



## **PLANNING COMMISSION REGULAR SESSION AGENDA**

**Monday, July 25, 2022 - 7:00 PM**

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

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

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to [publiccomment@newportoregon.gov](mailto: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.

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

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

### **2. APPROVAL OF MINUTES**

**2.A Approval of the Planning Commission Work Session Meeting Minutes of June 13, 2022.**

[Draft PC Work Session Minutes 06-13-2022](#)

**2.B Approval of the Planning Commission Regular Session Meeting Minutes of June 13, 2022.**

[Draft PC Reg Session Minutes 06-13-2022](#)

**2.C Approval of the Planning Commission Work Session Meeting Minutes of July 11, 2022.**

[Draft PC Work Session Minutes 07-11-2022](#)

**3. CITIZENS/PUBLIC COMMENT**

*A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.*

**4. ACTION ITEMS**

**5. PUBLIC HEARINGS**

**5.A File 1-CP-22 / 2-Z-22: Amendments to Comprehensive Plan Map, Zoning Map, and Newport Municipal Code (NMC) Chapters 14.03, 14.13, and 14.19 related to the South Beach Commercial/Industrial Corridor.**

[Memorandum](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Attachment E](#)

[Attachment F](#)

[Attachment G](#)

[Attachment H](#)

[Attachment I](#)

[Barrelhead Building Supply Letter dated 7-21-2022](#)

[Fred Yeck Letter dated 7-24-2022](#)

[Anheuser-Bush Letter Dated 7-25-2022](#)

**6. NEW BUSINESS**

**7. UNFINISHED BUSINESS**

**7.A Updated Planning Commission Work Program.**

[Memorandum](#)

[PC Work Program - 7-21-22](#)

**8. DIRECTOR COMMENTS**

**9. ADJOURNMENT**

**Draft MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Council Chambers**  
**June 13, 2022**  
**6:00 p.m.**

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

**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 Patrick called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **Draft South Beach Comprehensive Plan Map, Zoning Map, and Zoning Ordinance Amendments for the South Beach Commercial/Industrial Corridor (File 1-CP-22/2-Z-22).**

Tokos reviewed the Zoning Code and Comprehensive Plan map changes. Escobar asked if the property next to the South Beach State Park was designated public, did it mean that it wouldn't be developed. Tokos explained it wouldn't be developed for housing. This was part of the State Park but wasn't in the city limits. It was under the County designation which was consistent with the public designation they had.

Tokos reviewed the zone change recommendations, and the expanded zone change map. He explained the zone changes would create a large block of commercial zones. Berman asked if any of the changes would make the current buildings nonconforming. Tokos explained that the bulk retail was permitted in the C-1 zone and should be okay. There might be some industrial uses at the Aquarium Village that would be nonconforming when it was changed. Tokos thought the expanded zone made more sense. Patrick liked the expanded and felt it would acknowledge what the properties really were. Hanselman asked what the area behind the Toyota dealership was going to be used for. Tokos explained they were dividing the lot into two pieces. The north half would be most likely developed and the south not being done so much. The north half would possibly be a medical office with residential over it, but this could change.

Branigan liked the expanded map because it gave more flexibility on what they could put there. He wanted to see more in the I-1 category than in the commercial. Tokos noted the reason for the recommendation to have the I-1 go to C-1 in that area was that there was a risk with flexibility of having incompatible uses be established that would conflict with some of the commercial uses. They were looking to establish more retail service type uses in the area, and the C-1 was more conducive for getting more commercial uses. Escobar asked if any existing businesses would be adversely affected. Tokos confirmed the existing businesses would be nonconforming and grandfathered in under their current condition. Arrow Heating and Columbia Distributing would be moving out and will relocate. This property would then be redeveloped at some point. Hoovers would stay, but they might be



renovating, which was permitted in the C-1 zone. Berman asked if the city did any outreach for the abandoned properties. Tokos confirmed they did and had been carefully looked at. This was in the RFP and it would need to be done under a willing seller arrangement. They weren't looking to condemn through eminent domain. Tokos asked if there was a general agreement to go with the expanded package. The Commission was in general agreement for this.

Tokos reviewed the code changes. He pointed out the changes in NMC Section 14.03.070 for self-service storage use. Berman asked if the added foot note 6 should be under 4, 5 & 7 for vehicle repair. Patrick noted that it said "sales" which would take out Newport Toyota and a couple of repair stores. Tokos asked if the Commission wanted it to say something general like "sales and repair." Patrick thought they should take out storage, salvage and wrecking. Tokos would clean up the language to clarify the language to add "recycling" of machinery.

Tokos reviewed the 15 foot setbacks from US 101, and changing 50 feet to 15 feet from US 101 for buildings that were 5,000 square feet and above. Escobar asked if the 15 foot setback would prohibit parking within the 15 foot area. Tokos explained they were looking to add a 15 foot landscaping requirement for new development. A discussion ensued regarding the need for 50 foot setbacks for I-1 zones, and why there wasn't a need currently to force a 50 foot setback along US 101. This didn't change anything that was on the ground currently and they could continue to operate as they were. The landscaping requirements was for a buffer for new development. The Commission was in general agreement with the setbacks.

Tokos reviewed the landscaping requirements and noted the changes to the project values. Berman asked if anything tied to inflation should be tied to the code. He asked if it should just say it was adjusted by City Council resolution. Tokos explained that resolutions by the Council were for fees. This wasn't a fee and was a monetary value to establish a series of thresholds for when someone doing redevelopment had to provide some landscaping if it wasn't already there. Patrick pointed out that they needed a base, and the city would adjust this every year. Tokos confirmed they would have a chart that they needed to maintain and keep up to date each year. He noted that they discussed how the code numbers wouldn't be adjusted but the values would be based on the latest CPI-U.

Branigan asked if they defined what constituted landscaping. Tokos confirmed they did not define it in this context. It was defined somewhat in the Transportation System Plan. This was more about providing separation from the travel lanes. Branigan asked if artificial grass or flowers worked. Tokos confirmed they had some flexibility on this and there was a little guidance.

Tokos noted that if the Commission was comfortable with the package of revisions, they could initiate the Comprehensive Plan Map, Zoning Map, and Zoning Ordinance amendments by motion at that evening's regular session meeting.

**B. Results of Housing Capacity Analysis Draft Buildable Lands Inventory.** Tokos reviewed the Newport Housing Capacity Analysis slideshow and discussed the interactive map done by ECONorthwest that allowed comments to be made on it. He encouraged the Commission to view the map and make comments within the next week.

Berman asked if all the acres were included in the parcels for everything that was buildable. Tokos thought it should be the sum total. Berman asked if the property near his property on 68th Street was buildable. Tokos explained they truncated properties that extended past the vegetation line because they were getting weird results on properties that weren't buildable lands. They asked to truncate anything that was west of the vegetation line to help with this. Berman noted that there was a property

with a pump station on it that wasn't city owned. Tokos noted the city didn't control the entire piece of land and thought this was a discrepancy between the tax lot layer and a more current aerial image. The tax lot hadn't picked up that the city had purchased the land to put a pump station on it yet because the updates to the tax lot map data was only done annually. Berman asked how this land was counted in the buildable lands when it was to never be developed. Tokos noted the constraints layer showed that the buildable acres on this property was zero. A discussion ensued regarding how constrained properties were shown on the maps.

Tokos reported they would be reaching out to developers on the constructability assessment. He reviewed the areas they would look at the constructability. After they did the buildable lands piece they would move to the constructability piece.

Branigan asked how the planned destination overlay was counted. Tokos explained this was the old Wolf Tree Resort property. This was discounted because it could only be a full package resort that included a waste treatment plant or nothing at all. They couldn't rely on housing there.

Tokos encouraged the Commission to put their comments in the interactive map. He noted it would be further refined over the next few weeks.

**3. Unfinished Business.**

**A. Updated Planning Commission Work Program.** No discussion was heard.

**4. Adjourn.** The meeting adjourned at 6:53 p.m.

Respectfully submitted,

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Sherri Marineau,  
Executive Assistant

**Draft MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**June 13, 2022**

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

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

**Public Members Present:** Robert Emond, Mable Mosley, Anya Chavez, Gordon Petty, Gary Lahman, Jerry Robbins, James Feldman, and Nyla Jebousek (by telephone).

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Patrick, Branigan, Hanselman, Berman, Escobar, and East were present. Patrick announced the passing of Lee Hardy who served as Planning Commissioner for many years.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work Session Meeting Minutes of May 9, 2022.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Work Session meeting minutes of May 9, 2022 with minor correction. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of May 9, 2022.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Regular Session meeting minutes of May 9, 2022 with minor corrections. The motion carried unanimously in a voice vote.

C. **Approval of the Planning Commission Work Session Meeting Minutes of May 23, 2022.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Work Session meeting minutes of May 23, 2022 with minor correction. The motion carried unanimously in a voice vote.

D. **Approval of the Planning Commission Regular Session Meeting Minutes of May 23, 2022.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Regular Session meeting minutes of May 23, 2022 as written. The motion carried unanimously in a voice vote.

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

4. **Action Items.**

A. **Initiate Draft SB Commercial/Industrial Code Revisions.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner East to the initiate the public hearings process for the draft South Beach Commercial/Industrial code revisions. The motion carried unanimously in a voice vote.

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

A. **File 1-CP-17/ 7-Z-17.**

Tokos reviewed the staff memorandum and acknowledged the four public comments received that day from Ulrike Bremer, Jennifer Ames, Laurie Sanders, and Wendy Engler. He then reviewed the project schedule; the key Transportation System Plan (TSP) components; the tracking sheet; the amendments to the Transportation element of the Comprehensive Plan; the Goals and Policies; and changes to the land use codes.

Tokos reviewed the TSP critical success factors; the TSP outreach efforts; the key themes from the community feedback; the preferred solution for the US 101/20 intersection; the typical implementation timeframe; and the US 101 circulation options for a short couplet or retaining two way traffic on US 101 with a bike lane. He discussed the comment that was received about how the couplet would cut off a block near Angle Street and displace the Farmer's Market. Tokos reminded the parking lot where the market was located at was always intended as a temporary use.

Tokos reviewed the NHBD collector/local street sections. (33:45-34:07) He discussed yield street cross-sections, (34:21-34:40) and shared street cross-sections. (34:50-35:40) and the well vetted solution for low-volume streets and the alignments with on the ground conditions for dead end streets on Vista Drive, Cherokee Lane, and Golf Course Drive. (36:05-38:23)

Tokos reviewed the summary of the code changes pointing out the revisions since the last Planning Commission work session meeting.

Berman asked what the procedures were when they decided a project was important, and wanted to wrap it into the project list. Tokos noted the expectation was that they didn't necessarily have to alter the TSP to move forward with an individual project. The value of having the projects included in the TSP was how it helped when going after grant funding. The State and Federal agencies wanted to see that projects were vetted publicly when considered giving funding for them. If they wanted to add to the TSP or adjust the fiscally constrained list, they could do a more

expedited amendment process that went to the Planning Commission and the City Council. Tokos pointed out that Lighthouse Drive would be picked up and run through a public hearing process, and would be added in as one of the policies on the document.

Escobar asked what the benefit of having the couplet was. Tokos explained a big benefit was that they would be using urban renewal funds for improvements they did for transportation in the city center area of the Newport. One of the objectives of the urban renewal program, and why they put it in place was to create funding to rebuild and rework that transportation network in a way that better served the properties and helped revitalize the area. Areas south on US 101 near the hospital and further north had more commercial structures built back on larger lots and what you would typically see on a highway corridor. The downtown area was built closer and tighter to a right of way that carried a tremendous amount of traffic. This area wasn't comfortable or attractive for people to walk to businesses. The couplet would take the four to five block street sections and create a one way alignment on both US 101 and 9th Street. This would free up the right of way next to the travel lanes so they could retain off street parking and significantly widen the sidewalks with the expectation the buildings would redevelop and have separation for the traffic. Tokos explained this would mean that there would only be two lanes of traffic for pedestrians to cross and it would slow traffic down as well. This would help with those that wanted to see more housing downtown where there was infrastructure to support it. Tokos noted there was another option to maintain the two way traffic on US 101. This would likely mean they would see a different type of build form in the area.

Robert Emond addressed the Commission. He reported that he represented the Nye Beach Neighborhood Association. They drafted a statement for traffic calming that was adopted by the Association. Emond read the statement into the record. He noted they were glad to see the that traffic calming was emphasized and thought of in the traffic calming process was included because typically the plans didn't take into account the people and businesses that were in the area. This was what they wanted to emphasize as a neighborhood association.

Mable Mosley addressed the Commission and reported that she rode the dollar bus until they cut down their services. They now only operated only on Tuesdays and Thursdays and she relied on the bus to get around town and this affected her. Mosley noted how she and her sister had stopped driving in the recent years. She said they needed more funding for people who rode the buses and wanted to see the schedule go back to what it was.

Anya Chavez, President of the Farmers Market addressed the Commission. She stated that she understood that the short couplet proposal would eliminate the parking lot for the Farmers Market that they used nine months out of the year. Chavez reported that there was no other space for the market to set up on US 101 in Newport. They depended on the visibility on US 101. Chavez noted that the market offered services and products to the community. Taking away the parking lot location would devastate the market as a business and affect the livelihood of all the members of the market. On behalf of the Farmers Market, Chavez asked the Commission to consider that this wasn't just about traffic but people's livelihoods.

Gordon Petty addressed the Commission. He noted, in regards with the bus service, it was hard to get people who were certified to drive a bus. Petty reported that he couldn't drive a bus because of the cost to get a passenger endorsement license. He thought the city should pay for this, and step up to take care of the bus problem.

Fire Chief, Robert Murphy addressed the Commission. He acknowledged the memorandum he submitted and wanted it noted that the TSP process had a lot of work put into it. Other than the concerns on street widths, he was supportive of the TSP and hoped his concern didn't reflect on his support for the plan. Murphy reported his primary concerns were on the narrowing of streets to allow widths that were for 500 trips per day. 500 trips were quite a bit, and he understood the development constraints. Murphy wasn't concerned about current inventory for streets. He was more concerned about looking into the future and the only places being left for infill for development was in the fringes of the urban growth boundary. The terrain made it restrictive to do development to loop a road or to grid a road to allow street widths to be smaller than 20 feet. Making a street 14 feet wide and having a car parked on it meant the fire trucks couldn't fit down the streets. Murphy reported he couldn't go with quick response vehicles in Newport and could only support fire engines. Having parked cars on a 14 foot street made the streets not accessible for fire engines. Murphy noted that the wildland fire land was also a consideration. Narrow road locations were where people would be trying to get out of areas in emergencies and this would create a problem for fire trucks to gain access. Murphy wasn't saying universally there shouldn't be a situation that they should allow a street width less than 20 feet. He thought this should be the exception, not the rule.

Gary Lahman addressed the Commission. He urged them to remember that times were changing. When talking about roadways and bike lanes, he saw new modes of transportation like e-bikes, e-skateboards, and other electric vehicles being used. Lahman didn't know the regulation on if they needed to be on sidewalks or not. It was difficult to take into account all these new modes of transportation. Lahman urged the Commission to think of the new modes of transportation and the need to provide lanes for them, along with signage for the use of the lanes.

Jerry Robbins addressed the Commission. He reported he lived on Oceanview Drive. He thought that the enhanced traffic flow for a short couplet would help reduce traffic wanting to choose Oceanview Drive as an alternative route. Berman pointed out that this area had two options in the TSP for extending Nye Street as a vehicle route to Oceanview Drive, making Oceanview Drive a one way with a bike/ped lane, or extending Nye Street as a bike/ped access to Oceanview Drive and leaving Oceanview Drive as a two way street. He asked if Robbins had a preference. Robbins thought that considering the Nye Street extension would affect a few people who lived along where he lived, it would be obnoxious for them to have vehicular traffic on both sides of their houses. He would strongly oppose having the Nye Street extension be open to motorized vehicles. Robbins thought as a bike/ped alternative it was good and it made sense to make the bike route along Nye Street instead of Oceanview Drive. He also noted that several years ago they had recommended that Oceanview Drive, from US 101 to Nye Beach, be one way traffic going southbound traffic and have the other lane be for bikes and pedestrians. Robbins would advocate for this.

Nyla Jebousek asked if the Commission received the petition she submitted to have a signal at San-Bay-O Circle and US 101. Patrick confirmed they did. Jebousek reiterated what she said in the past for public safety being number one for the TSP. She reminded that the past Public Works Director described the area as traffic chaos. When they did the Parks Study in the past to identify the areas of town where they had the largest number of children, their street was within the area that had the largest number of children in town. They wanted to have a stop sign and a left turn sensor that would utilize the pedestrian lane, and add more signals and a cross walk on the north side of their intersection to let them get out of their street. Jebousek listed examples of the problems

people had trying to get out of their street onto US 101. She wanted them to add to the TSP a signal at San-Bay-O Circle on US 101.

Chair Patrick closed the hearing at 8:25 p.m.

Berman thought they should discuss some of the items brought up in the public testimony. He thought the Fire Chief had a good suggestion on the shared streets to allow a conditional/optional approval for street dimensions. Tokos noted this presented some challenges. The state categorized this as needed housing and the city was required to provide a clear and objective path to approval. Having something at the discretion of the Fire Marshall, the City Engineer, or himself as the Planning Director wouldn't muster. The only way to get there was to give a higher standard and say what the clear and objective standard was. If they couldn't meet this they could go through a discretionary process. The problem with this was they wouldn't see the development happen because there was too much discretion. Tokos explained the 14 feet in the current code was only available if there was 150 average daily trips (ADT) or fewer, which as 15 homes or fewer. If they were above the 150 ADT, this was where the 16 foot standard came into play. Tokos noted the struggle was how to accommodate a range of needs for housing, terrain, and fire apparatus access to neighborhoods. This was the tradeoff they came with. Moving into a discretionary means for housing was difficult, but it could be done with commercial. Tokos explained they didn't have to do these, but the basic standard they had now for 36 feet wouldn't work in areas of Newport currently. He noted that they could choose to change 14 feet to 16 feet. Patrick thought they could either lower the trip count or widen the roads. He didn't have trouble with the 14 feet and the 150 trip count after Tokos explained it. Tokos noted the Commission didn't have to decide on this. They could ask the Council to consider making adjustments to those things before the code was modified so they wouldn't have to come up with a specific number. Berman liked this idea. He asked where the 10 trips per house came from. Tokos explained this was a standard way of evaluating traffic. East asked if the 16 feet with new development required them to have driveway parking for each house. Tokos reported there would be off-street parking standards. There would be no parking on streets. Instances where people parked on these streets would a parking enforcement issue. The Commission was in general consensus to recommend the Council that there was a place for the reduced street standards and the Commission wanted the Council to take a look at possibly flexing the widths and/or the ADT numbers to find an agreeable balance.

Tokos clarified that the city didn't make decisions on what transit services were provided by Lincoln County Transit. The city provided funding for the loop service. There was always the opportunity to talk to the Council on whether they would like to adjust funding for the loop. Tokos reiterated that the city didn't make hiring decisions or choices on how to prioritize dial a ride or other transit services. This was up to the County. Escobar noted that the barrier to not have enough funding to be able to be licensed to drive a bus wasn't a part of the TSP but something to bring up to the Council. Berman asked if a joint meeting with the Council and the County was set up. Tokos reported this happened infrequently but was one thing to add to the Council's next meeting.

Escobar asked to discuss the comments on the Farmers Market. Tokos explained that the City would weigh heavily on the needs of the market for this solution. He noted that if the couplet was done it didn't mean the parking lot would go away, it would just be reconfigured. Escobar reminded that the lot was for future development. Tokos noted any development of the lot would require a discussion on what to do with the market. It was a very important part of the local community and

meant a lot to the vendors and people who went there. The Council understood this and it would be a part of the discussion.

Berman asked if Jebousek's statement that there would never be a signal at San-Bay-O Circle because of ODOT standards was true. James Feldman with ODOT addressed the Commission and confirmed it didn't meet signal warrants. Berman asked if signage and paving options would be the best that could be done. Feldman reported that this would need to go through Region 2 traffic engineer review to determine what might be appropriate there. Tokos noted that they didn't ask for a signal, they asked to have some attention be made with a specific project included in the plan. This had been identified on the add list for Intersection 13 that would look to do something short of a signal that would improve egress from San-Bay-O onto US 101.

Patrick asked for a discussion on the Nye Beach traffic calming questions. Berman asked if the document referenced specific streets. Tokos reported that it only had a lump sum amount for street calming. This was something the Council would need to prioritize in terms of where it would go. They would be putting together an administrative procedure for determining how the roll out for this would happen.

Berman noted that his original intent when he brought up the discussion for Item 3 on the add list was to find some way for them to not close Eads Street every time school was open. He noted that what was included was something different. He asked if they could modify this language or add another project to examine alternatives to full street closures during street hours. He suggested the school find a better crossing so the street could be used during the day. Tokos thought they could add this to Item 3. The Commission was in general agreement with this.

Patrick asked about the discussion on e-bikes and electronic transportation. Tokos believed there were current things in the code for e-bikes and skate boards that could be handled outside of the land use process. For purposes of the TSP, there was policy language included that recognized that the city needed to be astute to, and recognize, emerging technologies and take the appropriate steps to accommodate those. Tokos reminded what was permissible was also dealt with under the motor vehicles rules as far as what was permissible in travel lanes. He confirmed that the TSP had language that addressed emergent technologies. Tokos noted that the document also addressed franchise agreements for things like electric scooters. Berman asked if they had it on the city's list to look at potential codes for emerging technologies. Tokos reported it was already on the list for the scooters.

Escobar asked if for the intersection of US 101 and 20, the concept for prohibiting turns on Olive Street going westbound was off the table at that point. Tokos confirmed it was because it wasn't workable.

Tokos noted that what he was hearing was outside of some minor technical items they were likely to do when working this into a formal ordinance, the only substantive thing they were requesting was that if the Commission decided to do a recommendation to move this forward, the Council should play around with the narrower low volume street section widths or the ADT thresholds to try to come up with something that was a little more workable for the Fire Chief. Branigan thought that the San-Bay-O Circle needed to be highlighted to the Council. Escobar asked if the traffic at San-Bay-O Circle could be addressed by adjusting the timing of the stop lights on either side of



the intersection on US 101. Berman thought the distance would be too far for it to make a difference.

Escobar noted that the notion to add a specific project rubbed him the wrong way and highlighting one made him uncomfortable. Tokos noted it was on the task under edit 5 on the edit sheet and called out on both of the two edit sheets. This would be added. Berman asked if there would be a merge in the executive summary so the Council had one document. Tokos confirmed this was correct.

**MOTION** was made by Commissioner Berman, seconded by Commissioner Hanselman to make a favorable recommendation to the City Council for File 1-CP-17/7-Z-17 to include the discussed changes. The motion carried unanimously in a voice vote.

6. **New Business.** None were heard.
7. **Unfinished Business.** None were heard.
8. **Director Comments.** Tokos reminded that there wouldn't be a meeting on June 26th. He expected the Starfish Cove to come in and would land on the July 11th meeting. Tokos would populate a new work program
9. **Adjournment.** Having no further business, the meeting adjourned at 8:53 p.m.

Respectfully submitted,

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Sherri Marineau  
Executive Assistant

**Draft MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Council Chambers**  
**July 11, 2022**  
**6:00 p.m.**

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

**PC Citizens Advisory Committee Members Absent:** Dustin Capri, & 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 6:02 p.m.

2. **New Business.**

A. **Potential Code Revisions for Short-Term Rental Work Group Consideration.** Tokos reviewed the revisions to the Newport Municipal Code Chapter 4.25. He explained the status of short-term rental (STR) licenses and the STR Work Group's thoughts on phase outs of properties outside of the allowed zone. Berman asked what would be the best time for the Commission to pursue a package for STR changes. Tokos noted the Work Group was in charge of reporting to the City Council and had to wrap this up by the end of the year. He explained there would be some code changes involved in this. As a Planning Commission, they were free to initiate legislative amendments by motion independently. As a matter of strategy, they might want to wait until the Work Group made their recommendation. The Commission could also just share their thoughts with the Work Group and see where the recommendation landed as opposed to trying to initiate something in parallel with where the Work Group was going, which might confuse things. Berman voiced that he would write a letter to the Work Group for their next meeting and then look to make a move to take another look at it after the next year. Tokos noted the Council had expressed that they weren't really interested in a deep dive into the STR issues because it could be controversial. He reported that when he asked the Council for guidance on the cap adjustment they said they didn't want to look at this on any kind of regular basis because it was just too hard of an issue. The Council wanted to stick to 176 in the ordinance and get rid of the resolution language. Berman agreed with this and didn't think there was a need to adjust it. Tokos pointed out that doing an adjustment to the number by resolution was a way to give relief without having to go through a full ordinance review.

Tokos reviewed the changes the NMC Chapter 4.25. He covered the changes to the grace period for when properties were sold or transferred to a new owner that were immediately eligible for vacation rental use by the new owner. Berman asked if the 30 days in the language was for the new owners to apply for their licenses. Tokos confirmed that was correct and they were still under the grace period until they obtained their license. Escobar asked if the new owner was getting a STR license immediately did it mean they were cutting the cue for the waitlist. Tokos confirmed it did because this was how the process was set up for particular properties in the tourist commercial areas that were designed as vacation rentals. The code amendment said that these commercial areas should have a right to continue as STRs. Tokos noted that they were in areas where you would assume to see tourist uses and properties were expected to be vacation rentals. This didn't apply to rentals in residential

areas within the overlay. Escobar reminded that it wasn't the Commissions responsibility to override what the Work Group was doing but to give comments to the Work Group who would then convey this to the Council. Berman asked if the new owners who were applying were in essence getting a temporary license and would have to meet all of the conditions that were applied to the old owner's license. Tokos confirmed they did and noted that the advantage of going through the inspection process with the new owner meant they became familiar with what they needed to keep their rentals up to date. Escobar asked if any residents wanted to put anything on the ballot that would affect STRs county wide. Tokos reported that he hadn't heard about anything but didn't know what the status of the county measure was. He reminded that a ballot measure that applied to a rural residential property versus one in an urban environment, might not play out the same way.

