



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, May 13, 2024 - 7:00 PM
Council Chambers, 169 SW Coast Hwy, Newport, Oregon 97365

All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Erik Glover, City Recorder at 541.574.0613, or e.glover@newportoregon.gov.

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to publiccomment@newportoregon.gov. Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

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

1. CALL TO ORDER AND ROLL CALL

Commission Members: Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, and John Updike.

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Regular Session Meeting Minutes of April 22, 2024.

[Draft PC Reg Session Minutes 04-22-2024](#)

[04-22-24 PC Regular Session Meeting Video Link](#)

3. CITIZENS/PUBLIC COMMENT

A Public Comment form 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 submitting a form. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

4. ACTION ITEMS

4.A File No. 1-VAR-24: Final Order and Findings of Fact for the Harbor Freight Sign Variance.

[File 1-VAR-24 - Final Order](#)

[File 1-VAR-24 - Findings of Fact](#)

5. PUBLIC HEARINGS

5.A

File No. 2-VAR-24: Variance to Allow the Construction of an Addition to an Existing Single-family Dwelling With a 5-foot Setback.

[Staff Report](#)

[Attachment A - Land use application form](#)

[Attachment B - County property report and assessment map](#)

[Attachment C - Application narrative](#)

[Attachment D - Applicant's surveyed site plan](#)

[Attachment E - Aerial map with zoning designation](#)

[Attachment F - Photographs of the existing residence and property](#)

[Attachment G - 1979 building permit application materials](#)

[Attachment H - Public hearing notice](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

**City of Newport
Draft Planning Commission Regular Session Minutes
April 22, 2024**

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL 169 SW COAST HIGHWAY NEWPORT
Time Start: 7:00 P.M. Time End: 7:57 P.M.

ATTENDANCE LOG/ROLLCALL

COMMISSIONER/ ADVISORY MEMBER	STAFF
Chair Bill Branigan	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherrri Marineau, Community Development Dept.
Commissioner Jim Hanselman	
Commissioner Gary East	PUBLIC MEMBERS PRESENT
Commissioner Braulio Escobar	Tracey Diehl (by video)
Commissioner John Updike	

AGENDA ITEM	ACTIONS
REGULAR MEETING	
CALL TO ORDER AND ROLL CALL	
a. Roll Call	None.
APPROVAL OF THE MINUTES	
a. Meeting minutes of Regular Session Meeting on April 8, 2024	Motion by Commissioner Hanselman, seconded by Commissioner Berman, to approve the work session meeting minutes of April 8, 2024 as written. Motion carried unanimously in a voice vote.
CITIZEN/PUBLIC COMMENT	The Commission acknowledged the public comment submitted by Mark Arnold concerning the Yaquina Bay Estuary Management Plan.
PUBLIC HEARING	
File No. 1-VAR-24 (Continued): Harbor Freight Sign Variance.	
a. PUBLIC HEARING OPEN	7:04 p.m.
b. STAFF REPORT - DERRICK TOKOS	Tokos reported that Tracey Diehl, representative for the applicant, did not submit any additional testimony. He reviewed the summary of the variance request and standards the Commission needed to consider for the decision. Commissioners asked questions concerning which signs were included in the sign variance, the temporary banner sign placed on the building, the definition of temporary signs, and sign enforcement.

Tracey Diehl reported that she would instruct her clients to remove the temporary signs and obtain permits to install these. She explained that Harbor Freight would like all off the signs to be able to stay in place, but they would be willing to agree to remove the pole sign in order to keep the wall sign. They could also remove the sign on the pole sign and leave the structure without any signage. Berman questioned if they could leave the pole sign structure up without a sign. Tokos reported the city would have to enforce on an abandon sign if this was done.

Commissioners asked for clarification on how the 200 square feet limit was measured. Escobar thought it was a bad show of faith that the pole sign had a temporary sign banner over it even after they were told at the first hearing that it wasn't up to code. Diehl agreed that it was inappropriate to have it without a permit. She thought this was likely due to the person making the decision not relaying the details to the person in charge of the store. Diehl assured the Commission that she would convey to Harbor Freight, and store staff, that the pole sign was in violation and needed to be removed immediately.

Hanselman questioned if the sign on the east side of the building had to legally stay the same with all the words. Diehl reported it was their branding and couldn't be changed. Hanselman asked if there was a legal standing to keep the letters on the sign. Diehl said it was part of their trademark and a trademark lawyer would have to be consulted to see if Harbor Freight could be represented without the bottom tagline.

Urdike asked if the applicant considered removing the wall sign and just keeping the pole sign. Diehl confirmed there was a discussion, and they preferred to keep the wall sign and remove the head on the pylon sign. Removing the letters was costly and would be hard to do while the store was open with customers. Diehl thought the most affordable remedy was to keep the wall sign and eliminate the use of the pole sign.

Hanselman asked if there was evidence that the sign contractor read the ordinance and applied the ordinance to the design of the Harbor Freight sign. Diehl reported that her company operates a code research division. She stated that for this project, her company did not perform the code research, they were not involved in the permitting process, and they were not asked to research the codes for this project. Her company was brought into the process after the fact. Diehl explained that she asked if someone did this knowing that the sign was a code violation, and they responded that they didn't do it knowingly. They thought the sign that had been approved by the permit was okay to manufacture, which pulled the trigger for them to build and install the sign. Diehl reminded that they didn't know the sign wasn't allowed until after a site visit had been done and Mr. Tokos indicated that the permit had been issued in error.

Berman asked if the Commission could consider this to be a request for a 41% variance and then deny the pole sign. Tokos explained the variance application submitted didn't involve the pole sign. The applicants didn't apply for the pole sign until the issue had been raised for it.

Escobar asked if there was a way to get the wall sign and pole sign within the parameters. Tokos said they could redesign them to meet the 200 square foot limit. They also had the choice to pursue a legal avenue.

<p>c. PUBLIC COMMENT</p> <p>d. PUBLIC HEARING CLOSED</p> <p>e. COMMISSION DECISION</p>	<p>Diehl reported the wall sign was custom to the building and couldn't be pulled and placed at another store location.</p> <p>None.</p> <p>7:34 p.m.</p> <p>Updike thought that if the Commission denied the request they could discuss ways to figure out how to get the wall sign and pole sign within the 200 square foot limit. He didn't see mitigating circumstances that a variance was in order for this request. East agreed with Updike's comments.</p> <p>Berman thought there could be an argument that there was a special hardship with the extra costs to are involved in denying the permit, but felt the other factors far outweighed the hardship. The store chain had over 1,500 stores and he thought it was a stretch to say that this sign couldn't be repurposed at another location. Berman stated he would deny the variance.</p> <p>Hanselman didn't think Harbor Freight and the sign contractors did their due diligence. He was disappointed with the mistakes that were done by the city and by Harbor Freight when it came to the ordinance. Hanselman thought the wall sign was loud and oversized. His vote would be to deny the variance.</p> <p>Escobar thought the Commission found that the applicant didn't meet the criteria for the variance. He hoped there could be some accommodations they could do for the wall sign and monument sign. Escobar thought the monument sign could be made attractive, and tearing it down would be a waste.</p> <p>Branigan stated he would vote to deny the variance. He thought it was a large variance from what was required. Branigan reminded that the Commission needed consider that if they allowed a large variance this time, they would be setting a precedence for others to follow.</p> <p>Motion was made by Commissioner Escobar, seconded by Commissioner Berman, to deny File No. 1-VAR-24. Motion carried unanimously in a voice vote.</p> <p>Tokos explained that he would bring the final order and findings of fact to the next meeting. Harbor Freight would have to right to appeal the decision to the City Council.</p> <p>Berman asked if the city could waive the cost for a sign permit. Tokos said the cost was minimal and that the applicant had the right to pursue a port claim.</p>
<p>DIRECTORS COMMENTS</p>	<p>Tokos gave an update on the 2024 Legislative Session summary and the 2024 Land Use Legislation report.</p>

	A discussion ensued regarding the upcoming Yaquina Bay Estuary Management Plan update and review.
<p>NEW BUSINESS</p> <p>Planning Commission Work Program Update.</p>	<p>Tokos gave an update on the City Center Revitalization organization. He also reported that the city engaged a local government law group to assist with addressing SB 1537 for the Governor’s housing bill and adjustment provisions. This would be shared with the Commission and City Council, and it would amend the exiting ordinance 2222 for the recommended changes to address SB 1537. The legislation would be effective on June 6th.</p>

Submitted by: _____

Sherrri Marineau, Executive Assistant

DRAFT

04-22-2024 - Planning Commission Regular Session Meeting Video Link:

https://thecityofnewport.granicus.com/player/clip/1246?view_id=2&redirect=true

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

**IN THE MATTER OF PLANNING COMMISSION)
FILE NO. 1-VAR-24, APPLICATION FOR A)
VARIANCE, AS SUBMITTED BY KSD PROPERTIES,) **FINAL**
LLC, OWNER (HARBOR FREIGHT, APPLICANT)) **ORDER**
(TRACEY DIEHL, EXPEDITE THE DIEHL,)
AUTHORIZED REPRESENTATIVE))**

ORDER DENYING A VARIANCE pursuant to Section 10.10.085(G) of the City of Newport Municipal Code to allow the placement of a 282.78 square foot wall sign and a 96 square foot freestanding sign that exceed the maximum display area for the street frontage. Section 10.10.085(G) of the Newport Municipal Code limits the street frontage for all non-exempt signs other than mural signs to no more than 200 square feet of display area. The variance of 178.78 square feet is an 89.4% variance to the standard.

WHEREAS:

- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Zoning Ordinance (No. 1308, as amended); and
- 2.) The Planning Commission has duly held public hearings on the request for a variance, with the public hearings a matter of record of the Planning Commission on April 8, 2024 and April 22, 2024; and
- 3.) At the public hearings on said application, the Planning Commission received testimony and evidence, including testimony and evidence from the applicant, and from Community Development Department staff; and
- 4.) At the conclusion of said public hearings, after consideration and discussion, the Newport Planning Commission, upon a motion duly seconded, **DENIED** the request for the variance.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") support the denial of the variance as requested by the applicant.

BASED UPON THE ABOVE, the Planning Commission determines that this sign variance application has not met the burden of demonstrating compliance with all of the applicable criteria, and therefore a determination that the request is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport cannot be made.

Accepted and approved this 13th day of May, 2024.

Bill Branigan, Chair
Newport Planning Commission

Attest:

Derrick I. Tokos, AICP
Community Development Director

EXHIBIT "A"

Case File No. 1-VAR-24

FINDINGS OF FACT

1. KSD Properties, LLC, owner (Harbor Freight, applicant (Tracey Diehl, Expedite The Diehl, authorized representative)) submitted a request on March 8, 2024, for approval of a Type III variance pursuant to Section 10.10.085(G) of the City of Newport Municipal Code to allow the placement of a 282.78 square foot wall sign. City staff added, and the applicant's representative accepted, adding to the application an additional 96 square feet of display area for a freestanding sign that the applicant desires. The aggregate amount of display area exceeds the maximum display area for the street frontage. Section 10.10.085(G) of the Newport Municipal Code limits the street frontage for all non-exempt signs other than mural signs to no more than 200 square feet of display area. The variance of 178.78 square feet is an 89.4% variance to the standard.

