



PLANNING COMMISSION REGULAR SESSION AGENDA

Monday, May 13, 2019 - 7:00 PM

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

The meeting location is accessible to persons with disabilities. A request for an interpreter for the DEAF AND HARD OF HEARING, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Work Session Meeting Minutes of April 22, 2019.

[Draft PC Work Session 04-22-19.pdf](#)

2.B Approval of the Planning Commission Regular Session Meeting Minutes of April 22, 2019.

[Draft PC Minutes 04-22-19.pdf](#)

3. CITIZENS/PUBLIC COMMENT

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

4. ACTION ITEMS

4.A Motion to Initiate Flood Insurance Rate Map Amendments.

[Staff Memorandum.pdf](#)

[FEMA Letter and Summary of Map Actions.pdf](#)

5. PUBLIC HEARINGS

5.A File No. 2-CUP-19 (Continued): Approval of a Request to Grant Relief of the Five Off-Street Parking Spaces Required to Operate Three Vacation Rental Units That Include One (1) One-bedroom Vacation Rental and Two (2) Two-bedroom vacation rentals.

[File 2-CUP-19.pdf](#)

5.B File No. 2-NCU-19: Nonconforming Use Permit to Allow a Continued Historical Use of General Purpose Warehouse Buildings at 2102 NW Oceanview Drive and 343 NW 22nd Street.

[File 2-NCU-19.pdf](#)

5.C File No. 3-CUP-19: A Request for a Modification to a Conditional Use Permit (File No. 3-CUP-18) to Renovate the Existing Building at Mariner Square.

[File 3-CUP-19.pdf](#)

5.D File No. 1-SV-19: Amendment to Extend a Previously Proposed Partial Street Vacation to Encompass the Westerly 230 Feet Wide Portion of SW 62nd Street.

[File 1-SV-19.pdf](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
April 22, 2019
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Mike Franklin, Rod Croteau, Jim Hanselman, and Bill Branigan.

PC Citizens Advisory Committee Members Absent: Dustin Capri (*excused*).

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. **Unfinished Business.** No unfinished business.
3. **New Business.**
 - A. **Outline of the Transportation System Plan Public Involvement Program.** Tokos reviewed his staff memo for the outline of the Transportation System Plan (TSP) involvement program. Branigan asked what the public involvement firm would be doing as part of the document. Tokos said they would maintain the public website and update the materials which included compiling and organizing information, taking it to the outreach meetings, and rolling it into the plan. Croteau asked if the consultants would do a final report. Tokos said they would more so be framing public outreach work that would go into the TSP document. Most of the work would be to compile and frame information, which would be included in press releases and email blasts.

Tokos noted that the areas highlighted in yellow on the outline were areas for the Commission to review and fill in. Hardy said to change NE Harney to NW Harney Street. Berman asked who “they” were when referenced in the document. Tokos explained that “they” included DKS, HDR Consultants, Angela Planning Group, Foundation Engineering, and was a team of consultants.

Tokos reviewed the ten critical factors next. Branigan asked if this would be limited to just 10 factors. Tokos said they are trying to keep it to the top 10 things to focus on. Hardy questioned what “transportation enhancements” were. Tokos explained enhancements were things like paved streets, pathways, and storm drainage improvements related to the transportation system. Hardy asked if these were funded by Urban Renewal funds. Tokos confirmed they were. Hanselman asked what the reaches of the Urban Renewal boundaries were. Tokos said somewhere around 60th Street. A discussion ensued regarding what the boundaries were.

Tokos reviewed NW Harney and NW Nye Streets as alternatives. Patrick suggested taking out “Nye Street” and putting in “couplet alternatives” instead. Tokos would adjust the language. Hardy questioned if “multi-modal” should be used. Tokos would change it to read “multi-use”. Berman suggested adding “crossings” on high volume roadways.

Tokos reviewed transit needs, street cross-sections, and infill frontage improvements next. Berman asked was development interest was included. Tokos would make sure it was. Croteau asked if the list of improvements was roughly prioritized. Tokos said it wasn’t. Patrick and Croteau felt the Yaquina Bay Bridge improvements should be kept as first on the list. Tokos reminded that this plan was a way to look at the transport alternatives instead of permitting for a bridge replacement. Croteau asked if the bridge would be a replacement or addition. Tokos thought they would be looking at what they might do to retrofit the structure. Berman asked if there would be an analysis of the overall access to the international terminal. Tokos said it would have to be addressed as part of the TSP.

Tokos reviewed purpose and goals next. He noted he would spell out what “Title VI” was in terms of the Civil Rights Act. Tokos reviewed audiences next. Branigan asked how long the TSP process would take to be completed. Tokos thought it would take about 24 months to get through the process. Patrick suggested adding Utility Services to the audience list. Berman asked if there really was an Agate Beach Neighborhood Association. Tokos didn’t think there was. Patrick suggested adding OSU and OCCC to school districts. Tokos would add this. Branigan suggested adding the Lincoln County Sheriff Department to the list. Berman wanted to add the State Patrol. Franklin wanted to include ambulance services. Berman suggested including Thompsons Sanitation to the list. Patrick thought they would be included with utilities. Hanselman asked if logging should be included. Tokos said they would be included with freight services.

Tokos reviewed the key messages next. He questioned if the first message was a key message to include. Croteau suggested revising it to say “current TSP needs a revision in the future”. Franklin suggested moving the 20 plus years statement up on the list. Patrick thought that “Prioritize what projects compete for funding and will inform how investments can best be leveraged” needed to be emphasized.

Tokos reviewed member roles next and noted he would work on adding the Commission as part of the decision roles. Patrick suggested changing “commercial core” to “commercial corridor”. (32:30) Berman asked what percentage of Tokos’ time would be invested in the plan. Tokos explained it would be a considerable amount of time. Berman was concerned about the demand on Tokos. Tokos said these were both urban renewal projects and he and Associate Planner, Rachel Cotton had to spend time on these projects. (33:40) Franklin asked if Public Works would be involved. Tokos said that they would.

Patrick asked if the makeup of the Policy Advisory Committee (PAC) was going to be kept small. Tokos said the consultant hadn’t seen the resolution and this would be updated on the document. Patrick was concerned about the size of the PAC. Tokos reported there would be 14 members on the PAC and there would be many more of stakeholder meetings. Tokos said they would meet roughly every quarter. Tokos noted they would be working on bringing closure on every step of the process to keep people interested. Berman thought the City’s website needed to be referenced under “social media”. Tokos reported there would be an independent website that would be tied into the City’s website. Berman noted that every heading row on each page was the same heading and needed to be updated. He suggested utilizing water bills to do outreach. Berman asked if there really would be both English and Spanish subtitles on the video. Tokos said he would find out what the consultants plans were for project videos. Berman suggested putting fliers about different subjects on public transportation buses.

4. **Director’s Comments.** No Director comments.
5. **Adjournment.** Having no further discussion, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
April 22, 2019

Planning Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Mike Franklin, Jim Hanselman, Rod Croteau, and Bill Branigan.

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

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

2. **Approval of Minutes.**

A. Approval of the Joint City Council and Planning Commission work session meeting minutes of April 1, 2019 and the Planning Commission work and regular session meeting minutes of April 8, 2019.

Hardy, Croteau, Hanselman and Berman noted minor corrections to the Joint City Council and Planning Commission minutes. Croteau and Berman noted minor corrections to the Planning Commission work and regular session meeting minutes.

MOTION was made by Commissioner Croteau, seconded by Commissioner Franklin to approve the Joint City Council and Planning Commission work session meeting minutes of April 1, 2019 and the Planning Commission work and regular session meeting minutes of April 8, 2019 with minor corrections. The motion carried unanimously in a voice vote.

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

4. **Action Items.** None were heard.

5. **Public Hearings.** At 7:02 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. Hardy, Franklin, Croteau and Hanselman reported drive-bys. Patrick reported walking past the site. 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 No. 2-CUP-19.**

Tokos gave his staff report. He acknowledged a public comment submitted by Janet Webster that was distributed to the Commission at the meeting. Croteau asked if the parking district rule updates would be apply to vacation rentals, and if granting a conditional use would give a special exemption to vacation rentals under the revised rules. Tokos said in respect to the fees, the business license surcharge would continue until a new program was in place. Short-term rentals would be included in the fee resolution that was part of a new short-term rental ordinance. On July 1, 2019 they would be required to pay the business license surcharge just like any other commercial use in each of the districts. This would be a part of the new fee resolution that applied to the new short-term rental ordinance, and the business surcharge fee for the parking districts would become part of the fee schedule. This might change if they came up with different methods of managing, such as metering in the Bayfront. Tokos thought this wouldn't create a situation

where there would be difficulty handling short-term rentals. Croteau was concerned about long term rentals not having parking requirements. Tokos said this could be part of a conversation about permits in Nye Beach and Bayfront.

Branigan asked if when the Abbey Street lot became metered parking between 10am and 5pm, would the short-term renters be subject to metering. Tokos said this was correct. There was a chance that lodging and charters would want a door hanger style parking permit so they could pay for day use parking for these people if they were made available. Berman asked if there was any information on the occupancy of the Abbey Street parking lot. Tokos reported that all of the lots were over the 85th percentile for most of the year. He didn't recall the specific details for this lot. Patrick thought that long term parking on the Bayfront should be addressed as part of the Parking Plan.

Patrick asked what the return check notation on the Conditional Use application was. Marineau explained that the check was returned because of insufficient funds. Patrick asked how the units had been allowed to be converted into apartments. Tokos said this was a question for Building Official, Joseph Lease to look into it. Hanselman asked if the units had a current short-term rental endorsement license. Tokos reported they didn't and was why they had to apply. Hanselman was concerned that the units had been renting for years as short-term rentals and was concerned that they didn't have a license. He asked how much money the city lost in room taxes because of this and thought it needed to be looked into. Tokos said the Commission could ask the applicant these questions and suggest the city pursue an accounting of room tax collections.

Proponents: Jim Cline, with Rogue Ales, addressed the Commission. He said that the he would look up what was paid for the room taxes because he thought they had been paying them. Cline noted that they weren't asking for anything additional than what was there already. Franklin asked if the parking on the southwest side between Gino's was Rogue's. Cline explained that it was city parking. Franklin asked for Cline's thoughts on making the driveway for the exterior patio into parking. Cline explained that according to their calculations there would be only four parking spots if this was done. He noted that the parking couldn't always be for the short-term rentals as this was an entrance for deliveries. Croteau asked if the units had been legal vacation rentals. Tokos reported that they did not have a current vacation rental endorsement license, but it was possible they had been paying room taxes. Croteau was concerned they had not been licensed for the seven years since the current rules were in place. Cline explained this wasn't done intentionally but they wanted to make it right. Berman asked if all appropriate room taxes had been paid. Cline said he couldn't confirm this presently, but could check to see if the taxes had been paid.

Berman suggested continuing the hearing to find out what room taxes had been submitted before the Commission made a determination. Tokos explained that the Commission could continue the hearing to get the accounting, but reiterated that the lack of paying room taxes wasn't a valid reason for denying a conditional use.

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan to continue the public hearing for File No. 2-CUP-19 on the May 13, 2019 regular session meeting. The motion carried unanimously in a voice vote.

Croteau asked if the city had any penalties for people not paying room taxes. Tokos said the process for anybody that was operating without a business license was a citation and a ticket to municipal court. The code enforcement office would seek voluntary compliance before issuing citations. If the person, when confronted, didn't make an effort to remedy the issue, the city would then take them to municipal court.

Hanselman was concerned that the applicant didn't have a license. Patrick reminded that historically the property was apartments. Tokos would speak to the Finance Department to find out what information they had on room tax payments and asked Cline to share any information he had. Chair Patrick suggested the Commission review the enforcement procedures for things such as this. Tokos said part of this was beyond

the functions of the Planning Commission, but they could forward this to the City Council to pursue. Patrick asked Tokos to write up something for their next meeting to forward to the City Council. Berman thought the city should look into whether or not they had received any transient room taxes from short-term rentals that didn't have licenses.

6. Unfinished Business. None were heard.

7. Director Comments. Tokos gave an update on the OSU student housing project. He reported that he and the City Manager had met with Bob Cowen of OSU. This project was put on the shelf because the cost of construction was higher than they anticipated. They had some ideas on how to move forward and were working through some bureaucratic road blocks. OSU had committed to do student housings and was working through different options, which Tokos could share more details on in the coming months.

Tokos reported that the draft short-term rental ordinances would be posted on the city's website and emails on the details would be sent out the following afternoon. He also reported that there would be a longer docket on the May 13th meeting.

Branigan asked if the Parking Study would be coming to the Commission. Tokos explained that was the plan. He reviewed concerns about the Nye Beach parking plan and the need for more conversations on metering for parking management in this district. Tokos reported there would be additional conversations about metering on the April 30th meeting and there was an effort to at least get the comprehensive plan package to the Commission and City Council to get an answer on if metering was going to be done in some form or not. Berman asked what the business license surcharge was for Nye Beach. Tokos said it was currently around \$300 when not providing off-street parking and \$150 if providing parking. Berman thought the addition of the surcharge for short-term rentals would add to this. Tokos reminded that not all short-term rentals were in the parking districts. Berman asked how much funds would be brought in from short-term rental surcharges. Tokos guessed they would bring in an additional \$1,000-2,000 per year.

Tokos reported that the Park System Master Plan draft would soon be shared with the Commission. Berman asked if there would be any more Advisory Committee meetings. Tokos believed they were done.

Tokos reported that the short-term rental hearing would be continued on the May 6th City Council meeting, along with the hearing on the Surf View Village apartments.

Hanselman asked for an update on Landwaves' System Development Charge credit transfers. Tokos said they had another 12 months to utilize the credits but Landwaves hadn't indicated what they were doing.

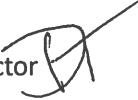
Croteau asked if things were in place for Commonwealth to break ground on Surf View Village in May. Tokos reported the improvements in Highway 101 hadn't been done and was what they were waiting on. Building permits were pretty much done and they were waiting on the final improvements. Franklin asked about the Wyndhaven apartment project. Tokos reported they were regrouping and there was no firm date on when they would move on it. Berman asked if it was because of the Commission's denial of the height adjustment. Tokos noted this was a part of it, but there were other issues they were dealing with.

8. Adjournment. Having no further business, the meeting adjourned at 7:58 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Memorandum

To: Planning Commission
From: Derrick I. Tokos, AICP, Community Development Director 
Date: May 8, 2019
Re: FEMA Final Flood Hazard Determination for New Flood Insurance Rate Maps

On April 18, 2019, the City of Newport received the enclosed letter from the Federal Emergency Management Agency (FEMA) indicating that the Agency's flood hazard determinations, developed and publicly vetted over the last couple of years, are final effective October 18, 2019.

Prior to the October effective date, the City of Newport must amend its Flood Hazard Regulations and Zoning Overlay Map to be consistent with the new Flood Insurance Rate Maps and Flood Insurance Study. Any floodplain management regulatory changes required to meet minimum National Flood Insurance Program standards must also be implemented. Failure to enact these changes would put the City at risk of being suspended from participation in the National Flood Insurance Program.

A copy of the updated maps and study can be found on the City of Newport website at:
<http://newportoregon.gov/dept/cdd/FEMAFIRMmaps.asp>

NMC 14.36.020 requires that any amendment, supplement, or change to the zoning ordinance may be initiated by a motion of the Planning Commission. At this time it would be appropriate for the Commission to move to initiate map and ordinance amendments to implement FEMA's final flood hazard determinations.

Attachment

April 18, 2019 FEMA Letter



Federal Emergency Management Agency

Washington, D.C. 20472

CITY OF NEWPORT

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-A

APR 22 2019

RECEIVED

April 18, 2019

Spencer Nebel
City Manager, City of Newport
City Hall
169 Southwest Coast Highway
Newport, Oregon 97365

Community: City of Newport,
Lincoln County, Oregon
Community No.: 410131
Map Panels Affected: See FIRM Index

Dear Mr. Nebel:

On July 19, 2017, you were notified of proposed modified flood hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the City of Newport, Lincoln County, Oregon. The statutory 90-day appeal period that was initiated on August 2, 2017, when the Federal Emergency Management Agency (FEMA) published a notice of proposed FHDs for your community in the *Newport News Times*, has elapsed.

FEMA did receive an appeal during that 90-day period. The technical data submitted in support of the appeal have been evaluated, and the appeal has been resolved. Therefore, the determination of the Agency as to the FHDs for your community is considered final. The final FHDs will be published in the *Federal Register* as soon as possible. The modified FHDs and revised map panels, as referenced above, are effective as of October 18, 2019, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the maps and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM [, FBFM,] and FIS report made by this map revision, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to October 18, 2019, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Section 60.3 (d and e) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Paragraph 60.3 (d and e) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply, and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

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- Amending existing regulations to incorporate any additional requirements of Paragraph 60.3 (d and e)
- Adopting all of the standards of Paragraph 60.3 (d and e) into one new, comprehensive set of regulations; or,
- Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3 (d and e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

David Ratté
Regional Engineer, FEMA Region 10
130 – 228th Street, S.W.
Bothell, Washington 98021 – 9796
(425) 487-4657

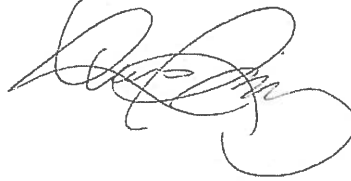
To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Bothell, Washington, at (425) 487-4600 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*,

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and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <https://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis Rodriguez', with a large, stylized flourish at the end.

Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository
Derrick Tokos, Community Development Director, City of Newport

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: NEWPORT, CITY OF

Community No: 410131

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panels(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on October 18, 2019.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	05-10-0206A	02/25/2005	345 SOUTH WEST BAY BLVD	4101310002C	41041C0368E
LOMA	11-10-1511A	08/16/2011	NEW BIG CREEK ADDITION, BLOCK 1, LOT 2 – 2840 NORTHEAST HARNEY DRIVE	41041C0366D	41041C0366E
LOMA	12-10-1294A	09/18/2012	LAKWOOD HILLS PHASE I, BLOCK 5, LOT 1 – 2710 NORTHEAST ILER STREET	41041C0368D	41041C0368E
LOMA	13-10-0812A	05/07/2013	EMBARCADERO PHASES I, II, & III, BUILDINGS B, E, F, G, H – 1000 SOUTHEAST BAY BOULEVARD	41041C0368D	41041C0368E

FINAL SUMMARY OF MAP ACTIONS

Community: NEWPORT, CITY OF

Community No: 410131

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	97-10-097A	01/14/1997	123 SW 66TH STREET -- PORTION OF SECTION 30, T11S, R11W, W.M.	1
102	00-10-271P	08/11/2000	SCHOONER CREEK PROPERTY	4

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.


4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

Memorandum

To: Planning Commission

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

Date: May 10, 2019

Re: Continued Hearing for File No. 2-CUP-19, Rogue Ales and Spirits

At the close of the April 22, 2019 public hearing on the above referenced conditional use permit application, the Planning Commission asked for a report on room tax payments that Rogue Ales and Spirits has made to the City for the period of time they have operated the apartments as short-term rentals. The Commission then continued the public hearing to May 13, 2019 to provide time for the report to be prepared.

The City of Newport Finance Department reviewed its records and concluded that no room tax payments have been made for transient rental use of these units. Staff with Rogue Ales and Spirits reviewed their records and concluded the same. We have advised Rogue to make back payments and to provide backup documentation to support the amount being remitted. They are in the process of pulling that documentation together.

Failure to pay room tax is a civil infraction, enforced by a City of Newport Code Enforcement Officer (NMC 3.05.200). The City has not taken such action yet, as Rogue Ales and Spirits is cooperating with the City to resolve the matter.

The Conditional Use Permit request submitted by Rogue Ales and Spirits is a discretionary permit application, the approval or denial of which must be based on standards and criteria set forth in the City's development (i.e. zoning) ordinance (ORS 227.173). The Newport zoning ordinance is contained in Chapter 14 of the Newport Municipal Code, and criteria from that Chapter relevant to the subject application are set out in the staff report.

Attachments

- Email Correspondence with Jim Cline, Rogue Brewery, April 23 - 29 of 2019
- Copy of ORS 227.173
- Copy of Staff Report for File No. 2-CUP-19

Derrick Tokos

From: Derrick Tokos
Sent: Monday, April 29, 2019 8:32 AM
To: 'Jim Cline'
Cc: 'mmerritt@rogue.com'
Subject: RE: Room Tax Remittance 746-758 SW Bay Blvd
Attachments: room tax form.pdf

Hi Jim,

I understand from your voicemail message that room taxes were never paid for transient use of the rentals. It would be prudent for Rogue to make a back payment, with as much backup evidence of days rented as you can provide, before the Planning Commission takes up your conditional use permit application again on May 13th.

You can use the attached form. There is also a state room tax, and you probably want to follow-up on that is well. Here is a link to the Oregon Department of Revenue webpage regarding the state tax.

<https://www.oregon.gov/DOR/programs/businesses/Pages/lodging.aspx>

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

From: Derrick Tokos
Sent: Tuesday, April 23, 2019 11:34 AM
To: 'Jim Cline' <jim@rogue.com>
Cc: 'mmerritt@rogue.com' <mmerritt@rogue.com>
Subject: FW: Room Tax Remittance 746-758 SW Bay Blvd

Hi Jim,

I briefly talked to Kay in our Finance Department and am under the impression that the City hasn't received room tax payments for prior transient rental use of these units. That is what I suspect she will report.

Could you take a look at your records and let us know if you have anything that would demonstrate payments have been made? If no payments were made to the City, then I'd recommend you calculate what should have been submitted and make that payment to our Finance Department. Attached is a copy of the form we use for room tax remittance. The State also collects room taxes, so you may want to follow-up with them as well. Please include backup documents to support any room tax payments.

Thank you,

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

From: Derrick Tokos
Sent: Tuesday, April 23, 2019 9:56 AM
To: Kay Keady <K.Keady@NewportOregon.gov>
Cc: Michael Murzynsky <M.Murzynsky@NewportOregon.gov>
Subject: Room Tax Remittance 746-758 SW Bay Blvd

Hi Kay,

Last night the Planning Commission requested a report on room tax payments that Rogue has made to the City for the period of time that they have operated the apartments as short term-rentals. Could you please provide an accounting of what the City has received? I believe that the units have been used as short-term rentals off and on since 2010/11.

Derrick I. Tokos, AICP
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CITY OF NEWPORT
169 SW COAST HWY
NEWPORT, OR 97365
(541) 574-0615

TRANSIENT ROOM TAX RETURN

MONTH ENDING:
DUE DATE:

BUSINESS NAME & LOCATION

PLEASE BE SURE THIS FORM IS FILLED IN COMPLETELY AND ACCURATELY. PENALTIES AND INTEREST ACCRUE MONTHLY FOR DELINQUENCY.

Please notify the Finance Department immediately of any CHANGE OF ADDRESS

IF THE BUSINESS IS DISPOSED OF OR SUSPENDED a closing return must be filed immediately at the Finance Department at City Hall and the tax due must be paid. No Change of ownership can be recorded until this is done.

CASH, CHECKS AND MONEY ORDERS in the exact amount of the tax due are accepted by the Finance Department only as agent of the taxpayer and do not constitute payment until cleared. The Finance Department assumes no responsibility for loss in transit.

REMITTANCE: Avoid Penalty, be sure proper remittance is enclosed

MAKE CHECKS PAYABLE TO:
CITY OF NEWPORT
169 SW COAST HWY
NEWPORT, OR 97365

Acct #

Please make a copy of this report for your records

CALCULATION SECTION

1. GROSS RENT	\$ _____
LESS: ALLOWABLE DEDUCTIONS:	
2. Rent (by Month)	\$ _____
3. Rent less than \$2 per day	\$ _____
4. Credit Card Discounts	\$ _____
5. Total Allowable Deductions (lines 2, 3 & 4)	\$ _____ -
6. Taxable Rents (lines 1 - 5 = 6)	\$ _____ -
7. Tax (9.5% of line 6)	\$ _____ -
8. Excess Tax Collected	\$ _____
9. Total Tax (line 7 plus 8)	\$ _____ -
10. Collection Fee (5% of line 9)	\$ _____ -
11. Total Tax Due (line 9 minus 10)	\$ _____ -
12. Penalty: 10% over 15 days delinquent. 15% plus original 10% over 45 days delinquent.	\$ _____
13. Interest: 1% per month exclusive of penalties, from date of delinquency.	\$ _____
14. Adjust for prior (over) or short	\$ _____
15. Total Amount Due	\$ _____ -
I DECLARE, UNDER PENALTY OF MAKING A FALSE STATEMENT THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE STATEMENT HEREIN ARE CORRECT AND TRUE	
SIGNED _____	
TITLE _____	
DATE _____	

2017 ORS 227.173¹

Basis for decision on permit application or expedited land division

- **statement of reasons for approval or denial**

- (1) Approval or denial of a discretionary permit application shall be based on standards and criteria, which shall be set forth in the development ordinance and which shall relate approval or denial of a discretionary permit application to the development ordinance and to the comprehensive plan for the area in which the development would occur and to the development ordinance and comprehensive plan for the city as a whole.
- (2) When an ordinance establishing approval standards is required under ORS 197.307 (Effect of need for certain housing in urban growth areas) to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.
- (3) Approval or denial of a permit application or expedited land division shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.
- (4) Written notice of the approval or denial shall be given to all parties to the proceeding. [1977 c.654 §5; 1979 c.772 §10b; 1991 c.817 §16; 1995 c.595 §29; 1997 c.844 §6; 1999 c.357 §3]

¹ Legislative Counsel Committee, *CHAPTER 227—City Planning and Zoning*, https://www.oregonlegislature.gov/bills_laws/ors/ors227.html (2017) (last accessed Mar. 30, 2018).

Case File: #2-CUP-19
 Date Filed: April 1, 2019
 Hearing Date: April 22, 2019/Planning Commission

PLANNING STAFF REPORT

Case File No. 2-CUP-19

- A. **APPLICANT:** Rogue Ales and Spirits (Mo Properties, LLC, Cindy McEntee, Judith and Kevin Dixon, et al, owners).
- B. **REQUEST:** Approval per Chapter 14.25.020(E)/“Bed and Breakfast and Vacation Rental Facilities – General Provisions” of the Newport Municipal Code (NMC) for a conditional use permit to grant relief from the five off-street parking spaces required to operate one (1) one-bedroom vacation rental and two (2), two-bedroom vacation rentals.
- C. **LOCATION:** 746 to 760 SW Bay Boulevard, Newport, Oregon 97365
- D. **LEGAL DESCRIPTION:** Lots 1 and 2, Block 2, Plan of Newport (Book 1, Page 2, Lincoln County Plat Records). Tax Lots 3800 and 4100, Assessor’s Map 11-11-08-CA.
- E. **LOT SIZE:** Approximately 8,400 sq. ft. per Lincoln County Tax Assessor records.
- F. **STAFF REPORT**

1. **REPORT OF FACT**

- a. **Plan Designation:** Shoreland
- b. **Zone Designation:** W-2/"Water-Related."
- c. **Surrounding Land Uses:** Tourist-oriented commercial uses and public parking on the landward side of SW Bay Boulevard. A mix of tourist oriented retail and fish processing on the bay side of the street. Residential to the west on the bluff overlooking the Bayfront.
- d. **Topography and Vegetation:** The existing building is built into the bluff. Most of the property is flat, developed with a mixed-use building and concrete patio. The western most portion of the property is an undeveloped portion of the bluff that is grown over with shrubs.
- e. **Existing Structures:** An existing two-story building. Rogue Ales micro-brewery and restaurant occupies the main floor and there are three apartments on the second floor.
- f. **Utilities:** All are available to the site.
- g. **Development Constraints:** Property is within the City’s Geologic Hazards Overlay.

h. **Past Land Use Actions:**

File No. 14-CU-90. Authorized expanded seating for the micro-brewery and restaurant.

File No. 3-CU-89. Approved a micro-brewery and restaurant use of the main floor of the building.

File No. 19-CU-87. Amended the previously approved conditional use permit to allow a third apartment on the second floor of the building.

File No. 10-CU-87/12-VAR-87. Approved construction of a mixed-use building, with a tavern/deli, two retail areas, warehouse and cold storage use on the main floor, and two apartments on the second floor. The variance granted relief from landscaping and the setback/landscape buffer requirement between the building and upslope residential area. The building replaced the “Pub Tavern,” which was torn down.

- i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on April 2, 2019; and the notice of public hearing was published in the Newport News-Times on April 12, 2019 (ref: Attachment “H”).

j. **Attachments:**

Attachment "A" – Completed application form

Attachment "B" – Application cover letter and narrative

Attachment "C" – Lincoln County Assessor property reports

Attachment "D" – Exterior building architectural elevations and floorplan for the apartments (File No. 10-CU-87)

Attachment "E" – Zoning map of the property

Attachment "F" – Ordinance No. 2020 creating a Bayfront parking district

Attachment "G" – Prior land use approvals

Attachment "H" – Public notice of the hearing

2. **Explanation of the Request:** Pursuant to Chapter 14.25.020(E)“Bed and Breakfast and Vacation Rental Facilities – General Provisions” of the Newport Municipal Code (NMC), if one or more of the standards required under Section 14.25.050 cannot be met, an owner may seek approval of a vacation rental or bed and breakfast use as a Conditional Use, pursuant to 14.34.010. A Conditional Use Permit may allow relief from one or more of the endorsement standards of 14.25.050, but does not excuse the general endorsement requirements of 14.25.010.

With this application, the applicant is seeking approval of a conditional use permit because the apartments the applicant wants to use as short-term rentals lack off-street parking and there is no room on the property to construct off-street parking.

When the mixed-use building was approved in 1987 (ref: Attachment No. "G"), the Planning Commission at the time acknowledged that the property, which had accommodated a tavern and retail space, was too small to provide all of its required off-street parking. The decision provided that six off-street spaces were to be constructed (four in the warehouse and two outside) with nine more going into what at that time was an alternate option for a property owner to pay a fee in lieu of providing the parking. Later, as the brewery restaurant was expanded, more required spaces went the way of the payment in lieu option. As it stands today, there are no off-street parking spaces on the property, as the warehouse is being fully utilized for that purpose and the area outside that would have been available for parking has been configured into patio seating. With Ordinance No. 2020, the City terminated the "payment in lieu" program, in favor of a parking district where businesses pay an annual fee, with the proceeds being dedicated to maintaining and improving public parking assets (ref: Attachment "F"). This includes the adjacent Abbey Street parking lot. Current use of the property appears to be consistent with how it was being used when Ordinance No. 2020 was adopted.

3. **Evaluation of the Request:**

a. **Comments:** All surrounding property owners and affected city departments and public utilities were notified on April 2, 2019. The notice was published in the Newport News-Times on April 12, 2019. No written comments were received in response to these notice.

b. **Conditional Use Criteria (NMC Chapter 14.34.050):**

(1) The public facilities can adequately accommodate the proposed use.

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

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

(4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

c. **Staff Analysis:**

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

(1) **The public facilities can adequately accommodate the proposed use.**

i. Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets (including parking) and electricity. The zoning map includes an aerial image showing that the mixed-use building is located in a developed commercial area where these public services are available (ref: Attachment “E”).

ii. In their findings (ref: Attachment “B”), the applicant points out that the apartments they want to license as vacation rentals are located immediately adjacent to the Abbey Street public parking lot, which they believe provides ample parking in the event that the five spaces would be needed.

iii. The aerial photograph of the property from 2018 (ref: Attachment “E”) illustrates that paved public parking is available at the Abbey Street public lot, along SW Bay Boulevard, and within the adjoining Case Street right-of-way.

iv. It is not uncommon for residential, commercial, and industrial uses along the Bayfront to lack off-street parking. When assessing applications for relief from off-street parking standards, the Planning Commission has considered whether or not (a) it is feasible for the owner to construct off-street parking and (b) on-street parking assets are adequate to meet anticipated demand.

With regards to the first point, the size and configuration of the building relative to the property is such that it would be reasonable for the Commission to conclude that it is not feasible for the requisite number of off-street parking spaces to be provided. City records show that this property has always relied upon nearby public parking to meet its needs. Even when off-street spaces were required, they were placed in locations where it was not intuitive (e.g. four spaces in a warehouse) and difficult to ascertain which uses they were associated with. With that in mind, it is not surprising that the off-street spaces were phased out, presumably in favor of the payment in lieu option.

As for the second point, it is reasonable for the Commission to find that the Bayfront Parking District provides a sufficient management structure to ensure that on-street parking assets will be adequate to meet the need. The District was established to actively manage the supply of on-street and public parking lot spaces with parking time limitations, and it is acknowledged as an acceptable alternative to the typical off-street parking requirements established in the Zoning Ordinance (NMC 14.14.100). Apartments are typically required to have three off-street spaces (NMC 14.14.030(21)). Use of the

apartments as vacation rentals will generate a demand for two additional spaces. Section 8 of Ordinance No. 2020 notes that redevelopment is only required to provide new off-street parking when it generates a demand for more than five (5) parking spaces. Therefore, this proposal is the type of limited expansion that the ordinance anticipated on-street/lot parking to accommodate.

v. Taken as a whole, it appears that there is adequate parking available along the public street, and adjacent public lot, to accommodate the needs of all users and that this request for relief from the five off-street parking space requirement will not result in an increased demand on parking facilities or any other public facilities. Therefore, it is reasonable for the Commission to conclude that public facilities can adequately accommodate the use of the apartments as vacation rentals.

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

i. This criterion addresses special requirements of the underlying or overlay zone beyond the standard zoning ordinance requirements. The subject property is zoned W-2/“Water-Related.” The applicant, in their findings, points out that this zone district allows tourist-oriented commercial uses, and residential uses above street-grade, through a conditional use process. That is how the existing mixed-use building was approved. The brewery and restaurant is popular with tourists and it is reasonable for the Commission to view use of the upstairs units as “Bed ‘n’ Beer” vacation rentals to be a complementary component of the business.

ii. Given the above, the Planning Commissions concludes that this criterion is satisfied.

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

i. This criterion relates to the issue of whether or not the proposed use has potential “adverse impacts” greater than existing uses and whether conditions may be attached to ameliorate those “adverse impacts.” Impacts are defined in the Zoning Ordinance as the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood.

ii. The applicant’s findings note that the Rogue location on the Bay

Boulevard has functioned as an integral part of the historic Bayfront community for many years without problems or impacts. The Bayfront is a heavily trafficked area, frequented by tourists, locals, and employees of the fish processing plants and retail businesses. Any adverse impact associated with the rentals will be dwarfed by the level of activity occurring on these nearby properties.

iii. Given the above, the Planning Commission concludes that this criterion has been satisfied.

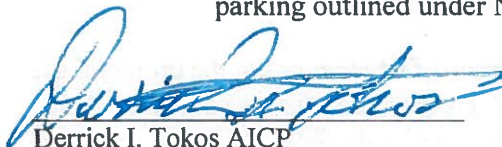
(4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

i. The applicant is not proposing to modify the building; therefore, it is reasonable for the Planning Commission to conclude that this approval standard is not applicable.

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Zoning Ordinance for granting a conditional use permit, then the Commission should approve the request. The Commission can attach reasonable conditions that are necessary to carry out the purposes of the Zoning Ordinance and the Comprehensive Plan. If the Commission finds that the request does not comply with the criteria, then the Commission should deny the application.

G. **STAFF RECOMMENDATION:** As outlined in this report, this application seeking relief from five off-street parking spaces typically required to operate one (1), one-bedroom and two (2), two-bedroom vacation rentals satisfies the approval criteria for a conditional use provided conditions are imposed as outlined below. Accordingly, the Commission should approve this request, subject to the following:

1. The applicant/owner shall make applications for vacation rental business license endorsements pursuant to NMC Chapter 14.25, and is subject to inspection by the Building Official or designee to determine conformance with basic health and safety elements and the endorsement standards of 14.25.050, except the requirements for parking outlined under NMC 14.25.050(C).



Derrick I. Tokos AICP
Community Development Director
City of Newport

April 18, 2019



City of Newport
Land Use Application

Applicant Name(s):		Property Owner Name(s) if other than applicant	
ROGUE ALES + SPIRITS		MO PROPERTIES LLC	
Applicant Mailing Address:		Property Owner Mailing Address:	
2320 SE OSLE DRIVE, NEWPORT OR 97365		622 SW BAY BLVD, NEWPORT OR 97365	
Applicant Phone No.		Property Owner Phone No.	
541.867.3660		541.270.0232	
Applicant Email		Property Owner Email	
MHERRITTE.ROGUE.COM		GABE.E.MOSCHANDER.COM	
Authorized Representative(s): Person authorized to submit and act on this application on applicant's behalf			
MATTHEW HERRITT			
Authorized Representative Mailing Address:			
- same as above -			
Authorized Representative Telephone No.			
- same as above -			
Authorized Representative Email.			
- same as above -			
Project Information			
Property Location: Street name if address # not assigned			
748 SW BAY BLVD, NEWPORT, OR 97365			
Tax Assessor's Map No.:		Tax Lot(s):	
11-11-08-CA		04100	
Zone Designation:		Legal Description: Add additional sheets if necessary	
W-2		attached	
Comp. Plan Designation:			
Brief description of Land Use Request(s):			
Examples:			
1. Move north property line 5 feet south			
2. Variance of 2 feet from the required 15-foot front yard setback			
Existing Structures: if any			
2-STORY BUILDING (FRONT + CASE BLDG) HOUSING ROGUE BAYFRONT PUB and RED 'N' BEER			
Topography and Vegetation:			
N/A			
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 checked="" 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 type="checkbox"/> Other	
FOR OFFICE USE ONLY			
File No. Assigned: 2-CUP-19			
Date Received: 4/1/19	Fee Amount: \$802 -	Date Accepted as Complete:	
Received By: sm	Receipt No. 3093	Accepted By:	
City Hall 169, SW Coast Hwy Newport, OR 97365 541.574.0629			



City of Newport Land Use Application

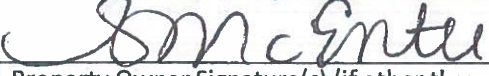
I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development and Planning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

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


Applicant Signature(s)

4/1/19
Date

MATTHEW MERRITT, ROGUE ALBS + SPIRITS


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

4/1/19
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.

Attachment "B"

2-CUP-19

2320 OSU Drive
Newport, OR 97365

541.867.3660
fax 541.867.3260

brewdawg@rogue.com
www.rogue.com

ROGUE

April 1, 2019

BY HAND

City of Newport
Attn: Sherri Marineau
169 SW Coast Highway
Newport, OR 97365

*Re: Rogue Bed 'n' Beer, 748 SW Bay Blvd.
Application for Conditional Use*

Dear Sherri:

Enclosed please find an application for conditional use for the three vacation rental units located at 748 SW Bay Blvd, a/k/a the Rogue Bed 'n' Beer. Please consider this letter the written statement describing the nature of the request.

We seek relief from the requirement in Newport Municipal Code 14.25.050(C) that there be five off-street parking spaces associated with the Bed 'n' Beer. The Bed 'n' Beer has operated without dedicated off-street parking spaces with no discernible impact on the surrounding area. We see no reason to suddenly apply this requirement, and a conditional use is warranted.

In support of this application, enclosed please find:

- Site plan
- Current Lincoln County Assessor tax map
- List of property owners within 200' notification area
- Written findings of fact
- Check for \$852 (\$802 application fee + \$50 returned check fee)

Please let me know if any additional information is needed.

Sincerely,



Matthew Merritt
Oregon Brewing Company

**748 SW Bay Blvd
Rogue Bed 'n' Beer
Conditional Use Application
Written findings of fact**

Below are written findings of fact in support of an application for relief from Newport Municipal Code ("N.M.C.") 14.25.050(C)'s requirement of five off-street parking spaces for the Rogue Bed 'n' Beer.

(a) The public facilities can adequately accommodate the proposed use.

Public facilities can adequately accommodate the proposed use. The Bed 'n' Beer is located next to a large City-owned parking lot that provides ample parking for the Bed 'n' Beer. Even when fully booked, it is exceedingly rare that five spaces would ever be needed for the Bed 'n' Beer in any event. There has been, and continues to be, more than adequate parking for the Bed 'n' Beer.

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

This request complies with the requirements of the underlying zone. The Bed 'n' Beer is located in a W-2 Water Related zoning district, which allows Residences on Floors Other than Street Grade as a conditional use in two ways: N.M.C. 14.03.080 #18 (as a use permitted outright in a C-2 district), and N.M.C. 14.03.080 #21 (directly).

Further, N.M.C. 14.03.040 provides that proposed uses shall be designed to maintain or enhance the historic, unique, or scenic quality of the area. The Bed 'n' Beer is located in the historic Front & Case building on the Bayfront. Granting this conditional use will not change the historic, unique, or scenic aspects of the building in any way. To the contrary, allowing the conditional use will ensure that the Bed 'n' Beer continues to generate revenue necessary for ongoing maintenance in order to maintain and preserve the building's character.

(c) The proposed use does not have an adverse impact greater than existing uses on nearby properties.

Relief from N.M.C. 14.25.050(C) will not have any adverse impact greater than existing uses on nearby properties. The Rogue location on Bay Boulevard has functioned as an integral part of the Historic Bayfront community for many years without problems or impacts. The proposed use – excepting the Bed 'n' Beer from the parking requirement – will simply allow business to continue as usual.

(d) A proposed building or building modification is consistent with the overall development character of the area...

N/A – this application is not for a proposed building or building modification.

2-CUP-19

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R411499	Neighborhood:	N216	Owner and	MCENTEE CINDY M &
Map Taxlot:	11-11-08-CA-03800-00	Property Class:	201	Mailing Address:	DIXON JUDITH A & DIXON KEVIN ETAL 622 SW BAY BLVD NEWPORT, OR 97365
Tax Map:	11s11w08CA			Site Address(es):	760 SW BAY BLVD ;754 SW BAY BLVD ;758 SW BAY BLVD
Web Map:	View Map				
Info:	NEWPORT, BLOCK 2, LOT 1, DOC201703459				
Tax Code:	104				
Acres:					

Improvements							Value History					
Description	Area	Yr Built	Found	Heat	Plumb	BDMS	Value	YearImp.	Land	Total Market	Total Assessed	
MAIN AREA	0 sq ft	1988					\$494,630					
Foundation Code List Heating/AC Code List Plumbing Code List												
								2018	494,630	152,000	646,630	606,390
								2017	494,630	152,000	646,630	588,730
								2016	473,800	152,000	625,800	571,590
								2015	473,800	152,000	625,800	554,950
								2014	473,800	152,000	625,800	538,790
								2013	395,700	131,000	526,700	523,100
								2012	445,160	131,000	576,160	507,870
								Sales History				
No Sales Data												

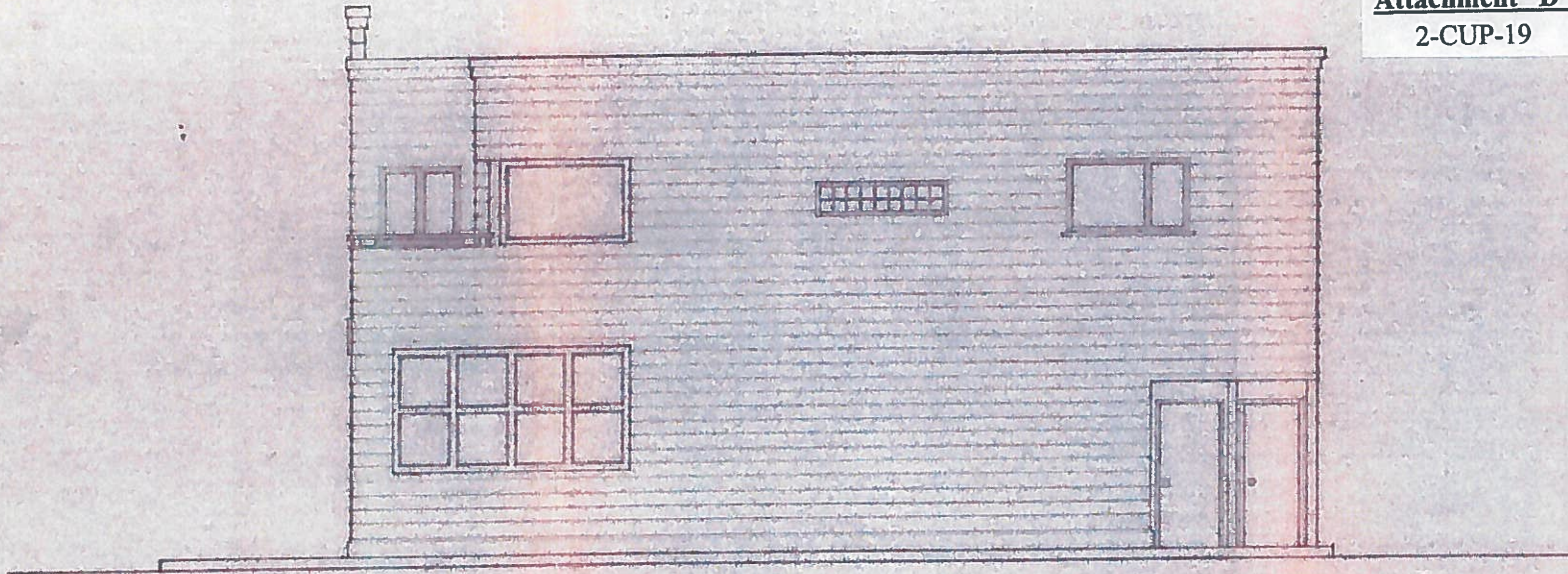
Land				Related Accounts		Disclaimer
Description	Acres	Market Value	Special Use Value			For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. Tax data exported 10/2018.
COMMERCIAL DEV SITE	0.1	147,000				
COMMERCIAL SITE DEVELOPMENT		5,000				
Today's Date: 04/18/2019						

Lincoln County Property Report

Account # & Prop. Info	Account Details	Owner & Address
Account #: R418503	Neighborhood: N216	Owner and MO PROPERTIES LLC
Map Taxlot: 11-11-08-CA-04100-00	Property Class: 201	Mailing Address: 622 SW BAY BLVD NEWPORT, OR 97365
Tax Map: 11s11w08CA		Site Address(es): 748 SW BAY BLVD ;746 SW BAY BLVD
Web Map: View Map		
Info: NEWPORT, BLOCK 2, LOT 2, DOC201804214		
Tax Code: 104		
Acres:		

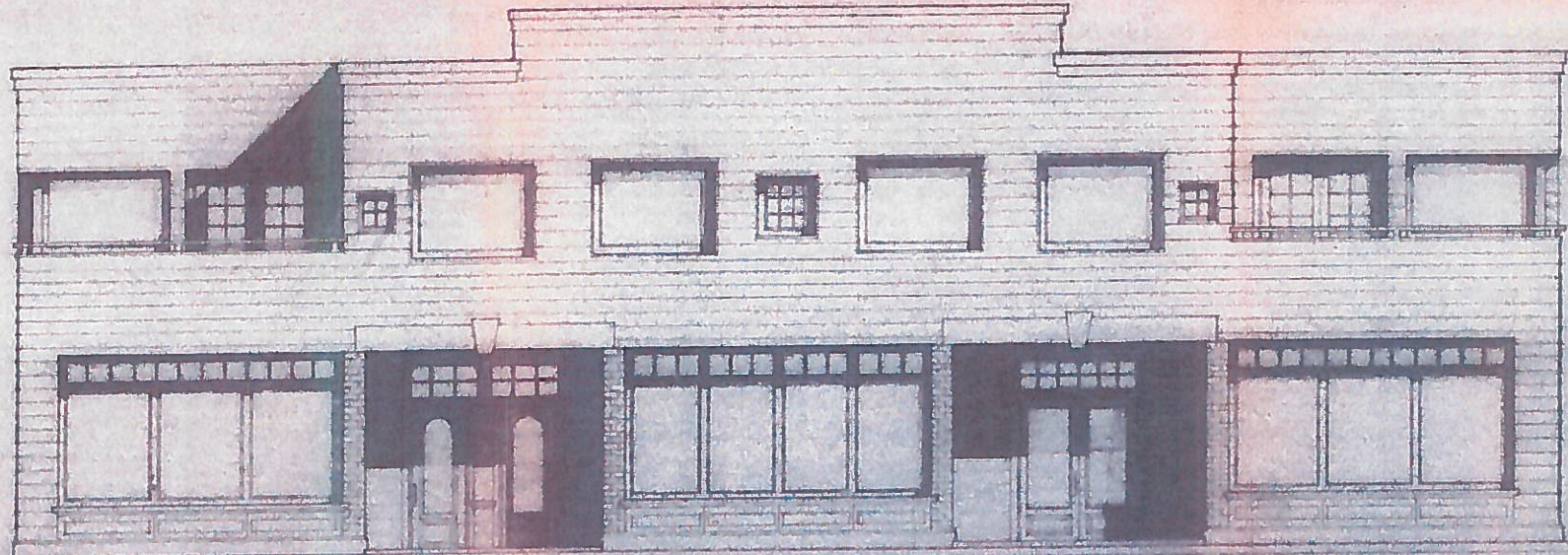
Improvements	Value History																																
No Inventory	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Year</th> <th>Imp. Land</th> <th>Total Market</th> <th>Total Assessed</th> </tr> </thead> <tbody> <tr><td>2018 0</td><td>152,000</td><td>152,000</td><td>116,560</td></tr> <tr><td>2017 0</td><td>152,000</td><td>152,000</td><td>113,170</td></tr> <tr><td>2016 0</td><td>152,000</td><td>152,000</td><td>109,880</td></tr> <tr><td>2015 0</td><td>152,000</td><td>152,000</td><td>106,680</td></tr> <tr><td>2014 0</td><td>152,000</td><td>152,000</td><td>103,580</td></tr> <tr><td>2013 0</td><td>131,000</td><td>131,000</td><td>100,570</td></tr> <tr><td>2012 0</td><td>131,000</td><td>131,000</td><td>97,650</td></tr> </tbody> </table>	Year	Imp. Land	Total Market	Total Assessed	2018 0	152,000	152,000	116,560	2017 0	152,000	152,000	113,170	2016 0	152,000	152,000	109,880	2015 0	152,000	152,000	106,680	2014 0	152,000	152,000	103,580	2013 0	131,000	131,000	100,570	2012 0	131,000	131,000	97,650
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Description	Acres	Market Value	Special Use Value											
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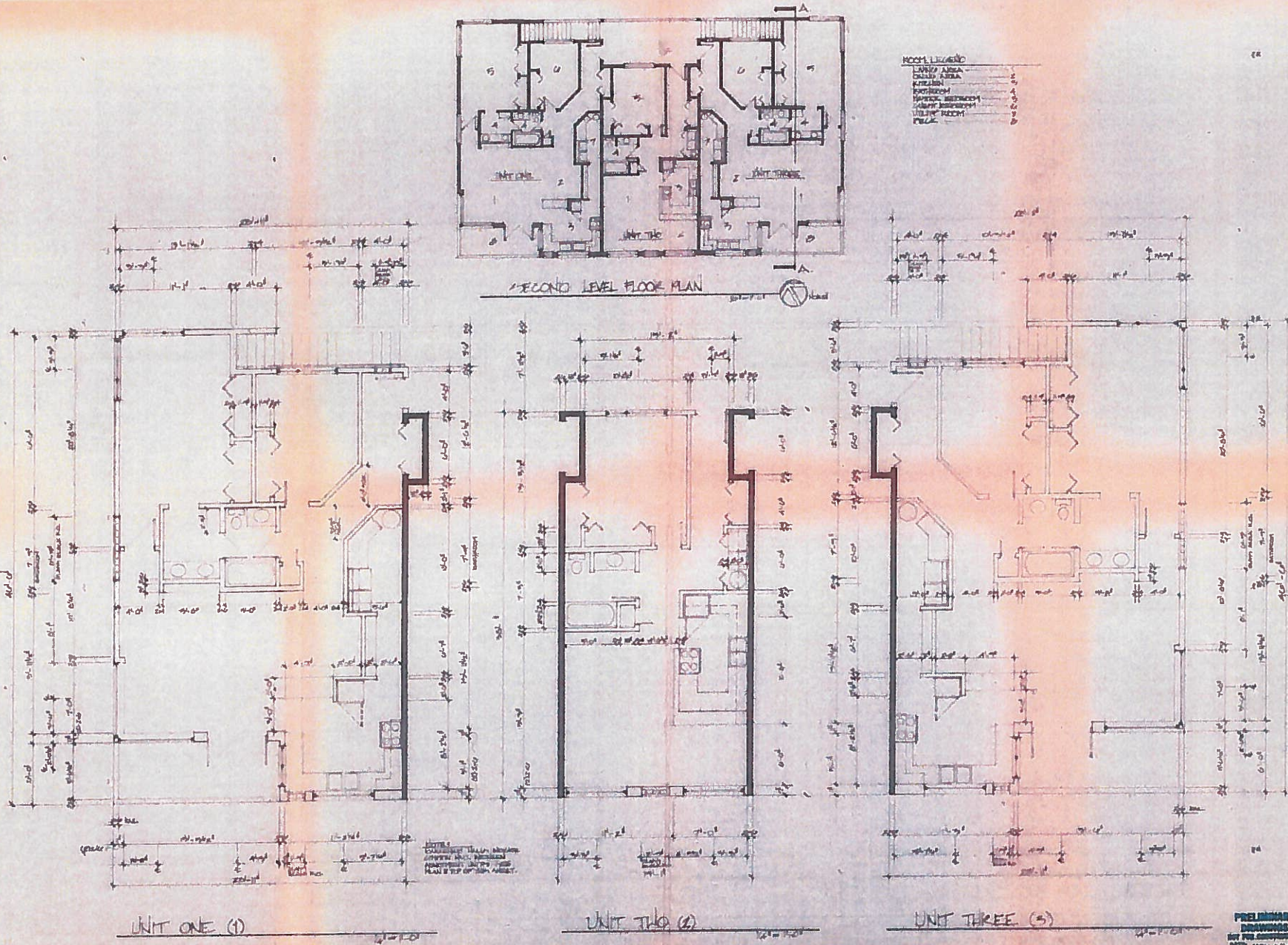
EAST ELEVATION
PROPOSED PLAN

1/2" = 1'-0"



SOUTH EAST KAY BLVD ELEVATION (SOUTH)
PROPOSED PLAN

1/2" = 1'-0"



EDWARD MIYAKAWA
 ARCHITECT
 3415 Bluffview Dr.
 Waldport, Oregon 97147
 (503) 343-9871

Revisions	

Drawn	
Date	
Job No.	
Scale	

PRELIMINARY DRAWINGS
 NOT FOR CONSTRUCTION
 NOV 05 1997



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

Zoning Map
746 to 760 SW Bay Boulevard

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



This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this

CITY OF NEWPORT
ORDINANCE NO. 2020

AN ORDINANCE ESTABLISHING AN ECONOMIC IMPROVEMENT DISTRICT IN THE BAY FRONT AREA FOR PARKING SYSTEM IMPROVEMENTS AND IMPOSITION OF A BUSINESSLICENSE SURCHARGE FEE PURSUANT TO ORS 223.144 AND NEWPORT ORDINANCE 2013

WHEREAS, the Newport Zoning Ordinance (NZO) allows businesses in the Nye Beach, Bay Front, and City Center areas to pay an annual fee of \$175 per space "in lieu" of providing an off-street parking space that would otherwise be required for new development or redevelopment that increases the demand for parking on a property (Section 2-3-6.050).

