



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, January 28, 2019 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

The meeting location is accessible to persons with disabilities. A request for an interpreter for the DEAF AND HARD OF HEARING, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

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

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

- 2.A Approval of the Planning Commission Regular Session Meeting Minutes of January 14, 2019.
[Draft PC Minutes 01-14-19.pdf](#)

3. CITIZENS/PUBLIC COMMENT
A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

4. ACTION ITEMS

5. PUBLIC HEARINGS

5.A File No. 5-CUP-18 (Continued): Request to Grant Relief of the Two Off-Street Parking Spaces Required to Operate a Two-Bedroom Vacation Rental.

[5-CUP-18.pdf](#)

5.B File No. 1-SV-18: Partial Street Vacation of the Westerly 142 Feet Wide Portion of SW 62nd Street.

[1-SV-18.pdf](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
January 14, 2019

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

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Hardy, Berman, Croteau, Patrick, Franklin, Hanselman, and Branigan were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission work session meeting minutes of December 10, 2018.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to approve the Planning Commission work session meeting minutes of December 10, 2018 with minor corrections. The motion carried unanimously in a voice vote.

B. Approval of the Planning Commission regular session meeting minutes of December 10, 2018.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to approve the Planning Commission regular session meeting minutes of December 10, 2018 with minor corrections. The motion carried unanimously in a voice vote.

C. Approval of the Planning Commission work session meeting minutes of January 8, 2019.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to approve the Planning Commission work session meeting minutes of January 8, 2019 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Action Items.**

A. **Election of the Planning Commission Chair and Vice Chair.**

MOTION by Berman, seconded by Croteau to appoint Jim Patrick as the Planning Commission Chair. The motion carried unanimously in a voice vote.

MOTION by Berman, seconded by Hanselman to appoint Rod Croteau as the Planning Commission Vice Chair. The motion carried unanimously in a voice vote.

B. **Applications for Planning Commission Citizens Advisory Committee.**

Tokos noted there had been one response by Braulio Escobar for the advertisement. He said that Escobar was a member of the Vacation Rental Ad Hoc Workgroup. Tokos said there would need to be another advertisement for second committee member vacancy.

MOTION by Hardy, seconded by Branigan to appoint Braulio Escobar as the Planning Commission Citizen Advisory Committee Member. The motion carried unanimously in a voice vote.

C. File No. 5-Z-17 (Continued Deliberations).

Tokos informed the Commission that the revisions they had requested at the January 8, 2019 work session meeting were included in the current packet. He further distributed at the meeting a graphic representation of the VRD Zoning Overlay to the Commission to show where the permitted VRDs were located and their spacing. Berman complimented the map.

Branigan noted that on Chapter 4.25 clean copy under “Proof of Residential Use” the “identification card” should be changed to “government issued identification card”. Tokos said this was meant to be the state issued identification card. Branigan suggested changing it to say a “state identification card”. He requested that on section 6.I. they should add that the smoke alarm and carbon monoxide units should be “functioning”. Patrick thought they should just reference an outside standard and though the reference to the State Fire Marshall Rules and Building Codes would suffice because these codes changed all the time. Tokos said this could be handled administratively with informational materials as a handout to people. Patrick said that the reference for the State Fire Marshall Rules and Building Codes needed to be referenced for both the smoke detectors and carbon monoxide sections.

Hardy said that somewhere in the ordinance it stipulated that the city administration develop some clear, enforceable administrative rules to administrate this ordinance, particularly given the lack of objective policy premise such as “character of neighborhood” and “affordable housing”, which was a nil.

Berman thought that item B under “Definitions” didn’t have a reason to include the last phrase and the sentence should end after the word “fee” and be done. He said on item G the words "on a day to day basis or" should be taken out. Berman wanted the Commission’s commentary at the end of “Definitions” to be made clear that short-term rentals would be allowed to continue until they had not been used for 12 months and would lose their grandfather rules. He thought this should also apply to not having a valid business license or valid endorsement license. Tokos said there was language under the nonconforming use code that was explicit on the 12 month succession of use. A license was one tool that if someone let their license expire for more than 12 months, use would be terminated because they don’t have a license. If they don’t have a rental in a 12 month period they would lose their license as well. Tokos thought they should lean on the nonconforming use language because it applied to a broad range of uses and would give the city the ability to determine things on a case by case basis. Berman was concerned that they had to wait for 12 months to evaluated whether there was a lapse. He thought that it was more appropriate that if they let an endorsement license lapse they should lose their license instead of having to wait an additional number of months to determine the unit needed to be taken off the grandfather list. Tokos explained there could be a number of reasons why someone wouldn’t immediately re-up their license because people’s plans changed. They could think they wouldn’t want to continue but then after a few months, they could decide to continue and re-up their license.

Croteau asked about the conversion time to transfer a property to a new owner. He asked if a new owner would have 12 months to apply. Tokos said yes, the key would be secession of the 12 months period of use.

Berman said on page 4 of 16 of Chapter 4.25.020 that “email” needed to be referenced consistently.

Franklin asked what would happen if there was a fire at a short-term rental and they needed more than 12 months to rebuild in order to operate. Tokos said if a home was destroyed there was an allowance that it could rebuilt in a fixed amount of time under the nonconforming rules.

Berman said the text under item 9 “Good Neighbor Guidelines” should be changed to indicate plural not singular. On page 9, under “Contact Information” the contact forwarding information should be changed to “by” the owner instead of “to” the owner. Berman asked if there were still some residential areas in the permitted areas. Tokos said this was correct. Berman said the landscaping standards that applied to residential zones wasn’t referenced under “Landscaping”. Tokos said it applied to all residential zones but didn’t commercial.

Croteau said on Chapter 14.25.030 under “B.2. Spacing”, he wanted to see if the Commissioners were okay with the spacing of one in five for a street segment. The Commission had no comments. Croteau asked if the Commission needed to address the parking district standards in commercial districts. Tokos recommended that the Commission leave this up to the parking districts.

Berman asked Tokos to explain what he meant in the last paragraph of his staff memo. Tokos said all he was saying was that where the staff recommendation aligned with the Commission it would be mirrored in the staff

recommendation. Berman asked what form the staff recommendation would be presented. Tokos said there would be a markup and clean version of the staff recommendation and it would pick up on the same changes as the Commission.

Croteau said the Commission's accompanying memo that would be going forward to the City Council was missing and he wanted to see this before the Council hearing. The memo should include their recommendations on enforcement, the complaint log, the third party vendor, and the suggestion to increase license fees. Croteau asked how much of the public comment and background materials would be forwarded to the Council. He wasn't comfortable going forward without knowing what would be shared with the Council. Tokos said he could put a memo on enforcement together for the Commission for a future meeting. He said he understood that the Commission was going to address that issue with a motion and was how he addressed it. Tokos said the Commission has seen the staff recommendation and he was just cleaning up the language on it. When it went to the Council it would have the Commission recommendation and reasoning, the staff recommendation and its reasoning, and the public comments. Tokos said the Council will know where to go to see the public comments and have a chance to review them. The Council would also be provided an overview of the process to date at their January 22nd work session meeting. There would be more than one public hearing and the first hearing would be for public testimony and provide direction on if they were comfortable with the Commission's recommendation and if they wanted any changes. Tokos said the Council needed to have the same opportunity to digest things like the Commission. He said they were trying to be sensitive to business licensing and wanted to have things worked out by the end of March if possible. This would give the city a chance to get things organized to notify people on what the changes would be. Croteau asked if there would be a joint work session meeting on January 22nd. Tokos said there wouldn't be but he would be giving an overview of the process and let the Council know what the next steps would be.

Hanselman asked Tokos if in the last paragraph of his memo that said the staff recommendation would be amended to include elements of the Commission recommendation where the concepts are aligned, was he saying this was where the Commission's recommendation aligned with the staff report. Tokos said the Commission's recommendation was to go with Map Alternative 3 and applying a spacing standards without a cap, and the staff recommendation was to not go with a map alternative and apply a cap. These were the areas where they did not align. He said what he was talking about was changes in clarifying definitions such as definitions for B&Bs and vacation rentals. Hanselman asked if it was common when a Council asked for a Commission recommendation to have a staff recommendation be presented along with it. Tokos said yes, the Council was entitled to a staff recommendation. Croteau asked if he thought the most substantive difference was Map Alternative 3, cap and spacing. Tokos said part of it hinged on the compatibility. He said what he was hearing was that Commission recommendation for Map Alternative 3 was appropriate because VRDs weren't compatible in residential areas and thus needed to be phased out in the bulk of residential areas. The staff recommendation was more about trying to get control on the top level number so it didn't continue to escalate with the impact on affordable housing and things of that nature.

Franklin stated he liked the staff recommendation going forward because the maps didn't align with his feelings. Patrick thought that when there was a split Commission on a recommendation, it was good to have the staff recommendation go forward as well. Hanselman thought it was hard to think the work of people would not be recognized. Tokos said both the Commission and Staff recommendation came out of the advisory committee work. He said when this was presented to the Council, it was their job to decide how to go forward and what was compelling.

MOTION by Branigan, seconded by Croteau to recommend the City Council adopt Ordinance No. 2744 in the manner outlined in draft Chapters 4.25 and 14.25 presented and amended this evening, and that findings be prepared to support the changes in a manner that aligns with the Commission's reasoning as articulated in the mark-up versions of these documents. The Commission recognizes, and supports, minor changes to other code sections that maybe needed to fully implement these recommendations. Berman, Croteau, Hanselman and Branigan were a yes. Hardy was a yes with reservations. Patrick and Franklin were a nay. The motion carried in a voice vote.

Berman stated that the motion Branigan read did not mention the mark up copy as presented that evening. If there was going to be another markup copy and staff recommendations, it wasn't referenced there as anything to do with the Council. Patrick asked Tokos to confirm that the Commission couldn't tell staff what their recommendation should be. Tokos said this was correct. Croteau thought the draft ordinance did a good job of giving some order and clarity, represented substantial compromises, and went along with the Comprehensive Plan and the Vision 2040 plan. Branigan wanted to thank the members of the subcommittee who put in countless hours of work on this. Hardy wanted the Council to strike an objective target with their deliberations on this matter and reject the emotional, subjective and nonviable premise that was presented. Patrick said even though he didn't agree with what the Commission recommendation was, he thought it was a good document and process.

Patrick asked for comments on enforcement and a third party vendor. Berman said they needed to convey to the Council some of the specifics that came out of the ad hoc committee and Commission discussions about what was needed for enforcement. He asked if any endorsement licenses had been suspended in the last five years. Tokos wasn't aware of any suspensions. Berman thought there needed to be a major focus to say that things will not get better without changes to enforcement and have it include an increase in fees, and increase in code enforcement personnel. He wanted to see a memo in addition to the motion on this. Patrick asked for the timeline and asked if it was going direct to the Council. Tokos said the Council would have a work session on January 22nd and February 19th would be the earliest the Council would have a hearing. Berman asked to have any Council meetings that had the short-term rental subject on it be noticed as Planning Commission meetings. Patrick thought there wouldn't be any time to do a memo before a Council work session and asked if the Commission just wanted to send them a note. Croteau preferred Tokos mockup something that the Commission would take a look at it before the February Council hearing. Franklin wanted Chief Malloy to give input on what it would take to enforce and what the cost would be to find out the fee base. Hardy suggested finding out how they would be enforcing, the administrative controls, and data sharing. Hanselman said enforcement had been a problem all along and this needed to be strongly worded for the Council that this policy wouldn't succeed without enforcement. It was also important the recommendation state there was no system currently to honestly track how many rentals were being done and who wasn't paying taxes. Hanselman wanted the memo to include a need for a tracking mechanism. Berman said one way to do this was to require the desk log be included with the room tax remittance.

Patrick wanted the memo to say the Commission would be taking this up and discussing it in another meeting before the first Council hearing. Tokos suggested the Commission at this time use a motion to convey language to the Council that they are supportive of a recommendation coming out of the ad hoc committee recognizing that additional steps needed to be taken to tighten up enforcement, and the Commission will be offering up a memo for articulating this at a later date.

MOTION by Croteau, seconded by Franklin, to move that a memo be prepared for the Commission to consider that conveys the need for enforcement of the rules with serious attention to the cost of enforcement by either the police or a third party vendor, and include things that will be included in enforcement discussion such as developing a centralized complaint registry, increasing license fees to recover cost of enforcement, and the need for financial information relative to the city's room tax income. The motion carried in a voice vote.

5. **Public Hearings.** At 7:50 p.m. Chair Patrick opened the public hearing portion of the meeting.

A. **File No. File 5-CUP-18.**

Tokos said the owner requested a continuance of hearing.

MOTION was made by Commissioner Croteau, seconded by Commissioner Branigan to continue the public hearing for File 5-CUP-18 to the January 28, 2019 Planning Commission regular session meeting. The motion carried unanimously in a voice vote.

Tokos said the hearing continuation would be held on Jan 28, 2019 at 7 p.m.

6. **New Business.** None were heard.

7 **Unfinished Business.** None were heard.

8. **Director Comments.** Tokos said the work session of the Council on January 27th would happen around noon and would be condensed because Council members would be leaving to go to a meeting. He asked which of the Commissioners would be attending the meeting. Patrick, Croteau, and Hanselman would be attending. Tokos said there would be no quorum and it wouldn't need to be noticed.

Tokos noted that the January 28th Commission meeting would have goal setting included on the agenda. There would be an updated work program as well.

Tokos noted the Transportation System Plan would be starting and would be a big planning project the Commission would be working on this year. Regional housing was working with the County on this on a DLCD grant program.

The Park System Master Plan was moving forward and the Commission would have another joint session meeting on this in a month or two. Croteau asked how the parking district was going. Tokos said there would be a meeting with the group on January 31st and they would be discussing if they could move it forward to the Commission to make specific changes to the code. This would be largely what the rules are for the districts that would be relieving off-street parking requirements if metering was to go in.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Case File: #5-CUP-18
 Date Filed: November 15, 2018
 Hearing Date: January 22, 2019/Planning Commission

PLANNING STAFF REPORT

Case File No. 5-CUP-18

- A. **APPLICANT:** Brian “Rian” Palfrey, 63520 Cricketwood Road, Bend, OR 97701.
- B. **REQUEST:** Approval per Chapter 14.25.020(E) “Bed and Breakfast and Vacation Rental Facilities – General Provisions” of the Newport Municipal Code (NMC) for a conditional use permit to grant relief from the two off-street parking spaces required to operate a two-bedroom vacation rental at the property.
- C. **LOCATION:** 801 NW Coast Street, Unit 1, Newport, Oregon 97365
- D. **LEGAL DESCRIPTION:** Ocean Vista Condominium (Unit 1). Lincoln County Assessor’s Tax Map 11-11-05-CB, Tax Lot 90000 (common area) & 90001 (Unit).
- E. **LOT SIZE:** Approximately 0.29 acres (12,632.4 sq. ft.) per Lincoln County Tax Assessor records.
- F. **STAFF REPORT**
1. **REPORT OF FACT**
 - a. **Plan Designation:** Commercial
 - b. **Zone Designation:** C-2/“Tourist Commercial.” The property is also within the Historic Nye Beach Design review Overlay and Parking District.
 - c. **Surrounding Land Uses:** Waves Motel to the east, Lighthouse Lodges Condominiums and the Inn at Nye Beach to the south, undeveloped city-owned oceanfront open space to the north, and the Pacific Ocean to the west.
 - d. **Topography and Vegetation:** The site is level where the condominiums were built and there is a flat fenced yard between the units and the edge of the bluff. From the bluff, the property drops steeply down to the beach.
 - e. **Existing Structures:** Six unit condominium
 - f. **Utilities:** All are available to the site.
 - g. **Development Constraints:** Property is within the City’s Geologic Hazards Overlay.

- h. **Past Land Use Actions:** File No. 9-GP-07. Geologic Permit for reconstruction of the roof.
 - i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on December 12, 2018; and the notice of public hearing was published in the Newport News-Times on January 4, 2019. The hearing was scheduled for January 14, 2019, but was continued at the applicant's request to January 28, 2019 (ref: Attachment "F").
 - j. **Attachments:**
 - Attachment "A" – Completed application form
 - Attachment "B" – Application narrative and exhibits
 - Attachment "C" – Supplemental maps from applicant
 - Attachment "D" – Applicant's photos of the unit and parking areas
 - Attachment "E" – Public hearing notice
 - Attachment "F" – Email from Rian Palfrey requesting continuance
 - Attachment "G" – Zoning map of the property
 - Attachment "H" – Aerial image of the property
2. **Explanation of the Request:** Pursuant to Chapter 14.25.020(E)/"Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code (NMC), if one or more of the standards required under Section 14.25.050 cannot be met, an owner may seek approval of a vacation rental or bed and breakfast use as a Conditional Use, pursuant to 14.34.010. A Conditional Use Permit may allow relief from one or more of the endorsement standards of 14.25.050, but does not excuse the general endorsement requirements of 14.25.010. With this application, the applicant is seeking approval of a conditional use permit because the existing condominium unit does not meet the requirements for one off-street parking space per bedroom.

City building records show that the Ocean Vista Condominiums were constructed in the late 1960's. The units were previously used as apartments and the "Oceanview Motel," before being converted to condominiums. Assessment records show a year built date of 1972, which was a date when the structure was substantially renovated.

The applicant notes that they recently purchased Unit 1 of the Ocean Vista Condominiums. It is a two bedroom, 700 square foot unit. The applicant points out that none of the units possess off-street parking and that given the fact that the back yard is fenced, landscaped, and at the edge of a bluff, it is not possible for them to construct off-site parking spaces that fall within the property lines.

3. **Evaluation of the Request:**

a. **Comments:** All surrounding property owners and affected city departments and public utilities were notified on December 12, 2018. The notice was published in the Newport News-Times on January 4, 2019. No written comments were received in response to these notice.

b. **Conditional Use Criteria (NMC Chapter 14.34.050):**

(1) The public facilities can adequately accommodate the proposed use.

(2) The request complies with the requirements of the underlying zone or overlay zone.

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

(4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

c. **Staff Analysis:**

In order to grant the permit, the Planning Commission must find that the applicant's proposal meets the following criteria.

(1) **The public facilities can adequately accommodate the proposed use.**

i. Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets (including parking) and electricity. The application materials (Attachment "B") and photographs (Attachment "D") show that the condominium is located in a developed commercial area where these public services are available.

ii. The applicant's findings (Attachment "B") indicate that the portion of NW 8th Street immediately adjacent to their unit is not a through-street. Rather it is a gravel area that is fenced and borders the ocean. They note that the space has been used for parking and trash collection for decades and that there is more than sufficient space for two vehicles to park on their side of the street.

iii. The aerial photograph of the property from 2018 (Attachment "H") illustrates that additional parking is available along the condominium development's NW Coast Street frontage on both sides of the street.

iv. It is not uncommon for residences in Nye Beach to lack off-street parking. In such cases, the Planning Commission has assessed whether or not (a) it is feasible for the owner to construct off-street parking and (b) on-street parking assets are adequate to meet anticipated demand in cases where off-street parking cannot be provided. With regards to the subject property, the units were constructed in the 1960's without off-street parking and have been used for transient and non-transient purposes over the years without any apparent issues. Further, this particular section of NW Coast Street is just beyond the most travelled portion of the roadway and lacks connectivity to the north, making it an isolated section that is unlikely to attract the levels of tourist-oriented traffic that other sections of the roadway experience. Given the irregular size of the lot, its proximity to the bluff, and the location/orientation of the building within the lot, it is reasonable for the Commission to conclude that it is not feasible for the owner to construct off-street parking.

v. The property is within the Historic Nye Beach Design Review Overlay, which reduces off-street parking requirements for residential and commercial uses, allowing them to claim adjoining on-street spaces to help meet their parking requirements. Further, the overlay stipulates that the first 1,000 square feet of commercial gross floor area is to be exempted from the off-street parking calculation (NMC 14.30.100(A)(6)(a)). The applicant's two bedroom unit is 700 square feet in size.

vi. In addition to the overlay, the property is within the Nye Beach Parking District. The District was established to actively manage the on-street parking supply to ensure spaces are available for a range of potential users and is an alternative to the typical off-street parking requirements established in the Zoning Ordinance (NMC 14.14.100). Management techniques include parking time limitations and permits for high traffic areas. On-street parking spaces adjacent to the subject property are not managed in this manner, which suggests that they do not receive the pressure from users that other areas in Nye Beach experience.

vii. Taken as a whole, it appears that there is adequate parking available within the public right-of-way to accommodate the needs of all users and that this request for relief from the two off-street parking space requirement will not result in an increased demand on parking facilities or any other public facilities. Therefore, it is reasonable for the Commission to conclude that the public facilities

can adequately accommodate the use of the residence as a vacation rental.

(2) The request complies with the requirements of the underlying zone or overlay zone.

i. This criterion addresses special requirements of the underlying or overlay zone beyond the standard zoning ordinance requirements. The subject property is zoned C-2/"Tourist Commercial" and it is within the Nye Beach Design Review Overlay District. The applicant notes that the subject property is located in a C-2 commercial zone, is classified as a commercial condominium (Ref: Exhibit B and C, Attachment "B"), and was previously used as a vacation rental by the Waves Motel before they purchased it. Guests at that time used parking to the side and in front of the property. The applicant further indicates that the area as a whole accommodates multiple other vacation rentals, hotels and motels (Ref: Exhibit D, Attachment "B"). This is consistent with the purpose of the C-2/"Tourist-Commercial" zone district to "provide for tourist needs, as well as the entertainment needs of permanent residents" (NMC 14.03.040). Vacation rentals are now, and have historically, been permitted outright in the C-2 zone, and the conditional use permit process is available to those applicant's that are unable to meet all of the endorsement standards.

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

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

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

i. This criterion relates to the issue of whether or not the proposed use has potential "adverse impacts" greater than existing uses and whether conditions may be attached to ameliorate those "adverse impacts." Impacts are defined in the Zoning Ordinance as the effect of nuisances

such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood.

ii. The applicant notes that the proposed vacation rental use is consistent with the historical pattern of use of the property and other developments in the area and; therefore, will not create “adverse impacts” greater than existing uses.

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

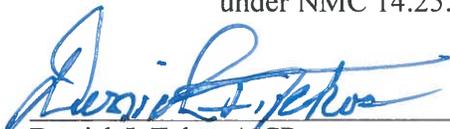
(4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

i. The applicant is not proposing to modify the building; therefore, it is reasonable for the Planning Commission to conclude that this approval standard is not applicable.

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Zoning Ordinance for granting a conditional use permit, then the Commission should approve the request. The Commission can attach reasonable conditions that are necessary to carry out the purposes of the Zoning Ordinance and the Comprehensive Plan. If the Commission finds that the request does not comply with the criteria, then the Commission should deny the application.

G. STAFF RECOMMENDATION: As outlined in this report, this application seeking relief from the two off-street parking spaces typically required to operate a two-bedroom vacation rental satisfies the approval criteria for a conditional use provided conditions are imposed as outlined below. Accordingly, the Commission should approve this request, subject to the following:

1. The applicant/owner shall make application for an endorsement for a vacation rental pursuant to NMC Chapter 14.25, and is subject to inspection by the Building Official or designee to determine conformance with basic health and safety elements and the endorsement standards of 14.25.050, except the requirements for parking outlined under NMC 14.25.050(C).



 Derrick I. Tokos AICP
 Community Development Director
 City of Newport

January 25, 2019



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Brian Palfrey	
Applicant Mailing Address:	Property Owner Mailing Address:
63520 Cricketwood Rd, Bend, OR 97701	
Applicant Phone No.	Property Owner Phone No.
541.788.8555	
Applicant Email	Property Owner Email
rianpalfrey@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.	
Authorized Representative Email.	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
801 NW Coast St, Unit 1, Newport, OR 97365	
Tax Assessor's Map No.: 11-11-05-CB	Tax Lot(s): 90001
Zone Designation: C-2	Legal Description: <i>Add additional sheets if necessary</i> Ocean Vista Condo Unit 1
Comp. Plan Designation: 202-Commercial Condo minium	
Brief description of Land Use Request(s):	
<i>Examples:</i>	
<ol style="list-style-type: none"> 1. <i>Move north property line 5 feet south</i> 2. <i>Variance of 2 feet from the required 15-foot front yard setback</i> 	Condition use permit for parking requirement
Existing Structures: if any	
six unit condominium	
Topography and Vegetation:	
Ocean	

Application Type (please check all that apply)

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

FOR OFFICE USE ONLY

File No. Assigned: 5-CUP-18		
Date Received: 11/15/18	Fee Amount: 802	Date Accepted as Complete:
Received By: sm	Receipt No. 2738	Accepted By:
City Hall 169, SW Coast Hwy Newport, OR 97365 541.574.0629		
625-18-000110-PLNG		



City of Newport Land Use Application

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

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

Applicant Signature(s)

Date

Property Owner Signature(s) (if other than applicant)

Date

Authorized representative Signature(s) (if other than applicant)

Date

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

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

Conditional Use Permit Application

801 NW Coast St, unit 1

Newport, OR 97365

My family and I recently purchased the small, 700 square foot, two bedroom, one bath condominium property located at 801 NW Coast St, Unit 1 in Newport. We plan on using the property for a vacation rental in addition to our personal use for family and friends. I am seeking to use a portion of the adjacent NW 8th Street that is a dead end and non-usable traffic area and Coast Street in order to satisfy the parking requirements for the vacation rental purposes.

Because the subject property is an older condominium (built in 1972) that did not include parking spaces it does not have any parking spaces available that fall within the property lines. It only has a shared backyard landscaped space and it is simple not possible to have any off-site parking spaces that fall within the property lines, see the maps and photos attached.

The following points outline the rationale for the condition use to be allowed.

1. The current area on NW 8th Street will not impede traffic as is not really a street, is not a through-street, is not paved and only graveled, is completely fenced offed, borders the ocean and has been used for decades as a parking space for this unit and the other vacation rental units on the other side as well as for a location of the garbage dumpster/bins, please see aerial map labeled "Exhibit A" and the photos attached.
2. The subject property is located in a C-2 commercial zone and classified as a 202-commercial condominium (Exhibit B and C) and was previously used as a vacation rental by the Waves Motel before we purchased it so parking to the side and in front of the property were used and would already be an expected outcome.
3. The subject property is located in an area of multiple other vacation rentals, hotels and motels that surround the property (Exhibit D).

4. The proposed Conditional Use does not have a greater impact on the this property or the area as it was currently being used as parking for this vacation rental and for the other units, as has been the historical use for this area.
5. Approval of the Conditional Use will allow the additional collection of Lincoln County Transient Lodging Tax for a vacation rental.

I have included a site plan for the proposed use of the parking. I have included multiple images of the front and the Southwest side areas of the property for looking at the location and front elevation. I have included an assessor map as well as a list of the property owners within 200 feet of the property.

As for the commercial activities of this property and a plan of business operation. We will use the condo at times for our own personal use (our family has been coming to Newport for decades) and use it as a vacation rental. We will be using a professionally managed company like Oregon Beach Vacations or Evolve Vacation Rental Network rather than managing it ourselves.

We believe the current public facilities can easily accommodate the two parking space request, since this request mirrors the recent activity before we purchased the property and the activity over the last decades. The request complies with the requirements of the zoning. The proposed use does not have a greater impact than the current use, since it will be used for parking, as it is currently being used and as has been the historical precedent.

In conclusion, the proposed conditional use mirrors the current use and respectfully, therefore should be granted.

Thank you for your consideration,

Brian Palfrey

Dorcot Dreams LLC

Map

Exhibit A



Printed 11/13/2018

Lincoln County government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability.

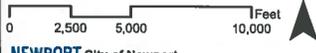


City of Newport Zoning Map

6/28/16

Legend

- City Limits
- Urban Growth Boundary
- Zone District**
- C-1 Retail and Service
- C-2 Tourist
- C-3 Heavy
- I-1 Light
- I-2 Medium
- I-3 Heavy
- P-1 Public Structures
- P-2 Public Parks
- P-3 Public Open Space
- R-1 Low Density Single-Family
- R-2 Medium Density Single-Family
- R-3 Medium Density Multi-Family
- R-4 High Density Multi-Family
- W-1 Water Dependent
- W-2 Water Related



NEWPORT City of Newport
 Community Development Department
 169 SW Coast Highway Phone: 541.274.0829
 Newport, OR 97365 Fax: 541.274.0644

This map is for informational use only and has not been prepared for use in a legal, engineering, or planning purpose. It indicates data from available 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.

Exhibit B



Exhibit C

PROPERTY CLASS CODES

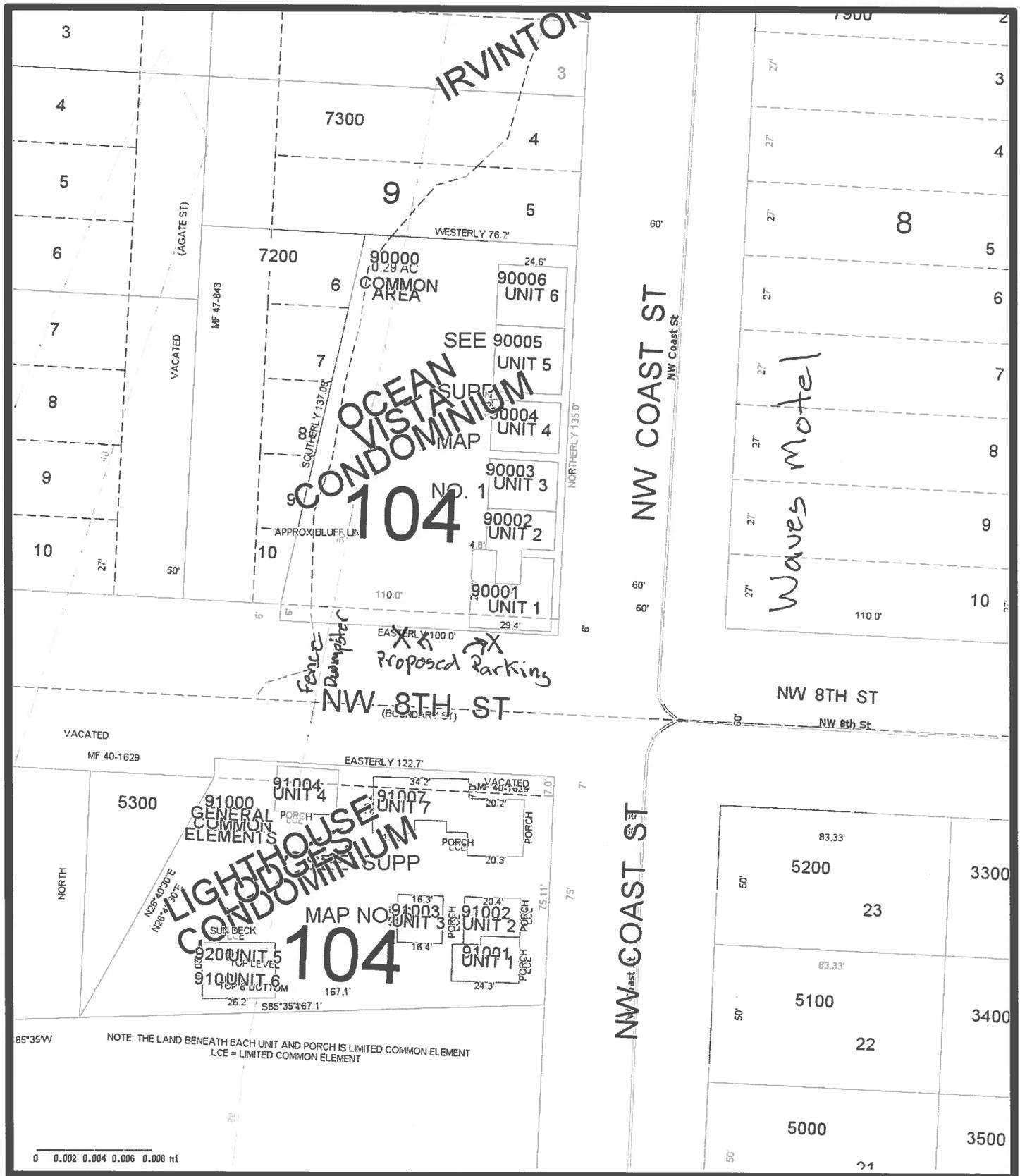
PROPERTY CLASS	DESCRIPTION
002	Mineral Interest
010	Miscellaneous Residential Vacant Land/common area, road, token value, etc.
020	Miscellaneous Commercial Vacant Land/common area, road, token value, etc.
023	Centrally Assessed Commercial Property
030	Miscellaneous Industrial Vacant Land/road, token value, etc.
032	Communication Tower Sites
033	Sign - Billboard
036	State Responsibility Machinery & Equipment
037	County Responsibility Machinery & Equipment
040	Miscellaneous Vacant Tract Land/road, token value, etc.
050	Miscellaneous Vacant Farm Land/road, token value, etc.
055	Marine Tideland with Conservation easement
060	Miscellaneous Vacant Forest Land/road, token value, etc.
070	Miscellaneous Vacant Multi-family Land/road, token value, etc.
100	Residential Vacant Land
101	Improved Residential Property
102	Residential Condominium
109	Real Property Manufactured Structure on Residential or Commercial Land
113	Residential Use Taxable Leased Church Property
114	Residential Historic Property
115	Residential Open Space
119	Personal Property Manufactured Structure on Residential or Commercial Land
121	Residential Improvement in Commercial Zone
123	Residential Use Taxable Leased School Property
131	Residential Improvement in Industrial Zone
143	Residential Use Taxable Leased City Property
153	Residential Use Taxable Leased County Property
163	Residential Use Taxable Leased State Property
173	Residential Use Taxable Leased Federal Property
183	Residential Use Taxable Leased Fraternal/Benevolent/Hospital Property
193	Residential Use Taxable Leased Port or Other Municipal Property
200	Commercial Vacant Land
201	Improved Commercial Property
202	Commercial Condominium
207	RV Park in Commercial Zone
211	Commercial Improvement in Residential Zone
217	RV Park in Residential Zone
223	Commercial Use Taxable Leased School Property
225	Commercial Open Space
231	Commercial Improvement in Industrial Zone
243	Commercial Use Taxable Leased City Property
253	Commercial Use Taxable Leased County Property
263	Commercial Use Taxable Leased State Property
273	Commercial Use Taxable Leased Federal Property
283	Commercial Use Taxable Leased Hospital/Fraternal/Benevolent Property
293	Commercial Use Taxable Leased Port or Other Municipal Property
300	Industrial Vacant Land
301	Improved Industrial Property

Exhibit D



Map

Attachment "C"
5-CUP-18



Lincoln County government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability. Printed 11/13/2018





**CITY OF NEWPORT
PUBLIC NOTICE¹**

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

File No. 5-CUP-18:

Applicant & Owner: Brian Palfery, 63520 Cricketwood Rd, Bend, OR 97701

Request: Approval of a request per Section 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities" for a conditional use permit to grant relief of the two off-street parking spaces required to operate a two-bedroom vacation rental at the property.

Location/Subject Property: 801 NW Coast Street, Unit 1, Newport, OR 97365 (Assessor's Map 11-11-05-CB, Tax Lot 90001).

Applicable Criteria: NMC Chapter 14.34.050: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

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

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

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

Time/Place of Hearing: Monday, January 14, 2019; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: December 12, 2018.

PUBLISHED: January 4, 2019/News-Times.

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

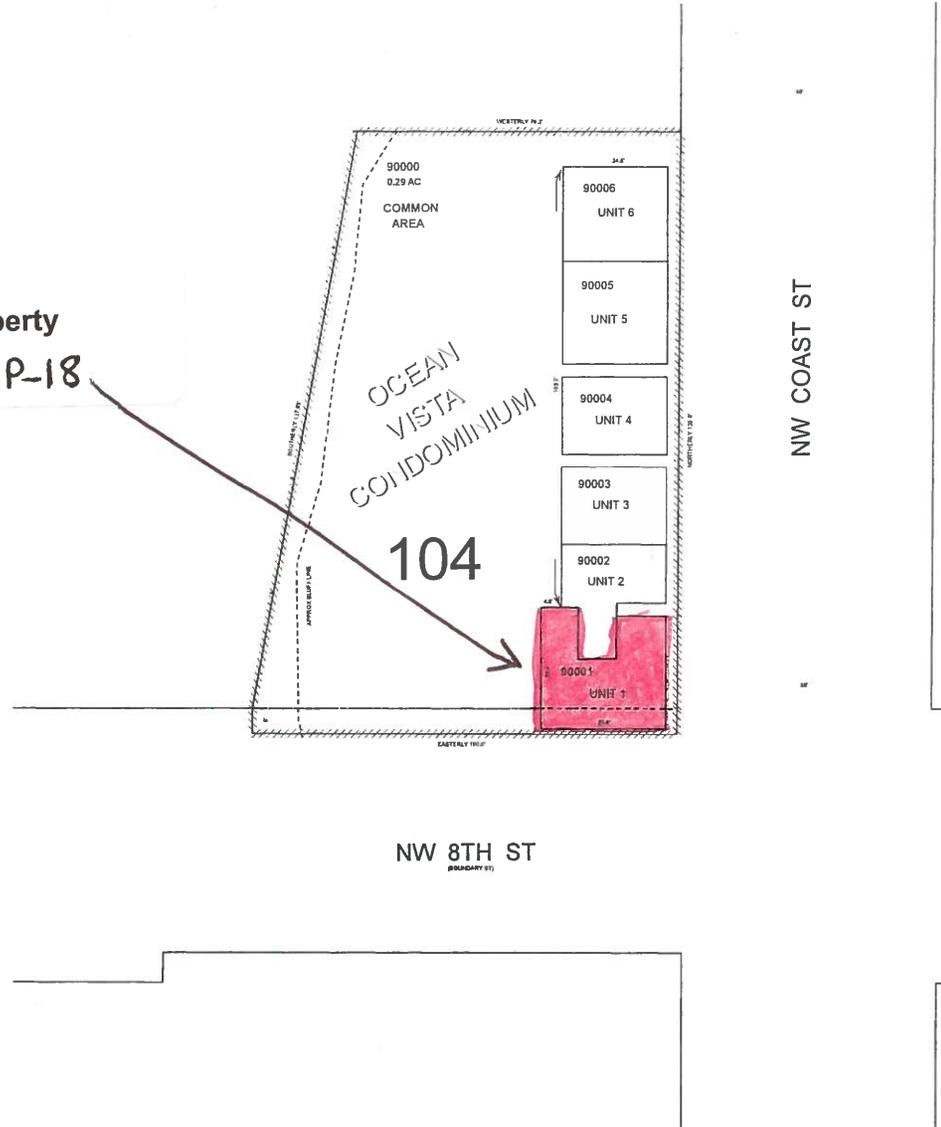
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



SUPPLEMENTAL MAP NO. 1
N.W.1/4 S.W.1/4 SEC.5 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 20'

11 11 05 CB
SUPP MAP NO 1
NEWPORT

Subject Property
File 5-CUP-18



Revised: SEB
01/31/2014

MEMO

City of Newport
Community Development Department



****Distributed Via Email****

Date: December 12, 2018

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

From: Sherri Marineau, Executive Assistant

RE: Conditional Use Permit # 5-CUP-18

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

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

sm

Attachment

NW Natural
 ATTN: Dave Sanders
 1405 SW Hwy 101
 Lincoln City, OR 97367

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

CenturyLink
 ATTN: Corky Fallin
 740 State St
 Salem OR 97301

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

Email: Lisa Phillips
DLCD Coastal Services Center
lisa.phillips@state.or.us

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

Joseph Lease
 Building Official

Rob Murphy
 Fire Chief

Tim Gross
 Public Works

Rachel Cotton
 Associate Planner

Jason Malloy
 Police Chief

Mike Murzynsky
 Finance Director

Ted Smith
 Library

Jim Protiva
 Parks & Rec

Spencer Nebel
 City Manager

ALLEN WILLIAM VYRLE II
% CLIFTON TERESA I
CONT
1232 SHOT POUCH RD
BLODGETT, OR 97326

BENISON FRANK J
19 LINDENWOOD DR
LITTLETON, CO 80120

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

CLARK HARRY R TRUSTEE &
CLARK JOAN C TRUSTEE
820 NW COAST ST
NEWPORT, OR 97365

COLLINS JANA D &
COLLINS BARRY H
915 KRENTZ
YUBA CITY, CA 95993

FERRIS LINDA J
4426 32ND AVE NW
GIG HARBOR, WA 98335

HOFFSTADT PAUL F TRUSTEE
1225 NE THOUSAND OAKS DR
CORVALLIS, OR 97330

HOUSING AUTHORITY OF
LINCOLN COUNTY
PO BOX 1470
NEWPORT, OR 97365

KJELLEN PEGGY
PO BOX 704
NEWPORT, OR 97365

LIEN BRAD A &
LIEN DIANE C
16980 SW NEUGEBAUER RD
HILLSBORO, OR 97123

LIGHTHOUSE LODGES CONDOMINIUM
ASSOCIATION OF UNIT OWNERS
757 NW COAST ST
NEWPORT, OR 97365

MARTHALLER TERENCE F TRSTEE &
MARTHALLER KAREN SUE TRUSTEE
2801 SE SWAIN
MILWAUKIE, OR 97267

NETTLES WILLARD JR
PO BOX 646
NEWPORT, OR 97365

NYE HOTEL LLC
ATTN LEE DAVID
13635 NW CORNELL RD
SUITE 170
PORTLAND, OR 97229

OCEAN VISTA CONDOMINIUM
ASSOCIATION OF UNIT OWNERS
801 NW COAST ST
NEWPORT, OR 97365

OCONNOR FERRIS SUEELLEN &
FERRIS KEVIN M
491 N WESTCOVE DR
WASILLA, AK 99654

POUNDS VAN M
710 TILLMAN AVE SE
SALEM, OR 97302

PREMO JANICE C &
GRAHN PAMELA S
6968 OAKRIDGE DR
GLADSTONE, OR 97027

REICH DANNY &
REICH TERESA
142 VALLEY CHAPEL RD
WALLA WALLA, WA 99362

ROLER ARLIN J TRUSTEE &
ROLER CYNTHIA E TRUSTEE
24576 TERRITORIAL HWY
MONROE, OR 97456

SCOTT JAMES D &
SCOTT TINA M
19225 SW WILLOW CREEK CT
ALOHA, OR 97006

WOLCOTT JACK &
SMITH SANDY
2700 NW ARNOLD WAY
CORVALLIS, OR 97330

PALFREY BRIAN
63520 CRICKETWOOD RD
BEND, OR 97701

Exhibit "A"
Adjacent Property Owners Within 200
Feet

File No. 5-CUP-18

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, January 14, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 5-CUP-18, a request submitted by Brian Palfery, 63520 Cricketwood Rd, Bend, OR 97701, per Section 14.25.020(E) “Bed and Breakfast and Vacation Rental Facilities” for a conditional use permit to grant relief of the two off-street parking spaces required to operate a two-bedroom vacation rental at the property at 801 NW Coast Street, Unit 1, Newport, OR 97365 (Assessor’s Map 11-11-05-CB, Tax Lot 90001). The applicable criteria per NMC Chapter 14.34.050 are that: 1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above).

FOR PUBLICATION ONCE ON FRIDAY, January 4, 2019.

WEDNESDAY
EDITION: 5:00pm
Thursday Prior

FRIDAY EDITION:
5:00pm Tuesday
Prior

ISH TO HIRE
NEY, please
s soon as possible
the attorney at
t at the above
you need help
attorney, you
Oregon State
yer Referral
(503) 684-3763
in Oregon at
636.
REPRESENT-
V ATTORNEY,
UR RESPON-
TO MAINTAIN
WITH YOUR
AND TO
UR ATTOR-
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to appear per-
nd may sched-
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RE ORDERED
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THE COURT
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RS 419B.918
AR BY OTHER
INCLUDING,
LIMITED TO,
IC OR OTHER
NIC MEANS.
NEY MAY NOT
HE HEARING(S)
PLACE.
ER'S ATTOR-

Houston
Attorney Gen-

t of Justice
t Street NE
97301-4096
(03) 934-4400
is 11th day of
, 2018.

M Houston

Attorney Gen-
8, J-04 (15-04).

E CIRCUIT
OF THE STATE
OREGON
OLN COUNTY
JUVENILE
ARTMENT
MATTER OF
W COOPER, A
CHILD.
O. 18JU08843
ED SUMMONS
ARAH ROSE
IELTON
NAME OF THE
OF OREGON:
has been filed
court to estab-
isdiction under
for the above-
id. YOU ARE
D TO PERSON-
PEAR BEFORE
In County Court
est Olive Street,
Oregon 97365,
th day of Janu-
at 9:00 a.m. for
nd on the 18th
anuary, 2019 at
for a Trial Read-
ing, to admit or

deny the allegations of the petition and to personally appear at any subsequent court-ordered hearing. YOU MUST APPEAR PERSONALLY IN THE COURTROOM ON THE DATE AND AT THE TIME LISTED ABOVE. AN ATTORNEY MAY NOT ATTEND THE HEARING IN YOUR PLACE. THEREFORE, YOU MUST APPEAR EVEN IF YOUR ATTORNEY ALSO APPEARS. This summons is published pursuant to the order of the circuit court judge of the above-entitled court, dated December 6, 2018. The order directs that this summons be published once each week for three consecutive weeks, making three publications in all, in a published newspaper of general circulation in Lincoln County. Date of first publication: December 21, 2018. Date of last publication: January 4, 2019. NOTICE: READ THESE PAPERS CAREFULLY IF YOU DO NOT APPEAR PERSONALLY BEFORE THE COURT OR DO NOT APPEAR AT ANY SUBSEQUENT COURT-ORDERED HEARING, the court may proceed in your absence without further notice and TAKE JURISDICTION of the above-named child either ON THE DATE SPECIFIED IN THIS SUMMONS OR ON A FUTURE DATE, and may make such orders and take such action as authorized by law. RIGHTS AND OBLIGATIONS (1) YOU HAVE A RIGHT TO BE REPRESENTED BY AN ATTORNEY IN THIS MATTER. If you are currently represented by an attorney, CONTACT YOUR ATTORNEY IMMEDIATELY UPON RECEIVING THIS NOTICE. Your previous attorney may not be representing you in this matter. IF YOU CANNOT AFFORD TO HIRE AN ATTORNEY and you meet the state's financial guidelines, you are entitled to have an attorney appointed for you at state expense. TO REQUEST APPOINTMENT OF AN ATTORNEY TO REPRESENT YOU AT STATE EXPENSE, YOU MUST IMMEDIATELY CONTACT the Lincoln Juvenile Department at 225 West Olive, Newport, Oregon 97365, phone number (541) 265-4236, between the hours of 8:00 a.m. and 5:00 p.m. for further information. IF YOU WISH TO HIRE AN ATTORNEY, please retain one as soon as possible and have the attorney present at the above hearing. If you need help finding an attorney, you may call the Oregon State Bar's Lawyer Referral

Service at (503) 684-3763 or toll free in Oregon at (800) 452-7636. IF YOU ARE REPRESENTED BY AN ATTORNEY, IT IS YOUR RESPONSIBILITY TO MAINTAIN CONTACT WITH YOUR ATTORNEY AND TO KEEP YOUR ATTORNEY ADVISED OF YOUR WHEREABOUTS. (2) If you contest the petition, the court will schedule a hearing on the allegations of the petition and order you to appear personally and may schedule other hearings related to the petition and order you to appear personally. IF YOU ARE ORDERED TO APPEAR, YOU MUST APPEAR PERSONALLY IN THE COURTROOM, UNLESS THE COURT HAS GRANTED YOU AN EXCEPTION IN ADVANCE UNDER ORS 419B.918 TO APPEAR BY OTHER MEANS INCLUDING, BUT NOT LIMITED TO, TELEPHONIC OR OTHER ELECTRONIC MEANS. AN ATTORNEY MAY NOT ATTEND THE HEARING(S) IN YOUR PLACE. PETITIONER'S ATTORNEY Kristyn M Houston Assistant Attorney General Department of Justice 1162 Court Street NE Salem, OR 97301-4096 Phone: (503) 934-4400 ISSUED this 11th day of December, 2018. Issued by: Kristyn M Houston #145304 Assistant Attorney General D-21, D-28, J-04 (15-04B).

NOTICE OF SHERIFF'S SALE #18-2044
On January 24, 2019, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 1805 NW Dolphin Ln, Waldport, OR 97394. The court case number is 17CV54507. CitiBank N.A., plaintiff(s) vs. Vina Phelan aka Alvina Phelan, Individually and as Trustee of the of the Vina Phelan Living Trust UAD March 18, 2008; Bayshore Beach Club, Inc.; Macpherson Gintner & Diaz; Midland Funding, LLC; and All Other Persons or Parties Unknown Claiming any Right, Title, Lien, or Interest in the real property commonly known as 1805 NW Dolphin Ln, Waldport, OR 97394 defendant(s). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregonsheriffssales.org/county/lincoln/> D-21, D-28, J-04, J-11

(17-11).

IN THE CIRCUIT COURT FOR THE STATE OF OREGON FOR THE COUNTY OF LINCOLN
Probate Department
In the Matter of the Estate of Dorothy Ethel Meyer Case No. 18PB08784
NOTICE TO INTERESTED PERSONS
Notice: The Circuit Court of the State of Oregon, for the County of Lincoln, has appointed the undersigned as the Personal Representative of the Estate Dorothy Ethel Meyer, deceased. All persons having claims against said estate are required to present the same, with proper vouchers to Marjie Lou Meyer c/o Holbrook & Associates LLC, Douglas R. Holbrook, 131 NW 20th Street Suite C, Newport OR 97365 within four months from the date of first publication of this notice as stated below, or they may be barred. All persons whose rights may be affected by this proceeding may obtain additional information from the records of the court, the Personal Representative, or the Attorney for the Personal Representative. Dated and first published December 21, 2018. PERSONAL REPRESENTATIVE: Marjie Lou Meyer c/o Douglas R. Holbrook Holbrook & Associates LLC 131 NW 20th Street Suite C Newport OR 97365 Telephone (541) 265-2300 D-21, D-28, J-04 (18-04).

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING
The City of Newport Planning Commission will hold a public hearing on Monday, January 14, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 5-CUP-18, a request submitted by Brian Palfrey, 63520 Cricketwood Rd, Bend, OR 97701, per Section 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities" for a conditional use permit to grant relief of the two off-street parking spaces required to operate a two-bedroom vacation rental at the property at 801 NW Coast Street, Unit 1, Newport, OR 97365 (Assessor's Map 11-11-05-CB, Tax Lot 90001). The applicable criteria per NMC Chapter 14.34.050 are that: 1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses

on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above). J-04 (25-04).

NOTICE OF PUBLIC HEARING YACHTS PLANNING COMMISSION
Applicant: Heidi Travaglio
Public Hearing Date and Location: A public hearing will be held with the Yachats Planning Commission Tuesday, January 15, 2019, 3:00 p.m. at the Yachats Civic Meet-

ing Room, Yachats Commons, 441 N. Highway 101, Yachats, OR. Site Location: The subject property is located at 23 E. 7th Street; and described on the Lincoln County Assessor's Map 14-12-27AD as Tax Lot 2103. Proposed Development Action: The applicant is requesting a conditional use permit to operate a 3 bedroom Bed & Breakfast within a single family dwelling. Applicable Criteria: Yachats Municipal Code, Title 9 Zoning and Land Use - Chapter 9.04.030 Definitions - Chapter 9.20 R-3 Residential Zone - Chapter 9.48 Off-Street Parking and Loading - Chapter 9.72 Conditional Uses Contact: Larry Lewis, City Planner (541) 547-3565, Ext. 104 A copy of the application, all documents and evidence submitted by or on behalf of the applicant, applicable criteria, and other relevant information are available for inspection at no cost, and copies can be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost seven days prior to the hearing and copies can be provided at reasonable cost. Written comments may be submitted to the City of Yachats at 441 N. Highway 101, Yachats, OR, mailed to P.O. Box 345, Yachats, OR 97498, or emailed to larry@yachatsmail.org. You are encouraged to submit written testimony to the City at least one week in advance of the Tuesday, January 15, 2019, 3:00 p.m. meeting. Written testimony received prior to the meeting will be forwarded to the Planning Commission. The public may provide oral testimony at the January 15, 2019 public hearing. Failure to raise an issue in person or by letter, or failure to provide statements or evidence sufficient to allow the decision-maker an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue. J-04 (26-04).

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN
IN THE MATTER OF THE ESTATE OF: DON LARRY MATHEWS, DECEASED.
CASE NO. 18PB08754
NOTICE TO INTERESTED PERSONS
NOTICE IS HEREBY GIVEN that Frances Ann Mathews has been appointed personal representative of the Estate of Don Larry Mathews. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at 23 North Coast

Highway, Yachats Commons, 441 N. Highway 101, Yachats, 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 attorney for the personal representative, Macpherson, Gintner & Diaz, 423 North Coast Highway, Post Office Box 1270, Newport, Oregon 97365. Dated and first published the 4th day of January, 2019. PERSONAL REPRESENTATIVE: Frances Ann Mathews 556 SW 5th Street Newport, OR 97365 ATTORNEY FOR PERSONAL REPRESENTATIVE: Corey G. Blake, OSB No. 051688 P.O. Box 1270 Newport, Oregon 97365 Telephone 541-265-8881 Fax No. 541-265-3571 Email Address: blake@mgsdlaw.com J-04, J-11, J-18 (27-18).

PUBLIC SALE
The following storage units will be sold at public auction on Saturday, January 12, 2019 at 11:00AM for non-payment of rent and other fees. Auction is pursuant to Auction Rules and Procedures of Lincoln Storage - 4809 S. Coast Hwy, South Beach, OR 97366. (541) 867-6550. Rules are available upon inquiry. Unit 109 - KSHL Stephanie Linn/Leslie Brown Unit 244 - KSHL Stephanie Linn/Leslie Brown Unit 268 - KSHL Stephanie Linn/Leslie Brown Unit 435 - KSHL Stephanie Linn/Leslie Brown J-04, J-11 (28-11).

IN THE CIRCUIT COURT OF THE STATE OF OREGON COUNTY OF LINCOLN CASE NO. 18PB08839
NOTICE TO INTERESTED PERSONS IN THE MATTER OF MYRNA MARIE DEVANEY, DECEASED.
NOTICE IS HEREBY GIVEN that KEVIN W SPENCE has been appointed personal representative of the ESTATE of MYRNA MARIE DEVANEY. All persons having claims against the estate are required to present them, with vouchers attached, to: Pacific Northwest Probate, LLC, 8865 SW Center Street Tigard, OR 97223, 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 or the personal representative. Dated and first published on January 4th, 2019. KEVIN W SPENCE PERSONAL REPRESENTATIVE J-04, J-11, J-18 (29-18).

1/4/19

Derrick Tokos

From: Rian Palfrey <rianpalfrey@gmail.com>
Sent: Thursday, January 10, 2019 5:17 PM
To: Derrick Tokos
Subject: Re: Continuance of Public Hearing on Conditional Use Application (5-CUP-18)

Hello Derrick,

Yes, I confirm the schedule change and will be there on the 28th instead.
Thank you,

Rian Palfrey

Real Estate Broker/Strategist-Team Leader - CDPE, SFR, CIPS, OICP, RSPS, Dave Ramsey ELP
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Real Estate Services

On Thu, Jan 10, 2019 at 4:51 PM Derrick Tokos <D.Tokos@newportoregon.gov> wrote:

Hi Rian,

Per our conversation, please confirm that you would like the hearing on your conditional use application, seeking relief from vacation rental dwelling off-street parking requirements, to be continued to January 28, 2019 at 7:00 pm.

If you respond in the affirmative, then there will be no need for you to attend the January 14th meeting, as the Planning Commission will automatically continue the matter.

Derrick I. Tokos, AICP
Community Development Director
City of Newport
169 SW Coast Highway
Newport, OR 97365
ph: 541.574.0626 fax: 541.574.0644
d.tokos@newportoregon.gov



Attachment "G"
5-CUP-18

C-2
SITE

R-4

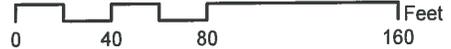
P-1



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

Zoning Map
801 NW Coast Street

Image Taken July 2018
4-inch, 4-band Digital Orthophotos
Quantum Spatial, Inc. Corvallis, 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 its completion or use and users of this



SITE

NW COAST ST

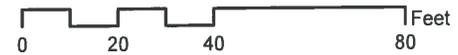
NW 8TH ST



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

Aerial Map
801 NW Coast Street

Image Taken July 2018
4-inch, 4-band Digital Orthophotos
Quantum Spatial, Inc. Corvallis, 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 its completion or use and users of this

Case File: 1-SV-18
 Date Filed: December 20, 2018
 Hearing Date: January 28, 2019/Planning Commission

PLANNING STAFF REPORT
Case File 1-SV-18

- A. **APPLICANT:** Southshore Owners Association (Leo Dobitz, authorized representative).
- B. **REQUEST:** Vacate a portion of the developed SW 62nd Street right-of-way in conjunction with the reconfiguration of the entrance to the Southshore Development to accommodate a single, gated entry. The west end of the public street presently terminates in a roundabout with private, gated drives branching off to the north and south. This proposal involves the construction of a new vehicle turnaround (turnout) on SW 62 Street just east of the existing roundabout. This will require the dedication of right-of-way. Once the new turnaround is in place, a single gate control structure will be built immediately to the west. The roundabout would then become a private drive and the two existing gates would be removed.
- C. **SUBJECT PROPERTY:** Real property abutting the right-of-way to be vacated is identified by tax lot reference and ownership, as follows:
- Tax Lot 2600 of Lincoln County Assessor's Map 11-11-30-AA. The property is owned by South Shores Development, LLC.
- Tax Lot 1000 of Lincoln County Assessor's Map 11-11-30-AA. The property is owned by Southshore Owners Association.
- Tax Lot 1900 of Lincoln County Assessor's Map 11-11-30-AA. The property is owned by Southshore Owners Association.
- Tax Lot 4200 of Lincoln County Assessor's Map 11-11-29-BB. The property is owned by Southshore Owners Association.
- Tax Lot 4600 of Lincoln County Assessor's Map 11-11-29-BB. The property is owned by Southshore Owners Association.
- Tax Lot 4800 of Lincoln County Assessor's Map 11-11-29-BB. The property is owned by Southshore Owners Association.
- D. **STAFF REPORT**
1. **REPORT OF FACT**
- a. **Plan Designation:** High Density Residential.
- b. **Zone Designation:** R-4/"High Density Multi-Family Residential."

- c. **Surrounding Land Uses:** The subject portion of SW 62nd Street is entirely within the Southshore Planned Development, with single-family development to the north, a clubhouse to the west, and tennis courts to the south.
- d. **Topography and Vegetation:** The portion of SE Ferry Slip Road that is to be vacated is relatively flat and the undeveloped portions of the right-of-way are landscaped.
- e. **Existing Structures:** None.
- f. **Utilities:** Public water and sewer mains exist within the right-of-way that is to be vacated and a sewer lift station exists immediately to the west, adjacent to the clubhouse.
- g. **Development Constraints:** None known.
- h. **Past Land Use Actions:** The Southshore Planned Development was approved in 1993 (City File No. 2-PUD-93) and that approval led to the construction of SW 62nd Street in its present form. There have been numerous subsequent land use actions within the planned development, none of which are material to this street segment.
- i. **Notification:** Notification to abutting and affected property owners, to City departments, and to public/private utilities/agencies was mailed on January 2, 2019. Notice of this Planning Commission public hearing was also published in the Newport News-Times on January 9, 2019, January 16, 2019, and January 23, 2019.
- j. **Attachments:**
- Attachment "A" – Completed application form.
 - Attachment "B" – Application narrative.
 - Attachment "C" – Area calculation for vacation petition.
 - Attachment "D" – Notarized consent forms from abutting and affected property owners.
 - Attachment "E" – Legal description and exhibit map of right-of-way to be vacated.
 - Attachment "F" – Legal description and exhibit map of right-of-way to be dedicated.
 - Attachment "G" – Preliminary design drawings for new paved turnout, by Emerio Design, dated December 13, 2018.

- Attachment "H" – January 7, 2019 email from Tim Gross, City Engineer.
- Attachment "I" – January 9, 2019 email from Mark Ragan, City Fire Prevention Officer.
- Attachment "J" – Public notice of the January 28, 2019 hearing.
- Attachment "K" – Copy of ORS Chapter 271.080 to 271.230.
- Attachment "L" – Zoning/Aerial Map of SW 62nd Street

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

The applicant narrative includes a concise description of the request (Attachment “B”). It reads: “South Shores Development, LLC is in the process of developing the last remaining piece of buildable property within Southshore. This process will eliminate any commercial property within the community since the completion will only entail adding 12 single-family residential lots.

As part of the completion, South Shores Development, LLC will also convert four existing condo lots to single-family residential lots. Once this effort is completed, Southshore will be developed to its maximum size given much of the vacant land within Southshore is "wetlands". Southshore is bounded on the north by the state park, on the east by Hwy 101, on the south by wetlands and on the west by the Pacific Ocean.

Given the development will have reached maturity; Southshore would like to replace two inner gate systems with a single gated entry point. The objective of Southshore is to get the most westerly 142 feet of SW 62nd Street "vacationed" (i.e. vacated) and allow for the installation of a gate system on what currently is a portion of SW 62nd Street. To avoid a city street terminus being a dead end, South Shores Development, LLC will construct a turn-a-round just east of the proposed new gate. Upon completion of the turn-a-round, Southshore will complete a right-of-way dedication to the city for that portion of the turn-a-round that rests on Southshore property (Attachment “F”).

The ultimate goal of Southshore is to have all of its common property, including facilities, within the gated community. Gate/turn-a-round requirements have been coordinated with the Fire Marshall to ensure the proposed turn-a-round and gate structure meet their requirements for first responders.

Currently, Southshore maintains the landscaping, irrigation and lighting of the entire section of SW 62nd Street that lies west of Hwy 101. It is the intent of Southshore to continue maintaining this portion of SW 62nd Street after approval of the street vacation.”

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

- a. **Comments:** Abutting and affected property owners, city departments and public/private utilities/agencies were notified on July 3, 2017 (Attachment “J”). Two comments were received. On January 7, 2019, Tim Gross, City Engineer, expressed concerns related to the timing of the street vacation relative to the construction of the turnout (Attachment “H”). His concerns are specifically addressed in the findings below. A January 9, 2019 email from Mark Regan, City Fire Prevention Officer, notes that the Fire Department has no issues with the proposal (Attachment “I”).
- b. **Planning Commission Review Required:** Pursuant to NMC 14.52.030, Approving Authorities, the City Council will decide street vacation proposals following a public hearing and upon receipt of a recommendation from the Planning Commission.
- c. **Applicable Criteria set forth in Oregon Revised Statutes (ORS) 271.120:**
1. Whether the consent of the owners of the requisite area [*as defined in ORS 271.080 (2)*] has been obtained;
 2. Whether notice has been duly given [*for the public hearing before the City Council*] and,
 3. Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.
- d. **NMC Chapter 14.26 Maintenance of Public Access:** The city shall review, under ORS 271.080 - 271.230, proposals for the vacation of public easements or rights-of-way that provide access to or along the Yaquina Estuary or the Pacific Ocean. The city shall review, under ORS 271.300 - 271.360, proposals for the sale, exchange, or transfer of public ownership that provide access to or along the Yaquina Estuary or the Pacific Ocean. Existing public ownerships, rights-of-way, and similar public easements that provide access to or along the estuary or the ocean shall be retained or replaced if they are sold, ex-changed, or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas, provided public access across the affected site is retained.
- e. **Staff Analysis:**
- The Planning Commission reviews this request and makes a recommendation to the City Council. In order to recommend approval of the request, the Planning Commission must find that the applicant’s proposal meets (or is capable of meeting) the following criteria:

- (1) Whether the consent of the owners of the requisite area [as defined in ORS 271.080 (2)] have been obtained;

On December 20, 2018, the applicant provided a graphic and text summary of the statutory notification area described in ORS 271.080 (Attachment "C"). The applicant further submitted the names and addresses of abutting and affected property owners along with their original, notarized signatures indicating consent for the street vacation (Attachment "D"). The signed original documents are available in the case file. For approval of the vacation, ORS 271.080 (2) requires "the consent of the owners of the abutting property and not less than two-thirds in area of the real property affected thereby." Written notarized consents were submitted from property owners as follows:

Assessor's Map 11-11-30-AA

<u>TAX LOT</u>	<u>OWNER</u>
00900	Southshore Owners Association
01000	Southshore Owners Association
01900	Southshore Owners Association
02600	South Shores Development. LLC
04700	Southshore Owners Association

Assessor's Map 11-11-29-BB

<u>TAX LOT</u>	<u>OWNER</u>
04200	Southshore Owners Association
04600	Southshore Owners Association
04800	Southshore Owners Association

The notification area under ORS 271.080 extends 200 feet to either side of the right-of-way being vacated, and a distance of 400 feet from the terminal ends of the right of way being vacated. This creates a rectangular shaped notification area (see Attachment "C"). As noted, consent must be obtained from the owners of two-thirds of the real property (excluding right-of-way) within the notice boundary. In the subject circumstances, consent has been obtained from the owners of more than 89 percent of the land area (Attachment "C"). Consent was not obtained from the residential lot owners within the notification boundary; however, it is relevant to note that these property owners are members of the Southshore Owners Association, the entity that filed the petition. This information is adequate to establish that the required level of ownership consent has been obtained.

- (2) Whether notice has been duly given [for the public hearing before the City Council]; and,

Notice of the Planning Commission hearing has been provided by direct mail and newspaper notice advising the public of the petition request. Signs will

be posted at the property advertising the proposed vacation prior to the City Council hearing. This satisfies the requirements of ORS 271.110.

- (3) Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.

City Engineer, Tim Gross, expressed a concern that the right-of-way not be vacated until after the city accepts the new street improvements. Construction drawings will need to be submitted and reviewed by the City of Newport Public Works Department and that review process may lead to changes to the street section and utilities. It may also impact the exact boundary of the right-of-way to be dedicated.

Both the City Engineer and the Fire Department are comfortable with the applicant's design in concept. SW 62nd Street is long enough that there will still be adequate area for vehicle queuing. The plans though for the turnout are preliminary and it is not uncommon for them to be modified as they are refined into a formal set of civil construction drawings and the City completes its review of the documents. In order to address this concern, and the applicant's need for certainty that the vacation will be approved, the Council could adopt an interim order, after taking public testimony, conveying its intent to complete the vacation once the turnout is designed and constructed in a manner that meets City standards.

Utility easements for city infrastructure that is to remain within the vacated right-of-way is another issue that will need to be resolved. This can be handled with the reservation of a blanket easement over the area to be vacated or with more refined easements in a form acceptable to the City Engineer.

Given the above, it is reasonable for the Planning Commission to find that the public interest will not be prejudiced provided these issues are addressed.

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

The right-of-way proposed to be vacated terminates short of the Pacific Ocean. Intervening private property prevents the right-of-way from providing beach access; therefore, a portion of the right-of-way may be vacated without triggering the requirement that alternate access to the beach be provided.

4. **Conclusion:** The staff report has been prepared based on the information available to staff at the time of writing the report. If additional comments or information is provided during the course of the public hearing process, the analysis or conditions of approval recommended by staff are subject to change.

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

- E. **STAFF RECOMMENDATION:** If the Commission decides to recommend approval of the requested street vacation, the Commission may want to consider recommending or attaching the following condition.

1. The City Council convey its intent to authorize the street vacation by adopting a final order to that effect, with instruction that a street vacation ordinance be presented for adoption once the City Engineer accepts the new turnaround and associated right-of-way dedication document.
2. A utility easement shall be reserved over the entirety of the vacated right-of-way unless the applicant provides alternative easements in a form acceptable to the City Engineer.



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

January 25, 2019

1-SV-18



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Leo Dobitz	Southshore Owners Association
Applicant Mailing Address:	Property Owner Mailing Address:
245 SW 60th Loop, South Beach OR	220 SW 62nd Street, South Beach, OR
Applicant Phone No.	Property Owner Phone No.
(916) 801-2523	(541) 867-4572
Applicant Email	Property Owner Email
ldobitz@wavecable.com	soapresidentld@southshorehoa.com
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Leo Dobitz	
Authorized Representative Mailing Address:	
245 SW 60 Loop, South Beach OR 97365	
Authorized Representative Telephone No.	
(916) 801-2523	
Authorized Representative Email. ldobitz@wavecable.com	

Project Information

Property Location: <i>Street name if address # not assigned</i>		
Most westerly 142' of SW 62nd Street, Newport OR		
Tax Assessor's Map No.: 11 11 29 BB	Tax Lot(s):	
Zone Designation:	Legal Description: <i>Add additional sheets if necessary</i>	
Comp. Plan Designation:	See attached	
Brief description of Land Use Request(s):		
<i>Examples:</i>		
<ol style="list-style-type: none"> 1. <i>Move north property line 5 feet south</i> 2. <i>Variance of 2 feet from the required 15-foot front yard setback</i> 	Construct turn-a-round and entry system	
Existing Structures: if any		
None		
Topography and Vegetation:		
Paved roadway		
Application Type (please check all that apply)		
<input type="checkbox"/> Annexation <input type="checkbox"/> Appeal <input type="checkbox"/> Comp Plan/Map Amendment <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Design Review <input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Interpretation <input type="checkbox"/> Minor Replat <input type="checkbox"/> Partition <input type="checkbox"/> Planned Development <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Shoreland Impact <input type="checkbox"/> Subdivision <input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> UGB Amendment <input checked="" type="checkbox"/> Vacation <input type="checkbox"/> Variance/Adjustment <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Zone Ord/Map <input type="checkbox"/> Amendment <input type="checkbox"/> Other

FOR OFFICE USE ONLY

File No. Assigned: 1-SV-18		
Date Received: 12/20/18	Fee Amount: 810-	Date Accepted as Complete:
Received By: SM	Receipt No. 2833	Accepted By:
City Hall 169, SW Coast Hwy Newport, OR 97365 541.574.0629		
625-18-000123-PLNG		



City of Newport Land Use Application

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

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

[Handwritten Signature]
Applicant Signature(s)

12/17/2018
Date

SOUTHSHORE OWNERS ASSOCIATION
Property Owner Signature(s) (if other than applicant)

12/17/2018
Date

[Handwritten Signature]
Authorized representative Signature(s) (if other than applicant)

12/17/2018
Date

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

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

Street Vacation Application – Item #6

Purpose of the "street vacation" application

South Shores Development, LLC is in the process of developing the last remaining piece of buildable property within Southshore. This process will eliminate any commercial property within the community since the completion will only entail adding 12 single-family residential lots. As part of the completion, South Shores Development, LLC will also convert four existing condo lots to single-family residential lots.

Once this effort is completed, Southshore will be developed to its maximum size given much of the vacant land within Southshore is "wetlands". Southshore is bounded on the north by the state park, on the east by Hwy 101, on the south by wetlands and on the west by the Pacific Ocean.

Given the development will have reached maturity; Southshore would like to replace two inner gate systems with a single gated entry point. The objective of Southshore is to get the most westerly 142 feet of SW 62nd Street "vacationed" and allow for the installation of a gate system on what currently is a portion of SW 62nd Street. To avoid a city street terminus being a dead end, South Shores Development, LLC will construct a turn-a-round just east of the proposed new gate. Upon completion of the turn-a-round, Southshore will complete a right-of-way dedication to the city for that portion of the turn-a-round that rests on Southshore property (Pages 30-32).

The ultimate goal of Southshore is to have all of its common property, including facilities, within the gated community. Gate/turn-a-round requirements have been coordinated with the Fire Marshall to ensure the proposed turn-a-round and gate structure meet their requirements for first responders.

Currently, Southshore maintains the landscaping, irrigation and lighting of the entire section of SW 62nd Street that lies west of Hwy 101. It is the intent of Southshore to continue maintaining this portion of SW 62nd Street after approval of the street vacation.

AREA CALCULATIONS OF VACATION NOTIFICATION AREA

Per notification area instructions, 400 feet beyond terminus and 200 feet parallel to vacation tract (both sides)

Above requirements result in a notification rectangle 942 feet by 400 feet = 376,800 feet squared/43,560 = 8.65 acres
(400 feet east of vacation line and 400 feet west of street terminus plus 142 feet of street vacation)

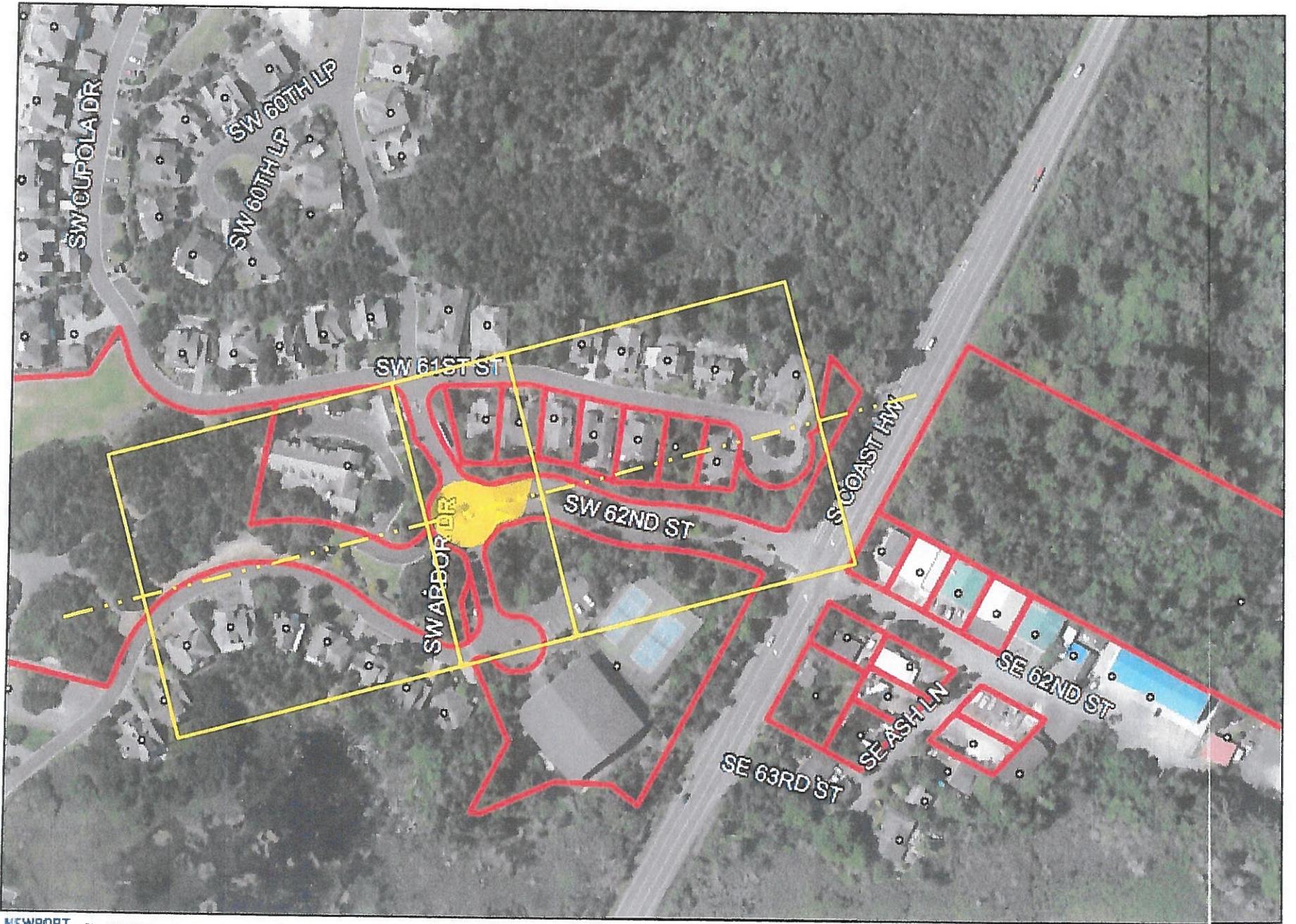
Residential lots within the notification area = .89 acres

11-11-29-BB-04400-00	.10 acres
11-11-29-BB-04600-00	.14 acres
11-11-29-BB-04601-00	.12 acres
11-11-29-BB-04700-00	.13 acres
11-11-29-AA-00600-00	.11 acres
11-11-29-AA-00700-00	.14 acres
11-11-29-AA-00800-00	.15 acres

67% of 8.65 acres = 5.795 acres of owner signatures required
(All abutting property owners signatures required)

8.65 total acres - .89 acres of residential lots = 7.76 acres of abutting property owners
(constitutes 89.7% of the property within the notification area)

Signatures of abutting property owners exceeds the consent requirement "of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient".



-7-



Consent for Vacation

Affected Property Owner

Name:

Southshore Owners Association

Legal Representative: Leo Dobitz, President, Southshore Owners Association

Address:

220 SW 62nd Street

Newport, Oregon 97366

Telephone:

(541) 867-4572

Signature:

[Handwritten Signature]

Date:

12/17/2018

State of Oregon)

) ss.

County of Lincoln)

Personally, appeared Leo Dobitz and acknowledged the forgoing instrument to be their voluntary act and deed.

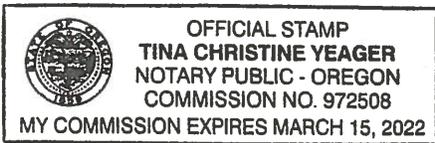
Before me: *Tina Yeager*

Tina Yeager
Notary Public for:

State of Oregon

My Commission Expires:

March 15, 2022



Tax Map No: 11-11-30-AA

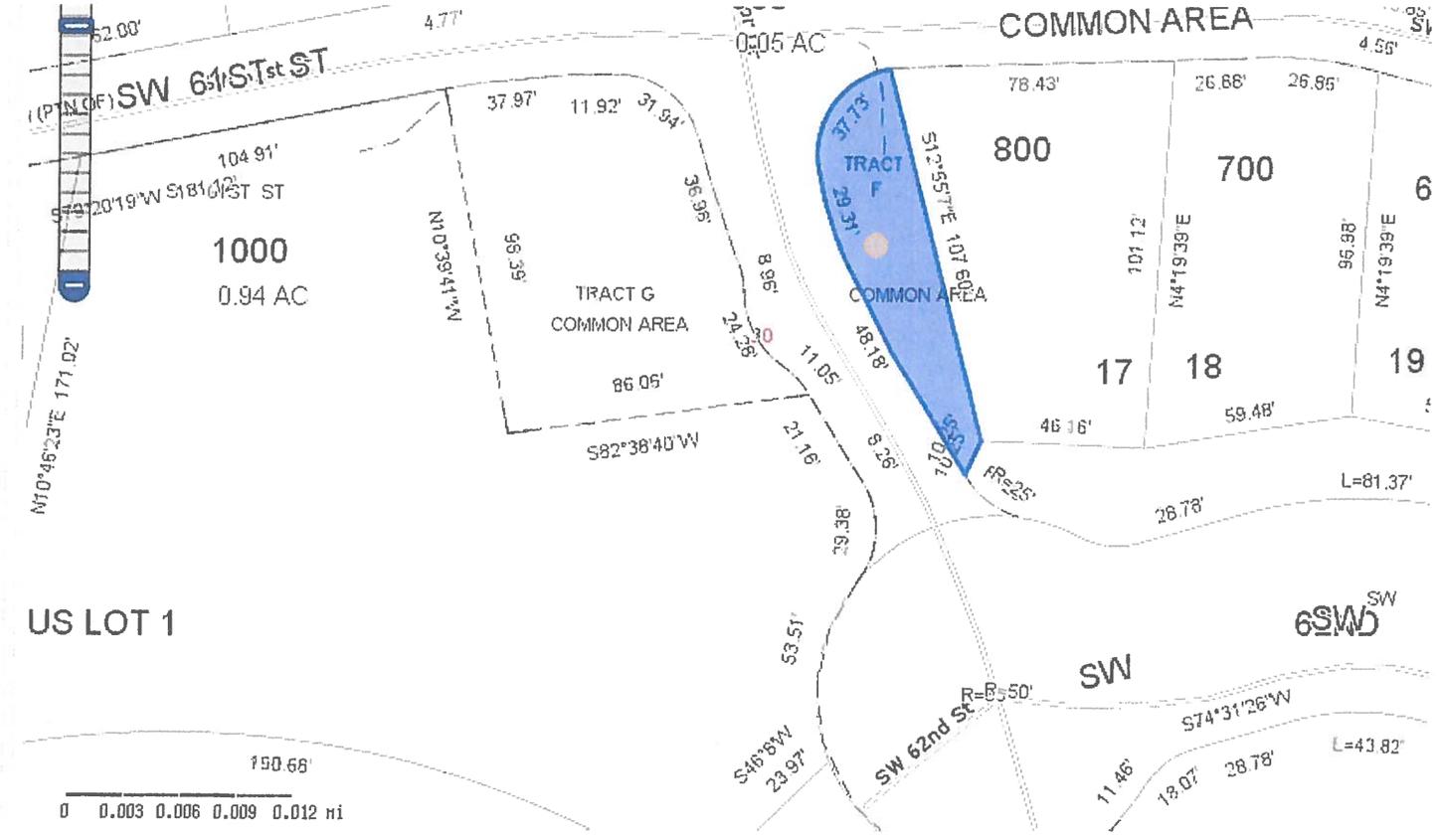
Tax Lot No: 11-11-30-AA-00900-00

Results: 1



Account #: **R507108**
 Image: [Map Image](#)
 Map Taxlot: 11-11-30-AA-00900-00
 Owner: SOUTHSORE OWNERS ASSOCIATION
 Mailing Add1: 220 3W62ND ST
 Mailing Add2:
 Mailing Add3:
 City/State/Zip: NEWPORT, OR, 97366
 Situs Address(es):

Disclaimer: Lincoln County government use only.
 Use for any other purpose is entirely at the risk of
 the user. Users should review the primary
 information sources to ascertain their usability.



Consent for Vacation

Abutting Property Owner

Name:

Southshore Owners Association

Legal Representative: Leo Dobitz, President, Southshore Owners Association

Address:

220 SW 62nd Street

Newport, Oregon 97366

Telephone:

(541) 867-4572

Signature:

Leo Dobitz

Date:

12/17/2018

State of Oregon)
) ss.
County of Lincoln)

Personally, appeared Leo Dobitz and acknowledged the forgoing instrument to be their voluntary act and deed.

Before me: *Tina Yeager*

Tina Yeager
Notary Public for:

State of Oregon

My Commission Expires:

March 15, 2022



Tax Map No: 11-11-30-AA

Tax Lot No: 11-11-30-AA-01000-00

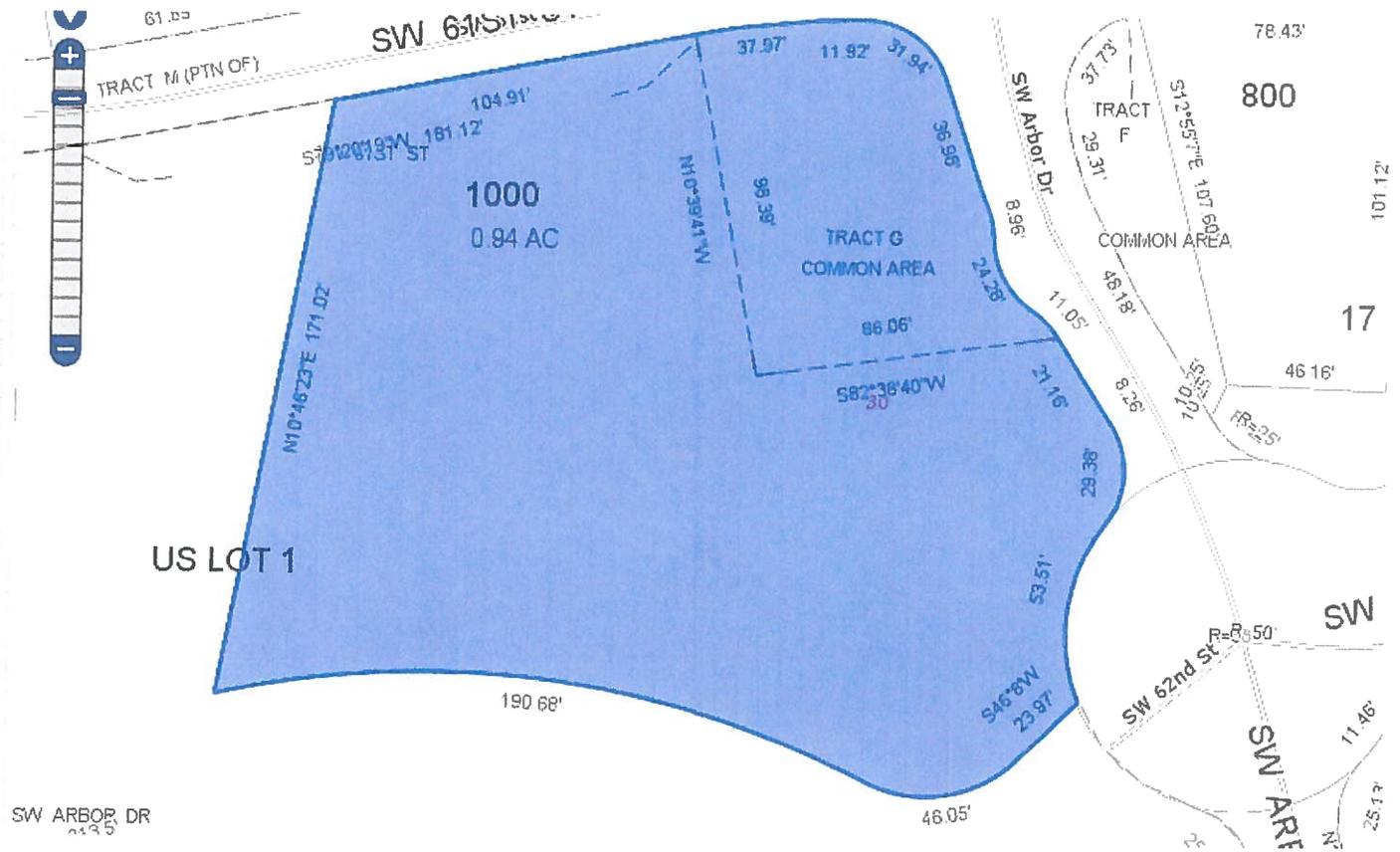
← Back

Results: 1



Account #: [R507109](#)
Image: [Map Image](#)
Map Taxlot: 11-11-30-AA-01000-00
Owner: SOUTHSORE OWNERS ASSOCIATION
Mailing Add1: 220 SW 62ND ST
Mailing Add2:
Mailing Add3:
City/State/Zip: NEWPORT, OR 97366
Site Address(es): 220 SW 62ND ST

Disclaimer: Lincoln County government use only.
Use for any other purpose is entirely at the risk of
the user. Users should review the primary
information sources to ascertain their usability.



-116-

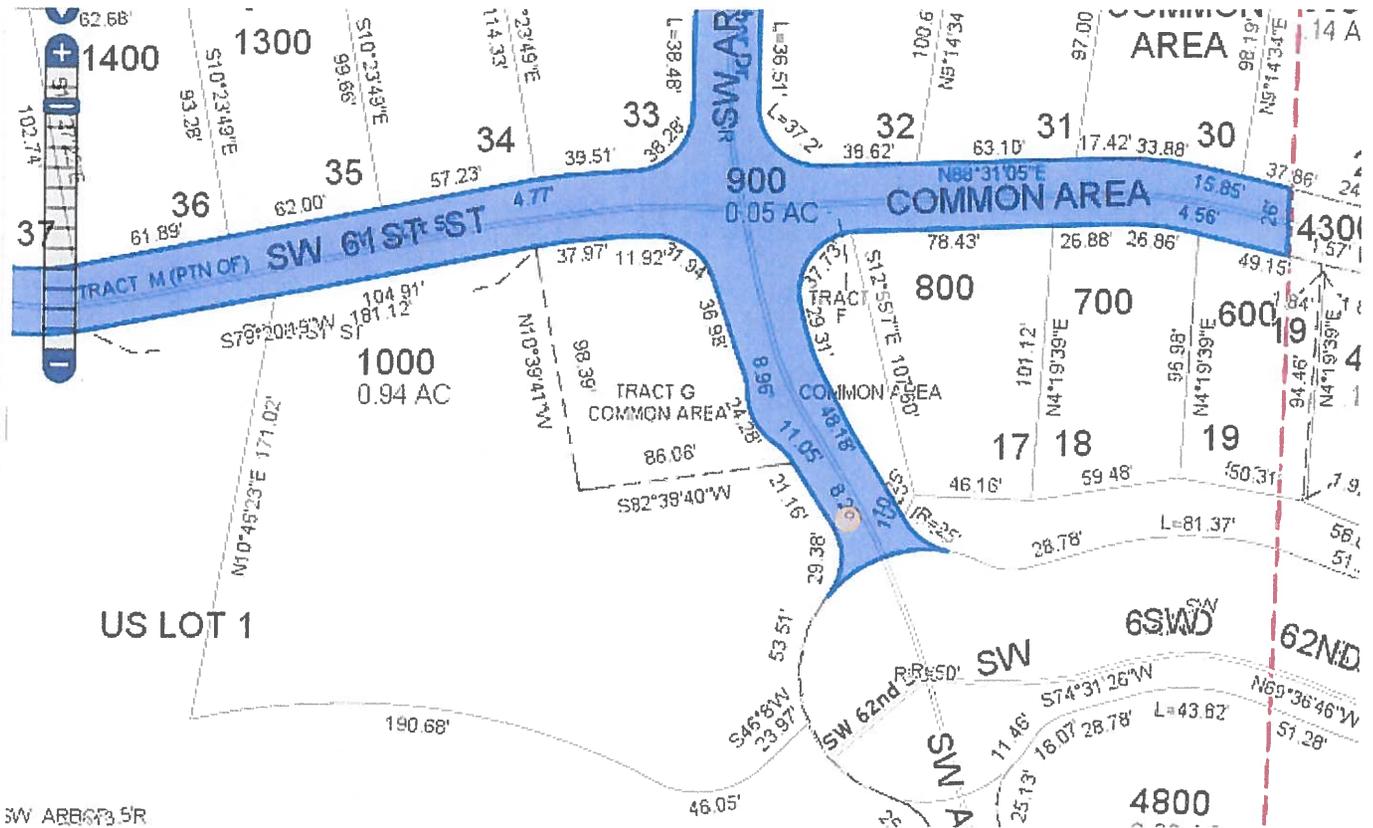
← Back

Results: 1



Account #: [R507118](#)
 Image: [Map Image](#)
 Map Taxlot: 11-11-50-AA-01900-00
 Owner: SOUTHS HORE OWNERS ASSOCIATION
 Mailing Add1: 220 SW 62ND ST
 Mailing Add2:
 Mailing Add3:
 CityStateZip: NEWPORT, OR 97365
 Situs Address(es):

Disclaimer: Lincoln County government use only.
 Use for any other purpose is entirely at the risk of
 the user. Users should review the primary
 information sources to ascertain their usability.



99

Select Search Sketch Tools Advanced Tools Print Map

Jump To: _____

Catalog Select Features

[Back](#)

Results: 1

Account #: [R507125](#)
 Image: [Map Image](#)
 Map Taxlot 11-11-30-AA-02600-00
 Owner: SOUTH SHORES DEVELOPMENT LLC
 Mailing Add1: 4809 S COAST HWY
 Mailing Add2:
 Mailing Add3:
 CityStateZip SOUTH BEACH, OR 97366
 Situs Address: 6120 SW ARBOR DR

Disclaimer: Lincoln County government use only.
 Use for any other purpose is entirely at the risk of
 the user. Users should review the primary
 information sources to ascertain their usability.

0 0.007 0.014 0.021 0.028 mi

GM-OR-2.6.1 1:868 X,Y: 7273265, 358570

-41-

Consent for Vacation

Affected Property Owner

Name:

Southshore Owners Association

Legal Representative: Leo Dobitz, President, Southshore Owners Association

Address:

220 SW 62nd Street

Newport, Oregon 97366

Telephone:

(541) 867-4572

Signature:

Leo Dobitz

Date:

12/17/2020

State of Oregon)

) ss.

County of Lincoln)

Personally, appeared Leo Dobitz and acknowledged the forging instrument to be their voluntary act and deed.

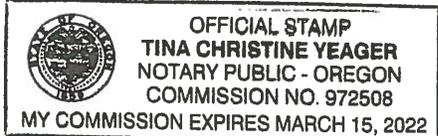
Before me: *Tina Yeager*

Tina Yeager
Notary Public for:

State of Oregon

My Commission Expires:

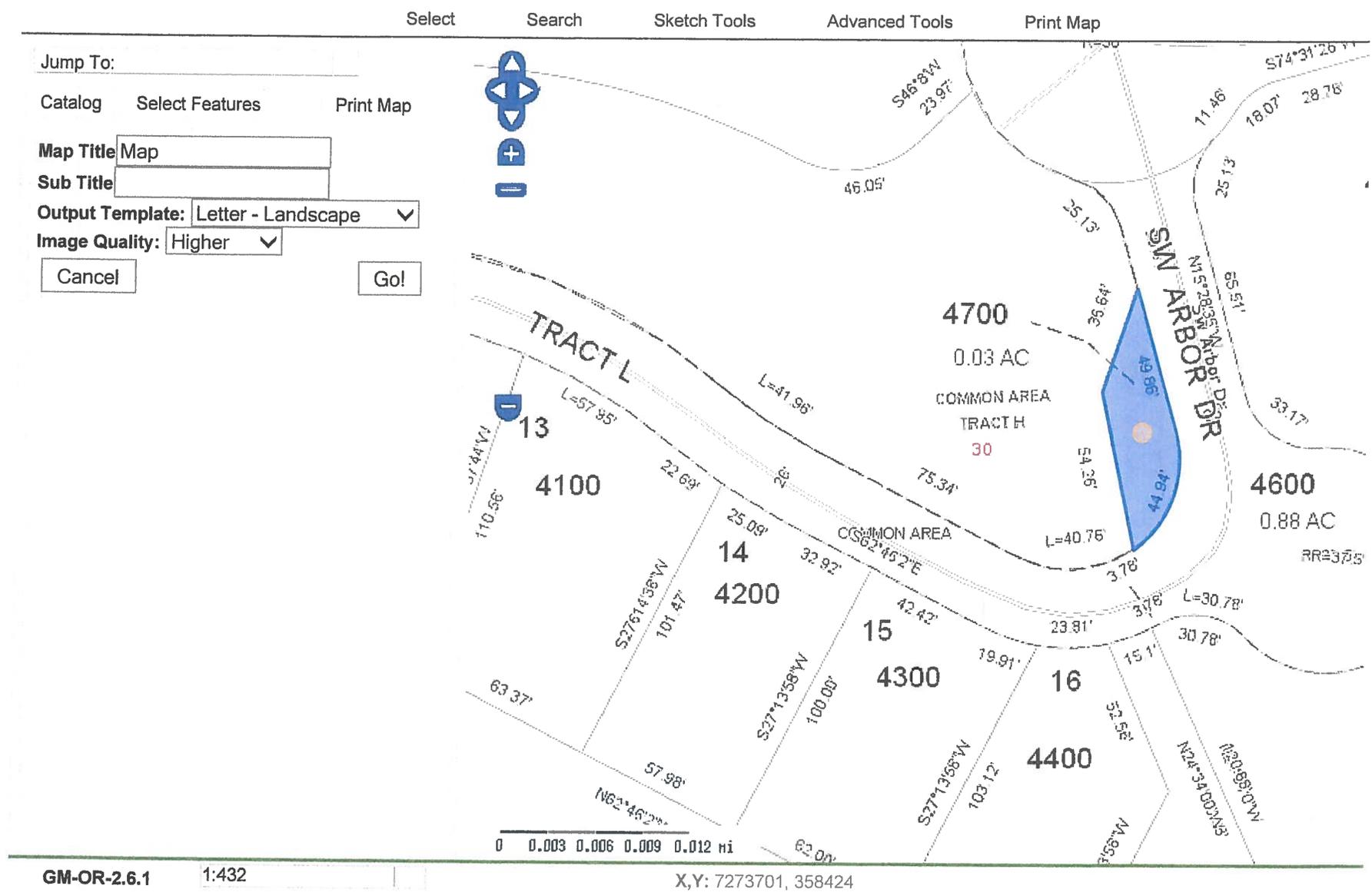
March 15, 2022



Tax Map No: 11-11-30-AA

Tax Lot No: 11-11-30-AA-04700-00

89



- 26 -

09

Select Search Sketch Tools Advanced Tools Print Map

Jump To:
Catalog Simple Taxlot Search

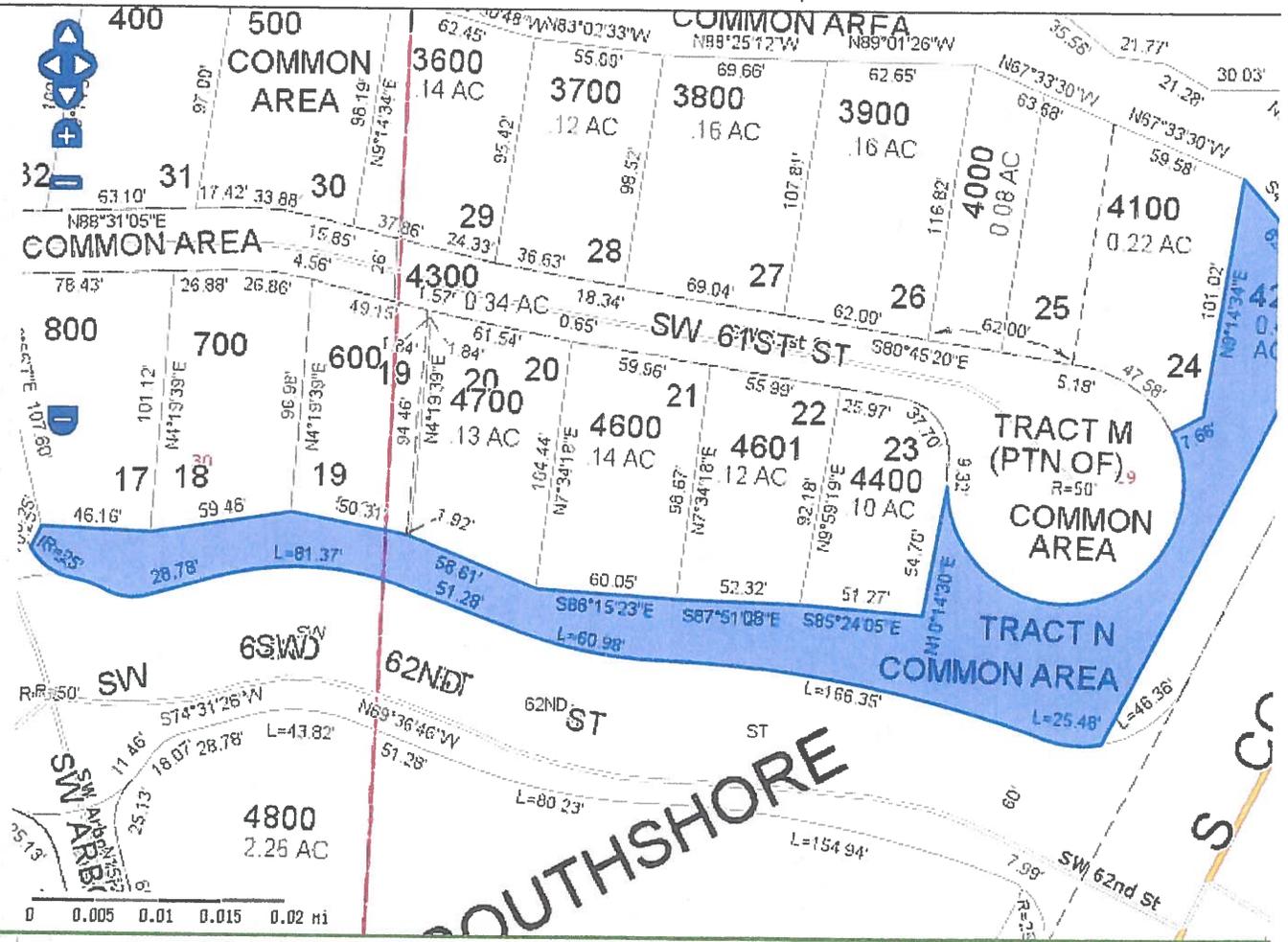
[Back](#)

Results: 1



Account #: [R507088](#)
Image: [Map Image](#)
Map Taxlot 11-11-29-BB-04200-00
Owner: SOUTHSHORE OWNERS ASSOCIATION
Mailing Add1: 220 SW 62ND ST
Mailing Add2:
Mailing Add3:
CityStateZip NEWPORT, OR 97365
Situation Address:

Disclaimer: Lincoln County government use only. Use for any other purpose is entirely at the risk of the user. Users should review the primary information sources to ascertain their usability.



GM-OR-2.6.1 1:605

X,Y: 7273938, 358737

-20-

-22-

Jump To:

Catalog Select Features

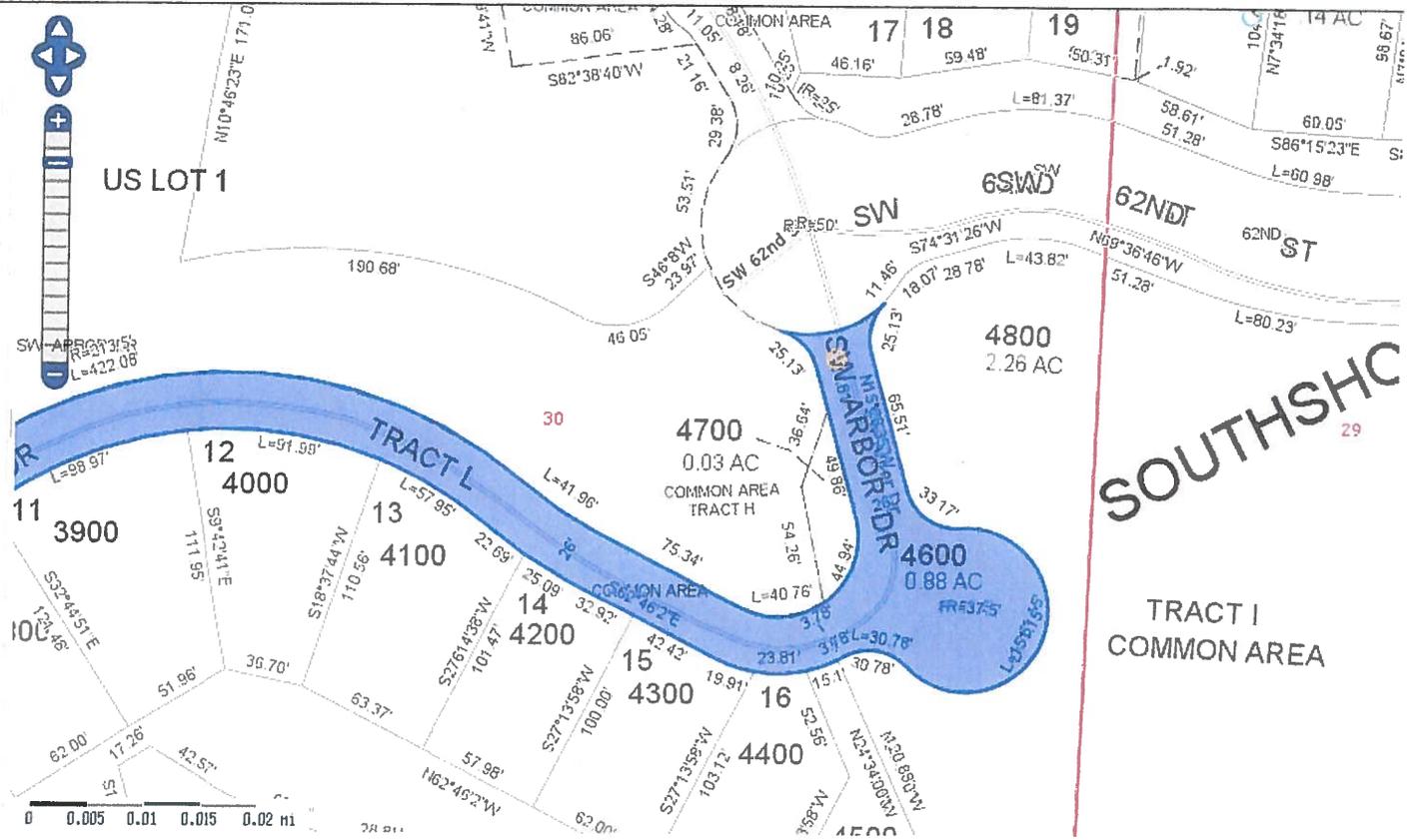
Back

Results: 1



Account #: [R507144](#)
 Image: [Map Image](#)
 Map Taxlot 11-11-50-AA-04600-00
 Owner: SOUTHSORE OWNERS ASSOCIATION
 Mailing Add1: 220 SW 62ND ST
 Mailing Add2:
 Mailing Add3:
 City/State/Zip NEWPORT, OR 97365
 Situs Address(es):

Disclaimer: Lincoln County government use only.
 Use for any other purpose is entirely at the risk of
 the user. Users should review the primary
 information sources to ascertain their usability.



December 4, 2018

W.B. WELLS & ASSOC., INC. JOB NO. 2015-094



RIGHT-OF-WAY VACATION DESCRIPTION

A PORTION OF S.W. 62ND STREET (60.00 FEET WIDE) AS DEDICATED TO THE CITY OF NEWPORT ON THE PLAT OF "SOUTHSHORE", RECORDED JULY 18, 1995 IN PLAT BOOK 15, PAGES 53 THROUGH 53D, INCLUSIVE, PLAT RECORDS OF LINCOLN COUNTY, SITUATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, CITY OF NEWPORT, COUNTY OF LINCOLN AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

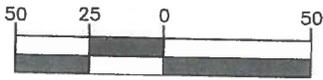
COMMENCING AT THE NORTHEAST CORNER OF TRACT 'I', OF SAID "SOUTHSHORE", ALSO BEING THE NORTHWEST CORNER OF TRACT 'O' OF SAID "SOUTHSHORE" AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.W. 62ND STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THROUGH THE FOLLOWING COURSES: ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°18'22" (LONG CHORD BEARS NORTH 59°57'36" WEST, A DISTANCE OF 7.95 FEET) AN ARC LENGTH OF 7.99 FEET TO A POINT OF COMPOUND CURVE; ALONG THE ARC OF A 470.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°53'17" (LONG CHORD BEARS NORTH 78°33'25" WEST, A DISTANCE OF 154.24 FEET) AN ARC LENGTH OF 154.94 FEET TO A POINT OF REVERSE CURVE; ALONG THE ARC OF A 250.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 18°23'17" (LONG CHORD BEARS NORTH 78°48'24" WEST, A DISTANCE OF 79.89 FEET) AN ARC LENGTH OF 80.23 FEET; SOUTH 74°31'26" WEST, A DISTANCE OF 6.98 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE RIGHT-OF-WAY LINE OF SAID S.W. 62ND STREET, THROUGH THE FOLLOWING COURSES: SOUTH 74°31'26" WEST, A DISTANCE OF 21.80 FEET TO A POINT OF CURVE; ALONG THE ARC OF 24.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 43°08'11" (LONG CHORD BEARS SOUTH 52°57'20" WEST, A DISTANCE OF 17.65 FEET) AN ARC LENGTH OF 18.07 FEET TO A POINT OF REVERSE CURVE; ALONG THE ARC OF 50.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 266°16'21" (LONG CHORD BEARS NORTH 15°28'35" WEST, A DISTANCE OF 72.97 FEET) AN ARC LENGTH OF 232.37 FEET TO A POINT OF REVERSE CURVE; ALONG THE ARC OF 24.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 43°08'11" (LONG CHORD BEARS SOUTH 83°57'29" EAST, A DISTANCE OF 17.65 FEET) AN ARC LENGTH OF 18.07 FEET; NORTH 74°31'26" EAST, A DISTANCE OF 28.78 FEET TO A POINT OF CURVE; ALONG THE ARC OF 130.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 14°32'01" (LONG CHORD BEARS NORTH 81°47'26" EAST, A DISTANCE OF 32.89 FEET) AN ARC LENGTH OF 32.98 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, SOUTH 19°52'18" WEST, A DISTANCE OF 68.46 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 10,641 SQUARE FEET

BEARINGS BASED ON THE PLAT OF "SOUTHSHORE", LINCOLN COUNTY PLAT RECORDS.



GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

LEGEND

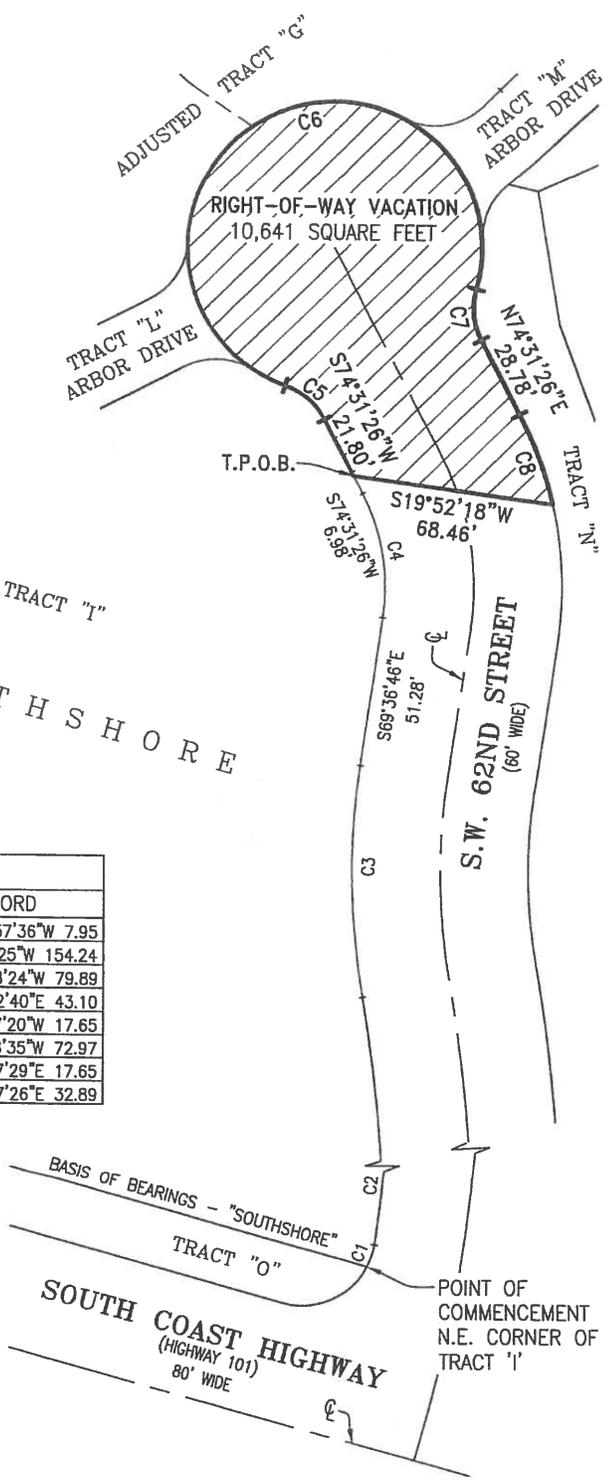
VACATION AREA



CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	18°18'22"	25.00	7.99	N59°57'36"W 7.95
C2	18°53'17"	470.00	154.94	N78°33'25"W 154.24
C3	18°23'17"	250.00	80.23	N78°48'24"W 79.89
C4	35°51'48"	70.00	43.82	S87°32'40"E 43.10
C5	43°08'11"	24.00	18.07	S52°57'20"W 17.65
C6	266°16'21"	50.00	232.37	N15°28'35"W 72.97
C7	43°08'11"	24.00	18.07	S83°57'29"E 17.65
C8	14°32'01"	130.00	32.98	N81°47'26"E 32.89

12-4-2018
REGISTERED PROFESSIONAL LAND SURVEYOR

 OREGON
 JANUARY 15, 2002
 BRETT D. BEDORE
 66839
 EXPIRES 12-31-19



RIGHT-OF-WAY VACATION SKETCH
 FOR
SOUTHSHORE DEVELOPMENT
 A PORTION OF S.W. 62ND STREET
 SITUATED IN THE NE 1/4 OF SECTION 30, T 11 S, R 11 W
 WILLAMETTE MERIDIAN, CITY OF NEWPORT,
 COUNTY OF LINCOLN, STATE OF OREGON

W.B. WELLS & Associates, Inc.
 ENGINEERS-SURVEYORS-PLANNERS
 6130 N.E. 78TH Ct., Ste. C-11
 Portland, Oregon 97218
 (503) 284-5898 fax (503) 284-8530

DRAWN BY: AMJ	CHECKED BY: BB
DATE: 11/30/18	SCALE: 1"= 50'
PLOT DATE: 12/04/18	JOB NO.: 5042-001
DWG: P:\15-094\15-094 TS-SOUTH.DWG (62ND VAC TAB)	

November 5, 2018

W.B. WELLS & ASSOC., INC. JOB NO. 2015-094



RIGHT-OF-WAY DEDICATION DESCRIPTION

A PORTION OF TRACT 'I', "SOUTHSHORE", AS RECORDED JULY 18, 1995 IN PLAT BOOK 15, PAGES 53 THROUGH 53D, INCLUSIVE, PLAT RECORDS OF LINCOLN COUNTY, SITUATED IN THE NORTHWEST QUARTER OF SECTION 29 AND THE NORTHEAST QUARTER OF SECTION 30, BOTH IN TOWNSHIP 11 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, CITY OF NEWPORT, COUNTY OF LINCOLN AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 'I', ALSO BEING THE NORTHWEST CORNER OF TRACT 'O' OF SAID "SOUTHSHORE" AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF S.W. 62ND STREET (60.00 FEET WIDE); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, ALSO BEING THE NORTHERLY LINE OF SAID TRACT 'I', THROUGH THE FOLLOWING COURSES: ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°18'22" (LONG CHORD BEARS NORTH 59°57'36" WEST, A DISTANCE OF 7.95 FEET) AN ARC LENGTH OF 7.99 FEET TO A POINT OF COMPOUND CURVE; ALONG THE ARC OF A 470.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°53'17" (LONG CHORD BEARS NORTH 78°33'25" WEST, A DISTANCE OF 154.24 FEET) AN ARC LENGTH OF 154.94 FEET TO A POINT OF REVERSE CURVE; ALONG THE ARC OF A 250.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°28'14" (LONG CHORD BEARS NORTH 82°45'56" WEST, A DISTANCE OF 45.62 FEET) AN ARC LENGTH OF 45.69 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE, LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF 40.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 41°17'51" (LONG CHORD BEARS SOUTH 81°49'16" WEST, A DISTANCE OF 28.21 FEET) AN ARC LENGTH OF 28.83 FEET; THENCE SOUTH 61°10'20" WEST, A DISTANCE OF 23.73 FEET; THENCE ALONG THE ARC OF 54.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 97°47'23" (LONG CHORD BEARS NORTH 69°55'58" WEST, A DISTANCE OF 81.38 FEET) AN ARC LENGTH OF 92.16 FEET; THENCE NORTH 21°02'16" WEST, A DISTANCE OF 16.22 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, ALSO BEING THE NORTHERLY LINE OF SAID TRACT 'I', THROUGH THE FOLLOWING COURSES: NORTH 74°31'26" EAST, A DISTANCE OF 6.98 FEET; ALONG THE ARC OF 70.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 35°51'48" (LONG CHORD BEARS SOUTH 87°32'40" EAST, A DISTANCE OF 43.10 FEET) AN ARC LENGTH OF 43.82 FEET; SOUTH 69°36'46" EAST, A DISTANCE OF 51.28 FEET; ALONG THE ARC OF 250.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 07°55'03" (LONG CHORD BEARS SOUTH 73°34'17" EAST, A DISTANCE OF 34.52 FEET) AN ARC LENGTH OF 34.55 FEET TO THE TRUE POINT OF BEGINNING.

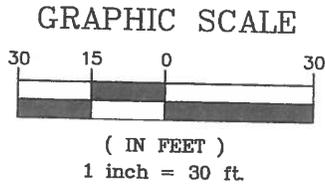
CONTAINING 3,817 SQUARE FEET

BEARINGS BASED ON THE PLAT OF "SOUTHSHORE", LINCOLN COUNTY PLAT RECORDS.

11-13-2018



EXPIRES: 12-31-19



LEGEND

 DEDICATION AREA



CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	18°18'22"	25.00	7.99	N59°57'36"W 7.95
C2	18°53'17"	470.00	154.94	N78°33'25"W 154.24
C3	10°28'14"	250.00	45.69	N82°45'56"W 45.62
C4	41°17'51"	40.00	28.83	S81°49'16"W 28.21
C5	97°47'23"	54.00	92.16	N69°55'58"W 81.38
C6	35°51'48"	70.00	43.82	S87°32'40"E 43.10
C7	07°55'03"	250.00	34.55	S73°34'17"E 34.52

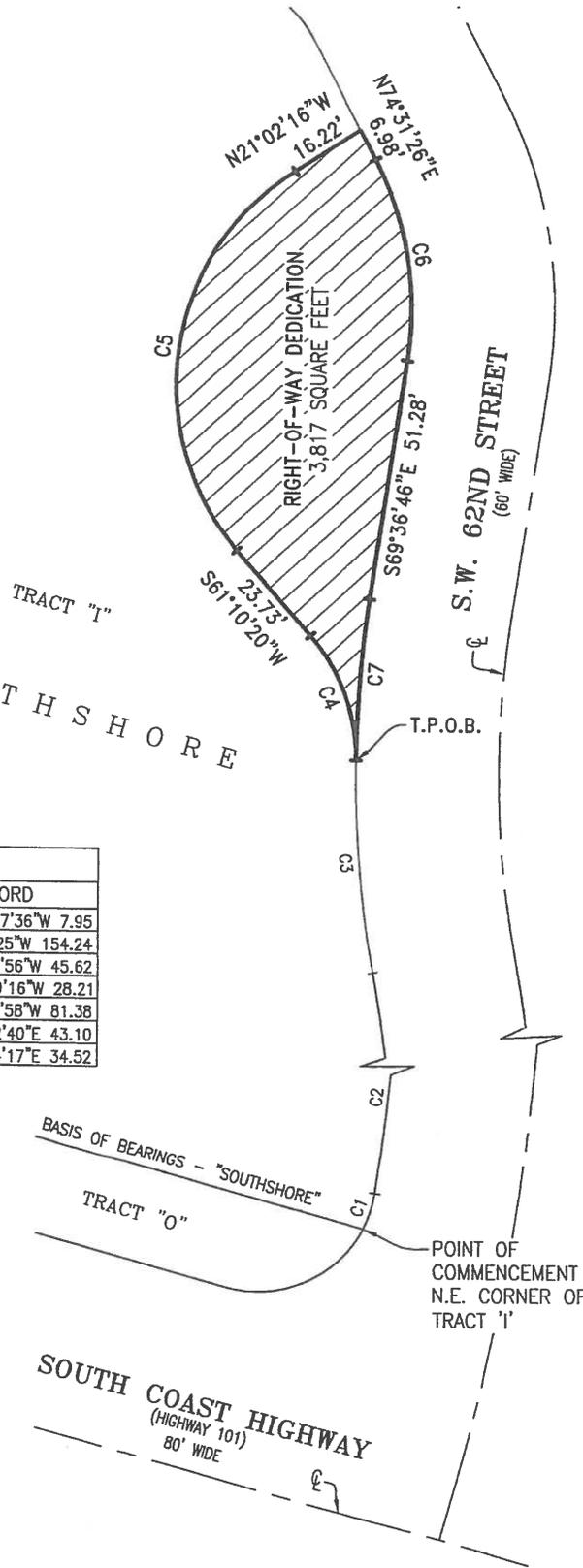
11-5-2018

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**



OREGON
JANUARY 15, 2002
BRETT D. BEDORE
66839

EXPIRES 12-31-19



**RIGHT-OF-WAY
DEDICATION SKETCH**

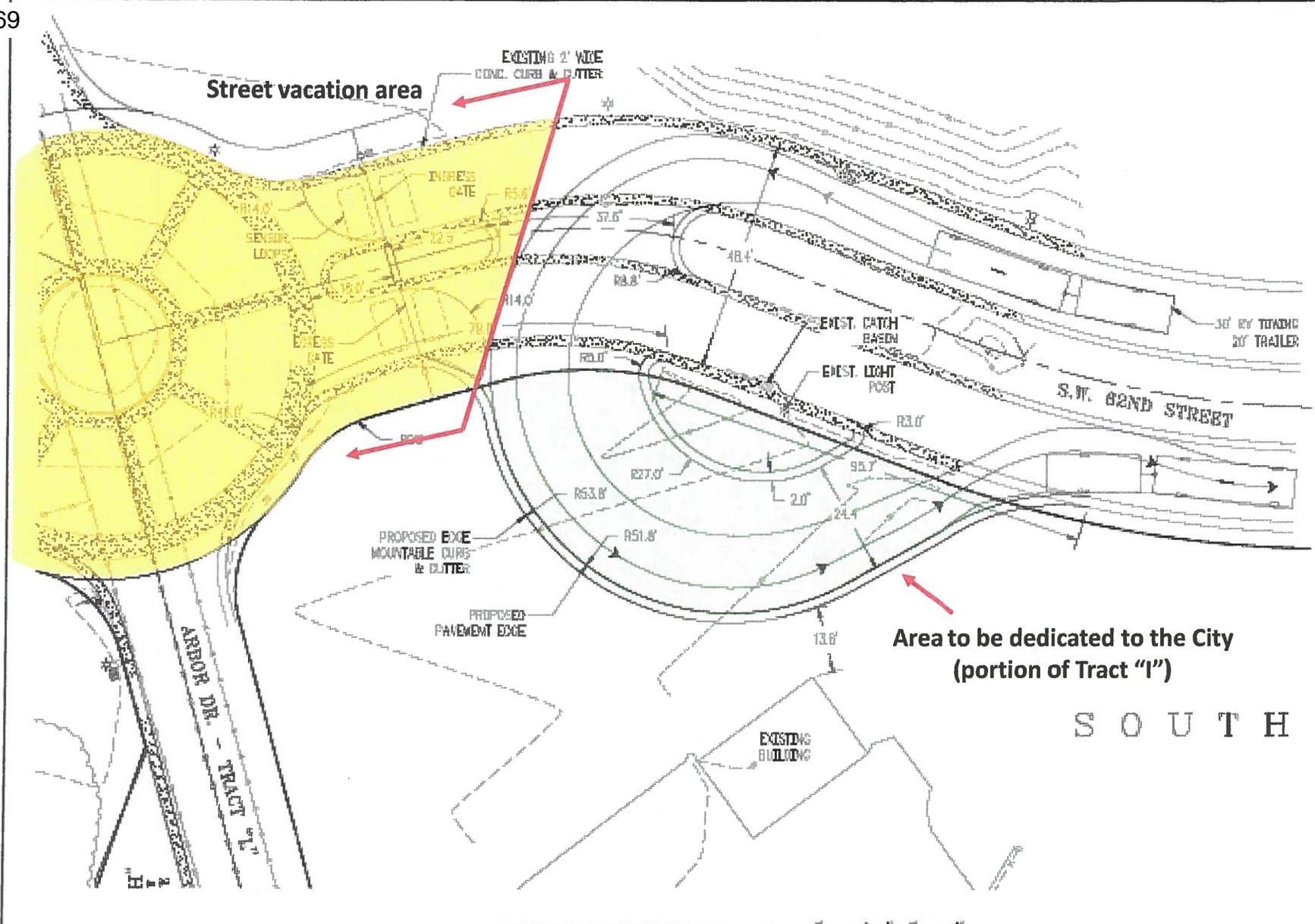
FOR
SOUTHSHORE DEVELOPMENT

A PORTION OF TRACT "I", "SOUTHSHORE"
SITUATED IN THE NW 1/4 OF SECTION 29, T 11 S, R 11 W
WILLAMETTE MERIDIAN, CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON



**W.B. WELLS
& Associates, Inc.**
ENGINEERS-SURVEYORS-PLANNERS
6130 N.E. 78TH Ct., Ste. C-11
Portland, Oregon 97218
(503) 284-5898 fax (503) 284-8530

DRAWN BY: AMJ CHECKED BY: BB
DATE: 11/05/18 SCALE: 1"= 30'
PLOT DATE: 11/05/18 JOB NO.: 5042-001
DWG: P:\15-094\15-094 TS-SOUTH.DWG (62ND DED TAB)

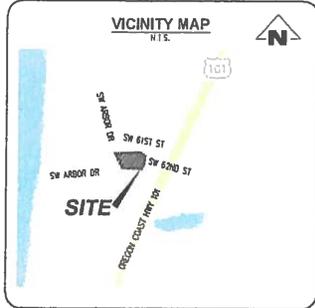
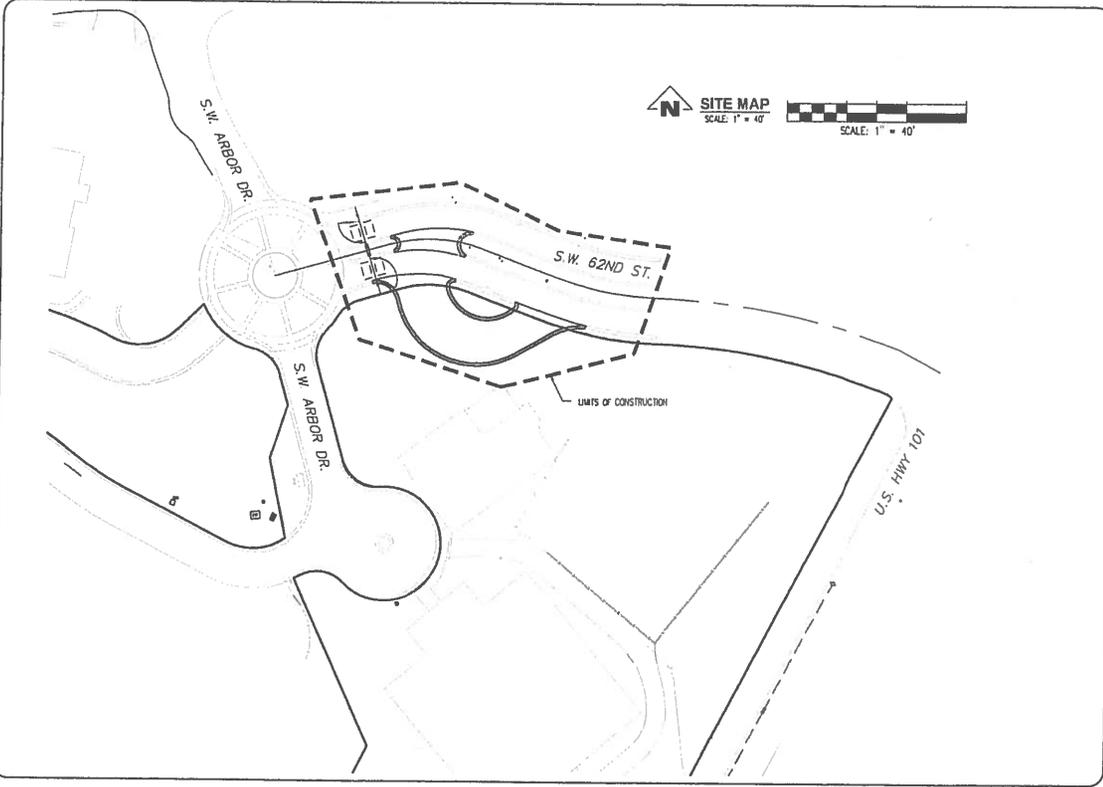


SOUTHSHORE - PAVED TURNOUT

SEC 20, 29, & 30
T11S, R 11W, W.M.
LINCOLN COUNTY, OREGON

LEGEND

- ROOK WALL
- FLOW LINE
- X-X- FENCE
- - - - - MINOR CONTOUR
- 100 MAJOR CONTOUR
- WETLAND
- - - - - SANITARY SEWER LINE
- - - - - STORM DRAIN LINE
- - - - - GAS LINE
- - - - - WATER LINE
- XOH-XOH OVERHEAD UTILITIES LINE
- - - - - UNDERGROUND UTILITIES LINE
- - - - - COMMUNICATIONS LINE
- - - - - ELECTRIC LINE
- ⊕ FIRE HYDRANT
- AIR RELEASE
- WATER BLOWOFF
- ⊕ WATER METER/SERVICE
- ⊕ WATER VAULT
- ⊕ IRRIGATION SPRINKLER HEAD
- ⊕ CULVERT / OUTFALL
- ⊕ STORM DRAIN MANHOLE
- ⊕ CATCH BASIN / AREA DRAIN
- ⊕ SANITARY SEWER MANHOLE
- ⊕ URILITY MANHOLE
- ⊕ URILITY CLEAN OUT
- ⊕ URILITY VALVE
- ⊕ URILITY VAULT
- ⊕ URILITY PEDESTAL
- ⊕ URILITY POLE
- ⊕ URILITY OUT POLE
- ⊕ URILITY OUT WIRE
- ⊕ URILITY/LIGHT POLE
- ⊕ LIGHT POLE
- ⊕ LIGHT POLE WITH ARM
- ⊕ LIGHT SIGNAL JUNCTION BOX
- ⊕ JUNCTION BOX
- ⊕ ELECTRIC METER/SERVICE
- ⊕ ELECTRIC PEDESTAL
- ⊕ ELECTRIC VAULT
- ⊕ COMMUNICATIONS PEDESTAL
- ⊕ COMMUNICATIONS VAULT
- ⊕ GAS METER/SERVICE
- ⊕ GAS PEDESTAL
- ⊕ DECIDUOUS TREE
- ⊕ EVERGREEN TREE
- ⊕ SIGN POST
- ⊕ MAILBOX



DRAWING INDEX

NO.	TITLE
1	COVER SHEET
2	SITE PLAN & NOTES
3	GRADING PLAN & NOTES
-	-
-	-
-	-

NOTICE TO EXCAVATORS:

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OUR 902-001-0010 THROUGH OUR 902-001-0000. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1867).

POTENTIAL UNDERGROUND FACILITY OWNERS

Dig Safely.
Call the Oregon One-Call Center
DIAL 811 or 1-800-332-2344

EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS	541-994-2111 Ext.8530
M-F 7am-6pm	541-994-2111
AFTER HOURS	503-464-7777
POE	866-874-2386
CHARTER	1-800-483-1000
VERIZON	1-888-624-8284
COMCAST	
NEWPORT PUBLIC WORKS	541-574-5326
M-F 7:30am-4pm	541-265-4231
AFTER HOURS	541-265-4192
LINCOLN COUNTY PLANNING	

PROJECT CONTACTS

OWNER: SOUTHSHORE OWNERS ASSOCIATION 220 SW 62ND ST. SOUTH BEACH, OR 97364 CONTACT: CHUCK MCCLAN CHUCK.MCCLAN@GMAIL.COM (503) 730-1051 (P)	CIVIL ENGINEER: EMERO DESIGN, LLC 6415 SW FALLBROOK PL. SUITE 100 SEASIDE, OR 97138 CONTACT: ERIC EVANS (503) 746-8812 (P) (503) 639-9592 (F)
---	--

ENGINEER'S NOTE TO CONTRACTOR

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE ONE PRECAUTIONARY MEASURE TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DETEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

SITE DATA

AREA: 0.50 ACRES
ZONING:
TAX MAP:
TAX LOTS:

BENCHMARK INFORMATION

NOS GEODETIC CONTROL MONUMENT "HAMILTON", A 3-3/4" BRASS DISK STAMPED "O.P.S. STATION HAMILTON 1988" IN 17 DIAMETER CONCRETE CHANGER LOCATED IN SOUTH BEACH STATE PARK, ABOUT 2 MILES SSW OF NEWPORT, ELEV=2102. NAVIG8 DATUM. ELEVATIONS SHOWN HEREON ARE NAVIG8 DATUM.

SOUTHSHORE
SEC 20, 29, 30
T 11S, R 11W, W.M.
LINCOLN COUNTY
NEWPORT, OREGON

COVER SHEET

REVISIONS

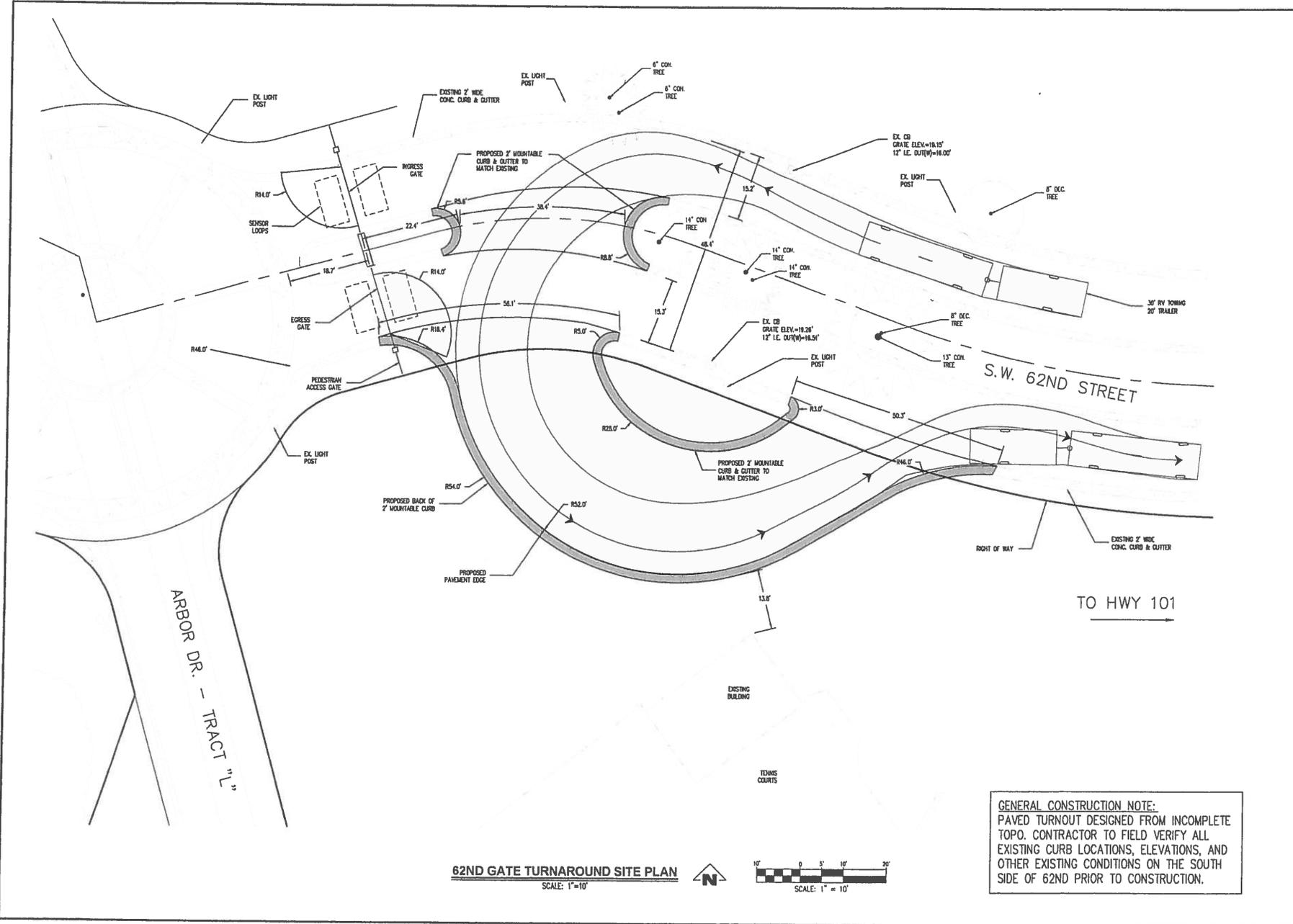
NO.	DATE	DESCRIPTION

EMERIO Design
6415 SW FALLBROOK PLACE, SUITE 100
SEASIDE, OREGON 97138
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

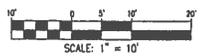
PRELIMINARY

SHEET

12



62ND GATE TURNAROUND SITE PLAN
SCALE: 1" = 10'



GENERAL CONSTRUCTION NOTE:
PAVED TURNOUT DESIGNED FROM INCOMPLETE TOPO. CONTRACTOR TO FIELD VERIFY ALL EXISTING CURB LOCATIONS, ELEVATIONS, AND OTHER EXISTING CONDITIONS ON THE SOUTH SIDE OF 62ND PRIOR TO CONSTRUCTION.

SOUTHSHORE
SEC 20, 29, 30
T 11S, R 11W, W.M.
LINCOLN COUNTY
NEWPORT, OREGON

SW 62ND ST.
GATE TURNAROUND
SITE PLAN

NO.	DATE	REVISIONS	DESCRIPTION
1			

EMERIO
Design
8445 SW FALLINGWATER PLACE, SUITE 100
BEVINGTON, OREGON 97124
TEL: (503) 837-3928
FAX: (503) 837-3922

PRELIMINARY

SHEET

P.L.P. 1/12-2017 South Shore - Newport (New) (Landscape) (Turnout) (Local St. Intersection) (SW 62ND GATE SITE PLAN) (Rev. Date: 12/21/2018 3:15 PM) by: Jacob Spahr

- 34 -

Derrick Tokos

From: Tim Gross
Sent: Monday, January 07, 2019 6:26 PM
To: Derrick Tokos; Sherri Marineau; Spencer Nebel; Robert Murphy; Michael Murzynsky; Jim Protiva; Ted Smith; Joseph Lease; Jason Malloy; Rachel Cotton
Subject: RE: Partial Street Vacation Permit - 1-SV-18

This is premature and I recommend that it be pulled from the agenda. I have not received any plans to review until these were sent to me by Derrick on Wednesday. This vacation and dedication represent a significant change to public infrastructure that requires review and approval by the City Engineer per the City Code. I think this review and approval should happen BEFORE a ROW vacation and subsequent dedication.

The documents do not provide sufficient detail on the proposed public improvement and are incomplete, therefore I will not be able to review and make recommendations until I have a complete set of drawings that fully address all of the public infrastructure issues. In particular, the public storm sewer is intermixed with private storm sewer and those issues need to be resolved before this proceeds, and the proposed roadway improvements do not appear to meet turning radius requirements, which affects the size of the proposed dedication. I recommend that this be delayed until it can be reviewed and I can provide an informed assessment if I think this is in the public best interests. If it cannot be delayed, then I would recommend denial until infrastructure issues can be addressed, at which time they can petition for vacation again.

Timothy Gross, PE
 Public Works Director/City Engineer
 City of Newport
 169 SW Coast Highway
 Newport, OR 97365
 P 541-574-3369
 F 541-265-3301
 C 541-961-5313

From: Derrick Tokos
Sent: Wednesday, January 2, 2019 3:12 PM
To: Sherri Marineau <S.Marineau@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>; Tim Gross <T.Gross@NewportOregon.gov>; Robert Murphy <R.Murphy@NewportOregon.gov>; Michael Murzynsky <M.Murzynsky@NewportOregon.gov>; Jim Protiva <J.Protiva@NewportOregon.gov>; Ted Smith <t.smith@newportlibrary.org>; Joseph Lease <J.Lease@NewportOregon.gov>; Jason Malloy <J.Malloy@newportpolice.net>; Rachel Cotton <R.Cotton@NewportOregon.gov>
Subject: RE: Partial Street Vacation Permit - 1-SV-18

This right-of-way vacation is coupled with the dedication of right-of-way and construction of a new vehicle turn around. Here are the additional documents. In short, the Southshore Owner's association would like to reduce the length of the street so they can install a single private access gate (they currently have two).

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

ph: 541.574.0626 fax: 541.574.0644
d.tokos@newportoregon.gov

From: Sherri Marineau

Sent: Wednesday, January 02, 2019 2:50 PM

To: Derrick Tokos <D.Tokos@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>; Tim Gross <T.Gross@NewportOregon.gov>; Robert Murphy <R.Murphy@NewportOregon.gov>; Michael Murzynsky <M.Murzynsky@NewportOregon.gov>; Jim Protiva <J.Protiva@NewportOregon.gov>; Ted Smith <t.smith@newportlibrary.org>; Joseph Lease <J.Lease@NewportOregon.gov>; Jason Malloy <J.Malloy@newportpolice.net>; Rachel Cotton <R.Cotton@NewportOregon.gov>

Subject: Partial Street Vacation Permit - 1-SV-18

The Planning Commission will hold a public hearing on File 1-SV-18 (partial street vacation by the Southshore Owners Association) on Monday, January 28, 2019. Attached is the public notice of this public hearing. Please review this information to see if you would like to make any comments. We must receive comments 10 days prior to the hearing in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

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

Derrick Tokos

From: Sherri Marineau
Sent: Wednesday, January 09, 2019 5:06 PM
To: Mark Ragan; Joseph Lease
Cc: Robert Murphy; Bob Harvey; Derrick Tokos
Subject: RE: Southshore Partial Street Vacation

Follow Up Flag: Follow up
Flag Status: Flagged

Mark,

Thank you for the update. I have forwarded your email to Derrick so he has your comments as well.

Sherri

From: Mark Ragan
Sent: Wednesday, January 09, 2019 4:48 PM
To: Joseph Lease <J.Lease@NewportOregon.gov>; Sherri Marineau <S.Marineau@NewportOregon.gov>
Cc: Robert Murphy <R.Murphy@NewportOregon.gov>; Bob Harvey <R.Harvey@NewportOregon.gov>
Subject: Southshore Partial Street Vacation

Hello Joseph and Sherri,

Chief Harvey and I did a site visit today (1/9/19) to the Southshore Development. At this time Fire has no issues with the partial street vacation as proposed.

Thanks,

Mark Ragan
Fire Prevention Officer
Newport Fire Department
245 NW 10th St.
Newport, OR 97365
541-574-5456



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

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, January 28, 2019, to review and make a recommendation to the Newport City Council on a partial street vacation as requested in:

File No. 1-SV-18:

Applicant: Southshore Owners Association (Leo Dobitz, representative).

Request/Subject Property: The request is for a proposed partial street vacation of the westerly 142 feet wide portion of SW 62nd Street abutting Tax lots 900, 1000, 1900, 2600, & 4700 of Tax Map 11-11-30-AA and Tax lots 4200, 4600, and 4800 of Tax Map 11-11-29-BB. (see the attached illustration of the proposed area to be vacated).

Date Request Received: December 20, 2018.

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

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

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

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

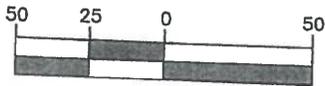
Time/Place of Hearing: Monday, January 28, 2019; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: January 2, 2018.

PUBLISHED: Wednesday, January 9, 2019; Wednesday, January 16, 2019; and Wednesday, January 23, 2019 / Newport News-Times.

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

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

LEGEND

VACATION AREA

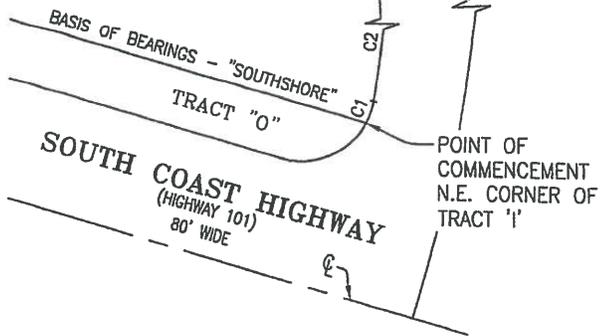


CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	18°18'22"	25.00	7.99	N59°57'36"W 7.95
C2	18°53'17"	470.00	154.94	N78°33'25"W 154.24
C3	18°23'17"	250.00	80.23	N78°48'24"W 79.89
C4	35°51'48"	70.00	43.82	S87°32'40"E 43.10
C5	43°08'11"	24.00	18.07	S52°57'20"W 17.65
C6	266°16'21"	50.00	232.37	N15°28'35"W 72.97
C7	43°08'11"	24.00	18.07	S83°57'29"E 17.65
C8	14°32'01"	130.00	32.98	N81°47'26"E 32.89

12-4-2018
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brett D. Bedore
OREGON
JANUARY 15, 2002
BRETT D. BEDORE
66839

EXPIRES 12-31-19



RIGHT-OF-WAY
VACATION SKETCH

FOR
SOUTHSORE DEVELOPMENT

A PORTION OF S.W. 62ND STREET
SITUATED IN THE NE 1/4 OF SECTION 30, T 11 S, R 11 W
WILLAMETTE MERIDIAN, CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON



W.B. WELLS
& Associates, Inc.
ENGINEERS-SURVEYORS-PLANNERS
6130 N.E. 78TH Ct. Ste. C-11
Portland, Oregon 97218
(503) 284-5896 fax (503) 284-8530

DRAWN BY: AMJ	CHECKED BY: BB
DATE: 11/30/18	SCALE: 1"= 50'
PLOT DATE: 12/04/18	JOB NO.: 5042-001
DWG: P:\15-094\15-094 TS-SOUTH.DWG (62ND VAC TAB)	

BRUTKE ROBERT W TRUSTEE &
BRUTKE VICKIE J TRUSTEE
139 SE J ST
SUITE B
GRANTS PASS, OR 97526

BUCHKO GERALD A
PO BOX 697
SOUTH BEACH, OR 97366

CAILLIER BRUCE W TSTEE &
CAILLIER SHARON M TSTEE
5820 SW ARBOR DR
SOUTH BEACH, OR 97366

FRIEDLI RONALD &
FRIEDLI LESIL LYN
145 SW 61ST
SOUTH BEACH, OR 97366

LAMPI FAMILY LLC &
LAMPI KIRSTEN &
TOMITA TATSUO
29091 LAKESIDE DR
CORVALLIS, OR 97333

PUENTES PHILLIP J TRUSTEE &
PUENTES DENISE TRUSTEE
6971 RIESLING WAY SE
SALEM, OR 97306

SIMS BRETT &
SIMS KAREN J &
SIMS SHANE P & ALMA A
16370 SW STAHL DR
TIGARD, OR 97223

SOUTH SHORES DEVELOPMENT LLC
4809 S COAST HWY
SOUTH BEACH, OR 97366

WOLZ LORRAINE MARSTON &
WOLZ FRANK ANDREW
5722 E CORRINE DR
SCOTTSDALE, AZ 85254

DOBITZ LEO
245 SW 60TH LOOP
SOUTH BEACH, OR 97365

SOUTHSHORE OWNERS ASSOCIATION
220 SW 62ND ST
NEWPORT, OR 97365

Exhibit "A"
Adjacent Property Owners

File No. 1-SV-18

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

*Email: Lisa Phillips
DLCD Coastal Services Center
lisa.phillips@state.or.us*

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

**ODOT REGION 2 MANAGER E-MAIL:
ODOTR2PLANMGR@ODOT.STATE.OR.US
DO NOT SEND NOTICES TO SONNY Per ODOT
Sonny.P.CHICKERING@odot.state.or.us**

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

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

**NW Natural
ATTN: Dave Sanders
1405 SW Hwy 101
Lincoln City, OR 97367**

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

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

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

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

**OREGON DEPT OF PARKS & REC
725 Summer St. N.E. Suite C
Salem, OR 97301**

**PORT OF NEWPORT
ATTN: KEVIN GREENWOOD
600 SE BAY BLVD
NEWPORT OR 97365**

**Ted Smith
Library Director**

**Tim Gross
Public Works**

**Rob Murphy
Fire Chief**

**Jason Malloy
Police Chief**

**Mike Murzynsky
Finance Director**

**Joseph Lease
Building Official**

**Spencer Nebel
City Manager**

**Rachel Cotton
Associate Planner**

**EXHIBIT 'A'
Affected Agencies**

**Jim Protiva
Parks & Rec.**

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

The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, January 28, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on a proposed partial street vacation (File No. 1-SV-18) submitted by the Southshore Owners Association (Leo Dobitz, representative). The request is for a proposed partial street vacation of the westerly 142 feet wide portion of SW 62nd Street abutting Tax lots 900, 1000, 1900, 2600, & 4700 of Tax Map 11-11-30-AA and Tax lots 4200, 4600, and 4800 of Tax Map 11-11-29-BB. Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included, as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON Wednesday, January 9, 2019; ONCE ON Wednesday, January 16, 2019; and ONCE ON Wednesday, January 23, 2019.)

David bests Goliath as Taft pi

BY RICK BEASLEY
Of the News-Times

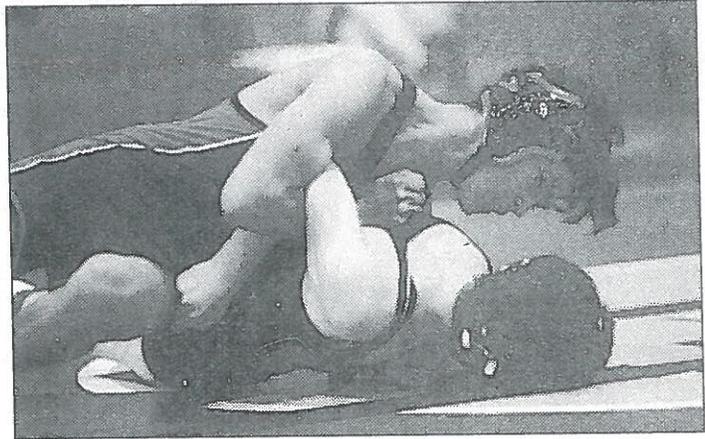
MONMOUTH — David beat Goliath, again.

While the 39-38 victory over 5A-brute Central High School was hardly Biblical, the Jan. 19 win confirmed that 3A-sized Taft can work miracles against much

bigger opponents.

Coach Robb Ellis credits the depth of his 20-member Tiger team for the spectacular performance, made all the more miraculous by the absence of team standouts Cody Knott (20-1) and Devon Lindquist.

Among the standouts in the duels at Monmouth was



Taft grappler Jose Flores defeated three opponents in a dual match against Central on Jan. 19. (Photo by Lon French)

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PAUL B
ATTOR

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Yaquina Bay Property Management, Inc.

Residential & Commercial
Homeowners' Associations

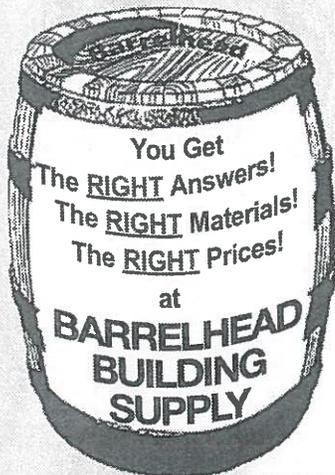
Lee Hardy

Principal Broker
(541) 265-3537
1-800-895-7170

146 S.E. 1st
Newport, Oregon 97365

BARRELHEAD BUILDING SUPPLY

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Trust
- Every Day!

Lincoln
County's
oldest locally
owned
building supply
company

3551 SE FERRY SLIP RD.
SOUTH BEACH
541-867-7681



1/23/19

PUBLIC NOTICES

LEGAL DEADLINES:

WEDNESDAY
EDITION:
5:00pm Thursday
Prior

FRIDAY
EDITION:
5:00pm Tuesday
Prior

NOTICE OF SHERIFF'S SALE #18-2063

On February 5, 2019, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 145 SW Highway 101, Waldport, OR 97391. The court case number is S56172, S56173, S56175, S56176, S56178, S56179, S56180, S56181, S56182, S56183, S56184, S56185, S56186, S56187, S56188, S56191, S56192, S56193, S56194, S56195, S56198, S56196, S56197, S56199, S56200, S56201, S56202, S56203 and S56204. City of Waldport, plaintiff(s) vs. Frank S. Gargas Jr. defendant(s). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregon-sheriffssales.org/county/lincoln/> J-02, J-09, J-16, J-23 (23-23).

NOTICE OF SHERIFF'S SALE #18-2072

On February 5, 2019, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be

sold, subject to redemption, in the real property commonly known as: 515 NW Inlet Avenue, Lincoln City, Oregon. The court case number is 18CV06573, Executive Investments, a Washington general partnership comprised of Begum Steiner and Shirmeen Panju (fka Shirmeen Ratanshi), plaintiff(s) vs. Man Sung Cho (aka Scott Cho), et al. defendant(s). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregon-sheriffssales.org/county/lincoln/> J-02, J-09, J-16, J-23 (24-23).

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

The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, January 28, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on a proposed partial street vacation (File No. 1-SV-18) submitted by the Southshore Owners Association (Leo Dobitz, representative). The request is for a proposed partial street vacation of the westerly 142 feet wide portion of SW 62nd Street abutting Tax lots 900, 1000, 1900, 2600, & 4700 of Tax Map 11-11-30-AA and Tax lots 4200, 4600, and 4800 of Tax Map 11-11-29-BB. Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included, as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above). J-09, J-16, J-23 (32-23)

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Monday's matchup.
After starting the season off with two losses in its first three games, Siletz Valley has settled into a groove with its first-year head coach and has its eyes set on a trip to Baker for the 1A state tournament.
"The boys are playing well," Worman said. "I had to overcome being a new coach, get them to gel together. They understand me, I understand them, we are starting to work as a tight unit. We do a lot of non-basketball activities together to build that family environment. The boys want to win, I want to win and we want to do it together. We are a team that people need to watch out for — at least I think so."

The Poop Thief

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Your yard can be stink free for the price of just a couple of mochas a week!
Weekly, Biweekly, Bimonthly, One Time, Gift Certificate, For A Party, Seasonal Cleanup & More.

ADVERTISE YOUR PET BUSINESS HERE!
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541-265-8571

PUBLIC NOTICES

LEGAL DEADLINES:

WEDNESDAY EDITION:
5:00PM
Thursday Prior

FRIDAY EDITION:
5:00PM
Tuesday Prior

NOTICE TO INTERESTED PERSONS
In the Circuit Court of the State of Oregon for the County of Lincoln

Case No. 18PB09103
In the Matter of the Estate of Charlotte May Buckner, Deceased.
Notice is hereby given that Charlotte May Buckner died August 10, 2018, and that by order of the above entitled Court, the undersigned has been appointed Personal Representative.
All persons having claims against the Estate are required to present them to the Personal Representative at 693 Chemeketa Street NE, Post Office Box 2247, Salem, Oregon 97308-2247, within four months after the date of first publication of this notice or said claims may be barred.

All persons whose rights may be affected by this proceeding are advised that additional information may be obtained from the records of the Court, the Personal Representative, or the attorneys for the Personal Representative.
Victoria Gagnon
Personal Representative
Sherman, Sherman, Johnnie & Hoyt, LLP
Attorneys for Personal Representative
693 Chemeketa Street
Post Office Box 2247
Salem, Oregon 97308-2247
D-26, J-02, J-09 (21-09).

NOTICE OF SHERIFF'S SALE #18-2063

On February 5, 2019, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property

commonly known as: 145 SW Highway 101, Waldport, OR 97391. The court case number is S56172, S56173, S56175, S56176, S56178, S56179, S56180, S56181, S56182, S56183, S56184, S56185, S56186, S56187, S56188, S56191, S56192, S56193, S56194, S56195, S56198, S56196, S56197, S56199, S56200, S56201, S56202, S56203 and S56204., City of Waldport, plaintiff(s) vs. Frank S. Gargas Jr. defendant(s). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregon-sheriffssales.org/county/lincoln/>
J-02, J-09, J-16, J-23 (23-23).

NOTICE OF SHERIFF'S SALE #18-2072

On February 5, 2019, at the hour of 10:00 a.m., at the Lincoln County Sheriff's Office, 225 W Olive St., Rm 203, in the City of Newport, Oregon, the defendant's interest will be sold, subject to redemption, in the real property commonly known as: 515 NW Inlet Avenue, Lincoln City, Oregon. The court case number is 18CV06573, Executive Investments, a Washington general partnership comprised of Begum Steiner and Shirmeen Panju (fka Shirmeen Ratanshi), plaintiff(s) vs. Man Sung Cho (aka Scott Cho), et al. defendant(s). This is a public auction to the highest bidder for cash or cashier's check, in hand. For more details go to <http://www.oregon-sheriffssales.org/county/lincoln/>
J-02, J-09, J-16, J-23 (24-23).

PROPOSALS LINCOLN COUNTY WILL RECEIVE PROPOSALS FOR THE FOLLOWING: ENGINEERING SERVICES NORTH BEAVER CREEK BRIDGE REPLACEMENT SEAL ROCK, OR

Proposals will be accepted until 2:00 pm, February 6, 2019 at the office of Lincoln County Public Works, 880 NE 7th Street, Newport, Oregon, 97365. Project information packets may be obtained at the office of Lincoln County Public Works, 880 NE 7th Street, Newport, Oregon, 97365 or on the County's website:

www.co.lincoln.or.us/publicworks (under RFPs/RFOs/BIDS)

Proposals shall be mailed or delivered to the Office of Lincoln County Public Works, 880 NE 7th Street, Newport, OR 97365. Emailed submissions can be made before the date noted above to: jhodge@co.lincoln.or.us
Proposals must be clearly marked "Request for Proposal for Engineering Services, North Beaver Creek Bridge Replacement. The Board of County Commissioners reserves the right to reject any or all proposals, to waive minor irregularities, and to select the proposal which best matches the needs of Lincoln County for this project.
Dated: 1/2/2019 LINCOLN COUNTY PUBLIC WORKS
Steve Hodge
Steve Hodge, P.E.
County Engineer
J-09, J-16 (30-16)

PUBLIC SALE

Safe-Lock Storage located at 3639 SE Ash St, South Beach, OR 97366 will hold a public foreclosure sale

on Saturday, January 26 at 10:00 AM. Personal property of the following people will be sold:
B16 - Scott Hamrick
C03 - Michelle Lee
C34 - Deanna Wanke
D03 - Carl Johnson
F10 - Jared Dunmire
G17 - Bradley Martin
H14 - Virginia Smith
J03 - Michael Nelson
K01 - Karin Peterson
K15 - Daisy Neilson
T09 - Walter Houck
T18 - Jesse Hanlin
The persons mentioned above may contact us prior to the sale at (541) 867-4607.
J-09, J-11, J-16, J-18 (31-18).

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

The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, January 28, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on a proposed partial street vacation (File No. 1-SV-18) submitted by the Southshore Owners Association (Leo Dobitz, representative). The request is for a proposed partial street vacation of the westerly 142 feet wide portion of SW 62nd Street abutting Tax lots 900, 1000, 1900, 2600, & 4700 of Tax Map 11-11-30-AA and Tax lots 4200, 4600, and 4800 of Tax Map 11-11-29-BB. Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts

thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included, as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file mate-

rials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).
J-09, J-16, J-23 (32-23)

BOARD NOTICE

The Central Lincoln PUD Board of Directors will hold two back to back executive sessions in accordance with ORS 192.660(2)(a) "to consider the employment of a public officer, employee, staff member or individual agent". The first is scheduled Tuesday January 15, 2019 from 8am to 5pm and the second is scheduled Wednesday January 16, 2019 from 8am to 2pm. The two executive sessions will be followed by a regular board meeting beginning at 2pm. on Wednesday January 16, 2019, and all three meetings will be held at the Newport Office, located at 2129 N. Coast Hwy. Recently elected Board members will be sworn in, elect officers for 2019, approve bank signing authority, set board meeting dates and locations for 2019, authorize Board members to attend meetings & workshops in 2019, review governance policies; hear a report on property & liability insurance, as well as an update from Lobbyist Tom Barrows. The Board will discuss other business as it arises after publication of this notice. To review the meeting agenda, go to clpd.org.
J-09 (33-09).

FORECLOSURE SALE

Saturday Jan. 12 at 12:00 noon, at Depoe Bay storage 440 E Collins, Depoe Bay.
Unit # 42 shyann Gallimore, #28 James Gallimore, #22 & 24 Tawny Jenkins, 541-765-2353 for more info.
J-09, J-11 (34-11).

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(1/9/19)

VACATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

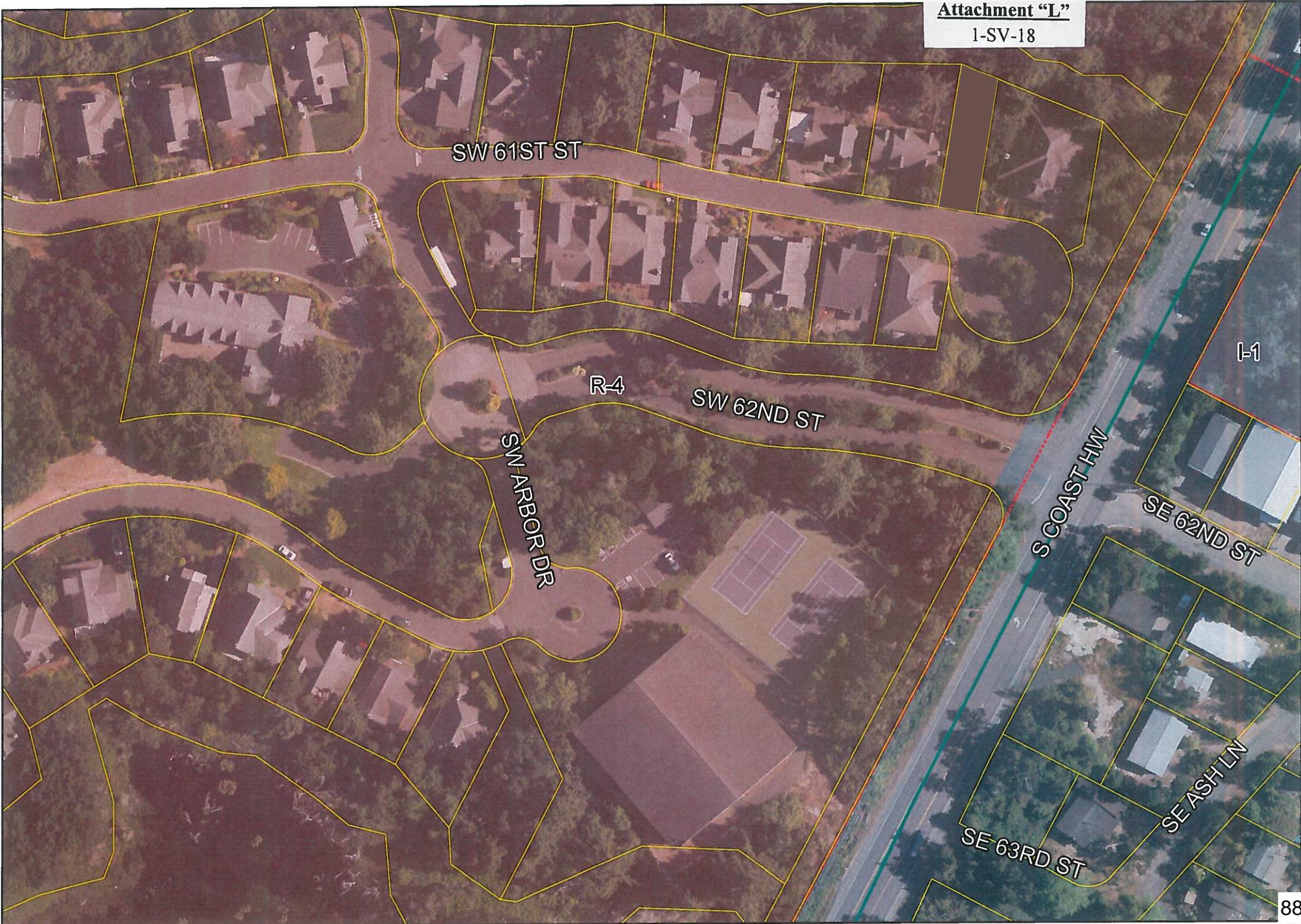
(2) Notice of the pendency of the petition, containing a description of the area sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to expiration of such 30-day period in a newspaper of general circulation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

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

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

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

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



I-1

R-4

SW 61ST ST

SW 62ND ST

SW ARBOR DR

S COAST HW

SE 62ND ST

SE 63RD ST

SE ASH LN

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