



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, October 11, 2021 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

This meeting will be held electronically. The public can livestream this meeting at <https://newportoregon.gov>. The meeting will also be broadcast on Charter Channel 190. Public comment may be made, via e-mail, up to four hours before the meeting start time at publiccomment@newportoregon.gov. The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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

1. CALL TO ORDER AND ROLL CALL

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

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Work Session Meeting Minutes of August 23, 2021.

[Draft PC Work Session Minutes 08-23-2021](#)

2.B Approval of the Planning Commission Regular Session Meeting Minutes of August 23, 2021.

[Draft PC Reg Session Minutes 08-23-2021](#)

2.C Approval of the Planning Commission Work Session Meeting Minutes of

September 27, 2021.

[Draft PC Work Session Minutes 09-27-2021](#)

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. PUBLIC HEARINGS

4.A File No. 1-MISC-21: Extension of Fisherman's Wharf Tentative Subdivision.

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Attachment E](#)

[Attachment F](#)

[Attachment G](#)

5. ACTION ITEMS

5.A File No. 1-MISC-21: Final Order and Findings for the Extension of Fisherman's Wharf Tentative Subdivision.

[Final Order and Findings](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
August 23, 2021
6:00 p.m.

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

PC Citizens Advisory Committee Members Present: Dustin Capri (*excused*), and 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. **Memo Summarizing Opportunity and Constraints Survey Results.** Tokos reviewed the key takeaways from the South Beach online survey. Hardy asked what a “sense of place” meant. Tokos explained this was about identity through investments such as creating a gateway into South Beach, and add some artistic and educational elements in the multi-use paths in the area. Hardy noted they didn’t have this for Newport. Tokos reminded there was a bit of this in Nye Beach. Hardy didn’t think this applied because Nye Beach was an end for a trip to Newport, not an entry, and didn’t signify the quality of Newport. Tokos explained that this was what place making meant and what people were responding to as far as what types of elements they wanted introduced there.

Berman asked how the takeaways tied into projected projects. Tokos thought the attracting service piece would tie into it a little bit more by looking at how the 2.3 acres at the northeast corner of 35th Street and US 101 was repurposed. Hanselman thought this area would be a for a food cart or court. Once the area had been beautified and had a new identity, businesses would come to the area. Hanselman questioned if they could get enough competition or sales in the area to support the business that was wanted because most of what was in South Beach was off of US 101.

Escobar asked how ECONorthwest’s plan and vision correlated with the public’s vision. Tokos explained that they understood that when the Urban Renewal Agency purchased the 2.3 acres, part of the plan was to repurpose the property and there was some thought on doing a service type use. The survey reaffirmed that this was what people wanted to see down there and it helped inform the public on the three different concepts on how the property could be repurposed. One concept would be a single tenant outfit that was the size of the Grocery Outlet store. A second option could be a combination deli/food cart hybrid arrangement. The third concept would be a multi-tenant retail space. These were the three options being considered.

Branigan asked if the open property on South Jetty Road just before the Jetty could be developed. Tokos explained that the property just after the condos on South Jetty Road was State Park property.

East asked if there was property that would work for a fuel station in the area. Tokos reported that if a signal went in on 40th Street, there was property at the northeast corner that could accommodate a fuel station.

- B. **Memo Summarizing Opportunity and Constraints Survey Results.** Tokos reviewed the South Beach / US 101 project concept evaluation. Hanselman asked how much surplus water supply Newport had. Tokos explained there was the source water limitations and what was stored in water tanks that provided service at any given time. Tokos didn't have the exact figures but there noted there wasn't a lot of excess capacity. They relied on the Siletz River for the source water. Newport had an inner tie with Seal Rock that was a backup if

we needed to tap into it. There was also some secondary water rights the City had. Tokos didn't know the disposition of these at that time or if they were even viable. A discussion ensued regarding water options for Newport, limits Newport had for water for development, and the storage capability versus source water.

Berman asked for clarification on how priorities fit into the objectives for projects because they seemed like two different things. Tokos thought this needed to be made clear in this memo and he would put some thought to this.

Tokos continued the review for evaluation criteria for objectives and priorities for the URA area. Berman asked if the \$500,000 was saying that the potential sale of the lot would be around \$500,00 less than we paid for it. Tokos confirmed this was a placeholder the consultant put in the memo recognizing that Urban Renewal wasn't necessarily about the return on the immediate investment on the property, but instead it was more about attracting the type of use long-term that would benefit the community there. Urban Renewal agencies often do this to incentivize a package for developers to come in by writing down the value of the property. This amount was what the consultant's initial thought was.

Tokos reviewed the project summaries next. Patrick asked if there was water storage in South Beach. Tokos explained this was one thing they thought to do, and it appeared that there was sufficient pressure on either side of the inner tie toward the north end of the airport property. If they could get it automated it would be cheaper than a tank. They were looking at the technology side of things to see if they could make it work that way. Berman asked if it was cost prohibitive to extend sewer infrastructure to industrial sites near the airport. Tokos confirmed the costs had come in so high that it wasn't viable.

Tokos reported that the redundant Yaquina Bay water pipeline was a recent estimate of costs. The city was putting together a hazard mitigation grant where the city would pay \$750,000 and the rest would be picked up by the Federal government. There was currently a single water main that fed South Beach under the bay and it was timely to get a secondary line in. Tokos reviewed ways the city was working with Rondys, who owned property near McClean Point, to extend their water mains to serve their own development. The city did a cost share with them to get the mains extended far enough south so they could cross the bay from that location. All the city had to do was determine a landing point in South Beach. Berman asked if ODOT participated in funding for these projects. Tokos explained they didn't. This would be done through the Urban Renewal or System Development Charge (SDC) funds, and the city could partner with developers. Currently funds were being collected from developers through SDCs.

Patrick asked if a traffic stop would be figured at some point for the Wilder development. Tokos reported they had budgeted about \$20,000 to do warrants on 40th and US 101, and 36th and US 101. They hoped that with the Wilder development they would find a way to make a traffic signal work at 40th Street. Berman asked if 50th Street connected into 40th Street. Tokos confirmed there would be a loop put in there at some point.

Tokos reviewed the alignment of potential project concepts with the URA objective, investment priorities, survey responses, and how it was all brought together. Berman noted the high priorities on the memo needed to be changed from a dark colored box to a lighter color so it was easier to read.

Tokos reported that a meeting was scheduled on September 7th with the City Council and Urban Renewal Agency to cover a more refined version of the memo and get a summary of the survey results. Then on September 20th they would be going over the 35th and US 101 site to put together concepts for potentially repurposing that property. There would also be another focus group for South Beach on August 26th.

Berman pointed out that the imagery on the summary didn't look like it applied to anything they were thinking of. He thought there needed to be photos of things more applicable to the list. Tokos noted they provided some of that feedback to the consultants. The city would be working with them to make sure that where they were bringing examples together, the examples reflected what they were recommending.

Berman asked about when they would be covering the Transportation System Plan memo and Construction Excise Tax distributions that the latest work program said they would be discussing. Tokos reported these

weren't ready and why they weren't in the packet. The Commission would see the TSP memo during the second meeting in September. Berman requested that another work program done and the dates be extended out more. Tokos would do this.

Tokos noted he should be able to report on the decisions on the three grants applications for the TGM grant for the City Center revitalization, the OWEB Grant for the water shed planning, and the HB 2003 housing capacity and production strategy grant in September or October.

Berman asked what was happening with the Food Truck decision. Tokos reported there would be a City Council hearing on September 7th to consider the recommendations. If it was adopted, the new rules would be effect on October 7th.

3. **Unfinished Business.** None were heard.
4. **Adjourn.** The meeting adjourned at 6:52 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
August 23, 2021

Planning Commissioners Present: Jim Patrick, Lee Hardy, Jim Hanselman, and Braulio Escobar.

Planning Commissioners Present by Video: Bob Berman, Gary East, and Bill Branigan.

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

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Patrick, Branigan, Berman, Hanselman, Hardy, Escobar, and East were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work Session Meeting Minutes of August 9, 2021.**

MOTION was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Work Session Meeting Minutes of August 9, 2021 with minor corrections. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of August 9, 2021.**

MOTION was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Planning Commission Regular Session Meeting Minutes of August 9, 2021 with minor corrections. The motion carried unanimously in a voice vote.

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

4. **Public Hearings.** At 7:03 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read 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-PD-21/1-SUB-21 (Continued).**

Tokos reported that there had been three additional items submitted by the applicant that was shared with the Commission that day. The first was turn movement diagrams for Public Works and Fire Engine first responders. The second was an updated version of Phase 3 that took the 45 degree angle parking and extended it out to 21 feet in depth to accommodate a larger fire engine. The third provided separation between the extension of 45th and Harborton Streets so the public street didn't terminate on a multi-use path. Tokos reviewed the four conditions on the draft final order and recommended the application be approved with these conditions.

Berman asked if the roads had curbs. Tokos reported they did and he would asked the applicant to describe them. Hanselman asked if the width was 24 feet as originally planned for Geneva Street. Tokos reported Geneva Street was 20 feet and Fleming Street was 28 feet.

Escobar asked how Fire Chief, Rob Murphy viewed this plan. Murphy explained that he had a lot of input on this and recognized the city's need for development. He thought that Wilder was a very thought out development. Murphy originally wanted them not to take the widths of the streets from 24 feet down to 20 feet. His main concern was for the ladder trucks that were tough to get into tight spots such as in Nye Beach and the Bayfront because of their narrow streets. Tokos had pointed out that the ladder truck wouldn't be the primary truck that would respond to the Wilder development because the ladder truck was mainly for commercial occupancy. This didn't mean they wouldn't use the ladder truck for residential areas, because they had on occasion. Murphy reported that the new software program the Engineers used for the Wilder amendments allowed them to show the width of the wheels of the fire truck, the turning radius, and the wheel base. By doing this they accurately showed that the trucks could fit through the streets. Murphy noted the size of fire trucks weren't going to shrink. The fire engines would fit on these streets but it would be very tight. Murphy had three concerns which were 1) the depth of the driveway stalls if someone parked something bigger than a car on them and they stuck out; 2) a need for clear signage when they got into the design so people didn't try to park on the streets; and 3) concerns that the whole Wilder development was Wildland Urban Interface. Murphy reported that the neighborhood only had one way in and out for evacuations. He hoped the road could be looped sooner than later to help with this.

Hardy asked about denser developments and how accessible it would be for trucks to get to Accessory Dwelling Units (ADUs). Murphy explained that it depended on a few things. They would access ADUs between buildings or go to neighboring houses to reach them. Murphy gave a description of the process to respond to fires and the time it took to get the proper equipment there to fight them.

Berman noted that on Attachment "A3" the access required precise driving. He asked how much damage could happen if the truck went over the curbs. Tokos noted the trucks weren't driving high speeds and fire crews were used to getting around. He didn't see a scenario here where they would hit curbs at a high speeds. Murphy noted the turns at Nye Beach were hard for fire trucks to not take a curb. The operators were well trained, they knew how to make turns, and knew to take a curb slow.

Escobar asked what the impact of rights-of-ways (ROWs) being 20 feet instead of 24 feet would be, especially for ADUs occupants who parked on the street. Murphy wasn't so much worried about the design but human nature and the use afterwards. He was concerned about someone not parking their car right next to a curb and then trying to get the fire engines through the streets.

Hanselman was concerned that when safety was the most integral thing, human nature intervened and caused chaos. He didn't want this taking away from emergency response. Murphy reported that he had some concerns about fire evacuations. Tokos pointed out that they needed to acknowledge there currently was a secondary access across to the area which was gravel. The Fire Department had access there if needed and they could open it as a secondary way out of the neighborhood. What they were pursuing on the development plan was what they intended to build. There were tools to deal with the parking issues and Fleming Street would provide five additional parking spaces. Also, these were small lots with small homes on them. Tokos thought there would be few ADUs being built on these lots. He felt safety was important and was one thing the Commission could weigh.

Proponents: The applicant, Bonnie Serkin addressed the Commission and reported that she was the developer for Wilder. Serkin addressed what the Fire Chief had discussed about the Wildland Urban Interface. In Wilder they were hyper aware of the potential danger of fires. They owned forest property around Wilder and applied for a grant from the State to put together a plan do thinning in the forest to create possible trails and remove fire brush for wildfires in the area. They didn't get the grant but land owners and the city got together to pitch in and retained Landwaves as their timber manager to do clearing and removal of the worst vegetation that could be a fire danger. Serkin also reported that some of the residents had also talked to the Fire Department to see if they could learn how to operate equipment or buy equipment to protect against fires.

Serkin noted the lots were tiny and micro cottages wouldn't be more than 1,000 square feet. They couldn't put many ADUs on these lots. Serkin didn't see the lots being right for ADUs. The only ADUs that existed in Wilder were ones that were over garages.

Serkin explained that the Geneva Street alley was for parking and it wasn't possible for a vehicle to park across driveways. Residents were very aware of parking and driveways, and owners patrolled for parking issues. Serkin noted that they wouldn't propose this if the fire trucks couldn't get access.

Serkin explained that one of the criteria was about livability and the appeal of the neighborhood. Wider streets would change the size and proportion of the neighborhood. The ability to add parking on Fleming Street was important as well. Serkin thought that adding five parking spaces added to the livability. When there were narrower streets it calmed traffic and slowed the traffic to make it safer. Serkin thought they should also consider that there was cost saving in not having an extra four feet of width on neighborhood streets. There was also the environmental consideration. Serkin thought narrower streets had less run off into the stormwater drains.

Hardy asked if there was a reason they designed small lots and tiny houses instead of larger lots with more green space. Serkin noted this was one of their higher density areas and flex lots in Wilder. If they weren't smaller, there would probably be apartments there. Smaller lots were also wildly popular for rentals. Serkin reported that people were interested in buying them instead of condos and apartments.

Ryan Halverson with Dowell addressed the Commission. He reported that he had worked with the Fire Department to take their dimensions and use their program to make sure a fire truck could access the area. He wanted to highlight that they were looking to make sure this community was safe and had as little issues as possible.

Opponents: None were heard.

Chair Patrick closed the hearing at 8:07 p.m.

Hardy wasn't impressed with the concept of high density and tight streets. She had been a fire personnel and an EMT, and was familiar with the general public being ignorant and nonobservant around emergency vehicles. Hardy thought over densification of the population lead to other issues. In terms of livability she couldn't agree with this. She thought the developers did a good job in terms of consistency and trying to make their community attractive, which she didn't object to. Hardy didn't agree with some of the premise.

Hanselman thought the Wilder developers did a fine job of breaking ground in a different matter to bring different levels of homes to the community. He explained that he was a safety fanatic and knew the chaos that followed fires and evacuations. Hanselman didn't think 20 feet was enough of a margin of safety to protect the people in a very high density environment. He referenced a problem he had with another development and their drainage, wetlands, and storage ponds. Hanselman felt they shortchanged what was needed for drainage for development, and also failed to recognize that duplexes and ADUs would mean more impervious surfaces that would only increase the amount of runoff. He hoped the Wilder designs took into account the additional water that would be directed to some of their development in the future. Hanselman also felt the width of the roads was disconcerting.

Escobar reported that he often visited the Wilder development to walk his dog. He thought it was well designed and kept up. Escobar noted that to predict future behavior they would look at past behavior. He thought that prior behavior by Wilder had demonstrated that this project would be favorably considered. He thought the safety issues had been addressed and he would vote in favor.

Branigan thought the purpose was to grant a variance for a 20 foot roadway and not to have a discussion on what Wilder should do. When taking a look at the 20 foot road and additional items to ADUs and runoff, the question was if fire and safety equipment could navigate the roads going down to 20 feet. Branigan felt they answered the question that they could navigate a 20 foot road.

Berman used the recreational facilities in the area and noted the issue at hand was to narrow the street. He wasn't super comfortable with this, but if it was okay with the Fire Department and Public Works, he would vote in favor.

East agreed that the 20 foot street sections weren't ideal but as long as the Fire Department and Public Works thought it was workable he would agree to put it forward with the conditions.

Patrick agreed with Hardy about the density. The 20 foot road was tight but the trucks could run over curbs just fine. Duplexes were allowed by law but they weren't practical on these lots. Patrick also noted that the stormwater was going to be a total build out for Wilder. Tokos noted the stormwater work would provide enough capacity for the two phases Wilder was talking about. Patrick wanted to see a permanent dog park go in and he was glad to see more parking. He was in favor.

MOTION was made by Commissioner Branigan, seconded by Commissioner Berman to approve File 1-PD-21/1-SUB-21 with the four conditions. Hanselman and Hardy were a nay. The motion carried in a voice vote.

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan to approve the Final Order and Findings for File 1-PD-21/1-SUB-21 with the a correction that the Bonnie Serkin's name was spelled correctly. Hanselman and Hardy were a nay. The motion carried in a voice vote.

5. **New Business.** None were heard.
6. **Unfinished Business.** None were heard.
7. **Action Items.** None were heard.
8. **Director Comments.** None were heard.
9. **Adjournment.** Having no further business, the meeting adjourned at 8:34 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers by Video Conference
September 27, 2021
6:00 p.m.

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

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

City Staff Present by Video Conference: 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. **Results from TSP In-Person & Online Open House Preference/Prioritization Survey.** Tokos reviewed the themes, takeaways, and participation for the in-person and online open houses and surveys. Berman asked what the survey response was for the US 101 solutions. Tokos explained that the responses were divided with 46 percent wanted it to stay as a one way, and 41 percent preferred some variation of a couplet. Berman asked how they would determine which project options went into the final TSP and asked if all the options with comments would be presented to the City Council. Tokos explained there would be a combination of recommendations from the project advisory committee, then the Planning Commission and City Council would see this. There had been unanimous support for a short couplet by the TSP Work Group and they needed to take a look at public feedback and decide if they wanted to revisit it or stand where they were at. Hardy thought it was important to pay attention to the written comments instead of the shared numbers. She thought the rationale behind a person's opinion had value and it should be encouraged rather than discouraged. Hardy didn't like the straight numerical data because it was a marginal amount of the response.

Berman pointed out that the options for the US 20 and US 101 intersection wasn't in the draft outreach summary. He asked if these had been presented to the general public. Tokos reported there were a few options relative to the intersection in the survey. Berman was surprised it wasn't in the summary. Tokos noted everything presented in the summary had been simplified to the point that it got challenging because they were putting simplistic data out there and not providing a lot of context. Escobar recalled that the Council had strong opinions on the options being considered. He reminded there was the balance for the finances to consider as well.

Hardy wanted it noted that the traffic congestion was primarily on weekends and the summer. If they started destroying normal accesses to properties as it would on a two way street, they would be deterring people from investing in downtown Newport. Tokos explained that investing in downtown Newport was a big piece of this. They saw a lot of feedback about concerns for mobility. They should keep in mind they needed to set up a structure that was conducive to redevelopment when making investments relative to the downtown core areas. Hanselman pointed out the lack of attention that was given to public transportation even though a lot of people relied on it. Tokos noted they would have to pull public transit into the plan and they would need to supplement it. He had access to the Transit Master Plan done by the County in 2018 that they would use as a basis for this. Tokos agreed that public transit was important and many people relied on it to meet their needs. The capacity of the County transit would limit its utility for people because of their limited resources.

Tokos reported that ODOT, who was managing the project, had some challenges with the consultant getting something deliverable to wrap things up and keep the project moving. He didn't have some of the materials to share at this time because of this and why he had to move some of the discussion back until they had the materials to review.

B. Draft South Beach Commercial/Industrial Land Use Code Audit Findings. Tokos reported that one of the recommendations that Elizabeth Decker with Jet Planning gave was to expand the commercial zoning in South Beach to pick up the 35th Street signal now that it had been relocated. She also thought this should be considered for 40th Street, assuming 40th Street at some point was signalized. They would be looking to expanding this to the south a little bit. Decker recommended that the heavy industrial on the southeast corner of 40th Street and US 101 have an alternate location for this type of zoning. Having heavy industrial that close to a residential planned development could have issues down the road. Tokos questioned if they should push it down further south where the concrete batch plant was around 50th Street. The question was where they should have the heavy industrial, and where the best location was for it.

Tokos reported that Decker recommended limiting uses in the industrial zone that were inconsistent with the development standards in the area. This would revitalize the area and get some commercial and industrial in the area that would pose more for the tax base. Decker pointed out the mini-storage wasn't highly consumptive but didn't add a lot to the tax roll. There were a lot of these in the area already and it needed to be determined if that type of use made sense long-term. Decker recommended the 50 foot setback for the industrial district to go away. Tokos noted they didn't have plans for additional lanes on US 101 so it didn't make a lot of sense for a 50 foot setback was a big impediment for development of these properties. Decker also recommended adding landscaping standard. Decker didn't recommend anything relative to off-street parking, but to just monitor it and not require more than was necessary because it took up a lot of room. She also recommended maintaining the existing nondiscretionary code structure because having clear and objective standards would make it clear for people looking to develop their properties, and give them more certainty on what they could do.

C. South Beach US 101 Island Annexation Concept and Development Incentives. Tokos reviewed the annexation map in the unincorporated areas. He reported the city could annex properties with or without the consent of the property owners if they were surrounded by the city. If a property wasn't surrounded by the city they would have to have the consent of the property owner to annex in. The recommendation was to have this be a project to do annexation and provide an incentive for owners to connect into the sewer system around 50th Street. Tokos reviewed the incentives for connecting to city services which included not paying for System Development Fees and a rebate program to throw in \$10,000 for residential and \$15,000 for commercial lateral connections. Tokos worked with the City Engineer to show that these numbers would be attractive for owners to connect into city services.