WHEREAS, the payment in lieu option was put in place in the 1980's and the annual fee has not changed over time.

WHEREAS, the Mayor appointed a Payment in Lieu of Parking Task Force, confirmed by City Council, to evaluate the fee charged with the payment in lieu of parking program. The Task Force held a series of public meetings in 2006 and 2007, which resulted in a recommendation to change the annual fee of \$175 per space to a one-time charge of \$7,500 per space. The Planning Commission and City Council held hearings on the Task Force recommendations, and the Council adopted the recommendations in February of 2008.

WHEREAS, during the hearings, a number of individuals expressed an interest in forming parking districts as an alternative to the existing payment in lieu approach, which they viewed as outdated, and the Task Force recommendations, which they viewed as untenable for many businesses. Council directed staff to assist them in developing concepts and, on February 4, 2008, temporarily set aside the Task Force recommendations to allow the work to proceed.

WHEREAS, the City subsequently sponsored workshops on the basics of forming parking districts and City staff met with interested individuals in the Bay Front area to answer questions and assist in preparing materials. This effort led to the development of an economic development plan, prepared by an ad hoc group of individuals representing tourism, fishing, and economic development interests along the Bay Front, which was offered to the City as the basis for forming an economic improvement district for parking system improvements.

WHEREAS, proponents of the Bay Front area's economic development plan contend that a parking district with a modest assessment on area businesses and contribution

from the Port of Newport provides a source of revenue to fund incremental improvements to the parking system while at the same time facilitating economic growth. They further view such an approach to be more effective and equitable than the existing payment in lieu of parking program.

WHEREAS, the City Council met on April 4, 2011 to consider an initial draft of the economic development plan and business license surcharge fee and chose to initiate the process of forming an economic improvement district in the Bay Front area for parking system improvements by adopting Ordinance No. 2013.

WHEREAS, the City Council held a public hearing on May 16, 2011 at which affected persons could appear to support or object to the proposed parking system improvements and business license surcharge fee. The Council accepted the proposal that businesses within the district bear the cost of the improvements unless the Council otherwise determines that it is appropriate to allocate funding from other sources. The Council further encouraged business owners, fisherman and other interested parties to refine the economic development plan into the concept that has been incorporated into this ordinance.

WHEREAS, ORS 223.141, et seq., authorizes imposition of a "business license fee" to fund certain economic improvements within districts created pursuant to procedural and substantive requirements. The terms "business license surcharge fee" and "business license surcharge" as used herein are synonymous with this statutorily allowed "business license fee." The term "surcharge" is used to distinguish this economic improvement fee from the City's general business license fee imposed pursuant to Newport Municipal Code Section 4.05.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1: Findings: The City Council hereby adopts the above recitals and the following findings of fact as the basis for this Ordinance:

- A. The City Council held public hearings on May 16, 2011 and September 6, 2011 regarding the establishment of an economic improvement district for parking improvements in the Bay Front area, as more specifically described on the map attached as Exhibit A, and incorporated herein by this reference;
- B. Written notice to the affected property owners was mailed no less than thirty (30) days prior to each hearing announcing the Council's intent to form the district and to impose a business license fee upon persons conducting business within the district to pay for the improvements;
- C. Notice of said hearings included the amount of the proposed surcharge and time and place of the hearing at which affected persons could appear to support or object to the formation of a district and proposed business license fee;

- D. Fewer than 33 percent of persons conducting business within the boundaries of the proposed district who will be subject to the business license surcharge submitted written objections to the fee;
- E. Lands within the boundaries of the proposed district include properties that are zoned for commercial or industrial use;
- F. A preliminary estimate of the probable cost of the economic improvements to be funded pursuant to Section 2 of this Ordinance is between \$19,000 and \$20,000 per year, and the proposed schedule for apportioning costs is set forth in Section 3 of this Ordinance;
- G. The business license surcharge to be assessed, and contribution from the Port of Newport, is in proportion to the benefit that each business, the Port and other affected parties may derive from the district.

Section 2: Establishment of a Bay Front Commercial Parking District.

- A. The City Council hereby approves and creates the "Bay Front Commercial Parking District" ("District"). The boundaries of the District as depicted on Exhibit A to this ordinance correspond with water-dependent and water-related zoning in the Bay Front area.
- B. The District is created for the purpose of making economic improvements as defined in ORS 223.141(4), and in particular, for the purpose of the improvement in parking systems in the Bay Front area as allowed under ORS 223.141(4)(e). The economic improvement projects to be undertaken or constructed include:
 - 1. Parking improvements on available public or private land and undeveloped right-of-way;
 - 2. Leasing private parking lots for public or employee use with a focus on lots that are underutilized;
 - 3. Improving signage and striping;
 - 4. Enhancing the streetscape and sidewalks to encourage pedestrian access;
 - 5. Supporting transportation alternatives such as shuttles, bus systems and bicycles;
 - 6. Developing and/or enhancing seasonal pay parking and time limitations in select areas; and
 - 7. Other activities identified by the District Advisory Committee organized under Section 5 of this Ordinance, as needed to improve the availability or functionality of parking in the Bay Front District.

- C. When identifying projects authorized under subsection 2(b), above, the District Advisory Committee shall consider impacts the projects will have on existing users. Projects that disproportionately impact a particular user group should only be pursued if the District Advisory Committee concludes that reasonable accommodations have been made to offset those impacts.
- D. The District Advisory Committee may identify one or more projects that are outside of the District boundaries if, in the opinion of the Advisory Committee, the project(s) primarily benefit businesses within the District.

Section 3: Enactment of a Business License Surcharge Fee.

- A. Businesses within the District shall be assessed a business license surcharge that is based upon the number of persons employed by the business, as follows:
 - 1. Fewer than 5 employees: \$150.00
 - 2. 5 to 20 employees: \$300.00
 - 3. More than 20 employees: \$600.00
- B. The business license surcharge set forth in subsection 2(a), above, shall be reduced to \$100 for those businesses that provide off-street parking for their customers.
- C. Business license surcharge fees shall be assessed annually upon renewal of a business license pursuant to the schedule set forth in Newport Municipal Code Section 4.05.
- D. For new businesses, a surcharge shall be prorated on a monthly basis, unless such surcharge was paid by the prior occupant, in which case a surcharge is not due until the next business license renewal period.
- E. Businesses shall be assessed a surcharge for each location at which they operate within the District. City will provide businesses in multiple locations with a single invoice listing the fees attributed to each location.
- F. City shall establish a separate account into which shall be paid all revenues from the business license surcharge, and such monies shall be reserved and managed for exclusive use of the District.
- G. Annual surcharges shall apply to businesses that are otherwise exempt from business license fees. Such payments shall be made annually, pursuant to the schedule for business license renewals set forth in Newport Municipal Code Section 4.05.

Section 4: Contribution from the Port of Newport.

- A. Pursuant to an Intergovernmental Agreement between the Port of Newport and City of Newport dated October 6, 2011, the Port of Newport will make an annual monetary contribution to the Bay Front Commercial Parking District in an amount of \$6,000. As a potentially impacted party, the Port of Newport is voluntarily participating in the district on behalf of the fisherman and other Port users and its payments shall be considered a contribution from both the Port, as well as from fisherman and other individuals mooring at Port facilities.
- B. Payment from the Port shall be due at the end of each fiscal year.
- C. Port payments shall be made out to the City of Newport, and City shall place such monies into the same account as the business license surcharge fees established under Section 3(f), above.

Section 5: Establishment of a District Advisory Committee.

- A. Council hereby establishes an advisory committee to develop a plan for the completion of improvements per Section 2(b) (Plan) and to allocate expenditure of monies for activities within the scope of the Plan.
- B. In appointing members to a committee, the Council shall include at least one person conducting business within the District, one individual that represents fishing interests, and one representative from the Port of Newport.
- C. The Advisory Committee shall consist of an even number of individuals. The specific number of individuals to serve on the Committee shall be determined by the Council. In making Committee appointments, the Council shall seek to ensure that neither tourism nor fishing business interests are disproportionately represented.
- D. An association of persons conducting business within the District ("Association") may be designated to serve in the capacity of an advisory committee, provided it includes a representative from the Port of Newport. If this occurs, the City and the Association will execute an agreement describing each party's respective responsibilities regarding the District. After entering into an agreement with the City, the Association may enter into agreements with third parties to perform improvements identified in the Plan established under Section 5(a) of this ordinance.
- E. The Advisory Committee or Association may request that the City perform Plan improvements. Should the City elect and be allowed by law to perform Plan improvements, such services will be charged in the amount and manner allowed by law and will be paid for through revenues from the Bay Front Commercial Parking District or augmented with other City funds identified by the City Council if the Council determines that City should bear a portion of the improvement costs.

Section 6: Reporting Requirements: An Association or Advisory Committee shall maintain records of all expenditures made towards the completion of economic improvements and shall provide such records to the City upon request.

Section 7: Availability of Parking Fund Revenues:

- A. In addition to monies generated through a business license surcharge and Port of Newport contribution, an Association or Advisory Committee may develop an improvement plan and make a recommendation on the expenditure of funds the City specifically budgets for use by parking districts. Authorization for the use of such funds shall be subject to City Manager approval and public contracting requirements.
- B. The City Manager is authorized to provide an Association appointed by the Council to serve as the advisory committee, with up to \$1000 of parking fund revenues, to prepare the Association to perform its advisory responsibilities.

Section 8: Payment of Fees in Lieu of Parking.

- A. As allowed under NZO Section 2-3-6.050, the Council hereby waives the requirement for commercial and industrial properties within the District to pay fees in lieu of parking, as of the date this District is formed.
- B. City shall provide notice of conditional use permit applications to the District Advisory Committee. Written comments that the District Advisory Committee elects to provide on an application in regards to the suitability or availability of parking shall be construed by the City decision making authority as expert testimony.
- C. All agreements for payment of fees in lieu of parking between the City and existing businesses within the District shall terminate as of July 1, 2012.
- D. City shall provide a final invoice to each existing business with a balance due for payment of incurred fees in lieu of parking, prior to July 1, 2012. Notwithstanding the termination of any agreement as set forth in subsection (b) above, the City reserves the right to collect all sums due to the City as reflected on the invoice.
- E. For new development, redevelopment or building expansions that generate a demand for more than five (5) new off-street parking spaces, such off-street parking spaces shall be provided in accordance with applicable provisions of the Newport Zoning Ordinance. The City shall determine the amount of off-street parking a business must provide.

Section 9: City Approval Required: City approval is required for economic improvements within public rights-of-way.

Section 10: Exemptions. The provisions of this Ordinance shall not apply to the following:

- A. Residential real property or any portion of a structure used primarily for residential purposes; or

- B. Businesses operated on an occasional basis for not more than one or two days per week or one month a year.
- C. Persons mooring boats at Port of Newport facilities, as their contribution is covered by the Port's annual payments to the District pursuant to the Intergovernmental Agreement referenced under Section 4(a) of this ordinance.

Section 11: Duration. The District shall be in effect for five (5) consecutive years, commencing upon the effective date of this ordinance. Council may extend the duration of the District, after following the public notice procedure outlined in ORS 223.147. In the event the District is not renewed, then payment in lieu of parking shall apply to the extent provided for in the Newport Zoning Ordinance in effect at the time the District is dissolved.

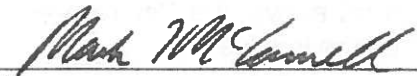
Section 12: Severability. The sections of this ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

Section 13: Effective Date: This ordinance shall take effect 30 days after passage.

Date adopted on initial vote and read by title only: September 19, 2011.


Date adopted on final roll call vote: October 3, 2011.

Signed by the Mayor on 10-14, 2011.



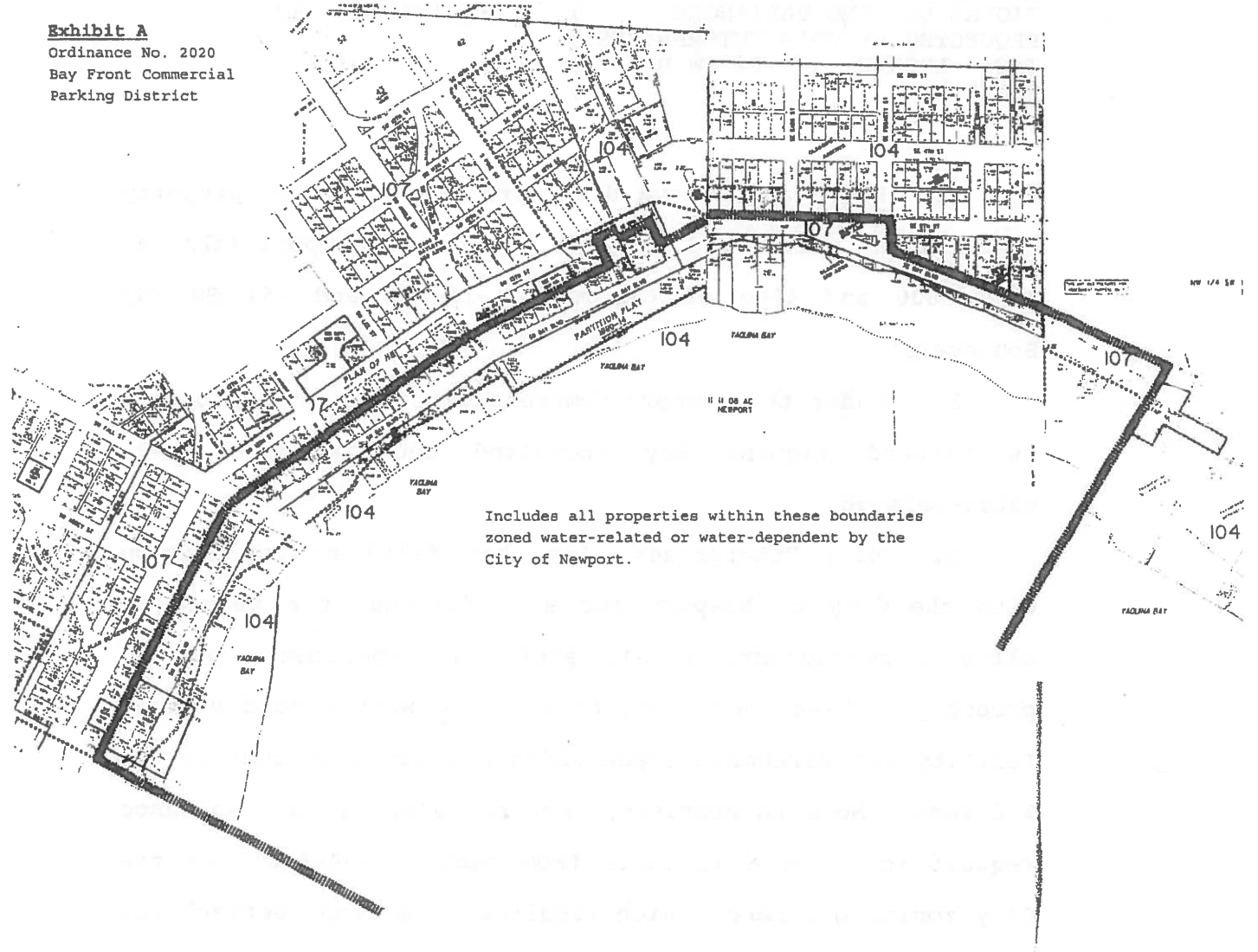
 Mark McConnell, Mayor

ATTEST:



 Margaret M. Hawker, City Recorder

Exhibit A
Ordinance No. 2020
Bay Front Commercial
Parking District



Includes all properties within these boundaries
zoned water-related or water-dependent by the
City of Newport.

10-CUP-87

12-VAR-87

BEFORE THE NEWPORT PLANNING COMMISSION

STATE OF OREGON

IN THE MATTER OF THE CONDI-)	APPLICANT'S PROPOSED
TIONAL USE AND VARIANCES)	FINDINGS OF FACT
REQUESTED BY MO'S ENTERPRISES,)	
INC. LOCATED AT 754 SW BAY)	
BOULEVARD)	

1. Kaino and Mohava Niemi are the owners of property described as Lots 1 and 2, Block 2, Plan of Newport (aka tax lots 3800 and 4100 of tax map 11-11-8CA and 754 SW Bay Boulevard).

2. Under the Newport Comprehensive Plan, the property is planned Yaquina Bay shoreland and is zoned W-2, water-related.

3. Mo's Enterprises, Inc. has filed an application with the City of Newport for a conditional use permit to allow a restaurant, retail store and apartments on the property. These uses would be combined with a cold storage facility and warehouse space which are outright uses in the W-2 zone. Mo's Enterprises, Inc. has also filed a variance request to allow a variance from section 2-4-4.015 of the City zoning ordinance which requires a ten-foot setback and landscape buffer where a nonresidential and a residential zone abut. Mo's has also requested a variance from section

2-4-5.005 which requires fifteen percent of a nonresidential lot under 20,000 feet to be landscaped.

4. A public hearing was held on July 13, 1987, before the Newport Planning Commission. All interested parties were given an opportunity to present testimony.

5. The property on which the conditional use and variances are sought was the previous location of the PUB Tavern. The building which housed the PUB is still standing, but is in a deteriorating condition and is not currently in use. There is also a smaller structure located on the property which houses the Village Woolen Shop. The applicant is proposing to build a structure which has a cold storage unit, warehouse space, two retail stores, a restaurant and two apartments.

6. The lot on which the building is proposed has 100 feet of frontage along Bay Boulevard and is 84 feet in depth.

7. The lot is level in front, but rises to a steep hill in the back which is covered with brush.

8. Southwest Case Street is immediately adjacent to the property to the west.

9. Cold storage facilities, warehouses, and marine equipment sales are allowed as outright uses in the W-2 zone. Retail shops, restaurants, and residential uses are allowed as conditional uses in the W-2 zone.

10. The building proposed for the property is two-story structure. The dimensions of the building will be 98 feet in length and 82 feet in depth. The cold storage unit and the warehouse will be to the rear of the building and the restaurant and retail shops will be on the lower level along Bay Boulevard. The apartments will be located above the retail shops and restaurant.

11. There is a ten-foot alley at the rear of the property which is located in the steep hillside. It is extremely unlikely that this will ever be opened as an alley because of its narrow width and steep topography.

12. Since the property has historically been used as a tavern, the use for retail shops and a restaurant are consistent with the established historical use. There historically has not been a strictly water-related use on the property.

13. Section 1-3-2.215 of the Newport Comprehensive Plan states, "Major development and rehabilitation of the Old Town Bayfront on the north side of Yaquina Bay should occur."

14. Section 1-3-2.235 of the City Comprehensive Plan states, "It is the City's policy to maintain a mix of tourist uses (especially those oriented to the amenities of a waterfront location) along with water-dependent and water-related uses."

15. Section 1-3-2.170 of the Newport Comprehensive Plan indicates that a mix of uses on the waterfront are important to maintain the vitality of the area.

16. Section 1-3-2.145 of the Comprehensive Plan which categorizes the uses along the Bayfront as of February, 1982, indicated that there were nine restaurants, five shops and shop complexes, three marine supply shops and three taverns. The use being proposed by this conditional use is consistent with the uses which exist along the bayfront.

Findings of fact relating to the requested variance from the ten-foot setback and landscape buffer where a nonresidential and residential zone abut.

17. The property in which the variance is requested is zoned W-2. The property to the north of the subject parcel is zoned R-3. A ten-foot alley separates the subject property from the private ownership to the north. The zone line runs down the middle of the alley.

18. The normal rear yard setback in a W-2 zone is zero feet.

19. There are exceptional or extraordinary conditions applying to the property that do not apply, generally, to other properties in the same zone or vicinity which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

- a. There is a steep hillside rising from the rear of the property which affects this property to a more substantial degree than other properties in the area.
- b. The only place in which the alley between the residential zone and the W-2 zone is not vacated along this area is directly behind the applicant's property.
- c. The residential use is at the top of the hill and the hillside serves as a buffer from the uses in the W-2 zone at the base of the hill.

20. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

- a. Other property owners in the area in the W-2 zone have obtained more property by virtue of having the alley behind their properties vacated.
- b. Other property owners in the area have built retaining walls to maximize use of their property. Other owners have either built to the lot line or to the base of the hill.
- c. The steep hillside interferes with the use of the lot.

21. The authorization of the variance shall not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any city development or policy.

- a. A vegetative buffer of brush will still exist on the hillside even if the retaining wall is built along the property line.
- b. The purpose of the vegetative buffer is to screen the nonresidential use from the residential use. Here, the hillside and brush on the hillside act as a natural buffer which fulfills the purpose of the requirement.
- c. The economic vitality of the bayfront is important to Newport's economy and economic utilization of the property is important to the city as a whole.
- d. Granting the variance will not be injurious to any other property owner but will be substantially similar to the development which has taken place along Bay Boulevard in this vicinity.

22. The variance requested is the minimum variance from the provisions and standard of this ordinance which will alleviate the hardship.

- a. In order to provide adequate space for the cold storage and warehouse facilities, which are

allowed as outright uses, it is necessary to provide as much room on the property as possible for parking a truck and unloading goods. In order to obtain this room, it is necessary to build along the rear property line to maximize the use of space.

The following findings of fact relate to the variance requested from section 2-4-5.005 of the zoning ordinance pertaining to a fifteen percent landscaping requirement of a residential lot under 20,000 square feet.

23. Exceptional or extraordinary conditions apply to the property that do not apply, generally, to properties in the same zone or vicinity which conditions are the result of lot size or shape, topography or other circumstances over which the applicant has no control.

a. The back of the property is a very steep hillside, thus reducing the flat part of the property available for development. In order to economically develop the lot, it is necessary to clear the back of the property and build a retaining wall.

b. Other properties in the vicinity have fully utilized lots without providing landscaping.

24. The variance is necessary for the preservation of a property right of the applicant substantially the same as

is possessed by owners of other property in the same zone or vicinity which conditions are the result of lot size or shape, topography, or other circumstances over which the applicant has no control.

- a. Other properties along the bayfront have built to the practical limits of the lot and have not provided landscaping.
- b. If the alley behind the property was vacated, the same as other lots in the vicinity, the applicant would have approximately 500 additional square feet. However, the applicant does not enjoy this extra square footage as is enjoyed by the other lots in the vicinity.

25. The authorization of the variance shall not be materially detrimental to the purposes of this ordinance be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any city development or policy.

- a. The applicant is proposing to place planter boxes along the sidewalk.
- b. Other uses along Bay Boulevard have either minimal or no landscaping whatsoever.
- c. Providing planter boxes along the sidewalk will be aesthetically pleasing the meet the purpose of the zoning ordinance.

d. Since more landscaping will be provided on this lot than other lots in the vicinity, there will be no injury to other property in the vicinity.

26. The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship.

a. In order to provide adequate area for the vehicles which will be loading and unloading at the cold storage and warehouse site, it is necessary to place the building as close as possible to the rear lot line in order to make sure the vehicle is off the street and will not block traffic.

CONCLUSIONS

1. The Newport Planning Commission hereby concludes from the foregoing Findings of Fact that the conditional use permit for a restaurant, retail shops and ^{two}apartments should be and hereby is granted.

2. The Planning Commission concludes that the requested variance to eliminate the 10-foot vegetative buffer should be and hereby is granted.

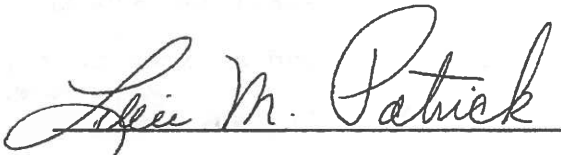
3. The Planning Commission concludes that the requested variance to provide for planter boxes in front of the building in lieu of landscaping fifteen percent of the lot should be and hereby is granted.

4. The conditional use and variances requested by Mo's Enterprises, Inc. are granted subject to the following conditions:

- a. Mo's Enterprises, Inc. shall obtain a geological report from a licensed Engineering Geologist stating that the building proposed for the subject property can be safely constructed without damage to surrounding properties. Any retaining ~~walls~~ ^{structure} constructed by the applicant or its contractors or agents shall be designed by a licensed Civil Engineer. Construction of any retaining wall shall be supervised by a licensed Civil Engineer and a licensed Engineering Geologist.
- b. If any ~~wall~~ ^{structure} is built into the hillside, an adequate drainage plan shall be designed by a Civil Engineer or Engineering Geologist and installed by the applicant.
- c. Mo's Enterprises, Inc. shall indemnify the City from any physical damages caused to City property or other property by construction of the retaining wall on the subject property.
- d. If it is necessary to build any portion of the rear wall of the structure in the City alley right-of-way behind the property, the applicant shall obtain the necessary permits and consents from the City.

- e. Mo's Enterprises, Inc. shall provide four parking spaces inside the warehouse in addition to the two outside the warehouse. The spaces inside shall be designated for tenants of the building and employees working in the building.

Dated this 27th day of July, 1987.



Planning Commission Chairman

10-009-87

754 SW BAY

SUPPLEMENTAL INFORMATION SUPPORTING A REQUEST BY MO'S ENTERPRISES, INC. FOR A CONDITIONAL USE AND VARIANCE FOR PROPERTY LOCATED AT 754 SW BAY BOULEVARD

Mo's Enterprises, Inc. is applying for a conditional use permit to build a multi-purpose structure at 754 Bay Blvd. The property is legally described as Lots 1 and 2, Block 2, Plan of Newport. The tract is 100 feet in length and 84 feet in depth. At the rear is a steep hillside which is covered with brush.

There is currently an old structure located on the property which was previously the PUB Tavern. That business has been closed. The building is deteriorating and would require extensive work to renovate. There is also a small building which houses the Village Woolen Store.

Mo's is proposing to tear down the existing buildings and replace them with a well-designed building which would contain a cold storage unit and warehouse in back and a restaurant/~~tavern~~, and two small retail shops in front. The second floor would contain two to three apartments. The retail stores will probably be the Village Woolen Store described above and a store selling marine oriented supplies.

The warehouse and cold storage units and the marine shop are outright uses in the W-2 zone. The restaurant/~~tavern~~, other retail store and residential uses are conditional uses in the W-2 zone. If approved, the new building will be an attractive addition to the Newport bayfront and comply with the Newport Comprehensive Plan, Section 1-3-2.170 which indicates that a mix of uses on Newport's waterfront is important for the area.

The Planning Department has indicated that three variances are necessary to proceed with the proposed use.

The first variance requested is to modify the 15% landscaping requirement. Rather than landscape 15% of the lot, Mo's is proposing to place planter boxes along the sidewalk in front of the building. This requested modification is both practical and beneficial. The lot has a limited flat area on which to build. The rear of the lot is a base of a steep hillside. When area is so limited, it

is not practical to use it for landscaping when a sound alternative method is available. Landscaping the hillside would not be beneficial to anyone since the area cannot be seen and one of the purposes of the landscaping requirement is to provide aesthetically pleasing views. It is suggested that the best way to provide an aesthetically pleasing view which could be enjoyed by most of the public would be to place planter boxes along the sidewalk in front of the stores where they will be seen by the largest number of people.

It should also be noted that the lots on which the proposed structure would be built are smaller than other lots in the vicinity. Other lots which are similarly situated have had the alley which passes behind the lots vacated. This has added additional square footage to each of the original lots. However, the alley behind the subject lots has not been vacated and, therefore, the lot size is approximately 250 square feet per lot less than other similarly situated lots. If the alley behind the lots were vacated, 500 square feet would be added to the property. This would almost provide the area to meet the strict ordinance requirement. The requested variance is not materially detrimental to the purposes of the ordinance, is not injurious to property in the zone or vicinity in which the property is located, and is not otherwise detrimental to the objectives of any city developing or policy. One of the primary policies of the landscaping requirement is to provide aesthetically pleasing views. Here, planter boxes along the sidewalk would be more appropriate than trying to landscape a steep hillside which no one would see. Furthermore, other businesses along the bayfront have virtually no landscaping and, therefore, allowing a modification to the requirement in this instance does not affect other businesses along the bayfront. In fact, it is suggested that the proposal submitted by Mo's will provide more landscaping on this lot than almost any other business along the bayfront. The proposal which has been submitted is consistent with the growth and development of the bayfront.

The variance which has been requested is the minimum variance from the provisions and standards of the ordinance which will alleviate the hardship. Trying to provide landscaping on the lot other than has been proposed will be a very expensive proposition given the topography and other building constraints on the lot.

The second variance requested is to section 2-4-4.015 which states that a ten-foot setback and landscape buffer is to be provided between a non-residential zone and a

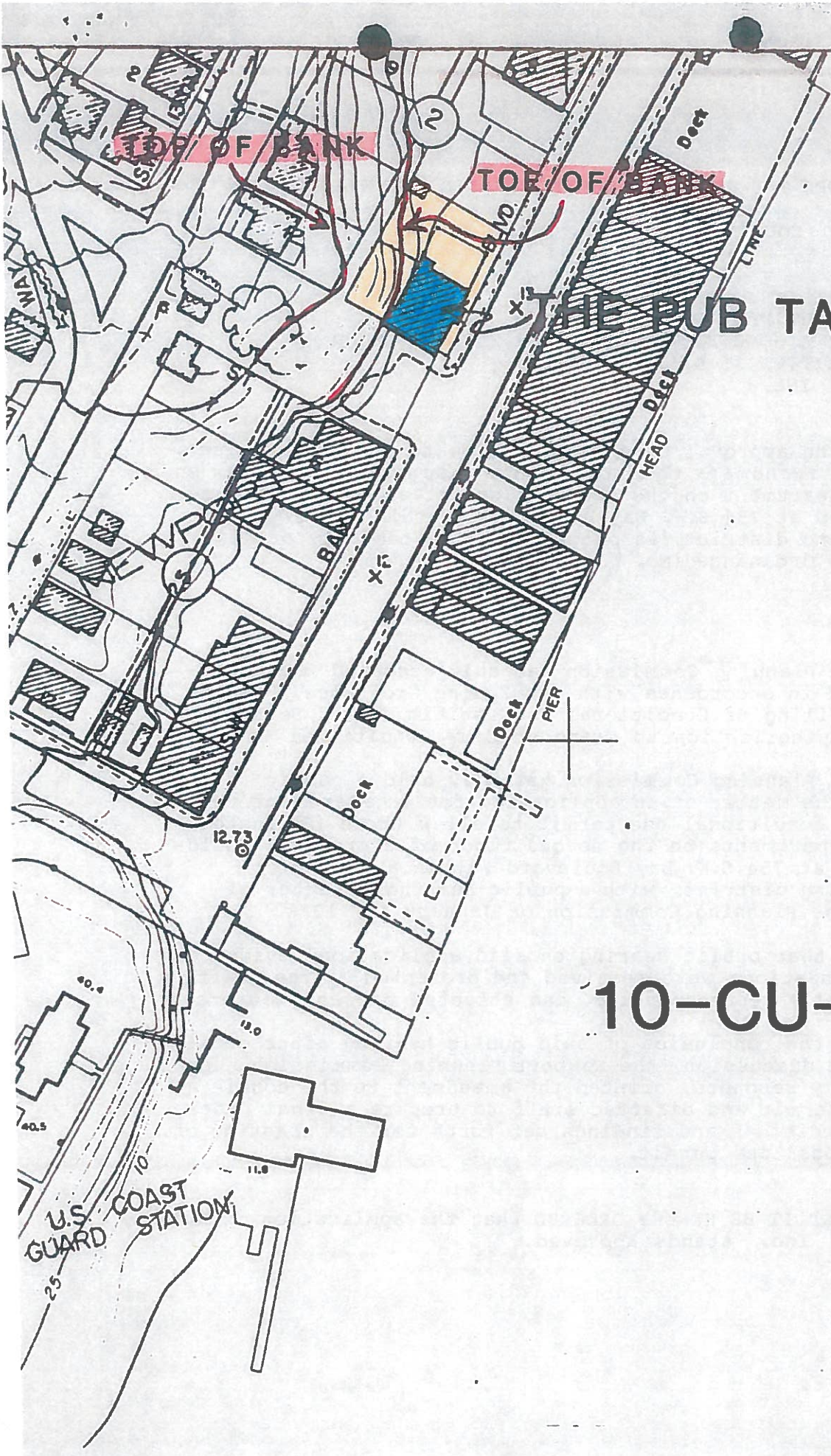
residential zone. The purpose of this ordinance is to provide for a transition between non-residential and residential uses. In this instance, no such buffer is necessary because a natural barrier has already been provided. The proposed structure and use is located at the base of the hill and residential use at the top of the hill. The slope is very steep and residential lots at the top of the hill cannot see the back of the building. Thus, the hill serves as the transition area. The vegetation on the hillside also further serves to buffer the residential area from the business uses along the bayfront. It should also be noted that other similarly located businesses have not been required to provide a 10-foot vegetative barrier. Actually, the buffer between the lots proposed for development and the residential area at the top of the hill is greater in this instance because the ten-foot alley behind the applicant's lots have not been vacated. Because of the steeping of the slope, it is unlikely that the alley will ever be constructed and the vegetative buffer will probably remain in place.

Because the purpose of the ordinance is being met through the natural vegetative buffer and the separation created by the hill, the requested variance will not be materially detrimental to the purposes of the ordinance or be injurious to other property owners or to the City objectives generally.

The third variance requested is to the on-site parking requirement. Actually, this should not be construed strictly as a regular variance because the zoning ordinance provides an alternative to providing on-site parking. Mo's is seeking to proceed under the alternative of making a payment in lieu of providing parking.

Section 2-3-6.030(B) provided that, "When the use of property is changed, and the owner shall believe that special circumstances exist constituting a hardship and making it unreasonably difficult to provide such additional parking required by the change...such person may apply to the City planner for authority to participate instead in the provision of public parking and/or mass transit services within the City of Newport by payment to the City of Newport...". It is calculated that for the use proposed on the property, Mo's will need approximately 15 parking spaces. Mo's can provide six on-site spaces and, therefore, will need to provide for nine additional spaces by the alternative method provided for in the ordinance.

Because of the small lot size, it is very difficult to provide all parking spaces on-site for an economically viable business without utilizing the provisions of the alternative method.



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TOP OF BANK

THE PUB TAVERN

10-CU-87

U.S. COAST GUARD STATION

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

IN THE MATTER OF PLANNING FILE NO.)
19-CU-87, APPLICATION FOR AN)
AMENDMENT TO A CONDITIONAL USE) FINAL ORDER
PERMIT, SUBMITTED BY MO'S)
ENTERPRISES, INC.)

ORDER granting approval of an application to Mo's Enterprises, Inc., for an amendment to a conditional use permit to allow an additional apartment on the second floor of a proposed structure (located at 754 S.W. Bay Boulevard) within a W-2/Water-Related zoning district, as provided for in the City of Newport Zoning Ordinance (No. 1308, as amended).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Zoning Ordinance, Section 2-5-3.025/"Filing of Conditional Use Petitions" and Section 2-5-3.005/"Authorization to Grant or Deny Conditional Uses".

2. The Planning Commission has duly held a public hearing on the matter of an application for an amendment to an approved conditional use permit to allow three (3) instead of two (2) apartments on the second floor of a proposed building located at 754 S.W. Bay Boulevard within a W-2/Water-Related zoning district, with a public hearing a matter of record of the Planning Commission on January 11, 1988.

3. At that public hearing on said application, evidence and recommendations were received and presented by the staff, the applicant's representative, and affected property owners.

4. At the conclusion of said public hearing after consideration and discussion, the Newport Planning Commission, upon a motion duly seconded, granted the amendment to the conditional use permit and directed staff to prepare a final order with all conditions and findings set forth for the granting of the conditional use permit.

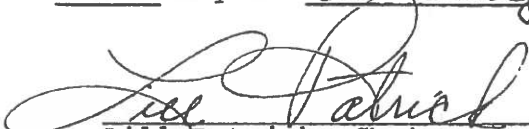
THEREFORE LET IT BE HEREBY ORDERED that the application of Mo's Enterprises, Inc., stands approved.

-2

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this application for an amendment to a conditional use permit is hereafter supported by the findings attached and labeled "Exhibit A".

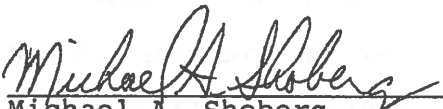
BASED UPON THE ABOVE, it is the finding of the Newport Planning Commission that the addition of an additional apartment will not be detrimental to the general welfare to persons residing or working in the neighborhood, and the request is the most appropriate use of the land.

Accepted and approved this 11th day of January, 1988.



Lill Patrick, Chairman
Newport Planning Commission

Attest:



Michael A. Shoberg
Assistant Planning Director

BEFORE THE NEWPORT PLANNING COMMISSION

STATE OF OREGON

In the Matter of the)
 Conditional Use Permit) APPLICANT'S PROPOSED
 Requested by Mo's) FINDINGS OF FACT
 Enterprises, Inc. located)
 at 754 S.W. Bay Blvd.)

1. Kaino and Mohava Niemi are the owners of property described as Lots 1 and 2, Block 2, Plan of Newport (aka Tax Lots 3800 and 4100 on Tax Map 11-11-8-CA, and 754 S.W. Bay Blvd.).

2. Under the Newport Comprehensive Plan, the property is planned Yaquina Bay shoreland and is zoned W-2, water related.

3. Mo's Enterprises, Inc. was previously granted a conditional use permit on July 13, 1987 for construction of a building containing a restaurant, retail stores, apartments, cold storage and warehouse space.

4. Under the previous conditional use permit which was granted, the applicant was given approval for two apartment units on the second floor of the building.

5. Since the initial plans were drawn, the plans have been revised, and the plans for the building which have been finalized now include three apartment units rather than two apartment units. However, the overall size of the building has been reduced.

6. Based upon the request to change the number of apartments from two to three, this matter has been re-submitted for approval of the third apartment. Other than this change, the uses earlier proposed will remain basically the same.

7. It has been determined by the Planning Department that the number of parking spaces required for this project are 12. Since the parking requirements of this project are no greater than the requirements for the uses previously existing on the property, the applicant will not be required to apply for any additional off-street parking.

8. Under the revised plans which have been submitted, the overall building to be constructed on the site is smaller than the building on which the conditional use was previously granted.

9. An increase from two apartments to three apartments on the second story will have no material impact on the surrounding area, and is not a material change to the project.

10. A public hearing was held on January 11, 1988 before the Newport Planning Commission. All interested parties were given an opportunity to present testimony.

11. Except as modified by these findings allowing an increase of one apartment unit on the second story, the findings of fact adopted by the Planning Commission on July

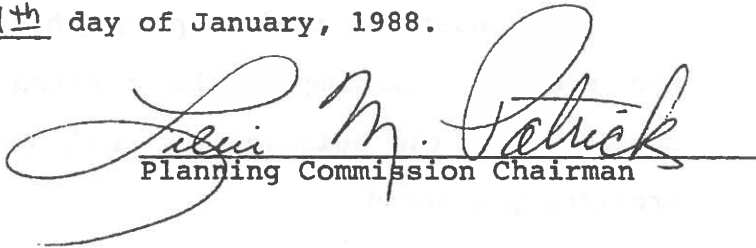
13, 1987 are incorporated herein and made a part of these findings.

CONCLUSIONS

1. The Newport Planning Commission hereby concludes from the foregoing findings of fact that the conditional use permit allowing three apartment units on the second story of the proposed structure should be and hereby is granted.

2. Except as modified by the findings herein, the conditions applying to the previously granted conditional use permit for this property on July 13, 1987 shall remain in effect.

DATED this 11th day of January, 1988.



Planning Commission Chairman

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

IN THE MATTER OF PLANNING COMMISSION FILE NO.)
3-CU-89, APPLICATION FOR A CONDITIONAL USE PERMIT) FINAL ORDER
AS SUBMITTED BY MO'S ENTERPRISES, INC.)

ORDER granting a request for an amendment to conditional use permit File No. 10-CU-87 to allow the operation of a micro-brewery and restaurant on a piece of property located at 748 S.W. Bay Boulevard (further described as Lots 1 and 2, Block 2, PLAN OF NEWPORT; Tax Assessor's Map 11-11-8CA, Tax Lots 3800 and 4100).

WHEREAS:

1. The Planning Commission has duly accepted the application filed consistent with the Newport Zoning Ordinance (No. 1308, as amended); and
2. The Planning Commission has duly held a public hearing on the request for the amendment, with a public hearing a matter of record of the Planning Commission on February 27, 1989; and
3. At the public hearing on said application, the Planning Commission received evidence and recommendations from the applicant, interested persons, and 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, granted the request for a amendment to a conditional use permit.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact, Exhibit "A", support the approval of the request with the following condition:

Prior to the issuance of a business license, the micro-brewery shall enter into a parking agreement with the City of Newport for seven (7) spaces.

BASED UPON THE ABOVE, the Planning Commission determined that the request for a conditional use permit is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of

the City of Newport.

Accepted and approved this 27th day of February, 1989.

Ken Johnson, Vice Chairman
~~Lili Patrick, Chairman~~
Newport Planning Commission

Attest:

Michael A. Shoberg
Michael A. Shoberg
Assistant Planning Director

BEFORE THE NEWPORT PLANNING COMMISSION

STATE OF OREGON

In the Matter of the) Conditional Use Requested) by Mo's Enterprises, Inc.) <hr style="width: 200px; margin-left: 0;"/>	APPLICANT'S PROPOSED FINDINGS OF FACT
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1. Kaino Niemi and Mohava Niemi are the owners of property described as Lots 1 and 2, Block 2, Plan of Newport (aka Tax Lots 3800 and 4100 of Tax Map 11-11-8-CA).

2. Under the adopted Newport Comprehensive Plan, the property is planned Yaquina Bay Shoreland and is zoned W-2, water-related, under the Newport Zoning Ordinance.

3. Mo's Enterprises, Inc., the owner of the building located on the above described property, has filed an application with the City of Newport for a conditional use permit to allow placement of a micro-brewery on the property described above. The micro-brewery would be located in the warehouse portion of the building.

4. Previously, the City of Newport Planning Commission granted a conditional use permit to Mo's Enterprises, Inc. to construct the building. The initial approval was granted July 27, 1987 under case file 10-CU-87. The approval granted was for two retail areas, a tavern/deli, a cold storage area, a warehouse, parking area and two apartments.

5. After the initial approval, Mo's Enterprises, Inc. filed an application for an amendment to the conditional use permit to allow an additional apartment on the second floor of the structure. The Planning Commission held a public hearing on this request and the amendment was granted on January 11, 1988.

6. As currently constructed, the building has three retail areas on the main floor, three apartments on the second floor, and a warehouse area in the rear of the building. Two of the retail shops are currently occupied by Village Woolens and Rickert Galleries. A "British public house" is proposed in the remaining retail area on the first floor which is located on the east end of the building. The use will be similar to the tavern/deli approved in the original application in July of 1987. The proposed public house will serve such items as pizza, Rueben sandwiches, chili, and other similar items. Beer and wine will be served. The establishment will be open to families and will

not be restricted to persons over 21. The general hours of operation are expected to be 10:00 a.m. to 11:00 p.m. weekdays, and 10:00 a.m. to midnight or 1:00 a.m. on weekends.

7. The beer served on the premises will be brewed in a micro-brewery proposed for a portion of the warehouse space in the back of the building, and therefore the applicant filed a request for a conditional use for the micro-brewery.

8. A public hearing on the request was held on February 27, 1989 before the City of Newport Planning Commission after due notice. All interested parties were given an opportunity to testify.

9. A window is proposed for the wall between the retail shop and the warehouse which would allow visitors to view the operation of the brewery.

10. The only outside installation from the current building would be a cooling unit which would be set just to the rear of the building. The unit would be out of sight from adjoining properties and would make very little, if any, noise. The location behind the property in relation to the hillside and walls of the building will not allow noise to be heard off the confines of the property.

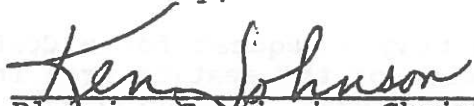
11. The seating area of the public house will consist of approximately 1052 square feet, and will probably have on premises approximately three employees at any one time. Currently, the building has six on-site parking spaces. The placement of the micro-brewery would start approximately 20 feet from the east wall of the warehouse portion of the building and would extend to the west wall of the building. There will be four parking spaces in the warehouse portion of the building. Two will be regular size spaces and two will be designated as compact spaces. Since the Newport Zoning Ordinance requires one parking space for every 200 square feet of seating space in eating and drinking establishments plus one space per two employees, a total of seven spaces will be required for the public house. This means a total of seven parking spaces will be purchased from the City pursuant to Section 2-3-6.030 of the City of Newport Zoning Ordinance.

12. The conditional use requested herein is consistent with the original approval granted in July of 1987.

CONCLUSION

The proposed micro-brewery in conjunction with the other uses of the building does not significantly change the original approval granted by the Planning Commission in 1987, and the placement of the micro-brewery and public house are hereby granted subject to the provision that the applicant or the lessee purchase seven spaces from the City pursuant to Section 2-3-6.030 C(1).

DATED this 27th day of February, 1989.


Ken Johnson
 Planning Commission Chairman Vice Chairman

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

IN THE MATTER OF PLANNING COMMISSION FILE NO.)
14-CU-90, APPLICATION FOR A CONDITIONAL USE) FINAL ORDER
PERMIT AS SUBMITTED BY OREGON BREWING COMPANY)

ORDER granting a request for a CONDITIONAL USE PERMIT to allow the expansion of the seating area for the Oregon Brewing Company dba Bayfront Brewery and Public House.

WHEREAS:

- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Zoning Ordinance (No. 1308, as amended); and
- 2.) The Planning Commission has duly held a public hearing on the request for a conditional use permit, with a public hearing a matter of record of the Planning Commission on August 13, 1990; and
- 3.) At the public hearing on said application, the Planning Commission received evidence and recommendations from the applicant, interested persons, and 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, granted the request for a conditional use permit.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact, Exhibit "A" (staff report), support the approval of the request for a conditional use permit with the following conditions:

- > The applicant shall enter into a parking agreement with the City of Newport for four (4) parking spaces.
- > The historic appearance of the building shall be maintained.
- > Since the door formerly used by the Rickert Gallery will become an "exit" door, an alarm is to be installed

on that door signalling its use.

BASED UPON THE ABOVE, the Planning Commission determines that the request for a conditional use permit is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport.

Accepted and approved this 14th day of August, 1990.

Lill Patrick
Lill Patrick, Chairman
Newport Planning Commission

Attest:

Michael A. Shoberg
Michael A. Shoberg
City Planner

Attachment "H"

2-CUP-19

CITY OF NEWPORT
PUBLIC NOTICE¹

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

File No. 2-CUP-19:

Applicant & Owner: Matthew Merritt, Rogue Ales & Spirits, 2320 OSU Dr, Newport, OR 97365, authorized representative (Mo Properties LLC, 622 SW Bay Blvd, Newport, OR 97365, owner)

Request: Approval of a request per Section 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities" for a conditional use permit to grant relief of the five off-street parking spaces required to operate three vacation rental units at the property that include one (1) one-bedroom vacation rental and two (2) two-bedroom vacation rentals. The subject property does not possess any off-street parking spaces.

Location/Subject Property: 748 SW Bay Blvd, Newport, OR 97365 (Assessor's Map 11-11-08-CA, Tax Lot 4100).

Applicable Criteria: NMC Chapter 14.34.050: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (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.

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

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

Time/Place of Hearing: Monday, April 22, 2019; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: April 2, 2019.

PUBLISHED: April 12, 2019/News-Times.

¹ Notice of this action is being sent to the following: (1) Affected property owners within 200 feet of the subject property according to Lincoln County tax records; (2) affected public utilities within Lincoln County; and (3) affected city departments.

- Cancelled
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- 1400-22
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- 15500
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- 15700-25



Subject Property
File No. 2-CUP-19

5280 North East Shell World Place
Newport, OR 97365 • 541-606-4789

WE'RE YOUR GUYS!

Dugan O'Neill: (253) 449-6215 • Dbrownon@gmail.com

LEGAL NOTICES

com. DATED AND FIRST PUBLISHED:03/29/21018, 2019; /s/ Cathy Jo Farey Personal Representative. M29; A05; A12 (66-12)

PUBLIC AUCTION

Pursuant to ORS Chapter 819: Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 4/16/2019. The sale will be held at 10:00AM by CAR CARE TOW PRO INC., 2795 SE 23rd DR., LINCOLN CITY, OR. 2015 Nissan Versa VIN#3N1CN7APXFL894896 Amount due on lien \$4,798.00 Reputed owner(s) KRISTINA TRIFNOVA; Nissan Motor Acceptance A05 A12 (65-12)

NOTICE OF ACTION

NOTICE OF ACTION BROUGHT FOR EXONERATION FROM OR LIMITATION OF LIABILITY: MARY B II Notice is hereby given that F/V MARY B II LLC, as owner and operator of the MARY B II (NO. 274604), a forty-two-foot wood hulled commercial fishing vessel, has filed a complaint pursuant to the Shipowner's Limitation of Liability Act, 46 U.S.C. §§ 30501-30512, claiming the right to exoneration from or limitation of liability for all claims against it for injury, death, or other damage arising out of or in connection with the voyage which concluded with the January 8, 2019 sinking of MARY B II off the north jetty at Yaquina Bay, Oregon. All persons claiming damages for any and all loss, destruction, damage, injury, or death arising out of or connected with the voyage which concluded with the January 8, 2019 sinking of MARY B II must file their claims, consistent with Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, with the Clerk of Court for the U.S. District Court for the District of Oregon in the case identified as Civil Action No. 6:19-cv-00233-MC.

