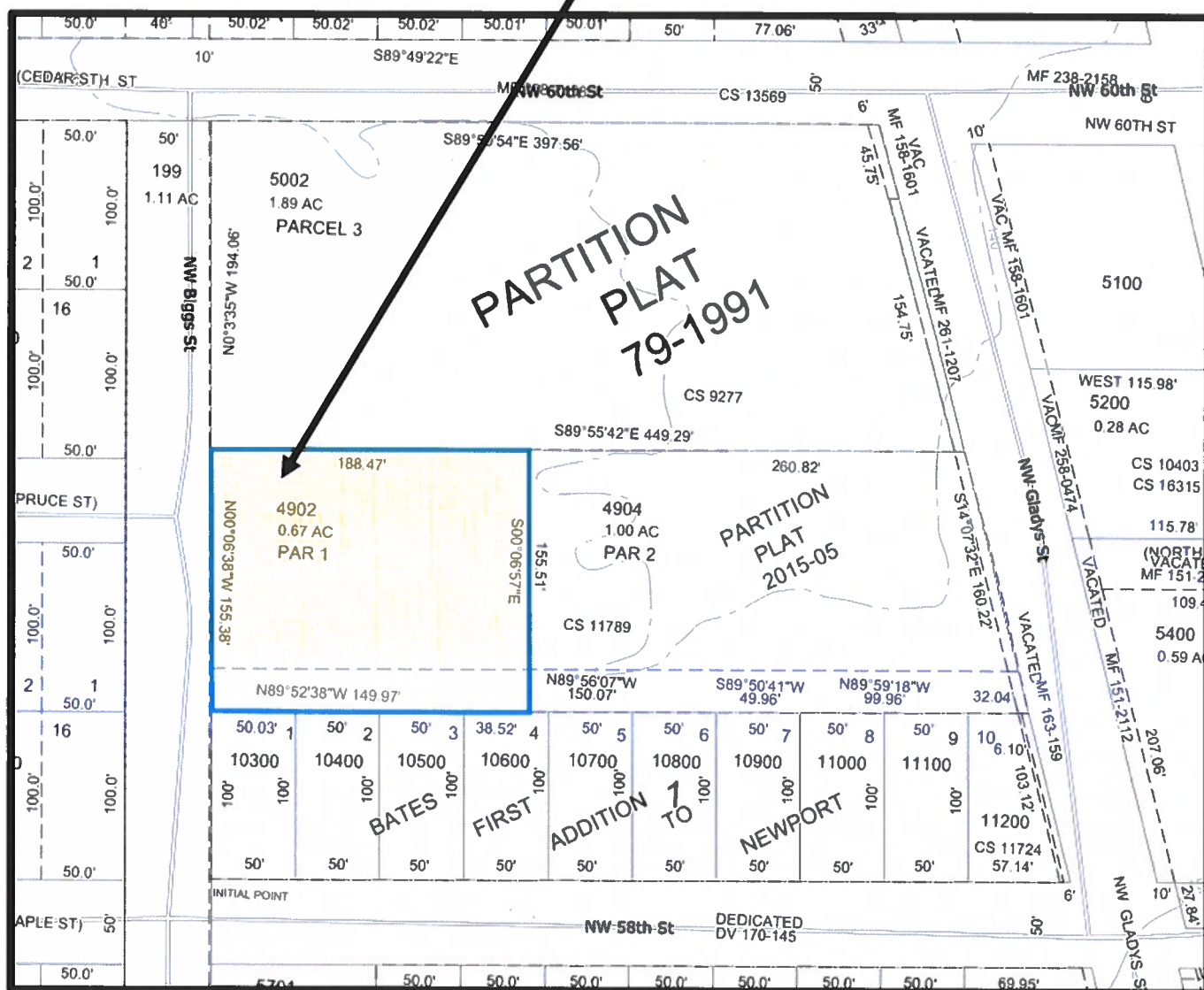
Contact: Derrick Tokos, Community Development Director, (541) 574-0626 (address above in "Reports/Application Material").

Time/Place of Hearing: Monday, June 12, 2023; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: May 15, 2023.

PUBLISHED: June 2, 2023 /News-Times.

Subject Property



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

Email: Bret Estes
DLCD Coastal Services Center
brett.estes@dlcd.oregon.gov

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
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)

(4-CUP-23 / 2-ADJ-23)

BROWN RICCI L & SHAO FENGZHI
1147 NE NEWPORT HTS DR
NEWPORT,OR 97365

BROWN WILLIAM A SR & BROWN JUDY
5718 NW BIGGS ST
NEWPORT,OR 97365

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

DICKINSON WILLIAM JOHN SR &
DICKINSON SUSAN ILENE
304 NW 60TH ST
NEWPORT,OR 97365

EHRET LAURA L
198 NW 58TH ST
NEWPORT,OR 97365

FERCH JEREMY D
141 NW 58TH ST
NEWPORT,OR 97365

GILL PAMELA SUSAN TSTEE & BOYLE
CHRISTOPHER D TSTEE
197 SW 82ND ST
SOUTH BEACH,OR 97366

HOFFMANN DANIEL PAUL
172 NW 58TH ST
NEWPORT,OR 97365

HOGG LUCY W & HOGG SUSAN E
PO BOX 537
NEWPORT,OR 97365

HON LYNNE R TSTEE
311 NW 59TH ST
NEWPORT,OR 97365

LINCOLN COUNTY
880 NE 7TH ST
NEWPORT,OR 97365

MANTEI MICHAEL
5705 NW BIGGS ST
NEWPORT,OR 97365

MARCHAND CAROLYN M
PO BOX 691
NEOTSU,OR 97364

PACIFIC COMMUNITIES
HEALTH DISTRICT
ATTN: JON CONNER
PO BOX 873
NEWPORT,OR 97365

RAWLES RAYNETTE I & RAWLES
BRANDYE K
192 NW 58TH ST
NEWPORT,OR 97365

SHEPPARD JAMES P TRUSTEE &
SHEPPARD SHARON D TRUSTEE
128 NW 58TH ST
NEWPORT,OR 97365

SPENCER WAYNE E & SPENCER
VICTORIA D
PO BOX 570
NEWPORT,OR 97365

STAHLNECKER DENNIS U &
STAHLNECKER MARJORIE H
818 35TH AVE SE
ALBANY,OR 97322

THATCHER REBECCA
161 NW 58TH ST
NEWPORT,OR 97365

VARGAS RIOS MICHELLE MARIE
168 NW 58TH ST
NEWPORT,OR 97365

WADE JOSEPH JAMES & KNIGHT
KELLY LOUISE
180 NW 58TH ST
NEWPORT,OR 97365

WHITE GERALD W & WHITE LYNN M
PO BOX 554
NEWPORT,OR 97365

WRAY JOHN M & WRAY SHEILA
PO BOX 1566
NEWPORT,OR 97365

WRIGHT ILENE PEARL & WRIGHT
WILLIAM JOSEPH
179 NW 58TH ST
NEWPORT,OR 97365

WRIGHT RICHARD E & WRIGHT
DEBORAH L
PO BOX 722
NEWPORT,OR 97365

ZAFFORONI GRETA M
19752 SHANGRILA LN
ALSEA,OR 97324

PACIFIC COMMUNITIES
HEALTH DISTRICT
ATTN: JON CONNER
930 SW ABBEY ST
NEWPORT,OR 97365

TERESA KRUSE
CLARK KJOS ARCHITECTS, LLC
621 SE ALDER ST, SUITE 700
PORTLAND, OR 97205

File No. 4-CUP-23 / 2-ADJ-23

Property Owners Within 200 ft

Sherri Marineau

From: Sherri Marineau
Sent: Monday, May 15, 2023 9:00 AM
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 and Adjustment Permit 4-CUP-23 / 2-ADJ-23
Attachments: File 4-CUP-23 -- 2-ADJ-23 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

Executive Assistant
 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.

Sherri Marineau

From: Sherri Marineau
Sent: Monday, May 15, 2023 9:01 AM
To: 'odotr2planmgr@odot.state.or.us'; Brett Estes
Subject: Conditional Use Permit and Adjustment Permit 4-CUP-23 / 2-ADJ-23
Attachments: File 4-CUP-23 -- 2-ADJ-23 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 receive comments prior to the last day of the comment period in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Sherri Marineau

Executive Assistant
 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.

Derrick Tokos

From: laura ehret <llehret@gmail.com>
Sent: Thursday, June 8, 2023 11:56 AM
To: Derrick Tokos
Subject: hearing for Samaritan rezoning request, 12 Ju
Attachments: hearingletter8Jun.pdf

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

[You don't often get email from llehret@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Derek Tokos
 Newport Community Development Director

Please include the attached comments for submittal to hearing on Samaritan re-zoning in north Agate Beach, File No. 4-CUP / 2-ADJ-23

BTW

The natives are getting restless. Though there is to be a hearing on the above request my neighbors and I are hearing 'done deal' with ground-breaking for the outpatient/admin facility already scheduled.

Some are thinking that the hearing is a sop to assuage resentment at the 'adverse effects' being foisted upon us due to the low-status/political clout assigned to low-middle income neighborhoods.

You have to admit that a treatment center would never have been considered or continenced in a high-rent area and no issues would have arisen if the treatment center were located in a commercial zone where it belongs.

Laura L.Ehret
 198 NW 58th
 Newport, OR

Newport Planning Commission

Re: File No. 4-CUP-23 / 2-ADJ-23

'conditional use permit adjustment' for Pacific Communities Health

District, owned by Samaritan Pacific Communities Hospital, 'SH'

(SamHealth) for 5840 & 5842 NW Biggs St

Comments: in response to City of Newport Public Notice as a resident of 198 NW 58th, a property IMMEDIATELY adjacent to 5840 NW Biggs

Under "Applicable Criteria" / NMC Chapter 14.33.050

1) a "Residential Care Facility" satisfies Criteria A & B. Outpatient/admin facilities do NOT.

Though funding may be on offer for new construction the usage of

existing facilities with inplace outpatient services should be

examined, eg. Newport Center for Health Education and Lincoln

Community Health Centers, both with better access, and NOT in a

residential neighborhood.

Consider how much more treatment could be provided if less

resources were spent on new construction.

2) re Criteria C

Adverse affects / general:

* added staff/service/addict traffic on neighborhood streets

regularly traversed by neighborhood kids, neighborhood pets,

neighborhood seniors; no traffic control at the nearest

intersection.

* congregation/loitering of patients/addicts; the possiblitiy of

which has been denied but has been noted/observed at existing

treatment centers.

REMEDY: regular/scheduled transit service, e.g. from Fred Meyer's

* increased loading on infrastructure, spec. the vulnerable

neighborhood water system which will need improvements for

which SH had indicated a reluctance to pay.

REMEDY: SH pay up! SH saved a bundle buying in a low-middle

income residential rather than a commercial area, a purchase

PRESUMING city concessions on rezoning.

* Security / specific: fence

the fence, on the north adjacent to the children's park and

on the south adjacent to my property, has been in disrepair

since SH purchase and allows easy access to the park and

MY back yard, reference above expected loitering.

REMEDY: FIX THE FENCE !

3) re Criteria D

Although placed at the back of the lot a 2-story 4,700 SF

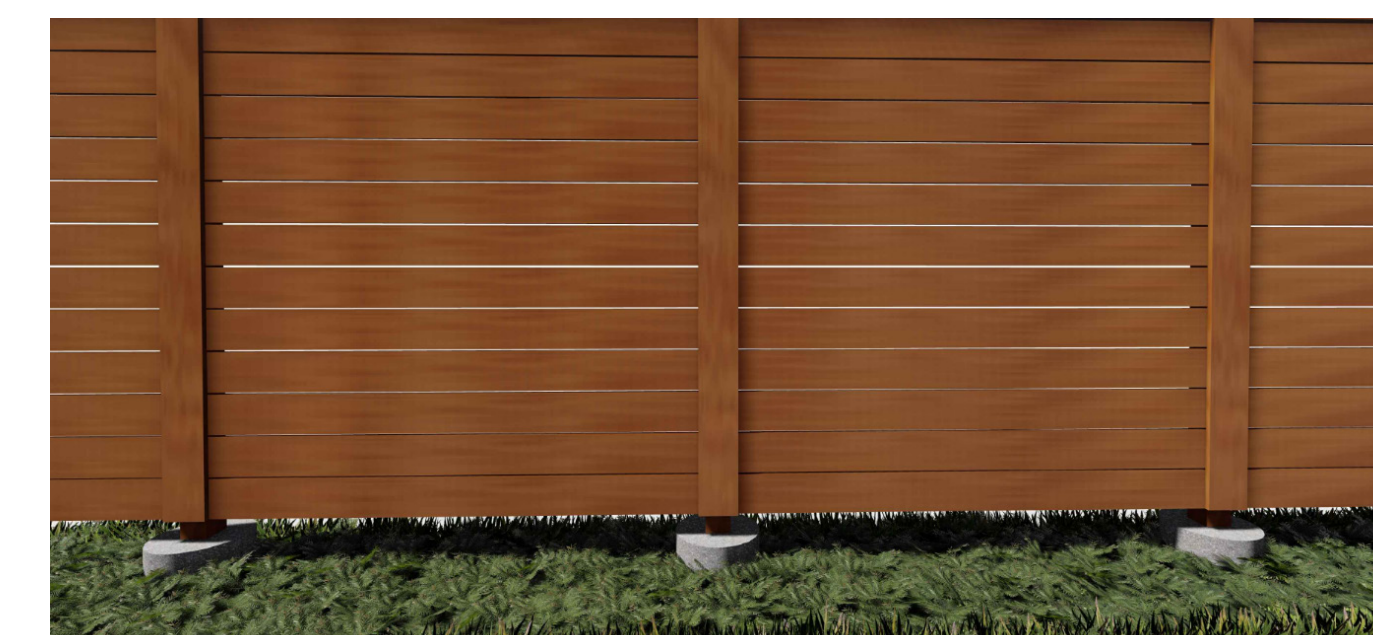
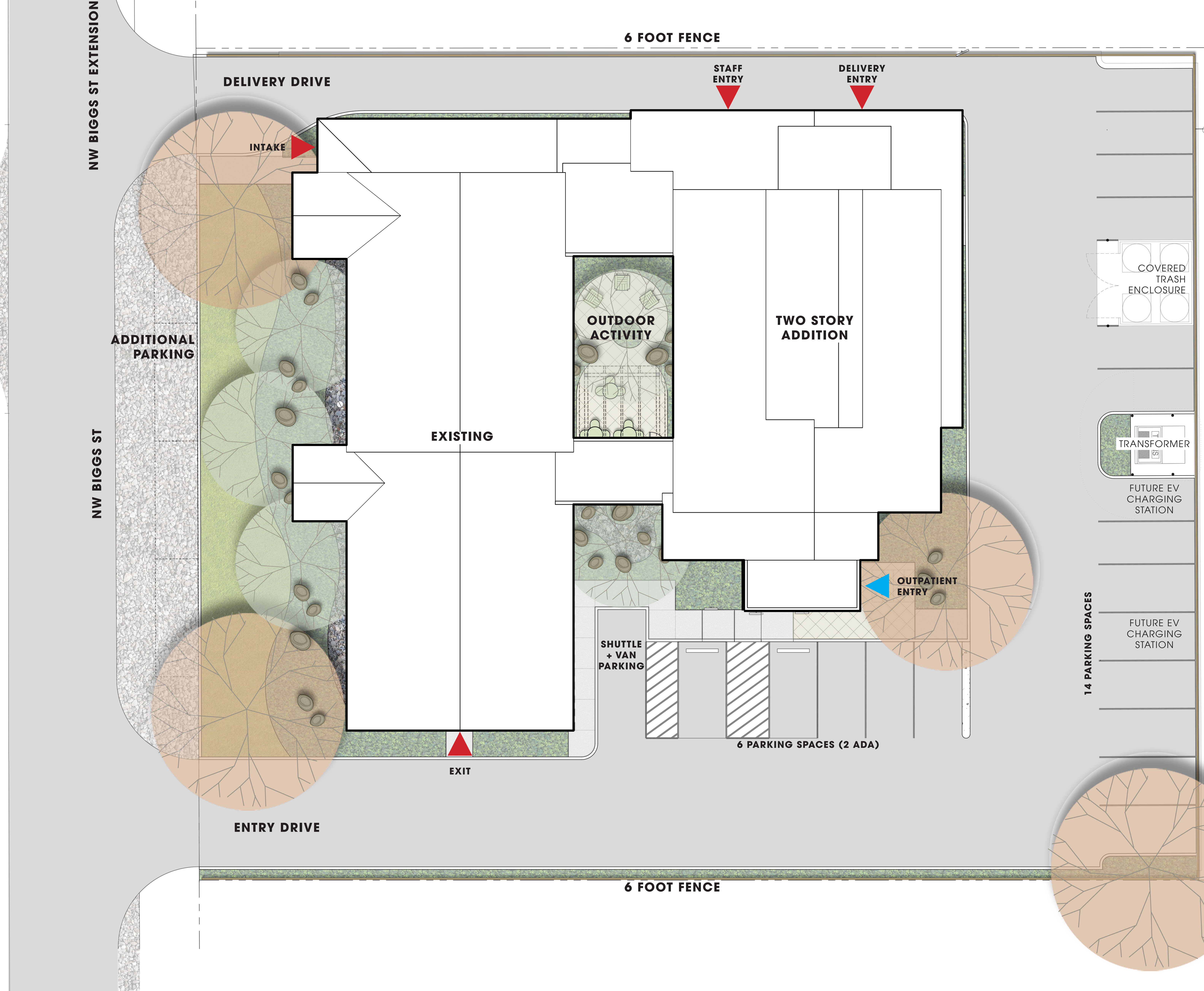
professional/commercial building is not consistent with a residen-

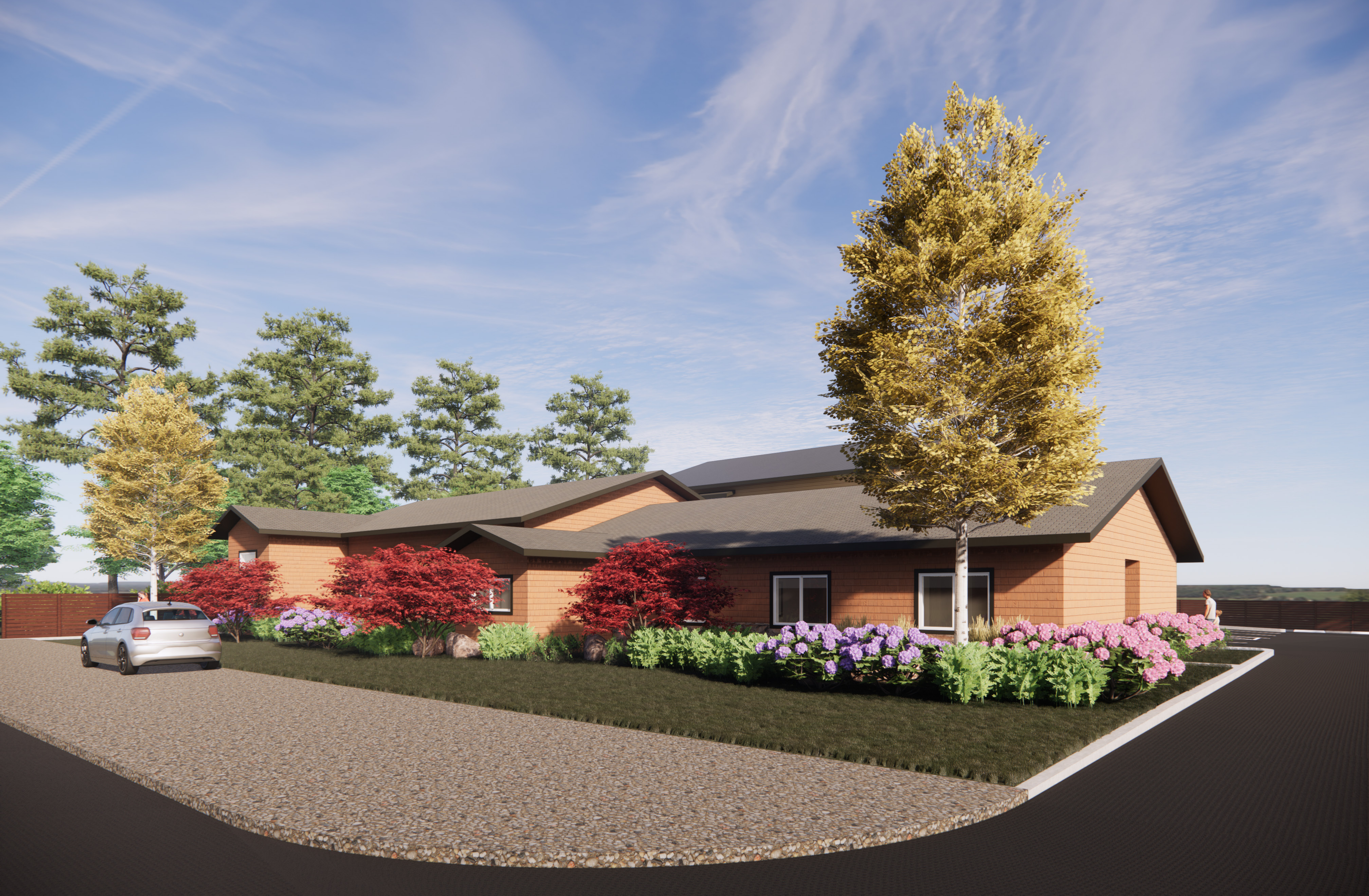
tial neighborhood.

