



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, September 10, 2018 - 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 August 13, 2018

[Draft PC Work Session 8-13-18.pdf](#)

2.B Approval of the Planning Commission Regular Session Meeting Minutes of August 13, 2018

[Draft PC Minutes 8-13-18.pdf](#)

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 1-SUB-18/2-VAR-18/3-GP-18: Fisherman's Wharf Estates Tentative Subdivision.

[File 1-SUB-18 -- 2-VAR-18 -- 3-GP-18.pdf](#)

5.B File 3-VAR-18: Sign Variance for Pacific Communities Health District.

[File 3-VAR-18.pdf](#)

5.C 3-Z-18: Zoning Text Amendments to NMC 14.01.020 and 14.03.060 Related to Extended Stay Motels. (Note: To Be Continued on the September 24, 2018 Planning Commission Meeting Due to Noticing Issues).

[File 3-Z-18.pdf](#)

[3-Z-18 Email.pdf](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

8.A City Council Approval of Amendments to Newport Municipal Code Chapter 2.35 Renaming Public Places.

[Amendments to NMC 2.35.pdf](#)

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
August 13, 2018
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Rod Croteau, Mike Franklin, Bill Branigan, and Jim Hanselman.

PC Citizens Advisory Committee Members Present: Dustin Capri.

PC Citizens Advisory Committee Members Absent: Karmen Vanderbeck (*excused*)

City Staff Present: Community Development Director (CDD) Derrick Tokos; City Attorney, Steve Rich; 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.**
3. **New Business.**
- A. **Conflict of Interest Presentation by City Attorney.** Steve Rich gave a presentation to the PC about conflicts of interest. He noted that he was presenting an annual update to all committees on conflicts. He clarified for the PC what the difference was between a conflict and bias. Rich also clarified the differences between a potential conflict of interest and actual conflict of interest. He then went on to discuss the overlays of the Newport Municipal Code and the State Ethics Code. Tokos explained the difference between legislative and qui-judicial conflicts of interest.
- B. **Review of Amendments to NMC 14.01.020 and 14.03.060 Related to Extended Stay Motels.** Capri and Franklin noted that they had a potential conflict of interest. Tokos reviewed the application that was submitted by Pacific Seafood Group and the amendments to the NMC.

Berman asked if they bought the building and turned it into units, why it wouldn't be considered apartments. Tokos said it wouldn't be under a residential code. Croteau asked if it would no longer be used for commercial motel rental. Tokos said if their plans changed, they could use it or sell it to someone who wanted to use it as a motel. Franklin asked where the location of the unit was. Tokos said he couldn't say but was in one of the zones listed in memo and explained where the locations fell in the zones.

Hanselman thought it sounded like they were asking for dwellings to stay in for up to six months. Tokos said no, they weren't apartments and were in a different construction classifications. It would be no different from hotels/motels. Hanselman was concerned about safety for people who are in a lodging setting where they could cook. Tokos said it was a benefit to have a provision to allow a business to build an extended stay operation. Franklin asked if the units would have kitchens. Tokos wanted to encourage the PC to think in terms of any extended stay when considering the amendments. He said that some units may not have kitchenettes. Hanselman thought that more and more businesses would need more housing for the workforce and this is something that might become more common. Franklin asked if it would be a loop hole for affordable housing. Tokos said they weren't apartments and were different from dwellings. Hardy reminded the PC to not confuse seasonal housing with workforce housing as they were different. Hanselman was concerned that tourism was also seasonal and also looking for housing. Croteau thought it would set precedence for housing for employees. Berman saw it as a positive to free up some workforce housing. Croteau said that he had talked to different businesses who said that housing was an issue for hiring people. Hardy thought that there had been seasonal shortages for decades. Croteau said he had a number of people in important roles in the community that say that housing was an issue.

Patrick reminded the PC that they were looking at doing a standard for extended stay. He had a problem with converting a complex to an extended stay because he didn't know the state of the plumbing, electrical and the building. Tokos asked if the PC wanted info on the building codes for the PC hearing. Capri reminded that anytime they would be changing the use they would have to bring the building up to code. He said he could bring information on the distinction between hotel/motels and multi-family; and extended stay or not. The PC agreed it would be helpful. Berman was concerned that if someone bought an existing hotel, with these changes someone could either rent it as a motel or an

extended stay. Tokos said that it wasn't an accurate assumption that Pacific Seafoods was assuming they were buying an existing motel. Croteau asked if the existing motels met the existing code. Patrick said no because of the change in the code. A discussion ensued regarding what triggers projects being required to be put up to code.

Capri asked if Hatfield and Samaritan Hospital could build to do extended stays. Tokos said they may have been already been doing that and was already permitted under the current code. Patrick was more concerned about the conversion of the buildings for extended stay, not so much the changes to the amendments.

Ellen Bristow addressed the PC and asked if extended stay was considered a boarding house or a dorm room. Tokos said it was different from a boarding house which had a central common room. Bristow asked if a person would be in one room or more than one in a room. Tokos said there would be an occupancy limit based on size of room, but who was renting the unit wouldn't be determined.

Branigan asked if this would be allowed in I-3 zones. Tokos said no. Hanselman asked about room taxes for extended stay. Tokos said he could take a look at it and give the PC the information. Berman said they originally asked for it in the C-2 zone but the proposal was not for C-2. Tokos said this was a typo on the application. Patrick asked to have the map published split in half (North and South) with more color definition.

- C. **Planning Commission Scope of Work Update.** Tokos reviewed the updated work program with the PC.
4. **Director's Comments.** No Director comments.
5. **Adjournment.** Having no further discussion, the meeting adjourned at 6:58 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
August 13, 2018

Planning Commissioners Present: Lee Hardy, Bob Berman, Jim Patrick, Mike Franklin, Jim Hanselman, Rod Croteau and Bill Branigan.

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

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

2. **Approval of Minutes.**

A. Approval of the Planning Commission regular session meeting minutes of June 11, 2018.

MOTION was made by Commissioner Franklin, seconded by Commissioner Berman to approve the Planning Commission regular session meeting minutes of June 11, 2018 as presented. The motion carried unanimously in a voice vote.

B. Approval of the Planning Commission regular session meeting minutes of July 13, 2018.

MOTION was made by Commissioner Branigan, seconded by Commissioner Hanselman to approve the Planning Commission regular session meeting minutes of July 13, 2018 as presented. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** No public comments.

4. **Action Items.** No Action Items.

5. **Unfinished Business.** No Unfinished Business.

6. **Public Notices.** At 7:02 p.m. Chair Patrick opened the public hearing portion of the meeting by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None were heard. 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 No. 4-MISC-18.**

Tokos gave a staff report for the hearing. He noted that there would be changes for the provision of the code and reminded that the purpose was to have public vetting. There would be changes to the code moving forward.

Tokos read the conditions for the proposal. He noted David Ogden Stiers' contributions to the City of Newport.

Proponents: Catherine Rickbone and Andrea Spirtos addressed the PC. Rickbone said that the Oregon Coast Council for the Arts (OCCA) was in a multi-phase capital campaign and explained how the renaming of the Black Box Theatre was a part of this. Andrea explained how re-naming's were done with capital campaigns. She noted all the work Stiers did for the PAC to inspire the young people of Newport. Rickbone and Spirtos requested the PC grant the request.

Opponents: None were heard.

Hearing closed at 7:11pm.

Hardy, Berman, Croteau, Franklin, Hanselman & Branigan & Patrick stated they supported the decision.

MOTION was made by Commissioner Berman, seconded by Commissioner Croteau to recommend File No. 4-MISC-18 for City Council review. The motion carried unanimously in a voice vote.

B. File No. 5-MISC-18.

Tokos gave staff report for File 5-MISC-18. He noted Martin's input to the City of Newport.

Proponents: Catherine Rickbone addressed the PC and noted that the piano room hadn't been built yet so it would be a new name for what would be built. She said the area that the room would be built would be on the west side of the PAC. Spirtos explained Martin's contributions to the community and to the PAC.

Berman asked what the difference was between renaming versus naming. Tokos said this was vetted by the City Attorney and he felt it was appropriate under these standards at that point and time.

Opponents: No were heard.

Hearing closed at 7:17pm.

Branigan noted he had a potential conflict as he knew Martin. He was in favor. Hanselman supported it. Franklin, Croteau, Berman, Hardy and Patrick agreed.

MOTION was made by Commissioner Branigan, seconded by Commissioner Croteau to recommend File No. 5-MISC-18 for City Council review. The motion carried unanimously in a voice vote.

C. Consideration and Possible Recommendation of Substantial Amendment 13 to the South Beach Urban Renewal Plan.

Tokos gave staff report and noted extending date from 2020 to 2025. He listed what the amendment addressed, and referenced the letters from the taxing districts and why the city had to consult with them. Tokos noted that he hadn't received any feedback from the taxing entities. (26:00) He referenced the emails he received on comments from different entities and noted that the PC had to review this to send a recommendation onto the City Council. He noted there was nothing new in the projects as it was already a part of different facilities plans and thought it was in conformance.

Berman said Table B3 in page five should have a total at the bottom of each of the columns. Franklin asked if the projects that said they were not funded on Page 9 of 25 were just not funded or would be at a later time. Tokos said they were not a part of funding for the plan at that point in time. He said not everything was done and it would be a decision the CC made when going through the plans. He reminded that Urban Renewal were living documents. Hanselman noted that on Page 8 of 25 it stated that a sewer station on SW 26th Street was not being funded. Tokos said it was originally listed before they did the refinement plan and when it was done, it was determined they didn't need to do a list on stations at that time. Croteau asked if it would be wiser to extend the dates to be completed in a reasonable timeframe. Tokos said there was an assumption that they would need the full seven years after 2020 for debt retirement and we realized we didn't. We could extend our projects later than 2020 and still meet our requirements. 31:30) The closure date was the date frozen increments are released back to the districts.

Proponents: None.

Opponents: Dennis Fry. Property owner on SE 62nd St addressed the PC and said had received notifications that affected 62nd Street. He was not opposed to an extension of dates. He said he heard there would be inclusions of industrial properties and asked if that was included in the City. Tokos said the pocket at SE 62nd was unincorporated it was not in the City Limits. Tokos said they were required to notify all properties in the notification area and also included notifications will bills to anyone who got water bills. The City was in the process of acquiring the right-of-way from 50th Street and it would be looped into 62nd St. The expectation would be done as developments and would allow sewer to airport. If the amendment went through there was a chance to extend the sewer and this would pick up 62nd Street. Fry said he had holding tanks and wasn't opposed to sewer. If he was required to hook up to sewer, he wanted to see improvements to water and storm drain systems. There was only a 2" line that served his property. There was a 10" line for the fire line. He said it was costly to pay to have a line brought in to his property and he hadn't

received much help from the City. He asked that the City improved the water delivery system to that area along with addressing the storm drainage from Highway 101.

Hearing closed at 7:43pm.

Hardy didn't have a problem. Berman agreed. Croteau said he was sympathetic to Fry's story and ready to approve. Franklin had no issues. Hanselman said that Fry's concerns with water was an issue and hoped something worked out down the line. He had no problems with the amendment. Branigan didn't have a problem. Patrick had no problems with extended. He recommend Fry bring the storm drain and water concerns to the CC to get traction.

MOTION was made by Commissioner Croteau, seconded by Commissioner Berman to recommend the Substantial Amendment 13 to the South Beach Urban Renewal Plan for City Council review. The motion carried unanimously in a voice vote.

7. **New Business.** None were heard.

8. **Unfinished Business.** None were heard.

9. **Director Comments.** Tokos encouraged the PC to attend the VRD open houses on August 15 and 22, 2018 at 6pm in the Council Chambers.

Croteau asked about the Samaritan House plans. Tokos said they didn't have funding right now. Franklin asked about OSU apartments. Tokos said they were struggling with costs on project. They were working on whether or not to revisit how they managed the apartment project as public/private instead of just OSU managing. Tokos said they didn't account for cost factoring for building at the coast and storm drainage issues. The City was working on things with them and they were in a holding pattern until they get things figured out. Franklin asked if the housing was a requirement for the facility in South Beach. Tokos said it was something they committed to for the community. Croteau asked if the scope had been reduced. Tokos said they scaled back their initial phase and dealing with some cost concerns.

