



Meeting Notice

Please note that there will not be a 6:00 p.m. Newport Planning Commission work session meeting held prior to the regular 7:00 p.m. session on **Monday, October 12, 2015.**



AGENDA & NOTICE OF PLANNING COMMISSION MEETING

The Planning Commission of the City of Newport will hold a meeting at **7:00 p.m. Monday, October 12, 2015**, at the Newport City Hall, Council Chambers, 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, 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, 541-574-0613.

The City of Newport Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

NEWPORT PLANNING COMMISSION Monday, October 12, 2015, 7:00 p.m. AGENDA

A. Roll Call.

B. Approval of Minutes.

1. Approval of the Planning Commission regular session meeting minutes of September 14, 2015.

C. Citizens/Public Comment.

1. 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.

D. Consent Calendar.

E. Action Items.

F. Public Hearings.

1. File No. 1-SV-15. A proposed street vacation initiated by the City Council, at the request of Samaritan Pacific Health Services, Inc. on behalf of Pacific Communities Health District, for portions of SW 10th Street from SW Bay Street north to SW Case Street; SW Case Street from SW 10th Street east to SW 11th Street; and an alley between and parallel to SW 10th and 11th Streets from SW Bay Street north to SW Case Street. The Planning Commission will forward a recommendation on this matter to the City Council.

G. New Business.

H. Unfinished Business.

I. Director Comments.

J. Adjournment.

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, September 14, 2015

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

Commissioners Absent: Gary East and Bill Branigan (*excused*).

City Staff Present: Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

A. Roll Call: Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Hardy, Berman, Croteau, Patrick, and Franklin were present; Branigan was absent but excused, and East was absent.

B. Approval of Minutes.

1. Approval of the Planning Commission regular session meeting minutes of August 10, 2015, and the work session minutes of August 24, 2015.

MOTION was made by Commissioner Berman seconded by Commissioner Hardy, to approve the Planning Commission meeting minutes as presented. The motion carried unanimously in a voice vote.

C. Citizen/Public Comment. No public comment.

D. Consent Calendar. Nothing on the Consent Calendar.

E. Action Items. No items requiring action to be taken.

F. Public Hearings. Patrick opened the public hearing portion of the meeting at 7:01 p.m. 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; with nothing being declared. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

1. Consideration of the proposed Newport Northside and the McLean Point Urban Renewal Plans. The Planning Commission will review the proposed Urban Renewal Plans, including the relationship to the City's Comprehensive Plan, and make a recommendation to the Newport City Council. The Commission will take public testimony and consider such testimony before providing a recommendation.

At 7:02 p.m. Patrick read the summary of the file from the agenda and called for the staff report. Tokos noted that the Planning Commission had an opportunity to discuss what they needed to do at tonight's meeting at their work session on August 24th. At that time, they had an opportunity to look at the Plans. There are two Urban Renewal Plans. The Newport Northside picks up portions of Highways 20 and 101 and the Agate Beach area. The McLean Point is primarily undeveloped industrial land around the Port's International Terminal. Tokos explained that this hearing and the City Council hearing on the 21st were noticed according to Statute. When considering the adoption of an Urban Renewal District, one form of notice is to include the notice in the utility billing. So, some 4400 notices were sent out citywide with the utility billing on August 31st. As with the open houses, we also sent out an additional 860 notices to those who own property within the proposed boundaries. We could have doubled up on some; but we wanted to make sure we were picking up everybody. There were press releases as well. Tokos noted that there were two open houses; July 27th and August 31st. An Urban Renewal Advisory Committee was formed to assist in the preparation of the Plans. Following the open houses, the Advisory Committee asked the consultant to make some changes; and the Commission had a copy of her memo outlining those. The Committee met seven times and participated in the open houses. Tokos said, as the Commission is aware, this planning work towards creating new Urban Renewal Districts was initiated in 2012 after a group of stakeholders in the community assisted in reworking the goals and assisted in

moving ahead with economic activities. The feasibility study was done in 2014. The Planning Commission had a key role in creating that. The taxing entities participated; and each one had a representative on the advisory committee. The City had meetings with each of the entities and held some public briefings with them; the Port on August 18th, and the Board of Commissioners on September 2nd. He said the reason they were engaged is that, if these districts are formed, it doesn't create a new tax; it takes a portion of the tax that otherwise would be paid to them and moving forward would redirect it for the type of projects that are listed in the Plan. The taxing entities including the City will receive less money. Tokos said as these are long-lasting plans, over a 25-year period for the Northside and 20 years for McLean Point, the nature of the projects is somewhat general at this point and will be further defined as we move forward. Much of them are infrastructure-related. In the core area, the projects are designed to help traffic circulation and assist business owners in redevelopment. In Agate Beach, the projects are providing needed funding to do infrastructure improvements; assisting developed areas lacking things like sidewalks and storm drainage, and to provide access to a couple of large vacant residential areas so they can develop and help increase our housing supply. The McLean Point Area is much smaller than the Northside. It contains targeted improvements allowing those properties to develop by extending sewer, water, utilities, and doing street and stormwater improvements. That allows those properties to develop in a manner that will complement the International Terminal, which has been renovated over the last couple of years. He said that to sync that up just makes sense.

Tokos said under Statute, the Planning Commission has a role to play; the key one being to review the Plans to confirm that the projects and objectives outlined are consistent with the Comprehensive Plan and will make a recommendation to the City Council who will hold a hearing on September 21st. He said the Commission is not limited to that issue, but that is the key issue. Those findings have to be made by the City Council; and they rely on the Planning Commission as their advisory body on these plans, which are part of the Comprehensive Plan. At the end of the day, the City Council will make findings that one, there are conditions that warrant the formation of these Urban Renewal Districts; by Statute that's considered blight, which means they are in need of redevelopment, and projects of this nature will help to revitalize them. Secondly, a finding is needed that the projects identified conform to the Comprehensive Plan; and third, that the Plans are financially viable. He said those are the key findings.

Tokos said throughout the public engagement process, we talked about the potential projects that will be studied further; the couplet as an alternative, the widening of 101. There was discussion about different streets in Agate Beach that may need to be surfaced; such as 55th. This plan does not call out specific projects of that nature; it puts a funding structure in place to do these projects and puts in place priority planning projects that will happen in the first years of the Plan. Agate Beach will likely be a nine to twelve month timeframe; and he anticipates that will be something like 2017-2018. Through that planning process is where we would engage the public and figure out exactly what kind of infrastructure improvements are needed, the costs at least at the planning level, and their relative priority. That process would involve public hearings before both the Planning Commission and the City Council. The other planning is for the commercial core area, and that is looking hard at Highways 20 and 101. That will also include ODOT since those are state facilities. ODOT has reserved funding to initiate that work in the 2016-2017 timeframe. The Plan calls for Urban Renewal funds to be brought to bear in about the same amount. That is where decisions will be made about what are the appropriate solutions along 101 and 20. The state is putting together a model and have been conducting traffic data; so there will be actual data as part of that process. That conversation will also involve the future of the bridge and an alternative to its existing location. He anticipates that process will be a two-and-a-half to three year timeframe.

Tokos noted that the Comprehensive Plan provisions, which is one of the priority pieces, is covered in detail in each of the Plans. It's centered on the Economic policies; redevelopment and revitalization on the highway corridors and improve traffic flow. Those are captured in the Comprehensive Plan. Also, Housing. There was much discussion about the lack of affordable housing. Those policies are captured in the Plans. There are opportunities to address affordable housing through the projects in the Plans. For McLean Point, we heard from those that want it to stay natural habitat where they can walk their dogs. There is an Estuary goal in the Comprehensive Plan. It calls for that area to be for development to support the Port's infrastructure. There are other areas in the Bay that are natural areas or conservation areas. From the Terminal to the bridge on the north side of the Bay is considered development area. This is the type of development envisioned at this location. Should there be in-water work, other agencies step in to assure that it doesn't have an adverse impact on habitat. That's another package of Comprehensive Plan policies that are addressed in the Plan.

Tokos encouraged the Planning Commission to take testimony and ask any questions of him or those who come forward and then deliberate about how to move this matter forward.

Testimony: Darrell Clark, 439 SE 130th Drive, South Beach. Clark noted that the last meeting he attended was on September 8th where it was presented at the City Council, and there was a conversation that it was really important that an advisory committee be set forth because of closed plans that a lot of people have come and complained about. So, you're having to make amendments to closed plans.

Tokos explained that the chair of our Urban Renewal Agency, David Allen, at the September 8th meeting expressed very clearly a desire and that he was encouraged to see language in the Plans that includes an advisory committee, the Planning Commission in some cases, serving in an advisory capacity but also an ad hoc work group or advisory committee would need to be involved on any major changes to ensure that there is full public vetting. At least in his mind, a desire to make that as robust as possible and add additional people. In the Planning Commission's case, a desire to see that the Planning Commission Advisory Committee has a role along with the Planning Commission proper so that the Plans have full public vetting and views from a variety of perspective and informing them before the Urban Renewal Agency has to make decisions on future changes to the Plans.

Clark said his concern is if South Beach is still an open venue, the idea of an advisory committee not being set forth as such to go out and reach the public to understand what was going on. The people he talked to and several businesses like in Aquarium Village and others don't have a clue of what's going on. He said there was not an extensive reach to these people; and it just happened. He wondered if South Beach is still an open venue. Are there still amendments for that Plan? He has some definite concerns.

Tokos said the Plan itself is still alive. The Plan has a number of projects that are either under construction now, and there's one more phase coming in 2017-2020, and then the Plan closes. An ad hoc committee or an advisory committee was formed to create the 10-year plan that we've been working through. There was also the Coho/Brant Neighborhood Plan that was a public outreach plan that went through a hearings process, and the Planning Commission and City Council were involved with. Transportation System Plan updates also had public hearings and matters that went before both the Planning Commission and the City Council and were noticed to property owners. He said at some point you go through a planning process, and decisions are made, and you're financially committed. So, there are some projects that aren't really open for revisiting at this point because they're actually under binding intergovernmental agreements. There are other projects that are earlier on that certainly could be revisited; and there will probably be some actual additional work done before the final phase is initiated in the 2017-2020 timeframe when we define what that should look like. The stuff that's under construction now and under design now has gone through a public hearings process and is kind of past the point of no return at this point.

Clark said those are some things he doesn't understand; and he thinks some things are reversible if they don't make sense. He asked to read a letter that he had written; and Patrick told him to proceed. He read the points he doesn't understand regarding South Beach: Traveling an extra 680 feet and passing 32nd because we're removing the 32nd Street stoplights. Now going to 35th means tourists are by the shops and hotels, and human nature says they're not going back. Secondly, by removing the 32nd signal, you've stated that the traffic flow on and off 101 is improved; and he doesn't understand that. You have eliminated the left turn off, plus you could design a right turn off using the old drive-in theater road behind Toby Murry's. Now you've wanted to get access off Highway 101, but you've eliminated two ways off 101. Third, by moving the 32nd Street signal, the state has lifted limits on the amount of traffic it will accept on 101; and where will this increased traffic flow. Yaquina Bay Bridge stands in the way; no matter what you do north or south for traffic flow, there will always be the bridge. Why are you not taking on the bridge first? Fourth, the statement is made that when the 32nd Street signals are gone, there's good visibility on the affected businesses before reaching 35th. He said there's no way you can see Pirate's Plunder, Fish Tails, or the Aquarium Village, or even the marine fish building there, especially at an increased downhill speed. When people reach 35th, they will continue on. Human nature; passed it, move on. They're not coming back. Fifth, it has been stated no left turn signal at 32nd will have a chilling effect on the Rogue and Hatfield; and in what way is that? How about the concern of the chilling effects to the two hotels, the candy shop, Pirates Plunder, Fish Tails, and the Aquarium Village when no left turn is allowed and no one knows they are there. Once by them; gone. It seems to him that the only one that benefits from this is the property owner who receives \$1.5 million for their property. He thanked the Commissioners for listening to his opinion.