2. The property subject to the variance application is located at 615 North Coast Highway (Lincoln County Assessor's Map 11-11-05-CD, Tax Lot 2400). Lot 1, Block 16, NYE AND THOMPSON'S ADDITION, in the City of Newport, County of Lincoln and State of Oregon. EXCEPTING THEREFROM the Easterly 10 feet and the Westerly 50 feet of the Southerly 200 feet thereof. It is roughly 1.77 acres in size per County assessment records.

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

- a. Plan Designation: Commercial.
- b. Zone Designation: C-1/"Retail and Service Commercial."
- c. Surrounding Land Uses: Surrounding uses include highway oriented commercial to the north, east, and south. A retail bicycle shop and residential uses border the property on the west.
- d. Topography: The property is gradually sloped.
- e. Existing Structures: A retail commercial building with wall signs on the south and east facing facades and a freestanding monument sign oriented toward US 101 traffic.
- f. Utilities: All are available to the subject property.
- g. Past Land Use Actions:

File No. 14-CUP-78. Conditional Use Permit authorized conversion of a former grocery store into a lumber yard with outdoor storage.

4. Upon acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed action on March 13, 2024, to property owners within 200 feet required to receive such notice by the Newport Zoning Ordinance, and to various City departments and other agencies. The notice referenced the criteria by which the application was to be assessed. The notice required that written comments on the application be submitted by 3:00 p.m., April 8, 2024. Comments could also be submitted during the course of the public hearing. The notice was also published in the Lincoln County Leader on March 27, 2024. The Community Development Department received no comments from any of the affected parties.

5. A public hearing was held on April 8, 2024. At the hearing, the Planning Commission received the staff report and received oral testimony from the applicant's representative's representative. The minutes of the April 8, 2024 meeting is hereby incorporated by reference into the findings. The Planning Staff Report with attachments is hereby incorporated by reference into the findings. The Planning Staff Report attachments included the following:

- Attachment "A" – Application Form
- Attachment "B" – Applicant's Narrative
- Attachment "C" – Wall Sign Permit and Schematic Drawings
- Attachment "D" – Aerial Image of Property with Sign Locations
- Attachment "E" – Property Sign Inventory
- Attachment "F" – Public Hearing Notice
- Attachment "G" – Municipal Code Chapter 10.10 (Sign Regulations)
- Attachment "H" – Email from City Attorney and Linked Summary of 1973 Clackamas County v. Emmert Court of Appeals Case
- Attachment "I" – Final Order and Findings for File No. 2-VAR-23
- Attachment "J" – Final Order and Findings for File No. 3-VAR-18
- Attachment "K" – Final Order and Findings for File No. 1-VAR-15
- Attachment "L" – 2020 Wall Sign Permit for Corvallis Harbor Freight Store

6. At the close of the April 8, 2024 hearing, the Planning Commission advised the applicant's representative that it was concerned that their application did not include sufficient justification for the wall mounted sign. The applicant's representative asked that the hearing be continued so that she could consult with her client and determine if there was a need to submit additional evidence. The Commission granted the request, and the hearing was continued to April 22, 2024.

7. For the April 22, 2024 hearing, the applicant's representative chose not to submit any further testimony. The staff cover memo prepared for the hearing reflects that, and notes that no other party provided new testimony or evidence for the Commission's consideration. Consequently, the Commission's decision is based upon the record that was before it on April 8, 2024 along with testimony it received at the April 8, 2024 and April 22, 2024 public hearings. The minutes from the April 8, 2024 and April 22, 2024 Commission proceedings, are incorporated by reference into the findings.

8. In their application, the applicant's representative notes that this variance is being sought after a permit was erroneously issued by the City for the wall sign facing US 101. A copy of the permit is enclosed as Attachment "C". The wall sign has a display area of 282.78 sq. ft, which exceeds the maximum allowed sign area by 41.4% (82.78 sq. ft.). The maximum allowed sign display area is 200 sq. ft. per street frontage for all non-exempt signs other than mural signs (ref: NMC 10.10.085(G)). The wall sign had been installed and City staff discovered during final inspection that it was over the allowable square footage.

The 200 sq. ft. sign area limitation in NMC 10.10.085(G) is the maximum cumulative display area permitted for non-exempt signs along a street frontage. There are two signs along the US 101 frontage, the wall sign cited by the applicant's representative and a freestanding pole sign. A sign permit is required to replace signs on freestanding structures, such as a pole sign (NMC 10.10.035(A)). Harbor Freight does not have a permit for the sign that it has temporarily placed on the pole structure. Their sign contractor informed the City of Harbor Freight's intent to install a sign within the pole sign cabinet after City staff advised them of the problem with the size of the permitted wall sign. The contractor plans to

install an LED back lit sign cabinet on the pole with lettering that matches the wall sign. It is depicted as Sign "C" on the sign inventory that is included in the application (ref: Attachment "E"). This constitutes an additional 96 sq. ft. of display area, since only one side of a free-standing sign applies against the sign allowance (NMC 10.10.085(B)). When accounting for the freestanding sign, the variance seeks an additional 178.78 sq. ft. of display area or an 89.4% deviation from the standard.

Exempt and partially exempt signs are listed under NMC 10.10.055 and 060. Neither are in play with this application. Harbor Freight obtained a sign permit for the wall sign facing NW 6th Street. That sign complies with the 200 sq. ft. per street frontage display area limitation, as it is 159.34 sq. ft. in size. It is not subject to the variance request.

9. Pursuant to Section 10.10.130 (Variance Requirements) of the Newport Municipal Code, the applicant's representative may seek a variance to the numerical provisions of the code. The Planning Commission is the designated approval authority.

10. The applicable criteria for a variance are found in Newport Municipal Code (NMC) Section 10.10.130, which states that: *"approval of the request is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant."*

11. At the April 8, 2024 hearing, the Planning Commission asked if words on the bottom of the wall sign on a blue background stating "quality tools lowest prices" could be removed to reduce the display area. The applicant's representative indicated that this is part of Harbor Freight's branding and was a trademark logo that couldn't be removed.

12. At the April 22, 2024 hearing, the Planning Commission also asked if there was evidence that the sign contractor read the sign code and applied the code to the design of the Harbor Freight wall sign. The applicant's representative did not provide such evidence, indicating that that type of code review is a task that her firm would normally perform on an application of this nature, and that they were not asked to perform those duties in this case. She pointed out that her firm was brought into the process after the fact.

CONCLUSIONS

1. In order to grant the variance, the Planning Commission must review the application to determine whether it meets the criteria. With regard to those criteria, the following analysis could be made:

- i. Approval of the request is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant.*

In regard to this criterion, the Planning Commission has to consider whether the applicant's representative has sufficiently demonstrated that the request is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant. After reviewing the evidence and testimony in the record, the Commission cannot conclude that the difficulties faced by the applicant were beyond their control.

It is unfortunate that Harbor Freight is in the position that they are in with respect to the wall sign facing US 101. They hired a firm that specializes in designing commercial signs, and that firm

did not pick up on the 200 sq. ft. limitation when putting together plans for the wall sign facing US 101. Further, City staff responsible for reviewing sign permit applications for compliance with the Newport Municipal Code failed to identify that the proposed sign exceeded the 200 sq. ft. display area limitation and issued the sign permit. As for the freestanding sign, it was Harbor Freight's responsibility to obtain a sign permit to replace the sign in the pole structure and the firm they hired to design the new sign has not obtained a permit, nor can one be authorized with the 200 sq. ft. cumulative display area limitation.

The sign permit application form the City makes available to applicants on the City's website requires that an applicant stipulate to the following "*I hereby certify I have read & examined this application & know the same to be true & correct. All provisions of laws & ordinances governing this type of work will be complied with whether specified herein or not.*" Further, the issued building permit, as evidenced in Attachment "C," states "*All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.*" Taken collectively, these provisions provided the sign contractor, and by extension Harbor Freight, ample notice that they had an affirmative obligation to review and follow the City of Newport sign code. When asked at the April 22, 2024 appeal hearing, applicant's representative could not provide evidence that the sign contractor read the sign code and applied the code to the design of the Harbor Freight wall sign. Instead, she indicated that that type of code review is a task that her firm would normally perform on an application of this nature, and that they were not asked to perform those duties in this case. This evidence shows that Harbor Freight, through its agent the sign contractor, was put on notice that they had an obligation to design the wall sign in compliance with the City of Newport's sign display area limitations, and they had an opportunity to pursue that course of action as part of the design process they undertook to prepare the sign permit application. This was before the City erroneously issued the sign permit and is clearly a circumstance that was within the applicant's control.

As part of the record, the Commission received a communication from the City Attorney regarding permits that are issued in violation of City codes (Attachment "H"). He calls attention to the last couple of paragraphs summarizing an Oregon Court of Appeals case in Clackamas County v. Emmert (1973) where the Court points out that zoning ordinances are enacted for the benefit and welfare of the citizens of a municipality. Issuance of a permit that violates such an ordinance not only is illegal, per se, but is injurious to the interests of the property owners and residents of the neighborhood adversely affected by the violation. The Court further notes that when a City acts to revoke an illegal permit it is exercising its police power to enforce a zoning ordinance for the protection of all citizens who have been injured by the violation, and not to protect some proprietary interest of the City. While this information is helpful context, the Commission concludes that it need not explore this line of reasoning further because it is evident in this case that the applicant had both a responsibility and opportunity to design the wall sign in a manner that complied with the City's sign area display limitations before the city rendered a decision on the permit.

- ii. *The variance is consistent with the purposes of the sign code, as provided in Chapter 10.10.010 of the Newport Municipal Code, as applicable; and.*

The purposes of the Newport Sign Code are:

- A. To protect and promote the health, safety, property, and welfare of the public, including but not limited to promotion and improvement of traffic and pedestrian safety.*
- B. To improve the neat, clean, and orderly appearance of the city for aesthetic purposes.*
- C. To allow the erection and maintenance of signs consistent with the restrictions of the Newport Sign Code.*
- D. To prevent distraction of motorists, bicyclists and pedestrians.*
- E. To allow clear visibility of traffic signs and signal devices, pedestrians, driveways, intersections, and other necessary clear vision areas.*
- F. To provide for safety to the general public and especially for firemen who must have clear and unobstructed access near and on roof areas of buildings.*
- G. To preserve and protect the unique scenic beauty and the recreational and tourist character of Newport.*
- H. To regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and location of signs.*

The applicant's representative states in their narrative (Attachment "B") that the signage proposed is designed to help motorists navigate their way to this Harbor Freight location. Harbor Freight is not located in all cities, so persons traveling here may come from outside of Newport to locate this retail service. Signs are designed to be clearly visible in all weather and traffic conditions as posted speed limits. The United States Sign Council makes clear recommendations for parallel signs and their visibility.

Further, the applicant's representative points out that Harbor Freight signs are designed for the safety and welfare of those traveling here to provide information for the general public. The sign proposed is consistent with the purpose of the Newport Sign Code (the applicant's representative's narrative then lists the purpose provisions of the code that are outlined above).

