



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, December 09, 2019 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

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

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

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES
 - 2.A Approval of the Planning Commission Work Session Meeting Minutes of October 28, 2019.
[Draft PC Work Session 10-28-19](#)
 - 2.B Approval of the Planning Commission Regular Session Meeting Minutes of October 28, 2019.
[Draft PC Reg Session 10-28-19](#)
 - 2.C Approval of the Planning Commission Work Session Meeting Minutes of November 12, 2019.
[Draft PC Work Session 11-12-19](#)

3. CITIZENS/PUBLIC COMMENT

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

4. ACTION ITEMS

5. PUBLIC HEARINGS

5.A File No. 2-SV-19: Street Vacation to vacate undeveloped portions of the NE 31st Street right-of-way.

- [2-SV-19 - Memorandum](#)
- [2-SV-19 - Attachment A](#)
- [2-SV-19 - Attachment B](#)
- [2-SV-19 - Attachment C](#)
- [2-SV-19 - Attachment D](#)
- [2-SV-19 - Attachment E](#)
- [2-SV-19 - Attachment F](#)
- [2-SV-19 - Attachment G](#)
- [2-SV-19 - Attachment H](#)
- [2-SV-19 - Attachment I](#)
- [2-SV-19 - Attachment J](#)
- [2-SV-19 - Additional Public Testimony](#)

5.B File No. 5-Z-19: Amendments to Section 14.30.080, Permitted Uses, and Section 14.30.100, Special Zoning Standards in Design Review Districts, to allow residential uses at street grade in C-2 zoned areas within the Historic Nye Beach Design Review District that are north of NW 6th Street and south of NW 2nd Court.

- [5-Z-19 - Memorandum](#)
- [5-Z-19 - Attachment A](#)
- [5-Z-19 - Attachment B](#)
- [5-Z-19 - Attachment C](#)
- [5-Z-19 - Attachment D](#)
- [5-Z-19 - Attachment E](#)
- [5-Z-19 - Attachment F](#)
- [5-Z-19 - Attachment G](#)
- [5-Z-19 - Attachment H](#)
- [5-Z-19 - Attachment I](#)

6. NEW BUSINESS
7. UNFINISHED BUSINESS
8. DIRECTOR COMMENTS
9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
October 28, 2019
6:00 p.m.

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

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

PC Citizens Advisory Committee Members Absent: Greg Sutton.

Public Members Present:

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

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
2. **Unfinished Business.** None were heard.
3. **New Business.**
 - A. **Briefing on OSU MSI Building and Student Housing Project.** Tokos reviewed the PowerPoint presentation he gave at the Oregon Infrastructure Summit on October 21, 2019.

Patrick asked if OSU knew what the student enrollment would be. Tokos reported OSU hadn't indicated how they would be ramping up enrollment but they didn't see it exceeding what the current housing supply could accommodate. Tokos reviewed the location of the emergency supplies at Safe Haven Hill. A discussion ensued regarding water storage and how the City was working on bringing current supplies to a 72 hour level. Safe Haven was a temporary site for people to evacuate to until they could move to a location with more resources.

Tokos reviewed the regulatory changes, site plan of the OSU MSI building, deep soil mixing for the foundation, building anchors, building structural systems, wall construction, building crumple zone, vertical evacuation water line, the vertical evacuation ramp, the vertical evacuation three roof access points, the vertical evacuation cache supplies, and rooftop assembly. He reviewed how the MSI building significantly enhanced evacuation options for Newport. Tokos explained that OSU anticipated the completion date for the building would be in early 2020.

Tokos reviewed the letter from OSU concerning student housing. He gave a history on what OSU's expectations were starting out and where they were currently with housing. Tokos reported that they were trying to keep the housing discussion open going forward. Hardy was concerned that OSU hadn't figured out the cost of construction for housing beforehand. Tokos reported this was something they were working through. Berman asked if the City had any leverage. Tokos said there was no legal way to require them to do the housing project and was more about a commitment the University made. He noted the City Council had voiced their concerns and wanted to express their desire to see the housing go forward. A discussion ensued regarding what housing options there were for students without the student housing, how students would commute, and how OSU would be working on programmatic changes.

- B. **Options for Addressing Residential Use at Street Grade in the C-2 Zone in Nye Beach.** Capri reported a potential conflict of interest. He had met with one of the property owners to work on a project, but wasn't

hired. Tokos reviewed the letter that was shared with the Commission by Wendy Engler expressing her thoughts to support the request for residential use at street grade.

Tokos reviewed a map of the Nye Beach C-2 zoned areas and how the development codes were set up in the City that prohibited development on the street grade in Nye Beach. Tokos explained they could do a targeted amendment to the C-2 zone, and pointed out the lots on the map that would be added if the changes were done. Tokos reviewed how residential was allowed on street grade for the projects done on Olive and NW 1st Street. He noted that the undeveloped lot the Hallmark Resort owned could be residential but they wanted to expand the hotel in this area instead. Franklin asked if Dolphin Street would be developed when Hallmark developed. Tokos reported they would be required to fully develop the street. He noted that the red lines on the map indicated where residential was allowed at street level currently.

Tokos asked the Commission if this was a reasonable approach. Patrick thought they should pick up the half block north of 2nd Court since the rest of the street was residential. Tokos said the properties there could rebuild on their existing footprint as the same use or they could build with commercial on the first floor. A discussion ensued regarding the development on NW 2nd Street and what was possible under the current rules. Hanselman asked what the initial game plan was when the Commission first implemented rules to allow residential on ground floor. Patrick gave the history on the initial request to allow first floor residential. He thought they should allow owners to go back and forth with each option. Tokos asked if a targeted change would be something the Commission wanted. He said from the north side of NW 2nd Court and north of NW 6th Street would be picked up.

Tokos explained that the amendment would be run through a legislative process and there would be a hearing before the Commission. Patrick thought they didn't need to rework Nye Beach again and wanted it to continue to work for a while before they decided what they wanted to do. Tokos explained that some of the trails, beach access, and transit in the area would be further evaluated in the TSP.

Adjourned at 6:45 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

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

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

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

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

2. **Approval of Minutes.**

A. Approval of the Planning Commission Regular Session Meeting Minutes of October 14, 2019.

Commissioner Berman noted minor corrections to the minutes.

MOTION was made by Commissioner Berman, seconded by Commissioner East to approve the Planning Commission regular session meeting minutes of October 14, 2019 with minor corrections. The motion carried unanimously in a voice vote.

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

4. **Action Items.**

A. **Final Order and Findings for File 8-NCU-19.**

MOTION was made by Commissioner East, seconded by Commissioner Franklin to approve the Final Order and Findings for File 8-NCU-19 as presented. The motion carried unanimously in a voice vote.

5. **Public Hearings.** At 7:02 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Commissioners Hanselman and Franklin reported a site visit at the Oregon Coast Aquarium. Commissioner Branigan reported he volunteered at the Oregon Coast Aquarium. 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 6-CUP-19.**

Tokos reviewed the staff report. He noted that the corrected notice had been published. The Fire Department concerns had been addressed and they were on board with the final order and findings.

Hearing closed at 7:06 p.m.

East asked if the fire Department was satisfied with the emergency access to the facility. Tokos reported they are satisfied that their concerns were addressed. Hardy said she would approve the request since the Fire Department concerns were addressed and they approved them.

MOTION was made by Commissioner Berman, seconded by Commissioner Franklin to approve File 8-NCU-19 final order and findings with conditions as presented. The motion carried unanimously in a voice vote.

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

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

8. **Director Comments.**

Tokos told the Commissioners that Rachel Cotton's last day was on November 1st. He also noted that the City Council would be holding a hearing on the Parking Study on November 18th and a notice would be sent out to all the affected groups. The Short-Term Rental Implementation Workgroup would be meeting on November 19th.

Tokos reported that the City was working with the Port on the permit for the log yard that was never implemented, and at some point it would have to go away. The Port was trying to recruit industrial uses there and were sensitive to any perception that they are not. The 2015 permit was issued right before the 2013 traffic impact analysis expiration date was up. Port management and the Port Commission had changed since then. They had a tiger grant they secured and they were negotiating on whether or not to move forward with the de-barker and log hauling operation. A lot had changed for them and they did not currently have a project for the industrial property they owned. There was still a building permit for the log yard and the Port was doing incremental work to keep it active. They were paying \$16,000 a year in installment payments for System Development Charges (SDCs). The City was working with them on how to phased this down. Hanselman noted the News Times article that suggested the Port wanted a six month extension on the permit. Tokos would be looking into what was reported in the article. He noted there were limitations on what the City could do under the structural code. At some point the City would have to let it go. When the Port actually had their industrial end user, the City would work with them at that time to figure it out. Tokos explained that if they didn't proceed with the development they would be refunded the SDCs. Berman was concerned with this and questioned if the City had already spent the SDCs collected. Tokos explained that SDCs weren't used upfront. They were put in an account to be held for development and the balance rarely went down so low that the City couldn't refund amounts like this. Tokos also noted that if the City refunded the SDCs there wouldn't be any interest paid back to them.

Tokos reported that he was asked to serve on the State Rules Committee to work on HB 2001. He noted the rules needed to be rolled out by the summer of the next year. Tokos explained he would report back to the Commission when the rules were put together. The ADU piece would be going to the City Council on November 24th. The Geologic Hazards hearing would be continued on the November 4th City Council meeting because of a request made by Oregon Shores to hold the record open. They also requested an emergency clause to put the new rules into effect immediately once approved.

Patrick asked if things would slow down when Cotton left her position. Tokos said it would slow things down and he would be handling things until someone was hired.

Tokos explained he needed to get an RFP for the tsunami piece to help put together recommendations on what the City could do in terms of beach access, which would be rolled into the Transportation System Plan. Tokos thought there might be Federal funding available through resiliency grants.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:16 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
November 12, 2019
6:00 p.m.

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

Planning Commissioners Absent: Jim Hanselman, and Mike Franklin (*all excused*).

PC Citizens Advisory Committee Members Present: Greg Sutton, and Braulio Escobar.

PC Citizens Advisory Committee Members Absent: Dustin Capri. (*excused*)

Public Members Present: Mona Linstromberg

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

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
2. **New Business.** None were heard.
3. **Unfinished Business.**
 - A. **Update on Comprehensive Plan Amendments Related to the Sewer Master Plan.** Tokos reviewed the draft amendments to the Sewer Master Plan (SMP), noting the elements that were SDC eligible. He noted that there were no capacity limitations identified for the wastewater treatment plant. Branigan asked for clarification on the Rogue effluent. Tokos explained it was about concentration, not capacity, and they would be working on pretreatment solutions. Berman questioned if there was an assumption that the capacity was there based on it not being commented on in the SMP. Tokos explained they had the obligation of the SMP to look at these things. They were looking at the entire system in the 20 year planning period and what needed to be upgraded. Berman thought it would be better to have a more positive statement included instead of leaving it more open ended. Tokos thought it could be addressed in the SMP document.

Patrick asked if the City was running at capacity at low or high flow times. Tokos explained he was under the impression that it was at low flow times. It wasn't something the 2018 Brown and Caldwell plan delved into. Tokos noted that they could add to the document that the extent to which Brown and Caldwell's addressed system capacity. Berman didn't like saying the plant was having trouble operating currently, but it was good for the next 20 years. He wanted to see a positive statement included in the SMP that there was adequate maximum capacity because they didn't have any written evidence that there wasn't, and therefore it must be. Tokos said they could include language in the document upfront in the wastewater facilities section, after development assumptions, that directly addressed the condition of the existing wastewater treatment plant. Patrick wanted it made obvious that the problems they were currently having was with the effluent and wasn't a capacity issue. Tokos would add language about pretreatment items in the document.

Berman thought that Policy 4 needed to be beefed up to say it was a policy of the City to make sure that there was adequate capacity. He suggested it say that it addressed the current and future demand of various users. Berman thought that Policy 5 should include the words "health and safety". Tokos would add this to the goals instead of the policy.

Tokos walked the Commission through the structure of the draft amendments to the wastewater facilities plan. Berman asked if lift stations had backup generators. Tokos said he knew that the pump stations had some redundancy built into the system and there were generators for all the pump stations.

Tokos reviewed the gravity main replacements list next. He noted at some point the City would have to tackle these replacements. Patrick asked for clarification on what the definition of a “cured in line” was. Tokos would talk to Tim Gross in Public Works for the definition.

Tokos reviewed the recommended pump station and force main improvements next. Berman asked which pump station was identified to be at risk from unstable soil conditions. Tokos would review and provide clarification to the Commission on this.

Tokos reviewed the sewer extensions next. He pointed out the locations of the new lines on the wastewater system reference maps. Patrick noted on Table 5 that there was a reference to footnotes but he couldn’t find them in the document. Tokos would fix this. Berman was concerned about spending millions of dollars on improvement just to bring sewer lines to the Airport. Tokos explained there was other development in the area that warranted the improvements. It wasn’t just for the Airport itself and included services for the Surfland development.

Tokos reviewed the rehabilitation and replacement program, and the schedule next. Patrick asked if they were doing anything on cross connections with smoke testing and those types of things. Tokos would pose this question to Tim Gross. Patrick asked if I&I was included in the document. Tokos said I&I was addressed in the document and would confirm this. He noted the document didn’t include a tiered priority project list. It could be added if the Commission wanted it. Patrick had reservations on including this. A discussion ensued regarding how the City prioritized projects such as the transportation plan. Patrick thought it would be okay to prioritize if the Commission didn’t need to go through a process to do so.

Tokos reviewed the general goals next. He noted there was stronger language added to say properties would need to annex into the city in order to connect to sewer services. A discussion ensued regarding why Highway 20 wasn’t included in the urban growth boundary and how properties that weren’t a part of the Urban Growth Boundary couldn’t be annexed into the City.

Tokos reviewed the wastewater goals next. Patrick noted there wasn’t a policy that talked about properties that were 200 feet away from the sewer connection being required to hook up to the sewer system when improvements were done. A discussion ensued regarding the rationale used to do sewer extension improvements inside the City. Patrick wanted to see policy language added that said owners were required to hook up to the system when lines were extended. Tokos would work on simple policy language for compulsory sewer connections. Berman wanted current and future demands added to Policy 4. He also suggested that Policy 5 have health and safety language added. Tokos noted he would add tier priorities to the recommended annual inspection pump station repair program table.

Escobar asked if there was money in the City’s budget to fund the recommendations. Tokos reported there was funding and thought they could add a clause that said what the funding sources were. Escobar thought the issues that were categorized as 4 and 5 should get some attention. Tokos explained this was part of the rate structures. The City wouldn’t do a pay as you go, but would do periodic revenue bonds to fund these. Extension of utilities could be paid by developers, urban renewal funds, or system development charges. Tokos would add verbiage on funding to this table. He noted he would make the requested changes to the document and bring it back to the Commission to review at another work session.

B. Director Comments. Tokos noted he was on the Rules Advisory Committee for HB 2001 and 2003. He was an alternate on the large committee working on infrastructure. They would be meeting on November 14th to work on rules. Tokos would keep the Commission updated on the progress.

Tokos reported there was a parking hearing with the City Council on December 18th and suggested Berman and Branigan attend. He also noted that the Short-Term Implementation Workgroup would have a meeting on November 19th.

Branigan asked if the City could work with ODOT to put up directional signs to help people find the hospital. Tokos would reach out to the hospital to see about wayfinding signs. He thought this type of request needed to come directly from the hospital.

Tokos noted the email from Wendy Engler that was handed out to the Commission at the meeting that requested they do a walking tour work session in Nye Beach. Berman thought it would be a positive thing to do it. Tokos asked if they wanted to do the walking tour based on the targeted changes being brought forward. The Commission members did not express an interest in doing the tour now in conjunction with targeted amendments. He noted that then City Councilor, Engler looked into if the State TGM program would fund additional work in Nye Beach. They declined because the interest they heard, reduce height and massing, was not a good fit for their priorities, which is about density. Tokos pointed out there had been a walking tour done with TGM in the summer of 2018. Tokos asked for feedback on if the Commission wanted to do a walking tour. Patrick thought the other Commissioners that weren't present should give their input before deciding. Tokos asked who the tour should include. Patrick was concerned that if it was only with a couple of people, the Commission would only be getting input from a few people. He suggested a work session at the Visual Arts Center and would be more in favor of this than a walking tour. Tokos noted he could work this into the Commissioner's schedule. Patrick suggested adding the meeting on one of the 5th Mondays in a month and include the City Council on it as well. Tokos would talk to the City Manager concerning this. He thought that the tour work session could happen sometime in the spring, and there was general agreement that would be reasonable.

Adjourned at 7:11 p.m.

Respectfully submitted,

Sherrri Marineau,
Executive Assistant

PLANNING STAFF REPORT
Case File 2-SV-19

- A. **APPLICANT:** Wyndhaven Ridge, LLC (initiated by the City Council on 11/4/19).
- B. **REQUEST:** Vacate undeveloped portions of the NE 31st Street and NE Harney Street rights-of-way where not needed for roadway purposes. Easements to be reserved for utilities where they would be impacted. Wyndhaven Ridge, LLC has agreed to dedicate right-of-way at the west end of NE 31st Street, should the City need use of the land for future roadway embankment work, and will dedicate right-of-way at the northwest corner of the NE 31st Street and NE Harney Street intersection in the vicinity of an existing storm drainage culvert.

This request is limited to reconfiguring rights-of-way and establishing easements in locations appropriate for maintenance and future alternations to the roadway and utilities. No development, including tree removal, is proposed at this time by either Wyndhaven Ridge, LLC or the City of Newport.

- C. **SUBJECT PROPERTY:** Real property abutting the right-of-way to be vacated is identified by tax lot reference and ownership, as follows:

Tax Lot 00309 of Lincoln County Assessor's Map 10-11-32-00. The property is owned by Wyndhaven Ridge, LLC.

Tax Lot 00327 of Lincoln County Assessor's Map 10-11-32-00. The property is owned by Wyndhaven Ridge, LLC.

Tax Lot 08602 of Lincoln County Assessor's Map 10-11-33-CB. The property is owned by the City of Newport.

Tax Lot 08700 of Lincoln County Assessor's Map 10-11-33-CB. The property is owned by Bret Hamrick.

D. **STAFF REPORT**

1. **REPORT OF FACT**

- a. **Plan Designation:** High Density Residential.
- b. **Zone Designation:** R-4/"High Density Multi-Family Residential."
- c. **Surrounding Land Uses:** Pacific Homes Beach Club manufactured dwelling park to the north, US 101 to the west, wetlands to the north and south, undeveloped residential land and the Lakewood Hills residential subdivision to the east.

- d. **Topography and Vegetation:** The west half of NE 31st Street is bordered by steep embankments on the north and south sides of the roadway. The east end is bordered by more gradually sloped, vegetated embankment area to the north, and the developable portion of Tax Lot 00309 to the south. The gradually sloped, developable area includes a fair amount of fill material and the vegetation in that portion of the site is largely grasses and shrubbery.
- e. **Existing Structures:** None in the areas affected by the street vacation or proposed dedication.
- f. **Utilities:** There is a 12-inch public water main within the NE 31st Street right-of-way. Portions of the line are within the paved roadway, and segments are in undeveloped right-of-way that would be vacated. A small section of the line may extend onto property owned by Wyndhaven Ridge, LLC. An 84-inch concrete culvert extends under NE Harney Street, at the northwest corner of the intersection of NE Harney Street and NE 31st Street. A portion of the culvert extends onto land owned by Wyndhaven Ridge, LLC. An 8-inch storm drain line exists on the far west end of the NE 31st Street, at the northeast corner of the US 101 and NE 31st Street intersection. This line ties into the US 101 drainage system and may extend onto property owned by Wyndhaven Ridge, LLC. Central Lincoln PUD has a street light circuit in place at the east end of NE 31st Street for a couple of lights. These utilities will be within easements, either reserved over the right-of-way being vacated or in new rights-of-way being dedicated by Wyndhaven Ridge, LLC.
- g. **Development Constraints:** Steep slopes and wetlands.
- h. **Past Land Use Actions:** File No. 3-PAR-18. A three parcel partition, the result of which is illustrated on Partition Plat 2019-11, recorded Book 2019 at Page 11A of the Lincoln County Plat Records.
- i. **Notification:** Notification to abutting and affected property owners, to City departments, and to public/private utilities/agencies was provided as required ORS 271.110, and was mailed November 15, 2019. Notice of this Planning Commission public hearing was also published in the Newport News-Times on November 22, 2019, November 29, 2019 and December 4, 2019.
- j. **Attachments:**
- Attachment "A" – Copy of Partition Plat 2019-11
 - Attachment "B" – Map illustrating areas to be vacated by the City of Newport (blue) and land to be dedicated as right-of-way by Wyndhaven Ridge, LLC (red)
 - Attachment "C" – Comprehensive Plan Functional Classification Map and approved street cross-section

- Attachment "D" – Map of NE 31st St showing water & storm utilities
- Attachment "E" – Map of NE 31st St alignment with 5-ft contours
- Attachment "F" – Minutes from the November 4, 2019 City Council meeting where the Council initiated the street vacation process
- Attachment "G" – Copy of ORS Chapter 271.080 to 271.230
- Attachment "H" – Notice, map, and mailing list for the public hearing
- Attachment "I" – Letter from Bob Highfill, submitted 12/2/19
- Attachment "J" – Email from Jacob Pettis, Central Lincoln PUD, dated 12/2/19

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

Todd Woodley is the agent for Wyndhaven Ridge LLC, which owns the real property to either side of NE 31st Street (formerly County Road #402). They are looking to position Parcel 2 of Partition Plat 2019-11, on the south side of the street, for multi-family development. One challenge they are running into is the irregular boundary and variable width of the adjoining NE 31st Street right-of-way. The NE 31st Street right-of-way adjacent to Parcel 2 varies from 100 to 160 feet in width (Attachment "A"). Mr. Woodley would like to see the City reduce the right-of-way width to 60-feet, measured 30-feet to either side of the roadway centerline (Attachment "B"). This will require that undeveloped portions of the right-of-way be vacated along NE 31st Street and NE Harney Street. A 60-foot width is consistent with the City's existing standard for minor arterial roads like NE 31st Street (Attachment "C"). The area to be vacated is illustrated in blue on Attachment "B." A utility easement would need to be retained over undeveloped right-of-way proposed to be vacated along the south side of NE 31st Street as there is an existing public water line, and possibly a street light circuit, within the area (Attachment "D").

Wyndhaven Ridge, LLC has agreed to dedicate right-of-way and/or utility easements along NE 31st Street to provide the City greater flexibility in maintaining the road embankment and storm drainage utilities. These areas are shown in red on Attachment "B."

On November 4, 2019, the Newport City Council elected to begin the street vacation process (Attachment "F"). This was done in accordance with policies the Council adopted to govern when it would initiate street vacation proceedings. Those policies require consideration of (a) the extent of public benefit; (b) the extent of present and anticipated future use of the right-of-way; (c) potential environmental and geologic impacts; (d) financial factors; (e) effect on property owners; (f) consistency with applicable plans, ordinances and regulations; and (g) the amount and quality of the information provided by the person requesting the vacation.

If the Planning Commission concludes that the criteria for vacating portions of the undeveloped road right-of-way have been satisfied, then an ordinance will be prepared identifying the area to be vacated and the locations where utility easements will be reserved. Right-of-way and/or utility easement dedication documents will also be prepared. Wyndhaven Ridge, LLC has agreed to prepare the legal descriptions for those documents, which would be presented to the Council concurrent with the Commission's recommendation regarding the street vacation.

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

- a. **Comments:** Abutting and affected property owners, city departments and public/private utilities/agencies were notified on November 15, 2019 (Attachment "H"). Two comments were received. A letter was submitted on 12/2/19 from Bob Highfill, requesting certain improvements be made to the street network concurrent with development. No development; however, is proposed with this proposal and the right-of-way that would remain is sized such that it is sufficient to accommodate anticipated street buildout. An email submitted on 12/2/19 from Jake Pettis, Central Lincoln PUD, indicates that they do not object to undeveloped right-of-way being vacated as long as their utilities remain within the right-of-way or are located in a reserved utility easement.
- b. **Planning Commission Review Required:** Pursuant to NMC 14.52.030, Approving Authorities, the City Council will decide street vacation proposals following a public hearing and upon receipt of a recommendation from the Planning Commission.
- c. **Applicable Criteria set forth in Oregon Revised Statutes (ORS) 271.130:**
 - i. Have the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, objected in writing to the vacation of the subject streets; and
 - ii. Will the vacation of the right-of-way adversely affect the market value of abutting properties and, if so, have those owners consented in writing to the vacation; and
 - iii. Has notice has been duly given *[required for hearing before the City Council, pursuant to ORS 271.080]*; and,
 - iv. Will the public interest will be prejudiced by the vacation of such plat or street or parts thereof *[arguably required by ORS 271.130(1) through its cross reference to ORS 271.080]*.

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

e. **Staff Analysis:**

The Planning Commission reviews this request and makes a recommendation to the City Council. In order to recommend approval of the request, the Planning Commission must find that the applicant's proposal meets (or is capable of meeting) the following criteria:

- i. Have the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, objected in writing to the vacation of the subject streets; and;

Notice of this proposal to vacate the subject right-of-way was provided to affected property owners on November 15, 2019. Pursuant to ORS 271.080, individuals entitled to notice are those that own property within a notice area that extends 400 feet beyond the terminal points, and 200 feet perpendicular to, a stretch of right-of-way that is being vacated. A map illustrating the area affected, and list of the affected owners, is included with this report (Attachment "H"). If the owners of two-thirds of the land area that is subject to notice object in writing then the street vacations cannot proceed. To date, the City has not received any written objections to this street vacation proposal.

- ii. Will the vacation of the right-of-way adversely affect the market value of abutting properties and, if so, have those owners consented in writing to the vacation; and

Wyndhaven Ridge, LLC is the principal abutting property owner and their request to the Newport City Council that it initiate the right-of-way vacation process serves as evidence of their consent. The City of Newport and Bret Hamrick own property at the south east terminal end of the undeveloped right-of-way proposed to be vacated. Neither of these properties rely upon access to the undeveloped right-of-way at this location, and both properties possess access onto NE Harney Street, which is unaffected by this proposal.

For these reasons, it is reasonable for the Planning Commission to conclude that the market value of abutting properties will not be adversely affected by the right-of-way vacation or, to the extent that it could impact Wyndhaven Ridge, LLC property, the requisite consent has been provided.

- iii. Whether notice has been duly given [required for hearing before the City Council, pursuant to ORS 271.080]; and,

The Newport Municipal Code does not contain notice requirements for this type of Planning Commission hearing, and ORS Chapter 271 does not require Planning Commission action on a street vacation proposal. Abutting and affected owners received written notice as provided in ORS 271.080 and notice was published in the News-Times (Attachment "H"). This is sufficient for the Commission to find that this requirement has been satisfied.

- iv. Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof [arguably required by ORS 271.130(1) through its cross reference to ORS 271.080].

The right-of-way being vacated is not needed for road purposes, as it is well in excess of what the city needs or requires for a minor arterial roadway (Attachment "C"). Vacating the excess right-of-way will help Wyndhaven Ridge, LLC position Parcel 2 for future multi-family residential development, which will provide needed housing within the community consistent with the property's R-4 zoning classification. In exchange for vacating the right-of-way, Wyndhaven Ridge, LLC has agreed to dedicate new rights-of-way or easements over its property that will enhance the City's ability to maintain the NE 31st Street roadway embankments and existing storm drainage infrastructure. Wyndhaven Ridge, LLC is amenable to the City reserving a utility easement over the area to be vacated along the south side of NE 31st Street, where there are existing utilities, and has agreed to cover the surveying costs to prepare the necessary legal descriptions.

For these reasons, it is reasonable for the Planning Commission to conclude that the public interest will not be prejudiced by the vacation and that, in fact, the proposal furthers the public interest by configuring the rights-of-way in a manner that best serves the properties in the area and the City's need to maintain its utility infrastructure.

- v. As outlined in NMC Chapter 14.26 Maintenance of Public Access, the city shall review, under ORS 271.080 - 271.230, proposals for the vacation of public easements or rights-of-way that provide access to or along the Yaquina Estuary or the Pacific Ocean. The city shall review, under ORS 271.300 - 271.360, proposals for the sale, exchange, or transfer of public ownership that provide access to or along the Yaquina Estuary or the Pacific Ocean. Existing public

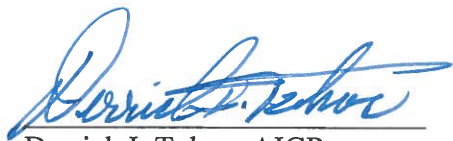
ownerships, rights-of-way, and similar public easements that provide access to or along the estuary or the ocean shall be retained or replaced if they are sold, ex-changed, or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas, provided public access across the affected site is retained.

The rights-of-way proposed to be vacated are in excess of what is needed for the roadway and; therefore, elimination of the rights-of-way will not impede public's use of NE 31st Street as a means of accessing the ocean. Considering the above, the City does not need to retain the right-of-way, or require that it be replaced, in order to ensure public access to the Pacific Ocean.

4. **Conclusion:** If the Planning Commission finds that the proposal meets the minimum City and statutory criteria (or is capable of meeting the criteria) established for the street vacation, the Commission may forward a favorable recommendation to the City Council. If the Planning Commission finds that the criteria have not been met (or are not capable of being met), the Commission should identify changes necessary to meet the criteria or should recommend denial of all or part of the request.

E. STAFF RECOMMENDATION: Findings contained in this report establish that the street vacation proposal can satisfy City and statutory approval standards provided the following conditions are imposed:

1. An ordinance vacating right-of-way along NE 31st Street should include a utility easement reservation for that portion of the vacated area that would accrue to Parcel 2 of Partition Plat 2 of Partition Plat 2019-11.
2. The Newport City Council should require that the dedication of rights-of-way or utility easements by Wyndhaven Ridge, LLC occur concurrent with the vacation of the subject portion of NE 31st Street.



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

December 4, 2019

SURVEY OF A PARTITION OF A TRACT OF LAND LOCATED IN THE SE 1/4 OF THE NE 1/4 AND IN THE NE 1/4 OF THE SE 1/4 OF SECTION 32, T 10 S, R 11 W, W.M., LINCOLN COUNTY, OREGON FOR: WINDHAVEN RIDGE, LLC.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DETERMINE AND MONUMENT CORNERS FOR THE BOUNDARY OF THAT TRACT OF LAND AS DESCRIBED IN DOC. 2008-04395 (TL309 & TL327), LINCOLN COUNTY DEED RECORDS, AND PARTITION SAID TRACT INTO 3 PARCELS. MONUMENTS AT THE NORTH 1/16 CORNER OF C.S. #15, 977, THE "INITIAL POINT" AT THE NORTHEAST CORNER OF "PACIFIC HOMES BEACH CLUB", THE 1/4 CORNER BETWEEN SECTION 32 AND SECTION 33, AND 2 INCH IRON PIPE PREVIOUSLY HELD FOR THE 1/32nd CORNER BY LINCOLN COUNTY ROAD DEPARTMENT SURVEY OF CO. RD NO. 402 WERE RECOVERED AND HELD FOR THE EAST LINE OF SECTION 32. THE MONUMENT OF C.S. #12, 063 AT THE SOUTHWEST CORNER OF "PACIFIC HOMES BEACH CLUB" WAS ALSO RECOVERED AND HELD FOR SAID SUBDIVISION CORNER. ALSO ODOT MONUMENTS AT C/L PSC 977+27.25 AND PSC 996+93 LEFT WERE RECOVERED AND HELD ALONG WITH LINCOLN COUNTY MONUMENTS ON THE NORTHERLY AND SOUTHERLY VARIABLE RIGHT-OF-WAY LINES FOR N.E. 31ST STREET. DEED DISTANCE WAS HELD FROM THE NORTH 1/16 CORNER ON LINE TO THE 1/4 CORNER SECTION S32/S33 TO DETERMINE POSITION TO MONUMENT THE NORTHEAST CORNER OF THE SUBJECT TRACT. THEN RECORD DISTANCE OF C.S. #12, 172 WAS HELD FROM THE 1/4 CORNER ON LINE THRU THE 2 INCH IRON PIPE HELD FOR THE 1/32nd CORNER BY THE LINCOLN COUNTY ENGINEERS SHOWN ON THE BIG CREEK CO. ROAD #402 RELOCATION MAP TO CALCULATE POSITION FOR THE SOUTHEAST CORNER OF THE SUBJECT TRACT. RECORD DATA OF C.S. #12, 172 WAS THEN HELD FROM THE SOUTHEAST CORNER OF THE SUBJECT TRACT TO DETERMINE POSITION TO MONUMENT THE NORTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN MF Vol. 134 PAGE 2101. RECORD DISTANCES CALCULATED FROM PARTITION PLAT 1999-28 WERE HELD FOR A DISTANCE-DISTANCE INTERSECTION FROM THE MONUMENT AT C/L PSC 977+27.25 AND MONUMENT AT PSC 996+93 LEFT TO CALCULATE POSITION FOR THE SEARCHED FOR AND DETERMINED MISSING NORTHWEST CORNER OF PARCEL 1 PARTITION PLAT 1999-28 AND SOUTHWEST CORNER OF THE SUBJECT TRACT OF THIS SURVEY. RECORD ANGLE OF PARTITION PLAT 1999-28 FROM THE LINE BETWEEN THE NORTHWEST CORNER OF SAID PARCEL 1 AND C/L PSC 977+27.25 WAS HELD ALONG WITH THE RECORD DISTANCE OF PARTITION PLAT 1999-28 AT AND FROM THE NORTHWEST CORNER OF SAID PARCEL 1 TO DETERMINE POSITION TO MONUMENT THE MISSING NORTHEAST CORNER OF SAID PARCEL 1. LOCATION FOR THE CENTER LINE AND VARIABLE RIGHT-OF-WAY LINES FOR N.E. 31ST STREET (BIG CREEK CO ROAD #402) BETWEEN PT 18+56.27 AND POT 30+57.97 WAS DETERMINED FIRST BY HOLDING RECORD DATA OF SAID COUNTY RELOCATION MAP FROM THE CO. R/W MONUMENT RECOVERED AT PC 19+53.66 LEFT THEN ROTATED CENTERLINE AND CHORD BEARING TO THE RECORD CLOSING DISTANCE (63.06') BETWEEN C/L POT 30+57.97 TO THE ODOT MONUMENT AT C/L HWY 101 PSC 977+27.25. THEN RECORD DISTANCE SHOWN ON THE BIG CREEK CO. ROAD #402 RELOCATION MAP WAS HELD FROM THE 1/4 CORNER ON LINE TO THE 2 INCH IRON PIPE HELD FOR THE 1/32nd CORNER BY THE LINCOLN COUNTY ENGINEERS TO CALCULATE THE RIGHT-OF-WAY CENTER LINE INTERSECTION THEN HELD RECORD RADIUS DISTANCE-DISTANCE INTERSECTION FROM SAID CENTERLINE SECTION LINE INTERSECTION POINT AND FROM THE FOUND RIGHT-OF-WAY MONUMENT AT PT 18+56.27 TO DEFINE DATA FOR C4 THEN HELD TANGENT BEARING AND RECORD DISTANCE FROM C/L PT 10+57.33 TO CALCULATE POSITION FOR C/L PC 12+49.62 RECORD RADIUS DISTANCE WAS THEN HELD FROM CL PC 12+49.62 AND PT 18+56.27 TO DEFINE NON TANGENT DATA FOR C5. THEN THE DETERMINED MISSING ANGLE POINTS ON THE NORTHERLY AND SOUTHERLY VARIABLE RIGHT-OF-WAY LINES FOR N.E. 31ST STREET WERE RESET AT RECORD DATA FROM THE HELD CENTER LINE AS SHOWN. TO DETERMINE POSITIONS TO MONUMENT THE WESTERLY BOUNDARY LINE FOR PARCEL 1 WHICH IS THE EASTERLY RIGHT-OF-WAY LINE OF N.E. HARNEY STREET DESCRIBED IN BOOK 366 PAGE 0820, LINCOLN COUNTY DEED RECORDS, DEED DATA WAS HELD FROM THE ONE QUARTER CORNER S32/S33 WITH DEED BEARINGS ROTATED 00°00'07" RIGHT TO EQUAL THE BEARING DIFFERENCE IN THE SECTION LINE BETWEEN THE DEED DESCRIPTION & C.S. #15, 977 AND THE BEARING HELD BY THIS SURVEY AS SHOWN.

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS, THAT WINDHAVEN RIDGE LLC., AN OREGON LIMITED LIABILITY CORPORATION, IS THE OWNER OF THE LAND REPRESENTED ON THIS PARTITION PLAT, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE SURVEYED AND PARTITIONED INTO 3 PARCELS OF LAND AS SHOWN ON THE ANNEXED MAP. Michael D. Phillips, AUTHORIZED SIGNATORY

ACKNOWLEDGEMENT

STATE OF OREGON COUNTY OF LINCOLN S.S. KNOW ALL PEOPLE BY THESE PRESENT, THAT ON THIS 15 DAY OF August, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED MICHAEL D. PHILIPS, AUTHORIZED SIGNATORY, WHO BEING DULY SWORN, DID SAY THAT HE WAS THE IDENTICAL PERSON NAMED ON THE FOREGOING INSTRUMENT, AND THAT SAID INSTRUMENT WAS EXECUTED ON HIS BEHALF AND HIS SIGNATURE IS AFFIXED TO SAID INSTRUMENT AND IS OF HIS FREE AND VOLUNTARY ACT OR DEED.

Notary signature: Peter C.C. Berens, Notary Public, Oregon, Commission No. 981435, My Commission Expires: November 26, 2022

NOTE: AFTER LOCATING THE 20ft WIDE CONCRETE CULVERT FOR BIG CREEK AND THE APPARENT CHANNEL CHANGE AS DESCRIBED IN BOOK 145 PAGE 168 IT WAS DETERMINED THAT THIS EASEMENT LIES WITHIN THE RE-LOCATED HIGHWAY RIGHT-OF-WAY AND DOES NOT AFFECT THE PARCEL BEING PARTITIONED BY THIS SURVEY AND THEREFOR NOT SHOWN. LOCATION FOR THE LIMITED ACCESS EASEMENT AS DESCRIBED IN BOOK 276 PAGE 576 WAS DETERMINE BY THIS FIRM TO BE LOCATED ON THE WESTERLY SIDE OF THE HIGHWAY 101 RIGHT-OF-WAY AND THEREFOR DOES NOT APPLY TO THIS PARCEL AND THEREFOR ALSO NOT SHOWN. LOCATION FOR THE LIMITED ACCESS EASEMENT AS DESCRIBED IN BOOK 289 PAGE 102 WAS ALSO DETERMINE TO BE LOCATED WITHIN THE VARIABLE RIGHT OF WAY FOR N.E. 31ST STREET AND THAT EASEMENT AS DESCRIBED IN BOOK 276 PAGE 10 AND A MUTE POINT THEREFOR ALSO NOT SHOWN ON THIS SURVEY.

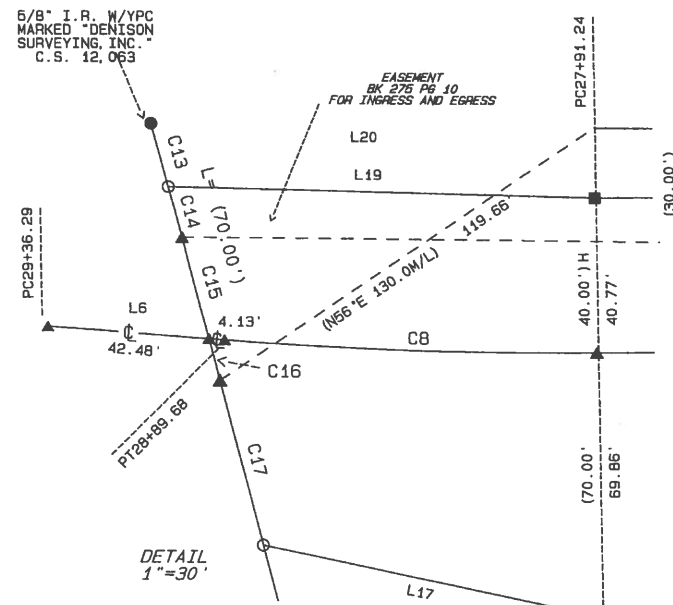
SURVEYOR'S CERTIFICATE

I, DARIUS K. FERGUSON, P.L.S., HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED, AND MARKED WITH APPROPRIATE MONUMENTS, THE LANDS REPRESENTED ON THIS PARTITION PLAT. THE BOUNDARIES BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE "INITIAL POINT" ON THE EAST LINE OF SECTION 32, TOWNSHIP 10 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, LINCOLN COUNTY, OREGON, THAT IS SOUTH 00°24'07" EAST (SOUTH) 972.44 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32; THENCE NORTH 89°37'41" WEST 433.63 FEET (NORTH 89°29' WEST 433.66 FEET) TO THE SOUTHWEST CORNER OF THE TRACT CONVEYED TO BONNIE BRAE ESTATES BY DEED RECORDED FEBRUARY 9, 1967 IN BOOK 276, PAGE 5, LINCOLN COUNTY DEED RECORDS, NOW KNOWN AS "PACIFIC HOMES BEACH CLUB"; THENCE CONTINUING NORTH 89°37'41" WEST 1,201.06 FEET (NORTH 89°29' WEST 1169.67 FEET) TO A 5/8 INCH IRON ROD ON THE EASTERLY RIGHT OF WAY LINE OF THE OREGON COAST HIGHWAY 101, MARKING THE SOUTHWEST CORNER OF "PACIFIC HOMES BEACH CLUB"; THENCE SOUTHERLY ALONG SAID HIGHWAY RIGHT OF WAY LINE ON A 7799.44 FOOT RADIUS CURVE RIGHT (THE LONG CHORD BEARS SOUTH 11°16'23" EAST 1,035.41 FEET) AN ARC DISTANCE OF 1036.17 FEET TO THE NORTHWEST CORNER OF PARCEL 1 PARTITION PLAT 1999-28, LINCOLN COUNTY PLAT RECORDS; THENCE NORTH 89°22'17" EAST (NORTH 89°23'51" EAST), ALONG THE NORTH LINE OF SAID PARCEL 1, 777.73 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00°10'43" EAST 16.12 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32; THENCE SOUTH 89°26'13" EAST ALONG THE EAST-WEST CENTER LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32, 661.44 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32, 666.51 FEET TO THE 2 INCH BRASS CAP MARKING THE 1/4 CORNER BETWEEN SECTION 32 AND SECTION 33; THENCE CONTINUING ALONG SAID WEST SECTION LINE NORTH 00°24'07" WEST 362.62 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION DEEDED TO THE CITY OF NEWPORT, IN DEED RECORDED SEPTEMBER 26, 1998 IN BOOK 366 PAGE 820, LINCOLN COUNTY DEED RECORDS, N.E. HARNEY STREET. FURTHER EXCEPTING THEREFROM ANY PORTION LYING WITH N.E. HARNEY DRIVE (BIG CREEK CO. RD NO. 402 CCJ 24-833) NOW KNOWN AS N.E. 31ST STREET.

APPROVALS

Approvals: Deputy Director (8/16/19), Lincoln County Surveyor (August 16, 2019), Lincoln County Assessor (10-9-19), Lincoln County Tax Collector (10-9-19)

Table with columns: CURVE#, RADIUS, CURVE, DELTA, ARC LENGTH, CHORD. Lists curves C1 through C18 with their respective geometric data.



SURVEY BY DARIUS K. FERGUSON P.L.S. LAND SURVEYING 6082 SE HWY 101, SUITE B LINCOLN CITY, OR. 97307 PH: (541) 984-3884 DFERGUSONSURVEYING@GMAIL

REGISTERED PROFESSIONAL LAND SURVEYOR

Darius K. Ferguson OREGON JULY 16, 1987 DARIUS K. FERGUSON 2279 RENEWS 12-31-19

I, DARIUS K. FERGUSON, P.L.S., HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ORIGINAL PLAT. Darius K. Ferguson 8-15-19 DARIUS K. FERGUSON, P.L.S., 2279

- LEGEND**
- I.P. = IRON PIPE
 - I.R. = IRON ROD
 - Y.P.C. = YELLOW PLASTIC ID CAP
 - MF = MICROFILM DEED RECORDS
 - ▲ = CALCULATED POINT
 - = MONUMENTS FOUND AS NOTED
 - = MONUMENTS FOUND 5/8" I.R. W/YPC MARKED
 - = MONUMENTS SET - 5/8" x 30" I.R. W/YPC MARKED
 - = "FERGUSON P.L.S. 2279"
 - C.S. xxx = REFERENCE NUMBER OF RECORD SURVEY
 - P.P. xxx = REFERENCE NUMBER OF RECORD PARTITION PLAT
 - (xxxx) = DATA OF RECORD DEEDS
 - (xxxx) H = DATA OF RECORD SURVEY BY LINCOLN COUNTY ENGINEERS OF BIG CREEK ROAD #402 1981 RELOCATION, CCJ 24-833
 - (xxxx) L = DATA OF RECORD SURVEY BY LARRY HART, C.S. 3294
 - (xxxx) J = DATA OF RECORD SURVEY BY JOHNSON, C.S. 14,027
 - (xxx) D1 = DATA OF RECORD SURVEY BY DENISON, C.S. 12,172
 - (xxx) D2 = DATA OF RECORD SURVEY BY DENISON, C.S. 15,977
 - (xxx) D3 = DATA OF RECORD SURVEY BY DENISON, C.S. 12,063
 - (xxx) DL = DATA OF RECORD P.P. BY DAVE LOOMIS, P.P. 1999-28
 - (xxx) O = DATA OF RECORD ODOT MAP 55-8-5 AND BK145 PG168
 - xxxx = DATA OBSERVED BY THIS SURVEY WHERE MEASURED OR CALCULATED DIFFERENT THAN RECORD & NEW DATA

LINE TABLE

L1 =	S 59°33'11"E	2.63'	L12 =	S 77°30'40"W	83.77'
L2 =	S 71°04'44"E	110.16'	L13 =	N 77°04'12"W	65.32'
L3 =	S 50°16'50"E	86.87'	L14 =	S 87°39'26"W	63.66'
L4 =	N 88°06'09"W	78.52'	L15 =	N 44°01'13"W	76.68'
L5 =	N 86°00'26"W	78.52') H	L16 =	S 89°49'30"W	41.04'
L6 =	N 89°18'06"W	94.78') H	L17 =	N 78°12'46"W	91.86'
L6 =	N 89°23'49"W	94.78') H	L18 =	S 89°26'08"W	94.74'
L6 =	N 85°46'34"W	46.61'	L19 =	N 88°42'15"W	112.66'
L7 =	N 85°40'51"W	46.61') H	L20 =	N 89°37'41"W	117.11'
L7 =	N 73°09'02"W	37.37'			
L8 =	N 73°14'46"W	37.37') H			
L9 =	N 14°59'43"W	63.06') H			
L9 =	N 18°39'34"W	63.06') H			
L9 =	N 63°57'35"W	11.72') H			
L10 =	N 66°05'27"E	11.72') H			
L10 =	N 62°38'28"E	93.13') H			
L10 =	N 62°38'28"E	90.26') H			
L11 =	N 71°01'01"E	80.26') H			

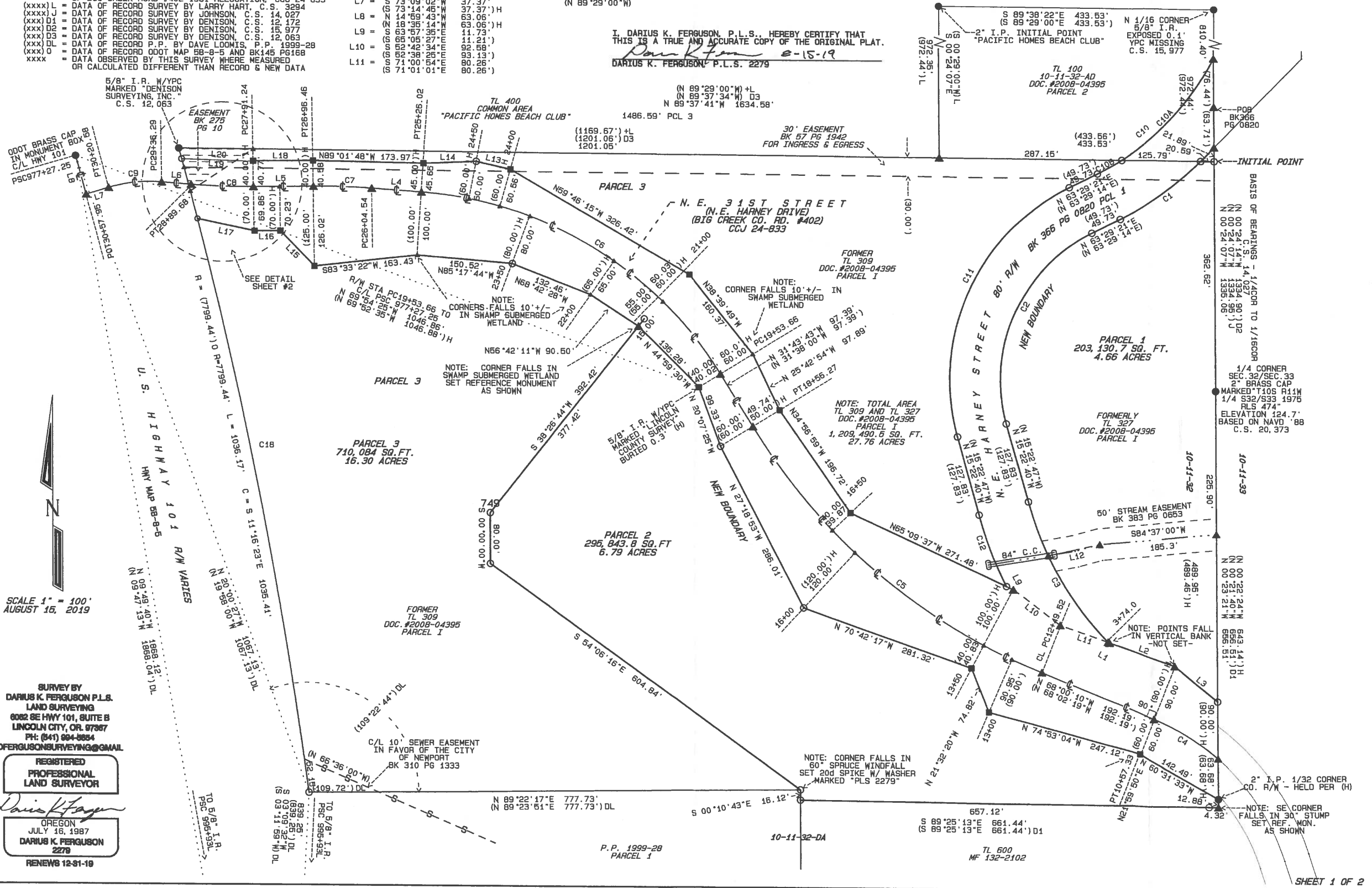
SURVEY OF A PARTITION OF A TRACT OF LAND LOCATED IN THE SE 1/4 OF THE NE 1/4 AND IN THE NE 1/4 OF THE SE 1/4 OF SECTION 32, T 10 S, R 11 W, W.M., LINCOLN COUNTY, OREGON FOR: WINDHAVEN RIDGE, LLC.

STATE OF OREGON S.S.
 COUNTY OF LINCOLN

I DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD ON THIS 9th DAY OF October, 2019 AT 1:33 O'CLOCK P.M. AND RECORDED AS PLAT NO. _____ LINCOLN COUNTY RECORDS.

BY: *Darius K. Ferguson* 10/09/2019
 COUNTY CLERK

I, DARIUS K. FERGUSON, P.L.S., HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE ORIGINAL PLAT.
Darius K. Ferguson 8-15-19
 DARIUS K. FERGUSON, P.L.S. 2279

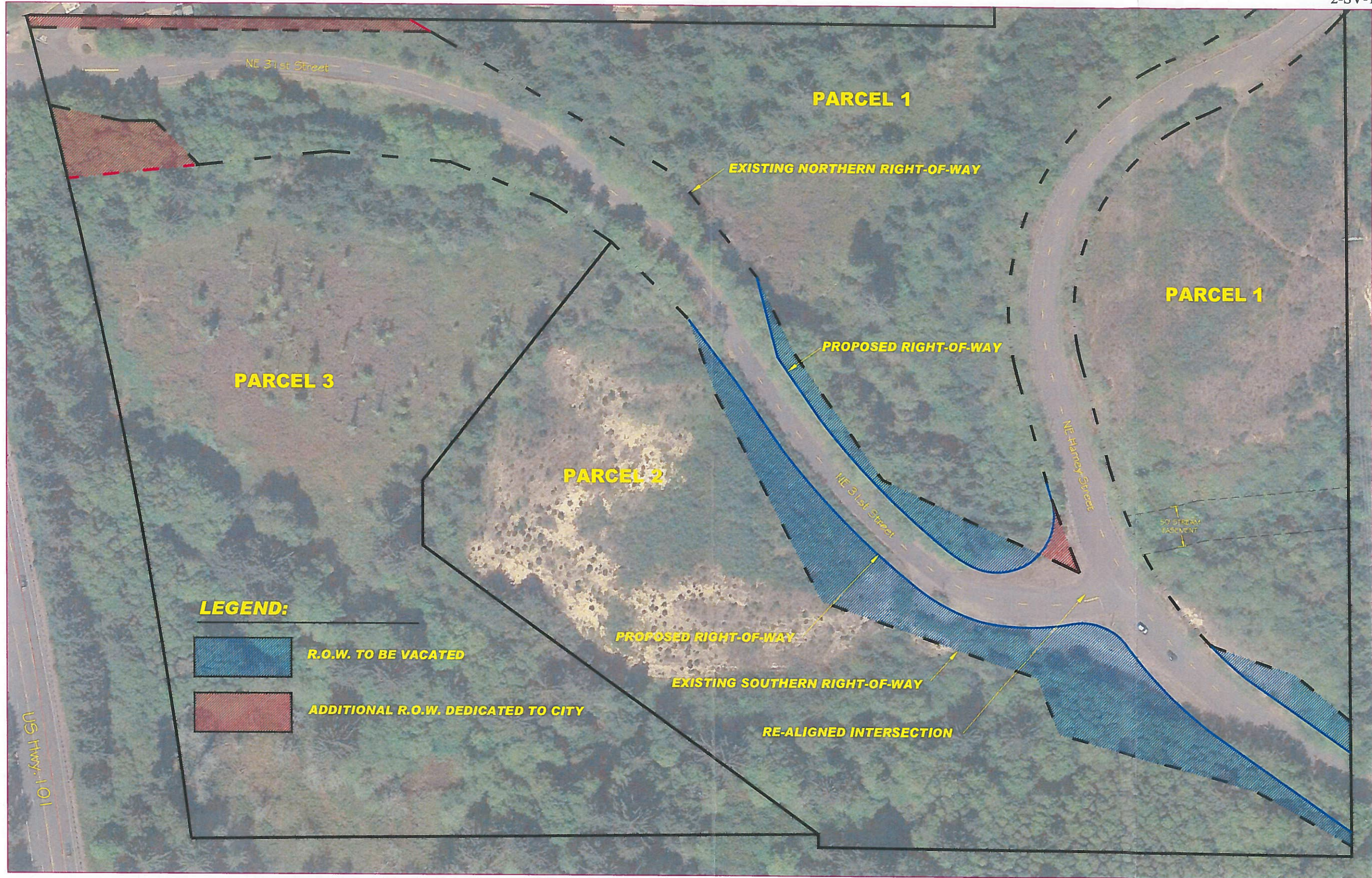


SCALE 1" = 100'
 AUGUST 16, 2019

SURVEY BY
 DARIUS K. FERGUSON P.L.S.
 LAND SURVEYING
 6082 SE HWY 101, SUITE B
 LINCOLN CITY, OR 97387
 PH: (541) 684-8854
 DFERGUSONSURVEYING@GMAIL

REGISTERED
 LAND SURVEYOR

Darius K. Ferguson
 OREGON
 JULY 16, 1987
 DARIUS K. FERGUSON
 2279
 RENEWS 12-31-19



N.E. 31st Street R.O.W. Exhibit



DATE SIGNED

WYNDHAVEN RIDGE, LLC

WYNDHAVEN RIDGE

NEWPORT, OR

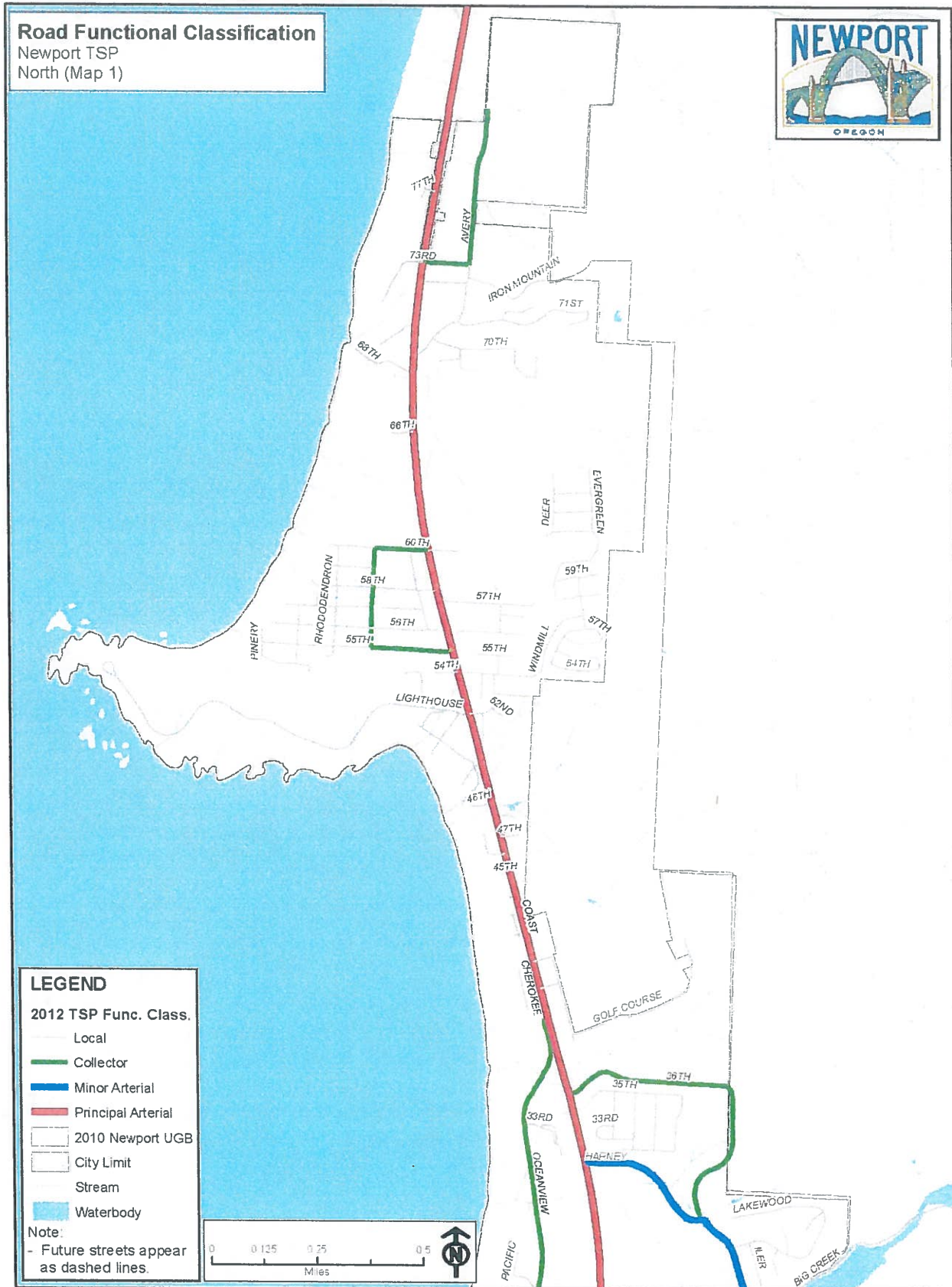
NO.	DESCRIPTION	DATE	BY

SHEET TITLE:

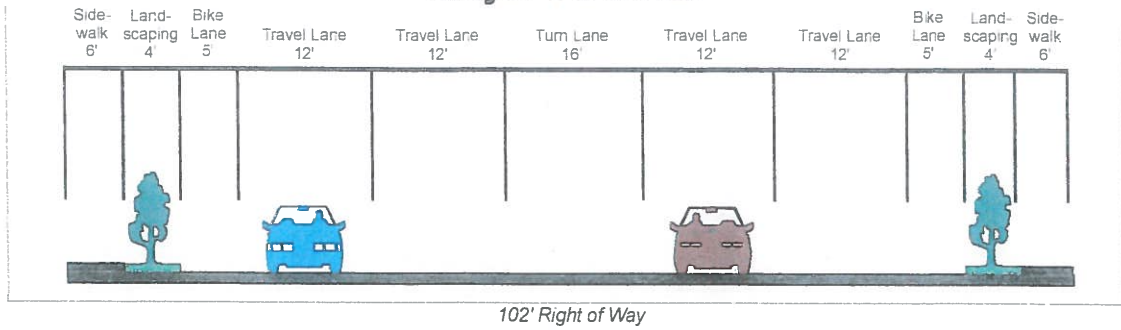
31st Street Modified Right-of-Way General Layout

EXHIBIT A

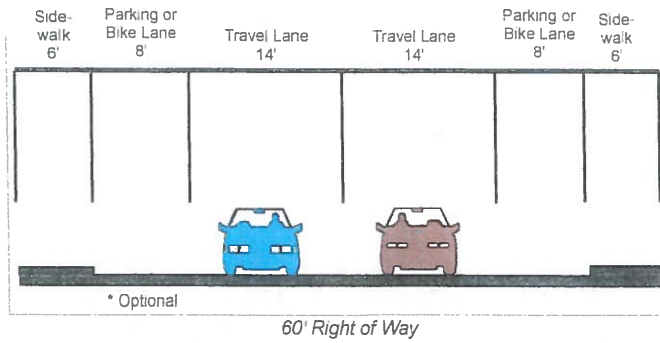
Figure 1: Functional Classification of Roadways – Agate Beach Map



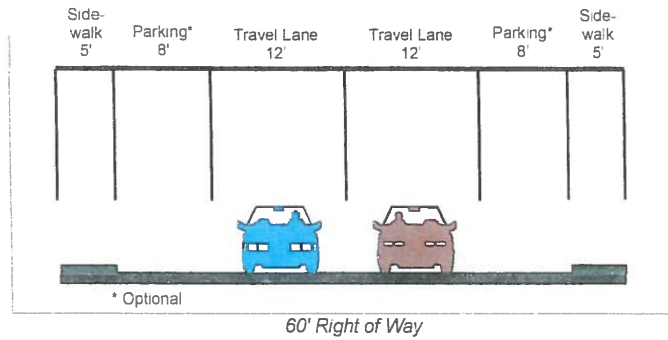
Major Arterial



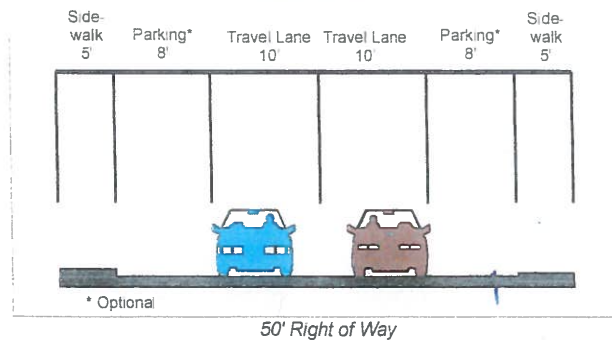
Minor Arterial



Collector



Local

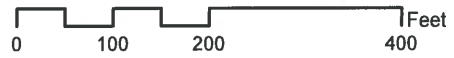




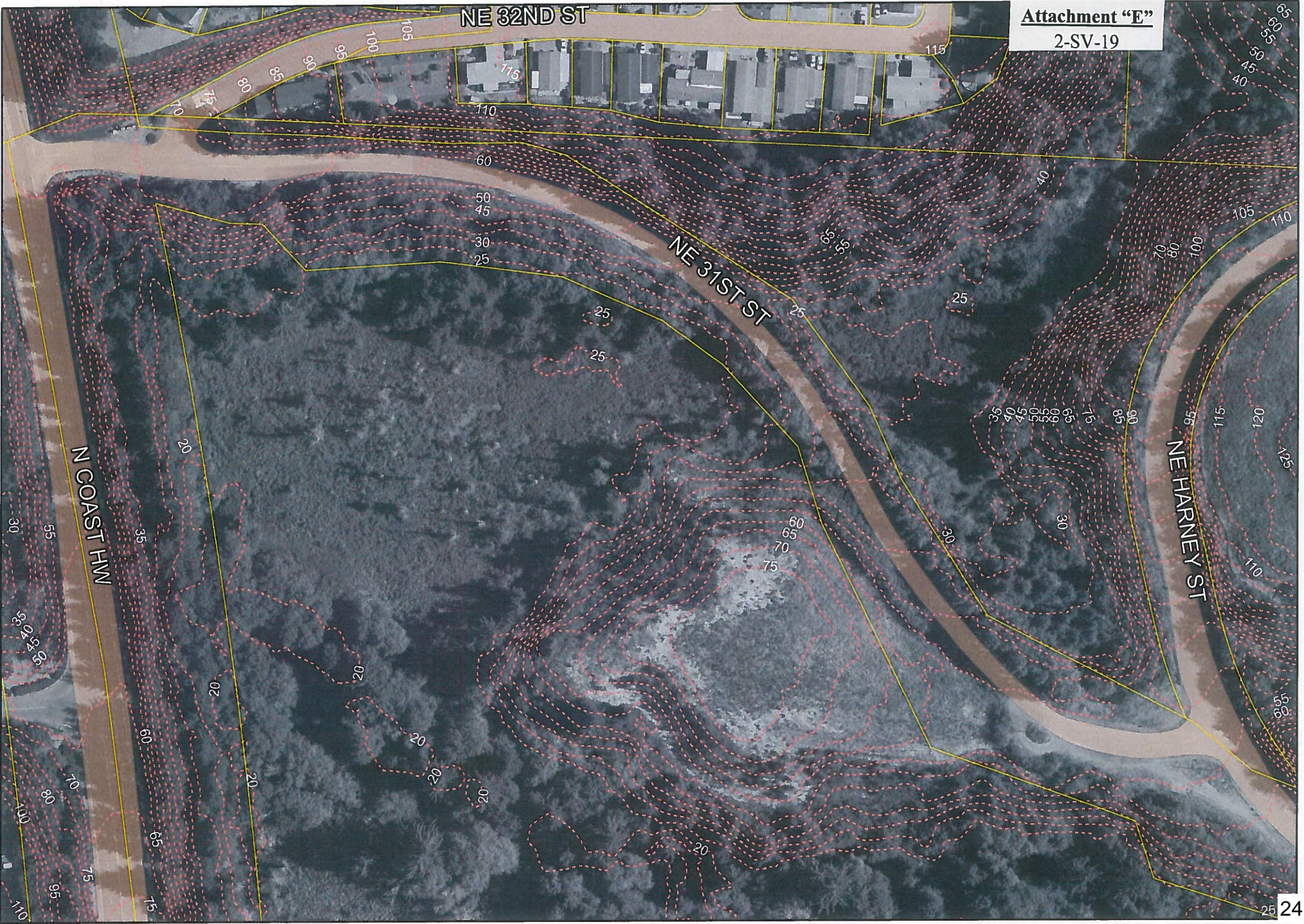
NE 31st Street: Water (blue) & Storm Drainage (orange) Infrastructure

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

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



This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its completion or use and users of this



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NE 31st Street Right-of-Way

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



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November 4, 2019

6:00 P.M.

Newport, Oregon

CITY COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

The Newport City Council met on the above date and time in the Council Chambers of the Newport City Hall. On roll call, Allen, Goebel, Jacobi, Sawyer, and Botello were present. Parker participated via telephone. Hall was excused.

Staff in attendance was Spencer Nebel, City Manager; Peggy Hawker, City Recorder/Special Projects Director; Derrick Tokos, Community Development Director; Tim Gross, Public Works Director; Rob Murphy, Fire Chief; Judy Mayhew, Acting Parks and Recreation Director; and Jason Malloy, Police Chief.

PLEDGE OF ALLEGIANCE

Council, staff, and the audience participated in the Pledge of Allegiance.

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

Proclamation Recognizing Arbor Day - Received by Nancy Steinberg. Hawker introduced the agenda item. Sawyer issued a proclamation recognizing Arbor Day in the City of Newport. The proclamation was accepted by Nancy Steinberg. Steinberg thanked Council for its support of the Arbor Day program.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of the minutes of the work session of October 21, 2019;
- B. Approval of the minutes of the regular session of October 21, 2019;
- C. Authorization of travel, by Mayor Sawyer, to Washington, D.C., on November 11 - 14, 2019, to represent the city in advancing legislative policy supporting possible funding for the Big Creek Dam Project.

MOTION was made by Allen, seconded by Goebel, to remove item C. from the consent calendar, and discuss it in conjunction with associated items on the Local Contract Review Board consent calendar. The motion carried unanimously in a voice vote.

Allen and Botello noted changes to the minutes of the October 21 meetings. MOTION was made by Goebel, seconded by Allen, to approve the consent calendar items A. and B., with the changes to the minutes as noted by Botello and Allen. The Motion carried unanimously in a voice vote.

LOCAL CONTRACT REVIEW BOARD

The City Council, acting as the Local Contract Review Board, began its meeting at 6:17 P.M.

LOCAL CONTRACT REVIEW BOARD CONSENT CALENDAR

The Local Contract Review Board Consent Calendar consisted of the following items:

- A. Authorization of the purchase of a Flygt Model NT-3301.095, submersible pump from Xylem Water Solutions, in the amount of \$59,640.47;
- B. Authorization of Task Order No. 3.02 for federal government relations with Dig Deep Research in the amount of \$72,500;
- C. Authorization of Amendment No. 1 to Task Order No. 7 with HDR Engineering, Inc., for environmental compliance and permitting, fish passage mitigation assessment, and topographic survey, in the amount of \$148,483;
- D. Authorization of Addendum No. 2 to Task Order No. 9 with Civil West Engineering for Highway 101 and Golf Course Drive Water System Improvements.

Phoebe Hein requested that 6.D., authorization of Addendum No. 2 to Task Order No. 9 with Civil West Engineering, for Highway 101 and Golf Course Drive water system improvements, be removed from the consent calendar.

Allen asked that items 6.B., authorization of Task Order No. 3.02 for federal government relations with Dig Deep Research, in the amount of \$72,500, and 6.C., authorization of Amendment No. 1 to Task Order No. 7 with HDR Engineering, Inc., for environmental compliance and permitting, fish passage mitigation assessment, and topographic survey, in the amount of \$148,483, be removed from the consent calendar and considered with item 5.C. from the Council consent calendar.

MOTION was made by Goebel, seconded by Botello, to approve 6.A., authorization of the purchase of a Flygt Model NT-3301.095, submersible pump from Xylem Water Solutions, in the amount of \$59,640.47. The motion carried unanimously in a voice vote.

Council considered item 6.D. regarding the Golf Course Drive water system improvements. Goebel stated that he is a resident of Golf Course Drive, and would abstain from voting on this issue due to a potential conflict of interest.

Phoebe Hein, a resident of Golf Course Drive, reported that the neighborhood was in complete agreement that the street remain a lane, widening where available, narrowing to one lane around the 6th green spruce tree, with a turnaround at the dead end. She stated that the street standards were agreed to be waived by both the city and neighborhood with the road configured to match the geography and existing environment/housing.

Nebel reported that it is his recollection that there was never agreement on a concept regarding this issue.

Goebel asked for a description of the work. Gross reported that the water line is being extended on Highway 101, and directional drilling across the golf course is needed to allow the line to loop. He added that no work is planned on Golf Course Drive.

Botello asked whether there is asbestos in the water. Gross reported that there are many grades of asbestos concrete pipe, but there is no asbestos in the water.

MOTION was made by Allen, seconded by Botello, that the City Council, acting as the Local Contract Review Board, I recommend City Council, acting as the Local Contract Review Board, authorize Addendum No. 2 to Task Order No. 9 with Civil West Engineering for Highway 101 and Golf Course water system improvements in the amount of \$120,220. The motion carried in a voice vote with Goebel abstaining.

Authorize Task Order No. 3.02 for Federal Government Relations with Dig Deep Research in the Amount of \$72,500. Hawker introduced the agenda item. Nebel reported that Congress is currently deliberating on the “Water Infrastructure Improvements for the Nation (WIIN) Act” and the “Water Resources Development Act (WRDA),” for providing resources for water infrastructure. He stated that Dig Deep Research has been working with federal legislative offices regarding language changes to these acts to assure that the Big Creek Dam will be eligible for funding under these programs. He added that Dig Deep Research is proposing to contract for services from Water Strategies, LLC, which is a firm that advocates for federal legislation and agency programming solutions for water-related issues. He noted that the packet contains a memo from Gross outlining the qualifications of Water Strategies, LLC.

Nebel reported that contingent on Council authorization of this effort, Dig Deep Research has coordinated meetings from November 11 through November 14 to advance legislation and policy to support funding for the Big Creek Dam. He stated that it is proposed that Gross and Sawyer participate in these meetings in Washington D.C., as part of the advocacy effort. He stated that time is of the essence since the Senate must finalize policy changes by December 1, 2019 for these programs.

Tia Cavender and Mike Faught, of Dig Deep Research, appeared before the City Council, acting as the Local Contract Review Board, on this issue.

Allen asked why this trip to D.C. is urgent, and why the city needs to send a contingent of representatives to make it happen. Cavender reported that her firm has been working with the city since 2012 in raising money for the Big Creek Dam replacement and other water infrastructure projects. She stated that her firm is consistently bringing in funds for most fundable projects. She added that the Governor’s recent veto of \$4,000,000 earmarked for the Big Creek Dam project would not have been overturned without the help of legislators. She stated that she would like to replicate this model at the federal level. She added that it is important to leverage once source of funding to another. She noted that the city had been invited to submit a WRDA request form to Senator Merkley’s office. She added that she would like to engage a federal lobbyist to ensure that the senators are informed of the project and see the impact and potential to build replicable models for dams in other parts of Oregon and the country. She discussed the return-on-investment her firm has provided for the city, which is currently six to one. She stated that with the addition of the state lobbyist, and considering the \$4 million from the state, the return-on-investment jumps to 13 - 1. She added that the majority of her services have been paid for through loan sources and grant funds, adding that her firm will pay for itself many times over.

Allen asked about the contingent going to D.C. It was noted that it includes Cavender, Jenny Dresler, the state lobbyist, Gross, Sawyer, and the federal lobbyist if those services are ultimately secured. Allen noted that Council had received an e-mail from Councilor Hall who will be in Washington, D.C. through November 17, and is willing to meet with representatives from Dig Deep, and federal legislators, along with Sawyer and Gross. He

encouraged efforts to allow Hall to participate, noting that she is well-connected politically and would be a real asset as part of these meetings if the scheduling works. Allen noted that funding for this trip is coming out of the pot of money from water revenue bonds based on water rates, and not from the General Fund. Allen noted that WRDA is updated every four years, and earmarks certain funds by legislation. He noted that it is important to get the Big Creek Dam Project included in legislation. He concluded that if nothing is done now, the opportunity will be lost for another four years. Cavender noted that other federal funding could be pursued, but that this is a very unique opportunity, and the Senate is required to make recommendations by December 1. She added that the House will deliberate in January, but if this opportunity is missed, it will not be available in 2020. Cavender noted that Mike Faught, Dig Deep's Oregon representative will also be participating as a part of the team.

Goebel asked whether, by sending this delegation, there was a guarantee of funding, and Cavender noted that there is no guarantee. It was noted that the cost of send Gross and Sawyer is approximately \$1,000 each.

Nebel reported that this contract also funds the federal lobbyist. Cavender reported that the \$72,500 is for labor, and reiterated that travel expenses are anticipated to be under \$10,000 for the entire delegation.

Nebel stated that this type of issue requires direct contact in order to make it a high enough priority to get this into funding legislation. He noted that if Council wishes to substantially reduce costs to ratepayers, it needs to take this type of aggressive action.

Botello asked about next steps if this funding is not approved. Cavender reported that her team will continue to seek sources that it was initially focused on, including three federal grants from FEMA. She noted that these are now the contingency options, adding that the goal is to raise as much money as possible. She added that while the delegation is in D.C., it will actually be pursuing four different sources of funding.

Cavender explained the consultant/lobbyist costs. She indicated that the lobbyist rate is \$5,000 - \$7,000 monthly, but since this work was not included in the original scope, the lobbyist has agreed to perform the work for \$2,500/monthly for the current fiscal year.

MOTION was made by Goebel, seconded by Allen, that the City Council, acting as the Local Contract Review Board, authorize Task Order No. 3.02 for federal government relations with Dig Deep Research in the amount of \$72,500. The motion carried unanimously in a voice vote.

Authorize Amendment No. 1 to Task Order No. 7 with HDR Engineering, Inc. for Environmental Compliance and Permitting, Fish Passage Mitigation Assessment, and Topographic Survey, in the Amount of \$148,483. Hawker introduced the agenda item. Nebel reported that in May of 2019, Council authorized Task Order No. 7 for the environmental compliance and permitting, fish passage mitigation assessment, and topographic surveying for the Big Creek Dam project. He stated that Amendment No. 1 adds the next phase of work required to continue this effort to build on work, which has been approved and completed to date, as part of the original task order. He noted that this includes a cultural survey and inventory, and additional DNA survey work for Chum Salmon as requested by ODF&W. He added that this work is expected to take six months to complete.

Allen reported that, at the work session, Council discussed trying to obtain additional state and federal funds. He noted that when asked where the funding would come from,

it was indicated that it would come from water rates and revenue funding. He noted that there is an agenda item, later at this meeting, essentially requesting an advance on the funding provided by HB 5050. He asked whether some of this money is earmarked for environmental permitting. It was noted that the money is coming out of the city budget, but that the revenue source is revenue bonds supported by water rates, and that the money from the state, coming from lottery revenue bonds, would go toward this type of work.

Goebel asked whether the \$4 million from the state is going to be comingled with the \$600,000. Nebel noted that it would be dependent on the state. He added that what is being paid now is under existing appropriations made for this project for this fiscal year. He noted that one of the issues with the state agreement relates to the point at which the use of city funds can be used as a match for state funding, and when the city can start reimbursing back its own funds. Gross stated that the funds spent after the contract execution count toward 25%. Botello noted that it is preferable to see something in writing so it is clear what will be reimbursed. Nebel added that it would be good to have a document that could be continually updated.

Allen suggested a spreadsheet directly related to the Big Creek Dam project is preferable for this project. He added that it is acceptable to be asked for money if the money being spent responsibly. He noted that he is not currently getting as much information as needed to make a truly informed decision.

Goebel noted that how the city accounts for the money is important. Nebel reported that the city does not have an agreement with the state for the \$4 million. He stated that he expects that agreement to come to Council within the next few months, and it will set some parameters on what is reimbursable. Nebel stated that staff could maintain a spreadsheet for Council review moving forward.

MOTION was made by Allen, seconded by Goebel, that the City Council, acting as the Local Contract Review Board, authorize Amendment No. 1 to Task Order No. 7 with HDR Engineering, Inc., for environmental compliance and permitting, fish passage mitigation assessment, and topographic survey in the amount of \$148,483. The motion carried unanimously in a voice vote.

PUBLIC HEARINGS

Continuation of a Public Hearing and Potential Adoption of Ordinance No. 2157 Amending Chapter 14.21 of the Newport Municipal Code Related to Geological Hazardous Areas, Including an Emergency Clause Giving the Ordinance Immediate Effect, and Resolution No. 3871 Setting a Fee for Peer Review of Geological Reports and Active Landslide Areas. Hawker introduced the agenda item. Nebel reported that on October 7, 2019, Council held a public hearing to consider amendments to the Newport Municipal Code related to geological hazard areas. He stated that the Oregon Shores Conservation Coalition requested that the public record be left open for additional comment. He noted that Council continued the public hearing to November 4, and set 5:00 P.M. on October 21 as the deadline for submitting additional testimony. He added that the additional public comments are included in the packet, along with justification for the amount of the peer review fee. He stated that this ordinance includes an emergency clause as suggested at the October 7, 2019 hearing.

Nebel reported that the changes to code were initiated through the Planning Commission following a request from Mona Linstromberg to make certain amendments to the NMC related to the development, or redevelopment, of property within active landslide areas. He stated that the city adopted a geologic hazards overlay, which contains areas of known geologic hazards or potential hazards, and includes bluff or dune-backed shoreline areas, within high or active hazard zones, as identified by DOGAMI, active or potential landslide areas, prehistoric landslides or other landslide risk areas, as identified by DOGAMI, and any other documented geological hazard area on file, at the time of inquiry, in the city's Community Development Department.

Nebel reported that a "documented geological hazard area" means a unit of land that is shown by reasonable written evidence to contain geological characteristics/conditions which are hazardous or potentially hazardous for the improvement thereof. He stated that maps showing the active landslide areas in the city are included as part of attachment B of the staff report. He noted that in addition to the map, properties impacted by recent slides, (i.e. across from the Coast Guard station or 70th Street) while not included on the map, are covered in the ordinance as active landslide areas.

Nebel reported that for all geological hazard areas, new requirements would include that a certified engineering geologist, or geotechnical engineer, outline the extent of exploratory excavation in writing before work is performed, and provide oversight of the work that is being performed as part of the geological study. He stated that in addition, geological reports are to be performed under the most current guidelines issued by the Oregon State Board of Geology Examiners. He added that there is also a change that requires a 25-year design for new storm water retention facilities, and the ordinance clarifies that geotechnical and civil engineers are qualified to prepare erosion control plans.

Nebel reported that the final change impacts only active landslide areas. He stated that Ordinance No. 2157 requires peer review in active landslide areas. He stated that peer review is not required in bluff or dune-backed shoreline areas, or the prehistoric landslide areas which constitute a majority of lands subject to the geologic hazards regulations. He noted that approximately 14.3% of Newport's land area falls within a mapped geologic hazard area with 1.3% of the land falling within an active landslide area. He added that development projects in active landslide areas would be required to pay for a peer review of the geological report submitted for development within the active landslide areas, in addition to paying for the initial study.

Nebel reported that Resolution No. 3871 establishes a \$2,500 fee that the applicants must pay to offset a portion of the city's costs in having geological reports peer reviewed.

Sawyer opened the public hearing on Ordinance No. 2157, at 7:34 P.M. He called for public comment. There was none. He closed the public hearing for Council deliberation at 7:35 P.M.

It was recommended that a change be made to the fourth "Whereas" clause, fourth line, which would now read, "scope of exempt "exploratory excavations" in writing, and schematically, before the work is performed and. . ."

It was further recommended that a change be made to 14.21.040(D) to read as follows: "Exploratory excavations under the direction and oversight of a certified engineering geologist or geotechnical engineer. A letter, and graphic diagram, from the certified engineering geologist or geotechnical engineer outlining the scope of work shall be submitted before earthwork is commenced;"

MOTION was made by Allen, seconded by Goebel, to read Ordinance No. 2157, with the recommended changes noted above, including an emergency clause giving the ordinance an immediate effect, by title only, and place for final passage. The motion carried unanimously in a voice vote.

Hawker read the title of Ordinance No. 2157, along with the recommended changes. Voting aye on the adoption of Ordinance No. 2157 were Parker, Goebel, Sawyer, Jacobi, Botello, and Allen.

Council considered the adoption of Resolution No. 3871 setting a fee for peer review of geologic reports in active landslide areas. Recommended changes were:

1. Change the two references to November 6, 2019, to November 4, 2019;
2. Change "Section 7" to read "Section 3;"
3. Change Section 1 to read as follows: Section 1. Peer Review Fee Deposit. The fee deposit for peer review of geologic reports in active landslide areas, required pursuant to NMC Section 14.21.120, shall be \$4,000. Unused portions of said fee deposit shall be refunded."
4. Change Section 2 to read as follows: "Section 2. Annual Fee Adjustments. The fee established herein shall be reviewed and adjusted each fiscal year to account for inflation using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U), and may be adjusted each fiscal year to account for other relevant considerations."

MOTION was made by Allen, seconded by Botello, to adopt Resolution No. 3871, with the recommended changes as noted above. The motion carried in a voice vote with Goebel voting no.

COMMUNICATIONS

From Lucinda Taylor, Executive Director, Habitat for Humanity of Lincoln County - Project Update. Hawker introduced the agenda item. Nebel reported that Lucinda Taylor has been hired as the Executive Director for Habitat for Humanity of Lincoln County, and will update Council on activity in Lincoln County. He stated that she specifically will be reporting on the status of the duplex being built on city-owned land that will be conveyed to Habitat for Humanity on issuance of occupancy permits. He added that this is part of an agreement that was initiated in 2015 with Habitat for Humanity for the construction of these homes. He noted that Habitat for Humanity has gone through leadership changes, and financial limitations causing a delay in completing this structure. He stated that Habitat for Humanity Habitat expects the units will be ready for occupancy in the near future.

Nebel reported that the agreement between Habitat for Humanity and the city included additional property besides the two lots on 2nd Street, and that the agreement was for a four-year time period, which has expired. He stated that there is an automatic extension on lots where a project is underway to allow those projects to be completed. He added that upon occupancy, the agreement provides that the city issue a deed to Habitat for Humanity for the two lots where this project has been constructed. He stated that since the agreement has expired, any remaining property that was included in the terms of this original agreement are no longer obligated to Habitat for Humanity.

Taylor made a PowerPoint presentation regarding Habitat for Humanity, and in particular the duplex it is constructing in Newport. She responded to Council questions.

Allen stated that if Council was approached again regarding the other lot, the request, if any, might be better received as some of the questions have been answered.

From Gerry Barrett - Potential Use of Urban Renewal Funds and Dark Sky Initiative.

Hawker introduced the agenda item. Nebel reported that Gerry Barrett requested to address Council on two issues. He stated that the first is the use of Urban Renewal funds, and following Barrett's presentation, Council could refer follow-up discussion to a future Urban Renewal Agency meeting, as it may relate to Council's role as the directors for the URA.

Nebel reported that Barrett would also like to discuss the possibility of initiating a Dark Sky initiative in the city. He stated that he has had several discussions with Barrett, specifically regarding street lights and addressing the proper level of outdoor public lighting throughout neighborhoods and commercial districts. He noted that most of the street lights are owned by the Central Lincoln Public Utility District (CLPUD), and staff has been engaged in discussions with CLPUD regarding various longer-term street lighting issues. He added that he attended a presentation at the League of Oregon Cities Conference on the City of St. Helens' efforts to address the street lighting system with its public utility district.

Nebel reported that John Walsh, City Manager of St. Helens, outlined that city's effort at upgrading the street lighting. He stated that through Ameresco, the City of St. Helens and the public utilities district collaborated on a street light evaluation, which led to the replacement of street lights with high efficient LED directional lighting throughout the community. He stated that Walsh indicated that this effort significantly reduced the city's energy use, cleaned up the array of many styles of lighting in the community, and provides even directional (linear) lighting that reduces the flood lighting of homes in properties adjacent to street lights.

Nebel reported that he initiated conversations with CLPUD to discuss this type of concept for Newport, and to determine whether there may be an opportunity for collaboration on comprehensively tackling lighting issues in the city in a similar fashion.

Barrett reported that he spoke at the last public hearing held by the URA, but that he did not have sufficient time to fully elaborate his position on the Commons Project. He stated that, by way of review, Lincoln County acknowledged that it did not need the \$3 million to go forward in redevelopment of the fairgrounds property. He added that as far as he knows, that position has not changed. He encouraged Council to use those funds for redevelopment of the Deco District.

Barrett reported that he has an option on the Canyon Way Bookstore property, and hopes to redevelop that property with apartments with a mix of affordable and market unit apartments. He stated that the URA has tremendous opportunities to have a great economic impact on the redevelopment of the Deco District. He noted that he is encouraged at the staff willingness to consider the redevelopment of property. He urged Council to look at the Deco District, and if it seems reasonable and practical, to make a plan and begin redevelopment.

Parker applauded Barrett for his options. He asked Barrett to share Canyon Way updates with Council. Barrett reported that he is trying to determine the feasibility of the project, and once he determines whether the project is financially viable, he will provide

blueprints for staff review, and hopes to begin construction right away. He noted that he would be happy to keep Council abreast of the status.

Allen stated that Lincoln County has put a hold on the Commons Project. He noted that at the last URA meeting, the county talked about issues associated with the intersection. He asked whether the Northside URA Plan would have to be amended to consider projects in the Deco District. Tokos reported that he has not had recent conversations with the county about the Commons Project. He stated that transportation enhancements, including traffic flow and couplets, will be considered. He added that URA funding could be utilized for storefront façade grants. Allen asked whether there was anything related to land acquisition. Tokos reported that there is money to repackage parcels. Allen noted that there is more opportunity to discuss the use of these funds with the URA.

Barrett suggested conducting a survey on status of buildings in the Deco District. He stated that lots of work can go on behind the scenes, and reiterated that, as an option for URA monies, exploring the rehabilitation of the Deco District. A URA work session was suggested to flesh out some of Barrett's topics.

Nebel reported that the other thing that is speeding up with the Northside District is the transportation planning process. Allen stated that, regardless of this work, the URA should have its own discussion to integrate with the transportation planning process.

Sawyer asked about potential actions regarding derelict property owners.

Barrett addressed the Dark Sky Initiative. He reported that this issued needs to be examined as it is important and makes a statement about the community and ties into affordability and sustainability. He stated that there are three different kinds of lights around his house. He urged the formation of a committee to begin the process of studying options. He noted that the City of Moab went through a two-year process. He added that he plans on attending a Lincoln County Commissioners meeting to ask for countywide expansion of this initiative.

Nebel stated that if Council is interested in exploring this idea, he would get more specific information.

Jacobi stated that she strongly supports the Dark Skies Initiative from the standpoints of livability and attractiveness. She urged follow-up on this issue.

Allen asked Nebel about his conversations with CLPUD. Nebel reported that the city is in the process of renewing its franchise with the CLPUD. He added that the city has a street lighting contract with the CLPUD. He noted that the CLPUD completed an inventory, and interestingly, the city has been paying for more lights, which means there will have to be an adjustment. He added that he would let the CLPUD general manager know that he would like to discuss the Dark Sky Initiative. He added that he would report back to Council in January on the feasibility of this initiative in Newport.

Parker stated that he believes Barrett has borne an undue burden, and that staff should work with the CLUPD to microscale the lighting in his neighborhood, and other neighborhoods with similar situations. Barrett noted that the CLPUD will do what the city asks it to do, and suggested possible changing the wattage of the bulbs. Nebel noted that he would incorporate this into the discussions with the CLPUD.

Jacobi asked whether there is a specific plan for an inventory of buildings in the Deco District. Tokos reported that the first issue is how to manage the transportation network, and that discussion should occur in the spring.

Public Hearing and Potential Adoption of Ordinance No. 2152 Related to Accessory Dwelling Units. Hawker introduced the agenda item. Nebel reported that during the last legislative session, HB 2001 addressed a number of housing issues, including a prohibition on local governments from requiring owner occupancy, or off-street parking requirements associated with the construction of new accessory dwelling units (ADUs). He stated that ORS 197.312 requires that local governments allow at least one ADU for each detached single-family dwelling in residentially-zoned areas. He noted that it also eliminates provisions in the city's existing code that requires owner-occupancy of the detached single-family dwelling to allow for an ADU. He added that another area of the city's code that requires cleanup, is when an ADU is being added to an existing structure. He stated that since ADUs are small enough that they would not typically result in a substantial improvement, defined as 50% or more of the value of the structure, it is difficult to justify requiring the exterior of the entire structure to be upgraded to comply with design standards. He noted that a change in the code would exempt construction of an ADU from Nye Beach Design standards, in cases where the unit is contained within an existing structure.

Nebel reported that the Planning Commission reviewed these new standards and modifications to the city's Code, and held a public hearing on September 23, 2019 to consider public testimony on the drafting of amendments, and at the conclusion of the hearing, they passed a motion recommending Council adopt the amendments.

Sawyer opened the public hearing on Ordinance No. 2152 at 8:23 P.M. He called for public comment. There was none. He closed the public hearing for Council deliberation at 8:24 P.M.

MOTION was made by Allen, seconded by Botello, to read Ordinance No. 2152, an ordinance amending Chapters 14.16 and 14.30 of the Newport Municipal Code, related to accessory dwelling units, by title only, and place for final passage. The motion carried unanimously in a voice vote.

Voting aye on the adopting of Ordinance No. 2152 were Parker, Allen, Jacobi, Goebel, Sawyer, and Botello.

Public Hearing and Potential Adoption of Resolution No. 3873 Establishing Hiring Standards, Criteria, Policy Directives, and a Time Table for the Recruitment and Hiring of a City Attorney. Hawker introduced the agenda item. Nebel reported that at the October 21, 2019 work session, Council discussed the processes for filling the vacancy in the City Attorney's position created by the resignation and subsequent passing of Steve Rich. He stated that Hawker developed draft resolutions, hiring timetables, included the job descriptions, provided a request for proposals as an alternate to a staff attorney, as well as a listing of estimated annual proportion of City Attorney time by work area. He noted that one issue that may be listed as a desirable qualification, but not required, would be the ability to work with staff in drafting various policies, administrative rules, and other administrative guidelines. He added that this is an area where resources are needed to catch up with a backlog of projects, and if the City Attorney has this talent, it should be a consideration in the hiring process.

Nebel reported that in addition to local and state trade publications appropriate for this position, the city utilizes Neogov for its employment application processes and advertising. He stated that Council should make a determination as to whether to use Neogov for handling these applications.

Nebel reported that in going through the selection process for a new City Attorney, Council has previously used interviews by department heads and Council as a basis for determining what candidate has the strongest qualifications to fill this position. He stated that with department head interviews, a third panel of outside entities could be utilized to provide a third party perspective. He noted that this could include individuals, such as Lincoln County Counsel, City Managers, and/or City Attorneys, from other communities to help review the candidates. He added that Council would convene all of these groups to hear their perspective on the various candidates, or proposals for this position.

Nebel reported that he has a strong desire to have a City Attorney on staff, with the perfect candidate having the ability to assist staff with things such as: policy development, being at the negotiating table for franchises, employee negotiations, and other issues that need to be resolved. He stated that he would also like this individual to be available to sit in on staff and Council meetings. He added that one other factor that is important to Council is that a staff attorney is much more accessible to Council than a contractual attorney. He stated that with a staff attorney, Councilors are free to ask impromptu questions without incurring hourly costs. He added that the City Attorney regularly attends Council meetings, and Council has direct access to that individual. He noted that when the city had a contractual relationship for City Attorney services, the contact for that service was restricted based on rules that were incorporated in the Council Rules to avoid excessive contractual fees.

Nebel reviewed various scenarios for the procurement of legal services for the city.

Sawyer noted that the public hearing on Resolution No. 3873, at 8:25 P.M., there was no comment, and the hearing was closed at 8:26 P.M. He noted that it is now time for Council deliberation.

Allen declared a potential conflict of interests, and reported that he sent the following e-mail to Nebel over the weekend, and plans to abstain from voting on this issue: "Spencer - after Steve's resignation and the sad news he passed away shortly after that, a couple of folks asked me what interest, if any, I might have in the city attorney position. As you know, during the previous recruitment for a city attorney five years ago (which led to hiring Steve), I had been asked but chose not to apply for the position. After spending some time the past week thinking about this, I've determined it is unlikely that I will apply for the position during the upcoming recruitment. There are several reasons for that, including a commitment to continue serving on the council for more than just one year of my current four-year term. But, since there might be a slight chance I could apply, I plan to declare a potential conflict of interest at the time of agenda item 7.C. (draft Res. 3873) during Monday's meeting, and also plan to abstain from the vote to adopt the resolution."

Nebel distributed a copy of the flyer that was prepared for the recruitment of the Parks and Recreation Director, and asked whether Council thought a similar type of flyer for the City Attorney position would be beneficial. Council concurred.

Nebel asked whether Council is comfortable utilizing NeoGov for the application process, or whether it wishes to use a separate process. Council concurred on the use of Neogov for applications and a separate RFP process.

MOTION was made by Goebel, seconded by Botello, to adopt Resolution No. 3873, a resolution establishing hiring standards, criteria, policy directives, and a time table for the recruitment and hiring of a City Attorney for the City of Newport, Oregon. The motion carried in a voice vote with Allen abstaining.

CITY MANAGER'S REPORT

Consideration of Initiation of a Street Vacation for the Undeveloped Portions of NE 31st Street. Hawker introduced the agenda item. Nebel reported that NE 31st Street runs from Highway 101 east to Harney Street and provides alternative access to Longview Hills and the Big Creek Reservoirs. He stated that the current right-of-way is an irregular configuration of parcels of land with NE 31st Street located entirely within this right-of-way. He added that Todd Woodley is the agent for Wyndhaven Ridge, LLC that owns the property on either side of NE 31st Street. He noted that Wyndhaven has been working with the city to develop market rate multi-unit housing at this location. He stated that they are requesting the city consider a vacation which would create a uniform right-of-way width of 60' utilizing the current center line as a midpoint for this right-of-way. He noted that this would allow additional flexibility to fully develop this property. He added that Wyndhaven Ridge, LLC, is willing to incur the cost of surveys, recording fees, and related expenses, but has asked Council to initiate the street vacation process.

Nebel reported that based on the 2008 policy adopted by Council, Council will initiate street vacation requests based on the extent of public benefit, present and future use of the right-of-way area, environmental and geological impact, financial factors, and other issues. He stated that public benefits may include development that improves the city, such as additional housing, commercial, and industrial development, provides jobs and improves the appearance and character of the neighborhoods.

Nebel reported that in reviewing this criteria, and the request made by the developer, staff recommends that Council initiate the vacation proceedings.

Nebel reported that initiation by Council is not a decision on the merits of the vacation, and should not be viewed as an expression of approval of the vacation, only as a willingness to consider the issue of vacation. He stated that the vacation process will allow the collection of information and testimony to determine whether the actual vacation will be done in whole, in part, or not at all.

Mike Phillips, appeared on behalf of Wyndhaven, and urged Council to initiate the vacation.

MOTION was made by Allen, seconded by Botello, to initiate the street vacation proceedings for the undeveloped portions of NE 31st Street, pursuant to ORS 271.130 with the adjacent owner, Wyndhaven Ridge, LLC, being responsible for the filing fee of \$810 and any surveying and recording costs which must be incurred. The motion carried unanimously in a voice vote.

Authorization of a Letter to the State of Oregon Requesting an Advance for the Big Creek Dam Project as Funded in HB 5050. Hawker introduced the agenda item. Nebel reported that the state legislature approved, and the governor signed, HB 5050 in 2019 which provided a four million dollar appropriation for the Big Creek Dam project. He stated that these funds are not scheduled to be provided until the state moves forward with the sale of bonds in April of 2021. He noted that to keep the project on track, it is recommended that Council make a request for two million dollars to be advanced to allow the city to move forward with work that will be necessary to take advantage of federal funding opportunities. He added that the draft letter requests that the Oregon Joint Committee on Ways and Means allocate \$2 million in direct lottery funds for general funds

in the 2020 budget reconciliation bill, which would be offset by a \$2 million dollar reduction in the funds coming from the 2019/2020 lottery bond allocation as provided in HB 5050.

A noted a date change, and that the second paragraph is redundant with the first paragraph. He added that it would be nice to have both the Mayor and City Manager sign the letter. Nebel reported that there may be a couple of other tweaks depending on what happens between now and when this letter goes out.

MOTION was made by Allen, seconded by Goebel, to authorize a letter to be sent on behalf on the City Council to the Oregon Joint Committee on Ways and Means requesting an advance of two million dollars of the four million dollars appropriated be considered during the 2020 short session that will occur after the first of the year, and that the letter be signed by both the Mayor and City Manager. The motion carried unanimously in a voice vote.

Approval of an Intergovernmental Agreement with the State of Oregon through the Office of Emergency Management Regarding the Deployment of Fire Personnel as Part of the Mutual Aid Agreement among States. Hawker introduced the agenda item. Nebel reported that Hawker introduced the agenda item. Nebel reported that city crews have been deployed to assist California in fighting wildfires. He stated that since city fire crews were deployed out-of-state, the Office of Emergency Management requested that an intergovernmental agreement between the city and state be approved when city forces are deployed. He added that this is the same agreement that Council authorized retroactively for the 2018 California fires, and follows the guidelines for mutual aid assistance. He noted that at the request of the state, he has executed the agreement on behalf of the city.

Murphy responded to Council question.

MOTION was made by Goebel, seconded by Botello, to ratify the intergovernmental agreement between the State of Oregon through the Office of the Emergency Management and the City of Newport, to facilitate participation of City personnel for the California wildfire deployment. The motion carried unanimously in a voice vote.

COUNCIL COMMENTS

Parker reported that he hopes to have time at a work session to talk about charging structures. Nebel reported that this could occur in January or February.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:58 P.M.

Margaret M. Hawker, City Recorder

Dean H. Sawyer, Mayor

VACATION

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

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

[Amended by 1999 c.866 §2]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, December 9, 2019, to review and make a recommendation to the Newport City Council on a partial street vacation as requested in:

File No.: 2-SV-19

Applicant: Initiated by the City Council, at the request of Todd Woodley on behalf of Wyndhaven Ridge, LLC.

Request/Subject Property: The request is to vacate undeveloped portions of the NE 31st Street right-of-way to establish a uniform width of 60-feet to either side of the roadway centerline. The applicant is looking to position the property, specifically the portion on the south side of the street, for multi-family development. The irregular boundary and variable width of the NE 31st Street right-of-way, particularly where it borders the developable portion of the applicants property (i.e. the east half of the alignment), creates obstacles to development that this proposal will address. (See the attached illustration of the proposed area to be vacated).

Date Request Received: The street vacation was initiated by the City Council at applicants request on November 4, 2019.

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

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

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

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

Time/Place of Hearing: Monday, December 9, 2019; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: November 15, 2019.

PUBLISHED: Friday, November 22, 2019; Friday, November 29, 2019; and Wednesday, December 4, 2019/ Newport News-Times.

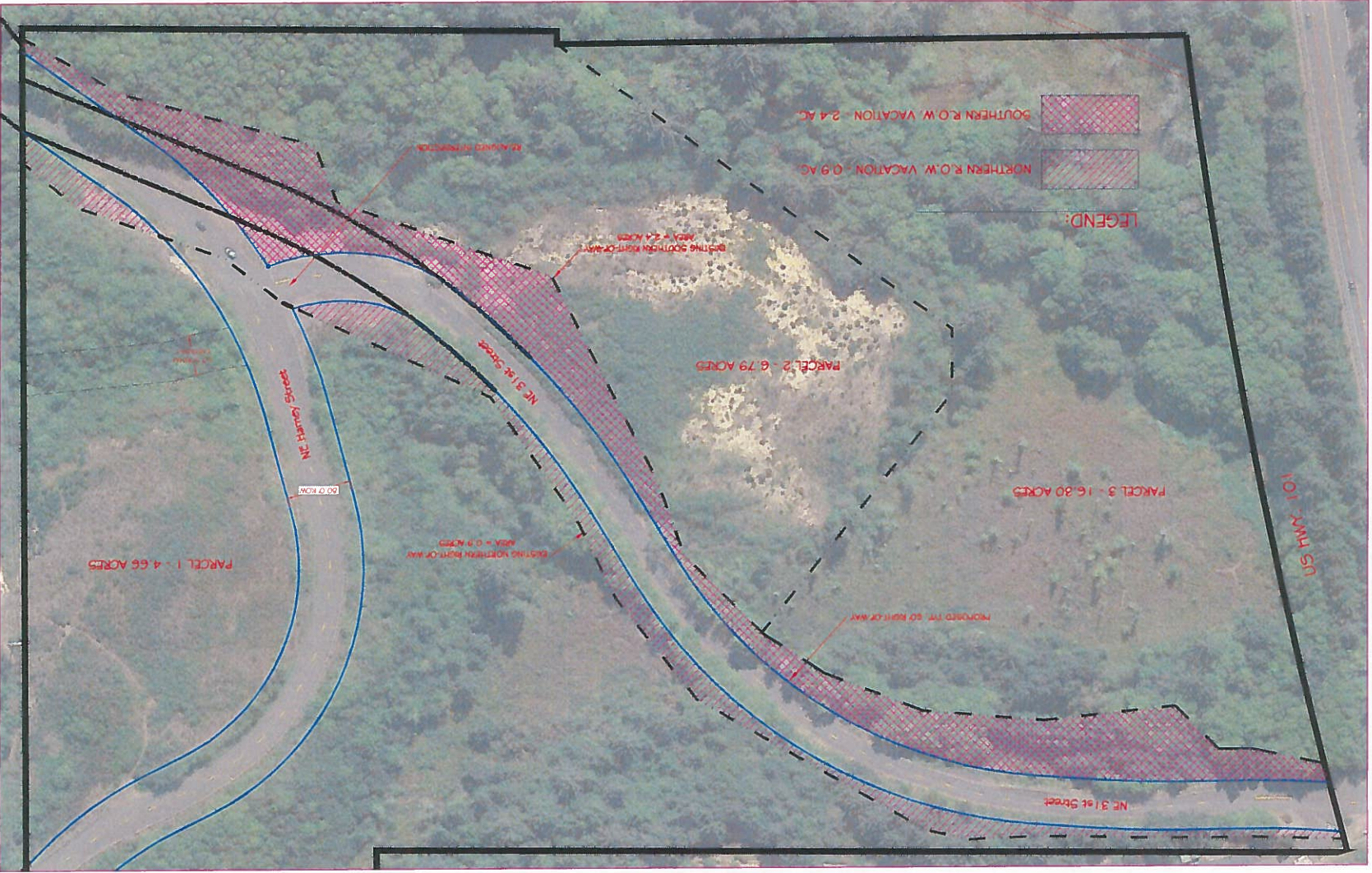
¹ Notice of the public hearing is being sent to affected property owners (according to Lincoln County Assessor's records) within the notification distance required for the request, affected public/private utilities/agencies, and affected city departments.

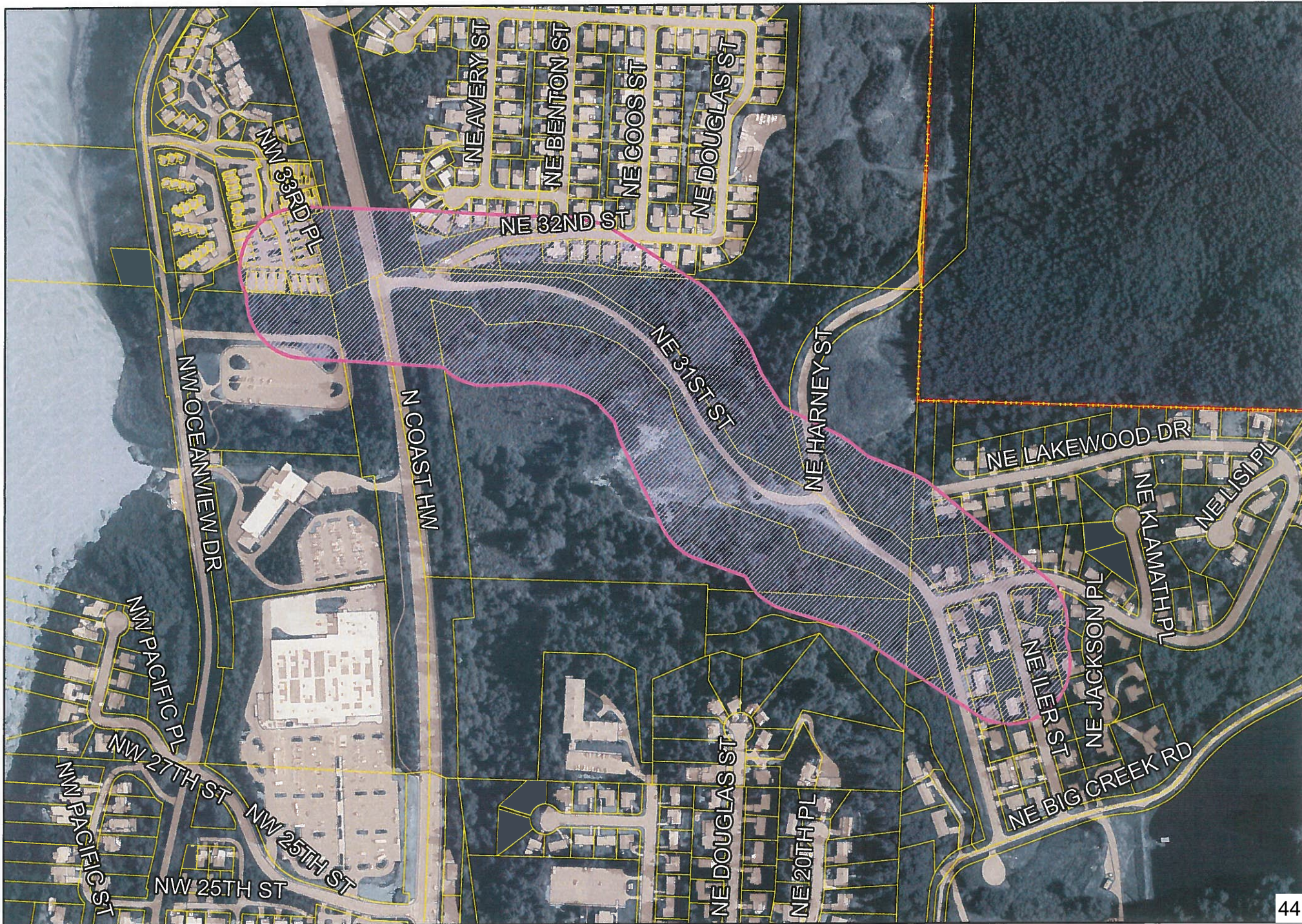
WINDHAVEN RIDGE, LLC
 WINDHAVEN RIDGE
 NEWPORT, OR

NO.	REVISIONS	DATE	BY

31st Street
 Modified
 Right-of-Way
 General Layout

EXHIBIT A





NE 31st Street ROW Vacation Notification Area

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

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

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

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

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

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

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

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

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

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

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

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

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

**PORT OF NEWPORT
600 SE BAY BLVD
NEWPORT OR 97365**

**Laura Kimberly
Library Director**

**Tim Gross
Public Works**

**Rob Murphy
Fire Chief**

**Jason Malloy
Police Chief**

**Mike Murzynsky
Finance Director**

**Joseph Lease
Building Official**

**Spencer Nebel
City Manager**

**Rachel Cotton
Associate Planner**

**EXHIBIT 'A'
Affected Agencies**

**Judy Mayhew
Parks & Rec.**

A & D DEVELOPMENT GEN PRTRNSHP
ATTN MOORE DENNIS
1603 NE 89TH PL
VANCOUVER, WA 98664

ADAMS THOMAS J TSTEE &
ADAMS SHIRLE TSTEE
106 SE VIEW DR
NEWPORT, OR 97365

BALL EARNESTINE E &
BALL GARY LEE
PO BOX 624
NEWPORT, OR 97365

BAYWOOD MANOR CONDO
ASSOCIATION OF UNIT OWNERS
161 HIGH ST SE STE 122
SALEM, OR 97308

BEESON JOHN H &
BEESON BARBARA
416 NE 32ND ST
NEWPORT, OR 97365

BEGUN BRYAN M &
MCCLEERY KRISTIN CLARICE
913 NE LAKEWOOD DR
NEWPORT, OR 97365

BOWDEN RONALD W &
BOWDEN KERI L
6241 SW LURADEL ST
PORTLAND, OR 97219

BRYAN CAROLYN J
86 NW 33RD PL
UNIT D
NEWPORT, OR 97365

BURNTRAGER JOAN &
ANTOLIK MERLE
322 NE 32ND ST
NEWPORT, OR 97365

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

DAYTON LORRAINE M
1796 E GLENEAGLE DR
CHANDLER, AZ 85249

DEUTSCHMAN RANDALL R &
LAWRENCE DARCEE J
926 NE LAKEWOOD DR
NEWPORT, OR 97365

EATON SIDONIE K TRUSTEE
96 NW 33RD PLACE #E
NEWPORT, OR 97365

EBEL STANLEY T TRUSTEE &
EBEL ROSALIA A TRUSTEE
232 NE 33RD ST
NEWPORT, OR 97365

EIBNER KAREN L
86 NW 33RD PL
UNIT E
NEWPORT, OR 97365

EISENHAUER CAROL &
ANKER ROBERT
PO BOX 287
NEWVILLE, PA 17241

ESTACADA LAKE LLC
13203 SE 172ND AVE
STE 166
#760
HAPPY VALLEY, OR 97086

FINDLING SHARON L TSTEE
85 NW 33RD PL
#D
NEWPORT, OR 97365

FITZPATRICK ALBERT WARREN
1080 NE 7TH DR
NEWPORT, OR 97365

GEIL TYLER RUSSELL &
GEIL HAZEL
2860 NE ILER ST
NEWPORT, OR 97365

GILHULY ALAN F
85 NW 33RD PLACE UNIT B
NEWPORT, OR 97365

GROESCH MANFRED W &
GROESCH HELGA
428 NE 32ND ST
NEWPORT, OR 97365

HALLAHAN EDWARD T JR TRUSTEE &
HALLAHAN JOANN H TRUSTEE
PO BOX 211
YACHATS, OR 97498

HAMRICK BRET A
PO BOX 492
NEWPORT, OR 97365

HARGETT KURT DALE &
HARGETT CORRINA L
2823 NE JACKSON PL
NEWPORT, OR 97365

HARPER STEPHEN T &
HARPER SUSAN M
142 NE 33RD ST
NEWPORT, OR 97365

HIGHFILL ROBERT T &
HIGHFILL MILDRED
2830 NE ILER ST
NEWPORT, OR 97365

HOOVER DORIS L
334 NE 32ND ST
NEWPORT, OR 97365

JOHNSEN CARLA A TRUSTEE
3659 224TH PL SE
ISSAQUAH, WA 98029

JOHNSON MICHAEL &
JOHNSON VIRGINIA W
2809 NE ILER ST
NEWPORT, OR 97365

JONES JODY L
PO BOX 1047
KIHEI, HI 96753

KELLEY FAE M
136 NE 33RD ST
NEWPORT, OR 97365

KELLISON DOLORES M
3214 NE BENTON ST
NEWPORT, OR 97365

KERL BETTY E
310 NE 32ND ST
NEWPORT, OR 97365

KRAMER BRIAN W TRUSTEE &
KRAMER MARI J TRUSTEE
2940 NE NEWCASTLE PL
CORVALLIS, OR 97330

LAKEWOOD HILLS INC
810 SE 5TH ST
NEWPORT, OR 97365

LATHROP STEVEN R &
REED LATHROP CHRISTIE L
96 NW 33RD PL
UNIT D
NEWPORT, OR 97365

LEO ROGER J TRUSTEE
8 MONTICELLO DR
LAKE OSWEGO, OR 97035

LEWIS BARBARA
86 NW 33RD PL #F
NEWPORT, OR 97365

LIHOU DAVID F &
GIDLEY SHARON P
2810 NE HARNEY DR
NEWPORT, OR 97365

LOOSE RODNEY L &
LOOSE PATRICIA J
400 NE 32ND ST
NEWPORT, OR 97365

LUGO RAFAEL &
LUGO ROBYN
853 NE LAKEWOOD DR
NEWPORT, OR 97365

LYNCH LEE J &
MULLIGAN ELAINE B
210 NE 33RD ST
NEWPORT, OR 97365

MIRANDA RAFAEL &
MIRANDA MARGARET ANN
3104 NW MORNING GLORY DR
CORVALLIS, OR 97330

MOREY WALTER J &
GOICURIA TANIA
1265 NE LAKEWOOD DR
NEWPORT, OR 97365

NELSON A GENE TRUSTEE &
NELSON AUDREY E TRUSTEE
907 BRAND OAKS CIR
COLLEGE STATION, TX 77840

NIELSEN SCOTT R &
NIELSEN JODIE S
2478 E CLIFF SWALLOW DR
SANDY, UT 84093

NILSEN MARGARITA
76 NW 33RD PL
UNIT A
NEWPORT, OR 97365

NORTH SHORE TERRACE CONDO
ASSOCIATION OF UNIT OWNERS
433 N COAST HWY
NEWPORT, OR 97365

OTTEN RICHARD A TRUSTEE &
OTTEN BETTY JO TRUSTEE
86A NW 33RD PL
NEWPORT, OR 97365

PACIFIC HOMES BEACH CLUB
HOMEOWNERS ASSN INC
3339 NE AVERY ST
NEWPORT, OR 97365

PACK GILLIAN F M
76 NW 33RD PL
UNIT G
NEWPORT, OR 97365

PALMER LEVORA
PO BOX 2207
NEWPORT, OR 97365

PENDLETON JEFFREY R &
HEWITT KELLY C
2840 NE ILER ST
NEWPORT, OR 97365

PENDLETON JEFFREY R &
HEWITT KELLY C
2840 NE ILER ST
NEWPORT, OR 97365

PHILLIPS VICKIE LEE TRUSTEE
2840 NE HARNEY DR
NEWPORT, OR 97365

RICCARTTO KATRINA &
IRAVANI FARHAD
17603 NW SHOREWOOD DR
BEAVERTON, OR 97006

RUMBAUGH KENNETH R &
RUMBAUGH SUSAN L
86 NW 33RD PL
UNIT C
NEWPORT, OR 97365

SCOTT KIMBERLY MARIE &
SCOTT CHARLES NATHANIEL
2837 NE JACKSON PL
NEWPORT, OR 97365

SENER SHIRLEY L
250 NE 32ND ST
NEWPORT, OR 97365

SHAPLAND MARK E &
SHAPLAND KATHERINE J
3331 FOREST GALE DR
FOREST GROVE, OR 97116

SHIPLEY MARY L
110 NE 32ND ST
NEWPORT, OR 97365

SMITH ANGELA A
PO BOX 2262
NEWPORT, OR 97365

SMITH KATHRYN SABINA TSTEE &
KAY MICHAEL AARON TSTEE
5712 SW NEBRASKA ST
PORTLAND, OR 97221

SPRAGUE STEVEN L &
SPRAGUE SUSAN F
224 NE 33RD ST
NEWPORT, OR 97365

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

SUMNER CAROL J &
SUMNER RICHARD R
1525 NW 14TH ST
CORVALLIS, OR 97330

TAPOLOW ROBERT
331 NE 32ND ST
NEWPORT, OR 97365

TATUM RICHARD E &
BRUNETTE MARGARET J
2749 NE ILER ST
NEWPORT, OR 97365

TROFTGRUBEN SHERI D &
ST CLAIR JOHN B
3318 BRENNWOOD PL
PHILOMATH, OR 97370

WHITESITT J ELDON
114 NE 33RD ST
NEWPORT, OR 97365

WILDER JEANNE LA VELLE
329 NE 32ND ST
NEWPORT, OR 97365

WILLIAMS PENNY M
2750 NE HARNEY DR
NEWPORT, OR 97365

WILSON DEREK RAY
901 NE LAKEWOOD DR
NEWPORT, OR 97365

WOODARD LISA A
1255 NE LAKEWOOD DR
NEWPORT, OR 97365

WYNDHAVEN RIDGE LLC
PO BOX 247
STAYTON, OR 97383

YELTON CHRISTY M
3211 NE COOS ST
NEWPORT, OR 97365

YOUNG RUSSELL W &
YOUNG WENDI A
2845 NE ILER ST
NEWPORT, OR 97365

YUILLE KRISTIN H &
GREEN NATHAN R
1245 NE LAKEWOOD DR
NEWPORT, OR 97365

ZAYTSEV LEONID
17496 SE HEMRICK RD
BORING, OR 97009

Adjacent Property Owners

File No. 2-SV-19

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

The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, December 9, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on a proposed street vacation (File No. 2-SV-19) as initiated by the City Council at the request of Todd Woodley on behalf of Wyndhaven Ridge, LLC. The request, which was initiated on November 4, 2019, is to vacate a portion of the NE 31st Street to establish a uniform right-of-way width of 60-feet to either side of the roadway centerline. The applicant is looking to position the property, specifically the portion on the south side of the street, for multi-family development. This will address the challenge of the irregular boundary and variable width of the NE 31st Street right-of-way, particularly where it borders the developable portion of the applicants property (i.e. the east half of the alignment). Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included, as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, NOVEMBER 22, 2019; ONCE ON FRIDAY, NOVEMBER 29, 2019; AND ONCE ON WEDNESDAY, DECEMBER 4, 2019.)

most animals, however, do make vitamin C. There is a difference in being deficient in a nutrient and meeting that minimum, versus the amounts necessary for optimum health. There is also the phenomenon of absorption and interference and many other factors that affect nutrient uptake. Many of the studies done on C are flawed for these reasons.



Alexander Johannes Michels, Ph.D, Communications and Research Coordinator at the Linus Pauling Institute in Corvallis, stands in front of a depiction of the crystalline structure of vitamin C painted by William Shumway. (Courtesy photo)

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NOTICES

12/4/19

NOTICES

DEED OF TRUST

DEED OF TRUST IMMEDIATELY DUE AND PAYABLE, INCLUDING: the principal sum of \$60,533.88 together with interest thereon at the rate of 9 % per annum, from 2/2/2019 until paid, plus all accrued late charges, and all trustee's fees, foreclosure costs, and any sums advanced by the beneficiary pursuant to the terms and conditions of the Deed of Trust Whereof, notice hereby is given that the undersigned trustee, CLEAR RECON CORP, whose address is 111 SW Columbia Street #950, Portland, OR 97201, will on 3/18/2020, at the hour of 10:00 AM, standard time, as established by ORS 187.110, At the front entrance to the Lincoln County Court-house located at 225 West Olive, in the City of Newport, OR 97365, sell at public auction to the highest bidder in the form of cash equivalent (certified funds or cashier's check) the interest in the above-described real property which the grantor had or had power to convey at the time it executed the Deed of Trust, together with any interest which the grantor or his successors in interest acquired after the execution of the Deed of Trust, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.778 has the right to have the foreclosure proceeding dismissed and the Deed of Trust reinstated by payment to the beneficiary of the entire amount then due (other than the portion of principal that would not then be due had no default occurred), together with the costs, trustee's and attorneys' fees, and curing any other default complained of in the Notice of Default by tendering the performance required under the Deed of Trust at any time not later than five days before the date last set for sale. Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic.

PROSPECTIVE PURCHASERS

Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by the Deed of Trust, the words "trustee" and "beneficiary" include their respective successors in interest, if any. Dated: 11/4/2019 CLEAR RECON CORP 111 SW Columbia Street #950 Portland, OR 97201 Phone: 858-750-7600 866-931-0036 Shella Domilos, Authorized Signatory of Trustee. N27 D04 D11 D18 (65-18)

NOTICE OF PUBLIC MEETING

Oregon Cascades West Council of Governments; A public meeting of the Executive Committee of the Oregon Cascades West Council of Governments' (OCWCOG) Board of Directors will be held on Thursday, December 5, 2019 at 12:30 pm, at the Cascades West Center, 1400 Queen Avenue SE, Albany, Oregon. The purpose of this meeting is to convene a standard meeting of the Executive Committee of the OCWCOG. For further information about OCWCOG, please visit our website at www.OCWCOG.org. D4 (84-04)

PUBLIC MEETING LEGAL NOTICE

You are invited to attend Lincoln Soil and Water Conservation Districts; Annual Meeting: WHEN: December 12, 2019 (Thursday); Pot Luck Dinner: 6:00 PM - 7:00 PM Presentation: 7:00 PM - 8:30 PM. PRESENTATION: 2018/2019 Annual Report and Audit. WHERE: Newport Visual Arts Center Room 205, 777 NW Beach Drive, Newport, OR 97365. D4 D11 (83-11)

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT In the Mat-

ter of the Estate of Dane Harry Penery, Deceased. No. 19PB07894; Notice to Interested Persons. Notice is hereby given pursuant to ORS 113.155 that the undersigned has been appointed and has qualified as the personal representative of the estate. All persons having claims against the estate are hereby required to present the same, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the personal representative at: James H. Penery c/o Bruce L. McCrum, Attorney At Law, 515 W. Olive Street, Newport, OR 97365 (541) 265-2217, or they may be barred. All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the court, the personal representative or the attorney for the personal representative. Date first published is 11/20/2019. /s/Bruce L. McCrum, OSB #882634 Attorney for Personal Representative. N20 N27 D04 (73-04)

NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION

CITY OF NEWPORT: The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, December 9, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on a proposed street vacation (File No. 2-SV-19) as initiated by the City Council at the request of Todd Woodley on behalf of Wyndhaven Ridge, LLC. The request, which was initiated on November 4, 2019, is to vacate undeveloped portions of the NE 31st Street right-of-way to establish a uniform width of 60-feet to either side of the roadway centerline. The applicant is looking to position the portion on the south side of the street, for multi-family development. The irregular boundary and variable width of the NE 31st Street right-of-way, particularly where it borders the developable portion of the applicants property (i.e. the east half of the alignment), creates obstacles to development that this proposal

will address. Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included, as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0826 (address above) N22 N28

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 DIANA BARGIONI, Deceased. No. 19PB08016 NOTICE TO INTERESTED PERSONS. Notice is hereby given that the undersigned has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached to the undersigned personal representative at 2026 Pacific Avenue, Forest Grove, Oregon 97116, 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. Dated and first published 11/15/19. J. Wynell Elzenga, Personal Representative, c/o Stephanie M. Lommen, Attorney at Law, 2026 Pacific Avenue, Forest Grove, OR 97116 (503) 357-6300. N20 N27 D04 (68-04)

PUBLIC NOTICE

KPPT-FM, Depoe Bay, Oregon; KCUP-AM, Toledo, Oregon. On October 28, 2019, an application was filed with the Federal Communication Commission by AGPAL Broadcasting, Inc. requesting consent to the assignment of the FCC Licenses of radio broadcast Stations KPPT-FM, Depoe Bay, Oregon, and KCUP-AM, Toledo, Oregon from AGPAL Broadcasting, Inc. to XANA Oregon, LLC. Agpal Broadcasting is an Oregon corporation, the sole officer, director, and shareholder being Paul McAnally and Xana Oregon, LLC is a Washington Limited Liability Company the sole Members being Thomas D. Hodgins and Christopher Jacky. KPPT-FM operates on 100.7 MHz with an effective radiated power of 17,500 watts at 255 meters height above average terrain from a at 44° 45' 22.40" N Latitude and 124° 03' 54.00" W Longitude (NAD83). KCUP-AM operates on 1230 kHz with

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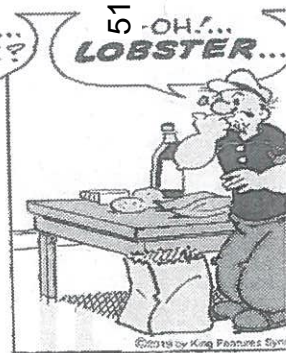
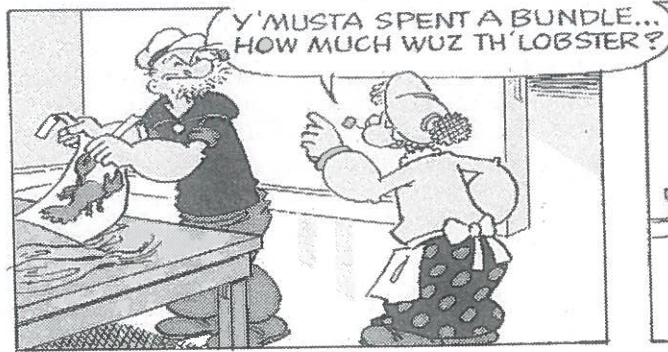
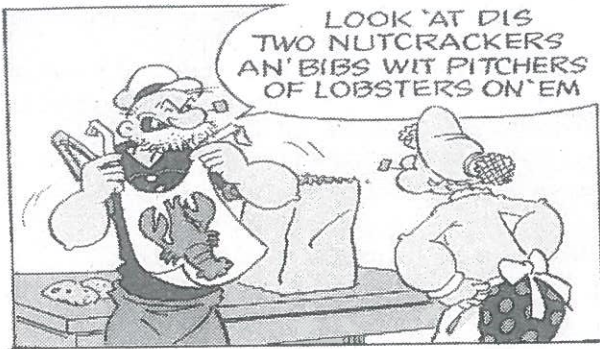
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PUBLIC NOTICES

11/30/19

LEGAL DEADLINES:

WEDNESDAY EDITION:
5:00pm Thursday

FRIDAY EDITION:
5:00pm Tuesday

NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION

CITY OF NEWPORT: The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, December 9, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on a proposed street vacation (File No. 2-SV-19) as initiated by the City Council at the request of Todd Woodley on behalf of Wyndhaven Ridge, LLC. The request, which was initiated on November 4, 2019, is to vacate undeveloped portions of the NE 31st Street right-of-way to establish a uniform width of 60-feet to either side of the roadway centerline. The applicant is looking to position the property, specifically the portion on the south side of the street, for multi-family development. The irregular boundary and variable width of the NE 31st Street right-of-way, particularly where it borders the developable portion of the applicants property (i.e. the east half of the alignment), creates obstacles to development that this proposal will address. Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testi-

mony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included, as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above). N22 N29 D04 (71-04)

NOTICE OF A PUBLIC HEARING

CITY OF NEWPORT: The Newport Planning Commission will hold a public hearing on Monday, December 9, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 5-Z-19, amendments to Newport Municipal Code (NMC) Section 14.30.080, Permitted Uses, and Section 14.30.100, Special Zoning Standards in Design Review Districts, to allow residential uses at street grade in C-2 zoned areas within the Historic Nye Beach Design Review District that are north of NW 6th Street and south of NW 2nd Court. The current regulations allow residential uses at street grade in these areas only for properties that border Coast Street, Cliff Street or Olive Street. Pursu-

ant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above). N29 (72-29)

NOTICE TO INTERESTED PERSONS IN THE CIRCUIT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN In the Matter of the Estate of JAY DEAN CONATSER, Deceased. Case No. 19PB07474 NOTICE TO INTERESTED PERSONS. NOTICE IS HEREBY GIVEN that Tyler Loring has been appointed personal representative of the Estate

of Jay Dean Conatser. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative through the personal representative's attorney at PO Box 1987, Newport, OR 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the attorney for the personal representative, Traci P. McDowall. Dated and first published on November 22, 2019. Adam C. Springer, LLC, /s/Traci P. McDowall, OSB #184063, Attorney for Personal Representative. PERSONAL REPRESENTATIVE: Tyler Loring, 3225 63rd Ave SW, Seattle, WA 98116, LAWYER FOR PERSONAL REPRESENTATIVE: Traci P. McDowall, OSB #184063, PO Box 1987, Newport, OR, 97365 Telephone: (541) 265-5500; Fax: (541) 265-7633; Email: traci@yaquinalaw.com. N22 N29 D6 D13 (74-13)

NOTICE TO INTERESTED PERSONS IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN Probate Department Case No. 19PB08623 NOTICE TO INTERESTED PERSONS In the Matter of the Estate of MICHAEL SPENCER, Deceased. NOTICE IS HEREBY GIVEN that Alexander Scott has been appointed as the personal representative of the above estate. All persons having claims against the estate are required to present them to the personal representative, in care of the undersigned attorneys at: 1100 SW Sixth Avenue, Suite 1400, Portland, OR 97204-1003, 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 attorneys for the personal representative. Dated and first published on Nov. 22, 2019. Alexander Scott Personal Representa-

tive Nathan A. Rudolph, OSB No. 124419 Smith, McDonald, Vaught & Rudolph, LLP Attorneys for Personal Representative. 1100 SW Sixth Avenue, Suite 1400, Portland, OR 97204-1003 Tel (503) 248-9535 Fax (503) 248-9538 nrudolph@smvllp.com Published: Nov. 22, 2019 and Nov. 29 and Dec. 06, 2019 N22 N29 D06 (76-06)

CIVIL SUMMONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON IN AND FOR THE COUNTY OF LINCOLN JPMorgan Chase Bank, National Association, Plaintiff, vs. UNKNOWN HEIRS, DEVISEES AND/OR SUCCESSORS IN INTEREST OF DONNA M. HASBROUCK; MARY T. COLE; JACQUELINE R. CHAVEZ; PAUL X. HASBROUCK; UNKNOWN HEIRS; DEVISEES AND/OR SUCCESSORS IN INTEREST OF ANN MARIE HASBROUCK; UNKNOWN HEIRS, DEVISEES AND/OR SUCESORS IN INTEREST OF ERIK P. HASBROUCK; STATE OF OREGON; UNITED STATES OF AMERICA; GEMINI CAPITAL GROUP, LLC; PARTIES IN POSSESSION. Defendants. No. 19CV34437 CIVIL SUMMONS. TO THE DEFENDANTS: Unknown Heirs, Devisees and/or successors in interest of Donna M. Hasbrouck, Unknown Heirs, Devisees and/or successors in interest of Ann Marie Hasbrouck and Unknown Heirs and Devisees of Erik P. Hasbrouck, deceased and Jeanette S. Madson. NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY! A lawsuit has been started against you in the above-entitled Court by JPMorgan Chase Bank, National Association, Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is on file at the Lincoln County Courthouse. You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not

have an attorney, proof of service on the plaintiff. The object of the complaint is to foreclose a deed of trust dated February 6, 2008 and recorded as Document No. 200801826 given by Donna Hasbrouck on property commonly known as 2009 SE Donelle Drive, Toledo, OR 97391 and legally described as: LOT 13, MCELWAIN ACRES STAGE 2, IN THE CITY OF TOLEDO, LINCOLN COUNTY, OREGON. The complaint seeks to foreclose and terminate all interest of Unknown Heirs, Devisees and/or successors in interest of Donna M. Hasbrouck, Jeanette S. Madson, Unknown Heirs, Devisees and/or successors in interest of Ann Marie Hasbrouck and Unknown Heirs and Devisees of Erik P. Hasbrouck, deceased and all other interests in the property. The "motion" or "answer" (or "reply") 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. The date of first publication of the summons is November 22, 2019. If you are in the active military service of the United States, or believe that you may be entitled to protection of the SCRA, please contact our office. If you do not contact us, we will report to the court that we do not believe that you are protected under the SCRA. 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 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636. Attorneys for Plaintiff, SHAPIRO & SUTHERLAND, LLC By: /s/ James A. Craft; James A. Craft #090146 [jcraft@logs.com] 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683 (360) 260-2253; Fax (360) 260-2285 N22 N29 D6 D13 (78-13)

FORECLOSURE SALE The Storage Place, 4822 S Coast Hwy South Beach, OR. 97366. Starting at 4:00 PM on 12-13-2019 for unit #77 rented by Carla Keanan and #58

rented by Ma man. N30 D6

SUMI IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN No. 19CV3 MONS QJ MARY PER VIRGINIA B Trustees of Donald Per Trust, dated 25, 2015, WEST COAST OREGON cor all other parties unknown right, title, li in the prop in the corr Defendants COAST COMPANY, unknown parties claim title, lien, or property de complaint ARE HERE to appear a complaint you in the cause with the date : summons, 2019. The is the dat publication of your fai for want th will apply t relief dem complaint. claims tha the actual real prop 844 SE 5th Oregon 97 demanded plaint is : Requiring i all persons Defendant the nature if any, to t described; ing all ad any, of C all persons; Defendant Plaintiffs t in fee sin property c and entitle thereof, fr title, claim est of Defi claiming dants an in the p riffs; (d) E dants an under D asserting claim, lie the prem tion there Plaintiffs disburse herein; a



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11/22/19

PUBLIC NOTICES

LEGAL DEADLINES:

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

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

NOTICE TO INTERESTED PERSONS IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN: In the Matter of the Estate of PAULA F. CIBOROWSKI, Deceased. Case No. 19PB06161. NOTICE IS HEREBY GIVEN THAT David L. Carlson has been appointed personal representative of the estate of Paula F. Ciborowski. All persons having claims against the estate are required to present them, with vouchers attached, to the undersigned personal representative at: David L. Carlson, P.C., PO Box 13066, Salem, OR 97309 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 proceeding may obtain additional information from the records of the court, the personal representative, or the attorneys for the personal representative, David L. Carlson, P.C., PO Box 13066, Salem, OR 97309, (503) 365-0373 (david@ david-carlson-attorney.com). Dated and first published 11/08/2019. N08 N15 N22 (55-22)

NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION

CITY OF NEWPORT: The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, December 9, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on a proposed street vacation (File No. 2-SV-19) as initiated

by the City Council at the request of Todd Woodley on behalf of Wyndhaven Ridge, LLC. The request, which was initiated on November 4, 2019, is to vacate undeveloped portions of the NE 31st Street right-of-way to establish a uniform width of 60-feet to either side of the roadway centerline. The applicant is looking to position the property, specifically the portion on the south side of the street, for multi-family development. The irregular boundary and variable width of the NE 31st Street right-of-way, particularly where it borders the developable portion of the applicants property (i.e. the east half of the alignment), creates obstacles to development that this proposal will address. Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included, as part

of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above). N22 N29 D04 (71-04)

NOTICE TO INTERESTED PERSONS IN THE CIRCUIT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN In the Matter of the Estate of JAY DEAN CONATSER, Deceased. Case No. 19PB07474 NOTICE TO INTERESTED PERSONS. NOTICE IS HEREBY GIVEN THAT Tyler Loring has been appointed personal representative of the Estate of Jay Dean Conatser. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative through the personal representative's attorney at PO Box 1987, Newport, OR 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the attorney for the personal representative, Traci P. McDowall. Dated and first published on November 22, 2019. Adam C. Springer, LLC. /s/ Traci P. McDowall, OSB #184063, Attorney for Personal Representative.

PERSONAL REPRESENTATIVE: Tyler Loring, 3225 63rd Ave SW, Seattle, WA 98116, LAWYER FOR PERSONAL REPRESENTATIVE: Traci P. McDowall, OSB #184063, PO Box 1987, Newport, OR, 97365 Telephone: (541) 265-5500; Fax: (541) 265-7633; Email: traci@yaquinalaw.com. N22 N29 D6 D13 (74-13)

NOTICE OF A PUBLIC HEARING AFFECTING THIS AREA

Lincoln County Planning Commission: NOTICE IS HEREBY GIVEN THAT the Planning Commission of Lincoln County, Oregon, will hold a public hearing on Monday, December 9, 2019, to consider the following matter. Case File No. 22-C-ADM-19 APPELLANT: Ron Goulet; APPLICANT: Tressa Edwards; Case File #22-C-ADM-19; REQUEST: Appeal of Administrative Approval of a request for a conditional use permit for the purpose of establishing a medical hardship in a T-C zone. APPLICABLE CRITERIA: 1. Oregon Revised Statutes (ORS) 215.283(2)(L) 2. Lincoln County Code, Section 1.1375; Conditional Uses Permitted in a T-C Zone. 3. Lincoln County Code, Section 1.1630; Standards for Conditional Uses (28) Standards for medical hardship dwellings in A-C and T-C zones. LOCATION: The property is located at 221 Hidden Valley Road and is further identified on Lincoln County Assessor's map 11-10-18-C0 as tax lot 400. APPLICATION MATERIALS: Copies of the staff report for this case may be purchased at the Lincoln County Planning Department, 210 SW 2nd Street, Newport Oregon, seven days prior to the hearing. Written testimony submitted in advance of the hearing is encouraged. The chair reserves the right to limit the time allowed for oral testimony. The application, all documents and evidence submitted to date by or on behalf of the applicant, and applicable criteria are available for inspection at the Planning Department at no cost and can be

purchased. TESTIMONY: Testimony can be submitted in written or oral form. Letters should be sent to Lincoln County Planning Department; oral testimony will be taken during the course of the public hearing. Failure to raise an issue in a hearing, either in person or in writing, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. CONTACT: Onno Husing, Director, Lincoln County Planning at (541) 265-4192. TIME/PLACE OF HEARING: Monday, December 9, 2019 at 7:00 p.m. in the Lincoln County Courthouse, Board of Commissioner's Conference Room, West Entrance, 225 W. Olive Street, Newport, Oregon. Any person having interest in this matter may attend and be heard, or they may submit testimony in writing to be entered into the record. MAILED: November 19, 2019. For special physical, language or other accommodations at the Planning Commission meeting, please contact the Lincoln County Planning Department at 541-265-4192 and/or include e-mail as soon as possible, but at least 48 hours before the meeting. N22 (75-22)

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

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE Department Case No. 19PB08623 NOTICE TO INTERESTED PERSONS In the Matter of the Estate of MICHAEL SPENCER, Deceased. NOTICE IS HEREBY GIVEN THAT Alexander Scott has been appointed as the personal representative of the above estate. All persons having claims against the estate are required to present them to the personal representative, in care of the undersigned attorneys at: 1100 SW Sixth Avenue, Suite 1400, Portland, OR 97204-1003, 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 attorneys for the personal representative. Dated and first published on Nov. 22, 2019. Alexander Scott Personal Representative Nathan A. Rudolph, OSB No. 124419 Smith, McDonald, Vaught & Rudolph, LLP Attorneys for Personal Representative. 1100 SW Sixth Avenue, Suite 1400, Portland, OR 97204-1003 Tel (503) 248-9535 Fax (503) 248-9538 nrudolph@smvllp.com Published: Nov. 22, 2019 and Nov. 29 and Dec. 06, 2019 N22 N29 D06 (76-06)

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

CASE NO. 19PB07926 NOTICE TO INTERESTED PERSONS In the Matter of the Estate of TONI LEE WERTZ Deceased. NOTICE IS HEREBY GIVEN THAT Teresa Clausen has been appointed and has qualified as the Personal Representative of the Estate of Toni Lee Wertz, decedent. All persons having claims against the estate are hereby required to present the claim, with proper voucher, within four months after the date of first publication of this notice, to the Personal Representative at the law office of Larry K. Gray & Associates, P.C., 404 E. First Street, Newberg, Oregon 97132, or they may be barred. All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the court, the Personal Representative or the attorney for the Personal Representative. Date of First Publication: Date of Last Publication: Personal Representative Teresa Clausen 404 E. First St. Newberg, Oregon 97132. Larry K. Gray & Associates P.C. Attorneys at Law 404 E. First St. Newberg, Oregon 97132 Telephone

No. (503) 248-9538 N29 D06 (76-06)

CIVIL IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN JPMorgan National Plaintiff, v. HEIRS, DOR SUC INTEREST HASBROUCO, COLE; JAV CHAVEZ; BROUCK; HEIRS; DOR SUC INTEREST MARIE UNKNOWN SEES AN SORS IN ERIK P. STATE (UNITED CAPITAL PARTIES SION, De 19CV3443 MONS. T DANTS: Heirs, De successor Donna M Unknown sees and in interest Hasbrouck Heirs and P. Hasbro and Jeanne NOTICE T READ T CAREFUL has been you in the Court by J Bank, Na tion, Plair claim is st ten Comp which is o coln Cour You must case or will win To "appe file with tl paper call "answer." "answer" i the court c trator with the re It must be and have on the pl or, if the p have an a service on object of is to for of trust (6, 2008 a

Bob Highfill
2830 NE Iler
Newport, OR. 97365

November 22, 2019

Newport Community Development
169 SW Coast Highway
Newport, OR. 97365

Subject: File # 2-SV-19

Currently 31st Street joins Harney at approximately 80 degrees with a stop sign. This allows for viewing on coming traffic in both directions.

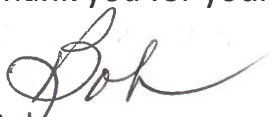
The only way it would be acceptable to me is if what would become south bound 31st street traffic would be given right of way priority over the southbound Harney traffic or a long merge lane, not proposed. Trying to see Harney southbound traffic at some kind of stop at the junction over the shoulder would be very difficult.

With the proposed development traffic to Reservoir Road and access to the 11th Street 101 stop light is going to ballon.

A stoplight should be considered at Highway 101 and 31st or 36th Streets

As drawn there is no indication of how the southbound Harney traffic would turn west onto 31st Street.

Thank you for your consideration.


Bob

Derrick Tokos

From: Pettis, Jacob <JPettis@cencoast.com>
Sent: Monday, December 02, 2019 3:23 PM
To: Derrick Tokos
Cc: Hillebrand, Tyrell
Subject: FW: Two Notices of Public Hearing - City of Newport
Attachments: Notice of Public Hearing.pdf; City of Newport Partial Street Vacation.pdf

Derrick,

I am writing in regards to the two attached notices of Public Hearing that you sent Central Lincoln to review. Central Lincoln has no objections to the proposed re-zoning of the properties in Nye Beach.

After speaking with you about the proposed vacation of R.O.W. along NW 31st street and NW Harney, we have no objection to that either.

You mentioned that our existing Street light circuit will either remain inside the street R.O.W. or it will be within a utility easement that the City will reserve. That was the only conflict that we may have had, but it sounds like we'll be covered.

Thank you,

Jake Pettis

Distribution Engineering Supervisor

Office: (541) 574-3639

jpettis@cencoast.com



Planning Commission , City of Newport, Or
City Hall Council Chambers
169 SW Coast Hwy
Newport, Or 97365

CITY OF NEWPORT

DEC 05 2019

RECEIVED

11/29/19

re: File no. : 2-SV- 19
NE 31st St widening
Multi-family Development

Sirs:

We are submitting our written opposition to this project , referenced above , as we are unable to attend the Public Hearing Monday , December 09, 2019 at City Hall Council Chambers, City of Newport, Or (address above).

Very short notice has been given (apprx. 2 weeks) to adjacent property owners and to the residents of the City of Newport, Or for this proposed development .

The proposed project has (2) immediate aspects which put the City of Newport, Or at substantial financial liability and should be studied in-depth for long term consequences. The (2) aspects are a widened road and the building of housing in a basin .

The proposed widening of 31st St to a uniform width of 60 feet to either side of its centerline will substantially destabilize the hill which rises steeply on its north side. Pacific Homes Beach Club is a retirement community with 138 properties on top of this hill. It was built in 1978 and each resident owns their property and house individually and also share in utilities and common areas. Destabilizing and erosion from the widened road on the North side would individually and collectively impact the residents and their properties and utilities. It is distinctly possible that houses could tumble down the weakened hill, perhaps in the middle of the night. As dominos , the next row of houses would be in harms way. What kind of vertical support is proposed for the apprx. 90 elevation ? The Coast Hiway and Hiway 20 have numerous wxamples of this reinforcement which is very expensive and not always successful. Who will pay for this vertical support and its continuing maintenance ?

The 2nd aspect is building a multi-family development in the basin to the immediate south of 31st St. This basin has high potential for flooding from either of the reservoir dams breaking or breaching , tsunami surges , and winter floods. For the City of Newport Or to approve housing in this basin is to put lives and property at risk.

The Tsunami Evacuation Map - available at the Visitor Center - very specifically indicates the basin area as a local tsunami cascadia earthquake zone with evacuation routes highly recommended. This map is published by the Oregon Dept of Geology & Mineral Industries with NOAA funding. Big Creek cuts through this basin and is fed by creeks from Newport Middle School and others. The name Big Creek is self evident.

This basin sits below Big Creek Reservoirs #1 and #2. The dams for these reservoirs are old enough and concerning enough that the City of Newport Or has formally applied to the State of Oregon for their replacement. This application for dam replacements is recommended by the City of Newport Or engineers who have also alerted the public of the urgency in a Newport News-Times article by quote.

The project , if approved, could bankrupt the City of Newport Or if the red flag warnings are not heeded. Look at the tsunami map again. Without this development the City does not have these liabilities.