10. **Adjournment.** Having no further business, the meeting adjourned at 7:48 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

PLANNING STAFF REPORT

1. **APPLICANT:** Greyson Financial Services, Inc. (William Ekman, owner, Rhonda Meisenburg, AKS Engineering & Forestry, LLC, authorized representative).
2. **REQUEST:** Approval of an eleven lot residential subdivision identified as “Fisherman’s Wharf Estates.” A Type III variance is requested to allow the hammerhead portion of the proposed street to be built without sidewalk. Additionally, a geologic hazard report has been submitted outlining measures that will be taken to safeguard against existing hazards given that the subject property is within a mapped geologic hazard area.
3. **LOCATION:** The property is located at 1005 SE Bay Boulevard, between the Harbor Village RV Park and Harbor Crescent residential subdivision (Tax Lot 400 of Lincoln County Assessor’s Tax Map (11-11-09-CB)).
4. **LOT SIZE:** Approximately 1.72 acres, per Lincoln County Assessor’s records.
5. **STAFF REPORT**

A. **REPORT OF FACTS**

- i. **Plan Designation:** Low Density Residential.
- ii. **Zone Designation:** R-2/"Medium Density Single-Family Residential."
- iii. **Surrounding Land Uses:** Harbor Village RV Park to the north and west, Harbor Crescent residential subdivision to the east, and the Embarcadero Resort to the south (across SE Bay Blvd).
- iv. **Topography and Vegetation:** There are a few scattered trees, shrubs and other low lying vegetation on the property. The site is moderately sloped, dropping in elevation from east to west, with steeper terrain along the east, north and western perimeter of the property.
- v. **Existing Structures:** None.
- vi. **Utilities:** All utilities are available to the site.
- vii. **Development Constraints:** The property is within a mapped geologic hazards area.
- viii. **Past Land Use Actions:**

File No. 3-PD-07/6-SUB-07. Approval of a planned development for 19 single family detached residences.

File No. 1-PD-01. Approval of a planned development for 22 units (single family and duplexes).

File No. 1-PD-97. Approval of a planned development for 18 single-family residences and two duplexes.

- ix. **Notice:** Public notice of the application and public hearing was mailed to surrounding property owners within 200 feet of the subject property and public entities and agencies on August 6, 2018. Notice of the public hearing was also published in the Newport News-Times on August 31, 2018.
- x. **Pre-application Meeting:** An initial pre-application meeting between the applicant and city staff was held on March 1, 2018.
- xi. **Planning Staff Report Attachments:**

Attachment "A" – Application by AKS Engineering & Forestry, dated 6/27/18

Exhibit "A" – Application Forms and Checklists

Exhibit "B" – Preliminary Subdivision Plans, dated 7/23/18

Exhibit "C" – Lincoln County Assessor's Maps

Exhibit "D" – 200-Foot Notification List

Exhibit "E" – Service Provider Letters

Exhibit "F" – Subdivision Guarantee Report

Exhibit "G" – Geotechnical Consultation, Foundation Engineering, dated 6/12/18

Attachment "B" – 11x17 Copy of Preliminary Subdivision Plans, dated 7/23/18
(scales to 1-inch = 60-feet)

Attachment "C" – Zoning Map

Attachment "D" – Notice of Public Hearing and Map

- B. **Explanation of the Request:** The applicant, Greyson Financial Services, Inc., is seeking approval of an 11 lot, residential subdivision to accommodate single family homes and/or duplexes (18 units max.). The subdivision will be served by a new public street with 36-feet of pavement, sidewalks, curbs, gutters and street lights. A hammerhead will be constructed at the end of the street, and a variance has been requested to allow this portion of the street to be built without sidewalk. A geologic permit outlines measures that will be taken to safeguard against existing hazards, since the property is within the City of Newport's Geologic Hazards Overlay.

The applicant notes that the project covers the entirety of Tax Lot 400 (Lincoln County Assessor's Map 11S11W09CB) located at 1005 SE Bay Boulevard. They indicate that the site is slightly larger than what is indicated in the Assessor's records at ±1.81 acres, and is within the City's R-2 zone district. SE Bay Boulevard along the frontage of the property is fully improved with two vehicular travel lanes, curbs, gutters, sidewalks, bike lanes, and has a curb cut for access to the lot with truncated domes installed in the curb ramps.

C. **Evaluation of the Request:**

- i. **Comments:** Notice of the request was mailed on August 6, 2018, to affected property owners and various City departments, public/private utilities and agencies within Lincoln County, and other individuals. No comments were received in response to the notice.
- ii. **Applicable Criteria:** The application must be consistent with the approval criteria set forth in City of Newport Municipal Code (NMC) Chapter 13.05, for tentative subdivision plat approval, NMC Chapter 14.21, geologic hazards, and NMC Chapter 14.33, adjustments and variances.
- iii. **Compliance with NMC Chapter 13.05, Criteria for Approval of the Tentative Subdivision Plat.** The criteria for a tentative subdivision plat have been addressed as follows:
 - (a) *NMC Section 13.05.015(A), Criteria for Consideration of Modification to Street Design.* As identified throughout the street standard requirements, modifications may be allowed to the standards by the approving authority. In allowing for modifications, the approving authority shall consider modifications of location, width, and grade of streets in relation to existing and planned streets, to topographical or other geological/environmental conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system as modified shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in the Transportation System Plan, the arrangement of streets shall either:
 - (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (b) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

The applicant's tentative subdivision plat (Sheet C5 of Exhibit B to Attachment "A"), identifies the portion of the new street, less the hammerhead, as "Street A" and the hammerhead portion of the street as "Street B." The applicant notes that Street A is planned to meet all applicable City standards for a minor street. The street utilizes the existing approach onto SE Bay Boulevard and will conform to the topographical constraints of the site. With respect to Street B, the applicant indicates that it is planned to provide access to Lots 5 through 9 with ± 26 feet of pavement width within ± 30 feet of right-of-way. At this size, the street does not meet the City's standard for a minor (local) street. The applicant notes that the modification is justified due to the relation of the street to the existing and planned streets, the topographical conditions on site, public safety, and the proposed use of the land to be served by the street. These factors are more specifically discussed as follows:

Relation of the street to existing and planned streets: Street B will not be a typical through street that will connect to the surrounding street network, and will not carry through traffic volumes or speed typical of a minor street. The future homes on Lots 5 through 9 will be the only uses served by the street. Because surrounding development precludes through connections and linking to other streets and/or uses, Street B is designed to allow vehicles to maneuver in and out of the driveways at slow speed, which will be its one function. Therefore, the full width of pavement and right-of-way is not necessary.

Topographical conditions: As shown in the Existing Conditions on Sheet C1 of Exhibit B, the site slopes moderately downhill from east to west, with steep slopes along the perimeter of the site. The Preliminary Street Profiles on Sheet C6 of Exhibit B show the finished grade of the street in relation to existing grade.

The drawings show the depth of cuts required to construct the street with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. A standard width minor street would increase the cutting, filling, and grading required to meet these standards without providing additional benefit given the use of the street.

Public Safety: Fire access requirements specify a maximum grade of 5%. Reducing the width of Street B will allow this standard to be met with minimal cutting, filling, and grading. The width of the right of way was reviewed by the Fire Department at a pre-application conference held on March 1, 2018.

Proposed use of the land served by the street: The land served by the street will be used for detached homes and/or duplexes. The street will be used by the residents to maneuver at slow speed in and out of the driveways serving the homes on the new lots. The street will not connect to the surrounding street network, other than the connection to Street A as shown on the plans in Exhibit B. The street will not serve other uses outside the subject property. Therefore, the planned use will not generate traffic volumes that would warrant a wider street or additional pavement width. This standard is met.

(b) *NMC Section 13.05.015(B), Minimum Right-of-Way and Roadway Width. Unless otherwise indicated on the development plan, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table:*

<i>Type of Street</i>	<i>Minimum Right-of-Way Width</i>	<i>Minimum Roadway Width</i>
<i>Arterial, Commercial and Industrial</i>	<i>80 feet</i>	<i>44 feet</i>
<i>Collector</i>	<i>60 feet</i>	<i>44 feet</i>
<i>Minor Street</i>	<i>50 feet</i>	<i>36 feet</i>
<i>Radius for turn-around at end of cul-de-sac</i>	<i>50 feet</i>	<i>45 feet</i>
<i>Alleys</i>	<i>25 feet</i>	<i>20 feet</i>

Modifications to this requirement may be made by the approving authority where conditions, particularly topography, geology, and/or environmental constraints, or the size and shape of the area of the subdivision or partition, make it impractical to otherwise provide buildable sites, narrower right-of-way and roadway width may be accepted. If necessary, slope easements may be required.

The applicant points out that the Preliminary Subdivision Plans in Exhibit B, illustrate that Street A will meet the standard for a minor street with ± 36 feet of roadway width within ± 50 feet of right-of-way. They note that Street B is planned to provide access to Lots 5 through 9 with ± 26 feet of pavement width within ± 30 feet of right-of-way. With this request, the applicant seeks approval to reduce the overall width of this street from the standard for a minor street. They note that the modification is justified due to the relation of the street to the existing and planned streets, the topographical conditions on site, public safety, and the proposed use of the land to be served by the street.

As shown in the Existing Conditions on Sheet C1 of Exhibit B, the site slopes moderately downhill from east to west, with steeper slopes along the perimeter of the property. The Preliminary Street Profiles on Sheet C6 of Exhibit B show the finished grade of the street in relation to existing grade. The drawings show the depth of cuts required to construct the street with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. A standard width minor street would increase the cutting, filling, and grading required to meet these standards without providing additional benefit given the use of the street.

The land served by the street will be used for detached homes and/or duplexes. The street will be used by the residents to maneuver at slow speed in and out of the driveways serving the homes on the new lots. The street will not connect to the surrounding street network, other than the connection to Street A as shown on the plans in Exhibit B. The street will not serve other uses outside the subject property. Therefore, the planned use will not generate traffic volumes that would warrant a wider street or additional pavement width.

The applicant notes that the size and shape of the property also make it impractical to provide buildable sites if Street B were built to full minor street width. The subject property is an irregularly shaped lot with a skewed orientation to SE Bay Boulevard. The hammerhead configuration enables a logical and efficient plat layout with buildable lots that are as close to rectangular in shape as possible, with side lot lines that run at approximately right angles to the streets they face, while meeting the dimensional standards in the R-2 Zone. A full width minor street would restrict the buildable sites that would otherwise be permitted on the property that meet the dimensional standards of the R-2 Zone. With the requested modification these standards are met.

(c) NMC Section 13.05.015(C), Reserve Strips. *Reserve strips giving a private property owner control of access to streets are not allowed.*

No reserve strips are planned. This standard is met.

- (d) NMC Section 13.05.015 (D), Alignment. *Streets other than minor streets shall be in alignment with existing streets by continuations of their center lines. Staggered street alignment resulting in "T" intersections shall leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. If not practical to do so because of topography or other conditions, this requirement may be modified by the approving authority.*

A new minor street is planned to provide access to the new lots as shown on the Preliminary Plat on Sheet C2 in Exhibit B. This standard applies to streets other than minor streets. Therefore, this standard does not apply.

- (e) NMC Section 13.05.015(E), Future Extensions of Streets. *Proposed streets within a land division shall be extended to the boundary of the land division. A turnaround if required by the Uniform Fire Code will be required to be provided. If the approval authority determines that it is not necessary to extend the streets to allow the future division of adjoining land in accordance with this chapter, then this requirement may be modified such that a proposed street does not have to be extended to the boundary of the land division.*

A minor street is planned in a hammerhead configuration that meets the fire access requirement. This preliminary layout was reviewed by the City of Newport Fire Chief at the pre-application conference on March 1, 2018. The surrounding properties are fully developed and extending the street to the property boundary is not necessary to provide access for future development. This standard is met.

- (f) NMC Section 13.05.015(F), Intersection Angles.

1. *Streets shall be laid out to intersect at right angles.*
2. *An arterial intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.*
3. *Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection.*
4. *Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.*
5. *No more than two streets may intersect at any one point.*
6. *If it is impractical due to topography or other conditions that require a lesser angle, the requirements of this section may be modified by the approval authority. In no case shall the acute angle in Subsection F.1. be less than 80 degrees unless there is a special intersection design.*

As shown on the Preliminary Subdivision Plat in Exhibit B, the new streets will create an intersection that meet the above requirements. These standards are met.

- (g) NMC Section 13.05.015(G), Half Street. *Half streets are not allowed. Modifications to this requirement may be made by the approving authority to allow half streets only where essential to the reasonable development of the land division, when in conformity with the other requirements of these regulations and when the city finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract property to be divided, the other half of the street shall be provided.*

Full street improvements will be provided as shown in the Preliminary Subdivision Plat in Exhibit B. The boundary frontage along SE Bay Boulevard is fully improved. This standard is met.