Otherwise this hearing would not be happening in the first place.

Nor would it take place if north Agate Beach were a high-rent area.

LAURA L. EHRET





SITE ENTRANCE

COASTAL SAMARITAN TREATMENT AND RECOVERY SERVICES



SAMARITAN HEALTH SERVICES | APRIL 2023

CLARK K J O S





COURTYARD

COASTAL SAMARITAN TREATMENT AND RECOVERY SERVICES



SAMARITAN HEALTH SERVICES | APRIL 2023

CLARK KJOS

Derrick Tokos

From: shogg1982@q.com <shogg1977@gmail.com>
Sent: Monday, June 12, 2023 5:19 PM
To: Derrick Tokos
Subject: Comments on Conditional Use Permit and Adjustment Permit Request for property located at 5840 and 5842 NW Biggs Street, Newport, OR
Attachments: Comments on proposed conditional use and adjustment of NW Biggs property.pdf

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

Hello Mr. Tokos,

I've attached my comments. Thanks for making it possible for me to submit them by email.

I didn't comment on it but I am still confused & bothered that this hearing was scheduled before the neighborhood meetings. I certainly got the impression from all the presenters (Dr. Ogden, et al) that the entire planned project, including a 2nd building was a done deal. At the time it seemed to me that the proposed use was sufficiently different from the prior use that there should've been hearing on the proposed change in use. One of the construction people told me work was supposed to start on June 1. These events made me feel that it is a done deal and there is zero concern by the city gov't regarding the likely impact on a residential neighborhood, particularly NW 58th, NW Biggs, NW 59th, particularly when there are some good alternatives for outpatient A & D treatment, such as the Samaritan Health Education Center, which is NOT in a residential neighborhood & has far superior & safer mass transit, pedestrian and cyclist access.

Susan Hogg
homeowner on NW 58th, Newport, OR

Comments on proposed uses, including a conditional use for the property at use, "outright permitted use" and proposed conditional use permit and adjustment permit for the property at 5840 & 5842 NW Biggs St., in Newport, OR submitted by Susan Hogg, resident of a home at NW 58th & NW Biggs St, Newport, OR for more then 15 years.

All references to city ordinances or state statutes in my comments are to Title XIV- Zoning, of the Newport Municipal Code ("Title XIV") found on the city of Newport, Oregon's website, and to ORS 443.400.

(1) The facility's plan for a 16 person "residential care facility" is one person/resident more then the relevant "Definition" in Newport's ordinance permits.

"Residential Care Facility" is not explicitly defined in the Title XIV. The Definition section of Title XIV includes a definition of "Residential Facility", and "Residential Care Home". The former states the definition includes the "state definitions of "residential care facility", "residential training facility" and, "residential treatment facility", all of which are defined in ORS 443.400. The above Definition of "Residential Facility" expressly states that the number of residents will be from 6 to 15 people. Not 16. Therefore, regardless of what the state definitions of the various including facilities allow for, the city of Newport decided that any of all of the 3 state defined facilities can have from 6 to 15 resident. If the planning commission, city planner, et al who drafted and reviewed the Zoning ordinances, including the Definitions intended to adopt the state's allowed number of residents for each type of facility, they could've easily done so by so stating in the definition. Instead, they/the city chose to mandate a specific permitted range of residents for all three of the facilities included in "Residential Facility" definition.

The city is free to amend or revise those Definitions and apply the revision to future projects/plans but for now the petitioners must be informed that Newport's ordinance requires they reduce the number of future residents in their residential treatment facility to 15. To do otherwise is to fail to comply with the city's own ordinances, and to treat some applicants for permits, etc, differently then others.

I oppose approval of the conditional use permit for the reasons listed below:

(2) Approval of the conditional use permit would lead to far more "customers" or "clients" then the term "limited customer interaction" suggests and most if not all of those client/customers would arrive and depart in motor vehicles, which would greatly increasem by a factor of 5 or more, the amount of traffic coming/going to the facility.

At the very least, evening and weekend outpatient treatment classes/sessions/visits/meetings should be excluded or banned as part of the conditional use permit to limit these substantial increases in traffic. In addition, applicants should be required to pay for placement of 4 stop signs at the intersection of NW 58th Street and NW Biggs and cross walk lines to regulate traffic and provide some protection to pedestrians and cyclists.

Historically, the neighborhood has been pedestrian "friendly" or a neighborhood where, despite the lack fo sidewalks, people walked, felt able to let their older children walk & cycle on their own. .

I was unable to locate a definition of "professional office" in the Definitions section of Title XIV or anywhere else, in part because the city chose to put the Newport City ordinances in PDF-A format which prevented my version of Adobe Acrobat from "recognizing" or making the document searchable by word(s).

What I found was reference to "offices" in general on pg. 566 of the Municipal Code.

"1. Office

a. Characteristics. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. Traffic is primarily from employees with limited customer interactions.

b. Examples. Examples include financial businesses such as lenders, brokerage houses, bank headquarters; data processing; headquarters for professional service firms (lawyers, accountants, engineers, architects, etc.), sales offices; government offices; public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs."

It would seem that "professional offices" are those which have limited customer interactions.

Based on my personal experience sharing a relatively small office building with law offices, an insurance business, LMT (licensed massage therapist) and a two physician office, and various other small businesses for 9 years, and, for at least three years, a partnership providing outpatient drug and alcohol treatment, I observed very substantial differences between the former and the a provider of outpatient drug and alcohol treatment ("A & D treatment provider" with regards to "customer interactions" and how that difference affected all the building's tenants. Unlike the proposed facility, the office building is located in a commercial zoned area, several blocks from the police station, courthouse, and city transit center. It's located at the corner of two busy streets with traffic light intersections, in downtown Corvallis.

All but the provider of outpatient drug and alcohol treatment business/or "et the criteria of " limited customer interaction" Most of the tenants had office hours from 9 am to 5 pm at most, perhaps one had occasional weekend "customers". The few times I went to my office on the weekend, I either saw no one, and once an office cleaner mistook me for another office cleaner—she clearly did not expect to meet any tenants.

The 2 person drug & alcohol outpatient treatment providers occupies the largest office space in the building, a space previously leased by 4 attorneys & located on the building's 1st floor.

Its operations have definitely not fallen in the category of "limited customer interactions" and, based on what I observed, I do not believe that its operations differ significantly from other providers of A & D outpatient treatment.

The two A & D treatment providers see a number of people in every treatment session, which initially meant that the wide hallway separating two rows of offices was regularly congested, even blocked, by those who'd shown up early for their treatment session or meeting.. Following complaints from other first floor tenants, I believe the providers told their "customers" to wait outside the building—there are two short, paved paths leading up to the

front entrance of the building. The entrance is sheltered by an overhang. That meant anyone who came through the front rather than back entrance fairly often had to make their way past 4 or 5 people standing on the paths or near the entrance door—depending on the weather. The amount of litter in that area increased very noticeably. Occasionally people congregated on the sidewalk in front of the building as well.

Other of their “customers” chose to wander through the fairly small building. If/when I worked late, I noticed I sometimes discovered someone peering through the glass door to the office, or, if I left the office to use the rest room, was startled to find someone at 7 pm standing in the hallway. Since all other tenants, including the medical office MDs and staff, on the 2nd floor usually left by 5:30 pm (and if they were working late, weren’t seeing clients), I was uncomfortable finding a stranger/s wandering around/standing on the 2nd floor. There was no reason for anyone to be there, the restrooms on both floors can be opened only with a key. There are no chairs/benches in the hallway.

The A & D providers regularly (prior to & post pandemic) offer outpatient treatment sessions/meetings in the evening at least twice a week that lasted until 7 pm or 8 pm—the likely reason people were wandering around on the 2nd floor.

For several months, until the landlord became involved, the treatment providers failed to (1) lock both entry/exit doors and/or (2) turn on the security system when they left after their evening meetings/sessions.

The point is not that those particular providers were careless about building security, but that, after many tenant complaints, the landlord had the authority to exercise control over their behavior. A landlord can prohibit groups of 5 to 7 people waiting to begin their outpatient treatment session from congesting the hallways—or make it clear to those A & D treatment providers that they need to make that happen if they want to stay.

Residents of my neighborhood, particularly those living closest to the proposed facility have no such authority or control. If the conditional use permit is approved, then those operating the facility are free to ignore complaints/requests from residents regarding any unwanted behaviors, from outpatients speeding to get to their sessions on time, to hanging out in the neighborhood park/littering, etc. or elsewhere in the neighborhood prior to or after their meetings/sessions, etc. While some of those attending outpatient sessions may be pleasant polite people, others will not, and it is common for those in outpatient treatment to relapse—the rate is estimated to be 40-60%.

<https://nida.nih.gov/publications/drugs-brains-behavior-science-addiction/treatment-recovery>
Thus, it is likely that some of the people attending outpatient treatment will be using.

Given the city’s failure to effectively respond to a former resident of NW Biggs who for years hoarded, created a nuisance and was likely using and sometimes selling drugs, and the city’s failure, even after a complaint, to monitor permit compliance and type of use of the property of the former owners of this parcel and the one adjacent/to the east of it, strongly suggests the city would be unresponsive to any complaints re: traffic, trespass or concerns re: substance abuse of those coming and going from the treatment facility. That is an additional reason I opposed approval of the conditional use permit.

I oppose the approval of a conditional use permit for “extended outpatient treatment”

for these reasons, a large and sustained increase in traffic, and no guarantee (i.e., a written restriction in the conditional use permit—none is mentioned in the materials sent to me. no guarantee that the greatly increased traffic won't extend into the evenings and the weekends.

Such an increase in vehicular traffic will destroy the residential aspect of the neighborhood or this part of the neighborhood. Historically, this has been a neighborhood where residents walked because it seemed like a safe and pleasant place to walk or cycle. A place where some parents feel able to let their children walk and ride bicycles on NW 58th, NW 59th & NW Biggs, to walk to/from the neighborhood park and/or the dog park. I've seen people sitting & talking in the neighborhood park, children playing.

There is a school bus stop at the corner of NW Biggs & the south side of NW 58th Street. This time of year, I may see parents walk a younger child to the stop, while older children are walk to & from the bus stop on their own, even though there are no sidewalks.

Increased vehicular traffic, which may not be limited to NW 58th & NW Biggs, but may very well extend to NW 56th will, is likely to discourage pedestrians and the degree of casual social interaction that currently occurs in the neighborhood, lessen casual social interactions and /or lower property values.

Existing mass transit, i.e., buses, in north Newport is poor, service has been reduced several times, one of the stops closest to the neighborhood (and a slightly safer walk than the other) has become a "call in advance" stop. The closest stops are along the highway, only one allows people to stand away from the highway verge. There is one bus shelter. Only one stop is fairly close to a traffic signal, although from the facility, a passenger would have to walk the equivalent of 3 blocks along the highway, including walking on or in the right hand turn lane for Light House drive, to reach the cross walk/4 way traffic light intersection.

There is no crosswalk or flashing yellow pedestrian crossing at the other stop(s). The speed limit of 101 near all stops is 45 mph, which means traffic may be traveling at 45 to 55 mph. There no evening service other than the north county bus that makes one stop around 6:30 pm on weekdays (or used to)—on the east side of the highway.

The petitioners or applicants have had and do have choices: (1) they could purchase a road easement through the parcel adjacent to/directly east of their property, which would intersect with NW Gladys, so that the facility's connection to a "major street" would be shorter, more direct and have a correspondingly lower impact on the neighborhood of NW 58th, 59th and NW Biggs & the neighborhood as a whole.. Less noise, less air pollution via vehicle exhaust. So far, they have chosen not to do that. The apparent operator of the facility (Dr. Ogden, CEO of Sam Health, made the most extensive presentation of the proposed facility) has a 2nd choice as well:

(2) Samaritan Health operates or has use of an existing facility which is a far more suitable site for outpatient treatment, on weekdays, in the evenings and on weekends. It is located in a commercial and/or tourist zone across the street from the hospital: Samaritan Health Education Center.

The Center's webpage describes it as: "a regional hub for health-related activities that help people prevent disease and manage chronic conditions to improve quality of life and

lower health care costs. The two-story, 12,000-square-foot building includes a community resource center, meeting rooms for support groups (emphasis added) and health-related classes, skills and computer labs for health care professionals as well as a teaching kitchen. <https://www.samhealth.org/find-a-location/c/center-for-health-education>

Unlike the proposed facility, the Center is close to a major street, near or within a commercial center. Adequate parking is provided by the Center's own lot and the hospital parking lot. The building faces 101, access is provided by 9th street with access to 101 less than a block away. Visitors or "customers" need not travel on residential streets to reach the Center. There is no necessity, no lack of alternative outpatient A & D treatment locations/facilities that make the NW Biggs property the only option.

Proximity to a major street and a commercial center are listed criteria for establishing a new R-4 zone-- both are requirements the current proposed facility doesn't meet--but the Samaritan Health Education center does.

This, approving the conditional use permit will have a far greater impact on this residential neighborhood than a neighborhood that actually possesses all the R-4 zone criteria.

In addition, the Education Center has significantly better mass transit service and far better and safer pedestrian/cyclist access. The city loop bus stops in front of the hospital. The county, Coast to Valley Express, and all county buses stop at the city's "transit center" in front of Newport's City Hall approximately 4-5 blocks away. Sidewalks exist all the way from the transit center to the Education Center. For those approaching the Center from the west side of the highway, there is a flashing yellow pedestrian signal and crosswalk a block or less away, plus a 35 mph speed limit.

Lack of tree/shrub buffer zone between parking & park and residences, overflow parking: I did not see a requirement in the materials provided that the proposed facility plan will guarantee that their parking must be sufficient for their needs, thus overflow parking on the street is all too likely.

My brief view of the facility's plans did not show any landscaping along the boundary between the park & the north boundary of the facility and/or the private residences on NW 58th Street & the facility's south boundary. Such landscaping would seem to be required by 14.19.30 and 14.19.040. The only landscaping visible was at the rear of the current structure and a pictured planting inside the 2nd planned building. The only protective barrier or buffer from light, vehicle noise, vehicle pollution, etc) mentioned at the April 29 meeting was a 6' fence.

Stress on Existing Water Supply/Flow and Aged Infrastructure

Information handouts include vague reference to infrastructure upgrades but again, there is no information regarding the facility's demands on an already aged water supply system, should the conditional use permit be approved and the second building constructed.. There have been at least 5 breaks in the water supply system on NW 58th and 59th Streets. Two of them resulted in up to 4" of water in the crawl space underneath my house. At least one of the others produced a water outage for the entire 300 block of NW 58th Street for several hours. I don't fault city workers, I do fault those who decide it's better to annex and

expand then to replace existing infrastructure (water & sewer infrastructure replacement is an approved use of urban renewal funds under OR law). I was told of at least one water supply main break on NW 59th street by a neighbor then living on NW 59th. The most recent occurred several years ago, in the same location as a prior break & leak several years before. Water pressure is unimpressive.

The addition of another facility that is used by an unknown number of staff, in additional potential outpatient treatment will further stress a water supply/distribution system, some of which dates back to the 1960's/1970's.

Respectfully submitted,

Susan Hogg
06/12/2023

Case File: #2-VAR-23
 Date Filed: April 19, 2023
 Hearing Date: June 12, 2023/Planning Commission

PLANNING STAFF REPORT

- A. **APPLICANTS & OWNERS:** Port of Newport (Aaron Bretz, authorized representative).
- B. **REQUEST:** Approval of a Type III variance pursuant to Newport Municipal Code Section 10.10.130 of the City of Newport Municipal Code to allow a laminated freestanding sign with 114 sq. ft. of display area (i.e. 12-ft. wide x 9-ft. 6-in. tall). The sign will be placed at Port Dock 1, which possesses roughly 21-ft of frontage along SW Bay Boulevard. Freestanding signs in marine districts are limited to one sq. ft. of display area for each lineal foot of street frontage (Section 10.10.085(B)), meaning a sign at this location is limited to 21 sq. ft. of display area (effectively a 5-ft x 4-ft display area). Properties are also limited to a single freestanding sign and this location already has one, that being the Port of Newport Port Dock 1 identification sign.
- C. **LOCATION:** Port Dock 1 (adjacent to Clearwater Restaurant at 325 SW Bay Blvd). Identified as Tax Lot 02400, on Lincoln County Assessor's Map 11-11-08-DB.
- D. **LOT SIZE:** Upland area is 435.6 sq. ft. per Assessor's Records.
- E. **STAFF REPORT:**
1. **REPORT OF FACT:**
 - a. **Plan Designation:** Shoreland.
 - b. **Zone Designation:** W-2/"Water-Related."
 - c. **Surrounding Land Uses:** Tourist oriented retail and commercial fishing facilities.
 - d. **Topography:** Moderately sloping into Yaquina Bay. Port Dock One is constructed on piling, extending out over the bay. The decking is relatively level and it is at street grade. The dock is subject to a lease with the Department of State Lands in the tidal influenced areas.
 - e. **Existing Structures:** Publicly accessed dock and freestanding sign identifying the dock as Port Dock 1.
 - f. **Utilities:** All are available to the subject property.
 - g. **Past Land Use Actions:** File #1-EUP-14, an estuarine use permit authorizing installation of pile and a new floating dock for use by the sea lions. A second phase, that has not been completed, involves the installation of a 80 foot long by 6 foot wide public viewing platform abutting the pier of Port Dock 1.

- h. **Notification:** All affected property owners within 200 feet, applicable City departments, and other agencies were notified on May 23, 2023. See Planning Staff Report Attachment "F" (Public hearing notice). The public hearing notice was published in the Newport News-Times on June 2, 2023.

i. **Attachments:**

Attachment "A" – Application form

Attachment "B" – Applicant's narrative

Attachment "C" – Lincoln County Property Record Card

Attachment "D" – Record of Survey No. 11713

Attachment "E" – Illustration of the size and location of the freestanding sign

Attachment "F" – Public hearing notice

2. **Explanation of the Request:** The Port of Newport is requesting approval of the installation of a 144 in x 114 in laminated sign depicting the Newport Bridge and Yaquina Bay. It will include text for "Newport Oregon," "Discover Newport," and the web address for the Newport Sea Lion Foundation "newportsealions.com." The applicant notes that the sign was approved by the Discover Newport Committee in 2021 and funded using transient tax dollars via the Newport Chamber and Discover Newport. It is to be built locally by Newport Signs Company.

The sign will be 11-ft, 6-in. tall and is to be secured to deck railing on the south side of the walkway entering Port Dock 1, with the northeasterly elevation of the Clearwater Restaurant building serving as a backdrop. The applicant indicates that this portion of the dock is on the upland area of the property that would not be subject to the terms of a Department of State Lands lease. A graphic illustration of the sign, including how and where it will be placed on the dock, is included as Attachment "E."