Tokos reported he talked to Gary Nice about bringing in 90 acres he owned all at once, versus in pieces, and the legal issues to do so. After talking to Nice he dropped the annexation figure down to around \$20,000 and making it more workable. This would bring in a nice area of land that would make it clear who was responsible for responding to what. It would also allow these properties to be developed in a more robust urban manner. This would benefit all of the tax communities there. It would also benefit the city because they would be included in their tax base.

Berman asked if they did any calculations of what the immediate increase in city property taxes would be. Tokos explained this was the next step they would do so they had the information for the people being annexed in. Hardy asked if there would be any enhancement required for the sewer treatment capacity in the area. Tokos explained they should have the capacity to take on what was there currently. What happened in terms of redevelopment could mean there be requirements. This would be slow going because the bulk of what was currently there were low intensity uses because they had to be serviced off of holding tanks and septic systems. With certain uses for redevelopment there could be potential intense impacts on the wastewater system and the city needed to be cautious of this.

Berman asked what would the base would be for these properties if they were to annex into the city. He asked if it would be the current assessed valuation or something else. Tokos noted the properties were already in the Urban Renewal District and already had a base. He didn't think it would impact the Urban Renewal revenues a great deal. Berman asked about breweries and their effluent. He asked if Rouge Brewery had fixed things or if they were still accumulating fines. Tokos didn't work directly on this but it was something they could report back to the Commission.

Tokos asked for thoughts on the concept and incentives. Berman asked why Decker suggested reducing the parking requirements. Tokos explained that parking was an impediment to development because it was so land consumptive. They wanted to make sure that whatever ratios they applied didn't leave them with parking lots that were less than half full. Decker was looking to say that if prudent, any of the ratios should allow for fewer off-street space. They still should have adequate parking, but this was about fine tuning it.

Patrick had a problem with reducing heavy industrial. Tokos pointed out an area where industrial could be relocated. Patrick suggested the property north of the sewer plant. Tokos thought south of the existing waste water plant was a good area. They had to be cautious on getting too close to the Wilder residential development.

Berman asked for clarification on the concept of zero setbacks in commercial. Tokos explained it would be a zero setback to the right of way. He thought they might want to impose some form of a setback to be able to have landscaping. Generally it was a better for urban development to have a building closer to US 101 rather than parking. Hanselman wanted to see a buffer between US 101 and a business, but not necessarily 50 feet. Tokos noted they could blend in landscaping to achieve this. Patrick liked a 20 foot setback off the highway. Hanselman like this as well. He asked if the property owners on 40th Street would be willing to change their development strategy. Tokos noted they weren't currently looking to develop and didn't see it being a big impact. At the end of the day this property was more attract to commercial development.

Tokos asked if the Commission was in general agreement for the annexation. He hoped that an incentive packet meant they would be more comfortable with annexing. The Commission was in general agreement with this.

D. Redevelopment Concepts for Agency's 35th and US 101 Site, Project financials, and Final Online Survey.

Tokos reviewed the redevelopment concepts for US 101 and 35th Street. He covered the results on the stakeholder outreach that would be used to finetune the options. Tokos reviewed the three alternative concepts and reported that what they heard was the public wanted a big retailer or grocer in South Beach. He noted that the city could do incentives to get the right type of use there. Tokos reached out to the owner of the building where Airrow Heating was currently located. They were open to going with a bigger project here if it made sense, and if they could do an acquisition for the building for redevelopment. Tokos reminded that the property owners weren't obligated to do anything there. Berman asked what an outdoor garden retail represented. Tokos would ask for clarity on this. He thought this was an outdoor garden area.

Tokos reviewed Alternative 2 for a food destination and Alternative 3 for mixed retail. He pointed out that the owners of the property behind the Toyota dealership would be coming in to divide the property because they wanted to develop half of it. They would be looking at residential over commercial concepts at this location.

Tokos reviewed the considerations for the types of businesses and the levels of support for each. East pointed out they didn't include fuel stations in the plan. Tokos noted this came out in the community outreach and the question was if they really wanted a fuel station to be the gateway entrance to South Beach. The thought was if 40th Street was signalized, it would make more sense there. They could accommodate this on any of the examples and still achieve some of the results. A fuel station would drive how attractive the area would be for other uses on the same site. Hanselman thought fuel stations would be a good location for charging stations as well.

Tokos reviewed the preliminary project cost scenarios next. He noted there was a current online survey that was active to allow the public to weigh in on projects and redevelopment concepts. They would be looking to wrap up the refinement plan and do a final report for the Urban Renewal Agency. This would also be reviewed by the Commission.

E. Update on Implementation of the 2019 Short-Term Rental Ordinance (Informational).

Tokos reported that the city was wrapping up the renewal period for short-term rental (STR) licenses. There were 198 STRs in the overlay and 38 outside of the overlay. The number outside of the overlay went down from 45 since the beginning of the program. The waitlist had over 81 names on it and it would take three to four years for someone to get a license. Homeshares and B&Bs hadn't changed much. Tokos reported that there weren't many

complaints submitted on the hotline as well. He noted that LodgingRevs had been sold. The system now had enhancements to do automated responses for when someone made a complaint and for when a complaint had been resolved. Also, hotline calls were being recorded and were available to the Community Service Officer. Tokos reported that things were slow to get the business license and STR lodging tax payments automated. The City was working with the State to have them collect lodging taxes. If the State started collecting for the City, they would be able to get the individual room tax remittance from Airbnb. Currently Airbnb wouldn't break this down for the City.

Hanselman asked about nonconforming vacation rentals. Tokos reported that an inactive nonconforming STR would be able to get a license within 12 months, and a closed license was closed. Berman asked if the City was looking at room tax remittances to confirm the use requirement. Tokos reported that during the renewal period the City was looking at if they had 30 days of rentals within 12 months. He noted that for the last two years the use requirement had been changed to just 15 days due to pandemic. Berman asked how they knew if they were inactive. Tokos reported when they didn't renew, they were changed to inactive.

Hanselman thought that the STR Work Group was going to look at a phase out. Tokos noted there hadn't been a recommendation from the Work Group to make a change in that manner. He got the feeling they wanted to keep monitoring how things were working for a little bit longer. Branigan noted the pandemic made the Work Group want to wait a few years to make a decision. He reported that a property manager on the Work Group brought up at the meeting that they were seeing multiple families buying a house and then using them between owners to bypass STR requirements. Hardy noted if they weren't paying rent it wouldn't be considered a rental.

3. Unfinished Business.

- A. Updated Planning Commission Work Program.** Patrick reported he would not be attending any of the October meetings. Branigan confirmed he would be available all of October to fill in for Patrick.

Tokos reviewed the updated work program. He noted he was asked to participate in the Nye Neighborhood Association meeting to provide background on the Nye Review District and other topics. Tokos reported the City was approved for the TGA grant. This would fire up early in the next year. There was a \$140,000 grant that the City would have to match \$35,000 of the funds.

Tokos confirmed that the Food Cart Ordinance would go into effect on October 7th. The City Council elected to put the City Center in with the Bayfront and Nye Beach in terms of how the code was recommended by the Commission. In these three areas, private properties were limited to pods only and each area would have four floating vending licenses for food trucks that wanted to park in striped spaces. Tokos reported he expected to see pop up of food trucks at the old Les Schwab location and in Agate Beach.

- 4. Adjourn.** The meeting adjourned at 7:16 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

PLANNING STAFF REPORT

1. **APPLICANT:** Tim Lunceford, Greyson Financial Services, Inc. (William Ekman, owner).
2. **REQUEST:** Extend approval of a tentative subdivision plat, variance, and geologic permit for an eleven-lot residential subdivision identified as "Fisherman's Wharf Estates" for an additional 12-months. The Community Development Director granted a 12-month extension on October 5, 2020, establishing an expiration date of October 22, 2021. The original final order was approved by the Newport Planning Commission on October 22, 2018 and Condition No. 15 of that order required a final plat be submitted in two years (October 22, 2020).
3. **LOCATION:** The property is located at 1005 SE Bay Boulevard, between the Harbor Village RV Park and Harbor Crescent residential subdivision (Tax Lot 400 of Lincoln County Assessor's Tax Map (11-11-09-CB)).
4. **LOT SIZE:** Approximately 1.72 acres, per Lincoln County Assessor's records.
5. **STAFF REPORT**
 - A. **REPORT OF FACTS**
 - i. **Plan Designation:** Low Density Residential.
 - ii. **Zone Designation:** R-2/"Medium Density Single-Family Residential."
 - iii. **Surrounding Land Uses:** Harbor Village RV Park to the north and west, Harbor Crescent residential subdivision to the east, and the Embarcadero Resort to the south (across SE Bay Blvd).
 - iv. **Topography and Vegetation:** There are a few scattered trees, shrubs and other low lying vegetation on the property. The site is moderately sloped, dropping in elevation from east to west, with steeper terrain along the east, north and western perimeter of the property.
 - v. **Existing Structures:** None.
 - vi. **Utilities:** All utilities are available to the site.
 - vii. **Development Constraints:** The property is within a mapped geologic hazards area.
 - viii. **Past Land Use Actions:** File No. 1-SUB-18/2-VAR-18/3-GP-18, approval of a tentative subdivision plat, geologic permit, and variance for an eleven-lot residential subdivision. File No. 3-PD-07/6-SUB-07, approval of a planned development for 19 single family detached residences. File No. 1-PD-01, approval of a planned development for 22 units (single family and duplexes). File No. 1-PD-97, approval of a planned development for 18 single-family residences and two duplexes.

ix. **Planning Staff Report Attachments:**

Attachment "A" – Completed application form

Attachment "B" – Lincoln County property report

Attachment "C" – Applicant's written narrative

Attachment "D" – Permit extension by CDD Director, dated 10/5/20

Attachment "E" – Approved plans for Fisherman's Wharf Estates

Attachment "F" – File No. 1-SUB-18/2-VAR-18/3-GP-18, Final Order and Findings, Fisherman's Wharf Estates

Attachment "G" – Public Hearing Notice

- B. **Explanation of the Request:** The applicant, Greyson Financial Services, Inc., is asking that the Planning Commission extend a City issued land use decision that approved a tentative subdivision plat, variance, and geologic permit for an eleven-lot residential subdivision on the subject property. A final plat for that subdivision was to be submitted no later than October 22, 2020. The Community Development Director has authority to extend the approval once, for a 12-month period, and did so on October 5, 2020. If the extension is not granted, the land use decision will expire on October 22, 2021.

C. **Evaluation of the Request:**

- i. **Notice/Comments:** Public notice of the application and public hearing was mailed to surrounding property owners within 200 feet of the subject property and public entities and agencies on September 21, 2021. Notice of the public hearing was also published in the Newport News-Times on October 1, 2021. No comments were received in response to the notice.
- ii. **Applicable Criteria:** Requests to extend the deadline for submission of a final plat associated with a City issued land use decision must comply with Newport Municipal Code (NMC) Section 13.05.090(H).
- iii. **Compliance with NMC Section 13.05.090(H), Time Limit Between Tentative Plan and Final Plat (Extensions).** *Requests for extension of the one-year time limit for submission of final plat shall be in writing. On receipt of the written request, the community development director may grant an extension of up to one year. The Planning Commission may grant an additional one-year extension after public hearing. Notice shall be the same as the original tentative plan. The criteria for an extension are:*
1. *An unforeseen change in the economic condition has affected the real estate market for the project; or*
 2. *The weather has prevented the physical work; or*
 3. *Other unanticipated hardship, such as change or turnover in engineering firms, contractors, or significant delays in obtaining required state or federal permits requires additional time to complete the project.*

An extension may only be granted if the comprehensive plan, zoning ordinance, and subdivision ordinance have not changed in a way that would substantially affect the original tentative plan.

Staff: As noted in the applicant's written narrative (Attachment "C"), the agent for Greyson Financial, Tim Lunceford, became severely ill in February of 2020, fell into a coma, was hospitalized for an extended period of time, and had a leg amputated in May of that same year. He notes that his recovery has been very time consuming, but that he is now ready to return to this project. The Planning Commission can reasonably find that Mr. Lunceford's circumstances qualify as an unanticipated hardship per NMC 13.05.090(H)(3). Public notice has been provided in the same manner as it was with the original tentative plan (Attachment "G"), and the comprehensive plan, zoning ordinance, and subdivision ordinance have not changed in a way that would substantially affect the original tentative plan.

- D. **Conclusion:** If the Planning Commission finds that the applicant meets the criteria established in the Newport Municipal Code for granting an extension to the time limit for submittal of a final plat, then it can approve the request. The Commission may attach reasonable conditions of approval, which the it finds are necessary to satisfy the approval criteria. If, on the other hand, the Commission finds that the request does not comply with the criteria, and cannot be made to comply through reasonable conditions of approval (as required by ORS 197.522), then it should make findings for denial.
- E. **Staff Recommendation:** Findings contained in this report establish that the extension request can satisfy City approval standards provided the following conditions are imposed:
1. The time limit for submission of a final plat for the eleven-lot residential subdivision identified as "Fisherman's Wharf Estates," approved by the Planning Commission with a Final Order and Findings of Fact on October 22, 2018 (File No. 1-SUB-18/2-VAR-18/3-GP-18), is extended for 12-months from the expiration date set in an October 5, 2020 letter from the Community Development Director. The new deadline for submission of the final plat is October 22, 2022. All other conditions of the October 22, 2018 Final Order and Findings of Fact will remain in effect.



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

October 7, 2021



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) if other than applicant
Tim Lunceford	Bill Ekman
Applicant Mailing Address:	Property Owner Mailing Address:
4580 Christopher Lane Albany OR 973:	Same
Applicant Phone No.	Property Owner Phone No.
541-974-0682	541-979-6240
Applicant Email	Property Owner Email
tim@greysonfinancial.com	Same <i>Mr. Bill Ekman</i>
Authorized Representative(s): Person authorized to submit and act on this application on applicant's behalf	
Tim Lunceford	
Authorized Representative Mailing Address:	
4580 Christopher Lane Albany, Oregon 97322	
Authorized Representative Telephone No.	
541-974-0682	
Authorized Representative Email. tim@greysonfinancial.com	

97322 Can

Project Information

Property Location: *Street name if address // not assigned*
Fisherman's Wharf 1005 SE Bay Boulevard Newport, OR

Tax Assessor's Map No.: *11-11-09-CB* Tax Lot(s): 400

Zone Designation: *R-2* Legal Description: *Add additional sheets if necessary*

Comp. Plan Designation:

Brief description of Land Use Request(s):
Examples:
 1. *Move north property line 5 feet south* Permit extension
 2. *Variance of 2 feet from the required 15-foot front yard setback*

Existing Structures: if any
 none

Topography and Vegetation:
 sloped

AK

Application Type (please check all that apply)

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

FOR OFFICE USE ONLY

File No. Assigned:

Date Received: Fee Amount: Date Accepted as Complete:

Received By: Receipt No. Accepted By:

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



City of Newport Land Use Application

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

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

[Signature] 9/20/2021
Applicant Signature(s) Date

Bill Elmer owner 9-24-2021
Property Owner Signature(s) Date

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

Authorized representative Signature(s) (if other than applicant) _____ Date _____

Please note application will not be accepted without all applicable signatures.

Please ask staff for a list of application submittal requirements for your specific type of request.

BE

09/20/2021

RE: Fisherman's Wharf permit Extension

To Beth Young,

Beth, attached is my filled out application form asking for permit extension. I am requesting this extension due to a delay in our construction process. We were prepared to begin construction in early 2020. In February I was taken ill and fell into a coma for 17 days. I remained in the hospital for 67 days and my leg was amputated at the end of May. My recovery has been very time consuming. I have now returned to this project, but need additional time to arrange for contractors and acquire new bids. Engineering also informs me that there are some additional details to be worked out per the Cities request.

We will also need to consider weather during construction with a proposed start date of late spring 2022.

AKS Engineering has been involved in this project for a number of years and assures me they will complete project as approved.

Thank-you for your consideration.



Tim Lunceford.

BE

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R132556	Neighborhood:	NWNB	Owner and	EKMAN WILLIAM
Map Taxlot:	11-11-09-CB-00400-00	Property Class:	100	Mailing Address:	300 NW WEDRICK DR WHITE SALMON, WA 98672
Tax Map:	11s11w09CB			Site Address(es):	1005 SE BAY BLVD
Web Map:	View Map				
Info:	TWNShp 11, RNg 11, ACRES 1.72, DOC201600169				
Document:	DOC201600169				
Tax Code:	104				
Acres:	1.72				

Improvements

No Inventory

Value History

Year	Imp.	Land	Total Market	Total Assessed	Levied Tax
2020	0	215,280	215,280	214,640	3,957.72
2019	0	208,390	208,390	208,390	3,788.10
2018	0	215,670	215,670	207,250	3,761.06
2017	0	201,100	201,100	201,100	3,725.44
2016	0	201,100	201,100	201,100	3,755.86
2015	0	201,100	201,100	201,100	3,586.47
2014	0	201,100	201,100	201,100	3,610.92
2013	0	201,100	201,100	201,100	3,526.91
2012	0	228,520	228,520	201,220	3,488.96

Sales History

Sale Date	Price	Document	Type	Code
01/05/2016	\$200,000	201600169	34	BSD
03/14/2007	\$550,000	200703765	27	WD
06/20/1997	\$185,000	MF341-0226	13	WD

Land	Related Accounts	Disclaimer								
<table border="1"> <thead> <tr> <th>Description</th> <th>Acres</th> <th>Market Value</th> <th>Special Use Value</th> </tr> </thead> <tbody> <tr> <td>UNDEV BAYVIEW SITE</td> <td>1.72</td> <td>215,280</td> <td></td> </tr> </tbody> </table>	Description	Acres	Market Value	Special Use Value	UNDEV BAYVIEW SITE	1.72	215,280			For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. Tax data exported 10/2020.
Description	Acres	Market Value	Special Use Value							
UNDEV BAYVIEW SITE	1.72	215,280								

SEP 21 2021

RECEIVED

09/20/2021

RE: Fisherman's Wharf permit Extension

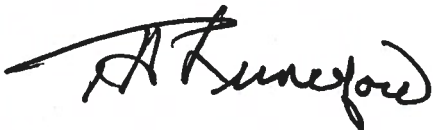
To Beth Young,

Beth, attached is my filled out application form asking for permit extension. I am requesting this extension due to a delay in our construction process. We were prepared to begin construction in early 2020. In February I was taken ill and fell into a coma for 17 days. I remained in the hospital for 67 days and my leg was amputated at the end of May. My recovery has been very time consuming. I have now returned to this project, but need additional time to arrange for contractors and acquire new bids. Engineering also informs me that there are some additional details to be worked out per the Cities request.

We will also need to consider weather during construction with a proposed start date of late spring 2022.

AKS Engineering has been involved in this project for a number of years and assures me they will complete project as approved.

Thank-you for your consideration.



Tim Lunceford.

CITY OF NEWPORT

169 SW COAST HWY
NEWPORT, OREGON
97365



COAST GUARD CITY, USA

phone: 541.574.0629

fax: 541.574.0644

<http://newportoregon.gov>

mombetsu, japan, sister city

October 5, 2020

Lyle Misbach, PE, CFM
AKS Engineering & Forestry, LLC
3700 River Road North, Suite 1
Keizer, Oregon 97303

RE: Request for 12-month Extension of Fisherman's Wharf Estates Land Use Decision File No. 1-SUB-18/2-VAR-18/3-GP-18)

Dear Mr. Misbach,

Thank you for your application of September 21, 2020 requesting that the City of Newport extend its approval of the Fisherman's Wharf Estates tentative subdivision plat, variance, and geologic permit approvals for a period of 12-months. Section 13.05.090(H) of the Newport Municipal Code (NMC) authorizes the Community Development Director to extend a land use decision(s) for a period of 12-months provided:

- 1. An unforeseen change in the economic condition has affected the real estate market for the project; or*
- 2. The weather has prevented the physical work; or*
- 3. Other unanticipated hardship, such as change or turnover in engineering firms, contractors, or significant delays in obtaining required state or federal permits requires additional time to complete the project.*

An extension may only be granted if the comprehensive plan, zoning ordinance, and subdivision ordinance have not changed in a way that would substantially affect the original tentative plan.

Included with your application was a letter, dated September 10, 2020, in which you explain that progress towards developing the subdivision has been delayed due to the owner and developer having had significant health issues this spring and summer, coupled with the economic uncertainty attributed to nationwide health and political issues (which I understand to be the COVID-19 pandemic). This explanation is in keeping with Criterion No. 1 and Criterion No. 3 above. Additionally, the City of Newport has not amended its Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance in a way that would substantially affect the original tentative plan.

The City of Newport's final order approving the tentative subdivision plat, variance, and geologic permit was issued October 22, 2018. Condition No. 15 of the final order requires that a final plat be submitted within two years (October 22, 2020). Since the criteria for a 12-month extension under NMC 13.05.090(H) have been met, please accept this letter as confirmation that an extension has been granted. The new deadline for the submittal of a final plat is October 22, 2021.