All such claims must be filed on or before June 4, 2019, unless cause is shown for why the Court should extend the deadline. A copy of any such claims must also be served on F/V MARY B II LLC's attorney, W.L. Rivers Black, Nicoll Black & Feig, 1325 Fourth Ave., Suite 1650, Seattle, WA 98101, on or before June 4, 2019, unless cause is shown for why the Court should extend the deadline. A claimant's failure to file and serve his or her claims on or before June 4, 2019 may result in the default of such claims. Separately, any claimant who wishes to contest the right of F/V MARY B II LLC to exoneration from liability or to limitation of liability must file and serve an answer to the F/V MARY B II LLC's Complaint, as required by Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, unless such answer is included as part of his or her claim. Any answer, whether included as part of a claim or presented separately, must be filed with the Clerk of Court and served on F/V MARY B II LLC's attorney at the address listed above on or before June 4, 2019, unless cause is shown for why the Court should extend this deadline. Pursuant to the Order issued by the U.S. District for the District of Oregon in Civil Action No. 6:19-cv-00233-MC on March 27, 2019, and except as provided for above, the prosecution of all suits, actions, or proceedings of any nature or description whatsoever against F/V MARY B II LLC, its agents, servants, or employees, or against the vessel MARY B II, with respect to any claim arising out of or in connection with the voyage that concluded with the January 8, 2019 sinking of the MARY B II, is enjoined. This Notice is issued by the U.S. District Court for the District of Oregon pursuant to Rule

F(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure. A05 A12 A19 A26 (71-26)

PUBLIC SALE

Safe-Lock Storage located at 3639 SE Ash St, South Beach, OR 97366 will hold a public foreclosure sale on Saturday, April 27 at 10:00 AM. Personal property of the following people will be sold: B16 - Scott Hamrick; C03 - Michelle Lee; C17 - Stephanie Miller; F14 - Debra Webster; K01 - Karin Peterson; M15 - Dennis & Lea Geer; R05 - Donna Smith; S32 - Brittany Omasters. The persons mentioned above may contact us prior to the sale at (541) 867-4607. A05 A10 A12 A17 (73-17)

NOTICE OF BUDGET COMMITTEE MEETING

A public meeting of the Budget Committee of the Seal Rock Water District, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020 will be held at 1037 NW Grebe Street, Seal Rock, OR 97376. The meeting will take place on the 18th of April 2019 at 6:00 P.M. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. A copy of the budget document may be inspected or obtained on or after April 15, 2019 at 1037 NW Grebe St., between the hours of 8:00 A.M. to 4:00 P.M. M29 A12 (67-12)

NOTICE OF A PUBLIC HEARING

CITY OF NEWPORT: The City of Newport Planning Commission will hold a

public hearing on Monday, April 22, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 2-CUP-19, a request submitted by Matthew Merritt, Rogue Ales & Spirits, 2320 OSU Dr, Newport, OR 97365, authorized representative (Mo Properties LLC, 622 SW Bay Blvd, Newport, OR 97365, owner), per Section 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities" for a conditional use permit to grant relief of the five off-street parking spaces required to operate three vacation rental units that include one (1) one-bedroom vacation rental and two (2) two-bedroom vacation rentals at 748 SW Bay Blvd, Newport, OR 97365 (Assessor's Map 11-11-08-CA, Tax Lot 4100). The applicable criteria per NMC Chapter 14.34.050 are that: 1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in

written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (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 for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above). A12 (72-12)

INVITATION TO BID

Sealed bids for the 2019 Street Improvements will be received by the City of Yachats ("Owner") by Shannon Beaucaire, City Manager, City of Yachats, at City of Yachats, City Hall, 441 Highway 101 N, #2, Yachats, OR 97498, until the bid closing time

of 2:00 p.m. local time on Thursday, May 9, 2019. Bids will be publicly opened (at the above address) and the applicable information read aloud immediately after the bid closing time, but written bid tabulations will not be finalized until after 4:00 p.m. (the submittal deadline for the "First-Tier Subcontractor Disclosure Form"). Bids shall be clearly marked "Bid for the 2019 Street Improvements" showing the date and time of the public bid closing, as well as the Bidders name, and shall be delivered to the location specified above, by or before the above bid closing time. By no later than 4:00 p.m. local time on Thursday, May 9, 2019, (i.e. 2 working hours after the bid closing), each bidder shall deliver to Shannon Beaucaire, City Manager, City of Yachats, at the same address as the bids were delivered to, the "First Tier Subcontractor Disclosure Form" contained in the bidding documents. This form shall be submitted regardless of the bid total. Bidders who fail to submit the required disclosure form will be considered non-responsive, and their bid will not be considered for award. The disclosure form shall either be submitted in the same envelope as the bid, or shall be submitted in a separate sealed envelope clearly marked "Disclosure Form for the 2019 Street Improvements" showing the date and time of the disclosure submittal deadline, as well as the Bidders name. The work includes the following: Grading, curbs, paving and storm drainage improvements to ±250 feet of West 1st Street and ±300 feet of East 2nd Street. Copies of the Bid Documents (Contract Terms, Conditions, Specifications and Drawings) may be examined at: Westech Engineering, Inc., 3841 Fairview Industrial Dr. SE, Suite 100, Salem, OR 97302 (phone 503/585-2474)

City of Yachats, City Hall, 441 Highway 101 N, #2, Yachats, OR 97498 Paper sets of the bid documents will not be available for purchase from Westech Engineering for bidding purposes. Complete digital (pdf) copies of Bid Documents (including drawings) are available at <http://www.westech-eng.com> (under the Currently Bidding tab). The digital Bid Documents may be downloaded for a non-refundable payment of \$25 by inputting QuestCDN eBidDoc Number listed on the project information sheet available through the website link above. Assistance with free QuestCDN registration, document downloading or working with the project information may be obtained at QuestCDN.com, at 952-233-1632, or via email at info@questcdn.com. This contract is for a public works project subject to ORS 279C.800 to 279C.870 (state prevailing wages) as applicable. This project was funded in part with a financial award from the ODOT Small City Allotment Grant program. Dated April 4, 2019. /s/ Raymond C. Engel, P.E. Project Manager A10 A12 (78-12)

LEGAL NOTICE

The Pacific Communities Health District Board of Directors will hold a Regular meeting on Monday, April 15, at 4:00 p.m. in the Education Conference Room at Samaritan Pacific Communities Hospital located at located at 930 SW Abbey St., Newport, Oregon. The meeting agenda includes meeting minutes, financial reports and facility reports. /s/Lisa Ely, Recorder. PACIFIC COMMUNITIES HEALTH DISTRICT. For additional information contact 541-574-1803 or www.pchd-strict.org. A12 (81-12)

NOTICE OF BUDGET COMMITTEE MEETING

A public meeting of the Budget Committee of the Greater Toledo Pool

Recreation District, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020, will be held at the Toledo Public Library, 173 NW 7th St, Toledo. The meeting will take place on Tuesday May 14th at 6:00 p.m. The purpose of the meeting is to deliver the budget message and to receive comment from the public on the budget. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. A copy of the budget document may be inspected or obtained on or after Friday May 15th at the Greater Toledo Pool between the hours of 8:00 a.m. and 5:00 p.m. Greater Toledo Pool Recreation District www.greatertoledopool.org. A12 (86-12)

REQUEST FOR PROPOSALS - AUDITOR

The City of Toledo is soliciting proposals from qualified professional firms to conduct the Financial and Compliance Audit of the City for fiscal year ending June 30, 2019. It is the City's intent to negotiate a three year (3) contract with the second and third year contingent upon successful, timely completion of the previous year(s) contract. Interested individuals and/or firms are encouraged to visit the City website at www.cityoftoledo.org for complete details on how to submit proposals for consideration. Submittals are due by 5:00 PM Friday May 10, 2019 and it is desirable that a contract may be awarded on May 15, 2019. The City reserves the right, at its sole discretion, to accept the proposal most favorable to the City's interest and the right to waive minor irregularities in proposal. A12 A17 (87-17)

4/12/19

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, April 22, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 2-CUP-19, a request submitted by Matthew Merritt, Rogue Ales & Spirits, 2320 OSU Dr, Newport, OR 97365, authorized representative (Mo Properties LLC, 622 SW Bay Blvd, Newport, OR 97365, owner), per Section 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities" for a conditional use permit to grant relief of the five off-street parking spaces required to operate three vacation rental units that include one (1) one-bedroom vacation rental and two (2) two-bedroom vacation rentals at 748 SW Bay Blvd, Newport, OR 97365 (Assessor's Map 11-11-08-CA, Tax Lot 4100). The applicable criteria per NMC Chapter 14.34.050 are that: 1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (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 for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above).

FOR PUBLICATION ONCE ON FRIDAY, April 12, 2019.

BAY BLVD LLC
ATTN CHARLOTTE BOXER
4627 N CONGRESS AVE
PORTLAND, OR 97217

CAPRI DUSTIN &
CAPRI AMANDA
747 SW 13TH
NEWPORT, OR 97365

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

DULCICH REALTY ACQUISITION LLC
ATTN PACIFIC SHRIMP CO
ATTN DEBBIE SELLERS
PO BOX 1230
NEWPORT, OR 97365

ELM STREET LLC
ATTN CHARLOTTE BOXER
4627 N CONGRESS AVE
PORTLAND, OR 97217

ERLANDER MILLER AURORA
3821 SE 101ST AVE
PORTLAND, OR 97266

FRONT ST MARINE LLC
ATTN STEPHEN A WEBSTER
JANET G WEBSTER
113 SE BAY BLVD
NEWPORT, OR 97365

MCENTEE CINDY M &
DIXON JUDITH A &
DIXON KEVIN ETAL
622 SW BAY BLVD
NEWPORT, OR 97365

MCENTEE WILSON GABRIELLE
PO BOX 717
NEWPORT, OR 97365

MCVEA EDWARD T &
MCVEA PEGGY L
732 SW 13TH ST
NEWPORT, OR 97365

MO PROPERTIES LLC
622 SW BAY BLVD
NEWPORT, OR 97365

NEWPORT TOWNHOMES LLC
ATTN JAMES D VICK
698 12TH ST SE
SUITE 230
SALEM, OR 97301

REED CRAIG B &
REED LISA M
3841 N STRATFORD ST
LAKE HAVASU, AZ 86404

STARLIGHT ONE LLC
ATTN BORNSTEIN SEAFOODS INC
ATTN RICH GRIFFITH
PO BOX 188
BELLINGHAM, WA 98255

TESAR JONATHAN E
2902 S MORAIN PL
KENNEWICK, WA 99337

Exhibit "A"
Adjacent Property Owners Within 200 Ft

File No. 2-CUP-19

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

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

CenturyLink
 ATTN: Corky Fallin
 740 State St
 Salem OR 97301

Central Lincoln PUD
 ATTN: Randy Grove
 PO Box 1126
 Newport OR 97365

Email: Lisa Phillips
 DLCD Coastal Services Center
 lisa.phillips@state.or.us

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

Joseph Lease
 Building Official

Rob Murphy
 Fire Chief

Tim Gross
 Public Works

Rachel Cotton
 Associate Planner

Jason Malloy
 Police Chief

Mike Murzynsky
 Finance Director

Laura Kimberly
 Library

Jim Protiva
 Parks & Rec

Spencer Nebel
 City Manager

EXHIBIT 'A'
 (Affected Agencies)

(2-CUP-19)

PLANNING STAFF REPORT
Case File No. 2-NCU-19

- A. **APPLICANT:** David Richcreek (David and Angela Richcreek, owners).
- B. **REQUEST:** Approval of a request per Section 14.32/“Nonconforming Uses, Lots, and Structures” of the Newport Municipal Code, to allow continued commercial use of 40-ft x 50-ft and 50-ft x 120-ft, general purpose buildings in an R-1/“Low Density Single Family Residential” zone district.
- C. **LOCATION:** 2102 NW Oceanview Drive and 343 NW 22nd Street.
- D. **LEGAL DESCRIPTION:** Lincoln County Assessor’s Tax Map 10-11-32-DC, Tax Lot 00500. Expanded onto Tax Lot 00301 in 2009 (2102 NW Oceanview Drive). Lincoln County Assessor’s Tax Map 10-11-32-DC, Tax Lot 00300 (343 NW 22nd Street).
- E. **LOT SIZE:** Approximately 0.38 acres.
- F. **STAFF REPORT**
1. **REPORT OF FACT**
 - a. **Plan Designation:** Low Density Residential.
 - b. **Zone Designation:** R-1/“Low Density Single Family Residential.”
 - c. **Surrounding Land Uses:** Residential uses to the north, west and south. Commercial uses to the east.
 - d. **Topography and Vegetation:** The property at 2102 NW Oceanview Drive is level and largely devoid of vegetation. The site at 343 NW 22nd Street is gradually sloped, dropping in elevation to the west and south, and is similarly devoid of vegetation.
 - e. **Existing Structures:** A three bay warehouse building exists at 2102 NW Oceanview Drive. The structure at 343 NW 22nd is a single bay warehouse building.
 - f. **Utilities:** All are available to the site.
 - g. **Development Constraints:** None known.
 - h. **Past Land Use Actions:** None of record.
 - i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on April 8, 2019; and the notice of public hearing was published in the Newport News-Times on May 3, 2019.

j. **Attachments:**

- Attachment "A" – Application Form
- Attachment "A-1" – Lincoln County Property Reports (2102 NW Oceanview)
- Attachment "A-2" – Land Use History Narrative (2102 NW Oceanview)
- Attachment "A-3" – Written Findings (2102 NW Oceanview)
- Attachment "A-4" – Assessor's Tax Card (2102 NW Oceanview)
- Attachment "A-5" – Photographs (2102 NW Oceanview)
- Attachment "A-6" – Utility Records (2102 NW Oceanview)
- Attachment "A-7" – Lease Records (2102 NW Oceanview)
- Attachment "A-8" – Lincoln County Property Report (343 NW 22nd)
- Attachment "A-9" – Land Use History Narrative (2102 NW Oceanview)
- Attachment "A-10" – Written Findings (2102 NW Oceanview)
- Attachment "A-11" – Assessor's Tax Card (343 NW 22nd)
- Attachment "A-12" – Photographs (343 NW 22nd)
- Attachment "A-13" – Lease Records (2102 NW Oceanview)
- Attachment "B" – Aerial Photograph (2007)
- Attachment "C" – Aerial Photograph (2013)
- Attachment "D" – Zoning Map of Area
- Attachment "E" – Building Records 1994 Addition (2102 NW Oceanview)
- Attachment "F" – Business Registry Printout for Wilson's West Coast Insulations
- Attachment "G" – Building Records 2009 Addition (2102 NW Oceanview)
- Attachment "H" – Building Records 1975 Remodel (343 NW 22nd)
- Attachment "I" – 2014 Structural Specialty Code Occupancy Classifications
- Attachment "J" – Public Hearing Notice

2. **Explanation of the Request:** Pursuant to Section 14.32.070/“Alteration, Expansion, or Replacement of Nonconforming Uses and Structures” of the Newport Municipal Code, after verification of the status of a nonconforming use pursuant to Subsection 14.32.060, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood.

The applicant indicates that they are seeking this non-conforming use permit to obtain a written determination from the City of Newport that the general purpose buildings they own at 2102 NW Oceanview Drive and 243 NW 22nd Street can continue to be used in a commercial manner as they have been historically (Attachments "A-2" and "A-9"). These properties are within an R-1/ “Low Density Single Family Residential” zone district, which does not allow commercial uses.

The building at 2102 NW Oceanview Drive was expanded in 1994 and 2009, and this non-conforming use application addresses those improvements as well.

3. **Evaluation of the Request:**

- a. **Comments:** Surrounding property owners and affected city departments and public utilities were notified on April 8, 2019. The notice was published in the Newport News-Times on May 3, 2019. No comments were received in response to the notice.

b. **Application Submittal Requirements:** Pursuant to NMC 14.32.040, applications must include a completed application form, scaled site plan, names and addresses of property owners within the notification area, survey work if structures will not satisfy setback requirements and exterior architectural elevations if structures will exceed building height limitations.

c. **Verification of Status of Nonconforming Use or Structure:** Pursuant to NMC Section 14.32.060, upon receiving an application to alter, expand, or replace a nonconforming use or structure, the approval authority shall determine that the use or structure is nonconforming. Such determination shall be based on findings that:

- The use or structure was legally established at the time the Zoning Ordinance was enacted or amended; and
- The use has not been discontinued for a continuous 12-month period.

The approval authority may require the applicant provide evidence that a use has been maintained over time. Evidence that a use has been maintained may include, but is not limited to, copies of utility bills, tax records, business licenses, advertisements, and telephone or trade listings

The approval authority shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use (September 7, 1982). When determining the nature and extent of a nonconforming use, the approval authority shall consider:

- Description of the use;
- The types and quantities of goods or services provided and activities conducted;
- The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;
- The number, location, and size of physical improvements associated with the use;
- The amount of land devoted to the use; and
- Other factors the approval authority may determine appropriate to identify the nature and extent of the particular use.

A reduction of scope or intensity of any part of the use as determined under this subsection for a period of 12 months or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.

d. **Applicable Criteria (Section 14.32.070):** After verification of the status of a nonconforming use pursuant to Subsection 14.32.060, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the approval authority shall consider the factors listed below. Adverse impacts to one of the factors may, but shall not automatically, constitute greater adverse impact on the neighborhood.

- (1) The character and history of the use and of development in the surrounding area;
- (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood;
- (3) Adequacy of infrastructure to accommodate the use. For the purpose of this subsection, infrastructure includes sewer, water, and streets;
- (4) The comparative numbers and kinds of vehicular trips to the site;
- (5) The comparative amount and nature of outside storage, loading, and parking;
- (6) The comparative visual appearance;
- (7) The comparative hours of operation;
- (8) The comparative effect on solar access and privacy;
- (9) Other factors that impact the character or needs of the neighborhood.

The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood.

To the extent there is a rational nexus, and the City can establish that needed improvements are roughly proportional to proposed development, and alteration, expansion, or replacement of a nonconforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to:

- (1) Surfacing or parking areas and landscaping;
- (2) Exterior design of structures;
- (3) Outdoor displays, storage, and signage.

e. **Staff Analysis:**

In order to grant the permit, the Planning Commission must find that the applicants have provided a complete application, that there is substantial evidence that the Commission can rely upon to verify the nature and extent of the existing nonconformity, and that the expansion will not result in a greater adverse impact on the neighborhood considering the criteria listed under NMC 14.32.070. With that in mind, staff offers the following analysis:

- (1) The subject property is located in an R-1/“Low-Density Single Family Residential” zoning district (Attachment “D”). Residential zoning was placed on the property when it was annexed into the City of Newport with the adoption of Ordinance No. 954 on February 4, 1974. The R-1 zone district has building setbacks of 15-ft from a street, with 5-ft and 8-ft side yard setbacks, a 15-ft rear yard setback, a 54% lot coverage requirement, and a 30-ft maximum building height (ref: NMC 14.13.010, Table A). The R-1 zone district does not permit commercial or industrial uses.

(2) Consistent with NMC 14.32.040, the applicant submitted a completed application form, narrative, names and addresses of property owners within the notification area and photographs of the properties. In sum, this constitutes substantial evidence upon which the Planning Commission can make a decision as to whether or not the 40-ft x 50-ft and 50-ft x 120-ft, general purpose buildings on the subject properties satisfy the City's standards for the alteration and expansion of a nonconforming use.

(3) With respect to NMC 14.32.060, regarding the nonconforming status of the buildings, the applicant provided, assessment, utility, and lease records. Relevant building permit and business registry information is also enclosed. Per the Newport Zoning Ordinance, a building is nonconforming if it is established that the facility existed and has been continuously maintained since September 7, 1982.

With regards to the building at 2102 NW Oceanview Drive, Assessment Records show that a warehouse building existed in 1972 on the portion of the property identified as Lots 13 & 14, Beach Park Addition to Newport (Attachment "A-1"). A porch/office addition was constructed in 1994, at which time a note was placed in the building file advising that a non-conforming use review was needed (Attachment "E"). Such reviews at that time were performed through a conditional use permitting process, and there does not appear to be a record of such review ever being carried out. Nonetheless, a building permit was issued for the addition. In January of 2009, the building was expanded by 1,500 square feet, increasing its size from 4,100 sq. ft. to 5,600 sq. ft. (Attachment "G"). A building permit was issued; however, a non-conforming use review was not performed.

The applicant indicates that Mike Wilson purchased the property at some point in the late 1970's and had a drywall and insulation business in the space. He then sold the company and leased the building to John Vole in the early 1980's and the company was called Ocean Breeze. Mr. Wilson sold the property to the current owner in July of 2004 who continued to lease the building to Ocean Breeze. Mr. Vole retired and closed the business in 2017 and the owner leased the building to the Erin Hymer Group, who uses the space to repair gear used in the trade show industry (Attachment "A-2"). The Secretary of State's Business Registry shows that Wilson's West Coast Insulations and Ocean Breeze Enterprises, Inc. operated at this location (Attachment "F") and the applicant's photographs, utility billing records, and lease documents show that the building has been maintained and actively used (Attachments "A-5" through "A-7").

As for the property at 343 NW 22nd Street, the Lincoln County Assessor indicates that the building was constructed in 1974 (Attachment "A-8"). City building records note that the structure was remodeled at that time and that a warehouse existed on the property before it was annexed. The structure was 2,000 sq. ft. at that time, as it is now (Attachment "H").

The applicant indicates that the 1975 remodel was undertaken by Industrial Development Company, that it was later sold and used for storage, and that the

structure is now being used by a building contractor (Attachments "A-9" and "A-13"). The current owners purchased the property in 2015. Photographs and lease records show that the structure is in good condition and is actively being used (Attachments "A-12" and "A-13").

The type of construction and historic use of the buildings would support low and moderate hazard storage uses, except motor vehicle repair, and low-hazard industrial uses. These are the equivalent of S-1 (except auto repair), S-2, and F-2 occupancies under the 2014 Oregon Structural Specialty Code (Attachment "I"). Since the building at 343 NW 22nd Street lacks water/sewer service, and has historically been used almost exclusively for storage, its occupancy should be limited to the storage classifications.

Considering the above, it would be reasonable for the Planning Commission to find that substantial evidence exists that commercial buildings lawfully existed on the subject properties before they were annexed to the City and zoned for residential use. Evidence also establishes that the structures have been maintained and used continuously since they were rendered nonconforming in September 7, 1982. The Commission should consider limiting the range of permitted non-residential uses to those that are appropriate to the occupancy classification of the buildings. The building at 2102 NW Oceanview Drive was expanded in 1994 and again in 2009. Those improvements can be, and have been, addressed as an alteration and expansion of the non-conforming use in the findings below.

(4) After verification of the status of a nonconforming use, pursuant to NMC 14.32.070, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion or replacement will not result in a greater adverse impact on the neighborhood. In making this finding the Planning Commission should consider the following factors:

a. The character and history of the use and of development in the surrounding area.

i. The applicant notes the properties were rundown and that they have cleaned them up and performed needed maintenance since they acquired the parcels (Attachments "A-3" and "A-5").

ii. The portion of the building at 2102 NW Oceanview Drive, constructed in 1972, protruded well within the 15-foot building setback from NW Oceanview Drive and it is unclear that it met the side yard setback from the north property line. The addition to the south and west side of the building in 1994 was modest in size and while it brought the structure closer to NW Oceanview Dr, it didn't appreciably change the character of the commercial site. The same goes for the 2009 addition, as that extended the building east toward the beverage distribution facility, which is quite larger in terms of its building mass. It is unclear whether or not the westernmost portion of the building is fully contained on the subject

property. This application is specific to the private ownership, so it would be appropriate for the Commission to stipulate that this decision does not apply to any potential encroachment into the NW Oceanview Drive right-of-way.

iii. Neither property, as they existed when annexed, appear to meet the 54% lot coverage limitation. Expansion of the building on 2102 NW Oceanview Dr has resulted in additional lot coverage; however, the bulk of that has occurred on the easterly portion of the site that is less visible from surrounding residential areas and more closely oriented towards neighboring commercial buildings. Both structures satisfy the 30-ft maximum building height of the R-1 zone.

iv. This portion of town has historically been an area transitioning from commercial to residential use. Over time, it appears that these two properties have become more commercial and industrial in appearance, with limited landscaping being removed to maximize business use. With residential properties to the north, south, and west, it would be reasonable for the Planning Commission to require the applicant take steps to landscape undeveloped areas as a vegetated buffer, emphasizing areas adjacent to NW Oceanview Drive. Businesses are typically required to landscape 10 percent of their lot area, with such landscaping being focused on street frontages (ref: NMC 14.19.050).

v. Considering the above, it is reasonable for the Planning Commission to conclude that the buildings, as presently constituted, are consistent with the character and history of development in the area; however, it may want to consider imposing conditions requiring that landscaping be installed and clarify that the decision does not authorize an encroachment into the NW Oceanview Drive right-of-way for the reasons noted.

b. *The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood.*

i. Commercial activities will occur entirely within enclosed structures and a condition limiting the range of uses to S-1 (except auto repair), S-2, and F-2 occupancies under the 2014 Oregon Structural Specialty Code is sufficient to ensure future use of the structures will not result in a greater adverse impact to the neighborhood relative to this standard.

ii. Considering the above, it is reasonable for the Planning Commission to conclude that the building expansion will not create noise, vibration, dust, odor, fumes, glare, or smoke in a manner that would result in a greater adverse impact on the neighborhood.

c. *Adequacy of infrastructure to accommodate the use (including sewer, water, and streets.*

i. The applicant notes that infrastructure is in place to serve the buildings. The lack of water/sewer service to the building at 343 NW 22nd Street will limit the

scope of potential uses, since building codes require restrooms in occupied facilities.

ii. Considering the above, it is reasonable for the Planning Commission to conclude that the building expansion will not cause any greater adverse impact on the neighborhood as it relates to the adequacy of infrastructure to serve the uses.

d. The comparative numbers and kinds of vehicular trips to the site.

i. The applicant notes that vehicle trips to and from the properties are minimal and will not disrupt the neighborhood (Attachments "A-3" and "A-10").

ii. NW Oceanview Drive is a collector roadway designed to accommodate a significant volume of vehicle traffic. Additionally, NW 22nd accommodates vehicle traffic from both residential and commercial uses.

iii. Considering the above, it is reasonable for the Planning Commission to conclude that the building expansion will not cause any greater adverse impact on the neighborhood relative to this criterion.

e. The comparative amount and nature of outside storage, loading, and parking.

i. The applicant indicates that there will be no change in outdoor storage, loading and parking. Both properties provide a substantial amount of off-street parking and loading, both inside and outside the structures. Neither property has been used for outside storage.

ii. Given the above, it is reasonable for the Planning Commission to conclude that the proposed building expansion will not cause any greater adverse impact on the neighborhood with respect to comparative amount and nature of outside storage, loading, and parking.

f. The comparative visual appearance.

i. The applicant indicates that they intend to maintain the visual appearance of the structures in their present condition. If the Commission believes that additional landscaping is needed, than the visual appearance of the properties is likely to improve. This is particularly true along NW Oceanview Drive as it relates to the appearance of the property as viewed from surrounding residential areas.

ii. Considering the above, it is reasonable for the Planning Commission to conclude that the proposed building expansion will not cause any greater adverse impact on the neighborhood as it relates to comparative visual appearance.

g. The comparative hours of operation.

- i. The applicant notes that the hours of operation are 9:00 am to 5:00 pm and that this will be unchanged.
- ii. Based on the above, it is reasonable for the Planning Commission to conclude that the proposed building expansion will not cause any greater adverse impact on the neighborhood as far as comparative hours of operation.

h. The comparative effect on solar access and privacy.

- i. The applicant indicates that they do not anticipate any impacts to solar access. Given the low profile of the buildings and existing development pattern in the area, it is unlikely that they have a significant shadowing effect on neighboring properties.
- ii. The subject buildings have very few windows and with most of the on-site activities occurring within the structures little, if any, of it will be visible from nearby properties.
- iii. Given the above, it is reasonable for the Planning Commission to conclude that the proposed building expansion satisfies this criterion.

i. Other factors which impact the character or needs of the neighborhood.

- i. There does not appear to be any other relevant factors that would impact the character or needs of the neighborhood.


j. The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood.

- i. The alteration and expansion is largely limited to the 2102 NW Oceanview Drive property. Low density single-family residential zoning includes setbacks and maximum lot coverage requirements to encourage a dispersed development pattern. With NW Oceanview Drive, a collector roadway, on the west and developed commercial zoned property to the east, the area can be fairly characterized as transitional. As noted, there is room for the Commission to require landscaping be installed as a buffer for nearby residential properties and to dampen the industrial look and feel of the properties, particularly the building at 2102 NW Oceanview, which is quite a bit larger than what it was when placed in the R-1 zone.
- ii. Based on the above, it is reasonable for the Planning Commission to conclude that commercial use of the buildings, including the expanded structure at 2102 NW Oceanview Drive, will not result in a greater adverse impact on the neighborhood relative to the objectives of the current zoning provisions.

4. **Conclusion:** If the Planning Commission finds that the applicant has demonstrated that commercial use of the subject buildings is non-conforming and that the expansion of the buildings, namely the structure at 2102 NW Oceanview Drive, satisfy the criteria established in the Zoning Ordinance for authorizing the alteration/expansion of a nonconforming use, then the Commission should approve the request. The Commission can attach reasonable conditions that are necessary to carry out the purposes of the Zoning Ordinance and the Comprehensive Plan. If the Commission finds that the request does not comply with the criteria, then the Commission should deny the application.

G. **STAFF RECOMMENDATION:** As outlined in this report, this application can satisfy the approval criteria provided conditions are imposed as outlined below. Accordingly, the Commission should approve this request, subject to the following:

1. Use of the building at 2102 NW Oceanview Drive shall be limited to low and moderate hazard storage uses, except motor vehicle repair, and low-hazard industrial uses equivalent to S-1 (except auto repair), S-2, and F-2 occupancies under the 2014 Oregon Structural Specialty Code.
2. Use of the building at 343 NW 22nd Street shall be limited to low and moderate hazard storage uses, except motor vehicle repair, equivalent to S-1 (except auto repair), and S-2 occupancies under the 2014 Oregon Structural Specialty Code.
3. This non-conforming use determination is specific to property owned by the applicant, as described herein, and does not extend to, or authorize, any building encroachment that may exist within the right-of-way for NW Oceanview Drive.
4. Owner shall re-establish landscaping to either side of the driveway at 343 NW 22nd Street, and install landscaping at 2102 NW Oceanview Drive, with an emphasis on the street frontages. A landscape plan shall be provided to the City for its review, and the work completed within 12-months of the date of this decision.



Derrick I. Tokos AICP
Community Development Director
City of Newport

May 10, 2019



City of Newport Land Use Application

Attachment "A"
2-NCU-19

Applicant Name(s): David Richcreek Property Owner Name(s) if other than applicant: SAME

Applicant Mailing Address: 2026 NW OCEANVIEW DR Property Owner Mailing Address: Newport OR

Applicant Phone No.: 541-270-2255 Property Owner Phone No.:

Applicant Email: daverichcreek@yahoo.com Property Owner Email: same

Authorized Representative(s): Person authorized to submit and act on this application on applicant's behalf

Authorized Representative Mailing Address:

Authorized Representative Telephone No.:

Authorized Representative Email:

Project Information

Property Location: Street name if address # not assigned: 343 NW 22ND + 2102 NW OCEANVIEW DR Newport OR

Tax Assessor's Map No.: 10-11-32-DC-00500 Tax Lot(s):

Zone Designation: R-1 Legal Description: Add additional sheets if necessary

Comp. Plan Designation:

Brief description of Land Use Request(s):
Examples:
1. Move north property line 5 feet south
2. Variance of 2 feet from the required 15-foot front yard setback
USE Building in the same MANNER It has been used for 30 plus years.

Existing Structures: if any
One warehouse 50' x 120'

Topography and Vegetation:

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 checked="" 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 checked="" 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 type="checkbox"/> Other |

FOR OFFICE USE ONLY

File No. Assigned: 2-NCU-19

Date Received: 3/26/19 Fee Amount: 802- Date Accepted as Complete:

Received By: RC Receipt No. 3078 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.

3/26/19

Applicant Signature(s)

Date

3/26/19

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.

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R18747	Neighborhood:		Owner and	RICHCREEK DAVID &
Map Taxlot:	10-11-32-DC-00301-00	NNM6		Mailing Address:	RICHCREEK ANGELA 2026 NW OCEANVIEW DR NEWPORT, OR 97365
Tax Map:	10s11w32DC	Property Class:	211	Site Address(es):	
Web Map:	View Map				
Info:	BEACH PARK ADDN.-NEWPORT, BLOCK 28, LOT 12 & W 1/2 OF 11, DOC200410980				
Tax Code:	104				
Acres:					

Improvements								Value History				
Description	Area	Yr Built	Found	Heat	Plumb	BDMS	Value	Year Imp.	Land	Total Market	Total Assessed	
MAIN AREA	1500 sq ft	2009					\$45,260	2018	45,260	77,800	123,060	93,420
Foundation Code List Heating/AC Code List Plumbing Code List								2017	45,260	68,700	113,960	90,700
								2016	43,350	68,700	112,050	88,060
								2015	43,350	68,700	112,050	85,500
								2014	43,350	68,700	112,050	83,010
								2013	36,210	68,700	104,910	80,600
								2012	40,730	82,350	123,080	78,260
								Sales History				
No Sales Data												

Land				Related Accounts		Disclaimer
Description	Acres	Market Value	Special Use Value			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 10/2018.
DEV RESIDENTIAL LOT	0.11	72,800				
SITE DEVELOPMENT		5,000				
Today's Date: 05/09/2019						

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R23481	Neighborhood:		Owner and	RICHCREEK DAVID &
Map Taxlot:	10-11-32-DC-00500-00	NNM6		Mailing Address:	RICHCREEK ANGELA 2026 NW OCEANVIEW DR NEWPORT, OR 97365
Tax Map:	10s11w32DC	Property Class:	211	Site Address(es):	2102 NW OCEANVIEW DR
Web Map:	View Map				
Info:	BEACH PARK ADDN.-NEWPORT, BLOCK 28, LOT 13 & 14, DOC200410980				
Tax Code:	104				
Acres:					

Improvements								Value History				
Description	Area	Yr Built	Found	Heat	Plumb	BDMS	Value	Year Imp.	Land	Total Market	Total Assessed	
MAIN AREA	4100 sq ft	1972			HB		\$57,060	2018	57,060	83,350	140,410	109,930
Foundation Code List Heating/AC Code List Plumbing Code List								2017	57,060	73,550	130,610	106,730
								2016	54,650	73,550	128,200	103,630
								2015	54,650	73,550	128,200	100,620
								2014	54,650	73,550	128,200	97,690
								2013	45,650	73,550	119,200	94,850
								2012	51,350	88,240	139,590	92,090
								Sales History				
								Sale Date	Price	Document	Type Code	
								07/19/2004	\$125,000	200410980	13 WD	

Land				Related Accounts		Disclaimer
Description	Acres	Market Value	Special Use Value			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 based on this information. Tax data exported 10/2018.
DEV RESIDENTIAL LOT0.16	78,350					
SITE DEVELOPMENT	5,000					
Today's Date: 05/09/2019						

Nonconforming Use

History of land use for property 2102 NW Oceanview Drive Newport, Oregon.

- Date of entry in the official record of Lincoln County Assessor's office 1-1-1961 (Beach Park Lots 13 & 14, block 28)
- In 1972 general purpose building was built on the property. This was before the property was within city limits and was considered at this time county property.
- Annex to the City of Newport code 133 to 104 3/8/1974.
- Mike Wilson purchased the property at some point in the late 70's and had a drywall and insulation business in the space.
- Mike Wilson then sold the drywall/insulation business to John Vole in the early 80's and the company was called Ocean Breeze.
- Mike Wilson sold property to David and Angela Richcreek 7/19/2004.
- Ocean Breeze used the building and property until John retired from his business in December 2017. The drywall and insulation businesses were in operation for 40 plus years.
- New renter started on October 2017, Erin Hymer Group. They used ^{USE} space as office and to repair gear used in the trade show industry.

We are requesting a nonconforming use permit for this property. The property has been used for years as several different businesses. We have owned the property for 15 years. Permits were filed with the city when improvements were made in 1994 and 2009.

We would like to continue to use this building/property in the same manner which it has been since it's existence.

#6

- A. Character and history of the use of space will not result in adverse impact on the neighborhood. The use of the building will remain the same as it as for 40 plus years. When we purchased the space, the property was rundown and needed maintenance. After purchase we cleaned up the garbage and debris which improved the overall look and feel of the neighborhood.
- B. There will be no more degree of noise, vibration, dust, odor, fumes, glare or smoke detectable within the neighborhood.
- C. There is adequate use of infrastructure to accommodate the use of the building and property. It will be the same as previous years.
- D. Vehicular trips to the site is minimal and less than in previous years. There will be no disruption to the neighborhood with additional vehicles.
- E. There will be no change to the amount of outside storage, loading and parking than in previous year. Most likely less than previous years with loading drywall.
- F. The visual appearance will remain the same or will improve as needed for maintenance.
- G. Hours of operation will remain daytime hours of 9:00 am to 5:00 pm.
- H. The effect on solar access in none.
- I. There will be no adverse effects on the neighborhood. The character of our neighborhood will remain the same as in previous years. As stated above, when this property was purchased by us in 2004 it was not well maintained. We live in the neighborhood and wanted to improve our neighborhood. Improvements have been made to the property and building which have been an asset to the neighborhood.

2107

Attachment "A-4"

92

2-NCU-19

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR, LINCOLN COUNTY, OREGON

10	11	32	D	C	500	13 & 14	28
Twp. S	Rg. W	Sec.	1/4	1/16	Tax Lot No.	Section or Lot	Township S. or Block
Map Number					733	Beach Park Add'n to	Newport
Account Number					Code No.	Addition	City

Indent Each New Course to this Point

Code 8=133

LEGAL DESCRIPTION

Date of Entry On This Card

Deed Record Volume Page

Acres Remaining

Beach Park Add'n to Newport;
Lots 13 & 14, Blk 28;

1-1-61 106 532

Tompson to Miller
Miller to Belloni

mf 26 1032 D.C.
mf 26 1857 Cont
MF 30 1841 WD
" 30 1842 WD
MF 37 518 WD
MF 37 519 mtg

Belloni T Belloni Et B.

Belloni to Christenson MF 44 1152 WD

Annex to City NPT. Code 133 To 104 — Code Chg 3-8-74

Ord 959
738
739

Christenson to Belloni — MF 47 1943 WD

CARR. Code chg. from 104 to 106 City NPT. + NPT RFPD — 5-23-74

JV 1069
-1070

Code 106 To 104 — WITHDRAW PARTIAL NPT. RFPD —> 1976 ORD 994 JV 1522

MF 158 1068 BSD.

WILSON TO WILSON

Wilson ETAL — MF 168 694 ASSUMP. WD.

Devereaux, EP (EXA-Wilson) to Wilson, ML

LJD 12-3-93 MF 268-1297

Wilson, ML to Richerick, J & A

RD 1-27-04 RAB 10979

Wilson, EP to Wilson, ML

JVDC 9-18-06 2004/15798

Form LC Animal SD ORD 13/14 3-13-81









City of Newport

Customer History - YEAR END FOR TAX SUMMARY

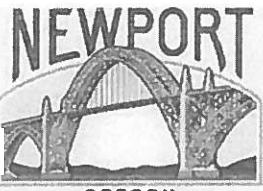
Page: 2

Report Dates: 03/01/2015 - 12/31/2018

Mar 26, 2019 02:04PM

27501.01 RICHCREEK, DAVID 2102 NW OCEANVIEW DR (Continued)

Period	WFR Delq Fee	Water Q Re-Con Fee	Sewer Qty CFEE	Sewer Flat Late Fee	Infrstr	Storm Drn	Billings	Billing Adjustments	Balance
02/28/2017	-	-	-	-	-	-	-	-	-
03/31/2017	-	-	-	-	-	-	-	-	-
04/30/2017	-	-	-	-	-	-	-	-	-
05/31/2017	-	-	-	-	-	-	-	-	-
06/30/2017	-	-	-	-	-	-	-	-	-
07/31/2017	-	-	-	-	-	-	-	-	-
08/31/2017	-	-	-	-	-	-	-	-	-
09/30/2017	-	-	-	-	-	-	-	-	-
10/31/2017	-	-	-	-	-	-	-	-	-
11/30/2017	-	-	-	-	-	-	-	-	-
12/31/2017	-	-	-	-	-	-	-	-	-
01/31/2018	-	11.25	-	12.34	3.77	4.26	51.62	-	51.62
02/28/2018	-	21.80	7.85	23.90	7.30	8.25	69.10	-	69.10
03/31/2018	-	21.80	-	23.90	7.30	8.25	61.25	-	61.25
04/30/2018	-	21.80	-	23.90	7.30	8.25	61.25	-	61.25
05/31/2018	-	21.80	-	23.90	7.30	8.25	61.25	-	61.25
06/30/2018	-	21.80	-	23.90	7.30	8.25	61.25	-	61.25
07/31/2018	-	21.80	-	23.90	7.30	8.25	61.25	-	61.25
08/31/2018	-	21.80	-	23.90	7.30	8.25	61.25	-	61.25
09/30/2018	-	21.80	-	23.90	7.30	8.25	61.25	-	61.25
10/31/2018	-	21.80	-	23.90	7.30	8.25	61.25	-	61.25
11/30/2018	-	21.80	7.85	23.90	7.30	8.25	69.10	-	69.10
12/31/2018	-	18.50	-	23.90	7.30	8.25	57.95	-	57.95
Totals:	-	247.75	15.70	275.24	84.07	95.01	737.77	-	
	-	-	20.00	-	-	-	-	-	



86

www.newportoregon.gov

Transaction Receipt

625-19-000029-PLNG

Receipt Number: 3078

Receipt Date: 3/26/19

City of Newport Planning Department

169 SW Coast Hwy

Newport, OR 97365

541-574-0629

Fax: 541-574-0644

permits@newportoregon.gov

Worksite address: 2102 NW OCEANVIEW DR, Newport, OR

Parcel: 10-11-32-DC-00500-00

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
3/26/19	1.00 Ea	Nonconforming use permit	101-1900-46003	\$802.00	\$802.00

Payment Method:	Credit card authorization:	Payer: Angie Richcreek	Payment Amount:	\$802.00
	02374D			

Cashier: Sherri Marineau

Receipt Total: \$802.00

2102 - \$3,579.58

7/1/18-6/30/19 REAL PROPERTY TAX STATEMENT

ACCOUNT NO.: R23481

LINCOLN COUNTY, OREGON - 225 W OLIVE ST, ROOM 205 - NEWPORT, OR 97365

PROPERTY DESCRIPTION

1,977.22

BEACH PARK ADDN.-NEWPORT, BLOCK 28, LOT 13 & 14, DOC200410980

LAST YEAR'S TAX

ACRES:

See back for explanation of taxes marked with (+)

MAP: 10-11-32-DC-00500-00

CODE: 104

RICHCREEK DAVID & RICHCREEK ANGELA 2026 NW OCEANVIEW DR NEWPORT, OR 97365

THIS YEAR'S TAX

A-LINC CO SCHOOL UNIT 463.01
A-OR CST COMM COLLEGE 16.58
A-ESD LINN-BENTON-LINC 28.78

Table with columns: MARKET VALUES, LAST YEAR, THIS YEAR. Rows include LAND, STRUCTURE, TOTAL VALUE, TAXABLE VALUES, ASSESSED, and NET TAXABLE.

EDUCATION TOTAL: 508.37

A-LINC CO GENERAL 266.00
A-LINC CO EXTENSION SE 4.27
A-LINC CO ANIMAL SCVS 10.39
A-LINC CO TRANSPORTATI 9.20
PORT OF NEWPORT 5.76
CITY OF NEWPORT 533.74
H-PACIFIC COMMUNITIES 34.21
URBAN REN NPT AGENCY 219.81

GENERAL GOVERNMENT TOTAL 1,083.38

A-LINC CO SCHOOL BOND 83.09
A-OR CST COMM COLLEGE 26.61
PORT OF NEWPORT 27.79
CITY OF NEWPORT 176.89
H-PACIFIC COMMUNITIES 88.81

BONDS AND OTHER TOTAL: 403.19

BILLING QUESTIONS (541) 265-4139
VALUE QUESTIONS (541) 265-4102

2018-19 PROPERTY TAX TOTALS 1,994.94

If a mortgage company pays your taxes, This statement is for your records only.

Full Payment with 3% Discount 1,935.09
2/3 Payment with 12% Discount 1,303.38
1/3 Payment No Discount 884.98

TOTAL TAX (After Discount) 1,935.09

2017

7/1/17-6/30/18 REAL PROPERTY TAX STATEMENT

ACCOUNT NO.: R23481

LINCOLN COUNTY, OREGON - 225 W OLIVE ST, ROOM 205 - NEWPORT, OR 97365

PROPERTY DESCRIPTION

LAST YEAR'S TAX

1,935.42

See back for explanation of taxes marked with (-)

2102 OCEANVIEW

BEACH PARK ADDN.-NEWPORT, BLOCK 28, LOT 13 & 14, DOC200410980

ACRES:

MAP: 10-11-32-DC-00500-00

CODE: 104

RICHCREEK DAVID &
RICHCREEK ANGELA
2026 NW OCEANVIEW DR
NEWPORT, OR 97365

THIS YEAR'S TAX

A-LINC CO SCHOOL UNIT 456.23
A-OR CST COMM COLLEGE 16.34
A-ESD LINN-BENTON-LINC 28.36

EDUCATION TOTAL:

500.93

VALUES:	LAST YEAR	THIS YEAR
MARKET VALUES:		
LAND	73,550	73,550
IMPROVEMENT	54,650	57,060
TOTAL VALUE	128,200	130,610
TAXABLE VALUES:		
ASSESSED	103,630	106,730

A-LINC CO GENERAL 262.11
A-LINC CO EXTENSION SE 4.19
A-LINC CO ANIMAL SCVS 10.24
A-LINC CO TRANSPORTATI 9.06
PORT OF NEWPORT 5.67
CITY OF NEWPORT 526.05
H-PACIFIC COMMUNITIES 33.71
URBAN REN NPT AGENCY 193.47

NET TAXABLE: 103,630 106,730

GENERAL GOVERNMENT TOTAL 1,044.50

A-LINC CO SCHOOL BOND 76.26
A-OR CST COMM COLLEGE 27.33
PORT OF NEWPORT 54.22
CITY OF NEWPORT 183.26
H-PACIFIC COMMUNITIES 90.72

BONDS AND OTHER TOTAL: 431.79

2017-18 PROPERTY TAX TOTALS 1,977.22

TOTAL TAX (After Discount) 1,917.90

BILLING QUESTIONS (541) 265-4139
VALUE QUESTIONS (541) 265-4102

If a mortgage company pays your taxes.
This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
1,917.90	1,291.79	659.08

2102 OCEANVIEW

7/1/16-6/30/17 REAL PROPERTY TAX STATEMENT

ACCOUNT NO.: R23481

LINCOLN COUNTY, OREGON - 225 W OLIVE ST, ROOM 205 - NEWPORT, OR 97365

PROPERTY DESCRIPTION

BEACH PARK ADDN.-NEWPORT, BLOCK 28, LOT 13 & 14, DOC200410980

LAST YEAR'S TAX

1,794.48

See back for explanation of taxes marked with (+)

ACRES:

MAP: 10-11-32-DC-00500-00

CODE: 104

PAO 8/27/16

CC # 1178

RICHCREEK DAVID &
RICHCREEK ANGELA
2026 NW OCEANVIEW DR
NEWPORT, OR 97365

THIS YEAR'S TAX

A-LINC CO SCHOOL UNIT 447.47
A-OR CST COMM COLLEGE 16.02
A-ESD LINN-BENTON-LINC 27.79

EDUCATION TOTAL: 491.28

VALUES:	LAST YEAR	THIS YEAR
MARKET VALUES:		
LAND	73,550	73,550
IMPROVEMENT	54,650	54,650
TOTAL VALUE	128,200	128,200
TAXABLE VALUES:		
ASSESSED	100,620	103,630

A-LINC CO GENERAL 257.06
A-LINC CO EXTENSION SE 4.12
A-LINC CO ANIMAL SCVS 10.03
A-LINC CO TRANSPORTATI 8.89
PORT OF NEWPORT 5.55
CITY OF NEWPORT 515.89
H-PACIFIC COMMUNITIES 33.06
URBAN REN NPT AGENCY 174.63

NET TAXABLE: 100,620 103,630

GENERAL GOVERNMENT TOTAL 1,009.23

A-LINC CO SCHOOL BOND 75.34
A-OR CST COMM COLLEGE 26.87
PORT OF NEWPORT 54.79
CITY OF NEWPORT 187.92
H-PACIFIC COMMUNITIES 89.99

BONDS AND OTHER TOTAL: 434.91

BILLING QUESTIONS (541) 265-4139
VALUE QUESTIONS (541) 265-4102

2016-17 PROPERTY TAX TOTALS 1,935.42

If a mortgage company pays your taxes,
This statement is for your records only.