The principal mode of transportation to and from Harbor Freight Tools is vehicle traffic, and the property is well situated in that regard with prominent frontage along Highway 101. Vehicles travelling north on US 101 can readily identify Harbor Freight by virtue of the 159.34 sq. ft. compliant wall sign along the parcels NW 6th Street frontage and the un-permitted freestanding pole sign. Vehicles travelling south on US 101 can also readily identify Harbor Freight, as the un-permitted pole sign is visible from a significant distance. The oversized wall sign that is the subject of this variance request is parallel to US 101, facing the highway. As such, it is less visible to US 101 traffic than the other two signs, which are perpendicular to the highway, because US 101 drivers can only see it at an angle. This east facing wall sign is most prominently visible to vehicles traveling west on NE 6th Street, as they see it head on. That is a small amount of traffic and a smaller wall sign would have the same utility since vehicles traveling west, toward the store, are heading directly at it. The property has the added benefit of being at the corner of a signalized intersection, improving site visibility from all directions. Given the above, the

Commission cannot accept the applicant's representative's argument that a variance to the 200 sq. ft. sign display area limitation is needed along the property's US 101 frontage in order to promote traffic safety, and ensure adequate wayfinding to and from the business.

Further, the disproportionately large size of the east facing wall sign, as compared to nearby commercial signage that is compliant with the code, makes it more of a distraction to motorists, than if compliant signage were to be installed. The Commission concludes that the applicant's representative did not adequately address this concern, and for the reasons noted herein, has not established that the variance is consistent with the purposes of the sign code.

- iii. *The variance will allow for placement of a sign with exceptional design, style, or circumstance, or will allow a sign that is more consistent with the architecture and development of the site; and*

The applicant's representative states, without providing evidence, that the proposed sign is consistent with the sign size and type allowed at other commercial properties. They note that this is a commercial area, and that the variance will allow for placement of a sign with exceptional design, style, or circumstance, or will allow a sign that is more consistent with the architecture and development of the site. Lastly, they argue that the proposed wall sign is not going to detract from the architecture or surrounding area namely because Harbor Freight is a national brand image customers are familiar with and that the design of the sign, using channel letters and internal illumination, is a type of sign construction that conforms to the city code.

Commission members observed in the field, and evidence in the record shows, that the Harbor Freight wall sign facing US 101 is noticeably larger than signage on commercial properties in the vicinity of the site. Therefore, the Commission cannot accept the applicant's representative's argument that the wall sign is consistent with the sign size allowed at other commercial properties. While it is true that the design of the wall sign is similar to other commercial signage in the area, and it fills out the façade facing US 101, that in of itself does not establish that a variance is needed to allow the placement of a sign with "exceptional design, style, or circumstance." Nor has the applicant's representative established that a variance is needed to allow a sign that is more consistent with the architecture and development of the site. In 2020 Harbor Freight Tools renovated tenant space in a Corvallis shopping center. That building has a similar façade as the recently opened store in Newport. It appears the same sign company designed a smaller wall sign at that location (Attachment "L") so it is possible for the wall sign facing US 101 to be replaced with a sign that is smaller, without detracting from the architectural character of the development. Considering the above, the Commission concludes that this criterion has not been met.

- iv. *The variance will not significantly increase or lead to street level sign clutter, or will it create a traffic or safety hazard.*

The applicant's representative notes that the wall sign is intended to be visible when the ground sign is out of the line of sight for traffic that is headed to this destination. They note that GPS technology is not always accurate and motorists do not all navigate in the same manner. Some use building signage and some use ground signage, some look up and some look down, some will use the building as a landmark and some will use the street name. The presence of a sign contributes significantly to the safety of motorists. Not everyone uses GPS or cellular technology. The

demographic of customer that shops here may in fact be technologically declined while being mechanically inclined.

The applicant's representative further argues that the wall sign enhances the overall aesthetic of the property and that it will attract sources of economic development and growth by allowing this business to take its place in the community. The applicant's representative does not believe that the sign will impact nearby private and public properties. The applicant's representative also argues that the sign will enable the fair and consistent enforcement of sign restrictions when taking into consideration the overall visibility of a parallel sign is necessary for the safety of those traveling here.

These statements by the applicant's representative do not clearly address the standard, which is driving at the City's desire to minimize street level clutter and safety hazards. The US 101 facing wall sign, by itself, exceeds the 200 square foot display area limitation. This means that under the sign code, a pole sign with additional display area cannot be approved. The applicant's representative has indicated that Harbor Freight desires both signs, a step that would increase street level sign clutter over that which is permissible under the code. Harbor Freight could significantly reduce the wall sign display area; however, they have indicated they are not prepared to take that step. Given the above, the Commission finds that this variance application has not adequately addressed the criterion, which prohibits the issuance of a variance if it significantly increases or leads to street level sign clutter. The Commission is satisfied that the wall and pole signs would not create a traffic or safety hazard.

OVERALL CONCLUSION

Based on the staff report, the application material, and other evidence and testimony in the record, the Planning Commission concludes that the above findings of fact and conclusions demonstrate that the variance application has not satisfied the applicable approval criteria. Therefore, because the application has not demonstrated compliance with the criteria for granting a variance, the request is **DENIED**.

PLANNING STAFF REPORT
File No. 2-VAR-24

- A. **APPLICANT(S) & OWNER(S)**: Todd and Paula Haglund.
- B. **REQUEST**: Approval of a variance to Sections 14.11.010/"Required Yards" of the Newport Municipal Code to allow construction of an addition to an existing single-family dwelling with a 5-foot setback. This constitutes a 5 foot variance (50% deviation) from the 10 foot rear yard setback.
- C. **LOCATION**: 5259 NW Rocky Way; Lincoln County Assessor's Map 10-11-29-BD, Tax Lot -04601 (Lots 1 and 12, and the easterly one-half of Lots 2 and 11, Block 46, Agate Beach No. 2).
- D. **LOT SIZE**: Roughly 0.36 acres per Assessor's Records.
- E. **STAFF REPORT**:
1. **REPORT OF FACT**:
 - a. **Plan Designation**: Low Density Residential.
 - b. **Zone Designation**: R-2/"Medium Density Single-Family Residential."
 - c. **Surrounding Land Uses and Zoning**: Surrounding uses consist of low density, single family residential home sites in all directions.
 - d. **Topography**: The property is moderate to steeply sloped, dropping in elevation as the property extends south and east from NW 54th Street.
 - e. **Existing Structures**: A single family dwelling constructed in 1980.
 - f. **Utilities**: All are available to the property.
 - g. **Past Land Use Actions**: None.
 - h. **Notification**: All affected property owners within 200 feet, applicable city departments, and other agencies were notified on April 22, 2024. The public hearing notice was published in the Lincoln County Leader on May 1, 2024 (Ref: Staff Report Attachment "H").
 - i. **Attachments**:
 - Attachment "A" – Land use application form
 - Attachment "B" – County property report and assessment map
 - Attachment "C" – Application narrative
 - Attachment "D" – Applicant's surveyed site plan
 - Attachment "E" – Aerial map with zoning designation

Attachment "F" – Photographs of the existing residence and property
 Attachment "G" – 1979 building permit application materials
 Attachment "H" – Public hearing notice

2. **Explanation of the Request:** Approval of a variance to Sections 14.11.010/ "Required Yards" of the Newport Municipal Code to allow construction of an addition to an existing single-family dwelling with a 5-foot setback. This constitutes a 5 foot variance (50% deviation) from the 10 foot rear yard setback.

NMC 14.11.010 stipulates that a building, or portion thereof, hereafter erected shall not intrude into the required yard listed in Table "A" of NMC 14.13.020 for the zone indicated. As illustrated on the enclosed zoning map (Attachment "E"), the property is within an R-2 zone district. Table "A" indicates that within the R-2 zone, buildings must be setback a minimum distance of 15-feet from front lot lines, 5-feet from side lot lines, and 10-feet from rear lot lines. Per the City's definition of lot lines, listed in NMC 14.01.020, all sides of a lot adjacent to a street other than an alley are deemed front lot lines. Lots with at least two adjacent sides that abut streets are defined as corner lots. The City's definition for rear lot lines specifies that all corner lots must have at least a 10-foot rear yard. A corner lot may have a 10-foot front setback if the setback from another front lot line is at least 20-feet.

When the above is taken in the aggregate, it means that the applicant's property has three front yards and a rear yard. The front yards face NW 54th Street to the north, NW Rocky Way to the east, and NW Hillside Drive to the south. The west lot line is the required rear yard with a 10-foot setback. The NW 54th Street and NW Rocky Way rights-of-way have developed roads that are used to access the property. NW Hillside Drive is an undeveloped street right-of-way.

The site plan from 1979 illustrates that the home was to be constructed such that it would face due south (Attachment "G"). The property owners survey; however, shows that it was constructed at an angle, facing the southwest (Attachment "D"). The existing dwelling is about 40-feet north of NW Hillside Drive, 114 feet south of NW 54th Street. The survey indicates that it is 5-feet from NW Rocky Way, which is less than the 10-foot minimum required for a front yard. Given that the residence was built in 1980, this setback from NW Rocky Way is permissible because all buildings within the City constructed prior to September 7, 1982 are considered to be lawful non-conforming structures if they do not meet current setback standards (NMC 14.32.020(A)).

The applicant notes in their narrative (Attachment "C") that this variance request is being made because they wish to construct an addition to the west side of the dwelling that would extend 5-feet into the rear yard. They point out that the purpose of the addition is to allow them to live on one level, so they can remain in the home as they age. They further point out that the neighbor most affected by the proposed addition, whose house sits directly to the west, has expressed support for their project.

3. **Evaluation of the Request:**

- a. **Written Comments:** As of May 7, 2024, no written comments have been submitted in response to this application.
- b. **Applicable Criteria (NZO Section 14.33.060):**
- i. That there is a circumstance or condition that applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to: (a) The size, shape, natural features and topography of the property; or (b) The location or size of existing physical improvements on the site; or (c) The nature of the use compared to surrounding uses; or (d) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district; or (e) A circumstance or condition that was not anticipated at the time the Code requirement was adopted. The list of examples in (a) through (e) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.
 - ii. That the circumstance or conditions above are not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.
 - iii. That there is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.
 - iv. That authorization of the variance will not result in substantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations.
 - v. That the variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.
 - vi. That any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

c. **Staff Analysis:**

In order to grant the variance, the Planning Commission must review the application to determine whether it meets the criteria. With regard to those criteria, the following analysis could be made:

Criterion #1. That there is a circumstance or condition that applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. (The circumstance or condition may relate to: (a) The size, shape, natural features and topography of the property; or (b) The location or size of existing physical improvements on the site; or (c) The nature of the use compared to surrounding uses; or (d) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district; or (e) A circumstance or condition that was not anticipated at the time the Code requirement was adopted. The list of examples in (a) through (e) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.)

To grant a variance the Commission must find that a circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district and that the circumstance or condition prevents the owner from using the property in a manner comparable to how similarly-situated and zoned properties are used in the area.

In their narrative, the applicant points out that their property is unique in that it is the only house on the hill served by NW Rocky Way that is bound by three streets. They further note that the shape, natural features, and topography of the lot dictate that the house be oriented in a north-south manner with the east property line along NW Rocky Way and the west property line serving more as side lot lines, as opposed to front and rear property lines. They support these statements with photographs of the property (Attachment "F").

The enclosed aerial map (Attachment "E"), supports the applicant's points. Other residences on this south facing slope that are served by NW Rocky Way and NW 54th Street are oriented in a north south manner, as that aligns with the terrain. The map also illustrates that the applicant's property is the only one that fronts three streets. The residence on the property to the west is a little more than 8-feet from the property line that they share with the applicant. This is their side yard, meaning that they are only subject to a 5-foot setback, the same distance that the applicant is requesting with this variance. Therefore, granting this variance would not lead to an outcome where the requested addition would lead to a built form that is inconsistent with what is permissible on adjoining properties.

