

**PLANNING STAFF REPORT**  
**Case File No. 1-NCU-16**

- A. **APPLICANT:** First Baptist Church (Pastor Glen Small, authorized representative).
- B. **REQUEST:** Approval of a request per Section 14.32/“Nonconforming Uses, Lots, and Structures” of the Newport Municipal Code, for nonconforming use status of an existing 30-ft x 48-ft, 1,440 sq. ft. pole building on C-1 zoned property that does not conform to the height buffer (NMC 14.18.010) and separated yard buffer (NMC 14.18.030) requirements of the Newport Zoning Ordinance. The church intends to construct a 37-ft x 24-ft, two story 1,780 +/- sq. ft. addition to the building and use the structure for church activities. The balance of the church property, to the west, is within an R-2 zone district.
- C. **LOCATION:** 628 NW Grove Street
- D. **LEGAL DESCRIPTION:** Lincoln County Assessor’s Tax Map 11-11-05-CD, Tax Lot 02300.
- E. **LOT SIZE:** Approximately 0.11 acres.
- F. **STAFF REPORT**
1. **REPORT OF FACT**
- a. **Plan Designation:** Commercial.
  - b. **Zone Designation:** C-1/“Retail and Service Commercial.”
  - c. **Surrounding Land Uses:** Residential uses to the west and commercial uses to the north, south and east. The property is bordered on the east and north by Pro-Build Lumber, on the south by Bike Newport, and on the west by the First Baptist Church.
  - d. **Topography and Vegetation:** The lot is level.
  - e. **Existing Structures:** A pole building with metal roof and siding.
  - f. **Utilities:** All are available to the site.
  - g. **Development Constraints:** None known.
  - h. **Past Land Use Actions:** None of record.
  - i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on June 30, 2016; and the notice of public hearing was published in the Newport News-Times on July 15, 2016.

j. **Attachments:**

- Attachment "A" – Applicant’s Written Findings of Facts
- Attachment "A-1" – Site Photographs
- Attachment "A-2" – Sketch of Survey
- Attachment "A-3" – Proposed Building and Site Plans
- Attachment "B" – 1935 Building Survey
- Attachment "C" – 1998 Building Permit
- Attachment "D" – 2007 Demolition Permit
- Attachment "E" – Zoning Map of Area
- Attachment "F" – Public Hearing Notice and Map

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

Assessor records show that the applicant owns the property identified as Tax Lot 02300 on Tax Map 11-11-05-CD as well as the property to the west and northwest. A portion of the property is undeveloped, and the northerly portion contains a metal pole building that is approximately 30-ft x 48-ft in size. City records show that the building was constructed in 1998 (Attachment "C"). The subject property was purchased by the First Baptist Church in 2007. The existing pole building had previously been used as an automotive shop specializing in the installation of aftermarket pickup truck accessories. It was constructed adjacent to a 26-ft x 30-ft commercial/residential building, built as early as 1935, that was abandoned and demolished in 2007 under permit number 12325 (ref: Attachments "B" and "D"). Since acquiring the property, the church has used the existing pole building in various ways including vehicle storage and as an indoor play area and youth group meeting space.

The property, zoned C-1, is located on NW Grove Street, a dead-end road right-of-way that runs between the main church building and Bike Newport and accesses only property owned by the church. The balance of the church property, to the west, is zoned R-2. The existing building does not conform to the height buffer (NMC 14.18.010) and separated yard buffer (NMC 14.18.030) requirements of the Newport Zoning Ordinance. These requirements limit the height of new construction to 10-feet at a property line abutting a residential zone with an allowance that the height may increase at a rate of one foot for every foot of building setback. A 10-foot planted and landscaped yard is also required along the property line bordering the residential district. The existing metal pole building was constructed up to the property line adjoining the R-2 district (Attachments "A-2") and exceeds 10-feet in height. The property does not appear to have ever had a landscaped yard to serve as a buffer between the C-1 and R-2 zones (ref: Attachments "A-1" and "E").

The applicant states in their findings that their intention is to expand the existing building to provide additional meeting space for church activities and to landscape the surrounding property to enhance the area. For that reason, this nonconforming use permit application was submitted.

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

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

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

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

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

e. **Staff Analysis:**

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

- (1) The subject property is located in a C-1/“Retail and Service Commercial” zoning district (Attachment “C”). Nonresidential sites abutting or adjacent to a

residential zone shall have a height limitation beginning at a height of ten feet at the property line abutting the residential zone and increasing at a slope of 1:1 for R-2 property until intersecting the height limit otherwise established in that district (NMC 14.18.010/“Height Buffer”). On any portion of a nonresidential site that is opposite from a residential district and separated therefrom by a street, alley, creek, drainage facility, or other open area, a minimum yard of ten feet shall be require. The minimum yard shall be planted and maintained as a landscape screen (excluding areas required for access to the site) (NMC 14.18.030).

(2) Consistent with NMC 14.32.040, the applicant submitted a completed application form, narrative, names and addresses of property owners within the notification area, survey, site plan, floor plan, and architectural elevations. In sum, this constitutes substantial evidence upon which the Planning Commission can make a decision as to whether or not the approximate 37' x 24' 2-story addition to the building satisfies the City's standards for the alteration and expansion of a nonconforming use.