3. **Evaluation of the Request:**

- a. **Written Comments:** As of June 8, 2023, the Community Development (Planning) Department has received no comments from any of the affected parties.

b. **Applicable Criteria (Newport Municipal Code Section 10.10.140(C):**

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

1. The variance is consistent with the purposes of the sign code, as provided in Chapter 10.10.010 of the Newport Municipal Code, as applicable; and
2. The variance will allow for placement of a sign with exceptional design, style, or circumstance, or will allow a sign that is more consistent with the architecture and development of the site; and
3. The variance will not significantly increase or lead to street level sign clutter, or will it create a traffic or safety hazard.

c. **Staff Analysis:**

In order to grant the variance, the Planning Commission must review the application to determine whether it meets the criteria. With regard to those criteria, the following analysis could be made:

1. *The variance is consistent with the purposes of the sign code, as provided in Chapter 10.10.010 of the Newport Municipal Code, as applicable; and.*

The purposes of the Newport Sign Code are:

A. To protect and promote the health, safety, property, and welfare of the public, including but not limited to promotion and improvement of traffic and pedestrian safety.

B. To improve the neat, clean, and orderly appearance of the city for aesthetic purposes.

C. To allow the erection and maintenance of signs consistent with the restrictions of the Newport Sign Code.

D. To prevent distraction of motorists, bicyclists and pedestrians.

E. To allow clear visibility of traffic signs and signal devices, pedestrians, driveways, intersections, and other necessary clear vision areas.

F. To provide for safety to the general public and especially for firemen who must have clear and unobstructed access near and on roof areas of buildings.

G. To preserve and protect the unique scenic beauty and the recreational and tourist character of Newport.

H. To regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and location of signs.

The applicant's narrative, submitted by the Newport Sea Lion Foundation, lists the "purpose" provisions of the sign code and explains why they believe the proposed sign is consistent with the stated objectives (Attachment "B"). They view the large face of the sign as an attractive tourist promotion feature where visitors can take pictures of themselves while visiting the sea lions. The applicant also explains that the style and design of the sign is aesthetically pleasing and that its location, secured to railing adjacent to the Clearwater Restaurant building, will not interfere with pedestrian traffic. The applicant also points out that the sign should not be a distraction to motorists, cyclists, or pedestrians given that it is located away from highly travelled areas.

The Commission should review the applicant narrative as it relates to each of the purpose provisions and determine whether or not the proposed sign is consistent with its provisions.

2. *The variance will allow for placement of a sign with exceptional design, style, or circumstance, or will allow a sign that is more consistent with the architecture and development of the site; and*

An approach the Commission could take with this proposal is to view it as akin to a mural sign, given the extent to which it is oriented to artistic elements as opposed to the text messaging. Mural signs, which by definition must be painted directly on the wall of a building or retaining wall without any sign structure or additional surface, are not subject to display area dimensional limitations.

The proposed sign will conceal from view a portion of the Port Dock 1 railing, along with fencing and a staircase on the Clearwater Restaurant property. These are ancillary architectural elements, and there is no signage on the portion of the Clearwater building that this sign would compete with or highlight. The Commission could consider the presence of the sea lions at Port Dock 1 as an exceptional circumstance justifying a variance; however, care should be taken to avoid considerations related to the content of the sign, as it is impermissible for the City to regulate signage based upon content.

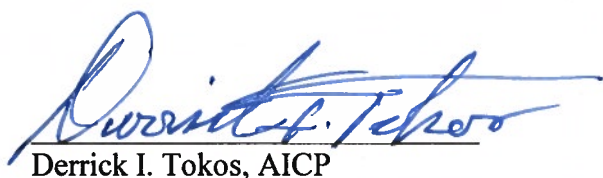
3. *The variance will not significantly increase or lead to street level sign clutter, or will it create a traffic or safety hazard.*

The Port of Newport has a large freestanding sign further down the dock, and there are a number of murals and signs of various sizes along the Bayfront at street level. It would be reasonable for the Commission to conclude that a sign of this size will not cause or significantly increase street level sign clutter. The sign will also be placed far enough down the Port Dock 1 walkway that it shouldn't be a traffic hazard. A sign permit would be required if the Commission approves the variance, the purpose of which is to ensure the sign structure is secured such that it will not pose a safety hazard.

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Newport Municipal Code for granting a variance, then the Commission should approve the request and ask staff to prepare findings and a final order for consideration at its next meeting (July 10, 2023). The Commission may attach any reasonable conditions of approval necessary to carry out the purposes of the Ordinance. If, on the other hand, the Commission finds that the request does not comply with the criteria, then the Commission should make findings for denial. Staff would then prepare findings and a final order to that effect for the Commission's consideration.

- F. **STAFF RECOMMENDATION:** The Commission should consider precedence when determining whether or not a variance should be granted. Most of the signs along the Bayfront orient to the street; whereas, this sign orients to the dock. This plays to the applicant's favor as it shouldn't significantly increase sign clutter. Its placement along the edge of the walkway minimizes pedestrian conflicts, and the sea lions at Port Dock 1 are a unique attraction along the Bayfront. A 20 sq. ft. sign is not small, and the Commission might want to ask the applicant why a sign of that size wasn't pursued. The artistic elements in the sign are more dominant than the text, that is another factor that weighs in the applicant's favor considering the prevalence of murals along the Bayfront. If the Commission approves the variance, then staff recommends the following condition(s) of approval.

1. The applicant shall obtain a City of Newport sign permit for the signage conceptually described in this variance application.





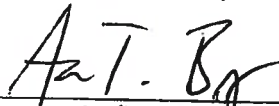



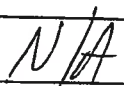
Derrick I. Tokos, AICP
Community Development Director
City of Newport

June 8, 2023

Attachment "A"

2-VAR-23

		<h2 style="text-align: center;">City of Newport Land Use Application</h2>	
Applicant Name(s): <u>Port of Newport</u>		Property Owner Name(s) if other than applicant: <u>SAME</u>	
Applicant Mailing Address:		Property Owner Mailing Address:	
<u>600 SE BAY BLVD, NEWPORT OR 97365</u>			
Applicant Phone No.		Property Owner Phone No.	
<u>541-265-7758</u>			
Applicant Email		Property Owner Email	
<u>abretz@portofnewport.com</u>			
Authorized Representative(s): Person authorized to submit and act on this application on applicant's behalf			
<u>AARON BRETZ DIRECTOR OF OPERATIONS</u>			
Authorized Representative Mailing Address:			
<u>SAME AS ABOVE</u>			
Authorized Representative Telephone No.			
<u>SAME AS ABOVE</u>			
Authorized Representative Email.			
Project Information			
Property Location: Street name if address # not assigned			
<u>277 SW BAY BLVD NEWPORT, OR 97365</u>			
Tax Assessor's Map No.: <u>11108 DB</u>		Tax Lot(s): <u>2400</u>	
Zone Designation: <u>W-2 WATER RELATED</u>		Legal Description: Add additional sheets if necessary	
Comp. Plan Designation:			
Brief description of Land Use Request(s):			
Examples:			
1. Move north property line 5 feet south 2. Variance of 2 feet from the required 15-foot front yard setback			
<u>Please see attached</u>			
Existing Structures: If any			
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 type="checkbox"/> Conditional Use Permit <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Design Review <input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Interpretation <input type="checkbox"/> Minor Replat <input type="checkbox"/> Partition <input 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 checked="" type="checkbox"/> Variance/Adjustment (Sign) <input checked="" 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: <u>2-VAR-23</u>			
Date Received: <u>4/19/23</u>	Fee Amount: <u>\$699-</u>	Date Accepted as Complete: <u>5/22/23</u>	
Received By: <u>B7</u>	Receipt No.	Accepted By:	
City Hall 169, SW Coast Hwy Newport, OR 97365 541.574.0629			
<u>625-23-000037-PLNG</u>			

 <div style="text-align: center;"> <h2>City of Newport</h2> <h3>Land Use Application</h3> </div>	
<p>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.</p> <p>I certify that, to the best of my knowledge, all information provided in this application is accurate.</p>	
 Applicant Signature(s)	 Date
 Property Owner Signature(s) (if other than applicant)	Date
 Property Owner Signature(s) (if other than applicant)	Date
 Authorized representative Signature(s) (if other than applicant)	Date
<p>Please note application will not be accepted without all applicable signatures.</p> <p>Please ask staff for a list of application submittal requirements for your specific type of request.</p>	

Dear Committee,

We are writing to request approval for the installation of a 144 in x 114 in laminated sign depicting the Newport Bridge and Yaquina Bay. This sign was approved by the Discover Newport Committee in 2021 and funded using transient tax dollars via the Newport Chamber and Discover Newport, and built locally by Newport Signs Co. Please see below our commitment to the adherence of Newport Municipal Code - Section 10.10.010 Purposes.

Regarding:

-A. To protect and promote the health, safety, property, and welfare of the public, including but not limited to promotion and improvement of traffic and pedestrian safety.

-B. To improve the neat, clean, and orderly appearance of the city for aesthetic purposes.

-C. To allow the erection and maintenance of signs consistent with the restrictions of the Newport Sign Code.

A. B.): The sign will serve as a unique and attractive feature for tourists to take pictures in front of, which will help to safely promote tourism to the public. This will directly contribute to the improvement of the city's economy, which can further promote health, safety, property, and public welfare. In addition, the billboard gives information for Discover Newport and Newport Sea Lions websites. Both sites have health, welfare, safety and information resources for locals and tourists.

A. B.): The sign will be strategically placed in a visible and accessible location, which will help guide tourists and visitors to a specific point of interest in the city. This will contribute to the improvement of vehicle and pedestrian traffic safety by clearly identifying where the sea lions are located for easy way finding of visitors

B. C.): Lastly, the sign is designed and constructed in a manner that is consistent with the Newport Sign Code, which ensures that it is aesthetically pleasing and adds to the overall charm and character of the city. It will be strategically placed to improve the neat, clean, and orderly appearance of the city for aesthetic purposes while adhering to the restrictions of the Newport Sign Code.

Regarding:

D. To prevent distraction of motorists, bicyclists and pedestrians.

E. To allow clear visibility of traffic signs and signal devices, pedestrians, driveways, intersections, and other necessary clear vision areas.

D. E.): The sign should not distract motorists, bicyclists, and pedestrians any more than any other sign of similar design. It will be placed in a safe and suitable location that is off of the pedestrian sidewalk, off the vehicle roadway, and away from high traffic areas and intersections. The sign will not obstruct the view of traffic signs and signal devices, pedestrians, driveways, or other necessary clear vision areas, ensuring that traffic and pedestrian safety are not compromised.

This will allow tourists to take pictures in front of the sign without causing any disruption or inconvenience to others in the area.

Regarding:

F. To provide for safety to the general public and especially for firemen who must have clear and unobstructed access near and on roof areas of buildings.

G. To preserve and protect the unique scenic beauty and the recreational and tourist character of Newport

F.): The sign's purpose is not only to maintain the aesthetic beauty of the Newport area but also to ensure the safety of firemen who require unobstructed access to roof areas of buildings. Furthermore, it will not pose any safety risks to the general public.

G.): Additionally, the sign aims to preserve the distinctive natural charm of Newport, bolstering its appeal as a recreational and tourist destination. This is accomplished by controlling the design, installation, upkeep, lighting, style, dimensions, quantity, and placement of the sign, with the goal of enhancing the region's aesthetic and cultural value.

Regarding:

H. To regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and location of signs.

H.): Please be assured the sign is constructed and will be maintained in full compliance with the Newport Sign Code and all applicable regulations. We guarantee that the sign will not compromise any existing safety standards. Our commitment is to adhere to the regulations that govern the construction, erection, maintenance, electrification, illumination, type, size, number, and location of signs.

Thank you for taking our request into consideration.

Sincerely,

Newport Sealion Foundation

LINCOLNPROD PROPERTY RECORD CARD

Attachment "C"

2-VAR-23

Property ID: R388010

Map and Taxlot: 11-11-08-DB-02400-00

Tax Year: 2023

Run Date: 6/8/2023 3:18:37 PM

PROPERTY SITUS ADDRESS

Maintenance Area: 5-09

OWNER NAME AND MAILING ADDRESS

PORT OF NEWPORT
10 SE BAY BLVD
NEWPORT, OR 97365

LEGAL DESCRIPTION

WNSHP 11, RNG 11, ACRES 0.01, DV90-524

GENERAL PROPERTY INFORMATION

Prop Class: 991
NBH Code: N226
Prop Type Code: COM
Prop Code: Z5: COMMERCIAL NEWPORT & LINC
Next Appr Date:
Next Appr Reason:
Last Appr Date: 05/15/2015
Appraiser: KL
Zoning: W-2
Code Area: 104
Related Accts: R901108

VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	63,840	139,700	203,540		
2021	61,600	92,000	153,600	0	
2020	56,000	81,780	137,780	0	
2019	56,000	81,780	137,780	0	
2018	56,000	64,740	120,740	0	
2017	56,000	64,740	120,740	0	

ASSESSMENT INFORMATION

Land Non-LSU:	70,000	Prior MAV:	0	Except RMV:
Improvement:	120,450	Prior MAV Adj:	0	CPR:
Non-LSU RMV Total:	0	Prior AV:	0	EX. MAV:
Land LSU:	0	Prior AV Adj:	0	LSU:
RMV Total:	0	AV +3%:	0	New M50 AV:

SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
------	------	------------	----------------	----------	------------	----------

Cres: 0.01 Sqft: 432

Effective Acres: 0.01

BUILDING PERMITS AND INSPECTIONS

Type	Appraiser	Issue Date	Date Checked	% Comp	Comment
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PARCEL COMMENTS

enFlag- M_09C,M_15C,M_23C
enCom- 2023-24 JV#529, PORTION FROM PORT TO MUNI ON IMP ONLY ACCT PER PORT LEASE, ENTERED 5-8-23. JV#406 RE
rop-Note- PORT DOCK 1

EXEMPTIONS

Code	Exempt RMV
MUNI	190,450

Exceptions

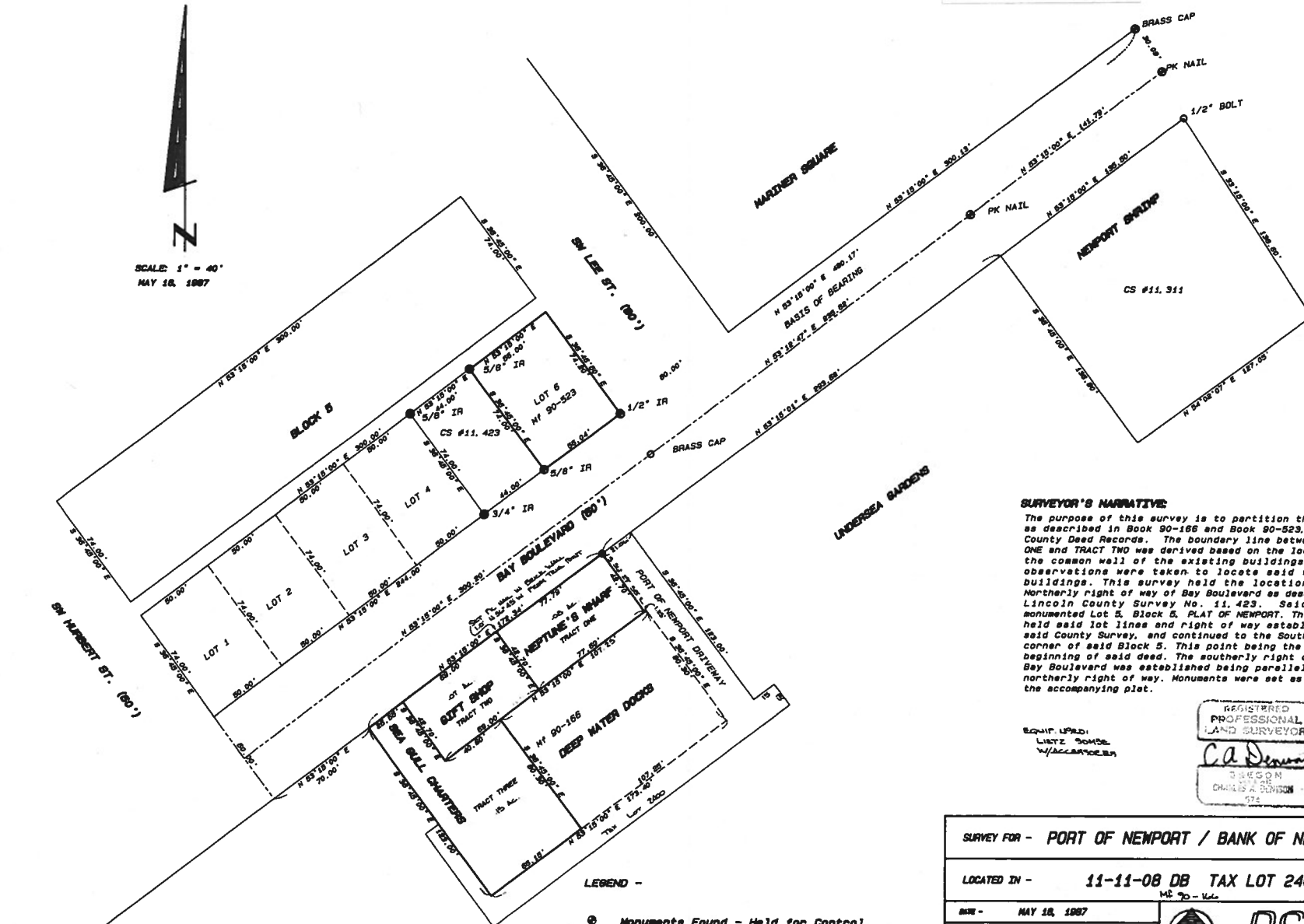
Code	Year	Amount	Metho
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MARKET LAND INFORMATION

Type	Table	Method	Acres	Base Value	Adjustment Code - %	NBHD %	Total Adj %	Final Value
SBF: COM DEV BAYFRONT S 5BFF		FF	0.010	3,500		1.250	1.250	70,000
Total Acres:			0.010			Total Market Land Value:		70,000

LAND SPECIAL USE

Code	SAV	Unt	Pr	MSAV	Unt	Pr	LSU
Total LSU:							

SCALE: 1" = 40'
MAY 18, 1987

SURVEYOR'S NARRATIVE:

The purpose of this survey is to partition that tract as described in Book 90-186 and Book 90-523, Lincoln County Deed Records. The boundary line between TRACT ONE and TRACT TWO was derived based on the location of the common wall of the existing buildings. Field observations were taken to locate said wall and buildings. This survey held the location of the northerly right of way of Bay Boulevard as described in Lincoln County Survey No. 11,423. Said survey monumented Lot 5, Block 5, PLAT OF NEWPORT. This survey held said lot lines and right of way established by said County Survey, and continued to the Southwesterly corner of said Block 5. This point being the point of beginning of said deed. The southerly right of way of Bay Boulevard was established being parallel to said northerly right of way. Monuments were set as shown on the accompanying plat.