Very Concerned,

Mark and Patti Stanifer

334 32nd St
Newport, Or 97365

334 32nd St
Newport, OR 97365

SANTA CLARITA CA 913

30 NOV 2019 PM 5 L



COMMUNITY DEVELOPMENT PLANNING DEPT
CITY HALL
169 SW COAST HWY
NEWPORT, OR 97365

97365-380669



PLANNING STAFF MEMORANDUM
FILE No. 5-Z-19

- I. **Applicant:** Initiated by motion of the Newport Planning Commission on September 9, 2019.
- II. **Request:** Amendments to Section 14.30.080, Permitted Uses, and Section 14.30.100, Special Zoning Standards in Design Review Districts, to allow new residential uses at street grade in C-2 zoned areas within the Historic Nye Beach Design Review District that are north of NW 6th Street and south of NW 2nd Court. The current regulations allow new residential uses at street grade in these areas only for properties that border Coast Street, Cliff Street or Olive Street.
- III. **Findings Required:** This is a legislative action whereby the City Council, after considering a recommendation by the Newport Planning Commission, must determine that the changes to the Municipal Code are necessary and further the general welfare of the community (NMC 14.36.010).
- IV. **Planning Staff Memorandum Attachments:**
- Attachment "A" – Letter from Richard Engelmann and Sally Boyle, dated 8/29/19
 - Attachment "B" – Ordinance No. 1946, modifying provisions for residential use within the C-2 zone in the Historic Nye Beach Design Review District, dated 1/22/08
 - Attachment "C" – Minutes from the 10/28/19 Planning Commission work session
 - Attachment "D" – Map of undeveloped properties in C-2 zoned areas within the Historic Nye Beach Design Review District
 - Attachment "E" – December 9, 2019 Mark-up copy of amendments to NMC Chapter 14.30 related to residential use at street grade in the C-2 zone district
 - Attachment "F" – Newport Peninsula Urban Design Plan component of the Newport Comprehensive Plan
 - Attachment "G" – Email and attachment from Wendy Engler, dated 10/28/19, and email dated 11/12/19
 - Attachment "H" – Email from Steve Germaneri, partial owner of undeveloped property located at 620 NW Alpine Street
 - Attachment "I" – Notice of public hearing
- V. **Notification:** The Department of Land Conservation & Development was provided notice of the proposed legislative amendment on November 5, 2019. Notice of the Planning Commission hearing was mailed on November 15, 2019 to places of business and persons owning property within C-2/"Tourist-Commercial" zoned areas within the Historic Nye Beach Design Review District, city departments, and affected agencies. Notice was published in the Newport News-Times on November 30, 2019.
- VI. **Comments:** Comments were received from Wendy Engler and Steve Germaneri, copies of which are enclosed.

- VII. **Discussion of Request:** On September 9, 2019, the Planning Commission heard a request from Richard Englemann and Sally Boyle for the Planning Commission to consider amending the Historic Nye Beach Design Review District (“District”) land use standards that restrict locations within the C-2/“Tourist-Commercial” zone district where new residential uses are allowed at street grade (Attachment "A").

Mr. Englemann and Ms. Boyle purchased the property at 209 NW Coast Street in 2018. It includes Lots 11 and 12, Block 2, Seaview Subdivision. As is common in Nye Beach, the lots are small, with each being 2,587.5 sq. ft. in size. Collectively, the lots had been previously developed with a single family home that was purchased out of foreclosure in 2016 and demolished due to its deteriorated condition.

In 2008, the District’s design review standards were amended with Ordinance No. 1946 to allow new residential uses at street grade in certain portions of the C-2 district (Attachment "B"). This amendment was initiated by the City Council at the request of certain property owners in Nye Beach. The provisions, which are still in the Newport Municipal Code, read as follows:

NMC 14.30.080(A)(1)(d):

“Single family, duplex, triplex, fourplex and multifamily dwelling units, including at the street grade, are permitted outright on property located south of NW 2nd Court and north of NW 6th Street that front NW and SW Coast Street, NW and SW Cliff Street, and W. Olive Street.”

This is read in concert with the definition of “Lot,” which states:

NMC 14.01.020:

Lot. A parcel or tract of land which is occupied or may be occupied by a structure or a use, together with yards and other open space.

As applied to the Englemann and Boyle property, the lots could be developed collectively as a “tract of land” with one or more homes at street grade. If the lots are developed separately, then the interior lot fronting NW 2nd Street would not be eligible for residential use at street grade under these provisions because it does not front one of the listed streets. Mr. Englemann and Ms. Boyle would like to develop the lots separately.

On September 9, 2019, the Planning Commission expressed an interest in potentially amending the District’s land use standards to address this issue, and a work session was scheduled for October 28, 2019 at which the members discussed the scope of the potential changes (Attachment "C"). At the work session, the Commission reviewed a map showing the remaining undeveloped properties in the C-2 zoned portion of the Nye Beach (Attachment "D"). They also reviewed a targeted set of land use code amendments that would permit new residential use at street grade for C-2/“Tourist-Commercial” zoned property within the District situated north of NW 6th Street and south of NW 2nd Court, irrespective of the streets the properties abut. Such residential uses would be subject to the same development standards as the C-2 zoned properties where new residential use at street grade is currently allowed (Attachment "E").

The 2008 amendment established that new residential at street grade is an appropriate use in these commercially zoned areas, and a number of parcels have been developed in reliance upon that amendment, influencing the near and long term development pattern of the area. The 2008 amendment restricted new residential use at street grade to lots abutting the more trafficked streets but prohibited such uses on lots that abut lower volume streets. Most C-2 properties in the District that abut streets north of NW 6th Street or south of NW 2nd Court, where located adjacent to these lower volume streets, are developed with older residences at street grade. Considering this, it would be reasonable for the Planning Commission to conclude that allowing new residences at street grade in these locations is consistent with the existing development pattern.

Comprehensive Plan policies that guide zoning for the area, include those listed in the portion of the document dedicated to the Newport Peninsula Urban Design Plan (Attachment "F"). While many of the policies and strategies are focused on architectural design, siting, and visual appearance of development, implemented with the guidelines and standards of the Historic Nye Beach Design Review District, some may be relevant to this proposal. They include improving neighborhood cohesion (Policy 5) and preserving and enhancing the existing housing supply (Policy 9). The Commission members should consider these policies, or other policies and/or implementation strategies it believes to be relevant when determining whether or not the proposed amendment is necessary and furthers the general welfare of the community.

Comments received from Wendy Engler expressed support for the amendment (Attachment "G"). They cite to a 1989 Nye Beach Study that served as an amendment to an urban renewal district in effect at the time, and is cross-referenced in the Newport Peninsula Urban Design Plan. Specifically, Ms. Engler calls out a provision of the 1989 plan that states: "*The new C-2* (Overlay Zone) is meant to accommodate existing residential uses in the C-2 areas of Nye Beach, which predominate, by making them conforming within C-2* and by creating an environment conducive to cottage industries and preservation of housing.*" This provision was implemented with a land use standard that allows single-family residences at street grade in the C-2 within a dwelling constructed prior to 2004. In such cases, residential use at street grade is limited to the footprint of the structure as it existed on that date (ref: NMC 14.30.080(A)(1)(c), Attachment "E"). This provision was intended to prohibit new or expanded residential at street grade in the C-2 zone, presumably to provide room for cottage industries to grow (e.g. residential over retail). This code provision initially applied to all areas zoned C-2 within the District, but was later altered with the 2008 amendment. While there are policies the Planning Commission can rely upon to conclude that the proposed amendment is necessary and furthers the general welfare of the community, such as those referenced earlier in the report, the Commission should be cautious about using this policy as part of that justification.

Ms. Engler also requested the Planning Commission arrange a walking tour of Nye Beach and take a broader look at the District. The Commission discussed the request at its November 12, 2019 work session, where there was general agreement that the group should further engage with the Nye Beach community outside of the context of this legislative action, possibly in the spring or in partnership with a City Council sponsored event.

Mr. Germaneri points out in his email that he supports the amendment, as he and his family would like to construct a duplex on the property they own (Attachment "H"). Their property is in an area currently restricted to commercial on the ground floor. Mr. Germaneri argues that their property is not viable for commercial use for a number of reasons, including lack of adequate parking, exposure to foot traffic, challenges with loan financing, and potential conflicts with existing residents.

- VIII. **Conclusion and Recommendation:** The Planning Commission should review the proposed amendments and make a recommendation to the City Council. The Commission recommendation can include suggested changes to the proposed amendments.



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

December 5, 2019

August 29, 2019

From:
Richard Engelmann and Sally Boyle
3148 N. 27th Street
Phoenix, AZ 85016
480-526-3124
engelmannphx@gmail.com

To:
Derrick Tokos
Community Development Director
Planning Commission
City Of Newport, OR

Re:
Comments on C-2 Zoning Restrictions in Nye Beach Overlay

Hello Newport,

My wife and I are lucky enough to own two parcels in Nye Beach (Lots 9800 and 9900) on the NW corner of NW 2nd Street and NW Coast St. We have been working on design concepts, with the goal of breaking ground in the spring of 2020 on one of the two lots.

Our desire is simply to build a small residential place for us to enjoy Newport and Nye Beach. We have no commercial aspirations.

Our original plan was to build on the westernmost of our two lots, the lot facing NW 2nd St. We made that decision based on view potential - closer to the beach/ocean - and separation from the commercial activity. And then, as we discussed our desires with Rachel Cotton, who has been helpful and patient as we learn our way through the process, we were informed that, based on current C-2 restrictions, we could not do so without a ground floor commercial element.

Therefore, that puts us on the lot fronting NW Coast Street, the street with the vast majority of Nye Beach commercial activity. Not our first choice, and this also eliminates the possibility of someone else, at a later time, building a commercial property fronting NW Coast St. at that busy commercial corner.

Ironically, if we had the resources, we could build a residential only structure on NW 2nd St, if the two parcels are developed concurrently, but again, not economically possible for us. There is a small element of economic unfairness at work here with how the C-2 restrictions apply in this situation, for if we did have the money to develop both lots, they could both be residential, eliminating future

commercial activity completely on both lots, which is not your long-term goal for Nye Beach.

Our first choice is still to build a residential only structure on our lot fronting NW 2nd St, separating us from the activity on NW Coast St, putting us closer to the ocean, and leaving the lot fronting NW Coast St. open for future commercial or residential activity. We plan to create a garden/green space on the NW Coast St. lot, leaving open the possibility of selling it in the future, but we have no plans for that at this time.

We would like you to consider allowing residential only construction on all the lots in the area south of NW 2nd Court, and not excluding it to only those fronting NW Coast St.

We appreciate your consideration, and look forward to a continuing conversation. More importantly, we look forward to being neighbors in the not too distant future.

Respectfully,

Rick Engelmann and Sally Boyle

CITY OF NEWPORT

ORDINANCE NO. 1946**An Ordinance Amending Ordinance No. 1308, as amended, to Modify the Provisions for Residential Uses within the C-2 Zone of the Historic Nye Beach Design Review District**Findings

1. The City Council initiated proposed minor legislative text amendment (File No. 10-Z-07) of the Newport Zoning Ordinance (No. 1308, as amended) on October 1, 2007, at the request of Eileen Obteshka, Don Huster and Lon Brusselback. The proposed minor legislative text amendment of the Newport Zoning Ordinance (NZO) (No. 1308, as amended) to amend the Historic Nye Beach Design Review District (HNBO) in NZO Section 2-4-16.030 (A) (7) would allow for more flexibility in residential uses by creating an additional permitted use category (proposed NZO Section 2-4-16.030 (A)(7)(a)) within a portion of Historic Nye Beach Design Review District involving Commercial-Tourist/C-2 zone (the C-2 zone is currently a mixed use zone with both commercial and residential uses (subject to limitations) being permitted) and by allowing more flexibility in the use of buildings for single-family residences along certain streets that currently prohibit residential use at the street grade (proposed NZO Section 2-4-16.030 (A)(7)(b)). The proposed amendment is intended to allow for more flexibility in residential use within areas that currently have existing residential use and have had a history of residential use. The additional permitted use category would be subject to certain additional requirements (the additional requirements would only apply to those residential uses seeking to be permitted under the proposed legislative amendment under the proposed NZO Section 2-4-16.030 (A) (7) (a) subsection).
2. The Planning Commission reviewed this proposed amendment at a public hearing held on November 26, 2007. Following the public hearing, 2007, the Planning Commission voted 4-0 (Patrick, Atwill, Eisler, and Brusselback) in favor of recommending approval of the amendments with recommended modifications included as part of the amendments.
3. The City Council reviewed this proposed amendment at a public hearing held on January 7, 2008, and voted unanimously to approve the amendments with modifications as recommended by the Planning Commission.
4. Based on the Planning Staff Memorandum prepared for the City Council and the affidavits of mailing and publication and the material in file entered into the record at the City Council hearing, the Council concludes that appropriate notification was given for both the Planning Commission and City Council public hearings.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

ORDINANCE NO. 1946
Page 1 of 3

Section 1. The Newport Zoning Ordinance (Ordinance No. 1308, as amended) is amended by adding the following subsections (a) and (b) to NZO Section 2-4-16.030 (A) (7) to read as follows:

Section 2-4-16.030 (A) (7) (a). Additional residential use, including at the street grade, is permitted outright for C-2 property located south of NW 2nd Court and north of NW 6th Street that front N.W. and S.W. Coast Street, W. Olive Street, N.W. and/or S.W. Cliff St, if the residential use complies with the following additional requirements:


1. The maximum density per residential unit is 1,250 square feet per unit.
2. The maximum building height is 35 feet.
3. The maximum lot coverage in structures is 64%. If the proposed residential use provides at least 1 actual off-street parking space for each residential unit in a below-grade parking structure (for the purposes of this section below-grade is defined to mean that 50% or more of the perimeter of the building is below-grade) located directly below the residential portion of the structure, the maximum lot coverage allowed is 90%.
4. Residential structures built on C-2 property located south of NW 2nd Court and north of NW 6th Street that front N.W. and S.W. Coast Street, W. Olive Street, N.W. and/or S.W. Cliff St., shall be required to meet the Design Standards and Design Guidelines for Single-Family, Two-Family, or Multiple-Family dwellings as applicable and contained in the Historical Nye Beach Overlay
5. The residential use provides at minimum 1 actual off-street parking space for each residential unit.
6. At least one residential building per lot is set back from the property line abutting the street no more than 5 feet unless compliance with the setback is precluded by topography or easement or a larger setback is authorized by the Planning Commission by variance or through the design review process.

Section 2-4-16.030 (A) (7) (b). For C-2 zoned property with frontage on N.W. and S.W. Coast Street, W. Olive Street, N.W. and S.W. Cliff Street, N.W. Beach Drive and/or N.W. Third Street, single-family residential use of a building that was either constructed for single-family residential use or has been previously used for a single-family residential use is permitted throughout the entire portion of the building.

Adopted on initial vote and read by title only: 7-0

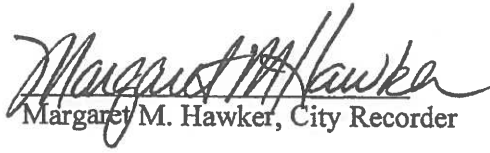
Adopted on final roll call vote: 7-0

Signed by the Mayor on January 22, 2008.



William D. Bain, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
October 28, 2019
6:00 p.m.

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

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

PC Citizens Advisory Committee Members Absent: Greg Sutton.

Public Members Present:

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

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
2. **Unfinished Business.** None were heard.
3. **New Business.**
- A. **Briefing on OSU MSI Building and Student Housing Project.** Tokos reviewed the PowerPoint presentation he gave at the Oregon Infrastructure Summit on October 21, 2019.

Patrick asked if OSU knew what the student enrollment would be. Tokos reported OSU hadn't indicated how they would be ramping up enrollment but they didn't see it exceeding what the current housing supply could accommodate. Tokos reviewed the location of the emergency supplies at Safe Haven Hill. A discussion ensued regarding water storage and how the City was working on bringing current supplies to a 72 hour level. Safe Haven was a temporary site for people to evacuate to until they could move to a location with more resources.

Tokos reviewed the regulatory changes, site plan of the OSU MSI building, deep soil mixing for the foundation, building anchors, building structural systems, wall construction, building crumple zone, vertical evacuation water line, the vertical evacuation ramp, the vertical evacuation three roof access points, the vertical evacuation cache supplies, and rooftop assembly. He reviewed how the MSI building significantly enhanced evacuation options for Newport. Tokos explained that OSU anticipated the completion date for the building would be in early 2020.

Tokos reviewed the letter from OSU concerning student housing. He gave a history on what OSU's expectations were starting out and where they were currently with housing. Tokos reported that they were trying to keep the housing discussion open going forward. Hardy was concerned that OSU hadn't figured out the cost of construction for housing beforehand. Tokos reported this was something they were working through. Berman asked if the City had any leverage. Tokos said there was no legal way to require them to do the housing project and was more about a commitment the University made. He noted the City Council had voiced their concerns and wanted to express their desire to see the housing go forward. A discussion ensued regarding what housing options there were for students without the student housing, how students would commute, and how OSU would be working on programmatic changes.

- B. **Options for Addressing Residential Use at Street Grade in the C-2 Zone in Nye Beach.** Capri reported a potential conflict of interest. He had met with one of the property owners to work on a project, but wasn't

hired. Tokos reviewed the letter that was shared with the Commission by Wendy Engler expressing her thoughts to support the request for residential use at street grade.

Tokos reviewed a map of the Nye Beach C-2 zoned areas and how the development codes were set up in the City that prohibited development on the street grade in Nye Beach. Tokos explained they could do a targeted amendment to the C-2 zone, and pointed out the lots on the map that would be added if the changes were done. Tokos reviewed how residential was allowed on street grade for the projects done on Olive and NW 1st Street. He noted that the undeveloped lot the Hallmark Resort owned could be residential but they wanted to expand the hotel in this area instead. Franklin asked if Dolphin Street would be developed when Hallmark developed. Tokos reported they would be required to fully develop the street. He noted that the red lines on the map indicated where residential was allowed at street level currently.

Tokos asked the Commission if this was a reasonable approach. Patrick thought they should pick up the half block north of 2nd Court since the rest of the street was residential. Tokos said the properties there could rebuild on their existing footprint as the same use or they could build with commercial on the first floor. A discussion ensued regarding the development on NW 2nd Street and what was possible under the current rules. Hanselman asked what the initial game plan was when the Commission first implemented rules to allow residential on ground floor. Patrick gave the history on the initial request to allow first floor residential. He thought they should allow owners to go back and forth with each option. Tokos asked if a targeted change would be something the Commission wanted. He said from the north side of NW 2nd Court and north of NW 6th Street would be picked up.

Tokos explained that the amendment would be run through a legislative process and there would be a hearing before the Commission. Patrick thought they didn't need to rework Nye Beach again and wanted it to continue to work for a while before they decided what they wanted to do. Tokos explained that some of the trails, beach access, and transit in the area would be further evaluated in the TSP.




Adjourned at 6:45 p.m.

Respectfully submitted,

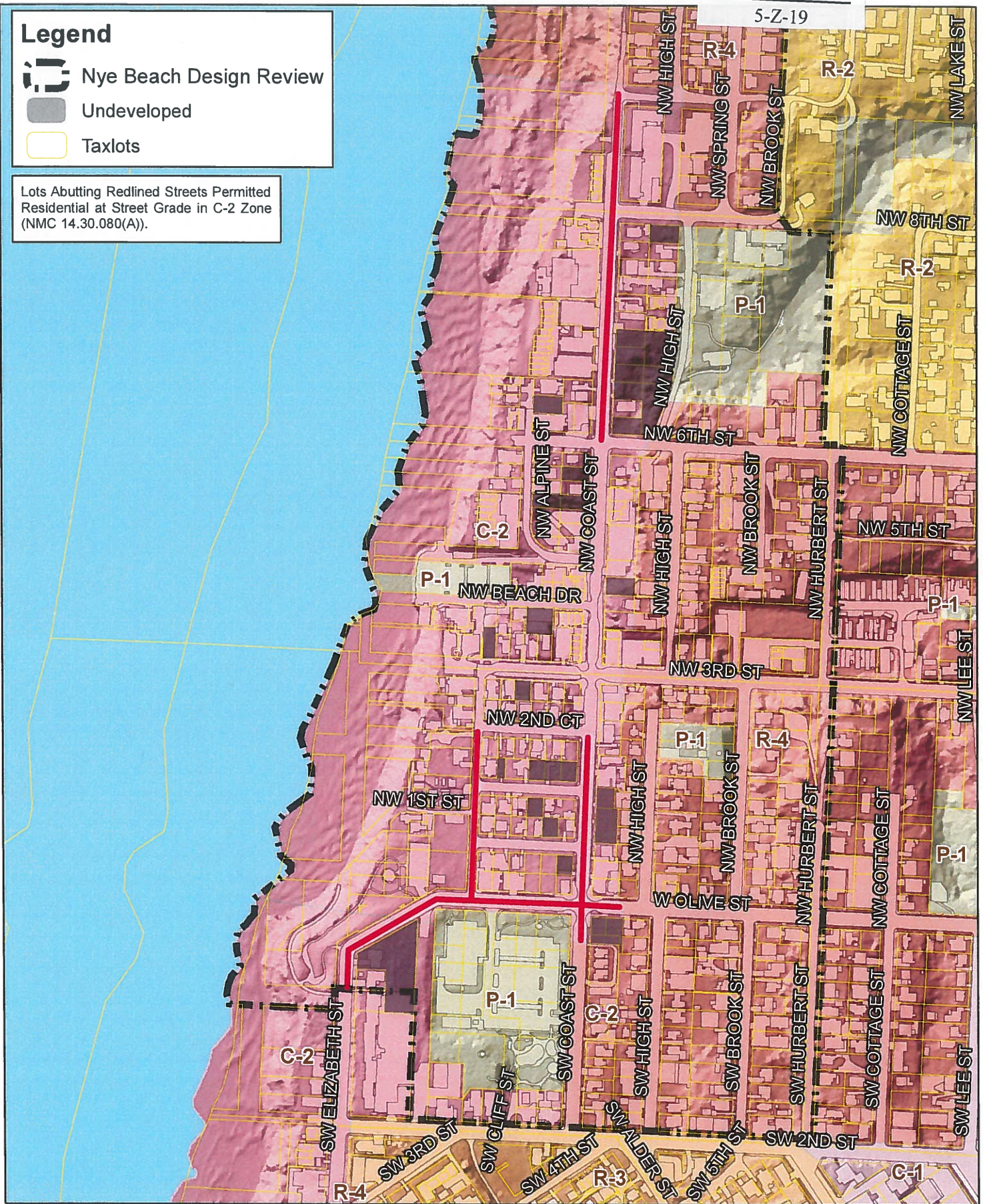
Sherri Marineau,
Executive Assistant

5-Z-19

Legend

-  Nye Beach Design Review
-  Undeveloped
-  Taxlots

Lots Abutting Redlined Streets Permitted Residential at Street Grade in C-2 Zone (NMC 14.30.080(A)).

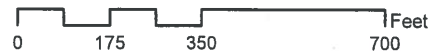


City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
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 Fax: 1.541.574.0644

Nye Beach C-2 Zoned Areas

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.



December 9, 2019 Mark-up Copy of Amendments to NMC Chapter 14.30
Related to Residential Uses at Street Grade in the C-2 District

(Deleted language shown in ~~strikethrough~~ and new language is underlined. Staff comments are not a part of the amendments. They are preceded with the term "Staff" and are *italicized*.)

CHAPTER 14.30 DESIGN REVIEW STANDARDS

14.30.010 Purpose

Design review districts may be adopted by the City of Newport in accordance with applicable procedures to ensure the continued livability of the community by implementing standards of design for both areas of new development and areas of redevelopment. Design review is an important exercise of the power of the City to regulate for the general welfare by focusing on how the built environment shapes the character of the community.

The Newport Comprehensive Plan identifies six potential urban design districts within the Newport Peninsula including the City Center District (and Highway 101 corridor), Waterfront District, Nye Beach District, Upland Residential District, East Olive District, and the Oceanfront Lodging/Residential District. Additionally, neighborhood plans may be adopted for other areas of Newport that include as an objective the implementation of design review to maintain and/or provide a flexible approach to development by offering two methods of design review from which an applicant can choose. One method of design review is under clear and objective design standards and procedures to allow development that is consistent with the standards to occur with certainty in a timely and cost effective manner. A second alternative method of design review is review under design guidelines, which are a more flexible process for proposals that are creative/innovative and meet the identified guidelines of the applicable design review district.

It is further the purpose of these standards to:

- A. Preserve the beautiful natural setting and the orientation of development and public improvements in order to strengthen their relationship to that setting.
- B. Enhance new and redeveloping architectural and landscape resources to preserve and strengthen the historic, scenic and/or identified neighborhood character and function of each setting.

- C. Improve the vehicular and pedestrian networks in order to improve safety, efficiency, continuity, and relationships connecting Newport neighborhoods.
- D. Strengthen Newport's economic vitality by improving its desirability through improved appearance, function, and efficiency.
- E. Improve the built environment in order to strengthen the visual appearance and attractiveness of developed areas.
- F. Implement the goals and objectives of the adopted neighborhood plans.

14.30.020 Design Review Districts: Overlay Zones Established

The following:

- A. Historic Nye Beach Design Review District. The Historic Nye Beach Design Review District Overlay Zone shall be indicated on the Zoning Map of the City of Newport with the letters HNBO and is the area described as follows:

Beginning at the northeasterly corner of SW Hubert Street and SW 2nd Street; thence westerly along the north line of SW 2nd Street to the west line of SW Dolphin Street, said point also being the southeast corner of Lot 1, Block B, Barlow Blocks Addition to the City of Newport; thence north along the west line of SW Dolphin Street to 10 feet beyond the north line of Lot 7, said Barlow Blocks Addition; thence westerly, 10 feet north of and parallel with said north line of Lot 7 to the Pacific Ocean; thence northerly along the Pacific Ocean to the south line of NW 12th Street; thence east along the south line of NW 12th Street to the east line of an alley between NW Spring Street and NW Hubert Street; thence south along the east line of said alley way to the north line of NW 10th Street; thence southwesterly to the southwest corner of the intersection of NW 10th Street and NW Brook Street; thence south along the west line of NW Brook Street to the south line of NW 8th Street; thence east along the south line of NW 8th Street to the west line of NW Hubert Street; thence south along the west line of NW Hubert Street to the north line of NW 6th Street; thence east to the northeast intersection of NW 6th Street and NW Hubert

Street; thence south along the east line of NW
 Hurbert Street and SW Hurbert Street to the north
 line of SW 2nd Street and the point of beginning.

14.30.030 Adoption of Design Review: Guidelines and Standards

The document entitled "Newport Design Review: Guidelines and Standards" dated July 29, 2015, is hereby adopted by reference and made a part hereof. The guidelines and standards contained therein shall be the guidelines and standards applicable to the Historic Nye Beach Design Review District.

14.30.040 Design Review Required

The following development activities in an established design review district are required to obtain a design review permit under the design standards in an identified design review district or, in the alternative, to apply for a design review permit and to obtain approval under the design guidelines for that design review district:

- A. New construction, substantial improvement, or relocation of one or more dwelling units.
- B. New construction, substantial improvement, or relocation of a commercial or public/institutional building.
- C. New construction, substantial improvement, or relocation of a residential accessory structure that contains more than 200 square feet of gross floor area and is not more than 10 feet in height.
- D. New construction, substantial improvement, or relocation of a commercial accessory structure that contains more than 120 square feet of gross floor area.
- E. An addition that increases the footprint of an existing building by more than 1,000 square feet.

14.30.050 Exemptions

The following activities are exempt from the provisions of this chapter:

- A. Development activity that is subject to the provisions of Newport Municipal Code [Chapter 14.23](#), Historic Buildings and Sites.

- B. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.
 - a.
- C. Development that does not involve the construction, substantial improvement, or relocation of a dwelling unit, commercial or public/institutional building, or accessory structure.

14.30.060 Approval Authority

The following are the initial review authorities for a Design Review application:

- A. Community Development Director. For projects subject only to the design standards specified in the document entitled "Newport Design Review: Guidelines and Standards," dated July 29, 2015. The approval or denial of a Design Review application by the Community Development Director is a ministerial action performed concurrent with City review of a building permit.
- B. Planning Commission. For projects that require design review under the design guidelines contained in the document entitled "Newport Design Review: Guidelines and Standards," dated July 29, 2015, including the following:
 - 1. New construction, substantial improvement, or relocation of a dwelling unit; commercial or public/institutional building; or accessory structure that is over 65 feet in length or 35 feet in height; or
 - 2. New construction, substantial improvement, or relocation of a dwelling unit; commercial or public/institutional building; or accessory structure that does not meet the design standards contained in the document entitled "Newport Design Review: Guidelines and Standards" dated July 29, 2015; or
 - b.
 - 3. New construction, substantial improvement, or relocation of a dwelling unit; commercial or public/institutional building; or accessory structure that involves a conditional use, a variance, or any other type of land use permit for which a Type III Land Use Action decision process is required, pursuant to [Chapter](#)

14.52, Procedural Requirements.

14.30.070 Application Submittal Requirements

- A. For requests that are subject to Community Development Director review for compliance with design standards, an application for Design Review shall consist of the following:
1. A completed and signed City of Newport Building Permit Application Form.
 2. Building plans that conform to the submittal requirements for a building permit that include a site plan, floor plan, exterior architectural elevations, cross-section drawings, and construction specifications illustrating how the design standards have been met.
 - c.
 3. A written checklist identifying the design elements used to comply with the design standards.
- B. For requests that are subject to Planning Commission review for compliance with design guidelines, an application for Design Review shall consist of the following:
1. Submittal requirements for land use actions listed in Section 14.52.050.
 2. Exterior elevations of all buildings on the site as they will appear after development. Such plans shall indicate the material, texture, shape, and other design features of the building(s), including all mechanical devices.
 3. A parking and circulation plan illustrating all parking areas, drive isles, stalls, and points of ingress/egress to the site.
 4. A landscape plan showing the location, type and variety, size and any other pertinent features of the proposed landscaping and plantings for projects that involve multiple-family (more than 2 units), commercial, and public/institutional development.
 5. A lighting plan identifying the location and type of all permanent area lights, including parking area lighting, along with details of the lighting fixtures that are to be installed.

