



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
May 10, 2022 – 5:30 P.M.**

Commissioner: Brandon Leyde
Commissioner: Maria Bonilla
Commissioner: Anthony Mahmood
Commissioner: Tami Fuelling
Commissioner: Michael Kermes

City Administrator: Deb Hill
Asst. to the City Admin: Travis Brierley
City Planner: Nathan Fuerst
Council Liaison: Marvin Taylor

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. MEETING MINUTES
 - A. April 12, 2022
4. PUBLIC HEARING- Zoning Text Amendment
5. PUBLIC HEARING- CUP bioLawn, 1139 Tibbetts Place
6. YARD DEFINITIONS
7. COMMISSION REPORTS
8. ADJOURNMENT



**CITY OF NEWPORT
PLANNING COMMISSION MEETING MINUTES
NEWPORT CITY HALL
April 12, 2022**

1. CALL TO ORDER

Chair Mahmood called the Planning Commission meeting to order at 5:30 p.m. on April 12, 2022.

2. ROLL CALL

Present (5): Chairman Anthony Mahmood, Commissioner Brandon Leyde, Commissioner Maria Bonilla, Commissioner Tami Fuelling, and Commissioner Michael Kermes.

Not Present (0): None.

3. PLANNING COMMISSION NOMINATIONS

Assistant to the City Administrator Travis Brierley stated any voting member of the Planning Commission can nominate anyone excluding themselves as Chair or Vice-Chair and the nomination must be seconded. From here, there needs to be a motion and a second with an approval or denial. The new Chair and Vice-Chair would be effective at the end of this meeting.

A. Chair

Chair Mahmood nominates Commissioner Leyde for Chair. Seconded by Commissioner Bonilla.

Commissioner Leyde accepted the nomination for Chair.

Chair Mahmood motioned to appoint Commissioner Leyde for Chair. Seconded by Commissioner Fuelling. Approved 5-0.

B. Vice-Chair

Commissioner Leyde nominates Commissioner Bonilla for Vice-Chair. Seconded by Commissioner Fuelling.

Commissioner Bonilla accepted the nomination for Vice-Chair.

Commissioner Leyde motioned to appoint Commissioner Bonilla for Vice-Chair. Seconded by Commissioner Kermes. Approved 5-0.

4. MEETING MINUTES

A. February 8, 2022

Commissioner Leyde motioned to approve the Planning Commissioner Minutes from February 8, 2022. Seconded by Commissioner Bonilla. Approved 5-0.

5. 910 12th STREET LAND USE

City Planner Nathan Fuerst gave a PowerPoint presentation for the land use at 910 12th Street. Planner Fuerst stated this property is near the intersection of 12th Street and 9th Avenue. This property is owned by the Murr family. Previously the Planning Commission recommended approval of a comprehensive plan amendment to City Council. The City Council discussed this item and referred it back to the Planning Commission for further discussion as to the background of the parcels zoning designation. This property was rezoned from a residential zoning district to a mixed-use zoning district in 2011. The reason was to allow the property owners to have their residence as the primary use, but also to do their business operations. During the 2040 comprehensive plan process in 2018-2019, this property was rezoned back to residential. Staff reviewed older minutes from the November 14, 2019 Planning Commission meeting and found this property was brought back to a residential future land use because it was residential in nature. Planner Fuerst stated there are three options the Planning Commission can consider recommending to Council. The first is to amend the land use map for the subject property. Another alternative is to amend the future land use map for the subject property plus others. The third alternative is to take no action and not amend the maps.

Commissioner Leyde inquired what potential impact on future use this has on the parcels neighboring the subject property if it were rezoned back to MX-4. Planner Fuerst stated the uses that would be allowed for MX-4 would be offices, retail, etc. The setbacks for MX-4 are less than residential districts and the impervious surface is greater for mixed-use than residential (75%).

Planner Fuerst stated when the Council discussed, they were concerned with one parcel being zoned different than neighboring properties, which are zoned residential. The Planning Commission discussed that all the processes were followed at the time of the Comp plan and the Murr's can continue what they are doing. The Planning Commission does not want one parcel zoned different than the two neighboring parcels.