EQUIP. USED:
LINTZ 3000
W/ALTIMETER

LEGEND -

- Monuments Found - Held for Control
- Monuments Found as shown
- Monuments Set - 5/8" x 30" Iron Rod w/ plastic caps inscribed "Denison Surveying, Inc. RLS 574" or "RLS 2128"

SURVEY FOR - PORT OF NEWPORT / BANK OF NEWPORT

LOCATED IN - 11-11-08 DB TAX LOT 2403

DATE - MAY 18, 1987

SCALE - 1" = 40'

JOB NUMBER - DSI - 548

DRAWN BY - RLJ

CHECKED BY - DD

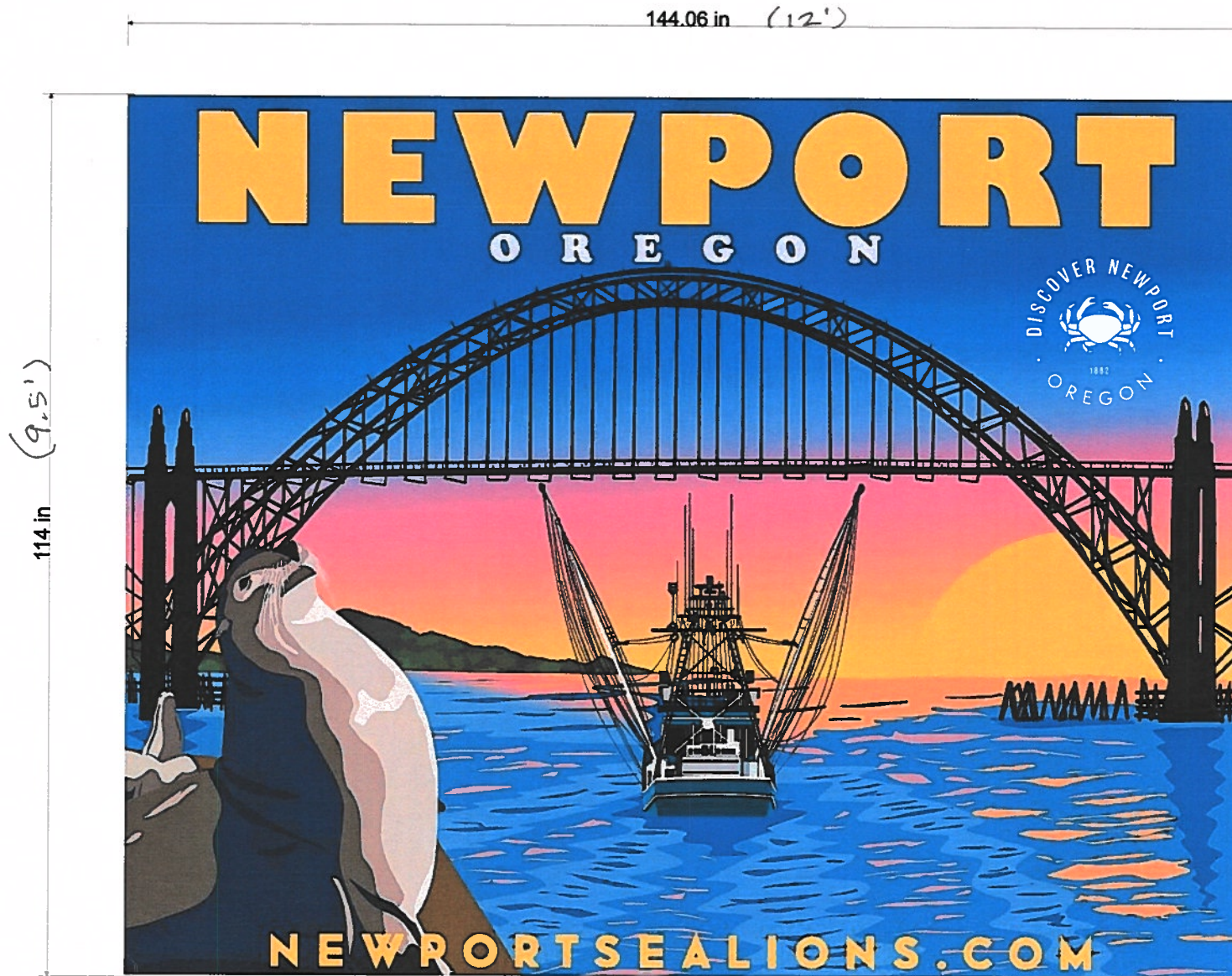
REVISION # 2



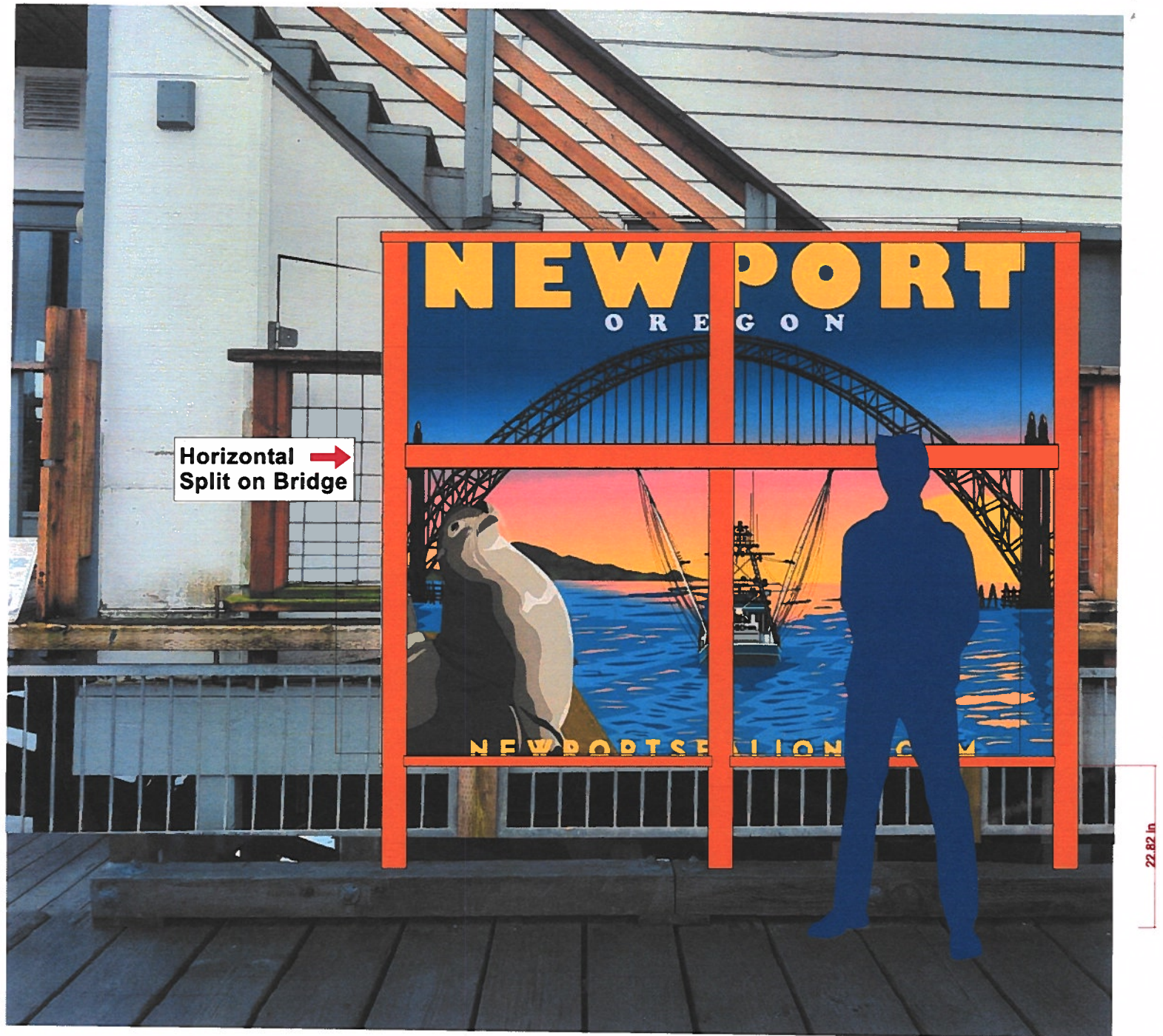
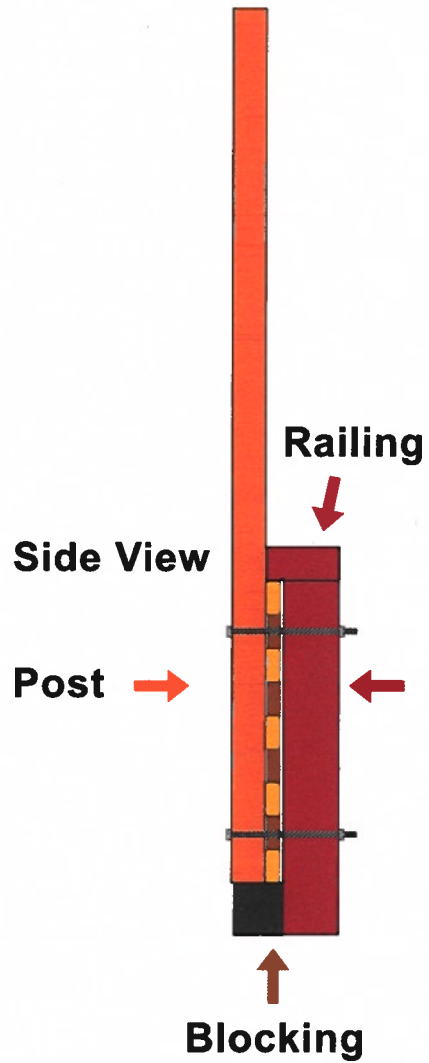
DSI

DENISON SURVEYING, Inc.
720 SW ANGLE
NEWPORT, OREGON 97365
(503) 265-9308

C.S. 11,713



ALL PAGES
ARE THE
SAME SIZE



Bracing
to Building
& Stair
Railing

144.06 in

16.08 in

114 in

Railing

Side View

Post

Horizontal
Split

Vertical
Split

Vertical
Split

Blocking



**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING¹**

**Attachment "F"
2-VAR-23**

117

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing to consider the following variance request:

File No. 2-VAR-23.

Owner/Applicant: Port of Newport, Aaron Bretz, representative (on behalf of Newport Sea Lion Docks Foundation).

Request: Approval of a Type III variance pursuant to Section 10.10.085(A) of the City of Newport Municipal Code to allow the placement of a 114 square foot wall sign that exceeds the maximum display area for the street frontage. Section 10.10.085(A) of the Newport Municipal Code limits the square footage of a wall sign to two square feet for each lineal foot of street frontage. The street frontage for this property is approximately 32 feet which means that the maximum allowed square footage for a wall sign is 64 square feet.

Location: Assessor's Map 11-11-08-DB; Tax Lot 2400 (Port of Newport, Port Dock 1).

Applicable Criteria: Newport Municipal Code Section 10.10.130(A): All sign variance applications that propose to increase the number or size of signs or propose a variance from any other numerical standard shall be determined by the Planning Commission using the zoning Type III Variance procedure, based on a determination that the proposed variance is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant; and Newport Municipal Code Section 10.10.140(C): The approval authority must find that the application for a Variance complies with the following criteria: (1.) The Variance is consistent with the purposes of the sign code, as provided in Chapter 10.10.010 of the Newport Municipal Code; and (2.) The Variance will allow for placement of a sign with exceptional design, style, or circumstance, or will allow a sign that is more consistent with the architecture and development of the site; and (3.) The Variance will not significantly increase or lead to street level sign clutter, or will it create a traffic or safety hazard.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. 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 under "Reports/Materials") must be received by 3:00 p.m. the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor 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/Materials: The staff report may be reviewed or a copy purchased at the Newport Community Development Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365 seven days prior to the hearing. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address.

Contact: Derrick I. Tokos, AICP, Community Development Director, (541) 574-0626 (address above in "Reports/Materials").

Time/Place of Hearing: Monday, June 12, 2023; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: May 23, 2023.

PUBLISHED: June 2, 2023/News-Times.

¹ This notice is being sent to affected property owners within 200 feet of the subject property (according to Lincoln County tax records), affected public utilities within Lincoln County, and affected city departments.

1" = 100'

Cancelled
400
2100-21
2101
2101-21
2200-21
2200-23
2300-22
2400-21
2400-22
2400-23
2400-24
2400-25
2401-22
2403-L1
2404-22
2404-23
2406

118

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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

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

Email: Bret Estes
DLCD Coastal Services Center
brett.estes@dlcd.oregon.gov

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

Joseph Lease
Building Official

Rob Murphy
Fire Chief

Aaron Collett
Public Works

Derrick Tokos
Community Development Dept

Jason Malloy
Police Chief

Steve Baugher
Finance

Laura Kimberly
Library

Michael Cavanaugh
Parks & Rec

Spencer Nebel
City Manager

Beth Young
Associate Planner

Clare Paul
Public Works

David Powell
Public Works

Lance Vanderbeck
Airport

EXHIBIT 'A'
(Affected Agencies)

(2-VAR-23)

267 SW BAY BLVD LLC
113 SE BAY BLVD
NEWPORT,OR 97365

ASCH JASON S TSTEE
4910 W JEFFERSON BLVD
LOS ANGELES,CA 90016

DULCICH REALTY ACQUISITION LLC
PACIFIC CHOICE SEAFOODS
PO BOX 1230
NEWPORT,OR 97365

GOPLEN HANS & GOPLEN JANELL
611 SE 3RD ST
NEWPORT,OR 97365

MARINER ENTERPRISES INC
DBA MARINERS SQUARE
250 SW BAY BLVD
NEWPORT,OR 97365

MATHEWS BRENDAN
556 SW 5TH ST
NEWPORT,OR 97365

OCEANS EDGE LLC
345 SW BAY BLVD
NEWPORT,OR 97365

PORT OF NEWPORT
ATTN: AARON BRETZ
600 SE BAY BLVD
NEWPORT,OR 97365

RTH RENTALS LLC
PO BOX 501
NEWPORT,OR 97365

UNDERSEA GARDENS INC
250 SW BAY BLVD
NEWPORT,OR 97365

NEWPORT SEA LION DOCKS
FOUNDATION
325 SW BAY BLVD
NEWPORT,OR 97365

File No. 2-VAR-23

Adjacent Property Owners Within 200 Ft

Sherri Marineau

From: Sherri Marineau
Sent: Tuesday, May 23, 2023 11:49 AM
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: Variance Permit 2-VAR-23
Attachments: File 2-VAR-23 - 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

Executive Assistant
 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.

Sherri Marineau

From: Sherri Marineau
Sent: Tuesday, May 23, 2023 11:49 AM
To: 'odotr2planmgr@odot.state.or.us'; Brett Estes
Subject: Variance Permit 2-VAR-23
Attachments: File 2-VAR-23 - 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 receive comments prior to the last day of the comment period in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Sherri Marineau

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Sherri Marineau

From: Sherri Marineau
Sent: Tuesday, May 23, 2023 11:48 AM
To: Newport Sea Lions
Subject: Public Notice for the Variance Public Hearing on June 12, 2023
Attachments: File 2-VAR-23 - Notice.pdf

Importance: High

Hello,

Attached is the public notice that is being mailed today pertaining to the Planning Commission's public hearing on the Variance Permit for the Newport Sea Lion Docks Foundation sign that will be located on Port Dock 1. The hearing is going to be held on June 12th starting at 7:00pm.

Thank you,

Sherri Marineau
Executive Assistant
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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CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The Planning Commission of the City of Newport, Oregon, will hold a public hearing in the City Hall Council Chambers at 7:00 p.m. on Monday, June 12, 2023, to consider File No. 2-VAR-23, which is a request submitted by owner, Port of Newport, Aaron Bretz, representative (on behalf of Newport Sea Lion Docks Foundation) for approval of a Type III variance pursuant to Section 10.10.085(A) of the City of Newport Municipal Code to allow the placement of a 114 square foot wall sign that exceeds the maximum display area for the street frontage. Section 10.10.085(A) of the Newport Municipal Code limits the square footage of a wall sign to two square feet for each lineal foot of street frontage. The street frontage for this property is approximately 32 feet which means that the maximum allowed square footage for a wall sign is 64 square feet. The subject property is located at Assessor's Map 11-11-08-DB; Tax Lot 2400 (Port of Newport, Port Dock 1). Per Newport Municipal Code Section 10.10.130(A): All sign variance applications that propose to increase the number or size of signs or propose a variance from any other numerical standard shall be determined by the Planning Commission using the zoning Type III Variance procedure, based on a determination that the proposed variance is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant; and Newport Municipal Code Section 10.10.140(C): The approval authority must find that the application for a Variance complies with the following criteria: (1.) The Variance is consistent with the purposes of the sign code, as provided in Chapter 10.10.010 of the Newport Municipal Code; and (2.) The Variance will allow for placement of a sign with exceptional design, style, or circumstance, or will allow a sign that is more consistent with the architecture and development of the site; and (3.) The Variance will not significantly increase or lead to street level sign clutter, or will it create a traffic or safety hazard. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development/Planning Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor 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 at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, June 2, 2023)

Grant for Construction of a fire station in Eddyville. This is a project long on the drawing board without funding. The funding has been approved. Construction fall/winter 2023.

PROPERTY TAX LEVIES

	Rate or Amount Imposed 2021-2022	Rate or Amount Imposed This Year 2022-2023	Rate or Amount Approved Next Year 2023-2024
Permanent Rate Levy (rate limit 1.0522 per \$1,000)	1.0522	1.0522	1.0522
Local Option Levy	0	0	0
Levy For General Obligation Bonds	0	0	0

150-504-064 (Rev. 11-19-21)

J2 78-02

QUIET TITLE

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN Joyce Hickok Jossi, David E. Hickok, Janet C. Hickok, and Karen J. Hickok, Plaintiffs, v. MYRON L. LANE; JANET C. DAVIS; the unknown heirs and devisees of MARY C. MINIALLY; the unknown heirs and devisees of MARIANNE G. LANE; ARLENE G. KRAFT; WAYNE S. KRAFT; LAKSHI M. ALDREDGE or her successor trustee, as trustee of the Shiva and Agatha Breckenridge Living Trust dated August 16, 2005, and any amendments thereto; DAVID JOHN BROOKENS, Successor Trustee of the Brookens Family Trust; SHIRLEY J. KOESTER, Trustee of the Koester Family Trust dated 1/15/1995, or her successor trustee; Martha E. Mandel, or the successor or replacement trustee of the Gorman Living Trust; NELDA HICKOK CARLSON; VIVIAN D. HICKOK, and all other persons or parties unknown claiming any right, title, lien, or interest in the property described in the complaint herein. Defendants. Case No. 23CV16701 SUMMONS QUIET TITLE TO: the unknown heirs and devisees of Mary C. Minielly; the unknown heirs and devisees of Marianne G. Lane; and all other persons or parties unknown claiming any right, title, lien, or interest in the property described in the complaint herein. YOU ARE HEREBY REQUIRED to appear and defend the petition filed against you in the above-entitled cause within 30 days from the date of service of this summons on you, and in case of your failure to do so, for want thereof, Petition will apply to the court for relief demanded in the petition. SUMMARY OF COMPLAINT AND DEMAND FOR RELIEF Plaintiffs claim to be the owners in fee simple, free of any estate, title, claim, lien, or interest of Defendants or those claiming under Defendants of the real property legally described as follows: Parcel I: Unit No. 148-149, INN AT OTTER CREST, in Lincoln Coun-

ty, Oregon, together with the undivided interest in the general and limited common elements appurtenant thereto, as more fully set forth and described in that certain Declaration of Unit Ownership, recorded May 30, 1972, in Microfilm Volume 33, Page 1321, Lincoln County Records, which description is incorporated herein and by reference made a part hereof. Plaintiffs request the court to declare Plaintiffs Joyce Hickok Jossi, David E. Hickok, Janet C. Hickok, and Karen J. Hickok to be the owner in fee simple and entitled to possession of the real property described as Parcel I above, free of any estate, title, claim, lien, or interest of Defendants or those claiming under Defendants and quieting title in the premises in Joyce Hickok Jossi, David E. Hickok, Janet C. Hickok, and Karen J. Hickok. NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY! You must "appear" in this case or the other side will win automatically. To "appear" you 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. The motion or answer or reply must be given to the court clerk or administrator within 30 days of the date of first publication specified herein along with the required filing fee. The date of the first publication is May 26, 2023. 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 www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or tollfree elsewhere in Oregon at (800) 452-7636. 05/03/2023 /s/ Adam C. Springer. Adam C.