6. A written set of proposed findings that explain how the project complies with the applicable design guidelines.
 7. Any other information the applicant believes is relevant to establishing that the project complies with applicable design guidelines.
- C. All plans shall be drawn such that the dimensions can be verified with an engineers or architects scale.

14.30.080 Permitted Uses

In addition to uses permitted outright or conditionally in the underlying zoning district, the following uses are permitted within areas subject to design review.

A. Historic Nye Beach Design Review District.

1. Tourist Commercial (C-2) zoned property.
 - a. Up to five (5) multi-family dwelling units per lot or parcel are permitted outright provided they are located on a floor other than a floor at street grade.
 - b. A single-family residence is permitted outright if located on a floor other than a floor at street grade.
 - c. A single-family residence is permitted outright, including the street grade floor, within a dwelling constructed prior to January 1, 2004. Residential use at the street grade is limited to the footprint of the structure as it existed on this date.
 - d. Single family, duplex, triplex, fourplex and multifamily dwelling units, including at the street grade, are permitted outright on property located south of NW 2nd Court and north of NW 6th Street ~~that front NW and SW Coast Street, NW and SW Cliff Street, and W. Olive Street.~~

Staff: The Planning Commission, at an October 28, 2019 work session, elected to initiate amendments to the Newport Zoning Ordinance to expand areas within the Nye Beach Design Review Overlay where residential uses are allowed at street grade in the C-2 zone district. The change picks up areas south of NW 2nd Court and north of NW 6th Court that do not abut Coast, Cliff or Olive Street (map attached).

2. High Density Multi-Family Residential (R-4) zoned property.

- a. Uses permitted outright in the C-2 zone district that are not specified as a use permitted outright or conditionally in the R-4 zone district, are allowed subject to the issuance of a conditional use permit in accordance with the provisions of Chapter 14.34, Conditional Uses and subject to the limitation that the use not exceed a total of 1,000 square feet of gross floor area. This provision does not preclude an application for a use as a home occupation under [Chapter 14.27](#), Home Occupations.

14.30.090 Prohibited Uses

The following uses are prohibited within areas subject to Design Review.

A. Historic Nye Beach Design Review District

1. Any new or expanded outright permitted commercial use in the C-2 zone district that exceeds 2,000 square feet of gross floor area. New or expanded uses in excess of 2,000 square feet of gross floor area may be permitted in accordance with the provisions of [Chapter 14.34](#), Conditional Uses.
2. Recreational vehicle parks within the Tourist Commercial (C-2) and Public Structures (P-1) zoning districts.

(Section 14.30.090 revised by Ordinance No. 2120, adopted on September 18, 2017; effective October 18, 2017.)

14.30.100 Special Zoning Standards in Design Review Districts

All zoning standards and requirements applicable under Ordinance No. 1308 (as amended) in the subject zoning district shall apply, except that the following additional zoning standards are applicable for the design review district as applicable in the underlying zoning designation and shall be modified for each district as specified.

A. Historic Nye Beach Design Review District:

1. No drive through windows are allowed.

2. Commercial buildings with frontage on NW and SW Coast Street, W Olive Street, NW and SW Cliff Street, NW Beach Drive, and NW Third Street shall be set back from the property line fronting the street no more than 5 feet unless the development provides for a pedestrian oriented amenity (such as a courtyard, patio, or café with outdoor seating), compliance with the setback is precluded by topography or by easement, or a larger setback is authorized by the Planning Commission through the design review process.
3. Required yards and setbacks established in [Chapter 14.11](#) (Required Yards and Setbacks) and [Chapter 14.18](#) (Screening and Buffering between Residential and Non-Residential Zones) shall be reduced by 50%, except for [Section 14.11.030](#), Garage Setback, which is to remain at 20-feet. A setback for a garage that is less than 20-feet may be permitted if it is found by the Planning Commission to be consistent with the Design Review Guidelines pursuant to NMC [14.30.060\(B\)](#).
4. The following adjustments to [Chapter 14.12](#) (Minimum Size) and [Chapter 14.13](#) (Density Limitations, Table "A") are allowed within the District.
 - a. The minimum lot area within both the R-4 and C-2 zones shall be 3,000 square feet.
 - b. The minimum lot width for the R-4 zone shall be 30 feet.
5. Residential use permitted on C-2 zoned property located south of NW 2nd Court and north of NW 6th Street ~~that front NW and SW Coast Street, NW and/or SW Cliff Street, and W. Olive Street~~ shall comply with the following additional requirements:
 - a. The maximum residential density is 1,250 square feet per unit.
 - b. The maximum building height is 35 feet.
 - c. The maximum lot coverage in structures is 64%. If the proposed residential use provides at least 1 off-street parking space for each dwelling unit in a below-grade parking structure (for the purposes of

this section below-grade is defined to mean that 50% or more of the perimeter of the building is below-grade) located directly below the residential portion of the structure, the maximum lot coverage allowed is 90%.

- d. The residential use provides at minimum 1 off-street parking space for each dwelling unit.
- e. At least one residential building per lot is set back from the property line abutting the street no more than 5 feet.

Staff: This change aligns with the earlier revision, so that the standards listed apply to all C-2 zoned areas within the Nye Beach Overlay where residential is allowed at street grade.

- 6. The following adjustments to the off-street parking requirements of Chapter 14.14 (Parking, Loading, and Access Requirements) are provided for uses within the District:
 - a. Commercial uses shall have the first 1,000 square feet of gross floor area exempted from the off-street parking calculation.
 - b. All uses within the District shall be allowed an on-street parking credit that shall reduce the required number of off-street parking spaces by one off-street parking space for every one on-street parking space abutting the property subject to the following limitations:
 - i. Each on-street parking space must be in compliance with the City of Newport standards for on-street parking spaces.
 - ii. Each on-street parking space to be credited must be completely abutting the subject property. Only whole spaces qualify for the on-street parking credit.
 - a. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street parking spaces are allowed except as

December 9, 2019 Mark-up Copy of Amendments to NMC Chapter 14.30
Related to Residential Uses at Street Grade in the C-2 District

authorized by the City of Newport.

(Section 14.30.100 revised by Ordinance No. 2120, adopted on September 18, 2017; effective October 18, 2017.)

14.30.110 Modification of a Design Review Permit

A modification of an approved design may be requested of the approving authority for any reason by an applicant. Applications for a modification shall be submitted and processed in the same manner as the original application.

- A. If the requested modification is from an approval issued under design standards, the modification request shall be approved by the Community Development Director if the modification also meets the design standards.
- B. If the modification does not meet the design standards or if the modification is from an approval issued under the design guidelines, the modification shall be processed under the design review process for compliance with the applicable design guidelines. The Commission's authority is limited to a determination of whether or not the proposed modification is consistent with the applicable design review guidelines.

(Chapter 14.30 was revised by Ordinance No. 2084; adopted September 21, 2015; effective October 21, 2015.)

NEWPORT PENINSULA URBAN DESIGN PLAN¹

Findings:

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

Policies:

1. Preserve the beautiful natural setting and the orientation of development and public improvements in order to strengthen their relationship to that setting.
2. Enhance new and redeveloping architectural and landscape resources to preserve and strengthen the historic and scenic character and function of each setting.
3. Improve the vehicular and pedestrian networks in order to improve safety, efficiency, continuity, and relationships connecting the peninsula neighborhoods.
4. Coordinate with the Oregon Department of Transportation (ODOT) highway projects which are compatible with and responsive to these policy objectives and design districts implementing said policies.
5. Improve cohesion of each neighborhood subject to design district overlay by enhancing its function, character, and relationship to its natural setting and orientation.
6. Preserve and strengthen the ability of peninsula institutions to continue as centers

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

of employment.

7. Improve the built environment in order to strengthen the visual appearance and attractiveness of developed areas.
8. Strengthen the peninsula's economic vitality by improving its desirability through improved appearance, function, and efficiency.
9. Preserve and enhance the existing housing supply. Encourage the increase of affordable housing in Newport.
10. Adopt up to six urban design districts on the peninsula for the purpose of implementing said policies in a manner consistent with the purpose of implementing said policies in a manner consistent with the character and function of each area as further defined herein.

Implementation:

The urban design policies may be implemented by additional specific policies related to these objectives in the transportation system play, especially as these may relate to integration of pedestrian, vehicular and bicycle environments and networks, parking, and coordination with ODOT.

These policies may also be implemented by specific development/zoning code amendments requiring integration of key policy elements into development plans. Such policies may include a system of incentives to achieve density, height, pedestrian orientation, and scenic enhancement.

The key implementation for these urban design policies specifically authorized by this amendment shall be the creation of urban design districts. The purpose of each design district shall be to preserve and enhance the function and character of each district area. Design districts shall be considered as refinement plans and adopted as zoning and development code overlays. The character and function of the six urban design districts is as follows:

1.) City Center District (including U.S. Highway 101 Corridor).

A. City Center

The City Center area shall be characterized by Twentieth Century Commercial and Vernacular style structures. This area will be the most intensively developed commercial node on the peninsula. It will be enhanced as the City Center by development of a transportation network which links this area to all others on the peninsula. The building sites and public rights-of-way are to be

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

B. City Center North

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

C. City Center South

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

2.) Waterfront District.

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

3.) Nye Beach District.

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

buildings within this residential neighborhood which relate directly in building materials, scale, and massing to the character of the area. (Some changes have occurred in the neighborhood, including building alterations such as retardant siding materials and infill of non-compatible buildings on once vacant properties.) The Nye Beach sub-area is most important as a cohesive neighborhood, defined by the character of these vernacular buildings and the building/site relationship. Every effort should be made to integrate the goals of the Nye Beach Study (*Seventh Amendment to the Newport Urban Renewal Plan*) with any new developments in this area for maximum benefit to the city and community.

4.) Upland Residential District.

Quiet area of well-maintained, modern single-family residential homes to be maintained overlooking Yaquina Bay. Sites are characterized by steep slopes and shall be sensitively developed. Existing vegetation, such as shore pines, fir, hemlock, and Monterey Cypress, is important to the character of this area, as well as the entire peninsula, and should be preserved.

5.) East Olive District.

This district consists of mixed use development and the middle school, high school, county fairgrounds, and city/ county maintenance shops. The East Olive District shall redevelop with emphasis on attractive development character and corridor improvements, including efficiently organized vehicular, pedestrian and bicycle traffic, and site planning that emphasizes pedestrian orientation and children's safety.

6.) Oceanfront Lodging/Residential District.

Multi-story buildings of varying heights, including rectangular oceanfront motels of contemporary construction. Occasional views of ocean between buildings to be encouraged. Orientation of visitors to the ocean is to be enhanced by the emphasis of native/naturalized plantings on public and private property. Multi-family residential structures to be encouraged. Single-family homes south of motel area, on bluff overlooking the beach, to be respected by adjacent developments. Parking conflicts to be improved by site planning and new buildings to reflect pedestrian orientation. Beach accesses to be maintained or enhanced. Public open spaces to be encouraged.

Specific Peninsula Implementation Strategies:

Development on the peninsula and in each urban design district may use these additional implementation strategies:

1.) Encourage development of a pedestrian-friendly environment throughout the

peninsula through creation of public open spaces and pedestrian amenities within each of the peninsula's primary sub-areas. Such public places should be supportive of intensive commercial activity centers (such as the City Center), tourist areas (such as the Waterfront and Oceanfront Lodging areas), and orientation to major natural features (such as Yaquina Bay and the Pacific Ocean).

- 2.) Work with the Oregon Department of Transportation to develop the best coast parkway design, responsive to both the City of Newport's commercial development interests and user accessibility requirements. Include U.S. Highway 20, the East Olive entrance, as a major component of the work with ODOT. Coordinate compliance with Oregon's Transportation Rule for improved traffic flow and safety for cars, pedestrians, bicycles, and--where appropriate--transit throughout the peninsula. Further:
 - (a) Develop a strong, local circulation network by forming north-south streets (7th north from Bayley to 15th; and 9th north from Bayley to 12th) parallel to U.S. Highway 101 through the central peninsula area.
 - (b) Preserve the Yaquina Bay Bridge as a beautiful piece of architecture that greatly enhances the Newport Peninsula's entrance from the South.
- 3.) Encourage developer partnerships in implementation of these urban design principles through a system of incentives (e.g., density, height, pedestrian orientation).
- 4.) Use the redesign of U.S. Highway 101 to link the existing City Center with office employment centers and to link the Waterfront with Oceanfront Lodging/Residential and Nye Beach. Strive to fully integrate U.S. Highway 101 improvements into the City of Newport.
- 5.) Establish visual continuity by seeking opportunities for relocating or undergrounding utilities and implementing a signage program and signage ordinances.
- 6.) Preserve the significant scenic qualities from the Waterfront to the top of the Upland Residential bluff and from the Embarcadero through the Yaquina Bay State Park. Foster developer partnerships in implementation of these scenic preservation principles through a system of incentives (e.g., density, height, pedestrian orientation, parking reductions).
- 7.) Preserve the natural character of the Newport peninsula--its remaining stands of significant native vegetation--by utilizing creative site planning on both public and private development projects. Carefully monitor potential impacts of new development and redevelopment efforts. (Definition of "significant" here is relative, since a single tree--a Douglas Fir or a Monterey Cypress, for example--is significant when located anywhere along the Uplands Residential bluff skyline above the

Waterfront, helping form the peninsula's characteristic appearance from the South.)

- 8.) Support the scenic restoration process (a) by implementing improvements within the highway and local street rights-of-way and (b) through the development and redevelopment processes of both commercial and residential lands. Scenic enhancement measures will be compatible with development rights.
- 9.) Resolve the traffic congestion and spatial limitations relating to use of the Lincoln County Fairgrounds, the Newport High School, and the Newport Middle School.

Sherri Marineau

From: Wendy Engler <wendy.engler@yahoo.com>
Sent: Monday, October 28, 2019 4:43 PM
To: Sherri Marineau
Subject: For PC meeting: Residential Use in Nye Beach Overlay C-2
Attachments: 2019_10_28 15-55-24.pdf

Hello Sherri,

Please enter this into the record for this evening's PC Meeting.

Thank you,
Wendy Engler

Good Afternoon Newport Planning Commissioners,

I urge you to support the current request for residential on the ground floor in the Nye Beach C-2 zone. This complies with the original intent of the Nye Beach Overlay to preserve and enhance a mixed-use neighborhood, as outlined below:

Sent from my iPad

Residential Use in the Nye Beach Overlay C-2 Zone

When the Nye Beach Overlay Zone was created in 1997, the existing C-2 zoning was left in place. The C-2 zoning was meant as a tool to preserve and enhance a mixed-use neighborhood, not as a tool to displace residents.

Newport's Comprehensive Plan provides the intent behind the C-2 zoning in Nye Beach. The Plan states:

“Every effort should be made to integrate the goals of the Nye Beach Study with any new developments in the area for maximum benefit to the city and community.” (Page 4, Peninsula Urban Design Plan)

The Nye Beach Study recommends: “the creation of a mixed-use zone and development regulations to preserve...neighborhood compatibility.” (Page 51)

“The new C-2* (Overlay Zone) is meant to accommodate existing residential uses in the C-2 areas of Nye Beach, which predominate, by making them conforming within C-2* and by creating an environment conducive to cottage industries and preservation of housing.” (page 64)

Additionally, it states that “It is the permanent residents in the tourist commercial zone that have suffered most from being zoned nonconforming and who suffer and will increasingly feel the impacts of the tourist attractors’ traffic and parking demand.”

“The objectives of the Nye Beach Study are to alleviate traffic conflicts and parking conditions, to protect neighborhood livability in the historic portion of Nye Beach,..” (page 71)

Clearly, the intent for the Nye Beach neighborhood is a mix of residents, businesses and tourists. Going forward, decisions regarding the Nye Beach neighborhood should align with this intent. A Nye Beach Refinement Plan is long-overdue and would facilitate future decision making. It would provide an updated plan, including development and re-development opportunities, and options for transportation, alternate transportation and parking. The Planning Commission should start this process now to clarify and promote Nye Beach as a mixed-use neighborhood.

Wendy Engler
October 28, 2019

Derrick Tokos

From: Sherri Marineau
Sent: Tuesday, November 12, 2019 4:57 PM
To: 'Wendy Engler'
Cc: Derrick Tokos
Subject: RE: Submission for PC Work Session 11/12/2019 - thanks, Sherri!

Wendy,

Thank you for your submission. We will share this with the Commission at tonight's work session meeting.

Regards,

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



From: Wendy Engler [mailto:wendy.engler@yahoo.com]
Sent: Tuesday, November 12, 2019 4:55 PM
To: Sherri Marineau <S.Marineau@NewportOregon.gov>
Subject: Submission for PC Work Session 11/12/2019 - thanks, Sherri!

Good Evening Planning Commissioners,

In light of recent Planning Commission discussions on expanding residential use in the C-2 zoned portions of Nye Beach, a picture is worth a thousand words - and a walking tour would be worth much more than that!

I urge you to arrange a Work Session Walking Tour (with appropriate notification, of course), or groups of 2 and 3, if necessary.

There have been many "unintended" consequences and surprises as the Municipal Code is tweaked here and there. It's time to take a broader look at the goals of the Nye Beach Overlay and align our Municipal Code to further those goals.

Grants and workshops from the State's TGM program offer an array of options. These were used in the past to develop Nye Beach.

I hope to hear your ideas and look forward to a walking tour of Nye Beach soon.

Thank you,
 Wendy Engler

255 NW Coast St.
Newport OR 97365
541-961-5959

Sent from my iPad

Derrick Tokos

From: Steve Germaneri <sgermaneri@gmail.com>
Sent: Thursday, December 05, 2019 1:53 PM
To: Derrick Tokos
Subject: Testimony regarding zoning changes within Historic Nye Beach

To Mr. Tokos and Newport Planning Commission,

I deeply regret that I can not attend the public hearing meeting on December 9th regarding the C-2 zoning within the Historic Nye Beach area. My family has owned property at 620 Alpine for over 25 years. There was a two bedroom fishermen's cottage on the lot with no foundation. We enjoyed this cottage for over 2 decades before the Ambulance service built on 6th Street and before the Nye Beach area became so popular. Several years ago we decided to demo the cottage and rebuild due to our cottage lacking a foundation and having rotten wood throughout. Our plan has been to rebuild as a duplex so that we could continue enjoying the Nye beach area with our family and grandchildren and then have a housing unit to rent out. We always felt we would need to provide off street parking on the street level for whatever we built since the street is a small dead end street. We needed to delay our rebuilding but we recently looked into starting to build and I was quite surprised that the city told me the zoning was such that I need to have commercial on the street level. This does not make sense for this location for the following reasons:

1. Our property is located north of 6th street and is a small dead end gravel street with a few residential houses. This area has always been residential homes.
2. There is basically no street parking.
3. This part of the Historic Nye Beach area would not attract foot traffic.
4. No commercial business needing parking or foot traffic would view this location as positive.
5. Requiring street level to be commercial would make our loan extremely more expensive and difficult for us to rebuild.
6. Existing long time residence in our neighborhood would not welcome a commercial use in this area. They are already dealing with the overflow parking from the existing businesses on Coast and surrounding streets.

I would like to strongly recommend to the Planning Commission to amend to C-2 zoning to allow residential use at street grade as described in your proposal for the Dec 9th public hearing meeting.

Thank you for your consideration,

Steve Germaneri
541-760-4814

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ¹**

Attachment "I"

5-Z-19

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, December 9, 2019, to review amendments to the City of Newport's Nye Beach Design Review land use regulations and to make a recommendation to the City Council as to whether or not the amendments should be adopted. A public hearing before the City Council will be held at a later date and notice will be provided for the Council hearing.

File No. 5-Z-19

Applicants: City of Newport.

Proposal: Amendments to Section 14.30.080, Permitted Uses, and Section 14.30.100, Special Zoning Standards in Design Review Districts, to allow residential uses at street grade in C-2 zoned areas within the Historic Nye Beach Design Review District that are north of NW 6th Street and south of NW 2nd Court. The current regulations allow residential uses at street grade in these areas only for properties that border Coast Street, Cliff Street or Olive Street.

Subject Property: Changes will affect C-2 zoned property within the Historic Nye Beach Design Review District. A map of the Historic Nye Beach Design Review District is attached Exhibit "A."

Applicable Criteria: Pursuant to Newport Municipal Code (NMC) Section 14.36.010: Findings that the amendment to the Zoning Ordinance is required by public necessity and the general welfare of the community.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Newport Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department (address below in "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing or must be submitted to the Planning Commission in person during the hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant, those in favor or opposed to the application, 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 Materials: The staff report may be reviewed or 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, 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 in "Reports/Application Materials").

Time/Place of Planning Commission Hearing: Monday, December 9, 2017; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Materials").

MAILED: November 15, 2019.

PUBLISHED: November 29, 2019/News-Times.

¹ This notice is being sent to the applicant, the applicant's authorized agent (if any), affected property owners within 200 feet of the subject property (according to Lincoln County tax records), affected public/private utilities/agencies within Lincoln County, and affected city departments.

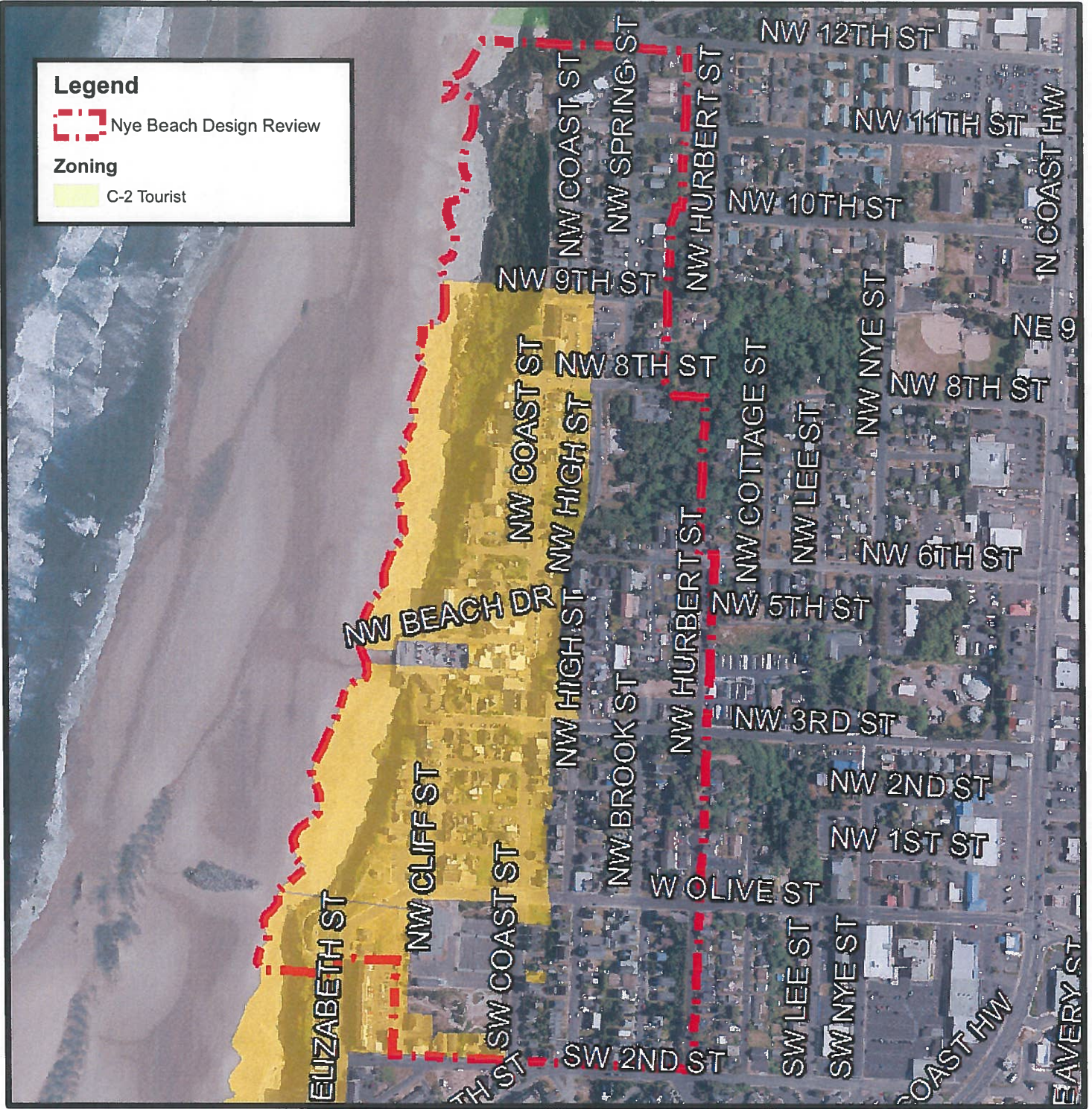


Exhibit "A"