(3) With respect to NMC 14.32.060, regarding the nonconforming status of the building, the applicant provided assessment information, utility statements, and building permit documents. Per the Newport Zoning Ordinance, the building is nonconforming if it is established that the facility existed and has been continuously maintained since September 7, 1982. City permit records indicate that the property was developed as early as 1935 and, as of the date of the field survey in 1961, was occupied by a furniture upholstery business (Attachment "B"). The survey notes indicate that there were two buildings at the time, one of which as 30-ft x 30-ft in size and the other 27-ft x 30-ft. The 27-ft x 30-ft building appears to be the structure labeled “existing building” on the site plan provided at the time the metal pole building was constructed in 1998 (Attachment "C"). The site plan included with the 1998 permit shows that the pre-existing building, which appears to have been the residence that was later torn down in 2007, was constructed adjacent to the lot line that serves as the boundary between the C-1 and R-2 zone districts. The pole building was appended to that structure and was likewise built adjacent to the property line. Photographs provided by the applicant (Attachment "A-1"), and utility records contained in the case record, show that the pole building has been maintained in serviceable condition since it was constructed. Considering the above, it would be reasonable for the Planning Commission to find that the pole building qualifies as a nonconforming structure given that there is substantial evidence to demonstrate that lawfully constructed buildings have existed at this location with a zero setback from the property line adjacent to the R-2 zone since 1935 and that this setback has been maintained, in some form, continuously since the structures were rendered nonconforming in September 7, 1982.

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

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

i. The applicant notes that the property was purchased by the church in 2007. An abandoned, dilapidated house was since demolished. The existing pole building has been used by the church for vehicle storage, indoor play area, and youth group meeting space since it was purchased. Building permit No. 10609 indicates that the pole building was constructed in 1998 (Attachment "C").

ii. The applicant further states that the property is located on NW Grove Street, which is a dead-end right-of-way that runs between the main church and Bike Newport and accesses only property owned by the church. The existing building had previously been used as an automotive shop specializing in the installation of aftermarket pickup truck accessories. The subject property is bordered on the east and north by Pro-Build Lumber, on the south by Bike Newport, and on the west by the church.

iii. The applicant explains that the appearance and secluded, sheltered location of the property has occasionally invited transient traffic, abandoned vehicles, and dumped garbage to the detriment of the neighborhood. They believe that the development of this lot will benefit the surrounding area.

iv. The alteration to the nonconforming use is the addition of a 24' x 37', 2-story building with a meeting room and garage on the first floor and a storage area on the second floor. The anticipated activities if the remodeled building already take place on the adjoining church property.

v. Unlike the existing pole building, the addition is setback from the R-2/C-1 zone district boundary line a distance of almost 24-feet. This provides enough separation for the addition to satisfy the height buffer requirements (NMC 14.18.010). While landscaping to serve as a separated yard buffer is not proposed, given that the structure is to be a part of the larger church facility, there is room for landscaping to be introduced between the addition and property line in accordance with the separated yard requirements should the property be sold and repurposed in the future (NMC 14.18.030).

vi. Considering the above, it is reasonable for the Planning Commission to conclude that the building expansion is consistent with the character and history of development in the area given that the change will not further exacerbate the nonconforming situation.

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

i. As discussed previously, the applicant notes that the activities within the expanded building already take place on the adjoining property of the church;

therefore, the increase in noise and light glare, if any, will be minimal. Smoke, odors, fumes, etc. are not a by-product of church activities or the anticipated building use and are not a factor in their use.

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

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

i. The applicant explains that because the anticipated uses of the remodeled building already take place in the other buildings on the church property there will be little, if any, additional demands placed on infrastructure.

ii. Water and sewer service is available in the NW Grove Street right-of-way.

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

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

i. The applicant's written findings state that the property abuts the other lots owned by First Baptist Church. The existing church parking lot, which utilized NW Grove as a secondary exit, will continue to be used; therefore, the additional traffic impact will be minimal.

ii. The applicant further notes that the only neighboring property directly impacted by increased traffic using NW Grove will be Bike Newport (abutting property to the south). It should be noted that the usual hours of operation (services and activities) of First Baptist Church and of Bike Newport do not coincide.

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

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

i. The applicant indicates that the expanded building will be used for meeting and activities; outside storage and loading are not anticipated in the development plans for this site. The existing church parking lot will continue to be used for primary parking with two or three parking spaces established on the developed site to accommodate ADA accessibility.

ii. The site plan provided by the applicant shows that there are significant portions of the property that will remain undeveloped, and would be available for parking should the property be sold and repurposed in the future (Attachment "A-3"). This includes a 30-ft x 50-ft portion of the property between the addition and Bike Newport and a 23-ft x 37-ft area in front of the addition.

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

f. The comparative visual appearance.

i. The applicant fully anticipates the building expansion and the development of the lot to enhance the appearance of the area. As previously noted, the present condition and non-use of the undeveloped portion of the lot are unattractive and often attract transient traffic and occasionally the disposal of garbage.

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

g. The comparative hours of operation.

i. The applicant notes that the anticipated activities for which the building would be used already take place on adjoin property; and, therefore, there will be no increase or adjusted hours of operation.

ii. Based on the above, it is reasonable for the Planning Commission to conclude that the proposed building expansion will not cause any greater adverse impact on the neighborhood as far as comparative hours of operation.

h. The comparative effect on solar access and privacy.

i. The applicant notes that the subject property abuts the rear entrance of Bike Newport, the storage yard of Pro-Build Lumber, and is across the NW Grove Street right-of-way from the main building of the First Baptist Church. None of these vantage points appear to generate solar access or privacy concerns relative to the proposed building remodel.

ii. Given the above, it is reasonable for the Planning Commission to conclude that the proposed building expansion satisfies this criterion.

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

i. The applicant states that this lot is largely hidden from view from all but the noted neighbors. Because of its secluded nature, it has been the site for abandoned

vehicles, dumped garbage, and transient camps. The applicant believes that the development of this lot will eliminate much of the undesired use and be a benefit to the surrounding area.

ii. It is reasonable for the Planning Commission to accept the likely elimination of “trespass use” of the property as an additional factor supporting the approval of this request to expand a non-conforming structure.