Tokos reviewed the changes to NMC Chapter 4.25 to add rules for the STR waitlist. He noted the big operatives with the waitlist was that they only went through the list once a year because they didn't have the resources to go through it and reconcile the numbers more than that. This seemed to work reasonably well because the city was reconciling the number of licenses available after the annual renewals were done in order to offer licenses to people. Tokos noted that the owners who didn't meet the spacing standards on the waitlist could apply for a conditional use with the Commission. Escobar asked if the goal of the STR ordinance was to get STRs out of residential neighborhoods. Tokos explained that it wasn't so much. It was more about not having heavy concentrations of STRs in neighborhoods. Berman asked if they considered opening up licenses twice a year. Tokos explained that it took resources to go back down through the list. He would pass along the thought to the Work Group to see if they thought it was necessary. When licenses were offered to owners who were gearing up for the next summer season. Making the licenses available after the renewals gave owners time to get tenants out of their properties and do other things such as working through inspections. Berman thought they should make licenses available more often and thought they it should be discussed with the Work Group. Marineau gave an overview of the process and timeline to offer short-term rental licenses to properties on the waitlist. Berman again stated he wanted it discussed with the Work Group. Tokos would do this and pointed out that offering licenses annually aligned with the STR license renewals. The biggest issue with renewals was on getting the owners to provide their insurance and getting applicants to supply all the necessary documents, which added a back and forth with them.

Berman questions why they needed 60 days to apply for a license from the waitlist when the owners didn't know if they met the requirements. Tokos explained that staff let owners know when they didn't meet the standards and gave them their options. Berman thought they should list when the 60 days started. Tokos suggested adding language that said "from when contacted" as the starting date. Berman asked if the applicants didn't get things done by August 15th would they lose their spot on the waitlist. Tokos confirmed they had a year to get everything done. Patrick asked how many waited until August 15th to complete the process to get a license. Tokos reported this happened and were typically done by those that had a tenant in the unit or had to make changes to the rental such as new egress windows for a bedroom.

Tokos reviewed the changes to add information on how civil infractions on properties counted as strikes against short-term rentals. He gave an example of a property that had an accessory dwelling unit (ADU) on a property that had a licensed STR dwelling that had a strike against the short-term rental. They were operating the ADU as an unlicensed short-term rental. Berman thought that a civil infraction was a broad statement and was serious. He questioned if they really wanted to add this. Tokos explained anything that was considered a civil infraction would be a strike. Berman asked if they had the numbers on how many strikes had been given to STRs. Tokos didn't have the numbers and explained the information would come from the Community Service Officer (CSO). Berman asked if there had been any revocations of short-term rental license. Tokos reported there wasn't, they

only had initial strikes. He also noted that there hadn't been many complaints about STRs either. Berman asked if the CSO made the determination on if something was a strike. Tokos confirmed they did. Berman asked if LodgingRevs changed hands. Tokos reported they were now GovOS since January of that year. Berman asked if they did an audit yet. Tokos reported they had to wait until Finance had the room tax automated before they could do this, and they needed an agreement with the State to do so. Berman asked if LodgingRevs was looking for unlicensed rentals. Tokos reported they did. They flagged properties that were renting without licenses and operating in excess of their occupancy. Hanselman asked if there was enforcement on weekends. Tokos reported the police were available on weekends to do enforcement instead of the CSO. He noted that the subject of enforcement on the weekends had been raised with the Work Group. Part of getting coverage on the weekends was determined by contract negotiations with the Police Department.

Tokos reviewed the changes to NMC Chapter 14.25. Berman thought the 14.25.030(A) should reference back to the procedures to the waitlist. Tokos asked for comments on changing the cap number to just 176 and not say anything in the code that they could have a cap number other than this number. Hanselman supported this because it was a way of protecting how the city thought about the housing shortage. He would rather not have properties go to vacation rentals. Tokos noted this would be a change to the land use code and there would be a hearing with the Commission. He explained that the public hearing would happen after the Work Group's recommendation to the Council in September.

**B. Working Draft of Camping Ordinance Being Developed for the City Council.** Tokos reported he had a meeting with community stakeholders the next day and the Council would have a meeting on July 18th to do some work on the camping ordinance. He noted there was a lot of errors on the presented draft and it needed to be cleaned up.

Tokos reviewed changes to NMC Chapter 9.50.000. Berman noted the title of the chapter needed to be changed to "Newport Camping Regulations." He also thought that number for Chapter 9.50.000 should be 9.50.005. Berman also thought that "Family" should be removed. Tokos noted that it had already been removed.

Tokos explained that they wanted to identify the areas where camping wasn't allowed instead of where it could be. Escobar asked if this set up scenarios where campers who relocated could cause the public to express concerns for the new locations. Tokos noted there would be concerns anytime campers moved. The city was setting up reasons why someone couldn't camp in certain areas, such as not camping near a high volume traffic area. He explained that they didn't list open spaces but were saying camp sites couldn't be within 100 feet of a trail. Escobar didn't have a problem with what was presented but asked where campers would move to. Tokos noted they would end up moving to areas where they were permitted to do so in the road rights of way and public spaces that were still available. Branigan asked if 50 feet was realistic. He thought it should be 100-150 feet. Berman worried about the fixed distances and how it would be applied when, for instance, a church wanted to use their parking lot for camping and it didn't meet the specific distance. Patrick noted these rules just applied to public rights-of-way, not private lots.

Berman questioned the registration requirement that asked for three written authorizations from the property owner, but only one of them required them to register with the city. Tokos noted that this was only for when they were providing an active car camping provision on their private property as a service to the homeless. Berman thought they should be registered whether or not it was a vacant or developed lot. Tokos agreed and noted that what they were looking for was to have somebody register with the city when they were providing camping to the houseless. Berman thought they should include

in the language who they should register with. Tokos expected this would be the Police Department because a lot of it involved police enforcement. He included the League of Oregon Cities guidance to make it clear we had to accommodate people who wanted to rest in a public space, which was their right. We couldn't force anyone to move unless we could point them to someplace that was permissible in a public space where they could rest. Tokos noted they tried to put some thought on which public spaces in the city were really inappropriate. One area they added some language was that it wasn't permissible to camp in a public right away in front of dwelling in residential areas. They took language out of the initial draft that said that property owners could make their property available to the houseless to camp in their backyards or bring their RVs on the property and connected to the waste system. They took this out because Newport was a tourist destination where there was a constant demand for an overflow of RVs. Anyone staying in an RV should be staying at a campground or RV park and couldn't use residential neighborhoods for that purpose. Tokos noted this might be added back in to say they could do it without taking money, but he questioned how they would enforce it. Berman noted that there were people parking their RVs at the Ernest Bloch Wayside who were staying there until the CSO came around to make them move. They weren't necessarily living in their RVs, they were looking for a cheap place to park their RV. Tokos noted this emphasized how they needed to spend time figuring out what an establish camp site was. Local jurisdictions had the authority to define this, and the city was sorting through it. Patrick recommended 72 hours for set up at residences because on the weekends the city didn't have time to take care of civil service. Tokos noted camping was a high priority for the Police, more so than STRs. They were already dealing with camping on the weekends. Patrick thought they needed to allow a longer time unless there was something in the law that said they needed to make it shorter. Tokos noted the League said that whatever the city did they needed to make sure it was enforceable. They had discussed that the 48 hours would be for the high priority camps where someone set up in a very inappropriate location.

Berman noted that the language that said the City Manager could revoke remote camping if the property owner had violated any applicable law, ordinance, rule, guideline or agreement meant that if an owner got a traffic ticket they could lose their agreement for camping. Tokos explained they had to afford these people an appeal process and this was a part of the League's guidance.

Escobar asked Tokos to send the Commission the revised draft of the document. Tokos would send it to the Commission after the group's next meeting and before it went to the Council. Patrick asked if a map showing the location of the areas could be done. Tokos noted they were trying to avoid doing the maps but the purpose of sharing the information on the changes was to get the Commission's higher level thoughts about the direction this was going and if they saw any major issues. Hanselman thought the language seemed to be written such that a law enforcement officer would be able to ask people to move on. He also thought it created laws to help support them.

Escobar asked if suggestions A through H in the code were suggested by Chief Malloy. Tokos confirmed they were. Escobar asked if this would impact the parking lot at 9th and Hurbert Street. Tokos explained this lot would continue to be made available with a limited number of spaces for car camping. There would be around five spaces total.

Patrick asked if the notices that had to be posted needed to be in English and Spanish. He asked if no trespassing signs for properties needed to be in Spanish as well. Tokos would check on this.

Berman pointed out that one person's junk was another person's treasure. He didn't want the CSO to determine what was junk. There needed to be some ability to determine what was junk for items that held meaning for people.

Tokos reported this would go to the Council on July 18th for a concept discussion, but not for adoption. It would be worked into a formal ordinance. He didn't know if the Commission would have to do a formal recommendation. If this worked into the land use regulations it would necessitate the Commission's involvement. Tokos would keep the Commission informed so they knew how everything came together.

**3. Unfinished Business.**

- A. Updated Planning Commission Work Program.** Tokos reported that there would be a public hearing with Council for the Transportation System Plan (TSP) on July 18th. He would have the final version of the TSP uploaded to the city's website. Tokos reported they needed to pick up a few code changes to align with this and it would be in the draft code. The Council hearing would be a hearing only, not the adoption of the TSP. The Council would set it for adoption in August if they wanted to move forward with it.

Tokos noted the Housing Advisory Committee would meet on August 4th. The housing constructability assessment was being developed and the housing capacity analysis was also coming together. There was also be a kick off meeting with the Parking Advisory Committee on July 20th to go over the work that had been done to date, and to work on getting the metering program in place for the Bayfront for the following spring.

- 4. Adjourn.** The meeting adjourned at 7:14 p.m.

Respectfully submitted,

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Sherri Marineau,  
Executive Assistant

**PLANNING STAFF MEMORANDUM**  
**FILE No. 1-CP-22 – 2-Z-22**

**I. Applicant:** City of Newport. (Initiated by motion of the Newport Planning Commission at its June 13, 2022 regular meeting).

**II. Request:** A package of comprehensive plan map, zoning map, and land use regulatory changes that build upon recommendations from the consulting firm JET Planning, who conducted a land use code audit as part of the Newport Urban Renewal Agency funded South Beach US 101 Corridor Refinement Plan. Light industrial zoning north of the former intersection of US 101 and SE Ferry Slip Road will transition to one of the City's three commercial zoning designations. This requires a comprehensive plan map change from "industrial" to "commercial" and the application of the applicable commercial zoning. Zoning for property along SE 40<sup>th</sup> Street, east of US 101 that is currently "heavy industrial" will change to "light industrial." A comprehensive plan map change is not required for this proposed zoning map amendment. A comprehensive plan map change, without a corresponding zoning map change, is proposed to correct a mapping error where the South Beach State Park maintenance facility is located. The property is presently outside the city limits but within the City's urban growth boundary. Its map designation will go from "high density residential" to "public."

Proposed changes to the City's land use regulations, contained in Title XIV of the Newport Municipal Code (NMC), apply to lands inside the city limits that are south of the Yaquina Bay Bridge. The revisions impact chapters 14.03, 14.13 and 14.19. New mini-storage, wrecking yards, towing/vehicle storage, material recycling, and similar uses would be prohibited along the US 101 corridor. An existing 50-foot US 101 setback for industrial properties will be reduced to 15-feet, and a 15-foot setback will be applied to commercial zoned properties that abut the highway. New development and redevelopment will be required to install landscaping within the buffer area. The specific land use regulatory changes are contained in draft Ordinance No. 2196.

**III. Planning Commission Review and Recommendation:** The Planning Commission reviews proposed amendments to the comprehensive plan map, zoning map, and land use regulations and provides a recommendation to the City Council. It may conduct multiple public hearings before making a recommendation. After the Commission provides a recommendation, the City Council will hold one or more public hearings before making a final decision on the amendments.

**IV. Findings Required:** The Newport Comprehensive Plan Chapter entitled "Administration of the Plan" (pg. 287-289) allows comprehensive plan amendments of this nature if findings can be made that there is (a) a significant change in one or more conclusions; or (b) a public need for the change; or (c) a significant change in community attitudes or priorities; or (d) a demonstrated conflict with another plan goal or policy that has a higher priority; or (e) a change in a statute or statewide agency plan. Revisions must comply with applicable Statewide Planning Goals. Mapping errors may also be corrected. NMC 14.36.010 allows city land use regulations to be amended by the City Council, upon recommendation of the Planning Commission, when it is determined that such changes are required by public necessity and the general welfare of the community.

**V. Planning Staff Memorandum Attachments:**

Attachment "A"	Draft Ordinance No. 2196 Land Use Regulatory Amendments
Attachment "B"	Map Alternatives for Industrial and Commercial Map Changes
Attachment "C"	Comprehensive Plan Map Error Correction for South Beach State Park Facility
Attachment "D"	Notice of Public Hearing
Attachment "E"	Email from Lisa Phipps, Department of Land Conservation and Development, dated 6/30/22

Attachment "F"	Letter from Chuck Forinash, Fred Yeck, and Tom Hastings, dated 7/16/22
Attachment "G"	Email from Sarah Bermudez, Fair Housing Council of Oregon, dated 7/19/22
Attachment "H"	Minutes from the 6/13/22 Commission Work Session and Regular Meeting
Attachment "I"	Full Copy of the Jet Planning Audit (Appendix E, South Beach US 101 Corridor Refinement Plan

**VI. Notification:** Notification to property owners impacted by the proposed zone change was provided on June 30, 2022, in accordance with the requirements of ORS 227.186(4). Notification for the proposed amendments was also provided to the Department of Land Conservation & Development (DLCD) in accordance with ORS 197.610 on June 16, 2022 (Attachment "D").

**VII. Comments:** Lisa Phipps with DLCD noted that the City's findings will need to show that removal of lands designated for "high density residential" use will not reduce the amount of available land below what the City's Housing Needs Assessment indicates is needed (Attachment "E"). This relates to the Comprehensive Plan Map error involving the South Beach State Park maintenance facility. Sarah Bermudez with the Fair Housing Council of Oregon indicated that they will want to review the City's Goal 10 findings (Attachment "G"). A letter was received from Chuck Forinash, Tom Hastings, and Fred Yeck, requesting that properties east of SE Ferry Slip Rd, shown as being rezoned from I-1/"light industrial" to C-1/"retail service" on Map Alternative No. 2, instead be rezoned to C-3/"heavy commercial" or be left in an I-1 district (Attachment "D").

**VIII. Discussion of Request:** This package of amendments build upon recommendations from the consulting firm JET Planning, who conducted a land use code audit as part of the Newport Urban Renewal Agency funded South Beach US 101 Corridor Refinement Plan. A full copy of that audit is enclosed (Attachment "I").

As part of the South Beach US 101 Corridor Refinement Plan, the City reached out to South Beach owners, employees, and guests to gauge the types of uses they would like to see attracted to the area. This was principally to inform how the Newport Urban Renewal Agency's 2.3 acre property at the northeast corner of US 101 and 35<sup>th</sup> Street should be redeveloped. The overwhelming response from participants was that they want to see additional retail and service uses in South Beach so that they do not have to travel over the bridge to obtain such services. The Jet Planning Audit noted that City zoning map designations and land use regulations should be revised to make the area more attractive to retail commercial and service uses. They recommend that C-1 zoning replace the existing I-1 zoning in the vicinity of the newly constructed SE 35<sup>th</sup> and US 101 intersection. This would give developers interested in making substantial investments in the area a degree of confidence as to the range of other uses that could occur around them, and that such uses would be compatible. They also recommend that an antiquated 50-foot setback requirement from US 101 industrial properties be replaced with a 15-foot buffer for commercial and industrial property, and that buffer areas be landscaped with new development or redevelopment projects. Lastly, they recommend that new mini-storage, towing, salvage/wrecking yards, and recycling uses be prohibited along the US 101 corridor south of the bridge. The reasoning for this change is that the City has invested a substantial amount of resources to upgrade its water and wastewater services to support more intense uses, such as flex industrial space, which are in high demand and have higher employment and tax generation potential.

Additional map changes recommended by Jet Planning involve the northeast corner of the SE 40<sup>th</sup> and US 101 intersection which would change from I-1/ "light industrial" to a commercial zoning designation and the I-3/"heavy industrial" zoned property along SE 40<sup>th</sup> Street, which would transition to an I-1/"light industrial" designation. The reason for these changes is that the potential of a signal at 40<sup>th</sup> and US 101 makes that site more attractive for retail service uses, and that the heavy industrial zoning along SE 40<sup>th</sup> creates compatibility issues with residential housing developing to the east. Jet Planning's commercial/industrial map amendment recommendations are shown on Attachment "B," Map Alternative 1.

At its June 13, 2022 meeting, the Planning Commission considered Jet Planning's recommendations and an alternative presented by staff that would make additional commercial zone changes north of the former US 101 and SE Ferry Slip Road intersection. The recommendation to rezone the northeast corner of SE 40<sup>th</sup> and



US 101 intersection was dropped as it would impact only a couple of properties. There was also general agreement that commercial development is likely to occur on properties closer to the bridge, at least for the foreseeable future. The Commission agreed that the footprint of commercial zoning around the SE 35<sup>th</sup> and US 101 intersection should be expanded to the east and west, with a new boundary between commercial and light-industrial being at the former SE Ferry Slip Road and US 101 intersection. Property next to the Oregon Coast Aquarium would be changed from I-1/"light industrial" to C-2/"tourist commercial" considering the existing development pattern and likely demand for those types of uses. These changes are shown on Attachment "B," Map Alternative 2.

A letter from Chuck Forinash, Tom Hastings, and Fred Yeck, requests that properties east of SE Ferry Slip Road, proximate to the new 35<sup>th</sup> and US 101 intersection, be rezoned from I-1/"light industrial" to C-3/"heavy commercial" (Attachment "D"). This change is shown on Attachment "B," Map Alternative 3, and was not considered or discussed by the Commission at its 6/13/22 meeting. The principal difference between the two zones is that the I-1 zone does not allow residential use; whereas, the C-3 zone allows residential uses other than at street grade. Light industrial uses in the C-3 are conditional; whereas, they are an outright allowed use in the I-1 zone. Retail uses are allowed in both zones. This might be the best approach for this area given the existing development pattern, which includes a mix of non-conforming residential uses, light industrial uses and a lumber yard. Under C-3 zoning, new retail and service uses on the east side of SE Ferry Slip Rd would be able to weigh in on new light industrial development, as it would be a conditional use. The option for residential on other than street grade would also open the door to residential-over-retail development, which might be a good fit for smaller properties as they redevelop over time.

**IX. Conclusion and Recommendation:** This public hearing provides interested parties an opportunity to provide comment on the proposed changes. The Commission should consider the testimony and determine if it would like to make further amendments before making a recommendation to the City Council. Any requested changes could be presented to the Commission at an August 8, 2022 work session, with a second public hearing on August 22, 2022 for the Commission to take testimony on the updated set of amendments. The findings requested by DLCD, and the Goal 10 analysis sought by Fair Housing Council of Oregon, would be addressed during that period of time. While the Commission can continue the public hearing to August 22, 2022, it can also close the hearing without a recommendation and note that another hearing will be scheduled. Staff recommends the latter, and can provide notice for the second hearing highlighting any changes that the Planning Commission elects to make to the package of amendments. Staff does not recommend the Commission make a recommendation to the City Council at the close of this first public hearing.



Derrick I. Tokos AICP  
Community Development Director  
City of Newport

July 20, 2022

Draft Ordinance Number 2196 - June 16, 2022 Draft, Implementing  
Jet Planning's Recommended Land Use Regulatory Amendments

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

## CHAPTER 14.03 ZONING DISTRICTS

### 14.03.010 Purpose.

It is the intent and purpose of this section to establish zoning districts for the City of Newport and delineate uses for each district. Each zoning district is intended to service a general land use category that has common location, development, and use characteristics. The quantity and availability of lands within each zoning district shall be based on the community's need as determined by the Comprehensive Plan. Establishing the zoning districts also implements the General Land Use Plan Map as set forth in the Comprehensive Plan.

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### 14.03.070 Commercial and Industrial Uses.

The following list sets forth the uses allowed within the commercial and industrial land use categories.

"P" = Permitted uses.

"C" = Conditional uses; allowed only after the issuance of a conditional use permit.

"X" = Not allowed.

		C-1	C-2 <sup>1</sup>	C-3	I-1	I-2	I-3
1.	Office	P	X	P	P	P	X
2.	Retails Sales and Service						
	a. Sales-oriented, general retail	P	P	P	P	P	C
	b. Sales-oriented, bulk retail	C	X	P	P	P	C
	c. Personal Services	P	C	P	P	C	X
	d. Entertainment	P	P <sup>2</sup>	P	P	C	X
	e. Repair-oriented	P	X	P	P	P	X
3.	Major Event Entertainment	C	C	P	P	C	X
4.	Vehicle Repair	X	X	P	P	P	X
5.	Self-Service Storage <sup>6</sup>	X	X	P	P	P	X
6.	Parking Facility	P	P	P	P	P	P
7.	Contractors and Industrial Service <sup>6</sup>	X	X	P	P	P	P
8.	Manufacturing and Production						
	a. Light Manufacturing	X	X	C	P	P	P

Draft Ordinance Number 2196 - June 16, 2022 Draft, Implementing  
Jet Planning's Recommended Land Use Regulatory Amendments

	b. Heavy Manufacturing	X	X	X	X	C	P
9.	Warehouse, Freight Movement, & Distribution	X	X	P	P	P	P
10.	Wholesale Sales	X	X	P	P	P	P
11.	Waste and Recycling Related	C	C	C	C	C	C
12.	Basic Utilities <sup>3</sup>	P	P	P	P	P	P
13.	Utility Corridors	C	C	C	C	C	C
14.	Community Service	P	C	P	P	C	X
15.	Family Child Care Home	P	P	P	X	X	X
16.	Child Care Center	P	P	P	P	P	X
17.	Educational Institutions						
	a. Elementary & Secondary Schools	C	C	C	X	X	X
	b. College & Universities	P	X	P	X	X	X
	c. Trade/Vocational Schools/Other	P	X	P	P	P	P
18.	Hospitals	C	C	C	X	X	X
19.	Courts, Jails, and Detention Facilities	X	X	P	C	X	X
20.	Mining						
	a. Sand & Gravel	X	X	X	X	C	P
	b. Crushed Rock	X	X	X	X	X	P
	c. Non-Metallic Minerals	X	X	X	X	C	P
	d. All Others	X	X	X	X	X	X
21.	Communication Facilities <sup>4</sup>	P	X	P	P	P	P
22.	Residences on Floors Other than Street Grade	P	P	P	X	X	X
23.	Affordable Housing <sup>5</sup>	P	P	P	P	X	X
24.	Transportation Facilities	P	P	P	P	P	P

1. Any new or expanded outright permitted commercial use in the C-2 zone district that exceeds 2,000 square feet of gross floor area. New or expanded uses in excess of 2,000 square feet of gross floor area may be permitted in accordance with the provisions of Chapter 14.34, Conditional Uses. Residential uses within the C-2 zone are subject to special zoning standards as set forth in Section 14.30.100.

2. Recreational Vehicle Parks are prohibited on C-2 zoned property within the Historic Nye Beach Design Review District.

3. Small wireless facilities shall be subject to design standards as adopted by City Council resolution.

4. Communication facilities located on historic buildings or sites, as defined in Section 14.23, shall be subject to conditional use review for compliance with criteria outlined in Sections 14.23 and 14.34.

Draft Ordinance Number 2196 - June 16, 2022 Draft, Implementing  
Jet Planning's Recommended Land Use Regulatory Amendments

5. Permitted as outlined in Chapter 14.15 or, in the case of hotels/motels, the units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone defined in NMC Chapter 14.50.

6. Self-service storage use; towing, storage, salvage or wrecking of vehicles; and recycling of heavy machinery, metal and building materials are prohibited within the South Beach Transportation Overlay Zone, as defined in Section 14.43.020.

*Staff: Implements the first two recommendations from Jet Planning (Page E35, Appendix E, South Beach US 101 Corridor Refinement Plan). The low-employment and tax generation potential of self-storage within the Overlay is not a good fit given the level of investment the Urban Renewal Agency and City have made in the infrastructure to support development. Salvage, towing and wrecking operations also have a low employment density and detract from the "Gateway to Newport" aesthetic the City is looking to establish over time, along the highway corridor.*

## CHAPTER 14.13 DENSITY LIMITATIONS

### 14.13.010 Density Limitations

A residential building structure or portion thereof hereafter erected shall not exceed the maximum living unit density listed in Table A, as hereinafter set forth, for the zone indicated, except in the case of a lot having less than is required and of record prior to December 5, 1966, which may be occupied by a single-family dwelling unit, providing other requirements of this ordinance are complied with, except to the extent that a higher density may specifically be allowed by any term or provision of this Ordinance.

(BY THIS REFERENCE, THERE IS INCLUDED HEREIN AND MADE A PART HEREOF, A TABLE OF DENSITY AND OTHER REQUIREMENTS, DESIGNATED "TABLE A".)

#### NMC 14.13.020

Table "A"

Zone District	Min. Lot Area (sf)	Min. Width	Required Setbacks <sup>3,7</sup>			Lot Coverage (%)	Max. Building Height	Density (Land Area Required Per Unit (sf))
			Front/2 <sup>nd</sup> Front <sup>1</sup>	Side	Rear			
R-1	7,500 sf	65-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft & 8-ft	15-ft	54 %	30-ft	SFD - 7,500 sf <sup>2</sup> Duplex - 3,750 sf <sup>2</sup>
R-2	5,000 sf <sup>3</sup>	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	57%	30-ft	SFD - 5,000 sf <sup>2</sup> Duplex - 2,500 sf <sup>2</sup> Townhouse - 2,500 sf <sup>3</sup>
R-3	5,000 sf <sup>3</sup>	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	60%	35-ft	1,250 sf <sup>3</sup>
R-4 <sup>4</sup>	5,000 sf <sup>3</sup>	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	64%	35-ft	1,250 sf <sup>3,5</sup>
C-1	5,000 sf	0	0 or 15-ft from US 101 <sup>8</sup>	0	0	85-90% <sup>6</sup>	50-ft <sup>6</sup>	n/a
C-2 <sup>4</sup>	5,000 sf	0	0 or 15-ft from US 101 <sup>8</sup>	0	0	85-90% <sup>6</sup>	50-ft <sup>6</sup>	n/a
C-3	5,000 sf	0	0 or 15-ft from US 101 <sup>8</sup>	0	0	85-90% <sup>6</sup>	50-ft <sup>6</sup>	n/a
I-1	5,000 sf	0	5015-ft from US 101	0	0	85-90% <sup>6</sup>	50-ft <sup>6</sup>	n/a
I-2	20,000 sf	0	5015-ft from US 101	0	0	85-90% <sup>6</sup>	50-ft <sup>6</sup>	n/a
I-3	5 acres	0	5015-ft from US 101	0	0	85-90% <sup>6</sup>	50-ft <sup>6</sup>	n/a
W-1	0	0	0	0	0	85-90% <sup>6</sup>	40-ft <sup>6</sup>	n/a



Draft Ordinance Number 2196 - June 16, 2022 Draft, Implementing Jet Planning's Recommended Land Use Regulatory Amendments

W-2	0	0	0	0	0	85-90% <sup>6</sup>	35-ft <sup>6</sup>	n/a
MU-1 to MU-10 Mgmt. Units	0	0	0	0	0	100%	40-ft <sup>6</sup>	n/a
P-1	0	0	0	0	0	100%	50-ft	n/a
P-2	0	0	0	0	0	100%	35-ft	n/a
P-3	0	0	0	0	0	100%	30-ft	n/a

<sup>1</sup> Front and second front yards shall equal a combined total of 30-feet. Garages and carports shall be setback at least 20-feet from the access street for all residential structures.