It is highly unusual for a property to abut three streets. The reason for this, in this case, is that the applicant's property includes portions of four lots that were aggregated to create enough area to construct a home, given the severity of the slopes and need for a septic system when the residence was originally built (Attachment "G"). Other developed properties in the area are similarly sized.

For the reasons stated, it is reasonable for the Commission to find that this criterion has been satisfied.

Criterion #2. That the circumstance or condition in Criterion #1 is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

The street frontage and terrain considerations noted by the applicant are not of their own making. The Agate Beach No. 2 subdivision plat that created the lots and streets was platted in 1913. A prior owner constructed the existing residence as noted in the permit records (Attachment "G"). The applicant didn't acquire the property until 2014 (Attachment "B").

Considering the above, it is reasonable for the Planning Commission to find that the unique configuration of the property, and terrain are not circumstances or conditions created by the applicant.

Criterion #3. That there is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

The applicant's photos show that the property to the west of the existing dwelling, where they wish to construct an addition, is at a similar grade as the existing structure. Other alternatives, such as building the addition to the south of the existing dwelling would require more earthwork given the terrain.

The Planning Commission has historically viewed the application of dimensional standards, such as setbacks, in a manner that would force development on more steeply sloped terrain or close to a bluff/embankment, as creating a practical difficulty that justifies the granting of a variance.

Given this information, it is reasonable for the Planning Commission to find that applying a 10 foot rear yard setback creates a practical difficulty for the owner and that a 5 foot variance is sufficient to alleviate the practical difficulty.

Criterion #4. That authorization of the variance will not result in substantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate

development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations.

Since the applicant's site fronts three streets, the only adjoining developable property is to the west. There is a home on it, and as noted earlier, that residence is similarly oriented in a north south direction and is subject to a 5-yard setback from the shared property line. The applicant is asking that they be held to the same setback. An addition to a single family dwelling, as envisioned by the applicant, is permissible within the zone and is not expected to result in adverse physical impacts to property in the area.

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

Criterion #5. That the variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.

The existing residence has access to these services and, as noted by the applicant, the addition will not place additional demands on these services. They point out in their narrative (Attachment "C"), the purpose of the addition is to allow them to live on one level and remain in the home as they age. The demand on services will be the same (i.e. that of a single-family dwelling). The setback the applicant is requesting is what is typically applied to a side yard and should be sufficient for fire emergency responders.

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

Criterion #6. That any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

This criterion is limited to impacts that can be directly tied to the variance, as opposed to other impacts that might be associated with site development. In this case, there does not appear to be any impacts attributed to the variance that require mitigation. If approved, the building line of the addition would be comparable to what has already been established for the property to the west, with both adhering to 5-foot setbacks. It will, however, be important that the applicant verify the location of the west property line before they initiate construction to ensure at the required setback is being met. This can be addressed with a condition of approval.

Considering the above, it would be reasonable for the Commission to find that there are no impacts attributed to the variance that require mitigation.

4. **Conclusion:** If the Planning Commission finds that the application has met the criteria established in the Zoning Ordinance for granting a variance, or can meet the criteria with the imposition of reasonable conditions, then it should approve the request. There must be a rational nexus between any conditions of approval and the nature of the request, and such conditions must be roughly proportional to the impact of the proposal. If the Planning Commission finds that the application does not comply with the approval criteria, and cannot be brought into compliance with the imposition of reasonable conditions, then it should make findings for denial.

F. **STAFF RECOMMENDATION:** If the Planning Commission decides to approve the request, staff would recommend the following condition(s) of approval:

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to this report. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner to comply with these documents and the limitations of approval described herein.
2. The property owner is responsible for staking the west property line and 5-foot setback line, and such stakes shall be kept in place until footing inspections have been performed.
3. Pursuant to NMC 14.52.140/"Expiration and Extension of Decision," this approval shall be void after 24 months unless all necessary building permits have been issued. An extension may be granted by the Community Development Director as provided in this section provided it is sought prior to expiration of the approval period.



Derrick I. Tokos AICP
Community Development Director
City of Newport

May 8, 2024

City of Newport Land Use Application

Attachment "A"
2-VAR-24

Print Form **25**

PLEASE PRINT OR TYPE • COMPLETE ALL BOXES • USE ADDITIONAL PAPER IF NEEDED

Applicant Name(s): TODD & PAULA HABLUND		Property Owner Name(s): <i>If other than applicant</i> TODD & PAULA HABLUND	
Applicant Mailing Address:		Property Owner Mailing Address: <i>If other than applicant</i> 5259 NW ROCKY WAY 97365	
Applicant Telephone No.:		Property Owner Telephone No.: <i>If other than applicant</i> 314-614-0457	
E-mail:		E-mail: twhablund@gmail.com	
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>			
Authorized Representative Mailing Address:			
Authorized Representative Telephone No.:		E-Mail:	

Project Information

Property Location: <i>Street name if address # not assigned</i> 5259 NW ROCKY WAY NEWPORT, OR 97365	
Tax Assessor's Map No.: 10-11-19-BD	Tax Lot(s): 4601
Zone Designation: R2	Legal Description: <i>Add additional sheets if necessary</i> ABATE BEACH NO2, BLOCK 46
Comp Plan Designation:	LOT 1, 12 & PINS OF Z & II DOC C201410265
Brief Description of Land Use Request(s): RESIDENTIAL PORCH ADDITION REQUIRING SETBACK VARIANCE FROM 10 FEET TO 5 FEET	
<i>Examples: - over north Property line 5 feet - Variance of 2 feet from the set</i>	
Existing Structures: RESIDENCE	
Topography and Vegetation: ATTACHED SITE PLAN	

APPLICATION TYPE (please check all that apply)

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

FOR OFFICE USE ONLY

Date Received: 4/16/24	File No. Assigned: 2-VAR-24	Fee Amount: 749	Date Accepted as Complete: _____
Received By: SM	Receipt No.: 7901	Accepted By: _____	
1025-24-000020-PLNG			

(SEE REVERSE SIDE)

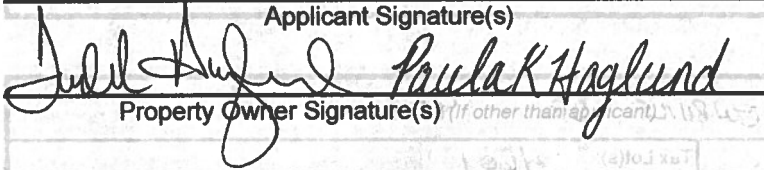
Community Development & Planning Department • 169 SW Coast Hwy, Newport, OR 97365 • Derrick I. Tokos, AICP, Director

City of Newport Land Use Application

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

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

Property Owner Mailing Address	Applicant Mailing Address
Property Owner Telephone No.	Applicant Telephone No.
E-mail	E-mail
Authorized Representative(s)	Authorized Representative(s)
Authorized Representative Mailing Address	Authorized Representative Mailing Address
Authorized Representative Telephone No.	Authorized Representative Telephone No.
E-Mail	E-Mail

Applicant Signature(s)	Date Signed
	4/16/24
Property Owner Signature(s) (if other than applicant)	Date Signed

Authorized Representative Signature(s) (if other than applicant)	Date Signed
--	-------------

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

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

Existing Structures	Topography and Vegetation
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APPLICATION TYPE (please check all that apply)

<input type="checkbox"/> UGR Amendment	<input type="checkbox"/> Interim	<input type="checkbox"/> Annexation
<input type="checkbox"/> Variation	<input type="checkbox"/> Minor Replat	<input type="checkbox"/> Appeal
<input checked="" type="checkbox"/> Planned Development	<input type="checkbox"/> Partition	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Staff	<input type="checkbox"/> Property Line Adjustment	<input type="checkbox"/> RC
<input type="checkbox"/> Zone Ordinance Amendment	<input type="checkbox"/> Stormwater Impact	<input type="checkbox"/> Staff
<input type="checkbox"/> Other	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Design Review
	<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Geographic Pattern

FOR OFFICE USE ONLY

File No. Assigned	Date Received
Date Accepted as Complete	Fee Amount
Accepted By	Receipt No.

(SEE REVERSE SIDE)

LINCOLNPROD PROPERTY RECORD CARD

Property ID: R380466

Map and Taxlot: 10-11-29-BD-04601-00

Tax Year: 2024

Run Date: 5/8/2024 9:01:02 AM

PROPERTY SITUS ADDRESS

259 NW ROCKY WAY
Maintenance Area: E-09

GENERAL PROPERTY INFORMATION

Prop Class: 101
NBH Code: NANI
Prop Type Code: RES
Prop Code: Z3: AGATE BEACH TO MAKAI
Next Appr Date:
Next Appr Reason:
Last Appr Date: 01/31/2024
Appraiser: JM, CJH
Zoning: R-2
Code Area: 104
Related Accts:

VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2023	405,690	660,730	1,066,420	513,610	
2022	355,250	587,070	942,320	498,660	
2021	316,020	444,130	760,150	484,140	
2020	246,160	434,930	681,090	470,040	
2019	250,640	374,450	625,090	456,350	
2018	239,670	363,140	602,810	443,060	

OWNER NAME AND MAILING ADDRESS

AGLUND TODD &
AGLUND PAULA
259 NW ROCKY WAY
EWPORT, OR 97365

ASSESSMENT INFORMATION

Land Non-LSU:	413,660	Prior MAV:	513,610	Except RMV:	40,
Improvement:	709,000	Prior MAV Adj:	0	CPR:	1,
Non-LSU RMV Total:	1,122,660	Prior AV:	513,610	EX. MAV:	40,
Land LSU:	0	Prior AV Adj:	0	LSU:	
RMV Total:	1,122,660	AV +3%:	529,018	New M50 AV:	569,

LEGAL DESCRIPTION

GATE BEACH NO. 2, BLOCK 46, LOT 1.12 &
TNS OF 2 & 11, DOC201410265

SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Re
11/07/2014	33			SALE	WD WARRANTY DEE	201410265
10/17/2000	32			SALE	WD WARRANTY DEE	MF409-22
06/09/1998	18			SALE	WD WARRANTY DEE	MF359-17

Acres: 0 Sqft:
Effective Acres: 0

BUILDING PERMITS AND INSPECTIONS

Type	Appraiser	Issue Date	Date Checked	% Comp	Comment
RM: REMODEL - RES Z3, Z		01/01/2025		0	DESC: 625-24-000158-MECH;CMNT: POSS RRM

PARCEL COMMENTS

enFlag- M_09C,M_15C,M_24C
prop-Note- 15NO,NOH,COND=AVG+,24NO,COND=AVG+

EXEMPTIONS

Code Exempt RMV

Exceptions

Code	Year	Amount	Met
NI	2024	21,700	
NI	2024	8,070	
NI	2024	6,150	
NI	2024	4,580	

MARKET LAND INFORMATION

Type	Table	Method	Acres	Base Value	Adjustment Code - %	NBHD %	Total Adj %	Final Value
JV: DEV OCEANVIEW LOT	NAN	LB	0.360	105,500	V-300,T-90,A-90	0.000	2.430	394,160
D: SITE DEVELOPMENT	NAOS	LT	0.000	12,000	LSV-7500	0.000	0.000	19,500
			Total Acres:	0.360			Total Market Land Value:	413,660

LAND SPECIAL USE

Code	SAV	Unt	Pr	MSAV	Unt	Pr	LSU
							Total LSU:

LINCOLNPROD PROPERTY RECORD CARD

Property ID: R380466

Map and Taxlot: 10-11-29-BD-04601-00

Tax Year: 2024

Run Date: 5/8/2024 9:01:02 AM

RESIDENTIAL & MISC. IMPROVEMENTS

No.	Res Type	Bldg Type	Year Blt	Eff Year	Tot Liv Area	Beds	Adjustment Code-%	Total Adj %	RCN	% Comp	Trends	RMV	MH Make	MH Mode
1	R: RESIDENTIAL	154	1980	2000	2,458	4			709,000	0		709,000		

RESIDENTIAL & MISC. IMPROVEMENT COMMENTS

np No.1.6- WOOD SHED; Imp No.1.7- CONC,CDS,RFNC

RESIDENTIAL & MISC IMPROVEMENT SEGMENTS

npType	No.	Seg Type	Meth	Cls	YrBlt	EffYr	Area	Segment Details	Adjustment Code - %	RCN	%Good	NBH%	Seg Val
R	1.1	MA	R	5	1980	2000	1,188	Foundation- CONC; Exterior- BVL, VWIN, DWIN, CDR; Interior Finish- SWD, GRT, SWD, DW TG; Roof- GBL, MSHK; Flooring- CPT, VNL, HWD; Plumbing- B2, HB; Heat- WALL; Fireplace- CBRK, PS, HRTH; Electric- BSET	LCM5-180	143,097	88.5	1.53	348,000
R	1.2	MA2	R	5	1980	2000	830	Heat- WALL	LCM5-180	58,669	88.5	1.53	142,000
R	1.3	FB	R	5	1980	2000	440	Flooring- CPT; Heat- WALL	LCM5-180	44,649	88.5	1.53	108,000
R	1.4	AG	R	5	1980	2000	487	Foundation- CONC; Exterior- BVL, CDR; Interior Finish- LC; Roof- MSHK, GBL; Flooring- CONC; Electric- GDO	LCM5-180	33,240	88.5	1.53	81,000
R	1.5	CP	R	5	1980	2000	100	Roof- MSHK, SHD; Flooring- CONC	LCM5-180	3,565	88.5	1.53	8,000
R	1.6	MPS	FM	4		2005	76	Foundation- FR; Exterior- BVL,CDR; Interior Finish- UNF; Roof- MSHK,SHD; Flooring- WD	LCMF-160	1,700	82	1.53	3,000
R	1.7	AI	R	LE			1			10,000	100	1.53	15,000

LINCOLNPROD PROPERTY RECORD CARD

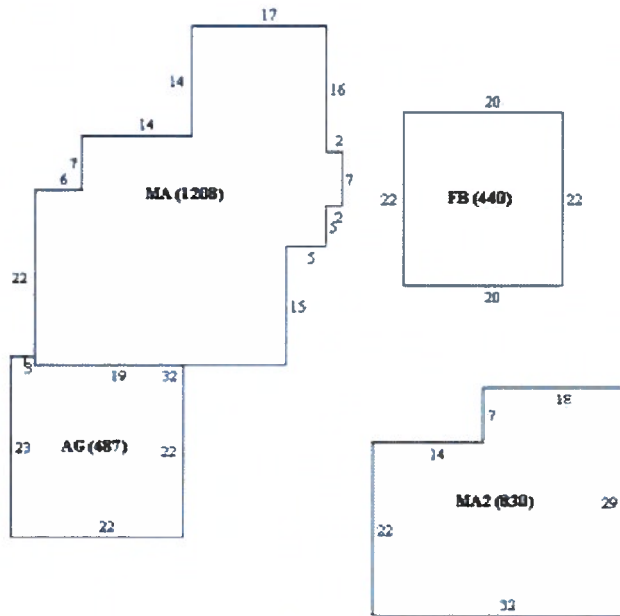
roperty ID: R380466

Map and Taxlot: 10-11-29-BD-04601-00

Tax Year: 2024

Run Date: 5/8/2024 9:01:02 AM

itus: 5259 NW ROCKY WAY



KETCH VECTORS: A100CR32U15R5U5R2U7L2U16L17D14L14D7L6D22,A101R43D10CR14U7R18D29L32U22,A102R47U10CR20U22L20D22,A103CR19D22L22U23R3D1
KETCH COMMENTS:

We are requesting a setback variance from ten feet to five feet on the west side of our property at 5259 NW Rocky Way. This is a unique property because it is enclosed on three sides by streets - Hillside Drive running east-west, NW Rocky Way running north-south, and NW 54th Street running east-west. Newport code specifies that the front of the property must be the side facing the middle street, in this case, NW Rocky Way. Picture #1 shows the front of the property per Newport code. Based on this we are requesting a variance at the back of the property (Picture #4) from the normal ten feet "back" of property setback to five feet.

The shape, natural features, and topography of the lot "dictate" that the front and back of the house as defined by Newport code are actually the sides of the house (see Pictures 1 and 4) and that the sides of the house under Newport code are actually the front and back (see Pictures 2 and 3). The house was built with a front door facing north to NW 54th Street and the back facing the ocean. Designs for our addition on the west side were made using the side setback of five feet.

We are the only house on the hill on NW Rocky Way that is bounded by three streets, one of which (Hillside Drive) is platted, not improved, and unlikely to be (see Picture #6). This restriction then applies only to our house and not to any other house in the vicinity.

Without a variance, we would be unable to build an addition, the purpose of which is to allow us to live on one level and remain in our home as we age. The neighbor most affected by our remodel, whose house sits directly west of ours, has expressed support for our project. A written statement to this effect can be provided if necessary.

Thank you for your consideration,

Todd and Paula Haglund

TOPOGRAPHIC SURVEY
FOR TODD HAGLUND
LOTS 1, 2, 11 & 12 BLOCK 46 AGATE BEACH NO. 2
IN THE SE 1/4 OF THE NW 1/4 OF SECTION 29
TOWNSHIP 10 SOUTH, RANGE 11 WEST, WM
IN NEWPORT, LINCOLN COUNTY, OREGON

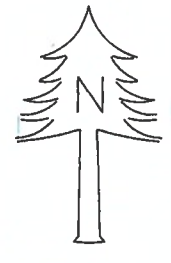
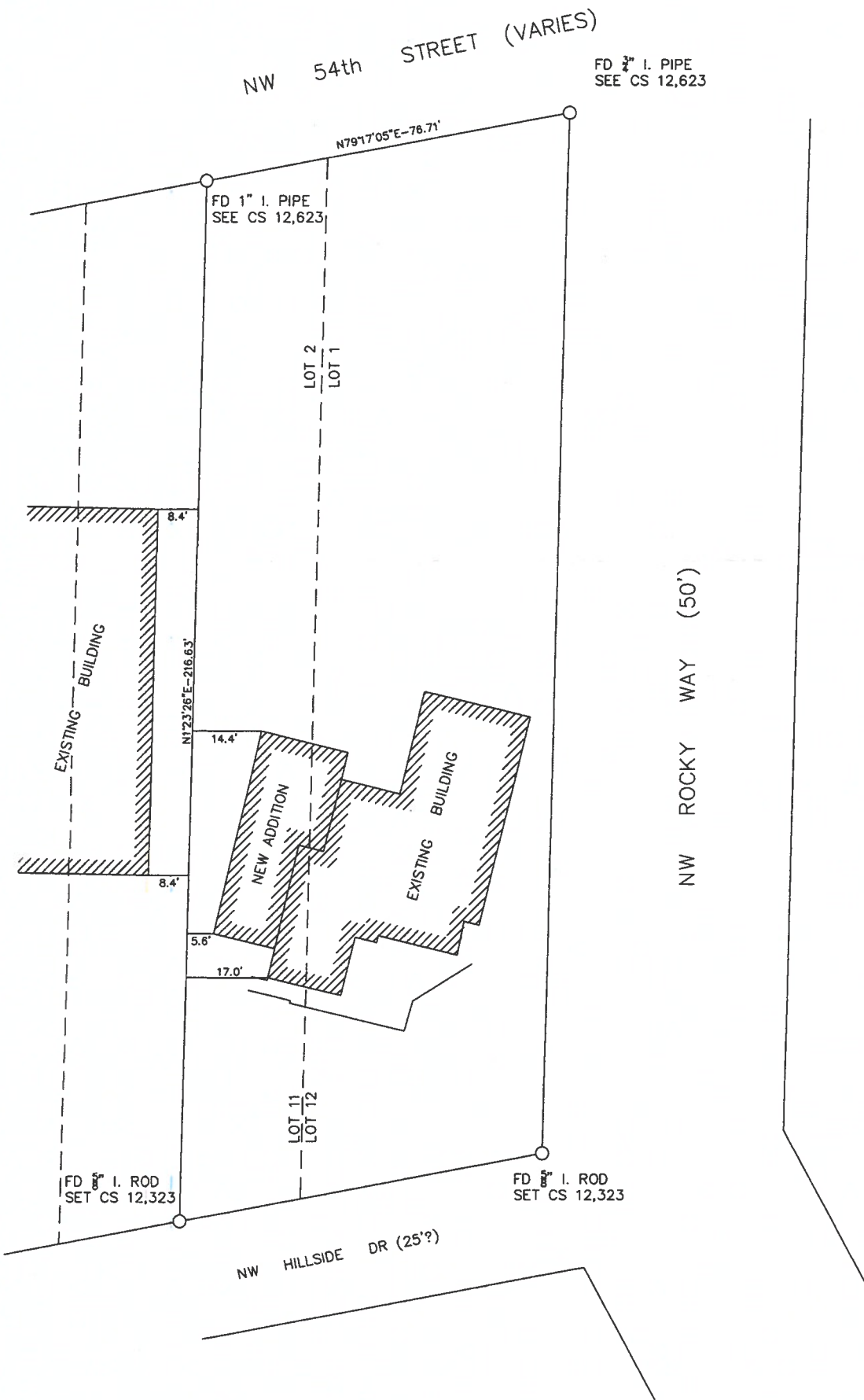
C.S. # _____
FILED _____
LINCOLN COUNTY SURVEYOR

LEGEND

- FOUND SURVEY MONUMENT AS SHOWN
- [] RECORD DATA
- PROPERTY DEED BOUNDARY

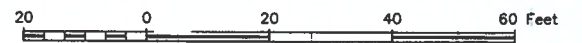
SURVEYOR'S NARRATIVE

THIS SURVEY WAS DONE TO LOCATE THE WEST BOUNDARY OF THAT TRACT OF LAND LYING IN THAT TRACT DESCRIBED IN DOC. 2014-0265. THE MONUMENTS AS SET IN CS 12623 WERE LOCATED AS SHOWN ON THE PLAT. THE EXISTING BUILDING CORNERS WERE THEN LOCATED. THE DISTANCES TO THE PROPERTY LINE WERE THEN COMPUTED FROM THE EXISTING BUILDING AND THE PROPOSED ADDITION. THIS SURVEY WAS DONE USING A ONE SECOND TOPCON GPT 3102-W TOTAL STATION AND DATA COLLECTION.