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

i. The height buffer and separated yard requirements were put in place to lessen impacts that commercial uses can have on residential uses when they are built in close proximity to each other. This includes solar impacts from larger buildings, noise, traffic, etc. In this case, the abutting use in the R-2 zone is not a residence, but rather it is a church and the proposed building addition on the C-1 zoned land is an expansion of the church use.

iii. Based on the above, it is reasonable for the Planning Commission to conclude that the conditions the height buffer and separated yard requirements are intended to address do not exist at this location and; therefore, the proposed building expansion will not result in a greater adverse impact on the neighborhood relative to the objectives of the current zoning provisions.

4. **Conclusion:** If the Planning Commission finds that the alteration/expansion of the nonconforming use will not result in a greater adverse impact on the neighborhood, and the applicant has met the criteria established in the Zoning Ordinance for authorizing alteration/expansion of a nonconforming use, then the Commission should approve the request. The Commission can attach reasonable conditions that are necessary to carry out the purposes of the Zoning Ordinance and the Comprehensive Plan. If the Commission finds that the request does not comply with the criteria, then the Commission should deny the application.

G. **STAFF RECOMMENDATION:** As outlined in this report, this application to expand the existing nonconforming building with a 24’ x 37’ addition can satisfy the approval criteria provided conditions are imposed as outlined below. Accordingly, the Commission should approve this request, subject to the following:

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to 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.



Derrick I. Tokos AICP  
Community Development Director  
City of Newport

July 22, 2016

## Written Finding of Facts

Submitted in support of our Application for a Nonconforming use.

### **The Character and History of use of and of development in the surrounding Neighborhood.**

The subject property was purchased by First Baptist church in 2007 from the previous owner Terry Snoderly. The existing building had previously been used as an automotive shop specializing in the installation of aftermarket pickup truck accessories. The purchased property included an abandon, dilapidated house which has since been razed. Since purchasing the property First Baptist church has used the existing pole building in various ways including vehicle storage, indoor play area and youth group meeting space. The property, zoned Light commercial is located on NW Grove Street, a dead end easement that runs between the main church building and Bike Newport, The easement accesses only property owned by First Baptist Church. It is bordered on the East and North by Pro-Build Lumber, on the South by Bike Newport and on the west by First Baptist Church. The existing structure is a pole building with metal roof and siding, the lot remains unimproved and has the appearance of a vacant lot. The appearance and secluded, sheltered location of the property occasionally invited transient traffic to the detriment of the neighborhood.

First Baptist Church plans to expand the existing building so that it might provide additional meeting space for church activities and to landscape the surrounding property to enhance the area.

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

The anticipated activities with-in the expanded building already take place on the adjoining property of First Baptist church therefore the increase in noise and light glare, if any, will be minimal. Smoke, odors, fumes etc. are not a by-product of church activities or the anticipated building use and are not a factor in our use.

### **Adequacy of the infrastructure to accommodate the use.**

Because the anticipated uses of the remodeled building already take place in the other buildings on the property of First Baptist Church there will be little, if any, additional demands placed on the infrastructure. Sewer and water are on site and are easily utilized.

### **The Comparative number and kinds of vehicular trips to the site.**

The property abuts the other lots owned by First Baptiste church. The existing church parking lot which utilized NW Grove as a secondary exit will continue to be used, therefore the additional traffic impact will be minimal. The only neighboring property directly impacted by increased traffic using NW Grove will be Bike Newport (Abutting the property on the south.) It should be noted that the usual hours of operation (services and activities) of First Baptist Church and of Bike Newport do not coincide.

**The comparative amount and nature of outside storage, loading and Parking.**

The expanded building will be used for meeting and activities; outside storage and loading are not anticipated in the development plans for this site. The existing church parking lot will continue to be used for primary parking with 2 or 3 parking spaces established on the developed site to accommodate ADA accessibility.

**The comparative visual appearance.**

We fully anticipate the building expansion and the development of the lot to enhance the appearance of the area. As previously noted the present condition and non-use of the undeveloped portion of the lot are unattractive and often attract transient traffic and occasionally the disposal of garbage.

**The comparative hours of operation.**

The anticipated activities for which the building would be used already take place on adjoining property and therefore there will be no increase or adjusted hours of operation.

**The comparative effect on solar access and privacy.**

The subject property abuts the rear entrance of Bike Newport, the storage yard of Pro-Build Lumber and is across the easement road (NW Grove) from the main building of First Baptist Church. None of these properties have a view interest from their respective locations relative to the proposed development and building remodel.

**Other Factors which impact the Character or needs of the neighborhood.**

This lot is largely hidden from view from all but the noted neighbors. Because of its secluded nature it has been the site abandon vehicles, dumped garbage and transient camps. We believe that the development of this lot will eliminate much of undesired use and be a benefit to the surrounding area.

## Application for Nonconforming Use

### Nature of the Request

This application for a nonconforming use is submitted so that the subject property, zoned C1 might be developed and used for activities allowable in an R2 designation. The property (County Assessor's Map: 11-11-5CD, lot 2300) is on the dividing line between R2 and C1 zoning designations and is adjacent to R2 lots owned by First Baptist Church.





**Photo #1: Existing Building**

The existing structure is a "Pole Building" with metal roof and siding.



**Photo #2: Adjacent Lot**

Undeveloped portion of the subject property. (Northeast corner)



**Photo #3: Adjacent Lot**

Undeveloped portion of the subject property. (Southeast corner)



**Photo #4: Subject Property  
Facing North**

Photo shows the existing structure and the easement road (NW Grove) which leads to the church owned residence at 631 NW Grove



**Photo #5: Subject Property  
Facing East**

Photo shows the abutting property owned Pro-Build Lumber Co. Beyond the concrete wall, which sits on the property line, is a loading dock and access drive.