<sup>2</sup> Density limitations apply where there is construction of more than one single-family dwelling (SFD) or duplex on a lot or parcel.

<sup>3</sup> Density limitations for townhouses and cottage clusters is the minimum area required per townhouse or cottage cluster unit; whereas, minimum lot area, minimum lot width, and setbacks, apply to the perimeter of the lot, parcel, or tract dedicated to the townhouse or cottage cluster project.

<sup>4</sup> Special Zoning Standards apply to R-4 and C-2 zoned property within the Historic Nye Beach design Review District as outlined in NMC 14.30.100.

<sup>5</sup> Density of hotels, motels, and non-residential units shall be one unit for every 750 sf of land area.

<sup>6</sup> Height limitations, setbacks, and lot coverage requirements for property adjacent to residential zones are subject to the height and yard buffer requirements of NMC Section 14.18.

<sup>7</sup> Front and 2<sup>nd</sup> front setbacks for a townhouse project or cottage cluster project shall be 10-feet except that garages and carports shall be setback a distance of 20-feet.

<sup>8</sup> The 15-foot setback from US 101 applies only to land situated south of the Yaquina Bay Bridge.

*Staff: Implements the third and fourth recommendations from Jet Planning (Pages E35 and E36, Appendix E, South Beach US 101 Corridor Refinement Plan). US 101 setbacks for industrial zoned property reduced to 15-feet. The current 50-foot setback is so large that it is an impediment to development. A 15-foot setback is added for commercial zoned properties south of the Yaquina Bay Bridge. Collectively, the setbacks will provide separation between buildings and the heavily travelled US 101 corridor in South Beach.*

## CHAPTER 14.19 LANDSCAPING REQUIREMENT

### 14.19.010 Purpose

The purpose of this section is to provide for the installation, long-term maintenance and protection of trees, vegetation and other landscape elements within the City of Newport recognizing however, that development often times requires the removal of trees and other plant material. When removal is done, the purpose of this section is to require replacement that is attractive, well placed and enhances the overall appearance of the property and the City as a whole. It is further the purpose of this section to:

- A. Aid in air purification and storm water runoff retardation;
- B. Aid in the reduction of noise and glare;
- C. Provide visual buffers;
- D. Enhance the beauty of the city;
- E. Improve property values;
- F. Reduce erosion; and
- G. To protect and enhance the natural beauty, environment and greenspace within the City of Newport to advance economic development, attract residents and promote tourism.

\*\*\*

### 14.19.050 Landscaping Required for New Development, Exceptions

All new development, except for one and two family residences, shall be required to install landscaping per this section. For purposes of this section, new development shall mean construction upon a vacant lot or a lot that becomes vacant by virtue of the demolition of an existing building. Landscaping shall be provided as follows:

- A. Area. Landscaping shall be ten percent of the total square footage of a lot or parcel.
- B. Location. Landscaping shall be located along a street frontage or frontages.

1. Commercial and industrial zoned lots south of the Yaquina Bay Bridge that abut US 101 shall provide a minimum 15-foot wide landscape buffer adjacent to the highway.

- C. Exceptions. The right-of-way between a curb and a property line, not counting any sidewalk, driveway or other hard surfaces, may be used and counted toward the required landscaping as long as it has been determined by the Planning Director that the right-of-way is not needed for future street expansion. A developer may also plant a street tree within the sidewalk and it shall count toward meeting landscaping requirements subject to approval by the Planning Director and the City Engineer. A window or planter box may also be used to meet landscaping requirements at a ratio of 1 to 1. If the developer chooses to exercise this option, he or she shall enter into an agreement that the landscaping in the right-of-way is to be maintained as landscaping.
- D. Landscaping and Screening for Parking Lots. The purpose of this subsection is to break up large expanses of parking lots with landscaping. Therefore, all parking areas or each parking bay where a development contains multiple parking areas shall comply with the following provisions:
1. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. This 10 percent landscaping requirement includes landscaping around the perimeter of parking areas as well as landscaped islands within parking areas. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. At a minimum, one tree per 12 parking spaces on average shall be planted over and around the parking area.
  2. All parking areas with more than 20 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 12 contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than 6 feet, to ensure adequate soil, water, and space for healthy plant growth;



3. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within 2 years of planting, not less than 50 percent of that area is covered with living plants; and
4. Wheel stops, curbs, bollards or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than 2 feet from any such barrier.
5. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.
6. The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between 3 feet and 4 feet.
7. The provisions of this subsection do not apply to areas for the storage and/or display of vehicles.

#### 14.19.060 Landscaping Requirements for Additions and Remodels

For purposes of this section, addition means any development that increases the floor area of a building. Remodel is any work requiring a building permit. For additions and remodels, landscaping shall be provided as follows:

- A. Area. If the subject development after completion complies with the requirements for new development, no additional landscaping is required. If the subject development does not comply with the requirement for new development, landscaping shall be installed so as follows:
  1. For projects with a value of ~~\$5080~~,000 or less, no additional landscaping is required.
  2. For projects with a value of ~~\$5080~~,001 to ~~\$100160~~,000, the amount of landscaping shall be no less than 25% of that required for new development.

Draft Ordinance Number 2196 - June 16, 2022 Draft, Implementing  
Jet Planning's Recommended Land Use Regulatory Amendments

3. For projects with a value of ~~\$100160~~,001 to ~~\$175250~~,000, the amount of landscaping shall be no less than 50% of that required for new development.
4. For projects with a value of ~~\$175250~~,001 to ~~\$300475~~,000, the amount of landscaping shall be no less than 75% of that required for new development.
5. For projects with a value greater than ~~\$300475~~,000, the amount of landscaping shall be 100% of that required for new development.

Values shall be based on year ~~2000-2022~~ dollars and adjusted on July 1 of each year for inflation. The adjustment shall be based on the latest available ~~Portland, Oregon Consumer Price Index~~U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers (CPI-U).

For purposes of this section, the value shall be based on the amount placed on the application for a building permit. If the Building Official determines that the value is below the actual value as calculated by the formulas developed by the State of Oregon Building Codes Division, the value on the permit shall be as determined by the Building Official. If there is a dispute as to the value, the matter shall be referred to the Planning Commission for resolution. The procedure used shall be the same as for a Type I variance contained in [Section 14.33](#) of this Ordinance.

In the case where a second addition or remodel is commenced within one year of the first addition or remodel, the two projects shall be counted as one with regard to determining the above landscaping requirements.

B. Location. Landscaping shall be located along a street frontage or frontages.

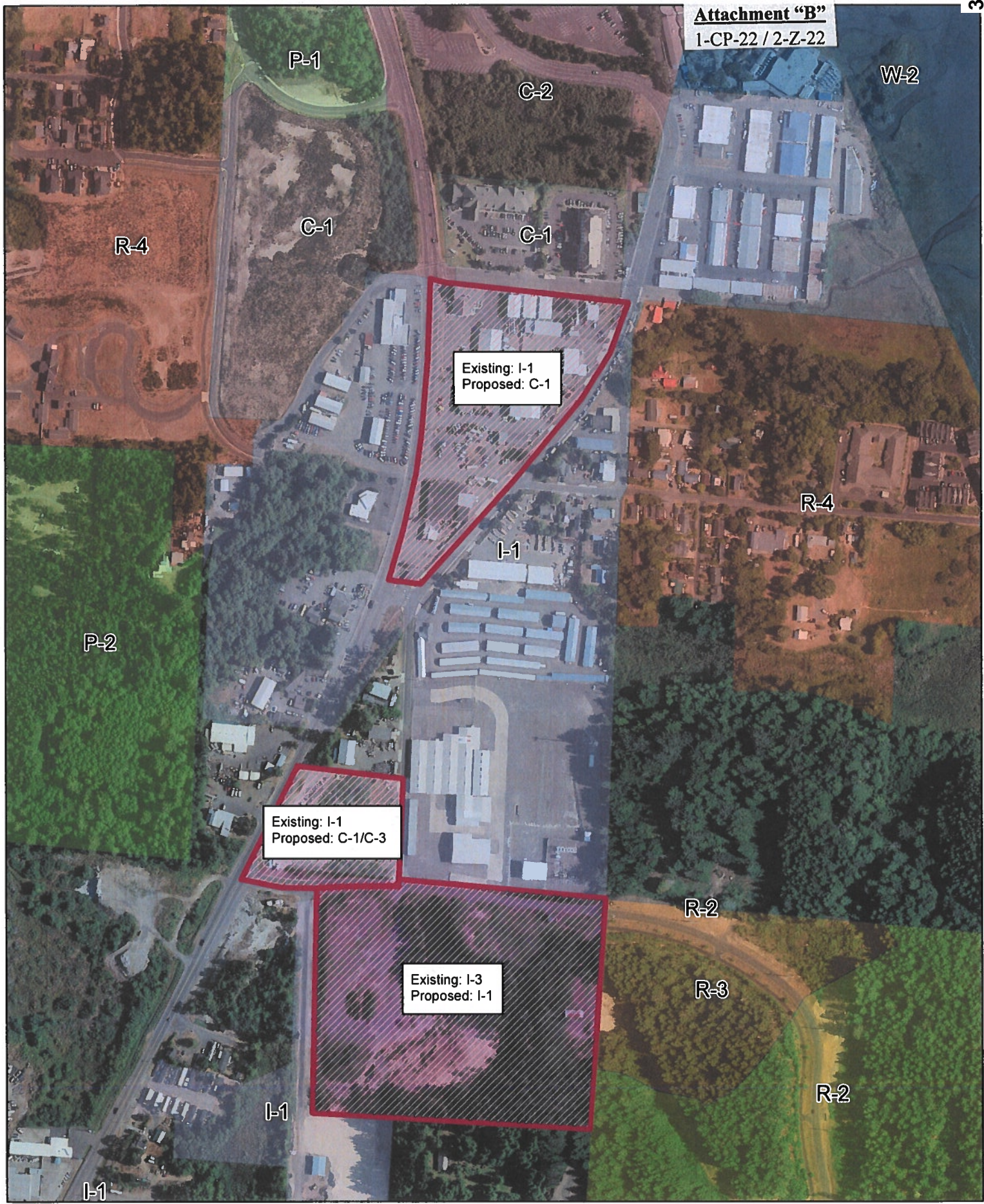
1. Commercial and industrial zoned lots south of the Yaquina Bay Bridge that abut US 101 shall provide a minimum 15-foot wide landscape buffer adjacent to the highway.

C. Exceptions. The right-of-way between a sidewalk and a property line may be used and counted toward the required landscaping as long as it has been determined by the Planning Director that the right-of-way is not needed for

future street expansion. If the developer chooses to exercise this option, he or she shall enter into an agreement that the landscaping in the right-of-way is to be maintained as landscaping. In addition, window boxes may be substituted for surface landscaping. The calculation shall be one square foot of window box accounts for three square feet of surface landscaping as required in Subsection A of this Section. A developer may also plant a street tree within the sidewalk and it shall count toward meeting landscaping requirements subject to approval by the Planning Director and the City Engineer.

*Staff: Implements the last two recommendations from Jet Planning (Page E36, Appendix E, South Beach US 101 Corridor Refinement Plan). Requires a 15-foot landscape buffer along US 101 south of the bridge for new development (NMC 14.19.050(B)(1) and for additions/remodels (NMC 14.19.060(B)(1)). An inflationary adjustment has been applied to thresholds for when landscaping is required for additions/remodels given that the previous figures are more than 20 years old. The U.S. Bureau of Labor Statistics discontinued the CPI for the Portland Region, so it has been replaced with the CPI for all urban consumers.*



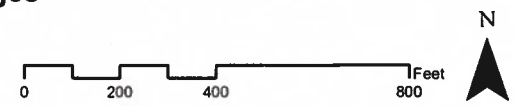


City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
Phone: 1.541.574.0829  
Fax: 1.541.574.0644

### Jet Planning Recommended Changes (Map Alternative No. 1)

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

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







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

## Zone Change Options (Map Alternative No. 2)

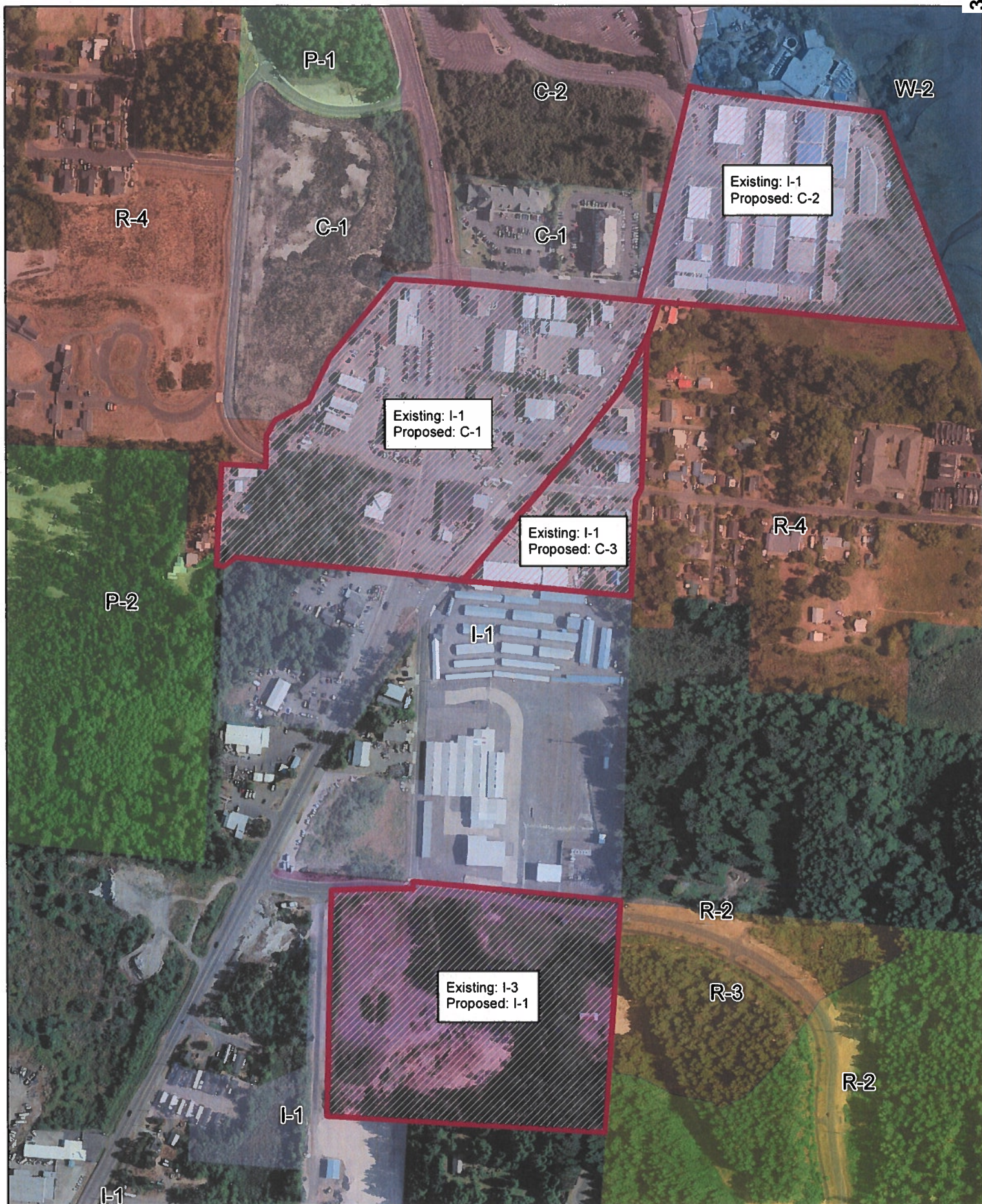
Image Taken July 2018  
4-inch, 4-band Digital Orthophotos  
Quantum Spatial, Inc. Corvallis, OR

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0 200 400 800 Feet







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

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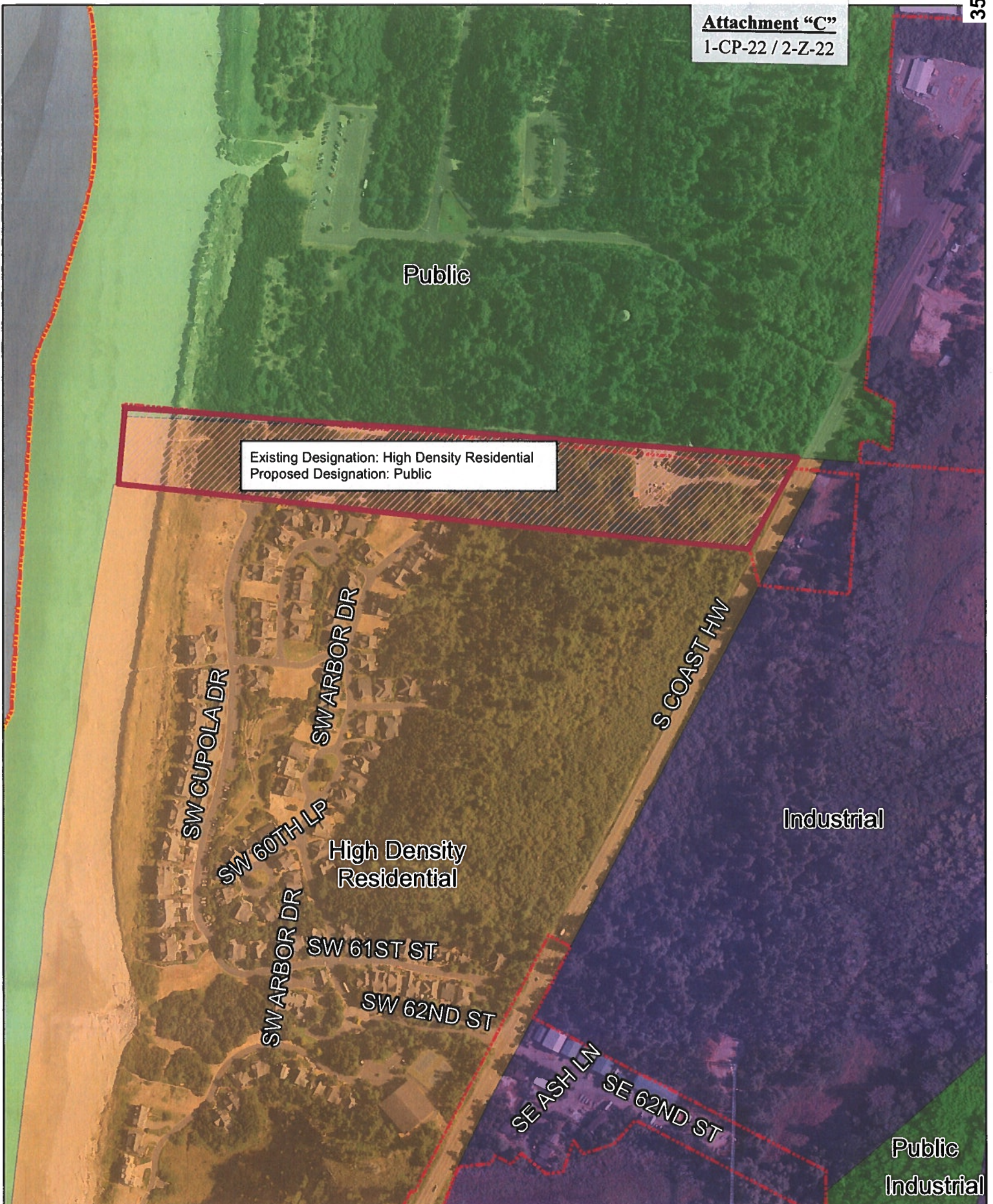
### Zone Change Options (Map Alternative No. 3)

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

0 200 400 800 Feet







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

### Jet Planning Code Audit Comp Plan Map Change Recommendation

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



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**CITY OF NEWPORT**  
 169 SW COAST HWY  
 NEWPORT, OREGON 97365

COAST GUARD CITY, USA



**Attachment "D"**

1-CP-22 / 2-Z-22

phone: 541.574.0629

fax: 541.574.0644

<http://newportoregon.gov>

mombetsu, japan, sister city

## **PUBLIC NOTICE OF POTENTIAL LAND USE CHANGE**

This is to notify you that the City of Newport has proposed land use regulations that may affect the permissible uses of your property and other properties. Specifically, the land use regulations relate to replacing "Light Industrial" with "Commercial" zoning north of the former intersection of US 101 and SE Ferry Slip Road and replacing the "Heavy Industrial" zoning along NE 40<sup>th</sup> Street with "Light Industrial" zoning. The specific changes are illustrated on the attached map. The City is also proposing to change the Comprehensive Plan Map designation for the South Beach State Park Maintenance Facility from "High Density Residential" to "Public."

Proposed amendments to Newport Municipal Code (NMC) Chapters 14.03, 14.13 and 14.19 apply to property south of the Yaquina Bay Bridge. New mini-storage, wrecking yards, towing/vehicle storage, material recycling, and similar uses along the US 101 corridor will be prohibited. The existing 50-foot US 101 setback for industrial property will be reduced to 15-feet and a 15-foot US 101 setback will be applied to commercial zoned properties. New development or redevelopment will be required to install landscaping within the buffer area. The specific land use regulatory changes are contained in draft Ordinance Number 2196.

The City of Newport has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone districts, and may change the value of your property.

On Monday, July 25, 2022, the City of Newport Planning Commission will conduct a public hearing regarding the adoption of Ordinance Number 2196. The hearing will be held at 7:00 p.m. in the Newport City Hall Council Chambers, located at 169 SW Coast Highway.

The "Administration of the Plan" Section of the Newport Comprehensive Plan allows the Comprehensive Plan Map to be amended to correct map errors (ref: pg. 287). NMC Section 14.36.010 allows city land use regulations to be amended by the City Council, upon recommendation of the Planning Commission, when it is determined that such changes are required by public necessity and the general welfare of the community. These are the approval criteria for the proposed land use regulations, and testimony and evidence must be directed toward these criteria or other criteria, including criteria within the Newport Comprehensive Plan and its implementing ordinances, which persons believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to an 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, and testimony from proponents and opponents to draft Ordinance Number 2196. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing.

Draft Ordinance Number 2196, and related materials, are available for inspection and may be purchased for reasonable cost at the Community Development Department, Newport City Hall, located at 169 SW Coast Hwy, Newport Oregon 97365. For additional information concerning draft Ordinance Number 2196, you may contact Derrick Tokos, City of Newport Community Development Director, at 541-574-0626 or [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov). Testimony may also be submitted via this email address.





