



PLANNING COMMISSION REGULAR SESSION AGENDA

Monday, June 10, 2019 - 7:00 PM

City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

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

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

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Regular Session Meeting Minutes of May 28, 2019.

[Draft PC Minutes 05-28-19.pdf](#)

3. CITIZENS/PUBLIC COMMENT

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

4. ACTION ITEMS

- 4.A Recommendation for the Short-Term Rental Ordinance Implementation Work Group Planning Commission Member.

[Memorandum and Materials.pdf](#)

- 4.B Potential Motion to Initiate the Legislative Process for the Parks System Master Plan Component of the Comprehensive Plan.

5. PUBLIC HEARINGS

- 5.A File No. 4-CUP-19: Approval of a Request to Grant Relief of the One Off-Street Parking Space Required to Operate a One (1) One-bedroom Vacation Rental.

[File 4-CUP-19.pdf](#)

- 5.B File No. 1 & 2-PD-19 / 1-SUB-19 / 1-MRP-19: Southshore Planned Development Amendment, Tentative Subdivision Plan, and Minor Replat.

[Staff Report.pdf](#)

[Attachment A.pdf](#)

[Attachment B.pdf](#)

[Attachment C.pdf](#)

[Attachment D.pdf](#)

[Attachment E.pdf](#)

[Attachment G.pdf](#)

[Attachment F.pdf](#)

[Attachment H.pdf](#)

[Attachment I.pdf](#)

[Attachment J.pdf](#)

[Attachment K.pdf](#)

[Attachment L.pdf](#)

[Attachment M.pdf](#)

[Attachment N.pdf](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

- 7.A Rogue Beer and Brew Compliance Issues (File No. 2-CUP-19)

[Memorandum and Email.pdf](#)

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
May 28, 2019

Planning Commissioners Present: Lee Hardy, Mike Franklin, Jim Hanselman, Rod Croteau, and Bill Branigan (by phone).

Planning Commissioners Absent: Jim Patrick, and Bob Berman (*all excused*).

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

1. **Call to Order & Roll Call.** Vice-Chair Croteau called the meeting to order in the City Hall Council Chambers at 6:05 p.m. On roll call, Commissioners Hardy, Croteau, Franklin, Hanselman, and Branigan were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work and Regular Session Meeting Minutes of May 13, 2019.

MOTION was made by Commissioner Croteau, seconded by Commissioner Hanselman to approve the Planning Commission work and regular session meeting minutes of May 13, 2019 as written. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** Cheryl Connell addressed the Commission and stated that she was a 41 year resident of Newport and a member of the Vacation Rental Ad Hoc Committee. She read a statement that stated that a group of Newport residents were opposing the City Council's decision to approve Ordinance No. 2144, without including the recommended 5 year phase out of vacation rentals. Connell explained that the group would be presenting their case to enact a 5 year phase out to the Commission on their next meeting as a part of the public comment. If the Commission preferred, they could request it be a part of the agenda.

4. **Action Items.**

A. **Final Order and Findings for File No. 2-CUP-19.**

Croteau asked Franklin if he had listened to testimony from all of the public hearings and if he was in a position to make a decision. Franklin reported that he had heard testimony and was in a position to make a decision. Croteau commented that the Commission was operating under the 2012 rules for this decision. He thought that under those rules there would have been a sufficient number of violations that would cause a revocation of Rogue's license if they had had one.

MOTION was made by Commissioner Hardy, seconded by Commissioner Franklin to approve the Final Order and Findings for File No. 2-CUP-19 as written. Franklin, Hardy and Branigan were a yay. Croteau and Hanselman was a nay. The motion carried in a voice vote.

B. **Final Order and Findings for File No. 2-NCU-19.**

MOTION was made by Commissioner Hardy, seconded by Commissioner Franklin to approve the Final Order and Findings for File No. 2-NCU-19 as written. The motion carried unanimously in a voice vote.

C. Final Order and Findings for File No. 3-CUP-19.

MOTION was made by Commissioner Franklin, seconded by Commissioner Hardy to approve the Final Order and Findings for File No. 3-CUP-19 as written with conditions. The motion carried unanimously in a voice vote.

5. Public Hearings. None were heard.

6. New Business. Tokos reviewed his memo on the topics that would be covered with the Commission through July 2019.

7. Unfinished Business. Tokos reported that Newport was one of the communities selected to have a community assisted visit by FEMA. This was like an audit on how the city was implementing their flood hazard regulations. Tokos reported that because FEMA was doing a visit at the time the city was updating the flood maps, the city would be working with FEMA on any ordinance changes as opposed to working the State, who they would normally work with. Croteau asked if the Newport visit was random. Tokos said Newport had filtered up on the schedule. The visits were periodic and Newport's visit was due.

8. Director Comments. Hanselman asked about the letter the Commission requested Tokos to put together for the City Council that would report on Rogue not paying room taxes. He requested that Tokos write the letter and bring it to the Commission. Tokos would bring a letter to the next meeting. Croteau thought that the general concerns of Rogue's operations raised a larger issue about conditional uses and how the city would handle these issues. He thought it would be good to have a position on paper for the issue. Hanselman noted that the third party vendor enforcement would find short-term rentals operating without licenses, and room taxes not being paid. He wanted to see the City on top of this to deal effectively with these people. Hardy thought the fatal flaw was a lack of clearly written administrative rules to handle the ordinances that have been written in the past. She said there wasn't a designated chain of command or a protocol, and that had to be addressed rather than doing a piecemeal letter.

Carla Perry addressed the Commission. She asked if Rogue had applied for a vacation rental endorsement license under the 2012 rules even though they has been operating without a license. Tokos explained that Rogue had submitted their application under the 2012 rules before the May 6th deadline, and their application was subject to those rules.

9. Adjournment. Having no further business, the meeting adjourned at 6:22 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: June 5, 2019
Re: Short-Term Rental Ordinance Implementation Work Group

At its June 3, 2019 meeting, the Newport City Council established a short-term rental ordinance implementation work group. The group is charged with collecting and evaluating information related to the implementation of the recently adopted short-term rental ordinance (Ordinance No. 2144). Work group members will serve in an advisory capacity, reporting to the Commission and Council on a quarterly basis, with a final report being issued no later than September of 2020. The work group is to complete its work by December of 2020.

Enclosed is a copy of the resolution listing the full scope of the work group's responsibilities? I have also attached, for context, a copy of the minutes from the June 3, 2019 City Council meeting where members shared their thoughts on why they felt a work group is needed.

The work group will be comprised of seven members, one of which is to be a Planning Commissioner. This meeting is an opportunity for the Commission to deliberate on who it would like to recommend serve as the Planning Commission representative.

With regards to the two citizen at-large and short-term rental industry representative positions, the City Council is soliciting applications from interested persons. Applications can be submitted online at: <https://newportoregon.gov/citygov/comm/default.asp>. The City Council has indicated that they would like to conduct interviews in early to mid-July, so that appointments could be made at the July 15, 2019 Council meeting.

Attachments

- Excerpt from Draft Minutes of the June 3, 2019 City Council Meeting
- Resolution No. 3857, Establishing a Short-Term Rental Ordinance Implementation Work Group

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Consideration and Potential Adoption of Resolution No. 3857 Establishing a Short-Term Rental Ordinance Implementation Work Group. Hawker introduced the agenda item. Nebel reported that at the May 6, 2019 Council meeting, Council requested that staff develop a resolution creating a work group that would be charged with collecting and evaluating information relating to the implementation of Ordinance No. 2144. He stated that this would include administrative steps taken by staff to carry out the provisions of the ordinance. He noted that this work group would receive and review reports on permits issued, status of the wait list, resolution of complaints, and enforcement actions taken by the city. He added that the group would review any legal decisions that may impact aspects of administering the ordinance. He stated that the work group would advise staff regarding various implementation issues with the ordinance, and prepare reports to the Planning Commission and Council. He noted that the report would summarize their observations related to the roll-out of Ordinance No. 2144 in achieving policy objectives, and make any recommendations to Council if any adjustments are necessary. He added that the final report of the group's findings would be issued by the end of September 2020, with the work group being empaneled through December 2020.

Nebel reported that a number of administrative steps are currently underway. He stated that based on the budget approved by the Budget Committee, he authorized the recruitment of the second Community Services Officer as part of the enforcement process. He added that demonstrations from three third-party vendors to provide support regarding the identification of vacation rentals, and the complaint processing, as directed by the ordinance, have been scheduled. He noted that with the timing of the ordinance adoption, the implementation of the third-party vendor, and the hiring of the second Community Services Officer, will not be completed until mid to late summer. He stated that staff is working on a number of issues that will be rolled out by July 1, including rental endorsement forms, application and renewal submittal checklists, a new short-term rental endorsement approval document, development of a wait list, policy on frequency of inspections, and a clear definition of what constitutes a violation that would count as a "strike," leading to a possible revocation of a business license.

Nebel reported that the draft resolution provides that the membership of this work group would consist of two members of Council, one member of the Planning Commission, one short-term rental owner, two citizens at-large, and the City Manager, and Council could consider modifications to the proposed composition as outlined in the draft resolution.

Nebel reported that the work group will meet, minimally, on a quarterly basis with the resolution authorizing the work group to complete all of its work by December 31, 2020. He stated that it might be advisable for the group to meet more frequently in the beginning to meet the requirement contained in the draft resolution. He noted that Council needs to decide if they want to advertise publically, or if they want to nominate representatives who could fill the membership of this work group. He added that Council would also need to determine whether a Planning Commission member would be selected by the Commission or Council.

Nebel reported that Jacobi met with him and suggested that there may be some benefit to identifying citizen members who are knowledgeable about city operations, but have not been involved with deliberations, in order to get a fresh perspective on filling this role. He stated that Jacobi also thought that if a more neutral group was empaneled, it would not be necessary to have a VRD owner as a member. He added that Jacobi would

also like the work group to track trends with bed and breakfasts and home share-type arrangements.

Sawyer asked for public comment.

Kirk Hofstetter reported that he owns a house on Cherokee Lane that he uses as a vacation rental. He suggested there be a couple more landlords on the committee. He recommended balance on the committee.

Hall asked about the potential that the work group would continue beyond December of 2020. Nebel stated that the final work group report could recommend a standing committee if considered necessary.

Jacobi suggested the work group have as neutral composition as possible to avoid contention on the issue.

Allen noted that it is always good to see whether the end product is what was envisioned. He stated that some Councilors should be a part of the group, as well as a Planning Commissioner. He asked who decides which Planning Commissioner to appoint to ensure a divergent makeup. He noted that Nebel should be on the group, as well as two citizens at-large, and possibly a member of the short-term rental community. He recommended members with divergent viewpoints to look at the issue objectively.

Nebel suggested that each Councilor consider nominating a person; interviewing those people; and selecting two members from among the interviewees.

Hall asked whether the resolution could be adopted, and the committee composition discussed at a future work session.

Jacobi noted that she likes the idea of each Councilor nominating someone.

Sawyer stated that he likes the idea of each Councilor nominating someone. Allen agreed with Sawyer and Jacobi, noting that still leaves the selection of a person from the short-term rental community. He recommended letting the Planning Commission select their representative to this group.

Goebel stated that he likes the idea of interviews. Botello recommended open applications rather than recommendations of the City Council. Parker agreed that the Planning Commission should select its own representative.

Allen suggested combining the recommendations with an open call for interested persons. He stated that this would open it up to the community, but would still require Council ratification of the appointments.

Hall asked whether people who served on the ad hoc committee would also be considered for appointment to this group. Nebel noted that there would be Council interviews and selections.

Hall asked whether Council member representatives should be selected.

Jacobi asked whether there needs to be two Council members, and suggested that could be one Council member with an additional at-large member.

Allen stated that he would like to have one Councilor who voted for the ordinance, and one Councilor who voted against the ordinance, on the group.

MOTION was made by Parker, seconded by Hall, to adopt Resolution No. 3857, a resolution establishing a short-term rental ordinance implementation work group. The motion carried unanimously in a voice vote.

Nebel confirmed that Council wanted to go through a public application process. He stated that a special meeting may be needed for interviews, before mid-July, so that the appointments could be made at the July 15 meeting.

Goebel noted that he likes the idea of at-large representatives as there is a lot of interest.

Allen suggested sending a notice to all the VRD owners that were involved in this process to notify them of the application process.

Jacobi reported that she would like the group to track the trends of B&Bs and homeshares.

MOTION was made by Goebel, seconded by Botello, to keep the two at-large positions; ask for applications from VRD owners to fill one position; and ask the Planning Commission to designate one member to serve on this group. The motion carried unanimously in a voice vote.

A discussion ensued regarding which Councilors to appoint to the group. Sawyer suggested holding off on this selection until the interviews are held. Nebel reported that an interview date would be set so that applicants know they will need to participate in an interview on a certain date. He recommended the interviews occur after July 4, but prior to the July 15 meeting. He added that Council could select its two members now or at a later meeting. It was noted that the Mayor would make the appointments subject to ratification by Council.

Allen stated that he does not want to be on the work group. Goebel and Jacobi reported that they are interested in serving on the work group.

MOTION was made by Parker, seconded by Hall, to select Goebel and Jacobi as representatives to the Short-Term Rental Ordinance Implementation Work Group. The motion carried unanimously in a voice vote.

**CITY OF NEWPORT
RESOLUTION NO. 3857**

**RESOLUTION ESTABLISHING
A SHORT-TERM RENTAL ORDINANCE
IMPLEMENTATION WORK GROUP**

WHEREAS, City of Newport adopted Ordinance No. 2144, effective May 6, 2019, relating to the regulation of short-term rentals within the city limits; and

WHEREAS, Ordinance No. 2144 puts in place a new administrative framework for licensing short-term rentals, establishes siting and safety standards, and imposes limitations on the total number and location where vacation rental dwellings are permitted; and

WHEREAS, Effective implementation of Ordinance No. 2144 will require close coordination between the City's Finance, Community Development, Police and Fire Departments to ensure the new requirements are followed and enforced; and

WHEREAS, City is further working to secure the services of a third party vendor to supplement its short-term rental enforcement resources and that vendor's activities will need to be integrated into City's short-term rental program; and

WHEREAS, Considering complexities inherent to this new regulatory program, and community interest in its successful implementation, it is both appropriate and necessary to establish a work group to evaluate the program for a period of time to determine if desired policy objectives are being achieved.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Short-Term Rental Ordinance Implementation Work Group Established. There is hereby established a Short-Term Rental Ordinance Implementation Work Group. Members shall be appointed by the Mayor and confirmed by the City Council. The Work Group shall be comprised of:

- A. Two members of the Newport City Council; and
- B. One member of the Planning Commission; and
- C. The City Manager of the City of Newport; and
- D. One representative of the short-term rental industry; and
- E. Two citizens at-large.

Section 2. Work Group Responsibilities. The Short-Term Rental Ordinance Implementation Work Group shall have the following powers, duties, and functions:

- A. Collect and evaluate information related to implementation of Ordinance No. 2144, including administrative steps taken by the City to carry out the provisions of the ordinance, legal decisions that may influence implementation, reports on permits issued, status of the waitlist, resolution of complaints, and enforcement actions undertaken by the City; and

- B. Provide recommendations to city administration on how implementation of the ordinance, as written, could be improved; and
- C. Prepare and present reports to the Planning Commission and City Council summarizing the group's observations related to the effectiveness of Ordinance No. 2144 in achieving policy objectives. Status reports shall be provided on a quarterly basis, with a final report of the Work Group's findings being issued by the end of September 2020. The final report may include recommendations for administrative changes or revisions to the ordinance that the Work Group believes are necessary to better achieve policy objectives.

Section 3. Administrative Support. The Community Development Department shall perform administrative functions for the Short-Term Rental Ordinance Implementation Work Group, with assistance from the City Attorney, Finance, Fire, and Police Departments on an as needed basis.

Section 4. Meeting Schedule and Duration. The Short-Term Rental Work Group shall conduct its first meeting no later than September 30, 2019 and shall meet on at least a quarterly basis thereafter for the period of time the work group is empaneled. The Work Group shall complete its work by December 31, 2020.

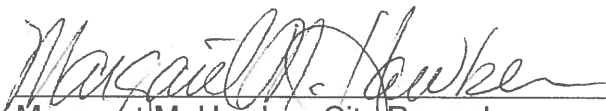
Section 5. Effective Date. This resolution shall be effective immediately upon passage.

Adopted by the City Council of the City of Newport on June 3, 2019.



 Dean H. Sawyer, Mayor

ATTEST:



 Margaret M. Hawker, City Recorder

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

IN THE MATTER OF PLANNING COMMISSION)	
FILE #4-CUP-19, APPLICATION FOR A)	FINAL
CONDITIONAL USE PERMIT AS SUBMITTED BY)	ORDER
DAN AND TERESA REICH, OWNER)	

ORDER APPROVING A CONDITIONAL USE PERMIT per Chapter 14.25.020(E)/“Bed and Breakfast and Vacation Rental Facilities – General Provisions” of the Newport Municipal Code (NMC) for approval of a one-bedroom condominium unit at 801 NW Coast Street (Unit 4) where the requirements of NMC 14.25.050 for off-street parking spaces cannot be met.

WHEREAS:

- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Municipal Code; and
- 2.) The Planning Commission duly held a public hearing on the request, with such hearing occurring on June 10, 2019; and
- 3.) At the June 10, 2019 public hearing on said application, the Planning Commission received testimony and evidence; and
- 4.) At the conclusion of said public hearing, after consideration and discussion, upon a motion duly seconded, the Planning Commission **APPROVED** the request.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") support the approval of the requested conditional use permit with the following condition(s):

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

BASED UPON THE ABOVE, the Planning Commission determines that the request for a Conditional Use Permit to authorize a vacation rental in Unit 4 of the Ocean Vista Condominium complex (801 NW Coast Street) is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport, and the request is therefore granted.

Accepted and approved this 10th day of June, 2019.

James Patrick, Chair
Newport Planning Commission

Attest:

Derrick I. Tokos, AICP
Community Development Director

EXHIBIT "A"

Case File No. 4-CUP-19

FINDINGS OF FACT

1. The property owners, Dan and Teresa Reich, submitted an application on May 3, 2019, for approval of a Conditional Use Permit, per Chapter 14.25.020(E)/ "Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code, for approval of a vacation rental in a one-bedroom condominium where the requirements of NMC 14.25.050 for off-street parking spaces cannot be met.
2. The subject property is located at 801 NW Coast Street, Newport, Oregon 97365. It is Unit 4 of the Ocean Vista Condominium complex and is identified on Lincoln County Assessor's Map 11-11-05-CB, Tax Lot 90000 (common area) & 90004 (unit). The parcel is approximately 12,632.4 sq. ft. in size per Lincoln County Tax Assessor records.
3. Staff reports the following facts in connection with the application:
 - a. Plan Designation: Commercial.
 - b. Zone Designation: C-2/"Tourist Commercial." The property is also within the Historic Nye Beach Design Review Overlay and Parking District.
 - c. Surrounding Land Uses: Waves Motel to the east, Lighthouse Lodges Condominiums and the Inn at Nye Beach to the south, undeveloped city-owned oceanfront open space to the north, and the Pacific Ocean to the west.
 - d. Topography and Vegetation: The site is level where the condominiums were built and there is a flat fenced yard between the units and the edge of the bluff. From the bluff, the property drops steeply down to the beach.
 - e. Existing Structures: Six condominium units.
 - f. Utilities: All are available to the site.
 - g. Development Constraints: Property is within the city's Geologic Hazards Overlay.
 - h. Past Land Use Actions: *File No. 9-GP-07*. Geologic Permit for reconstruction of the roof. *File No. 5-CUP-18*. Granted Unit No. 1 relief from the requirement that they provide two, off-street parking spaces for a two bedroom vacation rental.
4. Upon acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed action on May 9, 2019, to affected property owners required to receive such notice by the Newport Zoning Ordinance, and to various city departments, agencies, and public utilities. The notice referenced the criteria by which the application was to be assessed. The notice required that written comments on the application be submitted by 5:00 p.m., June 10, 2019, or be submitted in person at the hearing. The notice was also published in the Newport News-Times on May 31, 2019. No written comment was received in response to the notice.
5. A public hearing was held on June 10, 2019. At the hearing, the Planning Commission received the staff report and heard testimony from the applicant. The minutes of the June 10, 2019 hearing are hereby incorporated by reference. The Planning Staff Report with Attachments is hereby

incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

- Attachment "A" – Completed application form
- Attachment "B" – Application narrative
- Attachment "C" – Applicant's aerial photo showing parking
- Attachment "D" – Public hearing notice
- Attachment "E" – Zoning map of the property
- Attachment "F" – Aerial image of the property

6. Pursuant to Chapter 14.25.020(E)/“Bed and Breakfast and Vacation Rental Facilities – General Provisions” of the Newport Municipal Code (NMC), if one or more of the standards required under Section 14.25.050 cannot be met, an owner may seek approval of a vacation rental or bed and breakfast use as a Conditional Use, pursuant to 14.34.010. A Conditional Use Permit may allow relief from one or more of the endorsement standards of 14.25.050, but does not excuse the general endorsement requirements of 14.25.010. With this application, the applicant is seeking approval of a conditional use permit because the existing condominium unit does not meet the requirements for one off-street parking space per bedroom.

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

8. Unit 4 of the Ocean Vista Condominiums. It is a one bedroom, 384 square foot unit. None of the units possess off-street parking and given the fact that the back yard is fenced, landscaped, and at the edge of a bluff, it is not possible for them to construct off-site parking spaces that fall within the property lines.

9. The applicable criteria for the conditional use request are found in NMC Section 14.34.050:

- a. The public facilities can adequately accommodate the proposed use.
- b. The request complies with the requirements of the underlying zone or overlay zone.
- c. The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.
- 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.

CONCLUSIONS

Regarding the applicable criteria for the conditional use request, the following conclusions can be made:

A. Criterion #1. The public facilities can adequately accommodate the proposed use.

1. Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets (including parking) and electricity. The aerial image submitted by the applicant (Attachment "C") shows that the condominium is located in a developed commercial area where these public services are available.

2. The same aerial photograph of the property illustrates that on-street parking is available on both sides of NW Coast Street and NW 8th Street adjacent to the condominium complex.

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

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

5. The property is within the Historic Nye Beach Design Review Overlay, which reduces off-street parking requirements for residential and commercial uses, allowing them to claim adjoining on-street spaces to help meet their parking requirements. Further, the overlay stipulates that the first 1,000 square feet of commercial gross floor area is to be exempted from the off-street parking calculation (NMC 14.30.100(A)(6)(a)). The applicant's one bedroom unit is 384 square feet in size.

6. Taken as a whole, it appears that there is adequate parking available within the public right-of-way to accommodate the needs of all users and that this request for relief from the requirement the owner provide one off-street parking space will not result in an increased demand on parking facilities or any other public facilities. Therefore, the Commission concludes that the public facilities can adequately accommodate the use of the residence as a vacation rental.

B. Criterion #2. The request complies with the requirements of the underlying zone or overlay zone.

1. This criterion addresses special requirements of the underlying or overlay zone beyond the standard zoning ordinance requirements. The subject property is zoned C-2/"Tourist Commercial" and it is within the Nye Beach Design Review Overlay District.

2. The short-term rental ordinance in effect on May 3, 2019, when this application was filed (Ordinance No. 2032), provides that vacation rental dwellings are permitted outright within existing dwellings in the C-2 zone (NMC 14.25.020(A)), and the conditional use permit process is available to those applicant's that are unable to meet all of the business license endorsement standards.

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

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

C. Criterion #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.

1. This criterion relates to the issue of whether or not the proposed use has potential "adverse impacts" greater than existing uses and whether conditions may be attached to ameliorate those "adverse impacts." Impacts are defined in the Zoning Ordinance as the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood.

2. City records show that transient use of the units in this condominium complex is consistent with the historical pattern of use of the property and other developments in the area and; therefore, will not create "adverse impacts" greater than existing uses.

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

D. Criterion #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.

1. The applicant is not proposing to modify the building; therefore, the Planning Commission concludes that this approval standard is not applicable.

OVERALL CONCLUSION

Based on the application material, the Planning Staff Report, and other evidence and testimony in the record, the Planning Commission concludes that the above findings of fact and conclusions demonstrate compliance with the criteria for a conditional use permit found in Section 14.34.050 of the Newport Municipal Code (NMC); and, therefore, the requested conditional use permit to convert an existing residence to a vacation rental dwelling can satisfy the approval criteria for a conditional use and is hereby approved with the imposition of the following conditions of approval:

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

PLANNING STAFF REPORT

Case File No. 4-CUP-19

- A. **APPLICANT:** Dan & Teresa Reich, 142 Valley Chapel Road, Walla Walla, WA 99362.
- B. **REQUEST:** Approval per Chapter 14.25.020(E)/"Bed and Breakfast and Vacation Rental Facilities – General Provisions" of the Newport Municipal Code (NMC) for a conditional use permit to grant relief from the one off-street parking spaces required to operate a one-bedroom vacation rental at the property.
- C. **LOCATION:** 801 NW Coast Street, Unit 4, Newport, Oregon 97365
- D. **LEGAL DESCRIPTION:** Ocean Vista Condominium (Unit 1). Lincoln County Assessor's Tax Map 11-11-05-CB, Tax Lot 90000 (common area) & 90004 (Unit).
- E. **LOT SIZE:** Approximately 0.29 acres (12,632.4 sq. ft.) per Lincoln County Tax Assessor records.
- F. **STAFF REPORT**

1. **REPORT OF FACT**

- a. **Plan Designation:** Commercial
- b. **Zone Designation:** C-2/"Tourist Commercial." The property is also within the Historic Nye Beach Design review Overlay and Parking District.
- c. **Surrounding Land Uses:** Waves Motel to the east, Lighthouse Lodges Condominiums and the Inn at Nye Beach to the south, undeveloped city-owned oceanfront open space to the north, and the Pacific Ocean to the west.
- d. **Topography and Vegetation:** The site is level where the condominiums were built and there is a flat fenced yard between the units and the edge of the bluff. From the bluff, the property drops steeply down to the beach.
- e. **Existing Structures:** Six unit condominium complex.
- f. **Utilities:** All are available to the site.
- g. **Development Constraints:** Property is within the City's Geologic Hazards Overlay.

- h. **Past Land Use Actions:** *File No. 9-GP-07.* Geologic Permit for reconstruction of the roof. *File No. 5-CUP-18.* Granted Unit No. 1 relief from the requirement that they provide two, off-street parking spaces for a two bedroom vacation rental.
- i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on May 9, 2019, and notice of the June 10, 2019 public hearing was published in the Newport News-Times on May 31, 2019.
- j. **Attachments:**
 - Attachment "A" – Completed application form
 - Attachment "B" – Application narrative
 - Attachment "C" – Applicant's aerial photo showing parking
 - Attachment "D" – Public hearing notice
 - Attachment "E" – Zoning map of the property
 - Attachment "F" – Aerial image of the property

- 2. **Explanation of the Request:** Pursuant to Chapter 14.25.020(E)/“Bed and Breakfast and Vacation Rental Facilities – General Provisions” of the Newport Municipal Code (NMC), if one or more of the standards required under Section 14.25.050 cannot be met, an owner may seek approval of a vacation rental or bed and breakfast use as a Conditional Use, pursuant to 14.34.010. A Conditional Use Permit may allow relief from one or more of the endorsement standards of 14.25.050, but does not excuse the general endorsement requirements of 14.25.010. With this application, the applicant is seeking approval of a conditional use permit because the existing condominium unit does not meet the requirements for one off-street parking space per bedroom.

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

Unit 4 of the Ocean Vista Condominiums. It is a one bedroom, 384 square foot unit. None of the units possess off-street parking and given the fact that the back yard is fenced, landscaped, and at the edge of a bluff, it is not possible for them to construct off-site parking spaces that fall within the property lines.

- 3. **Evaluation of the Request:**

- a. **Comments:** All surrounding property owners and affected city departments and public utilities were notified on May 9, 2019. The notice was published in the Newport News-Times on May 31, 2019. No written comments were received in response to the notice.

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

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

c. **Staff Analysis:**

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

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

i. Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets (including parking) and electricity. The aerial image submitted by the applicant (Attachment "C") shows that the condominium is located in a developed commercial area where these public services are available.

ii. The same aerial photograph of the property illustrates that on-street parking is available on both sides of NW Coast Street and NW 8th Street adjacent to the condominium complex.

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

building within the lot, it is reasonable for the Commission to conclude that it is not feasible for the owner to construct off-street parking.

iv. The property is within the Historic Nye Beach Design Review Overlay, which reduces off-street parking requirements for residential and commercial uses, allowing them to claim adjoining on-street spaces to help meet their parking requirements. Further, the overlay stipulates that the first 1,000 square feet of commercial gross floor area is to be exempted from the off-street parking calculation (NMC 14.30.100(A)(6)(a)). The applicant's one bedroom unit is 384 square feet in size.

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

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

i. This criterion addresses special requirements of the underlying or overlay zone beyond the standard zoning ordinance requirements. The subject property is zoned C-2/"Tourist Commercial" and it is within the Nye Beach Design Review Overlay District.

ii. The short-term rental ordinance in effect on May 3, 2019, when this application was filed (Ordinance No. 2032), provides that vacation rental dwellings are permitted outright within existing dwellings in the C-2 zone (NMC 14.25.020(A)), and the conditional use permit process is available to those applicant's that are unable to meet all of the business license endorsement standards.

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

iii. Given the above, it is reasonable for the Planning Commission to conclude that this criterion is satisfied.

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

i. This criterion relates to the issue of whether or not the proposed use has potential “adverse impacts” greater than existing uses and whether conditions may be attached to ameliorate those “adverse impacts.” Impacts are defined in the Zoning Ordinance as the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood.

ii. City records show that transient use of the units in this condominium complex is consistent with the historical pattern of use of the property and other developments in the area and; therefore, will not create “adverse impacts” greater than existing uses.

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

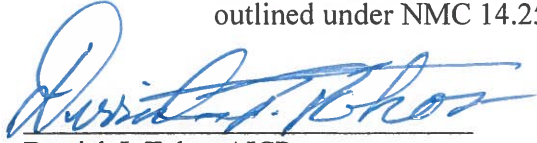
- (4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

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

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

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

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



Derrick I. Tokos AICP
Community Development Director
City of Newport

June 4, 2019

MAY 03 2019

RECEIVED



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) if other than applicant
Dan Reich	
Applicant Mailing Address:	Property Owner Mailing Address:
142 Valley Chapel Rd, Walla Walla WA 99362	
Applicant Phone No.	Property Owner Phone No.
509 386-4940	
Applicant Email	Property Owner Email
danteresareich@hotmail.com	
Authorized Representative(s): Person authorized to submit and act on this application on applicant's behalf	
Dan Reich Teresa Reich	
Authorized Representative Mailing Address:	
same	
Authorized Representative Telephone No.	
509 386-4940	509 629-2016
Authorized Representative Email.	
danteresareich@hotmail.com	

Project Information

Property Location: Street name if address # not assigned	
801 NW Coast St. Unit # 4	
Tax Assessor's Map No.:	Tax Lot(s):
Zone Designation:	Legal Description: Add additional sheets if necessary
Comp. Plan Designation:	
Brief description of Land Use Request(s): want conditional use approval spot to use on-street parking for vacation rental	
Examples:	
1. Move north property line 5 feet south	
2. Variance of 2 feet from the required 15-foot front yard setback	
Existing Structures: if any 6 small condos under one roof	
Topography and Vegetation:	

Application Type (please check all that apply)

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

FOR OFFICE USE ONLY

File No. Assigned: 4-cup-19

Date Received: 5/3/19	Fee Amount: 802-	Date Accepted as Complete:
Received By: CC	Receipt No. 3175	Accepted By:

City Hall
169, SW Coast Hwy
Newport, OR 97365
541.574.0629



City of Newport Land Use Application

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

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

Jan Feil

Applicant Signature(s)

4-30-17

Date

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

Date

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

Date

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

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

Application Submittal Requirements

April 30, 2019

Conditional Use Application Materials

**For 801 NW Coast Street, #4
Newport, OR 97365**

1. Sherri Marineau has the tax lot and site plan
2. "
3. "
4. "
5. Sherri Marineau has the adjacent property owners
6. Not commercial
7.
 - a. our friends and family have been visiting and parking
 - b. on the street since we bought this condo
 - c. in (2012?)
 - d. No building modifications requested
8. Historically, we have always parked on the street in front of our condo.
We are requesting a conditional use permit to provide one on-street parking space
for our condo/vacation rental. It is a one-bedroom unit.
9. Check for \$802 enclosed.



**CITY OF NEWPORT
PUBLIC NOTICE¹**

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

File No. 4-CUP-19:

Applicant & Owner: Dan Reich, 142 Valley Chapel Rd, Walla Walla, WA 99362

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

Location/Subject Property: 801 NW Coast Street, Unit 4, Newport, OR 97365 (Assessor's Map 11-11-05-CB, Tax Lot 90004).

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

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

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

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

Time/Place of Hearing: Monday, June 10, 2019; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: May 9, 2019.

PUBLISHED: May 31, 2019/News-Times.

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

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

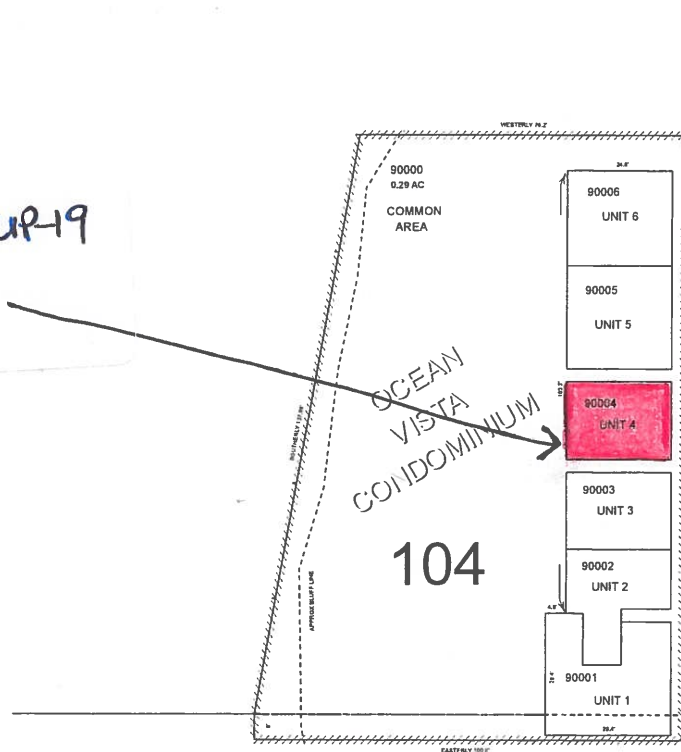
0 10 20 30 40 Feet

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

11 11 05 CB
SUPP MAP NO 1
NEWPORT

File No. 4-CUP-19

Subject Property



NW 8TH ST
(BOUNDARY ST)

NW COAST ST

Revised: SEB
01/31/2014

NEWPORT
SUPP MAP NO 1
11 11 05 CB

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

AMLING PATRICIA D &
ARTHUR LORETTA C
59599 HWY 26
JOHN DAY, OR 97845

BENISON FRANK J
19 LINDENWOOD DR
LITTLETON, CO 80120

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

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

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

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

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

KJELLEN PEGGY
PO BOX 704
NEWPORT, OR 97365

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

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

NETTLES WILLARD JR
PO BOX 646
NEWPORT, OR 97365

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

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

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

POUNDS VAN M
710 TILLMAN AVE SE
SALEM, OR 97302

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

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

SAGE RONALD K
PO BOX 2403
NEWPORT, OR 97365

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

"Exhibit A"
Adjacent Property Owners Within 200
Feet

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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

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

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

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

Joseph Lease
Building Official

Rob Murphy
Fire Chief

Tim Gross
Public Works

Rachel Cotton
Associate Planner

Jason Malloy
Police Chief

Mike Murzynsky
Finance Director

Laura Kimberly
Library

Jim Protiva
Parks & Rec

Spencer Nebel
City Manager

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, June 10, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 4-CUP-19, a request submitted by Dan Reich, 142 Valley Chapel Rd, Walla Walla, WA 99362, per Section 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities" for a conditional use permit to grant relief of the one off-street parking space required to operate a one-bedroom vacation rental at the property at 801 NW Coast Street, Unit 4, Newport, OR 97365 (Assessor's Map 11-11-05-CB, Tax Lot 90004). The applicable criteria per NMC Chapter 14.34.050 are that: 1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above).

FOR PUBLICATION ONCE ON FRIDAY, May 31, 2019.

PUBLIC NOTICES

LEGAL DEADLINES:

WEDNESDAY EDITION:
5:00pm Thursday

FRIDAY EDITION:
5:00pm Tuesday

NOTICE OF BUDGET COMMITTEE MEETING

PACIFIC SHORES SPECIAL ROAD DISTRICT
A public meeting of the Budget Committee of the Pacific Shores Special Road District, Lincoln County, and State of Oregon, to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020 will be held at 8445 SW Abalone Street, South Beach, Oregon. The meeting will take place on the 5th day of June, 2019 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 after June 5th, 2019 at the office of Ritacco and Company, 924 SW 8th Street, Newport, Oregon between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. 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. Jeanetta F. Ritacco, Budget Officer. M22 (48-22)

NOTICE OF BUDGET COMMITTEE MEETING

MAKAI SPECIAL ROAD DISTRICT
A public meeting of the Budget Committee of the Makai Special Road District, Lincoln County, and State of Oregon, to discuss the budget for the fiscal year July 1, 2019 to June 30, 2020 will be held at the Seal Rock Fire Station, 10349 Rand Street, Seal Rock, Oregon. The meeting will take place on the 3rd day of June, 2019 at 6:30 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 after June 3rd, 2019 at the office of Ritacco and Company, 924 SW 8th Street, Newport, Oregon between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. 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. Jeanetta F. Ritacco, Budget Officer. M22 (49-22)

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 Sheldon Alan Mitchell Case No. 19PB02309. NOTICE IS HEREBY GIVEN that Michael R. Mitchell has been appointed administrator. All persons having claims against the estate are required to present them, with vouchers attached, to the administrator at 269 Moonshine Park Rd., Logsdon, OR 97357, 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 administrator, or the attorneys for the administrator, Brian Haggerty, OSB #980588, Minor, Bandonis & Haggerty, P.C., PO Box 510, Newport, OR 97365, (541) 265-8888. Dated and first published May 17, 2019. M17 M24 M31 (54-31) (54-31)

NOTICE OF A PUBLIC HEARING

CITY OF NEWPORT The City of Newport Planning Commission will hold a public hearing on Monday, June 10, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 4-CUP-19, a request submitted by Dan Reich, 142 Valley Chapel Rd, Walla Walla, WA 99362, per Section 14.25.020(E) "Bed and Breakfast and Vacation Rental Facilities" for a conditional use permit to grant relief of the one off-street parking space required to operate a one-bedroom vacation rental at the property at 801 NW Coast Street, Unit 4, Newport, OR 97365 (Assessor's Map 11-11-05-CB, Tax Lot 90004). The applicable criteria per NMC Chapter 14.34.050 are that: 1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with

the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above). M31 (55-31)

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 BETTY JEAN HILL, Deceased. Case No. 19PB 03235. NOTICE IS HEREBY GIVEN that Robert K. Hill and David D. Hill have been appointed co-personal representative of the estate of Betty Jean Hill. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at 206 Schlecht Rd., Toledo, OR 97391, 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, Traci P. McDowall. Dated and first published on May 16, 2019. ADAM C. SPRINGER, LLC, Traci P. McDowall, OSB #184063, Attorney for Personal Representative. Personal representative: Robert K. Hill 206 Schlecht Rd. Toledo, OR 97391 (541)336-3731; David D. Hill 4342 Cloudview Dr. S. Salem, OR 97302 (503) 949-2278. Lawyer for Personal Representative: Traci P. McDowall PO Box 1987 Newport, OR 97365 (541) 272-5500. M17 M24 M31 (56-31)

PUBLIC NOTICE

NOTICE that in the Circuit Court for the State of Oregon for the County of Lincoln, in the Matter of the Estate of Richard Anthony Empoliti Jr, Case no 19PB02146, Michael Empoliti has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at 2361 Andrews Circle, Aiken SC 29803, 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, Margaret E Dailey, Attorney at Law, P O Box 552, Newport, Oregon 97365, (541) 265-8805. M17 M24 M31 (60-31)

NOTICE OF BUDGET COMMITTEE MEETING

A public meeting of the Budget Committee of the Yachats Rural Fire Protection District, Lincoln, State of Oregon, to discuss the budget for the

fiscal year July 1, 2019 through June 30, 2020, will be held at 215 W. 2nd Street, Yachats, Oregon 97498. The meeting will take place on June 10th, 2019, at 10:30AM. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. 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 on or after June 7th, 2019 at 215 W. 2nd Street, Yachats, Oregon 97498, between the hours of 7:30AM and 7:30PM. M24 M31 (64-31)

NOTICE OF A PUBLIC HEARING

CITY OF NEWPORT: The City of Newport Planning Commission will hold a public hearing on Monday, June 10, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-SUB-19 / 1 & 2-PD-19 / 1-MRP-19, a request submitted by Southshores Development, LLC, (Charles McClain, representative) for the following amendments: 1 & 2-PD-19: Amendment to

the Preliminary and Final Development Plans for the Southshore Planned Development, converting oceanfront lots from multi-family to single-family residential use and to allow the hotel/retail commercial site to be developed with 12 single-family home sites; 1-SUB-19: Approval of a tentative subdivision plan to create a 12 lot subdivision at the former hotel/retail commercial site; and 1-MRP-19: Consideration of a tentative plan for a minor replat to modify lot dimensions of a portion of a platted subdivision to reconfigure parcels on Cupola Drive to six (6) lots to accommodate single-family development. The location of the subject properties are Tax Lots 8100, 8200, 8300 & 8400 of Lincoln County Assessor's Tax Map 11-11-19-DD; and Tax Lot 2600 of Lincoln County Assessor's Tax Map 11-11-30-AA (6120 SW Arbor Dr). The application must be consistent with those approval criteria as set forth in Section 13.05.015 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Chapter 14.35.070 (for preliminary development plan approval); and NMC Section 14.35.100 (for final development plan approval). Pursu-

ant to N (A), a m the Preli Developn be app Commu Director. is any ch within th a major vided in subparts Section isfy the ((D)). Minc must be those forth in Municipa tion 13.(are as tentative with the replat; (t the requi figuring cels liste 13.05.03 nal lots, nonconfi tant lots less noi Approva plan do with the public fic lic facility propose are adec Section required ments a (e) any hazard that the develop

FORM LB1

NOTICE OF BUDGET HEARING

A public meeting of the Seal Rock Rural Fire Protection District will be held on June 13, 2019 at 8:30 pm at Seal Rock, Oregon. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2019 to June 30, 2020. A summary of the budget is presented below. A copy of the budget may be inspected at 1:00 p.m. or online at sealrockfire.org. This budget is for an annual budget period. This budget is for the preceding year. If different, the major changes and their effect on the budget are: N/A

Contact: Tom Sakaris, Budget Officer

Telephone: 541-563-4441

FINANCIAL SUMMARY - RESOUR

TOTAL OF ALL FUNDS	Actual Amount 2017-2018
Beginning Fund Balances/Net Working Capital	416
Fees, Licenses, Permits, Fines, Assessments & Other Service Charges	
Federal, State and All Other Grants, Gifts, Allocations and Donations	
Revenue from Bonds and Other Debt	
Interfund Transfers / Internal Service Reimbursements	3C
All Other Resources Except Current Year Property Taxes	28
Current Year Property Taxes Estimated to be Received	49C
Total Resources	955

FINANCIAL SUMMARY - REQUIREMENTS BY OBJE

Chief, Firefighters, and other Personnel Services	247
Materials and Services	152
Capital Outlay	
Debt Service	31
Interfund Transfers	3C
Contingencies	
Special Payments	
Unappropriated Ending Balance and Reserved for Future Expenditure	46C
Total Requirements	954

FINANCIAL SUMMARY - REQUIREMENTS AND FULL-TIME EQUIVALENT EMPLOY

Name of Organizational Unit or Program	
FTE for that unit or program	95C
Fire and Emergency Services	
FTE	
Total Requirements	95
Total FTE	

STATEMENT OF CHANGES IN ACTIVITIES and SOI

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PROPERTY TAX LEVIES

	Rate Imposed Actual 2017-2018
Permanent Rate Levy (Rate Limit: \$0.4634 per \$1,000)	\$0.4634
Local Option Levy / Fire Chief (Rate per \$1,000)	\$0.2000
Local Option Levy / Firefighters (Rate per \$1,000)	\$0.4000

STATEMENT OF INDEBTEDNE

LONG TERM DEBT	Estimated Debt Outstanding on July 1, 2019
General Obligation Bonds	\$0
Other Bonds	\$0
Other Borrowings	\$194,566
Total	\$194,566

FORM LB-1

NOTICE OF BUDGET HEAR

A public meeting of the Siletz City Council, Siletz City Hall, 215 W. Buford Avenue, Siletz, Oregon, will be held on June 11, 2019, at 7:00 p.m. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2019 to June 30, 2020. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at 215 W. Buford Avenue, Siletz, Oregon, between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. 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. Sheryl Simmons, Budget Officer. M24 M31 (64-31)

Contact: Sheryl Simmons

Telephone: 541-444-4441

FORM ED-1

NOTICE OF BUDGET HEARING

A public meeting of the Lincoln County School District will be held on June 11, 2019 at 7:00 pm at Newport High School, 322 NE Eads Street, Newport, Oregon. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2019 as approved by the Lincoln County School District Board of Education. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at 1212 NE Fogarty Street, Newport, Oregon between the hours of 8:00 am and 4:30 pm, or online at www.lincoln.k12.or.us. This budget is for an annual budget period. This budget was prepared on a basis of accounting that is the same as the preceding year.