TOTAL TAX (After Discount) 1,877.36

Full Payment with 3% Discount 1,877.36
2/3 Payment with 2% Discount 1,264.47
1/3 Payment No Discount 645.14

PAID 10-27-15

2107

7/1/15-6/30/16 REAL PROPERTY TAX STATEMENT

ACCOUNT NO.: R23481

LINCOLN COUNTY, OREGON - 225 W OLIVE ST, ROOM 205 - NEWPORT, OR 97365

PROPERTY DESCRIPTION

BEACH PARK ADDN.-NEWPORT, BLOCK 28, LOT 13 & 14, DOC200410980

LAST YEAR'S TAX

1,754.10

See back for explanation of taxes marked with (*)

ACRES:

MAP: 10-11-32-DC-00500-00

CODE: 104

RICHCREEK DAVID &
RICHCREEK ANGELA
2026 NW OCEANVIEW DR
NEWPORT, OR 97365

THIS YEAR'S TAX

A-LINC CO SCHOOL UNIT 441.29
A-OR CST COMM COLLEGE 15.80
A-ESD LINN-BENTON-LINC 27.41

VALUES:	LAST YEAR	THIS YEAR
MARKET VALUES:		
LAND	73,550	73,550
IMPROVEMENT	54,650	54,650
TOTAL VALUE	128,200	128,200
TAXABLE VALUES:		
ASSESSED	97,690	100,620

EDUCATION TOTAL:	484.50
A-LINC CO GENERAL	253.51
A-LINC CO EXTENSION SE	4.06
A-LINC CO ANIMAL SCVS	9.89
A-LINC CO TRANSPORTATI	8.76
PORT OF NEWPORT	5.48
CITY OF NEWPORT	508.73
H-PACIFIC COMMUNITIES	32.59
URBAN REN NPT AGENCY	149.42

NET TAXABLE: 97,690 100,620

GENERAL GOVERNMENT TOTAL	972.44
A-LINC CO SCHOOL BOND	73.11
A-OR CST COMM COLLEGE	26.18
PORT OF NEWPORT	55.21
CITY OF NEWPORT	183.04

BONDS AND OTHER TOTAL: 337.54

2015-16 PROPERTY TAX TOTALS 1,794.48

BILLING QUESTIONS (541) 265-4139
VALUE QUESTIONS (541) 265-4102

If a mortgage company pays your taxes.
This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
1,740.65	1,172.39	598.16

TOTAL TAX (After Discount) 1,740.65

2014 - WADEHOUSE 2102

7/1/14-6/30/15 REAL PROPERTY TAX STATEMENT

ACCOUNT NO.: R23481

LINCOLN COUNTY, OREGON - 225 W OLIVE ST, ROOM 205 - NEWPORT, OR 97365

PROPERTY DESCRIPTION

LAST YEAR'S TAX

1,663.50

BEACH PARK ADDN.-NEWPORT, BLOCK 28, LOT
13 & 14, DOC200410980

See back for explanation of taxes marked with (*)

ACRES:

MAP: 10-11-32-DC-00500-00

CODE: 104

RICHCREEK DAVID &
RICHCREEK ANGELA
2026 NW OCEANVIEW DR
NEWPORT, OR 97365

THIS YEAR'S TAX

A-LINC CO SCHOOL UNIT 427.62
A-OR CST COMM COLLEGE 15.31
A-ESD LINN-BENTON-LINC 26.56

VALUES:	LAST YEAR	THIS YEAR
MARKET VALUES:		
LAND	73,550	73,550
IMPROVEMENT	45,650	54,650
TOTAL VALUE	119,200	128,200
TAXABLE VALUES:		
ASSESSED	94,850	97,690
NET TAXABLE:	94,850	97,690

EDUCATION TOTAL:	469.49
A-LINC CO GENERAL	245.65
A-LINC CO EXTENSION SE	3.94
A-LINC CO ANIMAL SCVS	9.58
A-LINC CO TRANSPORTATI	8.49
PORT OF NEWPORT	5.31
CITY OF NEWPORT	492.86
H-PACIFIC COMMUNITIES	31.58
URBAN REN NPT AGENCY	147.62

GENERAL GOVERNMENT TOTAL	945.03
A-LINC CO SCHOOL BOND	71.09
A-OR CST COMM COLLEGE	27.65
PORT OF NEWPORT	54.11
CITY OF NEWPORT	186.73

BONDS AND OTHER TOTAL: 339.58

2014-15 PROPERTY TAX TOTALS 1,754.10

BILLING QUESTIONS (541) 265-4139
VALUE QUESTIONS (541) 265-4102

If a mortgage company pays your taxes.
This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
1,701.48	1,146.01	584.70

TOTAL TAX (After Discount) 1,701.48

10-28-13

PAP CIC #1069

7/1/13-6/30/14 REAL PROPERTY TAX STATEMENT

ACCOUNT NO.: R23481

LINCOLN COUNTY, OREGON - 225 W OLIVE ST, ROOM 205 - NEWPORT, OR 97365

PROPERTY DESCRIPTION

LAST YEAR'S TAX

1,596.74

BEACH PARK ADDN.-NEWPORT, BLOCK 28, LOT 13 & 14, DOC200410980

See back for explanation of taxes marked with (*)

ACRES:

MAP: 10-11-32-DC-00500-00

CODE: 104

RICHCREEK DAVID & ANGELA
2026 NW OCEANVIEW DR
NEWPORT, OR 97365

THIS YEAR'S TAX

A-LINC CO SCHOOL UNIT 414.12
A-OR CST COMM COLLEGE 14.83
A-ESD LINN-BENTON-LINC 25.72

VALUES:	LAST YEAR	THIS YEAR
MARKET VALUES:		
LAND	88,240	73,550
IMPROVEMENT	51,350	45,650
TOTAL VALUE	139,590	119,200
TAXABLE VALUES:		
ASSESSED	92,090	94,850

EDUCATION TOTAL: 454.67

A-LINC CO GENERAL 237.89
A-LINC CO EXTENSION SE 3.81
A-LINC CO ANIMAL SCVS 9.29
A-LINC CO TRANSPORTATI 8.22
PORT OF NEWPORT 5.14
CITY OF NEWPORT 477.60
H-PACIFIC COMMUNITIES 30.58
URBAN REN NPT AGENCY 146.20

NET TAXABLE: 92,090 94,850

GENERAL GOVERNMENT TOTAL 918.73

A-LINC CO SCHOOL BOND 73.36
A-OR CST COMM COLLEGE 16.66
PORT OF NEWPORT 53.82
CITY OF NEWPORT 146.26

BONDS AND OTHER TOTAL: 290.10

BILLING QUESTIONS (541) 265-4139
VALUE QUESTIONS (541) 265-4102

2013-14 PROPERTY TAX TOTALS 1,663.50

If a mortgage company pays your taxes.
This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
1,613.59	1,086.82	554.50

TOTAL TAX (After Discount) 1,613.59

CUSTOMER PROFILE/BILLING HIST

Customer: 381312

Name: DAVID J RICHCREEK
 Addl Name: ANGIE RICHCREEK
 Address: 2026 W OCEANVIEW DR
 NEWPORT OR 97365-2118

Phone	Ext	Addl Phone	Ext
Home:		Home:	
Mobl: 541-270-2255		Mobl: 541-270-4560	
Busn:		Busn:	
Fax:		Fax:	

Account: 381312002 Cycle Code: 7 Invoice Group: 0
 Provider: CLPUD - ELECTRIC SERVICE Service: ELEC - ELECTRIC SERVICE

AR Information:

Total AR:	.00	Budget Due:	.00	Annual Due:	.00
Total Current:	.00	Curr Budget:	.00	Curr Annual:	.00
Total 30 Days:	.00	Past Budget:	.00	Past Annual:	.00
Total 60 Days:	.00				
Total 90 Days:	.00				

Payment Information:

Payment Date: 03/19/2019 Payment Amt: -89.08

Location: 7601 Srv Map Loc: 8246
 Srv Desc:
 Srv Address: 2102 NW OCEANVIEW DR
 Prim Rate Sched: 190

Emergency Addr:
 District Office: ND - Newport
 Board Dist: NPT - Newport Board District
 Srv Area:

Billing History Usage Summary:

Rev YrMo	Usage	Act Dmd	Bld Dmd	KVAR Usage	KVA Use
Jan 2018	300	7.118	7.118	.000	.000
Feb 2018	1,773	9.898	9.898	.000	.000
Mar 2018	973	8.162	8.162	.000	.000
Apr 2018	922	10.133	10.133	.000	.000
May 2018	117	2.131	2.131	.000	.000
Jun 2018	355	5.774	5.774	.000	.000
Jul 2018	96	2.398	2.398	.000	.000
Aug 2018	150	4.394	4.394	.000	.000
Sep 2018	244	4.022	4.022	.000	.000
Oct 2018	295	6.036	6.036	.000	.000
Nov 2018	333	5.455	5.455	.000	.000
Dec 2018	609	5.858	5.858	.000	.000
Jan 2019	782	5.998	5.998	.000	.000
Feb 2019	776	6.444	6.444	.000	.000

Totals:	7,725	83.821	83.821	.000	.000
Averages:	552	5.987	5.987	.000	.000

Billing History Revenue Summary:

CUSTOMER PROFILE/BILLING HIST

Rev YrMo	Bill Dt	Revenue	Demand	Device	PCA	Other	Tax	Adjust	Total
Jan 2018	01/26/2018	28.43	.00	.00	.00	15.00	.43	.00	43.86
Feb 2018	02/28/2018	162.63	.00	.00	.00	.00	2.44	.00	165.07
Mar 2018	03/28/2018	102.55	.00	.00	.00	.00	1.54	.00	104.09
Apr 2018	04/27/2018	98.72	.00	.00	.00	.00	1.48	.00	100.20
May 2018	05/25/2018	38.27	.00	.00	.00	.00	.57	.00	38.84
Jun 2018	06/27/2018	56.14	.00	.00	.00	.00	.84	.00	56.98
Jul 2018	07/27/2018	36.69	.00	.00	.00	.00	.55	.00	37.24
Aug 2018	08/29/2018	40.75	.00	.00	.00	.00	.61	.00	41.36
Sep 2018	09/28/2018	47.80	.00	.00	.00	.00	.72	.00	48.52
Oct 2018	10/26/2018	51.63	.00	.00	.00	.00	.77	.00	52.40
Nov 2018	11/28/2018	54.49	.00	.00	.00	.00	.82	.00	55.31
Dec 2018	12/28/2018	75.22	.00	.00	.00	.00	1.13	.00	76.35
Jan 2019	01/30/2019	88.21	.00	.00	.00	.00	1.32	.00	89.53
Feb 2019	02/27/2019	87.76	.00	.00	.00	.00	1.32	.00	89.08
Totals:		\$969.29	\$.00	\$.00	\$.00	\$15.00	\$14.54	\$.00	\$998.83
Averages:		\$69.24	\$.00	\$.00	\$.00	\$1.07	\$1.04	\$.00	\$71.35

CUSTOMER PROFILE/BILLING HIST

PARAMETERS ENTERED

Method: Single Account
Customer:
Account: 381312002
Service Location: 7601
Provider: All
Begin Revenue Year/Month: Jan 2018
End Revenue Year/Month: Mar 2019
History Sort Code: Rev Yr/Mo Ascending
Print Provider Detail: Summary
Print Location: Summary
Print Billing History: Summary
Register Modes: All

CUSTOMER PROFILE/BILLING HIST

Customer: 381312

Name: DAVID J RICHCREEK
 Addl Name: ANGIE RICHCREEK
 Address: 2026 W OCEANVIEW DR
 NEWPORT OR 97365-2118

Phone	Ext	Addl Phone	Ext
Home:		Home:	
Mobl: 541-270-2255		Mobl: 541-270-4560	
Busn:		Busn:	
Fax:		Fax:	

Account: 381312002 Cycle Code: 7 Invoice Group: 0
 Provider: CLPUD - ELECTRIC SERVICE Service: ELEC - ELECTRIC SERVICE

AR Information:

Total AR:	.00	Budget Due:	.00	Annual Due:	.00
Total Current:	.00	Curr Budget:	.00	Curr Annual:	.00
Total 30 Days:	.00	Past Budget:	.00	Past Annual:	.00
Total 60 Days:	.00				
Total 90 Days:	.00				

Payment Information:

Payment Date: 03/19/2019 Payment Amt: -89.08

Location: 7601 Srv Map Loc: 8246
 Srv Desc:
 Srv Address: 2102 NW OCEANVIEW DR
 Prim Rate Sched:190

Emergency Addr:
 District Office: ND - Newport
 Board Dist: NPT - Newport Board District
 Srv Area:

Billing History Usage Summary:

Rev YrMo	Usage	Act Dmd	Bld Dmd	KVAR Usage	KVA Use
Jan 2018	300	7.118	7.118	.000	.000
Feb 2018	1,773	9.898	9.898	.000	.000
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Apr 2018	922	10.133	10.133	.000	.000
May 2018	117	2.131	2.131	.000	.000
Jun 2018	355	5.774	5.774	.000	.000
Jul 2018	96	2.398	2.398	.000	.000
Aug 2018	150	4.394	4.394	.000	.000
Sep 2018	244	4.022	4.022	.000	.000
Oct 2018	295	6.036	6.036	.000	.000
Nov 2018	333	5.455	5.455	.000	.000
Dec 2018	609	5.858	5.858	.000	.000
Jan 2019	782	5.998	5.998	.000	.000
Feb 2019	776	6.444	6.444	.000	.000
<hr/>					
Totals:	7,725	83.821	83.821	.000	.000
Averages:	552	5.987	5.987	.000	.000

Billing History Revenue Summary:

CUSTOMER PROFILE/BILLING HIST

Rev YrMo	Bill Dt	Revenue	Demand	Device	PCA	Other	Tax	Adjust	Total
Jan 2018	01/26/2018	28.43	.00	.00	.00	15.00	.43	.00	43.86
Feb 2018	02/28/2018	162.63	.00	.00	.00	.00	2.44	.00	165.07
Mar 2018	03/28/2018	102.55	.00	.00	.00	.00	1.54	.00	104.09
Apr 2018	04/27/2018	98.72	.00	.00	.00	.00	1.48	.00	100.20
May 2018	05/25/2018	38.27	.00	.00	.00	.00	.57	.00	38.84
Jun 2018	06/27/2018	56.14	.00	.00	.00	.00	.84	.00	56.98
Jul 2018	07/27/2018	36.69	.00	.00	.00	.00	.55	.00	37.24
Aug 2018	08/29/2018	40.75	.00	.00	.00	.00	.61	.00	41.36
Sep 2018	09/28/2018	47.80	.00	.00	.00	.00	.72	.00	48.52
Oct 2018	10/26/2018	51.63	.00	.00	.00	.00	.77	.00	52.40
Nov 2018	11/28/2018	54.49	.00	.00	.00	.00	.82	.00	55.31
Dec 2018	12/28/2018	75.22	.00	.00	.00	.00	1.13	.00	76.35
Jan 2019	01/30/2019	88.21	.00	.00	.00	.00	1.32	.00	89.53
Feb 2019	02/27/2019	87.76	.00	.00	.00	.00	1.32	.00	89.08
Totals:		\$969.29	\$.00	\$.00	\$.00	\$15.00	\$14.54	\$.00	\$998.83
Averages:		\$69.24	\$.00	\$.00	\$.00	\$1.07	\$1.04	\$.00	\$71.35

CUSTOMER PROFILE/BILLING HIST

PARAMETERS ENTERED

Method:	Single Account
Customer:	
Account:	381312002
Service Location:	7601
Provider:	All
Begin Revenue Year/Month:	Jan 2018
End Revenue Year/Month:	Mar 2019
History Sort Code:	Rev Yr/Mo Ascending
Print Provider Detail:	Summary
Print Location:	Summary
Print Billing History:	Summary
Register Modes:	All

LEASE

THIS LEASE IS MADE JUNE 23, 2008, between DAVID RICHCREEK and ANGELA RICHCREEK, husband and wife, OWNER (LESSOR), and OCEAN BREEZE ENTERPRISES, INC, an Oregon Corporation, as LESSEE (TENANT).

PREMISES LEASED. Owner leases to Tenant Lots 13 and 14, Block 28, Beach Park Addition to the City of Newport in Newport, Lincoln County, Oregon, excepting therefrom the shed attached to the east side of the property consisting of approximately 200 square feet. Owner reserves a right to access over and across the property being leased to access property owned by Owner to the east of the property being leased.

TERM. The term of this lease shall be month to month commencing July 10, 2008 and continuing until terminated as provided by this lease. Unless terminated by default or some other provision of this lease, this lease may be terminated by either party by giving 60 days' written notice to the other party.

RENT. The initial rent to be paid by Lessee to Owner is \$1,310.00 per month due and payable on the 10th day of each month commencing July 10, 2008. Each January, the rent shall increase by 2.5% over the previous year. (For example, the rent due January 10, 2008, shall be \$1,342.75 per month.)

USE. Tenant may use the leased premises in conjunction with its insulation business.

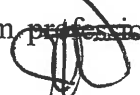
REMODELING AND REDECORATION. Tenant promises that it will not remodel or alter any part or all of the leased premises without the prior, written consent of the Owner. All costs of remodeling or redecorating shall be borne by the Tenant. Tenant improvements become part of the building and are not to be removed upon termination.

FIXTURES AND EQUIPMENT. Tenant may not install in the leased premises any fixtures or equipment without the written consent of the Owner. Unless otherwise agreed, all fixtures attached to the building shall become the property of Owner at the end of the lease.

MAINTENANCE BY OWNER. Owner promises at its expense to maintain in a reasonable manner the roof, exterior walls, water and drain lines, electrical system, heating and all interior portions of the building which are not included in the leased premises, except that any cost of repair or replacement required because of an intentional or negligent act of Tenant, Tenant's employee or Tenant's customer, client or invitee shall be paid by the Tenant. Owner and Owner's agents are authorized to enter the leased premises at reasonable times after reasonable notice to inspect the premises and to carry out Owner's maintenance responsibilities. It is the obligation of Tenant to notify Owner promptly in writing of any maintenance required by this lease to be performed by the Owner within the leased premises.

MAINTENANCE BY TENANT. Tenant promises at its expense to maintain the leased premises in a clean condition and in a good state of repair. All maintenance not stated in the paragraph above as Owner's maintenance is Tenant's maintenance including, but not limited to, windows and doors. Tenant promises to reimburse Owner promptly for any reasonable expense,

repair or replacement required for the building caused by an intentional or negligent act of the Tenant, Tenant's employee or Tenant's customer, client or invitee. If Tenant fails to perform any maintenance promised to be performed by the Tenant, then Owner may perform that maintenance and Tenant shall reimburse Owner promptly for the reasonable cost of that maintenance.

CLEANING BY TENANT. Tenant shall have the office and restroom ~~professionally cleaned at least once per month.~~ Kept Reasonably Clean 

UTILITIES. Tenant promises to provide all utility services used upon the leased premises, including, but not limited to, water, sewer, power, garbage and phone.

INDEMNITY AND LIABILITY INSURANCE. Tenant promises to indemnify and hold the Owner harmless on account of personal injury, death or property damage resulting from any intentional or negligent act or failure to act of Tenant or any of Tenant's agents or employees at the leased premises. Tenant promises to maintain in effect a public liability insurance policy with limits of at least \$1,000,000 per occurrence and in the aggregate. Tenant shall furnish to Owner a certificate of insurance showing that the leased premises is covered by Tenant's blanket liability insurance policy. The coverage provided by Tenant will be primary and noncontributory.

FIRE INSURANCE. Tenant has no obligation to insure the structure of the leased premises against loss by fire or risks included within extended coverage. Owner has no obligation to insure Tenant's leasehold improvements or the contents of the leased premises against those risks. Tenant should secure its own insurance for its property located on the leased premises.

FIRE OR OTHER CASUALTY. If the building or the leased premises is damaged or destroyed by fire or other casualty, the parties are released from all the requirements of this agreement.

LIENS. Tenant promises that it will not place or allow to be placed against the leased premises any lien. If any person claims a lien against the leased premises on account of act or omission by the Tenant, the Tenant, at the expense of the Tenant shall be allowed the reasonable opportunity to defend or remove and satisfy that lien.

HAZARDOUS SUBSTANCES. Tenant shall not bring or store any hazardous substances onto said property in violation of any laws. Tenant shall be fully responsible for the removal and cost of cleanup of any hazardous substances brought by Tenant or its employees or agents upon the property.

REMOVAL UPON TERMINATION: HOLDING OVER. Tenant promises that upon termination of this lease the Tenant will vacate the premises and remove all of its business fixtures not attached to the premises, equipment and personal property without the requirement of any notice from the Owner and without causing damage to the property. Any holding over by the Tenant after the termination of this lease shall have no effect of renewing or extending this lease but Tenant, upon holding over, shall be a Tenant from month-to-month.

Upon termination of the tenancy, Tenant shall leave the premises in a neat and clean condition. In the event the premises is not in a neat and clean condition, Tenant shall pay Owner a cleaning fee of \$50.00 per hour for cleaning the premises.

ASSIGNMENT AND SUBLETTING. Tenant shall not assign or sublet part or all of its interest in this lease or the leased premises.

TIME OF ESSENCE. Time is of the essence of this agreement.

WAIVER. Any waiver by the Owner of any promise to be performed by the Tenant shall not be considered a continuing waiver of the same or any other promise by the Tenant to be performed.

ATTORNEY FEES. If suit or action is commenced by Owner or Tenant on account of alleged breach of this lease or to enforce this lease, the prevailing party shall be entitled to such sum for the attorney fees as the court determines to be reasonable in that suit or action or upon appeal.

NOTICE. Any notice required or permitted to be given to the Owner or to the Tenant shall be sent by certified mail with a return receipt requested. The notice shall be deemed to be given on the next business day following the deposit of that notice in the U.S. mail.

Notice to the Owner shall be addressed to:

David and Angela Richcreek
2026 N.W. Oceanview Drive
Newport, OR 97365

Notices to the Tenant shall be addressed to:

Ocean Breeze Enterprises, Inc.
PO Box 43
Newport, OR 97365

SUBORDINATION. Tenant promises that this lease shall be subordinate to any mortgage or trust deed that may be placed against the premises by Owner after the date of this lease if such mortgage or trust deed requires the mortgagee or beneficiary to recognize the interest of the Tenant under this lease in the event of foreclosure if the Tenant is not in default under the terms of this lease. Tenant promises that Tenant will promptly execute, acknowledge and deliver to Owner a statement that this lease remains in full force and effect or remains in full force and effect as modified with the intent that such statement may be relied upon by any prospective purchaser, mortgagee, trust deed beneficiary or assignment or such mortgage or trust deed beneficiary or assignee of such mortgage or trust deed of the Owner.

DEFAULT. Tenant shall be in default under this lease if the Tenant fails to pay any sum due to the Owner within ten (10) days after the sum is due, without notice, or if the Tenant fails

to perform any other promise by the Tenant to be performed under this lease within thirty (30) days after written notice from the Owner specifying the promise which the Tenant has failed to perform. If the work of correcting a default is substantial or if the work of correcting a default is delayed through circumstances not within Tenant's control, then Tenant's best efforts to cure the default within thirty (30) days after the default notice and Tenant's continuing efforts to cure the default at the earliest reasonable time shall prevent the Owner from declaring termination of this lease or any other remedy on account of Tenant's default.

Owner's cumulative remedies include:

- (1) Owner may lawfully enter, retake and repossess the leased premises, expel the Tenant and remove the Tenant's effect.
- (2) Owner may accelerate all rents, increased rents and additional rents due or yet to become due throughout the term of this lease and hold Tenant liable for the total of those rents plus the costs of expelling the Tenant, repairing and reletting or rerenting the premises, crediting against that total any and all rents collected or to be collected upon rerenting and reletting. It is the obligation of Owner to use reasonable efforts to rerent and relet the leased premises.
- (3) Any other remedy provided at law and equity.

ENJOYMENT OF THE PREMISES. Owner promises that Tenant is entitled to hold, occupy and enjoy the leased premises peacefully and without hindrance by the Owner throughout the term of this lease if Tenant pays rents and performs its promises as provided in this lease. However, as noted previously, Owner reserves a right of access through the leased property to access property owned by Owner to the east.

ENTIRE AGREEMENT: AMENDMENT. This lease constitutes the entire agreement between the parties. This lease may be amended or modified only by a writing which states that it is an amendment or modification of this lease, which writing must be signed by Owner and Tenant.

TENANT

OCEAN BREEZE ENTERPRISES, INC

By: [Signature]
Title: President

OWNER

[Signature] 6-23-08
David Richcreek

[Signature] 7-10-08
Angela Richcreek

2102 - 10-2017
CURRENT LEASE - 2019

115

LEASE

THIS LEASE IS MADE OCTOBER 23, 2017 between DAVID RICHCREEK and ANGELA RICHCREEK, husband and wife OWNER (LESSOR), and LYLE EDLEMAN & SHARI EDELMAN, Erwin Hymer Group as LESSEE (TENANT)

PREMISES LEASED. Property located at 2102 NW Oceanview Drive, Newport, Lincoln County, Oregon.

TERM. The term of this lease shall be month to month commencing October 23, 2017 and continuing until terminated as provided by the lease. Unless terminated by default or some other provision of the lease, this lease may be terminated by either party by giving 60 days' written notice to the other party.

RENT. The initial rent to be paid by Lessee to Owner is \$2,060.00 per month due and payable on the 23rd day of each month commencing October, 2017. Each October, the rent shall increase by 2.5% over the previous year. (For example, the rent due October 1, 2018 shall be \$2,110.00 per month)

SECURITY DEPOSIT. A security deposit of \$2,000.00.

USE. Tenant may use the leased premises in conjunction with Erwin Hymer Group business.

REMODELING AND REDECORATION. Tenant promises that it will not remodel or alter any part or all of the leased premises without prior, written consent of the Owner. All cost of remodeling and redecorating shall be borne by the Tenant. Tenant improvements become part of the building and are not to be removed upon termination.

FIXTURES AND EQUIPMENT. Tenant may not install in the leased premises any fixtures or equipment without written consent of the Owner. Unless otherwise agrees, all fixtures attached to the building shall become the property of the Owner at the end of the lease.

MAINTENANCE BY OWNER. Owner promises at its expense to maintain in a reasonable manner the rood, exterior walls, water and drain lines, electrical system, heating and all interior portions of the building which are not included in the lease premises, except that any cost of repair or replacement required because if an intentional or negligent act of Tenant, Tenant's employee or Tenant's customer, client or invitee shall be paid by Tenant. Owner and Owner's agents are authorized to enter the leased premises at reasonable times after reasonable notice to inspect the premises and to carry out Owner's maintenance responsibilities. It is the obligation of Tenant to notify Owner promptly in writing of any maintenance required by this lease to be performed by the Owner within the leased premises.

Owner's cumulative remedies include:

- (1) Owner may lawfully enter, retake and repossess the leased premises, expel the Tenant and remove Tenant's effects.
- (2) Owner may accelerate all rents, increased rents and additional rents due or yet to become due throughout the term of this lease and hold Tenant liable for the total of those rents plus the cost of expelling the Tenant, repairing and reletting or rerenting the premises, crediting against that total any and all rents collected to be collected upon rerenting and reletting. It is the obligation of Owner to use reasonable efforts to relet the leased premises.
- (3) Any other remedy provided at law and equity.

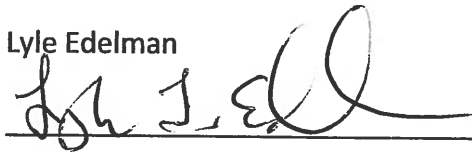
ENJOYMENT OF THE PREMISES. Owner promises that Tenant is entitled to hold, occupy and enjoy the leased premises peacefully and without hindrance by the Owner throughout the term of this lease if Tenant pays rent and performs its promises as provided in this lease.

ENTIRE AGREEMENT: AMENDMENT. This lease constitutes the entire agreement between the parties. This lease may be amended or modified only by a writing which states that it is an amendment or modification of this lease, which writing must be signed by Owner and Tenant.

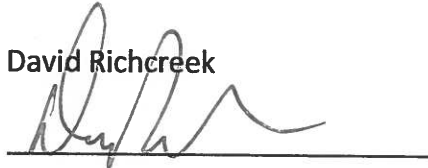
TENANT

OWNER

Lyle Edelman



David Richcreek



Shari Edelman



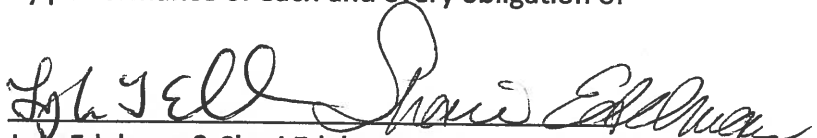
Angela Richcreek



GUARANTY

We, Lyle & Shari Edelman, personally guaranty performance of each and every obligation of Tenant to be performed hereon.

Dated this 30th day of October, 2017.


Lyle Edelman & Shari Edelman

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R16440	Neighborhood:		Owner and	RICHCREEK DAVID &
Map Taxlot:	10-11-32-DC-00300-00	NNNI		Mailing Address:	RICHCREEK ANGELA 2026 NW OCEANVIEW DR NEWPORT, OR 97365
Tax Map:	10s11w32DC	Property Class:	100	Site Address(es):	343 NW 22ND ST
Web Map:	View Map				
Info:	BEACH PARK ADDN.-NEWPORT, BLOCK 28, LOT 3 & W 1/2 OF 4, DOC201505877				
Tax Code:	104				
Acres:					

Improvements					Value History			
Description	Area	Yr Built	FoundHeatPlumbBDMSValue		YearImp.	Land	Total Market	Total Assessed
GEN PURPOSE BLDG	2000 sq ft	1974	\$31,680		201832,73075,800108,530		79,560	
ACCESSORY IMPROVEMENTS	1 sq ft		\$1,050		201729,61066,70096,310		77,250	
					201628,99066,70095,690		75,000	
					201528,05066,70094,750		72,820	
					201424,93066,70091,630		70,700	
					201325,97066,70092,670		68,650	
					201228,85080,350109,200		66,660	
Foundation Code List Heating/AC Code List Plumbing Code List								
Sales History								
Sale Date	Price	Document	Type	Code				
06/11/2015	\$90,000	201505877	27	WD				
06/06/2005	\$90,000	200508695	31	WD				

Land				Related Accounts		Disclaimer	
Description	Acres	Market Value	Special Use Value				
UNDEV RES LOT	0.11	72,800				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 10/2018.	
SITE DEVELOPMENT		3,000					
Today's Date: 04/02/2019							

Nonconforming Use

History of land use for property 343 NW 22nd Street Newport, Oregon.

- Date of entry in the official record of Lincoln County Assessor's office 1-1-1961 (Beach Park Lots 3 & 12 block 28)
- Building was built in 1975 by Industrial Development Company.
- Found on previous paperwork from City of Newport permit number 4258 dated 8/8/1975 it is stated the property is non-conforming use.
- Property was purchased in 1987 and was Newport storage LLC. Which had 20 small storage units that were rented out.
- Newport Storage LLC sold property in 2005 to Tony Garbarino. At this time, it was still individual storage units.
- Toni Garbarino sold property to David and Angela Richcreek on 6/11/2015.
- Once property was purchased by David and Angela Richcreek storage units were removed from building and used as rental space.

We are requesting a nonconforming use permit for this property. The property has been used for years as several different businesses. We would like to continue to use this building/property in the same manner which it has been used in previous years.

343 NW 22nd Street Newport Oregon

#6

- A. Character and history of the use of space will not result in adverse impact on the neighborhood. The use of the building will remain the same. When we purchased the space, the property was rundown and needed maintenance. We removed all the storage units. After purchase we cleaned up the garbage and debris which improved the overall look and feel of the neighborhood.
- B. There will be no more degree of noise, vibration, dust, odor, fumes, glare or smoke detectable within the neighborhood.
- C. There is adequate use of infrastructure to accommodate the use of the building and property. It will be the same as previous years. There is no water/sewer to this property.
- D. Vehicular trips to the site are minimal and less than in previous years. There will be no disruption to the neighborhood with additional vehicles.
- E. There will be no change to the amount of outside storage, loading and parking than in previous year. Most likely less than previous years with storage units gone.
- F. The visual appearance will remain the same or will improve as needed for maintenance.
- G. Hours of operation will remain daytime hours of 9:00 am to 5:00 pm.
- H. The effect on solar access in none.
- I. There will be no adverse effects on the neighborhood. The character of our neighborhood will remain the same as in previous years. As stated above, when this property was purchased by us in 2015 it was not well maintained. We live in the neighborhood and wanted to improve our neighborhood. Improvements have been made to the property and building which have been an asset to the neighborhood.

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR, LINCOLN COUNTY, OREGON

3 & 12

10	11	32	D	C	300	8	pt of 4 & 11	28	
Twp. S	Rg. W	Sec.	1/4	1/16	Map Number	Tax Lot No.	Section or Lot	Township S. or Block	Rg. WWM
Account Number						Code No.	Beach Park Add'n to	Newport	City

code 8=133

lot 3 + W 1/2 lot 4 Blk 28

Beach Park Add

Indent Each New Course to this Point	LEGAL DESCRIPTION	Date of Entry On This Card	Deed Record		Acres Remaining
			Volume	Page	

Beach Park Add'n to Newport;
Lots 3, & 12, Blk 28;

1-1-61 173 300

ALSO:
W 1/2 of Lots 4 & 11, Blk 28;

7-19-63 234 524

(PT OF DD)

273 500 } w.d
273 501 }

MF 44 1148 Cont.

Exc: TL 301 mf 47-614 wD
mf 47-50 wD

mf 47 51 wD

3-12-74 JV 1262

MF 48 666 wD

MF 49 1444 wD

code 133 To 104-Annex City NPT. wD NPT RFPD-wD - 994 *Res #1760*

1-30-75 Jr 766
767

MF 72 1528 DD

Dasenbrock - MF 86 1029 wD

Dasenbrock H/LW To Newport Store. - OC - wD 11-5-87 MF 185 873

Miskey, AE, Perker - Likens, SF to Newport Storage LLC TL 860 7-19-15 200508694

Newport Storage LLC to Barbarino, TA + LD OC wD " 201508695

Form LC Animal SD ORD 13/14 3-13-81

GARBARINO, T.A. + L.D. to RICH CREEK, DAVID + ANGELA (TBTE) OC - wD 06-17-15 201505877



Sent from my iPhone





From: dave richcreek daverichcreek@yahoo.com
Subject: 343 22nd
Date: Apr 2, 2019 at 9:05:39 PM
To: daslhouse@gmail.com







CURRENT LEASE 4-2019 Attachment "13"
Tennet DAVIS Electric Bill
LEASE
2-NCU-1 127

THIS LEASE IS MADE JUNE 24 2015 between DAVID RICHCREEK and ANGELA RICHCREEK, husband and wife, OWNER (LESSOR), AND LAMONT BUILDERS, INC., an Oregon Corporation, as LESSEE (TENANT).

PREMISES LEASED. Property located at 343 NW 22nd St., Newport, Lincoln County, Oregon.

TERM. The term of this lease shall be month to month commencing July 1, 2015 and continuing until terminated as provided by this lease. Unless terminated by default or some other provision of this lease, this lease may be terminated by either party by giving 60 days' written notice to the other party.

RENT. The initial rent to be paid by Lessee to Owner is \$1,000.00 per month due and payable on the 1st day of each month commencing July, 2015. Each January, the rent shall increase by 2.5% over the previous year. (For example, the rent due January 1, 2016 shall be \$1,025.00 per month.)

USE. Tenant may use the leased premises in conjunction with its construction business.

REMODELING AND REDECORATION. Tenant promises that it will not remodel or alter any part or all of the leased premises without the prior, written consent of the Owner. All costs of remodeling and redecorating shall be borne by the Tenant. Tenant improvements become part of the building and are not to be removed upon termination.

FIXTURES AND EQUIPMENT. Tenant may not install in the leased premises any fixtures or equipment without the written consent of the Owner. Unless otherwise agreed, all fixtures attached to the building shall become the property of Owner at the end of the lease.

MAINTENANCE BY OWNER. Owner promises at its expense to maintain in a reasonable manner the roof, exterior walls, water and drain lines, electrical system, heating and all interior portions of the building which are not included in the lease premises, except that any cost of repair or replacement required because of an intentional or negligent act of Tenant, Tenant's employee or Tenant's customer, client or invitee shall be paid by the Tenant. Owner and Owner's agents are authorized to enter the leased premises at reasonable times after reasonable notice to inspect the premises and to carry out Owner's maintenance responsibilities. It is the obligation of Tenant to notify Owner promptly in writing of any maintenance required by this lease to be performed by the Owner within the leased premises.

MAINTENANCE BY TENANT. Tenant promises at its expense to maintain the leased premises in a clean condition and in a good state of repair. All maintenance not stated in the paragraph above as Owner's maintenance is Tenant's maintenance including, but not limited to, windows and doors. Tenant promises to reimburse Owner promptly for any reasonable expense, repair or replacement required for the building caused by an intentional or negligent act of the Tenant. Tenant's employee or Tenant's customer, client or invitee. If Tenant fails to perform

PC
6/24/15

any maintenance promised to be performed by the Tenant, then Owner may perform that maintenance and Tenant shall reimburse Owner promptly for the reasonable cost of that maintenance.

UTILITIES. Tenant promises to provide all utility services used upon the leased premises, including, but not limited to, water, sewer, power, garbage and phone.

INDEMNITY AND LIABILITY INSURANCE. Tenant promises to indemnify and hold the Owner harmless on account of personal injury, death or property damage resulting from any intentional or negligent act or failure to act of Tenant or any of Tenant's agents or employees at the leased premises. Tenant promises to maintain in effect a public liability insurance policy within limits of at least \$1,000,00 per occurrence and in the aggregate. Tenant shall furnish to Owner a certificate of insurance showing that the leased premises is covered by Tenant's blanket liability insurance policy. The coverage provided by Tenant will be primary and noncontributory.

FIRE INSURANCE. Tenant has no obligation to insure the structure of the leased premises against loss by fire or risks included within extended coverage. Owner has no obligation to insure Tenant's leasehold improvements or the contents of the leased premises against those risks. Tenant should secure its own insurance for its property located on the leased premises.

FIRE OR OTHER CASUALTY. If the building or the leased premises is damaged or destroyed by fire or other casualty, the parties are released from all the requirements of this agreement.

LIENS. Tenant promises that it will not place or allow to be placed against the leased premises any lien. If any person claims a lien against the leased premises on account of act or omission by the Tenant, the Tenant, at the expense of the Tenant shall be allowed the reasonable opportunity to defend or remove and satisfy that lien.

HAZARDOUS SUBSTANCES. Tenant shall not bring or store any hazardous substances onto said property in violation of any laws. Tenant shall be fully responsible for the removal and cost of cleanup of any hazardous substances brought by Tenant or its employees or agents upon the property.

REMOVAL UPON TERMINATION: HOLDING OVER. Tenant promises that upon termination of this lease the Tenant will vacate the premises and remove all of its business fixtures not attached to the premises, equipment and personal property without the requirement of any notice from the Owner and without causing damage to the property. Any holding over by the Tenant after the termination of this lease shall have no effect of renewing or extending this lease by Tenant, upon holding over, shall be a Tenant from month-to-month.

Upon termination of the tenancy, Tenant shall leave the premises in a neat and clean condition. In the event the premises is not in a neat and clean condition, Tenant shall pay Owner a cleaning fee of \$50.00 per hour for cleaning the premises.


6/24/15

ASSIGNMENT AND SUBLETTING. Tenant shall not assign or sublet part or all of its interest in this lease or the leased premises.

WAIVER. Any waiver by the Owner of any premise to be performed by the Tenant shall not be considered a continuing waiver of the same or any other promise by the Tenant to be performed.

ATTORNEY FEES. If suit or action is commenced by Owner or Tenant on account of alleged breach of this lease or to enforce this lease, the prevailing party shall be entitled to such sum for the attorney fees as the court determines to be reasonable in that suit or action or upon appeal.

NOTICE. Any notice required or permitted to be given to the Owner or to the Tenant shall be sent by certified mail with a return receipt requested. The notice shall be deemed to be given on the next business day following the deposit of that notice in the U.S. mail.

Notice to the Owner shall be addressed to:

David and Angela Richcreek
2026 N.W. Oceanview Drive
Newport, OR 97365

Notices to the Tenant shall be delivered to:

LaMont Builders, Inc.
1244 N.W. Oceanview Drive
Newport, OR 97365

SUBORDINATION. Tenant promises that this lease shall be subordinate to any mortgage or trust deed that may be placed against the premises by Owner after the date of this lease if such mortgage or trust deed requires the mortgagee or beneficiary to recognize the interest of the Tenant under this lease in the event of foreclosure if the Tenant is not in default under the terms of this lease. Tenant promises that Tenant will promptly execute, acknowledge and deliver to Owner a statement that this lease remains in full force and effect or remains in full force and effect as modified with the intent that such statement may be relied upon by any prospective purchaser, mortgagee, trust deed beneficiary or assignment or such mortgage or trust deed beneficiary or assignee of such mortgage or trust deed of the Owner.

DEFAULT. Tenant shall be in default under this lease if the Tenant fails to pay any sum due to the Owner within ten (10) days after the sum is due, without notice, or if the Tenant fails to perform any other promise by the Tenant to be performed under this lease within thirty (30) days after written notice from the Owner specifying the promise with the Tenant has failed to perform. If the work of correcting a default is substantial or if the work of correcting a default is delayed through circumstances not within Tenant's control, then Tenant's best efforts to cure the default within thirty (30) days after the default notice and Tenant's continuing efforts to cure the

PCC
6/24/15

default at the earliest reasonable time shall prevent the Owner from declaring termination of this lease or any other remedy on account of Tenant's default.

Owner's cumulative remedies include:


- (1) Owner may lawfully enter, retake and repossess the leased premises, expel the Tenant and remove Tenant's effects.
- (2) Owner may accelerate all rents, increased rents and additional rents due or yet to become due throughout the term of this lease and hold Tenant liable for the total of those rents plus the cost of expelling the Tenant, repairing and reletting or rerenting the premises, crediting against that total any and all rents collected or to be collected upon rerenting and reletting. It is the obligation of Owner to use reasonable efforts to rerent and relet the leased premises.
- (3) Any other remedy provided at law and equity.

ENJOYMENT OF THE PREMISES. Owner promises that Tenant is entitled to hold, occupy and enjoy the leased premises peacefully and without hindrance by the Owner throughout the term of this lease if Tenant pays rent and performs its promises as provided in this lease.

ENTIRE AGREEMENT: AMENDMENT. This lease constitutes the entire agreement between the parties. This lease may be amended or modified only by a writing which states that it is an amendment or modification of this lease, which writing must be signed by Owner and Tenant.


TENANT

LaMONT BUILDERS, INC.



By: Paul LaMont
Title: President

OWNER



David Richcreek

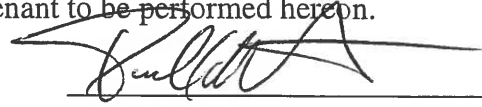


Angela Richcreek

GUARANTY

I, Paul LaMont, being the president of LaMont Builders, Inc., personally guaranty performance of each and every obligation of Tenant to be performed hereon.

Dated this 24 day of June, 2015.



Paul LaMont

2102 NW Oceanview (2007) Attachment "B" 2-NCU-19



Printed 05/09/2019

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2102 NW Oceanview (2013)

Attachment "C"
2-NCU-19



Printed 05/09/2019

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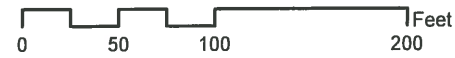


2102 NW Oceanview Drive
Zoning Map

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

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

This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this



Date: 8-2-84

CITY OF NEWPORT
BUILDING PERMIT APPLICATION
(This is not a permit)

Building's Address: 2102 NW Ocean View DR.

Construction Value (Include Labor and Materials): 3,000

EXCAVATION & FILL

Excavation Cubic Yds. 3

Fill Cubic Yds. _____

I-N CONSTR
B-2 OCCUPANCY

Owner: Mike Wilson Telephone: 265-3576

Address: 2526 NE Douglas

Builder: Tom Nickerson Telephone: 444-1264

Address: 846 Ojala KO 97380 Jiletz

Builder's Registration Number: #82627

Architect: Ø Telephone: _____

Address: _____

Geologist: Ø Telephone: _____

Address: _____

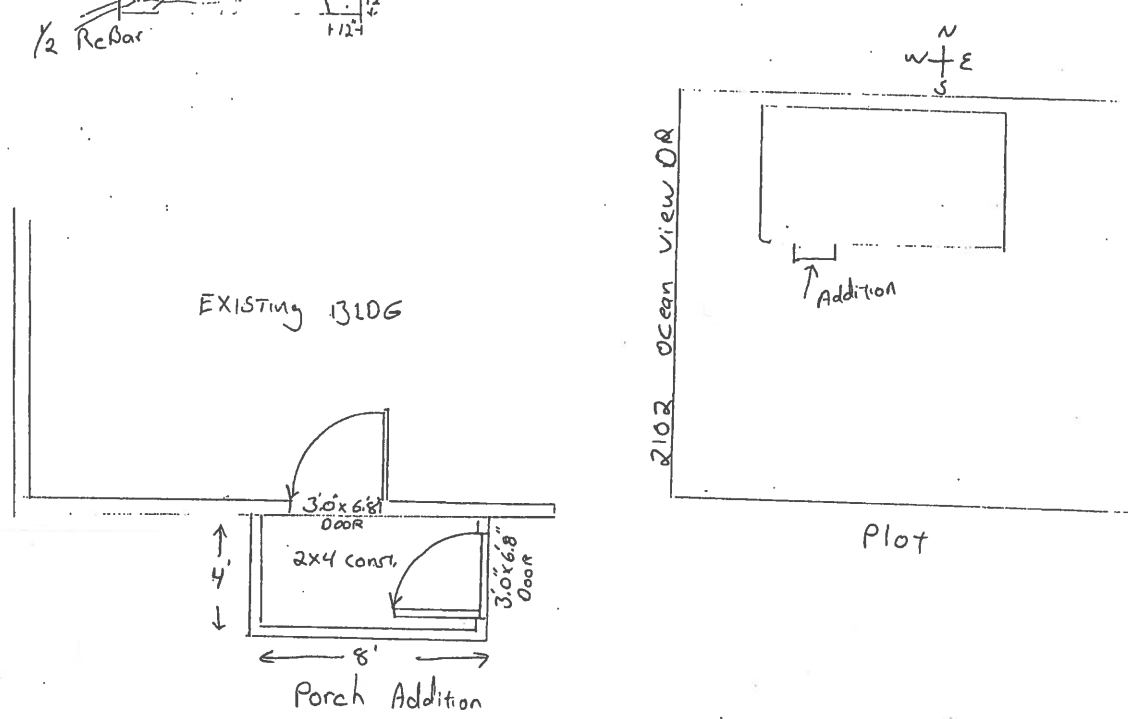
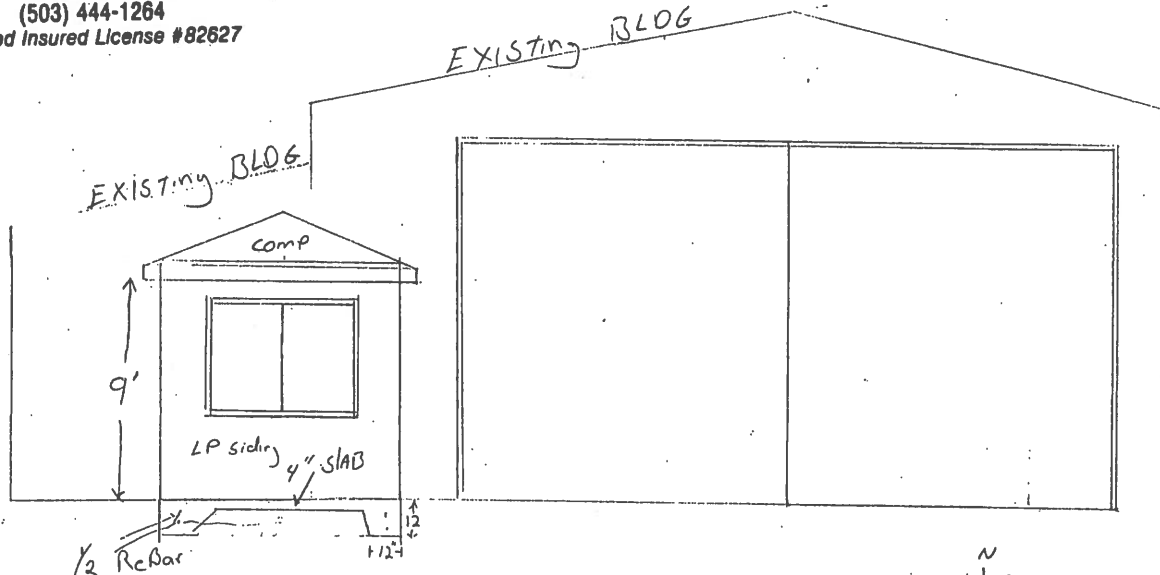
Description of Work: 4'x8' Porch entry on south west side of EXISTING structure.

Return to Building Dept. with 2 sets of plans for 1 and 2 family projects, 3 sets of plans for all other projects.

City of Newport/810 S.W. Alder/Newport/Oregon/97365

10-11-32-DC-500

TOM NICKERSON CONSTRUCTION
846 Ojala Rd.
Siletz, Oregon 97380
(503) 444-1264
Bonded Insured License #82627

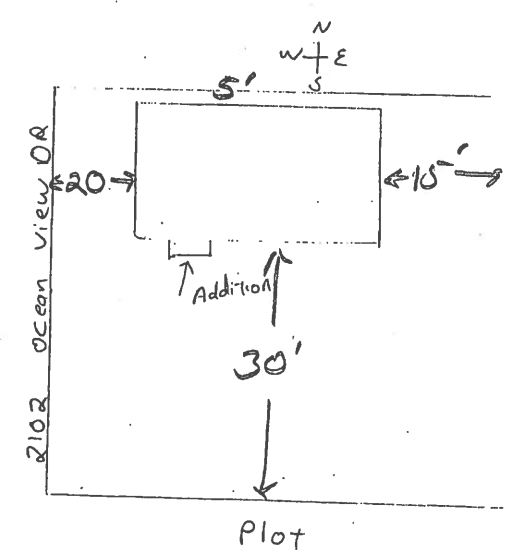
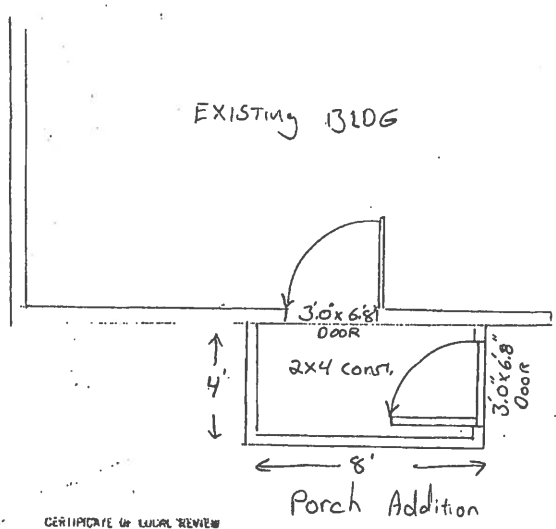
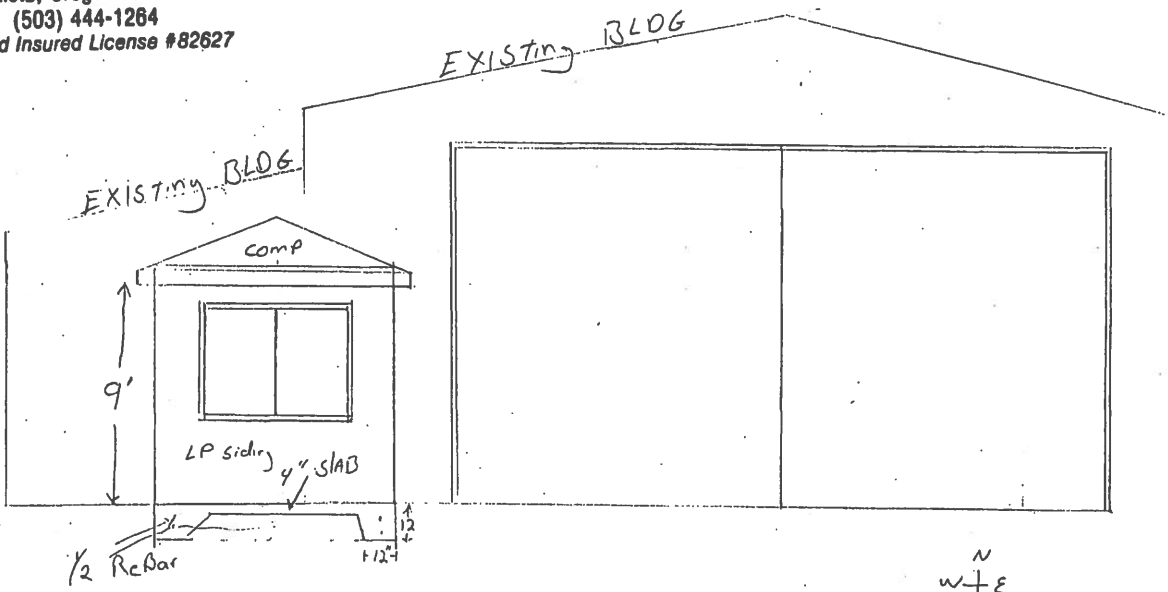


TYPE I.N. CONSTRUCTION
GROUP B2 OCCUPANCY.

Rec. 2/10/94

APPROVED
Michael [Signature]
2/10/94

TOM NICKERSON CONSTRUCTION
 846 Ojalla Rd.
 Siletz, Oregon 97380
 (503) 444-1264
 Bonded Insured License #82627



CERTIFICATE OF LOCAL REVIEW
 This is to confirm that the project at 2102 NW Oceanview

has been reviewed and approved for regulations of the City of Newport for the following:

Code Areas of Concern	Classifications	Locally Authorized Repres. & Title	Date
Zoning Local *	R-1		
Fire per (SSC) *	B-2	J. O. ... FOS	8/16/94
Occupancy per (SSC) *		J. O. ... SWS	8/16/94
DEQ Sewage Disposal *			
Type of Const. per (SSC) *			
Driveway +			
Water Supply +		J. O. ... PWS	8/16/94
Other +			

* Required
 + Optional
 (SSC) Structural Specialty Code

TYPE I.N. CONSTRUCTION GROUP B-2 OCCUPANCY

Rose 8/16/94

Approved Michael Malt 8/16/94

Permit No. _____ issued under provisions of uniform building code, 19 edition and supplements.

Building Division - Public Safety Dept.

Plans Examiner - CITY OF NEWPORT

Need CVP

2-5-1.025

R-1

10-11-32 DC/500

Within the districts established by this Ordinance or amendments that may later be adopted, there exists lots, uses of land, and structures which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

2-5-1.010. Purpose. The purpose of the Nonconforming Uses and Structures Section is to discourage nonconforming uses and structures, and to work toward eliminating, removing, or relocating nonconforming uses and structures and to bring them into conformity with the Comprehensive Plan and the Zoning Ordinance. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved, except as hereinafter provided. It is further the purpose and intent of this Ordinance that nonconformity shall not be enlarged upon, expanded, or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as hereinafter provided.*

2-5-1.015. Continuation of a Nonconforming Use or Structure. Subject to the provisions of this Section, a nonconforming use or structure may be continued, altered, or extended.

2-5-1.020. Change of a Nonconforming Structure. A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended only if the alteration or extension does not result in a further intrusion into a required yard, further violation of the height limits, further exceed the allowable lot coverage, or otherwise result in a violation of this or other City ordinances.

2-5-1.025. Continuation of Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. A nonconforming structure shall not be enlarged or altered in a way ^{which} ~~that~~ increases its nonconformity, except to the extent, in the manner, and subject to the conditions as hereinafter provided.**
- B. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- C. Any nonconforming use may be extended throughout any part of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended

*Amended by Ordinance No. 1426 (4-1-85).

**Amended by Ordinance No. 1426 (4-1-85).

to occupy any land outside such building.

- D. Any structure, on any land, or any combination thereof, on or in which a nonconforming use is replaced by a permitted use shall thereafter continue to conform to the regulations for the district. The nonconforming use may not thereafter be resumed.*

2-5-1.030. Repairs, Maintenance, and Expansion.** On any building devoted in whole or in part to any nonconforming use, repairs, maintenance, or expansions may be carried out only to the following extent:

- A. Work may be done on ordinary repairs or on repair or replacement of walls, fixtures, wiring, or plumbing provided that the volume of the building (i.e., the number of cubic feet contained within the floor, walls, and ceiling of the building together with any usable basement, attic, or other space) and the land area occupied by such building, as the same existed on the date of adoption of this Ordinance No. 1308, shall not be increased except as hereinbelow provided.
- B. Expansion of such a building devoted in whole or in part to a nonconforming use may be allowed only upon the following conditions:
- (1) The applicant shall demonstrate that such expansion will not result in any material increase in the adverse impact of such nonconforming use upon other property within the zoning district.
 - (2) Such structure, together with the proposed expansion, shall be in compliance with all requirements of the district for height, setback, or area coverage unless the same is a nonconforming structure with respect to any of the same, in which case there shall be no increase in such nonconformity as a result of the expansion.
 - (3) Only one such expansion shall be permitted a nonconforming structure within any five year period commencing on the original effective date of this Ordinance No. 1308.
 - (4) No structure shall be expanded so as to contain cumulatively more than 150% of the volume of the original structure, nor shall any structure be expanded so as to occupy more than 150% of the land area occupied by the original structure as such structure existed on the date of adoption of this Ordinance No. 1308.

*Amended by Ordinance No. 1426 (4-1-85).

**Amended by Ordinance No. 1426 (4-1-85).

- B. If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be a nonconforming use, except as provided in Subsection C. hereafter.
- C. A previous nonconforming use may be reinstated pursuant to the same standards and procedures as required for the allowance of a conditional use upon application filed within three years following the last date such previous nonconforming use was lawfully in operation.

2-5-1.045. Destruction of a Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80% of its appraised value (as determined by the records of the County Assessor as compared with the cost of replacement of the structure using new materials), a future structure or use on the property shall conform to the provisions of this Ordinance.

2-5-1.050. Completion of Building. Nothing contained in this Ordinance shall require any change in the plans, alteration, construction, or designated use of a building for which a building permit has been issued and construction work has commenced prior to the adoption of this Ordinance, except that if the designated use will be nonconforming it shall--for the purpose of Subsection .040.--be a discontinued use if not in operation within one year of the date of issuance of the building permit.

2-5-1.055. Unoccupied Buildings. If a building is unoccupied on the effective date of this Ordinance, then the last use of evidence shall be considered to be its use of record, and the one year period of discontinuance allowed by Subsection .040.A. shall commence on the effective date of this Ordinance.

Section 2-5-2. VARIANCES*

2-5-2.005. Authorization To Grant or Deny Variances. Subject to the criteria established in this Section, variances from the requirements of this Ordinance may be authorized, except that no variance shall be granted to allow the use of property for the purposes not authorized within the zone in which the proposed use would be located, to reduce the number of required parking spaces or to increase residential densities. In granting a variance, the approving authority may attach conditions that it finds necessary to protect the interests of the surrounding property and to otherwise achieve the purposes of this Ordinance.

2-5-2.010. Approving Authority. For Type I variances, the approving authority shall be the Planning Commission. For Type II variances, the approving authority shall be the Planning Director or designate. The Planning Director shall determine

*Amended by Ordinance No. 1511 (1-18-88).

OREGON SECRETARY OF STATE
Corporation Division

HOME

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[business name search](#)
[oregon business guide](#)
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[uniform commercial code search](#)
[documents & data services](#)

Business Name Search

[New Search](#)

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Business Entity Data

05-09-2019

14:36

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
295265-55	ABN	INA		02-09-1984		
Entity Name WILSON'S WEST COAST INSULATIONS						
Foreign Name						
Affidavit? N						

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	2102 NW OCEANVIEW					
Addr 2						
CSZ	NEWPORT	OR	97365	Country	UNITED STATES OF AMERICA	

The Authorized Representative address is the mailing address for this business.

Type	REP	AUTHORIZED REPRESENTATIVE	Start Date	04-28-1993	Resign Date	
Name	JON	H	VAHLE			
Addr 1	2102 NW OCEANVIEW DR					
Addr 2						
CSZ	NEWPORT	OR	97365	Country	UNITED STATES OF AMERICA	

Type	REG	REGISTRANT				
Of Record	339846-83	OCEAN BREEZE ENTERPRISES INC.				
Addr 1						
Addr 2						
CSZ				Country		

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Name History

Business Entity Name	Start Date	End Date

	Name Type	Name Status	
WILSON'S WEST COAST INSULATIONS	EN	CUR	02-09-1984

Please read before ordering Copies.

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Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	FAILURE TO RENEW	02-10-2007		SYS		
	RENEWAL PAYMENT	01-11-2005		SYS		
	RENEWAL PAYMENT	01-13-2003		SYS		
	RENEWAL PAYMENT	01-22-2001		SYS		
	STRAIGHT RENEWAL	01-08-1999		FI		
	STRAIGHT RENEWAL	01-07-1997		FI		
	AMENDED RENEWAL	01-27-1995		FI		
	AMENDMENT	04-28-1993		FI		
	AMENDED RENEWAL	01-22-1993		FI		
	STRAIGHT RENEWAL	01-18-1991		FI		
	AMENDED RENEWAL	01-28-1986		FI		
	NEW FILING	02-09-1984		FI		

[New Search](#)

[Printer Friendly](#)

Counties

Counties Filed

Benton, Lane, Lincoln, Tillamook

Counties Not Filed (but not necessarily available)

Baker, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill

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For comments or suggestions regarding the operation of this site, please contact : corporation.division@state.or.us

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CITY OF NEWPORT
BUILDING PERMIT APPLICATION

(This is NOT a Permit)

Date: 1-13-09

Building Address: 2102 NW OCEANVIEW DR Newport

Construction Value (Include Labor & Materials): \$ 30,000

EXCAVATION & FILL	
Excavation Cubic Yds: _____	Fill Cubic Yds: _____
OWNER	
Name: <u>DAVID AND ANGIE Richcreek</u>	
Address: <u>2026 NW OCEANVIEW DR</u>	
Phone: <u>541-265-6970</u>	
BUILDER	
Name: <u>BRAD Tough</u>	
Address: _____	
Phone: <u>270-3388</u>	
Builder's Registration No.: _____	
ARCHITECT	
Name: <u>Don Johnston</u>	
Address: _____	
Phone: <u>265-2468</u>	
GEOLOGIST	
Name: _____	
Address: _____	
Phone: _____	
DESCRIPTION OF WORK	
<u>Garage Re Model</u>	

Return this application along with 2 sets of plans for 1 & 2 family projects, 3 sets of plans for all other projects, to the Building/Planning Department located at City Hall, 169 SW Coast Hwy, Newport, OR 97365.

(See reverse side for Plan Requirements)

CERTIFICATE OF LOCAL REVIEW

This is to confirm that the project at 2102 NW Oceanview

has been reviewed and approved for regulations of the City of Newport for the following

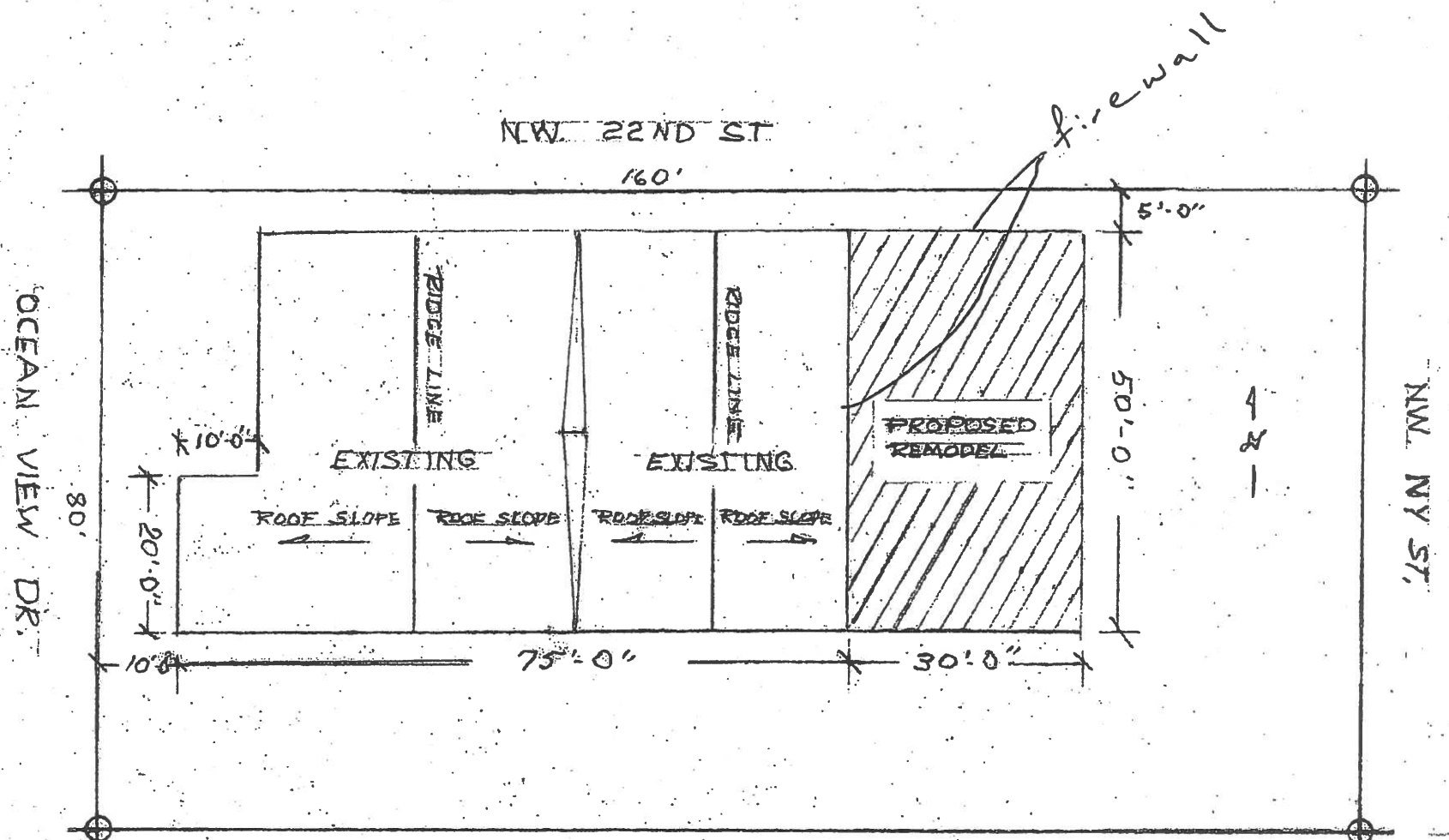
1/13, 09
Permit No. 1261 issued under
Provisions of the Cabo Code 02
edition.
Building Division
[Signature]
Plans Examiner - City of Newport

Code Areas of Concern	Comments	Locally Authorized Reviewer & Title	Date
Zoning Local *		<u>[Signature]</u>	<u>1/14/09</u>
Fire per(SSC) *	<u>R-1</u>		
Occupancy per(SSC) *	<u>U-1</u>	<u>[Signature]</u>	<u>1/14/09</u>
DEQ Sewage Disposal *		<u>[Signature]</u> DCE	<u>1/14/09</u>
Type of Const. per(SSC) *	<u>IV</u>	<u>[Signature]</u>	<u>1/14/09</u>
Driveway +			
Water Supply +		<u>[Signature]</u> DCE	<u>1/14/09</u>
Other +			

■ Required
+ Optional
SSC) Structural Specialty Code

City Copy

LINCOLN BOTTLING CO
BLOCK 28 BEATCH PARK ADD.
SW 1/4 SE 1/4 SEC 32 T.105. R.11W.
LINCOLN COUNTY, ORE.



N.W. 21 ST. ST.
PLOT PLAN
DAVE & ANGIE RICHCREEK
SCALE 1" = 20'-0"

Industrial Development Co.
c/o Doug Lettz 9 Danover Texas

Attachment "H"

2-NCU-19

147

Warehouse
Permit 4258/8/8/75

8/11/75

343 NW 22nd

1. Existing warehouse in P-1, receipt annexed area

2. No plumbing, no water.

3. Original building has door on east side approx. 12' from north end and a garage type door in front (north end). These are to be removed and two 3' doors install in front of Bldg at the ends of the corridors. Plans marked for 2 additional doors at rear at ends of corridors.

4. No other changes in plan anticipated.

Permit No. 4258x

Occ. Cert. No. _____

FOR OFFICE USE ONLY

No. Families _____

Land Zone R-1 Type of Building V Residence _____

Front Zone F-3 Occupancy Group TFZ Apartment _____

Permit To Alter ~~new~~ warehouse

Address 343 N.W. 22nd St.

Lot Lot 3: W 20' of 4 Block 28 Addition Beach Park

BUILDING PERMIT

Application is made to

- Erect
- Alter
- Repair
- Relocate
- Demolish
- Reroof

A Building Structure and/or covers

- Fill
- Excavation
- Construction
- Demolition

Entire work when completed will cost, including labor and materials: \$ 3,000 Fee \$ 24.00 + 72.00

MECHANICAL PERMIT

Heating \$ _____ Ventilation \$ _____ Refrigeration \$ _____

Incinerator \$ _____ Comfort Cooling \$ _____ Value \$ _____ Fee \$ _____

MISCELLANEOUS PERMITS

Fees

NONE

Sewer \$ _____ Curb Cut \$ _____ Sign \$ _____ Value \$ _____ Fee _____

Sidewalk \$ _____ Plumbing \$ _____ Gas \$ _____

Driveway \$ _____ Street Opening \$ _____ Other \$ _____ Fee \$ _____

TOTAL FEES \$ 24.00 72.00

Industrial Development

Owner IND. Dev. Address _____ Phone _____

Builder Phibbs Address _____ Phone _____

Architect _____ Address _____ Phone _____

Plans Attached yes Plans on File _____ Remarks _____

DESCRIPTION OF WORK Alter ~~Erect~~ Warehouse as preplanned.

NOT CONFORMING USE.
ONLY WORK DESCRIBED ABOVE INCLUDED IN PERMIT

I agree to build according to above description, plans and specifications and the Ordinances and Codes of the City of Newport.

Variance Case No. _____

Applicant Ed Roddy

APPLICATION RECEIVED	PLANS CHECKED BY PLAN EXAMINER	PERMIT ISSUED
By _____	Approved _____ Not Approved _____	By <u>E. H. GARDNER</u>
Date _____	Date _____	Date <u>8/8/75</u>

Final Date _____

NOTICE OF PLANS REVIEW

(THIS IS NOT A BUILDING PERMIT)



Building WAREHOUSE 343 NW 22ND Address NEWPORT No. 730-75
 County LINCOLN Building Occupancy F-2 COMM. Const. V-IV Sound Value \$3,000⁰⁰ Plan Fee 15-60
 Architect NONE New Bldg. Addition Alteration Date Received 7-18-75
 Owner INDUSTRIAL DEV. CO. Address NEWPORT Date Reviewed 8-5-75
 Stories 1 Area 2000 / NO Attic 6' / NO Fire Walls NO Fire Escapes NO Exits 2 / 6' ft.
 Main Flr. Basement Ht. Stops
 Stairs NO / - Vert. Shafts NO / - Sprinklers X / - / NONE Man. Alarm NO S.P. NO / - / NO
 Closed Closed No Yes Area Covered Int. Size Ext.
 Ext. NONE / - Ht. Det. NONE / - / NONE Floor CONC. Ceiling WOOD Roof MTL Str. Members WOOD
 Class No. Type Area Covd.
 Wall Cover MTL / WD Htr. rm. encl. NONE Type flue NONE Type Htg. System NONE Fuel NONE
 Ext. Int.

The submitted plans have been reviewed for conformity with fire protection statutes and regulations of Oregon administered by this office. Items No. 17, 26 checked on the enclosed list are applicable. These items and any specially noted provisions must be incorporated into the project to meet current fire protection regulations. Approval of submitted plans is not an approval of omissions or oversights by this office or of noncompliance with any applicable regulations of local government.

REMARKS: THIS REVIEW COVERS THE ALTERATIONS TO AN EXISTING BUILDING (40x50) TO CREATE 20 STORAGE RMS. (A) CORRIDORS ARE TO BE PROVIDED WITH EXITS TO REMOVE DEAD ENDS.
PLANS ARE ACCEPTABLE AS SUBMITTED SUBJECT TO THE ITEMS NOTED ABOVE.

FIRE ZONE - 3 Examined by Harold Lee
 PAGE - 1 of 1 Copies to: APPLICANT, FILE, DEPUTY, SALEM, BLDG & FIRE.

NOTICE OF PLANS REVIEW

(THIS IS NOT A BUILDING PERMIT)



Building WAREHOUSE 343 NW 22ND NEWPORT No. 730-75
 County LINCOLN Building Address
 Occupancy F-2 COMM. Const. V-IV Sound Value 4,300.00 Plan Fee 15.60
 Architect NONE New Bldg. Addition Alteration Date Received 7-18-75
 Owner INDUSTRIAL DEV. CO. Address NEWPORT Date Reviewed 8-5-75
 Stories 1 Area 2000 / NO Attic 6' / NO Fire Walls NO Fire Escapes NO Exits 2 / 6' ft.
 Main Flr. Basement Ht. Stops
 Stairs NO / - Vert. Shafts NO / - Sprinklers X / - / NONE Man. Alarm NO S.P. NO / - / NO
 No. Yes Area Covered Int. Size Ext.
 Ext. NONE / - Ht. Det. NONE / - / NONE Floor CONC. Ceiling WOOD Roof MTL Str. Members WOOD
 Class No. Type Area Covd.
 Wall cover MTL / WD Htr. rm. encl. NONE Type flue NONE Type Htg. System NONE Fuel NONE
 Ext. Int.

The submitted plans have been reviewed for conformity with fire protection statutes and regulations of Oregon administered by this office. Items No. 17, 26 checked on the enclosed list are applicable. These items and any specially noted provisions must be incorporated into the project to meet current fire protection regulations. Approval of submitted plans is not an approval of omissions or oversights by this office or of noncompliance with any applicable regulations of local government.

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PLANS ARE ACCEPTABLE AS SUBMITTED SUBJECT TO THE ITEMS NOTED ABOVE.

FIRE ZONE - 3

Examined by Harold J Lee

PAGE - 101

Copies to: APPLICANT, FIRE DEPT, SALEM, BLDG & FIRE

Lot 3 & W 20' of 4 Blk 28 - Birch Park

10'

10'

40'

10'

50'

343 NW 22nd St.

NW 22nd St.

42,381 50 SHEETS 5 SQUARE
42,382 100 SHEETS 5 SQUARE
42,383 200 SHEETS 5 SQUARE



MADE IN U.S.A.

10'

50'

20'

Adult foster homes are regulated by **ORS 443.705 through 443.825**, which are not part of this code but are reproduced in part here for the reader's convenience:

443.705 Definitions.

(1) "Adult foster home" means any family home or facility in which residential care is provided in a homelike environment for five or fewer adults who are not related to the provider by blood or marriage. [1983 c.629 §1; 1985 c.663 §1; 1987 c.430 §1; 1991 c.960 §1; 1995 c.180 §1; 1995 c.667 §8; 2001 c.900 §187; 2009 c.595 §791]

443.725 License required; on-site provider required; exception; rules.

(1) Every provider of adult foster care must be licensed with the licensing agency before opening or operating an adult foster home caring for adult residents.

(2) Except as provided in subsection (4) of this section, a provider must live in the home that is to be licensed or hire a resident manager to live in the home.

(3) Except as provided in subsection (4) of this section, there must be a provider or substitute caregiver on duty 24 hours per day in an adult foster home under the jurisdiction of the licensing agency. [1983 c.629 §3; 1985 c.663 §3; 1991 c.960 §4; 1995 c.667 §9; 2007 c.21 §1; 2009 c.595 §791c]

Family child care homes and group child care homes located in a private residence are regulated by **ORS 657A.280 and 657A.330**, which are not part of this code but are reproduced in part here for the reader's convenience:

329A.250 Definitions.

(2) "Certification" means the certification that is issued under ORS 657A.280 by the Office of Child Care to a family child care home, child care center or other child care facility.

(3) "Child" means a child under 13 years of age or a child under 18 years of age who has special needs or disabilities and requires a level of care that is above normal for the child's age.

(4) Subject to ORS 657A.440, "child care" means the care, supervision and guidance on a regular basis of a child unaccompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours of the day, in a place other than the child's home, with or without compensation.

(5) "Child care facility" means any facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, but not including any:

- (a) Preschool recorded program.
- (b) Facility providing care for school-age children that is primarily a single enrichment activity, for eight hours or less a week.
- (c) Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.
- (d) Facility operated by:
 - (A) A school district as defined in ORS 332.002;
 - (B) Political subdivision of this state; or
 - (C) A governmental agency.

- (e) Residential facility licensed under ORS 443.400 to 443.455.
- (f) Babysitters.
- (g) Facility operated as a parent cooperative for no more than 4 four hours a day.
- (h) Facility providing care while the child's parent remains on the premises and is engaged in an activity offered by the facility or in other nonwork activity.
- (11) "Registration" means the registration that is issued under ORS 329A.330 by the Office of Child Care to a family child care home where care is provided in the family living quarters of the provider's home.
- (12) "School age" means of an age eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, means of an age eligible to be enrolled in first grade or above in the next school year. [Formerly 657A.250]

SECTION 311 STORAGE GROUP S

311.1 Storage Group S. Storage Group S occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

311.2 Moderate-hazard storage, Group S-1. Buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

- Aerosols, Levels 2 and 3
- Aircraft hangar (storage and repair)
- Bags: cloth, burlap and paper
- Bamboos and rattan
- Baskets
- Belting: canvas and leather
- Books and paper in rolls or packs
- Boots and shoes
- Buttons, including cloth covered, pearl or bone
- Cardboard and cardboard boxes
- Clothing, woolen wearing apparel
- Cordage
- Dry boat storage (indoor)
- Furniture
- Furs
- Glues, mucilage, pastes and size
- Grains
- Horns and combs, other than celluloid
- Leather
- Linoleum
- Lumber
- Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 307.1(1) (see Section 406.8)
- Photo engravings
- Resilient flooring
- Silks
- Soaps
- Sugar

USE AND OCCUPANCY CLASSIFICATION

Tires, bulk storage of
 Tobacco, cigars, cigarettes and snuff
 Upholstery and mattresses
 Wax candles

311.3 Low-hazard storage, Group S-2. Includes, among others, buildings used for the storage of noncombustible materials such as products on wood pallets or in paper cartons with or without single thickness divisions; or in paper wrappings. Such products are permitted to have a negligible amount of plastic *trim*, such as knobs, handles or film wrapping. Group S-2 storage uses shall include, but not be limited to, storage of the following:

Asbestos
 Beverages up to and including 16-percent alcohol in wood barrels, metal, glass or ceramic containers
 Cement in bags
 Chalk and crayons
 Dairy products in nonwaxed coated paper containers
 Dry cell batteries
 Electrical coils
 Electrical motors
 Empty cans
 Food products
 Foods in noncombustible containers
 Fresh fruits and vegetables in nonplastic trays or containers
 Frozen foods
 Glass
 Glass bottles, empty or filled with noncombustible liquids
 Gypsum board
 Inert pigments
 Ivory
 Meats
 Metal cabinets
 Metal desks with plastic tops and *trim*
 Metal parts
 Metals
 Mirrors
 Oil-filled and other types of distribution transformers
 Parking garages, open or enclosed
 Porcelain and pottery
 Stoves
 Talc and soapstones
 Washers and dryers

311.4 Mausoleums and columbariums, Group S-3. The design life of structures in this occupancy are longer than other occupancies in this code. Except where specific provisions are made in Chapter 4, other requirements of this code shall apply.

**SECTION 312
 UTILITY AND MISCELLANEOUS GROUP U**

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

Agricultural buildings
 Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5)
 Barns
 Carports
 Fences more than 6 feet (1829 mm) in height
 Grain silos, accessory to a residential occupancy
 Greenhouses
 Livestock shelters
 Private garages
 Retaining walls
 Sheds
 Stables
 Tanks
 Towers

fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as a Group H hazardous or Group S storage occupancy.

306.2 Moderate-hazard factory industrial, Group F-1. Factory industrial uses which are not classified as Factory Industrial F-2 Low Hazard shall be classified as F-1 Moderate Hazard and shall include, but not be limited to, the following:

- Aircraft (manufacturing, not to include repair)
- Appliances
- Athletic equipment
- Automobiles and other motor vehicles
- Bakeries
- Beverages: over 16-percent alcohol content
- Bicycles
- Boats
- Brooms or brushes
- Business machines
- Cameras and photo equipment
- Canvas or similar fabric
- Carpets and rugs (includes cleaning)
- Clothing
- Construction and agricultural machinery
- Disinfectants
- Dry cleaning and dyeing
- Electric generation plants
- Electronics
- Engines (including rebuilding)
- Food processing and commercial kitchens not associated with restaurants, cafeterias and similar dining facilities
- Furniture
- Hemp products
- Jute products
- Laundries
- Leather products
- Machinery
- Metals
- Millwork (sash and door)
- Motion pictures and television filming (without spectators)
- Musical instruments
- Optical goods
- Paper mills or products
- Photographic film
- Plastic products
- Printing or publishing
- Recreational vehicles
- Refuse incineration
- Shoes
- Soaps and detergents
- Textiles
- Tobacco
- Trailers
- Upholstering
- Wood; distillation
- Woodworking (cabinet)

SEE OFC 603.21-1
FUEL STORAGE FACILITIES
COMBUSTIBLES
Hazard

306.3 Low-hazard factory industrial, Group F-2. Factory industrial uses that involve the fabrication or manufacturing of noncombustible materials which during finishing, packing

or processing do not involve a significant fire hazard shall be classified as F-2 occupancies and shall include, but not be limited to, the following:

- Beverages: up to and including 16-percent alcohol content
- Brick and masonry
- Ceramic products
- Foundries
- Glass products
- Gypsum
- Ice
- Metal products (fabrication and assembly)
- Wood barrel and bottled wine aging facilities in wineries

**SECTION 307
HIGH-HAZARD GROUP H**

[F] 307.1 High-hazard Group H. High-hazard Group H occupancy includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed in *control areas* complying with Section 414, based on the maximum allowable quantity limits for *control areas* set forth in Tables 307.1(1) and 307.1(2). Hazardous occupancies are classified in Groups H-1, H-2, H-3, H-4 and H-5 and shall be in accordance with this section, the requirements of Section 415 and the *Fire Code*. Hazardous materials stored, or used on top of roofs or canopies shall be classified as outdoor storage or use and shall comply with the *Fire Code*.

Exceptions: The following shall not be classified as Group H, but shall be classified as the occupancy that they most nearly resemble.

1. Buildings and structures occupied for the application of flammable finishes, provided that such buildings or areas conform to the requirements of Section 416 and the *Fire Code*.
2. Wholesale and retail sales and storage of flammable and combustible liquids in mercantile occupancies conforming to the *Fire Code*.
3. Closed piping system containing flammable or combustible liquids or gases utilized for the operation of machinery or equipment.
4. Cleaning establishments that utilize combustible liquid solvents having a flash point of 140°F (60°C) or higher in closed systems employing equipment listed by an approved testing agency, provided that this occupancy is separated from all other areas of the building by 1-hour fire barriers constructed in accordance with Section 707 or 1-hour horizontal assemblies constructed in accordance with Section 711, or both.
5. Cleaning establishments that utilize a liquid solvent having a flash point at or above 200°F (93°C).
6. Liquor stores and distributors without bulk storage.
7. Refrigeration systems.

USE AND OCCUPANCY CLASSIFICATION

8. The storage or utilization of materials for agricultural purposes on the premises.
9. Stationary batteries utilized for facility emergency power, uninterruptable power supply or telecommunication facilities, provided that the batteries are provided with safety venting caps and *ventilation* is provided in accordance with the *Mechanical Code*.
10. Corrosives shall not include personal or household products in their original packaging used in retail display or commonly used building materials.
11. Buildings and structures occupied for aerosol storage shall be classified as Group S-1, provided that such buildings conform to the requirements of the *Fire Code*.
12. Display and storage of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in quantities not exceeding the maximum allowable quantity per *control area* in Group M or S occupancies complying with Section 414.2.5.
13. The storage of black powder, smokeless propellant and small arms primers in Groups M and R-3 and special industrial explosive devices in Groups B, F, M and S, provided such storage conforms to the quantity limits and requirements prescribed in the *Fire Code*.

[F] **307.1.1 Hazardous materials.** Hazardous materials in any quantity shall conform to the requirements of this code, including Section 414, and the *Fire Code*.

307.1.2 Storage of Class 1.4G (Class C Common) fireworks. A permanent building used for the temporary storage of 1.4G (Class C) fireworks as authorized by a retail sales permit under ORS 480.127 may be classified as either a Group M, Group S-1 or a detached Group U Occupancy, provided:

1. The total amount of 1.4G retail fireworks is less than 5,000 pounds (2268 kg) gross weight; or
2. When the building is protected by an approved automatic sprinkler system and the amount of 1.4G retail fireworks is less than 10,000 pounds (4636 kg) gross weight.

[F] **307.2 Definitions.** The following terms are defined in Chapter 2:

AEROSOL.

- Level 1 aerosol products.
- Level 2 aerosol products.
- Level 3 aerosol products.

AEROSOL CONTAINER.**BALED COTTON.****BALED COTTON, DENSELY PACKED.****BARRICADE.**

- Artificial barricade.
- Natural barricade.

BOILING POINT.**CLOSED SYSTEM.****COMBUSTIBLE DUST.****COMBUSTIBLE FIBERS.****COMBUSTIBLE LIQUID.**

Class II.

Class IIIA.

Class IIIB.

COMPRESSED GAS.**CONTROL AREA.****CORROSIVE.****CRYOGENIC FLUID.****DAY BOX.****DEFLAGRATION.****DETONATION.****DISPENSING.****EXPLOSION.****EXPLOSIVE.**

High explosive.

Low explosive.

Mass-detonating explosives.

UN/DOtn Class 1 explosives.

Division 1.1.

Division 1.2.

Division 1.3.

Division 1.4.

Division 1.5.

Division 1.6.

FIREWORKS.

Fireworks, 1.3G.

Fireworks, 1.4G.

FLAMMABLE GAS.**FLAMMABLE LIQUEFIED GAS.****FLAMMABLE LIQUID.**

Class IA.

Class IB.

Class IC.

FLAMMABLE MATERIAL.**FLAMMABLE SOLID.****FLASH POINT.****HANDLING.****HAZARDOUS MATERIALS.****HEALTH HAZARD.****HIGHLY TOXIC.**

USE AND OCCUPANCY CLASSIFICATION

Museums

Places of religious worship

Pool and billiard parlors

Waiting areas in transportation terminals

303.5 Assembly Group A-4. Assembly uses intended for viewing of indoor sporting events and activities with spectator seating including, but not limited to:

Arenas

Skating rinks

Swimming pools

Tennis courts

303.6 Assembly Group A-5. Assembly uses intended for participation in or viewing outdoor activities including, but not limited to:

Amusement park structures

Bleachers

Grandstands

Stadiums

SECTION 304 BUSINESS GROUP B

304.1 Business Group B. Business Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to, the following:

Airport traffic control towers

Ambulatory care facilities

Animal hospitals, kennels and pounds

Banks

Barber and beauty shops

Car wash

Civic administration

Clinic, outpatient

Dry cleaning and laundries: pick-up and delivery stations and self-service

Educational occupancies for students above the 12th grade

Electronic data processing

Laboratories: testing and research

Motor vehicle showrooms

Post offices

Print shops

Professional services (architects, attorneys, dentists, physicians, engineers, etc.)

Radio and television stations

Telephone exchanges

Training and skill development not within a school or academic program

304.1.1 Definitions. The following terms are defined in Chapter 2:

AMBULATORY CARE FACILITY.

CLINIC, OUTPATIENT.

304.2 Lockup facilities. Buildings containing lockup facilities, as defined in ORS 169.005(4), shall comply with the following provisions:

1. Areas containing lockup facilities shall be separated from other rooms, spaces or areas by an approved smoke barrier (see Section 909.5).
2. The smoke control zone in which the lockup cells are located shall be provided with an automatic fire sprinkler system complying with Chapter 9 requirements for Group I-3 occupancies.
3. The smoke control zone in which the lockup area is located shall be provided with an automatic smoke detection system installed in accordance with the *Fire Code* Group I-3 occupancies.
4. The combined occupant load of the holding cells shall not exceed five.

SECTION 305 EDUCATIONAL GROUP E

305.1 Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.

305.1.1 Accessory to places of religious worship. Religious educational rooms and religious auditoriums, which are accessory to *places of religious worship* in accordance with Section 303.1.4 and have *occupant loads* of less than 100, shall be classified as Group A-3 occupancies.

305.2 Group E, day care facilities. This group includes buildings and structures or portions thereof occupied by more than five children older than 2¹/₂ years of age who receive educational, supervision or *personal care services* for fewer than 24 hours per day.

305.2.1 Within places of religious worship. Rooms and spaces within *places of religious worship* providing such day care during religious functions shall be classified as part of the primary occupancy.

305.2.2 Five or fewer children. A facility having five or fewer children receiving such day care shall be classified as part of the primary occupancy.

305.2.3 Five or fewer children in a dwelling unit. A facility such as the above within a *dwelling unit* and having five or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *Residential Code*.

SECTION 306 FACTORY GROUP F

306.1 Factory Industrial Group F. Factory Industrial Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling,

**CITY OF NEWPORT
PUBLIC NOTICE¹**

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

File No. 2-NCU-19:

Applicant: David Richcreek, 2026 NW Oceanview Drive, Newport, OR 97365.

Request: Approval of a request per Section 14.32/"Nonconforming Uses, Lots, and Structures" of the Newport Municipal Code, to allow a continued historical use of a warehouse on the property.

Location: 2102 NW Oceanview Drive (Lincoln County Assessor's Map 10-11-32-DC; Tax Lots 301 & 500) and 343 NW 22nd St (Lincoln County Assessor's Map 10-11-32-DC; Tax Lot 300).

Applicable Criteria: Pursuant to NMC Section 14.32.060(A), the approval authority shall determine that the structure was legally established at the time the Zoning Ordinance was enacted or amended, and that the use has not been discontinued for a continuous 12-month period. The approval authority must also verify the nature and extent of the nonconforming use, considering (1) a description of the use; (2) The types and quantities of goods or services provided and the activities conducted; (3) The scope of the use (volume, intensity, frequency, etc.) including fluctuations in the level of activity; (4) The number, location and size of physical improvements associated with the use; (5) The amount of land devoted to the use; and (6) Other factors the approval authority may determine appropriate to identify the nature and extent of a particular use (NMC Section 14.32.060(B)). Pursuant to NMC Section 14.32.070, after verification of the status of a nonconforming use pursuant to subsection 14.32.030, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood when considering the following factors: (A) (1) The character and history of the use and of development in the surrounding area; (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood; (3) Adequacy of infrastructure, including sewer, water, and streets, to accommodate the use; (4) The comparative numbers and kinds of vehicular trips to the site; (5) The comparative amount and nature of outside storage, loading, and parking; (6) The comparative visual appearance; (7) The comparative hours of operation; (8) The comparative effect on solar access and privacy; (9) Other factors which impact the character or needs of the neighborhood. (B) The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood. (C) To the extent there is a rational nexus, and the City can establish that needed improvements are roughly proportional to proposed development, an alteration, expansion, or replacement of a nonconforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to: (1) Surfacing of parking areas and landscaping; (2) Exterior design of structures; and (3) Outdoor displays, storage, and signage.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Newport Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (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.

Reports/Application Material: The staff report may be reviewed or a copy purchased for reasonable cost at the Newport

¹Notice of this action is being sent to the following: (1) Affected property owners within 200 feet of the subject property (according to Lincoln County tax records); (2) affected public/private utilities/agencies within Lincoln County; and (3) affected city departments.

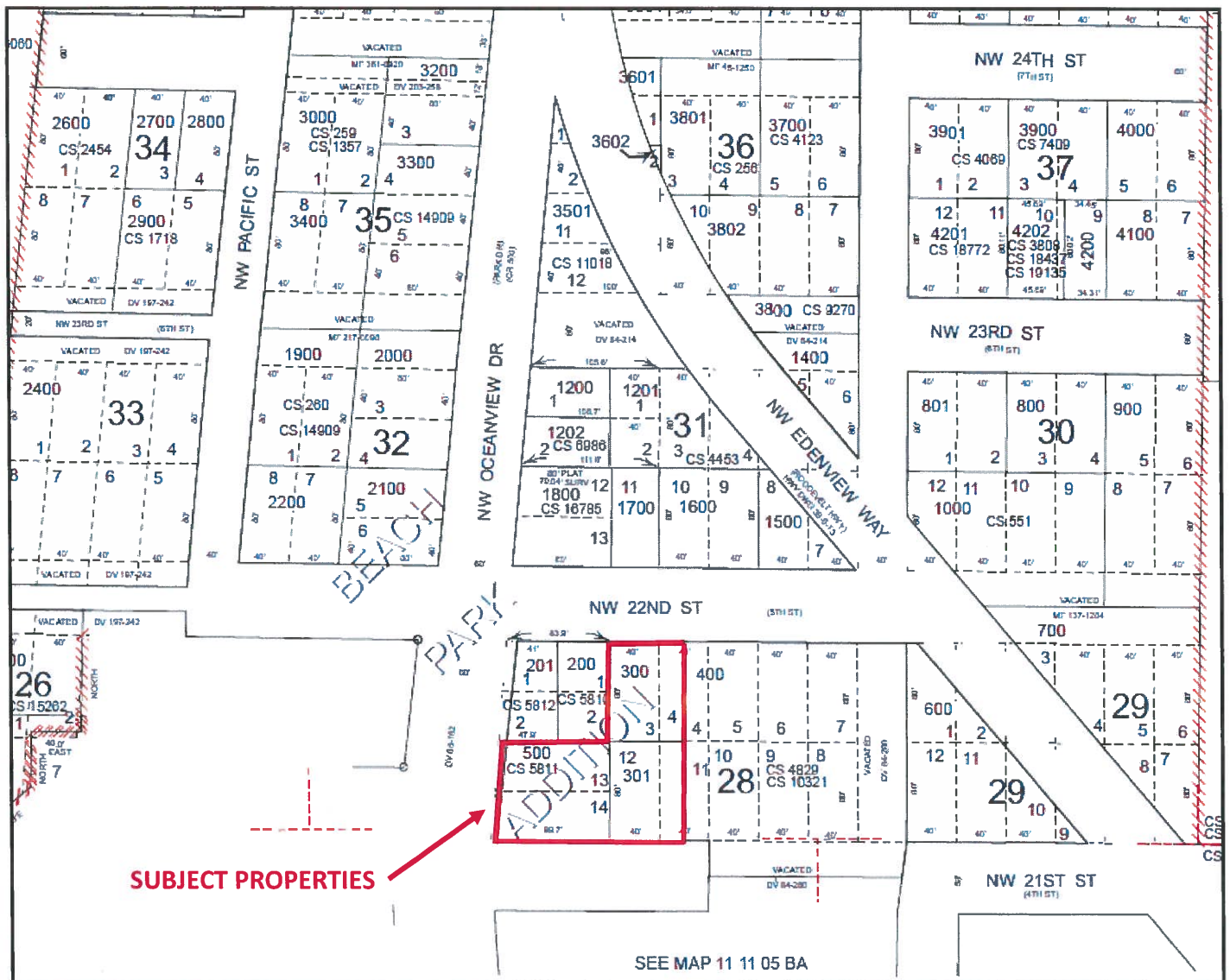
Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address.

Contact: Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (mailing address above under "Reports/Application Material").

Time/Place of Hearing: Monday, May 13, 2019; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: April 4, 2019.

PUBLISHED: May 3, 2019 / News-Times.



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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

Central Lincoln PUD
ATTN: Randy Grove
PO Box 1126
Newport OR 97365

Email: Lisa Phillips
DLCD Coastal Services Center
lisa.phillips@state.or.us

EMAIL
odotr2planmgr@odot.state.or.us

Joseph Lease
Building Official

Rob Murphy
Fire Chief

Tim Gross
Public Works

Rachel Cotton
Associate Planner

Jason Malloy
Interim Police Chief

Mike Murzynsky
Finance Director

Laura Kimberly
Library

Jim Protiva
Parks & Rec

Spencer Nebel
City Manager

ALLEN DOLORES M &
ANGLESEY TAMARA
PO BOX 1672
NEWPORT, OR 97365

BUTTERFIELD TODD W &
BUTTERFIELD ANNE J
435 NW NYE
APT #K
NEWPORT, OR 97365

CORTES EDUARDO R &
CORTES HIDI H
2002 NW OCEANVIEW DR
NEWPORT, OR 97365

DAWSON MARGIE L
3158 SW ANTLER LN
REDMOND, OR 97756

ERICKSON JAMES C
1984 NW ADMIRALTY CIR
WALDPORT, OR 97394

FREEMAN JUDITH A TRUSTEE
PO BOX 424
HARRISBURG, OR 97446

GARNER CAMERON &
GARNET ASHLEY &
ALBERTS JOHN ETAL
2012 NW OCEANVIEW DR
NEWPORT, OR 97365

JACOBSON DAVID P & KYM C
434 NW 21ST PL
NEWPORT, OR 97365

JOLLEY MARGARET TRUSTEE
2029 NW NYE ST
NEWPORT, OR 97365

MARSHALL STANLEY N &
MARSHALL CYNTHIA F
361 NW 22ND ST
NEWPORT, OR 97365

MATSOMOTO HARUYOSHI TRUSTEE &
MATSUMOTO GALE TRUSTEE
PO BOX 2046
NEWPORT, OR 97365

MAVITY DENNIS C
335 NW 21ST ST
NEWPORT, OR 97365

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

PAYNE TODD A &
PAYNE KRISTINA L
5566 WALES DR
EUGENE, OR 97402

RICHARD CHRISTOPHER LEE &
SUZANNE J &
GONZALES JORGE & ROSEMARY
1060 COSMO AVE
EL CAJON, CA 92019

RICHCREEK DAVID &
RICHCREEK ANGELA
2026 NW OCEANVIEW DR
NEWPORT, OR 97365

SHEEHAN SARA A &
SHEEHAN JEROME F
2015 NW NYE ST
NEWPORT, OR 97365

STREIFEL ROBERT N
411 NW 21ST PL
NEWPORT, OR 97365

TRUAX GLORY J
424 NW 21ST PL
NEWPORT, OR 97365

WILLAMETTE BEVERAGE CO
PO BOX 10728
EUGENE, OR 97440

JACOBSON ROBERT W & ROBIN L
PO BOX 507
WALDPORT, OR 97394

ANDERSON PAMELA TRUSTEE
2224 NW OCEANVIEW DR
NEWPORT, OR 97365

BRITTSAN TREVOR T
2231 NW EDENVIEW WAY
NEWPORT, OR 97365

HAZELL BRET J &
HAZELL DEBRA K
2613 BLACKTAIL DR
EUGENE, OR 97405

Exhibit "A"

Adjacent Property Owners Within 200 Ft

File No 2-NCU-19

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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

Central Lincoln PUD
ATTN: Randy Grove
PO Box 1126
Newport OR 97365

****EMAIL****
PATRICK WINGARD
DLCD NORTH COAST REGIONAL
SOLUTIONS CTR

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

Joseph Lease
Building Official

Rob Murphy
Fire Chief

Tim Gross
Public Works

Rachel Cotton
Associate Planner

Jason Malloy
Interim Police Chief

Mike Murzynsky
Finance Director

Ted Smith
Library

Jim Protiva
Parks & Rec

Spencer Nebel
City Manager

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

The City of Newport Planning Commission will hold a public hearing on Monday, May 13, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 2-NCU-19. The request submitted by David Richcreek is for approval of a request per Section 14.32/“Nonconforming Uses, Lots, and Structures” of the Newport Municipal Code, to allow a continued historical use of a warehouse on the property. Specifically, the applicants are requesting to be allowed to add one additional permanent space to the mobile home park. The subject property is located at 2102 NW Oceanview Dr (Lincoln County Assessor’s Map 10-11-32-DC; Tax Lots 301 & 500) and 343 NW 22nd St (Lincoln County Assessor’s Map 10-11-32-DC; Tax Lot 300). Pursuant to NMC Section 14.32.060(A), the approval authority shall determine that the structure was legally established at the time the Zoning Ordinance was enacted or amended, and that the use has not been discontinued for a continuous 12 month period. The approval authority must also verify the nature and extent of the nonconforming use, considering (1) a description of the use; (2) The types and quantities of goods or services provided and the activities conducted; (3) The scope of the use (volume, intensity, frequency, etc.) including fluctuations in the level of activity; (4) The number, location and size of physical improvements associated with the use; (5) The amount of land devoted to the use; and (6) Other factors the approval authority may determine appropriate to identify the nature and extent of a particular use (NMC Section 14.32.060(B)). Pursuant to NMC Section 14.32.070, after verification of the status of a nonconforming use pursuant to subsection 14.32.030, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood when considering the following factors: (A) (1) The character and history of the use and of development in the surrounding area; (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood; (3) Adequacy of infrastructure, including sewer, water, and streets, to accommodate the use; (4) The comparative numbers and kinds of vehicular trips to the site; (5) The comparative amount and nature of outside storage, loading, and parking; (6) The comparative visual appearance; (7) The comparative hours of operation; (8) The comparative effect on solar access and privacy; (9) Other factors which impact the character or needs of the neighborhood. (B) The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood. (C) To the extent there is a rational nexus, and the City can establish that needed improvements are roughly proportional to proposed development, an alteration, expansion, or replacement of a nonconforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to: (1) Surfacing of parking areas and landscaping; (2) Exterior design of structures; and (3) Outdoor displays, storage, and signage. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (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 for reasonable cost at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials, the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address as well. Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (mailing address above).

(FOR PUBLICATION ONCE ON FRIDAY, MAY 3, 2019)

15114

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TRUSTEE'S NOTICE OF PUBLIC HEARING: Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by the Deed of Trust, the words "trustee" and "beneficiary" include their respective successors in interest, if any. Dated: 2/28/2019 CLEAR REGON CORP 111 SW Columbia Street #950 Portland, OR 97201 Phone: 856-750-7800 866-931-0036 Edward Jamir, Authorized Signatory of Trustee, (ctd 5 of 6) M03; M10; M17; M24 (32-24)

NOTICE OF BUDGET COMMITTEE MEETING CITY OF DEPOE BAY: A public meeting of the Budget Committee of the City of Depoe Bay, Lincoln County, Oregon to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020 will be held at Depoe Bay City Hall, 570 SE Shell Ave., Depoe Bay on Tuesday, May 14, 2019 immediately following the Depoe Bay Urban Renewal Agency Budget Committee meeting which begins at 6:00 p.m. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. A copy of the budget document may be inspected or obtained on or after May 14, 2019 at Depoe Bay City Hall, between the hours of 8:00 a.m. and 5:00 p.m., M-F. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. This notice is posted on the City of Depoe Bay website www.cityofdepoebay.org M01 M03 (38-03)

NOTICE OF PUBLIC HEARING: DEPOE BAY PLANNING COMMISSION WEDNESDAY, MAY 8, 2019 6:00pm. APPLICATION FOR PLANNED DEVELOPMENT AMENDMENT TO PHASE 1 PRELIMINARY PLAN. APPLICANT: Martin Boone, Member A G E N T : Orbis Financial LLC and Omni Financial LLC; Mason Corporation. REQUEST: This is a request to amend Whale Watch Planned Development Phase 1. The request is to amend side yard and rear yard building setbacks for the single family lots. APPLICABLE CRITERIA: Depoe Bay Zoning Ordinance No. 24 (as amended) - a) Section 3.010: Residential Zone R-1; b) Section 3.140: Residential Commercial C-1; c) Section 3.410: Planned Development Zone P-D; d) Article 4. Supplemental Regulations; e) Article 9: Amendments; f) Article 13: Development Guidelines; g) Article 14: Land Division. LOCATION: The subject property is located on Lillian Lane at the north end of Depoe Bay, east of Hwy 101, and is identified on Lincoln County Assessor's Map 09-11-05BD as tax lots 1400-2600 and 2900-3400. APPLICATION MATERIALS: (ctd' 1 of 2) M03 (39-03)

NOTICE OF PUBLIC HEARING: (ctd' 2 of 2) Application materials, documents and evidence submitted by or on behalf of the applicant are available for inspection at City Hall and can be obtained at cost. Documents or evidence submitted by the applicant after 20 days prior to the hearing constitutes grounds for a continuance of the hearing if any party requests such a continuance. Copies of the staff report for this case are also available for review and may be purchased at Depoe Bay City Hall, 570 SE Shell Avenue seven days prior to the hearing. TESTIMONY: Testimony may be submitted in written or oral form. Oral testimony will be taken during the course of the public hearing. Failure to raise an issue in a hearing, either in person or in writing, or failure to provide statements/evidence sufficient to afford the Planning Commission an opportunity to respond to the issues precludes appeal to the Land Use Board of Appeals on that issue. The comment period for written testimony expires May 8, 2019 5:00 p.m. Send letters to Depoe Bay City Hall, P.O. Box 8, Depoe Bay, OR 97341; or email comments to info@cityofdepoebay.org. CONTACT: L a r r y Lewis, City Planner (541) 765-2361 TIME/PLACE: Wednesday, May 8, 2019, 6:00 p.m., Depoe Bay City Hall, 570 SE Shell Avenue, Depoe Bay, OR. Depoe Bay City Hall is accessible to the disabled. If special

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NOTICE OF BUDGET COMMITTEE MEETING: A public meeting of the Budget Committee of the Central Oregon Coast Fire & Rescue District, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020, will be held at 145 Alsea Hwy., Waldport, OR 97394. The meeting will take place on the 18th day of May, 2019 at 6:00 p.m. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. A copy of the budget document may be inspected or obtained at 145 Alsea Hwy., Waldport, OR 97394 on or after the 10th day May, 2019 between the hours of 1:00 p.m. to 4:00 p.m. Pursuant to ORS 254.395. M03 (60-03)

TRUSTEE'S NOTICE OF SALE TS NO.: 18-53083 Reference is made to that certain Deed of Trust (hereinafter referred as the Trust Deed) made by BRUCE CLAYMAN, AS GRANTOR to FIRST AMERICAN TITLE INSURANCE COMPANY, AS GRANTEE in favor of METLIFE HOME LOANS, A DIVISION OF METLIFE BANK, N.A., as Beneficiary, dated 4/22/2011, recorded 4/27/2011, as Instrument No. 2011-04110, the Subject Deed of Trust was re-recorded 1/18/2019 under Instrument # 2019-00522, all in mortgage records of Lincoln County, Oregon covering the following described real property situated in said County and State, to-wit: THE WEST ONE-HALF OF LOT 7, BLOCK 13, IRVINGTON, IN LINCOLN COUNTY, OREGON. The street address or other common designation, if any for the real property described above is purported to be: 922 NW Coast Street Newport, Oregon 97365 The Tax Assessor's Account ID for the Real Property is purported to be: 111105CB05700 / R12095 Both the beneficiary and the trustee, Zieve, Brodnax and Steele, LLP have elected to foreclose the above referenced Trust Deed and sell the said real property to satisfy the obligations secured by the Trust Deed and a Notice of Default and Election to Sell has been recorded pursuant to ORS 86.752(3). (CONTINUED...) (74-10)

TRUSTEE'S NOTICE OF SALE TS NO.: 18-53083 (CONTINUED) All right, title and interest in the said described property which the grantors had, or had power to convey, at the time of execution of the Trust Deed, together with any interest the grantors or their successors in interest acquired after execution of the Trust Deed shall be sold at public auction to the highest bidder for cash to satisfy the obligations secured by the Trust Deed and the expenses of sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys. The default for which the foreclosure is made is: That a breach of, and default in, the obligations secured by said deed of trust have occurred in that "A Borrower dies and the Property is not the principal residence of at least one surviving Borrower" and, the borrower has died and there are no other borrowers occupying the property, and therefore, the lender had declared all sums secured thereby forthwith due and payable plus the foreclosure costs, legal fees and any advances that may become due, and such sums have not been paid. The amount required to cure the default in payments to date is calculated as follows: From: 4/22/2011 to 3/19/2019 Unpaid Principal, Interest and MIP: \$448,396.19 Additional charges (Taxes, Insurance, Appraisals, Inspections, Attorney Fee, Service Fee): \$11,125.25 Trustee's Fees and Costs: \$928.75 Total necessary to cure: \$460,450.19 Please note the amounts stated herein are subject to confirmation and review and are likely to change during the next 30 days. (CONTINUED) A19 A26 M03 M10 (74-10)

TRUSTEE'S NOTICE OF SALE TS NO.: 18-53083 (CONTINUED) Please contact the successor trustee Zieve, Brodnax and Steele, LLP, to obtain a "reinstatement" and or "payoff quote prior to remitting funds. By reason of said default the beneficiary has declared all sums owing on the obligation secured by the Trust Deed due and payable. The amount required to discharge this lien in its entirety to date is: \$460,450.19 Said sale shall be held at the hour of

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TRUSTEE'S NOTICE OF SALE TS NO.: 18-53083 (CONTINUED) Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amounts provided by ORS 86.778. The mailing address of the trustee is: Zieve, Brodnax and Steele, LLP One World Trade Center 121 Southwest Salmon Street, 11th Floor Portland, OR 97204 (503) 946-6558 In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any. Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale. Dated: 3/20/2019 Zieve, Brodnax and Steele, LLP By: Bradford Ellis Klein, OSB#165784 Zieve, Brodnax and Steele, LLP Authorized to sign on behalf of the trustee A-4689765 04/19/2019, 04/26/2019, 05/03/2019, 05/10/2019 A19 A26 M03 M10 (74-10)

NOTICE OF PUBLIC HEARING CITY OF NEWPORT: The City of Newport Planning Commission will hold a public hearing on Monday, May 13, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 3-CUP-19 a request submitted by Mariner Enterprises, Inc. (Oak Bay Marine Group, 1327 Beach Drive, Victoria, BC Canada, V8S 2N4), property owner. (Dustin Capri, Capri Architecture, authorized representative) per Section 14.03.080 "Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a modification to a conditional use permit (File No. 3-CUP-18) to renovate the existing building at Mariner Square to accommodate a new central entry, add new roofs over the east and west portions of the existing building; and reside the existing building. There will be a small addition between the existing building and Bay Boulevard and the proposal includes new signage and interior/exterior thematic exhibits. The request involves property that is located in a W-2 "Water-Related" zone. The property is located at 250 SW Bay Blvd, Newport, OR 97365 (Assessor's Map 11-11-08-AC, Tax Lots 9900, 10000, 10100, 10200, 10300 & 10800). The applicable criteria per NMC Chapter 14.34.050 are that: 1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height; considering both existing buildings and potential buildings allowable as uses permitted outright. M03 (82-03) (ctd' 1 OF 2)

NOTICE OF PUBLIC HEARING CITY OF NEWPORT: (ctd' 2 of 2) Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 160 SW Coos

305 Notices

NOTICE OF A PUBLIC HEARING CITY OF NEWPORT: The City of Newport Planning Commission will hold a public hearing on Monday, May 13, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 2-NCU-19. The request submitted by David Richcreek is for approval of a request per Section 14.32 "Nonconforming Uses, Lots, and Structures" of the Newport Municipal Code, to allow a continued historical use of a warehouse on the property. The subject property is located at 2102 NW Oceanview Dr (Lincoln County Assessor's Map 10-11-32-DC; Tax Lot 300). Pursuant to NMC Section 14.32.060(A), the approval authority shall determine that the structure was legally established at the time the Zoning Ordinance was enacted or amended, and that the use has not been discontinued for a continuous 12 month period. The approval authority must also verify the nature and extent of the nonconforming use, considering (1) a description of the use; (2) The types and quantities of goods or services provided and the activities conducted; (3) The scope of the use (volume, intensity, frequency, etc.) including fluctuations in the level of activity; (4) The number, location and size of physical improvements associated with the use; (5) The amount of land devoted to the use; and (6) Other factors the approval authority may determine appropriate to identify the nature and extent of a particular use (NMC Section 14.32.060(B)). M03 (83-03) (ctd' 1 of 3)

NOTICE OF A PUBLIC HEARING CITY OF NEWPORT: Pursuant to NMC Section 14.32.070, after verification of the status of a nonconforming use pursuant to subsection 14.32.030, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood when considering the following factors: (A) (1) The character and history of the use and of development in the surrounding area; (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood; (3) Adequacy of infrastructure, including sewer, water, and streets, to accommodate the use; (4) The comparative numbers and kinds of vehicular trips to the site; (5) The comparative amount and nature of outside storage, loading, and parking; (6) The comparative visual appearance; (7) The comparative hours of operation; (8) The comparative effect on solar access and privacy; (9) Other factors which impact the character or needs of the neighborhood. (B) The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood. (C) To the extent there is a rational nexus, and the City can establish that needed improvements are roughly proportional to proposed development, an alteration, expansion, or replacement of a nonconforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to: (1) Surfacing of parking areas and landscaping; (2) Exterior design of structures; and ... M03(83-03) (ctd' 2 of 3)

305 Notices

NOTICE OF A PUBLIC HEARING CITY OF NEWPORT: (3) Outdoor displays, storage, and signage. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (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 for reasonable cost at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials, the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address as well. Contact Derrick Tokos, Community Development Director, (541) 574-0626 d.tokos@newportoregon.gov (mailing address above). (ctd' 3 of 3) M03 (83-03)

LEGAL NOTICE IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN (Probate Department) Case No. 19PB01533. NOTICE TO INTERESTED PERSONS; In the Matter of the Intestate Estate of George Winfield Henderson, Deceased. NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative. All persons having claims against the Estate are required to present them, with vouchers attached, to the undersigned Personal Representative at P.O. Box 309, Toledo, OR 97391, within four months after the date of first publication of this Notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the Personal Representative, or the Attorney for the Personal Representative. PERSONAL REPRESENTATIVE: Cathy Jo Farey 442 Ronshelmer Rd., Penngrove, CA 94951. PHONE: 707-779-2084 EMAIL: cfarey@sonic.net PREPARED AND SUBMITTED BY: Paul B. Osterlund, OSB#610632; Attorney for Personal Representative PO Box 309, 217 South Main Street Toledo, OR 97391-0309 PH: (541)336-2257 FX:(541) 336-2556 E-mail: paul@osterlundlaw.com. DATED AND PUBLISHED: 04/19/2019; /s/ Cathy Jo Farey Personal Representative. A19, A26; M03 (91-03)

305 Notices

NOTICE TO INTERESTED PERSONS Notice is hereby given that the undersigned has been appointed Personal Representative of the ESTATE OF WILLIAM ARLYN DAVIS, DECEASED, Lincoln County, Oregon, and Circuit Court Case No. 19PB02562. All persons having claims against said estate are required to present them, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the Personal Representative at 285 Highway 101/P.O. Box 700, Waldport, Oregon 97394-0700, or they may be barred. All persons whose rights may be affected by these proceedings may obtain additional information from the records of the court, the Personal Representative, or the attorney for the Personal Representative. DATED and first published: April 19, 2019. /s/Donald D. Olsen Personal Representative A19 A26 M03 (92-03)

NOTICE OF BUDGET MEETING: A public meeting of the Budget Committee of the Depoe Bay Rural Fire Protection District, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020, will be held at the Gleneden Beach Fire Station, 6445 Gleneden Beach Loop, Gleneden Beach, Oregon, on Tuesday, May 14, 2019 at 10:00 am. The purpose of the meeting is to receive the budget message and to hear comment from the public on the budget. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. A copy of the budget document may be inspected or obtained on or after May 10, 2019 at the Gleneden Beach Fire Station between the hours of 9:00 a.m. and 3:00 p.m., excluding the lunch hour. A19 M03 (99-03)

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305 Notices

PUBLIC BUDGET HEARING 2019-2020. OFFICIAL NOTICE FOR THE OREGON DUNGENESS CRAB COMMISSION. The OREGON DUNGENESS CRAB COMMISSION will hold a Public Meeting/Budget Hearing from 9:00am to 4:00pm on May 23, 2019 at the Port of Charleston/R.V. Park Recreation Room located at 63402 Kingfisher Lane in Charleston, OR. The meeting is scheduled to begin at 9 a.m. At the meeting, any Oregon Dungeness crab fisherman in Oregon selling crab through a first purchaser has a right to be heard with respect to the proposed budget. A copy is available at the Crab Commission office in Coos Bay. The 2019/2020 budget is based on an assessment of 1% of the cash value of the raw product of Dungeness crab that is landed in Oregon. For further information, contact the ODCC office, P.O. Box 1160, Coos Bay, OR 97420. The meeting location is accessible to persons with disabilities. Please make any request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities at least 48 hours before the meeting by contacting the ODCC office at (541) 287-5810 M03 (40-03)

400 Financial

- 401 Business Opportunity
- 402 Contracts/Mortgages
- 403 Ecrow/Title
- 404 Insurance
- 405 Investments
- 406 Money To Lend
- 407 Tax Service

500 Employment

- 501 Help Wanted
- 502 Child Care Services
- 503 Elderly Care
- 504 Work Wanted

Ads for all HELP WANTED classification must state the nature of the product to be sold or the service to be performed. No references may be made to earnings unless the salary or compensation is guaranteed. References to sex, age, race, creed or nationality will not be accepted unless they are a bona-fide occupational qualification.

NEWS-TIMES

501 Help Wanted

Quality Concrete Construction Company currently hiring for:
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PLANNING STAFF REPORT

Case File No. 3-CUP-19

- A. **APPLICANT:** Capri Architecture (Oak Bay Marine Group, 1327 Beach Drive, Victoria, BC, Canada, V8S 2N4, property owner).
- B. **REQUEST:** Approval per Chapter 14.03.080(18)/“Water-dependent and Water-related Uses” of the Newport Municipal Code (NMC) for a conditional use permit to renovate the existing building at Mariner Square to accommodate a new central entry; add new roofs over the east and west portions of the existing building; and re-side the existing building. There will be a small addition between the existing building and Bay Boulevard and the proposal includes new signage and interior/exterior thematic exhibits.

The City approved a similar renovation plan on June 11, 2018 (File No. 3-CUP-18); however, the applicant has since elected to further refine their design, which necessitated this application. This latest concept reduces the size and height of the central entry, with the octopus sculpture now being placed on the roof as opposed to being substantially within the building. A second floor lighthouse feature has also been incorporated into the entry. The balance of the exterior elements are similar to what was previously approved, although the color scheme and sign design has been changed.

- C. **LOCATION:** 250 SW Bay Blvd.
- D. **LEGAL DESCRIPTION:** Block 6, Plan of Newport (Assessor’s Map 11-11-08-AC, Tax Lots 9900, 10000, 10100, 10200, 10300 & 10800).
- E. **LOT SIZE:** Approximately 1.17 acres (50,965.2 sq. ft.) per Lincoln County Tax Assessor records.
- F. **STAFF REPORT**

1. **REPORT OF FACT**

- a. **Plan Designation:** Yaquina Bay Shoreland (building), High-Density Residential (parking areas).
- b. **Zone Designation:** W-2/“Water-Related” (building), and R-4/“High Density Multi-Family Residential” (parking areas).
- c. **Surrounding Land Uses:** A mix of commercial, tourist-oriented uses including eating and drinking places and retail shops, seafood processing related businesses, Port facilities, and residential uses.
- d. **Topography and Vegetation:** The property slopes toward the bay, from the northwest to the southeast. There are several large Cyprus trees on the property.

- e. **Existing Structures:** A 20,883 sq. ft., tourist commercial building constructed in 1985.
- f. **Utilities:** All are available to the site.
- g. **Development Constraints:** None known.
- h. **Past Land Use Actions:** File No. 29-CUP-79-B - Requested approval of a wax museum tourist attraction. Approved June 25, 1979. Affirmed on appeal by City Council on September 4, 1979. LUBA appeal dismissed (File No. 79-051). File 3-CUP-18, approved June 11, 2018, authorized plans to renovate the exterior of the building.
- i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on April 8, 2019; and the notice of public hearing was published in the Newport News-Times on May 3, 2019.
- j. **Attachments:**
 - Attachment "A" – Application Form
 - Attachment "A-1" – Applicant’s Written Narrative
 - Attachment “A-2” – Proposed Business Plan
 - Attachment "A-3" – Site Plan (Existing)
 - Attachment "A-4" – Architectural Renderings
 - Attachment "A-5" – Signage and Exterior Thematic Exhibits
 - Attachment "B" – Zoning Map of the Area
 - Attachment "C" – Aerial Map of the Area
 - Attachment "D" – Previous Architectural Rendering (File 3-CUP-18)
 - Attachment "E" – Previous Exterior Signage Concept (File 3-CUP-18)
 - Attachment "F" – Public Hearing Notice

2. **Explanation of the Request:** Pursuant to Chapter 14.03.080(18)/“Water-dependent and Water-related Uses” of the Newport Municipal Code (NMC), a retail use that is permitted outright in a C-2/“Tourist Commercial” zoning district requires a conditional use permit to be located in a W-2/“Water-related” zoning district.

The applicant is requesting the conditional use permit to renovate and modernize the existing Mariner Square facility by consolidating multiple existing entry points to one central entry, re-siding the building to repair worn material, and changing roof pitches on the east and west sides in order to cover the existing barrel roofs with the goal of solving current points of weather infiltration.

In their business plan, the applicant notes that the existing building was constructed in 1984 and is the home of the first Ripley’s Believe it or Not! franchise. Since then they have welcomed approximately 90,000 guests each year from countries around the world. The displays, exhibits, and facility in general are showing signs of their age and need to be refreshed. The applicant notes, that pursuant to their franchise agreement with Ripley’s Entertainment, Inc., they are required to renovate and modernize the interior spaces and create a centralized reception/lobby area. The project will include a new 7D movie theatre, a mirror maze, and laser

race within the existing building footprint. The facility will also include new safety features to meet ADA and building code requirements. Parking and courtyard areas are to remain largely as they are and the applicant has indicated that they will retain the existing large cypress trees.

3. **Evaluation of the Request:**

a. **Comments:** All surrounding property owners and affected city departments and public utilities were notified on April 8, 2019. The notice was published in the Newport News-Times on May 3, 2019. No comments have been received in response to these notices.

b. **Conditional Use Criteria (NMC Chapter 14.34.050):**

(1) The public facilities can adequately accommodate the proposed use.

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

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

(4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

c. **Staff Analysis:**

NMC 14.34.040(A) requires that applications include a site plan showing the dimensions and arrangement of the proposed development on the lot. The applicant provided a site plan of the existing and proposed building layout (Attachment "A-3"), exterior architectural renderings of the proposed remodel (Attachment "A-4") and illustrations of proposed signage and exterior thematic exhibits (Attachment "A-5"). This should provide the Commission with enough information to evaluate the application.

NMC 14.34.030 indicates that a Type III decision-making procedure, with review and approval by the Planning Commission, is required for property that is over one (1) acre in size. Lincoln County Assessor records indicate that the subject site encompasses 1.17 acres.

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

(1) **The public facilities can adequately accommodate the proposed use.**

Public facilities are defined in the Zoning Ordinance as sanitary sewer,

water, streets and electricity. All public facilities are available and serve the property. The applicant notes that the renovation will result in a modest expansion of the current use and that no changes to the building program will be made that will place additional strain on public facilities. They further point out that the building's existing commercial kitchen and restaurant space will be removed, an element that represents a significant source of resource consumption.

As shown on the applicant's site plan (Attachment "A-3") and the Aerial Map (Attachment "C"), street and sidewalk access to this developed site is available off of SW Bay Boulevard, SW Hatfield Drive, and SW Lee Street. SW Bay Boulevard and SW Hatfield Drive are fully improved, paved collector roadways. SW Lee Street is a fully improved and paved local road. The Commission accepts this as sufficient evidence to establish that street and sidewalk access to the property is adequate. The City provides water service to the site via an 8-inch main in SW Bay Boulevard. Sewer service is provided via a 14-inch gravity line in SW Bay Boulevard. Storm drainage is collected in catch basins and directed under SW Bay Boulevard to the bay. The existing facility utilizes these services. The services have been sized to accommodate regional development in the area, including industrial users such as the fish plants along SW Bay Boulevard and the Commission can rely upon the presence of these utilities to establish that the water, sewer, and storm drainage services are adequate to support tourist oriented retail uses at this location. Electric service is available to the existing building.

Given the above, it is reasonable for the Planning Commission to find that the public facilities can adequately accommodate the retail use.

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

This criterion addresses special requirements of the underlying or overlay zone beyond the standard zoning ordinance requirements. Each zoning district includes "intent" language. For the W-2 district, it includes the following:

"All conditional uses in a W-2 district shall also comply with the following standard: In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality." (NMC 14.03.040)

The applicant acknowledges that the Bayfront, and its appurtenant W-2 zone, are subject to this provision and they assert that the existing Mariner Square tourist oriented facility contributes to these characteristics. The applicant points out that they believe the project will both maintain and enhance these qualities by addressing the wear and tear present on the existing building, modernizing the unique exhibit space, and creating a new,

updated central entry. This will provide improved pedestrian circulation and an improved tourism experience for visitors to this historic, unique, scenic area. Additionally, they note that public art will be incorporated in various locations in front plaza that will enhance the character of the existing attraction.

The applicant has provided architectural renderings, signage details and images of the proposed thematic exhibits (Attachments "A-4" and "A-5"). This gives Commission members a clear sense of how the existing tourist oriented venue will look once the renovation is complete. Mariner Square has long been a part of the fabric of the Bayfront. It is one of the larger tourist attractions and it would be reasonable for the Planning Commission to conclude that the existing facility contributes to the unique tourist-oriented and working-waterfront experience that defines the Bayfront. The question then turns to whether or not the proposed design maintains or enhances these qualities. The applicant is preserving the large cypress trees, courtyard and overall footprint of the existing facility. Additionally, the exterior appearance of the renovated building is similar to the existing one in that it includes multiple terraces and visual relief on the various exterior architectural elevations. The new entry design includes a more modest second story with the look and feel of a lighthouse and the octopus sculpture, previously housed primarily within the entry, will now be placed on the roof. Ripley's is a venue that attracts kids and families and the applicant has tried to balance their desire to have eye catching exhibits while also providing an exterior appearance that compliments the area.

For these reasons, and those pointed out by the applicant, it would be reasonable for the Planning Commission to find that renovated facility compliments the unique qualities of the area and that, therefore, this criterion is satisfied. This is a subjective approval standard, and if Commission members feel that there are aspects of the design that are out of place, then it would be appropriate to point them out so that the applicant may respond.

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

This criterion relates to the issue of whether or not the proposed use has potential "adverse impacts" greater than existing uses and whether conditions may be attached to ameliorate those "adverse impacts." Impacts are defined in the Zoning Ordinance as including, but not being limited to, the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood. Adequate off-street parking, or the lack thereof, may also be considered by the Commission under this criterion.

The applicant notes that the use of the building will remain the same with no anticipated increase in noise, dust, or air pollutants. They further point out that

there will likely be no increase in traffic associated with the expansion/modernization due to the elimination of the restaurant function, which should offset any increase in traffic from the new construction. Due to the retail nature of the area, the applicant believes that the modernization will benefit the surrounding businesses and not have any adverse impacts. Overall, they note that the project will improve what is already a significant tourist attraction, thus benefitting the nearby properties, which rely on tourism as well.

Restaurants are a significant traffic generator and the removal of that use, offsets other changes such as the new theatre. It is reasonable for the Commission to conclude that the number of off-street parking spaces currently provided is sufficient to accommodate the renovated facility. Adjustments may be needed to the arrangement of accessible parking spaces; however, this should not materially impact the visual appearance of the facility. As illustrated on the applicant's site plan (Attachment "A-3") new attractions, like the existing ones, are fully contained within the building, the footprint of which is essentially the same (with the exception of a small lobby addition). Consequently there should be no impact on the surrounding neighborhood relative to dust, smoke, noise, glare, vibration, safety, and odors.

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

- (4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

The applicant notes that the existing building is a landmark on the Bayfront. Its style is coastal, with similar materials to the rest of the neighborhood, but unique in massing and details. They point out that the project plans to remain true to this style. While this tourist venue does not match the surrounding industrial uses, the district has many varied styles and relies on the unique style of the existing building as an anchor. In terms of shape, the new addition will be consistent with the neighborhood in terms of height and size. The nature of the building is to attract tourists and provide entertainment. The design reflects this, with exciting, interactive details. The applicant points out that the Bayfront area as a whole strives to attract tourists, and this building will support that goal.

Exterior fascia signage has been reoriented and redesigned to align with the changes, but is of the same general style as what was previously proposed. It also conforms to the dimensional limitations for signage contained in NMC Chapter 10.10.085.

The applicant may need to adjust aspects of the exterior design to comply with building codes, fire codes, and other public health and safety regulations,

including accessibility requirements. It is unlikely though that such changes would materially impact size or height of the building. If that does happen, then it would be appropriate for the Commission to require a new conditional use permit, and a condition to that effect is included below.

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

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Zoning Ordinance for granting a conditional use permit, then the Commission should approve the request. The Commission can attach reasonable conditions that are necessary to carry out the purposes of the Zoning Ordinance and the Comprehensive Plan. If the Commission finds that the request does not comply with the criteria, then the Commission should deny the application.
- G. **STAFF RECOMMENDATION:** As outlined in this report, this application to renovate the Mariner Square tourist venue at 250 SW Bay Boulevard, within the W-2 zoning district, can satisfy the approval criteria for a conditional use provided conditions are imposed as outlined below. Accordingly, the Commission should approve this request, subject to the following:
1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.
 2. The applicant shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use. If the applicant must materially modify the size or height of the building in order to comply with these codes, than a conditional use permit shall be submitted to establish that the changes are consistent with the overall development character of the neighborhood.



Derrick I. Tokos AICP
Community Development Director
City of Newport

May 8, 2019

City of Newport Land Use Application

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

Applicant Name(s): CAPPEL ARCHITECTURE ATTN: DUSTIN CAPPEL, AIA	Property Owner Name(s): OAK BAY MARINE GROUP ATTN: DARREN MORSON
Applicant Mailing Address: 747 SW 13TH ST. NEWPORT, OR 97365	Property Owner Mailing Address: 1327 BEACH DRIVE VICTORIA, B.C. V8S 2N4
Applicant Telephone No.: 541.962.0503	Property Owner Telephone No.: 1.250.598.3368
E-mail: DUSTIN@CAPPELARCHITECTURE.COM	E-mail: DARREN-MORSON@OBMG.COM
Authorized Representative(s): SAME AS APPLICANT	
Authorized Representative Mailing Address:	
Authorized Representative Telephone No.:	E-Mail:

Project Information

Property Location: 250 SW BAY BOULEVARD, NEWPORT, OR 97365	
Tax Assessor's Map No.: 11-11-08-AL	Tax Lot(s): 9900, 10000, 10100, 10200, 10300, 10800
Zone Designation:	Legal Description:
Comp Plan Designation:	
Brief Description of Land Use Request(s): RENOVATE CENTRAL PORTION OF EXISTING BUILDING TO ACCOMMODATE NEW CENTRAL ENTRY. NEW ROOFS OVER EAST AND WEST PORTION OF EXISTING BUILDING AND REPAIR EXISTING BUILDING. CENTRAL ENTRY WILL BE A SLIGHT ADDITION. (APPX 10' OUT TOWARDS BAY BOULEVARD)	
Existing Structures: EXISTING BUILDING TO REMAIN	
Topography and Vegetation: EXISTING VEGETATION (INCLUDING TREES) TO REMAIN	

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 checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Planned Development | <input type="checkbox"/> PC |
| <input checked="" 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 Amendment |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Geologic Permit | <input type="checkbox"/> Temporary Use Permit | |

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Date Received: 4/5/19	File No. Assigned: 3-CUP-19	Date Accepted as Complete: _____
Received By: CC	Fee Amount: 802	Accepted By: _____
	Receipt No.: 3107	

(SEE REVERSE SIDE)

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

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

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



Applicant Signature(s)

27 March 2019
Date Signed



Property Owner Signature(s)

March 27 / 2019
Date Signed

Authorized Representative Signature(s)

Date Signed

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

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

MARINER SQUARE RENOVATION

WRITTEN FINDINGS OF FACTS AND NATURE OF REQUEST

7. Written findings of fact addressing the following criteria:

- (a) That the public facilities can adequately accommodate the proposed use.
- (i) The proposed use is a modest expansion of the current use. No changes to the building program will be made that will place additional strain on public facilities. On the contrary, the renovation will remove the building's existing commercial kitchen and restaurant, an element that represents a significant source of resource consumption.
- (b) That the request complies with the requirements of the underlying zone or overlay zone.
- (i) In the W/2 zone, there is a provision stating, "In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality." The Bayfront area falls into this category, as it is historic, unique, and scenic. The existing Mariner Square contributes to these characteristics in this area. The proposed project will both maintain and enhance these qualities by repairing the wear and tear present on the existing building, modernize the unique exhibit space, and create a new, updated central entry. This will provide improved pedestrian circulation and an improved tourism experience for visitors to this historic, unique, scenic area. Additionally, public art will be incorporated in various locations in front plaza that will enhance the character of the existing attraction.
- (c) That the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality.)
- (i) The proposed renovation has no adverse impacts on the nearby properties. The use of the building will remain the same with no anticipated increase in noise, dust, or air pollutants. There will likely be no increase in traffic associated with the expansion/modernization due to the elimination of the restaurant function, which will likely offset any increase in traffic from the new construction. Due to the retail nature of the area, the modernization will benefit the surrounding businesses and not have any adverse impacts. Overall, the project will improve what is already a significant tourist attraction, thus benefitting the nearby properties, which rely on tourism as well.
- (d) If the application is for a proposed building or building modification, that it is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.
- (i) The existing building is a landmark on the Bayfront. Its style is coastal, with similar materials to the rest of the neighborhood, but unique in massing and details. The project plans to remain true to this style. While it does not match the surrounding industrial uses, the district has many varied styles and relies on the unique style of the existing building as an anchor. In terms of shape, the new addition will be consistent with the neighborhood in terms of height and size. The nature of the building is to attract tourists and provide entertainment. The design reflects this, with exciting, interactive details. The Bayfront area as a whole strives to attract tourists, and this building will support that goal.

8. A written statement describing the nature of the request.

Mariner Square plans to renovate and modernize the existing facility by consolidating multiple existing entry points to one central entry, residing the building to repair worn material, and changing roof pitches on the east and west sides in order to cover the existing barrel roofs with the goal of solving current points of weather infiltration.

A Collaborative Team of Architects Specializing in Oregon Coast Architecture

 capriarchitecture

541.961.0503 info@capriarchitecture.com

 DHGoebel, Architect

541.270.2758 dietmar@dhgoebel.com

MARINER SQUARE RENOVATION

PROPOSED BUSINESS PLAN FROM OAK BAY MARINE GROUP

Originally constructed in 1984, Mariner Square is home to the first Ripley's Believe it or Not! franchise. Since then we have welcomed approximately 90,000 guests each year from countries around the world. Today, the displays, exhibits, and facility in general are all showing signs of their age and need to be refreshed. As a condition of the Franchise Agreement between Mariner Enterprises, Inc. and the Franchisor, Ripley Entertainment Inc., we are required to undertake a major renovation to update and modernize the interior spaces and create a centralized Reception/Lobby. As part of the renovation we will also be incorporating a new 7D moving theater, a Mirror Maze, and a Laser Race into the existing building square footage.

The safety features of the building will be updated to meet ADA and building code requirements. Our ample parking and large courtyard areas will remain as we prepare to welcome even more visitors in the future years.

After 34 years in business, we are excited to reinvest in the Newport Bayfront by creating a world class attraction that is inline with what our customers expect from the Ripley's brand.

A Collaborative Team of Architects Specializing in Oregon Coast Architecture

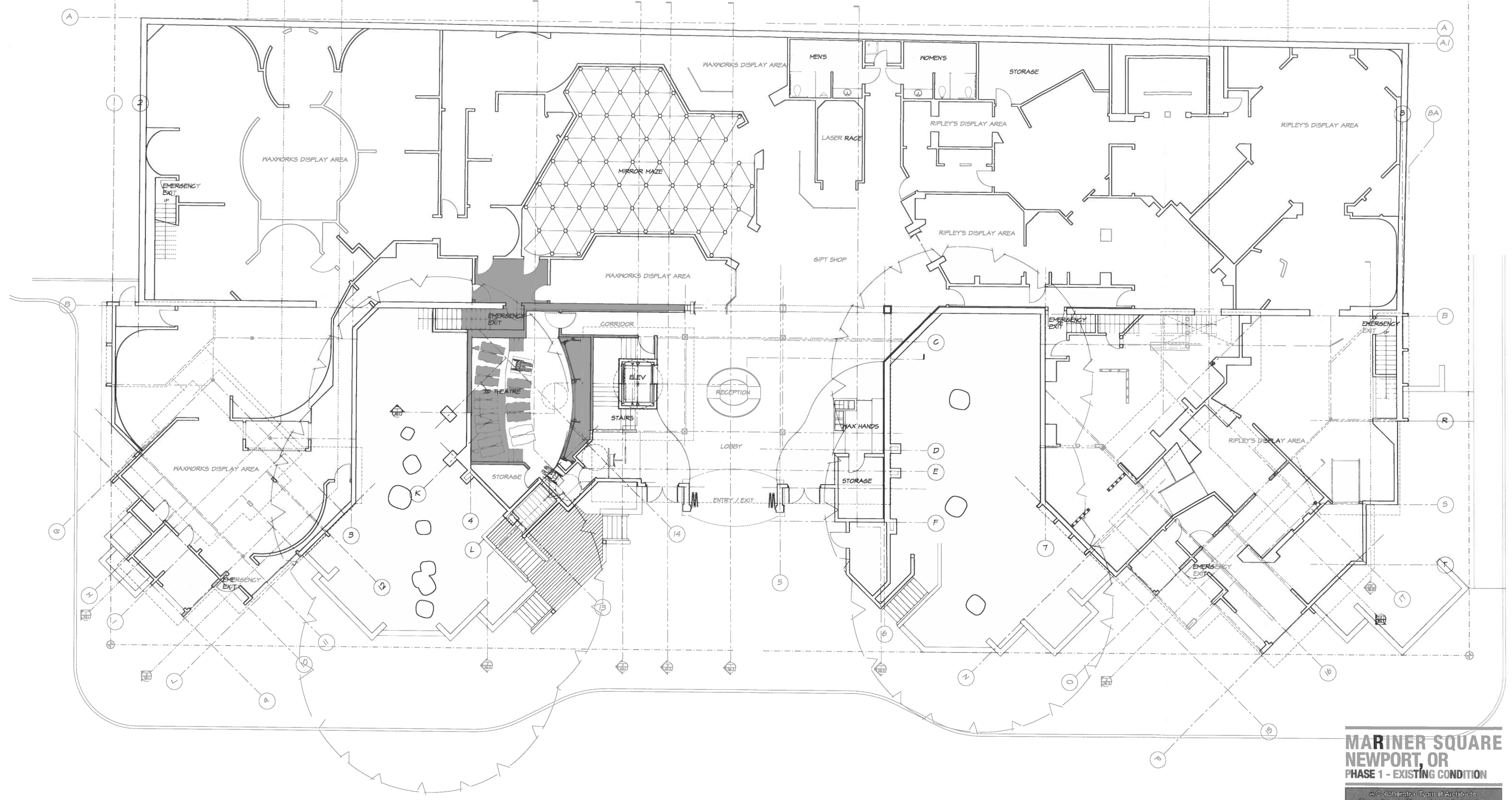
 capriarchitecture

541.961.0503 info@capriarchitecture.com

 DHGoebel, Architect

541.270.2758 dietmar@dhgoebel.com

PROPOSED CONDITION DRAWINGS



1 A3-1 BUILDING MAIN FLOOR/SITE PLAN

THIS DRAWING WAS DEVELOPED UTILIZING THE ORIGINAL DRAWING PERMIT SET DATED DEC 6, 1985. WRITTEN DIMENSIONS ON DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE MANUFACTURER AND CONTRACTOR SHALL FIELD VERIFY AND ARE RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS) AND CONDITIONS ON THE JOB AND MUST NOTIFY ARCHITECT REGARDING ANY VARIATIONS FROM THESE DRAWINGS.

**MARINER SQUARE
NEWPORT, OR
PHASE 1 - EXISTING CONDITION**

A Collaborative Team of Architects
Specializing in Oregon Coast Architecture

caprarchitecture

DH Goebel Architects

SCALE: 1/8" = 1'0"

DATE: 03/26/19

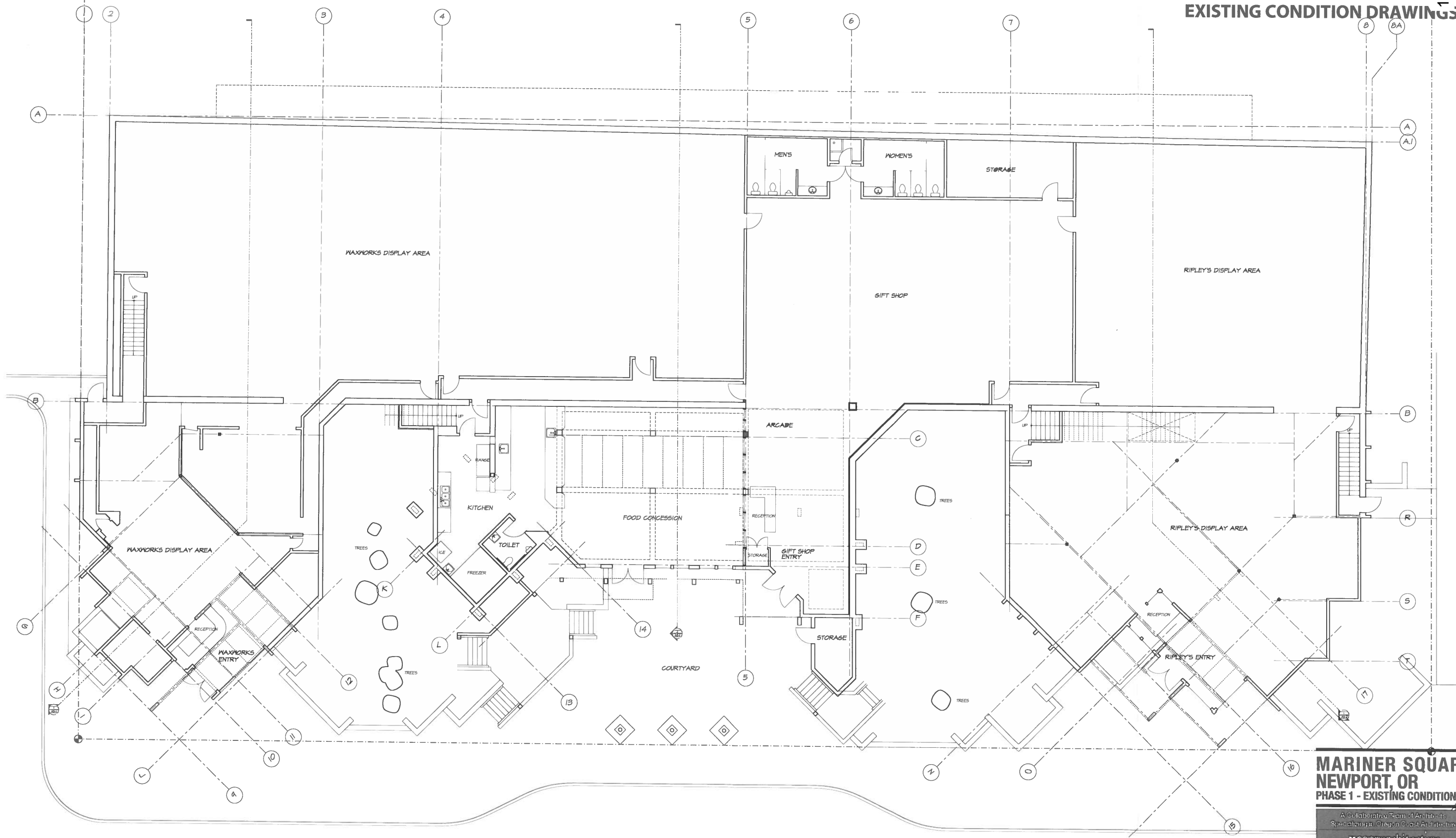
ARCHITECT: Dietmar H. Goebel

PROJECT MANAGER:

DRAWN By: Dietmar H. Goebel

Checked By: Dietmar H. Goebel

A3-2



1 AS-1 BUILDING MAIN FLOOR/SITE PLAN



**MARINER SQUARE
NEWPORT, OR
PHASE 1 - EXISTING CONDITION**

A Collaborative Team of Architects
Specializing in Oregon Coast Architecture

capriarchitecture

DHGoebel Architect

SCALE: 1/8" = 1'0"

DATE: 02/06/17

ARCHITECT: Dietmar H. Goebel

PROJECT MANAGER:

DRAWN By: Dietmar H. Goebel

Checked By: Dietmar H. Goebel

A3-1

THIS DRAWING WAS DEVELOPED UTILIZING THE ORIGINAL DRAWING PERMIT SET DATED DEC 6, 1985. WRITTEN DIMENSIONS ON DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE MANUFACTURER AND CONTRACTOR SHALL FIELD VERIFY AND ARE RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS) AND CONDITIONS ON THE JOB AND MUST NOTIFY ARCHITECT REGARDING ANY VARIATIONS FROM THESE DRAWINGS.

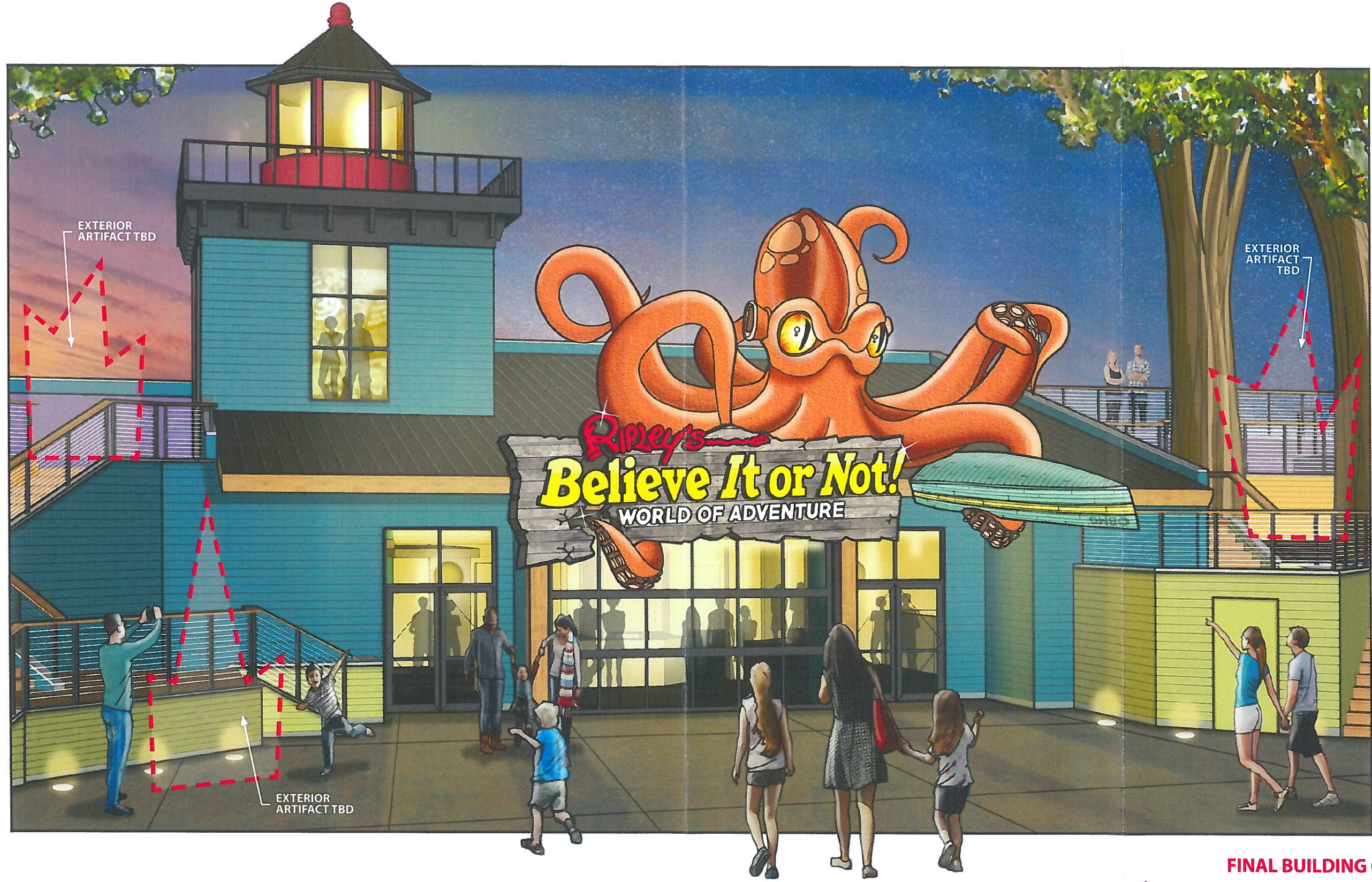


OAK BAY MARINE GROUP - MARINER SQUARE RENOVATION

PERSPECTIVE RENDERING VIEW FROM BAY BOULEVARD



NOTE: PLEASE SEE SIGNAGE PLAN FOR ACCURATE SIGNAGE DISPLAY. THIS RENDERING IS NOT SHOWING THE SIGNAGE CORRECTLY AND IS JUST REPRESENTING THE BUILDING RENOVATION.



FINAL BUILDING COLORS TBD



OAK BAY MARINE GROUP
MARINER SQUARE RENOVATION
 NEWPORT, OREGON



TITLE:	RENDERING	SUBMITTAL:	
SCALE:	NOT TO SCALE	DRAWN BY:	BD 3. 95' - DESIGN DEVELOPMENT 08.15.18
DATE:	04.05.2019	CHECKED BY:	BDR 4. 90' - DESIGN DEVELOPMENT - REVISIONS 03.15.18
JOB #:	217110		5. 95' - DESIGN DEVELOPMENT - REVISIONS 03.22.18



SHEET #:
OSC-8.0.0



FINAL BUILDING COLORS TBD



OAK BAY MARINE GROUP
MARINER SQUARE RENOVATION
 NEWPORT, OREGON

Reyes
Believe It or Not!
Louis TUSSAUD'S
 waxworks

TITLE:	MODEL VIEW - STREET ENTRY	SUBMITTAL:	
SCALE:	NOT TO SCALE	DRAWN BY:	IMH 3. 95% DESIGN DEVELOPMENT 08.15.18
DATE:	04.05.2019	CHECKED BY:	BDR 4. 90% DESIGN DEVELOPMENT REVISIONS 03.15.18
JOB #:	217110		5. 95% DESIGN DEVELOPMENT - REVISIONS 03.22.18



SHEET #:
OSC-8.0.1



FRONT ELEVATION

ARCHITECTURAL REFERENCE ONLY; SIGNAGE NOT SHOWN ON ELEVATION

FINAL BUILDING COLORS TBD



OAK BAY MARINE GROUP
MARINER SQUARE RENOVATION
 NEWPORT, OREGON



TITLE:	EXTERIOR ELEVATION	SUBMITTAL:	
SCALE:	NOT TO SCALE	DRAWN BY:	MH
DATE:	04.05.2019	CHECKED BY:	BDR
JOB #:	217110		
		3. 95% DESIGN DEVELOPMENT	08.15.18
		4. 90% DESIGN DEVELOPMENT - REVISIONS	03.15.18
		5. 95% DESIGN DEVELOPMENT - REVISIONS	03.22.18



SHEET #:
OSC-8.0.2



BAY BOULEVARD ENTRY SIGNAGE

SIGN WILL BE LOCATED IN THE TENTACLES OF THE OCTOPUS & SUPPORTED BY BRACKETS EXTENDING BACK TO THE FACADE OF THE EXISTING BUILDING.



PARKING LOT ENTRY SIGNAGE

FINAL BUILDING COLORS TBD



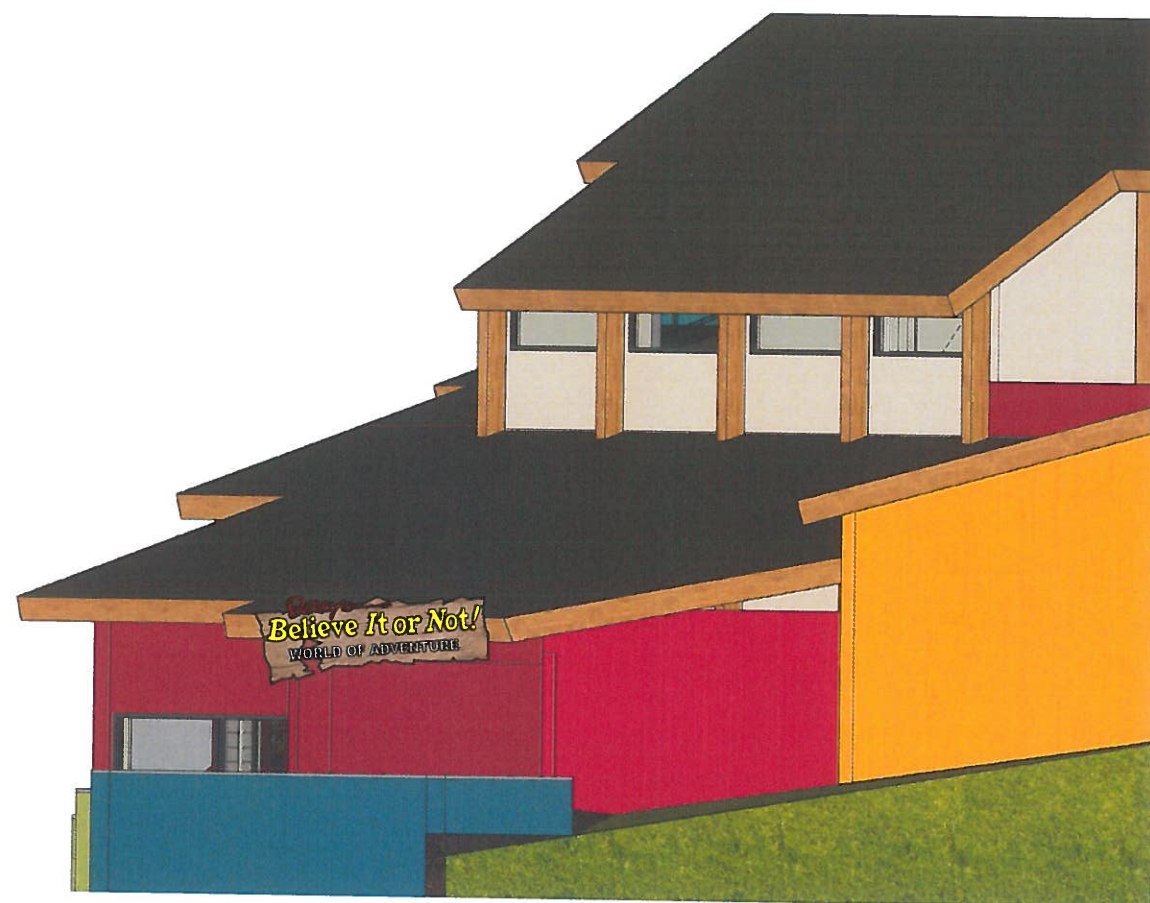
OAK BAY MARINE GROUP
MARINER SQUARE RENOVATION
NEWPORT, OREGON



TITLE:	EXTERIOR ELEVATIONS - GRAPHICS	SUBMITTAL:	
SCALE:	NOT TO SCALE	DRAWN BY:	MH
DATE:	04.05.2019	CHECKED BY:	BDR
JOB #:	217110		
		3. 95% DESIGN DEVELOPMENT	08.15.18
		4. 90% DESIGN DEVELOPMENT - REVISIONS	03.15.18
		5. 95% DESIGN DEVELOPMENT - REVISIONS	03.22.18



SHEET #:
OSC-8.0.3



LEE STREET SIGNAGE



HATFIELD DRIVE SIGNAGE

FINAL BUILDING COLORS TBD



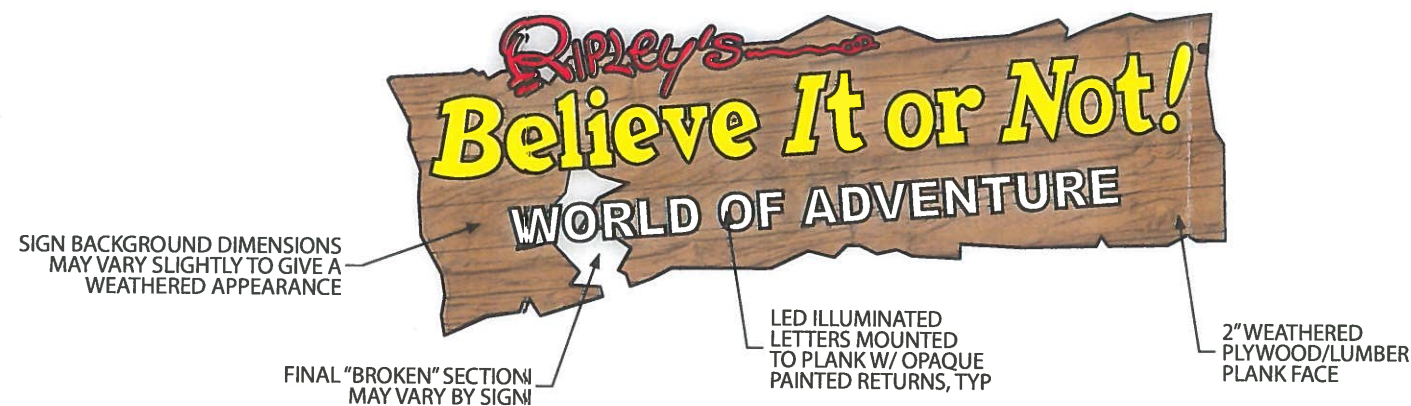
OAK BAY MARINE GROUP
MARINER SQUARE RENOVATION
 NEWPORT, OREGON



TITLE: EXTERIOR ELEVATIONS - GRAPHICS		SUBMITTAL	
SCALE: NOT TO SCALE	DRAWN BY: R.H.	3. 95" DESIGN/DEVELOPMENT	08.15.18
DATE: 04.05.2019	CHECKED BY: BDR	4. 90" DESIGN/DEVELOPMENT - REVISIONS	03.15.18
JOB #: 217110		5. 95" DESIGN/DEVELOPMENT - REVISIONS	03.22.18

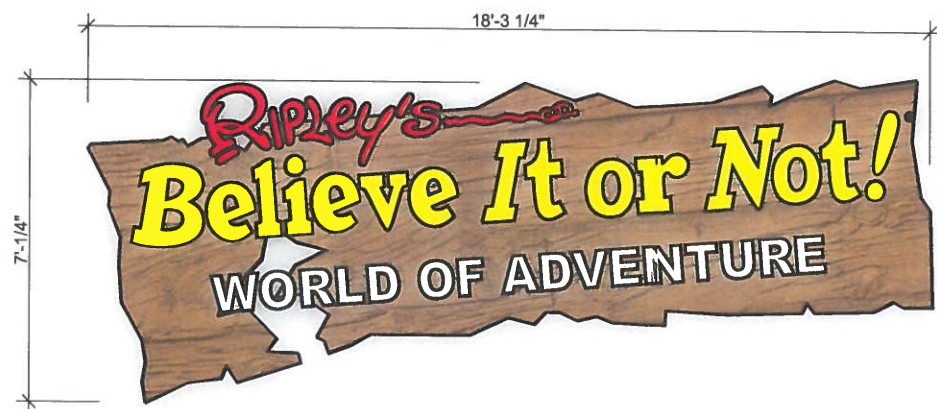


SHEET #:
OSC-8.0.4



STYLE REFERENCE

THE SIGN CABINET WILL BE FABRICATED OUT OF ALUMINUM TUBE FRAMING & SHEET ALUMINUM CLADDING. THE FRONT OF THE CABINET WILL RECEIVE A 2" THICK PLYWOOD OR LUMBER PLANKS WITH A TEXTURED WOOD GRAIN FINISH APPEARING AS IF IT IS A BROKEN SECTION OF A WOOD PLANK. ILLUMINATED LETTERS WILL BE MOUNTED ON THE FRONT OF THE SIGN CABINET. THE LETTERS WILL HAVE LED INTERNALLY ILLUMINATED FACED AND OPAQUE PAINTED RETURNS.



PRIMARY ENTRY SIGN
85 SF OF SIGNAGE

SIGN WILL BE LOCATED IN THE TENTACLES OF THE OCTOPUS & SUPPORTED BY BRACKETS EXTENDING BACK TO THE FACADE OF THE EXISTING BUILDING.



PARKING LOT ENTRY SIGN
36 SF OF SIGNAGE



LEE STREET / HATFIELD DRIVE SIGN
20 SF OF SIGNAGE



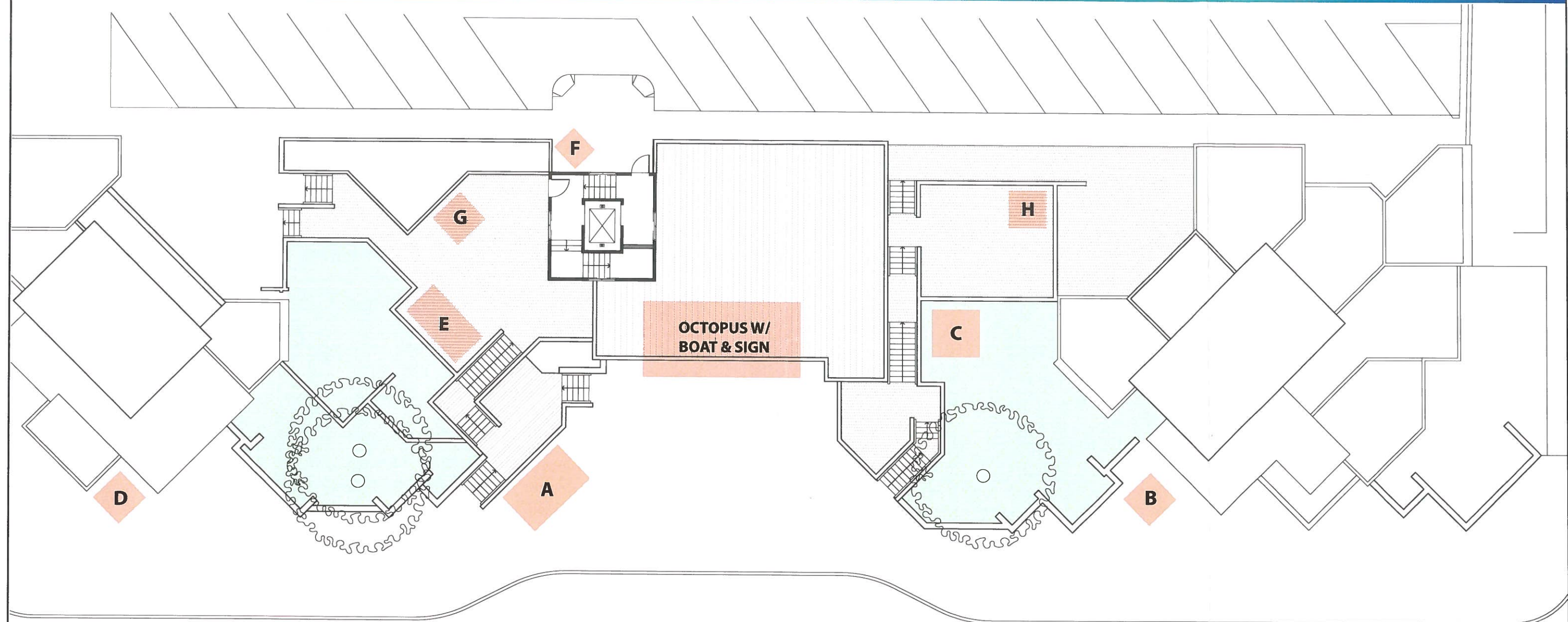
OAK BAY MARINE GROUP
MARINER SQUARE RENOVATION
NEWPORT, OREGON



TITLE: EXTERIOR - GRAPHIC DETAILS		SUBMITTAL:	
SCALE: 1/4" = 1'-0"	DRAWN BY: MH	3.95 - DESIGN DEVELOPMENT	08.15.18
DATE: 04.05.2019	CHECKED BY: BDR	4.90 - DESIGN DEVELOPMENT - REVISIONS	03.15.18
JOB #: 217110		5.95 - DESIGN DEVELOPMENT - REVISIONS	03.22.18



SHEET #:
OSC-8.0.5



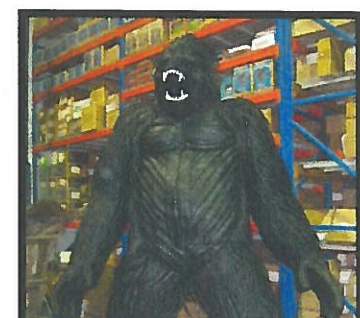
A: RECYCLED DRAGON & KNIGHT



B: SCRAP METAL HULK



C: TIRE ART LION



D: RECYCLED TIRE KING KONG



E: BEADED ELEPHANT



F: CAR BUMPER GORILLA



G: SCRAP METAL HORSE



H: BEADED LION

ALL EXTERIOR ARTIFACTS ARE ORIGINAL ART FROM UNIQUE ARTISTS AROUND THE WORLD. ARTIFACTS SHOWN ARE REPRESENTATIONAL. FINAL ARTIFACTS TBD.