1" = 20'

REGISTERED
PROFESSIONAL
LAND SURVEYOR
David Loomis
OREGON
JULY 18, 1980
DAVID A. LOOMIS
1908
RENEWAL DATE:
JANUARY 1, 2025



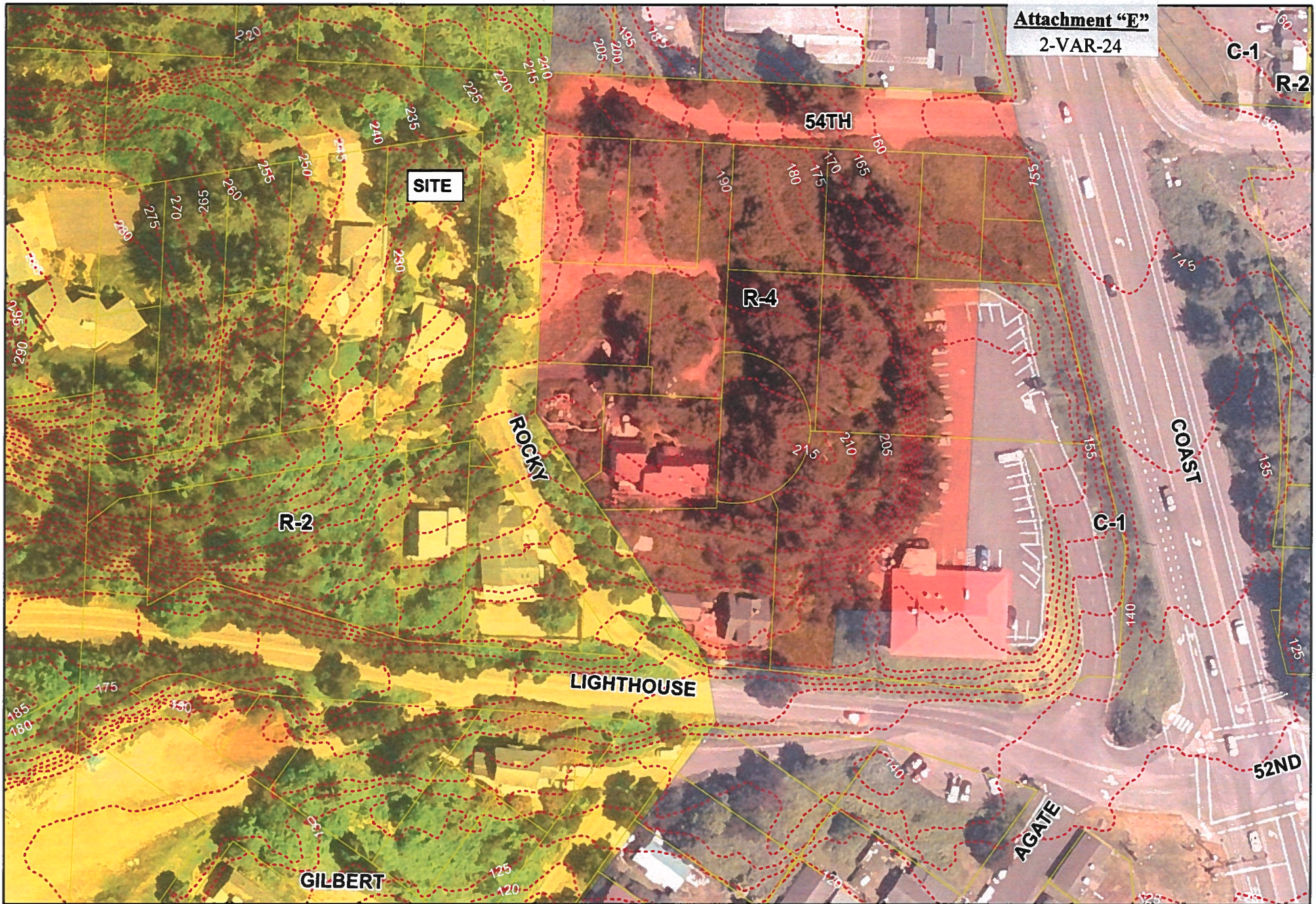
SURVEY FOR: TODD HAGLUND
LOCATION: 10-11-29-BD-01601
LOTS 1, 2, 11 & 12, BLOCK 46 OF AGATE BEACH NO. 2

SURVEYED BY



DAVID LOOMIS SURVEYING
= DAVID A. LOOMIS LS 1908 =
459 PIONEER MOUNTAIN LOOP
TOLEDO, OR, 97391
541.270.2928
dave@loomissurveying.com

CHECKED BY: DAL
DRAWN BY: DAL
SCALE: 1" = 20'
DATE: APRIL 2024
No. D124-017

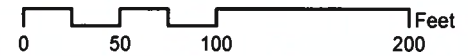


City of Newport
Community Development Department
189 SW Coast Highway
Newport, OR 97365
Phone: 1.541.574.0629
Fax: 1.541.574.0644

This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its completion or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

Zoning Map
5259 NW Rocky Way

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





#1

The house with Rocky Way in the foreground. Newport code specifies that this must be considered the front of the property.



Front door facing east toward 54th street.

#2



Picture of the house from "Hillside Drive" facing north. This side of the house faces the Pacific Ocean.

#3



The west side of the house facing east from the Vogelmann property next door. This is where the proposed addition will be located.



The intersection of Rocky Way and Nw 54th Street facing north.



"Hillside Drive" going down to Rocky Way.



The intersection of Nw 54th Street and Rocky Way facing east.

#7

FOR OFFICE USE ONLY

No. Families

Occ. Cert. No.

OK

Local Zone R-1 Type of Building T Residence

Fire Zone 3 Occupancy Group R-3 Apartment

Permit To Erect Dwg

Address 5259 NW Rocky Way

Lot 1-12 & E 1/2 of 2011 Block 46 Addition Agate Beach

BUILDING PERMIT

Application is made to { Erect Relocate
Alter Demolish
Repair Reroof

A Building Structure and/or covers

Fill
Excavation
Construction
Demolition

Entire work when completed will cost, including labor and materials: \$ 95,000 Fee \$ 277⁰⁰ + 11.09

MECHANICAL PERMIT

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

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

MISCELLANEOUS PERMITS

Fees

Sewer \$ _____ Curb Cut \$ _____ Sign \$ _____ Plan Review Fee \$ 138.50

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

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

Fee \$ _____

TOTAL FEES \$ 426.58

Owner Greg Hollen Address _____ Phone _____

Builder Johnson & Johnston Address _____ Phone _____

Architect _____ Address _____ Phone _____

Plans Attached _____ Plans on File _____ Remarks _____

DESCRIPTION OF WORK Erect new home as approved on plan 2-12-80 OK'd cover

OTHER PERMITS NEEDED

SIDEWALK

DRIVEWAY

SEWER

STREET ONLY WORK DESCRIBED ABOVE INCLUDED IN PERMIT

Variance Case No.

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

Applicant Greg Hollen

APPLICATION RECEIVED By _____ Date _____	PLANS CHECKED BY PLAN EXAMINER Approved _____ Not Approved _____ By _____ Date _____	PERMIT ISSUED By <u>Eli</u> Date <u>9/25/79</u>
---	--	--



STATE OF OREGON
DEPARTMENT OF COMMERCE
BUILDING CODES DIVISION

MECHANICAL PERMIT

Jurisdiction of Newport
STATE - COUNTY - CITY

41

Applicant to complete numbered spaces only.

JOB ADDRESS
5259 NW Rocky Way

1 LEGAL DESCR. LOT NO. BLK TRACT
A-124E 1/2 of 2-11 46 Astate Beach 2 SEE ATTACHED SHEET

OWNER MAIL ADDRESS ZIP PHONE
2 Greg Hollen

CONTRACTOR MAIL ADDRESS PHONE LICENSE NO.
3 Johnson & Johnston

ARCHITECT OR DESIGNER MAIL ADDRESS PHONE LICENSE NO.
4

ENGINEER MAIL ADDRESS PHONE LICENSE NO.
5

6 Is installation address within city limits? (Check one box) YES NO

USE OF BUILDING
7 Dwelling

8 Class of work: NEW ADDITIONS ALTERATION REPAIR

9 Describe work:

10 Declaration of Valuation of work \$

OWNER
JOB ADDRESS
PERMIT NO. 5514
PR REVIEW NO.

SPECIAL CONDITIONS			Type of Fuel: Oil <input type="checkbox"/> Nat. Gas <input type="checkbox"/> LPG <input type="checkbox"/>		
			PERMIT FEES		
			No.	Type of Equipment	Fee
				Air Cond. Units—H.P. Ea.	\$
				Refrigeration Units—H.P. Ea.	
				Gas Fired A.C. Units—Tonnage Ea.	
				Forced Air Systems—B.T.U. M Ea.	400
				Gravity Systems—B.T.U. M Ea.	
APPLICATION ACCEPTED BY				Floor Furnaces—B.T.U. M	
PLANS CHECKED BY				Wall Heaters—B.T.U. M	
APPROVED FOR ISSUANCE BY <u>Elia Johnson</u>				Unit Heaters—B.T.U. M	
<p>NOTICE</p> <p>THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 120 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 120 DAYS AT ANY TIME AFTER WORK IS COMMENCED.</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.</p>				Evaporative Coolers	
				Clothes Dryers	300
				Ventilation Fan	100
				Range Hood	300
				Air Handling Unit— C.F.M.	
				Incinerator	
				4% Surcharge	
SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT (DATE) <u>Greg Hollen</u>				PERMIT	\$ 300
SIGNATURE OF OWNER (IF OWNER BUILDER) (DATE)				TOTAL FEE	\$ 1976

WHEN PROPERLY VALIDATED (IN THIS SPACE) THIS IS YOUR PERMIT

PLAN CHECK VALIDATION	CK.	M.O.	CASH	PERMIT VALIDATION	CK.	M.O.	CASH
-----------------------	-----	------	------	-------------------	-----	------	------

RESIDENCE PLAN REVIEW SHEET

Greg Hollin
Owner

5259 NW Rockyway
Location of Job

Corrections checked below are to be made on plans before permit is issued.
The approval of plans and specifications does not permit the violations of any section of the Building Code, or other City Ordinances or State Law.

RESIDENCE AND GARAGE	NO. OF STORIES <u>2</u>	VALUATION <u>95,000</u>
----------------------	-------------------------	-------------------------

GENERAL

1.	Valuation should be \$
2.	Show job address on plans.
3.	Give name of person responsible for plans.
4.	Submit fully dimensioned plot plan.
5.	Give all dimensions on plot plans.

LIGHT & VENTILATION

6.	Window area is insufficient in
7.	Window area which will open is insufficient in
8.	Minimum room sizes: bedrooms 90 sq. ft. with 7'0" minimum width; kitchens 50 sq. ft. exclusive of cabinets and built-ins.
9.	Ceiling height: room 7'6"
10.	Eaves not to project within 48" of property line.
11.	Bathroom needs fan, window insufficient ventilation.
12.	Insufficient ventilation for attic.

FOUNDATIONS:

13.	Specify concrete mix.
14.	Extend piers and foundations 8" below inside excavated grade.
15.	Step down footings adjacent to
16.	Extend sill bolts 7" minimum in foundation 6'0" maximum o. c.
17.	Design walls retaining more than 3'0" of earth as retaining walls.
18.	Garage foundations must meet requirements for one story building. Show section.
19.	Specify foundation grade redwood or pressure treated mudsill.
20.	Under floor vents shall equal 2 sq. ft. per 25 linear feet of wall.
21.	Show foundation sections and pier sizes.
22.	Show 4" minimum concrete between wood and earth fill.
23.	Minimum footing and foundations 6" on single story, 8" on two story.
24.	Need an engineer's soil test.
25.	Foundation shall be designed by an engineer.