**City of Newport**  
**Community Development Department**  
 169 SW Coast Highway  
 Newport, OR 97365  
 Phone: 1 541 574 0629  
 Fax: 1 541 574 0644

## Expanded Zone Change Options

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

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ANHEUSER BUSCH LLC  
ATTN TAX DEPT WARREN LANCE  
ONE BUSCH PL  
ST LOUIS, MO 63118

BATES ENTERPRISES III LLC  
6706 NE 107TH ST  
VANCOUVER, WA 98686

BEARD DUANE G TRUSTEE &  
BEARD SHEIRY T TRUSTEE  
1820 REES HILL RD SE  
#6  
SALEM, OR 97306

BENNER BRAD &  
BARRETT RYAN  
246 SW 11TH ST  
NEWPORT, OR 97365

BUCHKO GERALD  
PO BOX 497  
NEWPORT, OR 97365

BUNGAY PROPERTIES LLC  
PO BOX 1448  
SANTA FE, NM 87504

CITY OF NEWPORT  
% OREGON COAST AQUARIUM INC  
LEASE  
PO BOX 2000  
NEWPORT, OR 97365

CITY OF NEWPORT, OREGON  
ATTN: MCCARTHY PENELOPE  
CITY ATTORNEY  
169 SW COAST HWY  
NEWPORT, OR 97365

CLARK PAT M  
DBA P C CONSTRUCTION  
PO BOX 172  
SOUTH BEACH, OR 97366

CLARK PATRICK  
PO BOX 172  
SOUTH BEACH, OR 97366

CLARK PATRICK M  
PO BOX 172  
SOUTH BEACH, OR 97366

DUNLOP WILLIAM P &  
DUNLOP KAREN W  
2750 SW COHO ST  
#A  
NEWPORT, OR 97365

FERRY SLIP LLC  
260 QUEEN AVE SE  
ALBANY, OR 97322

FORINASH CHUCK  
PO BOX 161  
NEWPORT, OR 97365

GERMAN KRISTINA R  
PO BOX 41  
ALVADORE, OR 97409

HARGIS ELWIN E &  
HARGIS JUDITH L  
PO BOX 253  
NEWPORT, OR 97365

HASTING THOMAS D &  
HASTING SHARON M  
1306 S PINE ST  
#8  
NEWPORT, OR 97365

HOOVER PHYLLIS M  
PO BOX 1073  
NEWPORT, OR 97365

INDUSTRIAL WELDING SUPPLY INC  
PO BOX 20340  
SALEM, OR 97307

MCCULLEY JAMES R TRUSTEE &  
MCCULLEY JOAN J TRUSTEE  
310 W ELLENDALE AVE  
APT 218  
DALLAS, OR 97338

MINOR JOHN CHRISTOPHER &  
MINOR MARY C  
517 SW MINNIE ST  
NEWPORT, OR 97365

NEWPORT BREWING COMPANY  
HOLDINGS LLC  
1107 SW COAST HWY  
NEWPORT, OR 97365

NEWPORT URBAN RENEWAL AGENCY  
ATTN SPENCER NEBEL  
169 SW COAST HWY  
NEWPORT, OR 97365

OFFICER CASEY W &  
OFFICER DONNA M  
238 NW 24TH ST  
NEWPORT, OR 97365

OREGON COAST AQUARIUM INC  
ATTN GOULETTE RICK  
2820 SE FERRY SLIP RD  
NEWPORT, OR 97365

OREGON COAST AQUARIUM INC  
PO BOX 2000  
NEWPORT, OR 97365

PARKER CHILDRENS TRUST &  
PARKER LARRY TRUSTEE  
PO BOX 74  
SILETZ, OR 97380

PARKER LARRY E TRUSTEE &  
PARKER BISSON EILEEN TRUSTEE  
PO BOX 74  
SILETZ, OR 97380

RGH SB PROPERTY LLC  
PO BOX 501  
NEWPORT, OR 97365

ROGERS JOHN R &  
ROGERS DEANNA K  
412 SE FOGARTY ST  
NEWPORT, OR 97365

ROWLEY WILLIAM D TRUSTEE  
PO BOX 1746  
NEWPORT, OR 97365

SCONCE JOHN &  
SCONCE KATHLEEN  
5405 NW PACIFIC COAST HWY  
#44  
WALDPORT, OR 97394

SJ AUTOMOTIVE REAL ESTATE  
INVESTMENTS LLC  
ATTN STEVEN J JACKSON  
1250 EAST I 30  
ROCKWALL, TX 75087

SMITH MICHAEL VALENTINE &  
SMITH LYNN MCNEILL  
393 N STOCKTON AVE  
OTIS, OR 97368

SOUTH BAY INDUSTRIAL CONDO  
ASSOCIATION OF UNIT OWNERS  
ATTN MINOR CHRISTOPHER  
PO BOX 510  
NEWPORT, OR 97365

STATE OF OREGON  
% DEPT OF FISH & WILDLIFE  
ATTN KAREN TOFTE REALTY  
4034 FAIRVIEW INDUSTRIAL DR SE  
SALEM, OR 97302

TRYON GARY E &  
TRYON VERNON &  
TRYON ROBERT & TRYON LOREN  
PO BOX 975  
WALDPORT, OR 97394

WARD PAUL S COTSTEE &  
WARD JUDITH A COTSTEE  
241 SW BIRCH ST  
DALLAS, OR 97338

WOOD RICHARD W &  
WOOD JANET L  
138 SE 35TH ST  
SOUTH BEACH, OR 97366

YAQUINA BAY DEVELOPMENT  
CORPORATION  
ATTN ALAN WELLS  
202 NW 6TH  
CORVALLIS, OR 97330

YECK FRED ARTHUR TRUSTEE &  
JINCKS DAVID A  
PO BOX 352  
NEWPORT, OR 97365

File 1-CP-22 / 2-Z-22

Mailing List for Planning Commission  
Public Hearing Notice

**Derrick Tokos**

---

**From:** DLCDC Plan Amendments <[plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov)>  
**Sent:** Thursday, June 16, 2022 1:42 PM  
**To:** Derrick Tokos  
**Subject:** Confirmation of PAPA Online submittal to DLCDC

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

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**Newport**

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

Local File #: 1-CP-22 / 2-Z-22

DLCDC File #: [003-22](#)

Original Proposal Received: 6/16/2022

Date of Revision: 6/16/2022

First Evidentiary Hearing: 7/25/2022

Final Hearing Date: 8/15/2022

Submitted by: dtokos

If you have any questions about this notice, please reply or send an email to [plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov).

# AFFIDAVIT OF MAILING OF NOTICE OF LAND USE ACTION

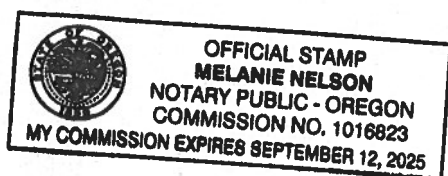
STATE OF OREGON )

)ss.

County of Lincoln )

File No(s). 1-CP-22/2-Z-22

I, Sherri Marineau, duly appointed Executive Assistant of the City of Newport, do hereby certify that the notice of a land use action attached hereto and by this reference made a part hereof is a true and complete copy of the original of such notice, and that said original was deposited in the United States mails at Newport, Oregon, with first-class postage thereon prepaid, addressed to each of the persons owning property and entitled to receiving notice, as said persons are named in Exhibit "A", attached hereto and by this reference made a part of hereof, at the last known address of each person as shown by the records of the Lincoln County Assessor at Newport, Oregon, on the **30th** day of **June**, 2022.



Sherri Marineau  
 Sherri Marineau  
 Executive Assistant

SUBSCRIBED AND SWORN to before me this 20 day of July, 2022

Melanie Nelson  
 Notary Public of Oregon

My Commission Expires: 9/12/25

**Derrick Tokos**

---

**From:** PHIPPS Lisa \* DLCDCD <Lisa.PHIPPS@dlcd.oregon.gov>  
**Sent:** Thursday, June 30, 2022 1:58 PM  
**To:** Derrick Tokos  
**Cc:** YOUNG Kevin \* DLCDCD  
**Subject:** Newport PAPA

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

---

Hi, Derrick,

I received some comments regarding Newport File 1-CP-22 / 2-Z-22:

There need to be findings that the change will not leave the City with less high density residential land than is called for in the most recent HNA. It is recommended that the City include the math, as HLA/FHCO will likely review and comment and the math may address any comments they might have.

If you need this is a formal letter, let me know. I am sure you were planning on addressing all of this in your findings, but I wanted to let you know that the issue was raised. If you have any questions, you can call me or Kevin Young (copied).

Thanks, Lisa

July 16, 2022

**JUL 19 2022**

**RECEIVED**

TO: City of Newport Planning Commission  
 Community Development Department  
 City Hall  
 169 SW Coast Highway  
 Newport, Oregon 97365

RE: Written Comment Regarding Potential Land Use Change

Planning Commission Members:

The undersigned are the owners of the land lying north of 35th Street, East of SE Ferry Slip Road and west of SE Chestnut Street. These are 3 contiguous properties. The Public Notice advises that the city is considering changing the zoning on this property from Light Industrial to C-1.

The criteria according to the Notice is that such a change must be required by public necessity and the general welfare of the community or to correct map error.

The property in question has been zoned I-1 for many years and there are no map errors relating to this property.

Further, the changes are not required by public necessity and the general welfare of the community and would, in fact, cause the owners loss of value, loss of historical use, loss of future flexibility of use and would be to the public detriment for some of the following reasons:

1. There is adequate C-1 properties within the more traditional commercial areas of the city as is demonstrated by the empty buildings along Highway 101.
2. This property is not suitable for C-1 because of its distance from Highway 101. Additionally, the existing structures are not suitable for C-1 as they have been built for uses within the Light Industrial zone.
3. There continues to be a high demand for properties within the Light Industrial zone. Personal experience has been that upon a vacancy within this area multiple applications are received within days for occupancy.
4. Current use of the properties in question include light manufacturing, boat repair, warehousing, light construction assembly and cabinet construction, wood turning, art framing construction and wholesale/retail.
5. Past uses for which there continues to be demand for space and should be allowable include fishing gear storage and repairs, fish processing equipment storage and repair, other types of light manufacturing, vehicle repair, warehousing and distribution.

6. The property we own is contiguous and is within the confines of SE Ferry Slip Road, 35th Street and Chestnut Street and therefore separate consideration and zoning for our property is appropriate.

There is no justification for changing the zoning to C-1. Changing the zoning to C-3 would be a reasonable alternative as it allows the uses that have been traditional on these properties and for which there continues to be high demand and also adds residential use on floors other than street level. Considering the lack of sufficient housing in the city this would seem to support a change to C-3.

In conclusion we:

1. Oppose a change to C-1
2. Support a change to C-3.
3. If a change to C-3 is not acceptable to the Planning Commission and city then the zoning should remain Light Industrial.



Chuck Forinash  
3428 SE Chestnut Street  
Newport, OR 97365



Tom Hasting  
3333 SE Ferry Slip Road  
Newport, OR 97365



Fred Yeck  
3335 SE Ferry Slip Road  
Newport, OR 97365



**Attachment "G"**

I-CP-22 / 2-Z-22

**Derrick Tokos**

**From:** Sarah Bermudez from Fair Housing Council of Oregon  
<sarahbermudezconsulting@gmail.com>  
**Sent:** Tuesday, July 19, 2022 10:38 PM  
**To:** Derrick Tokos  
**Subject:** PAPA file 1-CP-22 / 2-Z-22

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

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

Good morning ,

My name is Sarah Bermudez and I am conducting outreach for the Fair Housing Council of Oregon (FHCO). I was hoping to obtain the staff report and all corresponding attachments for 1-CP-22 / 2-Z-22 the "Revise South Beach State Park maintenance yard Comprehensive Plan Map designation from high-density residential to public, and Industrial Map designation to Commercial north of former SE Ferry Slip/US 101 intersection. I-1/'Light-Industrial' zone to change to C-1/'Retail Commercial' and C-2/'Tourist Commercial' in this area. Property south of SE 40th to be rezoned from I-3/'Heavy Industrial' to I-1/'Light Industrial..' when available. We will be reviewing the staff report predominantly for Statewide Planning Goal 10 compliance.

If we do have any commentary or concerns my colleague Sam Goldberg will be in touch to advise. We hope this can be a collaborative process. Please confirm receipt of this e-mail, and I look forward to hearing from you soon.

Very Respectfully,

**Sarah Bermudez**

Fair Housing Counsel of Oregon

Phone: [\(503\) 928-4943](tel:5039284943)

E-mail: [sarahbermudezconsulting@gmail.com](mailto:sarahbermudezconsulting@gmail.com)

For the latest on the PAPA Project and our feedback & technical advice methodology, please read the PAPAs section at our partner website, [here](#).



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**Draft MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Council Chambers**  
**June 13, 2022**  
**6:00 p.m.**

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

**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 Patrick called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

**A. Draft South Beach Comprehensive Plan Map, Zoning Map, and Zoning Ordinance Amendments for the South Beach Commercial/Industrial Corridor (File 1-CP-22/2-Z-22).**

Tokos reviewed the Zoning Code and Comprehensive Plan map changes. Escobar asked if the property next to the South Beach State Park was designated public, did it mean that it wouldn't be developed. Tokos explained it wouldn't be developed for housing. This was part of the State Park but wasn't in the city limits. It was under the County designation which was consistent with the public designation they had.

Tokos reviewed the zone change recommendations, and the expanded zone change map. He explained the zone changes would create a large block of commercial zones. Berman asked if any of the changes would make the current buildings nonconforming. Tokos explained that the bulk retail was permitted in the C-1 zone and should be okay. There might be some industrial uses at the Aquarium Village that would be nonconforming when it was changed. Tokos thought the expanded zone made more sense. Patrick liked the expanded and felt it would acknowledge what the properties really were. Hanselman asked what the area behind the Toyota dealership was going to be used for. Tokos explained they were dividing the lot into two pieces. The north half would be most likely developed and the south not being done so much. The north half would possibility be a medical office with residential over it, but this could change.

Branigan like the expanded map because it gave more flexibility on what they could put there. He wanted to see more in the I-1 category than in the commercial. Tokos noted the reason for the recommendation to have the I-1 go to C-1 in that area was that there was a risk with flexibility of having incompatible uses be established that would conflict with some of the commercial uses. They were looking to establish more retail service type uses in the area, and the C-1 was more conducive for getting more commercial uses. Escobar asked if any existing businesses would be adversely affected. Tokos confirmed the existing businesses would be nonconforming and grandfathered in under their current condition. Arrow Heating and Columbia Distributing would be moving out and will relocate. This property would then be redeveloped at some point. Hoovers would stay, but they might be

renovating, which was permitted in the C-1 zone. Berman asked if the city did any outreach for the abandoned properties. Tokos confirmed they did and had been carefully looked at. This was in the RFP and it would need to be done under a willing seller arrangement. They weren't looking to condemn through eminent domain. Tokos asked if there was a general agreement to go with the expanded package. The Commission was in general agreement for this.

Tokos reviewed the code changes. He pointed out the changes in NMC Section 14.03.070 for self-service storage use. Berman asked if the added foot note 6 should be under 4, 5 & 7 for vehicle repair. Patrick noted that it said "sales" which would take out Newport Toyota and a couple of repair stores. Tokos asked if the Commission wanted it to say something general like "sales and repair." Patrick thought they should take out storage, salvage and wrecking. Tokos would clean up the language to clarify the language to add "recycling" of machinery.

Tokos reviewed the 15 foot setbacks from US 101, and changing 50 feet to 15 feet from US 101 for buildings that were 5,000 square feet and above. Escobar asked if the 15 foot setback would prohibit parking within the 15 foot area. Tokos explained they were looking to add a 15 foot landscaping requirement for new development. A discussion ensued regarding the need for 50 foot setbacks for I-1 zones, and why there wasn't a need currently to force a 50 foot setback along US 101. This didn't change anything that was on the ground currently and they could continue to operate as they were. The landscaping requirements was for a buffer for new development. The Commission was in general agreement with the setbacks.

Tokos reviewed the landscaping requirements and noted the changes to the project values. Berman asked if anything tied to inflation should be tied to the code. He asked if it should just say it was adjusted by City Council resolution. Tokos explained that resolutions by the Council were for fees. This wasn't a fee and was a monetary value to establish a series of thresholds for when someone doing redevelopment had to provide some landscaping if it wasn't already there. Patrick pointed out that they needed a base, and the city would adjust this every year. Tokos confirmed they would have a chart that they needed to maintain and keep up to date each year. He noted that they discussed how the code numbers wouldn't be adjusted but the values would be based on the latest CPI-U.

Branigan asked if they defined what constituted landscaping. Tokos confirmed they did not define it in this context. It was defined somewhat in the Transportation System Plan. This was more about providing separation from the travel lanes. Branigan asked if artificial grass or flowers worked. Tokos confirmed they had some flexibility on this and there was a little guidance.

Tokos noted that if the Commission was comfortable with the package of revisions, they could initiate the Comprehensive Plan Map, Zoning Map, and Zoning Ordinance amendments by motion at that evening's regular session meeting.

**B. Results of Housing Capacity Analysis Draft Buildable Lands Inventory.** Tokos reviewed the Newport Housing Capacity Analysis slideshow and discussed the interactive map done by ECONorthwest that allowed comments to be made on it. He encouraged the Commission to view the map and make comments within the next week.

Berman asked if all the acres were included in the parcels for everything that was buildable. Tokos thought it should be the sum total. Berman asked if the property near his property on 68th Street was buildable. Tokos explained they truncated properties that extended past the vegetation line because they were getting weird results on properties that weren't buildable lands. They asked to truncate anything that was west of the vegetation line to help with this. Berman noted that there was a property

with a pump station on it that wasn't city owned. Tokos noted the city didn't control the entire piece of land and thought this was a discrepancy between the tax lot layer and a more current aerial image. The tax lot hadn't picked up that the city had purchased the land to put a pump station on it yet because the updates to the tax lot map data was only done annually. Berman asked how this land was counted in the buildable lands when it was to never be developed. Tokos noted the constraints layer showed that the buildable acres on this property was zero. A discussion ensued regarding how constrained properties were shown on the maps.

Tokos reported they would be reaching out to developers on the constructability assessment. He reviewed the areas they would look at the constructability. After they did the buildable lands piece they would move to the constructability piece.

Branigan asked how the planned destination overlay was counted. Tokos explained this was the old Wolf Tree Resort property. This was discounted because it could only be a full package resort that included a waste treatment plant or nothing at all. They couldn't rely on housing there.

Tokos encouraged the Commission to put their comments in the interactive map. He noted it would be further refined over the next few weeks.

### 3. **Unfinished Business.**

A. **Updated Planning Commission Work Program.** No discussion was heard.

4. **Adjourn.** The meeting adjourned at 6:53 p.m.

Respectfully submitted,

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Sherri Marineau,  
Executive Assistant



**Draft MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**June 13, 2022**

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

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

**Public Members Present:** Robert Emond, Mable Mosley, Anya Chavez, Gordon Petty, Gary Lahman, Jerry Robbins, James Feldman, and Nyla Jebousek (by telephone).

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Patrick, Branigan, Hanselman, Berman, Escobar, and East were present. Patrick announced the passing of Lee Hardy who served as Planning Commissioner for many years.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work Session Meeting Minutes of May 9, 2022.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Work Session meeting minutes of May 9, 2022 with minor correction. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of May 9, 2022.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Regular Session meeting minutes of May 9, 2022 with minor corrections. The motion carried unanimously in a voice vote.

C. **Approval of the Planning Commission Work Session Meeting Minutes of May 23, 2022.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Work Session meeting minutes of May 23, 2022 with minor correction. The motion carried unanimously in a voice vote.

D. **Approval of the Planning Commission Regular Session Meeting Minutes of May 23, 2022.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Regular Session meeting minutes of May 23, 2022 as written. The motion carried unanimously in a voice vote.

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

4. **Action Items.**

A. **Initiate Draft SB Commercial/Industrial Code Revisions.**

**MOTION** was made by Commissioner Berman, seconded by Commissioner East to the initiate the public hearings process for the draft South Beach Commercial/Industrial code revisions. The motion carried unanimously in a voice vote.

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

A. **File 1-CP-17/ 7-Z-17.**

Tokos reviewed the staff memorandum and acknowledged the four public comments received that day from Ulrike Bremer, Jennifer Ames, Laurie Sanders, and Wendy Engler. He then reviewed the project schedule; the key Transportation System Plan (TSP) components; the tracking sheet; the amendments to the Transportation element of the Comprehensive Plan; the Goals and Policies; and changes to the land use codes.

Tokos reviewed the TSP critical success factors; the TSP outreach efforts; the key themes from the community feedback; the preferred solution for the US 101/20 intersection; the typical implementation timeframe; and the US 101 circulation options for a short couplet or retaining two way traffic on US 101 with a bike lane. He discussed the comment that was received about how the couplet would cut off a block near Angle Street and displace the Farmer's Market. Tokos reminded the parking lot where the market was located at was always intended as a temporary use.

Tokos reviewed the NHBD collector/local street sections. (33:45-34:07) He discussed yield street cross-sections, (34:21-34:40) and shared street cross-sections. (34:50-35:40) and the well vetted solution for low-volume streets and the alignments with on the ground conditions for dead end streets on Vista Drive, Cherokee Lane, and Golf Course Drive. (36:05-38:23)

Tokos reviewed the summary of the code changes pointing out the revisions since the last Planning Commission work session meeting.

Berman asked what the procedures were when they decided a project was important, and wanted to wrap it into the project list. Tokos noted the expectation was that they didn't necessarily have to alter the TSP to move forward with an individual project. The value of having the projects included in the TSP was how it helped when going after grant funding. The State and Federal agencies wanted to see that projects were vetted publicly when considered giving funding for them. If they wanted to add to the TSP or adjust the fiscally constrained list, they could do a more

expedited amendment process that went to the Planning Commission and the City Council. Tokos pointed out that Lighthouse Drive would be picked up and run through a public hearing process, and would be added in as one of the policies on the document.

Escobar asked what the benefit of having the couplet was. Tokos explained a big benefit was that they would be using urban renewal funds for improvements they did for transportation in the city center area of the Newport. One of the objectives of the urban renewal program, and why they put it in place was to create funding to rebuild and rework that transportation network in a way that better served the properties and helped revitalize the area. Areas south on US 101 near the hospital and further north had more commercial structures built back on larger lots and what you would typically see on a highway corridor. The downtown area was built closer and tighter to a right of way that carried a tremendous amount of traffic. This area wasn't comfortable or attractive for people to walk to businesses. The couplet would take the four to five block street sections and create a one way alignment on both US 101 and 9th Street. This would free up the right of way next to the travel lanes so they could retain off street parking and significantly widen the sidewalks with the expectation the buildings would redevelop and have separation for the traffic. Tokos explained this would mean that there would only be two lanes of traffic for pedestrians to cross and it would slow traffic down as well. This would help with those that wanted to see more housing downtown where there was infrastructure to support it. Tokos noted there was another option to maintain the two way traffic on US 101. This would likely mean they would see a different type of build form in the area.

Robert Emond addressed the Commission. He reported that he represented the Nye Beach Neighborhood Association. They drafted a statement for traffic calming that was adopted by the Association. Emond read the statement into the record. He noted they were glad to see that traffic calming was emphasized and thought of in the traffic calming process was included because typically the plans didn't take into account the people and businesses that were in the area. This was what they wanted to emphasize as a neighborhood association.

Mable Mosley addressed the Commission and reported that she rode the dollar bus until they cut down their services. They now only operated only on Tuesdays and Thursdays and she relied on the bus to get around town and this affected her. Mosley noted how she and her sister had stopped driving in the recent years. She said they needed more funding for people who rode the buses and wanted to see the schedule go back to what it was.

Anya Chavez, President of the Farmers Market addressed the Commission. She stated that she understood that the short couplet proposal would eliminate the parking lot for the Farmers Market that they used nine months out of the year. Chavez reported that there was no other space for the market to set up on US 101 in Newport. They depended on the visibility on US 101. Chavez noted that the market offered services and products to the community. Taking away the parking lot location would devastate the market as a business and affect the livelihood of all the members of the market. On behalf of the Farmers Market, Chavez asked the Commission to consider that this wasn't just about traffic but people's livelihoods.

Gordon Petty addressed the Commission. He noted, in regards with the bus service, it was hard to get people who were certified to drive a bus. Petty reported that he couldn't drive a bus because of the cost to get a passenger endorsement license. He thought the city should pay for this, and step up to take care of the bus problem.



Fire Chief, Robert Murphy addressed the Commission. He acknowledged the memorandum he submitted and wanted it noted that the TSP process had a lot of work put into it. Other than the concerns on street widths, he was supportive of the TSP and hoped his concern didn't reflect on his support for the plan. Murphy reported his primary concerns were on the narrowing of streets to allow widths that were for 500 trips per day. 500 trips were quite a bit, and he understood the development constraints. Murphy wasn't concerned about current inventory for streets. He was more concerned about looking into the future and the only places being left for infill for development was in the fringes of the urban growth boundary. The terrain made it restrictive to do development to loop a road or to grid a road to allow street widths to be smaller than 20 feet. Making a street 14 feet wide and having a car parked on it meant the fire trucks couldn't fit down the streets. Murphy reported he couldn't go with quick response vehicles in Newport and could only support fire engines. Having parked cars on a 14 foot street made the streets not accessible for fire engines. Murphy noted that the wildland fire land was also a consideration. Narrow road locations were where people would be trying to get out of areas in emergencies and this would create a problem for fire trucks to gain access. Murphy wasn't saying universally there shouldn't be a situation that they should allow a street width less than 20 feet. He thought this should be the exception, not the rule.

Gary Lahman addressed the Commission. He urged them to remember that times were changing. When talking about roadways and bike lanes, he saw new modes of transportation like e-bikes, e-skateboards, and other electric vehicles being used. Lahman didn't know the regulation on if they needed to be on sidewalks or not. It was difficult to take into account all these new modes of transportation. Lahman urged the Commission to think of the new modes of transportation and the need to provide lanes for them, along with signage for the use of the lanes.

Jerry Robbins addressed the Commission. He reported he lived on Oceanview Drive. He thought that the enhanced traffic flow for a short couplet would help reduce traffic wanting to choose Oceanview Drive as an alternative route. Berman pointed out that this area had two options in the TSP for extending Nye Street as a vehicle route to Oceanview Drive, making Oceanview Drive a one way with a bike/ped lane, or extending Nye Street as a bike/ped access to Oceanview Drive and leaving Oceanview Drive as a two way street. He asked if Robbins had a preference. Robbins thought that considering the Nye Street extension would affect a few people who lived along where he lived, it would be obnoxious for them to have vehicular traffic on both sides of their houses. He would strongly oppose having the Nye Street extension be open to motorized vehicles. Robbins thought as a bike/ped alternative it was good and it made sense to make the bike route along Nye Street instead of Oceanview Drive. He also noted that several years ago they had recommended that Oceanview Drive, from US 101 to Nye Beach, be one way traffic going southbound traffic and have the other lane be for bikes and pedestrians. Robbins would advocate for this.

Nyla Jebousek asked if the Commission received the petition she submitted to have a signal at San-Bay-O Circle and US 101. Patrick confirmed they did. Jebousek reiterated what she said in the past for public safety being number one for the TSP. She reminded that the past Public Works Director described the area as traffic chaos. When they did the Parks Study in the past to identify the areas of town where they had the largest number of children, their street was within the area that had the largest number of children in town. They wanted to have a stop sign and a left turn sensor that would utilize the pedestrian lane, and add more signals and a cross walk on the north side of their intersection to let them get out of their street. Jebousek listed examples of the problems

people had trying to get out of their street onto US 101. She wanted them to add to the TSP a signal at San-Bay-O Circle on US 101.

Chair Patrick closed the hearing at 8:25 p.m.

Berman thought they should discuss some of the items brought up in the public testimony. He thought the Fire Chief had a good suggestion on the shared streets to allow a conditional/optional approval for street dimensions. Tokos noted this presented some challenges. The state categorized this as needed housing and the city was required to provide a clear and objective path to approval. Having something at the discretion of the Fire Marshall, the City Engineer, or himself as the Planning Director wouldn't muster. The only way to get there was to give a higher standard and say what the clear and objective standard was. If they couldn't meet this they could go through a discretionary process. The problem with this was they wouldn't see the development happen because there was too much discretion. Tokos explained the 14 feet in the current code was only available if there was 150 average daily trips (ADT) or fewer, which as 15 homes or fewer. If they were above the 150 ADT, this was where the 16 foot standard came into play. Tokos noted the struggle was how to accommodate a range of needs for housing, terrain, and fire apparatus access to neighborhoods. This was the tradeoff they came with. Moving into a discretionary means for housing was difficult, but it could be done with commercial. Tokos explained they didn't have to do these, but the basic standard they had now for 36 feet wouldn't work in areas of Newport currently. He noted that they could choose to change 14 feet to 16 feet. Patrick thought they could either lower the trip count or widen the roads. He didn't have trouble with the 14 feet and the 150 trip count after Tokos explained it. Tokos noted the Commission didn't have to decide on this. They could ask the Council to consider making adjustments to those things before the code was modified so they wouldn't have to come up with a specific number. Berman liked this idea. He asked where the 10 trips per house came from. Tokos explained this was a standard way of evaluating traffic. East asked if the 16 feet with new development required them to have driveway parking for each house. Tokos reported there would be off-street parking standards. There would be no parking on streets. Instances where people parked on these streets would a parking enforcement issue. The Commission was in general consensus to recommend the Council that there was a place for the reduced street standards and the Commission wanted the Council to take a look at possibly flexing the widths and/or the ADT numbers to find an agreeable balance.

Tokos clarified that the city didn't make decisions on what transit services were provided by Lincoln County Transit. The city provided funding for the loop service. There was always the opportunity to talk to the Council on whether they would like to adjust funding for the loop. Tokos reiterated that the city didn't make hiring decisions or choices on how to prioritize dial a ride or other transit services. This was up to the County. Escobar noted that the barrier to not have enough funding to be able to be licensed to drive a bus wasn't a part of the TSP but something to bring up to the Council. Berman asked if a joint meeting with the Council and the County was set up. Tokos reported this happened infrequently but was one thing to add to the Council's next meeting.

Escobar asked to discuss the comments on the Farmers Market. Tokos explained that the City would weigh heavily on the needs of the market for this solution. He noted that if the couplet was done it didn't mean the parking lot would go away, it would just be reconfigured. Escobar reminded that the lot was for future development. Tokos noted any development of the lot would require a discussion on what to do with the market. It was a very important part of the local community and

meant a lot to the vendors and people who went there. The Council understood this and it would be a part of the discussion.

Berman asked if Jebousek's statement that there would never be a signal at San-Bay-O Circle because of ODOT standards was true. James Feldman with ODOT addressed the Commission and confirmed it didn't meet signal warrants. Berman asked if signage and paving options would be the best that could be done. Feldman reported that this would need to go through Region 2 traffic engineer review to determine what might be appropriate there. Tokos noted that they didn't ask for a signal, they asked to have some attention be made with a specific project included in the plan. This had been identified on the add list for Intersection 13 that would look to do something short of a signal that would improve egress from San-Bay-O onto US 101.

Patrick asked for a discussion on the Nye Beach traffic calming questions. Berman asked if the document referenced specific streets. Tokos reported that it only had a lump sum amount for street calming. This was something the Council would need to prioritize in terms of where it would go. They would be putting together an administrative procedure for determining how the roll out for this would happen.

Berman noted that his original intent when he brought up the discussion for Item 3 on the add list was to find some way for them to not close Eads Street every time school was open. He noted that what was included was something different. He asked if they could modify this language or add another project to examine alternatives to full street closures during street hours. He suggested the school find a better crossing so the street could be used during the day. Tokos thought they could add this to Item 3. The Commission was in general agreement with this.

Patrick asked about the discussion on e-bikes and electronic transportation. Tokos believed there were current things in the code for e-bikes and skate boards that could be handled outside of the land use process. For purposes of the TSP, there was policy language included that recognized that the city needed to be astute to, and recognize, emerging technologies and take the appropriate steps to accommodate those. Tokos reminded what was permissible was also dealt with under the motor vehicles rules as far as what was permissible in travel lanes. He confirmed that the TSP had language that addressed emergent technologies. Tokos noted that the document also addressed franchise agreements for things like electric scooters. Berman asked if they had it on the city's list to look at potential codes for emerging technologies. Tokos reported it was already on the list for the scooters.

Escobar asked if for the intersection of US 101 and 20, the concept for prohibiting turns on Olive Street going westbound was off the table at that point. Tokos confirmed it was because it wasn't workable.

Tokos noted that what he was hearing was outside of some minor technical items they were likely to do when working this into a formal ordinance, the only substantive thing they were requesting was that if the Commission decided to do a recommendation to move this forward, the Council should play around with the narrower low volume street section widths or the ADT thresholds to try to come up with something that was a little more workable for the Fire Chief. Branigan thought that the San-Bay-O Circle needed to be highlighted to the Council. Escobar asked if the traffic at San-Bay-O Circle could be addressed by adjusting the timing of the stop lights on either side of

the intersection on US 101. Berman thought the distance would be too far for it to make a difference.

Escobar noted that the notion to add a specific project rubbed him the wrong way and highlighting one made him uncomfortable. Tokos noted it was on the task under edit 5 on the edit sheet and called out on both of the two edit sheets. This would be added. Berman asked if there would be a merge in the executive summary so the Council had one document. Tokos confirmed this was correct.

**MOTION** was made by Commissioner Berman, seconded by Commissioner Hanselman to make a favorable recommendation to the City Council for File 1-CP-17/7-Z-17 to include the discussed changes. The motion carried unanimously in a voice vote.

6. **New Business.** None were heard.
7. **Unfinished Business.** None were heard.
8. **Director Comments.** Tokos reminded that there wouldn't be a meeting on June 26th. He expected the Starfish Cove to come in and would land on the July 11th meeting. Tokos would populate a new work program
9. **Adjournment.** Having no further business, the meeting adjourned at 8:53 p.m.

Respectfully submitted,

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Sherri Marineau  
Executive Assistant

## Appendix E. Land Use Code Audit

OCTOBER 18, 2021

# LAND USE POLICIES, ZONING & REGULATIONS AUDIT NEWPORT SOUTH BEACH

PREPARED FOR: NEWPORT URBAN RENEWAL AGENCY



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# I. Overview & Summary of Findings

This land use audit informs the City of Newport's Refinement Plan for the South Beach/US 101 Commercial-Industrial Corridor to enhance understanding of current land use regulations and how they influence development, as well as how well they align with development goals for the South Beach Urban Renewal area. The South Beach area south of the Yaquina Bay Bridge includes the 1,169-acre urban renewal district. As the district reaches the end of its term in 2025, the Newport Urban Renewal Agency seeks to prioritize the allocation of remaining funds for the highest impact projects. Understanding the future development potential and the impact of various investments within the area requires an understanding of the range of land use plans and policies that currently apply within the South Beach area.

The purpose of this commercial-industrial land use audit is to understand how existing land use plans, maps and regulations interact with development goals for the area, and to identify suggested revisions to plans, maps and regulations as warranted to better align with area goals and investments. This audit focuses on commercial and industrial uses within the urban renewal area, oriented along the Highway 101 corridor. Key questions analyzed in this audit include:

- Do land use designations and zones as mapped, and zoning regulations within those zones, support the desired development within the district, particularly for identified opportunity sites and planned infrastructure improvements? Do they support desired uses and development forms, including more retail and service uses such as grocery stores, food options including restaurants and delis, general merchandise, and gas stations?
- Are there conflicts between existing development and proposed development, either in terms of uses, nonconforming status, or development forms, that could be better addressed through map and/or regulatory changes to enhance compatibility?
- Within the patchwork of annexed and unincorporated properties within the Urban Renewal area, what are the differences between City and County regulations that currently apply to those respective properties? Are there strategies that could support future annexations and what would the benefits be for the property owners and the city once annexed?

This analysis is grounded in review of existing land use documents and maps that apply to current and future development in South Beach, including: the City's Vision 2040 Strategies, Comprehensive Plan, Zoning Code (Title XIV of the Municipal Code), and the South Beach

Urban Renewal Plan. Additionally, Lincoln County plans and zoning code were analyzed to inform comparisons between current County status and future City status for unincorporated properties within the City's Urban Growth Boundary (UGB).

**Key Findings & Recommendations:** This analysis of existing land use policies and regulations is both descriptive and evaluative, describing existing status and influence and evaluating how well current standards fit with desired district development. The audit incorporates findings with recommended revisions to applicable land use policies to better align with urban renewal and district development goals. Significant findings and recommendations include:

**Mapping:** Generally, the mix of commercial and light industrial zones along the Highway 101 corridor aligns with the Urban Renewal District development goals and planned infrastructure improvements. The existing supply of commercial and industrially designated lands modestly exceeds demand and provides flexibility for select re-designation from industrial to commercial for key areas within South Beach, as desired to better meet local retail and service demand and activate development of the City's site at SE 35<sup>th</sup> St.

Targeted map changes to better align with the evolving district potential include:

- Expanding the commercial district along Highway 101 immediately south of the bridge to encompass the City's property at SE 35<sup>th</sup> St, and surrounding properties. Any rezoning should be designed to comply with the City's overall employment land forecast and transportation capacity within the South Beach Transportation Overlay Zone (SBTOZ), and be sensitive to the existing development to minimize creation of nonconforming development.
- Rezone the NE corner of SE 40<sup>th</sup> St and Highway 101 for commercial to create an additional large site for commercial development, and take advantage of a likely new signal.
- Reduce potential conflicts from heavy industrial uses by rezoning parcel on south side of SE 40<sup>th</sup> St east of the highway to light industrial (I-1) rather than existing heavy industrial zoning (I-3), given the proximity to residential and commercial development. Identify additional sites for heavy industrial uses farther south within the district as additional properties are annexed into the City.

**Annexation:** Nearly 25% of the district is currently outside of the City limits, and cannot be developed to urban levels of intensity and served by urban infrastructure until annexation occurs. More than half of the unincorporated area is designated for industrial use, and



annexation will be vital to support a robust industrial base in South Beach. Near-term recommendations include:

- Actively pursue annexation of industrial properties within the corridor, primarily located south of SE 40<sup>th</sup> St. Utilize island annexation provisions to spearhead Pursue a City-led annexation effort of larger territories utilizing island annexation provisions coupled with financial incentives for property owners to defray the infrastructure and application costs of annexation. Engage with individual property owners before and during the efforts to better understand priorities and needs.
- The City should continue to engage with Lincoln County to coordinate review of any development within the UGB to ensure that it can be consistent with City goals and standards upon future annexation. The City should coordinate with Lincoln County to complete the Urban Growth Management Agreement to ensure an orderly transition from County to City zoning and infrastructure.

**Zoning Code:** The City's Zoning Code clearly delineates commercial, industrial and other zones, with detailed use standards and limited site development standards. The Light Industrial (I-1) zone, which is most prevalent along the Highway 101 corridor, benefits from allowing a flexible mix of industrial and commercial uses akin to a flex zone with limited site development standards. However, this flexibility can result in a lack of certainty about future development and compatibility concerns between adjacent uses. Recommended code updates include:

- Limit uses inconsistent with the district development goals, such as uses typically associated with low employment generation and tax revenue relative to land area, by prohibiting new self-service storage and vehicular towing, wrecking and salvage uses in the I-1 zone.
- Introduce a 15-foot setback for both industrial and commercial properties along Highway 101 south of the bridge in place of the existing 50-foot front setback for industrial properties for a consistent frontage treatment. Require a 15-foot-wide landscape planting strip within the setback.
- Develop landscape screening, buffering and/or fencing standards for industrial uses and outdoor storage uses, such as auto wrecking or building materials, along the highway corridor to enhance compatibility between development sites and the overall look and feel of development along the corridor.
- Maintain existing land use and building permit procedures, which minimize discretionary review for proposed development. As needed, incorporate review of any

additional development standards such as landscaping at the time of building permit application.

**Other Considerations:** Longer term, the City should continue to monitor issues such as parking demand and trip allocation within South Beach, and make further adjustments as appropriate. Recommendations include:

- Review the relative employment and tax generation potential of uses permitted within the district, as well as their role within the local and regional economy, to support any future recommendations to modify the range of permitted uses such as limiting new vehicle sales and service uses.
- Consider option to selectively use development agreements to gain greater certainty about proposed development for select sites in order to better manage district cohesion and compatibility, balanced against the effort required.
- Monitor parking demand and implications of current parking ratios for site development feasibility. Explore options for shared parking on individual sites in the short term and site-specific or district-wide parking reductions as warranted in the long term.
- Potential commercial rezones, development at the SE 35<sup>th</sup> Ave gateway site and installation of new signals at SE 35<sup>th</sup> St and potentially SE 40<sup>th</sup> St should be reviewed to determine their impact on trip budgets, including any required analysis as part of a comprehensive plan land use designation change required by NMC 14.43.120(B). If not sooner, the comprehensive reassessment of the trip budget mandated no later than December 2023 per NMC 14.43.120(A) will be a prime opportunity to review the allocation of trips and how they align with desired future development.

Map and zoning code updates are further detailed in Section VII.

## II. Urban Renewal Background

The Refinement Plan for the South Beach/US 101 Commercial-Industrial Corridor—including this land use audit and policy recommendations—is charged with implementing the City's urban renewal goals for the area, and thus those goals are significant review criteria for this audit to determine whether policy and regulatory changes support development in line with urban renewal goals. The 1983 South Beach Urban Renewal Plan included seven objectives:

1. Preserve forest, water, wildlife and other natural resources
2. Identify sites for public uses such as the OSU Marine Science Center
3. Complete a Port facilitated marine recreation area
4. Encouraging marine oriented activities on the northern Shorelands
5. Assure the development of complementary uses adjacent to the Airport
6. Plan new sewer, water, and transportation capacity
7. Allocate a major part of South Beach to heavy commercial and light industrial uses

Commercial-industrial land use policies and regulations can most directly address the final objective, relating to heavy commercial and light industrial uses in South Beach, and indirectly support objectives around natural resource protection and public facilities planning.

2021 Priorities for the Urban Renewal Area developed as part of this Refinement Plan project build on the original 1983 Plan objectives.

1. Promote a sense of place for residents and visitors that reflects the South Beach identity.
2. Improve connectivity for bicyclists and pedestrians to South Beach destinations.
3. Attract new development that can meet the service and retail needs of South Beach residents.
4. Invest in overcoming market and development barriers on underutilized or vacant sites.
5. Reduce sewer, water, and transportation infrastructure barriers to enable job creation on industrial lands near the airport.
6. Invest in improvements that promote long-term community resiliency to address tsunami, flooding, and earthquake hazards.

Similarly, land use plans and implementing regulations can best address objectives around new service and retail development, and eliminating development barriers on vacant sites. Such land use tools can also contribute to infrastructure and natural resource objectives, as well as placemaking through district development standards.

### III. Long-Range Planning Policies

**Vision:** The Vision 2040 adopted in 2017 create a broader vision for the Greater Newport Area, with identified strategies across six “focus areas.” The focus area vision and strategies around “Creating New Businesses and Jobs” directly relates to the goals for the urban renewal area and specifically for commercial/industrial development along the Highway 101 corridor. Notable strategies related to South Beach and urban renewal include revitalizing the Highway 101 corridor to serve as an attractive gateway to the community and creating economic opportunities and living wage jobs, including in the science and marine economy. (Strategies A3, C1, C2 and C3.) Additional economic development strategies include airport improvements, small and local business development, tourism diversification, green and sustainable businesses, and sustainable fisheries and agricultural economies, many of which can be supported by a robust land use regulations for commercial and industrial uses in South Beach. (Strategies C4-C12.)

**Finding:** Vision 2040 establishes a broad vision for commercial and industrial development in South Beach that generally aligns with the Urban Renewal Plan goals. Vision implementation could be further supported with targeted zoning code and policy changes detailed herein, such as landscaping and screening standards along Highway 101 and maintaining a mix of commercial and industrial zoning for employment-related development.

**Comprehensive Planning:** The majority of the South Beach urban renewal district is designated for commercial and industrial land uses, in fulfillment of the City’s identified economic development goals. Comprehensive planning around transportation, utilities, public services, and natural hazards including tsunami inundation also relate more generally to future South Beach development. While both housing and waterfront planning affects the South Beach area generally and has connections with commercial and industrial development along the Highway 101 corridor, the key issues analyzed here relate to the City’s Comprehensive Plan goals and policies around the Economy.

The City’s 2012 Economic Opportunity Analysis incorporated into the Comprehensive Plan included an inventory of buildable land and concluded that there is sufficient land for economic development forecast from 2012 to 2032. Newport has more industrial land than the City is projected to need over the 20-year period, with a surplus of 113 gross acres of industrial land. (Newport Comprehensive Plan, Table 12, page 195.) Newport has a surplus of



41 acres of land for commercial uses, though Newport has a deficiency of larger sites for commercial uses particularly over 20 acres or 10-20 acres. Some of the large site deficiency could be met by light industrial sites (zoned I-1) where commercial uses are allowed outright. (Newport Comprehensive Plan, Table 12, page 195.) Thus, there should be capacity to re-designate land between these two classifications to meet commercial development goals specific to South Beach.

In addition to analysis of the physical land supply, the Economic element of the Comprehensive Plan identified key growth sectors in marine and ocean observing research and education, international commerce, fishing and seafood processing, and tourism. (Newport Comprehensive Plan, page 187.) These industries align well with both the Urban Renewal Plan goals and the available industrial and commercial lands within South Beach, ensuring that future South Beach commercial-industrial growth will be consistent with the City's economic development goals.

**Finding:** Both commercial and industrial development—and suitable sites for its development—will be needed throughout the City and within the urban renewal area to support economic growth targets for the next 20 years. The existing supply of commercial and industrially designated lands exceeds demand and provides flexibility for modest re-designation from industrial to commercial for key areas within South Beach, as desired to better meet local retail and service demand and activate development of the opportunity site at SE 35<sup>th</sup> St.

The City's long-range employment goals are well aligned with the Urban Renewal Plan goals, including a focus on marine-related, industrial and commercial economic development. No policy changes are recommended for the Comprehensive Plan to better implement the Urban Renewal Plan goals, though future Comprehensive Plan updates should incorporate any proposed changes to the extent of commercial and industrial designations and demonstrate that employment land needs are still met.

**Comprehensive Plan Map:** The Comprehensive Plan Map implements the plan goals by designating land for commercial, industrial and other land uses across the UGB. Within the South Beach urban renewal area, the primary designations along the Highway 101 corridor, extending north to south, include Shoreland, Commercial south to SE 32<sup>nd</sup> St, Industrial south to SE 62<sup>nd</sup> St with some High and Low Density Residential along the western half of the corridor, and Public for the airport site anchoring the south end of the area. (See Figures 1 and 2.)

Figure 1: Comprehensive Plan Land Use Designations within South Beach (Peninsula)

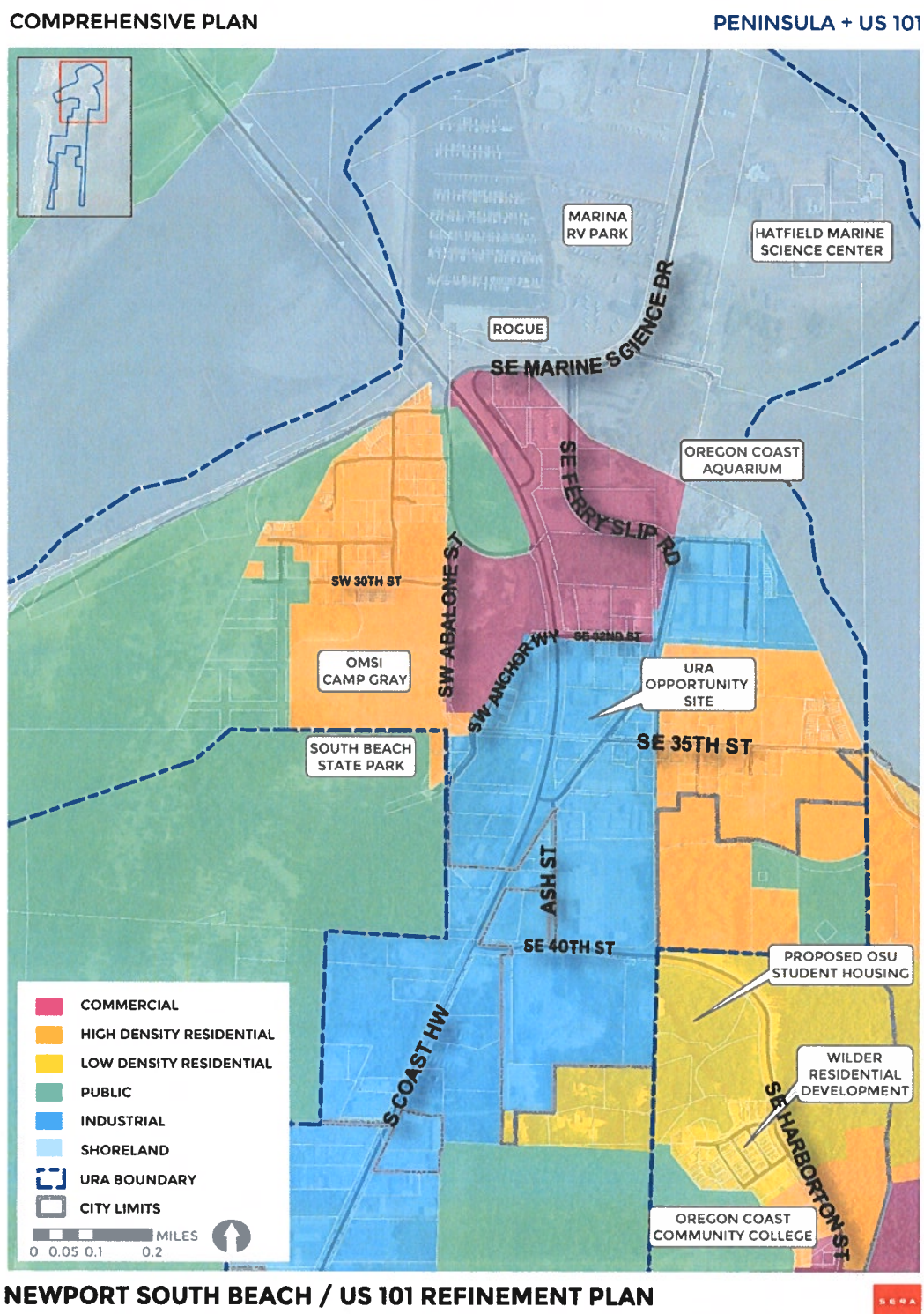
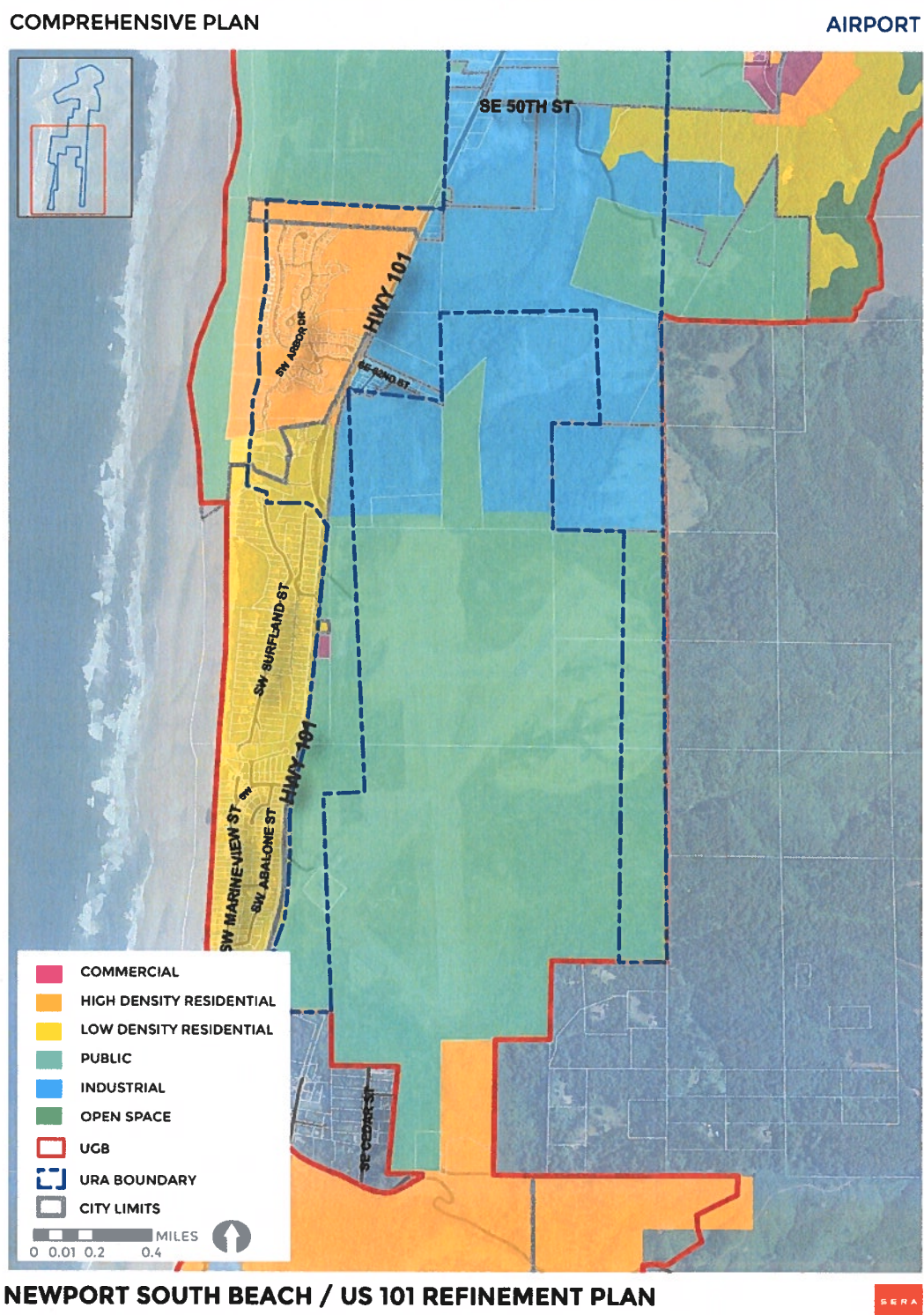




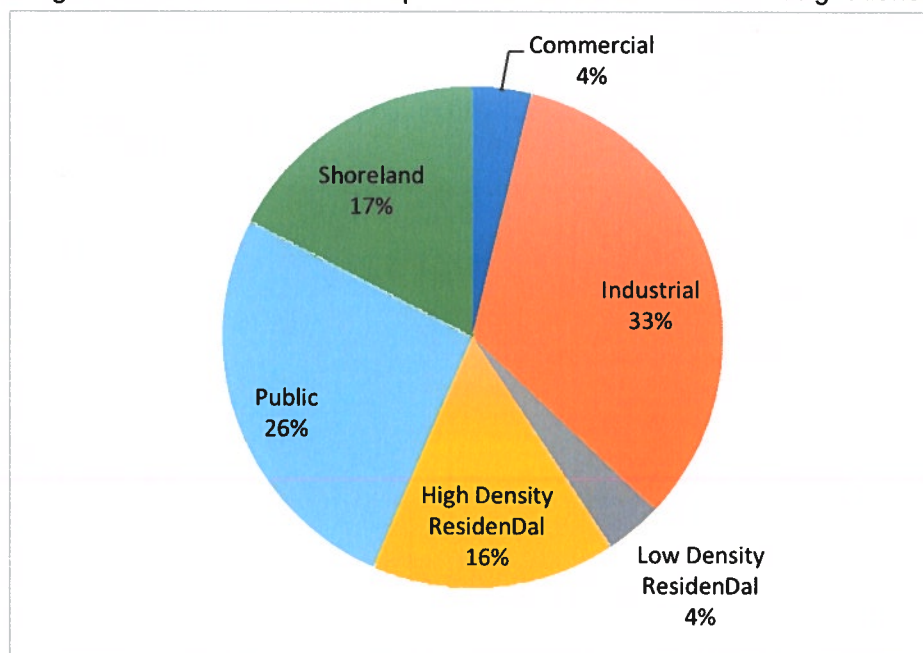
Figure 2: Comprehensive Plan Land Use Designations within South Beach (Airport)



The overall distribution of designations within the urban renewal area shows that both total size and location are important. Approximately one-third of the area is designated for Industrial use, as shown in Figure 3. Within the broader City context, the industrially designated land within South Beach represents nearly all of the City's industrial land supply and thus is important for meeting citywide industrial development goals as well as urban renewal goals specific to this area.