Commissioner Leyde motioned to recommend to the City Council that 910 12th Street should remain R-1. Seconded by Commissioner Kermes. Approved 5-0.

6. MRCCA IMPERVIOUS COVER LIMITS

Planner Fuerst stated the MRCCA impervious surface requirements is specifically taken from a performance standard table in Section 36-208. The Planning Commission is asked to review the requirement for properties that are within the MRCCA area but not the Shoreland overlay. These properties in the MRCCA are currently held to 25% impervious surface and the Planning Commission is asked to consider whether it would like to increase this to 35%, which is the limitation for R-1. Planner Fuerst noted that the DNR's model ordinance, which the city is modeled after, does not contain a limitation to impervious surface for the MRCCA, but does have a maximum 25% impervious surface for the Shoreland Overlay. If the Planning Commission is interested in increasing this limit, staff should contact the DNR to ensure no rules would be violated if the city were to make this change.

Commissioner Leyde inquired if there is a specific reason for increasing it. Assistant Brierley stated there is a home that is being redeveloped due to a fire and since they didn't get a building permit submitted within 180 days, they would now be limited to the current MRCCA rule of 25%. City Administrator Deb Hill stated this change would allow more flexibility. The Commission discussed and directed staff to dig further into this as they agree with the 35% limit for the MRCCA.

7. IMPERVIOUS COVER DEFINITION

Planner Fuerst stated the term impervious surface is defined in the zoning ordinance and also defined in the shoreland overlay district. It was suggested to staff that the Commission consider changing the definition for impervious surface in the zoning ordinance specifically to exclude decks. The rationale behind the change is because most standard decks allow some amount of water to permeate through. In a standard deck without a patio, you have nothing preventing rainwater from penetrating down into the ground. There have been instances where residents are limited with impervious surface and cannot construct a deck due to this definition in the zoning ordinance. Council agrees we should exclude decks from the zoning ordinance definition and directed staff to do more research.

8. FOUNDATION WALL SETBACK

Planner Fuerst stated there is a residential property performance standard table which has a footnote at the bottom of that table. That table contains things such as setbacks and impervious surface limits. This footnote does not appear to apply to any item in that table. So, in that case it applies to every property. The other thing is this particular standard does not make sense because it is trying to address impacts of construction and not particularly concerns with setbacks. This particular standard seems to be focused on this distance of actual foundations to each other. Chair Mahmood inquired if we are looking to just get rid of this footnote. Chair Mahmood suggested staff look in the code to see if there is a construction section as maybe this got put in the wrong place. Planner Fuerst stated staff can do more research.

9. ACCESSORY STRUCTURES PERFORMANCE STANDARDS

Planner Fuerst stated that staff received a permit request and wanted to discuss the interpretation of the ordinance and intent of our code. A property owner has a home that was built on a grade which allows a two-story attached garage. The garage can be accessed from the grade level and can also be accessed below grade. Both stories of the garage have the same footprint.

Planner Fuerst inquired if the Planning Commission would count the current structure as one or two accessory structures? The Commission discussed and agreed it should count as one accessory structure as it has only one roof and vertical square footage storage.

Planner Fuerst inquired how the Planning Commission would count the square footage of this accessory structure. The Planning Commission discussed and stated they would count the footprint of only one floor as they are stacked on top of each other.

10. BIOLAWN

Planner Fuerst stated we reviewed the use of bioLawn a couple months back. At that time the Planning Commission recommended to Council that this particular use is similar to those already in that area. The Council reviewed that recommendation and found it was more comfortable approaching this in a slightly different way to permit this business to operate in the city. The company, bioLawn, has applied for a zoning text amendment and a conditional use permit (CUP). Assistant Brierley stated we will schedule two public hearings at the next Planning Commission meeting. The recommendations that come from the discussions of the Planning Commission would then go to Council for review.

Aaron Johnson and Will Haselbauer, owners of bioLawn, approached the podium. Chair Mahmood inquired if they purchase this property who will redevelop the southern part of the property. Mr. Johnson stated they have a broker who is looking for developers they could partner with.

