



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, July 13, 2020 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

This meeting will be held electronically. The public can live-stream this meeting at newportoregon.gov/citygov/comm/pc.asp. The meeting will also be broadcast on Charter Channel 190. Public comment may be made, via e-mail, up to two hours before the meeting start time at publiccomment@newportoregon.gov. Additionally, anyone wishing to speak on any agenda item, or during public comment, should e-mail their telephone number, and the item they wish to address, up to two hours before the start of the meeting, to s.marineau@newportoregon.gov, and staff will telephone that person when that item is being discussed at the meeting.

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

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Regular Session Meeting Minutes of June 8, 2020.

[Draft PC Reg Session Minutes 06-08-2020](#)

2.B Approval of the Planning Commission Work Session Meeting Minutes of June 22, 2020.

[Draft PC Work Session Minutes 06-22-2020](#)

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 File 2-NCU-20: Final Order and Findings Approving Conversion of a Short-Term Rental From a 2-Bedroom to a 3-Bedroom Occupancy at 736 NW 3rd Street.**
[Final Order and Findings](#)

5. PUBLIC HEARINGS

- 5.A File 5-NCU-20: Alteration of a Nonconforming Use to Allow Conversion of a Short-Term Rental From a 2-Bedroom to a 4-Bedroom Occupancy at 406 NW High Street.**
[Staff Report](#)
[Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Attachment D](#)
[Attachment E](#)
[Attachment F](#)
[Attachment G](#)
[Attachment H](#)
[Attachment I](#)
[Attachment J](#)
[Attachment K](#)
[Attachment L](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers by Video Conference
June 8, 2020

Planning Commissioners Present by Video Conference: Jim Patrick, Lee Hardy, Bob Berman, Jim Hanselman, Bill Branigan, Mike Franklin, and Gary East (*present by phone*).

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

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

2. **Approval of Minutes.**

A. Approval of the Planning Commission Regular Session Meeting Minutes of May 26, 2020.

Commissioner Berman and Hanselman submitted corrections to the May 26, 2020 Regular Session meeting minutes. Berman and Hanselman reviewed their corrections.

MOTION was made by Commissioner Berman, seconded by Commissioner Franklin to approve the Planning Commission Regular Session Meeting Minutes of May 26, 2020 with corrections. The motion carried unanimously in a voice vote.

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

4. **Action Items.**

A. **File 1-CUP-20 Final Order and Findings: Conditional Use Permit for Construction of the Newport Basics Public Market at the Old Apollos Site.**

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan, to approve the Final Order and Findings for File No. 1-CUP-20 with conditions. The motion carried unanimously in a voice vote.

B. **Approval of the City Council Letter for the Nye Beach Core Zone Proposal and Other Potential Changes to the Nye Beach Design Review Overlay.**

Tokos reviewed the public testimony submitted by Wendy Engler and Jan Kaplan. Patrick asked if the Commissioners wanted to include anything further on the letter to the City Council based on the additional public testimony. Tokos suggested that the minutes reflect the additional testimony and then forward the additional testimony to the Council as evidence of grass roots interest in doing visioning work in the Nye Beach area. The additional testimony and the letter from the Commission would be brought to the Council. Berman wanted to see this happen with an additional one or two sentence paragraph in the letter saying there were several public comments that were attached to the letter. He thought the letter should also say that in general the Commission agreed that an updated visioning effort for Nye Beach should be undertaken. Hanselman agreed and thought more work on the Nye Beach Overlay was appropriate. They needed to find someone who could do this because the work is beyond the time the Commission and staff could offer. Tokos noted the Commission could adjust this at another work session meeting. He wasn't ready to adjust the letter on the fly because they already conveyed in the letter that the Commission believed this should be done and encouraged the Council to refer the question to the Visioning Committee. Berman was concerned this wouldn't happen because the Visioning Committee wasn't interested in doing neighborhood

visioning. He thought the Council needed to do something to get that effort underway once resources were available to undertake it.

Branigan wanted to see more public input and to have the Council hold a meeting with Nye Beach residents on what their issues were rather than going off of just input from Engler. Hardy agreed and thought a community meeting would be more valuable. Berman reminded the Commission that there had been discussions before about having a joint Council and Commission work session open house in Nye Beach to solicit public input. Hanselman wasn't surprised that there was only a couple of people giving testimony but remembered that at the workshop there were several residents and business owners from the neighborhood who talked to the Commission. He thought there could have been more discussion with these individuals and noted there wasn't much discussions about the 2015 work. Hanselman thought there were more public members who were interested. Hardy suggested sending out a survey to the population directly impacted on any potential changes. Berman thought this should be part of the new effort for whomever ends up undertaking this. Patrick suggested forwarding the draft letter to Council to see where it find out how they would move forward.

MOTION was made by Commissioner Branigan, seconded by Commissioner Hardy to approve the City Council letter for the Nye Beach Core Zone Proposal and Other Potential Changes to the Nye Beach Design Review Overlays with minor corrections, and include the additional public comments. The motion carried in a voice vote. Berman was a nay.

5. Public Hearings. At 7:17 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Berman, Hanselman, Franklin reported site visits. Patrick noted that he had looked at the File 2-NCU-20 property a year and half prior to bid on a construction project. He noted he did not submit a bid on the project and wasn't sure this was the same owners. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. File 2-NCU-20.

Tokos reviewed the staff report. He shared an email and revised site plan submitted by the applicant. Tokos acknowledged an email from Wendy Engler with questions about the application. He read the email into the record. Tokos explained that the application was to change a currently licensed two bedroom short-term rental (STR) into a three bedroom rental. He noted this unit had a license before the 2019 rules were in effect and therefore was considered a non-conforming use.

Tokos noted the Commission could argue that any intensification outside of the overlay would be problematic with the standards of criteria. This unit was inside the overlay and this didn't apply in this instance. The spacing standards made this use nonconforming. Tokos thought the Commission could approve the request if they thought the standards were met for short-term rentals that were within the overlay. The character and history of the use wasn't inconsistent with the area and there were a number of STRs in that area. Tokos thought the comparative amount and nature of outside storage, loading and parking, and the comparative visual appearance was the most relevant issues. He noted the intensification of parking in the front yard could impact the visual appearance. Tokos noted the driveway they were proposing to use was a shared driveway. The staff recommendation was to require the applicant to provide a plan showing how they could provide three conforming off-street parking spaces without obstructing the neighbor's use. This would need to be submitted before the change of the license was authorized.

Franklin asked if the applicant had asked if they could have additional occupancy to the STR when they did the remodel of the dwelling. Tokos explained that he didn't recall any discussions with the applicant before the remodel and thought the Commission should pose the question to the applicant. Berman asked why the parking space on the street wasn't counted as a parking space because of NMC Chapter 14.25.030 and the discussion that if someone is in a parking district they should be able to count the parking on the

street. Tokos explained that the Commission could consider this. Because of the change in the code the two bedroom STR became a nonconforming use. Any changes to the use requires a nonconforming use approval, and therefore is not being reviewed under Ordinance 2124 because it can't meet the density limitation of ordinance. Tokos explained that the Commission could find that there was sufficient on-street parking resources that wouldn't necessitate additional parking spaces. Berman understood that nonconforming could apply to certain aspects but not to others. He noted that the code said that on-street parking could meet the need for one parking space for parking.

Hanselman was concerned that the STR might not have been used in the last 12 months. He was glad there was a diagram of the parking and thought the spaces were risky but doable. Hanselman didn't think it was safe for the cars.

Berman thought they had to show 30 days use for the nonconforming use. Tokos noted that when it comes to a discontinued nonconforming use, it would have to be a discontinuation of 12 consecutive months. This was not the case for this STR because it has been used in that time period. Hanselman asked if the room taxes showed they had been active. Tokos said the proof of 30 day rental use wasn't required until they renewed their license. For purposes of this nonconforming use land action, all they would need to do was to show one rental date in the last 12 months to keep the nonconforming use. Tokos noted that tax room payments were available and the city could look up this information. Patrick asked if there was anything in the nonconforming use provisions for when construction prohibited use for the 12 months. Tokos explained that for the STRs, the City was working to add this to the provisions to allow STRs to not lose their nonconforming use due to this.

Branigan asked if the dwelling had been re-inspected to meet the fire requirements. Tokos explained that the bedroom was inspected for the permit process but didn't think it had been done for the licenses.

Proponent: Samer and Myoko Abufal addressed the Commission on the phone. Samer noted that the third bedroom had been inspected by the building and fire inspectors. The STR had been actively rented through OR Beach Vacation Rentals and they were providing receipts to the city for room taxes. Samer noted the unit had been out of commission for part of the year for renovations. Myoko noted that there were still 19 more days to rent in June.

Samer explained that the parking site plan showed the way the house was currently and that the parking spaces existed. He explained that it wasn't difficult to park there. Berman noted the Google map screen shot showed that the third space was heavily vegetated and asked if it was already paved. Samer explained that the Google map was outdated and only used as an aerial view. The image was taken during the remodel of the house. The space was now compacted gravel and weeds were replaced with new vegetation to make the area look nice.

Franklin asked if they talked with the City about adding to the occupancy to the STR in the early phases of the remodel. Samer reported that this was an afterthought. He described how they first bought the property and their thoughts to expand the home. The extent of the remodel meant that it would be that much more to add the third bedroom. After they decided to add the bedroom they started thinking about changing the license to three bedrooms.

Opponents: None were heard.

Hearing closed at 7:55pm.

Hardy thought the request met the criteria and was an appropriate accommodation in the marketplace. She thought it adapted with the over parked Nye Beach streets in terms of not requiring on-street parking. Franklin was hesitant about allowing nonconforming STR units in Nye Beach to increase their occupancies when adding on to structures to get an additional rooms in their STRs because it could become a pattern. He didn't have any problems with this request.

Branigan thought it met all the criteria and was the exception in Nye Beach. Hanselman agreed that the third off-street parking space looked suspicious but would take the owners word that it was doable to park there. He didn't like approving these things after the fact and didn't think it was good to keep granting approvals for all kinds of uses. Since this was the same use, he would support it.

Berman noted that if the site plan for parking was a requirement of the code these three spaces had to be used first. It would become a violation if people didn't use the spaces. Berman didn't see any problems approving.

East agreed that after looking at site plans the parking was tight but was doable.

Patrick had reservations on making nonconforming uses a habit for rental units. He didn't think there was anything they could do about this for nonconforming uses. Patrick thought that the parking meet the requirements but violated the spirit of the neighborhood.

Tokos noted that the revised site plan was part of the recommended conditions and they would only need the one condition if approved.

MOTION was made by Commissioner Hardy, seconded by Commissioner Berman to approve File No. 2-NCU-20 with one condition. The motion carried unanimously in a voice vote.

B. File 2-CP-18.

Tokos gave his staff report. He reviewed the updates to Goal 1 and the addition of Goal 2 and Goal 3. He noted the changes requested by the Commission to include LIDs, and a couple of other changes. Berman said he didn't see LIDs in Policy 6 and asked where this was. Tokos said it was addressed in the Storm Drainage Facilities area under Financing on page 5. Berman asked if it should be included as another letter in number 6 under letter G. Tokos would add this. He noted that Policy 5 had added language to make good housekeeping guidelines that would be passed along to residential for pesticide use.

Hanselman asked if Civil West gave information on the section of town not included in their report from west side of Highway 101 from Oceanview Street up to 48th Street. Tokos reported that the contract with Civil West had been closed and no additional work would be performed. Any issues could be addressed by a targeted amendment to the plan if needed. Hanselman was concerned that this area of town was never evaluated and in turn could never use the funds. He thought all property owners should have access to the inventory of assets. Tokos said they would need to build upon this so it was more complete over time. This was the first complete Stormwater Master Plan the City had done. These areas could be picked up with a future amendment. Hanselman thought it was a shame it hasn't been evaluated. Patrick asked if it would be advantageous to maintain a list of areas that were skipped over or come up over time. Tokos reported they were working with Public Works to have a running list for this.

No proponents or opponents were present.

Hearing closed at 8:13pm.

Hardy thought it was a good start with the idea that they could gradually amend the plan in the future as needs were identified. Franklin agreed with Hardy. Branigan was fine with this. Hanselman thought it was a good start and fine with it. Berman agreed but noted that the Planning staff memo on Item 5 should say draft "stormwater" not "wastewater". East agreed with everyone to go forward with this. He asked if erosion control measures was included. Patrick confirmed that they were included and one of the policies was part of complying with the Phase 2 DEQ standards. He noted he was in favor of the plan and glad to see it happening after 15 years.

Berman noted the file number on the agenda was wrong and should be File 2-CP-18.

MOTION was made by Commissioner Franklin, seconded by Commissioner Branigan to forward a favorable recommendation to the City Council for File 2-CP-18. The motion carried unanimously in a voice vote.

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

7. **Unfinished Business.**

A. **Updated Planning Commission Work Program.** Tokos reviewed the update changes. He explained that he would be working on a new work program for the next six months and it would be picked up in the next work session. Patrick asked when the OSU housing project would be coming in. Tokos didn't think it would happen until July. He noted the Urban Growth Boundary amendment for Hancock would have a public hearing in a couple of months.

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

9. **Adjournment.** Having no further business, the meeting adjourned at 8:16 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers by Video Conference
June 22, 2020
6:00 p.m.

Planning Commissioners Present by Video Conference: Jim Patrick, Lee Hardy, Bob Berman, Gary East, Jim Hanselman, and Bill Branigan.

Planning Commissioners Absent: Mike Franklin (*excused*).

PC Citizens Advisory Committee Members Present by Video Conference: Dustin Capri, and Braulio Escobar.

PC Citizens Advisory Committee Absent: Greg Sutton.

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

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:01 p.m.
2. **Unfinished Business.**
- A. **Update on the Implementation of Short-Term Rental Ordinance No. 2144.** Tokos reviewed the staff memorandum and updates on the implementation of Short-Term Rental (STR) Ordinance No. 2144. Updates included changes to the STR Hotline sign location requirements, and the 30 day proof of use requirement. The thought was to allow the Nye Sands Condos to be exempt from the 30 day use provision because of prolonged construction, and allow all other STRs to have the use requirements reduced from 30 days to 14 days. The fees will also stay the same and there will be an extension for the Work Group to be impaneled for an additional 12 months. The City Council would have a hearing on June 29th to confirm these changes.

Berman questioned how the city gathered information on proof of the 30 day use. Tokos explained that the remittance forms were modified to capture this information and this would be a part of the renewal process. Hanselman had concerns that the fees weren't being adjusted. He asked if all businesses would have the no change of fees extended to them. Hanselman thought it should be city wide, not just STRs. Berman clarified that what the Budget Committee was saying was that the total increase was very small and the they accepted the STR Work Group's suggestion to not increase the STR fees. Hanselman asked if this was available to other special interest groups or was it just because STR groups came forward. He thought this kind of deal in the budget should be for everyone. Berman didn't know if other business license fees increased, but the Budget Committee only talked about the STR fee increases being reduced. Hanselman asked what these fees covered. Tokos said the fees were intended to offset the cost of the third party software and administration costs of administering the program. The Short-Term Rental Work Group thought this was appropriated because STRs were under a curtailed order and recognized that STRs were not eligible for the grants the city were making available to commercial storefronts. Patrick asked if there was any other fees indexed for inflation. Tokos explained how land use fees were indexed and discussed with the Budget Committee. The land use fees were a balancing act to determine how much of the cost should be borne by the public and how much should be borne by the general fund. He explained that as new fees were established, the practice was to put in place inflationary adjustments.

- B. **COVID 19 Small Business Assistance Grant Update.** Tokos reviewed the memorandum. Awards were finalized at the end of business that day. There were a total of 171 applications and 117 were eligible for awards. Issues for noneligible applications included not providing all the information required for the application to be complete, failure to have a business license, and tax delinquency. The total ask for grant funds was around \$1,000,000 and the group determined the awards needed to be prorated. Priority was given to business that

didn't get other assistance. Some asked for more funds than their 2019 gross receipts collected. The committee decided that those applications should have the awards changed to something equivalent to their 2019 receipts, and then prorated based on the scoring system for the grants. The award checks totaled \$900,000 and were scheduled to go out that current week. The funds were interest earnings off of tax increment funds that were collected for urban renewal. Berman thought that the total grant funds that would be used was supposed to be \$1,000,000 instead of \$900,000. Tokos said the City Council took \$100,000 of the funds to leverage State funds as part of a different grant program. This program would have funds matched up with Lincoln County, Toledo, Yachats and Lincoln City. He expected this grant to open up the following week. These funds will be available for some of the businesses that were not eligible for the Newport grant program, such as independent contractors in salons.

Escobar asked if the new program would have \$130,000 for distribution. Tokos confirmed this was correct for the Newport, in addition to a portion of some of the County money. The program would be administered by the County through a nonprofit called Community Lending Works. The County would have a contract with the State. Capri asked if awards would be made public. Tokos said they would. This hadn't been posted yet but would be in the next few days.

C. COVID Related Amendments to TSP Public Outreach Program and Schedule. Tokos shared the rough draft of the public outreach for the TSP which included a memo from JLA Consultants. He explained that the City was about to do outreach and meet with the design team to look at how the TSP system was currently working, what the conditions would likely be, concepts for improving the system, and allow the public to work with the design team to do mock ups on how to reshape the public rights of way in the City Center to achieve different types of objectives. The pandemic changed this process. The consultants had to retool the schedule and shift things into virtual events which would be on the project website, and coupled with online and postage paid surveys. Round one would be by topic area with two 2-hour virtual public meetings. Tokos reported that he had done a virtual event with ODOT on the work with the Oregon Coast Bike Route, which worked reasonably well. The Project Advisory Committee would meet an additional two times to determine if what was being put out to the public, as far as options for the TSP, were things the group was comfortable with. The virtual events would have a way to capture comments from the public that were important issues to capture.

Tokos explained that for round two they would be taking what was heard and what the surveys and events were then modify the plan based on feedback, and run it through a preference on solutions that were more desirable. They could also work in a fiscally restrained list to know what was realistically available for funding. Tokos was confident that the dates could be done in July and August, but this might change. Capri thought this would mean more attendance than normal because people didn't have as much to do during the pandemic. Berman thought it was key to make this as aware as possible to get the broadest range of people to respond. He thought serious thought needed to be given to this.