- (h) NMC Section 13.05.015(H), Sidewalks. *Sidewalks in conformance with the city's adopted sidewalk design standards are required on both sides of all streets within the proposed land division and are required along any street that abuts the land division that does not have sidewalk abutting the property within the land division. The city may exempt or modify the requirement for sidewalks only upon the issuance of a variance as defined in the Zoning Ordinance.*

The applicant notes that sidewalks are planned on both sides of Street A as shown in Exhibit B. SE Bay Boulevard is already improved with sidewalks and no additional improvements are necessary. A variance is included with this application to exempt Street B from the sidewalk requirement. Responses to the applicable variance criteria are provided below. This standard is met with the included variance.

- (i) NMC Section 13.05.015(I), Cul-de-sac. *A cul-de-sac shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around meeting minimum Uniform Fire Code requirements. Modifications to this requirement may be made by the approving authority. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to connect from a cul-de-sac to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.*

A cul-de-sac is not planned for this project. In the alternative, a hammerhead turnaround is planned at the northern terminus of Street A. Said street will be less than 400 feet in length, and the 11 lots are planned to be developed with single family homes and/or duplexes with no more than 18 total units. This configuration was reviewed by the Fire Chief at the pre-application conference on March 1, 2018.

- (j) NMC Section 13.05.015(J), Street Names. *Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with*

the name of an existing street. Street names and numbers shall conform to the established pattern in the city, as evident in the physical landscape and described in City of Newport Ordinance No. 665, as amended.

The new streets will be given names that do not duplicate an existing street name in the City of Newport. This standard can be met.

- (k) *NMC Section 13.05.015(K), Marginal Access Street.* *Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting constrained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

Marginal access streets are not planned. The new streets will not provide through access to adjacent properties.

- (l) *NMC Section 13.05.015(L), Alleys.* *Alleys shall be provided in commercial and industrial districts. If other permanent provisions for access to off-street parking and loading facilities are provided, the approving authority is authorized to modify this provision if a determination is made that the other permanent provisions for access to off-street parking and loading facilities are adequate to assure such access. The corners of alley intersections shall have a radius of not less than 12 feet.*

The project is not in a commercial or industrial district. This standard does not apply.

- (m) *NMC Section 13.05.020(A), Blocks General.* *The length, width, and shape of blocks for non-residential subdivisions shall take into account the need for adequate building site size and street width, and shall recognize the limitations of the topography.*

This project involves a residential subdivision. This standard does not apply.

- (n) *NMC Section 13.05.020(B), Block Size.* *No block shall be more than 1,000 feet in length between street corners. Modifications to this requirement may be made by the approving authority if the street is adjacent to an arterial street or the topography or the location of adjoining streets justifies the modification. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to allow connectivity to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a block of greater than 1,000 feet if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.*

As shown in Exhibit B, the preliminary subdivision plat will not create a block more than 1,000 feet in length between street corners. This standard does not apply.

- (a) *NMC Section 13.05.025(A), Utility lines. Easements for sewers and water mains shall be dedicated to the city wherever a utility is proposed outside of a public right-of-way. Such easements must be in a form acceptable to the city. Easements for electrical lines, or other public utilities outside of the public right-of-way shall be dedicated when requested by the utility provider. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements, which may be reduced to six (6) feet in width.*

The Preliminary Composite Utility Plan on Sheet C7 of Exhibit B shows a conceptual layout for utilities. City Engineer, Tim Gross, in a letter included with Exhibit E, notes the existing 2-inch PVC water line along SE Bay Blvd, between the project site and SE Harbor Crescent Drive, will need to be replaced with a 6-inch main (or larger). The main serving the proposed subdivision would tie into this replacement line and loop to an existing 8-inch main in SE Harbor Crescent Drive. Easements will be needed to achieve this layout, given the lot configuration shown. Additionally, the geotechnical consultation by Foundation Engineering, Inc., dated June 12, 2018, recommends that storm runoff be discharged only to a piped drainage system, as opposed to discharging into a natural drainage. The utility layout on Sheet C7 of Exhibit B shows stormwater discharging into a stream on the property to the west, which is inconsistent with the Foundation Engineering, Inc. recommendation. These modifications to the utility layout shouldn't materially impact the lotting pattern, and can be addressed prior to final plat approval. A condition of approval is included to address this issue. This standard is met, as conditioned.

- (p) *NMC Section 13.05.025(B), Utility Infrastructure. Utilities may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.*

The subject property borders the Harbor Crescent Subdivision, and there may be monuments related to this subdivision in the vicinity of planned infrastructure work. Preservation of monuments can be addressed with a condition of approval. As conditioned, this standard is met.

- (q) *NMC Section 13.05.025(C), Water Course. If a tract is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.*

The subject property is not traversed by a water course. As shown on the Existing Conditions Plan in Exhibit B, there is a recorded storm drainage

easement (Doc. No. 2006-05053) along the front portion of the lot. To the extent this standard applies, it is met.

- (r) *NMC Section 13.05.030(A) The size (including minimum area and width) of lots and parcels shall be consistent with the applicable lot size provisions of the Zoning Ordinance, with the following exception:*

Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

The Preliminary Plat on Sheet C2 of Exhibit B illustrates that each new lot meets the applicable dimensional requirements in the R-2 Zone. The subject property is not zoned or planned for business or industrial use. This standard is met.

- (s) *NMC Section 13.05.030(B) Each lot and parcel shall possess at least 25 feet of frontage along a street other than an alley.*

As shown on Sheet C2 in Exhibit B, each lot has at least 25 feet of frontage on the new streets. This standard is met.

- (t) *NMC Section 13.05.030(C) Through lots and parcels are not allowed. Modifications may be made by the approving authority where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. The approving authority may require a planting screen easement at least 10 feet wide and across which there shall be no right of access. Such easement may be required along the line of building sites abutting such a traffic artery or other incompatible use.*

The rear lot lines on Lots 1 through 4 abut SE Harbor Crescent Drive; a private street. As shown on the Existing Conditions on Sheet C1 in Exhibit B, the lot drops steeply from the edge of SE Harbor Crescent Drive to the rear of these lots creating natural separation from this street. Functionally, these are not planned as through lots. Therefore, a modification to this standard is necessary and justified, given site topography and parcel orientation with a private street abutting the east property line. This standard, as modified, is met.

- (u) *NMC Section 13.05.030(D) The side lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Modifications to this requirement may be made by the approving authority where it is impractical to do so due to topography or other conditions or when the efficient layout of the land division has the lines running as close to right angles (or radial) as practical.*

All lot runs at approximate right angles to the new streets as shown on Sheet C2 in Exhibit B. This standard is met.

- (v) *NMC Section 13.05.030(E), Special Setback Lines. All special building setback lines, such as those proposed by the applicant or that are required by a geological report, which are to be established in a land division, shall be shown on the plat, or if temporary in nature, shall be included in the deed restrictions.*

All applicable setback lines are shown on Sheet C2 in Exhibit B. This standard is met.

- (w) *NMC Section 13.05.030(F), Maximum Lot and Parcel Size. Proposed lots and parcels shall not contain square footage of more than 175% of the required minimum lot size for the applicable zone. Modifications to this requirement may be made by the approving authority to allow greater square footage where topography or other conditions restrict further development potential or where the layout of the land division is designed and includes restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division into lots or parcels of appropriate size for the applicable zone designation.*

The minimum lot area in the R-2 Zone is 5,000 square feet. As shown on Sheet C2 of Exhibit B, the largest lot planned is ±7,533 square feet, and does not exceed 175% of the required minimum (8,750 square feet). This standard is met.

- (x) *NMC Section 13.05.030(G), Development Constraints. No lot of parcel shall be created with more than 50% of its land area containing wetlands or lands where the city restricts development to protect significant Statewide Land Use Planning Goal 5 or Goal 17 resources, except that areas designated as open space within a land division may contain up to 100% of a protected resource.*

No wetlands or other Goal 5 or Goal 17 resources have been identified on the subject site. This standard is met.

- (y) *NMC Section 13.05.030(H), Lots and Parcels within Geological Hazard Areas. Each new undeveloped lot of parcel shall include a minimum 1,000 square foot building footprint within which a structure could be constructed and which is located outside of active and high hazard zones and active landslide areas (See Section 2-4-7 of the Zoning Ordinance for an explanation of hazard zones). New public infrastructure serving a lot or parcel shall similarly be located outside of active and high hazard zones and active landslide areas.*

The subject property is within a Geologic Hazard Area. However, the site does not contain any active landslide areas or active and high hazard zones, as documented in the Geotechnical Report in Exhibit G. This standard is met.

- (z) *NMC Section 13.05.035(A). Improvement work, including excavation in the excess of 100 cubic yards, shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.*

This requirement is advisory and can be reasonably addressed with a condition of approval.

- (aa) *NMC Section 13.05.035(B). Improvement work shall not commence until after the city is notified, and, if work is discontinued for any reason, it shall not be resumed until after the city is notified.*

This requirement is advisory and can be reasonably addressed with a condition of approval.

- (bb) *NMC Section 13.05.035(C). Public improvements shall be constructed under the inspection and to the satisfaction of the city engineer. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.*

This requirement is advisory and can be reasonably addressed with a condition of approval.

- (cc) *NMC Section 13.05.035(D). Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.*

This requirement is advisory and can be reasonably addressed with a condition of approval.

- (dd) *NMC Section 13.05.035(E). A map showing public improvements as built shall be filed with the city upon completion of the improvements.*

This requirement is advisory and can be reasonably addressed with a condition of approval.

- (ee) *NMC Section 13.05.035(F). Public improvements shall not be commenced until any appeals of the subdivision approval are resolved.*

The City can ensure that this does not occur through its review of the civil drawings for the public improvements. This standard is met.

- (ff) *NMC Section 13.05.040(A)(1), Streets. All streets, including alleys, within the land division, streets adjacent but only partially within the land divisions, and the extension of land division streets to the intersecting paving line of existing*

streets with which the land division streets intersect, shall be graded for the full right-of-way width. The roadway shall be improved to a width of 36 feet or other width as approved by the approval authority by excavating to the street grade, construction of concrete curbs and drainage structures, placing a minimum of six inches of compacted gravel base, placement of asphaltic pavement 36 feet in width or other width as approved by the approval authority and approximately two inches in depth, and doing such other improvements as may be necessary to make an appropriate and completed improvement. Street width standards may be adjusted as part of the tentative plan approval to protect natural features and to take into account topographic constraints and geologic risks.

The new streets are planned to be graded and constructed to the full right-of-way width. This standard will be met.

- (gg) NMC Section 13.05.040(A)(2) Surface Drainage and Storm Sewer System. *Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage within the land division shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the land division and to allow extension of the system to serve such areas.*

A conceptual design for stormwater management is depicted on Sheet C7 in Exhibit B. It shows storm drainage from the hammerhead being directed through proposed Lots 9 and 10, to a stream west of the property. That design will need to be modified to conform to Foundation Engineering's recommendation that run-off be directed to a structured (piped) system as opposed to a natural drainage (ref: page 4, June 12, 2018 letter). In a letter dated June 4, 2018, City Engineer Tim Gross indicates that an 8-inch line public storm drain line in SE Bay Blvd, which discharges to the bay by the Embarcadero, could potentially accept run-off from the development. He further notes that hydraulic analysis is needed to confirm that the piped system has capacity, and that if it lacks capacity the line may need to be upsized or provision made for on-site detention (Exhibit E). There is area on the property to detain run-off, if necessary, without materially impacting the layout of the plat; therefore, it is feasible to defer the analysis to a condition of approval. This standard is met, as conditioned.

- (hh) NMC Section 13.05.040(A)(3), Sanitary Sewers. *Sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the City, and sewer mains shall be installed in streets as necessary to connect each lot or parcel to the city's sewer system.*

A conceptual design for extending sanitary sewer service to each lot is shown on the Preliminary Composite Utility Plan on Sheet C7 in Exhibit B. This standard is met.

- (ii) NMC Section 13.05.040(A)(4), Water. *Water mains shall be installed to allow service to each lot or parcel and to allow for connection to the city system, and service lines or stubs to each lot shall be provided. Fire hydrants shall be installed as required by the Uniform Fire Code. The city may require that mains be extended to the boundary of the land division to provide for future extension or looping.*

A conceptual design for providing water connections to each lot is shown on the Preliminary Composite Utility Plan on Sheet C7 in Exhibit B. As noted in a June 4, 2018 letter, the City Engineer has indicated that the public portion of the water system serving this subdivision will need to be looped between SE Bay Blvd and Harbor Crescent Drive and the 2-inch line along SE Bay Blvd replaced, in order for there to be adequate service to the lots. This can be accomplished without materially impacting the subdivision layout, so it is reasonable to defer the design details to a condition of approval. A fire hydrant is shown on the plans; however, the Fire Department will need to confirm that its placement conforms to fire code requirements. There is ample area along the proposed street to locate hydrants; therefore, it is feasible to defer exact placement to a condition of approval. This standard is met, as conditioned.