11. AUGUST/NOVEMBER PC MEETINGS

Assistant Brierley stated due to state statute we are not allowed to have meetings between 6:00 p.m. and 8:00 p.m. on election dates. The Planning Commission discussed moving the August meeting to August 16th and the November meeting to November 15th.

Commissioner Leyde motioned to move the August Planning Commission meeting to August 16th and the November Planning Commission meeting to November 15th at the same time. Seconded by Commissioner Fuelling. Approved 5-0.

12. COMMISSION REPORTS

None.

13. ADJOURNMENT

Chair Mahmood motioned to adjourn the Planning Commission Meeting. Seconded by Commissioner Leyde. Approved 5-0.

The Planning Commission Meeting was adjourned at 6:43 p.m. on April 12, 2022.

Respectfully Submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Anthony Mahmood, Chairman



Real People. Real Solutions.

12224 Nicollet Avenue
Burnsville, MN 55337-1649

Ph: (952) 890-0509
Fax: (952) 890-8065
Bolton-Menk.com

MEMORANDUM

Memo Date: May 4, 2022
Meeting Date: May 10, 2022
To: Newport Planning Commission
From: Nathan Fuerst, City Planner
Subject: Zoning Text Amendment and Conditional Use Permit for bioLawn

Action Requested: Hold a Public Hearing and provide a determination on the zoning text amendment and CUP requests.

Overview

Applicant: Turf Intelligence LLC (DBA bioLawn)

Owner: Croix Holdings LLC

PIDs: 3602822310120,
3602822310066, 3602822310067

Zoning: MX-3 General Mixed Use

Future Land Use: Commercial/
Residential

60 Day Period: June 19, 2022

Background

The City of Newport recently received a proposal from bioLawn, a business with a contract to purchase the old Imperial Camper Site in the City. This site is located southeast of the intersection of Hastings and 12th Streets. It consists of 6 parcels, identified on an attached map, all in the General Mixed-Use MX-3 Zoning District. The Future Land use for the parcels is Commercial/Residential, which aligns with the present zoning.



bioLawn is a DBA for Turf Intelligence, LLC which consists of four different DBA's that all provide separate but related services (bioLawn, bioTree, bioHome, and bioLights). A narrative providing insight on business operations and proposed uses, and a proposed site plan area attached to this report.

Current Site Challenges

An assessment of the current challenges facing the area referred to as the imperial camper property, can be found in the staff report to the City Council at its workshop on March 17, 2022. A link is provided at the end of this report.

Zoning Text Amendment

The applicant is seeking a zoning text amendment to allow their proposed use a Conditional Use in the MX-3 zoning district. Further clarification on exactly what text should be amended was not provided by the applicant. However, City Staff have provided draft zoning language that will accommodate the use but also provide more clarity to the conditions in which it is allowed.

Defining the Use

Although bioLawn includes various operations with four different service lines, the use should be viewed by its aggregate function. bioLawn is proposing office space to support administrative operations, shop space to allow routine maintenance on equipment, and storage space for product used in day to day business operations. In addition to uses inside buildings, the bioLawn site plan shows employee and fleet vehicles parked in several prospective locations across the subject property.

This text amendment allows the City the ability to guide what is eventually permitted. As opposed to a literal phrasing of this use, “landscaping consultant” for example, Staff are suggesting that a more general approach is taken when classifying the use. This is to permit other uses that are similar in function but don’t have precisely the same types of service lines. There may be opportunities to permit other specialty contractors who need space and intend to have administrative offices, showrooms, or other types of uses that are consistent with the purpose of the MX-3 zoning district.

Qualifying Criteria

In addition to how the use is defined, the City can also provide more specificity as to what circumstances that the use will fit into. This will help to limit the use to locations where it more appropriately fits into the context of surrounding development. For example, a requirement of frontage on a certain functional class roadway would limit the use to corridors that already have certain characteristics such as higher traffic volumes, noise, etc.