Hanselman reminded the Commission that there was a large population that were non English speaking that they needed to hear from. Tokos thought a postage paid survey might bump up responses. Berman asked if it made sense to do a Spanish language outreach. He thought it would be a good way get the Spanish community's ideas. Tokos noted that all the materials were in English and Spanish. He would talk to the consultants about it. Depending on who was at the events, they might have to be subtitled.

Patrick was concerned about graphics. He thought printed displays were better than seeing things on a computer screen. Patrick suggested all graphics be scalable and have an inset to show details. Branigan thought there were other ways to do meetings other than Zoom where someone could zoom in on graphics. Berman suggested they advertise that the public should call or email to receive printed materials in advance. This could be done through an email or mail out.

Tokos asked if the Commission thought this was a reasonable way to do this. Patrick thought it was the only way to do it. Berman thought maybe there needed to be more than just two consultants and have a large cast of professionals instead. Patrick thought breaking it out in different sections would help.

Escobar asked if there was risk that things wouldn't be implemented because of less tax income. Tokos thought

there had been a change but noted he had never seen a TSP that had been fully realized. That is why there was a priority list to say what they thought they could fund in a 20-year period. Berman noted the budget assumed a 90 percent property tax take. Over the last few years it has been 95 percent. He didn't think it would be a show stopper since it was a plan for over 20 years.

3. New Business.

- A. **Planning Commission Work Program Forecasting.** Tokos reviewed the work program that was shared with the Commission that day. He noted the TSP would help vet out the sidewalk plan but didn't address the land use aspects for regulations on development. The TGM Grant application was to get State resources to assist with reworking the land use regulations that applied to private properties so that it synced up with what they were going to be looking to do in the public right of way. Tokos reported that when he sent in the grant application it was with the thought that there had been time to do outreach on the TSP.

Tokos reviewed the HB 2001 Infrastructure Based Time-Extension Final Rules and the filing deadlines. He noted the Commission could review this or just agree that duplexes could go where single family dwellings were located. Berman thought that Tim Gross in Public Works should give some input on this before the work session meeting.

Tokos noted that for the July 25th work session on car camping, the legislature might make changes that dealt with the siding of emergency shelters. The most significant provision striped out the limitation in the statute that car camping at religious venues could only have three vehicles there at any given period of time. The change would mean there would be no limitation on vehicles and was why it was being programmed back in for discussion. Tokos was concerned about making updates to the code and then having the State turn around and do changes. Berman asked if there had been any conversations with religious facilities. Tokos reported there had not, but they could do outreach to them. He pointed out that there was language added to address City concerns on allowing anybody to set up a homeless shelter. They put in a provision to require someone to have experience to do a shelter in order to set one up.

Patrick asked if there were notice provisions if the Commission was involved with an outreach meeting. Tokos confirmed there would be.

Tokos explained that he anticipated the OSU student housing planned development amendments would come in on June 26th and was why there was a placeholder for them in July.

Tokos noted that there was a placeholder for doing video conferencing long term for public meetings, and to discuss any adjustments that needed to be done. The Commission might have to change how they were doing meetings when someone wanted to contest something. If there was something with a degree of controversy, the way they are holding meetings wouldn't work. Tokos explained that the legislature was looking at public meeting laws and how they are done because of the pandemic.

Tokos said the Commission would be putting the land use codes together to implement the HB 2001 provisions in September. Staff would be putting together a code to do what we are obligated to do under HB 2001. He needed input from the Commission as to whether or not they wanted to do any of the middle housing changes for 4-plexes, tri-plexes, and cottage clusters in areas where we currently allowed single family dwellings only. Most of the rulemaking work would be set up by August and why they would look at it then.

Berman asked what would be reviewed for the updated Transportation Standards. Tokos explained this was a parallel piece on the TSP, and they would be working to update the standards they applied for infill development and frontage improvement requirements. He noted the consultants stepped away from the TSP project because of the pandemic and they were now getting their heads back into the project.

Berman asked if there were any plans to have a joint City Council and Planning Commission meeting. Tokos said this has been the practice and would check with the City Manager's office. Patrick asked about having a joint TSP Committee meeting as well. Tokos thought they might need to do this as well.

Tokos noted the letter from the Commission for Nye Beach was shared with the Council. They took the Commission's recommendation and would be presenting it to the Vision Committee to see if it was a logical evolution of the 2040 Vision concept to do neighborhood scale visioning.

4. **Adjourn.** The meeting adjourned at 6:55 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

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

**IN THE MATTER OF PLANNING COMMISSION)
FILE # 2-NCU-20, APPLICATION FOR VERIFICATION,) FINAL
ALTERATION, & EXPANSION OF A NONCONFORMING) ORDER
USE, AS SUBMITTED BY SAMER AND MIYOKO ABUFADIL,)
OWNERS)**

ORDER APPROVING a request per Chapter 14.32 (“Nonconforming Uses, Lots, and Structures”) of the Newport Municipal Code (NMC) for an alteration of a non-conforming, licensed short-term rental from a two-bedroom to a three-bedroom unit. The subject property is located at 736 NW 3rd Street (Lincoln County Assessor’s Tax Map 11-11-05-CC). The property is approximately 4,356 sq. ft. in size.

WHEREAS:

- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Municipal Code; and
- 2.) The Planning Commission has duly held a public hearing on the request, with a public hearing a matter of record of the Planning Commission on June 8, 2020; and
- 3.) At the 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 nonconforming use permit.

BASED UPON THE ABOVE, the Planning Commission determines that the request to verify, alter, and expand a nonconforming use is in conformance with the provisions of the Comprehensive Plan and the Municipal Code of the City of Newport; and the request is, therefore, granted subject to the following conditions:

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

Accepted and approved this 13th day of July, 2020.

Jim Patrick, Chair
Newport Planning Commission

Attest:

Derrick I. Tokos, AICP
Community Development Director

EXHIBIT "A"

Case File # 2-NCU-20

FINDINGS OF FACT

1. Samer and Miyoko Abufadil (owners) submitted an application on March 2, 2020, per Chapter 14.32/"Nonconforming Uses, Lots, and Structures" of the Newport Municipal Code, for an alteration of a non-conforming, licensed short-term rental from a two-bedroom to a three-bedroom unit.
2. The subject property is located at 736 NW 3rd Street (Lincoln County Assessor's Tax Map 11-11-05-CC). The property is approximately 4,356 sq. ft. in size.
3. Staff reports the following facts in connection with the application:
 - a. Plan Designation: Commercial.
 - b. Zone Designation: C-2/"Tourist Commercial" and Historic Nye Beach Design review Overlay.
 - c. Surrounding Land Uses: A mix of single-family and multi-family residential, commercial, and public uses.
 - d. Topography and Vegetation: The existing dwelling is setback from NW 3rd Street, being situated on a bluff overlooking Beach Drive and the Nye Beach Turnaround. The property is elevated a few feet above NW 3rd Street, with a low, concrete retaining wall adjacent to the sidewalk. The site is landscaped, with shrubs and groundcover running along the retaining wall.
 - e. Existing Structures: Single-family residence.
 - f. Utilities: All are available to the site.
 - g. Development Constraints: None known.
 - h. Past Land Use Actions: File No. 9-CU-85 – authorized construction of a single-family home in a C-2 zoning district. Conditional use review was required at the time because the City had a shortage of commercial property. The residence was constructed in 1986. File No. 15-NB-99– Nye Beach Design Review Committee found the remodel of the residence to be consistent with the requirements of the Historic Nye Beach Design Review Overlay.
4. Upon acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed action on May 20, 2020 to affected property owners required to receive such notice by the Newport Municipal Code, 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 8, 2020, or be submitted in person at the hearing. Comments could also be submitted during the course of the public hearing. The notice was also published in the Newport News-Times on May 29, 2020.
5. At the June 8, 2020 public hearing, the Planning Commission received the staff report and allowed for testimony on the request. The minutes of the June 8, 2020 meeting are hereby incorporated by reference. The Planning Staff Report with Attachments and written testimony submitted at the hearing are hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

- Attachment "A" – Application form
- Attachment "B" – Lincoln County Property Report
- Attachment "C" – Record of Survey No. 20789, dated June 2018
- Attachment "D" – Applicant's cover letter and narrative
- Attachment "E" – Applicant's site plan
- Attachment "F" – Applicant's business license and endorsement
- Attachment "G" – Aerial image and zoning map
- Attachment "H" – Photo of the driveway and residence, dated June 2, 2020
- Attachment "I" – Public hearing notice

In addition to the Planning Staff Report and attachments, the following testimony was submitted to the Planning Commission for its consideration:

- Email from Samer Abufadil, dated June 8, 2020, with photographs and updated site plan showing three conforming parking spaces on the subject property.
- Email from Wendy Engler, dated June 8, 2020, questioning the fact that the bedroom addition was completed by the applicant before they submitted this application. Ms. Engler also asked where the parking spaces will be located and how they will function.

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

The applicant indicates that they recently remodeled the home and expanded it to three bedrooms and would like to expand their short-term rental occupancy from a two-bedroom (6-person maximum) to a three-bedroom (8-person maximum). They note that their residence is within the area where vacation rentals are permitted, and state that they have parking spaces for three cars, so parking in the neighborhood would not be impacted (Attachment “D”).

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

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

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

The approval authority shall verify the status of a nonconforming use as being the nature and extent

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

- Description of the use;
- The types and quantities of goods or services provided and activities conducted;
- The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;
- The number, location, and size of physical improvements associated with the use;
- The amount of land devoted to the use; and
- Other factors the approval authority may determine appropriate to identify the nature and extent of the particular use.

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

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

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

CONCLUSIONS

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

1. The nature and extent of the existing non-conforming use is that of a 2-bedroom vacation rental, operated out of a 900 sq. ft. single family residence. The home was built in 1986 at a time when residential use at street grade required conditional use approval (File No. 9-CU-85). Exterior modifications, made to the residence in 1999 were found to be compliant with the requirements of the Nye Beach Design Review Overlay (File No. 15-NB-99).

The current owner acquired the property on July 17, 2018. They obtained a license to operate a two-bedroom vacation rental with a maximum occupancy of six on October 2, 2018 (Endorsement No. 261), under land use regulations then in effect. The unit became non-conforming with the passage of Ordinance No. 2144, effective May 7, 2019. The ordinance limits vacation rental use to a single building on a lot, or group of lots, that abut a street segment (Ref: NMC 14.25.030(B)). A zoning map of the area shows that there are presently two buildings containing vacation rentals along the subject segment of NW 3rd Street. Both were in existence prior to the effective date of Ordinance No. 2144, and enactment of the ordinance rendered them non-conforming. One of the buildings contains the Archway Place condominiums at the corner of NW 3rd and Coast Street and the other is the applicant's property (Attachment "G"). The applicant renewed their license for a two-bedroom, non-conforming vacation rental effective July 1, 2019 and the license is effective through June 30, 2020 (Attachment "F"). Considering the above, evidence in the record is sufficient to establish that the dwelling is a non-conforming, two-bedroom vacation rental and that use of the dwelling as a rental has not been discontinued.

2. After verification of the status of a nonconforming use pursuant to Subsection 14.32.060, the Planning Commission may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood. Findings addressing the criteria for a "no greater adverse impact" determination are as follows:

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

i. The applicant believes that the character and history of the use and of development in the surrounding neighborhood will remain unaltered as they have no plans to change the existing structure or the current business to have a three-bedroom rental; it is already a three-bedroom house and two-bedroom rental.

ii. Nye Beach is a mixed-use neighborhood with tourist commercial venues, such as restaurants and retail stores, near the applicant's property. Further, short-term rentals have a long history in Nye Beach, with many having existed for decades. These are some of the reasons why short-term rentals are permitted in this portion of the City, subject to limitations, and the Planning Commission finds that the fact that the dwelling is located within the permissible area boundary (as opposed to an area where short-term rentals are being slowly phased out) is a compelling factor when considering whether this criterion has been satisfied.

iii. Considering the above, the Planning Commission concludes that expansion of the use from a two-bedroom to a three-bedroom rental will not cause any greater adverse impact on the neighborhood, relative to the character and history of the use and of development in the surrounding area.

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

- i. The applicant explains that the degree of noise, vibration, dust, odor, fumes, glare or smoke detectable will remain unaltered as there will be no new construction or expansion on the property with this proposal.
- ii. The proposal involves the transient (i.e. short-term) residential occupancy of a dwelling. Increasing in the number of occupants results in a higher level of use; however, it is still residential and unlikely to have any measurable impacts relative to these factors, which tend to be more relevant to non-conforming commercial or industrial uses.
- iii. Considering the above, the Planning Commission concludes that the expansion of the use from a two-bedroom to a three-bedroom rental will not create noise, vibration, dust, odor, fumes, glare, or smoke in a manner that would result in a greater adverse impact on the neighborhood.

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

- i. The applicant states that infrastructure is already adequate to accommodate a three-bedroom home and the home size is not being altered for this request.
- ii. Considering the above, the Commission concludes that expansion of the use from a two-bedroom to a three-bedroom rental will not cause any greater adverse impact on the neighborhood, relative to the adequacy of infrastructure to accommodate the use.

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

- i. The applicant notes that the vehicular trips to the site should not be impacted to any significant degree because they already accommodate three vehicles and anticipate that they will not have an increase in the number of vehicles beyond that.
- ii. The comparative number of vehicle trips associated with a two-bedroom versus a three-bedroom short-term rental, when viewed in the context of the larger mixed-use neighborhood, is a very minor change, and the Planning Commission finds that this is not a compelling factor considering that the streets in this portion of the City are fully developed.
- iii. Considering the above, the Planning Commission concludes that expansion of the use from a two-bedroom to a three-bedroom rental will not cause any greater adverse impact on the neighborhood relative to this criterion.

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

- i. The applicant states that the amount and nature of outside storage, loading and parking will remain unaltered. They further assert that there is adequate parking already and no need to expand parking beyond the three spaces that are available.

ii. For their existing license, the applicant relied upon the paved concrete apron in front of the home for two off-street parking spaces. At the hearing, the applicant provided a dimensioned drawing illustrating that a third off-street space can be located in the same front yard area.

iii. As illustrated on the 2018 survey (Attachment “C”) and photographs (Attachment “H”), the driveway straddles a common property line with the parcel to the east and is painted “no parking,” presumably so the tenants can access the respective dwellings. About 6-7 feet of the driveway appears to be on the applicant’s property, given the location of the survey pin (see red circled area on photos). Such width is not sufficient to accommodate vehicle parking; however, the driveway proper is wide enough for ingress/egress purposes. Since the applicant provided a site plan showing that they can provide three, 9-ft x 18-ft off-street parking spaces without obstructing the neighbors use of the driveway it is evident that they are not relying upon the driveway to park vehicles.

iv. Given the above, the Planning Commission concludes that expansion of the use from a two-bedroom to a three-bedroom rental will not cause any greater adverse impact on the neighborhood with respect to comparative amount and nature of outside storage, loading, and parking.

f. The comparative visual appearance.

i. The applicant states that the visual appearance of the structure will not be altered; it is a three-bedroom home and they will not be altering it in any way for this proposal.

ii. Considering the above, the Planning Commission concludes that expansion of the use from a two-bedroom to a three-bedroom rental will not cause any greater adverse impact on the neighborhood as it relates to comparative visual appearance.

g. The comparative hours of operation.

i. The applicant notes that the hours of operation will remain identical for a three-bedroom rental as for a two-bedroom rental.

ii. Based on the above, the Planning Commission concludes that expansion of the use from a two-bedroom to a three-bedroom rental will not cause any greater adverse impact on the neighborhood as far as comparative hours of operation.

h. The comparative effect on solar access and privacy.

i. The applicant notes that there will be no effect on solar access or privacy since no new construction is proposed and the structure will remain unaltered.

ii. Given the above, the Planning Commission concludes that expansion of the use from a two-bedroom to a three-bedroom rental will not cause any greater adverse impact on the neighborhood, relative to the comparative effect on solar access and privacy.

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

The applicant indicates that they could not identify any other factors that impact the character or needs of the neighborhood, and the Planning Commission concludes that no such factors exist.

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

i. The current spacing standard of one building being dedicated to vacation rental use per street segment is not met. The applicant's proposal; however, does not exacerbate the situation. That is there are two buildings dedicated to vacation rental use now, and the same would be true if the applicant's proposal is approved.

ii. Based on the above, the Planning Commission concludes that expansion of the use from a two-bedroom to a three-bedroom rental will not cause any greater adverse impact on the neighborhood, relative to the purpose of the current zoning provisions that cannot be satisfied.

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 the verification, alteration and expansion of a nonconforming use found in Chapter 14.32 of the Newport Municipal Code (NMC), subject to the following:

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

PLANNING STAFF REPORT
Case File No. 5-NCU-20

- A. **APPLICANT/OWNERS:** Michael Ditlefsen and Janie Jenne.
- B. **REQUEST:** Approval of a request per Section 14.32/“Non-conforming Uses, Lots, and Structures” of the Newport Municipal Code, for an alteration of a non-conforming, licensed short-term rental from a two-bedroom to a four-bedroom unit. Maximum overnight occupancy will increase from six to ten individuals.
- C. **LOCATION:** 406 NW High Street
- D. **LEGAL DESCRIPTION:** Lot 5 and the northern 6-feet of Lot 4, Block 2, Cressy Blocks (Tax Lot 13400 of Lincoln County Assessor’s Tax Map 11-11-05-CC, in the City of Newport, County of Lincoln, Oregon.
- E. **LOT SIZE:** Approximately 4,577 sq. ft. per Survey Record CS 17553.
- F. **STAFF REPORT**
1. **REPORT OF FACT**
- a. **Plan Designation:** High Density Residential.
- b. **Zone Designation:** R-4/“High Density Multi-Family Residential” and Historic Nye Beach Design Review Overlay.
- c. **Surrounding Land Uses:** A mix of single-family and multi-family residential properties.
- d. **Topography and Vegetation:** The existing dwelling is situated on gradually sloped terrain and the lot is landscaped.
- e. **Existing Structures:** Single-family residence and trash enclosure.
- f. **Utilities:** All are available to the site.
- g. **Development Constraints:** None known.
- h. **Past Land Use Actions:** File No. 4-CUP-02 – authorized use of the dwelling as a vacation rental.
- i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on June 23, 2020; and the notice of public hearing was published in the Newport News-Times on July 3, 2020.

j. **Attachments:**

- Attachment "A" – Application form
- Attachment "B" – Lincoln County Property Report
- Attachment "C" – Record of Survey No. 17553, dated April 2005
- Attachment "D" – Applicant’s narrative
- Attachment "E" – Aerial image and zoning map
- Attachment "F" – Applicant’s site plan
- Attachment "G" – 2019 Google Map image of the property
- Attachment "H" – Building Permit No. 625-19-000733-STR, finalized 3/20/20
- Attachment "I" – Plans for Building Permit No. 625-19-000733-STR
- Attachment "J" – STR rental records July 2019 to October 2019
- Attachment "K" – List of utility transactions
- Attachment "L" – Public hearing notice

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

The applicant recently remodeled the basement of their home to include two additional bedrooms, and is seeking approval to rent the new rooms on a transient basis. This will increase occupancy from a two-bedroom, 6-person limit, to a four-bedroom, 10-person limit. They note that their driveway is 22-ft wide by 60-feet long, which is adequate to accommodate four vehicles (Attachment “D”).

3. **Evaluation of the Request:**

- a. **Comments:** No comments were received in response to the public notice.
- b. **Application Submittal Requirements:** Pursuant to NMC 14.32.040, applications must include a completed application form, scaled site plan, names and addresses of property owners within the notification area, survey work if structures will not satisfy setback requirements and exterior architectural elevations if structures will exceed building height limitations.
- c. **Verification of Status of Non-conforming Use or Structure:** Pursuant to NMC Section 14.32.060, upon receiving an application to alter, expand, or replace a non-conforming use or structure, the approval authority shall determine that the use or structure is non-conforming. Such determination shall be based on findings that:
- The use or structure was legally established at the time the Zoning Ordinance was enacted or amended; and
 - The use has not been discontinued for a continuous 12-month period.

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

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

- Description of the use;
- The types and quantities of goods or services provided and activities conducted;
- The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;
- The number, location, and size of physical improvements associated with the use;
- The amount of land devoted to the use; and
- Other factors the approval authority may determine appropriate to identify the nature and extent of the particular use.

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

- d. **Applicable Criteria (Section 14.32.070):** After verification of the status of a non-conforming use pursuant to Subsection 14.32.060, the approval authority may authorize alteration, expansion, or replacement of any non-conforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the approval authority shall consider the factors listed below. Adverse impacts to one of the factors may, but shall not automatically, constitute greater adverse impact on the neighborhood.
- (1) The character and history of the use and of development in the surrounding area;
 - (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood;
 - (3) Adequacy of infrastructure to accommodate the use. For the purpose of this subsection, infrastructure includes sewer, water, and streets;
 - (4) The comparative numbers and kinds of vehicular trips to the site;
 - (5) The comparative amount and nature of outside storage, loading, and parking;

- (6) The comparative visual appearance;
- (7) The comparative hours of operation;
- (8) The comparative effect on solar access and privacy;
- (9) Other factors that impact the character or needs of the neighborhood.

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

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

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

e. **Staff Analysis:**

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

- (1) The nature and extent of the existing non-conforming use is that of a 2-bedroom vacation rental, operated out of a 2,050 sq. ft. single family residence constructed in 1932. Assessment records confirm the size of the structure and year that it was built (Attachment “B”). In their narrative, the applicant notes that they purchased the property in 2002. At that time, the City required a conditional use permit to operate a vacation rental in a residential area, a permit that was granted that same year (File No. 4-CUP-02). The applicant indicates that they started renting the residence as a two-bedroom vacation rental, with a maximum occupancy of six, in 2003 and continue to operate it as a vacation rental (Attachment “D”).

The unit became non-conforming with the passage of Ordinance No. 2144, effective May 7, 2019. The ordinance limits vacation rental use to a single building on a lot, or group of lots, that abut a street segment (Ref: NMC 14.25.030(B)). An aerial image and zoning map of the area shows that there are presently three buildings containing vacation rentals along the subject segment of NW High Street (Attachment “E”). All three were in existence prior to the effective date of Ordinance No. 2144, and enactment of the ordinance rendered them non-conforming.

Rental records from July to October of 2019 and a list of utility transactions for calendar year 2019 (Attachments “J” and “K”) demonstrate that the property is actively being used as a short-term rental. Further, a photograph of the property shows that it is being maintained in habitable condition (Attachment “G”).

Considering the above, evidence in the record is sufficient to establish that the dwelling is a non-conforming, 2-bedroom vacation rental and that use of the dwelling as a rental has not been discontinued.

(2) The Planning Commission must find that expansion of the non-conforming short-term rental from two-bedrooms to four-bedrooms will result in no greater adverse impact on the neighborhood, relative to the following:

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

- (i) The applicant notes that they started operating the two-bedroom vacation rental, with a maximum occupancy of 6, in 2003 and that this has not changed over the years. They hired a contractor in 2019 to remodel the finished basement to create two additional bedrooms. That work was completed in March of this year and was reviewed and inspected by the City for conformance with applicable building codes (Attachments “H” and “I”).
- (ii) Nye Beach is a mixed-use neighborhood with tourist commercial venues, such as restaurants and retail stores, near the applicant’s property. Further, short-term rentals have a long history in Nye Beach, with units like the applicant’s having existed for decades. These are some of the reasons why short-term rentals are permitted in this portion of the City, subject to limitations, and it would be reasonable for the Planning Commission to find that the fact that the dwelling is located within the permissible area boundary (as opposed to an area where short-term rentals are being slowly phased out) is a compelling factor in finding this criterion to be satisfied. Further, the Commission can reasonably conclude that an increase in occupancy will not exacerbate the condition that makes the unit non-conforming, that is it will not result in any additional vacation rentals being located along the subject segment of NW High Street.
- (iii) Based on findings and testimony regarding the character and history of the use and of development in the surrounding area, it would be reasonable for the Planning Commission to conclude that a change from a two-bedroom to a four-bedroom rental will not cause any greater adverse impact on the neighborhood relative to this criterion.

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

- (i) The applicant indicates that the addition of two bedrooms in the basement should not impact the degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood. They further note that their rental management company prohibits noise audible outside of the dwelling between the hours of 10 pm and 8 am.
- (ii) This application involves the transient (i.e. short-term) residential occupancy of a dwelling. Increasing the number of occupants results in a higher level of use; however, it is still residential and unlikely to have any measurable impacts relative to these factors, which tend to be more relevant to non-conforming commercial or industrial uses.
- (iii) Based on findings and testimony regarding the comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood, it would be reasonable for the Planning Commission to conclude that expansion of the short-term rental use would not cause any greater adverse impact on the neighborhood relative to this criterion.

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

- (i) The applicant notes that they obtained the requisite permits from the City of Newport to remodel the finished basement, and it is reasonable for the Commission to find that City issuance of those permits is evidence that infrastructure at this location is adequate.
- (ii) Based on findings and testimony regarding the adequacy of infrastructure, it would be reasonable for the Planning Commission to conclude that expansion of the short-term rental use would not cause any greater adverse impact on the neighborhood relative to this criterion.

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

- (i) The applicant notes that the number of trips should be the same, and that at most there would be two additional vehicles.
- (ii) The comparative number of vehicle trips associated with a two-bedroom versus a four-bedroom short-term rental, when viewed in the context of the larger mixed-use neighborhood, is a very minor change, and it would be reasonable for the Planning Commission

to find that this is not a compelling factor considering that NW High Street, at this location, is fully developed in terms of its paved street width.

- (iii) Based on findings and testimony regarding the comparative numbers and kinds of vehicular trips to the site, it would be reasonable for the Planning Commission to conclude that expansion of the short-term rental use would not cause any greater adverse impact on the neighborhood relative to this criterion.

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

- (i) The photograph of the property shows that the site is not used for outside storage and none is proposed. Since the occupancy is residential, there is no need for loading areas and none are required.
- (ii) In their narrative, the applicant points out that the existing turf stone driveway is 22-ft in width and 60-feet long. The driveway dimensions are listed on their site plan (Attachment "F"). Per Ordinance No. 2144, off-street parking spaces must be at least 9-ft x 18-ft in size. Accordingly, it is reasonable for the Commission to find that the driveway can accommodate at least four vehicles, which is what the ordinance requires for a four-bedroom rental, with a maximum occupancy of 10. Further, since the applicant is accommodating the increased parking demand on-site, it is reasonable for the Commission to conclude that a larger vacation rental at this location will not adversely impact the availability of parking in the area.
- (iii) Based on findings and testimony regarding the comparative amount and nature of outside storage, loading, and parking, it would be reasonable for the Planning Commission to conclude that expansion of the short-term rental use would not cause any greater adverse impact on the neighborhood.

(f) The comparative visual appearance.

- (i) The applicant notes that they have improved the exterior appearance of the property over the years, removing a dilapidated garage, repairing the damaged retaining wall and installing landscaping. They further point out that no changes are planned for the house itself, outside of the recently completed remodel.
- (ii) Based on findings and testimony regarding the comparative visual appearance, it would be reasonable for the Planning

Commission to conclude that expansion of the short-term rental use would not cause any greater adverse impact on the neighborhood relative to this criterion.

(g) The comparative hours of operation.

- (i) The applicant notes that the hours of operation will remain the same. Guests check-in by 4 pm on their arrival date and check out by 11 am on their date of departure.
- (ii) Based on findings and testimony regarding the comparative hours of operation, it would be reasonable for the Planning Commission to conclude that expansion of the short-term rental use would not cause any greater adverse impact on the neighborhood relative to this criterion.

(h) The comparative effect on solar access and privacy.

- (i) The applicant notes that there will be no effect on solar access or privacy since no changes are proposed to the exterior of the dwelling or yard. Further, the building plans illustrate that the remodel was limited to the existing footprint of the building.
- (ii) Based on findings and testimony regarding the comparative effect on solar access and privacy, it would be reasonable for the Planning Commission to conclude that expansion of the short-term rental use would not cause any greater adverse impact on the neighborhood relative to this criterion.

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

The applicant indicates that they could not identify any other factors that impact the character or needs of the neighborhood, and it would be reasonable for the Planning Commission to conclude that no such factors exist.


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

- (i) The current spacing standard of one building being dedicated to vacation rental use per street segment is not met. The applicant's proposal; however, does not exacerbate the situation. That is there are three buildings dedicated to vacation rental use now, and the same would be true if the applicant's proposal is approved.

- (ii) Based on findings and testimony regarding the purpose of the current zoning provision that cannot be satisfied, it would be reasonable for the Planning Commission to conclude that expansion of the short-term rental use would not cause any greater adverse impact on the neighborhood.
 - (k) To the extent there is a rational nexus, and the City can establish that needed improvements are roughly proportional to proposed development, and alteration, expansion, or replacement of a non-conforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to:
 - (1) Surfacing or parking areas and landscaping;
 - (2) Exterior design of structures;
 - (3) Outdoor displays, storage, and signage.
 - (i) There is no evidence that improvements are needed in conjunction with expansion of the short-term rental use.
4. **Conclusion:** If the Planning Commission finds that expansion of the non-conforming use will not result in a greater adverse impact on the neighborhood, and the applicant has met the criteria established in the Zoning Ordinance for authorizing alteration/expansion of a non-conforming use, then the Commission should approve the request. The Commission can attach reasonable conditions that are necessary to carry out the purposes of the Zoning Ordinance and the Comprehensive Plan. If the Commission finds that the request does not comply with the criteria, then the Commission should deny the application.

G. **STAFF RECOMMENDATION:** As outlined in this report, this application to expand a non-conforming short-term rental can satisfy the approval criteria provided conditions are imposed as outlined below. Accordingly, the Commission should approve this request, subject to the following:

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


 Derrick I. Tokos AICP
 Community Development Director
 City of Newport

July 8, 2020

City of Newport Land Use Application

Attachment "A"
5-NCU-20

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

Applicant Name(s): Michael Ditlefsen & Janie Jenne		Property Owner Name(s): <i>If other than applicant</i>	
Applicant Mailing Address: 1055 Highland Ave NE, Salem, OR 97301		Property Owner Mailing Address:	
Applicant Telephone No.: 5032698807, mditlefsen@msn.com		Property Owner Telephone No.: <i>If other than applicant</i>	
E-mail:		E-mail:	
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicants behalf</i> Rose Lupton			
Authorized Representative Mailing Address: 173 NE Hwy 20 #1, Toledo, Oregon 97391			
Authorized Representative Telephone No.: 5419610364		E-Mail: rose.lupton@vacasa.com	

Project Information

Property Location: 406 NW High St, Newport, Oregon 97365	
Tax Assessor's Map No.: 11-11-05-CC	Tax Lot(s): 13400
Zone Designation:	Legal Description:
Comp Plan Designation:	See Attached
Brief Description of Land Use Request(s):	Request to change existing Vacation Rental Dwelling from 2 bedroom, occupancy limit of 6, to 4 bedroom, occupancy limit of 10.
Existing Structures:	Existing Vacation Rental Dwelling. No change to exterior elevation.
Topography and Vegetation:	No change to existing topography or 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 Amendment |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Geologic Permit | <input type="checkbox"/> Temporary Use Permit | |

FOR OFFICE USE ONLY

File No. Assigned: 5-NCU-20

Date Received: ~~5/25/2020~~ 5/26/2020 Fee Amount: \$ 802 Date Accepted as Complete: _____

Received By: SM Receipt No.: 4137 Accepted By: _____



(SEE REVERSE SIDE)

Community Development & Planning Department • 169 SW Coast Hwy, Newport, OR 97365 • Derrick I. Tokos, AICP, Director

625-20-000034-PLNS

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

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

  Applicant Signature(s)	5-28-20	5-28-20	Date Signed
Property Owner Signature(s) <i>(If other than applicant)</i>			Date Signed
Authorized Representative Signature(s) <i>(If other than applicant)</i>			Date Signed

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

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

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R373860	Neighborhood:	NNNI	Owner and	DITLEFSEN MICHAEL &
Map Taxlot:	11-11-05-CC-13400-00	Property Class:	101	Mailing Address:	JENNE JANIE 1055 HIGHLAND AVE NE SALEM, OR 97301
Tax Map:	11s11w05CC			Site Address(es):	406 NW HIGH ST
Web Map:	View Map				
Info:	CRESSY BLOCKS (ORIG 11), BLOCK 2, LOT 5 & N 6' OF 4, DOC201311032				
Tax Code:	104				
Acres:					

Improvements							
Description	Area	Yr Built	Found	Heat	Plumb	BDMS	Value
MAIN AREA	1138 sq ft	1932	CONC	FOR	B2;HB	2	\$113,510
FINISHED BSMT	912 sq ft	1932		FOR			\$74,620
ACCESSORY IMPROVEMENTS	1 sq ft						\$11,500

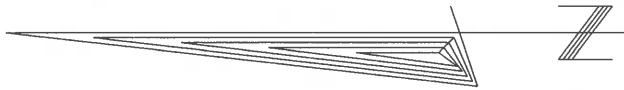
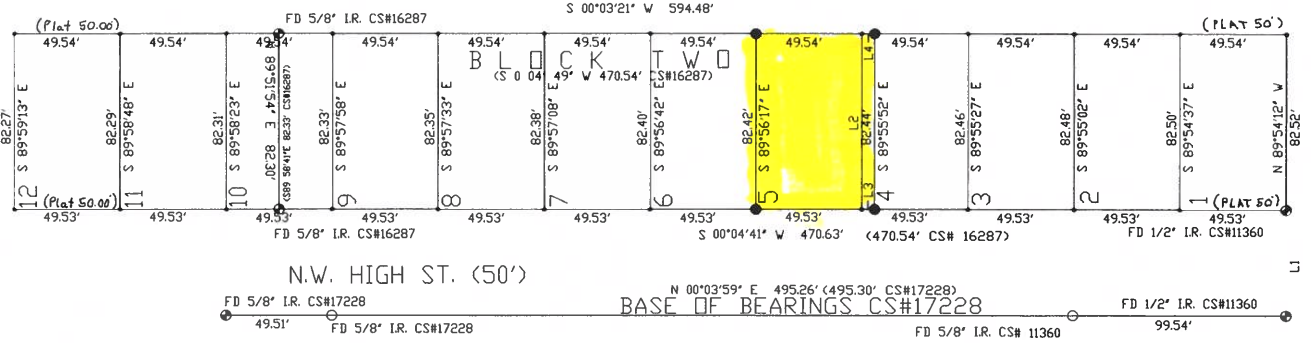
[Foundation Code List](#) [Heating/AC Code List](#) [Plumbing Code List](#)

Value History						
Year	Imp.	Land	Total Market	Total Assessed	Levied Tax	
2019	199,630	113,550	313,180	224,060	4,072.97	
2018	171,040	116,520	287,560	217,540	3,947.79	
2017	155,680	127,670	283,350	211,210	3,912.74	
2016	136,710	127,670	264,380	205,060	3,829.80	
2015	127,680	127,670	255,350	199,090	3,550.63	
2014	114,170	126,670	240,840	193,300	3,470.85	
2013	119,630	126,670	246,300	187,670	3,291.35	
2012	121,450	150,490	271,940	182,210	3,159.34	

Sales History						
Sale Date	Price	Document	Type	Code		
04/16/2002	\$179,000	MF447-2104	32	WD		
12/18/1996	\$80,000	MF329-2316	33	WD		

Land		Related Accounts	Disclaimer
Description	AcresMarket ValueSpecial Use Value		
DEV OCEANVIEW LOT 0.11	97,050		For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on
SITE DEVELOPMENT	16,500		

JOB 17553
FILED 19 APRIL 2005
LINCOLN COUNTY SURVEYORS



LINE	BEARING	DISTANCE
L1	S 89°51'24" E	49.91
L2	N 89°55'52" W	82.44
L3	S 00°04'49" W	6.00
L4	N 00°03'21" E	6.00

SURVEYOR'S NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO MONUMENT A TRACT OF LAND DESCRIBED BY DEED FROM GARY AND SHARON BRUNNER TO MICHAEL DITLEFSEN AND JANIE JENNE RECORDED 4/25/2002 IN MF 447 PAGE 2104 OF LINCOLN COUNTY DEED RECORDS.
THIS SURVEY FOUND AND HELD MONUMENTS OF COUNTY SURVEY # S 16287, 17228, & 8430 FOR CONTROL AND PRORATED THE BLOCK FROM DATA OF THOSE SURVEYS. MONUMENTS FOUND AND SET AS SHOWN.

- LEGEND -
- Monuments Found - Held For Control
 - Monuments Found as Shown
 - Monuments Set - 5/8" x 30" Iron Rods w/ Plastic Caps inscribed "Denison Surveying, Inc., Newport, Oregon".
 - Unsurveyed Lot Cor.
- Record Data shown in parenthesis
Equipment Used: Wild 1018 Total Station.

REGISTERED PROFESSIONAL LAND SURVEYOR
Charles A. Denison
OREGON
JULY 08, 1982
CHARLES A. DENISON
574
RENEWAL DATE
DECEMBER 31, 2005

SURVEY FOR -		JANIE JENNE	
LOCATED IN -		LOT 5 & PORTION OF LOT 4 CRESSY BLOCK 2 11-11-05CC SW 1/4 SEC. 5, T11S, R11W, W.M.	
DATE -	4/1/05	<p>DENISON SURVEYING, INC. 720 SW ANGLE ST. NEWPORT, OREGON 97365 (541) 265-9308</p>	
SCALE -	1" = 40'		
JOB NUMBER -	DSI#3551		
DRAWN BY -	CD		
CHECKED BY -	RJ		
REVISION #	1		

Attachment "D"

5-NCU-20

1. We have attached the site plan.
2. There has been no change to the exterior elevation of the house or the yard.
3. We have attached the tax map.
4. We have attached the names and addresses as requested.
5. We have attached:
 - Transaction of the utility bills for the previous year.
 - We are including copies of the "Owner Statement" for fiscal year 2019 showing 30+ days of rental and we have copies of each "Owner Statement" for 2018.
 - Copies of our Oregon State Business Registry
 - Oregon Real Property Statement

Note: Copies of the "Transient Room Tax Return" forms from 2010 through 2016 showing the property rented for 30+ days each of your fiscal years. We have partial "Transient Room Tax Return" records going back to Apr 2003. are available.
- 6a.
 - We purchased the property at 406 High St. in Apr 2002.
 - We contracted with Oregon Beach House Rentals Mar 2003 to manage the property as a 2-bedroom Vacation Rental Property with a maximum occupancy of 6.
 - We changed management companies and contracted with Oregon Beach Vacations Feb 2017 to continue managing the property. with a maximum occupancy of 6.
 - Sept. of 2019, we contracted with Word of Mouth Construction to remodel the main floor and finish the basement to include 2 more bedrooms
 - We have now signed up with VACASA as our rental manager.
 - Throughout this 17-year time frame we have not had any complaints from the neighborhood or the city to the best of our knowledge.
- 6b. We plan to continue as we are with no changes, except for the addition of the two bedrooms in the basement. This should not impact the neighborhood with an increase in noise, vibration, dust, odor, dust, fumes glare, or smoke detectable with the neighborhood. Our rental management requires noise audible outside the property is prohibited between 10 p.m. and 8 a.m.
- 6c. With the remodel that began Oct 2019, our contractor and/or subcontractors obtained all necessary permits. The contract manager for our project notified us on March 20, 2020 that the City of Newport inspector(s) had completed and approved

the final inspection. The inspector(s) did not mention any concerns with the adequacy of the services to our beach house.

6d. With two additional bedrooms we would expect at the most two more vehicles. The number of trips should be the same.

6e. Our driveway is constructed of turf stone blocks. It is 22' wide and 60' long. During construction there were 2 SUVs, 1 car, 1 17' trailer and 1 20' trailer parked on the drive. The driveway will easily accommodate 4 to 6 vehicles. We do have an outside shelter for the garbage can to prevent the frequent high winds from blowing our garbage through the neighborhood. The turf stones help with erosion control and allow natural drainage preventing runoff into the street and storm sewer system. I have attached a picture of our turf block driveway.

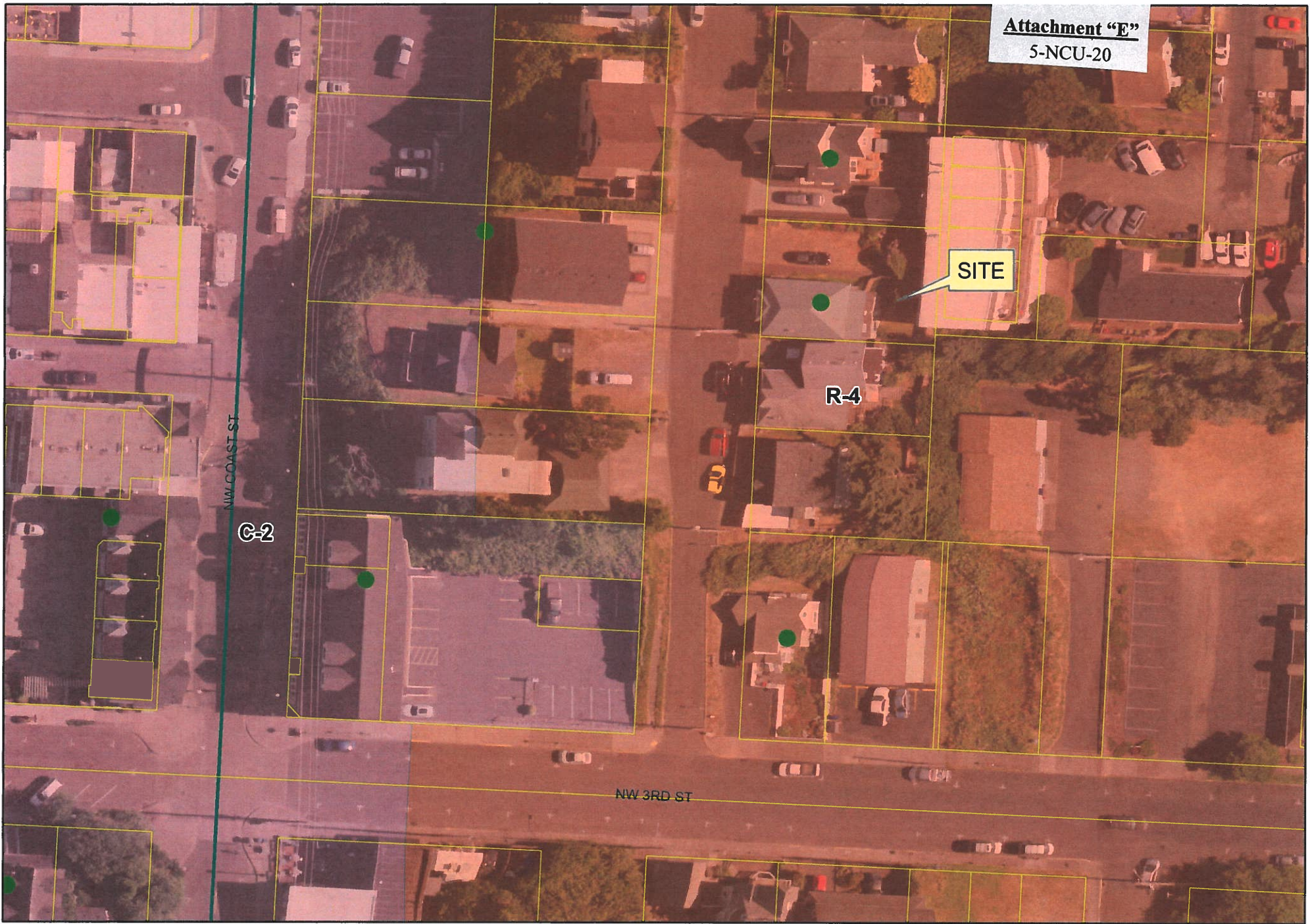
6f. The main floor of the house when purchased was finished and habitable. The daylight basement was unfinished. We left the exterior of the house, as it matched the neighborhood. The yard was in bad shape, we removed a broken-down garage, repaired the crumbling basalt riprap wall, and replaced it with a proper retaining wall. We landscaped, placed brick sidewalks, a large patio in the back and fenced the yard. I think we contributed to the visual appearance and character of the neighborhood. We do not plan to change the appearance of the house itself.

6g. Guest check in and check out is set by the management firm. Check in time has always been set at 4 pm the day of arrival and check out has always been 11 am. Our new management firm has the same policy.

6h. The shape of our yard and home have not changed. There is no change to the solar access or privacy of our neighbors.

6i. We cannot think of anything additional.

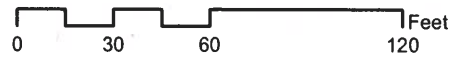
7. We have been in operation as a "Vacation Rental Dwelling" at 406 High St. Newport, Oregon since Apr 2003. Our rental has been licensed for an occupancy limit of 6 people with off-street parking spaces for 2 vehicles. We would like to change that license to an occupancy limit of 10 people and an off-street parking for 4 vehicles with space available for up to 6 vehicles.



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

**Zoning Map - 406 NW High Street
(Green dots identify location of licensed STRs)**

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

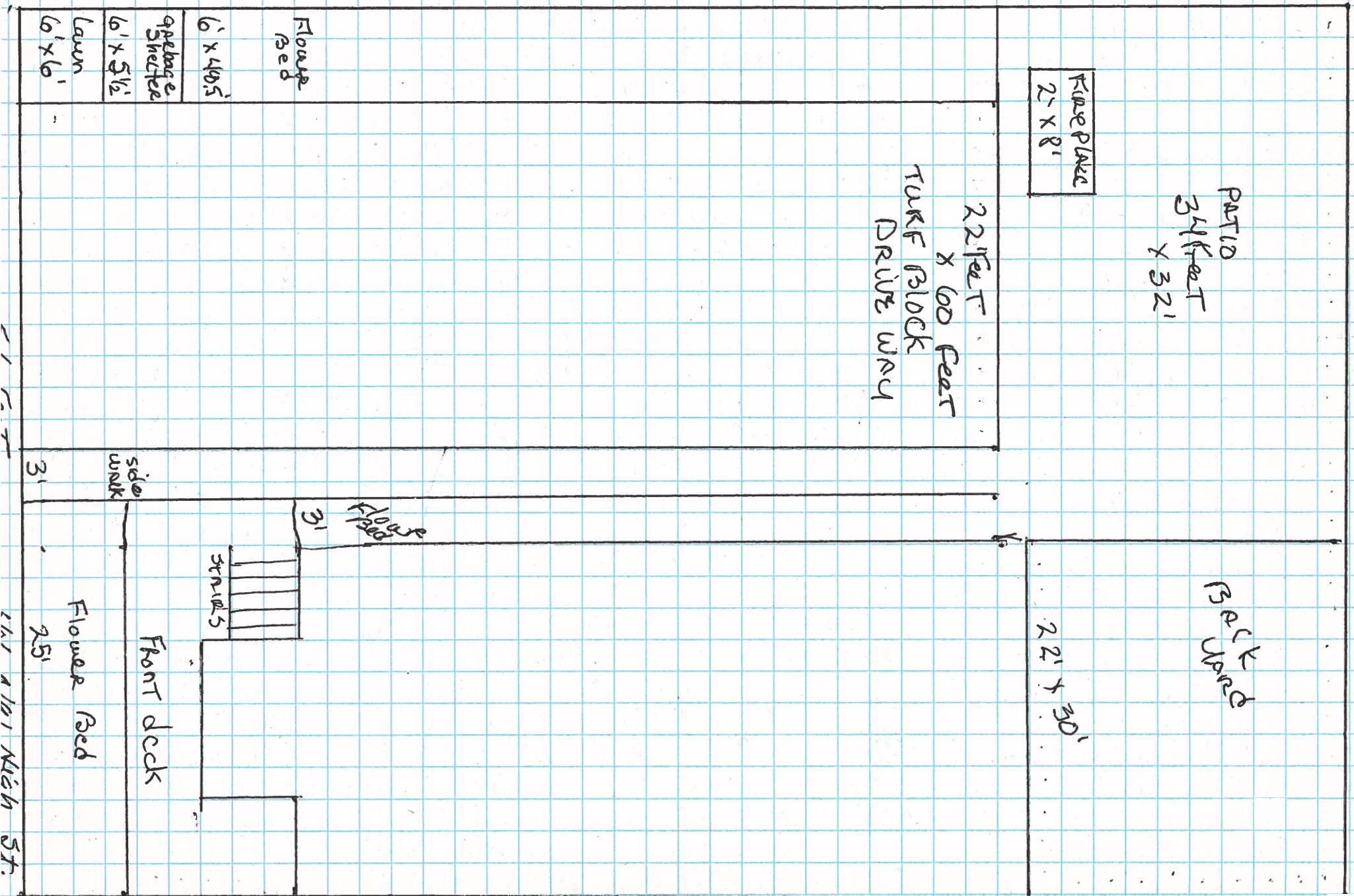


This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify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

80.33 feet

Attachment "F"

5-NCU-20





Attachment "G"
5-NCU-20

407 NW High St - Google Maps
Newport, Oregon
Google
Street View

44.639106, -124.0598466, 3a, 75y, 106h, 79.58t/data=!3m6!1e1!3m4!1sYhl1piS4lwAZI9vzxn6YvQl2e0l7i163B4i8i8192

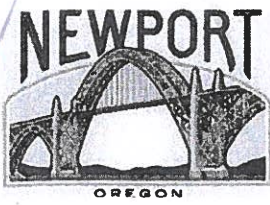


Google

Image capture: Jul 2019 © 2020 Google United States Terms Report a problem
9:24 AM
1/8/2020

Type here to search





Attachment "H"
5-NCU-20

City of Newport
169 SW Coast Hwy
Newport, OR 97365
541-574-0629
Fax: 541-574-0644

Building Permit

Residential Structural

Permit Number: 625-19-000733-STR

IVR Number: 625077771473

Web Address: www.newportoregon.gov

Email Address: permits@newportoregon.gov

Permit Issued: January 17, 2020

TYPE OF WORK

Category of Construction: Single Family Dwelling
Submitted Job Value: \$45,000.00

Type of Work: Alteration

Description of Work: Basement work/conversion add 2 bedrooms & finish common area. Includes framing furring walls & ceiling insulation, electrical, minor plumbing, & finishes.

JOB SITE INFORMATION

Worksite Address

406 NW HIGH ST
Newport, OR

Parcel

11-11-05-CC-13400-00

Owner:

DITLEFSEN MICHAEL &

Address:

JENNE JANIE M TRUSTEE
SALEM, OR 97301

LICENSED PROFESSIONAL INFORMATION

Business Name

ROBIN ADAIR WENGERT - Primary

License

CCB

License Number

229089

Phone

503-302-5402

PENDING INSPECTIONS

Inspection

1999 Final Building

Inspection Group

Struct Res

Inspection Status

Pending

SCHEDULING INSPECTIONS

Various inspections are minimally required on each project and often dependent on the scope of work. Contact the issuing jurisdiction indicated on the permit to determine required inspections for this project.

Schedule or track inspections at www.buildingpermits.oregon.gov

Call or text the word "schedule" to 1-888-299-2821 use IVR number: 625077771473

Schedule using the Oregon ePermitting Inspection App, search "epermitting" in the app store

PERMIT FEES

Fee Description

Structural building permit fee

Structural plan review fee

State of Oregon Surcharge - Bldg (12% of applicable fees)

Quantity

Fee Amount

\$338.65

\$220.12

\$40.64

Total Fees:

\$599.41

Permits expire if work is not started within 180 Days of issuance or if work is suspended for 180 Days or longer depending on the issuing agency's policy.

All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the Center at (503) 232-1987.

All persons or entities performing work under this permit are required to be licensed unless exempted by ORS 701.010 (Structural/Mechanical), ORS 479.540 (Electrical), and ORS 693.010-020 (Plumbing).

From: <Auto_Sender@accela.com>

Date: Fri, Mar 20, 2020, 2:41 PM

Subject: Inspection results for 625-19-000733-STR, Job Site Address 406 NW HIGH ST, Newport, OR have been posted

To: <wordofmouthbuilders@gmail.com>

Inspection results for 625-19-000733-STR

Address: 406 NW HIGH ST, Newport, OR

Inspection: 1999 Final Building

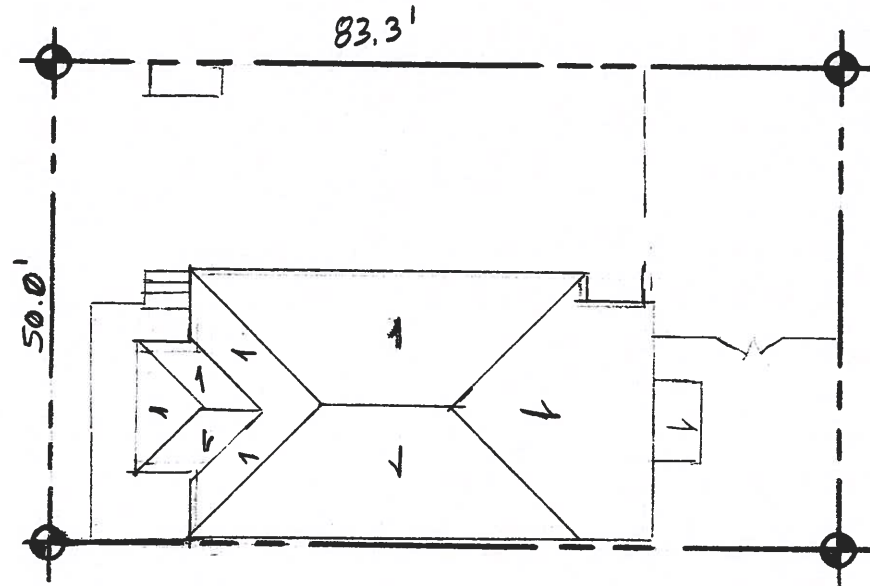
Inspection Date: 03/20/2020

Result: Approved

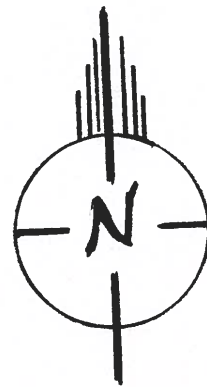
Comments:

If you have questions regarding this inspection, please contact City of Newport Building Department at 541-574-0629.