FRAMING

26.	Horizontal and vertical framing lumber grade or better, for Douglas Fir.
27.	Fireblock at floor, ceiling, coves and mid-height of wall.
28.	Diagonal brace at corners and every 25' of wall.
29.	Show double plate at top.
30.	Show double headers on edge.
31.	Show size of headers for opening over 4'0" wide.

32.	Show method of supporting headers at corner windows.
33.	Show 22"x30" minimum scuttle to attic.
34.	Maximum span 2x4 ceiling joists 16" o.c. 10'6".
35.	Brace roof framing to partitions.
36.	2"x4" rafters, 24" o.c. Maximum span 7'6".
37.	Provide rafter ties where ceiling joists and rafters are not parallel.
38.	Show size of members supporting porch roof.
39.	Double joists under parallel partitions.
40.	House is over height.

GARAGE

41.	Garage not permitted to open into
42.	Garage walls and ceiling adjacent to or under dwelling to have materials approved for one-hour fire resistance.
43.	Specify 1 1/2" solid slab door or one-hour fire door for opening from garage to house.
44.	Show garage framing.
45.	Show size of header over garage opening.
46.	Provide lateral cross brace at plate line of garage.
47.	Specify 60 sq. in. of fixed vents per car to outside air located within 6" of floor.
48.	Self closing door between house and garage.

MISCELLANEOUS

49.	Specify lath and plaster to comply with Chapter 47.
50.	Provide an approved waterproof building paper under wood siding.
51.	Specify masonry veneer to comply with Sec. 2906. Show section.
52.	Specify chimney and fireplace.
53.	Stairways: Maximum rise 8"; minimum tread 9"; minimum headroom 6'6"; minimum width 3'0".
54.	Roof covering: Specify method of anchoring roof tile. Specify shingle nails to be galvanized or copper.
55.	Show overflow at low point of flat roof.
56.	Show water heater location, vents and clearances.
57.	Specify an approved flashing for exterior openings and parapet walls.
58.	Smoke detectors in hallways between bedrooms.
59.	Min. 42" rails on decks and stairs.
60.	Min. insulation on ceilings R-19.
61.	Min. insulation on walls R-11.
62.	Insufficient fireplace clearance.

Additional Corrections.

This sheet is a part of these plans and shall remain attached thereto.

Approved
 Disapproved

Corrections as above indicated will be complied with
(Sign Here) Greg Hollin
(Signature of Owner or Applicant)

[Signature]

[Signature]

CITY OF NEWPORT

Zoning Review
Engineering Review
Fire Safety Review

Date: 9/25/79 Type of Occupancy: R-3 Permit No: 5516

OWNER Greg Hollen

ADDRESS 5259 NW Rocky way

Addition Agate Beach 2 Block 46 Lot 1-12 & E 1/2 of 2 & 11

(or) Tax Map Number _____ Tax Lot Number _____

(or) Legal Description _____

ZONING CHECKLIST

ENGINEERING CHECKLIST

FIRE SAFETY REVIEW

	<u>Yes</u>	<u>No</u>
Setbacks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Height	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Density	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25 ft. Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Access Location:		
Parking	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maneuvering	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comp. Plan & Zoning Out- right Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Conditional Use		
File No. _____		
Approved	<input type="checkbox"/>	<input type="checkbox"/>
Zone Change		
File No. _____		
Approved	<input type="checkbox"/>	<input type="checkbox"/>
Variance		
File No. _____		
Approved	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>
Water	<input type="checkbox"/>	<input type="checkbox"/>
Sewer	<input type="checkbox"/>	<input type="checkbox"/>
Street	<input type="checkbox"/>	<input type="checkbox"/>
Driveway Cut	<input type="checkbox"/>	<input type="checkbox"/>
Curb	<input type="checkbox"/>	<input type="checkbox"/>

Fire Zone No. _____
 Fire Hydrant _____
 Distance in
 Feet _____
 Square Footage: _____

 Number of Stories _____

Signature Elin Alvares
Date 9/25/79

Signature _____
Date _____

Signature _____
Date _____

February 4, 1977

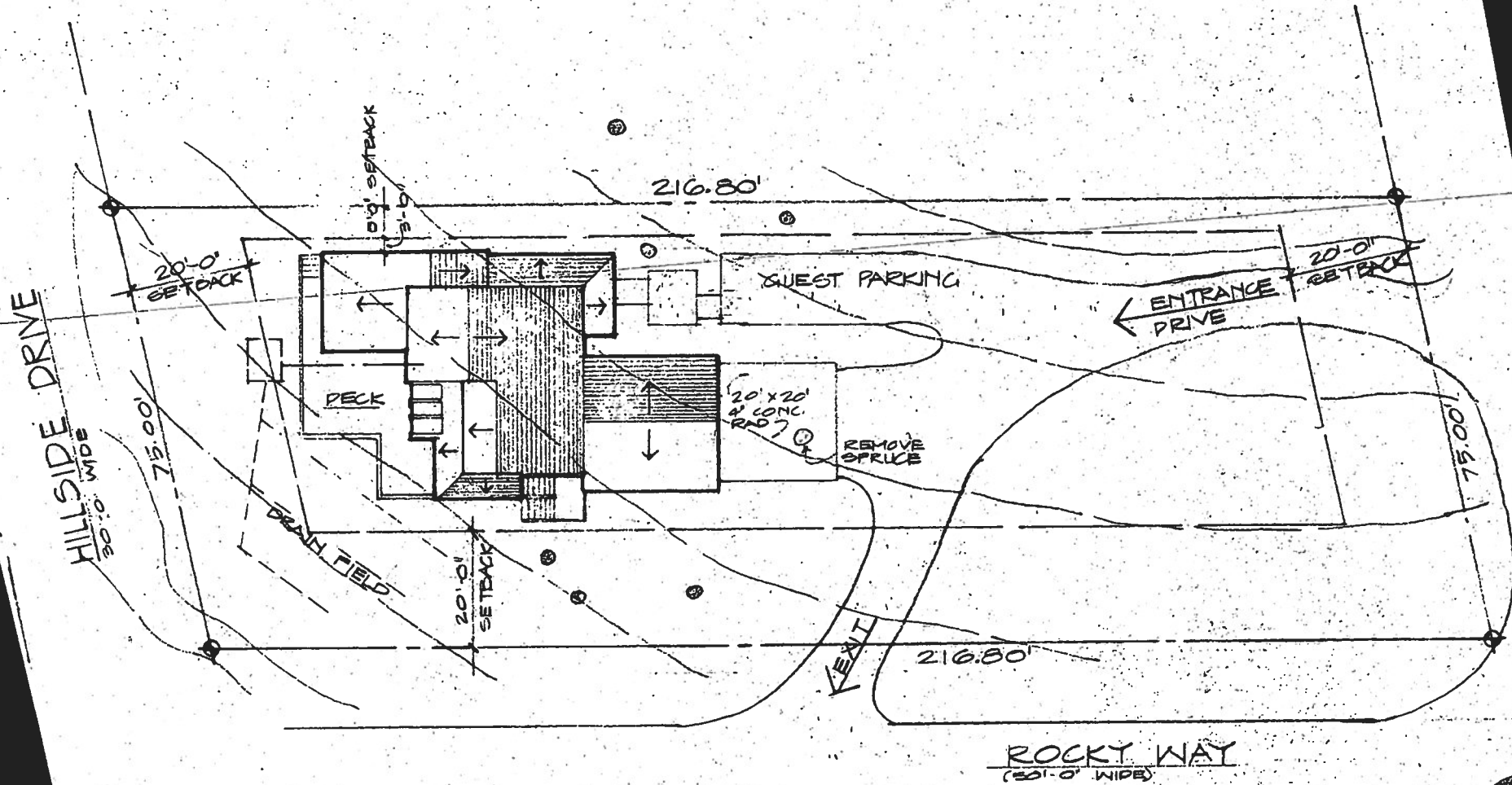
Greg Hollen
1337 Oceanview Drive
Newport, Oregon 97365

Re: 10-11-29BD #4600, 4100

Dear Mr. Hollen:

February 3, 1977

1. Approved for 150 sq. ft. drainfield per bedroom with an equal repair area.
2. Must maintain 25 ft. from cut bank.
3. 750 gallon septic tank for two bedroom
900 gallon septic tank for three bedroom
4. Plot plans must be submitted, approved by a Sanitarian and a septic tank permit issued before construction.
5. Plot plan forms enclosed herewith
6. Septic tank permit fee is \$25.00.



3 SITE PLAN
 1/20" = 1'-0"
 S 29, T 109, R 11W

ROCKY WAY
 (50'-0" WIDE)



CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING¹

Attachment "H"
 2-VAR-24

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on May 13, 2024, to consider approval of the following request:

File No. 2-VAR-24:

Owner Applicants: Todd & Paula Haglund.

Request: Approval of a variance to Section 14.11.010/"Required Yards" of the Newport Municipal Code to allow construction of an addition to an existing single-family dwelling with a 5-foot setback. This constitutes a 5-foot variance (50% deviation) from the 10-foot rear setback.

Location: Assessor's Map 10-11-29-BD, Tax Lot 4601 (5259 NW Rocky Way).

Applicable Criteria: Newport Municipal Code Section 14.33.060; **Criteria for Approval of a Variance:** (A.) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. (B.) The circumstance or condition in "A" above is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances. (C.) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard. (D.) Authorization of the Variance will not result in substantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations. (E.) The Variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access. (F.) Any impacts resulting from the Variance are mitigated to the extent practical.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development/Planning Department (address under "Reports/Materials") must be received by 3:00 p.m. the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.797 (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 Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365 seven days prior to the hearing. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address.

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

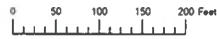
Time/Place of Hearing: Monday, May 13, 2024; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: April 22, 2024.

PUBLISHED: Wednesday, May 1, 2024/ Lincoln County Leader.

¹This notice is being sent to affected property owners within 200 feet of the subject property (according to Lincoln County tax records), affected public utilities within Lincoln County, and affected city departments.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.E.1/4 N.W.1/4 SEC.29 T.10S. R.11W. W.M. LINCOLN COUNTY 1" = 100'

Subject Property File No. 2-VAR-24



Cancelled
300
400
1300
2500
2600
2700
2800
3006
3007
3100
3200
3900
4001
4100
4101
4602
4699
4900
5200
6300
6800
6897
6898
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14100
14201
14300
15100
15200
15300
15400
15500
15600
15700
15800
16800
16900
17000
17200

Revised: SEB 11/12/2019

Sherri Marineau

From: Sherri Marineau
Sent: Monday, April 22, 2024 8:42 AM
To: 'odotr2planmgr@odot.state.or.us'; Brett Estes
Subject: Variance Permit 2-VAR-24
Attachments: File 2-VAR-24- Notice.pdf

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing. Please review this information to see if you would like to make any comments. We must receive comments prior to the last day of the comment period in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Sherri Marineau

Executive Assistant
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 ph: 541.574.0629, option 2
 fax: 541.574.0644
s.marineau@newportoregon.gov

NEW CITY HALL HOURS BEGINNING: January 22, 2024

Monday – Thursday 8:00am-6:00pm, CLOSED on FRIDAYS



PUBLIC RECORDS LAW DISCLOSURE. This e-mail is a public record of the City of Newport, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Records Retention Schedule for Cities.