City Consideration

City Code Section 36-40(e) provides considerations that are intended to guide the City’s decision on zoning amendments. Notably, it states that: *No change shall be recommended unless it is required of the public good, is in the interest of the public health, safety, and welfare, and is compatible with the comprehensive plan of the city and any applicable requirements of this article.*

Zoning Text Amendment Staff Recommendation

Staff recommend amendment of Sec. 36-241 (a) *Uses in the Mixed Use Districts* to permit “Contracting Offices” as a conditional use in the MX-3 and MX-4 districts with the following qualifications:

1. Parcels must be one acre or larger
2. Parcel must front a minor collector or minor arterial street

Conditional Use Permit

The applicant has requested a conditional use permit, anticipating that one will be required based on feedback from the City Council. This is advantageous for the City because it allows closer consideration and regulation of this proposed use to limit impacts on surrounding properties.

Criteria for Consideration

The Planning Commission and City Council are required to consider criteria a – h in City Code Section [36-45 \(d\)\(3\)](#) when determining whether to approve a Conditional Use Permit request.

Headings for those criteria are provided below:

- a) Consistency with the Comprehensive Plan*
- b) Health and Safety*
- c) Compliance with standards*
- d) Public infrastructure services*
- e) Screening and landscaping*
- f) Architectural standards*
- g) Zoning*
- h) Traffic*

Consistency with Criteria

Staff have reviewed the development's site plan and find that it is generally consistent with the criteria established in Section 36-45.

Conditions of Approval

In addition to the qualifying criteria for this use proposed for consideration of the zoning text amendment, staff have also generated a list of proposed conditions of the conditional use permit. City Code section 36-45(d)(5) establishes considerations relating to review of sites and address various performance issues on an individualized basis.

Conditional Use Permit Staff Recommendation

Staff recommend approval of the Conditional Use Permit request with the following conditions:

1. Applicant must receive any required city permits prior to beginning any work on site.
2. Applicant must receive any required watershed permits prior to beginning any work on site.
3. Applicant must receive any required state permits or licenses, keep such permits or licenses up to date, and furnish documentation of permits or licenses to the city upon request.
4. PIDs 3602822310120, 3602822310066, and 3602822310067 will be combined into one parcel, to which this Conditional Use Permit will be recorded.
5. Exterior storage is not permitted anywhere on the site.
6. Retail sales are not permitted on site.
7. Fleet vehicles limited to daily operation between the hours of 7am to 7pm.
8. Parking and circulation areas shall be improved to meet applicable city standards.
9. A trash enclosure, meeting applicable City standards, must be constructed if refuse is to be stored outdoors outside of regular collection.
10. Landscaping shall be provided and routinely maintained to meet applicable city standards.

Name: bioLawn Zoning Text Amendment and CUP Request

Date: May 10, 2022

Page: 4

11. Site improvements must conform with those proposed in the site plans reviewed at the City Council meeting on May 19, 2022. Deviations from the reviewed plans must be reviewed consistent with City Code Section 36-51.

Action Requested:

An action is requested on both the Zoning Text Amendment Application and the Conditional Use Permit Application. The City must approve the zoning text amendment prior to the conditional use permit being granted.

If the Planning Commission is satisfied that the zoning text amendment is consistent with the intent of the City's zoning ordinance and comprehensive plan, then it should consider the following example motion:
"Move to recommend the zoning text amendment request, with the language drafted by staff, to the City Council for approval"

If the Planning Commission is satisfied that the Conditional Use Permit Request meets the criteria for approval established in city code, then it should consider the following motion:
"Move to recommend the Conditional Use Permit request by bioLawn to the City Council for approval with conditions 1-11 recommended by staff."

Resources:

- Location map (attached)
- Application Documents (attached)
- Staff Report – City Council Workshop, March 17, 2022. ([link only](#))
- Citywide Zoning Map ([link only](#))
- 2040 Comprehensive Plan ([link only](#))

March 31, 2022

Dear City of Newport Council Members,

bioLawn, a locally owned and operated company since 2016, with a brand dating back to 2002, seeks your approval for a conditional use permit for the properties located on Tibbetts Place and 12th Ave. We believe the council should approve a conditional use permit because of economic benefits, fit with the neighborhood, and site improvement plans.