NH HIGH ST.



SITE PLAN 406 HIGH ST.
SCALE: 1/2" = 10.0' NEWPORT, OR 97365



PROJECT SPECIFICS:

- ALL WORK TAKING PLACE INSIDE THE FOOTPRINT OF THE EXISTING BUILDING
- ALL MECHANICAL, PLUMBING & ELECTRICAL PERMITS TO BE SUPPLIED BY INDIVIDUAL SUBCONTRACTOR AS REQ'D
- NO MODIFICATIONS TO EXISTING EXTERIOR ENVELOPE OR STRUCTURE PLANNED @ THIS TIME.

PROJECT DESCRIPTION:

- IMPROVEMENTS TO EXIST. PARTIALLY FINISHED BASEMENT:
 - FRAME ISOLATED CEILING W/ DBL INSULATION FOR SOUND DEADENING BETWEEN FLOORS.
 - INSTAL 1" FOAM V.B AGAINST CONC. BASEMENT WALLS, TAPE & FOAM
 - FRAME INTERIOR FURRING WALLS AND PARTITION WALLS, INSULATE & FINISH AS REQ'D.
 - REPLACE EXIST. SLIDING BEDROOM WINDOWS W/ CASEMENT EGRESS RATED WINDOWS
 - PROVIDE LANDING @ BOTTOM OF STAIRS TO MEET STAIRWAY GUIDELINES

NEWPORT Departmental Plan Review Approvals

Location: **406 NW High ST**
 Proj. Description: **Convert unfinished basement to habitable space**

Department	Zone/Class	Conditions Attached	Signature/Title	Date
Planning	R-4	X	<i>[Signature]</i>	12/18/19
Building	R-3	ON HAND	<i>[Signature]</i>	1-15-2020
Fire			<i>[Signature]</i>	12-18-19
Public Works				
Other				

* BELOW THRESHOLD THAT WOULD TRIGGER DESIGN REVIEW (NMC 14.30.040)

REVIEWED FOR CODE COMPLIANCE

Reviewed plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by the code shall be done in accordance with the reviewed plans. The issuance or granting of permit or review of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the code or any other ordinance of the jurisdiction.

Date: **1-15-2020**
 City of Newport Permit # **62549-000733-STR**

CITY OF NEWPORT

CITY SET

DEC 18 2019
RECEIVED

Sheet #:

A-1 OF 5

Project: JENNE / DITLEFSEN

406 HIGH ST, NEPORT, OR 97365

Revisions:

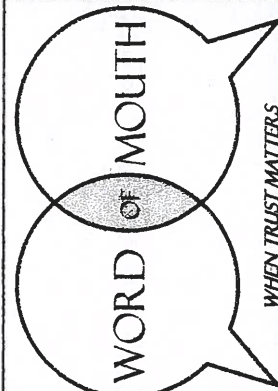
Date: 12-4-19

Scale: AS NOTED

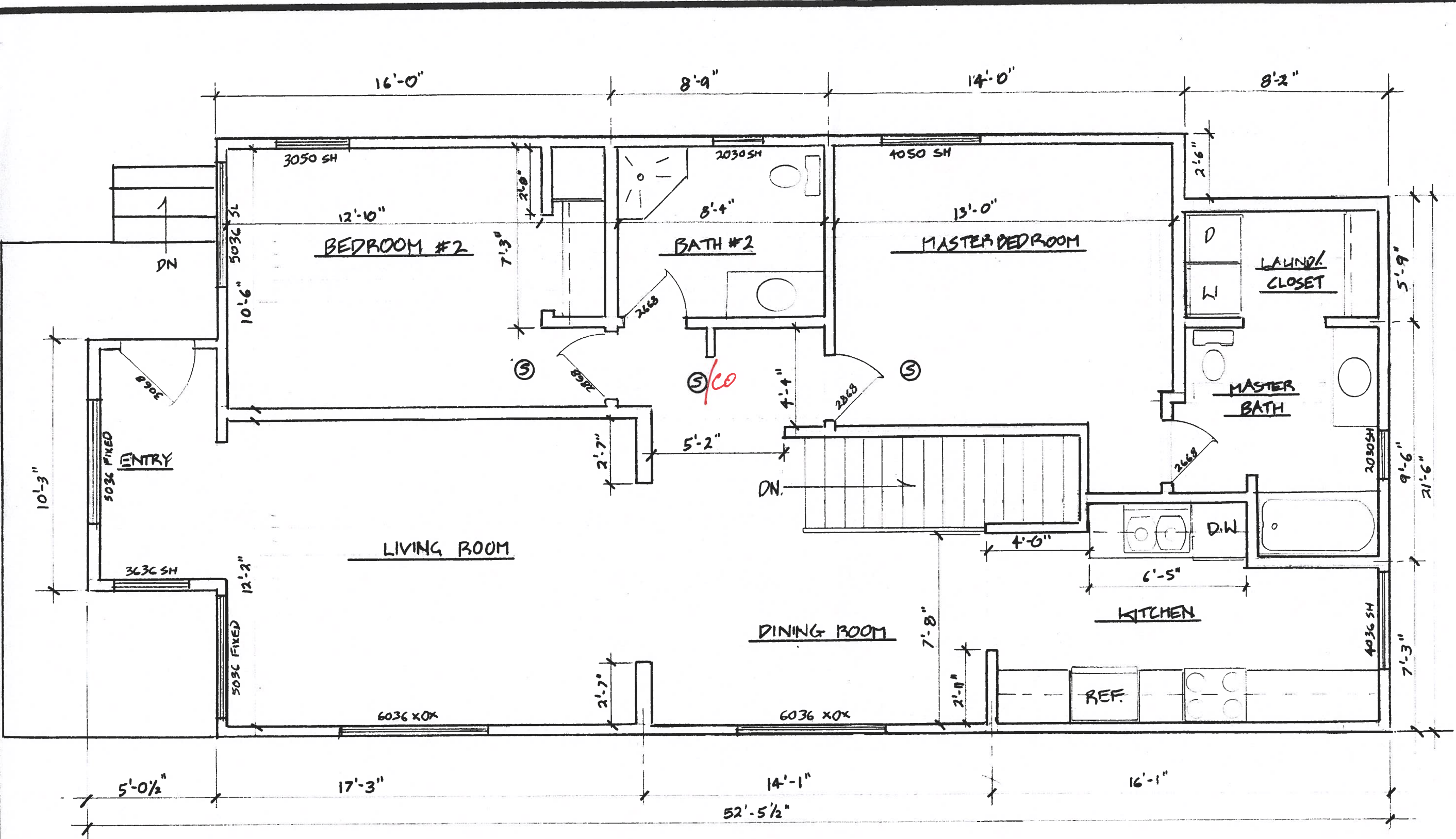
Robin Wengert
503-951-9222
503-302-5402

CCB: 229089

CONSTRUCTION



Sheet #: A-2 OF 5



MAIN FLOOR (EXIST.)

SCALE: 1/4" = 1'-0" *No Changes*

Ⓢ = SMOKE/CO ALARM

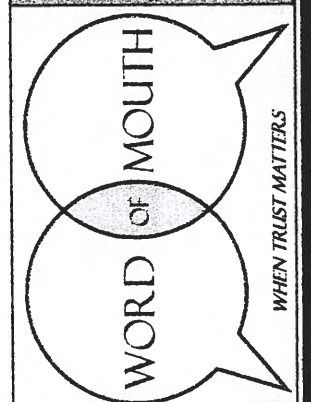
Project: JENNE / DITLEPSEN
406 HIGH ST., NEWPORT, OR 97365

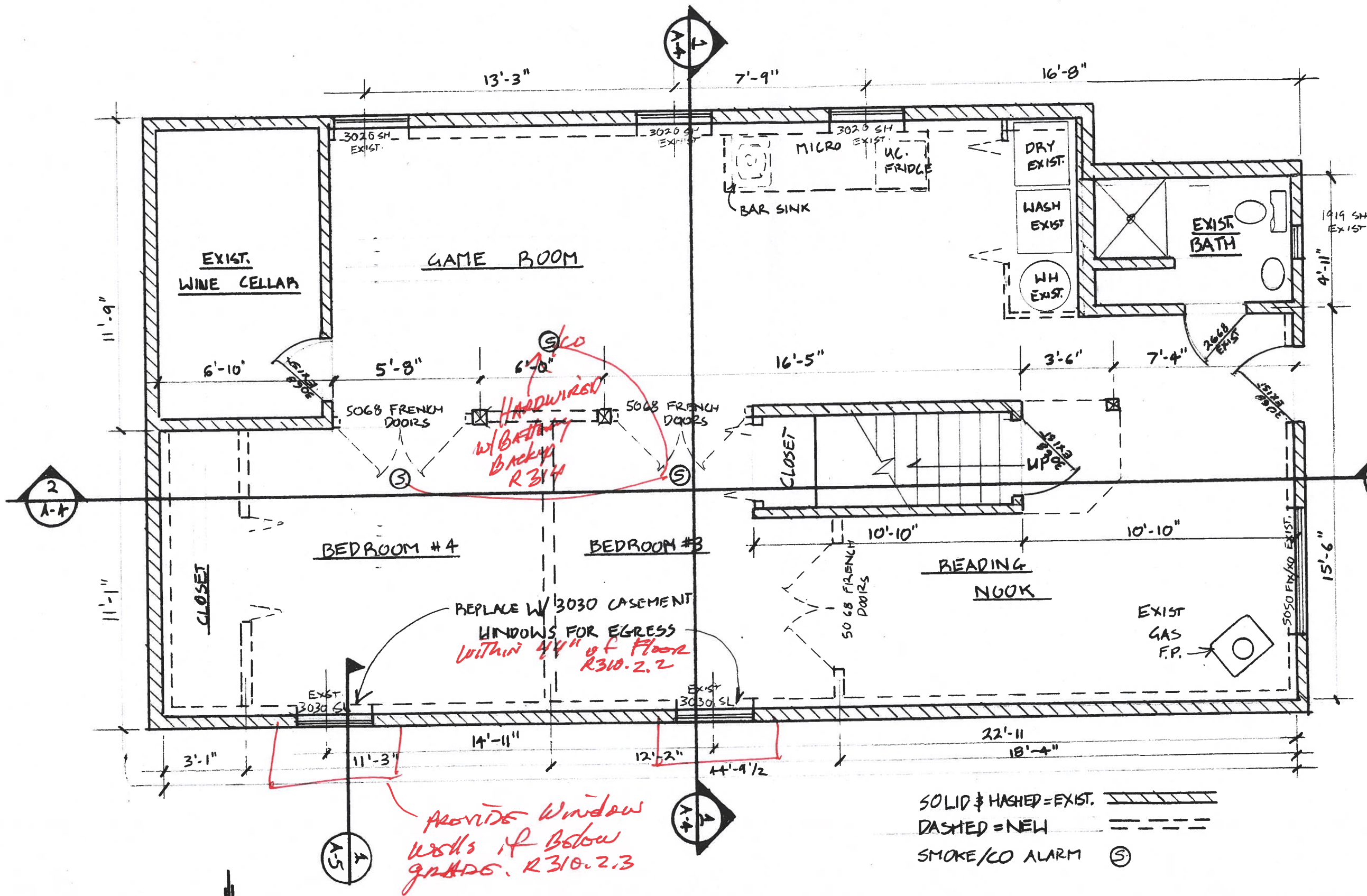
Date: 12-4-19
Revisions:

Scale: AS NOTED

Robin Wengert
503-551-0222
503-302-5402
CCB: 229089

CONSTRUCTION





Provides window wells if below grade. R310.2.3

REPLACE W/ 3030 CASEMENT WINDOWS FOR EGRESS WITHIN 44" of Floor R310.2.2

Hardware w/ battery backdoor R314

BASEMENT CONVERSION

SCALE 1/4" = 1'-0"

SOLID & HASHED = EXIST.
 DASHED = NEW
 SMOKE/CO ALARM (S)

Sheet #:

A-3 OF 5

Project: JENNE / DITLEFSEN
 406 HIGH ST. NEWPORT, OR 97365

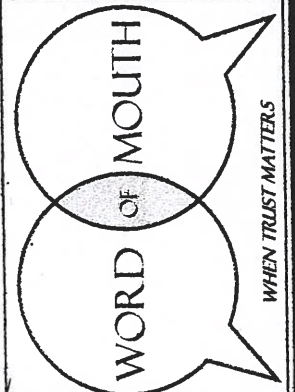
Date: 12-4-19

Scale: AS NOTED

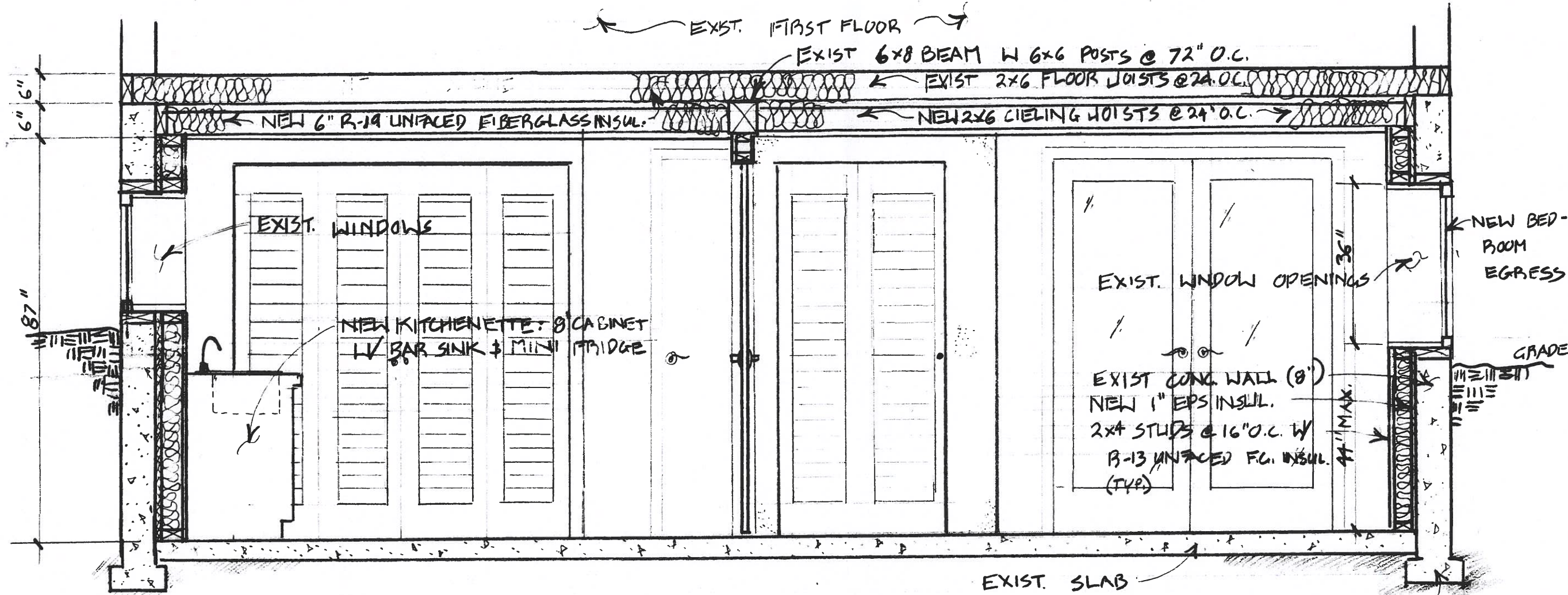
Robin Wengert
 503-951-9222
 503-302-5402

CCB: 229089

CONSTRUCTION



Sheet #: A-4 OF 5

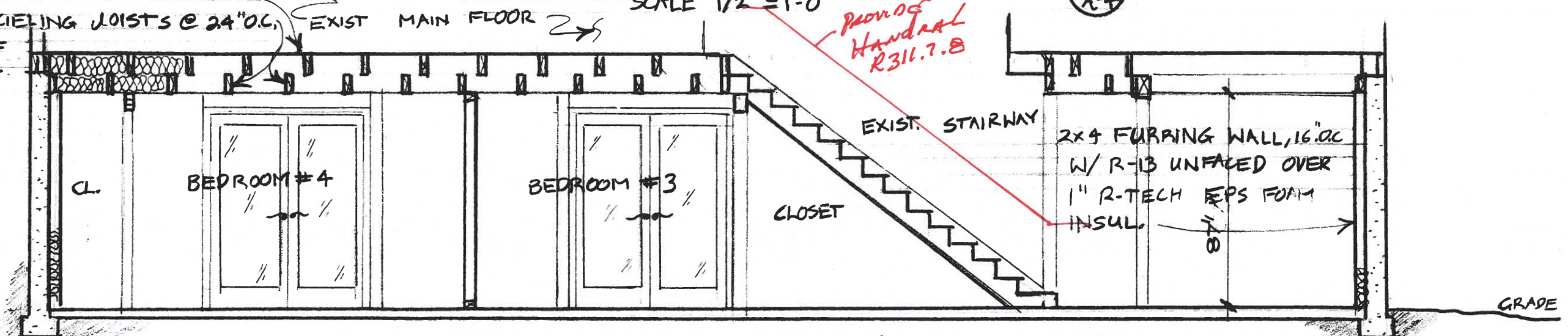


TRANSVERSE CROSS SECTIONAL ELEVATION

SCALE 1/2" = 1'-0"

1
A-4

EXISTING FLOOR SYSTEM
NEW 2x6 CEILING JOISTS @ 24" O.C.
OFFSET OF EXISTING



LONGITUDINAL CROSS SECTIONAL ELEVATION

SCALE: 1/4" = 1'-0"

#2
A-4

PROVIDE HANDRAIL R311.7.8

Sheet #:

Project: JENNE / DITLEFSEN
406 HIGH ST., NEWPOR, OR 97365

Revisions:

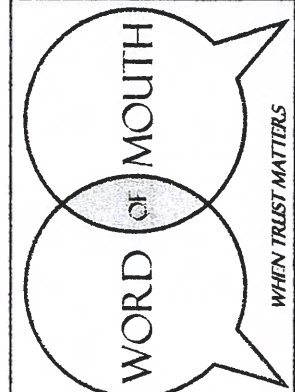
Date: 12-4-19

Scale: AS NOTED

Robin Wengert
503-951-9222
503-302-5402

CCB: 229089

CONSTRUCTION



EXIST. FLOOR SYSTEM:
2x6 @ 24" O.C. TYP.