**Photo #6: Subject Property  
Facing South**

Photo shows the back door of Bike Newport. (This is a secondary/emergency exit and is not used for public access.)



**Photo #8: Subject Property Facing West**

Photo shows the main building of First Baptist Church, secondary parking lot exit (Ramp) and Easement Road (NW Grove)



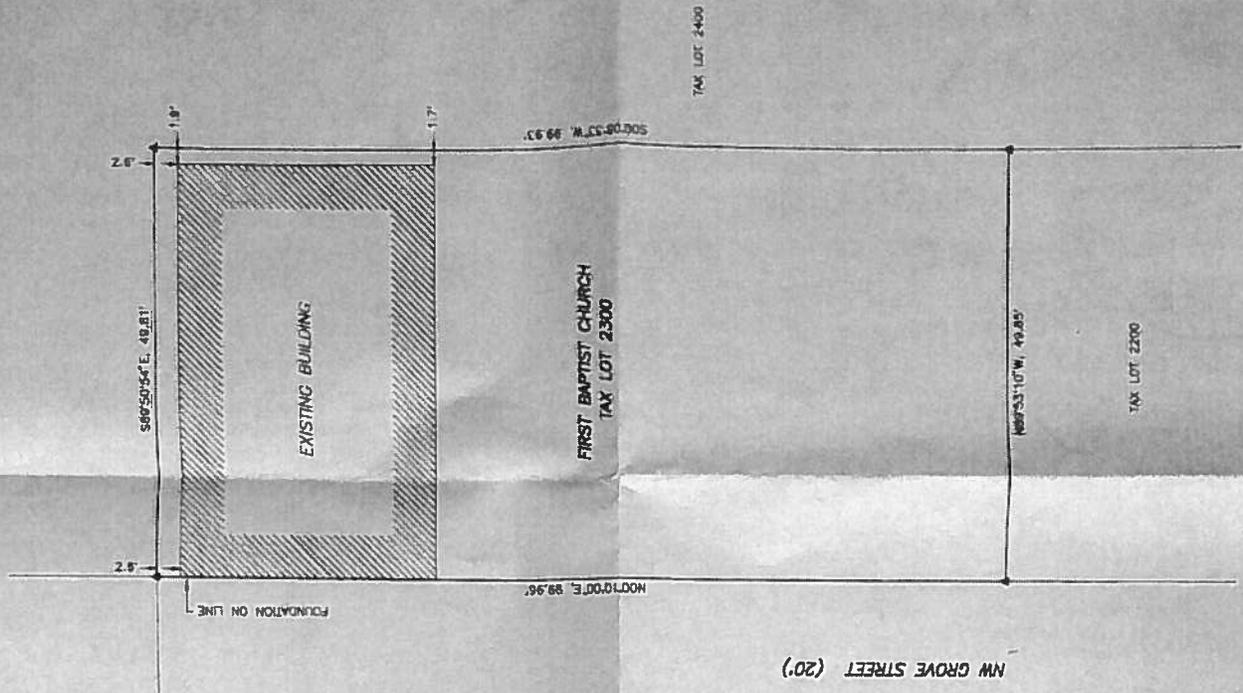
**Photo #6: View of existing building from NW Sixth St.**

Photo shows Easement Road (NW Grove) which runs between Bike Newport on the right and First Baptist Church on the left.



**Photo #9: View of existing building from church parking lot**

Photo, facing East from church parking lot, shows the existing building and Pro-Build beyond.



SKETCH OF SURVEY PREPARED FOR  
**THE FIRST BAPTIST CHURCH OF NEWPORT**  
 LOCATED IN THE SE 1/4 - SW 1/4 OF SECTION 5, T11S, R11W, W.M.  
 CITY OF NEWPORT, LINCOLN COUNTY, OREGON  
 FEBRUARY 9, 2016  
 (11-11-05-00 TAX LOT 2300)



SCALE  
 1" = 10'