By authorizing a conditional use permit, you will bring bioLawn and its employees to the City of Newport. Here is a summary of some economic benefits the City of Newport can realize:

- bioLawn currently employs 25 people who make an average wage of \$24 per hour, with a minimum wage of \$18 per hour. With natural attrition and continued growth, potential exists for bioLawn to hire Newport residents for these jobs.
- Because of the variety of housing options that exist in the city, there is a strong likelihood that our employees will live and work in Newport.
- In 2021, bioLawn spent over \$75,000 locally in Oakdale (where bioLawn is currently located) on fuel, auto repairs, maintenance parts and meals. The City of Newport has businesses that supply these services. We would expect at least \$75,000 in spend with local businesses.
- bioLawn's improvements to the property could lead to higher property taxes paid.

The city and its residents stand to benefit from bioLawn operating in the City of Newport.

Most people think lawn service companies have disorganized properties with a lot of vehicles, machines and materials. People think of loud machines and early mornings with lawn service companies. This "typical" view of a lawn service company does not fit bioLawn. We do not provide landscaping, mowing or snow plowing services which lead to these conditions. bioLawn operating on this property will have a low impact on the surrounding neighborhood. Here are a few reasons why:

- bioLawn operates 20 service vehicles that will be parked both outdoors and inside on the property. These service vehicles are clean, 10ft box trucks, that will only be parked overnight during the spring, summer and fall seasons. The neighbors will not be looking at broken down vehicles parked permanently across the site.
- Materials and machines will be stored inside the buildings to maintain a clean and organized outdoor area for the surrounding neighborhood.
- bioLawn performs only basic repairs and maintenance on equipment and trucks.
- Our standard work hours are Monday through Friday, 7am to 6pm. Off hours will see minimal to no traffic on the property and no sound pollution to the surrounding neighborhood. Light pollution would be limited to standard safety and street lighting.
- Our service technicians and vehicles leave the site around 7:30am each day and return around 5pm. Service vehicles are not coming and going from the property during the day. On property is 5-10 office staff. Traffic around the property will be minimal during the work day.
- bioLawn does not have customers visiting the property and minimal vendor visitors, which further limits the traffic around the property. It also eliminates unknown people being around the property.

We believe bioLawn's operations will cause little disruption to the surrounding neighbors. The clean up of the property and low amount of traffic will be a benefit to the surrounding neighborhood.

We understand the city would like to see improvements to the property and we intend to make those. Here is a summary of the actions that will be taken:

- We will work on joining the Northern 3 parcels together as well as the Southern 3 parcels.
- We will work on basic property improvements including, fixing or removing fences, painting the building, cleaning up the existing landscaping and installing new landscape screening.
- Improvement of the parking situation on the Northern parcel.
- Enhancement of the architectural appeal of the Northern buildings.
- Developing water management strategies for the property as a whole.
- Re-developing the Southern parcels to bring more businesses to the City of Newport

While the master plan will take time for our small business to implement, we are committed to partnering with the city and other partners to bring this to a reality.

Beyond the economic benefits, fit with the neighborhood, and site improvements, bioLawn is committed to working with the City of Newport. Here are some examples of what we can do:

- Assist the city, businesses and residents with fundraising efforts. We have been supporting four non-profits with fundraising efforts over the past several years.
- Assist the city with parks. Will and Aaron both have masters degrees in plant science and they are teaching their employees to be experts in plant management. Our company is willing to assist the city in a consultant manner and with maintenance.
- bioLawn offers holiday lighting through the bioLights brand. bioLights can work with the city and businesses. We feel there is great opportunity along Highway 61 to attract attention to the city during the holiday season.
- The bioLawn brand is known throughout the Twin Cities. Last year, bioLawn touched over 100,000 metro residents. Being on Highway 61 will attract more attention for both bioLawn and the City of Newport.

We are looking for a long-term home for our company. We are looking for a place that not only can house the business, but also that the business can invest into to improve the community.