Historic Nye Beach Design Review District

C-2 Tourist Zoning

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

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

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

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

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

Joseph Lease
Building Official

Rob Murphy
Fire Chief

Tim Gross
Public Works

Victor Mettle
City Planner/Code Enforcement

Jason Malloy
Police Chief

Mike Murzynsky
Finance Director

Laura Kimberly
Library

Judy Mayhew
Interim Parks & Rec

Spencer Nebel
City Manager

THE CHOWDER BOWL AT NYE
742 NW BEACH DR
NEWPORT OR 97365

THE PEERLESS PUFFIN
742 NW BEACH DR
NEWPORT OR 97365

TU TU TU
222 NW COAST HWY
NEWPORT OR 97365

ULTRALIFE CAFE - Nye Beach
715 NW BEACH DR
NEWPORT OR 97365

USA COTTON TRAVELWEAR
704 NW BEACH DR
NEWPORT OR 97365

File No. 5-2-19
Nye Beach Business Owners

(AMPERSAND)
414 SW BAY BLVD
NEWPORT OR 97365

BEACH FRONT CLASSIC
25804 NE OLSON RD
BATTLE GROUND WA 98604

BJ's ICE CREAM
2930 HWY 101
FLORENCE OR 97439

BRIDIES IRISH FAIRE
715 NW 3rd ST
NEWPORT OR 97365

CAFE STEPHANIE
200 SE VIEW CT
NEWPORT OR 97365

CHARISMA
315 NW COAST STREET
NEWPORT OR 97365

COAST & VINE
526 NW COAST STREET STE A
NEWPORT OR 97365

CU CHULIAN INC. DBA NANA
613 NW 3rd STREET
NEWPORT OR 97365

ENRIQUES TAQUIERA
3553 NE SURF DR
LINCOLN CITY OR 97367

FOR ARTSAKE
258 NW COAST STREET
NEWPORT OR 97365

GUILD MORTGAGE CO
PO Box 85304
San Diego CA 92111 5304

ILLINGWORTH'S
735 NW BEACH DR
NEWPORT OR 97365

JOVI
232 NW COAST ST
NEWPORT OR 97365

KAREN MPITSOS dba: QUEEN
708 NW BEACH DRIVE
NEWPORT OR 97365

MIND BODY SOUL LLC
255 NW COAST ST
NEWPORT OR 97365

MTEE LLC dba: OVE NORTHWEST
749 NW 3RD St
NEWPORT OR 97365

NYE BEACH ARCH PLACE
2255 DAWNWOOD DR
PHILOMATH OR 97370

NYE BEACH BOOK HOUSE LLC
727 NW 3RD ST
NEWPORT OR 97365

NYE BEACH CAFE
PO BOX 687
SOUTH BEACH OR 97366

NYE BEACH WINE CELLAR
255 NW COAST ST
NEWPORT OR 97365

NYE COTTAGE BEADS
3914 NW CHEROKEE LN
NEWPORT OR 97365

OREGON COAST DISPENSARY dba: NBHH
537 SW 3RD ST
NEWPORT OR 97365

PANINI BAKERY / JOSEPH DANNA
232 NW COAST ST #3
NEWPORT OR 97365

SALTY FASHION
PO Box 1274
NEWPORT OR 97365

SANDBAR & GRILL
722 NW BEACH DR
NEWPORT OR 97365

SEASHORE HOMES REALTY
305 NW Coast St
NEWPORT OR 97365

SJ CUSTOM JEWELERS
316 NW COAST ST
NEWPORT OR 97365

SORELLA
1127 OLALLA RD
TOLEDO OR 97391

SYLVIA BEACH HOTEL INC
257 NW CLIFF ST
NEWPORT OR 97365

TAPHOUSE AT NYE BEACH
193 NW 70TH ST
NEWPORT OR 97365

WOLCOTT KENT P &
WOLCOTT APRIL A
PO BOX 128
TOLEDO; OR 97391

WRAY JOHN M &
WRAY SHEILA N
PO BOX 1566
NEWPORT; OR 97365

YAQUINA ART ASSOC
PO BOX 274
NEWPORT; OR 97365

Adjacent Property Owners

File No. 5-Z-19

ABUFADIL SAMER &
ABUFADIL MIYOKO MUNAYUKI
1033 SW ARDMORE AVE
PORTLAND; OR 97205

AGNELLO MARK S TRUSTEE
158 NATIONAL ST
SANTA CRUZ; CA 95060

AKINS GLENDA L TSTEE
625 NW ALPINE ST
NEWPORT; OR 97365

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

AMAISMEIER LOUISE B
1201 HORN LN
EUGENE; OR 97404

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

ANTHONY ROGER D &
ANTHONY LISA K
4224 SE LAMBERT ST
PORTLAND; OR 97206

ARCHWAY PLACE CONDOMINIUM
HOMEOWNERS ASSOCIATION
PO BOX 800
SOUTH BEACH; OR 97366

ASSOC OF UNIT OWNERS OF
COURTYARD COTTAGES CONDO;THE
713 NW HIGH ST
NEWPORT; OR 97365

ASSOC OF UNIT OWNERS OF THE
KENNEDY BLDG CONDO; THE
526 NW COAST ST
NEWPORT; OR 97365

BAKALISH ROBERT &
BAKALISH SUSAN K
507 NW ALPINE ST #206
NEWPORT; OR 97365

BARUAH BUBUL &
BARUAH MRIDUSMITA
37067 HOLLY ST
FREMONT; CA 94536

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

BEARD DUANE G TRUSTEE &
BEARD SHEIRY T TRUSTEE
2342 TUSCANA AVE S
SALEM; OR 97306

BEDLE JANET A
2217 GRAND AVE
EVERETT; WA 98201

BENISON FRANK J
19 LINDENWOOD DR
LITTLETON; CO 80120

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

BLAIR SHARON &
HETH MICHELLE &
WANKER MARK
21373 JOHNSON RD
WEST LINN; OR 97068

BOOTHBY JOAN A
PO BOX 2143
NEWPORT; OR 97365

BOTTOMLY THERESE A &
FRANCIS MICHAEL S
3740 SW DOSCH RD
PORTLAND; OR 97201

BOWDLE KEITH S &
BOWDLE SALLY J
2645 NW ZINFANDEL LOOP
MCMINNVILLE; OR 97128

BOXER CHARLOTTE A
4627 N CONGRESS AVE
PORTLAND; OR 97217

BRADLEY RAYMOND J
700 LAWRENCE ST
EUGENE; OR 97401

BRAMBLEY MICHAEL R &
PHILLIPS BRAMBLEY ANITA C
330 ADAIR DR
RICHLAND; WA 99352

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

BRESNAN PATRICK S TSTEE &
BRESNAN ELIZABETH F TSTEE
12338 FIRST FORK RD
LOS GATOS; CA 95033

BRIGGS LINDA R
751 NW 1ST ST
NEWPORT; OR 97365

BROKKEN DONNA F TRUSTEE
2895 SW FAIRMONT DR
CORVALLIS; OR 97333

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

BRUSSELBACK LON &
BRUSSELBACK WENDY
255 NW COAST ST
NEWPORT; OR 97365

CAMPOLA RHONDA M
156 SW COAST ST
NEWPORT; OR 97365

CANNON COURT LLC
PO BOX 1555
MCCALL; ID 83638

CARMODY BONNIE
261 SE VIEW DR
NEWPORT; OR 97365

CARMODY KEVIN
7 PREMIUM POINT LN
BROOKFIELD; CT 06804

CARVER BRENDA S TSTEE
543 NW ALPINE ST
NEWPORT; OR 97365

CHAN HOMESTEAD LLC
ATTN DAVID K CHAN &
LEANN CHENG
4402 NW SENECA CT
CAMAS; WA 98607

CHAPIN DONALD D &
CHAPIN LINDA L
6715 OTTER CREST LOOP
OTTER ROCK; OR 97369

CHAPMAN LUCINDA
PO BOX 206
NEWPORT; OR 97365

CHENOWETH WILLIAM M
626 NW ALPINE ST
NEWPORT; OR 97365

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

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

CLIFFORD MICHAEL &
CLIFFORD KATRINA
2002 N 14TH ST
BOISE; ID 83702

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

CONNET RICHARD L TRUSTEE &
CONNET MARILYN A TRUSTEE
543 S CASCADE DR
WOODBURN; OR 97071

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

CROWE RENTALS LLC
PO BOX 411
TOLEDO; OR 97391

DAHLE TIMOTHY &
DAHLE COLLEEN ANNE
5070 CHERRY HTS RD
THE DALLES; OR 97058

DEGARIMORE ORIETTA M TTEE
1930 LAGUNA DEL CAMPO
TEMPLETON; CA 93465

DIETRICH ALAN &
DIETRICH ANGELA
2517 NW LEHNI PASS DR
BEND; OR 97703

DOBSON KAREN JO
4550 S 7TH ST
TACOMA; WA 98405

DONOVAN JOHN M &
STREET REBECCA K
115 W 4TH ST
THE DALLES; OR 97058

DUBICK MICHAEL TRUSTEE &
DUBICK JOANNE H TRUSTEE
PO BOX 838
CRESWELL; OR 97426

DUNNINGTON DAN A &
DUNNINGTON CHRISTINE M
2140 NORWOOD ST
EUGENE; OR 97401

DUVALL WALTER S &
DUVALL CAROL T
328 NW COAST ST
NEWPORT; OR 97365

EDWARDS DEBORAH D
701 NW COAST ST
APT 110
NEWPORT; OR 97365

ERDMANN JAMES TSTEE &
ERDMANN ADELIA TSTEE
PO BOX 470
AUMSVILLE; OR 97325

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

FEUERBACHER JAY A
131 NE 56TH ST
NEWPORT; OR 97365

FILBIN GWENITH M TRUSTEE
ATTN UTO DIANE
PO BOX 537
DUFUR; OR 97021

FITTS DOUGLAS E TRUSTEE &
FITTS VERNA L TRUSTEE
392 NW 3RD ST SP #1
NEWPORT; OR 97365

FOBI ALOYSIUS
16900 SE MCKINLEY RD
GRESHAM; OR 97213

FRANKLIN ELIZABETH J
742 NW BEACH DR
NEWPORT; OR 97365

FUITEN WEST PARTNERSHIP
5475 NE DAWSON CRK DR
HILLSBORO; OR 97124

FUNRUE DONALD K TRUSTEE &
FUNRUE RUTH E TRUSTEE
3296 SW BINFORD AVE
GRESHAM; OR 97080

GARRISON PAUL B
GARRISON RHONDA
19577 ASTER LN
BEND; OR 97702

GEORGE RONALD A &
TAKACS PATRICIA A
301 SUNSET DR
ENCINITAS; CA 92024

GERMANERI E T & STEVE TTEES &
GERMANERI NATHANIEL &
GERMANERI ALISON
920 SW 5TH ST
CORVALLIS; OR 97333

GESIK JOHN ELMER REV LIV TR &
GESIK JOHN ELMER TRUSTEE &
GESIK ELDORA LOU TRUSTEE
155 SW DOLPHIN ST
NEWPORT; OR 97365

GETTING BRIAN J
711 NW HIGH ST
NEWPORT; OR 97365

GRAMOLL KURT &
GRAMOLL JUNKO
3816 WELLINGTON PL
NORMAN; OK 73072

GULLERUD ERIC N &
GULLERUD CHERIE P
PO BOX 2475
CORVALLIS; OR 97339

HAAS WILLIAM F &
HAAS EILEEN DALY
9439 17TH LN
TERREBONNE; OR 97760

HAGUES YOLANDA R &
MAHER MARC
11611 NE ANGELO DR
VANCOUVER; WA 98684

HALCYON HOTELS LLC
ATTN MCCORMACK WINTHROP
2601 NW THURMAN ST
PORTLAND; OR 97210

HALL DAVID WALTER TRUSTEE &
HALL MARGARET RUTH TRUSTEE
8310 COUNTERPANE LN
JUNEAU; AK 99801

HARRIS LEANN J
1536 NE 61ST AVE
PORTLAND; OR 97213

HARRISON TERRY &
HARRISON KRISTA
1197 THRONE DR
EUGENE; OR 97402

HEISLER PROPERTY HOLDINGS LLC
567 SE VISTA DR
NEWPORT; OR 97365

HEITZLER GREGORY &
LINGEMANN AARON
8 COMSTOCK LN
SANTA CRUZ; CA 95060

HENDRICKS JUDITH J TSTEE
2011 FRANKFORT AVE
#408
LOUISVILLE; KY 40206

HERROLD JOAN L &
HERROLD TRACY K
40896 ELK RIDGE LN
STAYTON; OR 97383

HETH MICHAEL S &
HETH CATHERINE H
258 NE 5TH ST
NEWPORT; OR 97365

HETH MICHELLE K
1181 RYAN CT
WEST LINN; OR 97068

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

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

HORNING ROBERT W TRUSTEE &
HORNING SUZANNE R W TRUSTEE
8701 ESTERO BLVD
#708
FT MYERS BEACH; FL 33931

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

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

HUNT DONALD J
546 NW COAST ST
NEWPORT; OR 97365

JACKS PLACE LLC
10837 FERNDAL RD
DALLAS; TX 75238

JMB PROPERTIES NEWPORT LLC
1755 GARLAND LN
BOULDER; CO 80304

JOHNS DEIDRE M
750 NW 2ND ST
NEWPORT; OR 97365

JONES JOHN B
2140 LOS ANGELES AVE
BERKELEY; CA 94707

JORGENSEN PAUL D &
JORGENSEN KAREN L
4284 AVALON
EUGENE; OR 97402

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

KELLER RODNEY &
KELLER BARBARA
2056 CHASE LOOP SW
ALBANY; OR 97321

KEMP CHARLES D &
KEMP JANE K
1693 S 24TH ST
EL CENTRO; CA 92243

KENT MICHAEL LAWRENCE &
KENT CINDY LOU
3608 NW TWINBERRY PL
CORVALLIS; OR 97330

KIKER KEVIN D &
KIKER FIONA M
988 TWIN HILLS DR
JEFFERSON; OR 97352

KJELLSSEN PEGGY
PO BOX 704
NEWPORT; OR 97365

LAVEN ARNE &
LAVEN SUDHA
2538 NW HOSMER LAKE DR
BEND; OR 97703

LEE APRIL M
3319 W AUGUSTA CT
COEUR D'ALENE; ID 83815

LEHRMAN MARCUS &
GEORGE JODY L
232 NW COAST ST
NEWPORT; OR 97365

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

LIL MACS LLC
ATTN ALEMA J MCCREA
1040 SE 78TH
PORTLAND; OR 97215

LINCOLN COUNTY
% LINCOLN COUNTY PROP MGMT
880 NE 7TH ST
NEWPORT; OR 97365

LINCOLN COUNTY
225 W OLIVE ST
NEWPORT; OR 97365

LINGHAM JUDITH M
PO BOX 28
NEWPORT; OR 97365

LITT SANDRA S TRUSTEE
7438 SE MADISON
PORTLAND; OR 97215

LOPARDO ROBERTO
70 E CRESCENT AVE
MAHWAH; NJ 07430

LUKE LOWELL H &
LUKE RUTH A
1812 1/2 E BROADWAY ST
HELENA; MT 59601

LUM PATRICK TRUSTEE &
LUM YU YE TRUSTEE &
LUM BRIAN
4050 WYCOMBE DR
SACRAMENTO; CA 95864

LYLES PATSY ANN (TOD)
55 SW COAST ST
NEWPORT; OR 97365

MACIAS JOSEPH L
28140 ZEPHYR DR
TRACY; CA 95304

MAPLES LINDA R TRUSTEE
130 W CEDAR ST
EUREKA; CA 95501

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

MARTIN CHARLES LYNSEY &
MARTIN ANN FRANCES
526 NW COAST ST
UNIT F
NEWPORT; OR 97365

MARTIN TIMOTHY F &
MARTIN DIANA R
13-3347 LUANA ST
PAHOA; HI 96778

MATEAM PARTNERSHIP
ATTN FORD SALLY M
267 NW CLIFF
NEWPORT; OR 97365

MATNEY MARY OLIVE TRUSTEE
650 NE SHERWOOD WAY
CORVALLIS; OR 97330

MAY JAMES T TRUSTEE
1990 VAN BUREN
EUGENE; OR 97405

MCCOY MICHAEL D REV LVG TST &
KELLEY PATRICIA A SUC TSTEE
4045 NW GLENWOOD
ALBANY; OR 97321

MCDONNELL JOHN
PO BOX 249
PACIFIC CITY; OR 97135

MEEK JEFFREY MATTHEW &
MEEK SHERRY LYNN
3388 SAINT CROIX ST
EUGENE; OR 97408

MELDRUM JOHN C TSTEE &
MELDRUM LEA C TSTEE
580 CENTER ST NE
STE 730
SALEM; OR 97301

MEZZETTA BARBARA
415 EASTIN DR
SONOMA; CA 95476

MINES GARY L TRUSTEE &
MINES VICKI R TRUSTEE
9509 NE 73RD ST
VANCOUVER; WA 98662

MORAN MICHAEL O COTRUSTEE &
MORAN JAQUELYNN M H COTRUSTEE
4421 SW MELVILLE AVE
PORTLAND; OR 97239

MORRONE NATALE
704 NW BEACH DR
NEWPORT; OR 97365

MSM PROPERTIES LLC
ATTN STEVEN W MOCK
2397 NW KINGS BLVD #173
CORVALLIS; OR 97330

MUSOLF LYNDON R TRUSTEE &
MUSOLF BARBARA N TRUSTEE
5480 SW DOVER LOOP
PORTLAND; OR 97225

NAGY EVELYN D
PO BOX 10412
EUGENE; OR 97440

NEHMER JASON D &
NEHMER RACHEL R
619 NW COAST ST
NEWPORT; OR 97365

NEIGEBAUER LINDA RAE
3914 NW CHEROKEE LN
NEWPORT; OR 97365

NETTLES WILLARD JR
PO BOX 646
NEWPORT; OR 97365

NEWMAN EMILY J
231 NW CLIFF ST
NEWPORT; OR 97365

NORRIS TREVOR J REV LVG TRST &
NORRIS TREVOR J TRUSTEE
1 FISHERMANS REACH
ROSS ON WYE HR9 6BE
ENGLAND;

NORTHAM JOYCE H TRUSTEE
4125 NW TAMARACK DR
CORVALLIS; OR 97330

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

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

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

NYE SANDS CONDOMINIUM
ASSOCIATION OF UNIT OWNERS
507 NW ALPINE ST
NEWPORT; OR 97365

OBTESHKA TERRY L &
OBTESHKA EILEEN G
105 NW COAST ST
NEWPORT; OR 97365

OCEAN EQUITY INVESTMENTS LLC
526 NW COAST AVE
STE A
NEWPORT; OR 97365

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

OCONELL KENNETH R TRUSTEE &
OCONELL GWYNETH P TRUSTEE
220 WEST 23RD AVE
EUGENE; OR 97405

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

OHEARN TIMOTHY
PO BOX 2515
SAUSALITO; CA 94966

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

OLIVE STREET LLC
ATTN CHARLOTTE A BOXER
4627 N CONGRESS AVE
PORTLAND; OR 97217

OLSON MARGARET M TSTEE
9705 SW EAGLE LN
BEAVERTON; OR 97008

ORCA HOUSE LLC
PO BOX 10788
SPOKANE; WA 99209

PACIFIC CREST CONDOMINIUMS
ASSOCIATION OF UNIT OWNERS
ATTN MELDRUM JOHN
13705 COON HOLLOW RD SE
SUBLIMITY; OR 97385

PALMER JOYCE
PO BOX 725
NEWPORT; OR 97365

PARASHAK BONNIE L TRUSTEE &
PARASHAK PAUL M TRUSTEE
1323 NE 5TH ST
NEWPORT; OR 97365

PARKER LARRY E TRUSTEE &
PARKER BISSON EILEEN TRUSTEE
PO BOX 74
SILETZ; OR 97380

PARKER MIKE THOMAS
733 NW SECOND ST
NEWPORT; OR 97365

PARQUE ANTOINETTE E &
TRANTOW WAYNE D
9635 SW WASHINGTON PL
PORTLAND; OR 97225

PAVELEK GERALD F &
PAVELEK ANNE M &
PAVELEK RICHARD A & PAMELA
3592 BUENA VISTA RD S
JEFFERSON; OR 97352

PELICAN HOUSE LLC
ATTN GERALD HUGHES
PO BOX 10788
SPOKANE; WA 99209

PETERSON NORMAN S TRUSTEE &
PETERSON ROSEMARY TRUSTEE
63 CHESNEY DR
HENDERSON; NV 89074

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

POUNDS VAN M
710 TILLMAN AVE SE
SALEM; OR 97302

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

PRIDGEON JEFFREY C &
PRIDGEON JILL B
515 SW OLIVE ST
NEWPORT; OR 97365

RABIDEAU LARRY &
MANN CHERYL
144 PT FOSDICK CIR NW
GIG HARBOR; WA 98335

RAJALA DONNA M (TOD)
507 NW ALPINE ST
UNIT 304
NEWPORT; OR 97365

REDHAWK RENTALS LLC
1075 YASEK LOOP
TOLEDO; OR 97391

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

REICH DANNY E &
REICH TERESA G
142 VALLEY CHAPEL RD
WALLA WALLA; WA 99367

RIDER ROY L REVOC LVG TRUST &
RIDER SANDRA N REVOC LVG TST &
RIDER ROY L & SANDRA N TRSTEEES
6230 NW VINEYARD DR
CORVALLIS; OR 97330

ROBERTS KENT B &
ROBERTS LORI S
375 CORBETT CREEK RD
COLVILLE; WA 99114

RODDEN MARY ANN
411 36TH WAY
SACRAMENTO; CA 95816

ROGERS JOHN D &
ROGERS TERESA M
PO BOX 2377
NEWPORT; OR 97365

ROMINES ROBERT T &
ROMINES AYMEE M
143 SW CLIFF ST
NEWPORT; OR 97365

ROSE BRIAN S TSTEE &
ROSE JULIE M TSTEE
637 SE SAINT ANDREWS DR
PORTLAND; OR 97202

ROTH JOSEPH C &
ROTH PAULA C &
DIAZ RAMON STEPHAN
PO BOX 92
LOCKWOOD; CA 93932

ROWBOTHAM LYNN D TSTEE &
ROWBOTHAM RANDALL G TSTEE &
BORTON HALEY TSTEE
25000 NW ST HELENS RD; #4
PORTLAND; OR 97231

ROWEN ROBERT D &
ROWEN DONNA M
PO BOX 777
CAMAS; WA 98607

RUHLAND W STEVEN TRUSTEE &
AVRITT JUDITH K TRUSTEE
19981 EVELYN CT
SONORA; CA 95370

SAGE RONALD K
PO BOX 2403
NEWPORT; OR 97365

SAYLER STEPHANIE M TRUSTEE &
BRUCE MERRITT N TRUSTEE
12 THOMAS OWENS WAY
STE 100
MONTEREY; CA 93940

SCHONAU MARK R &
SCHONAU KATHLEEN A
2807 E DESERT LN
PHOENIX; AZ 85042

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

SEAVIEW HOMES LLC
193 NW 70TH
NEWPORT; OR 97365

SILVA JANET K
PO BOX 986
WILTON; CA 95693

SIMMERMAN KATHLEEN R
25115 LAVEL RD
JUNCTION CITY; OR 97448

SMITH CATHEY E
245 NW ELDERBERRY LN
DALLAS; OR 97338

SORELLA A LLC
2345 SW HWY 101
DEPOE BAY; OR 97341

SORELLA B LLC
2345 SW HWY 101
DEPOE BAY; OR 97341

SORELLA LLC
1127 OLALLA RD
TOLEDO; OR 97391

STEMPSON GREGORY L &
JOHNSON LORENE N Y
2672 NW NORDEEN WAY
BEND; OR 97701

STIERS DAVID OGDEN
ATTN CATHLEEN DONNELLAN
PO BOX 1548
NEWPORT; OR 97365

STREIT SANDRA S
3145 SW MARICARA ST
PORTLAND; OR 97219

STUBBLEFIELD JAMES M &
STUBBLEFIELD VONDA J
PO BOX 338
MONUMENT; OR 97864

TATE JOHN CLAYTON &
TATE ROBIN LEE
0841 SW GAINES ST
#1612
PORTLAND; OR 97239

TAYLOR ELMER H &
TAYLOR DOROTHY P
555 NW ALPINE ST
NEWPORT; OR 97365

THORNTON ROBERT &
BY THE SEA X LLC &
LEE SUZANNE M TSTEE
7459 N HURON AVE
PORTLAND; OR 97203

TRIPP ZDENKA TSTEE
30833 PETERSON RD
PHILOMATH; OR 97370

TURNER KEITH D &
TURNER LUANN M
13219 NW 35TH CT
VANCOUVER; WA 98685

VANDERLIP DAVID L TSTEE &
VANDERLIP MARIA R TSTEE
37990 COURTNEY CREEK RD
BROWNSVILLE; OR 97327

VANDERPOOL CHARLES
547 NW COAST ST
NEWPORT; OR 97365

VANWERT FRANCES C TRUSTEE
742 NW 2ND CT
NEWPORT; OR 97365

WALDE MARVIN L TRUSTEE &
WALDE SHIRLEY A TRUSTEE
110 SE 10TH ST
COLLEGE PLACE; WA 99324

WARD NELLIE C &
HARDESTY SUE A
PO BOX 2304
NEWPORT; OR 97365

WESLEYSON ALEX THOMAS &
WESLEYSON KATHLEEN
PO BOX 1512
NEWPORT; OR 97365

WETHERILL JAMES G &
WETHERILL LANA R
25804 NE OLSON RD
BATTLE GROUND; WA 98604

WHALER MOTEL INC
155 SW ELIZABETH
NEWPORT; OR 97365

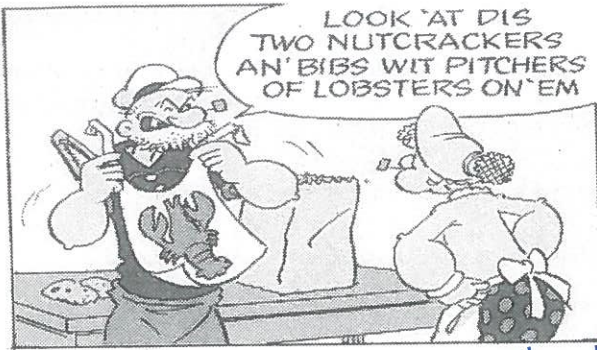
WIEBE MARTHA W TSTEE &
WIEBE DAVID A TSTEE
10205 HELMICK RD
MONMOUTH; OR 97361

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

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

The Newport Planning Commission will hold a public hearing on Monday, December 9, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 5-Z-19, amendments to Newport Municipal Code (NMC) Section 14.30.080, Permitted Uses, and Section 14.30.100, Special Zoning Standards in Design Review Districts, to allow residential uses at street grade in C-2 zoned areas within the Historic Nye Beach Design Review District that are north of NW 6th Street and south of NW 2nd Court. The current regulations allow residential uses at street grade in these areas only for properties that border Coast Street, Cliff Street or Olive Street. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above).

(FOR PUBLICATION ONCE ON FRIDAY, November 29, 2019)



PUBLIC NOTICES

11/30/19

LEGAL DEADLINES:
WEDNESDAY EDITION:
5:00pm Thursday
FRIDAY EDITION:
5:00pm Tuesday

NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION

CITY OF NEWPORT: The Newport Planning Commission will hold a public hearing at 7:00 p.m. on Monday, December 9, 2019, in the City Hall Council Chambers, to review and make a recommendation to the Newport City Council on a proposed street vacation (File No. 2-SV-19) as initiated by the City Council at the request of Todd Woodley on behalf of Wyndhaven Ridge, LLC. The request, which was initiated on November 4, 2019, is to vacate undeveloped portions of the NE 31st Street right-of-way to establish a uniform width of 60-feet to either side of the roadway centerline. The applicant is looking to position the property, specifically the portion on the south side of the street, for multi-family development. The irregular boundary and variable width of the NE 31st Street right-of-way, particularly where it borders the developable portion of the applicants property (i.e. the east half of the alignment), creates obstacles to development that this proposal will address. Oregon Revised Statute (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testi-

mony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above). N22 N29 D04 (71-04)

NOTICE OF A PUBLIC HEARING

CITY OF NEWPORT: The Newport Planning Commission will hold a public hearing on Monday, December 9, 2019, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 5-Z-19, amendments to Newport Municipal Code (NMC) Section 14.30.080, Permitted Uses, and Section 14.30.100, Special Zoning Standards in Design Review Districts, to allow residential uses at street grade in C-2 zoned areas within the Historic Nye Beach Design Review District that are north of NW 6th Street and south of NW 2nd Court. The current regulations allow residential uses at street grade in these areas only for properties that border Coast Street, Cliff Street or Olive Street. Pursu-

ant to Newport Municipal Code (NMC) Section 14.30.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626 (address above). N29 (72-29)

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 JAY DEAN CONATSER, Deceased. Case No. 19PB07474 NOTICE TO INTERESTED PERSONS. NOTICE IS HEREBY GIVEN that Tyler Loring has been appointed personal representative of the Estate

of Jay Dean Conatser. All persons having claims against the estate are required to present them, with vouchers attached, to the personal representative through the personal representative's attorney at PO Box 1987, Newport, OR 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the attorney for the personal representative, Traci P. McDowall. Dated and first published on November 22, 2019. Adam C. Springer, LLC, /s/Traci P. McDowall, OSB #184063, Attorney for Personal Representative. PERSONAL REPRESENTATIVE: Tyler Loring, 3225 63rd Ave SW, Seattle, WA 98116, LAWYER FOR PERSONAL REPRESENTATIVE: Traci P. McDowall, OSB #184063, PO Box 1987, Newport, OR, 97365 Telephone: (541) 265-5500; Fax: (541) 265-7633; Email: traci@yaquina-law.com. N22 N29 D6 D13 (74-13)

NOTICE TO INTERESTED PERSONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN Probate Department Case No. 19PB08623 NOTICE TO INTERESTED PERSONS In the Matter of the Estate of MICHAEL SPENCER, Deceased. NOTICE IS HEREBY GIVEN that Alexander Scott has been appointed as the personal representative of the above estate. All persons having claims against the estate are required to present them to the personal representative, in care of the undersigned attorneys at: 1100 SW Sixth Avenue, Suite 1400, Portland, OR 97204-1003, 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 attorneys for the personal representative. Dated and first published on Nov. 22, 2019. Alexander Scott Personal Representa-

tive Nathan A. Rudolph, OSB No. 124419 Smith, McDonald, Vaught & Rudolph, LLP Attorneys for Personal Representative, 1100 SW Sixth Avenue, Suite 1400, Portland, OR 97204-1003 Tel (503) 248-9535 Fax (503) 248-9538 nrudolph@smvllp.com Published: Nov. 22, 2019 and Nov. 29 and Dec. 06, 2019 N22 N29 D06 (76-06)

CIVIL SUMMONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON IN AND FOR THE COUNTY OF LINCOLN JPMorgan Chase Bank, National Association, Plaintiff, vs. UNKNOWN HEIRS, DEVISEES AND/OR SUCCESSORS IN INTEREST OF DONNA M. HASBROUCK; MARY T. COLE; JACQUELINE R. CHAVEZ; PAUL X. HASBROUCK; UNKNOWN HEIRS; DEVISEES AND/OR SUCCESSORS IN INTEREST OF ANN MARIE HASBROUCK; UNKNOWN HEIRS, DEVISEES AND/OR SUCCESSORS IN INTEREST OF ERIC P. HASBROUCK; STATE OF OREGON; UNITED STATES OF AMERICA; GEMINI CAPITAL GROUP, LLC; PARTIES IN POSSESSION. Defendants. No. 19CV34437 CIVIL SUMMONS. TO THE DEFENDANTS: Unknown Heirs, Devisees and/or successors in interest of Donna M. Hasbrouck, Unknown Heirs, Devisees and/or successors in interest of Ann Marie Hasbrouck and Unknown Heirs and Devisees of Erik P. Hasbrouck, deceased and Jeanette S. Madson. NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY! A lawsuit has been started against you in the above-entitled Court by JPMorgan Chase Bank, National Association, Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is on file at the Lincoln County Courthouse. You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not

have an attorney, proof of service on the plaintiff. The object of the complaint is to foreclose a deed of trust dated February 6, 2008 and recorded as Document No. 200801826 given by Donna Hasbrouck on property commonly known as 2009 SE Donelle Drive, Toledo, OR 97391 and legally described as: LOT 13, MCELWAIN ACRES STAGE 2, IN THE CITY OF TOLEDO, LINCOLN COUNTY, OREGON. The complaint seeks to foreclose and terminate all interest of Unknown Heirs, Devisees and/or successors in interest of Donna M. Hasbrouck, Jeanette S. Madson, Unknown Heirs, Devisees and/or successors in interest of Ann Marie Hasbrouck and Unknown Heirs and Devisees of Erik P. Hasbrouck, deceased and all other interests in the property. The "motion" or "answer" (or "reply") 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. The date of first publication of the summons is November 22, 2019. If you are in the active military service of the United States, or believe that you may be entitled to protection of the SCRA, please contact our office. If you do not contact us, we will report to the court that we do not believe that you are protected under the SCRA. 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 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636. Attorneys for Plaintiff, SHAPIRO & SUTHERLAND, LLC By: /s/ James A. Craft; James A. Craft #090146 [jcraft@logs.com] 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683 (360) 260-2253; Fax (360) 260-2285 N22 N29 D6 D13 (78-13)

FORECLOSURE SALE

The Storage Place, 4822 S Coast Hwy South Beach, OR. 97366. Starting at 4:00 PM on 12-13-2019 for unit #77 rented by Carla Keenan and #58

rented by Mr. man. N30 D6

SUM IN THE CIR OF THE ST/ GON FOR TY OF LIN No. 19CV3 MONS QI MARY PER VIRGINIA E Trustees of Donald Per Trust, date 25, 2015, WEST CO, MENT CC Oregon cor all other ptes title, lien, or property de complaint ARE HERE to appear i complaint you in the cause with the date summons, 2019. The is the dat publication of your fa for want t will apply relief dem complaint. claims the the actual real prop 844 SE 5t Oregon 9; demande plaint is Requiring all persons; Defendant the nature if any, to t described ing all ad any, of I all person Defendant Plaintiffs i in fee sir property (and entitle thereof, fr title, claim est of Def claiming dants ar in the pr tants; (d) dants an under D asserting claim, lie the prem Plaintiff disburse herein; i