- (jj) NMC Section 13.05.040(A)(5), Sidewalks. *Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:*
- a. *Delayed Sidewalk Construction. If sidewalks are designed contiguous with the curb, the subdivider may delay the placement of concrete for the sidewalks by depositing with the city a cash bond equal to 115 percent of the estimated cost of the sidewalk. In such areas, sections of sidewalk shall be constructed by the owner of each lot as building permits are issued. Upon installation and acceptance by the city engineer, the land owner shall be reimbursed for the construction of the sidewalk from the bond. The amount of the reimbursement shall be in proportion to the footage of sidewalks installed compared with the cash bond deposited and any interest earned on the deposit.*
 - b. *Commencing three (3) years after filing of the final plat, or a date otherwise specified by the city, the city engineer shall cause all remaining sections of sidewalk to be constructed, using the remaining funds from the aforementioned cash bond. Any surplus funds shall be deposited in the city's general fund to cover administrative costs. Any shortfall will be paid from the general fund.*
 - c. *Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 13.05.090(C).*

Sidewalks are planned as shown on the Preliminary Street Plan and Typical Sections provided on Sheet C5 in Exhibit B. The Applicant does not anticipate delaying sidewalk construction. This standard is met.

(kk) NMC Section 13.05.040(B). *All public improvements shall be designed and built to standards adopted by the city. Until such time as a formal set of public works standards is adopted, public works shall be built to standards in any existing published set of standards designated by the city engineer for the type of improvement. The city engineer may approve designs that differ from the applicable standard if the city engineer determines that the design is adequate.*

The applicant acknowledges that they intend to comply with applicable City standards and a condition of approval is included noting this requirement. This standard is met.

(ll) NMC Section 13.05.040(C). *Public improvements are subject to inspection and acceptance by the city. The city may condition building or occupancy within the land division on completion and acceptance of required public improvements.*

The Applicant acknowledges the inspection requirements, intends to cooperate with inspectors, and can comply with reasonable conditions for building permits. This standard can be met.

(mm) NMC Section 13.05.045(A). *Tentative plans for land divisions shall be approved only if public facilities and utilities (electric and phone) can be provided to adequately service the land division as demonstrated by a written letter from the public facility provider or utility provider stating the requirements for the provision of public facilities or utilities (electric and phone) to the proposed land division.*

Service provider letters with the required information are included in Exhibit E. Modifications will be needed to the conceptual layout of utility services depicted on Sheet C7 of Exhibit 5, as outlined in the service provider letters. This can be accomplished without materially impacting the design of the subdivision, and has been addressed with conditions of approval.

(nn) NMC Section 13.05.045(B). *For public facilities of sewer, water, storm water, and streets, the letter must identify the:*

- 1. Water main sizes and locations, and pumps needed, if any, to serve the land division.*
- 2. Sewer mains sizes and locations, and pumping facilities needed, if any, to serve the land division.*
- 3. Storm drainage facilities needed, if any, to handle any increased flow or concentration of surface drainage from the land division, or detention or retention facilities that could be used to eliminate need for additional conveyance capacity, without increasing erosion or flooding.*

4. *Street improvements outside of the proposed development that may be needed to adequately handle traffic generated from the proposed development.*

This information was provided by the City Engineer in a letter included in Exhibit E.

(oo) *NMC Section 13.05.050(A), Underground Utilities and Service Facilities, Undergrounding.* *All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.*

The Applicant has indicated that they intend to coordinate with service providers to underground utilities as necessary, and a condition of approval is included noting this requirement. This standard can be met.

(pp) *NMC Section 13.05.050(B), Underground Utilities and Service Facilities, Non-City-Owned Utilities.* *As part of the application for tentative land division approval, the applicant shall submit a copy of the preliminary plat to all non-city-owned utilities that will serve the proposed subdivision. The subdivider shall secure from the non-city-owned utilities, including but not limited to electrical, telephone, cable television, and natural gas utilities, a written statement that will set forth their extension policy to serve the proposed land division with underground facilities. The written statements from each utility shall be submitted to the city prior to the final approval of the plat for recording.*

Service provider letters from non-city-owned utilities are included in Exhibit E. The preliminary layout for the subdivision was shared with these providers. This standard is met.

(qq) *NMC Section 13.05.055, Street Lights.* *Street lights are required in all land divisions where a street is proposed. The city may adopt street light standards. In the absence of adopted standards, street lights shall be placed in new land divisions to assure adequate lighting of streets and sidewalks within and adjacent to the land division.*

Street lights are planned as shown on the Preliminary Composite Utility Plan on Sheet C7 of Exhibit B. This standard is met.

(rr) *NMC Section 13.05.060, Street Signs.* *Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.*

The Applicant acknowledges this standard and it can be met.

- (ss) NMC Section 13.05.065, Monuments. *Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.*

The Applicant has indicated that they understand that this standard must be met and intend to comply with it. The standard is advisory and has been included as a condition of approval.

- (tt) NMC Section 13.05.085(A). *The proposed land division will comply with the requirements of this chapter or can be made to comply by the attachment of reasonable conditions of approval. For the purposes of this section, a land division complies with this chapter if it meets the standard provided herein or if a modification or variance is approved by the approving agency to the standard.*

Responses to the applicable standards and criteria are provided in this report and Attachment "A," and reasonable conditions are being recommended to ensure that they are met. This standard is satisfied.

- (uu) NMC Section 13.05.085(B). *Any required submitted geological hazard report must conclude that the property can be developed in the manner proposed by the land division. The land division must comply with any recommendations contained in the report. Approval of the land division by the Planning Commission pursuant to a submitted geological hazard report includes approval of the geological report recommendations. Based on the geological hazard report, the Planning Commission shall establish when compliance with the geological report recommendations must be demonstrated. The geological hazard report shall be in the form of a written certification prepared by an engineering geologist or other equivalent certified professional, establishing that the report requirements have been satisfied, and should be noted as a condition of approval.*

A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and includes the information required by the City for a Geologic Report. A condition of approval is recommended requiring an Engineering Geologist, and Geotechnical Engineer, as appropriate, certify compliance with the Report's recommendations prior to final plat approval. This criterion is met, as conditioned.

- (vv) NMC Section 13.05.090(A), Final Plat Requirements for Land Divisions Other than Minor Replats or Partitions, Submission of Final Plat. *Within two years after tentative plan approval, such other time established at the time of tentative plan approval, or extensions granted under this chapter, the owner and/or applicant (collectively referred to as the "developer") shall cause the*

land division to be surveyed and a final plat prepared. If the developer elects to develop the land division in phases, final plats for each phase shall be completed within the time required (e.g. Phase I completed within two years, Phase II completed within the next two years, etc.). The final plat shall be in conformance with the approved tentative plan, this chapter, ORS Chapter 92, and standards of the Lincoln County Surveyor.

The applicant indicates that they understand this limitation, and a condition of approval is recommended noting this requirement.

- iv. **Compliance with NMC Chapter 14.21, Criteria for Approval of a Tentative Subdivision Plat within a Geologic Hazard Overlay.** The criteria for approval of a tentative subdivision plat in an area of known geologic hazards has been addressed as follows:

- (a) *NMC Section 14.21.020(A). The following are areas of known geologic hazards or are potentially hazardous and are therefore subject to the requirements of Chapter 14.21:*

1. Bluff or dune backed shoreline areas within high or active hazard zones identified in the Department of Geology and Mineral Industries (DOGAMI) Open File Report 0-04-09 Evaluation of Coastal Erosion Hazard Zones along Dune and Bluff Backed Shorelines in Lincoln County, Oregon: Cascade Head to Seal Rock, Technical Report to Lincoln County, dated 2004.

2. Active or potential landslide areas, prehistoric landslides, or other landslide risk areas identified in the DOGAMI Open File Report 0-04-09.

3. Any other documented geologic hazard area on file, at the time of inquiry, in the office of the City of Newport Community Development Department.

City of Newport zoning maps show that the subject property is in the Geologic Hazard Area. These regulations apply.

- (b) *NMC Section 14.21.020(B). The DOGAMI Open File Report 0-04-09 is not intended as a site specific analysis tool. The City will use DOGAMI Open File Report 0-04-09 to identify when a Geologic Report is needed on property prior to development. A Geologic Report that applies to a specific property and that identifies a proposed development on the property as being in a different hazard zone than that identified in DOGAMI Open File Report 0-04-09, shall control over DOGAMI Open File Report 0-04-09 and shall establish the bluff or dune-backed shoreline hazard zone or landslide risk area that applies to that specific property. The time restriction set forth in subsection 14.21.030 shall not apply to such determinations.*

A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed

Engineering Geologist and confirms that the site is within a geologic hazard area.

- (c) *NMC Section 14.21.020(C). In circumstances where a property owner establishes or a Geologic Report identifies that development, construction, or site clearing (including tree removal) will occur outside of a bluff or dune-backed shoreline hazard zone or landslide risk areas, as defined above, no further review is required under this Chapter 14.21.*

A Geotechnical Report for the subject property is included in Exhibit G. The report confirms that the property is within a landslide risk area and concludes that the site is suitable for development provided recommendations contained in the document are followed.

- (d) *NMC Section 14.21.020(D). If the results of a Geologic Report are substantially different than the hazard designations contained in DOGAMI Open File Report 0-04-09 then the city shall provide notice to the Department of Geology and Mineral Industries (DOGAMI) and Department of Land Conservation and Development (DLCD). The agencies will have 14 days to provide comments and the city shall consider agency comments and determine whether or not it is appropriate to issue a Geologic Permit.*

The findings in the Geotechnical Report in Exhibit G do not appear to conflict with the DOGAMI Open File Report. This standard is met.

- (e) *NMC Section 14.21.030, Geologic Permit Required. All persons proposing development, construction, or site clearing (including tree removal) within a geologic hazard area as defined in 14.21 .010 shall obtain a Geologic Permit. The Geologic Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit required by the city. Unless otherwise provided by city ordinance or other provision of law, any Geologic Permit so issued shall be valid for the same period of time as a building permit issued under the Uniform Building Code then in effect.*

A Geologic Permit application is included in this submittal. This requirement can be met.

- (f) *NMC Section 14.21.050(A), Application Submittal Requirements. A site plan that illustrates areas of disturbance, ground topography (contours), roads and driveways, an outline of wooded or naturally vegetated areas, watercourses, erosion control measures, and trees with a diameter of at least 8-inches dbh (diameter breast height) proposed for removal; and*

The Preliminary Subdivision Plans in Exhibit B include the required information. The Existing Conditions Plan on Sheet C1 shows site plan contours and existing vegetation. The Preliminary Demolition Plan on Sheet C3 illustrates the area of disturbance and proposed tree removal. The Preliminary Grading and Erosion Control Plan on Sheet C4 shows erosion control measures. These requirements are met.

- (g) NMC Section 14.21.050(B), Application Submittal Requirements. *An estimate of depths and the extent of all proposed excavation and fill work; and*

The existing and finished grade contour information shown on Sheet C4 of Exhibit B shows the estimated depths and extent of planned excavation and fill work. This requirement is met.

- (h) NMC Section 14.21.050(C), Application Submittal Requirements. *Identification of the bluff or dune-backed hazard zone or landslide hazard zone for the parcel or lot upon which development is to occur. In cases where properties are mapped with more than one hazard zone, a certified engineering geologist shall identify the hazard zone(s) within which development is proposed; and*

A Geotechnical Report for the property is included in Exhibit G. The Geotechnical Report identifies the nature and extent of landslide risk areas on the property. This requirement is met.

- (i) NMC Section 14.21.050(D), Application Submittal Requirements. *A Geologic Report prepared by a certified engineering geologist, establishing that the site is suitable for the proposed development; and*

A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and concludes that the site is suitable for the proposed subdivision provided recommendations contained in the document are followed. A condition of approval is recommended requiring a licensed Engineering Geologist and Geotechnical Engineer, as appropriate, certify the recommendations were followed prior to approval of the final plat. This requirement is met, as conditioned.

- (j) NMC Section 14.21.050(E), Application Submittal Requirements. *An engineering report, prepared by a licensed civil engineer, geotechnical engineer, or certified engineering geologist (to the extent qualified), must be provided if engineering remediation is anticipated to make the site suitable for the proposed development.*

A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and includes the information required by the City for a Geologic Report. The Report concludes that the site is suitable for the planned project. This requirement is met.

- (k) NMC Section 14.21.070, Construction Limitations within Geologic Hazard Areas.