Robert Heida, 109 SE Coos Street, Newport. Heida's biggest concern is the lack of oversight. We're talking \$42 million, and to him it looks like they basically figured out the maximum amount of money they could get away with. He's sure everyone tried to figure out what would do the most good. But now the City Council and the Urban Renewal Committee, which are the same thing, are going to make decisions on what projects go ahead because like they've been told, these are intentionally vague descriptions so we can better decide in the future what projects are actually going to happen. So, it comes down to one group of people making these decisions; and it just doesn't seem like that's enough.

John Rairgh, South Beach. He has attended several meetings recently regarding the fairgrounds. He's heard at those meetings that the fairgrounds is going to be put into the Urban Renewal boundary; and he sees from this meeting that it has been. He strongly encouraged the Commission to challenge that. Don't put the fairgrounds in. Let the fairgrounds stand on its own two feet. Make it work. Don't be giving it billions and billions of Newport tax money as part of the Urban Renewal District. Make the fair be self-sustaining. Do not support it as an entity that is struggling. Make it work.

Ellen Bristow, 128 SE Coos Street, Newport. She became involved in watching the Urban Renewal program from July 14th, which is the first she knew about it. She was curious about who owns the fairgrounds; and is it contingent on it being a fair. If there is not a fair there, who does that property divert to? Patrick said she would have to ask the County that because it's the County's fairgrounds, not the City's. Bristow said \$3 million of Urban Renewal is going into that piece of property, so she thought we'd be interested in knowing a little bit about its history. She said, aside from that, she took a look at the fairground diagram. She went to the fair the last time it was there; and she said it was very sad. The new plans eliminate the horse barns. It eliminates animals generally, except maybe under a tented area at the end of a long building, which looks like it's designed very well for the Seafood and Wine Festival. She said like the gentleman had just said, make it work like a fair; and if the fair can't handle it on its own, let's find out who the property goes to.

Jane Heida, 109 SE Coos Street, Newport. She said that she understood the Urban Renewal Project; and it's a good idea. She said that Newport is a struggling, stagnant town. She understands that is why they came up with the Urban Renewal idea. But the fact that it is an open venue, we the people have no say about the real oversight of it such as the gentleman's concern about South Beach. If we are looking to make this town grow, why are we just taking one stop sign and moving it over here? Why not put a second stop sign in down further, which creates growth in that area; not tying our hands. Again, the oversight with the new Urban Renewal project. We're giving you \$42 million to make this town better; but whose idea of making this town better? Putting a couplet in? She said to look at downtown; it's concrete and metal. She asked if they've gone to any other town and really looked at how their towns look. Our infrastructure; how long has it been since we've done good plumbing and wiring throughout this town? She asked if that isn't a real need. She understands that we invested in a new school and a new hospital. We want to put fluoridation in water, which she doesn't agree with. Her concern is, did Newport win the lottery? Where is all this money coming from? We have a hospital, a school, fluoridation. You want to put a swimming pool in an area where we already have traffic and parking issues as well as construction issues with the facility that's there. You want to put a swimming pool and event center right smack dab in the middle of that, tying this town's hands where if you have two events, you don't have the facilities for two events to happen. She asked where the open mindedness of this Planning Commission is on how to make this town better and actually make it grow for the benefit of all and not just one or two of the property owners. She thanked the Commissioners for listening.

For clarification, Berman asked, this list of projects we have, and some people have talked about specific pieces of that, when these individual projects are decided on through the planning process, will each or in groups have a full public hearing before both the Planning Commission and the Urban Renewal Agency before they are approved. Tokos said there will be full public hearings on the large items. The Agate Beach stuff is going to require public hearings to identify what those specific projects will be before the Planning Commission and the City Council before they're put in there. There will be full public hearings on anything that happens in the 20 and 101 corridors. He expects that the City Council is going to look for any changes to infrastructure to support fairground redevelopment would involve full public hearings before the Planning Commission and the City Council. There may be through the life of the Plan some smaller stuff that doesn't involve full public hearings because it would be considered minor amendments in the context of the Plan.

Patrick wanted to address some of the comments that had been raised. He said as far as borrowing the maximum amount of money, we actually didn't. The City Council actually came to the Planning Commission and told us that they wanted to max it at \$42 million. They could have borrowed a lot more than that; they could have set that a lot higher. As they told us, it had to do with their budgetary needs; there's only so much they are willing to give up to Urban Renewal. It's all the same pot of money. All you're basically doing is taking a piece of it and setting it aside and reserving it for these projects. Regarding the South Beach stuff, Patrick set in on a lot of those hearings on the Transportation Plan and whatnot. That stuff was decided a long time ago. We're not the only player in that. ODOT has a really big say. As far as the bridge is concerned, we've been hammering ODOT for years and finally got them to at least tell us if they're going to fix the bridge, where's it going to be because there are some options about putting it someplace else. We don't want to do all this work and find out they're going to build the bridge inland someplace. One of the things the Urban Renewal funds are going to go to is to nail down what the plan is for the bridge. He said ODOT is not going to touch anything on that bridge for the next 50 years. They said that bridge is good for 50 years; they don't plan on rebuilding it or doing anything for a long time, and they don't have the money either. Regarding the fairgrounds, Patrick said we don't necessarily have to get the County to agree to this; but we want them to be on our side as far as Urban Renewal and taking their tax money away. He said one of the reasons the fairgrounds got tossed into that was because that was the piece that got the County to be happy about it. If they're not going to get anything out of it, they're not really enthused about doing this.

From the audience, Bristow asked if he was saying that compliance with the County for going to Urban Renewal is how we got the addition of the fairgrounds. Patrick said, no. They don't have a say if we're under the \$50 million. We prefer them to be happy about it. It's easier to get things done if you get all of the players to agree on something. Bristow said this is part of what caught her attention about this Urban Renewal; the phrase "Derrick went around shopping the idea." She's quick to jump to cynicism; but she was taken with that phrase. She hasn't actually asked. She assumed there were persuasions. The County could come back and say they're not interested in this. She agrees that it's nice to have them go along. Patrick said the fairgrounds is something they requested. We went along because it makes sense for us.

From the audience, Clark asked if he understood that no matter the venue and the policies of the City Council and the Planning Commission, whatever ODOT decides that is what we have to do no matter how much that affects us. Patrick said we fight really hard to get things done through ODOT. It took seven years to get them off our case in South Beach. They were going to lock South Beach down to where we couldn't do anything; you couldn't develop anything in South Beach; and they have the tools to be able to do that. Tokos explained that we got relief from a standard that the state has for the maximum amount of congestion they will allow on a highway. The way we did that was because we recognized and they recognized that nothing was going to happen for that bridge for a long period of time. That is in fact a choke point. We ended up going through a long very public process of trying to figure out what all could be done to improve mobility on that highway short of replacing the bridge. They did a lot of detailed traffic analysis on terms of how the existing system was working. One of the projects that was identified as a priority was getting that signal relocated so that vehicles could get up to speed a little bit easier as they approach that incline on the bridge; particularly big vehicles such as large RVs and truck traffic. That's one of a number of different projects that we were able to work through in a very public forum over a number of years and work it into an Urban Renewal Plan. That last amendment to South Beach happened in 2008 for a ten-year extension in South Beach so we could have some funding to do some of this work and match it up with state resources. He said you can debate whether or not it's the best thing in the world, but one thing for certain it has done is it got us an alternate mobility standard that allows a whole bunch of different properties in South Beach to develop to their full potential; not the least of which is Hatfield, OMSI, and Wilder for example was under a trip cap where they couldn't develop fully. There were a number of things that we did get out of that deal. Is it ideal for every property; no. Any change that's made to a major transportation system is going to have its pros and cons. But it was fully vetted through a very public process.

Tokos said, with respect to the fairgrounds, the fairgrounds process the County was going through happened about the same time that we were undertaking the feasibility study. The County is looking at redeveloping the fairgrounds, and there is an event venue that they've been looking at. He doesn't know if they're fully done with their planning work. He's not sure where they're at on that right now at all. It was clear that for that to be a successful redevelopment project and that it has potential of reshaping that US 20 entrance to the community, that there would need to be infrastructure changes made such as widening Harney between 20 and he believes 3rd where it's very narrow there by the asphalt batch plant. Those are things that Urban Renewal is good at. There may be other things as well. There was an opportunity for a partnership. Anytime you're engaging with taxing entities that are going to be impacted, if

there's a partnership that makes sense, you want to talk about it. That's what was done; and that's why in large part this found its way into the Plan. It's a potential redevelopment gamechanger on US 20 just like a number of these other projects can be gamechangers in Agate Beach or along 101. He said what ultimately happens down the road, as Planning Commission members or if you're familiar with the South Beach Plan or the original Newport Plan, what we put in here today may look very different in fifteen years because some projects through community support and resources by developers or others will make sense; and we'll be able to move those forward, and other projects won't because they won't make sense or there won't be that consensus and it's just not going to happen. So, this Plan will be reshaped; much like the South Beach Plan, which is now on its eleventh amendment. Those will come through. There will be public hearings processes, and there will be ample public involvement as we go through. He said our Urban Renewal Agency made a very good point. That's why work was done on these Plans to make sure that any major changes will have separate advisory committees providing feedback to the Council.

Again from the audience, Clark said that it doesn't make sense for him. He can't get a grip on getting vehicles up to speed to get over the bridge and then get bogged down on the bridge. It makes no sense to him at all. He said, yes, some business are going to succeed, and some are going to die. He said Pirates Plunder is going to die. Fish Tails is going to die. The whole Aquarium Village is going to die. People will not even know they're there. This is good for the South Beach community? He said he can't support this at all. He said it doesn't make sense.

Patrick said in looking forward to the Plans, the City and the Planning Commission both have done a lot of outreach. None of this is set in stone. Most of the beginnings of all of these plans is to go get the people's involvement and find out what we really want to do. He said there was an events center in the South Beach Plan. There was an events center in the original Newport Plan. City center was in the original northside district and got almost nothing out of all that. The money mostly went into the Bay Front and into Nye Beach. Both of those are a success. The City Center is still dying on the vine. This is our attempt to make sure we actually get something done with the City Center this time and do what we need to do in Agate Beach.