Sherri Marineau

From: Sherri Marineau
Sent: Monday, April 22, 2024 8:44 AM
To: Derrick Tokos; Spencer Nebel; Robert Murphy; Joseph Lease; Jason Malloy; Laura Kimberly; Michael Cavanaugh; Beth Young; Lance Vanderbeck; Steve Baugher; Chris Beatty; Robert Moser; Ron Welsh
Subject: Variance Permit #2-VAR-24
Attachments: File 2-VAR-24- Notice.pdf

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing. Please review this information to see if you would like to make any comments. We must have your comments at least 10 days prior to the hearing period in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Thank you,

Sherri Marineau

Executive Assistant

City of Newport

Community Development Department

169 SW Coast Highway

Newport, OR 97365

ph: 541.574.0629, option 2

fax: 541.574.0644

s.marineau@newportoregon.gov

NEW CITY HALL HOURS BEGINNING: January 22, 2024

Monday – Thursday 8:00am-6:00pm, CLOSED on FRIDAYS



PUBLIC RECORDS LAW DISCLOSURE. This e-mail is a public record of the City of Newport, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Records Retention Schedule for Cities.

ALESHIRE JON
2987 BARBARA ST
ASHLAND, OR 97520

BATES THORDEN V & DOYLE HOLLIE R
1574 NW 29TH ST
CORVALLIS, OR 97330

BATSON GARY H & BATSON LINDA E
873 LONGVIEW RD
SHELBYVILLE, TN 37160

BECK MATTHEW & BECK KELLY
161 NW 55TH ST
NEWPORT, OR 97365

BEESON LUANA JOA
PO BOX 513
NEWPORT, OR 97365

CHEUNG ITCHUNG
PO BOX 8
NEWPORT, OR 97365

CHILAC INC
5251 N COAST HWY
NEWPORT, OR 97365

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

DORSEY DALE A & DORSEY MARY
410 NE 10TH CT
NEWPORT, OR 97365

FOOD SHARE OF LINCOLN COUNTY
535 NE 1ST ST
NEWPORT, OR 97365

HAGLUND TODD & HAGLUND PAULA
5259 NW ROCKY WAY
NEWPORT, OR 97365

KIYOKAWA DAVID S & KIYOKAWA
MARGARET A
187 NW 55TH ST
NEWPORT, OR 97365

MAPLES ROXANNE H TSTEE & MAPLES
CHRISTOPHER L TSTEE & HOLLEN
JEFFREY C, ETAL
PO BOX 1167
NEWPORT, OR 97365

MORRIS KYLE E & MORRIS ALIZA R
1890 NW HARTFORD AVENUE
BEND, OR 97703

NEWELL JAMES M & NEWELL JAMIE R
5249 NW ROCKY WAY
NEWPORT, OR 97365

OGORZALEK AARON S
185 NW 55TH ST
NEWPORT, OR 97365

TAYLOR EARL J JR/MARCUS LOUIS &
LIMBRUNNER MARY M
631 SE 1ST ST
NEWPORT, OR 97365

VALET JOHN A & VALET MARY P
82380 BUTTE RD
CRESWELL, OR 97426

VOGELMAN LEE & NGUYEN YEN
197 NW 54TH ST
NEWPORT, OR 97365

WOODSON ELWYN
3402 SERENE WAY
LYNNWOOD, WA 98087

WOODSON JON L
1410 SE COLUMBIA CREST CT
VANCOUVER, WA 98664

J&M CLARK FAMILY LLC
PO BOX 14178
TUMWATER, WA 98511

File 2-VAR-24

Adjacent Property Owners Within 200 Ft

NW Natural
ATTN: Dave Sanders
2815 NE 36th Dr
Lincoln City, OR 97367

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

Central Lincoln PUD
ATTN: Ty Hillebrand
PO Box 1126
Newport OR 97365

Email: Bret Estes
DLCD Coastal Services Center
brett.estes@dlcd.oregon.gov

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

Derrick Tokos
Community Development Dept

Rob Murphy
Fire Chief

Joseph Lease
Building Official

Laura Kimberly
Library

Jason Malloy
Police Chief

Steve Baugher
Finance

Beth Young
Associate Planner

Michael Cavanaugh
Parks & Rec

Spencer Nebel
City Manager

Lance Vanderbeck
Airport

Chris Beatty
Public Works

Robert Moser
Public Works

Ron Welsh
Public Works

EXHIBIT 'A'
(Affected Agencies)

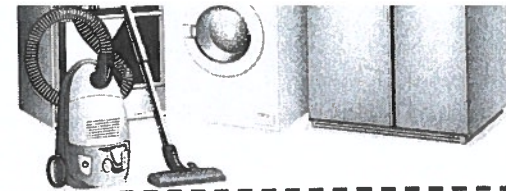
(2-VAR-24)

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

The Planning Commission of the City of Newport, Oregon, will hold a public hearing in the City Hall Council Chambers at 7:00 p.m. on Monday, May 13, 2024, to consider File No. 2-VAR-24, which is a request submitted by owners Todd & Paula Haglund. The request is for an approval of a variance to Section 14.11.010/"Required Yards" of the Newport Municipal Code to allow construction of an addition to an existing single-family dwelling with a 5-foot setback. This constitutes a 5-foot variance (50% deviation) from the 10-foot rear setback. The property is located at 5259 NW Rocky Way; Assessor's Map 10-11-29-BD, Tax Lot 4601. Per Newport Section 14.33.060; the criteria for approval of a variance are: (A.) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. (B.) The circumstance or condition in "A" above is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances. (C.) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard. (D.) Authorization of the Variance will not result in substantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations. (E.) The Variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access. (F.) Any impacts resulting from the Variance are mitigated to the extent practical. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development/Planning Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626. d.tokos@newportoregon.gov (address above).

(FOR PUBLICATION ONCE ON WEDNESDAY, May 1, 2024)

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Classifieds • 541-265-8571 5/1/2024

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Public Notices

NOTICE OF BUDGET COMMITTEE MEETING
A PUBLIC MEETING of the Budget Committee of the Port of Toledo, Lincoln County, State of Oregon, to discuss the budget for the fiscal year of July 1, 2024, to June 30, 2025, will be held May 23, 2024, at 6pm at the Port of Toledo Main Office, 496 NE Hwy 20, Unit 1, Toledo, Oregon. The purpose of the meeting is to receive the

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Public Notices

LCL24-2080 CITY OF NEWPORT NOTICE OF A PUBLIC HEARING
The Planning Commission of the City of Newport, Oregon, will hold a public hearing in the City Hall Council Chambers at 7:00 p.m. on Monday, May 13, 2024, to consider File No. 2-VAR-24, which is a request submitted by owners Todd & Paula Haglund. The request is for an approval of a variance to Section 14.11.010/"Required Yards" of the Newport Municipal Code to allow construction of an addition to an existing single-family dwelling with a 5-foot setback. This constitutes a 5-foot variance (50% deviation) from the 10-foot rear setback. The property is located at 5259 NW Rocky Way; Assessor's Map 10-11-29-BD, Tax Lot 4601. Per Newport Section 14.33.060; the criteria for approval of a variance are: (A.) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. (B.) The circumstance or condition in "A" above is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances. (C.) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard. (D.) Authorization of the Variance will not result in substantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations. (E.) The Variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire

access. (F.) Any impacts resulting from the Variance are mitigated to the extent practical. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development/Planning Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626. d.tokos@newportoregon.gov (address above).

LCL24-2082 INVITATION TO SUBMIT PROPOSALS FOR INSTALLATION OF WATER METER/RADIO (AMI)
Proposals Due: 4:00 PM, May 16, 2024 The City of Lincoln City is requesting proposals to install water meter/radio as part of an Advance Meter-

ing Infrastructure (AMI). PROPOSAL SUBMITTAL - Sealed proposals must be received by office of City Manager Department, PO Box 50, 801 SW Hwy 101 - City Hall, 3rd Floor, Lincoln City, OR 97367 until 4:00 PM Pacific Standard Time (PST) on the 16th day of May, 2024. Late proposal will not be accepted. Submittal of proposals shall be in a sealed envelope with identification plainly marked on the outside including project name, bid date, and time, "Proposal, Certificate of Residency" and Proposer's name. PROPOSAL DOCUMENTS - Proposal documents shall be obtained by emailing only, Kevin Mattias at kmattias@lincolncity.org. The official Plan holders list will be kept by the City and any addenda will issued by the City. PRE-PROPOSAL MEETING - There will not be a pre-proposal meeting or site visit conducted by the City. Proposers are required to conduct a field review of the project area on their own to acquaint themselves with pertinent conditions prior to preparing and submitting their proposal. QUESTIONS - All questions or requests for clarification shall be directed in writing to the Terry Chamberlin, Project Manager, via email: tchamberlin@lincolncity.org, or by regular mail to Lincoln City, PO Box 50, Lincoln City, Oregon 97367. The Project Manager will determine appropriate responses, if any, and if necessary an Addendum will be issued to all plan holders of record at least 5 calendar days prior to the Proposal Due date. Any verbal response(s) obtained from any source by proposers will be considered informational and shall not be relied upon by proposers. The Contractor must comply with

the provisions required by ORS 279C.800 to ORS 279C.870 (PREVAILING WAGE RATE). City may cancel this procurement or reject any proposal and City may reject for good cause all proposals after finding that doing so is in the public interest. ADVERTISED April 29, 2024 Daily Journal of Commerce, May 1, 2024 Lincoln County Legal

LCL24-2083 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF Jimmy Albert Boyd, DECEASED CASE No. 24PB03425 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Carol L. Weber has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or Jeffrey C. Hollen, attorney for the personal representative. Date of publication: May 1, 2024. Jeffrey C. Hollen, OSB #761757 Attorney for the Personal Representative 541- 574-1630 P. O. Box 1167 615 SW Hubert Street, Suite A Newport, OR 97365. Carol L. Weber Personal Representative 17328 SW Greengate Dr. Sherwood, OR 97140

LCL24-2097 PUBLIC NOTICE
Siletz RFPD will be hold-

ing its 2024/2025 Budget meeting on Tuesday May 14, 2024 at 7:00 PM at 149 W. Buford Ave. Siletz, OR 97380 The budget document will be available no later the Friday May 10th at 5:00 PM. This information is also available on our website www.siletzfire.com or by calling the Fire Station at 541- 444-2043

LCL24-2095 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN In the Matter of the Estate of LISA JEAN HALL, Deceased, Case No. 24PB03628 NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached, to the undersigned personal representative by and through their attorney at PO Box 1987, Newport, OR 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the lawyers for the personal representative, Traci P. McDowall. Dated and first published on May 1, 2024./s/ Traci P. McDowall, OSB #184063 Attorney for Personal Representative PERSONAL REPRESENTATIVE: Abbey Rose-Studebaker 621 NE 9th Street, Newport, OR 97365 541-961-0038 LAWYER FOR PERSONAL REPRESENTATIVE: Traci P. McDowall, OSB #184063 PO Box 1987, Newport, OR 97365 (541) 272-5500 traci@yaquinalaw.com

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\$449,000 - 126 N Holiday Ln, Otis
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Casey O'Callaghan

\$995,000 - Handy Haven RV Park & Car Wash
Real estate & business for sale

Chantelle Charpentier

\$75,000 - Newport Heights Dr, Newport
6 acres within UGB

SPECTACULAR RUMMAGE SALE