



PLANNING COMMISSION REGULAR SESSION AGENDA

Monday, April 09, 2018 - 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 March 26, 2018

[Draft PC Work Session 3-26-18.pdf](#)

2.B Approval of the Planning Commission Regular Session Meeting Minutes of March 26, 2018

[Draft PC Minutes 3-26-18.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 File No. 2-ADJ-17: Final Order for Adjustment to Allow Construction of a Garage with a Setback of 15 Feet Rather Than the Required 20 Feet.
[File 2-ADJ-17.pdf](#)

4.B Appoint a Planning Commissioner to Serve on the Park System Master Plan Update.
[Resolution No 3793.pdf](#)

4.C Appoint a Planning Commissioner to Serve on the City of Newport Affordable Housing Construction Excise Tax Funds Ad-Hoc Work Group.
[Resolutions No 3798.pdf](#)

5. PUBLIC HEARINGS

5.A File No. 1-CUP-18: Conditional Use Permit to Grant Relief of the Three Off-Street Parking Spaces Required to Operate a Three-Bedroom Vacation Rental at the Property.
[File 1-CUP-18.pdf](#)

6. NEW BUSINESS

6.A Volunteer Appreciation Dinner RSVP: April 17, 2018 at 6pm at the Best Western Agate Beach Inn

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Planning Commission Regular Session Agenda Item Report

Agenda Item No. 2016-2342

Submitted by: Sherri Marineau

Submitting Department: Community Development

Meeting Date: April 9, 2018

SUBJECT

Approval of the Planning Commission Work Session Meeting Minutes of March 26, 2018

Recommendation:

ATTACHMENTS

- [Draft PC Work Session 3-26-18.pdf](#)

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
March 26, 2018
6:00 p.m.

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

PC Citizens Advisory Committee Members Present: Karmen Vanderbeck & Dustin Capri.

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. **Presentation by DOGAMI Regarding "Beat the Wave" Modeling Assumptions.** Laura Gabel and Meg Reed introduced themselves to the PC. Gabel reviewed the methodology on how the "Beat the Wave" worked. She showed photos of a previous tsunami in Japan. She said in 2009 they took information and put together the tsunami inundation maps. Croteau asked if there was enough information to say that a lot of little earthquakes were better or just one big one. Gabel said there wasn't any information to say one or the other was better. Branigan asked if modeling was funded by Oregon State. Gabel said it was funded 100 percent by Federal funds. She said their department asked for money each year and the funds were allocated through the Tsunami Warning and Education Act. Capri asked if the XXL earthquake was what the signage was based on. Gabel said yes, they used the worst case scenario in terms of safety. Capri asked if vertical evacuation used XXL. Gabel said there was a debate on if they should use XXL or XL. Berman asked if there was only one XXL. Gabel said they looked at it more as there was only an XL and rounded up to make it a XXL. She said the sizes were defined by the amount of slip (how much rock slid past itself). Gabel said XXL & XL were basically the same events. Berman asked if the subsidence varied. Gabel said yes and they accounted for subsidence with the model allowing for this.

Gabel covered the pedestrian tsunami evacuation modeling next. A photo of Seaside was then shown to illustrate how people on the beach would effectively evacuate. Gabel said it could be used to put efforts into signage and to look at retrofitting a bridge. Capri asked when seismically retrofitting a bridge, did they do it according to the thrust from a XL earthquake. Gabel said they were done with the intention of surviving a magnitude 9 earthquake.

Gabel covered the least cost path modeling which showed the most efficient path to safety for every point on the map. She reviewed the inputs they looked at for the modeling and noted that they included a 10 minute delay that accounted for getting people on the road structure. Gabel said they also used LIDAR to provide information on slopes for the analysis. She said they had been extracting data on tsunami wave arrival times as well. Franklin asked if there were slides on this. Gabel said this would be provided at a later date. Branigan asked if the wave arrival times were calculated at low or high tides. Gabel said the only thing that was related was the tsunami zone, but it was based on people walking on the roads.

Gabel covered how they collected the data in order to distill the information into something meaningful. She reviewed the four main data products the PC would get out of the work: evacuation routes, pedestrian walking speeds, evacuation "communities", and tsunami wave arrival times. Tokos said that Newport didn't have the terrain like Seaside but had a lot of fairly steep slopes that were pathways for evacuations. He said the City was hoping the evacuation routes looked at slope failure. Berman suggested looking at water coming out from the collapsed dam. Gabel didn't know if it would actually remove any crucial routes to safety and she said they would take it into consideration. Gabel reported that the digital data would be put in a GIS map. She noted that the colors of the road maps for pedestrian walking speed maps showed the different speeds for walking. Gabel said it would be a planning tool for the City to take a look at what areas of the community were most vulnerable. Berman asked if they factored in the vertical evacuation structures. Gabel said yes.

Gabel reviewed investigating vulnerabilities. She showed examples of speeds with and without bridges for evacuation and noted that without bridges it would be slower. She said it could be a compelling argument to do proposals for retrofits.

Gabel covered investigating mitigation options and gave an example on Hammond St. Berman asked if there was any consideration for ADA access. Gabel said no. They identified what roads were paved and the ones that were not. The debris would make it difficult for wheelchairs. Capri asked where municipalities would go when they had ideas. Gabel said they would like things to be a little alive versus it being a project that would eventually be over. She said she wanted to be helpful to municipalities and said when new things came up, it would be easy for them to rerun the data. Capri thought it would be a great tool to present to the public to give them options to evacuate. Tokos said it would fair out capital investments that needed to be made in evacuation structures and which ones needed to be reinforced or not. He said the work could be put in a capital plan and they could start programmatically chipping away at it. Berman asked if DOGAMI would give scenarios and look at what the City wanted data on. Gabel said yes and invited the PC to brainstorm with her on what was needed. Capri asked if anyone could pay her to run models. She said yes but no one had solicited them in that capacity.

Gabel covered the existing limitation for liquefaction and landslides. She said data could show examples on scenarios when routes were removed all together and show hypothetical landslide scenarios. Gabel reviewed what could be done with the data. She showed the first vertical evacuation structure built at the Ocosta School in 2016. She noted there was a lot of high ground in Newport and said South Beach needed the most attention. She asked the PC to let her know what mitigation options they wanted reviewed. She showed the PC a color coded map example of Reedsport to illustrate how the Newport maps would look like with a model XXL arrival.

Gabel showed the list of scenarios considered for Newport. She showed hypothetical mitigation options and exiting infrastructure. Gabel asked the PC to email her other scenarios they were wanting to see. Capri asked about routes for McClean Point where the Northwest Natural LNG Plant was located. Gabel said it would be a slow walk. Berman asked how the tank would hold up. She said that she didn't know how robust it was built and said the levy was treated as a concrete structure that would stay put. Patrick said it was designed to hold the entire tank. Croteau asked when an earthquake happened, would everybody along the coast get the same disturbance. Gabel said everyone would get something. She said the south coast gets twice as many earthquakes. Tokos asked what the timing was for the modeling to be done. Reed thought it would be done before July. She said there were other priorities and said Newport was in the queue. Reed said Gabel would give the PC the data when it was ready. Berman asked Reed what she meant when she talked about land use items. Reed said it referenced using the tsunami inundation maps as an overlay boundary and attaching regulations to limit types of development to cut down on life safety risks. Tokos said it would be helpful to get a status on DOGAMI's work on updates for the large line. Reed didn't think it would be happening soon. Tokos said he just wanted some information on what DOGAMI was doing. Reed said they were wanting this as well. Berman asked if there was any grant money for different localities to do outreach. Reed said the money wouldn't be coming from this grant, and noted that outreach was not their specialty. Gabel said the PC could talk to her about funds as they had some for different localities to use for outreach.

- B. **Discuss Updated Wastewater Plan and Potential Policies.** Tokos said this topic would be carried over to the next work session meeting.
4. **Director's Comments.** No Director comments.
5. **Adjournment.** Having no further discussion, the meeting adjourned at 6:56 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Planning Commission Regular Session Agenda Item Report

Agenda Item No. 2016-2343

Submitted by: Sherri Marineau

Submitting Department: Community Development

Meeting Date: April 9, 2018

SUBJECT

Approval of the Planning Commission Regular Session Meeting Minutes of March 26, 2018

Recommendation:

ATTACHMENTS

- [Draft PC Minutes 3-26-18.pdf](#)

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
March 26, 2018

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

2. **Approval of Minutes.**

A. Approval of the Planning Commission work and regular session meeting minutes of February 26, 2018 and the work session meeting minutes of March 12, 2018.

Croteau noted minor corrections to the minutes.

MOTION was made by Commissioner Croteau, seconded by Commissioner Franklin to approve the Planning Commission work and regular session meeting minutes of February 26, 2018 and the work session meeting minutes of March 12, 2018 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** No public comments.

4. **Action Items.**

A. **File No. 1-MRP-17-A.** Tokos reviewed the Final Order for File No. 1-MRP-17-A. He advised the PC talk amongst themselves to see if there had been any ex parte contacts and see if there were any disclosures that needed to be made. He said they could then decide whether or not they wanted to reopen the record to accept testimony. Tokos said the PC was at a point where they would be able to deliberate between the two sets. Hardy wanted to see the hearing reopened. Berman didn't think reopening was necessary and thought there was enough information in the reports. Croteau asked if Tokos had anything to say in response to the memo. Tokos said he did not. He suggested that before the PC took further action, they go back through the ex parte contact and disclosure piece. Patrick asked if any PC members had ex parte contact. Hardy said yes, she was contacted by Mr. Freeman after the last hearing to find out how the meeting went. No other ex parte contacts were heard. Croteau said he did a site visit, which he stated at the last meeting. Patrick thought that since there was a hearing already, the letter seemed to add more things, and he didn't think they should reopen the hearing.

MOTION was made by Commissioner Hardy to reopen the hearing for File 1-MRP-17-A. The motion died for lack of a second.

Deliberations for the final order began at 7:07pm.

Croteau asked for the opinions of other PC members. Franklin said he was confused at the last hearing with the attorneys saying opposite things. Patrick noted that if they took the appellants order, they would be negating all further non-remonstrance agreements and he wasn't comfortable with that. He thought the City Council should make the decision and didn't want to set a precedent. Franklin agreed. Berman agreed and said the Newport Municipal Code laid out the criteria that needed to be met for approval. He said the consent to the agreement was one of the criteria. He thought the appellants hadn't met all the conditions that were necessary.

Croteau said he struggled with the legal arguments and didn't think the City was asking for much. Hardy thought the timing of the non-remonstrance agreement was ridiculous when talking about portioning land to get excess property.

She said it would be on the buyer to do the non-remonstrance agreement because they would build those costs, if any, into their resale price once the land was further divided or partitioned. She didn't think it was a black and white decision but felt the ordinance was poorly applied. Hanselman said the PC had to follow the municipal code. He thought the PC should move it along and have the CC make the decision.

Branigan recused himself because he wasn't in attendance at the hearing and didn't think it was fair for him to vote on the decision.

MOTION was made by Commissioner Berman seconded by Commissioner Franklin to approve the Final Order by Staff for File 1-MRP-17-A as written. The motion carried in a voice vote. Hardy was a nay. Branigan abstained.

B. File No. 1-ADJ-18. Tokos reviewed the Final Order for File No. 1-ADJ-18. Franklin asked if any PC members drove out to look at the location. Croteau said he tried to look and said it was hard to imagine what it would look like. He didn't think in the long run it would make any difference in construction and thought the developers could come in under the height limit. Franklin said that Building 4 would be the lowest structure and the others were taller but were protected behind natural trees. He wished the developer could have done a better job by presenting a 3-D model to show height and the position to the neighborhood. Patrick said he didn't want to set a precedence across the board and was why he wanted the discussion on a PC work session.

Hanselman said even though Criterion #1 was met and they expanded the setbacks used to minimize the issue, it didn't change the height of the building. Franklin felt it was the equation on how the height was determined that was the problem and didn't think the decision should be turned down. Patrick said the developer had ways to make the heights different and they made a mistake. He felt they had to be able to make it right. Franklin said there were examples of over height buildings that were on flat properties that were granted adjustments. He felt the developer did his best based on the grading of the ground. Hanselman didn't think it was fair that a developer came in with a design that didn't fit the standards and thought they didn't do their homework. He said it wasn't hard to fix the mistakes before the decision came to the PC. Croteau thought it was case specific and felt if he could have granted on this case, he would have. Franklin noted that the PC was against the OSU vertical evacuation building having the top floor as an event space, but when OSU came in with their plans they showed it as such and the adjustment was still approved by the PC.

MOTION was made by Commissioner Croteau seconded by Commissioner Berman to approve the Final Order for File 1-ADJ-18. The motion carried in a voice vote. Hardy and Franklin were a nay.

5. Unfinished Business. No Unfinished Business.

6. Public Notices. At 7:25 p.m. Chair Patrick opened the public hearing portion of the meeting by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Croteau, Berman, Patrick, Hanselman and Franklin reported site visits. 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-ADJ-17. Patrick opened the Public Hearing for File No. 1-ADJ-18. Tokos gave his staff report for File No. 1-ADJ-18 and reviewed the criteria for approval. Berman said in Criteria 1, point #4 it said there would be a 10 foot separation from the property line that extended the curb line. He asked if the 10 feet on the right-of-way would be treated as private property. Tokos said driveways need to approach the ROWs, and many properties had a part of their driveways in the ROW. He said in this case, there would be at least 20 feet of driveway and they would still be able to construct curb and a sidewalk. Berman asked what the typical size of sidewalks were. Tokos said five feet. Patrick asked if the dotted line represented what the actual paving was. Tokos said yes and showed the logical extension of the curb.

PROPONENTS: John Tesar addressed the PC and asked if they had any questions. Branigan asked if the property would be owner occupied. Tesar said yes. Branigan asked for clarification on if it was a garage or not. Tesar said he moved the property forward five feet because the topography was severe in the back, and at that point it made the dwelling in compliance for setbacks but the garage wasn't in compliance of 20 foot setback. He said if he didn't get approval it would be a shop. Berman asked if the 15.2 feet was the distance from the garage door to the property line. Tesar said yes. Berman asked if the other 10 feet to the radius 50 was the maximum that the City would need. Tesar

said that was correct and there was currently a curb there that the surveyor measured. Berman asked if the existing curb was on the drawing. Tesar said yes and explained its location on the drawing.

OPPONENTS: No Opponents.

Hearing closed at 7:38pm.

Branigan said he didn't have a problem with request for approval. Hanselman said the lot was interesting to work with and why the PC could move favorably with these types of approvals. He didn't think there were any concerns for safety and was comfortable with approving it. Franklin said it wasn't the original location the applicant wanted the structure and they had moved it. He said the property lends itself for a long driveway and was why he was fine to approve it.

Croteau said he was in approval. Berman said he was in agreement and didn't see any problems. Hardy didn't have a problem but said it was setting another precedent. Patrick said he didn't have a problem with it and if it was less than 20 feet it would be an issue. He pointed out that the photo showed two cars sticking out on the street but didn't have a problem with it.

MOTION was made by Commissioner Croteau, seconded by Commissioner Hanselman to approve the adjustment for File No. 2-ADJ-17. The motion carried in a unanimous vote.

7. New Business.

A. Nominate Member to Assist with Review and Scoring of the Transportation System Plan Update Consultant Proposals. Tokos noted that this was for the Transportation System Northside. He said the RFP was put out by the State and the consultants had to come off of a preapproved list from the Oregon Department of Transportation and it closed on April 23rd. He said the committee would have seven members with two CC members, one PC member, one Bike/Ped Committee member, Tim Gross, Spencer Nebel, and Tokos. Patrick asked for volunteers. Croteau asked if the commitment was for only scoring the consultants. Tokos said yes. Croteau volunteered. Croteau asked if there would be a set of criteria they would follow. Tokos said yes.

MOTION was made by Commissioner Berman, seconded by Commissioner Franklin to appoint Commissioner Croteau as the Planning Commission member to the review and score committee for the Transportation System Plan Update consultant proposals. The motion carried unanimously in a voice vote.

8. Director Comments. Tokos said Peggy Hawker sent out the annual the ethics disclosures forms and asked if the PC had returned them. The PC said they had all completed them.

Tokos said he wanted to speak about the Central Lincoln PUD minor replat item. He reminded the PC that it was final order, not a staff report. He said they had an opportunity to request the record be left open, but chose not to. Tokos noted that CLPUD had seven days to provide final argument and they chose not to. In going through this exercise and looking at the procedural code, he didn't see a provision that allowed the CC to call up a decision they might disagree with. Tokos said a standing to appeal was for people receiving notice and participating in the process. He said he didn't have standing and neither did the City Attorney. He explained that if the PC had accepted the appellant's argument that it was unconstitutional, the CC couldn't pull it up as it was a final decision. He said it couldn't be further appealed because the only person in standing was the appellant. He said the PC might want to add something to the code that allowed the CC to call up, or if the PC ran into a situation where they felt they would be making a decision that might be of importance to the CC, or if the PC didn't like what was offered a staff on appeal. Franklin was confused on why CLPUD was fighting against this. Berman said because of the buyer. Tokos said when doing a land division, under State law, you couldn't enter into a purchase agreement to sell a lot before you had recorded the plat. He said there was a provision that gave an exception that said when doing a partition, they could enter into a purchase agreement but couldn't sell it until the plat was recorded.

Berman asked if the PC needed to take a look at what the appellant was presenting and have different criteria going forward. Tokos said the PC could revisit at non-remonstrance agreements and said he wanted it very clear that the City was on very solid ground that the agreement was a financing tool and was not an exaction. Berman asked in the interest of fairness and to benefit people who end up in these situations, should there be a path where they could proceed without that non-remonstrance agreement with the developer being on the hook to sign the agreement. Tokos

noted a CLPUD project off of 73rd Street. He said the non-remonstrance agreements committed property owners to participate proportionally in the signalization of 73rd Street when it was warranted and there was no other way to do that. Tokos explained that non-remonstrance agreements gave the City the opportunity to require improvements across multiple properties. Hardy said she had a problem with Limited Improvement Districts. She said when they are talking about improving infrastructure, which was public, you would get the whole City to participate because they all benefited. Tokos said this was a policy discussion and depended on the improvements. Hardy said she had worked with a lot of homeowner associations where there were common areas. She said everyone owned the common area and was responsible for the cost of maintaining it, whether it was pertinent to their house or not. Tokos said what was fair in terms of an LID assessment was that it was subject to the Bay and was still talking about it for Golf Course Drive. He said what Hardy was talking about was a policy call.

Franklin asked if the future buyer did not have to sign a non-remonstrance agreement and they wanted to keep the use of the land very similar, and another neighbor was required to do improvements, would they be required to be a part of the improvements. Tokos said if this was the case the buyer of the CLPUD property would have to participate. He said when you look at most of the non-remonstrance agreements they were committing people to participate in their portion of a larger project. Croteau asked if proportionality was determined by the PC. Tokos said if anyone didn't believe it was roughly proportional they could submit a land use application, force us to put things in writing, and if they didn't like the decision they could appeal it to the PC. He said most people didn't want to do frontage improvements. Hardy didn't think that was true.

Tokos noted that the Wyndhaven adjustment was there as a matter of code and if anyone wanted to seek an adjustment to a dimensional adjustment they had a right to apply for an adjustment. If they meet the standards they got the approval, if they didn't they were denied. He said a legislative process could change these standards. Berman said if all of the buildings were 10 percent or less would the neighbors be able to appeal. Tokos said it would have been a staff decision where they would be notified on the decision and could appeal it to the PC. Tokos said notices went out and they had an opportunity to comment before the hearing. Tokos noted that the applicants owned their performance at the hearing and were going to conform. They said they would be submitting modified architectural drawings to have ceiling heights on all three floors be eight feet, keep the roof pitch the same, and modify their grading to do some backfill. He said their mistake equaled \$70,000 was something they were using to leverage some relief on public improvements fees. Patrick didn't feel the applicant made a good argument. Franklin asked Patrick if he thought the public made a good argument. Patrick said not really, because most of the arguments were about view. He felt their best argument was that they built under the 35 foot standard, so why should the developer get to build over the limit.

9. **Adjournment.** Having no further business, the meeting adjourned at 8:04 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Planning Commission Regular Session Agenda Item Report

Agenda Item No. 2016-2345

Submitted by: Sherri Marineau

Submitting Department: Community Development

Meeting Date: April 9, 2018

SUBJECT

File No. 2-ADJ-17: Final Order for Adjustment to Allow Construction of a Garage with a Setback of 15 Feet Rather Than the Required 20 Feet.

Recommendation:

ATTACHMENTS

- [File 2-ADJ-17.pdf](#)

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

**IN THE MATTER OF PLANNING COMMISSION)
FILE NO. 2-ADJ-17, APPLICATION FOR AN) FINAL
ADJUSTMENT, AS SUBMITTED BY JONATHAN) ORDER
TESAR, OWNER)**

ORDER APPROVING AN ADJUSTMENT to Section 14.11.030 (Garage Setback) of the Newport Municipal Code (NMC) to allow construction of a garage with a setback of 15-feet, rather than the required 20-feet. The property is located at 1201 SW Case Street (Assessor's Map 11-11-08-CA, Tax Lots 7001 and 7002).

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 duly held a public hearing on the request for an adjustment, with such hearing a matter of record of the Planning Commission on March 26, 2018; and
- 3.) At the public hearing on said application, the Planning Commission received testimony and evidence, including testimony and evidence from the applicant and Community Development Department staff; and
- 4.) At the conclusion of said public hearing, after consideration and discussion, the Newport Planning Commission, upon a motion duly seconded, **APPROVED** the request for the adjustment.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") support the approval of the adjustment as requested by the applicant with the following condition(s):

- 1.) Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to this report. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant to comply with these documents and the limitations of approval described herein.
- 2.) Pursuant to Section 14.52.140/"Expiration and Extension of Decision" of the Newport Zoning Ordinance, this approval shall be void after 18 months unless all necessary building permits have

been issued. An extension may be granted by the Community Development Director as provided in this section provided it is sought prior to expiration of the approval period.

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

Accepted and approved this 9th day of April 2018.

James Patrick, Chair
Newport Planning Commission

Attest:

Derrick I. Tokos, AICP
Community Development Director

EXHIBIT "A"

Case File No. 1-ADJ-17

FINDINGS OF FACT

1. Jonathan Tesar, property owner, submitted a complete application on February 8, 2018 for approval of an adjustment to Section 14.11.030 (Garage Setback) of the Newport Municipal Code (NMC) to allow construction of a garage with a setback of 15-feet, rather than the required 20-feet.
2. The subject property is located at 1201 SW Case Street (Assessor's Map 11-11-08-CA, Tax Lots 7001 and 7002). It is roughly 5,662.80 square feet (0.13 acre) in size per Assessor's records.
3. Staff reports the following facts in connection with the application:

- a. Plan Designation: High Density Residential.
- b. Zone Designation: R-3/"Medium Density Multi-Family Residential."
- c. Surrounding Land Uses and Zoning: Surrounding uses are single and multi-family residences to the north, south and east. Assisted living, hospital, and medical office use exists to the west and southwest. (Attachment "B").
- d. Topography: The property slopes moderately away from SW Case Street for a short distance before dropping at a steep angle down to SW Harbor Drive.
- e. Existing Structures: None.
- f. Utilities: All are available to the subject property.
- g. Past Land Use Actions:

File No. 2-SV-09. Vacated portions of SW 12th Street and SW Case Street (Ord #2003). A 10-foot easement was reserved over the northerly 10-feet of vacated SW 12th Street to preserve vegetation on the slope overlooking SW Harbor Drive.

File No. 1-ADJ-10. Approval of a 5-foot adjustment to the 15-foot front yard setback along SW Case Street and SW Harbor Drive for a townhouse project that was not developed.

- h. Notification: All affected property owners within 200 feet, applicable city departments, and other agencies were notified on March 12, 2018. (Attachment "D"). The public hearing notice was published in the Newport News-Times on March 16, 2018. The hearing was originally noticed for March 12, 2018 and that date was changed to March 26, 2018.
4. NMC Chapter 14.11 establishes required yards and setbacks. Section 14.11.030 provides that the entrance to a garage or carport shall be setback at least 20 feet from the property boundary.

5. The applicant intends to construct a single family residence. The foundation has been completed, and Mr. Tesar notes that further work on the residence is on hold pending the outcome of this adjustment request and selection of a qualified contractor. A survey drawing submitted by the applicant shows the footprint of the proposed home in relation to the property lines (Attachment "A-3"). The proposed garage is situated on the west side of the structure, facing SW Case Street. The garage setback will be reduced from 20-feet to 15.2-feet.
6. A deviation of greater than 10%, but less than or equal to 40%, of a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision making procedure.
7. On March 12, 2018, the Community Development (Planning) Department mailed notice of the proposed action to all affected property owners within 200 feet, applicable city departments, and other agencies. The notice referenced the criteria by which the application was to be assessed. The notice required that written comments on the application be submitted by 5:00 p.m., March 26, 2018. Comments could also be submitted during the course of the public hearing. The notice was also published in the Newport News-Times on March 16, 2018. The hearing was originally noticed for March 12, 2018 and that date was changed to March 26, 2018.
8. Two written comments were received in response to the application. Bill and Cheryl Lelack submitted a letter, dated February 28, 2018, indicating that they support the adjustment request (Attachment "E"). An email from City Engineer, Tim Gross, dated February 12, 2018, requested that the applicant show the extension of the curb line through the limits of the property frontage (Attachment "F"). This information is illustrated on the applicant's survey. Mr. Gross also inquired as to whether or not frontage improvements can be required with an adjustment approval. That is not an option because there is not a nexus between a request to reduce a setback and the demand for the improvements. Frontage improvements are required as part of the building permit process, as that will result in a new home that impacts public services (e.g. water, sewer, street). Street improvement requirements are addressed in NMC Chapter 14.44, which is independent of the adjustment criteria. Frontage improvements would have to be completed prior to a certificate of occupancy being issued.
9. A public hearing was held on March 26, 2018. At the hearing, the Planning Commission received the staff report and oral testimony from the applicant and owner, Jonathan Tesar. No other individuals testified.
10. The minutes of the March 26, 2018 meeting are hereby incorporated by reference into the findings. The Planning Staff Report with Attachments, and materials submitted by the applicant are incorporated by reference into the findings. The Planning Staff Report Attachments and application materials are identified as follows:

Attachment "A" – Application Form
Attachment "A-1" – Legal Description of the Property
Attachment "A-2" – Applicant's Written Narrative

Attachment "A-3" – Applicant’s Survey with Building Footprint
 Attachment "A-4" – Photographs of the Property
 Attachment "B" – Zoning Map of Area
 Attachment "C" – Aerial Photograph with Contour Information
 Attachment "D" – Public Hearing Notice and Map
 Attachment "E" – Letter from Bill and Cheryl Lalack, dated February 28, 2018
 Attachment "F" – Email from City Engineer Tim Gross, dated February 12, 2018

11. The applicable criteria for approval of an adjustment are found in NMC Section 14.33.050 as follows:

- i. That granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- ii. That any impacts resulting from the adjustment are mitigated to the extent practical; and
- iii. That the adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and
- iv. That if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

CONCLUSIONS

The request is a 25% adjustment to the garage setback standard, so Planning Commission approval is required. In order to grant the adjustments, the Planning Commission must review the application to determine whether it meets the criteria. With regard to those criteria, the following analysis can be made:

Criterion #1. That granting the adjustment will equally or better meet the purpose of the regulation to be modified.

1. In regard to this criterion, the Planning Commission considered whether the applicant has sufficiently demonstrated that granting the adjustments will equally or better meet the purpose of the regulation to be modified.
2. The purpose of the 20-foot garage setback is to ensure that the driveway is of sufficient length to accommodate a vehicle without that vehicle extending into the public road right-of-way.
3. The applicant notes that the property is an irregular shaped lot, at the outside curve of the intersection of SW Case Street and SW 12th Street, and bounded to the Northeast by SW Harbor Drive. He further indicates that the foundation is placed in such a manner that it sits approximately on the minimum front and back setbacks. The steeply sloping back side of the property (closest to SW Harbor Dr. and a proposed sidewalk), necessitated moving the location of the house to a position that is noncompliant with the 20 foot garage setback.
4. The applicant’s survey shows the location of the garage relative to the property line and likely extension of the curb line of SW Case Street and SW 12th Street (Attachment “A-3”). Because

the property is situated adjacent to a curve in the street, the curb line and future sidewalk behind that curb fall away from the applicant's property as SW Case Street transitions into SW 12th Street. SW Case Street is also a 70-foot right-of-way, which is larger than 50-feet required for a local, residential street and wide enough to accommodate full buildout of the street with room to spare. The survey shows that there will be at least 10-feet of separation between the property line and the extended curb line, which is sufficient separation to ensure that a vehicle could be parked on the residential driveway such that it would not obstruct a future sidewalk or vehicle traffic.

5. Considering the above, the Planning Commission concludes that this approval standard has been satisfied.

Criterion #2. That any impacts resulting from the adjustment are mitigated to the extent practical.

6. The Planning Commission concludes that mitigation is not needed because the applicant's survey demonstrates that there is sufficient room to accommodate a full length driveway on portions of the right-of-way that will not be developed and the subject property.

Criterion #3. That the adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access.

7. The survey shows that the garage will be located entirely on the applicant's property. There shouldn't be any impacts to utilities.
8. Fire access will not be hindered as a result of this adjustment. The applicant's survey demonstrates that the home meets the established front, side, and rear yard setback requirements. This ensures that fire personnel can access all sides of the residence.
9. Given the above, the Planning Commission concludes that granting the adjustment will not interfere with utility or fire access.

Criterion #4. That if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district:

10. The applicant is requesting an adjustment to the 20-foot garage setback. No other adjustments have been requested.

OVERALL CONCLUSION

Based on the staff report, the application materials, and other evidence and testimony in the record, the Planning Commission concludes that the above findings of fact and conclusions show that the applicant has demonstrated compliance with the criteria for granting an adjustment; and, therefore, the request is **APPROVED** with the following conditions of approval:

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to this report. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant to comply with these documents and the limitations of approval described herein.
2. Pursuant to Section 14.52.140/"Expiration and Extension of Decision" of the Newport Zoning Ordinance, this approval shall be void after 18 months unless all necessary building permits have been issued. An extension may be granted by the Community Development Director as provided in this section provided it is sought prior to expiration of the approval period.

Planning Commission Regular Session Agenda Item Report

Agenda Item No. 2016-2351

Submitted by: Sherri Marineau

Submitting Department: Community Development

Meeting Date: April 9, 2018

SUBJECT

Appoint a Planning Commissioner to Serve on the Park System Master Plan Update.

Recommendation:

ATTACHMENTS

- [Resolution No 3793.pdf](#)

RESOLUTION NO. 3793

A RESOLUTION ESTABLISHING AN ADVISORY COMMITTEE FOR THE PREPARATION OF A PARK SYSTEM MASTER PLAN

WHEREAS:

1. A Request for Proposals (RFP) for consulting services to assist in the preparation of a city-wide Park System Master Plan was open to proposers until February 28, 2018 and it is likely that a consultant will be selected by the end of March; and
2. The new Park System Master Plan will provide policy direction for how the City maintains and invests in its park system over the next 20-years, impacting a broad range of stakeholders; and
3. Establishing a project advisory committee, representing a diverse range of interests, is essential in order to ensure that the consultant and staff receive the input and guidance necessary to develop a Park System Master Plan that meets the community's needs.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. A project advisory committee for the preparation of a city-wide Park System Master Plan shall consist of an individual representing each of the following stakeholder groups:

Parks & Recreation Committee Bike & Pedestrian Committee Planning Commission Oregon Parks & Recreation Department Regional Trails Proponents Environmental Advocacy Organizations Lincoln County School District Landscaping Professional	City Beautification Local Sports Teams & Clubs Latino Community 60+ Community Skate Park Users Lincoln County Parks / Public Health Chamber of Commerce City Council
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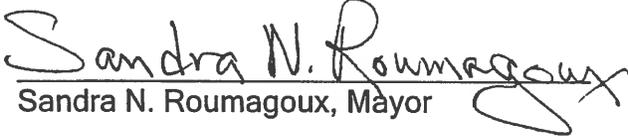
Section 2. City Manager, or designee, will contact the listed committees or organizations for recommendations, and will identify interested individuals from each of stakeholder groups to serve on the project advisory committee. A list of the individuals representing the stakeholder groups outlined in Section 1 shall be ratified by motion of the City Council.

Section 3. The foregoing appointments are for the duration of the project.

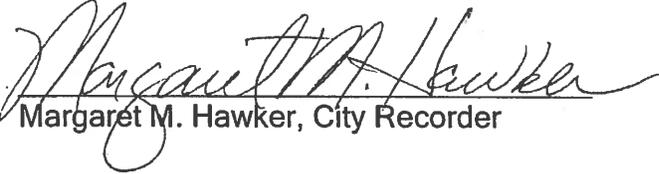
Section 4. This resolution shall be effective immediately upon passage.

Adopted by a 7-0 vote of the Newport City Council on March 19, 2018.

Signed on March 27, 2018.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

Planning Commission Regular Session Agenda Item Report

Agenda Item No. 2016-2352

Submitted by: Sherri Marineau

Submitting Department: Community Development

Meeting Date: April 9, 2018

SUBJECT

Appoint a Planning Commissioner to Serve on the City of Newport Affordable Housing Construction Excise Tax Funds Ad-Hoc Work Group.

Recommendation:

ATTACHMENTS

- [Resolutions No 3798.pdf](#)

RESOLUTION NO. 3798

A RESOLUTION ESTABLISHING AN AD-HOC WORK GROUP TO DETERMINE HOW TO DISTRIBUTE CITY OF NEWPORT AFFORDABLE HOUSING CONSTRUCTION EXCISE TAX FUNDS

WHEREAS:

1. On August 7, 2017, the Newport City Council adopted Ordinance No. 2114 establishing a Construction Excise Tax (CET) for Affordable Housing consistent with authority granted by the Oregon Legislature with Senate Bill 1533 (2016); and
2. That same evening, the City Council adopted Resolution No. 3787 establishing the percentage rate of the excise tax to be levied on the value of commercial, industrial, and residential improvements to fund affordable housing; and
3. Resolution No. 3787 further identifies that an Ad Hoc Work Group be formed, and approved by the City Council, to determine how to distribute funds collected pursuant to the resolution; and
4. The City Council appointed an Advisory Committee to assist the city in developing the CET ordinance and rate structure, and for continuity, it would be helpful if at least some of those individuals would be willing to serve on the Ad Hoc Work Group as well.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. An Ad-Hoc Work Group to assist the City of Newport in determining how to distribute affordable housing construction excise tax funds pursuant to Ordinance No. 2114 and Resolution No. 3787 shall consist of an individual representing each of the following stakeholder groups:

Affordable Housing Representative

Market Rate Housing Representative
Commercial Real Estate
Residential Real Estate
Residential/Commercial Design

Land Use/Real Estate Legal
Expertise
Institutional Representative
Planning Commission
City Council

Section 2. City Manager, or designee, will identify interested individuals from each stakeholder group, with priority given to those that served on the Council-appointed Advisory Committee that assisted the city in developing the CET ordinance and rate structure. A list of the individuals representing the stakeholder groups outlined in Section 1 shall be ratified by motion of the City Council.

Section 3. The foregoing appointments are for the duration of the project.

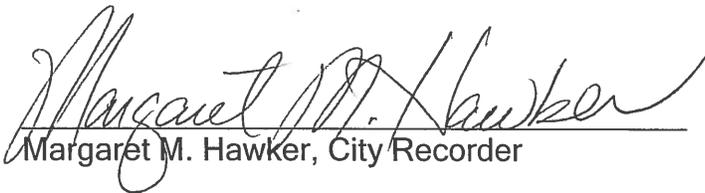
Section 4. This resolution shall be effective immediately upon passage.

Adopted by a 6-0 vote of the Newport City Council on April 2, 2018.

Signed on April 5, 2018.


Dietmar Goebel, Council President

ATTEST:


Margaret M. Hawker, City Recorder

Planning Commission Regular Session Agenda Item Report

Agenda Item No. 2016-2344

Submitted by: Sherri Marineau

Submitting Department: Community Development

Meeting Date: April 9, 2018

SUBJECT

File No. 1-CUP-18: Conditional Use Permit to Grant Relief of the Three Off-Street Parking Spaces Required to Operate a Three-Bedroom Vacation Rental at the Property.

Recommendation:

ATTACHMENTS

- [File 1-CUP-18.pdf](#)

PLANNING STAFF REPORT

Case File No. 1-CUP-18

- A. **APPLICANT:** Stephen Madkour, representing owner Nye Place, LLC.
- 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 for approval of a vacation rental in a residence where the requirements of NMC 14.25.050 for off-street parking spaces cannot be met.
- C. **LOCATION:** 715 NW 3rd Street
- D. **LEGAL DESCRIPTION:** Lot 2, Block 1 Sea Home Blocks Subdivision (Lincoln County Assessor’s Tax Map 11-11-08-BB, Tax Lot 11200).
- E. **LOT SIZE:** Approximately 2,613.60 sq. ft. per Lincoln County Tax Assessor records.
- F. **STAFF REPORT**
1. **REPORT OF FACT**
- a. **Plan Designation:** Commercial.
 - b. **Zone Designation:** C-2/"Tourist Commercial" (Nye Beach Design Review Overlay District).
 - c. **Surrounding Land Uses:** Uses include tourist commercial, single-family, and multi-family residential uses.
 - d. **Topography and Vegetation:** The site is moderately sloped, and the front yard is landscaped.
 - e. **Existing Structures:** A three bedroom residence built in 1994 (Building Permit No. 9343). The basement was converted to retail space in 1998 (Building Permit No. 10470).
 - f. **Utilities:** All are available to the site.
 - g. **Development Constraints:** None known.
 - h. **Past Land Use Actions:** None known.
 - i. **Special Conditions:** Property is located within the Nye Beach Commercial Parking District (Ordinance No. 1979, as amended).

j. **Attachments:**

Attachment "A" – Application Form
 Attachment "A-1" – Applicant’s Written Findings of Fact
 Attachment "A-2" – Site Plan
 Attachment "A-3" – Google Maps Aerial Image and Photographs
 Attachment "B" – Final Order / Findings File No. 3-CUP-14
 Attachment "C" – Final Order / Findings File No. 2-CUP-13
 Attachment "D" – Final Order / Findings File No. 3-CUP-15
 Attachment "E" – Building Permit No. 9343
 Attachment "F" – Building Permit No. 10470
 Attachment "G" – Resident Parking Permit (Tag) Log
 Attachment "H" – Resident Permit / Lodging Permit Samples
 Attachment "I" – Ordinance No. 1993
 Attachment "J" – Public Hearing Notice

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.

The applicant and property owner, Nye Place, LLC, requests a Conditional Use Permit to allow for use of the existing single-family residence located at 715 NW 3rd Street to be used as a short-term rental. They note that the property is located in the C-2/“Tourist-Commercial” zone. The street level of the house is occupied by Brides Irish gift shop. The applicant points out that use and associated signage will remain as currently permitted.

A Conditional Use Permit is required because there is no off-street parking and the use as a three-bedroom short-term rental home requires three off-street parking spaces (NMC 14.25.050(C)). The applicant indicates that once the conditional use is permitted, the operators will obtain all other required permits, licenses, endorsements, and inspections and will collect and disburse the City’s transient lodging tax.

3. **Evaluation of the Request:**

- a. **Notification:** All surrounding property owners and affected city departments and public utilities were notified on March 16, 2018. The notice was published in the Newport News-Times on March 30, 2018. 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:**

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 (including parking) and electricity. The applicant's site plan (Attachment "A-2") and photographs (Attachment "A-3") show that the residence is located in a developed residential/commercial area where these public services are available.

The applicant's findings (Attachment "A-1") indicate that the property is presently used as a single-family residence. The property is listed as a 2,924 square foot, 3 bedroom house. In addition, the Irish gift shop, Bridies, occupies approximately 600 square feet of space in the basement of the home at street level. The applicant notes that, as a three bedroom home, maximum overnight occupancy for vacation rentals is limited under the Newport Code to eight people. The property is on NW 3rd Street and does not have any on-site parking. The applicant further notes that Municipal Code parking standards for vacation rental dwellings require one off-site parking space per bedroom, which translates to three parking spaces for the subject residence.

The applicant points out that there is on-street parking on both sides of NW 3rd Street, which is a one-way street on this block. There are four angled parking spaces on 3rd Street directly in front of and adjacent to the property. They note that on-street parking is available on surrounding streets and believe that the parking adequately accommodates the vehicular traffic generated by the C-2 uses. Moreover, the applicant indicates that there is a public parking lot one block away on NW Beach Drive.

The applicant concludes their analysis by indicating that they believe the proposed use of the property as a short term rental will not increase demand on parking facilities or any other public facilities.

Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets (including parking) and electricity. The proposed three-bedroom vacation rental is expected to house vacationers in limited numbers for short term stays so the expected year round impact of this use should be less than that of full-time occupants. This was a basis the Commission used in granting a comparable request for a home at 732 NW 2nd Street, on the opposite side of the block (Attachment “B”). It is reasonable for the Commission to use this same line of reasoning to conclude that public services are adequate to serve the subject residence.

It is not uncommon for residences in Nye Beach to lack off-street parking. In such cases, the Planning Commission has assessed whether or not (a) it is feasible for the owner to construct off-street parking and (b) are the on-street parking assets adequate to meet anticipated demand in cases where off-street parking cannot be provided (ref: Attachment “B” through “D”). With regards to the subject property, the residence was constructed in 1994 without off-street parking (Attachment “E”). In 1998 the basement area facing NW 3rd Street was converted to retail use and no off-street parking was provided or required (Attachment “F”). Later, in the mid-2000’s, the property’s NW 3rd Street frontage was improved with angled, public parking spaces as part of an urban renewal funded project. Given the small size of the lot, which is typical in Nye Beach, and the size and orientation of the building, it is not feasible for the owner to construct off-street parking. Constructing off-street parking would also require the removal of angled parking spaces, resulting in no “net gain” in parking.

Along NW 3rd Street, and other high traffic areas in Nye Beach where public parking is relied upon to meet parking needs, the on-street parking is actively managed with time limits coupled with a permit program that exempts residents and guests from the timed parking limitations. Prior owners obtained a parking permit for two vehicles (Attachment “G”). Permits for long term rental or owner occupied residences are provided in the form of a sticker that is adhered to a windshield and short term guests receive door hangar placards that can be hung from a rear view mirror (Attachment “H”). The property is within a commercial parking district, which covers a portion of Nye Beach (Ord. No. 1993, as amended (Attachment “I”)) and Section 7 of that Ordinance provides for modest business expansion (i.e. demand for up to 5 new off-street spaces) without the requirement that off-street parking be provided. Any increase in the demand for parking that may be attributed to the applicant’s proposal is well within the scope of what is envisioned within the District. Further, the use of a District to manage parking for this area, in lieu of requiring off-street spaces, is supported under the City’s parking requirements (NMC 14.14.100).

Given the above, it is reasonable for the Planning Commission to find that the public facilities can adequately accommodate the use of the residence as a vacation rental.

- (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. The subject property is zoned C-2/"Tourist Commercial" and it is within the Nye Beach Design Review Overlay District. The applicant notes that the request for use of the property as a short-term rental complies with the requirements of the underlying C-2/"Tourist-Commercial" zone district. They further point out that the purpose of the C-2/"Tourist-Commercial" zone designation is to "provide for tourist needs, as well as the entertainment needs of permanent residents" (NMC 14.03.040). Vacation rentals are now, and have historically, been permitted outright in the C-2 zone, and the conditional use permit process is available to those applicant's that are unable to meet all of the endorsement standards.

The purpose of the Nye Beach Design Review Overlay is to regulate the design and architectural appearance of buildings (NMC 14.30.010). The provisions of the overlay district trigger when buildings are modified (NMC 14.30.040). The applicant is not proposing changes to the existing structure and; therefore, is not required to demonstrate compliance with the standards of the overlay district.

Given the above, it is reasonable for the Planning Commission to find that this criterion has been satisfied.

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

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.

The applicant notes that the proposed use is residential and as such it will not differ from the existing use. They further point out that the existing residence requires a level of on-street parking equivalent to that required as a short-term rental. Consequently, they assert that no adverse impacts are proposed, contemplated, or expected from allowing the use as a short-term rental.

A key consideration is whether or not conversion of this unit from conventional ownership or a month-to-month tenancy into a vacation rental use will attract enough additional vehicles that it will adversely impact established uses in the area. With the final order and findings in Case File No. 3-CUP-14, the Commission concluded that vacation rental use of a dwelling of the same size, less than 50-feet away, would not adversely impact

established uses in the area. It is reasonable for the Commission to conclude the same with this application considering that this request has even more on-street parking adjacent to the parcel (i.e. angled versus parallel spaces) and that on-street spaces are actively managed through a parking district, as previously discussed.

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.

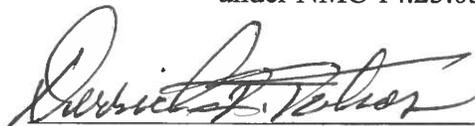
The applicant notes that the proposed use as a short-term rental is consistent with the overall development character of the area. The existing structure will remain as is. No building modifications are proposed. Bridies is a currently existing and permitted commercial use on the street level of the property. The existing use and associated signage will remain.

Given the above, it is reasonable for the Planning Commission to find that the use of the dwelling as a vacation rental will be consistent with the overall development character of the neighborhood.

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 convert an existing residence to a vacation rental dwelling 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. The applicant/owner shall make application for an endorsement for a vacation rental 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 3, 2018



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Stephen L Madkour	NYEPLACE, LLC
Applicant Mailing Address:	Property Owner Mailing Address:
13999 S Clackamas River Drive,	Oregon City, OR 97045
Applicant Phone No.	Property Owner Phone No.
503/970-3998	503/970-3998
Applicant Email	Property Owner Email
stephenmadkour@comcast.net	nyeplace@gmail.com
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Stephen L. Madkour	
Authorized Representative Mailing Address:	
13999 S Clackamas River Drive, Oregon City, OR 97045	
Authorized Representative Telephone No.	
503/970-3998	
Authorized Representative Email. stephenmadkour@comcast.net	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
715 NW 3rd Newport OR 97365	
Tax Assessor's Map No.: 11-11-08-BB-11200	Tax Lot(s): 11200
Zone Designation: C-2	Legal Description: <i>Add additional sheets if necessary</i>
Comp. Plan Designation: Commercial-Tourist	
Brief description of Land Use Request(s):	
<i>Examples:</i>	
<ol style="list-style-type: none"> 1. <i>Move north property line 5 feet south</i> 2. <i>Variance of 2 feet from the required 15-foot front yard setback</i> 	Short-Term Vacation Rental
Existing Structures: if any	
Single-Family Residence	
Topography and Vegetation:	
Existing vegetation and landscaping	

Application Type (please check all that apply)

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

File No. Assigned:		
Date Received: 3/5/18	Fee Amount: 785 -	Date Accepted as Complete: 3/12/18
Received By: sm	Receipt No. 2008	Accepted By: sm

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.

<i>Sammy, NYERPLACE, LLC MEMBER</i>	<i>2/20/15</i>
Applicant Signature(s)	Date
Property Owner Signature(s) (if other than applicant)	Date
Authorized representative Signature(s) (if other than applicant)	Date

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

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

**Nye Place, LLC 715 NW 3rd Street
Proposed Findings of Fact**

The applicant Nye Place, LLC seeks approval of a Conditional Use Permit to allow for the use of a residential property for a short-term rental. The property is located at 715 NW 3rd Street in the Nye Beach District. The property is currently zoned C-2, Commercial-Tourist and is designated Commercial on the City of Newport Comprehensive Plan Map. The intent of the C-2 zone as stated in the Municipal Ordinance, is to "provide for tourist needs, as well as for the entertainment needs of permanent residents." 14.03.040.

The application is subject to Planning Commission review as a Type III decision making process. As part of the Type III process, written findings of fact must address the following criteria:

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

The property presently is used as a single-family residence. The property is listed as a 2924 square foot, 3 bedroom house. In addition, the Irish gift shop, Bridies, occupies approximately 600 square feet of space in the basement of the home at the street level.

As a three bedroom home, maximum overnight occupancy by Code shall be eight people. The property is on 3rd Street and does not have any onsite parking. Municipal Code parking standards require one off-site parking space per bedroom. Three parking spaces are required.

There is on-street parking on both sides of 3rd Street, which is a one-way street on this block. There are four angled parking spaces on 3rd Street directly in front of and adjacent to the property. On-street parking is available on surrounding streets and adequately accommodates the vehicular traffic generated by the C-2 uses. Moreover, there is a public parking lot one block away on NW Beach Drive.

The proposed use of the property as a short-term rental will not increase demand on parking facilities or any other public facilities.

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

The request for use of the property as a short-term rental complies with the requirements of the underlying zone of C-2 Commercial-Tourist. The C-2 Commercial-Tourist zone designation is "provide for tourist needs, as well as for the entertainment needs of permanent residents." 14.03.040.

The immediate neighborhood has a multitude of shops, restaurants, lodging and other tourist-related uses. Allowing the use as short-term rental is consistent with the C-2

zone designation and will encourage tourist-related pedestrian traffic within the immediate and surrounding area.

- (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.)

The proposed use is residential and as such it will not differ from the existing use. The existing residence requires a level of on-street parking equivalent to that required as a short-term rental. Consequently, no adverse impacts are proposed, contemplated, or expected from allowing the use as a short-term rental.

- (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.

The proposed use as a short-term rental is consistent with the overall development character of the area. The existing structure will remain as is. No building modifications are proposed. Bridies is a currently existing and permitted commercial use on the street level of the property. That existing use and associated signage will remain.

Nature of the Request:

The applicant and property owner, Nye Place, LLC, requests a Conditional Use Permit to allow for use of the existing single-family residence located at 715 NW 3rd Street to be used as a short-term rental.

The property is located in the C-2 Commercial-Tourist zone. The street level of the house is occupied by Bridies Irish gift shop. That use and associated signage will remain as currently permitted.

A Conditional Use Permit is required because there is no off-street parking and the use as a three-bedroom short-term rental home requires three parking spaces. Once approved as a conditional use, the operators will obtain all other required permits, licenses, endorsements, and inspections and will collect and disburse the City's transient lodging tax.

45'

Attachment "A-2"

1-CUP-18

36

10'

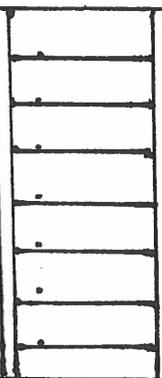
57.5'

NYE PLACE, LLC
715 NW 3RD
LOT 11200
2924 A

7.5'

5'

EXISTING
VEGETATION



↑
BRIDIE'S IRISH
STORE

SIDEWALK

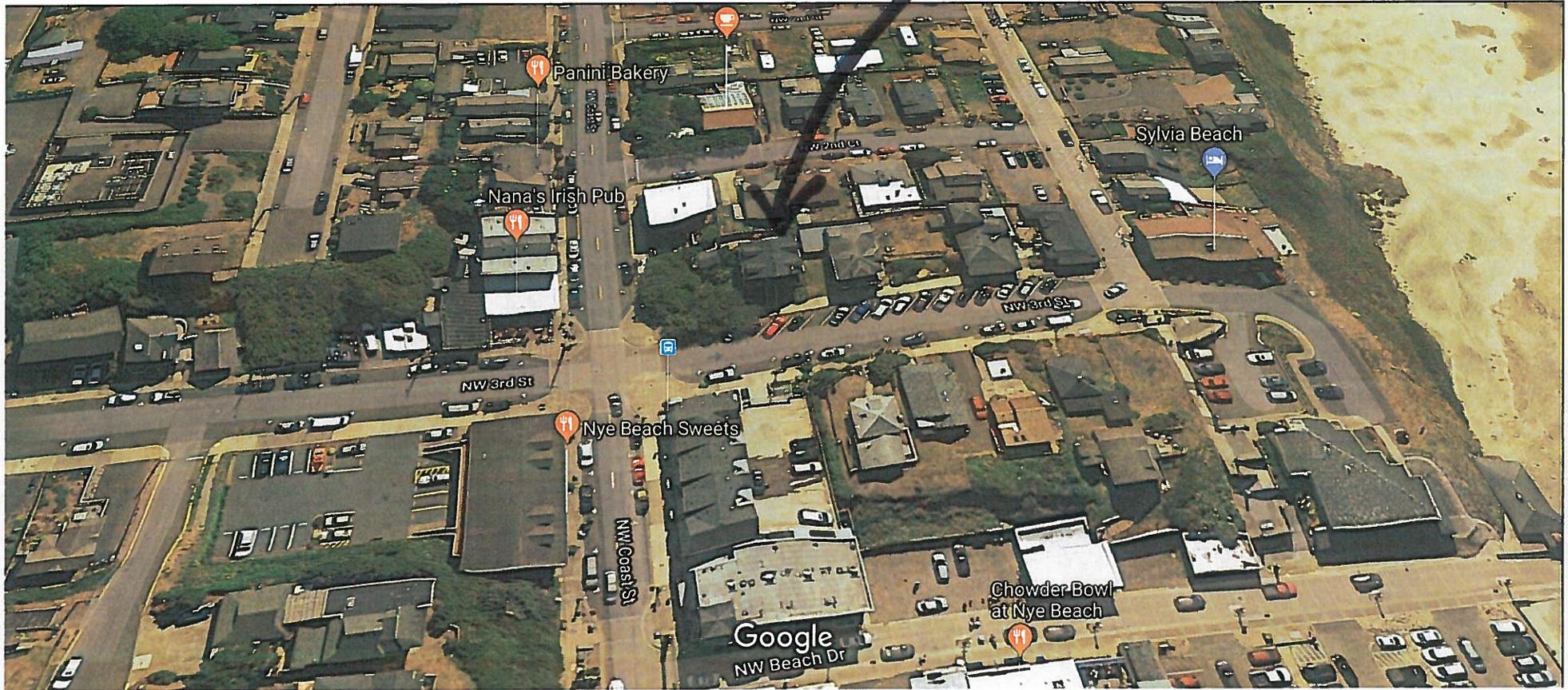
ON-STREET
PARKING

NW 3RD ST



Google Maps 715 NW 3rd St

SITE



Imagery ©2018 Google, Map data ©2018 Google 50 ft



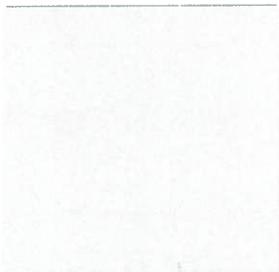


Image capture: Jul 2012 © 2018 Google

Newport, Oregon



Street View - Jul 2012



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

**IN THE MATTER OF PLANNING COMMISSION)
FILE #3-CUP-14, APPLICATION FOR A) FINAL
CONDITIONAL USE PERMIT AS SUBMITTED) ORDER
BY ERIC & CHERIE GULLERUD)**

ORDER APPROVING A CONDITIONAL USE PERMIT per Chapter 14.25.020(E)/"Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code (NMC) for approval of a vacation rental in a residence at 732 NW 2nd Court where the requirements of NMC 14.25.050 for off-street parking spaces cannot be met.

WHEREAS:

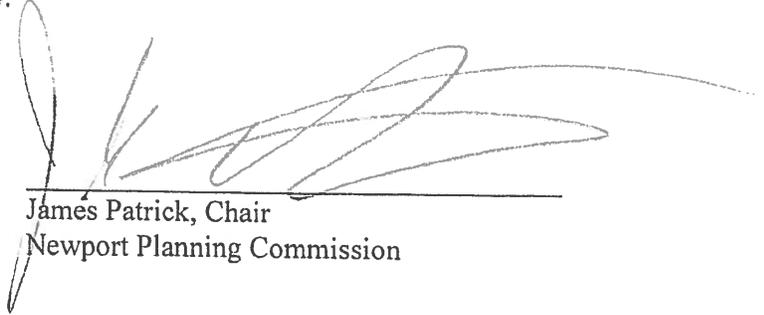
- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Municipal Code; and
- 2.) The Planning Commission has duly held a public hearing on the request, with a public hearing a matter of record of the Planning Commission on June 9, 2014; and
- 3.) At the public hearing on said application, the Planning Commission received testimony and evidence; and
- 4.) At the conclusion of said public hearing, after consideration and discussion, upon a motion duly seconded, the Planning Commission **APPROVED** the request.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") support the approval of the requested conditional use permit with the following condition(s):

- 1. The applicant/owner shall make application for an endorsement for a vacation rental 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).

BASED UPON THE ABOVE, the Planning Commission determines that the request for a Conditional Use Permit to authorize a vacation rental at 732 NW 2nd Court is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport, and the request is therefore granted.

Accepted and approved this 23rd day of June, 2014.



James Patrick, Chair
Newport Planning Commission

Attest:



Derrick I. Tokos, AICP
Community Development Director

EXHIBIT "A"

Case File No. 3-CUP-14

FINDINGS OF FACT

1. Eric & Cherie Gullerud submitted an application on May 6, 2014, for approval of a Conditional Use Permit, per Chapter 14.25.020(E)/ "Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code, for approval of a vacation rental in a residence where the requirements of NMC 14.25.050 for off-street parking spaces cannot be met.

2. The subject property is located at 732 NW 2nd Ct. (Lincoln County Assessor's Map 11-11-08-BB, Tax Lot 11700). The parcel is approximately 2,587.5 sq. ft. per Lincoln County Tax Assessor records.

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

- a. Plan Designation: Commercial.
- b. Zone Designation: C-2/"Tourist Commercial" (Nye Beach Design Review Overlay District).
- c. Surrounding Land Uses: Uses include tourist commercial and single-family and multi-family residential uses.
- d. Topography and Vegetation: The site is flat, and the front yard is landscaped with lawn. The rear yard is covered with a deck.
- e. Existing Structures: A residence built in 1913.
- f. Utilities: All are available to the site.
- g. Development Constraints: None known.
- h. Past Land Use Actions: None known.

4. Upon acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed action on May 8, 2014, to affected property owners required to receive such notice by the Newport Zoning Ordinance, and to various city departments, agencies, and public utilities. The notice referenced the criteria by which the application was to be assessed. The notice required that written comments on the application be submitted by 5:00 p.m., June 9, 2014, or be submitted in person at the hearing. The notice was also published in the Newport News-Times on May 30, 2014. No written comments were received prior to the hearing.

5. A public hearing was held on June 9, 2014. At the hearing, the Planning Commission received the staff report and heard testimony from the applicant. The minutes of the June 9, 2014, hearing are hereby incorporated by reference. The Planning Staff Report with Attachments is hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

- Attachment "A" – Applicant's Written Findings of Fact
- Attachment "A-1" – Site Plan
- Attachment "A-2" – Building Photographs

- Attachment "A-3" – Aerial Photo
- Attachment "B" – Public Hearing Notice
- Attachment "C" – Assessment Map of the Property
- Attachment "D" – Zoning Map of the Area

6. 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 existing residence (built in 1913) does not meet the requirements for one off-street parking space per bedroom.
7. The applicant explains that their intent is to convert the existing residence into a short-term vacation rental with three bedrooms, which is consistent with other uses throughout the Nye Beach neighborhood. Due to the limited lot size and existing footprint of the residence, this property cannot satisfy business license endorsement standards as required by Newport Municipal Code with respect to off-street parking. Pursuant to 14.25.050(C), one off-street parking space per bedroom is required.
8. The applicable criteria for the conditional use request are found in NMC Section 14.34.050:
- a. The public facilities can adequately accommodate the proposed use.
 - b. The request complies with the requirements of the underlying zone or overlay zone.
 - c. The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.
 - d. A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

CONCLUSIONS

Regarding the applicable criteria for the conditional use request, the following conclusions can be made:

A. *Criterion #1. The public facilities can adequately accommodate the proposed use.*

1. Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets, and electricity. All public facilities are available and serve the site and existing residence.
2. The applicant's findings indicate that the proposed three-bedroom vacation rental is expected to house vacationers in limited numbers for short-term stays so the expected impact of this use is

significantly less than that of full-time occupancy. The house has been used as a family vacation home and a monthly rental in the past. It was acquired in November of 2013 by new owners who believe the highest and best use is as a vacation rental.

3. Photographs provided by the applicant and an aerial image of the site establish that the residence is located in a developed residential/commercial area where public services are available. This constitutes substantial evidence that the Commission can rely upon to find that public facilities are sufficient to support the use.

4. Given the above, the Planning Commission concludes that the public facilities can adequately accommodate the use of the residence as a vacation rental.

B. Criterion #2. The request complies with the requirements of the underlying zone or overlay zone.

1. This criterion addresses special requirements of the underlying or overlay zone beyond the standard zoning ordinance requirements. The subject property is located within the Nye Beach Design Review Overlay zone. The zoning is C-2 within the Nye Beach Design Review Overlay District. Vacation rentals are permitted in the C-2 zone; and the conditional use permit process is an avenue for those that are unable to meet all of the endorsement standards. The applicants note the request for conversion of the existing residence to a vacation rental is in compliance with the City's zoning code regulations as of July 1, 2012, and that the request is consistent with other uses in the Nye Beach neighborhood.

2. The applicant notes, and Lincoln County Assessment records confirm, that the residence was built in 1913. It was last updated in the 1980s. This predates establishment of the Nye Beach Design Review Overlay. Further, the Overlay standards are tailored to ensure that new structures are designed to complement streetscape and design elements already present in the area. The standards are not applicable to a change in use of this nature.

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

C. Criterion #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.

1. 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.

2. The applicant notes that because of the nature of the building and its extensive decking, business activities should be well-contained within the property. No adverse impact to the neighborhood regarding unreasonable noise, dust, air quality, etc., is anticipated. In its history, the dwelling has never been accessible to off-street parking.

3. A primary reason for the off-street parking requirement is to ensure that sufficient parking is available to persons renting a unit, and that available on-street spaces are not overtaxed such that

adjoining homes and businesses are adversely impacted. The aerial photograph shows that parallel parking is available on both sides of NW 2nd Court. There are no restrictions on the use of these parallel spaces. Commercial uses bookend both sides of NW 2nd Court and the available parallel parking spaces are heavily utilized. This may mean that spaces will not be available to vacation rental users at all times or the users will occupy spaces that would otherwise have been available to owners/tenants of other residences within the block or for employees/customers of the commercial establishments. A key consideration though, is whether or not conversion of this unit from conventional ownership or a month-to-month tenancy into a vacation rental use will attract enough additional vehicles that it will adversely impact established uses in the area. Given the modest size of the applicants' dwelling (at 3 bedrooms), and the fact that the unit will likely be occupied on a seasonal basis, the Commission finds that available on-street spaces are adequate to accommodate the vacation rental without adversely impacting neighboring uses.

4. The applicant's site plan shows that the property is 2,587.5 square feet in size with the house being setback less than 12 feet from NW 2nd Court. Side yard setbacks are roughly 5-feet in width. Approximately 20-feet of driveway depth would be needed to provide an off-street parking space. This could only be accommodated through substantial renovation of the residence, which would be impractical.

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

D. Criterion #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.

1. The applicants note that the application is for relief to the parking requirement for an existing structure and not for a proposed building or building modification. The original structure was built in 1913. Additions to the home were made sometime after that; but no improvements have occurred since the 1980s. The new owners have upgraded the interior to increase the energy-efficiency and enhance patron comfort and safety.

2. Given the above, the Planning Commission concludes that the use of the dwelling as a vacation rental will be consistent with the overall development character of the neighborhood.

E. The application seeks relief from landscaping requirements that apply to vacation rentals. The landscaping standards require that at least 50% of the front yard and 40% of the total lot area be landscaped (ref: NMC 14.25.050(E)). These standards are intended to prevent undeveloped portions of a property from being converted into extra parking spaces, creating a streetscape that is inconsistent with a typical residential environment and allowing for more people to reside in a unit than it can reasonably accommodate making it more likely that there will be nuisance impacts to neighbors. These standards only apply to properties that are situated in residential zones. The subject property is zoned C-2/"Tourist Commercial," which is not a residential zoning designation; therefore, there was no need for the Commission to consider a deviation from this standard as it does not apply to the subject property.

OVERALL CONCLUSION

Based on the application material, the Planning Staff Report, and other evidence and testimony in the record, the Planning Commission concludes that the above findings of fact and conclusions demonstrate compliance with the criteria for a conditional use permit found in Section 14.34.050 of the Newport Municipal Code (NMC); and, therefore, the requested conditional use permit to convert an existing residence to a vacation rental dwelling can satisfy the approval criteria for a conditional use and is hereby approved with the imposition of the following conditions of approval:

1. The applicant/owner shall make application for an endorsement for a vacation rental 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).

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

**IN THE MATTER OF PLANNING COMMISSION)
FILE #2-CUP-13, APPLICATION FOR A)
CONDITIONAL USE PERMIT AS SUBMITTED)
BY ABRAM SILVONEN (WILLIAM J. ZEKAN,) **FINAL**
AUTHORIZED REPRESENTATIVE) **ORDER****

ORDER APPROVING A CONDITIONAL USE PERMIT per Chapter 14.25.020(E)/"Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code (NMC) for approval of a vacation rental in a residence at 584 W Olive Street where the requirements of NMC 14.25.050 for off-street parking spaces and landscaping cannot be met.

WHEREAS:

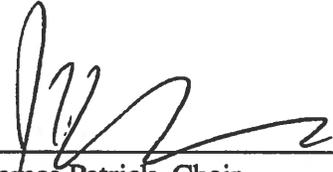
- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Municipal Code; and
- 2.) The Planning Commission has duly held a public hearing on the request, with a public hearing a matter of record of the Planning Commission on March 11, 2013; and
- 3.) At the public hearing on said application, the Planning Commission received testimony and evidence; and
- 4.) At the conclusion of said public hearing, after consideration and discussion, upon a motion duly seconded, the Planning Commission **APPROVED** the request.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") support the approval of the requested conditional use permit with the following condition(s):

1. The applicant/owner shall make application for an endorsement for a vacation rental 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 and landscaping outlined under NMC 14.25.050(C) and 14.25.050(E), respectively.

BASED UPON THE ABOVE, the Planning Commission determines that the request for a Conditional Use Permit to authorize a vacation rental at 584 W. Olive Street is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport, and the request is therefore granted.

Accepted and approved this 11th day of March, 2013.



James Patrick, Chair
Newport Planning Commission

Attest:



Derrick I. Tokos, AICP
Community Development Director

EXHIBIT "A"

Case File No. 2-CUP-13

FINDINGS OF FACT

1. Abram Silvonon (William J. Zekan, authorized representative) submitted an application on February 8, 2013, for approval of a Conditional Use Permit, per Chapter 14.25.020(E)/ "Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code, for approval of a vacation rental in a residence where the requirements of NMC 14.25.050 for off-street parking spaces and landscaping cannot be met.
2. The subject property is located at 584 W Olive St (Lincoln County Assessor's Map 11-11-08-BB, Tax Lot 3700). The parcel is approximately 0.04 acre (1,875 sq. ft.) per the Lincoln County Tax Assessor records.
3. Staff reports the following facts in connection with the application:
 - a. Plan Designation: High Density Residential.
 - b. Zone Designation: R-4/"High Density Multi-Family Residential".
 - c. Surrounding Land Uses: Uses include other residential uses.
 - d. Topography and Vegetation: The site is level and developed with no visible front yard landscaping.
 - e. Existing Structures: A residence built in 1935.
 - f. Utilities: All are available to the site.
 - g. Development Constraints: None known.
 - h. Past Land Use Actions: None known.
4. Upon acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed action on February 14, 2013, to affected property owners required to receive such notice by the Newport Zoning Ordinance, and to various city departments, agencies, and public utilities. The notice referenced the criteria by which the application was to be assessed. The notice required that written comments on the application be submitted by 5:00 p.m., March 11, 2013, or be submitted in person at the hearing. The notice was also published in the Newport News-Times on March 1, 2013. No written comments were received prior to the hearing.
5. A public hearing was held on March 11, 2013. At the hearing, the Planning Commission received the staff report and heard testimony from the applicant's agent. The minutes of the March 11, 2013, hearing are hereby incorporated by reference. The Planning Staff Report with Attachments is hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

Attachment "A" – Applicant's Written Findings of Fact
Attachment "A-1" – Site Plan
Attachment "A-2" – Building Photographs

- Attachment "A-3" – Building Photographs Showing Dimensions
- Attachment "A-4" – Aerial Photo
- Attachment "B" – Public Hearing Notice
- Attachment "C" – Assessment Map of the Property
- Attachment "D" – Zoning Map of the Area

6. 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 existing residence (built in 1935) does not meet the requirements for one off-street parking space per bedroom and landscaping.

7. The applicant notes that their intention is to convert the existing residence into a short-term vacation rental with two bedrooms, which is consistent with other uses throughout the Nye Beach neighborhood. Due to the limited lot size and lack of off-street parking, this property cannot satisfy all of the business license endorsement standards as required by Newport Municipal Code. Pursuant to 14.25.050(C), one off-street parking space per bedroom is required; and pursuant to 14.25.050(E), at least 50% of the front yard and 40% of the total area shall be landscaped with no more than 50% of the front yard landscaping being impervious surfaces such as patios and decks.

8. The applicable criteria for the conditional use request are found in NMC Section 14.34.050:

- a. The public facilities can adequately accommodate the proposed use.
- b. The request complies with the requirements of the underlying zone or overlay zone.
- c. The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.
- d. A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

CONCLUSIONS

Regarding the applicable criteria for the conditional use request, the following conclusions can be made:

- A. *Criterion #1. The public facilities can adequately accommodate the proposed use.*

1. Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets, and electricity. All public facilities are available and serve the site and existing residence.
2. The applicant's findings indicate that the proposed two-bedroom vacation rental is expected to house vacationers in limited numbers for short-term stays so the expected impact of this use is significantly less than that of full-time occupancy. The property has been used as a full-time residence since approximately 1935.
3. Given the above, the Planning Commission concludes that the public facilities can adequately accommodate the use of the residence as a vacation rental.

B. Criterion #2. *The request complies with the requirements of the underlying zone or overlay zone.*

1. This criterion addresses special requirements of the underlying or overlay zone beyond the standard zoning ordinance requirements. The subject property is located within the Nye Beach Design Review Overlay zone. The zoning is R-4. The applicant notes that vacation rentals are now permitted in all residential zoning districts and the conditional use permit process is an avenue for those that are unable to meet all of the endorsement standards. They note that the request is consistent with other uses in the Nye Beach neighborhood.
2. Given the above, the Planning Commissions concludes that this criterion is satisfied.

C. Criterion #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.*

1. 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.
2. The applicant notes that due to recent upgrades to the structure and replacement of existing decking and fencing, activities should be well-contained within the property. No adverse impact to the neighborhood regarding unreasonable noise, dust, air quality, etc., is anticipated. In its history, the dwelling has never been accessible to off-street parking. The basement/garage area identified in the assessor's records could not accommodate entry by an automobile.
3. A primary reason for the off-street parking requirement is to ensure that sufficient parking is available to persons renting a unit, and that available on-street spaces are not overtaxed such that adjoining homes and businesses are adversely impacted. The applicant's photograph shows that the dwelling is constructed very close to the front property line leaving no room to park a vehicle off-street without blocking the sidewalk. Parallel parking is available, without time limitations, on both sides of W Olive Street and most homes and businesses do not directly front this street. The Eager Beaver Discount Store borders the subject property to the west, generating some demand for these spaces; however, given the modest size of the applicant's dwelling (at 2 bedrooms) there should still be sufficient on-street spaces to accommodate the need.

4. The landscaping standard is intended to prevent undeveloped portions of the property from being converted into extra parking spaces, creating a streetscape that is inconsistent with a typical residential environment and allowing for more people to reside in a unit than it can reasonably accommodate making it more likely that there will be nuisance impacts to neighbors. As the applicant's site plan and photographs illustrate, the lack of landscaping is a function of the small parcel size and desire of the owner or their predecessor to increase useable outdoor space by constructing a deck to the front, side, and rear of the residence. No off-street parking is being created at the expense of landscaping.

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

D. Criterion #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.

1. The applicant notes that the application is for an existing structure, and they are proposing no building modifications. There have been no changes to the building size or height since 1935.

2. Given the above, the Planning Commission concludes that the use of the dwelling as a vacation rental will be consistent with the overall development character of the neighborhood.

OVERALL CONCLUSION

Based on the application material, the Planning Staff Report, and other evidence and testimony in the record, the Planning Commission concludes that the above findings of fact and conclusions demonstrate compliance with the criteria for a conditional use permit found in Section 14.34.050 of the Newport Municipal Code (NMC); and, therefore, the requested conditional use permit to convert an existing residence to a vacation rental dwelling can satisfy the approval criteria for a conditional use and is hereby approved with the imposition of the following conditions of approval:

1. The applicant/owner shall make application for an endorsement for a vacation rental 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 and landscaping outlined under NMC 14.25.050(C) and 14.25.050(E), respectively.

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

IN THE MATTER OF PLANNING COMMISSION)	
FILE #3-CUP-15, APPLICATION FOR A)	FINAL
CONDITIONAL USE PERMIT AS SUBMITTED)	ORDER
BY ANTHONY HAUSER (HAUSER INVESTMENT)	
PROPERTIES I, LLC, PROPERTY OWNER))	

ORDER APPROVING A CONDITIONAL USE PERMIT per Chapter 14.25.020(E)/"Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code (NMC) for approval of a vacation rental in a residence at 619 NW Alpine St where the requirements of NMC 14.25.050 for off-street parking spaces cannot be met.

WHEREAS:

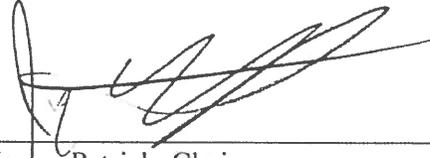
- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Municipal Code; and
- 2.) The Planning Commission has duly held a public hearing on the request, with a public hearing a matter of record of the Planning Commission on May 26, 2015; and
- 3.) At the public hearing on said application, the Planning Commission received testimony and evidence; and
- 4.) At the conclusion of said public hearing, after consideration and discussion, upon a motion duly seconded, the Planning Commission **APPROVED** the request.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") support the approval of the requested conditional use permit with the following condition(s):

1. The applicant/owner shall make application for an endorsement for a vacation rental 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). For the purpose of NMC 14.25.050(C) the property at 619 NW Alpine Street is credited for having (2) parking spaces.

BASED UPON THE ABOVE, the Planning Commission determines that the request for a Conditional Use Permit to authorize a vacation rental at 619 NW Alpine Street is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport, and the request is therefore granted.

Accepted and approved this 26th day of May, 2015.



James Patrick, Chair
Newport Planning Commission

Attest:



Derrick I. Tokos, AICP
Community Development Director

EXHIBIT "A"

Case File No. 3-CUP-15

FINDINGS OF FACT

1. Anthony Hauser (Hauser Investment Properties I, LLC, property owner) submitted an application on April 17, 2015, for approval of a Conditional Use Permit, per Chapter 14.25.020(E)/ "Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code, for approval of a vacation rental in a residence where the requirements of NMC 14.25.050 for off-street parking spaces cannot be met.

2. The subject property is located at 619 NW Alpine St (Lincoln County Assessor's Map 11-11-05-CC, Tax Lot 6300). The parcel is approximately 2,800 sq. ft. per Lincoln County Tax Assessor records.

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

- a. Plan Designation: Commercial.
- b. Zone Designation: C-2/"Tourist Commercial" (Nye Beach Design Review Overlay District).
- c. Surrounding Land Uses: Uses include tourist commercial and single-family and multi-family residential uses.
- d. Topography and Vegetation: The site is flat and on the edge of a bluff.
- e. Existing Structures: A residence built in 1922.
- f. Utilities: All are available to the site.
- g. Development Constraints: Bluff erosion hazard.
- h. Past Land Use Actions: None known.

4. Upon acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed action on April 27, 2015, to affected property owners required to receive such notice by the Newport Zoning Ordinance, and to various city departments, agencies, and public utilities. The notice referenced the criteria by which the application was to be assessed. The notice required that written comments on the application be submitted by 5:00 p.m., May 26, 2015, or be submitted in person at the hearing. The notice was also published in the Newport News-Times on May 15, 2015. No written comments were received prior to the hearing.

5. A public hearing was held on May 26, 2015. At the hearing, the Planning Commission received the staff report and heard testimony from the public. The minutes of the May 26, 2015, hearing are hereby incorporated by reference. The Planning Staff Report with Attachments is hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

- Attachment "A" – Applicant's Written Findings of Fact
- Attachment "A-1" – Applicant's Exhibit 'A' (aerial map)
- Attachment "A-2" – Applicant's Exhibit 'B' (Sanborn fire map)

- Attachment "A-3" – Site Plan
- Attachment "A-4" – Building Photograph
- Attachment "B" – Public Hearing Notice
- Attachment "C" – Assessment Map of the Property
- Attachment "D" – Zoning Map of the Area

6. 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 existing residence (built in 1922) does not meet the requirements for one off-street parking space per bedroom.

7. The applicant explains that they bought the property to use the existing residence for a vacation rental in addition to personal use. The adjoining road right-of-way for Alpine Street is labeled on Lincoln County Tax Assessment maps as "Dedication Uncertain." This is a very old part of town that was developed in the late 1800s and early 1900s, and the actual location of the right-of-way in relation to the property line is in question. Two of the nearby houses extend significantly into the mapped right-of-way. The other two houses (including 619 NW Alpine) have been using a portion of the right-of-way for parking. Applicant's Exhibit 'B,' which is a Sanborn fire map from the years 1931-1934, shows the property line approximately 20 feet east of where it is shown on Lincoln County Assessment Maps. This is an example of why the County Surveyor has labeled the right-of-way as "dedication uncertain." For the purpose of this conditional use permit, the applicant assumes the right-of-way depicted on the assessment maps is correct. With this conditional use permit, the applicant proposes to continue to use the 20 feet of right-of-way closest to their property for parking purposes. Considering that the subject parcel (619 NW Alpine St) is 35-feet wide, there is room to accommodate three vehicles. The current parking stall standard is 9 feet of width per vehicle, so at 35-feet the property can easily accommodate three vehicles.

8. The applicable criteria for the conditional use request are found in NMC Section 14.34.050:
- a. The public facilities can adequately accommodate the proposed use.
 - b. The request complies with the requirements of the underlying zone or overlay zone.
 - c. The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.
 - d. A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

CONCLUSIONS

Regarding the applicable criteria for the conditional use request, the following conclusions can be made:

A. *Criterion #1. The public facilities can adequately accommodate the proposed use.*

1. Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets, and electricity. All public facilities are available and serve the site and existing residence.
2. The applicant's findings indicate their belief that the public facilities can easily accommodate the request, since the request mirrors the activity over the last many decades.
3. Photographs provided by the applicant and an aerial image of the site establish that the residence is located in a developed residential/commercial area where public services are available. This constitutes substantial evidence that the Commission can rely upon to find that public facilities are sufficient to support the use.
4. Given the above, the Planning Commission concludes that the public facilities can adequately accommodate the use of the residence as a vacation rental.

B. *Criterion #2. The request complies with the requirements of the underlying zone or overlay zone.*

1. This criterion addresses special requirements of the underlying or overlay zone beyond the standard zoning ordinance requirements. The subject property is located within the Nye Beach Design Review Overlay zone. The zoning is C-2 within the Nye Beach Design Review Overlay District. Vacation rentals are permitted in the C-2 zone; and the conditional use permit process is an avenue for those that are unable to meet all of the endorsement standards.
2. Lincoln County Assessment records confirm, that the residence was built in 1922. This predates establishment of the Nye Beach Design Review Overlay. Further, the Overlay standards are tailored to ensure that new structures are designed to complement streetscape and design elements already present in the area. The standards are not applicable to a change in use of this nature.
3. Given the above, the Planning Commissions concludes that this criterion is satisfied.

C. *Criterion #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.*

1. 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.
2. The applicant notes that the proposed use does not have a greater impact than the current use since it will be used for parking, as has been the historical precedent.

3. A primary reason for the off-street parking requirement is to ensure that sufficient parking is available to persons renting a unit, and that available on-street spaces are not overtaxed such that adjoining homes and businesses are adversely impacted.

4. The applicant notes that the current area proposed for parking at 619 NW Alpine has been used for the purposes of parking for decades. The areas used for parking orient to the subject property and feed off of a dead-end street with very little traffic. The applicant asserts that less than ten cars per day travel in front of the house. The houses to the south and to the north are located 20 feet into the right-of-way, making it difficult for the section of right-of-way in front of the subject property to be used for anything other than parking. The current status quo for homes along this dead-end section of Alpine Street is to use the portions of the property located in the right-of-way as they have been doing in the past; which for 619 NW Alpine is parking. The applicant included a photo of the front area of the house and an aerial photograph that demonstrates the area will provide sufficient parking.

5. Public testimony provided by John Schmauder (625 NW Alpine Street) and William Chenoweth (626 NW Alpine Street) indicated that the street is narrow with limited opportunities for on-street parking. A concern was also raised about a utility pole that serves as an obstruction and the difficulty a large vehicle would have accessing the subject residence given these conditions and the dead-end nature of the road.

6. After considering public testimony, observations from sight visits, and information in the case record, the Planning Commission concludes that this criterion will be satisfied provided not more than two vehicles park within the right-of-way adjacent to the home. The Commission felt that allowing three vehicles would detract from the established front yard aesthetic of the area and would exacerbate an already challenging access situation given the narrow, dead-end nature of this portion of NW Alpine Street.

D. Criterion #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.

1. The application seeks relief from the parking requirement for an existing structure. No new buildings or building modifications are proposed.

2. Given the above, the Planning Commission concludes that the use of the dwelling as a vacation rental will be consistent with the overall development character of the neighborhood.

OVERALL CONCLUSION

Based on the application material, the Planning Staff Report, and other evidence and testimony in the record, the Planning Commission concludes that the above findings of fact and conclusions demonstrate compliance with the criteria for a conditional use permit found in Section 14.34.050 of the Newport Municipal Code (NMC); and, therefore, the requested conditional use permit to convert an existing residence to a vacation rental dwelling can satisfy the approval criteria for a conditional use and is hereby approved with the imposition of the following conditions of approval:

1. The applicant/owner shall make application for an endorsement for a vacation rental 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). For the purpose of NMC 14.25.050(C) the property at 619 NW Alpine Street is credited for having (2) parking spaces.

1-CUP-18

PUBLIC SAFETY DEPARTMENT

CITY OF NEWPORT OREGON PERMIT

INSPECTIONS DIVISION

FOR OFFICE USE ONLY

Permit 9343

Ind Zone C-2 Type of Building II Residence 1 No. Families 1
Occupancy Group R-3 Apartment Fire Walls Required

Permit To Erect Dwg
Address 715 NW 3rd St
Tax Lot 11200 Map 11-1-8 BB Lot Block Addition

BUILDING PERMIT

Application is made to Erect [X] Relocate [] Building Structure []
Alter [] Demolish [] Residence [X]
Repair [] Reroof []
Entire work when completed will cost, including labor and materials: \$ 75,000 Fee \$ 358

EXCAVATION & FILL

Excavation [] Cubic yds.
Fill [] Cubic yds. Fee \$

MISCELLANEOUS PERMITS

Sewer \$ Curb Cut \$ Sign \$ SQ. FT.
Sidewalk \$ Temporary Structures \$ Temporary Sign \$ SQ. FT.
Driveway \$ Street Opening \$ Other \$
% STATE \$ 17.90
Plan Review Fee \$ 232.70
TOTAL FEES \$ 609.60

Owner Lon Brusselback Address 904 NW Spring Phone 5-3292
Builder Same Address Phone
Builder's Board No. Exp. Date
Architect Address Phone
Geologist Address Phone

DESCRIPTION OF WORK Erect new home as approved on plans 4/6/94 OKED FOOT 4/19/94 OKED FOUND 5/6/94 OKED SLAB 6/13/94 OKED SEWER (PAUL) 10/28/94 FRAM. 11/9/94 OKED FRAM., INSUL. 2/11/94 OKED FRAM.

ONLY WORK DESCRIBED ABOVE INCLUDED IN PERMIT

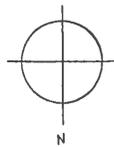
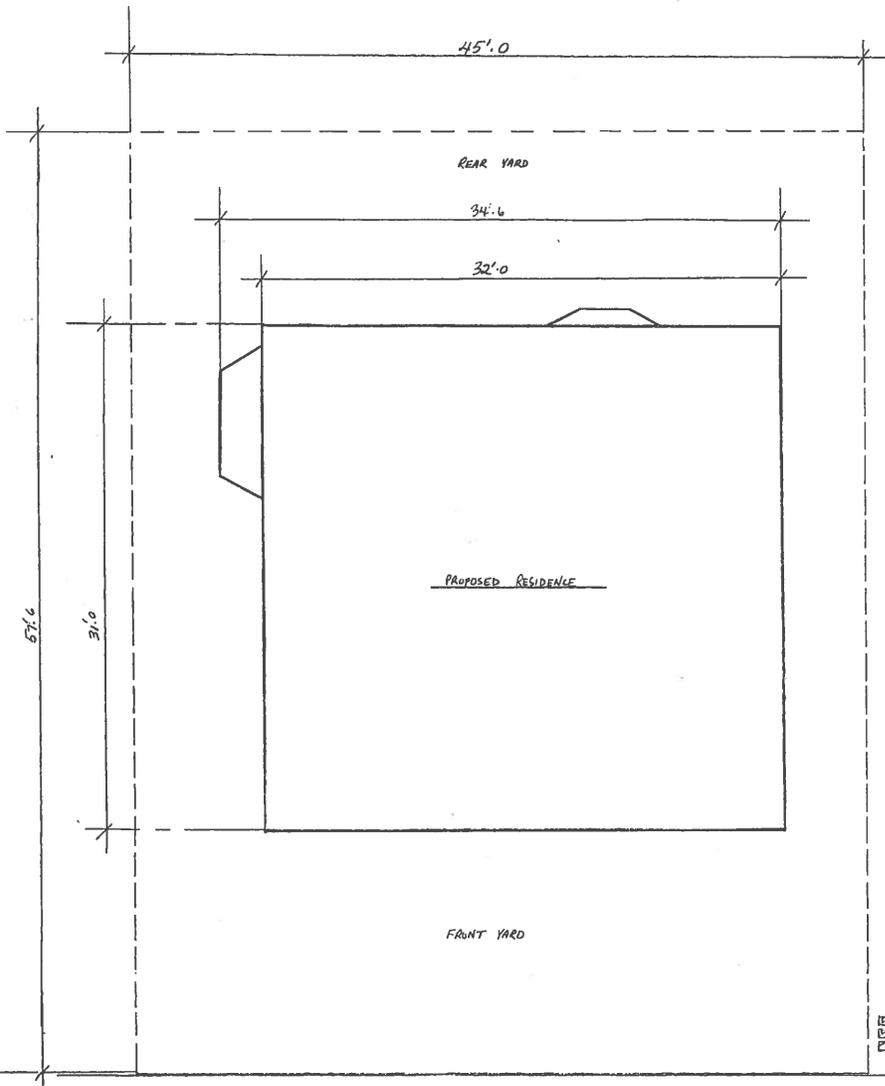
I agree to build according to above description, plans and specifications and the Ordinances and Codes of the City of Newport.

Variance No. Date

Applicant [Signature]

Table with 3 columns: APPLICATION RECEIVED, PLANS CHECKED BY PLAN EXAMINER, PERMIT ISSUED. Includes dates and signatures.

Final Date



SITE PLAN

2/4 1974

Permit No. 9343 issued under provisions of uniform building code, 1973 edition and supplements.

Building Division - Public Safety Dept.

[Signature]
Plans Examiner - CITY OF NEWPORT

PERMITS FROM OTHER AGENCIES REQUIRED

- State Electrical - 269-9880
- State Plumbing - 266-7604
- County Mechanical - 235-6611

OTHER PERMITS NEEDED:
SIDEWALK
DRIVEWAY
SEWER
STREET CUT



UTILITY POLE

A RESIDENCE FOR LON + WENDY BRUSSELBACK
 PREPARED BY LON + WENDY BRUSSELBACK
 MHP # 111188B
 TAX LOT # 11200

CERTIFICATE OF LOCAL REVIEW

This is to confirm that the project at 715 NW 3rd has been reviewed and approved for registration of the City of Newport for the following:

Code Area of Concern	City of Newport	City of Newport	Date
Land Use	C-2	APPROVED	2/4/74
Fire	R-3	APPROVED	2/4/74
Health	R-3	APPROVED	2/4/74
Police	R-3	APPROVED	2/4/74
Public Works	R-3	APPROVED	2/4/74
Water	R-3	APPROVED	2/4/74
Other			

Approved & Ordained (S&C) Structural Specialty Code

PUBLIC SAFETY DEPARTMENT

CITY OF NEWPORT OREGON

PERMIT

FOR OFFICE USE ONLY

and Zone C-2 Type of Building IV Residence _____ No. Families _____ Occ. Cert. No. _____
 Motel _____ Occupancy Group B Apartment _____ Sprinkler System or _____
 Fire Walls Required _____

Permit To _____ Alter Bldg
 Address 715 NW 3rd St
 Tax Lot 11200 Map 11-1-83B Lot _____ Block _____ Addition _____

BUILDING PERMIT

Application is made to { Erect Relocate Building Fill
 { Alter Demolish Structure Excavation
 { Repair Reroof Residence Construction
 { Demolition

Entire work when completed will cost, including labor and materials: \$ 5,000 Fee \$ 50.50

EXCAVATION & FILL

Excavation Cubic yds. _____
 Fill Cubic yds. _____ Fee \$ _____

MISCELLANEOUS PERMITS

Sewer \$ _____ Curb Cut \$ _____ Sign _____ SQ. FT. _____ % STATE \$ 2.53
 Sidewalk \$ _____ Temporary Structures \$ _____ Sign _____ SQ. FT. _____ Plan Review Fee \$ 32.83
 Driveway \$ _____ Street Opening \$ _____ Other \$ _____

TOTAL FEES → \$ 85.86

Owner L. Busselback Address _____ Phone 5-3292
 Builder Same Address _____ Phone _____
 Builder's Board No. _____ Exp. Date _____
 Architect _____ Address _____ Phone _____
 Geologist _____ Address _____ Phone _____

DESCRIPTION OF WORK Change of occ. for Art gallery in basement NO answer from 4-13-98

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 No. _____ Date _____

Applicant [Signature]

APPLICATION RECEIVED By <u>[Signature]</u> Date <u>3/11/98</u>	PLANS CHECKED BY PLAN EXAMINER Approved _____ Not Approved _____ By _____ Date _____	PERMIT ISSUED By <u>[Signature]</u> Date _____
---	--	---

Final Date _____

CITY COPY

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

Code Areas of Concern	Classifications	Locally Authorized Regs. & Title	Date
Zoning Local *	C-2	John Mack	3/12/98
Fire per(SSC) *	B	J. Cole	3/16/98
Occupancy per(SSC) *	B	John Mack	3/11/98
DEQ Sewage Disposal *	Not Applicable	John Mack	3/4/98
Type of Const. per(SSC) *	V	John Mack	3/11/98
Driveway *			
Water Supply *	Not Applicable	John Mack	3/4/98
Other *			

BRUSSELBACK

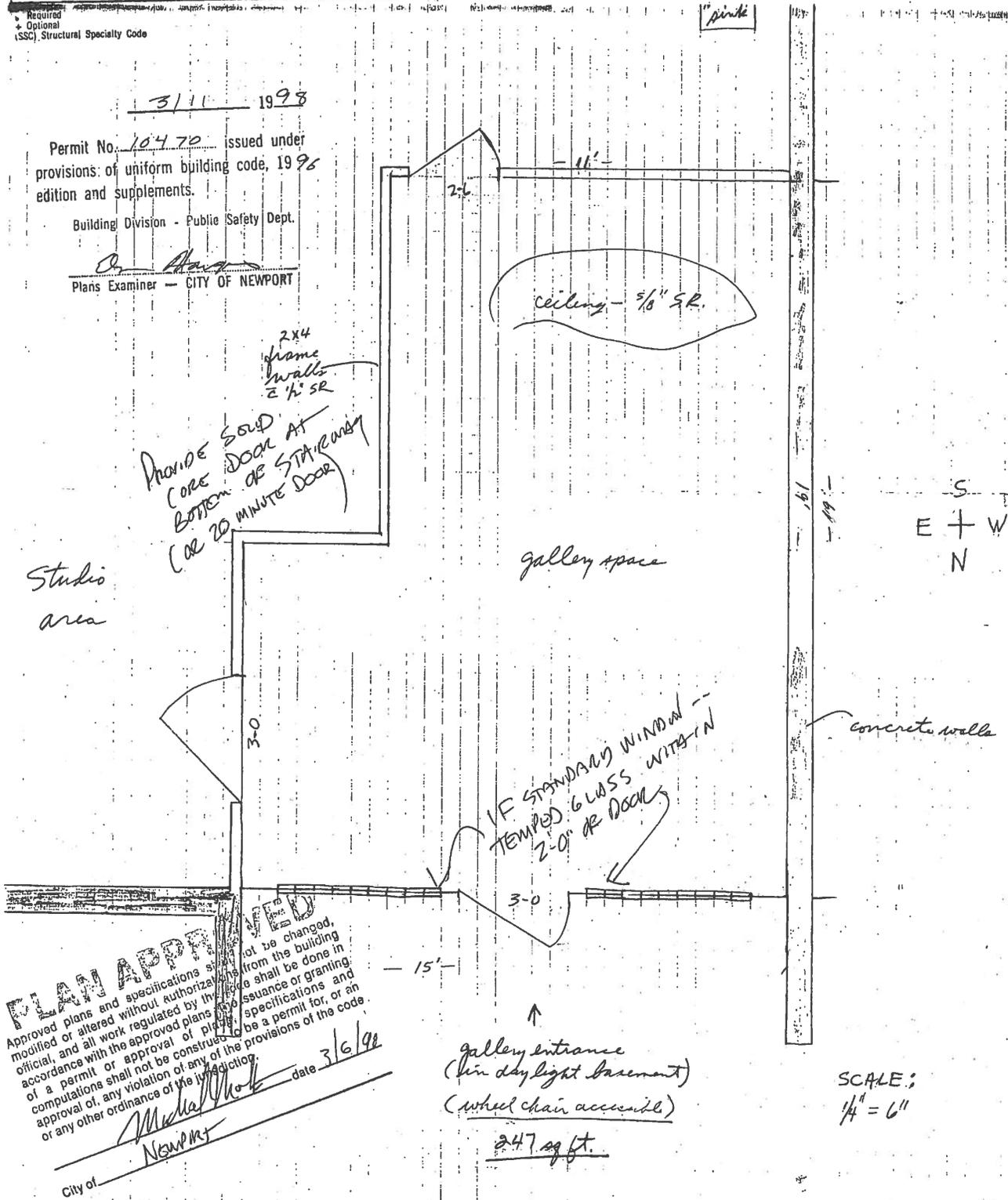
265-3292

* Required
 + Optional
 (SSC) Structural Specialty Code

3/11 1998
 Permit No. 10470 issued under provisions of uniform building code, 1996 edition and supplements.

Building Division - Public Safety Dept.

John Mack
 Plans Examiner - CITY OF NEWPORT



Studio area

2x4 frame walls 2 1/2\" SR
 Provide solid core door at bottom of staircase (or 20 minute door)

IF STANDING WINDOW -- TEMPED GLASS WITHIN 2'-0\" OF DOOR

concrete walls

S
 E + W
 N

PLAN APPROVED
 Approved plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by the code shall be done in accordance with the approved plans. No issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the code or any other ordinance of the jurisdiction.
Michael Mack date 3/6/98
 City of Newport

↑
 gallery entrance
 (in daylight basement)
 (wheel chair accessible)
 2.47 sq ft.

