



PLANNING COMMISSION REGULAR SESSION AGENDA

Monday, November 14, 2022 - 7:00 PM

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

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

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

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

1. CALL TO ORDER AND ROLL CALL

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

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Regular Session Meeting Minutes of October 24, 2022.

[Draft PC Reg Session Minutes 10-24-2022](#)

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. PUBLIC HEARINGS

4.A File 2-CUP-22-A: Appeal of a Denial to Allow a Real Estate Office in the C-2 Zone District.

[Staff Memorandum](#)

[Appeal Application Form](#)

[Letter from Appellant's Attorney](#)

[Applicant's Business Plan](#)

[Photos](#)

[File 2-CUP-22 Final Order and Findings](#)

[File 6-CUP-18 Final Order and Findings](#)

[Public Comments](#)

[Notice of Public Hearing](#)

[Zachary Dablow P.C. Written Testimony 11-14-22](#)

[Lucinda Chapman Written Testimony 11-14-2022](#)

4.B File 3-CUP-22: Conditional Use Permit to do an Interior Remodel of a Historic Building (Ernest Bloch Home).

[Staff Report](#)

[Attachment A - Application form](#)

[Attachment A-1 - Applicant Narrative](#)

[Attachment A-2 - Sheet A-001 Site Plan](#)

[Attachment A-3 - Sheet A-101 Demolition Plan-Existing Floor Plan](#)

[Attachment A-4 - Sheet A-102 Floor Plan-Large Scale Restroom](#)

[Attachment A-5 - Sheet A-103 Reflected Ceiling Plan-Framing Plan](#)

[Attachment A-6 - Sheet A-104 Elevations](#)

[Attachment A-7 - Sheet A-105 Sections-Details Interior Elevations](#)

[Attachment B - Zoning Map](#)

[Attachment C - History Element of Newport Comprehensive Plan](#)

[Attachment D - Ernest Bloch House Summary - The Oregon Encyclopedia](#)

5. ACTION ITEMS

5.A Initiate Legislative Process to Adopt the Housing Capacity Analysis Piece of Housing Study.

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
October 24, 2022

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar, Jim Hanselman, Bill Branigan, and John Updike.

Planning Commissioners Absent: Gary East.

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 Patrick, Branigan, Hanselman, Berman, Escobar, and Updike were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work Session Meeting Minutes of October 10, 2022.**

MOTION was made by Commissioner Branigan, seconded by Commissioner Berman to approve the Planning Commission Work Session meeting minutes of October 10, 2022 with minor corrections. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of October 10, 2022.**

MOTION was made by Commissioner Branigan, seconded by Commissioner Berman to approve the Planning Commission Regular Session meeting minutes of October 10, 2022 with minor corrections. The motion carried unanimously in a voice vote.

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

4. **Public Hearings.** At 7:02 p.m. Chair Patrick opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Berman, and Updike reported site visits. 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 3-NCU-22.**

Tokos reviewed the staff report with the Commission. Berman asked if Central Lincoln PUD was wrapped into the request and if there would be an addition electrical burden to the system.

Proponent: Michael Smith with Norwest Engineering addressed the Commission. He reported there would be no additional load to the electrical system. This was more of a replacement to move the underground conduit. Berman asked if they would be installing an elevated platform or if it would be on the ground. Smith reported this was a cabinet where the equipment was off the ground.

Branigan asked if the new piles were for the new equipment. Smith confirmed they were and they would be upgrading them to the current seismic code.

Urdike asked if there was anything being taken out of service or removed, and if so, what was the impact. Smith reported the existing structure would be replaced. They would do a switch over, and run all new conduit.

Chair Patrick closed the hearing at 7:13 p.m.

Urdike didn't see anything negative with the request and thought it was thorough. Berman agreed and wished there was a mechanism to show a predetermined outcome for the NW Natural LNG plant because the nonconforming use decisions repeatedly came up for them. He was in favor of it. Branigan pointed out that this seemed like an annual review for NW Natural. He had no objections. Hanselman was satisfied with the work that was being done. He appreciated that it was a secure facility and he fully supported the request. Escobar thought the changes were relatively low. He asked if there was going to be a process to streamline the process for them. Patrick noted the property was in a water dependent zone and making changes would mean they would have to mess with too many things to adjust it. This was the easiest way to go about it. Patrick reminded that they couldn't do specific rules just for NW Natural.

MOTION was made by Commissioner Branigan, seconded by Commissioner Hanselman approve File 3-NCU-22. The motion carried unanimously in a voice vote.

5. Action Items.

A. File 3-NCU-22: Final Order and Findings.

MOTION was made by Commissioner Berman, seconded by Commissioner Urdike approve File 3-NCU-22 Final Order and Findings as written. The motion carried unanimously in a voice vote.

6. New Business.

A. Draft Oregon Housing and Community Services System Development Charge Study.

Tokos reported the study was released on October 18th and was required by the Oregon Legislature. They wanted to have a better understanding of what the System Development Charges (SDCs) were. Tokos reported that this would be open for public comment until November 1st and invited the Commission to look at it. This was a document that walked through what the SDCs were, how they worked, and some of the various issues related to them.

Berman asked where they were with the construction excise taxes distributions. Tokos reported they had only tapped into the excise funds once when they were doing the down payment assistance grants in partnership with Lincoln City and Lincoln County. Since the end of 2017 they collected around a half a million dollars. Tokos explained the different pots the funds went into. 15 percent went to the State to the Oregon Housing Community Services, 35 percent went to affordable housing, and 50 percent had to be made available for development incentives. Tokos expected the housing study would give them ideas on how to distribute the funds. Berman asked if there was a committee to distribute the funds. Tokos there was a committee that had met a couple of times. He didn't know if a Commissioner was on the committee. Berman asked to be kept posted on this.

Udike asked if the review of the SDC fee structure was done on a regular basis. Tokos reported they typically looked at the methodology when they had a number of facility plans and new projects to add to it because that was what they were collecting for. When they did SDC methodology they looked at what they believed was going to need to be constructed over the next 20 years to serve the amount of growth they expected. When they had enough capital projects that showed the methodology was outdated, that was when they would look at it again. Patrick asked if they included the escalator clause. Tokos reported this was automatically built in the SDCs. They had an inflationary adjustment keyed off of the construction cost index, which was adjusted annually.

Udike wondered why Newport wasn't included in the appendix and asked if this was because they had different methodology. Tokos thought they weren't included because they hadn't responded to both the 2007 and 2020 interviews. Patrick pointed out Newport was included on the multijurisdictional chart.

Patrick thought that when Newport was looking to change the methodology years before, there were members of the public who thought the parks SDC was too high so they halved the fees. Tokos reported that the adjustments were complaint driven. There was an art and science of doing SDCs to figure out what was needed and to do it formulaic to come up with the rates. They would then need to determine if those rates were realistic for what the city would expect that they could collect. Tokos pointed out the chart of revenues that was included in the packet. SDC collections had been volatile. They were driven year by year on what was happening and being built. Across the board it didn't significantly increase Newport's collections. Tokos pointed out that after they did the adjustments to the transportation SDCs the city collected more because they normalized across all the different types of SDCs and they were discounted equivalently.

Udike asked if Newport offered financing for people to pay SDCs over time. Tokos reported they were required to do this but they typically didn't because the interest rates were often too high. Developers typically rolled this into their construction loans.

Hanselman asked if a community was restricted to only one methodology. Tokos reported they were limited to the methodology that they adopted, and expenditures were limited to the projects they were collecting for. Berman asked who distributed Newport's SDC funds. Tokos reported this was done through the city budgeting process. They generally wouldn't want to exhaust all funds in a SDC at one time because it generally took many years to build it back up. Patrick pointed out that they typically had project lists to divvy up funds.

Berman asked if the housing report categorized some of the lands as non-buildable because of their lack of infrastructure. HE wanted to know if they were going to make an attempt to quantify exactly how much infrastructure would be required in order to put these properties into a different category of buildable, or if they would just say the properties were out because they couldn't provide infrastructure. Tokos reported they had fed in the specific details for what's required in each of the areas in the report. This was useful in the report to say if the cost of building the housing product, and infrastructure was so high, there would be no way that a developer was going to have funds left over to buy the land and still get a reasonable profit out of it.

7. Unfinished Business.

A. Planning Commission Work Program Update.

Tokos reported there was a change to the November 28th meeting presentation on the interactive based zoning map. Newport's GIS Specialist was leaving for a new job and that meant that Tokos would be doing the presentation instead. This might need to be tweaked a little bit to make it as feasible as possible.

Escobar asked if there would be a work session meeting on the South Beach church annexation. Tokos explained there wouldn't be because it was a quasi-judicial action. He reported that the city hadn't received the application yet.

Tokos noted that on the November 28th work session meeting they would go over standards with Thompson Sanitary Services who wanted to see the city put in land use regulations for trash enclosures for multifamily and commercial projects. This had to do with problems they were having with the Surf View Apartments. Thompsons wanted to see more enclosures there and their problems with managing the large amounts of waste. Tokos noted that Thompsons wanted to attend the work session meeting to go over what they were dealing with.

Berman asked that the GIS Specialist produce a high resolution map of the city limits before he left.

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


9. **Adjournment.** Having no further business, the meeting adjourned at 7:33 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Memorandum

To: Planning Commission

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

Date: November 9, 2022

Re: Appeal of Staff Decision Denying a Conditional Use Permit for a Real Estate Office in Nye Beach (File No. 2-CUP-22)

This appeal relates to a Type II conditional use permit application submitted by Ty Hildebrand, with K&B Investments, LLC, to allow a real estate office in an existing 984 square foot commercial space. The property is located at 316 NW Coast Street (Tax Lot 80001 of Assessors Map No. 11-11-05-CC) within a multi-tenant, mixed use commercial building at the northeast corner of NW 3rd and Coast Streets that includes retail/commercial on the main floor and four condominium units on the second floor. The property is within a C-2/"Tourist-Commercial" zone district. The previous tenant at this location was SJ Custom Jewelers.

On September 20, 2022, Community Development Department staff issued a decision denying the application on the grounds that the applicant had not demonstrated that their business model is reliant upon being located within a tourist commercial area (decision enclosed). The applicant's real estate business, Realty One Group at the Beach, operates out of an office at 826 SW Lee Street in the City Center area that is within a C-1/"Retail and Service Commercial" zone. They have been at that location since May of 2019. The presence of this office was noted in the decision as evidence that the business is not reliant upon tourist traffic. The relevant approval standard is NMC 14.34.050(B), which requires that the application comply with any special requirements of the underlying zone or overlay zone. This includes the intent of the C-2 zone district, described in NMC 14.03.040 and listed below.

A real-estate office is a type of personal service-oriented land use. This category of land use was created when the commercial and industrial land use element of the zoning ordinance was restructured in 2011 (Ordinance No. 2022). It is characterized as including the following types of businesses:

Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; printing, publishing and lithography; hair, tanning, and personal care services; tax preparers, accountants, engineers, architects, real estate agents, legal, financial services; art studios; art, dance, music, martial arts, and other recreational or cultural classes/schools; hotels (non-transient); motels (non-transient); taxidermists; mortuaries; veterinarians; kennels limited to boarding and training with no breeding; and animal grooming.

This category of uses was identified as conditional within the City's C-2/"Tourist Commercial" zone because there is a finite amount of retail space in tourist oriented-areas, and policy makers determined that such space needs to be reserved for complimentary uses. Many personal service-oriented uses do not need to be located in tourist areas, and can just as effectively locate in the City's other commercial or light industrial zones where there are additional lease or ownership opportunities. The conditional use process is the mechanism for reviewing personal service-oriented uses to ensure they complement the tourist oriented nature of the C-2 district.

The intent of the C-2/"Tourist Commercial" zone district is to provide for tourist needs, as well as for the entertainment needs of permanent residents. There are two other real estate offices in the tourist commercial zoned portion of Nye Beach. Oregon Coast Properties, at 415 NW Coast Street was established before the ordinance was restructured in 2011 and is grandfathered. The other is Seashore Homes Realty at 305 NW Coast Street, which was permitted in 2018 with Conditional Use Permit #6-CUP-18 (enclosed). In that decision, which was not appealed, the Community Development Department approved the conditional use permit, finding that the applicant's business plan focused on the sale of homes to tourists, catering to pedestrians as a way to draw potential clients. Seashore Realty is a boutique real estate brokerage with a single broker who previously worked from his residence. Realty One Group at the Beach has more than a dozen affiliated brokers that, per their website, provide a range of residential and commercial real estate brokerage services. They also have a business office which, as noted, is located outside of a tourist-oriented area. These are distinguishing factors between the two Community Development Department decisions.

Appellant's appeal was filed within a timely manner (enclosed). Their attorney, Zachary Dablow, P.C., provided a letter, dated October 4, 2022, outlining their grounds for appeal. Mr. Dablow asserts in his letter that the application satisfies the approval criteria, in that it is consistent with the intent of the C-2 zone district, which is to provide for tourist needs, as well as for the entertainment needs of permanent residents. He points to the component of the applicant's business plan that notes the office will act as a local art gallery, and that special events would be held for the entertainment of the permanent residents and tourist visitors. Mr. Dablow further argues that one of the core functions of a real estate office, to showcase and promote the purchase of available residential units by non-permanent residents, expands tourism by exposing potential buyers to investments that might attract them back to the community, growing the number of visitors that might frequent Nye Beach.

The art gallery and special event elements to the applicant's business plan were seen by staff as ancillary to the principal real estate use of the property and were not given the same weight as that use. The Commission should consider whether or not these activities are sufficient to establish that the conditional use permit application is consistent with the intent of the zone district. The same is true with respect to appellant's argument related to advertising real estate, which was raised upon appeal and is therefore not addressed in the staff decision.

Three public comments were received and considered by the Community Development Department before the initial decision was rendered. They were provided by Wendy Engler, Charlotte Boxer, and Kris Beshire, all of whom expressed opposition to the application. This was namely due to the growing concentration of real estate offices in the area, and a concern that they are displacing retail services that attract tourists and others to Nye Beach. After the appeal, a letter was submitted by Gary Mines in support of the conditional use permit application. He noted that economic conditions are changing and that Amazon is making it harder for retailers to compete. He feels that the Commission should be flexible and that a real estate office at this location is a reasonable fit. All of the comments are included in your packet.

The Commission should conduct a public hearing and take testimony regarding the relevant approval criteria. If the Planning Commission finds that the applicant has met the criteria established in the zoning ordinance for granting a conditional use permit, then the Commission should approve the request. The Commission can attach reasonable conditions that are necessary to carry out the purposes of the zoning ordinance and the comprehensive plan. If the Commission finds that the request does not comply with the criteria, then it should deny the application.

Attachments: Appeal Application Form, Letter from Appellant's Attorney, Applicant's Business Plan, Photos, File #2-CUP-22 - Final Order and Findings, File #6-CUP-18 Final Order and Findings, Public Comment, and Notice of Public Hearing



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Ty Hildebrand K&B Investments LLC	
Applicant Mailing Address:	Property Owner Mailing Address:
3603 Burning Tree Dr. S, Salem, OR 97302	
Applicant Phone No.	Property Owner Phone No.
503 881 2313	
Applicant Email	Property Owner Email
ty@rogwv.com	
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Zachary Dablow	
Authorized Representative Mailing Address:	
494 State Street Suite 300D, Salem, OR 97301	
Authorized Representative Telephone No.	
503 485 4168	
Authorized Representative Email. zachary@dablowlaw.com	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
315 NW Coast Street	
Tax Assessor's Map No.: 11-11-05-CC	Tax Lot(s): 80001 and 80004
Zone Designation: C2	Legal Description: <i>Add additional sheets if necessary</i>
Comp. Plan Designation:	
Brief description of Land Use Request(s): Conditional Use in Zone C2	
<i>Examples:</i> 1. Move north property line 5 feet south 2. Variance of 2 feet from the required 15-foot front yard setback	
Existing Structures: if any	
Commercial structure	
Topography and Vegetation:	

Application Type (please check all that apply)

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

FOR OFFICE USE ONLY

File No. Assigned: 2-CUP-22-A

Date Received: 10/4/22	Fee Amount: \$250	Date Accepted as Complete:
Received By: sm	Receipt No. 10315	Accepted By:

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

625-22-000054-PLNG-01



City of Newport Land Use Application

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

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

DocuSigned by:

 54EF42E3578740F

10/5/2022 | 4:50 PM PDT

Applicant Signature(s)

Date

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

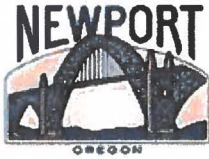
Date

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

Date

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


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



City of Newport Land Use Application

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

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

Applicant Signature(s)	Date
Property Owner Signature(s) (if other than applicant)	Date
 Authorized representative Signature(s) (if other than applicant)	10/5/22 Date

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

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

October 4, 2022

Newport Planning Commission
Community Development (Planning) Department
Attn: Sherri Marineau
Via Email Only: s.marineau@newportoregon.gov

RE: My Client: K&B Investments
In the Matter of Land Use File No. 2-CUP-22

Appeal of Final Order

Identification of Decision Sought to be Reviewed – Appeal of Land Use Decision of September 20, 2022, specifically File No. 2-CUP-22

Statement of Standing – I represent K&B Investments, that appeared in the underlying decision in writing through its representative Mr. Adolf.

Grounds for Appeal – Only one grounds were found lacking in the underlying conditional use permit application. That ground was: *The request complies with any special requirements of the underlying zone or overlay zone.*

First, the specific standard or intent of the zone according to the code reads: “The intent of this zone is to provide for tourist needs, as well as for the entertainment needs of permanent residents.” While this intent to provide for specific needs, it presents no special requirements, outside of providing for either tourist needs, or for entertainment needs of residents. The Community Development Director identified compliance with this standard as the property needing to “complement the tourist-oriented nature of the C-2 district.”

The applicant first raises as grounds for appeal that the community development director improperly narrowed the standard for the applicable zone, because the standard also contemplates entertainment needs for permanent residents, which wasn’t considered in the Director’s analysis.

Second, both under the more narrow, and broader definition of the C-2 district zone, the plan does address and serve the intent of the district through the business plan’s use of the space that is consistent with the intent of the zone. The Director focused on the benefit to the business in the location, and the fact that a business could exist elsewhere, when the latter consideration is inapplicable to whether the proposed use as detailed in the plan served the intent of the requested conditional use. The applicant respectfully contends that had the Director focused on the parts of the business plan that benefit both tourists and the permanent residents of Newport, then it would have found this factor to have been satisfied.

Specifically, the business plan addressed the office acting as a local art gallery, and that special events would be held for the entertainment of the permanent residents and tourist visitors. This delivery of services combined with the events to be held in the space do serve both a tourist function, as well as provide entertainment options to the permanent residents.

While tourism is often thought of through the prism the natural beauty and the public amenities of the city act as a focal point, tourists often enjoy a location by taking in the architecture of the various collection of real estate that provides a rich and detailed background to the tapestry that Newport provides through its more stark public points of interest such as the Yaquina Bay Bridge, the public beaches, and the historic bayfront. Indeed, a large portion of "tourism" as a concept, now encapsulates a term called "residential tourism" which is injecting a slightly less transient component to visitors of the area, and given the use of the term "permanent residents" as one of the intent categories, it appears that part-time residents which make up "residential tourism" seem to be contemplated in the code's use of the term tourism in describing the intent of the zone. By showcasing and promoting the purchase of available residential units by non-permanent residents, the use of the premises under the application directly serves the purpose of expanding tourism. While it is true some types of more short term and transient tourism may not be as well served, to the overall goal of serving the interest of tourism, providing a mechanism for short-term, one-time tourists, to become more regular part time "residential tourists" serves to increase total tourism overall.

This Appeal is De Novo – Per the terms of the denial.

Sincerely,

s/ Zachary Dablow

Zachary Dablow

nrb

cc: client (via email only)

City of Newport
169 SW Coast Hwy
Newport, OR 97365
Date 8/30/2022

*Received
8/30/22
C.D.D.*

RE: Conditional Use Application Narrative

Dear Beth Young,

We originally opened our office in Newport May of 2019. Our office was born out of our first meeting with a group of Newport brokers that wanted to join our company. We did not have any presence on the coast at that time. We had one office in Salem with no plans to grow west. We met this group at Cafe Mundo and it was the right fit from that meeting on. They decided to join us and we were lucky to have this great group of people on our team.

After the meeting my business partner and I took a walk towards Nana's and decided at that time we wanted to be a part of the NYE Beach community. The only retail space that was available was the corner across from Nana's where Petunias is currently located. We wrote a letter of intent and unfortunately for us they chose Petunias.

We had to find a location and came across our current location in the Art Deco area of Newport on Lee St. Our intention was always to find a place in NYE Beach for the office. I had heard such great things about being there on a daily basis from our broker Dave Adolf who had worked at a brokerage in Nye Beach.

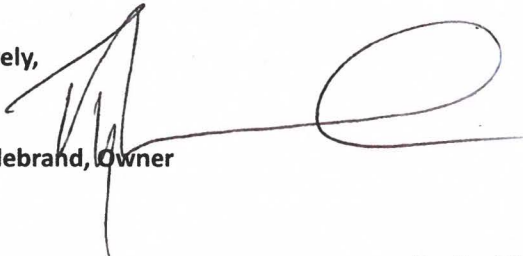
Our vision for the space is to incorporate the Nye Beach vibe within the office and also provide an area within the office that will offer tourists and the local community that will provide offerings from local businesses, maps, upcoming events, basically, a Travel Newport/Nye Beach section. We would plan on participating in everything we can that will be a part of the Nye Beach community. We currently do the wine walk and first Fridays at our Albany office, it's such a great way to meet the community. We would do something similar and friendly in this office to take care of the tourists and locals on the weekends. We want to have the office open to tourists so we can help them find their dream beach home.

At our Lincoln City office we offer wall space in our ONE Gallery to local artists to show and promote their art. We would have a special event during the month to showcase them. I think that would be a great thing to do in this location. Plus, we know of local artists so we could showcase their art. We can promote the local artists on our social media, in the office and in the windows of our space.

As far as I know the other real estate businesses on the street are not open 7 days a week. Our plan is to be open everyday during peak times of the year.

Sincerely,

Ty Hildebrand, Owner



Realty ONE Group At the Beach
826 Lee SW St
Newport OR 97365

Business Plan

SEP 08 2022

RECEIVED

Executive Summary**Our Mission**

No matter how big or small, giving back is part of our culture. It's who we are as a company. We're opening doors for those in need, together as ONE.

The Vision

To make a positive impact and difference in lives, locally and across the globe. A simple act of kindness can change someONE's world and can be re-energized and fulfill ONE's purpose.

Mission Statement

Our ONE Focus is YOU. This statement encompasses everything we believe in from our real estate professionals, their clients and the community.

Company History and Leadership:

Our first office was opened in Salem in 2018 and our Newport office was started in June of 2019. We currently operate five offices, three in the valley and two on the coast. Our Owner and Managing Broker is Ty Hildebrand, Managing/Supervising Broker is Kristi Sieng, and our Director of Learning and Community Relations is Madyson Jones.

Company Giving:

Realty ONE Group Cares Inc.

A 501(c)3 organization that serves as the charitable entity for our ONE family. Committed to #GiveONEBack and appreciating the communities where we live, work, and play.

Purpose

Opening doors across the globe-ONE home, ONE dream, ONE life at a time.

Manifesto

You have ONE life to live. ONE chance to make it meaningful and ONE opportunity to live with no regrets. Take risks, be bold, seize the day and lead with respect. Your circumstances will change, people will change, you will change. Be open to it, embrace it, live it. EveryONE matters and everyONE has a voice.

Realty ONE Group At the Beach

826 Lee SW St
Newport OR 97365

SEP 08 2022

RECEIVED

Company Goals

- **Short term goal:** To open a real estate office in the Nye Beach area.
 - **Objective:** Procure office space in the Nye Beach area.
 - **Objective:** To obtain a conditional use permit next 30 days
- **Long term goal:** Increase foot traffic into the office.
 - **Objective:** Creating an office space to cater to not only our Realtors and their clients but also the Nye Beach tourists and local community.
 - **Objective:** Open the office to all the events that are put on for the community i.e Wine Walk, Trick or Treating, Small Business Saturday, featuring local artists in our office, having an area in the office for tourists to come in and get information about Nye Beach and Newport etc..
- **Goal:** Increase the number of real estate listings.
 - **Objective:** Through community involvement and building brand awareness.
- **Goal:** Open 7 days a week.
 - **Objective:** Cater to the large number of tourists and locals
- **Goal:** Community and Tourist Minded
 - **Objective:** Open our office to local artists to display their art, provide an area with maps, list of events
- **Goal:** Partner with Nye Beach businesses
 - **Objective:** Promote each other's businesses through joint marketing and events.
- **Goal:** Host customer appreciation events
 - **Objective:** Make your own pizza,
 - **Objective:** Cinco de Mayo: Tacobout your Financing
 - **Objective:** Thanksgiving pumpkin pie give away
 - **Objective:** Photos with Santa
 - **Objective:** Toys for Tots w/ Salvation Army
 - **Objective:** School supplies drive
- **Goal:** Showcase community homes and property listings
 - **Objective:** Listings shown in the window

We truly believe that moving our office to Nye Beach will be a compliment to an already great and diverse community of businesses. As you can see from our goals and objectives, we have a clear plan of action to include activities and showcase local businesses that will appeal to locals and tourists alike. We have been successful in integrating the community into our business plan in other areas of the state and look forward to making Nye Beach an even bigger success.

CITY OF NEWPORT

SEP 08 2022

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**BEFORE THE COMMUNITY DEVELOPMENT
(PLANNING) DIRECTOR OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON**

IN THE MATTER OF LAND USE FILE NO. 2-CUP-22)	
APPLICATION FOR A CONDITIONAL USE PERMIT, AS)	FINAL
SUBMITTED BY TY HILDEBRAND, K&B INVESTMENTS)	ORDER
(DAVID ADOLF, AUTHORIZED REPRESENTATIVE))	

ORDER DENYING A CONDITIONAL USE PERMIT pursuant to Section 14.03.070(2)(c) of the Newport Municipal Code (NMC), for utilization of an existing 984-square foot commercial space. The property is zoned C-2/"Tourist-Commercial," where real estate services are classified as a conditional use (NMC 14.03.060(C)(2)).

WHEREAS:

- 1.) The Community Development (Planning) Director has duly accepted the application, filed consistent with the Newport Zoning Ordinance; and
- 2.) The Community Development (Planning) Director has duly considered the request and has given proper and timely notice to affected property owners; and
- 3.) The Community Development (Planning) Director has allowed for evidence and recommendations from interested persons, Community Development (Planning) Department staff, other City departments, and local utilities; and
- 4.) At the conclusion of review of evidence submitted and after consideration of the request, the Newport Community Development (Planning) Director **DENIED** the request for said Conditional Use Permit.

THEREFORE LET IT BE RESOLVED by the City of Newport Community Development (Planning) Director that the attached Findings of Fact and Conclusions (Exhibit "A") support the denial of the request for a Type II Conditional Use Permit.

BASED UPON THE ABOVE, the Community Development (Planning) Director determines that the applicant in the request for a Type II Conditional Use Permit as submitted in the application has not met the burden of demonstrating compliance with all of the applicable criteria and therefore a determination that the request is in conformance with the provisions of the Zoning Ordinance of the City of Newport cannot be made.

Accepted and approved this 20th day of September 2022.


Beth Young, AICP
Community Development Director

Attest:



Sherri Marineau
Executive Assistant

EXHIBIT "A"

Case File No. 2-CUP-22

FINDINGS OF FACT

1. This request by Ty Hildebrand, K&B Investments, is for a Conditional Use Permit per Section 14.03.070(2)(c) of the Newport Municipal Code (NMC), to allow a real estate office in an existing 984-square foot commercial space. The property is zoned C-2/"Tourist-Commercial," where real estate services are classified as a conditional use (NMC 14.03.060(C)(2)).
2. The Newport Municipal Code (NMC) Section 14.34.030 allows for a conditional use permit to be processed and authorized using a Type II (staff level) decision-making procedure under the following circumstances:
 - A. The proposed use generates less than 50 additional trips per day as determined in the document entitled Trip Generation, an informational report prepared by the Institute of Traffic Engineers; and
 - B. Involves a piece(s) of property that is less than one (1) acre in size.
3. The applicant is Ty Hildebrand and the representative is David Adolf. Ty Hildebrand, Cascadia Industrial St., Salem Oregon, is the authorized representative of K&B Investments, LLC, owner of Realty One Group – At The Beach, an active business with the Oregon Secretary of State, registry number 1553448-99 (start date May 2, 2019).
4. The application for a conditional use permit was submitted on August 8, 2022 and was deemed complete on September 8, 2022. The application was accompanied by a completed application form, a business plan, a written narrative (findings), photographs of the exterior space with superimposed proposed signage, and a proposed floor plan. All of the application materials can be found in the file.
5. The property is located at 315 NW Coast Street and is further identified as Tax Lot 80001 on Lincoln County Assessor's Tax Map 11-11-05-CC. The subject commercial space is in a building that covers this entire lot and the adjacent Lot 80004 of Tax Map 11-11-05-CC. The building is mixed use with retail establishments on the ground floor and residences above. The adjacent parking lot on the east side of the building is owned by the Nye Beach Plaza Condominiums Association of Unit Owners (Lot 80000, Tax Map 11-11-05). The Newport Comprehensive Plan designation for this property is Commercial. The zoning designation is C-2/"Tourist Commercial," and the subject property is within the Historical Nye Beach Design Review District overlay, the Short-Term Rental "Transferable" overlay and the Nye Beach Parking District overlay. Surrounding land uses are a mix of tourist commercial and residential uses.
6. A Property Report from the Lincoln County Assessor's Office notes that this building was constructed in 1999. No changes are proposed to the building facade.
7. The applicant writes that the first Realty One Group office opened in Salem in 2018 and the

Realty One Group currently operates three offices in the Willamette Valley and two on the coast. The applicant writes that they first wanted to locate in Nye Beach and wrote a letter of intent to one Nye Beach commercial property owner which was denied. They then opened the current office at 826 SW Lee Street.

8. The applicant writes in the submitted narrative and business plan that they would like to display and promote local art; provide maps and listings of local events in the lobby, be open every day during peak tourist times of the year, and hold customer appreciation events.
9. Upon acceptance of the application, the Community Development Director shall notify property owners within 200 feet of the subject property and affected public/private agencies/utilities. The applicant submitted a list of property owners within the area to be notified as part of the application request. Said notice was mailed on August 5, 2022. (Copy of the notice is in the file.) The notice contained the criteria by which the conditional use permit is to be assessed. Affected parties were given until August 19, 2022 in which to make comment on the application.
10. Three comments were received in response to the public notice, all in opposition to permit approval. Comment from Wendy Engler submitted on August 19, 2022, states that the applicant did not adequately address how they would serve tourists, which “does not comply with the requirements of the underlying zone or overlay zone.” The applicant was made aware of these comments and subsequently submitted additional application materials which addressed this issue. The remaining comments did not address the criteria for a Conditional Use Permit.
11. The criteria for the Conditional Use Permit pursuant to NMC Section 14.34.050 are:
 - A. The public facilities can adequately accommodate the proposed use.
 - B. The request complies with the requirements of the underlying zone or overlay zone.
 - C. The proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval.
 - D. A proposed building or building modification is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

CONCLUSIONS

1. NMC Section 14.34.030/ “Approval Authority,” states that a request qualifies as a Type II decision if a proposed use generates less than 50 additional trips per day and the subject property is less than an acre. The space was originally designed for specialty retail use, an Institute of Traffic Engineers trip generation category that encompasses sales and personal service retail uses (Ref: ITE Category 814). The leasable area is not being expanded; therefore, no additional vehicle trips per day will be generated as a result of the new tenancy. According

to the Assessor's Map, the subject property is well under an acre in size. Given the above, the request complies with the criteria to qualify for a Type II decision-making process by the Community Development Director. A Type II decision-making process is one where the initial decision is made by the Director with public notice and an opportunity to comment but without a hearing (NMC 14.52.020(B)).

2. With regards to the criteria for approval of a Conditional Use Permit listed under NMC 14.34.050, the following conclusions can be drawn:

A. *The public facilities can adequately accommodate the proposed use.*

i. Public facilities are defined in the Municipal Code as including sanitary sewer, water, streets and electricity. The applicant's findings indicate that the public facilities can adequately accommodate the proposed use.

ii. The applicant points out that the office is "very small" and that foot traffic of real estate professionals, clients and vendors will be no more than that of previous uses.

iii. Water service is available via an 8-inch line in NW Coast Street. Sewer service is provided via a 12-inch main in the same street. Electric service is available at the site.

iv. Northwest Coast Street is fully developed with sidewalks and marked crosswalks. This section of Coast Street is designed to slow vehicle speeds and promote pedestrian movement. Structured storm drainage infrastructure is in place to collect the runoff from the property and street, with the drainage ultimately being discharged into the ocean.

v. Based on the above, the Community Development Director finds that this criterion has been satisfied.

B. *The request complies with any special requirements of the underlying zone or overlay zone.*

i. The underlying zone for the property is C-2/"Tourist Commercial." Personal service-oriented businesses are a conditional use in this district.

ii. A personal service-oriented land use category was created when the commercial and industrial land use element of the zoning ordinance was restructured in 2011 (Ordinance No. 2022). This use category is characterized as including the following types of businesses:

"Personal service-oriented: Branch banks; urgency medical care; Laundromats; photographic studios; photocopy and blueprint services; printing, publishing and lithography; hair, tanning, and personal care services; tax preparers, accountants, engineers, architects, real estate agents, legal, financial services; art studios; art, dance, music, martial arts, and other recreational or cultural classes/schools; hotels (non-transient); motels (non-transient); taxidermists; mortuaries; veterinarians; kennels limited to boarding and training with no breeding; and animal grooming."

This category of uses was identified as conditional within the city's C-2/"Tourist Commercial" zone because there is a finite amount of retail space in tourist oriented areas, and policy makers determined that such space needs to be reserved for complimentary uses. Many personal-service uses do not need to be located in tourist areas, and can just as effectively locate in Newport's other commercial or light industrial zones where there are additional lease or ownership opportunities. The conditional use process is the mechanism for reviewing personal-service uses to ensure they complement the tourist oriented nature of the C-2 district.

iii. The applicant is currently operating an office in the "Deco District," Newport's central business district. Zoning for this location is C-1, where real estate offices are an outright-permitted use. Zone C-1 is distinguished from Zone C-2—where the applicant would like to relocate to—in that it is designated for a variety of commercial services and retail establishments that are not primarily tourist-oriented. There are many long-operating real estate offices in Newport's C-1 zone.

iv. Although the submitted business plan states that Nye Beach tourist traffic would increase listings and sales, it is not apparent that a presence in a tourist area is key to the plan or that this is the only way the business can be successful. In addition, the applicant's existing office is outside of Nye Beach in Zone C-1, a zone that is not tourist-oriented like C-2; this is evidence that the business model does not rely upon tourist traffic.

v. Based on the above, the Community Development Director finds that this criterion has not been satisfied.

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

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

ii. The proposed location of the applicant's real estate office is an existing storefront. The application includes a signage plan which meets City signage standards, and statements that the window dressings and decor would reflect the Nye Beach "vibe."

iii. The proposed business will not generate additional vehicle trips to the site any more than the previous occupants of the proposed location.

iv. The proposed business will be within an existing enclosed structure; it is highly unlikely that any nuisance concerns outlined above would be an issue.

v. Based on the above, the Community Development (Planning) Director finds that this

criterion has been satisfied.

D. The proposed building or building modification is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

i. The application is for a leased space in an existing building and no exterior or structural modifications will be performed as part of this application.

ii. Based on the above, the Community Development (Planning) Director finds that this criterion has been satisfied.

OVERALL CONCLUSION

The request does not comply with the criteria established for a Conditional Use Permit and is hereby DENIED.

**BEFORE THE COMMUNITY DEVELOPMENT
(PLANNING) DIRECTOR OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON**

IN THE MATTER OF LAND USE FILE NO. 6-CUP-18)	
APPLICATION FOR A CONDITIONAL USE PERMIT, AS)	FINAL
SUBMITTED BY SEASHORE REALTY COMPANY)	ORDER
(ROLAND WOODCOCK, AUTHORIZED REPRESENTATIVE))	

ORDER APPROVING A CONDITIONAL USE PERMIT pursuant to Section 14.03.070(2)(c) of the Newport Municipal Code (NMC), for utilization of roughly 650 square feet of vacant commercial space within the Archway Place mixed use development as a real estate office. The property is zoned C-2/"Tourist-Commercial," where real estate services are classified as a conditional use (NMC 14.03.060(C)(2)).

WHEREAS:

- 1.) The Community Development (Planning) Director has duly accepted the application, filed consistent with the Newport Zoning Ordinance; and
- 2.) The Community Development (Planning) Director has duly considered the request and has given proper and timely notice to affected property owners; and
- 3.) The Community Development (Planning) Director has allowed for evidence and recommendations from interested persons, Community Development (Planning) Department staff, other City departments, and local utilities; and
- 4.) At the conclusion of review of evidence submitted and after consideration of the request, the Newport Community Development (Planning) Director **APPROVED** the request for said Conditional Use Permit.


THEREFORE LET IT BE RESOLVED by the City of Newport Community Development (Planning) Director that the attached Findings of Fact and Conclusions (Exhibit "A") support the approval of the request for a Conditional Use Permit with the following conditions(s):

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.

2. The applicant shall comply with all applicable building codes, fire codes, zoning ordinance requirements, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use.

BASED UPON THE ABOVE, the Community Development (Planning) Director determines that the request for a Conditional Use permit as submitted in the application is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport with the attached conditions(s) of approval.

Accepted and approved this 23rd day of January 2019.



Derrick I. Tokos, AICP
Community Development Director

Attest:



Sherri Marineau
Executive Assistant

EXHIBIT "A"

Case File No. 6-CUP-18

FINDINGS OF FACT

1. This request by Seashore Realty Company is for a Conditional Use Permit per Section 14.03.070(2)(c) of the Newport Municipal Code (NMC), in order to utilize 650 square feet of vacant commercial space within the Archway Place mixed use development. The property is zoned C-2/"Tourist-Commercial," where real estate services are classified as a conditional use (NMC 14.03.060(C)(2)).
2. The applicant is Roland Woodcock, representing Seashore Homes Realty. The space is subleased from Guild Mortgage Company. The property owner is Steven W. Mock, MSM Properties, LLC, 2397 NW Kings Blvd#173, Corvallis, Oregon 97333.
3. The application for a conditional use permit was submitted on December 12, 2018 and was deemed complete.
4. The property is located at 305 NW Coast Street. It includes lease unit C-1 (Tax Lot 88001) and a portion of unit C-2 (Tax Lot 88002) on Lincoln County Assessor's Tax Map 11-11-05-CC.
5. The application was accompanied by a completed application form, business plan, written findings, letter of authorization from the property owner, photographs of the tenant space, and a floor plan of the lease space. All of the application materials can be found in the file.
6. The Newport Comprehensive Plan designation for the property is Commercial. The zoning designation is C-2/"Tourist Commercial." Surrounding land uses are a mix of tourist commercial and residential uses.
7. The applicant's business plan notes that the realty company is primarily focused on helping people realize their dream of owning a beach house. They point out that the front entry, an enclosed courtyard area, has been designed to look and feel like a room in a beach house, or an enclosed deck on a beach home. People enter through a wide, glass garage door, similar to those used in restaurants like Newport's Local Ocean. The wide entrance, with a tiled, ADA compatible ramp, is flanked on both sides by planter boxes with beach grass. The area is furnished with Adirondack chairs, a coffee table and area rug, beach décor – and touch screen computers, where people can search for oceanfront and oceanview property at their leisure. The applicant indicates that they believe many tourists who are not shopping for a beach home – at least not now – will take advantage of this just for the enjoyment of viewing and dreaming about beach homes. Although it is not fully equipped yet, tourist and locals already drop in regularly, all of whom have been very enthusiastic about this "dream room," both the décor and concept. The applicant notes that those who decide they would like to talk with a broker can enter the office area, separated from the front room by a glass wall, through a normal office door. The office itself is "beachy" feeling, with a grey, "weathered" wood floor, a "wave" wall paneled to look like ocean waves, and a continuation of the beach décor and plantings in the front room. The idea behind the look-and-feel of the Seashore Homes office was to move the perception and experience of "real estate brokerage" toward the concept of a charming beach village like Nye Beach.

8. A Property Report from the Lincoln County Assessor's Office notes that this commercial lease space within the Archway Place development was constructed in 2007. No changes are proposed to the building façade. Access to the space has been improved to meet ADA requirements. All other improvements are to the interior of the building.
9. The following are past land use actions involving the subject property:
 - A. File No. 2-CUP-06/2-NB-06 – approved the “Archway Place” mixed use development, consisting of 5,400 square feet of commercial space on the ground floor and nine townhouse on the second and third floors.
10. The Newport Municipal Code (NMC) Section 14.34.030 allows for a conditional use permit to be processed and authorized using a Type II (staff level) decision-making procedure under the following circumstances:
 - A. The proposed use generates less than 50 additional trips per day as determined in the document entitled Trip Generation, an informational report prepared by the Institute of Traffic Engineers; and
 - B. Involves a piece(s) of property that is less than one (1) acre in size.
11. Upon acceptance of the application, the Community Development Director shall notify property owners within 200 feet of the subject property and affected public/private agencies/utilities. The applicant submitted a list of property owners within the area to be notified as part of the application request. Said notice was mailed on December 13, 2018. (Copy of the notice is in the file.) The notice contained the criteria by which the conditional use permit is to be assessed. Affected parties were given until December 27, 2018, in which to make comment on the application.
12. One comment was received in response to the public notice, an email from Wendy Engler, dated December 27, 2018, requesting a public hearing on the application. Ms. Engler stated that the request for a hearing stems from the fact that one of the businesses has already been operating and the other appears to have a building permit and has already made a significant investment in remodeling the space for the proposed business. She further noted that requesting input from neighboring properties on businesses that already appear to be approved and are moving forward puts everyone in an awkward and unfortunate position. Ms. Engler also conveyed to staff verbally that lease area C-1 was supposed to be a public courtyard, which is not how it is presently constructed.
13. The criteria for the Conditional Use Permit pursuant to NMC Section 14.34.050 are:
 - A. The public facilities can adequately accommodate the proposed use.
 - B. The request complies with the requirements of the underlying zone or overlay zone.
 - C. The proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval.

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

CONCLUSIONS

1. NMC Section 14.34.030/ “Approval Authority,” states that a request qualifies as a Type II decision if a proposed use generates less than 50 additional trips per day and the subject property is less than an acre. The applicant’s floor plan and narrative indicate that a little over 600 square feet of space will be used. The space was originally designed for specialty retail use, an Institute of Traffic Engineers trip generation category that encompasses sales and personal service retail uses (Ref: ITE Category 814). The leasable area is not being expanded; therefore, no additional vehicle trips per day will be generated as a result of the new tenancy. According to the Assessor’s Map, the subject property is well under an acre in size. Given the above, the request complies with the criteria to qualify for a Type II decision-making process by the Community Development Director. A Type II decision-making process is one where the initial decision is made by the Director with public notice and an opportunity to comment but without a hearing (NMC 14.52.020(B)); therefore, Ms. Engler’s request for a hearing cannot be granted.
2. With regards to the criteria for approval of a Conditional Use Permit listed under NMC 14.34.050, the following conclusions can be drawn:

A. *The public facilities can adequately accommodate the proposed use.*

- i. Public facilities are defined in the Municipal Code as including sanitary sewer, water, streets and electricity. The applicant’s findings indicate that the public facilities can adequately accommodate the proposed use.
- ii. The applicant asserts that there will be a minimum impact on public facilities. They point out that the office is a small (just over 600 sq. ft.), boutique brokerage catering to the specialized market of people looking to purchase a beach home. Additional foot and motor traffic generated will be no more than other retail establishments.
- iii. Water service is available via an 8-inch line in NW Coast Street. Sewer service is provided via a 12-inch main in the same street. Electric service is available at the site.
- iv. The Archway Place mixed-use development abuts NW Coast, NW Beach, and NW 3rd Streets. These paved roadways are fully developed with sidewalks and marked crosswalks. This street section has been scaled to slow vehicle speeds and promote pedestrian movement, which complements storefront access. Structured storm drainage infrastructure is in place to collect the runoff from the property and street, with the drainage ultimately being discharged into the ocean.
- v. Based on the above, the Community Development Director finds that the applicant has met their burden of demonstrating that this criterion is met in regard to the adequacy of the public facilities.

B. *The request complies with any special requirements of the underlying zone or overlay zone.*

i. The underlying zone for the property is C-2/"Tourist Commercial." Personal service-oriented businesses are a conditional use in this district. The site is also within the Historic Nye Beach Design Review District.

ii. A personal service-oriented land use category was created when the commercial and industrial land use element of the zoning ordinance was restructured in 2011 (Ordinance No. 2022). This use category is characterized as including the following types of businesses:

"Personal service-oriented: Branch banks; urgency medical care; Laundromats; photographic studios; photocopy and blueprint services; printing, publishing and lithography; hair, tanning, and personal care services; tax preparers, accountants, engineers, architects, real estate agents, legal, financial services; art studios; art, dance, music, martial arts, and other recreational or cultural classes/schools; hotels (non-transient); motels (non-transient); taxidermists; mortuaries; veterinarians; kennels limited to boarding and training with no breeding; and animal grooming."

This category of uses was identified as conditional within the city's C-2/"Tourist Commercial" zone because there is a finite amount of retail space in tourist oriented areas, and policy makers determined that such space needs to be reserved for complimentary uses. Many personal-service uses do not need to be located in tourist areas, and can just as effectively locate in the City's other commercial or light industrial zones where there are additional lease or ownership opportunities. The conditional use process is the mechanism for reviewing personal-service uses to ensure they complement the tourist oriented nature of the C-2 district.

iii. The applicant believes the brokerage will directly address the fundamental requirement of C-2 zoning; "to provide for tourist needs as well as for the entertainment needs of permanent residents." They point out that tourists visiting Newport dream of a beach home, and many also end up walking around Nye Beach. Some are here to determine if this is the right area for them to buy a beach home. Some are here to begin the buying process in earnest. There is no better, or more entertaining place to do this, than Nye Beach. The applicant conveys that they learned this first-hand while working at Oregon Coast Properties, another real estate brokerage in Nye Beach. Tourists would drop in, some to just chat about the area and get an introduction to properties and pricing, and some to seriously begin a search for a beach home. Dreaming of beach homes, looking at beach homes, and talking to a broker about a possible purchase, are all part of the vacation experience for many of Newport's tourists. The applicant notes that he and his wife bought their home in Newport twenty years ago, and it began in just this way-an anniversary visit to the beach, dreaming about a beach home and visiting a local real estate brokerage, then driving by a home that, to their great surprise and totally unplanned, they ended up buying!

iv. Considering that the applicant's business plan focuses on the sale of homes to tourists, catering to pedestrians as a way of drawing in potential clients, it is understandable that the real estate business would need to locate in a tourist commercial area. This is the type of complimentary relationship that policy makers understood would make some personal-service uses appropriate in a C-2 district. Such an argument would be difficult to make for other types of personal-service uses, such as a veterinarian clinic or tax preparing service, that lack a connection to tourism.

v. The Historic Nye Beach Design Review District includes architectural standards for new development. Its provisions apply to the exterior of buildings and trigger when new development or substantial improvements are proposed to commercial structures (NMC 14.30.030(B)). Minor changes have been made to entrance of the lease space, including ADA improvements; however, they fall far short of qualifying as a "substantial improvement" to the Archway Place mixed use building. The term "substantial improvement" is defined as an improvement with a cost that is equal to or exceeds 50% of the market value of the building. The bulk of the changes are tenant improvements to the interior of the building, which are not subject to design review.

vi. Ms. Engler expressed a concern to city staff that a portion of unit C-1 was to be a public courtyard. The Archway Place mixed use development was the subject of a public hearings process with the final decision being made, on appeal, by the Newport City Council (File 2-CUP-06/2-NB-06, Final Order dated June 19, 2006). The record shows that detailed elevation drawings and a three dimensional model of the project were provided to the Council. A public courtyard was not a part of the concept. The Council did; however, include a condition of approval allowing the applicant to modify the design to improve the visual appearance of the portion of the project facing NW 3rd Street, which includes the unit C-1 lease space at the corner of NW 3rd and NW Coast.

vii. The City Council decision was appealed to the Land Use Board of Appeals (LUBA), an action that was later withdrawn (LUBA File 2006-126). A letter to the Council, Commission, and city staff from the appellant Raymond Bradley, dated August 15, 2006, indicates that the developer and concerned citizens had negotiated a change to the design that incorporated an open courtyard at the corner of NW 3rd and Coast, which is now a portion of the space leased by the applicant. An illustration of the change was included with the letter. Further, the letter notes that Ms. Engler was involved in those negotiations and it is dated two weeks after the LUBA appeal was dismissed.

viii. Approved building plans, dated February 13, 2007, do not show an open courtyard at the corner of NW 3rd and NW Coast. Instead they show the space enclosed and identify it as a commercial tenant court. This is the front entry area the applicant has designed to look and feel like a room in a beach house. Emails between the developer, Mr. Bradley, and Lon Brusselback (Ms. Engler's husband) demonstrate that the parties were engaged in design discussions as the

final plans were prepared for the Archway Place building, with the developer making revisions in response to their feedback, adding decks and modifying the roofline. City staff sought confirmation that the developer and appellants had worked through the design issues and, in a March 13, 2007, Mr. Bradley stated “*I have reviewed your most recent drawings and they appear to be in the spirit of what we had previously agreed to when you agreed to make certain modifications and I agreed to dismiss my LUBA appeal.*”

ix. Plans for the Archway Place mixed use development, approved by the City Council, show the building enclosed, without a courtyard at the intersection of NW 3rd and NW Coast. This is the final city land use decision and the approved building plans are consistent with that decision. While the Council imposed a condition of approval that allowed some modifications to the design, its decision did not require that such changes occur. The developer and appellants engaged in discussions to modify the design of the project, conversations that at one point included an open publicly accessible courtyard on land that is now leased by the applicant. It is unclear why that design change was not pursued and others, such as the addition of decks and modifications to the roofline, were implemented. What is clear from the record is that the appellants and developer were engaged in constructive dialogue as the design was finalized, with the chief appellant signing off on the final documents. Further, it is evident from the record that the commercial space leased by the applicant is configured in a manner consistent with the City Council decision approving the project.

x. Based on the above, the Community Development Director finds that this criterion has been satisfied.

C. *The proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. For the purpose of this criterion, “adverse impact” is the potential adverse physical impact of a proposed conditional use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality.*

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

ii. The applicant contends that Seashore Homes Realty will have no negative environmental impact on nearby properties. It will be an enhancement of those properties by providing a new and additional experience for tourists and locals who visit Nye Beach.

iii. As previously noted, the project will not generate additional vehicle trips to the site, so its impact on traffic is negligible. Further, given the personal-service nature of the use and the fact that it will occur within an enclosed structure, it is unlikely that any nuisance concerns outlined above will be an issue.

iv. To ensure that there are no adverse impacts that could create a nuisance, a condition of approval should be imposed to require the applicant comply with all applicable building codes, fire codes, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood.

v. Based on the above, the Community Development (Planning) Director finds that this criterion has been satisfied.

D. The proposed building or building modification is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

i. The applicant's findings note that the Seashore Homes office is in the existing Archway Place building. It occupies a one-story street-level office. The only exterior modification has been the entry, which has been modified to allow direct entry, including wheelchair entry, from the street. This patio room, at the NW corner of 3rd and Coast, has not been accessible from the street until now.

ii. Further, as discussed in prior findings, the exterior façade of the lease space is consistent with the City Council land use decision and approved building plans.

iii. Based on the above, the Community Development (Planning) Director finds that this criterion has been satisfied.

OVERALL CONCLUSION

The request complies with the criteria established for a Conditional Use Permit and is hereby **APPROVED** with the following condition(s):

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.
2. The applicant shall comply with all applicable building codes, fire codes, zoning ordinance requirements, and other public health and safety regulations to ensure that the use will not be detrimental to the safety and health of persons in the neighborhood. The applicant is responsible for obtaining the necessary approvals and permits pertaining to the proposed use.

2-CUP-22 Comments

COMMENT 1

Hello Ms. Boxer—Thank you for sending your letter. Although the comment period is over we continue to allow public comment up until my decision is made, and I have not made my decision. Your comment will go into the file for 2-CUP-22

Beth



Beth Young, AICP

City of Newport Community Development Department
City Hall, 169 SW Coast Hwy.
Direct Line: 541-574-3341

Pronouns: she, her, they, their

Emails to and from this address are subject to public disclosure under Oregon public records law.

From: charboxer2@comcast.net <charboxer2@comcast.net>

Sent: Monday, August 22, 2022 9:49 AM

To: Beth Young <B.Young@NewportOregon.gov>

Cc: Derrick Tokos <D.Tokos@NewportOregon.gov>

Subject: File No.2-CUP-22

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

Derrick and Beth, I realize I am too late responding for this to qualify as public comment. All of my mail goes to my Portland address and piles up while I am in Newport. I had a longer than usual stay in Newport as I am getting ready to open my vintage store on the bay front over Labor Day. I arrived back in Portland on Saturday night and opened the Public Notice for the above referenced application.

I own property on the oceanfront side of Cliff Street, so I often comment on changes in the Nye Beach neighborhood. I tentatively plan on putting my property at 213 NW Cliff Street up for sale early next year.

I know there is concern from several of the retail business owners (that I am friends with) to have yet another real estate related business in Nye Beach. Nye Beach is marketed by the Nye Beach Merchants as an “artistic neighborhood with shopping and restaurants”. Upon approval, there will be three (3) real estate offices located in such a small area on Coast Street. I know other businesses are concerned about this as it leaves less reason for people to wander around to shop and eat when real estate offices use the street level space. What does a 3rd real estate business bring to an area that already has 2 real estate sales office and a mortgage company? What can

another real estate business sales office offer that one of the other companies doesn't offer? The C-2 zoning allows for "Personal service-oriented retail sales and services", but I would question the need for 3 sales office is such close proximity to each other. Considering the real estate industry is now considered to be in the early stages of recession, I guess it will be survival of the fittest when there isn't enough business for all 3 sales offices to survive. If you look at the RMLS, there are multiple price reductions on many of the properties listed for sale along the coast. The Oregon Coast is not immune to a decline in real estate sales and values. There has been a record run-up of sales and property values, but real estate is cyclical, and we are entering a new cycle in the real estate market.

I realize the City of Newport has to look at the application objectively, however I wanted to at least comment (knowing it is not public comment), but comment as a property owner nearby.

Charlotte Boxer

COMMENT 2

Thank you, Wendy. I will put this in the file and it will be considered for my decision.

Beth



Beth Young, AICP

City of Newport Community Development Department
City Hall, 169 SW Coast Hwy.
Direct Line: 541-574-3341

Pronouns: she, her, they, their

Emails to and from this address are subject to public disclosure under Oregon public records law.

From: Wendy Engler <wendy.engler@yahoo.com>

Sent: Friday, August 19, 2022 4:36 PM

To: Beth Young <B.Young@NewportOregon.gov>

Subject: Testimony: File No. 2-CUP-22

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

Hello Beth,

This is my written testimony on File No. 2-CUP-22:

General testimony related to the Peninsula Urban Design Plan contained in the Comprehensive Plan and its implementing ordinance, the Historic Nye Beach Overlay Zone which governs this CUP Application:

- The City has invested years of planning and untold financial resources into preserving and improving the Nye Beach neighborhood with the goal of creating and maintaining a vibrant mixed-use district that contributes to the economy of Newport and is also a great place to live, work and visit.

- When the Nye Beach Overlay was established in 1997, the C-2 zoning allowed offices above the ground floor only in the central core area in order to create a pedestrian and business friendly streetscape without the “missing teeth” that offices fronting the sidewalk can create.

- The Streetscape improvements in 2000 were meant to further the pedestrian orientation of NW Coast in order to enhance foot traffic and commercial activity from NW 6th south to NW Olive.

- Currently, there are 3 existing real estate-oriented offices on the ground floor on NW Coast St between NW 3rd and NW Beach.

This is the heart of pedestrian and commercial activity in Nye Beach.

If this application is approved, there will be 4 offices and 6 retail businesses fronting NW Coast. That’s 2/3rds of the businesses as offices fronting the sidewalk in the core tourist area. The purpose of Conditional Use Permits is to prevent this from happening.

- In the future, perhaps there could be spacing requirements for offices in the C-2 zone of the Nye Beach Overlay, similar to those for dispensaries or the above ground floor requirement reinstated .

- This business sounds fine it’s just a matter of being out of place in the core C-2 zone on the ground floor.

File No. 2-CUP-22

Testimony on the specific Applicable Criteria: NZO Section 14.34.050:

(1) Yes - Public facilities can accommodate the proposed use.

(2) No- The request does not comply with the requirements of the underlying zone or overlay zone. Here’s why:

This property is in the heart of the C-2 Zone. The purpose of this zone is “to provide for tourist needs as well as for the entertainment needs of permanent residents.” This purpose is not acknowledged in the applicant’s application dated 8/04/2022. It states:

#6a.”The office will serve our real estate professionals and their clients.”

#7b. “The Real Estate offices complies with current zoning.”

Their business plan and compliance with zoning requirements does not address how they will serve tourists and contribute to the active pedestrian streetscape.

(3) No - The adverse impact of this business is that it doesn’t fit the C-2 Zoning purpose and doesn’t contribute to preserving and enhancing an active streetscape on NW Coast St.

(4) Yes -There is no building modification so it meets this criteria.

End of Testimony

If you have any questions please contact me.

Thank you,
Wendy Engler

COMMENT 3

Hello—Please send me more information on this comment such as the permit application number, the applicant or address. Otherwise I cannot consider this as a public comment on a specific land use application.

Thank you,
Beth



Beth Young, AICP
City of Newport Community Development Department
City Hall, 169 SW Coast Hwy.
Direct Line: 541-574-3341

Pronouns: she, her, they, their

Emails to and from this address are subject to public disclosure under Oregon public records law.

From: Beth Young
Sent: Wednesday, August 10, 2022 1:35 PM
To: 'Kris Beshire' <beshire@charter.net>
Cc: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: RE: Design District

Hello --Is this in reference to Conditional Use Permit application #2-CUP-22? Please give me a name, address or CUP # so I can place it in the correct file.

Beth

<< OLE Object: Picture (Device Independent Bitmap) >>

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

From: Kris Beshire <beshire@charter.net>
Sent: Wednesday, August 10, 2022 10:42 AM
To: Beth Young <B.Young@NewportOregon.gov>
Subject: Design District

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

Guidelines were put in place for commercial space for a good reason. As neighbors, we strongly recommend that no conditional use be granted.

Kristine & Alan Beshire
537 SW Woods St.
Newport, OR 97365
beshire@charter.net

Sent from my iPad

October 29, 2022

Newport Planning Department, City Hall
169 SW Coast Hwy
Newport, OR 97365

CITY OF NEWPORT

OCT 31 2022

RECEIVED

RE: Conditional use permit for 316 NW Coast St., Newport, OR

Ladies and Gentlemen of the Newport Planning Commission;

I wish to use this opportunity to voice my support for the subject conditional use permit.

I have long owned property across the street and we are facing a different world than when the Master Plan was adopted. It is getting harder to compete with Amazon and attract retailing tenants. The Mom and Pop shops are diminishing in numbers.

I feel that it is important to remember that it was adopted as a "master plan" which, I assume, means it is open to changes when appropriate.

I am concerned that as things progress, unless some changes are accepted, we will be facing vacancies, empty buildings, and a declining neighborhood. It seems to me that selling real estate out of that location is a reasonable fit for the area.

Thank you for this opportunity to be heard.

Regards,

Gary Mines



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

The City of Newport Planning Commission will hold a de novo public hearing on Monday, November 14, 2022, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 2-CUP-22-A, a request submitted by Zachary Dablow, P.C., attorney at law, representative (Ty Hildebrand, K & B Investments, LLC, applicant/property owner), for an appeal of the Community Development Director's decision denying a Conditional Use Permit Application (File No. 2-CUP-22). The appeal challenges the Community Development Director's denial of a request per Section 14.03.070/"Commercial and Industrial Uses" of the Newport Zoning Ordinance, for a conditional use permit to allow the operation of a real estate office in a C-2/"Tourist Commercial" zone for which personal service oriented retail sales and services are a conditional use. The property is located at 316 NW Coast St, Newport, OR 97365 (Lincoln County Assessor's Map 11-11-05-CC; Tax Lot 80001). The applicable criteria per NMC Chapter 14.34.050: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. The Planning Commission will hold a de novo public hearing on the decision that has been appealed. With a de novo hearing, any interested person or entity can provide public testimony, including the introduction of new evidence that was not available at the time the original decision was rendered. Testimony and evidence must be directed toward the criteria described above or other criteria in the Newport Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Written testimony must be received by 3:00 p.m. the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.797(6), any person prior to the conclusion of this initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon, 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above).

FOR PUBLICATION ONCE ON FRIDAY, November 4, 2022.

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of: Parking, driveway, pedestrian, storm, and landscape improvements at the Lincoln City Cultural Center site. This will consist of curbing, sidewalks, a driveway with pedestrian ramps, infiltration trench, aggregate base, HMA pavement, striping, and extensive landscape improvements and artistic paving as detailed in the bid form. The Issuing Office for the Bidding Documents is: Civil West Engineering Services; Kevin Shreeve, PE. Bidding Documents may be viewed at www.questcdn.com, and at the Lincoln City Cultural Center. To be qualified to submit a Bid the Contractor must obtain the bidding documents at www.questcdn.com, QuestCDN Project No. 8330059. All pre-Bid questions and responses will be posted on QuestCDN. A non-mandatory pre-bid conference will be held at 2:00 PM local time November 22nd at Lincoln City Cultural Center. This contract is subject to ORS 279C.800 to 279C.870 regarding prevailing wage rates. Owner reserves the right to reject all bids, and to waive any technicalities or informalities in connection with the bids. No Bidder may withdraw their bid until thirty (30) days after the bid opening. By order of: Lincoln City Cultural Center Published: Newport News Times, Newport, OR Friday November the 4th, and Wednesday the 16th, 2022. DJC, Portland, OR Friday November the 4th, and Wednesday the 16th, 2022. N04, N16 64-16

**SUMMONS
IN THE CIRCUIT COURT
OF THE STATE OF
OREGON FOR LINCOLN
COUNTY**

Case No. 22CV31219
WILLIAM J. LUND; and
ALSO ALL OTHER PER-
SONS OR PARTIES
UNKNOWN claiming any
right, title, claim, estate,
lien, or interest in the
property described in the
Complaint herein. To:
ALL OTHER PERSONS
OR PARTIES UNKNOWN
Explanation of the Com-
plaint and Relief Request-
ed. Plaintiffs seek a
money judgment against
defendant Lund, for the
amounts due on a promis-
sory note and foreclosure
of a Trust Deed, which
granted Plaintiffs, as ben-
eficiaries by assignment,
a security interest in cer-
tain real property com-
monly referred to as NW
Spring Street (Bare Lots),
Newport, Oregon 97365,
and more particularly
described as PARCEL I:
The North Half of Lot 1,
and all of Lots 2, 3, 4,
and 5, Block 37, OCEAN
VIEW, in Lincoln Coun-
ty, Oregon. TOGETHER
WITH that portion of
vacated alley contiguous
to and Westerly of said

lots as vacated by Ordinance recorded Novem-
ber 21, 1966 in Book 273,
Page 17, Lincoln County
Records. EXCEPTING
THEREFROM any por-
tion of Northwest 14th
Street vacated by Ordinance recorded Novem-
ber 21, 1966 in Book
273, Page 17, Lincoln
County Records. PAR-
CEL II: Beginning at the
Northeast corner of Lot
5, Block 37, OCEANVIEW,
as shown on the original
plat recorded April 5, 1884
in Plat Book 1, page 19,
Lincoln County Records;
thence North 60 feet to the
Southeast corner of
Block 48 of said plat;
thence West on the South
line of said Block 48 to
the mean high tide line of
the Pacific Ocean; thence
Southerly along said high
tide line to the Northwest
corner of said Block 37;
thence East on the North
line thereof to the point of
beginning, being the por-
tion of vacated Northwest
14th Street, former Rock
Street in said plat, vacat-
ed by vacation recorded
November 21, 1966 in
Book 273, page 17, Deed
Records. EXCEPTING
THEREFROM that por-
tion of vacated Northwest
14th Street that inured
to Block 36, OCEAN
VIEW, in Lincoln County,
Oregon, vacated by Ordinance recorded Novem-
ber 21, 1966 in Book 273,
Page 17, Lincoln County
Records, in the Complaint
(the "Property"). The relief
requested may impact the
rights and interests of third
parties who are presently
unknown (the "Unknown
Parties"), who are joined
in this case pursuant to
ORCP 20 J. Because
of the possible adverse
effect of this lawsuit,
notice is being given, and
the Unknown Parties are
being given the opportu-
nity to appear in the case
and present their claims
and defenses to the relief
requested by Plaintiffs.
Plaintiffs seek (1) a money
judgment be awarded
against Lund in the
amount of \$919,304.53,
and for additional sums
that may be awarded to
Plaintiffs, together with
post-judgment interest
from the date of entry until
paid, and (2) a declara-
tion that the lien of Plain-
tiffs' Trust Deed is prior in
time, right, title, and inter-
est to any interest in the
Property of Defendants,
and forever foreclosing all
right, title, lien, claim or
interest of Defendants in
the Property and declar-
ing any such rights are
inferior to Plaintiffs', and
foreclosing the lien of the
Trust Deed and ordering
the sale of the Property
by the Sheriff of Lincoln
County, in the manner
prescribed by law. Plain-
tiffs are seeking a defi-
ciency judgment against
Lund. 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
case within 30 days from
the first date of publica-
tion of this summons, and
if you fail so to answer, for
want thereof, the Plaintiffs
will apply to the court for
the relief demanded there-
in. NOTICE TO DEFEN-
DANTS: READ THESE
PAPERS CAREFULLY!
You must "appear" in this
case or the other side
will win automatically. To
"appear" you must file
with the court a legal docu-
ment called a "motion" or
"answer." The "motion" or
"answer" must be given to
the court clerk or admin-
istrator within 30 days of
the date of first publica-
tion specified herein along
with the required filing fee.
It must be in proper form
and have proof of service
on the Plaintiffs' attorney
or, if the Plaintiffs do not
have an attorney, proof
of service on the Plain-
tiffs. The date of first
publication is Novem-
ber 4, 2022. If you have
questions, you should
see an attorney immedi-
ately. 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
or toll-free elsewhere in
Oregon at 800-452-7636.
WATKINSON, LAIRD,
RUBENSTEIN, P.C., Of
Attorneys for Plaintiffs,
Julia I. Manela, OSB No.
023771, Email: jmanela@wrlaw.com,
1203 Willamette Street,
Ste 200, PO Box 10567,
Eugene, OR 97440, T: 541-484-2277,
F: 541-484-2282. Trial
Attorney: Connor D. King,
OSB No. 193945, Email:
cking@wrlaw.com, N04,
N11, N18, N25 63-25

PUBLIC SALE
The following storage
units will be sold at public
auction on Saturday,
November 19, 2022 at
11:00 AM for non-pay-
ment of rent and other
fees. Auction is pursuant
to Auction Rules and Pro-
cedures of Lincoln Stor-
age 4809 S Coast Hwy
South Beach, OR 97366
541-867-6550. Rules are
available upon inquiry.
Unit 358 Krystal Bolden
N02, N04, N09, N11 58-11

**NOTICE OF
ABANDONED
PROPERTY**
Mobile Home Located
at: 724 SW Ferry Ave,
Siletz, OR 97380 #30.
Manufacturer: Unknown,
ID# 162174, X# 77286,
M204245, Year: 1973.
Owner on record: Carrie
Hawkins. If there will be
a sale specify whether
it will be: No Sale. 1.) If
you intend to reside in
the home located in Siletz
Mobile Home Park you
must first qualify as a ten-
ant. 2.) No subleasing. 3.)
If you intend to remove
the home from the park
this must be done within
14 days of bid approval.
Contact information:

Dawn Newton (541) 563-
6868 O28, N04, N11
56-11

**NOTICE OF
ABANDONED
PROPERTY**
Mobile Home Located
at: 724 SW Ferry Ave,
Siletz, OR 97380 #55.
Manufacturer: Unknown,
ID# 218723, X#151840,
M#368775, Year: 1968.
Owner on record: Mary
Dedrick. If there will be a
sale specify whether it will
be: Sealed bid, PO Box
696, Waldport, OR 97394.
1.) If you intend to reside
in the home located in
Siletz Mobile Home Park
you must first qualify as
a tenant. 2.) No subleas-
ing. 3.) If you intend to
remove the home from the
park this must be done
within 14 days of bid
approval. Contact infor-
mation: Dawn Newton
(541) 563-6868 O28, N04,
N11 55-11

**CITY OF NEWPORT
NOTICE OF A PUBLIC
HEARING**
The City of Newport Plan-
ning Commission will hold
a de novo public hearing
on Monday, November 14,
2022, at 7:00 p.m. in the
City Hall Council Cham-
bers to consider File No.
2-CUP-22-A, a request
submitted by Zachary
Dablow, P.C., attorney at
law, representative (Ty Hil-
debrand, K & B Invest-
ments, LLC, applicant/
property owner), for an
appeal of the Community
Development Director's
decision denying a Condi-
tional Use Permit Applica-
tion (File No. 2-CUP-22).
The appeal challenges the
Community Develop-
ment Director's denial
of a request per Section
14.03.070/"Commercial
and Industrial Uses" of
the Newport Zoning Ordinance,
for a conditional
use permit to allow the
operation of a real estate
office in a C-2/"Tourist
Commercial" zone for
which personal service
oriented retail sales and
services are a condition-
al use. The property is
located at 316 NW Coast
St, Newport, OR 97365
(Lincoln County Asses-
sor's Map 11-11-05-CC;
Tax Lot 80001). The appli-
cable criteria per NMC
Chapter 14.34.050: (1)
The public facilities can
adequately accommo-
date the proposed use;
2) the request complies
with the requirements
of the underlying zone
or overlay zone; 3) the
proposed use does not
have an adverse impact
greater than existing uses
on nearby properties, or
impacts can be amelio-
rated through imposition
of conditions of approval;
and 4) a proposed build-
ing or building modifica-
tion is consistent with the
overall development char-
acter of the neighborhood
with regard to building
size and height, consid-
ering both existing buildings

and potential buildings
allowable as uses permit-
ted outright. The Planning
Commission will hold a
de novo public hearing
on the decision that has
been appealed. With a de
novo hearing any inter-
ested person or entity can
provide public testimony,
including the introduc-
tion of new evidence that
was not available at the
time the original decision
was rendered. Testimony
and evidence must be
directed toward the cri-
teria described above
or other criteria in the
Newport Comprehensive
Plan and its implement-
ing ordinances which the
person believes to apply
to the decision. Failure to
raise an issue with suf-
ficient 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. Written testi-
mony must be received
by 3:00 p.m. the day of
the hearing or be per-
sonally entered into the
record during the hear-
ing. The hearing will
include a report by staff,
testimony (both oral and
written) from those in
favor or opposed to the
application, rebuttal by
the applicant, and ques-
tions and deliberation by
the Planning Commis-
sion. Pursuant to ORS
197.797(6), any person
prior to the conclusion of
this initial public hearing
may request a continu-
ance 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 Commu-
nity Development (Plan-
ning) Department, City
Hall, 169 SW Coast Hwy,
Newport, Oregon, 97365,
seven days prior to the
hearing. The application
materials (including the
application and all docu-
ments and evidence sub-
mitted in support of the
application), the applica-
ble criteria, and other file
material are available for
inspection at no cost; or
copies may be purchased
for reasonable cost at this
address. Contact Der-
rick Tokos, Community
Development Director,
(541) 574-0626, (address
above). N04 52-04

**NOTICE TO
INTERESTED PERSONS**
NOTICE IS HEREBY
GIVEN THAT GALE HOCK-
EMA has been appointed
as the personal represen-
tative of the above estate.
All persons having claims
against the estate are
required to present them,
with vouchers attached,
to the undersigned attor-
ney for the personal rep-

resentative at 5300 Mead-
ows Road, Suite 200,
Lake Oswego, OR 97035,
within four months after
the date of first publica-
tion 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 rep-
resentative, or the attorney
for the personal rep-
resentative. O28, N4, N11
50-11

**LEGAL NOTICE OF
BOARD VACANCY**
Due to a resignation,
a vacancy has been
declared for the Subdi-
vision 3 board seat on the
Central Lincoln People's
Utility District's Board of
Directors. This is normally
an elected office, but will
be a mid-term appoint-
ment by the Board of
Directors; the current term
of which expires Decem-
ber 31, 2024. Eligible can-
didates, under ORS 261,
must be registered voters
or capable of being reg-
istered voters residing in
Subdivision 3: Central Lin-
coln territory in South Lin-
coln County and portions
of Lane County to wit: Lin-
coln County Precincts 1-8
which include Waldport,
Alsea, Seaview, Yachats,
Bayview, Seal Rock and
South Beach; and Lane
County Precincts 701, 703
and 707 which include the
area along Highway 101
from the Lincoln County/
Lane County border to the
Florence City Limits,
Swishhome and Maple-
ton. Candidates may
verify they reside within
Subdivision 3 by contact-
ing the Lincoln County
Clerk's Office. Can-
didates also must have
resided in Central Lin-
coln's District continuous-
ly for two years or more.
Candidates, meeting the
above requirements and
who desire to serve the
public as a Central Lincoln
board member, are invited
to submit letters of inter-
est and/or resumes to fill
the vacancy addressed to
the Board, and must be
submitted electronically
to Board Executive Assis-
tant Sunnetta Capovilla at
scapovilla@cencoast.com
no later than Tuesday,
November 10, 2022. Only
electronic submissions
will be accepted. Can-
didates must be available
to be interviewed on Decem-
ber 14, 2022 in Newport.
It is anticipated the can-
didate selected could be
appointed by Central Lin-
coln's Board of Directors
to fill the vacancy effective
January 1, 2023. Central
Lincoln is a public organi-
zation for community ser-
vice under ORS Chapter
261, and a governmental
entity. Central Lincoln's
mission is "to ensure our
communities have access
to reliable and affordable
energy products and ser-
vices." O26, O28, N2, N4,
N9 47-09

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

NOTICE IS HEREBY GIVEN that the City of Newport Planning Commission will hold a *de novo* public hearing to consider an appeal of the Community Development Director's decision denying a conditional use permit application (File No. #2-CUP-22).

File No: # 2-CUP-22-A

Appellant & Property Owner: Zachary Dablow, P.C., attorney at law, representative (Ty Hildebrand, K & B Investments, LLC, applicant/property owner).

Request: Appeal challenging the Community Development Director's denial of a request per Section 14.03.070/"Commercial and Industrial Uses" of the Newport Zoning Ordinance, for a conditional use permit to allow the operation of a real estate office in a C-2/"Tourist Commercial" zone for which personal service oriented retail sales and services are a conditional use.

Location: 316 NW Coast St, Newport, OR 97365 (Lincoln County Assessor's Map 11-11-05-CC; Tax Lot 80001).

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

Testimony: The Planning Commission will hold a *de novo* public hearing on the decision that has been appealed. With a *de novo* hearing, any interested person or entity can provide public testimony, including the introduction of new evidence that was not available at the time the original decision was rendered. Testimony and evidence must be directed toward the criteria described above or other criteria in the Newport Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Written testimony must be received by 3:00 p.m. the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.797(6), any person prior to the conclusion of this 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: The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon, 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address.

Contact: Derrick Tokos, Planning Director, Community Development Department, (541-574-0629) (address above).

Time/Place of Hearing: Monday, November 14, 2022; 7:00 p.m.; City Hall Council Chambers (address above).

MAILED: October 24, 2022.

PUBLISHED: November 4, 2022/News-Times.

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

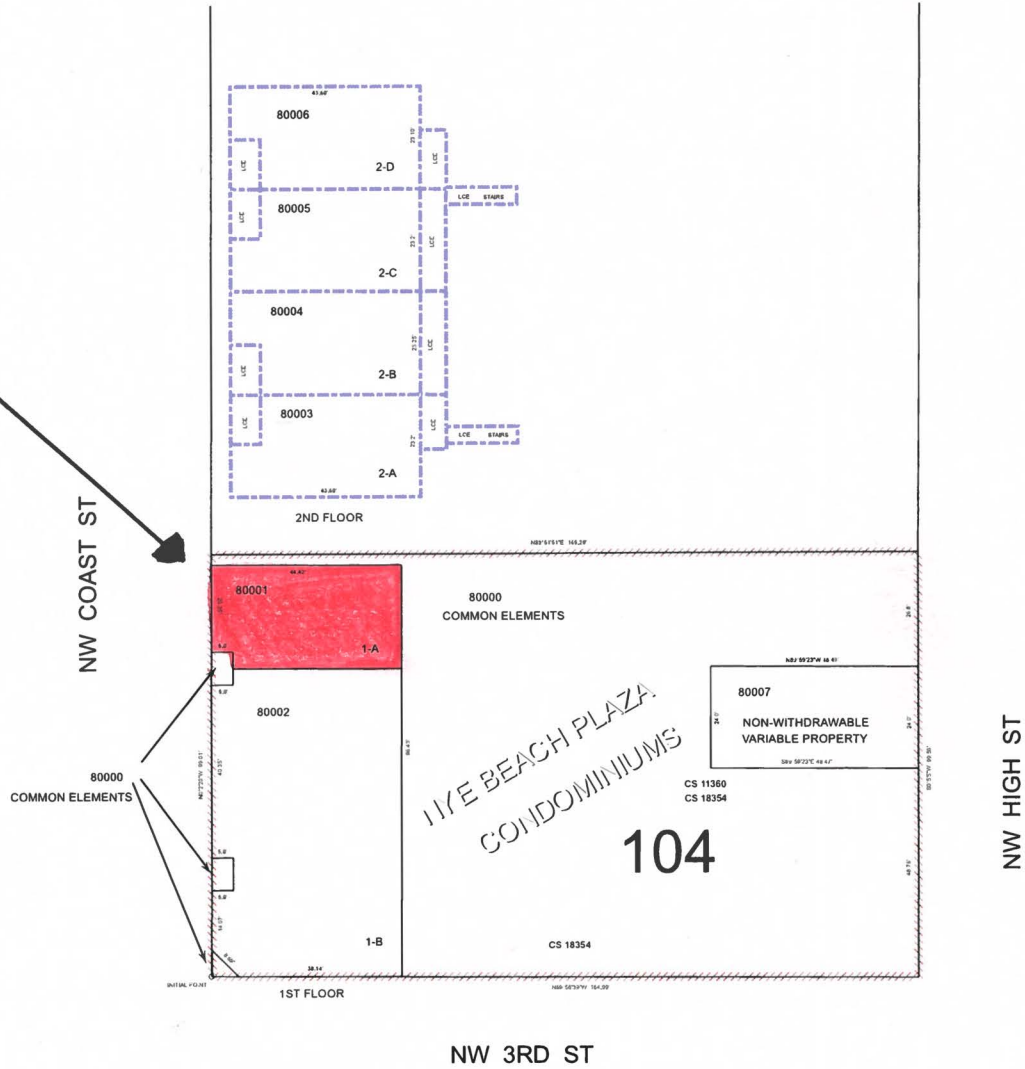
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 10 20 30 40 Feet

SUPPLEMENTAL MAP NO. 2
S.W.1/4 S.W.1/4 SEC.5 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 20'

11 11 05 CC
SUPP MAP NO 2
NEWPORT

Subject Property
File No. 2-CUP-22-A



Revised: SEB
02/19/2014

NEWPORT
SUPP MAP NO 2
11 11 05 CC

ACKERMAN CAROLYN
310 NW COAST ST
NEWPORT,OR 97365

ARCHWAY PLACE CONDOMINIUM
HOMEOWNERS ASSOCIATION
325 NW COAST ST
NEWPORT,OR 97365

ATTILIO NICHOLAS & ATTILIO JANELLE
14413 W EUGENE TERR
SURPRISE,AZ 85379

BEAN JOSEPH W TRUSTEE & MUNGER
KAREN L TRUSTEE
435 CHESHIRE FARM LN
ST LOUIS,MO 63141

BENNETT STEVEN G & BENNETT
MARLA J
2255 DAWNWOOD DR
PHILOMATH,OR 97370

BRADLEY RAYMOND J
700 LAWRENCE ST
EUGENE,OR 97401

BREADEN BARBARA L & BREADEN
RONALD P
2155 DEVOS ST
EUGENE,OR 97402

BREADEN MATTHEW & BREADEN
RADHIKA
14353 AMBERWOOD CIR
LAKE OSWEGO,OR 97035

BRUSSELBACK LAWRENCE J &
BRUSSELBACK WENDY C
255 NW COAST ST
NEWPORT,OR 97365

CHADWICK DOUGLAS A & CHADWICK
TRACY A
334 NW HIGH ST
NEWPORT,OR 97365

CHAN HOMESTEAD LLC
4402 NW SENECA CT
CAMAS,WA 98607

CHAPMAN LUCINDA
PO BOX 206
NEWPORT,OR 97365

CLAPPER JOAN L
560 SE VERA AVE
CORVALLIS,OR 97333

COPLEY C SIMONE
2000 NE 84TH AVE
PORTLAND,OR 97220

COPPER CUP LLC
613 NW 3RD ST
NEWPORT,OR 97365

D & V PROPERTIES LLC
PO BOX 172
TIDEWATER,OR 97390

DEVRIES JOSEPH CHARLES TTEE &
DEVRIES JEANNIE STASIA TTEE
327 NW HIGH ST
NEWPORT,OR 97365

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

FOSTER CARL W COTRUSTEE &
FOSTER VICTORIA S COTRUSTEE
477 E FISHING CREEK LN
EAGLE,ID 83616

FRANKLIN ELIZABETH J TSTEE &
FRANKLIN MICHAEL T TSTEE
742 NW BEACH DR
NEWPORT,OR 97365

HERNANDEZ GENARO SANTOS &
HERNANDEZ ROCIO SANTOS
PO BOX 312
NEWPORT,OR 97365

HETH MICHELLE K
1181 RYAN CT
WEST LINN,OR 97068

HOGAN FRANK A & HOGAN JUDY A
TRUSTEES
42 QUIET HILLS RD
POMONA,CA 91766

HUGHES COLLEEN C LVG TRUST &
HUGHES COLLEEN C TRUSTEE
269 LINNAEUS AVE
COOKEVILLE,TN 38501

K&B INVESTMENTS LLC
ATTN: TY HILDEBRAND
2668 CASCADIA INDUSTRIAL ST S
SALEM,OR 97302

KING MARIJO & PRESTEEN SCOTT
408 S 31ST ST
PHILOMATH,OR 97370

KOCHTA EGHILD TSTEE
626 NW 3RD ST
NEWPORT,OR 97365

LAMPSON MITCHELL B
325 NW COAST ST UNIT F
NEWPORT,OR 97365

LEHRMAN RORY A & LEHRMAN
ANGELA M
215 NW HIGH ST
NEWPORT,OR 97365

LINGHAM JUDITH M
PO BOX 28
NEWPORT,OR 97365

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

**MINES GARY L TRUSTEE & MINES VICKI
R TRUSTEE
1218 NE 125TH AVE
VANCOUVER,WA 98684**

**MOORE ROBERT J
210 E FLAMINGO RD UNIT 328
LAS VEGAS,NV 89169**

**MORRONE NATALE F JR
923 SE BAY BLVD
#300A
NEWPORT,OR 97365**

**MSM PROPERTIES LLC
2397 NW KINGS BLVD #173
CORVALLIS,OR 97330**

**NAGY EVELYN D
PO BOX 10412
EUGENE,OR 97440**

**NYE BEACH PLAZA CONDOMINIUMS
ASSOCIATION OF UNIT OWNERS
PO BOX 10412
EUGENE,OR 97440**

**NYE PLACE LLC
13999 S CLACKAMAS RIVER DR
OREGON CITY,OR 97045**

**OLD TOWN CONDOMINIUMS
ASSOCIATION OF UNIT OWNERS
501 COLDWATER CRK DR
ROCK SPRINGS,WY 82901**

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

**SHAYKIN YANTIFF SERGIO J & BATTIGE
AIMEE
1818 SE MULBERRY AVE
PORTLAND,OR 97214**

**SOULAMI TARIK BELHAJ &
PRESISKAWATY NENNY
17300 NE 25TH WAY
REDMOND,WA 98052**

**SRD PROPERTIES LLC
200 SE VIEW CT
NEWPORT,OR 97365**

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

**WIEBE MARTHA W TSTEE & WIEBE
DAVID A TSTEE
10205 HELMICK RD
MONMOUTH,OR 97361**

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

**DAVID ADOLF
826 SW LEE ST
NEWPORT,OR 97365**

**ZACHARY DABLOW
494 STATE STREET, SUITE 300D
SALEM, OR 97301**

Wendy Engler

Email: wendy.engler@yahoo.com

Charlotte Boxer

Email: charboxer2@comcast.net

Kristine & Alan Beshire

Email: beshire@charter.net

Exhibit "A"

File 2-CUP-22-A

Adjacent Property Owners Within 200 Ft

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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

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

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

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

****EMAIL****
Nye Neighborhood Association
Jan Kaplan
nye.neighbors@gmail.com

Jan Kaplan, NNA President
35 NW High St
Newport OR 97365

Wendy Engler, NNA Secretary
255 NW Coast St. Apt. B
Newport OR 97365

Joseph Lease
Building Official

Rob Murphy
Fire Chief

Aaron Collett
Public Works

Beth Young
Associate Planner

Jason Malloy
Police Chief

Steve Baugher
Interim Finance Director

Laura Kimberly
Library

Michael Cavanaugh
Parks & Rec

Spencer Nebel
City Manager

Clare Paul
Public Works

Derrick Tokos
Community Development

David Powell
Public Works

Lance Vanderbeck
Airport

EXHIBIT 'A'
(Affected Agencies)

(2-CUP-22-A)

MEMO

City of Newport
Community Development Department



*****Distributed Via Email*****

Date: October 24, 2022

To: Spencer Nebel, City Manager
Clare Paul, Public Works
Aaron Collett, Public Works
David Powell, Public Works
Rob Murphy, Fire
Jason Malloy, Police
Steve Baugher, Finance
Michael Cavanaugh, Parks & Rec.
Laura Kimberly, Library
Lance Vanderbeck, Airport
Beth Young, Associate Planner
Derrick Tokos, Community Development
Joseph Lease, Building Official
Public Utilities

From: Sherri Marineau, Executive Assistant

RE: Conditional Use Permit # 2-CUP-22-A

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

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

sm

Attachment

November 14, 2022

City of Newport
Planning Commission ("Commission")
Via Submission to Staff by Email: d.tokos@newportoregon.gov

RE: File No. 2-CUP-22
Analysis and Written Testimony in Support of Conditional Use Approval

Dear Sirs/Madams of the Planning Commission:

I represent the applicant, in the above referenced matter. I provide the below stated points and analysis in support of the applicant's appeal of the denial of conditional use for the siting of a personal services office for the provision of real estate services in the Nye Beach district.

Attached as Exhibit 1 are the original application materials. By way of background, the applicant was seeking a conditional use permit due to the zoning at the planned development site, given that the site is a C-2/Tourist Commercial zone district, as outlined in the staff memorandum.

The staff memorandum lays out some history of the zone district, and outlines that two other real estate services business are currently located in the zone district. The first, grandfathered in before the creation of the district, the second, approved based on the concept that the real estate services were directly targeted to tourists. The staff went on to outline that the business plan provided by the current applicant has some special events, but that the department evaluated those as more ancillary, and were not weighted as heavily.

Having reviewed the staff memorandum submitted to the Commission, I also attached Exhibit 2, exemplars of the events, at all Realty One locations, that regularly make up part of Realty One's business plan. These events, are in fact entertainment, both for the residents, and for tourists. Said another way, the Commission should view the business plan attachment of the staff; and the exemplars of what these events can look like in Exhibit 2, and; in the humble view of the applicant, find that the applicant's business plan is more analogous to the focus of tourist pedestrian traffic that was approved previously. These events frequently have been organized around tourist heavy periods, such as Memorial Day, demonstrating their efforts to specifically serve tourists through the business plan.

Respectfully, the prior approved conditional use permit for Seashore realty was approved, seemingly solely on the basis that real estate services could be geared for tourism, without an entertainment component to that business plan. The current applicant's business plan has all of those more updated notions of real estate sales being in the interest of tourism, but also adds an express entertainment component to the use of space, that more closely aligns with the goals of the zone district, in providing entertainment options to the tourists and residents of the community.

While the applicant does have another location for a business office, the current site was selected by the applicant in part for how well the target customers of tourists could better dovetail with the entertainment component of the applicant's business plan. The size of the applicant should not deter the Commission from evaluating the specific connection between the entertainment options

November 14, 2022
Page 2

offered by the applicant, and how it is uniquely tailored to serve, at least as well as other real estate services providers, the goals of the zone district.

The applicant thanks the Commission for considering the conditional use approval.

Sincerely,

s/ Zachary Dablow

Zachary Dablow

nrb
Enclosures
cc: Realty One

APPLICATION SUBMITTAL REQUIREMENTS

Conditional Use (Staff Level Type II decision-making process)

The following information must be submitted with a City of Newport Land Use application for Conditional Use:

- ☒ 1. Site plan, drawn to scale, showing the dimensions and arrangement of the proposed development on the applicant's lot.
- ☒ 2. Building elevations (if the building is existing, photographs documenting the building elevations are sufficient if no exterior changes are proposed).
- ☒ 3. A Sign plan (if applicable).
- ☒ 4. A current 18" x 24" Lincoln County Assessor's tax map(s) showing the subject property and the notification area. The notification area is all properties within 200 feet of the subject property. (*Lincoln County Assessor's office is located in the Lincoln County Courthouse at 225 W Olive St, Newport*)
- ☒ 5. A list of names and addresses of property owners, as shown in the records of the Lincoln County Assessor, within the notification area described in #4 above.
- ☒ 6. For commercial activities that are conditional, a proposed plan of business operation.
- ☒ 7. Written findings of fact addressing the following criteria:
 - ☒ (a) That the public facilities can adequately accommodate the proposed use.
 - ☒ (b) That the request complies with the requirements of the underlying zone or overlay zone.
 - ☒ (c) That the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality.)
 - ☒ (d) If the application is for a proposed building or building modification, that it is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.
- ☒ 8. A written statement describing the nature of the request.
- ☐ 9. Fee of \$728.00.



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Ty Hildebrand	Ty Hildebrand
Applicant Mailing Address:	Property Owner Mailing Address:
2668 Cascadia Industrial St S Salem OR	Same
Applicant Phone No.	Property Owner Phone No.
503-881-2313	503-881-2313
Applicant Email	Property Owner Email
ty@rogwv.com	ty@rogwv.com
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
David Adolf	
Authorized Representative Mailing Address:	
826 SW Lee St Newport OR 97365	
Authorized Representative Telephone No.	
509-981-8685	
Authorized Representative Email. oregoncoastdave@gmail.com	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
316 NW Coast St Newport OR 97365	
Tax Assessor's Map No.: 111105CC8000100	Tax Lot(s):
Zone Designation: C-2	Legal Description: <i>Add additional sheets if necessary</i>
Comp. Plan Designation:	
Brief description of Land Use Request(s):	
<i>Examples:</i>	
1. <i>Move north property line 5 feet south</i>	Real Estate Office
2. <i>Variance of 2 feet from the required 15-foot front yard setback</i>	
Existing Structures: if any	
Topography and Vegetation:	

Application Type (please check all that apply)

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

FOR OFFICE USE ONLY

File No. Assigned:		
Date Received:	Fee Amount:	Date Accepted as Complete:
Received By:	Receipt No.	Accepted By:

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



City of Newport Land Use Application

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

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

Applicant Signature(s)

8/1/22

Date

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

Date

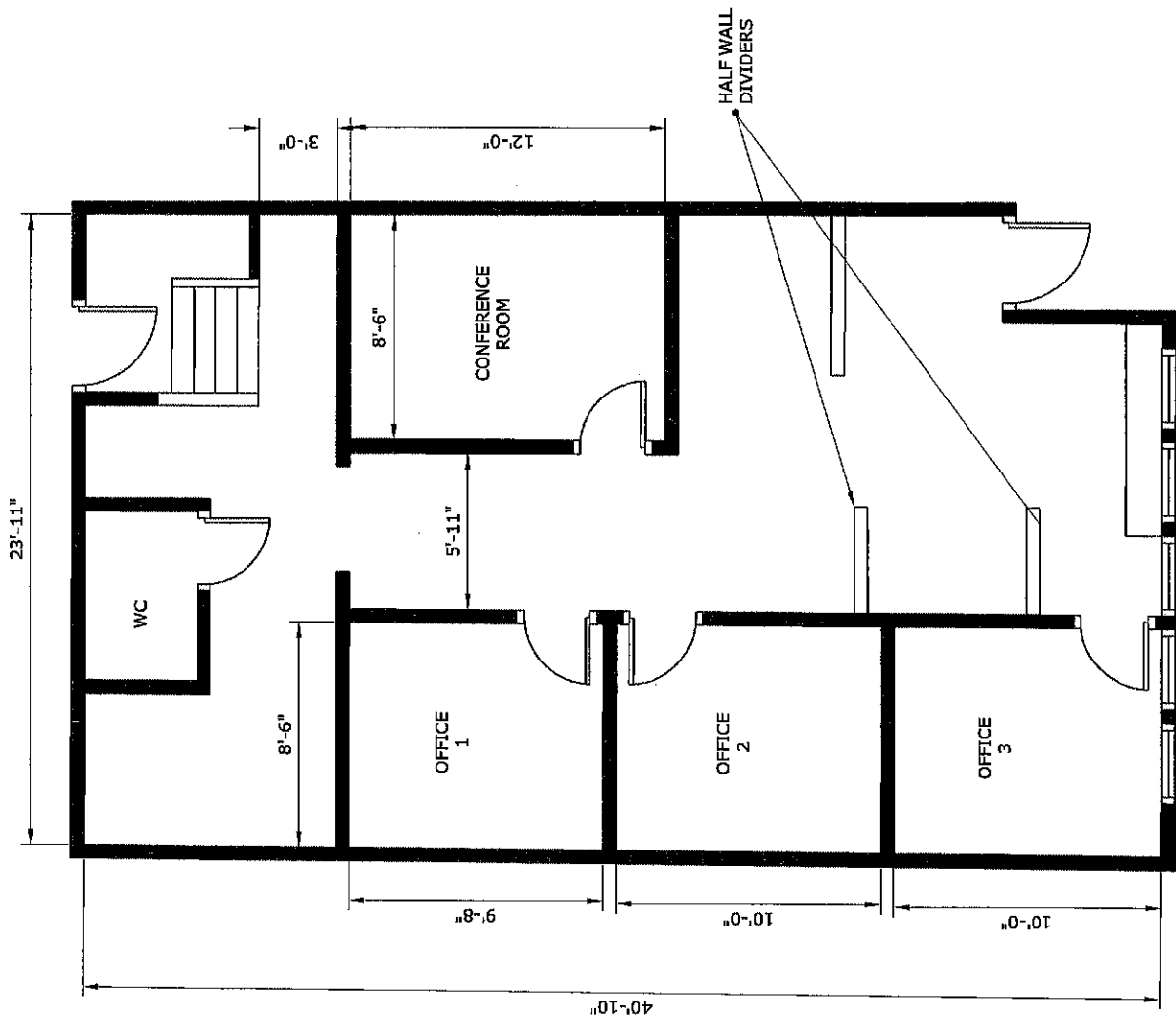
Authorized representative Signature(s) (if other than applicant)

8/4/22

Date

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

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






Front
































































Salem Sign Co., Inc.
1825 FRONT ST. N.E.
SALEM, OR 97301
503-371-6362
CCB # 65297

SPECIFICATIONS

MATERIAL:
Polymetal

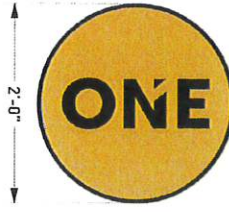
VINYL:
3M Gold Nugget
3M Matte Black

SCALE: 1" = 1'-0"

THIS DRAWING IS THE PROPERTY
OF SALEM SIGN CO., INC.

Non-Illuminated Wall Display



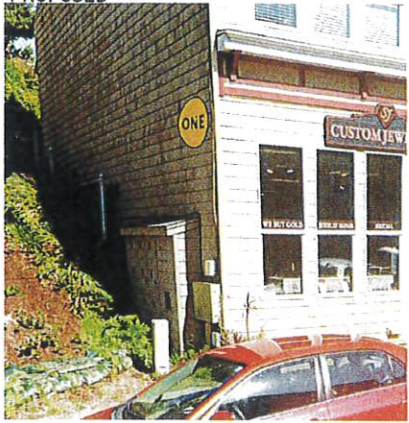
2'-0"

SIDE VIEW

WALL

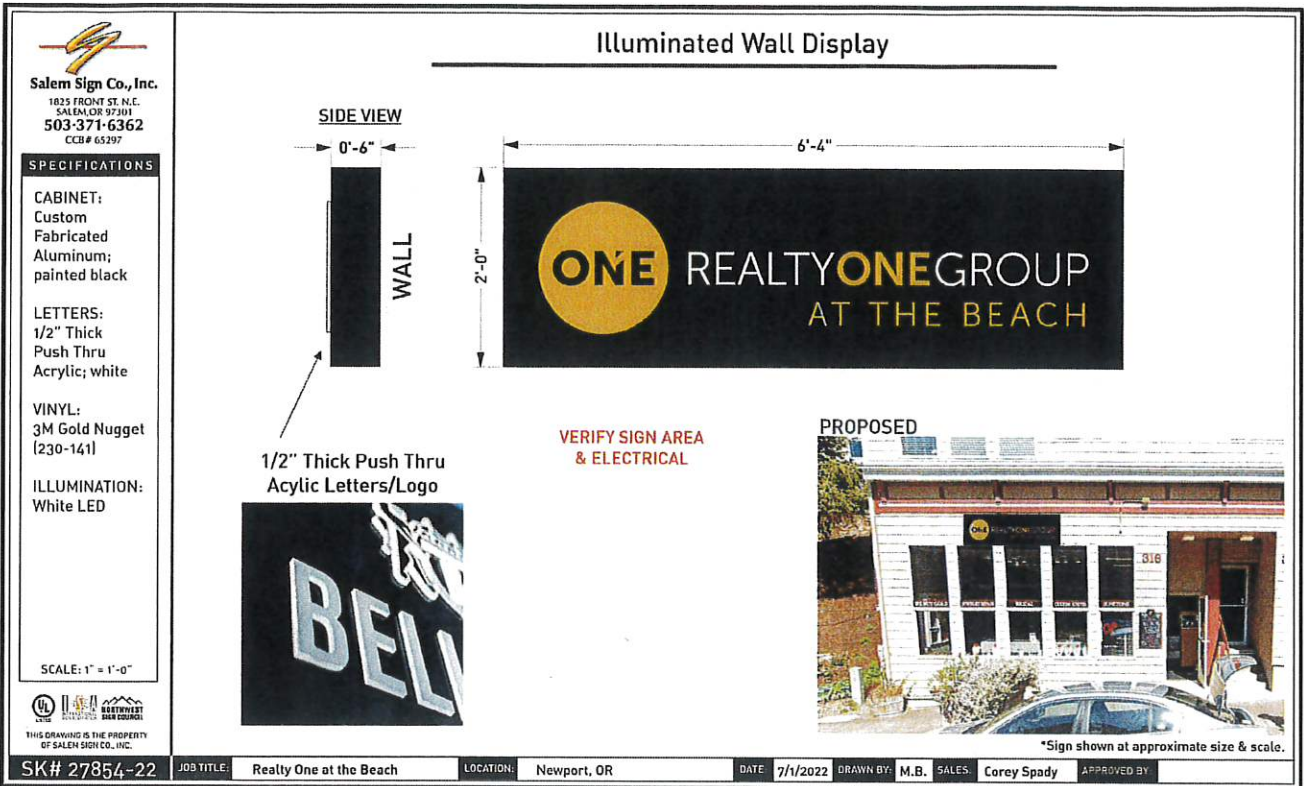
1/8" Thick Polymetal

PROPOSED



*Sign shown at approximate size & scale.

SK# 27857-22	JOB TITLE: Realty One at the Beach	LOCATION: Newport, OR	DATE: 7/1/2022	DRAWN BY: M.B.	SALES: Corey Spady	APPROVED BY:
---------------------	---	------------------------------	-----------------------	-----------------------	---------------------------	---------------------



ParcelID	Situs Address	Owner	Address1	Address2	Address3	City/State/Zip
11-11-05-CC-09200-00	728 NW BEACH DR	FRANKLIN ELIZABETH J	742 NW BEACH DR			NEWPORT, OR 97365
11-11-05-CC-09300-00		HERNANDEZ GENARO SANTOS &	HERNANDEZ ROCIO SANTOS	PO BOX 312		NEWPORT, OR 97365
11-11-05-CC-09400-00	716 NW BEACH DR	CHAPMAN LUCINDA	PO BOX 206			NEWPORT, OR 97365
11-11-05-CC-09402-00	881 NW BEACH DR	CHAPMAN LUCINDA	PO BOX 206			NEWPORT, OR 97365
11-11-05-CC-09403-00	861 NW BEACH DR	CHAPMAN LUCINDA	PO BOX 206			NEWPORT, OR 97365
11-11-05-CC-09500-00	722 NW BEACH DR	HERNANDEZ GENARO SANTOS &	HERNANDEZ ROCIO SANTOS	PO BOX 312		NEWPORT, OR 97365
11-11-05-CC-09800-00		D & V PROPERTIES LLC	PO BOX 172			TIDEWATER, OR 97390
11-11-05-CC-10700-00	730 NW 3RD ST	COLEY C SIMONE	2000 NE 84TH AVE			PORTLAND, OR 97220
11-11-05-CC-10800-00	722 NW 3RD ST	BRADLEY RAYMOND J	700 LAWRENCE ST			EUGENE, OR 97401
11-11-05-CC-11300-00	327 NW HIGH ST	DEVRIES JOSEPH &	DEVRIES JEANNIE	328 NW HIGH ST		NEWPORT, OR 97365
11-11-05-CC-11400-00	335 NW HIGH ST	LINGHAM JUDITH M	PO BOX 28			NEWPORT, OR 97365
11-11-05-CC-11500-00	408 NW COAST ST	SHAYKIN YANTIFF SERGIO J &	BATTIGE AIMEE	1818 SE MULBERRY AVE		PORTLAND, OR 97214
11-11-05-CC-11600-00	407 NW HIGH ST	SHAYKIN YANTIFF SERGIO J &	BATTIGE AIMEE	1818 SE MULBERRY AVE		PORTLAND, OR 97214
11-11-05-CC-11700-00		SEAVIEW HOMES LLC	193 NW 70TH			NEWPORT, OR 97365
11-11-05-CC-12700-00	419 NW HIGH ST	LOVAS STEPHEN E COTTIE &	LOVAS SONJA S COTTIE	PO BOX 2170		NEWPORT, OR 97365
11-11-05-CC-12800-00	335 NW HIGH ST	LINGHAM JUDITH M	PO BOX 28			NEWPORT, OR 97365
11-11-05-CC-13000-00	582 NW 3RD ST	WOLD RACHEL &	WOLD TYRONE	12590 SW GLACIER LILLY CIR		PORTLAND, OR 97223
11-11-05-CC-13200-00	326 NW HIGH ST	WANKER MARK JOSEPH	21373 SW JOHNSON RD			WEST LINN, OR 97068
11-11-05-CC-13300-00	334 NW HIGH ST	CHADWICK DOUGLAS ALAN	334 NW HIGH ST			NEWPORT, OR 97365
11-11-05-CC-13400-00	406 NW HIGH ST	DITLSEFEN MICHAEL &	JENNE JANIE	1055 HIGHLAND AVE NE		SALEM, OR 97301
11-11-05-CC-70000-00	411 NW COAST ST	OLD TOWN CONDOMINIUMS	ASSOCIATION OF UNIT OWNERS	501 COLDWATER CRK DR		ROCK SPRINGS, WY 82901
11-11-05-CC-70001-00	708 NW BEACH DR	MINES GARY L TRUSTEE &	MINES VICKI R TRUSTEE	1218 NE 125TH AVE		VANCOUVER, WA 98684
11-11-05-CC-70002-00	704 NW BEACH DR	MORRONE NATALE F JR	923 SE BAY BLVD	#300A		NEWPORT, OR 97365
11-11-05-CC-70003-00	411 NW COAST ST	SRD PROPERTIES LLC	200 SE VIEW CT			NEWPORT, OR 97365
11-11-05-CC-70004-00	869 NW BEACH DR	MOORE ROBERT J	210 E FLAMINGO RD UNIT 328			LAS VEGAS, NV 89169
11-11-05-CC-70005-00	873 NW BEACH DR	CHAN HOMESTEAD LLC	ATTN DAVID K CHAN &	LEANN CHENG	4402 NW SENECA CT	CAMAS, WA 98607
11-11-05-CC-70006-00	875 NW BEACH DR	CLAPPER JOAN L	560 SE VERA AVE			CORVALLIS, OR 97333
11-11-05-CC-80000-00		NYE BEACH PLAZA CONDOMINIUMS	ASSOCIATION OF UNIT OWNERS	ATTN EVELYN NAGY	PO BOX 10412	EUGENE, OR 97440
11-11-05-CC-80001-00	316 NW COAST ST	K&B INVESTMENTS	3603 BURNING TREE DR S			SALEM, OR 97302
11-11-05-CC-80002-00	312 NW COAST ST	ACKERMAN CAROLYN	310 NW COAST ST			NEWPORT, OR 97365
11-11-05-CC-80003-00	622 NW 3RD ST	ATTILIO NICHOLAS &	ATTILIO JANELLE	14413 W EUGENE TERR		SURPRISE, AZ 85379
11-11-05-CC-80004-00	624 NW 3RD ST	HUGHES COLLEEN C LVG TRUST &	HUGHES COLLEEN C TRUSTEE	269 LINNAEUS AVE		COOKEVILLE, TN 38501
11-11-05-CC-80005-00	626 NW 3RD ST	KOCHTA EGHILD TSTEE	626 NW 3RD ST			NEWPORT, OR 97365
11-11-05-CC-80006-00	628 NW 3RD ST	NAGY EVELYN D	PO BOX 10412			EUGENE, OR 97440
11-11-05-CC-80007-00		NYE BEACH PLAZA CONDOMINIUMS	ASSOCIATION OF UNIT OWNERS	ATTN EVELYN NAGY	PO BOX 10412	EUGENE, OR 97440
11-11-05-CC-88000-00		ARCHWAY PLACE CONDOMINIUM	HOMEOWNERS ASSOCIATION	PO BOX 800		SOUTH BEACH, OR 97366
11-11-05-CC-88001-00	305 NW COAST ST, UNIT C-1	MSM PROPERTIES LLC	ATTN STEVEN W MOCK	2397 NW KINGS BLVD #173		CORVALLIS, OR 97330
11-11-05-CC-88002-00	305 NW COAST ST, UNIT C-2	MSM PROPERTIES LLC	ATTN STEVEN W MOCK	2397 NW KINGS BLVD #173		CORVALLIS, OR 97330
11-11-05-CC-88003-00	315 NW COAST ST, UNIT C-3	MSM PROPERTIES LLC	ATTN STEVEN W MOCK	2397 NW KINGS BLVD #173		CORVALLIS, OR 97330
11-11-05-CC-88004-00	315 NW COAST ST, UNIT C-4	MSM PROPERTIES LLC	ATTN STEVEN W MOCK	2397 NW KINGS BLVD #173		CORVALLIS, OR 97330
11-11-05-CC-88005-00	701 NW BEACH DR, UNIT C-5	MSM PROPERTIES LLC	ATTN STEVEN W MOCK	2397 NW KINGS BLVD #173		CORVALLIS, OR 97330
11-11-05-CC-88006-00	703 NW BEACH DR, UNIT C-6	MSM PROPERTIES LLC	ATTN STEVEN W MOCK	2397 NW KINGS BLVD #173		CORVALLIS, OR 97330
11-11-05-CC-88007-00	701 NW BEACH DR, UNIT C-7	MSM PROPERTIES LLC	ATTN STEVEN W MOCK	2397 NW KINGS BLVD #173		CORVALLIS, OR 97330
11-11-05-CC-88008-00	715 NW BEACH DR, UNIT C-8	MSM PROPERTIES LLC	ATTN STEVEN W MOCK	2397 NW KINGS BLVD #173		CORVALLIS, OR 97330
11-11-05-CC-88009-00	325 NW COAST ST, UNIT A	KING MARIJO &	PRESTEEN SCOTT	408 S 31ST ST		PHILOMATH, OR 97370
11-11-05-CC-88010-00	325 NW COAST ST, UNIT B	HOGAN FRANK A &	HOGAN JUDY A TRUSTEES	42 QUIET HILLS RD		POMONA, CA 91766
11-11-05-CC-88011-00	325 NW COAST ST, UNIT C	WIEBE MARTHA W TSTEE &	WIEBE DAVID A TSTEE	10205 HELMICK RD		MONMOUTH, OR 97361
11-11-05-CC-88012-00	325 NW COAST ST, UNIT D	BREADEN BARBARA L &	BREADEN RONALD P	2155 DEVOS ST		EUGENE, OR 97402
11-11-05-CC-88013-00	325 NW COAST ST, UNIT E	BENNETT STEVEN G &	BENNETT MARLA J	2255 DAWNWOOD DR		PHILOMATH, OR 97370
11-11-05-CC-88014-00	325 NW COAST ST, UNIT F	LAMPSON MITCHELL B	325 NW COAST ST UNIT F			NEWPORT, OR 97365

11-11-05-CC-88015-00	325 NW COAST ST, UNIT G	SOUJAMI TARIK BELHAI &	PRESISKAWATY NENNY	17300 NE 25TH WAY	REDMOND, WA 98052
11-11-05-CC-88016-00	325 NW COAST ST, UNIT H	BREADEN MATTHEW &	BREADEN RADHIKA	14353 AMBERWOOD CIRC	LAKE OSWEGO, OR 97035
11-11-05-CC-88017-00	325 NW COAST ST, UNIT I	BEAN JOSEPH W TRUSTEE &	MUNGER KAREN L TRUSTEE	435 CHESHIRE FARM LN	ST LOUIS, MO 63141
11-11-08-BB-05300-00	581 NW 3RD ST	FOSTER CARL W COTRUSTEE &	FOSTER VICTORIA S COTRUSTEE	604 EAST 25TH ST	VANCOUVER, WA 98663
11-11-08-BB-05400-00	613 NW 3RD ST	COOPER CUP LLC	613 NW 3RD ST		NEWPORT, OR 97365
11-11-08-BB-03500-00	258 NW COAST ST	HEITH MICHELLE K	1181 RYAN CT		WEST LINN, OR 97068
11-11-08-BB-05600-00	215 NW HIGH ST	LEHRMAN RORY A &	LEHRMAN ANGELA M	215 NW HIGH ST	NEWPORT, OR 97365
11-11-08-BB-11000-00	255 NW COAST ST	BRUSSELBACK LAWRENCE J &	BRUSSELBACK WENDY C	255 NW COAST ST	NEWPORT, OR 97365
11-11-08-BB-11100-00		BRUSSELBACK LON &	BRUSSELBACK WENDY	255 NW COAST ST	NEWPORT, OR 97365
11-11-08-BB-11200-00	715 NW 3RD ST	NYE PLACE LLC	13999 S CLACKAMAS RIVER DR		OREGON CITY, OR 97045

City of Newport
169 SW Coast Hwy
Newport, OR 97365
Date 8/4/2022

RE: Conditional Use Application Submittal Requirements

Dear Recipient,

Questions:

#6

- a. Our plan is to operate a real estate office out of the building. The office will serve our real estate professionals and their clients.

#7

- a. The public facilities will adequately accommodate real estate professionals, clients and vendors.
- b. The Real Estate office complies with current zoning.
- c. The office will not have any adverse impact on the surrounding community. We have parking available behind the building. This is a very small real estate office that will not be full at any given time.
- d. There will be no change to the exterior of the building. We will be updating the space to a professional office.

#8

- a. We are wanting to open a real estate office. We currently have 5 offices, 2 on the coast and 3 in the valley. Our offices are very professional and we believe will add to the already great NYE beach community.

Sincerely,

Ty Hildebrand

Owner, Realty ONE Group At the Beach and Willamette Valley
ty@rogwv.com | 503-881-2313 | www.ROGWV.com | www.ROGATB.com

Realty ONE Group At the Beach
826 Lee SW St
Newport OR 97365

**OUTDOOR DROP-SITE
LOCATIONS**

Advantage Real Estate
205 E Olive St,
Newport, OR 97365

Martek Real Estate
567 N Coast Hwy 101,
Newport, OR 97365

Realty ONE Group at the Beach
826 SW Lee St,
Newport, OR. 97365

Fire & Rescue Newport
245 NW 10th St,
Newport, OR 97365

The Eagles
737 SW 32nd St,
Lincoln City, OR 97367

The Lutheran Church
1226 SW 13th St,
Lincoln City, OR 97367

Fire & Rescue Lincoln City
2525 NW Hwy 101
Lincoln City, OR 97367

Lincoln County Board of Realtors

TOY DRIVE

12/08/2021 - 12/17/2021



**Happening
Now Through
December
17th!**

Accepting new, unwrapped Toys & Gift
Certificates for Lincoln County youth! Donations
will be given to our local Salvation Army to be
distributed throughout our County to qualifying
children and families!



Local Artisans:



Headstand Photography

By Ian Monroe

Catering Provided By:

Side Door Cafe

**DOOR
PRIZES!!!!**



If you would like to participate
as an

Artisan, Musician or Caterer

Give Us Call

Each Office Is Independently Owned And Operated



REALTYONEGROUP
AT THE BEACH

**Come Join Us For Another
Fun Night Out!**

Thursday October 7th

5:30 p.m.-7:30 p.m.

240 SE Hwy 101

Lincoln City, OR 97367

Vinyl Night!



**Bring Your
Favorite
Vinyl And
We Will DJ!**



REALTYONEGROUP
AT THE BEACH

**Come Join Us For Another Fun
Night Out!**

Thursday August 5th

4:00 p.m.-8:00 p.m.

240 SE Hwy 101

Lincoln City, OR 97367

Local Artisans:



Pam Young Pottery

Catering Provided By

Side Door Cafe

Until We Run Out....

So Don't Miss Out



If you would like to participate
as an

Artisan, Musician or Caterer

Give Us Call

Each Office Is Independently Owned And Operated

Live Music!



Drawings

For

Fantastic

Door Prizes





ONE REALTY**ONE**GROUP
AT THE BEACH

**Come Join Us For
Our 1st
*Local
Beach Vibes
Night!***

Kick off the Memorial Day weekend with us! Check out our new office while enjoying music, refreshments and local artists Steve & Calisse Browne and Ben Soeby. Their creations will be available to purchase. We can't wait to see everyone and catch up.

240 SE Hwy 101 Lincoln City, OR 97367

5/27/2021

4:00 p.m. - 8:00 p.m.

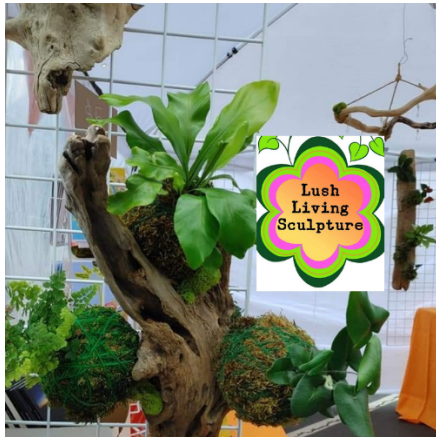
EXHIBIT 2 - Page 4 of 5

Each Office Is Independently Owned And Operated





Local Artisans:



Catering Provided By
Mazatlan

Until We Run Out....
So Don't Miss Out



If you would like to participate
as an
Artisan, Musician or Caterer
Give Us Call

Each Office Is Independently Owned And Operated



REALTYONEGROUP
AT THE BEACH

Come Join Us For Another Fun
Night Out!

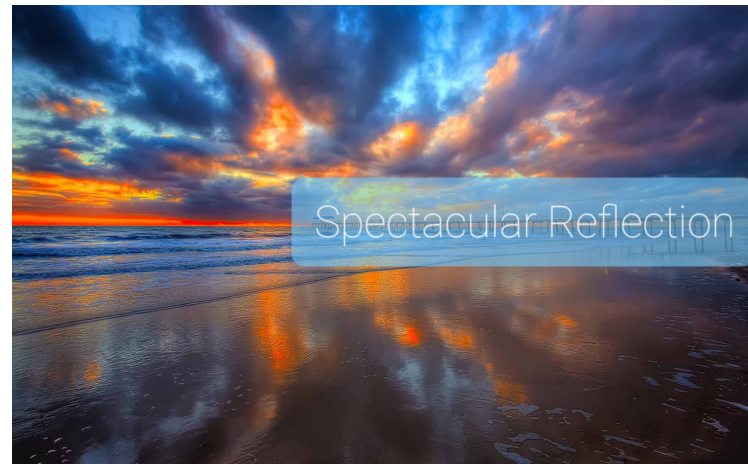
Thursday July 1st

4:00 p.m.-8:00 p.m.

240 SE Hwy 101

Lincoln City, OR 97367

Live Music!



**Drawings For
Door Prizes From:**

"Side Door Cafe"
\$50.00 Gift Certificate

"Chinook Winds Casino"
**A One Night Stay in an
Oceanfront Room and Dinner
For Two at the Rogue River
Steak House**



Derrick Tokos

From: Lucinda Chapman [REDACTED]
Sent: Monday, November 14, 2022 2:47 PM
To: Derrick Tokos
Subject: Fwd: For Public Comment: City of Newport Planning Commission

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

Sent from my iPhone

Begin forwarded message:

From: Lucinda Chapman [REDACTED]
Date: November 14, 2022 at 2:21:23 PM PST
To: Lucinda Chapman [REDACTED]
Subject: For Public Comment: City of Newport Planning Commission

It is our opinion that the City of Newport's denial of a conditional use permit application; (File No. #2-CUP-22) , was accurate and correct. The Nye Beach District and its C2 zoning was designed to create and accommodate tourism, the backbone of Newport's economy. We now have two real estate offices in the Nye Beach area. This new proposal would add a third real estate office, within a block of the other existing offices.

In an already intensely competitive real estate market, to add an additional real estate store front; only makes it less likely that any office will succeed.

Our goal in this beautiful community; is to create a business parameter that supports prosperity, and good business for all. We survive on our tourism and Mom and Pop businesses. Let's not overwhelm any area with too many of the same businesses, for any of them to be successful. We don't need a real estate office on every block, we don't need a marijuana dispensary on every block, we don't need UBER, we have a Newport Cab.

Thank you for your consideration and for your more than accurate denial of a conditional use permit for File No: 2-CUP-22.

Sincerely--
 Lucinda Chapman
 Real Estate Broker, Nye Beach Property Owner, Business Owner

415 NW Coast St.
 Newport, Oregon 97365

Text or Call 5412703435

PLANNING STAFF REPORT

Case File No. 3-CUP-22

- A. **APPLICANT:** First Baptist Church of Salem (Steve Hunter, Authorized Representative).
- B. **REQUEST:** Approval of a Conditional Use Permit, per Chapter 14.23 of the Newport Municipal Code relating to historic buildings and sites. The project involves alterations to the historic Ernest Bloch Home, including an interior remodel and two minor additions to the structure. The first addition is to the northeast corner of the building, adding a bedroom. The second addition involves the enclosure of an existing porch and conversion of the space to new bathrooms.
- C. **LOCATION:** 116 NW Gilbert Way.
- D. **LEGAL DESCRIPTION:** Tax Lot 3200 of Lincoln County Assessor's Map 10-11-29-CA (Lots 1-3, Block 29 and Lots 1, 2, 7-12, Block 30, Agate Beach Subdivision including portions of vacated streets).
- E. **LOT SIZE:** 1.65 acres.
- F. **STAFF REPORT**
 - 1. **REPORT OF FACT**
 - a. **Plan Designation:** High Density Residential.
 - b. **Zone Designation:** R-4/"High Density Multi-Family Residential"
 - c. **Surrounding Land Uses:** The Agate Beach Motel and Ernest Bloch Wayside are to the north, residential uses are to the south, the Pacific Ocean is to the west, and US 101 and highway oriented commercial uses are to the east.
 - d. **Topography and Vegetation:** The Ernest Bloch House is on a bluff overlooking the Pacific Ocean. The ground slopes gradually in a southwesterly direction. Mature trees and understory vegetation exist along the perimeter of the property providing a visual buffer from nearby uses.
 - e. **Existing Structures:** Ernest Bloch House constructed in 1914 (2,800 sq. ft.) now used as a lodge, and a smaller structure, also used as a lodge, that was originally a carriage house/garage and studio.
 - f. **Utilities:** All are available to the site.

- g. **Development Constraints:** None known.
- h. **Past Land Use Actions:** None known.
- i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on October 17, 2022. Additionally, notice of the public hearing was published in the Newport News-Times twice, as required by NMC 14.23.020, on November 4, 2022 and November 9, 2022.
- j. **Attachments:**
 - Attachment "A" – Application Form
 - Attachment "A-1" – Applicant's Narrative
 - Attachment "A-2" – Site Plan
 - Attachment "A-3" – Demolition Plan / Existing Floor Plan
 - Attachment "A-4" – Floor Plan / Large Scale Restroom Diagram
 - Attachment "A-5" – Reflected Ceiling Plan / Framing Plan
 - Attachment "A-6" – Elevation Drawings
 - Attachment "A-7" – Sections / Details / Interior Elevations
 - Attachment "B" – Zoning Map of the Area
 - Attachment "C" – History Element of the Comprehensive Plan
 - Attachment "D" – Ernest Bloch House Summary, by Cara Kaser, The Oregon Encyclopedia
 - Attachment "E" – Notice of Public Hearing

2. **Explanation of the Request:** Newport Municipal Code (NMC) Chapter 14.23 sets out measures to protect historically significant buildings and structures within the City of Newport. Buildings and structures deemed to be historically significant resources are those inventoried in the History Element of the Newport Comprehensive Plan. The Ernest Bloch House is such a resource. The applicant is planning to enclose the northeast (approx. 107 sq. ft.) and the northwest (approx. 119 sq. ft.) corners of the current building. These spaces will accommodate an additional bedroom and bathrooms. The applicant's intent is that when these enclosures are completed, the exterior of the enclosed areas will be consistent with the building's current exterior character and design.

The applicant prepared a site plan illustrating where the work will occur on the property (Attachment "A-2"). Their demolition plan illustrates the layout of the work area as it exists now, and as it will be once the remodel is finished (Attachment "A-3"). Architectural elevations show the existing and proposed exterior appearance of the building (Attachments "A-6").

Section 14.23.030 notes that a public hearing before the Planning Commission is required before a structural change is made to the exterior of a historically significant building or structure. Changes to windows, doors, siding or roofing are specifically called out as structural in nature. The Planning Commission is charged with confirming that the proposed changes will not detract from or destroy historic buildings or the architectural features of a building determined to be of substantial and significant architectural importance (NMC 14.23.040). Policy 4 of the History Element of the Comprehensive Plan

further notes that the Commission must (a) determine whether or not the proposed use or alteration is compatible with the historic nature of the structure and (b) whether or not the proposed alteration to the exterior of the structure will maintain its historic value.

3. **Evaluation of the Request:**

- a. **Comments:** No comments were received as a result of the public notice.
- b. **Hearing Required (Section 14.23.030):**
 - (1) Any exterior alteration involving structural changes, or changes which would detract or destroy historic architectural features (such as changes in windows, doors, siding, or roofing) shall require a public hearing. Such hearing shall only be required for buildings or structures listed in the Comprehensive Plan as being significant historical resources which should be preserved. Painting of a structure or repair using materials which restore the building to its original character shall not require a public hearing. Interior alterations shall not require a public hearing unless such changes would be evident on the exterior of the structure.
 - (2) Where such changes would have a negative effect on a significant historical resource, a delay of up to 60 days may be required by the Planning Commission so that alternative solutions may be examined.
- c. **Alterations Prohibited (Section 14.23.040):** No changes shall be made if the Planning Commission determines that such changes would detract from or destroy historic buildings or architectural features of a building determined to be of substantial and significant architectural importance. (See Chapter 2, Physical and Historical Characteristics, of the Comprehensive Plan.)
- d. **Policy 4, Chapter 2, Physical and Historical Characteristics, of the Comprehensive Plan (History Element)**
 - (1) The City of Newport shall encourage property owners making alterations to identified historic structures to maintain their historic value. The Planning Commission shall review all proposals for modification or alteration to structures designated in the inventory as having historical significance. In determining whether or not the proposal complies with this policy, the following shall be considered by the Planning Commission in their review:
 - Whether or not the proposed use or alteration is compatible with the historic nature of the structure.
 - Whether or not the proposed alteration to the exterior of the structure will maintain its historic value.

e. **Staff Analysis:**

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

- (1) *Is the building or structure in question listed in the Comprehensive Plan as being an historically significant resource which should be preserved and, if so, is the work proposed by the applicant an exterior alteration that is structural in nature thus necessitating a public hearing (NMC 14.23.030).*

The structure is identified in the Comprehensive Plan as being historically significant. It is referenced as the Ernest Bloch House (Site #2, Attachment "C"). The inventory notes that Ernest Bloch, a well-known composer and orchestra conductor, occupied the house from 1941 until 1949. Information in the Oregon Encyclopedia, by Cara Kaser, further notes that the building was originally constructed in 1914; is a single-story, gable-roof house constructed of old growth fir; and that the current owner, Salem Baptist Church, acquired the property from the Bloch family. Lastly, Ms. Kaser indicates that the National Park Service declared the house as nationally significant in 2009 because of its association with Ernest Bloch (Attachment "D").

As noted by the applicant, this project will result in two additions to the building, one to the northeast corner of the structure (approx. 107 sq. ft.) and the other to the northwest corner (approx. 119 sq. ft.). These spaces will accommodate an additional bedroom and bathrooms as shown in Attachment "A-3". The architectural elevations illustrate that the roof line will be extended; new windows, a door, and siding added; and that corbels will be replaced and added (Attachments "A-6").

Considering the above, there is sufficient evidence for the Planning Commission to conclude that the Ernest Bloch House is included on the City's inventory of historically significant resources, and that the planned exterior alterations necessitate a hearing before the Planning Commission to ensure that the improvements do not compromise the historic character of the building.

- (2) *Will the changes proposed by the applicant detract from or destroy historic buildings or architectural features of a building determined to be of substantial and significant architectural importance? In making this determination, the Commission must establish that:*

- (a) *The proposed use or alteration is compatible with the historic nature of the structure, and*

(b) The proposed alteration to the exterior of the structure will maintain its historic value (NMC 14.23.040 and Policy 4, Chapter 2, Physical and Historical Characteristics, of the Comprehensive Plan.)

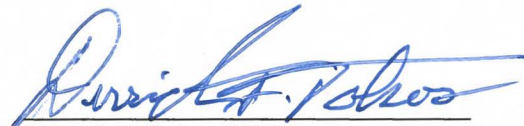
Applicant's site plan, floor plans, and exterior architectural elevations (Attachments "A-2" to "A-7") provide the Commission with a clear picture of the work that is to be performed. The roof line of the new addition will align with the existing roof, and the siding and style of the new windows appear to have a similar look to what exists currently (at least as close as possible given available products on the market). The applicant notes that changes to the exterior of the building will be consistent with its current character and design. The nature of the remodel, adding bathrooms and a bedroom, will not change the existing use of the property.

Given the above, it is reasonable for the Planning Commission to find that the planned remodel is compatible with the historic nature of the structure and will not detract from its historic value to the community.

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Newport Municipal Code and Comprehensive Plan then it should approve the request. The Commission can attach reasonable conditions that are necessary to ensure that the historic character of the building and site are preserved. If the Commission finds that the request does not comply with the criteria, then it should deny the application.

G. **STAFF RECOMMENDATION:** As outlined in this report, this application 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 applicant/property owner to comply with these documents and the limitations of approval described herein.



Derrick I. Tokos AICP
Community Development Director
City of Newport

November 10, 2022



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
First Baptist Church of Salem	
Applicant Mailing Address:	Property Owner Mailing Address:
395 Marion St NE, Salem, OR 97301	
Applicant Phone No.	Property Owner Phone No.
503-364-2285	
Applicant Email	Property Owner Email
shunter@fbcsalem.org	
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Steve Hunter	
Authorized Representative Mailing Address:	
395 Marion St NE, Salem, OR 97301	
Authorized Representative Telephone No.	
503-364-2285	
Authorized Representative Email: shunter@fbcsalem.org	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
116 Gilbert Way, Newport, OR 97365	
Tax Assessor's Map No.: 10S 11W 29CA	Tax Lot(s): 3200
Zone Designation: High density residential	Legal Description: <i>Add additional sheets if necessary</i>
Comp. Plan Designation: High density residential	
Brief description of Land Use Request(s):	
<i>Examples:</i> 1. Move north property line 5 feet south 2. Variance of 2 feet from the required 15-foot front yard setback Remodel of historically significant structure, w	

Existing Structures: if any

Lodge, Sleeping Quarters

Topography and Vegetation:

Slopes 8% east to west from eastern edge of property to edge of bluff

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 checked="" type="checkbox"/> PC	<input type="checkbox"/> Property Line Adjustment	<input type="checkbox"/> Staff
<input type="checkbox"/> Staff	<input type="checkbox"/> Shoreland Impact	<input type="checkbox"/> Zone Ord/Map
<input checked="" type="checkbox"/> Design Review	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Amendment
<input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Other

FOR OFFICE USE ONLY

File No. Assigned: 3-CUP-22		
Date Received: 10/6/22	Fee Amount: \$907-	Date Accepted as Complete:
Received By: sm	Receipt No. 6324	Accepted By:

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


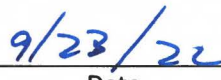
625-22-00068-PLUS



City of Newport Land Use Application

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

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

Applicant Signature(s)	Date
Property Owner Signature(s) (if other than applicant)	Date
 Authorized representative Signature(s) (if other than applicant)	 Date

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

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

FINDINGS OF FACT FOR APPLICATION BY FIRST BAPTIST CHURCH OF SALEM

Property address: 116 Gilbert Way, Newport, OR

7a.) Overnight capacity in the current building will not change. Additional restrooms will be added for convenience to users. All public utilities are already functioning on the site.

7b.) The application does not change the property's current approved use.

7c.) The application does not change the existing use of the property and will not cause any adverse impact on nearby properties.

7d.) The changes to the exterior of the building will be consistent with its current character and design and meet the City of Newport's Comprehensive Plan requirements as it relates to a Building of Special Historic Significance.

8.) The request is for the approval of a design that allows the enclosure of the northeast (approx. 107 sq ft) and the northwest (approx. 119 sq ft) corners of the current building. Our Geologic Hazard Report states that footings required for these closures will not negatively impact the stability of the ground. It is our conclusion that the required footings excavation meets the exemptions requirement in Chapter 14.21, Section 040 of the Newport Municipal Code.

When these enclosures are completed, the exterior of the enclosed areas will be consistent with the building's current exterior character and design as required for Buildings of Special Historic Significance in the City of Newport's Zoning Ordinance.

SALEM FIRST BAPTIST CHURCH
SEAKREST LODGE

116 NW GILBERT WAY
NEWPORT, OR 97365

DIRECTORY

OWNER:
SALEM FIRST BAPTIST CHURCH
395 MARION STREET NE
SALEM, OR, 97301

DESIGN CONSULTANT:
MB20 DRAFTING AND DESIGN
3875 RIVERDALE ROAD S
SALEM, OR 97302

GENERAL NOTES

LEGAL DESCRIPTION: AGATE BEACH
ACREAGE: .84
LOT: BLOCK 29, LOT 1-3; PTN VAC ST, BLK 30, LOTS 1,2, 7-12
& PTN VAC ST, DV287-0092
MAP TAX LOT: 10S11W29CA
ZONE: RS

EXISTING HOUSE SQUARE FOOTAGE = 2,793 SF
ADDITIONAL FLOOR SQUARE FOOTAGE = 86 SF
TOTAL FLOOR SQUARE FOOTAGE = 2,879 SF

PROJECT DESCRIPTION:
1. NEW ADDITION ON THE NORTH-EAST SIDE OF THE HOUSE
2. MODIFIED ROOF SLOPE AND FRAMING FOR NEW
ADDITION
3. ADDITION OF NEW LIVING AREA, ENCLOSED DECK FOR
NEW BATHROOMS

DRAWING INDEX

A-001 COVER SHEET / SITE PLAN
A-002 CODE SUMMARY
A-003 WINDOW INSTALLATION DETAILS
A-004 ADA CODE
A-101 DEMOLITION PLAN, EXISTING FLOOR PLAN
A-102 FLOOR PLAN, LARGE SCALE RESTROOM
A-103 REFLECTED CEILING PLAN / FRAMING PLAN
A-104 ELEVATIONS
A-105 SECTIONS, DETAILS, INTERIOR ELEVATIONS

SITE MAP



COVER SHEET

PROJECT
SALEM FIRST BAPTIST CHURCH
SEAKREST LODGE
116 NW GILBERT WAY
NEWPORT, OR 97365

DATE: 5-22-2022

PROJECT #:

DRAWN BY: MRB

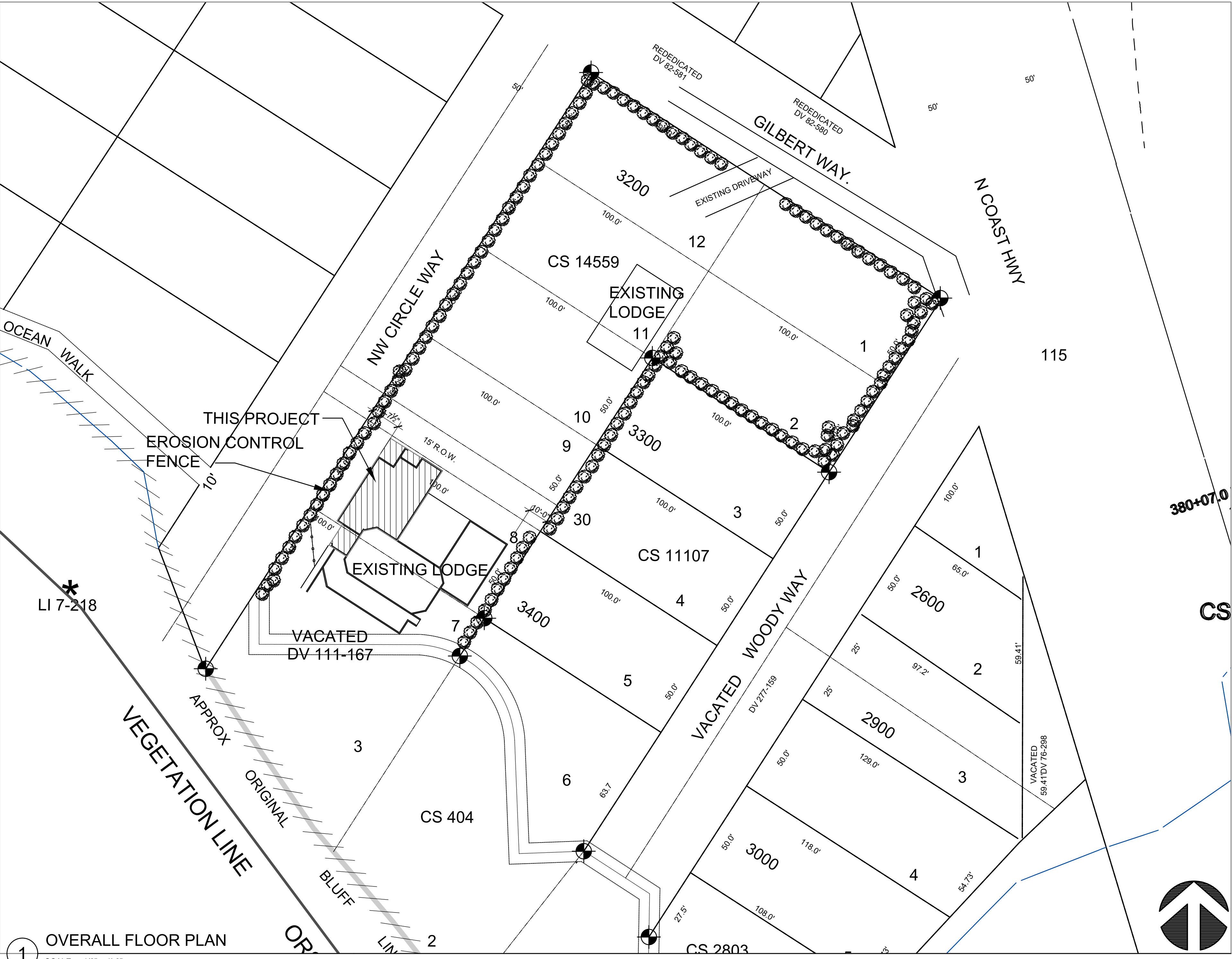
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SHEET:

A-001

OF:



OVERALL FLOOR PLAN

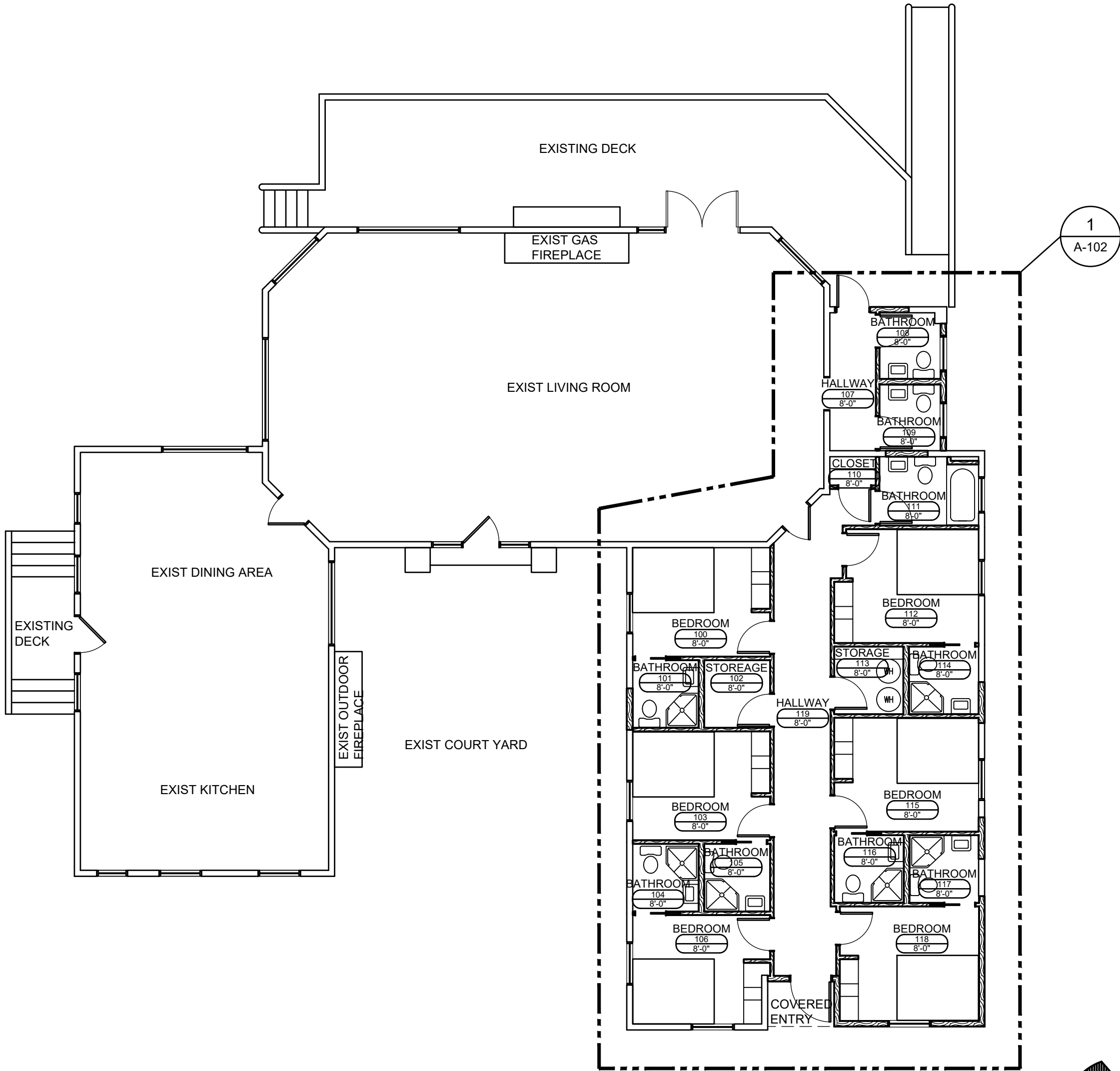
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ABBREVIATIONS

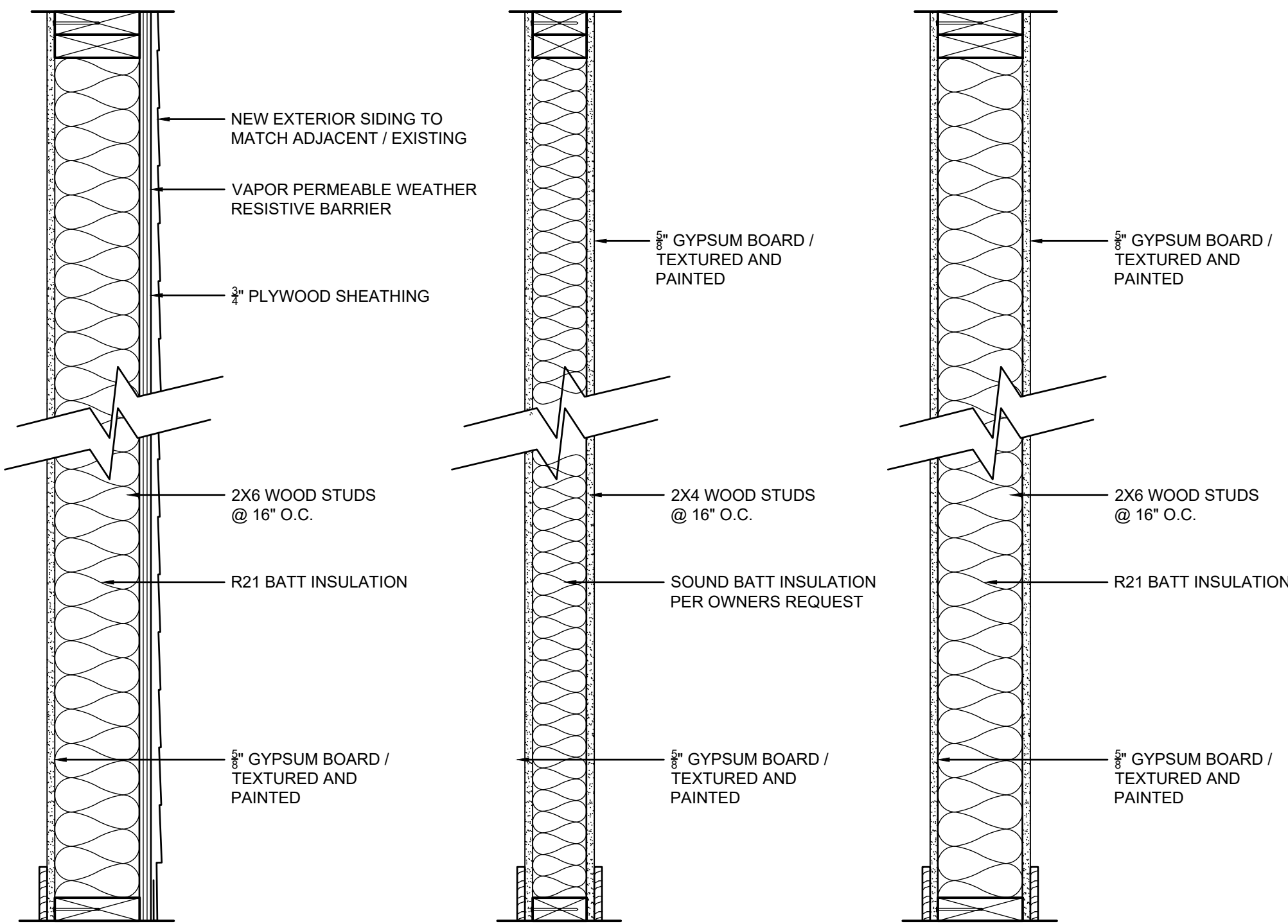
SF	SQUARE FEET	CORR.	CORRIDOR	F.S.	FLOOR SINK	MAG.	MAGNETIC	RM.	ROOM
DIA.	DIAMETER	CLS.	CEILING	FT.	FOOT/FEET	MAX.	MAXIMUM	R.O.	ROUGH OPENING
@	AT	CPT.	CARPET	FURR.	FURRING	M.B.	MARKER BOARD	S	INTERCOM SYSTEM SPEAKER
&	AND			FTG.	FOOTING	MECH.	MECHANICAL	SD.	SOAP DISPENSER OR SMOKE DETECTOR
CL	CENTER LINE	DBL.	DOUBLE	GA.	GAUGE	MTL.	METAL	S.C.D.	SEAT COVER DISPENSER
PL	PLATE	D.F.	DRINKING FOUNTAIN	G.B.	GALVANIZED	MIN.	MINIMUM	SHR.	SHOWER
+/-	PLUS/MINUS	DIM.	DIMENSION	G.F.C.I.	GROUND FAULT CIRCUIT INTERRUPT	MFR.	MECHANICAL MANUFACTURER	SHT.	SHEET
		DWR.	DRAWER	GL.	GLASS	MISC.	MISCELLANEOUS	SHTG.	SHEATHING
A.B.	ANCHOR BOLT	D.S.	DOWNSPOUT	GRG.	GLASS REINFORCED GYPSUM	M.O.	MASONRY OPENING	S.N.	SANITARY NAPKIN DISPENSER
A.C.	ASPHALTIC CONCRETE	(E)	EXISTING	GLZ.C.M.U.	GLAZED MASONRY UNIT	M.S.	MOP SINK	SIM.	SIMILAR
ACOUS.	ACOUSTICAL	EA.	EACH	GYP.	GYPSUM	MT.	MOUNT	STL.	STAINLESS STEEL
ACT.	ACOUSTICAL CEILING TILE	E.I.F.S.	EXTERIOR INSULATION & FINISH SYSTEM	GLB.	GLUE LAM BEAM	N.I.C.	NOT IN CONTRACT	STD.	STANDARD
A.D.	AREA DRAIN	ELEC.	ELECTRICAL	HC	HANDICAP	NO.	NUMBER	STL.	STEEL
ADJ.	ADJUSTABLE	ELEV.	ELEVATION OR ELEVATOR	H.M.	HOLLOW METAL	NOM.	NOMINAL	STOR.	STORAGE
A.F.F.	ABOVE FINISHED FLOOR	E.P.	ELECTRICAL PANEL	H.B.	HOSE BIB	N.T.S.	NOT TO SCALE	SUSP.	SUSPENDED
AGGR.	AGGREGATE	EQ.	EQUAL	HORIZ.	HORIZONTAL	N.D.	SANITARY NAPKIN DISPOSAL	SYS.	SYSTEM
ALUM.	ALUMINUM	EQUIP.	EQUIPMENT	HGT.	HEIGHT				
ALT.	ALTERNATE	E.W.	ELECTRICAL WATER COOLER						
APPROX.	APPROXIMATE	EXIST.	EXISTING						
ARCH.	ARCHITECT	EXT.	EXTERIOR						
		F.D.	FLOOR DRAIN						
BRD.	BOARD	F.EXT.	FIRE EXTINGUISHER						
BLDG.	BUILDING	F.C.	FIRE EXTINGUISHER CABINET						
BLK.	BLOCK	F.H.C.	FIRE HOSE CABINET						
BLKG.	BLOCKING	FIN.	FINISH/FINISHED						
B.O.	BOTTOM OF ...	FLASH.	FLASHING						
BM.	BEAM	FLUOR.	FLUORESCENT						
BRG.	BEARING	FLR.	FLOOR						
		F.O.C.	FACE OF CONCRETE						
C	CLOCK	F.O.F.	FACE OF FINISH						
CAB.	CABINET	F.O.M.	FACE OF MASONRY						
C.B.	CATCH BASIN	F.O.S.	FACE OF STUD						
CER.	CERAMIC	F.R.P.	FIBERGLASS REINFORCED PLASTIC						
C.I.	CONTRACTOR INSTALLED	FRT	FIRE RETARDANT TREATED						
C.M.U.	CONCRETE MASONRY UNIT								
C.O.	CLEANOUT								
COL.	COLUMN								
CONC.	CONCRETE								
CONSTR.	CONSTRUCTION								
CONT.	CONTINUOUS								

SYMBOLS LEGEND

	STRUCTURAL GRID LINE		CENTER LINE		NEW DOOR & DOOR MARK		WOOD
	WALL / BLDG SECTION		SPOT ELEVATION		EXISTING DOOR		MASONRY
	DETAIL REFERENCE		KEYNOTE		EXISTING DOOR TO BE REMOVED		CONCRETE
	DETAIL NUMBER		WINDOW TYPE		WALL TYPE		RIGID INSULATION
	DETAIL SHEET NUMBER		SHEARWALL TYPE		NEW WOOD STUD WALL		GYP. BRD.
	INTERIOR ELEVATION		HOLDOWN TYPE/LOCATION (AT BASE OF WALL SHOWN)		NEW METAL STUD WALL		METAL
	ELEVATION NUMBER		HOLDOWN TYPE/LOCATION (AT TOP OF WALL SHOWN)		EXISTING WALL		STRUCTURAL FILL
	VIEW DESIGNATION		SANITARY SEWER		EXISTING WALL TO BE REMOVED		COMPACTED FILL
	DRAWING TITLE		ELECTRICAL SERVICE		CMU WALL / PIER		FIRE RATED WALL
	SCALE		WATER SERVICE		BATT INSULATION		
	ROOM TITLE		STORM DRAINS				
	ROOM NAME/NUMBER		FENCING				
	NORTH ARROW		HOT WATER SERVICE				
	REVISION		GAS SERVICE				



1 OVERALL FLOOR PLAN
SCALE: 1/8" = 1'-0"

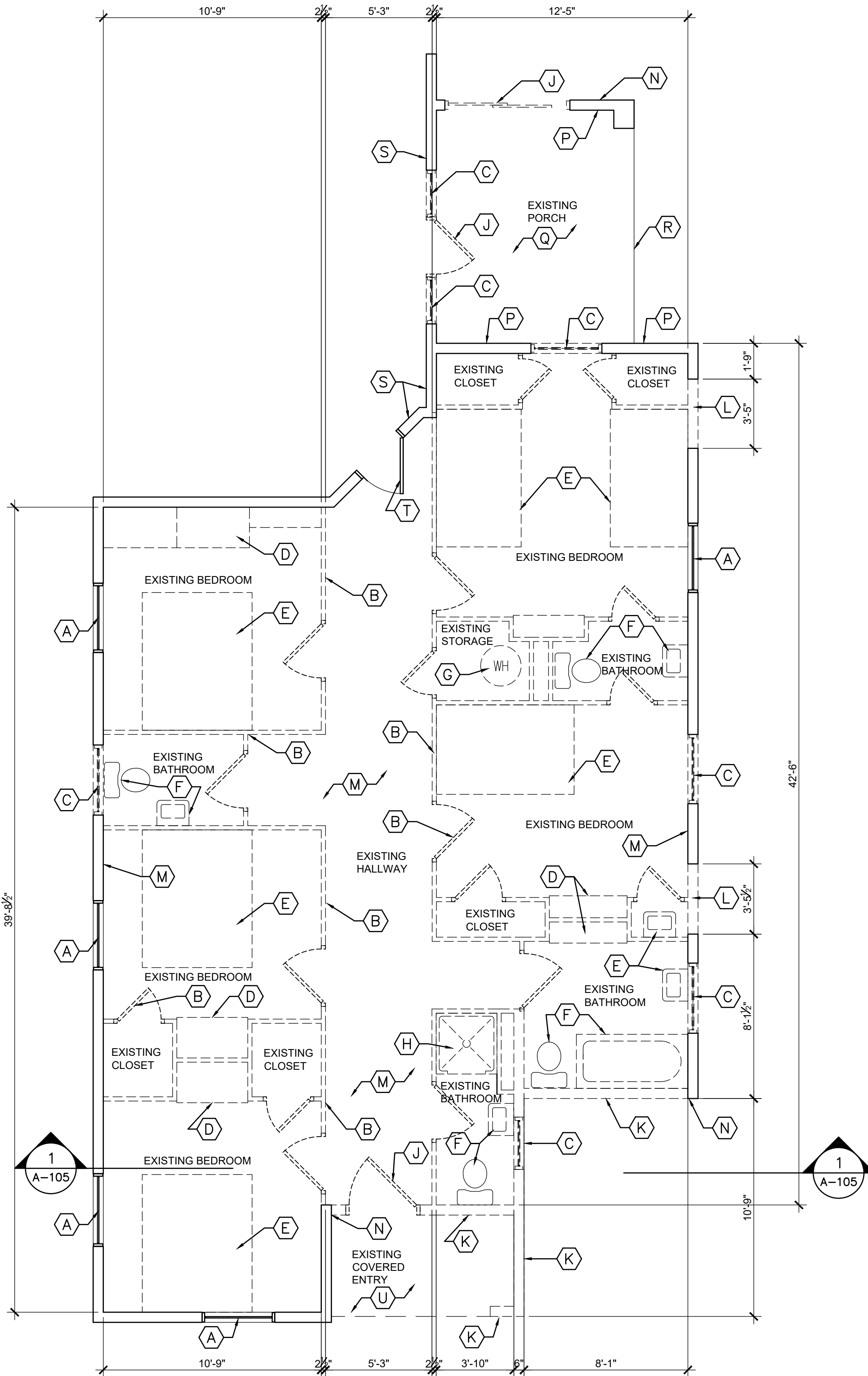


WALL TYPE A

WALL TYPE B

WALL TYPE C

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



2 DEMOLITION FLOOR PLAN
SCALE: 1/4" = 1'-0"

GENERAL NOTES:

NOT ALL NOTES MAY BE ASSOCIATED WITH THIS PAGE

1. EXISTING ELECTRICAL PANEL TO REMAIN. REPLACE ALL WIRING IN NEW REMODELED AREA PER CODE.
2. REMOVE AND REPLACE ALL LIGHT FIXTURES IN REMODELED AREA PER REFLECTED CEILING PLAN.
3. ALL INTERIOR WALLS AT RESTROOMS TO HAVE ACOUSTIC INSULATION IN WALLS.
4. 5/8" GYPSUM BOARD CEILING, TEXTURED AND PAINTED.
5. ALL ELECTRICAL ITEMS TO BE DESIGN BUILD BY SUBCONTRACTOR.
6. ALL EXHAUST FAN TO BE VENTED THROUGH ROOF.
7. PROVIDE ELECTRICAL OUTLETS PER CODE.

DEMOLITION NOTES:

- (A) EXISTING WINDOW TO REMAIN. PROTECT DURING THE CONSTRUCTION PROCESS.
- (B) REMOVE EXISTING INTERIOR PLYWOOD WALLS AND DOORS.
- (C) REMOVE EXISTING EXTERIOR WINDOW, PREP OPENING FOR NEW WALL INFILL.
- (D) REMOVE EXISTING BUILT IN CASEWORK.
- (E) REMOVE EXISTING FURNITURE, SALVAGE TO OWNER.
- (F) REMOVE EXISTING PLUMBING FIXTURE. CAP EXISTING LINES UNDER EXISTING FLOOR FOR FUTURE USE AND CONNECTIONS. VERIFY WITH OWNER IF THEY WISH TO REUSE EXISTING PLUMBING FIXTURES.
- (G) REMOVE AND SALVAGE EXISTING WATER HEATER. VERIFY WITH OWNER FOR RELOCATION IN NEW STORAGE ROOM, OR DISCARD FOR NEW WATER HEATER.
- (H) REMOVE EXISTING SHOWER. CAP ALL LINES UNDER EXISTING FLOOR FOR FUTURE USE AND CONNECTIONS.
- (J) REMOVE EXISTING EXTERIOR DOOR.
- (K) REMOVE EXISTING EXTERIOR 2X6 STUD WALL TO SUB FLOOR. PROTECT ADJACENT AREAS THAT WILL REMAIN.
- (L) REMOVE EXISTING WALL AREA FOR NEW WINDOW OPENING. VERIFY WINDOW OPENING SIZE.
- (M) REMOVE EXISTING INTERIOR FINISHES TO SUB-FLOOR. INCLUDING GYPSUM BOARD AS REQUIRED FOR NEW CONSTRUCTION.
- (N) PROTECT EXISTING EXTERIOR FINISHES AS REQUIRED FOR NEW CONSTRUCTION. SALVAGE LIKE KIND MATERIAL FOR USE ON NEW CONSTRUCTION AREA.
- (P) REMOVE EXISTING EXTERIOR FINISHES FOR NEW INTERIOR FINISHES AS REQUIRED. EXTERIOR PLYWOOD SHEATHING TO REMAIN.
- (Q) REMOVE FLOORING AT EXISTING COVERED DECK AREA.
- (R) PREP EXTERIOR COVERED DECKING FOR NEW FOUNDATION AND 2X FRAMED WALL WITHIN EXISTING ROOF FRAMING.
- (S) EXISTING INTERIOR WALL TO REMAIN. PROTECT INTERIOR FINISHES AS REQUIRED DURING NEW CONSTRUCTION.
- (T) EXISTING DOOR TO REMAIN. PROTECT DURING CONSTRUCTION PROCESS.
- (U) REMOVE FINISHES INSIDE EXISTING COVERED PATIO AREA. PREP FOR NEW INTERIOR FINISHES AND FRAMING.
- (V) EXISTING EXTERIOR SIDING AND SHEATHING TO REMAIN. REMOVE EXISTING SIDING AND SHEATHING AS NECESSARY FOR NEW CONCRETE FOOTING.

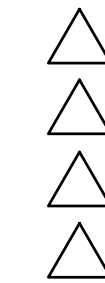
OVERALL PLAN
DEMOLITION FLOOR PLAN
PROJECT
SALEM FIRST BAPTIST CHURCH
SEAKREST LODGE
116 NW GILBERT WAY
NEWPORT, OR 97365

DATE: 5-22-2022

PROJECT #:

DRAWN BY: MRB

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REVISIONS:



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A-101

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REFERENCE NOTES:

- 1

EXISTING WINDOW TO REMAIN. PROTECTED WINDOW DURING CONSTRUCTION.
- 2

NEW 2X EXTERIOR INFILL WALL AT EXISTING WINDOW OPENINGS. MATCH EXISTING WALL THICKNESS, AND ADJACENT MATERIAL.
- 3

FURNITURE PROVIDED BY OWNER.
- 4

NEW INTERIOR BUILT IN CASEWORK. SEE DETAIL X/A-103 FOR ELEVATION AND ADDITIONAL INFORMATION.
- 5

NEW SHELVING. SECURE TO WALL PER MANUFACTURERS RECOMMENDATION.
- 6

NEW INTERIOR FINISHES. GYPSUM BOARD PAINTED WITH WOOD TRIM UNLESS NOTED OTHERWISE.
- 7

NEW ELECTRIC WATER HEATERS. VERIFY WITH OWNER IF EXISTING WATER HEATER WILL BE RELOCATED.
- 8

TOILET PAPER HOLDER.
- 9

TOILET - CONNECT TO EXISTING PLUMBING SYSTEM AS REQUIRED. DESIGN BUILD BY SUBCONTRACTOR.
- 10

NEW CORNER UNIT SHOWER. CONNECT TO EXISTING PLUMBING SYSTEM AS REQUIRED. DESIGN BUILD BY SUBCONTRACTOR.
- 11

NEW WALL MOUNTED LAVATORY. CONNECT TO EXISTING PLUMBING SYSTEM AS REQUIRED. PROVIDE ADDITIONAL BLOCKING IN WALL FOR WALL MOUNTED LAVATORY PER MANUFACTURERS RECOMMENDATIONS. OWNER MAY CHOOSE TO INSTALL NEW VANITY, VERIFY WITH OWNER.
- 12

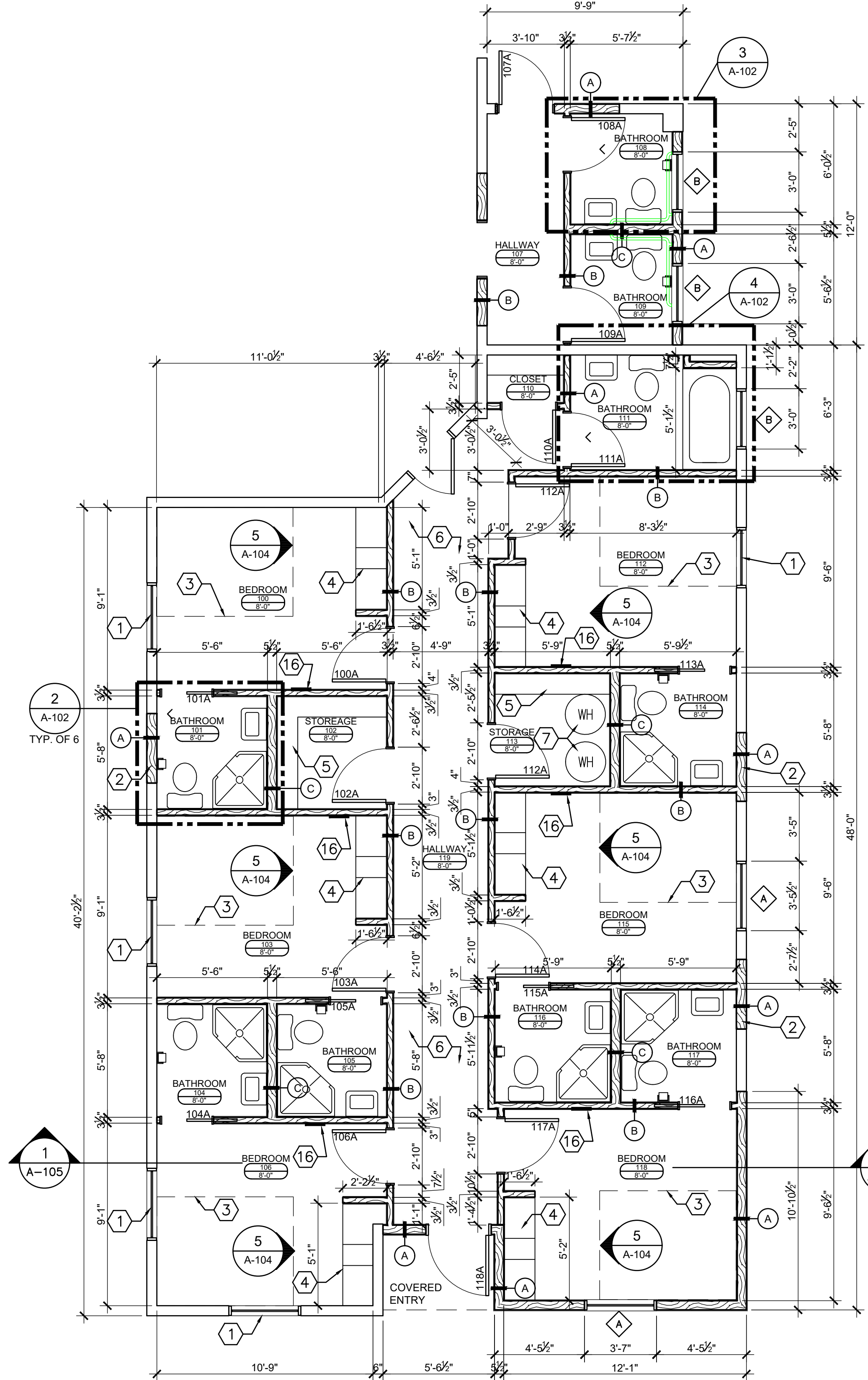
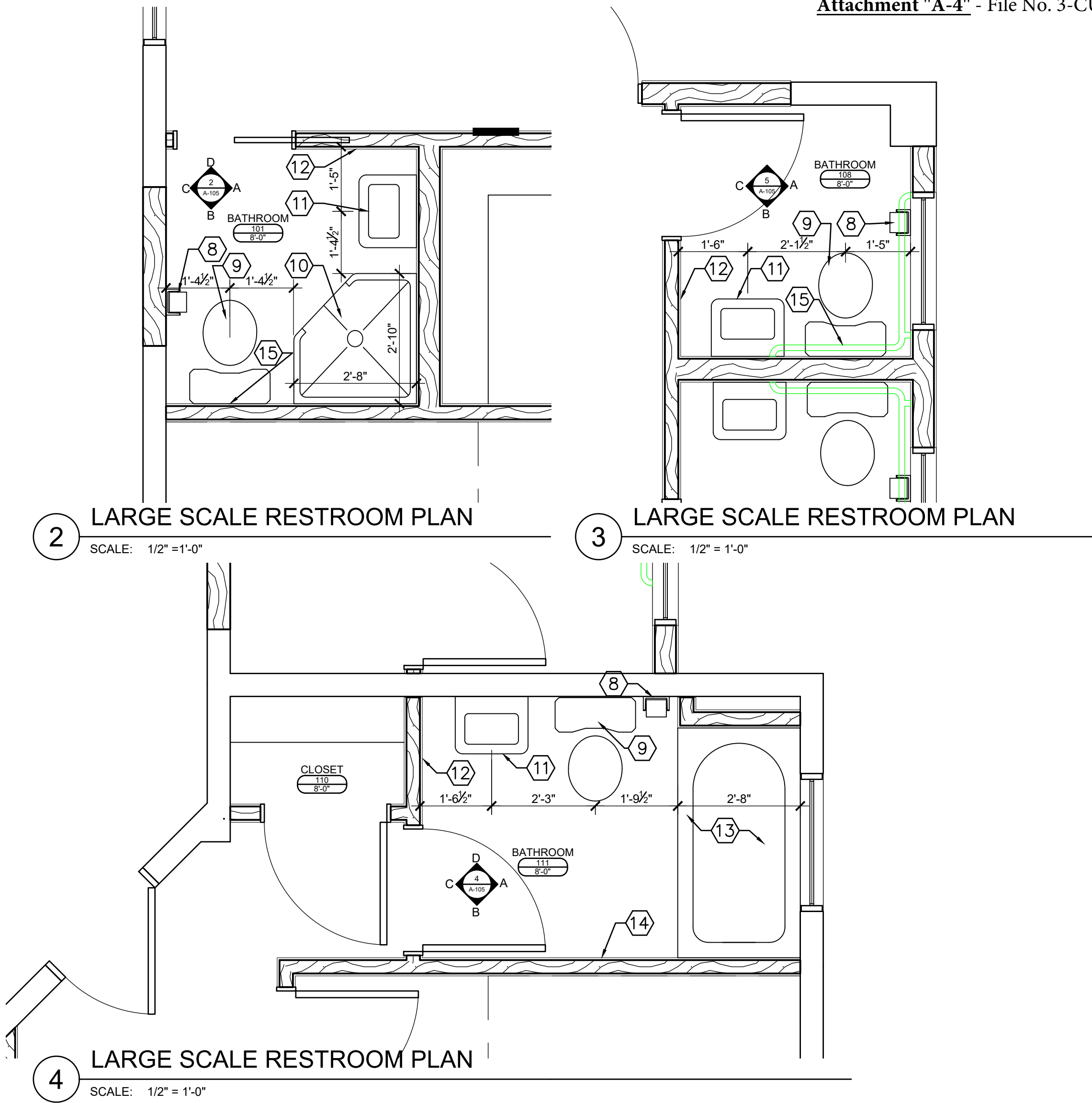
NEW TOWEL RING
- 13

NEW TUB & SHOWER. CONNECT TO EXISTING PLUMBING SYSTEM AS REQUIRED. DESIGN BUILD BY SUBCONTRACTOR.
- 14

NEW TOWEL RACK
- 15

NEW GRAB BAR. PROVIDE ADDITIONAL BLOCKING IN WALL AS REQUIRED.
- 16

NEW CADET WALL HEATER WITH THERMOSTAT



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

WINDOW SCHEDULE									
MARK	NOMINAL WINDOW SIZE (W X H)	OPERATION TYPE (B)	FRAME MATERIAL (C)	FRAME FINISH (D)	GLASS THICKNESS (E)	GLASS TYPE (F)	GLASS COLOR (G)	REMARKS	
A	3'-6" X 4'-8"	SL	WT	PT	1"	IN	C / F	MATCH EXISTING WINDOW SIZE AND STYLE	
B	3'-0" X 1'-6"	SL	WT	PT	1"	IN	F	--	
-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	
-	-	-	-	-	-	-	-	-	

OPERATION TYPE (B)
SL = SLIDER
SH = SINGLE HUNG

FRAME MATERIAL (C)
WT = WOOD
TRANSPARENT
MATCH EXISTING WINDOW STYLE

FRAME FINISH (D)
PT = PAINTED

GLASS THICKNESS (E)
NUMBER REFERS TO OVERALL GLAZING THICKNESS

GLASS TYPE (F)
IN = INSULATED

GLASS COLOR (G)
C = CLEAR
F = FROSTED

NOTES:

1. ALL LOWER FLOOR OPERABLE WINDOWS + HARDWARE TO COMPLY WITH O.S.S.C 2021 CHAPTER 11 SEC 1107.2 ON TO ICC / ANSI A117.1 THEN SEC 1002.13. OPERABLE PARTS SHALL COMPLY WITH SEC 308. SEE "OPERABLE WINDOWS IN ACCESSIBLE LOCATIONS" DETAIL ON SHEET ADA-5. ALL LOWER FLOOR WINDOW HEADERS TO BE SET MIN 7'-0" A.F.F. U.N.O. FOR WINDOW PLACE SEE "WINDOW PLACEMENT FOR EGRESS + FALL PROTECTION" DETAIL ON SHEET A5.40.

3. MAX U-VALUE FOR ALL WINDOWS AS PER TABLE 401.1(2) OEESC U-0.32.

4. WINDOW SILLS MORE THAN 72" ABOVE FINISH GRADE SHALL BE A MINIMUM OF 36" ABOVE FINISH FLOOR SURFACE (OR) BE INSTALLED WITH WINDOW OPENING CONTROL DEVICES IN COMPLIANCE WITH 2021 O.S.S.C. SECTION 1015.8

DOOR SCHEDULE									
DOOR MARK	DOOR SIZE	TYPE (NOTE)	CONSTRUCTION (NOTE #2)	MATERIAL FINISH (NOTE #3)	GLASS (NOTE #4)	RATING (NOTE #5)	HARDWARE (NOTE #6)	NOTES (NOTE #7)	FRAME SIZE
100A	2'-8" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	-	4 1/2"
101A	2'-6" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	1	4 1/2"
102A	2'-8" X 6'-8" X 1 3/4"	A	HC	WT	-	-	-	-	4 1/2"
103A	2'-8" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	-	4 1/2"
104A	2'-6" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	1	4 1/2"
105A	2'-6" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	1	4 1/2"
106A	2'-8" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	-	4 1/2"
107A	2'-8" X 6'-8" X 1 3/4"	B	SC	FG	IN	-	-	1	6 3/4"
108A	2'-8" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	-	4 1/2"
109A	2'-8" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	-	4 1/2"
110A	2'-8" X 6'-8" X 1 3/4"	A	HC	WT	-	-	-	-	4 1/2"
111A	2'-8" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	-	4 1/2"
112A	2'-8" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	-	4 1/2"
113A	2'-8" X 6'-8" X 1 3/4"	A	HC	WT	-	-	-	-	4 1/2"
114A	2'-6" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	1	4 1/2"
115A	2'-8" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	-	4 1/2"
116A	2'-6" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	1	4 1/2"
117A	2'-6" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	1	4 1/2"
118A	2'-8" X 6'-8" X 1 3/4"	A	SC	WT	-	-	-	-	4 1/2"
119A	3'-0" X 6'-8" X 1 3/4"	B	SC	FG	IN	-	-	-	6 3/4"

- #2 CONSTRUCTION

SC - SOLID CORE
HC - HOLLOW CORE
- #3 MATERIAL / FINISH

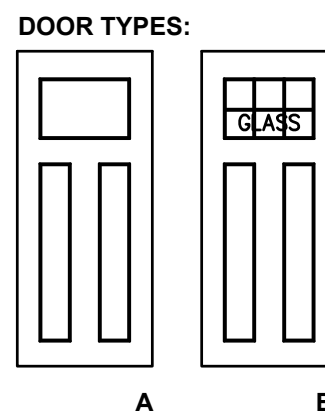
WT - WOOD TRANSPARENT
FG - FIBERGLASS
- #4 GLASS

T1 - TEMPERED INSULATED
- #5 RATING

FIRE RATED DOORS NOT REQUIRED
- #6 HARDWARE

SEE SPECIFICATIONS FOR HARDWARE GROUPS
- #7 NOTES:

1. POCKET DOOR - HARDWARE BY MANUFACTURERE

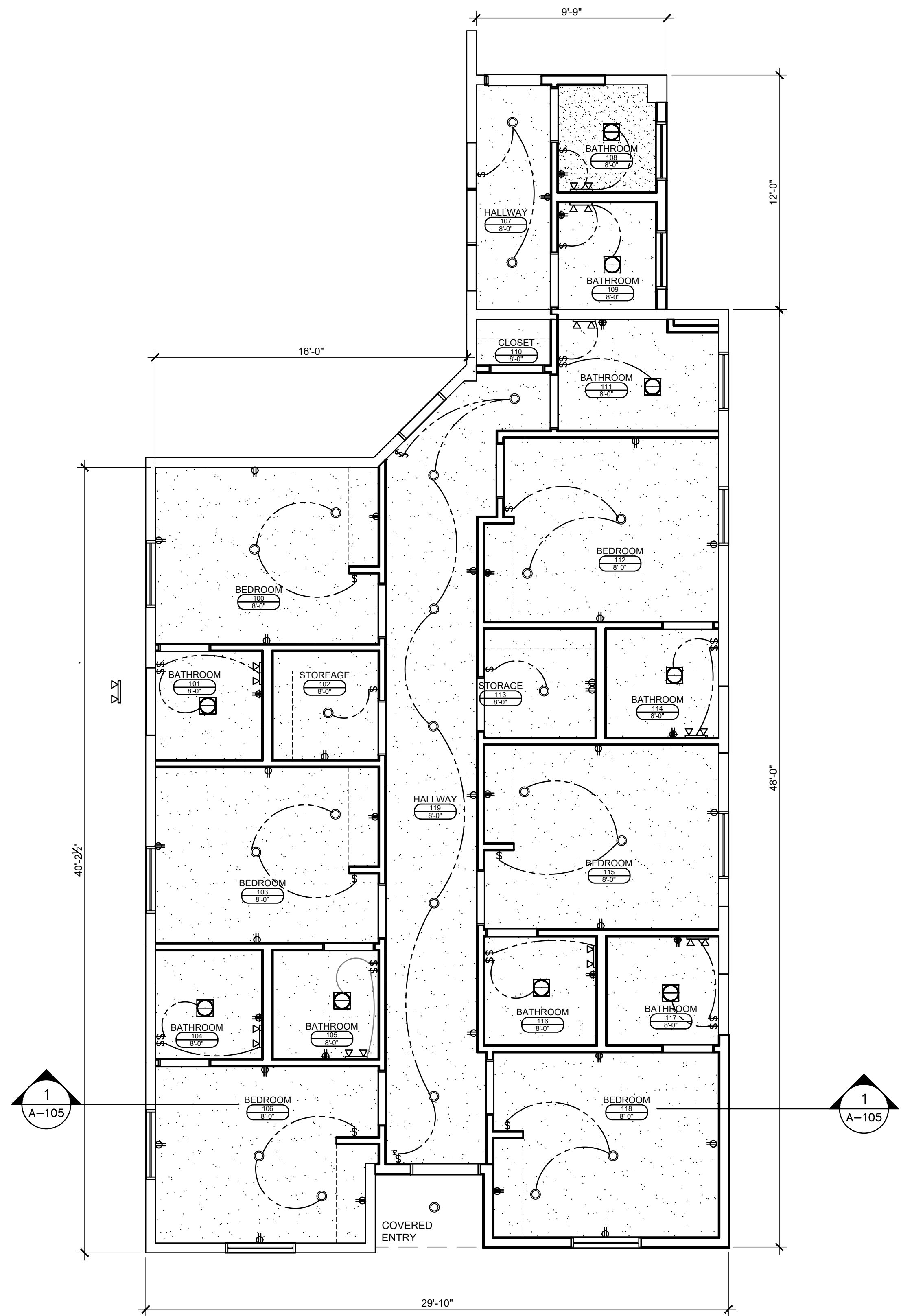


FLOOR PLANS
LARGE SCALE RESTROOM PLANS
PROJECT
SALEM FIRST BAPTIST CHURCH
SEAKREST LODGE
116 NW GILBERT WAY
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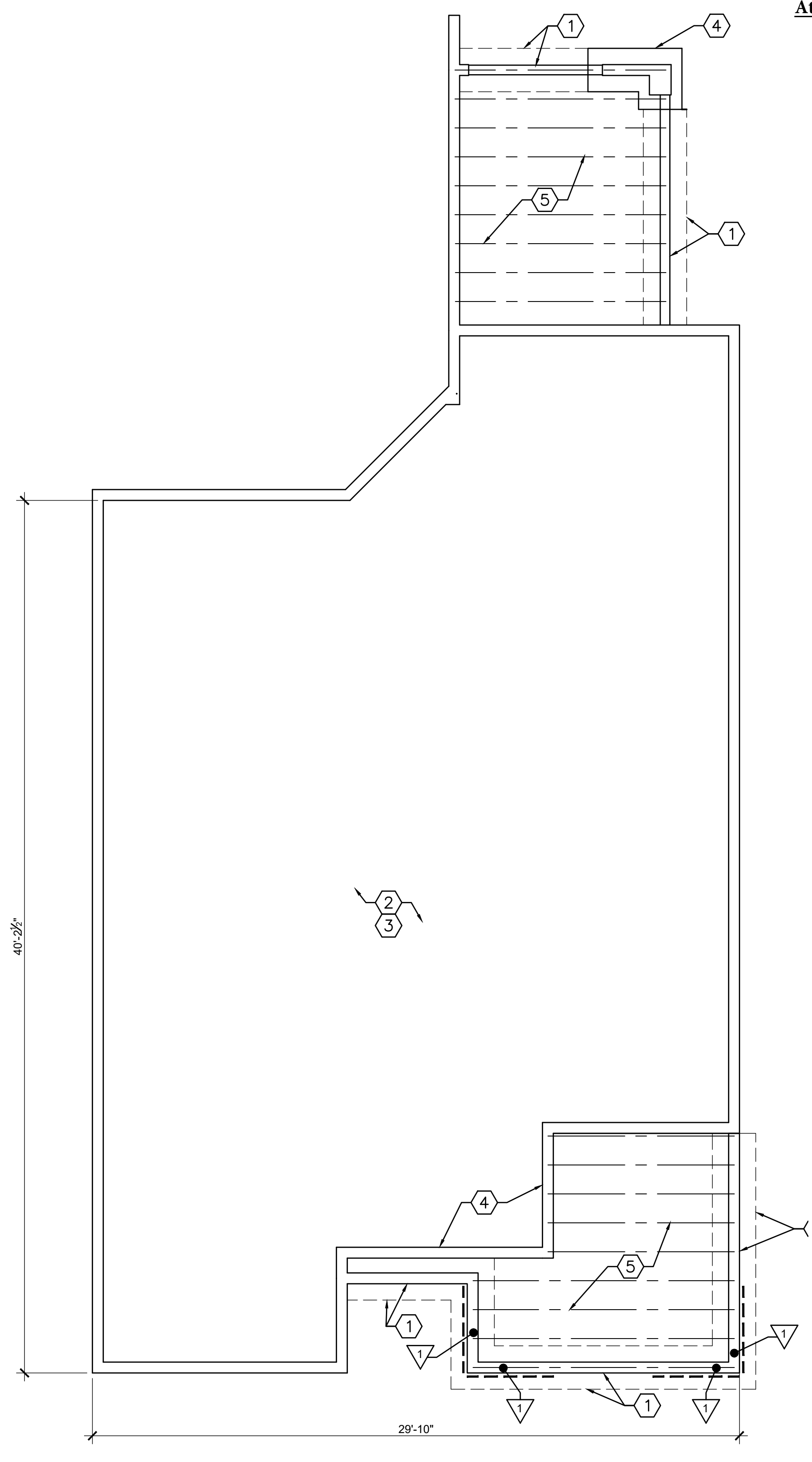
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SHEET:
A-102
OF:
9



1 REFLECTED CEILING PLAN
SCALE: 1/4" = 1'-0"

SHEARWALL CONSTRUCTION SCHEDULE										1, 2, 3, 4, 5, 6, 7, 8
WALL TYPE	STRUCTURAL PANEL SHEATHING	EDGE NAILING ⁴	FIELD NAILING	REMARKS	A35 CLIP TOP PLATE CONN ⁵	SILL PLATE CONNECTION		SOLE PLATE CONN.	SHEAR VALUE (plf) SEISMIC	SHEAR VALUE (plf) WIND
						LTP5	MASA			
A	^{7/16} / ₁₆ OSB OR PLYWOOD	0.131" DIA X 2.5" NAILS @ 6" O.C.	0.131" DIA X 2.5" NAILS @ 12" O.C.	N/A	24" O.C.	2'-0" O.C.	4'-0" O.C.	0.152X6" SIMPSON SDWS SCREWS @ 6" O.C.	243	243
NOTES: 1. DO NOT BREAK SHEATHING SKIN BY OVER DRIVING NAILS. 2. PRE-DRILL AS REQUIRED TO AVOID SPITTING SILLS, ETC. 3. NAILS SHOULD BE LOCATED ³ / ₄ " CLEAR OF PANEL EDGES. 4. USE SIMPSON A35 CLIPS TO ATTACH BLOCKING OR GABLE TO TOP PLATE. AT ROOF LINE USE SIMPSON H-1 CLIPS IN PLACE OF THE A35 CLIPS AT EACH TRUSS (U.O.N.) 5. VALUES OF OTHER STANDARD CONSTRUCTION FASTENERS WILL REQUIRE SPACING ADJUSTMENTS AND MUST BE APPROVED BY THE ENGINEER-OF-RECORD. 6. USE HOT DIPPED GALVANIZED NAILS AT ALL EXTERIOR APPLICATIONS. 7. C-D, C-C SHEATHING, PLYWOOD PANEL SIDING, AND OTHER GRADES COVERED IN APA PLYWOOD DESIGN SPECIFICATIONS. 8. SHEATHING FACE GRAIN CAN BE APPLIED PERPENDICULAR OR PARALLEL TO WALL STUDS, PROVIDED STUDS ARE SPACED A MAXIMUM OF 16" O.C.										



2 FOUNDATION & FRAMING PLAN
SCALE: 1/4" = 1'-0"

HOLDOWN SCHEDULE 1, 2, 3, 4, 5													
(NOT ALL HOLDOWNS TYPES SHOWN MAY BE USED ON PROJECT)													
MARK	HOLDOWN	CONCRETE SCREWS	ANCHOR DIAMETER	EMBEDMENT LENGTH	MIN STEMWALL WIDTH	MIN BOUNDARY MEMBER	CONNECTION TO BOUNDARY MEMBER	REMARKS	ALLOWABLE LOADS (WIND)		ALLOWABLE LOADS (SEISMIC)		
									MID-WALL	CORNER/END	MID-WALL	CORNER/END	
1	MSTAM36 STRAP	(5) 3/4" X 2 3/4" SIMPSON TITEN 2 SCREW	1/4"	N/A	6"	(2) 2Xs	(9) 0.148" X3" NAILS		1870	1870	1870	1870	
NOTES: 1. HOLDOWNS BY SIMPSON STRONG-TIE COMPANY, INC. SEE SIMPSON CATALOG FOR PROPER INSTALLATION. 2. EDGE NAIL SHEATHING TO ALL POSTS OR BOUNDARY MEMBERS AT HOLDOWNS. 3. LOCATE HD WITHIN 6" OF END OF SHEAR PANEL. 4. INSTALL HOLDOWN MINIMUM 5" CLEAR FROM CORNER. 5. LAMINATE STUDS WITH 16d NAILS AT 12" ON CENTER STAGGERED. CLINCH TIPS OF NAILS													

Attachment "A-5" - File No. 3-CUP-22

GENERAL NOTES:

NOT ALL NOTES MAY BE ASSOCIATED WITH THIS PAGE

- EXISTING ELECTRICAL PANEL TO REMAIN. REPLACE ALL WIRING IN NEW REMODELED AREA PER CODE.
- REMOVE AND REPLACE ALL LIGHT FIXTURES IN REMODELED AREA PER REFLECTED CEILING PLAN.
- ALL INTERIOR WALLS AT RESTROOMS TO HAVE ACOUSTIC INSULATION IN WALLS.
- 5/8" GYPSUM BOARD CEILING, TEXTURED AND PAINTED.
- ALL ELECTRICAL ITEMS TO BE DESIGN BUILD BY SUBCONTRACTOR.
- ALL EXHAUST FAN TO BE VENTED THROUGH ROOF.
- PROVIDE ELECTRICAL OUTLETS PER CODE.

FOUNDATION NOTES

- NEW 10" X 24" CONCRETE FOOTING WITH (2) #4 BARS CONTINUOUS. 6" STEM WALL WITH #4 BARS AT 16" O.C. HORIZ AND 16" O.C. VERT. NEW FOOTING SHOULD BE PLACED ON UNDISTURBED SOIL. VERIFY HEIGHT WITH 30" CRAWL SPACE.
- EXISTING FRAMING TO REMAIN.
- EXISTING CRAWL SPACE BELOW.
- EXISTING CONCRETE FOOTING TO REMAIN. MODIFY AS REQUIRED FOR NEW FLOOR JOISTS AND FOOTING.
- 11 1/2" TJI @ 16" O.C. WITH 3/4" T & G SHEATHING.

ELECTRICAL LEGEND

\$	SINGLE SWITCH	○	CEILING LIGHT
\$	DIMMER SWITCH	◻	RECESSED LIGHT
\$	THREE-WAY SWITCH	○	EXTERIOR WALL FIXTURE
\$	FOUR-WAY SWITCH	◻	EXTERIOR FLOOR LIGHT
⚡	110V OUTLET	◻	EXHAUST FAN
⚡	220V OUTLET	◻	INTERIOR WALL SCONCE
⚡	FLOOR / CEILING OUTLET	⊕	THERMOSTAT
⚡	GROUND FAULT OUTLET	⊕	CABLE TV
⚡	ABOVE COUNTER OUTLET	⊕	TELEPHONE
⚡	HALF SWITCHED OUTLET	⊕	ELECTRICAL PANEL
⚡	110V SMOKE DETECTOR		
⚡	CO2 DETECTOR		

FINISH SCHEDULE

ROOM #	FLOOR	BASE	WALLS				CEILING	NOTES:
			NORTH WALL	SOUTH WALL	EAST WALL	WEST WALL		
100A	CPT	WT	GP	GP	GP	GP	GP	-
101A	SH V	RB	WGP	WGP	WGP	WGP	GP	-
102A	SH V	RB	GP	GP	GP	GP	GP	-
103A	CPT	WT	GP	GP	GP	GP	GP	-
104A	SH V	RB	WGP	WGP	WGP	WGP	GP	-
105A	SH V	RB	WGP	WGP	WGP	WGP	GP	-
106A	CPT	WT	GP	GP	GP	GP	GP	-
107A	SH V	RB	WGP	WGP	WGP	WGP	GP	-
108A	SH V	RB	WGP	WGP	WGP	WGP	GP	-
109A	SH V	RB	WGP	WGP	WGP	WGP	GP	-
110A	CPT	WT	GP	GP	GP	GP	GP	-
111A	SH V	RB	WGP	WGP	WGP	WGP	GP	-
112A	CPT	WT	GP	GP	GP	GP	GP	-
113A	SH V	RB	WGP	WGP	WGP	WGP	GP	-
114A	SH V	RB	WGP	WGP	WGP	WGP	GP	-
115A	CPT	WT	GP	GP	GP	GP	GP	-
116A	SH V	RB	WGP	WGP	WGP	WGP	GP	-
117A	SH V	RB	WGP	WGP	WGP	WGP	GP	-
118A	CPT	WT	GP	GP	GP	GP	GP	-
119A	CPT	WT	GP	GP	GP	GP	GP	-

FLOORING
CPT - CARPET W/ PAD
SH V - SHEET VINYL

BASE
WT - WOOD TRIM
RB - 4" RUBBER BASE

WALL FINISH
GP - GYP BD / PAINTED
WGP - WATER RESISTANT GYP BD / PAINTED

CEILING FINISH
GP - GYP BD / PAINTED

REFLECTED CEILING PLAN
FOUNDATION & FRAMING PLAN
PROJECT
SALEM FIRST BAPTIST CHURCH
SEAKREST LODGE
116 NW GILBERT WAY
NEWPORT, OR 97365

DATE: 5-22-2022

PROJECT #:

DRAWN BY: MRB

CHECKED BY:
REVISIONS:



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BURLESON DESIGN

SHEET:

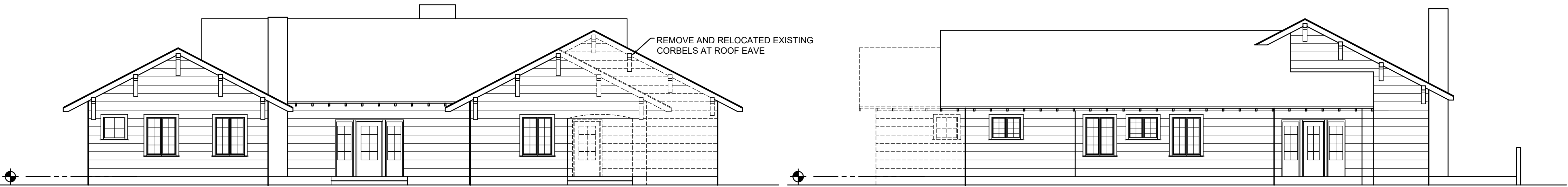
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OF:

REFERENCE NOTES:

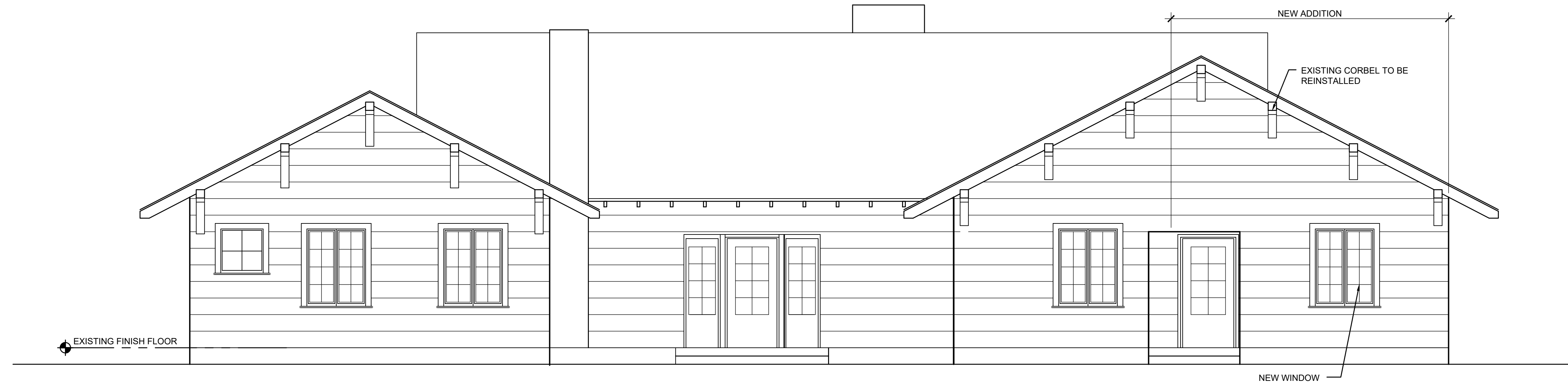
- 1
- EXISTING WINDOW TO REMAIN. PROTECTED WINDOW DURING CONSTRUCTION.
- 2
- NEW 2X EXTERIOR INFILL WALL AT EXISTING WINDOW OPENINGS. MATCH EXISTING WALL THICKNESS, AND ADJACENT MATERIAL.
- 3
- FURNITURE PROVIDED BY OWNER.
- 4
- NEW INTERIOR BUILT IN CASEWORK. SEE DETAIL X/A-103 FOR ELEVATION AND ADDITIONAL INFORMATION.
- 5
- NEW SHELVING. SECURE TO WALL PER MANUFACTURERS RECOMMENDATION.
- 6
- NEW INTERIOR FINISHES. GYPSUM BOARD PAINTED WITH WOOD TRIM UNLESS NOTED OTHERWISE.
- 7
- NEW ELECTRIC WATER HEATERS. VERIFY WITH OWNER IF EXISTING WATER HEATER WILL BE RELOCATED.
- 8
- TOILET PAPER HOLDER.
- 9
- TOILET - CONNECT TO EXISTING PLUMBING SYSTEM AS REQUIRED. DESIGN BUILD BY SUBCONTRACTOR.
- 10
- NEW CORNER UNIT SHOWER. CONNECT TO EXISTING PLUMBING SYSTEM AS REQUIRED. DESIGN BUILD BY SUBCONTRACTOR.
- 11
- NEW WALL MOUNTED LAVATORY. CONNECT TO EXISTING PLUMBING SYSTEM AS REQUIRED. PROVIDE ADDITIONAL BLOCKING IN WALL FOR WALL MOUNTED LAVATORY PER MANUFACTURERS RECOMMENDATIONS. OWNER MAY CHOOSE TO INSTALL NEW VANITY, VERIFY WITH OWNER.
- 12
- NEW TOWEL RING
- 13
- NEW TUB & SHOWER. CONNECT TO EXISTING PLUMBING SYSTEM AS REQUIRED. DESIGN BUILD BY SUBCONTRACTOR.
- 14
- NEW TOWEL RACK
- 15
- NEW GRAB BAR. PROVIDE ADDITIONAL BLOCKING IN WALL AS REQUIRED.