NEW P.T. 2x6 LEDGER
W/ 1-1/2" x 4" WEDGE
ANCHOR EVERY 24"
O.C. TYP.

NEW R-19 UNFACED FIBERGLASS INSUL.

NEW 2x6 CEILING JOISTS
@ 24" O.C., OFFSET OF
EXIST FLOOR JOISTS

NEW R-19 UNFACED INSUL
IN CEILING JOIST BAYS
1/2" TYPE "X" SHEETROCK (TYP.)
SIMPSON 2x6 HANGERS

3030 CASEMENT WINDOW TO
MEET BEDROOM EGRESS REQ.

2x4 FURING WALL, 16" O.C., 4x6 HEADERS,
W/ R-13 UNFACED INSUL. & 1/2"
TYPE "X" DRYWALL, (TYP.)

1" R-TECH, FOIL FACED, EPS FOAM
INSULATION BOARD/V.B., TAPED
@ ALL SEAMS.

P.T. WALL PLATES W/ 1/2" x 4"
A.B.'S @ 6'-0" O.C. & 1/4"
BY 4" FOAM SILL SEAL.

LVP FLOORING (TYP.)

EXIST SLAB

EXIST. 8' BASEMENT
FOUNDATION WALL

STRUCT. WALL DETAIL (TYP.)

SCALE: 3/4" = 1'-0"

1
A-5

Sheet #:

A-5
OF
5

Project: JENNE / DITLEFSEN
406 HIGH ST., NEWPORT, OR 97365

Revisions:

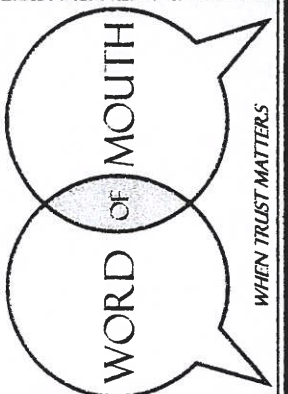
Date: 12-4-19

Scale: AS NOTED

Robin Wengert
503-951-9222
503-302-5102

CCB: 229089

CONSTRUCTION



Attachment "J"
5-NCU-20

**Oregon Beach
Vacations**
**www.oregonbeachvacatio
ns.com**

PO Box 780
Neotsu, OR 97364
503-528-7480
fax

**OWNER
STATEMENT**

09/15/2019 – 09/30/2019

Statement Date:
Monday, October 14, 2019

Janie & Michael Jenne
1055 Highland Avenue North
Salem, OR 97301

Janie & Michael,

Thank you for the privilege of allowing Oregon Beach Vacations to manage your vacation rental property. If you have questions related to your statement please contact statements@oregonbeachvacations.com or 503.528.7480. Please send any payments to:

Owner Financial Summary

The detailed financial summary shows all booking income and expenses, unit expenses, other income and expenses, and disbursements.

Booking Income and Expenses		DEBIT	CREDIT
5175COT Bookings			
BKG-28015	(09/02/2019-09/18/2019) Customer: Rohr (Renter)		
9/18/2019	Unit 5175COT from 9/2/2019 to 9/18/2019		\$2600.00
9/18/2019	Man	\$780.00	
Subtotal - BKG-28015			\$1820.00
BKG-26710	(09/19/2019-09/22/2019) Customer: Thow (Renter)		
9/22/2019	Unit 5175COT from 9/19/2019 to 9/22/2019		\$550.00
9/22/2019	Man	\$165.00	
Subtotal - BKG-26710			\$385.00
BKG-28218	(09/23/2019-09/24/2019) Customer: Jones (Renter)		
9/24/2019	Unit 5175COT from 9/23/2019 to 9/24/2019		\$300.00
9/24/2019	Man	\$90.00	
Subtotal - BKG-28218			\$210.00
BKG-32752	(09/27/2019-09/28/2019) Customer: Trent (Renter)		
9/28/2019	Unit 5175COT from 9/27/2019 to 9/28/2019		\$300.00
9/28/2019	Man	\$90.00	
Subtotal - BKG-32752			\$210.00
Subtotal - 5175COT			\$2625.00
Subtotal - Booking Income and Expenses			\$2625.00

Unit Expenses		DEBIT	CREDIT
---------------	--	-------	--------

5175COT	Document	Vendor	Memo	
9/18/2019	SVC-0015503	None	Lincoln City	\$82.98
9/18/2019	SVC-0015585	None	Miscellaneous tv, bathroom - In process	\$15.00
9/18/2019	SVC-0015681	None	Recycling	\$15.00
Subtotal - 5175COT				\$112.98
Subtotal - Unit Expenses				\$112.98

Summary

Statement Beginning Balance	\$0.00
Booking Income and Expenses	+ \$2625.00
Unit Expenses	- \$112.98
Adjustments	\$0.00
Due to Owner 9/30/2019	- \$2512.02
Statement Ending Balance	\$0.00

≤

UNIT FINANCIAL SUMMARY

	YEAR-TO-DATE	CURRENT PERIOD	
	TOTAL	DEBIT	CREDIT

5175COT			
Unit Income	\$22814.15		\$3750.00
Linen Fee	- \$54.00		
Misc. Income	\$0.00		
Management Fees	- \$6844.24	\$1125.00	
Housekeeping Service	\$0.00		
Maintenance & Supplies	\$0.00		
Association Dues	\$0.00		
Utilities	\$0.00		
Damage Waiver Refund	\$0.00		
Misc. Expense	\$0.00		
Service Order Billing	- \$629.89	\$112.98	
Unit Total - 5175COT	\$15286.02	\$1237.98	\$3750.00

UPCOMING BOOKINGS

Future Bookings show s future Ow ner, Ow ner Referral, Guest of Ow ner, and Renter bookings for the next 30 days.

	Unit	First Night	Last Night	Nights	Booking Number	Name	Source Cat	Subcategory
Renter	5175COT	10/25/2019	10/30/2019	6	BKG-33426		EscapiaNET	VRBO.com (annual subscription)
Ow ner	5175COT	10/11/2019	10/13/2019	3	BKG-31003		Ow ner Portal	Ow ner
	5175COT	10/14/2019	10/15/2019	2	BKG-32706		Ow ner Portal	Ow ner

**Oregon Beach
Vacations**

www.oregonbeachvacations.com

ns.com

PO Box 780

Neotsu, OR 97364

503-528-7480

fax

Janie & Michael Jenne
1055 Highland Avenue North
Salem, OR 97301

Janie & Michael,

Thank you for the privilege of allowing Oregon Beach Vacations to manage your vacation rental property. If you have questions related to your statement please contact statements@oregonbeachvacations.com or 503.528.7480. Please send any payments to:

**OWNER
STATEMENT**

09/01/2019 – 09/14/2019

Statement Date:

Friday, September 27, 2019

Owner Financial Summary

The detailed financial summary shows all booking income and expenses, unit expenses, other income and expenses, and disbursements.

Booking Income and Expenses		DEBIT	CREDIT
5175COT Bookings			
BKG-31658	(08/29/2019-09/01/2019) Customer: Boyum (Renter)		
9/1/2019	Unit 5175COT from 8/29/2019 to 9/1/2019		\$700.00
9/1/2019	Man	\$210.00	
Subtotal - BKG-31658			\$490.00
Subtotal - 5175COT			\$490.00
Subtotal - Booking Income and Expenses			\$490.00

Unit Expenses				DEBIT	CREDIT
5175COT	Document	Vendor	Memo		
9/2/2019	SVC-0015174	Don Darnielle	yard care	\$15.00	
9/2/2019	SVC-0015464	None	VRD Requirements	\$64.99	
9/2/2019	SVC-0015470	Don Darnielle	yard care	\$15.00	
9/1/2019		Oregon Beach Vacations	Linen Charge	\$6.00	
Subtotal - 5175COT				\$100.99	
Subtotal - Unit Expenses				\$100.99	

Summary		
Statement Beginning Balance		\$0.00
Booking Income and Expenses		+ \$490.00
Unit Expenses		- \$100.99

Adjustments	\$0.00
Due to Owner 9/14/2019	- \$389.01
Statement Ending Balance	\$0.00

≤

UNIT FINANCIAL SUMMARY	YEAR-TO-DATE	CURRENT PERIOD	
	TOTAL	DEBIT	CREDIT
5175COT			
Unit Income	\$19064.15		\$700.00
Linen Fee	- \$54.00	\$6.00	
Misc. Income	\$0.00		
Management Fees	- \$5719.24	\$210.00	
Housekeeping Service	\$0.00		
Maintenance & Supplies	\$0.00		
Association Dues	\$0.00		
Utilities	\$0.00		
Damage Waiver Refund	\$0.00		
Misc. Expense	\$0.00		
Service Order Billing	- \$516.91	\$94.99	
Unit Total - 5175COT	\$12774.00	\$310.99	\$700.00

UPCOMING BOOKINGS

Future Bookings show s future Ow ner, Ow ner Referral, Guest of Ow ner, and Renter bookings for the next 30 days.

	Unit	First Night	Last Night	Nights	Booking Number Name	Source Cat	Subcategory
Renter	5175COT	9/19/2019	9/22/2019	4	BKG-26710	OBV Booking	Complimentary
	5175COT	9/23/2019	9/24/2019	2	BKG-28218	EscapiaNET	Oregon Beach Vacations - Website
	5175COT	9/25/2019	9/26/2019	2	BKG-32572	EscapiaNET	Oregon Beach Vacations - Website
	5175COT	9/27/2019	9/28/2019	2	BKG-32752	EscapiaNET	Oregon Beach Vacations - Website
Ow ner	5175COT	10/11/2019	10/13/2019	3	BKG-31003	Ow ner Portal	Ow ner
	5175COT	10/14/2019	10/15/2019	2	BKG-32706	Ow ner Portal	Ow ner

**Oregon Beach
Vacations**
**www.oregonbeachvacatio
ns.com**

PO Box 780
Neotsu, OR 97364
503-528-7480
fax

Janie & Michael Jenne
1055 Highland Avenue North
Salem, OR 97301

Janie & Michael,

Thank you for the privilege of allowing Oregon Beach Vacations to manage your vacation rental property. If you have questions related to your statement please contact statements@oregonbeachvacations.com or 503.528.7480. Please send any payments to:

OWNER STATEMENT

08/15/2019 – 08/31/2019

Statement Date:

Saturday, September 14, 2019

Owner Financial Summary

The detailed financial summary shows all booking income and expenses, unit expenses, other income and expenses, and disbursements.

Booking Income and Expenses				DEBIT	CREDIT
5175COT Bookings					
BKG-24444	(08/16/2019-08/19/2019) Customer: BARKER (Renter)				
8/19/2019	Unit 5175COT from 8/16/2019 to 8/19/2019				\$748.00
8/19/2019	Man		\$224.40		
Subtotal - BKG-24444					\$523.60
BKG-31424	(08/20/2019-08/22/2019) Customer: Kjelstrom (Renter)				
8/22/2019	Unit 5175COT from 8/20/2019 to 8/22/2019				\$569.00
8/22/2019	Man		\$170.70		
Subtotal - BKG-31424					\$398.30
BKG-30041	(08/23/2019-08/26/2019) Customer: Zinder (Renter)				
8/26/2019	Unit 5175COT from 8/23/2019 to 8/26/2019				\$876.00
8/26/2019	Man		\$262.80		
Subtotal - BKG-30041					\$613.20
Subtotal - 5175COT					\$1535.10
Subtotal - Booking Income and Expenses					\$1535.10
Unit Expenses				DEBIT	CREDIT
5175COT	Document	Vendor	Memo		
8/17/2019	SVC-0014872	Don Darnielle	Yard care	\$15.00	
Subtotal - 5175COT				\$15.00	
Subtotal - Unit Expenses				\$15.00	

Summary

Statement Beginning Balance	\$0.00
Booking Income and Expenses	+ \$1535.10
Unit Expenses	- \$15.00
Adjustments	\$0.00
Due to Owner 8/31/2019	- \$1520.10
Statement Ending Balance	\$0.00

≤

UNIT FINANCIAL SUMMARY

	YEAR-TO-DATE TOTAL	CURRENT PERIOD DEBIT	CREDIT
5175COT			
Unit Income	\$18364.15		\$2193.00
Linen Fee	- \$48.00		
Misc. Income	\$0.00		
Management Fees	- \$5509.24	\$657.90	
Housekeeping Service	\$0.00		
Maintenance & Supplies	\$0.00		
Association Dues	\$0.00		
Utilities	\$0.00		
Damage Waiver Refund	\$0.00		
Misc. Expense	\$0.00		
Service Order Billing	- \$421.92	\$15.00	
Unit Total - 5175COT	\$12384.99	\$672.90	\$2193.00

UPCOMING BOOKINGS

Future Bookings show s future Ow ner, Ow ner Referral, Guest of Ow ner, and Renter bookings for the next 30 days.

	Unit	First Night	Last Night	Nights	Booking Number	Name	Source Cat	Subcategory
Renter	5175COT	9/2/2019	9/18/2019	17	BKG-28015		EscapiaNET	VRBO.com (annual subscription)
	5175COT	9/19/2019	9/22/2019	4	BKG-26710		OBV Booking	Complimentary Oregon Beach
	5175COT	9/23/2019	9/24/2019	2	BKG-28218		EscapiaNET	Vacations - Website
	5175COT	9/25/2019	9/26/2019	2	BKG-32572		EscapiaNET	Vacations - Website
	5175COT	9/27/2019	9/28/2019	2	BKG-32752		EscapiaNET	Oregon Beach Vacations - Website

**Oregon Beach
Vacations**
*www.oregonbeachvacation
s.com*

PO Box 780
Neotsu, OR 97364
503-528-7480
fax

Janie & Michael Jenne
1055 Highland Avenue North
Salem, OR 97301

Janie & Michael,

Thank you for the privilege of allowing Oregon Beach Vacations to manage your vacation rental property. If you have questions related to your statement please contact statements@oregonbeachvacations.com or 503.528.7480. Please send any payments to:

OWNER STATEMENT

08/01/2019 – 08/14/2019

Statement Date:
Tuesday, August 27, 2019

Owner Financial Summary

The detailed financial summary shows all booking income and expenses, unit expenses, other income and expenses, and disbursements.

Booking Income and Expenses		DEBIT	CREDIT
5175COT Bookings			
BKG-27094	(07/31/2019-08/04/2019) (Renter)		
8/4/2019	Unit 5175COT from 7/31/2019 to 8/4/2019		\$947.00
8/4/2019	Man	\$284.10	
Subtotal - BKG-27094			\$662.90
BKG-27990	(08/05/2019-08/11/2019) (Renter)		
8/11/2019	Unit 5175COT from 8/5/2019 to 8/11/2019		\$1305.73
8/11/2019	Man	\$391.72	
Subtotal - BKG-27990			\$914.01
BKG-32037	(08/12/2019-08/14/2019) (Renter)		
8/14/2019	Unit 5175COT from 8/12/2019 to 8/14/2019		\$525.00
8/14/2019	Man	\$157.50	
Subtotal - BKG-32037			\$367.50
Subtotal - 5175COT			\$1944.41
Subtotal - Booking Income and Expenses			\$1944.41

Unit Expenses				DEBIT	CREDIT
5175COT	Document	Vendor	Memo		
8/1/2019	SVC-0014591	Don Darnielle	Yard care	\$15.00	
8/1/2019	SVC-0014686	None	Clogged Toilet - Master Bath	\$15.00	
8/1/2019		Oregon Beach Vacations	Linen Charge	\$6.00	
Subtotal - 5175COT				\$36.00	

Subtotal - Unit Expenses

\$36.00

Summary

Statement Beginning Balance	\$0.00
Booking Income and Expenses	+ \$1944.41
Unit Expenses	- \$36.00
Adjustments	\$0.00
Statement Ending Balance	+ \$1908.41

UNIT FINANCIAL SUMMARY	YEAR-TO-DATE	CURRENT PERIOD	
	TOTAL	DEBIT	CREDIT
5175COT			
Unit Income	\$16171.15		\$2777.73
Linen Fee	- \$48.00	\$6.00	
Misc. Income	\$0.00		
Management Fees	- \$4851.34	\$833.32	
Housekeeping Service	\$0.00		
Maintenance & Supplies	\$0.00		
Association Dues	\$0.00		
Utilities	\$0.00		
Damage Waiver Refund	\$0.00		
Misc. Expense	\$0.00		
Service Order Billing	- \$406.92	\$30.00	
Unit Total - 5175COT	\$10864.89	\$869.32	\$2777.73

UPCOMING BOOKINGS

Future Bookings show s future Ow ner, Ow ner Referral, Guest of Ow ner, and Renter bookings for the next 30 days.

	Unit	First Night	Last Night	Nights	Booking Number	Name	Source Cat	Subcategory
Renter	5175COT	8/16/2019	8/19/2019	4	BKG-24444		EscapiaNET	Oregon Beach Vacations - Website
	5175COT	8/20/2019	8/22/2019	3	BKG-31424		EscapiaNET	Oregon Beach Vacations - Website
	5175COT	8/23/2019	8/26/2019	4	BKG-30041		EscapiaNET	VRBO.com (annual subscription)
	5175COT	8/29/2019	9/1/2019	4	BKG-31658		EscapiaNET	VRBO.com (annual subscription)
	5175COT	9/2/2019	9/18/2019	17	BKG-28015		EscapiaNET	VRBO.com (annual subscription)

**Oregon Beach
Vacations**

www.oregonbeachvacations.com

s.com

PO Box 780

Neotsu, OR 97364

503-528-7480

fax

Janie & Michael Jenne
1055 Highland Avenue North
Salem, OR 97301

Janie & Michael,

Thank you for the privilege of allowing Oregon Beach Vacations to manage your vacation rental property. If you have questions related to your statement please contact statements@oregonbeachvacations.com or 503.528.7480. Please send any payments to:

**OWNER
STATEMENT**

07/15/2019 – 07/31/2019

Statement Date:

Monday, August 12, 2019

Owner Financial Summary

The detailed financial summary shows all booking income and expenses, unit expenses, other income and expenses, and disbursements.