Contact: Kim Cusick, Business Services Director

Telephone: (541) 265-4409

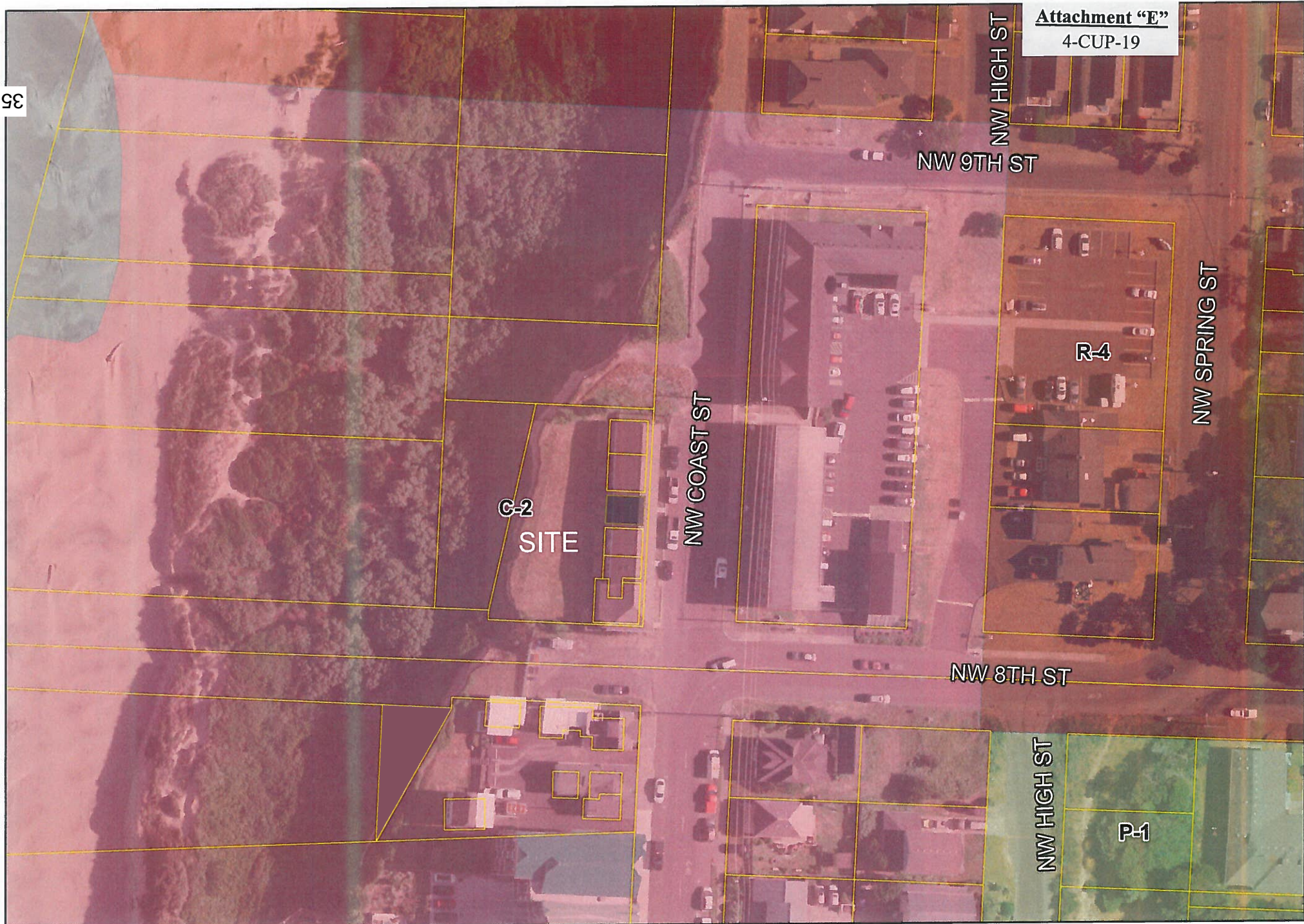
Email: kim.cusick@lincoln.k12.or.us

FINANCIAL SUMMARY - RESOURCES

TOTAL OF ALL FUNDS	Actual Amount Last Year 2017-18	Adopted Budget This Year 2018-19	Approved Budget Next Year 2019-20
Beginning Fund Balance	\$17,937,841	\$20,451,412	\$21,099,235
Current Year Property Taxes, other than Local Option Taxes	38,885,282	42,064,560	42,545,126
Other Revenue from Local Sources	12,300,645	12,025,747	12,501,914
Revenue from Intermediate Sources	927,168	470,000	474,000
Revenue from State Sources	22,974,269	22,401,980	27,317,194
Revenue from Federal Sources	6,679,443	8,344,718	7,597,532
Interfund Transfers	1,750,000	10	900,010
All Other Budget Resources	87,982	350,000	350,000
Total Resources	\$101,542,629	\$106,108,427	\$112,785,011

FINANCIAL SUMMARY - REQUIREMENTS BY OBJECT CLASSIFICATION

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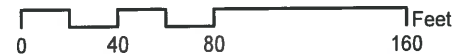


City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365
Phone: 1.541.574.0629
Fax: 1.541.574.0644

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

Zoning Map 801 NW Coast Street

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





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Aerial Map
801 NW Coast Street

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

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PLANNING STAFF REPORT

1. **APPLICANT:** Charles McClain on behalf of Southshore Development, LLC (Trisha Clark, Emerio Design, authorized representative).
2. **REQUEST:** Amendment to the Preliminary and Final Development Plans for the Southshore Planned Development, converting four (4) oceanfront lots at the north end of SW Cupola Drive from multi-family to single family residential use and to allow the hotel/retail commercial site to be developed with 12 single-family home sites.
3. **LOCATION:** The planned development is located immediately south of the South Beach State Park on the west side of US 101. Access is via SW 62nd Street. The replat of the oceanfront lots on SW Cupola Drive includes property identified as Tax Lots 8100, 8200, 8300 & 8400 of Lincoln County Assessor's Tax Map 11-11-19-DD. The 12-lot subdivision includes property identified as Tax Lot 2600 of Lincoln County Assessor's Tax Map 11-11-30-AA.
4. **PROJECT SIZE:** The Planned Development is Approximately 79 acres in size. The area along SW Cupola Drive that is to be converted from multi-family to single family use is 1.57 acres in size. The hotel/retail commercial site that is being converted to a 12-lot single family residential subdivision is just under 4 acres in size.

5. **STAFF REPORT**

A. **REPORT OF FACTS**

- i. **Plan Designation:** High Density Residential.
- ii. **Zone Designation:** R-4/"High Density Multi-Family Residential."
- iii. **Surrounding Land Uses:** South Beach State Park to the north, low density, single family residential to the south, Pacific Ocean to the west and mixed light industrial/residential to the east opposite US 101.
- iv. **Topography and Vegetation:** The site slopes gradually towards the Pacific Ocean, with large wetlands on the north and south sides of the site located between US 101 and residential portions of the planned development. The developed portion of the project site is residentially landscaped. A no build vegetation line forms extends along the west side of the development. A foredune vegetated in beach grass and similar plant species extends from the no build line west to the ocean.
- v. **Existing Structures:** Most of the planned development is built out with single family homes, condominiums, a clubhouse, and covered/open air tennis courts.
- vi. **Utilities:** All utilities are available to the property. A portion of SW 62nd Street is public. All other streets within the development are private. City water and sewer service are available within utility easements. On-site storm drainage is privately maintained.

- vii. **Development Constraints:** The planned development includes lands subject to wetland, floodplain, and dune backed geologic hazard constraints.
- viii. **Past Land Use Actions:** *File No. 3-AX-92 / 13-Z-92.* Annexed and zoned the Southshore properties. *File No. 1-PD-93/00-SUB-93.* Approved the planned Development Plan, Conditional Use, Tentative Subdivision Plat, and Shoreland Natural Resource Impact Permits for the Southshore planned development subdivision. Additionally approved final plat for Southshore Phase I. *File No. 2-PD-97.* Approved a request for Minor Amendment to change the design and configurations of the detached garages for the condominium buildings in the planned development. *File No. 3-PD-97.* Approved a request for Minor Amendment to the Development Plan to relocate the beach access (originally lying between condominium lots C-10 and C-11) to a new location between condominium units C-9 and C-10; and moved the development of the beach access from Phase III to Phase II. *File No. 4-PD-97.* Approved the Final Plat for SOUTSHORE PHASE II. *File No. 1-PD-98.* Approved the Final Plat for SOUTSHORE PHASE III. *File No. 2-PLA-99.* Approved a request for Property Line Adjustment between Lots 51 and 52. *File No. 3-PLA-99.* Approved a request for Property Line Adjustment between Lots 19 and 20. *File No. 2-MRP-01.* Approved a request for Minor Replat of certain tax lots. *File No. 9-PLA-99.* Approved a request for Property Line Adjustments between Tax Lots 2400 and 2600, and between Tax Lots 1000 and 2600, on Map 11-11-30-AA. *File No. 8-VAR-02.* Approved a Type II Variance to allow for the modifications of some lot boundaries, which reduced the number of lots in a portion of the subdivision from three to two lots. *File No. 6-VAR-04.* Approved a request to amend the wording of a Section of the Shoreshore CC&Rs to address zero side yards (involving Lots 1 – 6) in the Order approving the Southshore planned development. *File No. 3-PLA-04.* Approved a request for Property Line Adjustment between Lots 66 and 86. *File No. 8-VAR-05.* Approved a request to modify the Southshore CC&Rs to reverse the zero side yard setbacks for Lots 68 – 72 of Phase 3 of the Southshore planned development. *File No. 14-VAR-05.* Approved a request for Variance to allow the height of the indoor tennis facility to exceed the required 35-foot height limit by 11 feet. *File No. 1-PD-15.* Approved amendment to the Preliminary Development Plan related to the replacement of a utility building. *File No. 5-GP-18.* Approved earthwork associated with the construction of a new storm drain line, rockery wall, keystone block wall, and site grading related to the development of the subdivision and replat that are a subject of this application. *File No. 1-SV-18.* Approved the vacation of the westerly 142 feet of SW 62nd Street to facilitate redesign of the entrance to the planned development. *File No. 1-SV-19.* Adds 88-feet to the street vacation authorized with *File No. 1-SV-18.* Received a favorable recommendation from the Planning Commission. City Council to consider the request at its June 17, 2019 meeting. *File No. 5-PLA-18.* Minor adjustment between the boundary of the hotel/commercial site and clubhouse property (decision pending).
- 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 May 17, 2019. Notice of the public hearing was also published in the Newport News-Times on May 31, 2019.

x. **Pre-application Meeting:** An initial pre-application meeting between the applicant and city staff was held on September 30, 2015.

xi. **Planning Staff Report Attachments:**

Attachment "A" – Application forms
 Attachment "B" – Lincoln County Assessor maps
 Attachment "C" – Deed recorded in Book 290 at Page 2450 of the County Records
 Attachment "D" – Application narrative dated February and April 2019
 Attachment "E" – Supplemental narrative in 5/30/19 letter from Emerio Design
 Attachment "F" – Utility service provider letters
 Attachment "G" – 5/28/19 email from Assistant City Engineer Clare Paul
 Attachment "H" – Zoning map of the Southshore development
 Attachment "I" – Notice of public hearing and map
 Attachment "J" – Summary of Southshore acreage by use
 Attachment "K" – Reduced copy of Planned Development drawings, dated 4/19
 Attachment "L" – Full size copy of Planned Development drawings, dated 4/19
 Attachment "M" – Full size copy of Southshore Phase VI, dated 4/19
 Attachment "N" – Full size copy of SW Cupola Drive replat, dated 4/19

B. **Explanation of the Request:** The applicant, Southshore Development, LLC, is seeking to amend the Preliminary and Final Development Plans for Southshore, converting oceanfront lots from multi-family to single-family residential use and to allow the hotel/commercial site to be developed with 12-single family home sites. No other development is proposed; however, plans have been updated to reflect development that has occurred since the original Planned Development was approved in the early 1990s.

In their narrative (Attachment "D"), the applicant notes that none of the subject parcels contain any structures, nor are they located within nor adjacent to sensitive areas. TL 2600 is undergoing a Property Line Adjustment with TL 1000 to the east, and the included Preliminary Plans reflect this adjustment.

Tax Lot 2600 -12 Lot Subdivision: The applicant indicates that the parcel is fairly flat, with a grade break in the area of the west line of proposed lots 9 and 12. There is a vegetative line that is delineated and shown on the included Preliminary Plans (Sheet 4, Attachment "K"). There is also shore-line area that will be contained in a separate tract, along with the beach access walkways along both the south and the north sides of the site; the tract will be owned by the Southshore Homeowner's Association (Attachment "M").

There is a large storm drainage pipe that has been recently replaced, relocated and re-installed in the area of proposed Lot 4, an easement is shown on the plans and will be provided with the final subdivision plat. The applicant points out that Lots 1-8 will take access from a new private street and Lots 9 -12 will access from existing private streets, Arbor Drive (Tract L) and 61st Street (Tract M). Additionally, the applicant proposes to extend the existing sanitary sewer line through the new private street to serve Lots 1-8 and Lots 9 - 12 will access sanitary sewer that is existing in Arbor Drive and 61st Street with 4" laterals to the existing line. Storm water will be collected from impervious areas and conveyed to and through the new storm drainage system as previously mentioned. Water service will be provided for all of the lots with an individual meters, as shown on

the Preliminary (Sheet 4, Attachment "M"). Meters will be installed and completed at the time of construction of the new homes.

Re-Plat: The applicant notes that these lots are already fully developed with utilities and are finish graded, as they were originally anticipated to contain condominiums to match the existing buildings to the south of the subject parcels. The applicant will re-plat the lots for a total of 6 lots. The existing utilities, including water meters and sanitary sewer laterals will be re-located to match the new lot lines, and additional laterals will be installed as necessary.

C. **Evaluation of the Request:**

- i. **Comments:** Notice of the request was mailed on May 17, 2019, to affected property owners and various City departments, public/private utilities and agencies within Lincoln County, and other individuals. No comments were received in response to this notice.
- ii. **Applicable Criteria:** Must be consistent with those approval criteria as set forth in Section 14.35.070 (for preliminary development plan approval) of the City of Newport's Municipal Code (NMC); NMC Section 14.35.100 (for final development plan approval); and NMC Chapter 13.05 (for tentative subdivision plan approval). Minor replats must be consistent with the standards set forth in NMC 13.05.095(A). Pursuant to NMC Section 13.05.105 (A) (Exceptions for Planned Developments), the standards and requirements otherwise applicable to standard subdivisions under Chapter 13 of the Municipal Code may be modified without a variance for planned developments.
- iii. **Compliance with NMC Section 14.35.070, Criteria for Approval of a Preliminary Development Plan.** The criteria for modifying a preliminary development plan have been addressed as follows:
 - (a) *NMC Section 14.35.070(A)(2) A planned development may be allowed on any size tract of land in high-density residential areas if an unusual physical or topographic feature of importance to the people of the area or the community as a whole exists on the site or in the neighborhood that can be conserved and still leave the land owner equivalent use to the land by the use of a planned development.*

The original 79 acre development was undertaken as a Planned Development, in part, because the presence of large wetlands and sensitive beach and dunes areas, which necessitated careful planning to protect those areas while providing the owner equivalent use of the property, consistent with the R-4 zoning. This standard is met.
 - (b). *NMC Section 14.35.070(B)(1) The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development.*

The applicant is prepared to adhere to the dimensional requirements established with Final Order and Findings for 1-PD-93, as amended. While some homes within the Planned Development are permitted a zero side yard setback, the applicant is not proposing such setbacks for the new 12-lot subdivision or the replat of the lots along SW Cupola Drive. The submitted plans illustrate setback lines, showing that there is sufficient developable area on each lot (Attachments "M" and "N"). This standard is met.

- (c) *NMC Section 14.35.070(B)(2) If the spacing between main buildings is not equivalent to the spacing that would be required between buildings similarly developed under this Code on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards.*

The applicant notes that the lots will adhere to the standard R-4 setbacks. This standard is met.

- (d) *NMC Section 14.35.070(B)(3) Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the zone.*

The applicant notes that the vegetated line established with the 1-PD-93, and reflected on the proposed plans, ensures sufficient physical separation and natural landscape screening where the project abuts the ocean. The same is true along US 101, where the large wetlands screen the planned development from view. This standard is met.

- (e) *NMC Section 14.35.070(B)(4) The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned development is proposed, except that a greater height may be approved if surrounding open space within the planned development, building setbacks, and other design features are used to avoid any adverse impact due to the greater height.*

The applicant points out that the homes are anticipated to be one and two story structures, and that none of them will exceed the 35-foot maximum building height of the R-4 zone. This standard is met.

- (f) *NMC Section 14.35.070(B)(5) The building coverage for any planned development shall not exceed that which is permitted for other construction in the zone exclusive of public and private streets.*

The applicant notes that the proposed lots are large enough for good sized homes while maintaining the lot coverage requirements of the R-4 zone. This standard is met.

- (g) *NMC Section 14.35.070(C)(1) The planned development may result in a density in excess of the density otherwise permitted within the zone in which the planned development is to be constructed not to exceed 5%..*

The applicant is not seeking residential densities in excess of what is allowed in the R-4 zone.

- (h) *NMC Section 14.35.070(D)(1) No open areas may be accepted as common open space within a planned development unless it meets the following requirements: (1) The location, shape, size, and character of the common open space is suitable for the planned development; (2) The common open space is for amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings provided; (3) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space; (4) The development schedule that is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned development; and (5) If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.*

The applicant points out that the proposed development is part of the Southshore Planned Development, which already has established common elements such as the club house and beach accessways. The 12-lot subdivision will include an open space tract along the headland of the beach that includes a portion of the beach access. A condition of approval should be imposed requiring the tract be dedicated to the Southshore Owners Association as part of the final plat. This standard is met, as conditioned.

- (i) *NMC Section 14.35.070(E) The planned development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover, and rough terrain.*

The applicant notes that the site for the 12-lot subdivision was to be a hotel site, and that the change of the parcel to residential use is within the scope and range of uses envisioned by the comprehensive plan. Similarly the conversion of the condominium lots to single family use is within the scope of what the Comprehensive Plan provides for in a high density residential area. The applicant indicates that the development preserves the vegetative corridor and the accessways to the beach within a separate tract, which will be owned and maintained by the Southshore Owners Association. This standard is met.

- (j) *NMC Section 14.35.070(F) The planned development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.*

The applicant indicates that they believe the planned development is very compatible with surrounding uses, more so than the original plan for a hotel. This is because the surrounding area is developed with residences that are a part of the Southshore development. The 12 new homes will have less demand on infrastructure than the hotel. They note that the same can be said for the re-platted lots on SW Cupola Dr. Those lots, originally intended for multi-family use, will instead be developed with single family homes, decreasing the demand on services. This standard is met.

- (k) *NMC Section 14.35.070(G) Financial assurance or bonding may be required to assure completion of the streets and utilities in the planned development prior to final approval.*

The applicant notes that they are prepared to provide any and all financial assurances to ensure that the streets and utilities are constructed.

- vi. **Compliance with NMC Section 14.35.100, Criteria for Approval of the Final Development Plan.** The criteria for modifying a final development plan have been addressed as follows:

- (a) *NMC Section 14.35.100(A) The Final Development Plan must substantially conform to the land use and arterial street pattern as approved in the Preliminary Development Plan.*

The applicant states that replatting the lots along SW Cupola Drive will not alter any arterial street patterns, as the road is existing, and its intended use remains the same. The addition of Roy Fielding Drive will not be an arterial street and will not significantly alter existing street patterns. All proposed development will be classified as single family. This standard is met.

- (b) *NMC Section 14.35.100(B) The proposed uses shall be compatible in terms of density and demand for public services with uses that would otherwise be allowed by the Comprehensive Plan.*

The applicant indicates that neither the replat lots along SW Cupola Drive, nor the 12-lot subdivision will break away from compatibility for density and demand on public services, as they have identical uses as earlier phases of the same development. This standard is met.

- (c) *NMC Section 14.35.100(C) Adequate services normally rendered by the city to its citizens must be available to the proposed development at the time of approval of the Final Development Plan. The developer may be required to provide special or oversize facilities to serve the planned development.*

The applicant notes that the development will include full urban services and that besides the addition of a new private drive, no special or oversized facilities are expected. This standard is met.

- (d) *NMC Section 14.35.100(D) Access shall be designed to cause minimum interference with traffic movement on abutting streets.*

The applicant indicates that no significant interference with existing traffic movement is expected. This standard is met.

- (e) *NMC Section 14.35.100(E) The plan shall provide for adequate landscaping and effective screening for off-street parking areas and for areas where nonresidential use or high-density residential use could be detrimental to residential uses.*

The applicant points out that the plans call for low density residential development that will not necessitate any special landscaping or parking needs. The lots are sized such that there is sufficient room for off-street parking for the residential uses. This standard is met.

- (f) *NMC Section 14.35.100(F) The arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare relative to adjoining property.*

The applicant indicates that the arrangement of the noted items is not expected to apply to or influence adjoining properties. This standard is met.

- (g) *NMC Section 14.35.100(G) Artificial lighting, including illuminated signs and parking areas lights, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.*

The applicant notes that proposed lighting will solely affect the proposed properties for street lighting and will have no impact on adjacent properties. This standard is met.

- (h) *NMC Section 14.35.100(H) The area around the development can be developed in substantial harmony with the proposed plan.*

The applicant points out that the areas around the developments are earlier phases in the same development and no additional development is expected to adjoin these properties. This standard is met.

- (i) *NMC Section 14.35.100(I) The plan can be completed within a reasonable period of time.*

The applicant states that the plan is expected to proceed as soon as all applicable permits and conditions are met.

- (j) NMC Section 14.35.100(J) *The streets are adequate to serve the anticipated traffic.*

The new private street is sized and designed to match the existing local roadways within the planned development, all of which serve single family residential uses. This standard is met.

- (k) NMC Section 14.35.100(K) *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*

Assistant City Engineer, Clare Paul, has requested a number of relatively minor corrections to the utility drawings included with the tentative plans for the replat and 12-lot subdivision (Attachments "M" and "N"). With these revisions, the utilities and drainage facilities should be adequate to serve the proposed single-family residential development.

- (l) NMC Section 14.35.100(L) *Land shown on the Final Development Plan as common open space shall be conveyed under one of the following options: 1) To a public agency that agrees to maintain the common open space and any buildings, structures, or other improvements that have been placed on it; 2) To an association of owners of tenants, created as a non-profit corporation under the laws of the State, which shall adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.*

The applicant notes that the space currently shown as common open space is existing (Tract A, of Attachment "M") and will be conveyed to the non-profit Southshore Owners Association, which is one of the options provided for with this approval standard.

- (m) NMC Section 14.35.100(M) *The Final Development Plan complies with the requirements and standards of the Preliminary Development Plan.*

The applicant indicates that they believe the final development plan complies with the requirements and standards of the preliminary development plan.

- (n) NMC Section 14.35.100(N) *No building shall be erected in a planned development district except within an area contained in an approved Final Development Plan, and no construction shall be undertaken in that area except in compliance with the provisions of said plan. All features required in the Final Development Plan shall be installed and retained indefinitely or until approval has been received from the Planning Commission or Community Development Director for modification.*

The application materials define the building envelopes for new buildings or structures, thus ensuring that future construction will occur as envisioned in the final development plan. This standard is met.

- vii. **Compliance with NMC Chapter 13.05, Criteria for Approval of the Tentative Subdivision Plat.** The criteria for approval of a tentative subdivision plat have been addressed as follows:

- (a) *NMC Section 13.05.015(A), Criteria for Consideration of Modification to Street Design.* As identified throughout the street standard requirements, modifications may be allowed to the standards by the approving authority. In allowing for modifications, the approving authority shall consider modifications of location, width, and grade of streets in relation to existing and planned streets, to topographical or other geological/environmental conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system as modified shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in the Transportation System Plan, the arrangement of streets shall either:
- (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (b) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

The applicant's tentative subdivision plat for Southshore Phase 6 includes a new 30-foot, paved private street (Attachment "M") that will intersect with SW Arbor Drive and SW 61st Street, both of which are private streets. The new road is slightly wider than the existing streets and will incorporate roll-over curbs to match existing curbs in the planned development. Once built, the street will be turned over to the Southshore Owners Association who will be responsible for ongoing maintenance. Considering the above, it is reasonable for the Commission to conclude that the proposed street conforms to the plan for the neighborhood, as established with the original Southshore Planned Development.

- (b) *NMC Section 13.05.015(B), Minimum Right-of-Way and Roadway Width.* Unless otherwise indicated on the development plan, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table:

<i>Type of Street</i>	<i>Minimum Right-of-Way Width</i>	<i>Minimum Roadway Width</i>
<i>Arterial, Commercial and Industrial</i>	<i>80 feet</i>	<i>44 feet</i>
<i>Collector</i>	<i>60 feet</i>	<i>44 feet</i>
<i>Minor Street</i>	<i>50 feet</i>	<i>36 feet</i>
<i>Radius for turn-around at end of cul-de-sac</i>	<i>50 feet</i>	<i>45 feet</i>
<i>Alleys</i>	<i>25 feet</i>	<i>20 feet</i>

Modifications to this requirement may be made by the approving authority where conditions, particularly topography, geology, and/or environmental constraints, or the size and shape of the area of the subdivision or partition, make it impractical to otherwise provide buildable sites, narrower right-of-way and roadway width may be accepted. If necessary, slope easements may be required.

The applicant's development plan notes that the new street will be 30-feet wide, curb to curb, a private "minor street" design that is consistent with other minor streets in Southshore. It will; be placed in a Tract under the ownership of the Southshore Owners Association.

- (c) NMC Section 13.05.015(C), Reserve Strips. *Reserve strips giving a private property owner control of access to streets are not allowed.*

This criterion is not applicable. There are no reserve strips proposed for the subdivision.

- (d) NMC Section 13.05.015 (D), Alignment. *Streets other than minor streets shall be in alignment with existing streets by continuations of their center lines. Staggered street alignment resulting in "T" intersections shall leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. If not practical to do so because of topography or other conditions, this requirement may be modified by the approving authority.*

The proposed street is a minor or "local" street; therefore, this standard is not applicable.

- (e) NMC Section 13.05.015(E), 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.*

The applicant notes that no future streets are needed or required for the proposed development.

- (f) NMC Section 13.05.015(F), 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 F.1. be less than 80 degrees unless there is a special intersection design.*

The alignment of the new street, as depicted on Attachment "M", complies with the intersection angle requirements of this standard.

- (g) *NMC Section 13.05.015(G), 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 land division, 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. Whenever a half street is adjacent to a tract property to be divided, the other half of the street shall be provided.*

This criterion is not applicable. The proposal does not include any half-street improvements.

- (h) *NMC Section 13.05.015(H), Sidewalks. Sidewalks in conformance with the city's adopted sidewalk design standards are required on both sides of all streets within the proposed land division and are required along any street that abuts the land division that does not have sidewalk abutting the property within the land division. The city may exempt or modify the requirement for sidewalks only upon the issuance of a variance as defined in the Zoning Ordinance.*

While the applicant notes that sidewalk will be provided on both sides of the new street, it is a requirement that was set aside as part of the original planned development, in favor of a paved, internal trail network that includes the beach access in Tract "A" of Southshore Phase VI. It would be reasonable for the Commission to include a condition of approval granting the applicant the option of including sidewalk along the new street, so they can determine if it is the best approach given the existing street and trail layout in the Planned Development.

- (i) *NMC Section 13.05.015(I), 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 Uniform Fire Code requirements. Modifications to this requirement may be made by the approving authority. A pedestrian or bicycle way 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.

There are no cul-de-sac's proposed with this application; therefore, this standard is not applicable.

- (j) NMC Section 13.05.015(J), 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 indicates that the street name will be determined and finalized with the final plat. They are currently calling the new street "Roy Fielding Drive." The City has established a grid layout for naming and numbering streets, in large, part to assist emergency responders when they need to locate a residence. It was established with Ordinance No. 665, and is substantially codified under NMC Chapter 9.85. The street name at this location should start with a "C" and would logically be SW Cupola Place. It would be reasonable for the Commission to require that this name be applied to the new street, unless another name is devised that comports with Ordinance No. 665.

- (k) NMC Section 13.05.015(K), Marginal Access Street. *Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting constrained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

This criterion is not applicable. The proposal does not abut or contain an existing or proposed arterial street.

- (l) NMC Section 13.05.015(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 application does not include commercial or industrial zoned property.

- (m) NMC Section 13.05.020(A), Blocks General. *The length, width, and shape of blocks for non-residential subdivisions shall take into account the need for adequate building site size and street width, and shall recognize the limitations of the topography.*

The application does not include blocks.

- (n) NMC Section 13.05.020(B), Block Size. *No block shall be more than 1,000 feet in length between street corners. Modifications to this requirement may be made by the approving authority if the street is adjacent to an arterial street or the topography or the location of adjoining streets justifies the modification. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to allow connectivity to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a block of greater than 1,000 feet 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.*

As noted, the application does not include blocks.

- (o) NMC Section 13.05.025(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.*

The applicant notes that utility easements will be provided and dedicated to the public with the final subdivision plat. They will include water and sewer utility easements over the public water lines that are to be installed under the new street. This can be done as a blanket easement over the tract of land within which the street is located, or the easements can be more narrowly tailored provided they are in a form acceptable to the Public Works Department. This approval standard will require the 10-foot wide utility easement to the rear of Lots 127, 128, 129 and 130, be widened to 12-feet and centered on the lot lines. This can be addressed on the final plat.

- (p) NMC Section 13.05.025(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 their surveyor will comply with this requirement when placing the final plat monuments.

- (q) NMC Section 13.05.025(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.*

A 20-foot wide stormwater easement to the benefit of the Southshore Owners Association has been dedicated over the relocated storm main (Sheet 4, Attachment "M"). The easement, with book and page references will be depicted on the final plat.

- (r) *NMC Section 13.05.030(A) 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.

The property is not zoned for business or industrial use.

- (s) *NMC Section 13.05.030(B) Each lot and parcel shall possess at least 25 feet of frontage along a street other than an alley.*

The applicant's tentative subdivision plan (Attachment "M") and replat (Attachment "N") show that the proposed lots will abut a street other than an alley with a width of at least 25 feet.

- (t) *NMC Section 13.05.030(C) 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 such a traffic artery or other incompatible use.*

The applicant notes that no through lots are proposed.

- (u) *NMC Section 13.05.030(D) 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.*

The applicant notes that the lot lines have been placed to maximize the available land for the best building envelope, and ocean views. The lot lines are fairly perpendicular to the street. Due to the curve of the street, there is some slight variance; however the layout is consistent with the intent of the code.

- (v) NMC Section 13.05.030(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.*

The original planned development decision in File No. 1-PD-93 subjects the lots to a dune vegetation setback line within which no earthwork or construction is allowed. Its location is depicted on the drawings (Attachment "L") and will need to be shown on the final plat.

- (w) NMC Section 13.05.030(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 oceanfront lots within the subdivision and replat exceed the 175% limitation; however, each is significantly encumbered by the dune vegetation setback. The buildable area of these oceanfront lots, listed on the plans, complies with this requirement. The dune vegetation setback is a type of "other condition that restrict further development potential" that this approval criterion envisioned would warrant the creation of lots larger than the 175% limitation, since no development is permitted within the setback area. This standard is satisfied.

- (x) NMC Section 13.05.030(G), Development Constraints. *No lot of 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.*

None of the proposed lots include wetlands or land restricted from development by Statewide Planning Goal 5. The dune vegetation setback was imposed consistent with Statewide Planning Goal 17; however, the applicant's plans show that none of the lots have more than 50% of their lot area encumbered by this setback (Attachment "M" and "N").

- (y) NMC Section 13.05.030(H), Lots and Parcels within Geological Hazard Areas. *Each new undeveloped lot of parcel shall include a minimum 1,000 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 Section 2-4-7 of the Zoning Ordinance 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.

All of the lots are located within a high risk dune hazard zone; which is a high hazard zone within the meaning of this provision. None of the lots meet this standard. However, NMC 13.05.105(A) authorizes the standards of NMC Chapter 13.05 to be modified without a variance for planned developments, and it would be reasonable for the Commission to grant relief from the standard in this case given that a geologic permit has been reviewed and approved finding the sites suitable for the proposed land division and replat (ref: File No. 5-GP-18).

- (z) NMC Section 13.05.035(A). *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.*

The applicant acknowledges that engineering plans must be submitted to the city prior to construction of any public improvements.

- (aa) NMC Section 13.05.035(B). *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.*

The applicant agrees to notify the city before commencing improvement work.

- (bb) NMC Section 13.05.035(C). *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.*

The applicant agrees to construct the improvements under the inspection and to the satisfaction of the City Engineer.

- (cc) NMC Section 13.05.035(D). *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.*

The applicant acknowledges that all underground work for utilities and stormwater must be completed prior to street surfacing, including stubs for future connections.

- (dd) NMC Section 13.05.035(E). *A map showing public improvements as built shall be filed with the city upon completion of the improvements.*

The applicant agrees to file as-built plans with the city.

- (ee) NMC Section 13.05.035(F). Public improvements shall not be commenced until any appeals of the subdivision approval are resolved.

The applicant has indicated that they will abide by this requirement.

- (ff) NMC Section 13.05.040(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 graded for the full right-of-way width. The roadway shall be improved to a width of 36 feet or other width as approved by the approval authority by excavating to the street grade, construction of concrete curbs and drainage structures, placing a minimum of six inches of compacted gravel base, placement of asphaltic pavement 36 feet in width or other width as approved by the approval authority and approximately two inches in depth, and doing such other improvements as may be necessary to make an appropriate and completed improvement. Street width standards may be adjusted as part of the tentative plan approval to protect natural features and to take into account topographic constraints and geologic risks.*

As noted, the applicant will be constructing a 30-foot wide private street, curb to curb, with Southshore phase VI that will be owned and maintained by the Southshore Owner's Association. This will require an adjustment to the street standard, which is permissible in Planned Developments (ref: NMC 13.05.105(A)).

- (gg) NMC Section 13.05.040(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 take into account 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.*

The applicant notes that their engineer has provided for the necessary surface drainage and stormwater management system (Sheet 4, Attachment "M"). It will be a private storm drainage system, owned and maintained by the Southshore Owners Association.

- (hh) NMC Section 13.05.040(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.*

The applicant notes that each lot in the subdivision and replat will be served by an individual sanitary service laterals. They point out that the area of the replat is already served by public sewer and that the laterals will need to be

moved to account for the new lot configuration. Lastly, they indicate that the new subdivision will be served by a public sewer line that will be installed beneath the new private street. Clare Paul, Assistant City Engineer, has requested corrections to the design of the sewer system (Attachment "G"). They are relatively minor and can be addressed as a condition of approval.

- (ii) *NMC Section 13.05.040(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.*

The applicant points out that each lot in the subdivision and replat will be served by an individual water service laterals. They note that the area of the replat is already served by public water and that the laterals and meters will need to be moved and supplemented to account for the new lot configuration. Lastly, they indicate that the new subdivision will be served by a public water line that will be installed beneath the new private street. Clare Paul, Assistant City Engineer, has requested corrections to the design of the sewer system (Attachment "G"). They are relatively minor and can be addressed as a condition of approval. A fire hydrant will be installed at the mid-point of the new private street to provide adequate coverage. All other lots will be served from existing hydrants.

- (jj) *NMC Section 13.05.040(A)(5), Sidewalks. Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:*
- a. Delayed Sidewalk Construction. If sidewalks are designed contiguous with the curb, the subdivider may delay the placement of concrete for the sidewalks by depositing with the city a cash bond equal to 115 percent of the estimated cost of the sidewalk. In such areas, sections of sidewalk shall be constructed by the owner of each lot as building permits are issued. Upon installation and acceptance by the city engineer, the land owner shall be reimbursed for the construction of the sidewalk from the bond. The amount of the reimbursement shall be in proportion to the footage of sidewalks installed compared with the cash bond deposited and any interest earned on the deposit.*
 - b. Commencing three (3) years after filing of the final plat, or a date otherwise specified by the city, the city engineer shall cause all remaining sections of sidewalk to be constructed, using the remaining funds from the aforementioned cash bond. Any surplus funds shall be deposited in the city's general fund to cover administrative costs. Any shortfall will be paid from the general fund.*
 - c. Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 13.05.090(C).*

As earlier noted, the Commission should consider giving the developer the option of forgoing the installation of sidewalk in which case a deferred sidewalk improvement agreement would not be needed.

- (kk) *NMC Section 13.05.040(B). All public improvements shall be designed and built to standards adopted by the city. Until such time as a formal set of public works standards is adopted, public works shall be built to standards in any existing published set of standards designated by the city engineer for the type of improvement. The city engineer may approve designs that differ from the applicable standard if the city engineer determines that the design is adequate.*

The applicant understands that the public improvements must be designed in accordance with city standards.

- (ll) *NMC Section 13.05.040(C). Public improvements are subject to inspection and acceptance by the city. The city may condition building or occupancy within the land division on completion and acceptance of required public improvements.*

The applicant understands that they must abide by this requirement.

- (mm) *NMC Section 13.05.045(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.*

The required letters from the electric and phone providers have been submitted (Attachment "F").

- (nn) *NMC Section 13.05.045(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.*

The Newport Public Works Department has confirmed capacity to provide water and sewer service provided corrections are made to the design of the

improvements as requested in the letter from the Assistant City Engineer (Attachment "G").

- (oo) NMC Section 13.05.050(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 notes that all utility lines will be placed underground.

- (pp) NMC Section 13.05.050(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.

Letters from utility providers showing that utilities can be extended to the proposed subdivision are part of this application.

- (qq) NMC Section 13.05.055, 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 placed in new land divisions to assure adequate lighting of streets and sidewalks within and adjacent to the land division.

The applicant notes that street lights will be provided with Southshore Phase VI. Two lights are shown along the new private street (Sheet 4, Attachment "M").

- (rr) NMC Section 13.05.060, Street Signs. Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.

The applicant notes that street name and stop signs are anticipated for Southshore Phase VI.

- (ss) NMC Section 13.05.065, 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 understands that they must reestablish and protect monuments, as required.

- (tt) NMC Section 13.05.090(A), Final Plat Requirements for Land Divisions Other than Minor Replats or Partitions, Submission of Final Plat. Within two years after tentative plan approval, such other time established at the time of tentative plan approval, or extensions granted under this chapter, the owner and/or applicant (collectively referred to as the “developer”) shall cause the land division to be surveyed and a final plat prepared. If the developer elects to develop the land division in phases, final plats for each phase shall be completed within the time required (e.g. Phase I completed within two years, Phase II completed within the next two years, etc.). The final plat shall be in conformance with the approved tentative plan, this chapter, ORS Chapter 92, and standards of the Lincoln County Surveyor.

This requirement can be addressed with a condition of approval.

- (uu) 13.05.095(A)(1), Minor Replats and Partitions, the tentative plan complies with the definition of a replat or partition, as appropriate.

Pursuant to Section 13.05.005/”Definitions” a replat is defined as: “The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision. A replat shall not serve to vacate a public street or road.”

The applicant’s proposal complies with the definition of a replat in that it involves the reconfiguration of platted lots and blocks within the recorded subdivision known as the Plat of Southshore – Phase 5, recorded in 2006 in Book 17, at Page 48 of the Lincoln County Plat Records. No streets or roads are being vacated by this application. This criterion is met.

- (vv) All lots within the tentative plan meet the requirements for configuring lots and or parcels listed under Section 13.05.030 or, if the original lots or parcels were nonconforming, the resultant lots or parcels will be less nonconforming;

Project compliance with the provisions of Section 13.05.030 is addressed earlier in this report.

- (ww) Approval of the tentative plan does not interfere with the provision of key public facilities.

Public facilities in the vicinity of the replat consist of water and sewer mains along SW Cupola Drive. The sanitary sewer main will need to be extended slightly to serve the northernmost lot and the sewer/water services will need

to be adjusted such that each of the replatted lots has its own services. The applicant has agreed to complete the improvements.

- (xx) The applicant has agreed to sign a consent to participate in sewer, water, or street local improvement districts that the subject lots or parcels would be part of once those districts are formed. The consent shall be a separate document recorded upon the lots or parcels subject to the partition. The document shall be recorded prior to final plat approval.

A condition of approval can address this requirement.

- (yy) Public facilities serving the minor replat or partition are adequate under Section 13.05.045. Proposed streets within the minor replat or partition comply with the standards under Section 13.05.015, including any allowed modification, or a variance has been obtained.

Project compliance with the provisions of Section 13.05.015 and Section 13.05.045 is addressed earlier in the report.

- (zz) All required public improvements will be provided.

As noted, the applicant has agreed to install required public improvements, which are namely new water and sewer mains to serve Southshore Phase 6.

- (aaa) Any required submitted geological hazard report concludes that the property can be developed in the manner proposed, in accordance with any recommendations contained in the report.

A geologic hazards report was submitted and approved concluding that the lots can be developed in the manner proposed (ref: File No. 5-GP-18). That permit calls for the construction of a keystone wall at the north end of the resubdivided condominium lots, a rockery wall along the west side of Southshore Phase 6. It would be appropriate for the Commission to require these structures be placed in easements to the benefit of the parties responsible for their maintenance, to ensure that they can be appropriately maintained over time.

- D. Conclusion: If the Planning Commission finds that the applicant meets the criteria established in the Municipal Code for granting the Preliminary Development Plan, Final Development Plan, Tentative Subdivision Plat, and Minor Replat 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 need to be relate to the applicable criteria and request (must have a rational nexus) and need to be roughly proportional to the impact created by the development in order to be constitutionally permissible as conditions of approval. 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.

6. STAFF RECOMMENDATION: The applicant has demonstrated that the approval criteria have been satisfied, subject to the following conditions:
- A. The private street and Tract “A” of Southshore Phase VI shall be dedicated to the Southshore Owners Association who will be responsible for ongoing maintenance of these areas. Parties responsible for the ownership and maintenance of the tracts shall be identified with notes on the final plat.
 - B. The new private street shall be constructed to 30-feet in width, curb to curb, as depicted on the plan and shall be completed and accepted by the Southshore Owners Association prior to recording of the final plat.
 - C. Developer is not be required to install sidewalk along the new private street; however, if they are to be built then improvements will be privately owned and maintained and may be constructed at the time the private street is built or as individual lots are developed.
 - D. The new private street shall be named “SW Cupola Place” unless the Lincoln County Surveyor determines that such name will duplicate or be confused with the name of an existing street elsewhere in the County. If an alternative street name is needed, such name shall begin with the letter “C” and be reviewed and approved by the Newport Building Official for compliance with Ordinance No. 665, as amended, prior to recording of the final plat.
 - E. The utility easement located to the rear of Lots 127, 128, 129 and 130 shall be widened to 12-feet in width and centered on the lot lines. Such easement shall be graphically depicted on the final plat.
 - F. Street lighting shall be placed along the new private street in locations approved by the City Engineer, and shall be installed and operational prior to recording of the final plat.
 - G. The dune vegetation setback line, with a note specifying its limitations, shall be illustrated on the final plats for Southshore Phase VI and the replat of the Southshore Phase V condominium lots.
 - H. Applicant shall submit a modified tentative subdivision plat addressing the comments provided by Assistance City Engineer Clare Paul, dated May 28, 2019. Such plat is to illustrate a final alignment of the water and sanitary sewer lines, with service stubs to each proposed lot. Where stubs are being relocated, the prior services are to be abandoned at the main, as approved by the City Engineer.
 - I. Public water and sewer infrastructure shall be located within public utility easements that are at least 20-feet in with centered on service lines. The final alignment of the easements is to be depicted on the final plats.
 - J. The rockery and keystone walls shall be placed within tracts or easements identifying the party responsible for ongoing maintenance of the structures. The tracts or easements shall be depicted on the final plat.
 - K. The applicant shall sign and record a Land Improvement Waiver of Remonstrance Agreement consenting to participate in sewer, water, and street local improvement districts related to the

resubdivision of the condominium lots along SW Cupola Drive. Such agreement shall be recorded prior to approval of the final plat.

- L. 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.
- M. No site improvements, including excavation in excess of 100 cubic yards, is to occur until plans have been checked for adequacy and approved by the city. Engineering plans for public improvements must be submitted to the Newport Public Works Department prior to construction of any public improvements, and work on such improvements shall not commence until the plans have been approved by the City Engineer and the City is notified of the start date.
- N. The applicant shall include language in its construction contracts for the improvement of the new private street and installation of utilities, advising contractors that survey monuments are to be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines once the planned roadway improvements are completed.
- O. A final plat shall be submitted within two years of the tentative subdivision plat (i.e. concept map) approval. The applicant 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

June 7, 2019

Attachment "A"

1 & 2-PD-19/1-MRP-19/1-SUB-19



City of Newport Land Use Application

Applicant Name(s): SOUTHSHORES LLC	Property Owner Name(s) if other than applicant
DEVELOPMENT	SAME AS APPLICANT
Applicant Mailing Address:	Property Owner Mailing Address:
PO BOX 125 CANBY, OR 97013	
Applicant Phone No. 503 730 4684	Property Owner Phone No.
Applicant Email chuckamccbine@gmail.com	Property Owner Email
Authorized Representative(s): Person authorized to submit and act on this application on applicant's behalf	
EMERIO DESIGN- TRISHA CLARK	
Authorized Representative Mailing Address:	
6455 SW FALLBROOK DR. #100 BEAVERTON OR 97008	
Authorized Representative Telephone No.	
503 746 8812	
Authorized Representative Email. trisha@emeriodesign.com	

Project Information

Property Location: Street name if address # not assigned	
10120 SW ARBOR DR. & 5758 SW CUPOLA DR. (1111 1900 TLG 8100, 8200, 8300, 8400)	
Tax Assessor's Map No.: 11 11 30AA	Tax Lot(s): TL 2000 (ARBOR DR.)
Zone Designation: RA	Legal Description: CUPOLA: LOTS 87-90
Comp. Plan Designation: RESIDENTIAL	"SOUTHSHORE PHASE 5"
Brief description of Land Use Request(s): MODIFICATION TO ORIGINAL SOUTH SHORE DEVELOPMENT: 1) CONVERT LOTS FROM "CONDOS" TO SFR & 2) CONVERT "12 LOT SUBDIVISION" AREA FROM HOTEL USE TO SFR USE TO ALLOW FOR DEVELOPMENT OF THE SITE FOR SINGLE FAMILY HOMES.	
* SUBDIVISION, MODIFICATION TO PD, PLA, PARTITION *	
Existing Structures: if any ALL SUBJECT PARCELS ARE VACANT	

Topography and Vegetation: **SOME VEGETATION ON THE SITE ON ARBOR DR.**
"CONDO" LOTS ON CUPOLA DR. ARE CLEAR OF ANY VEGETATION

Application Type (please check all that apply)

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

FOR OFFICE USE ONLY

File No. Assigned: 1-SUB-19/1&2-PD-19/1-MRP-19		
Date Received: 2/6/19	Fee Amount: 1714 / 3717 / 334	Date Accepted as Complete:
Received By: gm	Receipt No. 2946	Accepted By:

City Hall
 169, SW Coast Hwy
 Newport, OR 97365
 541.574.0629



City of Newport Land Use Application

Applicant Name(s): SOUTHSHORES LLC	Property Owner Name(s) if other than applicant
DEVELOPMENT	SAME AS APPLICANT
Applicant Mailing Address:	Property Owner Mailing Address:
PO BOX 125 CANBY, OR 97013	
Applicant Phone No. 503 730 4684	Property Owner Phone No.
Applicant Email chuckamccbine@gmail.com	Property Owner Email
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
EMERIO DESIGN- TRISHA CLARK	
Authorized Representative Mailing Address:	
6455 SW FAIRBROOK DR. #100 BEAVERTON OR 97008	
Authorized Representative Telephone No.	
503 746 8812	
Authorized Representative Email. trisha@emeriodesign.com	

Project Information

Property Location: <i>Street name if address is not assigned</i>	
6120 SW ARBOR DR. & 5758 SW CUPOLA DR. (1111 1900 TLG 8100, 8200, 8300, 8400)	
Tax Assessor's Map No.: 11 11 30AA	Tax Lot(s): TL 2000 (ARBOR DR.)
Zone Designation: R4	Legal Description: CUPOLA LOTS 87-90 "SOUTHSHORE PHASE 5" ARBOR: U.S. LOT 1
Comp. Plan Designation: RESIDENTIAL	
Brief description of Land Use Request(s): MODIFICATION TO ORIGINAL SOUTHSHORE DEVELOPMENT: 1) CONVERT LOTS FROM "CONDO" TO SFR & 2) CONVERT "12 LOT SUBDIVISION" AREA FROM HOTEL USE TO SFR USE TO ALLOW FOR DEVELOPMENT OF THE SITE FOR SINGLE FAMILY HOMES. * SUBDIVISION, MODIFICATION TO PD, PLA, PRETITION *	
Existing Structures: if any ALL SUBJECT PARCELS ARE VACANT	

Topography and Vegetation: **SOME VEGETATION ON THE SITE ON ARBOR DR. "CONDO" LOTS ON CUPOLA DR. ARE CLEAR OF ANY VEGETATION**

Application Type (please check all that apply)

- | | | |
|--|--|--|
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<input type="checkbox"/> Appeal
<input type="checkbox"/> Comp Plan/Map Amendment
<input type="checkbox"/> Conditional Use Permit
<div style="margin-left: 20px;"><input type="checkbox"/> PC</div> <div style="margin-left: 20px;"><input type="checkbox"/> Staff</div> <input type="checkbox"/> Design Review
<input type="checkbox"/> Geologic Permit | <input type="checkbox"/> Interpretation
<input type="checkbox"/> Minor Replat
<input checked="" type="checkbox"/> Partition
<input type="checkbox"/> Planned Development
<input checked="" type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Shoreland Impact
<input checked="" type="checkbox"/> Subdivision
<input type="checkbox"/> Temporary Use Permit | <input type="checkbox"/> UGB Amendment
<input type="checkbox"/> Vacation
<input type="checkbox"/> Variance/Adjustment
<div style="margin-left: 20px;"><input type="checkbox"/> PC</div> <div style="margin-left: 20px;"><input type="checkbox"/> Staff</div> <input type="checkbox"/> Zone Ord/Map
<input type="checkbox"/> Amendment
<input checked="" type="checkbox"/> Other MODIFICATION |
|--|--|--|

FOR OFFICE USE ONLY

File No. Assigned: 1-MBP-19		
Date Received: 2/8/19	Fee Amount: 334 -	Date Accepted as Complete:
Received By: Sm/DT	Receipt No. 2946 -	Accepted By:
City Hall 169, SW Coast Hwy Newport, OR 97365 541.574.0629		
625-19-000007-PLNG		



City of Newport Land Use Application

Applicant Name(s): <u>SOUTHSHORES LLC</u>	Property Owner Name(s) if other than applicant
<u>DEVELOPMENT</u>	<u>SAME AS APPLICANT</u>
Applicant Mailing Address:	Property Owner Mailing Address:
<u>PO BOX 125 CANBY, OR 97013</u>	
Applicant Phone No. <u>503 730 4684</u>	Property Owner Phone No.
Applicant Email <u>chuckamccbine@gmail.com</u>	Property Owner Email
Authorized Representative(s): Person authorized to submit and act on this application on applicant's behalf	
<u>EMERIO DESIGN- TRISHA LARK</u>	
Authorized Representative Mailing Address:	
<u>6455 SW FAIRBROOK DR. #100 BEAVERTON OR 97008</u>	
Authorized Representative Telephone No.	
<u>503 746 8812</u>	
Authorized Representative Email. <u>trisha@emeriodesign.com</u>	

Project Information

Property Location: Street name if address is not assigned	
<u>6020 SW ARBOR DR. & 5758 SW CUPOLA DR. (TLs 8100, 8200, 8300, 8400)</u>	
Tax Assessor's Map No.: <u>11 11 30AA</u>	Tax Lot(s): <u>TL 2000 (ARBOR DR.)</u>
Zone Designation: <u>R4</u>	Legal Description: <u>CUPOLA LOTS 87-90</u> <u>"SOUTHSHORE PHASE 5"</u> <u>ARBOR: U.S. LOT 1</u>
Comp. Plan Designation: <u>RESIDENTIAL</u>	
Brief description of Land Use Request(s): <u>MODIFICATION TO ORIGINAL SOUTHSHORE DEVELOPMENT: 1) CONVERT LOTS FROM "CONDOS" TO SFR & 2) CONVERT "12 LOT SUBDIVISION" AREA FROM HOTEL USE TO SFR USE TO ALLOW FOR DEVELOPMENT OF THE SITE FOR SINGLE FAMILY HOMES.</u> <u>* SUBDIVISION, MODIFICATION TO PD, PLA, PETITION *</u>	
Existing Structures: if any <u>ALL SUBJECT PARCELS ARE VACANT</u>	
Topography and Vegetation: <u>SOME VEGETATION ON THE SITE ON ARBOR DR.</u> <u>"CONDO" LOTS ON CUPOLA DR. ARE CLEAR OF ANY VEGETATION</u>	

Application Type (please check all that apply)

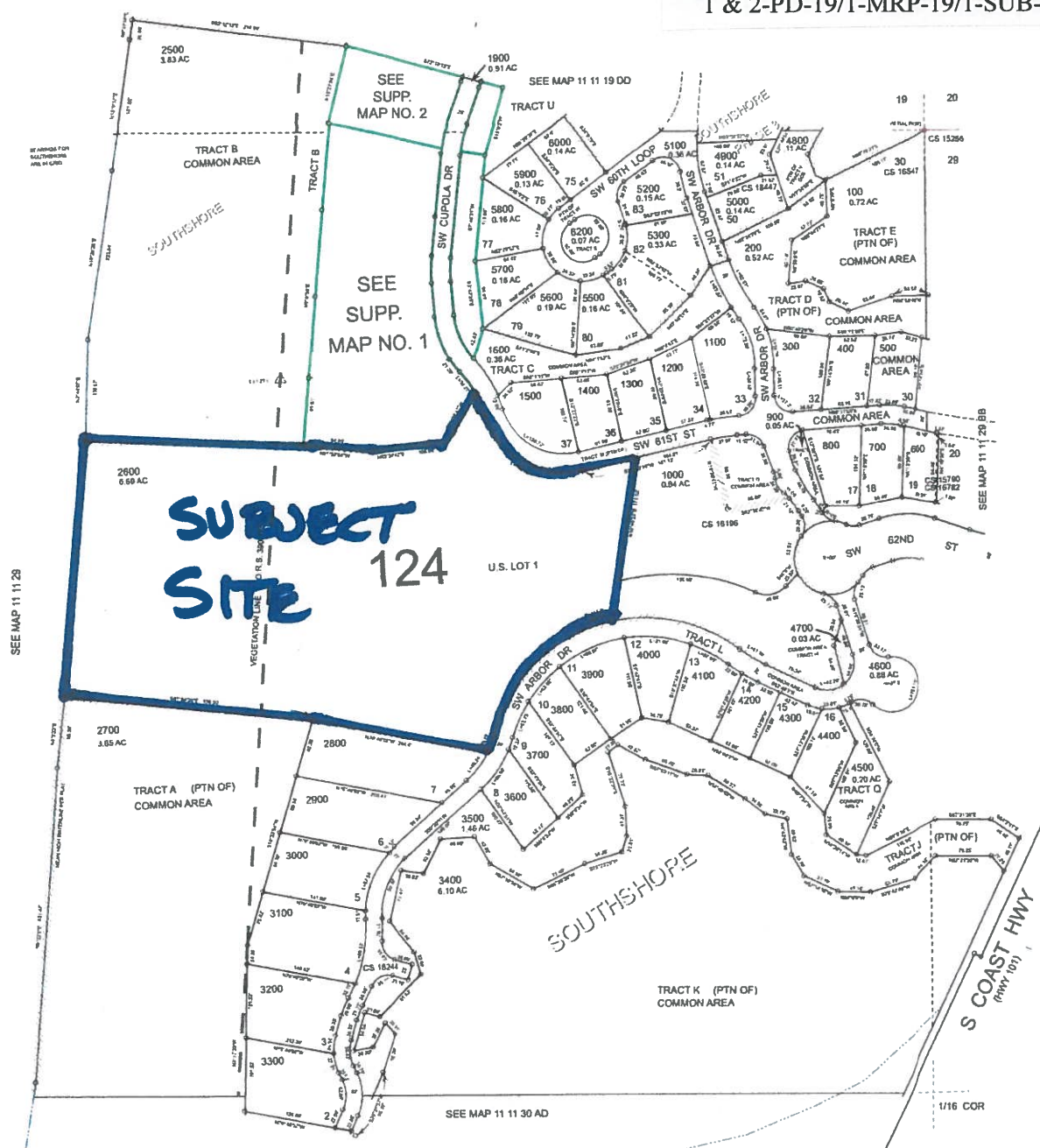
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| <input type="checkbox"/> Annexation
<input type="checkbox"/> Appeal
<input type="checkbox"/> Comp Plan/Map Amendment
<input type="checkbox"/> Conditional Use Permit
<div style="margin-left: 20px;"><input type="checkbox"/> PC</div> <div style="margin-left: 20px;"><input type="checkbox"/> Staff</div> <input type="checkbox"/> Design Review
<input type="checkbox"/> Geologic Permit | <input type="checkbox"/> Interpretation
<input checked="" type="checkbox"/> Minor Replat
<input checked="" type="checkbox"/> Partition
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<input type="checkbox"/> Shoreland Impact
<input checked="" type="checkbox"/> Subdivision
<input type="checkbox"/> Temporary Use Permit | <input type="checkbox"/> UGB Amendment
<input type="checkbox"/> Vacation
<input type="checkbox"/> Variance/Adjustment
<div style="margin-left: 20px;"><input type="checkbox"/> PC</div> <div style="margin-left: 20px;"><input type="checkbox"/> Staff</div> <input type="checkbox"/> Zone Ord/Map
<input type="checkbox"/> Amendment
<input checked="" type="checkbox"/> Other <u>MODIFICATION</u> |
|--|---|--|

FOR OFFICE USE ONLY

File No. Assigned: <u>182-PD-19</u>		
Date Received: <u>2/8/19</u>	Fee Amount: <u>3,717</u>	Date Accepted as Complete:
Received By: <u>SM/DJ</u>	Receipt No. <u>2946</u>	Accepted By:
City Hall 169, SW Coast Hwy Newport, OR 97365 541.574.0629		
<u>625-19-000007-PLNG</u>		

Attachment "B"
1 & 2-PD-19/1-MRP-19/1-SUB-19

Cancelled
1700
1800
2000
2100
2200
2300
2400
2501
2601
2700
2701
6100



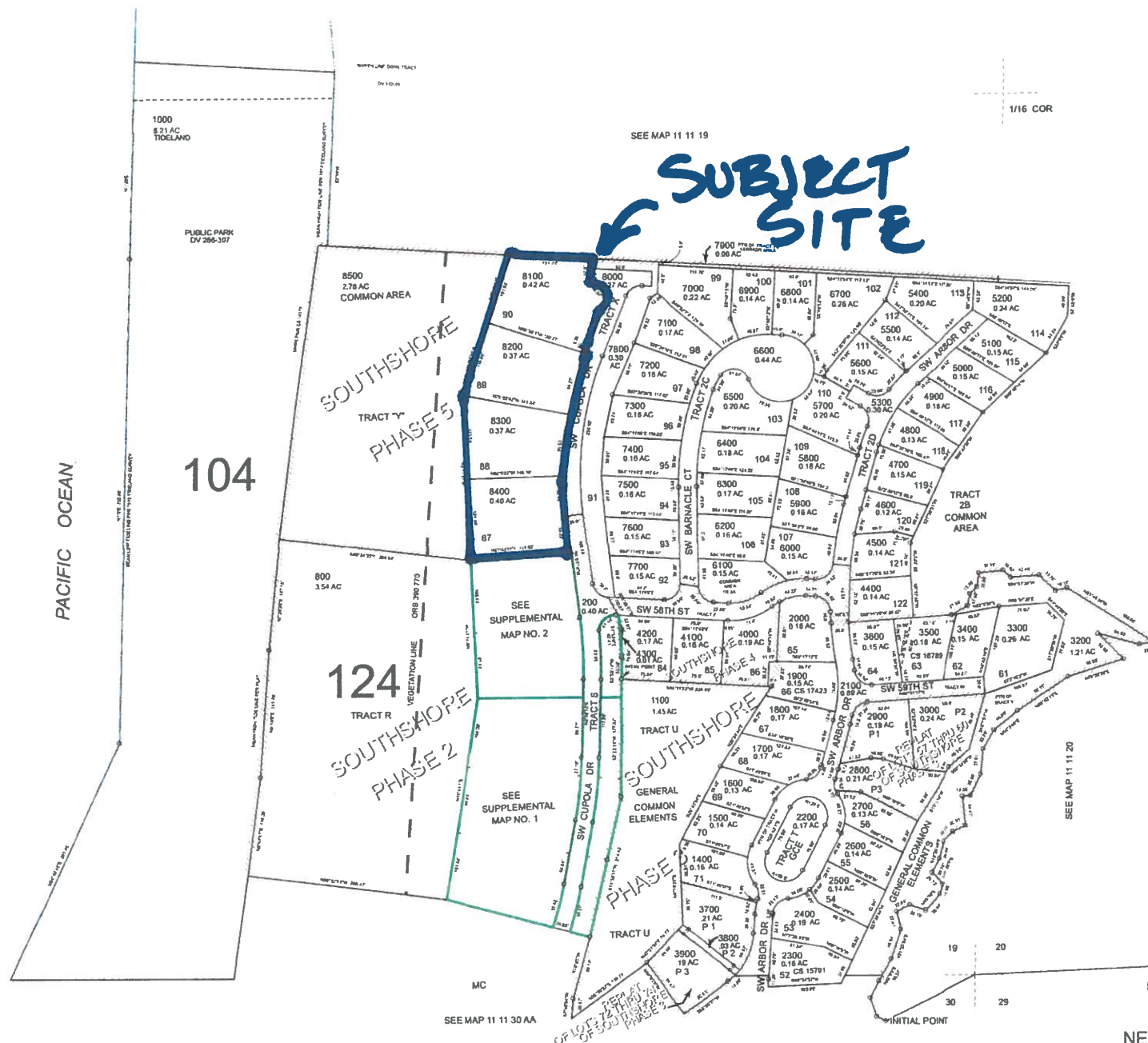
Revised: SEB
07/25/2006

NEWPORT
11 11 30 AA

0 50 100 150 200 Feet

11 11 19 DD
NEWPORT

Cancelled
100
300
400
500
600
700
900
1200
1300
3100
3601

Revised: SAO
01/06/2015

NEWPORT
11 11 19 DD

BOOK 290 PAGE 2450

After recording, return to:
 Don G. Carter
 McEwen, Givold, Rankin,
 Carter & Streins
 1100 S.W. Sixth Street
 Suite 1600
 Portland, Oregon 97204

Until a change is requested,
 all tax statements shall be
 sent to:

Grantee
 340 Oswego Pointe Drive Suite 200
 Lake Oswego, OR 97034

Recorded by First American
 Title of Willamette Valley

Order # 182087

BARGAIN AND SALE DEED

South Shores Limited Partnership, an Oregon limited partnership, Grantor, conveys to South Shores Development, LLC, an Oregon limited liability company, Grantee, the real property situated in Lincoln County, Oregon, described in the attached Exhibit A.

The true consideration for this conveyance is FOUR MILLION FIVE HUNDRED THOUSAND AND NO/100 Dollars (\$ 4,500,000.00) which includes value given or promised that was the whole consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 4th day of November, 1994.

South Shores Limited Partnership,
 an Oregon limited partner

By: South Shores Management Inc.
 Its General Partner

By: [Signature]
 Its President

STATE OF OREGON)
 County of MULTNOMAH) ss.

This instrument was acknowledged before me on the 4th day of November, 1994, by Edward Darrow, as President of South Shores Management Inc., the general partner of South Shores Limited Partnership.

[SEAL]

[Signature]
 Notary Public

My commission expires: 10/21/95

1 - BARGAIN AND SALE DEED

DEC\Bout1417.dad

NOV '3 1994

BOOK 290 PAGE 2451

ORDER NO. 168538

DESCRIPTION

PARCEL 1:

Lot 3 of Section 19, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, and the Southwest 1/4 of the Southwest 1/4 of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon.

EXCEPTING any portion lying in roads and highway and;

FURTHER EXCEPTING the following tracts:

(a) Tract described in deed recorded in Book 158, Page 17, Deed Records of said Lincoln County, Oregon.

(b) Tract described in deed recorded in Book 154, Page 391, Deed Records of said Lincoln County, Oregon.

(c) Tract described in deed recorded in Book 156, Page 199, Deed Records of said Lincoln County, Oregon.

PARCEL 2:

That part of the West 1/2 of the Northwest 1/4 of Section 29, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, lying Easterly of the Easterly line of the Oregon Coast Highway, also known as U.S. Highway 101, and Northerly of the following described line:

Beginning at a 1/2 inch iron rod set in the Easterly right of way of the Oregon Coast Highway; said point being 551.32 feet South and 435.23 feet East of the northwest corner of Section 29, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence North 25°09' East along said right of way 258.20 feet to the true point of beginning of the line; thence South 64°51' East at right angles to said right of way 956.90 feet, more or less, to the East line of the West 1/2 of the Northwest 1/4 of said Section 29.

ALSO that part of the West 1/2 of the Northwest quarter of Section 29, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, lying Northerly and Westerly of the Oregon Coast Highway, also known as U.S. Highway 101.

NOV '3 1994

BOOK 290 PAGE 2452

ORDER NO. 168538

PAGE 2

DESCRIPTION CONTINUED

PARCEL 3:

Government Lots 1 and 2 in Section 30, Township 11 South,
Range 11 West, Willamette Meridian, in Lincoln County,
Oregon;

EXCEPTING that portion lying South of the Northerly line of
the Oregon Iron and Steel Tract described in Deed recorded
July 22, 1952, in Book 153, Page 151, Deed Records for
Lincoln County, Oregon to wit:

Beginning at an iron pipe which bears North 1195.18 feet and
West 597.28 feet from the quarter section corner between
Sections 29 and 30 in said Township 11 South, Range 11 West,
Willamette Meridian, in Lincoln County, Oregon; thence North
81°30' East along the South bank of an unnamed stream a
distance of 550 feet, more or less, to an intersection with
the Westerly right of way property line of the Oregon Coast
Highway No. 101; thence South 25°03'30" West, 40 feet, more
or less, to a jog in said right of way property line; thence
South 64°56'30" East, 10 feet; thence South 25°03'30" West,
162.20 feet along said right of way property line to a point
of curve; thence along a curve to the left having a radius of
995.40 feet through a central angle of 12°29'30", a distance
of 216.89 feet; thence leaving said right of way property
line on a line which bears South 80°00' West, 255.96 feet to
an iron pipe which is situated in the Easterly line of a
turnaround having a 30 foot radius (Radial point bears South
70°27' West, 30 feet); thence following said turnaround on a
curve to the left having a central angle of 70°27' a distance
of 39.51 feet to an iron pipe; thence leaving said turnaround
on a line which bears North 5°00' West a distance of 99.90
feet to an iron pipe; thence North 22°52' West, 256.43 feet
to an iron pipe and the place of beginning.

NOV '3 1994

ORDER NO. 168538

BOOK 290 PAGE 2453

PAGE 3

DESCRIPTION CONTINUED

ALSO EXCEPTING that portion lying Southerly of the Northerly line and the Westerly extension of said Northerly line of the Fleck tract described in Deed, recorded October 16, 1963 in Book 239, Page 53, Deed Records, to-wit:

Beginning at an iron pipe in the Westerly right of way line of a 30 foot road; said iron pipe bears North 805.91 feet and West 504.77 feet from the quarter corner between Sections 29 and 30, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; from said place of beginning; thence South 8°00' West along said Westerly right of way line of 30 foot road, 272 feet to an iron pipe; thence North 82°00' West, 40.32 feet to an iron pipe; thence North 63°57' West, 123.51 feet to an iron pipe; thence North 75°50' West, 175.21 feet to an iron pipe; thence North 38°15' West, 226.41 feet to an iron pipe; thence North 6°21' East, 300.32 feet to an iron pipe; thence North 76°50' East, 183.38 feet to an iron pipe; thence North 81°30' East, 195.68 feet to an iron pipe; thence South 22°52' East, 256.43 feet to an iron pipe; thence South 5°00' East 99.90 feet to an iron pipe in the circle of a 30 foot radius turnaround; thence Southerly along a curve to the left having a radius of 30 feet through central angle of 137°00' a distance of 71.73 feet to the place of beginning.

RLB/amh
D168538

STATE OF OREGON) ss.
County of Lincoln
I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.
Book 290 Page 2453 **FILED**
WITNESS my hand and seal of said office attested.

[Signature]
DANA W. JENKINS, Lincoln County Clerk

Doc : 6126964
Rect: 52099 50.00
11/08/1994 10:50:41am



NOV '93 1994



After recording return to:
South Shores Development, LLC
6 Beach Drive
Vancouver, WA 98661

Until a change is requested all tax statements
 shall be sent to the following address:

South Shores Development, LLC
6 Beach Drive
Vancouver, WA 98661

Escrow No.
 Title No.

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY BARGAIN AND SALE DEED

South Shores Development, LLC, an Oregon limited liability company, Grantor, conveys to South Shores Development, LLC, an Oregon limited liability company, Grantee, the following described real property:

The Property described in Exhibit "A" attached hereto and made a part hereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$Lot line adjustment given in acceptance and accordance with Lot Line #9-PLA-99 (Here comply with the requirements of ORS 93.030)

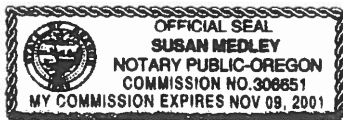
Dated this 3rd day of JANUARY, 2001.

South Shores Development, LLC
 an Oregon limited liability company

By: [Signature]
 Edward E. Darrow, President

STATE OF OREGON
 County of CLATSOP } ss.

This instrument was acknowledged before me on this 3rd day of JANUARY, 2001
 by Edward E. Darrow as President of South Shores Development, LLC



[Signature]
 Notary Public for

My commission expires: November 9, 2001

RECORDED BY
 FIRST AMERICAN TITLE CO. OF OREGON
 NO. A01-141

**W.B. Wells
& Associates, Inc.**

Surveyors • Engineers • Planners



Exceptional Service.

Creative Solutions.

Quality Beyond
Your Expectations

EXHIBIT "A"
PROPERTY DESCRIPTION
TRACT "G" AS ADJUSTED
SOUTHSHORE, PHASE 1
FOR SOUTH SHORES DEVELOPMENT, LLC
JOB NO. 92-267
NOVEMBER 13, 2000

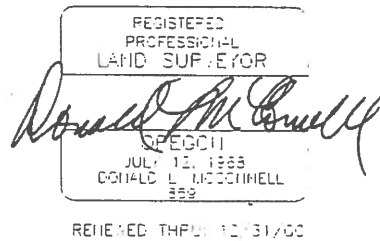
A tract of land in the northeast one-quarter of Section 30, Township 11 South, Range 11 West, Willamette Meridian, County of Lincoln, State of Oregon, said tract of land being all of Tract "G" of the plat of "SOUTHSHORE", Plat No. 15-53, and a portion of Government Lot 1 of said Section 30, said tract of land being more particularly described as follows:

Beginning at a point in the south line of Tract "M" of said plat of "SOUTHSHORE" which bears S 79°20'19"W a distance of 104.91 feet from the northwest corner of said Tract "G"; thence N 79°20'19"E, along the south line of said Tract "M", a distance of 104.91 feet to the beginning of a 237.00 foot radius tangent curve to the right; thence easterly along the arc of said curve through a central angle of 9°10'46" a distance of 37.97 feet (the long chord bears N 83°55'42"E a distance of 37.93 feet) to a point of tangency; thence N 88°31'05"E a distance of 9.87 feet to the beginning of a 24.00 foot radius tangent curve to the right; thence southeasterly along the arc of said curve through a central angle of 76°15'12" a distance of 31.94 feet (the long chord bears S 53°21'19"E a distance of 29.64 feet) to a point of reverse curvature and the beginning of a 310.00 foot radius curve to the left; thence southerly along the arc of said curve through a central angle of 6°50'02" a distance of 36.97 feet (the long chord bears S 18°38'44"E a distance of 36.95 feet) to a point of reverse curvature and the beginning of a 24.00 foot radius curve to the right; thence southerly along the arc of said curve through a central angle of 21°23'21" a distance of 8.96 feet (the long chord bears S 11°22'05"E a distance of 8.91 feet) to a point of reverse curvature and the beginning of a 25.00 foot radius curve to the left; thence southeasterly along the arc of said curve through a central angle of 55°38'50" a distance of 24.28 feet (the long chord bears S 28°29'50"E a distance of 23.34 feet) to a point of reverse curvature and the beginning of a 24.00 foot radius curve to the right; thence southeasterly along the arc of said curve through a central angle of 26°23'21" a distance of 11.05 feet (the long chord bears S 43°07'34"E a distance of 10.96 feet) to the southeast corner of said Tract "G" and a point in the westerly line of Tract "M" of said plat of "SOUTHSHORE" and a point of reverse curvature and the beginning of a 308.00 foot radius curve to the left; thence southeasterly along the arc of said curve through a central angle of 3°56'14" a distance of 21.17 feet (the long chord bears S 31°54'01"E a distance of 21.16 feet) to a point of reverse curvature and the beginning of a 24.00 foot radius curve to the right; thence southerly along the arc of said curve through a central angle of 70°12'14" a distance of 29.41 feet (the long chord bears S 03°41'56"W a distance of 27.60 feet) to a point of reverse curvature and the beginning of a 50.00 foot radius curve to the left; thence southerly along the arc of said curve through a central angle of 61°18'51" a distance of 53.51 feet (the long chord

TRACT "G" AS ADJUSTED
Page 2 of 2

EXHIBIT "A"
CONTINUED

bears S 08°08'38"W a distance of 50.99 feet) to a point of nontangency; thence S 46°08'00"W a distance of 23.97 feet to the beginning of a 37.00 foot radius tangent curve to the right; thence westerly along the arc of said curve through a central angle of 71°18'55" a distance of 46.05 feet (the long chord bears S 81°47'27"W a distance of 43.14 feet) to a point of reverse curvature and the beginning of a 272.00 foot radius curve to the left; thence westerly along the arc of said curve through a central angle of 40°09'59" a distance of 190.68 feet (the long chord bears N 82°38'05"W a distance of 186.80 feet) to a point of nontangency; thence N 10°46'23"E a distance of 171.02 feet to the point of beginning. The above described tract of land containing 41,023 square feet.



STATE OF OREGON } ss.
County of Lincoln

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.

Book 413 Page 1958

WITNESS my hand and seal of said office affixed.


DANA W. JENKINS, Lincoln County Clerk

Doc : 6237723

Rect: 106962 36.00

01/16/2001 09:22:22am



After recording, return to:
Don G. Carter
McEwen, Givold, Rankin,
Carter & Streinz
1100 S.W. Sixth Street
Suite 1600
Portland, Oregon 97204

Until a change is requested,
all tax statements shall be
sent to:
Grantee
340 Oswego Pointe Drive Suite 200
Lake Oswego, OR 97034
Recorded by First American
Title of Willamette Valley
Order # 188087

BARGAIN AND SALE DEED

South Shores Limited Partnership, an Oregon limited partnership, Grantor, conveys to South Shores Development, LLC, an Oregon limited liability company, Grantee, the real property situated in Lincoln County, Oregon, described in the attached Exhibit A.

The true consideration for this conveyance is FOUR MILLION FIVE HUNDRED THOUSAND AND NO/100 Dollars (\$ 4,500,000 .00) which includes value given or promised that was the whole consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 4th day of November, 1994.

South Shores Limited Partnership,
an Oregon limited partner

By: South Shores Management Inc.
Its General Partner

By: [Signature]
Its President

STATE OF OREGON)
County of MULTNOMAH) ss.

This instrument was acknowledged before me on the 4th day of November, 1994, by Edward Darrow, as President of South Shores Management Inc., the general partner of South Shores Limited Partnership.

[SEAL]

[Signature]
Notary Public
My commission expires: 10/21/95

11-11-20
32
11-11-29
13
11-11-30
15

BOOK 290 PAGE 2451

ORDER NO. 168538

DESCRIPTION

PARCEL 1:

Lot 3 of Section 19, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, and the Southwest 1/4 of the Southwest 1/4 of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon.

EXCEPTING any portion lying in roads and highway and;

FURTHER EXCEPTING the following tracts:

(a) Tract described in deed recorded in Book 158, Page 17, Deed Records of said Lincoln County, Oregon.

(b) Tract described in deed recorded in Book 154, Page 391, Deed Records of said Lincoln County, Oregon.

(c) Tract described in deed recorded in Book 156, Page 199, Deed Records of said Lincoln County, Oregon.

PARCEL 2:

That part of the West 1/2 of the Northwest 1/4 of Section 29, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, lying Easterly of the Easterly line of the Oregon Coast Highway, also known as U.S. Highway 101, and Northerly of the following described line:

Beginning at a 1/2 inch iron rod set in the Easterly right of way of the Oregon Coast Highway; said point being 551.32 feet South and 435.23 feet East of the northwest corner of Section 29, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence North 25°09' East along said right of way 258.20 feet to the true point of beginning of the line; thence South 64°51' East at right angles to said right of way 956.90 feet, more or less, to the East line of the West 1/2 of the Northwest 1/4 of said Section 29.

ALSO that part of the West 1/2 of the Northwest quarter of Section 29, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, lying Northerly and Westerly of the Oregon Coast Highway, also known as U.S. Highway 101.

NOV '13 1994

BOOK 290 PAGE 2452

ORDER NO. 168538

PAGE 2

DESCRIPTION CONTINUED

PARCEL 3:

Government Lots 1 and 2 in Section 30, Township 11 South,
Range 11 West, Willamette Meridian, in Lincoln County,
Oregon;

EXCEPTING that portion lying South of the Northerly line of
the Oregon Iron and Steel Tract described in Deed recorded
July 22, 1952, in Book 153, Page 151, Deed Records for
Lincoln County, Oregon to wit:

Beginning at an iron pipe which bears North 1195.18 feet and
West 597.28 feet from the quarter section corner between
Sections 29 and 30 in said Township 11 South, Range 11 West,
Willamette Meridian, in Lincoln County, Oregon; thence North
81°30' East along the South bank of an unnamed stream a
distance of 550 feet, more or less, to an intersection with
the Westerly right of way property line of the Oregon Coast
Highway No. 101; thence South 25°03'30" West, 40 feet, more
or less, to a jog in said right of way property line; thence
South 64°56'30" East, 10 feet; thence South 25°03'30" West,
162.20 feet along said right of way property line to a point
of curve; thence along a curve to the left having a radius of
995.40 feet through a central angle of 12°29'30", a distance
of 216.89 feet; thence leaving said right of way property
line on a line which bears South 80°00' West, 255.96 feet to
an iron pipe which is situated in the Easterly line of a
turnaround having a 30 foot radius (Radial point bears South
70°27' West, 30 feet); thence following said turnaround on a
curve to the left having a central angle of 70°27' a distance
of 39.51 feet to an iron pipe; thence leaving said turnaround
on a line which bears North 5°00' West a distance of 99.90
feet to an iron pipe; thence North 22°52' West, 256.43 feet
to an iron pipe and the place of beginning.

NOV '13 1994

ORDER NO. 168538

BOOK 290 PAGE 2453

PAGE 3

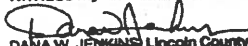
DESCRIPTION CONTINUED

ALSO EXCEPTING that portion lying Southerly of the Northerly line and the Westerly extension of said Northerly line of the Fleck tract described in Deed, recorded October 16, 1963 in Book 239, Page 53, Deed Records, to-wit:

Beginning at an iron pipe in the Westerly right of way line of a 30 foot road; said iron pipe bears North 805.91 feet and West 504.77 feet from the quarter corner between Sections 29 and 30, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; from said place of beginning; thence South 8°00' West along said Westerly right of way line of 30 foot road, 272 feet to an iron pipe; thence North 82°00' West, 40.32 feet to an iron pipe; thence North 63°57' West, 123.51 feet to an iron pipe; thence North 75°50' West, 175.21 feet to an iron pipe; thence North 38°15' West, 226.41 feet to an iron pipe; thence North 6°21' East, 300.32 feet to an iron pipe; thence North 76°50' East, 183.38 feet to an iron pipe; thence North 81°30' East, 195.68 feet to an iron pipe; thence South 22°52' East, 256.43 feet to an iron pipe; thence South 5°00' East 99.90 feet to an iron pipe in the circle of a 30 foot radius turnaround; thence Southerly along a curve to the left having a radius of 30 feet through central angle of 137°00' a distance of 71.73 feet to the place of beginning.

RLB/amh
D168538

STATE OF OREGON) ss.
County of Lincoln
I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.
Book 290 Page 2453 **PRCD**
WITNESS my hand and seal of said office affixed.


DANA W. JENKINS, Lincoln County Clerk

Doc : 6126964
Rect: 52099 50.00
11/08/1994 10:50:41am



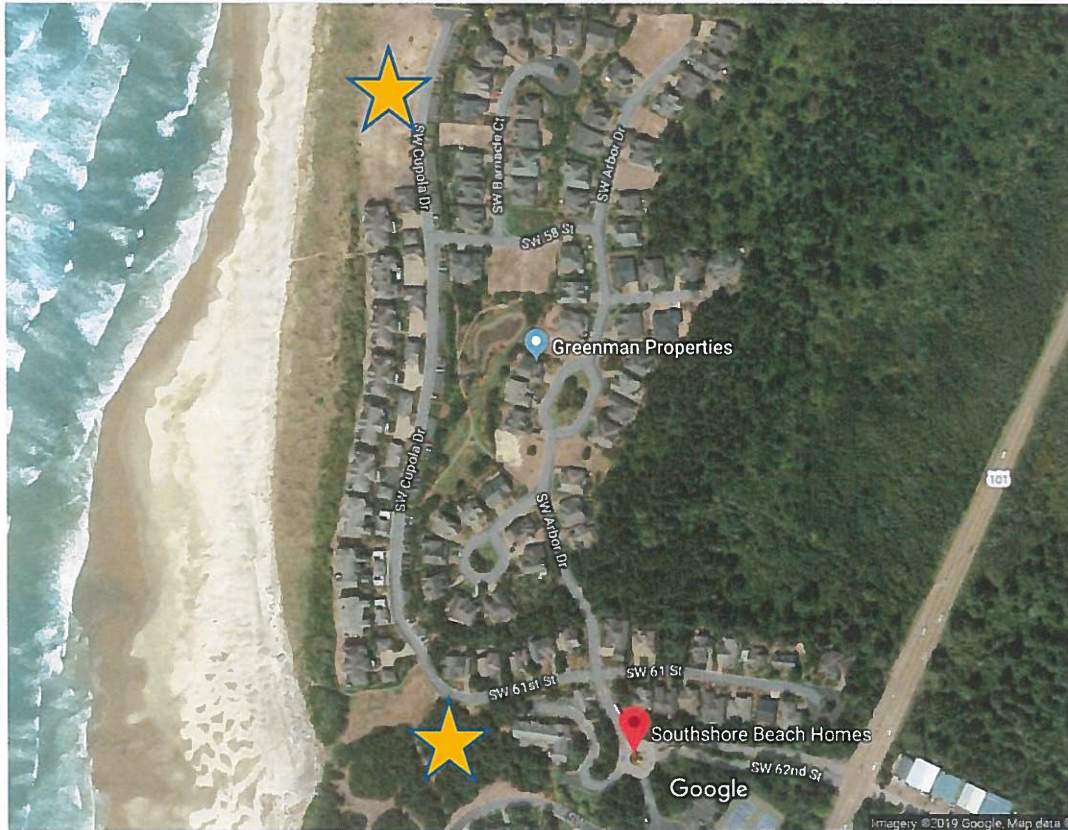
NOV '3 1994

LAND USE APPLICATION - SOUTHSHORE NO. 6

12 LOT SUBDIVISION / MODIFICATION TO SOUTHSHORE PUD

HOTEL SITE / RE-PLAT OF LOTS ON CUPOLA DRIVE

Submitted to:
City of Newport Community Development Department
February 2019 Resubmitted April 2019



SITE ADDRESS

6120 SW Arbor Drive (TL 2600)
5758 SW Cupola Drive
(TLs 8100, 8200, 8300 & 8400)

ASSESSOR'S INFO

Tax Lot 2600, Assessor Map 11S 11W 30AA
Tax Lots 8100, 8200, 8300 & 8400,
Assessor Map 11S 11W 19DD)
City of Newport, Lincoln County, Oregon

ZONING

R-4

APPLICANT

SOUTHSHORES DEVELOPMENT LLC
Chuck McClain
P. O. Box 125
Canby, Or. 97013

REPRESENTATIVE

EMERIO DESIGN, Attention: Trisha Clark
6645 SDW Fallbrook Drive, #100
Beaverton, Oregon 97008
Office phone: 503.746.8812 /
trisha@emeriodesign.com

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AERIAL PHOTOS

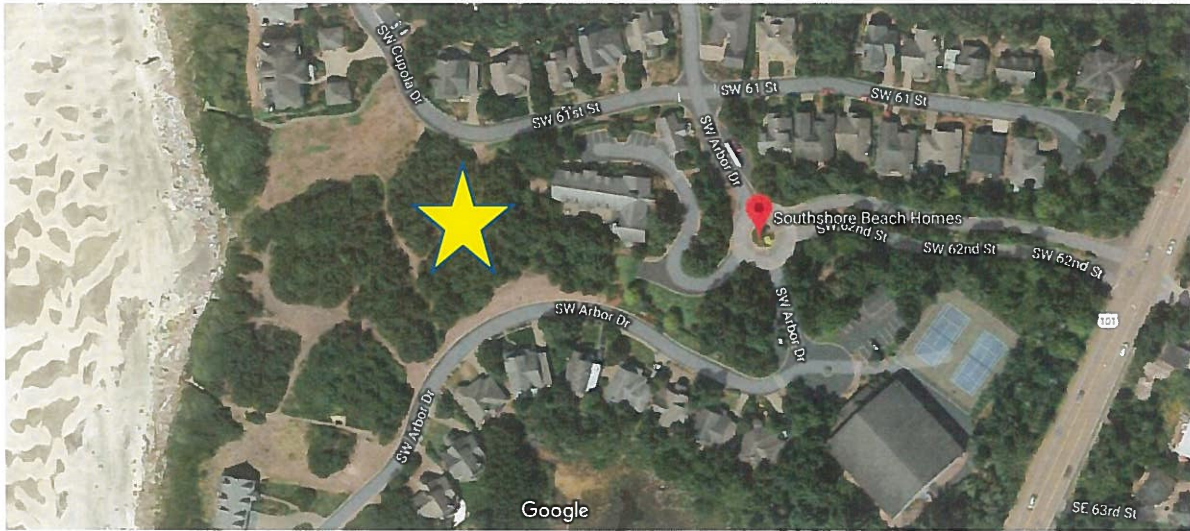


Figure 1: SUBDIVISION AREA (TL 2600 - ARBOR DRIVE)



Figure 2: PROPERTY LINE ADJUSTMENT / 3 PARCEL PARTITION AREA (TLs 8100, 8200, 8300 & 8400 - CUPOLA DRIVE)

SOUTHSHORE NO. 6 – 12 LOT SUBDIVISION / MODIFICATION TO PUD / RE-PLAT

6120 SW ARBOR DRIVE & 5758 SW CUPOLA DRIVE

TLs 8100, 8200, 8300 and 8400 of MAP 11 11 19DD & TL 2600 OF MAP 11 11 30AA

LOT LAYOUTS

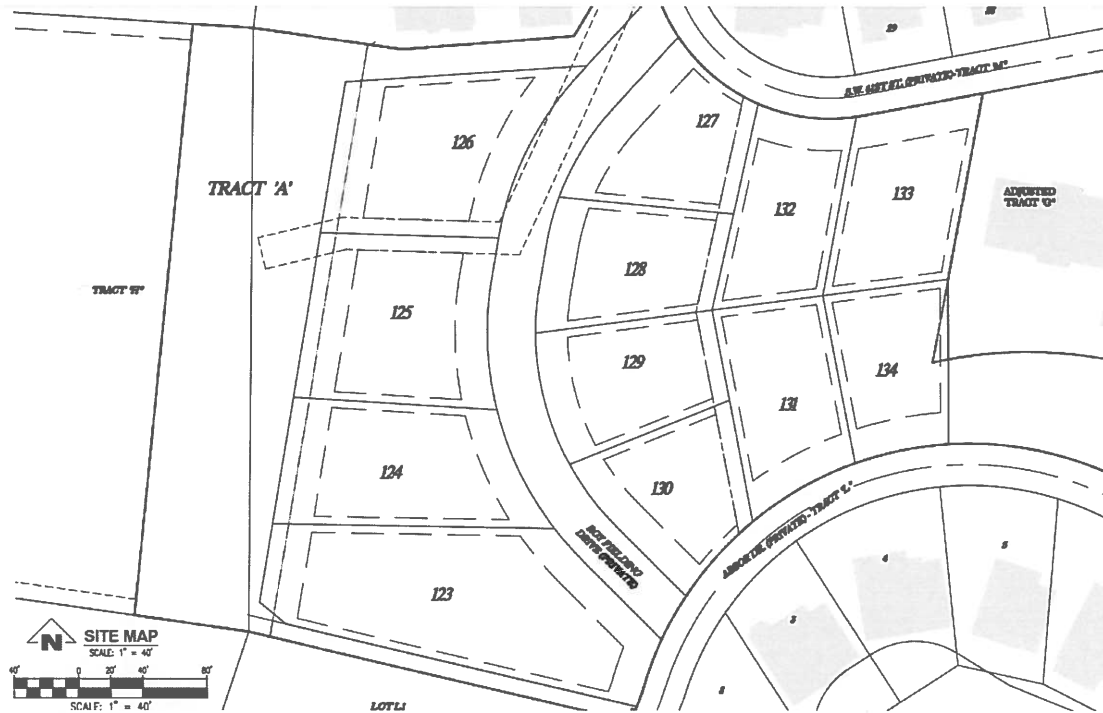


Figure 3: 12 LOT SUBDIVISION (TL 2600)

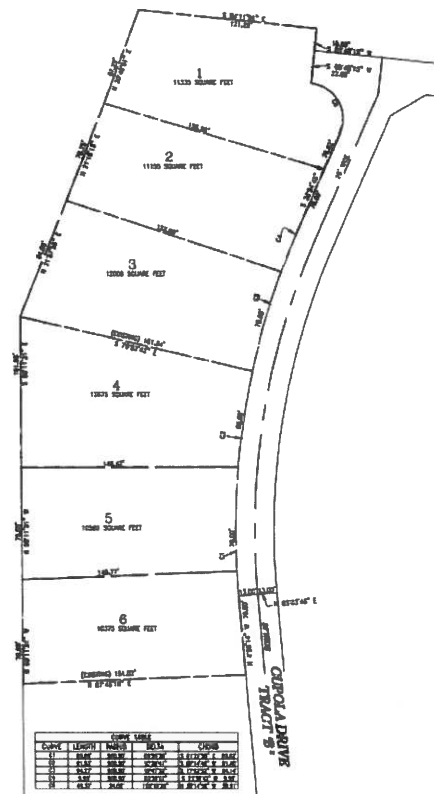


Figure 4: PLA/3 PARCEL PARTITION AREA CUPOLA
- FINAL CONFIGURATION (DRIVE)

SOUTHSHORE NO. 6 – 12 LOT SUBDIVISION / MODIFICATION TO PUD / RE-PLAT

6120 SW ARBOR DRIVE & 5758 SW CUPOLA DRIVE

Tls 8100, 8200, 8300 and 8400 of MAP 11 11 19DD & TL 2600 OF MAP 11 11 30AA

SITE DESCRIPTION / SUMMARY OF PROPOSAL

The applicant is requesting approval for four land use actions:

- Modification to the PUD for the Use- Hotel to Single Family Homesites
- 12 Lot Subdivision of Tax Lot 2600, 11S 11W 30AA
- Replat of the "condominium" lots on Cupola Drive

None of the subject parcels contain any structures and is not located within nor adjacent to sensitive areas. TL 2600 has recently undergone a Property Line Adjustment with TL 1000 to the east, the included Preliminary Plans reflect this adjustment.

Tax Lot 2600 – 12 Lot Subdivision: This parcel is fairly flat, with a grade break in the area of the west line of proposed lots 9 and 12. There is a vegetative line that is delineated and shown on the included Preliminary Plans. There is also shore-line area that will be contained in a separate tract, along with the beach access walkways along both the south and the north sides of the site; the tract will be owned by the Southshore Homeowner's Association.

There is a large storm drainage pipe that has been recently replace, relocated and re-installed in the area of proposed Lot 4, an easement is shown on the plans and will be provided with the final subdivision plat.

Lots 1 – 8 will take access from a new private street and Lots 9 -12 will access from existing private streets, Arbor Drive (Tract L) and 61st Street (Tract M). Sidewalks will be provided along all of the lot frontages as required by the city.

The applicant proposes to extend the existing sanitary sewer line through the new private street to serve Lots 1 – 8 and Lots 9 – 12 will access sanitary sewer that is existing in Arbor Drive and 61st Street with 4" laterals to the existing line.

Storm water will be collected from impervious areas and conveyed to and through the new storm drainage system as previously mentioned.

Water service will be provided for all of the lots with an individual meter, as shown on the Preliminary Utility Plan. Meters will be installed and completed at the time of construction of the new homes.

Re-Plat: These lots are already fully developed with utilities and are finish graded, as they were originally anticipated to contain condominiums to match the existing buildings to the south of the subject parcels. The applicant will re-plat the lots for a total of 6 lots.

The existing utilities, including water meters and sanitary sewer laterals will be re-located to match the new lot lines, and additional laterals will be installed as necessary.

Within this application, the applicant's representative has addressed the appropriate code sections of the City of Newport Development Code for the R-4 zone. Complete Preliminary Plans detailing the private and public services - including public sanitary and water lines - are part of this development application.

SOUTHSHORE NO. 6 – 12 LOT SUBDIVISION / MODIFICATION TO PUD / RE-PLAT

6120 SW ARBOR DRIVE & 5758 SW CUPOLA DRIVE

TLs 8100, 8200, 8300 and 8400 of MAP 11 11 19DD & TL 2600 OF MAP 11 11 30AA

TITLE XIII - LAND DIVISION

CHAPTER 13.05 SUBDIVISION AND PARTITION

13.05.001 Purpose

This chapter provides uniform standards for the division of land and the installation of related improvements within the corporate limits of the city for the purposes of protecting property values, and furthering the health, safety and general welfare of the citizens of Newport. The provisions of this chapter implement Statewide Planning Goals as addressed in the Newport Comprehensive Plan along with the applicable portions of Chapters 92 and 227 of the Oregon Revised Statutes.

13.05.005 Definitions

The following definitions apply in this chapter:

- A. Land Division. A subdivision or partition.

Response: The applicant is requesting a 12 lot subdivision of the parcel of Arbor Drive (TL 2600, 11 11 30AA) and a re-plat of the tax lots on Cupola Drive (TLs 8100, 8200, 8300 and 8400, 11 11 19DD) for a total of 6 lots on Cupola, therefore the standards of this section apply to this request for both the subdivision and the re-plat.

13.05.010 Standards

Land divisions shall comply with the requirements of this chapter as applicable to the land division.

13.05.015 Streets

- A. Criteria for Consideration of Modifications to Street Design. As identified throughout the street standard requirements, modifications may be allowed to the standards by the approving authority. In allowing for modifications, the approving authority shall consider modifications of location, width, and grade of streets in relation to existing and planned streets, to topographical or other geological/environmental conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system as modified shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in the Transportation System Plan, the arrangement of streets shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

Response: TL 2600 - the subdivision development proposes one new private street within the 12 lot subdivision to provide access for Lots 1 - 8, the proposed street will be designed to meet the city's standards. Lots 9 – 12 will access from existing private streets, Arbor Drive and 61st Street.

TLs 8100, 8200, 8300 and 8400 – these parcels front onto a fully improved street, Cupola Drive.

- B. Minimum Right-of-Way and Roadway Width. Unless otherwise indicated in the Transportation System Plan, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table:

Modifications to this requirement may be made by the approving authority where conditions, particularly topography, geology, and/or environmental constraints, or the size and shape of the area of the subdivision or partition, make it impractical to otherwise provide buildable sites, narrower right-of-way and roadway width may be accepted. If necessary, slope easements may be required.

Response: The private street proposed is a minor street, the only traffic anticipated will be to and from the 8 homes accessed from that street. No modifications are requested.

- C. Reserve Strips. Reserve strips giving a private property owner control of access to streets are not allowed.

Response: No reserved strips are proposed.

- D. Alignment. Streets other than minor streets shall be in alignment with existing streets by continuations of their center lines. Staggered street alignment resulting in "T" intersections shall leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. If not practical to do so because of topography or other conditions, this requirement may be modified by the approving authority.

Response: The new private street is placed according to the topography on the site. The street is as minor street and is not subject to the standards of D, above.

- E. 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: No future street extensions are needed or required for the proposed development.

F. 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 F.(1.) be less than 80 degrees unless there is a special intersection design.

Response: The proposed street meets the requirements of F, above.

- G. 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 land division, 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 adjacent to a tract property to be divided, the other half of the street shall be provided.

Response: No half street improvements are proposed.

H. Sidewalks. Sidewalks in conformance with the city's adopted sidewalk design standards are required on both sides of all streets within the proposed land division and are required along any street that abuts the land division that does not have sidewalk abutting the property within the land division. The city may exempt or modify the requirement for sidewalks only upon the issuance of a variance as defined in the Zoning Ordinance.

Response: All streets will have sidewalks, along with the tract that contains the beach access. All sidewalks will be designed and constructed to the city's standards.

I. 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 Uniform Fire Code requirements. Modifications to this requirement may be made by the approving authority. A pedestrian or bicycle way 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.

Response: No cul-de-sac streets are proposed.

J. 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: Street names will be determined and finalized with the final plat for the 12 lot subdivision of TL 2600. All other streets adjacent to the subject parcels are currently named.

K. Marginal Access Streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Response: The subject parcels are not adjacent to arterial streets, this standard is not applicable to this request.

- 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: No alleys are requested.

13.05.020 Blocks

- A. General. The length, width, and shape of blocks for nonresidential subdivisions shall take into account the need for adequate building site size and street width, and shall recognize the limitations of the topography.

Response: The subject parcels are for the use of residential living units.

- B. Size. No block shall be more than 1,000 feet in length between street corners. Modifications to this requirement may be made by the approving authority if the street is adjacent to an arterial street or the topography or the location of adjoining streets justifies the modification. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to allow connectivity to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a block of greater than 1,000 feet 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.

Response: The new private street will create a block that has a length of approximately 450 feet north/south and approximately 200 feet along 61st to Arbor Drive and approximately 490 feet along Arbor Drive (on the east/west portion) to Arbor Drive (the north/south portion). The block created meets the standards of this section.

13.05.025 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: All easements will be provided and dedicated to the public with the final subdivision plat for the 12 lot subdivision of TL 2600 and for the partition plat that will follow the Property Line Adjustments for the 4 parcels on Cupola Drive, TLs 8100,8200, 8300 and 8400.

B. Utility Infrastructure. Utilities may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

Response: The applicant's surveyor will comply with this requirement when placing the final plat monuments for both the subdivision and the partition plats.

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: There are no water courses traversing the subject parcels.

13.05.030 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: All lots are sized to meet the standards of the R-4 zone. The Preliminary Plat (for both the subdivision of TL 2600 and the Re-Plat of lots on Cupola) included with this request, shows the lot sizes and dimensions, which are representative of the final plat dimensions.

B. Street Frontage. Each lot and parcel shall possess at least 25 feet of frontage along a street other than an alley.

Response: All lots exceed 25 feet of street frontage.

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: No through lots are proposed.

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 of the lot lines have been placed to maximize the available land for the best building envelope and ocean view. The lot lines are fairly perpendicular to the street, due to the curve of the street, there is some slight variance, but meet the intent of this code requirement.

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: No special setback lines are needed or proposed.

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: All of the proposed lots are within the lot size requirements for the R-4 zone, which is addressed on page 25 of this narrative.

- 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.

Response: None of the lots contain any wetlands or restricted to development areas. All of the vegetated area has been contained within a separate tract, as shown on the Preliminary Plans.

- 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 Section 2-4-7 of the Zoning Ordinance 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: No lots are proposed in Geologic Hazard Areas.

13.05.035 Public Improvements

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:

- A. 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.
- B. 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.
- C. 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.
- D. 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.

- E. A map showing public improvements as built shall be filed with the city upon completion of the improvements.
- F. Public improvements shall not be commenced until any appeals of the subdivision approval are resolved.

Response: The applicant will submit fully engineered final construction plans and documents before any on-site work can commence. The included Preliminary Planset have been provided by the applicant's engineer - Emerio Design LLC, to ensure that proposed utilities, grading and other pertinent and relevant factors are addressed and will function for the site as a part of the preliminary approval process.

The applicant will obtain all necessary permits and the improvements shall be constructed under the inspection of the city engineer.

Underground utilities, stubs for service connection for underground utilities and for sanitary sewers will be constructed prior to the surfacing of the streets.

The applicant's engineer will provide as-builts after the construction of the site is complete for both the subdivision of TL 2600 and the Re-Plat of the lots on Cupola Drive.

13.05.040 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 graded for the full right-of-way width. The roadway shall be improved to a width of 36 feet or other width as approved by the approval authority by excavating to the street grade, construction of concrete curbs and drainage structures, placing a minimum of six inches of compacted gravel base, placement of asphaltic pavement 36 feet in width or other width as approved by the approval authority and approximately two inches in depth, and doing such other improvements as may be necessary to make an appropriate and completed improvement. Street width standards may be adjusted as part of the tentative plan approval to protect natural features and to take into account topographic constraints and geologic risks.

Response: The applicant will install the required streets to the city's standards.

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 take into account 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: The applicant's engineer has provided for the necessary surface drainage and storm water management system.

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.

Response: Each of the lots in both the subdivision and the re-plat will be served by an individual 4" sanitary sewer lateral.

The area of the Re-plat is already served by a public sanitary sewer within the right of way of Cupola Drive, laterals will be installed at the proper locations to serve each lot.

The area of the new 12 lot subdivision will include a sanitary sewer line within the new street, which will be a public line.

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: Each of the lots will be served by an individual water meter.

The area of the Re-plat is already served by a public water line within the right of way of Cupola Drive, existing water meters will be reused for the lots and additional meters will be installed at the proper locations to serve each lot.

The area of the new 12 lot subdivision will include a new water line within the new street, which will be a public line.

5. Sidewalks. Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:
 - a. Delayed Sidewalk Construction. If sidewalks are designed contiguous with the curb, the subdivider may delay the placement of concrete for the sidewalks by depositing with the city a cash bond equal to 115 percent of the estimated cost of the sidewalk. In such areas, sections of sidewalk shall be constructed by the owner of

each lot as building permits are issued. Upon installation and acceptance by the city engineer, the land owner shall be reimbursed for the construction of the sidewalk from the bond. The amount of the reimbursement shall be in proportion to the footage of sidewalks installed compared with the cash bond deposited and any interest earned on the deposit.

- b. Commencing three (3) years after filing of the final plat, or a date otherwise specified by the city, the city engineer shall cause all remaining sections of sidewalk to be constructed, using the remaining funds from the aforementioned cash bond. Improvement Agreement as provided in Section 13.05.090(C).

Response: The applicant anticipates posting the bond to allow for sidewalks to be placed with the building permit for each lot. The applicant or assigns will comply with b., above if 3 years pass after the filing of the final plat and sidewalks are not installed.

- B. All public improvements shall be designed and built to standards adopted by the city. Until such time as a formal set of public works standards is adopted, public works shall be built to standards in any existing published set of standards designated by the city engineer for the type of improvement. The city engineer may approve designs that differ from the applicable standard if the city engineer determines that the design is adequate.
- C. Public improvements are subject to inspection and acceptance by the city. The city may condition building or occupancy within the land division on completion and acceptance of required public improvements.

Response: The applicant's engineer will design the public improvements to the standards adopted by the city. Final engineering plans will be submitted for review and approval to the city engineer.

The applicant understands that the improvements are subject to inspection by the city.

13.05.045 Adequacy of Public Facilities and Utilities (Electric and Phone)

- 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.

SOUTHSHORE NO. 6 – 12 LOT SUBDIVISION / MODIFICATION TO PUD / RE-PLAT

6120 SW ARBOR DRIVE & 5758 SW CUPOLA DRIVE

TLs 8100, 8200, 8300 and 8400 of MAP 11 11 19DD & TL 2600 OF MAP 11 11 30AA

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. Any shortfall will be paid from the general fund.

Response: The required letters, above, are included.

13.05.050 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: All utilities will be placed underground.

- 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: No non-city-owned facilities are planned or anticipated for the proposed development.

13.05.055 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 placed in new land divisions to assure adequate lighting of streets and sidewalks within and adjacent to the land division.

Response: The applicant will provide street lighting as required by the city for the proposed subdivision.

13.05.060 Street Signs

Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.

Response: Street name and stop signs are anticipated to be needed for the 12 lot subdivision.

13.05.065 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's surveyor will place monuments within the proper monument boxes as required by this section.

13.05.070 Land Division Application

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.

Response: The application form is included with the preliminary packet.

2. An original tentative plan and 14 copies (3 copies if a minor replat or a partition).

Response: A Tentative Plan of the 12 lot subdivision of the parcel on Arbor Drive, along with the Tentative Plan for the 6 lot re-plat for the parcels on Cupola Drive are included within the 14 plansets provided with the preliminary application packet.

3. A narrative listing each applicable approval criterion or standard and an explanation as to how the criterion or standard is met.

Response: This document serves as the narrative for this request.

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.

Response: A Vicinity Maps is included on the cover sheet of the Preliminary Plans.

5. Proposed deed restrictions, if any, in outline form.

Response: There are no known deed restrictions. A copy of the Title Report is included.

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.

Response: Items 7-9 above are included in the Preliminary Plans generated by the applicant's civil engineer, Emerio Design LLC.

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 Section 2-4-7 of the Zoning Ordinance. The report must clearly state what measures will be taken to safeguard against existing hazards.

Response: The are on the north side of the parcels on Cupola (Re-plat) has a keystone retaining wall that has recently been permitted by the city to be completed, full geotechnical investigation was provided as a part of the permitting for that portion of the project and can be provided to the city if needed.

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.

Response: The required letters, above, will be obtained as a part of the process of approval.

12. An application fee in an amount set by City Council resolution.

Response: The applicant will pay the applicable and fees for this request.

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: A Trip Assessment and Traffic Impact Analysis was not required for the proposed development.

The applicant will provide any additional materials deemed necessary by the city as needed.

B. The tentative plan of a land division shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of one inch equals 100 feet or, for areas over 100 acres, one inch equals 200 feet.

Response: The Preliminary Planset is printed on sheets that are 24 x 36 inches in size, at a scale of 1" = 40'.

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 information required by a. – f., above is shown on the Preliminary Planset, with the exception of d., as there are no natural features on the site and e., there are no existing structures on the site.

- 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 information required by 7., above are shown on the Preliminary Plans. All of the proposed lots are for the use of single family detached dwelling units

- 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: The applicant owns all of the parcels that are a part of this proposal.

SOUTHSHORE NO. 6 – 12 LOT SUBDIVISION / MODIFICATION TO PUD / RE-PLAT

6120 SW ARBOR DRIVE & 5758 SW CUPOLA DRIVE

TLs 8100, 8200, 8300 and 8400 of MAP 11 11 19DD & TL 2600 OF MAP 11 11 30AA

TITLE XIV – ZONING

CHAPTER 14.03 ZONING DISTRICTS

14.03.040 Intent of Zoning Districts.

Each zoning district is intended to serve a general land use category that has common locations, development, and service characteristics. The following sections specify the intent of each zoning district:

R-4/"High Density Multi-Family Residential." This district is intended to provide for high density multi-family residential and some limited commercial development. New R-4 zones should be on major streets, on relatively flat land, and near commercial centers.

Response: All of the subject properties are zoned R-4 on the city's zoning map.

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.

R-4 A. Residential, 1. Single-Family "P"

Response: The new or reconfigured lots proposed with in this proposal are a use allowed outright in the R-4 zone.

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 for the zone indicated.

Response: The applicant or assigns will comply with the required yard areas with the placement of new homes on the lots, and will be shown on the Plot Plans required for the Building Permit for each new lot.

14.11.020 Required Recreation Areas

All multiple-family dwellings, condominiums, hotels, motels, mobile home 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: Since all of the lots will be before the placement of single family detached dwelling units, this standard does not apply to this request.

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: The applicant or assigns will comply with the required garage setbacks with the placement of new homes on the lots and will be shown on the Plot Plans required for the Building Permit for each new lot.

14.11.040 Yards for Group Buildings

Response: No group buildings are proposed; this standard is not applicable to this request.

14.11.050 General Exceptions to Required Yard

- A. Front Yards.* In the event a front yard less than the minimum has been legally established on one or both of the adjacent lots, the minimum front yard for an interior lot may be reduced to the average of what has been established for the adjoining front yards.
- B. Projections Into Yards. Every part of a required yard shall be open from the ground to the sky, unobstructed except for the following:
 - 1. Accessory building in the rear yard as provided in Section 14.16.*
 - 2. Ordinary building projections such as cornices, eaves, belt courses, sills, or similar architectural features may project into side yards not more than 12 inches or into front and rear yards not more than 24 inches.
 - 3. Chimneys may project into any required yard not more than 16 inches.

4. Uncovered balconies or fire escapes may project into any required yard not more than one foot.

5. Uncovered terraces may project or extend into a required front yard not more than five feet or into a required side yard not more than one foot or into a required court not more than six feet. The regulations contained in this paragraph shall not apply to paved parking or driveway areas at ground level.

C. Dwelling Units Above Stores. Yards are not required for dwellings above businesses unless the dwelling area exceeds 50% of the floor area of the business dwelling.

Response: The applicant or assigns will comply with the requirements of B., above, with the new homes and Building Permit for each new lot.

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.

14.13.020
TABLE "A"

District	Minimum Lot Area (Sq. Ft.)	Minimum Width	Setback Requirements:			Lot Coverage In Percent	Maximum Building Height	Density In Sq. Ft. Per Unit	
			Front/2nd Front ¹	Side	Rear				
R-1/"Low Density Single-Family Residential"	7,500	65'	15' and 20'	15' or 10'	5' & 8'	15'	54%	30'	7,500
R-2/"Medium Density Single-Family Residential"									
Duplex on interior lot	7,500	50	15' and 15'	5'	10'	57%	30'	3,750	
Duplex on corner lot	5,000	50'	or 50'	5'	10'	57%	30'	2,500	
House	5,000	50'	20' and 10'	5'	10'	57%	30'	5,000	
R-3/"Medium Density Multi-Family Residential"	5,000	50'	15' and 20'	15' or 10'	5'	10'	60%	35'	1,250 ²
R-4/"High Density Multi-Family Residential" ³	5,000	50'	15' and 20'	15' or 10'	5'	10'	64%	35'	1,250
C-1/"Retail and Service Commercial"	5,000	0'	0'	0'	0'	85-90%*	50''	n/a	
C-2/"Tourist Commercial"	5,000	0'	0'	0'	0'	85-90%*	50''	n/a	
C-3/"Heavy Commercial"	5,000	0'	0'	0'	0'	85-90%*	50''	n/a	
I-1/"Light Industrial"	5,000	0'	50' from Hwy. 101	0'	0'	85-90%*	50''	n/a	
I-2/"Medium Industrial"	20,000	0'	50' from Hwy. 101	0'	0'	85-90%*	50''	n/a	
I-3/"Heavy Industrial"	5 acres	0'	50' from Hwy. 101	0'	0'	85-90%*	50''	n/a	

* See Section 2-4-4

n/a - not applicable

Response: *All of the proposed lots meet the standards of Table “A”, above. The applicant or assigns will comply with the requirements of Table “A: for setbacks, building coverage and height with the placement of new homes on the lots, and setbacks will be shown on the Plot Plans required for the Building Permit for each new lot.*

14.12.020 General Exceptions to Lot Size Requirements

Response: No exceptions are anticipated to the requirements of Table “A”.

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".)

Response: The applicant or assigns will comply with the density limitations as set forth in Table "A" with the future homes for the new or re-configured lots proposed with this request.

CHAPTER 14.14 PARKING, LOADING, AND ACCESS REQUIREMENTS

14.14.010 Purpose

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.

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.

19. Single-Family Detached 2 spaces/dwelling Residence (one space may be the driveway between garage and front property line)

Response: Each of the new homes will have a minimum of four off-street parking spaces within the garages and associated driveways, exceeding the requirements of this section.

14.14.110 Loading and Unloading Areas

Off-street loading and unloading areas shall be provided per this section.

Response: No off-street loading and unloading areas are proposed with this request.

14.14.120 Access

A. Access to parking lots shall be from a public street or alley. Access to loading and unloading areas shall be from a public street, an alley, or a parking lot.

B. Access to nonresidential parking lots or loading and unloading areas shall not be through areas that are zoned residential.

Response: No parking lots are proposed with this request, A. and B. above do not apply.

C. All accesses shall be approved by the City Engineer or designate.

Response: Driveways for each new home will be proved per the standards and requirements of the City Engineer.

D. Driveway accesses onto Arterial streets shall be spaced a distance of 500 feet where practical, as measured from the center of driveway to center of driveway.

E, Each parcel or lot shall be limited to one driveway onto an Arterial street unless the spacing standard in (D) can be satisfied.

Response: No Driveway accesses onto Arterial streets are proposed with this development therefore D. and E. above do not apply to this request.

F. Access Consolidation. Accesses shall be consolidated unless demonstrated to be unfeasible as determined by the City Engineer.

Response: No consolidated accesses are necessary with this development, as each lot will have an individual driveway from a private street.

14.14.130 Variances

Variances to this section may be approved in accordance with provisions of Section 14.33, Adjustments and Variances, and a Type III Land Use Action decision process consistent with Section 14.52, Procedural Requirements.*

Response: No variances for the parking standards are necessary with this request.

CHAPTER 14.17 CLEAR VISION AREAS

14.17.010 Purpose

The purpose of this section is to promote safety at intersections and drive access points by reducing obstructions to clear vision at intersections.

14.17.020 Clear Vision Area Defined

A vision clearance area includes the following:

- A. At the intersection of two streets, a triangle formed by the intersection of the curb lines, with each leg of the vision clearance triangle being a minimum of 35 feet in length. Where curbs are absent, the edge of the asphalt or future curb locations shall be used as a guide. The City Engineer may modify this requirement, in writing, upon finding that more or less distance is required (i.e., due to traffic speeds, roadway alignment, etc.).
- B. A portion of a lot subject to a front yard setback as defined in Section 14.11. A clear vision area does not include that portion of a second front yard outside of the area described in subsection (A).

Response: The point where the new street intersects with the existing streets and the front yards of new or re-configured lots are “vision clearance areas”, this standard applies to this request.

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.

14.17.040 Maintenance of Clear Vision Areas

It shall be the duty of the person who owns, possesses, or controls real property or right-of-way adjacent thereto, to maintain a clear vision area in the manner provided in this section.

Response: The applicant or future assigns will ensure vision clearance areas are properly maintained and that no trees, walls, fences or any other structures are placed in the areas as applied.

CHAPTER 14.18 SCREENING AND BUFFERING BETWEEN RESIDENTIAL AND NONRESIDENTIAL ZONES

14.19.030 Applicability

The provisions of this ordinance shall apply to all new development, additions to existing development or remodels, other than single family and two-family dwelling units.

Response: The site is adjacent to a South Beach State Park to the north and P-2 lands to the west between the subject site and the ocean. There is an existing vegetative buffer within a tract between all of the lots and the ocean, providing a large natural buffer for those lots.

At the very north end of Cupola Drive is a large change in elevation, approximately 20 feet, from the subject site to the state park lands. The applicant as built a fully engineered keystone wall along the north end that will have a cap and guard-rail, providing a buffer to the north.

CHAPTER 14.35 PD, PLANNED DEVELOPMENTS

14.35.070 Criteria for Approval of a Preliminary Development Plan

The approval authority may approve an application for a Preliminary Development Plan when it finds that the application complies with the following criteria:

A. Size of the Planned Development Site.

1. A planned development shall be on a tract of land at least two acres in low-density residential areas, or;
2. A planned development may be allowed on any size tract of land in high- density residential areas if:
 - a. An unusual physical or topographic feature of importance to the people of the area or the community as a whole exists on the site or in the neighborhood that can be

conserved and still leave the land owner equivalent use to the land by the use of a planned development.

- b. The property or its neighborhood has a historical character of importance to the community that will be protected by the use of a planned development.
- c. The property is adjacent to or across a street from property that has been developed or redeveloped under a planned development, and a planned development will contribute to the maintenance of the amenities and values of the neighboring development.

Response: The applicant is requesting approval of a Planned Unit Development. The surrounding properties have all been developed previously as a PUD, Southshore – Southshore No. 5. This phase will be phase 6 of the Southshore development. The site contains 3.92 acres.

B. Dimensional and Bulk Standards.

- 1. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development.

Response: The applicant or future assigns will ensure vision clearance areas are properly maintained and that no trees, walls, fences or any other structures are placed in the areas as applied.

- 2. If the spacing between main buildings is not equivalent to the spacing that would be required between buildings similarly developed under this Code on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards.

Response: The lots will have standard setbacks.

- 3. Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the zone.

Response: The PUD is for residential homes, there are no off-street parking or loading areas in this development. The vegetative buffer is within a Tract, along with access pathways to the beach. The site is within the center of the existing PUD, open space is shared with the existing development, including the club house and beach access paths.

- 4. The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned development is proposed, except that a greater height

SOUTHSHORE NO. 6 – 12 LOT SUBDIVISION / MODIFICATION TO PUD / RE-PLAT

6120 SW ARBOR DRIVE & 5758 SW CUPOLA DRIVE

TLs 8100, 8200, 8300 and 8400 of MAP 11 11 19DD & TL 2600 OF MAP 11 11 30AA

may be approved if surrounding open space within the planned development, building setbacks, and other design features are used to avoid any adverse impact due to the greater height.

Response: The homes are anticipated to be one- and two-story homes, no homes will exceed the maximum building height for the R-4 zone.

5. The building coverage for any planned development shall not exceed that which is permitted for other construction in the zone exclusive of public and private streets.

Response: The lots are large enough for good sized homes while maintaining the lot coverage requirements of the R-4 zone.

C. Project Density.

1. The planned development may result in a density in excess of the density otherwise permitted within the zone in which the planned development is to be constructed not to exceed 5%. An increase in density of over 5% but less than 10% can be permitted by the Planning Commission if the arrangement of yards and common open space is found to provide superior protection to existing or future development on adjacent property.

Response: The R-4 zone is a high density zone. The proposal does not result in excess density for the site.

2. If the Planning Commission finds that any of the following conditions would be created by an increase in density permitted by this Section, it may either prohibit any increase in density or limit the increase in density by an amount which is sufficient to avoid creation of any of these conditions:
 - a. Inconvenient or unsafe access to the planned development.
 - b. Traffic congestion in the streets that adjoin the planned development.
 - c. An excessive burden on sewerage, water supply, parks, recreational areas, schools, or other public facilities which serve or are proposed to serve the planned development.

Response: No increase in density is requested.

D. Common Open Space.

1. No open areas may be accepted as common open space within a planned development unless it meets the following requirements:
 - a. The location, shape, size, and character of the common open space is suitable for the planned development.

- b. The common open space is for amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings provided.
 - c. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses that are authorized for the common open space.
 - d. The development schedule that is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned development.
 - e. If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.
2. No common open space may be put to a use not specified in the Final Development Plan unless the Final Development Plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
 3. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the city to enforce their provisions.

Response: The proposed development is part of a larger Planned Unit Development, "Southshore". This PUD will share the already established common elements that are existing on the site, including the club house and beach accessways.

- E. The planned development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover, and rough terrain.

Response: Originally, the site for the 12 lot subdivision was to be fore a hotel site. The change of this parcel to be used for residential homes is comparable to the allowed uses in the Comprehensive Plan for the site. The development preserves the vegetative corridor and the accessways to the beach within a separate Tract, which will be owned and maintained by the Southshore Owners Association.

- F. The planned development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.

Response: The PUD is very compatible with surrounding uses, more so that the original plan for a hotel. This is because the surrounding area is all developed with residences that are a part of the Southshore development. The 12 new homes on the PUD site will have less demand on infrastructure that the hotel. The same can be said for the re-platted lots on Cupola. Those lots were originally intended for multi-buildings (condominiums that would have had a total of 16 homes) as proposed, there will be a total of 6 lots on Cupola, also a decrease on demand,

- G. Financial assurance or bonding may be required to assure completion of the streets and utilities in the planned development prior to final approval as for a subdivision (see the Newport Subdivision Ordinance, Newport Municipal Code Chapter 13.05).

Response: The applicant or his assigns will provide any and all financial assurances required to complete streets and utilities for the development.

CHAPTER 14.44 TRANSPORTATION STANDARDS

14.44.020 When Standards Apply

The standards of this section apply to new development or redevelopment for which a building permit is required that places demands on public or private transportation facilities or city utilities. Unless otherwise provided, all construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the city shall comply with the standards of this Chapter.

14.44.030 Engineering Design Criteria, Standard Specifications and Details

The design criteria, standard construction specifications and details maintained by the City Engineer, or any other road authority within Newport, shall supplement the general design standards of this Chapter. The city's specifications, standards, and details are hereby incorporated into this code by reference.

Response: The applicant has retained Emerio Design LLC to provide all of the needed civil engineering for the site, including streets. The only new street being created within the development is the new private street to serve Lots 1 – 8 of the 12 lot subdivision of TL 2600.

The applicant will provide fully engineered final plans for review and approval by the city before any on-site construction activities can occur.

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: The applicant will obtain all of the required permits and install all required public facilities as a part of the development of the site.

14.44.050 Transportation Standards

A. Development Standards. The following standards shall be met for all new uses and developments:

1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street.

Response: All lots will have direct access and frontage to a private street. The private streets with in the Southshore development are connected to the city's public street system.

2. Streets within or adjacent to a development subject to Chapter 13.05, Subdivision and Partition, shall be improved in accordance with the Transportation System Plan, the provisions of this Chapter, and the street standards in Section 13.05.015.

3. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance Chapter 13.05, and public streets shall be dedicated to the applicable road authority;

Response: The applicant will improve the new street per the requirements of Chapter 13.05.

4. Substandard streets adjacent to existing lots and parcels shall be brought into conformance with the standards of Chapter 13.05.

Response: All of the existing streets adjacent to the proposed new or re-configured lots are in very good condition and will be retained.

- B. Guarantee. The city may accept a future improvement guarantee in the form of a 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 would be in conflict with 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 anticipates building all needed improvements, including the street, no future improvement guarantees are anticipated.

- C. 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 13.05; 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: The new private street will be created with the final plat of Southshore No. 6. No additional right of way is needed.

D. 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 Uniform Fire Code.

Response: No access easements are needed for this development. If access easements are found to be needed, they will be placed on the final plat, or if not in a plated area, will be created by separate deed.

E. 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 in Chapter 13.05.

Response: The applicant's engineer has designed all street to conform with the Transportation System Plan. Fully engineered final plans will be provided for review, approval and permitting before the street can be installed.

MODIFICATION

14.35.110 Procedure for Modification of a Planned Development

- A. A minor change in the Preliminary or Final Development Plan may be approved by the Community Development Director. A minor change is any change that is not within the description of a major change as provided in the following subparts B and C of this Section.

Response: The proposed Modification does not meet the threshold for A., above, see response to B. and C., below.

- B. A major change in a Preliminary or Final Development Plan that includes a change from a more restricted use to a less restricted use, or a change in the location, width, or size of a collector or major thoroughfare street, or in the location or specifications for utilities that is likely to materially affect future street or utility plans of the City may be approved only by the Commission after public hearing.

- C. A major change in a Preliminary or Final Development Plan that includes any change in the character of the development or any increase in the intensity or density of the land use or in the location or amount of land devoted to specific land uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially changes the location or specification for utilities but which will not materially affect future street or utility plans of the city may be approved by the Commission after public hearing.

Response: The proposed change does not meet the description of B., above because the proposed change from the previously approved hotel for the site to single family detached homesites is a less intense use.

The proposal meets the threshold of C., above, because the requested change is in the character of the development, from a hotel to 12 single family homes.

- D. In considering any request for a change in a Preliminary or Final Development Plan, the Planning Commission shall apply the same standards as are provided in this Article for the approval of Preliminary or Final Development Plans. The Planning Commission may approve, reject, modify, or attach special conditions to a request for modification of a Preliminary or Final Development Plan. The Community Development Director in his reasonable discretion shall determine whether each request for modification of a Preliminary or Final Development Plan is a minor or major change within the remaining of subparts A, B, or C of this Section and shall determine or refer each request appropriately.

Response: The applicant has provided full Preliminary Plans for the changed use, single family homesites.

#end#

Memorandum



To: City of Newport Staff
Derrick Tokos

From: Emerio Design

CC: Eric Evans, PE
Trisha Clark

Date: 5/30/2019

Re: Southshore Development – Review Response

6445 SW Fallbrook Ave, #100
Beaverton, OR 97008
TEL: 503-746-8812
FAX: 503-639-9592
www.emeriodesign.com

Mr. Tokos,

Please find the following responses to letter dated 3/5/19 from the City of Newport. If you should have any further questions or concerns, please do not hesitate to contact me directly.

One item to note is that per your email 5/14/19 you noted the Public Works department were still reviewing the resubmitted plans and may have additional comments. We received additional comments from Clare Paul, Assistant City Engineer via email dated 5/28/19 with additional comments to proposed utilities & infrastructure. We are in process of drafting those revisions and will continue to work with Public Works to address their comments to have all items addressed at the time of final engineering submittal, after planning approval.

Item 4 lists (about the 12-lot new subdivision): *Additionally, NMC 14.35.100 sets out approval standards for final development plans. Please provide narrative responses describing how those standards will be satisfied.*

Item 6 lists the same response requirements for the 6 replat north lots along SW Cupola Dr.

The below responses will address both items simultaneously, as deliverables and methods are similar in nature, even though construction may happen on separate schedules.

NMC 14.35.100

The approval authority may approve an application for a Final Development Plan when it finds that the application complies with the following criteria:

A. The Final Development Plan must substantially conform to the land use and arterial street pattern as approved in the Preliminary Development Plan.

Response – The re-plat lots along SW Cupola Dr. will not alter any arterial street patterns, as the road is existing, and it's intended use remains the same. The addition of Roy Fielding Dr. will not be an arterial street and will not significantly alter existing street patterns. All proposed development will be classified as "single family".

B. The proposed uses shall be compatible in terms of density and demand for public services with uses that would otherwise be allowed by the Comprehensive Plan.

Response – Neither the replat lots along SW Cupola Dr., nor the 12-lot subdivision along Roy Fielding Dr. will break away from compatibility for density or public services, as they have identical uses as earlier phases of the same development.

C. Adequate services normally rendered by the city to its citizens must be available to the proposed development at the time of approval of the Final Development Plan. The developer may be required to provide special or oversize facilities to serve the planned development.

Response – The developments will include all adequate services as noted. Besides the addition of a new private drive (Roy Fielding Dr.), no special or oversize facilities are expected.

D. Access shall be designed to cause minimum interference with traffic movement on abutting streets.

Response – No significant interference with existing traffic movement is expected.

E. The plan shall provide for adequate landscaping and effective screening for off-street parking areas and for areas where nonresidential use or high-density residential use could be detrimental to residential areas.

Response – Areas are residential use only and expect no parking or landscaping needs for any other uses.

F. The arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare relative to adjoining property.

Response – Arrangement of noted items are not expected to apply or influence adjoining properties.

G. Artificial lighting, including illuminated signs and parking area lights, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.

Response – All proposed lighting will solely affect the proposed properties for street lighting and will have no effect on adjacent property.

H. The area around the development can be developed in substantial harmony with the proposed plan.

Response – The areas around the developments are earlier phases in the same development and no additional development is expected to adjoin these properties.

I. The plan can be completed within a reasonable period of time.

Response – The plan is expected to proceed as soon as all applicable permits and conditions are met.

J. The streets are adequate to serve the anticipated traffic.

Response – The streets are considered adequate to serve the anticipated residential traffic.

K. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

Response – Final engineering plans will detail all utility and drainage facilities. The facilities will be sized per current engineering standards to meet the needs of the proposed single family development type.

L. Land shown on the Final Development Plan as common open space shall be conveyed under one of the following options:

- 1. To a public agency that agrees to maintain the common open space and any buildings, structures, or other improvements that have been placed on it.*
- 2. To an association of owners or tenants, created as a non-profit corporation under the laws of the State, which shall adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.*

Response – All space currently shown as common space is existing and no new open or common space is proposed. These spaces are currently maintained by an association of owners or tenants.

M. The Final Development Plan complies with the requirements and standards of the Preliminary Development Plan.

Response – The Final Development Plan is expected to comply with section 14.35.070 NMC.

N. No building shall be erected in a planned development district except within an area contained in an approved Final Development Plan, and no construction shall be undertaken in that area except in compliance with the provisions of said plan. All features required in the Final Development Plan shall be installed and retained indefinitely or until approval has been received from the Planning Commission or Community Development Director for modification.

Response – All planned notable construction activities will be detailed to the extent of current engineering and planning standards in the final engineering submittal and retained as subject to the Newport Municipal Code.

Regards,

Jacob Snyder, EIT

503-931-5548

jakes@emeriodesign.com

Attachment "G"

1 & 2-PD-19/1-MRP-19/1-SUB-19

Derrick Tokos

From: Clare Paul
Sent: Tuesday, May 28, 2019 8:11 AM
To: Christina Chapin
Cc: Derrick Tokos
Subject: Southshore plan review
Attachments: Pub Wks CCP review 5-28-19.pdf

Hi, Christina – here is a PDF of my notes for Cupola and Phase 6. Thanks - Clare

Clare C. Paul

Assistant City Engineer, City of Newport
169 SW Coast Hwy, Newport, OR 97365
P 541-574-3370 C 541-270-9349
c.paul@newportoregon.gov

Southshore Cupola Dr. Review

Clare Paul 5-28-19
City of Newport Pub Works

Sheet 3 Where are lot water connections?
Add City Details (will be provided)

Southshore Phase 6 Review

Sheet 4 of 8 Composite Utility Plan (Notes will also affect Sheet 6)

General Show and label right-of-way
Show and label public utility easement
Use City Details for fire hydrant, thrust blocking, connections, etc. (will be provided)

Sewer main Use different marking for storm sewer and sanitary sewer
Sewer main should continue through Roy Fielding Drive and connect to new manhole on Cupola

Sewer Connections All connections should be at 90 degrees to the main and should not connect directly to a manhole
What is the marking used on the lot 131 sewer connection? Encasement?
Show sewer lateral size

Water connections What are the markings for lot 131 and 134 water connections? Encasement?
Where is water connection for lot 123?
Show water lateral size
Note 11 - connection to be made with 8" hot tap and 8" F-MJ resilient seat gate valve
Connections to existing mains should be at right angles
Show water main profile and maintain minimum 36" cover
Indicate angle fittings along water main and thrust blocking
Water piping to be C900

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CITY OF NEWPORT

APR 23 2019

RECEIVED

February 12, 2019

Trisha Clark
6445 SW Fallbrook Place Suite 100
Beaverton, OR 97008

To Whom It May Concern,

I have reviewed the service/facilities to Southshore TL 2600 of 11 11 30AA for TL's 8100-8400 in South Beach. There is definitely adequate power available to serve the installation of a 12 lot subdivision.

I believe there is adequate service available, but will need you or your planner to provide a detailed lot design. Please have the point of contact (you, or the owner) to contact our office at 541-265-3211 to make a "Customer Request" for each service when you are ready.

If you have any questions please contact me at 541-574-3601

Sincerely,

Faye Monroe
Distribution Engineering Technician
541-574-3601 (Office)
541-662-6039 (Cell)



Trisha Clark
Land Use Planner
Emerio Design

Trisha,

This letter is in response to your request on February 5, 2019 with regards to the telephone facilities of the proposed development located in the Southshore subdivision in South Beach, OR. This is located where we have more than sufficient facilities to meet your telecommunications needs.

We will require final design plans and an estimate of proposed telephone line requirements as well as proposed Electric service layout plans to complete our design on this Project.

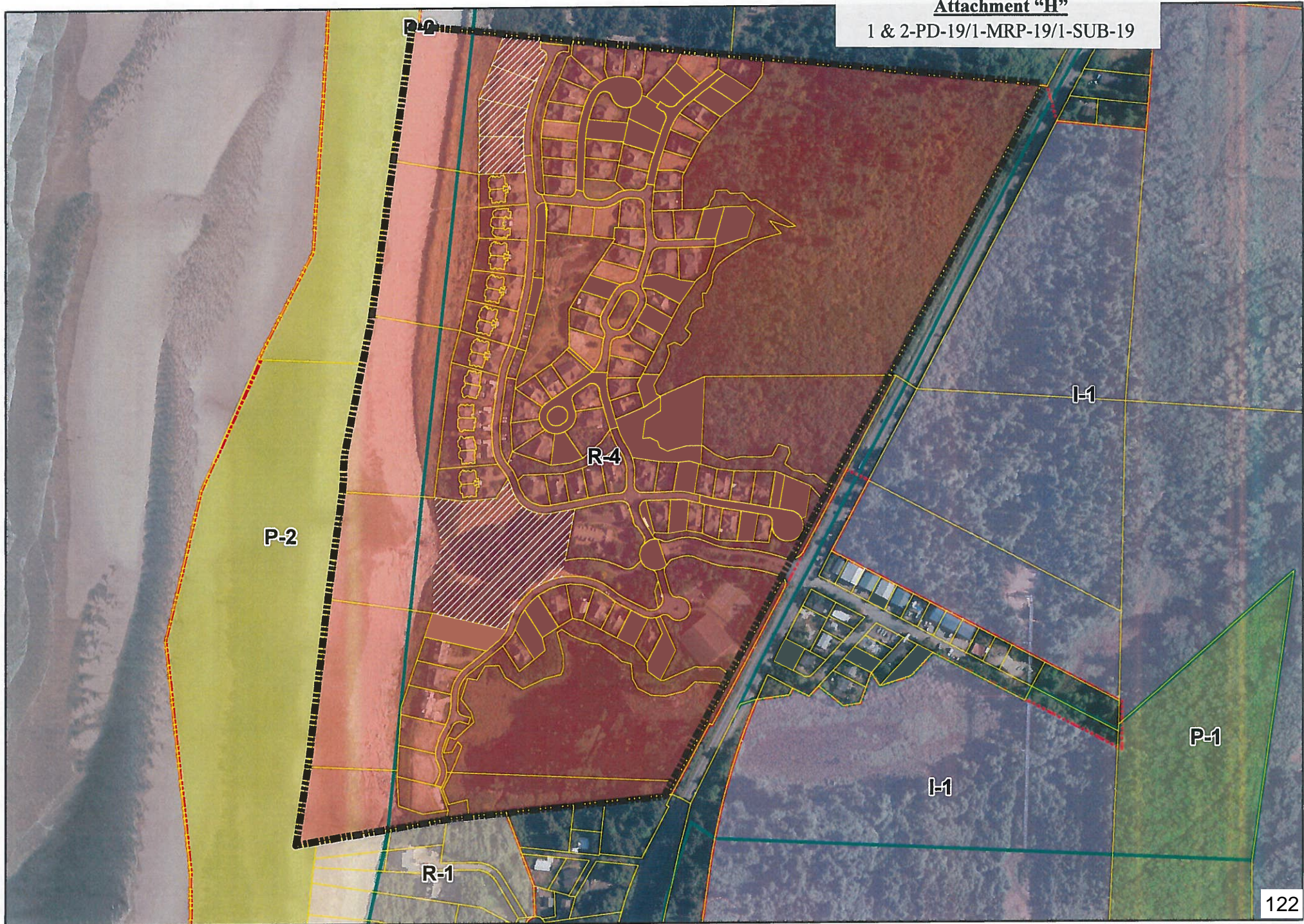
The developer is responsible for furnishing the trenching, backfill and compaction at no cost to Pioneer Telephone Cooperative. In addition, the developer is to provide public utility easements; coordination for engineering design, future development extensions, joint trench issues, utility conflict resolution and facility placement construction.

We look forward to working with you on this project and completing the design so that communications cable and conduit will be ready in time to meet your construction schedule.

If you have any questions please feel free to contact me at 541-929-8228. Thank you.

Sincerely,

Gary Vick
Sr. OSP Engineer
Pioneer Connect
(541)929-8228



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

Southshore Planned Development
(File No. 1 & 2-PD-19 / 1-SUB-19 / 1-MRP-19)

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

0 200 400 800 Feet



**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING¹**

1 & 2-PD-19/1-MRP-19/1-SUB-19

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, June 10, 2019, to consider the following request:

File No. 1-SUB-19 / 1 & 2-PD-19 / 1-MRP-19.

Applicant & Owner: Southshores Development, LLC (Charles McClain, representative)

Requests:

1 & 2-PD-19: Amendment to the Preliminary and Final Development Plans for the Southshore Planned Development, converting oceanfront lots from multi-family to single-family residential use and to allow the hotel/retail commercial site to be developed with 12 single-family home sites.

1-SUB-19: Approval of a tentative subdivision plan to create a 12 lot subdivision at the former hotel/ retail commercial site.

1-MRP-19: Consideration of a tentative plan for a minor replat to modify lot dimensions of a portion of a platted subdivision to reconfigure parcels on Cupola Drive to six (6) lots to accommodate single-family development.

Location: Tax Lots 8100, 8200, 8300 & 8400 of Lincoln County Assessor's Tax Map 11-11-19-DD; and Tax Lot 2600 of Lincoln County Assessor's Tax Map 11-11-30-AA (6120 SW Arbor Dr).

Applicable Criteria: Must be consistent with those approval criteria as set forth in Section 13.05.015 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Chapter 14.35.070 (for preliminary development plan approval); and NMC Section 14.35.100 (for final development plan approval). Pursuant to NMC 14.35.110 (A), a minor change in the Preliminary or Final Development Plan may be approved by the Community Development Director. A minor change is any change that is not within the description of a major change as provided in the following subparts B and C of this Section and must satisfy the original approval criteria (NMC 14.35.110 (D)). Minor replat requests must be consistent with those standards set forth in City of Newport Municipal Code Section 13.05.095(A), which are as follows: (a) The tentative plan complies with the definition of a replat; (b) All lots within the tentative plan meet the requirements for configuring lots and or parcels listed under Section 13.05.030 or, if the original lots or parcels were nonconforming, the resultant lots or parcels will be less nonconforming; (c) Approval of the tentative plan does not interfere with the provision of key public facilities; (d) public facilities serving the proposed lots or parcels are adequate pursuant to Section 13.05.045 and all required public improvements are being provided; (e) any required geologic hazard report concludes that the property can be developed in the manner proposed; and (f) The applicant has agreed to sign a consent to participate in sewer, water, or street local improvement districts that the subject lots would be part of once those districts are formed. Said consent shall be a separate document recorded upon the lots subject to the partition. The document shall be recorded prior to final plat 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 5:00 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

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.

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 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, June 10, 2019, 7:00 p.m. in the Newport City Hall Council Chambers (address above in "Reports/Application Materials").

MAILED: May 17, 2019.

PUBLISHED: May 31, 2019/Newport News-Times.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

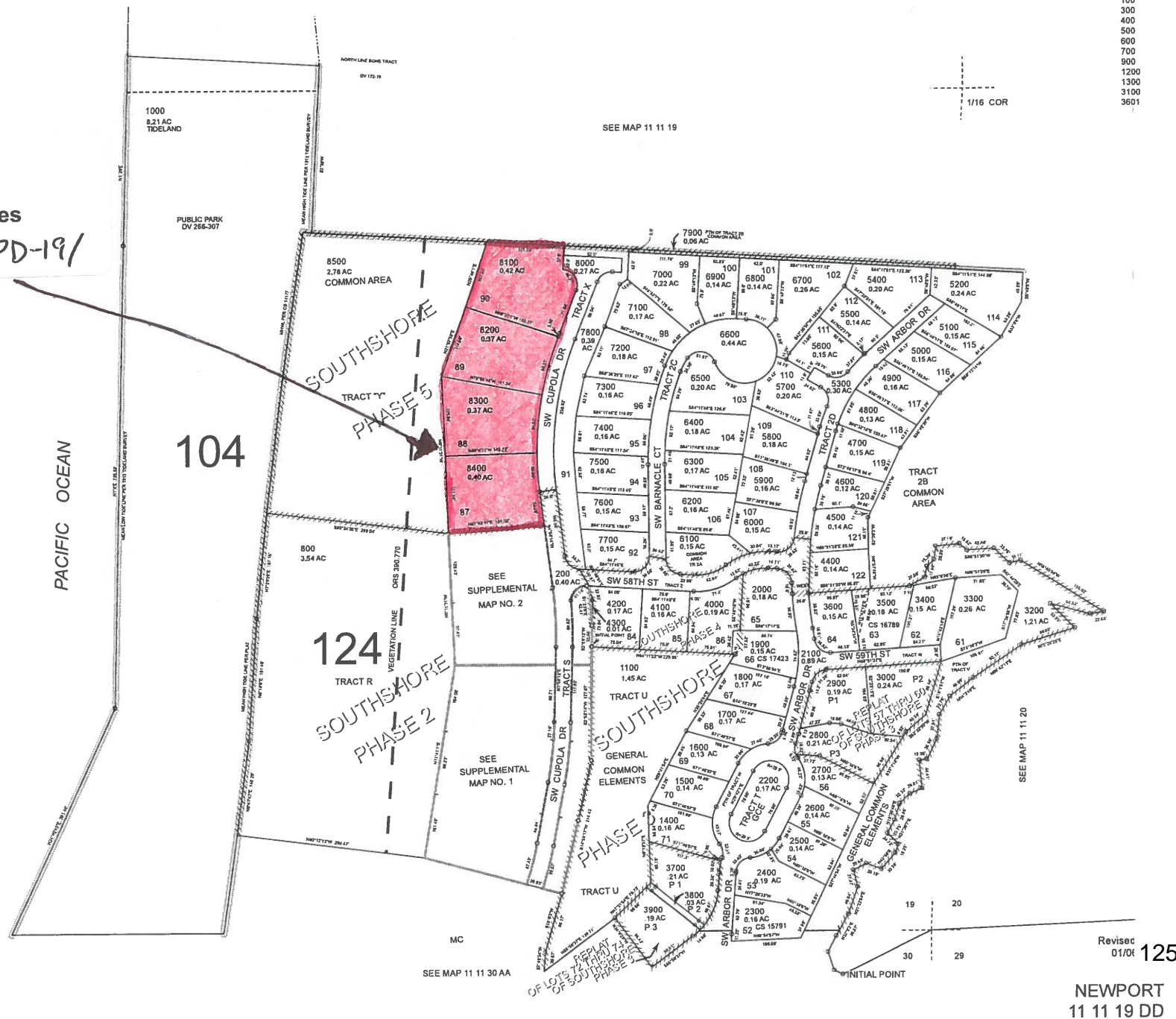
0 50 100 150 200 Feet

S.E.1/4 S.E.1/4 SEC.19 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 100'

11 11 19 DD
NEWPORT

Cancelled
100
300
400
500
600
700
800
900
1200
1300
3100
3601

Subject Properties
File 1-SUB19/182PD-19/
1-MRP-19



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

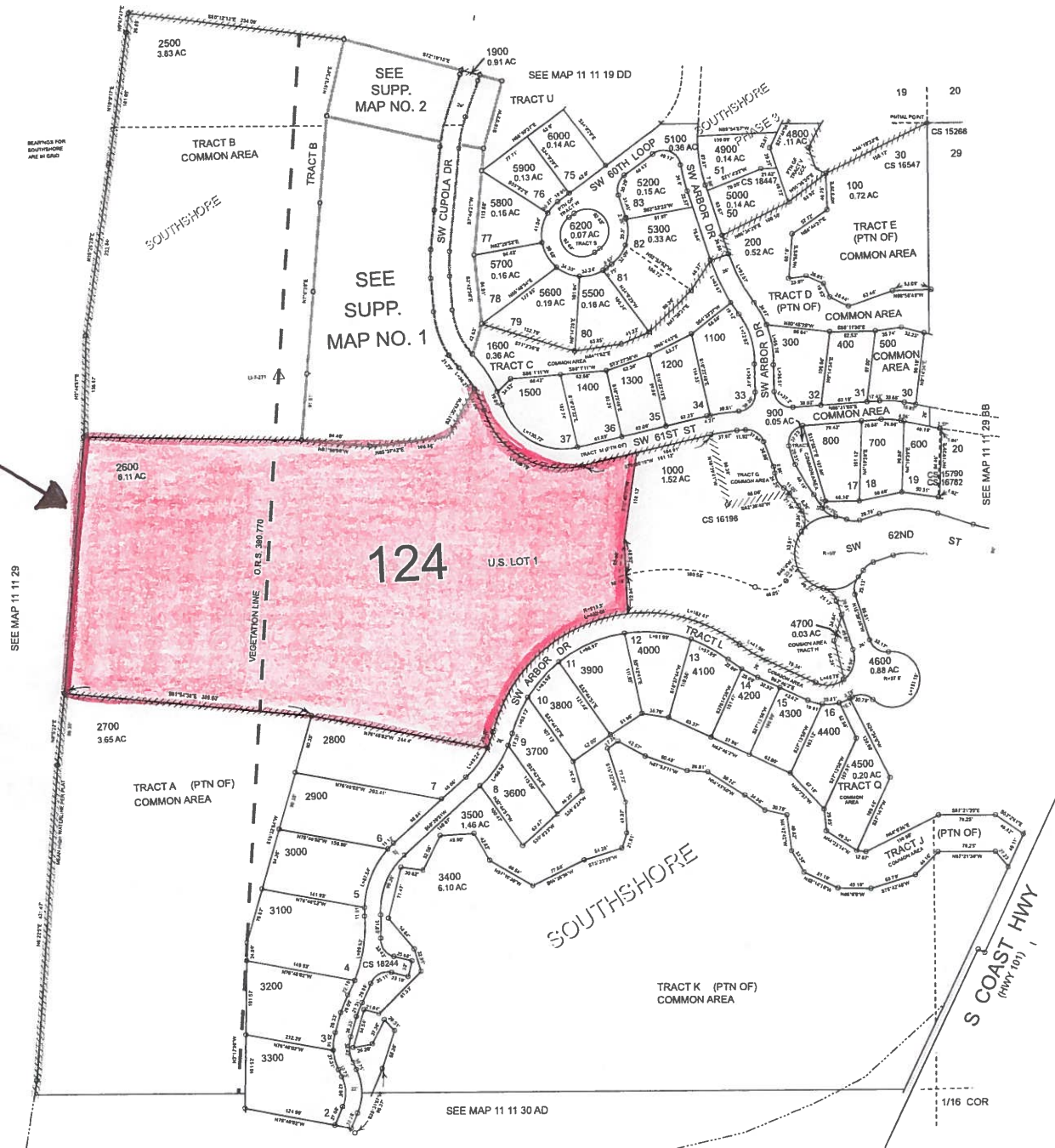
0 50 100 150 200 Feet

N.E. 1/4 N.E. 1/4 SEC. 30 T. 11 S. R. 11 W. W.M.
LINCOLN COUNTY
1" = 100'

11 11 30 AA
NEWPORT

Cancelled
1700
1800
2000
2100
2200
2300
2400
2501
2601
2700
2701
6100

Subject Property
File 1-SUB-19/182-PD/19/
1-MRP-19



Revis
03 126

NEWPORT
11 11 30 AA

ADD LLC
PO BOX 225
LAKE OSWEGO, OR 97034

ADLER MICHAEL P
1390 SEA RIDGE LN
GEARHART, OR 97138

BEACH HOME CONDO
AT SOUTHSORE
ASSN OF UNIT OWNERS
220 SW 62ND ST
NEWPORT, OR 97365

BEACH HOME CONDO AT
SOUTHSORE
ASSOCIATION OF UNIT OWNERS
220 SW 62ND
NEWPORT, OR 97365

BIGGI CONSTRUCTION LLC &
BIGGI JOHN S JR
11605 SW NORMANDY LN
WILSONVILLE, OR 97070

BOHLENDER RONALD D TRUSTEE &
BOHLENDER LAURA J TRUSTEE
27940 KENNEFICK RD
GALT, CA 95632

BROWN LARRY M &
BROWN SHARON S
13275 SW WHISTLING WAY
BEAVERTON, OR 97008

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

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

CARNE JAMES EDMUND TRUSTEE
5790 SW BARNACLE CT
SOUTH BEACH, OR 97366

CASTLE THOMAS
6034 SW CUPOLA DR
SOUTH BEACH, OR 97366

CHAMBERLAIN CHARLES CRAIG &
CHAMBERLAIN MARCIA
12305 MACINTOSH ST
APPLE VALLEY, CA 92308

COOPER STANLEY M &
COOPER MARY LOU
203 CALLE ROBLE
SANTA FE, NM 87505

DOBITZ LEO J TSTEE &
DOBITZ DIANNE R TSTEE
2425 SW 60TH LOOP
SOUTH BEACH, OR 97366

ESTERHAY CARL A &
ESTERHAY M DUDLEY
PO BOX 793
WINCHESTER, VA 22604

FALK HEATHER L MYERS
1845 23RD ST NE
SALEM, OR 97301

FIELDING MICHAEL ROY TSTEE &
MUNDIL URSULA TRUSTEE &
FIELDING R H & D M TRUSTEES
250 SW 61ST ST
SOUTH BEACH, OR 97366

FUJIOKA THEODORE MASARU TTEE &
FUJIOKA SHARON CLARIE TTEE
13713 NE 46TH ST
VANCOUVER, WA 98686

GARSKE TRAVIS W
PO BOX 729
COLBERT, WA 99005

GLENN ROBERT R &
GLENN SARAHLU
6410 SW ARBOR DR
SOUTH BEACH, OR 97366

GOMES EDWARD L &
GOMES ROBERTA
3054 ANDRE LN
TURLOCK, CA 95382

GUST AURI M &
COOPER WILLIAM H
33102 134TH AVE SE
AUBURN, WA 98092

HANCHER SCOTT E &
HANCHER KIMBERLY F
14236 174TH AVE NE
REDMOND, WA 98052

HANSON JAMES D TSTEE &
HANSON SKYE B TSTEE
3334 W NEBRASKA ST
TUCSON, AZ 85747

HATHAWAY CHARLES G
240 SW 61ST ST
NEWPORT, OR 97365

HOTTER JEFFREY LYNN TSTEE &
HOTTER DEBRA KAY TSTEE
1125 LYNN WAY
SUNNYVALE, CA 94087

HUSSA JOHN K &
HUSSA CAROLYN M
2090 SUMMIT DR
LAKE OSWEGO, OR 97034

JAMISON BETTINA S REVOC TRST &
SCHAEFER EDWARD A III TRSTEE &
BARRON MICHAEL TRUSTEE; ETAL
1201 BOLTON ST STOREFRONT
BALTIMORE, MD 21217

JOHANSON DENNIS H TSTEE &
JOHANSON SUE ANN TSTEE
656 WYATT LN
PHILOMATH, OR 97370

KOSS JIM L &
CRETSINGER JANET C
20215 SW TREMONT WAY
BEAVERTON, OR 97007

KULOK LISA A &
OTIS DIANA I
2232 NW PINNACLE DR
PORTLAND, OR 97229

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

LANEY LAURA &
LANEY ALBERT
2415 NW THURMAN ST
PORTLAND, OR 97210

LARSEN STEVEN C TRUSTEE &
LARSEN KAREN L TRUSTEE
10327 SW PICKS WAY
TIGARD, OR 97224

LEDERMAN DAVID W &
LEDERMAN LOIS B
6325 SW ARBOR DR
SOUTH BEACH, OR 97366

LEINBACH JAMES D
6345 SW ARBOR DR
SOUTH BEACH, OR 97366

LINCOLN COUNTY
PUBLIC PARK
225 W OLIVE ST
RM 110
NEWPORT, OR 97365

LOEW LEONARD F COTRUSTEE &
LOEW MARLA H COTRUSTEE
5780 SW BARNACLE CT
SOUTH BEACH, OR 97366

LYNCH MICHAEL &
LYNCH MONICA
400 W 36TH ST
VANCOUVER, WA 98660

MANNING GORDON D JR
ATTNN G MANNING, NOAA
MARINE CENTER
2002 SE MARINE SCIENCE DR
NEWPORT, OR 97365

MARSH B H & C A REVOC TRUST &
MARSH BARRY H & CAROLYN TRTEES
124 SE VIEW DR
NEWPORT, OR 97365

MASSONI ERNEST E TRSTEE &
MASSONI BARBARA L TRSTEE
185 SW 61ST ST
SOUTH BEACH, OR 97366

MCLAUGHLIN MICHAEL P TRUSTEE &
MCLAUGHLIN SHELLEY S TRUSTEE
2028 21ST ST
SACRAMENTO, CA 95818

MINOR KEITH TRUSTEE &
MINOR LISA TRUSTEE
1806 EAST MAIN ST
MEDFORD, OR 97504

MIZE MARK &
MIZE NANCY SUE
215 SW 60TH LOOP
NEWPORT, OR 97365

MOORE CASEY C &
MOORE MARCIA L
10610 NE 9TH PL
BELLEVUE, WA 98004

MOORE DANIEL S &
MCKENZIE MELODIE A
220 SW 61ST ST
SOUTH BEACH, OR 97366

ODELL MICHAEL &
KENNEDY TERESA
6024 SW CUPOLA DR
SOUTH BEACH, OR 97366

PARCO MARIE J TRUSTEE
18124 WEDGE PRKWY
#915
RENO, NV 89511

PETERS MICHELE A
6026 SW CUPOLA DR
NEWPORT, OR 97365

PONDER HAYDEN L SR
ATTN VICKIE S MAY
5000 SAN MARQUE CIR
CARMICHAEL, CA 95608

POST DANIEL A TRUSTEE &
POST NANCY C TRUSTEE
2771 NW PINEVIEW DR
ALBANY, OR 97321

PRESCOTT BRIAN DAVID &
PRESCOTT WENDY CRISTEEN
230 SW 61ST ST
SOUTH BEACH, OR 97366

PRIMONT DANIEL A &
PRIMONT DIANE F
235 SW 60TH LP
SOUTH BEACH, OR 97366

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

SALTER MICHAEL &
SALTER WANDA J
11603 E WETHERSFIELD
SCOTTSDALE, AZ 85259

SHEN ALLEN KUOLUN TRUSTEE &
CHUNG CHONGLI EDITH TRUSTEE
6420 SW ARBOR DR
NEWPORT, OR 97365

SLATE JAMES L &
SLATE VIRGINIA C
40374 TONGA LN
SPRINGFIELD, OR 97478

SNAPPS RICHARD L &
SNAPPS VALERIE J
5852 SW CUPOLA DR
NEWPORT, OR 97365

SOUTH SHORES DEVELOPMENT LLC
ATTN: CHARLES MCCLAIN
PO BOX 125
CANBY, OR 97013

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

**STATE OF OREGON
% OREGON PARKS & REC DEPT
725 SUMMER ST NE
STE C
SALEM, OR 97301**

**THOMPSON JAMES D TSTEE &
THOMPSON KATHLEEN M TSTEE
2274 MONTROSE DR
THOUSAND OAKS, CA 91362**

**TRONQUET PETER J TRUSTEE &
TRONQUET CATHY W TRUSTEE
5730 SW BARNACLE CT
SOUTH BEACH, OR 97366**

**WHITLOCK SHERMAN F &
WHITLOCK CINDY L
6390 SW ARBOR DR
NEWPORT, OR 97365**

**ZAPHIROPOULOS LEIGH &
MCCORNACK BRYN A
PO BOX 416
SOUTH BEACH, OR 97366**

**Exhibit "A"
Property Owners Within 200 Feet**

**File No.
1-SUB-19 / 1 & 2-PD-19 / 1-MRP-19**

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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

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

Lincoln County Surveyor
880 NE 7th St
Newport OR 97365

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: Jack Perkins
PO Box 1126
Newport OR 97365

Charter Communications
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

Rob Murphy
Fire Chief

Lincoln County Planning Dept
210 SW 2nd St
Newport OR 97365

Joseph Lease
Building Official

Jason Malloy
Police Chief

Secretary of State
136 State St Capitol
Salem OR 97310

Rachel Cotton
Associate Planner

Tim Gross
Public Works

Laura Kimberly
Library

Jim Protiva
Parks & Rec

Spencer Nebel
City Manager

Pioneer Telephone Co-Op
PO Box 631
Philomath OR 97370

Mike Murzynsky
Finance Director

EXHIBIT 'A'
(Affected Agencies)
File No.
1-SUB-19 / 1 & 2-PD-19 / 1-MRP-19

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, June 10, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-SUB-19 / 1 & 2-PD-19 / 1-MRP-19, a request submitted by Southshores Development, LLC, (Charles McClain, representative) for the following amendments: 1 & 2-PD-19: Amendment to the Preliminary and Final Development Plans for the Southshore Planned Development, converting oceanfront lots from multi-family to single-family residential use and to allow the hotel/retail commercial site to be developed with 12 single-family home sites; 1-SUB-19: Approval of a tentative subdivision plan to create a 12 lot subdivision at the former hotel/retail commercial site; and 1-MRP-19: Consideration of a tentative plan for a minor replat to modify lot dimensions of a portion of a platted subdivision to reconfigure parcels on Cupola Drive to six (6) lots to accommodate single-family development. The location of the subject properties are Tax Lots 8100, 8200, 8300 & 8400 of Lincoln County Assessor's Tax Map 11-11-19-DD; and Tax Lot 2600 of Lincoln County Assessor's Tax Map 11-11-30-AA (6120 SW Arbor Dr). The application must be consistent with those approval criteria as set forth in Section 13.05.015 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Chapter 14.35.070 (for preliminary development plan approval); and NMC Section 14.35.100 (for final development plan approval). Pursuant to NMC 14.35.110 (A), a minor change in the Preliminary or Final Development Plan may be approved by the Community Development Director. A minor change is any change that is not within the description of a major change as provided in the following subparts B and C of this Section and must satisfy the original approval criteria (NMC 14.35.110 (D)). Minor replat requests must be consistent with those standards set forth in City of Newport Municipal Code Section 13.05.095(A), which are as follows: (a) The tentative plan complies with the definition of a replat; (b) All lots within the tentative plan meet the requirements for configuring lots and or parcels listed under Section 13.05.030 or, if the original lots or parcels were nonconforming, the resultant lots or parcels will be less nonconforming; (c) Approval of the tentative plan does not interfere with the provision of key public facilities; (d) public facilities serving the proposed lots or parcels are adequate pursuant to Section 13.05.045 and all required public improvements are being provided; (e) any required geologic hazard report concludes that the property can be developed in the manner proposed; and (f) The applicant has agreed to sign a consent to participate in sewer, water, or street local improvement districts that the subject lots would be part of once those districts are formed. Said consent shall be a separate document recorded upon the lots subject to the partition. The document shall be recorded prior to final plat 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 5:00 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, MAY 31, 2019)

the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing 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). M31 (55-31)

NOTICE TO INTERESTED PERSONS IN THE CIRCUIT COURT OF THE STATE OF OREGON

OF LINCOLN; In the Matter of the Estate of BETTY JEAN HILL, Deceased. Case No. 19PB 03235. NOTICE IS HEREBY GIVEN that Robert K. Hill and David D. Hill have been appointed co-personal representative of the estate of Betty Jean Hill. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at 206 Schlecht Rd., Toledo, OR 97391, 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, Traci P. McDowell. Dated and first published on May 16, 2019. ADAM C. SPRINGER, LLC, s/ Traci P. McDowell, OSB #184063, Attorney for Personal Representative. Personal representative: Robert K. Hill 206 Schlecht Rd., Toledo, OR 97391 (541)336-3731; David D. Hill 4342 Cloudview Dr., S. Salem, OR 97302 (503) 949-2278. Lawyer for Personal Representative: Traci P. McDowell PO Box 1987 Newport, OR 97365 (541) 272-5500. M17 M24 M31 (56-31)

PUBLIC NOTICE
NOTICE that in the Circuit Court for the State of Oregon for the County of Lincoln, In the Matter of the Estate of Richard Anthony Empoliti Jr, Case no 19PB02146, Michael Empoliti has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative at 2361 Andrews Circle, Aiken SC 29803, 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, Margaret E Dailey, Attorney at Law, P O Box 552, Newport, Oregon 97365, (541) 265-8805. M17 M24 M31 (60-31)

NOTICE OF BUDGET COMMITTEE MEETING
A public meeting of the Budget Committee of the Yachats Rural Fire Protection District, Lincoln, State of Oregon, to discuss the budget for the

fiscal year July 1, 2019 through June 30, 2020, will be held at 215 W. 2nd Street, Yachats, Oregon 97498. The meeting will take place on June 10th, 2019, at 10:30AM. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. 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 on or after June 7th, 2019 at 215 W. 2nd Street, Yachats, Oregon 97498, between the hours of 7:30AM and 7:30PM. M24 M31 (64-31)

NOTICE OF A PUBLIC HEARING

CITY OF NEWPORT: The City of Newport Planning Commission will hold a public hearing on Monday, June 10, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-SUB-19 / 1 & 2-PD-19 / 1-MRP-19, a request submitted by Southshores Development, LLC, (Charles McClain, representative) for the following amendments: 1 & 2-PD-19: Amendment to

the Preliminary and Final Development Plans for the Southshore Planned Development, converting oceanfront lots from multi-family to single-family residential use and to allow the hotel/retail commercial site to be developed with 12 single-family home sites; 1-SUB-19: Approval of a tentative subdivision plan to create a 12 lot subdivision at the former hotel/retail commercial site; and 1-MRP-19: Consideration of a tentative plan for a minor replat to modify lot dimensions of a portion of a platted subdivision to reconfigure parcels on Cupola Drive to six (6) lots to accommodate single-family development. The location of the subject properties are Tax Lots 8100, 8200, 8300 & 8400 of Lincoln County Assessor's Tax Map 11-11-19-DD; and Tax Lot 2600 of Lincoln County Assessor's Tax Map 11-11-30-AA (6120 SW Arbor Dr). The application must be consistent with those approval criteria as set forth in Section 13.05.015 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Chapter 14.35.070 (for preliminary development plan approval); and NMC Section 14.35.100 (for final development plan approval). Pursuant to NMC 14.35.110 (A), a minor change in the Preliminary or Final Development Plan may be approved by the Community Development Director. A minor change is any change that is not within the description of a major change as provided in the following subparts B and C of this Section and must satisfy the original approval criteria (NMC 14.35.110 (D)). Minor replat requests must be consistent with those standards set forth in City of Newport Municipal Code Section 13.05.095(A), which are as follows: (a) The tentative plan complies with the definition of a replat; (b) All lots within the tentative plan meet the requirements for configuring lots and or parcels listed under Section 13.05.030 or, if the original lots or parcels were nonconforming, the resulting lots or parcels will be less nonconforming; (c) Approval of the tentative plan does not interfere with the provision of key public facilities; (d) public facilities serving the proposed lots or parcels are adequate pursuant to Section 13.05.045 and all required public improvements are being provided; (e) any required geologic hazard report concludes that the property can be developed in the man-

ner proposed; and (f) The applicant has agreed to sign a consent to participate in sewer, water, or street local improvement districts that the subject lots would be part of once those districts are formed. Said consent shall be a separate document recorded upon the lots subject to the partition. The document shall be recorded prior to final plat 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 5:00 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

(continued on page 8)

FORM LB1

NOTICE OF BUDGET HEARING

A public meeting of the Seal Rock Rural Fire Protection District will be held on June 13, 2019 at 6:30 pm at 10349 NW Rand St., Seal Rock Fire Administration Building, Seal Rock, Oregon. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2019 as approved by the Seal Rock Rural Fire Protection District Budget Committee. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at the above location between the hours of 9:00 a.m. and 1:00 p.m. or online at sealrockrfd@peak.com. This budget is for an annual budget period. This budget was prepared on a basis of accounting that is accrual, the same as the preceding year. If different, the major changes and their effect on the budget are: N/A.

Contact: Tom Sakaris, Budget Officer

Telephone: 541-563-4441

Email: chief@sealrockfire.com

FINANCIAL SUMMARY - RESOURCES

TOTAL OF ALL FUNDS	Actual Amount 2017-2018	Adopted Budget This Year 2018-2019	Budget Committee Approved Budget Next Year 2019-2020
Beginning Fund Balances/Net Working Capital	416,449	441,876	535,500
Fees, Licenses, Permits, Fines, Assessments & Other Service Charges			
Federal, State and all Other Grants, Gifts, Allocations and Donations			
Revenue from Bonds and Other Debt			
Interfund Transfers / Internal Service Reimbursements	30,000	80,000	95,000
All Other Resources Except Current Year Property Taxes	28,343	31,600	35,700
Current Year Property Taxes Estimated to be Received	490,817	492,257	511,293
Total Resources	965,609	1,026,733	1,177,493

FINANCIAL SUMMARY - REQUIREMENTS BY OBJECT CLASSIFICATION

Chief, Firefighters, and other Personnel Services	247,605	299,700	332,600
Materials and Services	152,521	154,800	171,300
Capital Outlay	41,578	49,000	49,000
Debt Service	31,588	31,600	31,600
Interfund Transfers	30,000	80,000	95,000
Contingencies	0	15,000	15,000
Special Payments			
Unappropriated Ending Balance and Reserved for Future Expenditure	462,317	415,633	482,993
Total Requirements	965,609	1,026,733	1,177,493

FINANCIAL SUMMARY - REQUIREMENTS AND FULL-TIME EQUIVALENT EMPLOYEES (FTE) BY ORGANIZATIONAL UNIT OR PROGRAM

Name of Organizational Unit or Program	FTE for that unit or program	1,026,733	1,177,493
Fire and Emergency Services	965,609	4.2	5.7
FTE	965,609	4.2	5.7
Total Requirements	965,609	1,026,733	1,177,493
Total FTE	4.2	4.2	5.7

STATEMENT OF CHANGES IN ACTIVITIES and SOURCES OF FINANCING

PROPERTY TAX LEVIES	Rate Imposed Actual 2017-2018	Rate Imposed Budget 2018-2019	Rate Approved Budget 2019-2020
Permanent Rate Levy (Rate Limit, \$0.4634 per \$1,000)	\$0.4634	\$0.4634	\$0.4634
Local Option Levy / Fire Chief (Rate per \$1,000)	\$0.2000	\$0.2000	\$0.2000
Local Option Levy / Firefighters (Rate per \$1,000)	\$0.4000	\$0.4000	\$0.4000

STATEMENT OF INDEBTEDNESS

LONG TERM DEBT	Estimated Debt Outstanding on July 1, 2019	Estimated Debt Authorized, But Not Incurred on July 1
General Obligation Bonds	\$0	\$0
Other Bonds	\$0	\$0
Other Borrowings	\$194,586	\$0
Total	\$194,586	\$0

(65-05)

FORM LB-1

NOTICE OF BUDGET HEARING

A public meeting of the Seal Rock Rural Fire Protection District will be held on June 10, 2019 at 6:45 am pm at

will be held on June 10, 2019 at 6:45 am pm at

BUDGET HEARING

on June 11, 2019 at 7:00 pm at Newport High School, 322 NE Eads Street, Newport, OR 97365, for the fiscal year beginning July 1, 2019 as approved by the Lincoln County School District. A copy of the budget may be inspected or obtained at 1212 NE Fogarty Street, Newport, OR 97365, or online at lincolncounty.k12.or.us. This budget is for an annual budget period. This budget was prepared on a basis of accounting that is accrual, the same as the preceding year. If different, the major changes and their effect on the budget are: N/A.

Telephone: (541) 265-4409 Email: kim.cusick@lincolnk12.or.us

FINANCIAL SUMMARY - RESOURCES

Actual Amount Last Year 2017-18	Adopted Budget This Year 2018-19	Approved Budget Next Year 2019-20
\$17,937,841	\$20,451,412	\$21,099,235
38,885,282	42,064,560	42,545,126
12,300,645	12,025,747	12,501,914

PUBLIC NOTICES

LEGAL DEADLINES:

WEDNESDAY EDITION:
5:00pm Thursday

FRIDAY EDITION:
5:00pm Tuesday

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). M31 (67-31)

TRUSTEE'S NOTICE OF SALE

TRUSTEE'S NOTICE OF SALE TS No.: 078926-OR Loan No.: *****2894 Reference is made to that certain trust deed (the "Deed of Trust") executed by JASON MCADOO AND JULIE MCADOO, as Grantor, to WESTERN TITLE CO., as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS DESIGNATED NOMINEE FOR PACIFIC RESIDENTIAL MORTGAGE, as Beneficiary, dated 9/26/2016, recorded 9/29/2016, as Instrument No. 2016-09279, in the Official Records of Lincoln County, Oregon, which covers the following described real property situated in Lincoln County,

Oregon: LOT 8, BLOCK 3, GREEN ACRES NO. 1, IN LINCOLN COUNTY, OREGON APN: R481274 / 13-11-30-BA-00800-00 Commonly known as: 340 SW RANGE DR WALDPART, OREGON 97394 The current beneficiary is: MATRIX FINANCIAL SERVICES CORPORATION Both the beneficiary and the trustee have elected to sell the above-described real property to satisfy the obligations secured by the Deed of Trust and notice has been recorded pursuant to ORS 86.752(3). The default for which the foreclosure is made is the grantor's failure to pay when due, the following sums:

Delinquent Payments:
Dates:

No. Amount
Total:
09/01/18 thru 01/01/19
02/01/19 thru 03/01/19
\$1,118.06
\$1,088.89
\$5,590.30
\$2,177.78
Late Charges:
\$125.04
Beneficiary Advances:
\$1,043.00
Total Required to Reinstate:
\$8,936.12
TOTAL REQUIRED TO PAYOFF:
\$123,129.78

By reason of the default, the beneficiary has declared all obligations secured by the Deed of Trust immediately due and payable, including: the principal sum of \$116,388.80 together with interest thereon at the rate of 4.75 % per annum, from 8/1/2018 until paid, plus all accrued late charges, and all trustee's fees, foreclosure costs, and any sums advanced by the beneficiary pursuant to the terms and conditions of the Deed of Trust. Whereof, notice hereby is given that the undersigned trustee, CLEAR RECON CORP, whose address is 111 SW Columbia Street #950, Portland, OR 97201, will

on 7/31/2019, at the hour of 9:00 AM, standard time, as established by ORS 187.110, AT THE FRONT ENTRANCE TO THE LINCOLN COUNTY COURT-HOUSE, 225 WEST OLIVE STREET, NEWPORT, OR 97365, sell at public auction to the highest bidder in the form of cash equivalent (certified funds or cashier's check) the interest in the above-described real property which the grantor had or had power to convey at the time it executed the Deed of Trust, together with any interest which the grantor or his successors in interest acquired after the execution of the Deed of Trust, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.778 has the right to have the foreclosure proceeding dismissed and the Deed of Trust reinstated by payment to the beneficiary of the entire amount then due (other than the portion of principal that would not then be due had no default occurred), together with the costs, trustee's and attorneys' fees, and curing any other default complained of in the Notice of Default by tendering the performance required under the Deed of Trust at any time not later than five days before the date last set for sale. Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale. In construing this notice, the masculine gender includes the

feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by the Deed of Trust, the words "trustee" and "beneficiary" include their respective successors in interest, if any. Dated: 3/20/2019 CLEAR RECON CORP 111 SW Columbia Street #950 Portland, OR 97201 Phone: 858-750-7600 866-931-0036 Edward Jamir, Authorized Signatory of Trustee M10 M17 M24 M31 (68-01(31) TS No.: 078926-OR Loan No.: *****2894 262 2 CRC NOS OR 05082018

NOTICE TO INTERESTED PERSONS IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT ESTATE OF CYNTHIA H. TOPEK., DECEASED CASE No. 19PB03524 NOTICE TO INTERESTED PERSONS: Notice is given pursuant to ORS 113.155 that Kevin Topek 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: May 24, 2019; Jeffrey C. Hollen, OSB #761757 Attorney for Personal Representative; Ouderkerk & Hollen, P. O. Box 1167,

615 SW Hurbert Street, Suite A Newport, OR 97365. M24 M31 J07 (68-07)

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 KATHLEEN JOSEPH, Deceased. Case No. 19PB03585 NOTICE TO INTERESTED PERSONS: NOTICE IS HEREBY GIVEN that Kevin Joseph has been appointed personal representative of the estate of Kathleen Joseph. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative through the personal representative's attorney at PO Box 1987, Newport, OR 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the attorney for the personal representative, Traci P. McDowall. Dated and first published on May 24, 2019. /s/ ADAM C. SPRINGER, LLC Traci P. McDowall, OSB #184063 Attorney for Personal Representative. PERSONAL REPRESENTATIVE: Kevin Joseph 3244 Katmai Dr., Kodiak, AK 99615 (619) 847-3720 ATTORNEY FOR PERSONAL REPRESENTATIVE: Traci P. McDowall OSB #184063 PO Box 1987, Newport, OR 97365 (541) 272-5500 traci@yaquinafaw.com M24 M31 J7 (69-07)

INVITATION FOR BIDS City of Toledo, Oregon: Sealed bids for the construction of the Butler Bridge Force Main Improvement Project, Project 2902-041 for the City of Toledo, Lincoln County, Oregon (Owner) will be received by Michael

J. Adams, Director, P.O. Box 220 or at City Hall, 206 N. Main St., Toledo, OR 97391, until 2:00 p.m. (PDT), June 13, 2019. Bids received after this time will not be accepted. Bids will be opened publicly and read aloud immediately following the specified closing time. All interested parties are invited to attend. Subcontractor declarations must be submitted to the above-mentioned City representative no later than 4:00 p.m. (PDT), June 13, 2019. The work on this project is for public work. A brief description of the scope of work is provided below: Butler Bridge Force Main Improvement Project: Furnish and install approximately 1,380 linear feet of new force main sanitary sewer piping consisting of approximately 1,210 linear feet of new 14-inch C900 PVC DR18 pipe, and 170 linear feet of new 14-inch C900 PVC DR 18 pipe inside 168 linear feet of 24-inch steel casing installed by jack and bore. Complete installation of the new facilities shall include, but not be limited to, interim construction bypass pumping and existing sanitary sewer force main abandonment, all as identified within the Contract documents and as shown on the project Drawings. The jack and bore section is under a railroad spur. The contract will be subject to a permit issued by the Union Pacific Railroad. Placement of the new sanitary sewer force main shall include approximately 450 square yards of new sidewalks impacted by the sanitary sewer force main construction, entrance ramps per ADA requirements and shall include all labor, equipment and materials necessary for placement of 4-inch thick HMA asphalt trench patches as required, per the Contract Documents. Bidding Documents may be examined at the following locations: Civil West Engineering Services, Inc. City of Toledo;



We rock

Attachment "J"

1 & 2-PD-19/1-MRP-19/1-SUB-19

**Southshore Development Plan
Summary of Usage
May 30, 2019
City of Newport**

SUMMARY OF USAGE

1	Single Family	19.9	Acres
2	Condominiums	4.9	Acres
3	Southshore Owners Clubhouse	2.2	Acres
4	Tennis Center	1.1	Acres
5	Open Space	12.5	Acres
6	Wetland Areas	30.9	Acres
7	Miscellaneous	7.5	Acres
<hr/> Total		79.0	Acres

Note: The original summary of usage included two items "Commercial / Inn Support" & "Inn" both of which are now encompassed by the category "Single Family" and the new category "Southshore Owners Clubhouse".

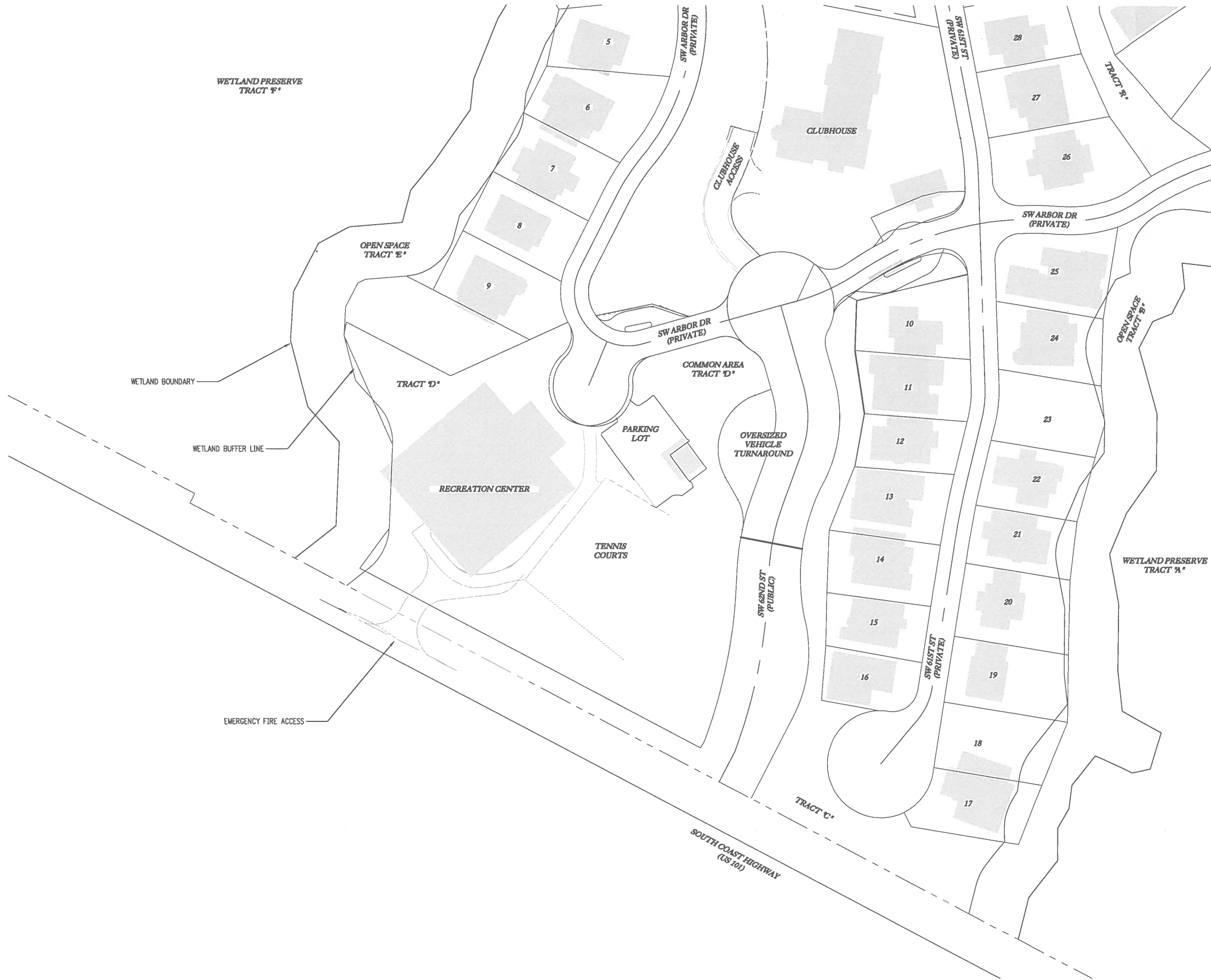
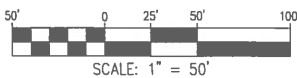
FILE P: \412-001 South Shore - Newport\dwg\civil\Engineering (current)\Development Plan\01 DEV COVER SHEET, Layout: 01 COVER SHEET, Plot Date: 5/30/2019 11:04 AM, by: Jacob Snyder

GENERAL NOTES:

- EXISTING BUILDING FOOTPRINTS ARE FROM AERIAL SURVEY & ARE APPROXIMATE.
- SEE SHEETS 2 & 4 FOR THE REST OF THE DEVELOPMENT PLAN



SITE MAP EAST
SCALE: 1" = 50'



EMERIO
Design
6445 SW ENLERSBROOK PLACE SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 745-8812
FAX: (503) 639-9592
www.emeriodesign.com

REVISIONS	
NO.	DATE
0	2/2019
1	4/2019

DESCRIPTION
PRELIMINARY PLANNING
REVISIONS PER CITY COMMENTS

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

**DEVELOPMENT LOT
LAYOUT EAST**

SHEET
3
OF
4



GENERAL NOTES:
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REVISIONS	
NO.	DATE
0	2/2019
1	4/2019

DESCRIPTION
PRELIMINARY PLANNING
REVISIONS PER CITY COMMENTS

EMERIO
Design
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9552
www.emeriodesign.com

SHEET
4 OF 4

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

DEVELOPMENT LOT
LAYOUT SOUTH

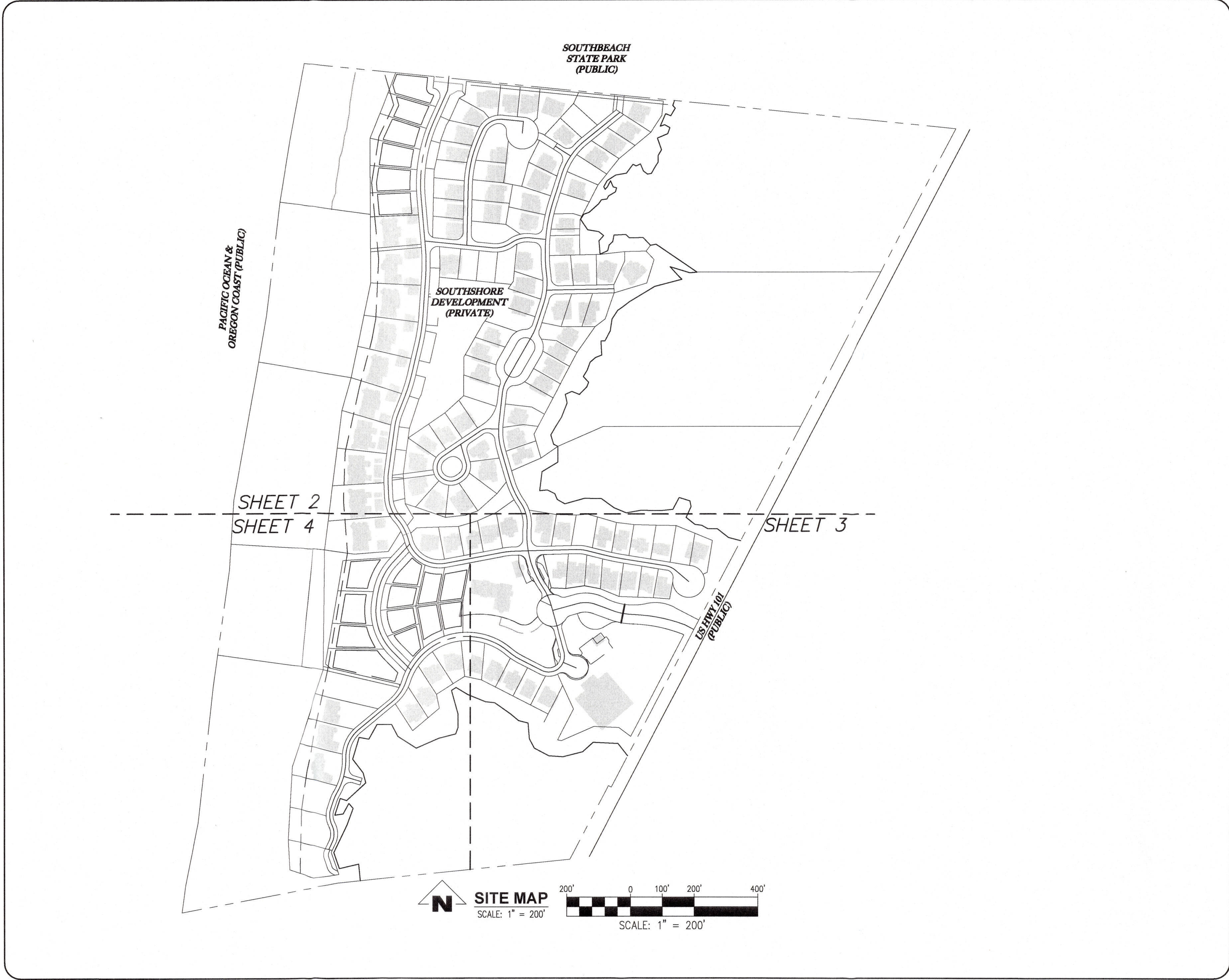
SOUTHSHORE DEVELOPMENT PLAN

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

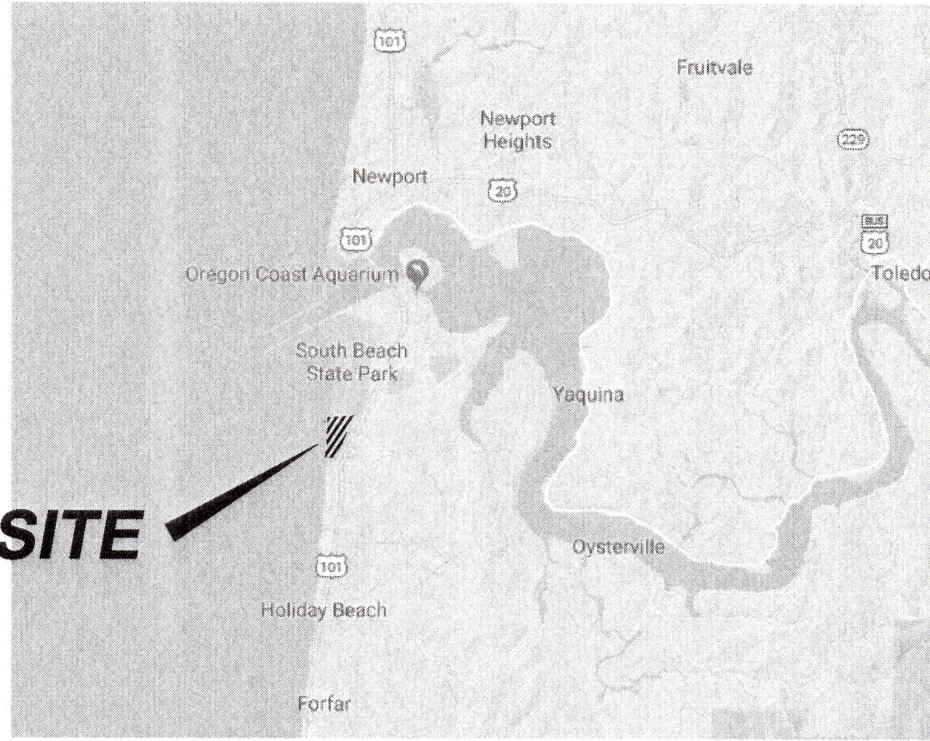
Attachment "L"
1 & 2-PD-19/1-MRP-19/1-SUB-19

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

COVER SHEET



VICINITY MAP
N.T.S.



DRAWING INDEX

NO.	TITLE
1	DEVELOPMENT PLAN COVER SHEET
2	DEVELOPMENT PLAN LOT LAYOUT (NORTH)
3	DEVELOPMENT PLAN LOT LAYOUT (EAST)
4	DEVELOPMENT PLAN LOT LAYOUT (SOUTH)

PROJECT CONTACTS

OWNER:	CIVIL ENGINEER:
SOUTHSHORE OWNERS ASSOCIATION 220 SW 62ND ST. SOUTH BEACH, OR 97366 CONTACT: CHUCK MCCLAIN CHUCKAMCCCLAIN@GMAIL.COM (503) 730-4084 (P)	EMERIO DESIGN, LLC 6445 SW FALLBROOK PL, SUITE 100 BEAVERTON, OR 97008 CONTACT: ERIC EVANS (503) 746-8812 (P) (503) 639-9592 (F)

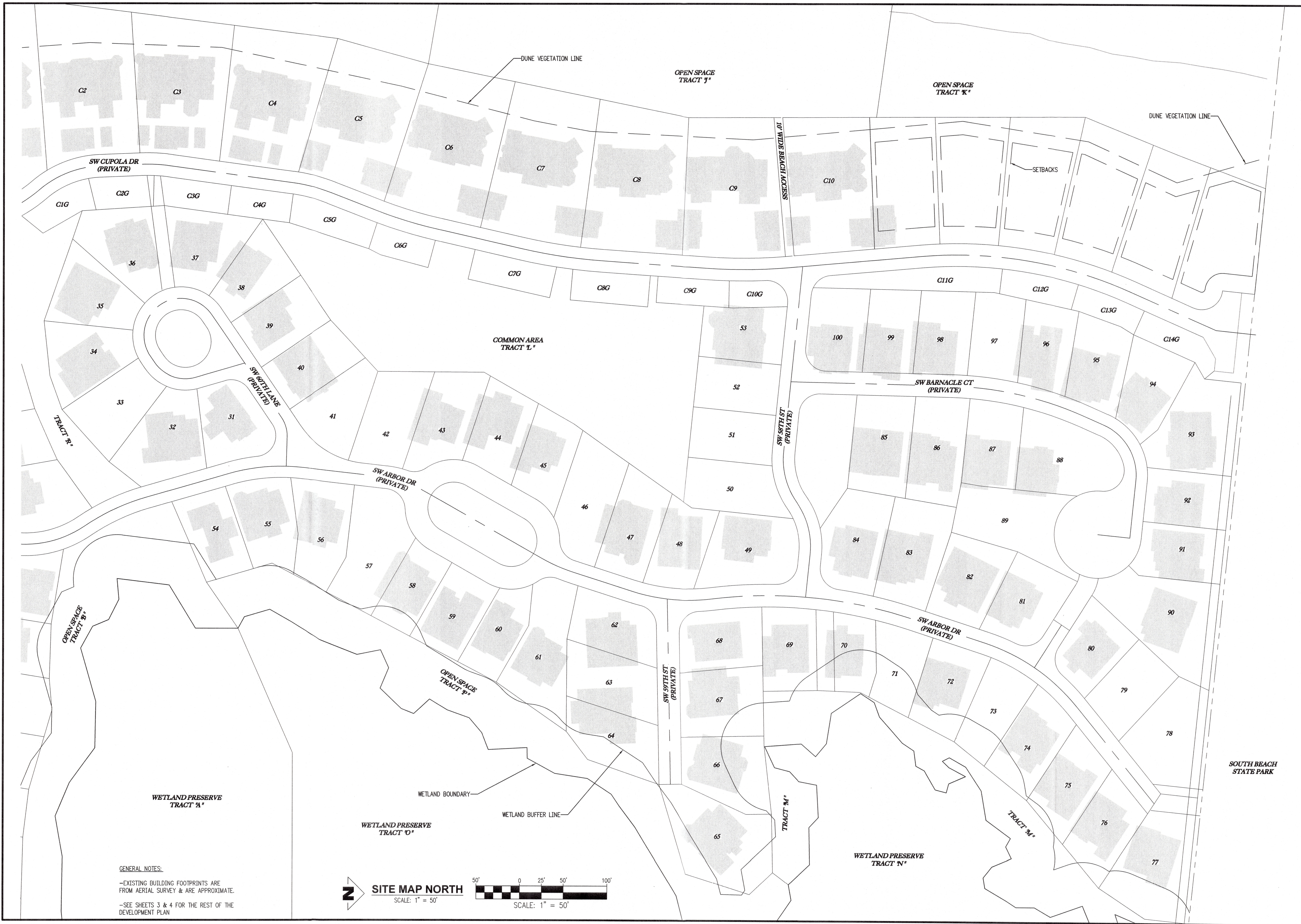
REVISIONS		
NO.	DATE	DESCRIPTION
0	2/2019	PRELIMINARY PLANNING
1	4/2019	REVISIONS PER CITY COMMENTS

EMERIO Design

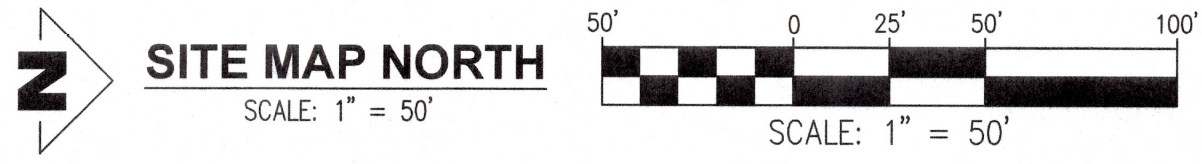
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
WWW.EMERIODSIGN.COM

SHEET
1
OF
4

CITY OF NEWPORT
JUN 04 2019
RECEIVED



GENERAL NOTES:
-EXISTING BUILDING FOOTPRINTS ARE FROM AERIAL SURVEY & ARE APPROXIMATE.
-SEE SHEETS 3 & 4 FOR THE REST OF THE DEVELOPMENT PLAN



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

DEVELOPMENT LOT
LAYOUT NORTH

REVISIONS	
NO.	DATE
0	2/2019
1	4/2019

EMERIO
Design

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BEAVERTON, OREGON 97008
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FAX: (503) 746-8813
WWW.EMERIODSIGN.COM

SHEET
2
OF
4

FILEP: \\412-001 South Shore - Newport\\dwg\\civ\\Engineering (current)\\Development Plan\\02 DEV LOT LAYOUT N. Layout: 02 DEV LOT LAYOUT N. Plot Date: 5/30/2019 11:12 AM. by: Jacob Snyder

140

GENERAL NOTES:

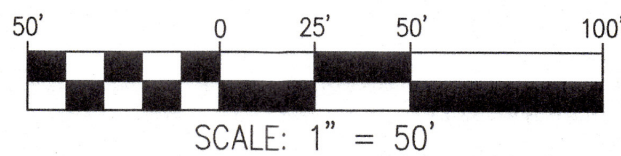
-EXISTING BUILDING FOOTPRINTS ARE FROM AERIAL SURVEY & ARE APPROXIMATE.

-SEE SHEETS 2 & 4 FOR THE REST OF THE DEVELOPMENT PLAN



SITE MAP EAST

SCALE: 1" = 50'



EMERIO
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6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 736-8812
FAX: (503) 736-8812
WWW.EMERIODSIGN.COM

REVISIONS

NO.	DATE	DESCRIPTION
0	2/2019	PRELIMINARY PLANNING
1	4/2019	REVISIONS PER CITY COMMENTS

DEVELOPMENT LOT
LAYOUT EAST

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

SHEET

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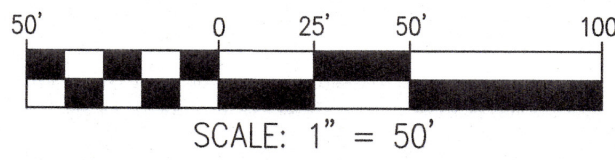
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GENERAL NOTES:
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-SEE SHEETS 2 & 3 FOR THE REST OF THE DEVELOPMENT PLAN

SOUTH SITE MAP
SCALE: 1" = 50'



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

**DEVELOPMENT LOT
LAYOUT SOUTH**

REVISIONS		DESCRIPTION
NO.	DATE	
0	2/2019	PRELIMINARY PLANNING
1	4/2019	REVISIONS PER CITY COMMENTS

EMERIO
Design

6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

SHEET
4
OF
4

SOUTHSHORE PHASE 6

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

Attachment "M"
1 & 2-PD-19/1-MRP-19/1-SUB-19

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

COVER SHEET

REVISIONS		
NO.	DATE	DESCRIPTION
0	2/2019	PRELIMINARY PLANNING
1	4/2019	REVISIONS PER CITY COMMENTS

EMERIO
Design


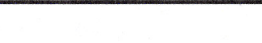



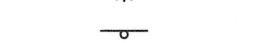

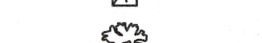
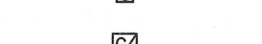






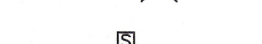
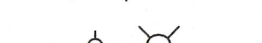
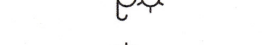
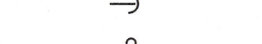

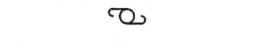




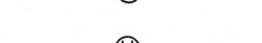


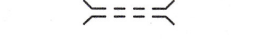






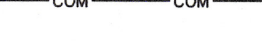
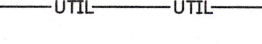
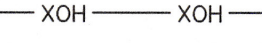



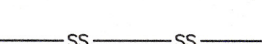

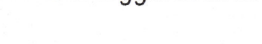

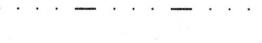

6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

REGISTERED PROFESSIONAL
ENGINEER
ERIC DANIEL EVANS
JULY 11, 2016
EXPIRES: 12/31/2019

SHEET
1
OF
8

FILE P: 1412-001 South Shore - Newport (wg) civil Engineering (current) 12 Lot Subdivision 01 COVER SHEET, Layout: 01 COVER SHEET, Plot Date: 4/17/2019 12:08 PM, by: Jacob Snyder

LEGEND



ROCK WALL

FLOW LINE

FENCE

MINOR CONTOUR

MAJOR CONTOUR

WETLAND

SANITARY SEWER LINE

STORM DRAIN LINE

GAS LINE

WATER LINE

OVERHEAD UTILITIES LINE

UNDERGROUND UTILITIES LINE

COMMUNICATIONS LINE

ELECTRIC LINE

FIRE HYDRANT

AIR RELEASE

WATER BLOWOFF

WATER METER/SERVICE

WATER VAULT

IRRIGATION SPRINKLER HEAD

CULVERT / OUTFALL

STORM DRAIN MANHOLE

CATCH BASIN / AREA DRAIN

SANITARY SEWER MANHOLE

UTILITY MANHOLE

UTILITY CLEAN OUT

UTILITY VALVE

UTILITY VAULT

UTILITY PEDESTAL

UTILITY POLE

UTILITY GUY POLE

UTILITY GUY WIRE

UTILITY/LIGHT POLE

LIGHT POLE

LIGHT POLE WITH ARM

LIGHT SIGNAL JUNCTION BOX

JUNCTION BOX

ELECTRIC METER/SERVICE

ELECTRIC PEDESTAL

ELECTRIC VAULT

COMMUNICATIONS PEDESTAL

COMMUNICATIONS VAULT

GAS METER/SERVICE

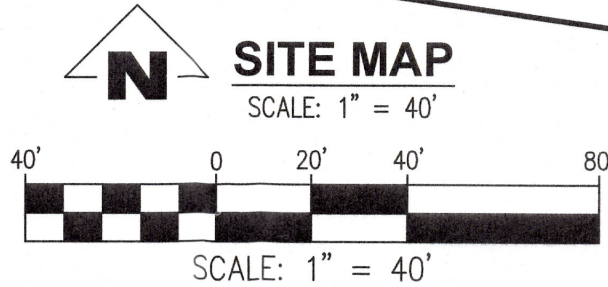
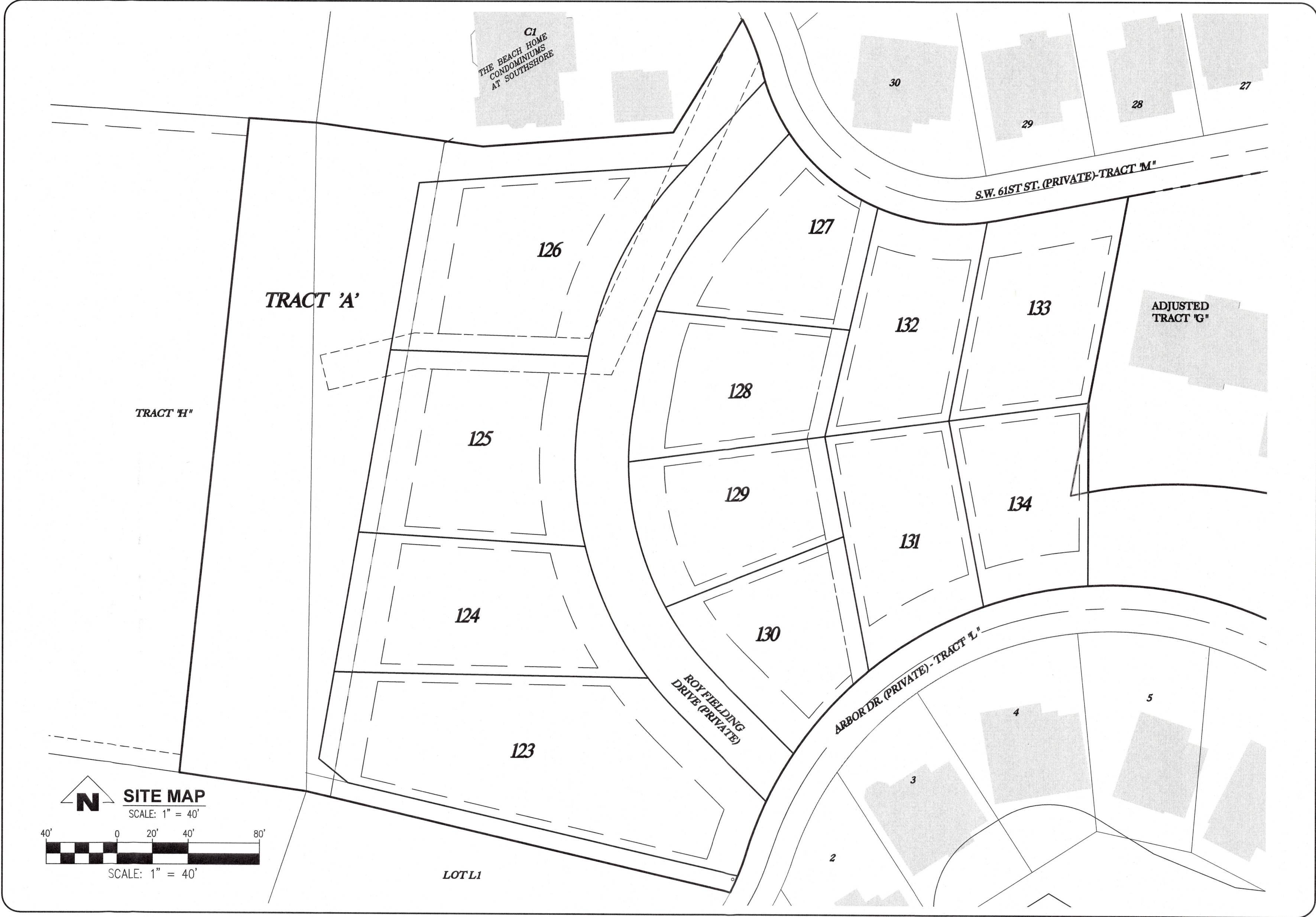
GAS PEDESTAL

DECIDUOUS TREE

EVERGREEN TREE

SIGN POST

MAILBOX



PROJECT CONTACTS

OWNER:
SOUTHSHORE OWNERS ASSOCIATION
220 SW 62ND ST.
SOUTH BEACH, OR 97366
CONTACT: CHUCK MCCLAIN
CHUCKAMCCLAIN@GMAIL.COM
(503) 730-4084 (P)

CIVIL ENGINEER:
EMERIO DESIGN, LLC
6445 SW FALLBROOK PL, SUITE 100
BEAVERTON, OR 97008
CONTACT: ERIC EVANS
(503) 746-8812 (P)
(503) 639-9592 (F)

ENGINEER'S NOTE TO CONTRACTOR

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

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

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

THIS DESIGN COMPLIES WITH ORS 92.044 (7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE (1) FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN EXCEPTIONS NOT FINAL FIELD LOCATION CHANGES SHALL BE PERMITTED IF THAT CHANGE WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN THE PROHIBITED AREA.

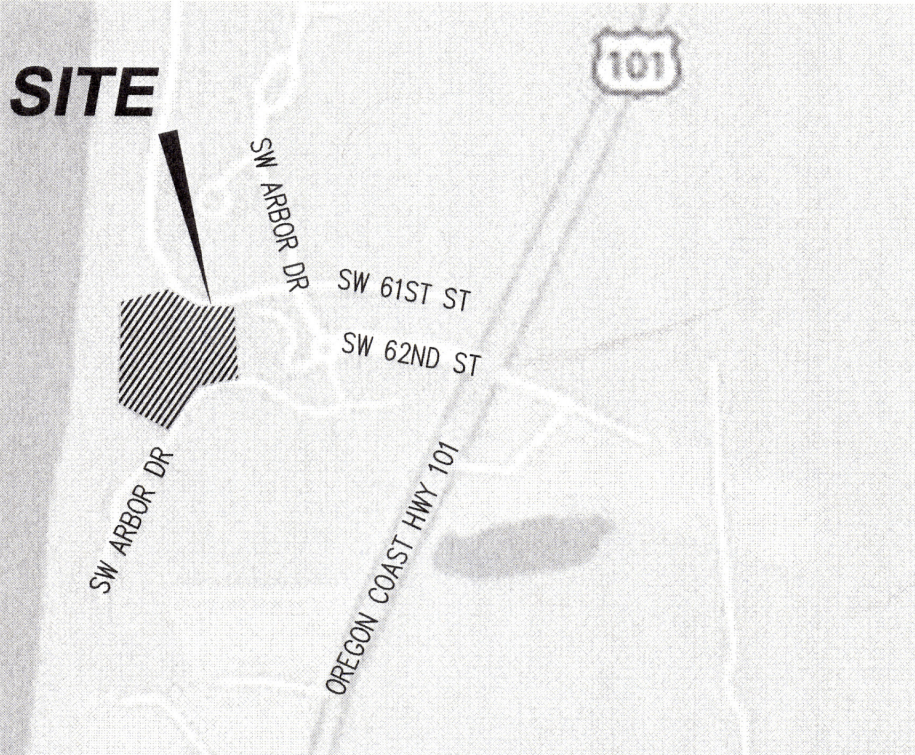
SITE DATA

AREA: 3.92 ACRES
ZONING: R-1
TAX MAP: 1N1 34B0
TAX LOTS: 00700
OF LOTS: 12

BENCHMARK INFORMATION

NGS GEODETIC CONTROL MONUMENT "HAMILTON", A 3-3/4" BRASS DISK STAMPED "G.P.S. STATION HAMILTON 1989" IN 7" DIAMETER CONCRETE CYLINDER LOCATED IN SOUTH BEACH STATE PARK, ABOUT 2 MILES SSW OF NEWPORT. ELEV=21.02, NAVD88 DATUM. ELEVATIONS SHOWN HEREON ARE NAVD88 DATUM.

VICINITY MAP
N.T.S.



DRAWING INDEX

NO.	TITLE
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	PRELIMINARY PLAT
4	COMPOSITE UTILITY PLAN
5	SITE GRADING PLAN
6	STREET PLAN & PROFILE
7	CONSTRUCTION DETAILS
8	CONSTRUCTION DETAILS

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POTENTIAL UNDERGROUND FACILITY OWNERS

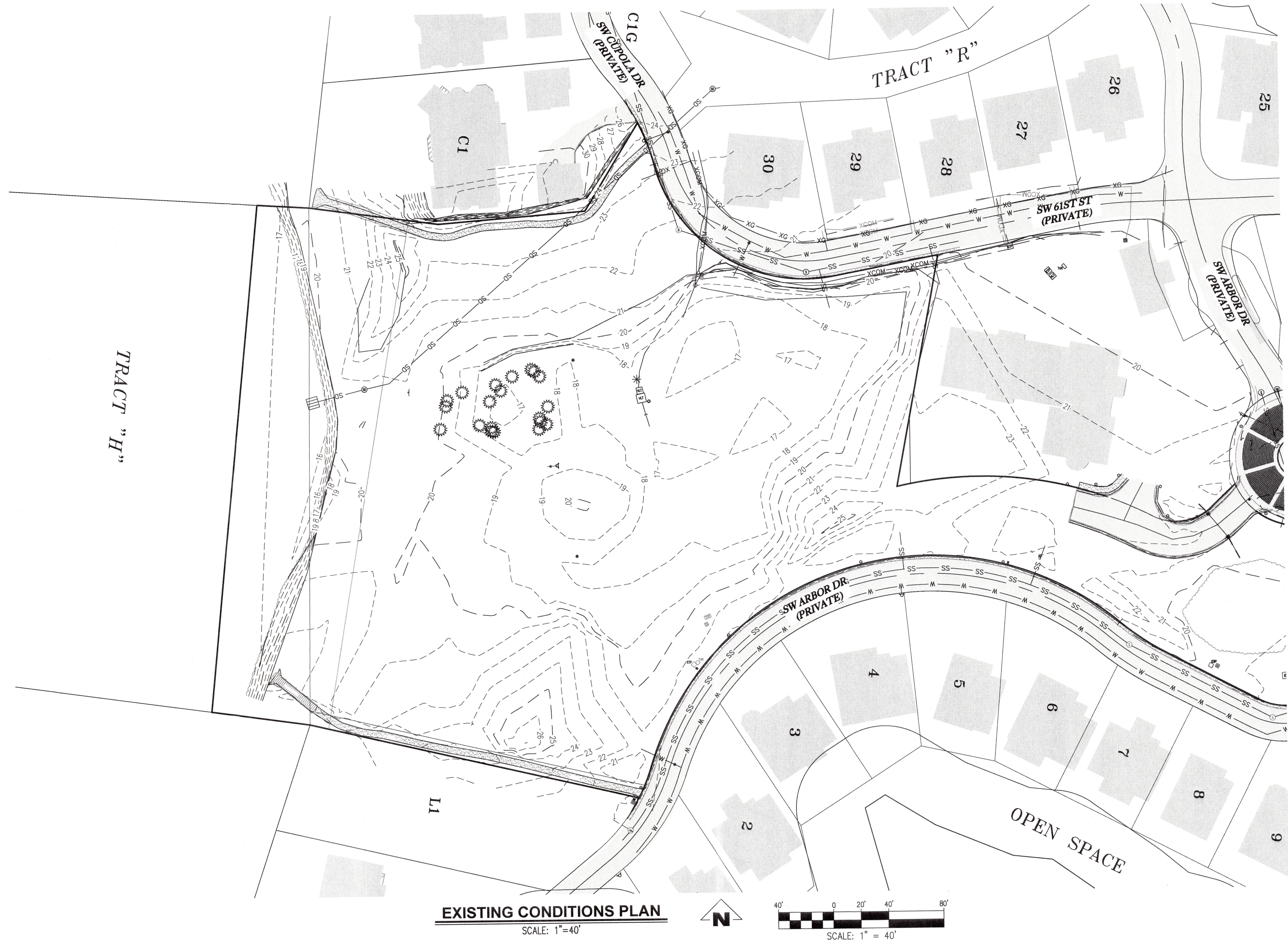
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Call the Oregon One-Call Center
DIAL 811 or 1-800-332-2344

EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS	
M-F 7am-6pm	541-994-2111 Ext.8530
AFTER HOURS	541-994-2111
CENTRAL LINCOLN PUD	541-265-3211
CHARTER	866-874-2389
VERIZON	1-800-483-1000
COMCAST	1-888-824-8264
NEWPORT PUBLIC WORKS	
M-F 7:30am-4pm	541-574-3366
AFTER HOURS	541-265-4231
CITY OF NEWPORT PLANNING	541-574-0629

CITY OF NEWPORT
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REVISIONS

NO.	DATE	DESCRIPTION
0	2/2019	PRELIMINARY PLANNING
1	4/2019	REVISIONS PER CITY COMMENTS

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REGISTERED PROFESSIONAL

ERIC DANIEL EVANS

EXPIRES: 12/31/2019

SHEET

2

OF

8

SOUTHSHORE

SEC 20, 29, 30

T 11S, R 11W, W.M.

LINCOLN COUNTY

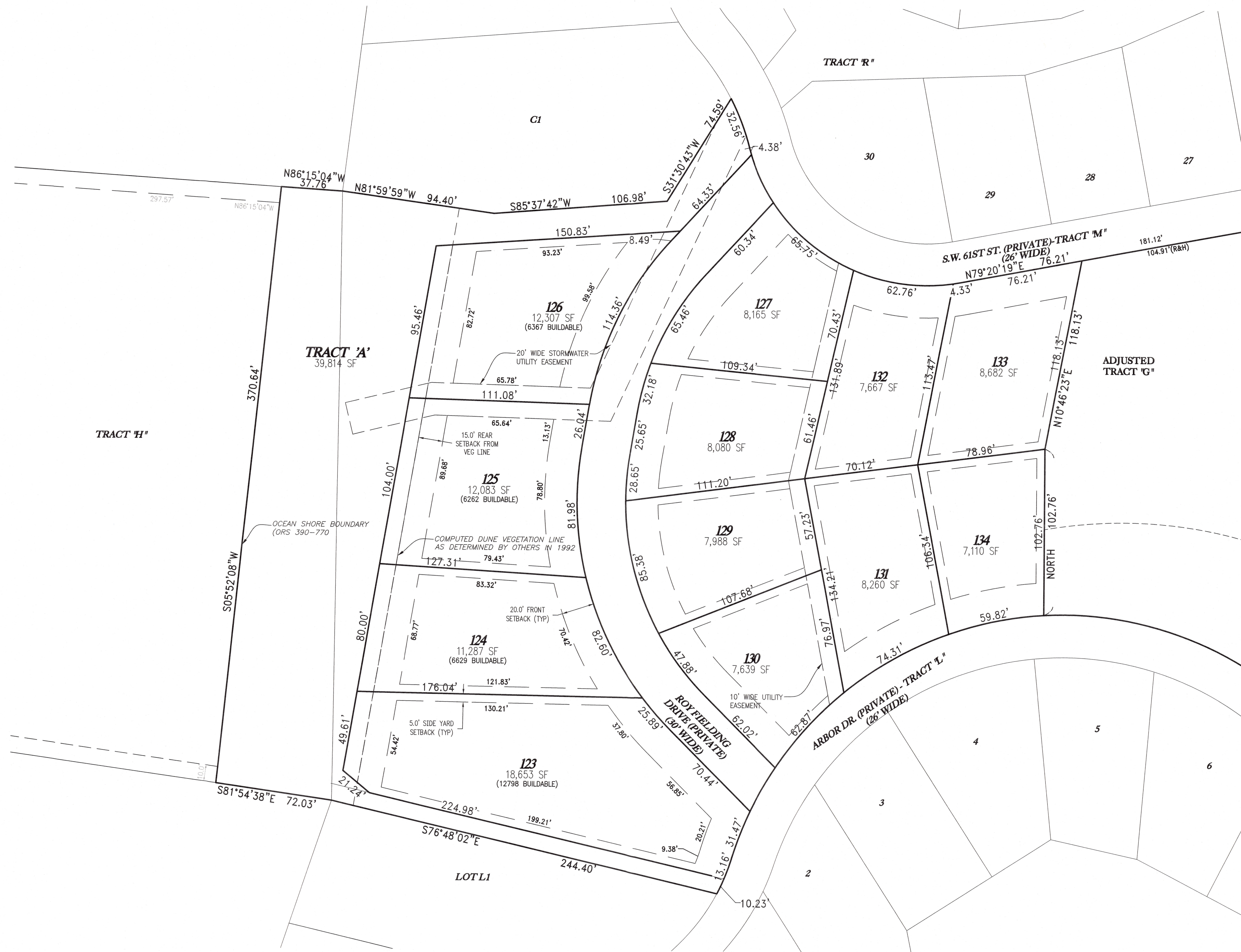
NEWPORT, OREGON

EXISTING CONDITIONS

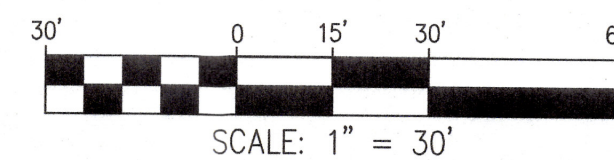
PLAN

FILE: 1412-001 South Shore - Newport\dwg\civil\Engineering (current)\12 Lot Subdivision\02 EXISTING CONDITIONS PLAN Layout: 02 EXISTING CONDITIONS PLAN Layout Date: 4/17/2019 10:18 AM, by: Jacob Snyder

144



PRELIMINARY PLAT SOUTH
SCALE: 1"=30'

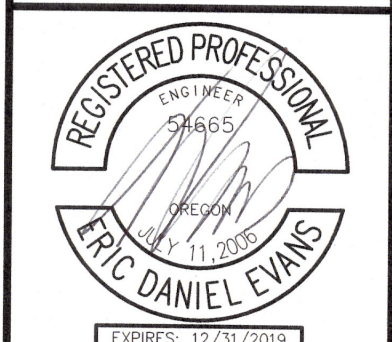


SOUTHSHORE
SEC 20, 29, 30
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LINCOLN COUNTY
NEWPORT, OREGON

**SOUTHSHORE PH 6
PRELIMINARY PLAT**

REVISIONS	
NO.	DATE
0	2/2019
1	4/2019

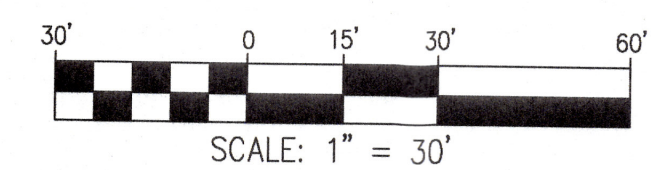
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SHEET
3
OF
8



COMPOSITE UTILITY PLAN
SCALE: 1" = 30'



- CONSTRUCTION NOTES:**
- ① 60" STORM PIPE REPLACEMENT UNDER SEPARATE PERMIT.
 - ② 48" STANDARD MANHOLE (STORM) (3) SEE SHEET 8 FOR CONSTRUCTION DETAILS.
 - ③ 24" SQUARE CURBSIDE CATCH BASIN INLET (4) SEE SHEET 8 FOR CONSTRUCTION DETAILS.
 - ④ 48" STANDARD MANHOLE (SANITARY) (4) SEE SHEET 8 FOR CONSTRUCTION DETAILS.
 - ⑤ CONTRACTOR TO POTHOLE & VERIFY LOCATION OF GAS LINE PRIOR TO CONSTRUCTION.
 - ⑥ EXISTING UTILITIES TO BE RELOCATED TO REAR OF LOTS.
 - ⑦ EXISTING UTILITY LATERALS TO BE FITTED WITH ELBOW IF REQUIRED AND USED FOR NEW LOTS.
 - ⑧ STORM LATERAL TO BE FITTED IN WEEPHOLE TO CUTTER, SEE SH. 5 FOR CURB REPLACEMENT NOTES AND SH. 7 FOR WEEPHOLE DETAIL.
 - ⑨ ADJUST RIM ELEVATION OF EXISTING SSMH TO PROPOSED GRADE, SEE SHEET 8 FOR CONSTRUCTION DETAILS.
 - ⑩ 12" PIPE TEE INTO 60" MAIN, SEE DETAIL ON SH. 7
 - ⑪ CONNECT TO EXISTING WATER MAIN WITH TEE & VALVE, COORDINATE WITH CITY DURING CONSTRUCTION
 - ⑫ STORM MAIN RISER TO BE ADJUSTED TO FINISH GRADE
 - ⑬ ALL PROPOSED STORM, SEWER, & WATER LATERAL CONNECTIONS TO EXTEND AT LEAST 10' BEHIND BACK OF CURB (TYP)
 - ⑭ INSTALL STANDARD FIRE HYDRANT
 - ⑮ INSTALL STREET LIGHT PER SPECIFICATIONS PROVIDED BY THE SOUTHSORE HOA

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

SOUTHSORE PH 6
COMPOSITE UTILITY PLAN

REVISIONS		
NO.	DATE	DESCRIPTION
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1	4/2019	REVISIONS PER CITY COMMENTS

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REGISTERED PROFESSIONAL
ENGINEER
ERIC DANIEL EVANS
EXPIRES: 12/31/2019

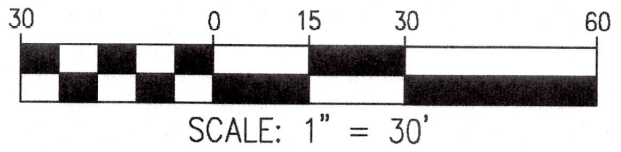
SHEET
4 OF 8

FILE:P:\412-001 South Shore - Newport\dwg\civil\Engineering (current)\12 Lot Subdivision\04 UTILITY PLAN, Layout: PLAN & NOTES, Plot Date: 4/17/2019 11:41 AM, by Jacob Snyder

146



PRELIMINARY GRADING PLAN
SCALE: 1"=30'



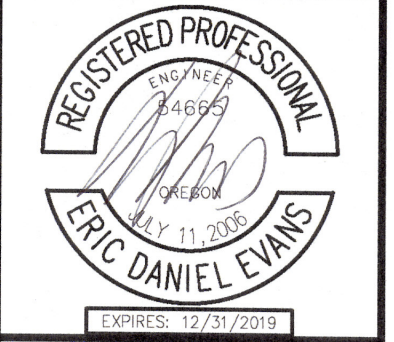
- CONSTRUCTION NOTES:**
- ① CONSTRUCT ROCKERY WALL TO FINISH GRADE ELEVATION OF 25.0' WALL HEIGHT VARIES, MAX HEIGHT = 5'
 - ② TRANSITION ROLLED CURB & GUTTER TO STANDARD CURB FOR STORM LATERAL WEEPHOLE. SEE SH 7 FOR TRANSITION & WEEPHOLE DETAILS
 - ③ REMOVE & REPLACE EXISTING ROLLED CURB WITH CURB TRANSITION FROM TO STANDARD CURB, SEE SH 7 FOR TRANSITION & WEEPHOLE DETAILS
 - ④ SAWCUT FOR INSTALLATION OF STREET & NEW UTILITY CONNECTIONS, SEE SH 7 FOR TRENCHING DETAILS
 - ⑤ CONSTRUCT 4' TALL RETAINING WALL

**SOUTHSHORE
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LINCOLN COUNTY
NEWPORT, OREGON**

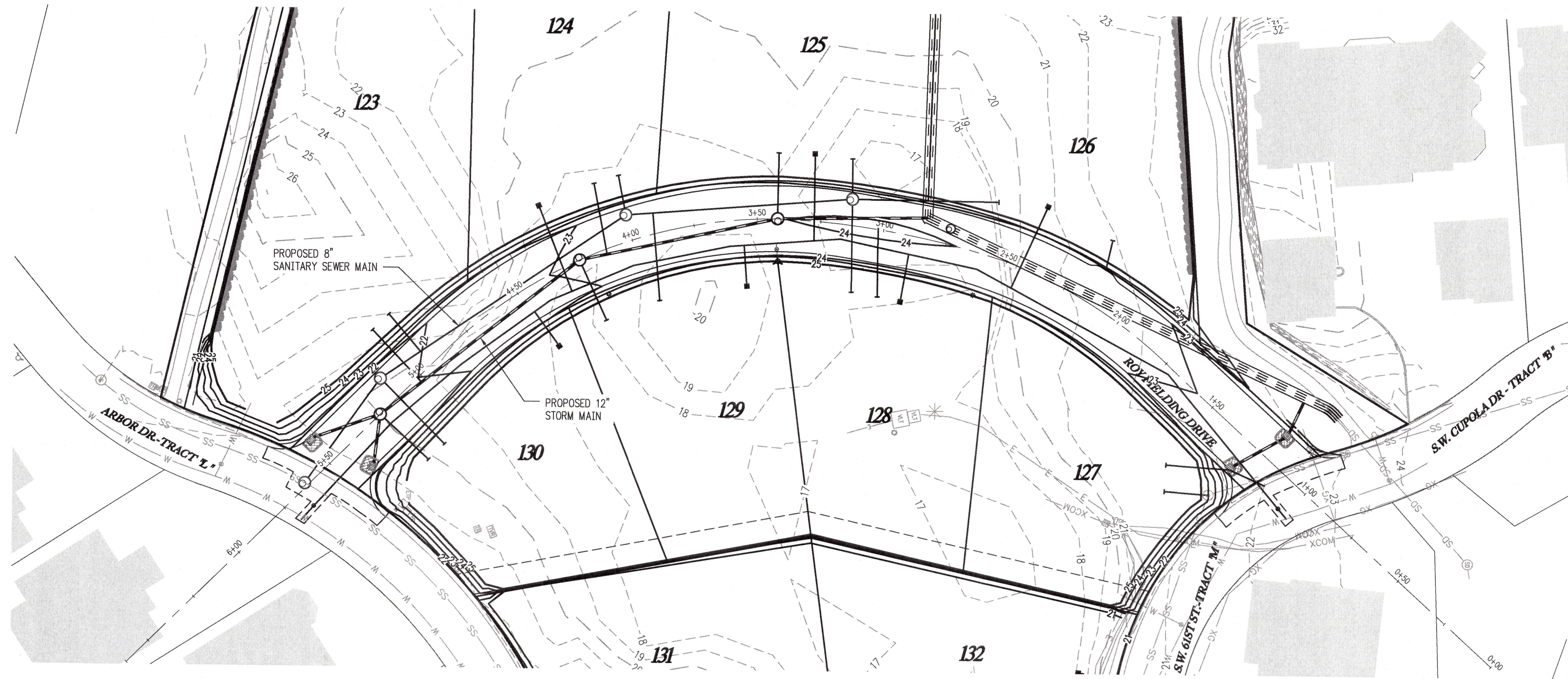
**PRELIMINARY
GRADING PLAN**

REVISIONS		
NO.	DATE	DESCRIPTION
0	2/2019	PRELIMINARY PLANNING
1	4/2019	REVISIONS PER CITY COMMENTS

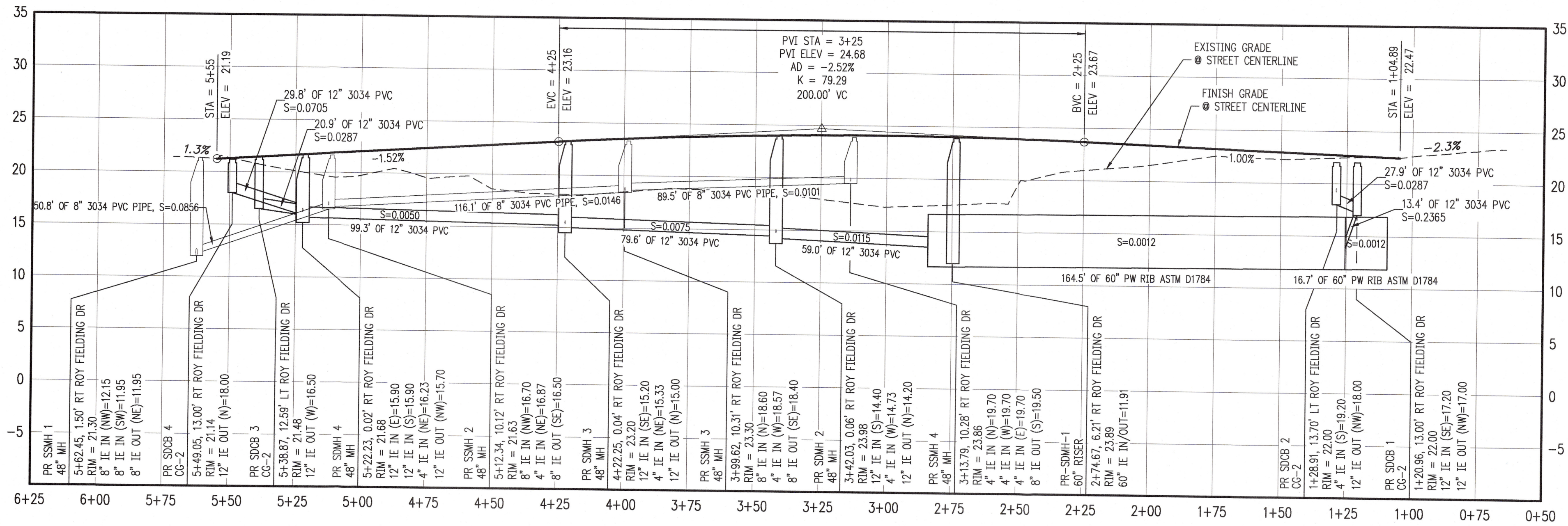
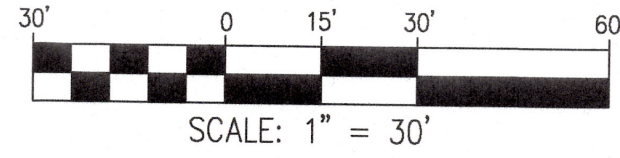
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FAX: (503) 639-9592
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SHEET
5
OF
8



ROY FIELDING DR PLAN
SCALE: 1"=30'



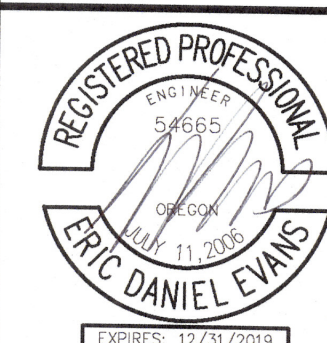
ROY FIELDING DR PROFILE
SCALE: HORIZ. 1"=30' VERT. 1"=7.5'

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

ROY FIELDING DR
PLAN & PROFILE

REVISIONS		
NO.	DATE	DESCRIPTION
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1	4/2019	REVISIONS PER CITY COMMENTS

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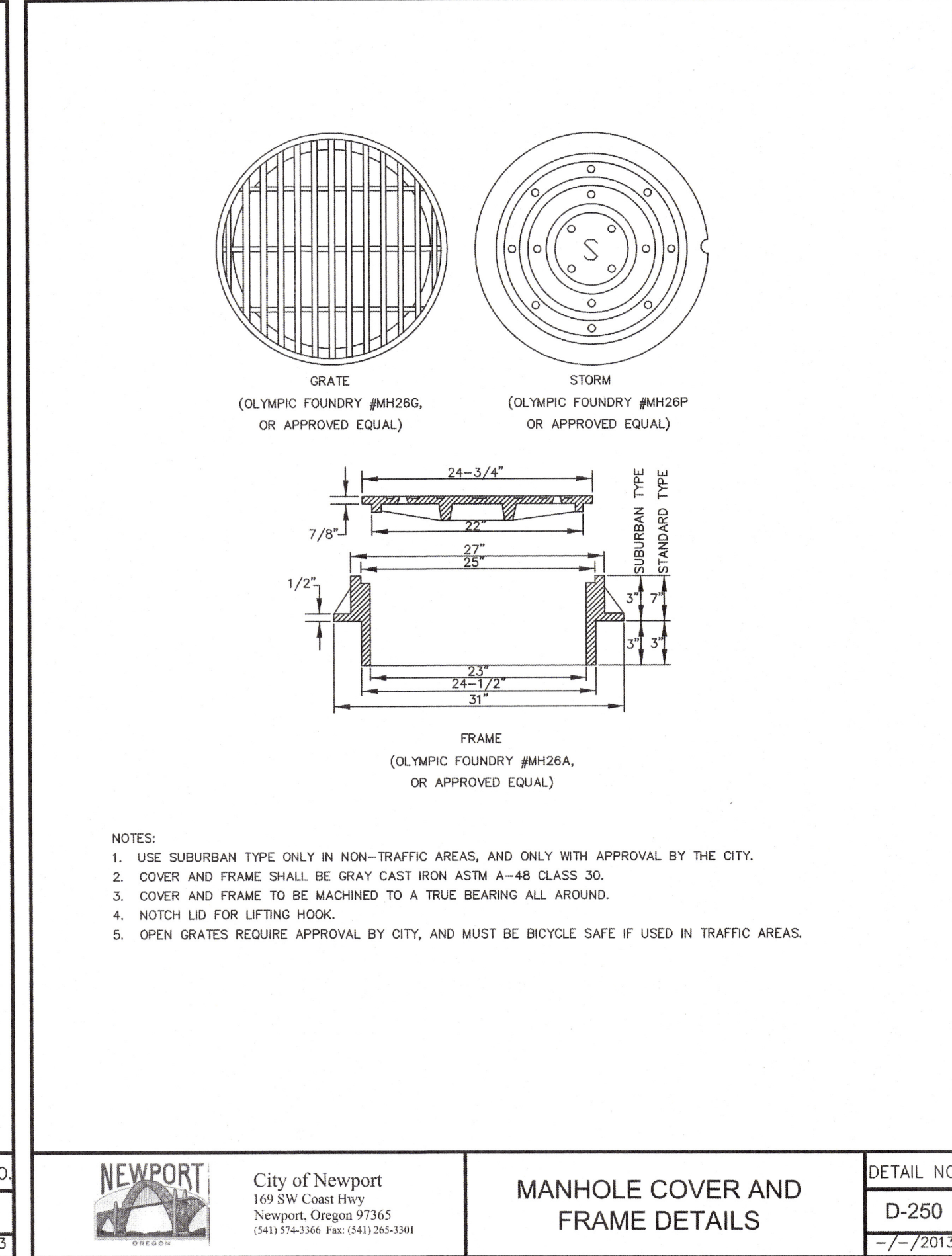
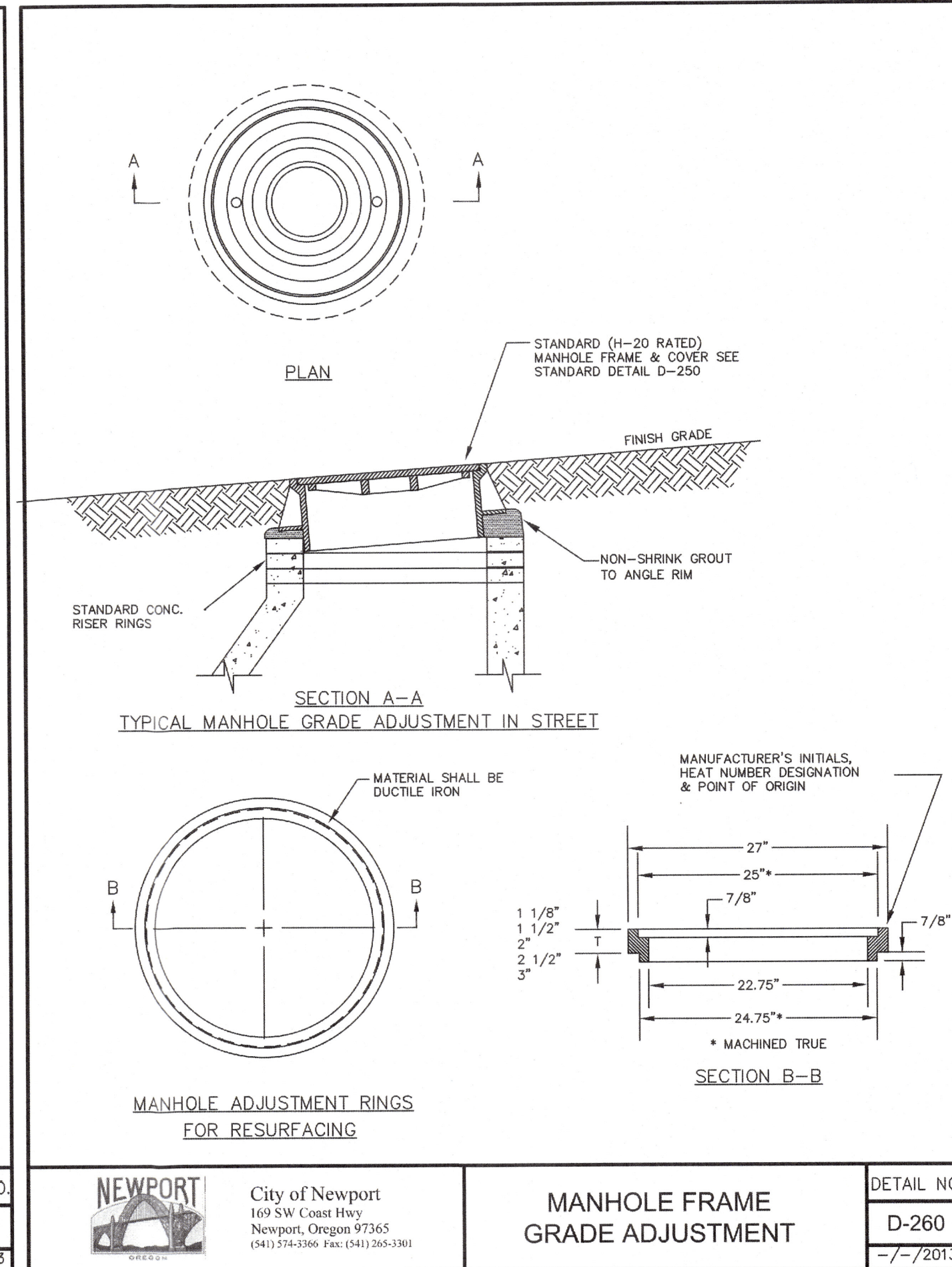
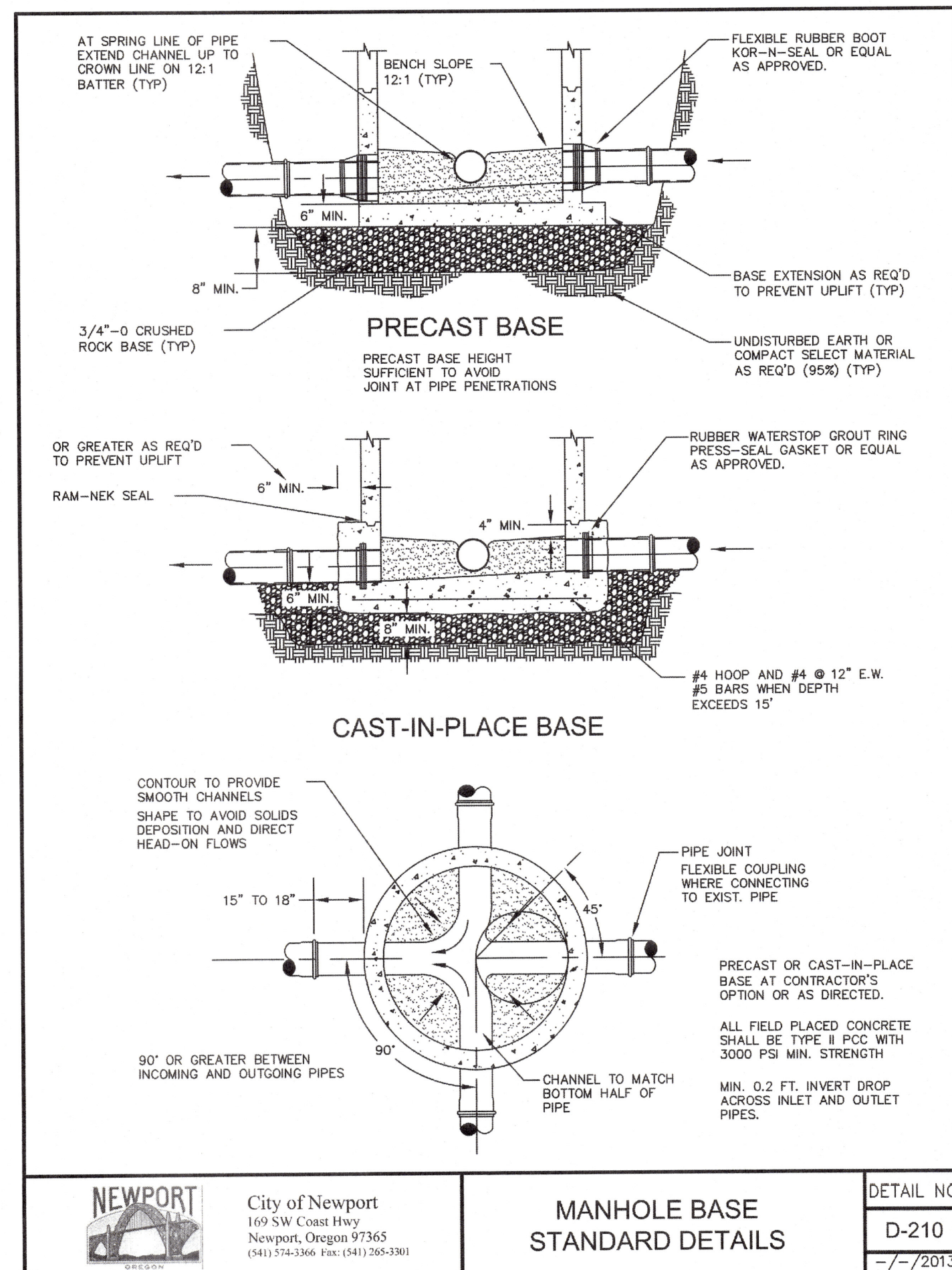
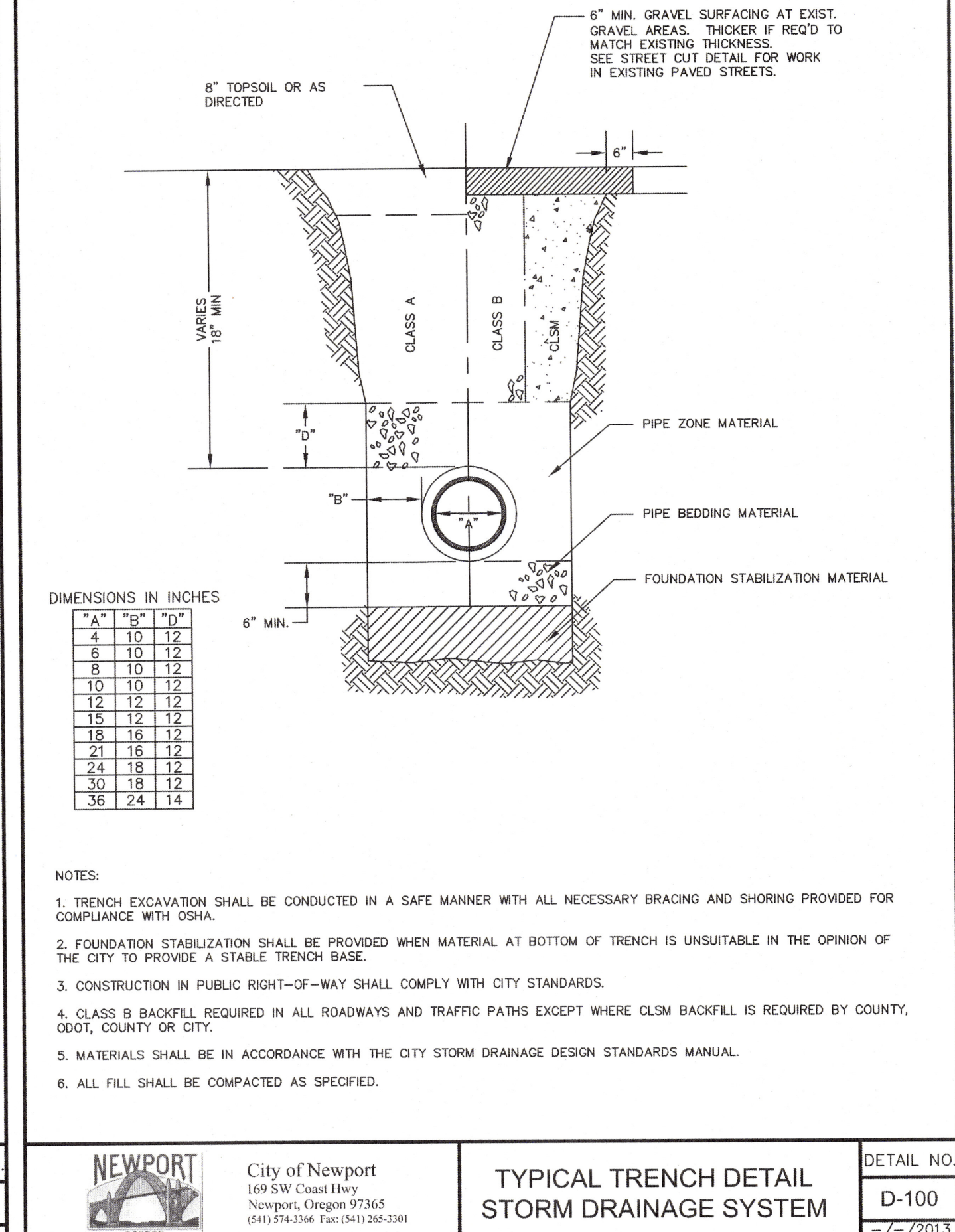
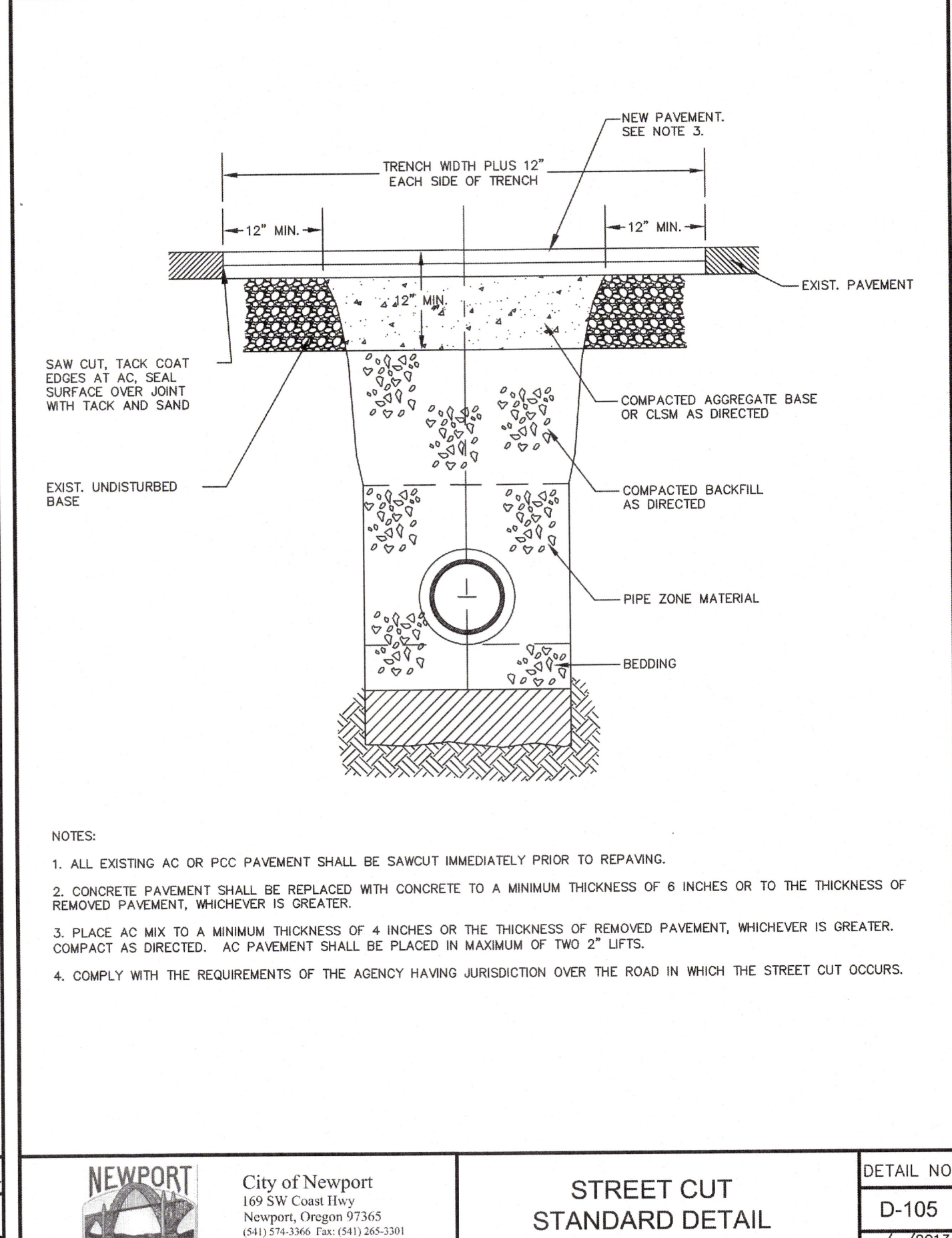
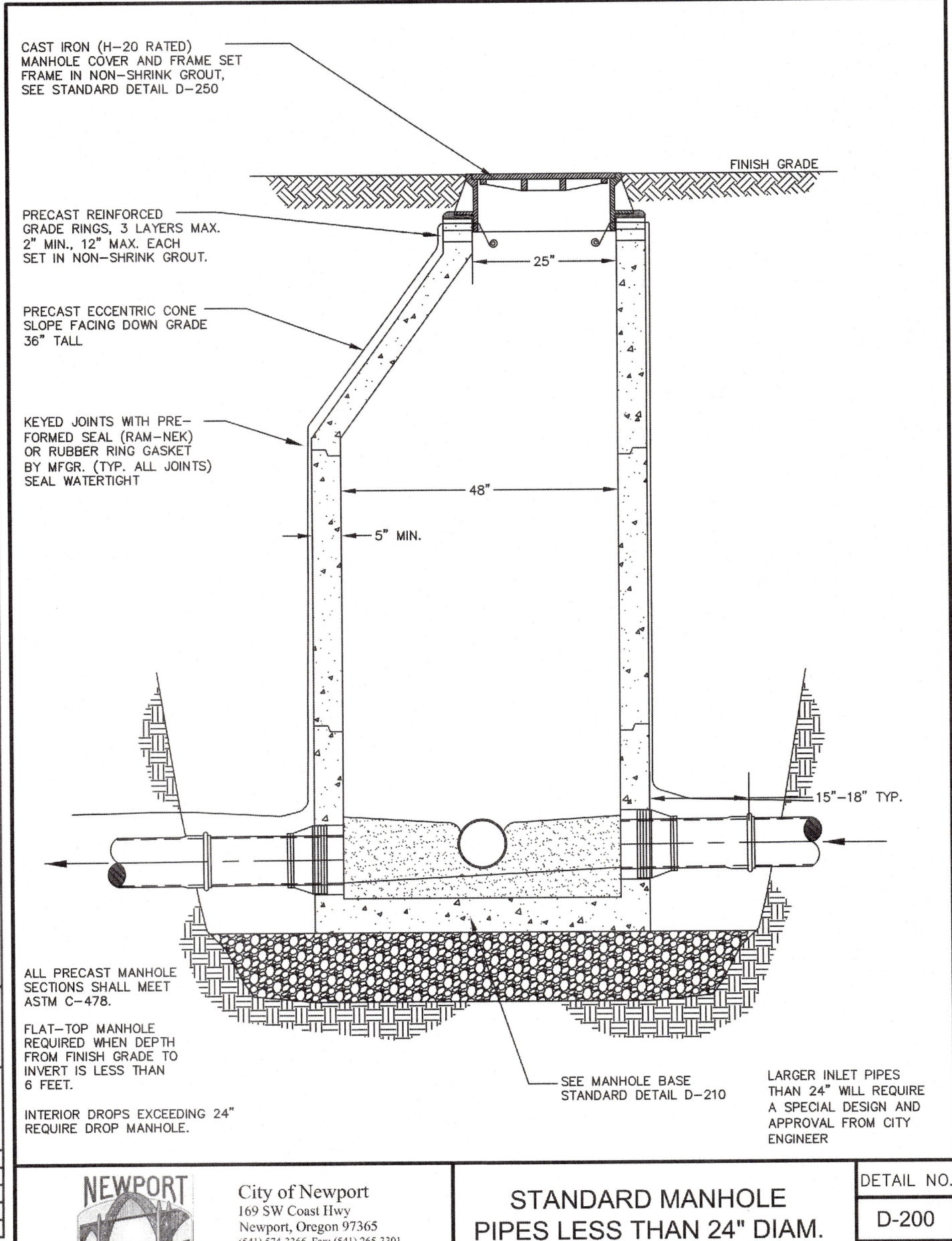
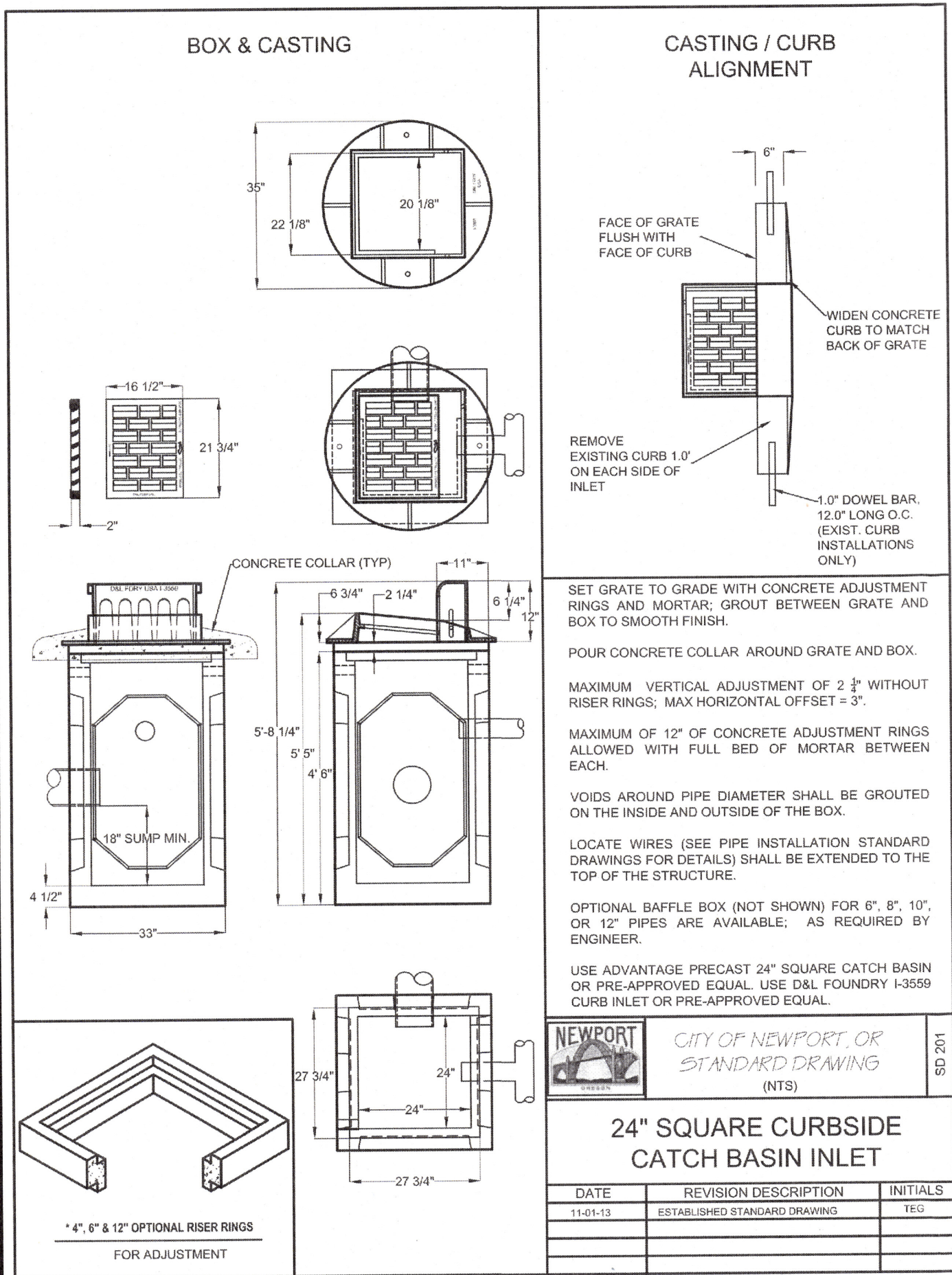


SHEET

6

OF

8



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

CONSTRUCTION DETAILS

NO.	DATE	DESCRIPTION
0	2/2019	PRELIMINARY PLANNING
1	4/2019	REVISIONS PER CITY COMMENTS

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REGISTERED PROFESSIONAL
ERIC DANIEL EVANS
EXPIRES: 12/31/2019

SHEET 8 OF 8

SOUTHSHORE - SW CUPOLA DR

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

Attachment "N"
1 & 2-PD-19/1-MRP-19/1-SUB-19

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

COVER SHEET

REVISIONS

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FAX: (503) 639-9592
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SHEET
1
OF
5

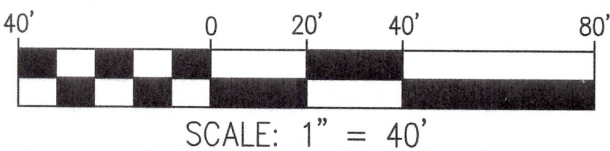
FILE-P: 1412-001 South Shore - Newport [dwg] [civil] [Engineering] (current) \N: Cupola Utility Update Plans [01] COVER SHEET, Plot Date: 4/17/2019 9:54 AM, by: Jacob Snyder

LEGEND

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



SITE MAP
SCALE: 1" = 40'



PROJECT CONTACTS

OWNER:

SOUTHSHORE OWNERS ASSOCIATION
220 SW 62ND ST.
SOUTH BEACH, OR 97366
CONTACT: CHUCK MCCLAIN
CHUCKAMCCLAIN@GMAIL.COM
(503) 730-4084 (P)

CIVIL ENGINEER:

EMERIO DESIGN, LLC
6445 SW FALLBROOK PL, SUITE 100
BEAVERTON, OR 97008
CONTACT: ERIC EVANS
(503) 746-8812 (P)
(503) 639-9592 (F)

ENGINEER'S NOTE TO CONTRACTOR

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

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

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

SITE DATA

AREA: 1.57 ACRES
ZONING: R-4
TAX MAP: 11S11W19D0
TAX LOTS: 8100, 8200, 8300, 8400

BENCHMARK INFORMATION

NGS GEODETIC CONTROL MONUMENT "HAMILTON", A 3-3/4" BRASS DISK STAMPED "G.P.S. STATION HAMILTON 1989" IN 7" DIAMETER CONCRETE CYLINDER LOCATED IN SOUTH BEACH STATE PARK, ABOUT 2 MILES SSW OF NEWPORT. ELEV=21.02, NAVD88 DATUM. ELEVATIONS SHOWN HEREON ARE NAVD88 DATUM.

VICINITY MAP

N.T.S.