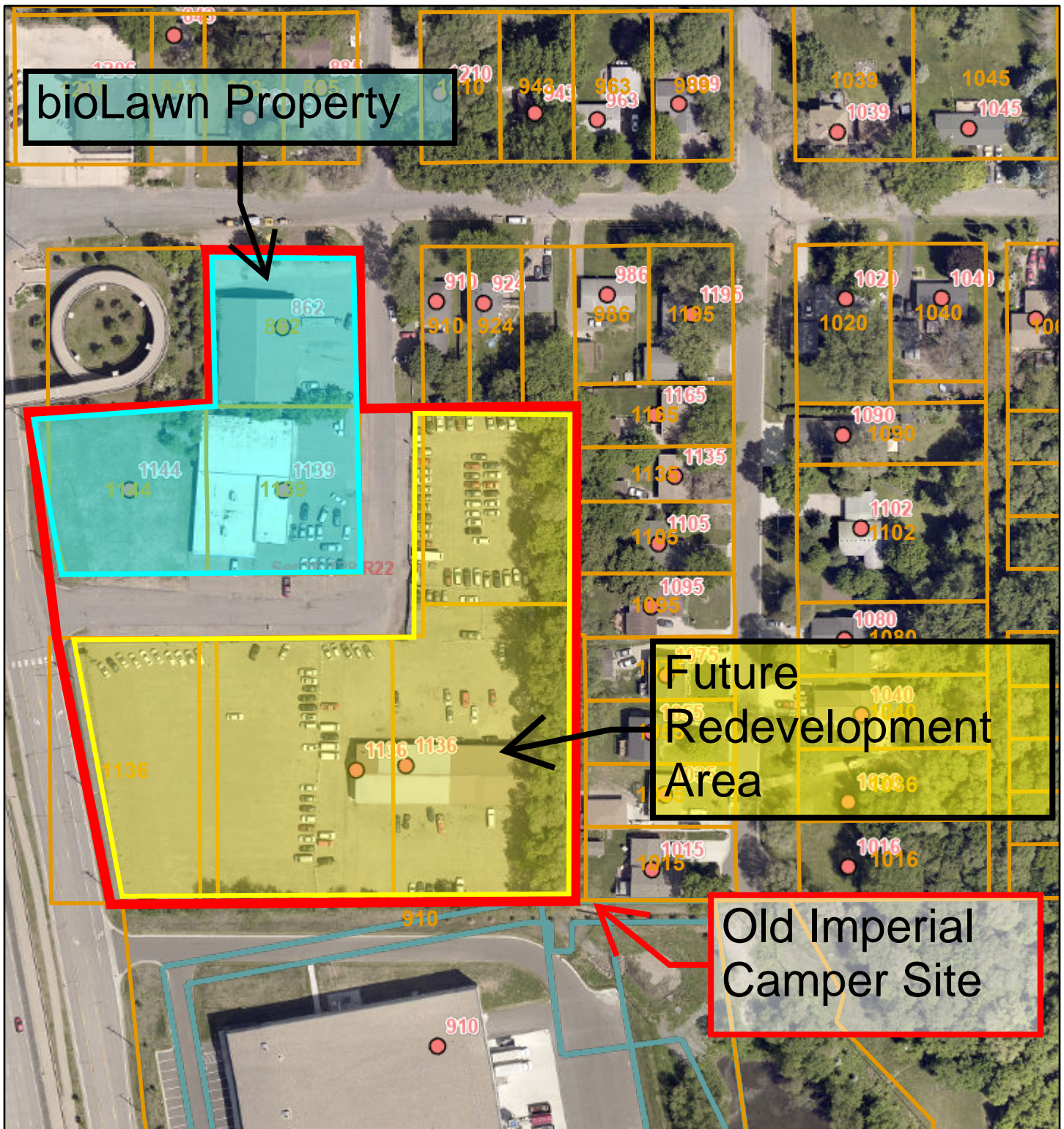
We are committed to working with the city to avoid these issues, but we are also committed to investing in the community. We hope that you will find our arguments compelling and give us a chance to improve this property by authorizing a conditional use permit for bioLawn to operate on the property.