Springer, OSB #112109, Attorney for Plaintiffs, PO Box 1987, Newport, OR 97365, (541) 272-5500. M26, J2, J9, J16 59-16

PERSUENT TO ORS CHAPTER 819

Notice is hereby given that the following vehicle will be Sold, for cash to the highest bidder, on 6/6/2023 The sale will be held at 10:00am by Car Care Tow Pro, 2795 SE 23rd Dr, Lincoln City, OR 97122. VIN=1GNEK13047R101427 Amount due on lien \$5554.00. Reputed Owner(s) Cruz Resendiz, Felix; NW Comm CU; Sosa Camarena, Maria; Eric Bungess. M26, J2 58-02

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The Planning Commission of the City of Newport, Oregon, will hold a public hearing in the City Hall Council Chambers at 7:00 p.m. on Monday, June 12, 2023, to consider File No. 2-VAR-23, which is a request submitted by owner, Port of Newport, Aaron Bretz, representative (on behalf of Newport Sea Lion Docks Foundation) for approval of a Type III variance pursuant to Section 10.10.085(A) of the City of Newport Municipal Code to allow the placement of a 114 square foot wall sign that exceeds the maximum display area for the street frontage. Section 10.10.085(A) of the Newport Municipal Code limits the square footage of a wall sign to two square feet for each lineal foot of street frontage. The street frontage for this property is approximately 32 feet which means that the maximum allowed square footage for a wall sign is 64 square feet. The subject property is located at Assessor's Map 11-11-08-DB; Tax Lot 2400 (Port of Newport, Port Dock 1). Per Newport Municipal Code Section 10.10.130(A): All sign variance applications that propose to increase the number or size of signs or propose a variance from any other numerical standard shall be determined by the Planning Commission using the zoning Type III Variance procedure, based on a determina-

tion that the proposed variance is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant; and Newport Municipal Code Section 10.10.140(C): The approval authority must find that the application for a Variance complies with the following criteria: (1.) The Variance is consistent with the purposes of the sign code, as provided in Chapter 10.10.010 of the Newport Municipal Code; and (2.) The Variance will allow for placement of a sign with exceptional design, style, or circumstance, or will allow a sign that is more consistent with the architecture and development of the site; and (3.) The Variance will not significantly increase or lead to street level sign clutter, or will it create a traffic or safety hazard. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development/Planning Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor 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 at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626 (address above). J2 72-02

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, June 12, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 4-CUP-23 / 2-ADJ-23, a request submitted by Jon Conner, applicant (Pacific Communities Health District, owner) (Clark Kjos Architects, LLC, representative), for a conditional use permit and adjustment permit per Section 14.03.050/"Residential Uses" of the Newport Zoning Ordinance, for a conditional use permit to renovate an existing 4,700 SF building as a residential unit to serve 16 clients and add an approximately 8,300 SF addition on the east side of the building to be used for counseling and support services for both the residential unit and extended outpatient programs. The "Residential Care Facility" is allowed outright in the R-4 "High Density Multi-Family Residential" zone. The outpatient counseling and administrative offices are considered a "Professional Office" use in the Newport Zoning Code, requiring Conditional Use approval. The exterior of the site will be redeveloped with a new parking lot providing 20 stalls and a new driveway on the north side of the building. The proposed north driveway will be 10 feet 6 inches wide, requiring an Adjustment to the minimum drive aisle width of 12 feet. The property is located at 5840 & 5842 NW Biggs Street (Tax Map 10-11-29-BB, Tax

Lot 4902). The applicable criteria per NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) 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 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365,

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Sherri Marineau

From: Derrick Tokos
Sent: Friday, June 09, 2023 1:21 PM
To: Sherri Marineau
Subject: FW: Scan of File No. 2-VAR-23 Staff Report and Attachments
Attachments: original posters.png

Please add to variance agenda materials.

From: Janell Goplen <janell@coltella.com>
Sent: Friday, June 9, 2023 1:08 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: RE: Scan of File No. 2-VAR-23 Staff Report and Attachments

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

You don't often get email from janell@coltella.com. [Learn why this is important](#)

Hi Derrick,

Also wanted to include this pic of the old signs we were replacing that were on the buildings for over a decade prior. The old signs were all sponsors of the dock. It added no intrinsic beauty to the walkway or the bayfront and we wanted to change that. The new billboard only goes about 10 inches higher and wider than the area of these old signs. The original thought was to keep the height of the signs and go to the ground with them so it covered up the ugly underneath of the building and so that standing selfies could be taken. Once the measurements came back going bigger with the sign to keep the integrity of the art that was selected. Also it just looked better. Not sure if you want to include this old pic in your paperwork or if I should bring it.

Janell

From: [Janell Goplen](#)
Sent: Friday, June 9, 2023 12:22 PM
To: [Aaron Bretz](#); [Derrick Tokos](#)
Subject: RE: Scan of File No. 2-VAR-23 Staff Report and Attachments

Lol, me too.

Janell
Coltella.com

From: [Aaron Bretz](#)
Sent: Friday, June 9, 2023 12:13 PM
To: [Derrick Tokos](#); [Janell Goplen](#)
Subject: RE: Scan of File No. 2-VAR-23 Staff Report and Attachments

Derrick, I'll be there in person so no need for a video link for me. And I've set about five reminders so I don't forget about it..

From: Derrick Tokos <D.Tokos@NewportOregon.gov>
Sent: Friday, June 9, 2023 11:17 AM
To: Aaron Bretz <abretz@portofnewport.com>; 'Janell Goplen' <janell@coltella.com>
Subject: FW: Scan of File No. 2-VAR-23 Staff Report and Attachments

Attached is a copy of the staff report for Monday night's 7pm Planning Commission hearing. Will either of you need a video-conference link?

Derrick

From: Sherri Marineau <S.Marineau@NewportOregon.gov>
Sent: Friday, June 9, 2023 10:32 AM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: Scan of File No. 2-VAR-23 Staff Report and Attachments

Derrick,

Attached is the combined PDF of File No. 2-VAR-23 Staff Report and Attachments.

Sherri Marineau

Executive Assistant
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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PLANNING STAFF MEMORANDUM
FILE No. 6-Z-22

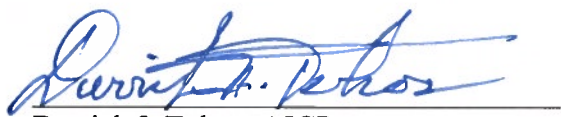
- I. **Applicant:** Initiated by motion of the Newport Planning Commission on May 8, 2023.
- II. **Request:** Amendments to Chapter 14.11, Required Yard and Setbacks, establishing trash enclosure standards for new commercial, industrial and multi-family development.
- III. **Findings Required:** This is a legislative action whereby the City Council, after considering a recommendation by the Newport Planning Commission, must determine that the changes to the Newport Municipal Code (NMC) are necessary and further the general welfare of the community (NMC 14.36.010).
- IV. **Planning Staff Memorandum Attachments:**
 - Attachment "A" – June 9, 2023 mark-up of revisions to NMC Chapter 14.11
 - Attachment "B" – Draft Thompson's Sanitary Solid Waste Plan Guide & Enclosure Standards
 - Attachment "C" – Minutes from the 11/28/22, 5/8/23, and 5/22/23 Commission work sessions
 - Attachment "D" – Email confirmation of 35-day DLCD PAPA notice
 - Attachment "E" – Published public hearing notice
- V. **Notification:** The Department of Land Conservation & Development was provided notice of the proposed legislative amendment on May 5, 2023 (Attachment "D"). Notice of the June 12, 2023 Planning Commission hearing was published in the Newport News-Times on Friday, June 2, 2023 (Attachment "E").
- VI. **Comments:** No comments have been received regarding the proposed amendments.
- VII. **Discussion of Request:** Representatives with Thompson's Sanitary Service met with the Planning Commission at its November 28, 2022 work session to discuss the need for basic trash enclosure siting standards for new multi-family, commercial and industrial development. They cited trash management challenges at the recently completed 110-unit Surfview Village development as an example for why the requirements are needed. That development is served by a single compactor and enclosure that is well removed from a number of the residential units. This has contributed to challenges Thompson's faces in providing solid waste and recycling services to the property.

The Planning Commission met in a work session on May 8, 2023 to review a draft set of revisions, along with model ordinances from other jurisdictions. Draft amendments borrowed from concepts discussed at the November work session, and put in place siting, design, and access standards for enclosures. This includes maximum spacing provisions for development projects that are ADA accessible so that individuals with mobility issues don't have to travel too far along an accessible path to reach an enclosure. The Commission met again at a May 22, 2023 work session to consider minor changes to the draft amendments proposed by Thompson's Sanitary Service. This included narrowing the proposed access drive standards for enclosures with drop boxes or compactors from 12-feet to 10-feet, and new language acknowledging that compostable containers might be stored in enclosures if that service is added in the future. A copy of the draft amendments is enclosed as

Attachment A. Thompson's Sanitary has produced a draft handout for developers that includes the new standards and information for sizing enclosures based upon anticipated waste/recycling needs (Attachment "B"). Copies of the work session minutes are enclosed (Attachment "C").

VIII. Conclusion and Recommendation: The Planning Commission should review the proposed amendments and make a recommendation to the City Council as to whether or not they are necessary and further the general welfare of the community. This would be done by motion and vote of the Commission members present. In making a motion the Commission should specifically reference the policy options or any other revisions they wish to see incorporated as part of their recommendation.

If the Commission is not prepared to make a recommendation, or desires additional information or code revisions before it does so, then it may continue the hearing to a date certain. The Commission's next regular meeting hearing date/time would be July 10, 2023 at 7pm.



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

June 9, 2023

(Unless otherwise specified, new language is shown in double underline, and text to be removed is depicted with ~~strikethrough~~. Staff comments, in *italics*, are for context and are not a part of the revisions.)

CHAPTER 14.11 REQUIRED YARD, ~~AND SETBACKS, AND SOLID~~ **WASTE/RECYCLABLE MATERIALS STORAGE AND ACCESS** **REQUIREMENTS**

14.11.010 Required Yards

A building, or portion thereof, hereafter erected shall not intrude into the required yard listed in Table A of NMC 14.13.020 for the zone indicated.

14.11.020 Required Recreation Areas

All multi-family dwellings, hotels, motels, manufactured dwelling parks, trailer parks, and recreational vehicle parks shall provide for each unit a minimum of 50 square feet of enclosed outdoor area landscaped or improved for recreation purposes exclusive of required yards such as a patio, deck, or terrace.

14.11.030 Garage Setback

The entrance to a garage or carport shall be set back at least 20 feet from the access street for all residential structures.

14.11.040 Yards for Group Buildings

- A. In case of group buildings on one lot, parcel, or tract including institutions and dwellings, the yards on the boundary of the lot, parcel, or tract shall not be less than required for one building on one lot or parcel in the district in which the property is located.
- B. The distance between group buildings and property lines interior to a tract shall satisfy yard requirements that apply to a lot or parcel in the district in which the property is located, except as provided in NMC 14.11.050(D).
- C. In the case of dwelling units rearing on side yards, the required side yards shall be increased two feet in width for each dwelling unit rearing thereon.
- D. No court serving a group of dwelling units shall be less than 25 feet in width.

- E. In the R-3 and R-4 zones where multi-family dwelling units are in a continuous row on an interior lot, parcel, or tract rearing on one side yard and fronting upon another side yard, the side yard on which the multi-family dwelling rears shall not be less than eight feet. The side yard on which the multi-family dwelling fronts shall not be less than 18 feet in width.

14.11.050 General Exceptions to Required Yard

- A. Front Yards.* In the event a front yard less than the minimum has been legally established on one or both of the adjacent lots, the minimum front yard for an interior lot may be reduced to the average of what has been established for the adjoining front yards.
- B. Projections Into Yards. Every part of a required yard shall be open from the ground to the sky, unobstructed except for the following:

- 1. Accessory building in the rear yard as provided in [Section 14.16](#).*

*(*Sentence amended by Ordinance No. 2011 (2-18-11).)*

- 2. Ordinary building projections such as cornices, eaves, belt courses, sills, or similar architectural features may project into side yards not more than 12 inches or into front and rear yards not more than 24 inches.
 - 3. Chimneys may project into any required yard not more than 16 inches.
 - 4. Uncovered balconies or fire escapes may project into any required yard not more than one foot.
 - 5. Uncovered terraces may project or extend into a required front yard not more than five feet or into a required side yard not more than one foot or into a required court not more than six feet. The regulations contained in this paragraph shall not apply to paved parking or driveway areas at ground level.
- C. Dwelling Units Above Stores. Yards are not required for dwellings above businesses unless the dwelling area exceeds 50% of the floor area of the business dwelling.

- D. Buildings on a Tract. Required yards shall apply to the boundary of the tract. In cases where a single building or group of buildings do not meet the yard requirements that would apply to property lines interior to the tract were they to be developed as single lots or parcels, a deed restriction, in a form approved by the City, shall be recorded stating that the property upon which the building or buildings is located cannot be sold or otherwise transferred. This restriction shall remain in effect until the interior property lines are eliminated or yard requirements that would apply to the property as a single lot or parcel are met.

14.11.060 Solid Waste and Recyclable Enclosure and Access Requirements

A. Applicability. The standards in this subsection shall apply to the construction of new multi-family, commercial, institutional, and industrial buildings, unless an alternative approach is approved in writing by the solid waste and recycling service provider.

B. Enclosure Requirements. Solid waste and recycling receptacles stored outside shall be situated within one or more enclosures that satisfy the following requirements:

1. Receptacles must be shielded from public view by a minimum 6-foot high solid fence or wall unless the receptacle(s) exceed 6-feet in height, in which case the fence or wall shall be at least 6-inches taller than the receptacle(s).

2. The enclosed area shall contain sufficient space to accommodate solid waste, recycling, and compostable receptacles, with at least two (2) feet of clearance around drop boxes and compactors.

3. Gate openings for drop box or compactors must be a minimum of 10-feet in width. Gates for enclosures containing only carts or tubs may be a minimum of four (4) feet in width. For multi-family and mixed use developments, enclosures for drop boxes or compactors shall include a separate pedestrian gate that is at least three (3) feet in width.

4. Enclosures for drop boxes and compactors shall be located on a level concrete pad that is a minimum of six

(6) inches in thickness, and shall be placed at least five (5) feet from a combustible wall, opening, or combustible roof eave.

C. Access Standards

1. Vehicle access to the front of a drop box or compactor pad shall be at least 50- feet in length and 12-feet in width with a minimum of 18-feet of vertical clearance (23-feet above the enclosure itself).
2. At least one accessible pedestrian route shall be provided between an accessible building and the enclosure to ensure adequate access for disabled persons. Such route shall conform to design standards listed in the Oregon Structural Specialty Code.
3. Enclosures shall be located within 150-feet of the entrance to the accessible building(s) that they serve as measured along the accessible path of travel.

Staff: The above standards borrow from the concepts discussed at the Planning Commission's November 28, 2022 work session. While there are many design aspects that could be addressed, these jumped out as a baseline that the City should ensure are picked up when reviewing the construction of new multi-family, commercial, institutional and industrial buildings. Others can be included in guidelines or quick reference materials. In November, you had a chance to review the Recology Western Oregon Guidelines provided by Thompson Sanitary and a set of policies from Oregon City. Attached with this draft is a set of guidelines from the City of Ventura and a one page quick reference provided by the City of Boise. The draft standards above also address ADA accessible path requirements, with the 150-foot distance between the entrance to an accessible building and an enclosure mirroring a provision in the Ventura guidelines. If a building is required to be accessible, then an accessible path is required to the enclosure. This is addressed in the attached HUD FAQ and it applies to commercial development as well (with a few exceptions). Had the 150-foot requirement been in place for Surfview, then they would have been required to provide more than one enclosure. This was the principal concern that Thompsons had, which is that the single enclosure in the complex is not reasonably convenient to residents, leading to problematic behavior. Gate and road width reduced to 10-feet and reference to compostables added per discussion at 5/23/23 Commission work session.



THOMPSON'S SANITARY SERVICE

Guiding Sustainable Choices

~ Serving Newport since 1963 ~

SOLID WASTE PLAN GUIDE & ENCLOSURE STANDARDS

This guide will help you in developing adequate waste enclosures and service levels for your property.

Please be aware of the State goal to reduce or divert 50% of waste generated by all residents and businesses.

The *Plan Guide* includes the pre-construction, construction and operational phase of each project. Some helpful generation guidelines are included as well as some conversions to help assess the level of collection service required for each project.

The *Enclosure Standards* detail the standard container sizes and offers direction on the dimensions, placement, and construction of the solid waste enclosure.

7450 NE Avery St., Newport, OR 97365

website: www.thompsonsanitary.com

email: info@thompsonsanitary.com

Phone: 541.265.7249

PLAN GUIDE

PRE-CONSTRUCTION & CONSTRUCTION

- Try to reuse dirt, concrete, asphalt, wood, green waste, metals, etc on site whenever possible.
- Divert unused dirt, concrete, asphalt, wood, green waste, metals, etc. to a recycling facility.
- These items can be collected by Thompson's Sanitary Service and diverted to a recycling facility.

GENERAL

Include solid waste and recycling information in your employee orientations, policy manuals, lease agreements and CC&R's. Thompson's Sanitary provides waste guides, please contact us.

Color code containers (industry national standards: **blue** - co-mingled recycling, **green** - organics, **black** - garbage/landfill) located on the inside and outside of your place of business or multi-family units, provide graphic signs that instruct your employees/customers/tenants to separate materials in the containers used to transport recyclables and refuse to outdoor enclosures. Thompson's Sanitary Service can assist in providing graphics and brochures.

Review your operations at least annually, contact Thompson's Sanitary Service, for a free waste consultation to reduce waste and keep your solid waste services cost effective and up to date.

DESIGN

Incorporate adequate space for trash and recycling containers inside the facilities where waste and recyclables will be generated. Incorporate space for recycling containers in the enclosure where they will be stored for collection.

Recyclable materials currently recycled at commercial, industrial and multi-family establishments:

- Plastic Bottles and Jugs (the opening of the container must be smaller than base of container)
- Aluminum & tin cans, pie tins, aluminum foil
- Newspaper and magazines
- Cardboard boxes and phone books

Recyclable materials currently recycled at Newport Recycling Center, 7450 NE Avery, at no charge:

- Glass
- Batteries, all types
- E-Waste (computers, laptops, monitors, keyboards, mice, TV's, and printers)
- Paint in original lidded containers - see thompsonsanitary.com for information on acceptable products.
- Cooking oil
- Motor oil/Anti-freeze in lidded containers

Recyclable materials currently recycled at Agate Beach Transfer Station, 8096 NE Avery, some fees may apply:

- Appliances
- Tires
- Large Metal accepted at no cost (anything longer than 3 feet)
- Woody Debris & Yard Waste

Classification	Building Type	Quantities Generated
Apartments	No kitchen facilities	.25-.50 C.Y./unit/month
	Single/no children	1.42-2.00 C.Y./unit/month
	Family	2.00-2.50 C.Y./unit/month
Commercial Buildings	Office	1.00 C.Y./10,000 Sq.Ft./Day
	Department Store	1.00 C.Y./10,000 Sq.Ft./Day
	Supermarkets	1.00 C.Y./10,000 Sq.Ft./Day
	Drugstores	1.00 C.Y./10,000 Sq.Ft./Day
Hotels & Motels	High Occupancy (90%)	.50 C.Y./Room/Week w/restaurant
	High Occupancy (90%)	.24 C.Y./Room/Week w/o restaurant
Institutions	Nursing Homes	1.00 C.Y./20 persons/day
	Retirement Homes	1.00 C.Y./20 persons/day
Restaurants	Family Style	1.00 C.Y./20 persons/day
Schools	Grade School	1.00 C.Y./8 rooms/day
	Middle/High Schools	1.00 C.Y./10 rooms/day

Note: these guidelines are approximate and can be helpful when observation of current service level or comparison of similar application is not possible. Recycling services may reduce the above volumes. Please contact our office for help in waste generation estimates.

Conversion Table for Various Containers

1 gallon	0.134 cu. ft.
27 cu. ft.	1.00 cu. yd.
1 cu. yd.	202 gallons

One cubic yard is approximately six (6) 32-gallon carts
One cubic yard is approximately two (2) 90-gallon carts

To find container capacity in cubic yards, measure Length X Width X Height in inches and divide by 46,656. This will give you the approximate volume in cubic yards.

It is important to provide enough service as to prevent material from overflowing from the containers or being stored on the ground. Failure to provide enough service can lead to dumping, vector issues, and extra charges.

ENCLOSURE STANDARDS

NMC 14.11.060 Solid Waste and Recyclable Enclosure and Access Requirements, Cit

- A. Applicability.** The standards in this subsection shall apply to the construction of new multi-family, commercial, institutional, and industrial buildings, unless an alternative approach is approved in writing by the solid waste and recycling service provider.
- B. Enclosure Requirements.** Solid waste and recycling receptacles stored outside shall be situated within one or more enclosures that satisfy the following requirements:
 - 1.** Receptacles must be shielded from public view by a minimum 6-foot high solid fence or wall unless the receptacle(s) exceed 6-feet in height, in which case the fence or wall shall be at least 6-inches taller than the receptacle(s).
 - 2.** The enclosed area shall contain sufficient space to accommodate both solid waste and recycling receptacles, with at least two (2) feet of clearance around drop boxes and compactors.