NOTICE OF THIS DIRECTOR'S DECISION WILL BE PROVIDED IN THE SAME MANNER AS THAT WHICH WAS PROVIDED WITH THE ORIGINAL DECISION, AND IT MAY BE APPEALED TO THE NEWPORT PLANNING COMMISSION WITHIN 15 CALENDAR DAYS (5:00 P.M. ON TUESDAY, OCTOBER 20, 2020). Persons interested in filing an appeal may contact the Community Development (Planning) Department, Newport City Hall, 169 SW Coast Hwy, Newport, Oregon 97365 (541-574-0629) for information on appeal procedures.

Sincerely,



Derrick I. Tokos, AICP
Community Development Director
City of Newport
ph: 541-574-0626

xc: William Eckman (owner)
Tim Lunceford (applicant)
File

CURVE	BACKSIGHT	SIGHT	ANGLE	CHORD
1	10.00	10.00	90.00	14.14
2	10.00	10.00	90.00	14.14
3	10.00	10.00	90.00	14.14
4	10.00	10.00	90.00	14.14
5	10.00	10.00	90.00	14.14
6	10.00	10.00	90.00	14.14
7	10.00	10.00	90.00	14.14
8	10.00	10.00	90.00	14.14
9	10.00	10.00	90.00	14.14
10	10.00	10.00	90.00	14.14
11	10.00	10.00	90.00	14.14
12	10.00	10.00	90.00	14.14
13	10.00	10.00	90.00	14.14
14	10.00	10.00	90.00	14.14
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17	10.00	10.00	90.00	14.14
18	10.00	10.00	90.00	14.14
19	10.00	10.00	90.00	14.14
20	10.00	10.00	90.00	14.14
21	10.00	10.00	90.00	14.14
22	10.00	10.00	90.00	14.14

SETBACK TABLE
FRONT SETBACK OF MINIMUM FRONT
REAR SETBACK OF MINIMUM REAR
LEFT SIDE SETBACK OF MINIMUM
RIGHT SIDE SETBACK OF MINIMUM

NOTES:

1. THIS PLAT IS FOR THE PROPOSED 10 LOTS.

2. THE PROPOSED LOTS ARE 10 LOTS.

3. THE PROPOSED LOTS ARE 10 LOTS.

4. THE PROPOSED LOTS ARE 10 LOTS.

5. THE PROPOSED LOTS ARE 10 LOTS.

6. THE PROPOSED LOTS ARE 10 LOTS.

7. THE PROPOSED LOTS ARE 10 LOTS.

8. THE PROPOSED LOTS ARE 10 LOTS.

9. THE PROPOSED LOTS ARE 10 LOTS.

10. THE PROPOSED LOTS ARE 10 LOTS.

11. THE PROPOSED LOTS ARE 10 LOTS.

12. THE PROPOSED LOTS ARE 10 LOTS.

13. THE PROPOSED LOTS ARE 10 LOTS.

14. THE PROPOSED LOTS ARE 10 LOTS.

15. THE PROPOSED LOTS ARE 10 LOTS.

16. THE PROPOSED LOTS ARE 10 LOTS.

17. THE PROPOSED LOTS ARE 10 LOTS.

18. THE PROPOSED LOTS ARE 10 LOTS.

19. THE PROPOSED LOTS ARE 10 LOTS.

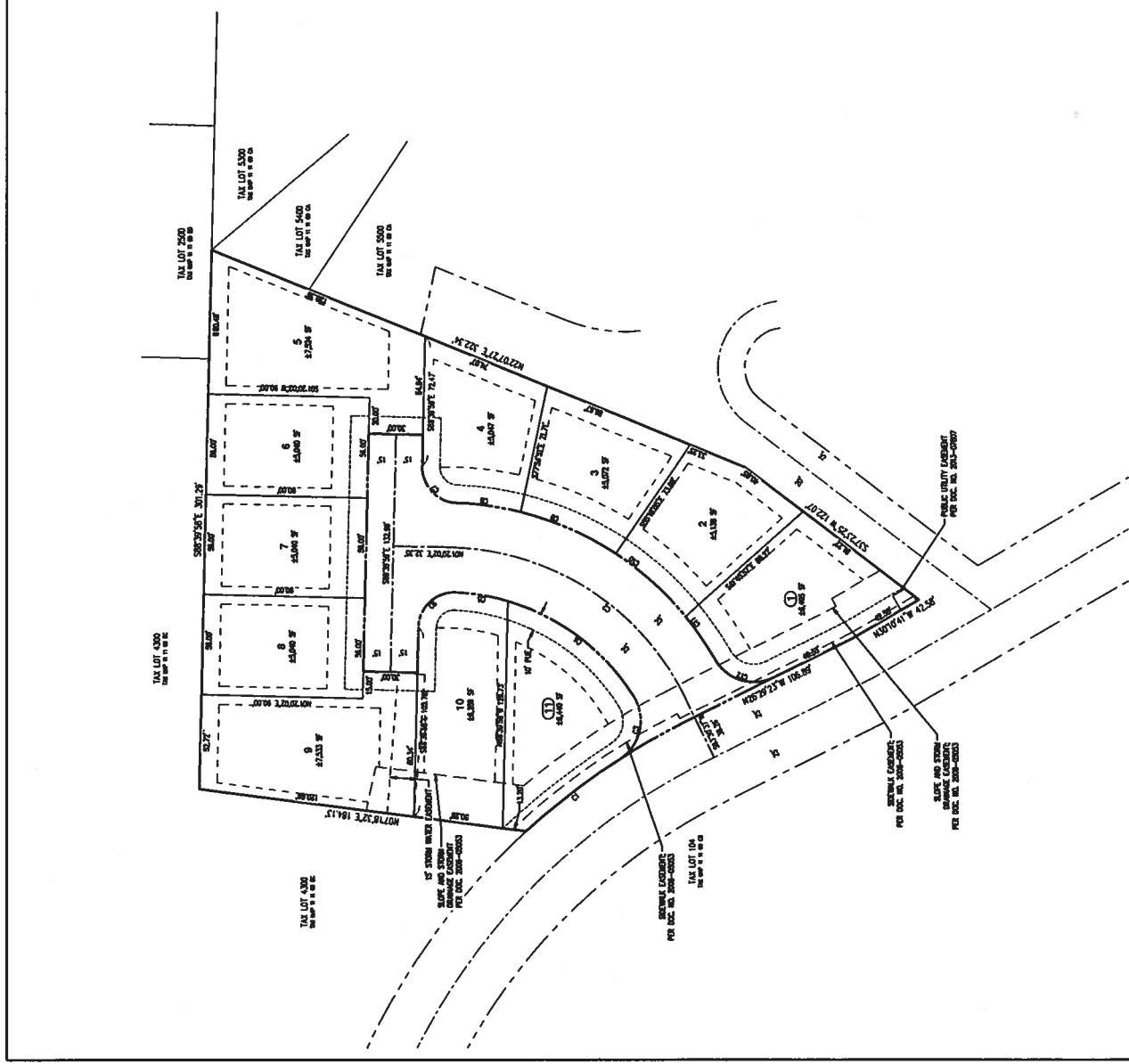
20. THE PROPOSED LOTS ARE 10 LOTS.

21. THE PROPOSED LOTS ARE 10 LOTS.

22. THE PROPOSED LOTS ARE 10 LOTS.



THE PRELIMINARY PLAT IS NOT AN OFFICIAL RECORDED PLAT. DIMENSIONS ARE SUBJECT TO CHANGE, AND IT IS NOT TO BE USED FOR SURVEYING PURPOSES.



PRELIMINARY DEMOLITION AND TREE PRESERVATION PLAN

FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT

THE LOT 400

C3

SHEET

JOB NUMBER
5691

DATE: 07/21/2010

NOT FOR CONSTRUCTION

AKS ENGINEERING & FORESTRY, LLC

1000 CENTER AVE. #2
SUITE 100
NEWPORT, CA 95660
TEL: 415.241.7722
WWW.AKS-ENGINEERING.COM

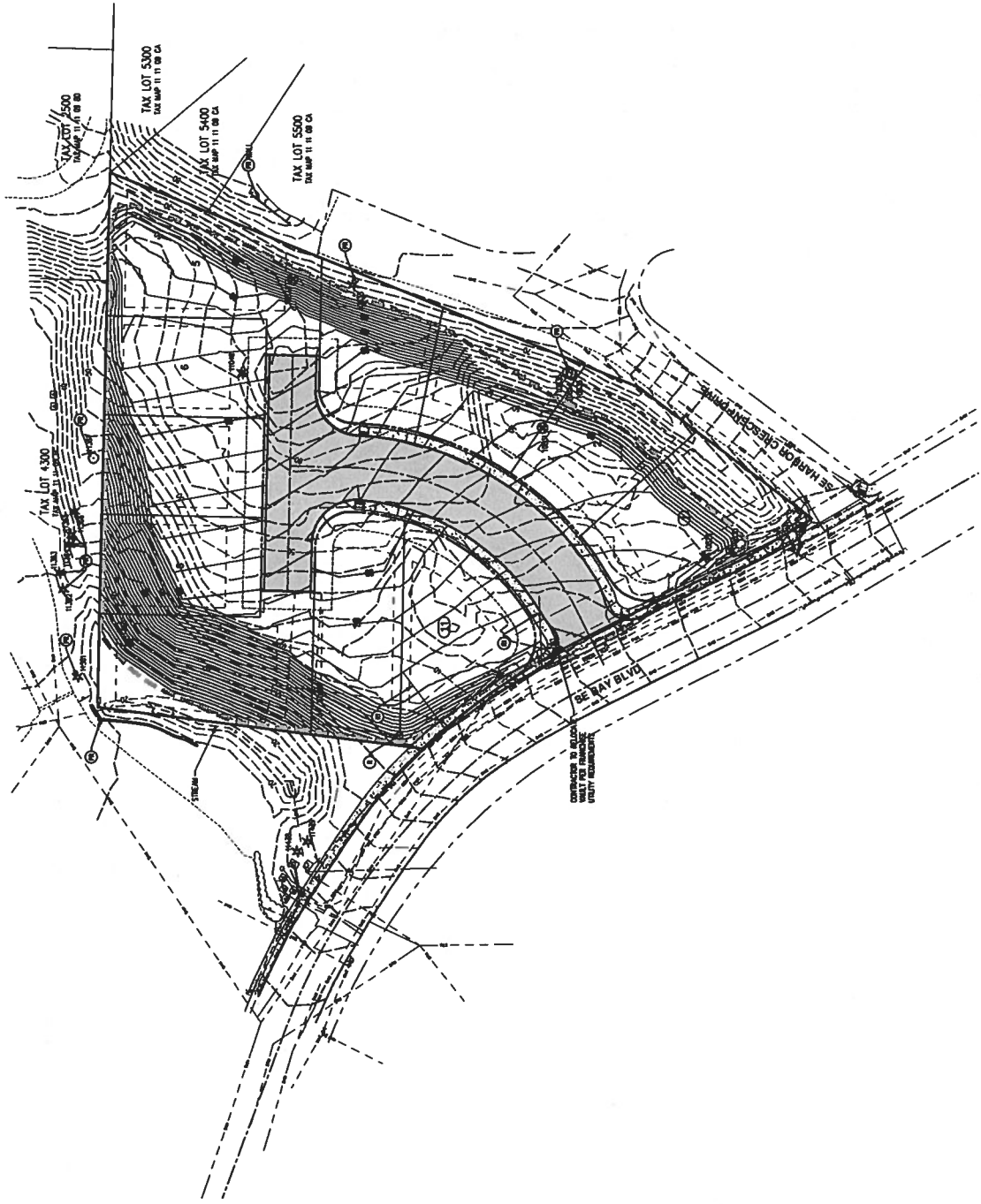
- KEYED DEMOLITION NOTES**
- A. TREE REMOVAL AND/OR DEMOLITION OF EXISTING UTILITY LINES FOR CITY AND/OR UTILITY CO. STANDARDS.
 - B. CONTRACTORS TO REMOVE AND HAIL OFF SITE FOR DISPOSAL.
 - C. EXISTING UTILITY TO BE ABANDONED AND REMOVED PER CITY STANDARDS.
 - PER PROJECT

LEGEND

- EXISTING GRADE CONTROL (1 FT)
- EXISTING GRADE CONTROL (2 FT)
- PROPOSED GRADE CONTROL (1 FT)
- PROPOSED GRADE CONTROL (2 FT)
- CLEARING LIMITS
- EXISTING CONIFEROUS TREE
- EXISTING DECIDUOUS TREE
- TREE REMOVAL

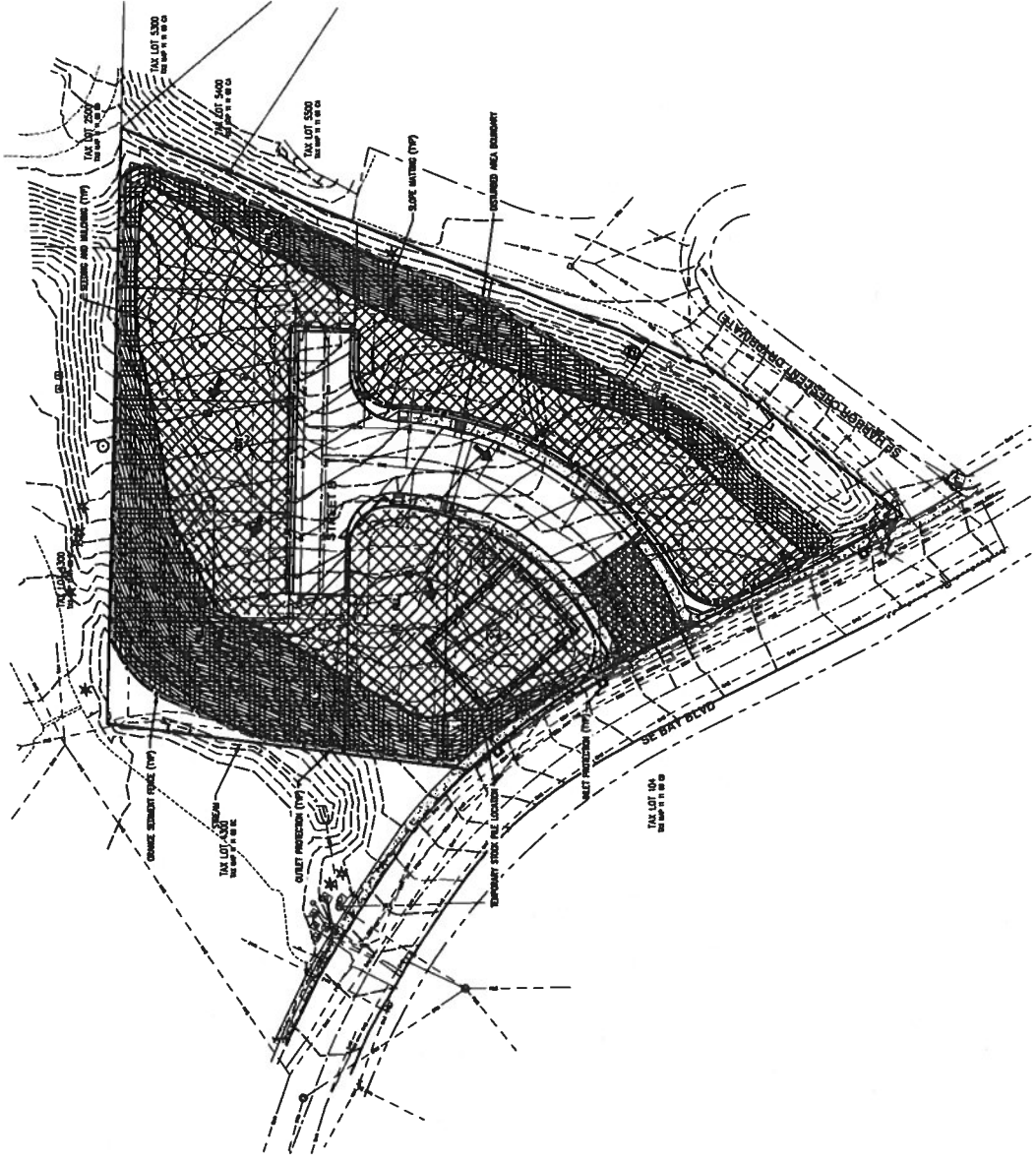
NOTE: SEE COVER SHEET FOR ORIGINAL PLAN LEGEND

TREE NUMBER	TREE TYPE	DBH (IN)	STATUS
10001	CONIFEROUS	12	REMOVE
10002	CONIFEROUS	10	REMOVE
10003	CONIFEROUS	8	REMOVE
10004	CONIFEROUS	7	REMOVE
10005	CONIFEROUS	11	PRESERVE
10006	CONIFEROUS	10	PRESERVE
10007	CONIFEROUS	8	PRESERVE
10008	CONIFEROUS	7	PRESERVE
10009	CONIFEROUS	7	REMOVE
10010	CONIFEROUS	28	REMOVE
10011	CONIFEROUS	43	REMOVE
10012	CONIFEROUS	18	PRESERVE
10013	CONIFEROUS	26	PRESERVE
10014	CONIFEROUS	17	PRESERVE
10015	CONIFEROUS	13	PRESERVE
10016	CONIFEROUS	23	PRESERVE
10017	CONIFEROUS	15	PRESERVE
10018	CONIFEROUS	8	PRESERVE
10019	CONIFEROUS	6	PRESERVE



LEGEND

- EXISTING EROSION CONTROL (1 FT)
- EXISTING EROSION CONTROL (5 FT)
- PROPOSED EROSION CONTROL (1 FT)
- PROPOSED EROSION CONTROL (5 FT)
- STORMWATER FENCE (TO BE INSTALLED PRIOR TO CONSTRUCTION)
- AREA UNDER PROTECTION (UP) FOR CATCH BASIN INLET AND RETAIN WALL/STORMWATER FENCE (TO BE INSTALLED PRIOR TO CONSTRUCTION)
- AREA UNDER PROTECTION (UP) FOR CATCH BASIN INLET AND RETAIN WALL/STORMWATER FENCE (TO BE INSTALLED PRIOR TO CONSTRUCTION)
- ORILET PROTECTION (UP) FOR COMBINATION INLET
- CONDUIT PROTECTION (UP)
- DRAINAGE FLOW DIRECTION
- GRAVEL CONSTRUCTION ENTRANCE
- SEEDING AND MULCHING
- SLOPE MATTING
- CLEARING LIMITS



C5

SHEET

5691

JOB NUMBER



NOT FOR CONSTRUCTION

DATE: 07/2008

AS NOTED

PROJECT NO.

SHEET NO.

TOTAL SHEETS

PRELIMINARY STREET PLAN AND TYPICAL SECTIONS

FISHERMAN'S WHARF ESTATES SUBDIVISION

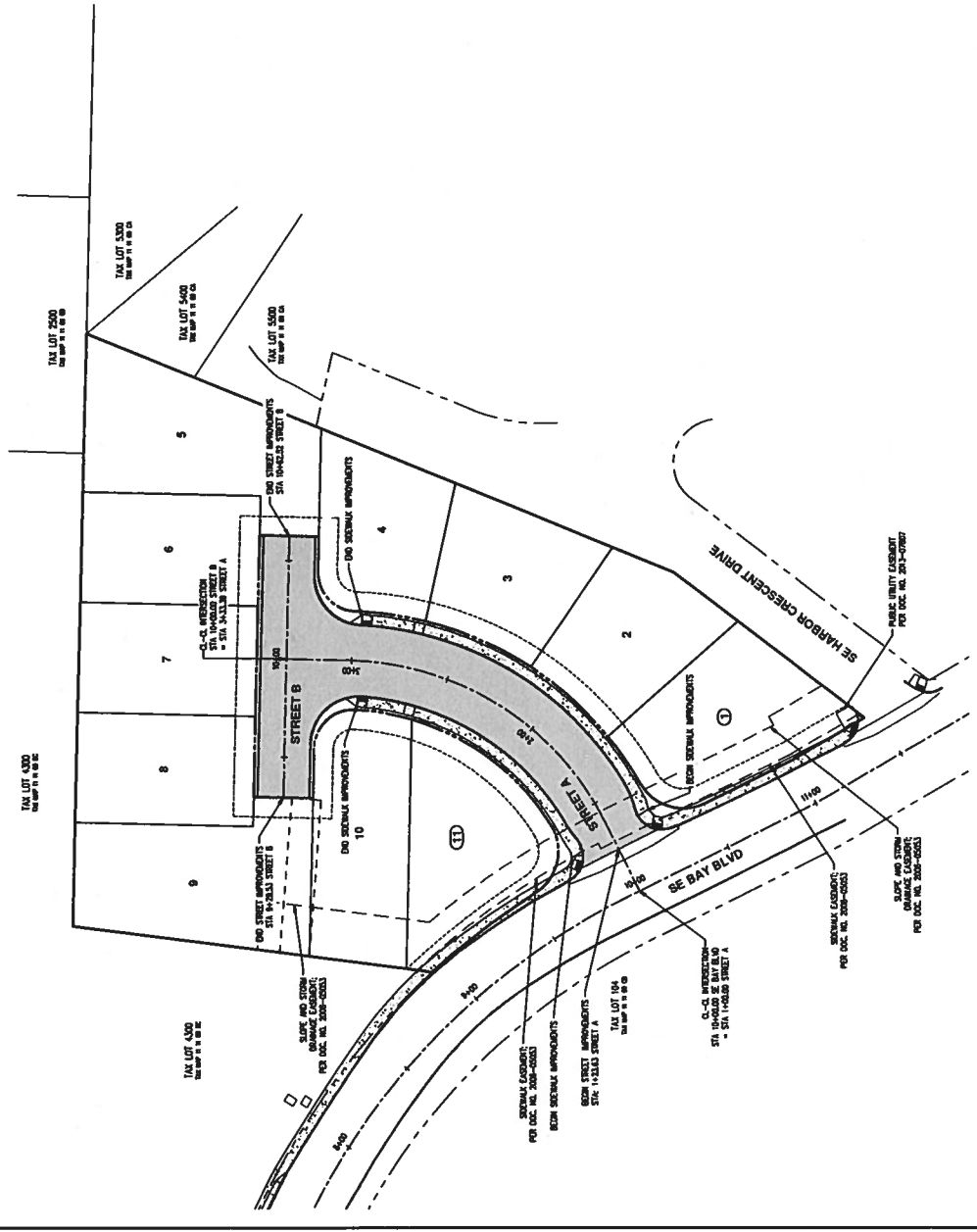
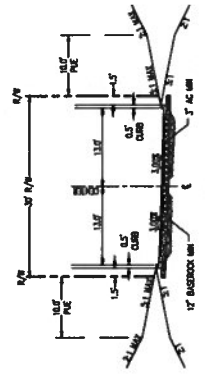
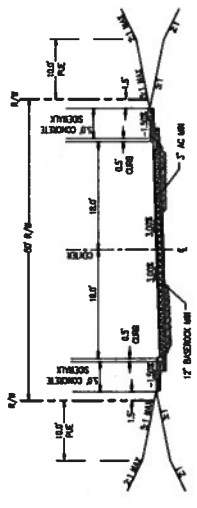
NEWPORT

AKS ENGINEERING & FORESTRY, LLC
1400 GERRY AVE SE
KNOX, TN 37923
P: 615.403.7722
F: 615.403.7723
www.aks-engineering.com



LEGEND

- NEW CONCRETE SIDEWALK BY ROAD/BLVD.
- NEW AC PAVED/DIRT.
- NEW ADA RAMP CONSTRUCTED BY CONTRACTOR.