Respectfully submitted,

Two handwritten signatures in black ink. The first signature is on the left and the second is on the right.

Aaron Johnsen & William Haselbauer – Co-owners – Turf Intelligence LLC dba bioLawn

Subject Area



2/4/2022, 4:35:50 PM

1:2,257

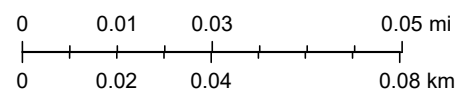
Parcels

Sections

Easement Lines

COMPUTED UTILITY_DRAINAGE

Address Points



Esri Community Maps Contributors, County of Dakota, Metropolitan Council, MetroGIS, Washington County, MN, © OpenStreetMap, Microsoft, Esri Canada, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA





1 EXISTING BUILDING - WAREHOUSE - EAST
1/8" = 1'-0"



2 EXISTING BUILDING - WAREHOUSE - NORTH
1/8" = 1'-0"



3 EXISTING BUILDING OFFICE AND WAREHOUSE - EAST
1/8" = 1'-0"



4 EXISTING BUILDING OFFICE AND WAREHOUSE - SOUTH
1/8" = 1'-0"



5 EXISTING BUILDING OFFICE AND WAREHOUSE - WEST
1/8" = 1'-0"



BIOLAWN DEVELOPMENT

project no.	03275	
drawn by	KMF	date
reviewed by	TK	04.01.2022

ELEVATIONS



Designing with purpose.

BDH.design

1156 Hastings Ave, Newport, MN 55055

EL01



BIOLAWN DEVELOPMENT

project no.	03275	
drawn by	KMF	date
reviewed by	TK	04.01.2022

PRELIMINARY RENDERINGS

1156 Hastings Ave, Newport, MN 55055

EL02

City of NEWPORT Planning Request Application

Newport City Hall ♦ 596 7th Avenue ♦ Newport ♦ Minnesota ♦ 55055 ♦ Telephone 651-459-5677 ♦ Fax 651-459-9883

Application Date: 4-12-22 Public Hearing Date: _____

Applicant Information

Name: Truf Intelligence LLC DBA biolawn Telephone: 651-895-2601
Mailing Address: 7500 Hudson Blvd N, Ste 500 Telephone: 651-967-7592
City/State/Zip: Dakota, MN 55128

Property Owner Information

Name: Croix Holdings LLC Telephone: _____
Mailing Address: 2291 Nevada Ave N Telephone: _____
City/State/Zip: Golden Valley, MN 55427

Project Information

Location of Property: 1144 Hastings Ave, 1139 Tibbatts Pl, 862 12th Street

Legal Description of Property (Must match description on the Deed) and P.I.D. #: _____

Lots 1, 2, 3, 4, 5 & 6, Block 18, Newport Park

Lots 10, 11 & 12, Block 18, Newport Park

P.I.D.'s: 36.028.31.0120, 36.028.22.31.0067, 36.028.22.31.066

Zoning District: MX-1

Flood Plain: AE 0.2% Annual Chance Flood Hazard

☐ Comprehensive Plan Amendment

\$500 or Actual Cost plus \$50 for Additional Staff Hours (10 Hr Min)

☐ Rezoning

\$500 plus Escrow

☒ Zoning Amendment

\$500

☐ Variance

\$300 plus Escrow

☒ Conditional Use Permit

☐ Residential

\$300 plus Escrow

☒ Commercial

\$450 plus Escrow

☐ Subdivision Approval

☐ Minor Subdivision

\$300 plus Escrow and Parkland Dedication Fee

☐ Major Subdivision

\$500 plus Escrow, \$50 per Lot, \$200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee

☐ Other: _____

☐ Applicable Zoning Code Chapter: _____

☐ Review by Engineer Cost: _____

☐ Total Cost: _____

Fee \$450

Escrow \$1,500

RECEIVED

APR 12 2022

City of Newport

Escrow Fees

The City of Newport requires that any developer or every person, company, or corporation that is seeking a planning request must first submit detailed plans to the City. The person submitting the planning request must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. All unused escrow fees will be returned to the applicant upon completion of the request. Additionally, if actual costs are above the paid escrow, the applicant will be required to pay the additional amount. The fees are as follows:

Planning Request	Escrow Fee
Rezoning	\$500
Street/Alley Vacation	\$1,000
Residential Variance	\$500
Commercial Variance	\$1,000
Residential Conditional Use/Interim Use Permit	\$750
Commercial Conditional Use/Interim Use Permit	\$1,000
Preliminary Plat Under 10 Acres	\$3,500
Preliminary Plat Over 10 Acres	\$6,500
Residential Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
8 Units or Less	\$2,000
9 to 40 Units	\$3,200
41 Units or More	\$4,500
Commercial Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
0 to 5,000 Square Foot Building	\$2,000
5,001 to 10,000 Square Foot Building	\$3,000
10,001 to 50,000 Square Foot Building	\$3,750
50,000 Plus Square Foot Building	\$4,500

Typical escrow costs include reviewing the application to ensure that State Statutes and the City Codes are followed, preparing the staff report, findings, and recommended conditions for both the Planning Commission and City Council, and communicating with the applicant as needed to complete the staff report. The average fee is \$100 per hour for the Planner and \$70 per hour for the Engineer.

Present Use of Property: Auto Sales and Storage

State Reason for Planning Request: biolawn wishes to obtain a conditional use permit in order to operate its business on the mentioned property.

ALL MATERIALS/DOCUMENTATION, INCLUDING A SITE-PLAN, MUST BE SUBMITTED WITH APPLICATION THAT IS APPLICABLE TO PLANNING REQUEST.

I HEREBY APPLY FOR CONSIDERATION OF THE ABOVE DESCRIBED REQUEST AND DECLARE THAT THE INFORMATION AND MATERIALS SUBMITTED WITH THE APPLICATION ARE COMPLETE AND ACCURATE. I UNDERSTAND THAT APPLICANTS ARE REQUIRED TO REIMBURSE THE CITY FOR ALL OUT-OF-POCKET COSTS INCURRED FOR PROCESSING, REVIEWING, AND HEARING THE APPLICATION. THESE COSTS SHALL INCLUDE, BUT ARE NOT LIMITED TO: PUBLICATION AND MAILING OF NOTICES, REVIEW BY THE CITY'S ENGINEERING, PLANNING AND OTHER CONSULTANTS; LEGALS COSTS, AND RECORDING FEES. AN ESCROW DEPOSIT TO COVER THESE COSTS WILL BE COLLECTED BY THE CITY AT THE TIME OF APPLICATION. ANY BALANCE REMAINING AFTER REVIEW IS COMPLETE WILL BE REFUNDED TO THE APPLICANT. NO INTEREST IS PAID ON ESCROW DEPOSITS

SIGNATURE OF APPLICANT:  _____

SIGNATURE OF OWNER (IF APPLICABLE): _____

For Office Use

Fee: _____ **Date Paid:** _____ **Receipt #:** _____

Publication of Notice Date: _____

Public Hearing Date: _____

P.C. Resolution #: _____

Council Action Date: _____

Council Resolution #: _____



MEMO

TO: Newport Planning Commission

FROM: Travis Brierley, Assistant to the City Administrator

DATE: May 10, 2022

SUBJECT: Yard Definitions

Background: A resident asked staff to clarify the yard definitions within the City Code. After reviewing the definitions, staff discussed the challenges the code has for placement of fences and future developments.

The primary concern with the definitions is that they result in significant restrictions for the placement of fences, accessory buildings, and how a residential home must be placed on corner, double corner, and double frontage properties.

Changes to the definitions will result in setbacks being considered, fence placements, accessory structure placements, and ensuring public safety.

Recommendation: Staff recommends that the Newport Planning Commission provides consensus for the staff to schedule a public hearing for the June Planning Commission meeting with proposed updates to the yard definitions and other changes as reasonable.

: