

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING¹

This meeting will be conducted by video-conference. Please contact the Community Development Department at the phone number or email listed below for options on how you can participate in the hearing.

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on September 14, 2020, to consider approval of the following request:

File No. 1-VAR-20:

Applicant: Newport Townhomes, LLC (James D Vick, representative)

Request: Approval of a variance to Section 13.05.030 "Lots and Parcels" of the Newport Municipal Code to allow the completion of the construction of four partially constructed attached dwelling units located in a geologic hazard area. Foundations for the units were constructed in 2007, before the City amended its subdivision regulations to require that any newly created lot or parcel possess at least 1,000 sq. ft. of building area outside of active and high hazard zones and active landslide areas (NMC 13.05030(H)). The foundations are located within an active landslide area. The applicant wants to finish the units and subdivide the property into four lots, each containing a townhome, as opposed to setting up the project as condominiums. This constitutes a 100% deviation from the 1,000 square foot building area standard noted above.

Location: Assessor's Map 11-11-08-CA, Tax Lots 3100 & 3500 (815 SW 13th Street).

Applicable Criteria: Newport Municipal Code Section 14.33.060; Criteria for Approval of a Variance: (A.) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. (B.) The circumstance or condition in "A" above is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances. (C.) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard. (D.) Authorization of the Variance will not result in substantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations. (E.) The Variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access. (F.) Any impacts resulting from the Variance are mitigated to the extent practical.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. 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 under "Reports/Materials") must be received by 5:00 p.m. the day of the hearing or be personally entered into the record during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (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 Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365 seven days prior to the hearing. The application materials and the applicable criteria are available for inspection at no cost or copies may be purchased at this address.

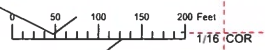
Contact: Derrick Tokos, Community Development Director, (541) 574-0626 (address above in "Reports/Materials").

Time/Place of Hearing: Monday, September 14, 2020; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: August 17, 2020.

PUBLISHED: Friday, September 4, 2020/News-Times.

¹This notice is being sent to affected property owners within 200 feet of the subject property (according to Lincoln County tax records), affected public utilities within Lincoln County, and affected city departments.



N.E.1/4 S.W.1/4 SEC.8 T.11S. R.11W. W.M.
 LINCOLN COUNTY
 1" = 100'

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY

11 11 08 CA
 NEWPORT

- Cancelled
- 1000-22
- 1100-21
- 1100-23
- 1300-21
- 1400-21
- 1400-22
- 1400-23
- 1500
- 1600
- 1600-21
- 1900-22
- 2100-21
- 2100-L1
- 2200-21
- 2300
- 2300-21
- 2400-21
- 2401-21
- 2401-22
- 2401-23
- 2700
- 2900
- 3000
- 3200
- 3700-21
- 3800-21
- 7402
- 7800
- 8000
- 8100
- 8200
- 8900
- 9700
- 11300
- 11700
- 11800
- 11900
- 12100
- 12301
- 12400
- 12800
- 13800-21
- 14000
- 14100
- 14500
- 14800
- 15000
- 15300-21
- 15500
- 15600-42
- 15700-20



115

104

Subject Properties
 File No. 1-VAR-20

Revised: SEB
 12/04/2019

NEWPORT
 11 11 08 CA