DRAWING INDEX

NO.	TITLE
1	COVER SHEET
2	SW CUPOLA PROPOSED PLAN
3	SW CUPOLA UTILITY IMPROVEMENTS & CONSTRUCTION NOTES
4	SW CUPOLA EXISTING ROAD PLAN & PROFILE
5	CONSTRUCTION DETAILS

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POTENTIAL UNDERGROUND FACILITY OWNERS

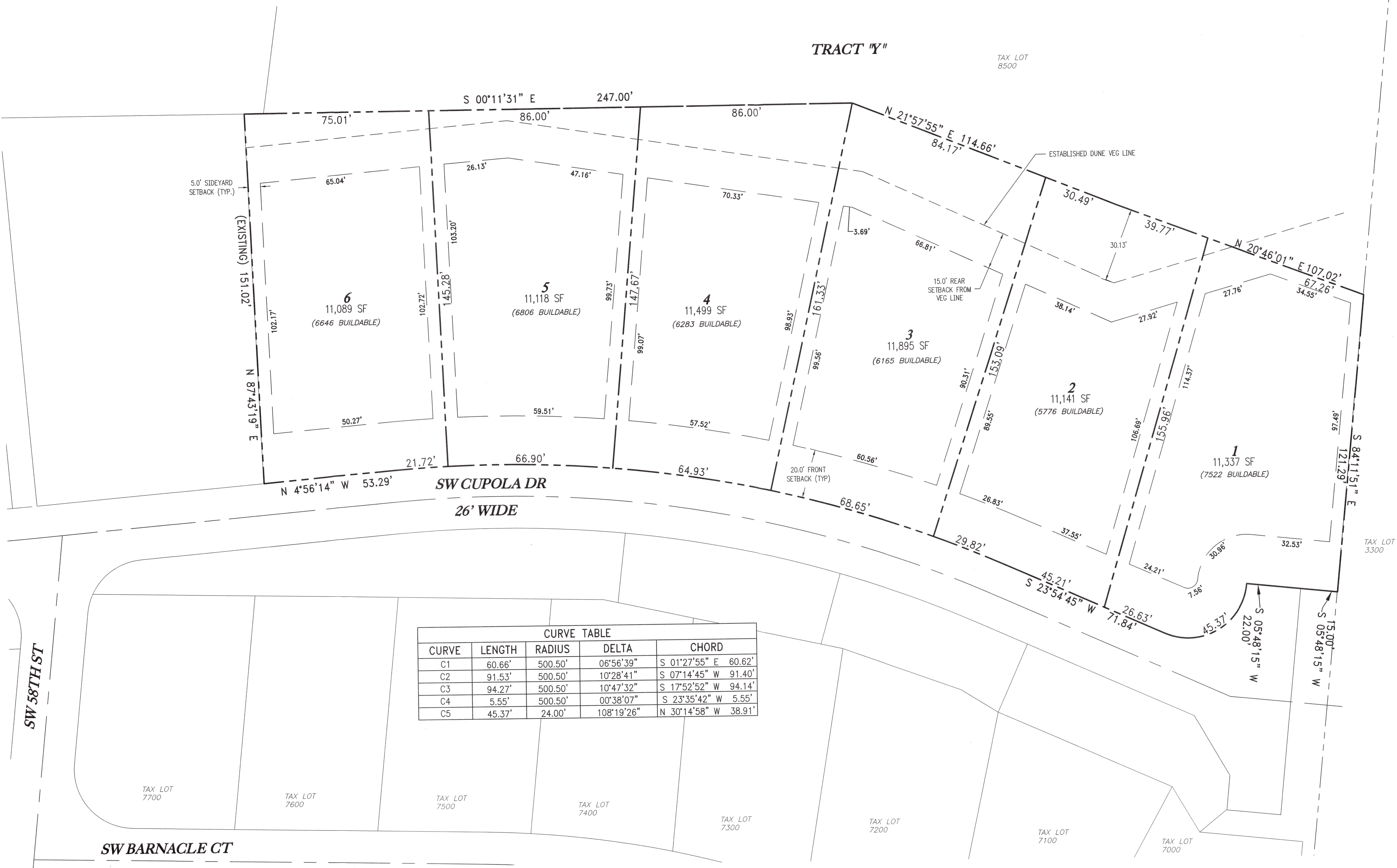
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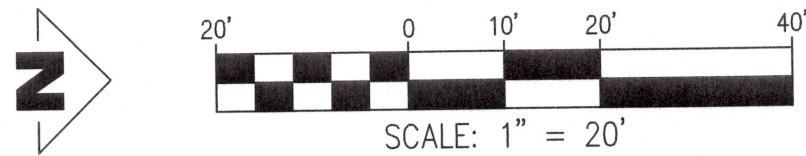
EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS	
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AFTER HOURS	541-994-2111
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CHARTER	866-874-2389
VERIZON	1-800-483-1000
COMCAST	1-888-824-8264
NEWPORT PUBLIC WORKS	
M-F 7:30am-4pm	541-574-3366
AFTER HOURS	541-265-4231
CITY OF NEWPORT PLANNING	541-574-0629

CITY OF NEWPORT
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CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	60.66'	500.50'	06°56'39"	S 01°27'55" E 60.62'
C2	91.53'	500.50'	10°28'41"	S 07°14'45" W 91.40'
C3	94.27'	500.50'	10°47'32"	S 17°52'52" W 94.14'
C4	5.55'	500.50'	00°38'07"	S 23°35'42" W 5.55'
C5	45.37'	24.00'	108°19'26"	N 30°14'58" W 38.91'



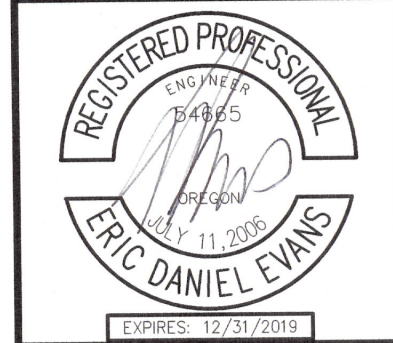
PRELIMINARY PLAT NORTH
SCALE: 1"=20'

**SW CUPOLA DR.
PRELIMINARY PLAT**

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

REVISIONS		NO.	DATE	DESCRIPTION
		0	01/2019	1ST SUBMITTAL
		1	04/2019	2ND SUBMITTAL

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SHEET
2 OF
5



SITE PLAN
SCALE: 1"=30'

N

30' 0 15' 30' 60'

SCALE: 1" = 30'

- NOTES:**
- 1 EXISTING STORM AND SANITARY LATERALS TO BE USED FOR NEW LOT LAYOUTS (SEE GENERAL NOTE)
 - 2 STORM AND SANITARY MAINS TO BE EXTENDED WITH NEW LATERALS & CLEANOUTS AT END OF MAINS. SEE SHEET 5 FOR CONSTRUCTION DETAILS.
 - 3 PROPOSED STORM & SANITARY LATERALS TO BE INSTALLED AT MAIN LINE. SEE SHEET 5 FOR CONSTRUCTION DETAILS
 - 4 KEYSTONE WALL EXTENSION & ASSOCIATED GRADING COMPLETED UNDER SEPARATE PERMIT.

GENERAL NOTE: ALL EXISTING LATERALS TO BE FIELD LOCATED PRIOR TO CONSTRUCTION.

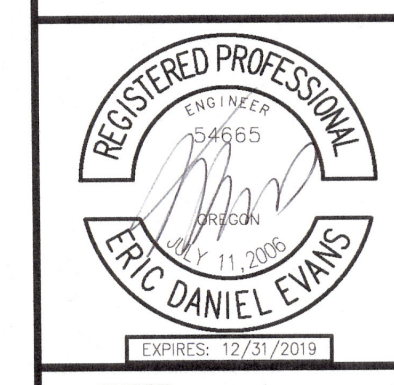
**SOUTHSHORE
SEC 20, 29, 30
T 11S, R 11W, W.M.
LINCOLN COUNTY
NEWPORT, OREGON**

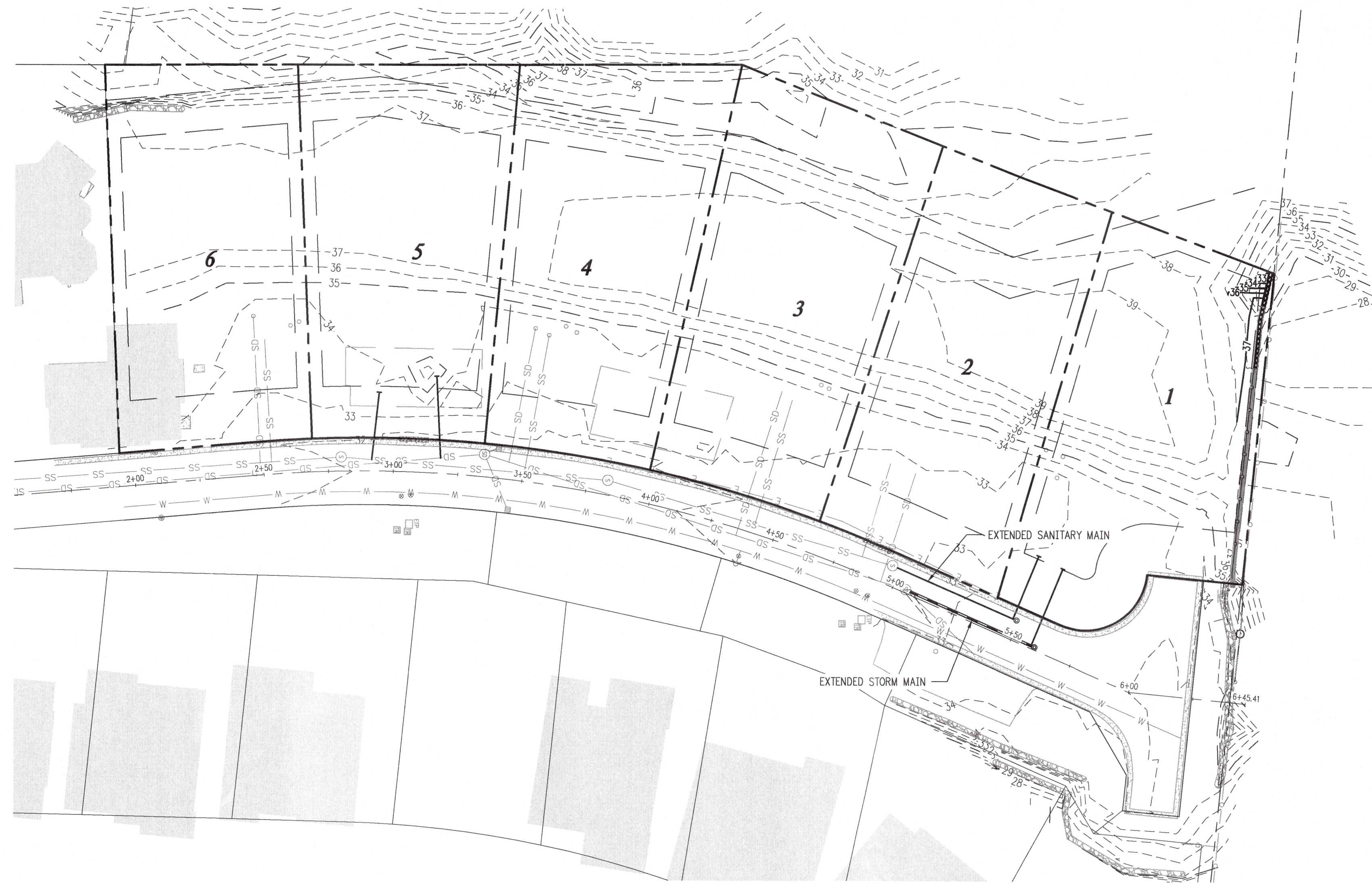
**SW CUPOLA UTILITY
IMPROVEMENTS &
CONSTRUCTION NOTES**

REVISIONS		DESCRIPTION
NO.	DATE	
0	01/2019	1ST SUBMITTAL
1	04/2019	2ND SUBMITTAL

EMERIO
Design

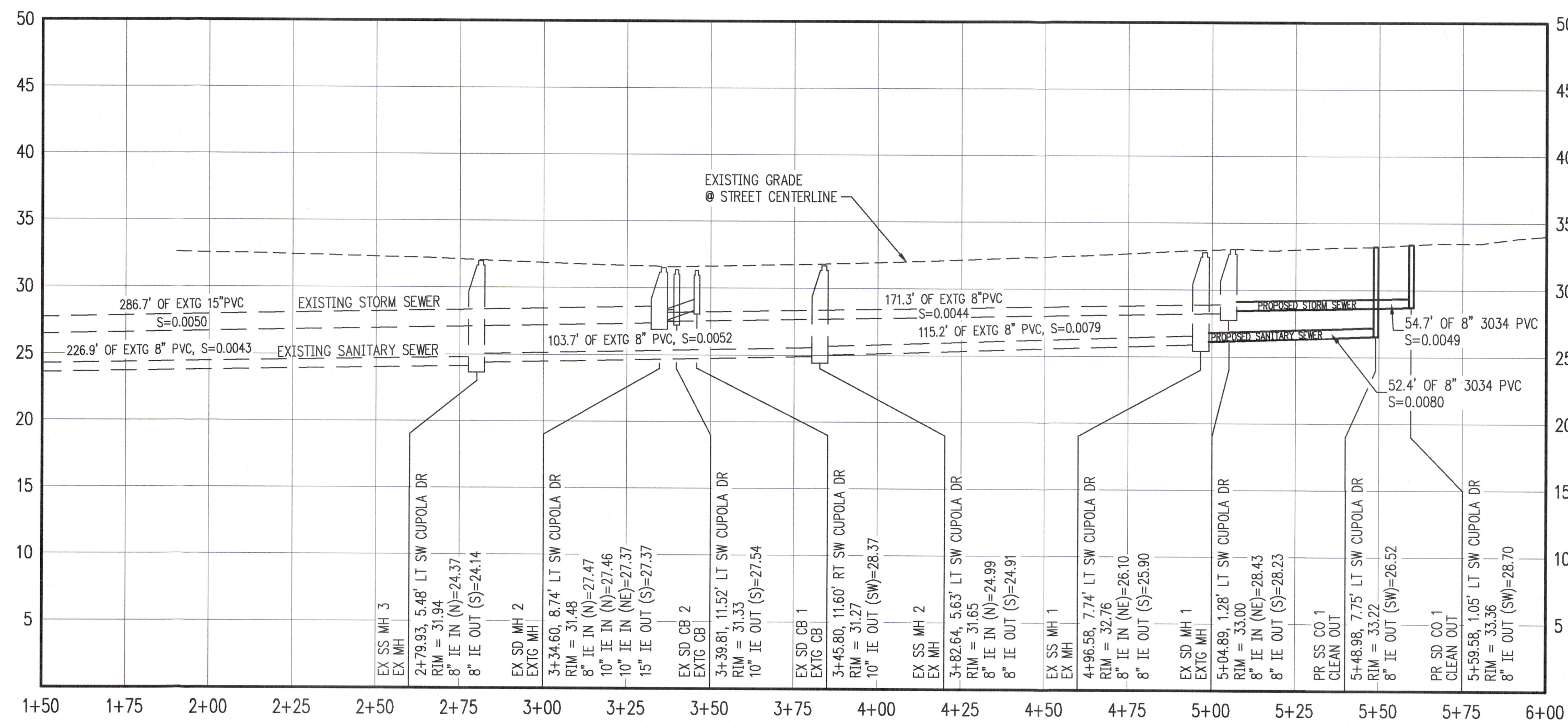
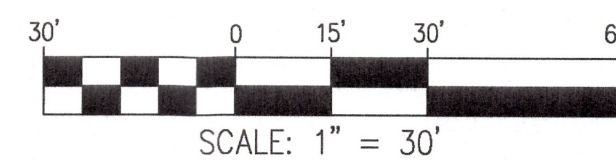
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TEL: (503) 746-8812
FAX: (503) 639-9592
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SW CUPOLA DR PLAN

SCALE: 1"=30'



SW CUPOLA DR PROFILE

SCALE: HORIZ. 1"=30' VERT. 1"=7.5'

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

**SW CUPOLA PLAN
& PROFILE**

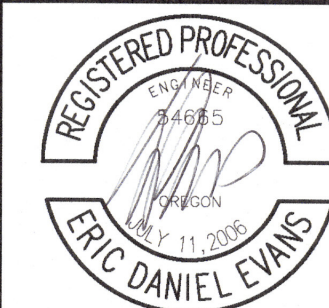
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NO.	DATE	DESCRIPTION
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FAX: (503) 639-9592
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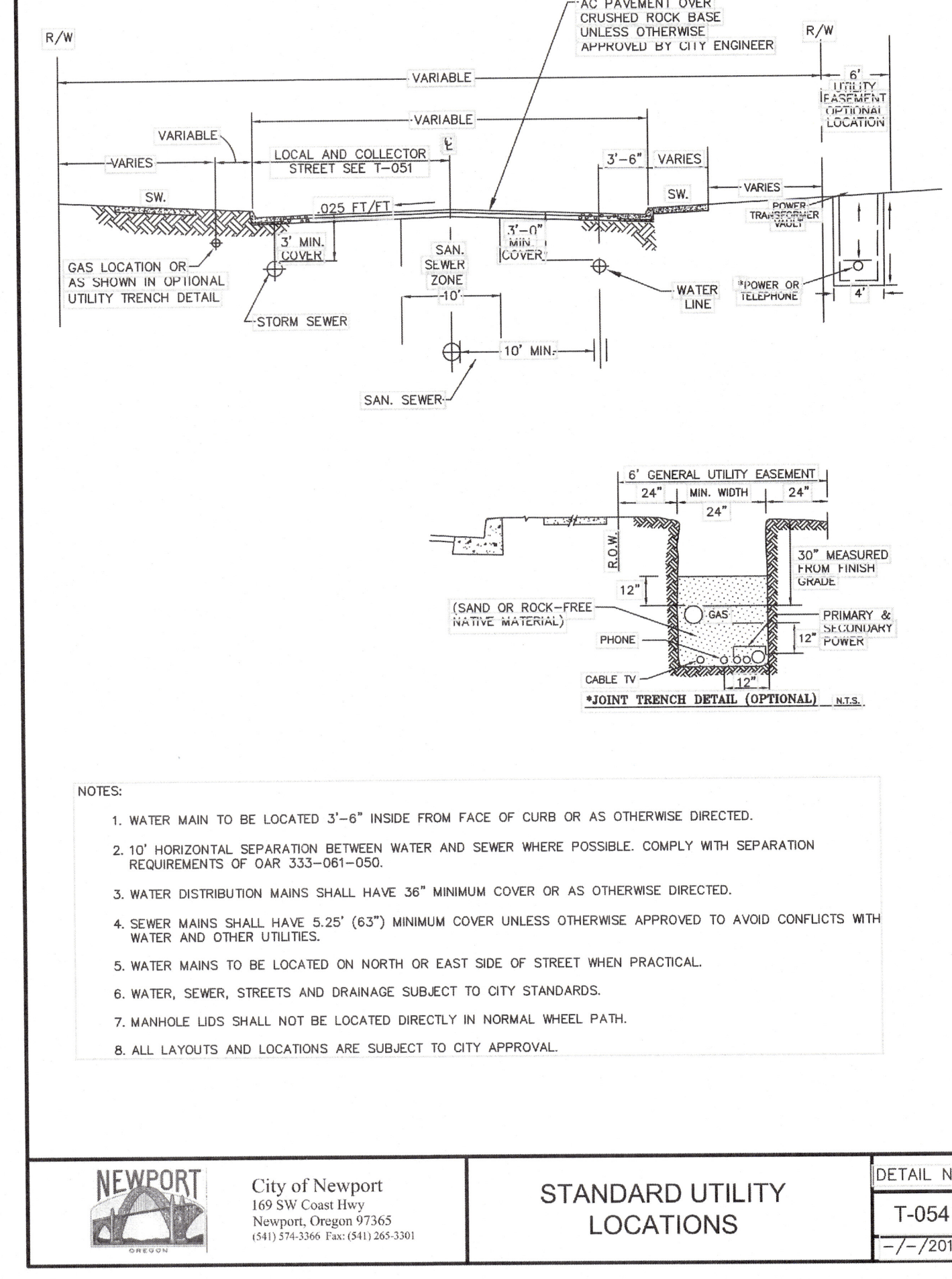
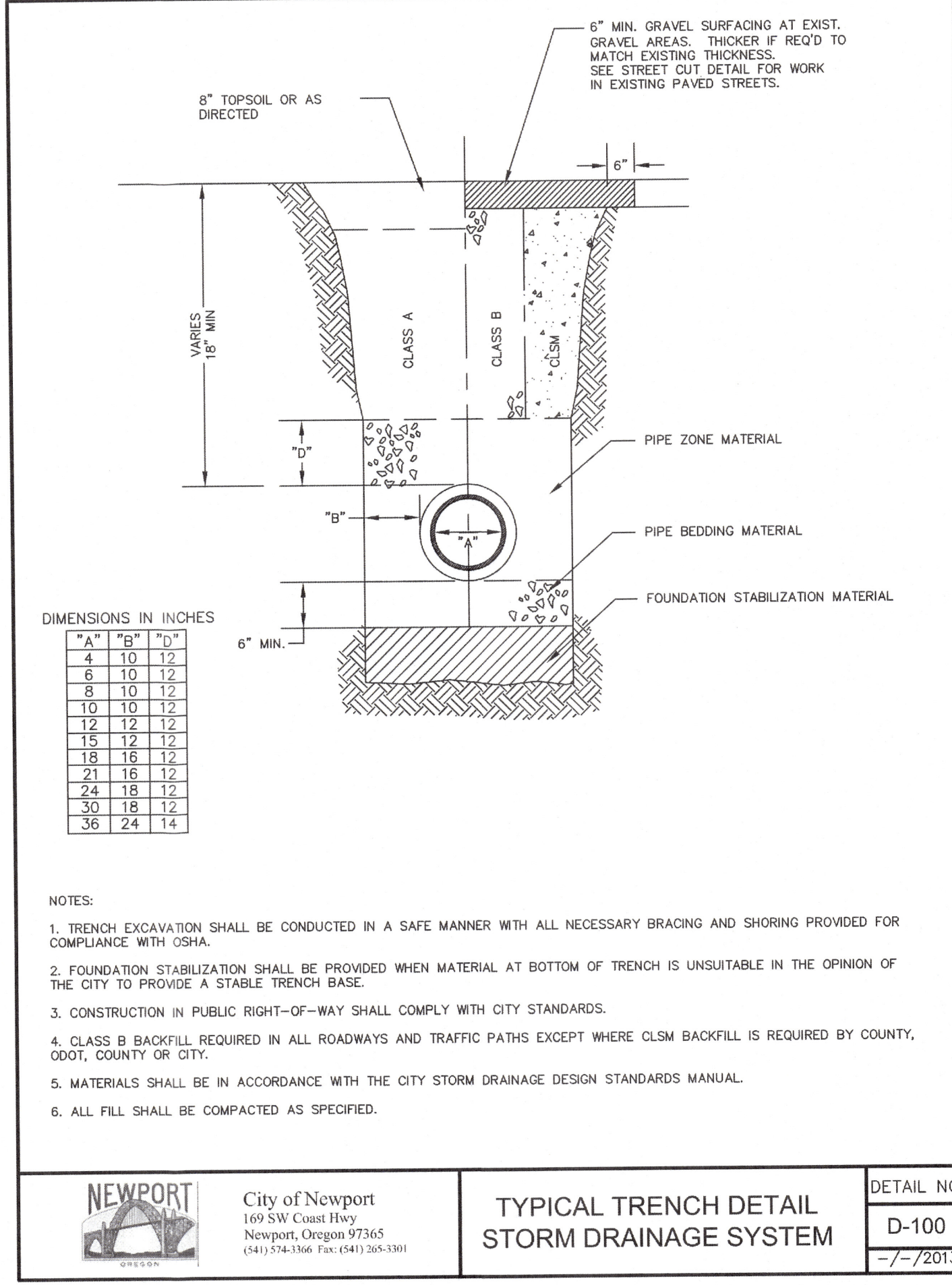
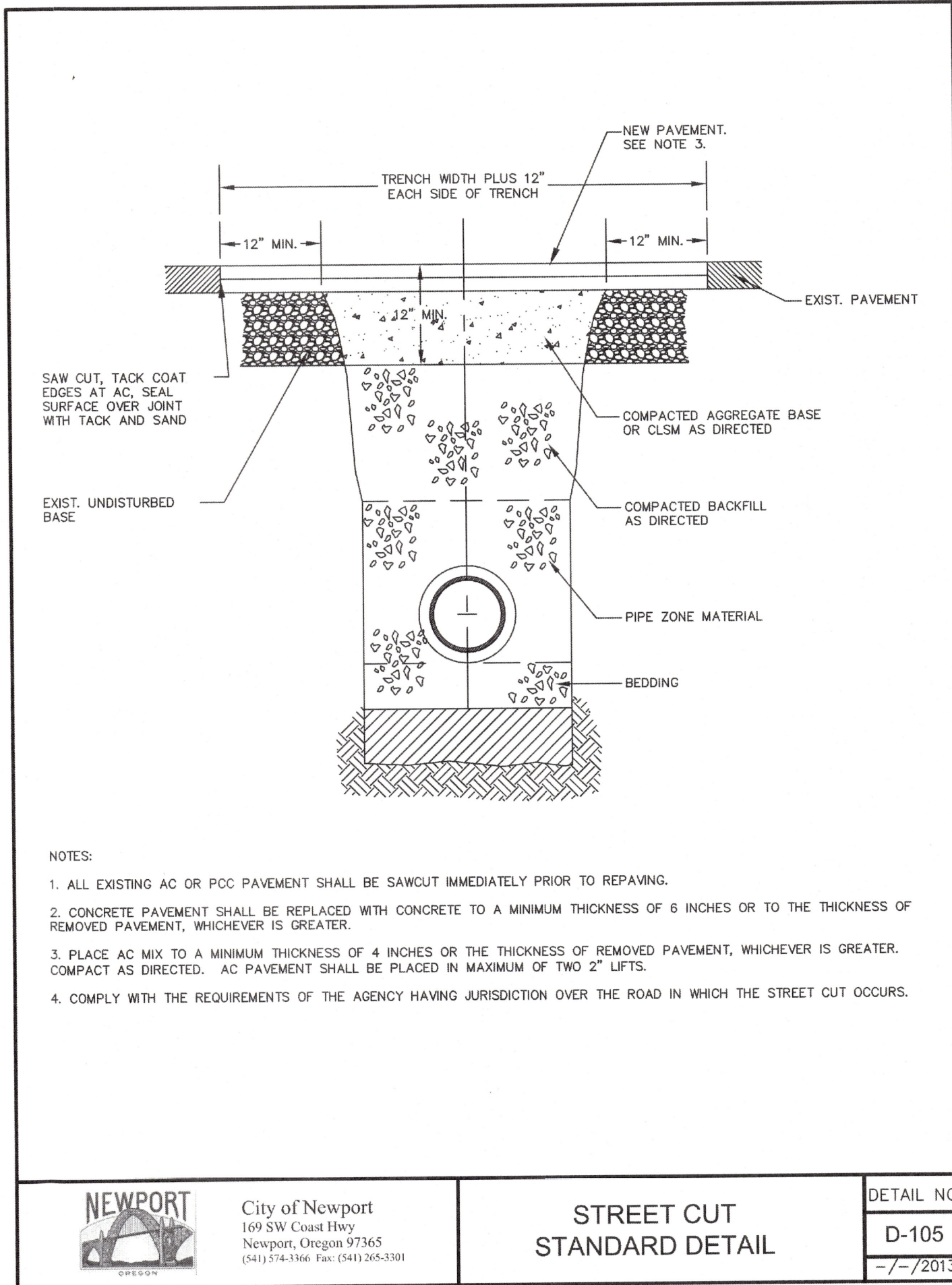
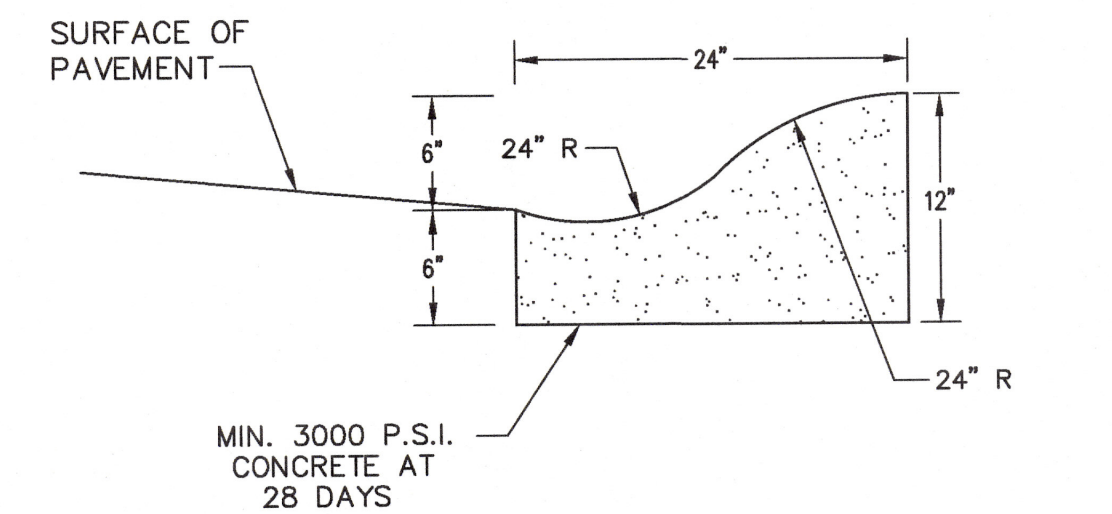
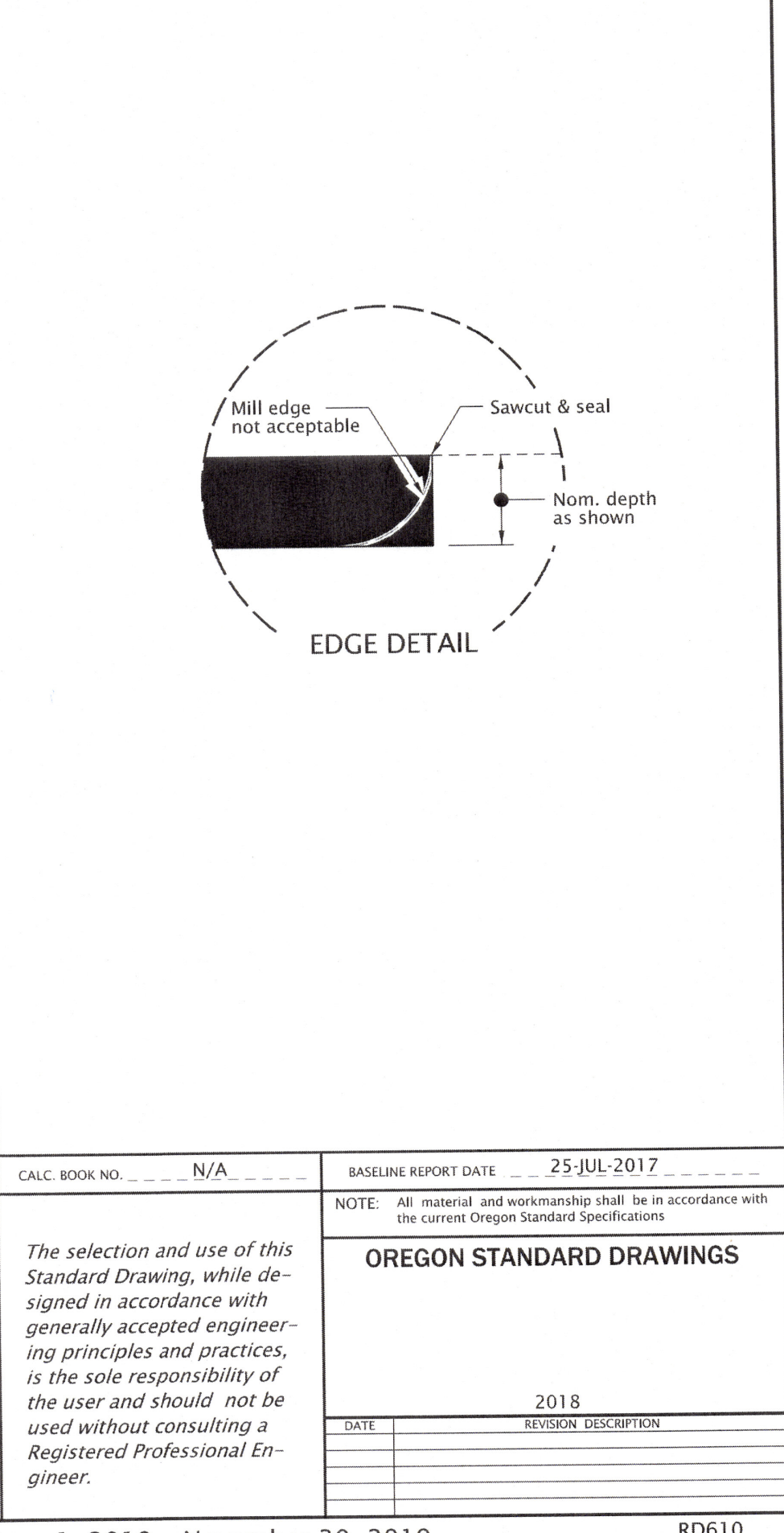
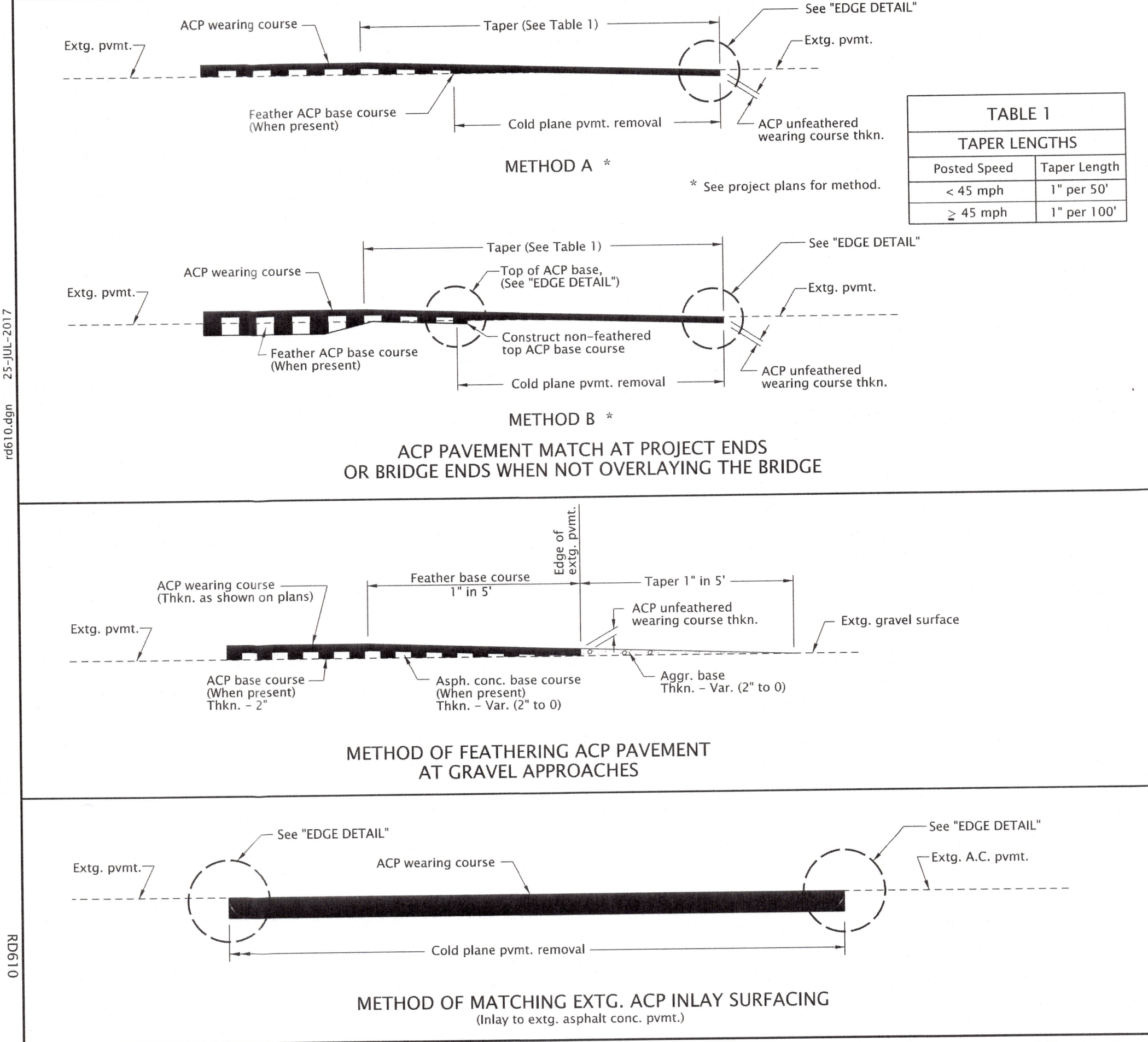
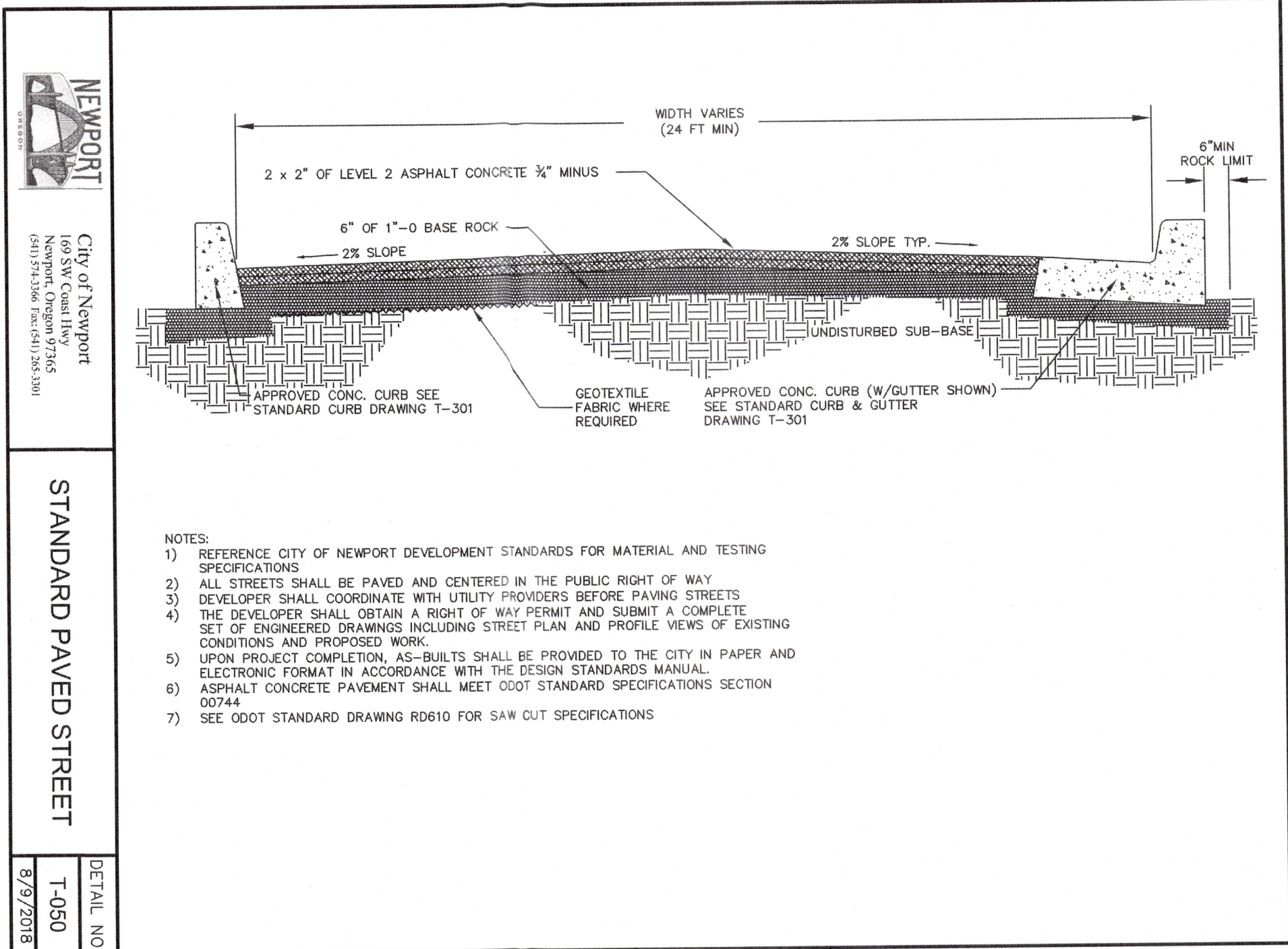


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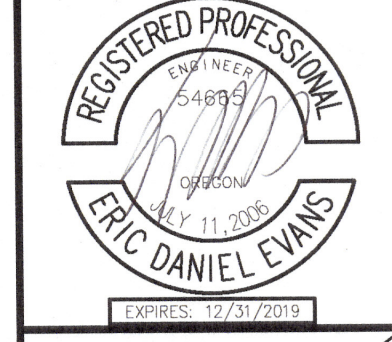
SOUTHSHORE
SEC 20, 29, 30
T 11S, R 11W, W.M.
LINCOLN COUNTY
NEWPORT, OREGON

CONSTRUCTION DETAILS

NO.	DATE	DESCRIPTION
0	01/2019	1ST SUBMITTAL
1	04/2019	2ND SUBMITTAL

EMERIO Design

6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com




5 OF **5**

City of Newport

Community Development Department

Memorandum

To: Planning Commission
From: Derrick I. Tokos, AICP, Community Development Director 
Date: June 7, 2019
Re: Rogue Beer and Brew Compliance Issues (File No. 2-CUP-19)

Since acknowledging that room taxes had not been paid for the three apartments they have been operating as short-term rentals, the finance staff at Rogue Ales has reviewed their company records and provided an accounting of the days each unit was rented and taxes that should have been paid. The data shows that they had been using the apartments as short-term rentals since 2007. Taxes due will be subject to penalty and interest.

On June 2, 2019, Commissioner Croteau sent the attached email to the City Council requesting that they identify an effective means of dealing with illegal VRD operators such as Rogue. The Council, at its June 4th meeting, discussed the email and asked that the City Manager report back on the matter.

While the Planning Commission had asked staff to draft a letter for its consideration, asking the Council to look into enforcement steps being taken against non-licensed operators such as Rogue, there appears to be little reason to do that at this time considering that the Council is already looking into the matter in response to Commissioner Croteau's email. If a majority of the Commission feels that a letter is still warranted, I would be happy to put that together. It could be circulated electronically for approval, given that you won't meet again until July 8, 2019. On the other hand, the most prudent course of action at this time might be to wait until the City Manager's report has been reviewed by the Council before deciding whether or not to weigh in. A copy of the City Manager's report, and Council response, will be shared with the Commission.

Attachments

- June 2, 2019 email from Commission Croteau

Derrick Tokos

From: Melanie Nelson
Sent: Tuesday, June 04, 2019 8:54 AM
To: Derrick Tokos
Subject: FW: Contact Us - Web Form

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

From: croteau@charter.net [mailto:croteau@charter.net]
 Sent: Sunday, June 02, 2019 2:17 PM
 To: City Council <CityCouncil@NewportOregon.gov>
 Subject: Contact Us - Web Form

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

The following information was submitted on 6/2/2019 at 2:17:00 PM

 To: City Council
 Name: Rodney Croteau
 Email: croteau@charter.net
 Phone: 541-961-8322
 Subject: Rogue Bed&Beer VRD

Message: The Rogue Brewery has been advertising and operating the "Bed and Beer" three unit VRD on the Bay Front since the enactment of the 2012 VRD ordinance #2032, but they have been conducting this short term rental business without a license endorsement and without having paid any room tax over the last seven years. They recently applied for, and were granted, a conditional use permit by the Planning Commission for Bay Front parking as needed for a VRD business endorsement. It is notable that the Rogue deleted their online VRD advertising immediately before making their April 2019 application, and they made no mention of their past room tax obligation. The Planning Commission did continue the April CUP hearing for two weeks with a request for financial details of the room tax obligation, but no such information has as yet been provided. When a third party agency is engaged to assist in ordinance compliance, they will examine online booking advertisements and compare these with issued licenses and room tax remittances. They will most assuredly find other illegal VRD operations (once estimated during public hearings to be in the 20 to 30 range). The City Council should find an effective means of dealing with these illegal VRD operators and devise sufficiently serious consequences to deter future rogue operations.