Booking Income and Expenses		DEBIT	CREDIT
5175COT Bookings			
BKG-24853	(07/13/2019-07/19/2019) (Renter)		
7/19/2019	Unit 5175COT from 7/13/2019 to 7/19/2019		\$1297.00
7/19/2019	Man	\$389.10	
Subtotal - BKG-24853			\$907.90
BKG-31632	(07/20/2019-07/21/2019) (Renter)		
7/21/2019	Unit 5175COT from 7/20/2019 to 7/21/2019		\$374.00
7/21/2019	Man	\$112.20	
Subtotal - BKG-31632			\$261.80
BKG-28477	(07/23/2019-07/25/2019) (Renter)		
7/25/2019	Unit 5175COT from 7/23/2019 to 7/25/2019		\$549.00
7/25/2019	Man	\$164.70	
Subtotal - BKG-28477			\$384.30
BKG-29549	(07/26/2019-07/27/2019) (Renter)		
7/27/2019	Unit 5175COT from 7/26/2019 to 7/27/2019		\$398.00
7/27/2019	Man	\$119.40	
Subtotal - BKG-29549			\$278.60
Subtotal - 5175COT			\$1832.60
Subtotal - Booking Income and Expenses			\$1832.60

Unit Expenses		DEBIT	CREDIT
---------------	--	-------	--------

5175COT	Document	Vendor	Memo	
7/15/2019	SVC-0014237	None	Master bed	\$40.58
7/15/2019	SVC-0014270	Don Darnielle	Yard care	\$22.50
Subtotal - 5175COT				\$63.08
Subtotal - Unit Expenses				\$63.08

Summary

Statement Beginning Balance	\$0.00
Booking Income and Expenses	+ \$1832.60
Unit Expenses	- \$63.08
Adjustments	\$0.00
Statement Ending Balance	+ \$1769.52

UNIT FINANCIAL SUMMARY

	YEAR-TO-DATE	CURRENT PERIOD	
	TOTAL	DEBIT	CREDIT

5175COT			
Unit Income	\$13393.42		\$2618.00
Linen Fee	- \$42.00		
Misc. Income	\$0.00		
Management Fees	- \$4018.02	\$785.40	
Housekeeping Service	\$0.00		
Maintenance & Supplies	\$0.00		
Association Dues	\$0.00		
Utilities	\$0.00		
Damage Waiver Refund	\$0.00		
Misc. Expense	\$0.00		
Service Order Billing	- \$376.92	\$63.08	
Unit Total - 5175COT	\$8956.48	\$848.48	\$2618.00

UPCOMING BOOKINGS

Future Bookings show s future Ow ner, Ow ner Referral, Guest of Ow ner, and Renter bookings for the next 30 days.

Renter	Unit	First Night	Last Night	Nights	Booking Number	Name	Source Cat	Subcategory
	5175COT	8/5/2019	8/11/2019	7	BKG-27990		EscapiaNET	BookingPal
	5175COT	8/12/2019	8/14/2019	3	BKG-32037		EscapiaNET	VRBO.com (annual subscription)
	5175COT	8/16/2019	8/19/2019	4	BKG-24444		EscapiaNET	Oregon Beach Vacations - Website
	5175COT	8/20/2019	8/22/2019	3	BKG-31424		EscapiaNET	Oregon Beach Vacations - Website
	5175COT	8/23/2019	8/26/2019	4	BKG-30041		EscapiaNET	VRBO.com (annual subscription)
	5175COT	8/29/2019	9/1/2019	4	BKG-31658		EscapiaNET	VRBO.com (annual subscription)

**Oregon Beach
Vacations**
*www.oregonbeachvacation
s.com*
PO Box 780
Neotsu, OR 97364
503-528-7480
fax

OWNER STATEMENT

06/15/2019 – 06/30/2019

Statement Date:

Wednesday, July 10, 2019

Janie & Michael Jenne
1055 Highland Avenue North
Salem, OR 97301

Janie & Michael,

Thank you for the privilege of allowing Oregon Beach Vacations to manage your vacation rental property. If you have questions related to your statement please contact statements@oregonbeachvacations.com or 503.528.7480. Please send any payments to:

Owner Financial Summary

The detailed financial summary shows all booking income and expenses, unit expenses, other income and expenses, and disbursements.

Booking Income and Expenses		DEBIT	CREDIT
5175COT Bookings			
BKG-26816	(06/15/2019-06/16/2019) (Renter)		
6/16/2019	Unit 5175COT from 6/15/2019 to 6/16/2019		\$327.61
6/16/2019	Man	\$98.28	
Subtotal - BKG-26816			\$229.33
BKG-29551	(06/18/2019-06/19/2019) (Renter)		
6/19/2019	Unit 5175COT from 6/18/2019 to 6/19/2019		\$350.00
6/19/2019	Man	\$105.00	
Subtotal - BKG-29551			\$245.00
BKG-27138	(06/20/2019-06/25/2019) (Renter)		
6/25/2019	Unit 5175COT from 6/20/2019 to 6/25/2019		\$1050.00
6/25/2019	Man	\$315.00	
Subtotal - BKG-27138			\$735.00
BKG-30393	(06/28/2019-06/29/2019) (Renter)		
6/29/2019	Unit 5175COT from 6/28/2019 to 6/29/2019		\$350.00
6/29/2019	Man	\$105.00	
Subtotal - BKG-30393			\$245.00
Subtotal - 5175COT			\$1454.33
Subtotal - Booking Income and Expenses			\$1454.33

Unit Expenses		DEBIT	CREDIT
---------------	--	-------	--------

5175COT	Document	Vendor	Memo	
6/15/2019	SVC-0013655	None	Fireplace - Unplugged / Off	\$90.00
6/15/2019	SVC-0013692	Don Darnielle	Yard care	\$15.00
Subtotal - 5175COT				\$105.00
Subtotal - Unit Expenses				\$105.00

Summary

Statement Beginning Balance	\$0.00
Booking Income and Expenses	+ \$1454.33
Unit Expenses	- \$105.00
Adjustments	\$0.00
Statement Ending Balance	+ \$1349.33

UNIT FINANCIAL SUMMARY

	YEAR-TO-DATE	CURRENT PERIOD	
	TOTAL	DEBIT	CREDIT

5175COT			
Unit Income	\$9022.42		\$2077.61
Linen Fee	- \$36.00		
Misc. Income	\$0.00		
Management Fees	- \$2706.72	\$623.28	
Housekeeping Service	\$0.00		
Maintenance & Supplies	\$0.00		
Association Dues	\$0.00		
Utilities	\$0.00		
Damage Waiver Refund	\$0.00		
Misc. Expense	\$0.00		
Service Order Billing	- \$298.84	\$105.00	
Unit Total - 5175COT	\$5980.86	\$728.28	\$2077.61

UPCOMING BOOKINGS

Future Bookings show s future Ow ner, Ow ner Referral, Guest of Ow ner, and Renter bookings for the next 30 days.

	Unit	First Night	Last Night	Nights	Booking Number	Name	Source Cat	Subcategory
Renter	5175COT	7/3/2019	7/6/2019	4	BKG-27560		EscapiaNET	Oregon Beach Vacations - Website
	5175COT	7/10/2019	7/12/2019	3	BKG-27091		EscapiaNET	Oregon Beach Vacations - Website
	5175COT	7/13/2019	7/19/2019	7	BKG-24853		EscapiaNET	VRBO.com (annual subscription)
	5175COT	7/23/2019	7/25/2019	3	BKG-28477		EscapiaNET	VRBO.com (annual subscription)
	5175COT	7/26/2019	7/27/2019	2	BKG-29549		EscapiaNET	VRBO.com (annual subscription)

Oregon Beach**Vacations****www.oregonbeachvacation****s.com****PO Box 780**

Neotsu, OR 97364

503-528-7480

fax

**OWNER
STATEMENT**

07/01/2019 – 07/14/2019

Statement Date:

Monday, July 22, 2019

Janie & Michael Jenne
1055 Highland Avenue North
Salem, OR 97301

Janie & Michael,

Thank you for the privilege of allowing Oregon Beach Vacations to manage your vacation rental property. If you have questions related to your statement please contact statements@oregonbeachvacations.com or 503.528.7480. Please send any payments to:

Owner Financial Summary

The detailed financial summary shows all booking income and expenses, unit expenses, other income and expenses, and disbursements.

Booking Income and Expenses		DEBIT	CREDIT
5175COT Bookings			
BKG-27560	(07/03/2019-07/06/2019) (Renter)		
7/6/2019	Unit 5175COT from 7/3/2019 to 7/6/2019		\$1180.00
7/6/2019	Man	\$354.00	
Subtotal - BKG-27560			\$826.00
BKG-27091	(07/10/2019-07/12/2019) (Renter)		
7/12/2019	Unit 5175COT from 7/10/2019 to 7/12/2019		\$573.00
7/12/2019	Man	\$171.90	
Subtotal - BKG-27091			\$401.10
Subtotal - 5175COT			\$1227.10
Subtotal - Booking Income and Expenses			\$1227.10

Unit Expenses				DEBIT	CREDIT
5175COT	Document	Vendor	Memo		
7/1/2019	SVC-0013959	Don Darnielle	Yard care	\$15.00	
7/5/2019	SVC-0014320	None	Curtain Rod	\$0.00	
7/1/2019		Oregon Beach Vacations	Linen Charge	\$6.00	
Subtotal - 5175COT				\$21.00	
Subtotal - Unit Expenses				\$21.00	

Summary

Statement Beginning Balance	\$0.00
Booking Income and Expenses	+ \$1227.10
Unit Expenses	- \$21.00
Adjustments	\$0.00
Statement Ending Balance	+ \$1206.10

UNIT FINANCIAL SUMMARY	YEAR-TO-DATE	CURRENT PERIOD	
	TOTAL	DEBIT	CREDIT

5175COT			
Unit Income	\$10775.42		\$1753.00
Linen Fee	- \$42.00	\$6.00	
Misc. Income	\$0.00		
Management Fees	- \$3232.62	\$525.90	
Housekeeping Service	\$0.00		
Maintenance & Supplies	\$0.00		
Association Dues	\$0.00		
Utilities	\$0.00		
Damage Waiver Refund	\$0.00		
Misc. Expense	\$0.00		
Service Order Billing	- \$313.84	\$15.00	
Unit Total - 5175COT	\$7186.96	\$546.90	\$1753.00

UPCOMING BOOKINGS

Future Bookings show s future Ow ner, Ow ner Referral, Guest of Ow ner, and Renter bookings for the next 30 days.

	Unit	First Night	Last Night	Nights	Booking Number	Name	Source Cat	Subcategory
Renter	5175COT	7/20/2019	7/21/2019	2	BKG-31632		EscapiaNET	Oregon Beach Vacations - Website
	5175COT	7/23/2019	7/25/2019	3	BKG-28477		EscapiaNET	VRBO.com (annual subscription)
	5175COT	7/26/2019	7/27/2019	2	BKG-29549		EscapiaNET	VRBO.com (annual subscription)
	5175COT	7/31/2019	8/4/2019	5	BKG-27094		EscapiaNET	VRBO.com (annual subscription)
	5175COT	8/5/2019	8/11/2019	7	BKG-27990		EscapiaNET	BookingPal

Transaction history		<u>Attachment "K"</u>
		5-NCU-20
1/3 NW Natural Gas Pmt Jan 02 1192190 Ditlefsen, Michael	71.12	
1/4 Centrallincolnpeop Smarthub.Cenc OR S469003600816451	69.66	
1/15 Thompson Sanitar Commercial 190114 10520 Jenne,John	65.15	
1/15 City of Newport Utility 190114 809102 Jenne, John	68.08	
1/28 Charter Comm MO S389026214122057 Card 2207	152.75	
2/6 Centrallincolnpeop Smarthub.Cenc OR S389036602530762	83.97	
2/6 NW Natural Gas Pmt Feb 05 1192190 Ditlefsen, Michael	92.72	
2/15 City of Newport Utility 190214 809102 Jenne, John	68.08	
2/15 Thompson Sanitar Commercial 190214 10520 Jenne,John	65.15	
2/26 Charter Comm MO S469057208081909 Card 2207	152.75	
3/6 Centrallincolnpeop Smarthub.Cenc OR S389064583246718	35.40	
3/6 NW Natural Gas Pmt Mar 05 1192190 Ditlefsen, Michael	72.26	
3/15 City of Newport Utility 190314 809102 Jenne, John	57.95	
3/15 Thompson Sanitar Commercial 190314 10520 Jenne,John	65.15	
3/26 Charter Comm MO S589085180410209 Card 2207	154.90	
4/3 Centrallincolnpeop Smarthub.Cenc OR S46909254620250	166.57	
4/4 NW Natural Gas Pmt Apr 03 1192190 Ditlefsen, Michael	73.01	
4/15 Thompson Sanitar Commercial 190412 10520 Jenne,John	65.15	
4/17 City of Newport Utility 190416 809102 Jenne, John	68.08	
4/26 Charter Comm MO S309116235174161 Card 2207	154.90	
5/3 Centrallincolnpeop Smarthub.Cenc OR S469122548272467	60.23	
5/3 NW Natural Gas Pmt May 02 1192190 Ditlefsen, Michael	56.09	
5/15 City of Newport Utility 190513 809102 Jenne, John	78.21	
5/15 Thompson Sanitar Commercial 190514 10520 Jenne,John	65.15	
6/3 Charter Comm MO S389153200529987 Card 2207	154.90	
6/3 NW Natural Gas Pmt May 31 1192190 Ditlefsen, Michael	45.78	
6/5 Centrallincolnpeop Smarthub.Cenc OR S389155550721651	38.72	
6/17 City of Newport Utility 190614 809102 Jenne, John	57.95	
6/17 Thompson Sanitar Commercial 190614 10520 Jenne,John	65.15	
7/3 Charter Comm MO S469184185498344 Card 2207	154.90	
7/3 NW Natural Gas Pmt Jul 02 1192190 Ditlefsen, Michael	42.64	
7/8 Centrallincolnpeop Smarthub.Cenc OR S589186553712731	45.15	
7/15 Thompson Sanitar Commercial 190712 10520 Jenne,John	65.15	
7/15 City of Newport Utility 190712 809102 Jenne, John	78.21	
8/2 Charter Comm MO S469214212563510 Card 2207	154.38	
8/5 NW Natural Gas Pmt Aug 02 1192190 Ditlefsen, Michael	31.32	
8/7 Centrallincolnpeop Smarthub.Cenc OR S589218555048578	52.03	

8/15	City of Newport Utility 190809 809102 Jenne, John	91.12
8/15	Thompson Sanitar Commercial 190814 10520 Jenne,John	65.15
9/3	Spectrum 888-438-2427 MO S469245197864632 Card 2207	154.38
9/3	NW Natural Gas Pmt Aug 30 1192190 Ditlefsen, Michael	19.69
9/4	Centrallincolnpeop Smarthub.Cenc OR S389246548327774	58.93
9/16	Thompson Sanitar Commercial 190913 10520 Jenne,John	71.40
9/17	Wpy*Grc 855-469-3729 CA S469259529064695 Card 2207	963.69
9/17	City of Newport Utility 190916 809102 Jenne, John	91.12
10/3	Spectrum MO S389276182040253 Card 2207	207.10
10/4	Centrallincolnpeop Smarthub.Cenc OR S589276550113028	68.66
10/4	NW Natural Gas Pmt Oct 03 1192190 Ditletsen, Michael	19.78
10/15	Thompson Sanitar Commercial 191011 10520 Jenne,John	65.15
10/15	City of Newport Utility 191011 809102 Jenne, John	101.98
10/21	Bill Pay Oregon Beach Vacation on-Line xx75Cot on 10-21	2,500.00
11/4	Spectrum 855-707-7328 MO S589306209857798 Card 2207	156.49
11/4	NW Natural Gas Pmt Nov 01 1192190 Ditlefsen, Michael	22.68
11/7	Centrallincolnpeop Smarthub.Cenc OR S469310588370766	48.56
11/15	City of Newport Utility 191114 809102 Jenne, John	80.26
11/15	Thompson Sanitar Commercial 191114 10520 Jenne,John	65.15
11/26	1138 Check Word of Mouth Construction	5,000.00
11/27	Bill Pay Oregon Beach Vacation on-Line xx75Cot on 11-27	133.50
12/2	NW Natural Gas Pmt Nov 29 1192190 Ditlefsen, Michael	57.82
12/3	Spectrum 855-707-7328 MO S589337213353954 Card 2207	156.49
12/4	Centrallincolnpeop Smarthub.Cenc OR S469337585465678	40.78
12/16	Thompson Sanitar Commercial 191213 10520 Jenne,John	65.15

**CITY OF NEWPORT
PUBLIC NOTICE¹**

Attachment "L"
5-NCU-20

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

File No. 5-NCU-20:

Applicant: Michael Ditlefsen and Janie Jenne, 1055 Highland Ave NE, Salem, OR 97301.

Request: Approval of a request per Section 14.32/"Nonconforming Uses, Lots, and Structures" of the Newport Municipal Code, for an alteration of a nonconforming use to allow a licensed nonconforming short-term rental to change from a two-bedroom rental unit to four-bedrooms.

Location: 406 NW High St (Lincoln County Assessor's Map 11-11-05-CC; Tax Lot 13400).