96

SHEET

5691

JOB NUMBER



DATE OF EXPIRATION: 07/21/2010

EXPIRES: 07/21/2010

ISSUED: 07/21/2010

PROJECT NO. 5691

DATE: 07/21/2010

PRELIMINARY STREET PROFILES

FISHERMAN'S WHARF ESTATES SUBDIVISION

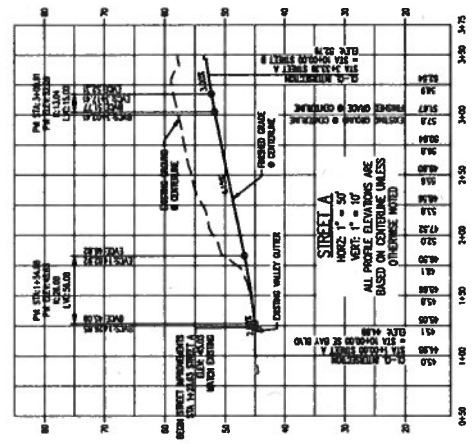
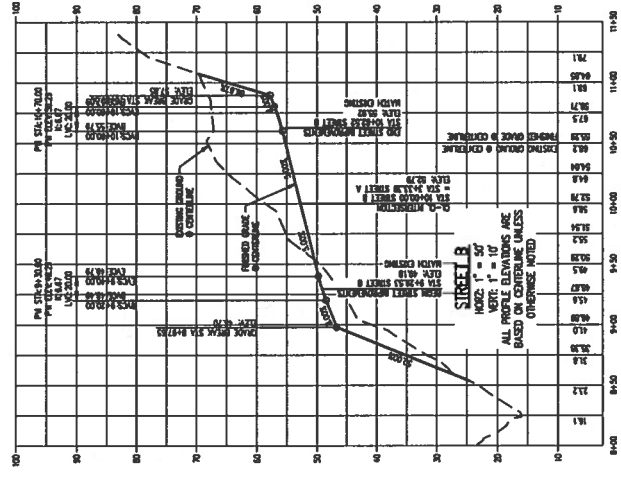
NEWPORT

OR

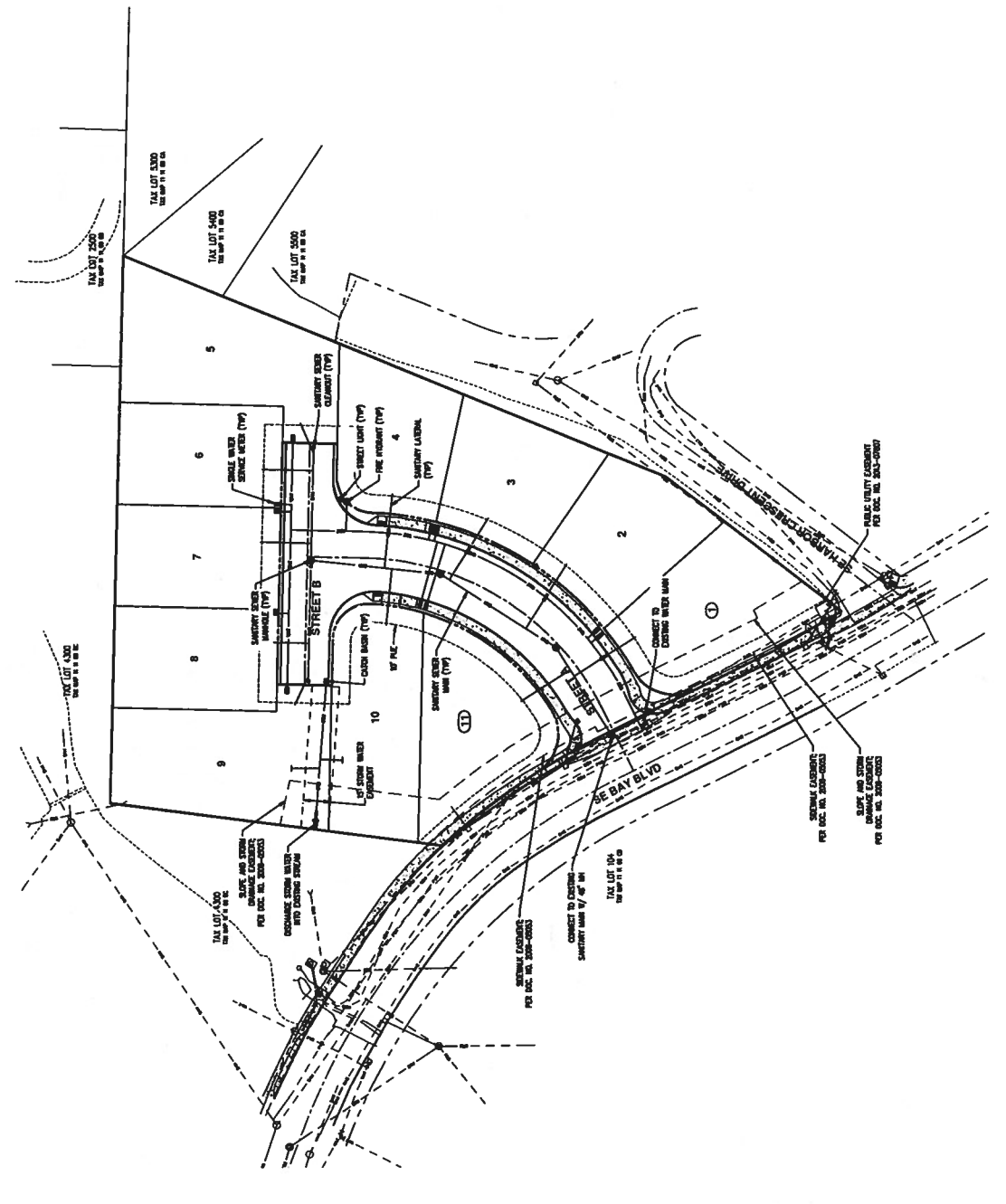
AKS ENGINEERING & FORESTRY, LLC
4500 CHERY AVE NE
ROSELAND, OR 97131
P: 503.403.8223
F: 503.403.7723
akscorp.com



ENGINEERING - SURVEYING - LANDSCAPE ARCHITECTURE
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE
LINCOLN COUNTY TAX MAP 11 08 03
TEXT LOT 400



- NOTES:**
1. NO WATER QUALITY OR QUANTITY MEASURES ARE REQUIRED FOR THIS PROJECT.
 2. ANY CHANGES SHALL BE CONNECTED TO EXISTING UTILITIES FOR LOTS 1-4.
 3. LOTS 5-10 SHALL PROVIDE STORM LATERALS TO STORM DRAIN.



**BEFORE THE PLANNING COMMISSION
OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON**

**IN THE MATTER OF PLANNING COMMISSION)
FILE NO. 1-SUB-18/2-VAR-18/3-GP-18, APPLICATION)
FOR TENTATIVE SUBDIVISION PLAT, VARIANCE,)
AND GEOLOGIC PERMIT APPROVAL FOR THE AN) **FINAL**
11 LOT SUBDIVISION IDENTIFIED AS "FISHERMAN'S) **ORDER**
WHARF ESTATES, AS SUBMITTED BY GREYSON)
FINANCIAL SERVICES, INC))**

ORDER APPROVING the request for the tentative subdivision plat, geologic permit, and variance for the eleven lot residential subdivision identified as "Fisherman's Wharf Estates." The property is located at 1005 SE Bay Boulevard, between the Harbor Village RV Park and Harbor Crescent residential subdivision (Tax Lot 400 of Lincoln County Assessor's Tax Map (11-11-09-CB). It is approximately 1.72 acres in size per Lincoln County Assessor's records.

WHEREAS:

- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Municipal Code; and
- 2.) The Planning Commission has duly held a public hearing on the request for the planned development, with a public hearing a matter of record of the Planning Commission on September 10, 2018; and
- 3.) At the public hearing on said application, and subsequent open record period, the Planning Commission received evidence and recommendations from the applicants, interested persons, and Community Development (Planning) Department staff; and
- 4.) At the conclusion of said public hearing and open record period, after consideration and discussion, the Newport Planning Commission, upon a motion duly seconded, approved the request for the tentative subdivision plat, geologic permit, and variance with conditions of approval.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") are adopted in support of approval of the request for a tentative subdivision plat, geologic permit, and variance with the following conditions of approval:

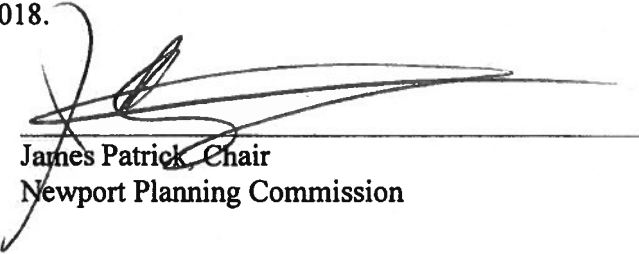
- 1. It shall be the responsibility of the property owner to adhere to the recommendations contained in the Geotechnical Investigation for Fisherman's Wharf Estates, prepared by Foundation Engineering Inc., dated October 19, 2007, as updated by letters dated June 12, 2018 and September 13, 2018 (collectively "Geologic Reports"). These Geologic Reports are only valid for the preliminary subdivision plat addressed in the report.

2. Certification of land division compliance with the Geologic Reports (e.g. site grading, street and utility installations, etc.) is required prior to approval of the final plat. NMC 14.21.130 states that no development requiring a Geologic Report shall receive final approval until the city receives a written statement by a certified engineering geologist indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the city must also receive an additional written statement of compliance by the design engineer.
3. Any sedimentation caused by stripping vegetation, grading, or other development, shall be removed from all adjoining surfaces and drainage systems and the affected areas returned to their original or equal condition prior to final plat approval.
4. The applicant shall perform hydraulic modelling of the public storm drainage system at SE Bay Blvd to confirm it has capacity to accept run-off from the subdivision attributed to a 25-year, 24-hour storm event. In the event the public system lacks capacity, then the analysis shall include recommendations for upsizing the system or detaining stormwater onsite in a manner sufficient to accommodate anticipated run-off.
5. Water, sewer, street and storm drainage infrastructure shall be installed in a manner consistent with the letter from City Engineer, Tim Gross, dated June 4, 2018, and the June 12, 2018 and September 13, 2018 letters by Foundation Engineering, including dedication of appurtenant easements. All public improvements shall be accepted by the Public Works Department prior to approval of the final plat.
6. All public improvements shall be designed and built to standards adopted by the city. Until such time as a formal set of public works standards is adopted, improvements shall conform to any existing published set of standards designated by the City Engineer for the type of improvement. The City Engineer may approve designs that differ from the applicable standard if the City Engineer determines that the design is adequate.
7. All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.
8. Fire hydrants are to be installed as required by the 2014 Oregon Fire Code. Such hydrants shall be located within public rights-of-way or public utility easements.
9. The applicant shall confirm the location of survey monuments for the Harbor Crescent Subdivision, where it borders the subject property, and shall ensure that site utilities are placed more than one foot away from said monuments.

10. Upon completion of street improvements, the applicant shall ensure that monuments are reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.
11. Installation of public improvements, including excavation in the excess of 100 cubic yards, shall not occur until plans have been checked for adequacy and approved by the City, and shall not be commenced until after the city is notified.
12. All public improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
13. Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.
14. A map showing public improvements "as-builts" shall be filed with the city upon completion of the improvements.
15. A final plat shall be submitted within two years of the tentative plat (i.e. concept map) approval. The Agency shall finalize the survey, secure the signatures on the plat from all impacted owners, and prepare necessary conveyance documents to ensure that the lot configuration, ownership, and rights-of-way are established as illustrated on the tentative plat. The final plat shall be in conformance with the approved tentative plan, this chapter, ORS Chapter 92, and standards of the Lincoln County Surveyor.


BASED UPON THE ABOVE, the Planning Commission determines that the request is in conformance with the provisions of the Comprehensive Plan and the Municipal Code of the City of Newport.

Accepted and approved this 22nd day of October, 2018.



James Patrick, Chair
Newport Planning Commission

Attest:



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

EXHIBIT "A"

File No. 1-SUB-18/2-VAR-18/3-GP-18

FINDINGS OF FACT

1. On July 30, 2018, Greyson Financial Services, Inc. (William Ekman, owner, Rhonda Meisenburg, AKS Engineering & Forestry, LLC, authorized representative) submitted an application for approval of an eleven lot residential subdivision identified as "Fisherman's Wharf Estates." A Type III variance is requested to allow the hammerhead portion of the proposed street to be built without sidewalk. Additionally, a geologic hazard report has been submitted outlining measures that will be taken to safeguard against existing hazards given that the subject property is within a mapped geologic hazard area.

2. The property is located at 1005 SE Bay Boulevard, between the Harbor Village RV Park and Harbor Crescent residential subdivision (Tax Lot 400 of Lincoln County Assessor's Tax Map (11-11-09-CB)). It is approximately 1.72 acres in size per Lincoln County Assessor's records.

3. Staff reports the following facts in connection with the application:

- a. Plan Designation: Low Density Residential
- b. Zone Designation: R-2/"Medium Density Single-Family Residential."
- c. Surrounding Land Uses: Harbor Village RV Park to the north and west, Harbor Crescent residential subdivision to the east, and the Embarcadero Resort to the south (across SE Bay Blvd).
- d. Topography and Vegetation: There are a few scattered trees, shrubs and other low lying vegetation on the property. The site is moderately sloped, dropping in elevation from east to west, with steeper terrain along the east, north and western perimeter of the property.
- e. Existing Structures: None.
- f. Utilities: All utilities are available to the site.
- g. Development Constraints: The property is within a mapped geologic hazards area.
- h. Past Land Use Actions:
 - File No. 3-PD-07/6-SUB-07. Approval of a planned development for 19 single family detached residences.
 - File No. 1-PD-01. Approval of a planned development for 22 units (single family and duplexes).
 - File No. 1-PD-97. Approval of a planned development for 18 single-family residences and two duplexes.
- i. Notice: Public notice of the application and public hearing was mailed to surrounding property owners within 200 feet of the subject property and public entities and agencies on August 6, 2018. Notice of the public hearing was also published in the Newport News-

Times on August 31, 2018. No written comments were received in response to the notice prior to, or at the public hearing.

4. The applicant, Greyson Financial Services, Inc., is seeking approval of an 11 lot, residential subdivision to accommodate single family homes and/or duplexes (18 units max.). The subdivision will be served by a new public street with 36-feet of pavement, sidewalks, curbs, gutters and street lights. A hammerhead will be constructed at the end of the street, and a variance has been requested to allow this portion of the street to be built without sidewalk. A geologic permit outlines measures that will be taken to safeguard against existing hazards, since the property is within the City of Newport's Geologic Hazards Overlay.

5. The applicant notes that the project covers the entirety of Tax Lot 400 (Lincoln County Assessor's Map 11S11W09CB) located at 1005 SE Bay Boulevard. They indicate that the site is slightly larger than what is indicated in the Assessor's records at ± 1.81 acres, and is within the City's R-2 zone district. SE Bay Boulevard along the frontage of the property is fully improved with two vehicular travel lanes, curbs, gutters, sidewalks, bike lanes, and has a curb cut for access to the lot with truncated domes installed in the curb ramps.

6. A public hearing was held on September 10, 2018. At the public hearing, the statement of rights and relevance and applicable criteria were read. The Planning Commission disclosed any ex parte contact, conflicts of interest, and/or bias. No objections were made to any of the Planning Commissioners hearing the matter. The Planning Commission received the staff report and heard testimony from proponents and opponents of the proposal. The minutes of the September 10, 2018, meeting are hereby incorporated by reference into the findings. The Planning Staff Report with Attachments is hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

Attachment "A" – Application by AKS Engineering & Forestry, dated 6/27/18

Exhibit "A" – Application Forms and Checklists

Exhibit "B" – Preliminary Subdivision Plans, dated 7/23/18

Exhibit "C" – Lincoln County Assessor's Maps

Exhibit "D" – 200-Foot Notification List

Exhibit "E" – Service Provider Letters

Exhibit "F" – Subdivision Guarantee Report

Exhibit "G" – Geotechnical Consultation, Foundation Engineering, dated 6/12/18

Attachment "B" – 11x17 Copy of Preliminary Subdivision Plans, dated 7/23/18 (scales to 1-inch = 60-feet)

Attachment "C" – Zoning Map

Attachment "D" – Notice of Public Hearing and Map

7. After taking public testimony, the Planning Commission closed the hearing and elected to leave the record open for seven days for the submittal of new testimony. That period of time was followed by a seven day window within which interested parties could respond to the new evidence, and an additional seven day period where the applicant could submit final arguments. The following documents were submitted over the course of the 21 days and this information, along with an accompanying staff cover memo, is incorporated by reference into the findings.

Attachment "E" – Letter from William Chadwick, dated 9/16/18

Attachment "F" – Letter from Brenadette Solano, dated 9/17/18

Attachment "G" – Letter from Stan Shell, submitted 9/17/18

Attachment "H" – Letter and photographs from Eric Knutson, submitted 9/17/18

Attachment "I" – Letter from Laura Seager, dated 9/17/18

Attachment "J" – Letter and attached articles from Teresa Atwill, submitted 9/17/18

Attachment "K" – Email from Curt Fisher, AKS Engineering and Forestry, dated 9/17/18, with supplemental report from Foundation Engineering, Inc. dated 9/13/18 and grading section drawing sheet 8

Attachment "L" – Applicant's final argument from Curt Fisher and David Karr, PE, PLS, dated 10/1/18.

8. The application must be consistent with the approval criteria set forth in City of Newport Municipal Code (NMC) Chapter 13.05, for tentative subdivision plat approval, NMC Chapter 14.21, geologic hazards, and NMC Chapter 14.33, adjustments and variances.

CONCLUSIONS

After consideration of the application materials, staff report and the testimony in the record, the Planning Commission concludes as follows in regard to the criteria established in Newport's Municipal Code for approving the requested tentative subdivision plan, geologic report, and variance for the eleven lot residential subdivision identified as "Fisherman's Wharf Estates":

9. Compliance with NMC Chapter 13.05, Criteria for Approval of the Tentative Subdivision Plat. The criteria for a tentative subdivision plat have been addressed as follows:

(a) *NMC Section 13.05.015(A), Criteria for Consideration of Modification to Street Design. As identified throughout the street standard requirements, modifications may be allowed to the standards by the approving authority. In allowing for modifications, the approving authority shall consider modifications of location, width, and grade of streets in relation to existing and planned streets, to topographical or other geological/environmental conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system as modified shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in the Transportation System Plan, the arrangement of streets shall either:*

- (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
- (b) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.*

The applicant's tentative subdivision plat (Sheet C5 of Exhibit B to Attachment "A"), identifies the portion of the new street, less the hammerhead, as "Street A" and the hammerhead portion of the street as "Street B." The applicant notes that Street A is planned to meet all applicable City standards for a minor street. The street utilizes the existing approach onto SE Bay Boulevard and will conform to the topographical constraints of the site. With respect to Street B, the applicant indicates that it is planned to provide access to Lots 5 through 9 with ± 26 feet of pavement width within ± 30 feet of right-of-way. At this size, the street does not meet the City's standard for a minor (local) street. The applicant notes that the modification is justified due to the relation of the street to the existing and planned streets, the topographical conditions on site, public safety, and the proposed use of the land to be served by the street. These factors are more specifically discussed as follows:

Relation of the street to existing and planned streets: Street B will not be a typical through street that will connect to the surrounding street network, and will not carry through traffic volumes or speed typical of a minor street. The future homes on Lots 5 through 9 will be the only uses served by the street. Because surrounding development precludes through connections and linking to other streets and/or uses, Street B is designed to allow vehicles to maneuver in and out of the driveways at slow speed, which will be its one function. Therefore, the full width of pavement and right-of-way is not necessary.