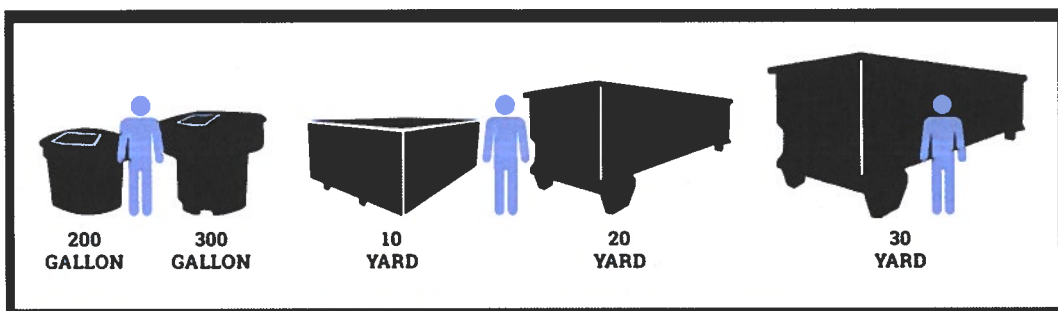
3. Gate openings for drop box or compactors must be a minimum of 10-feet in width. Gates for enclosures containing only carts or tubs may be a minimum of four (4) feet in width. For multi-family and mixed use developments, enclosures for drop boxes or compactors shall include a separate pedestrian gate that is at least three (3) feet in width.
4. Enclosures for drop boxes and compactors shall be located on a level concrete pad that is a minimum of six May 5, 2023 Revisions to NMC Chapter 14.11, Related to Trash Enclosures Page 4 of 4 (6) inches in thickness, and shall be placed at least five (5) feet from a combustible wall, opening, or combustible roof eave.

C. Access Standards

1. Vehicle access to the front of a drop box or compactor pad shall be at least 50- feet in length and 10- feet in width with a minimum of 18-feet of vertical clearance (23-feet above the enclosure itself).
2. At least one accessible pedestrian route shall be provided between an accessible building and the enclosure to ensure adequate access for disabled persons. Such route shall conform to design standards listed in the Oregon Structural Specialty Code. 3. Enclosures shall be located within 150-feet of the entrance to the accessible building(s) that they serve as measured along the accessible path of travel.

SIZE	LENGTH	WIDTH	HEIGHT
32 gallon cart	24.25"	19.75"	37.50"
65 gallon cart	31.75"	24.25"	41.75"
96 gallon cart	35.75"	29.75"	43.25"
200 gallon cart	56"	56"	46"
300 gallon cart	56"	56"	60"
10 yard container	10'	8'	44"
20 yard container	16'	8'	6'
30 yard container	22.5'	8'	7'

**The above measurements are approximated due to variations from manufacturers, therefore if you need a precise measurement, please call our office.*



MINUTES

City of Newport Planning Commission
 Work Session
 Newport City Hall Council Chambers
 November 28, 2022
 6:00 p.m.

Planning Commissioners Present: Jim Patrick, Bob Berman (*by video*), Braulio Escobar, Jim Hanselman, Bill Branigan, Gary East, and John Updike.

PC Citizens Advisory Committee Members Present: Annie McGreenery, and Dustin Capri.

PC Citizens Advisory Committee Members Absent: Greg Sutton.

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. **Discussion with Thompson Sanitary Regarding Trash Enclosure Standards for Multi-Family and Commercial Development Projects.** Tokos introduced Rob and Amy Thompson with Thompson Sanitary Services to the Commission. He noted they supported working with the planning department on a standardization of recommendations for new development or remodels. Rob acknowledged the 10 page example that they submitted to the Commission. Escobar asked what drove the discussion on policy changes. Rob reported that recently there was a code violation and nuisance at the Surf View Apartments for the use of their compactor. Thompsons was okay with compactors, but if the property didn't properly manage the ongoing maintenance, things would become unsanitary. Thompsons would be willing to pick up bulky items and police trash around enclosures, but this would be for an additional fees. Amy reported that since the apartments were opened Thompsons staff received constant calls to fix situations there. Trash would pile up because there wasn't anybody staffing the compactors, and tenants were confused because they thought Thompsons wasn't servicing the property.

Berman asked if any standards were in place currently. Tokos confirmed there weren't any standards for trash enclosures. Berman asked if they implemented standards would it apply to the Surf View apartments. Tokos confirmed they wouldn't because it was a completed development. He explained they couldn't avoid all issues moving forward. Some of the problems at Surf View were operational and couldn't be resolved by standards. Tokos explained they could put standards in place to ensure there were more trash enclosures required at the beginning of development.

Hanselman asked if the franchise agreement with Thompsons required them to service the apartment complex, and if Thompsons had the option to say they no longer wanted to service a property. Tokos pointed out that there were problems with other multifamily and commercial properties in Newport. Surf View was contractually obligated to have trash services because they were an affordable housing project. The franchise agreement listed that Thompsons had the ability to require customers to make changes or they wouldn't provide services to them. Tokos explained they didn't want to go down that road but could if necessary. This discussion was about if there were standards they could apply for

new developments. What happened after developments were completed was a different nuisance. Tokos noted what they were looking at was the standards to add to the code. Patrick asked if there were other things Thompsons was having problems with. Rob Thompson explained the franchise provided Thompsons rates and service levels that have been approved and reviewed by the City Council on an annual basis. This was the same arrangement with the County. They weren't allowed to provide preferential rates or services outside of those confines. Rob explained the last thing they wanted to do was to not provide service in order to get compliance. It was more beneficial to have standardization on the front side. Rob reported they had other challenges to providing services such as substandard streets and lack of landscaping maintenance. Patrick pointed out that apartments could do trash service more than once a week, and wanted to make sure they weren't setting up standards that could be taken care of on a timed basis instead. Rob reported that they could service commercial accounts five or six times a week. If the container was locked in an enclosure they charged extra for that. Thompsons tried not to have a subsidy where there wasn't a fee for extra services. When they subsidized they embedded it in the rate for all to pay.

Amy Thompson reported the plan guide they provided gave people an idea of what enclosures they would need and the kind of size requirements that would mean. Capri noted that the building and planning departments unofficially suggest developers reach out to utilities to get the cart sizes and talk about the topography of the lots and how they could affect trash service pickup. He thought the topography piece should be key and thought the city could look at this on a case by case basis. Tokos agreed that they needed to be thinking of terrain constraints. A number of the sample codes they had referenced were from areas that were flat which made it easy for them to be able to put in the access standards. Tokos thought they should keep in mind this was for multifamily and commercial, not residential. He reminded when putting in requirements they needed to have clear and objective standards. Redmond quantified this in terms of the number of yards per unit, and Seattle did this on a dwelling range. Newport could do something that was straightforward and achievable such as the height of an enclosure, and its proximity to a building. They could even take a look at under what circumstances a compactor made sense. Rob Thompson stated he supported this fully. Tokos thought that they needed to be cautious about access because of Newport's terrain which could create major issues for projects because of parcel size and slopes.

Branigan thought they could add language that automated compactors were not acceptable. Tokos noted this would be a discussion with Thompsons because compactors were a valuable option for people. Rob Thompson explained that compactors needed to be loaded and there had to be someone who would maintain them. Hanselman thought it would be a good contingency to say if they wanted a compactor they are required to have an everyday staff member maintain it.

Escobar asked if there had been any dialogue between the Surf View management and Thompson. Amy Thompson reported there had been. They tried to do recycling education with them, but it was almost impossible for them to make sure everyone was educated because there was so much turnover at the apartments. She also noted that the access to the compactor was a far distance for the tenants to walk to. Rob Thompson gave an example of another apartment complex in Newport that had multiple waste receptacles that managed the waste really well. He reiterated that they were willing to sit down with the City and find something that worked for them.

Berman thought the standards would be pretty easy to come up with. Once the occupancy was granted, the monitoring and enforcement would begin. Berman wanted something in the code that would do this. Tokos explained this would go into the nuisance code. When talking about standards, they needed to be clear about the standards for new development. Tokos thought it would be trickier to have standards for how managers managed on an ongoing basis. Amy Thompson noted there was a Recycle

Modernization Act passed the previous year for Oregon which changed how Thompsons picked up recycling in the next five years. She thought that this Act would address some of the standards, and give them some guidelines for recycling.

McGreenery asked if access to the different locations could be improved in the standards. Rob Thompson explained that all of their trucks were side loading only. It would be straight forward to write some of this in the code to get what they needed. Capri pointed out the only thing in the code currently was the requirement to put a label on the trash enclosure. Tokos confirmed there was little in the way of parameters that were in the current code. He noted they also had to consider access for the user. They also needed to be sensitive to ADA requirements to make sure those with mobility limitations had access to trash and recycling.

Escobar thought the 25 page set of rules from Recology Western Oregon was a little overkill for Newport and suggested Thompson edit the document. Rob Thompson was receptive to this and noted the document was their first version. Hanselman thought Thompsons had a good handle on what the issues were. He suggested they provide their remedies for issues to the Commission to help them come up with standards. Rob thought they could do this. Tokos would work with Thompsons on this. He reminded this meeting was to make sure the Commission was comfortable with this being a issue they wanted to address. Then, with general consensus, they would work with Thompsons on a short list of standards they could incorporate into the code that would apply to multifamily and commercial.

Tokos reported there was one other area they needed to tackle that wasn't included in this. They needed to address what to do when people wanted to put waste receptacles off site. Nye Beach was an example of this. Rob Thompson explained the type of structure Nye Beach was proposing was large and close to the street. Thompsons liked what they were proposing, but they didn't have any language to encourage the builders to do it this way. Rob noted he didn't have any thoughts to add concerning people wanting to have their refuge placed away from businesses.

Branigan asked if Dahl Disposal Services was having the same issues. Rob Thompson stated he couldn't speak for them but he knew that they had the same trucks as Thompsons. He was happy to talk to them about what their issues were. Rob wanted to point out that often the developer was different than the management, which stuck Thompsons in the middle when there was issues. McGreenery asked if the public had any concerns brought to Thompsons concerning this. Amy Thompson reported that a few months previously this had happened. This didn't happen often for the majority of the city, but was more so with multifamily. Tokos pointed out that the common issues were about unsightly garbage and smell. He stated that what he heard was that there was general consensus to work on this with Thompsons and bring back a short set of standards to review. The Commission was in general agreement with this.

East asked how much of an issue it would be for Thompsons collections if they added a standard that the units had to be one or two enclosures per building. Rob Thompson explained they could provide a range of how many containers they should have per resident or building. There was a lot of flexibility to work with the customer, and code enforcement could work to keep things out of a nuisance issue. The more services they had the higher the cost. This would typically mean there would be less problems. East asked if the reason the complex chose to only having one compactor was due to the budget. Tokos thought it was. Capri asked if the size of the containers had been standardized. Rob confirmed they were. Capri asked if there was composting available for multifamily. Rob reported they didn't have it for commercial yet.

B. Overview of Updated Zoning Maps (Presentation). Tokos reviewed the web map with the Commission. He explained the plan was to make the map available on the City's website soon. Newport's GIS technician had recently left the City and they were having to contract with a third party vendor to provide assistance on this. Tokos reviewed the look of the map and asked the Commission if they saw any missing pieces. He pointed out that this was the same look as the map for the Transportation System Plan map, and the Camping Ordinance map that showed where the areas were that weren't permissible for camping. Tokos explained most people wanted to find out what the zoning for properties were. This was included in the map, as well as the hazards maps and floodplain areas. Tokos explained this would be teed up on the website but he wanted to see if the Commission was comfortable with the utility of them first. Berman asked if there was a link to map yet. Tokos said the link wasn't done. Berman thought the tsunami maps should be included.

Capri asked if the DOGAMI maps were included. Tokos reported the City didn't adopt all of the DOGAMI areas so they didn't display this. He noted they were going to try to set it up so people could print the maps with a blanket statement that the City didn't warrant anything displayed on the map. They also wanted to make sure people were talking to the City on certain things. This is why utilities wouldn't be included because the map wouldn't be down to a survey level.

Patrick thought there should be a layer to show what properties were and weren't in the city. Tokos explained the zoning map would show this. Updike asked if the viewer could turn on a parcel layer. Tokos reported they could and it would show the addressing as well. He pointed out that they added the five foot contours on the map as well. Berman commented how he liked the map. Tokos would let the Commission know when the map was available.

3. New Business.

A. NMC Chapter 14 Camping Related Land Use Amendments. Tokos reviewed the draft amendments to Chapter 14. He noted how they needed to define the definitions of camping and these changes would make this clear. Tokos explained that the zone districts changes were for camping for fees. Free of charge camping was under Chapter 9.50. Berman asked if all the RVs that hooked up to the Elks property was covered on this. Tokos explained that the property was authorized for camping and was considered a limited recreational RV park.

McGreenery asked if there was a permit process when someone brought in a RV to use for residential camping. Tokos explained there was added language that covered this. The City wasn't looking to do permits but to set parameters on how this would be legal. Berman asked if they added in the code that this didn't supersede CC&Rs. Tokos explained they could put this in the code, but if a CC&R said an owner couldn't do it, the CC&R would supersede the code and it would be privately enforceable.

Escobar asked how much time the code enforcement spent monitoring RVs to use on the streets. Tokos noted the staff spent a fair amount of time working with homeless individuals and those who couldn't find a parking space. He didn't have an exact figure but the camping ordinance has helped because it gave enforcement some clear guidance as to how to operate.

Tokos reviewed the changes to the manufacture dwelling text for properties outside of manufacture dwelling parks. Branigan asked if the language to allow RVs to park for no more than 12 months was negotiable. Tokos explained the 12 month time period would be up for debate by the Commission.

Tokos reviewed the temporary living quarters language for when someone was repairing or building a new home. He then covered the accessory use language to make it clear that owners could put up a

relative in a tent in the back yard. He reminded there had been interest in designating the number of tenants and limiting this to one tent. Updike pointed out they hadn't defined what a tent was and asked what the reason was for this. Tokos thought they could take a look at defining it and also determine a size parameter. He noted the City had a size parameter for sheds and gazebos. Tokos thought they could limit the tent size to no larger than accessory sheds. Patrick asked if a yurt was considered a tent. Tokos would look into this and thought it might be listed as an accessory dwelling unit because a yurt typically had cooking facilities, which would cause it to fall under an accessory dwelling. Updike asked if accessory dwellings had setbacks requirements. Tokos confirmed they did.

Updike asked if the 12 months would be consecutive. Tokos explained it was considered consecutive and was set up by statute. The timeframe could be whatever the Commission thought was reasonable. Branigan thought it should be six months. The Commission was in general agreement to have it be six months.

B. Planning Commission Work Program Update. No discussion was heard.

4. Adjourn. The meeting adjourned at 7:02 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
May 8, 2023
6:00 p.m.

Planning Commissioners Present: Bill Branigan, Bob Berman, Braulio Escobar, Jim Hanselman, Marjorie Blom, and John Updike (*by video*).

Planning Commissioners Absent: Gary East (*excused*).

PC Citizens Advisory Committee Members Present: Dustin Capri.

PC Citizens Advisory Committee Members Absent: Greg Sutton.

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

1. **Call to Order.** Chair Branigan called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. Review Draft Multi-Family/Commercial Solid Waste and Recycling Enclosure Standards.

Tokos reviewed the staff memorandum. He noted that there would be a hearing held for the draft standards on June 12th. Tokos reviewed the additions to Chapter 14.11.60 for the solid waste and recyclable enclosure and access requirements. He noted the changes were to address the baseline standards the city wanted to have in place to be able to address situations such as the Surf View Village apartments where they have a large number of buildings and only had one trash enclosure. There were ADA requirements for accessible buildings to make the trash enclosures accessible. Berman asked if the Surf View apartments were designed as accessible even though they didn't have elevators. Tokos explained they had accessible units on the ground floor. They were not required to make all units accessible, they were only required to have a percentage of their units accessible. Also, accessibility was not limited to multifamily. Employees who had mobility issues needed to be thought of in this context as well.

Branigan asked if yard waste or compostable waste needed to be spelled out in "B.2" where it referenced having accommodations for solid waste and recycling. Hanselman questioned if Thompsons only provided composting for residential. Tokos would talk to Thompsons about this. Berman thought it was a good idea to include it.

Berman asked if the listed types of buildings under "A" were defined in the code. He also thought public buildings should be included in the list. Tokos explained that public buildings were typically institutional. He thought they could frame it as multifamily and commercial, and say any building subject to the Oregon Structural Code. Berman noted that the city should be involved with the alternative approach for "Applicability."

Capri asked about the 6-foot height requirement for enclosures in section B.1, and noted that Newport didn't allow fences in front yards to be over three feet. Tokos noted that they typically wouldn't have

enclosures in the front yards of multifamily units. He would clarify this because fences were different from enclosures.

Escobar questioned why there would be a need for the city to then intervene in the collection of trash if a developer and the trash service provider reached an agreement as to an alternative to what was proposed in the code. Berman thought the principles could change and having a quick review by the planning department would guarantee that the alternative solution conforms to all the requirements. Escobar thought if they knew the rules and reached an accommodation, why should they add another layer of bureaucracy or a barrier when the two parties had an agreement. Berman thought it was important for the city to sign off on this. Then, if they were to vary from the code and provisions of the ordinance, the city would at least be aware of the agreement and sign off on it. Tokos didn't have a problem with the city signing off on this. Updike asked if there would be a clear path to resolve things if the city said no to the alternative. Tokos explained they needed to be clear on the reasons why the city didn't sign off on it. This was a discussion point about the adjustments that would need to be made so the sign off could happen. Escobar thought there needed to be a written alternative added to the file. Tokos said the expectation would be that they had the documentation. Berman asked if this would be determined prior to a plan review. Tokos explained it would be a part of the plan review. Berman thought the city should have to agree on the adjustment. Hanselman agreed that the city needed to be aware of what the plan was. Capri suggested that trash enclosures not be located in the front of the property and the street. Escobar reminded this was brought forward by Thompsons and he didn't see a scenario where they wouldn't sign off with a developer on something that was strongly adverse to what the city was trying to propose. He thought the rules needed to be clearer without being overly burdensome. Escobar thought that if Thompsons and the developer came to an agreement and the agreement was provided and reviewed by the city, this should be enough rather than requiring a formal approval from the city. Tokos was okay with administrative sign off from the city. They couldn't think of every circumstance when dealing with different terrains and issues for each location, and it was important to have an outlet. Tokos didn't think the Commission would want to see adjustments come to them for trash enclosures approvals. He thought it would be fine to put in language that said they had the agreement in writing that was signed off by the provider and the city.

Tokos discussed trash receptacles and noted they wanted to make sure the enclosure requirements and access were generally addressed under guidelines. They wanted to avoid determining how much space somebody would need. The city's interest was to ensure that the enclosures could house the receptacles, and to make sure there was two feet of clearance when they were going to have dumpsters or a compactor.

Tokos reviewed the gate opening requirements. Branigan asked if they needed to specify depth. Tokos thought if they had two feet of clearance around the drop box it would determine what the size of the opening should be. He had a problem with specifying dimensions because of the variety of different ways to configure the handling of waste. Berman noted that the two sample codes they looked at required some sort of latching on the gate and thought that was a good idea to add this because the amount of wind in Newport.

Tokos reviewed the drop box and compactors requirements. He then reviewed the access standards. Branigan asked if someone could put the enclosure within six feet of the property line or if it could be right up to the property line. Tokos reported they could put it up to a property line. If it was in a front yard, there were reduced height allowances for fences to make sure people could see. Tokos noted that care would need to be taken if they were in a front area. He would make it clear that dumpsters were not subject to building setbacks because setbacks were for buildings that were occupied. Dumpsters weren't occupied. Berman noted one of the model codes went into detail on roofs and asked

if they should consider them for enclosures. Capri thought roofs were hard to design because they could turn into kites and it was hard to hold them down in the wind. Tokos reminded that Thompsons had the expertise in dealing with water saturation for their drop boxes and they may have some thoughts on this.