Commercially designated land totals only 4% of the urban renewal area, though its clustering at the south end of the Yaquina Bay Bridge near key attractions like the Oregon Coast Aquarium enhances the significance of this relatively small area. Public and Shoreland uses along

Figure 3: Distribution of Comprehensive Plan Land Use Designations



the bayfront are other large uses within the district at 26% and 17% respectively; publically designated lands include a range of park and utility facility uses along the corridor in addition to the airport site at the south end of the urban renewal area. While Low and High Density Residential total a significant 20% of the district, the majority of these areas are located off of the highway corridor.

**Finding:** There is adequate land designated for industrial and commercial uses within the City, with the majority of the City's industrial land supply located in South Beach. Based on the City's needs and existing supply, some of the industrial land supply could be re-designated for commercial use to support a larger commercial development cluster encompassing the City's opportunity site at SE 35<sup>th</sup> St. The extent of any re-designation from industrial to commercial should be analyzed for compliance with the City's overall economic development goals, and limited in scope to ensure ongoing viability of the City's industrial base located in South Beach.



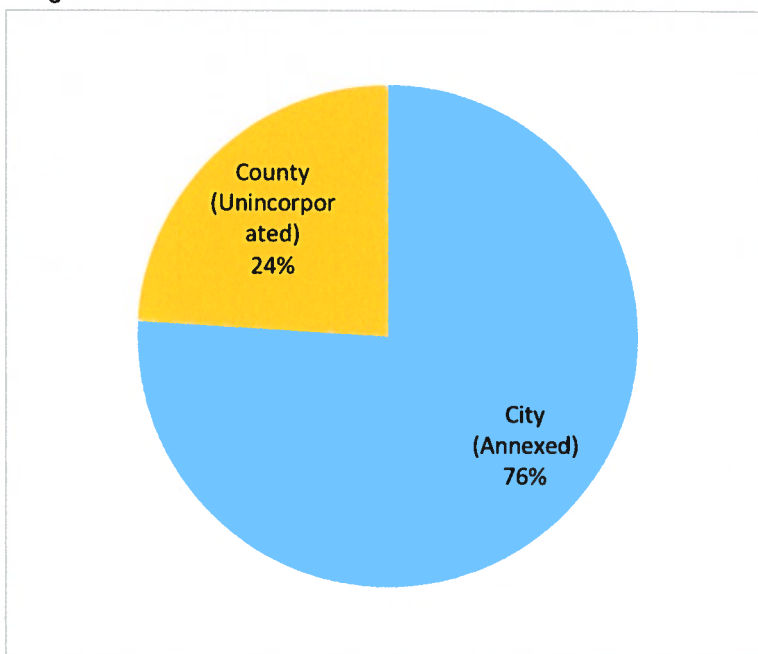
## IV. Annexation

The urban renewal district is entirely contained within the City's Urban Growth Boundary (UGB) and planned for future urban-level development, consistent with the urban renewal plan goals. However, nearly 25% of the district

is currently outside of the City limits, as shown in Figure 4, and cannot be developed to urban levels of intensity and served by urban infrastructure until annexation occurs. Though the inclusion of these properties within the UGB supports annexation and development within the plan's 20-year planning period by 2031, there is no timeline or mandate for annexation to occur and the Plan explicitly states that inclusion within the UGB does not imply that all land will be annexed to the City.

(Comprehensive Plan Urbanization Policy 1, page 428.)

Figure 4: Annexation Status of South Beach Area



As detailed in Table 1, much of the unincorporated property along the US 101 corridor has County Planned Industrial (I-P) zoning currently and is designated for Industrial use upon annexation, with some additional residentially designated parcels off of the corridor but still within the urban renewal district. There are no unincorporated commercial areas.

Table 1: Land Use Designations for Unincorporated Properties within South Beach

County Zoning	City Designation	Acreage	Percent of Unincorporated Area
Planned Industrial (I-P)	Industrial	160	57%
Residential (R-1)	High Density Residential Low Density Residential	73	26%
Public Facilities (P-F)	Public	48	17%
	<b>Total</b>	<b>281</b>	<b>100%</b>

County zoning aligns with future City land use designations, to be implemented with corresponding City zones, which should provide an orderly transition from County to City jurisdiction. There is one small exception on the west side of Highway 101 at the south end of South Beach State Park (Tax account #R184345), where the City land use designation of High Density Residential does not match either the County Public Facilities zoning or the current state park use. (See Figures 2 and 7 to compare.)

Annexation would expand the industrial land base and serve the goals for the urban renewal district, in order to better coordinate provision of infrastructure and increase efficient utilization of those services, in addition to increasing property values and subsequent City tax revenues. Annexation of commercial and industrial lands is identified as an economic development strategy in order to increase the City's development land supply, with particular importance in South Beach. (Comprehensive Plan Economic Policy 7.2, page 225.) Having a well-defined annexation strategy is important to the City because it can ensure efficient provision of municipal services and adequate sites for businesses. (Comprehensive Plan, page 205.)

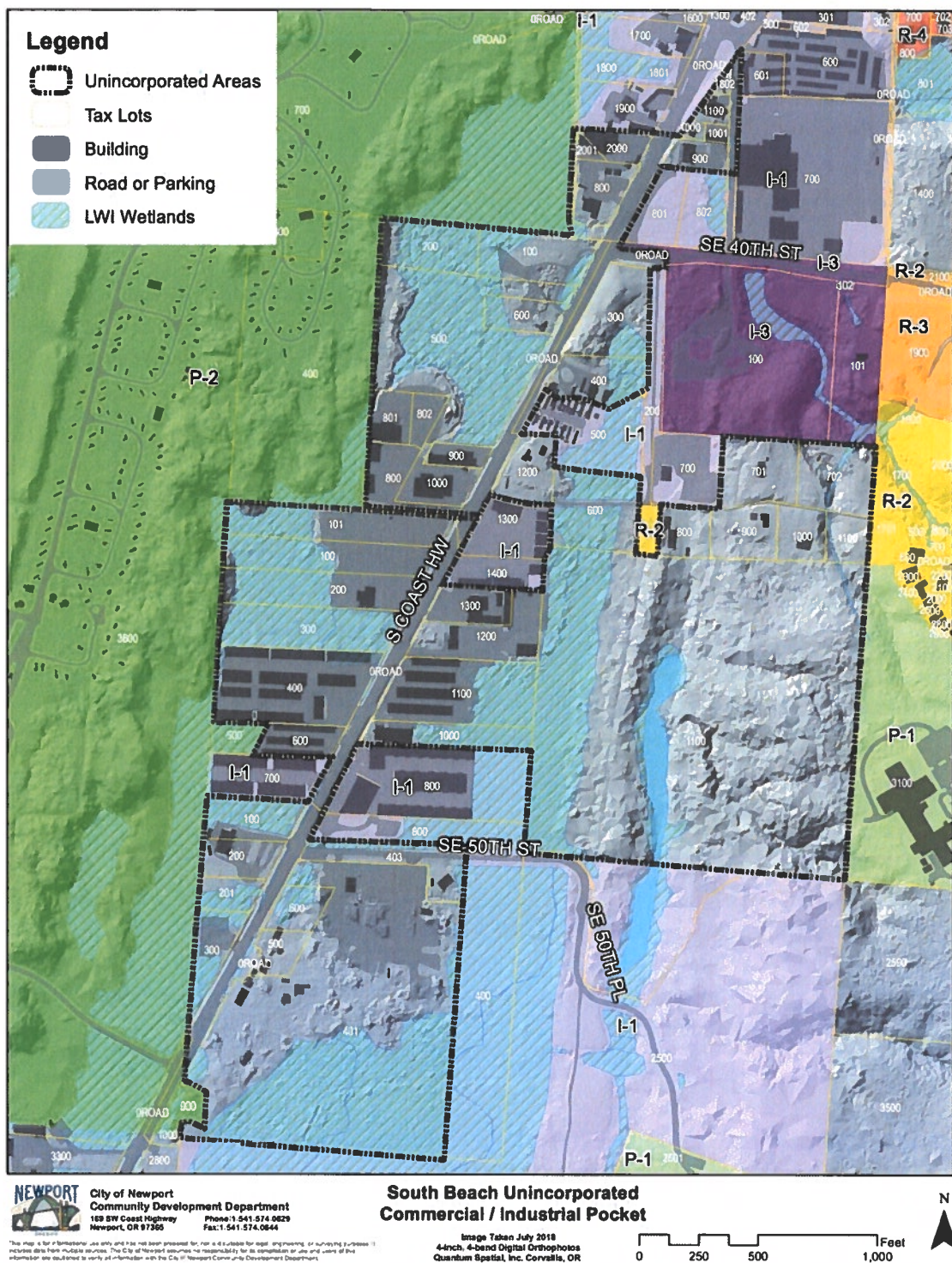
Annexation is primarily initiated by property owners under Oregon law and Newport code, and generally requires consent of owners and residents within the territory to be annexed. (ORS Chapter 222.) Newport annexation provisions permit annexation of any properties for which owner and resident consent has been obtained, the territory is within the UGB, and the territory is contiguous to the City limits. (NMC 14.37.040.) Recent history of annexation in South Beach has been limited to owner-initiated annexations of single parcels in the past 10 years, and has included:

- Surf Sounds Court mobile home park in 2019 at 4263 S Coast Hwy, which annexed into the City because their septic system failed. (File #1-AX-19)
- Airrow Heating in 2018, at 3503 S Coast Hwy. (File #1-AX-18)
- Coastcom in 2013, at 4541 S Coast Hwy. (File #2-AX-13)

At this pace, full annexation of the unincorporated properties in South Beach would take many decades.

Oregon law does provide for City-initiated annexations in specific circumstances, including provisions for "island annexations" in which cities can annex properties without local consent if they are entirely surrounded by the city limits. (ORS 222.750.) Figure 5 illustrates that the majority of unincorporated properties in South Beach could be eligible for island annexation based on the surrounding City limits.

Figure 5: South Beach Unincorporated Areas



Source: City of Newport

The benefit to annexation is the ability to develop at urban levels of intensity under City zoning, served by urban-level public facilities, including water and sewer. The majority of County properties are zoned industrial (I-P), which permits a range of industrial uses from manufacturing to rock and gravel extraction to limited service uses like restaurants and banks, provided that on-site wastewater disposal can be accommodated.<sup>1</sup> (Lincoln County Code 1.1364(2).) All industrial uses in the County require a Type III conditional use permit, which can be a lengthy and costly review process. By contrast, most industrial uses permitted under City zoning, were the properties annexed, are permitted outright without need for a lengthy land use permitting review. However, a property owner would first have to complete the annexation process, which is similarly complex as a conditional use permit, making the overall City land use process more similar to the existing County process in terms of time and effort initially. After annexation, however, a greater range of development would be possible and could be served by planned infrastructure development funded by urban renewal district.

Annexation into the City does typically incur higher costs for property owners, including application and survey costs, system development charges (SDCs) and property taxes. Fewer, larger annexations for multiple properties rather than individual properties would decrease application costs, and could be facilitated by the City. The City is also working to develop a package of financial incentives for property owners to defray initial costs to transition to City infrastructure systems using urban renewal funding, given that annexation could yield significant benefits to the district by facilitating urban-level industrial development.

Until properties are annexed to the City, the City must monitor and review proposed development within the County to ensure that it can be compatible with future City policies. As stated in the Comprehensive Plan, "Unincorporated areas within the UGB will become part of Newport; therefore, development of those areas influences the future growth of the city. Hence, the city has an interest in the type and placement of that growth." (Urbanization Policy 3, page 429.) The City is committed to reviewing and commenting on any pending land use developments within the unincorporated portions of the UGB in order to implement this policy. Future development of an Urban Growth Management Agreement (UGMA) between the City of Newport and Lincoln County that includes the South Beach area has also been identified as an additional strategy to coordinate interim infrastructure and site development. (Comprehensive Plan, page 205.)

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<sup>1</sup> In practice, requiring on-site wastewater disposal significantly limits the scope of potential industrial development under County zoning, given the high wastewater generation of certain industrial processes. This helps explain the popularity of low-impact developments like self-storage facilities on existing County properties that generate little wastewater.



**Finding:** Annexation of the remaining 25% of the urban renewal district into City limits is important to support the City's economic development goals generally and in South Beach specifically. Not only will annexation enable development at urban intensities, it will limit development under County regulations that may be less compatible with urban renewal development goals in terms of uses and development standards, such as rock and gravel crushing and self-storage. The City should continue to engage with Lincoln County to coordinate review of any development within the UGB to ensure that it can be consistent with City goals and standards upon future annexation. The City should coordinate with Lincoln County to complete the Urban Growth Management Agreement to ensure an orderly transition from County to City zoning.

The City should update the Comprehensive Plan designation of the South Beach State Park parcel (tax account #R184345) to Public rather than High Density Residential for a smooth transition from County to City zoning upon annexation.

The City should pursue annexation options including island annexation under ORS 222.750 in order to remedy the patchwork of City and County zoning in South Beach and better facilitate cohesive development and infrastructure systems in the significant portion of the urban renewal district that is currently unincorporated. The City should engage with property owners as part of annexation efforts to better understand specific concerns or uncertainties about annexation. Informational resources for property owners would be useful to highlight development potential within the City compared to existing County regulations, in addition to tax and financial implications, as well as outlining any financial incentives for infrastructure development that could be available through the urban renewal district. Financial incentives to defray initial costs would also support any annexation efforts, such as waiving land use fees for annexation applications (currently \$782), conducting survey work, and/or offsetting infrastructure connection fees. The City's annexation provisions in NMC 14.37 are straightforward and no further revisions are recommended to better support the annexation process.

## V. Zoning Regulations

**Overall code structure:** Newport's zoning regulations are codified in Chapter 14 of the City's Municipal Code, along with land division regulations codified in Chapter 13. The zoning code is fairly traditional mix of residential, commercial and industrial zones, focused on defining allowed uses and development types within each zone. There are few geographically specific or mixed-use zones, though considerable flexibility is provided within various zones. The L-1 Light Industrial zone, for example, allows a broad range of commercial and industrial uses beyond typical light industrial manufacturing uses. The zoning code largely focuses on defining use categories, subject to straightforward dimensional standards, with limited focus on the site or architectural design of resulting development, as discussed below. The limited number of zones and limited scope of development and design standards within each provides for a relatively straightforward regulatory environment with few barriers, but provides limited scope to tailor development regulations specific to geographic areas such as South Beach.

Overlay zones are generally related to a specific, limited purpose with limited implications or restrictions on uses and development permitted by the underlying zoning district. Notable overlays within the urban renewal district include:

- Airport Development Zone Overlay, which details certain allowed airport-related commercial and recreational uses including standards for skydiving uses. (NMC Chapter 14.22)
- South Beach Transportation Overlay Zone, which establishes a framework for distribution of available transportation capacity and requires additional transportation planning for proposed South Beach development. (NMC Chapter 14.43)
- Tsunami Hazard Overlay Zone, which limits placement of critical emergency services and large gathering spaces such as schools within areas subject to tsunami inundation and requires provision of evacuation routes for development. (NMC Chapter 14.46)

**Finding:** The City's broad code structure with a limited number of zones requires careful consideration in order to make changes specific to South Beach: changes would need to be either crafted to apply within the zoning district across the entire city, restricted to the South Beach area within the existing zones through additional code provisions or footnotes, or implemented through a focused South Beach corridor overlay zone. The recommendations throughout this section should be analyzed to determine whether they could effectively be implemented within the existing code structure, with potential impacts beyond the South

Beach area, or warrant a more targeted approach potentially tied to the extent of existing overlay zones or the urban renewal area. Given the limited utilization of special purpose zones within the City, introduction of new zones or overlays is not the preferred option.

**Zoning Districts:** There are 10 City zoning districts within the South Beach district in addition to three County zoning districts, as shown in Figures 6 and 7. The zoning maps implement the Comprehensive Plan designations discussed in Section III, with a cluster of commercial zoning at the northern end of the corridor, industrial zoning along much of the corridor between SE 32<sup>nd</sup> St and SE 62<sup>nd</sup> St, and public zoning along the southern end of the corridor for the airport site, with residential and additional public zoning generally located off of the highway corridor. Commercial zones together make up 3% of the urban renewal district and industrial zones total 21% of the area—35% when including County industrial zoning—as detailed in Table 2; these zones are clustered along the highway corridor.

Table 2: South Beach Zoning Districts

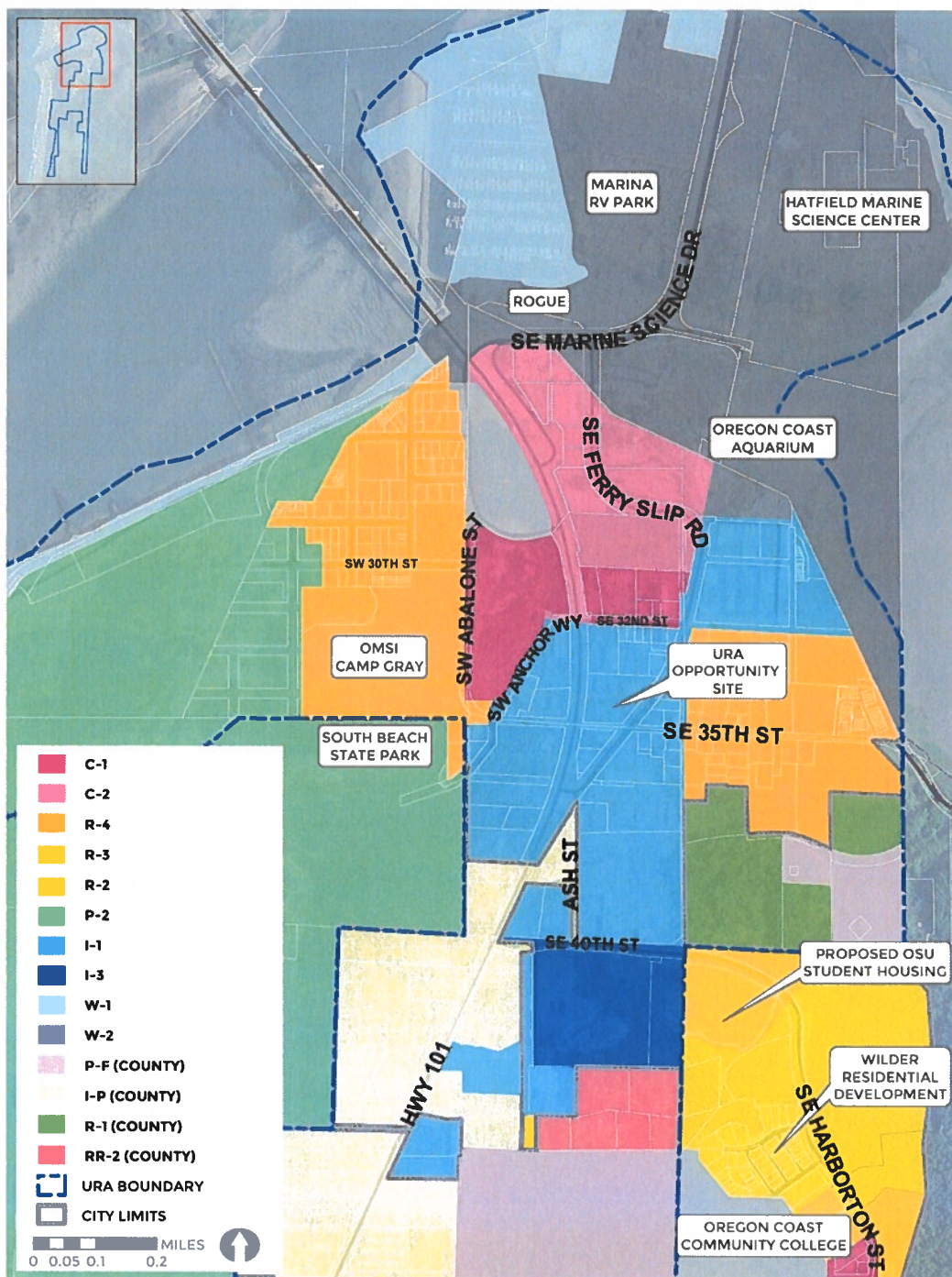
	<b>Zone</b>	<b>Acreage</b>	<b>Percent of Urban Renewal District</b>
City	Retail and Service Commercial (C-1)	17	1%
	Tourist Commercial (C-2)	27	2%
	Light Industrial (I-1)	235	20%
	Heavy Industrial (I-3)	16	1%
	Public (P-1)	174	15%
	Public (P-2)	83	7%
	Low Density Single-Family Residential (R-1)	6	0%
	High Density Multi-Family Residential (R-4)	148	13%
	Water-Dependent (W-1)	46	4%
	Water-Related (W-2)	135	12%
County	Public Facilities (P-F)	48	4%
	Planned Industrial (I-P)	160	14%
	Residential (R-1)	73	6%
	<b>Total</b>	<b>1,169</b>	<b>100%</b>

Within the commercial node, implementing zones include tourist-oriented commercial (C-2) near the bridge and retail and service commercial (C-1) on either side of the highway near SE 32<sup>nd</sup> St. There is no Heavy Commercial (C-3) zoning along the corridor, which permits larger scale, traditionally auto-served regional commercial development.

Figure 6: City and County Zoning within South Beach (Peninsula)

CITY + COUNTY ZONING

PENINSULA + US 101

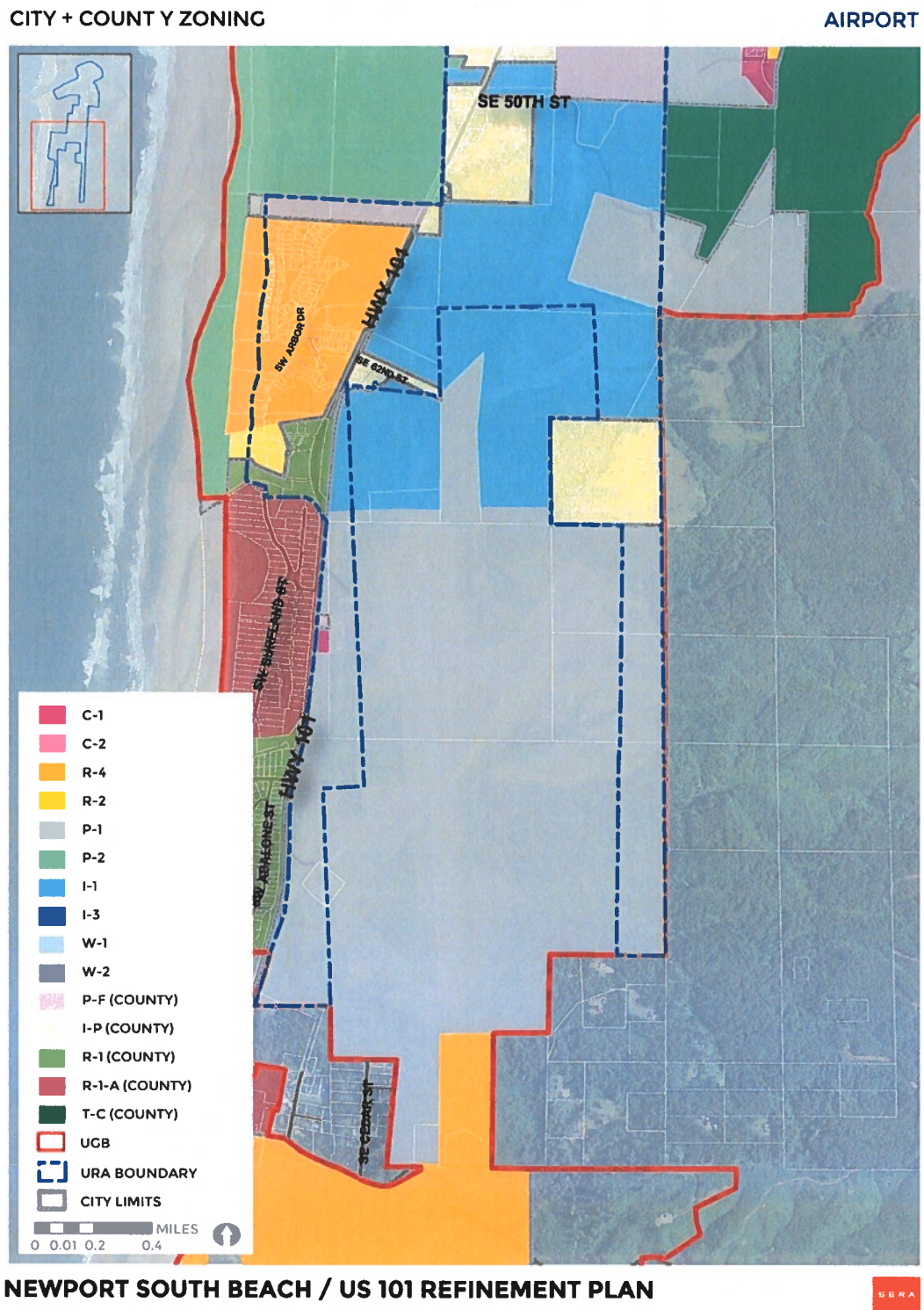


NEWPORT SOUTH BEACH / US 101 REFINEMENT PLAN





Figure 7: City and County Zoning within South Beach (Airport)





Industrial zoning along the corridor is primarily Light Industrial (I-1), with a single site zoned for Heavy Industrial (I-3) on the east side of Highway 101 at SE 40<sup>th</sup> St. The I-3 site directly abuts residential zoning farther east, which could cause compatibility issues. The County's Planned Industrial (I-P) along the corridor generally south of SE 40<sup>th</sup> St is designated for future City industrial zoning, though there is little direction about which of the City's industrial zones would best apply to these parcels taking into account site character and existing development relative to desired City economic development goals and employment land needs.