Topographical conditions: As shown in the Existing Conditions on Sheet C1 of Exhibit B, the site slopes moderately downhill from east to west, with steep slopes along the perimeter of the site. The Preliminary Street Profiles on Sheet C6 of Exhibit B show the finished grade of the street in relation to existing grade.

The drawings show the depth of cuts required to construct the street with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. A standard width minor street would increase the cutting, filling, and grading required to meet these standards without providing additional benefit given the use of the street.

Public Safety: Fire access requirements specify a maximum grade of 5%. Reducing the width of Street B will allow this standard to be met with minimal cutting, filling, and grading. The width of the right of way was reviewed by the Fire Department at a pre-application conference held on March 1, 2018.

Proposed use of the land served by the street: The land served by the street will be used for detached homes and/or duplexes. The street will be used by the residents to maneuver at slow speed in and out of the driveways serving the homes on the new lots. The street will not connect to the surrounding street network, other than the connection to Street A as shown on the plans in Exhibit B.

The street will not serve other uses outside the subject property. Therefore, the planned use will not generate traffic volumes that would warrant a wider street or additional pavement width. This standard is met.

(b) *NMC Section 13.05.015(B), Minimum Right-of-Way and Roadway Width. Unless otherwise indicated on the development plan, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table:*

<i>Type of Street</i>	<i>Minimum Right-of-Way Width</i>	<i>Minimum Roadway Width</i>
<i>Arterial, Commercial and Industrial</i>	<i>80 feet</i>	<i>44 feet</i>
<i>Collector</i>	<i>60 feet</i>	<i>44 feet</i>
<i>Minor Street</i>	<i>50 feet</i>	<i>36 feet</i>
<i>Radius for turn-around at end of cul-de-sac</i>	<i>50 feet</i>	<i>45 feet</i>
<i>Alleys</i>	<i>25 feet</i>	<i>20 feet</i>

Modifications to this requirement may be made by the approving authority where conditions, particularly topography, geology, and/or environmental constraints, or the size and shape of the area of the subdivision or partition, make it impractical to otherwise provide buildable sites, narrower right-of-way and roadway width may be accepted. If necessary, slope easements may be required.

The applicant points out that the Preliminary Subdivision Plans in Exhibit B, illustrate that Street A will meet the standard for a minor street with ± 36 feet of roadway width within ± 50 feet of right-of-way. They note that Street B is planned to provide access to Lots 5 through 9 with ± 26 feet of pavement width within ± 30 feet of right-of-way. With this request, the applicant seeks approval to reduce the overall width of this street from the standard for a minor street. They note that the modification is justified due to the relation of the street to the existing and planned streets, the topographical conditions on site, public safety, and the proposed use of the land to be served by the street.

As shown in the Existing Conditions on Sheet C1 of Exhibit B, the site slopes moderately downhill from east to west, with steeper slopes along the perimeter of the property. The Preliminary Street Profiles on Sheet C6 of Exhibit B show the finished grade of the street in relation to existing grade. The drawings show the depth of cuts required to construct the street with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. A standard width minor street would increase the cutting, filling, and grading required to meet these standards without providing additional benefit given the use of the street.

The land served by the street will be used for detached homes and/or duplexes. The street will be used by the residents to maneuver at slow speed in and out of the driveways serving the homes on the new lots. The street will not connect to the surrounding street network, other than the connection to Street A as shown on the plans in Exhibit B. The street will not serve other uses outside the subject property. Therefore, the planned use will not generate traffic volumes that would warrant a wider street or additional pavement width.

The applicant notes that the size and shape of the property also make it impractical to provide buildable sites if Street B were built to full minor street width. The subject property is an irregularly shaped lot with a skewed orientation to SE Bay Boulevard. The hammerhead configuration enables a logical and efficient plat layout with buildable lots that are as close to rectangular in shape as possible, with side lot lines that run at approximately right angles to the streets they face, while meeting the dimensional standards in the R-2 Zone. A full width minor street would restrict the buildable sites that would otherwise be permitted on the property that meet the dimensional standards of the R-2 Zone. With the requested modification these standards are met.

(c) NMC Section 13.05.015(C), Reserve Strips. Reserve strips giving a private property owner control of access to streets are not allowed.

No reserve strips are planned. This standard is met.

(d) NMC Section 13.05.015 (D), Alignment. Streets other than minor streets shall be in alignment with existing streets by continuations of their center lines. Staggered street alignment resulting in "T" intersections shall leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. If not practical to do so because of topography or other conditions, this requirement may be modified by the approving authority.

A new minor street is planned to provide access to the new lots as shown on the Preliminary Plat on Sheet C2 in Exhibit B. This standard applies to streets other than minor streets. Therefore, this standard does not apply.

(e) NMC Section 13.05.015(E), Future Extensions of Streets. Proposed streets within a land division shall be extended to the boundary of the land division. A turnaround if required by the Uniform Fire Code will be required to be provided. If the approval authority determines that it is not necessary to extend the streets to allow the future division of adjoining land in accordance with this chapter, then this requirement may be modified such that a proposed street does not have to be extended to the boundary of the land division.

A minor street is planned in a hammerhead configuration that meets the fire access requirement. This preliminary layout was reviewed by the City of Newport Fire Chief at the pre-application conference on March 1, 2018. The surrounding properties are fully developed and extending the street to the property boundary is not necessary to provide access for future development. This standard is met.

(f) NMC Section 13.05.015(F), Intersection Angles.

- 1. Streets shall be laid out to intersect at right angles.*
- 2. An arterial intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.*
- 3. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection.*

4. *Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.*
5. *No more than two streets may intersect at any one point.*
6. *If it is impractical due to topography or other conditions that require a lesser angle, the requirements of this section may be modified by the approval authority. In no case shall the acute angle in Subsection F.1. be less than 80 degrees unless there is a special intersection design.*

As shown on the Preliminary Subdivision Plat in Exhibit B, the new streets will create an intersection that meet the above requirements. These standards are met.

(g) NMC Section 13.05.015(G), Half Street. Half streets are not allowed. Modifications to this requirement may be made by the approving authority to allow halfstreets only where essential to the reasonable development of the land division, when in conformity with the other requirements of these regulations and when the city finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract property to be divided, the other half of the street shall be provided.

Full street improvements will be provided as shown in the Preliminary Subdivision Plat in Exhibit B. The boundary frontage along SE Bay Boulevard is fully improved. This standard is met.

(h) NMC Section 13.05.015(H), Sidewalks. Sidewalks in conformance with the city's adopted sidewalk design standards are required on both sides of all streets within the proposed land division and are required along any street that abuts the land division that does not have sidewalk abutting the property within the land division. The city may exempt or modify the requirement for sidewalks only upon the issuance of a variance as defined in the Zoning Ordinance.

The applicant notes that sidewalks are planned on both sides of Street A as shown in Exhibit B. SE Bay Boulevard is already improved with sidewalks and no additional improvements are necessary. A variance is included with this application to exempt Street B from the sidewalk requirement. Responses to the applicable variance criteria are provided below. This standard is met with the included variance.

(i) NMC Section 13.05.015(I), Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around meeting minimum Uniform Fire Code requirements. Modifications to this requirement may be made by the approving authority. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to connect from a cul-de-sac to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.

A cul-de-sac is not planned for this project. In the alternative, a hammerhead turnaround is planned at the northern terminus of Street A. Said street will be less than 400 feet in length, and the 11 lots are planned to be developed with single family homes and/or duplexes with no more than 18 total units. This configuration was reviewed by the Fire Chief at the pre-application conference on March 1, 2018.

(j) *NMC Section 13.05.015(J), Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city, as evident in the physical landscape and described in City of Newport Ordinance No. 665, as amended.*

The new streets will be given names that do not duplicate an existing street name in the City of Newport. This standard can be met.

(k) *NMC Section 13.05.015(K), Marginal Access Street. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting constrained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

Marginal access streets are not planned. The new streets will not provide through access to adjacent properties.

(l) *NMC Section 13.05.015(L), Alleys. Alleys shall be provided in commercial and industrial districts. If other permanent provisions for access to off-street parking and loading facilities are provided, the approving authority is authorized to modify this provision if a determination is made that the other permanent provisions for access to off-street parking and loading facilities are adequate to assure such access. The corners of alley intersections shall have a radius of not less than 12 feet.*

The project is not in a commercial or industrial district. This standard does not apply.

(m) *NMC Section 13.05.020(A), Blocks General. The length, width, and shape of blocks for non-residential subdivisions shall take into account the need for adequate building site size and street width, and shall recognize the limitations of the topography.*

This project involves a residential subdivision. This standard does not apply.

(n) *NMC Section 13.05.020(B), Block Size. No block shall be more than 1,000 feet in length between street corners. Modifications to this requirement may be made by the approving authority if the street is adjacent to an arterial street or the topography or the location of adjoining streets justifies the modification. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to allow connectivity to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a block of greater than 1,000 feet if a modification is approved and the requested easement or dedication has a*

rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.

As shown in Exhibit B, the preliminary subdivision plat will not create a block more than 1,000 feet in length between street corners. This standard does not apply.

(o) NMC Section 13.05.025(A), Utility lines. Easements for sewers and water mains shall be dedicated to the city wherever a utility is proposed outside of a public right-of-way. Such easements must be in a form acceptable to the city. Easements for electrical lines, or other public utilities outside of the public right-of-way shall be dedicated when requested by the utility provider. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements, which may be reduced to six (6) feet in width.

The Preliminary Composite Utility Plan on Sheet C7 of Exhibit B shows a conceptual layout for utilities. City Engineer, Tim Gross, in a letter included with Exhibit E, notes the existing 2-inch PVC water line along SE Bay Blvd, between the project site and SE Harbor Crescent Drive, will need to be replaced with a 6-inch main (or larger). The main serving the proposed subdivision would tie into this replacement line and loop to an existing 8-inch main in SE Harbor Crescent Drive. Easements will be needed to achieve this layout, given the lot configuration shown. Additionally, the geotechnical consultation by Foundation Engineering, Inc., dated June 12, 2018, recommends that storm runoff be discharged only to a piped drainage system, as opposed to discharging into a natural drainage. The utility layout on Sheet C7 of Exhibit B shows stormwater discharging into a stream on the property to the west, which is inconsistent with the Foundation Engineering, Inc. recommendation. These modifications to the utility layout shouldn't materially impact the lotting pattern, and can be addressed prior to final plat approval. A condition of approval is included to address this issue. This standard is met, as conditioned.

(p) NMC Section 13.05.025(B), Utility Infrastructure. Utilities may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

The subject property borders the Harbor Crescent Subdivision, and there may be monuments related to this subdivision in the vicinity of planned infrastructure work. Preservation of monuments can be addressed with a condition of approval. As conditioned, this standard is met.

(q) NMC Section 13.05.025(C), Water Course. If a tract is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.

The subject property is not traversed by a water course. As shown on the Existing Conditions Plan in Exhibit B, there is a recorded storm drainage easement (Doc. No. 2006-05053) along the front portion of the lot. To the extent this standard applies, it is met.

(r) *NMC Section 13.05.030(A), The size (including minimum area and width) of lots and parcels shall be consistent with the applicable lot size provisions of the Zoning Ordinance, with the following exception:*

Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

The Preliminary Plat on Sheet C2 of Exhibit B illustrates that each new lot meets the applicable dimensional requirements in the R-2 Zone. The subject property is not zoned or planned for business or industrial use. This standard is met.

(s) *NMC Section 13.05.030(B), Each lot and parcel shall possess at least 25 feet of frontage along a street other than an alley.*

As shown on Sheet C2 in Exhibit B, each lot has at least 25 feet of frontage on the new streets. This standard is met.

(t) *NMC Section 13.05.030(C), Through lots and parcels are not allowed. Modifications may be made by the approving authority where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. The approving authority may require a planting screen easement at least 10 feet wide and across which there shall be no right of access. Such easement may be required along the line of building sites abutting such a traffic artery or other incompatible use.*

The rear lot lines on Lots 1 through 4 abut SE Harbor Crescent Drive; a private street. As shown on the Existing Conditions on Sheet C1 in Exhibit B, the lot drops steeply from the edge of SE Harbor Crescent Drive to the rear of these lots creating natural separation from this street. Functionally, these are not planned as through lots. Therefore, a modification to this standard is necessary and justified, given site topography and parcel orientation with a private street abutting the east property line. This standard, as modified, is met.

(u) *NMC Section 13.05.030(D) The side lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Modifications to this requirement may be made by the approving authority where it is impractical to do so due to topography or other conditions or when the efficient layout of the land division has the lines running as close to right angles (or radial) as practical.*

All lot runs at approximate right angles to the new streets as shown on Sheet C2 in Exhibit B. This standard is met.

(v) *NMC Section 13.05.030(E), Special Setback Lines. All special building setback lines, such as those proposed by the applicant or that are required by a geological report, which are to be*

established in a land division, shall be shown on the plat, or if temporary in nature, shall be included in the deed restrictions.

All applicable setback lines are shown on Sheet C2 in Exhibit B. This standard is met.

(w) NMC Section 13.05.030(F), Maximum Lot and Parcel Size. Proposed lots and parcels shall not contain square footage of more than 175% of the required minimum lot size for the applicable zone. Modifications to this requirement may be made by the approving authority to allow greater square footage where topography or other conditions restrict further development potential or where the layout of the land division is designed and includes restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division into lots or parcels of appropriate size for the applicable zone designation.

The minimum lot area in the R-2 Zone is 5,000 square feet. As shown on Sheet C2 of Exhibit B, the largest lot planned is $\pm 7,533$ square feet, and does not exceed 175% of the required minimum (8,750 square feet). This standard is met.

(x) NMC Section 13.05.030(G), Development Constraints. No lot of parcel shall be created with more than 50% of its land area containing wetlands or lands where the city restricts development to protect significant Statewide Land Use Planning Goal 5 or Goal 17 resources, except that areas designated as open space within a land division may contain up to 100% of a protected resource.

No wetlands or other Goal 5 or Goal 17 resources have been identified on the subject site. This standard is met.

(y) NMC Section 13.05.030(H), Lots and Parcels within Geological Hazard Areas. Each new undeveloped lot of parcel shall include a minimum 1,000 square foot building footprint within which a structure could be constructed and which is located outside of active and high hazard zones and active landslide areas (See Section 2-4-7 of the Zoning Ordinance for an explanation of hazard zones). New public infrastructure serving a lot or parcel shall similarly be located outside of active and high hazard zones and active landslide areas.

The subject property is within a Geologic Hazard Area. However, the site does not contain any active landslide areas or active and high hazard zones, as documented in the Geotechnical Report in Exhibit G. This standard is met.

(z) NMC Section 13.05.035(A). Improvement work, including excavation in the excess of 100 cubic yards, shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.

This requirement is advisory and can be reasonably addressed with a condition of approval.

(aa) *NMC Section 13.05.035(B). Improvement work shall not commence until after the city is notified, and, if work is discontinued for any reason, it shall not be resumed until after the city is notified.*

This requirement is advisory and can be reasonably addressed with a condition of approval.

(bb) *NMC Section 13.05.035(C). Public improvements shall be constructed under the inspection and to the satisfaction of the city engineer. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.*

This requirement is advisory and can be reasonably addressed with a condition of approval.

(cc) *NMC Section 13.05.035(D). Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.*

This requirement is advisory and can be reasonably addressed with a condition of approval.

(dd) *NMC Section 13.05.035(E). A map showing public improvements as built shall be filed with the city upon completion of the improvements.*

This requirement is advisory and can be reasonably addressed with a condition of approval.

(ee) *NMC Section 13.05.035(F). Public improvements shall not be commenced until any appeals of the subdivision approval are resolved.*

The City can ensure that this does not occur through its review of the civil drawings for the public improvements. This standard is met.

(ff) *NMC Section 13.05.040(A)(1), Streets. All streets, including alleys, within the land division, streets adjacent but only partially within the land divisions, and the extension of land division streets to the intersecting paving line of existing streets with which the land division streets intersect, shall be graded for the full right-of-way width. The roadway shall be improved to a width of 36 feet or other width as approved by the approval authority by excavating to the street grade, construction of concrete curbs and drainage structures, placing a minimum of six inches of compacted gravel base, placement of asphaltic pavement 36 feet in width or other width as approved by the approval authority and approximately two inches in depth, and doing such other improvements as may be necessary to make an appropriate and completed improvement. Street width standards may be adjusted as part of the tentative plan approval to protect natural features and to take into account topographic constraints and geologic risks.*

The new streets are planned to be graded and constructed to the full right-of-way width. This standard will be met.

(gg) NMC Section 13.05.040(A)(2) Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage within the land division shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the land division and to allow extension of the system to serve such areas.

A conceptual design for stormwater management is depicted on Sheet C7 in Exhibit B. It shows storm drainage from the hammerhead being directed through proposed Lots 9 and 10, to a stream west of the property. That design will need to be modified to conform to Foundation Engineering's recommendation that run-off be directed to a structured (piped) system as opposed to a natural drainage (ref: page 4, June 12, 2018 letter). In a letter dated June 4, 2018, City Engineer Tim Gross indicates that an 8-inch line public storm drain line in SE Bay Blvd, which discharges to the bay by the Embarcadero, could potentially accept run-off from the development. He further notes that hydraulic analysis is needed to confirm that the piped system has capacity, and that if it lacks capacity the line may need to be upsized or provision made for on-site detention (Exhibit E). There is area on the property to detain run-off, if necessary, without materially impacting the layout of the plat; therefore, it is feasible to defer the analysis to a condition of approval. This standard is met, as conditioned.

(hh) NMC Section 13.05.040(A)(3), Sanitary Sewers. Sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the City, and sewer mains shall be installed in streets as necessary to connect each lot or parcel to the city's sewer system.

A conceptual design for extending sanitary sewer service to each lot is shown on the Preliminary Composite Utility Plan on Sheet C7 in Exhibit B. This standard is met.

(ii) NMC Section 13.05.040(A)(4), Water. Water mains shall be installed to allow service to each lot or parcel and to allow for connection to the city system, and service lines or stubs to each lot shall be provided. Fire hydrants shall be installed as required by the Uniform Fire Code. The city may require that mains be extended to the boundary of the land division to provide for future extension or looping.

A conceptual design for providing water connections to each lot is shown on the Preliminary Composite Utility Plan on Sheet C7 in Exhibit B. As noted in a June 4, 2018 letter, the City Engineer has indicated that the public portion of the water system serving this subdivision will need to be looped between SE Bay Blvd and Harbor Crescent Drive and the 2-inch line along SE Bay Blvd replaced, in order for there to be adequate service to the lots. This can be accomplished without materially impacting the subdivision layout, so it is reasonable to defer the design details to a condition of approval. A fire hydrant is shown on the plans; however, the Fire Department will need to confirm that its placement conforms to fire code requirements. There is ample area along the proposed street to locate hydrants; therefore, it is feasible to defer exact placement to a condition of approval. This standard is met, as conditioned.

(jj) NMC Section 13.05.040(A)(5), Sidewalks. Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:

a. Delayed Sidewalk Construction. If sidewalks are designed contiguous with the curb, the subdivider may delay the placement of concrete for the sidewalks by depositing with the city a cash bond equal to 115 percent of the estimated cost of the sidewalk. In such areas, sections of sidewalk shall be constructed by the owner of each lot as building permits are issued. Upon installation and acceptance by the city engineer, the land owner shall be reimbursed for the construction of the sidewalk from the bond. The amount of the reimbursement shall be in proportion to the footage of sidewalks installed compared with the cash bond deposited and any interest earned on the deposit.

b. Commencing three (3) years after filing of the final plat, or a date otherwise specified by the city, the city engineer shall cause all remaining sections of sidewalk to be constructed, using the remaining funds from the aforementioned cash bond. Any surplus funds shall be deposited in the city's general fund to cover administrative costs. Any shortfall will be paid from the general fund.

c. Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 13.05.090(C).

Sidewalks are planned as shown on the Preliminary Street Plan and Typical Sections provided on Sheet C5 in Exhibit B. The Applicant does not anticipate delaying sidewalk construction. This standard is met.

(kk) NMC Section 13.05.040(B). All public improvements shall be designed and built to standards adopted by the city. Until such time as a formal set of public works standards is adopted, public works shall be built to standards in any existing published set of standards designated by the city engineer for the type of improvement. The city engineer may approve designs that differ from the applicable standard if the city engineer determines that the design is adequate.