SCALE:
 1/4\" = 6"

715 NW 3rd
 Newport, Or.
 97365

Nye Beach Resident Parking Tags

79

First Name	Last Name	Address	City	# of stickers	Permit #	License #
Linda Karen	Wilson	712 NW Beach Dr	Newport, OR 97365	1	2012-001	
Gilbert	LeCren	540 NW Coast St	Newport, OR 97365	1	2012-002	
Kim	Rodriguez	628 SW 2nd St	Newport, OR 97365	1	2012-003	
Mary Anne	Rodden	613 NW 3rd St	Newport, OR 97365	1	2012-004	
Amber L	Gwynn	113 NW Coast St #4	Newport, OR 97365	2	2012-005 2012-006	
Steven	Dodds	732 NW 2nd St	Newport, OR 97365	3	2012-007 2012-008 2012-009	
Josephine	Blackburn	113 NW Coast St Apt 2	Newport, OR 97365	2	2012-010 2012-011	
Ed	Cameron	113 NW Coast St #1	Newport, OR 97365	1	2012-012	
Charles	Vanderpool	547 NW Coast St	Newport, OR 97365	1	2012-013	
Joyce	Northam	744 NW 3rd St	Newport, OR 97365	1	2012-014	██████
James	Wetherill	255 NW Cliff St	Newport, OR 97365	2	2012-015 2012-016	██████ ██████
Uerike	Bremer	727 NW 3rd St	Newport, OR 97365	1	2012-017	██████
Michael	Dubick	526 NW Coast St Unit H	Newport, OR 97365	1	2012-018	██████
Sharon	Blair	258 NW Coast St Unit D	Newport, OR 97365	1	2012-019	██████
Sharon	Hahn	730 NW 3rd St	Newport, OR 97365	2	2012-020 2012-021	██████ ██████
Lawrence J	Brusselback	715 NW 3rd St	Newport, OR 97365	1	2012-022	██████
Wendy	Engler	715 NW 3rd St	Newport, OR 97365	1	2012-023	██████
Julie	Rose	741 NW 3rd St	Newport, OR 97365	1	2012-024	██████
Brian	Rose	741 NW 3rd St	Newport, OR 97365	2	2012-025 2012-026	██████ ██████
Kent	Wolcott	749 NW 3rd St	Newport, OR 97365	1	2012-027	██████
April	Wolcott	749 NW 3rd St	Newport, OR 97365	1	2012-028	██████
Don	Hunt	546 NW Coast St	Newport, OR 97365	1	2012-029	██████
Sarah	Walker	573 NW 3rd St	Newport, OR 97365	1	2012-030	██████
Greg	Card	209 NW Coast St	Newport, OR 97365	1	2012-031	██████
Raina	Powell	209 NW Coast St	Newport, OR 97365	1	2012-032	██████

Nye Beach Resident Parking Tags

99

First Name	Last Name	Address	City	# of stickers	Permit #	License #
Laurie	Card	209 NW Coast St	Newport, OR 97365	1	2012-033	██████
Melanie	Johnson	727 NW 3rd St	Newport, OR 97365	1	2012-034	██████
Mattias	Johansson	573 NW 3rd St	Newport, OR 97365	1	2012-035	██████
Paige	Bryan	744 NW 3rd St	Newport, OR 97365	1	2012-036	██████
Korrie	Bryan	744 NW 3rd St	Newport, OR 97365	1	2012-037	██████
Ryan	McBride	744 NW 3rd St	Newport, OR 97365	1	2012-038	██████
Mark	McBride	744 NW 3rd St	Newport, OR 97365	1	2012-039	██████
Bradley	Case	727 NW 3rd St	Newport, OR 97365	1	2012-040	██████
Sandy	Streit	540 NW Coast St	Newport, OR 97365	1	2012-041	██████
Drew	Dinwoodie	730 NW 3rd St	Newport, OR 97365	1	2012-042	██████
Jose	Mejia	873 NW Beach Dr #6	Newport, OR 97365	1	2012-043	██████
					2012-044	██████
					2012-045	██████
					2012-046	██████
Raymond	Bradley	722 NW 3rd St	Newport, OR 97365	4	2012-047	██████
					2012-048	██████
					2012-049	██████
Celeste	McEntee	526 NW Coast St	Newport, OR 97365	3	2012-050	██████
Pamela	Armijo	727 NW 3rd St	Newport, OR 97365	1	2012-051	██████
Nathan	Burton	113 NW Coast St Apt 3	Newport, OR 97365	1	2012-052	██████
Mindy	Crisp	113 NW Coast St Apt 3	Newport, OR 97365	0	w/Nathan Burton	
Jacob	Stone	727 NW 3rd Ave	Newport, OR 97365	1	2012-053	██████

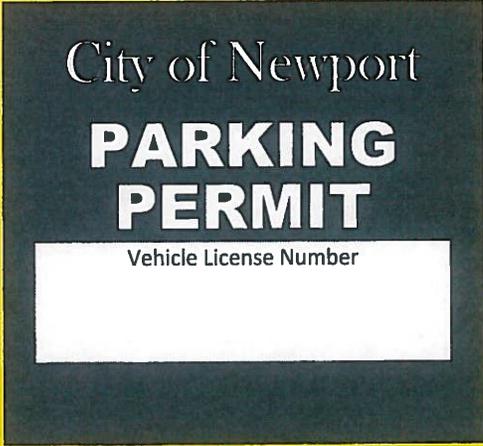
- This permit enables guests of Nye Beach lodging establishments to exceed the "3 hr parking" limitations for any given day.
- The permit applies to this vehicle only.
- To be valid, the permit must be displayed from the rear view mirror facing forward.

Business Name: _____

Contact Phone: _____

Effective Dates:

From: _____ To: _____



CITY OF NEWPORT
ORDINANCE NO. 1993

AN ORDINANCE AMENDING ORDINANCE NO 1979, ESTABLISHING AN ECONOMIC IMPROVEMENT DISTRICT PURSUANT TO ORS 223.144 IN THE NYE BEACH AREA FOR PARKING SYSTEM IMPROVEMENTS AND ASSESSMENT OF A SURCHARGE ON BUSINESS LICENSE FEES FOR BUSINESSES WITHIN THE DISTRICT

WHEREAS, the Newport Zoning Ordinance allows businesses in the Nye Beach, Bayfront, 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 (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, set the Task Force recommendations aside for 18 months to allow the work to proceed. On September 8, 2009, the Council extended the 18 month period for an additional 12 months, to August 4, 2010.

WHEREAS, the City sponsored workshops on the basics of forming a parking district on April 27, 2008. On July 29, 2008 City staff met with interested individuals in the Nye Beach area regarding the potential formation of a parking district in Nye Beach. City Staff continued to meet with individuals interested in forming a parking district in Nye Beach through the balance of 2008 and early 2009 to answer questions and assist in preparing materials, which culminated in an Economic Development Plan for Nye Beach parking system improvements. The Plan included a business license surcharge as a proposed method of financing the improvements.

WHEREAS, the City Council met on May 18, 2009 to consider the Economic Development Plan and associated business license surcharge fee and chose to initiate the process of forming the Nye Beach Commercial Parking District by adopting Ordinance No. 1979.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1: Findings: The City Council adopts the following findings of fact:

- (a) The City Council held public hearings on July 6, 2009 and August 17, 2009 regarding the establishment of an economic improvement district for parking improvements in Nye Beach;
- (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) The area within the boundaries of the proposed district is zoned commercial;
- (f) A preliminary estimate of the probable cost of the economic improvements to be funded pursuant to Section 2 of this Ordinance is \$7,500 to \$10,000 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 is in proportion to the benefit that each business may derive from the district.

Section 2: Establishment of a Nye Beach Commercial Parking District (NBCPD).

- (a) The City Council hereby approves and creates the "Nye Beach Commercial Parking District" ("District").
- (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 Nye Beach commercial area as allowed under ORS 223.141(4)(e). The economic improvement projects to be undertaken or constructed include:
 - i. Parking improvements on available public or private land and undeveloped public rights-of-way;
 - ii. Sidewalk improvements that provide connectivity between areas of available parking and Nye Beach commercial areas;

- iii. Leasing of private parking lots for public or employee use with a focus on private parking lots that are not fully utilized by the existing property owners during peak summer weekends. Such leases are subject to Section 4(e) below;
- iv. Parking system improvements such as signage, stripping, parking time limitations and similar improvements;
- v. Support of transportation alternatives such as bicycle facilities or bus shuttle service.

(b) The boundaries of the District are depicted on Exhibit A to this ordinance.

Section 3: Enactment of a Business License Surcharge Fee.

- (a) Businesses within the District shall be assessed a business license surcharge in accordance with the following schedule:
 - i. \$250 per business license where no off-street parking spaces are provided; or
 - ii. \$150 per business license where 1-3 off-street parking spaces are provided for the business; or
 - iii. \$100 per business license for all other businesses operating within the district.
- (b) Surcharges shall be assessed annually on a fiscal year basis, commencing July 1 and ending June 30 of the following year, or such other timeframe as provided in the Newport Municipal Code.
- (c) The amount each business is required to pay under the schedule in (a) above shall be established by the District's Advisory Committee on an annual basis.
- (d) 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.
- (e) Annual surcharges shall apply to businesses that are otherwise exempt from business license fees.

Section 4: Establishment of a District Advisory Committee.

- (a) Council shall establish an advisory committee to develop a plan for the completion of improvements and to allocate expenditure of monies for activities within the scope of the plan. An association of persons conducting business within the District may be designated to serve in the capacity of an advisory committee.
- (b) In appointing members to a committee, the Council shall include persons conducting business within the District.

- (c) An association of persons conducting business within the District ("Association") may be designated to serve in the capacity of an advisory committee. 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.
- (d) The advisory committee or Association may request that the City perform improvements. Should the City elect and be allowed under law to perform improvements, such services will be charged in the amount and manner allowed by law and will be paid for through revenues from the business license surcharge.
- (e) Lease arrangements, as envisioned in this ordinance, may only be executed between an Association serving as an advisory committee, and a willing party. The City will not be signatory to, or participate in the preparation or implementation of lease agreements nor any improvements made on, to, or involving private property.

Section 5: 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 when requested.

Section 6: Availability of Parking Fund Revenues:

- (a) In addition to monies generated through a business license surcharge, 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 7: Payment in Lieu of Parking Fees.

- (a) As allowed under NZO Section 2-3-6.050, businesses within the District that pay a business license surcharge shall not be subject to payment in lieu of parking fees for up to five (5) off-street parking spaces per business. Businesses that require more than five (5) off-street parking spaces shall provide the additional spaces in accordance with applicable provisions of the Newport Zoning Ordinance. The City shall determine the amount of off-street parking a business must provide.
- (b) All agreements between the City and businesses within the district for payment in lieu of parking fees shall terminate as of the effective date of this ordinance.
- (c) City shall provide a final invoice to each business with a balance due for payment in lieu fees prior to the effective date of this ordinance. 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.

Section 8: City Approval Required: City approval is required for economic improvements within public rights-of-way.

Section 9: 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.

Section 10: 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.

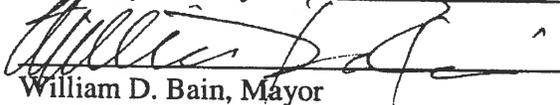
Section 11: Severability. The sections of this ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

Section 12: Effective Date: This ordinance shall become effective on July 1, 2010.

Date adopted on initial vote and read by title only: November 2, 2009

Date adopted on final roll call vote: November 2, 2009

Signed by the Mayor on November 5, 2009.


William D. Bain, Mayor

ATTEST:

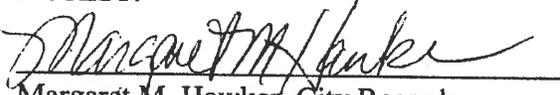
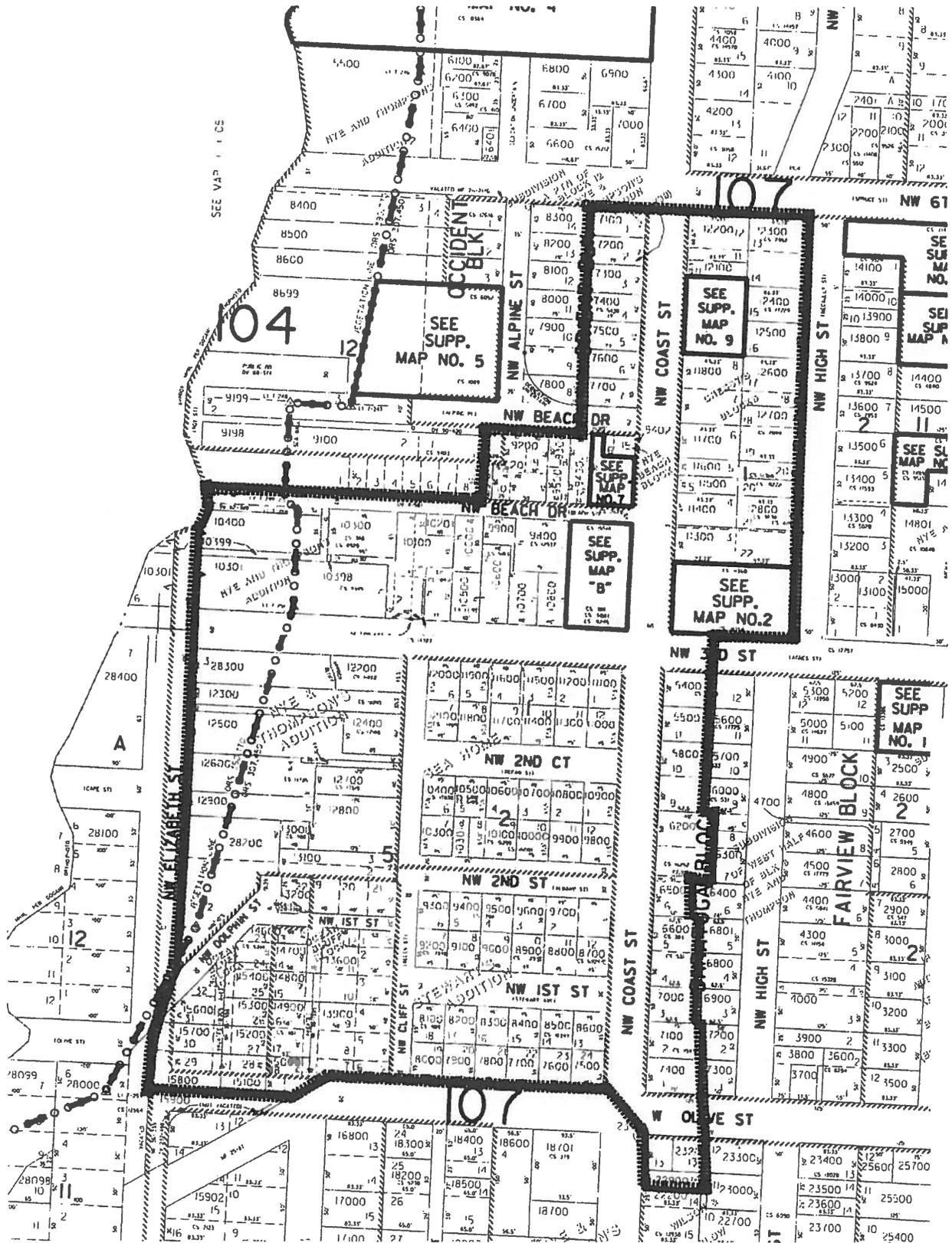

Margaret M. Hawker, City Recorder

Exhibit A to Ordinance No. _____, Amending Ordinance No. 1979, Establishing an Economic Improvement District Pursuant to ORS 223.144 In the Nye Beach Area for Parking System Improvements and Assessment of a Surcharge on Business License Fees for Businesses within the District



**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. 1-CUP-18:

Applicants & Representatives: Nye Place LLC, 13999 S Clackamas River Drive, Oregon City, OR 97045, property owner. (Stephen L Madkour, authorized representative).

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 three off-street parking spaces required to operate a three-bedroom vacation rental at the property.

Location/Subject Property: 715 NW 3rd Street, Newport, OR 97365 (Assessor's Map 11-11-08-BB, Tax Lot 11200).

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").

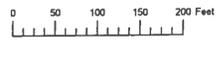
Time/Place of Hearing: Monday, April 9, 2018; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: March 16, 2018.

PUBLISHED: March 30, 2018/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



N.W.1/4 N.W.1/4 SEC.8 T.11S. R.11W. W.M. LINCOLN COUNTY 1" = 100'

11 11 08 BB NEWPORT

Subject Property File No. 1-CUP-18



Cancelled
900
2400
3400
4100
4200
4301
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6100
6700
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27301
27400
27502
27503
27900

104

SEE MAP 11 08 BA

Revised: 12/18/2 74

NEWPORT 11 11 08 BB

MEMO

City of Newport
Community Development Department



****Distributed Via Email****

Date: March 16, 2018

To: Spencer Nebel, City Manager
Tim Gross, Public Works
Rob Murphy, Fire
Jason Malloy, Police
Mike Murzynksy, Finance
Jim Protiva, Parks & Rec.
Ted Smith, Library
Victor Mettle, Planner/Code Administrator
Joseph Lease, Building Official
Public Utilities

From: Sherri Marineau, Executive Assistant

RE: Conditional Use Permit # 1-CUP-18

I have attached a copy of a public notice concerning a land use request. The notice contains a brief explanation of the request, a property description and map, and a date for a public hearing. You may want to review this information to determine if there are any effects to your department and if you would like to make comments.