The opportunity sites identified for future development are currently zoned for industrial uses under current City and County zoning, discussed further in Section VI. The property at SE 35<sup>th</sup> St owned by the Urban Renewal Agency is zoned Light Industrial. There is only one commercially zoned opportunity site, located on SW Abalone St.

**Finding:** There would be benefit to expanding the extent of commercial zones along the highway corridor in place of existing light industrial districts to better support a cluster of commercial goods and services serving South Beach residents and visitors. Extending the C-1 zone along the east side of the highway farther south to encompass the opportunity site as SE 35<sup>th</sup> St would increase the concentration of commercial services. Additional commercial sites should be considered around the potential new signal at SE 40<sup>th</sup> St. Because the light industrial zone permits such a wide range of industrial and commercial uses, the concern with retaining the current light industrial zoning is not that desired commercial uses would not be permitted, but that there would be increased competition and potential conflict with light industrial uses developed on abutting properties.

For the industrially zoned properties, existing City zoning appears adequate to meet the City's industrial development needs. Further discussion and analysis should consider which zones are desirable for County industrial properties when they are annexed, particularly to identify sites that would be appropriate for heavy industrial zoning (I-3).

**Allowed uses:** The commercial and industrial zones permit a wide range of retail, service, office and industrial employment uses, in line with commercial and industrial development goals adopted by the City and specific to South Beach. (NMC 14.03.070.) Residential uses are also permitted on upper floors only in commercial districts. Many of these core uses are permitted outright in the commercial and industrial zones, but larger format uses such as Major Event Entertainment, as well as uses that are less aligned with the zone's overall purpose, such as General Retail in the Heavy Industrial I-3 zone, require a conditional

use permit. Any new or expanded commercial use in the Tourist Commercial C-2 district requires a conditional use permit as well.

Notably, the I-1 light industrial zone includes a wide range of commercial retail and service uses in addition to traditional employment uses, and functions more as a flex zone than a strictly industrial zone. Rather than targeting a narrow range of uses for this zone, the Comprehensive Plan identified a strategy of negotiating development agreements with property owners of opportunity sites to prioritize target industry uses, such as marine research and fishing-related. (Economic Policy 7.1, page 223.)

Both the commercial and industrial zones permit a range of retail and service uses identified by project stakeholders as desired services in South Beach. (Opportunities and Constraints Memo, Exhibit 12.) The existing zones should thus provide ample development potential for desired uses, as shown in Table 3, however, the I-3 zone provides limited opportunities.

Table 3: Desired Retail and Service Uses Permitted by Zone

Desired Use	Grocery store	General retail	Gas station	Restaurant
Zoning Classification	<i>Retail Sales and Service: Sales-oriented, general retail</i>			<i>Retail Sales and Service: Entertainment oriented</i>
C-1	P	P	P	P
C-2	P	P	P	P
I-1	P	P	P	P
I-3	C	C	C	X

P=permitted, C=conditional, X=prohibited

Source: Zoning classifications shown in italics from NMC 14.03.060, 14.03.070.

However, the great flexibility provided within these zones comes with a lack of certainty about future development patterns and potential compatibility concerns between uses. Uses across these zones, particularly in the I-1 zone, are very wide-ranging and also include uses that may be less desirable within the urban renewal district because they do not align with urban renewal and public goals around generating significant living-wage employment, generating significant tax revenue providing goods and services for visitors and residents, and revitalizing the highway corridor. Further review of the following uses is warranted:

- Self-service storage: Permitted in C-3, I-1 and I-2, prohibited elsewhere. There are at least three self-storage facilities already located within the district, and while this indicates demand for such uses, these uses tend to generate relatively few jobs per acre with relatively limited demand for urban-level infrastructure.
- Vehicle Repair: Permitted in C-3, I-1 and I-2, prohibited elsewhere.

- Auto sales, included as part of Sales-oriented, bulk retail category: Permitted in C-3, I-1 and I-2, conditional in C-1 and I-3, and prohibited in C-2.
- Towing, wrecking and salvage of vehicles, trucks and heavy machinery, included as part of Contractors and Industrial Service category: Permitted in C-3, I-1, I-2 and I-3, prohibited elsewhere.
- Heavy Manufacturing that “should not be located near residential areas due to noise, dust, vibration or fumes.” Permitted only in I-3 and conditionally in I-2. (NMC 14.03.060(D)(2)(b)(ii).)
- Waste and Recycling Related: Conditional in all zones.
- Mining: Permitted only in I-3 and conditionally in I-2.

There is a considerable range of uses permitted in the I-1 that could conflict with some of the desired retail and service uses along the corridor, while many of these uses are not permitted in the commercial C-1 or C-2 zones. Potential conflicts with heavy manufacturing uses in the I-3 zone could be eliminated by rezoning the existing I-3 parcels on SE 40<sup>th</sup> St. Any consideration of these uses should also be balanced against regional industrial and employment needs, given that the industrial land base in South Beach is the primary industrial base for the entire city.

There are also several nonconforming uses located within the Light Industrial area, including a manufactured home park; these uses are permitted to continue with additional limitations for any future modifications or expansions, but a similar new use could not be established. (NMC 14.32) Nonconforming uses can present a challenge for long-range planning, given that they are not in line with the intended purpose of the zone but are “grandfathered in” and unlikely to be changed unless economically viable.

Several overlay zones within South Beach introduce additional use limitations. The Airport Development Zone Overlay applies to the Newport Municipal Airport property, totaling approximately 700 acres on the east side of Highway 101 at SE 84<sup>th</sup> St. (NMC 14.22.100.) The airport overlay zone overrides use standards for the underlying zoning districts in favor of permitting aviation-related uses ranging from airports to skydiving to emergency services; all non-aviation uses including commercial and industrial uses require a conditional use permit. (NMC 14.22.100(E)(5).) The Tsunami Hazards Overlay zone generally maintains the existing uses permitted in the underlying zones, but limits those uses with high potential consequences in the event of a tsunami, from schools to emergency services. (NMC 14.46.) Generally, these overlays introduce reasonable limitations on development in areas with potential safety conflicts, and in the case of the airport, to ensure priority is given to aviation-related uses.

## Food Carts

Recently adopted updates to the City's food cart regulations will greatly benefit potential food cart uses, and better align with potential development concepts at the City's SE 35<sup>th</sup> St site. Whereas previous standards prohibited food carts within one-half mile of any existing eating or drinking location and limited carts to a two-year permit, updated provisions permit food carts individually and in pods of four or more throughout the South Beach area. (NMC 14.09, updated September 2021.) Food cart pods on private property are required to provide permanent utility connections and pay system development charges (SDCs), provide covered seating and trash receptacles, and provide access to a restroom, all of which should improve the user experience while balancing improvement costs with the level of impact generated by such uses. No further modifications are recommended to the food cart regulations in the South Beach context; a potential pod at the SE 35<sup>th</sup> St site or elsewhere in the district should greatly benefit from these new regulations.



**Finding:** The existing commercial and industrial districts support the desired range of retail, service and employment uses identified in the Urban Renewal Plan as well as in recent stakeholder engagement completed as part of this refinement plan. The recent food cart regulatory changes in particular fully address previous concerns about the viability of food carts and food cart pods in the district. The use limitations of the airport and tsunami overlay zones are in line with the needs of those areas.

However, the very broad range of uses permitted in the industrial and commercial zones, the I-1 in particular, means that there is considerable flexibility with relative less certainty about the exact mix of uses or ways to prioritize the more desirable uses relative to area goals. Greater certainty about the future range of commercial and industrial uses could be addressed through a variety of strategies including changes to the allowed uses, negotiating development agreements, and/or applying site development standards that minimize potential off-site development impacts such as landscaping and screening standards discussed below, in addition to rezoning select parcels to C-1 commercial use as discussed above.

Changes to permitted uses could help to limit less desirable uses in South Beach area. Initial changes should prohibit new self-service storage and vehicular towing, wrecking and salvage uses in the I-1 zone along the highway corridor due to their low employment densities.

Additional consideration should be given to limiting vehicle sales and service uses within the district as part of further review of the relative employment and tax generation potential of uses, as well as their role within the local and regional economy, to support any future recommendations to modify the range of permitted uses.

Care should also be taken to minimize creation of nonconforming uses as a result of any zoning changes, as that can cause uneven transitions over time. The City could also initiate conversations with existing nonconforming users about their future development ideas, and any necessary infrastructure or other support needed.

An additional tool would be to utilize development agreements for specific sites, as identified in the Comprehensive Plan, however, this approach should be reserved for key sites given the time and effort required on behalf of the City and property owner to negotiate such agreements.

**Development standards:** The dimensional standards for the commercial and industrial zones in South Beach are relatively simple and permissive:

- 50-foot maximum height limit (NMC 14.13.020 Table "A.") No existing development along the corridor has approached the height limit, nor are proposed uses likely to need additional height.
- Zero foot front, side and rear setbacks, with the exception of a 50-foot required setback from Highway 101 for industrial properties. (NMC 14.13.020 Table "A," 14.19.050.B.) Staff reported that the setback was developed to reserve potential area for future highway widening, but there are no longer state or local plans to add lanes south of the Yaquina Bay Bridge.
- 85-90% lot coverage permitted, with 10% site landscaping. (NMC 14.13.020 Table "A," 14.19.050.A.)

Although most setbacks for industrial and commercial sites are zero feet, a setback and some softening of those frontages can be achieved through the required landscaping along property frontage(s) equal to 10% of the site area. (NMC 14.19.050(A).) There are no standards about the required width or mix of plant materials required along the frontage, other than a requirement that "Landscaping shall be located along a street frontage or frontages." (NMC 14.19.050(B).)



There are no requirements for screening or buffering between uses, with exception of nonresidential abutting residential zones requiring graduated height limits and a 10-foot landscaping buffer. (NMC 14.18.) There are no limitations on outdoor storage or location of parking or loading areas, nor specific screening and buffering that would apply beyond a requirement for 5% of the parking area to be landscaped. (NMC 14.19.050(D)(1).)

No other architectural or site design standards apply to commercial and industrial properties within South Beach. Design review standards and procedures in Newport are currently limited to the Historic Nye Beach Design Review District, though the Comprehensive Plan identifies six potential urban design districts and future neighborhood plans could adopt design goals for additional areas. (NMC 14.30.010.)

**Finding:** Limited site design standards provide considerable flexibility with minimal constraints for site development, however, they provide little assurance of adequate screening and buffering between sites. The outlier is the 50-foot required front setback for industrial development along Highway 101, which no longer appears necessary for future highway expansion and is out of line with setbacks elsewhere in the City for industrial and other development. The front setback for development along Highway 101 in both commercial and industrial zones should be set at 10-20 feet to provide room for a modest landscaping strip as well as retain flexibility for minor right-of-way modifications to Highway 101 in the future if needed.

Screening and buffering standards are recommended for uses such as industrial outdoor storage that could create visual detractions and functional conflicts particularly between commercial and light industrial uses allowed within the I-1 zone. Specific landscape buffer widths and required materials, such as numbers of shrubs or trees, would provide greater certainty about frontage treatments throughout the district. In particular, a landscaping frontage standard for properties fronting the highway could create an enhanced and consistent image for South Beach, and replace the previous 50-foot industrial setback.

Creation of a design district is not recommended at this time based on the development goals and limited design conflicts identified to date along the corridor, however, development of limited objective design standards for portions of the district could minimize potential for future conflicts. While design review often connotes a particular vision of walkable, pedestrian-scale, mixed retail, office and/or residential areas—unlike the active commercial and industrial highway corridor in South Beach—design standards can be tailored to suit the functional and aesthetic goals of a variety of situations. One potential example is the mixed industrial district in the City of Tillamook, the Hoquarton Waterfront Overlay zone that incorporates limited

objective design standards to enhance compatibility between commercial and industrial uses. (Tillamook Zoning Code 153.033.)

Recent brewpub  
development in Tillamook's  
Hoquarton overlay zone  
incorporating industrial  
aesthetic



**Parking Requirements:** A major driver of site design is off-street parking, which can occupy a significant portion of the site area. Vehicle parking is required at minimum ratios established in NMC 14.14.030, ranging from one space per 150 square feet for restaurants to one space per 3,333 square feet for industrial uses. While the ratios are fairly typical for comparable cities, the result can be a significant amount of parking that may limit development potential in certain cases. As detailed in Table 4, the potential development scenarios being considered for the site at SE 35<sup>th</sup> St require 87-114 parking spaces, which could constitute nearly 40% of the site at an estimated 350 square feet per space on the 2.3-acre site. However, it is likely that many uses in South Beach will primarily be served by auto access and parking availability will be important for visitors and residents.

Table 4: Potential Parking Requirements for SE 35<sup>th</sup> St Opportunity Site

Scenario	Development Proposed	Parking Required	Total
1: General Merchandiser and Retail	30,000 SF general retail 5,000 SF retail cluster 6,000 SF restaurant	100 spaces 17 spaces 40 spaces	100 spaces on site at NE corner (City owned), up to 57 additional on SE corner if acquired
2: Grocery plus Microrestaurants	6,000 SF grocery/retail 7,000 SF restaurant (inc 2,000 SF coffee) 5,000 SF food cart pod (8-10 carts + 1,500 SF seating)	20 spaces 47 spaces 20 spaces	87 spaces
3: Retail and Microrestaurants	12,000 SF general retail 8,000 SF restaurant (inc 2,000 SF coffee) 5,000 SF food cart pod (8-10 carts + 1,500 SF seating)	40 spaces 54 spaces 20 spaces	114 spaces

Source: Required parking per NMC 14.14.030, 14.09.060(D).

There may be opportunity to reduce parking requirements at the SE 35<sup>th</sup> St opportunity site and elsewhere in South Beach through provisions for shared parking on sites developed with a mix of uses, through a parking demand analysis. (NMC 14.14.040.) A Type III variance process can also be used to reduce parking requirements for a specific site. (NMC 14.14.130.) In specific areas of the City with high demand and limited land area—Nye Beach, Bayfront and City Center—parking districts allow alternate parking ratios, and make use of shared public parking areas to meet demand. (NMC 14.14.100.) A district-wide strategy has not been proposed for South Beach, but could be considered in the future depending on growth.

**Finding:** While parking can be a significant portion of development sites, much development in South Beach is anticipated to serve users arriving by car and seeking parking. No changes to the parking ratios or creation of a parking district for South Beach is recommended at this time, but monitoring of both parking requirements as applied to specific sites and parking demand is recommended to identify any particular conflicts or opportunities to modify parking standards.

**Permitting and Review Procedures:** Land use permitting requirements for potential development in South Beach are relatively limited. Because most commercial and industrial uses are permitted outright, no separate land use review is required outside of the building permit process. Newport does not use a separate site plan review process common in many other jurisdictions to review development against land use provisions, which expedites the overall permitting process. Site plan review is less applicable in Newport, however, given the relatively limited site development standards such as setbacks. The City could consider introducing site plan review only if warranted by introduction of more detailed development standards; for example, there is a design review process used for development in areas with specific design standards.

More complex land use permitting is also required for some uses, including conditional uses and most modifications of existing nonconforming uses. Development that generates more than 100 PM peak hour trips also requires a pre-application conference and review of a traffic impact analysis. (NMC 14.45.020.) Development throughout South Beach within the SBTOZ that is below the 100 PM peak hour trip threshold must alternatively submit a trip assessment letter, which can be completed concurrent with any land use permits or at the time of building permit application. (NMC 14.43.080.)

**Finding:** Permitting requirements for most commercial and industrial development in South Beach is straightforward and proportional to the limited land use standards applied to site development while addressing key issues such as traffic generation. Additional land use review may be warranted in the future if additional development standards are introduced for South Beach.

**Transportation Planning:** Future development and mix of uses along the Highway 101 corridor will need to comply with special transportation planning rules developed to allocate and manage existing highway capacity, given capacity constraints along this stretch of Highway 101. The majority of the urban renewal district is located within the South Beach Transportation Overlay Zone (SBTOZ), established in the 2012 Transportation System Plan and implemented through NMC 14.43. The SBTOZ was created in order to permit greater levels of development than would otherwise be permitted along the highway, accepting an increased level of congestion at peak times as a trade-off for greater economic development.

The SBTOZ establishes a total number of trips available within each of the transportation analysis zones (TAZs) and the area as a whole. The existing distribution of trips between TAZs was based on development potential of buildable land and existing zoning, and is meant to support economic development. New development must be able to be accommodated within the available trips, or apply to use trips reserved for the area as a whole, which has implications on the scope and types of development that can be planned and accommodated within this area. Notably, as shown in Table 5, commercial uses tend to have significantly greater trip generation rates up to 10 times greater than industrial uses.

Table 5: Sample Trip Generation Rates

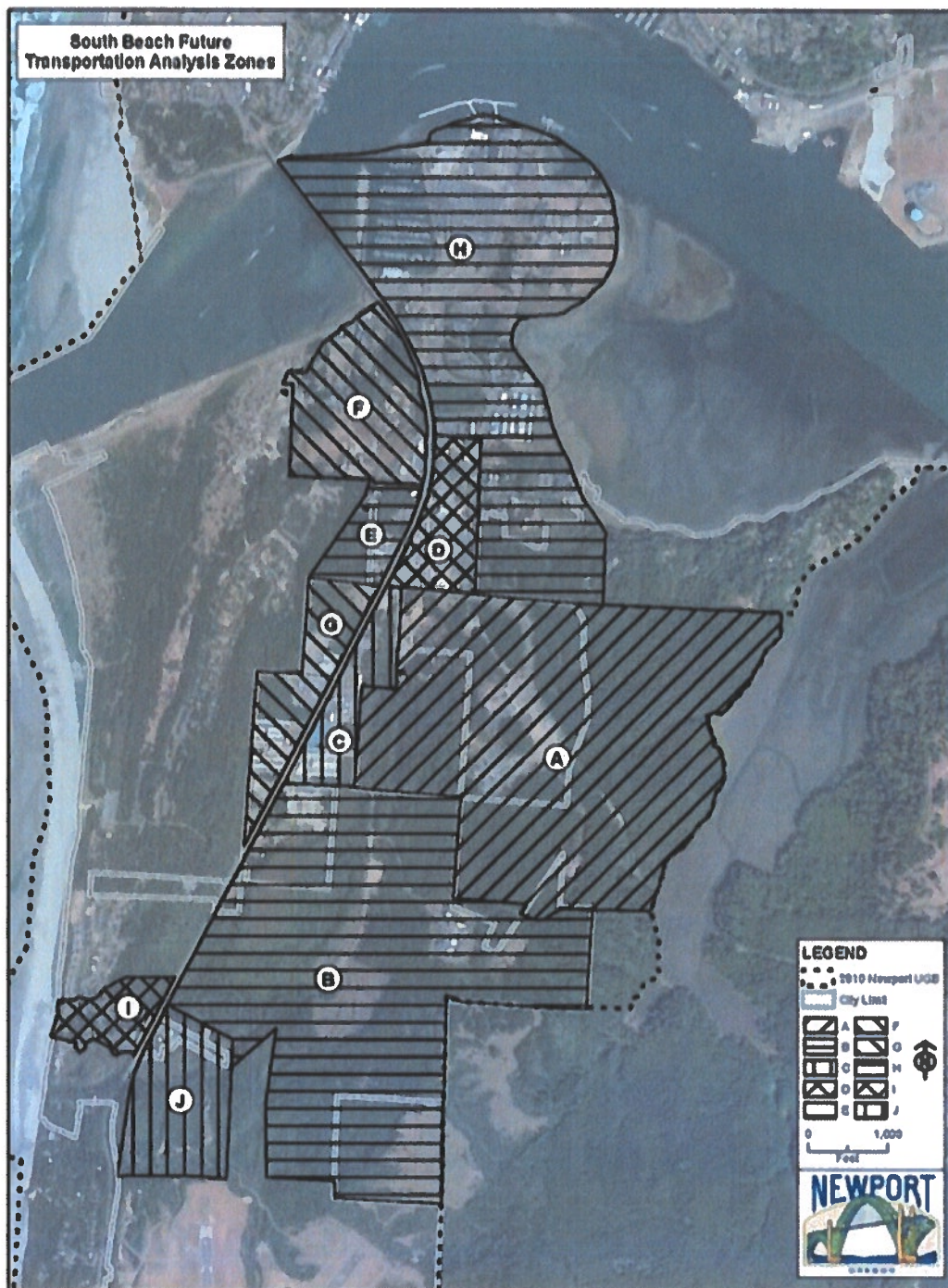
ITE Code	Description	Unit of Measure	Trips per Unit <sup>1</sup>
110	General Light Industrial	1,000 SF GFA	0.63
180	Specialty Trade Contractor	1,000 SF GFA	1.97
710	General Office Building	1,000 SF GFA	1.15
850	Supermarket	1,000 SF GFA	9.24 <sup>1</sup>
930	Fast Casual Restaurant	1,000 SF GFA	14.13 <sup>1</sup>
926	Food Cart Pod	Food Cart	3.08 <sup>1</sup>
944	Gasoline/Service Station	1,000 SF GFA	109.27 <sup>1</sup>

<sup>1</sup> Commercial and service uses eligible for 40-60% reduction to account for "pass-by" trips per ITE methodology as well as NMC 14.43.060(B).

Source: Institute of Transportation Engineers Common Trip Generation Rates (PM Peak Hour), Trip Generation Manual, 10<sup>th</sup> Edition



Figure 8: South Beach Transportation Overlay Zone



Source: Newport Transportation System Plan



The trip generation differentials between various uses, and the overall trip budget, means that any future developments should be considered within a transportation planning context to ensure that development complies with the adopted trip budget and moreover, uses trips wisely. Any changes to comprehensive plan land use designations within the SBTOZ, such as would be needed to rezone property around SE 35<sup>th</sup> St from Light Industrial to Commercial, requires review of the trip budget. (NMC 14.43.120(B).) The relatively high trip generation associated with many commercial uses compared to industrial uses supports selective commercial rezoning to stay within the trip budget. However, the Light Industrial zone already permits a wide range of industrial and commercial uses so the relative impact of rezoning may not be a significant change in terms of trips relative to the initial planning assumptions.

While the number of trips available for a given development proposal can only be assessed at the time individual projects come forward, it behooves the City to continue monitoring the trip budgets and reallocate trips as needed to facilitate locally desired development. In particular, the City should consider reallocating trips between districts based on proposed rezones and location of future traffic signals at SE 35<sup>th</sup> St and potentially at SE 40<sup>th</sup> St that may attract higher-trip generating uses. The SBTOZ also includes specific provisions for a trip reserve fund of approximately 10% of the total trips available that can be allocated to desired development over and above the specific trips available at the site, and this could be used strategically to support development in the urban renewal area.

**Finding:** Continue to implement transportation planning requirements and monitor trip budgets for areas within the SBTOZ consistent with NMC 14.43, which were developed to support planned industrial and commercial development throughout the South Beach area. Potential commercial rezones, development at the SE 35<sup>th</sup> Ave gateway site and installation of new signals at SE 35<sup>th</sup> St and potentially SE 40<sup>th</sup> St should be reviewed to determine their impact on trip budgets, including any required analysis as part of a comprehensive plan land use designation change required by NMC 14.43.120(B). If not sooner, the comprehensive reassessment of the trip budget mandated no later than December 2023 per NMC 14.43.120(A) will be a prime opportunity to review the allocation of trips and how they align with desired future development.

## VI. Land Use Implications for Opportunity Sites

Identified opportunity sites along the corridor are primarily zoned Light Industrial, with one commercial property closest to the Yaquina Bay Bridge in the north, as shown in Figure 9. Table 6 summarizes relevant zoning considerations and potential for rezoning or other modifications to development regulations to better serve South Beach urban renewal and broader City economic development goals.