The applicant acknowledges that they intend to comply with applicable City standards and a condition of approval is included noting this requirement. This standard is met.

(ll) NMC Section 13.05.040(C). Public improvements are subject to inspection and acceptance by the city. The city may condition building or occupancy within the land division on completion and acceptance of required public improvements.

The Applicant acknowledges the inspection requirements, intends to cooperate with inspectors, and can comply with reasonable conditions for building permits. This standard can be met.

(mm) NMC Section 13.05.045(A). Tentative plans for land divisions shall be approved only if public facilities and utilities (electric and phone) can be provided to adequately service the land division as demonstrated by a written letter from the public facility provider or utility provider stating the requirements for the provision of public facilities or utilities (electric and phone) to the proposed land division.

Service provider letters with the required information are included in Exhibit E. Modifications will be needed to the conceptual layout of utility services depicted on Sheet C7 of Exhibit 5, as outlined in the service provider letters. This can be accomplished without materially impacting the design of the subdivision, and has been addressed with conditions of approval.

(nn) *NMC Section 13.05.045(B). For public facilities of sewer, water, storm water, and streets, the letter must identify the:*

- 1. Water main sizes and locations, and pumps needed, if any, to serve the land division.*
- 2. Sewer mains sizes and locations, and pumping facilities needed, if any, to serve the land division.*
- 3. Storm drainage facilities needed, if any, to handle any increased flow or concentration of surface drainage from the land division, or detention or retention facilities that could be used to eliminate need for additional conveyance capacity, without increasing erosion or flooding.*
- 4. Street improvements outside of the proposed development that may be needed to adequately handle traffic generated from the proposed development.*

This information was provided by the City Engineer in a letter included in Exhibit E.

(oo) *NMC Section 13.05.050(A), Underground Utilities and Service Facilities, Undergrounding. All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.*

The Applicant has indicated that they intend to coordinate with service providers to underground utilities as necessary, and a condition of approval is included noting this requirement. This standard can be met.

(pp) *NMC Section 13.05.050(B), Underground Utilities and Service Facilities, Non-City-Owned Utilities. As part of the application for tentative land division approval, the applicant shall submit a copy of the preliminary plat to all non-city-owned utilities that will serve the proposed subdivision. The subdivider shall secure from the non-city-owned utilities, including but not limited to electrical, telephone, cable television, and natural gas utilities, a written statement that will set forth their extension policy to serve the proposed land division with underground facilities. The written statements from each utility shall be submitted to the city prior to the final approval of the plat for recording.*

Service provider letters from non-city-owned utilities are included in Exhibit E. The preliminary layout for the subdivision was shared with these providers. This standard is met.

(qq) *NMC Section 13.05.055, Street Lights. Street lights are required in all land divisions where a street is proposed. The city may adopt street light standards. In the absence of adopted standards,*

street lights shall be placed in new land divisions to assure adequate lighting of streets and sidewalks within and adjacent to the land division.

Street lights are planned as shown on the Preliminary Composite Utility Plan on Sheet C7 of Exhibit B. This standard is met.

(rr) NMC Section 13.05.060, Street Signs. Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.

The Applicant acknowledges this standard and it can be met.

(ss) NMC Section 13.05.065, Monuments. Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

The Applicant has indicated that they understand that this standard must be met and intend to comply with it. The standard is advisory and has been included as a condition of approval.

(tt) NMC Section 13.05.085(A). The proposed land division will comply with the requirements of this chapter or can be made to comply by the attachment of reasonable conditions of approval. For the purposes of this section, a land division complies with this chapter if it meets the standard provided herein or if a modification or variance is approved by the approving agency to the standard.

Responses to the applicable standards and criteria are provided in this report and Attachment "A," and reasonable conditions are being recommended to ensure that they are met. This standard is satisfied.

(uu) NMC Section 13.05.085(B). Any required submitted geological hazard report must conclude that the property can be developed in the manner proposed by the land division. The land division must comply with any recommendations contained in the report. Approval of the land division by the Planning Commission pursuant to a submitted geological hazard report includes approval of the geological report recommendations. Based on the geological hazard report, the Planning Commission shall establish when compliance with the geological report recommendations must be demonstrated. The geological hazard report shall be in the form of a written certification prepared by an engineering geologist or other equivalent certified professional, establishing that the report requirements have been satisfied, and should be noted as a condition of approval.

A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and includes the information required by the City for a Geologic Report. A condition of approval is recommended requiring an Engineering Geologist, and Geotechnical Engineer, as appropriate, certify compliance with the Report's recommendations prior to final plat approval. This criterion is met, as conditioned.

(vv) *NMC Section 13.05.090(A), Final Plat Requirements for Land Divisions Other than Minor Replats or Partitions, Submission of Final Plat. Within two years after tentative plan approval, such other time established at the time of tentative plan approval, or extensions granted under this chapter, the owner and/or applicant (collectively referred to as the "developer") shall cause the land division to be surveyed and a final plat prepared. If the developer elects to develop the land division in phases, final plats for each phase shall be completed within the time required (e.g. Phase I completed within two years, Phase II completed within the next two years, etc.). The final plat shall be in conformance with the approved tentative plan, this chapter, ORS Chapter 92, and standards of the Lincoln County Surveyor.*

The applicant indicates that they understand this limitation, and a condition of approval is recommended noting this requirement.

10. Compliance with NMC Chapter 14.21, Criteria for Approval of a Tentative Subdivision Plat within a Geologic Hazard Overlay. The criteria for approval of a tentative subdivision plat in an area of known geologic hazards has been addressed as follows:

(a) *NMC Section 14.21.020(A). The following are areas of known geologic hazards or are potentially hazardous and are therefore subject to the requirements of Chapter 14.21:*

- 1. Bluff or dune backed shoreline areas within high or active hazard zones identified in the Department of Geology and Mineral Industries (DOGAMI) Open File Report 0-04-09 Evaluation of Coastal Erosion Hazard Zones along Dune and Bluff Backed Shorelines in Lincoln County, Oregon: Cascade Head to Seal Rock, Technical Report to Lincoln County, dated 2004.*
- 2. Active or potential landslide areas, prehistoric landslides, or other landslide risk areas identified in the DOGAMI Open File Report 0-04-09.*
- 3. Any other documented geologic hazard area on file, at the time of inquiry, in the office of the City of Newport Community Development Department.*

City of Newport zoning maps show that the subject property is in the Geologic Hazard Area. These regulations apply.

(b) *NMC Section 14.21.020(B). The DOGAMI Open File Report 0-04-09 is not intended as a site specific analysis tool. The City will use DOGAMI Open File Report 0-04-09 to identify when a Geologic Report is needed on property prior to development. A Geologic Report that applies to a specific property and that identifies a proposed development on the property as being in a different hazard zone than that identified in DOGAMI Open File Report 0-04-09, shall control over DOGAMI Open File Report 0-04-09 and shall establish the bluff or dune-backed shoreline hazard zone or landslide risk area that applies to that specific property. The time restriction set forth in subsection 14.21.030 shall not apply to such determinations.*

A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and confirms that the site is within a geologic hazard area.

(c) NMC Section 14.21.020(C). In circumstances where a property owner establishes or a Geologic Report identifies that development, construction, or site clearing (including tree removal) will occur outside of a bluff or dune-backed shoreline hazard zone or landslide risk areas, as defined above, no further review is required under this Chapter 14.21.

A Geotechnical Report for the subject property is included in Exhibit G. The report confirms that the property is within a landslide risk area and concludes that the site is suitable for development provided recommendations contained in the document are followed.

(d) NMC Section 14.21.020(D). If the results of a Geologic Report are substantially different than the hazard designations contained in DOGAMI Open File Report 0-04-09 then the city shall provide notice to the Department of Geology and Mineral Industries (DOGAMI) and Department of Land Conservation and Development (DLCD). The agencies will have 14 days to provide comments and the city shall consider agency comments and determine whether or not it is appropriate to issue a Geologic Permit.

The findings in the Geotechnical Report in Exhibit G do not appear to conflict with the DOGAMI Open File Report. This standard is met.

(e) NMC Section 14.21.030, Geologic Permit Required. All persons proposing development, construction, or site clearing (including tree removal) within a geologic hazard area as defined in 14.21 .010 shall obtain a Geologic Permit. The Geologic Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit required by the city. Unless otherwise provided by city ordinance or other provision of law, any Geologic Permit so issued shall be valid for the same period of time as a building permit issued under the Uniform Building Code then in effect.

A Geologic Permit application is included in this submittal. This requirement can be met.

(f) NMC Section 14.21.050(A), Application Submittal Requirements. A site plan that illustrates areas of disturbance, ground topography (contours), roads and driveways, an outline of wooded or naturally vegetated areas, watercourses, erosion control measures, and trees with a diameter of at least 8-inches dbh (diameter breast height) proposed for removal; and

The Preliminary Subdivision Plans in Exhibit B include the required information. The Existing Conditions Plan on Sheet C1 shows site plan contours and existing vegetation. The Preliminary Demolition Plan on Sheet C3 illustrates the area of disturbance and proposed tree removal. The Preliminary Grading and Erosion Control Plan on Sheet C4 shows erosion control measures. These requirements are met.

(g) *NMC Section 14.21.050(B), Application Submittal Requirements. An estimate of depths and the extent of all proposed excavation and fill work; and*

The existing and finished grade contour information shown on Sheet C4 of Exhibit B shows the estimated depths and extent of planned excavation and fill work. This requirement is met.

(h) *NMC Section 14.21.050(C), Application Submittal Requirements. Identification of the bluff or dune-backed hazard zone or landslide hazard zone for the parcel or lot upon which development is to occur. In cases where properties are mapped with more than one hazard zone, a certified engineering geologist shall identify the hazard zone(s) within which development is proposed; and*

A Geotechnical Report for the property is included in Exhibit G. The Geotechnical Report identifies the nature and extent of landslide risk areas on the property. This requirement is met.

(i) *NMC Section 14.21.050(D), Application Submittal Requirements. A Geologic Report prepared by a certified engineering geologist, establishing that the site is suitable for the proposed development; and*

A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and concludes that the site is suitable for the proposed subdivision provided recommendations contained in the document are followed. A condition of approval is recommended requiring a licensed Engineering Geologist and Geotechnical Engineer, as appropriate, certify the recommendations were followed prior to approval of the final plat. This requirement is met, as conditioned.

(j) *NMC Section 14.21.050(E), Application Submittal Requirements. An engineering report, prepared by a licensed civil engineer, geotechnical engineer, or certified engineering geologist (to the extent qualified), must be provided if engineering remediation is anticipated to make the site suitable for the proposed development.*

A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and includes the information required by the City for a Geologic Report. The Report concludes that the site is suitable for the planned project. This requirement is met.

(k) *NMC Section 14.21.070, Construction Limitations within Geologic Hazard Areas.*

A. New construction shall be limited to the recommendations, if any, contained in the Geologic Report; and

1. Property owners should consider use of construction techniques that will render new buildings readily moveable in the event they need to be relocated; and

2. Properties shall possess access of sufficient width and grade to permit new buildings to be relocated or dismantled and removed from the site.

The Preliminary Subdivision Plat (Exhibit B) is intended to comply with the recommendations in the Geotechnical Report (Exhibit G) and the new street will provide sufficient access in the event there is a need to relocate structures in the future. This requirement can be met.

(l) *NMC Section 14.21.090, Erosion Control Measures.*

In addition to completing a Geologic Report, a certified engineering geologist shall address the following standards.

A. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

B. Development plans shall minimize cut or fill operations so as to prevent off-site impacts;

C. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

D. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

E. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

F. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;

G. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure.

H. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;

I. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control limited to:

1. Energy absorbing devices to reduce runoff water velocity;

2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

3. Dispersal of water runoff from developed areas over large undisturbed areas;

J. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and

K. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.

The Preliminary Grading and Erosion Control Plan on Sheet C4 in Exhibit B includes appropriate grading and erosion control measures for the project and was prepared according to the recommendations in the Geotechnical Report in Exhibit G. In the event the identified erosion control measures are not maintained or are otherwise unable to prevent sedimentation from impacting adjoining surfaces, then NMC 14.21.140 requires the developer return the surfaces to their original or equal condition. A condition of approval is included noting this requirement.

(m) NMC Section 14.21.050(E), Stormwater Retention Facilities Required. For structures, driveways, parking areas, or other impervious surfaces in areas of 12% slope or greater, the release rate and sedimentation of storm water shall be controlled by the use of retention facilities as specified by the City Engineer. The retention facilities shall be designed for storms having a 20-year recurrence frequency. Storm waters shall be directed into a drainage with adequate capacity so as not to flood adjacent or downstream property.

Sheets C5 and C6 of Exhibit B illustrate that impervious surfaces established with this subdivision, namely the street and sidewalks, will not exceed a 12 percent slope. This standard is not applicable.

11. Compliance with NMC Chapter 14.33, Criteria for Approval of a Variance. The criteria for a variance to the requirement that sidewalk be installed along the hammerhead portion of the street (labeled "Street B") have been addressed as follows:

(a) NMC Section 14.33.020(A). Application for an Adjustment or Variance from a numerical standard including, but not limited to, size, height, or setback distance may be processed and authorized under a Type I or Type III decision making procedure as provided by Section 14.52, Procedural Requirements, in addition to the provisions of this section.

A variance to Section 13.05.015.H. is included in this application to allow Street B to be constructed without sidewalks. This Section authorizes the City to exempt this standard with a variance. A variance is included in the application. This standard is met.

(b) NMC Section 14.33.020(B). No Adjustment or Variance from a numerical standard shall be allowed that would result in a use that is not allowed in the zoning district in which the property is located, or to increase densities in any residential zone.

The variance will not change the planned use of the property. The planned residential use is permitted in the R-2 Zone and density standards are met. The standard is met.

(c) NMC Section 14.33.020(C). In granting an Adjustment or Variance, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

The variance is not anticipated to create any adverse impacts. Street B will not be a typical through street that will connect to the surrounding street network and will not carry through traffic at speeds typical of a local street. Street B is designed to allow vehicles to maneuver in and out of the driveways serving the future homes on Lots 5 through 9 at slow speeds. Therefore, sidewalks are not needed to provide separation from faster moving vehicular traffic. As described in Section 13.05.015, the planned width of Street B is narrower than the standard width for a minor street. Therefore, the crossing distances between the new sidewalks on Street A to the new lots on Street B will be similar to the distance required to cross a minor street and pedestrians will not need to negotiate cross traffic typical of a minor street.

(d) NMC Section 14.33.030, Approval Authority. Upon receipt of an application, the Community Development Director or designate shall determine if the request is to be processed as an Adjustment or as a Variance based on the standards established in this subsection. There shall be no appeal of the Director's determination as to the type of application and decision-making process, but the issue may be raised in any appeal from the final decision on the application.

A. A deviation of less than or equal to 10% of a numerical standard shall satisfy criteria for an Adjustment as determined by the Community Development Director using a Type I decision-making procedure.

B. A deviation of greater than 10%, but less than or equal to 40%, of a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.

C. Deviations of greater than 40% from a numerical standard shall satisfy criteria for a Variance as determined by the Planning Commission using a Type III decision-making procedure.

The variance is combined with an application for a subdivision and is being processed as a Type III procedure. This standard is met.

(e) NMC Section 14.33.060(A). The approval authority may grant a Variance using a Type III decision-making process when it finds that the application complies with the following criteria:

A. A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

- 1. The size, shape, natural features, and topography of the property, or*
- 2. The location or size of existing physical improvements on the site, or*
- 3. The nature of the use compared to surrounding uses, or*
- 4. The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district, or*
- 5. A circumstance or condition that was not anticipated at the time the Code requirement was adopted.*
- 6. The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.*

The circumstances and conditions 1, 3, and 4 apply to the property, as described below.

1. The size, shape, natural features, and topography of the property: The hammerhead street configuration shown in the Preliminary Subdivision Plans is planned to provide the best practical access to the new lots. The subject property is an irregularly shaped lot with a skewed orientation to SE Bay Boulevard which poses challenges in creating buildable lots that are as close to rectangular in shape as possible with side lots lines that are, to the maximum extent possible, perpendicular to the boundaries of the property and run at right angles to the streets they front. Adding sidewalks to Street B would require additional street width which would result in lots that would not meet the dimensional standards or restrict the number of lots that otherwise be allowed elsewhere in the R-2 Zone. As described in the Executive Summary, this subdivision is a “needed housing” application under Oregon Revised Statute (ORS) 197.303(1)(a). It is in the public interest to allow the property to be developed to a reasonable density allowed in the R-2 Zone.

The topographical conditions of the property make it impractical to include sidewalks on Street B. As shown in the Existing Conditions on Sheet C1 of Exhibit B, the site slopes moderately downhill from east to west with areas of steep slopes along the perimeter of the site. The Preliminary Street Profiles on Sheet C6 of Exhibit B show the finished grade of the street in relation to existing grade. The drawings show the depth of cuts required to construct the street with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. Including sidewalks will increase the cutting, filling, and grading needed to construct the street while providing minimal benefits to pedestrian safety and comfort.

3. The nature of the use compared to surrounding uses: Street B is not a typical street because it will not connect to other streets outside the subdivision. It will not carry traffic volumes at speeds typical of a standard minor street and will have minimal cross traffic that pedestrians will need to cross to access Lot 5 through 9 from the new sidewalk on Street A. Therefore, sidewalks are not

necessary on Street B for safety. Most of the streets in other subdivisions in the area do not have sidewalks and the planned street network will be improved to a higher standard than the streets that serve surrounding uses.

4. The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district: As discussed under circumstance 1 above, including sidewalks on Street B would require either reducing the size of the lots below the minimum dimensional standard in the R-2 Zone or reducing the number of lots for the planned use below what would otherwise be possible on a more regularly shaped lot with flatter topography elsewhere in the R-2 Zone. Most of the streets in other subdivisions in the area do not have sidewalks and the planned street network will be improved to a higher standard than the streets that serve surrounding uses. The circumstances and conditions 1, 3, and 4 apply to the property. Therefore, this criterion is met.

(f) NMC Section 14.33.060(B). The circumstance or condition in "A" above is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

The circumstances and conditions are discussed in the response to Section 14.33.060.A above. These circumstances and conditions are not the result of the personal circumstance of the owner. Therefore, this criterion is met.

(g) NMC Section 14.33.060(C). There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

The practical difficulty and unnecessary hardship with including sidewalks on Street B are discussed in the response to Section 14.33.060.A above. Requiring sidewalks on Street B would restrict the property from being developed to its fullest potential. Furthermore, sidewalks would not improve access for pedestrians. This criterion is met.

(h) NMC Section 14.33.060(D). Authorization of the Variance will not result insubstantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations.

The variance will not create any adverse impact to surrounding properties. Street B will not be a typical through street and will not connect to the surrounding street network. The future homes on Lots 5 through 9 will be the only uses served by the street that will generate traffic. Therefore, only the subject property is impacted by the variance. Furthermore, streets in the vicinity such as SE Harbor Crescent Drive that serve development on adjoining properties do not have sidewalks. With the variance, the proposed streets will be improved to a higher level than what is typical of other streets in the vicinity.

(i) *NMC Section 14.33.060(E). The Variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.*

A conceptual plan for the extension of utilities is shown on Sheet C7 of Exhibit B. A variance to allow the hammerhead portion of the street to be constructed without sidewalks will not impact the provision of access to utilities since those utilities will be stubbed from the street or located in public utility easements adjacent to the street. Fire access will be available from the street. This criterion is met.

(j) *NMC Section 14.33.060(F). Any impacts resulting from the Variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.*

The variance will not result in any impacts requiring mitigation. This criterion does not apply.

12. Response to testimony provided at the public hearing and during the open record period.

(a) Testimony received during the open record period was consistent with commentary provided at the September 10, 2018 public hearing where individuals, many of which own property in the adjoining Harbor Crescent Subdivision, expressed concerns that the site development plans were not adequately assessed by the certified engineering geologist with Foundation Engineering. Concerns relate to whether or not structural solutions would be needed to shore up planned cut and fill slopes on the east and west sides of the subdivision, whether or not the full extent of unconsolidated fill would be removed, and a discrepancy between the grading plan and engineering geologist recommendation that unsupported finished grades be at or below a 2:1 slope. Articles were submitted related to the developers past business practices; however, such information is not relevant to the approval criteria and; therefore, cannot be factored into the decision.

(b) The applicant provided a supplemental report from Foundation Engineering, Inc., dated September 13, 2018, confirming that they had reviewed the plans prepared by AKS Engineering and Forestry, and that they believe finish grades at or below a 2:1 slope can be achieved without the need for structural solutions. Additionally, Foundation Engineering concluded that, provided their recommendations are followed, site grading will not increase the risk of slope instability within or adjacent to the property. AKS Engineering and Forestry submitted a corrected grading plan (Sheet C8) to address the discrepancy noted in the public testimony. Lastly, with regard to fill, Foundation Engineering, Inc. provides specific recommendations for the removal and reprocessing of unconsolidated fill material. Conditions of approval recommended in the planning staff report for the September 10, 2018 hearing require Foundation Engineering certify that site grading conformed to their recommendations. This is sufficient to address the concerns raised related to the finished slopes and fill.

(c) Considering the above, the Planning Commission finds that the applicant has reasonably addressed concerns with the project that came to light as a result of public testimony.