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

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

Reports/Application Material: The staff report may be reviewed or a copy purchased for reasonable cost at the

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

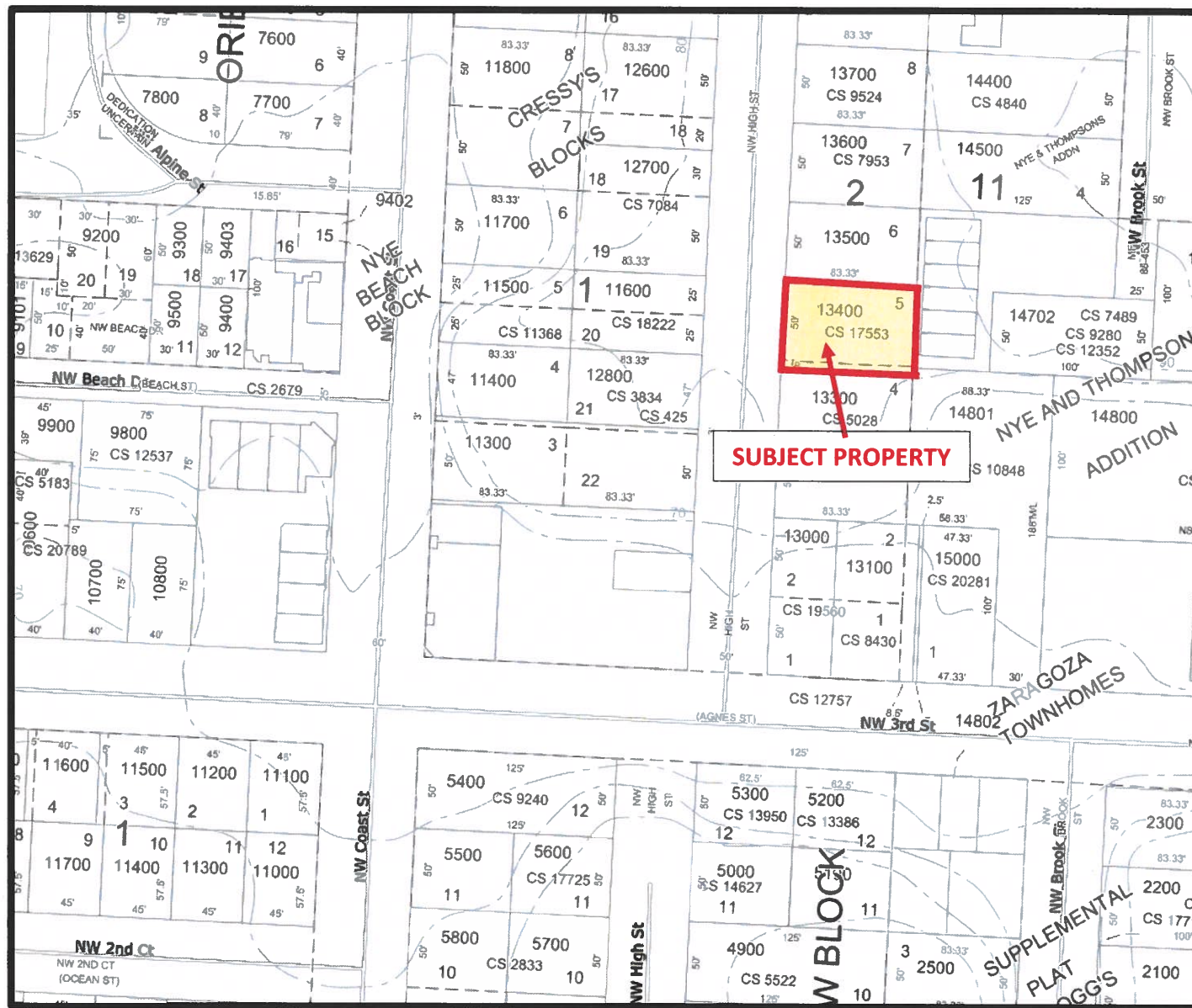
Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file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

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

Time/Place of Hearing: Monday, July 13, 2020; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: June 23, 2020.

PUBLISHED: July 3, 2020 / News-Times.



**AASTED NEIL ALLAN &
AASTED ROBIN L WEATHERLY
504 NW BROOK ST
NEWPORT; OR 97365**

**BEEMER RICHARD K &
BEEMER DORIS K
2545 NE DOUGLAS ST
NEWPORT; OR 97365**

**BROOKVIEW CONDOMINIUMS
ASSOCIATION OF UNIT OWNERS
326 SW 12TH ST
NEWPORT; OR 97365**

**BUROKER RUTH L
612 EAST FRONT
BLOOMINGTON; IL 61701**

**CHADWICK DOUGLAS ALAN
334 NW HIGH ST
NEWPORT; OR 97365**

**CHIPMAN LAURA
ATTN CHIPMAN VICTOR
PO BOX 359
COTTAGE GROVE; OR 97424**

**COAST HOUSE LLC
ATTN ROBERT JACKSON
198 S EVERGREEN AVE
STAYTON; OR 97383**

**DEVRIES JOSEPH &
DEVRIES JEANNIE
328 NW HIGH ST
NEWPORT; OR 97365**

**DITLEFSEN MICHAEL &
JENNE JANIE
1055 HIGHLAND AVE NE
SALEM; OR 97301**

**FAGAN VERNON R SR TRUSTEE &
SNOOK FAGAN VERLA TRUSTEE
513 NW BROOK ST
NEWPORT; OR 97365**

**FAULKNER STEPHANIE
PO BOX 825
NEWPORT; OR 97365**

**FOREST VERONICA M SPARKS
435 NW HIGH ST
NEWPORT; OR 97365**

**GREENE SEAN M &
GREENE LEIAH J
4025 NW CAMALA DR
ALBANY; OR 97321**

**HYDE JARED &
EAGER ELLEN
502 NW BROOK ST
NEWPORT; OR 97365**

**K/H INVESTMENTS LLC
PO BOX 608
APPLE VALLEY; CA 92307**

**LAFERLA BRIANNA N
568 PORTSMOUTH AVE
GREENLAND; NH 03840**

**LINGHAM JUDITH M
PO BOX 28
NEWPORT; OR 97365**

**LOVAS STEPHEN E COTTEE &
LOVAS SONJA S COTTEE
PO BOX 2170
NEWPORT; OR 97365**

**MOORE ASSETS LLC
6421 NW OAK CREEK DR
CORVALLIS; OR 97330**

**MYKLAK RINA
13111 SW ROCKINGHAM
TIGARD; OR 97223**

**NYE BEACH PLAZA CONDOMINIUMS
ASSOCIATION OF UNIT OWNERS
ATTN ROGER ANTHONY
4224 SE LAMBERT
PORTLAND; OR 97206**

**NYE VILLAGE ASSOCIATES
PO BOX 1930
NEWPORT; OR 97365**

**NYE VILLAGE OFFICE CONDO
ASSOCIATION OF UNIT OWNERS
530 NW 3RD ST
NEWPORT; OR 97365**

**PIETROK 2 LLC
665 N 164TH ST
OMAHA; NE 68118**

**SANDERS PAULETTE E
PO BOX 1306
NEWPORT; OR 97365**

**SCHAAP PAULA &
KADEL ANDREW
2213 RIVER PLAZA DR
SACRAMENTO; CA 95833**

**SEAVIEW HOMES LLC
193 NW 70TH
NEWPORT; OR 97365**

**SEIWELL JEFF
425 NW BROOK ST
UNIT 6
NEWPORT; OR 97365**

**SEYB STANFORD P
PO BOX 2043
NEWPORT; OR 97365**

**SIMPSON K ZANE &
SIMPSON PAULA I
11 REYBURN DR
HENDERSON; NV 89074**

**STOCKER MARION E ESTATE
9566 LOGSDEN RD
SILETZ; OR 97380**

**TAH3N LLC
552 NW 3RD ST
NEWPORT; OR 97365**

**TURNER JOHN H &
TURNER CAROL K
6164 FERNHILL LOOP
SPRINGFIELD; OR 97478**

**WANKER MARK JOSEPH
21373 SW JOHNSON RD
WEST LINN; OR 97068**

**WARREN STEPHEN L
PO BOX 1423
NEWPORT; OR 97365**

**WHITEMAN CARL R &
WHITEMAN LORENE RAE
1825 NE TIDE AVE
LINCOLN CITY; OR 97367**

**WOLD RACHEL &
WOLD TYRONE
12590 SW GLACIER LILLY CIR
PORTLAND; OR 97223**

Adjacent Property Owners Within 200 Ft

File No. 5-NCU-20

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
 lisa.phipps@state.or.us
 DLCD NORTH COAST REGIONAL
 SOLUTIONS CTR

****EMAIL****
 odoctr2planmgr@odot.state.or.us

Joseph Lease
 Building Official

Rob Murphy
 Fire Chief

Tim Gross
 Public Works

Beth Young
 Associate Planner

Jason Malloy
 Police Chief

Mike Murzynsky
 Finance Director

Laura Kimberly
 Library

Michael Cavanaugh
 Parks & Rec

Spencer Nebel
 City Manager

Clare Paul
 Public Works

EXHIBIT 'A'
 (Affected Agencies)

(5-NCU-20)

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

The City of Newport Planning Commission will hold a public hearing on Monday, July 13, 2020, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 5-NCU-20. The request submitted by Michael Ditlefsen and Janie Jenne is for approval of a request per Section 14.32/“Nonconforming Uses, Lots, and Structures” of the Newport Municipal Code, for an alteration of a nonconforming use to allow a licensed nonconforming short-term rental to change from a two-bedroom rental unit to four-bedrooms. The subject property is located at 406 NW High St (Lincoln County Assessor’s Map 11-11-05-CC; Tax Lot 13400). Pursuant to NMC Section 14.32.060(A), the approval authority shall determine that the structure was legally established at the time the Zoning Ordinance was enacted or amended, and that the use has not been discontinued for a continuous 12 month period. The approval authority must also verify the nature and extent of the nonconforming use, considering (1) a description of the use; (2) The types and quantities of goods or services provided and the activities conducted; (3) The scope of the use (volume, intensity, frequency, etc.) including fluctuations in the level of activity; (4) The number, location and size of physical improvements associated with the use; (5) The amount of land devoted to the use; and (6) Other factors the approval authority may determine appropriate to identify the nature and extent of a particular use (NMC Section 14.32.060(B)). Pursuant to NMC Section 14.32.070, after verification of the status of a nonconforming use pursuant to subsection 14.32.030, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood when considering the following factors: (A) (1) The character and history of the use and of development in the surrounding area; (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood; (3) Adequacy of infrastructure, including sewer, water, and streets, to accommodate the use; (4) The comparative numbers and kinds of vehicular trips to the site; (5) The comparative amount and nature of outside storage, loading, and parking; (6) The comparative visual appearance; (7) The comparative hours of operation; (8) The comparative effect on solar access and privacy; (9) Other factors which impact the character or needs of the neighborhood. (B) The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood. (C) To the extent there is a rational nexus, and the City can establish that needed improvements are roughly proportional to proposed development, an alteration, expansion, or replacement of a nonconforming use or structure shall be brought into compliance with provisions of the Zoning Ordinance that relate to: (1) Surfacing of parking areas and landscaping; (2) Exterior design of structures; and (3) Outdoor displays, storage, and signage. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials, the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address as well. Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (mailing address above).

(FOR PUBLICATION ONCE ON FRIDAY, JULY 3, 2020)

FIRESIDE BOOKS

Monday - Saturday 10am - 4pm
Sunday 11am - 4pm
328 SW Coast Hwy, Newport • 541-265-2517

filters even after being cleaned." ... but the filters have a 20-year warranty." Even Pall is perplexed, Sawyer indicated, not having seen this issue elsewhere. Everyone is working diligently to diagnose the issue, he said. Right now, the priority is restoring water

limited to 10 people. He also asks that during this holiday weekend, people not ignite illegal fireworks and that they restrict all fireworks usage due to fire danger and the lack of available water for fire-fighting in Newport.

S

per- TION OF THE HARBOR AT DEPOE BAY INTERVAL OWNERSHIP CONDOMINIUM, INC., an Oregon non-profit corporation, Plaintiff, v. TERRY L. ROBINSON; CARLA J. KANE-ROBINSON; UNKNOWN HEIRS OF CARLA J. KANE-ROBINSON; ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN. Defendants: TERRY L. ROBINSON; CARLA J. KANE-ROBINSON; UNKNOWN HEIRS OF CARLA J. KANE-ROBINSON; ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN: In the name of the State of Oregon, you are hereby required to appear and answer the complaint filed against you in the above-entitled Court and cause on or before the expiration of thirty (30) days from the date of the first publication of this summons. The date of first publication in this matter is June 26, 2020. If you fail timely to appear and answer, Plaintiff will apply to the above-entitled court for the relief prayed for in its complaint. This is a judicial foreclosure of a condominium lien in which the Plaintiff requests that the Plaintiff be allowed to foreclose your interest in the following described real property: Interval Unit Number 14 of the HARBOR AT DEPOE BAY INTERVAL OWNERSHIP CONDOMINIUM, as established by the plat recorded in Condominium Plat Book 1, page 54, and by Declaration of Interval Unit Ownership for the Harbor at Depoe Bay Interval Ownership Condominium, Recorded June 28, 1982 in Volume 133, Page 1166, Film Records of Lincoln County, Oregon. Together with an undivided interest in the general and limited common elements appertaining thereto. Commonly known as: 20 NW Sunset Road, #4A-14, Depoe Bay, OR 97341. NOTICE TO DEFENDANTS: READ THESE PAPERS CAREFULLY! A lawsuit has been started against you in the above-entitled court by the Harbor at Depoe Bay Interval Ownership Condominium, Inc., its successors in interest and/or

assigns, Plaintiff. Plaintiff's claims are stated in the written complaint, a copy of which was filed with the above-entitled Court. You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within thirty (30) days of the date of first publication specified herein along with the required filing fee. It must be in proper form and have proof of service on the Plaintiff's attorney or, if the Plaintiff does not have an attorney, proof of service on the Plaintiff. If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636. This summons is issued pursuant to ORCP 7. VIAL FOTHERINGHAM LLP; By: s/Ashley M. Yorra, OSB # 085194 amy@vial.com Of Attorneys for Plaintiff Harbor at Depoe Bay Interval Ownership Condominium, Inc. J26 JY03 JY10 JY17 (26-17)

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, July 13, 2020, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 5-NCU-20. The request submitted by Michael Ditlefsen and Janie Jehne is for approval of a request per Section 14.32/"Nonconforming Uses, Lots, and Structures" of the Newport Municipal Code, for an alteration of a nonconforming use to allow a licensed nonconforming short-term rental to change from a two-bedroom rental unit to four-bedrooms. The subject property is located at 406 NW High St (Lincoln County Assessor's Map 11-11-05-CC; Tax Lot 13400). Pursuant to NMC Section 14.32.060(A), the approval authority shall determine that the structure was legally established at the time the Zoning Ordinance was enacted or amended, and that the use has not been discontinued for a continuous 12 month period. The

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

pliance with provisions of the Zoning Ordinance that relate to: (1) Surfacing of parking areas and landscaping; (2) Exterior design of structures; and (3) Outdoor displays, storage, and signage. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances that the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony will be taken during the course of the public hearing. Letters sent to the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development Department (address above) seven days prior to the hearing. The application materials, the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address as well. Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (mailing address above). JY03 (33-03)

NOTICE TO INTERESTED PERSONS

In the Circuit Court of the State of Oregon for

the County of Lincoln, Case No. 20PB03895; In the Matter of the Trust Administration of the Sidney C. Stenerodden and Marion E. Stenerodden Trust, dated April 2, 1986. Notice is hereby given that Pioneer Trust Bank, N.A., as Trustee of the Sidney C. Stenerodden and Marion E. Stenerodden Trust dated April 2, 1986, presents this Notice to Interested Persons as follows: All persons having claims against the Settlor, Marion E. Stenerodden, or the trust estate are required to present them to the Trustee at Pioneer Trust Bank, N.A., Attention: Steffany Jastak, Vice President and Trust Officer, P.O. Box 2305, Salem, OR 97308, within four months after the date of first publication of this notice or said claims may be barred. All persons whose rights may be affected by this proceeding are advised that additional information may be obtained from the records of the Trustee, or the attorneys for the Trustee, Pioneer Trust Bank, N.A. Trustee of the Sidney C. Stenerodden and Marion E. Stenerodden Trust dated April 2, 1986. Sherman, Sherman, Johnnie & Hoyt, LLP Attorneys for the Trustee 693 Cheme-keta Street NE Post Office Box 2247 Salem, Oregon 97308-2247. JY03 JY10 JY17 (34-17)

NOTICE TO INTERESTED PERSONS IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN;

Department of Probate No. 20PB03658 in the matter of the Estate of SHARON LEE SMITH, Deceased. NOTICE IS HEREBY GIVEN THAT GLENN R. SMITH has been appointed personal representative of the above estate. All persons having claims against the estate are required to present them, with vouchers attached, to the undersigned attorney for the personal representative at PO Box 230326, Portland, OR 97281, 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 her personal representative, Philip A. Hingson Law Firm, P.C. Dated and first published on JULY 3, 2020. Personal Representative:

GLENN R. SMITH 6435 Loggsden Rd. Loggsden, OR 97357 541-444-2271 /s/ Philip A Hingson, OSB #923354 Attorney for Personal Representative, The Hingson Law Firm, P.C. PO Box 230326 Portland, OR 97281 (503) 639-4800 Fax: (888) 841-9112 phil@oregontrustattorney.com JY03 JY10 JT17 (35-17)

NOTICE TO INTERESTED PERSONS

Notice is hereby given that the undersigned has been appointed Personal Representative of the ESTATE OF LAIRD H. WILLIAMSON, DECEASED, Lincoln County, Oregon, Circuit Court, Case No. 20PB02101. All persons having claims against said estate are required to present them, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the Personal Representative at 285 Highway 101/P.O. Box 700, Waldport, Oregon 97394-0700, or they may be barred. All persons whose rights may be affected by these proceedings may obtain additional information from the records of the court, the Personal Representative, or the attorney for the Personal Representative, DATED and first published: July 3, 2020. Benjamin Moore Personal Representative Law Office of Holly Anne Gibbons, LLC Attorney for Personal Representative, P.O. Box 700 Waldport, OR 97394-0700 JY03 JY10 JY17 (36-17)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Pacific Communities Health District will hold a joint public hearing of its Board of Directors and its Local Contract Review Board regarding adoption of Public Contracting Rules on the 20th day of July 2020, at 4 p.m. The meeting will be held at the Center for Health Education, 740 SW Ninth St., Newport, Oregon. The proposed Resolution will replace and update the District's current Public Contracting Rules and exemptions. The public hearing will be held for the purpose of taking comments on the District's draft findings supporting the exemption of certain classes or special procurements and public improvement contracts from competitive bidding requirements. JY03 (37-03)

7/13/2020