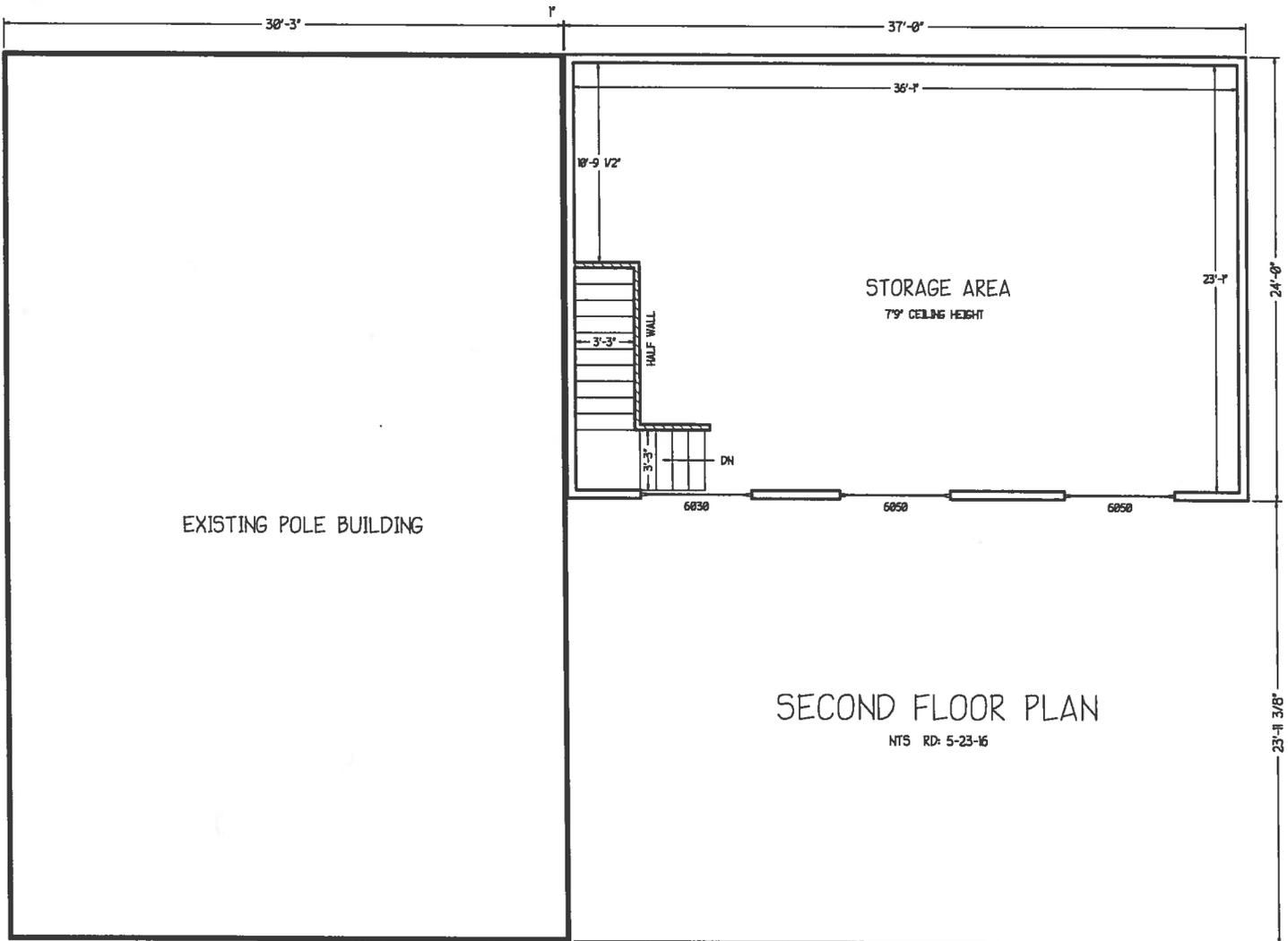
**LEGEND**  
 ▲ MONUMENT FOUND: HELD FOR CONTROL  
 REF COUNTY SURVEY No. 15,107

**REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR**  
*Gary Keith Nyhus*  
 OREGON  
 JULY 21, 1981  
**GARY KEITH NYHUS**  
 RENEWAL DATE  
 DEC. 31, 2016

<b>NYHUS SURVEYING INC.</b>	CHECKED BY: GAN
-GARY NYHUS-	DRAWN BY: GAN
PROFESSIONAL LAND SURVEYOR	DATE: 2-9-2016
P.O. BOX 206	SCALE: 1" = 10'
740 E. THISSELL RD. TIDEWATER, ORE 97390	PROJECT: 18025
(541) 528-3234	DRAWN BY: CM WAPPING -OREG SURVEY- (541) 574-0566 / 081021







EXISTING POLE BUILDING

STORAGE AREA  
7'9" CEILING HEIGHT

SECOND FLOOR PLAN

NTS RD: 5-23-16

30'-3"

37'-0"

36'-1"

10'-9 1/2"

3'-3"

HALF WALL

3'-3"

DN

6830

6050

6050

23'-1"

24'-0"

23'-11 3/8"

Address 628 NW Grove DBA Burnette's Custom Upholstery 1960  
Occupancy Furniture upholstery Occupied from 2/1/60 M  
Manager Paul Burnette Address \_\_\_\_\_ Ph \_\_\_\_\_  
Custodian Sue Tudd Address Siletz Ph. 444-2492  
Owner Burnette Address \_\_\_\_\_ Ph. \_\_\_\_\_  
Date Built 1935 Stories 1/2 Bldg. Area 30x30 Bsmt. Area -  
Bsmt. Access \_\_\_\_\_ Drains \_\_\_\_\_  
Contents and location \_\_\_\_\_

Attic (ht.) 3 1/2 Draft Stops \_\_\_\_\_ False Ceilings \_\_\_\_\_  
Attic Scuttles Upstairs Hall -  
Bldg. Const. Frame Structural Members (vert.) \_\_\_\_\_ (hor.) \_\_\_\_\_  
Wall Covering (Ext.) Wd Shingle (Int.) Plywood - Firtex  
Floors Conc - Wd Tacklings Firtex Plywood Roof Mopped Sking 10  
Skylights (Location) \_\_\_\_\_  
Lightwells \_\_\_\_\_ Nite Lights None  
Stairs (Type and Location) \_\_\_\_\_  
Elevators, dumbwaiters, etc. \_\_\_\_\_  
Firewalls and parapets (ht.) \_\_\_\_\_  
Firedoors (type) \_\_\_\_\_  
Exits (No. and location) - Front  
Fire escapes \_\_\_\_\_ Units of Exits OK Pop. \_\_\_\_\_  
Heat System Elec Fuel Location \_\_\_\_\_ Flue \_\_\_\_\_  
Vents \_\_\_\_\_  
Electric Service Entrance Front  
Fuse Boxes (Type and location) Dividing wall RT of Shop. center Phy  
Sprinklered (Type) \_\_\_\_\_ Valve Location \_\_\_\_\_ Boiler  
Fire Department Connection \_\_\_\_\_ Standpipes \_\_\_\_\_  
Hydrant location and flow \_\_\_\_\_ Running time \_\_\_\_\_ Min.  
Size of Mains \_\_\_\_\_  
Manual Alarm \_\_\_\_\_ Heat detection \_\_\_\_\_  
Portable Extinguishers (location) None  
Remarks: Wiring - FX 4<sup>th</sup> DC

Date Surveyed 1/19, 1967. By R. Defer Title \_\_\_\_\_

FOR OFFICE USE ONLY

and Zone C-1 Type of Building V Residence \_\_\_\_\_ No. Fa. \_\_\_\_\_  
Motel \_\_\_\_\_ Occupancy Group 5-3 Apartment \_\_\_\_\_ Sprinkler System or  
Fire Walls Required \_\_\_\_\_

Permit To Erect Bldg  
Address 628 NW Grove St.  
Tax Lot 2300 Map 11-11-5CD Lot \_\_\_\_\_ Block \_\_\_\_\_ Addition \_\_\_\_\_

BUILDING PERMIT

Application is made to { Erect  Relocate  Building  Fill   
Alter  Demolish  Structure  Excavation   
Repair  Reroof  Residence  Construction   
Demolition  Fee \$ 80.50

Entire work when completed will cost, including labor and materials: \$ 10,000

EXCAVATION & FILL

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

MISCELLANEOUS PERMITS

Sewer \$ \_\_\_\_\_ Curb Cut \$ \_\_\_\_\_ Sign \_\_\_\_\_ % STATE \$ 4.03  
Temporary \_\_\_\_\_ SQ. FT. \_\_\_\_\_ Plan Review Fee \$ 52.33  
Sidewalk \$ \_\_\_\_\_ Structures \$ \_\_\_\_\_ Sign \_\_\_\_\_  
Street \_\_\_\_\_ SQ. FT. \_\_\_\_\_  
Driveway \$ \_\_\_\_\_ Opening \$ \_\_\_\_\_ Other \$ \_\_\_\_\_

TOTAL FEES → \$ 136.86

Owner Sharon Golbek Address 325 SW Bay Blvd Phone 5-2911  
Builder Denny Edwards Address 707 NE 7th Phone 5-2999  
Builder's Board No. \_\_\_\_\_ Exp. Date \_\_\_\_\_  
Architect \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
Geologist \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

DESCRIPTION OF WORK Erect 30 x 48 Show room for  
exist. 29 x 48 Bldg. Sh. 55

ONLY WORK DESCRIBED ABOVE INCLUDED IN PERMIT

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

Variance No. \_\_\_\_\_ Date \_\_\_\_\_

Applicant X Sharon Golbek

<p>APPLICATION RECEIVED</p> <p>By <u>[Signature]</u></p> <p>Date <u>7/30/98</u></p>	<p>PLANS CHECKED BY PLAN EXAMINER</p> <p>Approved _____ Not Approved _____</p> <p>By _____</p> <p>Date _____</p>	<p>PERMIT ISSUED</p> <p>By <u>[Signature]</u></p> <p>Date _____</p>
---	--	---

Final Date \_\_\_\_\_



CITY OF NEWPORT OREGON PERMIT

FOR OFFICE USE ONLY

Land Zone R-2 Type of Building Residence Motel Occupancy Group Apartment Sprinkler System or Fire Walls Required Permit To Demolish house Address 628 NW Grove Tax Lot 1800 Map 11-11-5-CD Lot Block Addition

BUILDING PERMIT

Application is made to Erect Alter Repair Relocate Demolish Reroof Building Structure Residence Fill Excavation Construction Demolition Entire work when completed will cost, including labor and materials: \$ Fee \$ 10.00

EXCAVATION & FILL

Excavation Cubic yds. Fill Cubic yds. Fee \$

MISCELLANEOUS PERMITS

Sewer Curb Cut Sign Sidewalk Structures Street Opening Driveway Other TOTAL FEES \$ 10.00

Owner First Baptist Church Address 208 NW 6th St. Newport Phone 265-5811 Builder Lake Street Builders Address 1414 NW Lake St Newport Phone 574-9022 Builder's Board No. 119384 Exp. Date Architect Address Phone Geologist Address Phone

DESCRIPTION OF WORK Demolish residence

ONLY WORK DESCRIBED ABOVE INCLUDED IN PERMIT

I agree to build according to above description, plans and specifications and the Ordinances and Codes of the City of Newport. Applicant [Signature] Variance No. Date

APPLICATION RECEIVED By Wanda Haney Date 9-10-07 PLANS CHECKED BY PLAN EXAMINER Approved Not Approved PERMIT ISSUED By Wanda Haney Date 9-10-07

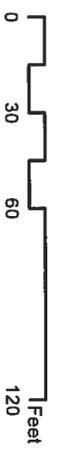
**ATTACHMENT "E"**  
**File No. 1-NCU-16**  
**Zoning Map of Area**



**City of Newport**  
Community Development Department  
188 SW Coast Highway  
Newport, OR 97365  
Phone: 541.574.0829  
Fax: 541.574.0844