A. New construction shall be limited to the recommendations, if any, contained in the Geologic Report; and

1. *Property owners should consider use of construction techniques that will render new buildings readily moveable in the event they need to be relocated; and*
2. *Properties shall possess access of sufficient width and grade to permit new buildings to be relocated or dismantled and removed from the site.*

The Preliminary Subdivision Plat (Exhibit B) is intended to comply with the recommendations in the Geotechnical Report (Exhibit G) and the new street will provide sufficient access in the event there is a need to relocate structures in the future. This requirement can be met.

(I) *NMC Section 14.21.090, Erosion Control Measures.*

In addition to completing a Geologic Report, a certified engineering geologist shall address the following standards.

A. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

B. Development plans shall minimize cut or fill operations so as to prevent off-site impacts;

C. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

D. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

E. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

F. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;

G. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable

slopes prone to earth movement, either by erosion or increase of groundwater pressure.

H. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;

I. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control limited to:

- 1. Energy absorbing devices to reduce runoff water velocity;*
- 2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;*
- 3. Dispersal of water runoff from developed areas over large undisturbed areas;*

J. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and

K. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.

The Preliminary Grading and Erosion Control Plan on Sheet C4 in Exhibit B includes appropriate grading and erosion control measures for the project and was prepared according to the recommendations in the Geotechnical Report in Exhibit G. In the event the identified erosion control measures are not maintained or are otherwise unable to prevent sedimentation from impacting adjoining surfaces, then NMC 14.21.140 requires the developer return the surfaces to their original or equal condition. A condition of approval is included noting this requirement.

(m) NMC Section 14.21.050(E), Stormwater Retention Facilities Required. For structures, driveways, parking areas, or other impervious surfaces in areas of 12% slope or greater, the release rate and sedimentation of storm water shall be controlled by the use of retention facilities as specified by the City Engineer. The retention facilities shall be designed for storms having a 20-year recurrence frequency. Storm waters shall be directed into a drainage with adequate capacity so as not to flood adjacent or downstream property.

Sheets C5 and C6 of Exhibit B illustrate that impervious surfaces established with this subdivision, namely the street and sidewalks, will not exceed a 12 percent slope. This standard is not applicable.

- v. **Compliance with NMC Chapter 14.33, Criteria for Approval of a Variance.**
The criteria for a variance to the requirement that sidewalk be installed along the hammerhead portion of the street (labeled “Street B”) have been addressed as follows:

- (a) *NMC Section 14.33.020(A). Application for an Adjustment or Variance from a numerical standard including, but not limited to, size, height, or setback distance may be processed and authorized under a Type I or Type III decision making procedure as provided by Section 14.52, Procedural Requirements, in addition to the provisions of this section.*

A variance to Section 13.05.015.H. is included in this application to allow Street B to be constructed without sidewalks. This Section authorizes the City to exempt this standard with a variance. A variance is included in the application. This standard is met.

- (b) *NMC Section 14.33.020(B). No Adjustment or Variance from a numerical standard shall be allowed that would result in a use that is not allowed in the zoning district in which the property is located, or to increase densities in any residential zone.*

The variance will not change the planned use of the property. The planned residential use is permitted in the R-2 Zone and density standards are met. The standard is met.

- (c) *NMC Section 14.33.020(C). In granting an Adjustment or Variance, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.*

The variance is not anticipated to create any adverse impacts. Street B will not be a typical through street that will connect to the surrounding street network and will not carry through traffic at speeds typical of a local street. Street B is designed to allow vehicles to maneuver in and out of the driveways serving the future homes on Lots 5 through 9 at slow speeds. Therefore, sidewalks are not needed to provide separation from faster moving vehicular traffic. As described in Section 13.05.015, the planned width of Street B is narrower than the standard width for a minor street. Therefore, the crossing distances between the new sidewalks on Street A to the new lots on Street B will be similar to the distance required to cross a minor street and pedestrians will not need to negotiate cross traffic typical of a minor street.

- (d) *NMC Section 14.33.030, Approval Authority. Upon receipt of an application, the Community Development Director or designate shall determine if the request is to be processed as an Adjustment or as a Variance based on the standards established in this subsection. There shall be no appeal of the Director’s determination as to the type of application and decision-making process, but the issue may be raised in any appeal from the final decision on the application.*

A. A deviation of less than or equal to 10% of a numerical standard shall satisfy criteria for an Adjustment as determined by the Community Development Director using a Type I decision-making procedure.

B. A deviation of greater than 10%, but less than or equal to 40%, of a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.

C. Deviations of greater than 40% from a numerical standard shall satisfy criteria for a Variance as determined by the Planning Commission using a Type III decision-making procedure.

The variance is combined with an application for a subdivision and is being processed as a Type III procedure. This standard is met.

(e) *NMC Section 14.33.060(A)*. *The approval authority may grant a Variance using a Type III decision-making process when it finds that the application complies with the following criteria:*

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. The circumstance or condition may relate to:

1. The size, shape, natural features, and topography of the property, or

2. The location or size of existing physical improvements on the site, or

3. The nature of the use compared to surrounding uses, or

4. The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district, or

5. A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

6. The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.

The circumstances and conditions 1, 3, and 4 apply to the property, as described below.

1. The size, shape, natural features, and topography of the property:
The hammerhead street configuration shown in the Preliminary Subdivision Plans is planned to provide the best practical access to the new lots. The subject property is an irregularly shaped lot with a skewed orientation to SE Bay Boulevard which poses challenges in creating

buildable lots that are as close to rectangular in shape as possible with side lots lines that are, to the maximum extent possible, perpendicular to the boundaries of the property and run at right angles to the streets they front. Adding sidewalks to Street B would require additional street width which would result in lots that would not meet the dimensional standards or restrict the number of lots that otherwise be allowed elsewhere in the R-2 Zone. As described in the Executive Summary, this subdivision is a “needed housing” application under Oregon Revised Statute (ORS) 197.303(1)(a). It is in the public interest to allow the property to be developed to a reasonable density allowed in the R-2 Zone.

The topographical conditions of the property make it impractical to include sidewalks on Street B. As shown in the Existing Conditions on Sheet C1 of Exhibit B, the site slopes moderately downhill from east to west with areas of steep slopes along the perimeter of the site. The Preliminary Street Profiles on Sheet C6 of Exhibit B show the finished grade of the street in relation to existing grade. The drawings show the depth of cuts required to construct the street with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. Including sidewalks will increase the cutting, filling, and grading needed to construct the street while providing minimal benefits to pedestrian safety and comfort.

3. The nature of the use compared to surrounding uses: Street B is not a typical street because it will not connect to other streets outside the subdivision. It will not carry traffic volumes at speeds typical of a standard minor street and will have minimal cross traffic that pedestrians will need to cross to access Lot 5 through 9 from the new sidewalk on Street A. Therefore, sidewalks are not necessary on Street B for safety. Most of the streets in other subdivisions in the area do not have sidewalks and the planned street network will be improved to a higher standard than the streets that serve surrounding uses.

4. The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district: As discussed under circumstance 1 above, including sidewalks on Street B would require either reducing the size of the lots below the minimum dimensional standard in the R-2 Zone or reducing the number of lots for the planned use below what would otherwise be possible on a more regularly shaped lot with flatter topography elsewhere in the R-2 Zone. Most of the streets in other subdivisions in the area do not have sidewalks and the planned street network will be improved to a higher standard than the streets that serve surrounding uses. The circumstances and conditions 1, 3, and 4 apply to the property. Therefore, this criterion is met.

(f) *NMC Section 14.33.060(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.

The circumstances and conditions are discussed in the response to Section 14.33.060.A above. These circumstances and conditions are not the result of the personal circumstance of the owner. Therefore, this criterion is met.

- (g) NMC Section 14.33.060(C). *There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.*

The practical difficulty and unnecessary hardship with including sidewalks on Street B are discussed in the response to Section 14.33.060.A above. Requiring sidewalks on Street B would restrict the property from being developed to its fullest potential. Furthermore, sidewalks would not improve access for pedestrians. This criterion is met.

- (h) NMC Section 14.33.060(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.*

The variance will not create any adverse impact to surrounding properties. Street B will not be a typical through street and will not connect to the surrounding street network. The future homes on Lots 5 through 9 will be the only uses served by the street that will generate traffic. Therefore, only the subject property is impacted by the variance. Furthermore, streets in the vicinity such as SE Harbor Crescent Drive that serve development on adjoining properties do not have sidewalks. With the variance, the proposed streets will be improved to a higher level than what is typical of other streets in the vicinity.

- (i) NMC Section 14.33.060(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.*

A conceptual plan for the extension of utilities is shown on Sheet C7 of Exhibit B. A variance to allow the hammerhead portion of the street to be constructed without sidewalks will not impact the provision of access to utilities since those utilities will be stubbed from the street or located in public utility easements adjacent to the street. Fire access will be available from the street. This criterion is met.

- (j) NMC Section 14.33.060(F). *Any impacts resulting from the Variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to*

adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

The variance will not result in any impacts requiring mitigation. This criterion does not apply.

- D. **Conclusion:** If the Planning Commission finds that the applicant meets the criteria established in the Municipal Code for granting the Tentative Subdivision Plat, Variance and Geologic Permit, then it can approve the request. The Commission may attach reasonable conditions of approval, which the Commission finds are necessary to satisfy the approval criteria. Conditions of approval need to be relate to the applicable criteria and request (must have a rational nexus) and need to be roughly proportional to the impact created by the development in order to be constitutionally permissible as conditions of approval. The burden on demonstrating that conditions of approval have both a rational nexus and are roughly proportional is on the government, not the applicant. If, on the other hand, the Commission finds that the request does not comply with the criteria and cannot be made to comply through reasonable conditions of approval (as required by ORS 197.522), then the Commission should make findings for denial.
- E. **Staff Recommendation:** Findings contained in this report establish that the proposed subdivision can satisfy City approval standards provided the following conditions are imposed:
1. It shall be the responsibility of the property owner to adhere to the recommendations contained in the Geotechnical Investigation for Fisherman’s Wharf Estates, prepared by Foundation Engineering Inc., dated October 19, 2007, as updated by letter dated by June 12, 2018 (collectively “Geologic Reports”). These Geologic Reports are only valid for the preliminary subdivision plat addressed in the report.
 2. Certification of land division compliance with the Geologic Reports (e.g. site grading, street and utility installations, etc.) is required prior to approval of the final plat. NMC 14.21.130 states that no development requiring a Geologic Report shall receive final approval until the city receives a written statement by a certified engineering geologist indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the city must also receive an additional written statement of compliance by the design engineer.
 3. Any sedimentation caused by stripping vegetation, grading, or other development, shall be removed from all adjoining surfaces and drainage systems and the affected areas returned to their original or equal condition prior to final plat approval.
 4. The applicant shall perform hydraulic modelling of the public storm drainage system at SE Bay Blvd to confirm it has capacity to accept run-off from the subdivision attributed to a 25-year, 24-hour storm event. In the event the public system lacks capacity, then the analysis shall include recommendations for

upsizing the system or detaining stormwater onsite in a manner sufficient to accommodate anticipated run-off.

5. Water, sewer, street and storm drainage infrastructure shall be installed in a manner consistent with the letter from City Engineer, Tim Gross, dated June 4, 2018 and the June 12, 2018 Geotechnical Consultation by Foundation Engineering, including dedication of appurtenant easements. All public improvements shall be accepted by the Public Works Department prior to approval of the final plat.
6. All public improvements shall be designed and built to standards adopted by the city. Until such time as a formal set of public works standards is adopted, improvements shall conform to any existing published set of standards designated by the City Engineer for the type of improvement. The City Engineer may approve designs that differ from the applicable standard if the City Engineer determines that the design is adequate.
7. All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.
8. Fire hydrants are to be installed as required by the 2014 Oregon Fire Code. Such hydrants shall be located within public rights-of-way or public utility easements.
9. The applicant shall confirm the location of survey monuments for the Harbor Crescent Subdivision, where it borders the subject property, and shall ensure that site utilities are placed more than one foot away from said monuments.
10. Upon completion of street improvements, the applicant shall ensure that monuments are reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.
11. Installation of public improvements, including excavation in the excess of 100 cubic yards, shall not occur until plans have been checked for adequacy and approved by the City, and shall not be commenced until after the city is notified.
12. All public improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

13. Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.
14. A map showing public improvements “as-builts” shall be filed with the city upon completion of the improvements.
15. A final plat shall be submitted within two years of the tentative plat (i.e. concept map) approval. The Agency shall finalize the survey, secure the signatures on the plat from all impacted owners, and prepare necessary conveyance documents to ensure that the lot configuration, ownership, and rights-of-way are established as illustrated on the tentative plat. The final plat shall be in conformance with the approved tentative plan, this chapter, ORS Chapter 92, and standards of the Lincoln County Surveyor.



