

**CITY OF NEWPORT
PUBLIC NOTICE¹**

NOTICE IS HEREBY GIVEN that an application for a Nonconforming Use Permit has been filed with the Community Development (Planning) Department.

File No. 6-NCU-20:

Owner/Applicant: Jed Schlanger & Laura Schwartz (Robert Taylor, Creative Landscaping, representative).

Request: Approval of a request per Section 14.32/“Nonconforming Uses, Lots, and Structures” of the Newport Municipal Code, to construct a retaining wall and deck to replace a retaining wall that is non-conforming for front yard setbacks.

Location: Lincoln County Assessor’s Tax Map 11-11-05-CD, Tax Lot 04400 (624 NW Lee St).

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

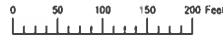
Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal based on that issue. You may submit testimony in written form to the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon 97365, by **5:00 p.m., Wednesday, August 26, 2020** (14 days from the date this notice was mailed are allotted for the comment period). Those making written comment will be notified of the Community Development (Planning) Director’s decision.

Contact: Beth Young, Associate Planner, (541) 574-3341, b.young@newportoregon.gov (mailing address above under “Reports/Application Material”).

MAILED: August 12, 2020.

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

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.E.1/4 S.W.1/4 SEC.5 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 100'

11 11 05 CD
NEWPORT

Cancelled
1000
2000
5900
6000
6300
6700
6800
7401
7500
7600
8100
8400
8600
9200
9300
9600
10000
10500-21
11400
11500
11600
11900
12200
12300
12400
12500
12700-31
13200
13300
13804

Subject Property
File 6-NCU-20

REPLANT LOT 5, 6, 9, 2, 3
SEE NEW BLOCK



SEE MAP 11 11 05 CC

SEE MAP 11 11 05 CA

SEE MAP 11 11 05 DC

SEE MAP 11 11 08 BA

CS 6349
CS 12490
CS 16936
CS 19697

Revised: SEB
07/28/2020

NEWPORT
11 11 05 CD