**Zoning Map - 628 NW Grove Street**

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



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

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

**ATTACHMENT "F"  
File No. 1-NCU-16  
Public Hearing Notice & Map**

The City of Newport Planning Commission will hold a public hearing on Monday, July 25, 2016, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-NCU-16, a request submitted by First Baptist Church (Pastor Glen W. Small, authorized representative) for approval of a request per Section 14.32/"Nonconforming Uses, Lots, and Structures" of the Newport Municipal Code, for nonconforming use status of an existing building on C-1 zoned property that does not conform to the height buffer (NMC 14.18.010) and separated yard buffer (NMC 14.18.030) requirements of the Newport Zoning Ordinance. The church intends to construct an addition to the building and use the structure for church activities. The balance of the church property, to the west, is within an R-1 zone district. The subject property is located at 628 NW Grove St. (Lincoln County Assessor's Map 11-11-05-CD; Tax Lot 02300). Pursuant to NMC Section 14.32.060(A), the approval authority shall determine that the structure was legally established at the time the Zoning Ordinance was enacted or amended, and that the use has not been discontinued for a continuous 12-month period. The approval authority must also verify the nature and extent of the nonconforming use, considering (1) a description of the use; (2) The types and quantities of goods or services provided and the activities conducted; (3) The scope of the use (volume, intensity, frequency, etc.) including fluctuations in the level of activity; (4) The number, location and size of physical improvements associated with the use; (5) The amount of land devoted to the use; and (6) Other factors the approval authority may determine appropriate to identify the nature and extent of a particular use (NMC Section 14.32.060(B)). Pursuant to NMC Section 14.32.070, after verification of the status of a nonconforming use pursuant to subsection 14.32.030, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood when considering the following factors: (A) (1) The character and history of the use and of development in the surrounding area; (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood; (3) Adequacy of infrastructure, including sewer, water, and streets, to accommodate the use; (4) The comparative numbers and kinds of vehicular trips to the site; (5) The comparative amount and nature of outside storage, loading, and parking; (6) The comparative visual appearance; (7) The comparative hours of operation; (8) The comparative effect on solar access and privacy; (9) Other factors which impact the character or needs of the neighborhood. (B) The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood. (C) To the extent there is a rational nexus, and the City can establish that needed improvements are roughly proportional to proposed development, an alteration, expansion, or replacement of a nonconforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to: (1) Surfacing of parking areas and landscaping; (2) Exterior design of structures; and (3) Outdoor displays, storage, and signage. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials, the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address as well. Contact Derrick Tokos, Community Development Director, (541) 574-0626, [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov) (mailing address above).

***(FOR PUBLICATION ONCE ON FRIDAY, JULY 15, 2016)***



## Wanda Haney

---

**From:** Wanda Haney  
**Sent:** Thursday, June 30, 2016 11:27 AM  
**To:** Derrick Tokos; Jim Protiva; Joseph Lease; Mark Miranda; Mike Murzynsky; Rob Murphy; Spencer Nebel; Ted Smith; Tim Gross; Victor Mettle  
**Subject:** File No. 1-NCU-16  
**Attachments:** File 1-NCU-16 Notice.pdf

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

Thanks,

*Wanda Haney*

Executive Assistant

City of Newport

Community Development Department

169 SW Coast Hwy

Newport, OR 97365

541-574-0629

FAX: 541-574-0644

[w.haney@newportoregon.gov](mailto:w.haney@newportoregon.gov)

**CITY OF NEWPORT  
PUBLIC NOTICE<sup>1</sup>**

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

**File No. 1-NCU-16:**

**Applicant:** First Baptist Church, 208 NW 6<sup>th</sup> St, Newport, OR 97365 (Pastor Glen W. Small, authorized representative).

**Request:** Approval of a request per Section 14.32/“Nonconforming Uses, Lots, and Structures” of the Newport Municipal Code, for nonconforming use status of an existing building on C-1 zoned property that does not conform to the height buffer (NMC 14.18.010) and separated yard buffer (NMC 14.18030) requirements of the Newport Zoning Ordinance. The church intends to construct an addition to the building and use the structure for church activities. The balance of the church property, to the west, is within an R-2 zone district.

**Location:** Lincoln County Assessor’s Map 11-11-05-CD; Tax Lot 02300 (628 NW Grove St.).

**Applicable Criteria:** Pursuant to NMC Section 14.32.060(A), the approval authority shall determine that the structure was legally established at the time the Zoning Ordinance was enacted or amended, and that the use has not been discontinued for a continuous 12-month period. The approval authority must also verify the nature and extent of the nonconforming use, considering (1) a description of the use; (2) The types and quantities of goods or services provided and the activities conducted; (3) The scope of the use (volume, intensity, frequency, etc.) including fluctuations in the level of activity; (4) The number, location and size of physical improvements associated with the use; (5) The amount of land devoted to the use; and (6) Other factors the approval authority may determine appropriate to identify the nature and extent of a particular use (NMC Section 14.32.060(B)). Pursuant to NMC Section 14.32.070, after verification of the status of a nonconforming use pursuant to subsection 14.32.030, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood when considering the following factors: (A) (1) The character and history of the use and of development in the surrounding area; (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood; (3) Adequacy of infrastructure, including sewer, water, and streets, to accommodate the use; (4) The comparative numbers and kinds of vehicular trips to the site; (5) The comparative amount and nature of outside storage, loading, and parking; (6) The comparative visual appearance; (7) The comparative hours of operation; (8) The comparative effect on solar access and privacy; (9) Other factors which impact the character or needs of the neighborhood. (B) The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood. (C) To the extent there is a rational nexus, and the City can establish that needed improvements are roughly proportional to proposed development, an alteration, expansion, or replacement of a nonconforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to: (1) Surfacing of parking areas and landscaping; (2) Exterior design of structures; and (3) Outdoor displays, storage, and signage.