- 16
- 17
- 18
- 19

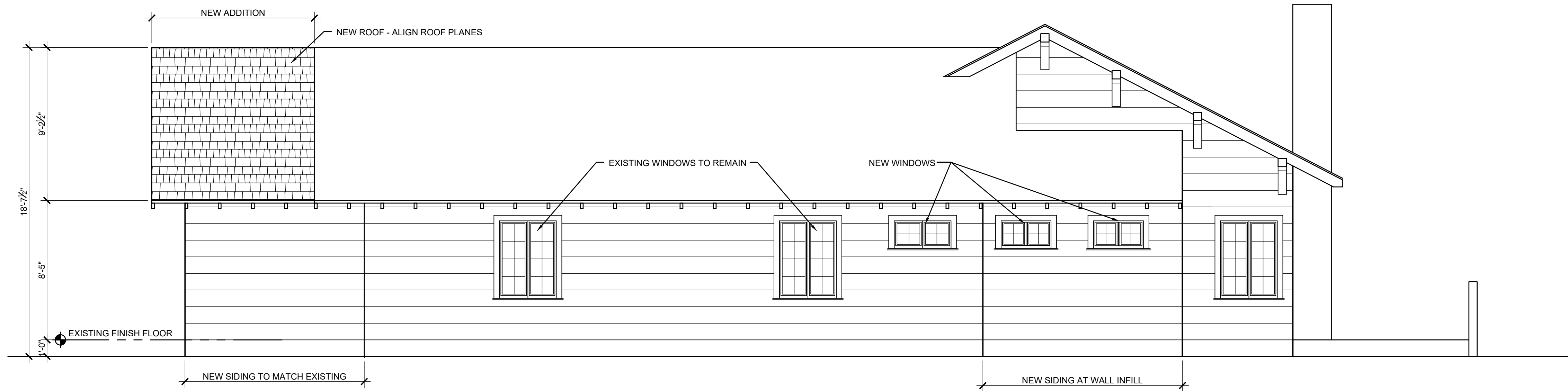


1 EXISTING EAST ELEVATION
SCALE: 1/8" = 1'-0"

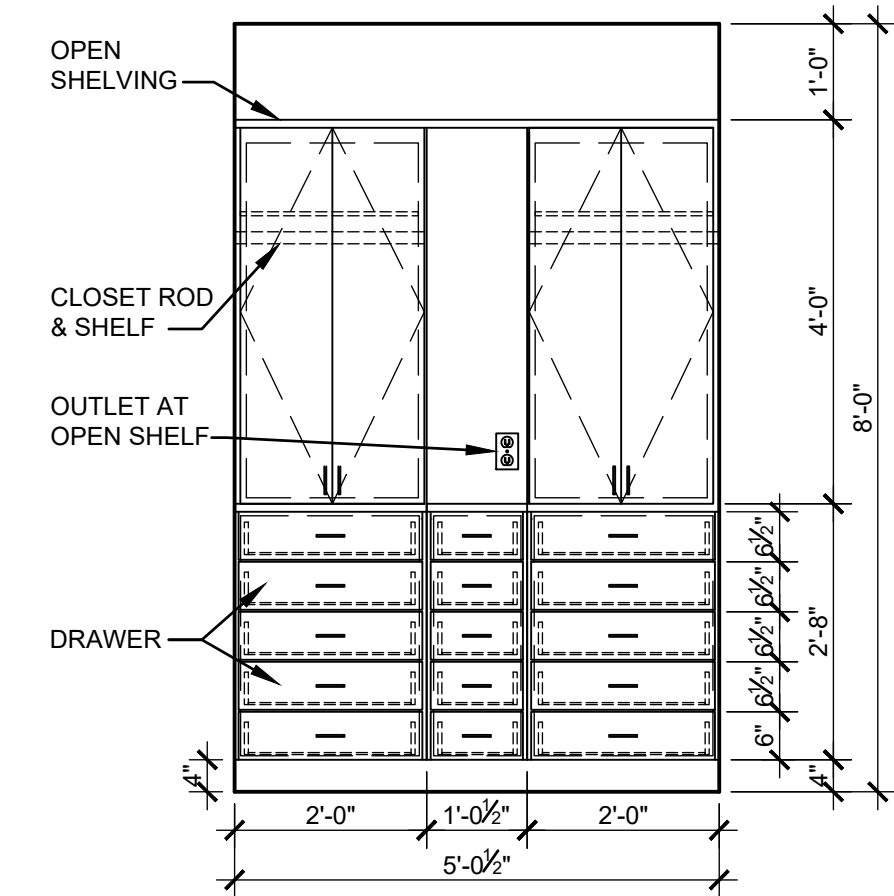
2 EXISTING NORTH ELEVATON
SCALE: 1/8" = 1'-0"



3 NEW SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



4 NEW NORTH ELEVATION
SCALE: 1/4" = 1'-0"



5 BUILT IN CASEWORK
SCALE: 1/2" = 1'-0"

EXTERIOR ELEVATIONS
CASEWORK ELEVATION
PROJECT
SALEM FIRST BAPTIST CHURCH
SEAKREST LODGE
116 NW GILBERT WAY
NEWPORT, OR 97365

DATE: 5-22-2022

PROJECT #:

DRAWN BY: MRB

CHECKED BY:

REVISIONS:

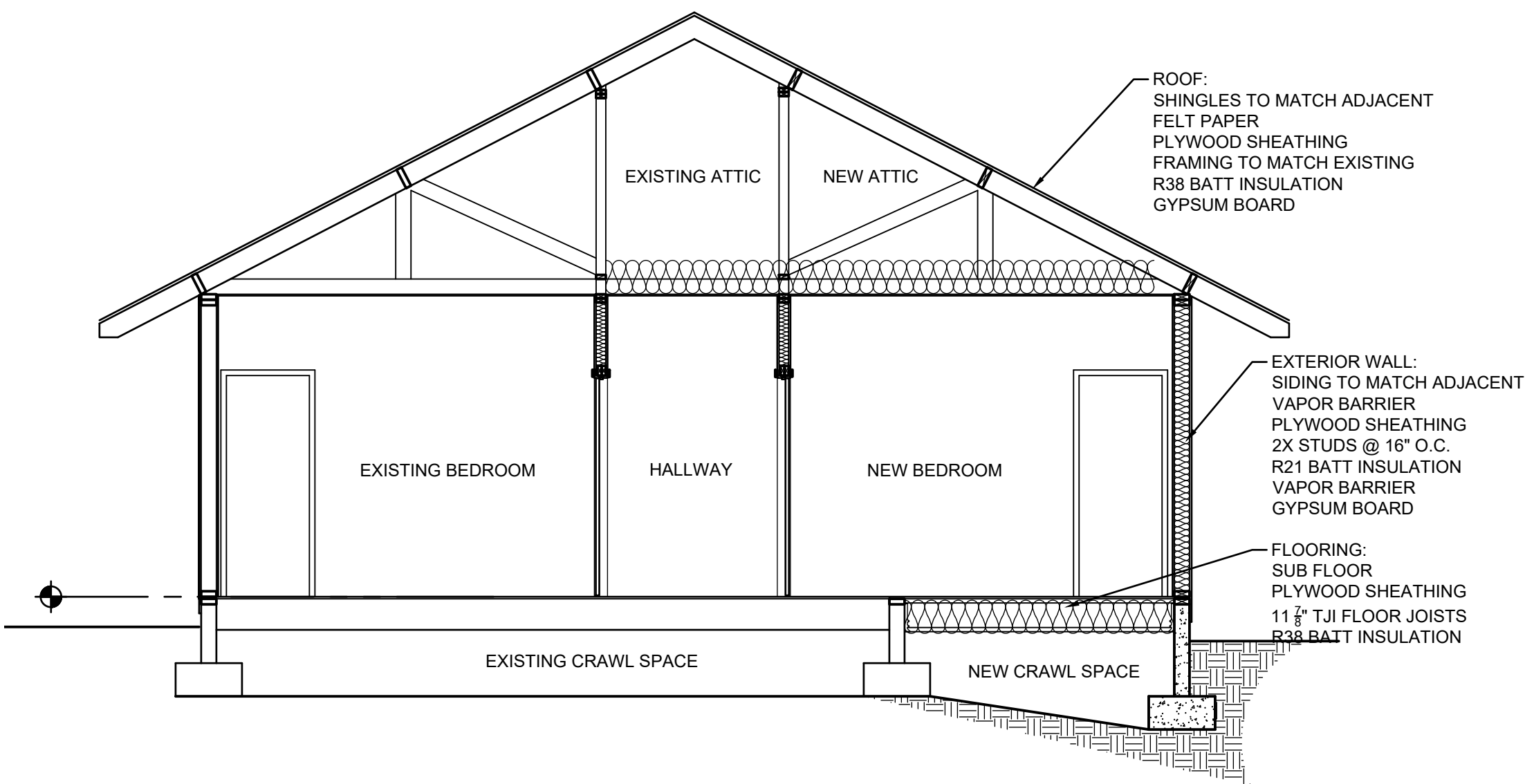
- 1
- 2
- 3
- 4

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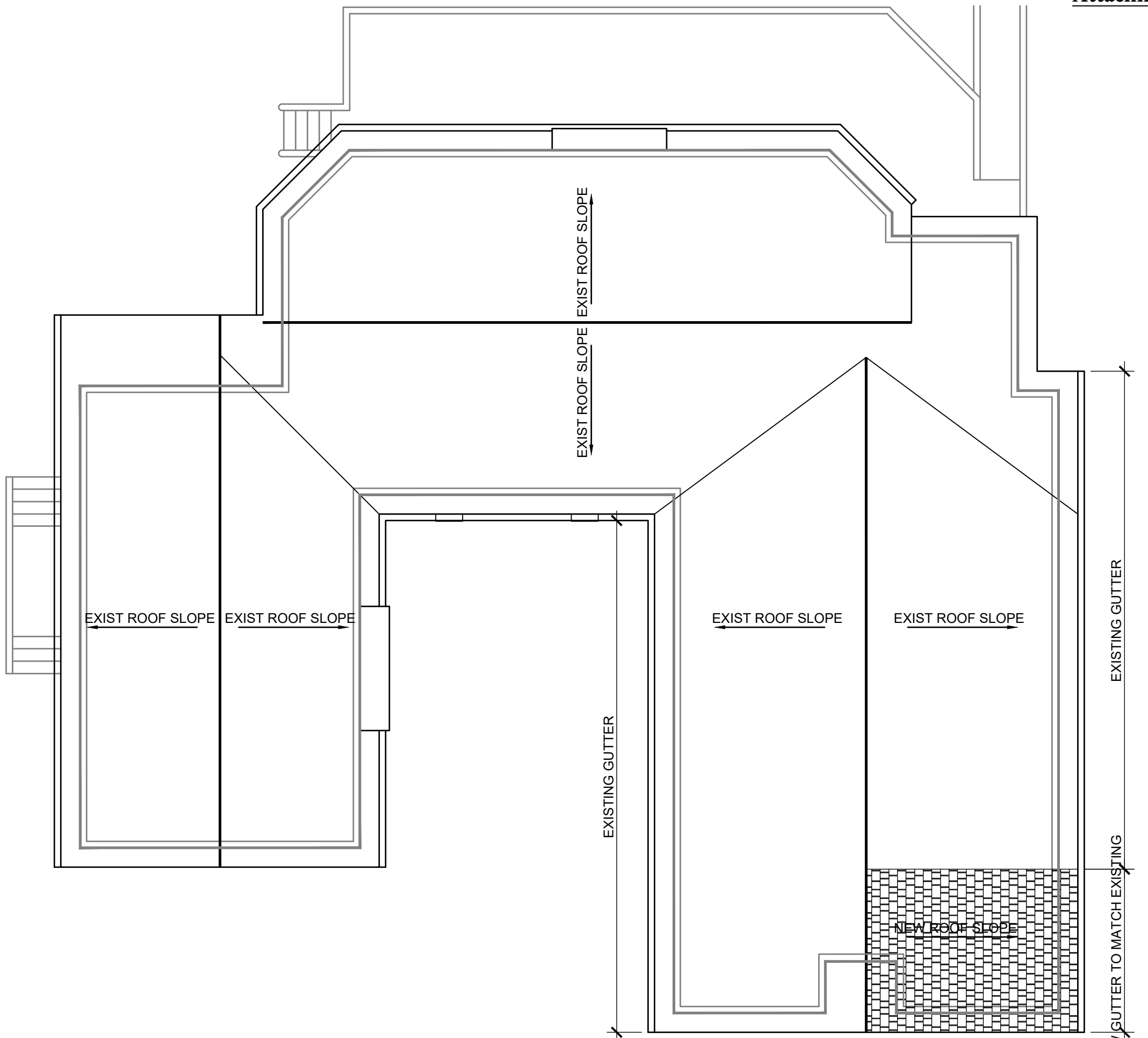
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A-104

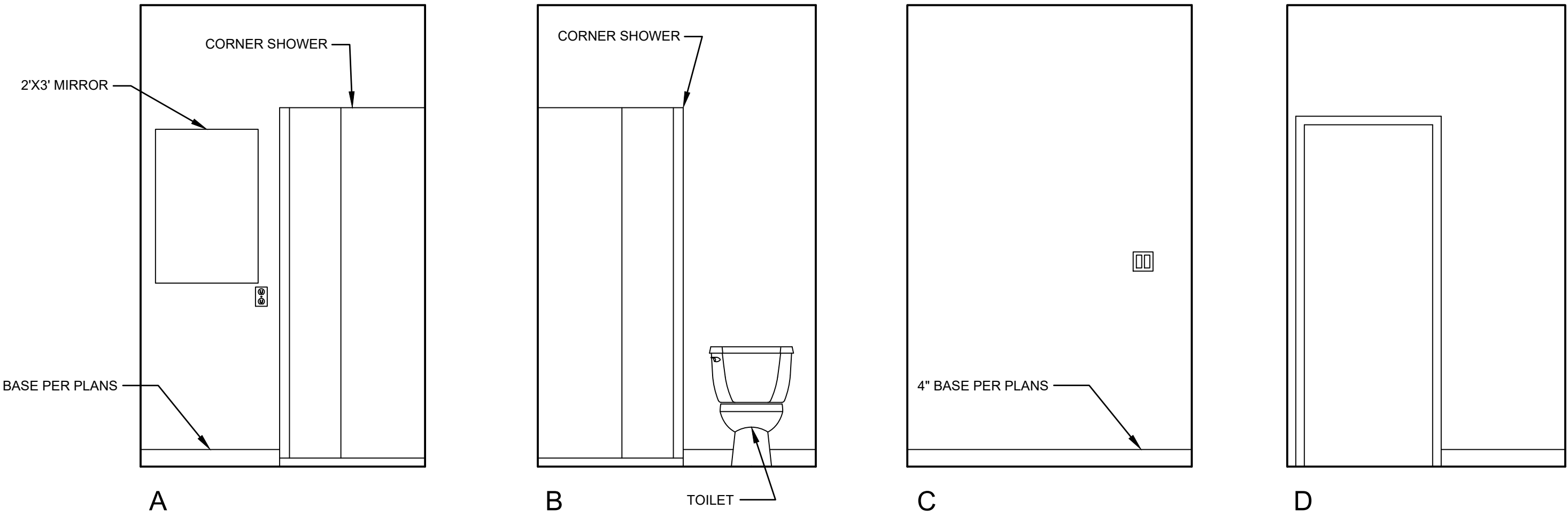
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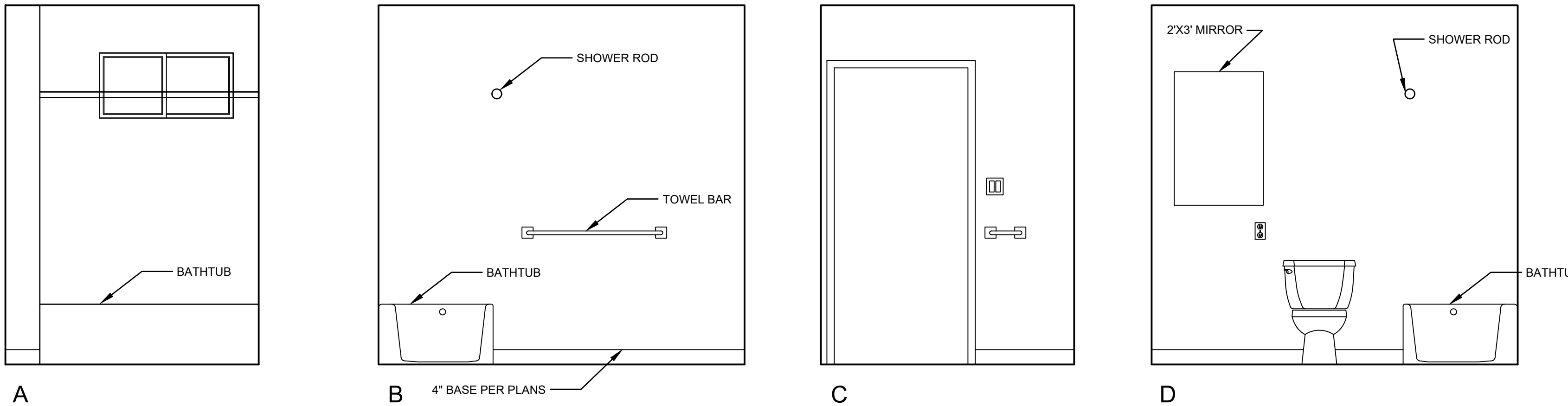
1 BUILDING SECTION
SCALE: 1/4" = 1'-0"



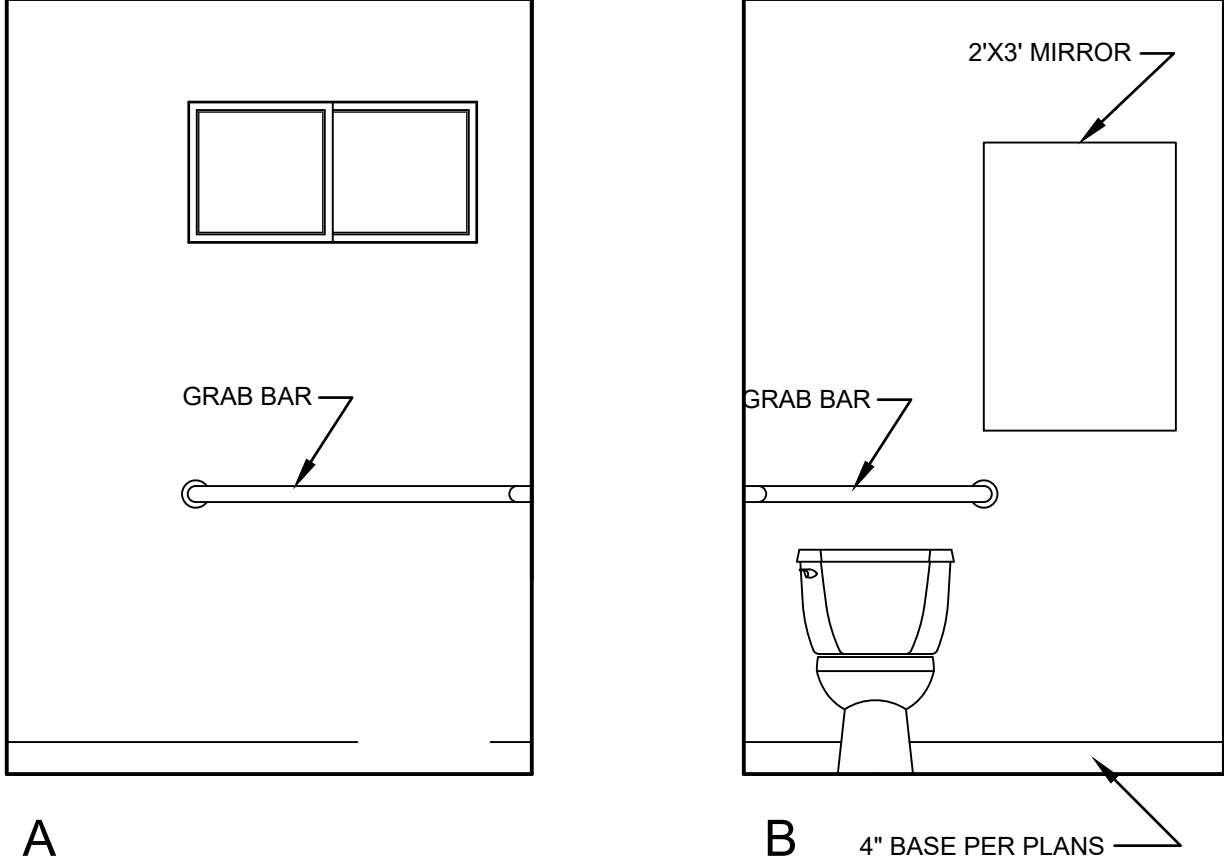
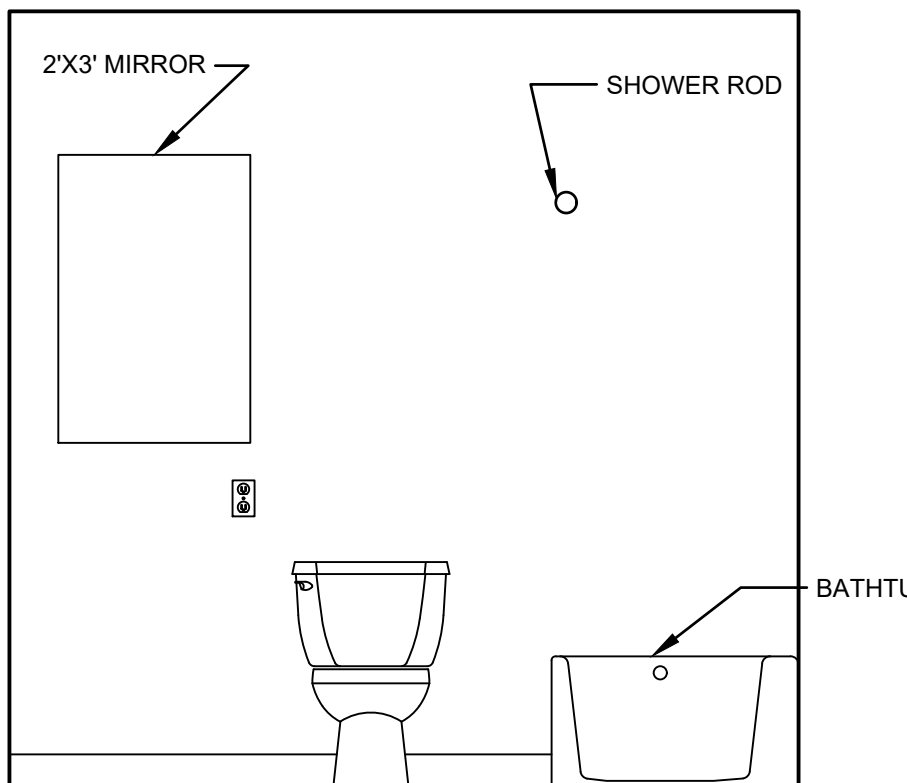
6 ROOF PLAN
SCALE: 1/8" = 1'-0"



2 RESTROOM ELEVATIONS
SCALE: 1/2" = 1'-0"



4 RESTROOM ELEVATION
SCALE: 1/2" = 1'-0"

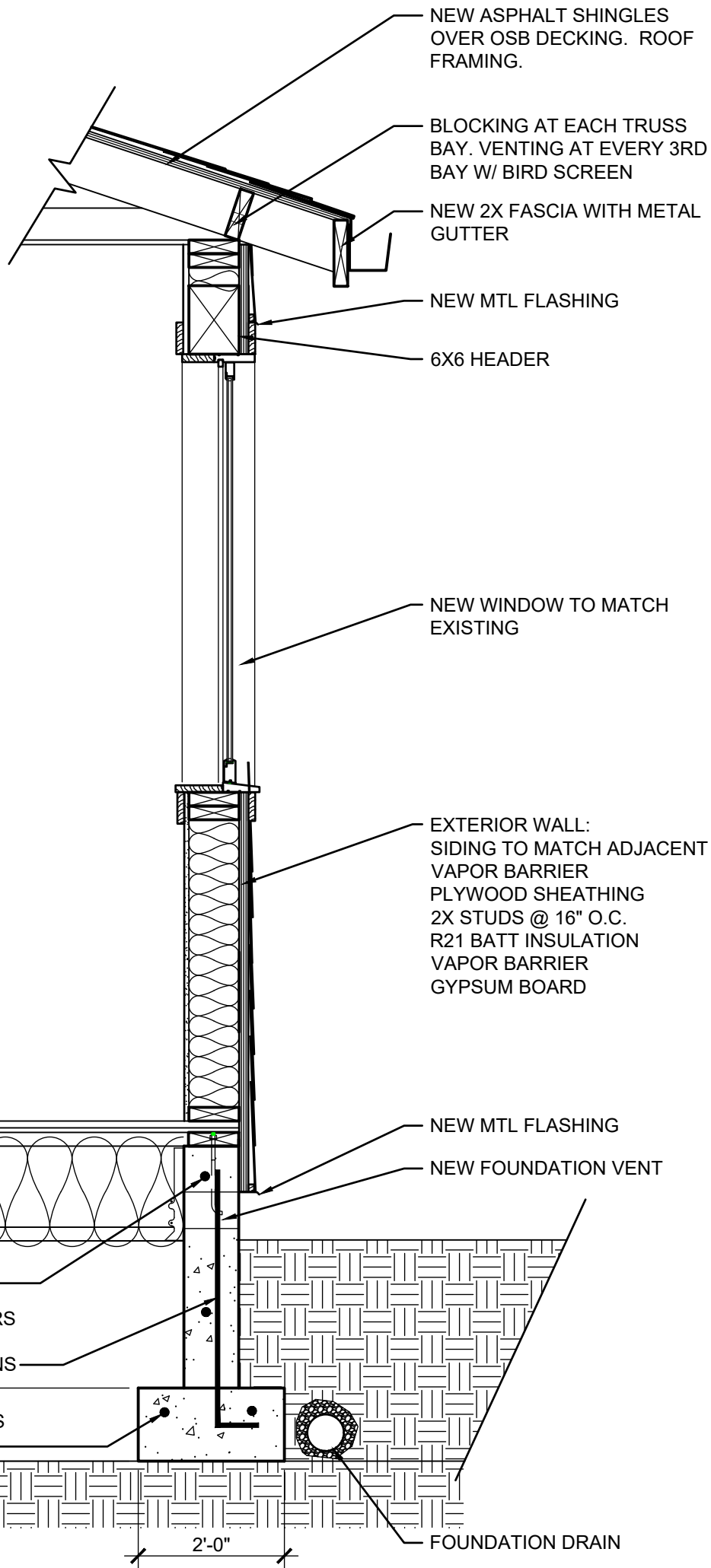


5 RESTROOM ELEVATIONS
SCALE: 1/2" = 1'-0"

GENERAL NOTES:

NOT ALL NOTES MAY BE ASSOCIATED WITH THIS PAGE

1. EXISTING ELECTRICAL PANEL TO REMAIN. REPLACE ALL WIRING IN NEW REMODELED AREA PER CODE.
2. REMOVE AND REPLACE ALL LIGHT FIXTURES IN REMODELED AREA PER REFLECTED CEILING PLAN.
3. ALL INTERIOR WALLS AT RESTROOMS TO HAVE ACOUSTIC INSULATION IN WALLS.
4. 5/8" GYPSUM BOARD CEILING, TEXTURED AND PAINTED.
5. ALL ELECTRICAL ITEMS TO BE DESIGN BUILD BY SUBCONTRACTOR.
6. ALL EXHAUST FAN TO BE VENTED THROUGH ROOF.
7. PROVIDE ELECTRICAL OUTLETS PER CODE.



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

SECTIONS
INTERIOR ELEVATIONS

PROJECT
SALEM FIRST BAPTIST CHURCH
SEAKREST LODGE
116 NW GILBERT WAY
NEWPORT, OR 97365

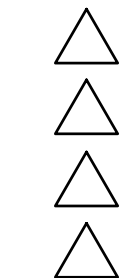
DATE: 5-22-2022

PROJECT #:

DRAWN BY: MRB

CHECKED BY:

REVISIONS:

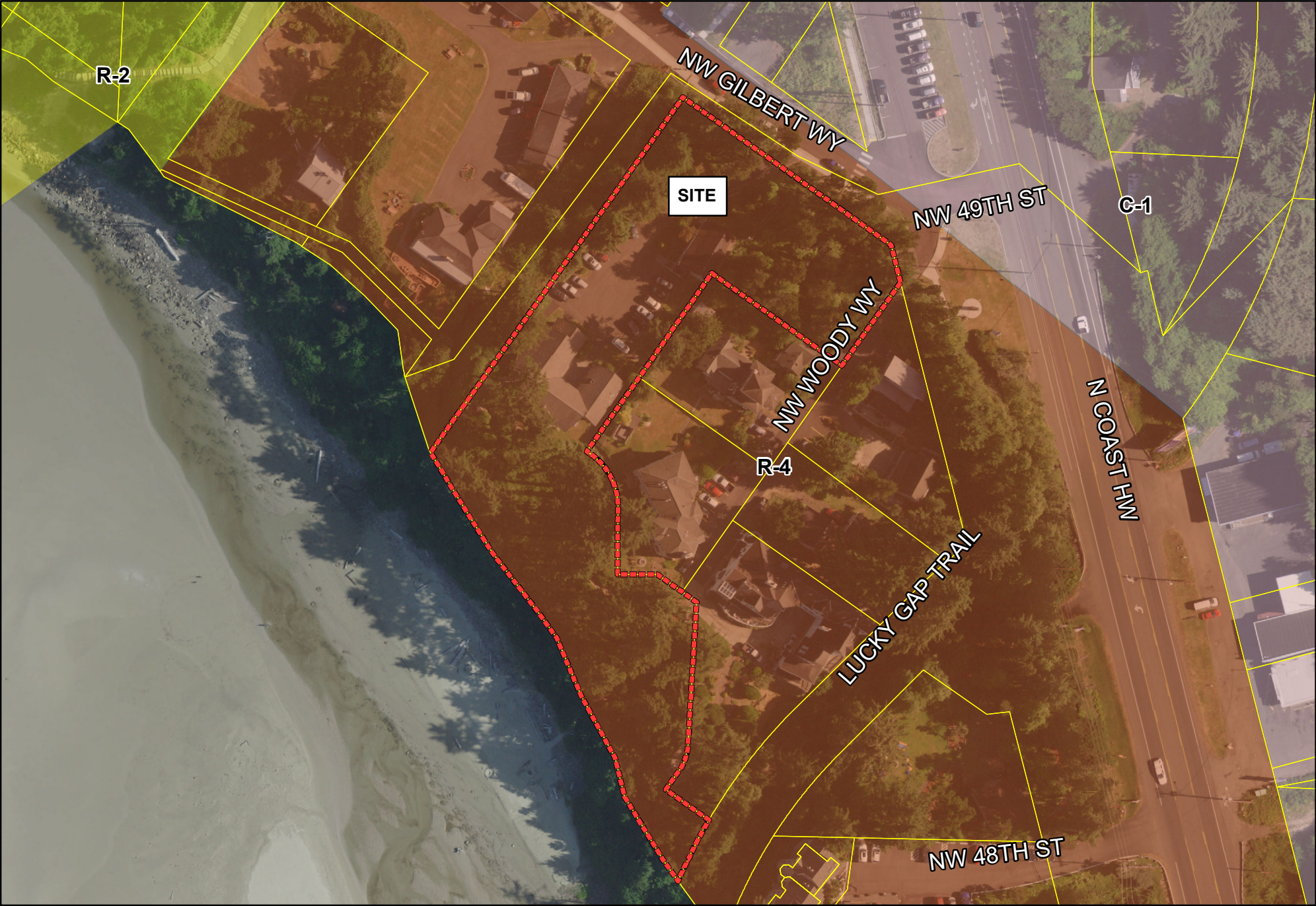


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SHEET:

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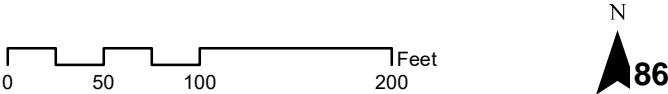
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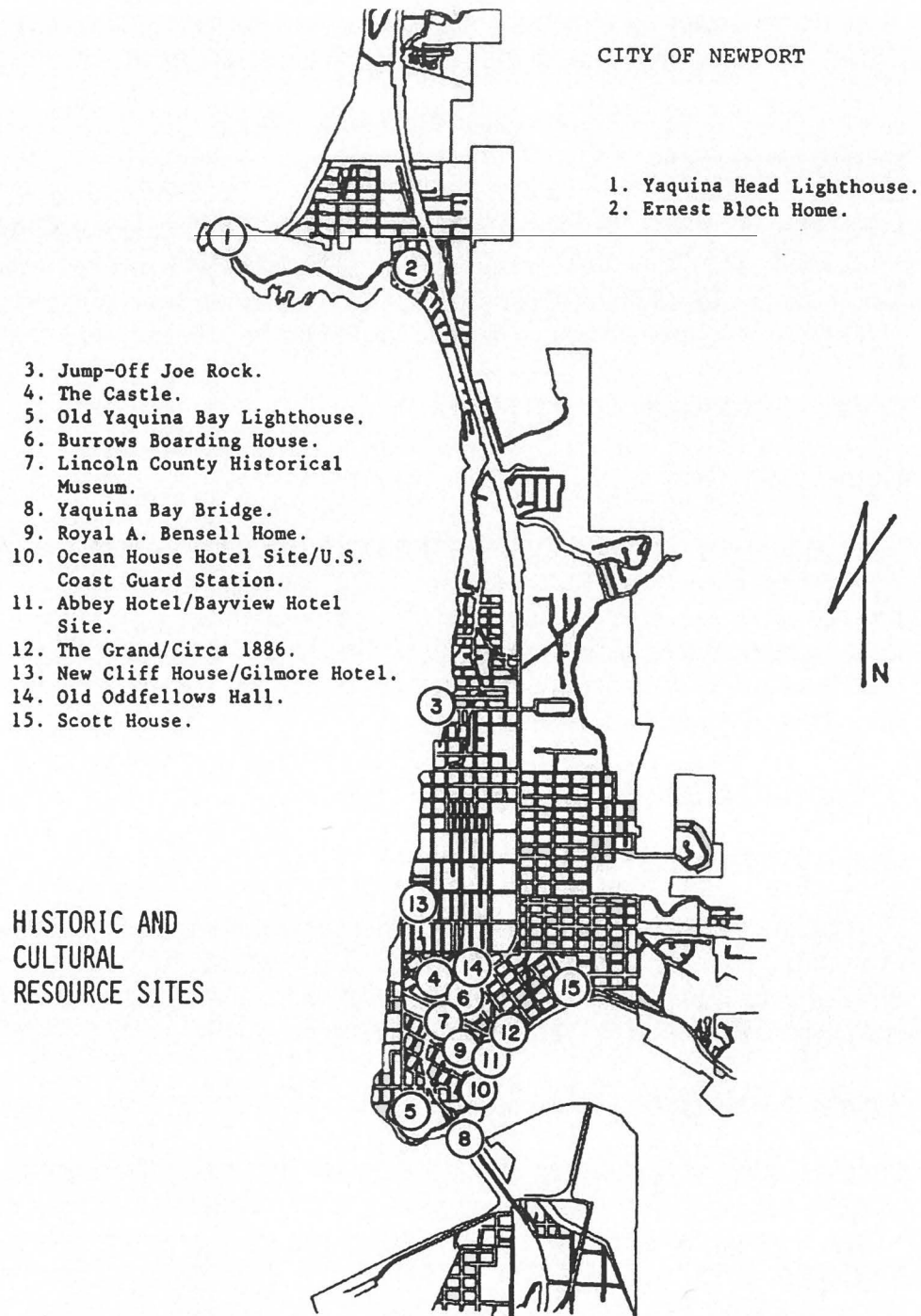
City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365
Phone: 1.541.574.0629
Fax: 1.541.574.0644

116 NW Gilbert Way
Zoning Map

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.



