PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, March 27, 2023 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

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

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

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

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1. CALL TO ORDER AND ROLL CALL

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

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Regular Session Meeting Minutes of March 13, 2023.
Draft PC Reg Session Minutes 03-13-2023

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. 1-CUP-23 / 1-ADJ-23 (Continuation): Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.
Staff Memorandum
Letter from Applicant's Representative Denny Han, dated 3/20/23
Applicant's Revised Plan Site Plan and Elevation Drawings, received 3/21/23
Additional Public Testimony (various dates)
Record File From March 13, 2023 Public Hearing
Lynn Baker Public Testimony 3-24-2023
Cristi Farrell Public Testimony 3-27-2023
David Malone Public Testimony 3-27-2023
Margo Stark and Gerald Best Public Testimony 3-27-2023
Janine LaFranchise Public Testimony 3-27-2023
Wendy Engler Public Testimony 3-27-2023
Beverly Smith Public Testimony 3-20-2023

5.B File No. 1-NCU-23: Nonconforming Use Permit to Build a 9-ft Diameter 40-ft Tall Enclosed Flare at the NW Natural LNG Plant.
Staff Report
Attachment A - Application Form
Attachment A-1 - Applicant's Narrative
Attachment A-2 - County Assessor Information
Attachment A-3 - Location and Site Plan, Norwest Engineering, dated 2/14/23
Attachment A-4 - Site Plan & Aerial, Norwest Engineering, dated 2/9/23
Attachment A-5 - Plan View Drawing, Norwest Engineering, dated 2/9/23

Attachment A-6 - Elevation Drawing, Norwest Engineering, dated 2/9/23
Attachment A-7 - Model View of Flare, Norwest Engineering, dated 2/9/23
Attachment B - Zoning Map of the Area
Attachment C - Public Hearing Notice and Map

5.C File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23: Fisherman's Wharf Tentative Subdivision Plan, Variance, and Geologic Permit.
Staff Report
Attachment A - Application by AKS Engineering & Forestry, dated February 2023
Exhibit A - Application Forms and Checklists
Exhibit B - 11x17 Copy of Subdivision Plans, Civil Construction Set, received 9/23/19
Exhibit C - Lincoln County Assessor's Maps
Exhibit D - 200-Foot Notification List
Exhibit E - Service Provider Letters
Exhibit F - Subdivision Guarantee Report
Exhibit G - Geotechnical Investigation, by Foundation Engineering, dated 2/14/23
Attachment B - Zoning Map
Attachment C - Utility and Existing Terrain Map
Attachment D - Notice of Public Hearing and Map
Attachment E - Letter from Scott and Mary Rogers, dated 3/9/23
Attachment F - Email from Clare Paul, Asst. City Engineer, dated 3/16/23 with attached letter of 6/4/18 Confirming the Adequacy of Public Services
William Chadwick Public Testimony - 03-24-23
Teresa Atwill Public Testimony - 03-27-23

6. NEW BUSINESS

7. UNFINISHED BUSINESS

7.A Planning Commission Work Program Update.
PC Work Program 03-24-23

8. DIRECTOR COMMENTS

9. ADJOURNMENT

***Draft* MINUTES**
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
March 13, 2023

Planning Commissioners Present: Bill Branigan (*by video*), Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike (*by video*), and Marjorie Blom.

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

1. Call to Order & Roll Call. Vice Chair Berman called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, Berman, Hanselman, East, Escobar, Updike, and Blom were present.

2. Approval of Minutes.

A. Approval of the Planning Commission Regular Session Meeting Minutes of February 27, 2023.

MOTION was made by Chair Branigan, seconded by Commissioner East to approve the Planning Commission Regular Session meeting minutes of February 27, 2023 with minor corrections. The motion carried unanimously in a voice vote.

3. Action Items. None were heard.

4. Public Comment. None were heard.

5. Public Hearings. At 7:02 p.m. Vice Chair Berman opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Commissioners Hanselman, East, and Berman reported site visits. Berman called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. File No. 1-CUP-23 / 1-ADJ-23: Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.

Tokos acknowledged the public testimony received after the hearing packet was published from Charlotte Boxer, Jon Baker of the Bay View Condo Association, Adirana Buer, Elizabeth Reyes with Family Promise of Lincoln County, Gervacio Castillo, Mary Young with Latta's Fused Glass, Tom Briggs, and Karla Clem with the Pacific Community Health District Foundation. Tokos shared a zoning map of the Bayfront from 2018 noting that the Apollos building had be demolished in 2020. He then shared an image from 2021 of the terrain elevations, and the water and wastewater lines to the property. Tokos reviewed the images of the plans for the new development that included commercial spaces and parking areas on the first floor, and hotel space on the second and third floors. He then shared an illustration of the proposed retaining wall location.

Tokos reviewed the staff report with the Commission and explained what the request was and what the approval criteria would be. He covered the setbacks, retaining wall, and parking district

considerations. Tokos then went over the compact parking considerations. He reported that the fire access had been approved by the Fire Department. Tokos reviewed the conditional use permit criteria, the considerations for the characteristics of the historic Bayfront, and the overall mass and scale of the hotel. Blom asked if the Landing hotel was located on the Bayfront. Tokos confirmed it was and reported that it was in the W-2 zone as well.

Tokos reported they received public comment requesting a traffic impact analysis be done. This project didn’t hit the specific threshold of 500 average daily trips (ADTs) needed before a traffic impact analysis was required. They were also below the 50 PM peak hour trips as well. Berman asked for an explanation of how this project fell under the 50 PM peak hours. Tokos explained that they used the Institute of Traffic Engineers trip generation ratios for different uses which included a breakdown of the vehicle trips that were generated and how this use fell under the threshold for the 500 ADTs and 50 pm peak hours.

Tokos noted the public comment request for a parking study and a business feasibility study wasn't required by the code. Tokos thought that if the Commission approved the request they should include the conditions listed on the staff report. Tokos noted the plans that were submitted weren't construction plans and they would have to meet all the building and fire codes for permitting. They would also need to address the retaining wall and the parking for guests.

Berman asked Tokos to discuss the relationship between the allowed allowance the on street parking that they were getting credit for, and the upcoming metering of both of the streets there. Tokos reported the city was moving forward with metering in the Bayfront which was a combination of meter only, meter permit, and timed permit limitations, depending upon the location of where you were at. The area by the hotel would be meter only from 11 am to 7 pm, from May to October. The off season would be metered only on the weekends only from November to April. Tokos noted that the Abbey St parking would be a metered permit area. The city was working on wrapping up the contract with the chosen vendor and the Advisory Committee to get these changes implemented this in late spring or early summer. These changes did not apply to private parking areas such as at Ripley's, and there was nothing in the rules to require that the hotel charge guests a fee to use their parking areas. Blom asked if the applicant would have to provide ADA parking. Tokos confirmed they did and were providing two that were close to the elevator.

East asked if they didn’t do the six foot retaining wall and just rebuilt the existing one, would it increase the space by six feet allowing them to use the existing landscape to offset that requirement, and allow them to expand some of the compact parking. Tokos noted the depth of the stalls wasn't the issue here, it was more about the width of the stalls. East asked if the Fire Department had any problems with access if they built the six foot retaining wall. Tokos confirmed this was correct because they would have nine feet clearance between the wall and the building proper.

Hanselman asked if most of the businesses on the Bayfront didn’t have off street parking on their properties. Tokos couldn't think of any that provided all the required parking. He explained there were a number of businesses that had no off street parking, particularly those that were on the bay side of Bay Boulevard. Tokos noted that he thought that Clearwater Restaurant bought a lot to use for additional parking as a private lot. Escobar didn’t think that was correct and questioned if Clearwater purchased the property. Tokos clarified that he didn't know for certain if it was purchased by Clearwater, but knew that the property was acquired to use for parking. He noted they weren’t required to have the lot for parking.

Hanselman asked if this development was required to have off street parking. Tokos confirmed they were. Hanselman asked how many spaces were required. Tokos noted that the parking code stated that where there was an existing use, whatever the existing parking arrangement was for that existing use was what it was set as. They would then need to provide off street parking for whatever the additional impact or demand was. Tokos noted the existing use was assessed for the Apollos building that was torn down two years earlier, and for the restaurant and gallery building that was still there, but the businesses that had ceased over two years prior. The applicants were asking for an adjustment so they didn't have to have all of the parking on private property and count some on the public space. They were proposing that the needs of the hotel be addressed with their 46 off street parking spaces, which would then still leave them with an additional 17 spaces that would be accommodated in the public space if the adjustment was approved. Or, the Commission could say they had to provide 100 percent of the parking, less five spaces, because they were in the parking district. Blom asked if they were looking at this as if there wasn't any parking there. Tokos noted the applicant had to come in assuming that the Apollos, the restaurant and the gallery were no longer existing uses, and to have all of their parking off-street and treat it as a blank slate. What they were proposing was to provide 46 spaces off street spaces, and have 17 spaces that were accommodated on the street. This would get them a 70/30 split on parking, which was less of an impact to what was there before. Tokos noted that they had a sense of the congestion in the area because of the past use. He thought the Commission should consider the prior uses when they were thinking about the relative congestion on the Bayfront.

Hanselman thought it was fair to say that most businesses on the Bayfront provided some off street parking, but most rely on public parking on the street. He pointed out that this project wasn't asking for something that wasn't already being given to existing businesses. Hanselman noted there were businesses that didn't have off street parking spaces but paid the parking district fees. Tokos confirmed that businesses had to pay a business licenses surcharge for the parking district which was intended to go away once the meters were implemented. The fees were based on the number of employees they had and were a few hundred dollars a year. Hanselman asked if the 30 percent reduction was within their right and was acceptable to the city's ordinances. Tokos explained they had a right to ask for an adjustment up to 40 percent before it became a variance. He thought they needed to look at what the impact was versus what was there before. Tokos thought this was a reasonable way to look at it to say that it was consistent with the mix of public/private parking they saw on the Bayfront. He pointed out the developer would be providing more parking than the prior use.

Escobar noted that the businesses that were there prior were different types of businesses. These were restaurants, galleries, and dance halls which didn't operate at the same time of the day. Tokos thought that was fair and pointed out that Apollo's was almost 36 parking spaces per the ratios and was the biggest part of the 49 trips for the existing use. Escobar pointed out the parking behind Apollo's wasn't used. Tokos acknowledged this and pointed out they needed to look at hotels being lodging. Most guests were gone by 11 am before the meters kicked in and then the checked in between 3 to 4 pm.

Escobar asked if compact spaces widths were different from regular spaces. Tokos reported the compact stalls would be 7.5 feet at the narrowest width. The applicant wasn't proposing a depth reduction, only a width reduction. Berman asked how many stalls there would be if the compact stall variance wasn't granted. Tokos explained that this would be on the applicant to provide a revised plan for the parking. If they went that route the Commission should direct the applicant to provide details and do a continuation of the hearing.

Berman noticed that they had four ADA rooms and only two ADA parking spaces. He asked if each room was required to have an ADA parking space. Tokos understood that the Specialty Code keyed the number of ADA spaces off of the number of parking spaces that were required. He would have to take a look at this, and if there was another requirement they would have to address it. Berman reported that he found in the Specialty Code where it said that there needed to be one ADA parking space provided for every sleeping unit. He thought this needed clarification.

Updike noted there was a restriction of the square footage of the ancillary enclosure above the 35 foot level and asked if there was a restriction on the height of it. He also wanted to know if there was a screening requirement for HVAC and other equipment on roof. Tokos reported the relative height of this couldn't exceed the height allowance by more than 20 percent and they were within this. There were also no screening requirements for the enclosure. Berman pointed out that the hospital had a screening requirement. Tokos explained that was a deviation approval for the hospital to go with a larger enclosure than what they would otherwise be permitted to do because of the nature of their facility. Hanselman asked if the applicant was asking for this because there would be things other than the elevator shaft on the roof. Tokos suggested asking the applicant what would be on the roof.

Hanselman pointed out that building the six foot wall would create a six foot alley. He asked who would deal with this area and how this would affect the Fire Department dealing with a fire. Hanselman didn't think adding a wall was the best way to deal with the area, and thought that a six foot alley would lead to a rat infestation or become an area for homeless events or people to do drugs. Tokos explained that this was a situation where there was an old retaining wall, that wasn't on the applicants property, and needed to be repaired. Whomever originally built the condo development decided to build a retaining wall on the property line. They didn’t get a maintenance easement to secure their right to maintain it and assumed that they could use somebody else’s property for that purpose. The buyer was looking at making a substantial investment and asking how they could protect the building from a wall that they had no control over. Tokos thought they should reinforce or rebuild the retaining wall, and it needed to be properly engineered. This wasn't something a buyer could ferret out when purchasing a property. Tokos thought if the Commission chose to approve the request they should give a condition saying the applicants had leeway to work with the condo association to alleviate the six foot separation between the walls. Hanselman thought something needed to be done before a wall was constructed and an alley was created.

Berman noted that the staff report stated that this was in a geologic hazard area. Tokos confirmed that they would have to go through a geologic permit and get an engineering geologist to provide recommendations to build on the property that they would have to comply with it.

Applicant: John Lee, Managing Director of VIP Hospitality addressed the Commission. He reported they were a hotel management group that managed eight properties on the coast. They had two properties in Newport, one at the Inn at Nye Beach and the other at the Ocean House. Their company had been based in Lincoln City over 40 years and they had been looking to grow their footprint ever since. Lee stated they understood the market and what their customers were looking for. They determined that there was a need for and lack of premium lodging products on the Bayfront. The Inn at Nye Beach was for couples with average size of parties around 2.3 guests per stay with approximately 80 percent of them staying one to two nights. All their hotels had tools in place to communicate to guests before their arrivals. Given their tight footprint and limited parking space, they would manage these expectations for the new hotel. Lee said that the last thing they wanted was for their customers to walk away unhappy about their stay. The boutique hotel

will allow their guests to park at their site without having to look for parking and take up parking on the Bayfront. Lee stated they were looking to invest in the community.

Denny Han, architect for the applicant addressed the Commission. He noted this was a mixed use project with commercial on the first level. Han reminded that the Abbey Hotel used to be very close to the site but had burned down. They got their name from their hotel from this and it would be how they would preserve the local fabric of the existing businesses and the flow of tourism. Han reported that they decided to implement ground floor commercial in lieu of another eight guest rooms. They placed all the parking behind the retail spaces to limit the view of parked cars. The placement of the retail along the street would enhance the street experience with additional shops. Han explained they wanted to set the building back four feet to soften the urban edge to add landscaping and outdoor seating. There would be a trellis canopy above the commercial spaces. The check in, lobby, and breakfast areas would be on the second floor. Hon reported that the ADA code typically required an ADA space for those types of room types. The number they had could shift depending on the number of room types they finally ended up with. Han explained that the rooms that faced the bay would have balconies the same way the Abbey Hotel had. There were portions of the building that were recessed to create a dynamic street elevation. There also wouldn't be any balconies at the rear of the building. The north and south sides of the building had recessed areas as well. There would be a vertical sign feature at the southeast corner of the building to take down the scale of that feature.

Hanselman asked if they would provide electrical vehicle (EV) charging stations. He also asked what they thought the occupancy projections would be from May to October. Lee thought the EV stations was a great idea and something they would look into. Hanselman noted this community was a water challenged. It was important to recognize how many people they could accommodate with this in mind. Lee didn't know the monthly occupancy stats. Annually it would be around 65 to 75, and the peak months would be from June to September.

Escobar asked if they would allow pets and have facilities for pet restrooms. Lee explained they allowed pets in most of their hotels. He wasn't sure where they would place the restroom areas.

Berman said that he didn't see where the trash enclosure would be and asked how they would handle this. Han reported the driveway on the north side of the property would have two trash containers.

Branigan asked how many employees there would be. Lee didn't have an answer at this time but he could get that information. Branigan asked how many commercial establishments would be there. Han reported it would be two at that time, but it could be broken up for multiple tenants. Branigan asked if one of the tenants would be an eating establishment. Han explained they requested the parking reduction in the case that it lent itself to a cafe or small restaurant. If it was small retail the parking requirement would be much less. Branigan wanted to know how many employees there would be at the hotel because it was an important factor. Blom asked what the average number of employees there were at the Nye Hotel. Lee reported it was somewhere between eight to twelve. Blom asked if these employees would work in both places. Lee reported only the general manger would do this.

Escobar asked if they gave any thought to building larger units for housing instead of a hotel. Lee reported it was something they were exploring at other sites where the costs were less. This site wasn't viable to make affording housing or workforce housing work there. The economics drove the business model and this didn't pencil in for them.

Berman asked what times the eight to twelve employees would park. Lee noted the hotel wouldn't be 100 percent occupied. Guests weren't checked in typically at the same time that the staff was working.

Updike asked what was being placed in the area above the 35 foot roofline. He also asked what the roof deck would look like and if it would be an experience for guests. Han reported that a roof deck would need an elevator. The 13 feet in this section was for the overrun for the elevator. There might be some storage on the roof and they would like to apply stairs as well. The entire rooftop wasn't meant to be used. A portion of it would be used to allow guests to capitalize on the views. There wouldn't be anything fixed on the roof that would block views of the adjacent owners. This area would be an extension of the lounge experience.

Berman noted that Han stated 13 feet but the diagram noted 8 feet. He asked for clarification on this. Han explained that on page A6.0 on plan drawings the cross section showed the one portion that was the elevator cap. Tokos noted the eight feet were off of the parapet not the roof level. Blom asked if the HVAC would be on the rooftop or somewhere else. Han reported most of the HVAC equipment would be on the roof and the laundry would be on the ground level. They could provide visual screening if it was required. Berman asked if they could do the screening within the 200 foot limitations. Han reported that screening for the HVAC was usually bigger and typically blocked by screens that were about five feet tall. He thought this might be something they could clarify in the zoning language.

Proponents: Jon Tesar addressed the Commission and reported he had two properties above the location of this property. He noted there was a lot of tall buildings and congestion in the area. Tesar thought it was a good use for this section of the Bayfront and didn't see it being disruptive. He thought the pets would need to have a green patch. Tesar also wanted to see if their plan was to have 24 hour staffing. He hoped there wouldn't be a lot of partying at the hotel. Having it fully staffed would alleviate some of these problems. Tesar didn't think the view as an issue. The bigger issue would be parking when the meters were implemented.

Steven Webster addressed the Commission. He reported that he worked and resided on the Bayfront. Webster had two properties within 100 yards of the property on the water side of the street. After hearing the staff's explanation he felt better about this. Webster felt that parking in the Bayfront had become anarchy, meaning anyone could park anywhere and at any time they wanted. He thought a hotel should be an outright use for a tourist commercial zone. Webster noted that the structural, seismic, and geologic zoning codes, and the development requirements were more rigorous than people realized. He hoped they approved this outright. Webster also thought they should change the zoning on the other side of the street from the water on the Bayfront to a C-2 zone. Escobar asked if Webster lived and owned a business on the bayfront. Webster said he lived there since 1998 and have done multiple developments.

Janet Webster addressed the Commission. She reported that she owned three properties on the Bayfront. She was in favor of this proposal and thought the western part of the Bayfront needed an anchor. They needed to have pedestrian traffic so businesses by the Coast Guard station had traffic. Webster appreciated how the hotel wanted to soften the street space. She reminded this part of the Bayfront burned down years before and there was a lot of lodging and mixed use there at that time. It had always been mixed use and having a hotel there would be great. Webster had been involved in the parking discussion for a long time. There were only around five commercial establishments that had off street parking on the Bayfront. Any parking that was provided would

be good addition for the Bayfront. Webster also reported there were only two ADA public parking spaces on the street and any additions to that would be appreciated. She thought the hotel would be a good anchor and addition to the Bayfront because Newport needed new hotels and room taxes.

Opponents: Beverly Smith addressed the Commission. She reported that she lived right in a condo above the property. She submitted a letter she wrote to the Commission to be entered into the record the hearing. Smith questioned if they should approve this request because she didn't think it was a good fit and believed the best part of Newport was that it was a working harbor. She didn't think a hotel across from a fishing facility would be good because the noise, smell and traffic blockage wasn't a good fit for it. Smith also didn't like that it would be right across from her home. The Comprehensive Plan stated that this should enhance property values and preserve the health, safety and welfare of citizens of the city of Newport. Smith thought approving the plans would destroy property values in Newport and damage the welfare of its citizens. She also thought they needed to respect the fishermen. She noted that the old Abbey Hotel had been located down the street. She was more in favor of having the Basic's Market at that location instead of a hotel. Smith thought the Commission shouldn't approve this. She also reported that she submitted additional signatures for the petition with her written testimony.

Jon Baker addressed the Commission and reported he had a condo next to Beverly Smith. The traffic congestion on the Bayfront was a concern for him. Baker questioned how multiple cars would be able to get out of the hotel when checkout happened. He also pointed out that there was a refrigeration truck that parked all night across the street from this property and it would cause a lot of complaints due to noise. Baker also questioned who would keep people from throwing things off of the roof deck. He state he would like to submit a request to keep the public hearing open.

Darla Sweeter addressed the Commission. She stated she represented her parents that owned a condo behind the property. She asked if there would still be parking spots on Bay Boulevard in front of the hotel if this request was approved, and if the spaces would only be for guests. Tokos explained the angled parking in front would stay and it would be public parking. Sweeter was concerned that the new hotel would mean that more people would move up to their condos to park. She asked what kind of impact this would have. Tokos asked that the applicant respond to this question during their rebuttal. Sweeter asked if the space between the retaining wall and condos would be landscaped or just an open area. Tokos noted the applicant could respond to this as well. Sweeter was opposed to this proposal and thought a market would be a better fit for that area.

Charlotte Boxer addressed the Commission. She reported that she owned the property next door to this property, and she had lived upstairs from the Apollo’s when it was there. Boxer noted that Apollo’s was only open on Friday and Saturday nights and their parking wasn’t utilized every day. The restaurants and gallery also had minimal use. Boxer felt this site was key to the west end of the Bayfront. She reported that traffic and parking was horrendous there and when she had lived there the refrigeration trucks would run all night and were loud. Boxer wondered if the applicant was aware of the noise in the area. She wanted to know what the smallest size room in the Inn at Nye Beach was. She said that 20 of the rooms on the second floor of this building were between 200 and 220 square feet. Boxer asked what the applicant had done for market research to justify rooms that were this small. She agreed that the west side of the Bayfront needed an anchor. The Bayfront had changed dramatically in the last 50 years. Boxer suggested they read the Yelp reviews about the Bayfront that talked about the lack of parking in the area and the smell of the fish plants. She thought this looked like a chain hotel and a big box that took up the whole site. Boxer pointed out that people got into fights over parking in the area and that the compact spaces would be an issue. Cars had gotten bigger over the years and would be an issue. Boxer also noted that southwest

13th Street took the brunt of the traffic overflow. She felt this was an overbuild of the site and was opposed to it.

Escobar pointed out that Boxer had submitted a testimony letter with signatures. He asked her to clarify her comments that stated the Comprehensive Plan said the hillside above the Bayfront had been identified as very picturesque and worthy of presentation. Boxer explained she submitted a copy of the Comprehensive Plan to state verbatim what was in the plan. She thought it should be noted that the Comprehensive Plan addressed adverse conditions that affected the surrounding buildings and their surrounding neighborhood. Boxer questioned how she would have access to the sides of the building she owned when this was built. She thought people's property value would be affected by an approval. Boxer reminded that the Basics Market proposal was only two stories high. This project was abandoned because it didn't make financial sense for them to do one grocery store in one market. Boxer thought a good majority of the VIP properties had surface parking. She wanted to know how many parking spots there were at the Inn at Nye Beach in relation to their 30 rooms. Boxer questioned if the developers spent any time on the Bayfront to understand the noise or congestion there would be. She felt the loss of value would be substantial if this was approved.

Darla Sweeter readdressed the Commission. She noted that the hotel was for people to experience the Bayfront, but their experience will actually be the condos and the Bornstein fish plant. Sweeter questioned if that would be the view that the hotel would want.

Amber Wishoff addressed the Commission. She stated she lived in the condos above the property. Wishoff knew that when they were talking about building the Basics Market she knew it would block the view of her condo. She felt that Apollo’s had the hours and use that were complementary for the area and the hotel would be different. Currently, people who worked on the Bayfront would park on 13th Street. Wishoff didn't think the hotel’s parking addressed the employees. She didn't think this was the best fit for a hotel. This wasn’t just about adding more parking spots, it was more about the time of day. If they added a hotel it would become harder to park in the area. This would become a safety issue for her because it would force her to park far away from her house at night because parking spaces were being taken up in front of her condo. Wishoff heard a lot of noise and saw a lot of congestion in the area. The hotel would increase this and make things more complicated. She noted that Apollo’s was a different use than a hotel. It was also a building that didn't have windows on the back side. Wishoff noted that the hotel would have a wall of windows on the back side. She liked that they weren't going to do balconies, but didn’t like that she would now just have a view of hotel windows. This would block their views and made the use of her deck space no longer an option because she would be on view for the hotel guests. Wishoff thought that if they ever tried to sell their condo this would affect their property value. She noted her condos don't allow pets, and worried about there not being a patch of land that dogs could be walked to from the hotel. This would create a significant amount of pet traffic. Wishoff thought this came down to the quality of life in the community and they needed to look at the safety and impact to the community. She would rather the Commission do a delayed decision. Wishoff thought the concept of blending the hotel seamlessly in the area didn't make sense. She hoped the Commission would take a stroll through the area at different times of the day to see what the impact would be. Wishoff noted there were homeless persons around the gallery and the sound from the open space from them was very loud at her condo.

Lyn Baker addressed the Commission and noted that the condominium was relatively small. The parking was a problem for them and they accepted that in the summer they wouldn’t have a place to park. Baker thought the meters would help with parking but people would still come up to their street to park. She noted that the condo owners had endured this for years and thought the hotel

would be the nail in the coffin for them. Baker also noted that the pets would be an issue because the hotel wouldn't have a designated place for them. Escobar asked if the repair of the retaining wall should be brought to the Home Owner's Association (HOA) to consider. He also asked if the people on the second level of the condos would lose their views. Baker reported they would all lose their views and 90 percent of the top floor condos would as well.

Rebuttal: John Lee reported that there would be no rooms smaller than 300 square feet in the new hotel. The Inn at Nye Beach had 29 parking spaces and 38 rooms. Those parking spaces were more compact than the ones that are being proposed here. Lee noted that VIP Hospitality was aware that non view rooms would be priced at a lower rate and they were planning accordingly. There was demand for lower priced room products in Newport. Denny Han reported the six foot alleyway wouldn't be visible from the condos. The wall would be six to eight feet tall and there to protect visitors who are parked in the area. There would be access to this areas to address issues of waste and trash, and the hotel would maintain the area. Han noted they had a specialist look at the existing retaining wall who found that it had deficiencies. They wanted to address these issues and make sure it was done in communication with the condo HOA to address any concerns. Doing this would allow the area to be used in a useful way, to add things like landscaping. Han explained that the property zoning ordinance allowed them to build up to the property line. Their lot coverage would be about 80 percent and not cover the entire lot. Lee stated they wanted to work out the retaining wall issue and try to fix it before they developed. This process was complicated. There were a legal issue issues that needed to be addressed before this could be done and they didn't know what that would cost. Lee reported that they couldn't do this within the 30 days of due diligence. They were proposing the addition of the wall so they at least had a solution to the retaining wall. Lee stated that he hoped the Commission would consider approving the request.

Blom asked if the current wall was built by the condo association. Tokos reported it was built by the developer. Berman asked if the concrete cinder block wall was part of the condo property. Tokos explained this was on another adjoining property and any work on that would need to be coordinated with whomever was responsible for this wall.

Tokos explained that anybody could ask for a continuation of the hearing. The Commission could continue it to the next meeting on March 27th or they could do an open record period for additional testimony for seven days for rebuttal. Tokos recommended they continue it to March 27th date. If they did a continuation, they could ask the applicant to provide information on items that weren't included, such as what the pet accommodations would be, what an alternative parking layout would look like, clarification on the ADA requirements, and clarification on what the rooftop equipment and appurtenances would be. Boxer noted there were questions on the clarification of the room sizes. Hanselman also noted there were questions concerning the staffing involved. Lee reported they would be staffed 24 hours. Hanselman also wanted to know about pet areas and EV charging stations. Tokos noted there was a question on the peak hours trips. The PM peak hours would be 29, the AM peak hours would be 39, with an average daily trip count of 381 for the hotel. The question on why these numbers wouldn't be higher for a hotel than other uses was because hotels and motels distributed traffic over a longer period of time. The trip distribution was different and why it was lower.

Updike wanted to know if they looked at an option of a one way route for the parking area access instead of a two way configuration. He asked if it was feasible to do a one way through with a second exit by reducing the commercial retail area on one side. This might allow them to move the wall closer to the existing retaining wall and add room for tandem spaces for staff.

MOTION was made by Commissioner Escobar, seconded by Commissioner Blom to continue the hearing to the March 27, 2023 regular session meeting. The motion carried unanimously in a voice vote.

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

7. **Unfinished Business.**

A. **Planning Commission Work Program Update**.

Tokos would update the program to add the continued hearing to March 27th. There would be two other hearings on that date as well. This included a nonconforming use permit for NW Natural, and the Fisherman's Wharf subdivision that was coming back from 2018 that they never see through. Tokos noted the hearing for the Conditional Use Permit for the South Beach Church would happen on April 10th. Then another Conditional Use Permit would be coming for a Samaritan drug and alcohol rehabilitation office in Agate Beach in late April or May.

Hanselman asked if they should set time limits for public testimony. Berman thought they should set it to four to five minutes. Escobar noted that the people who were heard at this meeting were impacted by the decision and should be given time so they were heard.

8. **Director Comments.** None were heard.

9. **Adjournment.** Having no further business, the meeting adjourned at 9:52 p.m.

Respectfully submitted,

_____

Sherri Marineau
Executive Assistant

City of Newport

Community Development Department

Memorandum

To: Planning Commission

From: Derrick I. Tokos, AICP, Community Development Director

Date: March 24, 2023

Re: Continued Hearing for Abbey Hotel Conditional Use Permit (File #1-CUP-23/1-ADJ-23)

Attached is a letter from the applicant responding to questions that Planning Commission members raised at the close of the March 13, 2023 hearing. They have also provided an updated site plan that includes three options for configuring the off-street parking. Option #1 maintains the adjustment request to exceed the Municipal Code's 40% maximum allowance for compact stalls, whereas Option #2 satisfies the 40% limit. Both options include a dedicated space for vehicles to turn around. Option #3 shows a one-way circulation pattern, which significantly reduces the amount of available parking (down to 30) and orients the ADA spaces in a less convenient location. With respect to the relative mix of off-street versus on-street parking, analysis contained in the March 10, 2023 staff report would support the approval of either of the first two off-street options, but not the third option.

Additional public testimony has been received as well, both in favor and in opposition to the project (enclosed). The issues raised are in line with testimony the Commission received at the March 13th hearing.

Staff's recommendation is that the application, with parking Option #1 or #2, can satisfy the approval criteria outlined in the staff report with the imposition of five (5) conditions of approval. The conditions are attached to this memo. If the Commission concurs, then a motion would be needed to approve the application, citing the preferred parking option, and that the approval is subject to the listed conditions. Alternatively, if the Commission does not believe that the approval standards have been met, it should cite its reasoning and move to deny the application. In either case, staff would bring forward a final order and findings reflecting the Commission's action for its review and approval at the April 10, 2023 meeting.

Attachments
Letter from Applicant's Representative Denny Han, dated 3/20/23
Applicant's Revised Plan Site Plan and Elevation Drawings, received 3/21/23
Additional Public Testimony (various dates)

Staff Report Conditions

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.

2. The applicant shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use. If the applicant must materially modify the size or height of the building to comply with these codes, then a conditional use permit shall be submitted to establish that the changes are consistent with the overall development character of the neighborhood.

3. The square footage of the elevator enclosure and related appurtenances shall not exceed 5% of the area of the main building footprint or 200 sq. ft., whichever is less.

4. Applicant may construct a 6 to 8-ft. wall parallel to the existing retaining wall in the location shown on the site plan and exterior elevations received March 21, 2023, or they may elect to reconstruct or reinforce the existing retaining wall in partnership with the neighboring condominium association.

5. The hotel shall inform guests via their website or other similar means of the limitations of the on-site parking, and restrict vehicles that are too large to be accommodated.

March 20, 2023

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

From: Denny Han
ARLA design
2057 Hilldale Drive
La Canada Flintridge, CA 91011

Project: 836-856 SW Bay Blvd.
Newport, OR 97365

Re: Response and follow up to Planning Commission public hearing on March 13, 2023.

The responses below address the concerns and issues brought up during the planning commission public hearing.

1) Verify that roof appurtenances exceeding 35 ft do not exceed 200 SF - The roof plan has been updated to reflect a maximum of 200 SF of roof appurtenances exceeding 35 ft. In addition, we have included approximate locations of the main mechanical equipment that will serve the retail spaces on the first floor and the hotel public spaces on the second floor. The individual guest rooms will have their own PTACs and will not be located on the roof.

2) Pet accommodations - A dedicated dog relief area with a dog run has been located on the west end of the property. Access shall be through a gate located on the garage level. Future considerations will be taken to minimize the extent of the proposed 6 ft to 8 ft wall that is intended at the moment to protect the property and ensure safety of guests in case of failure of the existing retaining wall.

3) Verify ADA parking requirements that may be specific to Oregon Specialty Code – There is nothing we could find in the OSSC that requires an ADA parking stall for each ADA guest room. We have provided on ADA parking stall per every 25 cars per www. ADA.gov.

4) Clarification of room sizes – room sizes have been added to the floor plans.

5) EV stations – EV stations have been added to the parking plan.

6) Staffing - at any given day we anticipate 6 to 12 staff on site during peak periods, but after 4pm, # of employees is reduced to 2 to 4. After 10pm, there's 1 employee, a night auditor who stays overnight. At Inn at Nye Beach, 30-40% of employees currently take public transportation and lives in Newport. We would assume the same % using public transportation at the Hotel Abbey, and during days when we are sold out, if needed we will shuttle employees as needed from all 3 of our hotels.

7) Alternate parking layout showing compliance with the 40% compact requirement – An alternative floor plan has been provided showing the impact of complying with the 40% compact requirement. The parking count reduces from 46 stalls to 43 stalls. The retail space gets notched to accommodate the standard stalls and is reduced by 55 SF. The drive aisle is not ideal as it must be offset to accommodate the change from compact stalls to standard stalls. Furthermore, our records from Inn at Nye Beach show that approximately 50% guests are couples. We would assume the same guest mix at the Hotel Abbey. In terms of vehicle types traveling to the hotel, although this is difficult to tell, a recent statewide survey on vehicle types would be a good indicator on what we can anticipate: https://www.koin.com/news/suv-pickup-sedan-which-vehicle-type-is-the-most-popular-in-each-state/ In this study, SUVs made up 41% of all vehicles owned by Oregonians, the largest room demand source for our hotel. Given there are small SUVs that are compact mixed in with large ones, coupled with the anticipated party size that is 2.0 or less for 50% of our customers, we can safely assume no more than 50% of vehicles will be compact.

   Lastly, a dedicated turnaround stall has been added to address the concern of having to reverse out of the parking area in case all the stalls are occupied.

8) Alternate parking layout showing one way loop – We have provided an alternate plan showing the impact of incorporating a one way loop. This is not ideal as the impacts are significant. The city engineering has informed us that they will not allow a secondary exit drive near the corner of the Bay Blvd and Bay St which will require us to loop back to the drive entrance. This reduces the parking count from 46 stalls to 29 stalls and the retail area reduces from 2,623 SF to 2,123 SF. The only benefit appears to be better parking circulation. As mentioned in item 7, a dedicated turnaround stall can be added to the previous parking layout options to address the concerns of having to reverse out of the parking area in case all the stalls are occupied.

February 9, 2023

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

From: Denny Han
ARLA design
2057 Hilldale Drive
La Canada Flintridge, CA 91011

Project: 836-856 SW Bay Blvd.
Newport, OR 97365

Re: Adjustment Request Letter

This letter is to describe the request for adjustments per application submittal requirements. The adjustment requests are as follows:

1) Request for a 40% reduction in the required yard buffer to 6 ft. along the west property line that is adjacent to the residential zone. The zoning code requires a 10 ft 'adjacent yard buffer' per NMC 14.18.020 which is intended to provide visual screening between residential and commercial buildings on level sites. However, the current site sits approximately 12 ft lower than the residential site and is supported by a retaining wall which doesn't meet the physical conditions for which the code is intended. Hence, we are proposing to set the building back 4 ft along SW Bay Blvd (east side) to incorporate some landscaping and seating areas on the front side of the building. This will soften up the urban edge and create a more dynamic pedestrian/street experience.

   In addition, we are proposing to build a 6 to 8 ft high wall along the 6 ft west yard buffer line to address concerns of potential future failure of the existing retaining wall that belongs to the condo owners to the west. Visual observation shows deterioration of wood lagging and parts of the wall, including steel piles, that are leaning towards the subject property. The proposed wall will serve as protection in the case of future failure of any portions of the existing wall and will be built according to the recommendations of a soils engineer and structural engineer.

2) Request for a 30% reduction in parking (17 stalls). Per zoning code, we are required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). The commercial spaces on the ground floor will also require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. We are currently providing 46 on-site parking stalls.

3) Request for a 13% adjustment in maximum compact stalls. The zoning code allows 40% of the parking to be compact stalls which is 18 stalls. We are requesting to allow for 6 more compact stalls.

If approved, the request for adjustments stated above will allow for a mixed-use project that incorporates ground floor commercial space that will increase retail business activity and enhance the pedestrian and street experience. The adjustments will mitigate any impacts to the extent practical such as adequate lighting and privacy to adjoining properties, adequate access, topography, site drainage, significant vegetation, and drainage. The adjustments will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.

February 9, 2023

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

From: Denny Han
ARLA design
2057 Hilldale Drive
La Canada Flintridge, CA 91011

Project: 836-856 SW Bay Blvd.
Newport, OR 97365

Re: Written findings of fact addressing the following criteria:

1) That the public facilities can adequately accommodate the proposed use.

The site currently consists of two separate building structures that are in poor condition. One building was used as a restaurant and the other building was used as an art gallery. There was also a third building used as a nightclub, restaurant, retail space and office building that was recently demolished. Due to the large occupancies of these uses there has historically been a considerable impact to the public facilities along Bay Blvd.

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

The proposed boutique hotel building will enhance and serve as an anchor to the Southern portion of the Bayfront by replacing old existing buildings that are in disrepair and providing a new facility that will promote local retail businesses and increase tourism. Nearby is the site of the historic 'Hotel Abbey' which was built in 1911. The Hotel Abbey was known to be one of Newport's most prestigious hotels for honeymooners and visitors alike before it was burned down in 1964. This hotel building, which will be called "Hotel Abbey" will serve as a reflection of the rich history found in Newport and aligns with the spirit of the W-2 zoning provision that states, "In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality."

3) That the proposed use does not have an adverse impact greater than the existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purpose of this criterion, "adverse impact" is the potential averse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust or loss of air quality.)

The proposed building has no adverse impacts on the nearby properties. The use of the building will be consistent with the current retail businesses and restaurants that have historically occupied the site as well as the other nearby establishments along Bay Blvd. The appearance and design of the building will not only enhance the overall quality of the area but also encourage higher quality for future developments. There will be no unreasonable noise, dust or loss of air quality from the proposed building. The current buildings and uses represent an occupancy and parking demand of 49 spaces and the proposed hotel use represents a slightly lower parking demand of 48 spaces (see breakdown below). The new facility will provide 46 off-street parking spaces.

Existing Buildings / Uses (Parking Credit – 49 spaces)
Forinash Gallery (NMC General Retail - 1 space / 300sf) - 1,224sf = 4.1 Spaces
Shark Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 878sf = 5.9 Spaces
Shark's Restaurant Kitchen / Support (NMC Industrial - 1.5 spaces / 1,000sf) - 100sf = 0.2 space
Apollo's Level 1 Restaurant and Nightclub (9-CUP-03) (NMC Eating and Drinking Establishments - 1 space / 150sf) - 5,338sf = 35.6 Spaces
Apollo's Level 1 Kitchen / Support (4-CUP-07) (NMC Industrial - 1.5 spaces / 1,000sf) - 625sf = 0.9 space
Apollo's Level 1 Retail Gift Shop (4-CUP-06) (NMC General Retail - 1 space / 600sf) - 600sf = 1.0 Space
Apollo's Level 2 Offices (9-CUP-03) (NMC General Office - 1 Space / 600sf) - 400sf = 0.7 space
Apollo's Level 2 Storage (9-CUP-03) (NMC Warehouse - 1 Space / 2,000sf) - 1,293sf = 0.6 space

Proposed Building / Uses (Parking Demand New Building - 29 Spaces)
Industrial Food Production Level 1 (NMC Industrial - 1.5 spaces / 1,000sf) - 6,859sf = 10.3 spaces
General Retail Market Level 1 (NMC General Retail - 1 space / 600sf) - 3,000sf = 5 Spaces
Food Court / Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 2,000sf = 13.3 Spaces

4) If the application is for a proposed building or building modification, that is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

The proposed building will comply with allowable heights permitted outright per zoning code. The design shall not only be consistent with the overall character of the area but improve it through the level of detail and quality of materials used. The boutique design character will add to the unique character of the area that also includes very tall seafood processing buildings on the bay front. The hotel building has been designed to create variation both in the horizontal and vertical planes of the front façade facing Bay Blvd. In addition, the building has been set back 4 ft from the front property line to create pockets of landscaping and outdoor seating areas for a more pedestrian friendly and dynamic street experience. Commercial storefronts with low hanging trellis canopies on the front facade also help to create more human scale.

5) A written statement describing the nature of the request:

The proposed 3-story building shall be comprised of approximately 22,656 sf for the hotel portion of the project. The main hotel services will be on the second and third floors. General retail / food and drink establishment shall comprise approximately 2,623 sf of space on the first floor. 46 parking spaces will be provided on the first floor behind the retail storefronts. The roof deck shall be 2,075 sf.

HOTEL ABBEY

MIXED-USE HOTEL & RETAIL

836 - 856 SW BAY BLVD
NEWPORT, OREGON 97365

CITY OF NEWPORT
MAR 2 1 2023
RECEIVED

PROJECT DIRECTORY

OWNER

LC HOTEL, LLC
13635 NW CORNELL RD SUITE 100
PORTLAND, OR 97229
TEL: 503 765 5552
CONTACT: JOHN LEE

PLANNING & DESIGN

DENNY HAN
2057 HILLDALE DRIVE
LA CANADA FLINTRIDGE, CA 91011
T: 626-322-5464

PARKING ANALYSIS

PARKING REQUIRED:

HOTEL (47 GUEST ROOMS + 1)	- 48
GENERAL RETAIL (1 PER 300 SF)	- 8
OR FOOD & ESTABLISHMENT (1 PER 150 SF)	- 16
PARKING REDUCTION	- 5
TOTAL REQUIRED	- 51 OR 59 STALLS

PARKING PROVIDED:

HANDICAP	- 2
STANDARD	- 19
COMPACT (54%)	- 25
TOTAL PROVIDED	- 46 STALLS

PROJECT DESCRIPTION

SCOPE OF WORK INCLUDES:

1. DEMOLISH EXISTING 1 -STORY BUILDINGS
2. CONSTRUCTION OF NEW 3-STORY BUILDING WITH 47 GUEST ROOMS & ROOF DECK (2,075 SF)
3. ADD LANDSCAPE PLANTING & SEATING ALONG BAY BLVD FRONTAGE

PROPOSED BUILDING AREA:

1ST FLOOR PLAN	
HOTEL	- 1,082 SF
COMMERCIAL RETAIL	- 2,623 SF
PARKING GARAGE	- 12,083 SF
2ND FLOOR PLAN	- 12,787 SF
3RD FLOOR PLAN	- 12,787 SF
TOTAL	- 41,362 SF

PROJECT INFORMATION

ZONING	- W-2 (C-2 OVERLAY)
LOT AREA	- .40 ACRES
TOTAL GUEST ROOMS	- 47

SHEET INDEX

T-1	TITLE SHEET, PROJECT INFORMATION & SITE PLAN
A-1	FIRST FLOOR PLAN
A-1	FIRST FLOOR PLAN - OPTION '2'
A-1	FIRST FLOOR PLAN - OPTION '3'
A-2	SECOND FLOOR PLAN
A-3	THIRD FLOOR PLAN
A-4	ROOF PLAN
A-5	BUILDING ELEVATIONS
A-6	BUILDING SECTION

VICINITY MAP

HOTEL ABBEY
836 - 856 SW BAY BLVD
NEWPORT, OR 97365

COVER SHEET

Date	FEBRUARY 9, 2023
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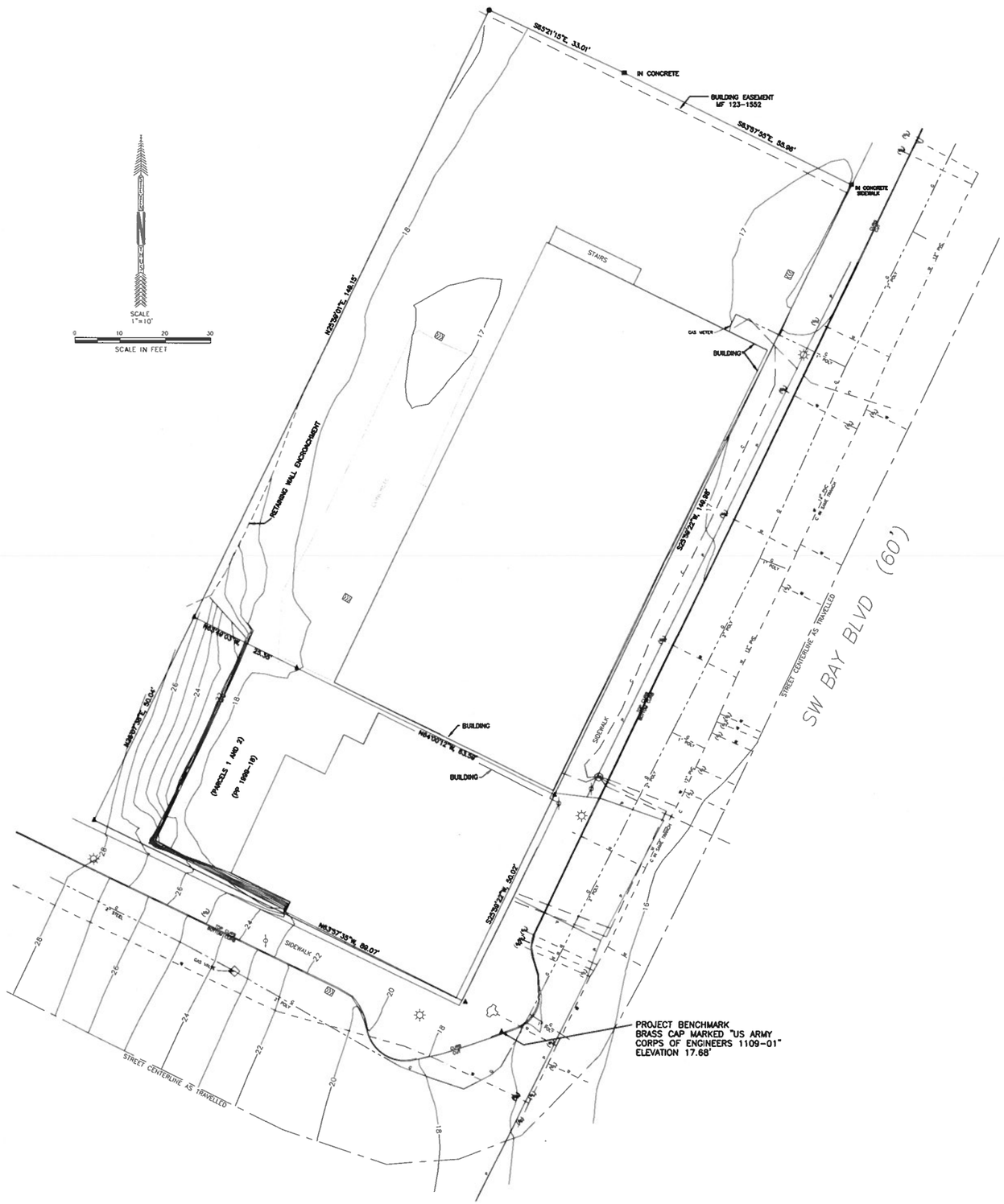

HOTEL ABBEY

836 - 856 SW BAY BLVD
NEWPORT, OR 97365

SURVEY

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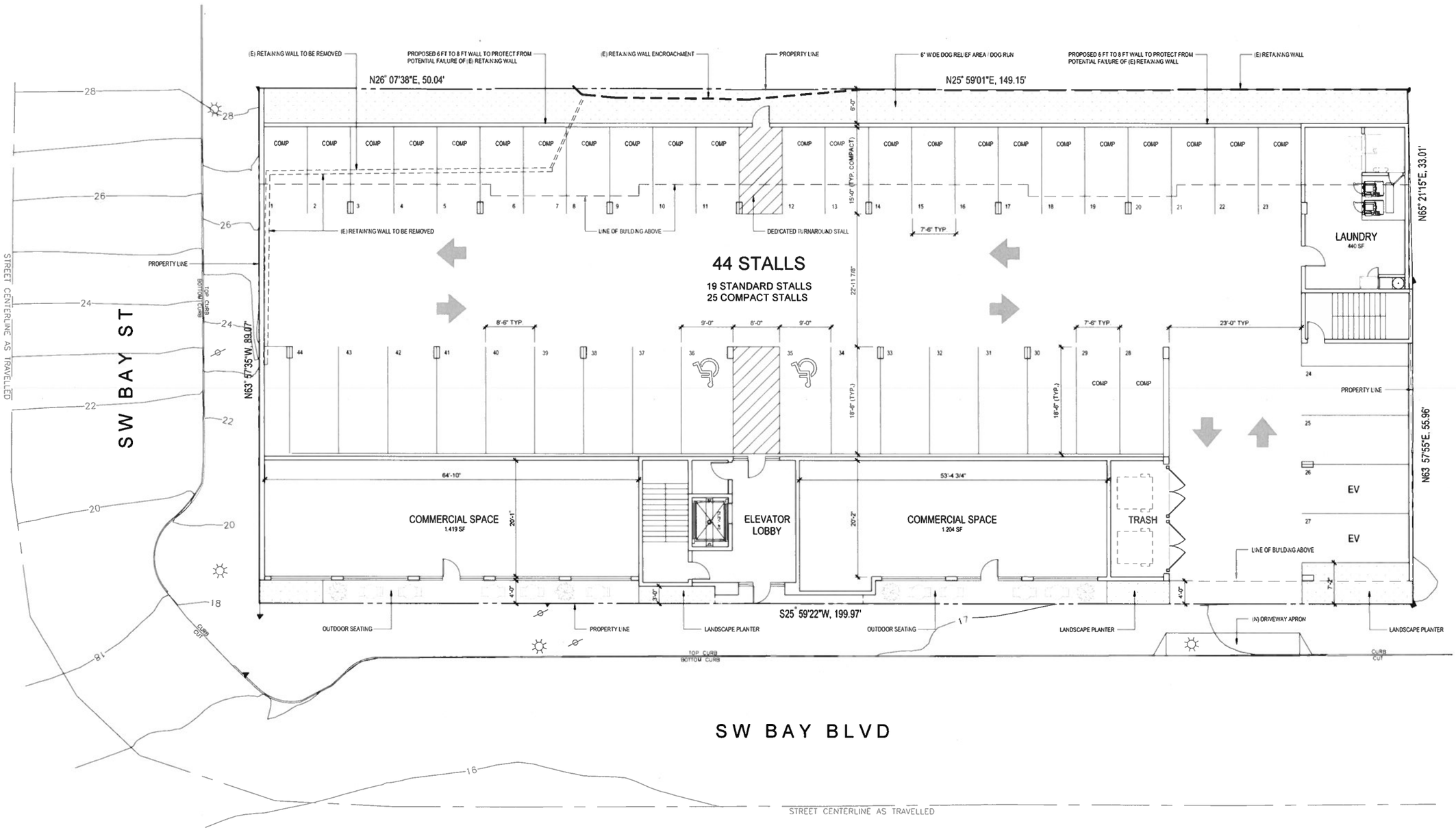

1 FIRST (GROUND) FLOOR PLAN - OPTION '1'
1/8"=1'-0"

HOTEL ABBEY

836 - 856 SW BAY BLVD
NEWPORT, OR 97365

FIRST FLOOR PLAN - OPTION '1'

Date:	FEBRUARY 9, 2023
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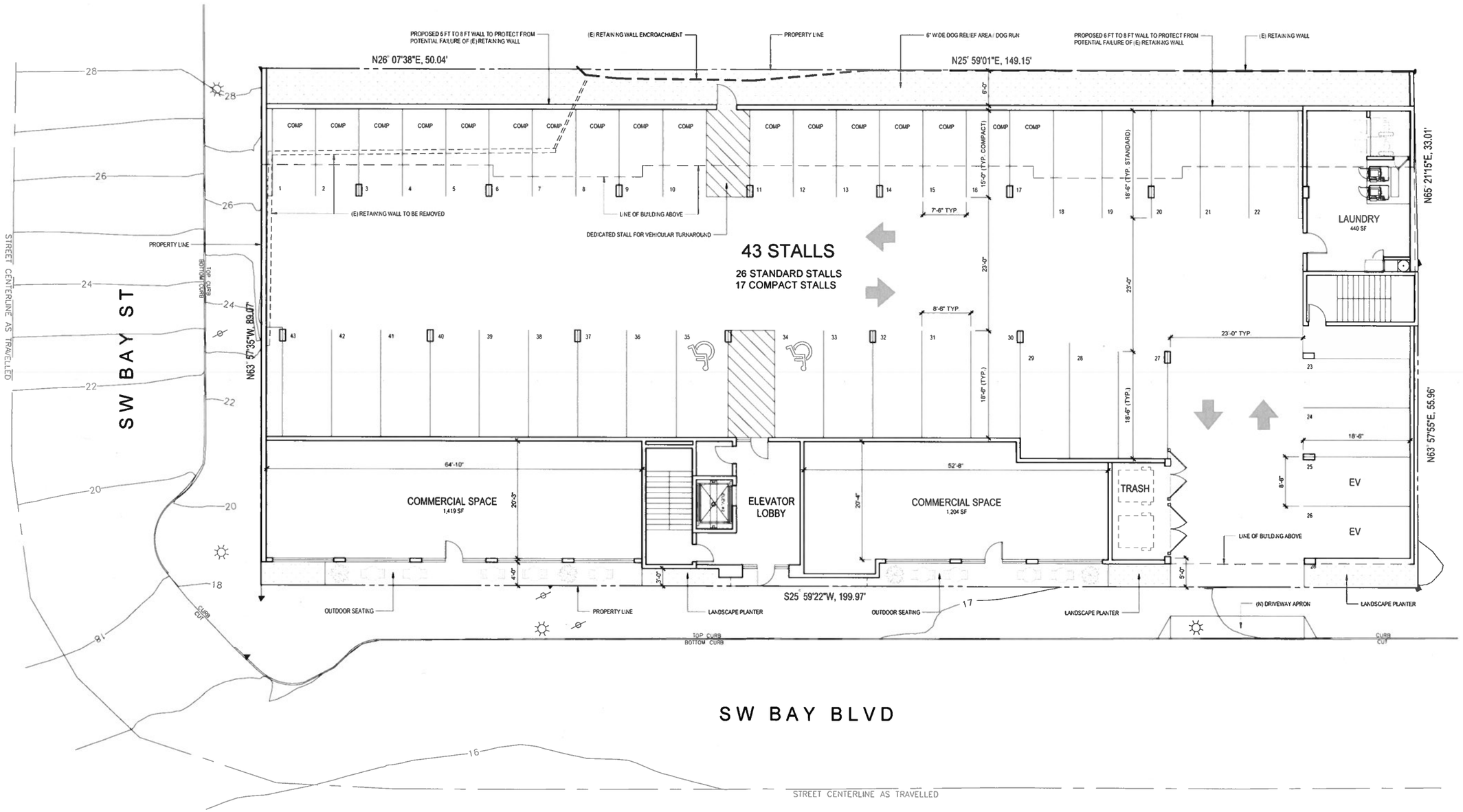

1 FIRST (GROUND) FLOOR PLAN - OPTION '2'
1/8"=1'-0"

HOTEL ABBEY

836 - 856 SW BAY BLVD
NEWPORT, OR 97365

FIRST FLOOR PLAN - OPTION '2'

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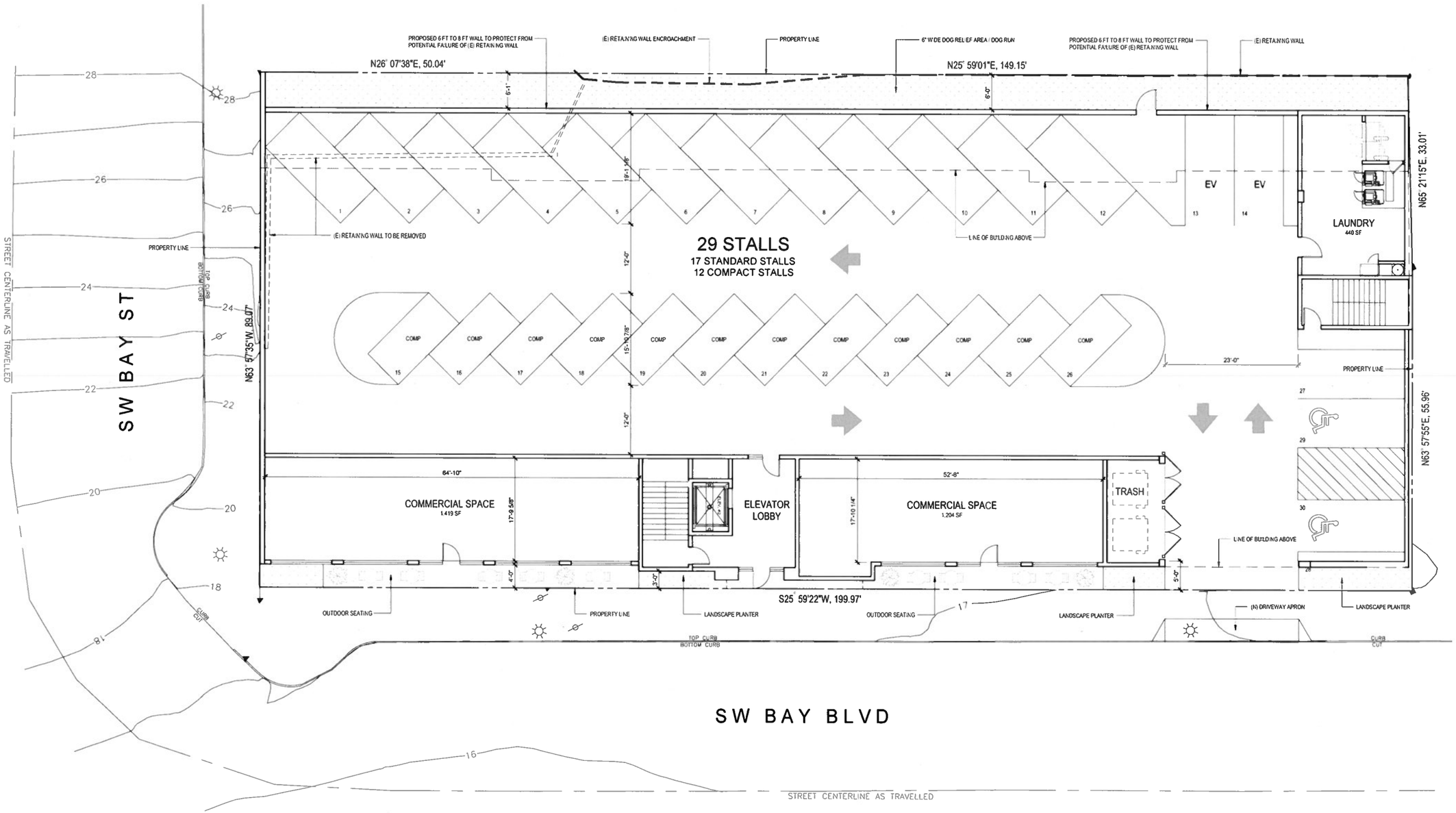

1 FIRST (GROUND) FLOOR PLAN - OPTION '3'
1/8"=1'-0"

HOTEL ABBEY

836 - 856 SW BAY BLVD
NEWPORT, OR 97365

FIRST FLOOR PLAN - OPTION '3'

Date	FEBRUARY 9, 2023
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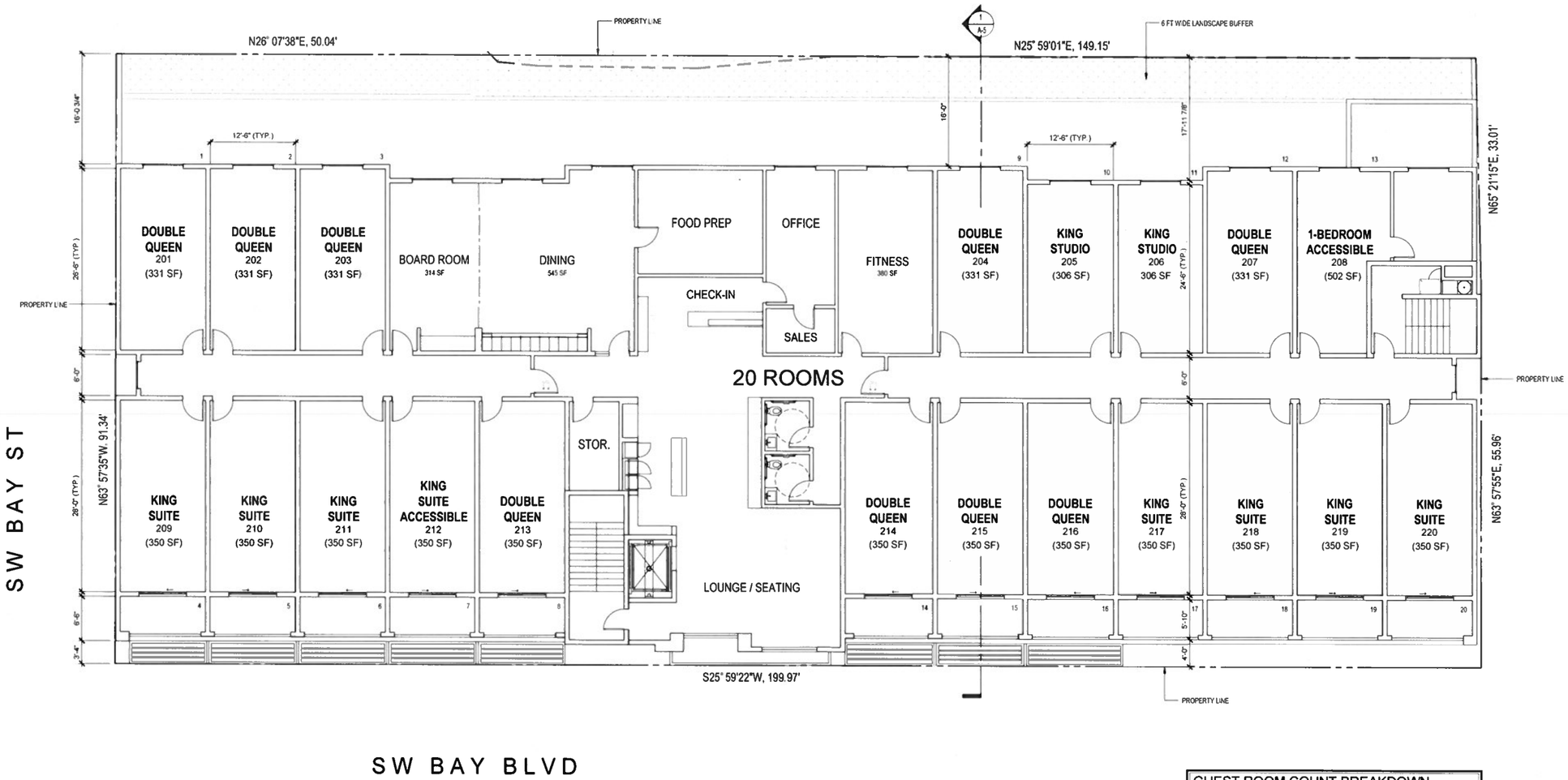

GUEST ROOM COUNT BREAKDOWN

	GROUND FLR	2ND FLOOR	3RD FLOOR	TOTAL
KING STUDIO (306 SF)	0	2	5	7
KING SUITE (350 SF)	0	8	6	14
DOUBLE QUEEN (331 SF TO 350 SF)	0	9	15	24
ONE BEDROOM KING (502 SF)	0	1	1	2
	0	20	27	47

1 SECOND FLOOR PLAN
1/8"=1'-0"

TRUE NORTH

HOTEL ABBEY

836 - 856 SW BAY BLVD
NEWPORT, OR 97365

SECOND FLOOR PLAN

Date FEBRUARY 9, 2023
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Approved
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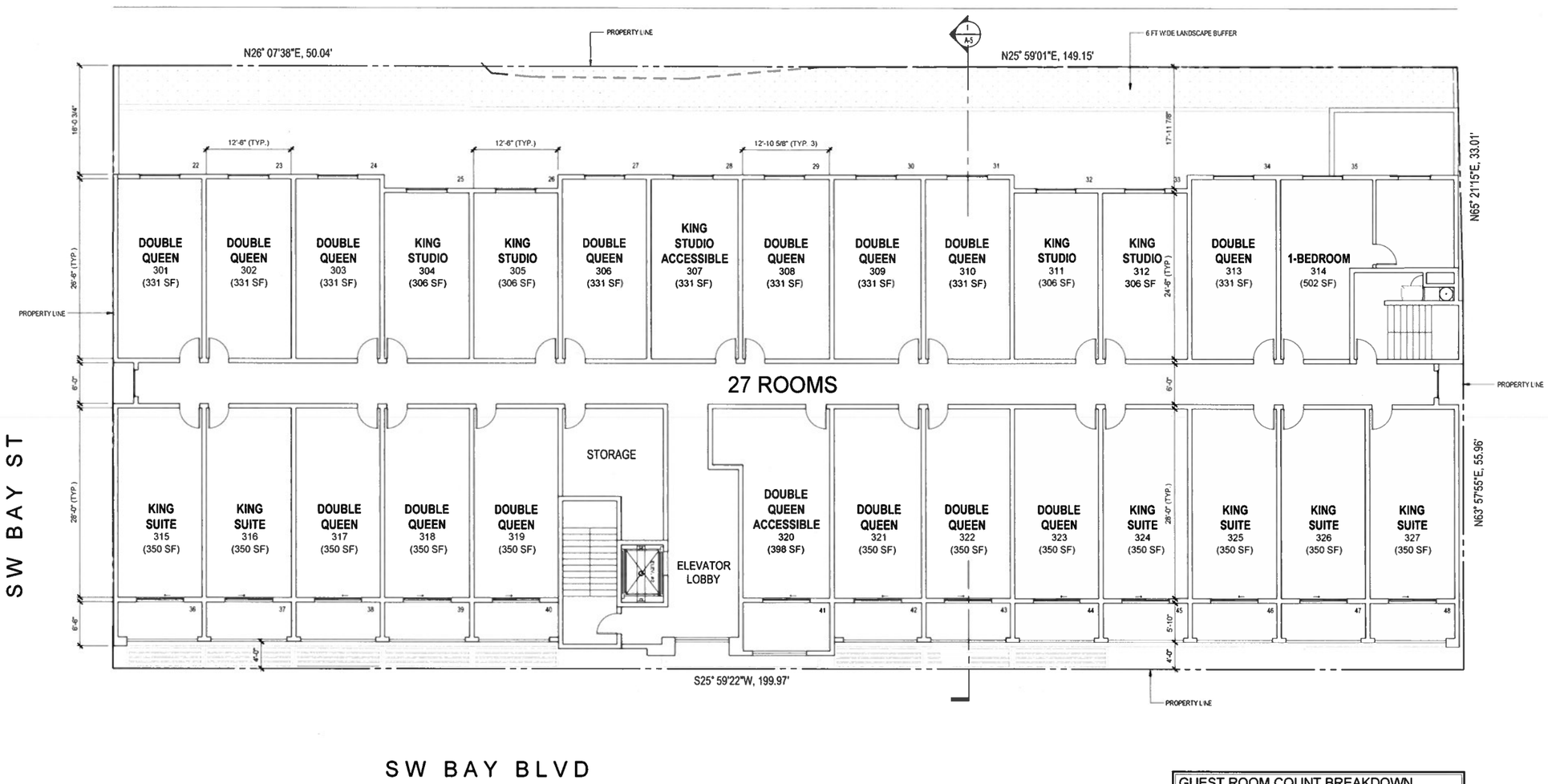

GUEST ROOM COUNT BREAKDOWN				
	GROUND FLR	2ND FLOOR	3RD FLOOR	TOTAL
KING STUDIO (306 SF)	0	2	5	7
KING SUITE (350 SF)	0	8	6	14
DOUBLE QUEEN (331 SF TO 350 SF)	0	9	15	24
ONE BEDROOM KING (502 SF)	0	1	1	2
	0	20	27	47

1 THIRD FLOOR PLAN
1/8" = 1'-0"

TRUE NORTH

HOTEL ABBEY
836 - 856 SW BAY BLVD
NEWPORT, OR 97365

THIRD FLOOR PLAN

Date: FEBRUARY 9, 2023
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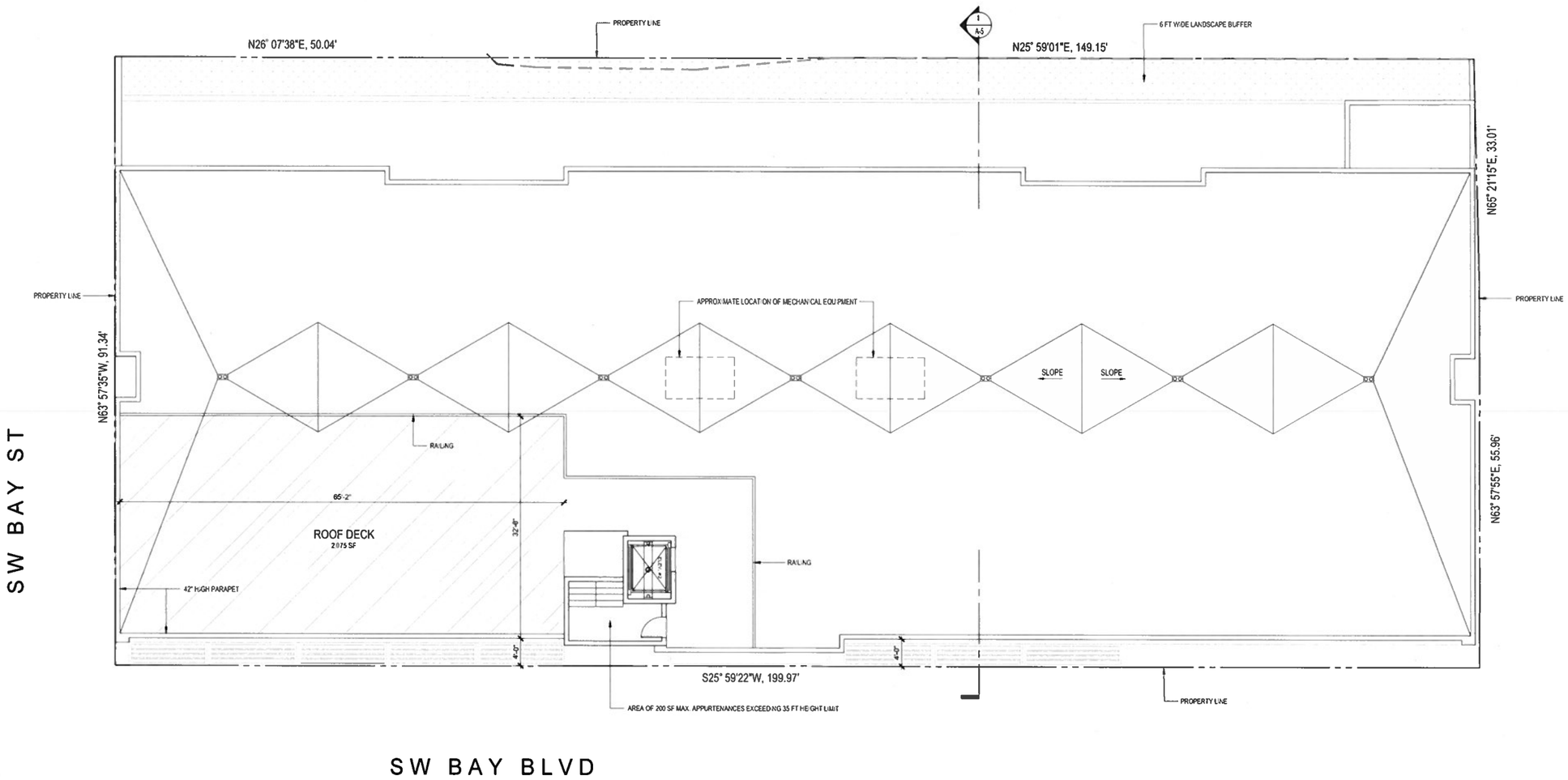

1 ROOF PLAN
1/8"=1'-0"

TRUE NORTH

HOTEL ABBEY

836 - 856 SW BAY BLVD
NEWPORT, OR 97365

FOURTH FLOOR PLAN

Date	FEBRUARY 9, 2023
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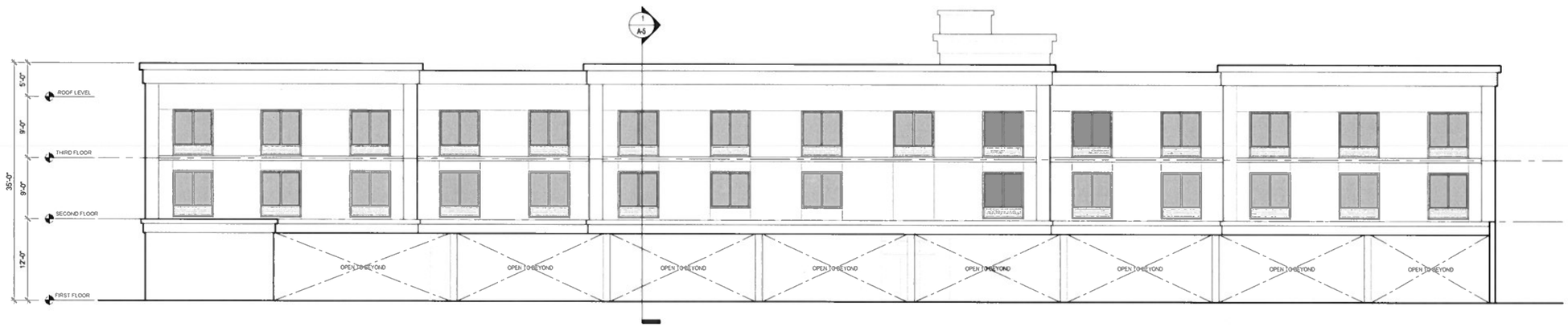
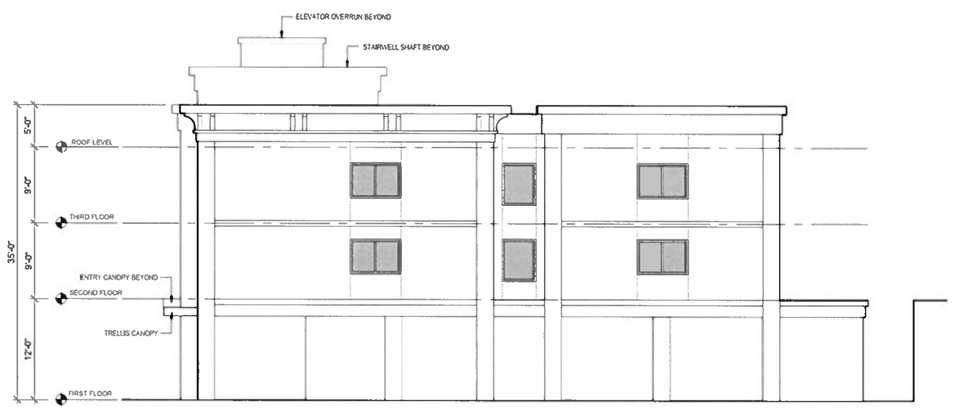
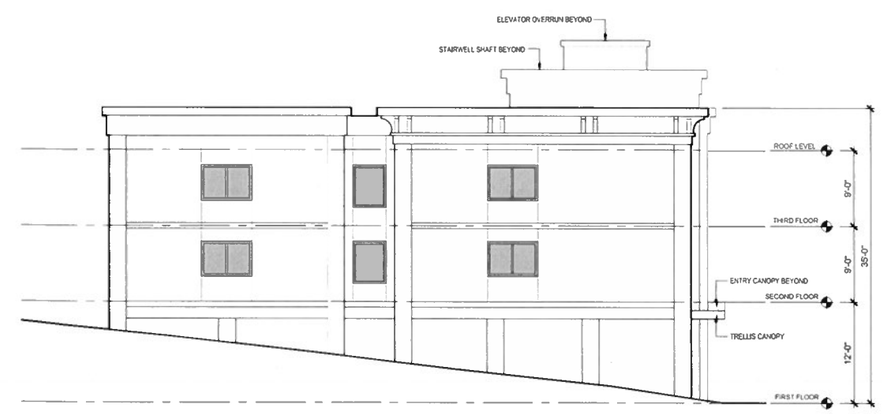
EAST BUILDING ELEVATION (BAY BLVD. FRONTAGE)
3/32"=1'-0"



WEST BUILDING ELEVATION
3/32"=1'-0"



NORTH BUILDING ELEVATION
3/32"=1'-0"



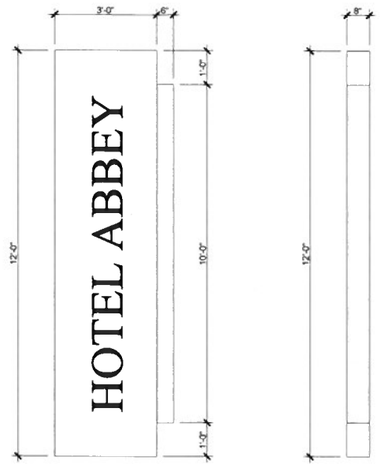
SOUTH BUILDING ELEVATION (BAY ST. FRONTAGE)
3/32"=1'-0"

HOTEL ABBEY

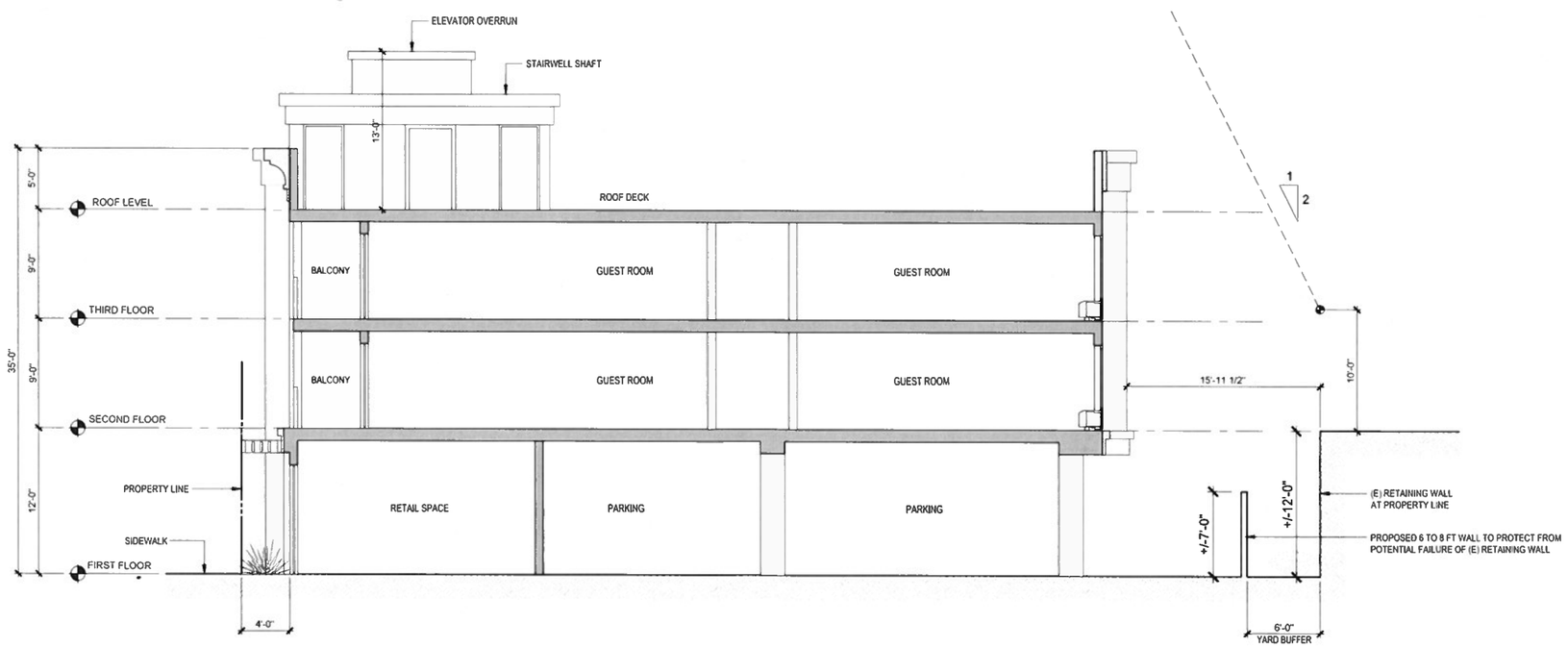
836 - 856 SW BAY BLVD
NEWPORT, OR 97365

BUILDING ELEVATIONS

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	A-5



2 SIGNAGE
1/2"=1'-0"



BUILDING SECTION
3/16"=1'-0"

Delta #	Date	Issues/Revisions

HOTEL ABBEY
836 - 856 SW BAY BLVD
NEWPORT, OR 97365

BUILDING SECTION AND SIGNAGE

Date FEBRUARY 9, 2023
Scale AS SHOWN
Drawn
Approved
Job
Sheet **A-6**
File Name
Copyright

Derrick Tokos

From: Colleen Martin
Sent: Monday, March 20, 2023 4:36 PM
To: Derrick Tokos
Subject: Hotel on Bayfront?

[WARNING] This message comes from an external organization. Be careful of embedded links.

What is happening to this town? Hotel on the bayfront is ridiculous. It is so crowded right now you can hardly drive-through and it's winter time. Just like the huge homes that are being built in Nye beach how can any working family afford those let's get real and start planning for a working community right now we don't have enough employees for all the restaurants and hotels as it is, they have a hard time finding employees because there's no housing.
Mayor Sawyer said that that area where they're building those three-story homes right now we're going to be cottages that we're going to be rentable as long-term rentals. Mayor Sawyer said that that area where they're building those three-story homes right now we're going to be cottages that we're going to be rentable as long term rentals. We're turning into something that I don't recognize.
Definitely not for the community. Somebody must be in somebody's pocket.
Colleen Martin

Sent from my iPhone

Sherri Marineau

From: Derrick Tokos
Sent: Monday, March 20, 2023 1:09 PM
To: Sherri Marineau
Subject: FW: Mo's Support

From: John L
Sent: Tuesday, March 14, 2023 1:03 PM
To: Derrick Tokos
Subject: Fwd: Mo's Support

[WARNING] This message comes from an external organization. Be careful of embedded links.

FYI.....I know this is past 3pm yesterday's deadline but sending just in case....

---------- Forwarded message ---------
From: **Stephen Davis**
Date: Mon, Mar 13, 2023 at 7:08 PM
Subject: Fwd: Mo's Support
To: John L

Best regards,

Stephen Davis
Regional Director
VIP Hospitality Group

---------- Forwarded message ---------
From: **Dylan McEntee**
Date: Mon, Mar 13, 2023, 6:47 PM
Subject: Re: Mo's Support
To: Stephen Davis

Stephen,
I apologize for the late response, but I have been traveling from Mexico today and just received your email. I think you have the right idea with that property. I have most certainly missed the deadline for comment, but I support your

concept and look forward to watching the progress. As you may know we also have a big project that we are undertaking next to Original MO's which may take serveral stages and a couple years to complete. My wife and I also currently own the adjacent undeveloped condominium property behind your property on 13th street. Let me know if you would want to meet or talk on the phone.

Thank you,
Dylan McEntee

On Mar 13, 2023, at 1:07 PM, Stephen Davis wrote:

Good afternoon Dylan,

I'm reaching out this afternoon to ask for the Mo's Restaurant's support. We are purchasing property on the Newport Bayfront (where Apollo's used to be) that we plan to develop into a new beautiful boutique hotel with ground floor retail space. We were just notified that there will be a hearing at City Hall this evening at 7pm to consider our proposal, and as long time members of the community with Inn at Nye Beach and Ocean House, we are hoping that you could send a letter of support to Derrick Tokos at the City of Newport for us (his email is d.tokos@newportoregon.gov). There is a 3pm deadline today to send these letters in to the City so I apologize for the short notice, we just found out ourselves! We feel that this development would be a wonderful addition to the amazing Historic Newport Bayfront that would truly benefit the community, especially along the Bayfront. We appreciate your consideration!

Best regards,

Stephen Davis
Regional Director
VIP Hospitality Group

--
John Lee
Managing Director
VIP Hospitality Group

Sherri Marineau

From: Derrick Tokos
Sent: Monday, March 20, 2023 1:09 PM
To: Sherri Marineau
Subject: FW: Contact Us - Web Form

-----Original Message-----
From: freddy@advantagerealestate.com
Sent: Monday, March 20, 2023 12:58 PM
To: Derrick Tokos
Subject: Contact Us - Web Form

[WARNING] This message comes from an external organization. Be careful of embedded links.

_____

City of Newport, OR :: Contact Us - Web Form

The following information was submitted on 3/20/2023 at 12:57:45 PM

To: Derrick Tokos
Name: Freddy Saxton

Subject: Testimony in support of Abbey Hotel Project

Message: A month or so ago, the Newport News-Times ran an article based on an interview with Mayor Dean Sawyer who relayed that Newport has "run out of room for visitors". In an economy so reliant on tourism, this was particularly concerning to me. We wouldn't have all of the wonderful restaurants and local amenities we enjoy if not for the fact that our out of town visitors frequent these establishments and contribute to their livelihood. If you want to see how amenities compare in a similarly sized city without the infusion of tourism dollars, look at Lebanon, for example. It has around the same number of permanent residents yet no tourism to speak of and a fraction of the amenties for its citizens to enjoy.

The Hotel Abbey project will not only help to beautify and revitalize our Bayfront but it will create local jobs and help to support our other local businesses. As it has been established, Bayfront congestion arising from the new hotel will be less than was the case when the 4 other businesses on the hotel site were operating, and there will be 46 more parking spaces than currently exist on the Bayfront.

The only real opposition to the project comes from residents of the condo complex behind the proposed hotel, who would rather the lot between them and the Bayfront remain vacant indefinitely. Obviously this is a self serving point of

view which is not remotely based on legitimate criteria in terms of whether or not the project will be beneficial for our town and local community.

I hope the Planning Commission will help to reinforce the concept that Newport is open for business and is supportive of new ventures like this one. We have greatly reduced the city's revenue stream by scaling back on the number of VRD licenses issued, and what better way to help mitigate those cuts by adding wonderful new lodging options like the proposed Abbey Hotel project.

I hope that the city will support and approve the recently submitted conditional use permit without further ado.

Sincerely,
Freddy Saxton

Sherri Marineau

From: Derrick Tokos
Sent: Thursday, March 23, 2023 2:03 PM
To: Sherri Marineau
Subject: FW: File Number 1-CUP-23/1-ADJ-23

Please include with the PC agenda item.

From: Phyllis Johnson
Sent: Thursday, March 23, 2023 12:38 PM
To: Derrick Tokos
Cc: Janine LaFranchise
Subject: File Number 1-CUP-23/1-ADJ-23

[WARNING] This message comes from an external organization. Be careful of embedded links.

Dear Mr. Tokos,

We are concerned Newport Citizens who are reaching out to you in order to draw some attention to the Proposed Hotel that Newport is planning on the Historic Bayfront. There are many reasons as to why we are not in favor of this project:

1. A modern hotel detracts from the Historical architecture and one of the most outstanding positive aspects that Tourism thrives upon.

2. There is insufficient parking. We locals already feel that there is enough traffic on the Bayfront as it is.

3. This will ruin the "quiet enjoyment" of the Local Residents, some who are located right behind the proposed Building site. Many are concerned that their views of Yaquina Bay will be completely destroyed by a multi-level Hotel Structure.

4. There are MANY of us who are not in favor of MORE hotel rooms because occupancy rates are already inconsistent.

"Don't it always seem to go that you don't know what you got 'til it's gone?"

Your planning department may be venturing toward paving paradise and putting up a parking lot!

Sincerely,

Phyllis and David Johnson
Newport, Or

Sherri Marineau

From: Derrick Tokos
Sent: Monday, March 20, 2023 8:03 PM
To: Sherri Marineau
Subject: Fwd: New Hotel proposal on the Newport Oregon Historic Bayfront

Sent from my iPhone

Begin forwarded message:

From: Rebecca Noble
Date: March 20, 2023 at 5:49:24 PM PDT
To: Derrick Tokos , Dean Sawyer
Subject: New Hotel proposal on the Newport Oregon Historic Bayfront

[WARNING] This message comes from an external organization. Be careful of embedded links.

You don't often get email from

TO: Derrick Tokos, Director of Community Development, City of Newport Oregon
Dean Sawyer, Mayor, City of Newport Oregon

re: File No. 1-CUP-23/1-ADJ-23
Hotel on the Bayfront

Dear Sirs:

I write in regards to the proposal of an out of town developer, to build an oversize hotel on Newport's Historic Bayfront. As a Bayfront resident, I'm concerned about the size and lack of parking to support such a large venture on the small lots. The traffic and parking situation is bad enough on this narrow road, without this oversized project lacking enough parking to support it.

I don't have a problem with mixed use retail and lodging, but the scale of this is too large for the space. The hotel portion needs scaled back to support the parking it needs for FULL size vehicles for EACH hotel room, along with enough parking for the retail portion. The front needs more setback for pedestrians. How about more of a historic look to blend with the area?

Thank you for your consideration.

Rebecca Noble,
Resident, of the Newport Oregon Historic Bayfront

PUBLIC TESTIMONY FOR MARCH 27 PUBLIC NOTICE FILE NO.1-CUP-23.1-ADJ-23

Date: March 24, 2023

From: Charlotte Boxer, Adjacent Property owner 818 SW Bay Blvd

I attended the March 13, 2023 Planning Commission Meeting and provided both written and oral public testimony. My opinion continues to be that the proposed project is too large for the site.

Request: 40% adjustment to the adjacent yard buffer, reducing it to 6' to allow for construction of a 6-8' retaining wall.

As noted by one of the Planning Commissioners, creating a 6'-8' retaining wall in front of the existing retaining wall would create an "alley" that would be subject to collection of garbage. It would create a wind tunnel and would allow flying garbage to collect in the created alleyway. The crows and seagulls regularly raid the garbage containers and carry off food that is thrown away. Creating this alley would allow rats, raccoons and other creatures to proliferate in that area. I know, I deal with racoons all the time as they leave food droppings on the steps to the apartment. Who and how will someone clean out this area when trash accumulates behind the 6'-8' wall? This request should be denied on the premise that it creates a health and nuisance hazard. They should work with the condo owners on a resolution to the retaining wall. **The retaining wall extends past the condo owners' property and also includes part of the adjacent property to the north of the condo project, so two owners are impacted.** The owner of that property will also need to be involved.

Request: 13% adjustment to the maximum percentage of allowable compact stalls.

This would result in even more congestion on the street parking because so many people drive vehicles larger than a compact car. To allow 24 compact stalls will be difficult to manage and accommodate. Also, it was brought up that there are 4-ADA compliant rooms; is there a requirement for 4-ADA parking spaces? Assuming there are, the 46 parking spaces would be allocated with 4-ADA parking spaces, and 1-manager space, which leaves 39 spaces of which 24 would be compact (62% would be compact spaces).

While there is no provision in the zoning code for an existing adjoining building to be given adequate access to maintain their buildings, I want to again express that given my building was built in the 1970's and sits only an inch or two inside the property line, the developers proposal to build right up to the property line completely negates any way for me to maintain 33' of my existing building that will abut the proposed project. My building façade is cedar lap siding and the only option I will have is to let that side of the building façade rot because I will have no access to it. How will they maintain their building that abuts the property line and is

enclosed between our two buildings? What do they propose for the building façade? Is it going to be a concrete building? The conceptual drawings do not give any indication of the materials they intend to for the exterior façade.

We all are very aware that views are not protected, but there is a significant "livability" issue to the condominium units above the proposed project. They will lose most of their market value from the construction of the hotel. Who would possibly want to buy a unit that stares directly into the back side of the hotel/guest room windows, and looks down on the HVAC (significant noise and visual negatives) and into the elevator tower? All 6 of the condo owners should petition the Lincoln County Assessor for a substantial reduction in the market and assessed value of the building improvements related to their units and ask for a reduction in the associated taxable value. The "livability" issue is completely ignored by the proposed development. After the last meeting while standing by the front exit, one of the owners asked the developer John Lee "couldn't you build a smaller hotel"? His reply was "we cannot because we are paying so much for the land". The residential properties on SW 13th Street will be even more impacted by the traffic congestion, and parking obstructions, all of which are livability issues. This wasn't as significant with the proposed grocery store as it was a 2-story building.

One of the Planning Commissioners also noted that when the water shortage becomes critical in the summer, it is the residents that are asked to cut back, the hotels keep using the water as if no shortage exists. Pre-pandemic, what was the overall occupancy of the all the hotels in Newport? Without any feasibility study, how does the developer know that this proposed hotel will meet their projected occupancy criteria? I continue to stress, this area of the bay front is extremely noisy, I lived in the apartment next door for 2 ½ years while my home was being built and couldn't wait to move out so I could get a restful night of sleep.

The proposed project is simply too big for the site and that section of the bay front. Here's an idea: maybe the City of Newport should consider a "land swap" and trade a portion of the site where the original Abby Hotel burned down in 1964 for this site. The site of the long-ago Abby Hotel is a now parking lot across from the Abby Pier building. The hillside is considerably higher, enough that no residential homes would be impacted by the 35' height (43' total height with the stair tower and elevator tower) and the retaining wall situation would not be an issue. Commensurate parking spaces could be transferred to the proposed site and the city could negotiate with the developers for the asphalt improvement cost. Yes, it would entail some legal negotiations, but the hotel would be in the same location as the original Abby hotel and would acknowledge that the livability of Newport residents matters.

PLANNING STAFF REPORT

Case File No. 1-CUP-23 / 1-ADJ-23

A. **APPLICANT:** John Lee, 13635 NW Cornell Road, Suite 100, Portland, OR 97229 (applicant). Elsinore Investments, LLC, 1855 SW Teton Ave, Tualatin, OR 97062 (owner).

B. **REQUEST:** Approval per Chapter 14.03.080(18)/"Water-Dependent and Water-Related Uses" of the Newport Municipal Code (NMC) for a conditional use permit to replace the former location of Forinash Gallery, Shark's Restaurant, M&P Thai Restaurant and Apollo's Night Club with a new 47 room, 26,656 sq. ft. three-story hotel, with 2,626 sq. ft. of street level commercial space. Adjustments are also being requested to adjacent yard buffer, off-street parking, and compact parking dimensional standards.

C. **LOCATION:** 836, 838, 844, 846, 848, 852, & 856 SW Bay Blvd.

D. **LEGAL DESCRIPTION:** Lots 2, 3, & 4, Block 1, Plan of Newport, including a portion of a vacated alley, together with Parcels 1 and 2 of Partition Plat 1999-18 (Assessor's Map 11-11-08-CA, Tax Lots 2500, 2501, 2800, and 3300).

E. **LOT SIZE:** Approximately 17,424 sq. ft. per Lincoln County Tax Assessor records.

F. **STAFF REPORT**

1. **REPORT OF FACT**

a. **Plan Designation:** Yaquina Bay Shoreland.

b. **Zone Designation:** W-2/"Water-Related."

c. **Surrounding Land Uses:** Tourist-oriented retail (north), tourist-oriented retail and fish processing (east), condominiums (west), and Coast Guard operations (south).

d. **Topography and Vegetation:** The property is relatively level having been cleared for development in the past. A large retaining wall exists near the west property boundary, with the finished grade of the condominiums to the west being 20-25 feet above that of the subject site. A small amount of landscaping exists at the southwest corner of the property. Otherwise, the property is largely devoid of vegetation.

e. **Existing Structures:** Forinash Gallery (1,224 sq. ft.) and Shark's Restaurant (978 sq. ft.). Apollo's Night Club/M&P Thai Restaurant (8,256 sq. ft.) was demolished in 2020.

f. **Utilities:** All are available to the site.

g. **Development Constraints:** Geologic hazards area.

h. **Past Land Use Actions:**

File No. 1-CUP-20 – Approval of Basics Public Market, a new 11,859 square foot mixed-retail, light industrial building. The facility was to include 3,000 sq. ft. of retail market space, 2,000 sq. ft. of restaurant space, and 6,859 sq. ft. of industrial space for food production. Project did not move forward.

File No. 1-TSP-11 – Approval of a temporary structures permit for a 20-ft x 30-ft tent and fenced area to expand Apollo's footprint during the Seafood and Wine Festival. Approved 2/7/11.

File No. 4-CUP-07. Permitted a 335 sq. ft. portion of the Apollo's Nightclub building for use of a real estate office. Approved 6/4/07.

File No. 4-CUP-06. Permitted 600 sq. ft. of the Apollo's Night Club building for use as a retail gift shop. Approved 4/24/06.

File No. 9-CUP-03. Approved use of the building at 836-848 SW Bay Blvd as a restaurant and bar (i.e. Apollo's Night Club).

File No. 6-PAR-99. Approved a partition creating the parcels upon which Forinash Gallery and Shark's Restaurant are situated. Affects 852, & 856 SW Bay Blvd. Approved 8/4/99.

File No. 2-CUP-91. Permitted the remodeling and retail use of buildings located at 852 & 856 SW Bay Blvd. Approved 3/11/91.

i. **Notification:** Notification to surrounding property owners and to city departments/public agencies announcing the new public hearing date was mailed on February 22, 2023; and notice was published in the Newport News-Times on March 3, 2023.

j. **Attachments:**

Attachment "A" – Application Form
Attachment "B" – Lincoln County Assessor Property Reports
Attachment "C" – Lincoln County Assessor Map
Attachment "D" – Application Narrative
Attachment "E" – Site Plan and Elevations, Received March 2, 2023
Attachment "F" – Survey of the Existing Property
Attachment "G" – Zoning Map of the Area
Attachment "H" – Aerial and Topographic Map of the Area
Attachment "I" – Images of Abbey Hotel
Attachment "J" – Public Hearing Notice
Attachment "K" – Letter from Janine LaFranchise, Received March 6, 2023
Attachment "L" – Apollo's Nightclub, Attachment A-1, File #4-CUP-06
Attachment "M" – Resolution No. 3864

2. **Explanation of the Request:** Pursuant to Chapter 14.03.080(18)/"Water-dependent and Water-related Uses" of the Newport Municipal Code (NMC), uses that are permitted outright in a C-2/"Tourist Commercial" zoning district require a conditional use permit to be located in a W-2/"Water-Related" zoning district.

The applicant is requesting a conditional use permit to construct a three-story, 26,656 sq. ft. hotel. The main hotel services will be on the second and third floors. General retail / food and drinking establishment uses will be provided on the first floor behind the retail storefronts. A roof deck will be incorporated into the design and it will be 2,075 sq. ft. in size. Sales oriented general retail, hotels/motels, and eating and drinking establishments are permitted outright in a C-2 zone district (NMC 14.03.070(2)(a) and (2)(d)).

The applicant is further seeking adjustments to certain dimensional standards applicable to their project, more particularly described as follows:

- Approval of a 40% adjustment to the adjacent yard buffer, reducing it to 6 ft. along the west property line that is adjacent to the residential zone. The zoning code requires a 10 ft. adjacent yard buffer per NMC 14.18.020.

- Approval of a 30% reduction in parking (17 stalls). The applicant notes that City parking standards in NMC 14.14.030 require that they provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). The commercial spaces on the ground floor will also require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. The applicant notes that they are providing 46 on-site parking stalls.

- Approval of a 13% adjustment to the maximum percentage of allowable compact stalls. NMC 14.14.060 allows 40% of the parking to be compact stalls (7.5 ft. wide by 15-ft long) which is 18 stalls. With this application, the applicant is requesting 6 additional stalls.

3. **Evaluation of the Request:**

a. **Comments:** A letter was received from Janine LaFranchise on March 6, 2023, opposing the project out of a concern that traffic attributed to the project will lead to excessive congestion and adverse working conditions for the neighboring fish plants. She is also concerned that the 6-ft. buffer from the west property line will not leave sufficient room for the adjacent condominium development to maintain/repair the retaining wall that the condominium developer built on the property line (Attachment "K").

b. **Adjustment Approval Criteria (NMC 14.33.050)**:

(1) That granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(2) That any impacts resulting from the adjustment are mitigated to the extent practical; and

(3) That the adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and

(4) That if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

c. **Conditional Use Approval Criteria (NMC 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.

d. **Planning Commission Review Required:**

(1) *NMC Section 14.33.030(B), requires that a development request seeking to deviate more than 10%, but less than or equal to 40%, from a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.*

The applicant is seeking a 40% reduction to the 10 ft. adjacent yard buffer required per NMC 14.18.020, a 30% reduction in the number of required off-street parking spaces, and a 13% increase in the maximum percentage of allowed compact spaces. Each of the requested adjustments is within the range that requires Planning Commission approval.

(2) *Per NMC 14.34.030, an application for a Conditional Use Permit shall be processed and authorized using a Type II decision making procedure where specifically identified as eligible for Type II review elsewhere in this Code or when characterized by the following:*

(i) The proposed use generates less than 50 additional trips per day as determined in the document entitled Trip Generation, an informational report prepared by the Institute of Traffic Engineers; and

(ii) Involves a piece(s) of property that is less than one (1) acre in size. For an application involving a condominium unit, the determination of the size of the property is based on the condominium common property and not the individual unit.

All other applications for Conditional Uses shall be processed and authorized as a Type III decision making procedure.

A 47 room hotel/motel (ITE Code 320) will typically generate 265 daily trips. Specialty Retail Centers (ITE 814) cover retail uses that account for a range of tourist-oriented activities. For a 2,626 sq. ft. commercial space, this amounts to 116 daily trips. In total, the proposed development is anticipated to generate 381 daily trips. Presently the property is not generating any vehicle trips, as the Forinash Gallery and Shark's Restaurant buildings are vacant, and the M&P Thai Restaurant and Apollo's Nightclub were demolished in 2020. Consequently, the proposal exceeds the 50 vehicle trip per day limit for a Type II staff level review.

Previous development on the property included a combination of 1,824 sq. ft. of Specialty Retail Center use (ITE 814), 878 sq. ft. of Sit-Down Restaurant space (ITE 932), 5,338 sq. ft. of a Drinking Establishment (ITE 925), 400 sq. ft. of General Office (ITE 710), 725 sq. ft. of Light Industrial (ITE 110) and 1,293 sq. ft. of Warehouse space (ITE 150). Collectively these activities were expected to generate 268 daily trips, resulting in a difference of 113 trips. Therefore, even considering prior development on the subject property, this proposal will generate more than 50 additional trips per day.

The property is less than 1 acre in size per Lincoln County assessment Records (Attachment "B"). Planning Commission review under a Type III decision making procedure is required given the number of anticipated vehicle trips attributed to the proposed development.

e. **Compliance with Adjustment Approval Criteria (NMC 14.33.050):**

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

(1) Granting the adjustment will equally or better meet the purpose of the regulation to be modified:

In regard to this criterion, the Planning Commission must consider whether the applicant has sufficiently demonstrated that granting the adjustments will equally or better meet the purpose of the regulation to be modified.

i. NMC 14.18.020, Adjacent Yard Buffer, stipulates that "*on any portion of a site in a non-residential zone that abuts a residential zone, a minimum interior yard of 10 feet planted and maintained as a landscaped screen shall be required.*" A zoning map of the property shows that the west property line of the subject property serves as a boundary between the W-2/"Water Related" non-residential zone and the R-3/"Medium Density Multi-Family" residential zone (Attachment "G"). This is the only portion of the property that borders a residential zone, and is the only property line from which the applicant is subject to a building setback since the W-2 zone does not otherwise have required setbacks (Table "A," NMC 14.13.020).

ii. In their narrative, the applicant indicates that the adjacent yard buffer is intended to provide visual screening between residential and commercial buildings, which can be effective on level sites. They point out; however, that the current site sits approximately 12 feet lower than the residential site that is supported by a retaining wall, which doesn't meet the physical conditions for which the code is intended. The applicant notes that they are not opposed to providing landscaping, but that they would prefer to provide it in an area where it would be more effective. A 6 foot setback from the west property line allows the applicant to shift their building footprint back 4 feet along SW Bay Blvd (east side) to incorporate some landscaping and seating areas on the front side of the building. They note that it will soften up the urban edge and create a more dynamic pedestrian/street experience.

iii. In addition, the applicant notes that they are proposing to build a 6 to 8 foot high wall along the 6 foot west yard buffer line to address concerns of potential future failure of the existing retaining wall that belongs to the condo owners to the west. They point out that visual observation shows deterioration of wood lagging and parts of the wall, including steel piles, that are leaning towards the subject property. The proposed wall will serve as protection in the case of future failure of any portions of the existing wall and will be built according to the recommendations of a soils engineer and structural engineer.

iv. The enclosed utility and terrain map supports the applicant's point that there is significant grade separation between the two properties (Attachment "H"), and it would be reasonable for the Commission to find that such terrain warrants a reduced setback because it provides comparable visual relief. Further, it is relevant for the Commission to consider whether or not it is practical to attempt to establish screening vegetation along the west property line because the area is constrained between a retaining wall on the west and any kind of building that would

be constructed on the property, depriving the space of sunlight for significant portions of the day. This is evident on the zoning map, which shows the shadow pattern from the previous development (Attachment "G"). The previous development was a two-story building that was setback roughly 25 feet from the west property line to provide room for paved parking between the retaining wall and building. Lastly, the Commission can consider the existing development pattern along the Bayfront, much of which is similarly situated with R-3 zoned land being situated upslope, and adjacent to W-2 zoned properties. There is no visible evidence of a landscape buffer existing in these areas. Many of the W-2 properties, such as the one immediately north of the applicant's property (on the zoning map) are built to the property line given the constrained amount of land available for development along the Bayfront. Terrain provides visual relief for upslope residential properties that face the bay for the view (and would likely object to screening that could obstruct their views). Thus, it would be reasonable for the Commission to conclude that authorizing the adjustment would not create conditions on the ground that are inconsistent with the existing development pattern.

v. A comment was received that a 6 foot setback on the west side of the property will impede any maintenance or repair of the existing wall. This is not a factor that the Commission can consider when determining whether or not an adjustment should be granted as it is not relevant to the purpose behind the adjacent yard buffer. The wall was constructed as part of the condominium development, and the condominium association appears to be the party responsible for its maintenance. A survey of the applicant's property shows that, for the most part, the wall is on the common property line; however, a portion of it encroaches a few feet onto the applicant's property (Attachment "F"). A maintenance easement is typically acquired when one wants to use another's property to maintain their own. In this case it does not appear that an easement was ever obtained. The applicant is proposing to construct a new wall six feet from the existing retaining wall because they are concerned that the existing wall may fail and damage their property. While six feet of separation between walls may not be an ideal width, it does provide a means of meaningful access for both parties to maintain their improvements. If the Commission is inclined to approve the application, staff suggests it provide the applicant the option of reconstructing or reinforcing the existing retaining wall in partnership with the condominium association, as that would provide a more desirable outcome (i.e. a single wall that can be more readily maintained, and would avoid the need for two walls with unusable space between them).

vi. With respect to the applicant's request for a 30% reduction in parking (17 stalls), they note that when applying the off-street parking ratios in NMC 14.14.030, they would be required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). They further note that the commercial spaces on the ground floor will require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. They are currently providing 46 on-site parking stalls.

vii. The purpose section of the City's off-street parking requirements is set out in NMC 14.14.010, which reads as follows:

"The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport."

The Bayfront is a special parking area, the boundary of which is set in NMC 14.14.100, and graphically depicted with Council Resolution No. 3864 (Attachment "M"). Section 4 of Resolution No. 3864 provides:

"NMC 14.14.100 provides that off-street parking within a Parking District shall be provided as specified by the Parking District. For that purpose, the business license annual fee established herein shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces, just as it did when the economic improvement districts were effective. Businesses that require more than five (5) off-street parking spaces shall provide the additional spaces in accordance with applicable provisions of the Newport Zoning Ordinance (NMC Chapter 14)."

The lead language in NMC 14.14.030, provides context for how the City should apply ratios for calculating required off-street parking. It reads in relevant part:

"For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of Section 14.14.050, Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the

required parking shall be based on the increase of the new use."

The Commission should consider these provisions in aggregate when weighing whether or not "*Granting the adjustment will equally or better meet the purpose of the regulation to be modified.*"

viii. If the prior use of the property, which consisted of the former Forinash Gallery, Shark's Restaurant, M&P Thai Restaurant and Apollo's Nightclub had not been discontinued in 2020, with the nightclub being demolished that same year, then the amount of off-street parking provided by the applicant would satisfy the requirements of NMC Chapter 14.14 and there would be no cause for them to seek an adjustment.

The applicant's narrative pulled parking analysis from File No. 1-CUP-20, where the Commission approved a conditional use permit for Basics Market. That analysis showed that the existing use at the time had a parking credit of 49 spaces, which was broken down as follows:

Existing Buildings / Uses (Parking Credit - 49 spaces)
Forinash Gallery (NMC General Retail - 1 space / 300sf) - 1,224sf = 4.1 Spaces
Shark Restaurant (NMC Eating and Drinking Establishments - 1 space/ 150sf) - 878sf = 5.9 Spaces
Shark's Restaurant Kitchen / Support (NMC Industrial - 1.5 spaces/ 1,000sf) - 100sf = 0.2 space
Apollo's Level 1 Restaurant and Nightclub (9-CUP-03) (NMC Eating and Drinking Establishments - 1 space / 150sf) - 5,338sf = 35.6 Spaces
Apollo's Level 1 Kitchen / Support (4-CUP-07) (NMC Industrial - 1.5 spaces/ 1,000sf) - 625sf = 0.9 space
Apollo's Level 1 Retail Gift Shop (4-CUP-06) (NMC General Retail - 1 space/ 600sf) - 600sf = 1.0 Space
Apollo's Level 2 Offices (9-CUP-03) (NMC General Office - 1 Space/ 600sf) - 400sf = 0.7 space
Apollo's Level 2 Storage (9-CUP-03) (NMC Warehouse - 1 Space / 2,000sf) - 1,293sf = 0.6 space

Those uses, like most on the Bayfront, relied heavily on on-street parking to meet its needs. A conditional use permit approved in 2006 indicated that there were 20 off-street parking spaces (Attachment "L"). This was generous, considering that parking to the rear of the building was never striped as depicted with that approval (as evidenced with the 2018 Aerial Image, Attachment "G") and was difficult to access. That said, assuming 20 off-street spaces were available, that accounted for approximately 40% of the parking need with the remaining 60% being met with available on-street spaces.

ix. The hotel and commercial uses included with the applicant's proposal generate a need for up to 63 off-street spaces, 48 being attributed to the hotel at a ratio of one off-street space per unit, plus one for a manager. The balance is associated with retail (at a ratio of 1 space, per 300 sq. ft. of floor area) or eating and drinking establishments (at 1 space, per 150 sq. ft. of floor area). With a 49 space credit, the applicant would be required to provide 16 off-street spaces, in addition to the 20 that had been

previously provided (36 total). The 46 that they are providing is well above that requirement. It is relevant to note that this does not account for the five (5) spaces they would be able to deduct per Resolution No. 3864. Applicant's 46 off-street spaces account for roughly 70% of their parking demand with the remaining 17 parking spaces, or 30% of their demand, being met with available on-street spaces. Quantifiably, applicant's proposal will have a lower impact on demand for available on street spaces than the previous uses.

x. As noted, the previous uses were discontinued in 2020 when the owner of the property was positioning it for redevelopment as Basics Market, and the Planning Commission can reasonably conclude that credit for the previous uses is no longer available. The applicant's request for an adjustment assumes that to be the case. When factoring in the 5 parking spaces the applicant is exempt from having to provide per Resolution No. 3864, the actual request is a 20.7% adjustment to off-street parking requirements, from 58 to 46 spaces.

xi. The Bayfront special parking area was setup so that uses would not have to provide off-street parking to meet 100% of their parking demand. The fish plants that Ms. Lafranchise Attachment "K") notes would be adversely impacted by congestion attributed to this proposal provide no off-street parking for their employees or guests. They rely entirely on available public parking. Evidence in the record, and noted above, establishes that the applicant's proposal would have less of an impact on the availability of on-street parking, and associated congestion, relative to the previous mix of uses that existed on the property just a few years ago. This would be a reasonable approach that the Commission could take when determining whether or not "*Granting the adjustment will equally or better meet the purpose of the regulation to be modified.*" The former Forinash Gallery, Shark's Restaurant, and M&P Thai Restaurant faced Bay Boulevard and guests/employees relied upon public parking. The Apollo's Night Club provided 20 off-street, which met a portion of its need, and the aggregate impact of these uses on available on-street public parking was a demand for 29 spaces. The applicant is situating their new commercial space in a similar manner as the prior use, with parking for the second and third story hotel being met on-site. The spill over, or demand, on available on-street spaces is 17 stalls, which is significantly less than the previous use and is a reasonable basis upon which the Commission could conclude that the adjustment is warranted.

xii. The applicant is seeking a 13% increase in the maximum percentage of allowable compact stalls. NMC 14.14.060 provides:

"For parking lots of five vehicles or more, 40% of the spaces may be compact spaces measuring 7.5 feet wide by 15 feet long. Each compact space must be marked with the word "Compact" in letters that are at least six inches high.

The mix of standard to compact spaces for a particular use, should be tailored to an applicant's clientele and the vehicles they are likely to drive. Structured parking, such as this, is easier for an owner to control, in terms of who is utilizing the spaces and they can advise guests of the limitations of their parking arrangements. The applicant's site plan shows that they are providing a full width drive isle (at 23-ft) which mitigates concerns about adequate area for vehicle turn movements. Considering that the off-street parking is largely concealed and confined to areas behind and under the building, it is likely that use of the space would be limited to hotel guests, and it would be reasonable for the Commission to require the owner advise guests of their parking limitations. The Commission could also ask the applicant for additional information as to why a larger percentage of compact spaces is appropriate. Alternatively, the Commission could encourage the applicant to reconfigure the lot with fewer compact spaces, and less spaces total, meaning that more of their parking demand would be met with available on-street spaces. This would be justifiable given that the applicant is accommodating a larger number and percentage of their parking need off-street than the previous use of the property.

xiii. Considering the above, it is reasonable for the Planning Commission to conclude that granting the adjustments will equally or better meet the purpose of the regulation to be modified.

(2) *That any impacts resulting from the adjustment are mitigated to the extent practical:*

i. It would be reasonable for the Commission to find that the terrain difference between the condominium development to the west and applicant's property mitigates impacts associated with setback reduction from 10-feet to 6-feet. The attached aerial and topographic map illustrate that the applicant's property is 10-12 feet below the lowest elevation of the residential property to the west (Attachment "H"). The condominium building is a further 5-feet higher in elevation and its first floor is dedicated to parking (another 10-feet +/-). This equates to roughly a 25-foot difference in vertical elevation between condominium living

areas and the finished grade of the property. That is the equivalent of a significant amount, and age, of landscape screening were the properties at similar elevations. The same principal applies to other residential properties to the west, which are even further away from applicant's property.

ii. Mitigation is not needed relative to the applicant's request for an adjustment to the required amount of off-street parking since the Bayfront parking area has on-street parking that is provided for the purpose of meeting the additional parking demand from businesses in the area.

iii. A condition of approval requiring the applicant advise guests of the parking limitations attributed to their off-street parking is a reasonable step to mitigate limitations associated with the lot having a higher percentage of compact spaces than the City's parking code would typically allow.

xiv. Considering the above, it is reasonable for the Planning Commission to conclude that the applicant's project adequately mitigates impacts to neighboring properties, as conditioned.

(3) *That the adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access:*

i. The subject property borders SW Bay Street and SW Bay Boulevard and a hydrant is in place at the intersection of those streets, adjacent to the applicant's property (Attachment "H"). The applicant's elevation drawings (Sheet A-6, Attachment "E") shows that the new building will be setback almost 16-feet from the existing retaining wall and 9-feet from the wall that the applicant intends to construct. Chief Murphy, with the Newport Fire Department, confirmed that the applicant's plans, with the adjacent yard buffer adjustment, provide for adequate fire access. There are no utilities in place where the adjacent yard buffer is to be reduced. The requested adjustments to the amount of required parking and the percentage of permissible compact parking spaces do not impact access to the property for fire suppression or the installation and maintenance of utilities.

ii. Given the above, it is reasonable for the Planning Commission to conclude that granting the adjustment will not interfere with utility or fire access.

(4) That if more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

i. The analysis above considers the effect of the requested adjustments and, when taken in aggregate, is sufficient to establish that the cumulative effect of the adjustments is consistent with the overall purpose of the zoning district, which is to support water-related uses and, with conditional use approval, uses that are retail/entertainment oriented in nature.

f. **Compliance with Conditional Use Approval Criteria (NMC 14.34.050):**

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 and electricity. All public facilities are available and serve the property.

The applicant notes that the site currently consists of two separate building structures that are in poor condition. One building was used as a restaurant and the other building was used as an art gallery. They note that there was also a third building used as a nightclub, restaurant, retail space and office building that was recently demolished. Consequently, the applicant asserts that due to the large occupancies of these uses there has historically been a considerable impact to the public facilities along Bay Blvd.

ii. As shown on the applicant's site plan (Attachment "E") and the aerial and topographic Map (Attachment "H"), street and sidewalk access to this developed site is available off SW Bay Boulevard. This public street is a fully improved, paved collector roadway. The Planning Commission may accept this information as sufficient evidence that street and sidewalk access to the property is adequate. The City provides water service to the site via a 12-inch main in SW Bay Boulevard. Sewer service is provided by a 10-inch gravity line in SW Bay Boulevard. Storm drainage is collected in catch basins and directed under SW Bay Boulevard to the bay. The existing facility utilizes these services. The services have been sized to accommodate regional development in the area, including industrial users such as the fish plants along SW Bay Boulevard and the Commission can rely upon the presence of these utilities to establish that the water, sewer, and storm drainage services are adequate to support the proposed uses. Electric service is available to the existing building.

iii. Given the above, it is reasonable for the Planning Commission to find that the public facilities can adequately accommodate the retail use.

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

i. This criterion addresses requirements of the underlying or overlay zone. Each zoning district includes "intent" language. For the W-2 district, it includes the following:

"All conditional uses in a W-2 district shall also comply with the following standard: In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality." (NMC 14.03.040)

ii. The applicant has provided architectural renderings, elevation drawings, and signage details (Attachment "E"). This gives Planning Commission members a clear sense of how the new building will look when it is completed.

iii. The applicant acknowledges that the Bayfront area falls into this category, as it is historic, unique, and scenic. They note that the proposed boutique hotel building will enhance and serve as an anchor to the Southern portion of the Bayfront by replacing old existing buildings that are in disrepair and providing a new facility that will promote local retail businesses and increase tourism.

iv. The applicant points out that nearby is the site of the historic "Hotel Abbey" which was built in 1911. The Hotel Abbey was known to be one of Newport's most prestigious hotels for honeymooners and visitors alike before it was burned down in 1964. The applicant proposes to name the new building "Hotel Abbey" and has designed the structure in a similar manner to reflect the rich history found in Newport and aligns with the spirit of the W-2 zoning provision that states, "In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality."

v. Applicant's site plan and exterior elevations (Attachments "E") illustrate that the building will be three stories high with a 35-foot peak height, which is the maximum building height allowed in the W-2 zone district (Table "A," NMC 14.13.020). Elevator shafts and other mechanical enclosures are permitted to extend above 35-feet per NMC 14.10.020(A) provided they do not exceed 5% of the main building footprint or 200 sq. ft., whichever is less. The applicant's site plan does not include dimensions for the elevator shaft and related appurtenances, so

it would be reasonable for the Commission to include a condition that stipulates the enclosures must adhere to these requirements.

vi. The orientation and mass of the proposed building, its exterior appearance, roof line, and the placement of the elevator shaft give the building a look that is similar to the original "Hotel Abbey." Images of the Hotel Abbey are included with Attachment "I." The building was constructed in 1911 and lost as a result of a fire in 1964. Like the current proposal, the Hotel Abbey included commercial on the ground floor, with hotel rooms on the second and third floors. As the photos show the Bayfront then, like it is now, was a mix of one, two, and three-story structures, and it is reasonable for the Commission to rely upon historic imagery such as this to conclude that the applicant's proposal to construct a three story mixed use building, with main floor commercial and hotel uses on the upper floors, is consistent with the historic, unique, or scenic quality of the area. This includes the fact that hotel lodging has historically been a type of use on the bayfront.

vii. This is a subjective approval standard, and if Commission members feel that there are aspects of the design that are out of place, then it would be appropriate to point them out so that the applicant may respond.

(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 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 including, but not being limited to, the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood. Adequate off-street parking, or the lack thereof, may also be considered by the Commission under this criterion.

ii. The applicant indicates that they believe the proposed replacement building will not adversely impact nearby properties. They point out that the use of the building will be consistent with the current retail businesses and restaurants that have historically occupied the site as well as the other nearby establishments along Bay Blvd. They further note that the appearance and design of the building will not only enhance the overall quality of the area but also encourage higher quality for future developments. The applicant asserts that there will be no unreasonable noise, dust or loss of air

quality from the proposed building and they point out that the proposed use will have a lower parking demand than the previous use of the property (an assertion that is confirmed with analysis earlier in this report).

iii. The proposed mass and height of the building is consistent with what exists on other W-2 zoned properties. This zone allows lot coverage of up to 90% with no setbacks other than the adjacent yard buffer previously discussed and a 35-foot maximum building height (Table "A, NMC 14.13.020). The applicant is adhering to these requirements. The Commission might receive testimony that the proposed building could obstruct the view of the bay from nearby properties, and that this constitutes an "adverse impact." This would be a potential adverse impact only if the applicant were seeking to exceed the permissible building height, which is not the case with this application.

iv. Given the above, it is reasonable for the Planning Commission to find 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 notes that, the proposed building will comply with allowable heights permitted outright per zoning code. They further assert that the design shall not only be consistent with the overall character of the area but improve it through the level of detail and quality of materials used. The boutique design character will add to the unique character of the area that also includes very tall seafood processing buildings on the bay front. The applicant points out that the hotel building has been designed to create variation both in the horizontal and vertical planes of the front facade facing Bay Blvd. In addition, the building has been set back 4 ft from the front property line to create pockets of landscaping and outdoor seating areas for a more pedestrian friendly and dynamic street experience. Lastly, the applicant notes that commercial storefronts with low hanging trellis canopies on the front facade also help to create more human scale.

ii. The applicant may need to adjust aspects of the exterior design to comply with building codes, fire codes, and other public health and safety regulations, including accessibility requirements. It is unlikely though that such changes would materially impact size or height of the building. If that does happen, then it would be appropriate for the Commission to require a new conditional use permit, and a condition to that effect is included below.

iii. Given the above, it is reasonable for the Planning Commission to find that the use will be consistent with the overall development character of the neighborhood regarding building size and height.

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, and cannot comply with the imposition of reasonable conditions, then it should deny the application.

G. **STAFF RECOMMENDATION:** As outlined in this report, this application to replace the former Forinash Gallery, Shark's Restaurant, M&P Thai Restaurant and Apollo's Night Club with a new a new 47 room, 26,656 sq. ft. three-story hotel, with 2,626 sq. ft. of street level commercial space, can satisfy the approval criteria for a conditional use provided conditions are imposed as outlined below.

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to the staff report. No use shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.

2. The applicant shall comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use. If the applicant must materially modify the size or height of the building to comply with these codes, then a conditional use permit shall be submitted to establish that the changes are consistent with the overall development character of the neighborhood.

3. The square footage of the elevator enclosure and related appurtenances shall not exceed 5% of the area of the main building footprint or 200 sq. ft., whichever is less.

4. Applicant may construct a 6 to 8-ft. wall parallel to the existing retaining wall in the location shown on the site plan and exterior elevations (Attachment "E") or they may elect to reconstruct or reinforce the existing retaining wall in partnership with the neighboring condominium association.

5. The hotel shall inform guests via their website or other similar means of the limitations of the on-site parking, and restrict vehicles that are too large to be accommodated.

Derrick I. Tokos AICP
Community Development Director
City of Newport

March 10, 2023

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Attachment "A"
1-CUP-23 / 1-ADJ-23

City of Newport
Land Use Application

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

Applicant Name(s): John Lee	Property Owner Name(s): Elsinore Investments LLC
Applicant Mailing Address: 13635 NW Cornell Rd, Suite 100 Portland, OR 97229	Property Owner Mailing Address: 18555 SW Teton Avenue Tualitan, OR 97062
Applicant Telephone No.: 503-765-5556; jlee@viphgroup.com E-mail:	Property Owner Telephone No.: (503) 805-7805 E-mail: Charlie.eggert@keystone-pacific.com
Authorized Representative(s):	
Authorized Representative Mailing Address:	
Authorized Representative Telephone No.:	E-Mail:

Project Information

Property Location: 836 - 856 SW Bay Blvd., Newport, OR	
Tax Assessor's Map No.: 11-11-08-CA-02800-00, -02500, -02	Tax Lot(s): R394965, R392623, R510871
Zone Designation: W-2/C-2	Legal Description:
Comp Plan Designation:	
Brief Description of Land Use Request(s):	1. Demolish existing 1-story buidings 2. Construction of new 3-story hotel with 47 rooms (26,656 SF) with commercial space on street level (2,626 SF) 3. Add landscape planting and seating along Bay Blvd street frontage.
Existing Structures: 1-story buildings	
Topography and Vegetation:	

APPLICATION TYPE (please check all that apply)

- ☐ Annexation
- ☐ Appeal
- ☐ Comp Plan/Map Amendment
- ☑ Conditional Use Permit
  - ☑ PC
  - ☐ Staff
- ☐ Design Review
- ☐ Geologic Permit
- ☐ Interpretation
- ☐ Minor Replat
- ☐ Partition
- ☐ Planned Development
- ☐ Property Line Adjustment
- ☐ Shoreland Impact
- ☐ Subdivision
- ☐ Temporary Use Permit
- ☐ UGB Amendment
- ☐ Vacation
- ☑ Variance/Adjustment
  - ☑ PC
  - ☐ Staff
- ☐ Zone Ord/Map Amendment
- ☐ Other_____

FOR OFFICE USE ONLY

File No. Assigned:_____

Date Received: _____ Fee Amount: _____ Date Accepted as Complete: _____

Received By: _____ Receipt No.: _____ Accepted By: _____

(SEE REVERSE SIDE)

CITY OF NEWPORT
MAR 0 2 2023
RECEIVED

DocuSign Envelope ID: 096F3315-25AB-4B0F-93EA-9D18B05E83A6

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

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

Applicant Signature(s)	2/6/23 Date Signed
DocuSigned by: Chuck Eggert Property Owner Signature(s)	2/9/2023 | 11:41 AM PST Date Signed
Authorized Representative Signature(s)	Date Signed

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

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

Attachment "B"
1-CUP-23 / 1-ADJ-23

LINCOLNPROD PROPERTY RECORD CARD

roperty ID: R510871 **Map and Taxlot:** 11-11-08-CA-02501-00 **Tax Year:** 2023 **Run Date:** 3/8/2023 1:32:07 PM

PROPERTY SITUS ADDRESS

56 SW BAY BLVD
laintenance Area: 5-09

OWNER NAME AND MAILING ADDRESS

LSINORE INVESTMENTS LLC
3555 SW TETON AVE
UALATIN, OR 97062

LEGAL DESCRIPTION

.P. 1999-18, PARCEL 1, ACRES 0.07, OC201812362

cres: 0.07 **Sqft:** 3245
ffective Acres: 0.07

GENERAL PROPERTY INFORMATION

Prop Class:	201
NBH Code:	N216
Prop Type Code:	COM
Prop Code:	Z5: COMMERCIAL NEWPORT & LINC
Next Appr Date:	
Next Appr Reason:	
Last Appr Date:	03/30/2010
Appraiser:	PAB, PAB
Zoning:	W-2
Code Area:	104
Related Accts:	P357500

VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	135,180	206,310	341,490	233,290	
2021	130,430	135,860	266,290	226,500	
2020	118,580	120,770	239,350	219,910	
2019	118,580	120,770	239,350	213,510	
2018	118,580	95,610	214,190	207,300	
2017	118,580	95,610	214,190	201,270	

ASSESSMENT INFORMATION

Land Non-LSU:	135,180	**Prior MAV:**	233,290	**Except RMV:**	
Improvement:	206,310	**Prior MAV Adj:**		**CPR:**	
Non-LSU RMV Total:	341,490	**Prior AV:**	233,290	**EX. MAV:**	
Land LSU:		**Prior AV Adj:**		**LSU:**	
RMV Total:	341,490	**AV +3%:**	240,289	**New M50 AV:**	240,28

SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
12/11/2018	27			SALE	WD WARRANTY DEE	201812362
09/09/1999	18			SALE	WD WARRANTY DEE	MF389-0895

BUILDING PERMITS AND INSPECTIONS

ype	Appraiser	Issue Date	Date Checked	% Comp	Comment

PARCEL COMMENTS

enFlag- M_09C,M_10C
enCom- JV#025 INPUT 8-29-00.
rop-Note- 10NO,FORNASH GALLERY

EXEMPTIONS

Code	Exempt RMV

Exceptions

Code	Year	Amount	Metho
NI	2010	23,980	
DV	2000	161,040	

MARKET LAND INFORMATION

ype	Table	Method	Acres	Base Value	Adjustment Code - %	NBHD %	Total Adj %	Final Value
S: COMMERCIAL DEV SITE	5BSF	SFT	0.070	35		1.140	1.140	129,480
SD: COMMERCIAL SITE DEVI	NOSC	LT		5,000		1.140	1.140	5,700
		Total Acres:	**0.070**			**Total Market Land Value:**		**135,180**

LAND SPECIAL USE

Code	SAV Unt Pr	MSAV Unt Pr	LSU
		Total LSU:	

LINCOLNPROD PROPERTY RECORD CARD

roperty ID: R392623 **Map and Taxlot:** 11-11-08-CA-02500-00 **Tax Year:** 2023 **Run Date:** 3/8/2023 1:34:00 PM

PROPERTY SITUS ADDRESS

52 SW BAY BLVD
laintenance Area: 5-09

OWNER NAME AND MAILING ADDRESS

LSINORE INVESTMENTS LLC
3555 SW TETON AVE
UALATIN, OR 97062

LEGAL DESCRIPTION

.P. 1999-18, PARCEL 2, ACRES 0.03,
OC201812701

cres: 0.03 **Sqft:** 1205
ffective Acres: 0.03

GENERAL PROPERTY INFORMATION

Prop Class:	201
NBH Code:	N216
Prop Type Code:	COM
Prop Code:	Z5: COMMERCIAL NEWPORT & LINC
Next Appr Date:	
Next Appr Reason:	
Last Appr Date:	10/02/2008
Appraiser:	PAB, BD
Zoning:	W-2
Code Area:	104
Related Accts:	P511261

VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	53,780	112,050	165,830	107,550	
2021	51,890	73,790	125,680	104,420	
2020	47,180	65,590	112,770	101,380	
2019	47,180	65,590	112,770	98,430	
2018	47,180	51,930	99,110	95,570	
2017	47,180	51,930	99,110	92,790	

ASSESSMENT INFORMATION

Land Non-LSU:	53,780	**Prior MAV:**	107,550	**Except RMV:**	
Improvement:	112,050	**Prior MAV Adj:**		**CPR:**	
Non-LSU RMV Total:	165,830	**Prior AV:**	107,550	**EX. MAV:**	
Land LSU:		**Prior AV Adj:**		**LSU:**	
RMV Total:	165,830	**AV +3%:**	110,777	**New M50 AV:**	110,77

SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
12/11/2018	13			SALE	CWD CORRECTION	201812701/2
02/15/2012	27			SALE	WD WARRANTY DEE	201201690
04/10/1991	33			SALE	MISC MISCELLANE	MF228-1270

BUILDING PERMITS AND INSPECTIONS

ype	Appraiser	Issue Date	Date Checked	% Comp	Comment

PARCEL COMMENTS

enFlag- M_09C
enCom- JV#025 INPUT 8-29-00.
rop-Note- SHARK'S SEAFOOD

EXEMPTIONS

Code	Exempt RMV

Exceptions

Code	Year	Amount	Metho
DV	2000	79,950	

MARKET LAND INFORMATION

ype	Table	Method	Acres	Base Value	Adjustment Code - %	NBHD %	Total Adj %	Final Value
S: COMMERCIAL DEV SITE	5BSF	SFT	0.030	35		1.140	1.140	48,080
SD: COMMERCIAL SITE DEVI	NOSC	LT		5,000		1.140	1.140	5,700
		Total Acres:	**0.030**			**Total Market Land Value:**		**53,780**

LAND SPECIAL USE

Code	SAV Unt Pr	MSAV Unt Pr	LSU

Total LSU:

roperty ID: R392623 **Map and Taxlot:** 11-11-08-CA-02500-00 **Tax Year:** 2023 **Run Date:** 3/8/2023 1:34:00 PM

COMMERCIAL IMPROVEMENTS

o.	Inst. ID	OAA Seg	Business Name	Occupancy	Class	Occ %	Stories	Hgt	Rank	Yr Blt	Eff Yr	Area	Perim	Adjustment Code-%	NBHD %	Total Adj %	RCNLD	MS Depr %	RMV
.1	2577670	MA		350-Restaur:		100	1		2.0	1962		978			4.100	4.100	27,330		112,05

Total RMV: 112,05

COMMERCIAL ADDITIONS

o.	Instance ID	Type	Desc	Value

COMMERCIAL BASEMENTS

No.	Instance ID	Bsmt Type	Area	Depth

COMMERCIAL COMMENTS

LINCOLNPROD PROPERTY RECORD CARD

roperty ID: R394965 **Map and Taxlot:** 11-11-08-CA-02800-00 **Tax Year:** 2023 **Run Date:** 3/8/2023 1:34:18 PM

PROPERTY SITUS ADDRESS

36 SW BAY BLVD
laintenance Area: 5-90

OWNER NAME AND MAILING ADDRESS

GGERT CHARLES W
3555 SW TETON AVE
UALATIN, OR 97062

LEGAL DESCRIPTION

EWPORT, BLOCK 1, LOT 2,3 & PTN VAC
LLEY, DOC201805535

cres: 0 **Sqft:**
ffective Acres: 0

GENERAL PROPERTY INFORMATION

Prop Class:	201
NBH Code:	N212
Prop Type Code:	COM
Prop Code:	Z5: COMMERCIAL NEWPORT & LINC
Next Appr Date:	
Next Appr Reason:	
Last Appr Date:	01/13/2021
Appraiser:	PAB, KL
Zoning:	W-2
Code Area:	104
Related Accts:	P440497, P520361, P523631, P524936, P524964, P525989,

VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	331,000		331,000	331,000	
2021	319,390	0	319,390	319,390	
2020	290,350	327,630	617,980	617,980	
2019	290,350	327,630	617,980	617,980	
2018	290,350	259,380	549,730	549,730	
2017	321,500	286,840	608,340	608,340	

ASSESSMENT INFORMATION

Land Non-LSU:	331,000	**Prior MAV:**	387,560	**Except RMV:**	
Improvement:		**Prior MAV Adj:**		**CPR:**	
Non-LSU RMV Total:	331,000	**Prior AV:**	331,000	**EX. MAV:**	
Land LSU:		**Prior AV Adj:**		**LSU:**	
RMV Total:	331,000	**AV +3%:**	340,930	**New M50 AV:**	331,0(

SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
06/06/2018	34			SALE	WD WARRANTY DEE	201805535
04/30/2007	18			SALE	WD WARRANTY DEE	200706317
12/26/2003	29			SALE	WD WARRANTY DEE	200321923

BUILDING PERMITS AND INSPECTIONS

ype	Appraiser	Issue Date	Date Checked	% Comp	Comment

PARCEL COMMENTS

enFlag- M_04C,M_05C,M_09C,M_12C,M_18C
enCom- FOR 2006-07 BOPTA ORDER #R06-056 REDUCED THE RMV IMPS BY -$105,200 TO $273,010 FOR A NEW RMV TOTAL O
rop-Note- APOLLO'S RESTAURANT /DEMOLISHED 1/15/2021
and- PTO TL 3300

EXEMPTIONS

Code	Exempt RMV

Exceptions

Code	Year	Amount	Metho
ADJ	2021	-437,320	
NI	2005	264,870	

MARKET LAND INFORMATION

ype	Table	Method	Acres	Base Value	Adjustment Code - %	NBHD %	Total Adj %	Final Value
S: COMMERCIAL DEV SITE	5BSF	SFT	0.200	35	S-90	1.140	1.026	319,600
SD: COMMERCIAL SITE DEVI	NOSC	LT		5,000	EFF-200	1.140	2.280	11,400
		Total Acres:	**0.200**			**Total Market Land Value:**		**331,000**

LAND SPECIAL USE

Code	SAV Unt Pr	MSAV Unt Pr	LSU
		Total LSU:	

LINCOLNPROD PROPERTY RECORD CARD

roperty ID: R399663 **Map and Taxlot:** 11-11-08-CA-03300-00 **Tax Year:** 2023 **Run Date:** 3/8/2023 1:34:42 PM

PROPERTY SITUS ADDRESS

laintenance Area: 5-09

OWNER NAME AND MAILING ADDRESS

GGERT CHARLES W
3555 SW TETON AVE
UALATIN, OR 97062

LEGAL DESCRIPTION

EWPORT, BLOCK 1, LOT 4,PTN OF & VAC
LLEY, DOC201805535

cres: 0 **Sqft:**
ffective Acres: 0

GENERAL PROPERTY INFORMATION

Prop Class:	200
NBH Code:	N212
Prop Type Code:	COM
Prop Code:	Z5: COMMERCIAL NEWPORT & LINC
Next Appr Date:	
Next Appr Reason:	
Last Appr Date:	03/09/2018
Appraiser:	KL
Zoning:	W-2
Code Area:	104
Related Accts:	

VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	159,260		159,260	138,540	
2021	153,670	0	153,670	134,510	
2020	139,700	0	139,700	130,600	
2019	139,700	0	139,700	126,800	
2018	139,700	0	139,700	123,110	
2017	155,230	0	155,230	119,530	

ASSESSMENT INFORMATION

Land Non-LSU:	159,260	**Prior MAV:**	138,540	**Except RMV:**	
Improvement:		**Prior MAV Adj:**		**CPR:**	
Non-LSU RMV Total:	159,260	**Prior AV:**	138,540	**EX. MAV:**	
Land LSU:		**Prior AV Adj:**		**LSU:**	
RMV Total:	159,260	**AV +3%:**	142,696	**New M50 AV:**	142,69

SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref
06/06/2018	34			SALE	WD WARRANTY DEE	201805535
04/30/2007	18			SALE	WD WARRANTY DEE	200706317
12/26/2003	29			SALE	WD WARRANTY DEE	200321923

BUILDING PERMITS AND INSPECTIONS

ype	Appraiser	Issue Date	Date Checked	% Comp	Comment

PARCEL COMMENTS

enFlag- M_04C,M_09C,M_18C
enCom- 2003-04 VALUES REDUCED BY BOPTA ORDER #R03-298 & R03-356 RMV LAND ONLY -$20,280 TO $114,880 NO CHG T
rop-Note- 18YES,PTO APOLLO'S RESTAURANT
and- PTO 2800

EXEMPTIONS

Code	Exempt RMV

Exceptions

Code	Year	Amount	Metho

MARKET LAND INFORMATION

ype	Table	Method	Acres	Base Value	Adjustment Code - %	NBHD %	Total Adj %	Final Value
SU: COM UNDEV SITE	5BSF	SFT	0.100	35	S-90	1.140	1.026	159,260
		Total Acres:	**0.100**			**Total Market Land Value:**		**159,260**

LAND SPECIAL USE

Code	SAV Unt Pr	MSAV Unt Pr	LSU

Total LSU:

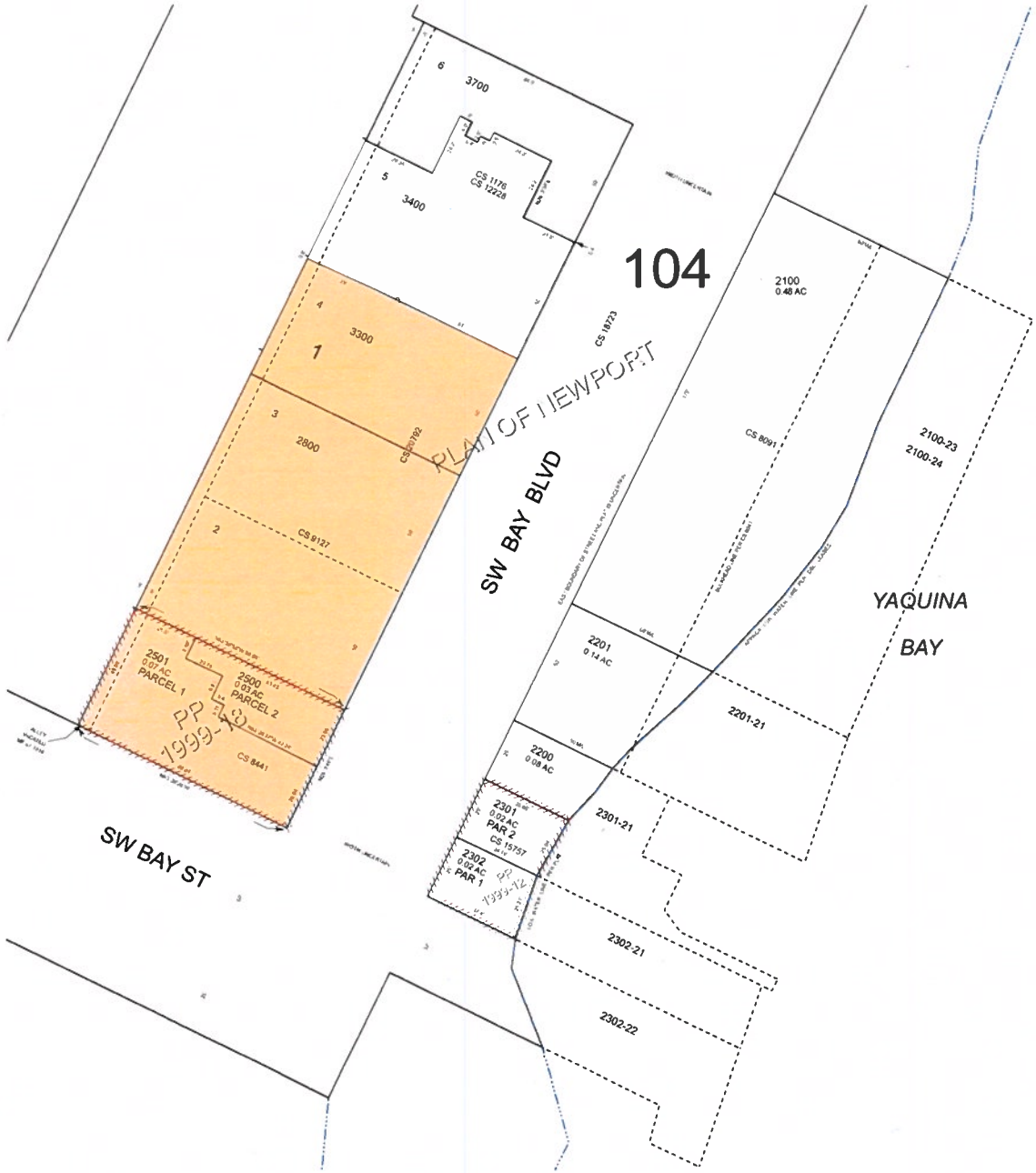
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

0 10 20 30 40 Feet

DETAIL MAP NO. 1
N.E.1/4 S.W.1/4 SEC.8 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 30'

Attachment "C"
1-CUP-23 / 1-ADJ-23

11 11 08 CA
DETAIL MAP NO 1
NEWPORT



Revised: SEB
06/01/2021

NEWPORT
DETAIL MAP NO 1
11 11 08 CA

Attachment "D"
1-CUP-23 / 1-ADJ-23

CITY OF NEWPORT
MAR 02 2023
RECEIVED

February 9, 2023

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

From: John Lee
VIP Hospitality Group
13635 NW Cornell Rd #100
Portland, OR 97229

Project: 836-856 SW Bay Blvd.
Newport, OR 97365

Re: Adjustment Request Letter

This letter is to describe the request for adjustments per application submittal requirements. The adjustment requests are as follows:

1) Request for a 40% reduction in the required yard buffer to 6 ft. along the west property line that is adjacent to the residential zone. The zoning code requires a 10 ft 'adjacent yard buffer' per NMC 14.18.020 which is intended to provide visual screening between residential and commercial buildings on level sites. However, the current site sits approximately 12 ft lower than the residential site and is supported by a retaining wall which doesn't meet the physical conditions for which the code is intended. Hence, we are proposing to set the building back 4 ft along SW Bay Blvd (east side) to incorporate some landscaping and seating areas on the front side of the building. This will soften up the urban edge and create a more dynamic pedestrian/street experience.

   In addition, we are proposing to build a 6 to 8 ft high wall along the 6 ft west yard buffer line to address concerns of potential future failure of the existing retaining wall that belongs to the condo owners to the west. Visual observation shows deterioration of wood lagging and parts of the wall, including steel piles, that are leaning towards the subject property. The proposed wall will serve as protection in the case of future failure of any portions of the existing wall and will be built according to the recommendations of a soils engineer and structural engineer.

2) Request for a 30% reduction in parking (17 stalls). Per zoning code, we are required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). The commercial spaces on the ground floor will also require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. We are currently providing 46 on-site parking stalls.

3) Request for a 13% adjustment in maximum compact stalls. The zoning code allows 40% of the parking to be compact stalls which is 18 stalls. We are requesting to allow for 6 more compact stalls.

If approved, the request for adjustments stated above will allow for a mixed-use project that incorporates ground floor commercial space that will increase retail business activity and enhance the pedestrian and street experience. The adjustments will mitigate any impacts to the extent practical such as adequate lighting and privacy to adjoining properties, adequate access, topography, site drainage, significant vegetation, and drainage. The adjustments will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.

February 9, 2023

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

From: John Lee
VIP Hospitality Group
13635 NW Cornell Rd #100
Portland, OR 97229

Project: 836-856 SW Bay Blvd.
Newport, OR 97365

Re: Written findings of fact addressing the following criteria:

1) That the public facilities can adequately accommodate the proposed use.

The site currently consists of two separate building structures that are in poor condition. One building was used as a restaurant and the other building was used as an art gallery. There was also a third building used as a nightclub, restaurant, retail space and office building that was recently demolished. Due to the large occupancies of these uses there has historically been a considerable impact to the public facilities along Bay Blvd.

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

The proposed boutique hotel building will enhance and serve as an anchor to the Southern portion of the Bayfront by replacing old existing buildings that are in disrepair and providing a new facility that will promote local retail businesses and increase tourism. Nearby is the site of the historic 'Hotel Abbey' which was built in 1911. The Hotel Abbey was known to be one of Newport's most prestigious hotels for honeymooners and visitors alike before it was burned down in 1964. This hotel building, which will be called "Hotel Abbey" will serve as a reflection of the rich history found in Newport and aligns with the spirit of the W-2 zoning provision that states, "In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality."

3) That the proposed use does not have an adverse impact greater than the existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purpose of this criterion, "adverse impact" is the potential averse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust or loss of air quality.)

The proposed building has no adverse impacts on the nearby properties. The use of the building will be consistent with the current retail businesses and restaurants that have historically occupied the

site as well as the other nearby establishments along Bay Blvd. The appearance and design of the building will not only enhance the overall quality of the area but also encourage higher quality for future developments. There will be no unreasonable noise, dust or loss of air quality from the proposed building. The current buildings and uses represent an occupancy and parking demand of 49 spaces and the proposed hotel use represents a slightly lower parking demand of 48 spaces (see breakdown below). The new facility will provide 46 off-street parking spaces.

Existing Buildings / Uses (Parking Credit – 49 spaces)
Forinash Gallery (NMC General Retail - 1 space / 300sf) - 1,224sf = 4.1 Spaces
Shark Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 878sf = 5.9 Spaces
Shark's Restaurant Kitchen / Support (NMC Industrial - 1.5 spaces / 1,000sf) - 100sf = 0.2 space
Apollo's Level 1 Restaurant and Nightclub (9-CUP-03) (NMC Eating and Drinking Establishments - 1 space / 150sf) - 5,338sf = 35.6 Spaces
Apollo's Level 1 Kitchen / Support (4-CUP-07) (NMC Industrial - 1.5 spaces / 1,000sf) - 625sf = 0.9 space
Apollo's Level 1 Retail Gift Shop (4-CUP-06) (NMC General Retail - 1 space / 600sf) - 600sf = 1.0 Space
Apollo's Level 2 Offices (9-CUP-03) (NMC General Office - 1 Space / 600sf) - 400sf = 0.7 space
Apollo's Level 2 Storage (9-CUP-03) (NMC Warehouse - 1 Space / 2,000sf) - 1,293sf = 0.6 space

Proposed Building / Uses (Parking Demand New Building - 29 Spaces)
Industrial Food Production Level 1 (NMC Industrial - 1.5 spaces / 1,000sf) - 6,859sf = 10.3 spaces
General Retail Market Level 1 (NMC General Retail - 1 space / 600sf) - 3,000sf = 5 Spaces
Food Court / Restaurant (NMC Eating and Drinking Establishments - 1 space / 150sf) - 2,000sf = 13.3 Spaces

4) If the application is for a proposed building or building modification, that is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

The proposed building will comply with allowable heights permitted outright per zoning code. The design shall not only be consistent with the overall character of the area but improve it through the level of detail and quality of materials used. The boutique design character will add to the unique character of the area that also includes very tall seafood processing buildings on the bay front. The hotel building has been designed to create variation both in the horizontal and vertical planes of the front façade facing Bay Blvd. In addition, the building has been set back 4 ft from the front property line to create pockets of landscaping and outdoor seating areas for a more pedestrian friendly and dynamic street experience. Commercial storefronts with low hanging trellis canopies on the front facade also help to create more human scale.

5) A written statement describing the nature of the request:

The proposed 3-story building shall be comprised of approximately 22,656 sf for the hotel portion of the project. The main hotel services will be on the second and third floors. General retail / food and drink establishment shall comprise approximately 2,623 sf of space on the first floor. 46 parking spaces will be provided on the first floor behind the retail storefronts. The roof deck shall be 2,075 sf.

Attachment "E"
1-CUP-23 / 1-ADJ-23

HOTEL ABBEY

MIXED-USE HOTEL & RETAIL

836 - 856 SW BAY BLVD
NEWPORT, OREGON 97365

PROJECT DIRECTORY

OWNER

LC HOTEL, LLC
13635 NW CORNELL RD SUITE 100
PORTLAND, OR 97229
TEL: 503.765.5552
CONTACT: JOHN LEE

PLANNING & DESIGN

DENNY HAN
2057 HILLDALE DRIVE
LA CANADA FLINTRIDGE, CA 91011
T: 626-322-5464

PARKING ANALYSIS

PARKING REQUIRED:

HOTEL (47 GUEST ROOMS + 1)	- 48
GENERAL RETAIL (1 PER 300 SF)	- 8
OR FOOD & ESTABLISHMENT (1 PER 150 SF)	- 16
PARKING REDUCTION	- 5
TOTAL REQUIRED	- 51 OR 59 STALLS

PARKING PROVIDED:

HANDICAP	- 2
STANDARD	- 19
COMPACT (54%)	- 25
TOTAL PROVIDED	- 46 STALLS

PROJECT DESCRIPTION

SCOPE OF WORK INCLUDES:

1. DEMOLISH EXISTING 1 -STORY BUILDINGS
2. CONSTRUCTION OF NEW 3-STORY BUILDING WITH 47 GUEST ROOMS & ROOF DECK (2,075 SF)
3. ADD LANDSCAPE PLANTING & SEATING ALONG BAY BLVD FRONTAGE

PROPOSED BUILDING AREA:

1ST FLOOR PLAN	
HOTEL	- 1,082 SF
COMMERCIAL SPACE	- 2,623 SF
2ND FLOOR PLAN	- 12,787 SF
3RD FLOOR PLAN	- 12,787 SF
TOTAL	- 29,279 SF

PROJECT INFORMATION

ZONING	- W-2 (C-2 OVERLAY)
LOT AREA	- .40 ACRES
TOTAL GUEST ROOMS	- 47

CITY OF NEWPORT
MAR 0 2 2023
RECEIVED

SHEET INDEX

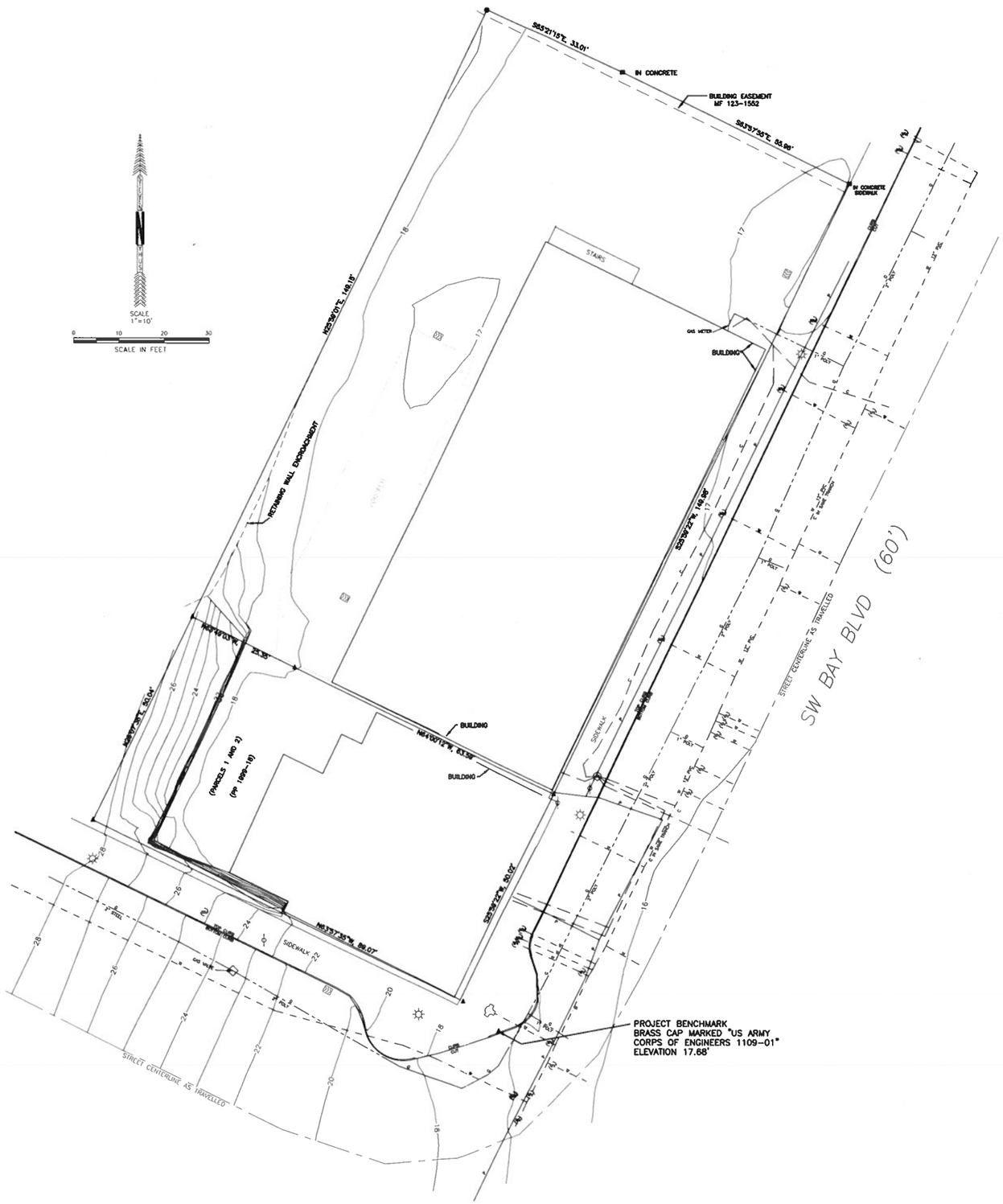
T-1	TITLE SHEET, PROJECT INFORMATION & SITE PLAN
A-1	FIRST FLOOR PLAN
A-2	SECOND FLOOR PLAN
A-3	THIRD FLOOR PLAN
A-4	ROOF PLAN
A-5	BUILDING ELEVATIONS
A-6	BUILDING SECTION

VICINITY MAP

HOTEL ABBEY
836 - 856 SW BAY BLVD
NEWPORT, OR 97365

COVER SHEET

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	T-1

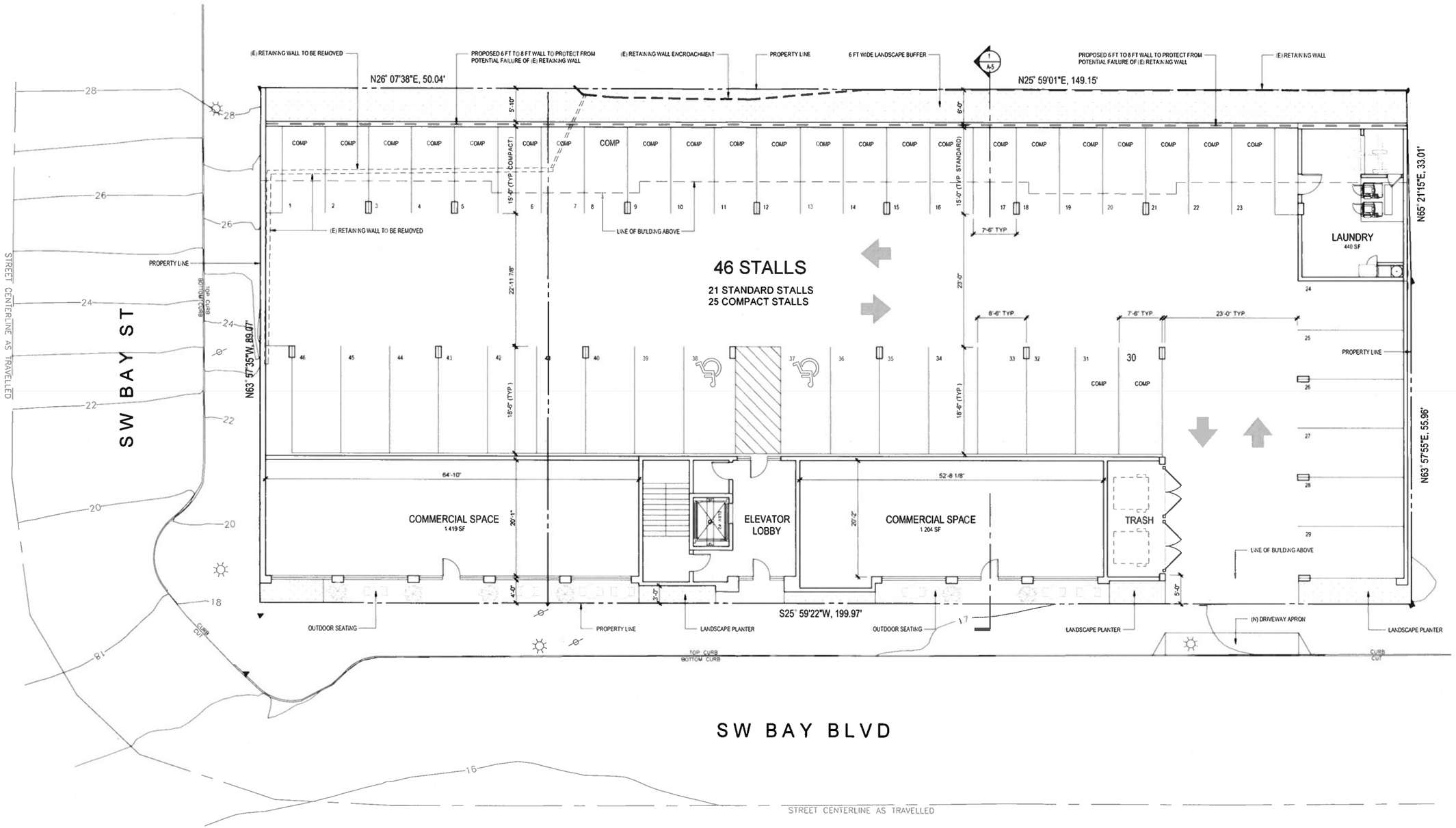


HOTEL ABBEY

836 - 856 SW BAY BLVD
NEWPORT, OR 97365

SURVEY

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	A-0
File Name	
Copyright	



1 FIRST (GROUND) FLOOR PLAN
1/8"=1'-0"

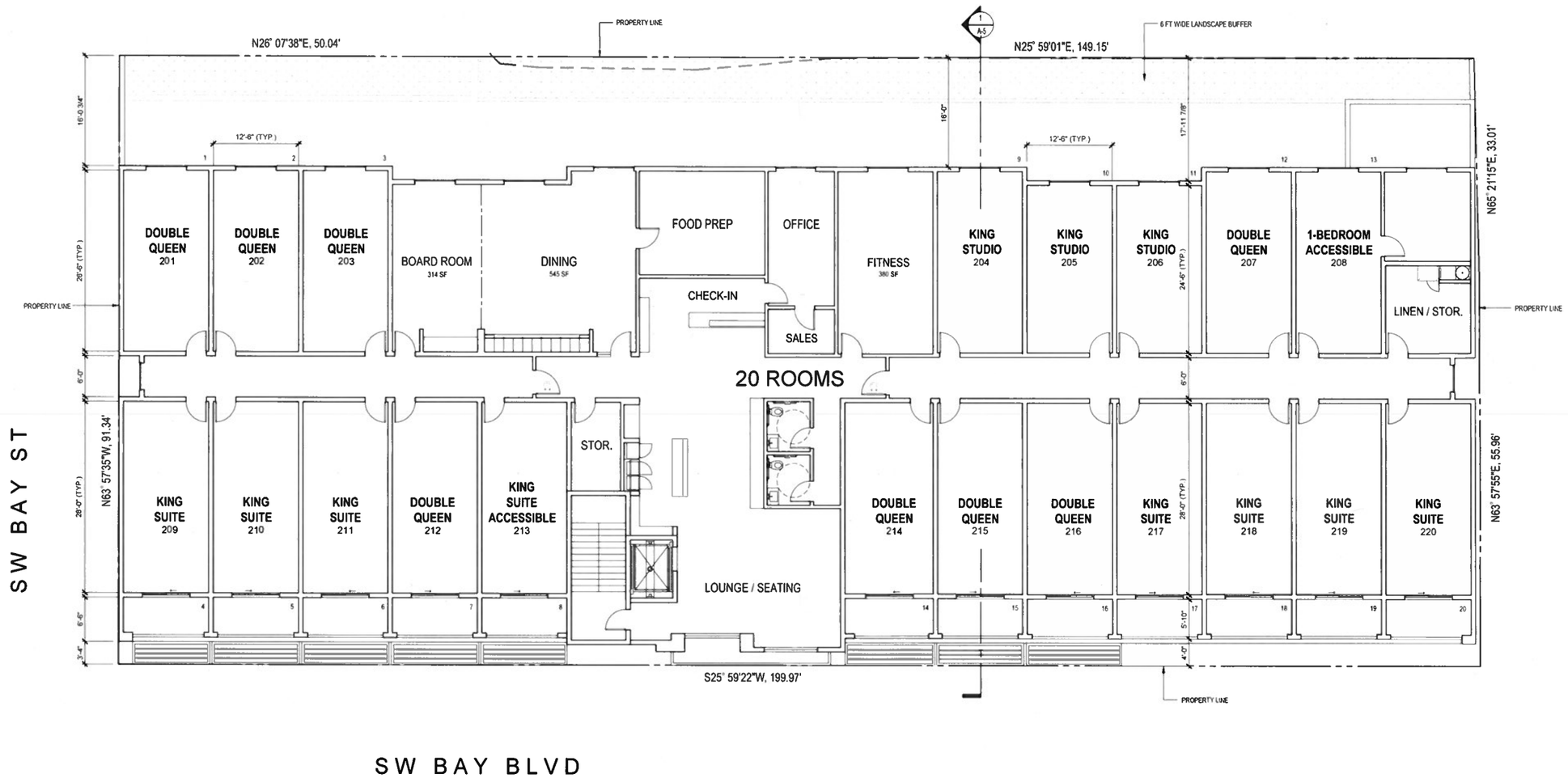
TRUE NORTH

HOTEL ABBEY

836 - 856 SW BAY BLVD
NEWPORT, OR 97365

FIRST FLOOR PLAN

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	A-1



1 SECOND FLOOR PLAN
1/8"=1'-0"

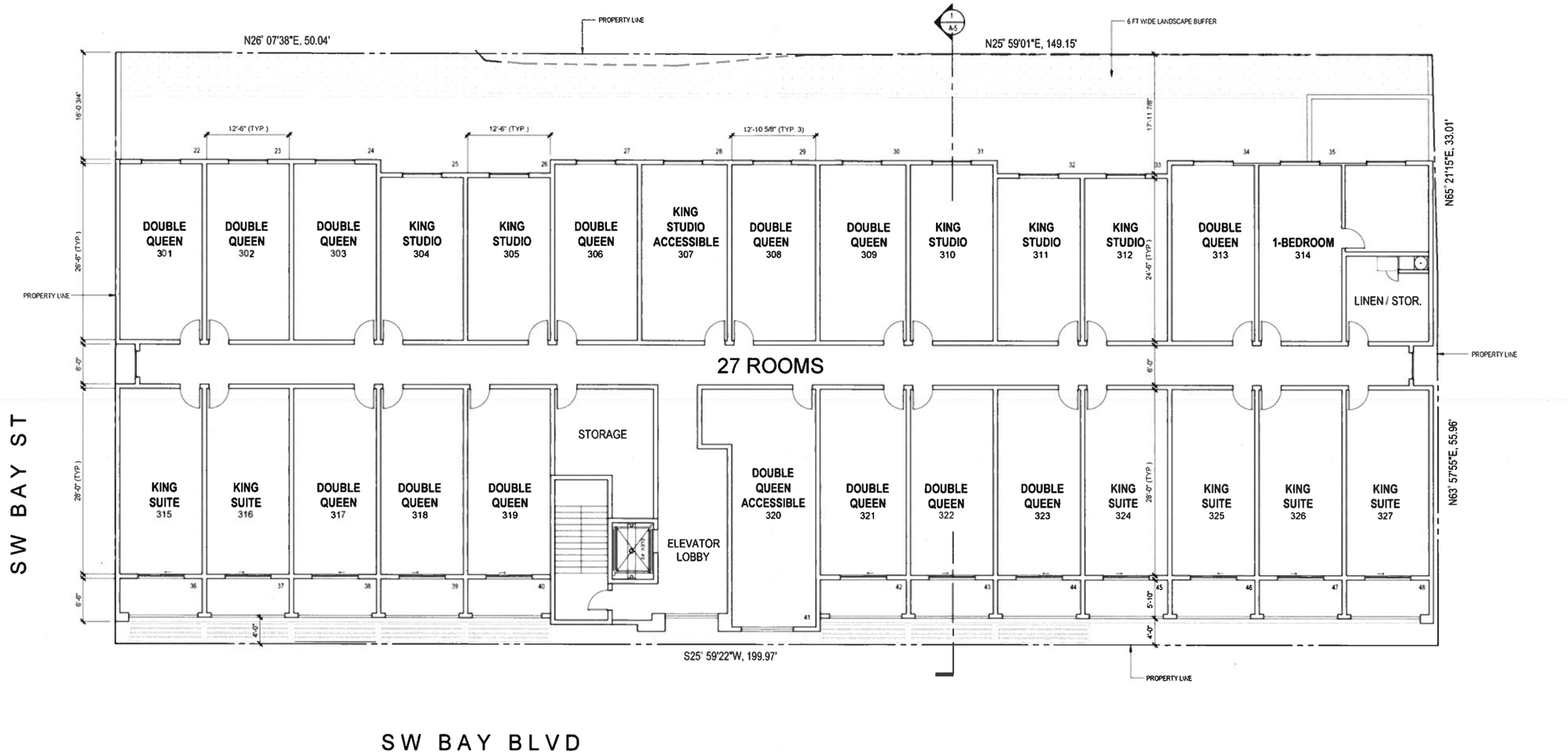
TRUE NORTH

HOTEL ABBEY

836 - 856 SW BAY BLVD
NEWPORT, OR 97365

SECOND FLOOR PLAN

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	A-2
File Name	
Copyright	



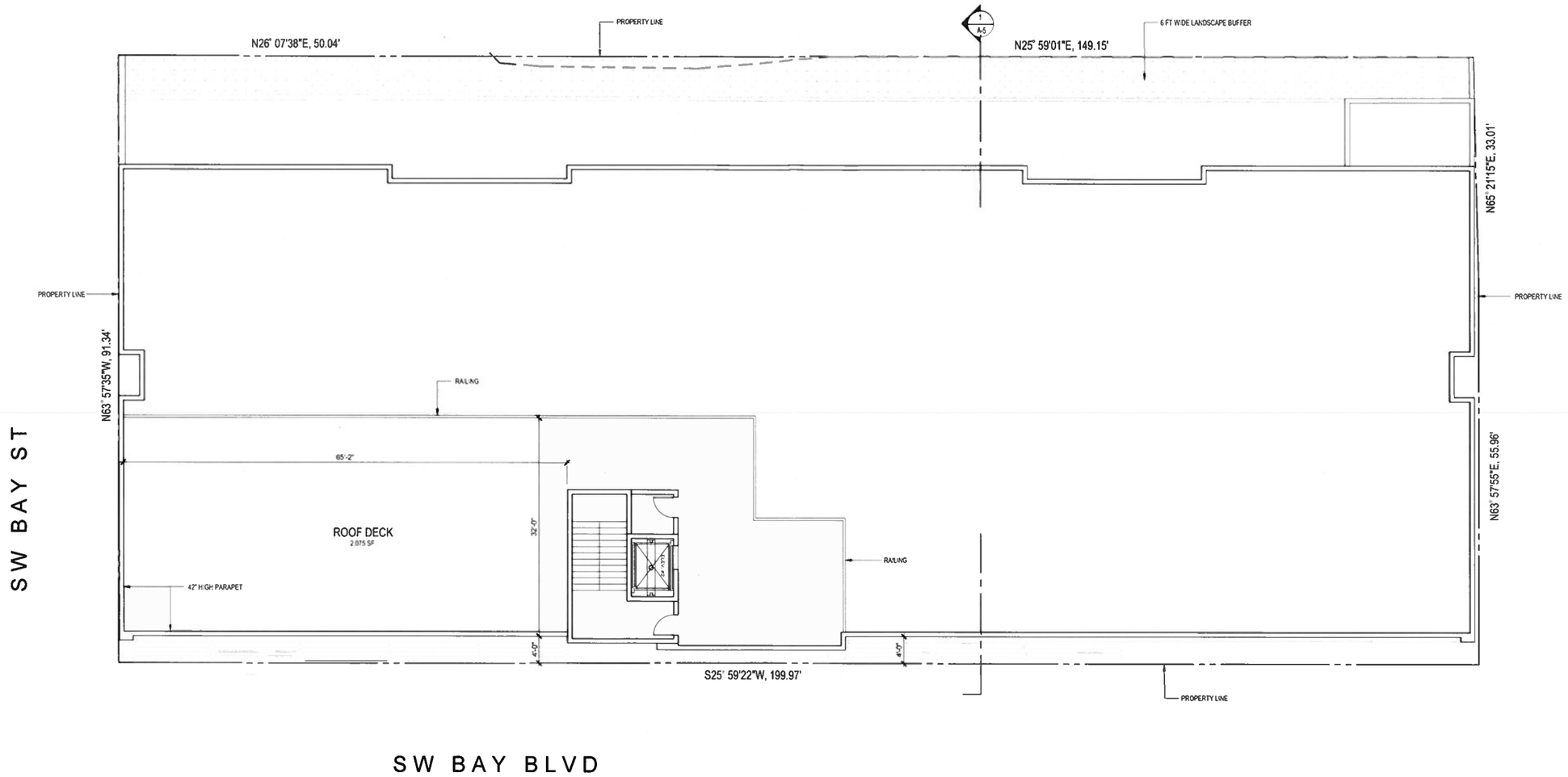
1 THIRD FLOOR PLAN
1/8"=1'-0"

TRUE NORTH

HOTEL ABBEY
836 - 856 SW BAY BLVD
NEWPORT, OR 97365

THIRD FLOOR PLAN

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	A-3
File Name	
Copyright	



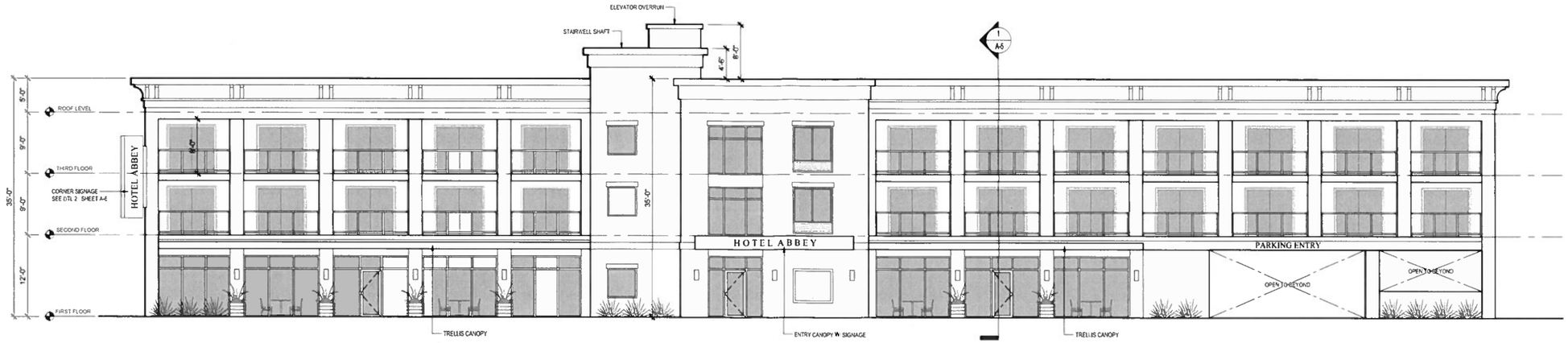
1 ROOF PLAN
1/8"=1'-0"

TRUE NORTH

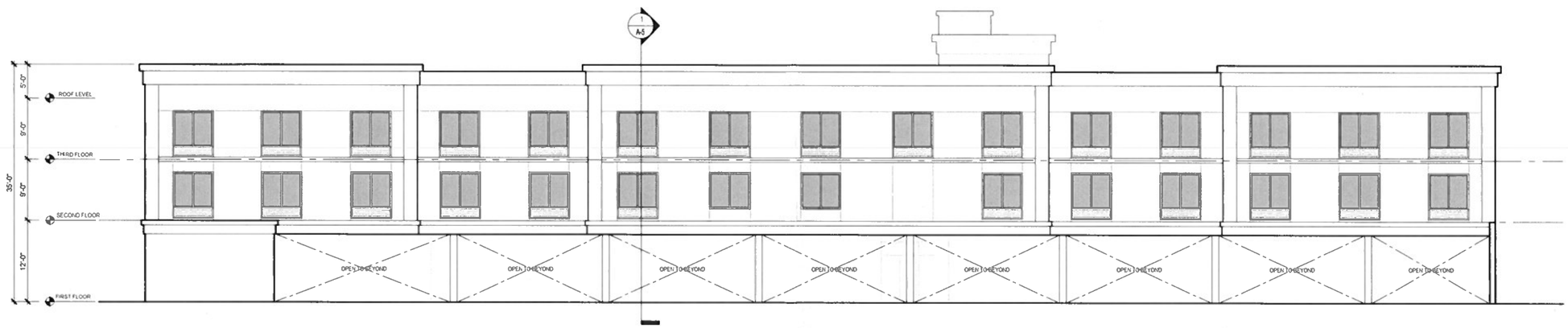
HOTEL ABBEY
836 - 856 SW BAY BLVD
NEWPORT, OR 97365

FOURTH FLOOR PLAN

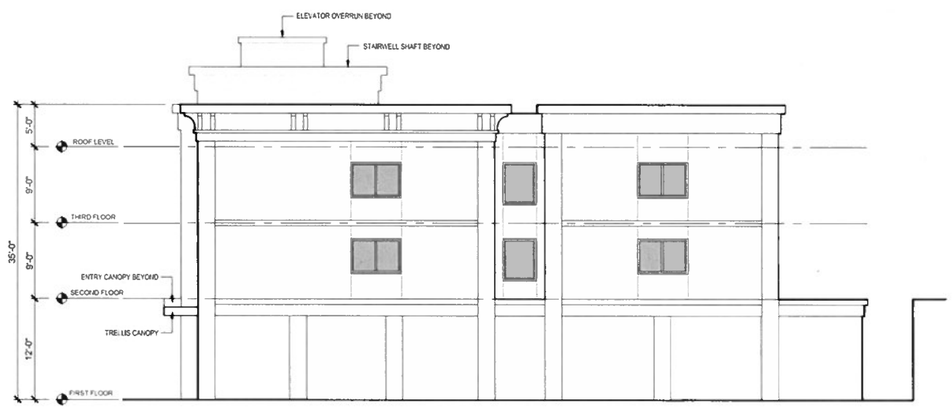
Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	A-4



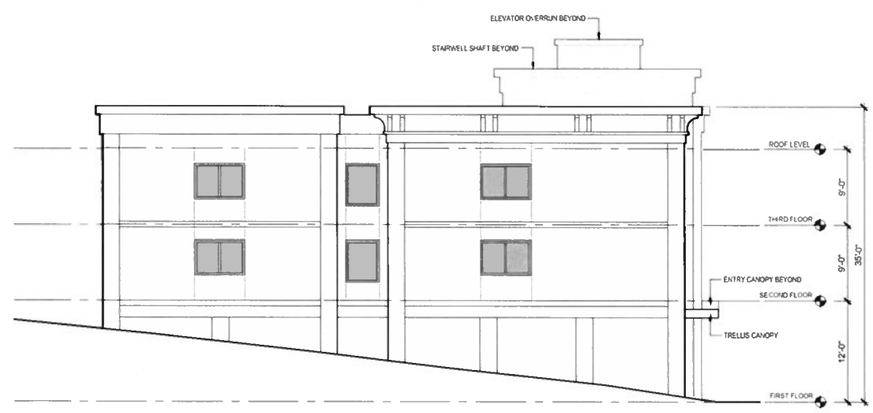
EAST BUILDING ELEVATION (BAY BLVD. FRONTAGE)
3/32"=1'-0"



WEST BUILDING ELEVATION
3/32"=1'-0"



NORTH BUILDING ELEVATION
3/32"=1'-0"

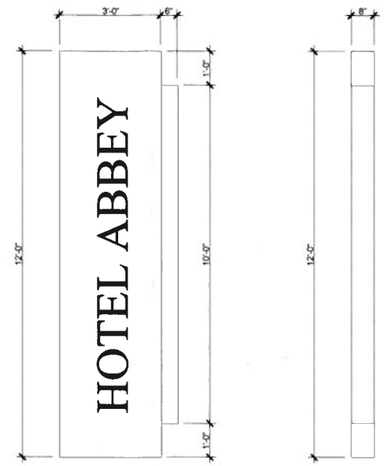


SOUTH BUILDING ELEVATION (BAY ST. FRONTAGE)
3/32"=1'-0"

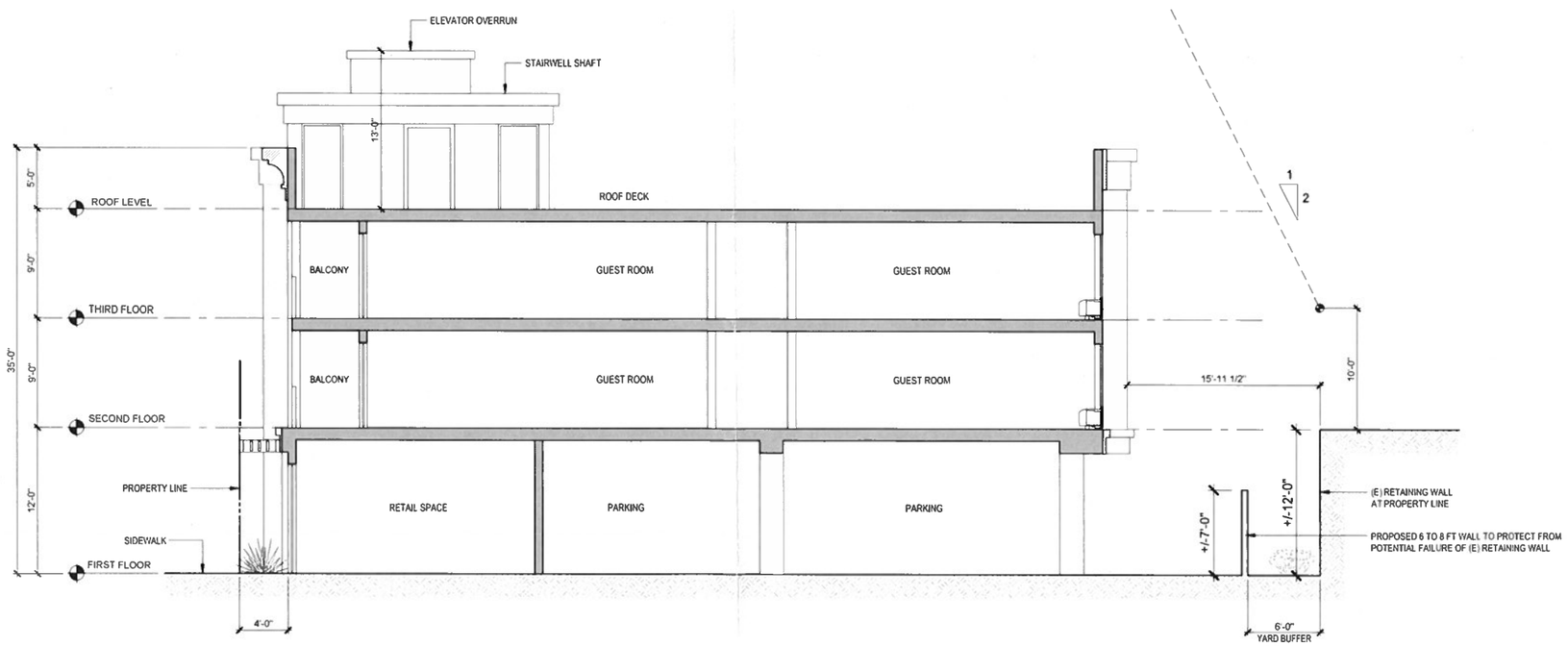
HOTEL ABBEY
836 - 856 SW BAY BLVD
NEWPORT, OR 97365

BUILDING ELEVATIONS

Date	FEBRUARY 9, 2023
Scale	AS SHOWN
Drawn	
Approved	
Job	
Sheet	A-5



2 SIGNAGE
1/2"=1'-0"



BUILDING SECTION
3/16"=1'-0"

Order #	Date	Issues/Revisions

HOTEL ABBEY
836 - 856 SW BAY BLVD
NEWPORT, OR 97365

BUILDING SECTION AND SIGNAGE

Date FEBRUARY 9, 2023
Scale AS SHOWN
Drawn
Approved
Job
Sheet **A-6**
File Name
Copyright

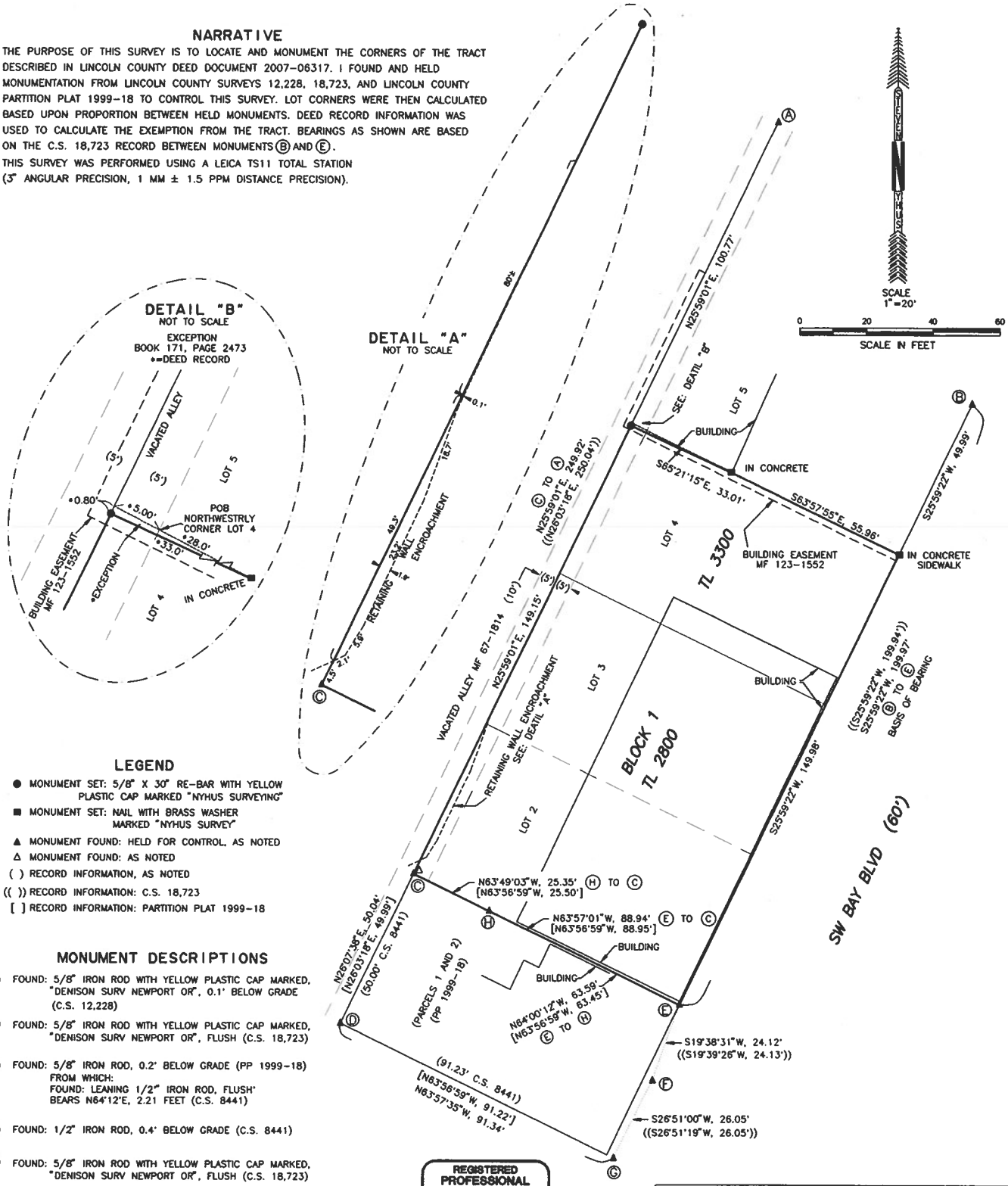
SURVEY PREPARED FOR CHARLES EGGERT
IN LOTS 2, 3 AND 4, BLOCK 1 AND PORTION OF VACATED ALLEY PLAN OF "NEWPORT"
LOCATED IN THE SW 1/4 OF SECTION 8, T11S, R11W, W.M.
CITY OF NEWPORT, LINCOLN COUNTY, OREGON

(11-11-08-CA TAX LOTS 2800 AND 3300)
MAY 24, 2018

C.S. # 20792
FILED 26 June 2018
LINCOLN COUNTY SURVEYOR

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO LOCATE AND MONUMENT THE CORNERS OF THE TRACT DESCRIBED IN LINCOLN COUNTY DEED DOCUMENT 2007-06317. I FOUND AND HELD MONUMENTATION FROM LINCOLN COUNTY SURVEYS 12,228, 18,723, AND LINCOLN COUNTY PARTITION PLAT 1999-18 TO CONTROL THIS SURVEY. LOT CORNERS WERE THEN CALCULATED BASED UPON PROPORTION BETWEEN HELD MONUMENTS. DEED RECORD INFORMATION WAS USED TO CALCULATE THE EXEMPTION FROM THE TRACT. BEARINGS AS SHOWN ARE BASED ON THE C.S. 18,723 RECORD BETWEEN MONUMENTS Ⓑ AND Ⓔ.
THIS SURVEY WAS PERFORMED USING A LEICA TS11 TOTAL STATION (3" ANGULAR PRECISION, 1 MM ± 1.5 PPM DISTANCE PRECISION).



LEGEND

- ● MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEYING"
- ■ MONUMENT SET: NAIL WITH BRASS WASHER MARKED "NYHUS SURVEY"
- ▲ MONUMENT FOUND: HELD FOR CONTROL, AS NOTED
- △ MONUMENT FOUND: AS NOTED
- ( ) RECORD INFORMATION, AS NOTED
- (( )) RECORD INFORMATION: C.S. 18,723
- [ ] RECORD INFORMATION: PARTITION PLAT 1999-18

MONUMENT DESCRIPTIONS

Ⓐ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", 0.1' BELOW GRADE (C.S. 12,228)

Ⓑ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)

Ⓒ FOUND: 5/8" IRON ROD, 0.2' BELOW GRADE (PP 1999-18) FROM WHICH: FOUND: LEANING 1/2" IRON ROD, FLUSH' BEARS N64°12'E, 2.21 FEET (C.S. 8441)

Ⓓ FOUND: 1/2" IRON ROD, 0.4' BELOW GRADE (C.S. 8441)

Ⓔ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)

Ⓕ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)

Ⓖ FOUND: 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED, "DENISON SURV NEWPORT OR", FLUSH (C.S. 18,723)

Ⓗ FOUND: 5/8" IRON ROD WITH ILLEGIBLE YELLOW PLASTIC CAP, FLUSH (PP 1999-18)

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
SEPTEMBER 13, 2016
STEVEN E. NYHUS
56420PLS
RENEWAL DATE: DEC. 31, 2018

NYHUS SURVEYING INC.
GARY NYHUS / STEVEN NYHUS
PROFESSIONAL LAND SURVEYOR
P.O. BOX 206
740 E. THISSELL RD. TIDEWATER, ORE 97390
(541) 528-3234

CHECK BY:	SEN
DRAWN BY:	GAM
DATE:	5-24-2018
SCALE:	1" = 20'
PROJECT:	18090

DRAWN BY: GM MAPPING -GREG MURRY- (541) 528-7062 / 42ZSRV

Attachment "G"
1-CUP-23 / 1-ADJ-23

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

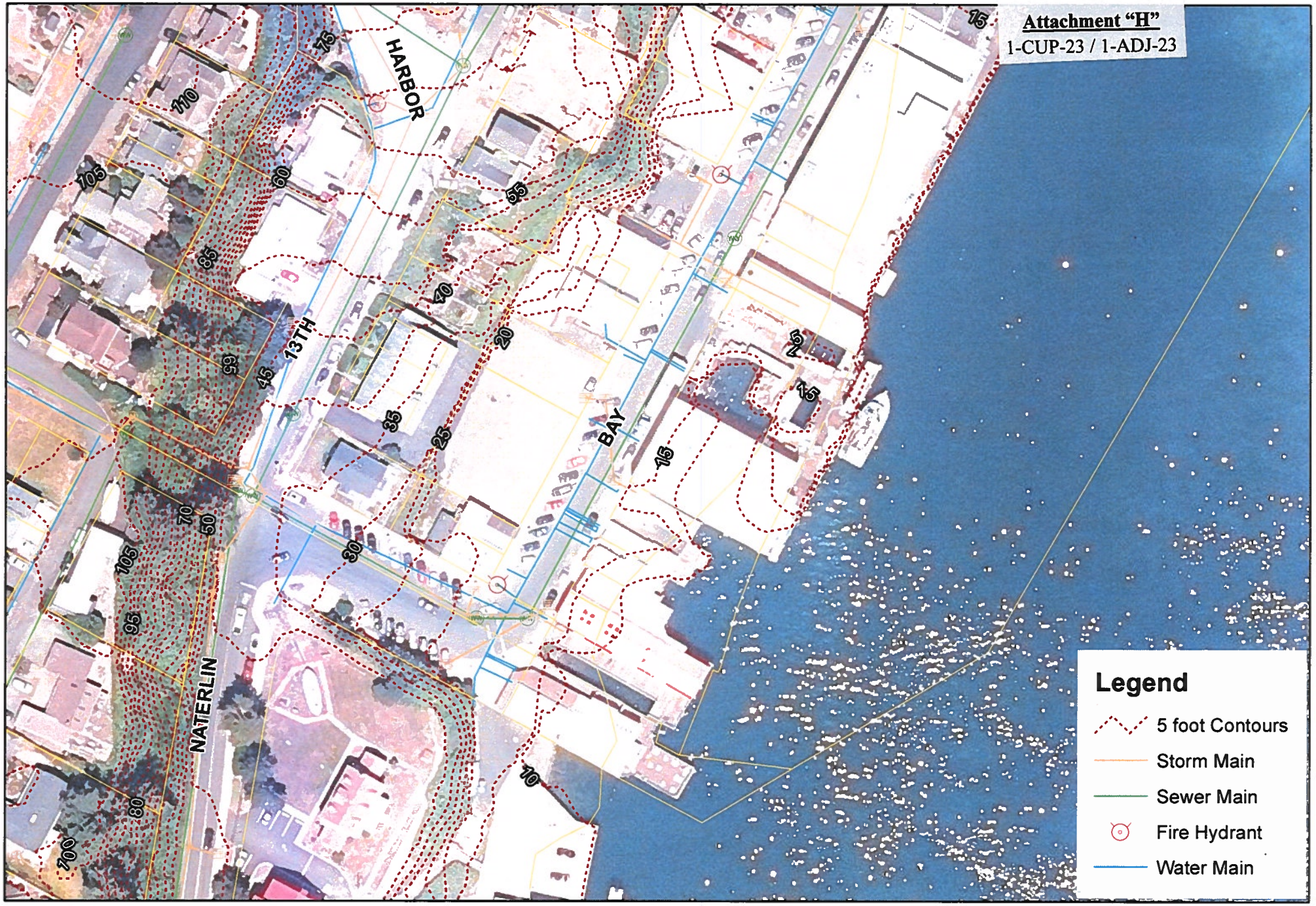
This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify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

Zoning Map
836 to 856 SW Bay Blvd

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

0 30 60 120 Feet

N



City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365
Phone:1.541.574.0629
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Utility and Terrain Map
836 to 856 SW Bay Blvd

Image Taken July 2021
4-inch, 4-band Digital Orthophotos
Source: Lincoln County

0 50 100 200 Feet

N

80

Attachment "I"
1-CUP-23 / 1-ADJ-23

Images of the Abbey Hotel (Constructed in 1911 and lost to fire in 1964)

Abbey Hotel, Newport Bayfront (1935)

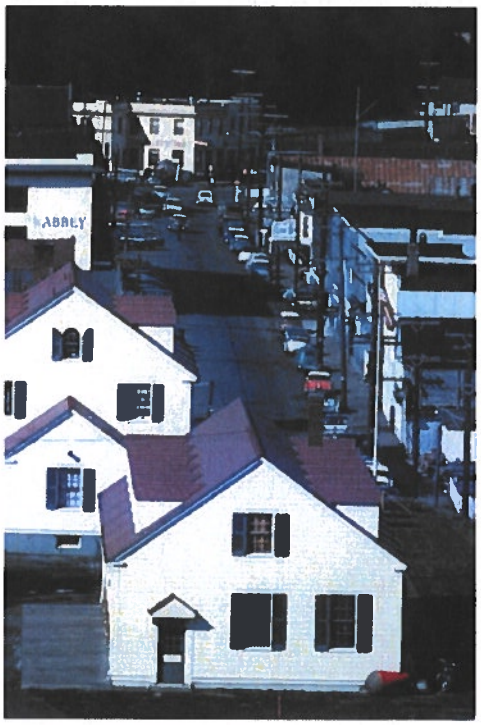
Source: Lincoln County Historical Society Archive, Oregon State University. (08 Mar 2023). 1275 Abbey Hotel, Bay Blvd., Newport, OR Retrieved from https://oregondigital.org/concern/images/df65vv83v

Abbey Hotel, Newport Bayfront (1941)

Source: Salem Public Library Historic Photograph Collections, Salem Public Library, Salem, Oregon.

Abbey Hotel Postcard (circa 1950's)

Bay Blvd., 1947, Newport, OR (Abbey Hotel in Background)



Source: Lincoln County Historical Society Archive, Oregon State University. (08 Mar 2023). *Bay Blvd., 1947, Newport, OR* Retrieved from https://oregondigital.org/concern/images/df65vv86p

Attachment "J"
1-CUP-23 / 1-ADJ-23

CITY OF NEWPORT PUBLIC NOTICE[1]

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 and Adjustment Permit request:

File No. 1-CUP-23 / 1-ADJ-23

Applicant & Owner: John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner)

Request: Consideration by the Planning Commission of a request for a conditional use permit and adjustment permit per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/"Water-Related" zone. Two (2) existing buildings will be removed. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 22% reduction in the number of parking stalls to 13; and a 13% increase in the percentage of compact parking stalls from 18 to 24.

Location/Subject Property: 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); & 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501).

Applicable Criteria: NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) 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.

NMC Chapter 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district.

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 3:00 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,

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[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.

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, March 13, 2023; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: February 22, 2023.
PUBLISHED: March 3, 2023 /News-Times.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

0 10 20 30 40 Feet

DETAIL MAP NO. 1
N.E.1/4 S.W.1/4 SEC.8 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 30'

11 11 08 CA
DETAIL MAP NO 1
NEWPORT

Revised: SEB
06/01/2021

NEWPORT
DETAIL MAP NO 1
11 11 08 CA

795 SW BAY BLVD LLC
113 SE BAY BLVD
NEWPORT,OR 97365

BAKER JON P & BAKER LYNN D J
38695 RIVER DR
LEBANON,OR 97355

BAY BLVD LLC
606 N TOMAHAWK ISLAND DR
PORTLAND,OR 97217

BAY VIEW CONDOMINIUM
ASSOCIATION OF UNIT OWNERS
833 13TH ST SW
NEWPORT, OR 97365

CAPRI DUSTIN J TSTEE & CAPRI
AMANDA J TSTEE
747 SW 13TH ST
NEWPORT, OR 97365

CHENG HANN S & FEY LILLIE C
818 SW 13TH ST
NEWPORT, OR 97365

DRAGER WILLIAM G JR COTTEE &
DRAGER RAEBETH C COTTEE
2823 GOLDFINCH LP SE
ALBANY, OR 97322

DUGAS LAWRENCE & DUGAS
REBECCA
5800 SE 4TH AVE
NEW PLYMOUTH, ID 83655

DULCICH REALTY ACQUISITION LLC
PO BOX 1230
NEWPORT, OR 97365

ELSINORE INVESTMENTS LLC
EGGERT CHARLES W
18555 SW TETON AVE
TUALATIN, OR 97062

ERLANDER J MARK
1211 SW BAY ST
APT A
NEWPORT, OR 97365

KING EQUITY LLC
1669 FLANNIGAN DR
SAN JOSE, CA 95121

LAFRANCHISE JANINE
833 SW 13TH ST
APT #2
NEWPORT, OR 97365

MCENTEE GABRIELLE
PO BOX 717
NEWPORT, OR 97365

NEWPORT REAL ESTATE LLC
3 E RAMONA AVE
COLORADO SPRINGS, CO 80905

NYE BEACH HOLDINGS LLC
449 SE SCENIC LOOP
NEWPORT, OR 97365

OCEANVIEW FISHERIES LLC
PO BOX 507
WALDPORT, OR 97394

ROLES WILMA E (TOD)
834 SW 13TH ST
NEWPORT, OR 97365

SMITH BEVERLY M TSTEE
2455 S FIFTH ST
LEBANON, OR 97355

STARLIGHT ONE LLC
PO BOX 188
BELLINGHAM, WA 98227

TAYLOR BRYCE R TRUSTEE & TAYLOR
CARLY S TRUSTEE
PO BOX 12247
SALEM, OR 97309

UNITED STATES OF AMERICA US
COAST GUARD DISTRICT 13
915 2ND AVE
SEATTLE, WA 98104

VEAL CONNECTION CORPORATION
2250 LYNNE DR
NORTH BEND, OR 97459

WISHOFF BRADDEN J & WISHOFF
SALLY A
18886 LAFAYETTE AVE
OREGON CITY, OR 97405

YELTRAB FAMILY LLC
845 SW 12TH ST
NEWPORT, OR 97365

YOST PROPERTIES LLC
939 SW BAY VIEW LN
NEWPORT, OR 97365

JOHN LEE
VIP HOSPITALITY GROUP
13635 NW CORNELL RD, SUITE 100
PORTLAND, OR 97229

File 1-CUP-23 / 1-ADJ-23

Adjacent Property Owners Within 200 Ft

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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

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

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

EMAIL
odotr2planmgr@odot.state.or.us

Lincoln County Human
Services Dept
ATTN: Sanitarian
36 SW Nye St
Newport OR 97365

Joseph Lease
Building Official

Rob Murphy
Fire Chief

Aaron Collett
Public Works

Beth Young
Associate Planner

Jason Malloy
Police Chief

Steve Baugher
Finance Director

Laura Kimberly
Library

Michael Cavanaugh
Parks & Rec

Spencer Nebel
City Manager

Clare Paul
Public Works

Derrick Tokos
Community Development

David Powell
Public Works

Lance Vanderbeck
Airport

EXHIBIT 'A'
(Affected Agencies)

(1-CUP-23/1-ADJ-23)

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, March 13, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-CUP-23 / 1-ADJ-23, a request submitted by John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner), for a conditional use permit filed pursuant to Newport Municipal Code (NMC) Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/"Water-Related" zone. Two (2) existing buildings will be removed. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 22% reduction in the number of parking stalls to 13; and a 13% increase in the percentage of compact parking stalls from 18 to 24. The property is located at 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); & 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501). The applicable criteria per NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) 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. NMC Chapter 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district. 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 3:00 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, March 3, 2023.

3/3/23

option tax of $0.20 per $1,000 of assessed value for five years beginning 2024-2025? This measure renews current local option taxes. SUMMARY: Approval of this measure would allow the District to retain a full time fire chief and pay expenses related to that position. The District has a full time fire chief. The chief is responsible for effectively managing the District and its resources, managing and training full time firefighters, recruiting and training volunteer firefighters, complying with governmental regulations, adhering to industry standards, appplying for grants and other responsibilities designated by the Board of Directors of the District. This levy is a continuation of levies approved by the voters in 2008 and 2012 and 2016. The rate of levy remains the same as previously approved at $0.20 per $1,000 of assessed valuation. The proposed rate will raise approximately $115,128 in 2024-2025 fiscal year; $118, 581 in 2025-2026 fiscal year; $121,715 in 2026-2027 fiscal year; $125,336 in 2027-2028 fiscal year; and $129,126 in 2028-2029 fiscal year. The estimated cost for this measure is an ESTIMATE ONLY based on the best information available from the County Assessor at the time of the estimate. M03 99-03

NOTICE OF RECEIPT OF BALLOT TITLE

Notice is hereby given that a ballot title for a measure referred by the SE Nelson Wayside Drive Special Road District has been filed with the Lincoln County Clerk on February 22, 2023. The ballot title caption is "Nelson Wayside Drive Road District Local Option Tax Measure". An elector may file petition for review of this ballot title in the Lincoln County Circuit Court no later than 5:00 p.m. March 3, 2023.
/s/ Amy A. Southwell, Amy A. Southwell, Lincoln County Clerk. M3 98-03

NOTICE OF MEASURE ELECTION

Notice is hereby given that on Tuesday, May 16, 2023, a measure election will be held in the SE Nelson Wayside Drive Special Road District on the question of a five-year local option tax for the district. The county clerk has advised that the election will be conducted by mail. The following shall be the ballot title of the measure to be submitted to the voters of this district in Lincoln County on this date: CAPTION: Nelson Wayside Drive Road District Local Option Tax Measure QUESTION: Shall NWDRD establish a tax for operations of .50 per $1000 Assessed Value for 5 years Beginning 2023-2024?
This measure may cause property taxes to increase more than three percent. SUMMARY: If this local option tax is approved by the voters, this money will allow us to have ditches cleaned, have roadside vegetation mowed, and purchase additional loads of rock. It is estimated that the new Local Tax Option will provide revenue to the Nelson Wayside Drive Road District of: $4,431 in 2023-2024, $4,564 in 2024-2025, $4,701 in 2025-2026, $4,842 in 2026-2027, $4,987 in 2027-2028. M3 97-03

NOTICE OF RECEIPT OF BALLOT TITLE

Notice is hereby given that a ballot title for a measure referred by the Oregon Coast Community College District has been filed with the Lincoln County Clerk on February 22, 2023. The ballot title caption is "Bonds to construct Trades Education Center, improve classrooms, safety, technology." An elector may file petition for review of this ballot title in the Lincoln County Circuit Court no later than 5:00 p.m. March 3, 2023. /s/ Amy A. Southwell, Amy A. Southwell, Lincoln County Clerk. M3 96-03

NOTICE OF MEASURE ELECTION

Notice is hereby given that on Tuesday, May 16, 2023, a measure election will be held in the Oregon Coast Community College District, Lincoln County, Oregon. The county clerk has advised that the election will be conducted by mail. The following shall be the ballot title of the measure to be submitted to the voters of this district in Lincoln County on this date:CAPTION: Bonds to construct Trades Education Center, improve classrooms, safety, technology. QUESTION: Shall Oregon Coast Community College build a new Trades Education Center; improve existing facilities; issue up to $32,000,000 in bonds? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.
SUMMARY: The College has been awarded $8,140,000 in state funds

student needs into the future. Enhance facilities and acquire equipment contributing to community emergency response infrastructure.
Improvements to existing facilities increasing lifespan and efficiency. Site improvements, furnishings and equipment, and bond issuance costs. Bonds would mature in not to exceed 21 years from issuance and may be issued in series. The estimated incremental increase in the tax rate from this year's tax rate is $0.05 per $1,000 of assessed value. Actual tax rate may differ due to final interest rates and changes in assessed values. M3 95-03

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF KAINO CLIFFORD DIXON DECEASED CASE No. 22PB10725 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Taunette Dixon has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or J.F. Ouderkirk, attorney for the personal representative. Date of first publication: March 3, 2023
J.F. Ouderkirk, OSB #752903, Attorney for Personal Representative, Ouderkirk & Hollen, P. O. Box 1167, 615 SW Hurbert Street, Suite A, Newport, OR 97365, 541-574-1630 / 541-574-1638 fax. M3, M10, M17 92-17

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, March 13, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-CUP-23 / 1-ADJ-23, a request submitted by John Lee, VIP Hospitality Group, applicant (Charles Eggert, Elsinore Investments, LLC, owner), for a conditional use permit filed pursuant to Newport Municipal Code (NMC) Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit to build a new 3-story hotel (26,656 SF) with 47 rooms, and commercial space (2,626 SF) on street level at the subject property that is located in a W-2/"Water-Related" zone. Two (2) existing buildings will be removed. The adjustment permit request is for a 40% reduction of the required yard buffer to 6 feet along the west property line that is adjacent to the residential zone; a 22% reduction in the number of parking stalls to 13; and a 13% increase in the percentage of compact parking stalls from 18 to 24. The property is located at 836, 838, 844, 846, & 848, SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2800); 852 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2500); & 856 SW Bay Blvd (Tax Map 11-11-08-CA, Tax Lot 2501). The applicable criteria per NMC Chapter 14.34.050; Criteria for Approval of a Conditional Use Permit: (A) The public facilities can adequately accommodate the proposed use; (B) the request complies with the requirements of the underlying zone or overlay zone; (C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and (D) 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. NMC Chapter 14.33.050; Criteria for Approval of an Adjustment: (A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and (B) Any impacts resulting from the adjustment are mitigated to the extent practical; and (C) The adjustment will not interfere with the provision of or access to appropriate utilities, nor will it hinder fire access; and (D) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zoning district. Testimony

ment, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 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). M3 91-03

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF GARY WAYNE WHITE DECEASED
CASE No. 22PB10953 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Wanda Silkett has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or J.F. Ouderkirk, attorney for the personal representative. Date of first publication: March 3, 2023
J.F. Ouderkirk, OSB #752903, Attorney for Personal Representative, Ouderkirk & Hollen, P. O. Box 1167, 615 SW Hurbert Street, Suite A, Newport, OR 97365, 541-574-1630 / 541-574-1638 fax. M3, M10, M17 90-17

SELF-STORAGE PUBLIC SALE

On Wednesday 3/15/23, ending at 10:10am, an auction will be held online at StorageTreasures.com by Safe & Sound Storage, 833 NE 3rd Street Newport OR 97365, for unit D16-Nicholas Castiglione. F24 M3 87-03

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LINCOLN COUNTY PROBATE DEPARTMENT
In the Matter of the Estate of: RONALD THOMAS DOWNS, Deceased. Case No. 23PB01216 NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the estate are required to present the same within four months from this date at the law offices of Watkinson Laird Rubenstein, P.C., 1246 N.E. Seventh Street, Suite B, Grants Pass, OR 97526; claims not so presented may be barred. The rights of the heirs and devisees may be affected by this proceeding. Additional information may be obtained from the Court records, the personal representative or the attorneys for the estate. Dated: February 24, 2023. Karen Lee Bartee, Personal Representative. F24, M3, M10 86-10

PUBLIC NOTICE

Lincoln County is partnering with the State Marine Board to gather feedback to assist in the development of Don Lindly Park. An in-person public meeting will be held February 28 from 4:00-6:00 p.m. at Waldport's Central Coast Fire (145 NW ALSEA HWY). An online meeting will be held March 9th at 4:00P.M. (https://us02web.zoom.us/webinar/register/

NOTICE TO INTERESTED PERSONS

CIRCUIT COURT OF OREGON LINCOLN COUNTY Probate Department In the Matter of the Estate of DAVID ALAN TROST, Deceased. CASE NO. 23PB01012 NOTICE TO INTERESTED PER-

tive, or the attorney for the personal representative. Dated and first published this 17th day of February, 2023.
Personal Representative/ Attorney: Susan E. Snell, OSB #853356, Martin, Elliott & Snell, P.C., P.O. Box 575, Tualatin, Oregon 97062. F17, F24, M3 81-03

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN Probate Department In the Matter of the Estate of Anne Marie Fehringer-Williams, Deceased. No. 23PB00303 NOTICE TO INTERESTED PERSONS Notice is hereby given pursuant to ORS 113.155 that the undersigned has been appointed and has qualified as the personal representative of the state. All person shaving claims against the estate are hereby required to present the same, with proper vouchers, within four months after the date of the first publication of this notice, as stated below, to the personal representative at: Edward H. Williams, 611 S. Immonen Rd. Lincoln City, OR 97367 or they may be barred. All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the court, the personal representative or the attorney for the personal representative. Date first published: February 17, 2023. /s/ Edward H. Williams, Personal Representative. F17, F24, M3 80-03

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF NEIL DOUGLAS FERGUSON DECEASED CASE No. 22PB11445 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Oregon Pacific Bank has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or J.F. Ouderkirk, attorney for the personal representative. Date of first publication: February 17, 2023. J.F. Ouderkirk, OSB #752903, Attorney for Personal Representative, Ouderkirk & Hollen, P. O. Box 1167, 615 SW Hurbert Street, Suite A, Newport, OR 97365, 541-574-1630 / 541-574-1638 fax. F17, F24, M3 76-03

PUBLISHED SUMMONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR POLK COUNTY Juvenile Department In the Matter of ELIJAH MICHAEL RYKER ANDERSON, A Child. Case No. 22JU05661 PUBLISHED SUMMONS TO: Robert Gene Anderson IN THE NAME OF THE STATE OF OREGON: A petition has been filed asking the court to terminate your parental rights to the above-named child under ORS 419B.500, 419B.502, 419B.504, 419B.506 and/or 419B.508 for the purpose of placing the child for adoption. YOU ARE REQUIRED TO PERSONALLY APPEAR before the Polk County Court, 850 Main Street, Dallas OR 97338, on March 27, 2023 at 1:45 p.m. for an initial Appearance hearing on 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 February 6, 2023. 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, Oregon. Date of first publication: February 17, 2023 Date of last publication: March 3, 2023 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 TERMINATE YOUR PARENTAL RIGHTS to the above-named child either on

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 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 Polk County Circuit Court at 850 Main Street, Dallas, OR 97338, phone number (503) 623-1885, between the hours of 8:00 a.m. and 5:00 p.m. for further information. 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, Sara Hernandez, OSB #063579, Assistant Attorney General, Department of Justice, 1162 Court Street NE, Salem, OR 97301, (503) 934-4400 ISSUED this 8th day of February, 2023. Issued by: s/ Sara Hernandez, Sara Hernandez, OSB #063579, Assistant Attorney General. F17, F24, M3 72-03

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN In the Matter of the Estate of: Elizabeth "Betty" June Wise, Deceased. Case No.23PB00509 NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative. All persons having claims against the Estate are required to present them with vouchers attached, to the undersigned Personal Representative, at PO Box 309, Toledo, OR 97391, within 4 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. s/Gary Brawley, Personal Representative. PERSONAL REPRESENTATIVE: Gary Brawley, 913 NE 180th St., Shoreline, WA 98155
206-370-1851, gunboats1978@gmail.com LAWYER FOR PERSONAL REPRESENTATIVE: David James Robinson - OSB# 0948878, P.O. Box 309, 217 S. Main St./ Toledo, OR 97391. Ph.: 541-336-2257
FAX: 541-635-5880, david@osterlundlaw.com F17, F24, M3 71-03

NOTICE OF BUDGET COMMITTEE MEETING

A public meeting of the Budget Committee of the Newport RFPD, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2023 to June 30, 2024, will be held at NEWPORT FIRE STATION 3200, 245 NW 10TH ST, NEWPORT, OR. The meeting will take place on MARCH 16 at 6:00 p.m. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. A copy of the budget document may be inspected or obtained on or after MARCH 16, 2023 at STATION 3200, between the hours of 9:00 a.m. and 4:00 p.m. M3, M10 07-10

SUPPLEMENTAL NOTICE OF ELECTION OF DISTRICT BOARD MEMBERS

Notice is hereby given that on Tuesday, May 16, 2023 an election will be held in Lincoln County, Oregon for the purpose of electing directors of special districts to fill the following positions and terms, including any vacancy which may exist on the board: WATER IMPROVEMENT DISTRICT: Devils Lake Water Improvement District: Positions 1, 2 & 3: 4 year terms. Position 5: 2 year unexpired term. This election will be conducted by mail. Candidates file verified signatures or $10.00 filing fee with the election officer of Lincoln County not later than 5:00pm on March 16, 2023. This notice to be published in the News-

tion of the Project will be received at the South-west Lincoln County Water People's Utility District (PUD) located at 7740 Highway 101 N, Yachats, OR 97498 until April 2nd, 2023 at 4 PM local time. At that time the Bids received will be publicly opened and read. The Project includes the following Work: Furnish all labor, equipment and materials as required for the completion of project work, which consists of bolt replacement of valves at 52 valve locations, and replacement of 2 existing pressure reducing valve vaults. The number of valves to be rehabbed at each valve location ranges from 1 to 4 valves. Waterline and material testing will be required. Project will also include excavation, backfill, material compaction, and other miscellaneous items as required for a complete installation. Bids are requested for the following Contract: EMERGECY BOLTS AND PRV REPLACEMENT The Project has an expected duration of 120 calendar days. Obtaining the Bidding Documents: Complete digital bidding documents for Project #8412881 can be obtained at the following designated website: https://www.civilwest.com/bidding
Bidding Documents may be downloaded from the designated website. Please contact QuestCDN at 952-233-1632 or info@questcdn.com for assistance in free-membership registration. Prospective Bidders are urged to register with the designated website as a plan holder, even if Bidding Documents are obtained from a plan room or source other than the designated website in either electronic or paper format. The designated website will be updated periodically with addenda, lists of registered plan holders, reports, and other information relevant to submitting a Bid for the Project. All official notifications, addenda, and other Bidding Documents will be offered only through the designated website. Neither Owner nor Engineer will be responsible for Bidding Documents, including addenda, if any, obtained from sources other than the designated website. The Issuing Office for the Bidding Documents is: Civil West Engineering Services, Inc., 609 SW Hurbert Street, Newport, OR 97365 Ph: (541) 264-7040
Prospective Bidders may obtain or examine the Bidding Documents at the Issuing Office by appointment only on Monday through Friday between the hours of 8am-5pm and may obtain copies of the Bidding Documents from the Issuing Office as described below. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including addenda, if any, obtained from sources other than the Issuing Office.
Optional printed copies of the Bidding Documents may be obtained from the Issuing Office by paying a nonrefundable price of $140.00 for each set. Please make checks for Bidding Documents payable to Civil West Engineering Services and send it to 486 E Street, Coos Bay, OR 97420. Questions regarding this solicitation can be addressed to: James Parmenter, PE, Project Manager, Civil West Engineering Services, Inc., jparmenter@civilwest.net 541-260-4354 Instructions to Bidders: For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the Instructions to Bidders that are included in the Bidding Documents. This Advertisement is issued by: Owner: Southwest Lincoln County PUD, By: Tui Anderson, Title: PUD Manager, Date: March 3rd, 2023. M3 05-03

PUBLIC SALE

The following storage units will be sold at public auction on Saturday, March 18 at 11:00 AM 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 279 Robert Moon Unit 398 Joan Hoffman M3, M10, M17

NOTICE OF A PUBLIC HEARING

The Newport City Council will hold a public hearing on Monday, March 6, 2023, 2023 at 6:00 p.m. in the City Hall Council Chambers to review Comprehensive Plan text amendment (File No. 1-CP-21). The proposed legislative amendment repeals and replaces the "Housing" Section of the "Socioeconomic Characteristics" Chapter of the Newport Comprehensive Plan, adding the substan-

428 457), requires ... regarding the following for such amendments: A. Data, Text, Inventories or Graphics Amendment: 1) New or updated information. B. Conclusions Amendment: 1) Change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information. C. Goal and Policy Amendments: 1) A significant change in one or more conclusions; or 2) A public need for the change; or 3) A significant change in community attitudes or priorities; or 4) A demonstrated conflict with another plan goal or policy that has a higher priority; or 5) A change in a statute or statewide agency plan; and 6) All the Statewide Planning Goals. D. Implementation Strategies Amendments: 1) A change in one or more goal or policy; or 2) A new or better strategy that will result in better accomplishment of the goal or policy; or 3) A demonstrated ineffectiveness of the existing implementation strategy; or 4) A change in the statute or state agency plan; or 5) A fiscal reason that prohibits implementation of the strategy. 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. 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 proponents, testimony from opponents, and questions and deliberation by the City Council. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 2:00 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. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be viewed or a copy purchased. Contact Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address d.tokos@newportoregon.gov (mailing address above). M03 03-03

SUPPLEMENTAL NOTICE OF ELECTION OF DISTRICT BOARD MEMBERS

Notice is hereby given that on Tuesday, May 16, 2023 an election will be held in Lincoln County, Oregon for the purpose of electing directors of special districts to fill the following positions and terms, including any vacancy which may exist on the board: ROAD DISTRICT: Belle Mer Sigl Tract Special Road District: Positions 1 & 3: 2 year unexpired terms Position 2: 4 year term. This election will be conducted by mail. Candidates file verified signatures or $10.00 filing fee with the election officer of Lincoln County not later than 5:00pm on March 16, 2023. This notice to be published in the News-Times newspaper. /s/ Amy A. Southwell, Amy A. Southwell, Lincoln County Clerk. M3 02-03

NOTICE OF RECEIPT OF BALLOT TITLE

Notice is hereby given that a ballot title for a measure referred by the Seal Rock Rural Fire Protection District has been filed with the Lincoln County Clerk on February 24, 2023. The ballot title caption is "Continuation of Local Option Tax for Seal Rock Fire District". An elector may file petition for review of this ballot title in the Lincoln County Circuit Court no later than 5:00 p.m. March 7, 2023. /s/ Amy A. Southwell, Amy A. Southwell, Lincoln County Clerk. M3 01-03

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN In the Matter of the Estate of Scott Omar Lofgren, Deceased. Case No. 23PB00646 NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached, to Donald Lofgren, PR, c/o David Nepom, 20495 S. Sweetbriar Rd., West Linn, OR 97068, within four months after the date of first publication of this notice, or the claims may be barred.

Christopher J. Brugato, P.E., Project Manager, of Westech Engineering, Inc., until the bid closing time of 2:00 p.m. local time on March 28, 2023. All bidders must register with and obtain plans from the online plan distribution system (QuestCDN) which can be accessed at Westech Engineering's website at http://www.westech-eng.com (under the currently bidding tab). Only firms that obtain bidding documents from this online plan distribution system will have access to the online bidding system, which can also be accessed at Westech Engineering's website as noted above, or directly from QuestCDN at www.questcdn.com. All firms choosing to submit a bid must submit an on-line bid and required bidding documents online through QuestCDN. Access to on-line bidding is included in the document download fee listed below. Bids will be opened and evaluated shortly after the bid closing time, but written bid tabulations will not be finalized or released until after 4:00 p.m. (the submittal deadline for the "First-Tier Subcontractor Disclosure Form"). By no later than 4:00 p.m. local time on March 28, 2023 (i.e., 2 working hours after the bid closing), each bidder shall submit through the on-line bidding system noted above, the "First Tier Subcontractor Disclosure Form" contained in the bidding documents. This form shall be submitted regardless of the bid total. Bidders who fail to submit the required disclosure form will be considered non-responsive, and their bid will not be considered for award. The disclosure form can either be submitted at the same time as the on-line bid or can be submitted separately. The work includes the following: Curb, sidewalk, and storm drainage improvements along the east side of Crestline Drive from Ball Boulevard to the Waldport High School Site (±5,000 feet) including intersection pedestrian ramps. Curb, sidewalk, and storm drainage improvements along the north side of Range Drive from Crestline Drive to Master Street (±700 feet). 6-inch diameter wastewater force-main pipeline in Crestline Drive from Range Drive to the Waldport High School Site (±3,500 feet). Copies of the Bid Documents (Contract Terms, Conditions, Specifications and Drawings) may be examined at the following locations (i.e., but only during periods and hours when the offices noted below are open to the public): Westech Engineering, Inc., 3841 Fairview Industrial Dr. SE, Suite 100, Salem, OR 97302 (phone 503/585-2474)
City of Waldport, City Hall, 355 NW Alder St, Waldport, OR 97394 City of Waldport, Public Works, 4028 Ann Street, Waldport, OR 97394 Paper sets of the bid documents will not be available for purchase from Westech Engineering for bidding purposes. Complete digital (pdf) copies of Bid Documents (including drawings) are available at http://www.westech-eng.com (under the Currently Bidding tab). The digital Bid Documents may be downloaded for a non-refundable payment of $42 by inputting QuestCDN eBidDoc Number listed on the project information sheet available through the website link above. This fee includes on-line bidding access. Assistance with free QuestCDN registration, document downloading or working with the project information may be obtained at QuestCDN.com, at 952-233-1632, or via email at info@questcdn.com. This contract is for a public works project subject to ORS 279C.800 to 279C.870 (state prevailing wages) as applicable. February 27, 2023 Publication Dates: Daily Journal of Commerce: February 27, 2023, and March 1, 2023 Newport News Times: March 3, 2023. M3 93-03

LEGAL DEADLINES:
Friday Edition: 5 p.m. Monday PRIOR

advertise
265-8571

Attachment "K"
1-CUP-23 / 1-ADJ-23

to the City of Newport Planning Department,

I Janine LaFranchise strongly object to the proposed hotel being built, file #1-CUP/1-ADJ-23 for these reasons.

1. Parking is already way past overload on the waterfront. The 47 rooms plus staff will only congest the area further.

2. A 6 foot setback on the west side of the property will impede any maintenance or repairs to the existing retaining wall.

3. Fish plants, with their traffic and trucks trying to navigate this area is almost impossible now. Do we want to

drive that industry out of this area?

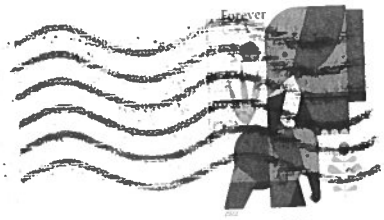
Thank you for considering these points carefully.

Janine LaFranchise
833 SW 13th ST #2
Newport, Or. 97365
541-974-0591

CITY OF NEWPORT
MAR 06 2023
RECEIVED

Janine LaFranchise
833 SW 13th St. Apt. 2
Newport, OR 97365-4873

PORTLAND OR 972
3 MAR 2023 PM 6 L



Newport Community Development Dept.
169 SW Coast Hwy.
Newport, Or. 97365

attn: Derrick Tokos Community Dev. Dir.

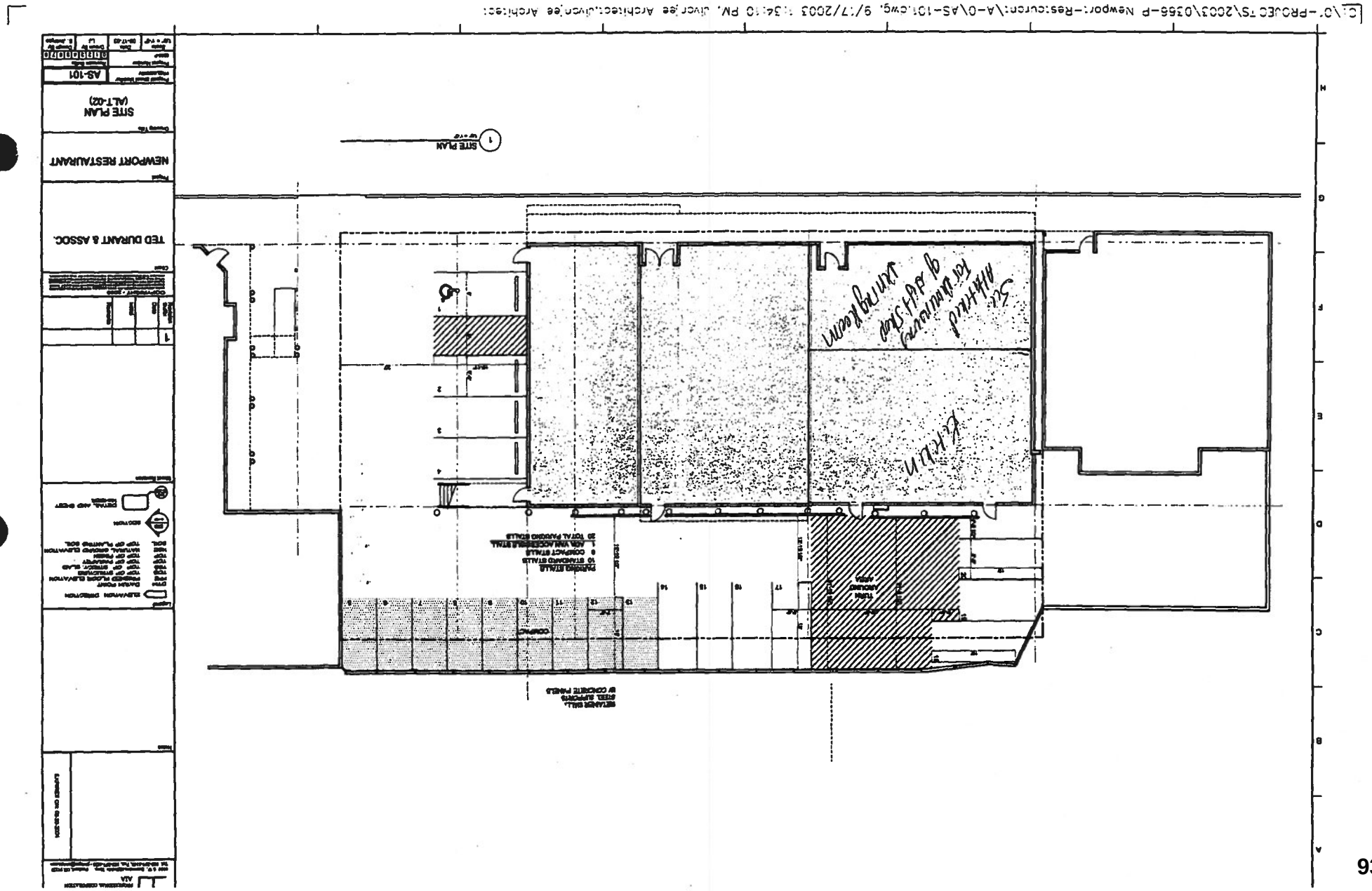
ATTACHMENT "A-1"

FILE # 4-CUP-06 (Apollo's)

Site Plan

Attachment "L"

1-CUP-23 / 1-ADJ-23



Attachment "M"
1-CUP-23 / 1-ADJ-23

CITY OF NEWPORT
RESOLUTION NO. 3864

RESOLUTION SETTING
PARKING DISTRICT BUSINESS LICENSE FEES

WHEREAS, at the request of area business owners, the Newport City Council adopted Ordinance Nos. 1993, 2009, and 2020 establishing the Nye Beach, City Center and Bayfront Commercial Parking Districts ("Parking Districts") to generate funding to pay for parking system improvements in the respective commercial areas; and

WHEREAS, each of the Parking Districts is an economic improvement district pursuant to ORS Chapter 223, funded through a business license surcharge and authorized for an initial five year period; and

WHEREAS, the effective period of these economic improvement districts was extended with Ordinance Nos 1993, 2078, 2098, and 2134, with the districts now set to expire June 30, 2019; and

WHEREAS, the latest round of extensions were undertaken to provide an opportunity for a parking study to be performed to establish whether or not the Parking Districts should continue in their current form or whether an alternative approach should be pursued to address each of the areas parking needs; and

WHEREAS, while the parking study is complete, and has been vetted and revised with the assistance of a citizen advisory committee, recommendations on how best to address parking needs, including parking management and funding strategies, have not yet been finalized; and

WHEREAS, it is in the public interest that business license surcharges imposed within the Parking Districts remain in effect until parking management and funding strategies are finalized in order to provide a seamless transition; and

WHEREAS, this can most effectively be accomplished by allowing the economic improvement districts to expire and instead impose business license surcharges under Section 4 of the City Charter and the City's Constitutional Home Rule authority, as implemented through Chapter 4.05 of the Newport Municipal Code; and

WHEREAS, NMC 4.05.030(C) establishes that business license annual fees shall be determined by City Council resolution and the fees set forth herein serve as a portion of the business license annual fee for businesses operating within the Parking Districts.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Parking Districts Established. The boundary of the Parking Districts shall be as established with Ordinance No. 1993, 2009, and 2020, as amended, as graphically depicted on Exhibit A.

Section 2. Parking District Business License Annual Fee. The business license annual fee, framed as a business license surcharge in the fee schedule, shall be as follows:

A. Nye Beach Parking District.

Business provides no off-street parking spaces:	$250.00
Business provides 1-3 off-street parking spaces:	$150.00

All other businesses:	$100.00
B. City Center Parking District.	$35.00
C. Bay Front Parking District.	
Fewer than 5 employees:	$150.00
5 to 20 employees:	$300.00
More than 20 employees:	$600.00

Section 3. **Relationship to Other Business License Fees**. Fees set forth in Section 2, are in addition to other business license fees collected pursuant to NMC Chapter 4.05.

Section 4. **Special Parking Area Requirements**. NMC 14.14.100 provides that off-street parking within a Parking District shall be provided as specified by the Parking District. For that purpose, the business license annual fee established herein shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces, just as it did when the economic improvement districts were effective. Businesses that require more than five (5) off-street parking spaces shall provide the additional spaces in accordance with applicable provisions of the Newport Zoning Ordinance (NMC Chapter 14).

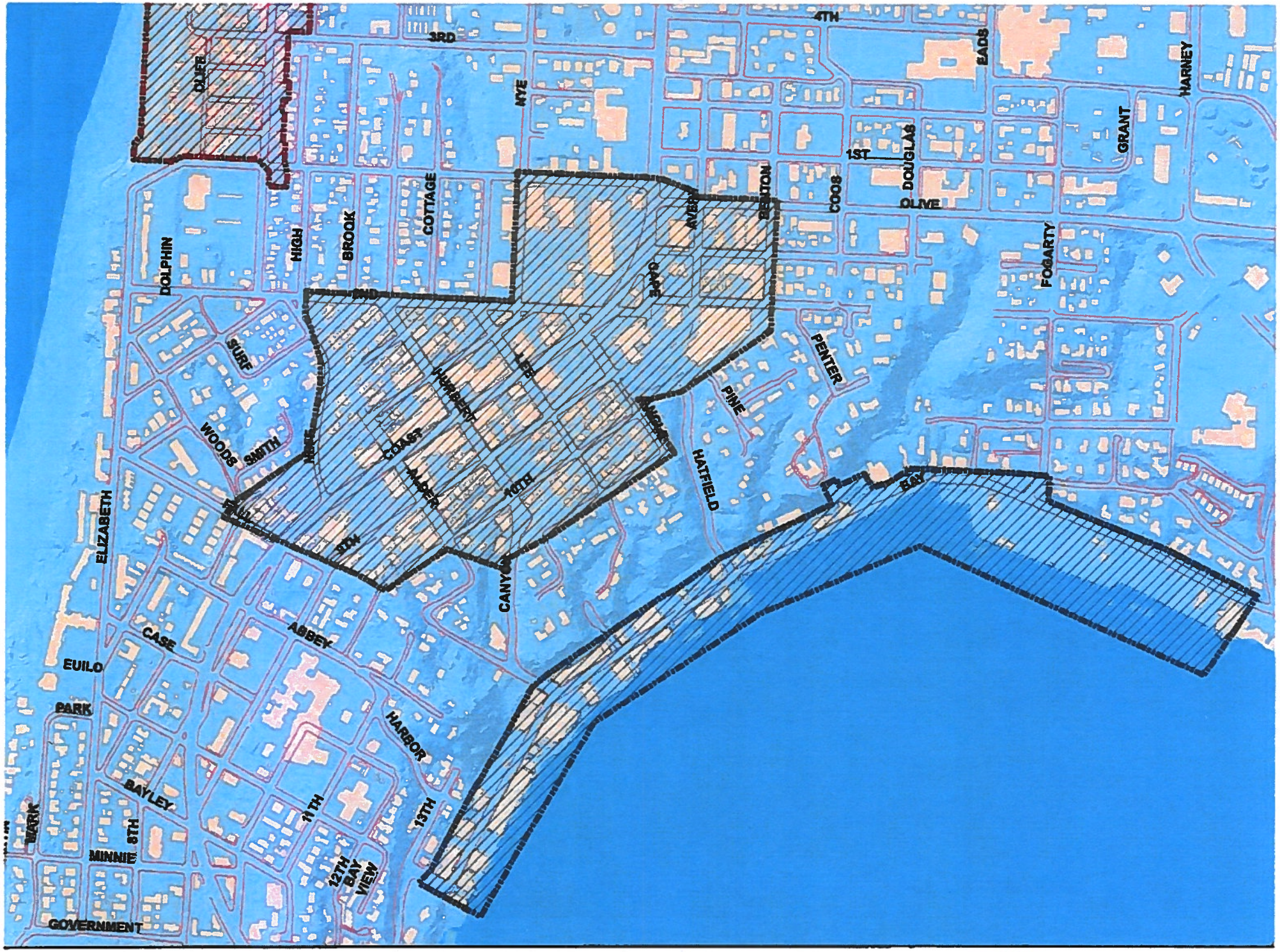
Section 5. **Effective Date**. This resolution is effective immediately upon adoption.

Adopted by the Newport City Council on June 17, 2019

David N. Allen, Council President

ATTEST:

Margaret M. Hawker, City Recorder



Parking District Boundary (Ord. 2020) City Center Parking District Boundary (Ord. 2000) Nye Beach Parking D

CITY OF NEWPORT
MAR 10 2023
RECEIVED

LETTER IN RESPONSE TO THE CITY OF NEWPORT PUBLIC NOTICE FILE NO.1-CUP-23.1-ADJ-23

DATE: March 7, 2023

VIP Hospitality and applicant (Charles Eggert, Elsinore Investments, LLC – who is the current owner of the site, have asked the City of Newport for a Conditional Use Permit (CUP) and Adjustment Permit for the proposed 47-unit hotel. The comments contained in this letter are the collective concerns of all the people who have signed the letter.

APPLICABLE CRITERIA:

(A) The public facilities can adequately accommodate the proposed use.
Newport faces water shortages every summer, and it is not going to get better, it will likely get worse. The fish processing plants use a tremendous amount of water for their seafood facilities. How will adding a 47-room hotel impact the availability of the water supply and sewage capacity for the existing business on the bay front?

(C) The proposed use does not have an adverse impact greater than existing uses on nearby properties.

- **PARKING:** Parking and increased traffic gridlock will indeed have an adverse impact on nearby properties and businesses. Typically, hotels have a 1:1 parking ratio; meaning there is one stall for each room. The initial plans submitted to the City of Newport reflected 46 parking stalls, comprised of 2 handicap, 19 standard, and 25 compact. The CUP application is asking for a reduction to 39 stalls. In conjunction with the decrease in the number of stalls, the applicants are asking for a **22% *reduction*** in the number of **standard sized** parking stalls to 13 and a **13% *increase*** in the percentage of **compact** parking stalls to 24. Have the developers ever spent one day on the bayfront to observe the makeup of vehicles parked on Bay Blvd? Most vehicles visiting the bay front, are large SUV's, trucks, extended cab trucks, and vans, and a small percentage are compact cars. During the summer and busy weekends, it is often difficult to drive either direction because these large vehicles block the path of oncoming vehicles. Gridlock happens on a very regular basis when a vehicle extends beyond the "cutoff" line of the street parking stall and blocks the ability of any vehicle to keep driving. The result is traffic backs up, sometimes for blocks, waiting for a gap in the oncoming so that the car can enter the oncoming lane to be able to go around the vehicle and continue driving. The request for 24 compact stalls is not a feasible configuration when you understand that people come to the coast with their families, dogs, and luggage packed in a SUV, truck or van.
- Where will the balance of vehicles park when the parking stalls are full? Right now, when parking is full on the bay front, overflow parking ends up on the residential streets above the bay front. SW 13th takes the brunt of it; cars are sandwiched in and block driveways while eliminating parking for owners and/or guests. Is a hotel patron going to carry their luggage up and down the hill to be able to stay in the hotel? There is talk that the Parking Committee is

discussing parking vouchers for the hotel in lieu of parking. If that is the case, it will take away parking from the customers of the small businesses located on the west end (and beyond) of the bay front. This is indeed an adverse impact for existing commercial and residential properties.

- If 39 vehicles are entering and exiting the parking garage *daily,* it will constitute literally a hundred "events" (per vehicle, one event is going into the garage, one event is leaving the garage and then another event to return to the hotel at the end of the day). That is 3 "events" per vehicle, per day, for 39 vehicles if parking is full. How can the bay front possibly accommodate this number of vehicles entering and exiting the parking garage?
- The seafood processing plants, particularly Bornstein Seafoods, will likely see an adverse impact from the additional traffic gridlock. Some of their employees currently use the parking stalls on Bay Blvd. during the night when working the nighttime shifts. While this is not a formal arrangement, it has been allowed for a long time. Also, the large, refrigerated trucks very often take up part of the east bound lane, which they need to do in order to load the seafood for transport. Many people overlook the fact that the bay front is a "working commercial bayfront" and is not just a tourist destination. The seafood processing plants are an extremely important aspect of the bay front and consideration should be given to the impact on their businesses due to the considerable addition of more traffic and more parking constraints. The City of Newport Comprehensive Plan: Neighborhood Plans address the parking issue on page 438. It states, "the fish plants need loading areas, both long and short term, and parking for their employees that work eight-to-twelve-hour shifts".

In summary, the proposed parking configuration is not a feasible mix of standard and compact spaces, and the lack of a 1:1 parking ratio will add a tremendous amount of traffic gridlock to an already untenable approach to the parking problem on the bay front. More vehicles related to hotel guests will likely need to park on Bay Blvd and on the residential streets above the bay front because the majority of vehicles are larger than compact cars.

- **ROOM CONFIGURATION:** The proposal shows that on the 2nd floor, the room size is 201 square feet to 220 square feet in size. The 3rd floor room size is 300 square feet or more and is adequate for a family. The industry standard average for a hotel room is 300 square feet (or more); hotels with room sizes in the 200 square feet range are called "Micro-Hotels" and cater to singles and couples who mainly want a place to sleep at night. Micro-hotels, many with limited or no parking, have found a degree of success in the big cities like Portland, Seattle and San Francisco, because they have various forms of efficient mass transportation available outside their doors and the hotels are typically located in the downtown core or in dense neighborhoods centered around retail and restaurants.
- The maximum occupancy for a 200 square foot hotel room with a bathroom is 2 (two) occupants. As proposed, 43% of the rooms will only accommodate 1-2 occupants. The busy bay front is a not necessarily a draw for singles or couples seeking a peaceful place to stay. Families with kids are a large proportion of the tourists visiting the bayfront. (200 square feet is

equivalent to a 10 X 20 storage area, how many people want to stay in a room that small when at the beach?) People do like to have enough room to move around and linger. The only way to know if this configuration will work is through a Feasibility Study.

- **SITE LAYOUT:** The developers are asking for a 40% reduction of the required yard buffer to 6' along the west of the property line that is adjacent to the residential zone. A 6' buffer is NOT adequate if there is an issue with the retaining wall that separates the site from the residential properties. If repairs are needed, then how could anyone possibly have room to repair a retaining wall? This could constitute a very serious situation. It is also not enough of a buffer for the residential properties; a 6' distance from the residential property line impacts the residents of the adjoining properties adversely. This reduction should not be granted in consideration of these factors. Also, while the east side of the proposed building is shown abutting the property line, it leaves no room for the existing building (previously known as The Wood Gallery building) for any repairs or maintenance to the west side of the building for any reason. A portion of the existing Wood Gallery building is located on the property line; however the building has existed for decades. Cutting off all access to that section of the building has a substantial detrimental impact to the building repairs or siding replacement be needed in the future. In summary, it can be said that the development plans DO have an adverse impact on existing properties. (As a matter of reference, The Inn at Nye Beach, which is owned by one of the developers, sits on a larger site and has 38 rooms, 9 rooms ***less*** than this proposal.) The 47-room hotel project is ***simply too big*** for the footprint of the site.
- The design of the project does not contain one single historic element. It looks like a design that belongs in the downtown of a big city. Given that the site is located on the "Historic Bay Front" and as noted in the criteria of the City of Newport Comprehensive Plan, any new development must contain some element of historic design. The design was prepared by a California firm, and the proposed building looks exactly like a chain hotel (such as a Marriott Hotel) with absolutely no historic elements (except the name). The design of the building is clearly an urban design with and is absent any element of a coastal or historic design.
- The "City of Newport Comprehensive Plan: Neighborhood Plans, Bay Front plan, addresses historical design (and parking constraints) in several sections within the plan. I am referring to pages 424, 430, 438, 443, and 444 (see exhibits). Page 430 also discusses the importance of preserving the existing views related to the hillside above the bay front. It states, "the hillside above the Bay Front has been identified as very picturesque and worthy of preservation".
- The Newport Peninsula Urban Design Plan addresses automobile dependent development and states "will negatively affect the quality of life and lifestyle, as well as the physical character of the historic core of the city".
- Page 234, Waterfront District, also elaborates on the importance of the Waterfront District continuing to reflect the working class and historic character.

The City of Newport Community Development Department and the Planning Commission must require the developers (on any hospitality project on the bay front) to provide studies as to the parking impact

and feasibility of the parking and room configuration. Any lender who would consider financing a hospitality project would require these studies, which would include:

1. **A FEASIBILITY STUDY.** A Feasibility study is the only way to understand if the project is feasible as designed. This study would be performed by a 3rd-party independent consultant who is well versed in analyzing hospitality projects. The study will include analyzing the room configuration, the occupancy rate related to all of all the hotels in Newport, the ADR (average daily rate) related to the existing hotels, which is a key performance indicator of the industry. The study will come conclude whether the projects' room size configuration is feasible for a hotel in a location where tourists drive with the coast, and there is no public transportation. The developers would need to submit their budget proforma for occupancy and room rates and the study will compare them with the existing hospitality businesses in Newport.
2. **PARKING STUDY.** The current parking and traffic congestion is so significant that this proposal would warrant a 3rd party independent consultant parking study. The parking study will measure the existing traffic constraints and factor in the new traffic impact of a 47-room hotel and 39 parking stalls. The ingress and egress of that many vehicles will have a significant negative impact and considerably exacerbate the existing parking and traffic gridlock.

Has a Feasibility and Parking Study been submitted to the City of Newport (Planning Commission and Community Development Department)? This project would dramatically change the west end of the bay front and the residential area above the bay front, forever.

The developers have failed to meet the applicable criteria of new development as set forth under the Newport Comprehensive Plan and the Newport Peninsula Urban Plan. Newport has a need for more revenue, but that should not be the determining factor whether a project gets approved. The adverse impact this project would have on the bay front could not be undone. The fact that there was once a hotel on the bay front (where the parking lot is now across from the Abby Pier) doesn't justify adding a hotel now. The original Abby Hotel burned down in 1964 and traffic, parking and congestion issues have multiplied exponentially in the past 60 years. The application should be denied.

Charlotte Boker
NEWPORT

Lindgren

Melanie Foltz

Monica L. Lifalers

Jon Baker
President Bay View
Condo Owners Assc.

Lynn J Baker
Newport

Janine LaFranchise
newport

Laurence A Regan
Bay Blvd, Newport

Becky Duran

Exhibits:

Excerpts from the City of Newport Comprehensive Plan: Neighborhood Plans and Newport Peninsula Urban Design Plan

Picture of refrigerated truck parked on Bay Blvd in front of Bornstein Seafood

Cynthia K

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WE COULDN'T PARK!!!!!!

Aug 2021

We drove through trying to find a parking place. This is around 3pm on a Thursday.
We passed the restaurant where we wanted to eat & kept going BECAUSE WE COULDN'T PARK!!!
There were some places to buy seafood & some shops. I can't tell you how much I liked them BECAUSE WE COULDN'T PARK!!!!
Get it together Newport, geez.

Bay Front Plan*

July 1, 1998

Prepared by

Department of Planning & Community Development
City of Newport
810 S.W. Alder St.
Newport, Oregon 97365

*Added by Ordinance No. 1811 (7-6-99)

Introduction

The Bay Front Plan

Located on the banks of the Yaquina Bay, the Bay Front offers a number of different environments for residents and visitors. Fishing, fish processing, retail, residential and tourist related uses all call the Bay Front home. A mixture of uses therefore typifies the development of the properties along Bay Boulevard.

The Bay Front was also one of the first areas on the Oregon Coast settled by Europeans. Much of that historic character still exists and has been enhanced by some new development. However, some development has not added to the attractiveness and historical nature of the Bay Front and detracts from the overall cohesiveness.

The Bay Front also experiences periods of intense activity (usually during the summer months) and periods of relative inactivity. During the active times, parking becomes a premium with many people and users competing for the limited number of spaces. Conversely, the inactive season experiences few problems with parking so people have little trouble parking relatively close to where they want to go but businesses struggle for lack of customers.

The Bay Front, a subarea of the City of Newport, lays on the north side of Yaquina Bay roughly between the Yaquina Bay Bridge and up to and including the Embarcadero Resort. It is an area that has historically been an active and integral part of the City and Lincoln County. Home to one of the largest fishing and fish processing industries on the West Coast, the Bay Front is also characterized by a strong tourist and residential sector. To provide a framework for the management of change and the promotion of growth, the City is preparing the Bay Front neighborhood plan to guide future development and redevelopment.

Purpose

The Bay Front is an exciting and important area with many opportunities and challenges. As such, the Bay Front Plan will provide a framework in which development and redevelopment will be guided so as to achieve the objectives outlined in the plan. The Plan's main concerns are with land use changes, the physical, economic, social and cultural integration of the multiple uses and the preservation of the historic character.

of Marne. The house was built on the foundation of Dr. James R. Bayley's mansion and has been partially rehabilitated.

Scenic Views

Although many scenic views exist on the Bay Front, at this time there are no officially designated scenic views. However, through discussions with various committees, the hillside above the Bay Front has been identified as very picturesque and worthy of preservation. This can be accomplished in a couple of different ways. One is to preserve the many street rights-of-way on the hillside in public ownership. Another is to require a geologic investigation into ramifications of any significant vegetation removal. Another is to require that, if removed, private owners should replace the vegetation removed to the greatest extent possible. It is recognized that there is private property that may be developed and nothing should prevent that from happening as long as health and safety issues can be addressed and mitigated. But, care should be taken to preserve the scenic vista that is now present.

Open Space

The Bay Front has some lots that are currently vacant or underutilized and therefore may be considered open space at this time. However, open space does not refer to any parcel that is vacant. Open space means those areas that are targeted to remain open. There is no property on the Bay Front that is designated as truly open space. It is, however, important that the bluff above Bay Boulevard remain vegetated or have proper engineering to ensure stability of the slope.

Mineral and Aggregate Resources

There are no known mineral and aggregate resources in the study area.

Energy Sources

There are no known energy sources within the study area.

Fish and Wildlife Areas and Habitats

There are no significant fish or wildlife habitats within the study area.

Coastal Shorelands

Ocean Shorelands are defined as those areas:

1. Subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or a coastal lake;

Future Development

Introduction

As an area develops, certain physical, economic, and community issues arise and must be considered in the planning stage so that the new development has a positive impact on the neighborhood and the City. Haphazard or ill-conceived development can and often does detract from the quality of life cherished by residents, property owners and tourists. This does not mean that development will not occur. On the contrary, it is the intent of the land use program set up by the state and the City that development will take place within the established Urban Growth Boundary (UGB). So it is not a matter of whether development and change will occur but how. This section addresses how development will occur so that neighborhood and community goals can be maintained.

Basically, there are three types of development on the Bay Front. One is the fishing industry which includes fishing boats, fish processing plants and support industries. The second is the tourist commercial types of uses such as restaurants, gift shops, short term rentals and art galleries. Finally, there are residents primarily at the Embarcadero.

Of course to serve all those various uses the infrastructure must be in place to serve them. Streets, sewerage, water line and storm drainage are the common systems provided by the City but other utilities such as telephone, electricity, cable TV and natural gas are also needed to function in a modern society. All those facilities are available to the Bay Front.

Transportation

Moving people and goods are an essential part of everyday life of any city. People need to reach places of work, education, health care, shopping, and recreation, and goods must be moved between the producer and the consumer. An efficient transportation system can widen access to opportunities for local people and assist the local economy. However, the growing demand for mobility is taking its toll on the community and environment. Traffic congestion is increasing, especially in popular places like the Bay Front. A sustainable transport system must be developed, balancing the needs of the neighborhood as well as meeting the travel needs of the whole community.

The City of Newport has developed a general Transportation System Plan (TSP) for the entire community and that document is by reference incorporated into this plan. The TSP however is relatively general and only addresses the major transportation systems citywide. The purpose of this section is to fine tune and supplement the TSP and deal with issues specific to the Bay Front neighborhood.

portion of Lee Street near 12th Street. In addition, minor changes and additions to crosswalks can help direct people to cross at safe locations. Two possible crosswalk improvements are at the Abbey Street Pier and the western end of the boardwalk. Those two crossings should be well marked to increase safety and direct pedestrians.

Bicycle Facilities

There are currently no bicycle routes on the Bay Front and the width of the street and the development that is in place make it difficult if not impossible to provide a separate bicycle path or lane. However, the traffid on Bay Boulevard, especially during the summer months, moves slow enough that bicycles can easily share travel lanes with car and truck traffic. A shared lane is therefore the option from the Embarcadero to the Coast Guard station.

East of John Moore Road however the right-of-way is there to provide a bike lane especially if no parking is allowed along the street. This would also connect a bike land in the City to one that is outside the City along Yaquina Bay Road. That land goes all the way to Toledo (about 12 miles) and is very flat. The City's TSP shows that connection.

Parking

Probably the biggest single issue for the Bay Front is parking. In fact, the meetings of the Steering Committee invariably lead to a discussion, sometimes lengthy ones, on parking. And it is not an issue of simple numbers. There are a number of users that have different needs for the parking that is available. The fish plants need loading areas, both long and short term, and parking for their employees that work eight to twelve hour shifts. The fishing industry needs parking that may be needed for four or five days while they are out on the ocean. The charter fishing industry needs parking that is up to 12 hours long and the tourist businesses need eight hour or longer parking for the owners and employees but a quicker turnaround on the two to four nature for customers. The tourist industry also needs loading and delivery space usually on a short term basis. And, in recent years, more buses of tourists are visiting the Bay Front to take advantage of the attractions in the burgeoning whale watching industry. All together it makes for an interesting mix of needs and users that often compete for the limited amount of parking available, especially during the summer months.

Table 1 shows the available parking and the type of that parking on the Bay Front between Bay Street and the Embarcadero. The parking inventory also includes some parking on Bay Street from Naterlin Drive to Bay Boulevard and on Fall Street from Canyon Way to Bay Boulevard. Those two streets provide a number of parking spots for people visiting the Bay Front. There is also a public parking lot on Canyon Way next to the Canyon Way Bookstore that has 47 spaces. There are plans to make that lot more efficient and do some minor expansion that may raise the total to 60 spaces. In addition, there are about 45-50 spaces along Canyon Way. The problem with those spaces is that they are up quite a steep hill from the Bay Front so access is limited.

Most of the development in the past years has been in the tourist industry. This means that those uses must go through a conditional use permit process in order to receive permission to operate. The disadvantage of that process is that it takes time for the applicant to go through it. The big advantage of the process is that the project can be reviewed for compliance with the goals and policies of the Bay Front. One of the major concerns when reviewing for compliance is the preservation of the historic character of the Bay Front. Without the conditional use process, there is no other mechanism to assure compliance. Because that issue is very important to the Bay Front the conditional use process should be retained (which means keeping the current zoning) or another mechanism, such as design review, should be instigated (which means developing another zoning tool). In any rate, the historic character of the Bay Front should be considered whenever a new project is being proposed. The character includes the physical appearance of the building, signing, lighting, the location of parking, and other design considerations.

There are three other areas, however, that should be considered for different zoning. One is the Port property between the Embarcadero and Douglas Street. The Port has a general plan that indicates that the property should be developed to a higher and better use. In conjunction, the plan contains a model site plan on how the property could be physically developed. The plan also calls for a mixed use type of development where some limited tourist facilities could be incorporated. This, however, would require that the property be rezoned to W-2. As long as the types of tourist uses is limited by the Port to be those that compliment rather than detract from the fishing industry, the idea is a good one. (There is also the added protection of the conditional use process and review by the Planning Commission for any tourist type of use.)

The second area is the Embarcadero property. It is currently zoned W-2 which means that the entire facility is a conditional use. This means that any expansion or change in use, regardless on how minor, requires a conditional use permit. That process seems unnecessary because the Embarcadero is a tourist facility and is likely to remain so for the forseeable future. It makes sense to rezone that property to C-2, a zoning designation that fits the use. However, consultation with the Embarcadero ownership should proceed such a change.

The final possibility is to rezone the water side of Bay Boulevard from the Coast Guard Station to about Douglas Street from W-2 to W-1. The land side would remain W-2. This would afford greater protection of water dependent uses from encroachment of non-water related uses. A major disadvantage of this proposal is that many existing businesses would become nonconforming and subject to regulations contained in the Zoning Ordinance. This proposal therefore must be looked at very carefully before enactment.

Public Art

Public art can greatly enhance the appearance of an area. It can also provide a focal point for other public activities such as concerts, art displays and other entertainment and socializing. On the other hand, if done wrong or with a particular self interest, public "art" can add to the visual clutter and detract from community goals. This is especially true with murals. Murals can

NEWPORT PENINSULA URBAN DESIGN PLAN[1]

Findings:

Newport's historic peninsula district is the heart of the city. The City of Newport anticipates that population, employment growth, and increased tourism on the peninsula, combined with automobile-dependent development, will negatively affect the quality of life and lifestyle, as well as the physical character of the historic core of the city. The peninsula's ability to accommodate change requires careful attention to urban design in order to preserve and strengthen the inherent qualities which have guided Newport's development to date. These summary findings are more fully developed in the Newport Peninsula Urban Design Study, which is incorporated herein as a background reference document and provides substantial evidence for these findings, policies, and implementation strategies. It is our key finding that is necessary to both stimulate and guide development in order to graciously incorporate change and preserve the peninsula as a wonderful place to live. Consequently, the following policies are adopted for the peninsula.

Policies:

1. Preserve the beautiful natural setting and the orientation of development and public improvements in order to strengthen their relationship to that setting.

2. Enhance new and redeveloping architectural and landscape resources to preserve and strengthen the historic and scenic character and function of each setting.

3. Improve the vehicular and pedestrian networks in order to improve safety, efficiency, continuity, and relationships connecting the peninsula neighborhoods.

4. Coordinate with the Oregon Department of Transportation (ODOT) highway projects which are compatible with and responsive to these policy objectives and design districts implementing said policies.

5. Improve cohesion of each neighborhood subject to design district overlay by enhancing its function, character, and relationship to its natural setting and orientation.

6. Preserve and strengthen the ability of peninsula institutions to continue as centers

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[1] Chapter added by Ordinance No. 1677 (July 6, 1993).

characterized by land efficient parking and views of the Pacific Ocean and Yaquina Bay.

B. City Center North

City Center North shall be characterized by concentrating government buildings into a government center both east and west of U.S. Highway 101. It will serve as a gateway to the peninsula while linking with the Center in both function and character.

C. City Center South

City Center South shall focus on the Pacific Communities Hospital development. Development in this area shall be pedestrian and bicycle oriented, with effective linkages to the City Center and the U.S. Highway 101 Corridor.

2.) Waterfront District.

Historically, this area was the original development site with the City of Newport. Marine dependent industries--timber transport, fishing, etc.--were the first source of livelihood for early settlers and inhabitants and shall continue to be referenced in the design of the area. The Waterfront District shall continue to reflect the working class character of the commercial fishing industry. Appropriately, existing commercial buildings line both sides of Bay Boulevard and are of wood frame construction, clad with stucco, masonry and tin, covered with flat and gable roofs, 1 - 3 stories in height, with zero building setbacks. Many buildings have awnings, and some are built on pilings above the water. Piers project beyond the buildings. The historic character of the area is strong due to numerous intact, original buildings which date from the 1870's through the 1940's, and preservation of these historic buildings should continue to the extent possible. (At the intersection of Hatfield Drive and Bay Boulevard, the addition of contemporary buildings and lack of intact historic buildings has changed the character of the area to the east.) The U.S. Coast Guard Station/Ocean House Hotel Site is note- worthy architecturally as a unique building of the Colonial Revival style within the City of Newport. The location of this building on a bluff above the Waterfront District is an important aspect of its significance and shall be preserved.

3.) Nye Beach District.

The Nye Beach District is significant for the collection of cohesive architectural resources and landscape elements which reflect a working-class neighborhood. The area consists of wood frame buildings, 1 to 2½ stories in height, covered with gable and hip roofs, and clad with clapboard, shingle and/or fire retardant siding. The landscape character of the area is defined by rock walls, terraces, sidewalks, and small front lawns. There are some small scale commercial

THERMO KING
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CITY OF NEWPORT
MAR 13 2023
RECEIVED

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- **ROOM CONFIGURATION:** The proposal shows that on the 2nd floor, the room size is 201 square feet to 220 square feet in size. The 3rd floor room size is 300 square feet or more and is adequate for a family. The industry standard average for a hotel room is 300 square feet (or more); hotels with room sizes in the 200 square feet range are called "Micro-Hotels" and cater to singles and couples who mainly want a place to sleep at night. Micro-hotels, many with limited or no parking, have found a degree of success in the big cities like Portland, Seattle and San Francisco, because they have various forms of efficient mass transportation available outside their doors and the hotels are typically located in the downtown core or in dense neighborhoods centered around retail and restaurants.

- The maximum occupancy for a 200 square foot hotel room with a bathroom is 2 (two) occupants. As proposed, 43% of the rooms will only accommodate 1-2 occupants. The busy bay front is a not necessarily a draw for singles or couples seeking a peaceful place to stay. Families with kids are a large proportion of the tourists visiting the bayfront. (200 square feet is equivalent to a 10 X 20 storage area, how many people want to stay in a room that small when at the beach?) The only way to know is through a Feasibility Study.
- **SITE LAYOUT:** The developers are asking for a 40% reduction of the required yard buffer to 6' along the west of the property line that is adjacent to the residential zone. A 6' buffer is NOT adequate if there is an issue with the retaining wall that separates the site from the residential properties. If repairs are needed, then how could anyone possibly have room to repair a retaining wall? This could constitute a very serious situation. It is also not enough of a buffer for the residential properties; a 6' distance from the residential property line impacts the residents of the adjoining properties adversely. This reduction should not be granted in consideration of these factors. Also, while the east side of the proposed building is shown abutting the property line, it leaves no room for the existing building (previously known as The Wood Gallery building) for any repairs or maintenance to that side of the building for any reason. Granted a small section of the existing Wood Gallery building is located on the property line, but the building has existed for decades. Cutting off all access to that section of the building has a detrimental impact to the building. In summary, it can be said that the development plans do have an adverse impact on existing properties. (As a matter of reference, The Inn at Nye Beach, which is owned by one of the developers, sits on a larger site and has 38 rooms, 9 rooms *less* than this proposal.) The 47-room project is <u>simply too big</u> for the footprint of the site.
- The design of the project does not contain one single historic element. It looks like a design that belongs in the downtown of a big city. Given that the site is located on the "Historic Bay Front" and as noted in the criteria of the City of Newport Comprehensive Plan, any new development must contain some element of historic design. The design was prepared by a California firm and looks exactly like a chain hotel (such as a Marriott Hotel) with no historic elements. The design of the building is clearly an urban design and with no iota of a coastal or historic design.
- The "City of Newport Comprehensive Plan: Neighborhood Plans, Bay Front plan, addresses historical design (and parking constraints) in several sections within the plan. I am referring to pages 424, 430, 438, 443, and 444 (see exhibits). Page 430 also discusses the importance of preserving the existing views related to the hillside above the bay front. It states, "the hillside above the Bay Front has been identified as very picturesque and worthy of preservation".

- The Newport Peninsula Urban Design Plan addresses automobile dependent development and states "will negatively affect the quality of life and lifestyle, as well as the physical character of the historic core of the city".
- Page 234, Waterfront District, also elaborates on the importance of the Waterfront District continuing to reflect the working class and historic character.

The City of Newport Community Development Department and the Planning Commission must require the developers (on any hospitality project on the bay front) to provide studies as to the parking impact and feasibility of the parking and room configuration. Any lender who would consider financing a hospitality project would require these studies, which would include:

1. **A FEASIBILITY STUDY.** A Feasibility study is the only way to understand if the project is feasible as designed. This study should be obtained by a 3rd-party consultant who is well versed in analyzing hospitality projects. The study will include analyzing the room configuration, the occupancy rate related to all of all the hotels in Newport, the ADR (average daily rate) related to the existing hotels, which is a key performance indicator of the industry. The study will come conclude whether the projects' room size configuration is feasible for a hotel in a location where tourists drive with the coast, and there is no public transportation. The developers will need to submit their budget proforma for occupancy and room rates and the study will compare them with the existing hospitality businesses in Newport.
2. **PARKING STUDY.** The current parking and traffic congestion is so significant that this proposal warrants a 3rd party consultant parking study. The parking study will measure the existing traffic constraints and factor in the new traffic impact of a 47-room hotel and 39 parking stalls. The ingress and egress of that many vehicles will have a significant impact on the existing parking and traffic gridlock.

Has a Feasibility and Parking Study been submitted to the City of Newport (Planning Commission and Community Development Department)? This project would dramatically change the west end of the bay front and the residential area above the bay front, forever.

The developers have failed to meet the applicable criteria of new development and the application should be denied.

Charlotte Boxer
NEWPORT

U Gertner

NEWPORT

Kiernan Bishop

Robert Gertner

George Bishop

Brian Calder

Newport

Lisa Calder

Debra Parks

Newport

Sydney Hobart

Sea Rock

Patti A. Page

Newport

Daniel L. Sea Rock

NEWPORT

Sy McCallon

Seal Rock

Exhibits:

Excerpts from the City of Newport Comprehensive Plan: Neighborhood Plans and Newport Peninsula Urban Design Plan

Picture of refrigerated truck parked on Bay Blvd in front of Bornstein Seafood

Cynthia K

WE COULDN'T PARK!!!!!!

Aug 2021

We drove through trying to find a parking place. This is around 3pm on a Thursday.
We passed the restaurant where we wanted to eat & kept going **BECAUSE WE COULDN'T PARK!!!**
There were some places to buy seafood & some shops. **I can't tell you how much I liked them BECAUS WE COULDN'T PARK!!!!**
Get it together Newport, geez.

Roxanne Spiz

Exhibits:

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Charlotte Boxer
NEWPORT

Lisby Sweeter

Valerie Borst

Dorla Sweeter

[illegible]

Kathleen C. Krager
Newport

Brian Dyer

Rebecca Sutherlin Albany/Newport

Mary Hood

Exhibits:

Excerpts from the City of Newport Comprehensive Plan: Neighborhood Plans and Newport Peninsula Urban Design Plan

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Get it together Newport, geez.

CITY OF NEWPORT
MAR 13 2023
RECEIVED

March 9th, 2023

To: City of Newport Planning Dept.

We the owners of Bayview Condominiums, the property adjoining the planned hotel construction on SW Bay Blvd, do hereby express our resolve to disallow any variances being granted for this project. Our wooden retaining wall located between the proposed hotel and our parking area is over 50 years old. We need room to access it for maintenance and repairs or replacement when needed. There would also need to be reasonable access to it for the fire department in case of fire.

There are also other issues including traffic and parking on our highly prized historic bay front. The fish processing there that supports our local economy has refrigerated semi trucks that park there for the night leave there refrigerated trailers running all night long. You can't imagine the complaints from the guests that will come immediately to the city. There is no historic value of any type that this project will add to our bay front. They need to provide more parking spaces than rooms to allow for guests, employees, and shoppers coming to their retail space.

Before any chance of this project being approved we would like copies of the traffic and parking impact studies that need to be presented to the entire local community and businesses impacted on the bay front. Then we would need a continuance prior to approval so we have time to consult with attorneys, Lincoln County Historic Committee, and land use specialists about filing a lawsuit.

In closing what we're hoping for is a chance for the tax payers to voice their concerns in a manner that is fair to all parties involved. That only seems fair to this town and tourists that support our local economy.

Jon Baker

Jon Baker (President)
Bay View Condos Owners Association

Sherri Marineau

From: Adriana Buer
Sent: Monday, March 13, 2023 1:16 PM
To: Public comment
Subject: Bayfront hotel

[WARNING] This message comes from an external organization. Be careful of embedded links.

_____

Newport Planning Commission:
As a concerned citizen, I am vehemently opposed to the proposal to build a hotel along the historic bayfront. The only ones benefiting from this proposal will be the owners and the builders. I don't see how this will be of any benefit to Newport residents or to the bayfront itself. The planning commission needs to address the needs and concerns of its residents prior to acquiescing to the desires of an owner that doesn't even live in Newport. Let's not put profit over people.
Sincerely,
Adriana Buer

Sent from my iPhone

March 13, 2023

Re: Project 836-856, SW Bay Blvd.

To: The City of Newport Planning Commission,

I have read the report by the Planning Staff report recommending approval of this project, including approval of a 30% reduction in the parking requirements from 63 parking spaces to 46 spaces.

I recommend that the Planning Commission decline to approve the Conditional Use Permit until the project meets all existing requirements, in particular the parking requirements. The primary reason the parking issue is so important is that this Permit will result in exacerbating the well-known traffic and parking problems on the Bayfront, which will immediately adversely affect the workers at the fish processing plants, the tourists on the Bayfront and therefore the processing plants and retailers themselves. The fishing industry's economic health is essential to virtually every aspect of Newport's economy: the processors, the tourists, the NOAA ships, the Hatfield Marine Science Center, etc.

The staff recommendation that the hotel advise guests of the limitations of on-site parking, and/or that the hotel restrict vehicles that are too large to be accommodated is unlikely to change the hotel guests' behavior. Instead the proposed hotel will be further exacerbating the parking problems on the Bayfront. It is not just reasonable but necessary that the Council avoid allowing any disruption to the workers, the processors, and the tourists.

The developers have the option of designing a hotel project that complies with the parking requirements of the development code.

Sincerely,

Tom Briggs,

118 SW High St., Newport

CITY OF NEWPORT
MAR 13 2023
RECEIVED
2:28pm

Family Promise®
of Lincoln County

P.O. Box 1146
Gleneden Beach, OR 97388
541-614-0964
www.familypromiseoflincolncounty.org

Dear Derrick Tokos,

I am writing this letter in support of the development of property located on the Bayfront by VIP Hospitality. Family Promise of Lincoln County has been providing emergency shelter and supportive service programs since 2014 and work with families throughout Lincoln County. VIP Hospitality has been consistently a great partner to our nonprofit and to families within the community. From providing shelter at their hotels during the pandemic shutdown to investing in smart TV's for our hybrid parenting classes to donations of hygiene products, they are very committed to the communities that they operate in and it shows in ways small and large. Many of our families are able to find employment at one of their hotels with living wages and a family friendly environment in addition to the compassion and ability to have flexible schedules to continue working on their housing situation. Living wage employment with opportunity to grow in the hospitality industry is difficult to find and I sincerely wish more hotels would follow the lead of VIP Hospitality. The Bayfront property that VIP Hospitality is developing will only strengthen the community and Family Promise is very supportive of their continued investment in Lincoln County. Please don't hesitate to ask any questions or follow up on this email.

Many Thanks ~ Elizabeth Reyes

Elizabeth Reyes
Executive Director

Your gift to FPLC is tax deductible as allowable by law, Federal Tax ID #46-0650800.We did not provide any goods or services for your contribution. See your tax advisor for advice regarding your donation.
Thank you for your support!
Building community, strengthening lives.

Sherri Marineau

From: Derrick Tokos
Sent: Monday, March 13, 2023 1:58 PM
To: Sherri Marineau
Subject: FW: Inn at Nye Beach Proposal

From: Gervacio Galicia
Sent: Monday, March 13, 2023 12:59 PM
To: Derrick Tokos
Subject: Inn at Nye Beach Proposal

[WARNING] This message comes from an external organization. Be careful of embedded links.

> You don't often get email from

ASIATICO WATERFRONT SUSHI
875 SW BAY BLVD
NEWPORT OR 97365
03-13-2023

GERVACIO CASTILLO OWNER/OPERATOR

Dear DERRICK TOKOS:

I am writing to express my support to the inn at nye beach proposal. I think it will be nice to have more business on the SW bayfront

Sincerely, Gervacio Castillo

ADDITIONAL RESPONSE TO LETTER IN RESPONSE TO THE CITY OF NEWPORT PUBLIC NOTICE FILE NO.1-CUP-23.1-ADJ-23

MARCH 13, 2023

Re: Developer Response dated February 9, 2023

The developer has submitted two letters with two different narratives, both dated February 9, 2023.

- The first letter addresses the request for a 40% reduction in the back yard buffer to 6'. The developer states they are installing a new retaining wall so all worries should be cast aside. While on the surface it might seem a logical statement, what happens if there is an earthquake or a landslide? Bridges fail, levees fail and retaining walls fail (just look at what California is experiencing with the historic rainfall). How do the developers plan on maintaining the back side of their building? There also needs to be consideration for the adjoining property owner to be able to repair and maintain the 33' of building that abuts the west property line. If the developers are granted permission to a 6' buffer of the west (back) side and no setback on the west side, then there is indeed an adverse impact to existing properties.
- Additionally, **6' is absolutely not enough** of a buffer for the residential zone (the Bayview Condos located directly above the proposed hotel). The value of the real estate related to the condominiums in that building will be impacted so negatively that it may be almost impossible to sell the units. The hotel would only be 6' from the property line and literally 12' from their decks.
- The first and second letter appears to **erroneously states they will be providing 46 parking stalls.** The CUP is asking for a reduction in standard size stall to 13 + an increase to +24 in the compact stalls, +2 handicap stalls; the total is **39 stalls and not 46.** 39 stalls for 47 rooms is not considered adequate parking, particularly in light of the number of the compact stalls. In a tourist town which is an auto dependent means of transportation should maintain a 1:1 parking ratio in locations where most travel is auto dependent, and in light of the fact there is NO mass transit readily available. This project will likely increase the traffic issues to an unstainable level where tourists will decide to avoid the bay front because of the parking and traffic congestion.
- In the second letter the developers state that the project design meets the criteria for the historic design. If you compare the design of the proposed hotel to the design of the former Abby Hotel, it would be difficult to state that there are

similarities in design other than both would be 3-stories. The developer states "the appearance and design of the building will enhance the overall quality of the area. How? It looks like a chain hotel in an urban location. As presented it represents "overbuilding" of the site based on the footprint and the number of rooms. To say it will encourage higher quality developments is a big stretch. This is an urban design that belongs in an urban setting and not on the Historic Bay front.

- The developer states the building conforms with the 35' height limitation, which the building itself does, but the stairwell shaft extends 4 ½ feet and the elevator overrun extends another 8 feet above the building. Building codes may allow this because the actual building is 35', but the addition of the stairwell shaft and elevator overrun additionally impact the residential zoning for the properties above the proposed project.
- While the seafood processing plants are 35' in height, they are a waterfront industrial use of the buildings. The seafood processing plants are an integral part of the bay front and the commercial fishing industry.

The project is simply too big for the site and too big for the bay front, and as such, does have an adverse impact on the surrounding properties.

(As just an FYI, I lived in the upstairs apartment next door for 2 years when I relocated from Lincoln City to Newport. The bayfront a is noisy location day and night from the seafood processing plants, the refrigerated trucks that sit out front and run their refrigeration all day and all night (which is very loud), add in the traffic congestion all day long, horn honking and engines starting up and it equates to a noisy environment. Many of the Trip Advisor and Yelp reviews state there is a fishy smell (those reviews considered it a negative) in the air, and of course there is because of the fish processing plants. Most tourists come to the beach to linger in their rooms after a day of sightseeing or being at the beach, watch the sunset and enjoy a peaceful night's sleep. This hotel will not afford the same ambiance to its guests. It is worth noting.)

Charlotte Boxer
Newport

Sherri Marineau

From: Derrick Tokos
Sent: Monday, March 13, 2023 2:46 PM
To: Sherri Marineau
Subject: FW: Proposal for retail space and hotel on Newport Bayfront

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From: Latta Glass
Sent: Monday, March 13, 2023 2:24 PM
To: Derrick Tokos
Subject: Proposal for retail space and hotel on Newport Bayfront

[WARNING] This message comes from an external organization. Be careful of embedded links.

> You don't often get email from

Dear Sir,

I am writing to support the VIP Hospitality Group in their proposal for retail space and a small hotel on the Newport Bayfront at the site where the Apollo Night Club, a gallery, and a restaurant used to be.

I think it is a refreshing idea. Yes, we have a working seaport, but it is undeniable that the Newport Bayfront is also a tourist area. This tourist area brings a lot of revenue and visitors to the City of Newport.

I support another business that would be a draw for visitors to the Newport Bayfront and offer accommodations. Historically, there has been a hotel here and would be a great addition.

Thank you for your work on addressing the parking situation. It is my observation that most of the parking is taken by employees of businesses on the Bayfront. Businesses that could easily provide shuttle services to their employees.

Thank you for your consideration,

Mary Young
Manager of Latta's Fused Glass
541-265-9685

Samaritan Foundations

Pacific Communities Health District Foundation

930 SW Abbey Street
Newport, OR 97365
541-574-4745 (office)
samhealth.org/Giving

March 13, 2023

Derrick Tokos
City of Newport, Planning Commission
169 SW Coast Highway
Newport, OR 97365

Dear Derrick and Commission,

We'd like to express our appreciation and support for VIP Hospitality Group. We have come to know VIP Hospitality Group and their management teams to be engaged, responsible, and charitable community members.

Through their properties in Lincoln County, including Inn at Nye Beach and The Ocean House in Newport, and Inn at Wecoma, Surfland Hotel, and The Coho Oceanfront Lodge in Lincoln City, VIP Hospitality Group has supported projects and programs which are critical to the health and well-being of our community members. For example, they have generously donated to the Pacific Communities Health District Foundation's Patient Support Funds which help provide financial assistance to our most vulnerable populations for necessities like stop-gap prescriptions, transportation to medical appointments, nutrition, and more. They are also strong supporters of the Samaritan Treatment and Recovery Services center, a residential and intensive outpatient center for adults with substance use disorder, which is currently being created in the north Agate Beach area.

We are pleased to partner with companies in Newport that reflect values similar to our values of Passion, Respect, Integrity, Dedication and Excellence. We are both grateful and wholeheartedly supportive of their organization.

Please don't hesitate to contact me if you have any questions.

Warm regards,

Karla Clem
Senior Development Specialist

March 13, 2023

Community Development (Planning) Dept
City Hall
169 SW Coast Hwy
Newport OR 97365

Greetings:

This is regarding the conditional use permit for a new 3-story hotel on Bay Blvd in Old Town. I was at City Hall to pick up a copy of the staff report on Monday, March 6th, *when the public notice said it would be available- 7 days before the hearing.* However, it was not ready and wasn't emailed to me until Friday, March 10, at 2:29 pm. I have a very full life and was involved with family weekend plans by then, so unfortunately did not see it until this morning, March 13th, *the day of the hearing*. I have not had time to process it all and just feel angry and frustrated.

Please, look at what is happening. Please consider how not only, yes, maybe you *could* approve this, but **SHOULD** you approve this?!! On page 15 of the staff report it states:
"***It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety and welfare of citizens of the City of Newport***."
Approving this plan is going to destroy several people's property values, therefore damaging the welfare of some of your citizens of Newport. We must also protect the fishermen.

I have been a property owner and tax payer of Newport for 17 years. I have loved my time in Newport, and value the working harbor and the true asset the fishermen of the community are to our economy. I believe the Bayfront is very important, not just to Newport but to Oregon as it is- a working harbor. And people come to see a working harbor. Adding a 47 room hotel directly across from a fishing facility is not good planning, I think reasons why are obvious: Noise, smell, 24 hr activity blocking the road… Very important stuff, not hotel friendly. The original Abby was down the street.

I loved the "Basics Market" plan, any way we could bring that idea back? It is a much better fit for the location. This 3-story, 47 room box, property line to property line is *not* a good fit. Please save us and protect our Bayfront. I am counting on our Community Development Dept. to preserve Newport's Old Town and protect our working harbor.

Thank You,

Beverly M. Smith

Beverly Smith

Bayview Condo Owners Association
Secretary/Treasurer

vi. With respect to the applicant's request for a 30% reduction in parking (17 stalls), they note that when applying the off-street parking ratios in NMC 14.14.030, they would be required to provide 48 parking stalls for the proposed hotel (47 rooms on the 2nd and 3rd floors plus one manager stall). They further note that the commercial spaces on the ground floor will require 9 parking stalls for general retail or up to 17 for a food and drink establishment depending on how the space is utilized. They are currently providing 46 on-site parking stalls.

vii. The purpose section of the City's off-street parking requirements is set out in NMC 14.14.010, which reads as follows:

"The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport."

The Bayfront is a special parking area, the boundary of which is set in NMC 14.14.100, and graphically depicted with Council Resolution No. 3864 (Attachment "M"). Section 4 of Resolution No. 3864 provides:

"NMC 14.14.100 provides that off-street parking within a Parking District shall be provided as specified by the Parking District. For that purpose, the business license annual fee established herein shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces, just as it did when the economic improvement districts were effective. Businesses that require more than five (5) off-street parking spaces shall provide the additional spaces in accordance with applicable provisions of the Newport Zoning Ordinance (NMC Chapter 14)."

The lead language in NMC 14.14.030, provides context for how the City should apply ratios for calculating required off-street parking. It reads in relevant part:

"For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of Section 14.14.050, Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the

This page of signatures is supposed to be attached to the previously sent letter-

"LETTER IN RESPONSE TO THE CITY OF NEWPORT PUBLIC NOTICE FILE NO.1-CUP-23.1- ADJ-23

DATE: March 7, 2023

Would be Page 67- 68 in the Staff Report, page 67 of signatures (attached)

would be page 69

Bennett H. Mohlen

Brett Smith

Hannah Mattson

David Alvarado

Delaney Smith

Sarai Wilcox

Beverly M. Smith
833 SW 13th St #4
Newport OR 97365

Exhibits:

Excerpts from the City of Newport Comprehensive Plan: Neighborhood Plans and Newport Peninsula Urban Design Plan

Picture of refrigerated truck parked on Bay Blvd in front of Bornstein Seafood

Cynthia K

WE COULDN'T PARK!!!!!!

Aug 2021

We drove through trying to find a parking place. This is around 3pm on a Thursday.
We passed the restaurant where we wanted to eat & kept going **BECAUSE WE COULDN'T PARK!!!**
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Get it together Newport, geez.

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1. **A FEASIBILITY STUDY.** A Feasibility study is the only way to understand if the project is feasible as designed. This study would be performed by a 3rd-party independent consultant who is well versed in analyzing hospitality projects. The study will include analyzing the room configuration, the occupancy rate related to all of all the hotels in Newport, the ADR (average daily rate) related to the existing hotels, which is a key performance indicator of the industry. The study will come conclude whether the projects' room size configuration is feasible for a hotel in a location where tourists drive with the coast, and there is no public transportation. The developers would need to submit their budget proforma for occupancy and room rates and the study will compare them with the existing hospitality businesses in Newport.
2. **PARKING STUDY.** The current parking and traffic congestion is so significant that this proposal would warrant a 3rd party independent consultant parking study. The parking study will measure the existing traffic constraints and factor in the new traffic impact of a 47-room hotel and 39 parking stalls. The ingress and egress of that many vehicles will have a significant negative impact and considerably exacerbate the existing parking and traffic gridlock.

Has a Feasibility and Parking Study been submitted to the City of Newport (Planning Commission and Community Development Department)? This project would dramatically change the west end of the bay front and the residential area above the bay front, forever.

The developers have failed to meet the applicable criteria of new development as set forth under the Newport Comprehensive Plan and the Newport Peninsula Urban Plan. Newport has a need for more revenue, but that should not be the determining factor whether a project gets approved. The adverse impact this project would have on the bay front could not be undone. The fact that there was once a hotel on the bay front (where the parking lot is now across from the Abby Pier) doesn't justify adding a hotel now. The original Abby Hotel burned down in 1964 and traffic, parking and congestion issues have multiplied exponentially in the past 60 years. The application should be denied.

Charlotte Boker
NEWPORT

Lindgren

Marie Foltz

Monica S. Lifatis

Jon Baker
President Bay View
Condo Owners Assc.

Lynn J. Baker
Newport

Janine LaFranchise
newport

City of Newport,

File No. 1-CUP-23 / 1-ADJ-23

I do not think the W-2 zone should be changed to allow a hotel in this area. Locals do not deserve to be put on water restrictions because a company wants to put in a business that adds to the problem instead of helping.

There is also a significant amount of compact parking and if anyone has walked or driven the bay front you will see a large majority of big SUV's & long bed pickup trucks. Compact spots will not be able accommodate these vehicles, pushing them to street parking. With the parking meter's coming, this will push them & bay front workers & tourists on to the closest residential street parking, impacting the residents negatively.

The traffic: The west end of the bay front is horrible now. Adding the extra 47 vehicles coming and going and coming and going how many times a day? As we know people don't stay in their hotel rooms the entire time. Once entering the parking lot of the hotel and finding no where to park are they going to have to back completely out and on to the street where there is so much traffic already. Trying to back out on to an extremely busy street were cars are trying to navigate around semi trucks, fork lifts and extra long vehicles parked along the road, causing the traffic to back up and become more unsafe.

Hotel on the bay front for the "bay view" when 1/2 the rooms are on the back side with a "wonderful" view of our condo's deck, living room & dining room directly behind. This is not what I would want to see out my hotel window. What happens when the next person buys the old Seadogs location and builds a 3 story building there. Then this hotel has zero view and this historic bay front becomes less and less desirable for locals and tourists.

Asking for a reduction in buffer space to build an additional retaining wall with a 6 foot "alley" for lack of another word. Is not a good idea with the fact this will be an area for who knows what? Trash, vagrants, drugs, rats, raccoons or who knows what? The existing retaining wall looks to be in good condition. The condos are not in a position to build a new retaining wall at this time.

I heard someone from the last meeting say that the only people who don't want this hotel are the people in our condos, because we were the only ones to show up in opposition last time. So many people have no idea this hotel plan has even been proposed. I have yet to hear from someone face to face that is excited about this idea. I've shared the info on Facebook and the only person who is excited about it is the realtor who represents the seller and will be making a huge profit at the expense of the historic bay front.

Pets: They mentioned wanting to be a pet friendly hotel. When people take out their pets to walk they will want to take to closest grass patch. Of course that happens to be right by our homes.

This hotel will adversely impact the market value and enjoyment of our homes. We will not be able to sell for a decent price as who wants to set on your deck looking into a bunch of hotel rooms and listening to the hotel HVAC unit running nonstop. This definitely impacts our livability and market value of our homes. This negatively impacts us directly.

I am very opposed to bring this type of business to the bay front. I understand things do change as time goes on but we have the opportunity to make sure the changes that happen have a positive impact on the future growth of our town. This hotel doesn't fit into the "Historic Bay Front". This hotel will not be a draw for locals or tourists (except the few that will stay there. In my opinion we need to encourage businesses that positively impact the tourism and locals the same.

Lynn Baker
833 SW 13th Street
Newport, OR 97365

Sherri Marineau

From: Derrick Tokos
Sent: Monday, March 27, 2023 8:19 AM
To: Sherri Marineau
Subject: FW: File No. 1-CUP-23 / 1-ADJ-23

From: Cristi Farrell
Sent: Monday, March 27, 2023 6:46 AM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: File No. 1-CUP-23 / 1-ADJ-23

[WARNING] This message comes from an external organization. Be careful of embedded links.

I oppose this development.

Sherri Marineau

From: Derrick Tokos
Sent: Monday, March 27, 2023 8:24 AM
To: Sherri Marineau
Subject: FW: File No. 1-CUP-23/1-ADJ-23

From: David Malone
Sent: Saturday, March 25, 2023 5:05 PM
To: Derrick Tokos
Subject: File No. 1-CUP-23/1-ADJ-23

[WARNING] This message comes from an external organization. Be careful of embedded links.

Mr. Tokos,

I am writing to express my support for the proposed Hotel Abbey construction project on Newport's Bayfront.

The proposed project is located at the West entrance of Newport's Bayfront and presents a very positive and professional first impression of this Newport community cornerstone. The size and scope of this hotel also fits the Newport Bayfront area instead of overpowering it as has been allowed in other historic bayfront areas along the West Coast such as San Francisco's Fisherman's Wharf/Union Square, the Monterey Bay area and so many smaller waterfront communities.

As you must know, there is a need for additional hotel visitor space here in Newport as detailed in the Newport News Times article published on January 27, 2023. Newport is indeed a "Prime" destination as stated in the article yet there has not been any new hotel construction for over a decade and short term rental housing is as well becoming limited. What was not mentioned in the News Times article is the number of local residents employed in the hotel/hospitality sector with starting wages well above Oregon's minimum wage nor the large amount of both primary visitor spending and the subsequent secondary re-spending of Newport's travel generated revenue.

After reading public testimony submitted about this project, I understand there are a few concerns regarding parking, noise, trash and nuisance creatures. Unlike many short term rental housing or storefront businesses, hotels of this size and quality employ trained professional management and 24 hour staff who are required to respond to such concerns quickly and efficiently.

The owner proposing this project also has a multi decade history of hotel leadership in Lincoln County, the properties he is associated with are highly rated by visitors and staff and many of his associates working and managing these properties are long term local residents who have worked their way up to their current positions under his leadership. This proposed project shows his understanding of the area and what is required of a successful community based hospitality business.

I thank the Newport community for the attention and thorough review of this project and I am asking the Newport Planning Commission to support and approve it.

David Malone
Toledo, Oregon

Sherri Marineau

From: Derrick Tokos
Sent: Monday, March 27, 2023 8:26 AM
To: Sherri Marineau
Subject: FW: Contact Us - Web Form

-----Original Message-----

Sent: Saturday, March 25, 2023 3:51 PM
To: Derrick Tokos
Subject: Contact Us - Web Form

[WARNING] This message comes from an external organization. Be careful of embedded links.

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City of Newport, OR :: Contact Us - Web Form

The following information was submitted on 3/25/2023 at 3:51:25 PM

To: Derrick Tokos
Name: Margo Stark and Gerald Best

Subject: Hotel Abbey

Message: We are writing in support of the proposed Hotel Abbey.

When we first heard about this project, we had serious concerns regarding traffic and congestion. For some reason, we weren't notified of the hearing, like we were when the Basics Market notices went out.

However, after reading everything that has been submitted, and attending the March 13 Planning Committee meeting online, our concerns have been addressed. Parking directly on the bay front, and also on SW 13th street, is difficult, but let's not conflate that issue with parking for the proposed hotel. Overall bay front parking is being addressed by a separate project. In reviewing the parking analysis for the hotel, the hotel will provide enough parking for the guests. I assume staff will park elsewhere, like they do for most other businesses on the bay front.

We heard testimony that hotel guests won't like being near the fish processors. For some of us that live here, that's part of the charm. We can't imagine booking a hotel without investigating the area using Google Earth or a similar tool; we think some guests will enjoy the energy of the working bay front.

We also heard testimony that this looked like a big city, franchise hotel. The drawings don't support that idea.

Change is hard, and sometimes we react emotionally. Let's look at the facts, and embrace the idea of a fresh new building on the west end of the bay front. The hotel rooms will bring more traffic to retail establishments on the bay front, as well as the rest of the town.

Sincerely,
Margo Stark
Jerry Best

Newport OR 97365

Sherri Marineau

From: Derrick Tokos
Sent: Monday, March 27, 2023 1:23 PM
To: Sherri Marineau
Subject: FW: Proposed Hotel

From: Janine LaFranchise
Sent: Monday, March 27, 2023 12:56 PM
To: Derrick Tokos
Subject: Proposed Hotel

[WARNING] This message comes from an external organization. Be careful of embedded links.

I believe that it is not possible to repair or maintain the existing retaining wall if the city allows the setback change for this hotel. It will require large equipment and a 6 foot setback would not allow room for that. It perhaps is illegal to allow the hotel to block access and should be carefully studied.
I feel also that this hotel is going to be a bad neighbor with an attitude that they don't need to put in sufficient parking or a pet relief area for their dog friendly customers.
Reviews on Google, of their Nye Beach location, are good mostly by clients except for several who say parking spots are to small...don't bring a large vehicle and there aren't enough of them.
Do we really want to crowd out our fishing industry with their semis trying to navigate that corner? The first thing that will happen is guests will complain about all the noise and activity at night from Bornsteins. They will have to provide ear plugs for guests at night. The reviews for the short term rental above Thai Port report to much noise.
I live in this neighborhood full time and it is very noisy at night. Hotels in an industrial area are a bad mix.

Janine LaFranchise

Sent from Yahoo Mail on Android

Sherri Marineau

From: Wendy Engler
Sent: Monday, March 27, 2023 3:00 PM
To: Sherri Marineau
Subject: Public Comment for 3/27/23 - Case File No. I-CUP-23 / 1-ADJ-23

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To. City of Newport Planning Commissioners

The proposed hotel has many positive aspects to it. If the Adjustments requested for parking and compact spaces are withdrawn, I would be in favor of granting the CUP. This would be accomplished by reducing the number of rooms in the hotel. As is, the building is too big for the site. The increased traffic and parking demand of the building as proposed will have have negatives impacts on neighboring properties.

For example, the Applicant's proposal would designate over half the spaces as compact, yet compact cars are only 8.2% of the market nationally last year. This means a significant number of larger vehicles will be using on-street spaces in a high-demand area that is currently transitioning to metered parking.

Our Bayfront with its fishing fleet and associated industries is a treasure. Yes, a hotel where guests can experience a working waterfront will be an attraction. But building a hotel that needs parking forgiveness and places many rooms in the back with no view is trying to squeeze too much on a small lot and will negatively impact the neighboring properties.

- Wendy Engler

March 20, 2023

Newport Community Development (Planning) Department
City Hall
169 SW Coast Highway
Newport OR 97365

I hope you do not ruin our neighborhood by allowing The Hotel Abbey to be built in the Bay Front where requested, somewhere else would be much better for this kind of business.

- The lot is not big enough for the plan.
- This project pushes all the ordinance requirements, requesting adjustments. The building is 35 feet high but with a facade a little higher and stuff on top of the building: besides large hvac equipment, an elevator shaft for access to what sounds like another floor… tables? Open tables then will want to be enclosed… Big buildings are big cities, small communities have smaller buildings. There are enough big buildings on the harbor. A new one in this location would destroy the "Old Town" character.
- The water use is scary. It's been awhile but I have had my water turned off and was hoping that was all in the past. Having a 47 room hotel- if full, 94 people showering, their toilets and tubs cleaned, their linens washed- this takes water away from local restaurants and fish processors.
- We already have heavy traffic and noise in the area. This hotel is not the best use of this property/location. Please do not ruin the opportunity for the best use to happen, something to really improve the neighborhood, something people could enjoy at this end of the Bay Front, like the cheese/deli/market…

You are our Planning Commision. Please consider the neighborhood's future and do not approve this project.

Thank You,

Beverly M. Smith

Beverly Smith

Newport OR 97365

Case File: #1-NCU-23
Date Filed: February 28, 2023
Hearing Date: March 27, 2023/Planning Commission

PLANNING STAFF REPORT
Case File No. 1-NCU-23

A. **APPLICANT:** NW Natural Gas Company (Mike Smith, Norwest Engineering, authorized representative).

B. **REQUEST:** Approval of a request per Section 14.32/"Nonconforming Uses, Lots, and Structures" of the Newport Municipal Code, of the Newport Municipal Code, to construct a 9-ft diameter, 40-ft tall enclosed flare at the NW Natural LNG Plant.

C. **LOCATION:** 1702 SE Bay Blvd.

D. **LEGAL DESCRIPTION:** Lincoln County Assessor's Tax Map 11-11-09, Tax Lot 01600 in the City of Newport, County of Lincoln, Oregon.

E. **LOT SIZE:** Approximately 21.62 acres.

F. **STAFF REPORT**

1. **REPORT OF FACT**

a. **Plan Designation:** Shoreland.

b. **Zone Designation:** W-1/"Water Dependent."

c. **Surrounding Land Uses:** An estuary to the south and east. Water dependent and industrial zoned land border the property to the north and west. Property to the north is being positioned for industrial development. A disposal site for dredge materials is situated to the west.

d. **Topography and Vegetation:** The subject property is flat and elevated just above the adjoining estuary. Riprap embankments exist along the perimeter of the site. Upland areas are vegetated with grass.

e. **Existing Structures:** A large natural gas tank, control building, process building and other small buildings surrounded by a security fence.

f. **Utilities:** All are available to the site.

g. **Development Constraints:** Portions of the property, namely along the perimeter of the site, are within the 100-year floodplain and tsunami hazards overlay.

h. **Past Land Use Actions:**

File 3-NCU-22, approved replacement and upgrades to electrical equipment. The new equipment will be placed on pile supported foundations near the existing electrical building. There will also be new underground conduit and cable trays.

File 2-NCU-21, approved the construction of three concrete equipment foundations on a vacant portion of the LNG Plant facility. The foundations support equipment, pressure vessels, process piping and a cable tray that are part of a Pretreatment Regen Optimization project.

File 2-NCU-18, approved the replacement of an existing glycol cooling system, which cool the compressors that maintain the natural gas as a liquid. The new equipment was placed on pile at two pad sites near the existing system, between the existing process building and the existing electrical building. New piping, a small oil cooler and a cable tray were also approved.

File 1-NCU-17, approved construction of for a new natural gas pre-treatment system to more effectively remove water, carbon dioxide, trace constituents and natural gas liquids from the domestic natural gas before it is delivered to the liquefaction plant.

File 2-NCU-15, approved the replacement of an existing office building (a.k.a. "Control Building") with a new, 3,893 sq. ft., single story office building.

i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on March 3, 2023; and the notice of public hearing was published in the Newport News-Times on March 17, 2023.

j. **Attachments:**

Attachment "A" – Application Form
Attachment "A-1" – Applicant's Narrative
Attachment "A-2" – County Assessor Information
Attachment "A-3" – Location and Site Plan, Norwest Engineering, dated 2/14/23
Attachment "A-4" –Site Plan & Aerial, Norwest Engineering, dated 2/9/23
Attachment "A-5" – Plan View Drawing, Norwest Engineering, dated 2/9/23
Attachment "A-6" – Elevation Drawing, Norwest Engineering, dated 2/9/23
Attachment "A-7" – Model View of Flare, Norwest Engineering, dated 2/9/23
Attachment "B" – Zoning Map of the Area
Attachment "C" – Public Hearing Notice and Map

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

The applicants own property identified as Tax Lot 1600 on Tax Map 11-11-09. The property contains a Liquefied Natural Gas (LNG) storage tank, process buildings and a control building. The property appears to have been acquired by NW Natural in 1974 and the plant was commissioned in 1977. In their written narrative, the applicant states that they will be constructing a new enclosed flare, process piping, and foundation that will be an addition to the existing Natural Gas Pre-treatment process. The new enclosed flare system will more effectively treat the natural gas they receive, and will eliminate the need for rental flares. The applicant notes that the new flare will not produce any visible "smoke" or flame and will be monitored when in use. They point out that the equipment will improve the site's reliability which ensures NW Natural can supply customers in the area with gas during any supply constraints. These additions to the Natural Gas Pre-Treatment process will be located at a clear location on the west side of the plant just south of the existing oil heater. The work area is shown on the applicant's site plans (Attachment "A-1" and "A-2"). The size of the flare, and its location relative to the LNG tank is illustrated on Attachments "A-6" and "A-7".

3. **Evaluation of the Request:**

a. **Comments:** No comments were received in response to the notice.

b. **Application Submittal Requirements:** Pursuant to NMC 14.32.040, applications must include a completed application form, scaled site plan, names and addresses of property owners within the notification area, survey work if structures will not satisfy setback requirements and exterior architectural elevations if structures will exceed building height limitations.

c. **Verification of Status of Nonconforming Use or Structure:** Pursuant to NMC Section 14.32.060, upon receiving an application to alter, expand, or replace a nonconforming use or structure, the approval authority shall determine that the use or structure is nonconforming. Such determination shall be based on findings that:

- The use or structure was legally established at the time the Zoning Ordinance was enacted or amended; and
- The use has not been discontinued for a continuous 12-month period.

The approval authority may require the applicant provide evidence that a use has been maintained over time. Evidence that a use has been maintained may include, but is not limited to, copies of utility bills, tax records, business licenses, advertisements, and telephone or trade listings

The approval authority shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use (September 7, 1982). When determining the nature and extent of a nonconforming use, the approval authority shall consider:

- Description of the use;
- The types and quantities of goods or services provided and activities conducted;
- The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;

- The number, location, and size of physical improvements associated with the use;
- The amount of land devoted to the use; and
- Other factors the approval authority may determine appropriate to identify the nature and extent of the particular use.

A reduction of scope or intensity of any part of the use as determined under this subsection for a period of 12 months or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.

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

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

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

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

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

e. **Staff Analysis:**

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

(1) The applicant's property is located in a W-1/"Water-Dependent" zoning district (Attachment "B"). Utility facilities, such as the LNG Plant, are not permitted uses in this district (NMC 14.03.080).

(2) Consistent with NMC 14.32.040, the applicant submitted a completed application form, narrative, names and addresses of property owners within the notification area, site plan, and structural details. In sum, this constitutes substantial evidence upon which the Planning Commission can decide as to whether or not the new improvements satisfy the City's standards for the alteration and expansion of a non-conforming use.

(3) With respect to NMC 14.32.060, regarding the non-conforming status of the LNG Plant, the applicant has previously provided assessment information indicating that the property was acquired in 1974 and evidence that the facility has been continuously maintained since it was commissioned in 1977. Per the Newport Zoning Ordinance, the LNG Plant is non-conforming if it is established that the facility existed and has been continuously maintained since September 7, 1982. Considering the above, it would be reasonable for the Planning Commission to find, as it has with the last five decisions (File Nos. 3-NCU-22, 2-NCU-21, 2-NCU-18, 1-NCU-17 and 2-NCU-15), that there is substantial evidence in the City records that the LNG plant qualifies as non-conforming.

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

<u>a. The character and history of the use and of development in the surrounding area.</u>

i. The applicant notes that the property has been utilized in continuous use as an LNG peak-shaving facility since its inception in June of 1977.

ii. The applicant further states that addition of the enclosed flare equipment is in keeping with the character of the other existing equipment and buildings on the site and surrounding neighborhood. The existing buildings on the site consist of metal paneling exterior walls and standing seam metal gabled roofs, and the proposed new buildings will be of similar construction and visual appearance to existing plant facilities.

iii. The surrounding properties are largely undeveloped. Lands to the north and west will likely develop in an industrial manner in the coming years, to complement the Port of Newport's International Terminal. This would be consistent with the water dependent or heavy industrial zoning that is in place. These types of uses would orient toward Bay Boulevard for the transport of goods and materials by truck or toward the bay for barge or shipping out of the terminal site. In either case, the properties would orient away from the LNG Plant facility.

iv. The alteration/expansion to the non-conforming use relates to the construction of a new enclosed flare, process piping, and foundation that will be an addition to the existing Natural Gas Pre-treatment process. The equipment is situated in close proximity to the existing LNG storage tank, roughly 312-feet from the north property line and 247 feet from the west property line, within the fenced enclosure (Attachment "A-3"). Accordingly, there does not appear to be an increased risk to neighboring properties associated with the development.

v. The applicant provides community access to the estuary and portions of its property for recreational purposes. They are not required to do so, and the new flare and related equipment does not impact these areas as it is located within the perimeter of the security fence.

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

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

i. The applicant notes that the proposed enclosed flare equipment is not anticipated to create any additional significant vibration, dust, odor, fumes, glare, noise or smoke. They further point out that the new equipment is comparable in design and function to other existing equipment on site.

ii. Nearby water-dependent and heavy industrial properties are envisioned to develop with uses that generate noise, vibration, dust, odor, fumes, glare, or smoke in excess of anything that could be attributed to the LNG Plant facility.

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

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

i. The applicant explains that the existing infrastructure to the site from SE Bay Blvd is adequate and will accommodate use of the new equipment. Access to the

equipment is available via an existing gravel roadway (Attachment "A-4"). The proposed development does not place any additional demands on on-site water and wastewater infrastructure.

ii. Considering the above, it is reasonable for the Planning Commission to conclude that the flare and related improvements will not cause any greater adverse impact on the neighborhood as it relates to the adequacy of infrastructure to serve the use.

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

i. The applicant notes that no additional vehicular trips to the site are anticipated as a result of the proposed process equipment.

ii. Considering the above, it is reasonable for the Planning Commission to conclude that the flare and related improvements will not cause any greater adverse impact on the neighborhood relative to this criterion.

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

i. The applicant indicates that, per the zoning ordinance, there is no minimum / maximum number of parking spaces required for this development and that a loading area is not required. This is attributed to the nature of the improvements, which are a component of the gas processing operation that do not generate demand for additional staff or service trips that cannot otherwise be accommodated with existing on-site parking and service areas.

ii. The applicant's site plan illustrates where the flare and related work is to be performed (Attachment "A-3"). It is an operational component of the LNG Plant facility that is secured to a foundation and is not being stored on-site.

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

f. The comparative visual appearance.

i. The applicant states that the construction work will visually match the existing structures in color and general appearance, and surroundings so as to ensure good general visual appearance of the area.

ii. Applicant's elevation drawing and model view provide the Commission with a clear sense of the mass and height of the flare and demonstrate that the scale of the improvements is modest when compared to the adjacent 122-ft tall LNG tank (Attachment "A-6" and "A-7").

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

g. The comparative hours of operation.

i. The applicant notes that the existing LNG Plant facility is in operation 24/7 and that the new enclosed flare equipment is anticipated to be in operation on the same schedule.

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

h. The comparative effect on solar access and privacy.

i. The applicant notes that the flare equipment will be set along the west side of the property, a considerable distance from the adjacent neighbors. They further indicate that, at this time, no additional staff is anticipated to be needed and that they do not believe the project will have an effect on solar access or privacy.

ii. Given the above, it is reasonable for the Planning Commission to conclude that the proposed flare equipment and related improvements satisfies this criterion.

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

i. The applicant asserts, and it would be reasonable for the Commission to accept, that there are no other factors that will impact the character or needs of the neighborhood. They point out that the proposed flare equipment is of like kind to the longstanding and existing use of the property; that no additional vehicle or pedestrian traffic, visual or environmental impacts are anticipated; and that the proposed construction will not affect current public use of the surrounding area.

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

i. The LNG plant is in a W-1 zoning district and is nonconforming because utility facilities are not permitted in this zone district. The purpose of the W-1 zone is to protect Yaquina Bay shoreland areas for uses that need contact with or use water for water-borne transportation, recreation, energy production or water supply (NMC 14.03.040). The LNG Plant facility is not dependent upon the bay for any of the factors listed.

ii. The LNG Plant facility was constructed before the W-1 zoning was in place, and most of the applicant's property is dedicated to this use. In fact, it appears that the confines of the secure facility have remained more or less static. The new flare

equipment is being placed within the fence line, in close proximity to existing buildings and the LNG tank. Therefore, the addition of the equipment will not reduce the amount of land available for water-dependent development.

iii. Based on the above, it is reasonable for the Planning Commission to conclude that the flare equipment will not result in a greater adverse impact on the neighborhood relative to the objectives of the current zoning provisions.

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

G. **STAFF RECOMMENDATION:** As outlined in this report, this application to construct a 9-ft diameter, 40-ft tall enclosed flare can satisfy the approval criteria provided conditions are imposed as outlined below. Accordingly, the Commission should approve this request, subject to the following:

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to this report. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner to comply with these documents and the limitations of approval described herein.

Derrick I. Tokos AICP
Community Development Director
City of Newport

March 23, 2023

Attachment "A"
1-NCU-23

City of Newport
Land Use Application

Applicant Name(s):	Property Owner Name(s) *if other than applicant*
Michael Smith	NW Natural, Wayne Pipes
Applicant Mailing Address:	Property Owner Mailing Address:
4110 NE 122nd Ave, STE 207, 97230	250 SW Taylor Street, Portland, OR
Applicant Phone No.	Property Owner Phone No.
503.701.2528	503.721.2496
Applicant Email	Property Owner Email
msmith@norwestengineering.com	wayne.pipes@nwnatural.com

Authorized Representative(s): *Person authorized to submit and act on this application on applicant's behalf*

Hunter Wiencken

Authorized Representative Mailing Address:

250 SW Taylor Street, Portland, OR

Authorized Representative Telephone No.

503.860.5749

Authorized Representative Email. hunter.wiencken@nwnatural.com

Project Information

Property Location: *Street name if address # not assigned*

1702 SE Bay Blvd

Tax Assessor's Map No.: 11s11w09 (R500726) Tax Lot(s): 11 -11 -09-00-0 1 600-00

Zone Designation: W- 1 Water Dependent Legal Description: *Add additional sheets if necessary*

Comp.Plan Designation:

Brief description of Land Use Request(s):

Examples:

1. *Move north property line 5 feet south*
2. *Variance of 2 feet from the required 15-foot front yard setback*

See attachment 1

Existing Structures: if any

NW Natural LNG Plant including Control Building, Process BLDS and LNG Tank

Topography and Vegetation:

Fairly flat vacant site area with no vegetation

Application Type (please check all that apply)

☐ Annexation	☐ Interpretation	☐ UGB Amendment
☐ Appeal	☐ Minor Replat	☐ Vacation
☐ Comp Plan/Map Amendment	☐ Partition	☐ Variance/Adjustment
☐ Conditional Use Permit	☐ Planned Development	☐ PC
☑ PC	☐ Property Line Adjustment	☐ Staff
☐ Staff	☐ Shoreland Impact	☐ Zone Ord/Map
☐ Design Review	☐ Subdivision	☐ Amendment
☐ Geologic Permit	☐ Temporary Use Permit	☐ Other

FOR OFFICE USE ONLY

File No. Assigned: 1-NCU-23

Date Received: 2/28/23 Fee Amount: $907 – Date Accepted as Complete:

Received By: SM Receipt No. 6703 Accepted By:

City Hall
169, SW Coast Hwy
Newport, OR 97365
541.574.0629

625-23-000016-PLNG

City of Newport
Land Use Application

I undestand 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 aslo 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.

	2/27/23
Applicant Signature(s)	Date
Property Owner Signature(s) (if other than applicant)	Date
Hunter Wierda	1/27/2023
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.

Attachment "A-1"
File 1-NCU-23

NW NATURAL
NEWPORT ENCLOSED FLARE
PROCESS EQUIPMENT

1702 SE Bay Blvd.
Newport, Oregon 97365

Type III Design Review Submittal

Project Number: RV 1398
February 27, 2023

The City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365

Norwest Engineering
Consulting Engineers

4110 NE 122nd Avenue, Suite 207 Portland, OR 97230
Phone – 503.254.0110 Fax 503.256.1239

CONTACT INFORMATION

Applicant:	**NW Natural** Contact: Hunter Wiencken Hunter.wiencken@nwnatural.com 220 NW Second Avenue Portland, OR 97209

Applicant's Representatives

Engineering:	**Norwest Engineering** Contact: Mike Smith msmith@norwestengineering.com 4110 NE 122nd Avenue, Suite 207 Portland, OR 97230 503.254.0110
Property Owner:	**NW Natural Gas Co** Contact: Wayne Pipes Wayne.pipes@nwnatural.com 220 NW Second Avenue Portland, OR 97209 503.721.2496

NARRATIVE AND CODE CONFORMANCE

EXISTING CONDITIONS

The subject site is located on a property between Yaquina Bay Road and SE Bay Blvd. and bordered by Yaquina Bay in the City of Newport. The site is approximately 21.62 acres in size and carries the Water Dependent base zone.

Site Information	**NW Natural Newport LNG Pre-Treatment process equipment**
Location	1702 SE Bay Blvd.
Property ID	R500726
Tax Lots	Tax Lot 11-11-09-00-01600-00
Site Size	21.62 Acres
Land Use	
Jurisdiction	City of Newport
Comprehensive Plan	
Base Zone	W-1 Water Dependent
Overlay Zones	
Plan District	
Adjacent Base Zones	W-1 Water Dependent, I-3 Heavy
Existing Use	NW Natural Gas Co Control Building, Process Buildings and LNG Tank
Neighborhood District	
Surrounding Areas	**Designation / Use**
North	I-3 / Industrial, W-1
East	Yaquina Bay
South	Yaquina Bay
West	Yaquina Bay

PROJECT DESCRIPTION

The proposed development will consist of a new enclosed flare, process piping, foundation and will be an addition to the existing Natural Gas Pre-treatment process. NW Natural is installing an enclosed flare system to more effectively treat the natural gas they receive. This will modernize the existing facility and eliminate the need for rental flares. The new flare will not produce any visible "smoke" or flame and will be monitored when in use. The equipment will improve the site's reliability which ensures NW Natural can supply customers in the area with gas during any supply constraints.

This addition to the Natural Gas Pre-Treatment process will be located at a clear location on the west side of the plant just south of the existing oil heater. Please see the attached drawings.

PROPOSAL SUMMARY

The applicant proposes to install a new enclosed flare as an addition to the existing Natural Gas Pre-Treatment process. It will be located on a vacant portion of the LNG Plant facility property. It is anticipated that the enclosed flare equipment will be comprised of a stack with internal combustion units that will combust undesirable chemicals in the Pre-Treatment process. The equipment will be oriented between the oil heater and the existing bullet tanks to the south.

Land Use Request
The applicant is requesting approval of a Type III Land Use Review application for a non-conforming use to allow construction of a new flare, that will operate in conjunction with Natural Gas Pre-Treatment process equipment centrally located on the site off of NE Bay Boulevard. This new LNG Pre-Treatment process equipment will be located amongst other existing buildings on the same site.

The proposed design is comparable to the existing non-conforming use in regard to the following:

- The character is of similar development in the surrounding neighborhood and the history of the use is well documented since its occupancy in 1977
- The degree of noise, vibration, dust, odor, fumes, glare, or smoke is consistent with the existing facility use
- There is adequate infrastructure to accommodate the use
- The numbers and kinds of vehicular trips to the site will remain unchanged
- The enclosed flare equipment's visual appearance is comparable to other equipment located on the site
- The enclosed flare equipment will maintain the same hours of operation
- The enclosed flare equipment does not have an adverse effect on solar access and privacy

WRITTEN FINDINGS OF FACT NARRATIVE

(a) The Character and history of the use and of development in the surrounding neighborhood.
The property has been in continuous use as an LNG peak-shaving facility since its inception in June of 1977. The addition of the enclosed flare equipment is in keeping with the character of the other existing equipment and buildings on the site and surrounding neighborhood. The existing buildings on the site consist of metal paneling exterior walls and standing seam metal gabled roofs, and the proposed new buildings will be of similar construction and visual appearance to existing plant facilities.

(b) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood.
The proposed enclosed flare equipment is not anticipated to create any additional significant vibration, dust, odor, fumes, glare, noise or smoke. The new equipment is comparable in design and function to other existing equipment on site.

(c) Adequacy of infrastructure (sewer, water, and streets) to accommodate the use.
The existing infrastructure to the site from SE Bay Blvd. is adequate and will accommodate use of the new equipment.

(d) The comparative numbers and kinds of vehicular trips to the site.
No additional vehicular trips to the site are anticipated as a result of the proposed process equipment.

(e) The comparative amount and nature of outside storage, loading and parking.
Per the zoning ordinance standard there is no minimum / maximum number of parking spaces required for this development. A loading area is not required.

(f) The comparative visual appearance.
All construction works visually match the existing structures in color and general appearance, and surroundings so as to ensure good general visual appearance of the area.

(g) The comparative hours of operation.
The existing LNG Plant facility is in operation 24/7. The new enclosed flare equipment is anticipated to be in operation on the same schedule.

(h) The comparative effect on solar access and privacy.
The enclosed flare equipment is set along the west side of the property away a considerable distance from the adjacent neighbors. At this time, no additional staff is anticipated as a result of this new pre-treatment process equipment. Therefore, no effect on any neighboring solar access or privacy is anticipated.

(i) Other factors which impact the character or needs of the neighborhood.
The applicant does not see other factors which will impact the character or needs of the neighborhood. The proposed addition is of like kind to the longstanding and existing use of the property. No additional vehicle or pedestrian traffic, visual or environmental impacts are anticipated. The proposed construction will not affect current public use of the surrounding area.

Conclusion
The above narrative and the attached exhibits set forth evidence meeting all applicable standards and requirements set forth in The City of Newport Community Design Guidelines. Approval of this application will allow the Applicant to construct a well-designed addition to the existing Natural Gas Pre-Treatment process equipment project and prolong the life of the Newport LNG Plant facility so that it can continue to serve NW Natural customers into the future. The Applicant therefore respectfully requests approval of the subject application.

LINCOLNPROD PROPERTY RECORD CARD

roperty ID: R500726 **Map and Taxlot:** 11-11-09-00-01600-00 **Tax Year:** 2023 **Run Date:** 3/23/2023 2:58:09 PM

PROPERTY SITUS ADDRESS

702 SE BAY BLVD
laintenance Area: 5-90

OWNER NAME AND MAILING ADDRESS

ORTHWEST NATURAL GAS CO
IMONE DAVID W, TREASURY MGR
20 NW SECOND AVE
ORTLAND, OR 97209

LEGAL DESCRIPTION

WNSHP 11, RNG 11, TRACT PCM1974-203,
CRES 21.62, MF48-0147

GENERAL PROPERTY INFORMATION

Prop Class:	023
NBH Code:	N277
Prop Type Code:	IND
Prop Code:	Z5: COMMERCIAL NEWPORT & LINC
Next Appr Date:	
Next Appr Reason:	
Last Appr Date:	03/07/1990
Appraiser:	BD
Zoning:	I-3
Code Area:	104
Related Accts:	P516137, P521770, P523903, P525354, P530777, P531143,

VALUE HISTORY

Year	Land RMV	Imp RMV	Total RMV	Total AV	LSU Value
2022	0				
2021	0	0	0	0	
2020	0	0	0	0	
2019	0	0	0	0	
2018	0	0	0	0	
2017	0	0	0	0	

ASSESSMENT INFORMATION

Land Non-LSU:	**Prior MAV:**	**Except RMV:**
Improvement:	**Prior MAV Adj:**	**CPR:**
Non-LSU RMV Total:	**Prior AV:**	**EX. MAV:**
Land LSU:	**Prior AV Adj:**	**LSU:**
RMV Total:	**AV +3%:**	**New M50 AV:**

SALES INFORMATION

Date	Type	Sale Price	Adj Sale Price	Validity	Inst. Type	Sale Ref

cres: 21.62 **Sqft:**
ffective Acres: 21.62

BUILDING PERMITS AND INSPECTIONS

ype	Appraiser	Issue Date	Date Checked	% Comp	Comment

PARCEL COMMENTS

enCom- JV#1296 INPUT 8-22-89 ;JV#413 REMAP INPUT 11-26-03.
and- CENTRALLY ASSESSED

EXEMPTIONS

Code	Exempt RMV
EXC	

Exceptions

Code	Year	Amount	Metho

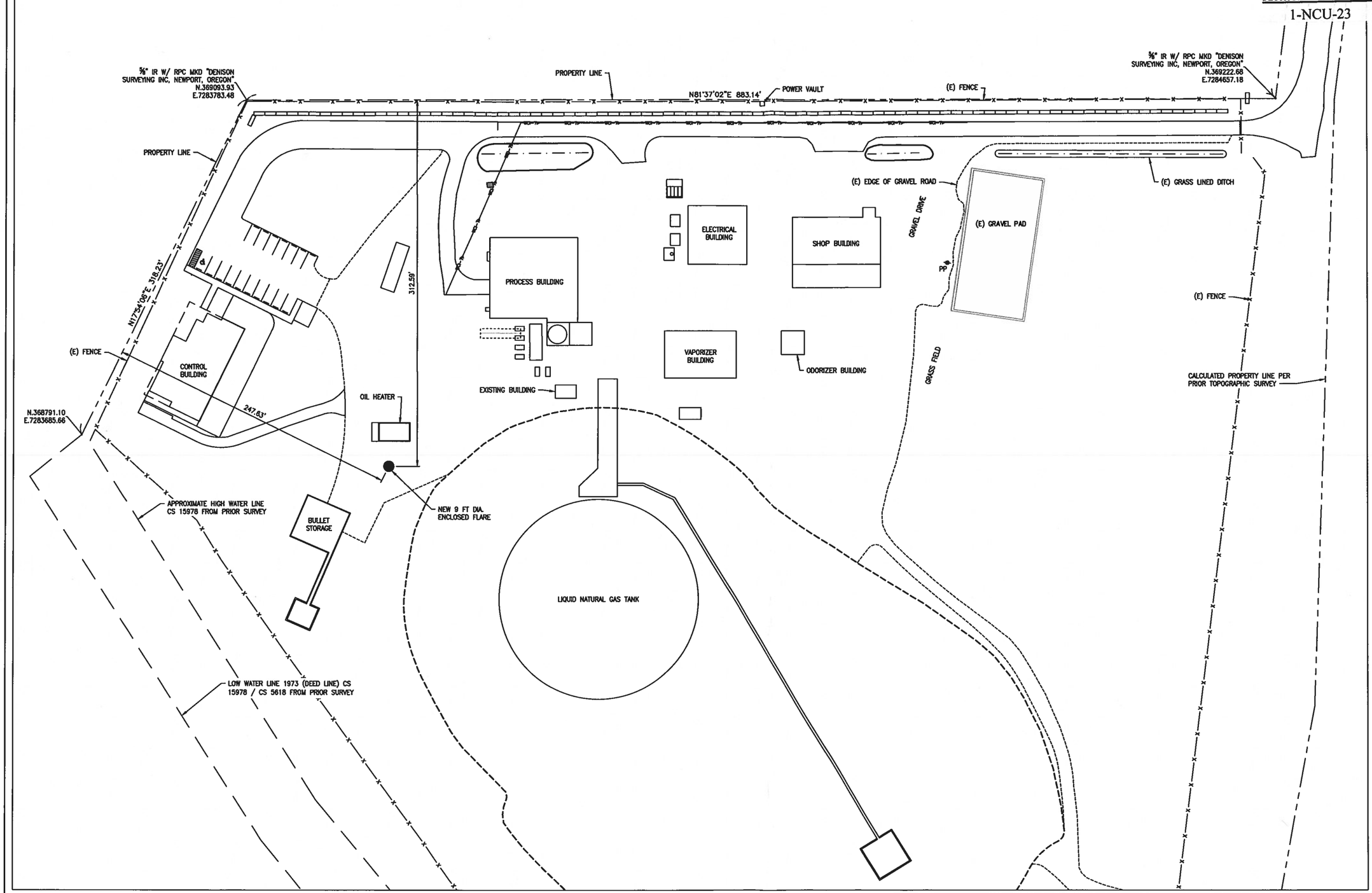
MARKET LAND INFORMATION

ype	Table	Method	Acres	Base Value	Adjustment Code - %	NBHD %	Total Adj %	Final Value
XC: CENTRALLY ASSESSED		F	21.620			1.140	1.140	
		Total Acres:	**21.620**			**Total Market Land Value:**		

LAND SPECIAL USE

Code	SAV Unt Pr	MSAV Unt Pr	LSU
		Total LSU:	

Attachment "A-3"
1-NCU-23



N

1"=40' 40' 0 40'

GENERAL NOTES

1. STATE PLANE COORDINATES ARE BASED ON OREGON STATE PLANE, NORTH ZONE, NAD 83, INTERNATIONAL FEET.

NORWEST ENGINEERING, INC.
CONSULTING ENGINEERS
PORTLAND, OREGON 503-254-0110
IRVINE, CALIFORNIA
www.NorwestEngineering.com

N.E. # RV1439

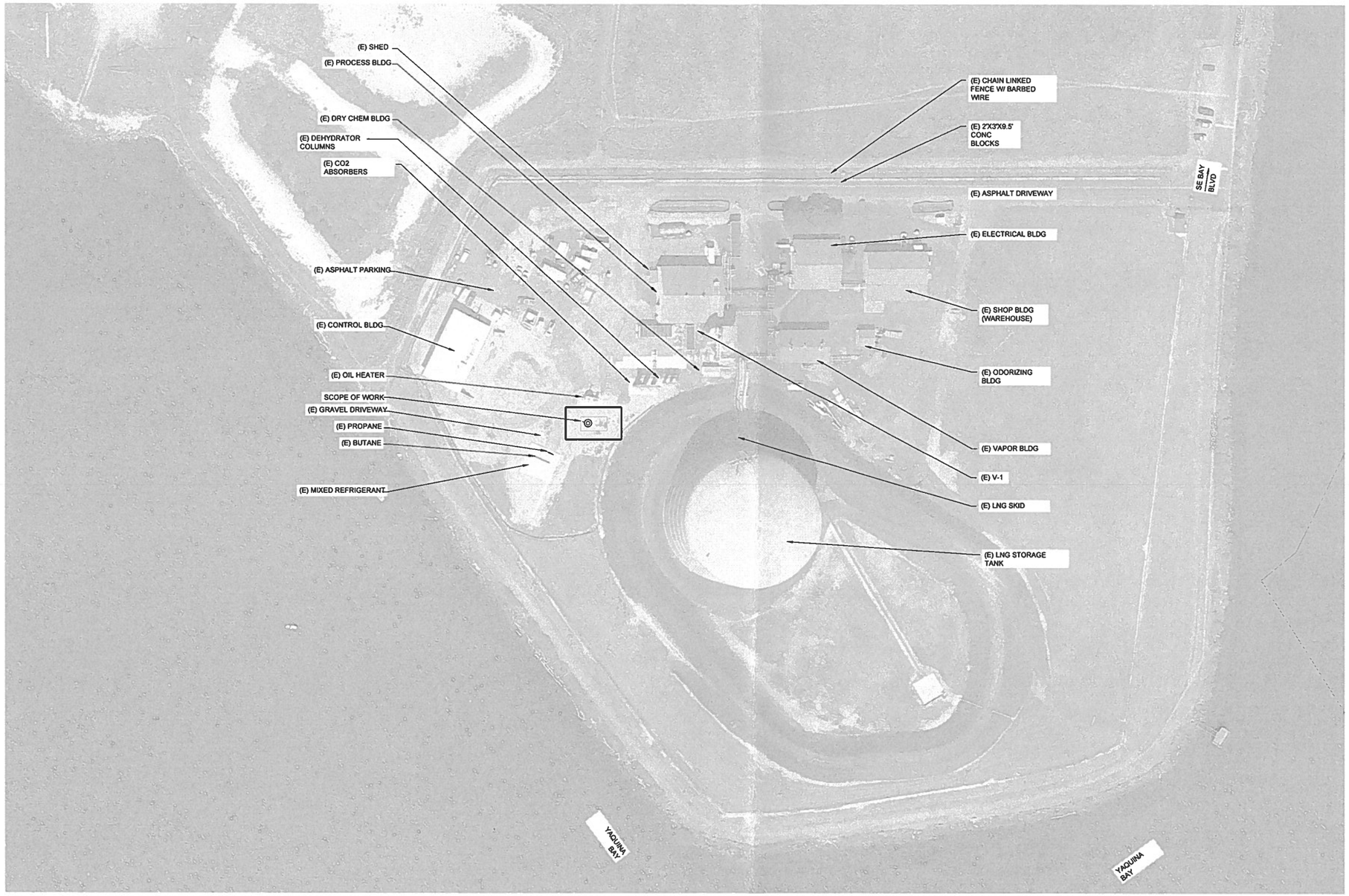
REV	DR.	APP.	REVISION	DATE
0	TRM	MJS	ISSUED FOR PERMIT	02/14/23

NW Natural
220 NW 2ND AVENUE
PORTLAND, OR 97209

NORTHWEST NATURAL
NEWPORT L.N.G. TERMINAL
LOCATION AND SITE PLAN

BAR IS ONE INCH ON ORIGINAL DRAWING. ADJUST SCALE AS SHOWN ACCORDINGLY.

DWG. NO. D1439-C001
SHEET 1 of 1 SCALE AS SHOWN
DR. TRM APP. DATE 02/14/23
APP. BY MJS



EXISTING SITE PLAN

NORWEST ENGINEERING, INC.
CONSULTING ENGINEERS
PORTLAND, OREGON 503-254-0110
IRVINE, CALIFORNIA
www.NorwestEngineering.com
N.E. # RV1439

REV	DR.	CHK.	APP.	REVISION	DATE
0	TKB	MJS	MJS	ISSUED FOR PERMIT	02/27/23

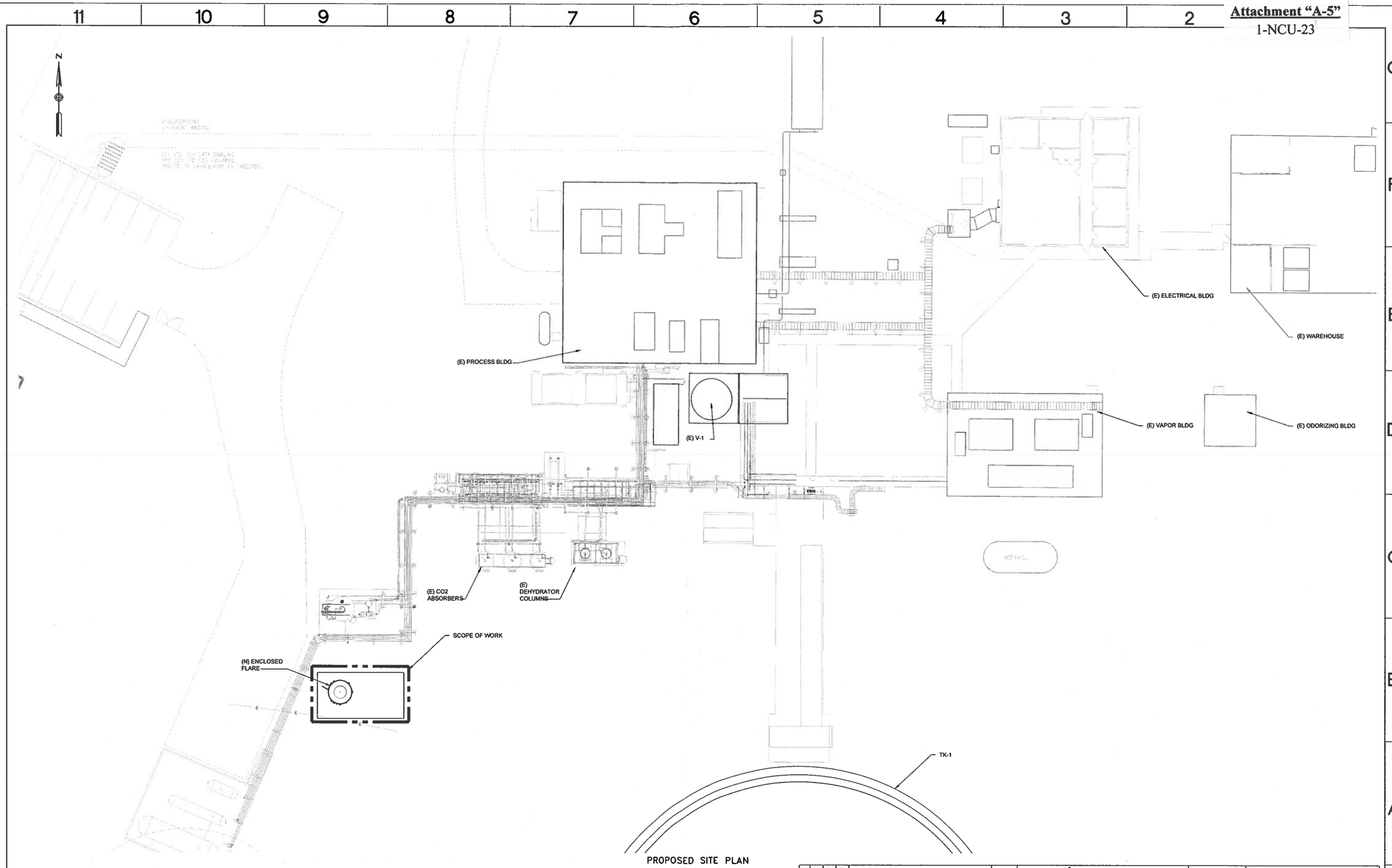
NW Natural
250 SW TAYLOR ST
PORTLAND, OR 97204

ENCLOSED FLARE
EXISTING SITE PLAN
NEWPORT LNG PLANT, NEWPORT, OREGON

BAR IS ONE INCH ON ORIGINAL DRAWING.
ADJUST SCALE AS SHOWN ACCORDINGLY.

DWG. NO. D1427-SCK001
SHEET 1
SCALE NONE
DR. TKB
APP. MJS
DATE 02/09/23

Attachment "A-5"
1-NCU-23



PROPOSED SITE PLAN

NORWEST ENGINEERING, INC.
CONSULTING ENGINEERS
PORTLAND, OREGON 503-254-0110
IRVINE, CALIFORNIA
www.NorwestEngineering.com

N.E. # RV1439

REV	DR.	CHK.	APP.	REVISION	DATE
0	TKB	MJS	MJS	ISSUED FOR PERMIT	02/27/23

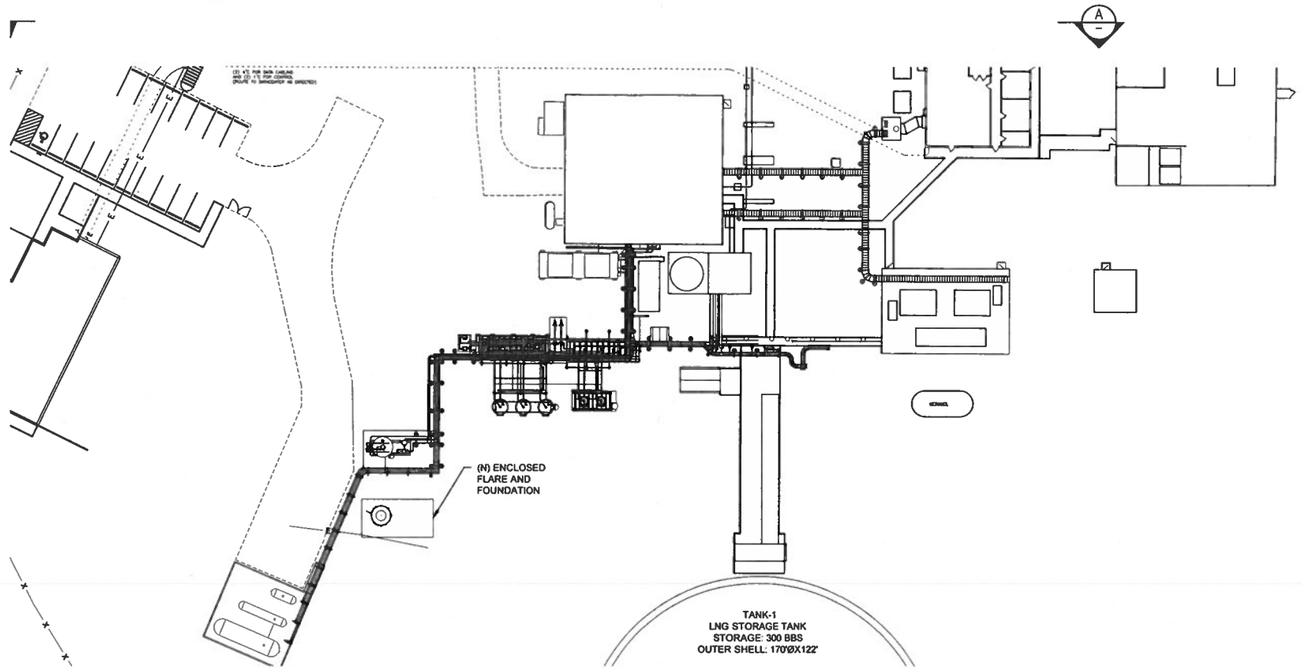
NW Natural
250 SW TAYLOR ST
PORTLAND, OR 97204

ENCLOSED FLARE
PROPOSED VIEW
NEWPORT LNG PLANT, NEWPORT, OREGON

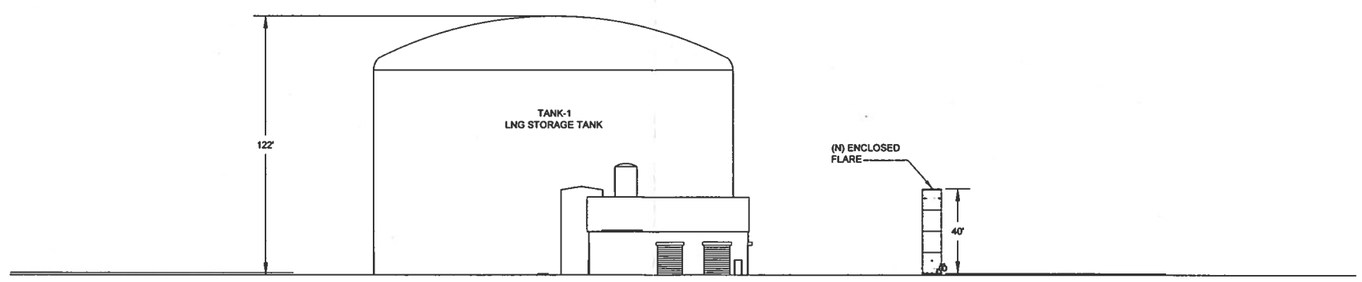
BAR IS ONE INCH ON ORIGINAL DRAWING.
ADJUST SCALE AS SHOWN ACCORDINGLY.

DWG. NO. D1427-SCK002
SHEET 1
SCALE NONE
DR. TKB
APP. DATE 02/09/23
APP. BY MJS

Attachment "A-6"
1-NCU-23



ENLARGED SITE PLAN



A ELEVATION
NTS
LOOKING NORTHWEST

0	TKB	MJS	MJS	ISSUED FOR PERMIT	02/27/23
REV	DR.	CHK.	APP.	REVISION	DATE

NORWEST ENGINEERING, INC.
CONSULTING ENGINEERS
PORTLAND, OREGON 503-254-0110
IRVINE, CALIFORNIA
www.NorwestEngineering.com

N.E. # RV1439

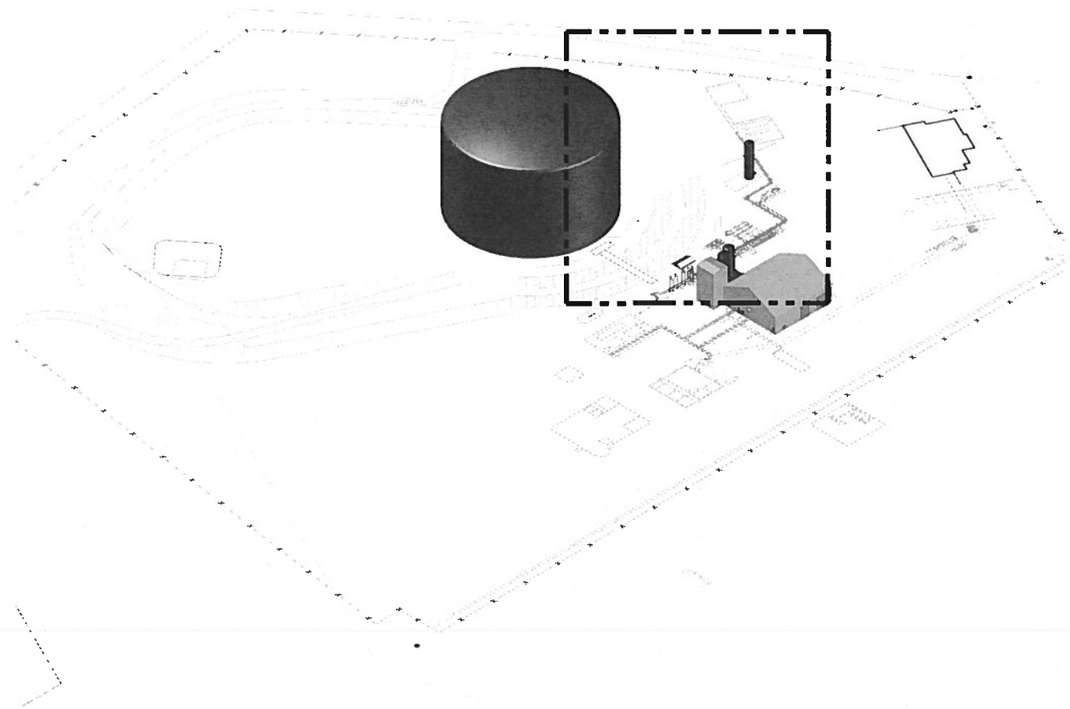
NW Natural
250 SW TAYLOR ST
PORTLAND, OR 97204

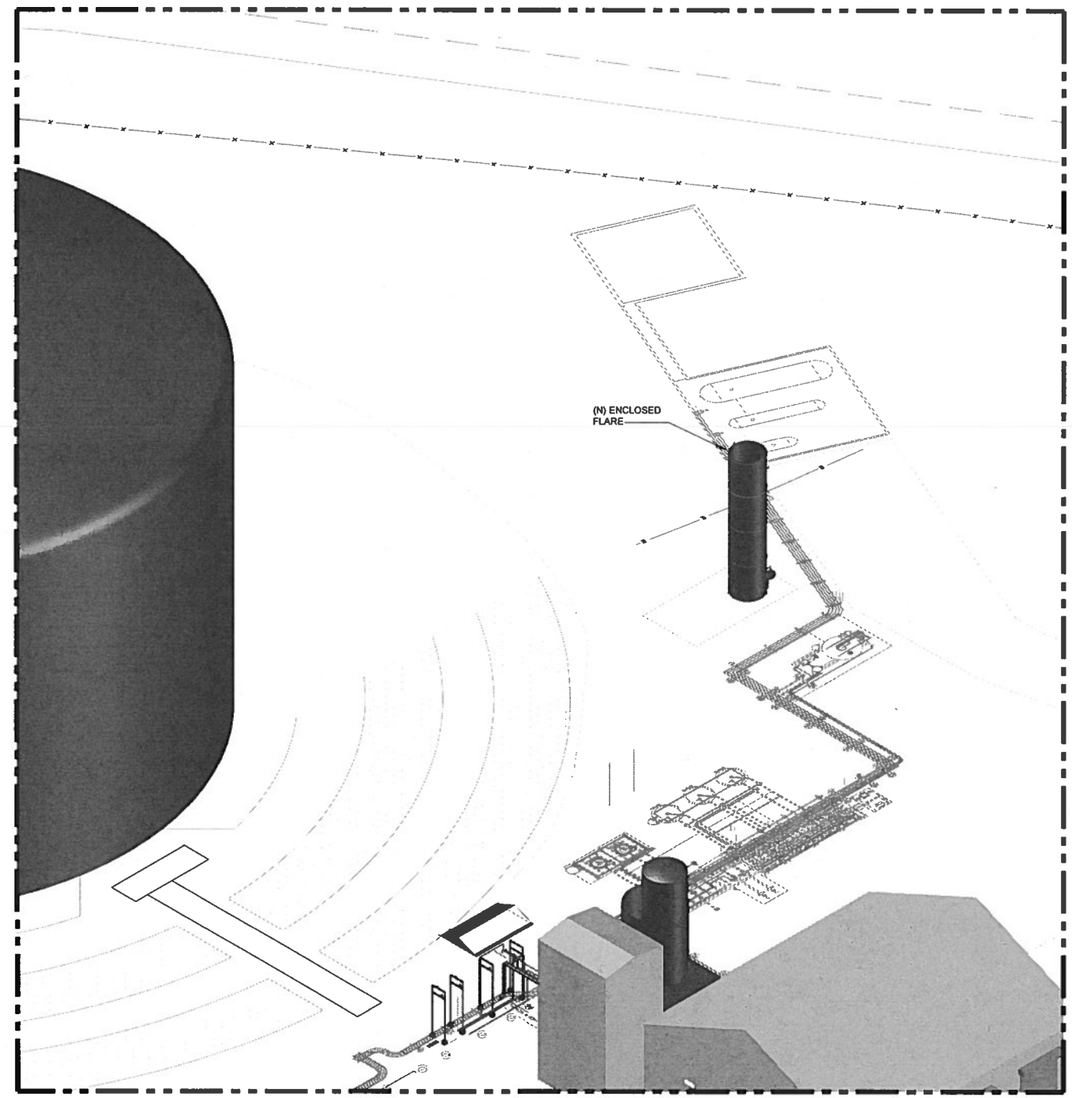
ENCLOSED FLARE
ENLARGED VIEW
NEWPORT LNG PLANT, NEWPORT, OREGON

BAR IS ONE INCH ON ORIGINAL DRAWING.
ADJUST SCALE AS SHOWN ACCORDINGLY.

DWG. NO. D1427-SCK003
SHEET 1
SCALE NONE
DR. TKB
APP.
DATE 02/09/23
APP. BY MJS

Attachment "A-7"
1-NCU-23





0	TKB	MJS	MJS	ISSUED FOR PERMIT	02/27/23
REV	DR.	CHK.	APP.	REVISION	DATE

NORWEST ENGINEERING, INC.
CONSULTING ENGINEERS
PORTLAND, OREGON 503-254-0110
IRVINE, CALIFORNIA
www.NorwestEngineering.com

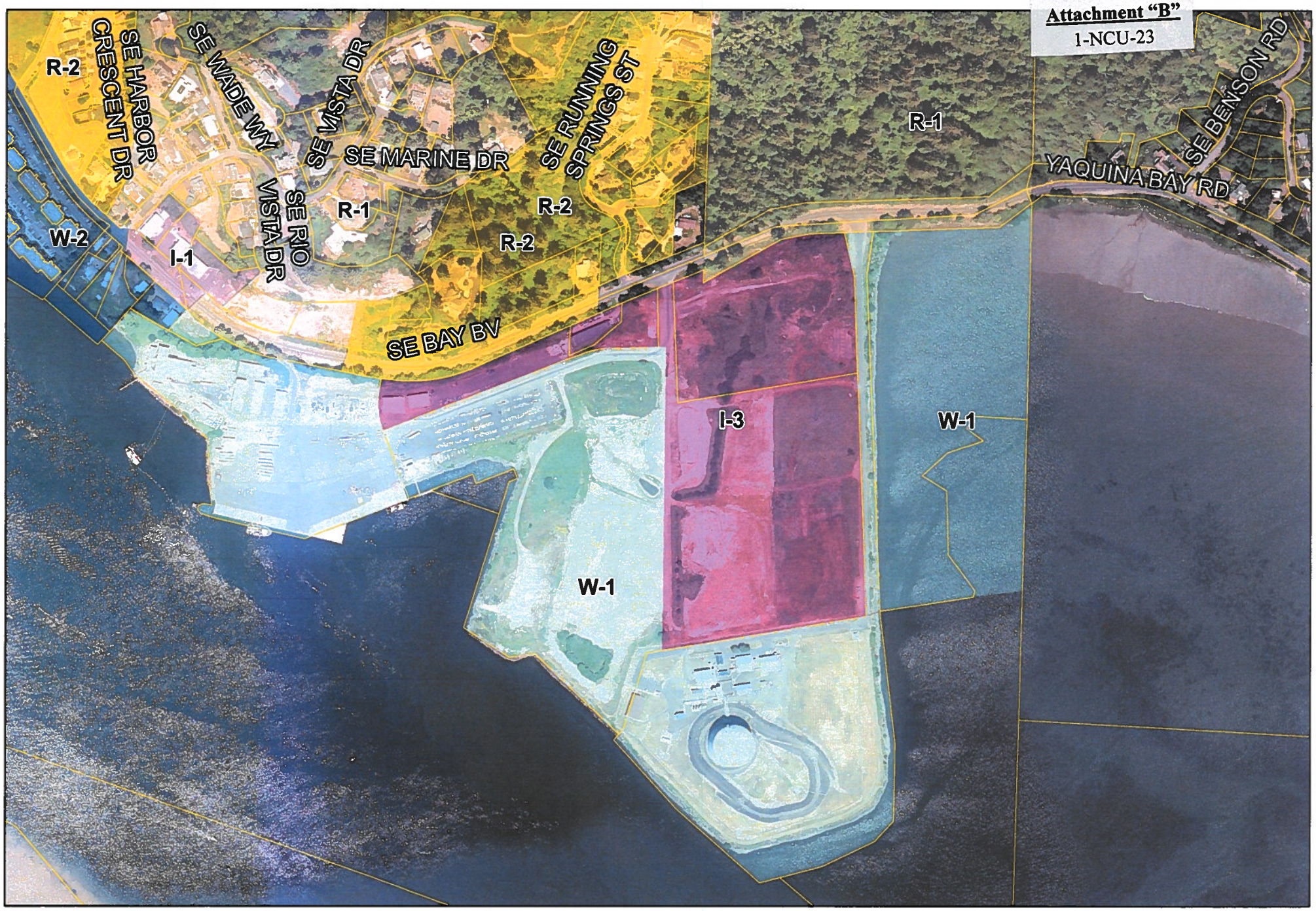
N.E. # RV1439

NW Natural
250 SW TAYLOR ST
PORTLAND, OR 97204

ENCLOSED FLARE
MODEL VIEW
NEWPORT LNG PLANT, NEWPORT, OREGON

BAR IS ONE INCH ON ORIGINAL DRAWING.
ADJUST SCALE AS SHOWN ACCORDINGLY.

DWG. NO. D1427-SCK004
SHEET 1
SCALE NONE
DR. TKB
APP. DATE 02/09/23
APP. BY MJS



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

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

1702 SE Bay Blvd - Zoning Map

Image Taken in 2021
4-inch, 4-band Digital Orthophotos

0 250 500 1,000 Feet

N

Attachment "C"
1-NCU-23

CITY OF NEWPORT
PUBLIC NOTICE[1]

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

File No. 1-NCU-23:

Owner & Applicant: NW Natural, 1702 SE Bay Blvd, Newport, OR 97365, property owner (Mike Smith, Norwest Engineering, 4110 NE 122nd Ave, Suite 207, Portland, OR 97230, authorized representative).

Request: Approval of a request per Section 14.32/"Nonconforming Uses, Lots, and Structures" of the Newport Municipal Code, to build a 9-ft diameter 40-ft tall enclosed flare at the NW Natural LNG Plant.

Location: Lincoln County Assessor's Map 11-11-09-00; Tax Lot 01600 (1702 SE Bay Blvd).

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

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Newport Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 3:00 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

[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/private utilities/agencies within Lincoln County; and (3) affected city departments.

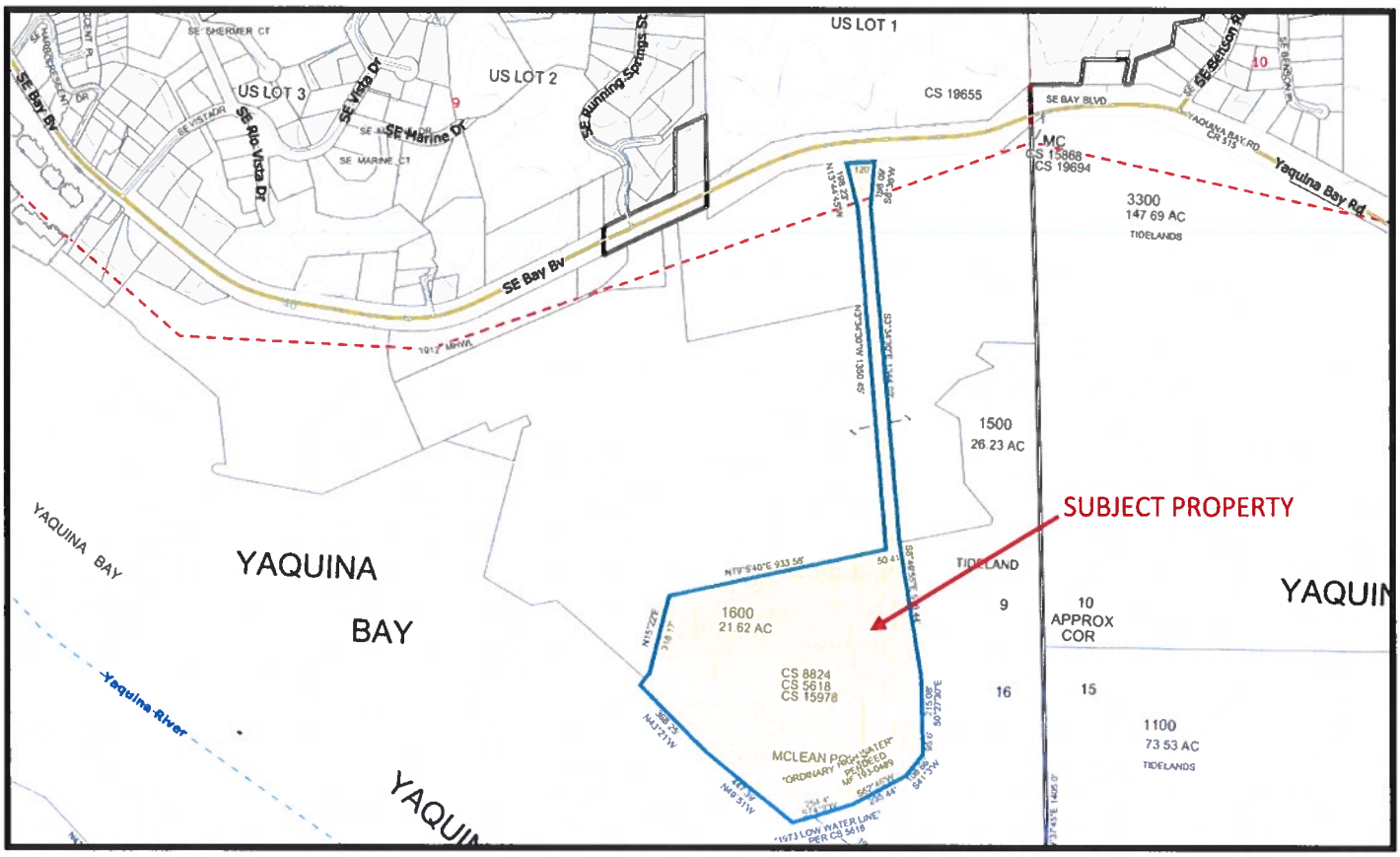
Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file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

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

Time/Place of Hearing: Monday, March 27, 2023; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: March 3, 2023.

PUBLISHED: March 17, 2023/News-Times.



Sherri Marineau

From: Sherri Marineau
Sent: Friday, March 03, 2023 8:30 AM
To: Derrick Tokos; Spencer Nebel; Robert Murphy; Joseph Lease; Jason Malloy; Laura Kimberly; Michael Cavanaugh; Beth Young; Clare Paul; David Powell; Aaron Collett; Lance Vanderbeck; Steve Baugher
Subject: Nonconforming Use Permit 1-NCU-23
Attachments: File 1-NCU-23 Notice.pdf

Importance: High

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

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

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

Sherri Marineau

From: Sherri Marineau
Sent: Friday, March 03, 2023 8:30 AM
To: 'odotr2planmgr@odot.state.or.us'; Brett Estes
Subject: Nonconforming Use Permit 1-NCU-23
Attachments: File 1-NCU-23 Notice.pdf

Importance: High

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

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

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

HIGH DOINA FAMILY TRUST & HIGH
DOINA TRUSTEE
PO BOX 552
SILETZ,OR 97380

NORTHWEST NATURAL GAS CO
AIMONE DAVID W, TREASURY MGR
220 NW SECOND AVE
PORTLAND,OR 97209

PORT OF NEWPORT
600 SE BAY BLVD
NEWPORT,OR 97365

RONDYS INC
1301 W OREGON
BELLINGHAM,WA 98225

NORTHWEST NATURAL GAS CO
ATTN: HUNTER WIENCKEN
250 SW TAYLOR ST
PORTLAND,OR 97204

NORTHWEST NATURAL GAS CO
ATTN: WAYNE PIPES
250 SW TAYLOR ST
PORTLAND,OR 97204

NORWEST ENGINEERING
ATTN: MIKE SMITH
4110 NE 122ND AVE
STE 207
PORTLAND,OR 97230

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

Charter Communications
ATTN: Keith Kaminski
2310 N Coast Hwy
Newport OR 97365

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

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

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

EMAIL
odotr2planmgr@odot.state.or.us

Joseph Lease
Building Official

Rob Murphy
Fire Chief

David Powell
Public Works

Beth Young
Associate Planner

Jason Malloy
Police Chief

Steve Baugher
Finance Director

Laura Kimberly
Library

Michael Cavanaugh
Parks & Rec

Spencer Nebel
City Manager

Aaron Collett
Public Works

Clare Paul
Public Works

Derrick Tokos
Community Development

Lance Vanderbeck
Airport

EXHIBIT 'A'
(Affected Agencies)

(1-NCU-23)

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, March 27, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-NCU-23. The request submitted by Northwest Natural Gas (Mike Smith, Norwest Engineering, representative) is for approval of a request per Section 14.32/"Nonconforming Uses, Lots, and Structures" of the Newport Municipal Code, to build 9-ft diameter 40-ft tall enclosed flare at the NW Natural LNG Plant. The subject property is located at 1702 SE Bay Blvd (Lincoln County Assessor's Map 11-11-09-00; Tax Lot 1600). Pursuant to NMC Section 14.32.060(A), the approval authority shall determine that the structure was legally established at the time the Zoning Ordinance was enacted or amended, and that the use has not been discontinued for a continuous 12 month period. The approval authority must also verify the nature and extent of the nonconforming use, considering (1) a description of the use; (2) The types and quantities of goods or services provided and the activities conducted; (3) The scope of the use (volume, intensity, frequency, etc.) including fluctuations in the level of activity; (4) The number, location and size of physical improvements associated with the use; (5) The amount of land devoted to the use; and (6) Other factors the approval authority may determine appropriate to identify the nature and extent of a particular use (NMC Section 14.32.060(B)). Pursuant to NMC Section 14.32.070, after verification of the status of a nonconforming use pursuant to subsection 14.32.030, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood when considering the following factors: (A) (1) The character and history of the use and of development in the surrounding area; (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood; (3) Adequacy of infrastructure, including sewer, water, and streets, to accommodate the use; (4) The comparative numbers and kinds of vehicular trips to the site; (5) The comparative amount and nature of outside storage, loading, and parking; (6) The comparative visual appearance; (7) The comparative hours of operation; (8) The comparative effect on solar access and privacy; (9) Other factors which impact the character or needs of the neighborhood. (B) The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood. (C) To the extent there is a rational nexus, and the City can establish that needed improvements are roughly proportional to proposed development, an alteration, expansion, or replacement of a nonconforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to: (1) Surfacing of parking areas and landscaping; (2) Exterior design of structures; and (3) Outdoor displays, storage, and signage. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 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 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials, the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address as well. Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (mailing address above).

(FOR PUBLICATION ONCE ON FRIDAY, March 17, 2023)

a 37-31 loss two nights later to Jefferson at Central High School in Monmouth.

Santiam Christian senior wing Tayla Yost received the conference's Player of the Year award, and was joined on the

Tayla Yost, Santiam Christian.

Coach of the Year: Jed McMullen, Amity.

ALL-CONFERENCE SELECTIONS

First team — Sara Grove, Amity; Alyssa McMullen, Amity; Maddie Fields, Santiam Christian; Gretchen Orton, Jefferson; Haley Ayala, Sheridan; Tayla Yost, Santiam Christian.

to the all-3A-5 Pacwest conference second team after she helped Taft to a 12-12 season record.

Second team — Mya Haarsma, Amity, **Sienna Lillebo,** Taft; Renika Oliveira, Dayton; Adie Nisly, Amity; Eliza Nisly, Amity.

Pacwest conference honorable mention honor

(News-Times file photos)

Honorable mention — Leah Warner, Sheridan; Chloe Ayala, Sheridan; Maddie Scanlan, Santiam Christian; **Aliviah Mode, Taft;** Carrie Jones, Scio.

REDUCE REUSE RECYCLE

3/17/23

PUBLIC NOTICES

PUBLIC NOTICE

Notice is hereby given that the Port of Newport claims a lien in the amount claimed below, pursuant to ORS87.152, for the reasonable and agreed charges for labor and materials, storage or services provided at the request of the owner or lawful possessor of the following described personal property: Fishing Vessel ORCA, ID Number 295549, Reputed Owner Rocky Moffatt, Last known address: 1201 South Coast Highway, South Beach, OR 97366, No known security interest holder, amount of Claim $46,599.72. I certify that the Port of Newport has retained the property for at least 60 days from the date when the charges for services provided were due. The sale of the property will be 'as is, where is' and there are no representations by the lien claimant as to the condition of the property or its title. Any person wishing to inspect the property prior to the sale may do so during normal business hours, by contacting: Kody Robinson at 541-270-5557. Bid will be sealed bid. Bids accepted until: Tuesday March 28, 2023 at 10 A.M. Email bids to: gtucker@portofnewport.com OR drop bid off at: Port of Newport, 600 S.E. Bay Blvd., Newport, OR 97365. Bid forms can be found online at www.portofnewport.com or at the address listed above. M17, M24 94-24

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF KAINO CLIFFORD DIXON DECEASED CASE No. 22PB10725 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Taunette Dixon has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or J.F. Ouderkirk, attorney for the personal representative. Date of first publication: March 3, 2023

J.F. Ouderkirk, OSB #752903, Attorney for Personal Representative, Ouderkirk & Hollen, P. O. Box 1167, 615 SW Hurbert Street, Suite A, Newport, OR 97365, 541-574-1630 / 541-574-1638 fax. M3, M10, M17 92-17

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF GARY WAYNE WHITE DECEASED CASE No. 22PB10953 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Wanda Silkett has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or J.F. Ouderkirk, attorney for the personal representative. Date of first publication: March 3, 2023

J.F. Ouderkirk, OSB #752903, Attorney for Personal Representative, Ouderkirk & Hollen, P. O. Box 1167, 615 SW Hurbert Street, Suite A, Newport, OR 97365, 541-574-1630 / 541-574-1638 fax. M3, M10, M17 90-17

COMMUNITY SERVICES CONSORTIUM

GOVERNING BOARD MEETING

Community Services Consortium's Governing Board meeting will be held Tuesday, March 28, 2023 at 1:30 pm via Teams. The agenda will include adoption of CSC's Supplemental Budget 3 of Fiscal Year 2022-2023. The meeting is open to the public; all interested persons are welcome to join. Connection information is available by emailing eday@communityservices.us M17 89-17

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN NOTICE TO INTERESTED PERSONS In the Matter of the Estate of George Wesley Russell, Deceased Case No. 23PB01738 NOTICE IS HEREBY GIVEN that George Earl Russell has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at P.O. Box 1144, Newport, OR 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the personal representative, or the attorney for the personal representative, Jeff Waarvick, P.O. Box 1144, Newport, OR 97365. Dated and first published March 17, 2023. M17, M24, M31 32-31

NOTICE OF BUDGET COMMITTEE MEETING

A public meeting of the Budget Committee of the Kernville-Gleneden Beach-Lincoln Beach Water District, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2023 to June 30, 2024, will be held at The District Office, 8595 Gleneden Beach Loop. The meeting will take place on the 13th of April, 2023 at 3:00 p.m. To attend the meeting electronically using Microsoft Teams call 971-319-4988 and enter Conference ID 421323771#. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. Written comments received by 3:30 pm on April 12, 2023 will be read during the public comment section of the meeting on April 13, 2023. Comments by phone will be taken on a scheduled basis during the public comment section of the meeting on April 13, 2023. Comments, both written and phone in, will be subject to a three-minute limit per community member. To schedule public comment, please provide your name, phone number, and address with the district via phone message at 541-764-2475, public comment must be scheduled no later than 3:30 pm on April 11, 2023. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the programs with the Budget Committee. A copy of the budget document may be inspected or obtained by mail with your request by phone at 541-764-2475 on or after April 1, 2023 between the hours of 8:00 am to 12:00 pm and 1:00 pm to 4:30 pm Monday through Friday. M17, M24 30-24

LINCOLN COUNTY INVITATION TO BID

FOR PUBLIC IMPROVEMENT PROJECT

Bid No: 8089 Close Date: 3/31/2023 Close Time: 2:00 p.m. Project Name: COUGAR CREEK AOP (AQUATIC ORGANISMS PASSAGE) Owner's Contact: Andrew Blair, P.E. Phone: (541) 574-1212 Email: ablair@co.lincoln.or.us Public Notice Lincoln County is soliciting bids for the removal of an existing culvert and its replacement with a precast concrete bottomless culvert at the following location: East Buck Creek Road/Buck Creek Road at Cougar Creek, Lincoln County, Oregon 97390. The roads are located within Lincoln County, Oregon. Estimated Project cost is less than $1,000,000. Contract to be completed by August 20, 2023. Anticipated Notice to Proceed date is July 3rd, 2023. Bid documents may be obtained at the office of Lincoln County Road Department, 880 NE 7th Street, Newport, Oregon 97365 (ph: 541-265-5747). The Bid Package will be posted on the County's web site at http://www.co.lincoln.or.us/public-works. Bidders may also obtain a Bid Package at the various Oregon Plan Centers. PLEASE NOTE: Only those bidders who request to be added to the County's Plan Holders list will be directly notified of addendums or clarifications that might be issued. Addendums and clarifications will be posted to the County's web site (http://www.co.lincoln.or.us/public-works) and the Plan Centers will be notified. It is the Bidders sole responsibility to incorporate all addendums into the final submitted bid. Signed copies of the addendums and clarifications must be attached to the bid submittal at the time of bid opening. Failure to include all posted addendums or clarifications will be cause to reject the bid. Bids must be received at Lincoln County Public Works, 880 NE 7th Street, Newport, Oregon 97365, by bid closing 2:00 p.m. on March 31st, 2023. Mailing address: 880 NE 7th STREET, NEWPORT, OREGON 97365. Submit bids in a sealed envelope marked, "COUGAR CREEK AOP; Bid Form - Bid Closing March 31st, 2023 at 2:00 p.m." Pursuant to ORS 279C.370 bidders are required to disclose information about certain first-tier subcontractors, either in the bid submission envelope or within two (2) working hours after bid closing. The bidder must comply as applicable with ORS 279C.800 through ORS279C.870 or 40 USC 276a. Each bidder must complete the Residency Statement included in the Bid Form. Bidders shall be currently registered with the Construction Contractors Board (CCB), holding the proper registration for the work contemplated herein, at the time of submittal. All Subcontractors participating in the project shall be similarly registered with the CCB at the time they propose to engage in subcontract work. The CCB registration requirements apply to all public works contracts unless superseded by federal law. Bids will be opened and publicly read at Lincoln County Public Works, 880 NE 7th Street, Newport, Oregon 97365 at 2:00 P.M. on March 31st, 2023. The Board of Commissioners reserves the right to reject any bid not in conformity with the bid requirements, or the right to reject all bids if it is in the best interest of Lincoln County. Authorized by: Andrew Blair, P.E., County Engineer. Advertisement Dates: March 13th through March 27th, 2023, DJC; News Times; News Guard. M17, M24 29-24

NOTICE OF FORFEITURE OF PATRONAGE CAPITAL CREDITS OF MEMBERS OF PIONEER TELEPHONE COOPERATIVE, AN OREGON CORPORATION

Notice is hereby given that, by order of the Board of Directors of Pioneer Telephone Cooperative, dba Pioneer Connect, an Oregon cooperative corporation, whose registered office is located at 1304 Main Street, Philomath, Oregon, 1991 Patronage Capital Credits, which include payments authorized December 17, 2018 and March 28, 2019, can be redeemed until March 28, 2023, after which date any not so redeemed will be forfeited to the Cooperative. The unclaimed 1991 Capital Credits list and instructions on redeeming those capital credits can be found at www.pioneer.net/capitalcredits. The list is also available at both of our business offices located at 1304 Main Street, Philomath, OR 97370, and 575 W. Willow Street, Waldport, OR 97394, or by contacting Pioneer Connect at 541-929-3135 or 541-563-3135, option 5. M17 29-17

PUBLIC NOTICE

The Pacific Communities Health District Board of Directors will hold a Virtual and regular meeting on Tuesday, March 21, 2023 at 4:00 p.m. by Microsoft Teams or in person at the Center for Health Education located at 740 SW 9th St., Newport, OR, in conference room C. Persons interested in joining the Virtual meeting must have the Microsoft Teams Meeting Application downloaded on personal computer or cell phone. To request a Teams Meeting Invite please email cmacnab@samhealth.org or call 541-574-4674. To join by phone (audio only) option, directly call 1-971-254-1254, followed by Conference ID: 703 486 962#. The meeting agenda includes meeting minutes, financial reports, and facility reports. /s/ Catherine Macnab. Recorder, PACIFIC COMMUNITIES HEALTH DISTRICT. For additional information contact 541-574-4674 or www.pchdistrict.org. M17 28-17

PUBLIC SALE

On March 28th , 2023 at 11:00 AM, a public sale will be held at Ideal Storage . 134 NE Metcalf Ave Siletz, OR 97380: Carrie Bostwick - S013 , Rachel Richardson - S153 . On March 29th, 2023 at 2:00 PM, a public sale will be held at Ideal Storage . 5441 W Hwy 20, Toledo, OR 97391: Jason Luckini - T079 . On March 30th , 2023 at 2:00 PM, a public sale will be held at Ideal Storage . 235 SW Dahl Ave. Waldport, OR 97394: Amy Phillips - WB019 . Minimum bid $50.00 Cash only. M17, M24 27-24

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN Probate Department Case No. 23PB01287 NOTICE TO INTERESTED PERSONS In the Matter of the Estate of THOMAS COWAN MANSKE, Deceased. NOTICE IS HEREBY GIVEN that James Manske is appointed Personal Representative of the above Estate. All persons having claims against Estate are required to present them to the undersigned attorney for the personal representative at 8555 SW Apple Way, Suite 300, Portland, Oregon 97225, within 4 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. Dated and first published on March 17, 2023. James Manske, Personal Representative, Jennifer Martin, OSB No. 190038, Hagen O'Connell Hval LLP, Attorneys for Personal Representative, 8555 SW Apple Way, Suite 300, Portland, Oregon 97225. T: (503) 227-2600 E: jmartin@hagenoconnell.com M17, M24, M31 26-31

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF DALE ALLEN STUDEBAKER, DECEASED CASE No. 23PB01662 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Annetta Goldman has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or Jeffrey C. Hollen, attorney for the personal representative. Date of first publication: March 17, 2023. Jeffrey C. Hollen, OSB #761757, Attorney for the Personal Representative, 541-574-1630 P. O. Box 1167, 615 SW Hurbert Street, Suite A, Newport, OR 97365. Annetta Goldman Personal Representative, 1707 NW Oceanview Dr, Newport, OR 97365. M17, M24, M31 23-31

NOTICE TO INTERESTED PERSONS

Notice is hereby given that the undersigned has been appointed Personal Representative of the ESTATE OF EDWARD EARL PHILLIPS, DECEASED, Lincoln County, Oregon, Circuit Court Case No. 22PB08847.

All persons having claims against said estate are required to present them with proper vouchers within four months after the date of first publication of this notice, as stated below, to the Personal Representative at 285 Highway 101/P.O. Box 700, Waldport, Oregon 97394-0700, or they may be barred. All persons whose rights may be affected by these proceedings may obtain additional information from the records of the court, the Personal Representative, or the attorney for the Personal Representative. DATED and first published: March 10, 2023. Penny M. Baggett, Personal Representative. Law Office of Holly Anne Gibbons, LLC, Attorney for Personal Representative, P.O. Box 700, Waldport, OR 97394-0700. M10, M17, M24 22-24

SELF STORAGE PUBLIC SALE

Safe-Lock Storage 3639 SE Ash St South Beach, Oregon 97366. Saturday 3/25/2023 @ 10:00am

103 Jake Anderson; 410 Joan Hoffman; 749 Nick Kamerer. Sale Subject to Cancellation. Safe-Lock Storage reserves the right to refuse any and all bids. M10, M17 18-17

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, March 27, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-NCU-23. The request submitted by Northwest Natural Gas (Mike Smith, Norwest Engineering, representative) is for approval of a request per Section 14.32 "Nonconforming Uses, Lots and Structures" of the Newport Municipal Code, to build 9-ft diameter 40-ft tall enclosed flare at the NW Natural LNG Plant. The subject property is located at 1702 SE Bay Blvd (Lincoln County Assessor's Map 11-11-09-00; Tax Lot 1600). Pursuant to NMC Section 14.32.060(A), the approval authority shall determine that the structure was legally established at the time the Zoning Ordinance was enacted or amended, and that the use has not been discontinued for a continuous 12 month period. The approval authority must also verify the nature and extent of the nonconforming use, considering (1) a description of the use; (2) The types and quantities of goods or services provided and the activities conducted; (3) The scope of the use (volume, intensity, frequency, etc.) including fluctuations in the level of activity; (4) The number, location and size of physical improvements associated with the use; (5) The amount of land devoted to the use; and (6) Other factors the approval authority may determine appropriate to identify the nature and extent of a particular use (NMC Section 14.32.060(B)). Pursuant to NMC Section 14.32.070, after verification of the status of a nonconforming use pursuant to subsection 14.32.030, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood when considering the following factors: (A) The character and history of the use and of development in the surrounding area; (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood; (3) Adequacy of infrastructure, including sewer, water, and streets, to accommodate the use; (4) The comparative numbers and kinds of vehicular trips to the site; (5) The comparative amount and nature of outside storage, loading, and parking; (6) The comparative visual appearance; (7) The comparative hours of operation; (8) The comparative effect on solar access and privacy; (9) Other factors which impact the character or needs of the neighborhood. (B) The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood. (C) To the extent there is a rational nexus, and the City can establish that needed improvements are roughly proportional to proposed development, an alteration, expansion, or replacement of a nonconforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to: (1) Surfacing of parking areas and landscaping; (2) Exterior design of structures; and (3) Outdoor displays, storage, and signage. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 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 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials, the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address as well. Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (mailing address above). M17 17-17

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF AUSTIN SCOTT FRANK-RISKIN DECEASED CASE No. 22PB09379 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Kenneth Riskin has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or J.F. Ouderkirk, attorney for the personal representative. Date of first publication: March 10, 2023. J.F. Ouderkirk, OSB #752903 Attorney for Personal Representative, Ouderkirk & Hollen, P. O. Box 1167, 615 SW Hurbert Street, Suite A, Newport, OR 97365, 541-574-1630 / 541-574-1638 fax. M10, M17, M24 16-24

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, March 27, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23, a request submitted by Lyle J. Misbach, AKS Engineering & Forestry, applicant (Greyson and Amelia Irrevocable Trust, Joseph D. McDonald, Trustee, owner) for the following amendments: 1-SUB-23: A Tentative Subdivision Plan (proposed name of "Fisherman's Wharf Estates") including 11 single family residential lots; 1-VAR-23: A Type III Variance request to allow the hammerhead portion of the proposed street to be constructed without a sidewalk; and 2-GP-23: A Geological Permit application to allow future development, construction, and site clearing within a known geologic hazard area. The location of the subject property Tax Lot 400 of Lincoln County Assessor's Tax Map 11-11-09-CB (1005 SE Bay Blvd). The application must be consistent with those approval criteria as set forth in Section 13.05.085 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Section 14.33.060 (for variance requirement approval); and NMC Section 14.21.030 (for geological permit approval). Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (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 this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (mailing address above). M17 15-17

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT FOR THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT IN THE MATTER OF THE ESTATE OF JOSEPH A. MACFARLAND, DECEASED CASE NUMBER: 23PB01605 NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN that Joseph C. Macfarland has been appointed Personal Representative. All persons having claims against the estate are required to present them, with vouchers attached, to the Personal Representative, c/o Jeffrey G. Moore, Saalfeld Griggs PC, 250 Church St. SE, Suite 200, PO Box 470, Salem, OR 97308-0470, 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 Jeffrey G. Moore, OSB #982973, Attorney For Personal Representative, Saalfeld Griggs PC, PO Box 470 Salem, OR 97308-0470, Ph: (503)399-1070 Fax:(503)371-2927 Email: jmoore@sglaw.com M10, M17, M24 14-24

PURSUANT TO ORS CHAPTER 819

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 3/21/2023. The sale will be held at 10:00am by Car Care Tow Inc, 2706 SE 23rd Dr, Lincoln City, OR 2010 Cadillac SRX

PUBLIC SALE

The following storage units will be sold at public auction on Saturday, March 18 at 11:00 AM for non-payment of rent and other fees.Auction is pursuant to Auction Rules and Procedures of Lincoln Storage, 1609 S Coast Hwy South Beach, OR 97366 541-867-6550. Rules are available upon inquiry. Unit 279 Robert Moon Unit 398 Joan Hoffman M3, M10, M17 VIN 3GYFNDEY9AS628757. Amount due on lien $6,21.00 Reputed owner(s): GLENN DILLINGER, CNAC. M10, M17 12-17

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NEWS TIMES

Your information source for the Central Oregon Coast

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Case Files: 1-SUB-23/1-VAR-23/2-GP-23
Date Filed: February 21, 2023
Hearing Date: March 27, 2023/Planning Commission

PLANNING STAFF REPORT

1. **APPLICANT:** Joseph D. McDonald, Trustee of the Greyson and Amelia Irrevocable Trust U/A/D, Owner (Lyle Misbach, PE, CFM, AKS Engineering & Forestry, LLC, authorized representative).

2. **REQUEST:** Approval of an eleven lot residential subdivision identified as "Fisherman's Wharf Estates." A Type III variance is requested to allow the hammerhead portion of the proposed street to be built without sidewalk. Additionally, a geologic hazard report has been submitted outlining measures that will be taken to safeguard against existing hazards given that the subject property is within a mapped geologic hazard area.

3. **LOCATION:** The property is located at 1005 SE Bay Boulevard, between the Harbor Village RV Park and Harbor Crescent residential subdivision (Tax Lot 400 of Lincoln County Assessor's Tax Map (11-11-09-CB).

4. **LOT SIZE:** Approximately 1.72 acres, per Lincoln County Assessor's records.

5. **STAFF REPORT**

A. **REPORT OF FACTS**

i. **Plan Designation:** Low Density Residential.

ii. **Zone Designation:** R-2/"Medium Density Single-Family Residential."

iii. **Surrounding Land Uses:** Harbor Village RV Park to the north and west, Harbor Crescent residential subdivision to the east, and the Embarcadero Resort to the south (across SE Bay Blvd).

iv. **Topography and Vegetation:** There are a few scattered trees, shrubs and other low lying vegetation on the property. The site is moderately sloped, dropping in elevation from east to west, with steeper terrain along the east, north and western perimeter of the property.

v. **Existing Structures:** None.

vi. **Utilities:** All utilities are available to the site.

vii. **Development Constraints:** The property is in a mapped geologic hazards area.

viii. **Past Land Use Actions:**

File No. 1-SUB-18/2-VAR-18/3-GP-18. Approval of the same 11 lot subdivision as is currently being requested. A Type III variance allowed the hammerhead portion of the proposed street to be built without sidewalk. Additionally, a geologic hazard permit was approved outlining measures that will be taken to safeguard against existing hazards given that the property is within a mapped geologic hazard area. Approval expired due to inaction.

File No. 3-PD-07/6-SUB-07. Approval of a planned development for 19 single family detached residences.

File No. 1-PD-01. Approval of a planned development for 22 units (single family and duplexes).

File No. 1-PD-97. Approval of a planned development for 18 single-family residences and two duplexes.

ix. **Notice:** Public notice of the application and public hearing was mailed to surrounding property owners within 200 feet of the subject property and public entities and agencies on March 1, 2023. Notice of the public hearing was also published in the Newport News-Times on March 17, 2023.

x. **Pre-application Meeting:** An initial pre-application meeting between the applicant and city staff was held on November 28, 2022.

xi. **Planning Staff Report Attachments:**

Attachment "A" – Application by AKS Engineering & Forestry, dated February 2023

Exhibit "A" – Application Forms and Checklists

Exhibit "B" – 11x17 Copy of Subdivision Plans, Civil Construction Set, received 9/23/19

Exhibit "C" – Lincoln County Assessor's Maps

Exhibit "D" – 200-Foot Notification List

Exhibit "E" – Service Provider Letters

Exhibit "F" – Subdivision Guarantee Report

Exhibit "G" – Geotechnical Investigation, by Foundation Engineering, dated 2/14/23

Attachment "B" – Zoning Map

Attachment "C" – Utility and Existing Terrain Map

Attachment "D" – Notice of Public Hearing and Map

Attachment "E" – Letter from Scott and Mary Rogers, dated 3/9/23

Attachment "F" – Email from Clare Paul, Asst. City Engineer, dated 3/16/23 with attached letter of 6/4/18 Confirming the Adequacy of Public Services

B. **Explanation of the Request:** The applicant, The Greyson and Amelia Irrevocable Trust, is seeking approval of an 11 lot, residential subdivision to accommodate single family homes and/or duplexes. The subdivision will be served by a new public street with 36-feet of pavement, sidewalks, curbs, gutters and street lights. A hammerhead will be constructed at the end of the street, and a variance has been requested to allow this portion of the street to be built without sidewalk. A geologic permit outlines measures that will be taken to safeguard against existing hazards, since the property is within the City of Newport's Geologic Hazards Overlay.

The applicant notes that the project covers the entirety of Tax Lot 400 (Lincoln County Assessor's Map 11S11W09CB) located at 1005 SE Bay Boulevard. They indicate that the site is slightly larger than what is indicated in the Assessor's records at ±1.81 acres, and is within the City's R-2 zone district. SE Bay Boulevard along the frontage of the property is fully improved with two vehicular travel lanes, curbs, gutters, sidewalks, bike lanes, and has a curb cut for access to the lot with truncated domes installed in the curb ramps.

In their executive summary, the applicant notes that they previously applied for a tentative subdivision plat, geologic permit, and variance for this 11-lot residential subdivision and received initial approval on October 22, 2018. The subsequent construction plans and permits were approved in September 2019, and construction was set to begin in June 2020. Due to extenuating circumstances (including personal health-related complications afflicting applicant, and market uncertainty created by the worldwide coronavirus pandemic), the applicant was not able to move forward with construction under the original schedule. A one-year extension of the land use approval was granted by the City in October 2021 and that extended the final plat recording deadline to October 2022. Unfortunately, the property owner continued to experience a decline in health that precluded completion of the approved project by the October 2022 deadline and the approval therefore expired.

The applicant notes that several amendments to the Newport Municipal Code have occurred since the previously approved subdivision was submitted and that they have attempted to clearly synthesize the scope of such changes in their application as they relate to the proposal. Table 1 provides a summary of relevant amendments to the Newport Municipal Code which have occurred between the submittal date of the original application and the application that is the subject of this request (Attachment "A"). While code amendments implementing the City's transportation system plan and other related updates have occurred, the bulk of the decision criteria remain as they were during the decision on the 2018 application.

C. **Evaluation of the Request:**

i. **Comments:** Notice of the request was mailed on March 1, 2023, to affected property owners and various City departments, public/private utilities and agencies within Lincoln County, and other individuals. A letter was received from Scott and Mary Rogers, who reside in the neighboring Harbor Crescent Subdivision expressing concerns that the earthwork be performed in a manner that does not compromise their slopes supporting their subdivision and that storm drainage is handled appropriately (Attachment "E"). An email was also received from Clare Paul, Asst. City Engineer, confirming that public services are adequate to serve the subdivision per the Department's 2018 letter, with the added comment that hydraulic analysis requested at the time was completed in 2019.

ii. **Applicable Criteria:** The application must be consistent with the approval criteria set forth in Newport Municipal Code (NMC) Chapter 14.21, geologic hazards, NMC Chapter 14.33, adjustments and variances, NMC Chapter 14.48, for tentative subdivision plat approval, and NMC Chapter 14.44, transportation standards.

iii. **Compliance with NMC Chapter 14.21, Criteria for Approval of a Tentative Subdivision Plat within a Geologic Hazard Overlay.** The criteria for approval of a tentative subdivision plat in an area of known geologic hazards has been addressed as follows:

(a) *NMC Section 14.21.020(A). The following are areas of known geologic hazards or are potentially hazardous and are therefore subject to the requirements of Chapter 14.21:*

1. Bluff or dune backed shoreline areas within high or active hazard zones identified in the Department of Geology and Mineral Industries (DOGAMI) Open File Report 0-04-09 Evaluation of Coastal Erosion Hazard Zones along Dune and Bluff Backed Shorelines in Lincoln County, Oregon: Cascade Head to Seal Rock, Technical Report to Lincoln County, dated 2004.

2. Active or potential landslide areas, prehistoric landslides, or other landslide risk areas identified in the DOGAMI Open File Report 0-04-09.

3. Any other documented geologic hazard area on file, at the time of inquiry, in the office of the City of Newport Community Development Department.

City of Newport zoning maps show that the subject property is in the Geologic Hazard Area. These regulations apply.

(b) *NMC Section 14.21.020(B). The DOGAMI Open File Report 0-04-09 is not intended as a site specific analysis tool. The City will use DOGAMI Open File Report 0-04-09 to identify when a Geologic Report is needed on property prior to development. A Geologic Report that applies to a specific property and that identifies a proposed development on the property as being in a different hazard zone than that identified in DOGAMI Open File Report 0-04-09, shall control over DOGAMI Open File Report 0-04-09 and shall establish the bluff or dune-backed shoreline hazard zone or landslide risk area that applies to that specific property. The time restriction set forth in subsection 14.21.030 shall not apply to such determinations.*

A Geotechnical Investigation for the property is included as Exhibit "G" of Attachment "A." The investigation serves as the required Geologic Report, is stamped by both a Certified Engineering Geologist and licensed Geotechnical Engineer, and confirms that the site is within a geologic hazard area.

(c) *NMC Section 14.21.020(C). In circumstances where a property owner establishes or a Geologic Report identifies that development, construction, or site clearing (including tree removal) will occur outside of a bluff or dune-backed shoreline hazard zone or landslide risk areas, as defined above, no further review is required under this Chapter 14.21.*

The Geologic Report for the subject property is included in Exhibit "G". It confirms that the property is within a landslide risk area and concludes that the site is suitable for development provided recommendations contained in the document are followed.

(d) *NMC Section 14.21.020(D). If the results of a Geologic Report are substantially different than the hazard designations contained in DOGAMI Open File Report 0-04-09 then the city shall provide notice to the Department of Geology and Mineral Industries (DOGAMI) and Department of Land Conservation and Development (DLCD). The agencies will have 14 days to provide comments and the city shall consider agency comments and determine whether or not it is appropriate to issue a Geologic Permit.*

The findings in the Geologic Report do not appear to conflict with the DOGAMI Open File Report. This standard is met.

(e) *NMC Section 14.21.030, Geologic Permit Required. All persons proposing development, construction, or site clearing (including tree removal) within a geologic hazard area as defined in 14.21 .010 shall obtain a Geologic Permit. The Geologic Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit required by the city. Unless otherwise provided by city ordinance or other provision of law, any Geologic Permit so issued shall be valid for the same period of time as a building permit issued under the Uniform Building Code then in effect.*

A Geologic Permit application is included in this submittal. This requirement can be met.

(f) *NMC Section 14.21.050(A), Application Submittal Requirements. A site plan that illustrates areas of disturbance, ground topography (contours), roads and driveways, an outline of wooded or naturally vegetated areas, watercourses, erosion control measures, and trees with a diameter of at least 8-inches dbh (diameter breast height) proposed for removal; and*

The Subdivision Plans included as Exhibit "B" of Attachment "A" include the required information. The Existing Conditions Plan on Sheet C002 shows site plan contours and existing vegetation. The Grading and Demolition Plan on Sheet C070 illustrates the area of disturbance and proposed tree removal. The Grading and Erosion Control Plan sheets C050 to C057 show erosion control measures. These requirements are met.

(g) *NMC Section 14.21.050(B), Application Submittal Requirements. An estimate of depths and the extent of all proposed excavation and fill work; and*

The existing and finished grade contour information shown on Sheet C070 of Exhibit "B" shows the estimated depths and extent of planned excavation and fill work. This requirement is met.

(h) *<u>NMC Section 14.21.050(C), Application Submittal Requirements.</u> Identification of the bluff or dune-backed hazard zone or landslide hazard zone for the parcel or lot upon which development is to occur. In cases where properties are mapped with more than one hazard zone, a certified engineering geologist shall identify the hazard zone(s) within which development is proposed; and*

A Geologic Report for the property is included in Exhibit "G". It identifies the nature and extent of landslide risk areas on the property. This requirement is met.

(i) *<u>NMC Section 14.21.050(D), Application Submittal Requirements.</u> A Geologic Report prepared by a certified engineering geologist, establishing that the site is suitable for the proposed development; and*

A Geologic Report for the property is included in Exhibit "G". This report is stamped by both a licensed Geotechnical Engineer and a certified Engineering Geologist and concludes that the site is suitable for the proposed subdivision provided recommendations contained in the document are followed. A condition of approval is recommended requiring a certified Engineering Geologist and licensed Geotechnical Engineer, as appropriate, certify the recommendations were followed prior to approval of the final plat. This requirement is met, as conditioned.

(j) *<u>NMC Section 14.21.050(E), Application Submittal Requirements.</u> An engineering report, prepared by a licensed civil engineer, geotechnical engineer, or certified engineering geologist (to the extent qualified), must be provided if engineering remediation is anticipated to make the site suitable for the proposed development.*

A Geologic Report for the property is included in Exhibit "G". This report is stamped by both a licensed Geotechnical Engineer and a certified Engineering Geologist and includes the information required by the City for a Geologic Report. The Report concludes that the site is suitable for the planned project. This requirement is met.

(k) *<u>NMC Section 14.21.070, Construction Limitations within Geologic Hazard Areas.</u>*

A. New construction shall be limited to the recommendations, if any, contained in the Geologic Report; and

1. Property owners should consider use of construction techniques that will render new buildings readily moveable in the event they need to be relocated; and

2. Properties shall possess access of sufficient width and grade to permit new buildings to be relocated or dismantled and removed from the site.

The Subdivision Plans (Exhibit "B") are intended to comply with the recommendations in the Geologic Report (Exhibit "G") and the new street will provide sufficient access in the event there is a need to relocate structures in the future. This requirement can be met.

(l) *NMC Section 14.21.090, Erosion Control Measures.*

In addition to completing a Geologic Report, a certified engineering geologist shall address the following standards.

A. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

B. Development plans shall minimize cut or fill operations so as to prevent off-site impacts;

C. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

D. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

E. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

F. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;

G. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure.

H. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;

I. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control limited to:

1. Energy absorbing devices to reduce runoff water velocity;

2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

3. Dispersal of water runoff from developed areas over large undisturbed areas;

J. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and

K. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.

The Grading and Erosion Control Plans (Sheets C050 to 057 of Exhibit "B") include appropriate grading and erosion control measures for the project and were prepared according to the recommendations in the Geologic Report (Exhibit "G"). In the event the identified erosion control measures are not maintained or are otherwise unable to prevent sedimentation from impacting adjoining surfaces, then NMC 14.21.140 requires the developer return the surfaces to their original or equal condition. A condition of approval is included noting this requirement.

(m) *NMC Section 14.21.100(E), Stormwater Retention Facilities Required. For structures, driveways, parking areas, or other impervious surfaces in areas of 12% slope or greater, the release rate and sedimentation of storm water shall be controlled by the use of retention facilities as specified by the City Engineer. The retention facilities shall be designed for storms having a 20-year recurrence frequency. Storm waters shall be directed into a drainage with adequate capacity so as not to flood adjacent or downstream property.*

Sheets C100 and C101 of Exhibit "B" illustrate that impervious surfaces established with this subdivision, namely the street and sidewalks, will not exceed a 12 percent slope. This standard is not applicable.

iv. **Compliance with NMC Chapter 14.33, Criteria for Approval of a Variance.** The criteria for a variance to the requirement that sidewalk be installed along the hammerhead portion of the proposed street have been addressed as follows:

(a) *NMC Section 14.33.020(A). Application for an Adjustment or Variance from a numerical standard including, but not limited to, size, height, or setback*

distance may be processed and authorized under a Type I or Type III decision making procedure as provided by Section 14.52, Procedural Requirements, in addition to the provisions of this section.

A variance to Section 14.44.060.I is included in this application to allow the proposed "hammerhead" turnaround at the north end of the proposed local street to be constructed without sidewalks. This section authorizes the City to exempt this standard with a variance. A variance is included in the application. This standard is met.

(b) *NMC Section 14.33.020(B). No Adjustment or Variance from a numerical standard shall be allowed that would result in a use that is not allowed in the zoning district in which the property is located, or to increase densities in any residential zone.*

The variance will not change the planned use of the property. The planned residential use is permitted in the R-2 zoning district in which the property is located. The standard is met.

(c) *NMC Section 14.33.020(C). In granting an Adjustment or Variance, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.*

The variance is not anticipated to create any adverse impacts. The proposed "hammerhead" turnaround will not operate as a street that connects to the surrounding street network and will not carry through traffic at speeds typical of a local street. The turnaround is designed to allow vehicles, including emergency vehicles, to either maneuver in and out of the driveways serving the future homes on Lots 5 through 9, or turn around to leave the subdivision, all at minimal speeds. Therefore, sidewalks are not needed to provide separation from faster moving vehicular traffic. As further described in Section 14.44.060, the planned width of the turnaround is narrower than the standard width for a local street. Therefore, the crossing distances between the new sidewalks on the proposed local street to the new lots along the turnaround will be similar to, or even less than, the distance required to cross a local street, and pedestrians will not need to negotiate cross traffic typical of a local street.

(d) *NMC Section 14.33.030, Approval Authority. Upon receipt of an application, the Community Development Director or designate shall determine if the request is to be processed as an Adjustment or as a Variance based on the standards established in this subsection. There shall be no appeal of the Director's determination as to the type of application and decision-making process, but the issue may be raised in any appeal from the final decision on the application.*

A. A deviation of less than or equal to 10% of a numerical standard shall satisfy criteria for an Adjustment as determined by the Community Development Director using a Type I decision-making procedure.

B. A deviation of greater than 10%, but less than or equal to 40%, of a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.

C. Deviations of greater than 40% from a numerical standard shall satisfy criteria for a Variance as determined by the Planning Commission using a Type III decision-making procedure.

The variance is combined with an application for a subdivision and is being processed as a Type III application. This standard is met.

(e) *NMC Section 14.33.060(A). The approval authority may grant a Variance using a Type III decision-making process when it finds that the application complies with the following criteria:*

A. A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

1. The size, shape, natural features, and topography of the property, or
2. The location or size of existing physical improvements on the site, or

3. The nature of the use compared to surrounding uses, or

4. The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district, or

5. A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

6. The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.

The circumstances and conditions 1, 3, and 4 apply to the property, as described below.

1. The variance is warranted based on the size, shape, natural features, and topography of the property. The turnaround configuration shown in the Subdivision Plans is planned to provide the best practical access to the new lots. The subject property is an irregularly shaped lot with a skewed orientation to SE Bay Boulevard which poses challenges to creating buildable lots that are as close as possible to rectangular in shape and with side lots lines that are, to the maximum extent possible, perpendicular to the boundaries of the property. Adding sidewalks to the

turnaround would require additional street width, and subsequently additional grading, only to provide a short stretch of sidewalk that does not connect to adjacent properties, and which is frequently interrupted by residential driveways.

The topographic conditions of the property make it impractical to include sidewalks along the "hammerhead" turnaround. As shown in the Existing Conditions on Sheet C002 of Exhibit "B", the site slopes moderately downhill from east to west. The proposed street profile shown on Sheet C101 of Exhibit "B" show the finished grade of the street in relation to existing grade. The drawings show the depth of cuts required to construct the street with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. Including sidewalks would significantly increase the excavation, filling, and grading needed to construct the turnaround while providing nominal, if any benefits to pedestrian safety and comfort.

3. The variance is warranted based on the nature of the use compared to surrounding uses. The "hammerhead" turnaround does not operate as a typical street because it will not connect to other streets either inside or outside of the subdivision. It will not carry traffic volumes at speeds typical of a standard local street and will have minimal cross traffic that pedestrians will need to negotiate to access Lots 5 through 9 from the new sidewalk on the proposed local street. Therefore, sidewalks are not necessary on the turnaround for pedestrian safety. Most of the streets in other subdivisions in the area do not have sidewalks, therefore the proposed local street, even without a sidewalk on the turnaround will be improved to a higher standard than the streets that serve surrounding uses.

4. The variance is warranted because the zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district. As discussed under criterion 1 above, including sidewalks along the turnaround would require either reducing the size of the lots below the minimum dimensional standard in the R-2 zoning district or reducing the number of lots for the planned use below what would otherwise be possible on a more regularly shaped lot with flatter topography elsewhere in the R-2 zoning district. Most of the streets in other subdivisions in the area do not have sidewalks, and so the proposed local street will be improved to a higher standard than the streets that serve surrounding uses.

The circumstances and conditions 1, 3, and 4 apply to the property. Therefore, this criterion is met.

(f) *NMC Section 14.33.060(B).* *The circumstance or condition in "A" above is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.*

The circumstances and conditions are discussed in the response to Section 14.33.060.A above. These circumstances and conditions are not the result of the personal circumstance of the owner. Therefore, this criterion is met.

(g) *NMC Section 14.33.060(C). There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.*

The practical difficulty and unnecessary hardship that would be imposed by requiring sidewalks on the "hammerhead" turnaround are discussed in the response to Section 14.33.060.A above. Requiring sidewalks along this turnaround would restrict the property from being developed to its fullest potential. Furthermore, sidewalks would not improve access for pedestrians. This criterion is met.

(h) *NMC Section 14.33.060(D). Authorization of the Variance will not result insubstantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations.*

The variance will not create any adverse impact to surrounding properties. The turnaround will not serve as a typical through street and will not connect to the surrounding street network. The future homes on Lots 5 through 9 will be the only uses served by the street that will generate traffic. Therefore, only the subject property is impacted by the variance. Furthermore, streets in the vicinity (such as SE Harbor Crescent Drive) that serve development on adjoining properties do not have sidewalks. With the variance, the proposed street will be improved to a higher level than what is typical of other streets in the vicinity.

(i) *NMC Section 14.33.060(E). The Variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.*

Utilities are planned as shown on the Composite Utility Plan on Sheet C150 of Exhibit "B". A variance to allow the hammerhead portion of the street to be constructed without sidewalks will not impact the provision of access to utilities since those utilities will be stubbed from the street or located in public utility easements adjacent to the street. Fire access will be available from the street. This criterion is met.

(j) *NMC Section 14.33.060(F). Any impacts resulting from the Variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.*

The variance will not result in any impacts requiring mitigation. This criterion does not apply.

v. **Compliance with NMC Chapter 14.44, Transportation Standards.** Applicable provisions of the City's Transportation Standards have been addressed as follows:

(a) *NMC Section 14.44.050(A). Street Improvement Requirements. Streets within or adjacent to a land division, development of new streets, and planned improvements to existing streets shall satisfy the requirements of Section 14.44.060, and public streets shall be dedicated to the applicable road authority.*

SE Bay Boulevard is fully improved to City standards. No further improvements to SE Bay Boulevard are necessary. New streets are planned to serve the new lots as shown on the street plan and profile views shown on Sheet C101 of Exhibit "B". A modification is requested to the applicable street standards for the "hammerhead" turnaround. A variance is included to exempt this turnaround from the sidewalk requirement in Section 14.44.060.I. This standard is met with the requested variance.

(b) *NMC Section 14.44.050(B). Substandard streets. Substandard streets adjacent to existing lots or parcels shall be brought into conformance with the standards of Section 14.44.060 when new development or redevelopment of the lots or parcels will place additional demands on the streets and related city utilities.*

There are no substandard streets adjacent to the existing lot. This standard does not apply.

(c) *NMC Section 14.44.050(C). Neighborhood Traffic Management. Traffic calming measures such as speed tables, curb bulb outs, traffic circles, and other solutions may be identified as required on-site or off-site improvements for development along Neighborhood Collector or Local Streets.*

The applicant acknowledges this standard, and it can be met.

(d) *NMC Section 14.44.050(D). Guarantee. The city may accept a future improvement guarantee in the form of a cash deposit, surety bond, letter of credit or non-remonstrance agreement, in lieu of street improvements, if it determines that one or more of the following conditions exist:*

1. A partial improvement may create a potential safety hazard to motorists or pedestrians;

2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself,

provide increased street safety or capacity, or improved pedestrian circulation;

3. The improvement is funded and programmed for construction in an adopted capital improvement plan; or

4. The improvement is associated with an approved land partition or minor replat and the proposed land partition does not create any new streets.

The applicant intends to complete the infrastructure improvements before submitting a final subdivision plat, and does not anticipate the need for an improvement agreement.

(e) *NMC Section 14.44.050(E). Creation of Rights-of-Way for Streets and Related Purposes. Streets may be created through the approval and recording of a final subdivision or partition plat pursuant to Chapter 14.48; by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Transportation System Plan and the deeded right-of-way conforms to the standards of this Code; or other means as provided by state law.*

This applicant is applying for tentative subdivision approval and has addressed the applicable street standards throughout this narrative. The criterion is met.

(f) *NMC Section 14.44.050(F). Creation of Access Easements. The city may approve an access easement when the easement is necessary to provide viable access to a developable lot or parcel and there is not sufficient room for public right-of-way due to topography, lot configuration, or placement of existing buildings. Access easements shall be created and maintained in accordance with the Oregon Fire Code.*

The applicant is not proposing the creation of access easements. The development will be accessible by way of public rights-of-way. The public local street is further discussed in this narrative.

(g) *NMC Section 14.44.050(G). Street Location, Width, and Grade. The location, width and grade of all streets shall conform to the Transportation System Plan, subdivision plat, or street plan, as applicable and are to be constructed in a manner consistent with adopted City of Newport Engineering Design Criteria, Standard Specifications and Details. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets, pursuant to the requirements of this Chapter.*

One new street is planned for the subdivision as shown on Sheet C101 of Exhibit "B". This proposed local street is planned to meet all applicable City standards for a local street. A request to reduce the overall width of the

"hammerhead" turnaround at the end of the street from the standards for a local street is included in this application. The criterion is met.

(h) *NMC Section 14.44.050(H).* *Transit improvements. Developments that are proposed on the same site as, or adjacent to, an existing or planned transit stop, as designated in the Lincoln County Transit District's 2018 Transit Development Plan, shall provide the following transit access and supportive improvements in coordination with the transit service provider:*

1. Reasonably direct pedestrian and bicycle connections between the transit stop and primary entrances of the buildings on site, consistent with the definition of "reasonably direct" in Section 14.01.020.

2. The primary entrance of the building closest to the street where the transit stop is located shall be oriented to that street.

3. A transit passenger landing pad.

4. A passenger shelter or bench if such an improvement is identified in an adopted transportation or transit plan or if the transit stop is estimated by the Lincoln County Transit District to have at least 10 boardings per day.

5. Lighting at the transit stop.

6. Other improvements identified in an adopted transportation or transit plan, provided that the improvements are roughly proportional to the impact of the development.

The planned development is not adjacent to nor on the same site as a transit stop. The above criteria are not applicable.

(i) *NMC Section 14.44.060(A).* *Streets, Pathways, Accessways, and Trails. Street Width and Cross Sections. Right-of-way and roadway widths shall conform to the Minimum Street Cross-Sections in the Transportation System Plan and the standards in Table 14.44.060-A.*

Minimum Right-of-Way and Roadway Widths		
Functional Classification	**Minimum Right-of-Way Width**	**Minimum Roadway Width**
Major Collector	**70-ft**	**48-ft**
Neighborhood Collector	**50-ft**	**36-ft**
Local	**50-ft**	**36-ft**
Yield Street	**40-ft**	**24-ft**
Shared Street	**30-ft**	**16-ft** [1]

[1.] *A 12-ft width may apply to local streets that carry fewer than 150 vehicles per day.*

As shown on the Subdivision Plans in Exhibit "B", the proposed local street is planned to meet the standard for a local street with ±36 feet of roadway

width within ±50 feet of right-of-way. A "hammerhead" turnaround is planned to also provide access to Lots 5 through 9 with ±26 feet of pavement width within ±30 feet of right-of-way. A request to reduce the overall width of this turnaround from the standards for a local street is included in this application. This modification is justified due to the relation of the street to the existing and planned streets, the topographical conditions on-site, public safety, the character of the roadway as a turnaround, and the proposed use of the land to be served by the street.

As shown in the Existing Conditions on Sheet C002 of Exhibit "B", the site slopes moderately downhill from east to west. The street profiles on Sheet C101 of Exhibit "B" show the finished grade of the street in relation to existing grade. The drawings show the depth of cuts required to construct the turnaround with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. A standard width local street as applied to this turnaround would increase the cutting, filling, and grading required to meet these standards without providing additional benefit given the use of the street.

The land served by the turnaround will be used for detached homes and/or duplexes. The turnaround will be used by the residents to maneuver at minimal speeds in and out of the driveways serving the homes on the new lots. The turnaround will not connect to the surrounding street network, other than the connection to the proposed local street as shown on the plans in Exhibit "B". The turnaround will not serve other uses outside the subject property. Therefore, the planned use will not generate traffic volumes that would warrant additional pavement width.

The size and shape to the property also make it impractical to provide buildable sites if the turnaround was built to full local street width. The subject property is an irregularly shaped lot with a skewed orientation to SE Bay Boulevard. The hammerhead configuration enables a logical and efficient plat layout with buildable lots that are as close to rectangular in shape as possible, with side lot lines that run at approximately right angles to the streets they face, while meeting the dimensional standards in the R-2 zoning district. A full local street width applied to this turnaround would restrict the buildable sites that would otherwise be permitted on the property that meet the dimensional standards of the R-2 zoning district. With the requested variance, these standards are met.

(j) *NMC Section 14.44.060(B). Travel Lane and On-Street Parking. Travel lanes and on-street parking areas shall be sized in accordance with the standards in Table 14.44.060-B.*

Minimum On-Street parking and Roadway Widths					
Roadway Classification	Arterial Street 1	Major Collector	Neighborhood Collector	Local Street	Yield Street 2
Through Lanes	2 to 4	2	2	2	1
Min. Lane Width	11-12 ft.3	10 ft.4	10 ft.4	10 ft.	12-16 ft.
Median/Center Turn Lane	11-14 ft 6	11 ft. 7	11 ft. 7	None	None
Min. On-Street Parking Width	Context Dependent, 7-8ft.	8 ft.	8 ft.	7-8 ft.	7-ft one side8

[1] *Although guidance is provided for arterial streets, these are under State jurisdiction. Values presented in this table are consistent with ODOT's urban design guidance. For detailed design recommendations on US 101 and US 20, the identified urban contexts for Newport are provided in the appendix and ODOT's urban design guidance is publicly available.*

[2] *For use along low volume local streets in residential areas only. Yield streets are an option for new streets, while shared streets are an option for existing streets. Requires intermittent on-street parking on at least one side to allow for vehicle queuing and passing opportunities. For blocks of no more than 300 ft. in length, and with fire access roads at both ends, a 16 ft. width may apply to local streets that carry fewer than 500 vehicles per day, or a 12 ft. width may apply to local streets that carry fewer than 150 vehicles per day. For blocks longer than 300 feet, this also requires 30 ft. long pullouts/no parking zones every 150 ft. to allow for 20 ft. wide clear areas (excluding drainage swales) or 26 ft. wide clear areas near fire hydrants.*

[3] *11 ft. travel lanes are preferred for most urban contexts within Newport. 11 ft. travel lanes are standard for central business district areas in ODOT's urban design guidance. Adjustments may be required for freight reduction review routes. Final lane width recommendations are subject to review and approval by ODOT.*

[4] *Travel lanes widths of 11-12 ft. are required along designated local truck routes.*

[5] *A minimum 8-ft.-wide pedestrian refuge should be provided at marked crossings. Otherwise, a median can be reduced to a minimum of 4 ft. at midblock locations that are more than 150 ft. from an arterial (i.e., US 101 and US 20), before widening at intersections for left-turn lanes (where required or needed).*

[6] *ODOT's urban design guidance recommends a 14 ft. lane for speeds above 40 mph. Final lane width recommendations are subject to review and approval by ODOT.*

[7] *Center turn lane required at and within 150 ft. of intersections with arterials (i.e., US 101 and US 20). Otherwise, it is optional and should be used to facilitate turning movements and/or street crossings; minimum 8-ft-wide median required where refuge is needed for pedestrian/bicycle street crossings.*

[8] *On-street parking is preferred along all City streets where block spacing, and system connectivity standards are met. An 8 ft. width is required in most areas, with a 7 ft. width only allowed along local streets in residential areas. Local yield/shared streets require intermittent on-street parking on at least one side to allow for vehicle queuing and passing opportunities, with an 8 ft. width required when on only one side, and 7 ft. width allowed when on both sides. Shoulders totaling 8 ft. in collective width may also be provided in lieu of parking.*

The proposed local street meets the width requirements for travel lanes and on-street parking for the site. This standard is met.

(k) <u>NMC Section 14.44.060(C).</u> *If the required cross-section is wider than the available right-of-way, coordination with the City of Newport is required to determine whether right-of-way dedication is necessary or design elements can be narrowed or removed. Any modifications to the minimum street cross-section require approval pursuant to the requirements of Section 14.33.100 – Transportation Mitigation Procedure. Requests for modifications involving ODOT facilities will require review and approval by ODOT.*

The applicant is not proposing a cross section wider than the available right-of-way width. The above standard is not applicable.

(l) <u>NMC Section 14.44.060(D).</u> *Reserve Strips. Reserve strips giving a private property owner control of access to streets are not allowed.*

No reserve strips are planned. This standard is met.

(m) <u>NMC Section 14.44.060(E).</u> *Alignment. As far as practicable, Arterial, Collector, and Neighborhood Collector Streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in T intersections are unavoidable, they shall leave a minimum of 200 ft. between the nearest edges of the two rights-of-way. This requirement may be modified by the approval authority if topography or other conditions make it impractical to satisfy the standard.*

A new local street is planned to provide access to the new lots as shown on the Subdivision Plans in Exhibit "B". This standard applies to streets other than local streets. Therefore, this standard does not apply.

(n) <u>NMC Section 14.44.060(F).</u> *Future Extensions of Streets. Proposed streets within a land division shall be extended to the boundary of the land division. A turnaround if required by the Uniform Fire Code will be required to be provided. If the approval authority determines that it is not necessary to extend the streets to allow the future division of adjoining land in accordance with this chapter, then this requirement may be modified such that a proposed street does not have to be extended to the boundary of the land division.*

A local street is planned with a "hammerhead" turnaround configuration that meets the fire access requirement. This layout was reviewed by the City of Newport in 2019. The surrounding properties are fully developed and extending the street to the property boundary is not necessary to provide access to future development. This standard is met.

(o) <u>NMC Section 14.44.060(G).</u> *Intersection Angles.*

1. Streets shall be laid out to intersect at right angles.

2. An arterial intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.

3. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection.

4. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.

5. No more than two streets may intersect at any one point.

6. If it is impractical due to topography or other conditions that require a lesser angle, the requirements of this section may be modified by the approval authority. In no case shall the acute angle in Subsection G.(1.) be less than 80 degrees unless there is a special intersection design.

As shown on the Subdivision Plans in Exhibit "B", the new local street will create an intersection that meet the above requirements. These standards are met.

(p) *NMC Section 14.44.060(H). Half Street. Half streets are not allowed. Modifications to this requirement may be made by the approving authority to allow half streets only where essential to the reasonable development of the property, when in conformity with the other requirements of these regulations and when the city finds it will be practical to require the dedication of the other half when the adjoining property is divided or developed.*

Full-street improvements will be provided as shown in the Subdivision Plans in Exhibit "B". The boundary frontage along SE Bay Boulevard is fully improved. This standard is met.

(q) *NMC Section 14.44.060(I). Sidewalks. Sidewalks in conformance with the city's adopted sidewalk design standards are required as outlined in the adopted Transportations System Plan and Table 14.44.060(C) below. Any modifications to the sidewalk standards require approval pursuant to the requirements of Section 14.33.100 – Transportation Mitigation Procedure. Requests for modifications involving ODOT facilities will require review and approval by ODOT.*

Sidewalks are planned on both sides of the proposed local street, as shown on the Subdivision Plans in Exhibit B. SE Bay Boulevard is already improved with sidewalks and no additional improvements are necessary beyond repairs to the existing sidewalks if damaged during construction. A variance is included with this application to exempt the "hammerhead" turnaround from the sidewalk requirement. Responses to the applicable variance criteria are provided in Section 14.33.060 above. This standard is met with the included variance.

(r) *NMC Section 14.44.060(J).* *Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around meeting minimum Oregon Fire Code requirements. Modifications to this requirement may be made by the approving authority. A pedestrian or bicycle accessway may be required by easement or dedication by the approving authority to connect from a cul-de-sac to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division or development.*

A cul-de-sac is not planned for this project. Therefore, this standard does not apply. Nevertheless, a hammerhead turnaround is planned at the intersection of the two local streets. It is less than 400 feet in length, and the 11 planned lots are planned to be developed with single-family homes and/or duplexes with no more than 18 total units. In the context of this standard, the reference to 18 dwelling units refers to buildings, which may be one or two unit structures.

(s) *NMC Section 14.44.060(K).* *Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city, as evident in the physical landscape and described in City of Newport Ordinance No. 665, as amended.*

The applicant notes that the street will be given a name that does not duplicate existing street names in the City of Newport. This standard can be met.

(t) *NMC Section 14.44.060(L).* *Alleys. Alleys shall be provided in commercial and industrial districts. If other permanent provisions for access to off-street parking and loading facilities are provided, the approving authority is authorized to modify this provision if a determination is made that the other permanent provisions for access to off-street parking and loading facilities are adequate to assure such access. The corners of alley intersections shall have a radius of not less than 12 feet.*

The project is not in a commercial or industrial district. This standard does not apply.

vi. **Compliance with NMC Chapter 14.48, Criteria for Approval of the Tentative Subdivision Plat.** The criteria for a tentative subdivision plat have been addressed as follows:

(a) *NMC Section 14.48.010(A), Application Requirements.* *A person seeking approval of a land division shall submit the following to the Community Development Department:*

1. A completed city application form signed by the owner of the property or an authorized agent. If the application form is signed by an authorized agent,

it must be accompanied by a document signed by the property owner authorizing the agent to act for the owner in the land division process.

2. A tentative plan containing the information identified in Section 14.48.010(C).

3. A narrative listing each applicable approval criterion or standard and an explanation as to how the criterion or standard is met.

4. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities will be extended to connect to existing streets and utilities and may be connected to future streets and utilities.

5. Proposed deed restrictions, if any, in outline form.

6. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.

7. A plan for domestic water supply lines and related water service facilities.

8. Proposals for sewage disposal, storm water drainage, and flood control, including profiles of proposed drainage ways.

9. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.

10. Where geologic hazards are known to exist on part or all of the property in question based on adopted maps of the City of Newport, a geologic hazard report is required and shall be provided in accordance with the requirements of Chapter 14.21. The report must clearly state what measures will be taken to safeguard against existing hazards.

11. Written letters from public facilities (water, sewer, storm water, and streets) and utilities (electric and phone) identifying requirements for providing service to the land division.

12. An application fee in an amount set by City Council resolution.

13. A Trip Assessment Letter, if required by Chapter 14.43.

14. A Traffic Impact Analysis, if required by Chapter 14.45.

15. Other materials that the applicant believes relevant or that may be required by the city.

Application forms, narrative, and Subdivision Plans containing the required information are included with the application. A Trip Assessment Letter is not needed, because the project is not in an area where they are required (i.e. South Beach). Similarly, a Traffic Impact Analysis is not required because vehicle trips generated by the subdivision are below the permit threshold (i.e. 50 pm peak hour or 500 average daily vehicle trips) These requirements are met.

(b) *<u>NMC Section 14.48.010(B).</u> The tentative plan of a land division shall be drawn such that the dimensions can be verified with the standard tick marks depicted on an Engineer's or Architects scale.*

The Subdivision Plans are included in Exhibit "B". This requirement is met.

(c) *<u>NMC Section 14.48.010(C).</u> The following general information shall be shown on the tentative plan of the land division:*

1. If a subdivision, the proposed name of the subdivision. This name shall not duplicate or resemble the name of another subdivision in the county and shall be approved by the Planning Commission.

2. Date, northpoint, and scale of the drawing.

3. Appropriate identification of the drawing as a tentative plan.

4. Location of the property being divided sufficient to define its location and boundaries, and a legal description of the entire property being divided.

5. Names and addresses of the owner, the applicant if different from the owner, and the engineer and/or surveyor.

6. The following existing conditions shall be shown on the tentative plan:

a. The location, widths, and names of existing streets and undeveloped rights of way within or adjacent to the tract, any existing easements, and other important features such as section lines, section corners, city boundary lines, and monuments.

b. Contour lines related to some established bench mark or other datum approved by the city and having minimum intervals as follows:

i. For slopes of less than 5 percent: show the direction of slope by means of arrows or other suitable symbols, together with not less than four (4) spot elevations per acre, evenly distributed.
ii. For slopes of 5 percent to 15 percent: five (5) feet.
iii. For slopes of 15 percent to 20 percent: 10 feet.
iv. For slopes of over 20 percent: 20 feet.

c. The location and direction of water courses and the location of areas subject to flooding.

d. Natural features such as wetlands, tidelands, marshes, or any natural resource identified as a protected Statewide Land Use Planning Goal 5 or Goal 17 resource on maps adopted by the city shall be identified. Other features, such as rock outcroppings, wooded areas, and isolated trees that serve as the basis of any requested modifications to the land division standards shall also be identified.

e. Existing uses of the property and location of existing structures to remain on the property after platting.

f. The location within the land division and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, and utility lines.

7. The following information shall be included on the tentative plan of a subdivision.

a. The location, width, names, approximate grades, and radii of curves of proposed streets and the relationship of proposed streets to streets shown in the Transportation System Plan. Streets in existing adjacent developments and approved subdivisions and partitions shall also be shown, as well as potential street connections to adjoining undeveloped property.

b. The location, width, and purpose of proposed easements.

c. The location and approximate dimensions of proposed lots and the proposed lot and block numbers.

d. Proposed sites, if any, allocated for purposes other than single-family dwellings.

The Subdivision Plans with the required information are included in Exhibit "B". These requirements are met.

(d) *NMC Section 14.48.010(D). If the land division proposal pertains to only part of the property owned or controlled by the owner or applicant, the city may require a sketch of a tentative layout for streets in the undivided portion.*

This application pertains to the whole site. The above standard is not applicable.

(e) *NMC Section 14.48.020, Blocks.*

A. Blocks created in land divisions shall be consistent with the standards in Table 14.48.020-A Modifications to the standards may be made by the approving authority pursuant to the standards in Chapter 14.33 if the street is adjacent to an arterial street, the location of adjoining streets, or other constraints identified in Section 14.33.100 justify the modification.

B. Mid-block pedestrian and bicycle connections must be provided when the block length exceeds 300 feet to ensure convenient access for all users. Midblock pedestrian and bicycle connections must be provided on a public easement or right-of-way every 300 feet, unless the connection is impractical due to topography, inadequate sight distance, high vehicle travel speeds, lack of supporting land use, or other factors that may prevent safe crossing; or a rational nexus to the proposed development is not established and the connection is not roughly proportional to the impacts created by the proposed land division.

The subject property is surrounded by existing development. The proposed local street will connect to SE Bay Boulevard but will not connect to any other existing streets. No new blocks will be created with the planned subdivision. This standard does not apply.

(f) *NMC Section 14.48.025(A), Easements.*

A. Utility Lines. Easements for sewers and water mains shall be dedicated to the city wherever a utility is proposed outside of a public right-of-way. Such easements must be in a form acceptable to the city. Easements for electrical lines, or other public utilities outside of the public right-of-way shall be dedicated when requested by the utility provider. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements, which may be reduced to six (6) feet in width.

Easements meeting the above requirements will be provided as shown on the Composite Utility Plan on Sheet C150 in Exhibit "B". This standard is met.

(g) *NMC Section 14.48.025(B), Utility Infrastructure. Utilities may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.*

The applicant notes that utilities will be provided as shown on the Composite Utility Plan on Sheet C150 in Exhibit "B". The subject property borders the Harbor Crescent Subdivision, and there may be monuments related to this subdivision in the vicinity of planned infrastructure work. Preservation of monuments can be addressed with a condition of approval. As conditioned, this standard is met.

(h) *NMC Section 14.48.025(C), Water Course. If a tract is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.*

The subject property is not traversed by a water course. As shown on the Existing Conditions Plan on Sheet C002 in Exhibit "B", there is a recorded storm drainage easement (Doc. No. 2006-05053) along the front portion of the lot. To the extent this standard applies, it is met.

(i) *NMC Section 14.48.030(A),* Size. *The size (including minimum area and width) of lots and parcels shall be consistent with the applicable lot size provisions of the Zoning Ordinance, with the following exception:*

Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-

street service and parking facilities required by the type of use and development contemplated.

As shown on the Preliminary Plat on Sheet C003 of Exhibit "B" each new lot meets the applicable dimensional requirements in the R-2 zoning district. The subject property is not zoned or planned for business or industrial use. This standard is met.

(j) *NMC Section 14.48.030(B), Street Frontage. Each lot and parcel shall possess at least 25 feet of frontage along a street other than an alley.*

As shown on the Preliminary Plat on Sheet C003 in Exhibit "B", each lot has at least 25 feet of frontage on the new streets. This standard is met.

(k) *NMC Section 14.48.030(C), Through Lots and Parcels. Through lots and parcels are not allowed. Modifications may be made by the approving authority where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. The approving authority may require a planting screen easement at least 10 feet wide and across which there shall be no right of access. Such easement may be required along the line of building sites abutting a traffic artery or other incompatible use.*

The rear lot lines on Lots 1 through 4 abut SE Harbor Crescent Drive, a private street. As shown on the Existing Conditions on Sheet C002 in Exhibit "B", the lot drops steeply from the edge of SE Harbor Crescent Drive to the rear of these lots, creating natural separation from this private residential street. Functionally, these are not planned as through lots and additional screening or separation is not necessary because the private street is a low volume residential street. Therefore, a modification to this standard is necessary and warranted. This standard, as modified, is met.

(l) *NMC Section 14.48.030(D), Lot and Parcel Side Lines. The side lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Modifications to this requirement may be made by the approving authority where it is impractical to do so due to topography or other conditions or when the efficient layout of the land division has the lines running as close to right angles (or radial) as practical.*

All lots run approximately at right angles to the new streets, as shown on the Preliminary Plat on Sheet C003 in Exhibit "B". This standard is met.

(m) *NMC Section 14.48.030(E), Special Setback Lines. All special building setback lines, such as those proposed by the applicant or that are required by a geological report, which are to be established in a land division, shall be shown on the plat, or if temporary in nature, shall be included in the deed restrictions.*

All applicable setback lines are shown on the Preliminary Plat on Sheet C003 in Exhibit "B". This standard is met.

(n) *NMC Section 14.48.030(F), Maximum Lot and Parcel Size. Proposed lots and parcels shall not contain square footage of more than 175% of the required minimum lot size for the applicable zone. Modifications to this requirement may be made by the approving authority to allow greater square footage where topography or other conditions restrict further development potential or where the layout of the land division is designed and includes restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division into lots or parcels of appropriate size for the applicable zone designation.*

The minimum lot area in the R-2 zoning district is 5,000 square feet. As shown on the Preliminary Plat on Sheet C003 of Exhibit "B", the largest lot planned is ±7,533 square feet and does not exceed 175 percent of the required minimum (8,750 square feet). This standard is met.

(o) *NMC Section 14.48.030(G), Development Constraints. No lot or parcel shall be created with more than 50 % of its land area containing wetlands or lands where the city restricts development to protect significant Statewide Land Use Planning Goal 5 or Goal 17 resources, except that areas designated as open space within a land division may contain up to 100% of a protected resource. Modifications to this requirement may be made by the approval authority if the approval authority determines that the proposed lot or parcel contains sufficient land area to allow for construction on the lot or parcel without impacting the resource or that a variance or other permit has been obtained to allow for impacts on the identified resource.*

No wetlands or other Goal 5 or Goal 17 resources have been identified on the subject site. This standard is met.

(p) *NMC Section 14.48.030(H), Lots and Parcels within Geological Hazard Areas. Each new undeveloped lot or parcel shall include a minimum 1000 square foot building footprint within which a structure could be constructed and which is located outside of active and high hazard zones and active landslide areas (See NMC Chapter 14.21 for an explanation of hazard zones). New public infrastructure serving a lot or parcel shall similarly be located outside of active and high hazard zones and active landslide areas.*

The subject property is within a Geologic Hazard Area. However, the site does not contain any active landslide areas or active and high hazard zones, as documented in the Geotechnical Report in Exhibit "G". This standard is met.

(q) *NMC Section 14.48.035(A)(1), Streets. All streets, including alleys, within the land division, streets adjacent but only partially within the land divisions, and the extension of land division streets to the intersecting paving line of existing streets with which the land division streets intersect, shall be constructed in*

accordance with the standards set forth in Chapter 14.44. Street width standards may be adjusted subject to the provisions of Section 14.33.070.

Project compliance with relevant standards contained in NMC Chapters 14.44 and 14.33 has been addressed earlier in the report. This standard will be met.

(r) *NMC Section 14.48.035(A)(2)* Surface Drainage and Storm Sewer System. *Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage within the land division shall consider the capacity and grade necessary to maintain unrestricted flow from areas draining through the land division and to allow extension of the system to serve such areas.*

Drainage and stormwater management will be provided as shown on the Composite Utility Plan on Sheet C150 in Exhibit "B". It shows storm drainage from the street and lots being directed to City storm drainage infrastructure along Bay Boulevard. Since the 2018 approval, the applicant has refined the design in coordination with the Newport Public Works Department. That work included the hydraulic analysis needed to confirm that the downstream piped system has capacity to accept the additional flows (ref: Attachment "F"). This standard has been met.

(s) *NMC Section 14.48.035(A)(3), Sanitary Sewers. Sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the City, and sewer mains shall be installed in streets as necessary to connect each lot or parcel to the city's sewer system.*

Sanitary sewers will be installed to serve each lot as shown on the Composite Utility Plan on Sheet C150 in Exhibit "B". This standard is met.

(t) *NMC Section 14.48.035(A)(4), Water. Water mains shall be installed to allow service to each lot or parcel and to allow for connection to the city system, and service lines or stubs to each lot shall be provided. Fire hydrants shall be installed as required by the Uniform Fire Code. The city may require that mains be extended to the boundary of the land division to provide for future extension or looping.*

Water connections will be provided to each lot as shown on the Composite Utility Plan on Sheet C150 in Exhibit "B". As noted in a June 4, 2018 letter, the City Engineer at the time indicated that the public portion of the water system serving this subdivision will need to be looped between SE Bay Blvd and Harbor Crescent Drive and the 2-inch line along SE Bay Blvd replaced, in order for there to be adequate service to the lots (Attachment "F"). Applicant's Sheet C150 reflects those requested changes. A fire hydrant is shown on the plans; however, the Fire Department will need to confirm that its placement conforms to fire code requirements. There is ample area along the proposed street to locate hydrants; therefore, it is feasible to defer exact placement to a condition of approval. This standard is met, as conditioned.

(u) *NMC Section 14.48.035(A)(5), Sidewalks.* *Sidewalks. Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:*

a. Delayed Sidewalk Construction. Where sidewalks are designed contiguous with the curb in residential areas, the subdivider may delay the placement of concrete for the sidewalks until such time as driveway aprons are established and constructed on individual lots. In such cases, sidewalks shall be installed and accepted by the city engineer prior to issuance of a certificate of occupancy.

Sidewalks are planned as shown on the street plans provided in Exhibit "B". The Applicant notes that they do not anticipate delaying sidewalk construction. This standard is met.

(v) *NMC Section 14.48.035(B), Public Improvement Procedures.*

B. Public Improvement Procedures. In addition to other requirements, public improvements installed by a developer that is dividing land, whether required or voluntarily provided, shall comply with this chapter, and with any public improvement standards or specifications adopted by the city. The following procedure shall be followed:

1. Improvement work, including excavation in the excess of 100 cubic yards, shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.

2. Improvement work shall not commence until after the city is notified, and, if work is discontinued for any reason, it shall not be resumed until after the city is notified.

3. Public improvements shall be constructed under the inspection and to the satisfaction of the city engineer. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

4. Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.

5. A map showing public improvements as built shall be filed with the city upon completion of the improvements.

6. Public improvements shall not be commenced until any appeals of the subdivision approval are resolved.

The applicant notes that all public improvements shown in the Subdivision Plans are intended to comply with applicable City standards. Further, applicant acknowledges the above procedural requirements. The standards can be met.

(w) *NMC Section 14.48.040, Adequacy of Public Facilities and Utilities.*

A. Tentative plans for land divisions shall be approved only if public facilities and utilities (electric and phone) can be provided to adequately service the land division as demonstrated by a written letter from the public facility provider or utility provider stating the requirements for the provision of public facilities or utilities (electric and phone) to the proposed land division:

B. For public facilities of sewer, water, storm water, and streets, the letter must identify the:

1. Water main sizes and locations, and pumps needed, if any, to serve the land division.

2. Sewer mains sizes and locations, and pumping facilities needed, if any, to serve the land division.

3. Storm drainage facilities needed, if any, to handle any increased flow or concentration of surface drainage from the land division, or detention or retention facilities that could be used to eliminate need for additional conveyance capacity, without increasing erosion or flooding.

4. Street improvements outside of the proposed development that may be needed to adequately handle traffic generated from the proposed development.

Service provider letters with the required information are included in Attachment "A," Exhibit "E" and Attachment "F". This standard is met.

(x) *NMC Section 14.48.045(A), Underground Utilities and Service Facilities, Undergrounding. All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.*
The Applicant intends to coordinate with service providers to underground utilities as necessary. This standard can be met.

(y) *NMC Section 14.48.45(B), Underground Utilities and Service Facilities, Non-City-Owned Utilities. As part of the application for tentative land division approval, the applicant shall submit a copy of the preliminary plat to all non-city-owned utilities that will serve the proposed subdivision. The subdivider shall secure from the non-city-owned utilities, including but not limited to electrical, telephone, cable television, and natural gas utilities, a written statement that will set forth their extension policy to serve the proposed land division with underground facilities. The written statements from each utility shall be submitted to the city prior to the final approval of the plat for recording.*

Service provider letters from non-city-owned utilities are included in Exhibit "E". The layout for the subdivision was shared with these providers. This standard is met.

(z) *NMC Section 14.48.055(A), Miscellaneous, Street Lights. Street lights are required in all land divisions where a street is proposed. The city may adopt street light standards. In the absence of adopted standards, street lights shall be place in new land divisions to assure adequate lighting of streets and sidewalks within and adjacent to the land division.*

Street lights are planned as shown on the Composite Utility Plan on Sheet C150 of Exhibit "B". This standard is met.

(aa) *NMC Section 14.48.055(B), Miscellaneous, Street Signs. Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.*

The Applicant acknowledges this standard. This standard can be met.

(bb) *NMC Section 14.48.055(C), Miscellaneous, Monuments. Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.*

The Applicant has indicated that they understand that this standard must be met and intend to comply with it. The standard is advisory and has been included as a condition of approval.

(cc) *NMC Section 14.48.055(D), Miscellaneous, Exceptions for Planned Developments. The standards and requirements of this Chapter may be modified without an adjustment or variance for planned developments.*

The property is not within a planned development. The above standard does not apply.

(dd) *NMC Section 14.48.055(E), Adjustment or Variances. Adjustments or variances to this chapter not otherwise allowed by modification within this*

(dd) *NMC Section 14.48.055(E), Adjustment or Variances. Adjustments or variances to this chapter not otherwise allowed by modification within this chapter are subject to the standards and procedures for set forth in Chapter 14.33. Notice of the adjustment or variance request may be included in the legal notice for the hearing on the tentative plan for a subdivision or may be provided separately.*

The applicant notes that they have applied for a variance and provided responses to the standards set forth in Chapter 14.33 above. The public hearing notice references the applicant's variance request (Attachment "D"). This procedural requirement is met.

(ee) *NMC Section 14.48.055(F), Miscellaneous, Standards in Effect after Subdivision Approval. The land use standards in effect at the time of a subdivision approval apply to all applications for land use approval within the subdivision filed within 180 days of the subdivision approval. After that time, the land use standards in effect at the time the land use application is deemed complete shall apply to the land use application.*

The applicant notes that they are aware of this procedural requirement.

D. **Conclusion:** If the Planning Commission finds that the applicant meets the criteria established in the Municipal Code for granting the Tentative Subdivision Plat, Variance and Geologic Permit, then it can approve the request. The Commission may attach reasonable conditions of approval, which the Commission finds are necessary to satisfy the approval criteria. Conditions of approval must relate to the applicable approval criteria (i.e. there is a rational nexus) and they must be roughly proportional to the impact created by the development in order to be constitutionally permissible. The burden on demonstrating that conditions of approval have both a rational nexus and are roughly proportional is on the government, not the applicant. If, on the other hand, the Commission finds that the request does not comply with the criteria and cannot be made to comply through reasonable conditions of approval (as required by ORS 197.522), then the Commission should make findings for denial.

E. **Staff Recommendation:** Findings contained in this report establish that the proposed subdivision can satisfy City approval standards provided the following conditions are met:

1. It shall be the responsibility of the property owner to adhere to the recommendations contained in the Geotechnical Investigation for Fisherman's Wharf Estates, prepared by Foundation Engineering Inc., dated February 14, 2023 (the "Geologic Report").

2. Certification of land division compliance with the Geologic Reports (e.g. site grading, street and utility installations, etc.) is required prior to approval of the final plat. NMC 14.21.130 states that no development requiring a Geologic Report shall receive final approval until the city receives a written statement by a certified engineering geologist indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation

measures involve engineering solutions prepared by a licensed professional engineer, then the city must also receive an additional written statement of compliance by the design engineer.

3. Any sedimentation caused by stripping vegetation, grading, or other development, shall be removed from all adjoining surfaces and drainage systems and the affected areas returned to their original or equal condition prior to final plat approval.

4. Water, sewer, street and storm drainage infrastructure shall be installed as shown on the subdivision plans prepared by AKS Engineering and Forestry, LLC, stamped received by the City of Newport on September 23, 2019 and the February 14, 2023 Geotechnical Investigation by Foundation Engineering, including dedication of appurtenant easements. All public improvements shall be accepted by the Public Works Department prior to approval of the final plat for recording.

5. All public improvements shall be designed and built to design standards adopted by the City. Until such time as a formal set of public works design standards is adopted, improvements shall conform to any existing published set of standards designated by the City Engineer for the type of improvement.

6. All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.

7. Fire hydrant(s)s are to be installed as required by the 2019 Oregon Fire Code. Such hydrant(s) shall be located within public rights-of-way or public utility easements.

8. The applicant shall confirm the location of survey monuments for the Harbor Crescent Subdivision, where it borders the subject property, and shall ensure that site utilities are placed more than one foot away from said monuments.

9. Upon completion of street improvements, the applicant shall ensure that monuments are reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

10. Installation of public improvements, including excavation in the excess of 100 cubic yards, shall not occur until plans have been checked for adequacy and approved by the City, and shall not be commenced until after the City is notified.

11. All public improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The City may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

12. Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.

13. A map showing public improvements "as-builts" shall be filed with the city upon completion of the improvements.

14. A final plat shall be submitted within two years of the tentative plat (i.e. concept map) approval. The developer shall finalize the survey, secure the signatures on the plat from all impacted owners, and prepare necessary conveyance documents to ensure that the lot configuration, ownership, and rights-of-way are established as illustrated on the tentative plat. The final plat shall be in conformance with the approved tentative plan, this chapter, ORS Chapter 92, and standards of the Lincoln County Surveyor.

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

March 23, 2023

Fisherman's Wharf Estates Subdivision, Geologic Permit, and Variance Application

Submitted to: City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365

Applicant: The Greyson and Amelia Irrevocable Trust U/A/D
Contact: Joseph McDonald, Trustee
1100 SW Sixth Avenue, #1400
Portland, OR 97204

Property Owner: The Greyson and Amelia Irrevocable Trust U/A/D
Contact: Joseph McDonald, Trustee
1100 SW Sixth Avenue, #1400
Portland, OR 97204

Applicant's Consultant: AKS Engineering & Forestry, LLC
3700 River Road N Suite 1
Keizer, OR 97303

Planning Contact: Zach Pelz, AICP
Email: pelzz@aks-eng.com
Engineering Contact: Lyle Misbach, PE, CFM
Email: misbachl@aks-eng.com
Phone: (503) 400-6028

Site Location: 1005 SE Bay Boulevard

Lincoln County Assessor's Map: 11 11 09CB Tax Lot 400

Site Size: ±1.81 acres

Land Use Districts: R-2, Medium Density Residential

I. Executive Summary

The Greyson and Amelia Irrevocable Trust U/A/D (Applicant) is pleased to submit this application for a tentative subdivision, Geologic Permit, and variance for Tax Lot 400 (Lincoln County Assessor's Map 11 11 09 CB) located at 1005 SE Bay Boulevard. Eleven lots are planned for future single-family detached units and/or duplexes. The lots will be accessed by a new public street (shown as Anchor Way in Exhibit B) connecting to SE Bay Boulevard. The essential components of the project include:

- 11 new lots to accommodate future single-family homes and/or duplexes;
- A new public street constructed to local street standards, including 36 feet of pavement width, sidewalks, curbs, gutters, and streetlights;
- New public water, sanitary sewer, and stormwater infrastructure; and
- A Geologic Permit application to demonstrate compliance with the applicable criteria of these local regulations.

Applicant previously applied for a tentative subdivision plat, Geologic Permit, and variance for this 11-lot residential subdivision and received initial approval on October 22, 2018. The subsequent construction plans and permits were approved in September 2019, and construction was set to begin in June 2020. Due to extenuating circumstances (including personal health-related complications afflicting Applicant and market uncertainty created by the worldwide coronavirus pandemic), Applicant was not able to move forward with construction under the original schedule. A one-year extension of the land use approval was granted in October 2021 and that extended the final plat recording deadline to October 2022; however, unfortunately, the property owner continued to experience a decline in health that precluded completion of the approved project by the October 2022 deadline and the approval therefore expired.

Per Oregon Revised Statutes Section 227.178(3)(a), the City's decision in this matter must be based upon the applicable criteria in place upon the date the application is submitted. Several amendments to the Newport Municipal Code have occurred since the previously approved subdivision was submitted and therefore, this application attempts to clearly synthesize the scope of such changes in its demonstration of continued compliance with all relevant approval criteria. Table 1 provides a summary of relevant amendments to the Newport Municipal Code which have occurred between the submittal date of the original application and the application that is the subject of this request.

While code amendments related to transportation system plan and other related updates have occurred, the bulk of the decision criteria remain as they were during the decision on the 2018 application. As provided throughout this narrative and the accompanying exhibits, this application demonstrates that all relevant criteria are satisfied and therefore the City can once again find sufficient legal support to approve this request.

This application includes the City of Newport (City) application forms, written materials, and subdivision plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

Code Standard	2018 Standard	Current Standard	Comments
Land Division	Title XIII	14.48	Land division criteria were moved into Chapter 14 – Zoning. Plans continue to comply with applicable standards.
Land Division - Application Requirements	13.05.070(A)(10)	14.48.010(A)(10)	Reference chapter language changed. Plans continue to comply with applicable standards.
Land Division - Application Requirements	13.05.070(B)	14.48.010(B)	Criteria language changed. Plans continue to comply with applicable standards.
Land Division – Streets	13.05.015	14.48.015	Streets criterion was moved to Chapter 14 and must meet criterion for Section 14.44.060. Plans continue to comply with applicable standards.
Land Division – Streets	13.05.015	14.44.060	Section A from 2018 criterion has been removed from current code. 14.44.060 A-B criterion language has changed since 2018 including Tables 14.44.060-A and 14.44.060-B. Plans continue to comply with applicable standards.
Land Division – Blocks	13.05.020	14.48.020	A-B criterion has changed since 2018. Plans continue to comply with applicable standards.
Land Division – Easements	13.05.025	14.048.025	Standard language did not change. Criteria were moved to Chapter 14. Plans continue to comply with applicable standards.
Land Division – Lots and Parcels	13.05.030	14.48.030	A-F criteria did not change; G-H criteria language changed. Plans continue to comply with applicable standards.
Land Division – Public Improvement Requirements	13.05.040	14.48.035	Code chapter and language changed for standards. Plans continue to comply with applicable standards.
Land Division – Adequacy of Public Facilities and Utilities	13.05.045	14.48.040	Standard language did not change. Criteria were moved to Chapter 14. Plans continue to comply with applicable standards.
Land Division – Underground Utilities and Service Facilities	13.05.0050	14.48.045	Standard language did not change. Criteria were moved to Chapter 14. Plans continue to comply with applicable standards.
Land Division – Street Lights	13.05.055	14.48.055 (A)	Applicable criteria did not change. Criterion assigned A – C sections. Now listed under Miscellaneous. Plans continue to comply with applicable standards.

Code Standard	2018 Standard	Current Standard	Comments
Land Division – Street Signs	13.05.060	14.48.055(B)	All now listed under Miscellaneous. Language is the same. Plans continue to comply with applicable standards.
Land Division – Monuments	13.05.065	14.48.055(C)	Under Miscellaneous now. Language is the same. Plans continue to comply with applicable standards.
Transportation Standards – Streets, Pathways, Accessways, and Trails	13.05.015	14.44.060	Table 14.44.060-A was moved to 14.44.060 and updated to include new TSP requirements. Criteria for old standard has changed as well. Plans continue to comply with applicable standards.
Transportation Standards – Streets, Pathways, Accessways, and Trails	13.05.015	14.44.060	A-B and H-I criteria language changed; C-G and J-L language is the same in the current code and only subsection numbering/lettering changed. Plans continue to comply with applicable standards.

Table 1 - Summary of Relevant Municipal Code Standards that have Changed Since 2018 Application

II. Site Description/Setting

The project includes Tax Lot 400 (Lincoln County Assessor's Map 11 11 09 CB) located at 1005 SE Bay Boulevard. The site is ±1.81 acres, zoned R-2 (medium density residential) and is located within a geologic hazard overlay zone. SE Bay Boulevard along the frontage of the property is fully improved with two travel lanes, curbs, gutters, sidewalks, and bike lanes. The north side of the roadway has a substandard curbed street approach for access to the lot with older truncated domes installed in the sidewalk on each side of the approach. The property to the southeast is uphill from the subject property and is part of a planned unit development (PUD) that has already been developed with detached homes and a private street connection (SE Harbor Crescent Drive) to SE Bay Boulevard. The property to the northwest is lower in elevation than the site and is developed as a mobile home park, with private driveway access onto SE Bay Boulevard. The terrain on the site slopes gently to moderately to the north and west. An existing drainage swale (with a large culvert crossing SE Bay Boulevard) at the base of the north and west slopes separates the site from adjacent properties.

III. Applicable Review Criteria

This application involves the development of land for housing. ORS 197.307(4) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. In addition, this application involves a "limited land use decision" as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

Oregon Courts and the Land Use Board of Appeals (LUBA) have generally held that an approval standard is not clear and objective if it imposes on an applicant "subjective, value-laden analyses that are designed to balance or mitigate impacts of the development" (Rogue Valley Association of Realtors v. City of

Ashland, 35 Or LUBA 139, 158 [1998] aff'd, 158 Or App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the housing statutes apply to this application. [The exceptions in ORS 197.307(5) do not apply to this application].

ORS 197.195(1) describes how certain standards can be applied as part of a limited land use application. The applicable land use regulations for this application are found in Newport Municipal Code Chapters 14.03, 14.10, 14.11, 14.12, 14.14, 14.17. 14.21, 14.33, and 14.48. Pursuant to ORS 197.195(1) Comprehensive Plan provisions (as well as goals, policies, etc. from within the adopted elements of the Comprehensive Plan) may not be used as a basis for a decision or an appeal of a decision unless they are specifically incorporated into the land use regulations. While this application may respond to Comprehensive Plan and/or related documents, such a response does not imply or concede that said provisions are applicable approval criteria. Similarly, the applicant does not waive its right to object to the attempted implementation of these provisions unless they are specifically listed in the applicable land use regulations, as is required by ORS 197.195(1).

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. In fact, the local government is obligated to consider and impose any conditions of approval proposed by the applicant if such conditions would allow the local government to approve an application that would not otherwise meet applicable approval criteria.

NEWPORT MUNICIPAL CODE

TITLE XIV - ZONING

CHAPTER 14.03 ZONING DISTRICTS

14.03.050 Residential Uses.

The following list sets forth the uses allowed within the residential land use classification. Uses not identified herein are not allowed.

"P" = Permitted uses.

"C" = Conditional uses; permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

Residential Uses Table		
		R-2
A.	Residential	
	1. Single-family	P
	2. Two-family	P

Response: Detached homes and/or duplexes for residential use are planned for this subdivision. These uses are permitted in the R-2 zoning district. This standard is met.

CHAPTER 14.10 **HEIGHT LIMITATIONS AND COMMUNICATION FACILITY STANDARDS**

14.10.010 **Height Limitations**

A building, structure, or portion thereof hereafter erected shall not exceed the height listed in Table A for the zone indicated except as provided for in Sections 14.10.020, General Exceptions to Building Height Limitations and 14.10.030, Special Exceptions to Building Height Limitations.

Response: Building heights will be reviewed with building permit applications for the future homes on the lots within the planned subdivision. Therefore, the applicable standards can be met.

CHAPTER 14.11 **REQUIRED YARD AND SETBACKS**

14.11.010 **Required Yards**

A building, or portion thereof, hereafter erected shall not intrude into the required yard listed in Table A of NMC 14.13.020 for the zone indicated.

Response: Setbacks will be reviewed with building permit applications for the future homes on the lots within the planned subdivision. The planned lots meet the applicable dimensional requirements for the R-2 zoning district. Therefore, the applicable standards can be met.

14.11.020 **Required Recreation Areas**

All multi-family dwellings, hotels, motels, manufactured dwelling parks, trailer parks, and recreational vehicle parks shall provide for each unit a minimum of 50 square feet of enclosed outdoor area landscaped or improved for recreation purposes exclusive of required yards such as a patio, deck, or terrace.

Response: Multiple-family dwellings are not planned for this project. This standard does not apply.

14.11.030 **Garage Setback**

The entrance to a garage or carport shall be set back at least 20 feet from the access street for all residential structures.

Response: Garage setbacks will be reviewed with building permit applications for the homes on the lots within the planned subdivision. The planned lots meet the applicable dimensional requirements for the R-2 zoning district. Therefore, the applicable standards can be met.

(***)

CHAPTER 14.12 **MINIMUM LOT SIZE**

14.12.010 **Minimum Size**

All lots hereafter created within the City of Newport shall have a minimum lot area and width as listed in Table A for the zone indicated. It is not the intent of the Zoning Ordinance to deprive owners of substandard lots the use of their property. Substandard single lots lawfully created prior to the passage of this Zoning Ordinance shall not be prevented from being built upon solely because the lot does not comply with the minimum lot size requirements of this ordinance. However, the density standards shall apply to all partitioning or resubdivision of property in the future and to developments of over two dwelling units at one time.

Response: As shown on the Preliminary Plat on Sheet C003 of Exhibit B, all planned lots meet or exceed the minimum size requirements listed in Table A. This standard is met.

(***)

CHAPTER 14.13 DENSITY LIMITATIONS

14.13.010 Density Limitations

A residential building structure or portion thereof hereafter erected shall not exceed the maximum living unit density listed in Table A, as hereinafter set forth, for the zone indicated, except in the case of a lot having less than is required and of record prior to December 5, 1966, which may be occupied by a single-family dwelling unit, providing other requirements of this ordinance are complied with, except to the extent that a higher density may specifically be allowed by any term or provision of this Ordinance.

(BY THIS REFERENCE, THERE IS INCLUDED HEREIN AND MADE A PART HEREOF, A TABLE OF DENSITY AND OTHER REQUIREMENTS, DESIGNATED "TABLE A".)

NMC 14.13.020 – TABLE "A"								
District	Minimum Lot Area (Sq. Ft.)	Minimum Width	Setback Requirements: Front/ 2nd Front	Side	Rear	Lot Coverage in Percent	Maximum Building Height	Density in Sq. Ft. Per Unit
R-2/ Medium Density Single-Family Residential								
Duplex on interior lot	5,000	50'	15' and 15' or 20' and 10'	5'	10'	57%	30'	2,500
House	5,000	50'	15' and 15' or 20' and 10'	5'	10'	57%	30'	5,000

Response: As shown on the Preliminary Plat on Sheet C003 of Exhibit B, all the planned lots meet the density requirements listed in Table A. This standard is met. Further, Applicant understands that per recent middle housing legislation adopted by the Oregon Legislature and applicable to the City of Newport, duplex homes may be allowed on all lots that allow single-family detached homes, regardless of the density standards in Table A above.

CHAPTER 14.14 PARKING AND LOADING REQUIREMENTS

14.14.030 Number of Parking Spaces Required

Off-street parking shall be provided and maintained as set forth in this section. Such off-street parking spaces shall be provided prior to issuance of a final building inspection, certificate of occupancy for a building, or occupancy, whichever occurs first. For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of Section 14.14.050, Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based on the increase of the new use. Any use requiring any fraction of a space shall provide the entire space. In the case of mixed uses such as a restaurant or gift shop in a hotel, the total requirement shall be the sum of the requirements for the uses computed separately. Required parking shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be

used for the storage of vehicles or materials or for the sale of merchandise. A site plan, drawn to scale, shall accompany a request for a land use or building permit. Such plan shall demonstrate how the parking requirements required by this section are met.

Parking shall be required at the following rate. All calculations shall be based on gross floor area unless otherwise stated.

Required Parking Spaces		
	Use	Required Number of Spaces
19.	Single-Family Detached Residence (one space may be the driveway between garage and front property line)	2 spaces/ dwelling
20.	Duplex	1 space/dwelling

Response: Parking spaces will be reviewed with the building permits for the future homes built on the lots. No new building permits have been submitted. Therefore, this standard does not apply. However, at least two spaces are anticipated for each single-family detached unit; one is anticipated in a garage and one in each driveway. A minimum of one space is anticipated for each duplex dwelling unit. The lot dimension standards for the R-2 zoning district are met. Therefore, the standard can be met.

(***)

CHAPTER 14.17 CLEAR VISION AREAS

14.17.030 Clear Vision Area Requirements

A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees located within a clear vision area shall have their branches and foliage removed to the height of eight feet above the grade.

Response: No plantings, fences, walls, or other structures are planned within a clear vision area. This standard is met.

(***)

CHAPTER 14.21 GEOLOGIC HAZARDS OVERLAY

14.21.020 Applicability of Geologic Hazards Regulations

A. The following are areas of known geologic hazards or are potentially hazardous and are therefore subject to the requirements of Section 14.21:

1. Bluff or dune backed shoreline areas within high or active hazard zones identified in the Department of Geology and Mineral Industries (DOGAMI) Open File Report 0-04-09 Evaluation of Coastal Erosion Hazard Zones along Dune and Bluff Backed Shorelines in Lincoln County, Oregon: Cascade Head to Seal Rock, Technical Report to Lincoln County, dated 2004.

2. Active or potential landslide areas, prehistoric landslides, or other landslide risk areas identified in the DOGAMI Open File Report 0-04-09.

3. Any other documented geologic hazard area on file, at the time of inquiry, in the office of the City of Newport Community Development Department.

Response: The North Newport Natural Hazard Overlay Zones Map shows the subject property is in the Geologic Hazard Area. These regulations apply. An updated geotechnical report is included as Exhibit G.

"Documented geologic hazard area" means a unit of land that is shown by reasonable written evidence to contain geological characteristics/conditions which are hazardous or potentially hazardous for the improvement thereof.

Response: The subject property is documented in the North Newport Natural Hazard Overlay Zones Map. These regulations apply. An updated geotechnical report is included as Exhibit G.

B. The DOGAMI Open File Report 0-04-09 is not intended as a site specific analysis tool. The City will use DOGAMI Open File Report 0-04-09 to identify when a Geologic Report is needed on property prior to development. A Geologic Report that applies to a specific property and that identifies a proposed development on the property as being in a different hazard zone than that identified in DOGAMI Open File Report 0-04-09, shall control over DOGAMI Open File Report 0-04-09 and shall establish the bluff or dune-backed shoreline hazard zone or landslide risk area that applies to that specific property. The time restriction set forth in subsection 14.21.030 shall not apply to such determinations.

Response: An updated Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and includes the information required by the City for a Geologic Report. The Geotechnical Report indicates that new DOGAMI mapping characterizes the site and surrounding sites as relatively highly susceptible to landslide; however, field investigation documented in the Geotechnical Report provide no evidence of deep-seated failures, visible movement, instability indicators, or existing scarps. The Geotechnical Report concludes that there is a low potential for landslides or instability on site. This requirement is met.

C. In circumstances where a property owner establishes or a Geologic Report identifies that development, construction, or site clearing (including tree removal) will occur outside of a bluff or dune-backed shoreline hazard zone or landslide risk areas, as defined above, no further review is required under this Section 14.21.

Response: An updated Geotechnical Report for the subject property is included in Exhibit G. This requirement is met. The report documents that development, construction, or site clearing will occur outside the risk areas defined above. This standard is met.

D. If the results of a Geologic Report are substantially different than the hazard designations contained in DOGAMI Open File Report 0-04-09 then the city shall provide notice to the Department of Geology and Mineral Industries (DOGAMI) and Department of Land Conservation and Development (DLCD). The agencies will have 14 days to provide comments and the city shall consider agency comments and determine whether or not it is appropriate to issue a Geologic Permit.

Response: The findings in the Geotechnical Report in Exhibit G do not appear to conflict with the DOGAMI Open File Report. This standard is met.

14.21.030 Geologic Permit Required

All persons proposing development, construction, or site clearing (including tree removal) within a geologic hazard area as defined in 14.21 .010 shall obtain a Geologic Permit. The Geologic Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit required by the city. Unless otherwise provided by city ordinance or other provision of law, any Geologic Permit so issued shall be valid for the same period of time as a building permit issued under the Uniform Building Code then in effect.

Response: A geologic permit application and updated geotechnical report is included in this submittal. This requirement can be met.

14.21.050 Application Submittal Requirements

In addition to a land use application form with the information required in Section 14.52.020, an application for a Geologic Permit shall include the following:

A. A site plan that illustrates areas of disturbance, ground topography (contours), roads and driveways, an outline of wooded or naturally vegetated areas, watercourses, erosion control measures, and trees with a diameter of at least 8-inches dbh (diameter breast height) proposed for removal; and

Response: The Subdivision Plans in Exhibit B include the required information. The Existing Conditions Plan on Sheet C002 shows site plan contours and existing vegetation. The Grading and Demolition Plan on Sheet C070 illustrates the area of disturbance and proposed tree removal. The Grading and Erosion Control Plan sheets show erosion control measures. These requirements are met.

B. An estimate of depths and the extent of all proposed excavation and fill work; and

Response: The Grading and Erosion Control Plans in Exhibit B show estimated depths and extent of planned excavation and fill work. This requirement is met.

C. Identification of the bluff or dune-backed hazard zone or landslide hazard zone for the parcel or lot upon which development is to occur. In cases where properties are mapped with more than one hazard zone, a certified engineering geologist shall identify the hazard zone(s) within which development is proposed; and

Response: An updated Geotechnical Report for the property is included in Exhibit G and includes the location of the mapped landslide areas on the subject site. This requirement is met.

D. A Geologic Report prepared by a certified engineering geologist, establishing that the site is suitable for the proposed development; and

Response: An updated Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and confirms that the site is suitable for the planned development. This requirement is met.

E. An engineering report, prepared by a licensed civil engineer, geotechnical engineer, or certified engineering geologist (to the extent qualified), must be provided if engineering remediation is anticipated to make the site suitable for the proposed development.

Response: An updated Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and includes the information required by the City for a Geologic Report. The report concludes that the site is suitable for the planned project, and that the Subdivision Plans in Exhibit B comply with the recommendations in the report. This requirement is met.

14.21.070 Construction Limitations within Geologic Hazard Areas

A. New construction shall be limited to the recommendations, if any, contained in the Geologic Report; and

1. Property owners should consider use of construction techniques that will render new buildings readily moveable in the event they need to be relocated; and Page 563 Newport Municipal Code

2. Properties shall possess access of sufficient width and grade to permit new buildings to be relocated or dismantled and removed from the site.

Response: The Subdivision Plans in Exhibit B are intended to comply with the recommendations in the Geotechnical Report in Exhibit G. This requirement can be met.

14.21.090 Erosion Control Measures

In addition to completing a Geologic Report, a certified engineering geologist shall address the following standards.

A. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

B. Development plans shall minimize cut or fill operations so as to prevent off-site impacts;

C. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

D. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

E. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

F. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;

G. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure.

H. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;

I. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

1. Energy absorbing devices to reduce runoff water velocity;

2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

3. Dispersal of water runoff from developed areas over large undisturbed areas;

J. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and

K. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.

Response: The Grading and Erosion Control Plans in Exhibit B include appropriate grading and erosion control measures for the project and were prepared according to the recommendations in the Geotechnical Report in Exhibit G. These requirements are met.

CHAPTER 14.33 ADJUSTMENTS AND VARIANCES

14.33.020 General Provisions

A. Application for an Adjustment or Variance from a numerical standard including, but not limited to, size, height, or setback distance may be processed and authorized under a Type I or Type III decision-making procedure as provided by Section 14.52, Procedural Requirements, in addition to the provisions of this section.

Response: A variance to Section 14.44.060.I. is included in this application to allow the proposed "hammerhead" turnaround at the north end of the proposed local street to be constructed without sidewalks. This section authorizes the City to exempt this standard with a variance. A variance is included in the application. This standard is met.

B. No Adjustment or Variance from a numerical standard shall be allowed that would result in a use that is not allowed in the zoning district in which the property is located, or to increase densities in any residential zone.

Response: The variance will not change the planned use of the property. The planned residential use is permitted in the R-2 zoning district, and density standards are met. The standard is met.

C. In granting an Adjustment or Variance, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

Response: The variance is not anticipated to create any adverse impacts. the proposed "hammerhead" turnaround will not operate as a street that connects to the surrounding street network and will not carry through traffic at speeds typical of a local street. The

turnaround is designed to allow vehicles, including emergency vehicles, to either maneuver in and out of the driveways serving the future homes on Lots 5 through 9, or turn around to leave the subdivision, all at minimal speeds. Therefore, sidewalks are not needed to provide separation from faster moving vehicular traffic. As further described in Section 14.44.060, the planned width of the turnaround is narrower than the standard width for a local street. Therefore, the crossing distances between the new sidewalks on the proposed local street to the new lots along the turnaround will be similar to, or even less than, the distance required to cross a local street, and pedestrians will not need to negotiate cross traffic typical of a local street.

14.33.030 Approval Authority

Upon receipt of an application, the Community Development Director or designate shall determine if the request is to be processed as an Adjustment or as a Variance based on the standards established in this subsection. There shall be no appeal of the Director's determination as to the type of application and decision-making process, but the issue may be raised in any appeal from the final decision on the application.

A. A deviation of less than or equal to 10% of a numerical standard shall satisfy criteria for an Adjustment as determined by the Community Development Director using a Type I decision-making procedure.

B. A deviation of greater than 10%, but less than or equal to 40%, of a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.

C. Deviations of greater than 40% from a numerical standard shall satisfy criteria for a Variance as determined by the Planning Commission using a Type III decision-making procedure.

Response: The variance is combined with an application for a subdivision and will be processed as a Type III application. This standard is met.

14.33.040 Application Submittal Requirements

In addition to a land use application form with the information required in Section 14.52.080, the petition shall include a site plan prepared by a registered surveyor that is drawn to scale and illustrates proposed development on the subject property.

A. For requests to deviate from required setbacks, the site plan shall also show survey monuments along the property line subject to the Adjustment or Variance.

B. For requests to deviate from building height limitations, the application shall include exterior architectural elevations, drawn to scale, illustrating the proposed structure and adjoining finished ground elevations.

Response: Site plans are provided in the Subdivision Plans in Exhibit B. The variance does not request any deviation from the required setbacks or building heights. These requirements are met.

(***)

14.33.060 Criteria for Approval of a Variance

The approval authority may grant a Variance using a Type III decision-making process when it finds that the application complies with the following criteria:

A. A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

1. The size, shape, natural features, and topography of the property, or
2. The location or size of existing physical improvements on the site, or
3. The nature of the use compared to surrounding uses, or
4. The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district, or
5. A circumstance or condition that was not anticipated at the time the Code requirement was adopted.
6. The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.

Response: The circumstances and conditions 1, 3, and 4 apply to the property, as described below:

1. The variance is warranted based on the size, shape, natural features, and topography of the property. The turnaround configuration shown in the Subdivision Plans is planned to provide the best practical access to the new lots. The subject property is an irregularly shaped lot with a skewed orientation to SE Bay Boulevard which poses challenges to creating buildable lots that are as close as possible to rectangular in shape and with side lots lines that are, to the maximum extent possible, perpendicular to the boundaries of the property. Adding sidewalks to the turnaround would require additional street width, and subsequently additional grading, only to provide a short stretch of sidewalk that does not connect to adjacent properties, and which is frequently interrupted by residential driveways.

The topographic conditions of the property make it impractical to include sidewalks along the "hammerhead" turnaround. As shown in the Existing Conditions on Sheet C002 of Exhibit B, the site slopes moderately downhill from east to west. The proposed street profile shown on Sheet C101 of Exhibit B show the finished grade of the street in relation to existing grade. The drawings show the depth of cuts required to construct the street with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. Including sidewalks would significantly increase the excavation, filling, and grading needed to construct the turnaround while providing nominal, if any benefits to pedestrian safety and comfort.

3. The variance is warranted based on the nature of the use compared to surrounding uses: the "hammerhead" turnaround does not operate as a typical street because it will not connect to other streets either inside or outside of the subdivision. It will not carry traffic volumes at speeds typical of a standard local street and will have minimal cross traffic that pedestrians will need to negotiate to access Lots 5 through 9 from the new sidewalk on the proposed local street. Therefore, sidewalks are not necessary on the turnaround for pedestrian safety. Most of the streets in other subdivisions in the area do not have sidewalks, therefore the proposed local

street, even without a sidewalk on the turnaround will be improved to a higher standard than the streets that serve surrounding uses.

4. The variance is warranted because the zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district: As discussed under criterion 1 above, including sidewalks along the turnaround would require either reducing the size of the lots below the minimum dimensional standard in the R-2 zoning district or reducing the number of lots for the planned use below what would otherwise be possible on a more regularly shaped lot with flatter topography elsewhere in the R-2 zoning district. Most of the streets in other subdivisions in the area do not have sidewalks, and so the proposed local street will be improved to a higher standard than the streets that serve surrounding uses.

The circumstances and conditions 1, 3, and 4 apply to the property. Therefore, this criterion is met.

B. The circumstance or condition in "A" above is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

Response: The circumstances and conditions are discussed in the response to Section 14.33.060.A above. These circumstances and conditions are not the result of the personal circumstance of the owner. Therefore, this criterion is met.

C. There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

Response: The practical difficulty and unnecessary hardship that would be imposed by requiring sidewalks on the "hammerhead" turnaround are discussed in the response to Section 14.33.060.A above. Requiring sidewalks along this turnaround would restrict the property from being developed to its fullest potential. Furthermore, sidewalks would not improve access for pedestrians. This criterion is met.

D. Authorization of the Variance will not result in substantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations.

Response: The variance will not create any adverse impact to surrounding properties. The turnaround will not serve as a typical through street and will not connect to the surrounding street network. The future homes on Lots 5 through 9 will be the only uses served by the street that will generate traffic. Therefore, only the subject property is impacted by the variance. Furthermore, streets in the vicinity (such as SE Harbor Crescent Drive) that serve development on adjoining properties do not have sidewalks. With the variance, the proposed street will be improved to a higher level than what is typical of other streets in the vicinity.

E. The Variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.

Response: Utilities are planned as shown on the Composite Utility Plan on Sheet C150 of Exhibit B. The variance will not hinder provision or access to utilities or fire access. This criterion is met.

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

Response: The variance will not result in any impacts requiring mitigation. This criterion does not apply.

14.44.040 Conditions of Development Approval

No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact.

Response: Public improvements are planned as shown in the Subdivision Plans in Exhibit B. The Applicant believes these improvements to be roughly proportional to the impact of the development. Additional improvements are not anticipated. The Applicant understands that, if the City chooses to require additional improvements as conditions of approval, the City must provide defensible findings showing that the additional requirements are roughly proportional to the impact of the development. This standard, to the extent that it applies, is met.

14.44.050 Transportation Standards

A. Street Improvement Requirements. Streets within or adjacent to a land division, development of new streets, and planned improvements to existing streets shall satisfy the requirements of Section 14.44.060, and public streets shall be dedicated to the applicable road authority.

Response: SE Bay Boulevard is fully improved to City standards. No further improvements to SE Bay Boulevard are necessary. New streets are planned to serve the new lots as shown on the street plan and profile views shown on Sheet C101 of Exhibit B. A modification is requested to the applicable street standards for the "hammerhead" turnaround. A variance is included to exempt this turnaround from the sidewalk requirement in Section 14.44.060.I. This standard is met with the requested variance.

B. Substandard streets. Substandard streets adjacent to existing lots or parcels shall be brought into conformance with the standards of Section 14.44.060 when new development or redevelopment of the lots or parcels will place additional demands on the streets and related city utilities.

Response: There are no substandard streets adjacent to the existing lot. This standard does not apply.

C. Neighborhood Traffic Management. Traffic calming measures such as speed tables, curb bulb outs, traffic circles, and other solutions may be identified as required on-site or off-site improvements for development along Neighborhood Collector or Local Streets.

Response: The Applicant acknowledges this standard, and it can be met.

D. Guarantee. The city may accept a future improvement guarantee in the form of a cash deposit, surety bond, letter of credit or non-remonstrance agreement, in lieu of street improvements, if it determines that one or more of the following conditions exist:

1. A partial improvement may create a potential safety hazard to motorists or pedestrians;
2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
3. The improvement is funded and programmed for construction in an adopted capital improvement plan; or
4. The improvement is associated with an approved land partition or minor replat and the proposed land partition does not create any new streets.

Response: The Applicant is not applying for a fee in lieu at this time. The above standard is not applicable.

E. Creation of Rights-of-Way for Streets and Related Purposes. Streets may be created through the approval and recording of a final subdivision or partition plat pursuant to Chapter 14.48; by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Transportation System Plan and the deeded right-of-way conforms to the standards of this Code; or other means as provided by state law.

Response: This Applicant is applying for tentative subdivision approval and has addressed the applicable street standards throughout this narrative. The criterion is met.

F. Creation of Access Easements. The city may approve an access easement when the easement is necessary to provide viable access to a developable lot or parcel and there is not sufficient room for public right-of-way due to topography, lot configuration, or placement of existing buildings. Access easements shall be created and maintained in accordance with the Oregon Fire Code.

Response: The Applicant is not proposing the creation of access easements. The development will be accessible by way of public rights-of-way. The public local street is further discussed in this narrative.

G. Street Location, Width, and Grade. The location, width and grade of all streets shall conform to the Transportation System Plan, subdivision plat, or street plan, as applicable and are to be constructed in a manner consistent with adopted City of Newport Engineering Design Criteria, Standard Specifications and Details. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the

proposed use of the land to be served by such streets, pursuant to the requirements of this Chapter.

Response: One new street is planned for the subdivision as shown on Sheet C101 of Exhibit B. This proposed local street is planned to meet all applicable City standards for a local street. A request to reduce the overall width of the "hammerhead" turnaround at the end of the street from the standards for a local street is included in this application. The criterion is met.

H. Transit improvements. Developments that are proposed on the same site as, or adjacent to, an existing or planned transit stop, as designated in the Lincoln County Transit District's 2018 Transit Development Plan, shall provide the following transit access and supportive improvements in coordination with the transit service provider:

1. Reasonably direct pedestrian and bicycle connections between the transit stop and primary entrances of the buildings on site, consistent with the definition of "reasonably direct" in Section 14.01.020.
2. The primary entrance of the building closest to the street where the transit stop is located shall be oriented to that street.
3. A transit passenger landing pad.
4. A passenger shelter or bench if such an improvement is identified in an adopted transportation or transit plan or if the transit stop is estimated by the Lincoln County Transit District to have at least 10 boardings per day.
5. Lighting at the transit stop.
6. Other improvements identified in an adopted transportation or transit plan, provided that the improvements are roughly proportional to the impact of the development.

Response: The planned development is not adjacent to nor on the same site as a transit stop. The above criteria are not applicable.

14.44.060 Streets, Pathways, Accessways, and Trails

A. Street Width and Cross Sections. Right-of-way and roadway widths shall conform to the Minimum Street Cross-Sections in the Transportation System Plan and the standards in Table 14.44.060-A.

Response: As shown on the Subdivision Plans in Exhibit B, the proposed local street is planned to meet the standard for a local street with ±36 feet of roadway width within ±50 feet of right-of-way. A "hammerhead" turnaround is planned to also provide access to Lots 5 through 9 with ±26 feet of pavement width within ±30 feet of right-of-way. A request to reduce the overall width of this turnaround from the standards for a local street is included in this application. This modification is justified due to the relation of the street to the existing and planned streets, the topographical conditions on-site, public safety, the character of the roadway as a turnaround, and the proposed use of the land to be served by the street.

As shown in the Existing Conditions on Sheet C002 of Exhibit B, the site slopes moderately downhill from east to west. The street profiles on Sheet C101 of Exhibit B show the finished grade of the street in relation to existing grade. The drawings show the depth of

cuts required to construct the turnaround with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. A standard width local street as applied to this turnaround would increase the cutting, filling, and grading required to meet these standards without providing additional benefit given the use of the street.

The land served by the turnaround will be used for detached homes and/or duplexes. The turnaround will be used by the residents to maneuver at minimal speeds in and out of the driveways serving the homes on the new lots. The turnaround will not connect to the surrounding street network, other than the connection to the proposed local street as shown on the plans in Exhibit B. The turnaround will not serve other uses outside the subject property. Therefore, the planned use will not generate traffic volumes that would warrant additional pavement width.

The size and shape to the property also make it impractical to provide buildable sites if the turnaround was built to full local street width. The subject property is an irregularly shaped lot with a skewed orientation to SE Bay Boulevard. The hammerhead configuration enables a logical and efficient plat layout with buildable lots that are as close to rectangular in shape as possible, with side lot lines that run at approximately right angles to the streets they face, while meeting the dimensional standards in the R-2 zoning district. A full local street width applied to this turnaround would restrict the buildable sites that would otherwise be permitted on the property that meet the dimensional standards of the R-2 zoning district. With the requested modification, these standards are met.

Minimum Right-of-Way and Roadway Widths		
Functional Classification	**Minimum Right-of-Way Width**	**Minimum Roadway Width**
Major Collector	**70-ft**	**48-ft**
Neighborhood Collector	**50-ft**	**36-ft**
Local	**50-ft**	**36-ft**
Yield Street	**40-ft**	**24-ft**
Shared Street	**30-ft**	**16-ft [1]**

B. Travel Lane and On-Street Parking. Travel lanes and on-street parking areas shall be sized in accordance with the standards in Table 14.44.060-B

Response: The proposed local street meets the width requirements for travel lanes and on-street parking for the site. This standard is met.

Minimum On-Street parking and Roadway Widths					
Roadway Classification	Arterial Street 1	Major Collector	Neighborhood Collector	Local Street	Yield Street 2
Through Lanes	2 to 4	2	2	2	1
Min. Lane Width	11-12 ft.3	10 ft.4	10 ft.4	10 ft.	12-16 ft.
Median/Center Turn Lane	11-14 ft 6	11 ft. 7	11 ft. 7	None	None
Min. On-Street Parking Width	Context Dependent, 7-8ft.	8 ft.	8 ft.	7-8 ft.	7-ft one side8

C. If the required cross-section is wider than the available right-of-way, coordination with the City of Newport is required to determine whether right-of-way dedication is necessary or design elements can be narrowed or removed. Any modifications to the minimum street crosssection require approval pursuant to the requirements of Section 14.33.100 – Transportation Mitigation Procedure. Requests for modifications involving ODOT facilities will require review and approval by ODOT.

Response: The Applicant is not proposing a cross section wider than the available right-of-way width. The above standard is not applicable.

D. Reserve Strips. Reserve strips giving a private property owner control of access to streets are not allowed.

Response: No reserve strips are planned. This standard is met.

E. Alignment. As far as practicable, Arterial, Collector, and Neighborhood Collector Streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in T intersections are unavoidable, they shall leave a minimum of 200 ft. between the nearest edges of the two rights-of-way. This requirement may be modified by the approval authority if topography or other conditions make it impractical to satisfy the standard.

Response: A new local street is planned to provide access to the new lots as shown on the Subdivision Plans in Exhibit B. This standard applies to streets other than local streets. Therefore, this standard does not apply.

F. Future Extensions of Streets. Proposed streets within a land division shall be extended to the boundary of the land division. A turnaround if required by the Uniform Fire Code will be required to be provided. If the approval authority determines that it is not necessary to extend the streets to allow the future division of adjoining land in accordance with this chapter, then this requirement may be modified such that a proposed street does not have to be extended to the boundary of the land division.

Response: A local street is planned with a "hammerhead" turnaround configuration that meets the fire access requirement. This layout was reviewed by the City of Newport in 2019, and again by the City Fire Chief at the pre-application conference on December 9, 2022. The surrounding properties are fully developed and extending the street to the property boundary is not necessary to provide access to future development. This standard is met.

G. Intersection Angles:

1. Streets shall be laid out to intersect at right angles.
2. An arterial intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.
3. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection.
4. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.
5. No more than two streets may intersect at any one point.
6. If it is impractical due to topography or other conditions that require a lesser angle, the requirements of this section may be modified by the approval authority. In no case shall the acute angle in Subsection G.(1.) be less than 80 degrees unless there is a special intersection design.

Response: As shown on the Subdivision Plans in Exhibit B, the new local street will create an intersection that meet the above requirements. These standards are met.

H. Half Street. Half streets are not allowed. Modifications to this requirement may be made by the approving authority to allow half streets only where essential to the reasonable development of the property, when in conformity with the other requirements of these regulations and when the city finds it will be practical to require the dedication of the other half when the adjoining property is divided or developed.

Response: Full-street improvements will be provided as shown in the Subdivision Plans in Exhibit B. The boundary frontage along SE Bay Boulevard is fully improved. This standard is met.

I. Sidewalks. Sidewalks in conformance with the city's adopted sidewalk design standards are required as outlined in the adopted Transportations System Plan and Table 14.44.060(C) below. Any modifications to the sidewalk standards require approval pursuant to the requirements of Section 14.33.100 – Transportation Mitigation Procedure. Requests for modifications involving ODOT facilities will require review and approval by ODOT.

Response: Sidewalks are planned on both sides of the proposed local street, as shown on the Subdivision Plans in Exhibit B. SE Bay Boulevard is already improved with sidewalks and no additional improvements are necessary beyond repairs to the existing sidewalks if damaged during construction. A variance is included with this application to exempt the "hammerhead" turnaround from the sidewalk requirement. Responses to the applicable variance criteria are provided in Section 14.33.060 above. This standard is met with the included variance.

J. Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around meeting minimum Oregon Fire Code requirements. Modifications to this requirement may be made by the approving authority. A pedestrian or bicycle accessway may be required by easement or dedication by the approving authority to connect from a cul-de-sac to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a modification

is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division or development.

Response: A cul-de-sac is not planned for this project. Therefore, this standard does not apply. Nevertheless, a hammerhead turnaround is planned at the intersection of the two local streets; Street A is planned to be less than 400 feet in length, and the 11 planned lots are planned to be developed with single-family homes and/or duplexes with no more than 18 total units. This configuration was reviewed by the Fire Chief at the pre-application conference on December 9, 2022.

K. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city, as evident in the physical landscape and described in City of Newport Ordinance No. 665, as amended.

Response: The new street will be given a name that does not duplicate existing street names in the City of Newport. This standard can be met.

L. Alleys. Alleys shall be provided in commercial and industrial districts. If other permanent provisions for access to off-street parking and loading facilities are provided, the approving authority is authorized to modify this provision if a determination is made that the other permanent provisions for access to off-street parking and loading facilities are adequate to assure such access. The corners of alley intersections shall have a radius of not less than 12 feet.

Response: The project is not in a commercial or industrial district. This standard does not apply.

CHAPTER 14.48 LAND DIVISIONS

14.48.010 Application Requirements

A. A person seeking approval of a land division shall submit the following to the Community Development Department:

1. A completed city application form signed by the owner of the property or an authorized agent. If the application form is signed by an authorized agent, it must be accompanied by a document signed by the property owner authorizing the agent to act for the owner in the land division process.

2. A tentative plan containing the information identified in Section 14.48.010(C).

3. A narrative listing each applicable approval criterion or standard and an explanation as to how the criterion or standard is met.

4. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities will be extended to connect to existing streets and utilities and may be connected to future streets and utilities.

5. Proposed deed restrictions, if any, in outline form.

6. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.

7. A plan for domestic water supply lines and related water service facilities.

8. Proposals for sewage disposal, storm water drainage, and flood control, including profiles of proposed drainage ways.

9. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.

10. Where geologic hazards are known to exist on part or all of the property in question based on adopted maps of the City of Newport, a geologic hazard report is required and shall be provided in accordance with the requirements of Chapter 14.21. The report must clearly state what measures will be taken to safeguard against existing hazards.

11. Written letters from public facilities (water, sewer, storm water, and streets) and utilities (electric and phone) identifying requirements for providing service to the land division.

12. An application fee in an amount set by City Council resolution.

13. A Trip Assessment Letter, if required by Chapter 14.43.

14. A Traffic Impact Analysis, if required by Chapter 14.45.

15. Other materials that the applicant believes relevant or that may be required by the city.

Response: The application forms, narrative, and Subdivision Plans containing the required information are included in this application. At the pre-application conference on December 9, 2022, City staff indicated that neither a Trip Assessment Letter nor a Traffic Impact Analysis are required for this project. These requirements are met.

B. The tentative plan of a land division shall be drawn such that the dimensions can be verified with the standard tick marks depicted on an Engineer's or Architects scale.

Response: The Subdivision Plans are included in Exhibit B. This requirement is met.

C. The following general information shall be shown on the tentative plan of the land division:

1. If a subdivision, the proposed name of the subdivision. This name shall not duplicate or resemble the name of another subdivision in the county and shall be approved by the Planning Commission.

2. Date, northpoint, and scale of the drawing.

3. Appropriate identification of the drawing as a tentative plan.

4. Location of the property being divided sufficient to define its location and boundaries, and a legal description of the entire property being divided.

5. Names and addresses of the owner, the applicant if different from the owner, and the engineer and/or surveyor.

6. The following existing conditions shall be shown on the tentative plan:

a. The location, widths, and names of existing streets and undeveloped rights of way within or adjacent to the tract, any existing easements, and other important features such as

section lines, section corners, city boundary lines, and monuments.

b. Contour lines related to some established bench mark or other datum approved by the city and having minimum intervals as follows:

i. For slopes of less than 5 percent: show the direction of slope by means of arrows or other suitable symbols, together with not less than four (4) spot elevations per acre, evenly distributed.

ii. For slopes of 5 percent to 15 percent: five (5) feet.

iii. For slopes of 15 percent to 20 percent: 10 feet.

iv. For slopes of over 20 percent: 20 feet.

c. The location and direction of water courses and the location of areas subject to flooding.

d. Natural features such as wetlands, tidelands, marshes, or any natural resource identified as a protected

Statewide Land Use Planning Goal 5 or Goal 17 resource on maps adopted by the city shall be identified. Other features, such as rock outcroppings, wooded areas, and isolated trees that serve as the basis of any requested modifications to the land division standards shall also be identified.

e. Existing uses of the property and location of existing structures to remain on the property after platting.

f. The location within the land division and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, and utility lines.

Response: The Subdivision Plans with the required information are included in Exhibit B. These requirements are met.

7. The following information shall be included on the tentative plan of a subdivision.

a. The location, width, names, approximate grades, and radii of curves of proposed streets and the relationship of proposed streets to streets shown in the Transportation System Plan. Streets in existing adjacent developments and approved subdivisions and partitions shall also be shown, as well as potential street connections to adjoining undeveloped property.

b. The location, width, and purpose of proposed easements.

c. The location and approximate dimensions of proposed lots and the proposed lot and block numbers.

d. Proposed sites, if any, allocated for purposes other than single-family dwellings.

Response: The Subdivision Plans with the required information are included in Exhibit B. These requirements are met.

D. If the land division proposal pertains to only part of the property owned or controlled by the owner or applicant, the city may require a sketch of a tentative layout for streets in the undivided portion.

Response: This application pertains to the whole site. The above standard is not applicable.

14.48.020 Blocks

A. Blocks created in land divisions shall be consistent with the standards in Table 14.48.020-A Modifications to the standards may be made by the approving authority pursuant to the standards in Chapter 14.33 if the street is adjacent to an arterial street, the location of adjoining streets, or other constraints identified in Section 14.33.100 justify the modification.

B. Mid-block pedestrian and bicycle connections must be provided when the block length exceeds 300 feet to ensure convenient access for all users. Mid-block pedestrian and bicycle connections must be provided on a public easement or right-of-way every 300 feet, unless the connection is impractical due to topography, inadequate sight distance, high vehicle travel speeds, lack of supporting land use, or other factors that may prevent safe crossing; or a rational nexus to the proposed development is not established and the connection is not roughly proportional to the impacts created by the proposed land division.

Response: The subject property is surrounded by existing development. The proposed local street will connect to SE Bay Boulevard but will not connect to any other existing streets. No new blocks will be created with the planned subdivision. This standard does not apply.

14.48.025 Easements

A. Utility Lines. Easements for sewers and water mains shall be dedicated to the city wherever a utility is proposed outside of a public right-of-way. Such easements must be in a form acceptable to the city. Easements for electrical lines, or other public utilities outside of the public right-of-way shall be dedicated when requested by the utility provider. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements, which may be reduced to six (6) feet in width.

Response: Easements meeting the above requirements will be provided as shown on the Composite Utility Plan on Sheet C150 in Exhibit B. This standard is met.

B. Utility Infrastructure. Utilities may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

Response: Utilities will be provided as shown on the Composite Utility Plan on Sheet C150 in Exhibit B. This standard is met.

C. Water Course. If a tract is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.

Response: The subject property is not traversed by a water course. As shown on the Existing Conditions Plan on Sheet C002 in Exhibit B, there is a recorded storm drainage easement (Doc. No. 2006-05053) along the front portion of the lot. To the extent this standard applies, it is met.

14.48.030 Lots and Parcels

A. Size. The size (including minimum area and width) of lots and parcels shall be consistent with the applicable lot size provisions of the Zoning Ordinance, with the following exception:

Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

Response: As shown on the Preliminary Plat on Sheet C003 of Exhibit B, each new lot meets the applicable dimensional requirements in the R-2 zoning district. The subject property is not zoned or planned for business or industrial use. This standard is met.

B. Street Frontage. Each lot and parcel shall possess at least 25 feet of frontage along a street other than an alley.

Response: As shown on the Preliminary Plat on Sheet C003 in Exhibit B, each lot has at least 25 feet of frontage on the new streets. This standard is met.

C. Through Lots and Parcels. Through lots and parcels are not allowed. Modifications may be made by the approving authority where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. The approving authority may require a planting screen easement at least 10 feet wide and across which there shall be no right of access. Such easement may be required along the line of building sites abutting a traffic artery or other incompatible use.

Response: The rear lot lines on Lots 1 through 4 abut SE Harbor Crescent Drive, a private street. As shown on the Existing Conditions on Sheet C002 in Exhibit B, the lot drops steeply from the edge of SE Harbor Crescent Drive to the rear of these lots, creating natural separation from this private residential street. Functionally, these are not planned as through lots and additional screening or separation is not necessary because the private street is a low volume residential street. Therefore, a modification to this standard is necessary and warranted. This standard, as modified, is met.

D. Lot and Parcel Side Lines. The side lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

Modifications to this requirement may be made by the approving authority where it is impractical to do so due to topography or other conditions or when the efficient layout of the land division has the lines running as close to right angles (or radial) as practical.

Response: All lots run approximately at right angles to the new streets, as shown on the Preliminary Plat on Sheet C003 in Exhibit B. This standard is met.

E. Special Setback Lines. All special building setback lines, such as those proposed by the applicant or that are required by a geological report, which are to be established in a land division, shall be shown on the plat, or if temporary in nature, shall be included in the deed restrictions.

Response: All applicable setback lines are shown on the Preliminary Plat on Sheet C003 in Exhibit B. This standard is met.

F. Maximum lot and parcel size. Proposed lots and parcels shall not contain square footage of more than 175% of the required minimum lot size for the applicable zone. Modifications to this requirement may be made by the approving authority to allow greater square footage where topography or other conditions restrict further development potential or where the layout of the land division is designed and includes restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division into lots or parcels of appropriate size for the applicable zone designation.

Response: The minimum lot area in the R-2 zoning district is 5,000 square feet. As shown on the Preliminary Plat on Sheet C003 of Exhibit B, the largest lot planned is ±7,533 square feet and does not exceed 175 percent of the required minimum (8,750 square feet). This standard is met.

G. Development Constraints. No lot or parcel shall be created with more than 50 % of its land area containing wetlands or lands where the city restricts development to protect significant Statewide Land Use Planning Goal 5 or Goal 17 resources, except that areas designated as open space within a land division may contain up to 100% of a protected resource. Modifications to this requirement may be made by the approval authority if the approval authority determines that the proposed lot or parcel contains sufficient land area to allow for construction on the lot or parcel without impacting the Newport Municipal Code Index Page 508 resource or that a variance or other permit has been obtained to allow for impacts on the identified resource.

Response: No wetlands or other Goal 5 or Goal 17 resources have been identified on the subject site. This standard is met.

H. Lots and Parcels within Geologic Hazard Areas. Each new undeveloped lot or parcel shall include a minimum 1000 square foot building footprint within which a structure could be constructed and which is located outside of active and high hazard zones and active landslide areas (See NMC Chapter 14.21 for an explanation of hazard zones). New public infrastructure serving a lot or parcel shall similarly be located outside of active and high hazard zones and active landslide areas.

Response: The subject property is within a Geologic Hazard Area and includes areas mapped as high susceptibility landslide areas on DOGAMI mapping products. However, field investigations conducted by a licensed Geotechnical Engineer (see Exhibit G) confirm that the site exhibits a relatively low susceptibility for landslide failure and concludes that the site is appropriate for the planned use. This standard is met.

14.48.035 Public Improvement Requirements

A. The following public improvements are required for all land divisions, except where a subdivision plat is reconfiguring or establishing rights-of-way for future public streets:

1. Streets. All streets, including alleys, within the land division, streets adjacent but only partially within the land divisions, and the extension of land division streets to the intersecting paving line of existing streets with which the land division streets intersect, shall be constructed in accordance with the standards set forth in Chapter 14.44. Street width standards may be adjusted subject to the provisions of Section 14.33.070.

Response: The new street and turnaround are planned to be graded and constructed to the full right-of-way width. This standard will be met.

a. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage within the land division shall consider the capacity and grade necessary to maintain unrestricted flow from areas draining through the land division and to allow extension of the system to serve such areas.

Response: Drainage and stormwater management will be provided as shown on the Composite Utility Plan on Sheet C150 in Exhibit B. This standard is met.

a. Sanitary Sewers. Sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the city, and sewer mains shall be installed in streets as necessary to connect each lot or parcel to the city's sewer system.

Response: Sanitary sewers will be installed to serve each lot as shown on the Composite Utility Plan on Sheet C150 in Exhibit B. This standard is met.

4. Water. Water mains shall be installed to allow service to each lot or parcel and to allow for connection to the city system, and service lines or stubs to each lot shall be provided. Fire hydrants shall be installed as required by the Uniform Fire Code. The city may require that mains be extended to the boundary of the land division to provide for future extension or looping.

Response: Water connections will be provided to each lot as shown on the Composite Utility Plan on Sheet C150 in Exhibit B. This standard is met.

5. Sidewalks. Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:

a. Delayed Sidewalk Construction. Where sidewalks are designed contiguous with the curb in residential areas, the subdivider may delay the placement of concrete for the sidewalks until such time as driveway aprons are established and constructed on individual lots. In such cases, sidewalks shall be installed and accepted by the city engineer prior to issuance of a certificate of occupancy.

Response: Sidewalks are planned as shown on the street plans provided in Exhibit B. The Applicant does not anticipate delaying sidewalk construction. This standard is met.

B. Public Improvement Procedures. In addition to other requirements, public improvements installed by a developer that is dividing land, whether required or voluntarily provided, shall comply with this chapter, and with any public improvement standards or specifications adopted by the city. The following procedure shall be followed:

1. Improvement work, including excavation in the excess of 100 cubic yards, shall not be commenced until plans have been checked for

adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.

2. Improvement work shall not commence until after the city is notified, and, if work is discontinued for any reason, it shall not be resumed until after the city is notified.

3. Public improvements shall be constructed under the inspection and to the satisfaction of the city engineer. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

4. Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.

5. A map showing public improvements as built shall be filed with the city upon completion of the improvements.

6. Public improvements shall not be commenced until any appeals of the subdivision approval are resolved.

Response: All public improvements shown in the Subdivision Plans are intended to comply with applicable City standards. The Applicant acknowledges the above procedural requirements. The standards can be met.

14.48.040 Adequacy of Public Facilities and Utilities

A. Tentative plans for land divisions shall be approved only if public facilities and utilities (electric and phone) can be provided to adequately service the land division as demonstrated by a written letter from the public facility provider or utility provider stating the requirements for the provision of public facilities or utilities (electric and phone) to the proposed land division:

B. For public facilities of sewer, water, storm water, and streets, the letter must identify the:

1. Water main sizes and locations, and pumps needed, if any, to serve the land division.

2. Sewer mains sizes and locations, and pumping facilities needed, if any, to serve the land division.

3. Storm drainage facilities needed, if any, to handle any increased flow or concentration of surface drainage from the land division, or detention or retention facilities that could be used to eliminate need for additional conveyance capacity, without increasing erosion or flooding.

4. Street improvements outside of the proposed development that may be needed to adequately handle traffic generated from the proposed development.

Response: Service provider letters with the required information are included in Exhibit E. This standard is met.

14.48.045 Underground Utilities and Service Facilities

A. Undergrounding. All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone,

lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.

Response: The Applicant intends to coordinate with service providers to underground utilities as necessary. This standard can be met.

B. Non-City-Owned Utilities. As part of the application for tentative land division approval, the applicant shall submit a copy of the preliminary plat to all non-city-owned utilities that will serve the proposed subdivision. The subdivider shall secure from the non-city-owned utilities, including but not limited to electrical, telephone, cable television, and natural gas utilities, a written statement that will set forth their extension policy to serve the proposed land division with underground facilities. The written statements from each utility shall be submitted to the city prior to the final approval of the plat for recording.

Response: Service provider letters from non-city-owned utilities are included in Exhibit E. The layout for the subdivision was shared with these providers. This standard is met.

(***)

14.48.055 Miscellaneous

A. Street Lights. Street lights are required in all land divisions where a street is proposed. The city may adopt street light standards. In the absence of adopted standards, street lights shall be place in new land divisions to assure adequate lighting of streets and sidewalks within and adjacent to the land division.

Response: Street lights are planned as shown on the Composite Utility Plan on Sheet C150 of Exhibit B. This standard is met.

B. Street Signs. Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.

Response: The Applicant acknowledges this standard. This standard can be met.

C. Monuments. Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

Response: The Applicant understands this standard and intends to comply. This standard can be met.

D. Exceptions for Planned Developments. The standards and requirements of this Chapter may be modified without an adjustment or variance for planned developments.

Response: The Applicant is applying for tentative subdivision approval. The above standards do not apply.

E. Adjustment or Variances. Adjustments or variances to this chapter not otherwise allowed by modification within this chapter are subject to the standards and procedures for set forth in Chapter 14.33. Notice of the adjustment or variance request may be included in the legal notice for the hearing on the tentative plan for a subdivision or may be provided separately.

Response: The Applicant is applying for a variance and has provided responses to the standards set forth in Chapter 14.33 above. The procedural requirement is met.

> F. Standards in Effect after Subdivision Approval. The land use standards in effect at the time of a subdivision approval apply to all applications for land use approval within the subdivision filed within 180 days of the subdivision approval. After that time, the land use standards in effect at the time the land use application is deemed complete shall apply to the land use application.

Response: The Applicant is aware of the above procedural requirement.

IV. Conclusion

The required findings have been made, and this written narrative and accompanying documentation demonstrate the application is consistent with the applicable provisions of the City of Newport Municipal Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests the City approve this subdivision, geologic permit, and variance application.

Exhibit A: Application Forms and Checklists

City of Newport
Land Use Application

Applicant Name(s):	Property Owner Name(s) *if other than applicant*
Greyson and Amelia Irrevocable Trust U/A/D	Same
Applicant Mailing Address:	**Property Owner Mailing Address:**
1100 SW Sixth Avenue, #1400, Portland, OR 97204-1003	Same
Applicant Phone No.	**Property Owner Phone No.**
Joseph D. McDonald, Trustee, 503-248-9535	Same
Applicant Email	**Property Owner Email**
jmcdonald@smvllp.com	Same

Authorized Representative(s): *Person authorized to submit and act on this application on applicant's behalf*

Lyle J. Misbach, PE, CFM

Authorized Representative Mailing Address:

3700 River Road N, Suite 1, Keizer, Oregon 97303

Authorized Representative Telephone No.

503-400-6028

Authorized Representative Email. misbachl@aks-eng.com

Project Information

Property Location: *Street name if address # not assigned*

1005 SE Bay Boulevard

Tax Assessor's Map No.: 11S11W09CB	**Tax Lot(s):** 400
Zone Designation: R-2	**Legal Description:** *Add additional sheets if necessary*
Comp.Plan Designation:	Medium Density Residential

Brief description of Land Use Request(s):

Examples:

1. *Move north property line 5 feet south*
2. *Variance of 2 feet from the required 15-foot front yard setback*

11-lot Subd., Geologic permit, Variance

Existing Structures: if any

None

Topography and Vegetation:

Moderate slope to the north and west. Mostly clear of significant vegetation.

Application Type (please check all that apply)

☐ Annexation	☐ Interpretation	☐ UGB Amendment
☐ Appeal	☐ Minor Replat	☐ Vacation
☐ Comp Plan/Map Amendment	☐ Partition	☑ Variance/Adjustment
☐ Conditional Use Permit	☐ Planned Development	☐ PC
☐ PC	☐ Property Line Adjustment	☑ Staff
☐ Staff	☐ Shoreland Impact	☐ Zone Ord/Map
☐ Design Review	☑ Subdivision	☐ Amendment
☑ Geologic Permit	☐ Temporary Use Permit	☐ Other

FOR OFFICE USE ONLY

File No. Assigned:

Date Received:	Fee Amount:	Date Accepted as Complete:
Received By:	Receipt No.	Accepted By:

City Hall
169, SW Coast Hwy
Newport, OR 97365
541.574.0629

City of Newport
Land Use Application

I undestand 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 aslo 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.

DocuSigned by:
Joseph McDonald
974B91451B0E4A0...

Applicant Signature(s)	Date
Joseph D. McDonald, Trustee of the Greyson and Amelia Irrevocable Trust U/A/D	1/19/2023
Property Owner Signature(s) (if other than applicant)	Date
Lyle J. Misbach, PE, CFM, AKS Engineering & Forestry, LLC	
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.

APPLICATION SUBMITTAL REQUIREMENTS

Subdivision Tentative Plan

The following information must be submitted with a City of Newport Land Use application for Subdivision Tentative Plan:

☑1. An original & fourteen (14) copies of the tentative plan.

☑2. A current 18" x 24" Lincoln County Assessor's tax map(s) showing the subject property and the notification area. The notification area is all properties within 150 feet of the subject property. *(Lincoln County Assessor's office is located in the Lincoln County Courthouse at 225 W Olive St, Newport)*

☑3. A list of names and addresses of property owners, as shown in the records of the Lincoln County Assessor, within the notification area described in #2 above.

☑4. Written findings of fact explaining how the proposed subdivision complies with the development criteria and how the developer will assure the completion of public improvements.

☑5. Letters from the following stating that utilities sufficient to serve the proposed subdivision are readily available to the site:

- ☐ (a) Newport City Engineer
- ☑ (b) Central Lincoln PUD *(PO Box 1126, Newport, OR 97365 webmaster@cencoast.com)*
- ☑ (c) CenturyLink *ATTN: (Kerry Pozder, 60 W Grant St, Lebanon, OR 97355 kerry.pozder@centurylink.com)*
  or Pioneer Telephone Cooperative *(ATTN: Gary Vick, PO Box 631, Philomath, OR 97370 garyvick@pioneer.net)*

☑6. A preliminary title report, lot book report, subdivision guarantee report, or any other report that establishes ownerships and easements, together with copies of easement documents.

☑7. Fee of $1,148.00 plus $57.00 each lot.

APPLICATION SUBMITTAL REQUIREMENTS

Variance (greater than 40% of a numerical standard)
(Planning Commission Type III decision-making process)

The following must be submitted with a City of Newport Land Use application for a Variance processed as a Type III decision-making process:

☐1. For requests to deviate from required setbacks, a site plan prepared by a registered surveyor or licensed professional civil engineer and drawn to scale with appropriate survey monuments shown, showing the dimensions and arrangement of the proposed development on the applicant's lot.

N/A

☐2. For requests to deviate from building height limitations, exterior architectural elevations drawn to scale illustrating the proposed structure and adjoining finished ground elevations.

N/A

☑3. A current 18" x 24" Lincoln County Assessor's tax map(s) showing the subject property and the notification area. The notification area is all properties within 200 feet of the subject property. *(Lincoln County Courthouse is located in the Lincoln County Courthouse at 225 W Olive St, Newport)*

☑4. A list of names and addresses of property owners, as shown in the records of the Lincoln County Assessor, within the notification area described in #3 above.

☑5. Written findings of fact addressing the following criteria:

☑ (a) That there is a circumstance or condition that applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or
(2) The location or size of existing physical improvements on the site, or
(3) The nature of the use compared to surrounding uses, or
(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district, or
(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.
(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.

(over)

☑ (b) That the circumstance or condition in (A) above is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

☑ (c) That there is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

☑ (d) That authorization of the variance will not result in substantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations.

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

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

☑6. A written explanation of the specific request (e.g. a setback variance) and the percentage of variance requested.

☑7. Fee of $699.00.

APPLICATION SUBMITTAL REQUIREMENTS

Geologic Permit Application Checklist

All persons proposing development, construction, or site clearing (including tree removal) within a geologic hazard area as defined in the Newport Municipal Code (NMC) § 14.21.020 shall obtain a Geologic Permit. The Geologic Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit required by the City.

The following information must be submitted with a City of Newport Land Use application for Geologic Permit:

☑1. A current 18" x 24" Lincoln County Assessor's tax map(s) showing the subject property and the notification area. The notification area is all properties within 200 feet of the subject property *(Lincoln County Assessor's office is located in Lincoln County Courthouse at 225 W Olive St, Newport)*; and

☑2. A list of names and addresses of property owners, as shown in the records of the Lincoln County Assessor, within the notification area described in #1 above; and

☑3. A site plan that illustrates areas of disturbance, ground topography (contours), roads and driveways, an outline of wooded or naturally vegetated areas, watercourses, erosion control measures, and trees with a diameter of at least 8 inches dbh (diameter breast height) proposed for removal; and

☑4. An estimate of depths and the extent of all proposed excavation and fill work; and

☑5. The Site plan should identify in which hazard zone the parcel or lot upon which development is to occur is located. In cases where properties are mapped with more than one hazard zone, a certified engineering geologist shall identify the hazard zone(s) within which development is proposed; and

☑6. A Geologic Report prepared by a certified engineering geologist, establishing that the site is suitable for the proposed development. The report must include a detailed site plan showing any existing and proposed site development and/or must reference the proposed development/building plans. The report is only valid for the development plan addressed in the report; and

(over)

☑7. An engineering report, prepared by a licensed civil engineer, geotechnical engineer, or certified engineering geologist (to the extent qualified), must be provided if engineering remediation is anticipated to make the site suitable for the proposed development.

☑8. Fee of $244.00.

Geologic Report Guidelines.

"Guidelines for Preparing Engineering Geologic Reports in Oregon" (Oregon State Board of Geologist Examiners).

"Geological Report Guidelines for New Development on Oceanfront Properties," (Oregon Coastal Management Program of the Department of Land Conservation and Development).

Erosion Control Measures. In addition to completing a Geologic Report, a certified engineering geologist shall address the following standards.

A. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

B. Development plans shall minimize cut or fill operations so as to prevent off-site impacts;

C. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

D. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

E. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

F. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;

G. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure.

H. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;

I. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

(1) Energy absorbing devices to reduce runoff water velocity;

(2) Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

(3) Dispersal of water runoff from developed areas over large undisturbed areas;

J. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and

K. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.

Storm water Retention Facilities Requirement. For structures, driveways, parking areas, or other impervious surfaces in areas of 12% slope or greater, the release rate and sedimentation of storm water shall be controlled by the use of retention facilities as specified by the City Engineer. The retention facilities shall be designed for storms having a 20 year recurrence frequency. Storm waters shall be directed into a drainage with adequate capacity so as not to flood adjacent or downstream property.

Certification of Compliance. No development requiring a Geologic Report shall receive final approval (e.g. final inspection, certificate of occupancy, etc.) until the City receives a written statement by a certified engineering geologist indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the City must also receive an additional written statement of compliance by the design engineer.

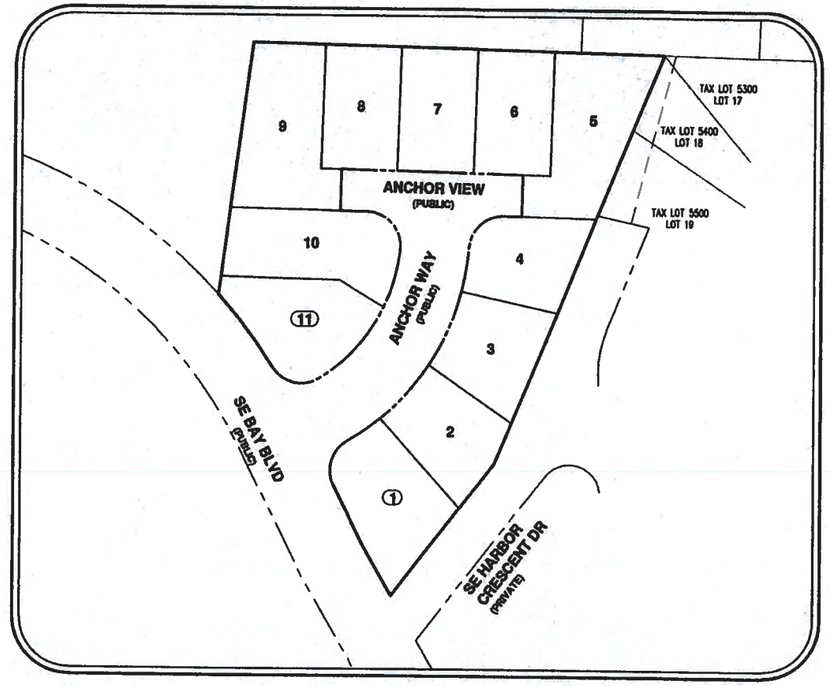
Please note: This checklist is only an identification of the items needed for the City to accept the application for the geologic permit as complete. For more information on the geologic permit application and process, please consult Newport Municipal Code (NMC) § 14.21.001 (Geologic Hazards Overlay).

Exhibit B: Subdivision Plans

FISHERMAN'S WHARF ESTATES

CIVIL CONSTRUCTION PLANS

VICINITY MAP
1"=1000'



SITE MAP
1" = 50'

APPLICANT/ PROPERTY OWNER
WILLIAM E. EKMAN
300 NW WEDRICK RD
WHITE SALMON, WA 98762
EMAIL: MRBILLEKMAN@GMAIL.COM
PH: 941-979-6240

PROPERTY DESCRIPTION:
TAX LOT 00400, TAX MAP 11-11-09-CB
LOCATED IN THE SOUTHWEST
ONE-QUARTER OF SECTION 9, T11S,
R11W, W.M.
CITY OF NEWPORT
LINCOLN COUNTY, OREGON
SITE AREA: ±1.81 ACRES

PROPERTY LOCATION
1005 SE BAY BLVD
NEWPORT, OR 97365
44.630490, -124.038450

PROJECT PURPOSE
SINGLE FAMILY RESIDENTIAL SUBDIVISION

VERTICAL DATUM
VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK NO. V 711, LOCATED AT THE NE QUADRANT OF NE 3RD ST AND NE EADS ST. ELEVATION = 171.77 FEET (NAVD 88).

PLANNING/ CIVIL ENGINEERING / SURVEYING FIRM
AKS ENGINEERING & FORESTRY, LLC
CONTACT: J. MICHAEL POISSANT, PE
3700 RIVER ROAD N, STE 1
KEIZER, OR 97303
PH: 503-400-6028
FAX: 503-400-7722

GEOTECHNICAL ENGINEER
FOUNDATION ENGINEERING, INC.
CONTACT: JONATHAN C. HUFFMAN, PE, GE
820 NW CORNELL AVE
CORVALLIS, OR 97330
PH: 541-757-7645

GAS
PROVIDER: NW NATURAL
PHONE: 1-800-523-7661

CABLE:
PROVIDER: CENTURY LINK
PHONE: 541-967-3500

POWER:
PROVIDER: CENTRAL LINCOLN PUD
PHONE: 541-265-3211

EXISTING LAND USE
UNDEVELOPED

SHEET INDEX

GENERAL SHEETS
C000 COVER SHEET WITH VICINITY MAP
C001 GENERAL NOTES AND LEGEND
C002 EXISTING CONDITIONS
C003 PRELIMINARY PLAT

EROSION SEDIMENT CONTROL PLAN
C050 EROSION AND SEDIMENT CONTROL COVER SHEET
C051 CLEARING AND DEMOLITION EROSION CONTROL PLAN
C052 GRADING EROSION CONTROL PLAN
C053 EROSION CONTROL DETAILS
C054 EROSION CONTROL DETAILS

DEMOLITION AND GRADING PLAN
C070 GRADING AND DEMOLITION PLAN

STREET CONSTRUCTION PLANS
C100 STREET COVER SHEET AND NOTES
C101 ANCHOR WAY AND ANCHOR VIEW PLAN AND PROFILE
C102 CURB RETURN 1 AND 2 DETAILS
C103 CURB RETURN 3 AND 4 DETAILS
C104 LIGHTING, SIGNAGE, STRIPING, AND MAILBOX PLAN
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C106 STREET DETAILS

COMPOSITE UTILITY PLAN
C150 COMPOSITE UTILITY PLAN

STORM SEWER CONSTRUCTION PLANS
C200 STORMWATER COVER SHEET AND NOTES
C201 STORM 1 AND 2 PLAN AND PROFILE
C202 STORMWATER DETAILS

SANITARY SEWER CONSTRUCTION PLANS
C300 SANITARY SEWER COVER SHEET AND NOTES
C301 SANITARY SEWER A AND B PLAN AND PROFILE
C302 SANITARY SEWER DETAILS

WATER PLAN
C400 WATER COVER SHEET AND NOTES
C401 WATER PLAN
C402 WATER DETAILS
C403 WATER DETAILS

REVIEWED FOR CODE COMPLIANCE
Reviewed plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by the code shall be done in accordance with the reviewed plans. The issuance or granting of permit or review of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the code or any other ordinance of the jurisdiction.
Date 9-23-19
City of Newport Permit # 625-19-000266-SD
Reviewed By Clatsop Co.

NOTE: THIS DESIGN COMPLIES WITH ORS 92.044(7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN 1 FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN MODIFICATION OR FINAL FIELD LOCATION CHANGE SHALL BE PERMITTED IF IT WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN A PROHIBITED AREA.

ATTENTION EXCAVATORS:
OREGON LAW REQUIRES CONTRACTOR TO COMPLY WITH RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. COPIES OF THESE RULES MAY BE OBTAINED BY CONTACTING THE UTILITY LOCATE CENTER AT 503-246-6699.

OREGON UTILITY NOTIFICATION CENTER
DIG SAFELY OREGON 1-800-332-2344
811

AKS ENGINEERING & FORESTRY, LLC
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aks-eng.com
AKS
ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

FISHERMAN'S WHARF ESTATES SUBDIVISION
NEWPORT OR
LINCOLN COUNTY TAX MAP 11 11 09
TAX LOT 400

COVER SHEET WITH VICINITY MAP

DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: JMP
DATE: 09/04/2019
REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 14, 2006
JACK M. POISSANT
EXPIRES: 12-31-2019
REVISIONS

JOB NUMBER
5691
SHEET
C000

JOB SET

AKS DRAWING FILE: 5691 CONTEXT.DWG | LAYOUT: C000

CITY OF NEWPORT
SEP 23 2019
RECEIVED

GENERAL CONSTRUCTION NOTES

1. TRAFFIC CONTROL SHALL BE PROVIDED FOR BY THE CONTRACTOR IN ACCORDANCE WITH THE CITY'S STANDARD SPECIFICATION AND, ALSO, IN ACCORDANCE WITH A CITY (JOB SPECIFIC) APPROVED TRAFFIC CONTROL PLAN. A COPY OF THE APPROVED TRAFFIC CONTROL PLAN SHALL BE AVAILABLE AT THE WORK AREA.

2. PUBLIC ROADWAY SHALL NOT BE CLOSED TO TRAFFIC, AT ANY TIME, WITHOUT HAVING FIRST OBTAINED WRITTEN APPROVAL FROM THE CITY. THE PERMIT HOLDER IS RESPONSIBLE FOR PROVISION OF TIMELY NOTIFICATION OF TRAFFIC FLOW DISRUPTIONS TO AREA WIDE EMERGENCY SERVICES (NEWPORT POLICE DEPARTMENT, NEWPORT FIRE DEPARTMENT), AND NEWPORT SCHOOL DISTRICT.

3. ADVANCE WARNING OF TRAFFIC DISRUPTION SHALL BE PROVIDED TO THE GENERAL MOTORING PUBLIC BY PLACEMENT OF AN ADVANCE NOTIFICATION SIGN AT EACH END OF THE CONSTRUCTION AREA 72 HOURS (MIN.) BEFORE INITIATION OF CONSTRUCTION WORK.

4. ACCESS TO EXISTING PROPERTIES SHALL BE MAINTAINED AT ALL TIMES, INCLUDING NORMAL DELIVERY SERVICE AND MAIL SERVICE, AND IF NOT, SHALL BE CAUSE FOR WORK STOPPAGE UNTIL EFFECTIVE ACCESS IS ESTABLISHED.

5. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN RIGHT-OF-WAY PERMIT(S) FROM THE CITY OF NEWPORT PRIOR TO ANY WORK IN EXISTING RIGHT-OF-WAY.

6. TRAFFIC CONTROL DEVICES, FLAG PERSONS, ETC., SHALL BE IN PLACE PRIOR TO INITIATION OF CONSTRUCTION WORK AND SHALL BE EFFECTIVELY MAINTAINED.

7. FOR WORK WITHIN THE RIGHT-OF-WAY, NO WORK SHALL BE PERFORMED OUTSIDE OF NORMAL BUSINESS HOURS OR ON WEEKENDS WITHOUT APPROVAL FROM THE CITY. REQUESTS NEED TO BE SUBMITTED 72 HOURS PRIOR.

8. MINIMUM VEHICLE TRAVEL LANE WIDTH SHALL BE TEN (10) FEET; MINIMUM PEDESTRIAN ACCESS SHALL ALSO BE PROVIDED.

9. THE CITY RESERVES THE RIGHT TO ADD TO OR MODIFY TRAFFIC CONTROL REQUIREMENTS AS NECESSARY TO EFFECTIVELY CONTROL TRAFFIC AND TO ASSURE PUBLIC SAFETY.

10. BEFORE INITIATING ANY CONSTRUCTION ACTIVITY, THE PERMIT HOLDER SHALL CONTACT THE CITY INSPECTOR TO ESTABLISH A PLACE, TIME AND DATE FOR A PRE-CONSTRUCTION MEETING.

11. THE PERMIT HOLDER OR HIS CONTRACTOR SHALL NOTIFY THE CITY'S INSPECTOR FORTY-EIGHT (48) HOURS PRIOR TO COMMENCING WORK, FORTY-EIGHT (48) HOURS PRIOR TO ANY STAGED INSPECTION AND AFTER COMPLETING WORK COVERED BY THE PERMIT.

12. A COPY OF THE PERMIT AND ALL ATTACHMENTS, AND A COPY OF THE APPROVED CONSTRUCTION PLANS AND ALL AMENDMENTS SHALL BE AVAILABLE AT THE WORK AREA. ALL WORK SHALL CONFORM TO THE PERMIT TERMS, CONDITIONS AND PROVISIONS AND TO THE CITY APPROVED PERMIT PLANS, INCLUDING ANY APPROVED PLAN AMENDMENTS AS WELL AS THE CITY'S STANDARDS AND SPECIFICATIONS AND TO THESE GENERAL CONSTRUCTION NOTES. CHANGES TO ANY OF THE AFORESAID MUST BE APPROVED BY THE CITY, IN ADVANCE OF WORK PERFORMANCE.

13. MAINTENANCE OF THE WORK AREA AND APPROACH ROADS IS THE RESPONSIBILITY OF THE PERMIT HOLDER. THE WORK AREA AND APPROACH ROADS SHALL BE MAINTAINED IN A CLEAN CONDITION, FREE FROM OBSTRUCTIONS AND HAZARDS. A COPY OF THE PERMIT HOLDERS CERTIFICATE OF INSURANCE SHALL BE AVAILABLE AT THE WORK AREA.

14. THE SPREADING OF MUD, DEBRIS, OR STORAGE OF MATERIALS OR EQUIPMENT OF ANY KIND UPON ANY PUBLIC ROADWAY IS STRICTLY PROHIBITED AND VIOLATION SHALL BE CAUSE FOR IMMEDIATE CANCELLATION OF THE PERMIT. THE CITY MAY AT ANY TIME ORDER IMMEDIATE CLEANUP AND STOPPAGE OF WORK TO ACCOMPLISH CLEANUP.

15. EFFECTIVE EROSION CONTROL IS REQUIRED. EROSION CONTROL DEVICES MUST BE INSTALLED AND MAINTAINED MEETING THE REQUIREMENTS OF THE CITY OF NEWPORT AND DEQ.

16. AREAS DISTURBED BY CONSTRUCTION ACTIVITY SHALL BE SEEDED WITH A STANDARD GRASS MIX. SHRUBS, FLOWERS, BARK DUST, EXISTING SIGNS, PAVEMENT MARKINGS, MAILBOXES, ETC. SHALL BE REESTABLISHED, REINSTALLED OR REPLACED, WITH LIKE KIND AND MATERIAL.

17. EFFECTIVE DRAINAGE CONTROL IS REQUIRED. DRAINAGE SHALL BE CONTROLLED WITHIN THE WORK SITE AND SHALL BE SO ROUTED THAT ADJACENT PRIVATE PROPERTY, PUBLIC PROPERTY AND THE RECEIVING SYSTEM IS NOT ADVERSELY IMPACTED.

18. THE LOCATIONS, DEPTH, AND DESCRIPTION OF EXISTING UTILITIES SHOWN ARE COMPILED FROM AVAILABLE RECORDS AND/OR FIELD SURVEYS. THE DESIGN ENGINEER OR UTILITY COMPANIES DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF SUCH RECORDS. ADDITIONAL UTILITIES MAY EXIST WITHIN THE WORK AREA. CONTRACTOR MUST VERIFY ALL EXISTING UTILITIES FOR BOTH VERTICAL ELEVATION AND HORIZONTAL LOCATION PRIOR TO START OF WORK (POTHOLE BEFORE DIGGING IF NECESSARY). SHOULD CONFLICTS ARISE AND REDESIGN OR RELOCATION OF FACILITIES BE NECESSARY, IT SHALL BE DONE AT THE PERMIT HOLDERS EXPENSE. CHANGES MUST BE APPROVED BY THE CITY IN ADVANCE OF WORK. CONTRACTOR SHALL COORDINATE THE WORK WITH AFFECTED UTILITY AGENCIES.

19. A TEMPORARY HARD-SURFACE PATCH (COLD MIX AC OR HOT MIX BASE PAVING) SHALL BE PLACED ON TRENCHES WITHIN ROADWAYS AT THE END OF EACH DAYS WORK. NO TRENCH, ON SITE OR OFF-SITE, SHALL BE LEFT AT ANY TIME IN AN UNSAFE CONDITION. THE PERMIT HOLDER IS RESPONSIBLE FOR AND IS LIABLE FOR HAZARDS OR DAMAGE RESULTING FROM THE PROSECUTION OF THE WORK.

20. WORK PROVIDED FOR UNDER THE PERMIT SHALL INCLUDE REPAIR OF EXISTING FACILITIES (ROADS, DITCHES, ETC.) AS MAY BE NECESSARY, IN THE CITY INSPECTOR'S OPINION, TO OVERCOME DETERIORATION OR DAMAGE WHICH OCCURS IN CONJUNCTION WITH THE WORK AUTHORIZED BY THE PERMIT. CORRECTIVE WORK SHALL BE DONE AT THE PERMIT HOLDER'S EXPENSE.

21. CONTRACTOR SHALL MAINTAIN ONE (1) COMPLETE SET OF APPROVED PLANS ON THE CONSTRUCTION SITE AT ALL TIMES WHEREON HE WILL RECORD ALL APPROVED DEVIATIONS IN CONSTRUCTION FROM THE APPROVED DRAWINGS, AS WELL AS LOCATIONS AND DEPTHS OF ALL EXISTING UTILITIES ENCOUNTERED. THESE FIELD RECORD DRAWINGS SHALL BE KEPT UP TO DATE AT ALL TIMES AND SHALL BE AVAILABLE FOR INSPECTION BY THE CITY OR OWNER'S REPRESENTATIVE UPON REQUEST.

22. UPON COMPLETION OF CONSTRUCTION OF ALL NEW FACILITIES, CONTRACTOR SHALL SUBMIT A CLEAN SET OF FIELD RECORD DRAWINGS CONTAINING ALL AS-BUILT INFORMATION TO THE DESIGN ENGINEER. ALL INFORMATION SHOWN ON THE CONTRACTOR'S FIELD RECORD DRAWINGS SHALL BE SUBJECT TO VERIFICATION. IF SIGNIFICANT ERRORS OR DEVIATIONS ARE NOTED, AN AS-BUILT SURVEY PREPARED AND STAMPED BY A REGISTERED PROFESSIONAL LAND SURVEYOR SHALL BE COMPLETED AT THE CONTRACTOR'S EXPENSE.

23. THE CITY INSPECTOR MAY, AT THEIR DISCRETION, REQUIRE PROVISION OF TESTS AND OR REPORTS FROM THE PERMIT HOLDER, PERMIT HOLDER'S ENGINEER, OR CONTRACTOR TO VALIDATE CLAIMS OF MATERIAL OR CONSTRUCTION ADEQUACY/COMPLIANCE. SUCH TESTS/REPORTS SHALL BE PROVIDED AT THE PERMIT HOLDERS' EXPENSE.

24. EXISTING MONUMENTS, PROPERTY CORNERS, AND SURVEY MARKERS SHALL BE PROTECTED. REPLACEMENT SHALL BE AT THE CONTRACTOR'S EXPENSE.

25. THE PERMIT HOLDER SHALL PROVIDE TO THE CITY INSPECTOR, IN WRITING, THE NAME AND 24 HOUR EMERGENCY TELEPHONE NUMBER OF ONE (1) PERSON WHO HAS AUTHORITY TO RESOLVE PROBLEMS, TAKE CORRECTIVE ACTION AND, IN GENERAL, WILL BE RESPONSIBLE IN CASE OF ANY EMERGENCY. THE PERMIT HOLDER SHALL NOTIFY THE CITY INSPECTOR, IN WRITING, OF ANY/ALL ASSIGNMENT CHANGES.

26. PIPE LENGTHS SHOWN ARE APPROXIMATE.

27. PROPERTY AND RIGHT-OF-WAY LINES SHOWN ARE APPROXIMATE. THESE PLANS ARE NOT MEANT TO SERVE BOUNDARY SURVEY PURPOSES.

28. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VISIT THE SITE AND VERIFY ALL EXISTING CONDITIONS BEFORE THE START OF WORK. THE CONTRACTOR SHALL TAKE NECESSARY FIELD MEASUREMENTS AND OTHERWISE VERIFY ALL DIMENSIONS AND EXISTING CONSTRUCTION CONDITIONS INDICATED AND SHOWN ON THE PLANS. SHOULD ANY ERROR OR INCONSISTENCY EXIST, THE CONTRACTOR SHALL NOT PROCEED WITH THE AFFECTED WORK UNTIL REPORTED TO THE DESIGN ENGINEER FOR CLARIFICATION OR CORRECTION.

29. ANY INSPECTION/OBSERVATION BY THE DESIGN ENGINEER OR PROJECT INSPECTOR SHALL NOT, IN ANY WAY, RELIEVE THE CONTRACTOR FROM ANY OBLIGATION TO PERFORM THE WORK IN COMPLIANCE WITH THE APPLICABLE CODES, REGULATIONS, CITY AND OSHA STANDARDS, ENGINEERING PLANS, AND PROJECT CONTRACT DOCUMENTS.

30. THE FOLLOWING STANDARD SPECIFICATIONS ARE INCORPORATED BY REFERENCE. ALL MATERIALS AND WORK SHALL CONFORM TO APPLICABLE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE (IBC), OREGON SPECIALTY PLUMBING CODE (OSPC), CITY OF NEWPORT PUBLIC WORKS STANDARDS, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA), THE AMERICAN PUBLIC WORKS ASSOCIATION (APWA), AND THE OREGON STANDARDS AND SPECIFICATIONS, 2018.

31. CITY OF NEWPORT SPECIFICATIONS AND STANDARDS APPLY TO PUBLIC STREET, WATER SYSTEM, SANITARY SEWER AND STORMWATER CONSTRUCTION AS WELL AS EROSION CONTROL. WHERE CITY SPECIFICATIONS AND CITY STANDARDS CONFLICT, THE CITY STANDARDS SHALL PREVAIL.

32. THE CONTRACTOR SHALL PROTECT AND MAINTAIN OPERATION OF ALL EXISTING UTILITIES WITHIN THE CONSTRUCTION AREA THROUGHOUT THE CONSTRUCTION PROCESS AND SHALL BE RESPONSIBLE FOR REPLACEMENT OF ALL EXISTING UTILITIES WHICH ARE DISTURBED. THE CONTRACTOR SHALL COORDINATE ALL WORK ON UTILITIES WITH THE VARIOUS OWNERS.

33. DOWNTIME FOR UTILITIES SHALL BE HELD TO A MINIMUM AND TEMPORARY BYPASS SHALL BE PROVIDED, WHERE REQUIRED, TO MAINTAIN PROPER SERVICE.

34. THE CONTRACTOR SHALL PERFORM ALL WORK NECESSARY TO COMPLETE THIS PROJECT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS INCLUDING SUCH INCIDENTALS AS MAY BE NECESSARY TO MEET THE INTENT OF THE PROJECT CONTRACT DOCUMENTS, APPLICABLE AGENCY REQUIREMENTS, AND OTHER WORK AS NECESSARY TO PROVIDE A COMPLETE PROJECT.

35. THE DESIGN ENGINEER AND CITY MUST BE NOTIFIED OF ALL CONSTRUCTION MODIFICATIONS. PRIOR APPROVAL MUST BE PROVIDED BY THE DESIGN ENGINEER AND CITY BEFORE MODIFICATIONS TO THE APPROVED DESIGN ARE INITIATED.

36. THE DESIGN ENGINEER RESERVES THE RIGHT TO ADJUST GRADES OR ALIGNMENT TO ACCOMMODATE OTHER UTILITIES AS REQUIRED; SUCH ADJUSTMENTS OR REVISIONS SHALL BE REVIEWED AND APPROVED BY THE CITY PRIOR TO COMMENCEMENT OF WORK.

37. SAW CUT STRAIGHT MATCH LINES WHERE EXISTING PAVEMENT MEETS NEW PAVEMENT. SAND AND SEAL JOINT (TYPICAL).

38. THE CONTRACTOR IS TO NOTIFY PRIVATE UTILITIES FOR RELOCATION OF OVERHEAD COMMUNICATION LINES, POWER POLES, VAULTS, ETC.

39. THE CONTRACTOR IS TO COORDINATE WITH UTILITY COMPANIES FOR TIMING OF INSTALLATION OF POWER, TELEPHONE, CABLE, TV, AND GAS. POWER, TELEPHONE, CABLE, AND TV TRENCHING, CONDUITS WITH PULL WIRE TO BE INSTALLED PER UTILITY COMPANY REQUIREMENTS. VERIFY WITH UTILITY COMPANY FOR SIZE AND TYPE OF CONDUIT PRIOR TO CONSTRUCTION.

40. CONTRACTOR SHALL ATTEMPT TO LOCATE EXISTING DRAIN TILES PRIOR TO CONSTRUCTION (POTHOLE & VIDEO AS NECESSARY) IF DRAINAGE FIELD TILE IS ENCOUNTERED DURING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER AND THE INSPECTOR. THE INTENT WILL BE TO CONNECT ANY FUNCTIONING DRAIN TILE SYSTEM TO THE STORM DRAIN SYSTEM IN AN APPROPRIATE MANNER. SUCH CONNECTION MUST BE NOTED ON THE AS-BUILT DRAWINGS AND MUST BE APPROVED BY THE DESIGN ENGINEER AND CITY.

41. EXISTING BURIED UTILITIES, WHICH ARE TO BE ABANDONED, SHOULD BE REMOVED OR ABANDONED DURING SITE PREPARATION BEFORE GRADING BEGINS UNLESS NOTED ON THE APPROVED PLANS.

42. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING ARRANGEMENTS WITH CENTRAL LINCOLN PUD TO CONNECT THE STREET LIGHTING SYSTEM TO THE LOCAL DISTRIBUTION SYSTEM.

43. WHERE CONFLICTS EXIST BETWEEN DIFFERENT AGENCIES, STANDARDS SHALL PREVAIL IN THE FOLLOWING ORDER, CITY OF NEWPORT, OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, APWA. (LATEST EDITION APPLIES)

44. THESE PLANS ASSUME AKS ENGINEERING & FORESTRY, LLC WILL BE RETAINED TO PROVIDE CONSTRUCTION PHASE SERVICES (TO INCLUDE OBSERVATION AND SURVEY CONSTRUCTION LAYOUT) DURING CONSTRUCTION OF ALL IMPROVEMENTS. SUFFICIENT OBSERVATION AND CONSULTATION SERVICES BY THE DESIGN ENGINEER IS NECESSARY TO ENSURE THAT CONSTRUCTION IS CONSISTENT WITH THE INTENT OF THE PLANS AND TO APPROVE ANY CHANGES THAT ARE DETERMINED NECESSARY DURING CONSTRUCTION. AKS DOES NOT ACCEPT ANY RESPONSIBILITY OR LIABILITY FOR ITEMS CONSTRUCTED INCORRECTLY BASED ON MISINTERPRETATIONS OF ITEMS SHOWN ON THESE PLANS.

LEGEND

	EXISTING	PROPOSED
DECIDUOUS TREE		
CONIFEROUS TREE		
FIRE HYDRANT		
WATER BLOWOFF		
WATER METER		
WATER VALVE		
DOUBLE CHECK VALVE		
AIR RELEASE VALVE		
SANITARY SEWER CLEAN OUT		
SANITARY SEWER MANHOLE		
SIGN		
STREET LIGHT		
MAILBOX		

	EXISTING	PROPOSED
STORM SEWER CLEAN OUT		
STORM SEWER CATCH BASIN		
STORM SEWER AREA DRAIN		
STORM SEWER MANHOLE		
GAS METER		
GAS VALVE		
GUY WIRE ANCHOR		
POWER POLE		
POWER VAULT		
POWER JUNCTION BOX		
POWER PEDESTAL		
COMMUNICATIONS VAULT		
COMMUNICATIONS JUNCTION BOX		
COMMUNICATIONS RISER		

	EXISTING	PROPOSED
RIGHT-OF-WAY LINE		
BOUNDARY LINE		
PROPERTY LINE		
CENTERLINE		
DITCH		
CURB		
EDGE OF PAVEMENT		
EASEMENT		
FENCE LINE		
GRAVEL EDGE		
POWER LINE	PWR	PWR
OVERHEAD WIRE	OHW	OHW
COMMUNICATIONS LINE	COM	COM
FIBER OPTIC LINE	CFO	CFO
GAS LINE	GAS	GAS
STORM SEWER LINE	STM	STM
SANITARY SEWER LINE		SAN
WATER LINE	WAT	WAT

AKS ENGINEERING & FORESTRY, LLC
3700 RIVER RD N, STE 1
KEIZER, OR 97303
P: 503.400.6028
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AKS

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FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400 — LINCOLN COUNTY TAX MAP 11 11 09 CB

COVER SHEET WITH VICINITY MAP

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP

DATE: 09/18/2019

REGISTERED PROFESSIONAL ENGINEER — OREGON — JAMES M. POISSANT — EXPIRES: DEC. 31, 2020

REVISIONS
1 NEW CITY DTLS - 10/14/2019

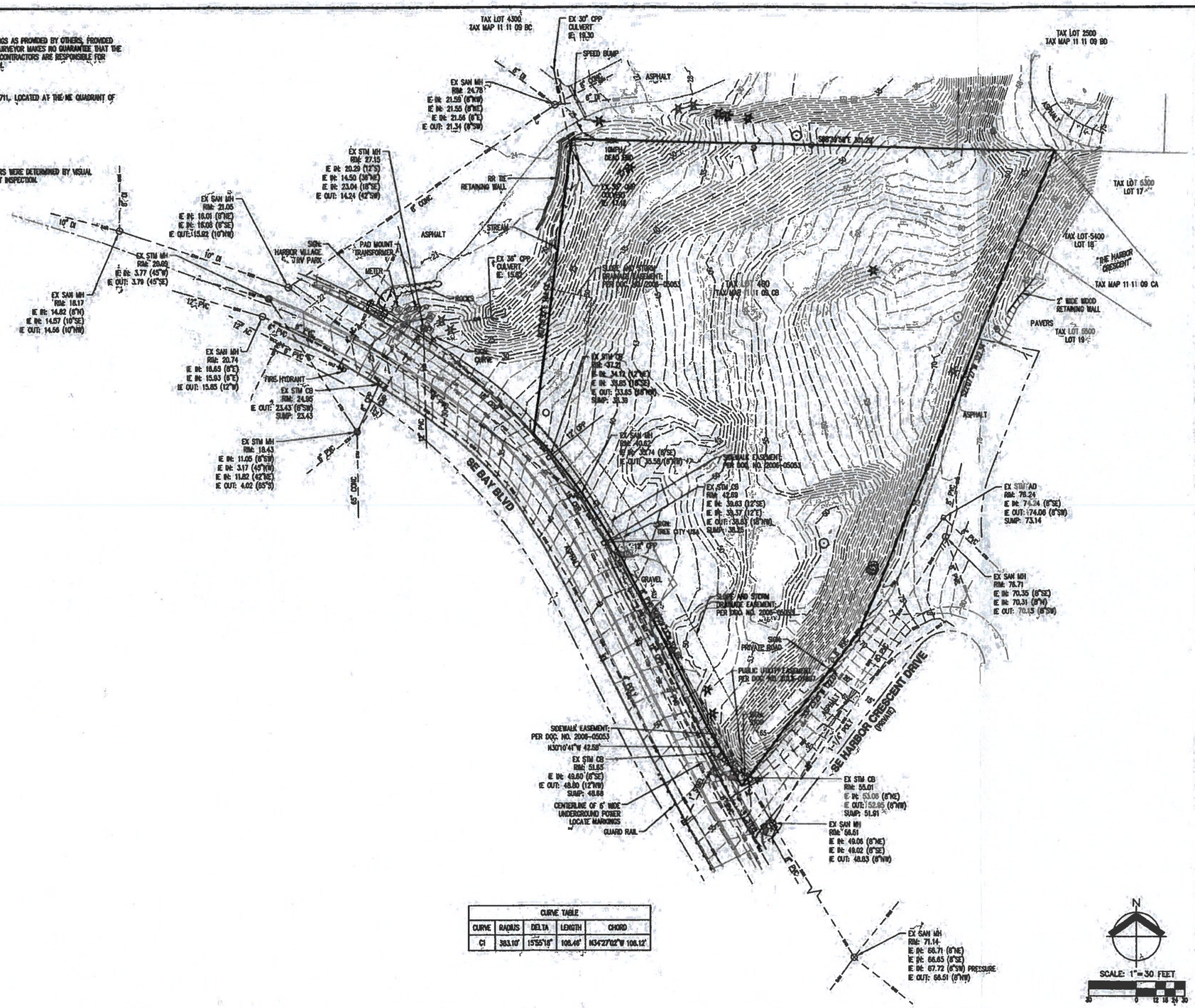
JOB NUMBER 5691

SHEET C001

AKS DRAWING FILE: 5691 CONSULTING | LAYOUT: C001

NOTES:

1. UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBERS 18076400 AND 18076500. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
2. FIELD WORK WAS CONDUCTED APRIL 3-4, 2018.
3. VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK NO. V 711, LOCATED AT THE NE QUADRANT OF NE 3RD ST AND NE EADS ST. ELEVATION = 171.77 FEET (NAVD 88).
4. THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
5. SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
6. CONTOUR INTERVAL IS 1 FOOT.
7. TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE DETERMINED BY VISUAL INSPECTION. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	393.10'	15°55'18"	108.46'	N34°27'02"W 108.12'

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FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400

LINCOLN COUNTY TAX MAP 11 11 09 CB

EXISTING CONDITIONS

DESIGNED BY:
DRAWN BY: BRE
MANAGED BY: FS/CAB
CHECKED BY: JMP
DATE: 4/24/2018

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JOHN A. BISERA
027125
EXPIRES: 12/31/19

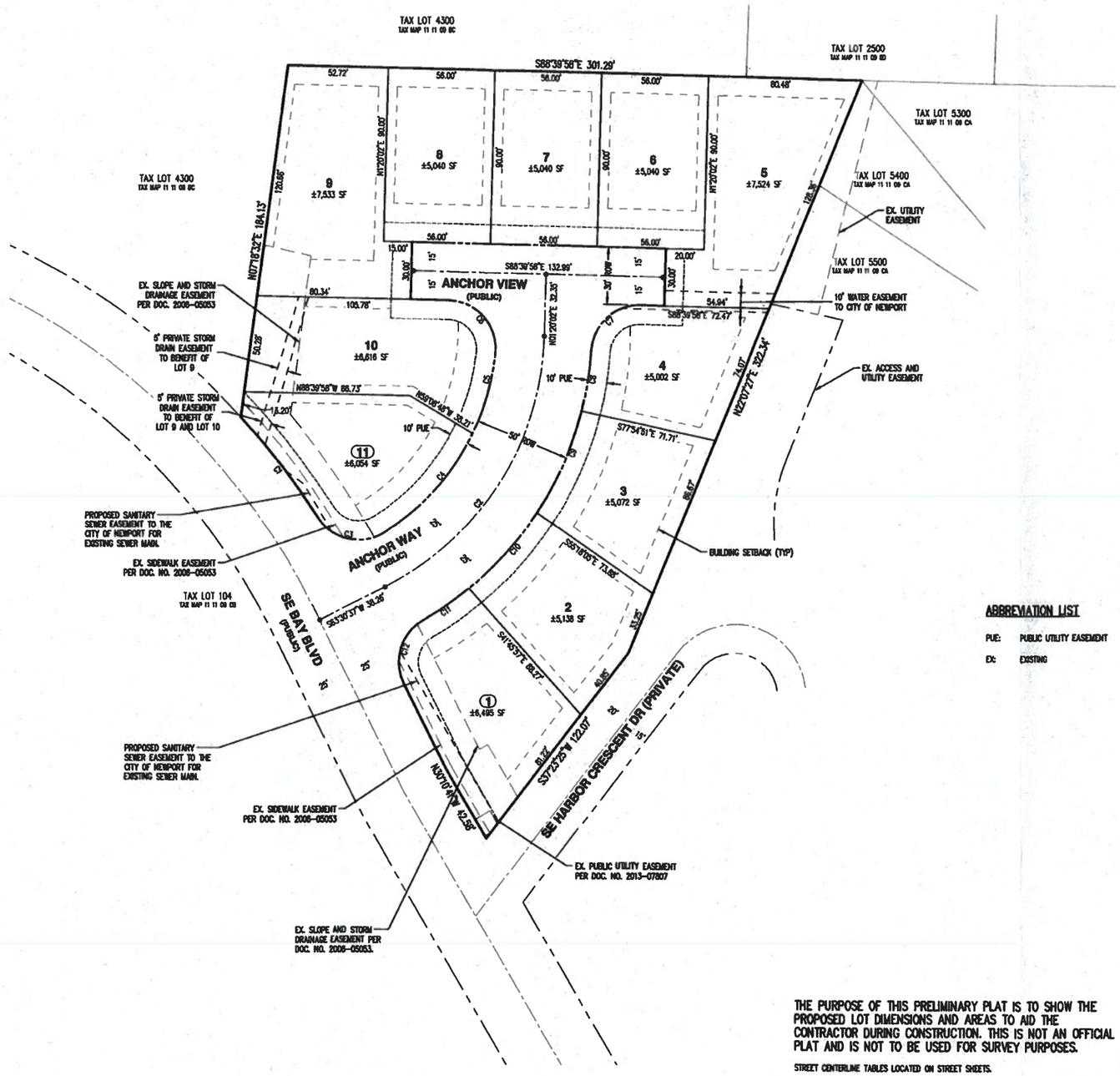
REVISIONS

JOB NUMBER
5691

SHEET
C002

COPY

AKS DRAWING FILE: 5691 EX-CONDITIONS | LAYOUT: C002



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	383.10'	9°56'11"	66.44'	S37°26'36"E 66.35'
C2	150.00'	62°10'35"	162.78'	S32°25'19"W 154.91'
C3	25.00'	89°24'55"	39.01'	N77°10'58"W 35.17'
C4	125.00'	32°24'37"	70.71'	S41°51'22"W 69.77'
C5	125.00'	19°55'53"	43.46'	S15°41'07"W 43.26'
C6	25.00'	94°23'09"	41.18'	S41°25'24"E 36.68'
C7	25.00'	87°48'31"	38.31'	N47°25'46"E 34.67'
C8	175.00'	10°31'30"	32.15'	N82°47'16"E 32.10'
C9	175.00'	19°06'40"	58.37'	N23°36'21"E 58.10'
C10	175.00'	17°25'15"	53.21'	N41°52'19"E 53.00'
C11	175.00'	9°34'06"	29.23'	N55°21'59"E 29.19'
C12	25.00'	86°35'27"	37.78'	N16°48'20"E 34.29'

ABBREVIATION LIST

PUE: PUBLIC UTILITY EASEMENT

EX: EXISTING

THE PURPOSE OF THIS PRELIMINARY PLAT IS TO SHOW THE PROPOSED LOT DIMENSIONS AND AREAS TO AID THE CONTRACTOR DURING CONSTRUCTION. THIS IS NOT AN OFFICIAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES.

STREET CENTERLINE TABLES LOCATED ON STREET SHEETS.

● INSTALL 2" ALUMINUM CAP AFTER FINAL LIFT OF ASPHALT PAVEMENT

N

SCALE: 1" = 30 FEET

30 0 12 18 24 30

AKS ENGINEERING & FORESTRY, LLC
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AKS

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400 LINCOLN COUNTY TAX MAP 11 11 09 CB

PRELIMINARY PLAT

DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: JMP
DATE: 09/18/2019

REGISTERED PROFESSIONAL ENGINEER
OREGON
JAMES M. POLESKI
EXPIRES: DEC. 31, 2020

REVISIONS

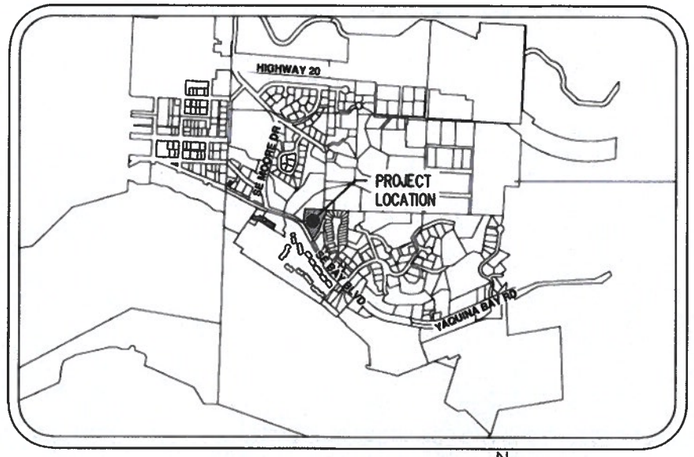
JOB NUMBER
5691

SHEET
C003

AKS DRAWING FILE: 5691 PRELIMINARY PLAT.DWG | LAYOUT: C003

FISHERMAN'S WHARF ESTATES

1200C EROSION AND SEDIMENT CONTROL PLAN



VICINITY MAP
1"=1000'

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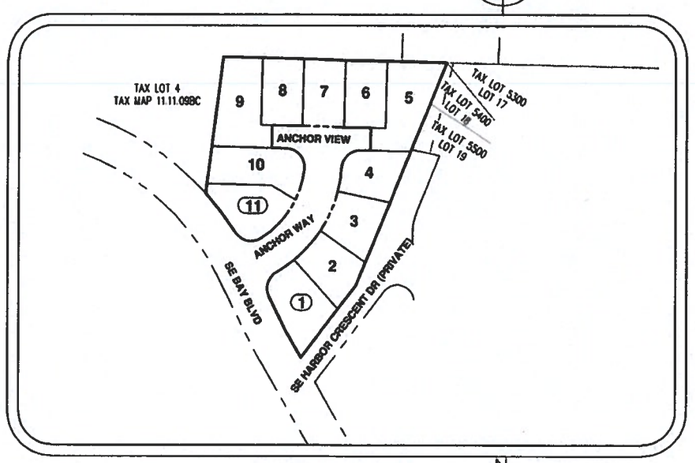

SITE MAP
1"=100'

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SHEET INDEX

C050 EROSION AND SEDIMENT CONTROL COVER SHEET
C051 CLEARING AND DEMOLITION ESCP
C052 MASS GRADING AND INTERIM STABILIZATION ESCP
C053 UTILITY & STREET CONSTRUCTION ESCP
C054 VERTICAL CONSTRUCTION AND FINAL STABALIZATION ESCP
C055 EROSION CONTROL DETAILS
C056 EROSION CONTROL DETAILS
C057 EROSION CONTROL DETAILS

811 Know what's below. Call before you dig.

AKS DRAWING FILE: 5691 CONVOLUTE | LAYOUT: C050

DEVELOPER/APPLICANT

CONTACT: WILLIAM E. EKMAN
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CIVIL ENGINEERING FIRM

AKS ENGINEERING & FORESTRY, LLC.
CONTACT: J. MICHAEL POISSANT, PE
3700 RIVER RD N, STE 1
KEIZER, OR 97303
PH: 503.400.6028
FAX: 503.400.7222

PROJECT LOCATION

1005 SE BAY BLVD.
NEWPORT, OR 97365
LAT. 44.630490
LONG. -124.038450

PROPERTY DESCRIPTION

TAX LOT 400, TAX MAP 11.11.09.CB LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 9, T11S, R11W, W.M.
CITY OF NEWPORT
LINCOLN COUNTY, OREGON

NARRATIVE DESCRIPTIONS

EXISTING SITE CONDITIONS

- UNDEVELOPED

DEVELOPED CONDITIONS

- SINGLE FAMILY RESIDENTIAL SUBDIVISION

NATURE OF CONSTRUCTION ACTIVITY AND TIMETABLE FOR MAJOR ACTIVITIES

- CLEARING (SUMMER 2021)
- MASS GRADING [EXCAVATION AND FILL] (SUMMER 2021)
- INSTALLATION OF UTILITIES (SUMMER 2021)
- STREET CONSTRUCTION (SUMMER 2021)
- VERTICAL CONSTRUCTION (FALL 2021 - FALL 2022)
- FINAL LANDSCAPE & SITE STABILIZATION (WINTER 2022)

- TOTAL SITE AREA = ±1.81 ACRES
- TOTAL DISTURBED AREA = ±1.48 ACRES

SITE SOIL CLASSIFICATION:

FENDALL-TEMPLETON SILT LOAM, 79.4% OF TOTAL SITE AREA, SOIL GROUP C.
URBAN LAND - WALDPORT COMPLEX, 20.6% OF TOTAL SITE AREA, SOIL GROUP A.
SEE GEOTECHNICAL REPORT BY FOUNDATION ENGINEERING, INC., DATED 06/12/2018 AND UPDATED 09/13/2018.

RECEIVING WATER BODIES:

NEAREST WATER BODY: YAQUINA BAY

PERMITTEE'S SITE INSPECTOR: JASON CHEWNING
COMPANY/AGENCY: JCC CONSTRUCTION, LLC
PHONE: 561-267-6038
E-MAIL: JCCCONST@YAHOO.COM
CESCL#-CCB #224080, CESCL # 80599
DESCRIPTION OF EXPERIENCE:

RATIONALE STATEMENT

A COMPREHENSIVE LIST OF AVAILABLE BEST MANAGEMENT PRACTICES (BMP) OPTIONS BASED ON DEQ's GUIDANCE MANUAL HAS BEEN REVIEWED TO COMPLETE THIS EROSION AND SEDIMENT CONTROL PLAN. SOME OF THE ABOVE LISTED BMP's WERE NOT CHOSEN BECAUSE THEY WERE DETERMINED TO NOT EFFECTIVELY MANAGE EROSION PREVENTION AND SEDIMENT CONTROL FOR THIS PROJECT BASED ON SPECIFIC SITE CONDITIONS, INCLUDING SOIL CONDITIONS TOPOGRAPHIC CONSTRAINTS, ACCESSIBILITY TO THE SITE, AND OTHER RELATED CONDITIONS, AS THE PROJECT PROGRESSES AND THERE IS A NEED TO REVISE THE ESC PLAN, AN ACTION PLAN WILL BE SUBMITTED.

ATTENTION EXCAVATORS:

OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THESE RULES FROM THE CENTER BY CALLING 503-232-1987. IF YOU HAVE ANY QUESTIONS ABOUT THE RULES, YOU MAY CONTACT THE CENTER. YOU MUST NOTIFY THE CENTER AT LEAST TWO BUSINESS DAYS BUT NOT MORE THAN TEN BUSINESS DAYS, BEFORE COMMENCING AN EXCAVATION. CALL 503-246-6899.

STANDARD EROSION AND SEDIMENT CONTROL PLAN DRAWING NOTES:

1. INCLUDE A LIST OF ALL PERSONNEL (BY NAME AND POSITION) THAT ARE RESPONSIBLE FOR THE DESIGN, INSTALLATION AND MAINTENANCE OF STORMWATER CONTROL MEASURES (E.G. ESCP DEVELOPER, BMP INSTALLER (SEE SECTION 4.10), AS WELL AS THEIR INDIVIDUAL RESPONSIBILITIES. (SECTION 4.4.C.II)
2. VISUAL MONITORING INSPECTION REPORTS MUST BE MADE IN ACCORDANCE WITH DEQ 1200C PERMIT REQUIREMENTS. (SECTION 6.5.)
3. INSPECTION LOGS MUST BE KEPT IN ACCORDANCE WITH DEQ'S 1200C PERMIT REQUIREMENTS. (SECTION 6.5.Q)
4. RETAIN A COPY OF THE ESCP AND ALL REVISIONS ON SITE AND MAKE IT AVAILABLE ON REQUEST TO DEQ, AGENT, OR THE LOCAL MUNICIPALITY. (SECTION 4.7)
5. THE PERMIT REGISTRANT MUST IMPLEMENT THE ESCP. FAILURE TO IMPLEMENT ANY OF THE CONTROL MEASURES OR PRACTICES DESCRIBED IN THE ESCP IS A VIOLATION OF THE PERMIT. (SECTIONS 4 AND 4.11)
6. THE ESCP MUST BE ACCURATE AND REFLECT SITE CONDITIONS. (SECTION 4.8)
7. SUBMISSION OF ALL ESCP REVISIONS IS NOT REQUIRED. SUBMITTAL OF THE ESCP REVISIONS IS ONLY UNDER SPECIFIC CONDITIONS. SUBMIT ALL NECESSARY REVISIONS TO DEQ OR AGENT WITHIN 10 DAYS. (SECTION 4.9)
8. SEQUENCE CLEARING AND GRADING TO THE MAXIMUM EXTENT PRACTICAL TO PREVENT EXPOSED INACTIVE AREAS FROM BECOMING A SOURCE OF EROSION. (SECTION 2.2.2)
9. CREATE SMOOTH SURFACES BETWEEN SOIL SURFACE AND EROSION AND SEDIMENT CONTROLS TO PREVENT STORMWATER FROM BYPASSING CONTROLS AND PONDING. (SECTION 2.2.3)
10. IDENTIFY, MARK, AND PROTECT (BY CONSTRUCTION FENCING OR OTHER MEANS) CRITICAL RIPARIAN AREAS AND VEGETATION INCLUDING IMPORTANT TREES AND ASSOCIATED ROOTING ZONES, AND VEGETATION AREAS TO BE PRESERVED. IDENTIFY VEGETATIVE BUFFER ZONES BETWEEN THE SITE AND SENSITIVE AREAS (E.G., WETLANDS), AND OTHER AREAS TO BE PRESERVED, ESPECIALLY IN PERIMETER AREAS. (SECTION 2.2.1)
11. PRESERVE EXISTING VEGETATION WHEN PRACTICAL AND RE-VEGETATE OPEN AREAS. RE-VEGETATE OPEN AREAS WHEN PRACTICABLE BEFORE AND AFTER GRADING OR CONSTRUCTION. IDENTIFY THE TYPE OF VEGETATIVE SEED MIX USED. (SECTION 2.2.5)
12. MAINTAIN AND DELINEATE ANY EXISTING NATURAL BUFFER WITHIN 50 FEET OF WATERS OF THE STATE. (SECTION 2.2.4)
13. INSTALL PERIMETER SEDIMENT CONTROL, INCLUDING STORM DRAIN INLET PROTECTION AS WELL AS ALL SEDIMENT BASINS, TRAPS, AND BARRIERS PRIOR TO LAND DISTURBANCE. (SECTION 2.1.3)
14. CONTROL BOTH PEAK FLOW RATES AND TOTAL STORMWATER VOLUME, TO MINIMIZE EROSION AT OUTLETS AND DOWNSTREAM CHANNELS AND STREAMBANKS. (SECTION 2.1.1 AND 2.2.16)
15. CONTROL SEDIMENT AS NEEDED ALONG THE SITE PERIMETER AND AT ALL OPERATIONAL STORM DRAIN INLETS AT ALL TIMES DURING CONSTRUCTION, BOTH INTERNALLY AND AT THE SITE BOUNDARY. (SECTION 2.2.8 AND 2.2.13)
16. ESTABLISH CONCRETE TRUCK AND OTHER CONCRETE EQUIPMENT WASHOUT AREAS BEFORE BEGINNING CONCRETE WORK. (SECTION 2.2.14)
17. APPLY TEMPORARY AND/OR PERMANENT SOIL STABILIZATION MEASURES IMMEDIATELY ON ALL DISTURBED AREAS AS GRADING PROGRESSES. TEMPORARY OR PERMANENT STABILIZATION MEASURES ARE NOT REQUIRED FOR AREAS THAT ARE INTENDED TO BE LEFT UNVEGETATED, SUCH AS DIRT ACCESS ROADS OR UTILITY POLE PADS. (SECTIONS 2.2.20 AND 2.2.21)
18. ESTABLISH MATERIAL AND WASTE STORAGE AREAS, AND OTHER NON-STORMWATER CONTROLS. (SECTION 2.3.7)
19. KEEP WASTE CONTAINER LIDS CLOSED WHEN NOT IN USE AND CLOSE LIDS AT THE END OF THE BUSINESS DAY FOR THOSE CONTAINERS THAT ARE ACTIVELY USED THROUGHOUT THE DAY. FOR WASTE CONTAINERS THAT DO NOT HAVE LIDS, PROVIDE EITHER (1) COVER (E.G., AT TARP, PLASTIC SHEETING, TEMPORARY ROOF) TO PREVENT EXPOSURE OF WASTES TO PRECIPITATION, OR (2) A SIMILARLY EFFECTIVE MEANS DESIGNED TO PREVENT THE DISCHARGE OF POLLUTANTS (E.G. SECONDARY CONTAINMENT). (SECTION 2.3.7)
20. PREVENT TRACKING OF SEDIMENT ONTO PUBLIC OR PRIVATE ROADS USING BMPs SUCH AS: CONSTRUCTION ENTRANCE, GRAVELED (OR PAVED) EXITS AND PARKING AREAS, GRAVEL ALL UNPAVED ROADS LOCATED ONSITE, OR USE AN EXIT TIRE WASH. THESE BMPs MUST BE IN PLACE PRIOR TO LAND-DISTURBING ACTIVITIES. (SECTION 2.2.7)
21. WHEN TRUCKING SATURATED SOILS FROM THE SITE, EITHER USE WATER-TIGHT TRUCKS OR DRAIN LOADS ON SITE. (SECTION 2.2.7.F)
22. CONTROL PROHIBITED DISCHARGES FROM LEAVING THE CONSTRUCTION SITE, I.E., CONCRETE WASH-OUT, WASTEWATER FROM CLEANOUT OF STUCCO, PAINT AND CURING COMPOUNDS. (SECTION 1.5 AND 2.3.9)
23. ENSURE THAT STEEP SLOPE AREAS WHERE CONSTRUCTION ACTIVITIES ARE NOT OCCURRING ARE NOT DISTURBED. (SECTION 2.2.10)
24. PREVENT SOIL COMPACTION IN AREAS WHERE POST-CONSTRUCTION INFILTRATION FACILITIES ARE TO BE INSTALLED. (SECTION 2.2.12)
25. USE BMPs TO PREVENT OR MINIMIZE STORMWATER EXPOSURE TO POLLUTANTS FROM SPILLS; VEHICLE AND EQUIPMENT FUELING, MAINTENANCE, AND STORAGE; OTHER CLEANING AND MAINTENANCE ACTIVITIES; AND WASTE HANDLING ACTIVITIES. THESE POLLUTANTS INCLUDE FUEL, HYDRAULIC FLUID, AND OTHER OILS FROM VEHICLES AND MACHINERY, AS WELL AS DEBRIS, FERTILIZER, PESTICIDES AND HERBICIDES, PAINTS, SOLVENTS, CURING COMPOUNDS, AND ADHESIVES FROM CONSTRUCTION OPERATIONS. (SECTION 2.2.15 AND 2.3)
26. PROVIDE PLANS FOR SEDIMENTATION BASINS THAT HAVE BEEN DESIGNED PER SECTION 2.2.17 AND STAMPED BY AN OREGON PROFESSIONAL ENGINEER. (SEE SECTION 2.2.17.A)
27. IF ENGINEERED SOILS ARE USED ON SITE, A SEDIMENTATION BASIN/IMPOUNDMENT MUST BE INSTALLED. (SEE SECTIONS 2.2.17 AND 2.2.18)
28. PROVIDE A DEWATERING PLAN FOR ACCUMULATED WATER FROM PRECIPITATION AND UNCONTAMINATED GROUNDWATER SEEPAGE DUE TO SHALLOW EXCAVATION ACTIVITIES. (SEE SECTION 2.4)
29. IMPLEMENT THE FOLLOWING BMPs WHEN APPLICABLE: WRITTEN SPILL PREVENTION AND RESPONSE PROCEDURES, EMPLOYEE TRAINING ON SPILL PREVENTION AND PROPER DISPOSAL PROCEDURES, SPILL KITS IN ALL VEHICLES, REGULAR MAINTENANCE SCHEDULE FOR VEHICLES AND MACHINERY, MATERIAL DELIVERY AND STORAGE CONTROLS, TRAINING AND SIGNAGE, AND COVERED STORAGE AREAS FOR WASTE AND SUPPLIES. (SECTION 2.3)
30. USE WATER, SOIL-BINDING AGENT, OR OTHER DUST CONTROL TECHNIQUE AS NEEDED TO AVOID WIND-BLOWN SOIL. (SECTION 2.2.9)
31. THE APPLICATION RATE OF FERTILIZERS USED TO REESTABLISH VEGETATION MUST FOLLOW MANUFACTURER'S RECOMMENDATIONS TO MINIMIZE NUTRIENT RELEASES TO SURFACE WATERS. EXERCISE CAUTION WHEN USING TIME-RELEASE FERTILIZERS WITHIN ANY WATERWAY RIPARIAN ZONE. (SECTION 2.3.5)
32. IF AN ACTIVE TREATMENT SYSTEM (FOR EXAMPLE, ELECTRO-COAGULATION, FLOCCULATION, FILTRATION, ETC.) FOR SEDIMENT OR OTHER POLLUTANT REMOVAL IS EMPLOYED, SUBMIT AN OPERATION AND MAINTENANCE PLAN (INCLUDING SYSTEM SCHEMATIC, LOCATION OF SYSTEM, LOCATION OF INLET, LOCATION OF DISCHARGE, DISCHARGE DISPERSION DEVICE DESIGN, AND A SAMPLING PLAN AND FREQUENCY) BEFORE OPERATING THE TREATMENT SYSTEM. OBTAIN ENVIRONMENTAL MANAGEMENT PLAN APPROVAL FROM DEQ BEFORE OPERATING THE TREATMENT SYSTEM. OPERATE AND MAINTAIN THE TREATMENT SYSTEM ACCORDING TO MANUFACTURER'S SPECIFICATIONS. (SECTION 1.2.9)
33. TEMPORARILY STABILIZE SOILS AT THE END OF THE SHIFT BEFORE HOLIDAYS AND WEEKENDS, IF NEEDED. THE REGISTRANT IS RESPONSIBLE FOR ENSURING THAT SOILS ARE STABLE DURING RAIN EVENTS AT ALL TIMES OF THE YEAR. (SECTION 2.2)
34. AS NEEDED BASED ON WEATHER CONDITIONS, AT THE END OF EACH WORKDAY SOIL STOCKPILES MUST BE STABILIZED (OR COVERED), OR OTHER BMPs MUST BE IMPLEMENTED TO PREVENT DISCHARGES TO SURFACE WATERS OR CONVEYANCE SYSTEMS LEADING TO SURFACE WATERS. (SECTION 2.2.8)
35. SEDIMENT FENCE: REMOVE TRAPPED SEDIMENT BEFORE IT REACHES ONE THIRD OF THE ABOVE GROUND FENCE HEIGHT AND BEFORE FENCE REMOVAL. (SECTION 2.1.5.B)
36. OTHER SEDIMENT BARRIERS (SUCH AS BIOBAGS): REMOVE SEDIMENT BEFORE IT REACHES TWO INCHES DEPTH ABOVE GROUND HEIGHT AND BEFORE BMP REMOVAL. (SECTION 2.1.5.C)
37. CATCH BASINS: CLEAN BEFORE RETENTION CAPACITY HAS BEEN REDUCED BY FIFTY PERCENT. SEDIMENT BASINS AND SEDIMENT TRAPS: REMOVE TRAPPED SEDIMENTS BEFORE DESIGN CAPACITY HAS BEEN REDUCED BY FIFTY PERCENT AND AT COMPLETION OF PROJECT. (SECTION 2.1.5.D)
38. WITHIN 24 HOURS, SIGNIFICANT SEDIMENT THAT HAS LEFT THE CONSTRUCTION SITE MUST BE REMEDIATED. INVESTIGATE THE CAUSE OF THE SEDIMENT RELEASE AND IMPLEMENT STEPS TO PREVENT A RECURRENCE OF THE DISCHARGE WITHIN THE SAME 24 HOURS. ANY IN-STREAM CLEAN-UP OF SEDIMENT SHALL BE PERFORMED ACCORDING TO THE OREGON DEPARTMENT OF STATE LANDS REQUIRED TIMEFRAME. (SECTION 2.2.19.A)
39. THE INTENTIONAL WASHING OF SEDIMENT INTO STORM SEWERS OR DRAINAGE WAYS MUST NOT OCCUR. VACUUMING OR DRY SWEEPING AND MATERIAL PICKUP MUST BE USED TO CLEANUP RELEASED SEDIMENTS. (SECTION 2.2.19)
40. DOCUMENT ANY PORTION(S) OF THE SITE WHERE LAND DISTURBING ACTIVITIES HAS PERMANENTLY CEASED OR WILL BE TEMPORARILY INACTIVE FOR 14 OR MORE CALENDAR DAYS. (SECTION 6.5.F)
41. PROVIDE TEMPORARY STABILIZATION FOR THAT PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES CEASE FOR 14 DAYS OR MORE WITH A COVERING OF BLOWN STRAW AND A TACKIFIER, LOOSE STRAW, OR AN ADEQUATE COVERING OF COMPOST MULCH UNTIL WORK RESUMES ON THAT PORTION OF THE SITE. (SECTION 2.2.20)
42. DO NOT REMOVE TEMPORARY SEDIMENT CONTROL PRACTICES UNTIL PERMANENT VEGETATION OR OTHER COVER OF EXPOSED AREAS IS ESTABLISHED. ONCE CONSTRUCTION IS COMPLETE AND THE SITE IS STABILIZED, ALL TEMPORARY EROSION CONTROLS AND RETAINED SOILS MUST BE REMOVED AND DISPOSED OF PROPERLY, UNLESS NEEDED FOR LONG TERM USE FOLLOWING TERMINATION OF THE PERMIT COVERAGE. (SECTION 2.2.21)

BMP MATRIX FOR CONSTRUCTION PHASES

REFER TO DEQ GUIDANCE MANUAL FOR A COMPREHENSIVE LIST OF AVAILABLE BMP'S

CONTRACTOR TO NOTIFY LISTED ENGINEER AND INSPECTOR PRIOR TO INSTALLING ESC MEASURES

	CLEARING	MASS GRADING	UTILITY INSTALLATION	STREET & SITE CONSTRUCTION	VERTICAL CONSTRUCTION	FINAL VEGETATION & STABILIZATION
EROSION PREVENTION						
PRESERVE NATURAL VEGETATION	X	X	X	X	X	X
GROUND COVER						X
HYDRAULIC APPLICATIONS		X	X			
PLASTIC SHEETING		X	X	X	X	
MATTING		X	X	X	X	X
STRAW/MULCH COVER		X	X	X	X	
ROCK COVER						
DUST CONTROL	X	X	X	X	X	X
TEMPORARY/PERMANENT SEEDING		X	X	X	X	X
BUFFER ZONE						
OTHER:						
SEDIMENT CONTROL						
SEDIMENT FENCE (PERIMETER)	**X	X	X	X	X	
SEDIMENT FENCE (INTERIOR)			X	X	X	
STRAW WATTLES	X	X	X	X	X	
FILTER BERM						
INLET PROTECTION	**X	X	X	X	X	X
DEWATERING						
SEDIMENT TRAP						
NATURAL BUFFER ENCROACHMENT						
COMPOST SOCK/ BERM						
RUN OFF CONTROL						
CONSTRUCTION ENTRANCE	**X	X	X	X	X	
PIPE SLOPE DRAIN						
OUTLET PROTECTION						
SURFACE ROUGHENING		X				X
CHECK DAMS						
OTHER:						
POLLUTION PREVENTION						
PROPER SIGNAGE	X	X	X	X	X	X
HAZARDOUS WASTE MANAGEMENT	X	X	X	X	X	X
SPILL KIT ON-SITE	X	X	X	X	X	X
CONCRETE WASHOUT AREA			X	X	X	
OTHER:						

* SIGNIFIES ADDITIONAL BMP'S REQUIRED FOR WORK WITHIN 50' OF WATER OF THE STATE
** SIGNIFIES BMP THAT WILL BE INSTALLED PRIOR TO ANY GROUND DISTURBING ACTIVITY.

NOTE: THE PERMITTEE IS REQUIRED TO MEET ALL THE CONDITIONS OF THE 1200C PERMIT. THIS ESCP AND GENERAL CONDITIONS HAVE BEEN DEVELOPED TO FACILITATE COMPLIANCE WITH THE 1200C PERMIT REQUIREMENTS. IN CASES OF DISCREPANCIES OR OMISSIONS, THE 1200C PERMIT REQUIREMENTS SUPERCEDE REQUIREMENTS OF THIS PLAN.

INSPECTION FREQUENCY:

SITE CONDITION	MINIMUM FREQUENCY
1. ACTIVE PERIOD	ON INITIAL DATE THAT LAND DISTURBANCE ACTIVITIES COMMENCE WITHIN 24 HOURS OF ANY STORM EVENT, INCLUDING RUNOFF FROM SNOW MELT, THAT RESULTS IN DISCHARGE FROM THE SITE. AT LEAST ONCE EVERY FOURTEEN (14) DAYS, REGARDLESS OF WHETHER STORMWATER RUNOFF IS OCCURRING.
2. INACTIVE PERIODS GREATER THAN FOURTEEN (14) CONSECUTIVE CALENDAR DAYS.	THE INSPECTOR MAY REDUCE THE FREQUENCY OF INSPECTIONS IN ANY AREA OF THE SITE WHERE THE STABILIZATION STEPS IN SECTION 2.2.20 HAVE BEEN COMPLETED TO THICE PER MONTH FOR THE FIRST MONTH, NO LESS THAN 14 CALENDAR DAYS APART, THEN ONCE PER MONTH.
3. PERIODS DURING WHICH THE SITE IS INACCESSIBLE DUE TO INCLEMENT WEATHER.	IF SAFE, ACCESSIBLE AND PRACTICAL, INSPECTIONS MUST OCCUR DAILY AT A RELEVANT DISCHARGE POINT OR DOWNSTREAM LOCATION OF THE RECEIVING WATER BODY.
4. PERIODS DURING WHICH CONSTRUCTION ACTIVITIES ARE SUSPENDED AND RUNOFF IS UNLIKELY DUE TO FROZEN CONDITIONS.	VISUAL MONITORING INSPECTIONS MAY BE TEMPORARILY SUSPENDED. IMMEDIATELY RESUME MONITORING UPON THAWING, OR WHEN WEATHER CONDITIONS MAKE DISCHARGES LIKELY.
5. PERIODS DURING WHICH CONSTRUCTION ACTIVITIES ARE CONDUCTED AND RUNOFF IS UNLIKELY DUE TO FROZEN CONDITIONS.	VISUAL MONITORING INSPECTIONS MAY BE REDUCED TO ONCE A MONTH. IMMEDIATELY RESUME MONITORING UPON THAWING, OR WHEN WEATHER CONDITIONS MAKE DISCHARGES LIKELY.

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ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

FISHERMAN'S WHARF ESTATES SUBDIVISION
NEWPORT OR
TAX LOT 400
UNCOLN COUNTY TAX MAP 11 11 09 CB

EROSION AND SEDIMENT CONTROL COVER SHEET

DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: JMP
DATE: 09/04/2019

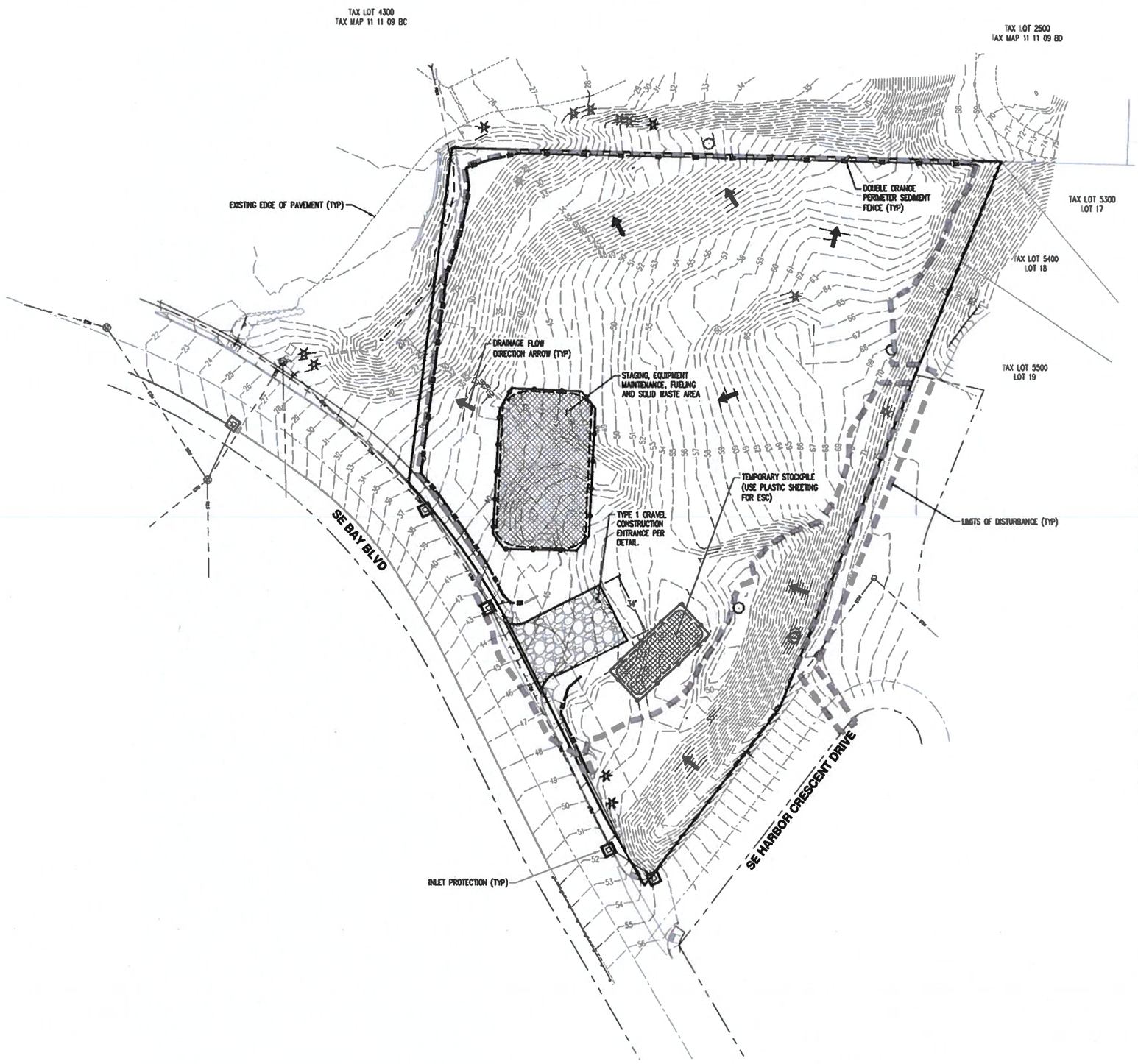
REGISTERED PROFESSIONAL ENGINEER
OREGON
JAMES M. POISSANT
EXPIRES: DEC. 31, 2022

COPY

REVISIONS
02/15/21 PER DEQ COMMENTS

JOB NUMBER
5691

SHEET
C050



LEGEND

- DIRECTION OF PRE-DEVELOPED RUNOFF
- INLET PROTECTION
- DOUBLE ROW ORANGE PERIMETER SEDIMENT FENCE (TO BE INSTALLED PRIOR TO GRADING)
- STRAW WATTLES
- LIMITS OF DISTURBANCE
- EXISTING CONTOUR (145)
- GRAVEL CONSTRUCTION ENTRANCE
- TEMPORARY SOIL STOCKPILE AREA/ STAGING

PRE-CONSTRUCTION, CLEARING, AND DEMOLITION NOTES:

1. ALL BASE ESC MEASURES (INLET PROTECTION, PERIMETER SEDIMENT CONTROL, GRAVEL CONSTRUCTION ENTRANCES, ETC.) MUST BE IN PLACE, FUNCTIONAL, AND APPROVED IN AN INITIAL INSPECTION, PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
2. SEDIMENT BARRIERS APPROVED FOR USE INCLUDE SEDIMENT FENCE, BERMS CONSTRUCTED OUT OF MULCH, CHIPPINGS, OR OTHER SUITABLE MATERIAL, STRAW WATTLES, OR OTHER APPROVED MATERIALS.
3. SENSITIVE RESOURCES INCLUDING, BUT NOT LIMITED TO, TREES, WETLANDS, AND RIPARIAN PROTECTION AREAS SHALL BE CLEARLY DELINEATED WITH ORANGE CONSTRUCTION FENCING OR CHAIN LINK FENCING IN A MANNER THAT IS CLEARLY VISIBLE TO ANYONE IN THE AREA. NO ACTIVITIES ARE PERMITTED TO OCCUR BEYOND THE CONSTRUCTION BARRIER.
4. CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES INCLUDING, BUT NOT LIMITED TO, STREET SWEEPING, AND VACUUMING, MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
5. RUN-ON AND RUN-OFF CONTROLS SHALL BE IN PLACE AND FUNCTIONING PRIOR TO BEGINNING SUBSTANTIAL CONSTRUCTION ACTIVITIES.
6. WORK ON-SITE SHALL NOT BEGIN UNTIL THE CITY HAS INSPECTED AND APPROVED IN THE FIELD ALL THE EROSION CONTROL MEASURES. CALL THE CITY PUBLIC WORKS FOR INSPECTION AT 541-574-3368.
7. CONTRACTOR SHALL PROVIDE A SPILL PREVENTION PLAN AND PROCEDURES AS REQUIRED FOR THE 1200C PERMIT.
8. CONTRACTOR SHALL PROVIDE THE ESC INSPECTOR A LIST OF ALL SUBCONTRACTORS THAT WILL ENGAGE IN CONSTRUCTION ACTIVITIES ONSITE AND IDENTIFY PERSONNEL RESPONSIBLE FOR INSTALLATION AND MAINTENANCE OF ESC MEASURES ASSOCIATED WITH EACH LOT'S CONSTRUCTION.
9. PRE-DEVELOPED RUN-OFF DRAINS TO EXISTING PUBLIC STORM SYSTEM.
10. ALL PROPOSED SLOPE GRADING SHALL CONFORM TO I.B.C. REQUIREMENTS FOR BENCHING AND DRAINAGE.

NOTE
ADDITIONAL "WET WEATHER" CONSTRUCTION MEASURES NEED TO BE APPLIED BETWEEN OCTOBER 1ST AND MAY 31ST.

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SCALE: 1" = 30 FEET
30 0 12 18 24 30

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
TAX LOT 400
LINCOLN COUNTY TAX MAP 11 11 09 C3

CLEARING AND DEMOLITION ESCP

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP

DATE: 09/04/2019

REGISTERED PROFESSIONAL ENGINEER
JACOB M. POISSANT
EXPIRES: DEC. 31, 2022

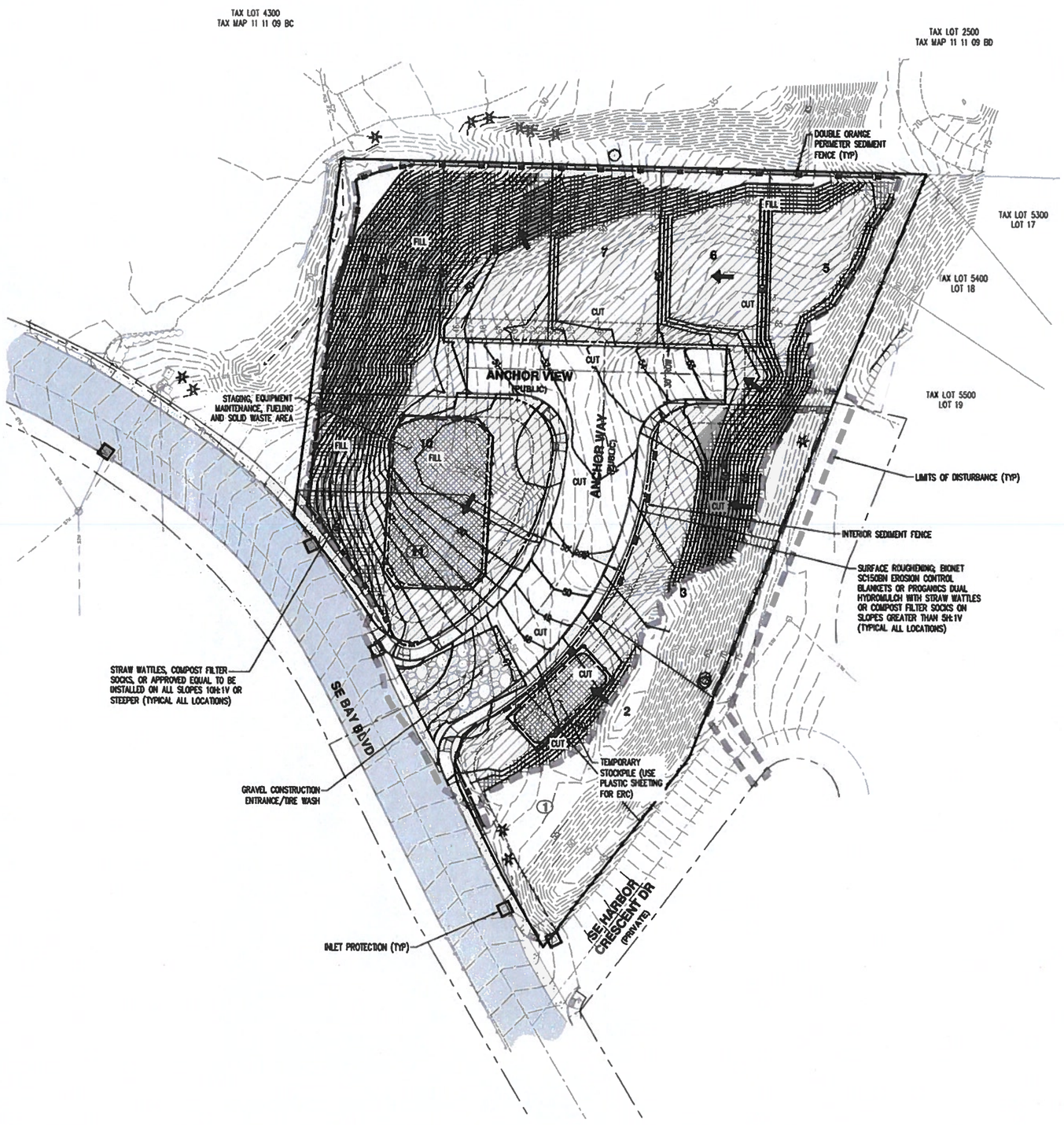
COPY

REVISIONS
02/15/21 PER DEQ COMMENTS

JOB NUMBER
5691

SHEET
C051

AKS DRAWING FILE: 5691 PRE ESCPLANS | LAYOUT: C051



LEGEND

- INLET PROTECTION
- INTERIOR SEDIMENT FENCE
- DOUBLE ROW ORANGE PERIMETER SEDIMENT FENCE (TO BE INSTALLED AFTER GRADING)
- INTERIOR SEDIMENT FENCE (TO BE INSTALLED AFTER GRADING)
- STRAW WATTLE
- LIMITS OF DISTURBED AREA
- EXISTING CONTOURS — 145
- PROPOSED CONTOURS — 150
- TEMPORARY SOIL STOCKPILE AREA/ STAGING
- EXISTING AC PAVEMENT
- SEEDING AND MULCHING
- SLOPE MATTING OR PROGANICS HYDROMULCH
- GRAVEL CONSTRUCTION ENTRANCE
- DRAINAGE FLOW DIRECTION

MASS GRADING EROSION AND SEDIMENT CONSTRUCTION NOTES:

1. SEED USED FOR TEMPORARY OR PERMANENT SEEDING SHALL BE COMPOSED OF THE FOLLOWING MIXTURE, UNLESS OTHERWISE AUTHORIZED:
   A. STANDARD HEIGHT GRASS MIX (MIN. 100LB./AC.)
      1. ANNUAL RYEGRASS (40% BY WEIGHT)
      2. TURF-TYPE FESCUE (60% BY WEIGHT)
2. SLOPES TO RECEIVE TEMPORARY OR PERMANENT SEEDING SHALL HAVE THE SURFACE ROUGHENED BY MEANS OF TRACK-WALKING OR THE USE OF OTHER APPROVED IMPLEMENTS. SURFACE ROUGHENING IMPROVES SEED BEDDING AND REDUCES RUN-OFF VELOCITY.
3. LONG-TERM SLOPE STABILIZATION MEASURES SHALL INCLUDE THE ESTABLISHMENT OF PERMANENT VEGETATIVE COVER VIA SEEDING WITH APPROVED MIX AND APPLICATION RATE.
4. TEMPORARY SLOPE STABILIZATION MEASURES SHALL INCLUDE: COVERING EXPOSED SOIL WITH PLASTIC SHEETING, STRAW MULCHING, WOOD CHIPS, OR OTHER APPROVED MEASURES.
5. STOCKPILED SOIL OR STRIPPINGS SHALL BE PLACED IN A STABLE LOCATION AND CONFIGURATION. DURING "WET WEATHER" PERIODS, STOCKPILES SHALL BE COVERED WITH PLASTIC SHEETING OR STRAW MULCH. SEDIMENT FENCE IS REQUIRED AROUND THE PERIMETER OF THE STOCKPILE.
6. EXPOSED CUT OR FILL AREAS SHALL BE STABILIZED THROUGH THE USE OF TEMPORARY SEEDING AND MULCHING, EROSION CONTROL BLANKETS OR MATS, MID-SLOPE SEDIMENT FENCES OR WATTLES, OR OTHER APPROPRIATE MEASURES. SLOPES EXCEEDING 25% MAY REQUIRE ADDITIONAL EROSION CONTROL MEASURES.
7. AREAS SUBJECT TO WIND EROSION SHALL USE APPROPRIATE DUST CONTROL MEASURES INCLUDING THE APPLICATION OF A FINE SPRAY OF WATER, PLASTIC SHEETING, STRAW MULCHING, OR OTHER APPROVED MEASURES.
8. CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES INCLUDING, BUT NOT LIMITED TO, TIRE WASHES, STREET SWEEPING, AND VACUUMING MAY BE BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
9. ACTIVE INLETS TO STORM WATER SYSTEMS SHALL BE PROTECTED THROUGH THE USE OF APPROVED INLET PROTECTION MEASURES. ALL INLET PROTECTION MEASURES ARE TO BE REGULARLY INSPECTED AND MAINTAINED AS NEEDED.
10. SATURATED MATERIALS THAT ARE HAULED OFF-SITE MUST BE TRANSPORTED IN WATER-TIGHT TRUCKS TO ELIMINATE SPILLAGE OF SEDIMENT AND SEDIMENT-LADEN WATER.
11. USE BMPs SUCH AS CHECK DAMS, BERMS, AND INLET PROTECTION TO PREVENT RUN-OFF FROM REACHING DISCHARGE POINTS.
12. PROJECT SITE AND DISTURBED AREAS TO BE PROPERLY MAINTAINED TO MINIMIZE DUST GENERATION.
13. CONTRACTOR SHALL NOTIFY ENGINEER AND EROSION CONTROL INSPECTOR IF ENGINEERED SOILS (I.E. CEMENT TREATED SOILS OR BASES) ARE PLANNED AND A SUPPLEMENTAL PLAN SHALL BE SUBMITTED AND APPROVED BY THE LOCAL JURISDICTION AND EC INSPECTOR. THE SUPPLEMENTAL EC PLAN SHALL INCLUDE A SEDIMENT BASIN AND PH MONITORING AS REQUIRED PER SECTION 6.6 OF THE 1200C PERMIT.
14. HYDROMULCH REQUIRED ON ALL SLOPES 10H:1V OR STEEPER
15. HYDROMULCH SHALL BE PROGANICS DUAL AS MANUFACTURED BY PROFILE PRODUCTS. APPLY WITH GRASS SEED AT A RATE OF 5,000 LB/ACRE. CONTACT DAMON SUMP AT 503-537-8462

EROSION AND SEDIMENT CONTROL BMP IMPLEMENTATION:

1. ALL BASE ESC MEASURES (INLET PROTECTION, PERIMETER SEDIMENT CONTROL, GRAVEL CONSTRUCTION ENTRANCES, ETC.) MUST BE IN PLACE, FUNCTIONAL, AND APPROVED IN AN INITIAL INSPECTION, PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
2. ALL "SEDIMENT BARRIERS (TO BE INSTALLED AFTER GRADING)" SHALL BE INSTALLED IMMEDIATELY FOLLOWING ESTABLISHMENT OF FINISHED GRADE AS SHOWN ON THESE PLANS.
3. LONG-TERM SLOPE STABILIZATION MEASURES, INCLUDING SLOPE MATTING AND TEMPORARY/PERMANENT SEEDING, SHALL BE IN PLACE OVER ALL EXPOSED SOILS IMMEDIATELY AFTER SITE FINISHED GRADE IS ESTABLISHED AND BY OCTOBER 1. CONTRACTOR MAY PHASE LONG-TERM STABILIZATION MEASURES BASED ON TIMING AND COMPLETION OF FINISHED GRADE DEPENDING ON THE TIME OF YEAR.
4. TEMPORARY STABILIZATION OF THE SITE MUST BE INSTALLED AT THE END OF EACH WORKDAY BETWEEN OCTOBER 1ST AND MAY 31ST.

NOTE
ADDITIONAL "WET WEATHER" CONSTRUCTION MEASURES NEED TO BE APPLIED BETWEEN OCTOBER 1ST AND MAY 31ST.

N

SCALE: 1"= 30 FEET
30 0 12 18 24 30

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
TAX LOT 400 LINCOLN COUNTY TAX MAP 11 11 09 CB

MASS GRADING AND INTERIM STABILIZATION ESCP

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP
DATE: 09/04/2019	

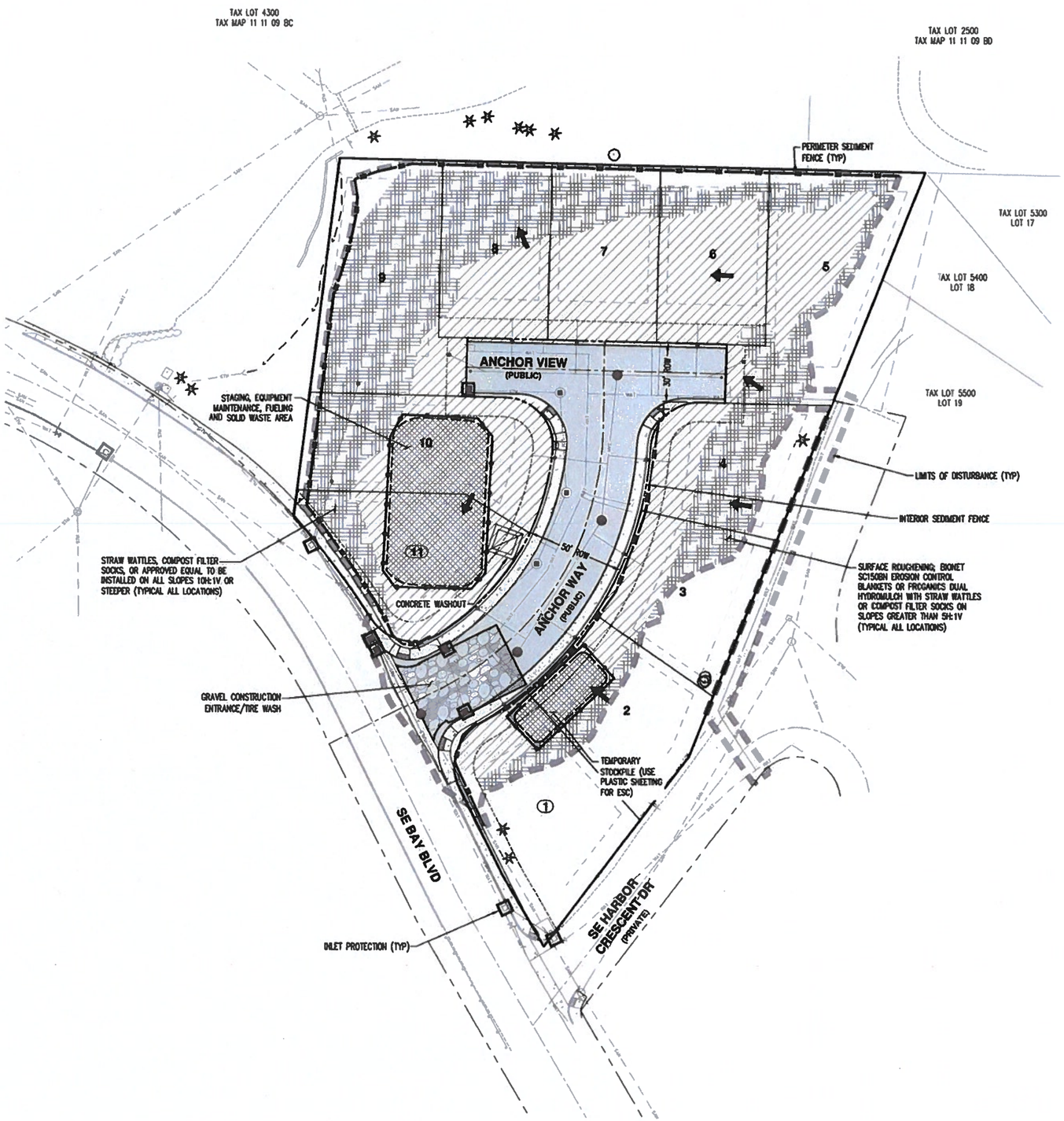
REGISTERED PROFESSIONAL ENGINEER
OREGON
JAMES M. POISSANT
EXPIRES: DEC. 31, 2022

REVISIONS
02/15/21 PER DEQ COMMENTS

JOB NUMBER
5691

SHEET
C052

AKS DRAWING FILE: 5691 POST ESCP.DWG | LAYOUT: C052



LEGEND

- INLET PROTECTION
- CONCRETE TRUCK WASHOUT AREA
- INTERIOR SEDIMENT FENCE
- DOUBLE ROW ORANGE PERIMETER SEDIMENT FENCE (TO BE INSTALLED AFTER GRADING)
- INTERIOR SEDIMENT FENCE (TO BE INSTALLED AFTER GRADING)
- STRAW WATTLE
- LIMITS OF DISTURBED AREA
- EXISTING CONTOURS — 145
- PROPOSED CONTOURS — 150
- NEW IMPERVIOUS SURFACE
- SEEDING AND MULCHING
- SLOPE MATTING OR PROGANICS HYDROMULCH
- STOCKPILE, STAGING, EQUIPMENT MAINTENANCE, FUELING AND SOLID WASTE
- GRAVEL CONSTRUCTION ENTRANCE
- DRAINAGE FLOW DIRECTION

STREET AND UTILITY EROSION AND SEDIMENT CONSTRUCTION NOTES:

1. CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES INCLUDING, BUT NOT LIMITED TO, TIRE WASHES, STREET SWEEPING, AND VACUUMING MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
2. ACTIVE INLETS TO STORMWATER SYSTEMS SHALL BE PROTECTED THROUGH THE USE OF APPROVED INLET PROTECTION MEASURES. ALL INLET PROTECTION MEASURES ARE TO BE REGULARLY INSPECTED AND MAINTAINED AS NEEDED.
3. SATURATED MATERIALS THAT ARE HAULED OFF-SITE MUST BE TRANSPORTED IN WATER-TIGHT TRUCKS TO ELIMINATE SPILLAGE OF SEDIMENT AND SEDIMENT-LADEN WATER.
4. AN AREA SHALL BE PROVIDED FOR THE WASHING OUT OF CONCRETE TRUCKS IN A LOCATION THAT DOES NOT PROVIDE RUN-OFF THAT CAN ENTER THE STORMWATER SYSTEM. IF THE CONCRETE WASH-OUT AREA CANNOT BE CONSTRUCTED GREATER THAN 50' FROM ANY DISCHARGE POINT, SECONDARY MEASURES SUCH AS BERMS MAY BE REQUIRED. THE WASH-OUT SHALL BE LOCATED WITHIN SIX FEET OF TRUCK ACCESS AND BE CLEANED WHEN IT REACHES 50% OF THE CAPACITY.
5. AVOID PAVING IN WET WEATHER CONDITIONS WHEN PAVING CHEMICALS CAN RUN-OFF INTO THE STORMWATER SYSTEM.
6. USE BMPs SUCH AS CHECK DAMS, BERMS, AND INLET PROTECTION TO PREVENT RUN-OFF FROM REACHING DISCHARGE POINTS.
7. COVER CATCH BASINS, MANHOLES, AND OTHER DISCHARGE POINTS WHEN APPLYING SEAL COAT, TACK COAT, ETC. TO PREVENT INTRODUCING THESE MATERIALS TO THE STORMWATER SYSTEM.

EROSION AND SEDIMENT CONTROL BMP IMPLEMENTATION:

1. ALL BASE ESC MEASURES (INLET PROTECTION, PERIMETER SEDIMENT CONTROL, GRAVEL CONSTRUCTION ENTRANCES, ETC.) MUST BE IN PLACE, FUNCTIONAL, AND APPROVED IN AN INITIAL INSPECTION, PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
2. ALL "SEDIMENT BARRIERS" (TO BE INSTALLED AFTER GRADING) SHALL BE INSTALLED IMMEDIATELY FOLLOWING ESTABLISHMENT OF FINISHED GRADE AS SHOWN ON THESE PLANS.
3. INLET PROTECTION SHALL BE IN PLACE IMMEDIATELY FOLLOWING PAVING ACTIVITIES.
4. LONG-TERM STABILIZATION MEASURES, INCLUDING SLOPE MATTING AND TEMPORARY/PERMANENT SEEDING SHALL BE IN PLACE OVER ALL EXPOSED SOILS IMMEDIATELY AFTER SITE FINISHED GRADE IS ESTABLISHED AND BY OCTOBER 1. CONTRACTOR MAY PHASE LONG-TERM STABILIZATION MEASURES BASED ON TIMING AND COMPLETION OF FINISH GRADING AND TRENCH SPOIL REMOVAL/PLACEMENT.

NOTE
ADDITIONAL "WET WEATHER" CONSTRUCTION MEASURES NEED TO BE APPLIED BETWEEN OCTOBER 1ST AND MAY 31ST.

N

SCALE: 1" = 30 FEET
30 0 12 18 24 30

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
TAX LOT 400
LINCOLN COUNTY TAX MAP 11 11 09 CB

UTILITY & STREET CONSTRUCTION ESCP

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP

DATE: 09/04/2019

REGISTERED PROFESSIONAL ENGINEER
OREGON
JAMES M. POLSSAMI
EXPIRES: DEC. 31, 2022

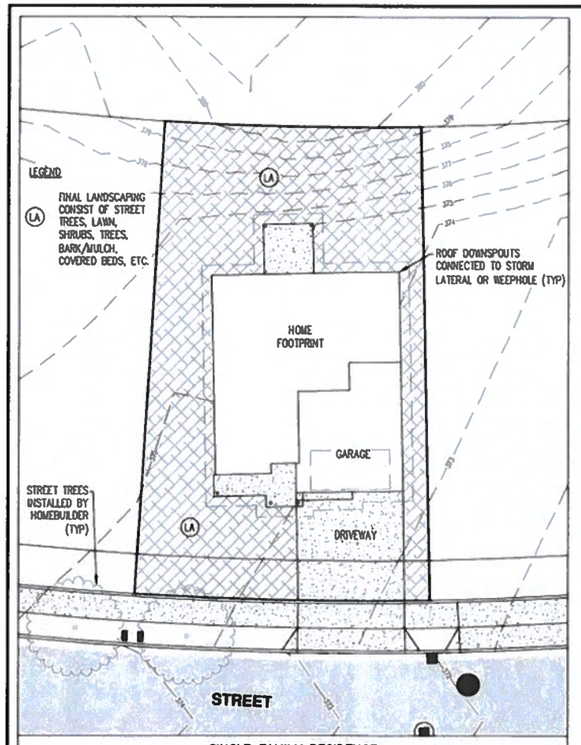
COPY

REVISIONS
02/15/21 PER DEQ COMMENTS

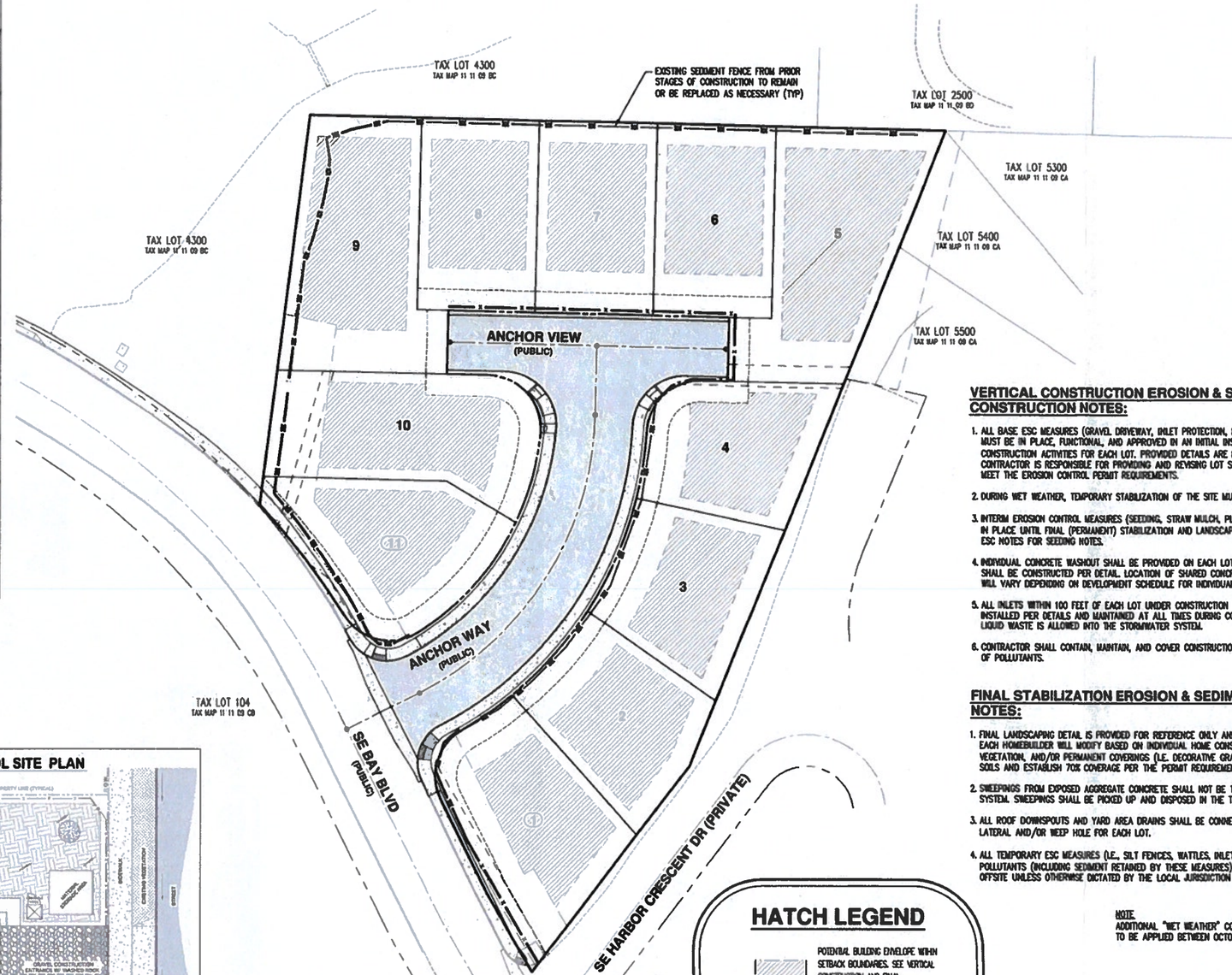
JOB NUMBER
5691

SHEET
C053

AKS DRAWING FILE: 5691 STREET-UTILITY ESCP.DWG | LAYOUT: C053



SINGLE FAMILY RESIDENCE
TYPICAL FINAL LANDSCAPING DETAIL



VERTICAL CONSTRUCTION EROSION & SEDIMENT CONSTRUCTION NOTES:

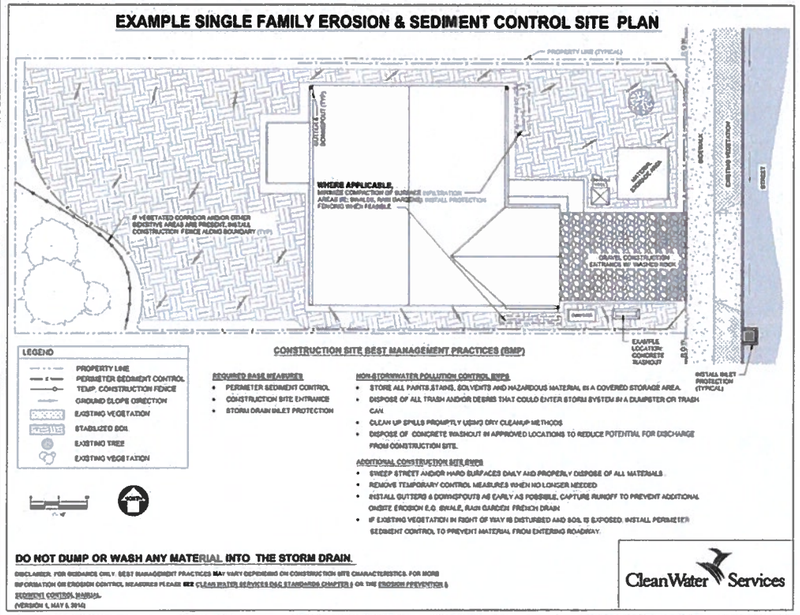
1. ALL BASE ESC MEASURES (GRAVEL DRIVEWAY, INLET PROTECTION, PERIMETER SEDIMENT CONTROL, ETC.) MUST BE IN PLACE, FUNCTIONAL, AND APPROVED IN AN INITIAL INSPECTION PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES FOR EACH LOT. PROVIDED DETAILS ARE FOR CONTRACTOR'S USE AND CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND REVISING LOT SPECIFIC ESC MEASURES AS NEEDED TO MEET THE EROSION CONTROL PERMIT REQUIREMENTS.
2. DURING WET WEATHER, TEMPORARY STABILIZATION OF THE SITE MUST OCCUR AT THE END OF EACH DAY.
3. INTERIM EROSION CONTROL MEASURES (SEEDING, STRAW MULCH, PLASTIC SHEETING, ETC.) SHALL BE KEPT IN PLACE UNTIL FINAL (PERMANENT) STABILIZATION AND LANDSCAPING IS INSTALLED. SEE MASS GRADING ESC NOTES FOR SEEDING NOTES.
4. INDIVIDUAL CONCRETE WASHOUT SHALL BE PROVIDED ON EACH LOT OR SHARED CONCRETE WASHOUT SHALL BE CONSTRUCTED PER DETAIL. LOCATION OF SHARED CONCRETE WASHOUT SHALL BE POSTED AND WILL VARY DEPENDING ON DEVELOPMENT SCHEDULE FOR INDIVIDUAL LOTS.
5. ALL INLETS WITHIN 100 FEET OF EACH LOT UNDER CONSTRUCTION MUST HAVE SEDIMENT CONTROLS INSTALLED PER DETAILS AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION. NO DISCHARGE OF ONSITE LIQUID WASTE IS ALLOWED INTO THE STORMWATER SYSTEM.
6. CONTRACTOR SHALL CONTAIN, MAINTAIN, AND COVER CONSTRUCTION DEBRIS TO PREVENT THE DISCHARGE OF POLLUTANTS.

FINAL STABILIZATION EROSION & SEDIMENT CONSTRUCTION NOTES:

1. FINAL LANDSCAPING DETAIL IS PROVIDED FOR REFERENCE ONLY AND IS INTENDED AS A CONCEPT THAT EACH HOMEBUILDER WILL MODIFY BASED ON INDIVIDUAL HOME CONSTRUCTION. FINAL LANDSCAPING, VEGETATION, AND/OR PERMANENT COVERINGS (I.E. DECORATIVE GRAVEL) SHALL COVER ALL EXPOSED SOILS AND ESTABLISH 70% COVERAGE PER THE PERMIT REQUIREMENTS.
2. SWEEPINGS FROM EXPOSED AGGREGATE CONCRETE SHALL NOT BE TRANSFERRED TO THE STORMWATER SYSTEM. SWEEPINGS SHALL BE PICKED UP AND DISPOSED IN THE TRASH.
3. ALL ROOF DOWNSPOUTS AND YARD AREA DRAINS SHALL BE CONNECTED TO PROVIDED STORMWATER LATERAL AND/OR WEEP HOLE FOR EACH LOT.
4. ALL TEMPORARY ESC MEASURES (I.E., SILT FENCES, WATTLES, INLET PROTECTION) AND POTENTIAL POLLUTANTS (INCLUDING SEDIMENT RETAINED BY THESE MEASURES) SHALL BE REMOVED AND DISPOSED OFFSITE UNLESS OTHERWISE DICTATED BY THE LOCAL JURISDICTION EROSION CONTROL REQUIREMENTS.

NOTE:
ADDITIONAL "WET WEATHER" CONSTRUCTION MEASURES NEED TO BE APPLIED BETWEEN OCTOBER 1ST AND MAY 31ST.

EXAMPLE SINGLE FAMILY EROSION & SEDIMENT CONTROL SITE PLAN



HATCH LEGEND

- POTENTIAL BUILDING ENVELOPE WITHIN SETBACK BOUNDARIES. SEE VERTICAL CONSTRUCTION AND FINAL STABILIZATION DETAILS FOR TYPICAL BMP'S ANTICIPATED FOR EACH PHASE.
- ASPHALT CONCRETE (AC)
- CONCRETE
- FINAL LANDSCAPING
- INTERIOR SEDIMENT FENCE
- EXISTING SEDIMENT FENCE FROM PRIOR STAGES

N

SCALE: 1" = 30 FEET
30 0 12 18 24 30

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
TAX LOT 400
LINCOLN COUNTY TAX MAP 11 11 09 CB

VERTICAL CONSTRUCTION AND FINAL STABILIZATION ESCP

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP

DATE: 09/04/2019

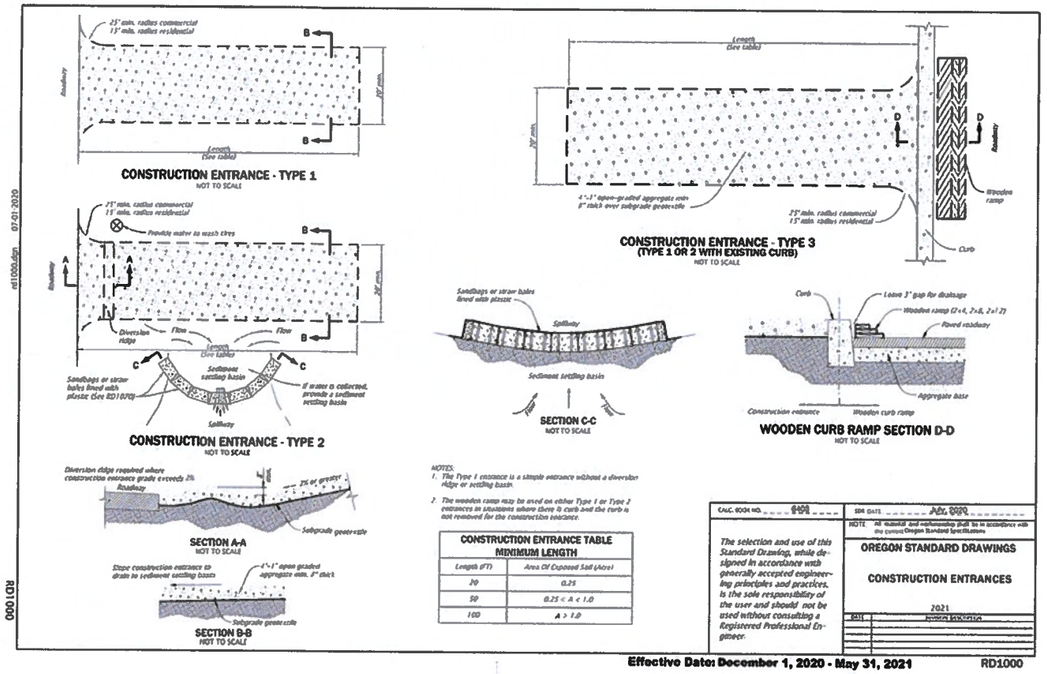
REGISTERED PROFESSIONAL ENGINEER
OREGON
JEFFREY M. POISSANT
EXPIRES: DEC. 31, 2022

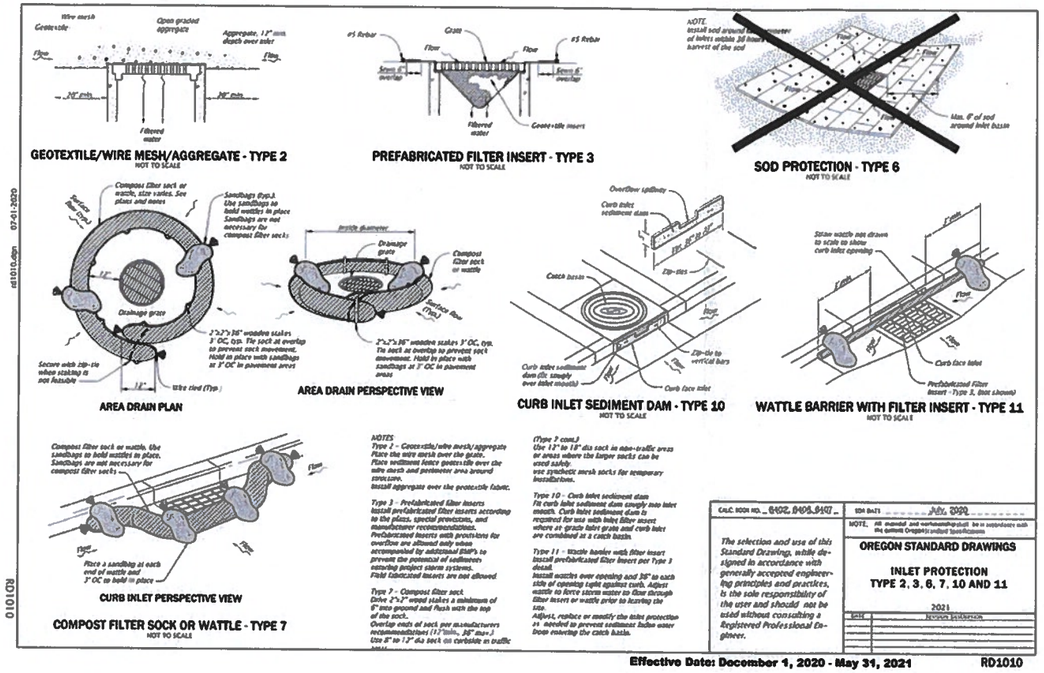
REVISIONS
02/15/21 PER DEQ COMMENTS

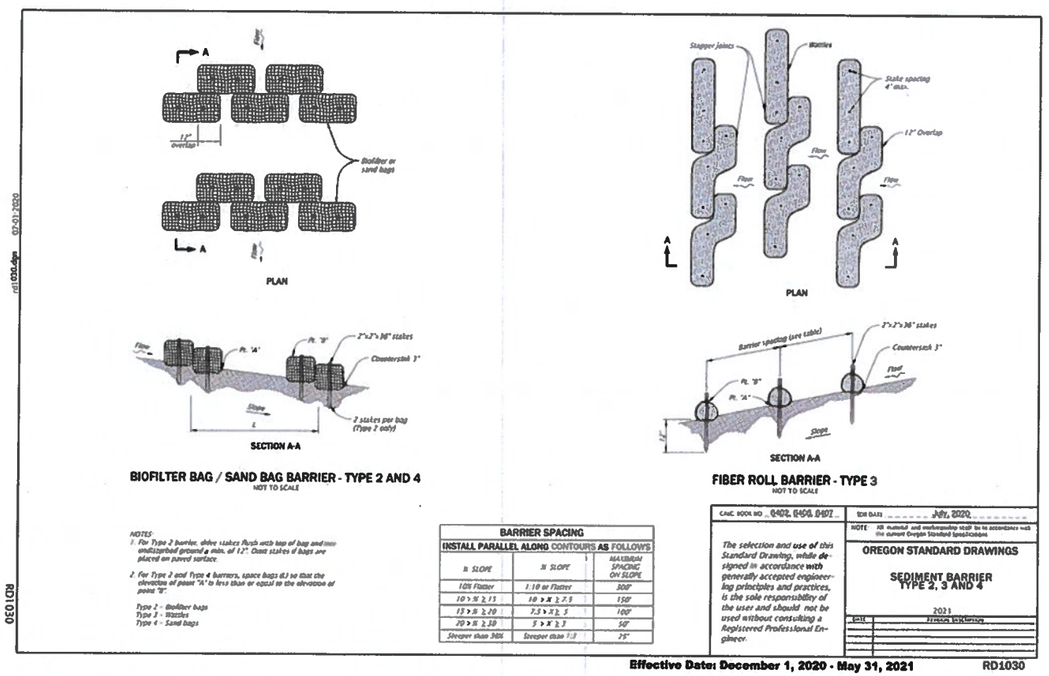
JOB NUMBER
5691

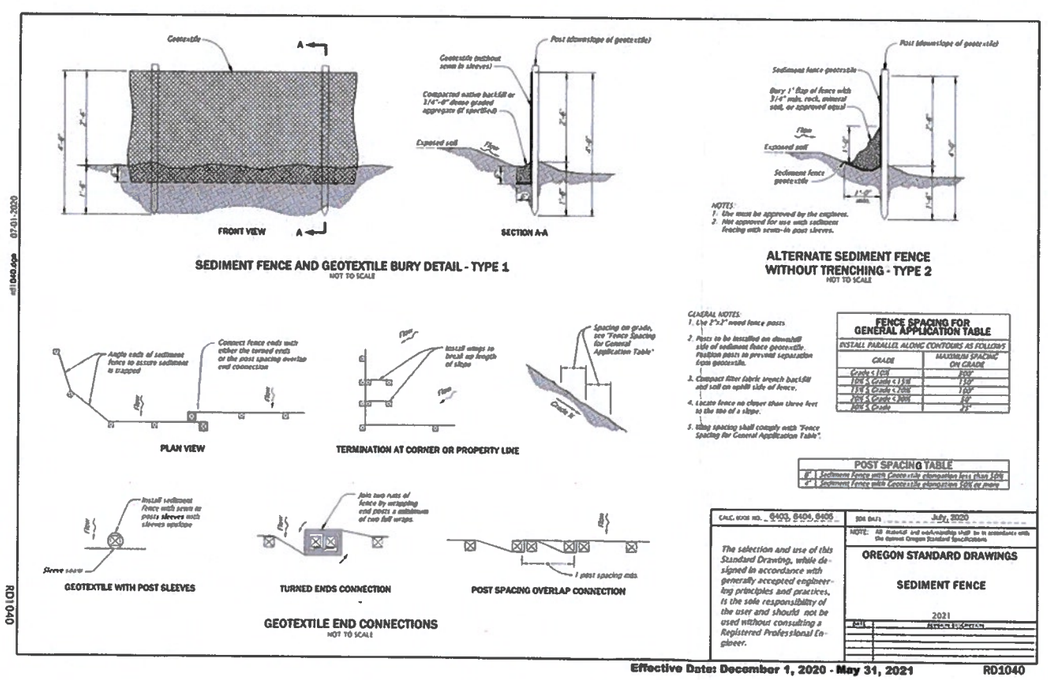
SHEET
C054

AKS DRAWING FILE: 5691 VERTICAL CONSTLDWG | LAYOUT: C054









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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
TAX LOT 400
LINCOLN COUNTY, TAX MAP 11 11 09 CB

EROSION CONTROL DETAILS

DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: MP
DATE: 09/04/2019

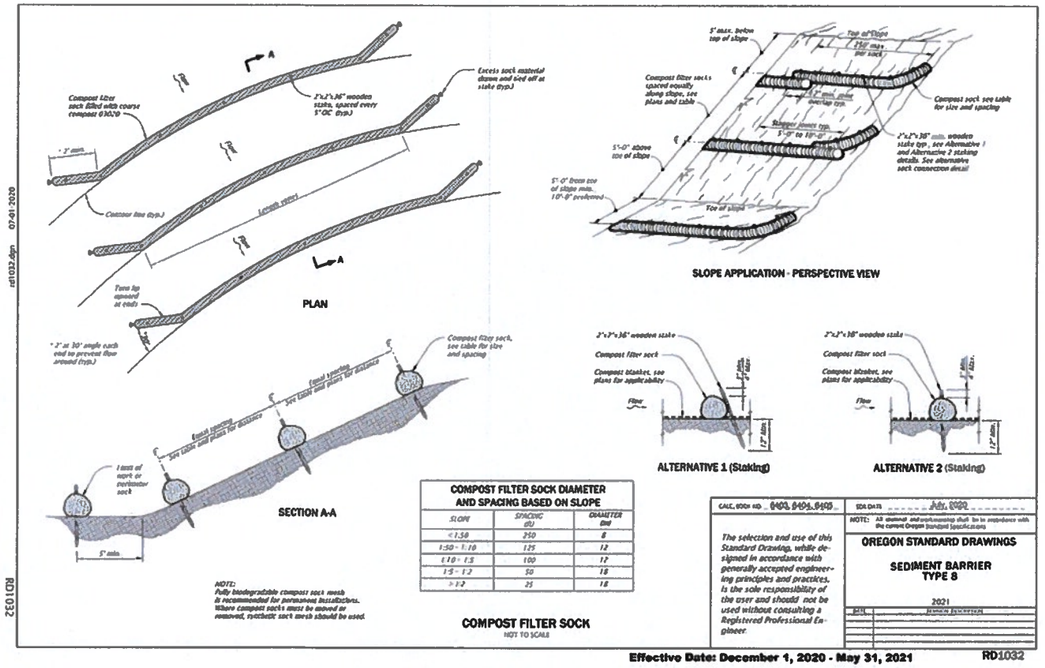
REGISTERED PROFESSIONAL ENGINEER
OREGON
SEPT. 26, 2006
MICHAEL P. POLISSANI
EXPIRES: DEC. 31, 2022

REVISIONS

JOB NUMBER
5691

SHEET
C055

AKS DRAWING FILE: 5691 DETAILS.DWG | LAYOUT: C055



COMPOST FILTER SOCK DIAMETER AND SPACING BASED ON SLOPE		
SLOPE	SPACING (ft)	DIAMETER (in)
< 1:50	250	8
1:50 - 1:10	125	12
1:10 - 1:5	100	12
1:5 - 1:2	50	18
> 1:2	25	18

COMPOST FILTER SOCK
NOT TO SCALE

CALC. BOOK NO. 8403, 8404, 8405 — SDR DATE July, 2020

NOTE: All material and workmanship shall be in accordance with the current Oregon Standard Specifications

The selection and use of this Standard Drawing, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user and should not be used without consulting a Registered Professional Engineer.

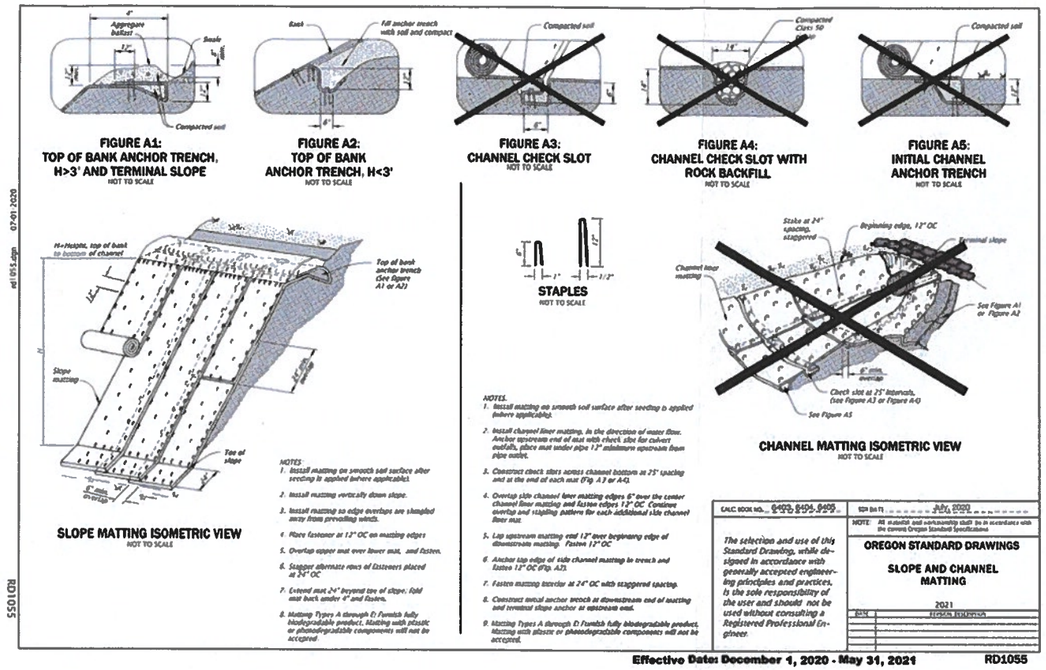
OREGON STANDARD DRAWINGS

SEDIMENT BARRIER TYPE 8

2021

DATE	REVISION DESCRIPTION

Effective Date: December 1, 2020 - May 31, 2021 RD1032



NOTES:
1. Install matting on smooth soil surface after seeding is applied where applicable.
2. Install channel liner matting, in the direction of water flow. Anchor upstream end of mat with check slot for culvert outlets, place mat under pipe 12" minimum upstream from pipe outlet.
3. Construct check slots across channel bottom at 25' spacing and at the end of each mat (Fig. A3 or A4).
4. Overlap side channel liner matting edges 6" over the center channel liner matting and fasten edges 12" OC. Consider overlap and stapling pattern for each additional side channel liner mat.
5. Lap upstream matting end 12" over beginning edge of downstream matting. Fasten 12" OC.
6. Anchor top edge of side channel matting in trench and fasten 12" OC (Fig. A2).
7. Fasten matting interior at 24" OC with staggered spacing.
8. Construct initial anchor trench at downstream end of matting and terminal slope anchor at upstream end.
9. Matting Types A through D: Furnish fully biodegradable product. Matting with plastic or photodegradable components will not be accepted.

NOTES:
1. Install matting on smooth soil surface after seeding is applied where applicable.
2. Install matting vertically down slope.
3. Install matting so edge overlaps are shingled away from prevailing winds.
4. Place fastener at 12" OC on matting edges
5. Overlap upper mat over lower mat, and fasten.
6. Stagger alternate rows of fasteners placed at 24" OC
7. Extend mat 24" beyond toe of slope, fold mat back under 4" and fasten.
8. Matting Types A through D: Furnish fully biodegradable product. Matting with plastic or photodegradable components will not be accepted.

CALC. BOOK NO. 8403, 8404, 8405 — SDR DATE July, 2020

NOTE: All material and workmanship shall be in accordance with the current Oregon Standard Specifications

The selection and use of this Standard Drawing, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user and should not be used without consulting a Registered Professional Engineer.

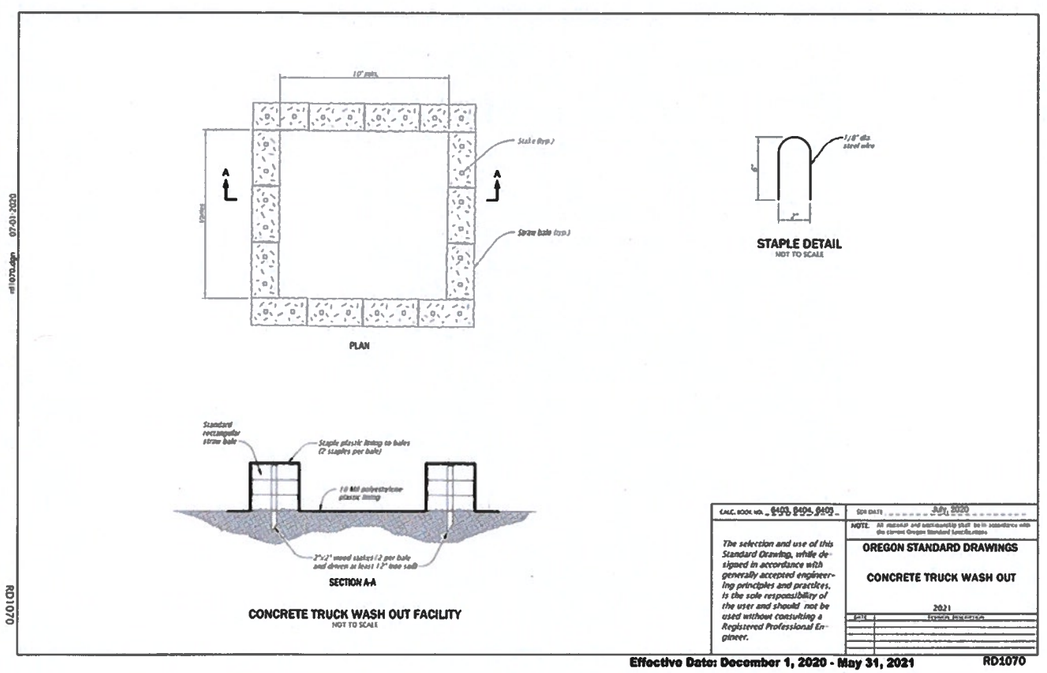
OREGON STANDARD DRAWINGS

SLOPE AND CHANNEL MATTING

2021

DATE	REVISION DESCRIPTION

Effective Date: December 1, 2020 - May 31, 2021 RD1055



CALC. BOOK NO. 8403, 8404, 8405 — SDR DATE July, 2020

NOTE: All material and workmanship shall be in accordance with the current Oregon Standard Specifications

The selection and use of this Standard Drawing, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user and should not be used without consulting a Registered Professional Engineer.

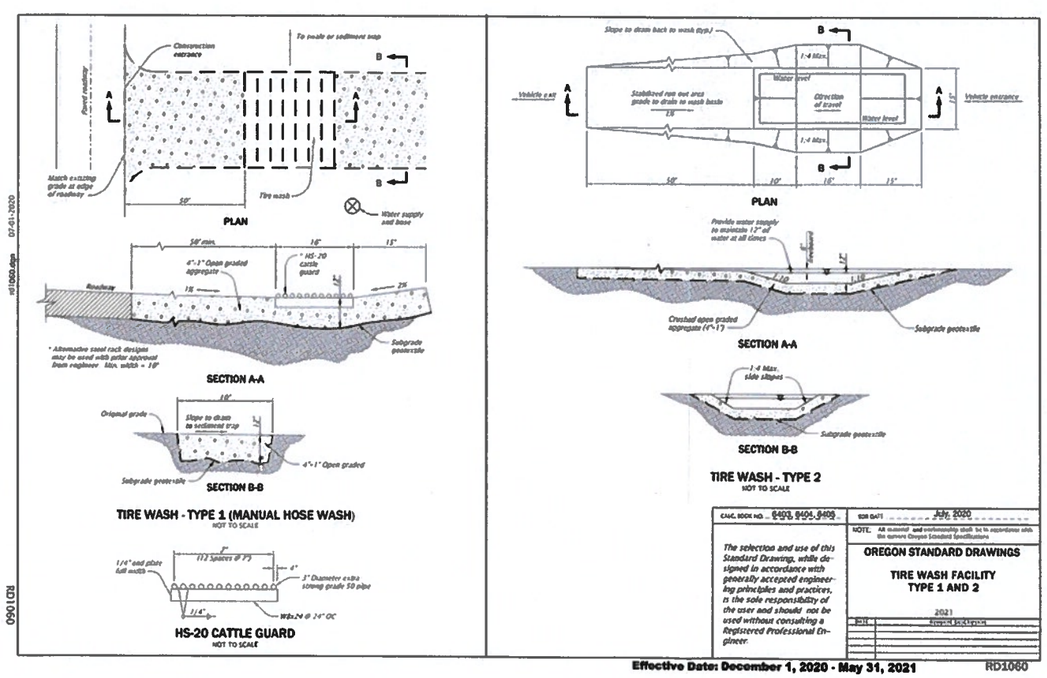
OREGON STANDARD DRAWINGS

CONCRETE TRUCK WASH OUT

2021

DATE	REVISION DESCRIPTION

Effective Date: December 1, 2020 - May 31, 2021 RD1070



CALC. BOOK NO. 8403, 8404, 8405 — SDR DATE July, 2020

NOTE: All material and workmanship shall be in accordance with the current Oregon Standard Specifications

The selection and use of this Standard Drawing, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user and should not be used without consulting a Registered Professional Engineer.

OREGON STANDARD DRAWINGS

TIRE WASH FACILITY TYPE 1 AND 2

2021

DATE	REVISION DESCRIPTION

Effective Date: December 1, 2020 - May 31, 2021 RD1060

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259

FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400 — LINCOLN COUNTY, TAX MAP 11 11 09 CB

EROSION CONTROL DETAILS

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP
DATE: 02/15/2021	

REGISTERED PROFESSIONAL ENGINEER — OREGON — JAMES M. POISSANT — EXPIRES: DEC. 31, 2022

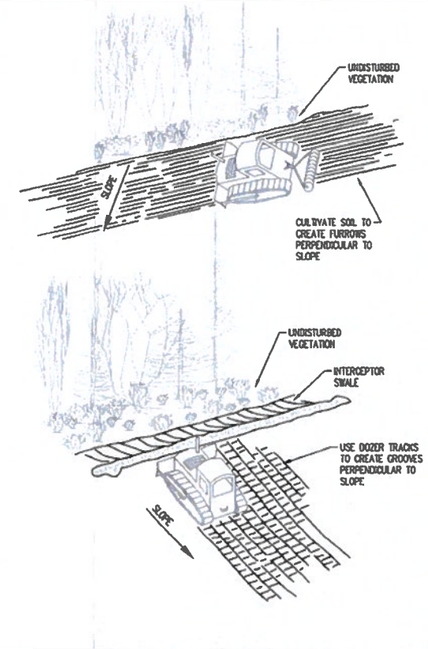
COPY

REVISIONS:

JOB NUMBER 5691

SHEET C056

AKS DRAWING FILE: 5691 DETAILS.DWG | LAYOUT: C056



SURFACE ROUGHENING
NTS

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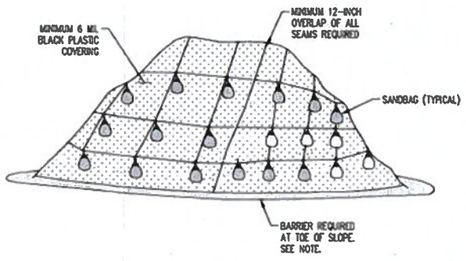

NOTES:
1. COVERING MAINTAINED TIGHTLY IN PLACE BY USING SANDBAGS OR TIRES ON ROPES WITH A MAXIMUM 10' GRID SPACING IN ALL DIRECTIONS.
2. BARRIER SHALL CONSIST OF SOIL BERM, SILT FENCE, STRAW WATTLE, GRASS LINED DITCH, SANDBAGS, OR OTHER APPROVED MATERIAL.
3. STOCKPILE(S) MUST BE LOCATED IN AREAS THAT WILL NOT IMPOUND OR BLOCK STORMWATER RUNOFF.
4. ALL SEAMS SHALL BE TAPED OR WEIGHTED DOWN FOR FULL LENGTH.
5. PLASTIC SHEETING REQUIRED FOR ALL TEMPORARY STOCKPILED MATERIAL.

PLASTIC SHEETING
NTS

6
ESC

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
TAX LOT 400 LINCOLN COUNTY TAX MAP 11 11 09 CB

EROSION CONTROL DETAILS

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP

DATE: 02/15/2021

REGISTERED PROFESSIONAL ENGINEER
OREGON
JAN. 23, 2008
JAMES M. POISSANT
EXPIRES: DEC. 31, 2022

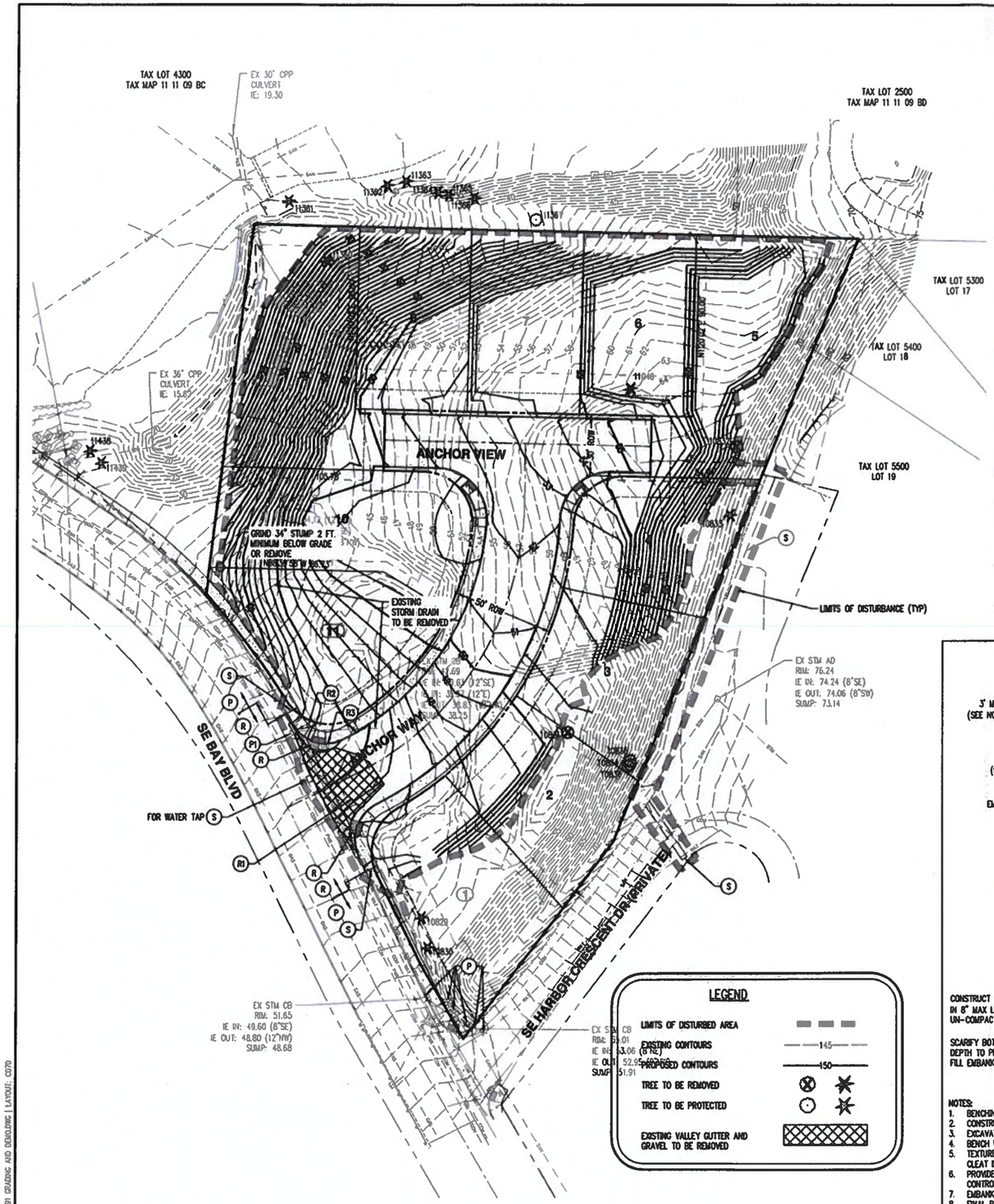
COPY

REVISIONS

JOB NUMBER
5691

SHEET
C057

AKS DRAWING FILE: 5691 DETAILS.DWG | LAYOUT: C057



GRADING NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING WITH THE PROJECT GEOTECHNICAL ENGINEER AND MAKING THE NECESSARY ARRANGEMENTS FOR SITE INSPECTION, OBSERVATION, COMPACTION TESTING AND FOR SUPPLYING THE RESULTS OF THESE ITEMS TO THE CITY OF NEWPORT PUBLIC WORKS FOR REVIEW.
2. SITE PREPARATION MUST INCLUDE THE REMOVAL OF VEGETATION, NON-COMPLYING FILL, TOPSOIL, OR OTHER UNSUITABLE MATERIAL PRIOR TO PLACEMENT OF THE FILL.
3. NO CUT OR FILL SHALL EXCEED A GRADE OF 2 HORIZONTAL TO 1 VERTICAL UNLESS APPROVED BEFOREHAND BY THE PROJECT GEOTECHNICAL ENGINEER, PROJECT ENGINEER, AND CITY OF NEWPORT.
4. APPROPRIATE BENCHING OF FILLS IS REQUIRED FOR FILLS OVER 5 FEET IN HEIGHT ON SLOPES IN EXCESS OF 5 HORIZONTAL TO 1 VERTICAL. BENCHING MUST BE DONE AS PER THE PROJECT GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.
5. CUT AND FILL SLOPES SHALL BE PROTECTED FROM EROSION. SUCH CONTROL MAY CONSIST OF APPROPRIATE REVEGETATION OR OTHER ACCEPTABLE MEANS AND METHODS AS SOON AS PRACTICAL DURING THE EARTHWORK PHASE. EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO EARTHWORK OR SITE STRIPPING.
6. THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT ENGINEER AND THE PROJECT GEOTECHNICAL ENGINEER FOR REQUIRED INSPECTIONS AT THE FOLLOWING STAGES OF CONSTRUCTION OR AS DIRECTED BY THE GEOTECHNICAL ENGINEER:
   A. INSPECTION OF SITE STRIPPING, BUT PRIOR TO FILL PLACEMENT. EROSION CONTROL MEASURES SHALL BE IN PLACE AT THIS TIME.
   B. IN PREPARATION OF BENCH CONSTRUCTION PRIOR TO FILL PLACEMENT.
   C. AFTER PLACEMENT OF EACH 500 YARDS OF FILL.
   D. AFTER THE MAJORITY OF FILL HAS BEEN PLACED AND IS IN "ROUGH" GRADE BUT PRIOR TO FINAL GRADING.
   E. WHEN FINAL GRADING IS COMPLETED.
   F. DURING FINAL GRADING, BUT PRIOR TO BASE ROCK AND PAVEMENT CONSTRUCTION.
7. PROJECT GRADING LIMITS SHALL BE WITHIN THE PROJECT'S PROPERTY BOUNDARY AND/OR STREET RIGHT-OF-WAY, UNLESS OTHERWISE SHOWN ON PLANS. NO GRADING SHALL BE CONDUCTED IN WETLANDS OR OTHER ENVIRONMENTALLY SENSITIVE AREAS UNLESS SPECIFICALLY SHOWN ON THE APPROVED PLANS.
8. THE IDENTIFICATION OR REMOVAL OF UNSUITABLE MATERIAL SHALL BE DONE WITH CONSULTATION WITH THE PROJECT ENGINEER OR PROJECT GEOTECHNICAL ENGINEER.
9. REMOVE AND DISPOSE OF ALL ORGANIC AND/OR UNSUITABLE MATERIALS, INCLUDING TREES, STUMPS, ROOTS, BRUSH, AND GRASS IN SUCH A MANNER TO MEET ALL APPLICABLE REGULATIONS. ON-SITE DISPOSAL SHALL BE AS DETERMINED BY THE PROJECT ENGINEER OR PROJECT GEOTECHNICAL ENGINEER. STRIPPINGS TO BE REDISTRIBUTED ON INDIVIDUAL LOTS AFTER COMPLETION OF ENGINEERED FILL PLACEMENT (8" MAXIMUM DEPTH).
10. THE CONTRACTOR SHALL PROTECT ALL TREES OVER 6" DBH THAT ARE NOT SPECIFICALLY SHOWN TO BE REMOVED ON APPROVED PLANS. ALL TREES TO BE PRESERVED SHALL BE FENCED WITH STANDARD 4' ORANGE CONSTRUCTION FENCING.
11. GRADE THE SITE TO THE ELEVATIONS SHOWN ON THE DRAWING WITH THE NECESSARY ADJUSTMENTS TO ACCOMMODATE THE FINISHED GRADES AS SPECIFIED. SHAPE FUTURE PAVED AREAS PER THE PLANS TO A SUBGRADE ELEVATION THAT WILL ACCOMMODATE FUTURE BASE ROCK AND PAVING.
12. STRAIGHT GRADES SHALL BE RUN BETWEEN FINISH GRADE AND/OR FINISH CONTOUR LINES SHOWN, UNLESS OTHERWISE NOTED. FINISH GRADES ARE TO DRAIN AS INDICATED ON THE PLANS. ROUGH GRADING SHALL BE FINISHED BY BLADING AND RAKING TO REASONABLE SMOOTH CONTOURS WITH GENTLE TRANSITIONS.
13. MATERIAL IN SOFT SPOTS WITHIN PROPOSED BUILDING, PAVED OR SIDEWALK AREAS SHALL BE REMOVED TO THE DEPTH REQUIRED (AS DIRECTED BY THE PROJECT GEOTECHNICAL ENGINEER OR THE PROJECT ENGINEER) TO PROVIDE A FIRM FOUNDATION AND SHALL BE REPLACED WITH SUITABLE BACKFILL. FILLS TO BE CONSTRUCTED IN HORIZONTAL LIFTS NOT TO EXCEED 8 INCHES LOOSE MEASURE.
14. COMPACTION TESTS AND REPORTS SHALL BE CONDUCTED BY AN APPROVED TESTING LABORATORY. TEST FREQUENCY SHALL BE PER THE PROJECT GEOTECHNICAL ENGINEER. TESTING TO COMMENCE WITH FILL ACTIVITIES AND AS A MINIMUM, ONE TEST SHALL BE TAKEN FOR EVERY 500 CUBIC YARDS PLACED OR 2 VERTICAL FEET, WHICHEVER IS LESS.
15. FINISH GRADE CONTOURS SHOWN ARE APPROXIMATE FINAL GRADE ELEVATIONS.
16. IF SPRINGS OR GROUNDWATER ARE ENCOUNTERED DURING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE PROJECT GEOTECHNICAL ENGINEER AND PROJECT ENGINEER OF THE CONDITIONS FOUND AND COORDINATE HIS ACTIVITIES IN A MANNER THAT WILL ALLOW TIME TO REVIEW THE SITUATION AND PREPARE A PLAN TO PROPERLY MITIGATE THE WATER ENCOUNTERED.
17. ALL CUT AND FILL AREAS SHALL BE STRIPPED OF SOD AND OTHER NON-STRUCTURAL MATERIAL (DEPTH TO BE DETERMINED BY PROJECT'S GEOTECHNICAL ENGINEER).
18. ALL GRADING SHALL BE IN CONFORMANCE WITH CHAPTER 33 OF THE CURRENT UNIFORM BUILDING CODE (UBC) FOR WORK IN INDIVIDUAL LOTS, AND IN CONFORMANCE WITH OSSC FOR WORK IN RIGHT-OF-WAY.
19. ALL STRUCTURAL FILL SHALL MEET THE REQUIREMENTS OF THE PROJECT GEOTECHNICAL ENGINEER AND THE CITY. THE MINIMUM COMPACTION SHALL BE 95% PER AASHTO T-99 (ASTM D698).
20. ENGINEERED FILL SHALL BE COMPACTED IN HORIZONTAL LIFTS NOT EXCEEDING 8" (UN-COMPACTED DEPTH) USING STANDARD COMPACTION EQUIPMENT.
21. ALL GRADING TO BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL REPORTS BY FOUNDATION ENGINEERING, INC., DATED OCTOBER 19, 2007, JUNE 12, 2018 AND SEPTEMBER 18, 2018.
22. CONTRACTOR SHALL PROVIDE CITY OF NEWPORT PUBLIC WORKS DEPARTMENT WITH A MINIMUM OF 48 HOURS NOTICE PRIOR TO COMMENCING GRADING, STREET, AND/OR UTILITY IMPROVEMENTS WITH EXCAVATION IN EXCESS OF 100 CUBIC YARDS.
23. ANY FILL USED FOR SITE GRADING MUST BE OBSERVED AND APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT.
24. THE GEOTECHNICAL ENGINEER SHALL BE CONTACTED TO REVIEW DETAILS FOR FINAL BUILD-OUT OF FUTURE HOMES ON THE INDIVIDUAL LOTS.
25. CONTRACTOR SHALL COORDINATE WITH THE PROJECT GEOTECHNICAL ENGINEER TO PROVIDE CERTIFICATION OF COMPLIANCE WITH THE PROJECT GEOLOGIC AND GEOTECHNICAL REPORTS PER THE NMC PRIOR TO APPROVAL OF THE FINAL PLAT.
26. UPON COMPLETION OF GRADING, CONTRACTOR SHALL PROVIDE COPIES OF ALL INSPECTION REPORTS TO CITY OF NEWPORT PUBLIC WORKS FOR THEIR FILES.

TEMPORARY SOIL STOCKPILE NOTE

1. DURING GRADING, CONTRACTOR TO USE TEMPORARY STOCKPILE SHOWN ON C052.

DEMOLITION KEYED NOTES

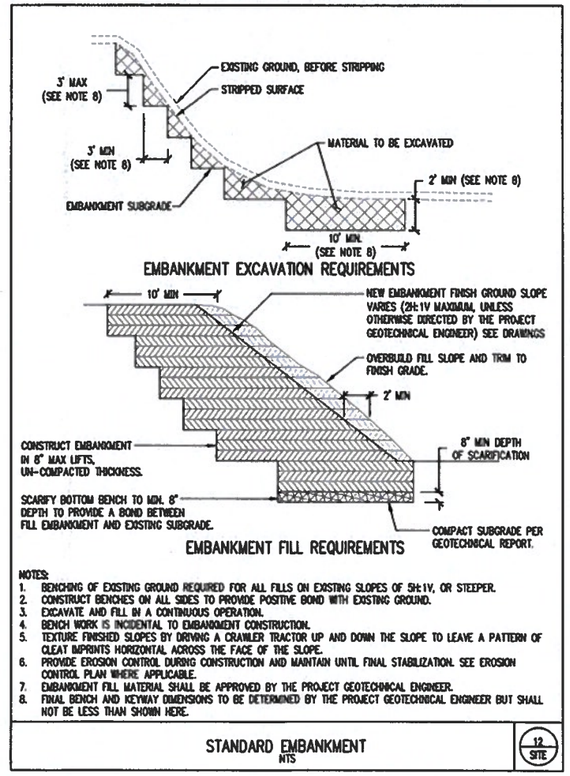
- P — PROTECT AT ALL TIMES DURING CONSTRUCTION. ADJUST TO NEW FINISH GRADE AS REQUIRED.
- P1 — CONVERT EXISTING CATCH BASIN TO JUNCTION BOX WITH SOLID TRAFFIC RATED LID.
- R — CONTRACTOR TO REMOVE AND HAUL OFF SITE FOR DISPOSAL.
- R1 — REMOVE EXISTING GRAVEL AND VALLEY GUTTER.
- R2 — REMOVE AND RELOCATE "TREE CITY USA" SIGN PER CITY STANDARDS.
- R3 — COORDINATE WITH FRANCHISE UTILITY TO RELOCATE STRUCTURE.
- S — SAWCUT EXISTING PAVEMENT FOR INSTALLATION OF UTILITIES.

HOME BUILDER NOTE:

INDIVIDUAL BUILDERS ON LOTS 1 THROUGH 5 SHOULD CONSIDER A CUTOFF TRENCH, DISPERSION BERM, UNDERGROUND DRAINAGE PIPE, OR OTHER METHODS TO DIVERT EXISTING HILLSIDE STORMWATER FLOWS FROM THE EASTERN PORTION OF THE LOTS.

TREE TABLE

TREE NUMBER	TYPE	DBH (IN.)	STATUS
10829	CONIFEROUS	12	PRESERVE
10830	CONIFEROUS	30	PRESERVE
10831	DECIDUOUS	6,8	REMOVE
10832	DECIDUOUS	7	REMOVE
10833	CONIFEROUS	18	PRESERVE
10834	DECIDUOUS	11	PRESERVE
10835	DECIDUOUS	8	PRESERVE
10836	DECIDUOUS	8	PRESERVE
11046	CONIFEROUS	7	REMOVE
11360	CONIFEROUS	28	REMOVE
11361	CONIFEROUS	43	PRESERVE
11362	CONIFEROUS	18	PRESERVE
11363	CONIFEROUS	20	PRESERVE
11364	CONIFEROUS	17	PRESERVE
11365	CONIFEROUS	12	PRESERVE
11366	CONIFEROUS	23	PRESERVE
11367	DECIDUOUS	15	PRESERVE
11438	CONIFEROUS	8	PRESERVE
11439	CONIFEROUS	6	PRESERVE



NOTES:
1. BENCHING OF EXISTING GROUND REQUIRED FOR ALL FILLS ON EXISTING SLOPES OF 5H:1V, OR STEEPER.
2. CONSTRUCT BENCHES ON ALL SIDES TO PROVIDE POSITIVE BOND WITH EXISTING GROUND.
3. EXCAVATE AND FILL IN A CONTINUOUS OPERATION.
4. BENCH WORK IS INCIDENTAL TO EMBANKMENT CONSTRUCTION.
5. TEXTURE FINISHED SLOPES BY DRIVING A CRAWLER TRACTOR UP AND DOWN THE SLOPE TO LEAVE A PATTERN OF CLEAT IMPRINTS HORIZONTAL ACROSS THE FACE OF THE SLOPE.
6. PROVIDE EROSION CONTROL DURING CONSTRUCTION AND MAINTAIN UNTIL FINAL STABILIZATION. SEE EROSION CONTROL PLAN WHERE APPLICABLE.
7. EMBANKMENT FILL MATERIAL SHALL BE APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER.
8. FINAL BENCH AND KEYWAY DIMENSIONS TO BE DETERMINED BY THE PROJECT GEOTECHNICAL ENGINEER BUT SHALL NOT BE LESS THAN SHOWN HERE.

STANDARD EMBANKMENT
NTS

12 / SITE

SCALE: 1" = 30 FEET

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
LINCOLN COUNTY TAX MAP 11 11 09 CB
TAX LOT 400

GRADING AND DEMOLITION PLAN

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP

DATE: 09/18/2019

REGISTERED PROFESSIONAL ENGINEER
OREGON
JAMES M. POISSANT
EXPIRES: DEC. 31, 2020

REVISIONS
1 NEW CITY DTLS – 10/14/2019

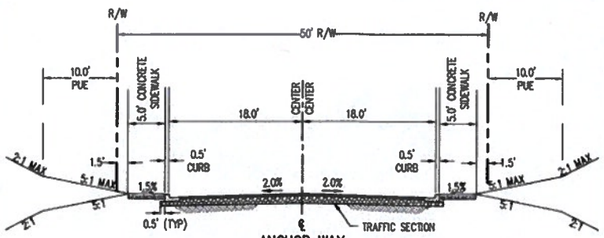
JOB NUMBER
5691

SHEET
C070

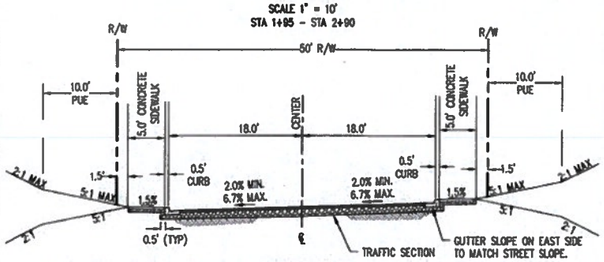
AKS DRAWING FILE: 5691 GRADING AND DEMOLITION | LAYOUT: C070

FISHERMAN'S WHARF ESTATES

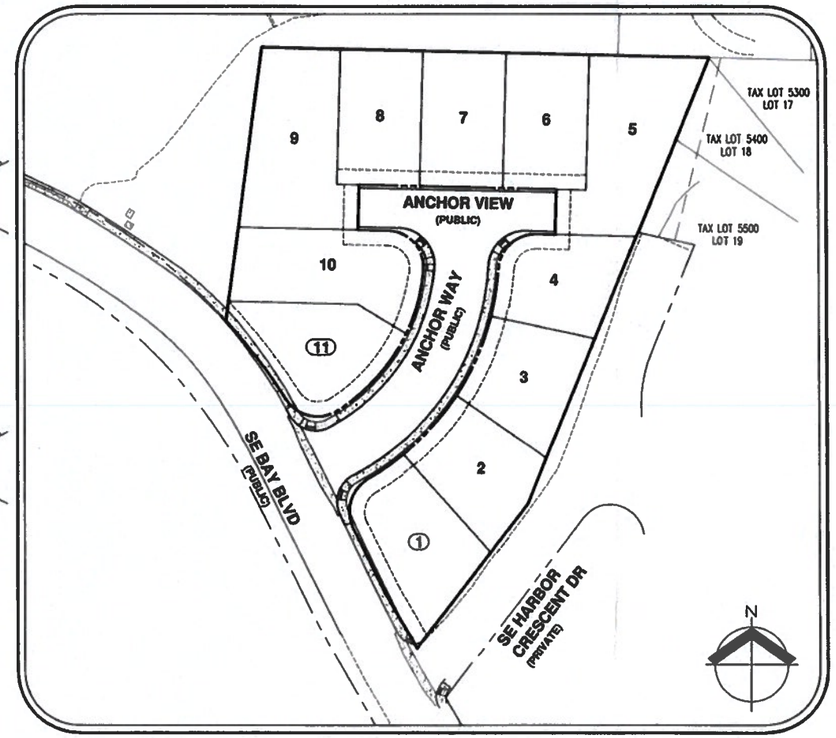
STREET CONSTRUCTION PLANS



ANCHOR WAY
TYPICAL SECTION
SCALE 1" = 10'
STA 1+95 – STA 2+90

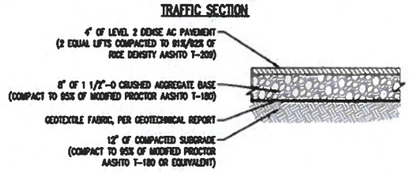


ANCHOR WAY
SHED SECTION FOR TRANSITION INTO SE BAY BLVD. AND ANCHOR VIEW
SCALE 1" = 10'
STA. 1+23.63 – STA. 1+95
STA. 2+90 – STA. 3+33.39



SITE MAP
1"=50'

TRAFFIC SECTION



HOT MIX ASPHALTIC CONCRETE (HMAC) NOTES:

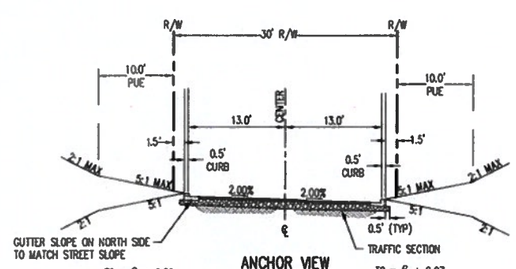
1. THE PLACING OF ASPHALT CONCRETE WILL BE PERMITTED ONLY DURING DRY WEATHER AND WHEN THE AMBIENT TEMPERATURE IS RISING AND IS EQUAL TO OR GREATER THAN WHAT IS SHOWN IN THE TABLE OF MINIMUM AMBIENT TEMPERATURES.
2. ASPHALT CONCRETE SHALL BE PLACED ON A DRY PREPARED SURFACE.
3. TACK COAT SHALL BE APPLIED AGAINST FACE EDGE OF CURB & AROUND MANHOLE CASTINGS & OTHER EXPOSED STRUCTURES BEFORE PAVING.
4. ASPHALT EDGES, AFTER ASPHALT CONCRETE HAS BEEN PLACED, SHALL BE SAND SEALED.
5. WET WEATHER SECTION MAY BE REQUIRED AS DICTATED BY PROJECT'S GEOTECHNICAL ENGINEER. CONTRACTOR TO VERIFY. WET WEATHER SECTION REQUIRES A MINIMUM SUBGRADE DEEPENING OF 12 INCHES TO ACCOMMODATE A WORKING SUBBASE OF ADDITIONAL 1 1/2"-0 CRUSHED ROCK. GEOTEXTILE FABRIC, MIRAFI 500X OR EQUIVALENT, SHOULD BE PLACED ON SUBGRADE SOILS PRIOR TO PLACEMENT OF BASE ROCK.
6. NO PONDING OF WATER IS ACCEPTABLE ON THE FINISHED AC.
7. STRUCTURAL SECTION TO BE CONSTRUCTED IN ACCORDANCE WITH THE DESIGN AND RECOMMENDATIONS OF THE PROJECT'S GEOTECHNICAL ENGINEER.

MINIMUM AMBIENT TEMPERATURES

NOMINAL SPECIFIED COMPACTED THICKNESS OF INDIVIDUAL COURSES	WEARING COURSES	ALL OTHER COURSES
LESS THAN 2"	60 DEGREES (F)	50 DEGREES (F)
2" AND OVER	40 DEGREES (F)	40 DEGREES (F)

HOT MIX ASPHALTIC CONCRETE PAVEMENT SECTION DETAIL
NTS

NOTE: REFER TO DETAIL T-050 ON SHEET C105 FOR ADDITIONAL DETAILS.



ANCHOR VIEW
TYPICAL SECTION
SCALE 1" = 10'
STA 1+12.07 – STA 2+45.06

STREET CONSTRUCTION NOTES

1. ALL STREET WORK AND MATERIALS SHALL CONFORM WITH THESE PLANS AND THE APPLICABLE REQUIREMENTS OF THE CITY OF NEWPORT PUBLIC WORKS STANDARDS (2017) AND ALL APPLICABLE SECTIONS OF THE ODOT/APWA STANDARDS FOR CONSTRUCTION, 2018 EDITION.
2. ALL EMBANKMENT SHALL BE STRUCTURAL FILL AND SHALL MEET THE REQUIREMENTS OF THE PROJECT'S GEOTECHNICAL ENGINEER, AND CITY OF NEWPORT. THE MINIMUM COMPACTION SHALL BE 95% PER AASHTO T-99 (ASTM D698).
3. BASE ROCK SHALL BE COMPACTED TO 95% OF MODIFIED PROCTER PER AASHTO T-180 (ASTM D1557).
4. CYLINDER TESTS SHALL BE PROVIDED FOR CONCRETE CURB AND GUTTER, SIDEWALK, DRIVEWAYS, ETC. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3500 PSI IN 28 DAYS, 2" TO 4" SLUMP.
5. NUMBER AND LOCATION OF COMPACTION TESTS SHALL BE DETERMINED BY THE GEOTECHNICAL ENGINEER AND/OR CITY INSPECTOR.
6. ALL MANHOLE LIDS, VALVE BOXES, AND MONUMENT BOXES SHALL BE ADJUSTED TO FINISH GRADE.
7. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN ADEQUATE TRAFFIC CONTROL ALONG THE EXISTING ROADS AS REQUIRED BY THE CITY.
8. SAWCUT STRAIGHT LINES TO CREATE A BUTT JOINT BETWEEN PAVEMENT AND NEW PAVEMENT. SAND AND SEAL JOINTS.
9. STATIONING BASED ON CENTERLINE, UNLESS OTHERWISE NOTED.
10. IN ADDITION TO REQUIRED COMPACTION TESTING, A PROOF-ROLL IS REQUIRED WITH A FULLY LOADED 10-YARD DUMP TRUCK TO CHECK SUBGRADE DEFLECTION PRIOR TO PLACEMENT OF ROCK SUBBASE, AT THE COMPLETION OF BASE ROCK PLACEMENT, PRIOR TO PLACEMENT OF CURB, AND PRIOR TO PAVING THE FIRST LIFT OF ASPHALT. DEFLECTION TESTING SHALL BE ACCOMPLISHED ACCORDING TO ODOT TM158 AND OBSERVED BY CITY REPRESENTATIVE.
11. THE CONTRACTOR SHALL KEEP RECORDS OF ALL CONSTRUCTION THAT DEFFERS FROM THE APPROVED PLANS AND SHALL MAINTAIN "RECORD DRAWINGS" DURING THE CONSTRUCTION PERIOD. "RECORD DRAWINGS" SHALL BE SUBMITTED TO THE DESIGN ENGINEER AT THE END OF THE PROJECT.
12. MATERIAL IN SOFT SPOTS WITHIN THE ROADWAY SHALL BE REMOVED TO THE DEPTH REQUIRED TO PROVIDE A FIRM FOUNDATION AND SHALL BE REPLACED WITH 1-1/2"-0 CRUSHED ROCK. THE ENTIRE SUBGRADE SHALL BE COMPACTED TO 95% PER AASHTO T-180. FINAL APPROVAL BY CITY REPRESENTATIVE
13. CONTRACTOR SHALL CONTACT DESIGN ENGINEER, SURVEYOR, AND CITY AFTER STRING LINE IS IN PLACE AND BEFORE CURB IS POURED TO CHECK CURB GRADE.
14. TRENCH BACKFILL IN RIGHT-OF-WAY SHALL BE CLASS B CRUSHED ROCK.
15. CENTERLINE MONUMENTS, AS SHOWN IN THE STANDARD DRAWINGS, SHALL BE INSTALLED AT ALL CENTERLINE INTERSECTIONS OF ROADS, OR AS REQUIRED BY THE COUNTY SURVEYOR TO SUFFICIENTLY MONUMENT THE RIGHT-OF-WAY.
16. ALL NEW CURBS SHALL BE STAMPED TO INDICATE WHERE EACH WATER SERVICE, SANITARY LATERAL, STORM LATERAL AND IRRIGATION LINE CROSSES BENEATH THE CURB LINE. THE STAMP IMPRESSIONS SHALL BE AS FOLLOWS: WATER SERVICE – "W", SANITARY LATERAL – "S", STORM LATERAL – "D" AND IRRIGATION LINES – "IR". IMPRESSIONS SHALL BE 2" HIGH, ON TOP OF THE CURB AND SHALL ACCURATELY LOCATE THE SERVICE BELOW THE STAMP.
17. CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION OF SIDEWALK AND ADA RAMPS TO MEET ADA AND JURISDICTIONAL REQUIREMENTS.
18. RESTORATION OF AN EXISTING CURB AND GUTTER IS SHOWN ON CoN T-301.
19. THE PEDESTRIAN ZONE, WHICH INCLUDES SIDEWALKS AND PATHWAYS, MUST REMAIN FREE OF OBSTACLES. OBSTACLES INCLUDE ABOVE GROUND OBSTRUCTIONS INCLUDING BUT NOT LIMITED TO FIRE HYDRANTS, MAILBOXES, UTILITY PEDESTALS, UTILITY POLES, ABOVE GROUND UTILITY VAULTS, TREES, SIGN POSTS AND SIGNS, STREET LIGHT POLES, SIGNAL POLES, AND SIGNAL CONTROL EQUIPMENT. THE ONLY EXCEPTION TO THIS RULE IS WHERE THE SIDEWALK IS MORE THAN 6 FEET WIDE. IN THE CASES OF THESE WIDE SIDEWALKS, THE ABOVE GROUND OBSTRUCTION SHOULD BE PLACED AS CLOSE AS POSSIBLE TO THE CURB SO THAT A CLEAR CORRIDOR FOR PEDESTRIANS AT LEAST 5-FEET WIDE IS MAINTAINED.
20. PEDESTALS, POWER METER BOXES, POWER TRANSFORMERS, CABLE CLOSURES, AND SIMILAR FRANCHISE UTILITY FACILITIES SHALL BE LOCATED OUTSIDE THE RIGHT OF WAY IN THE PUBLIC UTILITY EASEMENT, UNLESS APPROVED BY THE CITY ENGINEER.
21. SIDEWALK FINISH REQUIREMENTS ARE SHOWN IN CoN T-210.

ASPHALT CONCRETE NOTES:
HOT MIX ASPHALT CONCRETE (HMAC) PLACEMENT

1. THE UPPER 12-INCHES OF THE SUBGRADE SHALL HAVE A DENSITY OF NOT LESS THAN 95% OF THE STANDARD PROCTOR AS DETERMINED BY AASHTO T-180 OR EQUIVALENT.
2. THE AGGREGATE BASE SHALL HAVE A DENSITY OF NOT LESS THAN 95% OF MODIFIED PROCTOR PER AASHTO T-180 (ASTM D1557).
3. ASPHALT CONCRETE SHALL BE COMPACTED TO ACHIEVE A DENSITY OF NOT LESS THAN 92% OF MOVING AVERAGE MAXIMUM DENSITY (MAMD) FOR BASE LIFT AND TO A MINIMUM OF 92% FOR ALL SUBSEQUENT LIFTS.
4. THE PLACING OF ASPHALT CONCRETE WILL BE PERMITTED ONLY DURING DRY WEATHER AND WHEN THE AMBIENT TEMPERATURE IS RISING AND IS EQUAL TO OR GREATER THAN SHOWN IN THE TABLE OF MINIMUM AMBIENT TEMPERATURES.
5. ASPHALT CONCRETE SHALL BE PLACED ON A DRY PREPARED SURFACE.
6. TACK COAT SHALL BE APPLIED AGAINST FACE EDGE OF CURB & AROUND MANHOLE CASTING & OTHER EXPOSED STRUCTURES BEFORE PAVING.
7. ASPHALT EDGES, AFTER ASPHALT CONCRETE HAS BEEN PLACED, SHALL BE TACK AND SAND SEALED.

SHEET INDEX

C100 STREET COVER SHEET AND NOTES
C101 ANCHOR WAY AND ANCHOR VIEW PLAN AND PROFILE
C102 CURB RETURN 1 AND 2 DETAILS
C103 CURB RETURN 3 AND 4 DETAILS
C104 LIGHTING, SIGNAGE, STRIPING, AND MAILBOX PLAN
C105 STREET DETAILS
C106 STREET DETAILS

NOTE: THIS DESIGN COMPLIES WITH ORS 92.044(7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN 1-FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN MODIFICATION OR FINAL FIELD LOCATION CHANGE SHALL BE PERMITTED IF IT WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN A PROHIBITED AREA.

ATTENTION EXCAVATORS:

OREGON LAW REQUIRES CONTRACTOR TO COMPLY WITH RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. COPIES OF THESE RULES MAY BE OBTAINED BY CONTACTING THE UTILITY LOCATE CENTER AT 503-246-6699.

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FISHERMAN'S WHARF ESTATES SUBDIVISION
NEWPORT OR
TAX LOT 400 LINCOLN COUNTY TAX MAP 11 11 09 CB

STREET COVER SHEET AND NOTES

DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: JVP
DATE: 09/18/2019

REGISTERED PROFESSIONAL ENGINEER
JACK V. POISSANT
EXPIRES DEC 31, 2020

REVISIONS
1 NEW CITY DTLS – 10/14/2019

JOB NUMBER 5691
SHEET C100

AKS DRAWING FILE: 5691 COVER.DWG | LAYOUT: C100

LEGEND

- NEW ASPHALT CONCRETE STREET PER TYPICAL SECTION
- CONCRETE SIDEWALK AND ADA RAMPS TO BE CONSTRUCTED BY DEVELOPER
- SIDEWALK TO BE CONSTRUCTED BY HOME BUILDER
- X — SEE ADA RAMP AND CURB RETURN DETAIL SHEETS
- ● — 2" ALUMINUM CAP TO BE INSTALLED AFTER FINAL LIFT OF ASPHALT PAVEMENT

STREET CONSTRUCTION NOTES:

1. CONTRACTOR SHALL INSTALL ALL ADA RAMPS. ALL ADA RAMPS AND SIDEWALKS ALONG CURB RETURNS SHALL BE CONSTRUCTED AS PART OF THIS PROJECT.
2. DRY UTILITY CROSSINGS SHALL BE PLACED PRIOR TO PROOF ROLL TEST FOR CURB INSTALLATION. THE NUMBER OF CROSSINGS, EXACT LOCATION, DEPTH, CONDUIT, ETC., SHALL BE SPECIFIED BY THE PRIVATE UTILITY CARRIERS. CONTRACTOR SHALL COORDINATE.
3. CONTRACTOR SHALL INSTALL CENTERLINE SURVEY MONUMENTS – 2" ALUMINUM CAPS – AT ALL INTERSECTIONS, PC'S, AND PT'S.
4. CONSTRUCT ADA RAMPS PER CITY OF NEWPORT DETAIL T-212.

SUPERELEVATION TABLE

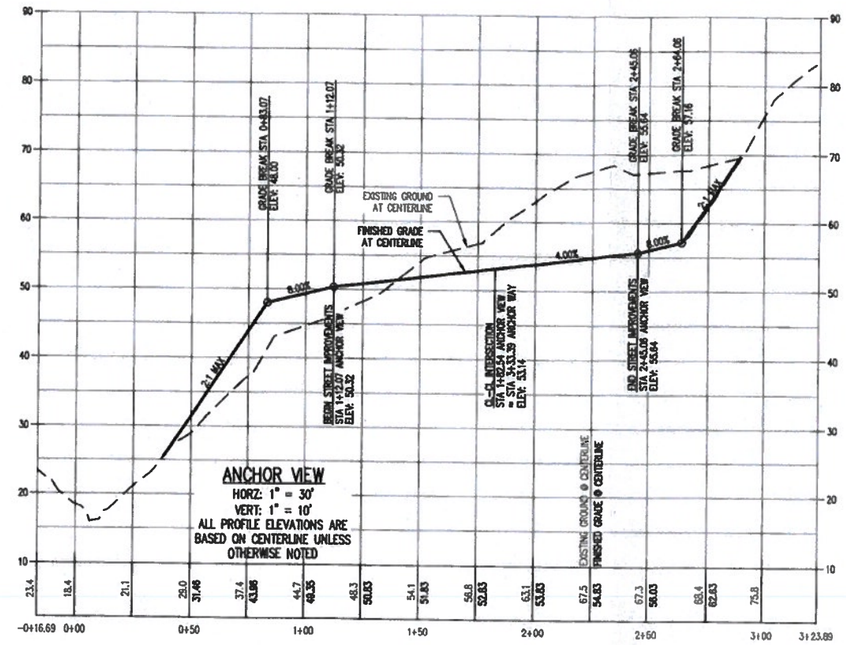
ANCHOR WAY STATION	TC LEFT	TC RIGHT
1+40	44.69	46.85
1+50	45.09	46.87
1+60	45.68	47.06
1+70	46.39	47.38
1+80	47.24	47.83
1+90	48.12	48.32
1+95	48.56	48.56

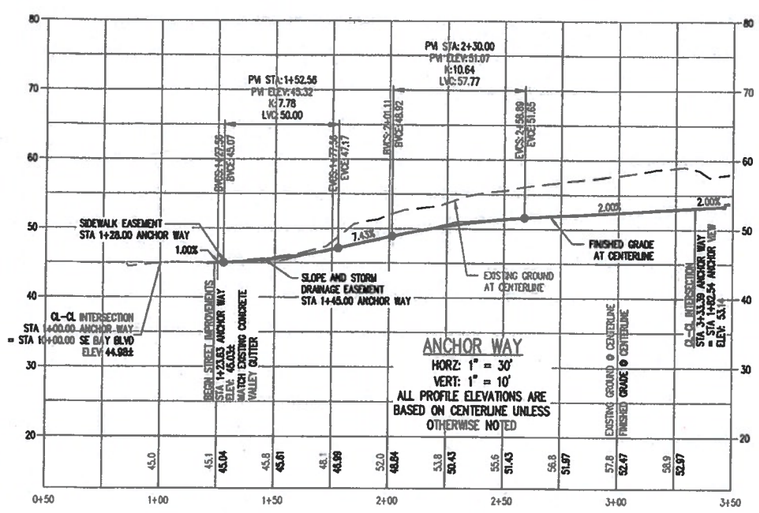
ANCHOR WAY

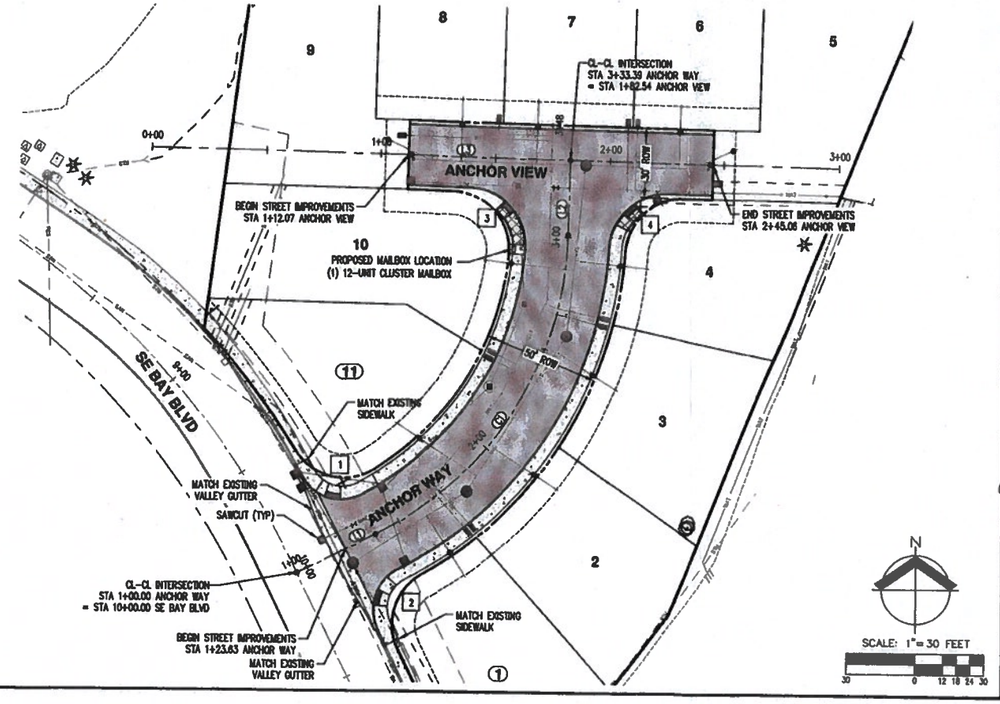
CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
L1	1+00.00		38.26'			N83°30'37"E
C1	1+38.26	150.00'	182.78'	62°10'35"	154.91	N32°25'19"E
L2	3+01.04		32.35'			N01°20'02"E

ANCHOR VIEW

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
L3	1+12.07		132.99'			S88°39'58"E







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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400 — LINCOLN COUNTY TAX MAP 11 11 00 CB

ANCHOR WAY AND ANCHOR VIEW PLAN AND PROFILE

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP
DATE: 09/04/2019	

REGISTERED PROFESSIONAL ENGINEER — OREGON — JOHN M. POISSANT

EXPIRES: DEC. 31, 2020

REVISIONS

JOB NUMBER 5691

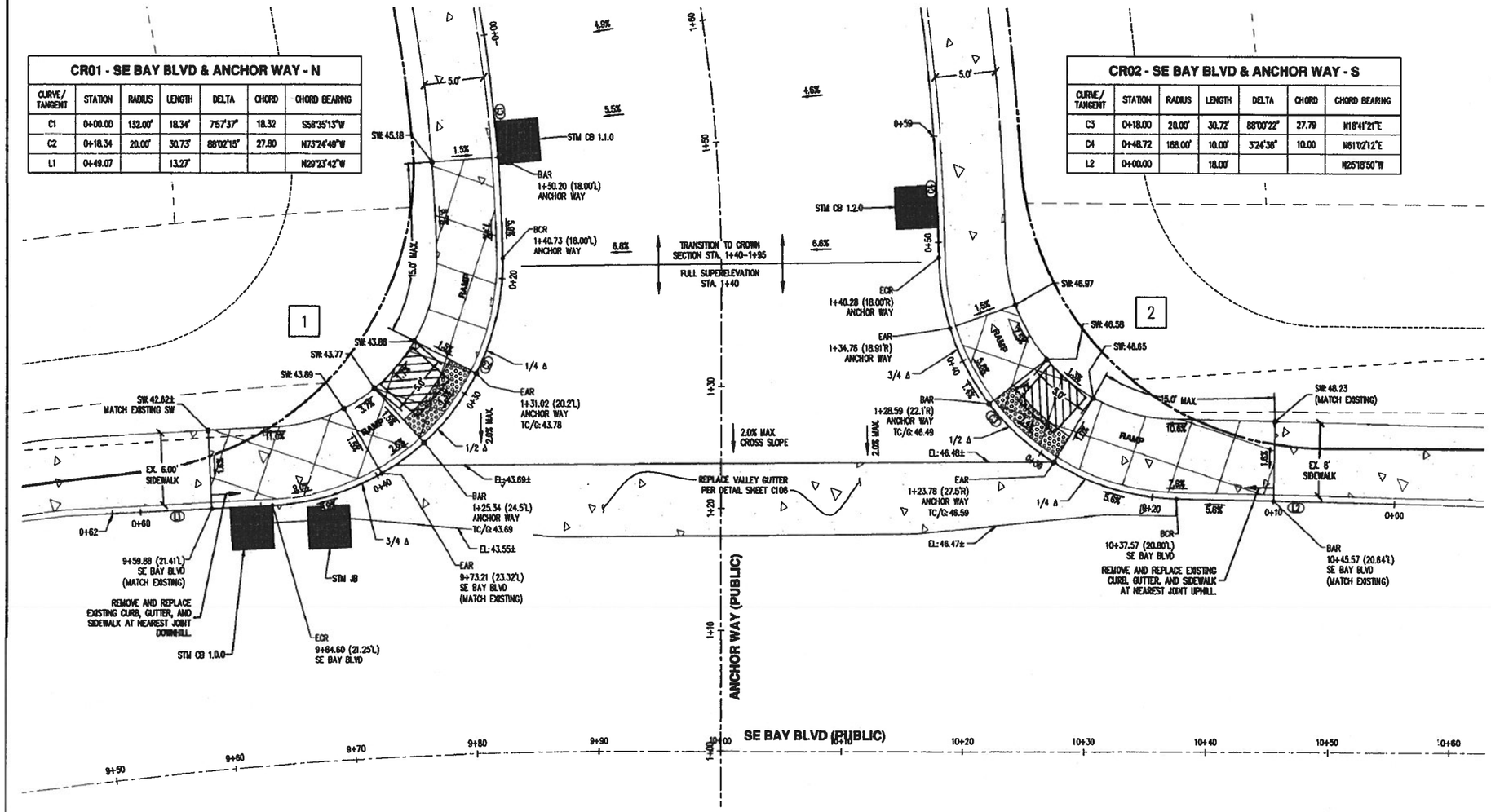
SHEET C101

COPY

AKS DRAWING FILE: 5691 STRLDWG | LAYOUT: C101

CR01 - SE BAY BLVD & ANCHOR WAY - N						
CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C1	0+00.00	132.00'	18.34'	7°57'37"	18.32	S58°35'13"W
C2	0+18.34	20.00'	30.73'	88°02'15"	27.80	N73°24'48"W
L1	0+49.07		13.27'			N29°23'42"W

CR02 - SE BAY BLVD & ANCHOR WAY - S						
CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C3	0+18.00	20.00'	30.72'	88°00'22"	27.79	N18°41'21"E
C4	0+48.72	168.00'	10.00'	3°24'36"	10.00	N51°02'12"E
L2	0+00.00		18.00'			N25°18'50"W



LEGEND AND ABBREVIATIONS:

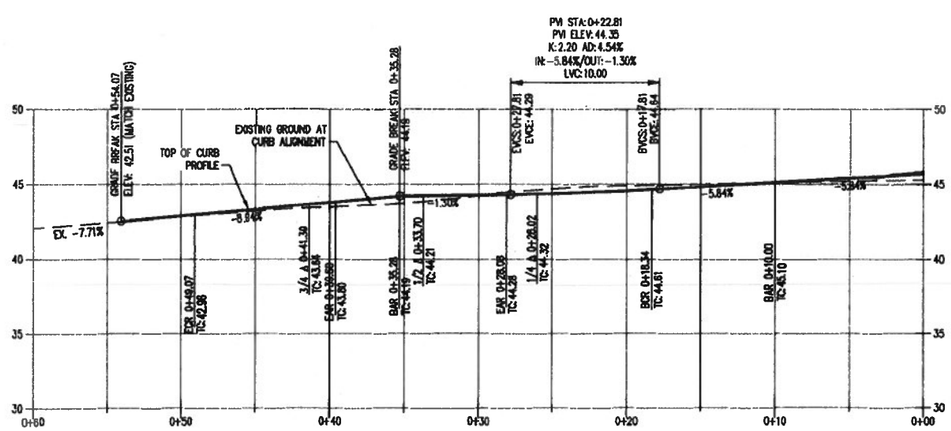
TC = TOP OF CURB ELEVATION
SW = FINISHED GRADE SIDEWALK ELEVATION
BCR = BEGIN CURB RETURN
ECR = END CURB RETURN
EP = EDGE OF PAVEMENT
EX SW = EXISTING SIDEWALK ELEVATION
BAR = BEGIN ADA RAMP
EAR = END ADA RAMP
G = GUTTER

DOWNWARD SLOPE X.X%

4'x4' TURNING SPACE

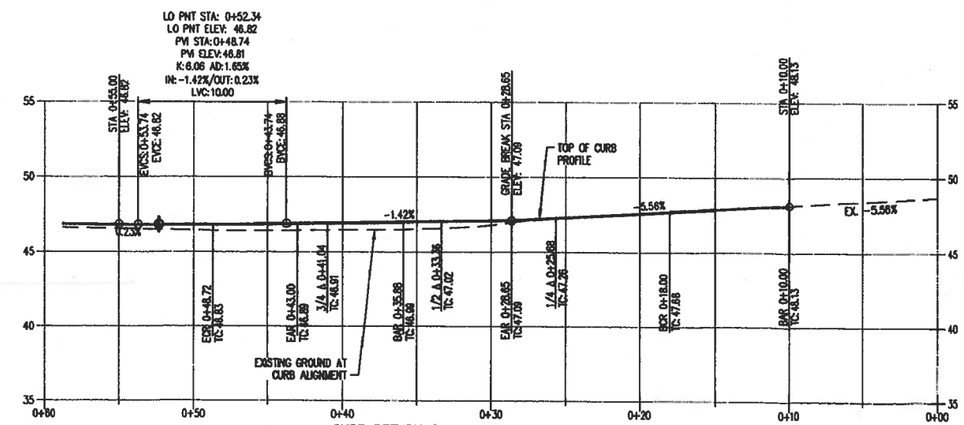
NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTING ALL SIDEWALK TO MEET ADA AND JURISDICTIONAL REQUIREMENTS.
2. PRIOR TO POURING CONCRETE, THE CONTRACTOR SHALL CONTACT CITY AND/OR AKS INSPECTOR AFTER FORMS ARE IN PLACE TO CHECK FORMS. CONTRACTOR TO CALL 4 DAYS PRIOR TO NEEDING FORMS INSPECTED. INSPECTION BY CITY DOES NOT ABSOLVE CONTRACTOR FROM BUILDING TO PLAN DESIGN.
3. CONTRACTOR SHALL MAINTAIN 2% MAXIMUM SLOPE IN ANY DIRECTION AT ADA LANDINGS AND A MAXIMUM SLOPE OF 8.3% OR A MAXIMUM OF 15 FEET FOR ADA RAMPS.
4. CURB GRADE AT ADA LANDING TO BE MAXIMUM 2%
5. GUTTER PAN SLOPE AT ADA RAMP TO BE 5% MAXIMUM.
6. ALL SIDEWALKS SHALL HAVE A MAXIMUM CROSS SLOPE OF 2%
7. TOP OF CURB ELEVATIONS SHOWN ON PROFILE REPRESENT FULL HEIGHT CURB AND DO NOT REFLECT DROPS IN CURB OR CURB RAMPS.



1 CURB RETURN 1
HORZ: 1" = 5'
VERT: 1" = 5'

NOTE:
CURB RETURN PROFILE REPRESENTS TOP OF CURB ALIGNMENT WITH NO CURB DROPS



2 CURB RETURN 2
HORZ: 1" = 5'
VERT: 1" = 5'

NOTE:
CURB RETURN PROFILE REPRESENTS TOP OF CURB ALIGNMENT WITH NO CURB DROPS

SCALE: 1"=5 FEET

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
TAX LOT 400
LINCOLN COUNTY TAX MAP 11 11 06 CB

CURB RETURN 1 AND 2 DETAILS

DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: JMP
DATE: 09/18/2019

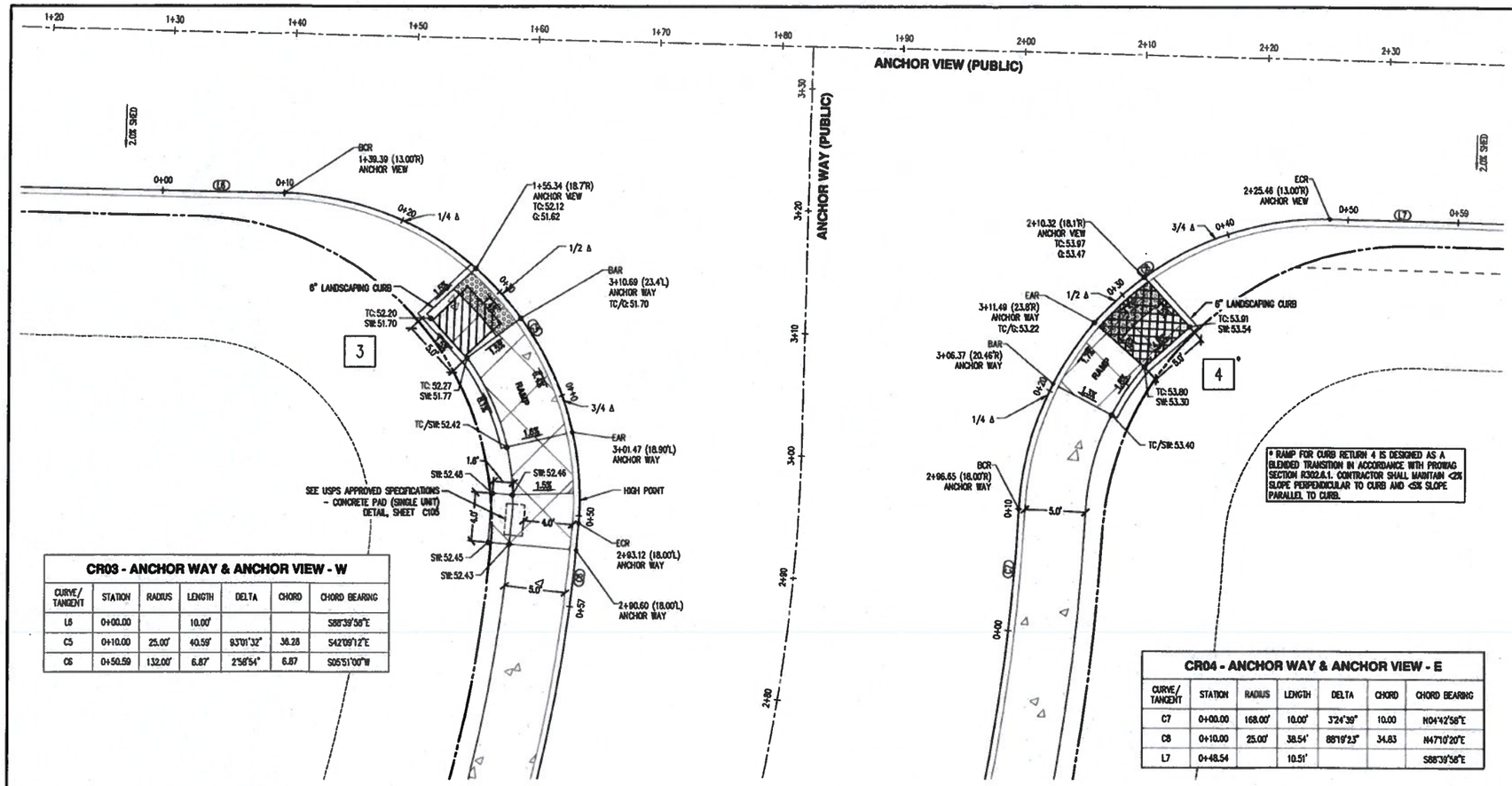
REGISTERED PROFESSIONAL ENGINEER
OREGON
SEPT. 18, 2019
JAMES M. POTSSANI
EXPIRES DEC. 31, 2020

REVISIONS
1 NEW CITY DTLS - 10/14/2019

JOB NUMBER
5691

SHEET
C102

AKS DRAWING FILE: 5691 CURB RETURN C102.DWG | LAYOUT: C102



CR03 - ANCHOR WAY & ANCHOR VIEW - W

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
L6	0+00.00		10.00'			S88°39'58"E
C5	0+10.00	25.00'	40.59'	93°01'32"	36.28	S42°09'12"E
C6	0+50.59	132.00'	6.87'	2°58'54"	6.87	S05°51'00"W

CR04 - ANCHOR WAY & ANCHOR VIEW - E

CURVE/ TANGENT	STATION	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C7	0+00.00	168.00'	10.00'	3°24'39"	10.00	N04°42'58"E
C8	0+10.00	25.00'	38.54'	88°19'23"	34.83	N47°10'20"E
L7	0+48.54		10.51'			S88°39'58"E

LEGEND AND ABBREVIATIONS:

TC = TOP OF CURB ELEVATION
SW = FINISHED GRADE SIDEWALK ELEVATION
BCR = BEGIN CURB RETURN
ECR = END CURB RETURN
EP = EDGE OF PAVEMENT
EX SW = EXISTING SIDEWALK ELEVATION
BAR = BEGIN ADA RAMP
EAR = END ADA RAMP
G = GUTTER

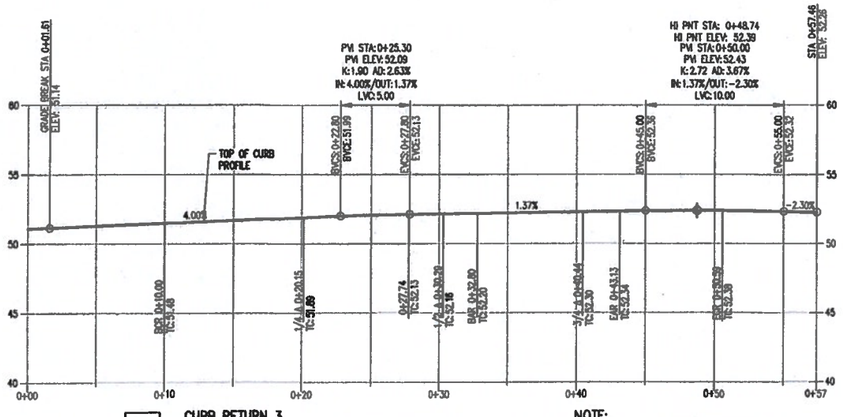
DOWNWARD SLOPE X.X%

4'x4' TURNING SPACE

BLENDED TRANSITION

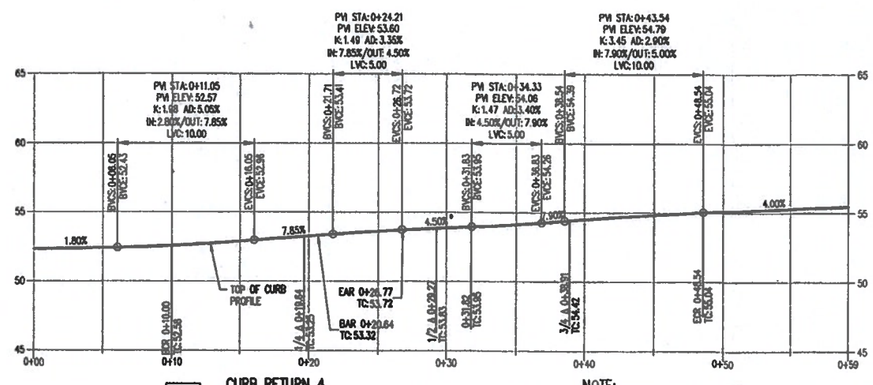
NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTING ALL SIDEWALK TO MEET ADA AND JURISDICTIONAL REQUIREMENTS.
2. PRIOR TO POURING CONCRETE, THE CONTRACTOR SHALL CONTACT CITY AND/OR AKS INSPECTOR AFTER FORMS ARE IN PLACE TO CHECK FORMS. CONTRACTOR TO CALL 4 DAYS PRIOR TO NEEDING FORMS INSPECTED.
3. CONTRACTOR SHALL MAINTAIN 2% MAXIMUM SLOPE IN ANY DIRECTION AT ADA LANDINGS AND A MAXIMUM SLOPE OF 8.3% OR A MAXIMUM OF 15 FEET FOR ADA RAMPS.
4. CURB GRADE AT ADA LANDING TO BE MAXIMUM 2%
5. GUTTER RUNNING SLOPE AT ADA RAMP TO BE 5% MAXIMUM.
6. ALL SIDEWALKS SHALL HAVE A MAXIMUM CROSS SLOPE OF 2%
7. TOP OF CURB ELEVATIONS SHOWN ON PROFILE REPRESENT FULL HEIGHT CURB AND DO NOT REFLECT DROPS IN CURB OR CURB RAMPS.



3 **CURB RETURN 3**
HORZ: 1" = 5'
VERT: 1" = 5'

NOTE:
CURB RETURN PROFILE REPRESENTS TOP OF CURB ALIGNMENT WITH NO CURB DROPS



4 **CURB RETURN 4**
HORZ: 1" = 5'
VERT: 1" = 5'

NOTE:
CURB RETURN PROFILE REPRESENTS TOP OF CURB ALIGNMENT WITH NO CURB DROPS

N

SCALE: 1"=5 FEET

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400

LINCOLN COUNTY TAX MAP 11 11 09 03

CURB RETURN 3 AND 4 DETAILS

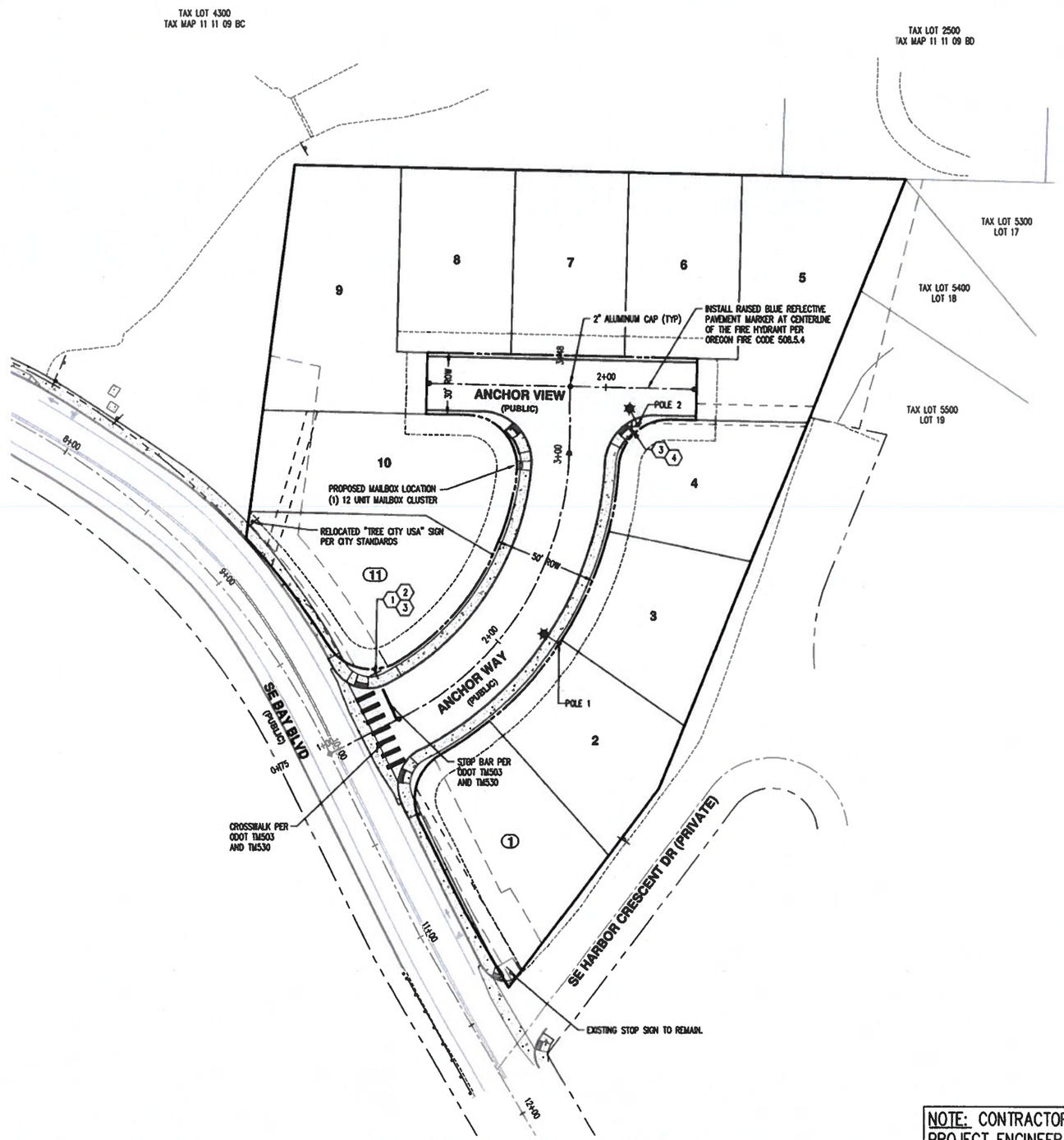
DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: JMP
DATE: 09/04/2019

REGISTERED PROFESSIONAL ENGINEER
JAMES M. POLSKANE
OREGON JULY 29, 1986

JOB NUMBER
5691

SHEET
C103

AKS DRAWING FILE: 5691 CURB RETURN CROSSING | LAYOUT: C103



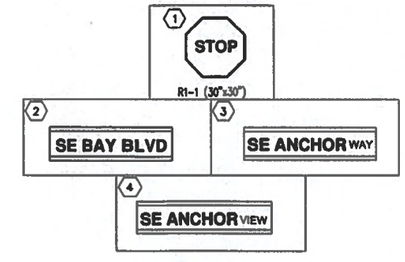
GENERAL NOTES:

1. STREET NAME SIGN SIZES TO BE PER CITY OF NEWPORT REQUIREMENTS.
2. PRIMARY SIGN TO BE INSTALLED PER CITY OF NEWPORT DETAIL T-450.
3. SIGNS AND LETTERING FONTS SHOWN ARE PROVIDED TO SHOW SIGN INTENT. ACTUAL SIGNS AND LETTERING ARE TO MATCH MUTCD.
4. TEXT HEIGHT TO BE PER CITY OF NEWPORT DETAIL REQUIREMENTS.
5. CONTRACTOR TO COORDINATE WITH SIGN MAKER TO HAVE SUBMITTALS SENT TO CITY BEFORE SIGNS ARE MADE.
6. STREET LIGHTS TO BE ACCEPTED AND MAINTAINED BY CITY OF NEWPORT. ALL MATERIALS AND INSTALLATION SHALL BE APPROVED BY CITY OF NEWPORT.
7. ALL ELECTRICAL EQUIPMENT SHALL CONFORM TO THE CURRENT STANDARDS OF THE NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION (NEMA) AND THE UNDERWRITERS LABORATORIES, INC. (U.L.). IN ADDITION TO THE REQUIREMENTS OF THE PLANS AND STANDARD SPECIFICATIONS. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE CURRENT REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE (NEC) THE NATIONAL ELECTRICAL SAFETY CODE, STANDARDS OF THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), AND ANY LOCAL ORDINANCES WHICH MAY APPLY.
8. NO UTILITY INFRASTRUCTURE IS TO BE LOCATED WITHIN ONE FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON THE SUBDIVISION PLAT PER ORS 92.044 (7).
9. ALL PAVEMENT MARKINGS REMOVED OR DAMAGED DURING CONSTRUCTION SHALL BE REPLACED IN KIND, PAINTED IN CONFORMANCE WITH OSSC (ODOT/APWA) CHAPTERS 00850 AND 00860.
10. CONTRACTOR TO INSTALL LIGHT POLE BASE PER CITY STANDARDS. CENTRAL LINCOLN PUD WILL INSTALL POLES AND LIGHTS.

LEGEND:

PROPOSED LOCATION OF STREET LIGHT LUMINAIRE

SIGNING LEGEND



LIGHT POLE LOCATION TABLE		
POLE #	STATION & OFFSET	ALIGNMENT
POLE 1	2+16.00 (25.00'R)	ANCHOR WAY
POLE 2	2+16.32 (18.00'R)	ANCHOR VIEW

NOTE: CONTRACTOR TO VERIFY STREET NAMES WITH PROJECT ENGINEER BEFORE ORDERING STREET SIGNS

N

SCALE: 1" = 30 FEET

30 0 12 18 24 30

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400 LINCOLN COUNTY TAX MAP 11 11 09 CB

LIGHTING, SIGNAGE, STRIPING, AND MAILBOX PLAN

DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: MP
DATE: 09/18/2019

REGISTERED PROFESSIONAL ENGINEER
OREGON
JAN. 28, 2003
JAMES M. POISSANT
EXPIRES: DEC. 31, 2020

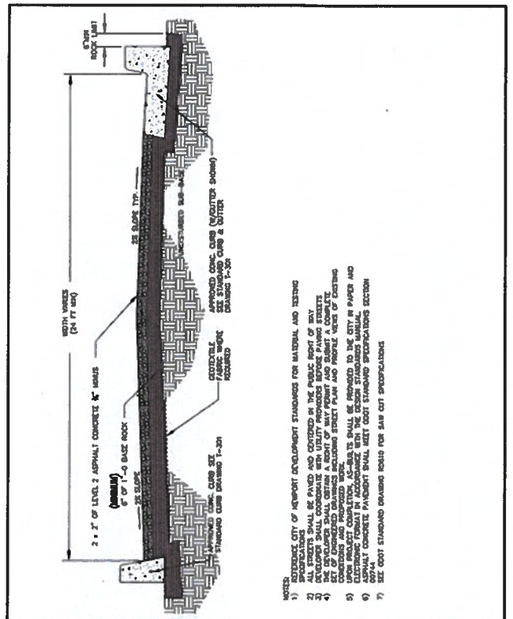
CITY

REVISIONS
1 NEW CITY DTLS – 10/16/2019

JOB NUMBER
5691

SHEET
C104

AKS DRAWING FILE: 5691 LIGHT_SIGNAGE.DWG | LAYOUT: C104



NOTES:
1) REFERENCE CITY OF NEWPORT DEVELOPMENT STANDARDS FOR MATERIAL AND TESTING REQUIREMENTS.
2) ALL STREETS SHALL BE PAVED AND CENTERED IN THE PUBLIC RIGHT OF WAY.
3) ALL STREETS SHALL BE CONSTRUCTED TO THE FINAL GRADE OF THE STREET.
4) THE DEVELOPER SHALL OBTAIN A RIGHT OF WAY PERMIT AND SUBMIT A CONCRETE, CUT OF EXPANDED BITUMINOUS PAVEMENT, AND PROFILE VIEWS OF EXISTING STREET PRIOR TO CONSTRUCTION.
5) UPON PROJECT COMPLETION, AS-BUILTS SHALL BE PROVIDED TO THE CITY IN PAPER AND ELECTRONIC FORMAT. ELECTRONIC FORMAT SHALL BE COMPATIBLE WITH CITY SOFTWARE.
6) ASPHALT CONCRETE PAVEMENT SHALL MEET ODOT STANDARD SPECIFICATIONS SECTION 00741.
7) SEE ODOT STANDARD DRAWING RD810 FOR SAW CUT SPECIFICATIONS.

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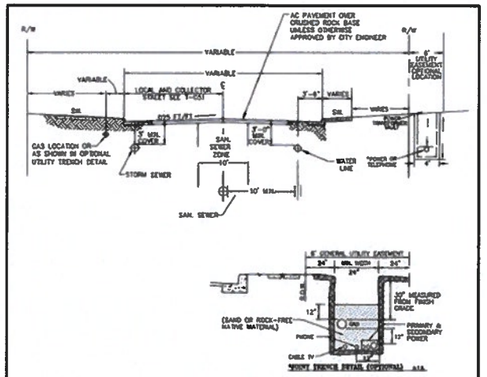
Newport, Oregon 97365
(541) 574-3300 Fax (541) 265-5769

STANDARD PAVED STREET

DETAIL NO. T-050
8/8/2013

NOTE: REFER TO C100 FOR PROJECT SPECIFIC PAVEMENT SECTION SPECIFIED IN GEOTECHNICAL REPORT.



NOTES:
1. WATER MAIN TO BE LOCATED 3'-6" INSIDE FROM FACE OF CURB OR AS OTHERWISE DIRECTED.
2. 10' HORIZONTAL SEPARATION BETWEEN WATER AND SEWER WHERE POSSIBLE. COMPLY WITH SEPARATION REQUIREMENTS OF OAR 333-061-0050.
3. WATER DISTRIBUTION MAINS SHALL HAVE 36" MINIMUM COVER OR AS OTHERWISE DIRECTED.
4. SEWER MAINS SHALL HAVE 5.25' (63") MINIMUM COVER UNLESS OTHERWISE APPROVED TO AVOID CONFLICTS WITH WATER AND OTHER UTILITIES.
5. WATER MAINS TO BE LOCATED ON NORTH OR EAST SIDE OF STREET WHEN PRACTICAL.
6. WATER, SEWER, STREETS AND DRAINAGE SUBJECT TO CITY STANDARDS.
7. MANHOLE LIDS SHALL NOT BE LOCATED DIRECTLY IN NORMAL WHEEL PATH.
8. ALL LAYOUTS AND LOCATIONS ARE SUBJECT TO CITY APPROVAL.

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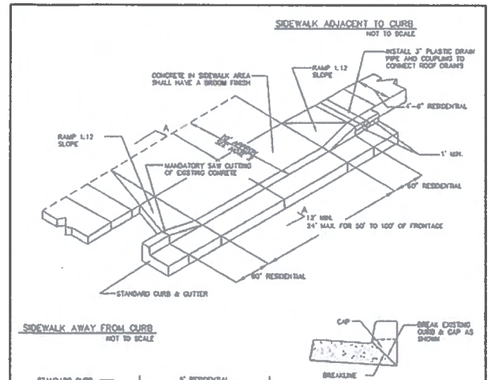
STANDARD UTILITY LOCATIONS

DETAIL NO. T-054
-/-/2013



NOTES:
1) CONCRETE SHALL HAVE A MINIMUM BREAKING STRENGTH OF 3000 PSI AFTER 28 DAYS. FOR ALL DRIVEWAY APRONS (8") AND DRIVEWAY EXTENSIONS (4")
2) 10' CONCRETE APRON REQUIRED FOR ALL DRIVEWAYS WHERE NO SIDEWALK IS CONSTRUCTED.
3) 4" THICKNESS OF CONCRETE FROM BACK OF SIDEWALK OR DRIVEWAY APRON TO PROPERTY LINE WHERE PRIVATE DRIVE IS CONCRETE
4) DRIVEWAY MUST MEET EXISTING STREET GRADE
5) CITY APPROVAL REQUIRED FOR DEVIATION FROM RSD'S STANDARDS
6) PERMITS AND INSPECTIONS ARE REQUIRED ON NEW AND EXISTING STRUCTURES. THE INSPECTION WILL BE MADE AFTER THE FORMS HAVE BEEN SET
7) FOR SIDEWALKS REFER TO STANDARD SIDEWALK DETAIL T-210
8) FOR CURB & GUTTER REFER TO STANDARD CURB & GUTTER DETAIL T-301

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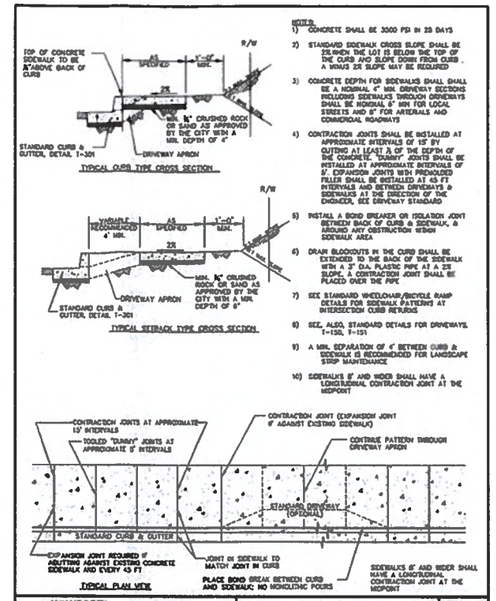
RESIDENTIAL DRIVEWAY APPROACH DETAIL

DETAIL NO. T-150
-/-/2013



NOTES:
1) CONCRETE SHALL BE 3000 PSI IN 28 DAYS
2) STANDARD SIDEWALK CROSS SLOPE SHALL BE 2%. WHEN THE LOT IS BELOW THE TOP OF THE CURB AND SLOPE DOWN FROM CURB, A MINUS 2% SLOPE MAY BE REQUIRED
3) CONCRETE DEPTH FOR SIDEWALKS SHALL SHALL BE A NOMINAL 4" MIN. DRIVEWAY SECTIONS INCLUDING SIDEWALKS THROUGH DRIVEWAYS SHALL BE NOMINAL 6" MIN FOR LOCAL STREETS AND 8" FOR ARTERIALS AND COMMERCIAL ROADWAYS
4) CONTRACTION JOINTS SHALL BE INSTALLED AT APPROXIMATE INTERVALS OF 15' BY CUTTING AT LEAST A 1/4 OF THE DEPTH OF THE CONCRETE. "DUMMY" JOINTS SHALL BE INSTALLED AT APPROXIMATE INTERVALS OF 5'. EXPANSION JOINTS WITH PREMOLDED FILLER SHALL BE INSTALLED AT 45 FT INTERVALS AND BETWEEN DRIVEWAYS & SIDEWALKS AT THE DIRECTION OF THE ENGINEER. SEE DRIVEWAY STANDARD
5) INSTALL A BOND BREAKER OR ISOLATION JOINT BETWEEN BACK OF CURB & SIDEWALK, & AROUND ANY OBSTRUCTION WITHIN SIDEWALK AREA
6) DRAIN BLOCKOUTS IN THE CURB SHALL BE EXTENDED TO THE BACK OF THE SIDEWALK WITH A 3" DIA. PLASTIC PIPE AT A 2% SLOPE. A CONTRACTION JOINT SHALL BE PLACED OVER THE PIPE
7) SEE STANDARD WHEELCHAIR/BICYCLE RAMP DETAILS FOR SIDEWALK PATTERNS AT INTERSECTION CURB RETURNS
8) SEE, ALSO, STANDARD DETAILS FOR DRIVEWAYS T-150, T-151
9) A MIN. SEPARATION OF 6' BETWEEN CURB & SIDEWALK IS RECOMMENDED FOR LANDSCAPE STRIP MAINTENANCE
10) SIDEWALKS 8' AND WIDER SHALL HAVE A LONGITUDINAL CONTRACTION JOINT AT THE MIDPOINT

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Newport, Oregon 97365
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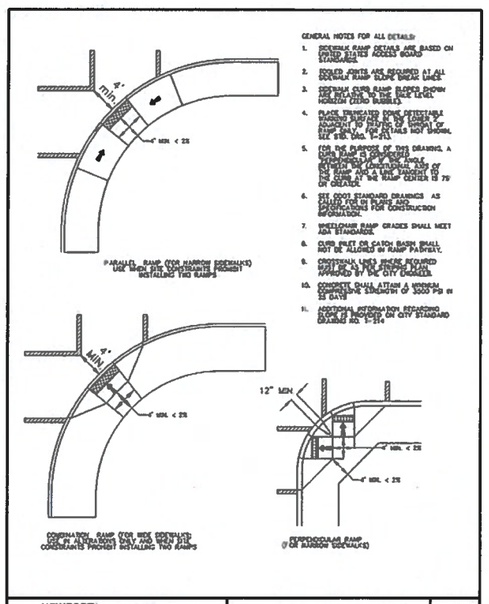
STANDARD SIDEWALK DETAILS

DETAIL NO. T-210
11/26/2013

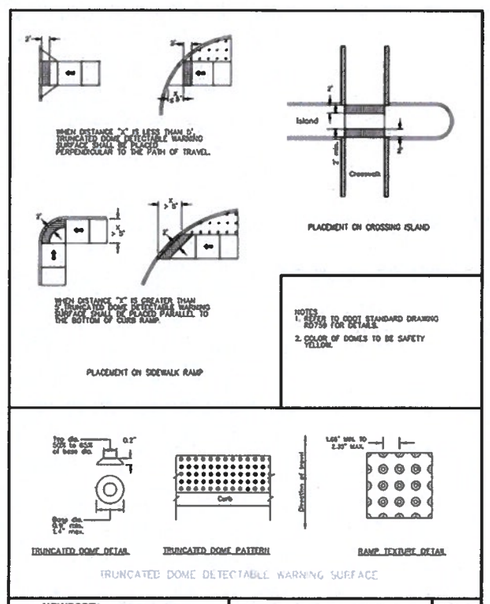


GENERAL NOTES FOR ALL DETAILS:
1. SIDEWALK RAMP DETAILS ARE BASED ON UNITED STATES ACCESS BOARD STANDARDS.
2. SQUARE JOINTS ARE REQUIRED AT ALL SIDEWALK RAMP SLOPE BREAK LINES.
3. DETAILS SLOPE RAMP SLOPES SHOWN ARE RELATIVE TO THE FACE OF LEVEL HORIZON (ZERO BUBBLE).
4. PLACE TRUNCATED DOME DETECTABLE WARNING SURFACE FOR THE FULL WIDTH & LENGTH OF RAMP TO ALERT PEDESTRIANS OF RAMP LOCATION. FOR DETAILS NOT SHOWN, SEE SIDEWALK T-210.
5. FOR THE PURPOSE OF THIS DRAWING, A CURB RAMP IS DEFINED AS A RAMP PERPENDICULAR OR PARALLEL TO THE WHOLE WIDTH OF THE LONGITUDINAL SIDE OF THE RAMP AND A LINE PARALLEL TO THE SIDEWALK WHEN RAMP CENTER IS 75° OR GREATER.
6. SEE ODOT STANDARD DRAWINGS AS CALLED FOR ON PLANS AND SPECIFICATIONS FOR CONSTRUCTION INFORMATION.
7. WHEELCHAIR RAMP GRADES SHALL MEET ADA STANDARDS.
8. CURB INLET OR CATCH BASIN SHALL NOT BE ALLOWED IN RAMP PATHWAY.
9. CROSSWALK LINES SHOULD REQUIRED MORE THAN ONE RAMP PER CORNER APPROVED BY THE CITY ENGINEER.
10. CONCRETE SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI IN 28 DAYS
11. ADDITIONAL INFORMATION REGARDING CURB RETURNS MAY BE FOUND ON CITY STANDARD DRAWING NO. T-214

City of Newport
169 SW Coast Hwy
Newport, Oregon 97365
(541) 574-3300 Fax (541) 265-5769

SIDEWALK AND RAMP DETAIL WITHOUT PLANTER STRIP

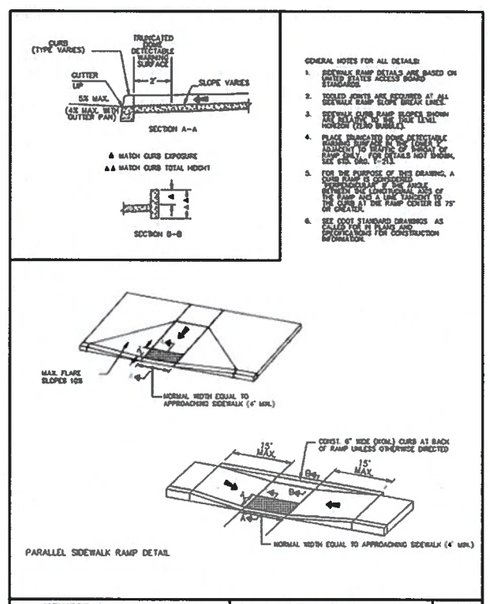
DETAIL NO. T-212
-/-/2013



City of Newport
169 SW Coast Hwy
Newport, Oregon 97365
(541) 574-3300 Fax (541) 265-5769

TRUNCATED DOME PLACEMENT

DETAIL NO. T-213
-/-/2013



GENERAL NOTES FOR ALL DETAILS:
1. SIDEWALK RAMP DETAILS ARE BASED ON UNITED STATES ACCESS BOARD STANDARDS.
2. SQUARE JOINTS ARE REQUIRED AT ALL SIDEWALK RAMP SLOPE BREAK LINES.
3. DETAILS SLOPE RAMP SLOPES SHOWN ARE RELATIVE TO THE FACE OF LEVEL HORIZON (ZERO BUBBLE).
4. PLACE TRUNCATED DOME DETECTABLE WARNING SURFACE FOR THE FULL WIDTH & LENGTH OF RAMP TO ALERT PEDESTRIANS OF RAMP LOCATION. FOR DETAILS NOT SHOWN, SEE SIDEWALK T-210.
5. FOR THE PURPOSE OF THIS DRAWING, A CURB RAMP IS DEFINED AS A RAMP PERPENDICULAR OR PARALLEL TO THE WHOLE WIDTH OF THE LONGITUDINAL SIDE OF THE RAMP AND A LINE PARALLEL TO THE SIDEWALK WHEN RAMP CENTER IS 75° OR GREATER.
6. SEE ODOT STANDARD DRAWINGS AS CALLED FOR ON PLANS AND SPECIFICATIONS FOR CONSTRUCTION INFORMATION.

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Newport, Oregon 97365
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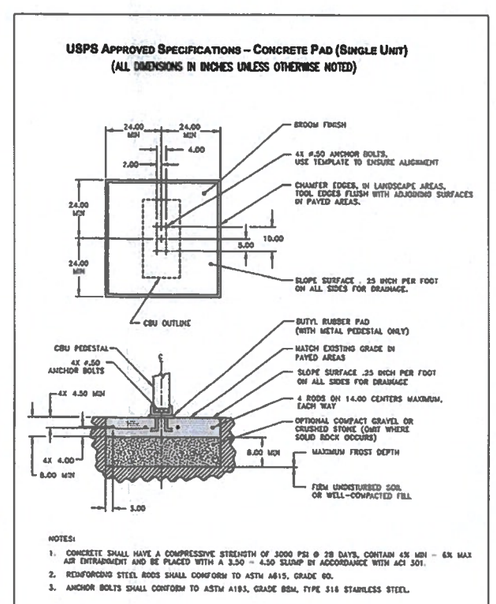
RAMP AND TEXTURE DETAIL WITHOUT PLANTER STRIP

DETAIL NO. T-214
-/-/2013



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KEIZER, OR 97303
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F: 503.400.7722
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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
TAX LOT 400
LINCOLN COUNTY TAX MAP 11 11 09 CB

STREET DETAILS

DESIGNED BY:	SJA
DRAWN BY:	SJA
MANAGED BY:	LJM
CHECKED BY:	JMP
DATE: 07/12/2018	

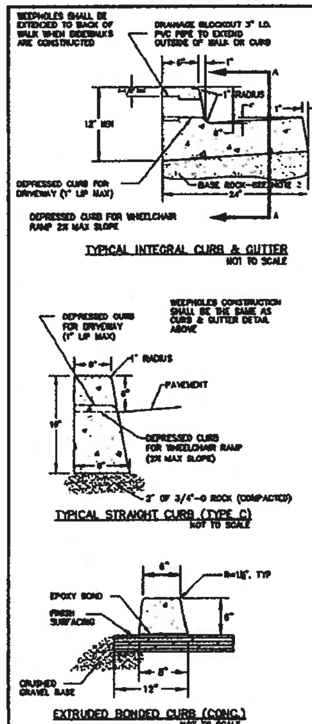
REGISTERED PROFESSIONAL ENGINEER — OREGON — JULY 25, 2000 — JACK M. POISSANT — EXPIRES: DEC. 31, 2020

REVISIONS

JOB NUMBER 5691

SHEET C105

AKS DRAWING FILE: 5691 DETAILS.DWG | LAYOUT: C105

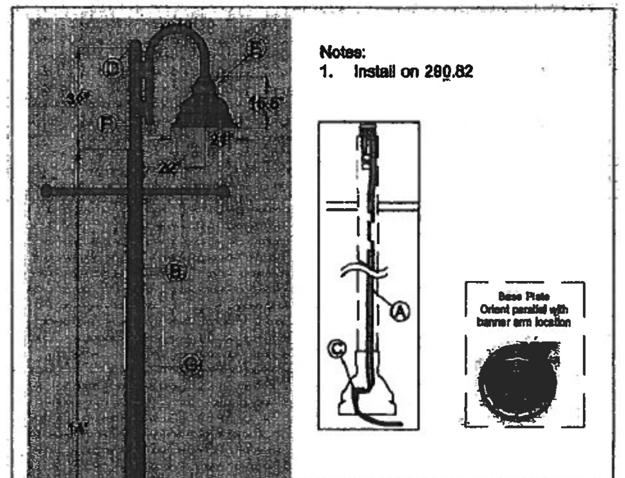


NOTES:
1. CONCRETE SHALL HAVE A BREAKING STRENGTH OF 3000 PSI AFTER 28 DAYS
2. CONTRACTION JOINTS
   A) TO BE PROVIDED
      - AT EACH POINT OF TANGENCY
      - AT EACH COLD JOINT
      - AT EACH SIDE OF INLET STRUCTURES
      - AT BOTH SIDES OF AN APPROACH
   B) SPACING TO BE NOT MORE THAN 15 FEET
   C) THE DEPTH OF THE JOINT SHALL BE AT LEAST 1/3 OF THE THICKNESS OF CONCRETE
   D) EXPANSION JOINTS IN CURB & GUTTER SHALL BE PLACED AT MAX 45' INTERVALS IN 15' MULTIPLES
3. BASE ROCK – 1-1/2"-0", 95% COMPACTION ROCK SHALL BE TO SUBGRADE OF THE STREET SECTION OR 4" IN DEPTH, WHICHEVER IS GREATER
4. DRAINAGE BLOCK – 3" DIA. PLASTIC PIPE
   A) DRAINAGE ACCESS THROUGH EXISTING CURBS SHALL BE DONE BY:
      - CORE DRILLING, OR
      - VERTICAL SAWCUT OF CURB 18" EACH SIDE OF DRAIN AND RE-POURED TO FULL DEPTH OF CURB
5. STAMP TOP OF CURB WITH "W" AT WATER SERVICE CROSSING AND "S" AT SANITARY LATERAL CROSSING AS SPECIFIED
6. EXTRUDED BONDED CURBS SHALL NOT BE USED IN PUBLIC RIGHTS OF WAY OR ON PRIVATE STREETS UNLESS APPROVED BY CITY ENGINEER
7. SEE STANDARD CURB CUT DETAIL FOR DRIVEWAY
8. TYPICAL STRAIGHT CURB (TYPE C) ALLOWED FOR REPLACEMENT OF EXISTING TYPE C CURBS AND NOT RECOMMENDED FOR NEW CONSTRUCTION

City of Newport

CURB AND GUTTER DETAILS — DETAIL NO. T-301 — -/-/2013

NOTE: GUTTER SLOPE ON UPPER SIDE OF STREETS TO MATCH STREET SLOPE.

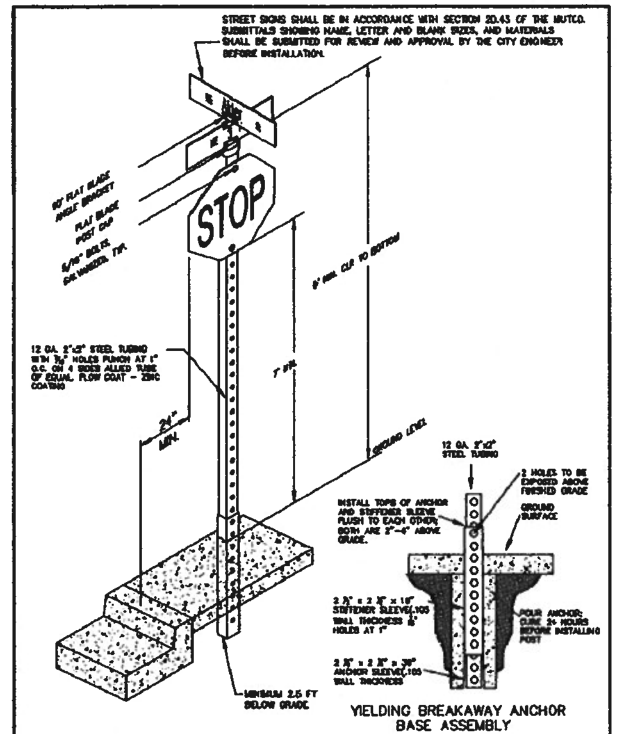


Notes:
1. Install on 280.82

ITEM	STOCK#	DESCRIPTION	QTY	UOM
A	11265	CONDCTR ST LIGHT CU 10-2 UF W/O GND	20	FT
B	12247	POLE STREET LITE 14' AL 3" W/4 HL BASE	1	EA
C	12555	GELCAP SL-STUB SPLICE COVER KIT W/CONNECT	2	EA
D	23467	PHOTO CONTROLLER 105V-305V LED	1	EA
E	23543	DECORATIVE, MINI PENDANT LIGHT	1	EA
F	23546	DECORATIVE, MINI PENDANT ARM	1	EA
G	*	LABEL TAPE, -YELLOW & BLACK (Pole Number)	1	EA

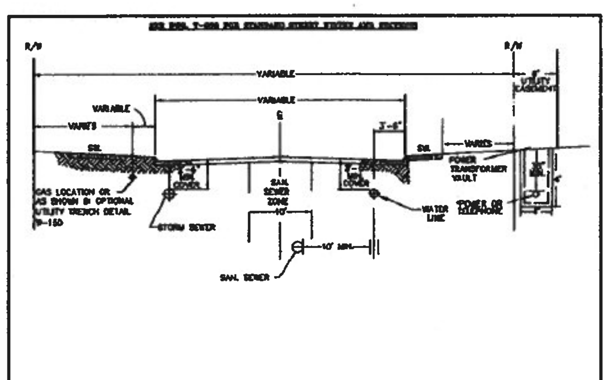
*Open Stock Items

CENTRAL LINCOLN ENGINEERING ASSEMBLY — STREETLITE ORNAMENTAL 14B' 50W LED PENDANT — 291.16



City of Newport

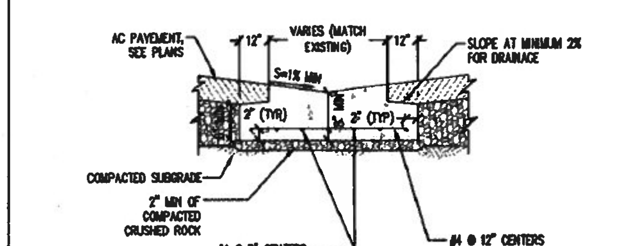
STANDARD SIGN DETAIL — DETAIL NO. T-450 — 5/4/2018



NOTES:
1. WATER LOCATED 3'-6" INSIDE FROM FACE OF CURB OR AS OTHERWISE DIRECTED.
2. 10' HORIZONTAL SEPARATION BETWEEN WATER AND SEWER WHERE POSSIBLE. COMPLY WITH SEPARATION REQUIREMENTS OF OAR 333-061-050.
3. WATER DISTRIBUTION MAINS SHALL HAVE 36" MINIMUM COVER OR AS OTHERWISE DIRECTED.
4. SEWER MAINS SHALL HAVE 5.25' (63") MINIMUM COVER UNLESS OTHERWISE APPROVED TO AVOID CONFLICTS WITH WATER AND OTHER UTILITIES.
5. WATER MAINS SHALL BE LOCATED ON NORTH OR EAST SIDE OF STREET WHEN PRACTICAL.
6. WATER, SEWER, STREETS AND DRAINAGE SYSTEMS ARE SUBJECT TO CITY OF NEWPORT STANDARDS AND APPROVAL.
7. MANHOLE LIDS SHALL NOT BE LOCATED DIRECTLY IN NORMAL WHEEL PATH.
8. ALL LAYOUTS AND LOCATIONS ARE SUBJECT TO CITY APPROVAL.

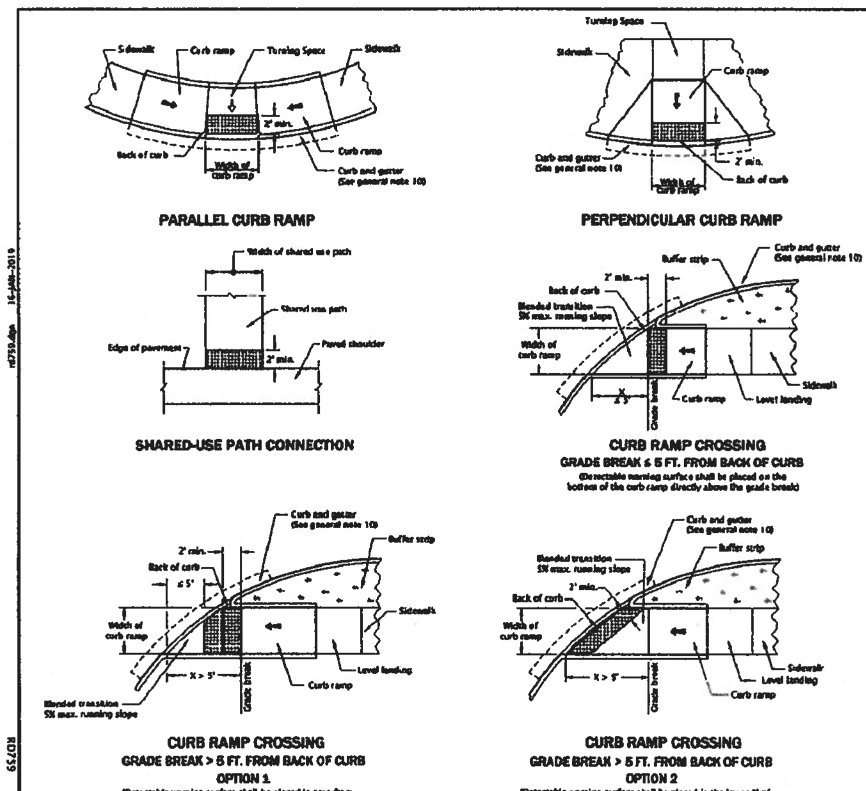
City of Newport

STANDARD UTILITY LOCATIONS — DETAIL NO. S-050 — -/-/2013



NOTES:
1. PCC CONSTRUCTION SHALL CONFORM TO PORTLAND CEMENT ASSOCIATION (PCA) SPECIFICATIONS, UNLESS OTHERWISE SPECIFIED.
2. ALL CONCRETE SHALL BE 4000 PSI @ 28 DAYS.
3. CONTRACTION JOINTS SHALL BE PLACED AT 15' MIN. INTERVALS. DEPTH OF JOINT SHALL BE A MINIMUM OF 1/3 TO MAXIMUM 1/2 THE GUTTER SECTION.
4. CONSTRUCT 12" WIDE BENCH MONOLITHICALLY WITH VALLEY GUTTER FOR PAVEMENT SUPPORT. BENCH DEPTH TO MATCH PAVEMENT THICKNESS.
5. VALLEY GUTTER TO CURE A MINIMUM OF 7 DAYS PRIOR TO PLACING FINAL BASEROCK AND PAVING.
6. LONGITUDINAL GUTTER GRADE SHALL NOT BE LESS THAN 0.3%.
7. DESIGN SUBGRADES SHALL BE COMPACTED AND PROOF-ROLLED PRIOR TO PLACEMENT OF BASEROCK. IF SUBGRADE PASSES PROOF-ROLL BUT FAILS DENSITY TESTING, INSTALL MIN. 4.5 OZ NON-WOVEN GEOTEXTILE FABRIC ON SUBGRADE PRIOR TO PLACEMENT OF BASEROCK. FAILURE OF PROOF-ROLL WILL REQUIRE OVEREXCAVATION OR REPAIR AS DIRECTED BY PROJECT GEOTECHNICAL ENGINEER OR CITY INSPECTOR.
8. IF SUBGRADE FAILS THE PROOF-ROLL, SUBGRADE SHALL BE OVEREXCAVATED TO FIRM AND UNYIELDING SOIL AND BACKFILLED WITH COMPACTED BASEROCK OVER MIN. 8.0-OZ. NON-WOVEN FABRIC AS REQUIRED TO ALLOW COMPACTION OF UPPER (DESIGN) BASEROCK SECTION AND TO MAINTAIN STRUCTURAL INTEGRITY OF SUBGRADE SOILS. TYPICAL MINIMUM OVEREXCAVATION REQUIRED IS 12-INCHES. NO RUBBER TIRED EQUIPMENT ALLOWED ON SUBGRADE FOLLOWING OVEREXCAVATION.

CONCRETE VALLEY GUTTER
NTS



GENERAL NOTES FOR ALL DETAILS ON THIS SHEET:
1. Detectable warning surface details & locations are based on ODOT applicable Standards.
2. See project plans for details not shown.
   See Std. Dwgs. RD700 & RD701 for curbs.
   See Std. Dwg. RD720 for sidewalks.
   See Std. Dwgs. TM503 & TM530 for crosswalk markings, widths, etc.
   See Std. Dwgs. RD705 & RD710 for islands.
3. The Detectable Warning Surface shall extend the full width of the curb ramp, or other roadway entrance as applicable. A gap of up to 2 inches on each side of the Detectable warning surface is permitted (Measured at the leading corners of the detectable warning surface panel).
4. Detectable warning surface shall be placed at the back of curb for a minimum depth of 2 ft. at curb ramps that adjacent to traffic. Detectable warning surface may be radial or rectangular, but must comply with the truncated dome size and spacing standards. Detectable warning surface may be cut to meet necessary shape as shown in plans. Color to be safety yellow if no color specified in construction note. For detectable warning surface on or along state highway, alternative colors must be approved.
5. Detectable warning surface shall be used in the following locations:
   a) Curb ramps (See Std. Dwgs. RD755, RD756, & RD757).
   b) Crossing islands (Accessible Route Islands). (See Std. Dwg. RD710).
   c) Rail crossings (See Std. Dwg. RD759).
6. Where public transportation stations (rail, bus, etc.) use platform boarding, detectable warning surface shall be placed along the full edge length of the station, when not protected by platform screens or guards (See Std. Dwg. RD758).
7. Detectable warning surface shall not be used on the following locations:
   a) End of sidewalk transitions that are not at a crosswalk, (See Std. Dwg. RD754).
   b) Driveways, unless constructed with curb return, (See Std. Dwgs. RD725, RD730, RD735, RD740, RD745, & RD750).
   c) Parking lots.
8. Grade breaks at the top and bottom of curb ramp runs shall be perpendicular to the direction of the ramp run. Grade breaks shall not be permitted on the surface of ramp runs and turning spaces. Surface slopes that meet at grade breaks shall be flush.
9. Where no curb is present, the detectable warning surface shall be placed at the edge of the roadway.
10. On or along state highways, curb and gutter is required at curb ramps.
11. Detectable warning surface placement for perpendicular ramps vary as shown.

Detectable warning surface
Slope 1.5% max. (Max. 2.0% finished surface slope)
Slope 7.5% max. (Max. 8.3% finished surface slope)

The selection and use of this Standard Drawing, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user and should not be used without consulting a Registered Professional Engineer.

OREGON STANDARD DRAWINGS
DETECTABLE WARNING SURFACE DETAILS & PLACEMENT LOCATIONS
2018

Effective Date: June 1, 2019 - November 30, 2019 — RD750

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
TAX LOT 400 LINCOLN COUNTY TAX MAP 11 11 09 CB

STREET DETAILS

DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: JMP
DATE: 09/18/2019

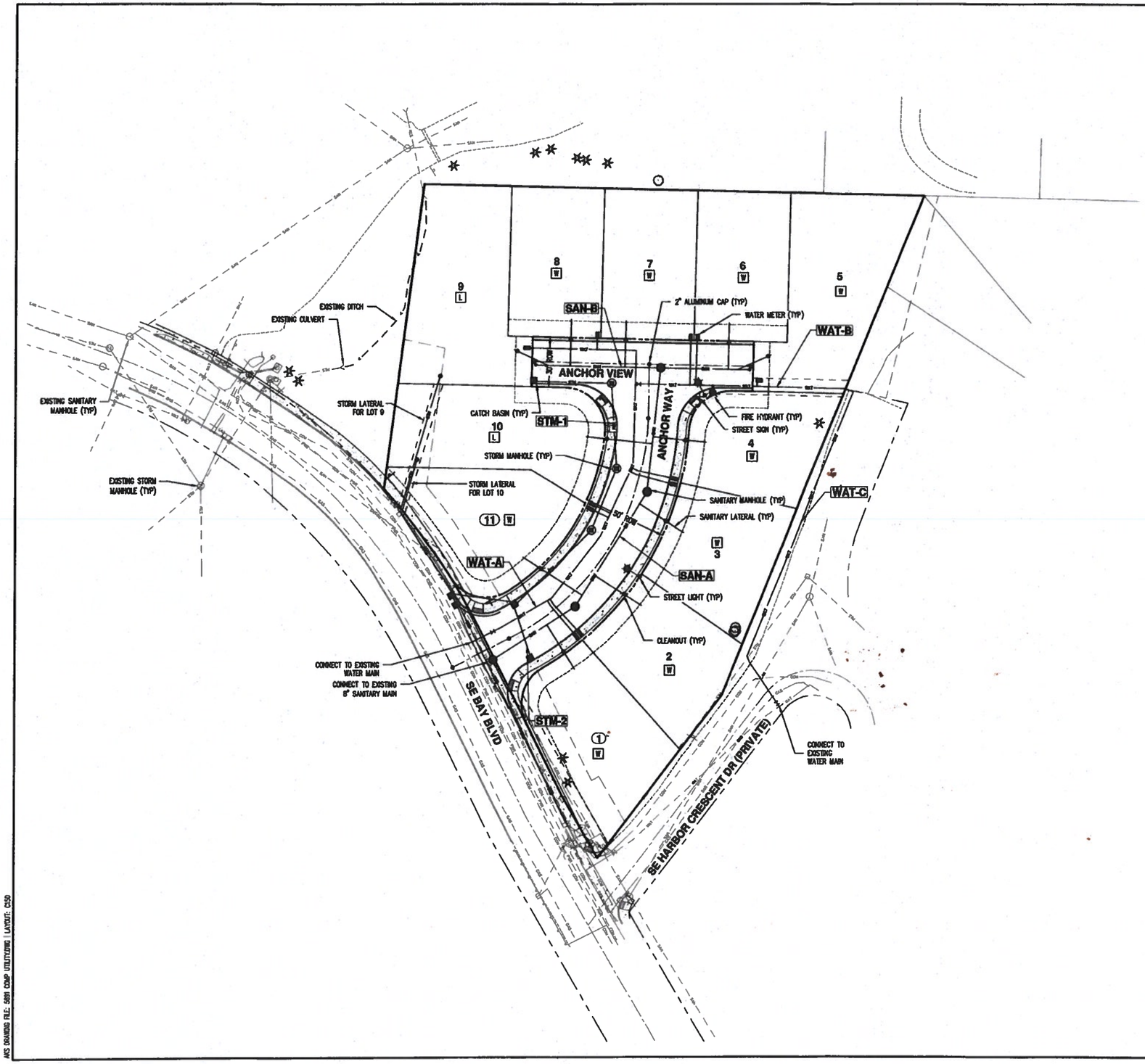
REGISTERED PROFESSIONAL ENGINEER — JACK M. POISSANT — EXPIRES: DEC. 31, 2020
COPY

REVISIONS
NEW CITY DTLS – 10/14/2019

JOB NUMBER 5691

SHEET C106

AKS DRAWING FILE: 5691 DETAILS.DWG | LAYOUT: C106



LOT DRAINAGE LEGEND

L STORM LATERAL

W WEEPHOLE

NOTE: REFER TO SHEET C201 FOR LOTS 9 AND 10 STORMWATER LATERAL INFORMATION.

SCALE: 1"=30 FEET

30 0 12 18 24 30

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400 LINCOLN COUNTY TAX MAP 11 11 08 CB

COMPOSITE UTILITY PLAN

DESIGNED BY: CHB
DRAWN BY: CHB
MANAGED BY: LJM
CHECKED BY:
DATE: 09/18/2019

REGISTERED PROFESSIONAL ENGINEER
OREGON
MAY 24, 2006
KAY M. POISSANT
EXPIRES: DEC. 31, 2019

REVISIONS

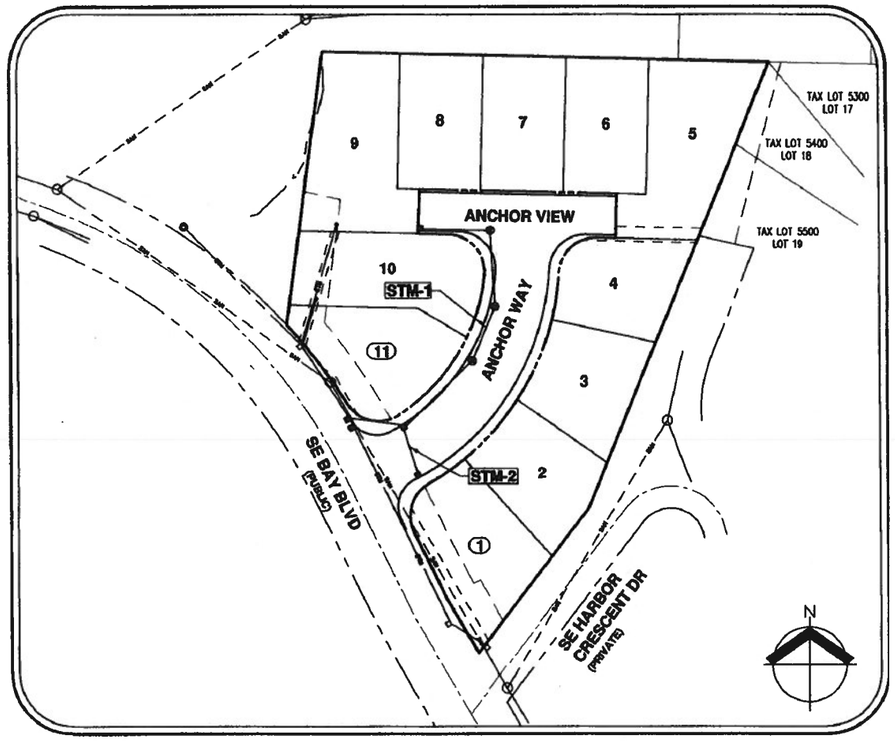
JOB NUMBER
5691

SHEET
C150

AKS DRAWING FILE: 5691 COMP UTILITY.DWG | LAYOUT: C150

FISHERMAN'S WHARF ESTATES

STORMWATER COVER SHEET



SITE MAP
1"=50'

STORM SEWER CONSTRUCTION NOTES

1. ALL CONSTRUCTION AND MATERIALS SHALL COMPLY WITH THESE PLANS AND THE APPLICABLE REQUIREMENTS OF THE CITY OF NEWPORT PUBLIC WORKS STANDARDS.
2. STORM SEWER PIPE SHALL BE AS SHOWN ON THE PLANS, OR EQUAL IF APPROVED IN ADVANCE IN WRITING BY CITY OF NEWPORT.
3. POLYVINYL CHLORIDE (PVC) PIPE SHALL CONFORM TO THE REQUIREMENTS OF ASTM D-3034, SDR 35. (4"-15"), ASTM F-679 SDR 35 (18"-24"), ASTM C-900 D-1740R18 (4"-12"), ASTM C905 D-1784DR18 (16"-24"). GASKETS SHALL CONFORM TO THE REQUIREMENTS OF ASTM C-477 AND ASTM D-3212.
4. THE CONTRACTOR SHALL AT ALL TIMES ABIDE BY APPLICABLE SAFETY RULES OF O.S.H.A. AND IN PARTICULAR THOSE PERTAINING TO ADEQUATE SHORING AND TRENCH PROTECTION.
5. THE CONTRACTOR SHALL FLUSH THE ENTIRE STORM SEWER SYSTEM AND VIDEO INSPECT ALL STORM SEWER PIPE. A COPY OF THE REPORT AND VIDEO SHALL BE SUBMITTED TO CITY OF NEWPORT. FLEXIBLE PIPE MATERIALS SHALL BE DEFLECTION-TESTED BY PULLING AN APPROVED MANDREL THROUGH THE COMPLETED PIPE LINE.
6. IF DURING THE COURSE OF INSTALLING UNDERGROUND UTILITIES DRAIN TILES ARE ENCOUNTERED, THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER AND THE CITY TO DETERMINE HOW THE TILES WILL BE ROUTED.
7. ALL STORM SEWER PIPE CONNECTIONS TO CATCH BASINS, MANHOLES, AND OTHER RELATED STRUCTURES SHALL BE WATER TIGHT AS PER CITY REQUIREMENTS. CATCH BASINS SHALL BE PER CITY OF NEWPORT STANDARD DETAIL SD 201.
8. THE CONTRACTOR SHALL KEEP RECORDS OF ALL CONSTRUCTION THAT DIFFERS FROM THE APPROVED PLANS AND SHALL MAINTAIN "RECORD DRAWINGS" DURING THE CONSTRUCTION PERIOD. "RECORD DRAWINGS" SHALL BE SUBMITTED TO THE ENGINEER AT THE END OF THE PROJECT.
9. THE CONTRACTOR SHALL NOTIFY THE CITY AND DESIGN ENGINEER 48 HOURS PRIOR TO THE START OF CONSTRUCTION AND ANY STAGED INSPECTION.
10. MANHOLES SHALL BE PRECAST CONCRETE SECTIONS WITH MINIMUM INSIDE DIAMETER OF 48 INCHES, CONFORMING TO THE REQUIREMENTS OF ASTM C-478, EXCEPT AS NOTED ON THE PLANS. PRECAST MANHOLE RISERS, TOPS, AND BASE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI. TOPS SHALL BE ECCENTRIC CONES EXCEPT WHERE FLAT TOPS ARE REQUIRED PER STANDARD DETAILS. TO THE EXTENT POSSIBLE, MANHOLES SHALL BE LOCATED IN STREETS TO AVOID WHEEL PATHS.
11. AFTER THE CONTRACTOR HAS BACKFILLED THE PIPE ZONE OF THE TRENCH AS REQUIRED, THE CONTRACTOR SHALL THEN BACKFILL THE BALANCE OF THE TRENCH, WITH CLASS "B" CRUSHED ROCK, IN ONE FOOT (1') LAYERS, MECHANICALLY COMPACTING EACH LAYER TO 95% IN PUBLIC RIGHT-OF-WAYS AND 90% IN OTHER AREAS PER AASHTO T-180. ANY SUBSEQUENT SETTLEMENT OF THE TRENCH DURING THE GUARANTEE PERIOD SHALL BE CONSIDERED TO BE THE RESULT OF IMPROPER COMPACTION AND SHALL BE PROMPTLY CORRECTED BY THE CONTRACTOR AT NO EXPENSE TO THE CITY OR THE OWNER.
12. UNLESS OTHERWISE SPECIFIED ON THE PLANS OR DIRECTED BY THE DESIGN ENGINEER, EACH SERVICE CONNECTION SHALL BE LAID IN A SEPARATE TRENCH ON A STRAIGHT LINE AND GRADIENT FROM THE TEE TO THE END OF THE SERVICE CONNECTION. THE SERVICE CONNECTION SHALL BE INSTALLED WITH THE SAME ACCURACY AS THE MAIN PIPE.
13. EACH SERVICE CONNECTION SHALL BE PLUGGED WITH A RUBBER RING PLUG. LATERALS SHALL HAVE TRACER WIRE (10-GAUGE WITH GREEN THWN INSULATION) INSTALLED DIRECTLY ON TOP OF THE PIPE. FOR ALL NON-METALLIC PIPE, INCLUDING MAIN LINES AND LATERALS, TRACER WIRE SHALL CLIMB THE OUTSIDE OF MANHOLE TO THE TOP PICK HOLE AND GO BEHIND STEPS AND TIE TO THE TOP STEP WITH A 30" TAIL. TRACER WIRE IS NOT REQUIRED ON STRAIGHT SECTIONS OF PIPE BETWEEN STRUCTURES. A 2"X4" MARKER PAINTED WHITE SHALL BE PLACED AT THE END OF THE PIPE TO A POINT ONE FOOT (1') ABOVE THE SURFACE OF THE GROUND. A DETECTABLE WHITE MAGNETIC TAPE ("THOROURATEC WHITE STORM SEWER RIBBON OR EQUAL") WITH THE WORD "STORM" AT REGULAR INTERVALS SHALL BE PLACED ALONG THE SERVICE CONNECTION FROM THE MAINLINE TEE TO THE GROUND SURFACE.
14. IN EASEMENT AREAS, ALL MANHOLES SHALL HAVE TAMPER-PROOF LIDS PER CITY OF NEWPORT SPECIFICATIONS, OR APPROVED EQUAL. THE RIM SHALL BE AT FINISH GRADE.
15. THE CONTRACTOR SHALL AT ALL TIMES PROVIDE AND MAINTAIN AMPLE MEANS AND DEVICES TO REMOVE AND DISPOSE OF ALL WATER ENTERING THE TRENCH EXCAVATION DURING THE PROCESS OF LAYING THE PIPE. WATER AND DEBRIS SHALL NOT ENTER INTO THE CITY'S STORM SYSTEM. WATER AND DEBRIS SHALL BE DISPOSED OF IN AN APPROVED MANNER.
16. SERVICE LATERALS SHALL BE CONSTRUCTED AT A MINIMUM GRADE OF 2% WITH A MAXIMUM GRADE OF 100%. STORM LATERALS SHALL BE WHITE.
17. ALL STORM SEWER PIPE SHALL BE PVC ASTM 3034 SDR 35/26 (4"-15"), PER CITY STANDARDS.
18. ALL NEW CURBS SHALL BE STAMPED TO INDICATE WHERE EACH STORM SEWER LATERAL CROSSES BENEATH THE CURB LINE. THE STAMP IMPRESSION FOR STORM LATERALS SHALL BE LETTER "D". IMPRESSIONS SHALL BE 2 INCHES HIGH, ON TOP OF THE CURB AND SHOULD ACCURATELY LOCATE THE SERVICE BELOW THE STAMP.
19. PRIVATE LOTS ARE REQUIRED TO BE GRADED TO PROVIDE DRAINAGE TO PUBLIC STORM SYSTEM AND NOT ONTO ADJACENT PROPERTIES. PRIVATE STORM SYSTEMS AND AREA DRAINS MAY BE NEEDED TO CONNECT TO LOT STORM LATERAL.

NOTE: THIS DESIGN COMPLIES WITH ORS 92.044(7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN 1 FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN MODIFICATION OR FINAL FIELD LOCATION CHANGE SHALL BE PERMITTED IF IT WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN A PROHIBITED AREA.

ATTENTION EXCAVATORS:

OREGON LAW REQUIRES CONTRACTOR TO COMPLY WITH RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. COPIES OF THESE RULES MAY BE OBTAINED BY CONTACTING THE UTILITY LOCATE CENTER AT 503-246-6699.

SHEET INDEX

C200 STORMWATER COVER SHEET AND NOTES
C201 STORM 1 AND 2 PLAN AND PROFILE
C202 STORMWATER DETAILS

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FISHERMAN'S WHARF ESTATES SUBDIVISION
NEWPORT OR
TAX LOT 400
LINCOLN COUNTY TAX MAP 11 11 09 C3

STORMWATER COVER SHEET AND NOTES

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP

DATE: 09/18/2019

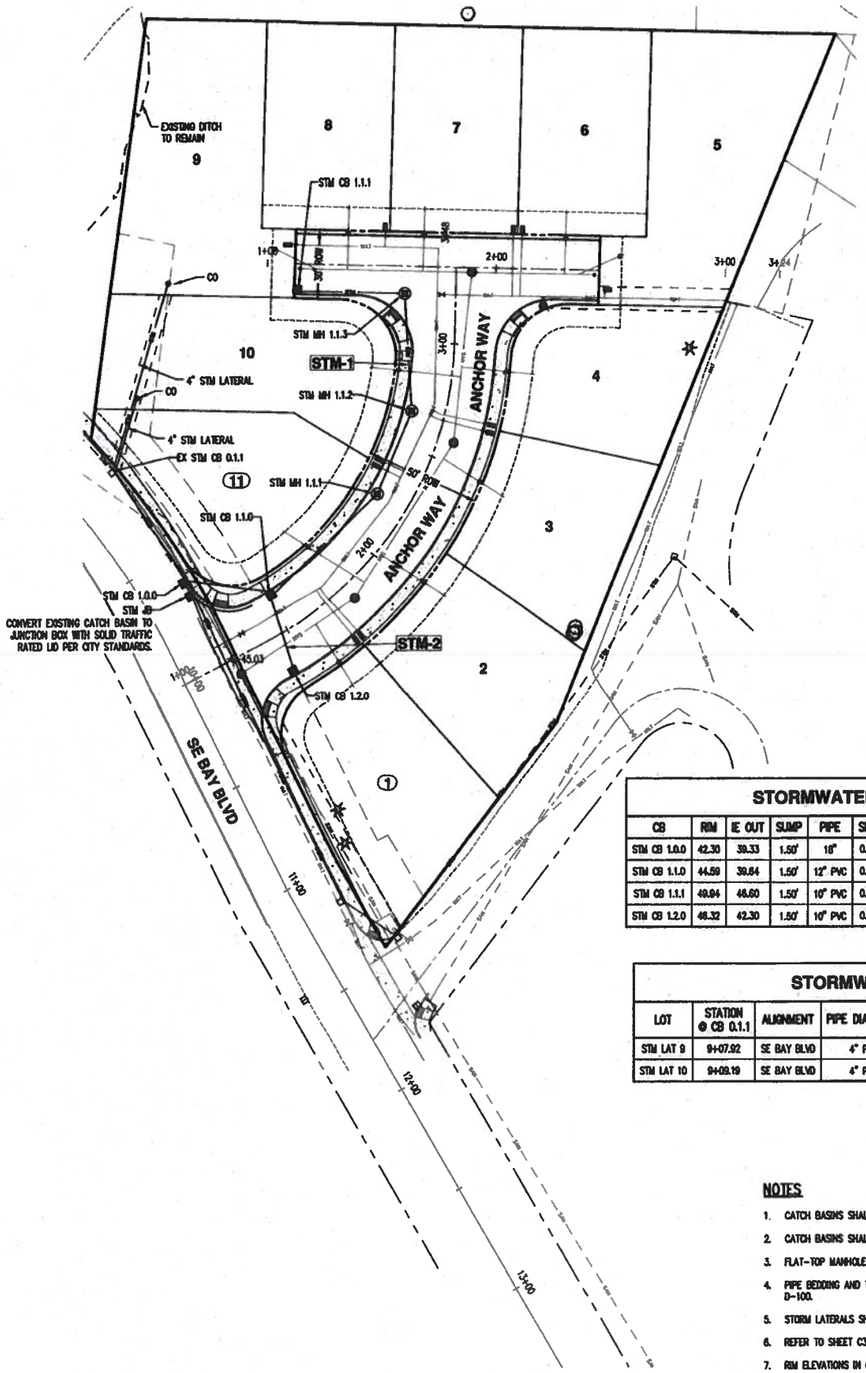
REGISTERED PROFESSIONAL ENGINEER
OREGON
JASON M. POLSSAM
EXPIRES: DEC. 31, 2020

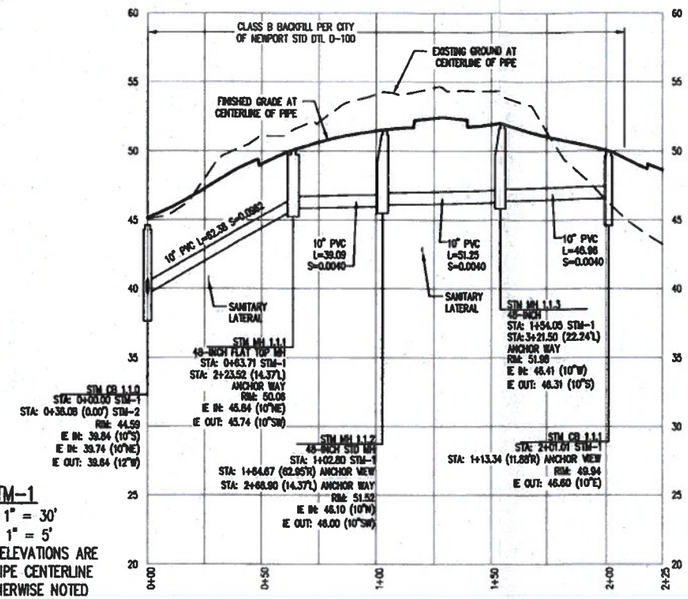
REVISIONS
1 NEW CITY STLS - 10/14/2019

JOB NUMBER
5691

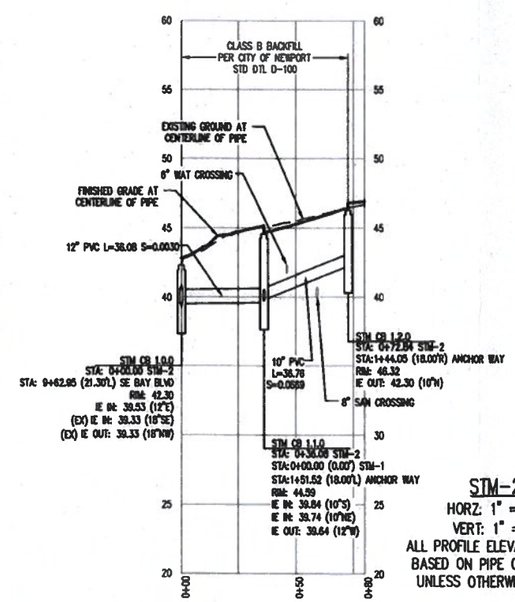
SHEET
C200

AKS DRAWING FILE: 5691 COVERSHEET | LAYOUT: C200





STM-1
HORZ: 1" = 30'
VERT: 1" = 5'
ALL PROFILE ELEVATIONS ARE BASED ON PIPE CENTERLINE UNLESS OTHERWISE NOTED



STM-2
HORZ: 1" = 30'
VERT: 1" = 5'
ALL PROFILE ELEVATIONS ARE BASED ON PIPE CENTERLINE UNLESS OTHERWISE NOTED

STORMWATER CATCH BASIN TABLE

CB	RIM	IE OUT	SUMP	PIPE	SLOPE	LENGTH	DS MH	STATION & OFFSET	ALIGNMENT
STM CB 1.0.0	42.30	39.33	1.50'	18"	0.0950	57.70 LF	EX STM CB 0.1.1	0+00.00 0.00	STM-2
STM CB 1.1.0	44.59	39.84	1.50'	12" PVC	0.0030	38.08 LF	STM CB 1.0.0	0+38.08 0.00	STM-2
STM CB 1.1.1	49.94	46.60	1.50'	10" PVC	0.0040	46.96 LF	STM MH 1.1.3	2+01.01 1.12 L	STM-1
STM CB 1.2.0	48.32	42.30	1.50'	10" PVC	0.0869	38.78 LF	STM CB 1.1.0	0+72.84 0.00	STM-2

STORMWATER LATERAL TABLE

LOT	STATION @ CB 0.1.1	ALIGNMENT	PIPE DIA./TYPE	LENGTH	SLOPE	COVER @ LOT	IE IN @ LOT	IE @ CB 0.1.1
STM LAT 9	9+07.92	SE BAY BLVD	4" PVC	83.97	0.0100	1.1	34.96	34.12
STM LAT 10	9+09.19	SE BAY BLVD	4" PVC	33.09	0.0883	3.0	37.04	34.12

NOTES

1. CATCH BASINS SHALL BE STAKED CENTER AT TOP FACE OF CURB.
2. CATCH BASINS SHALL BE PER CITY OF NEWPORT DETAIL SD 201.
3. FLAT-TOP MANHOLES SHALL BE PER CITY OF NEWPORT DETAIL D-205.
4. PIPE BEDDING AND TRENCH BACKFILL SHALL BE PER CITY OF NEWPORT DETAIL D-100.
5. STORM LATERALS SHALL BE PER CITY OF NEWPORT DETAIL S-300.
6. REFER TO SHEET C302 FOR STANDARD MANHOLE DETAILS.
7. RIM ELEVATIONS IN CATCH BASIN TABLE ARE AT GUTTER FLOWLINE.

N

SCALE: 1" = 30 FEET

AKS ENGINEERING & FORESTRY, LLC
3700 RIVER RD N, STE 1
KEIZER, OR 97303
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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400 — LINCOLN COUNTY TAX MAP 11 11 09 CB

STORM 1 AND 2 PLAN AND PROFILE

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP

DATE: 09/18/2019

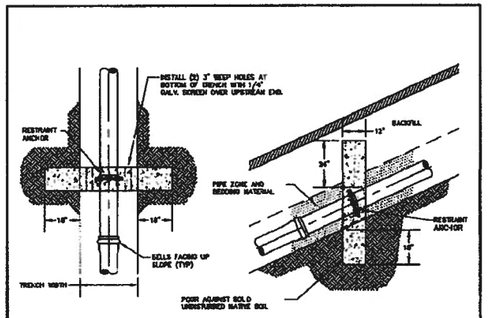
REGISTERED PROFESSIONAL ENGINEER — OREGON — JAMES M. PEPPERSACK

EXPIRES: DEC. 31, 2020

JOB NUMBER
5691

SHEET
C201

AKS DRAWING FILE: 5691 STORMWRD | LAYOUT: C201



NOTES:

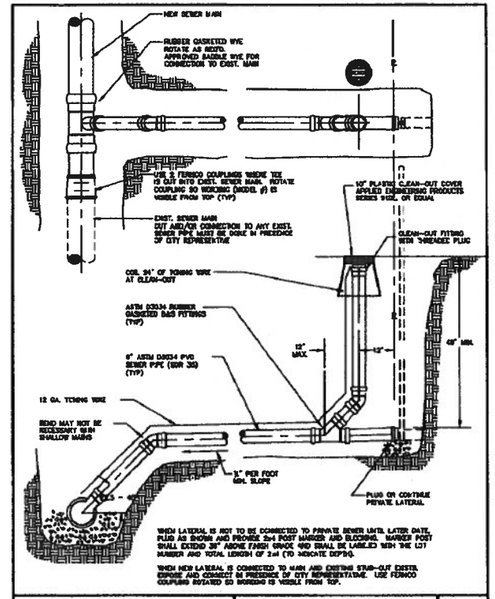
1. CUT-OFF WALLS REQ'D AT ALL PIPELINES WHERE SLOPE EXCEEDS 20%.
2. RESTRAINED JOINT PIPE REQUIRED AT SLOPES BETWEEN 15% AND 20%.
3. WALLS SHALL BE FORMED WITHIN TRENCH. REMOVE FORMS PRIOR TO BACKFILLING.
4. CONCRETE SHALL HAVE 3000 PSI COMPRESSIVE STRENGTH MIN. (CLASS 3000).
5. SPACING OF WALLS SHALL BE:

SLOPE	SPACING
20%-34%	35 FEET
35%-50%	25 FEET
51%-> %	15 FEET

City of Newport
169 SW Coast Hwy
Newport, Oregon 97365
(541) 574-3301 Fax (541) 265-3301

PIPE ANCHOR / TRENCH CUT-OFF WALL DETAIL

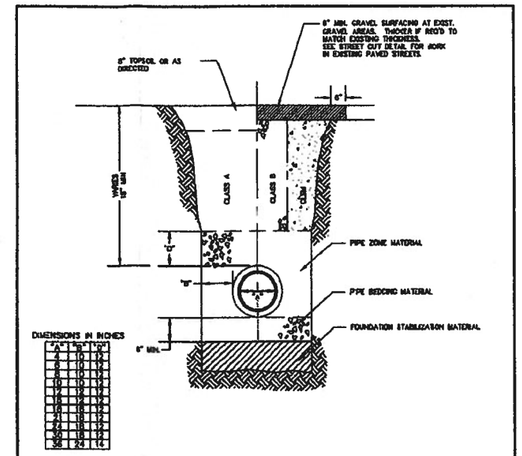
DETAIL NO. D-150 -/-/2013



City of Newport
169 SW Coast Hwy
Newport, Oregon 97365
(541) 574-3301 Fax (541) 265-3301

STANDARD SERVICE CONNECTION AND LATERAL

DETAIL NO. S-300 -/-/2013



DIMENSIONS IN INCHES

"A"	"B"	"C"
4	8	12
5	8	13
6	8	14
7	8	15
8	8	16
9	8	17
10	8	18
11	8	19
12	8	20
13	8	21
14	8	22
15	8	23
16	8	24
18	8	26
20	8	28
24	8	32
30	8	38
36	8	44

NOTES:

1. TRENCH EXCAVATION SHALL BE CONDUCTED IN A SAFE MANNER WITH ALL NECESSARY BRACING AND SHORING PROVIDED FOR COMPLIANCE WITH OSHA.
2. FOUNDATION STABILIZATION SHALL BE PROVIDED WHEN MATERIAL AT BOTTOM OF TRENCH IS UNSUITABLE IN THE OPINION OF THE CITY TO PROVIDE A STABLE TRENCH BASE.
3. CONSTRUCTION IN PUBLIC RIGHT-OF-WAY SHALL COMPLY WITH CITY STANDARDS.
4. CLASS B BACKFILL REQUIRED IN ALL ROADWAYS AND TRAFFIC PATHS EXCEPT WHERE CLSM BACKFILL IS REQUIRED BY COUNTY, ODOT, OD,JATY OR CITY.
5. MATERIALS SHALL BE IN ACCORDANCE WITH THE CITY STORM DRAINAGE DESIGN STANDARDS MANUAL.
6. ALL FILL SHALL BE COMPACTED AS SPECIFIED.

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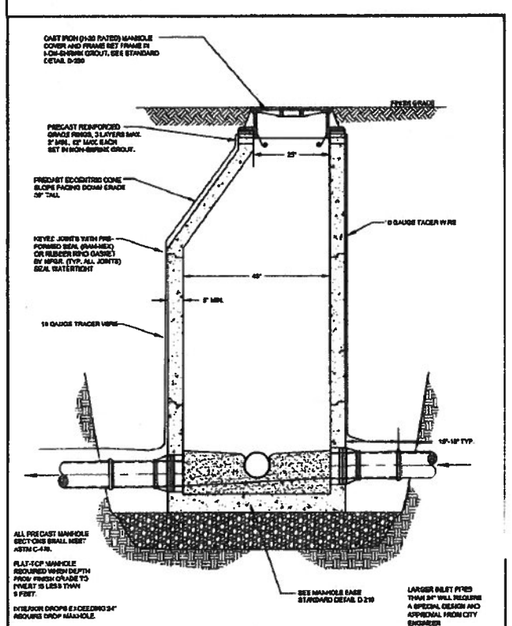
Newport, Oregon 97365
(541) 574-3301 Fax (541) 265-3301

TYPICAL TRENCH DETAIL STORM DRAINAGE SYSTEM

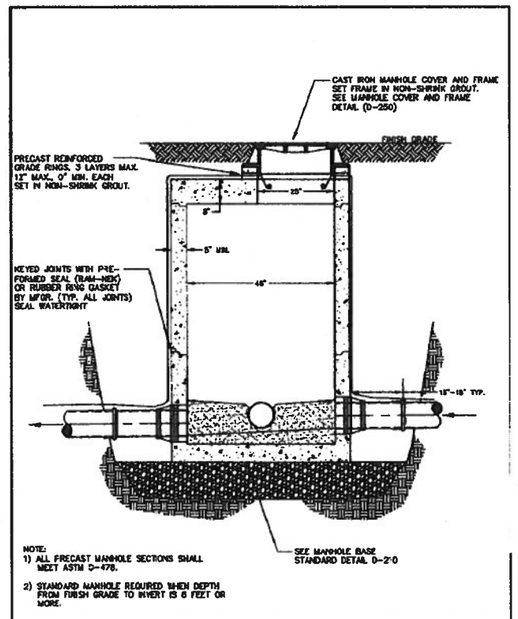
DETAIL NO. D-100 -/-/2013



City of Newport
169 SW Coast Hwy
Newport, Oregon 97365
(541) 574-3301 Fax (541) 265-3301

STANDARD MANHOLE PIPES LESS THAN 24" DIAM.

DETAIL NO. D-200 8/6/2013

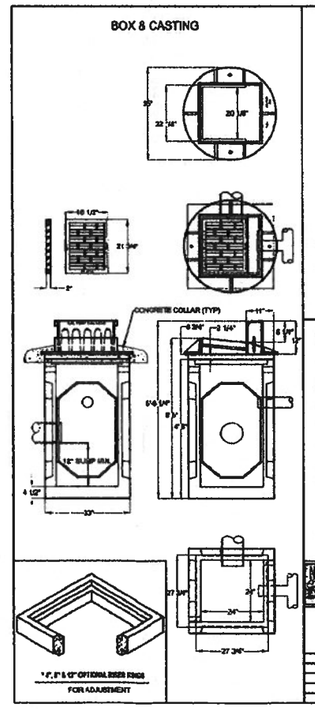


NOTE:
1) ALL PRECAST MANHOLE SECTIONS SHALL MEET ASTM C-478.
2) STANDARD MANHOLE REQUIRED WHEN DEPTH FROM FINISH GRADE TO INVERT IS 6 FEET OR MORE.

City of Newport
169 SW Coast Hwy
Newport, Oregon 97365
(541) 574-3301 Fax (541) 265-3301

FLAT-TOP MANHOLE PIPES LESS THAN 24" DIAM.

DETAIL NO. D-205 -/-/2013



SET GRATE TO GRADE WITH CONCRETE ADJUSTMENT RINGS AND MORTAR; GROUT BETWEEN GRATE AND BOX TO SMOOTH FINISH.

POUR CONCRETE COLLAR AROUND GRATE AND BOX.

MAXIMUM VERTICAL ADJUSTMENT OF 2 1/2" WITHOUT RISER RINGS; MAX HORIZONTAL OFFSET = 2".

MAXIMUM OF 12" OF CONCRETE ADJUSTMENT RINGS ALLOWED WITH FULL BED OF MORTAR BETWEEN EACH.

VOIDS AROUND PIPE DIAMETER SHALL BE GROUTED ON THE INSIDE AND OUTSIDE OF THE BOX.

LOCATE WIRES (SEE PIPE INSTALLATION STANDARD DRAWINGS FOR DETAILS) SHALL BE EXTENDED TO THE TOP OF THE STRUCTURE.

OPTIONAL BAFFLE BOX (NOT SHOWN) FOR 8", 10", OR 12" PIPES ARE AVAILABLE; AS REQUIRED BY ENGINEER

USE ADVANTAGE PRECAST 24" SQUARE CATCH BASIN OR PRE-APPROVED EQUAL. USE DAL FOUNDRY I-3530 CURB INLET OR PRE-APPROVED EQUAL

CITY OF NEWPORT OR STANDARD DRAWING (NTS)

SD 201

24" SQUARE CURBSIDE CATCH BASIN INLET

DATE	REVISION DESCRIPTION	INITIALS
11-22-10	REVISIONS STANDARD DRAWING	RES

AKS ENGINEERING & FORESTRY, LLC
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PORTLAND, OR 97227
P: 503.400.7700
F: 503.400.7722
aks-eng.com

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FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400

LINCOLN COUNTY TAX MAP 11 11 09 C0

STORMWATER DETAILS

DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: MP
DATE: 09/18/2019

REGISTERED PROFESSIONAL ENGINEER — LAURENCE J. M. POISSANT — OREGON JUL. 29, 2003

REVISIONS
△1 NEW CITY STDS – 10/14/2019

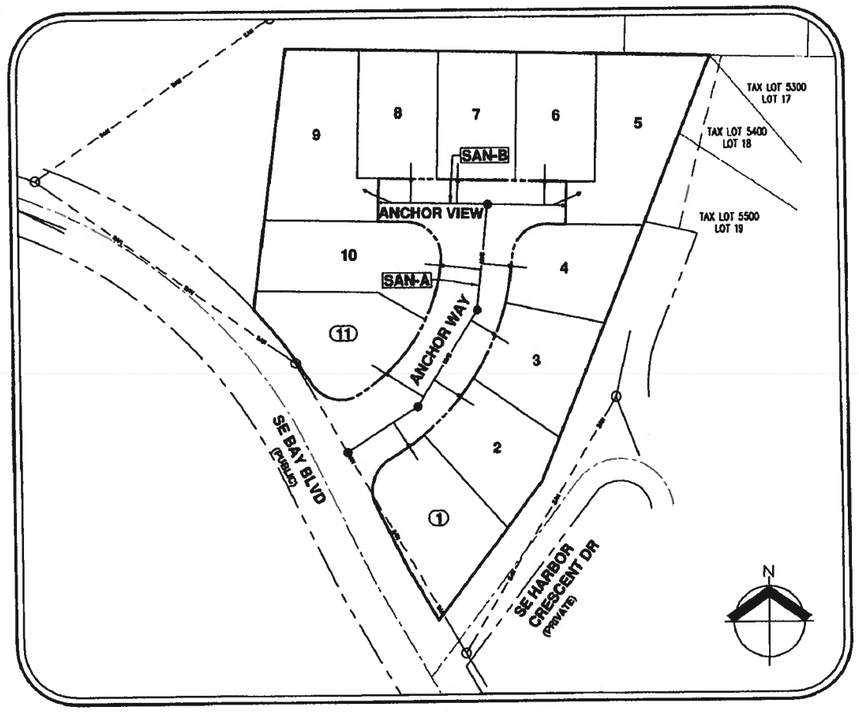
JOB NUMBER 5691

SHEET C202

AKS DRAWING FILE: 5691 DETAILS.DWG | LAYOUT: C202

FISHERMAN'S WHARF ESTATES

SANITARY SEWER COVER SHEET



SITE MAP
1"=50'

SANITARY SEWER CONSTRUCTION NOTES

1. ALL CONSTRUCTION AND MATERIALS SHALL COMPLY WITH THESE PLANS AND THE APPLICABLE REQUIREMENTS OF THE CITY OF NEWPORT.
2. THE CONTRACTOR SHALL NOTIFY THE CITY AND DESIGN ENGINEER 48 HOURS PRIOR TO THE START OF SANITARY SEWER CONSTRUCTION AND ANY STAGED INSPECTION.
3. POLYVINYL CHLORIDE (PVC) PIPE SHALL CONFORM TO THE REQUIREMENTS OF ASTM D-3034, SDR 35 (4"-15"), ASTM F-679 SDR 35 (18"-24"), ASTM C-900 D-1740R18 (4"-12"), ASTM C905 D-1784DR18 (16"-24"). GASKETS SHALL CONFORM TO THE REQUIREMENTS OF ASTM C-477 AND ASTM D-3212.
4. MANHOLES SHALL BE PRECAST CONCRETE SECTIONS WITH MINIMUM INSIDE DIAMETER OF 48 INCHES, CONFORMING TO THE REQUIREMENTS OF ASTM C-478, EXCEPT AS NOTED ON THE PLANS. PRECAST MANHOLE RISERS, TOPS, AND BASE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI. TOPS SHALL BE ECCENTRIC CONES EXCEPT WHERE FLAT TOPS ARE REQUIRED PER STANDARD DETAILS. POURED IN PLACE MANHOLES WITH A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI MAY BE SUBSTITUTED.
5. PVC PIPE SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS' RECOMMENDATIONS. PVC SEWER PIPE SHALL BE CONNECTED TO CONCRETE MANHOLES BY MEANS OF AN APPROVED COUPLING WITH AN ELASTOMERIC GASKET, AN APPROVED WATERSTOP, OR FLEXIBLE SLEEVE. THE CONNECTIONS SHALL BE FINISHED WITH PORTLAND CEMENT GROUT.
6. AFTER THE CONTRACTOR HAS BACKFILLED THE PIPE ZONE OF THE TRENCH AS REQUIRED, THE CONTRACTOR SHALL THEN BACKFILL THE BALANCE OF THE TRENCH, WITH CLASS "B" CRUSHED ROCK, IN ONE FOOT (1') LAYERS, MECHANICALLY COMPACTING EACH LAYER TO 95% IN PUBLIC RIGHT-OF-WAYS AND 90% IN OTHER AREAS PER AASHTO T-180. PIPE ZONE MATERIAL AND PIPE BASE SHALL BE 3/4"-0 CRUSHED GRAVEL. TRENCH BACKFILL SHALL BE 3/4"-0 CRUSHED ROCK WITHIN STREETS AND NATIVE MATERIAL IN OTHER AREAS. ANY SUBSEQUENT SETTLEMENT OF THE TRENCH OR DITCH DURING THE GUARANTEE PERIOD SHALL BE CONSIDERED TO BE THE RESULT OF IMPROPER COMPACTION AND SHALL BE PROMPTLY CORRECTED BY THE CONTRACTOR AT NO EXPENSE TO THE CITY OR THE OWNER.
7. SANITARY SEWER PIPE AND APPURTENANCES SHALL BE TESTED FOR LEAKAGE IN ACCORDANCE WITH CITY OF NEWPORT STANDARDS AND OREGON STANDARDS AND SPECIFICATIONS, 2018. LEAKAGE TESTS INCLUDE AN AIR TEST OF THE SEWER MAINS AND SERVICE CONNECTIONS AND A WATER EXFILTRATION TEST OR VACUUM TEST OF THE MANHOLES. ANY PORTION OF THE SEWER WHICH FAILS TO PASS THESE TESTS SHALL BE EXCAVATED, REPAIRED OR REALIGNED, AND RETESTED. IN ADDITION TO HYDROSTATIC OR AIR TESTING, SANITARY SEWERS CONSTRUCTED OF PVC SEWER PIPE SHALL BE DEFLECTION TESTED AFTER THE TRENCH BACKFILL AND COMPACTION HAS BEEN COMPLETED. THE TEST SHALL BE CONDUCTED BY PULLING AN APPROVED SOLID POINTED MANDREL 95% OF THE INSIDE DIAMETER THROUGH THE PIPELINE ON A MANHOLE TO MANHOLE BASIS. A COPY OF THE REPORT AND VIDEO SHALL BE SUBMITTED TO CITY OF NEWPORT.
8. UNLESS OTHERWISE SPECIFIED ON THE PLANS OR DIRECTED BY THE ENGINEER, EACH SERVICE CONNECTION SHALL BE LAID IN A SEPARATE TRENCH ON A STRAIGHT LINE AND GRADIENT FROM THE TEE TO THE END OF THE SERVICE CONNECTION. THE SERVICE CONNECTION SHALL BE INSTALLED WITH THE SAME ACCURACY AS THE MAIN SEWER.
9. EACH SERVICE CONNECTION SHALL BE PLUGGED WITH A RUBBER RING PLUG. LATERALS SHALL HAVE TRACER WIRE (10-GAUGE WITH GREEN THHN INSULATION) INSTALLED BESIDE THE PIPE. A 2"X4" MARKER PAINTED GREEN SHALL BE PLACED AT THE END OF THE PIPE TO A POINT TWO (2') FEET ABOVE THE SURFACE OF THE GROUND. A DETECTABLE WHITE MAGNETIC TAPE ("THOROUGHTEC WHITE SANITARY SEWER RIBBON OR EQUAL") WITH THE WORD "SEWER" AT REGULAR INTERVALS SHALL BE PLACED ALONG THE SERVICE CONNECTION FROM THE MAINLINE TEE TO THE GROUND SURFACE. THE DEPTH AT THE END OF THE LATERAL SHALL BE WRITTEN ON THE 2"X4".
10. IN EASEMENT AREAS, ALL MANHOLES SHALL HAVE TAMPER-PROOF LIDS PER CITY OF NEWPORT SPECIFICATIONS, OR APPROVED EQUAL. THE RIM SHALL BE TWELVE INCHES (12") ABOVE FINISH GRADE.
11. THE CONTRACTOR SHALL AT ALL TIMES PROVIDE AND MAINTAIN AMPLE MEANS AND DEVICES TO REMOVE AND DISPOSE OF ALL WATER ENTERING THE TRENCH EXCAVATION DURING THE PROCESS OF LAYING THE PIPE. WATER AND DEBRIS SHALL NOT ENTER INTO THE CITY'S SEWER SYSTEM. WATER AND DEBRIS SHALL BE DISPOSED OF IN AN APPROVED MANNER.
12. THE CONTRACTOR SHALL AT ALL TIMES ABIDE BY APPLICABLE SAFETY RULES OF O.S.H.A. AND IN PARTICULAR, THOSE PERTAINING TO ADEQUATE SHORING AND TRENCH PROTECTION.
13. THE CONTRACTOR SHALL KEEP RECORDS OF ALL CONSTRUCTION THAT DIFFERS FROM THE APPROVED PLANS AND SHALL MAINTAIN "RECORD DRAWINGS" DURING THE CONSTRUCTION PERIOD. "RECORD DRAWINGS" SHALL BE SUBMITTED TO THE ENGINEER AT THE END OF THE PROJECT.
14. ALL SANITARY SEWER PIPE WITH A MINIMUM OF FOUR FEET OF COVER FROM FINISHED GRADE SHALL BE PVC ASTM 3034 SDR 35/26 (4"-15") PER CITY STANDARDS.
15. ALL NEW CURBS SHALL BE STAMPED TO INDICATE WHERE EACH SANITARY SEWER LATERAL CROSSES BENEATH THE CURB LINE. THE STAMP IMPRESSION FOR STORM LATERALS SHALL BE LETTER "S". IMPRESSIONS SHALL BE 2 INCHES HIGH, ON TOP OF THE CURB AND SHOULD ACCURATELY LOCATE THE SERVICE BELOW THE STAMP.
16. ALL UPSTREAM LATERAL CONNECTIONS WITHIN 15-FEET OF THE UPSTREAM MANHOLE SHALL BE MADE USING AN APPROVED FACTORY WYE FITTING.
17. SERVICE LATERALS SHALL EXTEND A MINIMUM OF 10 FEET FROM THE MAIN AND TEN FEET INTO THE LOT. SANITARY LATERALS TO BE GREEN IN COLOR.
18. REFER TO CITY DETAIL S-050 ON C106 FOR STANDARD UTILITY LOCATIONS.

SHEET INDEX

C300 SANITARY SEWER COVER SHEET AND NOTES
C301 SANITARY SEWER A AND B PLAN AND PROFILE
C302 SANITARY SEWER DETAILS

NOTE: THIS DESIGN COMPLIES WITH ORS 92.044(7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN 1-FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN MODIFICATION OR FINAL FIELD LOCATION CHANGE SHALL BE PERMITTED IF IT WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN A PROHIBITED AREA.

ATTENTION EXCAVATORS:

OREGON LAW REQUIRES CONTRACTOR TO COMPLY WITH RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. COPIES OF THESE RULES MAY BE OBTAINED BY CONTACTING THE UTILITY LOCATE CENTER AT 503-246-6699.

OREGON UTILITY NOTIFICATION CENTER
DIG SAFELY OREGON 1-800-332-2344

AKS ENGINEERING & FORESTRY, LLC
3700 RIVER RD N, STE 1
KEIZER, OR 97303
P: 503.400.6028
F: 503.400.7722
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FISHERMAN'S WHARF ESTATES SUBDIVISION
NEWPORT OR
TAX LOT 400
LINCOLN COUNTY TAX MAP 11 11 09 CB

SANITARY SEWER COVER SHEET AND NOTES

DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: JMP
DATE: 09/18/2019

REGISTERED PROFESSIONAL ENGINEER
OREGON
JOHN M. POLSSANI
DEC. 31, 2019

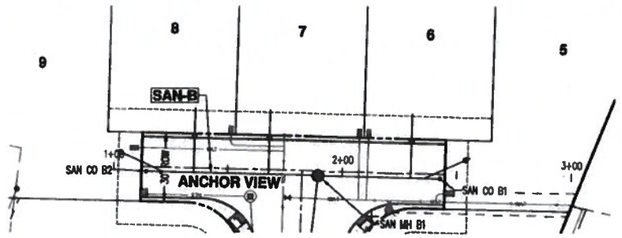
REVISIONS
1 NEW CITY DTLS - 10/14/2019

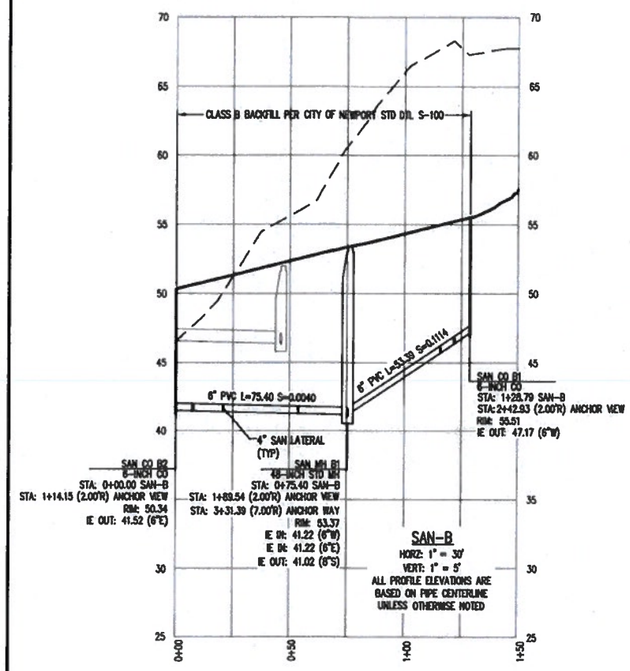
JOB NUMBER
5691

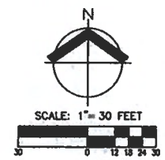
SHEET
C300

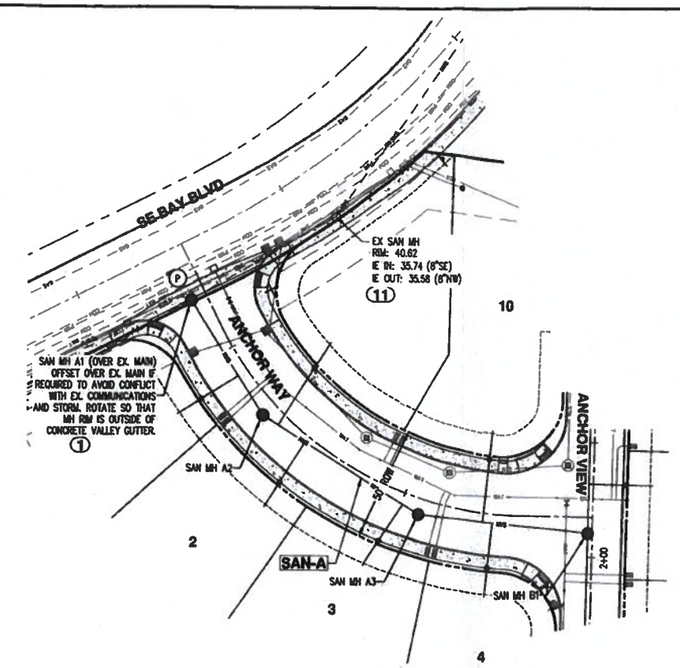
AKS DRAWING FILE: 5691 CONCLUDING | LAYOUT: C300

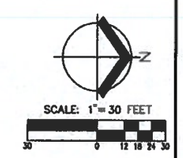
COPY

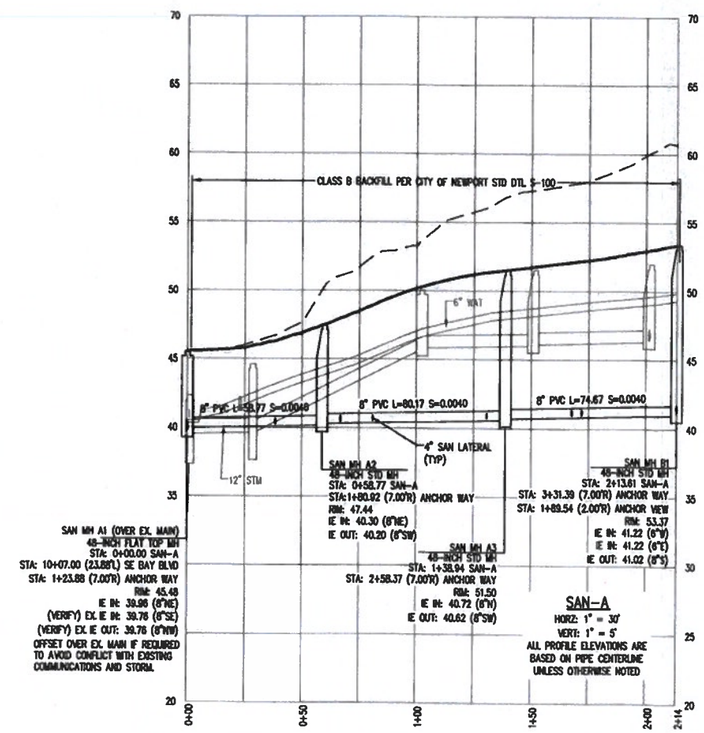












SANITARY SEWER LATERAL TABLE

LOT	STATION	ALIGNMENT	PIPE DIA./TYPE	LENGTH	SLOPE	COVER @ END	IE IN @ END	IE @ MAINLINE
SAN LAT 1	0+38.58	SAN-A	4" PVC	31.31	0.0549	5.0	42.00	40.28
SAN LAT 2	0+80.90	SAN-A	4" PVC	33.32	0.1109	5.0	44.25	40.56
SAN LAT 3	1+30.79	SAN-A	4" PVC	31.44	0.1411	6.1	45.19	40.75
SAN LAT 4	1+72.06	SAN-A	4" PVC	32.11	0.1947	5.0	47.27	41.02
SAN LAT 5	1+21.93	SAN-B	4" PVC	21.68	0.1582	6.5	49.92	48.49
SAN LAT 6	1+15.85	SAN-B	4" PVC	28.00	0.2000	6.2	51.41	45.81
SAN LAT 7	0+53.91	SAN-B	4" PVC	28.00	0.2000	6.6	47.01	41.41
SAN LAT 8	0+20.85	SAN-B	4" PVC	28.00	0.1410	6.0	45.47	41.52
SAN LAT 9	0+07.60	SAN-B	4" PVC	22.50	0.0200	7.3	42.02	41.57
SAN LAT 10	1+67.81	SAN-A	4" PVC	39.90	0.0751	8.0	44.00	41.00
SAN LAT 11	0+68.77	SAN-A	4" PVC	42.36	0.0020	6.1	40.59	40.50

NOTES:

1. STANDARD MANHOLES SHALL BE CONSTRUCTED PER CITY OF NEWPORT DETAIL S-200.
2. CONTRACTOR SHALL COORDINATE DRY UTILITY CONSTRUCTION AROUND SANITARY SEWER LATERALS.
3. SERVICE LATERALS SHALL BE CONSTRUCTED PER CITY OF NEWPORT DETAIL S-300 WITH CLEANOUT.
4. SERVICE LATERAL MARKERS SHALL BE GREEN.
5. PIPE BEDDING AND TRENCH BACKFILL SHALL BE PER CITY OF NEWPORT DETAIL S-100.
6. MANHOLES CONSTRUCTED OVER EXISTING SANITARY SEWERS SHALL CONFORM TO THE REQUIREMENTS OF OSSC (ODOT/APWA) 490.41. MANHOLES OVER EXISTING SEWERS. THE EXISTING PIPE SHALL NOT BE BROKEN OUT UNTIL AFTER THE COMPLETION OF THE MANHOLE TEST.
7. ANCHOR BLOCKS REQUIRED ON ALL PIPES WHERE SLOPES EXCEED 20 PERCENT.

(P) CONTRACTOR TO POTHOLE PROPOSED CONNECTION TO VERIFY MAIN SLOPE AND ELEVATION TO ENSURE CONFLICTS WITH THE PLAN DO NOT EXIST PRIOR TO STARTING CONSTRUCTION AND ORDERING MATERIALS. CONTACT PROJECT ENGINEER IF CONFLICT EXISTS.

AKS ENGINEERING & FORESTRY, LLC
3700 RIVER RD N, STE 1
KEIZER, OR 97303
P: 503.400.6028
F: 503.400.7722
aks-eng.com

AKS

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FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400 LINCOLN COUNTY TAX MAP 11 11 09 CD

SANITARY SEWER A AND B PLAN AND PROFILE

DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: JMP
DATE: 08/04/2019

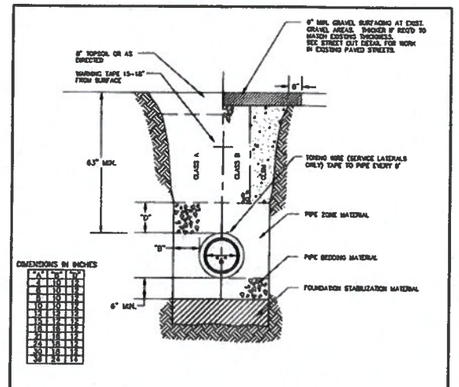
REGISTERED PROFESSIONAL ENGINEER
OREGON
JACK M. POISSANT
EXPIRES: DEC. 31, 2020

REVISIONS

JOB NUMBER
5691

SHEET
C301

AKS DRAWING FILE: 5691 SAN.DWG | LAYOUT: C301



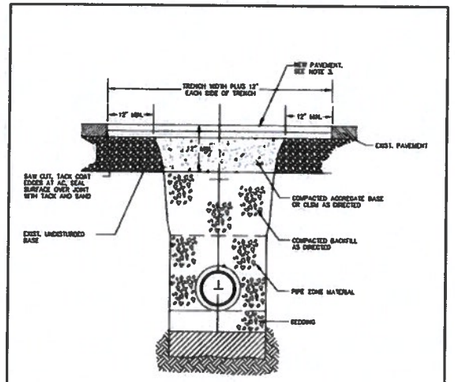
NOTES:

1. TRENCH EXCAVATION SHALL BE CONDUCTED IN A SAFE MANNER WITH ALL NECESSARY BRACING AND SHORING PROVIDED FOR COMPLIANCE WITH OSHA.
2. FOUNDATION STABILIZATION SHALL BE PROVIDED WHEN MATERIAL AT BOTTOM OF TRENCH IS UNSUITABLE IN THE OPINION OF THE CITY TO PROVIDE A STABLE TRENCH BASE.
3. CONSTRUCTION IN PUBLIC RIGHT-OF-WAY SHALL COMPLY WITH CITY STANDARDS.
4. CLASS B BACKFILL REQUIRED IN ALL ROADWAYS AND TRAFFIC PATHS EXCEPT WHERE CLSM BACKFILL IS REQUIRED BY COUNTY, ODOT, OR CITY.
5. TOWING WIRE REQUIRED AT SERVICE LATERALS. WIRE SHALL BE 12 GA. MINIMUM SOLID COPPER WIRE WITH GREEN 30 MIL THICK HDPE INSULATION RATED FOR DIRECT BURY. USE APPROVED WATERPROOF SPLICE AT ALL CONNECTIONS.
6. WARNING TAPE SHALL BE 6" WIDE, 4 MIL THICK, APWA GREEN, READING "CAUTION SEWER LINE BURIED BELOW".
7. MATERIALS SHALL BE IN ACCORDANCE WITH THE CITY SANITARY SEWER DESIGN STANDARDS MANUAL.
8. COMPACT ALL FILL AS SPECIFIED.

City of Newport
169 SW Coast Hwy
Newport, Oregon 97365
(541) 574-3300 Fax (541) 265-3301

TYPICAL TRENCH DETAIL
SANITARY SEWER

DETAIL NO. S-100
-/-/2013



NOTES:

1. ALL EXISTING AC OR PCC PAVEMENT SHALL BE SAWCUT IMMEDIATELY PRIOR TO REPAIRING.
2. CONCRETE PAVEMENT SHALL BE REPLACED WITH CONCRETE TO A MINIMUM THICKNESS OF 6 INCHES OR TO THE THICKNESS OF REMOVED CONCRETE PAVEMENT, WHICHEVER IS GREATER.
3. PLACE AC MIX TO A MINIMUM THICKNESS OF 6 INCHES OR THE THICKNESS OF REMOVED PAVEMENT, WHICHEVER IS GREATER. COMPACT AS DIRECTED. AC PAVEMENT SHALL BE PLACED IN A MAXIMUM OF TWO 3 INCH LIFTS. TWO 2" LIFTS.
4. COMPLY WITH THE REQUIREMENTS OF THE AGENCY HAVING JURISDICTION OVER THE ROAD IN WHICH THE STREET CUT OCCURS.

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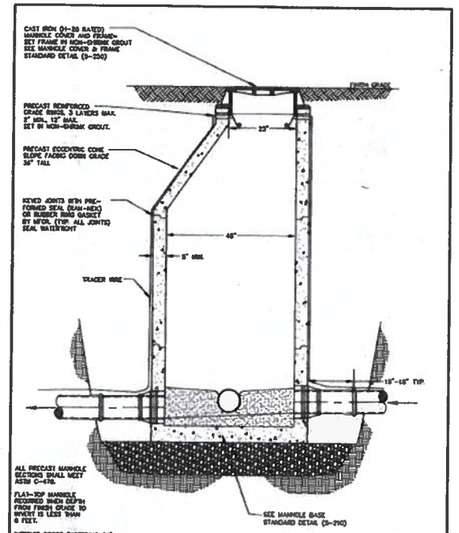
Newport, Oregon 97365
(541) 574-3300 Fax (541) 265-3301

STREET CUT
STANDARD DETAIL

DETAIL NO. S-105
-/-/2013



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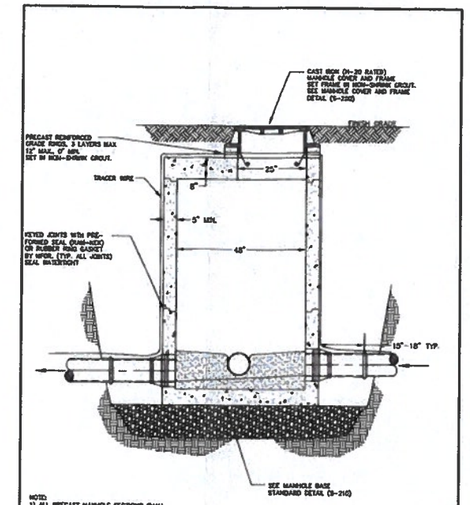
STANDARD MANHOLE
PIPES LESS THAN 24" DIAM.

DETAIL NO. S-200
-/-/2013



NOTE:
1) ALL PRECAST MANHOLE SECTIONS SHALL MEET ASTM C-478.
2) STANDARD MANHOLE REQUIRED WHEN DEPTH FROM FINISH GRADE TO INVERT IS 8 FEET OR MORE.

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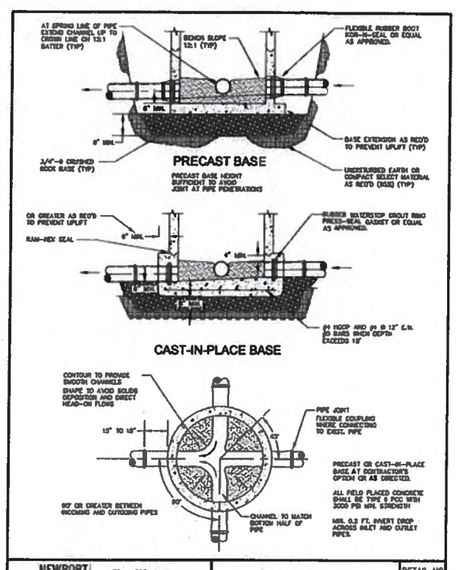
FLAT-TOP MANHOLE
PIPES LESS THAN 24" DIAM.

DETAIL NO. S-205
-/-/2013



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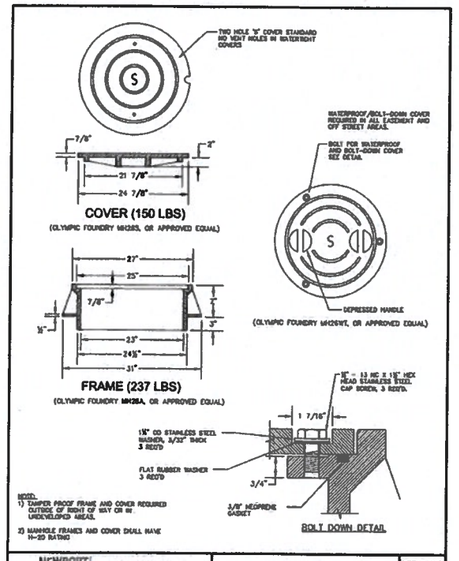
MANHOLE BASE
STANDARD DETAILS

DETAIL NO. S-210
-/-/2013



NOTES:
1) TAMPER PROOF FRAME AND COVER REQUIRED OUTSIDE OF RIGHT OF WAY OR IN UNDEVELOPED AREAS.
2) MANHOLE FRAMES AND COVER SHALL HAVE H-20 RATING

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Newport, Oregon 97365
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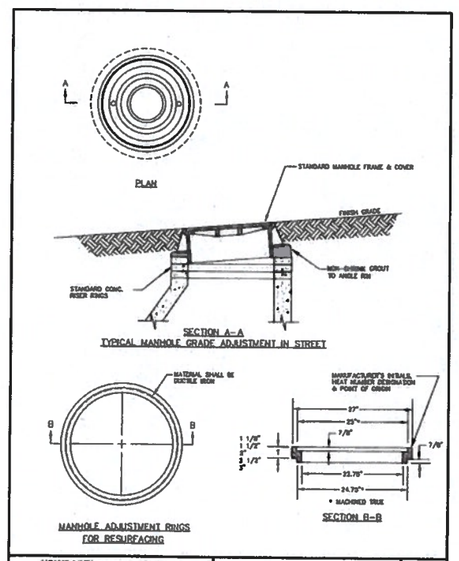
MANHOLE COVER AND
FRAME DETAILS

DETAIL NO. S-250
-/-/2013



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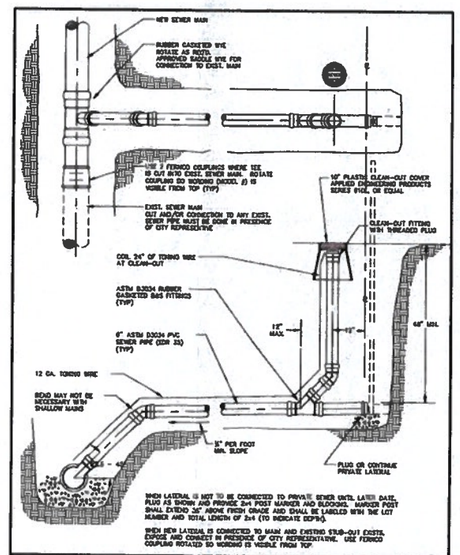
MANHOLE FRAME
GRADE ADJUSTMENT

DETAIL NO. S-260
-/-/2013



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STANDARD SERVICE
CONNECTION AND LATERAL

DETAIL NO. S-300
-/-/2013

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FISHERMAN'S WHARF ESTATES SUBDIVISION OR NEWPORT

TAX LOT 400

LINCOLN COUNTY TAX MAP 11 11 08 CB

SANITARY SEWER DETAILS

DESIGNED BY: SJA
DRAWN BY: SJA
MANAGED BY: LJM
CHECKED BY: JMP
DATE: 07/12/2019

REGISTERED PROFESSIONAL ENGINEER
OREGON
JAN. 28, 2020
JOHN M. POISSANT

REVISIONS

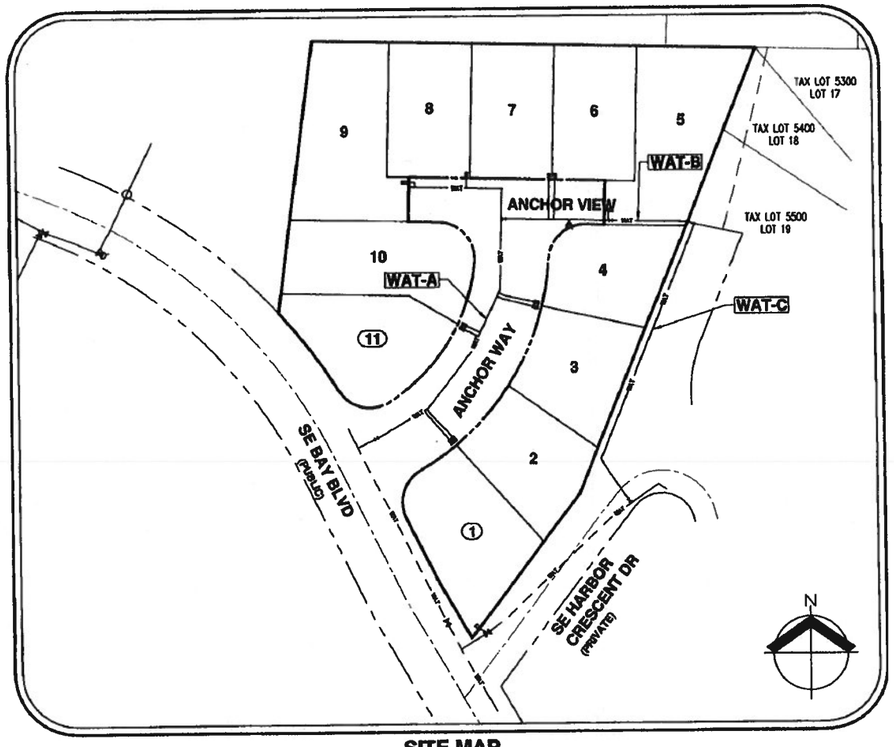
JOB NUMBER
5691

SHEET
C302

AKS DRAWING FILE: 5691 DETAILS.DWG | LAYOUT: C302

FISHERMAN'S WHARF ESTATES

WATER COVER SHEET



SITE MAP
1"=50'

SHEET INDEX

C400	WATER COVER SHEET AND NOTES
C401	WATER PLAN
C402	WATER DETAILS
C403	WATER DETAILS

NOTE: THIS DESIGN COMPLIES WITH ORS 92.044(7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN 1 FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN MODIFICATION OR FINAL FIELD LOCATION CHANGE SHALL BE PERMITTED IF IT WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN A PROHIBITED AREA.

ATTENTION EXCAVATORS:

OREGON LAW REQUIRES CONTRACTOR TO COMPLY WITH RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. COPIES OF THESE RULES MAY BE OBTAINED BY CONTACTING THE UTILITY LOCATE CENTER AT 503-246-6699.

WATER CONSTRUCTION NOTES

1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL APPLICABLE COUNTY CODES AND STANDARDS, THE OREGON STATE HEALTH DIVISION ADMINISTRATION RULES, A.W.W.A. STANDARDS, A.P.W.A. STANDARDS, OREGON STANDARDS AND SPECIFICATIONS, 2010, AND THE CITY OF NEWPORT STANDARDS.
2. LOCATIONS SHOWN FOR EXISTING UTILITIES ARE BASED ON AVAILABLE INFORMATION AND ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY DEPTH AND LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION AND INFORM THE ENGINEER OF ANY DISCREPANCIES IN THE PLANS.
3. ALL PIPE SHALL BE PVC C900 WITH FIELD LOK GASKETS AND CONFORM TO AWWA C905 AND UNI-B-11 STANDARDS. ALL PVC PIPE SHALL HAVE A DIMENSION RATIO NO GREATER THAN 18, WITH AN OUTSIDE DIAMETER IDENTICAL TO CAST IRON. ALL FITTINGS NOT AVAILABLE AS C900 PVC SHALL BE DUCTILE IRON CONFORMING WITH AWWA C-153 OR AWWA C-110. TRACER WIRE SHALL BE A MINIMUM 10-GAUGE COATED COPPER WIRE AND INSTALLED WITH ALL WATER PIPE.
4. MINIMUM COVER FOR ALL WATER MAINS IN STREET AND RIGHTS-OF-WAY SHALL BE 36". BACKFILL SHALL BE 3/4"-0 CRUSHED AGGREGATE.
5. ALL VALVE-OPERATING NUTS SHALL BE WITHIN 36" OF FINISHED GRADE, OTHERWISE VALVE OPERATING NUT EXTENSIONS WILL BE REQUIRED.
6. FIRE HYDRANT ASSEMBLY CONSISTS OF A MJ X 6" FLG. (FLANGE) TEE, 6" FLG. X MJ GATE VALVE, 6" MJ X MJ HOLDING SPOOL, AND A MODERN MUELLER CENTURIOM FIRE HYDRANT, A-423, 6" MJ, 5-1/4" MVO, 3-PORT (2-2½" NST HOSE CONNECTION, 1-4½" NST PUMPER), 1½" PENTAGON OPERATING NUT, OPENING LEFT, COLOR: YELLOW OR CITY STANDARD (VERIFY PRIOR TO ORDERING).
7. WHENEVER POSSIBLE THE BOTTOM OF PUBLIC WATER LINES SHALL BE 1.5 FEET OR MORE ABOVE THE TOP OF SANITARY SEWER LINES AT CROSSINGS WITH ONE FULL LENGTH OF THE WATER LINE CENTERED AT THE CROSSING. WHERE SANITARY SEWER LINES CROSS ABOVE OR WITHIN 18-INCHES VERTICAL SEPARATION BELOW A PUBLIC WATER LINE, SEWER MAINS AND/OR SERVICE LATERALS SHALL BE EITHER REPLACED WITH A FULL LENGTH OF C900 PVC PIPE (OR 18) CENTERED AT THE CROSSING OR ENCASED IN CONCRETE IN ACCORDANCE WITH OAR 333. CONNECT TO EXISTING SEWER LINES WITH APPROVED RUBBER COUPLINGS.
8. ALL MAINS WITH A STATIC PRESSURE UP TO 100 PSI (POUNDS PER SQUARE INCH) SHALL BE TESTED AT 150 PSI FOR 1 HOUR WITH A MAXIMUM LOSS OF 5 PSI. WATER MAINS WITH A STATIC PRESSURE GREATER THAN 100 PSI SHALL BE PRESSURE TESTED AT 1.5 TIMES THE STATIC PRESSURE FOR 1 HOUR WITH A MAXIMUM LOSS OF 5 PSI.
9. JOINT DEFLECTION ALLOWED ONLY WITH THE APPROVAL OF THE DESIGN ENGINEER AND INSPECTOR AND BE PER CITY OF NEWPORT STANDARDS.
10. OREGON STATE HEALTH DIVISION BACTERIOLOGICAL TESTS SHALL BE TAKEN BY THE CONTRACTOR AND MONITORED BY THE CITY OF NEWPORT WATER DEPARTMENT.
11. HYDROSTATIC TESTS SHALL CONFORM WITH ALL APPLICABLE CODES AND BE MONITORED BY THE INSPECTOR OR DESIGN ENGINEER.
12. DISINFECTION: PIPELINES SHALL BE FLUSHED AND DISINFECTED BEFORE PLACING INTO SERVICE. AFTER PERFORMING HYDROSTATIC TESTING. DISINFECTION SHALL CONFORM WITH ALL APPLICABLE CODES. DISCHARGING OF THE HIGHLY CHLORINATED WATER USED FOR DISINFECTION SHALL NOT BE ALLOWED INTO SURFACE WATERS. APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS CONCERNING DISCHARGE SHALL BE FOLLOWED. TESTING AND INSPECTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES. A WATER DEPARTMENT REPRESENTATIVE MUST BE PRESENT DURING CHLORINATION AND TESTING.
13. PRIOR TO TAPPING INTO OR CONNECTING TO EXISTING WATER MAINS, THE CONTRACTOR WILL CONTACT THE CITY OF NEWPORT WATER DEPARTMENT INSPECTOR. CITY STAFF TO BE ONSITE DURING TAP.
14. ALL JOINTS (TEES, ELBOWS, BENDS AND BLOW OFFS) TO BE MECHANICALLY RESTRAINED FOR CHANGES IN PIPE DIRECTION MORE THAN 10 DEGREES. FIELD LOCK GASKETS ALONE ARE INSUFFICIENT TO MEET THIS REQUIREMENT. THRUST BLOCKING SHALL ONLY BE USED WHEN DIRECTED BY THE CITY ENGINEER, CITY ENGINEERING INSPECTOR, OR WHERE SHOWN ON DRAWINGS..
15. PARTY CONSTRUCTING NEW WATER MAINS SHALL BE RESPONSIBLE FOR CONSTRUCTING ALL SERVICE CONNECTIONS WHICH INCLUDE: CONNECTION TO MAIN LINE, SERVICE, METER BOX, AND CURB STOP. THE CITY WILL SET THE METER. EXISTING WATER MAIN CONNECTIONS WILL BE CONSTRUCTED BY THE CITY WHO WILL ALSO SET THE METER. (ALL LOTS TO BE SERVICED WITH A 1" WATER METER. DOMESTIC WATERLINE TO AND FROM WATER METER SHALL BE 1" WATERLINE. CONTRACTOR TO INSTALL WATER LINE WATER METER SETTER, AND METER BOX. CITY SHALL SUPPLY AND INSTALL WATER METER.)
16. CONTRACTOR MUST MAINTAIN AN AIR GAP BETWEEN THE PROPOSED AND EXISTING SYSTEM AND SHALL NOT CONNECT UNTIL THE WATER SYSTEM PASSES BACTERIA TESTING.
17. CONTRACTOR TO PROVIDE CITY WITH DISINFECTION AND PRESSURE TESTS, FLUSHING RATES/QUANTITIES, AND AWWA STANDARD CHLORINE DOSING.
18. THE CONTRACTOR SHALL NOTIFY THE CITY OF NEWPORT WATER DEPARTMENT AT (541) 574-5874 A MINIMUM OF 48 HOURS PRIOR TO CONSTRUCTION. WEEKENDS AND HOLIDAYS ARE NOT TO BE COUNTED AS PART OF NOTIFICATION TIME.
19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE PROPER HORIZONTAL AND VERTICAL SEPARATION BETWEEN SANITARY SEWER LINES AND WATER LINES AS REQUIRED BY THE OREGON DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH, OAR 333-061-0050.
20. ON-SITE DOMESTIC WATER SERVICE SHALL BE INSTALLED AS REQUIRED. CONTACT THE CITY OF NEWPORT BUILDING DEPARTMENT AT (503) 357-3011 FOR REQUIREMENTS.
21. IN THE EVENT OF CONFLICTS OR CHANGES IN CONDITIONS, THE CITY OF NEWPORT RESERVES THE RIGHT TO MAKE FIELD ADJUSTMENTS TO THE LOCATIONS OF WATER LINES AND APPURTENANCES AS REQUIRED FOR CONSTRUCTION.
22. ALL DAMAGE CAUSED BY THE CONTRACTOR SHALL BE RESTORED TO AN "AS GOOD OR BETTER" CONDITION AS DETERMINED BY THE CITY OF NEWPORT.
23. WATER MAIN SHUT-OFFS SHALL BE PERFORMED ONLY BY A CITY OF NEWPORT WATER DEPARTMENT REPRESENTATIVE. REQUIRED NOTIFICATION FOR SHUT-OFFS SHALL BE 48-HOURS PRIOR FOR RESIDENTIAL PROPERTIES AND 72-HOURS FOR COMMERCIAL OR INDUSTRIAL PROPERTIES. WEEKENDS AND HOLIDAYS ARE NOT TO BE COUNTED AS PART OF NOTIFICATION TIME. FAILURE TO PERFORM WORK WITHIN THE GIVEN TIME WILL REQUIRE RE-NOTIFICATION.
24. ALL PUBLIC WATER LINES SHALL BE INSTALLED WITH PLASTIC CAUTION TAPE INSTALLED 1-FOOT ABOVE THE PIPE CROWN OR AFTER THE FIRST COMPACTED LIFT OVER THE PIPE.
25. VALVES SHALL BE RESILIENT SEATED GATE VALVES
26. ALL VALVES SHALL BE MUELLER BRAND.
27. VALVES SHALL BE SET AS SHOWN IN CoN W-200.
28. A MINIMUM OF THREE LENGTHS OF PIPE SHALL BE RESTRAINED AT ALL WATER SYSTEM DEAD-ENDS.
29. MECHANICAL RESTRAINTS SHALL BE USED ON ALL TEES, CROSSES, VALVES, AND CHANGES IN PIPE DIRECTION OF MORE THAN 10 DEGREES. RESTRAINTS SHALL BE MEGA-LUG MECHANICAL RESTRAINTS. FIELD LOK GASKETS ALONE ARE INSUFFICIENT TO MEET THIS REQUIREMENT.
30. WATER SERVICES 2-INCH AND SMALLER SHALL BE INSTALLED IN ACCORDANCE WITH CoN W-605.
31. 10-GAUGE COPPER TRACER WIRE IS REQUIRED ON ALL SERVICE LINES BETWEEN THE WATER MAIN AND THE METER.
32. TRENCHING BACKFILL IN PUBLIC RIGHT-OF-WAY OR PUBLIC EASEMENTS SHALL BE ACCOMPLISHED IN ACCORDANCE WITH CoN W-150.
33. PAVEMENT RESTORATION SHALL BE RESTORED TO PRE-EXISTING CONDITIONS OR BETTER. PAVEMENT RESTORATION SHALL FOLLOW THE REQUIREMENT OF CoN S-105.
34. WHERE CONFLICTS EXIST BETWEEN DIFFERENT AGENCIES, STANDARDS SHALL PREVAIL IN THE FOLLOWING ORDER, CITY OF NEWPORT, OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, AWWA. (LATEST EDITION APPLIES)
35. HYDRANT ASSEMBLIES SHALL BE INSTALLED AS SHOWN IN CoN W-300.
35. ONE FULL LENGTH OF WATER LINE SHALL BE CENTERED AT THE CROSSING OF THE SANITARY LINE IF REQUIRED TO COMPLY WITH OAR 333-061-0050.
36. REFER TO CITY DETAIL S-050 ON C108 FOR STANDARD UTILITY LOCATIONS.

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FISHERMAN'S WHARF ESTATES SUBDIVISION
NEWPORT OR
TAX LOT 400
LINCOLN COUNTY TAX MAP 11 11 09 CB

WATER COVER SHEET AND NOTES

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP

DATE: 09/18/2019

REGISTERED PROFESSIONAL ENGINEER — OREGON — JACK M. POISSANT — EXPIRES: DEC. 31, 2020

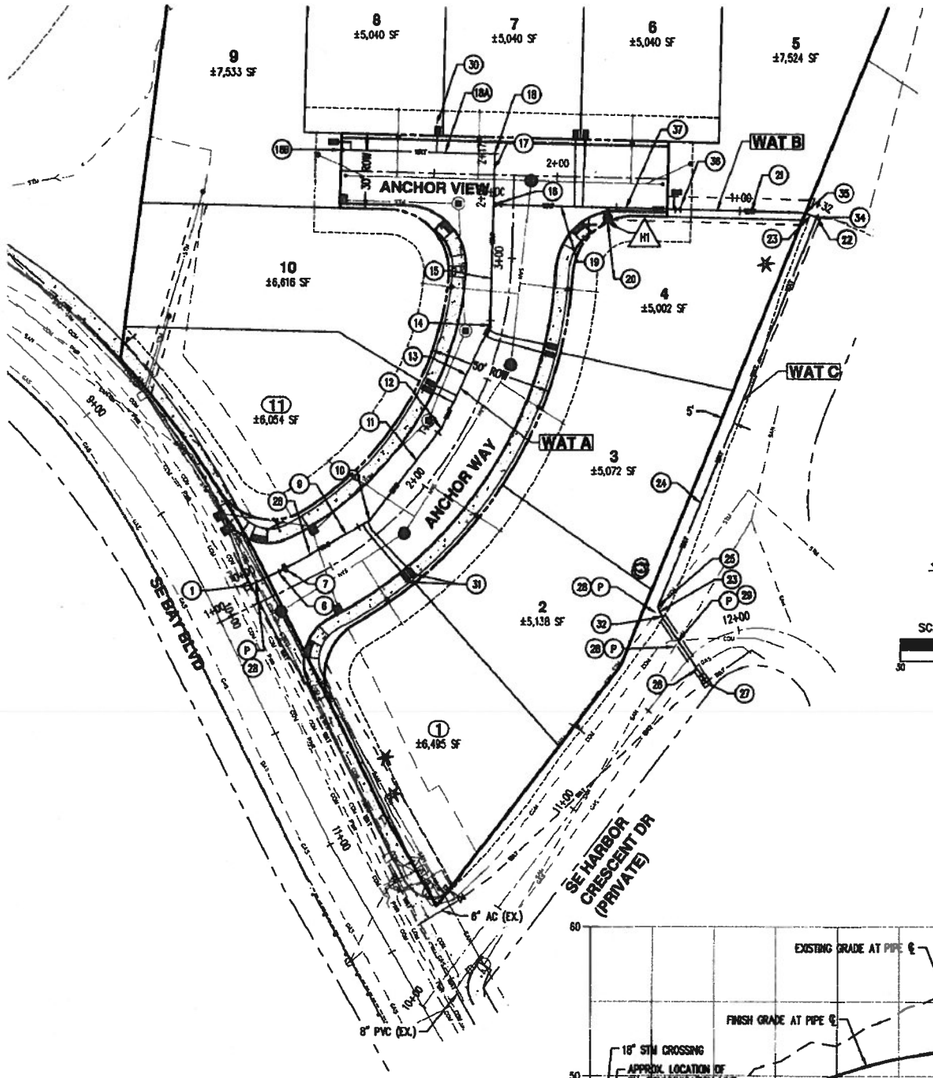
COPY

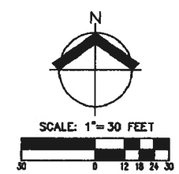
REVISIONS
1 NEW CITY DTLS – 10/14/2019

JOB NUMBER
5691

SHEET
C400

AKS DRAWING FILE: 5691 COVER.DWG | LAYOUT: C400





WATER NOTES:

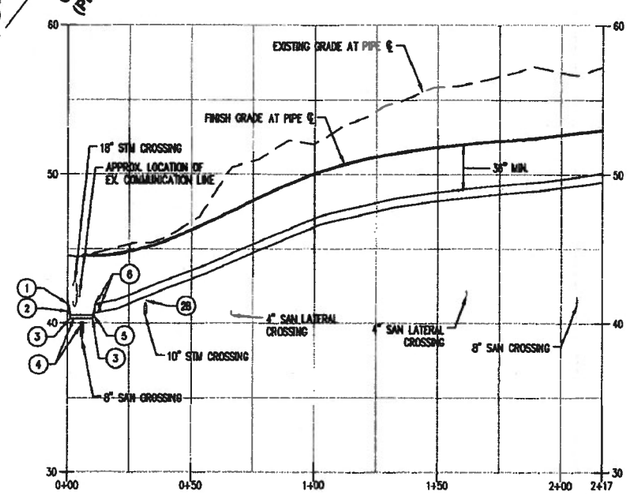
1. STANDARD VALVE BOXES SHALL BE PER CITY OF NEWPORT DETAILS W-100 AND W-200.
2. PIPE BEDDING AND BACKFILL SHALL BE PER CITY OF NEWPORT DETAIL W-150.
3. FIRE HYDRANT SHALL BE PER CITY OF NEWPORT DETAIL W-300.
4. ALL WATER MAINS SHALL BE C900 PVC WITH FIELD LOK GASKETS UNLESS NOTED OTHERWISE, SEE NOTES 3 AND 29 ON SHEET C400.
5. MAINTAIN 36 INCHES MINIMUM COVER FOR WATER MAINS UNLESS OTHERWISE NOTED.
6. VERTICALLY DEFLECT WATER LINE AROUND OTHER UTILITIES AS REQUIRED WITHOUT CREATING ADDITIONAL HIGH POINTS, WITH VERTICAL DEFLECTION NOT EXCEEDING MANUFACTURER'S SPECIFICATIONS OR CITY STANDARDS. CONTACT CITY PRIOR TO DEFLECTION.
7. SURFACE RESTORATION SHALL BE PER CITY OF NEWPORT DETAIL S-105.
8. ALL BENDS ARE HORIZONTAL UNLESS OTHERWISE NOTED.
9. 2" SCH. 80 PVC SHALL BE INSTALLED WITH WELD-ON 721 PVC CEMENT PER ASTM D 2564 OR APPROVED EQUAL.

(P) CONTRACTOR TO POTHOLE PROPOSED CONNECTION AND CROSSING TO ENSURE CONFLICTS WITH THE PLAN DO NOT EXIST PRIOR TO STARTING CONSTRUCTION AND ORDERING MATERIALS. CONTACT PROJECT ENGINEER IF CONFLICT EXISTS.

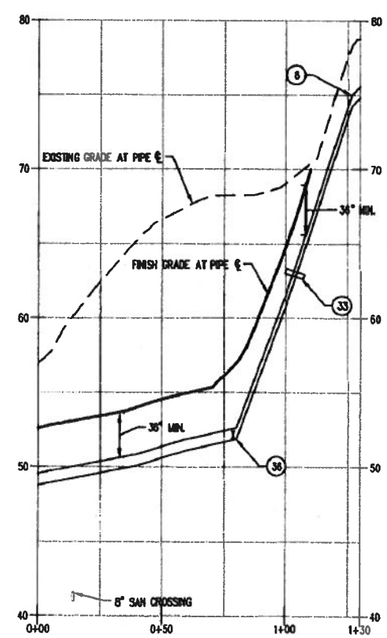
FIRE HYDRANT TABLE (H#)

HYDRANT #	STATION	ALIGNMENT	TOP OF CURB
1	2+20.95	ANCHOR VIEW	54.80

NOTE: PROPERTY EAST OF PROJECT IS OUTSIDE OF SURVEY LIMITS. CONTRACTOR TO POTHOLE AND VERIFY LOCATION OF EXISTING SANITARY SEWER AND OTHER UTILITIES TO VERIFY AND PROVIDE MINIMUM SEPARATION PER OAR 333 REQUIREMENTS.



WATERLINE A PROFILE
Hor. Scale: 1"= 30'
Vert. Scale: 1"= 5'



WATERLINE B PROFILE
Hor. Scale: 1"= 30'
Vert. Scale: 1"= 5'

WATER KEYED NOTES

1. COORDINATE WITH CITY OF NEWPORT PUBLIC WORKS FOR CUTTING IN A NEW 4"x4" MJxMJ TEE ROTATED 45° DOWN FROM VERTICAL WITH THRUST BLOCK. INSTALL RESTRAINED MJ PLUG TAPPED TO 2" FOR CONNECTION TO EXISTING MAIN, WITH RESTRAINED COUPLERS AS REQUIRED. NEW 4" PIPE AT CONNECTION TO TEE SHALL HAVE RETAINER GLANDS. INSTALL CHLORINATION TAP PER CITY STANDARDS.
   STA 0+92.00 (17.13' L) SE BAY BLVD.
2. INSTALL 3 LF 6" C900 PVC WATER MAIN.
3. INSTALL 4" 45° VERTICAL BEND WITH RETAINER GLANDS AND THRUST BLOCK.
4. INSTALL 8 LF 4" C900 PVC WATER MAIN. THE TOP AND SIDES OF THE EXISTING SEWER MAIN, TO SPRING LINE, SHALL BE WRAPPED IN BLACK PLASTIC AND THEN ENCASED IN CONCRETE FOR A DISTANCE OF 5 FEET ON BOTH SIDES OF THE WATER CROSSING PER DETAIL ON C402.
5. INSTALL 2 LF 4" C900 PVC WATER MAIN.
6. INSTALL 6" FLGxMJ GATE VALVE WITH 4"x6" FLGxFLG REDUCER (W) AND 4" 45° VERTICAL BEND FLGxMJ WITH THRUST BLOCK (W). ALL MJ CONNECTIONS SHALL USE RETAINER GLANDS. STA 1+31 (8.0' L) ANCHOR WAY
7. INSTALL STRADDLE BLOCK PER CITY STANDARDS.
8. INSTALL 6" 22.5° VERTICAL BEND MJxMJ WITH RETAINER GLANDS BOTH SIDES AND THRUST BLOCK.
9. INSTALL 40 LF 6" C900 PVC WATER MAIN.
10. INSTALL 6" 22.5° BEND MJxMJ WITH MECHANICAL RESTRAINT AND THRUST BLOCK.
    STA 1+73.73 (8.2' L) ANCHOR WAY
11. INSTALL 47 LF 6" C900 PVC WATER MAIN.
12. INSTALL 11.25° BEND MJxMJ WITH MECHANICAL RESTRAINT AND THRUST BLOCK.
    STA 2+23.52 (8.2' L) ANCHOR WAY
13. INSTALL 46 LF 6" C900 PVC WATER MAIN.
14. INSTALL 6" 22.5° BEND MJxMJ WITH MECHANICAL RESTRAINT AND THRUST BLOCK.
    STA 2+72.09 (5.3' L) ANCHOR WAY
15. INSTALL 47 LF 6" C900 PVC WATER MAIN.
16. INSTALL 6" FLGxFLGxFLG TEE AND THRUST BLOCK WITH 6" FLGxMJ GATE VALVE (E), 6" BLIND FLANGE TAPPED FOR 2" THREADED COUPLER/FITTING TO 2" MUNICIPEX (M), AND FLGxMJ ADAPTOR (S). MECHANICALLY RESTRAIN ALL JOINTS.
    STA 3+21 (8.0' L) ANCHOR WAY.
17. INSTALL 20 LF OF 2" MUNICIPEX WATER MAIN.
18. INSTALL 2" 90° AWWA C-800 COMPRESSION JOINT BEND (MUNICIPEX-COMPATIBLE) WITH THRUST BLOCK.
    STA 3+41.82 (8.0' L) ANCHOR VIEW.

18A. INSTALL 62 LF OF 2" MUNICIPEX WATER MAIN.

18B. INSTALL 2" BLOWOFF ASSEMBLY PER CITY STANDARD W-400.

19. INSTALL 47 LF 6" C900 PVC WATER MAIN.
20. INSTALL FIRE HYDRANT PER CITY DETAIL W-300.
21. INSTALL 48 LF 6" C900 PVC WATER MAIN.
22. INSTALL 6" 90° BEND MJxMJ WITH RETAINER GLANDS BOTH SIDES AND THRUST BLOCK.
23. INSTALL 5 LF 6" C900 PVC WATER MAIN.
24. INSTALL 170 LF 6" C900 PVC WATER MAIN.
25. INSTALL 6" 45° BEND MJxMJ WITH RETAINER GLANDS ON BOTH SIDES AND THRUST BLOCK.
26. INSTALL 34 LF 6" C900 PVC WATER MAIN.
27. COORDINATE WITH CITY OF NEWPORT PUBLIC WORKS FOR TAPPING EXISTING 6" AC MAIN WITH TAPPING TEE, 6" GATE VALVE, AND THRUST BLOCK (W). INSTALL CHLORINATION TAP PER CITY STANDARDS.
    STA 11+10.84 (1.0'L) SE HARBOR CRESCENT DRIVE.
28. MAINTAIN 0.5' VERTICAL CLEAR SEPARATION FROM OTHER UTILITIES WITH VERTICAL DEFLECTION NOT EXCEEDING MANUFACTURER'S SPECIFICATIONS OR CITY STANDARDS. CONTACT CITY PRIOR TO DEFLECTION. (TYP)
29. MAINTAIN A MINIMUM OF 1.5' VERTICAL CLEAR SEPARATION OVER SANITARY SEWER CROSSING AND 3' COVER PER OAR 333. (TYP)
30. INSTALL ONE 1" WATER SERVICE (TYP)
31. INSTALL TWO 1" WATER SERVICES (TYP)
32. INSTALL 6" 11.25° BEND MJxMJ WITH RETAINER GLANDS ON BOTH SIDES AND THRUST BLOCK.
33. INSTALL PIPE ANCHOR/TRENCH CUT-OFF WALL PER CITY DETAIL S-150.
34. INSTALL 2" COMBINATION AIR VALVE ASSEMBLY AT HIGH POINT PER CITY DETAIL W-500.
35. INSTALL 11.25° BEND MJxMJ WITH RETAINER GLANDS BOTH SIDES AND THRUST BLOCK.
36. INSTALL 6" MJxFLG GATE VALVE WITH 6" 22.5° VERTICAL BEND FLGxMJ WITH RETAINER GLANDS ON BOTH SIDES AND THRUST BLOCK.
    STA 2+49.41 (12.0' R) ANCHOR VIEW
37. INSTALL 23 LF 6" C900 PVC WATER MAIN.

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FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
TAX LOT 400
LINCOLN COUNTY TAX MAP 11 11 09 CB

WATER PLAN

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	JMP

DATE: 09/18/2019

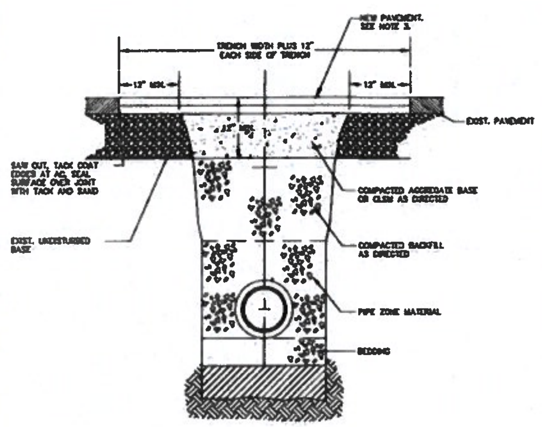
REGISTERED PROFESSIONAL ENGINEER — OREGON — JULY 14, 2006 — JAMES M. POISSANT — EXPIRES: DEC. 31, 2019

REVISIONS
1 NEW CITY BILS – 10/14/2019

JOB NUMBER
5691

SHEET
C401

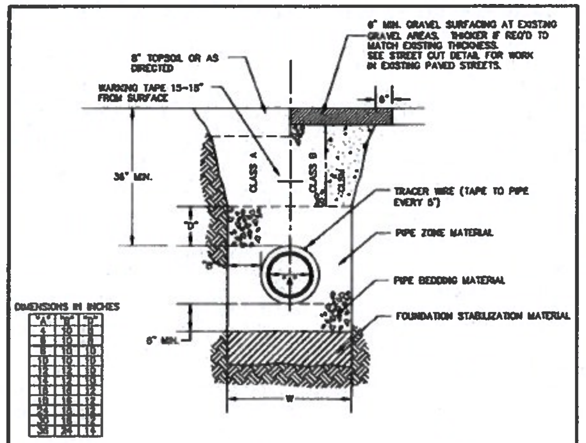
AKS DRAWING FILE: 5691 WATERLDWG | LAYOUT: C401



NOTES:

1. ALL EXISTING AC OR PCC PAVEMENT SHALL BE SAWCUT IMMEDIATELY PRIOR TO REPAVING.
2. CONCRETE PAVEMENT SHALL BE REPLACED WITH CONCRETE TO A MINIMUM THICKNESS OF 6 INCHES OR TO THE THICKNESS OF REMOVED CONCRETE PAVEMENT, WHICHEVER IS GREATER.
3. PLACE AC MIX TO A MINIMUM THICKNESS OF 4 INCHES OR THE THICKNESS OF REMOVED PAVEMENT, WHICHEVER IS GREATER. COMPACT AS DIRECTED. AC PAVEMENT SHALL BE PLACED IN A MAXIMUM OF TWO 2 INCH LIFTS. TWO 2" LIFTS.
4. COMPLY WITH THE REQUIREMENTS OF THE AGENCY HAVING JURISDICTION OVER THE ROAD IN WHICH THE STREET CUT OCCURS.

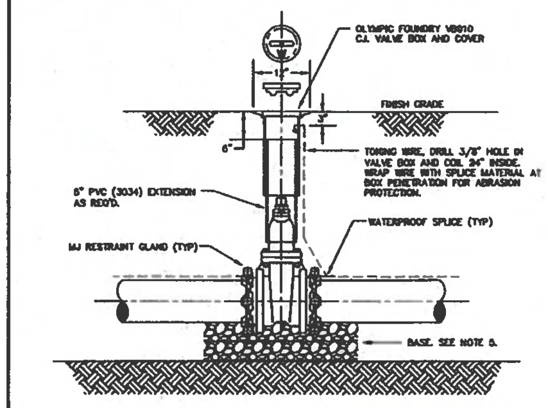
City of Newport, 169 SW Coast Hwy, Newport, Oregon 97365 — **STREET CUT STANDARD DETAIL** — DETAIL NO. S-105 — -/-/2013



NOTES:

1. TRENCH EXCAVATION SHALL BE CONDUCTED IN A SAFE MANNER WITH ALL NECESSARY BRACING AND SHORING PROVIDED FOR COMPLIANCE WITH OSHA.
2. FOUNDATION STABILIZATION SHALL BE PROVIDED WHEN MATERIAL AT BOTTOM OF TRENCH IS UNSUITABLE IN THE OPINION OF THE CITY TO PROVIDE A STABLE TRENCH BASE.
3. CONSTRUCTION IN STATE AND COUNTY RIGHT-OF-WAY SHALL COMPLY WITH STATE AND COUNTY STANDARDS AND CITY STANDARDS.
4. CLASS B BACKFILL REQUIRED IN ALL ROADWAYS AND TRAFFIC PATHS EXCEPT WHERE CDF BACKFILL IS REQUIRED BY COUNTY, STATE, OR CITY.
5. TRACER WIRE REQUIRED AT ALL NON-METALLIC PIPELINES. WIRE SHALL BE 10 GA. MINIMUM SOLID COPPER WIRE WITH BLUE 30 MIL THICK HDPE INSULATION RATED FOR DIRECT BURY. USE APPROVED WATERPROOF SPLICE AT ALL CONNECTIONS.
6. WARNING TAPE SHALL BE 6" WIDE, 4 MIL THICK, APWA BLUE, READING "CAUTION WATER LINE BURIED BELOW".
7. MATERIALS SHALL BE AS SPECIFIED BY THE CITY IN THE STANDARDS MANUAL.
8. COMPACT ALL FILL TO 95% MDD PER ASTM D698 OR AASHTO T-99. SUFFICIENT COMPACTION TESTS WILL BE REQUIRED TO PROVE METHODS AND COMPACTION EFFORT IS SUFFICIENT.

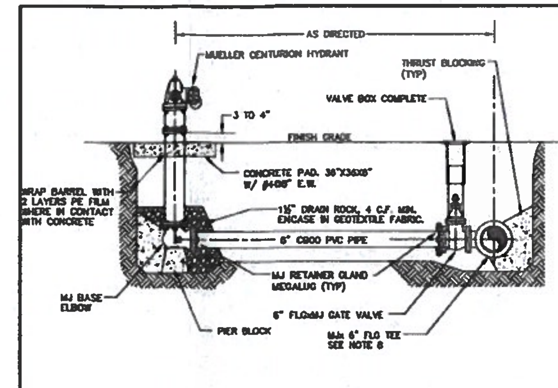
City of Newport, 169 SW Coast Hwy, Newport, Oregon 97365 — **TYPICAL WATERLINE TRENCH DETAILS** — DETAIL NO. W-150 — -/-/2013



NOTES:

1. VALVE BOX SHALL BE CENTERED OVER VALVE OPERATING NUT.
2. PVC EXTENSION SHALL BEGIN AS CLOSE TO VALVE AS POSSIBLE AND SHALL EXTEND TO WITHIN 6" OF GROUND SURFACE.
3. TOP OF VALVE BOX SHALL BE FLUSH WITH FINISH GRADE.
4. VALVE EQUIPPED WITH 2" SQUARE OPERATING NUT LOCATED WITHIN 24" FROM GROUND SURFACE. SEE VALVE OPERATOR EXTENSION DETAIL WHERE REQUIRED.
5. VALVES 12" AND SMALLER SHALL BE PROVIDED WITH CLASS B BASE. VALVES LARGER THAN 12" SHALL BE INSTALLED ON PRECAST CONCRETE PIER BLOCK.
6. NO PIPE JOINTS ALLOWED WITHIN 10' OF IN-LINE VALVES UNLESS JOINT RESTRAINT DEVICE PROVIDED.

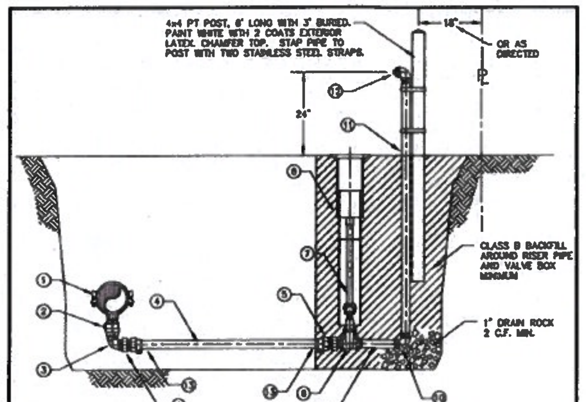
City of Newport, 169 SW Coast Hwy, Newport, Oregon 97365 — **STANDARD WATER VALVE SETTING DETAIL** — DETAIL NO. W-200 — -/-/2013



NOTES:

1. FIELD VERIFY SPOOL LENGTHS AND HYDRANT BARREL LENGTH REQUIRED AT EACH HYDRANT. NO JOINTS ALLOWED WHERE SPOOL LENGTH IS LESS THAN 18 FEET.
2. HYDRANT SHALL BE INSTALLED PLUMB.
3. KEEP DRAIN HOLES CLEAR AND FREE TO DRAIN.
4. SEE DETAILS FOR VALVE SETTING, THRUST BLOCKING, AND TRENCH.
5. HYDRANTS, VALVES AND OTHER MATERIALS SHALL BE AS SPECIFIED IN THE STANDARDS MANUAL.
6. A MINIMUM OF 36" OF CLEAR SPACE AROUND HYDRANTS IS REQUIRED PER UFC (NO POSTS, WALLS, SIGNS, ETC.). 5 FOOT MIN. DESIRED. THERE SHALL BE NO OBSTRUCTIONS DIRECTLY IN LINE WITH ANY OF THE PORTS OF A HYDRANT.
7. HYDRANT PUMPER PORT SHALL FACE DIRECTION OF ACCESS.
8. WHERE WATERMAIN IS LOCATED ON A SIGNIFICANT SLOPE, TEE AND VALVE SHALL BE MJxMJ WITH RESTRAINTS SO THAT VALVE MAY BE INSTALLED PLUMB.

City of Newport, 169 SW Coast Hwy, Newport, Oregon 97365 — **STANDARD FIRE HYDRANT ASSEMBLY DETAIL** — DETAIL NO. W-300 — 5-4-2018

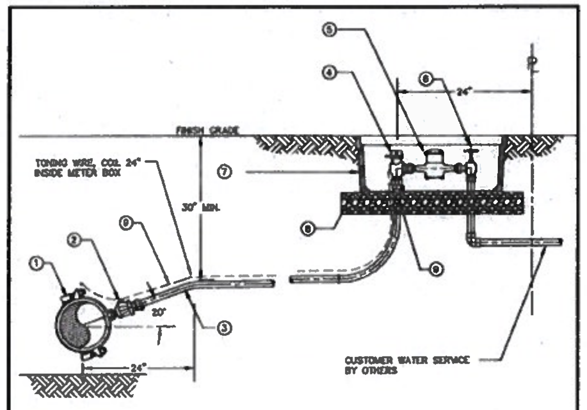


ITEM	SIZE	DESCRIPTION	SPECIFICATION
1	AS REQ'D	SADDLE	FORD 202BS, ROMAC 202BS; 2" FIP TAP
2	2"	BALL CORP. STOP	MIP IN x MIP OUT; FORD FB500-7, MUELLER B-2969, McDONALD 3131B
3	2"	ELBOW	304 SS OR BRASS 90° ELBOW
4	2"	PIPE	HDPE (PE 3408), SIDR 7, 200 PSI, IPS FITTING COMPATIBLE, NSF 61
5	2"	PE PJ COUPLING	PEP PJ x MIP; FORD C86-77-IDR7, MUELLER E-15429, McDONALD 4753-33
6	2"	GATE VALVE	AWWA C509 RESILIENT WEDGE GATE VALVE, THRD. ENDS, 2" NUT
7	N/A	VALVE BOX	VALVE BOX AND COVER
8	2"	NIPPLE	SCH. 40 304 SS OR BRASS THRD. NIPPLE, 12" LONG
9	2"	ELBOW	304 SS OR BRASS 90° ELBOW, DRILL 1/8" HOLE FOR DRAIN
10	2"	PIPE	SCH. 40 304 SS OR BRASS PIPE AS REQ'D
11	2"	ELBOW/PLUG	304 SS OR BRASS ELBOW WITH MIP THRD. PLUG
12	2"	STIFFENER	304 STAINLESS STEEL INSERT STIFFENER

NOTES:

USE ONLY WHERE APPROVED. GENERALLY LOCATED AT LOCAL LOW POINTS IN THE PIPING SYSTEM WHERE HYDRANT IS NOT PRACTICAL. HYDRANTS OR LARGER BLOW-OFF MUST ALSO BE LOCATED NEARBY TO ALLOW PROPER FLUSHING. MAY BE ALLOWED ON 6" AND SMALLER MAINS WHERE LINE PRESSURE EXCEEDS 75 PSI.

City of Newport, 169 SW Coast Hwy, Newport, Oregon 97365 — **2" BLOW-OFF ASSEMBLY** — DETAIL NO. W-400 — -/-/2013

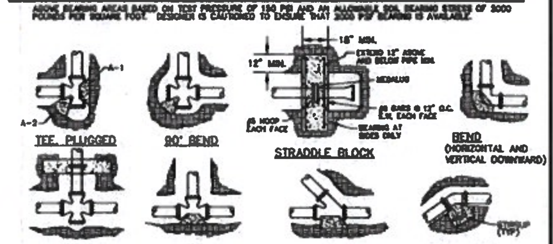


ITEM	SIZE	DESCRIPTION	SPECIFICATION
1	1"	SADDLE	FORD/ROMAC 202BS; 1" FIP TAP
2	1"	BALL CORP. STOP W/REDUCER AS REQ'D	MIP x PEP PJ; FORD FB1101-4, MUELLER E-25029, McDONALD 4704B-33
3	AS REQ'D	SERVICE PIPE	HDPE (PE 3408), SIDR 7, 200 PSI, IPS FITTING COMPATIBLE, NSF 61
4	AS REQ'D	ANGLE BALL METER VALVE	PEP PACK JOINT INLET x METER SWIVEL NUT OUTLET FORD BA63-444W, MUELLER E-24258, McDONALD 4602B-33
5	AS REQ'D	WATER METER	BY CITY
6	AS REQ'D	SERVICE VALVE ANGLE GLOBE	BY CITY
7	17"x30"x12"	METER BOX	BY CITY
8	24" x 36"	AGGR. BASE	3/4" MINUS, 4" DEPTH
9	18 GA.	TRACER WIRE	18 GA. COPPER WIRE WITH BLUE 30 MIL THICK HDPE INSULATION
			ALL PARTS SHALL BE BRASS UNLESS OTHERWISE INDICATED
			SEE W-150 FOR TRENCH DETAILS

City of Newport, 169 SW Coast Hwy, Newport, Oregon 97365 — **WATER SERVICE CONNECTION 3/4"-5/8" OR 1"** — DETAIL NO. W-605 — 5-4-2018

FITTING SIZE	TEE, WYE, DEAD END AND HYDRANT	STRADDLE BLOCK	90° BEND	TEE PLUGGED ON RUN A-1	TEE PLUGGED ON RUN A-2	45° BEND	22-1/2° BEND	11-1/4° BEND	90° BEND	45° BEND	22-1/2° BEND	11-1/4° BEND
	(HORIZONTAL & VERTICAL DOWN) BEARING AREA OF THRUST BLOCKS IN SQUARE FEET								(VERTICAL UP) VOLUME OF THRUST BLOCK IN CUBIC YARDS			
4	1.0	1.0	1.4	1.0	1.4	0.8	0.4	0.2	0.82	0.49	0.23	0.11
6	2.1	2.1	3.0	2.1	3.0	1.6	0.9	0.5	1.85	1.00	0.51	0.25
8	3.8	3.8	5.4	3.8	5.4	2.9	1.5	0.8	3.29	1.78	0.91	0.46
10	5.9	5.9	8.4	5.9	8.4	4.5	2.3	1.2	5.14	2.78	1.42	0.71
12	8.5	8.5	12.0	8.5	12.0	6.5	3.3	1.7	7.40	4.01	2.04	1.03
14	11.6	11.6	16.4	11.6	16.3	8.9	4.5	2.3	10.08	5.45	2.78	1.40
16	15.1	15.1	21.4	15.1	21.3	11.6	5.9	3.0	13.16	7.12	3.63	1.82
18	19.1	19.1	27.0	19.1	27.0	14.6	7.5	3.8	16.66	9.02	4.59	2.31
20	23.6	23.6	33.3	23.6	33.3	18.1	9.2	4.7	20.57	11.13	5.67	2.85
24	34.0	34.0	48.0	34.0	48.0	26.0	13.3	6.7	29.62	16.03	8.17	4.11

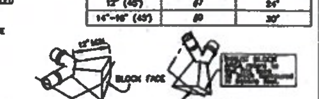
ABOVE BEARING AREAS BASED ON TEST PRESSURE OF 150 PSI AND AN ALLOWABLE SOIL BEARING STRESS OF 2000 POUNDS PER SQUARE FOOT. DESIGNER IS CAUTIONED TO ENSURE THAT 2000 PSF BEARING IS AVAILABLE.



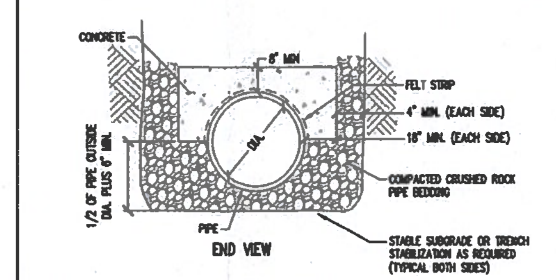
NOTES:

1. CONCRETE BLOCKING TO BE POURED AGAINST UNDISTURBED EARTH.
2. ALL CONCRETE TO BE CLASS 3000 MINIMUM.
3. INSTALL 6 MIL PLASTIC BETWEEN PIPE AND/OR FITTINGS BEFORE POURING CONCRETE BLOCKING.
4. CONCRETE SHALL BE KEPT CLEAR OF ALL JOINTS AND ACCESSORIES.
5. TIE RODS SHALL BE DEFORMED GALVANIZED COLD ROLLED STEEL, 40000 PSI TENSILE STRENGTH (ASTM A615) COAT WITH COAL TAR EPOXY AFTER INSTALLATION.
6. BEARING AREA REQ'D AT REDUCERS IS THE DIFFERENCE BETWEEN VALUES FOR DEAD END FOR EACH END SIZE (IE 8x6 = 3.8-2.1 = 1.7 S.F.)

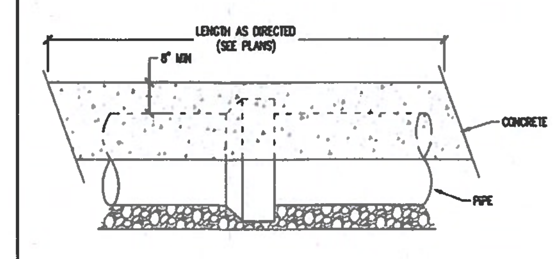
RODS FOR VERTICAL BENDS		
FITTING SIZE	ROD SIZE	EMBEDMENT
10" AND LESS	#5	17"
12"-16" (11.25°)	#5	17"
12"-16" (22.5°)	#7	24"
12" (45°)	#7	24"
14"-16" (45°)	#9	30"



City of Newport, 169 SW Coast Hwy, Newport, Oregon 97365 — **CONCRETE THRUST BLOCKING STANDARD DETAILS** — DETAIL NO. W-700 — -/-/2013



END VIEW



SIDE VIEW

NOTES:

1. CONCRETE SHALL HAVE A 28 DAY STRENGTH OF 3300 PSI.
2. ALL REINFORCING STEEL SHALL BE No. 5 GRADE 60 REBAR.

CONCRETE CAP
NTS

AKS ENGINEERING & FORESTRY, LLC
3700 RIVER RD N, STE 1
KEIZER, OR 97303
P: 503.400.6028
F: 503.400.7722
aks-eng.com
ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR
LINCOLN COUNTY TAX MAP 11 11 09 CB
TAX LOT 400

WATER DETAILS

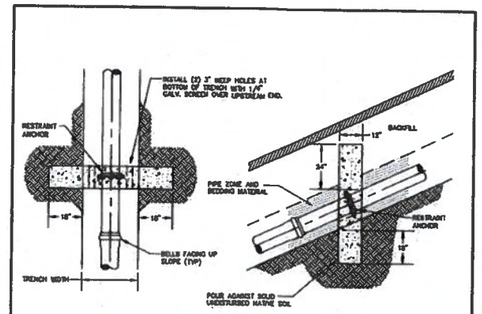
DESIGNED BY: GHB
DRAWN BY: GHB
MANAGED BY: LJM
CHECKED BY: JMP
DATE: 09/04/2019

REGISTERED PROFESSIONAL ENGINEER — JACK M. POISSANT — COPY

REVISIONS

JOB NUMBER 5691
SHEET C402

AKS DRAWING FILE: 5691 DETAILS.DWG | LAYOUT: C402



NOTES:

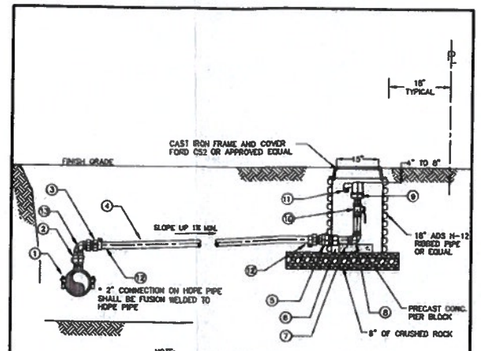
1. CUT-OFF WALLS REQ'D AT ALL PIPELINES WHERE SLOPE EXCEEDS 20%.
2. RESTRAINED JOINT PIPE REQUIRED AT SLOPES BETWEEN 13% AND 20%.
3. WALLS SHALL BE FORMED W/9-IN TRENCH. REMOVE FORMS PRIOR TO BACKFILLING.
4. CONCRETE SHALL HAVE 2000 PSI COMPRESSIVE STRENGTH MIN. (CLASS 3000).
5. SPACING OF WALLS SHALL BE:

SLOPE	SPACING
20%-34%	35 FEET
35-50%	25 FEET
51-+%	15 FEET

City of Newport
169 SW Coast Hwy
Newport, Oregon 97365
(541) 574-3300 Fax: (541) 265-5111

PIPE ANCHOR / TRENCH CUT-OFF WALL DETAIL

DETAIL NO. S-150
-/-/2013



NOTE:
1. LOCATE AIR VALVE AS DIRECTED OUTSIDE VEHICLE TRAFFIC. CERTAIN LOCATIONS ALLOW DIRECT PLACEMENT OVER MAIN PIPE ELIMINATING ELBOWS. OTHER LOCATIONS REQUIRE VALVE AND BOX TO BE PLACED NEAR PROPERTY LINE INSIDE PUBLIC R/W.

ITEM	SIZE	DESCRIPTION	SPECIFICATION
1	AS REQ'D	SADDLE	FORD/ROMAC 202BS: 2" FIP TAP** - TAP AT TOP OF PIPE
2	2"	BALL CORP. STOP	MIP IN x MIP OUT; FORD FB500-7, MUELLER B-2988, McDONALD 3131B
3	2"	PJ COUPLING	MIP x PEP PJ; FORD C86-77-IDR7, MUELLER E-15426, McDONALD 4753-33
4	2"	PIPE	HDPE (PE 3408), SDR 7, 200 PSI, IPS FITTING COMPATIBLE, NSF 61
5	2"	BALL CORP. STOP	PEP PADR JOINT x MIP; FORD FB1500-7, MUELLER E-25028, McDONALD 4704B-33
6	2"	COUPLING	THREADED 304 SS OR BRASS COUPLING, SHORT
7	2"	NIPPLE	THREADED 304 SCH. 40 SS OR BRASS NIPPLE, 6" LONG
8	2"	STREET ELBOW	304 SS OR BRASS 90° STREET ELBOW
9	2"	CAV	COMBINATION AIR VALVE; PVC ARV D-040B VALVE
10	2"	BALL VALVE	2" STAINLESS STEEL BALL VALVE W/ HAND LEVER
11	2"	TEE VENT	ALUMINUM T-VENT, 20 MESH SS SCREEN, MORRISON BROS. FIG 155
12	2"	STIFFENER	304 STAINLESS STEEL INSERT STIFFENER
13	2"	ELBOW	304 STAINLESS STEEL OR BRASS ELBOW

City of Newport
169 SW Coast Hwy
Newport, Oregon 97365
(541) 574-3300 Fax: (541) 265-5111

2" COMBINATION AIR VALVE ASSEMBLY

DETAIL NO. W-500
-/-/2013

AKS ENGINEERING & FORESTRY, LLC
3700 RIVER RD N, STE 1
KEIZER, OR 97303
P: 503.400.6028
F: 503.400.7722
aks-eng.com

AKS

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FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

TAX LOT 400 LINCOLN COUNTY TAX MAP 11 11 00 CD

WATER DETAILS

DESIGNED BY:	GHB
DRAWN BY:	GHB
MANAGED BY:	LJM
CHECKED BY:	AHP

DATE: 08/04/2010

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2008
ALAN H. POISSANT
EXPIRES: DEC. 31, 2010

COPY

REVISIONS

JOB NUMBER
5691

SHEET
C403

AKS DRAWING FILE: 5691 DETAILS.DWG | LAYOUT: C403

Exhibit C: Lincoln County Assessor's Map

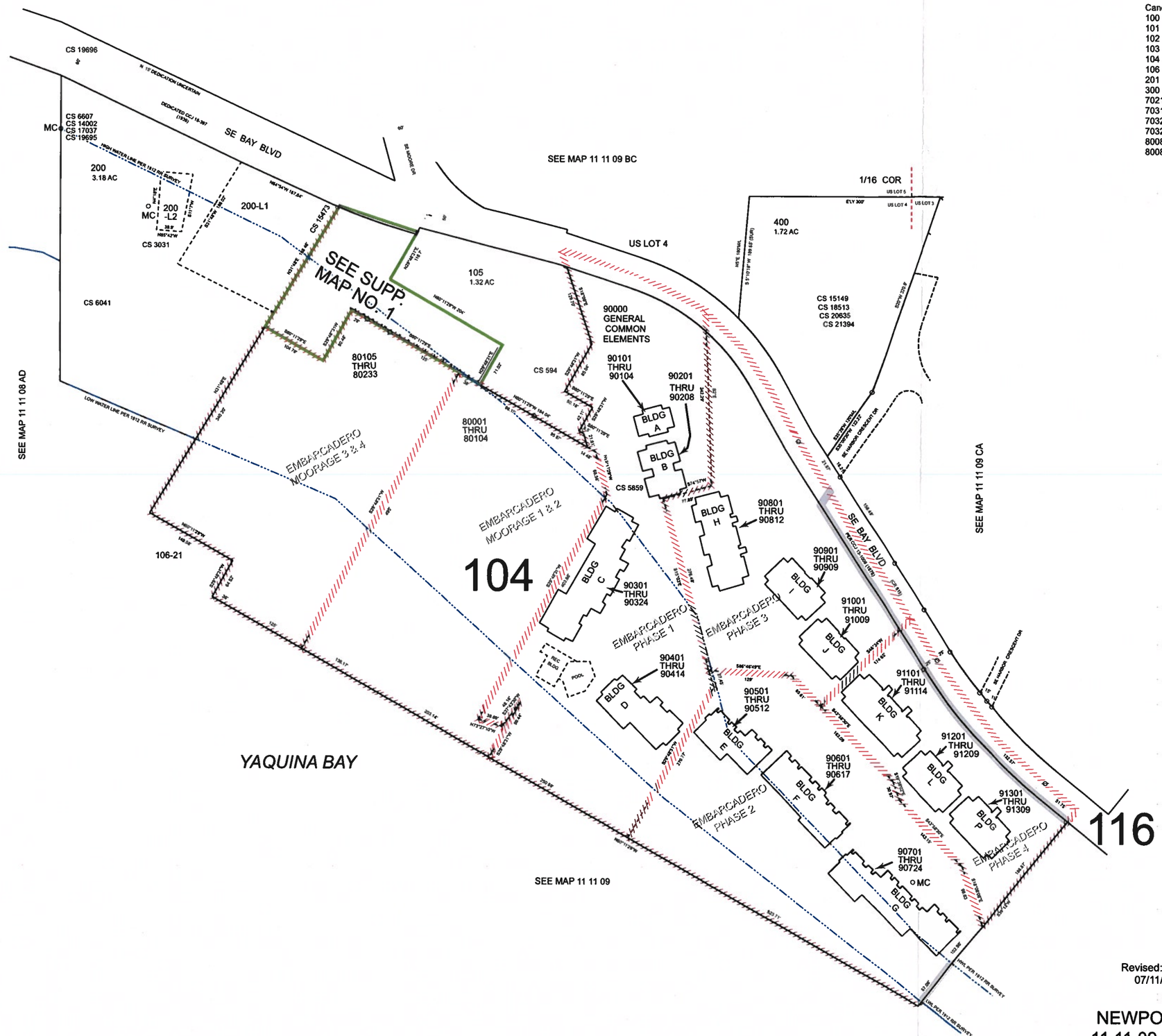
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

N.W.1/4 S.W.1/4 SEC.9 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 100'

11 11 09 CB
NEWPORT

281

Cancelled
100
101
102
103
104
106
201
300
70212
70319
70321
70322
80086-41
80086-42



Revised: SEB
07/11/2016

NEWPORT
11 11 09 CB

Exhibit D: 200-Foot Notification List

Parcel Id	Map Taxlot	Site Address	Owner Last Name	Owner First Name	Mailing Address	City	State	ZIP
M112069	111109BC0440000	923 SE Bay Blvd	Day	Lula	923 SE Bay Blvd #30	Newport	OR	97365
M118208	111109BC0440000	923 SE Bay Blvd	MacDonald	Elizabeth	923 SE Bay Blvd #15	Newport	OR	97365
M118982	111109BC0440000	923 SE Bay Blvd	Dewitt	Laura	4630 Wolfe Way	Woodland Hills	CA	91364
M12260	111109BC0440000	923 SE Bay Blvd	Leith	Robert	923 SE Bay Blvd Sp 35	Newport	OR	97365
M126090	111109BC0440000	923 SE Bay Blvd	Smock	Nancy	PO Box 1923	Newport	OR	97365
M128493	111109BC0440000	923 SE Bay Blvd	Woolfolk	Terry	923 SE Bay Blvd Sp 41	Newport	OR	97365
M130704	111109BC0440000	923 SE Bay Blvd	Young	Fred	923 SE Bay Blvd	Newport	OR	97365
M133162	111109BC0440000	923 SE Bay Blvd	Loxley	Nicole	923 SE Bay Blvd Sp12	Newport	OR	97365
M135546	111109BC0440000	923 SE Bay Blvd	Wood	Michael	923 SE Bay Blvd #43	Newport	OR	97365
M140338	111109BC0440000	923 SE Bay Blvd	Henley	Sharon	923 SE Bay Blvd #34	Newport	OR	97365
M168662	111109BC0440000	923 SE Bay Blvd	Rea	Bonnie	PO Box 545	Yachats	OR	97498
M187652	111109BC0440000	923 SE Bay Blvd	Wagner	Lisa	514 Americas Way #5395	Box Elder	SD	57719
M199589	111109BC0440000	923 SE Bay Blvd	Swisher	David	1560 Pearl St NE	Salem	OR	97301
M201270	111109BC0440000	923 SE Bay Blvd	Holt	Deborah	923 SE Bay Blvd Sp 49	Newport	OR	97365
M211235	111109BC0440000	923 SE Bay Blvd	Turpen	Clifford	923 SE Bay Blvd #24	Newport	OR	97365
M225759	111109BC0440000	923 SE Bay Blvd	Bradshaw	Martin	923 SE Bay Blvd #52	Newport	OR	97365
M235161	111109BC0440000	923 SE Bay Blvd	Hebel	Rich	PO Box 1638	Newport	OR	97365
M246614	111109BC0440000	923 SE Bay Blvd	Kerns	Michael	923 SE Bay Blvd #53	Newport	OR	97365
M249021	111109BC0440000	923 SE Bay Blvd	Decorte	Reid	17405 SW Florence St	Beaverton	OR	97007
M265557	111109BC0440000	923 SE Bay Blvd	Beck	William	41266 Manitau Rd SE	Stayton	OR	97383
M275030	111109BC0440000	923 SE Bay Blvd	Mazzeo	Donna	923 SE Bay Blvd Sp 46	Newport	OR	97365
M279769	111109BC0440000	923 SE Bay Blvd	Couvrette	Suzanne	923 SE Bay Blvd #55	Newport	OR	97365
M282126	111109BC0440000	923 SE Bay Blvd	Bronson	Jerry	923 SE Bay Blvd #47	Newport	OR	97365
M28939	111109BC0440000	923 SE Bay Blvd	Gilbert	Michael	53365 E Sylvan Dr	Sandy	OR	97055
M33902	111109BC0440000	923 SE Bay Blvd	Kramer	Marilyn	39480 Desert Greens Dr E	Palm Desert	CA	92260
M409530	111109BC0440000	923 SE Bay Blvd	Harbor Village Cooperative		18150 SW Boones Ferry Rd	Portland	OR	97224
M437845	111109BC0440000	923 SE Bay Blvd	Nelson	Wayne	PO Box 275	Green Valley	AZ	85622
M440302	111109BC0440000	923 SE Bay Blvd	Keeton	Kenneth	PO Box 369	Sublimity	OR	97385
M454383	111109BC0440000	923 SE Bay Blvd	Green	Gail	923 SE Bay Blvd #10	Newport	OR	97365
M461494	111109BC0440000	923 SE Bay Blvd	Mosley	Dean	27368 Hwy 36	Junction City	OR	97448
M463869	111109BC0440000	923 SE Bay Blvd	Desmond	Martin	PO Box 2011	Newport	OR	97365
M466420	111109BC0440000	923 SE Bay Blvd	Schaffner	Teresa	1958 NW Canyon Dr	Redmond	OR	97756
M473530	111109BC0440000	923 SE Bay Blvd	Hoover	David	923 SE Bay Blvd #18	Newport	OR	97365
M491540	111109BC0440000	923 SE Bay Blvd	Franklin	Diana	923 SE Bay Blvd Unit 57	Newport	OR	97365
M502773	111109BC0440000	923 SE Bay Blvd	Watson	James	PO Box 2178	Overton	NV	89040
M516708	111109BC0440000	923 SE Bay Blvd	Harbor Village Mhp, LLC		5318 E 2nd St #631	Long Beach	CA	90803
M532402	111109BC0440000		Hudak	John	PO Box 67	Shaver Lake	CA	93664
M59771	111109BC0440000	923 SE Bay Blvd	Ballinger	Lawrence	923 SE Bay Blvd, Sp 44	Newport	OR	97365
M64519	111109BC0440000	923 SE Bay Blvd	Borde	Gale	839 Columbus SE	Albany	OR	97322
M83332	111109BC0440000	923 SE Bay Blvd	White	Stella	923 SE Bay Blvd Sp 11	Newport	OR	97365
M92855	111109BC0440000	923 SE Bay Blvd	Anderson	Dylan	425 SW 6th St	Newport	OR	97365

Parcel Id	Map Taxlot	Site Address	Owner Last Name	Owner First Name	Mailing Address	City	State	ZIP
M95480	111109BC0440000	923 SE Bay Blvd	Noland	Walter	923 SE Bay Blvd Sp 7	Newport	OR	97365
R102008	111109CB8020000		Hendricks Living Trust & Hendricks Byron J Trustee & Hendricks Nancy J Trustee		5056 Cobb Ln S	Salem	OR	97302
R104481	111109CB8020100		Robinson	Douglas	PO Box 83	Corvallis	OR	97339
R106872	111109CB8020200		Serbu	Daniel	PO Box 716	Yachats	OR	97498
R109212	111109CB8020300		Greene	Orrin	518 NE 59th St	Newport	OR	97365
R111436	111109CB8020400		Robison	Steven R	PO Box 374	Newport	OR	97365
R113890	111109CB8020500		Carpenter	Thomas	480 SE Johnston Ln	Newport	OR	97365
R116318	111109CB8020600		Newport Marine Company		Suite 1575	Portland	OR	97258
R118539	111109CB8020700		Tufts	Dennis	PO Box 708	Siletz	OR	97380
R12020	111109CB8016200		Andrichak	William	PO Box 48	Logsden	OR	97357
R120996	111109CB8020800		Feller	Daniel	1639 Silver Falls Dr NE	Silverton	OR	97381
R123313	111109CB8020900		Crisp	Patricia	866 SE Vista Dr	Newport	OR	97365
R125687	111109CB8021000		See	David	534 N Coast Hwy	Newport	OR	97365
R128087	111109CB8021100		Lindsey	James	2014 Powell Dr	Eljon	CA	92020
R130424	111109CB8021200		Price	Frank	855 Christiansen Rd	Toledo	OR	97391
R132811	111109CB8021300		Spink	Marcus	PO Box 811	Newport	OR	97365
R135236	111109CB8021400		Hu	Jie	3223 NW Spencer St	Portland	OR	97229
R137602	111109CB8021500		London	Brian	527 SW 4th St	Newport	OR	97365
R139937	111109CB8021600		Wood Street LLC		29365 SW Hillecke Rd	Hillsboro	OR	97123
R142240	111109CB8021700		Schrantz	Jeffrey	152 SE View Dr	Newport	OR	97365
R14303	111109CB8016300		Heitzler	Gregory	922 NW Coast St	Newport	OR	97365
R144706	111109CB8021800		Zander	Shawn	PO Box 1519	Silverton	OR	97381
R147024	111109CB8021900		Rethaford	Joyann	5240 SW Rose Pl	Corvallis	OR	97333
R149427	111109CB8022000		Liu	Xin	765 NE Jeffries Pl	Newport	OR	97365
R151784	111109CB8022100		Casey	Robert	325 NW Saginaw Ave	Bend	OR	97703
R154119	111109CB8022200		Morton	Robert	PO Box 758	Jefferson	OR	97352
R156598	111109CB8022300		Williver	Sterling	67065 Fryer Rd	Bend	OR	97703
R158932	111109CB8022400		Mark	Donald	2226 N Coast Hwy #231	Newport	OR	97365
R161312	111109CB8022500		Cozad	Kevin	PO Box 4104	Sunriver	OR	97707
R163722	111109CB8022600		Hale	Jene	1000 SE Bay Blvd M-88	Newport	OR	97365
R166010	111109CB8022700		Klein	Jonathan	PO Box 2001	Newport	OR	97365
R16766	111109CB8016400		Erickson	John	2154 Marion St SE	Albany	OR	97322
R168382	111109CB8022800		Workman	William	PO Box 2407	Newport	OR	97365
R170807	111109CB8022900		Ogburn	Corianne	1102 NE Newport Heights Dr	Newport	OR	97365
R173212	111109CB8023000		Fettig	Jim	17705 NE Chehalem Dr	Newberg	OR	97132
R175533	111109CB8023100		Morton	Robert J	PO Box 768	Jefferson	OR	97352
R177945	111109CB8023200		Moore	Randy	855 SE Crescent Pl	Newport	OR	97365
R180302	111109CB9010100	1000 SE Bay Blvd Unit #A-1	Vts Program Remainder LLC		1417 116th Ave NE	Bellevue	WA	98004

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R182680	111109CB9010200	1000 SE Bay Blvd Unit #A-2	Furgurson	Laura	PO Box 1756	Waldport	OR	97394
R184690	111109CA0500000	805 SE Crescent Pl	Eisenbarth	Kevin	458 NE 5th St	Newport	OR	97365
R185076	111109CB9010300	1000 SE Bay Blvd Unit #A-3	Frew	Adam	1000 SE Bay Blvd	Newport	OR	97365
R187100	111109CA0510000		Silver Ridge NW LLC		514 SE Running Springs St	Newport	OR	97365
R189442	111109CA0520000	820 SE Crescent Pl	Bailey	Chris	4156 Riverdale Rd S	Salem	OR	97302
R189843	111109CB9020100	1000 SE Bay Blvd Unit #B-1	Gall	John	1376 SW Laurelwood	Dallas	OR	97338
R191787	111109CA0530000	824 SE Crescent Pl	Lamouria	Lloyd	824 SE Crescent Pl	Newport	OR	97365
R19189	111109CB8016500		Lackner	William	PO Box 92112	Dutch Harbor	AK	99692
R192148	111109CB9020200	1000 SE Bay Blvd Unit #B-2	Drenckpohl	Eric	2428 19th Pl SE	Bothell	WA	98012
R196600	111109CA0550000	836 SE Crescent Pl	Solano	Jose	836 SE Crescent Pl	Newport	OR	97365
R196858	111109CB9020400	1000 SE Bay Blvd Unit #B-4	Kramien Jr	Stanley	17600 NE Olds Ln	Newberg	OR	97132
R199195	111109CB9020500	1000 SE Bay Blvd Unit #B-5	Walker House LLC		616 NW 35th St	Corvallis	OR	97330
R201325	111109CA0570000	844 SE Crescent Pl	Rogers	Scott	844 SE Crescent Pl	Newport	OR	97365
R201693	111109CB9020600	1000 SE Bay Blvd Unit #B-6	Beers	Patrick	PO Box 202	Rufus	OR	97050
R203667	111109CA0580000	850 SE Crescent Pl	Coyle	F	850 SE Crescent Pl	Newport	OR	97365
R203977	111109CB9020700	1000 SE Bay Blvd Unit #B-7	Naveira	Diana	6812 San Dimas Ct	Citrus Heights	CA	95621
R206016	111109CA0590000	854 SE Crescent Pl	Vanderbeck	John	854 SE Crescent Pl	Newport	OR	97365
R208388	111109CA0600000	862 SE Crescent Pl	Erisman	James	862 SE Crescent Pl	Newport	OR	97365
R210778	111109CA0610000	872 SE Crescent Pl	Chadwick Jr	William	872 SE Crescent Pl	Newport	OR	97365
R211055	111109CB8002500		Wrobel	Charles	16971 S Clackamas River Dr	Oregon City	OR	97045
R213006	111109CA0620000	882 SE Crescent Pl	Olson Jr	Lloyd	882 SE Crescent Pl	Newport	OR	97365
R213321	111109CB8002600		Andres	Stefani	1002 N Water St	Silverton	OR	97381
R21465	111109CB8016600		Kropp	Helen	2045 Chase Loop SW	Albany	OR	97321

Parcel Id	Map Taxlot	Site Address	Owner Last Name	Owner First Name	Mailing Address	City	State	ZIP
R215749	111109CB8002700		Marshall	Eric	13900 Fishback Rd	Monmouth	OR	97361
R217833	111109CA0640000		C & L Investment Co		6784 Sims Dr	Oakland	CA	94611
R218088	111109CB8002800		Iverson	John	1354 E Santiam St	Stayton	OR	97383
R220198	111109CA0650000		Shen Family Living Trust & Shen Pei-Jen Trustee		1771 Mandan Place	Fremont	CA	94539
R220455	111109CB8002900		Oregon Mink Inc		11658 Baron Rd	Mt Angel	OR	97362
R222797	111109CB8003000		Rea	Neal	607 SE 5th St	Newport	OR	97365
R225237	111109CB8003100		Zawalski	Rodney	6735 Gladys Ave	Otter Rock	OR	97369
R227505	111109CB8003200		Schuepbach	Seth	65140 76th St	Bend	OR	97703
R229574	111109CB8000100	1000 SE Bay Blvd	Baker	David	1000 SE Bay Blvd M-1	Newport	OR	97365
R229980	111109CB8003300		Myers	Shelley	476 Shannon Dr NW	Albany	OR	97321
R232022	111109CB8000200		Chapman	William	PO Box 206	Newport	OR	97365
R234236	111109CB8000300		Rolie	Loren	18075 S Abiqua Rd NE	Silverton	OR	97381
R236700	111109CB8000400		Witherspoon	Clifford	3160 Beech St	Eugene	OR	97405
R237016	111109CB8003600		Vancalcar	John	1007 NE Evans	McMinnville	OR	97128
R23817	111109CB8016700		Datz	William	2480 N Chinook Ln	Otis	OR	97368
R238939	111109CB8000500		Andres	Cynthia	640 E Crow Rd	Merlin	OR	97532
R239312	111109CB8003700		Groh	Kevin	PO Box 1555	Newport	OR	97365
R241340	111109CB8000600		Gawaran	Dennis	13725 SW Hathaway Ter	Tigard	OR	97223
R241696	111109CB8003800		Swenne	Stephen	6225 N Coast Hwy #33	Newport	OR	97365
R243789	111109CB8000700		Smith	Loren	30361 Loren Ln	Corvallis	OR	97333
R244104	111109CB8003900		Ogrady	Eric	425 NW Brook St	Newport	OR	97365
R246175	111109CB8000800		Self	Kerry	101 Drift Creek Rd	Silverton	OR	97381
R246455	111109CB8004000		Drushella	Paul	35910 Eicher Rd	Albany	OR	97322
R251177	111109CB8004200		Keller	Rodney	2056 Chase Loop SW	Albany	OR	97321
R253219	111109CB8001100		Truong	Dan	637 SW Keck Dr	McMinnville	OR	97128
R253541	111109CB8004300		Herzberg	Carl	605 Walnut St	Lebanon	OR	97355
R255638	111109CB8001200		Neil	Mark	25320 Lansing Ln	Middleton	ID	83644
R255832	111109CB8004400		Brace	Robert	832 SE 5th St	Newport	OR	97365
R257820	111109CB8001300		Dickson	Kenneth	PO Box 3524	Wilsonville	OR	97070
R260216	111109CB8001400		Self	Kerry	101 Drift Creek Rd NE	Silverton	OR	97381
R26170	111109CB8016800		Mahan	Daniel	PO Box 1	Gleneden Beach	OR	97388
R262898	111109CB8004700		Seidler	Robert	85 N Riverton Ct	Otis	OR	97368
R267263	111109CB8001700		Enger	Sharon	1906 NW Eagles Nest Cir	Albany	OR	97321
R267634	111109CB8004900		Hamel	Jeffrey	5255 NW Winn Dr	Albany	OR	97321
R269706	111109CB8001800		Fishback	Ron	3212 54th Ave NE	Albany	OR	97321
R270099	111109CB8005000		Schindler	Fred	2625 E Lincoln Rd	Woodburn	OR	97071
R272116	111109CB8001900		Bailey	Harold	91909 Prairie Rd	Junction City	OR	97448
R272456	111109CB8005100		Fenske	Richard	1524 Chapman Hill Dr NW	Salem	OR	97304
R274442	111109CB8002000		Lewton	Linda	608 SW Bay Blvd	Newport	OR	97365

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R274722	111109CB8005200		Jincks	Leland	PO Box 1570	Newport	OR	97365
R276667	111109CB8002100		Vice	Roger	5215 First St	Crosby	TX	77532
R277063	111109CB8005300		Conrad	Eric	295 La Fiesta Dr	Lincoln City	OR	97367
R279443	111109CB8005400		Embarcadero Assn Of Unit Own		1260 NW Waterhouse Ave	Beaverton	OR	97006
R281560	111109CB8002300		Notman	Donald	1400 Applegate St #241	Philomath	OR	97370
R281742	111109CB8005500		Masten S C 1998 Rev Tr/Cst		9217 St Andrews Circle	Klamath Falls	OR	97603
R283776	111109CB8002400		Barnes	Andrew	2220 NW Highland Dr	Corvallis	OR	97330
R28500	111109CB8016900		NW Fleet Refinishing Inc		10350 N Vancouver Way	Portland	OR	97217
R286190	111109CB8005700		Zamiello	Michael	1265 Main St	Freedom	OK	73842
R286561	111109CB8007900		Chen	Albert	15929 Cambrian Dr	San Leandro	CA	94578
R288520	111109CB8005800		Nguyen	Thanh	5948 Legacy St SE	Salem	OR	97306
R291192	111109CB8008100		Blacktail Development LLC		3330 Hayden Bridge Rd	Springfield	OR	97477
R293234	111109CB8006000		Schaumburg	Carl	1985 Wright Pl	Albany	OR	97322
R293650	111109CB8008200		Loveday	Jerry	910 NE King Way	Redmond	OR	97756
R295494	111109CB8006100		Kloster	Max	750 Wyatt Ln	Philomath	OR	97370
R295940	111109CB8008300		Page	Kevin S	630 Hickory St NW #120	Albany	OR	97321
R300651	111109CB8008500		Wilson	Richard	PO Box 928	Corvallis	OR	97339
R302592	111109CB8006400		Simplify Holdings LLC		1105 NE 7th Dr	Newport	OR	97365
R305004	111109CB8006500		Molloy	Tonya	2226 N Coast Hwy	Newport	OR	97365
R309756	111109CB8006700		Herron	Kim J	9914 SW 30th Ave	Portland	OR	97219
R310125	111109CB8008800		Kelly	Mark	1617 Westerly Dr	Brandon	FL	33511
R312111	111109CB8006800		McMahan	John	PO Box 10	Brightwood	OR	97011
R312360	111109CB8008900		Tilson	Murray	136 SE Larch St	Newport	OR	97365
R314460	111109CB8006900		Braman	Gene	PO Box 755	Toledo	OR	97391
R314758	111109CB8009000		Wilson	Thomas	330 NW 185th Ave	Portland	OR	97229
R316746	111109CB8007000		Hajek	Jeffrey	3101 SE Ferry Slip Rd	Newport	OR	97365
R317150	111109CB8009100		Peters	Hayden	11495 Slab Creek Rd	Neskowin	OR	97149
R319274	111109CB8007100		Leatherman	Kenneth	3700 NE Megginson St	Newport	OR	97365
R319547	111109CB8009200		Rubbert	Stephen	11365 NE Benton St	Newport	OR	97365
R321508	111109CB8007200		Adams	Michael	4970 NW Terrace Ct	Waldport	OR	97394
R321921	111109CB8009300		Curtis	Michael	39044 Golden Valley Dr	Lebanon	OR	97355
R324006	111109CB8007300		Longmore	Jeff	1756 Alderwood St	Eugene	OR	97404
R324216	111109CB8009400		Gross	Robert	9480 SW Grabhorn	Beaverton	OR	97007
R326189	111109CB8007400		Paul Jr	James	2625 Summer St SE	Salem	OR	97302
R326537	111109CB8009500		Center James T Jr & Anderson Ellen M		1215 SE Harney St	Portland	OR	97202
R328653	111109CB8007500		Almas	Kevin	PO Box 2305	Newport	OR	97365
R328961	111109CB8009600		Rowley	William	PO Box 1746	Newport	OR	97365
R32923	111109BD0250000		Harbor Village Cooperative		20508 SW Roy Rogers Rd	Sherwood	OR	97140
R330980	111109CB8007600		Luxford	Dennis	88396 Forest Meadow Ln	Veneta	OR	97487
R331250	111109CB8009700		Yeck	Fred	PO Box 352	Newport	OR	97365
R333352	111109CB8007700		Wardell Jr	Douglas	5401 East Ridge St S	Salem	OR	97306

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R333630	111109CB8009800		Edwards	Duane	PO Box 2088	Newport	OR	97365
R33372	111109CB8017100		Welker	Douglas	162 Rainbow Dr	Livingston	TX	77399
R335613	111109CB8007800		Slingluff Investments LLC		31795 Chestnut Ln	Lebanon	OR	97355
R336062	111109CB8009900		Yeck	Ernest	PO Box 1256	Newport	OR	97365
R340713	111109CB8010100		Craig	Morrie	3765 Hilltop Dr	Corvallis	OR	97333
R343030	111109CB8010200		Frank Lumber Company		Drawer 79	Mill City	OR	97360
R345494	111109CB8010300		Lewis	Hal	PO Box 427	Amity	OR	97101
R347853	111109CB8010400		Belveal	Blane	PO Box 2067	Lebanon	OR	97355
R350261	111109CB8010500		Christensen	Cynthia	8710 Cardwell Hill Dr	Corvallis	OR	97330
R354841	111109CB8010700		Munger	Kelly	3506 Torrey Pines Dr S	Salem	OR	97302
R35658	111109CB8017200		Rushing	Timothy	1510 SW Walnut	Albany	OR	97321
R357306	111109CB8010800		Fry	Robbie	38591 Mountain Home Dr	Lebanon	OR	97355
R362040	111109CB8011000		Vela	Paul	5134 Cherie Ct SE	Salem	OR	97306
R364443	111109CB8011100		Swartz III	George	5442 Braninburg Ct	Carmichael	CA	95608
R366680	111109CB8011200		Elliott	Roy	85250 S Willamette	Eugene	OR	97405
R369164	111109CB8011300		Schopp	Dennis	8517 Whipple Dr	Pasco	WA	99301
R373877	111109CB8011500		West Jr	Harry	229 Eider Ave SE	Salem	OR	97306
R378430	111109CB8011700		Cunningham	Colleen	75 West Hemlock	Arlington	OR	97812
R380880	111109CB8011800		Collins	Hugh	5145 Kapiolani Loop	Princeville	HI	96722
R38117	111109CB8017300		Rose	Kurt	40698 McDowell Crk Dr	Lebanon	OR	97355
R383320	111109CB8011900		Toy	Harry	1190 SE Bay Blvd	Newport	OR	97365
R385670	111109CB8012000		Cooper	Dan	PO Box 209	Scio	OR	97374
R390370	111109CB8012200		Opheim	Tammy	14151 NW Willis Rd	McMinnville	OR	97128
R392653	111109CB8012300		McKay	Arin	661 NW Kimo Ln	Seal Rock	OR	97376
R395137	111109CB8012400		Phillips	Joseph	2139 Pioneer Rd	Dallas	OR	97338
R397337	111109CB8012500		Goold	Michael	3859 Dakota Rd SE	Salem	OR	97302
R399730	111109CB8012600		Glanzman	Merlin	212 NE 55th St	Newport	OR	97365
R402205	111109CB8012700		Foster	Janet	1817 Criteser Lp	Toledo	OR	97391
R40364	111109CB8017400		Morrow	Geni	2679 University St	Eugene	OR	97403
R404484	111109CB8012800		Spulnik Philip A Trustee		PO Box 847	Waldport	OR	97394
R406822	111109CB8012900		Oneill	Thomas	17011 S Bradley Rd	Oregon City	OR	97045
R409222	111109CB8013000		Citihomes Group Corporation		3881 2nd St	Hubbard	OR	97032
R411446	111109CB8013100		Powell	Bonnie	PO Box 1054	Newport	OR	97365
R413949	111109CB8013200		Lee	Shi	1130 NE 7th Dr	Newport	OR	97365
R416167	111109CB8013300		Milliren	Daniel	216 Paxton Rd	Kelso	WA	98626
R418591	111109CB8013400		Ropp	Howard	5995 NE Hwy 20	Corvallis	OR	97330
R420855	111109CB8013500		Law	Mark	18380 S Ferguson Rd	Oregon City	OR	97045
R423230	111109CB8013600		Howard Sisters LLC The		PO Box 958	Lebanon	OR	97355
R423376	111109CB9080100	1000 SE Bay Blvd Unit #H-1	Olson	Robert	230 NE San-Bay-O Cir	Newport	OR	97365
R425644	111109CB8013700		McFarland	Kenneth	420 Geri St NW	Albany	OR	97321

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R425705	111109CB9080200	1000 SE Bay Blvd Unit #H-2	Caseri	Rhonda	22379 Siletz Hwy	Siletz	OR	97380
R42744	111109CB8017500		Columbus Jr	Charles	PO Box 12653	Salem	OR	97309
R428014	111109CB9080300	1000 SE Bay Blvd Unit #H-3	Faught	Leslie	1929 NW Tivoli Ln	Portland	OR	97229
R428110	111109CB8013800		Norbury	Sara	3760 Market St NE	Salem	OR	97301
R430502	111109CB8013900		Demers	Annette	7564 SW Roanoke Dr N	Wilsonville	OR	97070
R432809	111109CB8014000		Reese	Aaron	7285 22nd Ave N	Keizer	OR	97303
R435071	111109CB8014100		Kaumanns	Anthony	24654 Grange Hall Rd	Philomath	OR	97370
R437437	111109CB9080700	1000 SE Bay Blvd Unit #H-7	Hafen	Jacquelyn	5250 Hafen Ranch Rd	Pahrump	NV	89061
R437572	111109CB8014200		Brigl	Randy	3520 Celeste Way	Eugene	OR	97408
R439793	111109CB8014300		Brown	Kenneth	518 SW Smith Ct	Newport	OR	97365
R439803	111109CB9080800	1000 SE Bay Blvd Unit #H-8	Frey	Stephen	5137 NW Winn Dr	Albany	OR	97321
R442236	111109CB8014400		Starr	Brenda	PO Box 2232	Newport	OR	97365
R444618	111109CB9081000	1000 SE Bay Blvd Unit #H-10	Hastings	Scott	9712 NE 43rd Ave	Vancouver	WA	98665
R444655	111109CB8014500		Hearing	Michael	1163 NW 10th St	Corvallis	OR	97330
R446883	111109CB8014600		Johnson	Steven	34047 Fox Dr NE	Albany	OR	97322
R449323	111109CB8014700		Land Use Resources LLC & Elmer Denny, Member		PO Box 237	McMinnville	OR	97128
R451668	111109CB8014800		Whaley	Braden	32277 Weldon Rd	Lebanon	OR	97355
R454022	111109CB9090200	1000 SE Bay Blvd Unit #I-2	Buckley	Paul	1507 Crestview Dr	Silverton	OR	97381
R456373	111109CB9090300	1000 SE Bay Blvd Unit #I-3	Schreiber	John	1665 SE Tenino St	Portland	OR	97202
R456525	111109CB8015000		Scarberry	Adam	2401 NE Douglas St	Newport	OR	97365
R458739	111109CB8015100		Goldberg	Uri	548 SW 5th St	Newport	OR	97365
R458799	111109CB9090400	1000 SE Bay Blvd Unit #I-4	Scott	Paul	649 Memory Ct SE	Olympia	WA	98513
R461119	111109CB9090500	1000 SE Bay Blvd Unit #I-5	Klingler	Suzanne	3426 Brookview	Eugene	OR	97401
R463566	111109CB8015300		Swesey	Wayne	450 SE Lacreoloe Dr, #105	Dallas	OR	97338
R465871	111109CB9090700	1000 SE Bay Blvd Unit #I-7	Richards	Sandra	2124 Pawnee Dr	Navarre	FL	32566
R468173	111109CB8015500		Depoe Bay Fish Co LLC		9583 Logsden Rd	Siletz	OR	97380
R470628	111109CB8015600		Wolf	Andrew	1960 SW Old Sheridan Rd	McMinnville	OR	97128
R470640	111109CB9090900	1000 SE Bay Blvd Unit #I-9	Kelson	Craig	PO Box 1984	Newport	OR	97365
R473005	111109CB8015700		Mathews	Brendan	556 SW 5th St	Newport	OR	97365

Parcel Id	Map Taxlot	Site Address	Owner Last Name	Owner First Name	Mailing Address	City	State	ZIP
R47505	111109CB8017700		Wolfe	Brandon	121 NE Williams Ave	Depoe Bay	OR	97341
R475228	111109CB8015800		Hill	Terrance	835 NW Carpathian Dr	Corvallis	OR	97330
R477741	111109CB8015900		Lind	Pamela	411 SE Scenic Loop	Newport	OR	97365
R479994	111109CB8016000		Dahl	Zachary R	2753 Old River Rd NE	Siletz	OR	97380
R49824	111109CB8017800		Crespo	Robert	826 SE Vista Dr	Newport	OR	97365
R500360	111109CB8008600		Roberts	Timothy	1808 Belfast Rd	Sparks	MD	21152
R501503	111109CA0560100	840 SE Crescent Pl	Knutson	Eric	840 SE Crescent Pl	Newport	OR	97365
R502342	111109CB9000000		Hamstreet	Dorothy	PO Box 1067	Newport	OR	97365
R52330	111109CB8017900		McCue	Daniel A	425 SE Scenic Loop	Newport	OR	97365
R54705	111109CB8018000		Grady	Colin M	PO Box 1883	Waldport	OR	97394
R57023	111109CB8018100		Osborne	Daniel	7138 SE Drake St	Hillsboro	OR	97123
R59365	111109CB8018200		Tryon	Vernon	PO Box 1058	Waldport	OR	97394
R61725	111109CB8018300		Baker	Victoria	12047 SW Tualatin Rd	Tualatin	OR	97062
R64094	111109CB8018400		Beyer	Gregory	12403 Nt Angel Gervais Rd NE	Mt Angel	OR	97362
R66521	111109CB8018500		Voelkel	Frederick R	2140 Hidden Springs Ct	West Linn	OR	97068
R68886	111109CB8018600		Olson	Dennis	7204 NE 108th Ave	Vancouver	WA	98662
R71252	111109CB8018700		Loe	Matt	70 North 400 East	Delta	UT	84624
R73571	111109CB8018800		Roberts	Casey	5561 Harlan Rd	Eddyville	OR	97343
R80773	111109CB8019100		Mabe	Jim	3217 S 1300 E	Wendell	ID	83355
R83060	111109CB8019200		Tidwell	Vaughn	2236 Pacific Ave	Forest Grove	OR	97116
R85504	111109CB8019300		Luxford	Dennis	PO Box 1414	Veneta	OR	97487
R87876	111109CB8019400		Vogel III	Carl	PO Box 1313	Newport	OR	97365
R90186	111109CB8019500		Wendorff	Steven	PO Box 1656	Newport	OR	97365
R92500	111109CB8019600		Lewer	Daniel	5305 NW Wintercreek Dr	Corvallis	OR	97330
R97266	111109CB8019800		Cochran	Kurt	PO Box 290	Siletz	OR	97380

Exhibit E: Service Provider Letters

Serving Portions of Coos, Douglas, Lane, and Lincoln counties on Oregon's Central Coast

CENTRAL LINCOLN

A COMMUNITY-OWNED ELECTRIC UTILITY

2129 N. Coast Hwy • P.O. Box 1126 • Newport, Oregon 97365-0090 • 541-265-3211 • clpud.org

12/20/22

AKS Engineering & Forestry

I have reviewed your request for possible service(s) to a "new" subdivision near 1005 SE Bay Blvd. in Newport, Oregon. Central Lincoln is able to provide electrical services to this property. The primary line would need to be extended and a new transformer(s) added to serve the new home sites.
There would be costs involved for trenching, conduit installation and CLPUD material and labor. Also an easement would be needed where CLPUD primary lines encroach or cross private property.

If you have any questions, please contact me at 541-243-4821.

Sincerely,

Brandy Gwynn
Distribution Engineering Technician
541-243-4821

Astound Broadband

151 E. Olive St.

Newport, OR. 97365

To whom it may concern,

Astound Broadband will be providing communications services (internet, video, phone) to the proposed new subdivision Fisherman's Wharf Estates at SE. Bay Blvd. Newport, OR.

This will be a Fiber To The Home (FTTH) project providing 1 Gigabit service.

Please feel free to contact me with any questions.

Sincerely,

Joseph Chavez

Construction Coordinator III

503-302-778 cell

Joseph.chavez@astound.com

Exhibit F: Subdivision Guarantee Report

Western Title & Escrow

PUBLIC RECORD REPORT FOR NEW SUBDIVISION OR LAND PARTITION

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF THE FOLLOWING CUSTOMER:

Tim Lunceford
Phone No.: (999)999-9999

Date Prepared: January 4, 2023
Effective Date: December 29, 2022 / 05:00 PM
Charge: $100.00
Order No.: WT0155429
Reference:

The information contained in this report is furnished to the Customer by Western Title & Escrow Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report ("the Report"). Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

A. The Land referred to in this report is located in the County of Lincoln, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "D" attached hereto and by this reference made a part hereof.

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0155429

EXHIBIT "A"
(Land Description)

A parcel of land located in the Southwest Quarter (SW 1/4) of Section 9, Township 11 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, being more particularly described as follows:

Beginning at a point on the East-West centerline of said Section 9 that is ¾ of one mile West of the East Quarter corner of said Section 9; thence Westerly along said centerline to a point that is West 194.7 feet, to the Northwest corner of the Spellman tract, as described in Circuit Court Case No. 16584 (said case is also recorded as County Survey No. 7023), which point is the True Point of Beginning of the herein described parcel; thence Easterly along said centerline 300 feet, more or less, to the Northwest corner of the Stumpf tract, as described in Deed from Spellman to Stumpf, recorded July 22, 1982 in Book 133, Page 2464, Lincoln County Records (said iron was reset, as shown in County Survey No. 10,925); thence South 20° 00' West 320.90 feet to an iron rod; thence South 35° 28' West 120 feet, more or less, to the Northerly right of way of County Road No. 515 (now Bay Boulevard); thence Northwesterly along said right of way 260 feet, more or less, to a point on the East line of the Spellman tract (as described in said Circuit Court Case No. 16584) that is South 05° 00' West of the true point of beginning; thence North 05° 00' East 180 feet, more or less, to the True Point of Beginning.

EXCEPTING THEREFROM any portion lying with the Harbor Crescent Subdivision.

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0155429

EXHIBIT "B"
(Tax Account and Map)

APN/Parcel ID(s) R132556 as well as Tax/Map ID(s) 11-11-09-CB-00400

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0155429

EXHIBIT "C"
(Vesting)

Joseph D. McDonald as Trustee of the Greyson & Amelia Irrevocable Trust U/A/D September 4, 2018

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0155429

EXHIBIT "D"
(Liens and Encumbrances)

1. [Intentionally Deleted]

2. City Liens, if any, in favor of the City of Newport.

3. Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.

4. Memorandum and Grant of Easements, including the terms and provisions thereof,

   Recording Date: April 3, 2006
   Recording No.: 200605053
   Between: Buck Terrace, LLC
   And: City of Newport

5. Possible $325,000.00 unrecorded Trust Deed, as disclosed in Statutory Warranty Deed

   Recording Date: October 21, 2008
   Recording No.: 2008-12279

6. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

   Limited Liability Company: **McKenzie Aviation, LLC**

   a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.

   b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.

   c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.

   d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

   e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

   The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

EXHIBIT "D"
(Liens and Encumbrances)
(continued)

7. A deed of trust to secure an indebtedness in the amount shown below,

Amount:	$175,000.00
Dated:	July 23, 2009
Trustor/Grantor:	Timothy A. Lunceford, Trustee of the Letha M. Oliver Living Trust dated May 18, 2005
Trustee:	Fidelity National Title Insurance Company
Beneficiary:	David Russell Williams, Jr.
Loan No.:	20090722
Recording Date:	July 28, 2009
Recording No.:	2009-08792

The above deed of trust may be paid in full, however we do not find a reconveyance of record.

8. A deed of trust to secure an indebtedness in the amount shown below,

Amount:	$325,000.00
Dated:	January 20, 2012
Trustor/Grantor:	Timothy A. Lunceford, as Trustee of the Letha M. Oliver Living Trust dated May 18, 2005
Trustee:	First American Title Insurance Company
Beneficiary:	Clifford Allen
Recording Date:	January 26, 2012
Recording No.:	2012-00565

It is possible the above Trust Deed is the unrecorded Trust Deed mentioned in Exception #5. If that is the case Western Title & Escrow will require documentation to that effect.

The above deed of trust may be paid in full, however we do not find a reconveyance of record.

9. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

In favor of:	Central Lincoln People's Utility District
Recording Date:	August 7, 2013
Recording No:	2013-07807

EXHIBIT "D"
(Liens and Encumbrances)
(continued)

10. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: **Laughrea LLC**

a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.

b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.

c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.

d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

The Oregon Corporation Commision records show that as of April 9, 2018, Laughrea, LLC is an active Oregon corporation and is currently in good standing.

11. A judgment, for the amount shown below, and any other amounts due:

Amount:	$800,000.00
Debtor:	McKenzie Aviation LLC and Timothy A. Lunceford
Creditor:	Clifford G. Allen
Date entered:	August 5, 2014
County:	Lincoln
Court:	Circuit
Case No.:	122669

Judgment arises out of the foreclosure of the unrecorded Trust Deed shown above as exception #5 and retains the priority thereof.

12. Parties in Possession or claiming the right to possession.

EXHIBIT "D"
(Liens and Encumbrances)
(continued)

13. Effect, if any, of Bargain and Sale Deed,

Grantor:	Timothy A. Lunceford, as Trustee of Letha M. Oliver Living Trust, dated May 18, 2005
Grantee:	Laughrea, LLC
Recording Date:	June 16, 2022
Recording No.:	2022-06076

The above Grantor was not in title to the subject property.

14. A deed of trust to secure an indebtedness in the amount shown below,

Amount:	$461,444.00
Dated:	September 16, 2022
Trustor/Grantor:	Joseph D. McDonald as Trustee of the Greyson & Amelia Irrevocable Trust U/A/D September 4, 2018
Trustee:	First American Title Insurance Company
Beneficiary:	Nelie Guynap
Recording Date:	September 27, 2022
Recording No.:	2022-09166

15. A deed of trust to secure an indebtedness in the amount shown below,

Amount:	$400,000.00
Dated:	September 16, 2022
Trustor/Grantor:	Joseph D. McDonald as Trustee of the Greyson & Amelia Irrevocable Trust U/A/D September 4, 2018
Trustee:	First American Title Insurance Company
Beneficiary:	William Ekman
Recording Date:	September 27, 2022
Recording No.:	2022-09167

16. If title is to be insured in the trustee(s) of a trust (or if their act is to be insured), this Company will require a copy of said Trust Agreement and a current Trust Certification pursuant to ORS Chapter 130.860.

The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

The Greyson & Amelia Irrevocable Trust

EXHIBIT "D"
(Liens and Encumbrances)
(continued)

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year:	2022-2023
Amount:	$4,005.01
Levy Code:	104
Account No.:	R132556
Map No.:	11-11-09-CB-00400

Please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0155429

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
   (a) "Customer": The person or persons named or shown as the addressee of this report.
   (b) "Effective Date": The effective date stated in this report.
   (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
   (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. **Liability of Company.**
   (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
   (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
   (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
   (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
      (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
      (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
      (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
      (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
      (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights or claims or title to water.
      (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
      (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

Exhibit G: Geotechnical Report

Geotechnical Investigation

Fisherman's Wharf Estates

Newport, Oregon

Prepared for:

Greyson & Amelia Irrevocable Trust
c/o Mr. Tim Lunceford and Mr. Joseph McDonald

February 14, 2023

Professional Geotechnical Services

Foundation Engineering, Inc.

Foundation Engineering, Inc.
Professional Geotechnical Services

Mr. Tim Lunceford and Mr. Joseph McDonald
c/o Greyson & Amelia Irrevocable Trust
1100 SW Sixth Avenue, #1400
Portland, OR 97204

February 14, 2023

2023 Updated Fisherman's Wharf Estates
Geotechnical Investigation
Newport, Oregon

Project No.: 2231005

Dear Mr. Lunceford and Mr. McDonald:

We have completed the requested geotechnical investigation for the above-referenced project. Our report includes a description of our work, a discussion of the site conditions, a summary of laboratory testing, and a discussion of engineering analyses. Recommendations for site preparation and foundation design and construction, and the construction of pavements are enclosed.

This report represents a reissue and update to our original Geotechnical Investigation titled *Fisherman's Wharf Estates*, dated October 19, 2007, as well as a supplemental letter issued June 12, 2018. A discussion of the updated landslide hazard mapping is also included in this report. Brooke Running, R.G., C.E.G. completed the Literature and Local Agency Review, Local Geology and Faulting, Site Reconnaissance, Updated Fault Mapping, and text for the Slope Stability sections of this report.

It has been a pleasure assisting you with this phase of your project. Please do not hesitate to contact us if you have any questions or if you require further assistance.

Sincerely,

FOUNDATION ENGINEERING, INC.

Brooke Running

Brooke Running, R.C., C.E.G
Geologist

James K. Maitland, P.E., G.E.
Principal

BKR/JKM/lh
enclosure

CERTIFIED OREGON BROOKE K. RUNNING E 1885 ENGINEERING GEOLOGIST

Brooke K. Running

expires: 6/1/23

REGISTERED PROFESSIONAL ENGINEER 10701PE OREGON JULY 18, 1980 JAMES K. MAITLAND

EXPIRES: 12-31-24

820 NW Cornell Avenue • Corvallis, Oregon 97330 • 541-757-7645
7857 SW Cirrus Drive, Bldg 24 • Beaverton, Oregon 97008 • 503-643-1541

GEOTECHNICAL INVESTIGATION

FISHERMAN'S WHARF ESTATES
NEWPORT, OREGON

BACKGROUND

Fisherman's Wharf Estates is a proposed development located northwest of the intersection of SE Bay Boulevard and SE Harbor Crescent Drive in Newport, Oregon. The location of the site is shown on Figure 1A (Appendix A). The ±2.14-acre site is currently undeveloped. However, we understand that a residence previously occupied a portion of the property. Additionally, fill has been stockpiled in different areas within the parcel.

An original geotechnical investigation for the development was completed in 2007. The 2007 proposed improvements would include site grading for 19 lots and construction of new residences. A new road is also planned that will access the lots. The original site layout, including the proposed lots and the new road, is shown on Figure 2A (Appendix A). We understand at the time the 2007 report was prepared, the southwest portion of the property (i.e., the area adjacent to SE Bay Boulevard) was being used as a staging area for on-going road and utility improvements near the site.

A supplemental letter to the 2007 report was completed in 2018 to fulfill the City of Newport's request to confirm that conditions have not changed since the 2007 report was issued. The letter also included recommendations addressing erosion control measures consistent with the Newport Municipal Code.

As part of the current project, the City of Newport requested the geotechnical report be reissued, and confirmation that our recommendations have not changed since the original report was issued in 2007. In addition, the City requested recommendations addressing erosion control measures consistent with Section 14.21.090 of the Newport Municipal Code. This 2023 report will supersede the two prior reports (2007 and 2018) for this development.

Tim Lunceford is coordinating the development of the project on behalf of the owners. AKS Engineering & Forestry, Inc. (AKS) is the civil designer. AKS provided a preliminary plat map (Sheet C2) of their current plans in 2018 and the plans remain the same for this revised report (Figure 3A,). Figure 3A indicates the parcel will be divided into 11 individual lots. A new road will be constructed that extends approximately north from SE Bay Boulevard, bisecting the parcel and ending in a hammerhead configuration. The 2018/2023 layout is similar to the original design, included in Figure 2A (Appendix A) of this and the 2007 geotechnical report, with the exception that the number of lots has been reduced to 11 from 19 in the previous design.

There are numerous values in geotechnical investigations that are approximate, including measured lengths and soil layer depths and elevations. For brevity, the symbol "±" is used throughout this report to represent the words approximate or approximately when discussing approximate values.

REVIEW OF LITERATURE AND LOCAL AGENCY INFORMATION

We reviewed geologic maps and reports to provide a general overview of the site geology and to help evaluate local hazards, primarily involving landslide concerns. We also contacted local authorities, including the City of Newport and the local office of the Oregon Department of Geology and Mineral Industries (DOGAMI) for possible site or area-specific information that may be prudent to the investigation. The agencies did not have records of site-specific geologic hazards in 2007. However, DOGAMI provided an aerial photograph of the site and surrounding area that includes overlays of mapped landslide topography and Quaternary landslides, as identified by Schlicker et al. (1973) and Snavely et al. (1976). The aerial photograph is included as Figure 4A (Appendix A). Updated information is currently available through DOGAMI's web-viewers including HazVu, SLIDO, and LiDAR (DOGAMI, 2018, 2021a, b). An updated image showing landslide susceptibility and most recent landslide mapping for the site and surrounding area is included as Figure 5A (Appendix A) (Burns et al., 2021; DOGAMI, 2021b).

LOCAL GEOLOGY AND FAULTING

Newport is located west of the foothills of the Coast Range on the central Oregon Coast. The area between the Coast Range and the ocean near Newport is on the western flank of a broad, north-trending anticline (Schlicker et al., 1973). The older Siletz River Volcanics form the core of the anticline and are overlain by younger rocks of the Tyee, Yamhill, Nestucca, and Alsea Formations to the west (Schlicker et al., 1973; Van Atta et al., 1976). In the Newport area, the Yaquina and Nye Mudstone Formations (east to west, older to younger) have a northerly trend and a gentle dip to the west and overlie the Alsea Formation (Schlicker et al., 1973; Snavely et al., 1976).

Yaquina Bay is surrounded by elevated marine terraces that are primarily composed of beach-deposited sand with occasional lenses of gravel (Schlicker et al., 1973). Local geologic mapping suggests the project site is underlain by Nye Mudstone that is affected by landslide topography (Schlicker et al., 1973; Snavely et al., 1976). The mapped landslide topography extends from Yaquina Bay to immediately north of US20 in the vicinity of the project site. Nye Mudstone is approximately 4,400 feet thick at Yaquina Bay (Schlicker et al., 1973).

Extensive crustal faulting within the bedrock units is displayed with northwest and northeast-trending normal faults within ±10 miles of the site (Schlicker et al., 1973; Snavely et al., 1976). However, most of these crustal faults are not considered active in the Quaternary except for the Yaquina faults (USGS, 2020). Yaquina Bay and Yaquina Head faults comprise the Yaquina faults north of Yaquina Bay in Newport.

The Yaquina Bay fault is mapped crossing the northwest corner of the site and extends along the northern portion of Yaquina Bay (USGS, 2020). It has been estimated that these faults are active within the late Quaternary (<130,000 years old) (USGS, 2020). Additional information regarding faulting at the site is found in the Geotechnical Issues section on Updated Fault Mapping.

FIELD EXPLORATION

Test Pits

We dug seven exploratory test pits at the site on September 19, 2007, using a Komatsu PC 50mr mini-excavator. The explorations extended to depths ranging from ±8 to 9.5 feet below the ground surface. Disturbed soil samples were obtained for visual classification and laboratory testing. The soil profiles were logged, and the absence of groundwater was noted. An undrained shear strength measurement was made on the sidewall of TP-1 using a Torvane shear device. However, the soil was typically too stiff and friable for accurate Torvane measurements at other locations.

Following the completion of the explorations, the holes were backfilled with the excavated materials. The soil profiles, sampling depths and strength measurements are summarized on the test pit logs (Appendix B). The approximate locations of the test pits are shown in Figure 2A (Appendix A).

Boreholes

We drilled three boreholes between October 1 and 2, 2007, using a Dietrich D50 Turbo track-mounted drill rig with mud-rotary drilling and NQ double-barrel coring techniques. The borings were advanced to maximum depths ranging from ±35 to 41.5 feet to help characterize the soil profile at deeper depths. Disturbed samples were obtained at 2.5-foot intervals for the first ±15 feet and at 5-foot intervals thereafter using a split-spoon sampler. The Standard Penetration Test (SPT), which is run when the split-spoon is driven, provides an indication of the stiffness or density of the foundation soil. The sampler is driven three consecutive 6-inch increments and the blows required to drive the sampler through each increment are recorded. The number of blows required to drive the sampler the final 12 inches represents the standard penetration resistance or N-value in blows per foot (bpf). SPT refusal is defined by a penetration resistance exceeding 50 blows in a 6-inch increment. Continuous rock core was obtained in BH-2 after drilling extended a short distance into the rock surface. We did not core at the other locations due to poor recovery of the rock core in BH-2. Upon the completion of drilling, the boreholes were backfilled in general accordance with Oregon Water Resources Department (OWRD) guidelines.

The test pits and boreholes were continually logged during the exploration by a fully qualified Foundation Engineering representative. The final logs (Appendix B) were prepared based on a review of the field logs and laboratory test results and an examination of the soil samples in our laboratory. The exploration locations are shown in Figure 2A, (Appendix A). The subsurface conditions are discussed below.

2018 SITE RECONNAISSANCE

A site reconnaissance was completed by Foundation Engineering representatives Brooke Running, R.G., C.E.G. and Jonathan C. Huffman, P.E., G.E., on June 7, 2018. During the reconnaissance, we walked the parcel and surrounding area, and observed surface features. The observations were compared to previously documented data that included available survey and topographic information, previous photos, and previous notes and field logs. We noted the following:

1. Surface vegetation and general conditions across the site are similar compared to what we observed during our 2007 investigation. The steep slopes along the north and west sides of the parcel are densely vegetated with trees, undergrowth, and brambles. It appears one tree was removed near the west side of the parcel adjacent to SE Bay Boulevard. Additional brambles have spread further south, towards SE Bay Boulevard, and over stockpiled fill (described in Item 2). We understand the site has been periodically mowed to cut the brambles, scotch broom, and similar fast-growing vegetation.
2. Fill has been stockpiled near the south end of the site. A portion of the fill was stockpiled prior to our 2007 investigation, and it appears more fill has been stockpiled since then. The fill appears to have been end-dumped from trucks and/or moved using a dozer, but not placed as engineered fill (i.e., compacted in documented lifts).

   The extent of the fill is difficult to measure because it is overgrown with brambles and other vegetation. However, we estimated the approximate limits of the fill to extend across the southern portion of the proposed road and parts of current Lots 1, 2, and 11 (former Lots 2 to 4 and 17 to 19). The approximate limits of the fill area are outlined on Figure 3A. The fill quantity may be on the order of ± 100 to 150 yd^3.
3. No other site grading was apparent besides the stockpiled fill. Some track marks from a small dozer or similar equipment were observed elsewhere on the parcel, but we understand these may be from the periodic mowing.
4. Besides the fill stockpile, the site grades and topography appear to be consistent with the surface conditions documented in 2007. We noted no signs of new surface slumps, scarps, or similar signs of instability.
5. A drainage is located downhill near the west boundary of the parcel and flows to a culvert running beneath SE Bay Boulevard. This drainage was in place prior to our 2007 investigation. Besides this drainage, we observed no other locations of surface water flow or ponding. We observed no seeps or springs along the hillside terrain.
6. Fill was stockpiled near a low-lying area within current Lot 2 (former Lots 16 to 18). The fill and the naturally sloping terrain within the lot likely create an area where water ponds during periods of wet weather. However, no standing water was observed during the reconnaissance.

AKS has indicated no additional fill has been placed on the property or the site graded since our 2018 site visit.

DISCUSSION OF SITE CONDITIONS

Site Topography and Vegetation

The terrain typically slopes gently to moderately to the north and west. However, the southeast corner of the property (i.e., the current Lots 1 to 3 and back of former Lots 15 through 19) is relatively steep, sloping at ±1.5:1(H:V) down from SE Harbor Crescent Drive. Similarly, the terrain becomes relatively steep just north of the property limits adjacent to current Lots 5 to 8 (formerly Lots 8 through 12. Topographic information provided by K&D (Figure 2A) indicates that the elevation within the parcel ranges from ±El. 72, near the northeast corner, to ±El. 14 towards the northwest corner. The ground surface is mostly uneven across the site, which we attribute primarily to previous excavation and infilling activities. However, colluvial deposits, which may create uneven terrain, are also common in the surrounding hilly area.

An existing drainage swale at the base of the north and west slopes separates the site from the adjacent properties. Flow is directed to a small concrete culvert that passes under SE Bay Boulevard, immediately west of the property limits. At the time of the site exploration, we noted a few inches of standing water at the base of the drainage near the culvert.

A relatively large quantity of fill was stockpiled at the south end of the site in 2007 and additional fill was placed between 2007 and 2018, as discussed above in the 2018 Site Reconnaissance section. The stockpiled fill primarily consists of residual soil and decomposed bedrock, which may have been excavated during nearby road improvements. A thin layer of open-graded crushed rock has also been spread in the southwest portion of the site adjacent to SE Bay Boulevard in 2007 to stabilize the staging area.

Most of the site (outside of the staging area) is covered by short blackberry bushes. Scotch broom grows abundantly as well. The northern and western slopes near the drainage are densely vegetated with trees, blackberries, and brush.

Subsurface Conditions

The general soil profile encountered during our exploration includes:

Topsoil. A topsoil layer overlies most of the site and has a thickness varying from ±6 inches to ±3 feet. The topsoil typically consists of dark brown, medium plasticity silt. The topsoil was dry to damp and medium stiff at the time of our exploration.

Residual Soil. The topsoil is underlain by residual soil. The residual soil represents bedrock that has decomposed to a soil-like consistency with trace rock fragments. Relict rock texture was also noted at deeper depths in the test pits. The residual soil typically consists of light grey-brown, stiff to hard, medium plasticity silt or clayey silt. Sandy silt was also encountered in TP-2 to a depth of ±6 feet, and in BH-1 between a depth of ±3 and 5 feet.

The maximum depth of the residual soil varies across the site. It was encountered to a depth of ±6 feet in TP-2 and extended beyond the maximum exploration depth of the other test pits (±8 to 9.5 feet). The residual soil extended to maximum depths ranging between ±9 feet and ±21 feet in the borings.

Bedrock. Moderately weathered to decomposed, extremely weak (R0) siltstone and/or mudstone (Nye Mudstone) underlies the residual soil. As noted, the depth to rock varies across the site. There is typically a gradual transition between hard residual soil and competent rock, and we made the distinction between soil and rock where the color of the material changed to dark grey, the documented color of Nye Mudstone.

A minimum SPT N-value of 32 was recorded in the bedrock (at BH-1). This suggests that, at a minimum, the rock is consistent with hard soil. The N-value typically increased with depth and practical sampling refusal was recorded at depth in all of the borings.

Three core runs were completed in BH-2 between ±25 and ±35 feet. Recovery ranged from 57 to 100% and the RQD ranged from 0 to 48%. We anticipate the low RQD was in some part due to coring action disturbing the relatively soft (i.e., soil-like) rock.

Fill was also encountered at various locations to a maximum depth of ±3.5 feet (TP-6). The consistency and stiffness of the observed fill varied between test pits. However, most of the fill was similar to other soils observed on site, including the topsoil and residual soils.

Groundwater

We observed no groundwater infiltration in the exploratory test pits. However, the observed iron-staining of the residual soil suggests that a perched water table condition may develop at either the interface between the topsoil and residual soil, the interface between the residual soil and the underlying bedrock, or at both interfaces during periods of extended rainfall. As noted above, some standing water was observed in the drainage area at the base of the west slope.

Due to the mud-rotary drilling method, we were unable to obtain water levels in any of the borings during our exploration.

LABORATORY TESTING

The laboratory work included moisture contents, Atterberg limits tests and grain-size analysis to classify the on-site soils according to the Unified Soil Classification System (USCS), determine their homogeneity, and estimate their overall engineering properties. Results of the moisture contents and Atterberg limits are summarized in Table 1C. The results of the grain-size testing on a sample from TP-6 are summarized on Figure 1C (Appendix C).

A moisture-density curve (ASTM D698) and California Bearing Ratio (CBR) tests (ASTM D1883) were completed for a bulk subgrade sample obtained from TP-5. The results of the moisture-density test (Figure 2C, Appendix C) suggest the soil has a maximum dry density of 65.6 lb/ft^3 (pcf) at an optimum moisture content of 46.2%. Results of the CBR test (Figure 3C, Appendix C) suggest a CBR value of 9.8 for the material compacted to 95% of its maximum dry density.

DISCUSSION OF GEOTECHNICAL ISSUES

Updated Fault Mapping

Since our original (2007) report was issued, the US Geological Survey (USGS) has updated the location of the Yaquina Bay fault, which is part of the Yaquina faults (USGS, 2020). The previous location was mapped ±300 feet southeast of the southeast corner of the parcel. The current mapped location bisects the northwest portion of the parcel potentially crossing the northern extents of current Lots 7 to 9 (former Lots 6 to 8). We did not identify evidence of active faulting or displacement as part of the original explorations in 2007 or during the reconnaissance in 2018. Therefore, we cannot confirm or refute the updated USGS fault mapping.

Slope Stability

Our subsurface investigation indicated the site is mantled with a thin layer of topsoil underlain by stiff to hard residual soil that grades to extremely soft (R1) bedrock at relatively shallow depths. The presence of a thin soil mantle and shallow bedrock typically precludes the formation of large-scale, deep rotational failures. However, bedding-plane and/or block slides have been documented in similar rock formations within the area; typically along the water-saturated contact of the overlying material and the bedding plane when lateral support is removed by either erosion or excavation (Schlicker et al., 1973).

Landslides have been mapped at and in the surrounding area of the project site including mapped landslide topography since the 1970s. Updated landslide mapping was completed in 2021, and the site is mapped within a large, deep prehistoric (>150 years) landslide identified by Burns et al (2021). A smaller, historic (<150 years) earth flow is mapped across most of the site suggesting westward movement and the scarp extends along SE Harbor Crescent Drive. The earth flow is described as shallow (DOGAMI, 2021b).

Madin and Wang (1999) identified the site as having a high hazard for earthquake-induced landslides and HazVu suggests the site is within very high landslide susceptibility (DOGAMI, 2021b). We anticipate this hazard rating is at least in part due to the proximity of the site to the Cascadia Subduction Zone (CSZ), which creates potential for high seismic activity; the proximity to the Yaquina Bay fault; the presence of moderate slopes and landslide topography; and mapped landslide deposits. Because of this potential, nearby sites with similar conditions are also rated with at least a high hazard level and very high landslide susceptibility (Madin and Wang, 1999; DOGAMI, 2021b). Current DOGAMI landslide mapping and landslide susceptibility for the site are shown on Figure 5A.

It should be noted that the DOGAMI mapping is based predominantly on aerial photography, LiDAR, and the slope of existing terrain, and typically does not reflect site-specific reconnaissance and mapping, or subsurface exploration. Our site reconnaissance and result of exploratory drilling did not provide evidence of deep-seated failures extending into rock.

Although the parcel is mapped within existing landslide topography, we noted no visible movement or instability indicators or existing scarps across the site during our site reconnaissance. The uneven terrain across the site is primarily created by previous cutting and filling activities. In addition, significant regrading has been completed associated with existing residential development within other portions of the mapped landslide area. The ground surface along the drainage to the north and west is densely vegetated and tree trunks, mainly on the western slope, are slightly curved. The drainage swale had some standing water at the time of our site investigation. However, no other groundwater, including any seeps or springs, was observed.

During the subsurface exploration, we did not encounter deep deposits of soft soils. Also, we did not observe any weak bedding planes within the residual soil, bedrock, or the soil-to-rock interface; groundwater seeps or springs; or similar features that indicate a high risk of mass slope movement.

Based on our observations, we have concluded there is a low potential for landslides or instability with the existing slope conditions due to the absence of identifiable landslide features, the lack of seeps or springs, and the presence of relatively stiff residual soil and shallow bedrock beneath mature slopes. Furthermore, a substantial portion of the developed area around the project site is also within the mapped landslide deposits and very high landslide susceptibility. It should be noted, however, that building within areas of potentially high seismic activity carries some inherent risk.

It is our professional opinion that the lots are suitable for the proposed development. Development of the property will result in some alteration to the existing slopes. To limit the potential for slope instability, we recommend the following:

- Construct homes on full cut benches. Do not build on pads created by a combination of cuts and fills. To the extent practical, foundations for individual homes should be designed and constructed to accommodate the sloping terrain and reduce the need for deep cuts or fills (e.g., stair stepped foundations) Driven piles or drilled piers could also be used to further reduce the impact of foundation construction of existing slopes. Final grading plans should be reviewed and approved by the geotechnical engineer.
- Remove any loose, organic-rich, or plastic soils from beneath foundations and slabs and from behind retaining and basement walls.
- Provide drainage improvements that accommodate storm drainage from individual lots as well as public infrastructure.
- Vegetate finished cut and fill slopes to reduce the risk of erosion. Vegetation should also be restored where it is disturbed on slopes that have no cuts or fills.

It is possible that instability could be triggered with poor planning or construction. Triggering of landslides in developed areas is typically associated with large excavations that remove natural buttresses, or from elevated groundwater developing within a natural slide plane from concentrated run-off or due to drainage alternations. The information provided herein is intended to document the existing conditions and provide recommendations to limit any increased or new slope stability risk associated with the proposed development.

Further discussion is provided below, and more specific details are included in the Recommendations section of this report.

Existing Fill

The fill currently stockpiled on site should either be removed or excavated and reprocessed during site grading. All fill placements should be completed in accordance with the recommendations included in this report. Any fill used for site grading should be observed and approved by a Foundation Engineering representative prior to placement. Reprocessed fill should be free of organics, construction debris, high plasticity clay, or other deleterious materials. Most of the fill has been stockpiled near the south end of the site. However, some of the explorations also encountered limited fill (e.g., TP-6 dug in the current Lot 9, former Lot 5). Surficial construction debris was also observed in portions of the site during the 2018 reconnaissance. No building foundations or slabs, or roads and driveways should be constructed on undocumented fill.

Current Lots 2 and 3 (Former Lots 15 and 16)

A low-lying area extends across the middle section of current Lot 2 and the south portion of Lot 3. Based on current grades, we anticipate modest fill could be required to level the terrain in these lots. Fill, if required, should be benched and compacted over a prepared surface, as recommended in the attached report. Any loose or soft soils or existing undocumented fill should be removed or moisture-conditioned and compacted prior to placing new fill.

If site grading requires significant fill and construction of new footings within the fill in current Lots 2 and 3, we should be contacted to provide additional recommendations and observation of the fill placement.

Construction along the slopes will likely require removing a significant portion of the vegetation. This will tend to destabilize the surficial fill. Therefore, proper erosion control will also be required throughout construction to mitigate sliding of fill into the drainage swale downslope.

Cuts/Fills

Moderate cuts and fills will be required for general site grading. We understand that residential construction in the steeper sloping areas, primarily in the north and west lots, will include basements and stem walls.

Cuts will likely expose residual soil and/or decomposed to highly weathered siltstone. The Komatsu PC 50mr mini-excavator used to dig the test pits was able to excavate through the different materials with moderate effort. As noted above, the residual soil and rock appear to be stable in their existing condition. However, exposing the underlying materials even for a short time will make them susceptible to erosion. Landscaping (i.e., seeding and watering) all cut faces should be completed as soon as practical during the earthwork phase.

Fill may be generated from on-site cuts or from the material stockpiled towards the south end of the parcel. Fill that includes organics, construction debris, or other deleterious material should not be used as subgrade for roads or placed beneath structures. A maximum slope of 2:1(H:V) is appropriate for the on-site materials. When placing fill, density tests should be run frequently to verify the required compaction. The toe of the fill should be keyed into very stiff to hard residual soil or bedrock. Fill should be placed on terrain that is properly stripped and benched. Individual benches should be relatively flat (i.e., 10:1(H:V) or flatter). We recommend overbuilding the slopes and subsequently trimming the fill to provide compaction at the face of the finish slope. Any on-site material (native or fill) will be moisture-sensitive and, therefore, placement and compaction of fill will only be appropriate during the dry summer months when the material can be properly moisture-conditioned and/or aerated.

Site Drainage

The observed iron-staining of the residual soil suggests that rainfall may perch within a few feet of the ground surface during periods of extended rainfall. We recommend perimeter footing drains be placed on the up-slope sides of houses to reduce the risk of weakening the foundation soils due to repeated wetting and drying. Recommendations for perimeter footing drains are provided below and a schematic is included in Figure 6A (Appendix A). Run-off from streets should be directed to the nearest storm drain. If storm drains are discharged into the existing drainage swale, we recommend providing erosion control at the outlet drain.

Improper drainage significantly increases the potential for slope instability. In addition to on-site mitigation discussed above, the stability of the slope will also depend, in part, on proper drainage of the upslope developments located east of the parcel. Therefore, we recommend that the existing condition of the upslope drainage is documented prior to beginning work on this site.

ENGINEERING ANALYSIS

The analysis and recommendations below assume that excavations for footings and slabs will extend to stiff to hard residual soil. We recommend that Foundation Engineering be retained during the grading work for residential construction to verify the soil conditions assumed in the engineering analyses provided below.

Bearing Capacity

Soil observations within the test pits, the Torvane measurement and SPT N-values indicate the residual soil is stiff to hard. An allowable bearing pressure was calculated assuming an undrained soil shear strength of 0.5 tsf (i.e., stiff soil profile). The calculations suggest an allowable bearing pressure of 2,000 psf with a typical factor of safety of 3.

This analysis assumes that foundations will be placed at least 24 inches below the ground surface. In addition, we assumed the footings will bear on a minimum of 6 inches of compacted Select Fill and that the Select Fill will extend a minimum of 12 inches outside the footprint of the footing.

Settlement

We did not perform a traditional settlement analysis. However, based on the stiffness of the residual soil and the assumed footing loads, we anticipate that settlement due to consolidation of the foundation soils will be relatively small (i.e., less than 1 inch).

Basement and Retaining Walls

Lateral earth pressures for basement retaining walls were estimated assuming at-rest (K_o) conditions. An equivalent fluid density of 55 pcf is recommended for retaining wall design based on the assumed rigidity of the wall and the method of backfill compaction.

For cantilevered retaining walls, an equivalent fluid density of 35 pcf is recommended for design. This assumes the walls will be free to rotate the amount required to develop an active (K_a) condition.

Recommendations for the active and at-rest condition assume the walls will be backfilled with Select Fill in the manner described in the recommendations section. In addition, both values assume an appropriated drainage system will be installed behind the wall to prevent the build-up of hydrostatic pressure. Figure 7A (Appendix A) provides a schematic of the assumed typical wall construction.

Footings for basement walls or retaining walls should be designed and constructed as described above for residential foundations. Guideline recommendations for the design and construction of these footings are provided below.

Pavement Analysis and Design

Based on the number of new lots proposed for the development, we estimated a daily traffic of ±50 cars and light pickup trucks, ±3 to 5 medium-size delivery trucks and/or service vehicles (36,000 lb/GVW) and up to 1 heavy truck (80,000 lb/GVW) per day. An M_r value of 9,000 psi was selected for analysis based on available correlations and a reduced CBR value of 6 to account for some variability of the subgrade.

We used a computer program, the assumed traffic, and the results of the laboratory tests to estimate a pavement section for the new road. Our analysis indicates the new road should have a minimum flexible pavement section consisting of a nominal 3 inches of asphaltic concrete (AC) over 9 inches of base rock consisting of Select Fill. However, due to the potential variability in subgrade conditions beneath pavements, we recommend a minimum section of 3 inches AC over 12 inches of base rock. The minimum pavement section assumes the road will be built on subgrade prepared as recommended herein and that any loose or organic soil will be removed.

A 20-year design life was assumed for the analysis. However, a nominal 2-inch overlay should be planned at about 12 years. The Asphalt Institute (TAI) recommends overlaying flexible pavements when 60% of the structure life is used. Research has shown that overlaying pavements at that time is more cost-effective than a full-depth repair after the pavement has failed. The pavement should be inspected by an experienced engineer every 5 years to determine its condition and need for rehabilitation.

RECOMMENDATIONS

The following recommendations assume the earthwork will be completed during dry weather. Excavations will be difficult during wet weather due to moisture sensitivity of the subgrade and on-site fill. Compaction of the on-site soils will be impractical during wet weather and may require substitution with a higher quality imported material. The contractor may still experience pumping problems in the summer if the surficial soils have not adequately dried. Therefore, we recommend an on-site conference with the contractor prior to the grading work to review site conditions.

Erosion Control

The City of Newport requires erosion control measures consistent with Section 14.21.090 of the Newport Municipal Code. We reviewed these measures and discussed them with AKS. Erosion control will be addressed in the civil plans. We assume the plans will incorporate the recommendations provided in the geotechnical report.

Several general and specific recommendations were provided in this report for site preparation, embankment construction, siting of new structures, foundation construction and drainage. These recommendations are intended, in part, to provide a means to reduce the risks associated with erosion and/or instability on the sloping terrain both during and after construction of the planned development. In consultation with AKS, pertinent recommendations are repeated herein to help identify the erosion control measures.

General recommendations to reduce the risk of both short and long-term slope instability and erosion include:

- Construct homes on full cut benches.
- Remove any loose, organic-rich, or plastic soils from beneath foundations and slabs and from behind retaining and basement walls.
- Provide foundation drains on the upslope side of the house.
- Vegetate finished cut and fill slopes to reduce the risk of erosion. Vegetation should also be restored where it is disturbed on slopes that have no cuts or fills.

Material and Compaction Recommendations

1. Select Fill as defined in this report should consist of 1 or ¾-inch minus, clean (i.e., less than 5% passing the #200 U.S. Sieve), well-graded, crushed gravel or rock. We should be provided a sample of the intended fill for approval, prior to delivery to the site.

2. On-Site Fill should consist of low to medium plasticity silt, clay, rock, or mixtures of the above that are free of high plasticity clay, organics, or construction debris. Unless approved by us, silts or clays should not be placed under foundation areas or under settlement-sensitive structures.

3. Stabilization Rock should consist of 6-inch minus, durable, angular, crushed rock, which is free-draining and does not contain clay, organic matter, or debris. Uncrushed (bar-run) gravels are not acceptable for use as granular stabilization rock.

4. Drain Rock should consist of 2-inch minus, clean (less than 2% passing the #200 sieve), open-graded gravel or rock.

5. Filter Fabric should consist of a non-woven geotextile with a grab tensile strength greater than 200 lb., an apparent opening size (AOS) of between #70 and 100 (US Sieve) and a permittivity greater than 0.1 sec^{-1}.

6. Stabilization Geotextile should have Mean Average Roll Value (MARV) strength properties meeting the requirements of an AASHTO M 288-2000 Class 2 geotextile (e.g., Propex 2004 or Linq GTF 300).

   The geotextile shall have MARV hydraulic properties meeting the requirements of AASHTO M 288-2000 (geotextile for separation) with a permittivity greater than 0.05 $sec.^{-1}$ and an Apparent Opening Sizeless than 0.6 mm. We should be provided a specification sheet on the selected geotextile for approval prior to delivery to the site.

7. Compact the subgrade and all imported fill to 95% relative compaction. The maximum dry density of ASTM D698 should be used as the standard for estimating the relative compaction.

   Efficient compaction of fine-grained soils will require the use of a padfoot or kneading roller. Granular soils typically compact more efficiently using a smooth drum, vibratory roller. Fine-grained soils may require moisture-conditioning prior to compaction to adjust the moisture content to within ±2% of its optimum value. Moisture-conditioning may include ripping and aeration for soils too wet of optimum or ripping and wetting if the soils are too dry of optimum.

   Field density tests should be run frequently to confirm adequate compaction of the subgrade and imported fills. The subgrade and granular fills that contain aggregates too coarse for density testing should be proof-rolled using a loaded, 10-yd^3 dump truck or another approved vehicle. A Foundation Engineering representative should observe the proof-roll. Areas of pumping or deflection observed beneath the truck wheels may be reworked, or overexcavated and replaced with compacted Select Fill or Stabilization Rock and proof-rolled again.

8. Place and compact all fill in loose lifts not exceeding 12 inches. Thinner lifts may be required if light or hand-operated equipment is used.

9. Overexcavate all test pits that extend under buildings and pavements. Replace the test pit backfill with compacted Select Fill.

10. Shore all excavations to protect workers from sloughing or caving soils according Oregon OSHA requirements. Soils encountered in the test pits typically met the OSHA standard for Type B soils. However, sloping terrain, trenches should be shored assuming OSHA Type C soils. OR OSHA recommendations assume maximum temporary cut slopes of 1:1(H:V) for Type B soils and 1.5:1(H:V) for Type C soils. Short-term steeper cuts (up to ½:1(H:V)) may be feasible in the stiff soils during dry weather. The actual maximum cut slopes will have to be evaluated in the field at the time of construction.

    Trenches should be pumped dry prior to placing the backfill. Trench backfill that extends beneath the new building, pavements and hardscapes should consist of compacted Select Fill.

    Inform contractors that bedrock may be encountered at shallow depths. Digging with a Komatsu PC 50mr mini-excavator did not encounter practical refusal in rock in any of the test pit locations. Practical driving refusal was encountered at relatively deep depths within the borings.

11. Provide contractors with a copy of this report to review recommendations for foundation construction and the soil and rock conditions encountered in the test pits. We should be provided an opportunity to meet with the contractor prior to construction to discuss the site conditions and the contractor's approach to site preparation.

Embankment Construction and Erosion Control

Recommendations for excavation, preparation of fill areas and fill placement are outlined below. Compaction may not be practical if the soils are too wet of optimum. Therefore, the site work should not be attempted during wet weather and should be delayed until the subgrade soils are sufficiently dry or until weather permits efficient aeration. We recommend that the work be conducted only during dry weather as follows:

12. Strip the existing ground 6 to 12 inches, or as required to remove roots and sod. Deeper excavations may be required to remove larger tree roots. Dispose of all strippings outside of construction areas.

13. Compact the subgrade to a depth of at least 12 inches. Embankments constructed in sloping terrain should be benched into the slope.

14. Maintain the moisture in the subgrade to prevent excessive drying and cracking. Immediately backfill the prepared subgrade with On-Site Fill or Stabilization Rock and compact as specified in Item 7.

15. Overexcavate and replace any pumping soils with compacted Stabilization Rock, Select Fill, or drier On-Site Fill.

16. Subgrade stabilization (where required) should include placement of a Stabilization Geotextile over relatively undisturbed subgrade. An initial 12 to 18-inch thick lift of Stabilization Rock should be spread over the geotextile prior to any compaction of the fill.

17. Construct permanent cut and fill slopes no steeper than 2:1(H:V).

18. Periods of wet weather or isolated showers may prevent adequate compaction of the fine-grained On-Site Fill. Therefore, if showers occur, the work may have to be delayed or a higher quality material may be required to allow the work to continue in these conditions. In addition, surficial fill that softens due to exposure to wet weather may have to be aerated and recompacted or excavated and replaced.

19. The finished grades should be seeded, watered, and maintained as soon as possible following earthwork to provide mature vegetation prior to the onset of wet weather and reduce the risk of erosion. If mature vegetation cover is not in place prior to the onset of wet weather, erosion control mats should be installed.

Site Preparation for Foundation Construction

It is assumed that daylight basements, stepped foundations and stem walls will be typical for residential construction within the development. We recommend that Foundation Engineering be present to confirm the minimum embedment depth of footings, in particular those on the north and west portion of the site, where the terrain is typically steeper. Additionally, individual home sites should be evaluated by Foundation Engineering to confirm the absence of unexpected groundwater and/or the need for subslab drainage.

We recommend that the foundation area under new residences be prepared during dry weather as follows:

20. Strip the existing ground 6 to 12 inches, or as required to remove roots and sod. Deeper excavations may be required to remove larger tree roots. Dispose of all strippings outside of construction areas.

21. Site grading for residential construction should be limited to full cut benches. Temporary cuts should be planned no steeper than ½:1(H:V). However, the appropriate cut slopes will have to be evaluated at the time of construction. Concentrated seepage from the slope will tend to destabilize the slope. Therefore, grading should direct surface water away from the slopes.

22. Grade the ground surface surrounding all buildings to promote runoff away from the foundations.

23. Excavate to the planned grades for slabs and footings. Place a minimum of 6 inches of Select Fill over the subgrade to create a building pad. A representative of Foundation Engineering should be present during excavation work to confirm the subgrade conditions.

24. Compact the building pad Select Fill as specified in Item 7. Staging construction traffic on the completed pad will increase the risk of subgrade disturbance and is not recommended.

25. Excavate for footings using a hoe equipped with a smooth bucket to reduce subgrade disturbance. The excavations should be deep enough to accommodate a 6-inch granular leveling pad of compacted Select Fill beneath the footing. The Select Fill should extend at least 12 inches outside the edges of the footing.

26. Design all continuous wall footings and isolated column footings using an allowable bearing pressure of 2,000 psf. This value assumes that all footing excavations will terminate in stiff to hard residual soil.

27. Provide a minimum footing width of 18 inches for continuous wall footings and isolated column footings. Use continuous, reinforced interior footings excavated below the surface of any crawl space. Place the base of all exterior footings at least 24 inches below the finished grade or paved surface. Shallower embedment may be used for interior footings or footings that are poured monolithically with the slab. Do not use post-and-beam construction with isolated pier posts for any house.

28. Construct footings along slopes with a minimum 3 feet of horizontal distance between the edge of the footing and the face of the slope. These embedment and setback requirements are appropriate for footings up to 3 feet wide along the downhill portion of the site. Minimum embedment and setbacks are shown on Figure 6A.

29. Design retaining wall footings consistent with Items 26 through 28.

30. Use Select Fill for backfill behind basement and retaining walls. Wall backfill should be compacted using a light, hand-operated compactor. Use an equivalent fluid density of 55 pcf to represent lateral earth pressure for the design of basement walls. An equivalent fluid density of 35 pcf is appropriate for the design of cantilevered retaining walls.

Foundation and Wall Drainage

We recommend that drainage for the site be constructed as follows.

31. Install foundation drains along the perimeter of the buildings. The drains should consist of 3 or 4-inch diameter, perforated or slotted, PVC pipe wrapped in a Filter Fabric. The flowline of the pipe should be set at least 18 inches below the ground surface. The pipe should be bedded in at least 4 inches of Drain Rock. The entire mass of Drain Rock should be wrapped in a similar filter fabric that laps at least 12 inches at the top.

32. Install interceptor drains behind basement and retaining walls. The drain should consist of 3 or 4-inch diameter, perforated or slotted PVC pipe wrapped in a non-woven Filter Fabric. The bottom of the trench should extend at least 3 feet below the existing grade. The pipe should be bedded in at least 4 inches of Drain Rock and backfilled to the full depth with Drain Rock. The entire mass of Drain Rock should be wrapped in a similar filter fabric that laps at least 12 inches on the top.

    The interceptor drain should be placed at least 5 feet behind the wall as shown on Figure 7A. The ground surface should be sloped behind the wall to direct flow into the drain.

33. Provide clean-outs at appropriate locations for future maintenance of the drainage systems.

34. Discharge the drains by gravity flow into the nearest storm drain or hard surface (e.g., pavements) that drain off the site. Roof drains should not be connected to foundation drains.

Pavement Construction

35. Strip the ground surface as required to remove roots and sod. Dispose of all strippings outside of construction areas.

36. Prepare, compact, and test the subgrade as specified in Item 7. Compaction should be verified for both native soils and embankment fill.

37. Overexcavate and replace any areas of subgrade pumping with compacted Select Fill.

38. Maintain the moisture in the compacted subgrade to prevent excessive drying and cracking. Immediately cover the subgrade with compacted Select Fill.

39. Provide a minimum flexible pavement section of 3 inches AC over 12 inches of base rock (Select Fill). Compact the base rock as specified in Item 7.

40. Compact the AC to a minimum of 91% relative compaction according to the theoretical maximum density calculated from the Rice specific gravity.

DESIGN REVIEW/CONSTRUCTION OBSERVATION/TESTING

We should be provided the opportunity to review all drawings and specifications that pertain to site preparation, foundation construction and pavements. Site preparation will require field confirmation of foundation soils and road subgrade. Mitigation of any subgrade pumping will also require engineering review and judgment. That judgment should be provided by one of our representatives. Frequent field density tests should be run on all engineered fill, subgrade and base rock. We recommend that we be retained to provide the necessary construction observations.

VARIATION OF SUBSURFACE CONDITIONS, USE OF THIS REPORT AND WARRANTY

The analysis, conclusions and recommendations contained herein are based on the assumption that the soil profiles encountered in the test pits and borings are representative of the overall site conditions. Additionally, the recommendations assume that nearby sites have been properly engineered and will not affect the development of the proposed site or the performance of new structures. The above recommendations assume that we will have the opportunity to review final drawings and be present during construction to confirm assumed foundation conditions. No changes in the enclosed recommendations should be made without our approval. We will assume no responsibility or liability for any engineering judgment, inspection or testing performed by others.

This report was prepared for the exclusive use of Greyson & Amelia Irrevocable Trust and associated design consultants for the Fisherman's Wharf Estates project in Newport, Oregon. Information contained herein should not be used for other sites or for unanticipated construction without our written consent. This report is intended for planning and design purposes. Contractors using this information to estimate construction quantities or costs do so at their own risk. Our services do not include any survey or assessment of potential surface contamination or contamination of the soil or groundwater by hazardous or toxic materials. We assume that those services, if needed, have been completed by others.

Climate conditions along the Oregon coast typically consist of wet and damp weather for most of the year. Residential construction on hillsides or sloping terrain has an inherent risk of moisture accumulation within crawl spaces, with or without recommended provisions for perimeter drainage. It is assumed that adequate drainage will be provided for all construction. The recommendations for site preparation and foundation drainage are not intended to represent any warranty (expressed or implied) for prevention of seepage or ponding water near foundations, nor the growth of mold, mildew or other organisms that grow in a humid or moist environment.

Our work was done in accordance with generally accepted soil and foundation engineering practices. No other warranty, expressed or implied, is made.

REFERENCES

Burns, W. J., Azzopardi, C. J. M., Gabel, L. L., and Calhoun, N. C., 2021, *Landslide Inventory Map for the Coastal Portion of Lincoln County, Oregon:* Oregon Department of Geology and Mineral Industries (DOGAMI), Open-File Report O-21-11, 1 Plate.

DOGAMI, 2018, *Statewide Geohazards Viewer (Oregon HazVu)* Oregon Department of Geology and Mineral Industries (DOGAMI), website: http://www.oregongeology.org/hazvu, updated March 13, 2018, accessed February 2023.

DOGAMI, 2021a, *Light Detection and Ranging (LiDAR) Viewer:* Oregon Department of Geology and Mineral Industries (DOGAMI), website: https://www.oregongeology.org/lidar/index.htm, last updated April 2021, accessed February 2023.

DOGAMI, 2021b, *Statewide Landslide Information Database for Oregon (SLIDO version 4.4):* Oregon Department of Geology and Mineral Industries (DOGAMI), website: https://www.oregongeology.org/slido/data.htm, updated November 29, 2021, accessed February 2023.

Madin, I. P., and Wang, Z., 1999, *Relative Earthquake Hazard Maps for Selected Coastal Communities in Oregon: Astoria-Warrenton, Brookings, Coquille, Florence-Dunes City, Lincoln City, Newport, Reedsport-Winchester Bay, Seaside-Gearhart-Cannon Beach, Tillamook:* Oregon Department of Geology and Mineral Industries (DOGAMI), IMS-10, 25 p.

Schlicker, H. G., Deacon, R. J., Olcott, G. W., and Beaulieu, J. D., 1973, *Environmental Geology of Lincoln County, Oregon:* Oregon Department of Geology and Mineral Industries (DOGAMI), Bulletin 81, Scale: 1:62,500, 6 Plates., 171 p.

Snavely, P. D., Jr., MacLeod, N. S., Wagner, H. C., and Rau, W. W., 1976, *Geologic Map of the Yaquina and Toldeo Quadrangles, Lincoln County, Oregon:* U.S. Geological Survey (USGS), Miscellaneous Investigations Series Map I-867, Scale: 1:62,500.