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

September 5, 2018

Fisherman's Wharf Estates Subdivision, Geologic Permit, and Variance Application

Date: July 27, 2018

Submitted to: City of Newport
169 SW Coast Highway
Newport, OR 97365

Applicant: Greyson Financial Services, Inc.
440 1st Avenue E, Suite #3
Albany, OR 97321



4300 Cherry Avenue NE
Keizer, OR 97303
(503) 400-6028

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Exhibits

Exhibit A: Application Forms and Checklists

Exhibit B: Preliminary Subdivision Plans

Exhibit C: Lincoln County Assessor's Maps

Exhibit D: 200-Foot Notification List

Exhibit E: Service Provider Letters

Exhibit F: Subdivision Guarantee Report

Exhibit G: Geotechnical Report

Fisherman's Wharf Estates Subdivision, Geologic Permit, and Variance Application

Submitted to: City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365

Applicant: Greyson Financial Services, Inc.
440 1st Avenue E, Suite #3
Albany, OR 97321

Property Owner: William Ekman
200 Ferry Street SW
Albany, OR 97321

Applicant's Consultant: AKS Engineering & Forestry, LLC
4300 Cherry Avenue NE
Keizer, OR 97303
Planner: Curt Fisher (fisherc@aks-eng.com)
Engineer: David Karr (davidk@aks-eng.com)
Phone: (503) 400-6028
Fax: (503) 400-7722

Site Location: 1005 SE Bay Boulevard

**Lincoln County
Assessor's Map:** 11S11W09CB Tax Lot 400

Site Size: ±1.81 Acres

Land Use Districts: R-2, Medium Density Residential



I. Executive Summary

Greyson Financial Services, Inc. (Applicant) is pleased to submit this application for a subdivision, geologic permit, and variance for Tax Lot 400 (Lincoln County Assessor's Map 11S11W09CB) located at 1005 SE Bay Boulevard. Eleven lots are planned for future single-family detached units and/or duplexes. The lots will be accessed by a new public street off SE Bay Boulevard. The essential components of the project include:

- 11 new lots to accommodate future single-family homes and/or duplexes
- A new public street built with 36 feet of pavement, sidewalks, curbs, gutters, and street lights
- A Geologic Permit to meet the development standards for the Geologic Hazard Overlay

This application includes the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

The Fisherman's Wharf Estates subdivision is a "needed housing" application under Oregon Revised Statute (ORS) 197.303(1)(a) as it provides detached single-family housing and/or duplexes on buildable land, as defined in Oregon Administrative Rules (OAR) 660-008-0005. ORS 197.307(4) states that a local government may apply only clear and objective standards, conditions, and proceedings regulating the development of needed housing on buildable land.

Oregon Courts, including the Land Use Board of Appeals (LUBA), have generally held that an approval standard is not clear and objective if it imposes on an applicant "subjective, value-laden analyses that are designed to balance or mitigate impacts of the development." *Rogue Valley Association of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998) aff'd, 158 Or App 1 (1999). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on needed housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the needed housing statutes apply to this application.

II. Site Description/Setting

The project includes Tax Lot 400 (Lincoln County Assessor's Map 11S11W09CB) located at 1005 SE Bay Boulevard. The site is ±1.81 acres, zoned R-2 (medium-density residential) and is in a geologic hazard overlay. SE Bay Boulevard along the frontage of the property is fully improved with two vehicular travel lanes, curbs, gutters, sidewalks, bike lanes, and has a curb cut for access to the lot with truncated domes installed in sidewalk. The property to the southeast lies uphill from the subject property and is part of a PUD that has been developed with detached homes. The property to the northwest is developed as a mobile home park. The terrain on the site slopes gently to moderately to the north and west. An existing drainage swale (with a large culvert) at the base of the north and west slopes separates the site from adjacent properties.

III. Applicable Review Criteria

NEWPORT MUNICIPAL CODE

TITLE XIII - LAND DIVISION

CHAPTER 13.05 SUBDIVISION AND PARTITION

13.05.010 Standards

Land divisions shall comply with the requirements of this chapter as applicable to the land division.

RESPONSE: Responses are provided in this narrative to all applicable criteria that demonstrate compliance with this chapter. This standard is met.

13.05.015 Streets

A. **Criteria for Consideration of Modifications to Street Design.** As identified throughout the street standard requirements, modifications may be allowed to the standards by the approving authority. In allowing for modifications, the approving authority shall consider modifications of location, width, and grade of streets in relation to existing and planned streets, to topographical or other geological/environmental conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system as modified shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in the Transportation System Plan, the arrangement of streets shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

RESPONSE: Two new streets are planned for the Subdivision. Street A is planned to meet all applicable City standards for a minor street. The street has been planned to utilize the existing access from SE Bay Boulevard and will conform to the topographical constraints of the site.

Street B is planned to provide access to Lots 5 through 9 with ± 26 feet of pavement width within ± 30 feet of right-of-way. A request to reduce the overall width of this street from the standard for a minor street is included in this application. This modification is justified due to the relation of the street to the existing and planned streets, the topographical conditions on site, public safety, and the proposed use of the land to be served by the street.

Relation of the street to existing and planned streets: Street B will not be a typical through street that will connect to the surrounding street network, and will not carry through traffic volumes or speed typical of a minor street. The future homes on Lots 5 through 9 will be the only uses served by the street. Because surrounding development

precludes through connections and linking to other streets and/or uses, Street B is designed to allow vehicles to maneuver in and out of the driveways at slow speed, which will be its one function. Therefore, the full width of pavement and right-of-way is not necessary.

Topographical conditions: As shown in the Existing Conditions on Sheet C2 of Exhibit B, the site slopes moderately downhill from east to west. The Preliminary Street Profiles on Sheet C6 of Exhibit B show the finished grade of the street in relation to existing grade. The drawings show the depth of cuts required to construct the street with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. A standard width minor street would increase the cutting, filling, and grading required to meet these standards without providing additional benefit given the use of the street.

Public Safety: Fire access requirements specify a maximum grade of 5%. Reducing the width of Street B will allow this standard to be met with minimal cutting, filling, and grading. The width of the right of way was reviewed by the Fire Department at a pre-application conference held on March 1, 2018

Proposed use of the land served by the street: The land served by the street will be used for detached homes and/or duplexes. The street will be used by the residents to maneuver at slow speed in and out of the driveways serving the homes on the new lots. The street will not connect to the surrounding street network, other than the connection to Street A as shown on the plans in Exhibit B. The street will not serve other uses outside the subject property. Therefore, the planned use will not generate traffic volumes that would warrant a wider street or additional pavement width.

See the response to Section B below describing the requested modification of the street design standards for Street B. This street configuration will provide logical and appropriate projection of the street network into the subject property to serve the new lots. This standard is met.

- B. **Minimum Right-of-Way and Roadway Width.** Unless otherwise indicated in the Transportation System Plan, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table:

Minimum Right-of-Way and Roadway Width		
Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width
Arterial, Commercial, and Industrial Collector	80 feet	44 feet
Collector	60 feet	44 feet
Minor Street	50 feet	36 feet
Radius for turn-around at end of cul-de-sac	50 feet	45 feet
Alleys	25 feet	20 feet

Modifications to this requirement may be made by the approving authority where conditions, particularly topography, geology, and/or environmental constraints, or the size and shape of the area of the subdivision or partition, make it impractical to otherwise provide buildable sites, narrower right-of-way and roadway width may be accepted. If necessary, slope easements may be required.

RESPONSE:

As shown on the Preliminary Subdivision Plans in Exhibit B, Street A is planned to meet the standard for a minor street with ± 36 feet of roadway width within ± 50 feet of right-of-way. Street B is planned to provide access to Lots 5 through 9 with ± 26 feet of pavement width within ± 30 feet of right-of-way. A request to reduce the overall width of this street from the standard for a minor street is included in this application. This modification is justified due to the relation of the street to the existing and planned streets, the topographical conditions on site, public safety, and the proposed use of the land to be served by the street.

As shown in the Existing Conditions on Sheet C2 of Exhibit B, the site slopes moderately downhill from east to west. The Preliminary Street Profiles on Sheet C6 of Exhibit B show the finished grade of the street in relation to existing grade. The drawings show the depth of cuts required to construct the street with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. A standard width minor street would increase the cutting, filling, and grading required to meet these standards without providing additional benefit given the use of the street.

The land served by the street will be used for detached homes and/or duplexes. The street will be used by the residents to maneuver at slow speed in and out of the driveways serving the homes on the new lots. The street will not connect to the surrounding street network, other than the connection to Street A as shown on the plans in Exhibit B. The street will not serve other uses outside the subject property. Therefore, the planned use will not generate traffic volumes that would warrant a wider street or additional pavement width.

The size and shape to the property also make it impractical to provide buildable sites if Street B were built to full minor street width. The subject property is an irregularly shaped lot with a skewed orientation to SE Bay Boulevard. The hammerhead configuration enables a logical and efficient plat layout with buildable lots that are as close to rectangular in shape as possible, with side lot lines that run at approximately right angles to the streets they face, while meeting the dimensional standards in the R-2 Zone. A full width minor street would restrict the buildable sites that would otherwise be permitted on the property that meet the dimensional standards of the R-2 Zone. As discussed in the Executive Summary, this subdivision is a "needed housing" application under Oregon Revised Statute (ORS) 197.303(1)(a) and it is in the general public interest to allow the site to be developed at the planned density. With the requested modification these standards are met.

C. Reserve Strips. Reserve strips giving a private property owner control of access to streets are not allowed.

RESPONSE:

No reserve strips are planned. This standard is met.

- D. Alignment.** Streets other than minor streets shall be in alignment with existing streets by continuations of their center lines. Staggered street alignment resulting in "T" intersections shall leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. If not practical to do so because of topography or other conditions, this requirement may be modified by the approving authority.

RESPONSE: A new minor street is planned to provide access to the new lots as shown on the Preliminary Plat on Sheet C2 in Exhibit B. This standard applies to streets other than minor streets. Therefore, this standard does not apply.

- E. Future Extensions of Streets.** Proposed streets within a land division shall be extended to the boundary of the land division. A turnaround if required by the Uniform Fire Code will be required to be provided. If the approval authority determines that it is not necessary to extend the streets to allow the future division of adjoining land in accordance with this chapter, then this requirement may be modified such that a proposed street does not have to be extended to the boundary of the land division.

RESPONSE: A minor street is planned in a hammerhead configuration that meets the fire access requirement. This preliminary layout was reviewed by the City of Newport Fire Chief at the pre-application conference on March 1, 2018. The surrounding properties are fully developed and extending the street to the property boundary is not necessary to provide access to future development. This standard is met.

F. Intersection Angles.

1. Streets shall be laid out to intersect at right angles.
2. An arterial intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.
3. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection.
4. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.
5. No more than two streets may intersect at any one point.
6. If it is impractical due to topography or other conditions that require a lesser angle, the requirements of this section may be modified by the approval authority. In no case shall the acute angle in Subsection F.(1.) be less than 80 degrees unless there is a special intersection design.

RESPONSE: As shown on the Preliminary Subdivision Plans in Exhibit B, the new streets will create an intersection that meet the above requirements. These standards are met.

- G. **Half Street.** Half streets are not allowed. Modifications to this requirement may be made by the approving authority to allow half streets only where essential to the reasonable development of the land division, when in conformity with the other requirements of these regulations and when the city finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract property to be divided, the other half of the street shall be provided.

RESPONSE: Full street improvements will be provided as shown in the Preliminary Subdivision Plans in Exhibit B. The boundary frontage along SE Bay Boulevard is fully improved. This standard is met.

- H. **Sidewalks.** Sidewalks in conformance with the city's adopted sidewalk design standards are required on both sides of all streets within the proposed land division and are required along any street that abuts the land division that does not have sidewalk abutting the property within the land division. The city may exempt or modify the requirement for sidewalks only upon the issuance of a variance as defined in the Zoning Ordinance.

RESPONSE: Sidewalks are planned on both sides of Street A as shown on the Preliminary Subdivision Plans in Exhibit B. SE Bay Boulevard is already improved with sidewalks and no additional improvements are necessary. A variance is included with this application to exempt Street B from the sidewalk requirement. Responses to the applicable variance criteria are provided in Section 14.33.060 below. This standard is met with the included variance.

- I. **Cul-de-sac.** A cul-de-sac shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around meeting minimum Uniform Fire Code requirements.

Modifications to this requirement may be made by the approving authority. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to connect from a cul-de-sac to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.