Table 6: Opportunity Site Zoning and Development Considerations

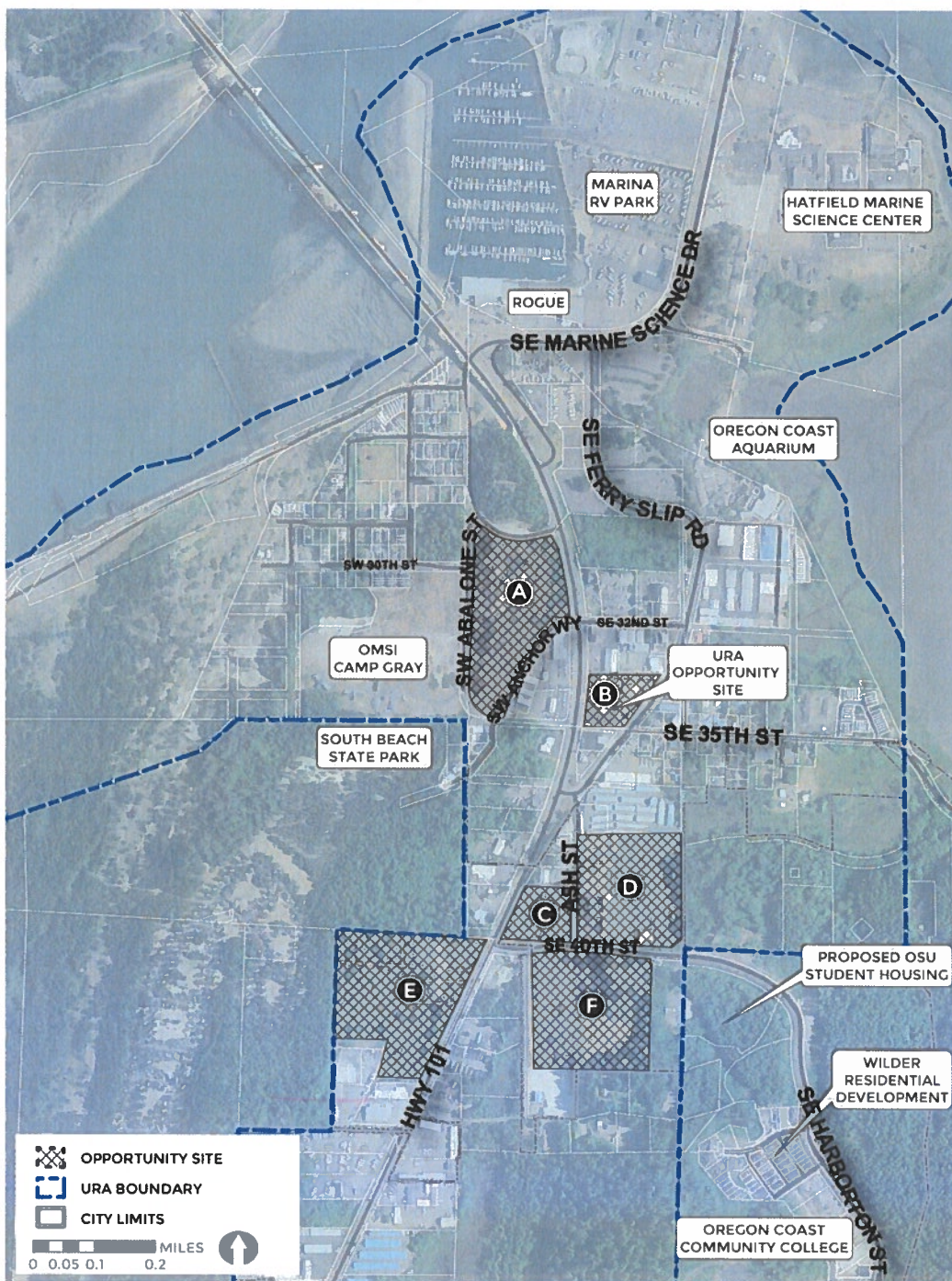
Site	Current Zoning	Development Considerations
A	C-1 Retail and Service Commercial	<ul style="list-style-type: none"> <li>• Prime commercial development opportunity, consistent with existing zoning</li> <li>• Consider compatibility of use, development with OMSI Camp Gray located immediately west</li> </ul>
B	I-1 Light Industrial	<ul style="list-style-type: none"> <li>• Intended to serve as gateway to South Beach, located with new signal</li> <li>• I-1 zoning permits the uses under consideration (retail, restaurants)</li> <li>• Urban Renewal Agency ownership provides some degree of control over future development</li> <li>• Surrounded by light industrial sites which the Agency does not control, could create detractors from site's appeal</li> <li>• Recommended rezoning to C-1 along with properties north to SE 32<sup>nd</sup> St, consider inclusion of additional properties south to Ferry Slip Rd after review of potential to create nonconforming uses</li> </ul>
C	I-1 Light Industrial	<ul style="list-style-type: none"> <li>• Prominent site along highway located at likely new signal</li> <li>• Current zoning would permit range of commercial or industrial uses, flexible</li> <li>• Surrounded by light industrial sites that could develop with mix of uses, little certainty about compatibility of future development</li> <li>• Potential for large scale commercial use on property, may warrant rezoning to C-1 or C-3</li> </ul>
D	I-1 Light Industrial	<ul style="list-style-type: none"> <li>• No highway frontage or visibility, but developed frontage and utilities along SE 40<sup>th</sup> St and Ash St</li> <li>• Current zoning would permit range of commercial or industrial uses, flexible</li> <li>• Surrounded by existing light industrial uses</li> <li>• Undeveloped residential property to the east may raise compatibility concerns</li> </ul>

Site	Current Zoning	Development Considerations
E	I-P Planning Industrial (County)	<ul style="list-style-type: none"> <li>• Has not been annexed, uncertain which industrial zone would be applied</li> <li>• Significant highway frontage and visibility at likely new signal location</li> <li>• Current zoning would permit range of commercial or industrial uses, flexible</li> <li>• Potential for large-scale industrial or commercial use</li> <li>• Consider I-1 implementing zone for broader flexibility</li> </ul>
F	I-3 Heavy Industrial	<ul style="list-style-type: none"> <li>• Has been used for sand or gravel mining</li> <li>• Significant wetland on site serves as regional storm drainage facility, which may limit development potential</li> <li>• No highway frontage or visibility, but developed frontage and utilities along SE 40<sup>th</sup> St</li> <li>• Only existing I-3 area in the City, no other heavy industrial opportunities at present</li> <li>• Proposed OSU student housing to the east raises compatibility concerns if developed for heavy industrial use</li> <li>• Consider rezoning to I-1, finding ways to limit heavy industrial uses, and/or enhancing buffering requirements for site. Consider offsetting any loss of I-3 zoning by applying to industrial parcels farther south in South Beach</li> </ul>

Figure 9: Identified Opportunity Sites

OPPORTUNITY SITES

PENINSULA + US 101



NEWPORT SOUTH BEACH / US 101 REFINEMENT PLAN



## VII. Regulatory Recommendations

**Map Recommendations:** The first part of recommended updates in response to the land use audit for the South Beach Urban Renewal District includes revisions to the Comprehensive Plan Map and Zoning Map to better align districts with proposed development needs for individual sites and the district more generally.

Table 7: Recommended Comprehensive Plan and Zoning Map Updates

<b>Properties &amp; Rationale</b>	<b>Plan Designation (existing)</b>	<b>Zoning (existing)</b>
<b>Extended Commercial Node around SE 35<sup>th</sup> St Opportunity Site:</b> Block bounded by Highway 101, SE 32 <sup>nd</sup> St and Ferry Slip Rd, centered around Opportunity Site B owned by Urban Renewal Agency and new signal at SE 35 <sup>th</sup> St. Rezoning these areas creates a consistent commercial frontage along the highway, and creates expanded retail and service opportunities for district residents and visitors with greater compatibility between uses and fewer potential conflicts with light industrial uses allowed in current zone. (Parcels #R11616, R482059, R479745, R477320, R474928, R472651, R16486, R505007, R14107, R507596, R25812, R54175, R49476, R51896)	Commercial (Industrial)	C-1 Retail and Service Commercial (I-1 Light Industrial)
<b>New Commercial Site at SE 40<sup>th</sup> St:</b> Rezoning properties under common ownership at SE 40 <sup>th</sup> St (Opportunity Site C) near potential new traffic signal prioritizes the site for a significant retail or service use to serve the district, rather than potential light industrial use allowed in current zone. (Parcels #R370660, R515982)	Commercial (Industrial)	C-1 Retail and Service Commercial *C-3 Heavy Commercial alternative possible (I-1 Light Industrial)
<b>Eliminate Heavy Industrial Conflict at SE 40<sup>th</sup> St:</b> Site abuts other light industrial properties as well as residential uses to the east; light industrial will provide flexibility for range of commercial or industrial uses with less impact. (Parcels #R509944, R526777, R526776)	No change (Industrial)	I-1 Light Industrial (I-3 Heavy Industrial)
<b>Consistent Public Designation for State Park:</b> Correct current inconsistency between County zoning and current use of southern-most South Beach State Park parcel and City zoning to support future annexation. (Parcel #R184345)	Public (High Density Residential)	P-2 Public, upon annexation (County Public Facilities)



**Zoning Code Recommendations:** The second category of recommended updates to address audit findings is revisions to the City's Zoning Code to fine-tune the use and development standards that apply to development on individual sites within the district. Notably, proposed code updates are minor revisions to the existing zones and standards, rather than creation of a new zoning district or overlay for the South Beach area. The proposed code updates have potential to further refine the uses and development within the existing and proposed zones to better match the goals for the district.

Table 8: Recommended Zoning Code Updates

Code Section	Proposed Update & Rationale
14.03.070 Commercial and Industrial Uses	<p>Add footnote to 'Self-Service Storage' use in the I-1 zone stating: "New self-service storage uses established after (effective date of ordinance) are prohibited within the South Beach Transportation Overlay Zone, as defined in Section 14.43.020."</p> <p>The proposed change would limit new self-storage facilities within the district given their low employment density and tax generation potential. Alternatively, the limitation could be targeted at only those properties within the SBTOZ abutting Highway 101 if there is desire for some flexibility to site new uses within the district, while limiting their impact on the highway corridor itself.</p>
14.03.070 Commercial and Industrial Uses	<p>Add footnote to 'Contractors and Industrial Service' use in the I-1 zone stating: "New sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking uses established after (effective date of ordinance) are prohibited within the South Beach Transportation Overlay Zone, as defined in Section 14.43.020."</p> <p>The proposed change would limit incompatible vehicle wrecking and salvage operations within the district given the visual clutter and low employment density associated with these uses. Alternatively, the limitation could be targeted at only those properties within the SBTOZ abutting Highway 101 if there is desire for some flexibility to site new uses within the district, while limiting their impact on the highway corridor itself. Another approach could be to split this use category into two subcategories, such as the distinction between light and heavy manufacturing, and then limit these more impactful contractor and service uses by prohibiting in C-3 and I-1 zones.</p>
14.13.020 Table "A" Density and Other Dimensional Standards	<p>For C-1 zone, amend front setback from "0" to read "0 or 15-ft from US 101 south of Yaquina Bay Bridge."</p> <p>Recommendation is focused on C-1 zone proposed for expansion within South Beach to provide a more consistent frontage and buffering between development and the highway. Setback could also apply to existing C-2 properties, but little benefit is expected because those sites are already developed within South Beach.</p>

<p>14.13.020 Table "A" Density and Other Dimensional Standards</p>	<p>For I-1 zone, amend front setback from "50-ft from US 101" to read "15-ft from US 101 south of Yaquina Bay Bridge."</p> <p>Proposed change would expand site development potential along the highway corridor where significant highway widening is no longer planned, while maintaining a consistent frontage with buffering between development and the highway. Setback could also be revised for I-2 and I-3 properties, however, there are currently none along the highway corridor. Consider desired setbacks for small industrial node in the north abutting US 101, and whether a similar reduction to a 15-ft setback or retention of 50-ft setback is desired.</p>
<p>14.19.050(B) Location of Landscaping Required for New Development</p>	<p>Add subsection (1) stating that: "For sites zoned C-1 or I-1 abutting US 101 located south of Yaquina Bay Bridge, landscaping shall include a minimum 15-foot-wide landscaping buffer."</p> <p>This specificity would add direction to concentrate landscaping within the recommended 15-ft front setback along the corridor. Additional details could be added about the number of trees, shrubs and other plant materials required, and/or a limitation on the amount of bark dust, gravel or rocks that can be used for landscaping, but this level of detail is out of keeping with the rest of the landscaping chapter. Any planting requirements should not cause view obstruction of intersections or driveways, as specified in NMC 14.19.040(C). A longer-term consideration could be to develop a more detailed matrix of required buffer widths and plant materials between properties based on zone and street frontage.</p>
<p>14.19.060(B) Location of Landscaping Required for New Development</p>	<p>Add subsection (1) stating that: "For sites zoned C-1 or I-1 abutting US 101 located south of Yaquina Bay Bridge, landscaping shall include a minimum 15-foot-wide landscaping buffer."</p> <p>See above.</p>

JUL 21 2022

RECEIVED

July 20, 2022

TO: City of Newport Planning Commission  
Community Development Department  
City Hall  
169 SW Coast Highway  
Newport, Oregon 97365

RE: Written Comment Regarding Potential Land Use Change

Planning Commission Members:

We are the owners of the property and business known as Barrelhead Building Supply located at 3551 SE Ferry Slip Road in South Beach. We have been in business for 45 years in this location and currently provide family wage jobs for 9 people.

We have received notice that the city is considering changing the zoning on this property from Light Industrial to C-1. We strongly object to this proposed change.

If this zone change should occur it would devalue our property and reduce our ability to change uses as conditions and business might require in the future. The location of our property and its characteristics do not make it appropriate for C-1.

We concur with the written comment submitted by Chuck Forinash, Fred Yeck and Tom Hasting who own the block to our north.

All the properties affected by this proposal lying along the east side of SE 35th Street have now objected to this proposed zone change.


Our property should remain as Light Industrial, or as suggested by the owners of the block to the north, be changed to C-3.

Either Light Industrial or C-3 should allow us the flexibility to make the changes needed to stay in business going into the future.

Respectfully Submitted,

Barrelhead Building Supply

BY:

  
Terri-McCulley, President

CITY OF NEWPORT

JUL 25 2022

RECEIVED

July 24, 2022

TO: City of Newport Planning Commission  
Community Development Department  
City Hall  
169 SW Coast Highway  
Newport, Oregon 97365

RE: Written Comment Regarding Potential Land Use Change

Planning Commission Members:

I own property which includes a warehouse that fronts on both Chestnut and Ferry Slip Road. It is now zoned LI and the City has given notice of intent to rezone to C-1.

I have already joined in written comment with others in opposition to this zone change.

I have attached a photo of my buildings. It is divided into 2 units, one facing Ferry Slip Road and the other on Chestnut. There are no windows and no doors other than the large roll up and man door on each end.

Clearly this building is not suitable for C-1 uses. It is a warehouse intended for storage and repair work.

All the owners of property fronting on Ferry Slip Road that are subject to this proposal have submitted written comment opposing the zone change to C-1 and suggested a compromise to rezone to C-3. These properties do not have the same proximity to Highway 101 so as to make them suitable for retail uses as the other properties the city is proposing for C-1 zoning.

A zone change from Light Industrial to C-1 is a drastic change which prohibits most of the uses these properties have been developed for over the years. Such a change at this point in time is not justified and we are hopeful the Planning Commission will agree and select the option of C-3 which is a slower move in the direction of commercial and which will not have such a negative affect on our properties as would C-1. Further my property and the others east of Ferry Slip Road are separated from the other property the city desires to rezone C-1 so as to not to have an adverse impact on those uses.

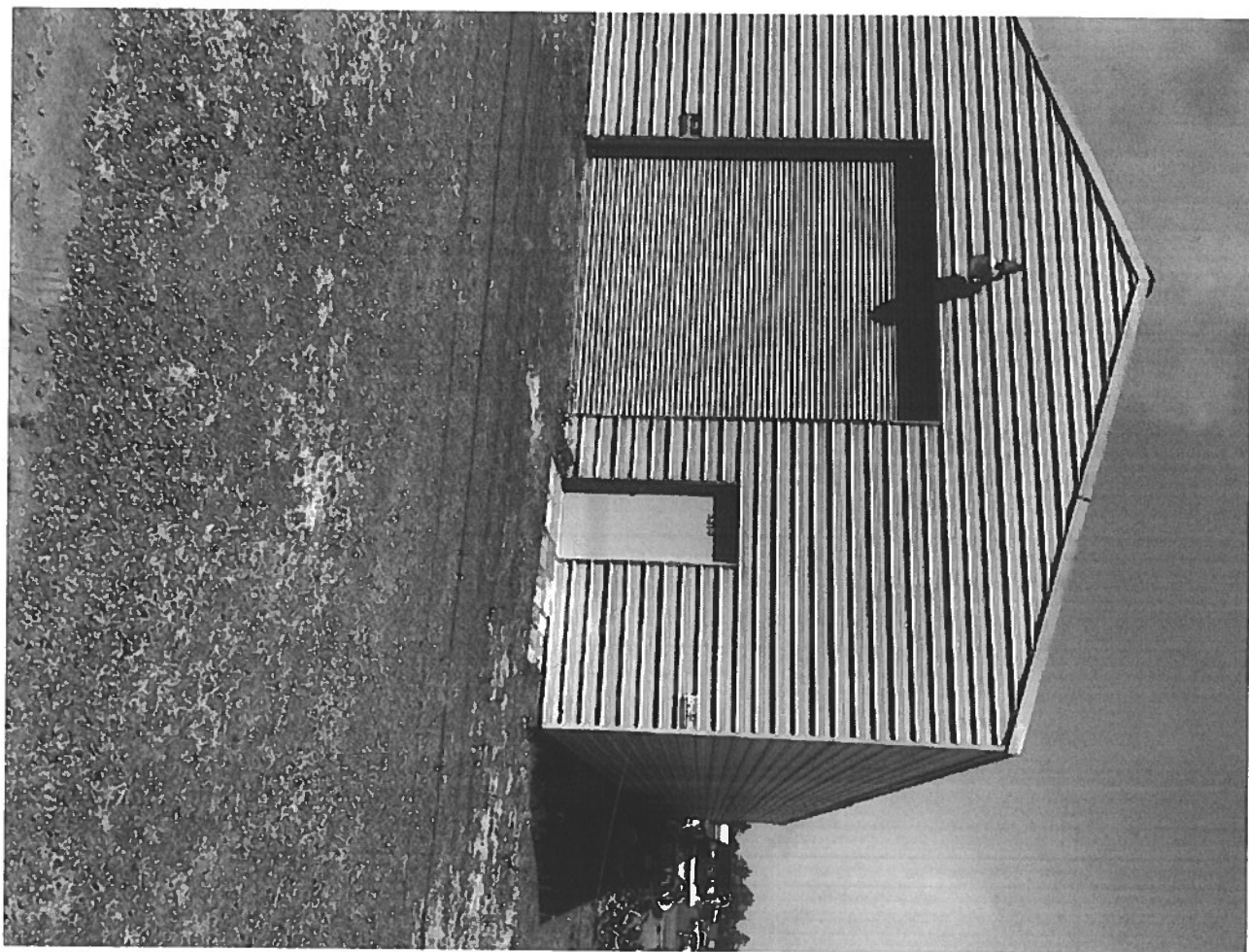
Respectfully Submitted



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Fred Yeck

Newport, OR 97365



3330 SE Chestnut St.





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

Newport Planning Commission  
c/o Derrick Tokos, Community Development Director  
Community Development Department  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365

**RE: Comments on Ordinance 2196: Proposed Comprehensive Plan Map and Zoning Map Changes (File No. 1-CP-22-2A-22)**

Members of the Commission:

We understand that the City of Newport (“City”) is considering proposed amendments to its comprehensive plan map and zoning map that would change the allowable uses on our property located at 130 SE 32<sup>nd</sup> Street (Parcel 11-11-17-DB-00600-00) (“Property”). If adopted, the proposed amendments would replace the current “Light Industrial” or “I-1” zoning of the Property with a “Retail Commercial” or “C-1” zoning, and change the underlying comprehensive plan designation from industrial to commercial. For the reasons outlined below, we have concerns about the proposed changes given our current operations and request that the Commission review the below comments and consider a small modification to the current proposal to avoid the creation of a nonconforming use on our Property.

The facility located at 130 SE 32<sup>nd</sup> Street is owned by Anheuser-Busch and used as the primary wholesale operation location in the Newport and Lincoln City coastal territory. This includes the sale and distribution of beverages under the rights of Anheuser-Busch, including: beer, wine, water, sports and energy drinks. Two buildings exist on this property, an office building (2,208 SQ Ft) and a truck dock (586 SQ Ft). The main building consists of two office rooms, a storage room for various marketing items, a break room and restroom, and a walk in cooler for the temporary storage of product. The truck dock is very small, and houses two tractor trailers. Items stored in the dock are tools and supplies used for delivering product to our customers. Our staff consists of nine employees: three sales reps who work with bars, restaurants, and grocery stores, three merchandisers who help to service our customers, and three CDL drivers who delivery the products to the market.

This operation serves as a “satellite” facility, a small piece of Anheuser-Busch’s beverage distribution across the state of Oregon. Sales reps visit accounts in the market during the day and then write orders for delivery the next day. All product for sale in the Newport area is primarily stored in a large warehouse in Eugene. Prior to delivery, pallets of product are built and transported from Eugene to Newport overnight and moved from the transport truck to one of the local delivery trucks. All product not delivered that day returns to Eugene the following night. No sale of product takes place at the point of the facility, all sales take place at the



location of the customer. The building is not open to the public. A view of the Property from street is show in Figure 1 below.



**Figure 1.**

Our current use of the Property falls within the “Warehouse, Freight Movement, and Distribution” industrial use category. Newberg Municipal Code (“NMC”) 14.03.060.D.3. Per NMC 14.03.070, Warehouse, Freight Movement, & Distribution is a permitted use in the Property’s current I-1 zone but is not allowed in the proposed C-1 zone. Accordingly, if the City approves the proposed amendments, our current operation would become a nonconforming use.

Although we understand that the NMC provides for the continuation and maintenance of nonconforming uses and that our current operations would be allowed to continue even if the proposed amendments were adopted, the proposed C-1 zoning would significantly limit future plans for alteration or expansion, and place additional burdens on our use, including a continued operation requirement. Beyond the limitations placed on nonconforming uses, we do not believe it is good land use planning practice to move forward with zoning and comprehensive plan mapping changes that fail to account for existing uses. Indeed, the land use audit prepared for the City by Jet Planning recommends targeted mapping changes to expand the commercial district but notes that any rezoning should “be sensitive to the existing development to minimize creation of nonconforming development.”

Given current operations, our preference would be to retain the existing I-1 zoning on the Property. However, given the City’s desire to transition the area along Highway 101 from industrial to commercial, we would support an alternative proposal that would rezone the Property “Heavy Commercial” or “C-3” zone. Within the C-3 zone, Warehouse, Freight Movement, and Distribution is a permitted use.

Thank you in advance for your consideration of these comments.



Sincerely,

A handwritten signature in blue ink that reads "Rachel C. Taylor". The signature is fluid and cursive, with the first name being the most prominent.

Rachel C. Taylor  
Associate General Counsel  
Anheuser-Busch, LLC

# City of Newport

## Community Development Department

### Memorandum

To: Planning Commission

From: Derrick I. Tokos, AICP, Community Development Director 

Date: July 21, 2022

Re: Updated Planning Commission Work Program

Attached is an updated work program. The Housing Constructability Assessment is still being developed and I am continuing to work with ODOT on a final scope of work for the City Center Revitalization Project, so I shifted them both to August 8<sup>th</sup>. The July 25<sup>th</sup> work session is cancelled. The Commission might want to make changes to the South Beach Commercial – Industrial Amendments following the July 25<sup>th</sup> hearing, so I added that to the August 8<sup>th</sup> work session agenda. A final item for the August 8<sup>th</sup> work session is a clean version of the camping ordinance. At its July 18<sup>th</sup> meeting, the City Council indicated that they were on board with the general structure of the ordinance. At this time, there are no regular session agenda items for August 8<sup>th</sup>.

The City Council held a public hearing on the Transportation System Plan (TSP) on July 18<sup>th</sup> and elected to schedule a work session on August 1<sup>st</sup> before considering an ordinance to potentially adopt the plan at its August 15<sup>th</sup> meeting. It might be helpful for one or two Planning Commission members to attend the work session. This is something you might want to discuss on Monday.

The developer of the Starfish Cove Planned Development is indicating that they will be submitting the application any day now, so I left it on the regular session schedule for August 22<sup>nd</sup>. I also added a second public hearing on the South Beach Commercial – Industrial Amendments on that date.

A final draft of the Yaquina Head Traffic Study has been delivered to the Bureau of Land Management (BLM), and I expect they will be releasing it soon. The project recommendations contained in the plan will need to be incorporated into the City's TSP via a Comprehensive Plan amendment. This is one of the August 22, 2022 work session items. This may have a bearing on the joint City/BLM Federal Land Access Program grant application for the lighthouse to lighthouse trail connection. That \$4.5 million +/- request is being reviewed by Federal Highways, and they have indicated that a decision is likely to be made in the fall. The other item on the August 22<sup>nd</sup> work session agenda is the residential land needs recommendation from ECONorthwest. They are making substantial progress on that item.

Lincoln County will be holding a public hearing on Boston Timber Opportunities revised UGB land swap in September. That will have to come back to the City since the boundaries have been adjusted. I plugged that in for September 26<sup>th</sup>; however, that might shift to October. The pace of work on the multi-jurisdictional Yaquina Bay Estuary Planning Project has slowed, so the September 12<sup>th</sup> date for a work session on that agenda item might also shift to a later date.

#### Attachments

Updated Work Program

# Tentative Planning Commission Work Program

*(Scheduling and timing of agenda items is subject to change)*



July 11, 2022

Work Session

- Potential Code Revisions for Short-Term Rental Work Group Consideration
- Working Draft of Camping Ordinance Being Developed for the City Council

July 25, 2022

Regular Session

- Public Hearing File No. 2-Z-22 - 1-CP-22 South Beach Commercial - Industrial Amendments

August 8, 2022

Work Session

- Final Scope of Work for TGM Funded City Center Revitalization Project
- Housing Study Constructability Assessment
- Review Updates from Hearing #1 to South Beach Commercial - Industrial Amendments
- Review Updated Camping Ordinance

August 22, 2022

Work Session

- Review Housing Study Residential Land Needs Recommendations
- Review Final Draft of Yaquina Head Traffic Study

August 22, 2022

Regular Session

- Starfish Cove 20-lot Planned Development North Side of Yaquina Head (Projected)
- Public Hearing #2 File No. 2-Z-22 - 1-CP-22 South Beach Commercial - Industrial Amendments
- Initiate Legislative Amendments to Adopt Yaquina Head Traffic Study

September 12, 2022

Work Session

- Preliminary Recommendations for Parking District Code Changes (Placeholder)
- Potential Revisions to Yaquina Bay Estuary Policies and Codes (Placeholder)

September 12, 2022

Regular Session

- Public Hearing to Consider STR Implementation Work Group Recommendations (Placeholder)

September 26, 2022

Work Session

- Review Options for Updating the City's Erosion Control and Stormwater Mgmt Standards
- Preliminary Maps / Outreach Materials – South Beach Island Annexation
- Identify Candidates for City Center Revitalization Project Advisory Committee

September 26, 2022

Regular Session

- File No. 1-UGB-20 Revised UGB Land Swap for Boston Timber Opportunities (Projected)
- Public Hearing to Adopt Yaquina Head Traffic Study