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

---

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

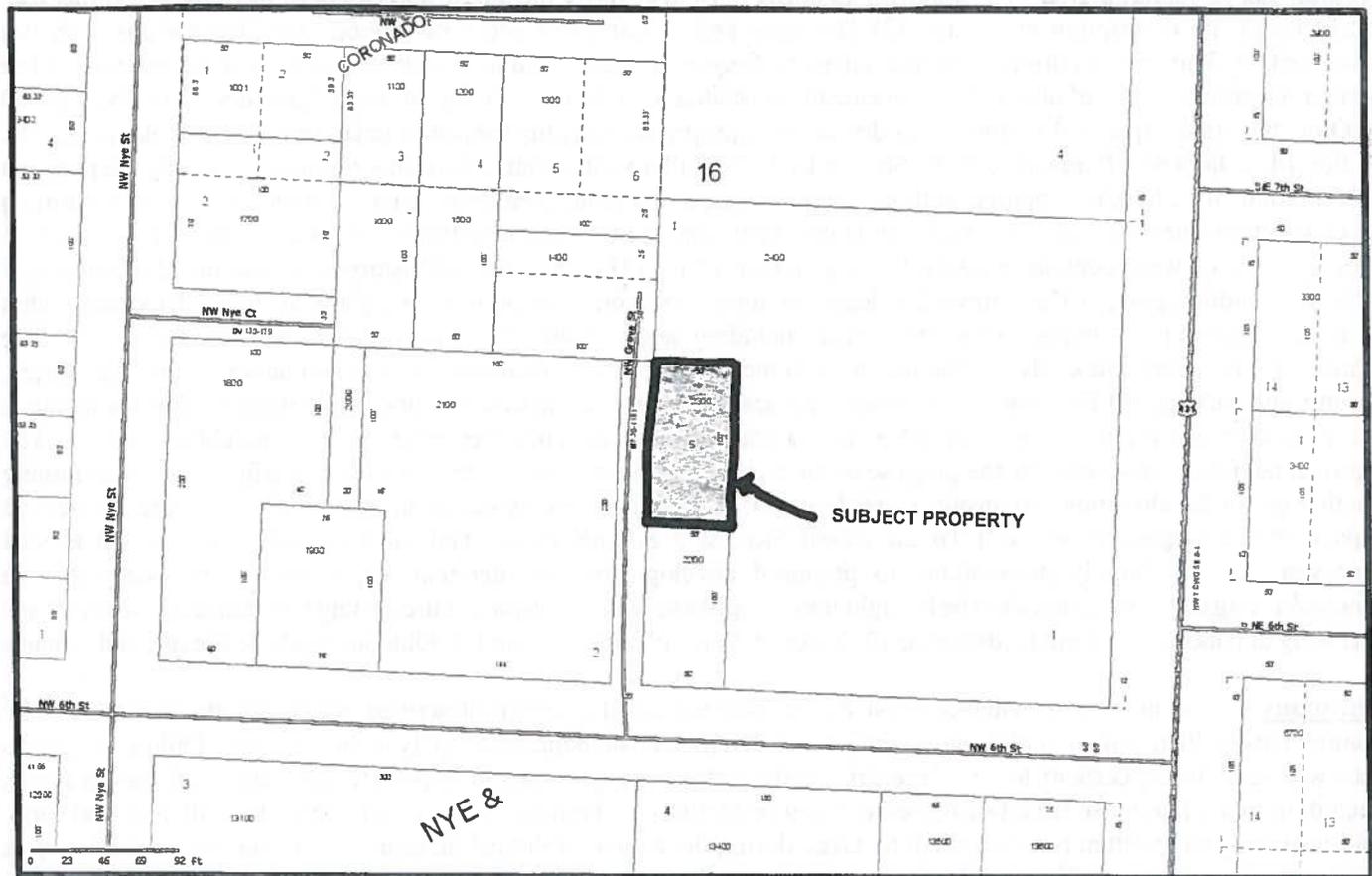
**Reports/Application Material:** The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon 97365, seven days prior to the hearing. The application materials (including the application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

**Contact:** Derrick Tokos, Community Development Director, (541) 574-0626, [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov) (mailing address above under "Reports/Application Material").

**Time/Place of Hearing:** Monday, July 25, 2015; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

**MAILED:** June 30, 2016.

**PUBLISHED:** Friday, July 15, 2016/News-Times.



FIRST BAPTIST CHURCH  
ATTN: PASTOR GLEN SMALL  
208 NW 6<sup>TH</sup> ST  
NEWPORT OR 97365

BOHMAN FAMILY LLC & ETAL  
ATTN: HAWKINS CO  
5 MILE PLAZA  
855 W ROAD ST #300  
BOISE ID 83702

ISAIAS A ESTRADA &  
SANDRA CORNEJO LOPEZ  
237 NW 7<sup>TH</sup> ST  
NEWPORT OR 97365

ALAN L JOHNSON  
12765 SE ELDERBERRY DR  
SOUTH BEACH OR 97366

JAMES A & BRENDA G CHASE  
209 NW 7<sup>TH</sup> ST  
NEWPORT OR 97365

JOHN SCOTT MALVITCH  
236 NW NYE CT  
NEWPORT OR 97365

J RAYMOND HALL  
TRUSTEE  
628 NW NYE ST  
NEWPORT OR 97365

DANIELLA & ELLIOTT CROWDER  
312 SW 29<sup>TH</sup> ST  
NEWPORT OR 97365

LN REAL ESTATE LLC  
ATTN: THOMSON REUTERS  
PO BOX 460069  
HOUSTON TX 77056

ND MANOR LLC  
6107 SW MURRAY BLVD STE 106  
BEAVERTON OR 97008

MICHAEL L WILSON  
PO BOX 113  
NEWPORT OR 97365

EXHIBIT 'A'  
MAILING LABELS  
ADJACENT PROPERTIES

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

**Charter Communications  
355 NE 1<sup>st</sup> St  
Newport OR 97365**

**CenturyLink/Qwest  
ATTN: Corky Fallin  
740 State St  
Salem OR 97301**

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

**email  
DLCD Coastal Services Ctr**

**Joseph Lease  
Building Official**

**Rob Murphy  
Fire Chief**

**Tim Gross  
Public Works**

**Victor Mettle  
Code Administrator/Planner**

**Mark Miranda  
Police Chief**

**Mike Murzynsky  
Finance Director**

**Ted Smith  
Library**

**Jim Protiva  
Parks & Rec**

**Spencer Nebel  
City Manager**

**EXHIBIT 'A'  
(Affected Agencies)**