Page 15. CITY OF NEWPORT COMPREHENSIVE PLAN: History.

the preservation effort. Any modification or alteration to the lighthouse or the site shall be reviewed by the Planning Commission to assure the maintenance of its historic value consistent with the provisions contained in the City of Newport Zoning Ordinance.

2.) Ernest Bloch Home:

Ernest Bloch, a well-known composer and orchestra conductor, occupied this house from 1941 until 1959. It has been classified as being of historical importance to the nation by the OCZMA, and a bronze plaque mounted on a boulder located at the junction of Yaquina Head Lighthouse and Highway 101 marks the site.

Owner: First Baptist Church of Salem.

Current Use: None.

Conflicting Use: Zoned for retail commercial uses, there could be negative results for the site if development pressures become too great. If retail commercial uses are not allowed, unfavorable economic consequences could occur. If conflicting uses develop on or near this site, the loss of a cultural resource could be socially detrimental. No energy consequences will occur as a result of either allowing or not allowing the conflicting uses.

Site of Special Historic Significance: Yes.

Building of Special Historic Significance: Yes.

Conclusion: Both the site and the Bloch Home have significance such that the Planning Commission shall review any proposal for modification or alteration to the structure to assure the maintenance of its historic value consistent with the provisions contained in the Zoning Ordinance.

3.) Jump-Off Joe Rock:

Located north of Nye Creek off Coast Street, this large Nye Sandstone formation has eroded over the years to a small sea stack. Legend attributes the name to an Indian named Joseph who was chased to the site by men and was advised by a Siletz woman to "Jump off, Joe", which he did. OCZMA classifies the site as being of importance to Lincoln County, and the Lincoln County Historical Society distinguishes the site with both a marker and being shown on their map.

The Jump-Off Joe landslide area is an example of a detached mass sliding on a seaward-dipping bedding plane. Both north and south of Jump-Off Joe the heads of slides have moved

Ernest Bloch House (Newport)

By Cara Kaser

Perched on a high bluff in Newport overlooking Agate Beach and the Pacific Ocean, stands an Arts-and-Crafts, Rustic-style house that was home to composer Ernest Bloch from 1941 to 1959. Built in 1914 for the Asahel Bush family of Salem, the single-story, low-pitched, gabled-roof house was constructed of old-growth fir. Large fir trees and dense vegetation surround the house, and smooth beach rock was used to construct the exterior fireplaces. The original cedar-shake siding, paired multi-pane casement windows, and knee-bracing fit the rugged coastal environment.

The U-shaped plan of the house, deceptively large at nearly 2,800 square feet, consists of a main room, a bedroom wing, and a kitchen wing. Most of the interior rooms have single- and double-thick fir board-and-batten walls, tongue-and-groove floors, and elaborate built-in vanities and dressers. Bloch apparently replaced some ocean-facing multi-pane casement windows with large picture windows during the 1940s or 1950s.

A smaller building constructed in the same style and materials is located just to the northeast of the main house. Although originally used as a carriage house or garage, Bloch transformed the upstairs of the building into his studio. He walked to Agate Beach along a 300-foot-long trail that begins behind the main house.

After Bloch's death in 1959, his wife Marguerite lived in the house until her death in 1963. Soon after, the house was sold to Salem First Baptist Church, its present owner. While a few alterations have been made to the house, including the replacement of the main fireplace, much of it remains unchanged. On February 2, 2009, the National Park Service declared the house nationally significant because of its association with Bloch.

Sources

Geltner, Frank, ed., and Nancy Steinberg. *Ernest Bloch Legacy Project: Composer in Nature's University*. Oregon Coast Council for the Arts/Ernest Bloch Legacy Project, April 2008.

The Oregon Encyclopedia

https://www.oregonencyclopedia.org/articles/ernest_bloch_house/

**CITY OF NEWPORT
PUBLIC NOTICE¹**

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

File No. 3-CUP-22:

Applicants & Owners: First Baptist Church of Salem (Steve Hunter, representative).

Request: Approval of a request per Chapter 14.23.010 "Historic Building and Sites" for alterations to a historic building (Ernest Bloch Home) for an interior remodel and addition of a dining area, bedroom, and decks to the existing structure.

Location/Subject Property: 116 NW Gilbert Way, Newport, OR 97365 (Assessor's Map 10-11-29-CA, Tax Lot 3200).

Applicable Criteria: NMC Chapter 14.23.040: (1) No changes shall be made if the Planning Commission determines that such changes would detract from or destroy historic buildings or architectural features of a building determined to be of substantial and significant architectural importance. NMC Chapter 14.34.050: (A) The public facilities can adequately accommodate the proposed use; B) the request complies with the requirements of the underlying zone or overlay zone; C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. For the purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality; and D) a proposed building or building modification is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

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

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

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

Time/Place of Hearing: Monday, November 14, 2022; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

MAILED: October 17, 2022.

PUBLISHED: November 4, 2022 & November 9, 2022 / News-Times.

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

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 50 100 150 200 Feet

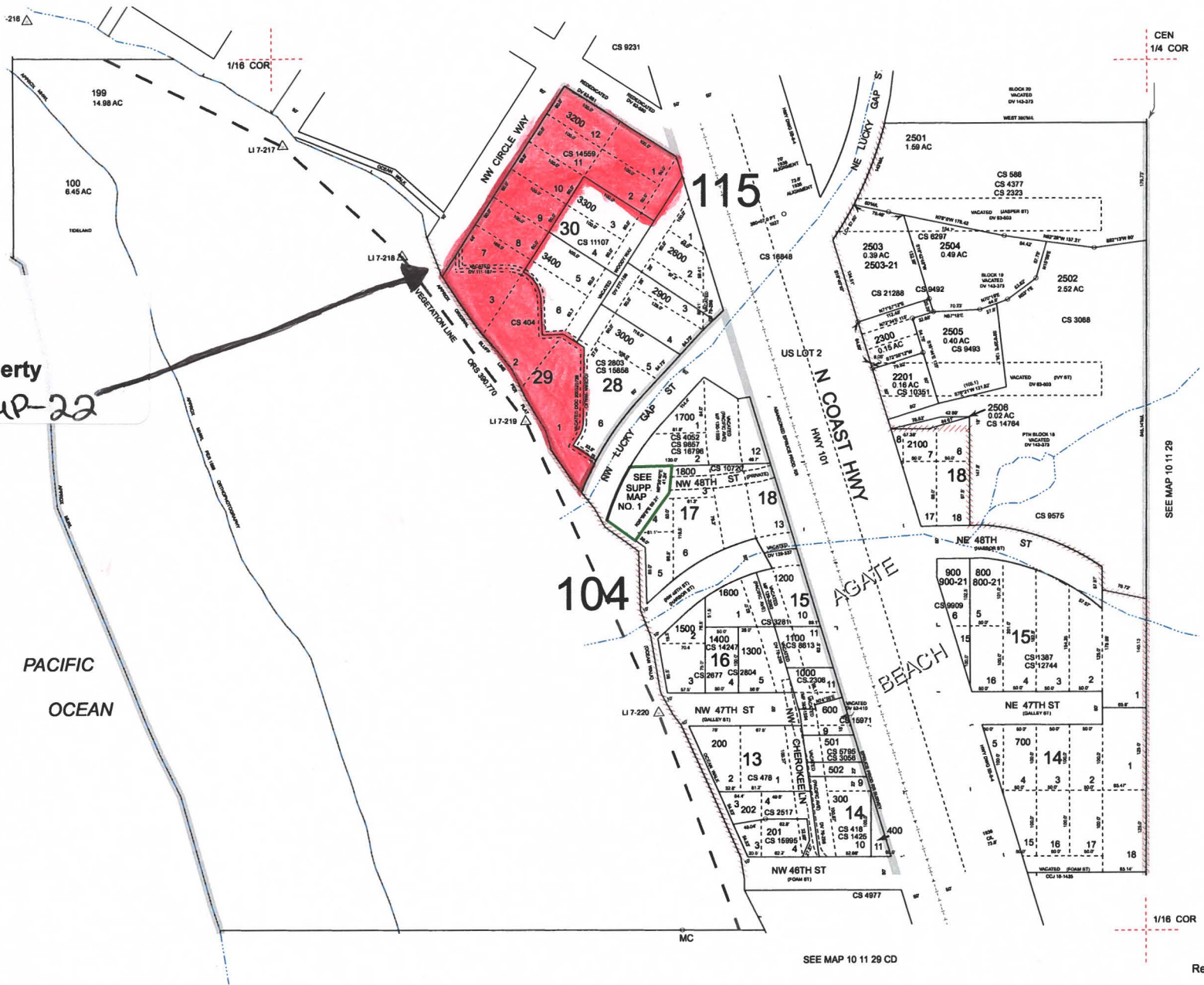
N.E. 1/4 S.W. 1/4 SEC. 29 T. 10S. R. 11W. W.M.
LINCOLN COUNTY
1" = 100'

SEE MAP 10 11 29 BD

10 11 29 CA
NEWPORT

Cancelled
500
699
1801
1800
2000
2200
2400
2500
2700
2800
3100

Subject Property
File No. 3-CUP-22



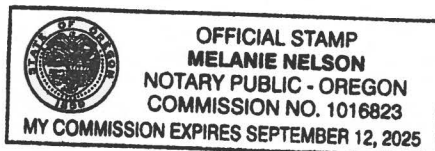
Revised: SAO
11/10/2021

NEWPORT
10 11 29 CA

AFFIDAVIT OF MAILING OF NOTICE OF LAND USE ACTION

File No(s). 3-CUP-22

I, Sherri Marineau, duly appointed Executive Assistant of the City of Newport, do hereby certify that the notice of a land use action attached hereto and by this reference made a part hereof is a true and complete copy of the original of such notice, and that said original was deposited in the United States mails at Newport, Oregon, with first-class postage thereon prepaid, addressed to each of the persons owning property and entitled to receiving notice, as said persons are named in Exhibit "A", attached hereto and by this reference made a part of hereof, at the last known address of each person as shown by the records of the Lincoln County Assessor at Newport, Oregon, on the *17th* day of *October*, 2022.



Sherri Marineau

Sherri Marineau
Executive Assistant

STATE OF OREGON)
)ss.
County of Lincoln)

SUBSCRIBED AND SWORN to before me this 17 day of October, 2022.

Melanie Nelson

Notary Public of Oregon
My Commission Expires: 9/12/25

AGATE BEACH LLC
104 NW FRANKLIN
BEND,OR 97701

ATKINSON KATHLEEN M TSTEE &
ATKINSON KATHLEEN M TSTEE &
ATKINSON NIEL B JR
140 NW 48TH ST
NEWPORT,OR 97365

BAIN WILLIAM D & CATHERINE J
4910 NW WOODY WAY
NEWPORT,OR 97365

CAWRSE JOHN T & CAWRSE AMY K
PO BOX 297
BEND,OR 97709

COASTAL INVESTMENT PROP LLC
5111 N COAST HWY
NEWPORT,OR 97365

FIRST BAPTIST CHURCH
OF SALEM
ATTN; STEVE HUNTER
395 MARION ST NE
SALEM,OR 97301

HYLAND DAVID V II
PO BOX 2152
SISTERS,OR 97759

LINCOLN COUNTY
880 NE 7TH ST
NEWPORT,OR 97365

NAU DENISE
180 NW GILBERT WAY
UNIT C
NEWPORT,OR 97365

NEWPORT PROPERTY INVESTMENT
LLC
1901 MAIN AVE N
TILLAMOOK,OR 97141

NYE HOTEL LLC
13635 NW CORNELL RD
PORTLAND,OR 97229

RAIRIGH DON P & RAIRIGH LEONA S
28145 E HWY 20
BEND,OR 97701

SCHROEDER SKY & SCHROEDER
OLIVIA
4915 NW WOODY WAY
NEWPORT,OR 97365

STARFISH POINT CONDOMINIUM
ASSOCIATION
140 NW 48TH ST
NEWPORT,OR 97365

STARFISH POINT INC
140 NW 48TH ST
NEWPORT,OR 97365

WILLIAMS KENNETH R & WILLIAMS
DANIELLE C
4925 NW WOODY WAY
NEWPORT,OR 97365

WORRAL ROBERT COTSTEE &
WORRAL POOLE LINDA COTSTEE
60895 JENNINGS RD
BEND,OR 97702

Adjacent Property Owners Within 200 Ft

File No. 3-CUP-22

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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

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

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

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

Joseph Lease
Building Official

Rob Murphy
Fire Chief

Aaron Collett
Public Works

Beth Young
Associate Planner

Jason Malloy
Police Chief

Steve Baugher
Interim Finance Director

Laura Kimberly
Library

Michael Cavanaugh
Parks & Rec

Spencer Nebel
City Manager

Clare Paul
Public Works

Derrick Tokos
Community Development

David Powell
Public Works

Lance Vanderbeck
Airport

EXHIBIT 'A'
(Affected Agencies)

(3-CUP-22)

NOTICE OF PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, November 14, 2022, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 3-CUP-22, a request submitted by First Baptist Church of Salem (Steve Hunter, representative) per NMC Chapter 14.23.010 "Historic Building and Sites" for alterations to a historic building (Ernest Bloch Home) for an interior remodel and addition of a dining area, bedroom, and decks to the existing structure. The property is located at 116 NW Gilbert Way, Newport, OR 97365 (Assessor's Map 10-11-29-CA, Tax Lot 3200). The applicable criteria per NMC Chapter 14.23.040: (1) No changes shall be made if the Planning Commission determines that such changes would detract from or destroy historic buildings or architectural features of a building determined to be of substantial and significant architectural importance. The applicable criteria per NMC Chapter 14.34.050: (A) The public facilities can adequately accommodate the proposed use; B) the request complies with the requirements of the underlying zone or overlay zone; C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. For the purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality; and D) a proposed building or building modification is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon, 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626; d.tokos@newportoregon.gov (mailing address above).

(FOR PUBLICATION ONCE ON Friday, November 4, 2022 & Wednesday, November 9, 2022)

PUBLIC NOTICES

11/4/22

LEGAL DEADLINES:

Wednesday Edition:
5:00pm Thursday PRIOR

Friday Edition:
5:00pm Monday PRIOR

NOTICE OF PUBLIC HEARING

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of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department (address below) 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 from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, 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). N4, N9 44-09

SELF STORAGE PUBLIC SALE

Safe-Lock Storage 3639 SE Ash St South Beach, Oregon 97366. Saturday 10/22/2022 at 10:00am D29 Lucy Keith; F19 Kelly Hauser; S21 Raymond Kennedy JR. Sale Subject to Cancellation. Safe-Lock Storage reserves the Right to refuse any and all bids. N04, N11 65-11

ADVERTISEMENT FOR BIDS

Sealed Bids for the Lincoln City Cultural Center Site Improvements will be received by Alan Hozapfel at Lincoln City Cultural Center, 540 NE Highway 101, Lincoln City, OR 97367 until 2:00 PM local time on December 6th, at which time the Bids received will be publicly opened and read. No bids will be accepted after this time. All bids must be hand delivered to this address. The Project is for construction

of: Parking, driveway, pedestrian, storm, and landscape improvements at the Lincoln City Cultural Center site. This will consist of curbing, sidewalks, a driveway with pedestrian ramps, infiltration trench, aggregate base, HMAC pavement, striping, and extensive landscape improvements and artistic paving as detailed in the bid form. The Issuing Office for the Bidding Documents is: Civil West Engineering Services; Kevin Shreeve, PE. Bidding Documents may be viewed at www.questcdn.com, and at the Lincoln City Cultural Center. To be qualified to submit a Bid the Contractor must obtain the bidding documents at www.questcdn.com, QuestCDN Project No. 8330059. All pre-bid questions and responses will be posted on QuestCDN. A non-mandatory pre-bid conference will be held at 2:00 PM local time November 22nd at Lincoln City Cultural Center. This contract is subject to ORS 279C.800 to 279C.870 regarding prevailing wage rates. Owner reserves the right to reject all bids, and to waive any technicalities or informalities in connection with the bids. No Bidder may withdraw their bid until thirty (30) days after the bid opening. By order of: Lincoln City Cultural Center Published: Newport News Times, Newport, OR Friday November the 4th, and Wednesday the 16th, 2022. DJC, Portland, OR Friday November the 4th, and Wednesday the 16th, 2022. N04, N16 64-16

SUMMONS IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LINCOLN COUNTY

Case No. 22CV31219 WILLIAM J. LUND; and ALSO ALL OTHER PERSONS OR PARTIES UNKNOWN claiming any right, title, claim, estate, lien, or interest in the property described in the Complaint herein. To: ALL OTHER PERSONS OR PARTIES UNKNOWN Explanation of the Complaint and Relief Requested. Plaintiffs seek a money judgment against defendant Lund, for the amounts due on a promissory note and foreclosure of a Trust Deed, which granted Plaintiffs, as beneficiaries by assignment, a security interest in certain real property commonly referred to as NW Spring Street (Bare Lots), Newport, Oregon 97365, and more particularly described as PARCEL I: The North Half of Lot 1, and all of Lots 2, 3, 4, and 5, Block 37, OCEANVIEW, in Lincoln County, Oregon. TOGETHER WITH that portion of vacated alley contiguous to and Westerly of said

lots as vacated by Ordinance recorded November 21, 1966 in Book 273, Page 17, Lincoln County Records. EXCEPTING THEREFROM any portion of Northwest 14th Street vacated by Ordinance recorded November 21, 1966 in Book 273, Page 17, Lincoln County Records. PARCEL II: Beginning at the Northeast corner of Lot 5, Block 37, OCEANVIEW, as shown on the original plat recorded April 5, 1884 in Plat Book 1, page 19, Lincoln County Records; thence North 60 feet to the Southeast corner of Block 48 of said plat; thence West on the South line of said Block 48 to the mean high tide line of the Pacific Ocean; thence Southerly along said high tide line to the Northwest corner of said Block 37; thence East on the North line thereof to the point of beginning, being the portion of vacated Northwest 14th Street, former Rock Street in said plat, vacated by vacation recorded November 21, 1966 in Book 273, page 17, Deed Records. EXCEPTING THEREFROM that portion of vacated Northwest 14th Street that inured to Block 36, OCEANVIEW, in Lincoln County, Oregon, vacated by Ordinance recorded November 21, 1966 in Book 273, Page 17, Lincoln County Records, in the Complaint (the "Property"). The relief requested may impact the rights and interests of third parties who are presently unknown (the "Unknown Parties"), who are joined in this case pursuant to ORCP 20 J. Because of the possible adverse effect of this lawsuit, notice is being given, and the Unknown Parties are being given the opportunity to appear in the case and present their claims and defenses to the relief requested by Plaintiffs. Plaintiffs seek (1) a money judgment be awarded against Lund in the amount of \$919,304.53, and for additional sums that may be awarded to Plaintiffs, together with post-judgment interest from the date of entry until paid, and (2) a declaration that the lien of Plaintiffs' Trust Deed is prior in time, right, title, and interest to any interest in the Property of Defendants, and forever foreclosing all right, title, lien, claim or interest of Defendants in the Property and declaring any such rights are inferior to Plaintiffs', and foreclosing the lien of the Trust Deed and ordering the sale of the Property by the Sheriff of Lincoln County, in the manner prescribed by law. Plaintiffs are seeking a deficiency judgment against Lund. 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 case within 30 days from the first date of publication of this summons, and if you fail to do so, answer, for want thereof, the Plaintiffs will apply to the court for the relief demanded therein. NOTICE TO DEFENDANTS: READ THESE PAPERS CAREFULLY! You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 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 Plaintiffs' attorney or, if the Plaintiffs do not have an attorney, proof of service on the Plaintiffs. The date of first publication is November 4, 2022. If you have 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 or toll-free elsewhere in Oregon at 800-452-7636. WATKINSON, LAIRD, RUBENSTEIN, P.C., Of Attorneys for Plaintiffs, Julia I. Manela, OSB No. 023771, Email: jmanela@wrlaw.com, 1203 Willamette Street, Ste 200, PO Box 10567, Eugene, OR 97440, T: 541-484-2277, F: 541-484-2282. Trial Attorney: Connor D. King, OSB No. 193945, Email: cking@wrlaw.com N04, N11, N18, N25 63-25

PUBLIC SALE

The following storage units will be sold at public auction on Saturday, November 19, 2022 at 11:00 AM for non-payment of rent and other fees. Auction is pursuant to Auction Rules and Procedures of Lincoln Storage 4809 S Coast Hwy South Beach, OR 97366 541-867-6550. Rules are available upon inquiry. Unit 358 Krystal Bolden N02, N04, N09, N11 58-11

NOTICE OF ABANDONED PROPERTY

Mobile Home Located at: 724 SW Ferry Ave, Siletz, OR 97380 #30. Manufacturer: Unknown, ID# 162174, X# 77286, M204245, Year: 1973. Owner on record: Carrie Hawkins. If there will be a sale specify whether it will be: No Sale. 1.) If you intend to reside in the home located in Siletz Mobile Home Park you must first qualify as a tenant. 2.) No subleasing. 3.) If you intend to remove the home from the park this must be done within 14 days of bid approval. Contact information:

Dawn Newton (541) 563-6868 O28 N04, N11 56-11

NOTICE OF ABANDONED PROPERTY

Mobile Home Located at: 724 SW Ferry Ave, Siletz, OR, 97380 #55. Manufacturer: Unknown, ID# 218723, X#151840, M#368775, Year: 1968. Owner on record: Mary Dedrick. If there will be a sale specify whether it will be: Sealed bid, PO Box 696, Waldport, OR 97394. 1.) If you intend to reside in the home located in Siletz Mobile Home Park you must first qualify as a tenant. 2.) No subleasing. 3.) If you intend to remove the home from the park this must be done within 14 days of bid approval. Contact information: Dawn Newton (541) 563-6868 O28, N04, N11 55-11

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a de novo public hearing on Monday, November 14, 2022, at 7:00 p.m. in the City Hall Council Chambers to consider **File No. 2-CUP-22-A**, a request submitted by Zachary Dablow, P.C., attorney at law, representative (Ty Hildebrand, K & B Investments, LLC, applicant/property owner), for an appeal of the Community Development Director's decision denying a Conditional Use Permit Application (File No. 2-CUP-22). The appeal challenges the Community Development Director's denial of a request per Section 14.03.070/"Commercial and Industrial Uses" of the Newport Zoning Ordinance, for a conditional use permit to allow the operation of a real estate office in a C-2/"Tourist Commercial" zone for which personal service oriented retail sales and services are a conditional use. The property is located at 316 NW Coast St, Newport, OR 97365 (Lincoln County Assessor's Map 11-11-05-CC; Tax Lot 80001). The applicable criteria per NMC Chapter 14.34.050: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings

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11/9/2022

LEGAL DEADLINES:

**Wednesday Edition:
5:00pm Thursday PRIOR**

**Friday Edition:
5:00pm Monday PRIOR**

NOTICE OF PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, November 14, 2022, at 7:00 p.m. in the City Hall Council Chambers to consider **File No. 3-CUP-22**, a request submitted by First Baptist Church of Salem (Steve Hunter, representative) per NMC Chapter 14.23.010 "Historic Building and Sites" for alterations to a historic building (Ernest Bloch Home) for an interior remodel and addition of a dining area, bedroom, and decks to the existing structure. The property is located at 116 NW Gilbert Way, Newport, OR 97365 (Assessor's Map 10-11-29-CA, Tax Lot 3200). The applicable criteria per NMC Chapter 14.23.040: (1) No changes shall be made if the Planning Commission determines that such changes would detract from or destroy historic buildings or architectural features of a building determined to be of substantial and significant architectural importance. The applicable criteria per NMC Chapter 14.34.050: (A) The public facilities can adequately accommodate the proposed use; B) the request complies with the requirements of the underlying zone or overlay zone; C) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. For the purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality; and D) a proposed building or building modification is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the

public hearing. Letters sent to the Community Development (Planning) Department (address below) must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, 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). N4, N9 44-09

PERSUENT TO ORS CHAPTER 819

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 11/22/2022. The sale will be held at 10:00am by CAR CARE TOW PRO INC, 2795 SE 23RD DR, LINCIN CITY, OR. 2020 DODGE CHA VIN=2C3CDZC99LH230303 Amount due on lien \$6224.00. Reputed owner(s) STRICKER, JACOB DAVID, TOYOTA MOTOR CREDIT CORP. N09, N16 70-16

PUBLIC AUCTION

Public Auction will be held at Rosie's Self Storage Center located at 4030 N Hwy 101 Depoe Bay Oregon 97341 on November 22nd at 1 pm. 7 storage units will be auctioned; unit 39 occupied by Aiden Dempsey, unit 130 occupied by Earl Brockett, unit 19 occupied by Linda Gibbs, unit 99 occupied by Ashley Banks, unit 124 occupied by Glen Pence, unit 136 occupied by

Darlene Marie and unit 20 occupied by Ronda Gaughan. Cash only, no pre-sales, all sold units must be vacated immediately and no later than 4pm the day of the sale. For info, please call (877) 570-5583. N09, N16 69-16

TRUSTEE'S NOTICE OF SALE

The trust deed to be foreclosed pursuant to Oregon law is referred to as follows ("Trust Deed"): Grantor: Jason John Anderson Trustee: Western Title & Escrow Beneficiary: Advantis Credit Union Date: January 10, 2020 Recording Date: January 10, 2020 Recording Reference: 2020-00311 County of Recording: Lincoln County TRUSTEE: The Successor Trustee is Miles D. Monson and the mailing address of the Successor Trustee is: Miles D. Monson, "TRUSTEE", MONSON LAW OFFICE P.C., 1865 NW 169th Place, Suite 208, Beaverton, Oregon 97006. The Trust Deed covers the following described real property ("Property"); SEE EXHIBIT A Grantor's loan obligation is more than 120 days delinquent. The default for which foreclosure is made is: The Grantor's failure to pay when due the following sums: Two (2) monthly installments of \$1,820.55 and six (6) monthly installments of \$1,820.55, plus late charges of \$571.84, plus advances of \$95.00. The sum owing on the obligation that the Trust Deed secures (the "Obligation") is: \$323,658.15, together with interest of \$7,393.14 through July 20, 2022, plus interest on the sum of \$323,658.15 at the rate of 3.25 percent per annum from and including July 21, 2022 until paid, plus late charges of \$428.88, plus escrow advances of \$337.98, plus other fees of \$76.00, together with Trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the Trust Deed. The Property will be sold to satisfy the Obligation. The date, time and place of the sale is: Date: December 29, 2022 Time: 1:00 P.M. Place: LINCOLN COUNTY COURTHOUSE, OUTSIDE THE PUBLIC ENTRANCE LOCATED ON THE SOUTH SIDE OF THE COURTHOUSE, 225 W OLIVE STREET, IN THE CITY OF NEWPORT, COUNTY OF LINCOLN, AND STATE OF OREGON. Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale. RIGHT TO CURE The right exists under ORS 86.778 to have this foreclosure proceeding dismissed and the

Trust Deed reinstated by doing all of the following at any time that is not later than five days before the date last set for the sale: (1) Paying to the Beneficiary the entire amount then due (other than such portion as would not then be due, had no default occurred); and (2) Curing any other default complained of herein that is capable of being cured by tendering the performance required under the Trust Deed; and (3) Paying all costs and expenses actually incurred in enforcing the Obligation and Trust Deed, together with Trustee's and attorney's fees not exceeding the amounts provided by ORS 86.778. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor or as well as any other person owing an obligation, the performance of which is secured by the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any. We are a debt collector attempting to collect a debt and any information we obtain will be used for that purpose. Cashier's checks for the foreclosure sale must be made payable to Miles D. Monson, Successor Trustee, DATED: August 16, 2022, /s/ Miles D. Monson, Miles D. Monson, Successor Trustee, 1865 NW 169th Place, Suite 208, Beaverton, Oregon 97006 (503) 828-1820 EXHIBIT A Order No.: W0182651 PARCEL I: Lot 3, Block 6, HOLIDAY PARK, County of Lincoln and State of Oregon, according to the official plat thereof recorded January 21, 1947 in Plat Book 8, page 36, Plat Records. PARCEL II: A tract of land location in Government Lot 4, Section 9, Township 8 South, Range 11 West of the Willamette meridian, in Lincoln County, Oregon, described as follows: Beginning at the Northwest corner of Lot 3, Block 6, HOLIDAY PARK, in Lincoln County, Oregon; thence North 88° 31' 52" West, 340 feet, more or less, along the Westerly prolongation of the North line of said Lot 3 to the mean high tide line of the Pacific Ocean; thence Southerly along said high tide line to a point that is on the Westerly prolongation of the South line of said Lot 3; thence South 88° 30' 00" East, 340 feet, more or less, along said Westerly prolongation to the Southwest corner of said Lot 3; thence Northerly along the Westerly line of said Lot 3 to the point of beginning. Publication Dates: N09, N16, N23, N30 68-30

BOARD MEETING NOTICE

A regular hybrid meeting of the Board of Directors of Central Lincoln PUD will be held at 10:00 a.m. on Monday November 14, 2022 at 2129 N. Coast Hwy, Newport. In addition to regular business, the Board will review governance policies, consider

contract awards for all-electric pick-up trucks and substation structural steel, hear from the CEO of NW RiverPartners, a quarterly conservation report and health care costs update from staff, and discuss audit services for FY23, FY24 and FY25. To review the meeting agenda, please go to clpud.org. Customers interested in attending virtually should email info@clpud.org to make a request. N09 67-09

NOTICE

The Housing Authority of Lincoln County has developed its FY 2023 Annual Plan in compliance with the Quality Housing and Work Responsibility Act of 1998. The draft plan will be available for review starting November 15, 2022. The Housing Authority's office is located at 1039 NW Nye Street, Newport, Oregon. A copy is available for review by contacting the office at 541-265-5326, Monday through Thursday 8:30 a.m. to noon and 1:00 - 4:00 p.m. The plan may also be reviewed by visiting our website at www.halc.info. A public hearing will be held, November 22, 2022 at 5:30 pm at the Housing Authority office. Written comments regarding the Plan will be accepted for consideration by the Housing Authority until midnight, November 22, 2021 and may be mailed or emailed to the attention of the Executive Director, krockwell@halc.info, Housing Authority of Lincoln County, P.O. Box 1470, Newport, OR. 97365. N09, N11 66-11

NOTICE TO

INTERESTED PERSONS IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN IN THE MATTER OF THE ESTATE OF KEITH TRENT SHELTON, DECEASED. CASE NO. 22PB09462 NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN THAT RYAN SCOTT WORNER 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 at the address listed below, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the Personal Representative, or the attorney for the Personal Representative, Tyler H. Reid, Attorney at Law. DATED and first published this 2nd day of November, 2022. TYLER H. REID, OSB #124323, Felling & Reid, LLC, Attorney for Personal Representative, 221 Third Avenue SW, Albany, OR 97321, (541) 926-1554. N02, N09, N16 60-16

PUBLIC SALE

The following storage units will be sold at public auction on Saturday,

November 19, 2022 at 11:00 AM for non-payment of rent and other fees. Auction is pursuant to Auction Rules and Procedures of Lincoln Storage 4809 S Coast Hwy South Beach, OR 97366 541-867-6550. Rules are available upon inquiry. Unit 358 Krystal Bolden N02, N04, N09, N11 58-11

LEGAL NOTICE OF BOARD VACANCY

Due to a resignation, a vacancy has been declared for the Subdivision 3 board seat on the Central Lincoln People's Utility District's Board of Directors. This is normally an elected office, but will be a mid-term appointment by the Board of Directors; the current term of which expires December 31, 2024. Eligible candidates, under ORS 261, must be registered voters or capable of being registered voters residing in Subdivision 3: Central Lincoln territory in South Lincoln County and portions of Lane County to wit: Lincoln County Precincts 1-8 which include Waldport, Alsea, Seaview, Yachats, Bayview, Seal Rock and South Beach; and Lane County Precincts 701, 703 and 707 which include the area along Highway 101 from the Lincoln County/Lane County border to the Florence City Limits, Swisshome and Mapleton. Candidates may verify they reside within Subdivision 3 by contacting the Lincoln County Clerk's Office. Candidates also must have resided in Central Lincoln's District continuously for two years or more. Candidates, meeting the above requirements and who desire to serve the public as a Central Lincoln board member, are invited to submit letters of interest and/or resumes to fill the vacancy addressed to the Board, and must be submitted electronically to Board Executive Assistant Sunnetta Capovilla at scapovilla@cencoast.com no later than Tuesday, November 10, 2022. Only electronic submissions will be accepted. Candidates must be available to be interviewed on December 14, 2022 in Newport. It is anticipated the candidate selected could be appointed by Central Lincoln's Board of Directors to fill the vacancy effective January 1, 2023. Central Lincoln is a public organization for community service under ORS Chapter 261, and a governmental entity. Central Lincoln's mission is "to ensure our communities have access to reliable and affordable energy products and services." O26, O28, N2, N4, N9 47-09

NOTICE OF SALE

Pursuant to Oregon Revised Statutes (ORS) 86.752 and ORS 86.771, Traci P. McDowell, Successor Trustee, gives the following notice: Traci P. McDowell, as Successor Trustee under a Deed of Trust dated June 26, 2019, and recorded on July 5, 2019, as document No. 2019-06198, Microfilm Records of Lincoln County, Oregon, hereby gives notice of sale