Berman said he would like to encourage anybody that is interested in this and interested in a role in influencing things going forward. A lot of things are already set in stone and can't be changed; but these two Urban Renewal Districts are wide open within the categories of projects we are proposing. There are lots of opportunities to get involved. The Planning Commission has an Advisory Committee with two openings on it. We are constantly looking for people to help us work through these things and ask some of these types of tough questions so that we can make sure that we have a general consensus about what's the best thing to do for the community. Franklin said he came on this committee because he didn't agree with certain things. That got him up here. It's your opinion that gets you up here, and then you can have a voice. He said your opinion matters. Hardy agreed that definitely opinions matter, and what she's hearing is that there might be some better hindsight than foresight in terms of some of the earlier discussion and maybe it just didn't make a dent that these decisions were being made. She said it's easy to go through day-by-day things and really not pay attention. She doesn't know if there's a better way to generate an information source. She can't believe that there was that much ignorance of what was being decided and what issues were being considered. Patrick said actually there was because we have been making a real effort lately to try to engage people more so. After our experience with the geologic hazards code update where everything went great up until our hearing, that is when he really started making a push for getting more public involvement ahead of time to get that stuff hashed out. He said we have had a lot of comments; and we have the comments tonight. He went to the open house at the health education center, and there were lots of different comments there too. So, we're doing our diligence to get the input.

Mr. Heida from the audience said just looking at everything you've targeted, good luck trying to figure out how to spend that \$42 million. There's an awful lot on your plate there. Patrick said a lot of that is leveraged. A lot of those transportation things, if they're on 101 or 20, we will use ODOT money. On other things we'll go looking for grants to do them. It may be a joint effort between the City and the County. Tokos added, or public/private partnerships. He noted for example that OMSI on Abalone contributed about a half million dollars; the rest of that was Urban Renewal. Patrick said if we get a development or something that brings in some money, we can use it there too. \$42 million doesn't cover the project costs. Some of it also gets financed too.

Ellen Bristow came back up and said that when she first started exploring Urban Renewal it was completely foreign to her. She said she probably stumbled from place to place for a long time before she got even a glimmer of what was going on. One of the things she wanted to point out is as the tax entities have no say, they don't vote; although they could publish reports in the final decision either positive or negative. She has run into a lot of people who assume

that this is put up to a public vote. She said it's not so much ignorance as once you start digging, you find yourself running to a lot of meetings that you've never done before, and you're trying to put these things together. She does applaud that there's more and more outreach. It's wonderful to get access to City documents by computer. It can be improved. She said this is an ongoing opportunity. She hopes to make it to more planning meetings because this seems to be the place it's going to happen. Even on the City website, it can be a little confusing to know what's going on at any given moment. She assumes that the website could be improved. One of the surprising things to her when she was looking at taxes and bonds and Urban Renewal is that without any say we extract money for Urban Renewal in Newport from all other taxing entities. She said if she was outside of the urban area county resident, she might wonder just what the County was thinking. She guesses it lays a huge morale responsibility on Newport to not only acquire the money but to use it extremely well because you're using other people's money. She said she does have a lot of faith; but it's big.

Berman thought it was important to point out that in terms of the money, we are temporarily using the other taxing entities' money. The result of which, if done right, will be a much greater tax base; and in the long run they will end up with much more money. In the short-term, less. Bristow said she likes cooperation and collaboration. But in other cases sometimes the situation becomes so cooperative that one financial weakness in one particular entity has the tendency to bring the whole game down. She wondered if the other entities checked each other out to see if they are sound; or does it weaken everybody? Tokos said we've met with each of the taxing entities. They've had a chance to look at the financial information in detail. It impacts each taxing district differently. Newport for example gets hit the most because it has the largest percentage of its land area in an Urban Renewal Area as opposed to the County, which has a much larger geographic area to draw taxes from. The analysis each taxing district does is going to be a little bit different. He thought the taxing entities appreciate the fact that the Legislature changed the Urban Renewal laws back in 2009 such that now they can ask for an under-levy. We put a process together in here that in any given year they can ask that Urban Renewal take less than the increment it otherwise would be entitled to. Our Council wanted a formal process that says this is something that's allowed by state law, we don't want to see it done in a willy-nilly manner; and if someone looks back on the books in years they can't figure out how the under-levy requests were handled or what projects were given up to do the under-levy, etc. So, a formal process has been put in here so that a taxing entity can make that under-levy request, there will be a formal deliberation during the budgetary process, and then there will be decisions made; and if the under-levy is done, if they have to forego doing certain projects, they will identify what that will be. If we're doing borrowing as part of Urban Renewal, we know not to allow the lender to lock us into having to pull our full increment every year just to provide them an extra cushion. He thought it was a worthwhile conversation. He knows the different representatives from the taxing districts appreciated that.

In the audience, Mrs. Heida said for Urban Renewal to be a success it needs to generate at least 4.5% growth in this town. We have to make sure we get industries and businesses here and not just education.

Croteau had a couple of minor changes to point out. He was looking at page 23 of the Northside Plan with the map (he noted that there were two page 23s). He said there are three different shades of red but only two in the color scheme. He thought that needs to be brought into consistency. It's just an issue with color coding. On page 25, looking at "to conserve energy" about 2/3 of the way down the page where it says "(e.g. bicycles in mass transit)"; that should say "and". He asked on page 27 what is the "Peninsula Neighborhoods." Tokos said in the Comprehensive Plan that is a phrase given to basically the downtown or city center area. It's a hold-over from that. That's how it's framed in the Comprehensive Plan. Croteau said on page 18 there is discussion about property acquisition from willing sellers rather than eminent domain; and he asked when the power of eminent domain is appropriate in the context of an Urban Renewal Plan. Tokos said it would only be appropriate in the context of right-of-way acquisition for things like road right-of-way or sewer line right-of-way or something of that nature. Croteau said, so it's carefully defined when it can be by eminent domain.

Berman said on the section that relates to the Comprehensive Plan goals, the verbiage on the goal of energy conservation is extremely weak. Berman said where it says, "The Plan conforms to the Energy Conservation goal as it contains . . ." There really is no meat there whatsoever. He wouldn't even pursue saying it meets any kind of energy conservation goal because there just isn't anything there in his opinion. He said in the McLean Point Plan on page 22 there's apparently an error in that first sentence. Tokos said it will be corrected.

Patrick closed the hearing at 8:00 p.m. for Commission deliberation. Hardy said as far as the Urban Renewal Plan supporting the goals, she doesn't have a problem with that. She thought the main problem right now is reinforcing

open and clear communication with respect to the public; and she's not sure how to make that better. She felt that should be a condition for going forward. Berman thought in general both Plans are well intentioned and well thought out. The project categories on the Northside Plan are pretty good except he doesn't really like the specifics that are in there. He thinks it's too specific. The real meat of the thing is going to come later on when we sit down and really analyze in that very first planning phase what the real projects are that will pop out as the ones that are most required. He thinks it will become obvious. He hopes there's a real opportunity for honest public outreach and feedback and modifications based on that feedback so we end up getting projects that there's consensus this is really going to achieve the goals of Urban Renewal. Croteau said a lot of issues were raised this evening. He hopes many of these will be dealt with in the planning phase of the Urban Renewal. He said there has been more public input on this issue and in Newport in general than he's experienced in two other jurisdictions that he's familiar with. He said the question is if the Plan is congruent and consistent with the Comprehensive Plan; and when you look at that, you have to say yes, the Plan is consistent, gives us a general plan forward, and at this point this is all we can hope for. The future is going to hold a lot of detailed planning; and we continue to hope that the public will have as much input as they can. Franklin said he would repeat what every Councilor has said. He agreed we need to move forward with both of these plans. They both look good to him. And we need public input throughout and anything we can do to improve that; more open ears. Patrick also believed the conditions warrant the Plans, the projects conform, and they are financially feasible. He's also looking forward to the initial studies in the Plans. He's also looking forward to us doing a better job of prioritizing than we have in the past. He's lived through two Urban Renewal Plans. The South Beach one didn't do too badly. The first Newport Plan wasn't too bad, but a lot of things got thrown on the wayside; and he thinks the City Center kind of suffered for it. He would like to see this time actually do something for the City Center. He said it will be interesting to see how that turns out and what kind of feedback we get on that.

Mr. Heida noted that at the last City Council meeting he thought Chair Allen had recommended not so much an ad hoc advisory committee but rather a permanent committee; something that would work along side the Urban Renewal Agency simply because they were such closely related entities. Patrick said we've discussed that several times already. Originally they were just talking about having the Planning Commission do it; but the Commission's position was that we need more bodies than just us. He thinks they've come around to that. Patrick wondered when he gets the motion, if he could get something in there about increased public engagement and an expanded advisory committee as part of the recommendation. Croteau thought another point to be made is that the Urban Renewal Plan goes on for a long period of time; and so it's going to require oversight and maybe changing oversight depending on priorities for at least twenty years. It's really a living plan. We need to be aware of that. What we see today must change with time.

Mrs. Heida asked if South Beach is a living document. Patrick said it shuts down in 2020. Tokos said that's the last year it's open for any projects. Patrick said most of what is going on right now was decided two years ago. Whatever else we're going to do has to be decided right now to finish up in 2020. We have one more short planning phase, and then that's it. It's not as much of a living document as this one here. South Beach got extended too. It wasn't doing anything for the first ten years. Berman just wanted to say that he agrees 100% with the problem with that signal light. He can't believe that ODOT didn't take into consideration the impact on the businesses. We've had testimony at a prior hearing on exactly that subject. He thinks it's probably too late to change that decision about moving that signal.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman, that based on the analysis in the Plan and Report presented this evening, the City of Newport Planning Commission finds that the McLean Point Urban Renewal Plan is in conformance with the Newport Comprehensive Plan. The Planning Commission also urges the City Council to increase public input to the extent permissible in planning and to expand to the extent necessary advisory committees to assist in planning going forward. The motion carried unanimously in a voice vote.

MOTION was made by Commissioner Croteau, seconded by Commissioner Hardy, that based on the analysis in the Plan and Report presented this evening, the City of Newport Planning Commission finds that the Newport Northside Urban Renewal Plan is in conformance with the Newport Comprehensive Plan. The Planning Commission also urges the City Council to increase public input to the extent permissible in planning and to expand to the extent necessary advisory committees to assist in planning going forward. The motion carried unanimously in a voice vote.

G. New Business. There was no new business to discuss.

H. Unfinished Business.

1. Tokos noted that the Nye Beach Design Review changes went to hearing before the City Council where they took public testimony. He didn't have a chance to get the ordinance prepared. So, hopefully we will be taking that to them at their meeting on the 21st. They only had one person provide testimony; and that was in favor of those changes.

2. Tokos said on the 21st the City Council will have a proposal from the work group working on community visioning. That proposal will be about how Newport could do a broad community visioning process and what the components might be and how to package that up for an RFP moving forward if the Council's inclined to do that. He anticipates the Planning Commission would have a significant role in that should that be something the City Council elects to make a priority because it needs to be funded.

3. Tokos said that the retail sales of marijuana was a matter that had been forwarded from the City Council down to the Planning Commission to take a look at that. He wanted to let the Commission know that he's not planning to bring materials to the Commission until we see draft rules from OLCC because it doesn't really make sense to do so since they may delve into a number of the issues you might want to look at. He thought the Commissioners would want that information at least in draft form before starting deliberation on any supplemental rules the City may or may not want to do. He understands that OLCC expects to have that draft out either in October or November. The Commission can then pick up the conversation in late November or early December. The City Council elected not to preclude recreational sales at medical dispensaries. So, that will move forward effective October 1st.