OAK BAY MARINE GROUP
MARINER SQUARE RENOVATION
 NEWPORT, OREGON



TITLE:	EXTERIOR ARTIFACT SITE PLAN
SCALE:	1/16" = 1'-0"
DATE:	04.05.2019
JOB #:	217110

SUBMITTAL:	
3. 95% DESIGN DEVELOPMENT	08.15.18
4. 90% DESIGN DEVELOPMENT - REVISIONS	03.15.18
5. 95% DESIGN DEVELOPMENT - REVISIONS	03.22.18



SHEET #:
OSC-8.0.6



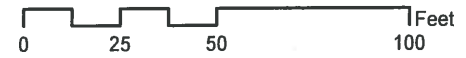
City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365
Phone: 1.541.574.0629
Fax: 1.541.574.0644

**Zoning Map - 250 SW Bay Blvd
Mariner Enterprises, Inc.**

Image Taken July 2013
4-inch, 4-band Digital Orthophotos
David Smith & Associates, Inc. Portland, OR



This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its completion or use and users of this



This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this



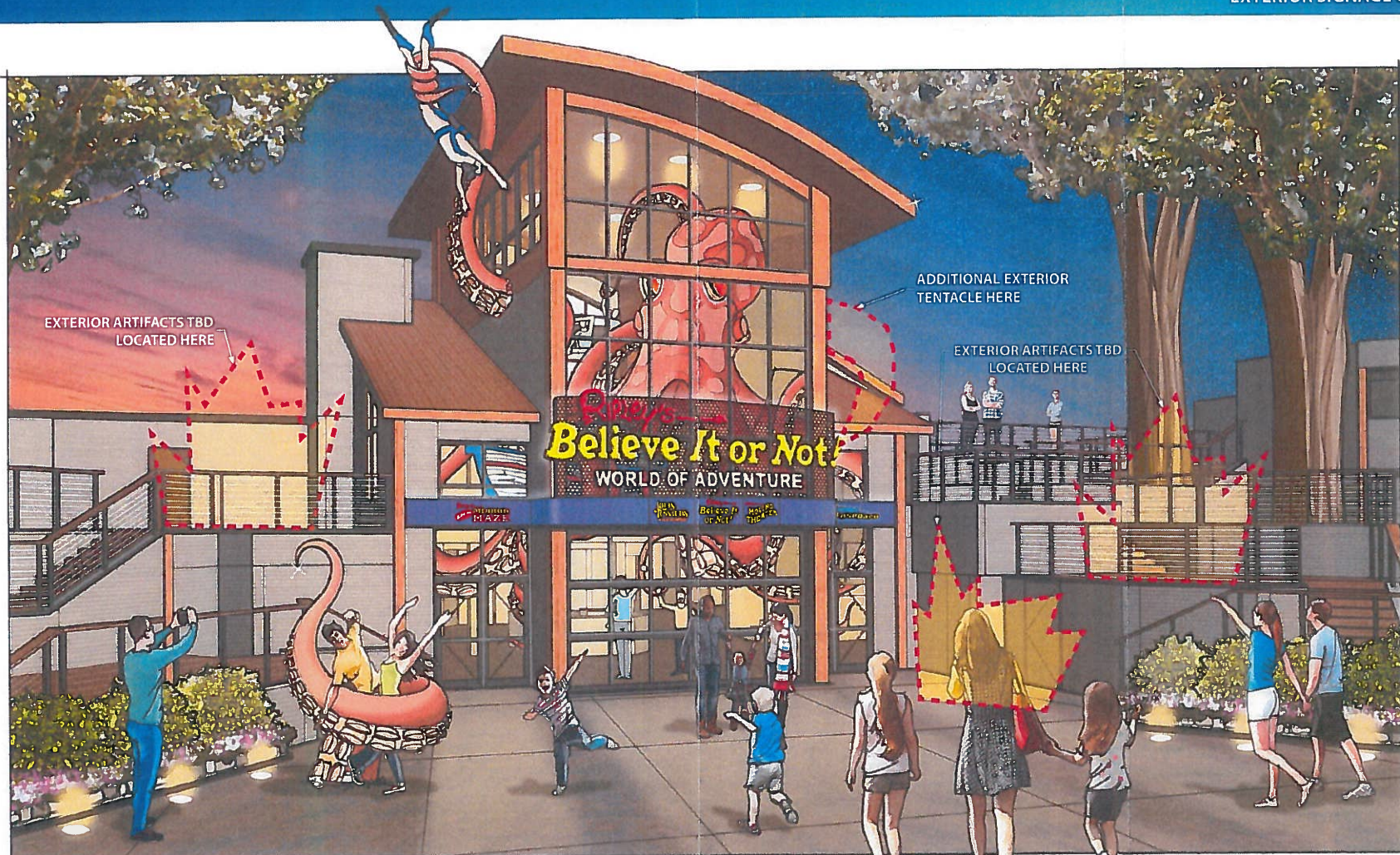
OAK BAY MARINE GROUP - MARINER SQUARE RENOVATION

PERSPECTIVE RENDERING VIEW FROM BAY BOULEVARD



NOTE: PLEASE SEE SIGNAGE PLAN FOR ACCURATE SIGNAGE DISPLAY. THIS RENDERING IS NOT SHOWING THE SIGNAGE CORRECTLY AND IS JUST REPRESENTING THE BUILDING RENOVATION.

EXTERIOR SIGNAGE CONCEPT



EXTERIOR ARTIFACTS TBD
LOCATED HERE

ADDITIONAL EXTERIOR
TENTACLE HERE

EXTERIOR ARTIFACTS TBD
LOCATED HERE

FINAL BUILDING COLORS TBD



OAK BAY MARINE GROUP
 MARINER SQUARE RENOVATION
 NEWPORT, OREGON

Believe It or Not!
LOUIS TUSSAUD'S
 wax works

DATE: 10/15/18
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]
 PROJECT: [illegible]

DATE: 10/15/18
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]
 PROJECT: [illegible]



A-8.0.0

©2018 BOR DESIGN GROUP. ALL DRAWINGS & DIMENSIONS ARE FOR CONCEPTUAL DESIGN INTENT ONLY. NOT FOR CONSTRUCTION.

CITY OF NEWPORT
PUBLIC NOTICE¹

Attachment "F"
3-CUP-19

189

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

File No. 3-CUP-19:

Applicants & Representatives: Mariner Enterprises, Inc. (Oak Bay Marine Group, 1327 Beach Drive, Victoria, BC, Canada, V8S 2N4), property owner. (Dustin Capri, Capri Architecture, authorized representative).

Request: Approval of a request per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a modification to a conditional use permit (File No. 3-CUP-18) to renovate the existing building at Mariner Square to accommodate a new central entry; add new roofs over the east and west portions of the existing building; and reside the existing building. There will be a small addition between the existing building and Bay Boulevard and the proposal includes new signage and interior/exterior thematic exhibits. The subject property is located in a W-2/"Water-Related" zone.

Location/Subject Property: 250 SW Bay Blvd, Newport, OR 97365 (Assessor's Map 11-11-08-AC, Tax Lots 9900, 10000, 10100, 10200, 10300 & 10800).

Applicable Criteria: NMC Chapter 14.34.050: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (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.

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

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

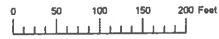
Time/Place of Hearing: Monday, May 13, 2019; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: April 8, 2019.

PUBLISHED: May 3, 2019/News-Times.

¹ Notice of this action is being sent to the following: (1) Affected property owners within 200 feet of the subject property according to Lincoln County tax records; (2) affected public utilities within Lincoln County; and (3) affected city departments.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.W.1/4 N.E.1/4 SEC.8 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 100'

11 11 08 AC
NEWPORT



Subject Properties
File No. 3-CUP-19

- Cancelled
- 204
- 1200
- 1800
- 2500
- 4700
- 6000
- 6200
- 6600
- 6700
- 8100
- 8200
- 8400
- 8500
- 8700
- 8800
- 9100
- 9200
- 9300
- 9600
- 9700
- 10400
- 10500
- 10600
- 10700
- 10801
- 11501
- 11600
- 11700
- 12500
- 12600
- 12700
- 12800
- 13001
- 13002
- 13004

Revised: 01/23/19

NEWPORT
11 11 08 AC

BARTON WILLIAM A &
BARTON JOANN F
241 SW 12TH ST
NEWPORT, OR 97365

BAY KNOLL HOMEOWNERS
ASSOCIATION THE
1212 SW LEE
NEWPORT, OR 97365

BEAR GREGORY R
PO BOX 1094
MOSES LAKE, WA 98837

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

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

FRONT ST MARINE LLC
113 SE BAY BLVD
NEWPORT, OR 97365

LINGHAM JUDITH M
PO BOX 28
NEWPORT, OR 97365

HEISLER PETER &
HEISLER HEATHER
567 SE VISTA DR
NEWPORT, OR 97365

HILDERBRAND KENNETH S JR &
HILDERBRAND LINDA
PMB 300
2226 N COAST HWY
NEWPORT, OR 97365

PACIFIC CHOICE SEAFOOD CO
ATTN PACIFIC SHRIMP CO
PO BOX 1230
NEWPORT, OR 97365

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

MARTIN ROBERT P REV LIV TR &
MARTIN ROBERT P TRUSTEE
18124 WEDGE PKWY
UNIT 123
RENO, NV 89511

UNDERSEA GARDENS INC
250 SW BAY BLVD
NEWPORT, OR 97365

PORT OF NEWPORT
600 SE BAY BLVD
NEWPORT, OR 97365

RTH RENTALS LLC
PO BOX 501
NEWPORT, OR 97365

OAK BAY MARINE GROUP
ATTN: DARREN MORSON
1327 BEACH DRIVE
VICTORIA, BC, CANADA
V8S 2N4

CAPRI ARCHITECTURE
ATTN: DUSTIN CAPRI
747 SW 13TH ST
NEWPORT, OR 97365

Exhibit "A"
Property Owners Within 200 Ft

File No. 3-CUP-19

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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

Central Lincoln PUD
ATTN: Randy Grove
PO Box 1126
Newport OR 97365

Email: Lisa Phillips
DLCD Coastal Services Center
lisa.phillips@state.or.us

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

Joseph Lease
Building Official

Rob Murphy
Fire Chief

Tim Gross
Public Works

Rachel Cotton
Associate Planner

Jason Malloy
Police Chief

Mike Murzynsky
Finance Director

Laura Kimberly
Library

Jim Protiva
Parks & Rec

Spencer Nebel
City Manager

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, May 13, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 3-CUP-19, a request submitted by Mariner Enterprises, Inc. (Oak Bay Marine Group, 1327 Beach Drive, Victoria, BC, Canada, V8S 2N4), property owner. (Dustin Capri, Capri Architecture, authorized representative) per Section 14.03.080/“Water-Dependent and Water-Related Uses” of the Newport Zoning Ordinance, for a modification to a conditional use permit (File No. 3-CUP-18) to renovate the existing building at Mariner Square to accommodate a new central entry; add new roofs over the east and west portions of the existing building; and reside the existing building. There will be a small addition between the existing building and Bay Boulevard and the proposal includes new signage and interior/exterior thematic exhibits. The request involves property that is located in a W-2/“Water-Related” zone. The property is located at 250 SW Bay Blvd, Newport, OR 97365 (Assessor’s Map 11-11-08-AC, Tax Lots 9900, 10000, 10100, 10200, 10300 & 10800). The applicable criteria per NMC Chapter 14.34.050 are that: 1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (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 for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above).

FOR PUBLICATION ONCE ON FRIDAY, MAY 3, 2019

where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. This notice is posted on the City of Depoe Bay website www.cityofdepoebay.org M01 M03 (38-03)

NOTICE OF PUBLIC HEARING DEPOE BAY PLANNING COMMISSION WEDNESDAY, MAY 8, 2019, 6:00pm. APPLICATION FOR PLANNED DEVELOPMENT AMENDMENT TO PHASE 1 PRELIMINARY PLAN. APPLICANT: Martin Boone, Member A G E N T : Trbis Financial LLC and Trmi Financial LLC; alvorson Mason Corporation. REQUEST: This is a request to amend Male Watch Planned Development Phase 1. The request is to amend side and rear yard building setbacks for the single lots. APPLICABLE CRITERIA: Depoe Bay Planning Ordinance No. 24 (as amended) - a) Section 010 Residential Zone b) Section 3.110: Residential Commercial C-1; c) Section 3.410: Planned Development Zone P-D; d) Article 4. Supplemental regulations; e) Article 9: Amendments; f) Article 13: Development Guidelines; Article 14: Land Division. CAUTION: The subject property is located on Lill Lane at the north end of Depoe Bay, east of Hwy 1, and is identified on the county Assessor's map 08-11-05BD as tax 1400-2600 and 03-3400. APPLICATION MATERIALS: (cnt'd 1 of 2) M03 (39-03)

NOTICE OF PUBLIC HEARING: (cnt'd 2 of 2) Application materials, documents and evidence submitted by or on behalf of applicant are available for inspection at City Hall. Documents or evidence submitted by the applicant after 20 days prior to hearing constitutes grounds for a continuance of hearing if any party requests such a continuance. Copies of the staff report for this case are available for review and may be purchased at the City Hall, 570 Shell Avenue seven days prior to the hearing. **TESTIMONY:** Testimony will be submitted in written or oral form. Oral testimony will be taken during the course of the public hearing. Failure to raise an issue in a hearing, either in person or in writing, is likely to change during the next 30 days. (CONTINUED) A19 A26 M03 M10 (74-10)

COMMITTEE MEETING: A meeting of the Committee of the Newport, Lincoln State of Oregon, to discuss the budget for the year July 1, 2019, to July 30, 2020, will be held in the meeting room at the R V Park, Marine Science Center, Newport, Oregon. The meeting will take place on May 14, 2019 at 10:00 a.m. The purpose of the meeting is to receive a message and comment from the public on the budget. A public meeting deliberation of the Committee will take place. Any person appearing at the meeting will be subject to the proposed agenda with the Budget Committee. A copy of the agenda may be obtained on May 7, 2019, at the Newport Administration, 600 SE Bay Street, Newport, Oregon, between the hours of 8:00 a.m. to 5:00 p.m. or by email at: info@newport.com. M03 (39-03)

Property situated in said County and State, to-wit: THE WEST ONE-HALF OF LOT 7, BLOCK 13, IRVINGTON, IN LINCOLN COUNTY, OREGON. The street address or other common designation, if any for the real property described above is purported to be: 922 NW Coast Street Newport, Oregon 97365 The Tax Assessor's Account ID for the Real Property is purported to be: 111105CB05700 / R12095 Both the beneficiary and the trustee, Zieve, Brodnax and Steele, LLP have elected to foreclose the above referenced Trust Deed and sell the said real property to satisfy the obligations secured by the Trust Deed and a Notice of Default and Election to Sell has been recorded pursuant to ORS 86.752(3). (CONTINUED...) (74-10)

TRUSTEE'S NOTICE OF SALE TS NO.: 18-63083 (CONTINUED) All right, title, and interest in the said described property which the grantors had, or had power to convey at the time of execution of the Trust Deed, together with any interest the grantors or their successors in interest acquired after execution of the Trust Deed shall be sold at public auction to the highest bidder for cash to satisfy the obligations secured by the Trust Deed and the expenses of sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys. The default for which the foreclosure is made is: That a breach of, and default in, the obligations secured by said deed of trust have occurred in that "A Borrower dies and the Property is not the principal residence of at least one surviving Borrower" and, the borrower has died and there are no other borrowers occupying the property, and therefore, the lender had declared all sums secured thereby forthwith due and payable plus the foreclosure costs, legal fees and any advances that may become due, and such sums have not been paid. The amount required to cure the default in payments to date is calculated as follows: From: 4/22/2011 to 3/19/2019 Unpaid Principal, Interest and MIP: \$448,396.19 Additional charges (Taxes, Insurance, Appraisals, Inspections, Attorney Fee, Service Fee): \$11,125.25 Trustee's Fees and Costs: \$928.75 Total necessary to cure: \$460,450.19 Please note the amounts stated herein are subject to confirmation and review and are likely to change during the next 30 days. (CONTINUED) A19 A26 M03 M10 (74-10)

TRUSTEE'S NOTICE OF SALE TS NO.: 18-63083 (CONTINUED) Please contact the successor trustee Zieve, Brodnax and Steele, LLP to obtain a "reinstatement" and or "payoff quote prior to remitting funds. By reason of said default the beneficiary has declared all sums owing on the obligation secured by the Trust Deed due and payable. The amount required to discharge this lien in its entirety to date is: \$460,450.19 Said sale shall be held at the hour of 10:00 AM on 8/6/2019 in accord with the standard of time established by ORS 187.110, and pursuant to ORS 86.771(7) shall occur at the following designated place: At the front entrance to the Lincoln County Courthouse located at 225 West Olive, in the City of Newport, OR 97365 Other than as shown of record, neither the said beneficiary nor the said trustee have any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the Trust Deed, or of any successor(s) in interest to the grantors or of any lessee or other person in possession of or occupying the property, except: NONE Notice is further given that any person named in ORS 86.778 has the right, at any time prior to five days before the date last set for sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation(s) of the Trust Deed. (CONTINUED) A19 A26 M03 M10 (74-10)

A-4889/65 04/19/2019, 04/26/2019, 05/03/2019, 05/10/2019 A19 A26 M03 M10 (74-10)

NOTICE OF PUBLIC HEARING CITY OF NEWPORT: The City of Newport Planning Commission will hold a public hearing on Monday, May 13, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 3-CUP-19, a request submitted by Mariner Enterprises, Inc. (Oak Bay Marine Group, 1327 Beach Drive, Victoria, BC, Canada V8S 2N4), property owner. (Dustin Capri, Capri Architecture, authorized representative) per Section 14.03.080 "Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a modification to a conditional use permit (File No. 3-CUP-18) to renovate the existing building at Mariner Square to accommodate a new central entry; add new roofs over the east and west portions of the existing building; and reside the existing building. There will be a small addition between the existing building and Bay Boulevard and the proposal includes new signage and interior/exterior thematic exhibits. The request involves property that is located in a W-2 "Water-Related" zone. The property is located at 250 SW Bay Blvd, Newport, OR 97365 (Assessor's Map 11-11-08-AC, Tax Lots 9900, 10000, 10100, 10200, 10300 & 10800). The applicable criteria per NMC Chapter 14.34.050 are that: 1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. M03 (82-03) (cnt'd 1 OF 2)

NOTICE OF PUBLIC HEARING CITY OF NEWPORT: (cnt'd 2 of 2) Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (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 for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0628, (address above). M03 (82-03)

NOTICE OF A PUBLIC HEARING CITY OF NEWPORT: Pursuant to NMC Section 14.32.070, after verification of the status of a nonconforming use pursuant to subsection 14.32.030, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood when considering the following factors: (A) (1) The character and history of the use and of development in the surrounding area; (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood; (3) Adequacy of infrastructure, including sewer, water, and streets, to accommodate the use; (4) The comparative numbers and kinds of vehicular trips to the site; (5) The comparative amount and nature of outside storage, loading, and parking; (6) The comparative visual appearance; (7) The comparative hours of operation; (8) The comparative effect on solar access and privacy; (9) Other factors which impact the character or needs of the neighborhood. (B) The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood. (C) To the extent there is a rational nexus, and the City can establish that needed improvements are roughly proportional to proposed development, an alteration, expansion, or replacement of a nonconforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to: (1) Surfacing of parking areas and landscaping; (2) Exterior design of structures; and ... M03(83-03) (cnt'd 2 of 3)

Development Department (address above) seven days prior to the hearing. The application materials, the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address as well. Contact Derrick Tokos, Community Development Director, (541) 574-0628, d.tokos@newportoregon.gov (mailing address above). (cnt'd 3 of 3) M03 (83-03)

LEGAL NOTICE IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN (Probate Department) Case No. 19PB01533. NOTICE TO INTERESTED PERSONS: In the Matter of the Intestate Estate of George Winfield Henderson, Deceased. NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative. All persons having claims against the Estate are required to present them, with vouchers attached to the undersigned Personal Representative at P.O. Box 309, Toledo, OR 97391, within four months after the date of first publication of this Notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the Personal Representative, or the Attorney for the Personal Representative. PERSONAL REPRESENTATIVE: Cathy Jo Farey 442 Ronshelmer Rd., Penngrove, CA 94951 PHONE: 707-779-2084 EMAIL: cfarey@sonic.net **PREPARED AND SUBMITTED BY:** Paul B. Osterlund, OSB#10632; Attorney for Personal Representative PO Box 309; 217 South Main Street Toledo, OR 97391-0309 PH: (541)336-2257 FX:(541) 336-2556 E-mail: paul@osterlundlaw.com. **DATED AND PUBLISHED:** 04/19/2019; /s/ Cathy Jo Farey Personal Representative. A19, A26; M03 (91-03)

the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. A copy of the budget document may be inspected or obtained on or after May 10, 2019 at the Gleneden Beach Fire Station between the hours of 9:00 a.m. and 3:00 p.m., excluding the lunch hour. A19 M03 (99-03)



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400 Money To Lend 407 Tax Service

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Ads for all **HELP WANTED** classification must state the nature of the product to be sold or the service to be performed. No references may be made to earnings unless the salary or compensation is guaranteed. References to sex, age, race, creed or nationality will not be accepted unless they are a bona-fide occupational qualification. NEWS TIMES

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Quality Concrete Construction Company currently hiring for: Experienced & Dependable Carpenter/Construction Worker, Wage \$25HR DOE. Please call Mike 541-270-2028

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Samaritan Health Services

Case File: 1-SV-19
 Date Filed: April 12, 2019
 Hearing Date: May 13, 2019/Planning Commission

PLANNING STAFF REPORT
Case File 1-SV-19

- A. **APPLICANT:** Southshore Owners Association (Leo Dobitz, authorized representative).
- B. **REQUEST:** Vacate the westerly 230-feet of the developed SW 62nd Street right-of-way in conjunction with the reconfiguration of the entrance to the Southshore Development to accommodate a single, gated entry. This is 88-feet more than what was approved with City Council Order No. 2019-1, and is being pursued by petitioner so that they can pursue their preferred redesign of the vehicle turnaround as a private street.

The west end of the public street presently terminates in a roundabout with private, gated drives branching off to the north and south. This proposal involves the construction of a new vehicle turnaround on SW 62 Street just east of the existing roundabout, which will be owned and maintained by the Southshore Owner's Association. Once the new turnaround is in place, a single gate control structure will be built immediately to the west. The existing roundabout would then become a private drive and the two existing gates would be removed.

- C. **SUBJECT PROPERTY:** Real property abutting the right-of-way to be vacated is identified by tax lot reference and ownership, as follows:

Tax Lot 2600 of Lincoln County Assessor's Map 11-11-30-AA. The property is owned by South Shores Development, LLC.

Tax Lot 1000 of Lincoln County Assessor's Map 11-11-30-AA. The property is owned by Southshore Owners Association.

Tax Lot 1900 of Lincoln County Assessor's Map 11-11-30-AA. The property is owned by Southshore Owners Association.

Tax Lot 4200 of Lincoln County Assessor's Map 11-11-29-BB. The property is owned by Southshore Owners Association.

Tax Lot 4600 of Lincoln County Assessor's Map 11-11-29-BB. The property is owned by Southshore Owners Association.

Tax Lot 4800 of Lincoln County Assessor's Map 11-11-29-BB. The property is owned by Southshore Owners Association.

D. STAFF REPORT

1. REPORT OF FACTS

- a. **Plan Designation:** High Density Residential.
- b. **Zone Designation:** R-4/"High Density Multi-Family Residential."
- c. **Surrounding Land Uses:** The subject portion of SW 62nd Street is entirely within the Southshore Planned Development, with single-family development to the north, a clubhouse to the west, and tennis courts to the south.
- d. **Topography and Vegetation:** The portion of SW 62nd Street that is to be vacated is relatively flat and the undeveloped portions of the right-of-way are landscaped.
- e. **Existing Structures:** None.
- f. **Utilities:** Public water and sewer mains exist within the right-of-way that is to be vacated and a sewer lift station exists immediately to the west, adjacent to the clubhouse.
- g. **Development Constraints:** None known.
- h. **Past Land Use Actions:** The Southshore Planned Development was approved in 1993 (City File No. 2-PUD-93) and that approval led to the construction of SW 62nd Street in its present form. There have been numerous subsequent land use actions within the planned development, none of which are material to this street segment.
- i. **Notification:** Notification to abutting and affected property owners, to City departments, and to public/private utilities/agencies was mailed on April 17, 2019. Notice of this Planning Commission public hearing was also published in the Newport News-Times on April 24, 2019, May 1, 2019, and May 8, 2019.
- j. **Attachments:**
 - Attachment "A" – Completed application form.
 - Attachment "B" – City Council Order No. 2019-1
 - Attachment "C" – Area calculation for vacation petition.
 - Attachment "D" –Legal description and exhibit map of right-of-way to be vacated.

- Attachment "E" – Copy of ORS Chapter 271.080 to 271.230.
- Attachment "F" – Zoning/Aerial Map of SW 62nd Street
- Attachment "G" – Public notice of the May 13, 2019 hearing.

2. **Explanation of the Request for Street Vacation:**

South Shores Development, LLC is in the process of developing the last remaining piece of buildable property within Southshore. This process will eliminate any commercial property within the community since the completion will only entail adding 12 single-family residential lots.

As part of the completion, South Shores Development, LLC will also convert four existing condo lots to single-family residential lots. Once this effort is completed, Southshore will be developed to its maximum size given much of the vacant land within Southshore is "wetlands". Southshore is bounded on the north by the state park, on the east by Hwy 101, on the south by wetlands and on the west by the Pacific Ocean.

Given the development will have reached maturity; Southshore would like to replace two inner gate systems with a single gated entry point. The objective of Southshore was to get the most westerly 142 feet of SW 62nd Street vacated to allow for the installation of a gate system on what currently is a portion of SW 62nd Street. To avoid a city street terminus being a dead end, South Shores Development, LLC was prepared to construct a publicly owned turn-a-round just east of the proposed new gate.

With Order No. 2019-1, the City Council, upon favorable recommendation from the Planning Commission, approved this concept with the stipulation that an ordinance formally vacating the right-of-way be presented for adoption once a new vehicle turnaround was constructed to city standards and associated right-of-way dedicated for public use. Unfortunately, the applicant and Newport Public Works Department were unable to reach agreement on an acceptable design, so the applicant has filed this application to extend the vacation east an additional 88 feet to cover the turnaround, thus allowing them to proceed with their preferred design as a privately maintained street improvement.

The ultimate goal of Southshore is to have all of its common property, including facilities, within the gated community. Gate/turn-a-round requirements have been coordinated with the Fire Marshall to ensure the proposed turn-a-round and gate structure meet their requirements for first responders.

Currently, Southshore maintains the landscaping, irrigation and lighting of the entire section of SW 62nd Street that lies west of Hwy 101. It is the intent of Southshore to continue maintaining this portion of SW 62nd Street after approval of the street vacation.

3. **Evaluation of the Request for Street Vacation:**

- a. **Comments:** Abutting and affected property owners, city departments and public/private utilities/agencies were notified on April 17, 2019 (Attachment “G”). No comments were received in response to the notice.
- b. **Planning Commission Review Required:** Pursuant to NMC 14.52.030, Approving Authorities, the City Council will decide street vacation proposals following a public hearing and upon receipt of a recommendation from the Planning Commission.
- c. **Applicable Criteria set forth in Oregon Revised Statutes (ORS) 271.120:**
1. Whether the consent of the owners of the requisite area [*as defined in ORS 271.080 (2)*] has been obtained;
 2. Whether notice has been duly given [*for the public hearing before the City Council*] and,
 3. Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.
- d. **NMC Chapter 14.26 Maintenance of Public Access:** The city shall review, under ORS 271.080 - 271.230, proposals for the vacation of public easements or rights-of-way that provide access to or along the Yaquina Estuary or the Pacific Ocean. The city shall review, under ORS 271.300 - 271.360, proposals for the sale, exchange, or transfer of public ownership that provide access to or along the Yaquina Estuary or the Pacific Ocean. Existing public ownerships, rights-of-way, and similar public easements that provide access to or along the estuary or the ocean shall be retained or replaced if they are sold, ex-changed, or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas, provided public access across the affected site is retained.
- e. **Staff Analysis:**

The Planning Commission reviews this request and makes a recommendation to the City Council. In order to recommend approval of the request, the Planning Commission must find that the applicant’s proposal meets (or is capable of meeting) the following criteria:

- (1) **Whether the consent of the owners of the requisite area [*as defined in ORS 271.080 (2)*] have been obtained;**

With this revised request, the applicant provided an updated graphic and text summary of the statutory notification area described in ORS 271.080 (Attachment “C”). There are no new abutting property owners, where signed

consent is mandatory. Four new affected property owners were identified. Their addresses are highlighted on the mailing list provided by the applicant, and the applicant has indicated that they provided notice of the proposed street vacation to each of them.

For approval of the vacation, ORS 271.080 (2) requires “the consent of the owners of the abutting property and not less than two-thirds in area of the real property affected thereby.” Written notarized consents were submitted, and accepted by the City, in the previous application (File No. 1-SV-18) from the following property owners:

Assessor's Map 11-11-30-AA

<u>TAX LOT</u>	<u>OWNER</u>
00900	Southshore Owners Association
01000	Southshore Owners Association
01900	Southshore Owners Association
02600	South Shores Development. LLC
04700	Southshore Owners Association

Assessor's Map 11-11-29-BB

<u>TAX LOT</u>	<u>OWNER</u>
04200	Southshore Owners Association
04600	Southshore Owners Association
04800	Southshore Owners Association

The notification area under ORS 271.080 extends 200 feet to either side of the right-of-way being vacated, and a distance of 400 feet from the terminal ends of the right of way being vacated. This creates a rectangular shaped notification area. As noted, consent must be obtained from the owners of two-thirds of the real property (excluding right-of-way) within the notice boundary. In the subject circumstances, consent has been obtained from the owners of more than 83 percent of the land area (Attachment "C"). This information is adequate to establish that the required level of ownership consent has been obtained.

- (2) Whether notice has been duly given [for the public hearing before the City Council]; and,

Notice of the Planning Commission hearing has been provided by direct mail and newspaper notice advising the public of the petition request. Signs will be posted at the property advertising the proposed vacation prior to the City Council hearing. This satisfies the requirements of ORS 271.110.

- (3) Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.

SW 62nd Street serves a private, planned development where the bulk of the streets are already privately owned and maintained. As a privately owned and maintained improvement, the applicant will be able to proceed with their preferred vehicle turnaround design. Some city storm drainage infrastructure will need to be turned over to the applicant within the vacated area, in conjunction with construction of the new turnaround. Additionally, a utility easement(s) will need to be reserved over the vacated area so that the city can maintain its water and sewer infrastructure. This can be addressed in the vacation ordinance.

Given the above, it is reasonable for the Planning Commission to find that the public interest will not be prejudiced.

- (4) As outlined in NMC Chapter 14.26 Maintenance of Public Access, the city shall review, under ORS 271.080 - 271.230, proposals for the vacation of public easements or rights-of-way that provide access to or along the Yaquina Estuary or the Pacific Ocean. The city shall review, under ORS 271.300 - 271.360, proposals for the sale, exchange, or transfer of public ownership that provide access to or along the Yaquina Estuary or the Pacific Ocean. Existing public ownerships, rights-of-way, and similar public easements that provide access to or along the estuary or the ocean shall be retained or replaced if they are sold, ex-changed, or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas, provided public access across the affected site is retained.

The right-of-way proposed to be vacated terminates short of the Pacific Ocean. Intervening private property prevents the right-of-way from providing beach access; therefore, a portion of the right-of-way may be vacated without triggering the requirement that alternate access to the beach be provided.

4. **Conclusion:** The staff report has been prepared based on the information available to staff at the time of writing the report. If additional comments or information is provided during the course of the public hearing process, the analysis or conditions of approval recommended by staff are subject to change.

If the Planning Commission finds that the application meets the minimum ORS criteria (or is capable of meeting the criteria) established for the street vacation, the Planning Commission may forward a favorable recommendation to the City Council. If the Commission finds that the criteria have not been met (or are not capable of being met), the Commission should identify changes necessary to meet the criteria or should deny all or part of the request.

E. **STAFF RECOMMENDATION:** If the Commission decides to recommend approval of the requested street vacation, the Commission may want to consider recommending or attaching the following condition.

1. A utility easement shall be reserved over the entirety of the vacated right-of-way unless the applicant provides alternative easements in a form acceptable to the City Engineer.



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

May 9, 2019

AMENDED

4/9/2019

202



City of Newport Land Use Application

Attachment "A"
1-SV-19

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Leo Dobitz	Southshore Owners Association
Applicant Mailing Address:	Property Owner Mailing Address:
245 SW 60th Loop, South Beach OR	220 SW 62nd Street, South Beach, OR
Applicant Phone No.	Property Owner Phone No.
(916) 801-2523	(541) 867-4572
Applicant Email	Property Owner Email
ldobitz@wavecable.com	soapresidentld@southshorehoa.com
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Leo Dobitz	
Authorized Representative Mailing Address:	
245 SW 60 Loop, South Beach OR 97365	
Authorized Representative Telephone No.	
(916) 801-2523	
Authorized Representative Email. ldobitz@wavecable.com	

Project Information

Property Location: *Street name if address # not assigned*
Most westerly 230' of SW 62nd Street, Newport OR (amended from 142' to 230')

Tax Assessor's Map No.: 11 11 29 BB Tax Lot(s):

Zone Designation: Legal Description: *Add additional sheets if necessary*

Comp. Plan Designation: **See attached**

Brief description of Land Use Request(s):
Examples:
 1. Move north property line 5 feet south **Construct turn-a-round and entry system**
 2. Variance of 2 feet from the required 15-foot front yard setback

Existing Structures: if any
None

Topography and Vegetation:
Paved roadway

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 checked="" 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 type="checkbox"/> Other |

FOR OFFICE USE ONLY

File No. Assigned: **1-SV-19**

Date Received: **4/12/19** Fee Amount: **810-** Date Accepted as Complete:

Received By: **OTC** Receipt No. **3131** 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.

[Handwritten Signature]
Applicant Signature(s)

4/9/2019
Date

Southshore Owners Assoc.
Property Owner Signature(s) (if other than applicant)

Date

[Handwritten Signature]
Authorized representative Signature(s) (if other than applicant)

4/9/2019
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.

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

In the Matter of:

REQUEST BY SOUTHSHORE OWNERS ASSOCIATION)	
FOR THE CITY TO VACATE A PORTION OF THE)	ORDER NO.
DEVELOPED ROAD RIGHT-OF-WAY FOR SW 62 ND STREET)	2019-1
IN CONJUNCTION WITH THE RECONFIGURATION OF THE)	
ENTRANCE TO THE SOUTHSHORE DEVELOPMENT)	

WHEREAS, Southshore Owners Association submitted a petition on December 20, 2018 requesting that the City of Newport vacate the westerly 142 feet of SW 62nd Street; and

WHEREAS, vacation of the right-of-way is a part of a larger project to reconfigure access to the Southshore development that will include the construction of a new vehicle turnaround on SW 62nd Street, immediately east of the area to be vacated; and

WHEREAS, the new access will allow a single gated entry to the development, which the Southshore Owner's Association finds preferable to the current configuration where they utilize two entry gates to access the north and south sides of the development, with no gate control to the private clubhouse area; and

WHEREAS, the Newport Planning Commission held a public hearing to consider the petition on January 28, 2019 and concluded that it satisfies the requirements under ORS 271.120, which stipulate that consent of the abutting and affected property owners be obtained, notice of the hearing be duly given, and that the public interest not be prejudiced by the street vacation; and

WHEREAS, the Commission further concluded that SW 62nd Street does not provide access to the beach; therefore, vacation of a portion of the right-of-way is not subject to NMC Chapter 14.26 and ORS 271.080 to 271.230 that require such rights-of-way be retained unless replacement access is provided; and

WHEREAS, because vacation of the right-of-way is dependent upon the dedication of new right-of-way and construction of a new vehicle turn around, the Commission recommends the execute an order conveying its intent to vacate the right-of-way, with instruction that an ordinance be presented for adoption once the new turnaround is constructed and accepted by the city; and

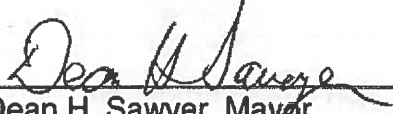
WHEREAS, the Commission further recommends that a utility easement be reserved over the entirety of the vacated right-of-way unless alternative easements are provided in a form acceptable to the City Engineer; and

WHEREAS, the City Council held a duly noticed public hearing on March 4, 2019 to consider the petition by the Southshore Owner's Association and, after considering public testimony, accepted the Commission's recommendations.

NOW, THEREFORE, IT IS HEREBY ORDERED:

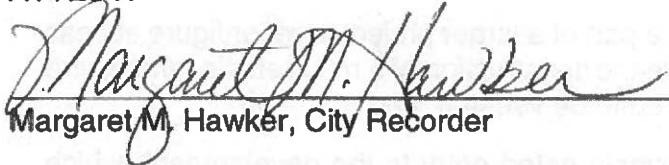
1. An ordinance vacating the westerly 142 feet of SW 62nd Street be drafted and presented to the Newport City Council for adoption once the new vehicle turnaround has been constructed to City standards and the associated right-of-way is dedicated for public use.
2. Such ordinance shall include language reserving a public utility easement over the entirety of the vacated right-of-way unless alternative easements are provided over the affected utilities in a manner acceptable to the City Engineer.

SO ORDERED this 4th day of March, 2019.



 Dean H. Sawyer, Mayor

ATTEST:



 Margaret M. Hawker, City Recorder

**AREA CALCULATIONS OF VACATION NOTIFICATION AREA
Modified 4-2-19**

Per notification area instructions, 400 feet beyond terminus and 200 feet parallel to vacation tract (both sides)

Above requirements result in a notification rectangle 1.020 feet by 400 feet = 412,000 feet squared/43,560 = 9.45 acres
(400 feet east of vacation line and 400 feet west of street terminus plus 230 feet of street vacation)

Residential lots within the notification area = .89 acres

11-11-29-BB-04400-00	.10 acres
11-11-29-BB-04600-00	.14 acres
11-11-29-BB-04601-00	.12 acres
11-11-29-BB-04700-00	.13 acres
11-11-29-AA-00600-00	.11 acres
11-11-29-AA-00700-00	.14 acres
11-11-29-AA-00800-00	.15 acres

Commercial lots within the notification area = .72 acers

11-11-29-BB-00200-00	.12 acers
11-11-29-BB-02300-00	.13 acers
11-11-29-BB-02600-00	.12 acers
11-11-29-BB-02700-00	.25 acers
11-11-29-BB-00100-00	.10 acers

67% of 9.45 acres = 6.331 acres of owner signatures required
(All abutting property owners signatures required)

9.45 total acres - .89 acres of residential lots - .72 acers commercial lots = 7.84 acres of abutting property owners
(constitutes 82.9% of the property within the notification area)

Signatures of abutting property owners exceeds the consent requirement "of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient".

Neighbor Notification Certification

Date: April 12, 2019

(Confirmation to City of Newport that Neighbors were notified)

To:

City Of Newport
City Hall
169, SW Coast Hwy.
Newport, OR 97365

File Application Number _____

By signing and returning this letter to the City of Newport, I attest that the property owners within the amended notification area of the property for which I am seeking a Land Use Application were notified of the pending application.

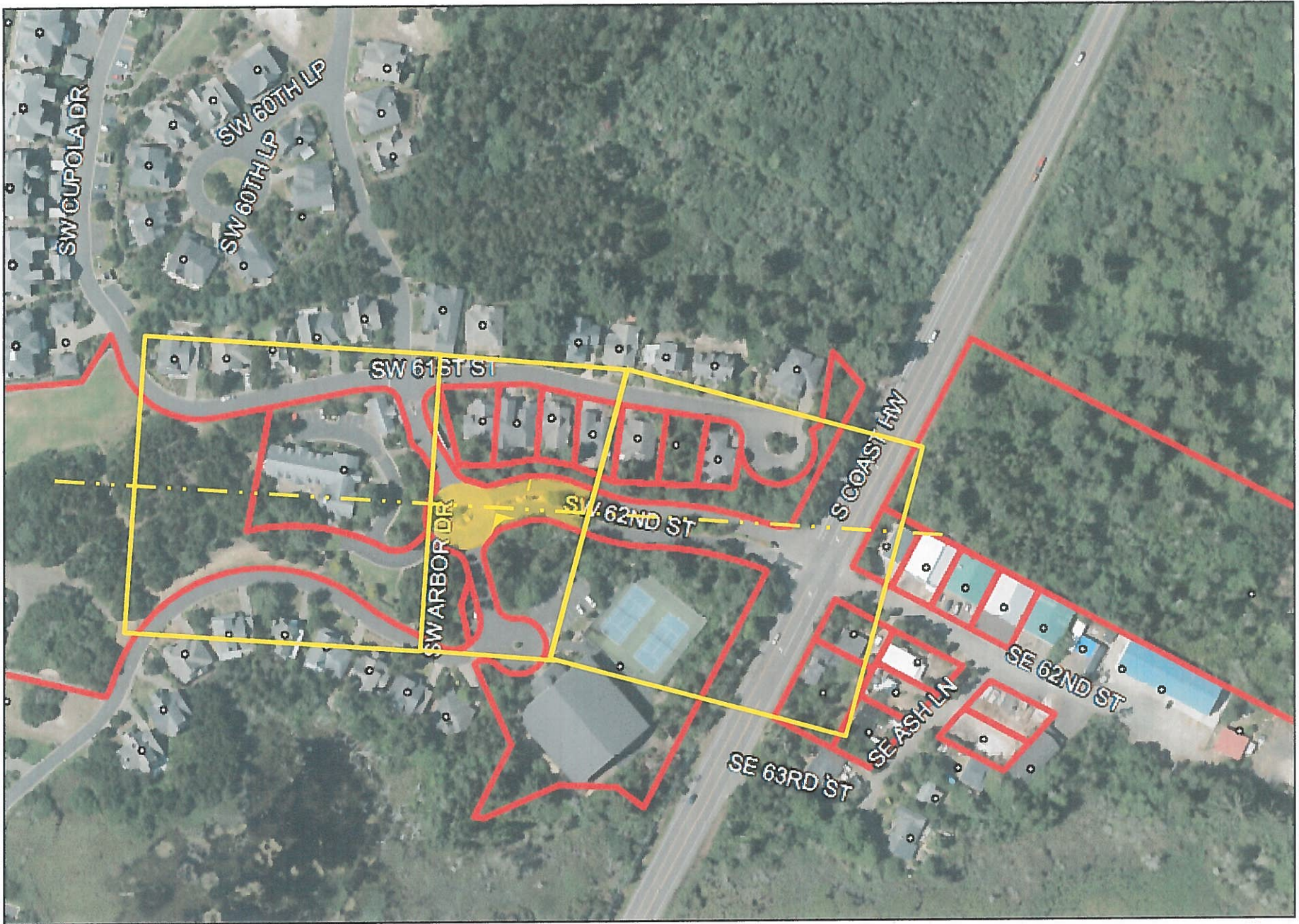
On April 5, 2019, the four additional affected property owners were notified by:

- Letter via U.S. Mail or Hand Delivered
- Telephone or in-person conversation
- Email

I certify under penalty of perjury that the foregoing is true and correct.

(Signature)  Date: 4/12/2019

(Print Name) Leo Dobitz
President, Southshore Owners Association



NOTIFICATION TAX LOTS FOR STREET VACATION						
	Parcel ID	Map Number	Situs Address	Owner	Address	City, State Zip
1	11-11-29-BB-00200-00	11-11-29-BB	25 SE 62nd Street	BUCHKO GERALD AA	PO BOX 687	SOUTHBEACH, OR 97366
Signature:				Date:		
2	11-11-29-BB-04200-00	11-11-29-BB	220 SW 62nd Street	SOUTHSHORE OWNERS ASSOCIATION (North Abutting)	220 SW 62nd STREET	NEWPORT, OR 97365
Signature: See attached consent form				Date:		
3	11-11-29-BB-04400-00	11-11-29-BB	135 SW 61st Street	SIMMS BRETT & SIMMS KAREN J & SIMMS SHANE P & ALLMA A	16370 SW STAHL DRIVE	TIGARD, OR 97223
Signature:				Date:		
4	11-11-29-BB-04600-00	11-11-29-BB	155 SW 61st Street	WOLZ LORRAINE MARSTON & WOLZ FRANK ANDREW	5722 E CORRINE DRIVE	SCOTTSDALE, AZ 85254
Signature:				Date:		
5	11-11-29-BB-04601-00	11-11-29-BB	145 SW 61st Street	BURKE JOHN RANDOPH & BURKE LENA CHRISTINA	145 SW 61st STREET	SOUTHBEACH, OR 97365
Signature:				Date:		
6	11-11-29-BB-04700-00	11-11-29-BB	165 SW 61st Street	BRUTKE ROBERT W TRUSTEE & BRUTKE VICKIE J TRUSTEE	139 SE J STREET, SUITE B	GRANTS PASS, OR 97526
Signature:				Date:		
7	11-11-29-BB-04800-00	11-11-29-BB	220 SW 62nd Street	SOUTHSHORE OWNERS ASSOCIATION (South Abutting)	220 SW 62nd STREET	NEWPORT, OR 97365
Signature: See attached consent form				Date:		
8	11-11-30-AA-00600-00	11-11-30-AA	175 SW 61st Street	CALLIER BRUCE W TRUSTEE & CALLIER SHARON M TRUSTEE	6005 SW ARBOR DRIVE	SOUTHBEACH, OR 97365
Signature:				Date:		
9	11-11-30-AA-00700-00	11-11-30-AA	185 SW 61st Street	LAMPI FAMILY LLC & LAMPI KIRSTEN & TOMITA TATSUO	29091 LAKESIDE DRIVE	CORVALLIS, OR 97333
Signature:				Date:		
10	11-11-30-AA-00800-00	11-11-30-AA	195 SW 61st Street	PUNTES PHILLIP J TRUSTEE & PUNTES DENISE TRUSTEE	6971 RIESLING WAY SE	SALEM, OR 97306
Signature:				Date:		
11	11-11-30-AA-00900-00	11-11-30-AA	220 SW 62nd Street	SOUTHSHORE OWNERS ASSOCIATION	220 SW 62nd STREET	NEWPORT, OR 97365
Signature: See attached consent form				Date:		
12	11-11-30-AA-01000-00	11-11-30-AA	220 SW 62nd Street	SOUTHSHORE OWNERS ASSOCIATION (West Abutting)	220 SW 62nd STREET	NEWPORT, OR 97365
Signature: See attached consent form				Date:		

13	11-11-30-AA-01900-00	11-11-30-AA	220 SW 62nd Street	SOUTHSHORE OWNERS ASSOCIATION	220 SW 62nd STREET	NEWPORT, OR 97365
Signature: See attached consent form				Date:		
14	11-11-30-AA-02600-00	11-11-30-AA	6120 SW ARBOR DR	SOUTH SHORES DEVELOPMENT LLC (West Abutting)	4809 S COAST HWY	SOUTH BEACH, OR 97366
Signature: See attached consent form				Date:		
15	11-11-30-AA-04600-00	11-11-30-AA	6120 SW ARBOR DR	SOUTHSHORE OWNERS ASSOCIATION	220 SW 62nd STREET	NEWPORT, OR 97365
Signature: See attached consent form				Date:		
16	11-11-30-AA-04700-00	11-11-30-AA	223 SW 62nd Street	SOUTHSHORE OWNERS ASSOCIATION	223 SW 62nd STREET	NEWPORT, OR 97368
Signature: See attached consent form				Date:		
17	11-11-29-BB-00100-00	11-11-29-BB	6126 S COAST HWY	LANDWAVES INC.	2712 SE 20th AVENUE	PORTLAND, OR 97202
Signature: Notification mailed 4/9/2019				Date:		
18	11-11-29-BB-02300-00	11-11-29-BB	6262 SE ASH LANE	HAYWARD, JOSEPH	24084 WOODS CREEK RD	PHILOMATH, OR 97370
Signature: Notification mailed 4/9/2019				Date:		
19	11-11-29-BB-02600-00	11-11-29-BB	40 SE 62nd STREET	KIMBELL, RAYMOND L & KIMBELL, DOROTHY M	7467 SW SURFLAND STREET	SOUTH BEACH, OR 97366
Signature: Notification mailed 4/9/2019				Date:		
20	11-11-29-BB-02700-00	11-11-29-BB	6235 S COAST HWY	GRIMSTAND, NEIL E	4043 E ALSEA HWY	WALDPOR, OR 97394
Signature: Notification mailed 4/9/2019				Date:		

 Added to amended notification area

 Abutting Property Owner - "Must have" signatures

SAMPLE

Date: April 9, 2019

Notice to Neighbors

Opportunity to Comment on *Application for Street Vacation* filed with the City of Newport, Oregon

TO:

LANDWAVES INC.

(Name of Neighbor Who Owns Abutting Property)

2712 SE 20th AVENUE

(Neighbor's Street Address)

PORTLAND, OR 97202

(Neighbor's City, State & Zip Code)

The purpose of this letter is to tell you that the Southshore Owners Association (SOA) filed an application for a street vacation with the City of Newport, Oregon. The property the SOA is seeking is the westerly most 230 feet of SW 62nd Street, Newport, OR. You are receiving this notice because Newport City statute requires affected property owners to receive notice about vacation applications so that they may comment if they are concerned about impacts to their own property. A copy of the vacation plat that is being filed with the City of Newport, OR is attached and shows the location of the proposed vacation plat. If you concur/consent with this vacation application, we need you to sign and have notarized the attached "Consent for Vacation" form.

FROM:

Southshore Owners Association

(Name of Applicant for Street Vacation)

220 SW 62nd Street

(Street address of the proposed street vacation)

Newport, OR 97365

(City, State and Zip Code of the proposed street vacation)

Attachment: Site Plan

Southshore Owners Association

220 SW 62nd Street

Newport, OR 97366

SAMPLE

Consent for Vacation

Affected Property Owner

Name:

Landwaves Inc.

Address:

2712 SE 20th AVENUE
PORTLAND, OR 97202

Telephone:

Signature:

Date:

State of Oregon)
) ss.
County of Lincoln)

Personally, appeared _____ and acknowledged the forgoing instrument to be their voluntary act and deed.

Before me:

Notary Public for:

My Commission Expires:

Tax Map No: 11-11-29-BB Tax Lot No: 11-11-29-BB-00100-00



April 17, 2019

W.B. WELLS & ASSOC., INC. JOB NO. 5042-001

RIGHT-OF-WAY VACATION DESCRIPTION

A PORTION OF S.W. 62ND STREET (60.00 FEET WIDE) AS DEDICATED TO THE CITY OF NEWPORT ON THE PLAT OF "SOUTHSHORE", RECORDED JULY 18, 1995 IN PLAT BOOK 15, PAGES 53 THROUGH 53D, INCLUSIVE, PLAT RECORDS OF LINCOLN COUNTY, SITUATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, CITY OF NEWPORT, COUNTY OF LINCOLN AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRACT 'I', OF SAID "SOUTHSHORE", ALSO BEING THE NORTHWEST CORNER OF TRACT 'O' OF SAID "SOUTHSHORE" AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.W. 62ND STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THROUGH THE FOLLOWING COURSES: ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°18'22" (LONG CHORD BEARS NORTH 59°57'36" WEST, A DISTANCE OF 7.95 FEET) AN ARC LENGTH OF 7.99 FEET TO A POINT OF COMPOUND CURVE; ALONG THE ARC OF A 470.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°53'17" (LONG CHORD BEARS NORTH 78°33'25" WEST, A DISTANCE OF 154.24 FEET) AN ARC LENGTH OF 154.94 FEET TO A POINT OF REVERSE CURVE; ALONG THE ARC OF A 250.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 8°49'00" (LONG CHORD BEARS NORTH 83°35'33" WEST, A DISTANCE OF 38.43 FEET) AN ARC LENGTH OF 38.47 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE RIGHT-OF-WAY LINE OF SAID S.W. 62ND STREET, THROUGH THE FOLLOWING COURSES: ALONG THE ARC OF A 250.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 9°34'17" (LONG CHORD BEARS NORTH 74°23'54" WEST, A DISTANCE OF 41.71 FEET) AN ARC LENGTH OF 41.76 FEET; NORTH 69°36'46" WEST, A DISTANCE OF 51.28 FEET TO A POINT OF CURVE; ALONG THE ARC OF A 70.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 35°51'48" (LONG CHORD BEARS NORTH 87°32'40" WEST, A DISTANCE OF 43.10 FEET) AN ARC LENGTH OF 43.82 FEET; SOUTH 74°31'26" WEST, A DISTANCE OF 28.78 FEET TO A POINT OF CURVE; ALONG THE ARC OF 24.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 43°08'11" (LONG CHORD BEARS SOUTH 52°57'20" WEST, A DISTANCE OF 17.65 FEET) AN ARC LENGTH OF 18.07 FEET TO A POINT OF REVERSE CURVE; ALONG THE ARC OF 50.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 266°16'21" (LONG CHORD BEARS NORTH 15°28'35" WEST, A DISTANCE OF 72.97 FEET) AN ARC LENGTH OF 232.37 FEET TO A POINT OF REVERSE CURVE; ALONG THE ARC OF 24.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 43°08'11" (LONG CHORD BEARS SOUTH 83°57'29" EAST, A DISTANCE OF 17.65 FEET) AN ARC LENGTH OF 18.07 FEET; NORTH 74°31'26" EAST, A DISTANCE OF 28.78 FEET TO A POINT OF CURVE; ALONG THE ARC OF 130.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 35°51'48" (LONG CHORD BEARS SOUTH 87°32'40" EAST, A DISTANCE OF 80.05 FEET) AN ARC LENGTH OF 81.37 FEET; SOUTH 69°36'46" EAST, A DISTANCE OF 51.28 TO A POINT OF CURVE; ALONG THE ARC OF A 190.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 9°34'17" (LONG CHORD BEARS SOUTH 74°23'54" EAST, A DISTANCE OF 31.70 FEET) AN ARC LENGTH OF 31.74 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 10°48'57" WEST, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 18,872 SQUARE FEET

BEARINGS BASED ON THE PLAT OF "SOUTHSHORE", LINCOLN COUNTY PLAT RECORDS.

4-17-2019
REGISTERED
PROFESSIONAL
LAND SURVEYOR
BRET D. BEBORE
JAN. 13, 2002
00000
EXPIRES: 12-31-19

GRAPHIC SCALE



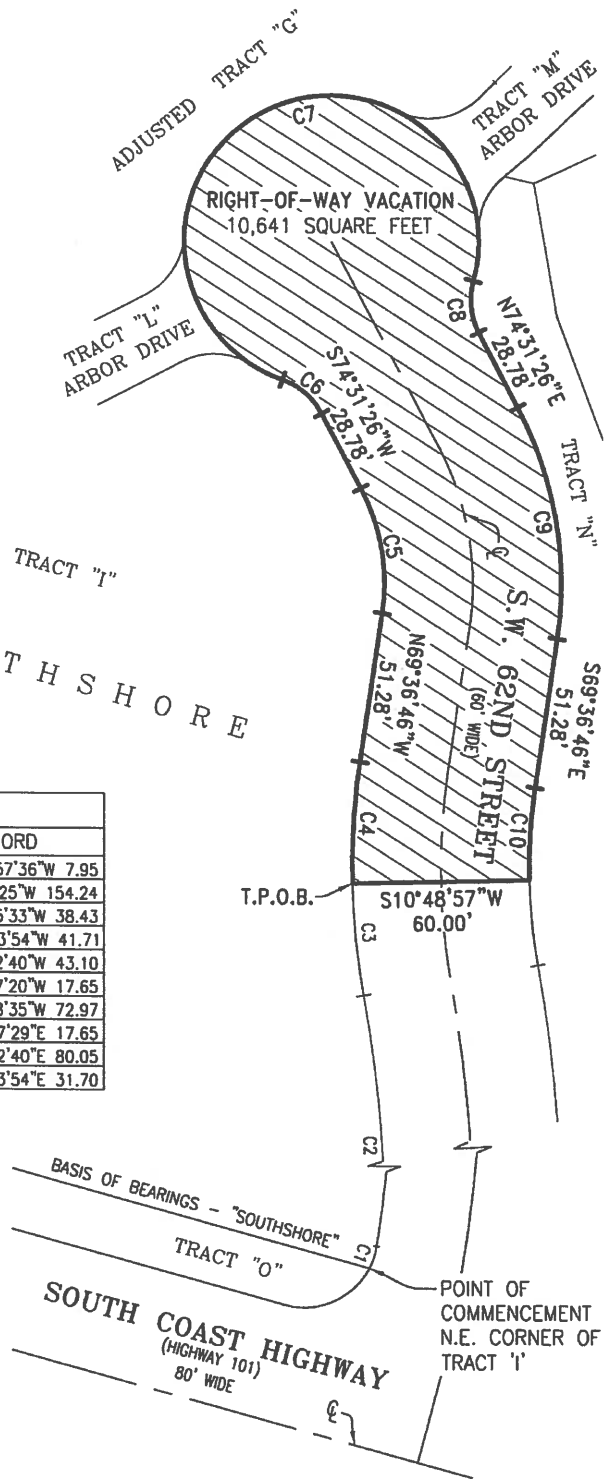
(IN FEET)
1 inch = 50 ft.

LEGEND

VACATION AREA



CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	18°18'22"	25.00	7.99	N59°57'36"W 7.95
C2	18°53'17"	470.00	154.94	N78°33'25"W 154.24
C3	8°49'00"	250.00	38.47	N83°35'33"W 38.43
C4	9°34'17"	250.00	41.76	N74°23'54"W 41.71
C5	35°51'48"	70.00	43.82	N87°32'40"W 43.10
C6	4°3'08"11"	24.00	18.07	S52°57'20"W 17.65
C7	266°16'21"	50.00	232.37	N15°28'35"W 72.97
C8	4°3'08"11"	24.00	18.07	S83°57'29"E 17.65
C9	35°51'48"	130.00	81.37	S87°32'40"E 80.05
C10	9°34'17"	190.00	31.74	S74°23'54"E 31.70



4-17-2019
REGISTERED PROFESSIONAL LAND SURVEYOR

 OREGON
 JANUARY 15, 2002
 BRETT D. BEDORE
 66839
 EXPIRES 12-31-19

RIGHT-OF-WAY VACATION SKETCH
 FOR
SOUTHSHORE DEVELOPMENT
 A PORTION OF S.W. 62ND STREET
 SITUATED IN THE NE 1/4 OF SECTION 30, T 11 S, R 11 W
 WILLAMETTE MERIDIAN, CITY OF NEWPORT,
 COUNTY OF LINCOLN, STATE OF OREGON

W.B. WELLS & Associates, Inc.
 ENGINEERS-SURVEYORS-PLANNERS
 6130 N.E. 78TH CL., Ste. C-11
 Portland, Oregon 97218
 (503) 284-5896 fax (503) 284-8530

DRAWN BY: AMJ	CHECKED BY: BB
DATE: 04/16/19	SCALE: 1"= 50'
PLOT DATE: 04/17/19	JOB NO.: 5042-001
DWG: P:\15-094\15-094 TS-SOUTH.DWG (62ND VAC TAB)	

VACATION

271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.
[Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by city governing body. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the

amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on city governing body's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original

unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

271.180 Vacations in municipalities included in port districts; petition; power of common council; vacating street along railroad easement. To the end that adequate facilities for terminal trackage, structures and the instrumentalities of commerce and transportation may be provided in cities and towns located within or forming a part of any port district organized as a municipal corporation in this state, the governing body of such cities and towns, upon the petition of any such port, or corporation empowered to own or operate a railroad, steamship or other transportation terminal, or railroad company entering or operating within such city or town, or owner of property abutting any such terminal, may:

(1) Authorize any port commission, dock commission, common carrier, railroad company or terminal company to occupy, by any structure, trackage or machinery facilitating or necessary to travel, transportation or distribution, any street or public property, or parts thereof, within such city or town, upon such reasonable terms and conditions as the city or town may impose.

(2) Vacate the whole or any part of any street, alley, common or public place, with such restrictions and upon such conditions as the city governing body may deem reasonable and for the public good.

(3) If any railroad company owns or has an exclusive easement upon a definite strip within or along any public street, alley, common or public place, and if the city governing body determines such action to be to the advantage of the public, vacate the street area between the strip so occupied by the railroad company and one property line opposite thereto, condition that the railroad company dedicates for street purposes such portion of such exclusive strip occupied by it as the city governing body may determine upon, and moves its tracks and facilities therefrom onto the street area so vacated. The right and title of the railroad company in the vacated area shall be of the same character as previously owned by it in the exclusive strip which it is required by the city governing body to surrender and dedicate to street purposes.

271.190 Consent of owners of adjoining property; other required approval. No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

271.200 Petition; notice. (1) Before any street, alley, common or public place or any part thereof is vacated, or other right granted by any city governing body under ORS 271.180 to 271.210 the applicant must petition the governing body of the city or town involved, setting forth the particular circumstances of the case, giving a definite description of the property sought to be vacated, or of the right, use or occupancy sought to be obtained, and the names of the persons to be particularly affected

thereby. The petition shall be filed with the auditor or clerk of the city or town involved 30 days previous to the taking of any action thereon by the city governing body.

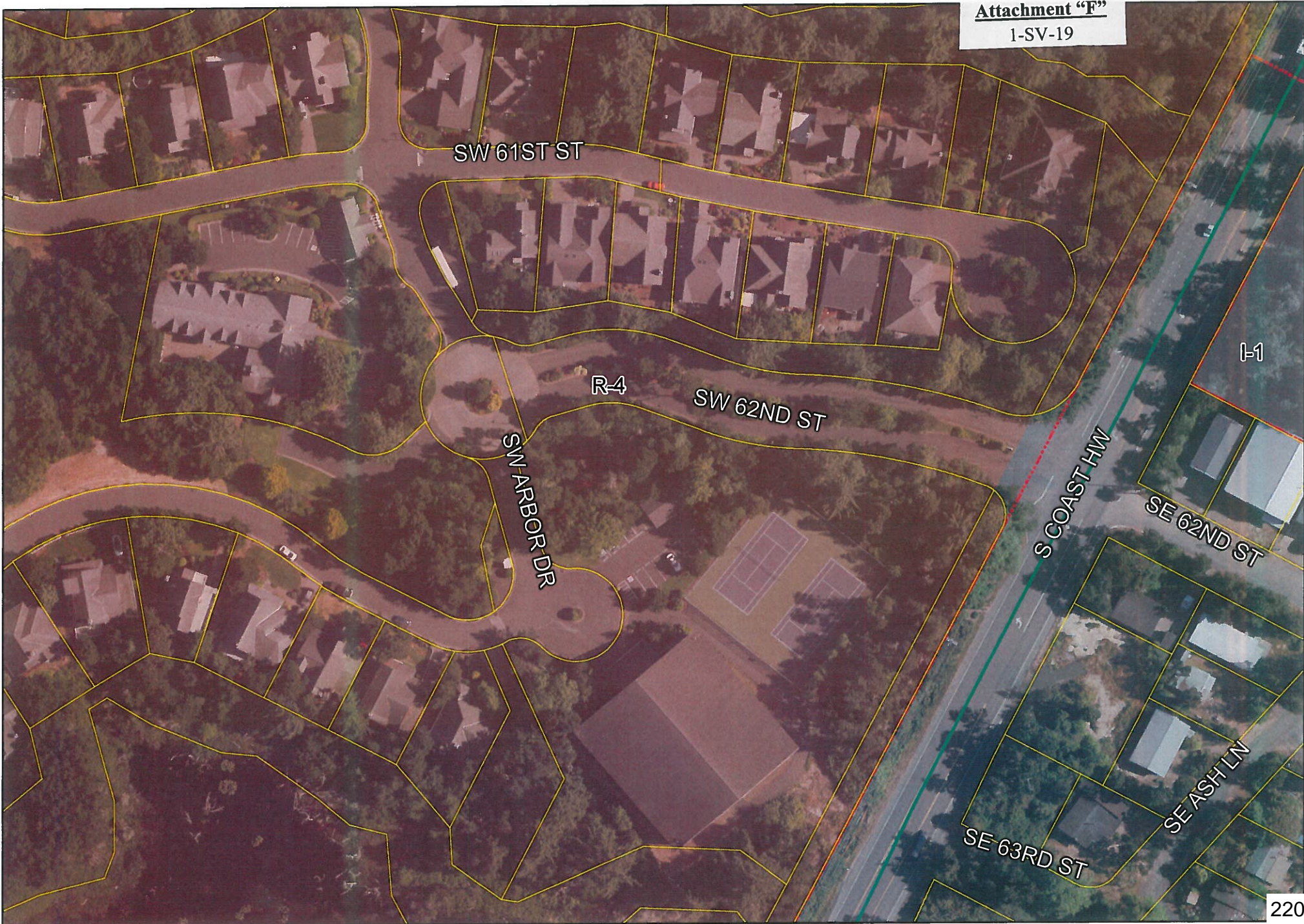
(2) Notice of the pendency of the petition, containing a description of the area sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to expiration of such 30-day period in a newspaper of general circulation in the county wherein the city or town is located.

271.210 Hearing; grant of petition. Hearing upon the petition shall be had by the city governing body at its next regular meeting following the expiration of 30 days from the filing of the petition. At that time objections to the granting of the whole or any part of the petition shall be duly heard and considered by the governing body, which shall thereupon, or at any later time to which the hearing is postponed or adjourned, pass by a majority vote an ordinance setting forth the property to be vacated, or other rights, occupancy or use to be thereby granted. Upon the expiration of 30 days from the passage of the ordinance and the approval thereof by the mayor of the city or town, the ordinance shall be in full force and effect.

271.220 Filing of objections; waiver. All objections to the petition shall be filed with the clerk or auditor of the city or town within 30 days from the filing of the petition, and if not so filed shall be conclusively presumed to have been waived. The regularity, validity and correctness of the proceedings of the city governing body pursuant to ORS 271.180 to 271.210, shall be conclusive in all things on all parties, and cannot in any manner be contested in any proceeding whatsoever by any person not filing written objections within the time provided in this section.

271.230 Records of vacations; fees. (1) If any town or plat of any city or town is vacated by a county court or municipal authority of any city or town, the vacation order or ordinance shall be recorded in the deed records of the county. Whenever a vacation order or ordinance is so recorded, the county surveyor of such county shall, upon a copy of the plat that is certified by the county clerk, trace or shade with permanent ink in such manner as to denote that portion so vacated, and shall make the notation "Vacated" upon such copy of the plat, giving the book and page of the deed record in which the order or ordinance is recorded. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk.

(2) For recording in the county deed records, the county clerk shall collect the same fee as for recording a deed. For the services of the county surveyor for marking the record upon the copy of the plat, the county clerk shall collect a fee as set by ordinance of the county governing body to be paid by the county clerk to the county surveyor. [Amended by 1971 c.621 §31; 1975 c.607 §31; 1977 c.488 §2; 1979 c.833 §30; 1999 c.710 §12; 2001 c.173 §5]



I-1

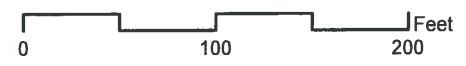
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N



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

**Zoning Map - SW 62nd Street
Partial Vacation File 1-SV-18**

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



This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its completion or use and users of this

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION¹

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, May 13, 2019, to review and make a recommendation to the Newport City Council on a partial street vacation as requested in:

File No. 1-SV-19:

Applicant: Southshore Owners Association (Leo Dobitz, representative).

Request/Subject Property: The request is for an amendment to a previously proposed partial street vacation that would extend the partial street vacation to the westerly 230 feet wide portion of SW 62nd Street abutting Tax lots 900, 1000, 1900, 2600, & 4700 of Tax Map 11-11-30-AA and Tax lots 4200, 4600, and 4800 of Tax Map 11-11-29-BB. (see the attached illustration of the proposed area to be vacated).

Date Request Received: April 15, 2019.

Applicable Criteria: Oregon Revised Statutes (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof.

Testimony: Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department (address under "Reports/Materials") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. 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.

Reports/Materials: The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365, seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address.

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

Time/Place of Hearing: Monday, May 13, 2019; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: April 17, 2019.

PUBLISHED: Wednesday, April 24, 2019; Wednesday, May 1, 2019; and Wednesday, May 8, 2019 / Newport News-Times.

¹ Notice of the public hearing is being sent to affected property owners (according to Lincoln County Assessor's records) within the notification distance required for the request, affected public/private utilities/agencies, and affected city departments.

**Lincoln County Assessor
Lincoln County Courthouse
225 W Olive St
Newport OR 97365**

*Email: Lisa Phillips
DLCD Coastal Services Center
lisa.phillips@state.or.us*

**CenturyLink
ATTN: Corky Fallin
740 State Street
Salem OR 97301**

**ODOT REGION 2 MANAGER E-MAIL:
ODOTR2PLANMGR@ODOT.STATE.OR.US
DO NOT SEND NOTICES TO SONNY Per ODOT
Sonny.P.CHICKERING@odot.state.or.us**

**Central Lincoln PUD
ATTN: Randy Grove
PO Box 1126
Newport OR 97365**

**Lincoln County Clerk
Lincoln County Courthouse
225 W Olive St
Newport OR 97365**

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

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

**Lincoln County Commissioners
Lincoln County Courthouse
225 W Olive St
Newport OR 97365**

**Lincoln County School District
ATTN: Superintendent
PO Box 1110
Newport OR 97365**

**Lincoln County Surveyor
880 NE 7th St
Newport OR 97365**

**OREGON DEPT OF PARKS & REC
725 Summer St. N.E. Suite C
Salem, OR 97301**

**PORT OF NEWPORT
600 SE BAY BLVD
NEWPORT OR 97365**

**Laura Kimberly
Library Director**

**Tim Gross
Public Works**

**Rob Murphy
Fire Chief**

**Jason Malloy
Police Chief**

**Mike Murzynsky
Finance Director**

**Joseph Lease
Building Official**

**Spencer Nebel
City Manager**

**Rachel Cotton
Associate Planner**

**EXHIBIT 'A'
Affected Agencies**

**Jim Protiva
Parks & Rec.**

BRUTKE ROBERT W TRUSTEE &
BRUTKE VICKIE J TRUSTEE
139 SE J ST
SUITE B
GRANTS PASS, OR 97526

BUCHKO GERALD A
PO BOX 697
SOUTH BEACH, OR 97366

CAILLIER BRUCE W TSTEE &
CAILLIER SHARON M TSTEE
5820 SW ARBOR DR
SOUTH BEACH, OR 97366

FRIEDLI RONALD &
FRIEDLI LESIL LYN
145 SW 61ST
SOUTH BEACH, OR 97366

LAMPI FAMILY LLC &
LAMPI KIRSTEN &
TOMITA TATSUO
29091 LAKESIDE DR
CORVALLIS, OR 97333

PUENTES PHILLIP J TRUSTEE &
PUENTES DENISE TRUSTEE
6971 RIESLING WAY SE
SALEM, OR 97306

SIMS BRETT &
SIMS KAREN J &
SIMS SHANE P & ALMA A
16370 SW STAHL DR
TIGARD, OR 97223

SOUTH SHORES DEVELOPMENT LLC
PO BOX 125
CANBY, OR 97013

WOLZ LORRAINE MARSTON &
WOLZ FRANK ANDREW
5722 E CORRINE DR
SCOTTSDALE, AZ 85254

DOBITZ LEO
245 SW 60TH LOOP
SOUTH BEACH, OR 97365

SOUTHSHORE OWNERS ASSOCIATION
220 SW 62ND ST
NEWPORT, OR 97365

Exhibit "A"
Adjacent Property Owners

File No. 1-SV-19

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION

The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, May 13, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on File No. 1-SV-19, an amendment to a previously proposed partial street vacation submitted by the Southshore Owners Association (Leo Dobitz, representative). This request is to extend the proposed partial street vacation to the westerly 230 feet wide portion of SW 62nd Street abutting Tax lots 1000, 1900, & 2600 of Tax Map 11-11-30-AA and Tax lots 4200, 4600, and 4800 of Tax Map 11-11-29-BB. Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included, as part of the hearing or must be personally presented during testimony at the public hearing. 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 (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON Wednesday, April 24, 2019; ONCE ON Wednesday, May 1, 2019; and ONCE ON Wednesday, May 8, 2019.)

- 8 Balcony box
- 9 Author Sholem
- 10 Phrase of self-pity
- 11 Vt. hours
- 12 Initial Hebrew letter
- 13 Rene of "Thor"
- 14 Web user
- 15 Two-legged animals
- 16 Defoe hero Robinson
- 17 Aquafina or Fiji alternative
- 18 Ship banner
- 24 Blue hue
- 25 Long-distance swimmer
- 32 Type of eye surgery
- 34 Pope's religion: Abbr.
- 35 Spring holiday
- 36 German for 60-Down
- 37 Figure skater Midori —
- 39 Full of frills
- 40 Say further
- 41 "Ave —"
- 47 western spread
- 49 Hide-hair connector
- 50 Renoir works
- 51 "Meh" grade
- 53 Actress Graynor
- 54 Spotted cat
- 55 JPEG or GIF
- 56 Letter-shaped opening for a bolt
- 60 Definite article
- 61 Mgrs.' aides
- 62 Speak out against
- 63 Coen of film
- 64 Myrna of film
- 65 Archery need
- 67 Ecu
- 68 Pianist Rubinstein or Schnabel
- 69 2004 CBS spinoff
- 73 Lacto- — vegetarian
- 74 Young chap
- 75 "Pipe down!"
- 76 Caddy drink
- 77 Actor Flynn with a sword
- 78 Western tribe
- 79 Exec's perk with wheels
- 88 Med. scan
- 89 How young guys behave
- 90 Wholly
- 91 With 7-Down, bit of foot jewelry
- 93 Contents of a spray can
- 96 Hayes and Newton
- 97 Tesla of the Tesla coil
- 98 Dresses with flares
- 99 Realm of MSNBC, e.g.
- 101 Arduous trip
- 102 Reprimand loudly
- 103 Biting fly
- 105 "— daisy!"
- 106 Deep gap
- 108 Longtime Arizona politician Mo
- 112 Wicked
- 113 "To Live and Die —"
- 114 USAF NCOs
- 116 "Fur Is Dead" org.
- 117 Elvis — Presley
- 120 Lobster eggs
- 121 Very small

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4/24/19

541-265-2400
M-F 10-4
assurance-realtor.com
ASSURANCE
REAL ESTATE SERVICES

200 Rentals

- 201 Apartment Rentals
- 202 Condo Rentals
- 203 Commercial Rentals
- 204 Home Rentals
- 205 Miscellaneous Rentals
- 206 Mobile Home Rentals
- 207 Mobile Home Space Rentals
- 208 Multiplex Rentals
- 209 RV Space Rentals
- 210 Vacation Rentals
- 211 Want To Rent
- 212 Want To Share
- 213 Storage Unit/Shop Rentals
- 214 Drug Rehab Housing Rentals

201 Apartment Rentals

1, 2, & 3 Bedrooms
Close to Beach & Casino
LINCOLN WOODS APARTMENTS
541-994-2444
www.tabinc.us

APARTMENTS FOR RENT

YAQUINA BAY PROPERTY MANAGEMENT, INC.
146 SE 1st St.
Newport, OR 97365
541-265-3537

Pick up a list of available units
Monday - Friday:
9AM-Noon & 1-5 PM
Or call for availability

Equal Housing Opportunity

DOLPHIN REAL ESTATE, LLC

Licensed in the State of Oregon RBNIID-2009615
115 NE 2nd St.
Newport OR 97365
(800) 365-6638
(541) 265-6638
WEB SITE: www.drellc.us

RENTALS & SALES
Residential, Commercial & Multi Family

Office Hours:
Monday-Friday:
10:00AM to 12:00PM
12:30PM to 4:00PM
Closed for Lunch:
12:00PM to 12:30PM
Closed:
Saturday & Sunday
Equal Housing Opportunity

Seal Rock: 3 bedroom 1 1/2 bath home w/dbl garage, yard care provided. \$1750.00 per month.

YAQUINA BAY PROPERTY MANAGEMENT, INC
146 SE 1st St, Newport
541-265-3537

209 RV Space Rentals

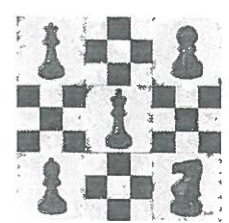
BOILER BAY RV PARK

\$575/mo. includes utilities
Quiet & Safe in ~ DEPOE BAY ~
800-783-8150

300 Announcements

- 301 Card Of Thanks
- 302 Entertainment/ Recreation
- 303 Friendship
- 304 Lost/Found
- 305 Notices
- 306 Personals

302 Entertainment/ Recreation



RECREATION AND ENTERTAINMENT IN THIS TOWN...

Are you hosting Bingo night at your church? Do you want to put together a chess club? Do you teach hiking lessons?

Let the community know!
Advertise and get your group event out - mention code J1910 and receive 10% OFF your next ad.
scuevas@newportnewstimes.com
DONT WAIT - SPRING IS COMING

305 Notices

PUBLIC SALE: The following storage units will be sold at public auction on Saturday, May 18, 2019 at 11:00AM for non-payment of rent and other fees. Unit#375 - Melissa Smith; Unit#371 - Celeste Horner. Auction is pursuant to Auction Rules and Procedures of Lincoln Storage 4809 S Coast Hwy south Beach, OR 97366 541-867-6550. Rules are available upon inquiry. **A24 M01 (14-01)**

\$ 1 4 . 4 6 0 . 1 9
\$207,112.90 Total
Foreclosure Cost:
\$3,918.72 Total Required to Reinstate:
\$211,031.62

Together with any default in the payment of recurring obligations as they become due. Also, if you have failed to pay your taxes on the property, provide insurance on the property, or pay other senior liens or encumbrances as required in the Note and Trust Deed, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstate that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee. The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation. By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of \$295,633.43 together with interest thereon at the rate of 5.875% per annum from 1/1/2012 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust. Wherefore, notice hereby is given that Darren J. Devlin, Esq. OSBA#971211, the undersigned trustee will on 8/20/2019 at the hour of 10:00 AM, Standard of Time, as established by section 187.110 Oregon Revised Statutes, at the front entrance to the Lincoln County Courthouse, 225 West Olive Street, Newport County of Lincoln, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that rights exist under O.R.S. 86.778 at any time prior to 5 days before the date last set for sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by paying the entire **CONT. A17 A24 M01 M08 (90-08)**

Highway 101N, Yachats, Oregon. The meeting will take place at 1:00 PM on May 20, 2019. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. A copy of the budget document may be inspected or obtained on or after April 30, 2019 at the County Clerk's office in the Courthouse between the hours of 8:30 AM and 5:00 PM, or at the Lincoln County Extension Office, 1211 SE Bay Blvd, Newport, between the hours of 8:00 AM and 12:00 PM, or 1:00 PM and 5:00 PM, Monday through Friday. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. This notice is also posted on the Extension District's website at <http://extension.oregonstate.edu/lincoln/> and the County's website at www.co.lincoln.or.us.
Janice Riessbeck, Budget Officer. **A24(06-24)**

PUBLIC HEARING
CITY OF NEWPORT NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION: The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, May 13, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on File No. 1-SV-19, an amendment to a previously proposed partial street vacation submitted by the Southshore Owners Association (Leo Dobitz, representative). This request is to extend the proposed partial street vacation to the westerly 230 feet wide portion of SW 62nd Street abutting Tax lots 1000, 1900, & 2600 of Tax Map 11-11-30-AA and Tax lots 4200, 4600, and 4800 of Tax Map 11-11-29-BB. Oregon Revised Statute (ORS) 271.210 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. **(CONTINUED)**
A24 M01 M08 (09-08)

305 Notices

PUBLIC HEARING (CONTINUED)

Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included, as part of the hearing or must be personally presented during testimony at the public hearing. 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 (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above). A24 M01 M08 (09-08)

NOTICE OF PUBLIC HEARING DEPOE BAY CITY COUNCIL Tuesday, May 7, 2019, 7:00 p.m. APPELLANTS: Chris & Brittany Brady, Doug & Cathy Mortimore, Julie Stolle & David Erman. REQUEST: This is an appeal of the City's decision granting a city business license to applicant Catherine Hingson to operate an adult foster care home. LOCATION: The property is located at 310 SW Cliff Street, and further identified on Lincoln County Assessor's Map 09-11-08CB as tax lot 1900. APPLICABLE CRITERIA: Depoe Bay Zoning Ordinance No. 24 (as amended) (a). Section 1.030 Definitions, 145. Residential Home (b). Section 3.010 Residential R-1 (c). Section 4.030 Off-Street Parking and Off-Street Loading Requirements. APPLICATION MATERIALS: Copies of evidence relied upon by the appellants is available for review at City Hall and copies will be provided at cost. Seven days prior to the hearing date, copies of the staff report for this case will be available for review at City Hall and copies will be provided at cost. TESTIMONY: Testimony may be submitted in written or oral form. The comment period for written testimony expires May 7, 2019, 5:00 p.m. Send letters to City of Depoe Bay, P.O. Box 8, Depoe Bay OR 97341 or email info@cityofdepoebay.org. Oral testimony will be taken during the course of the public hearing. Failure to raise an issue in a hearing, either in person or in writing, or failure to provide statements or evidence sufficient to enable the City

305 Notices

BUDGET MEETING: A public meeting of the Budget Committee of the Seal Rock Fire District, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020, will be held at 10349 NW Rand Street, Seal Rock, and Oregon 97376. The Meeting will take place on May 16, 2019 at 6:00PM. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. A copy of the budget document may be inspected or obtained on or after July 219 at same as above location between the hours of 9:00AM and 5:00PM. A24 M01 (15-01)

Mary had a little lamb, its fleece was white as snow - she placed a call to the Classifieds and turned it into dough! Call 541-265-6080 to start making classifieds work for you!

PROBATE NOTICE IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT: In the Matter of the Estate of Ronald R. Knight. Case No. 19PB02368. NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN that Shelly J. Vail has been appointed personal representative. All persons having claims against the estate are required to present them with vouchers attached to the personal representative at 3373 Tumbleweed Ave., Boise, ID 83713, within four months after the date of first publication of this notice or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the personal representative, or the attorneys for the personal representative, Brian Haggerty, OSB #980588, Minor, Bandonis & Haggerty, P.C., PO Box 510, Newport, OR 97365, (541) 265-8888. A10 A17 A24 (79-24)

PROBATE NOTICE IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT: In the Matter of the Estate of Margaret F. Smith Case No. 19PB01230 NOTICE TO INTERESTED PERSONS: NOTICE IS HEREBY GIVEN that William A. Smith has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at PO Box 217, Seal Rock, OR 97376, within

305 Notices

NOTICE TO INTERESTED PERSONS IN THE CIRCUIT COURT OF THE STATE OF OREGON OF LINCOLN Case No. 19PB02599; In the Matter of the Estate of JUDITH G. LARRETT, Deceased. NOTICE IS HEREBY GIVEN that Richard D. Larrett has been appointed personal representative of the estate of Judith G. Larrett. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at 4701 SE 51st St., Lincoln City, OR 97367, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the attorney for the personal representative, Traci P. McDowall. Dated and first published on April 17, 2019. ADAM C. SPRINGER, LLC; /s/ Traci P. McDowall, OSB#184063 Attorney for Personal Representative. PERSONAL REPRESENTATIVE: Richard D. Larrett 4702 SE 51st St., Lincoln City, OR 97367; Telephone: (541) 996-2545. LAWYERS FOR PERSONAL REPRESENTATIVE: Adam C. Springer, OSB No. 112109 springer@yaquinalaw.com; Traci P. McDowall, OSB No. 184063 traci@yaquinalaw.com 380 SW 2nd St., PO Box 1987 Newport, OR 97365 Telephone: (541) 272-5500 Fax: (541) 265-7633. A17 A24 M01 (89-01)

TRUSTEE'S NOTICE OF SALE: (CONTINUED) It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's check or certified check. The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any. The Beneficiary may be attempting to collect a debt and any information obtained

305 Notices

NOTICE OF BUDGET COMMITTEE MEETING: A public meeting of the Budget Committee of LINCOLN COUNTY, Oregon, to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020 will be held in the City Council Chambers, Yachats City Hall, 441 Highway 101N, Yachats, Oregon. The meeting will take place on the 7th day of May 2019 at 6:00 P.M. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. A copy of the budget document may be inspected on or after April 30, 2019 at the County Clerk's office in the Courthouse between the hours of 8:30 AM and 5:00 PM. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. Additional Budget Committee meetings will be held as follows: May 8, 2019 at 6:00 P.M. Lincoln City Council Chambers, 801 SW Highway 101, Lincoln City May 9, 2019 at 6:00 P.M., Toledo City Council Chambers, 206 N Main Street, Toledo; May 29, 2019 at 6:00 P.M. Board of Commissioners Conference Room, Room 108 County Courthouse, 225 West Olive Street, Newport. This notice is also posted on the County's website at www.co.lincoln.or.us. Janice Riessbeck, Budget Officer, Published April 24, 2019. A24 (02-24)

NOTICE OF BUDGET COMMITTEE MEETING: A public meeting of the Budget Committee of LINCOLN COUNTY TRANSPORTATION SERVICE DISTRICT, Lincoln County, Oregon, to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020 will be held in the City Council Chambers, Yachats City Hall, 441 Highway 101N, Yachats, Oregon. The meeting will take place on the 7th day of May 2019 at 6:00 P.M. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. A copy of the budget document may be inspected on or after April 30, 2019 at the County Clerk's office in the Courthouse between the hours of 8:30 AM and 5:00 PM. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. This notice is also posted on the County's website at www.co.lincoln.or.us. /s/Janice Riessbeck, Budget Officer. A24(03-24)

NOTICE OF BUDGET COMMITTEE MEETING:

305 Notices

NOTICE OF BUDGET COMMITTEE MEETING Meeting at Lost Creek Park Special Road Dist. A meeting of the board of director's of the Lost Creek Park Special Road Dist. will be held at the house of Mike Thomas, 190 SE 127th Dr, South Beach, OR 97366. The meeting will take place on Tuesday, May 14, 2019 at 6 pm. The purpose of this meeting will be to receive the 2019-20 proposed budget objectives and receive comment from the public. A copy of the proposed budget may be inspected or obtained on or after the May 14th meeting between the hours of 9:00 am to 4:00 pm Monday thru Friday at the Community Board located at 130th Dr and 130th Ct. Copies will be available online from underwatermike101@gmail.com upon request. This is a public meeting. Any person may appear at the meeting and discuss the proposed programs with the budget committee. Mike Thomas, President, Lost Creek Park Special Road Dist. A19 A24 (93-24)

NOTICE OF BUDGET COMMITTEE MEETING A public meeting of the Budget Committee of SILETZ AREA ENHANCED LAW ENFORCEMENT SERVICE DISTRICT, Lincoln County, Oregon, to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020 will be held Siletz City Hall, 215 Buford Avenue, Siletz, Oregon. The meeting will take place on the 6th day of May 2019 at 6:00 P.M. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. A copy of the budget document may be inspected on or after April 30, 2019 at the County Clerk's office in the Courthouse between the hours of 8:30 AM and 5:00 PM or at Siletz City Hall between the hours of 9:00 AM and 5:00 PM. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. This notice is also posted on the County's website at www.co.lincoln.or.us. Janice Riessbeck, Budget Officer. A24 (01-24)

400 Financial

- 401 Business Opportunity
402 Contracts/Mortgages
403 Escrow/Title
404 Insurance
405 Investments
406 Money To Lend
407 Tax Service

501 Help Wanted

BayScapes Gallery & Coffee House Looking for a part-time or full-time (temporary/summer help) mature, energetic person with good people skills, willing to work a flexible schedule including some week-ends & holidays. This is an opportunity to work in a beautiful atmosphere, plus learn the art of good customer relations and the craft of fine coffee service. Apply in person with resume at: BayScapes Gallery 333 SW Bay Blvd Newport Overlooking sea lion docks

Quality Concrete Construction Company currently hiring for: Experienced & Dependable Carpenter/Construction Worker. Wage \$25HR DOE. Please call Mike 541-270-2028

NEWPORT TRADEWINDS Charter Fishing is Now Hiring for: Friendly-Honest-Dependable Front Desk Sales Personnel "A fun and interesting job" Apply in person: 653 SW Bay Blvd. Newport, OR. (541) 265-2101 Also taking applications for Deck Hands

ADOBE The Adobe Resort is currently hiring for: LINE COOK HOUSEKEEPING GENERAL MAINTENANCE Experience in light electrical, basic plumbing painting & carpentry helpful. Must be flexible with days & times and be able to work with the public. Please apply in person at 1555 Hwy 101, Yachats https://www.adoberesort.com

Lincoln County OREGON LINCOLN COUNTY JOB OPENINGS: We have an extensive list of Active Job Openings. Please visit the Lincoln

Wou ing i Do pr the The acce Marir who s oper extra See ar J http: cc E-m applic Aar o diraps: CI OR MEN The Ci tively r and q that ar ment "Municipa tenancr City. If you the whe an eve ronmen skills want to custom local r strongly apply! Please www.ci downloa applicat ing info submitte Comple resume, are due 2, 2019. For fur concern cancy, Toledo Main St egor 336-2

NEW TODAY

REAL ESTATE 100
Lincoln City, Inc.

2140-A NE Hwy 101
Lincoln City, Oregon
541-994-9122

www.re100.com
Apartments - Houses in
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Prices from:
\$550 - \$1,750 per month
Now taking applications
for available units.
Current unit list
posted in our office.
Monday - Friday
9am - 5pm
Equal Housing Opportunity

DOLPHIN REAL ESTATE, LLC
Licensed in the State of Oregon RBND-2009615
115 NE 2nd St.
Newport, OR 97365
(800) 365-8638
(541) 265-8638
WEBSITE:
www.dreilc.us

RENTALS & SALES
Residential, Commercial
& Multi Family

Office Hours:
Monday-Friday:
10:00AM to 12:00PM
12:30PM to 4:00PM
Closed for Lunch:
12:00PM to 12:30PM
Closed weekends
Equal Housing Opportunity

ADVANTAGE Real Estate

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by All Offices
on our Website!
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AdvantageRealEstate.com

ON WHEELS
Found in the
Times Classifieds

10 CELEBRITIES TURNING 90

11	12	13	14	15	16	17	18
				22			
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84		85		86			

NEW TODAY

NEWS TIMES

If you find an error
in your ad...

Please call
541-265-6080
Immediately so we
can correct it.

The News-Times will
only be responsible
for the first time the
ad is run
incorrectly.

All Classified
Advertising may be
Cancelled, but is
Not Refundable.

Lincoln County OREGON
EST. 1858

LINGOLN COUNTY JOB OPENINGS:
We have an extensive list
of Active Job Openings.
Please visit the Lincoln
County Career Page on
our website for full job
descriptions:
www.co.lincoln.or.us/personnel

We offer a competitive
Benefit Package, as well
as paid holidays. Please
sign in & create an account
to apply for your
desired position.

Lincoln County is an
EOE

NEED HELP MOVING?
And could use a
couple extra hands?
You rent the
truck/equipment.
Call us...
and we will assist.
Many years
experience.
Local call #
Call 541-861-0257

100 Real Estate

- 101 Homes For Sale
- 102 Commercial Property
- 103 Condos For Sale
- 104 Lots/Acreage For Sale
- 105 Manuf./Mobile Homes For Sale
- 106 Multiplexes For Sale
- 107 Real Estate Wanted

PUBLISHERS NOTICE EQUAL HOUSING OPPORTUNITY

All real estate advertising in this newspaper is subject to the Fair Housing Act which makes it illegal to advertise "any preference limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination." Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women and people securing custody of children under 18. This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity. To complain of discrimination call HUD toll-free at 1-800-869-9777. The toll-free telephone number for the hearing impaired is 1-800-927-9275.



101 Homes For Sale

ADVANTAGE Real Estate

Find All listed
MLS property
by All Offices
on our Website!
541-265-2200
AdvantageRealEstate.com

102 Commercial Property

Newport Commercial Spaces For Rent
541-265-2400
M-F 10-4
assurance-realtor.com
ASSURANCE REAL ESTATE SERVICES

200 Rentals

- 201 Apartment Rentals
- 202 Condo Rentals
- 203 Commercial Rentals
- 204 Home Rentals
- 205 Miscellaneous Rentals
- 206 Mobile Home Rentals
- 207 Mobile Home Space Rentals
- 208 Multiplex Rentals
- 209 RV Space Rentals
- 210 Vacation Rentals
- 211 Want To Rent
- 212 Want To Share
- 213 Storage Unit/Shop Rentals
- 214 Drug Rehab Housing Rentals

201 Apartment Rentals

1, 2, & 3 Bedrooms Close to Beach & Casino LINCOLN WOODS APARTMENTS
541-994-2444
www.tabinc.us

APARTMENTS FOR RENT

YAQUINA BAY PROPERTY MANAGEMENT, INC.
146 SE 1st St.
Newport, OR 97365
541-265-3537

Pick up a list of available units
Monday - Friday:
9AM-Noon & 1-5 PM
Or call for availability

Equal Housing Opportunity

DOLPHIN REAL ESTATE, LLC
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115 NE 2nd St.
Newport, OR 97365
(800) 365-8638

201 Apartment Rentals

PINEWOOD MANOR

HUD subsidized multi-family units. Studio, one and two bedroom apartments with an open waiting list at this time. Water, Sewer, Garbage paid. We are committed to providing equal housing opportunities.

225 NW 6th Street
Newport, OR 97365
541-265-8376
TTY: 1-800-735-2900

The Dorchester House
Retiree's Residence

DORCHESTER HOUSE RETIREMENT COMMUNITY
58+ Independent Living
1 Bedroom - \$875
Studio - \$775
All utilities and basic cable included - ASK ABOUT OUR SPRING SPECIAL!
541-994-7175

204 Home Rentals

REAL ESTATE 100
Lincoln City, Inc.

2140-A NE Hwy 101
Lincoln City, Oregon
541-994-9122

www.re100.com
Apartments - Houses in
Depoe Bay - Lincoln City

Prices from:
\$550 - \$1,750 per month
Now taking applications
for available units.
Current unit list
posted in our office.
Monday - Friday
9am - 5pm
Equal Housing Opportunity

FOR RENT OR LEASE
3 Bedroom 2 Bath
Fully furnished
Appliances
Dishes-Linens-Large 3
Bay Garage! Peaceful
neighborhood about 1/2
mile from beach in
Lost Creek Estates
Must see to appreciate!
541-867-7639 or
541-404-3118

HOMES FOR RENT

- Newport: 3 bedroom 2 1/2 bath furnished condominium with oceanview in NW Newport. \$1800.00 per month long term or \$3500.00 per month for up to 4 months.
 - South Beach: 3 bedroom 2 bath home with bay view in wooded setting. \$1800.00 per month.
 - Toledo: 3 bedroom 2 bath home in wooded setting w/dbl garage. \$1600.00 per month.
 - Seal Rock: 3 bedroom 1 1/2 bath home w/dbl garage, yard care provided. \$1750.00 per month.
- YAQUINA BAY PROPERTY MANAGEMENT, INC**
146 SE 1st St, Newport
541-265-3537

209 RV Space Rentals

BOILER BAY RV PARK
\$575/mo. includes utilities
Quiet & Safe in
~ DEPOE BAY ~
800-783-8d50

300 Announcements

- 301 Card Of Thanks
- 302 Entertainment/ Recreation
- 303 Friendship
- 304 Lost/Found
- 305 Notices
- 306 Personals

305 Notices

BUDGET MEETING: SILETZ A Public Meeting of the Budget Committee of the City of Siletz, Lincoln County, and State of Oregon to discuss the Budget for the Fiscal Year July 1, 2019 to June 30, 2020 including the expenditures of State Revenue Sharing Funds will be held at the Siletz City Hall, 215 W. Burford Avenue on Monday, May 20, 2019 at 7:00 p.m. The purpose of the meeting is to receive the Budget Message and Document of the City. This is a Public Meeting where deliberation of the budget by the Budget Committee takes place. Any person may appear at the meeting and discuss the proposed programs with the Budget

305 Notices

PUBLIC HEARING CITY OF NEWPORT NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION: The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, May 13, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on File No. 1-SV-19, an amendment to a previously proposed partial street vacation submitted by the Southshore Owners Association (Leo Dobitz, representative). This request is to extend the proposed partial street vacation to the westerly 230 feet wide portion of SW 62nd Street abutting Tax lots 1000, 1900, & 2600 of Tax Map 11-11-30-AA and Tax lots 4200, 4600, and 4800 of Tax Map 11-11-29-BB. Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. (CONTINUED) A24 M01 M08 (09-08)

PUBLIC HEARING (CONTINUED)
Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included, as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (8), 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 (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above) A24 M01 M08 (09-08)

PUBLIC MEETING: A public meeting of the Budget Committee of the Yachats Urban Renewal District Agency, Lincoln County, State of Oregon, and the City of Yachats to discuss the budgets for the fiscal year July 1, 2019 to June 30, 2020 will be held at The Commons, Room 1, at 441 Highway 101 North, Yachats, OR. The meetings will take place on the May 15, 2019, beginning at 10:00 a.m., with the Urban Renewal Agency meeting first. The purpose of the meetings is to receive the Budget Message and to receive comment from the public on the budgets. A copy of the budget documents may be inspected or obtained on or after May 3, 2019 at City Hall, 441 Hwy 101 N., between the hours of 9:00 am and 4:00 pm. Any person may appear at these meetings and discuss the proposed programs with the Budget Committees. The meeting place is handicapped accessible. If you need accommodation, please contact the City Hall at 541-547-3565 before the meeting. The City of Yachats is an equal opportunity employer and service provider. /s/Shannon Beaucaire, City Manager. M01 M08 (33-08)

NOTICE OF PUBLIC HEARING: A public meeting of the NRPFD will be held on MAY 9, 2019 at 6PM at NEWPORT FIRE DEPARTMENT STATION 3200, Oregon. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2019 as approved by the NRPFD Budget Committee. A summary of the budget is presented below. A copy of the budget may

305 Notices

BUDGET MEETING: A public meeting of the Budget Committee of the Seal Rock Fire District, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020, will be held at 10349 NW Rand Street, Seal Rock, and Oregon 97376. The Meeting will take place on May 16, 2019 at 6:00PM. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. A copy of the budget document may be inspected or obtained on or after July 219 at same as above location between the hours of 9:00AM and 5:00PM. A24 M01 (15-01)

PUBLIC SALE ANNOUNCEMENT: May 15, 2017 @ 11:00 AM, a public sale will be held at Ideal Storage - 134 NE Metcalf, Siletz, OR 97380. Units for sale are: UNIT #S205 - Frank Fabunan UNIT#S162-Jon S h e r a r d UNIT#S108-Robert Rilatou. The aforementioned party/parties can contact us prior to the sale. We reserve the right to reject any or all bids/sales. A26 M01 (26-01)

PUBLIC SALE ANNOUNCEMENT: On May 15, 2017 @ 2:00PM, a public sale will be held at Ideal Storage-5441 W. Hwy 20 Toledo, Or 97391. Units to be sold: UNIT#T0831-Melissa Lopez UNIT#T093-Jessica Lov-ing, UNIT#T0851-Wendy Anderson, unit#0841-Nina Paul, UNIT#T013-Ladonna Bryce, UNIT#T076-Willie Phelps. The aforementioned party/parties can contact us prior to the sale. We reserve the right to reject any or all bids/sales. A26 M01 (27-01)

PUBLIC NOTICE is given that in the Circuit Court for the State of Oregon for the County of Lincoln, in the Matter of the Estate of Nancy Carolyn Nelson, Case no. 19PB02223, Margaret E Dailey has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at 15 SW Lee St, P O Box 552, Newport, Oregon 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the lawyers for the personal representative, Margaret E Dailey, Attorney at Law, P O Box 552, Newport, Oregon 97365, (541) 265-8805. M01 M08 M16 (31-15)

TRUSTEE'S NOTICE OF SALE: T.S. No.: CDS19-10131; Loan No: 2000004572 Reference is made to that certain deed made by, Mayrene Dominic, an Unmarried Woman as Grantor to First American Title Ins. Co., as trustee, in favor of Washington Mutual Bank FA, as Beneficiary, dated 2/26/2008, recorded 2/29/2008, in official records of Lincoln County, Oregon as Instrument No. 200802585, covering the following described real property situated in said County and State, to-wit: APN: R103852 Lot 6, Block 11, Depoe Bay, in the City of Depoe Bay, County of Lincoln and State of Oregon. Except that part thereof conveyed to the State of Oregon for Highway, Recorded February 24, 1941 in Book 88, page 535, Deed Records. Property commonly known as: 258 North Highway 101 Depoe Bay, OR 97341 The undersigned trustee disclaims any liability for any incorrectness of the above street or other common designation. Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 88.752(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's failure to pay when due: Delinquent Payments From 2/1/2012 Thru 8/31/2015 No. Pmt: 43 Rate: 5.875 Amount: \$2,203.87 Total: \$94,757.81 From 9/1/2015 Thru 12/31/2016 No. Pmt: 18 Rate: 5.875 Amount: \$2,173.28 Total: \$34,772.48 From 1/1/2017 Thru 12/31/2017 No. Pmt: 12 Rate: 5.875 Amount: \$2,230.23 Total: \$26,762.78 From 1/1/2018 Thru 2/28/2018 No. Pmt: 2 Rate: 5.785 Amount:

\$28⁸⁵

\$4 each additional line
Add a Photo: \$10.00+
Add Email/Web \$10.00
Cancellable, Not Refundable.

\$57⁷⁵

\$4 each additional line
Add a Photo: \$10.00+
Add Email/Web \$20.00
Cancellable, Not Refundable.

\$115⁵⁵

\$4 each additional line
Add a Photo: N/C
Add Email/Web \$25.00
Cancellable, Not Refundable.

NEWS  TIMES

\$4 each additional line
Add Attention Getter \$5+
Add Email/Web \$10.00
Deadline 11am Thursday prior
Cancellable, Not Refundable.

228

\$4 each additional
Add Attention Getter
Add Email/Web \$10
Deadline 11am Friday
Cancellable, Not Refundable.

PUBLIC NOTICES

LEGAL DEADLINES

WEDNESDAY EDITION:
5:00pm Thursday

FRIDAY EDITION:
5:00pm Tuesday

PUBLIC HEARING CITY OF NEWPORT NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION

The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, May 13, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on **File No. 1-SV-19**, an amendment to a previously proposed partial street vacation submitted by the Southshore Owners Association (Leo Dobitz, representative). This request is to extend the proposed partial street vacation to the westerly 230 feet wide portion of SW 62nd Street abutting Tax lots 1000, 1900, & 2600 of Tax Map 11-11-30-AA and Tax lots 4200, 4600, and 4800 of Tax Map 11-11-29-BB. Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community

Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included, as part of the hearing or must be personally presented during testimony at the public hearing. 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 (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above). A24 M01 M08 (09-08)

PUBLIC NOTICE

is given that in the Circuit Court for the State of Oregon for the County of Lincoln, In the Matter of the Estate of Nancy Carolyn Nelson, Case no 19PB02223, Margaret E Dailey has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at 15 SW Lee St, P O Box 552, Newport, Oregon 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the lawyers for the personal representative, Margaret E Dailey, Attorney at Law, P O Box 552, Newport, Oregon 97365, (541) 265-8805. M01 M08 M15 (31-15)

PUBLIC MEETING

A public meeting of the Budget Committee of the Yachats Urban Renewal District Agency, Lincoln County, State of Oregon, and the City of Yachats to discuss the budgets for the fiscal year July 1, 2019 to June 30, 2020 will be held at The Commons, Room 1, at 441 Highway

101 North, Yachats OR. The meetings will take place on the May 15, 2019, beginning at 10:00 a.m., with the Urban Renewal Agency meeting first. The purpose of the meetings is to receive the Budget Message and to receive comment from the public on the budgets. A copy of the budget documents may be inspected or obtained on or after May 3, 2019 at City Hall, 441 Hwy 101 N., between the hours of 9:00 am and 4:00 pm. Any person may appear at these meetings and discuss the proposed programs with the Budget Committees. The meeting place is handicapped accessible. If you need accommodation, please contact the City Hall at 541-547-3565 before the meeting. The City of Yachats is an equal opportunity employer and service provider. /s/Shannon Beaucaire, City Manager. M01 M08 (33-08)

PUBLIC SALE

Safe-Lock Storage located at 3639 SE Ash St, South Beach, OR 97366 will hold a public foreclosure sale on Saturday, May 25 at 10:00 AM. Personal property of the following people will be sold: B12 - Benjamin Hartman; B16 - Scott Hamrick; E18 - Ronald Barber; F22 - Rhonda Messer; The persons mentioned above may contact us prior to the sale at (541) 867-4607. M03 M08 M10 M15 (36-15)

BUDGET MEETING 2019-20

Budget Committee Meeting: A public meeting of the Lincoln County School District Budget Committee to discuss the budget for the 2019-20 fiscal year will be held at 7 pm on Thursday, May 16, 2019 at Newport High School's Boone Center, 322 NE Eads Street, Newport, OR. If needed, a second and third meeting will be held at the same time and place on Tuesday May 21, 2019 and Thursday May 23, 2019. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. This is a public meeting where deliberation of the budget committee will take place. Any person may appear at the meeting and discuss the proposed programs with the budget committee. A copy of the budget document may be inspected

or obtained on or after Thursday May 9, 2019 at the LCSD administrative office, 1212 NE Fogarty Street, Newport, between the hours of 8:00 am and 4:30 pm or viewed online at www.lincoln.k12.or.us. M08 (42-08)

NOTICE FOR PROPOSAL

The City of Newport is seeking proposals from a well-qualified profit or non-profit organization to provide tourism promotion services for the City. The goal is to award to an entity that will provide services, including, but not limited to Media Negotiations; Creative Production; Content Marketing; Social Media Marketing; Search Engine Marketing with Google; Support of Goals of the Destination Newport Committee; and Statistical Reporting. The Request for Proposals is posted on the City of Newport website at www.newportoregon.gov. Additional information is available via e-mail to p.hawker@newportoregon.gov, or 541.574.0613. The proposal deadline is June 3, 2019, at 3:00 P.M., PDT. M08 M15(44-15)

NOTICE OF BUDGET COMMITTEE MEETING

A public meeting of the Budget Committee of the Oregon Coast Community College, Lincoln, State of Oregon to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020 will be held at Oregon Coast Community College, 400 SE College Way, Newport Oregon 97366. The meeting will take place on May 15, 2019 at 6:00 pm. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. A copy of the budget document may be inspected or obtained on or after May 15, 2019 at Oregon Coast Community College 400 SE College Way, Newport Oregon 97366 between the hours of 8am and 5pm. Notice of this meeting can also be found on the OCCC website at www.oregoncoastcc.org. M08 M10 (45-10)

TRUSTEE'S NOTICE OF

SALE
T.S. No.: CDS19-10131; Loan No: 2000004572 Reference is made to that certain deed made by, Mayrene Dominic, an Unmarried Woman as Grantor to First American Title Ins. Co., as trustee, in favor of Washington Mutual Bank FA, as Beneficiary, dated 2/26/2008, recorded 2/29/2008, in official records of Lincoln County, Oregon as Instrument No. 200802585, covering the following described real property situated in said County and State, to-wit: APN: R103852 Lot 6, Block 11, Depoe Bay, in the City of Depoe Bay, County of Lincoln and State of Oregon. Except that part thereof conveyed to the State of Oregon for Highway, Recorded February 24, 1941 in Book 86, page 535, Deed Records. Property commonly known as: 258 North Highway 101 Depoe Bay, OR 97341 The undersigned trustee disclaims any liability for any incorrectness of the above street or other common designation. Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.752(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's failure to pay when due: Delinquent Payments From 2/1/2012 Thru 8/31/2015 No. Pmt 43 Rate 5.875 Amount \$2,203.67 Total \$94,757.81 From 9/1/2015 Thru 12/31/2016 No. Pmt 16 Rate 5.875 Amount \$2,173.28 Total \$34,772.48 From 1/1/2017 Thru 12/31/2017 No. Pmt 12 Rate 5.875 Amount \$2,230.23 Total \$26,762.76 From 1/1/2018 Thru 2/28/2018 No. Pmt 2 Rate 5.785 Amount \$2,229.98 Total \$4,459.96 From 3/1/2018 Thru 7/31/2018 No. Pmt 5 Rate 5.875 Amount \$2,235.53 Total \$11,177.65 From 8/1/2018 No. Pmt 9 Rate 5.875 Amount \$2,255.41 Total \$20,298.69 Accrued Late Charges \$369.12 Suspense \$54.24 Mtg Rec Corp Adv \$14,460.19 \$207,112.90 Total Foreclosure Cost: \$3,918.72 Total Required to Reinststate: \$211,031.62 Together with any default in the payment of recurring obligations as they become due. Also, if you have failed to pay your taxes on the property, provide insurance on the property, or pay other

senior liens or encumbrances as required in the Note and Trust Deed, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee. The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation. By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of \$295,633.43 together with interest thereon at the rate of 5.875 % per annum from 1/1/2012 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust. Wherefore, notice hereby is given that Darren J. Devlin, Esq. OSBA#971211, the undersigned trustee will on 8/20/2019 at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at the front entrance to the Lincoln County Courthouse, 225 West Olive Street, Newport County of Lincoln, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that rights exists under O.R.S. 86.778 at any time prior to 5 days before the date last set for sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by paying the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), and by curing any other

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