RESPONSE: A cul-de-sac is not planned for this project. Therefore, this standard does not apply. Nevertheless, a hammerhead turnaround is planned at the intersection of the two minor streets, Street A is planned to be less than 400 feet in length, and the 11 planned lots are planned to be developed with single family homes and/or duplexes with no more than 18 total units. This configuration was reviewed by the Fire Chief at the pre-application conference on March 1, 2018.

- J. **Street Names.** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city, as evident in the physical landscape and described in City of Newport Ordinance No. 665, as amended.

RESPONSE: The new streets will be given names that do not duplicate an existing street name in the City of Newport. This standard can be met.

- K. Marginal Access Streets.** Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

RESPONSE: Marginal access streets are not planned. The new streets will not provide through access to adjacent properties. This standard does not apply.

- L. Alleys.** Alleys shall be provided in commercial and industrial districts. If other permanent provisions for access to off-street parking and loading facilities are provided, the approving authority is authorized to modify this provision if a determination is made that the other permanent provisions for access to off-street parking and loading facilities are adequate to assure such access. The corners of alley intersections shall have a radius of not less than 12 feet.

RESPONSE: The project is not in a commercial or industrial district. This standard does not apply.

13.05.020 Blocks

- A. General.** The length, width, and shape of blocks for nonresidential subdivisions shall take into account the need for adequate building site size and street width, and shall recognize the limitations of the topography.

RESPONSE: This project involves is a residential subdivision. This standard does not apply.

- B. Size.** No block shall be more than 1,000 feet in length between street corners. Modifications to this requirement may be made by the approving authority if the street is adjacent to an arterial street or the topography or the location of adjoining streets justifies the modification. A pedestrian or bicycle way may be required by easement or dedication by the approving authority to allow connectivity to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a block of greater than 1,000 feet if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division.

RESPONSE: The subject property is surrounded by existing development. Street A will connect to SE Bay Boulevard but will not connect to any other existing streets. No new blocks will be created with the planned subdivision. This standard does not apply.

13.05.025 Easements

- A. **Utility Lines.** Easements for sewers and water mains shall be dedicated to the city wherever a utility is proposed outside of a public right-of-way. Such easements must be in a form acceptable to the city. Easements for electrical lines, or other public utilities outside of the public right-of-way shall be dedicated when requested by the utility provider. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements, which may be reduced to six (6) feet in width.

RESPONSE: Easements meeting the above requirements will be provided as shown on the Preliminary Composite Utility Plan on Sheet C7 in Exhibit B. This standard is met.

- B. **Utility Infrastructure.** Utilities may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

RESPONSE: Utilities will be provided as shown on the Preliminary Composite Utility Plan on Sheet C7 in Exhibit B. This standard is met.

- C. **Water Course.** If a tract is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.

RESPONSE: The subject property is not traversed by a water course. As shown on the Existing Conditions Plan in Exhibit B, there is a recorded storm drainage easement (Doc. No. 2006-05053) along the front portion of the lot. To the extent this standard applies, it is met.

13.05.030 Lots and Parcels

- A. **Size.** The size (including minimum area and width) of lots and parcels shall be consistent with the applicable lot size provisions of the Zoning Ordinance, with the following exception:

Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

RESPONSE: As shown on the Preliminary Plat on Sheet C2 of Exhibit B, each new lot meets the applicable dimensional requirements in the R-2 Zone. The subject property is not zoned or planned for business or industrial use. This standard is met.

- B. **Street Frontage.** Each lot and parcel shall possess at least 25 feet of frontage along a street other than an alley.

RESPONSE: As shown on the Preliminary Plat on Sheet C2 in Exhibit B, each lot has at least 25 feet of frontage on the new streets. This standard is met.

- C. **Through Lots and Parcels.** Through lots and parcels are not allowed. Modifications may be made by the approving authority where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. The approving authority may require a planting screen easement at least 10 feet wide and across which there shall be no right of access. Such easement may be required along the line of building sites abutting a traffic artery or other incompatible use.

RESPONSE: The rear lot lines on Lots 1 through 4 abut SE Harbor Crescent Drive; a private street. As shown on the Existing Conditions on Sheet C2 in Exhibit B, the lot drops steeply from the edge of SE Harbor Crescent Drive to the rear of these lots creating natural separation from this street. Functionally, these are not planned as through lots. Therefore, a modification to this standard is necessary. This standard, as modified, is met.

- D. **Lot and Parcel Side Lines.** The side lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

Modifications to this requirement may be made by the approving authority where it is impractical to do so due to topography or other conditions or when the efficient layout of the land division has the lines running as close to right angles (or radial) as practical.

RESPONSE: All lot runs at approximate right angles to the new streets as shown on the Preliminary Plat on Sheet C2 in Exhibit B. This standard is met.

- E. **Special Setback Lines.** All special building setback lines, such as those proposed by the applicant or that are required by a geological report, which are to be established in a land division, shall be shown on the plat, or if temporary in nature, shall be included in the deed restrictions.

RESPONSE: All applicable setback lines are shown on the Preliminary Plat on Sheet C2 in Exhibit B. This standard is met.

- F. **Maximum lot and parcel size.** Proposed lots and parcels shall not contain square footage of more than 175% of the required minimum lot size for the applicable zone. Modifications to this requirement may be made by the approving authority to allow greater square footage where topography or other conditions restrict further development potential or where the layout of the land division is designed and includes restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division into lots or parcels of appropriate size for the applicable zone designation.

RESPONSE: The minimum lot area in the R-2 Zone is 5,000 square feet. As shown on the Preliminary Plat on Sheet C2 of Exhibit B, the largest lot planned is $\pm 7,533$ square feet, and does not exceed 175% of the required minimum (8,750 square feet). This standard is met.

- G. **Development Constraints.** No lot or parcel shall be created with more than 50 % of its land area containing wetlands or lands where the city restricts development to protect significant Statewide Land Use Planning Goal 5 or Goal 17 resources, except that areas designated as open space within a land division may contain up to 100% of a protected resource. Modifications to this requirement may be made by the approval authority if the approval authority determines that the proposed lot or parcel contains sufficient land area to allow for construction on the lot or parcel without impacting the resource or that a variance or other permit has been obtained to allow for impacts on the identified resource.

RESPONSE: No wetlands or other Goal 5 or Goal 17 resources have been identified on the subject site. This standard is met.

- H. **Lots and Parcels within Geologic Hazard Areas.** Each new undeveloped lot or parcel shall include a minimum 1000 square foot building footprint within which a structure could be constructed and which is located outside of active and high hazard zones and active landslide areas (See Section 2-4-7 of the Zoning Ordinance for an explanation of hazard zones). New public infrastructure serving a lot or parcel shall similarly be located outside of active and high hazard zones and active landslide areas.

RESPONSE: The subject property is within a Geologic Hazard Area. However, the site does not contain any active landslide areas or active and high hazard zones, as documented in the Geotechnical Report in Exhibit G. The recommendations from the Geotechnical Report have been incorporated into the Preliminary Grading, Erosion Control Plan on Sheet C4, and the Preliminary Composite Utility Plan on Sheet C7, both in Exhibit B. This standard is met.

(***)

13.05.040 **Public Improvement Requirements**

- A. **The following public improvements are required for all land divisions, except where a subdivision plat is reconfiguring or establishing rights-of-way for future public streets:**
1. **Streets.** All streets, including alleys, within the land division, streets adjacent but only partially within the land divisions, and the extension of land division streets to the intersecting paving line of existing streets with which the land division streets intersect, shall be graded for the full right-of-way width. The roadway shall be improved to a width of 36 feet or other width as approved by the approval authority by excavating to the street grade, construction of concrete curbs and drainage structures, placing a minimum of six inches of compacted gravel base, placement of asphaltic pavement 36 feet in width or other width as approved by the approval authority and approximately two inches in depth, and doing such other improvements as may be necessary to make an appropriate and completed improvement. Street width standards may be adjusted as part of the tentative plan approval to protect natural features and to take into account topographic constraints and geologic risks.

RESPONSE: The new streets are planned to be graded and constructed to the full right-of-way width. This standard will be met.

2. **Surface Drainage and Storm Sewer System.** Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage within the land division shall take into account the capacity and grade necessary to maintain unrestricted flow from extension of the system to serve such areas.

RESPONSE: Drainage and stormwater management will be provided as shown on the Preliminary Composite Utility Plan on Sheet C7 in Exhibit B. This standard is met.

3. **Sanitary Sewers.** Sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the city, and sewer mains shall be installed in streets as necessary to connect each lot or parcel to the city's sewer system.

RESPONSE: Sanitary sewers will be installed to serve each lot as shown on the Preliminary Composite Utility Plan on Sheet C7 in Exhibit B. This standard is met.

4. **Water.** Water mains shall be installed to allow service to each lot or parcel and to allow for connection to the city system, and service lines or stubs to each lot shall be provided. Fire hydrants shall be installed as required by the Uniform Fire Code. The city may require that mains be extended to the boundary of the land division to provide for future extension or looping.

RESPONSE: Water connections will be provided to each lot as shown on the Preliminary Composite Utility Plan on Sheet C7 in Exhibit B. This standard is met.

5. **Sidewalks.** Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:
 - a. **Delayed Sidewalk Construction.** If sidewalks are designed contiguous with the curb, the subdivider may delay the placement of concrete for the sidewalks by depositing with the city a cash bond equal to 115 percent of the estimated cost of the sidewalk. In such areas, sections of sidewalk shall be constructed by the owner of each lot as building permits are issued. Upon installation and acceptance by the city engineer, the land owner shall be reimbursed for the construction of the sidewalk from the bond. The amount of the reimbursement shall be in proportion to the footage of sidewalks installed compared with the cash bond deposited and any interest earned on the deposit.

- b. Commencing three (3) years after filing of the final plat, or a date otherwise specified by the city, the city engineer shall cause all remaining sections of sidewalk to be constructed, using the remaining funds from the aforementioned cash bond. Any surplus funds shall be deposited in the city's general fund to cover administrative costs. Any shortfall will be paid from the general fund.
- c. Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 13.05.090(C).

RESPONSE: Sidewalks are planned as shown on the Preliminary Street Profiles & Street Sections provided on Sheet C6 in Exhibit B. The Applicant does not anticipate delaying sidewalk construction. This standard is met.

- B. All public improvements shall be designed and built to standards adopted by the city. Until such time as a formal set of public works standards is adopted, public works shall be built to standards in any existing published set of standards designated by the city engineer for the type of improvement. The city engineer may approve designs that differ from the applicable standard if the city engineer determines that the design is adequate.

RESPONSE: All public improvements shown in the Preliminary Subdivision Plans are intended to comply with applicable City standards. This standard is met.

- C. Public improvements are subject to inspection and acceptance by the city. The city may condition building or occupancy within the land division on completion and acceptance of required public improvements.

RESPONSE: The Applicant acknowledges the inspection requirements, intends to cooperate with inspectors, and can comply with reasonable conditions for building permits. This standard can be met.

13.05.045 Adequacy of Public Facilities and Utilities (Electric and Phone)

- A. Tentative plans for land divisions shall be approved only if public facilities and utilities (electric and phone) can be provided to adequately service the land division as demonstrated by a written letter from the public facility provider or utility provider stating the requirements for the provision of public facilities or utilities (electric and phone) to the proposed land division:
- B. For public facilities of sewer, water, storm water, and streets, the letter must identify the:
 1. Water main sizes and locations, and pumps needed, if any, to serve the land division.
 2. Sewer mains sizes and locations, and pumping facilities needed, if any, to serve the land division.

3. Storm drainage facilities needed, if any, to handle any increased flow or concentration of surface drainage from the land division, or detention or retention facilities that could be used to eliminate need for additional conveyance capacity, without increasing erosion or flooding.
4. Street improvements outside of the proposed development that may be needed to adequately handle traffic generated from the proposed development.

RESPONSE: Service provider letters with the required information are included in Exhibit E. This standard is met.

13.05.050 **Underground Utilities and Service Facilities**

- A. **Undergrounding.** All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.

RESPONSE: The Applicant intends to coordinate with service providers to underground utilities as necessary. This standard can be met.

- B. **Non-City-Owned Utilities.** As part of the application for tentative land division approval, the applicant shall submit a copy of the preliminary plat to all non-city-owned utilities that will serve the proposed subdivision. The subdivider shall secure from the non-city-owned utilities, including but not limited to electrical, telephone, cable television, and natural gas utilities, a written statement that will set forth their extension policy to serve the proposed land division with underground facilities. The written statements from each utility shall be submitted to the city prior to the final approval of the plat for recording.

RESPONSE: Service provider letters from non-city-owned utilities are included in Exhibit E. The preliminary layout for the subdivision was shared with these providers. This standard is met.

13.05.055 **Street Lights**

Street lights are required in all land divisions where a street is proposed. The city may adopt street light standards. In the absence of adopted standards, street lights shall be placed in new land divisions to assure adequate lighting of streets and sidewalks within and adjacent to the land division.