USGS, 2020, *Quaternary Fault and Fold Database of the United States - Interactive Fault Map:* U.S. Geological Survey (USGS), Qfaults and NSHM 2014 Fault Source Layers, reference material has no specific release date, updated September 9, 2020, accessed February 2023, website: https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf.

Van Atta, R. O., Coryell, G., Hanson, D., Lowery, B., McNabb, D., Nelson, M., Pettygrove, S., Power, S. G., and Prihar, D., 1976, *Geology and Soils Field Trip to Oregon Coast and Coast Range:* 25th Clay Mineral Conference, Corvallis, Oregon, The Clay Minerals Society, 44 p.

Appendix A

Figures

Professional
Geotechnical
Services

Foundation Engineering, Inc.

DATE	OCT 2007
DWN.	JCH
APPR.	
REVIS.	
PROJECT NO.	2071093

FOUNDATION ENGINEERING INC.
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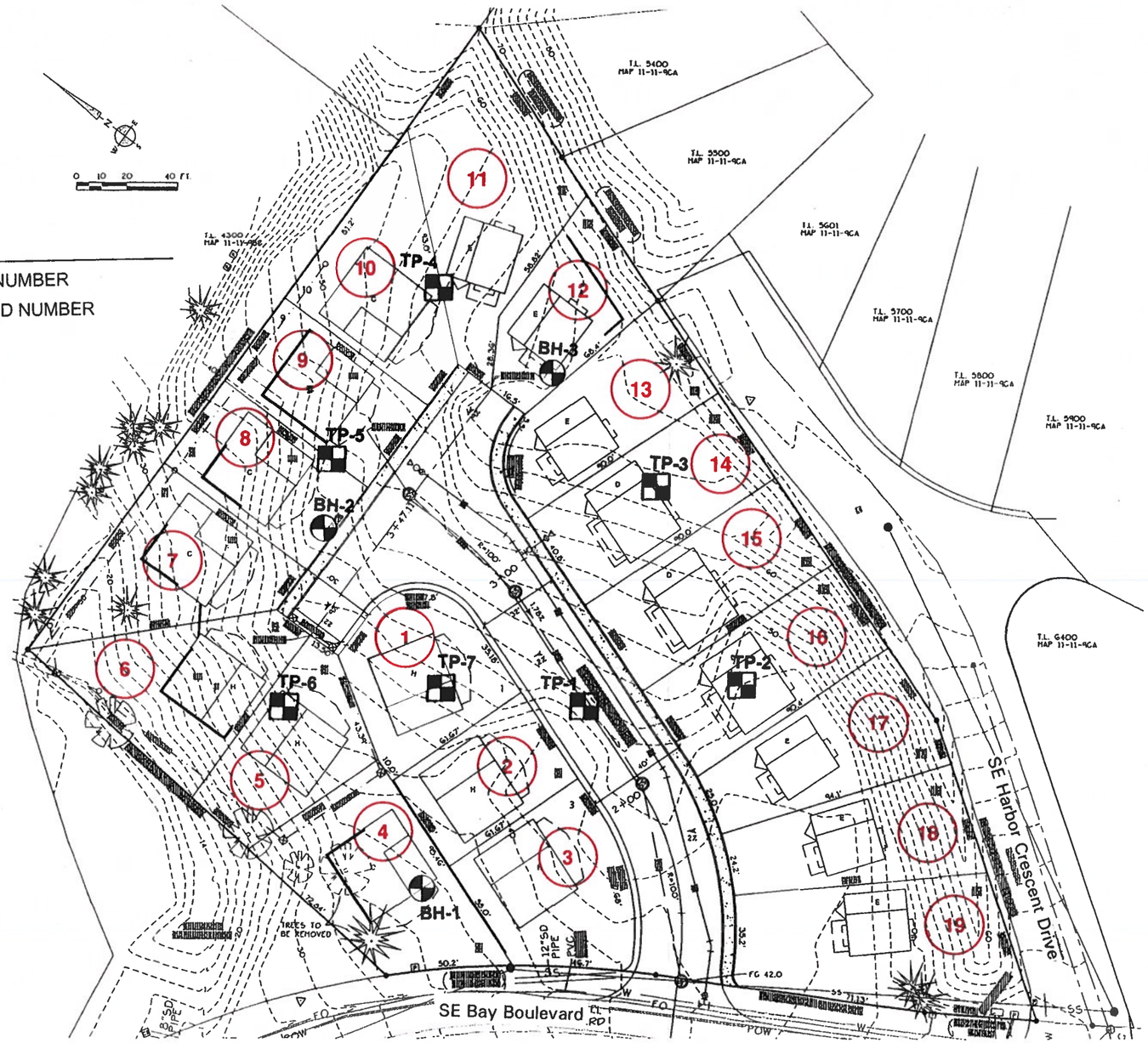
VICINITY MAP

FISHERMAN'S WHARF ESTATES
NEWPORT, OREGON

FIGURE NO.
1A



NOTES:
1. TEST PIT AND BORING LOCATIONS WERE ESTABLISHED BY VISUAL REFERENCE AND ARE APPROXIMATE ONLY.
2. SEE REPORT FOR A DISCUSSION OF SUBSURFACE CONDITIONS.
3. BASE MAP WAS PROVIDED BY K&D ENGINEERING, INC.

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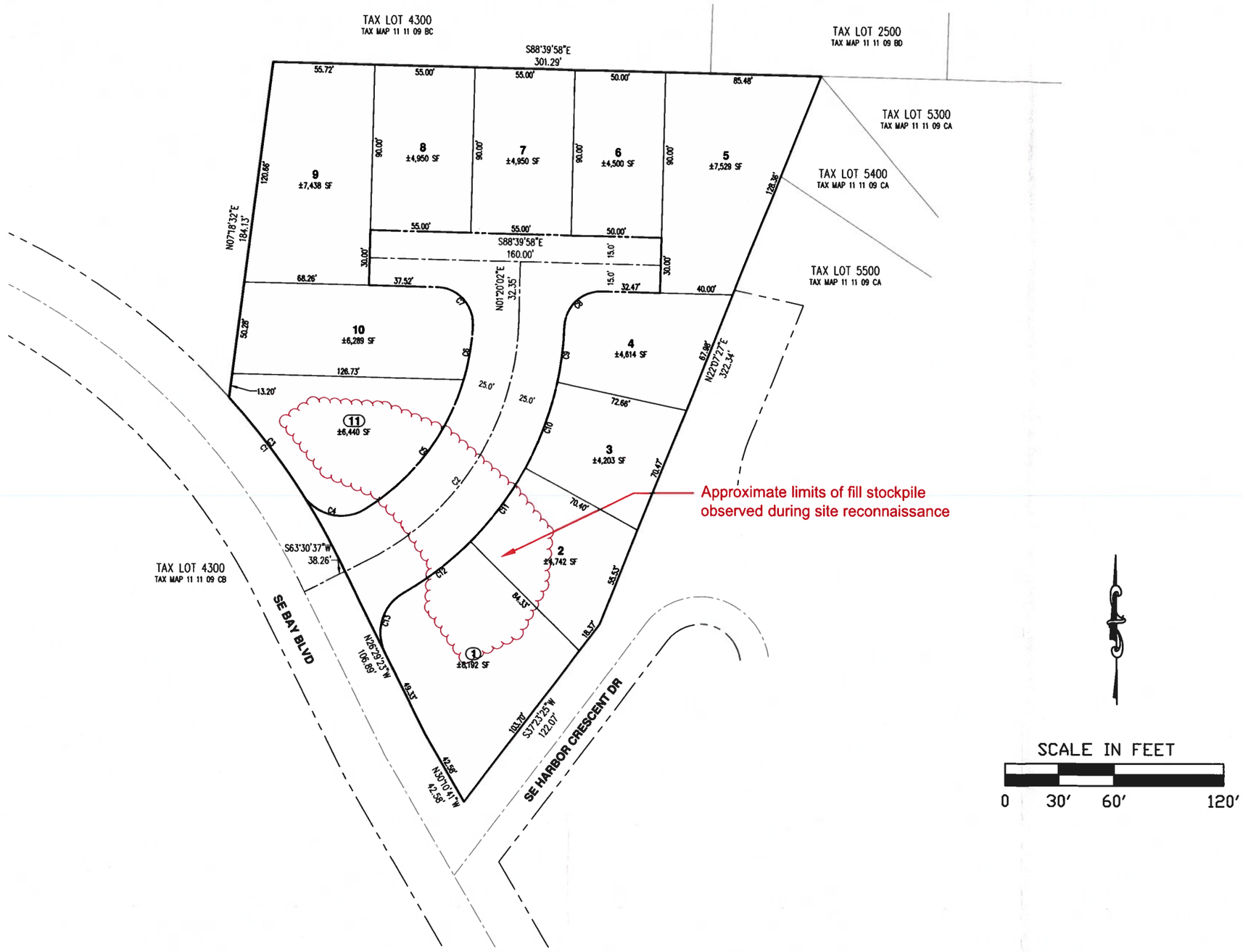
SITE LAYOUT
TEST PIT AND BORING LOCATIONS
FISHERMAN'S WHARF ESTATES
NEWPORT, OREGON

FIGURE NO. 2A



NOTES:
1. SEE REPORT FOR A DISCUSSION OF SUBSURFACE CONDITIONS.
2. BASE MAP WAS PROVIDED BY AKS ENGINEERING AND FORESTRY, LLC.

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2018 TO 2023 SITE LAYOUT

FISHERMAN'S WHARF ESTATES
NEWPORT, OREGON

FIGURE NO.
3A

FILE NAME:

NOTES:
1. Approximate site location is outlined in red.
2. Green area represents mapped landslide topography (Schlicker et al., 1973).
3. Black area (Qls) represents areas with known landslide debris (Snavely et al., 1976).
4. Aerial photograph with overlays was provided by DOGAMI.

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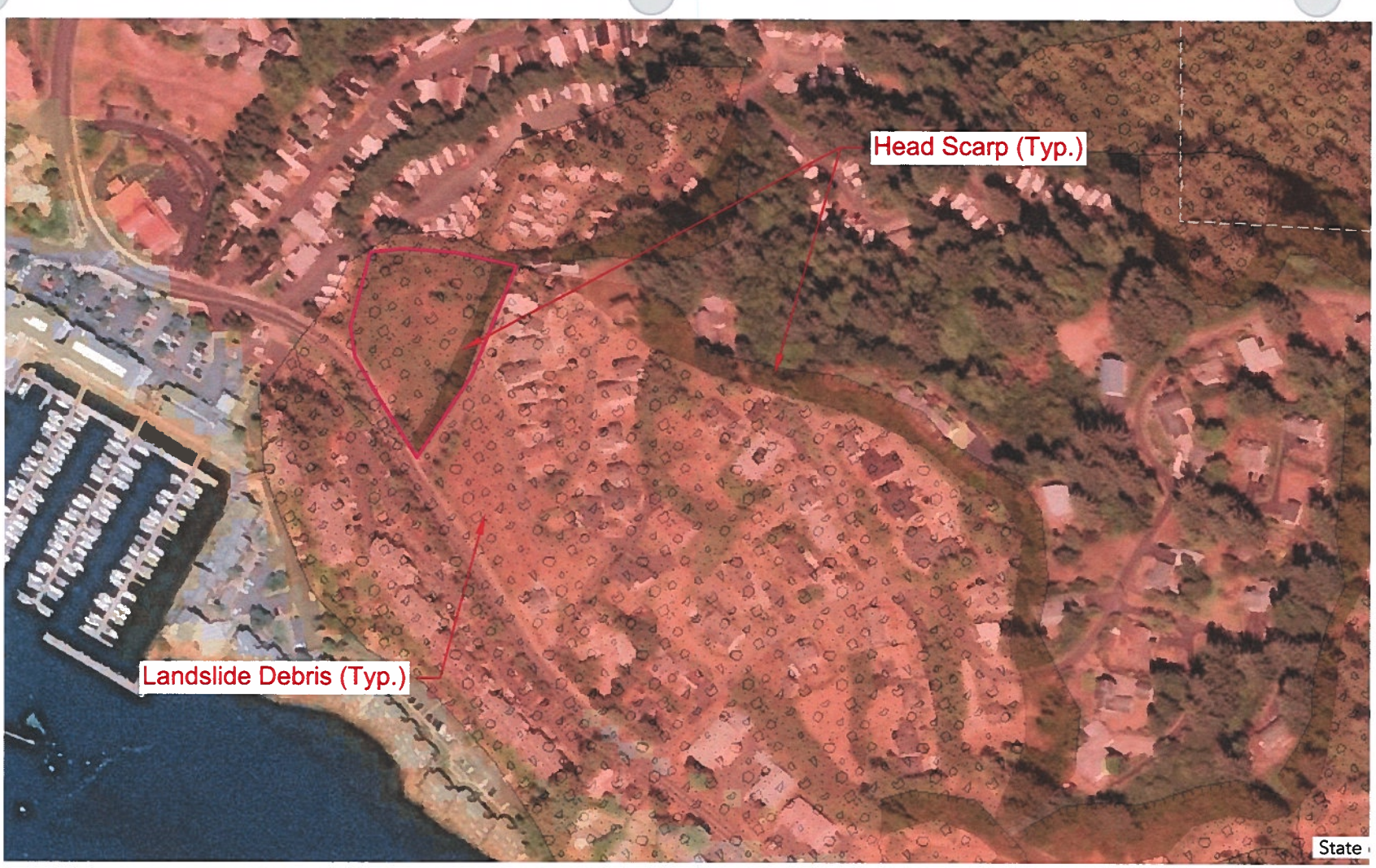
AERIAL PHOTOGRAPH
WITH MAPPED LANDSLIDE TOPOGRAPGHY
FISHERMAN'S WHARF ESTATES
NEWPORT, OREGON

FIGURE NO.
4A



Not to Scale

NOTES:
1. APPROXIMATE SITE LOCATION IS OUTLINED IN PURPLE.
2. REDDISH–BROWN SHADING REPRESENTS MAPPED VERY HIGH LANDSIDE SUSCEPTIBILITY (SLIDO, 2021).
3. TEXTURE SYMBOL REPRESENTS LANDLSIDE DEBRIS. SOLID BROWN REPRESENTS HEAD SCARP (BURNS et al., 2021).
4. BASE MAP AND DATA LAYERS ACCESSED FROM DOGAMI (SLIDO, 2021).

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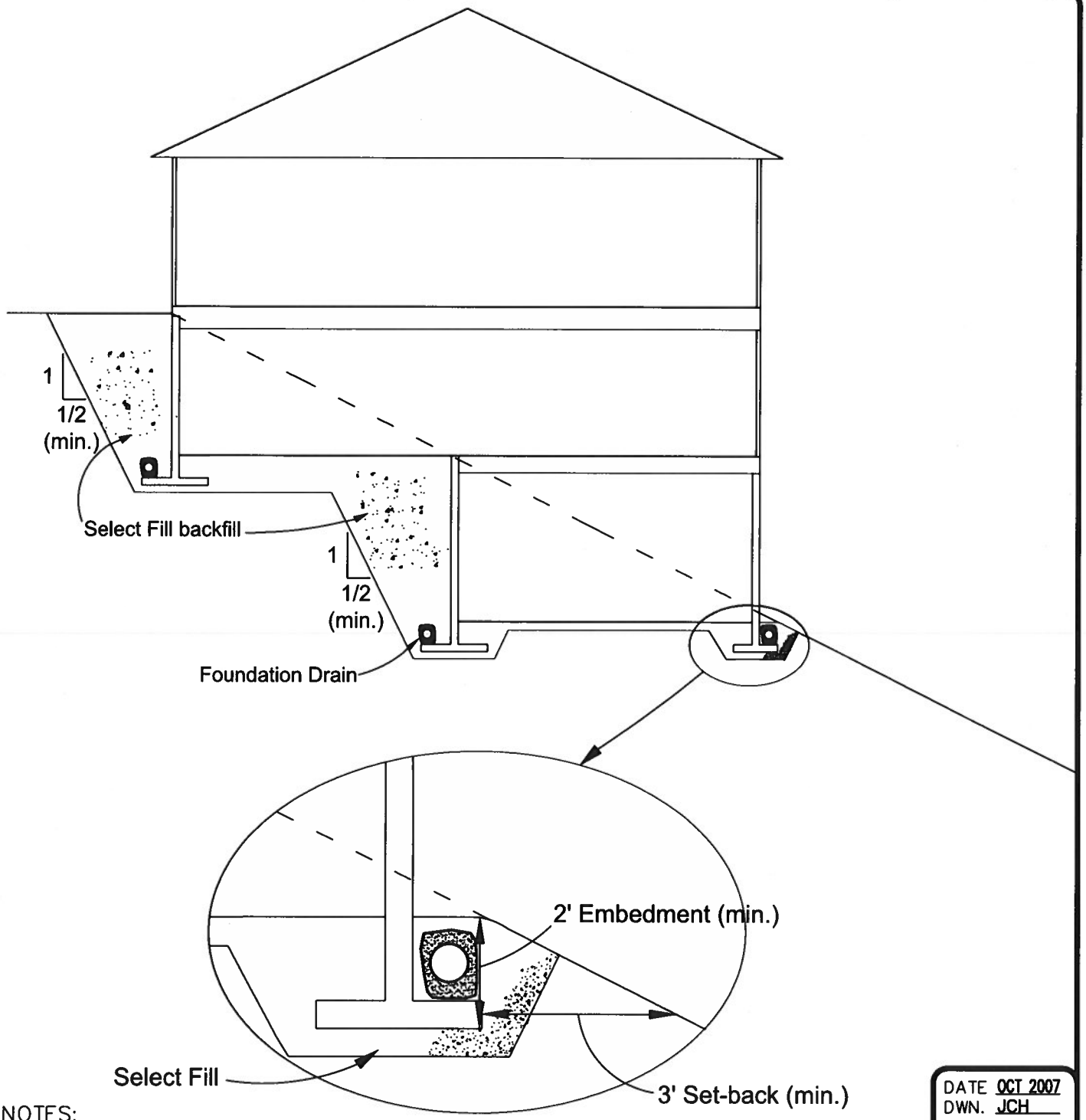
2231005

DOGAMI LANDSLIDE HAZARD AND SUSCEPTIBILITY

FISHERMAN'S WHARF ESTATES
NEWPORT, OREGON

FIGURE NO.
5A

FILE NAME:FIG1A



NOTES:
1. SEE REPORT FOR DETAILS OF FOUNDATION DRAIN CONSTRUCTION AND MATERIAL SPECIFICATIONS.
2. MAXIMUM CUT SLOPES WILL NEED TO BE VERIFIED IN THE FIELD.

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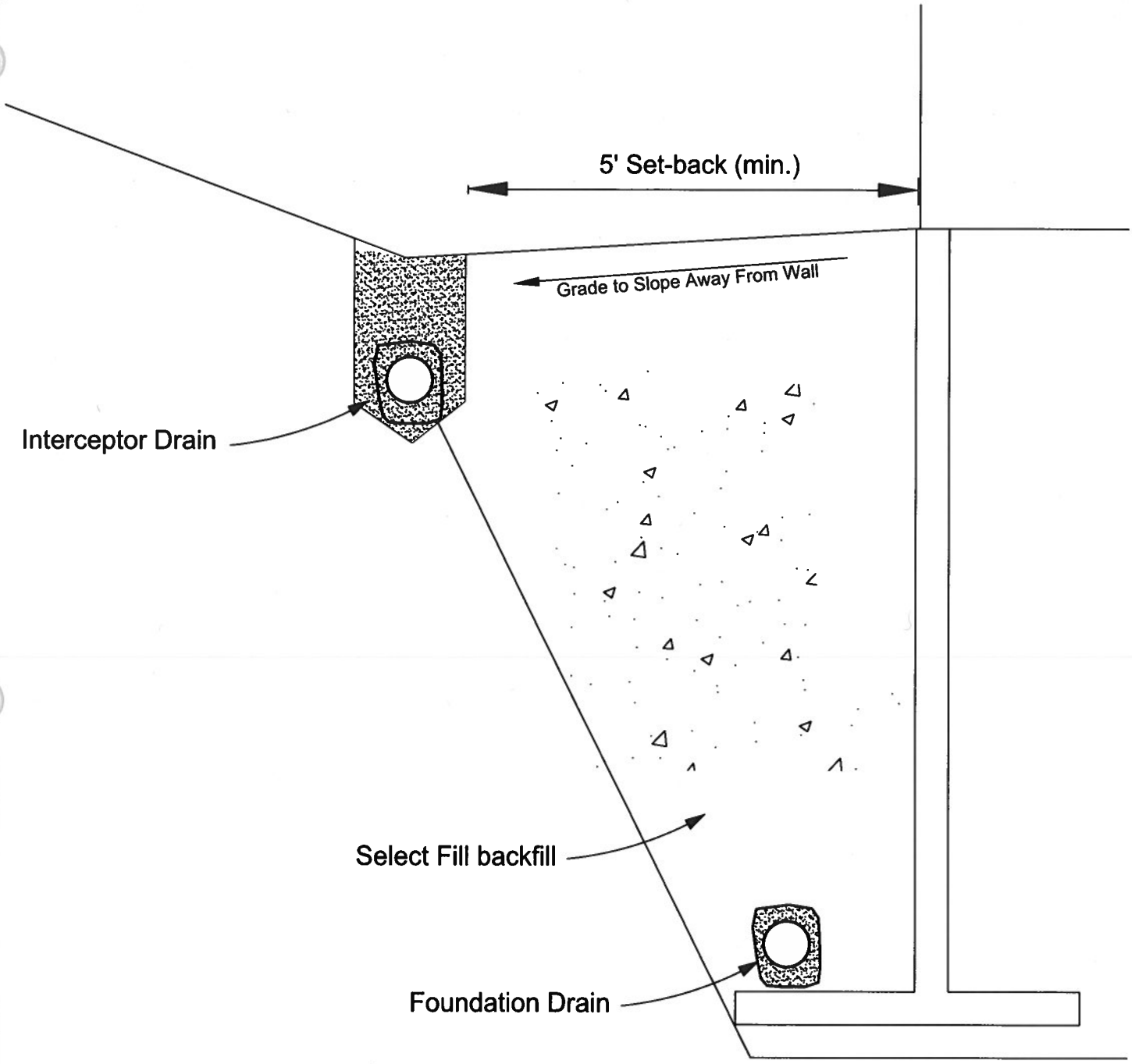
TYP. FOOTING DETAIL/SLOPE EXCAVATION

FISHERMAN'S WHARF ESTATES
NEWPORT, OREGON

FIGURE NO.
6A



NOTE:
SEE REPORT FOR DISCUSSION OF BASEMENT AND RETAINING WALLS, DETAILS OF DRAIN CONSTRUCTION AND MATERIAL SPECIFICATIONS.

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TYPICAL BASEMENT OR RETAINING WALL DRAINAGE DETAIL
FISHERMAN'S WHARF ESTATES
NEWPORT, OREGON

FIGURE NO.
7A

Appendix B

Boring and Test Pit Logs

Foundation Engineering, Inc.
Professional Geotechnical Services

DISTINCTION BETWEEN FIELD LOGS AND FINAL LOGS

A field log is prepared for each exploration by our field representative. The log contains information concerning sampling depths and the presence of various materials such as gravel, cobbles, and fill, and observations of groundwater. It also contains our interpretation of the soil conditions between samples. The final logs presented in this report represent our interpretation of the contents of the field logs and the results of the sample examinations and laboratory test results. Our recommendations are based on the contents of the final logs and the information contained therein and not on the field logs.

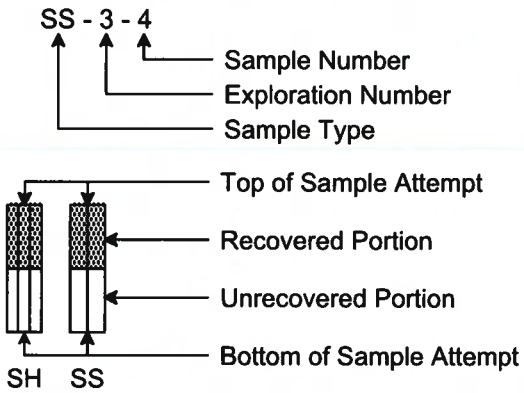
VARIATION IN SOILS BETWEEN EXPLORATIONS

The final log and related information depict subsurface conditions only at the specific location and on the date indicated. Those using the information contained herein should be aware that soil conditions at other locations or on other dates may differ. Actual foundation or subgrade conditions should be confirmed by Foundation Engineering during construction.

TRANSITION BETWEEN SOIL OR ROCK TYPES

The lines designating the interface between soil, fill or rock on the final logs and on subsurface profiles presented in the report are determined by interpolation and are therefore approximate. The transition between the materials may be abrupt or gradual. Only at boring or test pit locations should profiles be considered as reasonably accurate and then only to the degree implied by the notes thereon.

SAMPLE AND TEST SYMBOLS



C - Pavement Core Sample
CS - Rock Core Sample
OS - Oversize Sample (3-inch O.D. split-spoon)
S - Grab Sample
SH - Thin-walled Undisturbed Sample
SS - SPT Sample (2-inch O.D. split-spoon)

▲ Standard Penetration Test resistance equals the number of blows a 140 lb. weight falling 30 in. is required to drive a standard split-spoon sampler 1 ft. Practical refusal is equal to 50 or more blows per 6 in. of sampler penetration.

● Water Content (%)

FIELD SHEAR STRENGTH TEST

Shear strength measurements on test pit side walls, blocks of soil or undisturbed samples are typically made with Torvane or Field Vane shear devices. Values reported as undrained shear strength (S_u) in tsf.

GROUNDWATER

▼ Groundwater Location

(1/31/21) Date of Measurement

TYPICAL SOIL/ROCK SYMBOLS

Concrete	Silt	Basalt
Organics	Sand	Sandstone
Clay	Gravel	Siltstone

UNIFIED SOIL CLASSIFICATION SYMBOLS

G - Gravel	W - Well Graded
S - Sand	P - Poorly Graded
M - Silt	L - Low Plasticity
C - Clay	H - High Plasticity
Pt - Peat	O - Organic

Foundation Engineering, Inc.
Professional Geotechnical Services

EXPLORATION LOG KEY

IMPORTANT INFORMATION AND SYMBOLS

Explanation of Common Terms Used in Soil Descriptions

Field Identification	Cohesive Soils			Granular Soils	
	SPT*	S_u** (tsf)	Term	SPT*	Term
Easily penetrated several inches by fist.	0 - 2	< 0.125	Very Soft	0 - 4	Very Loose
Easily penetrated several inches by thumb.	2 - 4	0.125 - 0.25	Soft	4 - 10	Loose
Can be penetrated several inches by thumb with moderate effort.	4 - 8	0.25 - 0.50	Medium Stiff	10 - 30	Medium Dense
Readily indented by thumb but penetrated only with great effort.	8 - 15	0.50 - 1.0	Stiff	30 - 50	Dense
Readily indented by thumbnail.	15 - 30	1.0 - 2.0	Very Stiff	> 50	Very Dense
Indented with difficulty by thumbnail.	> 30	> 2.0	Hard		

* SPT N-value in blows per foot (bpf)
** Undrained shear strength

Term	Soil Moisture Field Description
Dry	Absence of moisture. Dusty. Dry to the touch.
Damp	Soil has moisture. Cohesive soils are below plastic limit and usually moldable.
Moist	Grains appear darkened, but no visible water. Silt/clay will clump. Sand will bulk. Soils are often at or near plastic limit.
Wet	Visible water on larger grain surfaces. Sand and cohesionless silt exhibit dilatancy. Cohesive soil can be readily remolded. Soil leaves wetness on the hand when squeezed. Soil is wetter than the optimum moisture content and above the plastic limit.

Term	PI	Plasticity Field Test
Non-plastic	0 - 3	Cannot be rolled into a thread at any moisture.
Low Plasticity	3 - 15	Can be rolled into a thread with some difficulty.
Medium Plasticity	15 - 30	Easily rolled into thread.
High Plasticity	> 30	Easily rolled and re-rolled into thread.

Term	Soil Structure Criteria
Stratified	Alternating layers at least ¼ inch thick.
Laminated	Alternating layers less than ¼ inch thick.
Fissured	Contains shears and partings along planes of weakness.
Slickensided	Partings appear glossy or striated.
Blocky	Breaks along surfaces into smaller lumps or blocks. Slickensides may be visible.
Lensed	Contains pockets of different soils.

Term	Soil Cementation Criteria
Weak	Breaks under light finger pressure.
Moderate	Breaks under hard finger pressure.
Strong	Will not break with finger pressure.

Explanation of Common Terms Used in Rock Descriptions

Field Identification		UCS (psi)	Strength	Hardness (ODOT)
Indented by thumbnail.	R0	< 100	Extremely Weak	Extremely Soft
Crumbles under firm blows with geological hammer. Can be peeled by a pocket knife.	R1	100 - 1,000	Very Weak	Very Soft
Can be peeled by a pocket knife with difficulty, shallow indentations made by firm blow with geological hammer.	R2	1,000 - 4,000	Weak	Soft
Cannot be scraped or peeled with a pocket knife, specimen can be fractured with a single blow of geological hammer.	R3	4,000 - 8,000	Medium Strong	Medium Hard
Specimen requires more than one blow of geological hammer to fracture it.	R4	8,000 - 16,000	Strong	Hard
Specimen requires many blows of geological hammer to fracture it.	R5	> 16,000	Very Strong	Very Hard

Term (ODOT)	Weathering Field Identification
Fresh	Crystals are bright. Discontinuities may show some minor surface staining. No discoloration in rock fabric.
Slightly Weathered	Rock mass is generally fresh. Discontinuities are stained and may contain clay. Some discoloration in rock fabric.
Moderatedly Weathered	Significant portions of rock show discoloration and weathering effects. Crystals are dull and show visible chemical alteration. Discontinuities are stained and may contain secondary mineral deposits.
Highly Weathered (Predominately Decomposed)	Rock can be excavated with geologist's pick. All discontinuities exhibit secondary mineralization. Complete discoloration of rock fabric. Surface of core is friable and usually pitted due to washing out of highly altered minerals by drilling water.
Decomposed	Rock mass is completely decomposed. Original rock "fabric" may be evident (relict texture). May be reduced to soil with hand pressure.

Spacing (metric)	Spacing (imperial)	Spacing Term	Bedding/Foliation
< 6 cm	< 2 in	Very Close	Very Thin (Laminated)
6 cm - 30 cm	2 in - 1 ft	Close	Thin
30 cm - 90 cm	1 ft - 3 ft	Moderately Close	Medium
90 cm - 3.0 m	3 ft - 10 ft	Wide	Thick
> 3.0 m	> 10 ft	Very Wide	Very Thick (Massive)

Vesicle Term	Volume
Some vesicles	5 - 25%
Highly vesicular	25 - 50%
Scoriaceous	> 50%

Stratification Term	Description
Lamination	< 1 cm (0.4 in) thick beds
Fissile	Preferred break along laminations
Parting	Preferred break parallel to bedding
Foliation	Metamorpic layering and segregation of minerals

RQD %	Designation	RQD %	Designation
0 - 25	Very Poor	75 - 90	Good
25 - 50	Poor	90 - 100	Excellent
50 - 75	Fair		

Rock Quality Designation (RQD) is the cumulative length of intact rock core pieces 4 inches or longer (excluding breaks caused by drilling and handling) divided by run length, expressed as a percentage.

Depth Feet	Soil and Rock Description and Comments	Log	Elev. Depth	Samples	SPT, N-Value / Recovery (0–50)	Moisture, % / RQD., % (50–100)	Installations/ Water Table
			35				
1	Medium stiff SILT; dark brown, damp, low plasticity, (topsoil).		0.0				Backfilled with bentonite chips
2							
3	Stiff, sandy SILT, some clay; light grey-brown, iron-stained, damp, low to medium plasticity, fine sand, (residual soil).		32.0 / 3.0	SS-1-1	12		
4							
5	Trace sand noted below ±5 feet.		30.0 / 5.0	SS-1-2	9		
6							
7							
8				SS-1-3	12		
9							
10	Becomes very stiff below ±10 feet.			SS-1-4	18		
11							
12							
13				SS-1-5	23		
14	Extremely soft (R0) SILTSTONE; dark grey, highly to moderately weathered, (Nye Mudstone).		21.0 / 14.0				
15				SS-1-6	32		
16							
17	Trace iron-staining noted at various depths.						
18							
19							
20				SS-1-7		77	
21							
22							
23							
24							
25				SS-1-8		70	
26							
27							
28							
29							
30				SS-1-9		69	
31							
32							
33							
34							
35				SS-1-10		96/11"	
36							
37							
38							
39							
40				SS-1-11		100/11"	
41			-6.4 / 41.4				
	BOTTOM OF BORING						

Project No.: 2071093

Surface Elevation: 35.00 feet (Approx.)

Date of Boring: October 2, 2007

Boring Log: BH-1

Fisherman's Wharf Estates

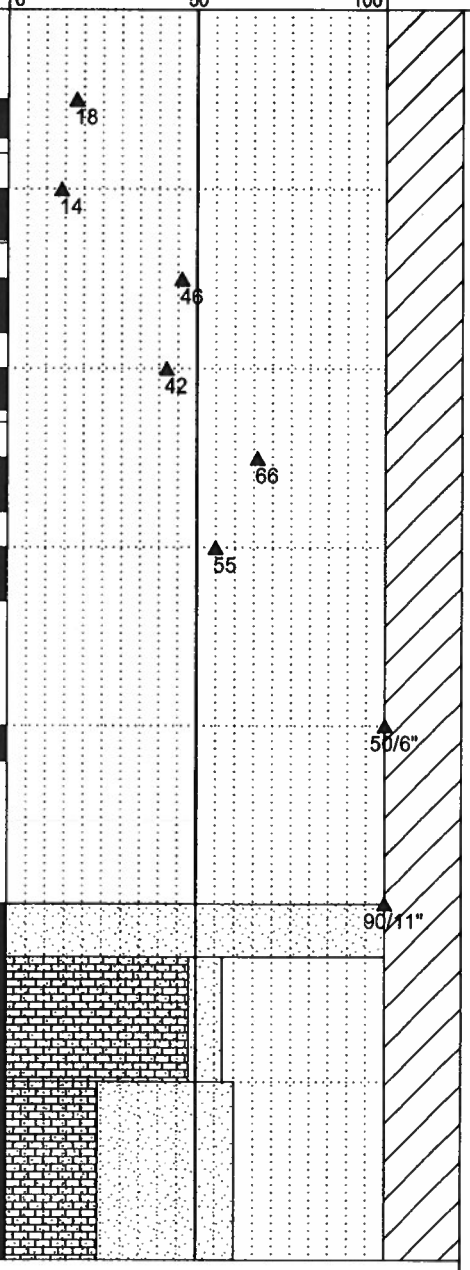
Newport, Oregon

Foundation Engineering, Inc.

Depth Feet	Soil and Rock Description and Comments	Elev. Depth (49)
1	Medium stiff SILT; dark brown, damp, low plasticity, (topsoil).	0.0
2–3	Very stiff SILT, some clay; light grey-brown, iron-stained, damp, low plasticity, (residual soil).	47.0 / 2.0
7–8	Becomes hard below ±7 feet.	
13–14	Managanese-staining noted below ±13 feet.	
21–35	Extremely soft (R0) SILTSTONE; dark grey to brown, iron and manganese-stained, highly weathered to decomposed, very close to close joints, joints are planar, irregular and curved, rough and open, (Nye Mudstone).	28.0 / 21.0
33–34	Highly fractured zones noted between ±33 and 35 feet.	
35	Stepped joint noted at ±34 feet.	14.0
	BOTTOM OF BORING	35.0

Log

Samples: SS-2-1, SS-2-2, SS-2-3, SS-2-4, SS-2-5, SS-2-6, SS-2-7, SS-2-8, CS-2-1, CS-2-2, CS-2-3



Installations/ Water Table: Backfilled with bentonite chips

Project No.: 2071093

Surface Elevation: 49.00 feet (Approx.)

Date of Boring: October 2, 2007

Boring Log: BH-2

Fisherman's Wharf Estates

Newport, Oregon

Foundation Engineering, Inc.

Depth Feet	Soil and Rock Description and Comments	Log	Elev. Depth 64	Samples	▲ SPT, N-Value ⊡ Recovery ● Moisture, % ⊞ RQD., % (0 – 50 – 100)	Installations/ Water Table
1	Medium stiff SILT; dark brown, damp, low plasticity, (topsoil).		0.0			Backfilled with bentonite chips
2			62.0			
3	Medium stiff to stiff SILT, some clay; light grey-brown, iron-stained, damp, low to medium plasticity, (residual soil).		2.0	SS-3-1	8	
4						
5	Trace fine sand noted at ±5 feet.			SS-3-2	30	
6	Becomes hard below ±5 feet.					
7						
8				SS-3-3	45	
9			55.0			
10	Extremely soft (R0) SILTSTONE; dark grey, iron-stained, decomposed to moderately weathered, (Nye Mudstone).		9.0	SS-3-4	60	
11						
12						
13				SS-3-5	78	
14						
15				SS-3-6	67	
16						
17						
18						
19						
20				SS-3-7	78	
21						
22						
23						
24						
25				SS-3-8	67	
26	No iron-staining observed below ±26 feet.					
27						
28						
29						
30				SS-3-9	81	
31						
32						
33						
34						
35				SS-3-10	87/11½"	
36						
37						
38						
39						
40				SS-3-11	86	
41			22.5			
	BOTTOM OF BORING		41.5			

Project No.: 2071093

Surface Elevation: 64.00 feet (Approx.)

Date of Boring: October 3, 2007

Boring Log: BH-3

Fisherman's Wharf Estates

Newport, Oregon

Foundation Engineering, Inc.

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: blackberry bushes.								Medium stiff SILT; dark brown, dry to damp, medium plasticity, (topsoil).
	1-	S-1-1						
	2-							
Roots (up to ±½-inch in diameter) extend to ±2 feet.	3-	S-1-2				>1.0		Very stiff, SILT, some clay; light brown, trace to some iron-staining, damp, medium plasticity, (residual soil).
	4-							
	5-							
	6-							Increased iron-staining with depth and trace sand noted below ±6 feet.
	7-							
No seepage or ground water encountered to the limit of excavation.	8-							BOTTOM OF TEST PIT
	9-							
	10–							

Project No.: 2071093

Surface Elevation: 48.0 feet (Approx.)

Date of Test Pit: September 19, 2007

Test Pit Log: TP-1

Fisherman's Wharf Estates

Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: blackberry bushes and short grass.								Medium stiff SILT; dark brown, dry to damp, medium plasticity, (topsoil).
	1-	S-2-1						
Roots (up to ±½-inch in diameter) extend to ±18 inches.	2-							
	3-	S-2-2						Stiff to very stiff, sandy SILT to silty SAND, some clay; light grey-brown, iron-stained, damp, low plasticity, (residual soil).
	4-							
	5-							
	6-	S-2-3						Extremely soft (R0) SILTSTONE; dark grey, trace iron-staining, moderately weathered, (Nye Mudstone).
	7-							
No seepage or ground water encountered to the limit of excavation.	8-							BOTTOM OF TEST PIT
	9-							
	10–							

Project No.: 2071093

Surface Elevation: 46.0 feet (Approx.)

Date of Test Pit: September 19, 2007

Test Pit Log: TP-2

Fisherman's Wharf Estates

Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: blackberry bushes, tall grass.								Stiff CLAY, trace sand; light grey-brown, iron-stained, dry, medium plasticity, (fill).
	1-	S-3-1						Medium stiff to stiff SILT; dark brown, dry, medium plasticity, (topsoil).
Fine roots extend to ±18 inches.	2-							
	3-	S-3-2						Very stiff to hard SILT, some clay, trace sand; light grey-brown, iron-stained, damp, medium plasticity, (residual soil).
	4-							
	5-							
	6-							
	7-							
	8-							
No seepage or ground water encountered to the limit of excavation.	9-							BOTTOM OF TEST PIT
	10–							

Project No.: 2071093

Surface Elevation: 63.0 feet (Approx.)

Date of Test Pit: September 19, 2007

Test Pit Log: TP-3

Fisherman's Wharf Estates

Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: blackberry bushes.								Medium stiff SILT; dark brown, dry, medium plasticity, (topsoil).
Roots (up to ±½-inch in diameter) extend to ±12 inches.	1-	S-4-1						Very stiff to hard SILT, some clay, trace to some sand, trace rock fragments; light grey-brown, iron-stained, damp, medium plasticity, fine sand, gravel to cobble-sized siltstone fragments, (residual soil).
	2-							
	3-							
	4-							
	5-							
	6-							
	7-							
	8-							
No seepage or ground water encountered to the limit of excavation.	9-							BOTTOM OF TEST PIT
	10–							

Project No.: 2071093

Surface Elevation: 58.0 feet (Approx.)

Date of Test Pit: September 19, 2007

Test Pit Log: TP-4

Fisherman's Wharf Estates

Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: blackberry bushes.	1-							Medium stiff, clayey SILT, some wood debris, trace sand; dark brown, damp, low plasticity, (fill).
Fine roots extend to ±2 feet.	2-	S-5-1						Medium stiff SILT; dark brown, dry, medium plasticity, (topsoil).
	3-							Very stiff to hard SILT, some clay, trace rock fragments; light grey-brown, iron-stained, medium plasticity, sand and gravel-sized siltstone fragments, (residual soil).
	4-							
	5-							
	6-							
	7-							
No seepage or ground water encountered to the limit of excavation.	8-							
	9-							BOTTOM OF TEST PIT
	10–							

Project No.: 2071093

Surface Elevation: 51.0 feet (Approx.)

Date of Test Pit: September 19, 2007

Test Pit Log: TP-5

Fisherman's Wharf Estates

Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: dense blackberry bushes.	1-	S-6-1						Medium stiff, sandy SILT to loose, silty SAND; brown to dark brown, dry, low plasticity silt, fine sand, (fill).
	2-							
Roots (up to ±½-inch in diameter) extend to ±3 feet.	3-							Wood debris encountered at ±3 feet.
	4-							Medium stiff SILT; dark brown, damp, medium plasticity, (topsoil).
	5-							Very stiff to hard SILT, some clay, trace sand and rock fragments; light grey-brown, iron-stained, damp, medium plasticity, gravel-sized siltstone fragments, (residual soil).
	6-	S-6-2						
	7-							
	8-							
No seepage or ground water encountered to the limit of excavation.	9-							BOTTOM OF TEST PIT
	10–							

Project No.: 2071093

Surface Elevation: 38.0 feet (Approx.)

Date of Test Pit: September 19, 2007

Test Pit Log: TP-6

Fisherman's Wharf Estates

Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: blackberry bushes.								Medium stiff SILT; dark brown, dry, medium plasticity, (topsoil).
Fine roots extend to ±12 inches.	1-	S-7-1						
	2-							Very stiff to hard SILT, some clay, trace sand and rock fragments; light grey-brown, trace iron-staining, damp, medium plasticity, gravel-sized siltstone fragments, (residual soil).
	3-	S-7-2						
	4-							
	5-							
	6-							
	7-							
	8-	S-7-3						
	9-							
No seepage or ground water encountered to the limit of excavation.	10–							BOTTOM OF TEST PIT

Project No.: 2071093

Surface Elevation: 43.0 feet (Approx.)

Date of Test Pit: September 19, 2007

Test Pit Log: TP-7

Fisherman's Wharf Estates

Newport, Oregon

Appendix C

Laboratory Test Results

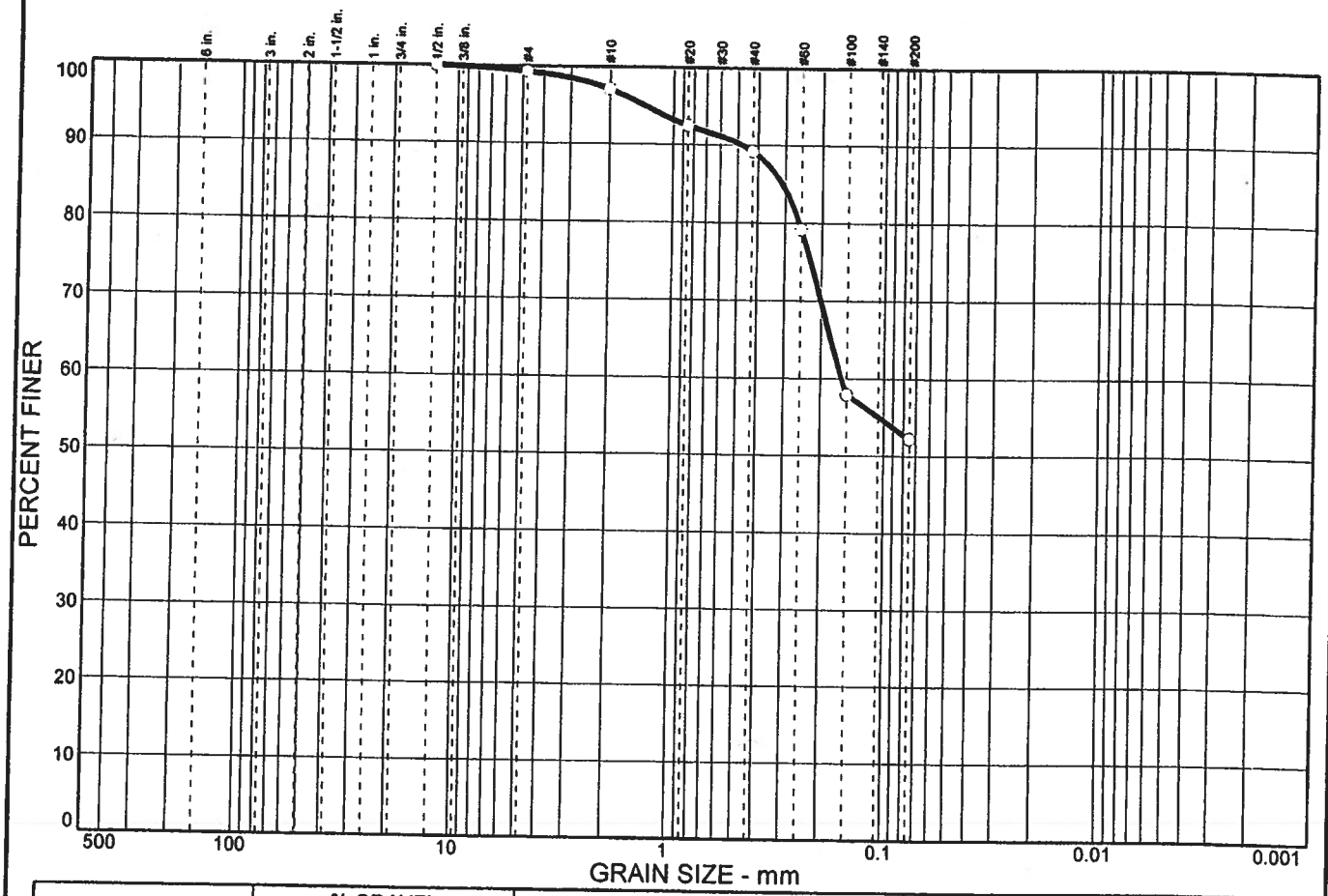
Professional
Geotechnical
Services

Foundation Engineering, Inc.

Table 1C. Natural Water Content and Atterberg Limits

Sample Number	Sample Depth (feet)	Natural Water Content (percent)	LL	PL	PI	USCS Classification
S-1-1	1.0 – 1.5	26.7	57	42	15	MH
S-2-1	1.0 – 2.0	30.3				
S-2-2	3.0 – 3.5	40.8				
S-3-1	1.0 – 1.5	37.3				
S-3-2	3.0 – 3.5	38.7	93	65	28	MH
S-5-1	1.5 – 2.5	33.8	70	58	12	MH
S-7-1	1.0 – 2.0	36.4				
S-7-2	2.5 – 3.5	33.0				

Particle Size Distribution Report



% COBBLES	% GRAVEL		% SAND			% FINES	
	CRS.	FINE	CRS.	MEDIUM	FINE	SILT	CLAY
0.0	0.0	0.7	2.2	7.9	37.0	52.2	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.50 in.	100.0		
#4	99.3		
#10	97.1		
#20	92.5		
#40	89.2		
#60	79.2		
#100	57.9		
#200	52.2		

* (no specification provided)

Material Description

Brown to dark brown sandy SILT

Atterberg Limits

PL= LL= PI=

Coefficients

D_{85}= 0.309 D_{60}= 0.159 D_{50}=
D_{30}= D_{15}= D_{10}=
C_u= C_c=

Classification

USCS= ML AASHTO= A-4(0)

Remarks

Sample No.: S-6-1 **Source of Sample:** 3717 **Date:** 10-11-07
Location: **Elev./Depth:** 1.0 – 2.0 feet

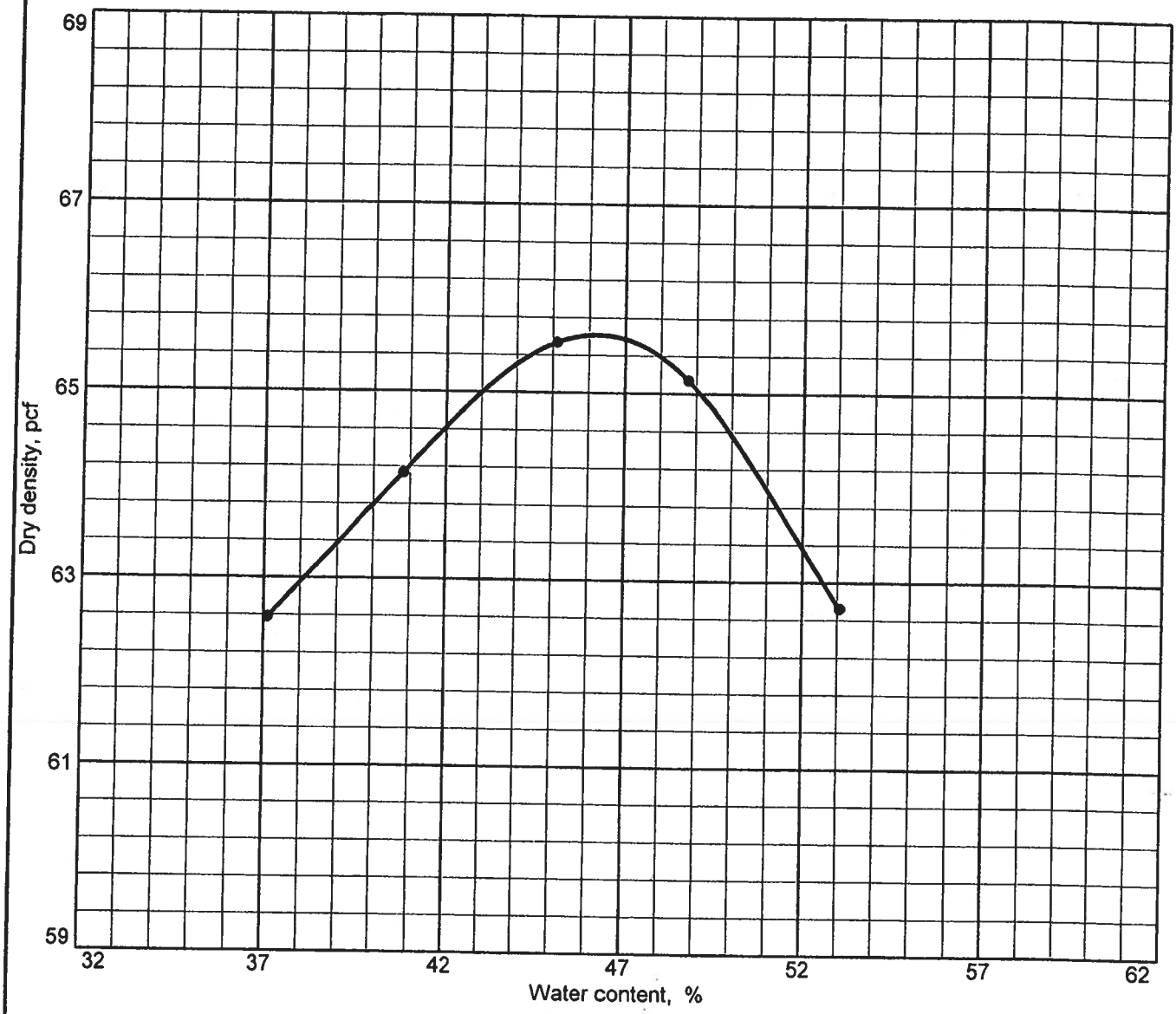
FEI Testing & Inspection, Inc.

Corvallis, OR

Client: Foundation Engineering, Inc.; 2071093
Project: Fisherman's Wharf Estates; Newport, OR

Project No: 2076001-572 **Figure** 1C

COMPACTION TEST REPORT



Test specification: ASTM D 698-00a Method A Standard

Elev/ Depth	Classification		Nat. Moist.	Sp.G.	LL	PI	% > No.4	% < No.200
	USCS	AASHTO						
1.5-2.5	MH		33.8		70	12		

TEST RESULTS	MATERIAL DESCRIPTION
Maximum dry density = 65.6 pcf Optimum moisture = 46.2 %	Dark brown SILT

Project No. 2076001-572 **Client:** Foundation Engineering, Inc.; 2071093
Project: Fisherman's Wharf Estates; Newport, OR

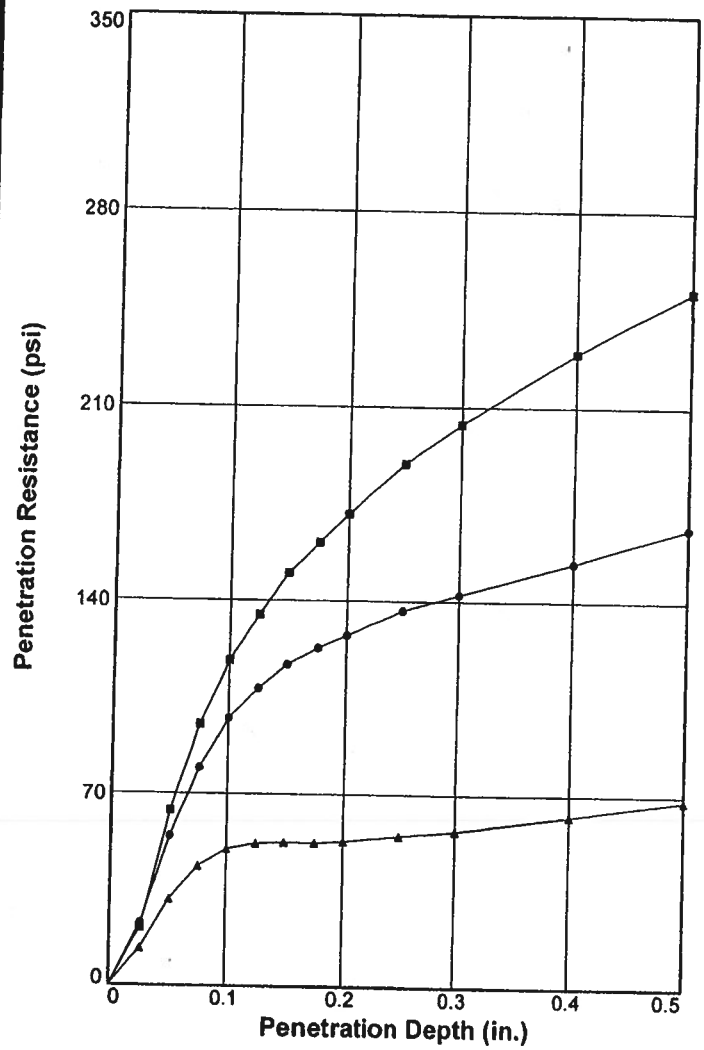
● **Source:** 3717 **Sample No.:** S-5-1 **Elev./Depth:** 1.5 – 2.5 feet

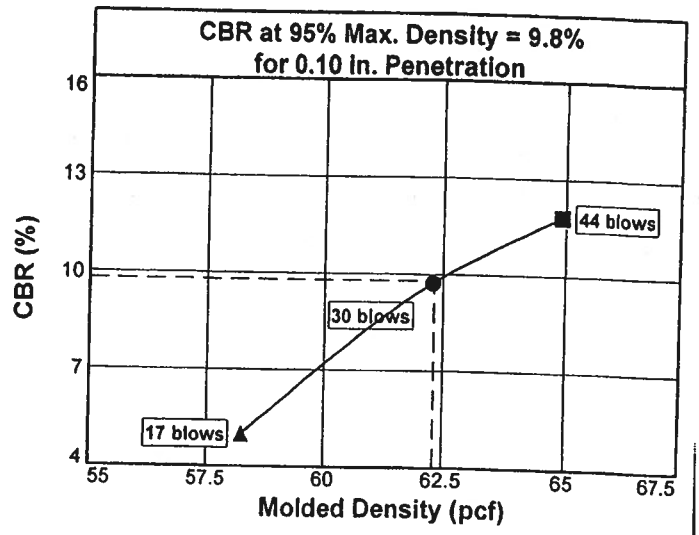
Remarks:
Date:10-1-07

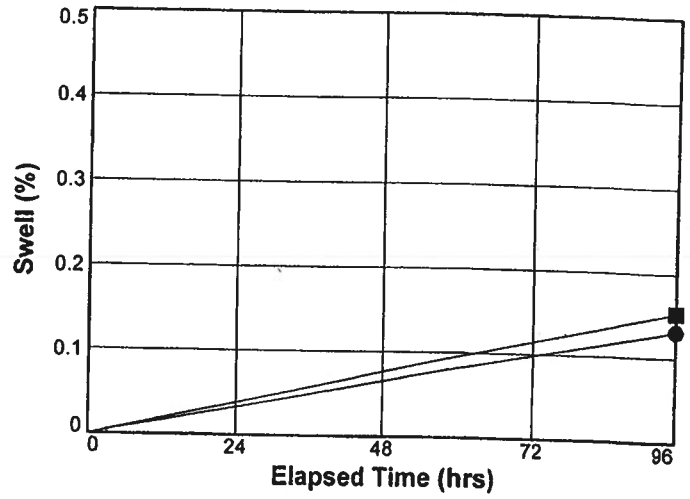
COMPACTION TEST REPORT
FEI Testing & Inspection, Inc.
Corvallis, OR

Figure 2C

BEARING RATIO TEST REPORT
ASTM D 1883-05







	Molded			Soaked			CBR (%)		Linearity Correction (in.)	Surcharge (lbs.)	Max. Swell (%)
	Density (pcf)	Percent of Max. Dens.	Moisture (%)	Density (pcf)	Percent of Max. Dens.	Moisture (%)	0.10 in.	0.20 in.			
1 ○	62.3	95	46.3	62.2	94.8	49.6	9.7	8.5	0.000	32	0.1
2 △	58.2	88.7	47.5	58.2	88.7	53.8	5.0	3.5	0.000	32	0.2
3 □	64.9	98.9	46.5	64.8	98.8	48.7	11.8	11.4	0.000	32	0.2

Material Description	USCS	Max. Dens. (pcf)	Optimum Moisture (%)	LL	PI
Dark brown SILT	MH	65.6	46.2	70	12

Project No: 2076001-572

Project: Fisherman's Wharf Estates; Newport, OR

Source of Sample: 3717 **Depth:** 1.5 – 2.5 feet

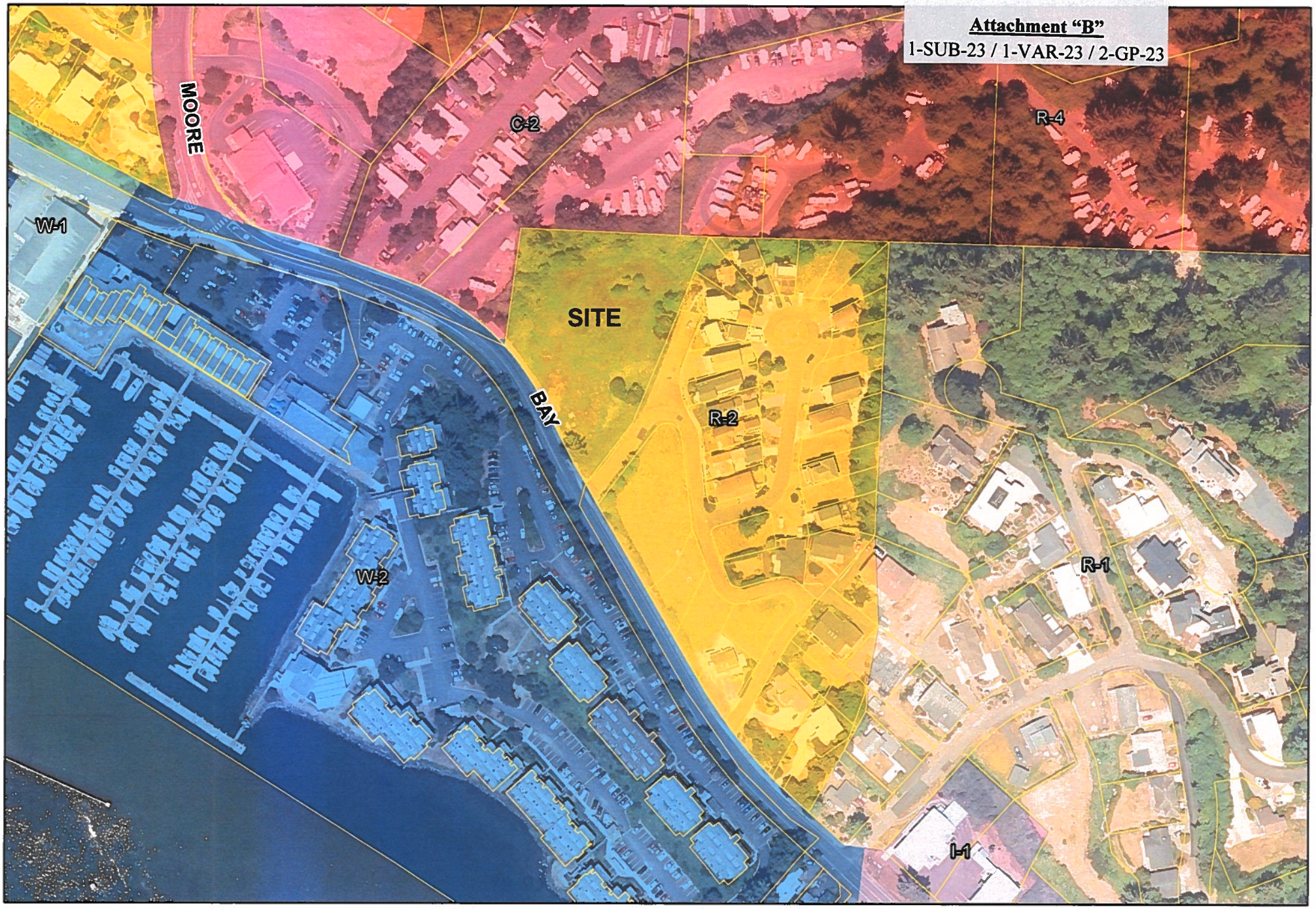
Sample Number: S-5-1

Date: 10-08-07

Test Description/Remarks:

BEARING RATIO TEST REPORT
FEI Testing & Inspection, Inc.
Corvallis, OR

Figure 3C



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

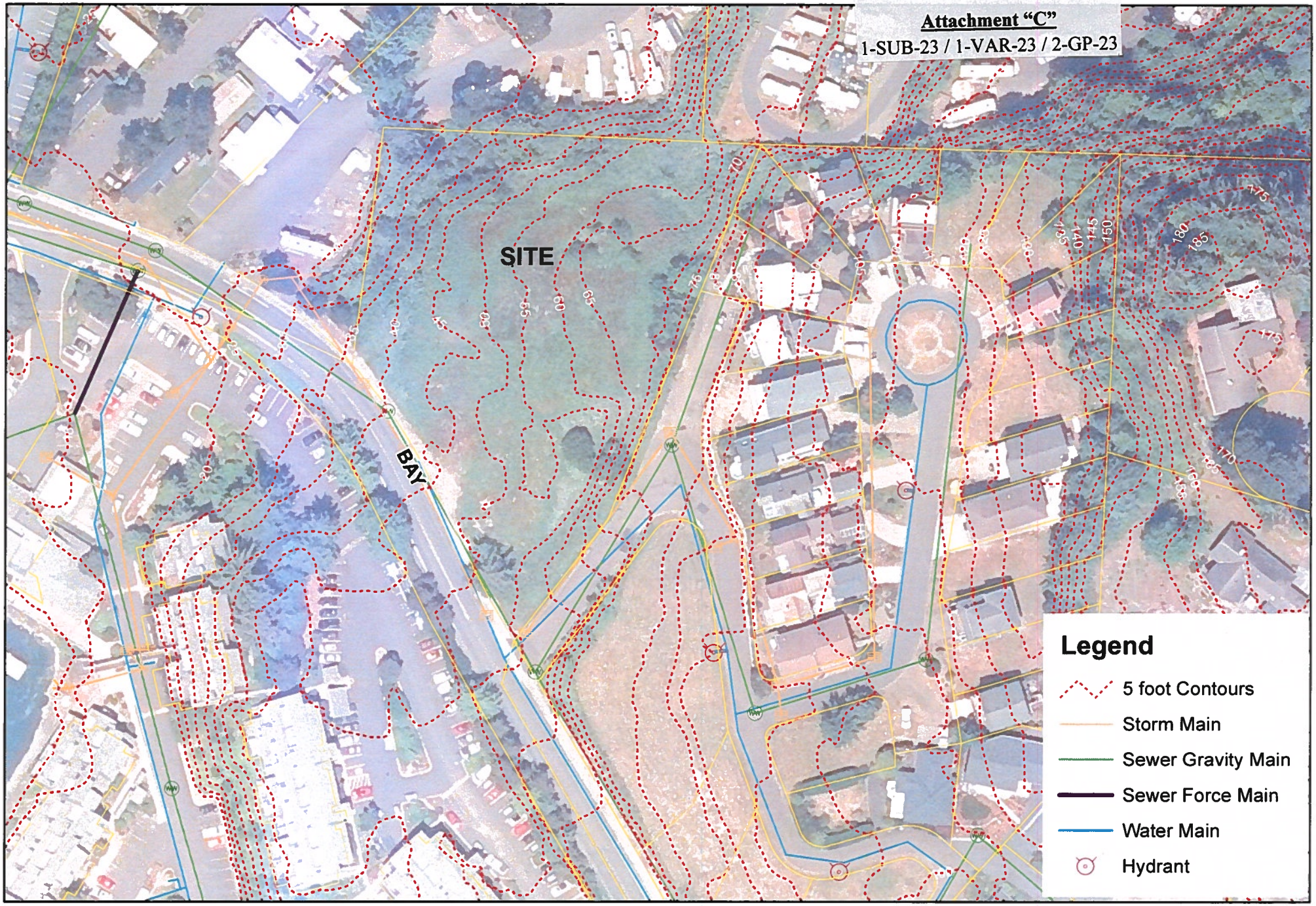
This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify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

Zoning Map
Proposed Fisherman's Wharf Estates Subdivision

Image Taken 2021
4-inch, 4-band Digital Orthophotos
Source: Lincoln County

0 100 200 400 Feet

N



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Utility and Terrain Map
Proposed Fisherman's Wharf Estates Subdivision

Image Taken 2021
4-inch, 4-band Digital Orthophotos
Source: Lincoln County

0 50 100 200 Feet

N

Attachment "D"
1-SUB-23 / 1-VAR-23 / 2-GP-23

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING[1]

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, March 27, 2023, to consider the following request:

File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23.

Applicant & Owner: Lyle J. Misbach, AKS Engineering & Forestry, applicant (Greyson and Amelia Irrevocable Trust, Joseph D. McDonald, Trustee, owner).

Requests

1-SUB-23: A Tentative Subdivision Plan (proposed name of "Fisherman's Wharf Estates") including 11 single family residential lots.

1-VAR-23: A Type III Variance request to allow the hammerhead portion of the proposed street to be constructed without a sidewalk.

2-GP-23: A Geological Permit application to allow future development, construction, and site clearing within a known geologic hazard area.

Location: Tax Lot 400 of Lincoln County Assessor's Tax Map 11-11-09-CB (1005 SE Bay Blvd).

Applicable Criteria: Must be consistent with those approval criteria as set forth in Section 13.05.085 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Section 14.33.060 (for variance requirement approval); and NMC Section 14.21.030 (for geological permit approval).

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the City and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 3:00 p.m. the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor (including the applicant) 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 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

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

material are available for inspection at no cost or copies may be purchased for reasonable cost at this address.

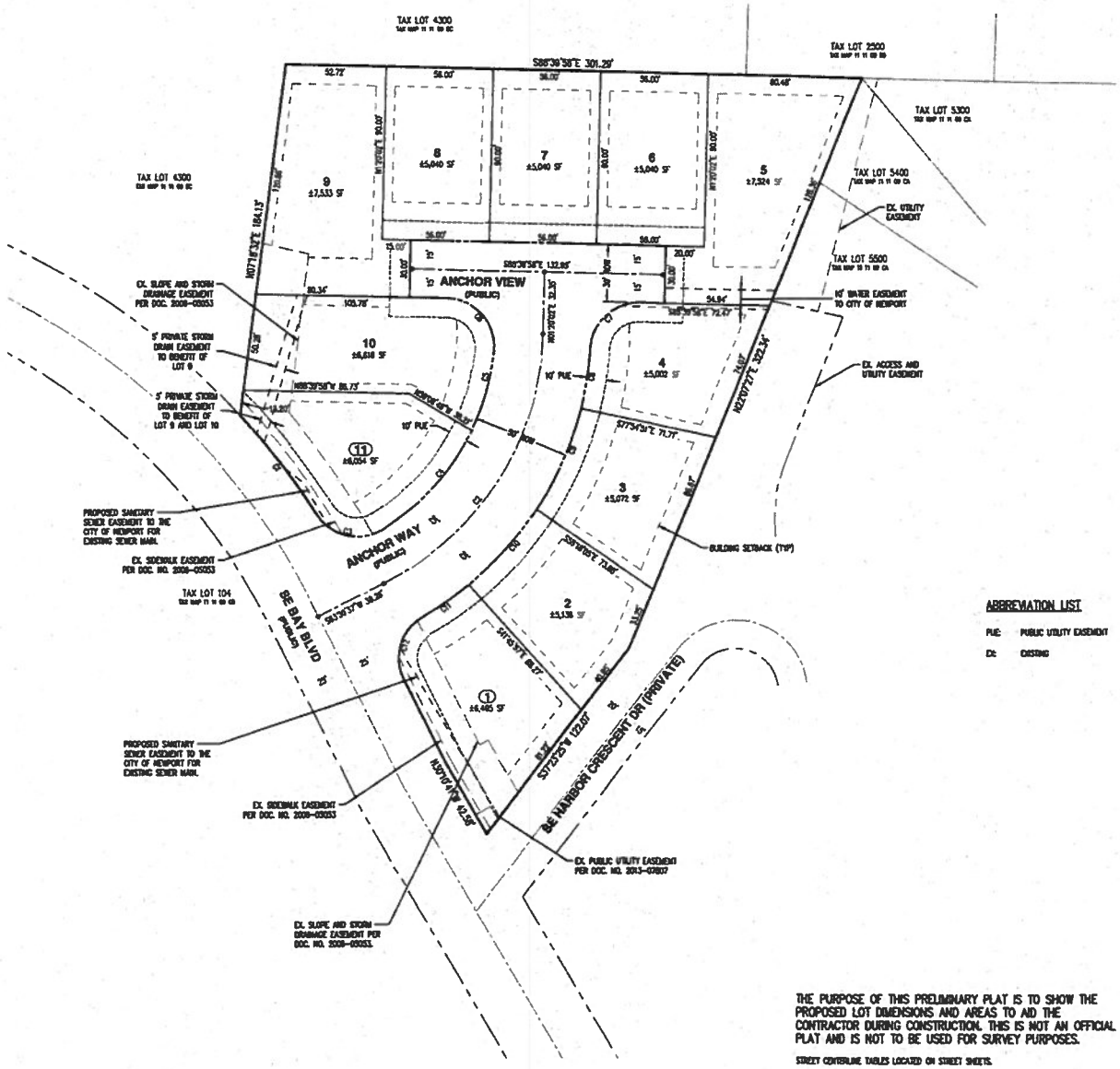
Contact: Derrick Tokos, Community Development Director, (541) 574-0626 (address above in "Reports/Application Material").

Time/Place of Hearing: Monday, March 27, 2023, 7:00 p.m. in the Newport City Hall Council Chambers (address above in "Reports/Application Materials").

MAILED: March 1, 2023.

PUBLISHED: March 17, 2023/Newport News-Times.

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	393.19'	9°56'11"	68.44'	S37°28'36"E 68.35'
C2	150.00'	62°10'35"	162.78'	S32°25'19"W 154.88'
C3	25.00'	89°34'38"	39.08'	N77°10'58"W 35.17'
C4	125.00'	32°24'37"	70.71'	S41°51'22"W 69.77'
C5	125.00'	19°55'53"	43.48'	S25°18'07"W 43.26'
C6	25.00'	94°23'08"	41.18'	S41°28'24"E 36.68'
C7	25.00'	87°46'31"	38.31'	N47°25'46"E 34.67'
C8	175.00'	10°31'30"	32.15'	N81°47'18"E 32.10'
C9	175.00'	19°08'40"	58.37'	N23°38'21"E 58.10'
C10	175.00'	17°25'15"	53.21'	N41°52'19"E 53.00'
C11	175.00'	8°34'06"	26.23'	N55°21'59"E 26.18'
C12	25.00'	85°35'27"	37.36'	N14°48'29"E 34.29'



ABBREVIATION LIST

PUE: PUBLIC UTILITY EASEMENT

EX: EXISTING

THE PURPOSE OF THIS PRELIMINARY PLAT IS TO SHOW THE PROPOSED LOT DIMENSIONS AND AREAS TO AID THE CONTRACTOR DURING CONSTRUCTION. THIS IS NOT AN OFFICIAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES.

STREET CENTERLINE TABLES LOCATED ON STREET SHEETS.

● INSTALL 2" ALUMINUM CAP AFTER FINAL LIFT OF ASPHALT PAVEMENT

N

SCALE: 1"=30 FEET

30 0 12 18 24 30

AKS ENGINEERING & FORESTRY, LLC
3700 SW 9th PL, STE 1
NEWPORT, OR 97365
P: 541.265.8551
F: 541.265.7772
aks-eng.com

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

FISHERMAN'S WHARF ESTATES SUBDIVISION

NEWPORT OR

LINCOLN COUNTY TAX MAP 11 11 09 CB TAX LOT 400

PRELIMINARY PLAT

DESIGNED BY: CHB
DRAWN BY: CHB
REVIEWED BY: LJH
APPROVED BY: JMP
DATE: 08/16/2019

REGISTERED PROFESSIONAL ENGINEER
OREGON
JAMES M. POSTMAN

REVISIONS

JOB NUMBER
5691

SHEET
C003

AKS DRAWING FILE: 5691 PRELIMINARY PLAT.DWG | LAYOUT: C003

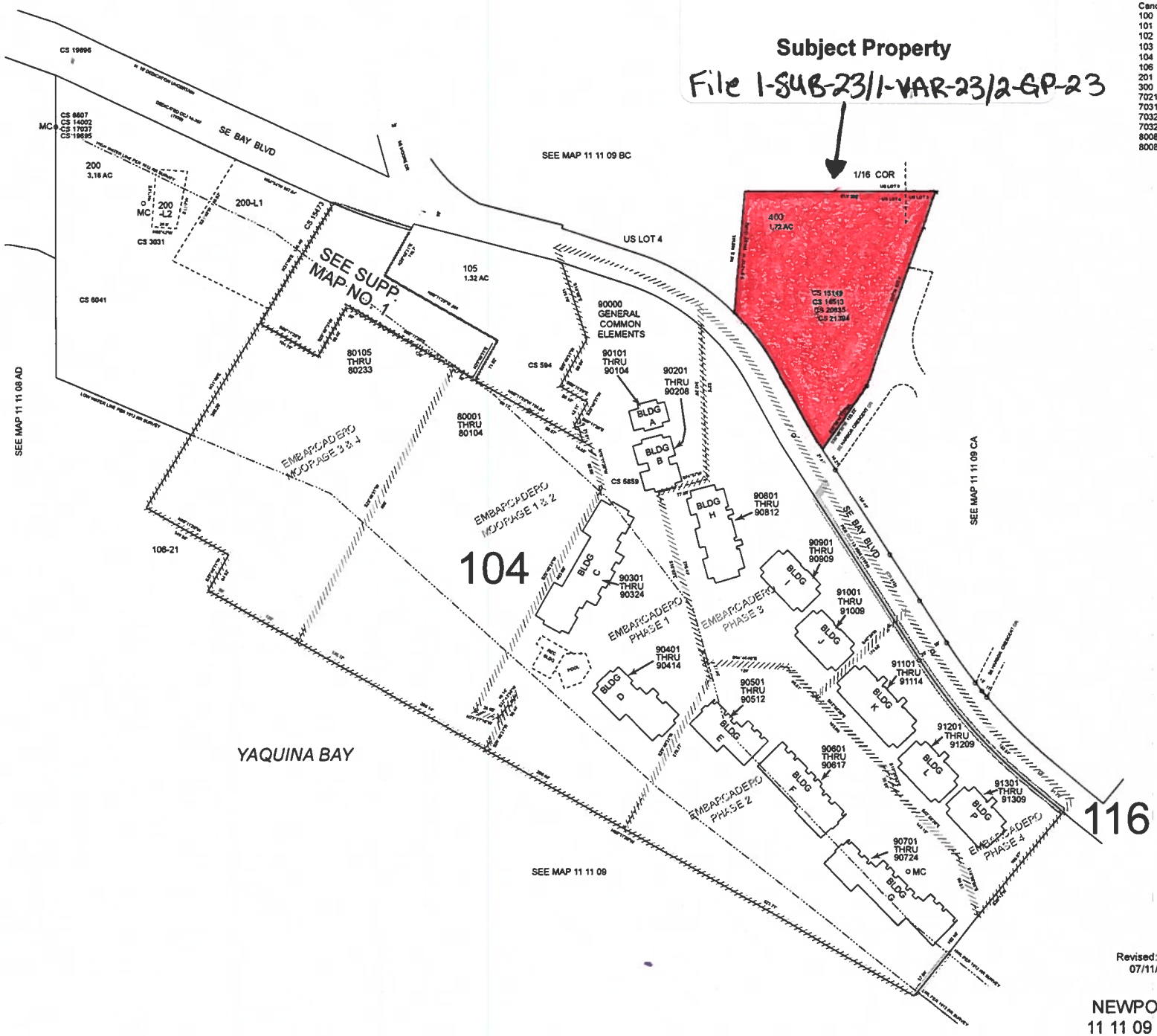
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

0 50 100 150 200 Feet

N.W.1/4 S.W.1/4 SEC.9 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 100'

11 11 09 CB
NEWPORT

Cancelled
100
101
102
103
104
106
201
300
70212
70319
70321
70322
80086-41
80086-42



Revised: SEB
07/11/2016

NEWPORT
11 11 09 CB

ADAMS MICHAEL P TSTEE & ADAMS
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4970 NW TERRACE CT
WALDPORT,OR 97394

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MERLIN,OR 97532

ANDRES STEFANI JEAN & ANDRES
GUENTNER SARAH ANNE
1002 N WATER ST
SILVERTON,OR 97381

ANDRICHAK WILLIAM P & ANDRICHAK
BARBARA L
PO BOX 48
LOGSDEN,OR 97357

BAILEY CHRIS & BAILEY MARI
4156 RIVERDALE RD S
SALEM,OR 97302

BAILEY HAROLD RICHARD
91909 PRAIRIE RD
JUNCTION CITY,OR 97448

BAKER DAVID
1140 KAY ELLEN CT
SAN JOSE,CA 95125

BAKER VICTORIA J
12047 SW TUALATIN RD
APT 323
TUALATIN,OR 97062

BARNES ANDREW & BARNES JANETTE
2220 NW HIGHLAND DR
CORVALLIS,OR 97330

BECK WILLIAM J
41266 MANITAU RD SE
STAYTON,OR 97383

BEERS PATRICK R TSTEE & BEERS
LORI G TSTEE
PO BOX 202
RUFUS,OR 97050

BELVEAL BLANE & BELVEAL DIXIE
PO BOX 2067
LEBANON,OR 97355

BEYER GREGORY J & BEYER ROSE M
12403 NT ANGEL GERVAIS RD NE
MT ANGEL,OR 97362

BLACKBURN MICHAEL A &
BLACKBURN PATRICIA L
1000 SE BAY BLVD
M-80
NEWPORT,OR 97365

BLACKTAIL DEVELOPMENT LLC
3330 HAYDEN BRIDGE RD
SPRINGFIELD,OR 97477

BRACE ROBERT A COTSTEE & CHEUNG
CECILIA Y COTSTEE
832 SE 5TH ST
NEWPORT,OR 97365

BRAMAN GENE
PO BOX 755
TOLEDO,OR 97391

BRIGL RANDY & BRIGL LORENA
3520 CELESTE WAY
EUGENE,OR 97408

BROWN KENNETH
518 SW SMITH CT
NEWPORT,OR 97365

BUCKLEY D PAUL
1507 CRESTVIEW DR
SILVERTON,OR 97381

BUTTERFIELD JUSTIN
1000 SE BAY BLVD
NEWPORT,OR 97365

C & L INVESTMENT CO
6784 SIMS DR
OAKLAND,CA 94611

CARPENTER THOMAS PETER &
CARPENTER KRISTEN MARGRETA
480 SE JOHNSTON LN
NEWPORT,OR 97365

CASERI RHONDA RENEE
22379 SILETZ HWY
SILETZ,OR 97380

CASEY ROBERT
325 NW SAGINAW AVE
BEND,OR 97703

CENTER JAMES T JR & ANDERSON
ELLEN M
1215 SE HARNEY ST
PORTLAND,OR 97202

CHADWICK WILLIAM W JR TSTEE &
ATWILL TERESA M TRUSTEE
872 SE CRESCENT PL
NEWPORT,OR 97365

CHAPMAN WILLIAM T
PO BOX 206
NEWPORT,OR 97365

CHEN ALBERT
15929 CAMBRIAN DR
SAN LEANDRO,CA 94578

CHRISTENSEN CYNTHIA A TRUSTEE
8710 CARDWELL HILL DR
CORVALLIS,OR 97330

CITIHOMES GROUP CORPORATION
3881 2ND ST
HUBBARD,OR 97032

COCHRAN KURT M
PO BOX 290
SILETZ,OR 97380

COLLINS HUGH M
5145 KAPIOLANI LOOP
PRINCEVILLE,HI 96722

COLUMBUS CHARLES F JR
PO BOX 12653
SALEM,OR 97309

CONRAD ERIC R & CONRAD MARGARET A
295 LA FIESTA DR
LINCOLN CITY,OR 97367

COOPER DAN
PO BOX 209
SCIO,OR 97374

COYLE F J & COYLE BARBARA
850 SE CRESCENT PL
NEWPORT,OR 97365

COZAD KEVIN & ANNICHIARICO JOHN
PO BOX 4104
SUNRIVER,OR 97707

CRAIG ALBERT MORRISON TSTEE & CRAIG BARBARA C TSTEE
3765 SW HILLTOP DR
CORVALLIS,OR 97330

CRESPO ROBERT J & CRESPO DEBORAH A
826 SE VISTA DR
NEWPORT,OR 97365

CRISP PATRICIA
866 SE VISTA DR
NEWPORT,OR 97365

CUNNINGHAM COLLEEN & CUNNINGHAM ALAN
PO BOX 576
ARLINGTON,OR 97812

CURTIS MICHAEL D
39044 GOLDEN VALLEY DR
LEBANON,OR 97355

DAHL ZACHARY R
2753 NE OLD RIVER RD
SILETZ,OR 97380

DATZ WILLIAM R TRUSTEE & DATZ PAMELA G TRUSTEE
2480 N CHINOOK LN
OTIS,OR 97368

DEGNER GEORGE G & DEGNER JAMES M
92076 COBURG RD
EUGENE,OR 97401

DEMERS ANNETTE M & DEMERS JOHN R
7564 SW ROANOKE DR N
WILSONVILLE,OR 97070

DEPOE BAY FISH CO LLC
9583 LOGSDEN RD
SILETZ,OR 97380

DICKSON KENNETH D & DICKSON KARRI K
PO BOX 3524
WILSONVILLE,OR 97070

DOORNINK FREW MONIQUE
1000 SE BAY BLVD
UNIT A-3
NEWPORT,OR 97365

DRENCKPOHL ERIC
2428 195TH PL SE
UNIT A
BOTHELL,WA 98012

DRUSHELLA PAUL & BORDE GALE
35910 EICHER RD
ALBANY,OR 97322

EDWARDS DUANE
PO BOX 2088
NEWPORT,OR 97365

EISENBARTH KEVIN
458 NE 5TH ST
NEWPORT,OR 97365

ELLIOTT ROY R TRUSTEE & ELLIOTT CLAUDIA A TRUSTEE
85250 S WILLAMETTE
EUGENE,OR 97405

EMBARCADERO ASSN OF UNIT OWN
1260 NW WATERHOUSE AVE
#150
BEAVERTON,OR 97006

ENGER SHARON A
1906 NW EAGLES NEST CIR
ALBANY,OR 97321

ERICKSON JOHN W
2154 MARION ST SE
ALBANY,OR 97322

ERISMAN JAMES S & ERISMAN KAREN M
862 SE CRESCENT PL
NEWPORT,OR 97365

FAUGHT LESLIE TRUSTEE
1929 NW TIVOLI LN
PORTLAND,OR 97229

FELLER DANIEL ROBERT & FELLER DEANNE SUE
1639 SILVER FALLS DR NE
SILVERTON,OR 97381

FENSKE RICHARD & FENSKE LINDA
1524 CHAPMAN HILL DR NW
SALEM,OR 97304

FETTIG JIM & FETTIG LINNEA
17705 NE CHEHALEM DR
NEWBERG,OR 97132

FISHBACK RON & FISHBACK BETH
3212 54TH AVE NE
ALBANY,OR 97321

FOSTER JANET & JOHNSON CRAIG
1817 CRITESER LP
TOLEDO,OR 97391

FRANK LUMBER COMPANY
DRAWER 79
MILL CITY,OR 97360

FREW ADAM G & FREW MONIQUE K
1000 SE BAY BLVD
UNIT A-3
NEWPORT,OR 97365

FREY STEPHEN A TRUSTEE & FREY CHERYL A B TRUSTEE
5137 NW WINN DR
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38591 MOUNTAIN HOME DR
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1376 SW LAURELWOOD
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GAWARAN DENNIS I & GAWARAN SANDRA R
13725 SW HATHAWAY TER
TIGARD,OR 97223

GLANZMAN MERLIN & GLANZMAN WENDY
212 NE 55TH ST
NEWPORT,OR 97365

GOLDBERG URI
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3859 DAKOTA RD SE
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HALE JENE
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HALSEY STEVE
351 SE PENTER LN
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872 SE CRESCENT PL
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20508 SW ROY ROGERS RD
STE 155
SHERWOOD,OR 97140

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9712 NE 43RD AVE
VANCOUVER,WA 98665

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1163 NW 10TH ST
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HEITZLER GREGORY
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HENDRICKS LIVING TRUST &
HENDRICKS BYRON J TRUSTEE &
HENDRICKS NANCY J TRUSTEE
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CLEVELAND KIMBERLY T &
CLEVELAND STEPHEN E
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JUDITH L TRUSTEE
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CORVALLIS,OR 97330

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HOORNBEEK BILLEE W TSTEE
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B505/605
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IVERSON JOHN C & IVERSON LISA M
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JIMENEZ MOLLY & JIMENEZ ARNOLD
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JANE K TRUSTEE
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KANTOR STAN
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BARBARA S TSTEE
2056 CHASE LOOP SW
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KLOSTER MAX B & KLOSTER SANDRA
750 WYATT LN
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KNUTSON ERIC HENRY TTEE &
KNUTSON PATRICIA JANE TTEE
840 SE CRESCENT PL
NEWPORT,OR 97365

KRAMIEN STANLEY RICHARD JR &
KRAMIEN DEBRA L
17600 NE OLDS LN
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PATRICIA P
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DENNY, MEMBER
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LEATHERMAN TAMMY L
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NEWPORT,OR 97365

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1130 NE 7TH DR
NEWPORT,OR 97365

LEWER DANIEL
5305 NW WINTERCREEK DR
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LIND PAMELA J
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2014 POWELL DR
EL CAJON,CA 92020

LINDZY JACKIE
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UNIT B-3
NEWPORT,OR 97365

LIU XIN & QU WEIWEI
765 NE JEFFRIES PL
NEWPORT,OR 97365

LOE MATT
70 NORTH 400 EAST
DELTA,UT 84624

LONDON BRIAN
527 SW 4TH ST
NEWPORT,OR 97365

LOVEDAY JERRY & LOVEDAY
KIMBERLY
910 NE KING WAY
REDMOND,OR 97756

LUND GERALD N
PO BOX 1158
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LUXFORD DENNIS & LUXFORD CAROL
88396 FOREST MEADOW LN
VENETA,OR 97487

LUXFORD DENNIS R & LUXFORD
CAROL L
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VENETA,OR 97487

MABE JIM & WHITEHEAD SHERY
3217 S 1300 E
WENDELL,ID 83355

MAHAN DANIEL
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GLENEDEN BEACH,OR 97388

MARK DONALD
2226 N COAST HWY #231
NEWPORT,OR 97365

MARSHALL ERIC & WILLFORD RONA
13900 FISHBACK RD
MONMOUTH,OR 97361

MASTEN S C 1998 REV TR/CST
MASTEN KENNETH D TRUSTEE
9217 ST ANDREWS CIRCLE
KLAMATH FALLS,OR 97603

MATHEWS BRENDAN
556 SW 5TH ST
NEWPORT,OR 97365

MCCUE DANIEL A & MCCUE PENELOPE
R
425 SE SCENIC LP
NEWPORT,OR 97365

MCDONALD JOSEPH D TRUSTEE
1100 SW SIXTH AVE #1400
PORTLAND,OR 97204

MCKAY ARIN P
PO BOX 2016
NEWPORT,OR 97365

MCMAHAN JOHN D TSTEE & MCMAHAN
JERILYN L TSTEE
PO BOX 10
BRIGHTWOOD,OR 97011

MCPEAK ROBERT
4044 HWY 101
SPACE #25
FLORENCE,OR 97439

MERRIAM PARK LLC
5305 NW WINTERCREEK DR
CORVALLIS,OR 97330

MICONE KENNETH & MICONE SANDRA
3101 SE FERRY SLIP RD
#90
NEWPORT,OR 97365

MILLIREN DANIEL LEE
216 PAXTON RD
KELSO,WA 98626

MOLLOY TONYA L
2226 N COAST HWY
#216
NEWPORT,OR 97365

MOORE RANDY & MOORE TAMARA
855 SE CRESCENT PL
NEWPORT,OR 97365

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MUNGER KELLY E & MUNGER JILL M
3506 TORREY PINES DR S
SALEM,OR 97302

MYERS SHELLEY BRYAN TSTEE
476 SHANNON DR NW
ALBANY,OR 97321

NEIL MARK D & HUKILL NEIL LINDA FAYE
25320 LANSING LN
MIDDLETON,ID 83644

NEWPORT MARINE COMPANY
ONE SW COLUMBIA
SUITE 1575
PORTLAND,OR 97258

NGUYEN THANH N & NGUYEN HONG T
5948 LEGACY ST SE
SALEM,OR 97306

NORBURY SARA & NORBURY REGINALD CHARLES JR
3817 NE BROGDEN ST
HILLSBORO,OR 97124

NOTMAN DONALD R
2601 NE JACK LONDON ST
UNIT 169
CORVALLIS,OR 97330

NW FLEET REFINISHING INC
10350 N VANCOUVER WAY
#155
PORTLAND,OR 97217

OGBURN CORIANNE IRENE
1102 NE NEWPORT HEIGHTS DR
NEWPORT,OR 97365

OGRADY ERIC
425 NW BROOK ST
UNIT 1
NEWPORT,OR 97365

OLSON DENNIS L & OLSON DIANA K
7204 NE 108TH AVE
VANCOUVER,WA 98662

OLSON LLOYD G JR & SEAGER LAURA M
882 SE CRESCENT PL
NEWPORT,OR 97365

OLSON ROBERT E TRUSTEE & OLSON JERRYANN TRUSTEE
230 NE SAN-BAY-O CIR
NEWPORT,OR 97365

ONEILL THOMAS MICHAEL & ONEILL KYMBERLY
17011 S BRADLEY RD
OREGON CITY,OR 97045

OPHEIM TAMMY & OPHEIM JOEL
14151 NW WILLIS RD
MCMINNVILLE,OR 97128

OREGON MINK INC
11658 BARON RD
MT ANGEL,OR 97362

OSBORNE DANIEL & OSBORNE MARLENA
7138 SE DRAKE ST
HILLSBORO,OR 97123

PAGE KEVIN S & PAGE STEPHANIE L
630 HICKORY ST NW
STE 120
ALBANY,OR 97321

PAUL JAMES S JR TTEE & PAUL KATHY Y TTEE
2625 SUMMER ST SE
SALEM,OR 97302

PETERS HAYDEN
11495 SLAB CREEK RD
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PHILLIPS JOSEPH B & PHILLIPS ERNEST M
2139 PIONEER RD
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RAICHL J KEVIN & RAICHL NATALIE
20257 KNIGHTSBRIDGE PL
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REA NEAL F TSTEE & REA JANA J TSTEE
607 SE 5TH ST
NEWPORT,OR 97365

REESE AARON R
7285 22ND AVE N
KEIZER,OR 97303

RETHAFORD JOYANN
5240 SW ROSE PL
CORVALLIS,OR 97333

RICHARDS SANDRA G & RICHARDS BRIDGET E
2124 PAWNEE DR
NAVARRE,FL 32566

RITENOUR RONALD D TSTEE & RITENOUR SUSAN A TSTEE
687 SW AUGUSTUS DR
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ROBERTS CASEY & ROBERTS VICKY
5561 HARLAN RD
EDDYVILLE,OR 97343

ROBERTS TIMOTHY FREDERICK & MEDEMA TRAVIS S
1808 BELFAST RD
SPARKS,MD 21152

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PO BOX 83
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ROBISON STEVEN ROY & ROBISON LORETTA
9233 SE BAY BLVD
SP 107
NEWPORT,OR 97365

ROGERS SCOTT O & ROGERS MARY A
844 SE CRESCENT PL
NEWPORT,OR 97365

ROLIE LOREN P
18075 S ABIQUA RD NE
SILVERTON,OR 97381

ROPP HOWARD
5995 NE HWY 20
CORVALLIS,OR 97330

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40698 MCDOWELL CRK DR
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ROWLEY WILLIAM D TRUSTEE
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11365 NE BENTON ST
NEWPORT,OR 97365

RUSHING TIMOTHY E
1510 SW WALNUT
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SCARBERRY ADAM WAYNE & SCARBERRY EDDIE DEAN
2401 NE DOUGLAS ST
NEWPORT,OR 97365

SCHAUMBURG CARL
1985 WRIGHT PL
ALBANY,OR 97322

SCHINDLER FRED M
2625 E LINCOLN RD
WOODBURN,OR 97071

SCHOPP DENNIS & SCHOPP NANCY JO
8517 WHIPPLE DR
PASCO,WA 99301

SCHRANTZ JEFFREY
152 SE VIEW DR
NEWPORT,OR 97365

SCHREIBER JOHN & TO YUESUM
1665 SE TENINO ST
PORTLAND,OR 97202

SCHUEPBACH SETH R
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SCOTT PAUL MICHAEL & SCOTT TERESA ANGELA
649 MEMORY CT SE
OLYMPIA,WA 98513

SEE DAVID M
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SEIDLER ROBERT E & SEIDLER BECKY J
85 N RIVERTON CT
OTIS,OR 97368

SELF KERRY
101 DRIFT CREEK RD NE
SILVERTON,OR 97381

SELF KERRY E
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SHEN FAMILY LIVING TRUST & SHEN PEI-JEN TRUSTEE
1771 MANDAN PLACE
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SILVER RIDGE NW LLC
514 SE RUNNING SPRINGS ST
NEWPORT,OR 97365

SIMPLIFY HOLDINGS LLC
1105 NE 7TH DR
NEWPORT,OR 97365

SLINGLUFF INVESTMENTS LLC
2696 SW 3RD ST
CORVALLIS,OR 97333

SMITH LOREN J & SMITH NANCY L
30361 LOREN LN
CORVALLIS,OR 97333

SOLANO BERNADETTE
836 SE CRESCENT PL
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820 SUGARBERRY LN
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LOT 33
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& HARRIS ANNA LUTRELLE
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SP 189
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P TRUSTEE
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121 NE WILLIAMS AVE
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WOOD STREET LLC
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WORKMAN WILLIAM & BURKHARD
MICHAEL
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ZAWALSKI THERESA LYNN TSTEE
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WVCC
911 Dispatch
555 Liberty St SE Rm P-107
Salem OR 97301-3513

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

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

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

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

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

Lincoln County Library District
PO Box 2027
Newport OR 97365

US Post Office
ATTN: Postmaster
310 SW 2nd St
Newport OR 97365

OR Parks & Recreation Dept.
5580 S Coast Hwy
South Beach OR 97366

Secretary of State
136 State St Capitol
Salem OR 97310

Lincoln County Planning Dept
210 SW 2nd St
Newport OR 97365

Port of Newport
ATTN: Paula Miranda
600 SE Bay Blvd
Newport OR 97365

Laura Kimberly
Library

Spencer Nebel
City Manager

Rob Murphy
Fire Chief

Jason Malloy
Police Chief

Joseph Lease
Building Official

Beth Young
Associate Planner

Michael Cavanaugh
Parks & Rec

David Powell
Public Works

Aaron Collett
Public Works

Steve Baugher
Finance

Lance Vanderbeck
Airport

EXHIBIT 'A'
(Affected Agencies)

(1-SUB-23/1-VAR-23/2-GP-23)

Sherri Marineau

From: Sherri Marineau
Sent: Wednesday, March 01, 2023 12:03 PM
To: Derrick Tokos; Spencer Nebel; Robert Murphy; Joseph Lease; Jason Malloy; Laura Kimberly; Michael Cavanaugh; Beth Young; Clare Paul; David Powell; Aaron Collett; Lance Vanderbeck; Steve Baugher
Subject: Subdivision, Variance, and Geologic Permit - File No. 1-SUB-23/1-VAR-23/2-GP-23
Attachments: File 1-SUB-23 -- 1-VAR-23 -- 2-GP-23- Notice - PC.pdf

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

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

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

Sherri Marineau

From: Sherri Marineau
Sent: Wednesday, March 01, 2023 12:03 PM
To: 'odotr2planmgr@odot.state.or.us'; Brett Estes
Subject: Subdivision, Variance, and Geologic Permit - File No. 1-SUB-23/1-VAR-23/2-GP-23
Attachments: File 1-SUB-23 -- 1-VAR-23 -- 2-GP-23- Notice - PC.pdf

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

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

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

CITY OF NEWPORT

NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, March 27, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23, a request submitted by Lyle J. Misbach, AKS Engineering & Forestry, applicant (Greyson and Amelia Irrevocable Trust, Joseph D. McDonald, Trustee, owner) for the following amendments: 1-SUB-23: A Tentative Subdivision Plan (proposed name of "Fisherman's Wharf Estates") including 11 single family residential lots; 1-VAR-23: A Type III Variance request to allow the hammerhead portion of the proposed street to be constructed without a sidewalk; and 2-GP-23: A Geological Permit application to allow future development, construction, and site clearing within a known geologic hazard area. The location of the subject property Tax Lot 400 of Lincoln County Assessor's Tax Map 11-11-09-CB (1005 SE Bay Blvd). The application must be consistent with those approval criteria as set forth in Section 13.05.085 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Section 14.33.060 (for variance requirement approval); and NMC Section 14.21.030 (for geological permit approval). Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor (including the applicant) 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 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 this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (mailing address above).

(FOR PUBLICATION ONCE ON FRIDAY, MARCH 17, 2023)

a 37-31 loss two nights later to Jefferson at Central High School in Monmouth.

Santiam Christian senior wing Tayla Yost received the conference's Player of the Year award, and was joined on the Santiam Tayla Yost, Christian.

Coach of the Year: Jed McMullen, Amity.

ALL-CONFERENCE SELECTIONS

First team — Sara Grove, Amity; Alyssa McMullen, Amity; Maddie Fields, Santiam Christian; Gretchen Orton, Jefferson; Haley Ayala, Sheridan; Tayla Yost, Santiam Christian.

to the all-3A-5 PacWest Conference second team after she helped Taft to a 12-12 season record.

Second team — Mya Haarsma, Amity, **Sienna Lillebo, Taft;** Renika Oliveira, Dayton; Adie Nisly, Amity; Eliza Nisly, Amity.

PacWest Conference honorable mention honors (News-Times file photos)

Honorable mention — Leah Warner, Sheridan; Chloe Ayala, Sheridan; Maddie Scanlan, Santiam Christian; **Aliviah Mode, Taft;** Carrie Jones, Scio.

3/17/23

PUBLIC NOTICES

PUBLIC NOTICE

Notice is hereby given that the Port of Newport claims a lien in the amount claimed below, pursuant to ORS87.152, for the reasonable and agreed charges for labor and materials, storage or services provided at the request of the owner or lawful possessor of the following described personal property: Fishing Vessel ORCA, ID Number 295549, Reputed Owner Rocky Moffatt, Last known address: 1201 South Coast Highway, South Beach, OR 97366, No known security interest holder, amount of Claim $46,599.72. I certify that the Port of Newport has retained the property for at least 60 days from the date when the charges for services provided were due. The sale of the property will be "as is, where is" and there are no representations by the lien claimant as to the condition of the property or its title. Any person wishing to inspect the property prior to the sale may do so during normal business hours, by contacting: Kody.Robinson at 541-270-5557. Bid will be sealed bid. Bids accepted until: Tuesday March 28, 2023 at 10 A.M. Email bids to: gtucker@portofnewport.com OR drop bid off at: Port of Newport, 600 S.E. Bay Blvd., Newport, OR 97365. Bid forms can be found online at www.portofnewport.com or at the address listed above. M17, M24 94-24

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF KAINO CLIFFORD DIXON DECEASED CASE No. 22PB10725 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Taunette Dixon has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or J.F. Ouderkirk, attorney for the personal representative. Date of first publication: March 3, 2023 J.F. Ouderkirk, OSB #752903, Attorney for Personal Representative, Ouderkirk & Hollen, P.O. Box 1167, 615 SW Hurbert Street, Suite A, Newport, OR 97365, 541-574-1630 / 541-574-1638 fax. M3, M10, M17 92-17

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF GARY WAYNE WHITE DECEASED CASE No. 22PB10953 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Wanda Silkett has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or J.F. Ouderkirk, attorney for the personal representative. Date of first publication: March 3, 2023 J.F. Ouderkirk, OSB #752903, Attorney for Personal Representative, Ouderkirk & Hollen, P.O. Box 1167, 615 SW Hurbert Street, Suite A, Newport, OR 97365. 541-574-1630 / 541-574-1638 fax. M3, M10, M17 90-17

COMMUNITY SERVICES CONSORTIUM

GOVERNING BOARD MEETING

Community Services Consortium's Governing Board meeting will be held Tuesday, March 28, 2023 at 1:30 pm via Teams. The agenda will include adoption of CSC's Supplemental Budget 3 of Fiscal Year 2022-2023. The meeting is open to the public; all interested persons are welcome to join. Connection information is available by emailing eday@communityservices.us M17 89-17

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN NOTICE TO INTERESTED PERSONS In the Matter of the Estate of George Wesley Russell, Deceased Case No. 23PB01738 NOTICE IS HEREBY GIVEN that George Earl Russell has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at P.O. Box 1144, Newport, OR 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the personal representative, or the attorney for the personal representative, Jeff Waarvick, P.O. Box 1144, Newport, OR 97365. Dated and first published March 17, 2023. M17, M24, M31 32-31

NOTICE OF BUDGET COMMITTEE MEETING

A public meeting of the Budget Committee of the Kernville-Gleneden Beach-Lincoln Beach Water District, Lincoln County, State of Oregon, to discuss the budget for the fiscal year July 1, 2023 to June 30, 2024, will be held at The District Office, 6595 Gleneden Beach Loop. The meeting will take place on the 13th of April, 2023 at 3:00 p.m. To attend the meeting electronically using Microsoft Teams call 971-319-4988 and enter Conference ID 421323771#. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. Written comments received by 3:30 pm on April 12, 2023 will be read during the public comment section of the meeting on April 13, 2023. Comments by phone will be taken on a scheduled basis during the public comment section of the meeting on April 13, 2023. Comments, both written and phone in, will be subject to a three-minute limit per community member. To schedule public comment, please provide your name, phone number, and address with the district via phone message at 541-764-2475, public comment must be scheduled no later than 3:30 pm on April 11, 2023. This is a public meeting where deliberation of the Budget Committee will take place. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. A copy of the budget document may be inspected or obtained by mail with your request by phone at 541-764-2475 on or after April 1, 2023 between the hours of 8:00 am to 12:00 pm and 1:00 pm to 4:30 pm Monday through Friday. M17, M24 30-24

LINCOLN COUNTY INVITATION TO BID

FOR PUBLIC IMPROVEMENT PROJECT Bid No: 8089 Close Date: 3/31/2023 Close Time: 2:00 p.m. Project Name: COUGAR CREEK AOP (AQUATIC ORGANISMS PASSAGE) Owner's Contact: Andrew Blair, P.E. Phone: (541) 574-1212 ablair@co.lincoln.or.us Public Notice Lincoln County is soliciting bids for the removal of an existing culvert and its replacement with a precast concrete bottomless culvert at the following location: East Buck Creek Road/Buck Creek Road at Cougar Creek, Lincoln County, Oregon 97390. The roads are located within Lincoln County, Oregon. Estimated Project cost is less than $1,000,000. Contract to be completed by August 20, 2023. Anticipated Notice to Proceed date is July 3rd, 2023. Bid documents may be obtained at the office of Lincoln County Road Department, 880 NE 7th Street, Newport, Oregon 97365 (ph: 541-265-5747). The Bid Package will be posted on the County's web site at http://www.co.lincoln.or.us/publicworks. Bidders may also obtain a Bid Package at the various Oregon Plan Centers. PLEASE NOTE: Only those bidders who request to be added to the County's Plan Holders list will be directly notified of addendums or clarifications that might be issued. Addendums and clarifications will be posted to the County's web site (http://www.co.lincoln.or.us/publicworks) and the Plan Centers will be notified. It is the Bidders sole responsibility to incorporate all addendums into the final submitted bid. Signed copies of the addendums and clarifications must be attached to the bid submittal at the time of bid opening. Failure to include all posted addendums or clarifications will be cause to reject the bid. Bids must be received at Lincoln County Public Works, 880 NE 7th Street, Newport, Oregon 97365, by bid closing 2:00 p.m. on March 31st, 2023. Mailing address: 880 NE 7TH STREET, NEWPORT, OREGON 97365. Submit bids in a sealed envelope marked, "COUGAR CREEK AOP; Bid Form – Bid Closing March 31st, 2023 at 2:00 p.m." Pursuant to ORS 279C.370 bidders are required to disclose information about certain first-tier subcontractors, either in the bid submission envelope or within two (2) working hours after bid opening. The bidder must comply as applicable with ORS 279C.800 through ORS279C.870 or 40 USC 276a. Each bidder must complete the Residency Statement included in the Bid Form. Bidders shall be currently registered with the Construction Contractors Board (CCB), holding the proper registration for the work contemplated herein, at the time of submittal. All Subcontractors participating in the project shall be similarly registered with the CCB at the time they propose to engage in subcontract work. The CCB registration requirements apply to all public works contracts unless superseded by federal law. Bids will be opened and publicly read at Lincoln County Public Works, 880 NE 7th Street, Newport, Oregon 97365 at 2:00 P.M. on March 31st, 2023. The Board of Commissioners reserves the right to reject any bid not in conformity with the bid requirements, or the right to reject all bids if it is in the best interest of Lincoln County. Authorized by: Andrew Blair, P.E., County Engineer, Advertisement Dates: March 13th through March 27th, 2023, DJC; News Times; News Guard. M17, M24 29-24

NOTICE OF FORFEITURE OF PATRONAGE CAPITAL CREDITS OF MEMBERS OF PIONEER TELEPHONE COOPERATIVE, AN OREGON CORPORATION

Notice is hereby given that, by order of the Board of Directors of Pioneer Telephone Cooperative, dba Pioneer Connect, an Oregon cooperative corporation, whose registered office is located at 1304 Main Street, Philomath, Oregon, 1991 Patronage Capital Credits, which include payments authorized December 17, 2018 and March 28, 2019, can be redeemed until March 28, 2023, after which date any not so redeemed will be forfeited to the Cooperative. The unclaimed 1991 Capital Credits list and instructions on redeeming those capital credits can be found at www.pioneer.net/capitalcredits. The list is also available at both of our business offices located at 1304 Main Street, Philomath, OR 97370, and 575 W. Willow Street, Waldport, OR 97394, or by contacting Pioneer Connect at 541-929-3135 or 541-563-3135, option 5. M17 29-17

PUBLIC NOTICE

The Pacific Communities Health District Board of Directors will hold a Virtual and regular meeting on Tuesday, March 21, 2023 at 4:00 p.m. by Microsoft Teams or in person at the Center for Health Education located at 740 SW 9th St., Newport, OR, in conference room C. Persons interested in joining the Virtual meeting must have the Microsoft Teams Meeting Application downloaded on personal computer or cell phone. To request a Teams Meeting invite please email cmacnab@samhealth.org or call 541-574-4674. To join by phone (audio only) option, directly call 1-971-254-1254, followed by Conference ID: 703 486 962#. The meeting agenda includes meeting minutes, financial reports, and facility reports. /s/ Catherine Macnab, Recorder, PACIFIC COMMUNITIES HEALTH DISTRICT. For additional information contact 541-574-4674 or www.pchdistrict.org. M17 28-17

PUBLIC SALE

On March 28th , 2023 at 11:00 AM, a public sale will be held at Ideal Storage , 134 NE Metcalf Ave Siletz, OR 97380: Carrie Bostwick – S013 , Rachel Richardson – S153 . On March 29th , 2023 at 2:00 PM, a public sale will be held at Ideal Storage , 5441 W. Hwy 20, Toledo, OR 97391: Jason Luckid – T079 . On March 30th , 2023 at 2:00 PM, a public sale will be held at Ideal Storage, 235 SW Dahl Ave, Waldport, OR 97394: Amy Phillips – WB019 . Minimum bid $50.00 Cash only. M17, M24 27-24

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN Probate Department Case No. 23PB01287 NOTICE TO INTERESTED PERSONS In the Matter of the Estate of THOMAS COWAN MANSKE, Deceased. NOTICE IS HEREBY GIVEN that James Manske is appointed Personal Representative of the above Estate All persons having claims against Estate are required to present them to the undersigned attorney for the personal representative at 8555 SW Apple Way, Suite 300, Portland, Oregon 97225, within 4 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. Dated and first published on March 17, 2023. James Manske, Personal Representative, Jennifer Martin, OSB No. 190038, Hagen O'Connell Hval LLP, Attorneys for Personal Representative, 8555 SW Apple Way, Suite 300, Portland, Oregon 97225, T: (503) 227-2900, jmartin@hagenoconnell.com M17, M24, M31 26-31

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF DALE ALLEN STUDEBAKER, DECEASED CASE No. 23PB01662 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Annette Goldman has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or Jeffrey C. Hollen, attorney for the personal representative. Date of first publication: March 17, 2023. Jeffrey C. Hollen, OSB #761757, Attorney for the Personal Representative, 541-574-1630 P. O. Box 1167, 615 SW Hurbert Street, Suite A, Newport, OR 97365. Annetta Goldman Personal Representative, 1707 NW Oceanview Dr., Newport, OR 97365. M17, M24, M31 23-31

NOTICE TO INTERESTED PERSONS

Notice is hereby given that the undersigned has been appointed Personal Representative of the ESTATE OF EDWARD EARL PHILLIPS, DECEASED, Lincoln County, Oregon, Circuit Court Case No. 22PB08847. All persons having claims against said estate are required to present them, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the Personal Representative at 285 Highway 101/P.O. Box 700, Waldport, Oregon 97394-0700, or they may be barred. All persons whose rights may be affected by these proceedings may obtain additional information from the records of the court, the Personal Representative, or the attorney for the Personal Representative. DATED and first published March 10, 2023. Penny M. Baggett, Personal Representative, Law Office of Holly Anne Gibbons, LLC, Attorney for Personal Representative, P.O. Box 700, Waldport, OR 97394-0700. M10, M17, M24 22-24

SELF STORAGE

PUBLIC SALE

Safe-Lock Storage 3639 SE Ash St South Beach, Oregon 97366. Saturday 3/25/2023 @ 10:00am 133 Jake Anderson; N10 Joan Hoffman; F49 Nick Kamerer. Sale Subject to Cancellation. Safe-Lock Storage reserves the right to refuse any and all bids. M10, M17 18-17

CITY OF NEWPORT

NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, March 27, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-NCU-23. The request submitted by Northwest Natural Gas (Mike Smith, Norwest Engineering, representative) is for approval of a request per Section 14.32 "Nonconforming Uses, Lots and Structures" of the Newport Municipal Code, to build 6-ft diameter 40-ft tall enclosed flare at the NW Natural LNG Plant. The subject property is located at 1702 SE Bay Blvd (Lincoln County Assessor's Map 11-11-09-00; Tax Lot 1600). Pursuant to NMC Section 14.32.060(A), the approval authority shall determine that the structure was legally established at the time the Zoning Ordinance was enacted or amended, and that the use has not been discontinued for a continuous 12 month period. The approval authority must also verify the nature and extent of the nonconforming use, considering (1) a description of the use; (2) The types and quantities of goods or services provided and the activities conducted; (3) The scope of the use (volume, intensity, frequency, etc.) including fluctuations in the level of activity; (4) The number, location and size of physical improvements associated with the use; (5) The amount of land devoted to the use; and (6) Other factors the approval authority may determine appropriate to identify the nature and extent of a particular use (NMC Section 14.32.060(B)). Pursuant to NMC Section 14.32.070, after verification of the status of a nonconforming use pursuant to subsection 14.32.030, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood when considering the following factors: (A) (1) The character and history of the use and of development in the surrounding area; (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood; (3) Adequacy of infrastructure, including sewer, water, and streets, to accommodate the use; (4) The comparative numbers and kinds of vehicular trips to the site; (5) The comparative amount and nature of outside storage, loading, and parking; (6) The comparative visual appearance; (7) The comparative hours of operation; (8) The comparative effect on solar access and privacy; (9) Other factors which impact the character or needs of the neighborhood. (B) The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to: (1) Surfacing of parking areas and landscaping; (2) Exterior design of structures; and (3) Outdoor displays, storage, and signage. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 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 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials, the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address as well. Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (mailing address above). M17 17-17

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF AUSTIN SCOTT FRANK-RISKIN DECEASED CASE No. 22PB0630379 NOTICE TO INTERESTED PERSONS Notice is given pursuant to ORS 113.155 that Kenneth Riskin has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them within four (4) months after the date of the first publication of this Notice, or their claims may be barred. Claims are to be presented at the address of the attorney for the personal representative, set forth below. All persons whose rights may be affected by this estate proceeding may obtain additional information from the records of the Circuit Court, the personal representative, or J.F. Ouderkirk, attorney for the personal representative. Date of first publication: March 10, 2023. J.F. Ouderkirk, OSB #752903, Attorney for Personal Representative, Ouderkirk & Hollen, P. O. Box 1167, Suite A, Newport, OR 97365, 541-574-1630 / 541-574-1638 fax. M10, M17, M24 16-24

CITY OF NEWPORT

NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, March 27, 2023, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23, a request submitted by Lyle J. Misbach, AKS Engineering & Forestry, applicant (Greyson and Amelia Irrevocable Trust, Joseph D. McDonald, Trustee, owner) for the following amendments: 1-SUB-23: A Tentative Subdivision Plan (proposed name of "Fisherman's Wharf Estates") including 11 single family residential lots; 1-VAR-23: A Type III Variance request to allow the hammerhead portion of the proposed street to be constructed without a sidewalk; and 2-GP-23: A Geological Permit application to allow future development, construction, and site clearing within a known geologic hazard area. The location of the subject property Tax Lot 400 of Lincoln County Assessor's Tax Map 11-11-09-CB (1005 SE Bay Blvd). The application must be consistent with those approval criteria as set forth in Section 13.05.065 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Section 14.33.060 (for variance requirement approval); and NMC Section 14.21.030 (for geological permit approval). Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor (including the applicant) or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (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 this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (mailing address above). M17 15-17

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT FOR THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT IN THE MATTER OF THE ESTATE OF JOSEPH A. MACFARLAND, DECEASED CASE NUMBER: 23PB01805 NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN that Joseph C. Macfarland has been appointed Personal Representative. All persons having claims against the estate are required to present them, with vouchers attached, to the Personal Representative, c/o Jeffrey G. Moore, Saalfeld Griggs PC, 250 Church St. SE, Suite 200, PO Box 470, Salem, OR 97308-0470, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the Personal Representative, or the Lawyers for the Personal Representative. Dated and first published on March 3, 2023. /s/ Jeffrey G. Moore, OSB #982979, Attorney For Personal Representative, Saalfeld Griggs PC, PO Box 470 Salem, OR 97308-0470. Ph:(503)399-1070 Fax:(503)371-2927 Email: jmoore@sglaw.com M10, M17, M24 14-24

PURSUANT TO ORS CHAPTER 819

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 3/21/2023. The sale will be held at 10:00am by Car Care Tow Pro, 2795 SE 23rd Dr, Lincoln City, OR 2010 Cadillac SRX

PUBLIC SALE

The following storage units will be sold at public auction on Saturday, March 18 at 11:00 AM for non-payment of rent and other fees.Auction will 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 279 Robert Moon Unit 398 Joan Hoffman M3, M10, M17 VIN 3GYFNDE7XAS628751 Amount due on lien $6221.00 Reputed owner(s): GLENN DILLINGER, CNAC. M10, M17 12-17

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Attachment "E"
1-SUB-23 / 1-VAR-23 / 2-GP-23

March 9, 2023

Newport Community Development (Planning) Department
City Hall
169 SW Coast Hwy
Newport, Oregon 97365

CITY OF NEWPORT
MAR 13 2023
RECEIVED

Dear Planning Commission,

We are writing with regards to the Fisherman's Wharf Estates Subdivision (File No 1-SUB-23 / 1-VAR-23 / 2-GP-23). We live year-round at 844 SE Crescent Place, Newport, which is uphill from the proposed development. Our concerns regarding 1-SUB-23 and 2-GP-23 are as follows:

(1) Site clearing and construction will likely impact the existing road, SE Harbor Crescent Drive. There is a steep slope just below this road which is currently covered by vegetation. When the vegetation is removed, there will be erosion on the side of the road which will compromise the integrity of the road. A retaining wall (or walls) should be constructed along the entire length of this road to include the blacktopped section that is currently being used to park Harbor Crescent HOA members' vehicles.

(2) There may be a considerable time period between removal of the existing vegetation and when a new house is built on one of the lots. It could be years. Erosion control mats are temporary measures to hold slopes in place. What types of erosion control mats will be used for the steep slopes? How much time do you anticipate between the temporary measures and installation of a permanent retaining wall?

(3) When we had our house built (uphill from the proposed development), the geologist/engineer required multiple retaining walls with vegetation on the terraces. The slope in the proposed development is even more extreme than ours. To keep with the existing residential aesthetics of the neighborhood, terraces with vegetation would be appropriate.

(4) The proposed homes in the development are close to SE Harbor Crescent Drive. To prevent a vehicle from inadvertently hitting a home in the proposed development (when turning the curve), the retaining wall must be high enough to form a small protective wall at the edge of SE Harbor Crescent Drive. This road is routinely used by FedEx trucks, UPS trucks, delivery trucks, and all the residents uphill.

(5) The development is being planned near a stream. How will the developers ensure that the existing stream drainage will not be compromised so as to risk flooding in the existing Harbor Village neighborhood? It appears that there will be a storm drain on some lots. How will drainage be handled on all of the lots?

Thank you for your time.

Sincerely,

Scott and Mary Rogers
844 SE Crescent Place
Newport, Oregon 97365

srogers@bgsu.edu
marystrongrogers4@gmail.com

Scott Rogers
844 SE Crescent Pl.
Newport, OR 97365

PORTLAND OR 972
9 MAR 2023 PM 5 L

Newport Community Development (Planning) Dept.
City Hall
1691 SW Coast Hwy
Newport, Oregon 97365

97365-380669

Attachment "F"
1-SUB-23 / 1-VAR-23 / 2-GP-23

Derrick Tokos

From: Lyle Misbach <misbachl@aks-eng.com>
Sent: Thursday, March 16, 2023 1:32 PM
To: Clare Paul
Cc: Zach Pelz; Fawn Black; Aaron Collett; David Powell
Subject: RE: Fisherman's Wharf Subdivision Letter of Sufficiency

Clare-

Thank you sincerely for providing that information – we will coordinate with DEQ for the extension of their sanitary sewer approval.

Regards,

Lyle J. Misbach, PE, CFM
AKS ENGINEERING & FORESTRY, LLC
P: 503.400.6028 Ext. 414 | C: 503-779-8648 | www.aks-eng.com | misbachl@aks-eng.com

From: Clare Paul <C.Paul@NewportOregon.gov>
Sent: Thursday, March 16, 2023 12:23 PM
To: Lyle Misbach <misbachl@aks-eng.com>
Cc: Zach Pelz <pelzz@aks-eng.com>; Fawn Black <blackf@aks-eng.com>; Aaron Collett <A.Collett@NewportOregon.gov>; David Powell <D.Powell@NewportOregon.gov>
Subject: Fisherman's Wharf Subdivision Letter of Sufficiency

EXTERNAL EMAIL: This email originated from outside AKS Engineering & Forestry.

Hi, Lyle – with the exception of acknowledging that the 2019 storm modeling showed the downstream storm system has sufficient capacity, the 2018 letter of sufficiency is still appropriate for the development. Thank you - Clare

Clare C. Paul, PE
Assistant City Engineer
City of Newport
169 SW Coast Hwy, Newport, OR 97365
P 541-574-3370
c.paul@newportoregon.gov

From: Clare Paul
Sent: Monday, March 13, 2023 3:29 PM
To: 'Lyle Misbach' <misbachl@aks-eng.com>
Cc: Zach Pelz <pelzz@aks-eng.com>; Fawn Black <blackf@aks-eng.com>
Subject: RE: Fisherman's Wharf Subdivision

Hi, Lyle – I am still working on the letter, as the new City Engineer and new Public Works Director had a lot of thoughts on it. One item I am waiting for is our wastewater system model, so we can re-check the capacity of the sewer lift station and downstream components. Thank you - Clare

Clare C. Paul, PE
Assistant City Engineer
City of Newport

City of Newport
169 SW Coast Highway
Newport, OR 97365
P|541-574-3366 F|541-574-3301
http://www.thecityofnewport.net/

Memo

To: Derrick Tokos, Community Development Director

From: Timothy Gross, Director of Public Works/City Engineer

Date: 6/4/2018

RE: Adequacy of Public Facilities and Utilities – 1005 SE Bay Boulevard

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The proposed development at 1005 SE Bay Boulevard Parcel is currently served by a 2" PVC water line along Bay Boulevard and by an 8" asbestos concrete waterline to the east within an easement that covers the area encompassed by SE Harbor Crescent Drive. In order to provide adequate water service at the property, it will be necessary to replace the 2" PVC with a 6" water main or larger, and loop the water system to the 8" water line in SE Harbor Crescent Drive. Furthermore fire hydrants may be necessary within the development based upon fire code and flushing needs. Water pressure and volume will be adequate to serve the proposed development when public improvements are completed.

The proposed development is served by an 8" 3034 PVC gravity sanitary sewer located in SE Bay Boulevard. The capacity of the receiving pump station is exceeded during extreme storm events, however the additional flow created by the few lots associated with the proposed development will have a negligible impact on this issue. The adjacent sanitary sewer pipe is sufficient to meet the demand of the proposed development. Because the proposed development has a negligible impact to the receiving pump station I recommend that the development be allowed to proceed. The City is actively working to resolve the peak storm capacity issues at the station.

Storm drainage is provided in the ROW by an 8" PVC storm sewer in Bay Boulevard that discharges into Yaquina Bay by the Embarcadero Resort. Without a hydraulic model of the proposed storm sewer associated with the development, it is impossible to determine if the adjacent storm sewer has sufficient capacity. It may be necessary to increase the size of the existing storm sewer or do on-site storm water detention if modeling shows the additional volume will exceed the capacity of the storm sewer system.

Transportation facilities are provided via Bay Boulevard, which has a 50' wide right-of-way, two 12' travel lanes, and two 6' wide bike lanes and a sidewalk on the east side. The transportation facilities are adequate for the proposed development.

Testimony for City of Newport Public Hearing, Planning Commission meeting on March 27, 2023, regarding File No. **1-SUB-23 / 1-VAR-23 / 2-GP-23** and requested approval of variances for Tax Lot 400 of Lincoln County Assessor's Tax Map 11-11-09-CB (1005 SE Bay Blvd), also known as the Fisherman's Wharf Estates subdivision.

Submitted by: William Chadwick, 872 SE Crescent Place, Newport, OR, 97365
March 24, 2023

I am the Chair of the Harbor Crescent Homeowners Association, which is located directly upslope (east) of the lot in question. This Fisherman's Wharf Estates subdivision plan, request for variance, and application for a Geologic Permit appears to be nearly identical to similar requests made and approved in 2018.

Then and now, our main concern is **potential slope instability** caused by excavations on the steep slopes that would be required to make the proposed lots buildable on the east side of the proposed subdivision. These concerns are relevant to the approval criteria for the subdivision plan and for a Geologic Permit to allow development within a known geologic hazard area.

We request that, if the Planning Commission approves the petitioners' requests, that they also add the requirement that a Geotechnical Engineer needs to review and approve final grading plans BEFORE site preparation and any construction starts, as recommended in the Geological Report (see below).

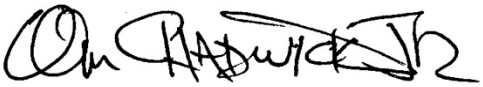
We note that the Tentative Subdivision Plan currently has exceedingly small setbacks between the proposed building sites on lots 1, 2, 3, 4, and 5 (on the east side of the "hammerhead" road in the subdivision plan) and SE Harbor Crescent Drive (the private road that is the primary means of access into the Harbor Crescent development, and which we had resurfaced last summer at major expense to our HOA). Such small setbacks would only be possible if substantial slope engineering were required to prevent slope instability on our adjacent property during and after the subdivision is developed.

For example, currently up to half of the area of lots 1 though 5 are occupied by very steep slopes, and the excavations that would be necessary to grade the property for building would actually increase the steepness of those slopes adjacent to SE Harbor Crescent Drive and some Harbor Crescent HOA lots (see map sheets C002 and C003 in Exhibit B of the Staff Report, pages 78 & 79, and cross-section on upper right of map sheet C101 on page 90).

On the bottom of page 8 and the top of page 9 in the Geotechnical Report, written by Foundation Engineering (Exhibit G, dated Feb 14, 2023), they state: "To limit the potential for slope instability, we recommend the following: … (then at the end of 1st bullet point) … **Final grading plans should be reviewed and approved by a Geotechnical Engineer**." We would like the Planning Commission to make this a *requirement* as part of their approval of this project. The Geotechnical Report (in the same section) goes on to state: "It is possible that instability could be triggered with poor planning or construction. Triggering of landslides in developed

areas is typically associated with large excavations that remove natural buttresses…" This is exactly the scenario that we want to avoid, and requiring that the grading plans be approved by a geotechnical engineer, before any construction begins, is the best way to do that.

Thank you for your consideration of this matter.



William Chadwick
Chair, Harbor Crescent Homeowners Association

Sherri Marineau

From: Derrick Tokos
Sent: Monday, March 27, 2023 8:24 AM
To: Sherri Marineau
Subject: FW: Comments submitted for public hearing March 27, 2023
Attachments: T Atwill fisherman's wharf development 3_23 .pdf

See attached.

Derrick

From: Teresa Atwill
Sent: Sunday, March 26, 2023 6:24 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: Comments submitted for public hearing March 27, 2023

[WARNING] This message comes from an external organization. Be careful of embedded links.

_____

I am attaching my testimony for the Hearing on the Fisherman's Wharf Estates subdivision variance hearing.

Please let me know if this can be submitted or if I need to deliver this in person.

Thank you,

Teresa Atwill

TO: Derek Tokos and the planning commission
D.Tokos@newportoregon.gov

Testimony for City of Newport Public Hearing, Planning Commission meeting on March 27, 2023, regarding File No. **1-SUB-23 / 1-VAR-23 / 2-GP-23** and requested approval of variances for Tax Lot 400 of Lincoln County Assessor's Tax Map 11-11-09-CB (1005 SE Bay Blvd), also known as the Fisherman's Wharf Estates subdivision.

Submitted by: Teresa Atwill, 872 SE Crescent Place, Newport, OR, 97365 March 26, 20

I have concerns about both the variance requested and the geologic permit.

1-VAR-23 Hammerhead turnaround variance Section 14.44.060.I.
From the report, "The variance is not anticipated to create any adverse impacts. The proposed "hammerhead" turnaround will not operate as a street that connects to the surrounding street network …The turnaround is designed to allow vehicles, including emergency vehicles, to either maneuver in and out of the driveways serving the future homes on Lots 5 - 9, or turnaround to leave the subdivision, all at minimal speeds."

My concern is that the proposed subdivision development has described that each house will have two parking spots, one in a garage and one on driveway and yet, in the variance request for the proposed hammerhead turnaround it is stated that the driveways need to be clear of cars for emergency vehicles to maneuver. These two things cannot both be true. From the Harbor Crescent development, I have seen that not having enough parking (and Harbor Crescent has 2 car garages plus driveways) and then expecting that there will be room to maneuver large vehicles is a huge safety problem.

2-GP-23 The geologic permit application
The geotechnical report on page 9 states that to limit slope instability, they recommend;
"Construct homes on full cut benches. Do not build on pads created by combinations of cuts and fills. To the extent practical, foundations for individual homes should be designed and constructed to accommodate the sloping terrain and reduce the need for deep cuts or fills. **Final grading plans should be reviewed by a geotechnical engineer.**

It is possible that instability could be triggered with poor planning or construction. "

Based on the Geotechnical report I believe that the city should make sure these are included in approval of the development.

1. Require stockpiled fill be removed.
2. Require any fill added be geologically engineered.
3. Require final grading plans be reviewed by an engineer.

4. (based on discussion below) require a written statement of compliance by a design engineer for **all** the lots in this development

From the Newport City Planning Office staff report:

C. Evaluation of the Request:
Iii. Compliance with NMC Chapter 14.21
j. **A condition of approval is recommended requiring a certified engineering geologist must be provided if engineering remediation is anticipated to make the site suitable for the proposed development.**

E. Staff Recommendations
1. "If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the city must also receive an additional written statement of compliance by the design engineer."

I believe the staff recommendation is too vague. Many of the lots, based on the geotechnical evaluation, would require engineering remediation. These must be identified **now** so that no lot is sold without it being clear that this is a requirement, or require the written statement of compliance by a design engineer for **all** the lots in this development.

DOGAMI identified this area as a high hazard for earthquake induced landslides. So, the fact that the geologic engineer who wrote this report saw no evidence of landslide features means nothing. The next Cascadia earthquake would produce the landslide features. This is a high enough risk to require that the city protect the community of up slope homes and the homes in this development by ensuring that the slopes are stabilized by engineering remediation.

In conclusion, there is no need for the developer to put 11 lots on this property. The challenges of developing this sloping property were obvious when the property was purchased. I understand they would like to sell as many lots as possible, but that does not mean that this design is workable within the limitations of the geology and city standards (and thus the need to request a variance) for road quality in a development. I believe that the developer needs to work to create a design that has a street that is accessible to emergency vehicles. The hammerhead will not work for firetrucks and this puts all the houses and mobile homes in this area at risk.

I also request that the city protect surrounding upslope developments by insisting that all lots have a required written statement of geologic engineering compliance by the design engineer.

Thank you,

Teresa Atwill
Newport Resident
techatwill@gmail.com

Tentative Planning Commission Work Program

(Scheduling and timing of agenda items is subject to change)

February 13, 2023 Work Session

- Review Draft Housing Production Strategy Component of Housing Study (Part II)
- Draft City Council Goals for Fiscal Year 2023/24
- Recent News-Times Change to Publications and Impact on Land Use Actions

February 13, 2023 Regular Session

- File 5-CUP-22 Final Order and Findings on Conditional Use for Relief from STR Spacing Standards
- File 5-Z-22 Continued Hearing on Ordinance No. 2202 – STR Work Group Recommendations

February 27, 2023 Work Session

- Reception for Outgoing Chair/Commissioner Jim Patrick

February 27, 2023 Regular Session

- File 1-CP-23, Amendment to Comprehensive Plan Historic Inventory (1886 Building)

March 13, 2023 Regular Session

- File 1-CUP-23/1-ADJ-23, Hearing on new 3-Story Commercial & Hotel Use on Bay Blvd (Former Apollos Site at Bay Street and Bay Blvd)

March 27, 2023 Regular Session

- Continued Hearing on File 1-CUP-23/1-ADJ-23, Final Order and Findings on new 3-Story Commercial & Hotel Use on Bay Blvd (Former Apollos Site at Bay Street and Bay Blvd)
- File 1-NCU-23, Hearing on Non-Conforming Use Alteration to Install a 9-ft Diameter, 40-foot Tall Enclosed Flare at NW Natural Facility
- File 1-SUB-23/1-VAR-23/2-GP-23 Hearing on Fisherman's Wharf 11 Lot Subdivision

April 10, 2023 Work Session

- Review Draft Multi-Family/Commercial Trash Enclosure Standards

  Update on Status of Yaquina Bay Estuary Plan Update

  Review Results from Housing Production Online Survey and Recommended Housing Production Strategies

April 10, 2023 Regular Session

- Potential Action on Recommended Housing Production Strategies

  File 1-CUP-23/1-ADJ-23, Final Order and Findings on new 3-Story Commercial & Hotel Use on Bay Blvd
- File 1-NCU-23, Final Order and Findings on NW Natural Non-Conforming Use Alteration to Install a Flare
- File 1-SUB-23/1-VAR-23/2-GP-23 Final Order and Findings on Fisherman's Wharf 11 Lot Subdivision
- File 2-CUP-23 Hearing on Conditional Use Permit Application by South Beach Church

April 24, 2023 Work Session

- Update on Status of South Beach Island Annexation Process
- City Center Revitalization Project Update (Consultant to be under contract in March)
- Draft Amendments to Special Parking Area Regulation (Relates to Bayfront Pkg Management Plan)
- Follow-up Review of Multi-Family/Commercial Trash Enclosure Standards (if needed)

April 24, 2023 Regular Session

- File 2-CUP-23 Final Order and Findings on Conditional Use Permit Application by South Beach Church