Tokos reviewed the accessible pedestrian routes standards. He shared an aerial image of the Surf View Village apartments and the locations of their trash enclosure. Blom asked if there were requirements to say how many trash enclosures they were required to have based on the number of buildings. Tokos explained it was up to the developer to determine how many they had. He was trying to avoid having to calculate the number of enclosures a developer needed based on their anticipated needs. Tokos would rather it say they have an enclosure within 150 feet from accessible buildings. Berman pointed out the language said within 150 feet from the entrance of an accessible building and asked how that would work when each of the Surf View buildings had three entrances. Tokos suggested changing it to say the nearest accessible entrance. Hanselman asked if the distance should be set from the accessible rooms. Tokos noted he didn't have many examples of how the distance was set in the other codes, and he would check with Thompson on this. Berman thought it needed to be more specific and should be from any accessible unit. Tokos was concerned that doing that would mean the site would be loaded up with enclosures. Escobar asked what the rationale was to include the language on the distance from the apartment to the dumpster. Tokos explained that in the Surf View Village configuration the enclosure was too far away from it to be functional for a number of the residents. Capri noted that the ADA standards from the Department of Justice only states that there needed to be a clear floor area in front of trash enclosures and didn't state anything about proximity.

Tokos asked if the Commission was generally comfortable with the standards. Berman stated he understood the intent for this, and noted that if someone was looking to circumvent this they would have to work it out with Thompsons and the city. Tokos said he could talk to Thompsons about the 150 foot distance and tying it to the accessible pathway provisions. He hoped the Commission could initiate the legislative process for this at their regular session meeting. Escobar asked what the people who had accessibility issues were doing with their debris who weren't using the dumpsters. Tokos reported that Thompsons had a number of photos showing where trash wasn't being hauled all the way to the compactor. He thought that part of this was a management problem at the complex and the other was about people generally not using the compactor because it was too far away from a number of the units. Tokos liked tying this to accessibility because it forced the developer to think about where they placed their accessible units relative to their trash enclosures. Hanselman saw developments that had large waste stations near their entrances. This made it easy for people to take their trash out when they left their apartments, and helped the developments from being trashed. Tokos reminded that the city couldn't regulate on the management side. Hanselman noted if it wasn't convenient for people they wouldn't use them.

B. Continued Discussion about Updating Special Parking Area Requirements for the Bayfront.

Tokos reported a number of cities had eliminated off-street parking minimums altogether, particularly in commercial core areas where public parking was available and they have transitioned to demand management. He noted that another approach used was to eliminate off-street parking for development under a certain demand threshold. Tokos reviewed the areas on the Bayfront where redevelopment opportunities existed. He explained that some of the sites were large enough to accommodate a substantial amount of development whereas others were more modest in size. The Commission was considering whether or not off-street parking requirements should be kept in place for more intensive use. Building size could be a factor; however, parking demand attributed to spaces varied significantly depending upon the use. The City could use its existing parking ratios, and set a demand threshold above which off-street parking would be required. Relieving private property owners from existing

off-street parking requirements was another factor, as several of the redevelopment opportunities were currently developed as private parking lots.

Berman asked if the requirements would be retroactive, and if the existing businesses that were currently subject to providing off street parking could get rid parking when they expanded their building. Tokos confirmed this was the concept. Berman asked if this meant there would be fewer parking spaces on the Bayfront. Tokos noted there would be circumstances where this would happen. He noted some developers would argue why they were being asked to provide parking when 80 percent of the businesses down there provided zero parking. Berman asked if this were to go through, would it mean the new Hotel wouldn't have to provide any parking. Tokos said that was true, but noted that a new hotel would want to provide parking for their guests. The thought was when development happened, the developers would provide parking where it was necessary.

Tokos reviewed the locations of parking areas on the Bayfront that could be developed if there were reduced parking requirements. He noted they could put in place carpool/vanpool requirements for employers over a certain size to provide this option. They needed to think about what they could rationally do in terms of a reductions. The Commission could do a reduction of the existing parking ratios by looking at what they had in terms of public parking to try to correlate it. Capri thought that if there wasn't a hard elimination of parking on the Bayfront, the problem with parking would be about the access to parking spaces. When they put in curb cuts and drive aisles they took up access to parking spaces and added to the volume of parking in the lots on the Bayfront. Capri thought the perceived lack of parking on the Bayfront was because the lots are already full with shift workers parking there because it was convenient for people to park and leave their cars. Tokos reminded that this was a tradeoff that they were looking to put in place because they would be metering and permitting these areas. This would influence the behavior and improve turnover rates.

Berman asked what the Commission needed to do. Tokos said they needed input from the Commission on if they wanted to see two or three different options on how to structure this, and then they could pick one. Berman thought that made sense. Capri pointed out the point of the reduction was that the lots that were already developed were too small to develop and put any buildings on them. Tokos noted they could do a straight percentage reduction, or an elimination for development up to a certain scale or intensity. Capri thought that was fair. Tokos thought the trick was coming up with a threshold that made sense. They might have to do an assessment on a number of the undeveloped properties and figure out how they could reasonably be redeveloped. Blom asked if one of the goals was to see the Bayfront being developed. Tokos thought the objective was to see robust development and redevelopment on the Bayfront. Hanselman asked if metering changed the number of daily round trips that were used to establish the parking requirements for some businesses. Tokos explained it didn't change the parking ratios because it related to the increase in the turnover rate on the utilization of the stalls. He thought the argument for eliminating the parking requirements wasn't to try to figure out what the appropriate reduction was because the figures would be incredibly wrong. Tokos thought they should focus on the meter permit program. If the program wasn't functioning and getting the turnover they wanted they could adjust the pricing or the hours for parking. Berman thought the argument was that if the development needed parking they would put it in. Tokos said this was a reasonable and rational way to approach this. Berman expressed concerns that permits would be bought up by employers and their staff would take up all of the parking spaces. Capri pointed out there were only two lots that could be developed on the Bayfront that would actually have a traffic generating requirement and would be able to do off street parking. Berman reminded they couldn't make the distinction to eliminate it for the little guys and retain it for the larger ones. Capri liked the idea of looking at what the development was going to generate and then base the number of off street parking spaces they needed to provide. Updike agreed with finding a threshold such as trip generation

for smaller ones and then making that threshold big. He thought they wanted to encourage the small mom and pop developments, and this was how to do it. Updike thought that if the parking management program wasn't working they could adjust the way they wanted to do things.

2. **New Business.** None were heard.
3. **Adjourn.** The meeting adjourned at 7:08 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
May 22, 2023
6:00 p.m.

Planning Commissioners Present: Bill Branigan (*by video*), Bob Berman, Braulio Escobar, Jim Hanselman, Gary East, and John Updike.

Planning Commissioners Absent: Marjorie Blom (*excused*).

PC Citizens Advisory Committee Members Present: Dustin Capri.

PC Citizens Advisory Committee Members Absent: Greg Sutton.

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

1. **Call to Order.** Chair Branigan called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **Comments from Thompson Sanitary on Draft Trash Enclosure Amendments.** Tokos thanked Thompsons for providing comments and input on the amendments. He noted that Walter Budzik with Thompsons responded to the request to give comments on the enclosure standards. Budzik asked if they would be adding language to calculate the volume of solid waste that was going to be needed. Tokos reported they were trying to avoid this. Thompsons offered to produce a document that could be added to a building permit application to provide guidance to multifamily and commercial developers in terms of how to size the enclosures. Tokos said there was also a suggestion to add compostables to the language, even though they didn't currently provide the service. This could change in the future and he didn't think it was a problem to include this. Tokos reported that Thompsons was also willing to go down to 10 feet for the driveways. They also asked if Thompsons could be involved with the review process and sign off on all applications. Tokos noted this would be tricky for all sign offs, because the city by state law had to have a clear and objective path to approval for multifamily. Any discretion would be a problem that would hang up the approval process. Tokos cautioned the Commission to be thoughtful on how they did this so they didn't get in a spot where multifamily developers were saying they couldn't navigate forward because a third party didn't agree with their approach.

Rob Thompson addressed the Commission and noted he thought it was helpful to developers and citizens to be upfront on what their needs were. When they didn't have the option to provide adequate service, problems would arise, which wasn't good for anyone. Thompson felt good about the examples that had been shared. He explained that they had asked Budzik to respond because he came from McMinnville and had experience with provisions for enclosures. Thompson said they were willing to give back on the size requirements for the driveway and wanted to ask about being a part of the sign off. This would give them a direct review in order to sign off any problems. Thompson didn't have a problem not pursuing this at that time and thought the one page document they could add to the permit applications would be more than adequate. Tokos agreed that getting the developers into

communication with Thompsons was the biggest first step to making sure they were thinking about enclosures, and especially advantageous when it was early on in the design phase so they could make adjustments. Thompson noted that the Surf View apartments were a good example of where the design for enclosures was done the cheapest way and the management company was managing inside of a budget, which couldn't be done. This was what brought Thompsons into the enclosure discussion. Surf View only had one compactor and Thompsons thought they should of had three. Escobar asked if their management or Thompsons was in charge of cleaning up Surf View's enclosures. Thompson explained they could do it for an additional fee, but it was Surf View's responsibility. The cost for Thompsons to do it was high, and they preferred the property management do it. Thompson thought that they should have a maintenance person who monitored this on a daily basis to see the best results. Escobar asked if Thompsons could ever threaten not having service if there were problems. Thompson reported they had the option to do this but they preferred that a remedy be found before this was done.

Berman asked what Thompson's thoughts were concerning roofs on the enclosures to keep the weather out. Thompson didn't have a problem with roofs and thought they were workable. He thought it would be up to the Commission to make that decision. Updike asked if they went with Option C.1 and a developer came in with a roof proposal, would the Commission have to approve it. Tokos reported they wouldn't. He asked how Thompsons typically serviced drop boxes or compactors if they were roofed. Thompson explained for drop boxes and compactors, the trucks would hook the front of the box with a line and pull it out of the enclosure before it was lifted and rolled up onto the truck body. He noted they needed to have 50 feet in front of the compactors to be able to have enough access. Thompson reported they had seen plans for compactors in parking garages and thought this would be terrible for their trucks because they were so big. They wouldn't want to be put in a position where they had to drag a box a long distance, because the trucks weren't designed for that.

East asked how they were dealing with the enclosures at the Wyndhaven apartments. Thompsons said they didn't have any problems with them because they had more staff to monitor them. Tokos noted one of their buildings wouldn't be within 150 feet and moving forward this type of project would require them to have another enclosure location. Thompson reported that he looked at Wyndhaven's current set up and noted they could have put in a corral for auxiliary recycling or garbage if they wanted to get away from the compactor and the staffing.

Capri asked if they could require developers to provide a sanitary letter from Thompsons as part of the permit process to help take the administrative burden off of the city. Tokos thought they could have developers submit something from Thompsons confirming they had a conversation about service and what their service requirements were. Thompson pointed out that this was the intention of the McMinnville code, and he was open to that. Capri thought they should do this for large commercial developments. Tokos noted they needed to be clear that the letter wasn't an approval. It was a letter saying they had a conversation and gives the city a heads up about how they could get things resolved. Amy Thompson addressed the Commission and noted this would have helped them in the case of Surf View. Berman thought it was a good idea.

Berman asked if Thompsons wanted to see the five foot swinging doors secured. Thompson thought it was a great idea. Capri asked if overhangs were going to be a part of the proposed code language. Tokos said it wasn't included and recommended this be left up to the person designing the enclosure.

Tokos asked if the 10 feet width was okay for drop boxes in the compactors. Thompson said it was and noted that a compactor needed to fit on a truck going down the highway, which was an eight feet maximum.

Tokos reported the amendments would come before the Commission on their June 12th meeting where they would give a recommendation to the City Council. Thompson thought having a letter in the file that said the proposed plans did or didn't meet Thompson's recommendations would be helpful for the city to have as a backstory.

B. Revisions to Parking Codes to Facilitate Bayfront Metering. Tokos reviewed the draft code changes needed to facilitate the installation of parking meters along the Bayfront. The changes to NMC Chapters 6.15, 6.20, and 6.25 were provided for context, but they didn't require Planning Commission approval. The city was looking at implementing the meters on the Bayfront in October. The City had a commitment as a matter of policy to reduce or eliminate off street parking requirements when the meters were implemented.

Tokos reviewed the updates to Chapter 14.14.030(B). He noted that these changes would have applied to the considerations for the new Abbey Hotel build as far as the number of credits that would be given for the old use over the last 10 years. Tokos explained that since a new dwelling had credits for the use over the previous 10 years, it made sense logically to do a credit for the last 10 years for commercial.

Tokos reviewed the changes to 14.14.100. He covered the three options for off-street requirements. Option B.1. would eliminate off street parking requirements in areas where the city required payment for the use of public parking. Capri asked if the original parking analysis found that there wouldn't be any need for off street parking for development based on the turnover from the meters. Tokos explained that the policy adopted was to reduce or eliminate parking. Capri asked if there would be an analysis based on the turnover generated from parking meters. Tokos explained the parking study didn't delve into it that far. It established that we are at functional capacity on the Bayfront at over 85 percent observed utilization, which was the general bar communities used to institute demand management such as a metering program. There was nothing in the parking study that said by instituting metering, you're going to free up a certain percentage of utilization. He noted that how much turnover increase and relief it provided was not quantified in the study. Capri thought this was pitched as there were undeveloped lots and limited opportunities for development. If the requirements weren't lifted, properties wouldn't be able to be developed because the lots were too small to do so. Capri feared that if the parking requirements weren't lifted, there would only be two lots on the Bayfront that could be developed. Tokos thought that the different options would help address Capri's concerns. Option B.1 would lift the parking requirement, but it had the potential to bring in a heavy parking demand that they would be stuck with. Option B.2 would allow developers to pay a onetime fee in lieu of providing the off-street parking required. They could structure it so that the more demand a development placed on parking, the stiffer the fee on parking it would be. Capri thought these didn't address the parking issue in the area and the whole point of metering was to improve the flow of parking. There was a public perception that they were already adding fees for meters. Someone who wanted to do new development would be able to pay for they parking they couldn't provide, and it would cost even more money. Tokos noted the principle was that you could use this to disincentivize somebody coming in would be placing a tremendous impact on the available supply. Escobar noted that around 1977 there was a fee charged for those who didn't provide off street parking. He didn't think any of this money collected had been used to generate new parking. Escobar was opposed to developers being able to pay money to build something and not have adequate parking. The impact of the development's parking affected everyone on the Bayfront. Escobar thought the if someone was to build something they should provide parking. Tokos noted the payment in lieu fee was discontinued around 2009-2010 and the \$250,000 collected had been used to get the meters installed.

Berman noted the problem he had with Option B.2 was that it put a burden on the parking system and there was no kind of offset to provide additional parking. He thought this would be more of a penalty rather than a fee. It wouldn't be a deterrent in any of the discussed developments other than building a new hotel. Hanselman thought that someone who paid the in lieu fees who paid off all of the parking they needed to have for 20 years or less, didn't add up to him. He noted that the amount of parking would increase with a payment in lieu, and a business would get away with only having to pay a onetime fee. Tokos reminded the commitment that was made in the council policy in the Comprehensive Plan was to reduce or eliminate off street parking requirements, not to keep them in place. They had to come up with a program that reduced in a meaningful way or eliminated off street parking requirements for these businesses. Option B.2 disincentivized somebody developing on the Bayfront who would put heavy demand on those street parking spaces and create additional revenue that could be used to add supply down the road. One way to disincentivize somebody from coming down to the Bayfront and redeveloping in a manner that took up a bunch of the streets supply was to add a financial disincentive. Capri thought that would affect the small businesses more because they couldn't absorb the costs. If he were to pick anything besides Option B.1, it would be Option B.3 because it would target the high demand user and avoid the small businesses. Tokos noted he knew a restaurant could do this because he sat down with a restaurant owner who had to put in 8 to 10 parking spaces. The cost to install a parking lot was \$70,000 and asking for \$15,000 would be easier to pay. Capri liked Option B.1 the best and also liked B.3 because set a cap and allowed developers to do a small infill project without paying a bunch of money.

Tokos reviewed Option B.3 that lifted the requirements only if the development exceeded a certain threshold. He had listed the spaces at 25, but it could be changed to 20. Berman thought 25 was too high. Tokos thought they could set it at 20 instead which would mean there could be a 12,000 square foot size if it was on the water side.

Urdike liked all three options. He thought for those that generated one to five spaces, there should be no fee. The ones that generated six to 20 should pay a fee. Then over 20 would pay a higher price. Urdike thought they needed to find a way to incentivize the small mom and pop stores that had a nominal impact to parking. Urdike thought the larger developments should provide parking spaces. Tokos noted they already had a track record of allowing the first five spaces to be exempt from the business license fee, which helped out modestly for projects. Berman asked what would happen to the fee people were paying on their business licenses when this went into effect. Tokos reported the fee would go away. He noted that the total annual collections on this fee had been around \$14,000. Tokos thought they shouldn't go over five spaces for those that wouldn't pay anything.

Hanselman questioned how they could have more businesses on the Bayfront without more parking. He thought that if they infilled all the properties on the Bayfront it would bring in more people. They would have metering to help with turnover, but there would still be many more people that walked on the sidewalks there. Tokos reminded that the principal to doing the meters and permits was to adjust the rates until they got them right. Capri asked how the fees would be adjusted. Tokos explained it would be done by City Council resolution.

Berman asked if there would be anything to keep existing private parking lots from being developed if this went into effect. Tokos thought that part of the agreement was to allow these to be developed. He reported that there was somewhere between 65 and 90 spaces that were tied up in private lots on the Bayfront that could get redeveloped reasonably easy. Tokos reminded that this was part of the deal when they changed to metering. Capri noted that there would be a lot of developers that wouldn't do development without providing parking because the industry demanded they provide them. Hanselman thought if they did the parking fees correctly they could make enough money to have a

shuttle. He thought they should raise the fees for the business owners, and have them pay into providing a shuttle bus because they would be the ones benefiting from it. Tokos noted once they had the meter and permit revenues they would have enough money to do transit if that was what policymakers wanted to do. They could also subsidize a carpool/vanpool program. Tokos thought that either of these would meet different demands, they just needed funds to support them.

Hanselman thought the concept of reducing parking and increasing business wasn't reasonable. Tokos noted that the meters had a positive track record across many communities in terms of turnover. Hanselman thought the metering was a separate issue than development. Tokos explained that cities who were eliminating their off street parking minimums in their commercial core areas were doing this because they had demand management in place. There was a risk that they would get a business that came in who had a significant demand on supply. Hanselman thought they should put in the parking meters and see what happened first before making decisions on these options. Escobar asked what the proposed rate for meters was. Tokos reported \$1 per hour. Berman was concerned that the permits would be bought out by employers for staff and block out all of the parking. Tokos reported the committee was comfortable with this price going out as the baseline and agreed that in the meter/permit zone they wouldn't make more permits available than the spaces that were available. Capri asked what the consultant thought about the rates. Tokos reported that they recommended it be \$1 an hour. The committee also proposed permit fees that were higher than what the study recommended at \$45 a month for the high demand areas and \$25 a month for lower areas. Hanselman asked if all the permits had been purchased in other communities. He was concerned that if all of the permit weren't purchased it meant that there would be permit spaces left open because they were permit only spots. Tokos reminded these were both permit and meter parking areas and there would be no reserved parking for permits. Every spot would have a meter. Tokos said the less desirable areas that were permit timed were areas where people could park free for four hours or if they had a permit they could park over a period of time. These areas were where they wanted a lot of people to park. In those cases they were looking at having around 140 percent of the stalls sold in terms of permits. Hanselman asked if the Port suggested they would provide more parking or fishermen. Tokos reported they weren't. They were still working through their own issues but their permit fees were cheaper than the city's.

Capri thought Option B.3 was a reasonable approach because it allowed development to occur and gave the City control over big development. Tokos thought that if they chose B.3, it would be justifiable to peg the number of spaces at 20 rather than 25, but they wouldn't want to go much lower. Tokos reported the Parking Advisory Committee liked combining B.2 and B.3, where they could set it at requiring nothing for a small impact and then hit developers with fees as the impact intensified. He thought they could set the prices at \$0 for 0 to 5 spaces, \$5,000 for 5 to 10 spaces, \$7,500 for 10 to 15 spaces, \$10,000 for 15 to 20 spaces, then stop it at that. They could also change B.3 to not exceed 20 spaces instead of 25. The Commission was in general agreement with this.