4. Regarding LIDs, Tokos noted that the second TAC meeting of the four that are planned was held today. He said that much of the conversation was about best management practices. The consultant put together a memo with key stakeholders that they had engaged. The best practice memo was about different things we need to think about as we move forward with rebuilding our LID codes. He thought the TAC had a pretty good discussion today on a number of different issues. This will inform the consultant as he puts together a draft model code for the TAC to take a look at the next meeting in early December. Hardy hopes that it will be clearer whether the consultant's focusing on new development and subdivisions versus older existing neighborhoods, which is what is more likely to occur more frequently in Newport. Tokos said that's a good point because we were bouncing between the two topics. Hardy said it lacked continuity, preparation, and critical thinking. Franklin said it's almost like we need to have two separate discussions. She thought a little bit better definition structure, a little bit better thought process could occur. Tokos said we covered a range of topics; probably fifteen to twenty different topic areas. It will get folded into a model code that the group will have a chance to sink their teeth in. Maybe in early December through the development season folks will have a chance to read through the materials and really start to put this into a place where we can actually use it because our existing code doesn't work really well. This is primarily funded by TGM. We had a very modest match. They recognize that LIDs aren't an end-all be-all funding source, but they are a meaningful funding source. It has its appropriate place. Smaller jurisdictions are given very little guidance in terms of how to put together a program that they can administer successfully over a long period of time. They saw it as an opportunity for both addressing our need and a number of smaller communities.

I. Director Comments. Tokos had nothing further to add at this point.

J. Commissioner Comments. Croteau assumed the City Council is going to look favorably upon the Urban Renewal Plans. If so, he would like to urge them to assist the Commission in getting our citizens advisory committee more on board with us for the upcoming period of time. Tokos noted that that advisory committee has never been a formal structured committee; it was more of an ad hoc thing the Planning Commission did when it was looking at the zoning code rewrite some time ago and was just a carry-over. He appreciates the comment about emphasizing public involvement. It's tough to put in an Urban Renewal Plan that an advisory committee has to exist that's not a formal committee. He appreciates that motion just emphasizing public involvement. His sense, and one of the positives about both of these plans, is if there's a major amendment coming down the pipe, they may want to tailor those ad hoc committees appropriate to the type of issues on hand. Depending on the issue, they may want to have different players to make sure they are getting a full range of perspectives. He thinks that approach gives them the flexibility to do that. Croteau thought what we need is sort of a rolling group as things develop. His comment was looking just specifically at the Planning Commission because we are down to dust, and it shows. It would be nice to have more folks.

K. Adjournment. Having no further business to discuss, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

PLANNING STAFF REPORT
Case File 1-SV-15

- A. **APPLICANT:** Pacific Communities Health District (initiated by the City Council on September 8, 2015).
- B. **REQUEST:** Vacate a portions of SW 10th Street from SW Bay Street north to SW Case Street; SW Case Street from SW 10th Street east to SW 11th Street; and an alley between and parallel to SW 10th and 11th Streets from SW Bay Street north to SW Case Street.
- C. **SUBJECT PROPERTY:** Real property abutting each of the rights-of-way to be vacated is identified by tax lot reference and ownership, as follows:

SW 10th Street: Tax Lots 4500, 4600, 4800, 4900, 5000, 5100, 5200, 12900, 13100, 13200, 13500, 13501, 13502, and 13800 of Lincoln County Assessor's Map 11-11-08-CA. The properties are owned by the Pacific Communities Health District.

SW Case Street: Tax Lots 12700, 12900, 13000, and 13800 of Lincoln County Assessor's Map 11-11-08-CA. The properties are owned by the Pacific Communities Health District.

Alley between SW 10th and 11th Street: Tax Lots 12900, 13000, 13001, 13100, 13200, 13300, 13400, 13500, 13501, 13502, and 13600 of Lincoln County Assessor's Map 11-11-08-CA. The properties are owned by the Pacific Communities Health District.

D. **STAFF REPORT**

1. **REPORT OF FACT**

- a. **Plan Designation:** High Density Residential.
- b. **Zone Designation:** R-4/"High Density Multi-Family Residential."
- c. **Surrounding Land Uses:** The public rights-of-way that are to be vacated are internal to a group of contiguous properties owned by the Pacific Community Health District. The streets and alley had served a block of single and multi-family residential buildings that have been cleared by the Health District to make room for the hospital expansion. Surrounding land uses include hospital facilities to the north and west, office and residential development to the south, and the Avamere Rehabilitation Center to the east.
- d. **Topography and Vegetation:** The subject sections of SW Case Street and SW 10th Street contain paved roads. The terrain is relatively flat and vegetation is primarily native and non-native groundcover species.

- e. **Existing Structures:** No buildings exist within the rights-of-way.
- f. **Utilities:** Public water, sewer, and storm drainage infrastructure is in place in the subject sections of SW Case Street, SW 10th Street, and the alley. Easements will be reserved over these utilities.
- g. **Development Constraints:** None known.
- h. **Past Land Use Actions:** None known.
- i. **Notification:** Notification to abutting and affected property owners, to City departments, and to public/private utilities/agencies was mailed on September 22, 2015. Notice of this Planning Commission public hearing was also published in the Newport News-Times on September 25, 2015, October 2, 2015, and October 7, 2015.
- j. **Attachments:**
 - Attachment "A" – Letter from David Bigelow, Samaritan Pacific Health Services, with attached map, dated 8/17/15
 - Attachment "B" – Map illustrating city utilities and rights-of-way to be vacated.
 - Attachment "C" – Copy of ORS Chapter 271.080 to 271.230.
 - Attachment "D" – Notice and mailing list for the public hearing.

2. **Explanation of the Request for Street Vacation:**

Samaritan Pacific Health Services, on behalf of the Pacific Communities Health District, asked the Newport City Council to initiate the statutory street vacation process to vacate the above referenced street rights-of-way in preparation of a planned hospital expansion. The affected portions of the SW 10th Street and SW Case Street rights-of-way are developed with public streets and there are city water, sewer, and storm drainage services that will need to be relocated. If the rights-of-way are vacated, easements will need to be reserved until Samaritan Pacific reconfigures the utilities in a manner acceptable to the City. At that time, the easements can be released via quit claim deed.

On September 8, 2015, the Newport City Council elected to begin the street vacation process. This was done in accordance with policies the Council adopted to govern when it would initiate street vacation proceedings. Those policies require consideration of (a) the extent of public benefit; (b) the extent of present and anticipated future use of the right-of-way; (c) potential environmental and geologic impacts; (d) financial factors; (e) effect on property owners; (f) consistency with

applicable plans, ordinances and regulations; and (g) the amount and quality of the information provided by the person requesting the vacation. The Council may consider other factors as well. In a letter dated August 17, 2015 (Attachment A), David Bigelow, Samaritan Pacific Health Services, explains how these policies are satisfied. Specific rights-of-way subject to this proposal are depicted on the map included with Mr. Bigelow's letter and an aerial map prepared by city staff (Attachment B).

3. **Evaluation of the Request for Street Vacation:**

- a. **Comments:** Abutting and affected property owners, city departments and public/private utilities/agencies were notified on September 22, 2015 (Attachment D). As of October 6, 2015, no comments were received.
- b. **Planning Commission Review Required:** Pursuant to NMC 14.52.030, Approving Authorities, the City Council will decide street vacation proposals following a public hearing and upon receipt of a recommendation from the Planning Commission.
- c. **Applicable Criteria set forth in Oregon Revised Statutes (ORS) 271.130:**
 - i. Have the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, objected in writing to the vacation of the subject streets; and
 - ii. Will the vacation of the right-of-way adversely affect the market value of abutting properties and, if so, have those owners consented in writing to the vacation; and
 - iii. Has notice has been duly given *[required for hearing before the City Council, pursuant to ORS 271.080]*; and,
 - iv. Will the public interest will be prejudiced by the vacation of such plat or street or parts thereof *[arguably required by ORS 271.130(1) through its cross reference to ORS 271.080]*.
- d. **NMC Chapter 14.26 Maintenance of Public Access:** The city shall review, under ORS 271.080 - 271.230, proposals for the vacation of public easements or rights-of-way that provide access to or along the Yaquina Estuary or the Pacific Ocean. The city shall review, under ORS 271.300 - 271.360, proposals for the sale, exchange, or transfer of public ownership that provide access to or along the Yaquina Estuary or the Pacific Ocean. Existing public ownerships, rights-of-way, and similar public easements that provide access to or along the estuary or the ocean shall be retained or replaced if they are sold, ex-changed, or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas, provided public access across the affected site is retained.

e. **Staff Analysis:**

The Planning Commission reviews this request and makes a recommendation to the City Council. In order to recommend approval of the request, the Planning Commission must find that the applicant's proposal meets (or is capable of meeting) the following criteria:

- i. Have the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, objected in writing to the vacation of the subject streets; and;

Notice of this proposal to vacate the listed street segments was provided to affected property owners on September 22, 2015. Pursuant to ORS 271.080, individuals entitled to notice are those that own property within a notice area that extends 400 feet beyond the terminal points, and 200 feet perpendicular to, a stretch of right-of-way that is being vacated. A list of the affected owners is included with this report (Attachment "D"). If the owners of two-thirds of the land area that is subject to notice object in writing then the street vacations cannot proceed. To date, the City has not received any written objections to this street vacation proposal.

- ii. Will the vacation of the right-of-way adversely affect the market value of abutting properties and, if so, have those owners consented in writing to the vacation; and

The Pacific Communities Health District owns all abutting properties and has requested that the street rights-of-way be vacated so that hospital improvements can be constructed on the land. This request by the Health District, through the August 17, 2015 letter from David Bigelow, serves as evidence of the abutting property owners consent to the street vacation (Attachment "A"). The street rights-of-way are not needed to provide access to abutting properties and when vacated will accrue to these properties increasing their size. Public rights-of-way internal to the Pacific Communities Health District ownership break up the property, creating obstacles that the Health District would otherwise have to work around when developing the site. This would make it difficult for them to expand and renovate the hospital. Vacating these rights-of-way gives the Health District a single block of land to work with, which likely enhances the property's value.

For these reasons, it is reasonable for the Planning Commission to conclude that the requisite consent has been provided and that vacating the rights-of-way will not adversely impact the abutting properties.

- iii. Whether notice has been duly given [required for hearing before the City Council, pursuant to ORS 271.080]; and,

The Newport Municipal Code does not contain notice requirements for this type of Planning Commission hearing, and ORS Chapter 271 does not require Planning Commission action on a street vacation proposal. Abutting and affected owners received written notice as provided in ORS 271.080 and notice was published in the News-Times (Attachment “D”). This is sufficient for the Commission to find that this requirement has been satisfied.

- iv. Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof [arguably required by ORS 271.130(1) through its cross reference to ORS 271.080].

On October 6, 2008, the City Council adopted policies to govern when it would utilize the Council initiated street vacation option for the purpose of ensuring that the public interest is not prejudiced by a street vacation. Those policies, and findings explaining how they have been satisfied, are included in the August 17, 2015 letter from David Bigelow (Attachment “A”). The Planning Commission may rely up the letter as evidence that the public interest will not be prejudiced by the vacation.

- v. As outlined in NMC Chapter 14.26 Maintenance of Public Access, the city shall review, under ORS 271.080 - 271.230, proposals for the vacation of public easements or rights-of-way that provide access to or along the Yaquina Estuary or the Pacific Ocean. The city shall review, under ORS 271.300 - 271.360, proposals for the sale, exchange, or transfer of public ownership that provide access to or along the Yaquina Estuary or the Pacific Ocean. Existing public ownerships, rights-of-way, and similar public easements that provide access to or along the estuary or the ocean shall be retained or replaced if they are sold, ex-changed, or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas, provided public access across the affected site is retained.

SW Case Street and SW 10th Street are developed public streets that provide access to the Yaquina Estuary and Pacific Ocean via SW 11th Street and SW Harbor Drive. However, the streets are at best secondary, indirect routes with SW Harbor Drive, SW Bay Street and SW 11th Street providing more direct access to the estuary and ocean. Considering that more convenient routes are available to the public, it is reasonable for the Planning Commission to find that vacating the subject sections of SW 10th Street and SW Case Street will not interfere with or limit public access to the estuary and ocean.

4. **Conclusion:** If the Planning Commission finds that the proposal meets the minimum City and statutory criteria (or is capable of meeting the criteria) established for the street vacation, the Commission may forward a favorable recommendation to the City Council. If the Planning Commission finds that the criteria have not been met (or are not capable of being met), the Commission should identify changes necessary to meet the criteria or should deny all or part of the request.

D. **STAFF RECOMMENDATION:** Findings contained in this report establish that the street vacation proposal can satisfy City and statutory approval standards provided the following conditions are imposed:

1. The Newport City Council should make the ordinance vacating portions of SW 10th Street from SW Bay Street north to SW Case Street; SW Case Street from SW 10th Street east to SW 11th Street; and an alley between and parallel to SW 10th and 11th Streets from SW Bay Street north to SW Case Street, contingent upon easements being reserved over the affected areas until the Pacific Communities Health District reconfigures the utilities in a manner acceptable to the City.



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

October 7, 2015



17 March 2015

Derrick I. Tokos, AICP
Director, Community Development
The City of Newport
169 SW Coast Highway
Newport, OR 97365

SUBJECT: Street and Alley Right-of-Way Vacation
Pacific Communities Health District Property

Dear Mr. Tokos:

On behalf of Pacific Communities Health District (PCHD), Samaritan Pacific Health Services, Inc. (SPHS) is requesting that the City of Newport initiate a street and alley vacation in accordance with the "Newport City Council Policy on Requests for City-Initiated Right-of-Way Vacations".

The right-of-ways requested to be vacated are:

- 1) SW 10th Street, from SW Bay Street North to SW Case Street;
- 2) SW Case Street, from SW 10th Street East to SW 11th Street – and –
- 3) Alley between and parallel to SW 10th and 11th Streets, from SW Bay Street North to SW Case Street.

Graphically, the requested vacations are shown in orange on the accompanying tax map compilation. All adjacent and abutting properties to the right-of-ways requested for vacation are owned by Pacific Communities Health District and are shown in yellow on the accompanying tax map compilation.

In response to the factors to be considered in initiating a vacation request, we offer the following draft findings.

1) Extent of Public Benefit

Overview

In May of 2015 the voters in the Pacific Communities Health District approved a bond measure to expand and renovate the hospital in Newport. This vote affirms that improving the health status of patients and their families is essential to community wellbeing.

One of the key steps in fulfilling Samaritan Pacific Health Services' mission to the community is the expansion and updating of facilities to meet service area needs and to keep up with medical and technological advances.

The present hospital facilities are dated and have evolved in a manner to meet specific needs at a given point in time, but they are not coordinated into a facility that provides an efficient and secure patient and family experience. The new facilities will remove physical barriers, consolidate check-in points, maximize smooth work flow, and embrace present and future medical and technological advances.

The Project

To achieve the benefits above, the hospital expansion and renovation proposes to retain the 1988 hospital building and expand it in-line to the southwest encompassing portions of the existing SW 10th Street and SW Case Street right-of-ways. In a phased approach the single story structures adjacent to and abutting the existing hospital will be demolished and the services within integrated into the new and rehabilitated hospital structure.

Once demolished the structures will be replaced by parking and green spaces to create a hospital campus environment. An improved and larger on-campus parking field will significantly benefit SW 9th Street by substantially decreasing the need for hospital on-street parking, and thus return the street parking to typical community-wide uses and also reduce the backing and turning maneuvers in SW 9th Street.

2) The Extent of Present and Future Use of the Right-of-Way

At present the right-of-ways proposed to be vacated serve only PCHD properties and provide part of the internal circulation system to SPSH facilities. As PCHD owns all adjacent and abutting properties, the future use of these right-of-ways would not change.

Presuming the right-of-ways are to be vacated, the internal circulation to new hospital facilities will be provided by "private" access drives and parking aisles owned and maintained by PCHD and SPSH.

Access to the site in general is provided by the surrounding local streets which are SW 9th Street, SW Bay Street, SW 11th Street, and SW Abbey Street. The vacation of the 10th and Case right-of-ways will not change driving patterns to the hospital campus as points of ingress and egress to the campus will be provided to each of these streets.

3) Potential Environmental and Geological Impacts

There are not any mapped natural features or natural hazards on the site, thus a street vacation would not have any potential impacts.

4) Financial Factors

The vacation of these streets would reduce the amount of impervious surfaces for which the City of Newport is responsible for perpetual maintenance.

There are no recorded reimbursement agreements of any type associated with the street improvements on 10th and Case.

5) Burden on Property Owners

This request has no impact on abutting properties owned by others. There is no change in access to abutting properties owned by others as this request has no impact to the existing circulation patterns on the public streets surrounding the PCHD property.

6) Consistency with Applicable Plans, Ordinances and Regulations

This request continues a pattern of street and alley right-of-way vacations adjacent to PCHD properties as documented in the City of Newport Ordinances No. 547, 1412, 1485, 1502, and others.

The petitioner's request is consistent with these previous ordinances which found in part –

"That the proposed vacation is in the interest of the general welfare as the expansion of Newport's only hospital at this location is less expensive than building at a new site;"

"That the taxpayers have approved the hospital expansion by vote;"

"That the vacation of that portion of S.W. 10th Street mentioned below will allow better utilization of the property and will not adversely effect the general traffic circulation of Newport;"

7) The Amount and Quality of the Information Provided by Petitioner

The Petitioner believes the information submitted herewith is sufficient for Council to initiate this right-of-way vacation request.

Derrick I. Tokos, AICP
Director, Community Development
17 August 2015
Page 4

8) Other Factors that the Council Determines to be Relevant

Simultaneously with the street and alley vacation the Petitioner proposes to grant public utility easements over all of the right-of-way to be vacated.

At the point in time a permit application for new and/or renovated hospital facilities, as contemplated in the bond measure, is made the petitioner shall propose such public utility relocations, replacements and abandonments as required to accommodate the new facilities. These proposed impacts to public utilities shall be coordinated with and approved by City staff.

When the necessary public utility lines are relocated, replaced or abandoned and specific utility easements are recorded the petitioner proposes that the City extinguish the blanket general utility easements over the vacated street right-of-way.

If you have any questions or concerns, please do not hesitate to contact me.

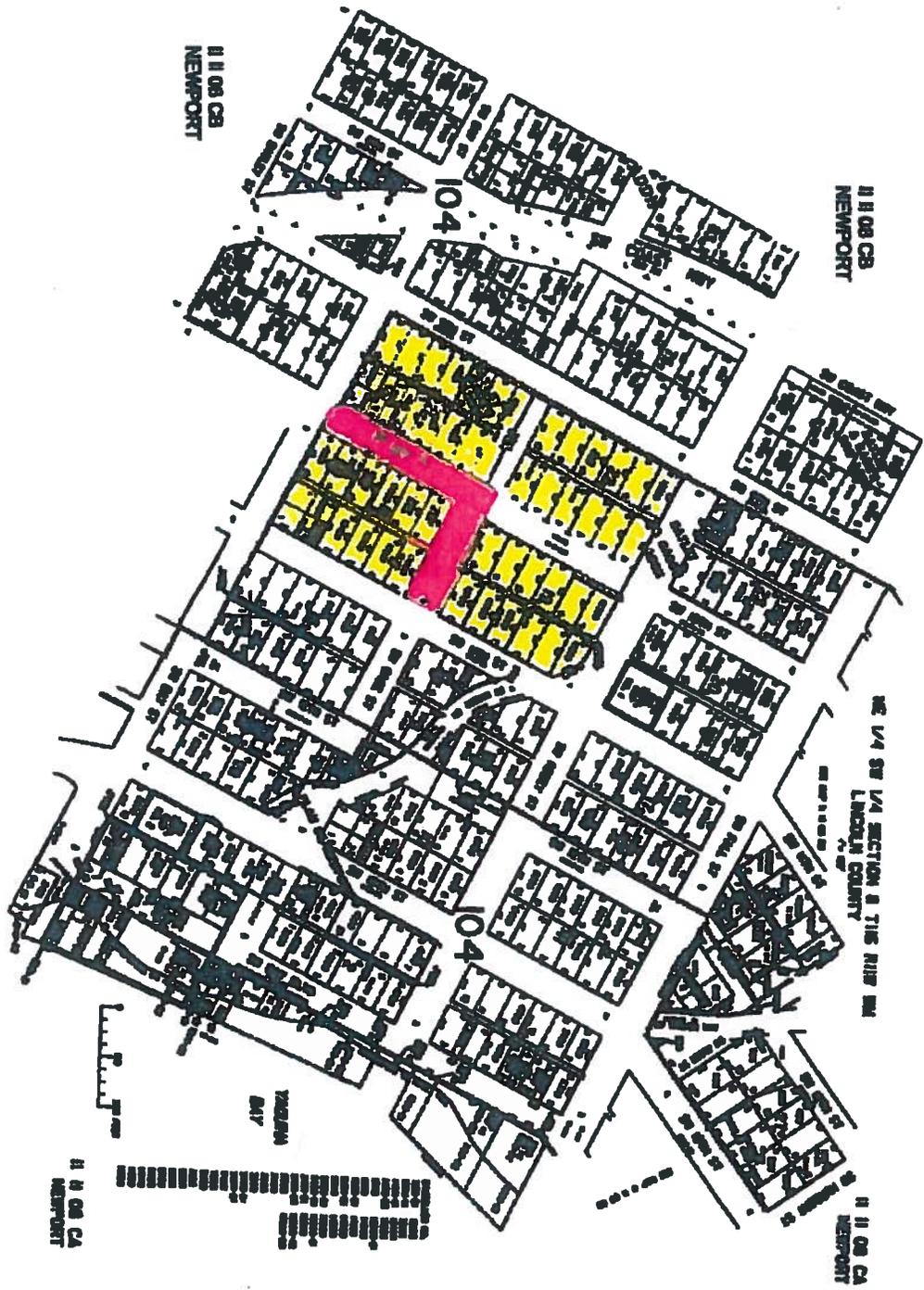
Sincerely,



David C. Bigelow, Pharm.D.
Chief Executive Officer
Samaritan Pacific Health Services

LEH:DCB/nre

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ATTACHMENT "B"
Map illustrating city utilities & rights-of-way to be vacated



NEWPORT
 City of Newport
 Community Development Department
 188 SW Coast Highway
 Newport, OR 97365
 Phone: 541.574.0629
 Fax: 541.574.0644

This map is for informational use only and has not been prepared for use in a lawsuit for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for any errors or omissions. The City of Newport Community Development Department is not liable for any damages or losses resulting from the use of this map.

Hospital Properties - Proposed Street Right-of-Way Vacation
 sewer (green), water (blue), storm drainage (orange) and area to be vacated (light red)

Image Taken July 2013
 4-Inch, 4-Band Digital Orthophotos
 David Smith & Associates, Inc. Portland, OR



VACATION

271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by city governing body. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the

amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on city governing body's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original

unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

271.180 Vacations in municipalities included in port districts; petition; power of common council; vacating street along railroad easement. To the end that adequate facilities for terminal trackage, structures and the instrumentalities of commerce and transportation may be provided in cities and towns located within or forming a part of any port district organized as a municipal corporation in this state, the governing body of such cities and towns, upon the petition of any such port, or corporation empowered to own or operate a railroad, steamship or other transportation terminal, or railroad company entering or operating within such city or town, or owner of property abutting any such terminal, may:

(1) Authorize any port commission, dock commission, common carrier, railroad company or terminal company to occupy, by any structure, trackage or machinery facilitating or necessary to travel, transportation or distribution, any street or public property, or parts thereof, within such city or town, upon such reasonable terms and conditions as the city or town may impose.

(2) Vacate the whole or any part of any street, alley, common or public place, with such restrictions and upon such conditions as the city governing body may deem reasonable and for the public good.

(3) If any railroad company owns or has an exclusive easement upon a definite strip within or along any public street, alley, common or public place, and if the city governing body determines such action to be to the advantage of the public, vacate the street area between the strip so occupied by the railroad company and one property line opposite thereto, condition that the railroad company dedicates for street purposes such portion of such exclusive strip occupied by it as the city governing body may determine upon, and moves its tracks and facilities therefrom onto the street area so vacated. The right and title of the railroad company in the vacated area shall be of the same character as previously owned by it in the exclusive strip which it is required by the city governing body to surrender and dedicate to street purposes.

271.190 Consent of owners of adjoining property; other required approval. No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

271.200 Petition; notice. (1) Before any street, alley, common or public place or any part thereof is vacated, or other right granted by any city governing body under ORS 271.180 to 271.210 the applicant must petition the governing body of the city or town involved, setting forth the particular circumstances of the case, giving a definite description of the property sought to be vacated, or of the right, use or occupancy sought to be obtained, and the names of the persons to be particularly affected

thereby. The petition shall be filed with the auditor or clerk of the city or town involved 30 days previous to the taking of any action thereon by the city governing body.

(2) Notice of the pendency of the petition, containing a description of the area sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to expiration of such 30-day period in a newspaper of general circulation in the county wherein the city or town is located.

271.210 Hearing; grant of petition. Hearing upon the petition shall be had by the city governing body at its next regular meeting following the expiration of 30 days from the filing of the petition. At that time objections to the granting of the whole or any part of the petition shall be duly heard and considered by the governing body, which shall thereupon, or at any later time to which the hearing is postponed or adjourned, pass by a majority vote an ordinance setting forth the property to be vacated, or other rights, occupancy or use to be thereby granted. Upon the expiration of 30 days from the passage of the ordinance and the approval thereof by the mayor of the city or town, the ordinance shall be in full force and effect.

271.220 Filing of objections; waiver. All objections to the petition shall be filed with the clerk or auditor of the city or town within 30 days from the filing of the petition, and if not so filed shall be conclusively presumed to have been waived. The regularity, validity and correctness of the proceedings of the city governing body pursuant to ORS 271.180 to 271.210, shall be conclusive in all things on all parties, and cannot in any manner be contested in any proceeding whatsoever by any person not filing written objections within the time provided in this section.

271.230 Records of vacations; fees. (1) If any town or plat of any city or town is vacated by a county court or municipal authority of any city or town, the vacation order or ordinance shall be recorded in the deed records of the county. Whenever a vacation order or ordinance is so recorded, the county surveyor of such county shall, upon a copy of the plat that is certified by the county clerk, trace or shade with permanent ink in such manner as to denote that portion so vacated, and shall make the notation "Vacated" upon such copy of the plat, giving the book and page of the deed record in which the order or ordinance is recorded. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk.

(2) For recording in the county deed records, the county clerk shall collect the same fee as for recording a deed. For the services of the county surveyor for marking the record upon the copy of the plat, the county clerk shall collect a fee as set by ordinance of the county governing body to be paid by the county clerk to the county surveyor. [Amended by 1971 c.621 §31; 1975 c.607 §31; 1977 c.488 §2; 1979 c.833 §30; 1999 c.710 §12; 2001 c.173 §5]

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION

The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, October 12, 2015, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on a proposed street vacation (File No. 1-SV-15) as initiated by the City Council at the request of Samaritan Pacific Health Services, Inc. on behalf of Pacific Communities Health District. The request, which was initiated on September 8, 2015, is for the vacation of the portions of SW 10th Street from SW Bay Street north to SW Case Street; SW Case Street from SW 10th Street east to SW 11th Street; and an alley between and parallel to SW 10th and 11th Streets from SW Bay Street north to SW Case Street. Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, SEPTEMBER 25, 2015; ONCE ON FRIDAY, OCTOBER 2, 2015; AND ONCE ON WEDNESDAY, OCTOBER 7, 2015.)

Wanda Haney

From: Sara Wedel <sarawedel@newportnewstimes.com>
Sent: Monday, September 21, 2015 11:16 AM
To: Wanda Haney
Subject: RE: City of Newport - Legal Notice - File 1-SV-15

Wanda, this notice will publish as requested. Thank you!
Sara

From: Wanda Haney [mailto:W.Haney@NewportOregon.gov]
Sent: Monday, September 21, 2015 10:08 AM
To: 'Legals'
Subject: City of Newport - Legal Notice - File 1-SV-15

Attached is a notice of a Planning Commission public hearing for our File No. 1-SV-15 for publication **THREE TIMES: once on Friday, September 25, 2015; on Friday, October 2, 2015; and on Wednesday, October 7, 2015**; please. Please confirm by email that you received this notice & that it will publish as requested.
Thanks,

Wanda Haney

City of Newport

Community Development Department

169 SW Coast Hwy

Newport, OR 97365

541-574-0629

FAX: 541-574-0644

w.haney@newportoregon.gov

CHINOOK RIVER: STEELHEAD

The fall chinook fishery has been producing some fair results in the lower bay up to the Chinook Bend area. Trolling or bobber fish through the high slack seem to be the most productive.

The wild coho fishery is Sept. 15 through Nov. 30 with a daily bag limit of one adult coho and seasonal limit of two adult coho (in aggregate with other areas with the same bag limit). The lower bay and tidewater section typically produces the best results early in the season.

Summer steelhead fishing is slow to fair in the upper river above Moonshine Park.

Cutthroat trout can be found in most sections with sea runs found in the mid to lower river this time of year.

YUQUINA RIVER: CHINOOK, CUTTHROAT TROUT

Anglers are catching fall chinook from the lower bay up to the Canyon Quarry boat launch area. Trolling herring or spinners during the incoming tide through the high slack is a good option.

The wild coho fishery runs through Nov. 30 with a daily bag limit of one adult coho, and seasonal limit of two adult coho (in aggregate with other areas with the same bag limit). The lower bay up to the airport boat ramp typically produces the best results early in the season.

Cutthroat trout fishing is slow to fair from the upper river to the lower reaches on the mainstem.

at most all fawns are not abandoned. Please do not pick up or move the fawn. The doe is probably in the vicinity. Contact the local Oregon Department of Fish and Wildlife office or reference the ODFW website if you have fawn questions.

BAY CLAMS

The Oregon Health Authority has issued an advisory about naturally occurring arsenic found in softshell clams along the Oregon coast. Removing skin from a clam's siphon dramatically reduces arsenic levels, public health officials say.

CRABS

Ocean crabbing saw a slight dip last week. Reports from the central coast indicate an average of nine crabs per pot.

And what about those red rock crab? Bay and ocean crabbers might run into these guys as well as Dungeness crab. Red rock crab is a native species, however it is not present in all Oregon bays. Good places to try are from the docks in Yaquina Bay, Tillamook Bay, and Coos Bay.

Red rock crab are caught just like Dungeness, and have a larger daily limit (24). Unlike Dungeness crab, any size or sex of red rock crab can be retained, but most crabbers keep only the largest ones, which have much more meat than small ones.

The correct way to measure the minimum size for Dungeness crab, which is 5 3/4 inches, is a straight line across the back immediately in front of

At Simpson Reef, a heavily used haul-out exists. From the lookout, viewers can see California sea lions, Steller sea lions, harbor seals and elephant seals.

Do not approach seals and sea lions you may find on Oregon beaches. If you think an animal you find is in trouble, contact your local ODFW office to report the animal or contact the Marine Mammal Stranding Network at 1-800-452-7888.

SEABIRDS

Check out the Oregon Coast Birding Trail website for birding hotspots, and self-guided itineraries for birders in any area of the Oregon coast. Some especially great places to view seabirds, and perhaps a bald eagle are Yaquina Head Outstanding Natural Area (the deck behind the lighthouse); Heceta Head State Park (the viewing area in front of the lighthouse); Cape Meares State Scenic Viewpoint (the north deck by the parking lot); and Ecola State Park (the westernmost viewing platform at Ecola Point overlook).

ARCHERY SEASONS

Hunters will face fire restrictions and some closures, and they need to know what those are before they go.

DEER AND ELK ARCHERY

Success rates should be picking up for elk as the season progresses and more bulls enter the rut (breeding season). Likewise, access to private industrial lands has improved with the recent wet weather. Hunting on public (state and federal) land is

tissue sampling, teeth collection and tagging. See regulations for details.

COUGAR

The animals are most effectively taken by using predator calls. However, cougar densities are relatively low on the north coast. Successful hunters, remember you must check in cougar (hide and skull) at an ODFW office within 10 days of harvest and bring them in unfrozen. It's also a good idea to prep their mouths open with a stick after harvest for easier tissue sampling, teeth collection and tagging. See regulations for details.

FOREST GROUSE AND MOUNTAIN QUAIL

The season opened Sept. 1 in western Oregon with hunting predicted to be good as the birds had excellent nesting conditions this spring and summer. Look for sooty (blue) grouse in higher elevations, such as ridge tops. Ruffed grouse are more common on mid-slope and riparian areas. Mountain quail prefer brushy clear-cut areas on south- or west-facing slopes.

MOURNING DOVE

The season runs through Oct. 30. But there not many of these birds on the north coast, as there is limited grain agriculture in the region. A larger and similar looking dove — the Eurasian collared dove — is an invasive species and can be hunted year-round with just a hunting license. It tends to occupy areas around people, so be careful when hunting them.

Haun, 16th, 19:28.60; Ean Wood, 25th, 20:29.00; Dawson Wood, 37th, 20:56.00; Kendal Gile, 55th, 21:47.00; Ryan Snyder, 58th, 21:59.00. Toledo Football: Toledo opens league play on Oct. 2 in a big road game against Gold Beach at 7 p.m.

The Warriors host Special District 3 rival Lowell on Oct. 2 at 7 p.m. Siletz (2-2) is coming off a 48-12 loss to non-league opponent Yoncalla on Sept. 25. Lowell has won three straight, including a 54-16 victory Triangle Lake in its last game.

CROSS-COUNTRY

Continued from page 1

Now halfway through the season, the head coach is more than pleased with what he has seen out of his group of runners.

"Most of the kids are still getting into shape, and that mutes their overall development," he said. "They are running strong in workouts and trying their hardest, and it is being reflected in their times. This sport, strength is what you need, and

that just comes with time." And with the squad continuing to prepare for the 3A/2A/1A Special District 6 championships on Oct. 22, Meznarich has simple expectations for the Irish.

"Show up and run hard the days we run hard, and relax the days we run relaxed," he added. "Stay mentally engaged. It can be a challenging sport in a number of areas, so I am always checking in that they are mentally focused. I have seen it all year."

CUBS

Continued from page 1

said. "We came away with some much needed team confidence."

The victory also gave Newport momentum heading into a match against a highly ranked opponent.

The Cubs were scheduled to travel to 4A No. 4 ranked North Marion (6-1) on Oct. 1

(results not available at press time). North Marion is the defending 4A state champion.

The Cubs then return to Morrow Field to play four of their final six matches.

"Our players are focused on taking this season one game at a time and putting all of our energy and thoughts into the next opponent," Richardson said.

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PUBLIC NOTICES

LEGAL DEADLINES
WEDNESDAY
EDITION:
5:00 PM THURSDAY
PROR
FRIDAY
EDITION:
5:00 PM TUESDAY
PROR

ESTATE OF PATRICIA J. NICHOLS

In the Matter of the Estate of PATRICIA J. NICHOLS, Lincoln County, Oregon, Court Case No. 15-15-23874. NOTICE TO INTERESTED PERSONS: Notice is hereby given that Angela K. Ford has been appointed as the personal representative of the estate of Patricia J. Nichols. All persons having claims against the estate are required to present them to the personal representative within one month after the date of first publication of this notice, as stated below, if such claims may be barred. The address or submitting claims is: Angela K. Ford, c/o Robert L. Mueger Attorney for personal representative, 30 Box 2628, Corvallis, OR 97339. Ph: (541) 250-1542. All persons whose right may be affected by the proceedings in this estate may obtain additional information from the records of the Court, the personal representative or her attorney for the personal representative. First published on September 15, 2015. S-18, 25, O-2 (28-2)

97.5 MHz, with an effective radiated power of 7,000 watts at 250 meters height above average terrain from a location of 44° 45' 24.00" N. Latitude and 124° 02' 53.00" W. Longitude. The Station also has a construction permit to re-locate to Coburg, Oregon. (see File No. BPH-20130524ADS) on a frequency of 97.7 MHz. A copy of the assignment application is available for public inspection during regular business hours at the following address: 131 NE 15th St., Newport, Oregon 97365, during regular business hours, Monday through Friday, 9:25-23, 30, O-2 (28-02)

PUBLIC NOTICE

RICHARD A. LINN CHANNEL 22B WALDPORT, OREGON
On September 15, 2015 Richard A. Linn filed an application with the FCC regarding the successful bid for Channel 22B, serving Waldport, Oregon, from the studios at 131 NE 15th Street, Newport, Oregon with 9 kilowatts from an antenna 32 meters above ground at a site 44 degrees 38' 40" north, 124 degrees 02' 50" west. The attributable owner is Richard A. Linn. A copy of the application, amendments and related materials are available for public inspection at 131 NE 15th Street, Newport, Oregon. S-23, 25, O-2 (30-02)

PORT OF NEWPORT PUBLIC NOTICE

Notice is hereby given that the Port of Newport claims a lien in the amount claimed below, pursuant to ORS87-152, for the reasonable and agreed charges for labor and materials, storage or services provided at the request of the owner or lawful possessor of the following described personal property: Personal Property: Recreational Vessel called the "Fiesta"; Official Number: OR221NR; Reputed Owner: Austin Hougey; Home address: 116 NW Lincoln, Corvallis, OR 97330; Reputed Owner: Dennis R. Lessner; Last Known Address: PO Box 1102, Philomath, OR 97370. Reputed Owner: Joel Jackson; Last Known

Address: 239 NE 3rd St, Toledo, OR 97391; Lien Holder: Mellon Financial Group, Inc. Knowlton Address: 900 NW Kings Blvd., Corvallis, OR 97331; Security Interest Holder: Port of Newport; Amount of Claim of Lien: \$1,804.81, which includes storage of property and accrued late charges until sale date, and costs of lien foreclosure. I, the undersigned, hereby certify that the Port of Newport has retained the property for at least 60 days from the date when the charges for services provided were due. Notice is hereby given that unless the lien is paid prior to the date set forth for sale below, said property will be sold to the highest bidder. The successful bidder must pay 10% of the bid price in cash or certified check immediately upon being placed in the successful bidder. The balance of the bid price is to be paid in cash or certified check within one hour of offering the successful bid. The lien claimant may bid part or all of the lien amount claimed, plus storage and foreclosure sale expenses, which will be an offset against the lien amount. DATE OF SALE: October 14, 2015; TIME OF SALE: 10:00 a.m.; PLACE OF SALE: Port of Newport, Administration Building, 600 E. Bay Blvd., Newport, Oregon. If the property will be "as is, where is" and there are no representations by the lien claimant as to the condition of the property or its title. Any person wishing to inspect the property prior to the sale may do so during normal business hours, by contacting: Chris Urbach, Harbormaster, (541) 270-5558, Port of Newport, 46 Kevin Greenwood, GM. S-25, O-2 (32-02)

PORT OF NEWPORT PUBLIC NOTICE

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essor of the following described personal property: Personal Property: Recreational Vessel called the "ROSE"; Official Number: OR478ABZ; Reputed Owner: Robert Langford; Last Known Address: 8120 Mill Cr Rd, Sheridan, OR 97378; Security Interest Holder: Port of Newport; Amount of Claim of Lien: \$3,085.47, which includes storage of property and accrued late charges until sale date, and costs of lien foreclosure. I, the undersigned, hereby certify that the Port of Newport has retained the property for at least 60 days from the date when the charges for services provided were due. Notice is hereby given that unless the lien is paid prior to the date set forth for sale below, said property will be sold to the highest bidder. The successful bidder must pay 10% of the bid price in cash or certified check immediately upon being placed in the successful bidder. The balance of the bid price is to be paid in cash or certified check within one hour of offering the successful bid. The lien claimant may bid part or all of the lien amount claimed, plus storage and foreclosure sale expenses, which will be an offset against the lien amount. DATE OF SALE: October 14, 2015; TIME OF SALE: 10:00 a.m.; PLACE OF SALE: Port of Newport, Administration Building, 600 E. Bay Blvd., Newport, Oregon. If the property will be "as is, where is" and there are no representations by the lien claimant as to the condition of the property or its title. Any person wishing to inspect the property prior to the sale may do so during normal business hours, by contacting: Chris Urbach, Harbormaster, (541) 270-5558, Port of Newport, 46 Kevin Greenwood, GM. S-25, O-2 (32-02)

PORT OF NEWPORT PUBLIC NOTICE

Notice is hereby given that the Port of Newport claims a lien in the amount claimed below, pursuant to ORS87-152, for the reasonable and agreed charges for labor and materials, storage or services provided at the request of the owner or lawful possessor of the following described personal property: Personal Property: Recreational Vessel called the "ROSE"; Official Number: OR478ABZ; Reputed Owner: Robert Langford; Last Known Address: 8120 Mill Cr Rd, Sheridan, OR 97378; Security Interest Holder: Port of Newport; Amount of Claim of Lien: \$3,085.47, which includes storage of property and accrued late charges until sale date, and costs of lien foreclosure. I, the undersigned, hereby certify that the Port of Newport has retained the property for at least 60 days from the date when the charges for services provided were due. Notice is hereby given that unless the lien is paid prior to the date set forth for sale below, said property will be sold to the highest bidder. The successful bidder must pay 10% of the bid price in cash or certified check immediately upon being placed in the successful bidder. The balance of the bid price is to be paid in cash or certified check within one hour of offering the successful bid. The lien claimant may bid part or all of the lien amount claimed, plus storage and foreclosure sale expenses, which will be an offset against the lien amount. DATE OF SALE: October 14, 2015; TIME OF SALE: 10:00 a.m.; PLACE OF SALE: Port of Newport, Administration Building, 600 E. Bay Blvd., Newport, Oregon. If the property will be "as is, where is" and there are no representations by the lien claimant as to the condition of the property or its title. Any person wishing to inspect the property prior to the sale may do so during normal business hours, by contacting: Chris Urbach, Harbormaster, (541) 270-5558, Port of Newport, 46 Kevin Greenwood, GM. S-25, O-2 (32-02)

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sold, subject to redemption, in the real property commonly known as: 630 Southwest 172nd Avenue, #G, Newport, OR 97365. The court case number is: 15-15-23874. U.S. Bank, National Association, as Trustee for GSAMP Trust 2005-HEB, Mortgage Pass-Through Certificate Series 2005-HEB, plaintiff vs. John A. Dunker, Meritage Mortgage Corporation, Mortgage Electronic Registration Systems Inc.; Oregon Affordable Housing Trust, and Persons or Parties unknown claiming any right, title, or interest in the property described in the complaint herein, defendants. This is a public hearing and questions and deliberation by the Planning Commission. Written testimony at the Community Development (Planning) Department, City Hall, 169 SW 3rd St., Newport, OR 97365, must be received by 5:30 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, argument, or testimony regarding the application. The staff report may be inspected and redacted purchased at the Newport Community Development (Planning) Department, 225 W Olive St., Room 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 606 N. Deere Lane, OR, Ots, OR 97024. The court case number is 144080. Wilmington Savings Fund Society, F.S.B., doing business as Christiana Trust, not in its individual capacity but solely as Legal Trustee of the Douglas Creek Title Trust 2014-NPL1, plaintiff vs. Barry J. Sullivan; Cathy P. 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AFFIDAVIT OF MAILING OF NOTICE OF LAND USE ACTION

STATE OF OREGON)

)ss.

County of Lincoln)

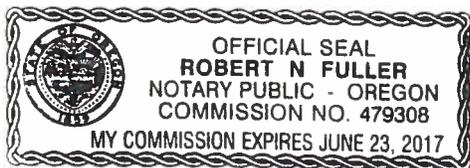
File No(s). 1-SV-15

I, Wanda Haney, duly appointed Executive Assistant of the City of Newport, do hereby certify that the notice of a land use action attached hereto and by this reference made a part hereof is a true and complete copy of the original of such notice, and that said original was deposited in the United States mails at Newport, Oregon, with first-class postage thereon prepaid, addressed to each of the persons owning property and entitled to receiving notice at the last known address of each person as shown by the records of the Lincoln County Assessor at Newport, Oregon, and the various agencies, public utilities, and city departments customarily receiving notice of this type of land use action, as said persons are named in Exhibit "A", attached hereto and by this reference made a part of hereof on the *22nd* day of *September, 2015*.

Wanda Haney

Wanda Haney
Executive Assistant

SUBSCRIBED AND SWORN to before me this *20th* day of *Sept.*, 20*15*.