We must have your comments at least 10 days prior to the hearing period in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

sm

Attachment

AGNELLO MARK S TRUSTEE
158 NATIONAL ST
SANTA CRUZ, CA 95060

ANTHONY ROGER D &
ANTHONY LISA K
4224 SE LAMBERT ST
PORTLAND, OR 97206

ARCHWAY PLACE CONDOMINIUM
HOMEOWNERS ASSOCIATION
PO BOX 800
SOUTH BEACH, OR 97366

BEAN JOSEPH W TRUSTEE &
MUNGER KAREN L TRUSTEE
435 CHESHIRE FARM LN
ST LOUIS, MO 63141

BEARD DUANE G TRUSTEE &
BEARD SHEIRY T TRUSTEE
2342 TUSCANA AVE S
SALEM, OR 97306

BENNETT STEVEN G &
BENNETT MARLA J
2255 DAWNWOOD DR
PHILOMATH, OR 97370

BLAIR SHARON &
HETH MICHELLE &
WANKER MARK
258 NW COAST ST #D
NEWPORT, OR 97365

BRADLEY RAYMOND J
700 LAWRENCE ST
EUGENE, OR 97401

BREADEN BARBARA L &
BREADEN RONALD P
2155 DEVOS ST
EUGENE, OR 97402

BRUSSELBACK LAWRENCE J &
BRUSSELBACK WENDY C
255 NW COAST ST
NEWPORT, OR 97365

CARD GREGORY CHARLES &
CARD LAURIE ANN
209 NW COAST ST
NEWPORT, OR 97365

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

COPLEY C SIMONE
2000 NE 84TH AVE
PORTLAND, OR 97220

DUVALL WALTER S &
DUVALL CAROL T
328 NW COAST ST
NEWPORT, OR 97365

ECKSTEIN JUERGEN &
ECKSTEIN DIANNE
7534 SW SURFLAND ST
SOUTH BEACH, OR 97366

FITTS DOUGLAS E TRUSTEE &
FITTS VERNA L TRUSTEE
392 NW 3RD ST SP #1
NEWPORT, OR 97365

FORTUNE MICHAEL A TR &
FORTUNE LINDA TR
7635 NW MCDONALD CIRCLE
CORVALLIS, OR 97330

GEORGE JODY &
LEHRMAN MARCUS
232 NW COAST ST
STE A
NEWPORT, OR 97365

GULLERUD ERIC N &
GULLERUD CHERIE P
PO BOX 2475
CORVALLIS, OR 97339

HALCYON HOTELS LLC
ATTN MCCORMACK WINTHROP
2601 NW THURMAN ST
PORTLAND, OR 97210

HARRISON TERRY &
HARRISON KRISTA
1197 THRONE DR
EUGENE, OR 97402

HENDRICKS JUDITH J
2011 FRANKFORT AVE
#408
LOUISVILLE, KY 40206

HERE PROPERTIES LLC
3402 SW STONEBROOK DR
PORTLAND, OR 97239

HETH MICHAEL
258 NE 5TH ST
NEWPORT, OR 97365

HETH MICHELLE K
1181 RYAN CT
WEST LINN, OR 97068

HOGAN FRANK A &
HOGAN JUDY A TRUSTEES
42 QUIET HILLS RD
POMONA, CA 91766

HUGHES COLLEEN C LVG TRUST &
HUGHES COLLEEN C TRUSTEE
269 LINNAEUS AVE
COOKEVILLE, TN 38501

K/H INVESTMENTS LLC
PO BOX 608
APPLE VALLEY, CA 92307

LEE APRIL M
775 ST CHARLES PL RD
HOOD RIVER, OR 97031

LEHRMAN MARCUS &
GEORGE JODY L
232 NW COAST ST
NEWPORT, OR 97365

MAPLES LINDA R TRUSTEE
130 W CEDAR ST
EUREKA, CA 95501

MATEAM PARTNERSHIP
% FORD SALLY M
AGENT
267 NW CLIFF
NEWPORT, OR 97365

MATNEY MARY OLIVE TRUSTEE
650 NE SHERWOOD WAY
CORVALLIS, OR 97330

MCDONNELL JOHN
PO BOX 249
PACIFIC CITY, OR 97135

MSM PROPERTIES LLC
ATTN STEVEN W MOCK
2397 NW KINGS BLVD #173
CORVALLIS, OR 97330

NAGEL GEORGE E &
WICKLUND JANET
14534 SILETZ HWY
SILETZ, OR 97380

NAGY EVELYN D
PO BOX 10412
EUGENE, OR 97440

NEIGEBAUER LINDA RAE
3914 NW CHEROKEE LN
NEWPORT, OR 97365

NORRIS TREVOR J REV LVG TRST &
NORRIS TREVOR J TRUSTEE
PO BOX 1088
WALDPORT, OR 97394

NORTHAM JOYCE H TRUSTEE
4125 NW TAMARACK DR
CORVALLIS, OR 97330

NYE BEACH PLAZA CONDOMINIUMS
ASSOCIATION OF UNIT OWNERS
ATTN ROGER ANTHONY
4224 SE LAMBERT
PORTLAND, OR 97206

RODDEN MARY ANN
PO BOX 117
NEWPORT, OR 97365

ROSE BRIAN S &
ROSE JULIE M
637 SE ST ANDREWS DR
PORTLAND, OR 97202

ROTH JOSEPH C &
ROTH PAULA C
DIAZ RAMON STEPHAN
PO BOX 92
LOCKWOOD, CA 93932

RUHLAND W STEVEN TRUSTEE &
AVRITT JUDITH K TRUSTEE
19981 EVELYN CT
SONORA, CA 95370

VANDERLIP DAVID L TSTEE &
VANDERLIP MARIA R TSTEE
37990 COURTNEY CREEK RD
BROWNSVILLE, OR 97327

VANWERT FRANCES C TRUSTEE
742 NW 2ND CT
NEWPORT, OR 97365

WIEBE MARTHA W TSTEE &
WIEBE DAVID A TSTEE
10205 HELMICK RD
MONMOUTH, OR 97361

WOLCOTT KENT P &
WOLCOTT APRIL A
749 NW 3RD ST
NEWPORT, OR 97365

LINGHAM JUDITH M
PO BOX 28
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

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

Victor Mettle
Code Administrator/Planner

Jason Malloy
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, Monday, April 9, 2018, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-CUP-18, a request submitted by Nye Place LLC, 13999 S Clackamas River Drive, Oregon City, OR 97045, property owner (Stephen L Madkour, authorized representative) per Section 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities" for a conditional use permit to grant relief of the three off-street parking spaces required to operate a three-bedroom vacation rental at the property at 715 NW 3rd Street, Newport, OR 97365 (Assessor's Map 11-11-08-BB, Tax Lot 11200). 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, MARCH 30, 2018.

3/30/18

WEDNESDAY EDITION: 5:00pm Thursday Prior

FRIDAY EDITION: 5:00pm Tuesday Prior

ein, adverse title, or any title's title to defendant(s). Public auction bidder for sheriff's check, more details www.oregon.org/county/16, M-23, 1-06).

SHERIFF'S 8-0317
2018, at the 10 a.m., at county Sheriff's Office, 225 W Olive St., Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as 2752 NE Reef Ave, Lincoln City, OR 97367. The court case number is 17CV07261, Nationstar Mortgage LLC D/B/A Champion Mortgage Company, plaintiff(s) vs. The Dolores Shakro Revocable Trust Dated April 18, 1985; The Unknown Heirs, Devisees, and Assignees of Dolores J. Paul fka Dolores J. Shakro; Wilbur Shakro; Secretary of Housing and Urban Development; and All Other Persons or Parties Unknown Claiming any Right, Title, Lien, or Interest in the Real Property commonly known as 2752 NE Reef Ave, Lincoln City, OR 97367 defendant(s). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregonsheriffssales.org/county/lincoln/>, M-16, M-23, M-30, A-06 (93-06).

SHERIFF'S 8-0324
2018, at the 10 a.m., at county Sheriff's Office, 225 W Olive St., Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 3408 Harlan Burntwoods Rd, Blodgett, OR 97326. The court case number is 17CV08529, U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust, plaintiff(s) vs. David W. Collett, an individual; Barbara Collett aka Barbara D. Collett, an individual; and all other persons, parties, or occupants unknown claiming any legal or equitable right, title, estate, lien, or interest in the real property described in the complaint herein, adverse to Plaintiff's title, or any cloud on Plaintiff's title to the Property defendant(s). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregonsheriffssales.org/county/lincoln/>, M-16, M-23, M-30, A-06 (94-06).

SHERIFF'S 8-0343
2018, at the

hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 2752 NE Reef Ave, Lincoln City, OR 97367. The court case number is 17CV07261, Nationstar Mortgage LLC D/B/A Champion Mortgage Company, plaintiff(s) vs. The Dolores Shakro Revocable Trust Dated April 18, 1985; The Unknown Heirs, Devisees, and Assignees of Dolores J. Paul fka Dolores J. Shakro; Wilbur Shakro; Secretary of Housing and Urban Development; and All Other Persons or Parties Unknown Claiming any Right, Title, Lien, or Interest in the Real Property commonly known as 2752 NE Reef Ave, Lincoln City, OR 97367 defendant(s). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregonsheriffssales.org/county/lincoln/>, M-16, M-23, M-30, A-06 (93-06).

NOTICE OF SHERIFF'S SALE #18-0346
On April 26, 2018, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 3408 Harlan Burntwoods Rd, Blodgett, OR 97326. The court case number is 17CV08529, U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust, plaintiff(s) vs. David W. Collett, an individual; Barbara Collett aka Barbara D. Collett, an individual; and all other persons, parties, or occupants unknown claiming any legal or equitable right, title, estate, lien, or interest in the real property described in the complaint herein, adverse to Plaintiff's title, or any cloud on Plaintiff's title to the Property defendant(s). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregonsheriffssales.org/county/lincoln/>, M-16, M-23, M-30, A-06 (94-06).

NOTICE TO DEBTORS
Claire A. Wipperman

of Newport, OR was deceased on December 20, 2017. Any debtors with valid claims should contact Wipperman Estate Executor, 1144 SW Mark Street, Newport, OR 97365, no later than April 15, 2018. M-16, M-23, M-30 (97-30).

CITY OF DEPOE BAY NOTICE OF PUBLIC HEARINGS PROPOSED AMENDMENTS TO DEPOE BAY ZONING ORDINANCE DEPOE BAY SIGN ORDINANCE - MURALS & COMMERCIAL DESIGN GUIDELINES

Notice is hereby given that initial public hearings will be held by the Depoe Bay Planning Commission as outlined below at Depoe Bay City Hall, 570 SE Shell Ave., Depoe Bay, OR. The Planning Commission may take action at the hearings, or may continue the matter to a place, date and time announced at the hearings. The Planning Commission will ultimately make a recommendation to the City Council, who will hold a public hearing to consider adoption of the ordinance amendments. All persons submitting written testimony or who attend the Planning Commission hearings and sign in requesting notification will be notified of the date, time, and place of the City Council's hearings.

PLANNING COMMISSION PUBLIC HEARING - WEDNESDAY, APRIL 11, 2018 at 6:00 PM
Summary of Proposed Sign Ordinance Amendment to Allow Murals
Depoe Bay Zoning Ordinance Section 4.950 Signs, adopted in September 2017, does not allow murals on buildings. This proposed amendment would allow murals on buildings in the Retail Commercial (C-1), Light Industrial (L-I), and Planned Marine and Recreation (M-P) zones with approval by the Planning Commission.

Summary of Proposed Commercial Design Guidelines
A new Section 3.115 Commercial Zone C-1 - Design Guidelines is proposed to be added to the Depoe Bay Zoning Ordinance. The Design Guidelines propose maximum building setbacks, building orientation standards, architectural guidelines, pedestrian amenity

requirements, mixed use and residential guidelines, parking standards, and additional provisions. Be advised that the above description of the proposed Depoe Bay Zoning Ordinance amendments and their effect on property may change prior to adoption as the Planning Commission and City Council take into account testimony from the public. You are encouraged to attend the public hearings because revisions to the proposed amendments are possible. The proposed amendments are available for inspection at Depoe Bay City Hall, 570 SE Shell Ave., Depoe Bay, OR Monday-Friday, 8:00 a.m.-5:00 p.m. A copy of the entire packet of proposed amendments may be purchased at a reasonable cost. The proposed amendments are available on the City's website at www.cityofdepoebay.org. For additional information contact Depoe Bay City Hall at 541-765-2361.

Applicable Criteria: The proposed amendments are legislative matters and not quasi-judicial. The Planning Commission and the City Council will evaluate the proposals in accordance with Depoe Bay Zoning Ordinance (DBZO) No. 24 (as amended), Article 9 Amendments, and when applicable, ORS Chapters 197 and 227.

Testimony: Submit testimony in oral or written form; oral testimony will be taken during the course of the public hearings and time may be limited; written testimony may be submitted to the City of Depoe Bay, P.O. Box 8, Depoe Bay, OR 97341 by 5:00 PM of the date of the hearings. Depoe Bay City Hall is accessible to the disabled. If special accommodations are needed, please contact the City Recorder at 541-765-2361 at least 48 hours in advance of the meeting so that appropriate assistance may be arranged. M-28, 30, A-04 (09-04).

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, Monday, April 9, 2018, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-CUP-18, a request submitted by Nye Place LLC, 13999 S Clackamas River Drive, Oregon City, OR 97045,

property owner (Stephen L Madkour, authorized representative) per Section 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities" for a conditional use permit to grant relief of the three off-street parking spaces required to operate a three-bedroom vacation rental at the property at 715 NW 3rd Street, Newport, OR 97365 (Assessor's Map 11-11-08-BB, Tax Lot 11200). 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). M-30 (11-30).

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, 2018 to June 30, 2019 will be held at 1037 NW Grebe Street, Seal Rock, OR 97376. The meeting will take place on the 19th of April 2018 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 April 12, 2018 at 1037 NW Grebe St., between the hours of 8:00 A.M. to 4:00 P.M. 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. M-30, A-11 (12-11).

PUBLIC NOTICE

NOTICE: In the Circuit Court for the State of Oregon for the County of Lincoln, in the Matter of the Estate of Edward L Hildebrand III, Case No 18PB02334, Joyce Hildebrand 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 19615 Honey Grove Rd, Alesa Oregon 97324, 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. Dated and first published on March 30, 2018. Joyce Hildebrand, Personal Representative. M-30, A-06, A-13 (13-13).

PUBLIC SALE ANNOUNCEMENT

On APRIL 17, 2018 at 2:00PM a public sale will be held at Ideal Storage - Siletz, 134 NE Metcalf, Siletz, OR 97391. Contents of Unit #S082 Rented by KELLY ALLARD, contents of Unit #S001 Rented by COVA METCALF, contents of Unit #S105 Rented by SKYE JONES, contents of Unit # S031 Rented by CAROL MABEY, and contents of Unit #S096 Rented by CARRIE BOSTWICK. The aforementioned party/parties can contact us prior to the sale. We reserve the right to reject any or all bids/sales. M-30, A-04 (14-04).

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE

DEPARTMENT IN THE MATTER OF THE ESTATE OF NORMAN DREHER, DECEASED
NO. 18PB01954
NOTICE TO

INTERESTED PERSONS
Notice is hereby given pursuant to ORS 113.155 that the undersigned has been appointed and has qualified as the personal representative of the estate. All persons having claims against the estate are hereby required to present the same, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the personal representative at: JAMES DOWLING c/o Jeffrey C. Pridgeon - Attorney At Law 515 W. Olive Street, Newport, OR 97365. (541) 265-2217, or they may be barred. All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the court, the personal representative or the attorney for the personal representative. Date first published: March 30, 2018. /s/ JEFFREY C. PRIDGEON, Attorney for Personal Representative. M-30, A-06, A-13 (15-13).



Planning Commission Regular Session Agenda Item Report

Agenda Item No. 2016-2341

Submitted by: Sherri Marineau

Submitting Department: Community Development

Meeting Date: April 9, 2018

SUBJECT

Volunteer Appreciation Dinner RSVP: April 17, 2018 at 6pm at the Best Western Agate Beach Inn

Recommendation:

ATTACHMENTS

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