

**CITY OF NEWPORT**  
**NOTICE OF A REQUEST FOR DESIGN REVIEW AND CONDITIONAL USE PERMIT<sup>1</sup>**

**This meeting will be a hybrid meeting conducted by video-conference and a limited number of people (up to 15) are allowed to attend in person. Please contact the Community Development Department at the phone number or email listed below for options on how you can participate by video-conference or in person in the hearing.**

**NOTICE IS HEREBY GIVEN** that a request has been filed for design review for a project within the Historic Nye Beach Design Review District under the Design Guidelines as follows:

**Applicant:** Michael Abbott, Abbott Architecture, representative (Ric Rabourn, Hallmark Resort, property owner).

**File Nos.** 1-NB-21 / 2-CUP-21

**Request:** Consideration by the Planning Commission of a request for a conditional use permit and design review under the design guidelines for the Historic Nye Beach Design Review District for a 25 guest room hotel expansion with additional office and lobby space (identified as “The Whaler at Nye Beach”). Two (2) existing single-family dwellings will be removed.

**Location:** Assessor's Map 11-11-08-BB, Tax Lots 15902 & 15903 (33 SW Elizabeth St; 39 SW Elizabeth St; and 41 SW Elizabeth St).

**Applicable Criteria:** The development must be consistent with Design Guidelines No. 1 through No. 9 of the document entitled "Newport Design Review: Guidelines and Standards," effective July 29, 2015 and incorporated by reference by Newport Municipal Code (NMC) Section 14.30.030 (“Adoption of Design Review: Guidelines and Standards” of the Historic Nye Beach Design Review District (HNBO)). Copies of the design guidelines are available at the Community Development (Planning) Department located in the Newport City Hall or on the City’s website at: [https://www.newportoregon.gov/dept/cdd/documents/Newport\\_Design\\_Review\\_and\\_Guidelines.pdf](https://www.newportoregon.gov/dept/cdd/documents/Newport_Design_Review_and_Guidelines.pdf). Criteria for the conditional use permit can be found in NMC Chapter 14.34.050: (A) The public facilities can adequately accommodate the proposed use; (B) The request complies with the requirements of the underlying zone or overlay zone; (C) The proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. For the purpose of this criterion, “adverse impact” is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality; and (D) a proposed building or building modification is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

**Procedure/Testimony:** The proposed project requires design review and conditional use permit approval by the Planning Commission because the building exceeds 35-feet in height and 65-feet in length, which is the limit that can be approved ministerially by staff under the design standards (NMC 14.30.060(B)(1)). Since the Planning Commission is the designated approval body, a Type III review is required (NMC 14.52.030(B)). A Type III Conditional Use Permit is also required because the hotel expansion is a commercial use that exceeds 2,000 square feet of gross floor area (NMC 14.30.090(A)(1)). Written comments must be submitted by 12:00 p.m. (noon) on Monday, April 26, 2021, to the Newport Community Development Department (address below in “Application Material/Reports”) or else entered into the record during the course of the public hearing on April 26th (location identified below in “Time/Place of Hearing”). Issues that may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period (close of the April 26th public hearing) and must be raised with sufficient specificity to enable the decision maker to respond to the issue. The review process at the Commission will be by public hearing. The Commission will review the request for compliance with the relevant design guidelines. If the Commission finds that the request complies with the relevant design guidelines, the request shall be approved. If the Commission finds that the request does not comply with the design guidelines, the Commission shall identify where the request does not meet the guidelines and may attach conditions of approval necessary to obtain compliance with the design guidelines so that the request can be approved. If the

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<sup>1</sup>This notice is being sent to affected property owners within 100 feet of the subject property (according to Lincoln County tax records), affected public/private utilities/agencies within Lincoln County, and affected city departments.

application cannot be made to comply with the design guidelines, the Commission may deny the request. 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. Notice of the decision will be provided to any person who makes written comments during the comment period. Pursuant to ORS 197.763(6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

**Application Material/Reports:** The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address. A copy of the staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon 97365, generally seven days prior to the hearing.

**Contact:** Derrick Tokos, Community Development Director, 169 SW Coast Hwy, Newport, OR 97365; phone (541) 574-0626; [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov).

**Time/Place of Hearing:** Monday, April 26, 2021, 7:00 p.m.; City Hall Council Chambers, 169 SW Coast Hwy, Newport, OR 97365.

**Mailed:** April 6, 2021

**Published:** Friday, April 16, 2021; Newport News-Times.