Robt. N. Fuller

Notary Public of Oregon

My Commission Expires: *6/23/2017*

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION¹

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, October 12, 2015, to review and make a recommendation to the Newport City Council on a partial street vacation as requested in:

File No. 1-SV-15:

Applicant: Initiated by the City Council, at the request of Samaritan Pacific Health Services, Inc. on behalf of Pacific Communities Health District.

Request/Subject Property: The request is for the proposed street vacation of the portions of SW 10th Street from SW Bay Street north to SW Case Street; SW Case Street from SW 10th Street east to SW 11th Street; and an alley between and parallel to SW 10th and 11th Streets from SW Bay Street north to SW Case Street (see the attached illustration of the proposed area to be vacated).

Date Request Received: A letter of request was received from Samaritan Pacific Health Services on March 17, 2015, and was initiated by the City Council on September 8, 2015.

Applicable Criteria: Oregon Revised Statutes (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof.

Testimony: Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department (address under "Reports/Materials") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

Reports/Materials: The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365, seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address.

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

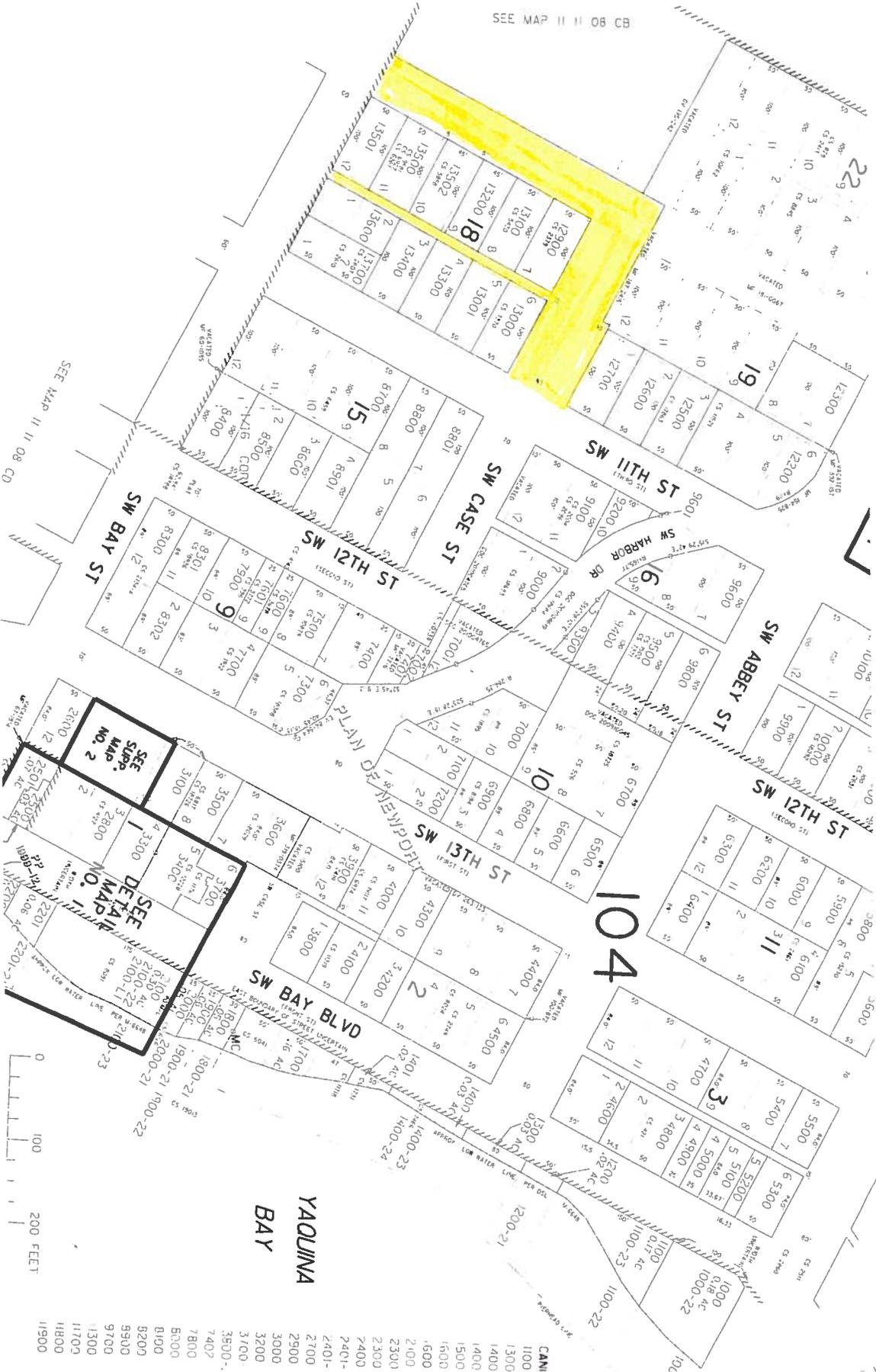
Time/Place of Hearing: Monday, October 12, 2015; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: September 22, 2015.

PUBLISHED: Friday, September 25, 2015; Friday, October 2, 2015; and Wednesday, October 7, 2015 / Newport News-Times.

¹ Notice of the public hearing is being sent to affected property owners (according to Lincoln County Assessor's records) within the notification distance required for the request, affected public/private utilities/agencies, and affected city departments.

SEE MAP II 08 CB



SEE MAP II 08 CD

SEE SUPP. MAP NO. 2

SEE DETAIL MAP NO. 1

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11900

SAMARITAN PACIFIC HEALTH
SERVICES
ATTN: JON CONNER
930 SW ABBEY ST
NEWPORT OR 97365

PACIFIC COMMUNITIES HEALTH
DISTRICT
ATTN: HOSPITAL ADMINISTRATOR
721 SW 9TH ST
NEWPORT OR 97365

DEBORAH ADAMSON WHITE
707 SW 11TH ST
NEWPORT OR 97365

ABBAY RD LLC
1715 NW WOODLAND DR
CORVALLIS OR 97330

PETER W LAWSON &
NANCY JANE REID
1206 SW ABBEY ST
NEWPORT OR 97365

****NO NEED TO MAIL****
CITY OF NEWPORT

NEWPORT BAY VENTURES LLC
ATTN: MICHAEL RICKUS
156 NW 73RD CT
NEWPORT OR 97365

NATIONWIDE HEALTH PROPERTIES
LLC
610 NEWPORT CENTER DR STE 1150
NEWPORT BEACH CA 92660

NORMAN D & KARIN ELLISON
9272 NW EGRET ST
SEAL ROCK OR 97376

DAY MANAGEMENT INC
ATTN: DON MILLER
PO BOX 22169
MILWAUKIE OR 97222

DENNIS K DICK
956 SW 10TH
NEWPORT OR 97365

DAVID M & LORRAINE K BICE
216 NE 5TH ST
NEWPORT OR 97365

JOHN B JONES
2140 LOS ANGELES AVE
BERKELEY CA 94707

BRAYDEN CRISWELL
TRUSTEE
6269 NE MAST AVE
LINCOLN CITY OR 97367

KIMBERLY ANN HARTSON
7925 SW VLAHOS DR APT #518
WILSONVILLE OR 97070

ONR LLC
ATTN: DANIEL MCCARTHY
608 WALNUT ST
TWP WASHINGTON NJ 07676

LUKE S & CHRISTINA SIMONSEN
915 SW 11TH ST
NEWPORT OR 97365

MEI DENG CHEN
TRUSTEE
1130 NE 7TH DR
NEWPORT OR 97365

NORA MOSHER SCHLISKE &
NICKI NOSHER LOEWEN
14988 BENT LANE
SUBLIMITY OR 97385

JOHN W HYNE
10095 LIBERTY RD S
SALEM OR 97306

DAVID FREDERICK YOUNG &
CAROL LEE YOUNG
3742 NW LARK PL
CORVALLIS OR 97330

C C & JULIA M CARLSON
TRUSTEES
PO BOX 1283
WALDPORT OR 97394

BRIAN TRABOLD
PO BOX 7963
SALEM OR 97303

DAVID F LIHOU &
SHARON P GIDLEY-LIHOU
2810 NE HARNEY DR
NEWPORT OR 97365

BERNARD & ROSALEE KEISCH
13181 SW MORNINGSTAR DR
PORTLAND OR 97223

GEORGE G DANIELS
ATTN: SCOTT MCKEOWN
CONSERVATOR
8700 SW 26TH AVE STE S
PORTLAND OR 97219

GERALD A & OPAL C WHITE
914 SW 12TH ST
NEWPORT OR 97365

ROBERT HAMILTON & JANICE ELAINE CARR
TRUSTEES
743 BRADSHAWE AVE
MONTEREY PARK CA 91754

MEI QING YANG &
JAMES E LANDIS
947 SW 11TH ST
NEWPORT OR 97365

LYNN CAROL JEFFRESS
924 SW 12TH ST
NEWPORT OR 97365

DANIEL A ZWICKER &
DIANE D TAYLOR
1968 MOCKINGBIRD DR S
SALEM OR 97302

BEN & RUTH WISSEMAN
TRUSTEES
3307 NW INDEPENEDENCE HWY
ALBANY OR 97321

YING KWAI TONG
18256 NEW CAMBRAY ST
BEAVERTON OR 97006

PHYLLIS M RANDALL
PO BOX 18
SOUTH BEACH OR 97366

LORENCE T & PEGGIE TINNIE
PO BOX 135
ADAMS OR 97810

MELDON L PETERSON
1212 NW CURTIS ST
SEAL ROCK OR 97376

BAYWOOD CONDOMINIUMS
ASSN OF UNIT OWNERS
912 SW 11TH ST
NEWPORT OR 97365

SHIRI & BENNA A RAMAN &
DOROTHY A CAMPBELL
3949 W 188TH ST
TORRANCE CA 90504

STEVEN F BRUNKEN
18625 NW CEDAR FALLS LP
HILLSBORO OR 97006

EXHIBIT "A"
MAILING LABELS
Affected Properties

**Lincoln County Assessor
Lincoln County Courthouse
225 W Olive St
Newport OR 97365**

**E-MAIL:
DLCD Coastal Services Ctr**

**CenturyLink
ATTN: Corky Fallin
740 State Street
Salem OR 97301**

**E-MAIL:
ODOTR2PLANMGR@ODOT.STATE.OR.US**

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

**Lincoln County Clerk
Lincoln County Courthouse
225 W Olive St
Newport OR 97365**

**NW Natural
ATTN: Alan Lee
1405 SW Highway 101
Lincoln City OR 97367**

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

**Lincoln County Commissioners
Lincoln County Courthouse
225 W Olive St
Newport OR 97365**

**Lincoln County School District
ATTN: Superintendent
PO Box 1110
Newport OR 97365**

**Lincoln County Surveyor
880 NE 7th St
Newport OR 97365**

OREGON DEPT OF PARKS & REC

**Ted Smith
Library Director**

**Tim Gross
Public Works**

**Rob Murphy
Fire Chief**

**Mark Miranda
Police Chief**

**Mike Murzynsky
Finance Director**

**Joseph Lease
Building Official**

**Spencer Nebel
City Manager**

**Victor Mettle
Code Administrator/Planner**

**EXHIBIT 'A'
Affected Agencies**

**Jim Protiva
Parks & Rec.**