OVERALL CONCLUSION

Based on the staff report, the application material, and other evidence and testimony in the record, the Planning Commission concludes that the request as presented in the application materials complies with the criteria established for approval of a tentative subdivision plan, geologic permit, and variance; and the request is hereby **APPROVED** with the conditions listed below.

1. It shall be the responsibility of the property owner to adhere to the recommendations contained in the Geotechnical Investigation for Fisherman's Wharf Estates, prepared by Foundation Engineering Inc., dated October 19, 2007, as updated by letters dated June 12, 2018 and September 13, 2018 (collectively "Geologic Reports"). These Geologic Reports are only valid for the preliminary subdivision plat addressed in the report.
2. Certification of land division compliance with the Geologic Reports (e.g. site grading, street and utility installations, etc.) is required prior to approval of the final plat. NMC 14.21.130 states that no development requiring a Geologic Report shall receive final approval until the city receives a written statement by a certified engineering geologist indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the city must also receive an additional written statement of compliance by the design engineer.
3. Any sedimentation caused by stripping vegetation, grading, or other development, shall be removed from all adjoining surfaces and drainage systems and the affected areas returned to their original or equal condition prior to final plat approval.
4. The applicant shall perform hydraulic modelling of the public storm drainage system at SE Bay Blvd to confirm it has capacity to accept run-off from the subdivision attributed to a 25-year, 24-hour storm event. In the event the public system lacks capacity, then the analysis shall include recommendations for upsizing the system or detaining stormwater onsite in a manner sufficient to accommodate anticipated run-off.
5. Water, sewer, street and storm drainage infrastructure shall be installed in a manner consistent with the letter from City Engineer, Tim Gross, dated June 4, 2018, and the June 12, 2018 and September 13, 2018 letters by Foundation Engineering, including dedication of appurtenant easements. All public improvements shall be accepted by the Public Works Department prior to approval of the final plat.
6. All public improvements shall be designed and built to standards adopted by the city. Until such time as a formal set of public works standards is adopted, improvements shall conform to any existing published set of standards designated by the City Engineer for the type of improvement. The

City Engineer may approve designs that differ from the applicable standard if the City Engineer determines that the design is adequate.

7. All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.

8. Fire hydrants are to be installed as required by the 2014 Oregon Fire Code. Such hydrants shall be located within public rights-of-way or public utility easements.

9. The applicant shall confirm the location of survey monuments for the Harbor Crescent Subdivision, where it borders the subject property, and shall ensure that site utilities are placed more than one foot away from said monuments.

10. Upon completion of street improvements, the applicant shall ensure that monuments are reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

11. Installation of public improvements, including excavation in the excess of 100 cubic yards, shall not occur until plans have been checked for adequacy and approved by the City, and shall not be commenced until after the city is notified.

12. All public improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

13. Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.

14. A map showing public improvements "as-builts" shall be filed with the city upon completion of the improvements.

15. A final plat shall be submitted within two years of the tentative plat (i.e. concept map) approval. The Agency shall finalize the survey, secure the signatures on the plat from all impacted owners, and prepare necessary conveyance documents to ensure that the lot configuration, ownership, and rights-of-way are established as illustrated on the tentative plat. The final plat shall be in conformance with the approved tentative plan, this chapter, ORS Chapter 92, and standards of the Lincoln County Surveyor.

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

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

The Planning Commission of the City of Newport, Oregon, will hold a public hearing in the City Hall Council Chambers at 7:00 p.m. on Monday, October 11, 2021, to consider File No. 1-MISC-21, which is a request submitted by Bill Eckman (Tim Lunceford, representative). The request is for an approval to extend the approval of the Fisherman's Wharf Estates tentative subdivision plat, variance, and geologic permit approvals (File No. 1-SUB-18/2-VAR-18/3-GP-18) for a second period of 12-months. The subject property is located at 1005 SE Bay Blvd (Lincoln County Assessor's Map 11-11-09-CB; Tax Lot 400). Per Newport Municipal Code Section 13.05.090(H): Requests for extension of the one year time limit for submission of final plat shall be in writing. On receipt of the written request, the community development director may grant an extension of up to one year. The Planning Commission may grant an additional one year extension after public hearing. Notice shall be the same as the original tentative plan. The criteria for an extension are: 1) An unforeseen change in the economic condition has affected the real estate market for the project; or 2) The weather has prevented the physical work; or 3) Other unanticipated hardship, such as change or turnover in engineering firms, contractors, or significant delays in obtaining required state or federal permits requires additional time to complete the project. An extension may only be granted if the comprehensive plan, zoning ordinance, and subdivision ordinance have not changed in a way that would substantially affect the original tentative plan. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development/Planning Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 12:00 p.m. (Noon) the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address. Contact Derrick Tokos, Community Development Director, d.tokos@newportoregon.gov, (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, October 1, 2021)

industry. She met her husband, Jim Burke, who is director of animal care at the Oregon Coast Aquarium, and moved to Newport. She started work about eight years ago at the South Beach Recreational Marina. Then she was recruited by the Port of Toledo boatyard and worked two-and-a-half years there.

"I left Toledo and went to Englund Marine specifically so I could be in the same parking lot as the commercial marina and be here and see what is going on," Burke said.

Gibson said Burke's intentions were clear from the start. "Every time I went to Englund Marine, there would be Aja saying, 'Hey Kent, when are you retiring?' And it wasn't just once or twice. It was every time," said Gibson.

"I had my eye on the prize," said Burke. "I didn't know that I would

would actually happen, but I set my goal, and here I am."

Looking forward, Burke said she has several more goals she wishes to accomplish as harbor-master. "I want to get really good at the job — really get to know it," she said. "There is no manual for this job, just experience, time and working with fishermen and the customers."

A long-term goal is the rebuilding of Port Dock 7. Gibson has laid the groundwork on the project, and Burke is prepared to move on it. "The dock needs to be rebuilt to provide more space for bigger boats and create a more viable dock," said Burke. "It's something that we need to do to create more space and just safety in general. It's gotten to an expiration date, and we need to prioritize that for the commercial port."

for Burke, but she credits her friendship with the late Sarah Skamser, who not only gave her inspiration but also encouragement.

"I knew Sarah for many years, and she would pull me aside and say, 'Aja, this is going to be really bad, but you can do it. You just have to be a badass and don't let those boys beat you down.'"

Burke said it was hard losing Skamser, a local businesswoman who recently died of cancer, because she not only a good friend but was a mentor and an ally. "I just wish she was still here," Burke said. "She saw part of her in me, and she knew I would do big things. This would have been a really big deal to her. She would have been proud."

Port Director of Operations Aaron Bretz said Burke is a great fit for the job because she is aware of the needs of the lo-

in the commercial marina.

"She also has good customer service experience and a professional demeanor that she effectively uses to increase the level of service in the marina," Bretz said. "She's focused on setting a good team environment, so she balances the external and internal needs we have at that position."

After working for more than 33 years at the port, Gibson's presence will be missed. "His understanding of how and why structures were built and maintained has been invaluable, particularly as management teams have changed over in recent years," Bretz said. "When he goes, we will miss the perspective he brings to decision making. It's been great to rely on him for historical perspective, and he has always done a good job of using that perspective to project

planning." Gibson said, "I'm looking forward to moving deep into his hobby of fossil collecting. There will be some things he knows about his job. "I have an office where I can buy and bridge everything and all the boats," Gibson said. "The real thing about this is that every day is an adventure."

Those are qualities of the job that Burke is looking forward to. "There are many things I like about this job," he said. "It's very dynamic. I'm not doing the same thing every day so it never gets boring. It's fun to have some slow days and some days where you have some quick problem solving to do so it keeps your brain on point. It keeps you moving."

PUBLIC NOTICES

10/1/21

LEGAL DEADLINES:

WEDNESDAY EDITION:
2:00pm Friday

FRIDAY EDITION:
2:00pm Tuesday

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2021, to consider File No. 1-MISC-21, which is a request submitted by Bill Eckman (Tim Luncford, representative). The request is for an approval to extend the approval of the Fisherman's Wharf Estates tentative subdivision plat, variance, and geologic permit approvals (File No. 1-SUB-18/2-VAR-18/3-GP-18) for a second period of 12-months. The subject property is located at 1005 SE Bay Blvd (Lincoln County Assessor's Map 11-11-09-CB; Tax Lot 400). Per Newport Municipal Code Section 13.05.090(H): Requests for extension of the one year time limit for submission of final plat shall be in writing. On receipt of the written request, the community development director may grant an extension of up to one year. The Planning Commission may grant an additional one year extension

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

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

NOTICE IS HEREBY GIVEN that the Newport Planning Commission will hold a public hearing on October 11, 2021 to consider the following request.

File No: # 1-MISC-21

Applicant & Owner: Bill Eckman (Tim Lunceford, representative)

Request: A request to extend the approval of the Fisherman's Wharf Estates tentative subdivision plat, variance, and geologic permit approvals (File No. 1-SUB-18/2-VAR-18/3-GP-18) for a second period of 12-months.

1-SUB-18: Approval for the Tentative Subdivision Plan (proposed name of "Fisherman's Wharf Estates") including 11 single family residential lots.

2-VAR-18: Type III Variance approval request to allow the hammerhead portion of the proposed street to be constructed without a sidewalk.

3-GP-18: Approval for a Geological Permit to allow future development, construction, and site clearing within a known geologic hazard area.

Location: 1005 SE Bay Blvd (Lincoln County Assessor's Map 11-11-09-CB; Tax Lot 400).

Applicable Criteria: NMC Section 13.05.090(H): Requests for extension of the one year time limit for submission of final plat shall be in writing. On receipt of the written request, the community development director may grant an extension of up to one year. The Planning Commission may grant an additional one year extension after public hearing. Notice shall be the same as the original tentative plan. The criteria for an extension are: 1) An unforeseen change in the economic condition has affected the real estate market for the project; or 2) The weather has prevented the physical work; or 3) Other unanticipated hardship, such as change or turnover in engineering firms, contractors, or significant delays in obtaining required state or federal permits requires additional time to complete the project. An extension may only be granted if the comprehensive plan, zoning ordinance, and subdivision ordinance have not changed in a way that would substantially affect the original tentative plan.

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Reports/Application Material: The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost or

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ERISMAN JAMES STUART
862 SE CRESCENT PL
NEWPORT, OR 97365

ETCHISON GERALD
311 WINTERS DR
CARSON CITY, NV 89703

FAUGHT LESLIE TRUSTEE
1929 NW TIVOLI LN
PORTLAND, OR 97229

FENSKE RICHARD &
FENSKE LINDA
1524 CHAPMAN HILL DR NW
SALEM, OR 97304

FETTIG JIM &
FETTIG LINNEA
17705 NE CHEHALEM DR
NEWBERG, OR 97132

FLYNN SUZANNE
514 CEDAR ST
APTOS, CA 95003

FOSTER JANET &
JOHNSON CRAIG
1817 CRITESER LP
TOLEDO, OR 97391

FRANK LUMBER COMPANY
DRAWER 79
MILL CITY, OR 97360

FREY STEPHEN A TRUSTEE &
FREY CHERYL A B TRUSTEE
5137 NW WINN DR
ALBANY, OR 97321

FRY ROBBIE D &
FRY SUSIE
38591 MOUNTAIN HOME DR
LEBANON, OR 97355

GALL JOHN P &
GALL DEBORAH A
1376 SW LAURELWOOD
DALLAS, OR 97338

GARBARINO TONY A
PO BOX 254
TOLEDO, OR 97391

GASKINS JEFF
PO BOX 405
NEOTSU, OR 97364

GAWARAN DENNIS I &
GAWARAN SANDRA R
13725 SW HATHAWAY TER
TIGARD, OR 97223

GILLETT JODY
PO BOX 597
SOUTH BEACH, OR 97366

GLANZMAN MERLIN &
GLANZMAN WENDY
212 NE 55TH ST
NEWPORT, OR 97365

GOLDBERG URI
548 SW 5TH ST
NEWPORT, OR 97365

GOOLD MICHAEL &
GOOLD WANDA
3859 DAKOTA RD SE
SALEM, OR 97302

GRACE KELLY
7 CAPTAIN DR
APT C 213
EMERYVILLE, CA 94608

GREENE ORRIN &
GREENE DEBRA
818 SW 3RD AVE
#221-1633
PORTLAND, OR 97204

GROSS ROBERT J
9480 SW GRABHORN
BEAVERTON, OR 97007

HAFEN JACQUELYN K TRUSTEE &
FREHNER SANDRA G &
HAMRICK LISA D
5250 HAFEN RANCH RD
PAHRUMP, NV 89061

HAJEK JEFFREY JOHN
3101 SE FERRY SLIP RD
UNIT 60
NEWPORT, OR 97365

HALSEY STEVE
351 SE PENTER LN
NEWPORT, OR 97365

HAMSTREET DOROTHY A ETAL
ATTN NEWPORT MARINE CO
PO BOX 1067
NEWPORT, OR 97365

HANSCAM STEVEN E &
HAY HANSCAM DANIELLE M
4427 COULTER LN
SWEET HOME, OR 97386

HARBOR CRESCENT HOMEOWNERS
ASSN
872 SE CRESCENT PL
NEWPORT, OR 97365

HARBOR VILLAGE MHP LLC
5318 E 2ND ST #631
LONG BEACH, CA 90803

HARRIS PHILLIP C &
HARRIS JONI M
PO BOX 113
SEAL ROCK, OR 97376

HEARING MICHAEL
1163 NW 10TH ST
CORVALLIS, OR 97330

HENDRICKS LIVING TRUST &
HENDRICKS BYRON J TRUSTEE &
HENDRICKS NANCY J TRUSTEE
1220 20TH ST SE
SALEM, OR 97302

HERZBERG CARL A & KATHY T &
CLEVELAND KIMBERLY T &
CLEVELAND STEPHEN E
605 WALNUT ST
LEBANON, OR 97355

HETTMAN GARY L &
HETTMAN MARSHA M
3010 MOSSY LN
TOLEDO, OR 97391

HILL TERRANCE A TRUSTEE &
HILL JUDITH L TRUSTEE
835 NW CARPATHIAN DR
CORVALLIS, OR 97330

HILLYER REBECCA L COTRUSTEE &
RIEDL JOHN J COTRUSTEE
5529 QUINCE ST NE
SALEM, OR 97305

HOORNBECK FRANK K TSTEE &
HOORNBECK BILLEE W TSTEE
1000 SE BAY BLVD
B505/605
NEWPORT, OR 97365

HOWARD SISTERS LLC THE
ATTN STEVE CARPENTER
PO BOX 958
LEBANON, OR 97355

HUTMACHER NICKOLAS G
PO BOX 4731
SALEM, OR 97302

IVERSON JOHN C &
IVERSON LISA M
1354 E SANTIAM ST
STAYTON, OR 97383

JINCKS LELAND G TRUSTEE &
JINCKS JANE K TRUSTEE
PO BOX 1570
NEWPORT, OR 97365

JOSTAD CHRIS
1075 ORCHARD CT
STAYTON, OR 97383

KAUMANN ANTHONY GEROME &
KANTOR STAN
24654 GRANGE HALL RD
PHILOMATH, OR 97370

KELLER RODNEY J TSTEE &
KELLER BARBARA S TSTEE
2056 CHASE LOOP SW
ALBANY, OR 97321

KELLY KEVIN
64100 N HWY 97
#26
BEND, OR 97701

KELSON CRAIG &
KELSON KATHY
45 OLALLA RD
TOLEDO, OR 97391

KLOSTER MAX B &
KLOSTER SANDRA
750 WYATT LN
PHILOMATH, OR 97370

KNUTSON ERIC HENRY TTEE &
KNUTSON PATRICIA JANE TTEE
840 SE CRESCENT PL
NEWPORT, OR 97365

KRAMIEN STANLEY RICHARD JR &
KRAMIEN DEBRA L
17600 NE OLDS LN
NEWBERG, OR 97132

KROPP HELEN LOUISE TSTEE
PO BOX 15
NEWPORT, OR 97365

LACKNER WILLIAM &
LACKNER SCOTT
PO BOX 92112
DUTCH HARBOR, AK 99692

LAMOURIA LLOYD J &
LAMOURIA PATRICIA P
824 SE CRESCENT PL
NEWPORT, OR 97365

LEE SHI NONG
1130 NE 7TH DR
NEWPORT, OR 97365

LEHNHERR NEIL
1000 SE BAY BLVD
UNIT A-2
NEWPORT, OR 97365

LEONARD STEVEN EDWARD TRUSTEE
303 W STATE ST
APT #109
DOYLESTOWN, PA 18901

LEWIS HAL
PO BOX 427
AMITY, OR 97101

LIND PAMELA J
411 SE SCENIC LOOP
NEWPORT, OR 97365

LINDSEY JAMES DUNCAN
2014 POWELL DR
EL CAJON, CA 92020

LINSTROM TOM A
423 NW IVY AVE
DALLAS, OR 97338

LIU XIN &
QU WEIWEI
765 NE JEFFRIES PL
NEWPORT, OR 97365

LOE MATT
70 NORTH 400 EAST
DELTA, UT 84624

LONDON BRIAN
527 SW 4TH ST
NEWPORT, OR 97365

LONGMORE JEFF &
HELLMAN LAURA
1756 ALDERWOOD ST
EUGENE, OR 97404

LUND GERALD N
1000 SE BAY BLVD
SLIP 41
NEWPORT, OR 97365

LUXFORD DENNIS R &
LUXFORD CAROL L
PO BOX 1414
VENETA, OR 97487

LYMAN DEBORAH &
LONG DAVID ET AL
240 NE 56TH ST
NEWPORT, OR 97365

MABE JIM &
WHITEHEAD SHERY
7250 NUNES LN
EUREKA, CA 95503

MAGUIRE PATRICK HENRY
1406 NW OCEANVIEW DR
NEWPORT, OR 97365

MALONE VANCE &
IVANY DANIEL
1000 SE BAY BLVD
UNIT I-3
NEWPORT, OR 97365

MARK DONALD
2226 N COAST HWY #231
NEWPORT, OR 97365

MARTIN DANIEL J &
MARTIN BARBARA J
PO BOX 1088
WALDPOR, OR 97394

MARTIN RANDY W &
MARTIN SUSAN E
3875 HAYDEN BRIDGE RD
SPRINGFIELD, OR 97477

MASSEY DWAIN E &
MASSEY JOYCE A
23500 SE FRANQUETTE DR
AMITY, OR 97101

MASTEN S C 1998 REV TR/CST
MASTEN PATRICIA A TRUSTEE &
MASTEN KENNETH D TRUSTEE
9217 ST ANDREWS CIRCLE
KLAMATH FALLS, OR 97603