Berman was concerned about the fees for Option B.3 and asked if they talked about making the amounts smaller and changing them to annual fees. Tokos pointed out they were trying to avoid annual fees. The concern with annual fees was that they could go on for an extended period of time and there was the potential to lose sight on what the fees were for in the first place. Berman thought charging the one time fee didn't have any value over an extended period of time. Tokos explained that one of the reasons they discontinued annual fees was that over time it became a situation where some businesses were paying more than others, while some didn't pay at all. He explained that policy makers didn't think that was fair.

Tokos reiterated that he would bring back a revision showing \$0 for 0 to 5 spaces, \$5,000 for 5 to 10 spaces, \$7,500 for 10 to 15 spaces, \$10,000 for 15 to 20 spaces, and then changing B.3 down to 20 spaces. Capri asked if there was any leniency for big developers. Tokos said there wouldn't be because everyone would be on the same playing field. If there was an existing use on a property, the new development would have a credit for parking based on that use. A discussion ensued regarding examples of how different property uses had changed over the years and how their credits worked. Tokos reminded the changes would be the bar for what someone could do to meet the parking requirements. There would still be an adjustment process for different requirements, such as a parking demand analysis or request an adjustment to a dimensional requirements.

Berman asked if Section 14.14.100(C) meant that existing uses weren't required to retain parking. Tokos confirmed that was true and noted that this was what the business community supported when they included the Comprehensive Plan policies that reduced or eliminated off street parking requirements for those that were previously constructed. They couldn't tell one person to keep their parking while allowing another to come in and not have to provide anything. Tokos noted that Section 14.14.100(D) memorialized that Nye Beach and the City Center would continue to pay their business license annual fees until they had an alternative program where there was payment for the use of public parking. This was already a resolution.

Capri asked how this would be evaluated later. Tokos reported there were firms who did this. He thought that it would make sense to wait until the meter program was up and running for a couple of year before they evaluated it. Tokos noted they would have good data because T2 Systems would be able to track the data by permit zone.

Escobar asked how the permits would work for someone who bought one permit and had three cars. Tokos explained this would something more so for Nye Beach, not the Bayfront. The Bayfront had commercial fishermen who had multiple vehicles, and the Advisory Committee discussed adding a surcharge for additional vehicles that fell under one permit. Capri asked if there was a way to know if two vehicles were being used on the permits. Tokos reported there would be license plate technology that would ping each license plate to know this. It would be set up that when someone has exhausted their time, they couldn't just go to another available space in the same zone because they would be set up by permit zone. Berman asked if someone parked with a permit in a meter space, would they need to go to a kiosk to register they were parking. Tokos reported if they had the right permit for the area they could park without having to go to the kiosk. Berman asked if the permits were for a certain number of hours. Tokos reported they would be 12 hours, and the commercial fishermen permits would be done by invite and they would be 72 hours. Capri asked who made the final determination on the fee amounts. Tokos said the City Council would. Capri asked if anyone had brought up inflation in the discussions. Tokos reported they had, and it was why they adjusted the fees to \$25 and \$45 from what they were set at previously. This was a work in progress that they would key it to an inflationary adjustment right off the bat. Berman asked if someone could buy annual permits. Tokos reported they hadn't gone down that path and were pretty much dealing with just monthly permits. Branigan guessed they wouldn't do annual permits because there would be questions on proration for people who switched cars. Berman thought it was a good idea not to do an annual permit.

Tokos asked for comments on other sections. Berman thought that for Section 6.20.02(C) emergency vehicles should be able to park anytime, not just in emergencies. Tokos thought this had been doubled up in the language and they had already included an exemption for government vehicles. He would confirm for this. Berman questioned Section 6.20.030(D) because it was hard to unload a truck in 30 seconds. Tokos noted this was in their code and suggested it be changed to five minutes. Berman thought 15 minutes would work better.

Berman noted that in Section 6.20.040(F) he didn't know what a space reservation device was. Tokos reported they could define this. He pointed out there would be instances such as special events or construction permit authorizations where someone would have to put up space reservations. Updike thought these devices could come in many shapes and forms, and why it was kept generic.

Berman pointed out that the text in Section 6.20.045 was written as if they were referring to the meters with the old galvanized steel posts with a head on them. Tokos would clean the language up. It should have been written for a kiosk. Berman questioned Section 6.20.050 that said that if there were disable placards they behaved like everyone else and if there was a wheelchair placard, they didn't have to do anything. Tokos reported this was the state law.

Tokos noted the non-land use updates would go into place before the meters were implemented. He explained that there would be public outreach in August and September, and another opportunity to do one round of refinements to the meter/permits options after. Berman asked if they would have a sample of the machine at the outreach meetings. Tokos didn't know if they would have one at the outreach meetings. He reported they had just ordered them and they would arrive in around four weeks. Public Works was working on the parking lot revisions and they would be putting out bids in June to get it lined up to do the improvements to the parking lots in September. There were 110 sign poles that needed to be either swapped out or put in new, then the pay stations and regulatory signs installed and then go live. There would also be a break in period where people received warnings for a while. The meters would only be live on the weekends during the off season starting in October, which would help the public get used to them.

Berman asked if someone parked longer than they were metered for and received a ticket, would the meter collect the ticket amount if they came back to park. Tokos explained there would be an enhanced level enforcement for what's called scofflaw, where if somebody has a certain number of unpaid parking tickets, they would get tagged and it would be elevated in terms of its level of enforcement. They were working with the Police Department on how to do this. Tokos noted there were certain circumstances where a parking ticket would be an automatic hit when someone was renting a car and got a ticket. The ticket would go on their rental bill. Enforcement of this was done by license plate recognition. Tokos reported when people didn't pay their tickets, T2 Systems would be acting in the capacity of the city to look up people how didn't pay and send out an automatic letter with information on additional fees due. The intent was to have this be as light of an impact on the police officers as possible.

Tokos reported that the City Council voted in favor of the appellant for the appeal for the new Abbey Hotel. They felt it was essential to consider the previous development when weighing the relative impact of the project, and felt the project had less of an impact than the prior development given the parking they were going to construct. The final order would be brought to the City Council on June 5th. Berman asked if they formally acknowledged the other adjustments. Tokos reported the acknowledge the adjustment on the yard and authorized the package on a 5 to 2 vote.

Hanselman asked if the parking kiosks would be cash or credit card, or both. Tokos reported there was a coin option and credit card option. Hanselman asked if the city considered collecting tickets by charging them directly to the ticket holder's credit cards. Tokos would share where this ended up with the Commission and would talk to T2 Systems on this. He thought that the public would had the right to contest whether or not a ticket was property issued. Most people didn't pay for the tickets on the fly. Tokos reminded that rental cars agree in advance that if they had a ticket they would be charged on their rental fees.

C. **Planning Commission Work Program Update.** No discussion was heard.

2. **New Business.** None were heard.

3. **Adjourn.** The meeting adjourned at 7:44 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Derrick Tokos

From: DLCD Plan Amendments <plan.amendments@dlcd.oregon.gov>
Sent: Friday, May 5, 2023 4:17 PM
To: Derrick Tokos
Subject: Confirmation of PAPA Online submittal to DLCD

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

Newport

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: 6-Z-22

DLCD File #: [002-23](#)

Proposal Received: 5/5/2023

First Evidentiary Hearing: 6/12/2023

Final Hearing Date: 7/17/2023

Submitted by: dtokos

If you have any questions about this notice, please reply or send an email to plan.amendments@dlcd.oregon.gov.

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

The Newport Planning Commission will hold a public hearing on Monday, June 12, 2023 at 7:00 p.m. in the City Hall Council Chambers to consider File No. 6-Z-22, amending Newport Municipal Code (NMC) Chapter 14.11, Required Yard and Setbacks. The changes will update the trash enclosure standards for Multi-Family and Commercial Development projects. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. 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 testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, June 2, 2023)

STATEMENT OF CHANGES IN ACTIVITIES and SOURCES OF FINANCING *

PROPERTY TAX LEVIES

	Rate or Amount Imposed 2021-2022	Rate or Amount Imposed This Year 2022-2023	Rate or Amount Approved Next Year 2023-2024
\$1,000)	.8323	.8323	.8323
	1.0900	1.0900	1.0900

STATEMENT OF INDEBTEDNESS

Estimated Debt Outstanding on July 1.	Estimated Debt Authorized, But Not Incurred on July 1
\$0	
\$0	
\$1,669,651	
\$1,669,651	none

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J02 81-02

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HUFF, TONY MOSIER,
NIKITA LOVINGIER,
COLBY CATELY, KENNEY
RUSSELL, JENNY GUEN-
THER, JACOB DAROLD,
CODY PEEL, BOBBI
LAND-HUTCHINSON,
LANEY TUYLS, DENT
BUTLER, DAVID DREVES,
FRANK PARKER, MARK
ROGERS, BEVERLY STI-
GALL, NATHAN EBLE,
STEPHANIE PRESSEY,
MIKE ANDERSON, JESUS
BEARDEN, CESAR SORI-
ANO CABALLERO, DAN-
IEL PATILLO, MARTIN
CLAMO PABLO, ARTHUR
MOREN, JUAN FLOREZ
RAMIREZ, JOSEPH HUT-
TON, JORDAN HARRIS,
CARLY BATCHELDER,
JAMIE PURCELL, JOSE
FLOREZ RAMIREZ, TINA
HUTTON, RYAN DAY,
CORY SUMMERS, GARY
DAVIS, CECIL KING,
RYAN FLAMING, NICHOLAS
VAZQUEZ, JUSTIN
CALDWELL, SAMANTHA
MESSER, CAROLINE
FISHER, JOSHUA VAN-
HOOREBEKE, ANDREW
GULLETT, SHAREE
LEIFERMAN, BRANDY
LUSK, ANGELA ERVING,
ROMAN MCCARTY, TOM
STOCKTON, MARKO
ARANDA LANDA, JOHN
CLARK, EVAN WEEK-
LEY, DOUGLAS CARNEY,
RYAN NEWTON. Newport
Police Department 169
SW Coast Hwy Newport,
Oregon 97365. 541-574-
3348. J2 77-02

NOTICE OF LAND USE
PUBLIC HEARING

The following requests
will be reviewed at a pub-
lic hearing by the Toledo
Planning Commission on
June 14, 2023, at 6:30 pm
in the City Hall Council
Chambers, 206 N. Main
Street, Toledo, OR. Any
comments you wish to
make will be appreciated.
Please contact Contract
Planner Justin Peterson at
(541) 336-2247 extension
2130 for further informa-
tion. In-Person and Vir-
tual Meeting: The meeting
will be held in the Council
Chambers with an Option
for attendance through
the Zoom video meeting
platform. Call (541) 336-
2247 ext. 2130 or e-mail
planning@cityoftoledo.

org to receive the meeting
login information. City File
CU-2-23/VAR-2-23 are
applications by Northwest
Coastal Housing and the
City of Toledo for a Condi-
tional Use Permit to allow
a 30-unit multi-family
residential structure in the
Single-Family Residential
Zone and a variance to
reduce the rear yard set-
back from 5 feet to 1 foot.
The property is identified
as Lincoln County Asses-
sor's Map #11-10-17
Tax Lot 800 and located
southwest of the SE Stur-
devant Road and SE 10
Street intersections. This
application was reviewed
and approved in 2021 and
an extension to the dead-
line date was approved in
2022 (original application
decision expires July 28,
2023). The current applica-
tion (CU-1-23/VAR-1-
23) is the same request
from 2021 and was sub-
mitted in order to have a
current decision extend-
ed. Decision Criteria for
a Conditional Use Permit:
TMC 17.08.030 (Condi-
tional Use Permitted - R-S
Zone), TMC 17.64.050
(Standards Govern-
ing Conditional Uses),
TMC 17.68.050 (Class
C-Variations). Oregon law
requires that testimony
and evidence presented
be directed toward the rel-
evant criteria in the Toledo
Zoning Ordinances, Com-
prehensive Plan, or other
City plans or policies
which a person believes
pertains to the request,
and which will be used in
making the decision. The
application, all documents
and evidence submitted
by or for the applicant,
and the applicable crite-
ria and standards can be
reviewed at City Hall at
no cost and copies can
be provided at reason-
able cost. The staff report
and recommendation to
the Planning Commis-
sion will be available for
review at no cost seven
days before the scheduled
hearing and copies can be
provided on request at a
reasonable cost. You may
present your testimony at
the public hearing or pro-

vide written comments to
the Planning Department
prior to the public hearing
date. Failure to raise an
issue in person or by let-
ter at the hearing, or fail-
ure to provide statements
or evidence sufficient to
afford the decision-maker
an opportunity to respond
to the issue, means that
an appeal based on that
issue cannot be filed with
the State Land Use Board
of Appeals. J2, J9 76-09

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File No. 6-Z-22, amending
Newport Municipal Code
(NMC) Chapter 14.11,
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and Commercial Develop-
ment projects. Pursuant to
Newport Municipal Code
(NMC) Section 14.36.010,
the Commission must find
that the change is required
by public necessity and
the general welfare of the
community in order for it
to make a recommendation
to the City Council that
the amendments be
adopted. Testimony and
evidence must be directed
toward the request above
or other criteria, including
criteria within the Com-
prehensive Plan and its
implementing ordinances,
which the person believes
to apply to the decision.
Failure to raise an issue
with sufficient specific-
ity 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. Tes-
timony may be submitted
in written or oral form.
Oral testimony and written
testimony will be taken
during the course of the
public hearing. The hear-
ing may include a report
by staff, testimony from
the applicant and pro-
ponents, testimony from

opponents, rebuttal by
the applicant, and ques-
tions and deliberation by
the Planning Commission.
Written testimony sent to
the Community Develop-
ment (Planning) Depart-
ment, City Hall, 169 SW
Coast Hwy, Newport, OR
97365, must be received
by 3:00 p.m. the day of
the hearing to be included
as part of the hearing or
must be personally pre-
sented during testimony
at the public hearing. The
proposed code amend-
ments, additional mate-
rial for the amendments,
and any other material in
the file may be reviewed
or a copy purchased at
the Newport Community
Development Department
(address above). Contact
Derrick Tokos, Commu-
nity Development Director
(541) 574-0626 (address
above). J2 75-02

NOTICE OF BUDGET
COMMITTEE MEETING

A public meeting of the
Budget Committee of the
Greater Toledo Pool Rec-
reation District,
Lincoln County, State of
Oregon, to discuss the
budget for the fiscal year
July 1, 2023 to June 30,
2024, will be held at the
library downstairs meet-
ing room at 173 NW 7th
Street, Toledo, OR, 97391
on Monday, June 12th,
2023 at 6:00 pm. The
purpose of the meeting
is to deliver the budget
message and to receive
comment from the pub-
lic on the budget. This is
a public meeting where
deliberation of the Bud-
get Committee will take
place. Any person may
appear at the meeting
and discuss the proposed
programs with the Bud-
get Committee. A copy of
the budget document may
be inspected or obtained
on or after Wednesday,
May 24th online at www.greatertoletopool.org. J2,
J9 73-09

COMMON LAW
COPYRIGHT NOTICE

Common Law Copyright
Notice: All rights reserved
re; common-law copyright
of tradename/trademark,

SELDON® in Hold-harm-
less and Indemnity Agree-
ment. No.
JSLCLN22855730 dated
at the time of notarizing;
against any and all claims,
legal actions, orders, war-
rants, judgments,
demands, liabilities, loss-
es, depositions, sum-
monses, lawsuits, costs,
fines, liens, levies, penal-
ties, damages, interests,
and expenses whatsoever,
both absolute and con-
tingent, as are due and as
might become due, now
existing and as might
hereafter arise, and as
might be suffered by,
imposed on, and incurred
by Debtor for any and
every reason, purpose,
and cause whatsoever.
Self-executing Contract /
Security Agreement in
Event of Unauthorized
Use: By this Copyright
Notice, both the Juristic
Person and the agent of
said Juristic Person, here-
inafter jointly and severally
"User," consent and agree
that any use of "JOSHUA
SELDON®", other than
authorized use as set forth
above; constitutes unau-
thorized use of Secured
Party's copyrighted prop-
erty and contractually
binds User. This Notice by
Declaration becomes a
Security Agreement
wherein User is a debtor
and "Joshua Seldon" is
Secured Party, and signi-
fies that User: (1) grants
Secured Party a security
interest in all of User's
property and interest in
property in the sum cer-
tain amount of
\$500,000.00 per each
tradename/trademark
used, per each occur-
rence of use (violation/
infringement), plus triple
damages, plus costs for
each such use, as well as
for each and every use of
any and all derivatives of,
and variations in the spell-
ing of, "JOSHUA SEL-
DON®"; (2) authenticates
this Security Agreement
wherein User is debtor
and "Joshua Seldon" is
Secured Party, and
wherein User pledges all
of User's property, i.e. all
consumer goods, farm
products, inventory,
equipment, money, invest-
ment property, commer-
cial tort claims, letters of
credit, letter-of-credit
rights, chattel paper,
instruments, deposit
accounts, accounts, docu-
ments, and general
intangibles, and all User's
interest in all such forego-
ing property, now owned
and hereafter acquired,
now existing and hereafter
arising, and wherever
located, as collateral for
securing Users contract-
ual obligation in favor of
Secured Party for User's
unauthorized use of
Secured Party's copy-
righted property; (3) con-
sents and agrees with
Secured Party's filing of a
UCC Financing Statement
wherein User is debtor
and "Joshua Seldon" is
Secured Party; (4) con-
sents and agrees that said
UCC Financing Statement
described above in para-
graph "(3)" is a continuing
financing statement, and
further consents and
agrees with Secured Par-
ty's filing of any contin-
uation statement necessary
for maintaining Secured
Party's perfected security
interest in all of User's

ties by User with intent
sent, User shall be
deemed in default and (a)
all of User's property and
interest in property
pledged as collateral by
User, as set forth in above
in paragraph "(2)," im-
mediately becomes, i.e. is,
property of Secured Party;
(b) Secured Party is
appointed User's Author-
ized Representative as
set forth above in para-
graph "(8)"; and (c) User
consents and agrees that
Secured Party may take
possession of, as well as
otherwise dispose of in
any manner that Secured
Party, in Secured Party's
sole discretion, deems
appropriate, including, but
not limited by, sale at auc-
tion, at any time following
User's default, and with-
out further notice, any and
all of User's former prop-
erty and interest in prop-
erty formerly pledged as
collateral by User, now
property of Secured Party,
in respect of this "Self-
executing Contract/Security
Agreement in Event of
Unauthorized Use," that
Secured Party, again in
Secured Party's sole dis-
cretion, deems appropri-
ate. Terms for Curing
Default: Upon event of
default, as set forth above
under "Default Terms,"
irrespective of any and all
of Users former property
and interest in property
in the possession of, as well
as disposed of by,
Secured Party, as autho-
rized above under "Default
Terms," User may cure
User's default re only the
remainder of User's for-
mer property and interest
in property formerly
pledged as collateral that
is neither in the posses-
sion of, nor otherwise dis-
posed of by, Secured
Party within twenty (20)
days of date of User's
default only by payment in
full. Unauthorized use:
payment terms; in accor-
dance with fees for unau-
thorized use of JOSHUA
SELDON®, as set forth
above the user hereby
consent and agrees that
users shall pay secured
party all unauthorized use
fees in full within 10 days
of date of secured party's
invoice, hereinafter
"invoice", itemizing said
fees, as sent and received
by tortfeasor. Terms of
Strict Foreclosure: User's
non-payment in full of all
unauthorized-use fees
itemized in Invoice within
said twenty- (20) day peri-
od for curing default as
set forth above under
"Terms for Curing Default"
authorizes Secured Par-
ty's immediate non-judicial
strict foreclosure on
any and all remaining
property and interest in
property formerly pledged
as collateral by User, now
property of Secured Party,
which is not in the pos-
session of, nor otherwise
disposed of by, Secured
Party upon expiration of
said twenty (20) day strict-
foreclosure period. Own-
ership subject to com-
mon-law copyright and
UCC Financing Statement
and Security Agreement
filed with the UCC filing
office.