MATHEWS BRENDAN
556 SW 5TH ST
NEWPORT, OR 97365

MCFARLAND KENNETH L TSTEE
10854 SUMMIT LOOP SE
TURNER, OR 97392

MCPAHAN JOHN D TSTEE &
MCPAHAN JERILYN L TSTEE
PO BOX 10
BRIGHTWOOD, OR 97011

MCPEAK ROBERT
1000 SE BAY BLVD
NEWPORT, OR 97365

MERCER MARNE L COTTEE &
CHADWICK LAURIE A COTTEE
600 LONE OAKS LOOP
SILVERTON, OR 97381

MICONE KENNETH &
MICONE SANDRA
3101 SE FERRY SLIP RD
#90
NEWPORT, OR 97365

MILLER GUY N
449 EAGLE ROCK DR
CENTRAL POINT, OR 97502

MILLIREN DANIEL LEE
216 PAXTON RD
KELSO, WA 98626

MITCHELL JOHN C &
MITCHELL GERRI U
1405 ROCKHAVEN DR
MODESTO, CA 95356

MOLLOY TONYA L
2226 N COAST HWY
#216
NEWPORT, OR 97365

MONTGOMERY JOHN &
MONTGOMERY CINDY
1215 OAK ST
JUNCTION CITY, OR 97448

MOORE RANDY &
MOORE TAMARA
855 SE CRESCENT PL
NEWPORT, OR 97365

MORROW GENI L
2679 UNIVERSITY ST
EUGENE, OR 97403

MURRY RICHARD G
PO BOX 1050
NEWPORT, OR 97365

NAVEIRA DIANA L
205 OUTRIGGER DR
VALLEJO, CA 94591

NEIL MARK D &
HUKILL NEIL LINDA FAYE
25320 LANSING LN
MIDDLETON, ID 83644

NEWMAN WALTER C IV &
TEAGUE MARK S &
KIEFER MICHAEL
107 MARIE CIR
ROGUE RIVER, OR 97537

NEWPORT AUTO CENTER INC
PO BOX 2310
NEWPORT, OR 97365

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

NEWPORT MARINE COMPANY
ONE SW COLUMBIA
SUITE 1575
PORTLAND, OR 97258

NEWPORT MARINE LIMITED PTNSHIP
ONE SW COLUMBIA
SUITE 1575
PORTLAND, OR 97258

NGUYEN THANH N &
NGUYEN HONG T
5948 LEGACY ST SE
SALEM, OR 97306

NOLTA DUSTIN L
PO BOX 815
TOLEDO, OR 97391

NORBURY SARA &
NORBURY REGINALD
5382 SUNNYVIEW RD NE
SALEM, OR 97305

NORTH SEA PROPERTIES LLC
ATTN CHAMPION STUART
5331 SW MACADAM AVE
STE 258
PORTLAND, OR 97239

NOTMAN DONALD R
200 WOODPECKER LN
ELKTON, OR 97436

NOVELLO JOSEPH III &
NOVELLO MARGARET ANN
227 NE SAN-BAY-O CIRCLE
NEWPORT, OR 97365

NW FLEET REFINISHING INC
10350 N VANCOUVER WAY
#155
PORTLAND, OR 97217

OLSON LLOYD G JR &
SEAGER LAURA M
882 SE CRESCENT PL
NEWPORT, OR 97365

OLSON ROBERT E TRUSTEE &
OLSON JERRYANN TRUSTEE
230 NE SAN-BAY-O CIR
NEWPORT, OR 97365

OPHEIM TAMMY &
OPHEIM JOEL
14151 NW WILLIS RD
MCMINNVILLE, OR 97128

OREGON MINK INC
11658 BARON RD
MT ANGEL, OR 97362

OUDERKIRK J F &
PRICE FRANK STEPHEN TSTEE &
PRICE THERESE M WANNER TSTEE
855 CHRISTIANSEN RD
TOLEDO, OR 97391

PARNES EILEEN M
1000 SE BAY BLVD
UNIT B-2
NEWPORT, OR 97365

PETTY GLEN STEVEN
3337 NE COOS ST
NEWPORT, OR 97365

PHILLIPS JOSEPH B &
PHILLIPS ERNEST M
2139 PIONEER RD
DALLAS, OR 97338

PINA RICHARD A
1980 NE STURDEVANT RD
TOLEDO, OR 97391

PLANT KAY C TRUST &
PLANT GEORGE JR TRUSTEE
1183 SE HARBOR CRESCENT DR
NEWPORT, OR 97365

PLEDGER WILLIAM H &
PLEDGER FELICIA C
19720 INNES MKT RD
BEND, OR 97701

POWELL JEROLD H &
POWELL BONNIE J
PO BOX 522
SOUTH BEACH, OR 97366

PRANTL LAWRENCE J
2902 NW BAYSHORE LP
WALDPOR, OR 97394

PURDY LUKAS
PO BOX 1797
BEND, OR 97709

RAICHL J KEVIN &
RAICHL NATALIE
20257 KNIGHTSBRIDGE PL
BEND, OR 97702

RAIN ARIN
PO BOX 236
NEWPORT, OR 97365

REA NEAL F TSTEE &
REA JANA J TSTEE
607 SE 5TH ST
NEWPORT, OR 97365

REDFIELD MARK E
PO BOX 811
SALEM, OR 97308

RICHARDS SANDRA G &
RICHARDS BRIDGET E
655 SE 22ND ST
OCALA, FL 34471

ROBERTS CASEY &
ROBERTS VICKY
904 KUPULAU DR
KIHEI, HI 96753

ROBINSON DOUGLAS &
ROBINSON CUTTALIYA
PO BOX 83
CORVALLIS, OR 97339

ROGERS GARRY &
LUTZ ANN
480 20TH ST SE
SALEM, OR 97301

ROGERS SCOTT O &
ROGERS MARY A
10440 NEIDERHOUSE RD
PERRYSBURG, OH 43551

ROLIE LOREN P
18075 S ABIQUA RD NE
SILVERTON, OR 97381

ROPP HOWARD
5995 NE HWY 20
CORVALLIS, OR 97330

ROSBOROUGH ROBERT J
37680 S HWY 213
MT ANGEL, OR 97362

ROSE KURT M TRUSTEE &
ROSE KATHERINE A TRUSTEE
40698 MCDOWELL CRK DR
LEBANON, OR 97355

ROWLEY WILLIAM D TRUSTEE
PO BOX 1746
NEWPORT, OR 97365

SCANLON MIKE &
SCANLON SONJA
646 WIMBLEDON CT
EUGENE, OR 97401

SCHAUMBURG CARL
1985 WRIGHT PL
ALBANY, OR 97322

SCHLECHTER ANTONE P &
SCHLECHTER THERESA M
PO BOX 525
GERVAIS, OR 97026

SCHMOLZI RUSSELL W &
SCHMOLZI WENDY M
1000 SE BAY BLVD
C-19
NEWPORT, OR 97365

SCHOPP DENNIS &
SCHOPP NANCY JO
60 HAWORTH RD
PASCO, WA 99301

SCHRANTZ JEFFREY
152 SE VIEW DR
NEWPORT, OR 97365

SCHULZ EDD
50776 DIKE RD
SP 24
SCAPPOOSE, OR 97056

SCHUTTPELZ BEVERLY
826 SE 5TH
NEWPORT, OR 97365

SCOTT PAUL MICHAEL &
SCOTT TERESA ANGELA
649 MEMORY CT SE
OLYMPIA, WA 98513

SEE DAVID M
534 N COAST HWY
NEWPORT, OR 97365

SEIDLER ROBERT E &
SEIDLER BECKY J
85 N RIVERTON CT
OTIS, OR 97368

SELF KERRY
101 DRIFT CREEK RD NE
SILVERTON, OR 97381

SELF KERRY E
101 DRIFT CREEK RD
SILVERTON, OR 97381

SERBU DANIEL A
PO BOX 716
YACHATS, OR 97498

SEVERSON CHARLES F III &
SEVERSON JANE B TRUSTEE
PO BOX 435
WALDPORT, OR 97394

SHATTUCK TOD L TSTEE
18090 SW PHEASANT LN
BEAVERTON, OR 97003

SHEN FAMILY LIVING TRUST &
SHEN PEI-JEN TRUSTEE
1771 MANDAN PLACE
FREMONT, CA 94539

SHIPWRIGHT TECHNOLOGIES LLC
PO BOX 2134
NEWPORT, OR 97365

SILVER RIDGE NW LLC
514 SE RUNNING SPRINGS ST
NEWPORT, OR 97365

SKOCH JAMES M
504 HAMER RD
SILETZ, OR 97380

SMITH LOREN J &
SMITH NANCY L
30361 LOREN LN
CORVALLIS, OR 97333

SOLANO JOSE &
SOLANO BERNADETTE
836 SE CRESCENT PL
NEWPORT, OR 97365

SPINK MARCUS &
SPINK DANA
PO BOX 811
NEWPORT, OR 97365

SPITZ JAMES
1175 SW CASE ST
NEWPORT, OR 97365

SPULNIK PHILIP A TRUSTEE
PO BOX 847
WALDPORT, OR 97394

STATTON MATTHEW W E
31431 WATERLOO RD
LEBANON, OR 97355

STATZ C JEAN
144 SW 26TH ST
UNIT 4
NEWPORT, OR 97365

STEINMETZ RICHARD &
STENBAK JOHN &
STENBAK LISA
PO BOX 1377
NEWPORT, OR 97365

STERLING PHIL
17225 BECK RD
DALLAS, OR 97338

STOCKTON DONALD B &
STOCKTON JUDITH D
PO BOX 206
TANGENT, OR 97389

STOCKTON JUDITH DAWN &
KICKNER SHIRLEY STOCKTON
PO BOX 206
TANGENT, OR 97389

SUNTERRA PACIFIC INC
1417 116TH AVE NE
BELLEVUE, WA 98004

SWARTZ GEORGE W III TRUSTEE
5442 BRANINBURG CT
CARMICHAEL, CA 95608

SZALKOWSKI MATT
310 SW 2ND ST
#2004
NEWPORT, OR 97365

SZEKELY MARGARET
890 SE BAY BLVD
UNIT 101
NEWPORT, OR 97365

SZEKELY MARGARET A
890 SE BAY BLVD
UNIT 101
NEWPORT, OR 97365

TAKUSH DONALD R TRUSTEE &
TAKUSH DONALD R TRUSTEE
1915 NE PAX PL
CORVALLIS, OR 97330

THOMPSON ROBERT E TRUSTEE &
THOMPSON SANDRA E TRUSTEE
1449 NE YAQUINA HEIGHTS DR
NEWPORT, OR 97365

TIDWELL VAUGHN C
2236 PACIFIC AVE
FOREST GROVE, OR 97116

TILSON MURRAY M &
TILSON NANCY K
136 SE LARCH ST
NEWPORT, OR 97365

TOP HAT MUSHROOMS INC
39344 JORDAN RD
SCIO, OR 97374

TOY HARRY A TRUSTEE &
TOY LEOTA P TRUSTEE
ATTN TOY ERICK
1190 SE BAY BLVD
NEWPORT, OR 97365

TRUONG DAN
637 SW KECK DR
STE 302
MCMINNVILLE, OR 97128

TRYON VERNON L &
TRYON SHERRIE L
PO BOX 1058
WALDPORT, OR 97394

TUFTS DENNIS F &
TUFTS WILLIAM F
PO BOX 708
SILETZ, OR 97380

TURNER DAVID
340 N COAST HWY
NEWPORT, OR 97365

VANDERBECK JOHN G &
VANDERBECK KARMEN J
854 SE CRESCENT PL
NEWPORT, OR 97365

VARNER DOUGLAS
923 SE BAY BLVD
#50
NEWPORT, OR 97365

VELA PAUL &
CARTER ROGER
5134 CHERIE CT SE
SALEM, OR 97306

VICE ROGER &
VICE PATRICIA
5215 FIRST ST
CROSBY, TX 77532

VOGEL CARL STEPHENS III
292 W GALENA PARK BLVD
APT #1126
DRAPER, UT 84020

VTS PROGRAM REMAINDER LLC
ATTN VACATION INTERNATIONALE INC
1417 116TH AVE NE
STE 100
BELLEVUE, WA 98004

WALKER HOUSE LLC
616 NW 35TH ST
CORVALLIS, OR 97330

WARDELL DOUGLAS L JR TSTEE &
WARDELL DIANNA L TSTEE
5401 EAST RIDGE ST S
SALEM, OR 97306

WEISHAR DONALD C &
WEISHAR VIVIAN J
37215 AGATE DR
LEBANON, OR 97355

WEST HARRY B JR &
DIECKHOFF SUSAN D
229 EIDER AVE SE
SALEM, OR 97306

WHEELER LOIS I TSTEE
ATTN NANCY KAY GYERKO TSTEE
1222 SE JACKSON PARK RD
TROUTDALE, OR 97060

WILSON RICHARD C TSTEE
PO BOX 928
CORVALLIS, OR 97339

WILSON THOMAS D &
WILSON SUSETTE A
330 NW 185TH AVE
#274
PORTLAND, OR 97229

WINTERS JODY A
1000 SE BAY BLVD
UNIT H-6
NEWPORT, OR 97365

WOLF ANDREW D
1960 SW OLD SHERIDAN RD
MCMINNVILLE, OR 97128

WOLFE BRANDON
121 NE WILLIAMS AVE
DEPOE BAY, OR 97341

WOOD STREET LLC
5500 NE MOORE CT
HILLSBORO, OR 97124

WORKMAN WILLIAM &
BURKHARD MICHAEL
3784 G 7/10 RD
PALISADE, CO 81526

WROBEL CHARLES J
16971 S CLACKAMAS RIVER DR
OREGON CITY, OR 97045

YECK ERNEST
PO BOX 1256
NEWPORT, OR 97365

YECK FRED A TRUSTEE
PO BOX 352
NEWPORT, OR 97365

YENCHIK RONNIE J &
YENCHIK STEPHANIE R
818 NE GRANT ST
NEWPORT, OR 97365

ZANDER SHAWN &
ZANDER SARAH
PO BOX 1312
SILVERTON, OR 97381

ZANEVELD J RONALD V TRUSTEE &
ZANEVELD JACQUELINE L TRUSTEE
3835 NW GLEN EDEN DR
CORVALLIS, OR 97330

ZAWALSKI RODNEY M TSTEE &
ZAWALSKI THERESA LYNN TSTEE
6735 GLADYS AVE
OTTER ROCK, OR 97369

LUNCEFORD TIM
4580 CHRISTOPHER LANE
ALBANY, OR 97322

File No. 1-MISC-21

Adjacent Property Owners Within 200 Ft

MEMO

City of Newport
Community Development Department



****Distributed Via Email****

Date: September 21, 2021

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

From: Sherri Marineau, Executive Assistant

RE: Miscellaneous Permit # 1-MISC-21

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing.

Please review this information to see if you would like to make any comments. We must receive comments prior to the last day of the comment period in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

sm

Attachment

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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

CENTRAL LINCOLN PUD
ATTN: RANDY GROVE
PO BOX 1126
NEWPORT OR 97365

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

David Powel
Public Works

Derrick Tokos
Community Development Director

Joseph Lease
Building Official

Clare Paul
Public Works

Beth Young
Associate Planner

Michael Cavanaugh
Parks & Rec

Rob Murphy
Fire Marshal

Laura Kimberley
Library

Jason Malloy
Police Chief

Spencer Nebel
CM

Chris Janigo
Public Works

Derrick Tokos
CDD

Mike Murzynsky
Finance Director

EXHIBIT 'A'
(Affected Agencies)

(1-MISC-21)

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON**

**IN THE MATTER OF PLANNING COMMISSION)
FILE NO. 1-MISC-21, APPLICATION TO EXTEND TIME)
LIMIT FOR SUBMISSION OF A FINAL PLAT FOR AN) FINAL
ELEVEN LOT SUBDIVISION IDENTIFIED AS) ORDER
"FISHERMAN'S WHARF ESTATES," AS SUBMITTED BY)
TIM LUNCEFORD, GREYSON FINANCIAL SERVICES, INC)**

ORDER APPROVING a request to extend the time limit for submission of a final plat for the eleven-lot residential subdivision identified as "Fisherman's Wharf Estates," approved by the Planning Commission with a Final Order and Findings of Fact on October 22, 2018 (File No. 1-SUB-18/2-VAR-18/3-GP-18). The property is located at 1005 SE Bay Boulevard, between the Harbor Village RV Park and Harbor Crescent residential subdivision (Tax Lot 400 of Lincoln County Assessor's Tax Map (11-11-09-CB)).

WHEREAS:

- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Municipal Code; and
- 2.) The Planning Commission has duly held a public hearing on the extension request, with a public hearing a matter of record of the Planning Commission on October 11, 2021; and
- 3.) At the public hearing on said application, the Planning Commission received evidence and recommendations from the applicants, interested persons, and Community Development (Planning) Department staff; and
- 4.) At the conclusion of said public hearing, after consideration and discussion, the Newport Planning Commission, upon a motion duly seconded, approved the extension request.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") are adopted in support of approval of the extension request with the following condition of approval:

- 1. The time limit for submission of a final plat for the eleven-lot residential subdivision identified as "Fisherman's Wharf Estates," approved by the Planning Commission with a Final Order and Findings of Fact on October 22, 2018 (File No. 1-SUB-18/2-VAR-18/3-GP-18), is extended for 12-months from the expiration date set in an October 5, 2020 letter from the Community Development Director. The new deadline for submission of the final plat is October 22, 2022. All other conditions of the October 22, 2018 Final Order and Findings of Fact will remain in effect.

BASED UPON THE ABOVE, the Planning Commission determines that the request is in conformance with the provisions of the Comprehensive Plan and the Municipal Code of the City of Newport.

Accepted and approved this 11th day of October, 2021.

James Patrick, Chair
Newport Planning Commission

Attest:

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

EXHIBIT "A"

FILE NO. 1-MISC-21

FINDINGS OF FACT

1. On September 21, 2021, Tim Lunceford, Greyson Financial Services, Inc. (William Ekman, owner) submitted an application asking that the Planning Commission extend approval of a tentative subdivision plat, variance, and geologic permit for an eleven-lot residential subdivision identified as "Fisherman's Wharf Estates" for an additional 12-months.
2. The Community Development Director granted a 12-month extension on October 5, 2020, establishing an expiration date of October 22, 2021. The original final order was approved by the Newport Planning Commission on October 22, 2018 and Condition No. 15 of that order required a final plat be submitted in two years (October 22, 2020).
3. The property is located at 1005 SE Bay Boulevard, between the Harbor Village RV Park and Harbor Crescent residential subdivision (Tax Lot 400 of Lincoln County Assessor's Tax Map (11-11-09-CB). It is approximately 1.72 acres in size, per Lincoln County Assessor's records.
4. Staff reports the following facts in connection with the application:
 - a. Plan Designation: Low Density Residential
 - b. Zone Designation: R-2/"Medium Density Single-Family Residential."
 - c. Surrounding Land Uses: Harbor Village RV Park to the north and west, Harbor Crescent residential subdivision to the east, and the Embarcadero Resort to the south (across SE Bay Blvd).
 - d. Topography and Vegetation: There are a few scattered trees, shrubs and other low-lying vegetation on the property. The site is moderately sloped, dropping in elevation from east to west, with steeper terrain along the east, north and western perimeter of the property.
 - e. Existing Structures: None.
 - f. Utilities: All utilities are available to the site.
 - g. Development Constraints: The property is within a mapped geologic hazards area.
 - h. Past Land Use Actions: File No. 1-SUB-18/2-VAR-18/3-GP-18, approval of a tentative subdivision plat, geologic permit, and variance for an eleven-lot residential subdivision. File No. 3-PD-07/6-SUB-07, approval of a planned development for 19 single family detached residences. File No. 1-PD-01, approval of a planned development for 22 units (single family and duplexes). File No. 1-PD-97, approval of a planned development for 18 single-family residences and two duplexes.
 - i. Notice: Public notice of the application and public hearing was mailed to surrounding property owners within 200 feet of the subject property and public entities and agencies on September 21, 2021. Notice of the public hearing was also published in the Newport News-Times on October 1, 2021. No comments were received in response to the notice.

5. The applicant, Greyson Financial Services, Inc., is asking that the Planning Commission extend a City issued land use decision that approved a tentative subdivision plat, variance, and geologic permit for an eleven-lot residential subdivision on the subject property. A final plat for that subdivision was to be submitted no later than October 22, 2020. The Community Development Director has authority to extend the approval once, for a 12-month period, and did so on October 5, 2020. If the extension is not granted, the land use decision will expire on October 22, 2021.

6. A public hearing was held on October 11, 2021. At the public hearing, the statement of rights and relevance and applicable criteria were read. The Planning Commission disclosed any ex parte contact, conflicts of interest, and/or bias. No objections were made to any of the Planning Commissioners hearing the matter. The Planning Commission received the staff report and heard testimony from proponents and opponents of the proposal. The minutes of the October 11, 2021, meeting are hereby incorporated by reference into the findings. The Planning Staff Report with Attachments is hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

Attachment "A" – Completed application form

Attachment "B" – Lincoln County property report

Attachment "C" – Applicant's written narrative

Attachment "D" – Permit extension by CDD Director, dated 10/5/20

Attachment "E" – Approved plans for Fisherman's Wharf Estates

Attachment "F" – File No. 1-SUB-18/2-VAR-18/3-GP-18, Final Order and Findings, Fisherman's Wharf Estates

Attachment "G" – Public Hearing Notice

7. Requests to extend the deadline for submission of a final plat associated with a City issued land use decision must comply with Newport Municipal Code (NMC) Section 13.05.090(H).

CONCLUSIONS

After consideration of the application materials, staff report and the testimony in the record, the Planning Commission concludes as follows in regard to the criteria established in Newport's Municipal Code for approving an extension request.

8. Compliance with NMC Section 13.05.090(H), Time Limit Between Tentative Plan and Final Plat (Extensions). *Requests for extension of the one-year time limit for submission of final plat shall be in writing. On receipt of the written request, the community development director may grant an extension of up to one year. The Planning Commission may grant an additional one-year extension after public hearing. Notice shall be the same as the original tentative plan. The criteria for an extension are:*

1. *An unforeseen change in the economic condition has affected the real estate market for the project; or*
2. *The weather has prevented the physical work; or*
3. *Other unanticipated hardship, such as change or turnover in engineering firms, contractors, or significant delays in obtaining required state or federal permits requires additional time to complete the project.*

An extension may only be granted if the comprehensive plan, zoning ordinance, and subdivision ordinance have not changed in a way that would substantially affect the original tentative plan.

As noted in the applicant's written narrative (Attachment "C"), the agent for Greyson Financial, Tim Lunceford, became severely ill in February of 2020, fell into a coma, was hospitalized for an extended period of time, and had a leg amputated in May of that same year. He notes that his recovery has been very time consuming, but that he is now ready to return to this project. The Planning Commission finds that Mr. Lunceford's circumstances qualify as an unanticipated hardship per NMC 13.05.090(H)(3). Public notice has been provided in the same manner as it was with the original tentative plan (Attachment "G"), and the comprehensive plan, zoning ordinance, and subdivision ordinance have not changed in a way that would substantially affect the original tentative plan.

OVERALL CONCLUSION

Based on the staff report, the application material, and other evidence and testimony in the record, the Planning Commission concludes that the request as presented in the application materials complies with the criteria established for approval of a permit extension; and the request is hereby **APPROVED** with the condition listed below.

1. The time limit for submission of a final plat for the eleven-lot residential subdivision identified as "Fisherman's Wharf Estates," approved by the Planning Commission with a Final Order and Findings of Fact on October 22, 2018 (File No. 1-SUB-18/2-VAR-18/3-GP-18), is extended for 12-months from the expiration date set in an October 5, 2020 letter from the Community Development Director. The new deadline for submission of the final plat is October 22, 2022. All other conditions of the October 22, 2018 Final Order and Findings of Fact will remain in effect.