RESPONSE: Street lights are planned as shown on the Preliminary Composite Utility Plan on Sheet C7 of Exhibit B. This standard is met.

13.05.060 Street Signs

Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.

RESPONSE: The Applicant acknowledges this standard and it can be met.

13.05.065 Monuments

Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

RESPONSE: The Applicant understands this standard and intends to comply. This standard can be met.

13.05.070 Land Division Application

A. A person seeking approval of a land division shall submit the following to the Community Development Department:

1. A completed city application form signed by the owner of the property or an authorized agent. If the application form is signed by an authorized agent, it must be accompanied by a document signed by the property owner authorizing the agent to act for the owner in the land division process.
2. An original tentative plan and 14 copies (3 copies if a minor replat or a partition).
3. A narrative listing each applicable approval criterion or standard and an explanation as to how the criterion or standard is met.
4. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities will be extended to connect to existing streets and utilities and may be connected to future streets and utilities.
5. Proposed deed restrictions, if any, in outline form.
6. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
7. A plan for domestic water supply lines and related water service facilities.
8. Proposals for sewage disposal, storm water drainage, and flood control, including profiles of proposed drainage ways.
9. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.

10. Where geologic hazards are known to exist on part or all of the property in question based on adopted maps of the City of Newport, a geologic hazard report is required and shall be provided in accordance with the requirements of Section 2-4-7 of the Zoning Ordinance. The report must clearly state what measures will be taken to safeguard against existing hazards.
11. Written letters from public facilities (water, sewer, storm water, and streets) and utilities (electric and phone) identifying requirements for providing service to the land division.
12. An application fee in an amount set by City Council resolution.
13. A Trip Assessment Letter, if required by Chapter 14.43.
14. A Traffic Impact Analysis, if required by Chapter 14.45.
15. Other materials that the applicant believes relevant or that may be required by the city.

RESPONSE: The application forms, narrative, and Preliminary Subdivision Plans containing the required information are included in this application. At the pre-application conference on March 1, 2018, City staff indicated that neither a Trip Assessment Letter nor a Traffic Impact Analysis are required for this project. These requirements are met.

- B. The tentative plan of a land division shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of one inch equals 100 feet or, for areas over 100 acres, one inch equals 200 feet.

RESPONSE: The Preliminary Subdivision Plans are included in Exhibit B. This requirement is met.

- C. The following general information shall be shown on the tentative plan of the land division:
 1. If a subdivision, the proposed name of the subdivision. This name shall not duplicate or resemble the name of another subdivision in the county and shall be approved by the Planning Commission.
 2. Date, northpoint, and scale of the drawing.
 3. Appropriate identification of the drawing as a tentative plan.
 4. Location of the property being divided sufficient to define its location and boundaries, and a legal description of the entire property being divided.
 5. Names and addresses of the owner, the applicant if different from the owner, and the engineer and/or surveyor.
 6. The following existing conditions shall be shown on the tentative plan:
 - a. The location, widths, and names of existing streets and undeveloped rights of way within or adjacent to the tract, any existing easements, and other important features such as section lines, section corners, city boundary lines, and monuments.

-
- b. Contour lines related to some established bench mark or other datum approved by the city and having minimum intervals as follows:
 - i. For slopes of less than 5 percent: show the direction of slope by means of arrows or other suitable symbols, together with not less than four (4) spot elevations per acre, evenly distributed.
 - ii. For slopes of 5 percent to 15 percent: five (5) feet.
 - iii. For slopes of 15 percent to 20 percent: 10 feet.
 - iv. For slopes of over 20 percent: 20 feet.
 - c. The location and direction of water courses and the location of areas subject to flooding.
 - d. Natural features such as wetlands, tidelands, marshes, or any natural resource identified as a protected Statewide Land Use Planning Goal 5 or Goal 17 resource on maps adopted by the city shall be identified. Other features, such as rock outcroppings, wooded areas, and isolated trees that serve as the basis of any requested modifications to the land division standards shall also be identified.
 - e. Existing uses of the property and location of existing structures to remain on the property after platting.
 - f. The location within the land division and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, and utility lines.

RESPONSE: The Preliminary Subdivision Plans with the required information are included in Exhibit B. These requirements are met.

- 7. The following information shall be included on the tentative plan of a subdivision.
 - a. The location, width, names, approximate grades, and radii of curves of proposed streets and the relationship of proposed streets to streets shown in the Transportation System Plan. Streets in existing adjacent developments and approved subdivisions and partitions shall also be shown, as well as potential street connections to adjoining undeveloped property.
 - b. The location, width, and purpose of proposed easements.
 - c. The location and approximate dimensions of proposed lots and the proposed lot and block numbers.

- d. Proposed sites, if any, allocated for purposes other than single-family dwellings.

RESPONSE: The Preliminary Subdivision Plans with the required information are included in Exhibit B. These requirements are met.

(***)

13.05.085 Approval Criteria and Conditions for Land Divisions Other than Minor Replats or Partitions.

- A. The proposed land division will comply with the requirements of this chapter or can be made to comply by the attachment of reasonable conditions of approval. For the purposes of this section, a land division complies with this chapter if it meets the standard provided herein or if a modification or variance is approved by the approving agency to the standard.

RESPONSE: Responses to the applicable standards and criteria are provided throughout this narrative. This criterion is met.

- B. Any required submitted geological hazard report must conclude that the property can be developed in the manner proposed by the land division. The land division must comply with any recommendations contained in the report. Approval of the land division by the Planning Commission pursuant to a submitted geological hazard report includes approval of the geological report recommendations. Based on the geological hazard report, the Planning Commission shall establish when compliance with the geological report recommendations must be demonstrated. The geological hazard report shall be in the form of a written certification prepared by an engineering geologist or other equivalent certified professional, establishing that the report requirements have been satisfied, and should be noted as a condition of approval.

RESPONSE: A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and includes the information required by the City for a Geologic Report. The Preliminary Subdivision Plans follow the recommendations outlined in the report. This criterion can be met.

TITLE XIV - ZONING

CHAPTER 14.03

ZONING DISTRICTS

14.03.050

Residential Uses.

The following list sets forth the uses allowed within the residential land use classification. Uses not identified herein are not allowed.

“P” = Permitted uses.

“C” = Conditional uses; permitted subject to the approval of a conditional use permit.

“X” = Not allowed.

Residential Uses Table		
		R-2
A.	Residential	
	1. Single-family	P
	2. Two-family	P

RESPONSE: Detached homes and/or duplexes for residential use are planned for this subdivision. These uses are permitted in the R-2 Zone. This standard is met.

CHAPTER 14.10 HEIGHT LIMITATIONS

14.10.010 Height Limitations

A building, structure, or portion thereof hereafter erected shall not exceed the height listed in Table A for the zone indicated except as provided for in Sections 14.10.020, General Exceptions to Building Height Limitations and 14.10.030, Special Exceptions to Building Height Limitations.

RESPONSE: Building heights will be reviewed with building permit applications for the future homes on the lots within the planned subdivision. Therefore, the applicable standards can be met.

CHAPTER 14.11 REQUIRED YARD AND SETBACKS

14.11.010 Required Yards

A building, or portion thereof, hereafter erected shall not intrude into the required yard listed in Table A for the zone indicated.

RESPONSE: Setbacks will be reviewed with building permit applications for the future homes on the lots within the planned subdivision. The planned lots meet the applicable dimensional requirements for the R-2 Zone. Therefore, the applicable standards can be met.

14.11.020 Required Recreation Areas

All multiple-family dwellings, condominiums, hotels, motels, mobile home parks, trailer parks, and recreational vehicle parks shall provide for each unit a minimum of 50 square feet of enclosed outdoor area landscaped or improved for recreation purposes exclusive of required yards such as a patio, deck, or terrace.

RESPONSE: Multiple-family dwellings are not planned for this project. This standard does not apply.

14.11.030 Garage Setback

The entrance to a garage or carport shall be set back at least 20 feet from the access Street for all residential structures.

RESPONSE: Garage setbacks will be reviewed with building permit applications for the homes on the lots within the planned subdivision. The planned lots meet the applicable dimensional requirements for the R-2 Zone. Therefore, the applicable standards can be met.

(***)

CHAPTER 14.12 MINIMUM LOT SIZE

14.12.010 Minimum Size

All lots hereafter created within the City of Newport shall have a minimum lot area and width as listed in Table A for the zone indicated. It is not the intent of the Zoning Ordinance to deprive owners of substandard lots the use of their property. Substandard single lots lawfully created prior to the passage of this Zoning Ordinance shall not be prevented from being built upon solely because the lot does not comply with the minimum lot size requirements of this ordinance. However, the density standards shall apply to all partitioning or resubdivision of property in the future and to developments of over two dwelling units at one time.

RESPONSE: As shown on the Preliminary Plat on Sheet C2 of Exhibit B, all the planned lots meet the minimum size requirements listed in Table A. This standard is met.

(***)

CHAPTER 14.13 DENSITY LIMITATIONS

14.13.010 Density Limitations

A residential building structure or portion thereof hereafter erected shall not exceed the maximum living unit density listed in Table A, as hereinafter set forth, for the zone indicated, except in the case of a lot having less than is required and of record prior to December 5, 1966, which may be occupied by a single-family dwelling unit, providing other requirements of this ordinance are complied with, except to the extent that a higher density may specifically be allowed by any term or provision of this Ordinance.

(BY THIS REFERENCE, THERE IS INCLUDED HEREIN AND MADE A PART HEREOF, A TABLE OF DENSITY AND OTHER REQUIREMENTS, DESIGNATED "TABLE A".)

14.13.020 – TABLE "A"

District	Minimum Lot Area (Sq. Ft.)	Minimum Width	Setback Requirements: Front/ 2 nd Front	Side	Rear	Lot Coverage in Percent	Maximum Building Height	Density in Sq. Ft. Per Unit
R-2/ Medium Density Single-Family Residential								
Duplex on interior lot	7,500	50'	15' and 15' or 20' and 10'	5'	10'	57%	30'	3,750
House	5,000	50'	15' and 15' or 20' and 10'	5'	10'	57%	30'	5,000

RESPONSE: As shown on the Preliminary Plat on Sheet C2 of Exhibit B, all the planned lots meet the density requirements listed in Table A. Lots 5 and 9 are more than 7,500 square feet and could accommodate a duplex. This standard is met.



CHAPTER 14.14

PARKING, LOADING, AND ACCESS REQUIREMENTS

14.14.030

Number of Parking Spaces Required

Off-street parking shall be provided and maintained as set forth in this section. Such off-street parking spaces shall be provided prior to issuance of a final building inspection, certificate of occupancy for a building, or occupancy, whichever occurs first. For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of Section 14.14.050, Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based on the increase of the new use. Any use requiring any fraction of a space shall provide the entire space. In the case of mixed uses such as a restaurant or gift shop in a hotel, the total requirement shall be the sum of the requirements for the uses computed separately. Required parking shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials or for the sale of merchandise. A site plan, drawn to scale, shall accompany a request for a land use or building permit. Such plan shall demonstrate how the parking requirements required by this section are met.

Parking shall be required at the following rate. All calculations shall be based on gross floor area unless otherwise stated.

Required Parking Spaces		
	Use	Required Number of Spaces
19.	Single-Family Detached Residence (one space may be the driveway between garage and front property line)	2 spaces/ dwelling

RESPONSE: Parking spaces will be reviewed with the building permits for the future homes built on the lots. No building permits have been submitted. Therefore, this standard does not apply. However, at least two spaces are anticipated for each unit; one is anticipated in a garage and one in each driveway. The lot dimension standards for the R-2 Zone are met. Therefore, the standard can be met.

14.14.120

Access

- A. Access to parking lots shall be from a public street or alley. Access to loading and unloading areas shall be from a public street, an alley, or a parking lot.
- B. Access to nonresidential parking lots or loading and unloading areas shall not be through areas that are zoned residential.
- C. All accesses shall be approved by the City Engineer or designate.
- D. Driveway accesses onto Arterial streets shall be spaced a distance of 500 feet where practical, as measured from the center of driveway to center of driveway.

E. Each parcel or lot shall be limited to one driveway onto an Arterial street unless the spacing standard in (D) can be satisfied.

A. Access Consolidation. Accesses shall be consolidated unless demonstrated to be unfeasible as determined by the City Engineer.

RESPONSE: No parking lots or nonresidential uses are planned. No accesses are planned from the lots onto arterial streets. Driveway accesses will be reviewed with the building permits for the future homes on the individual lots. Each lot is intended to have one driveway. These standards can be met.

CHAPTER 14.17 CLEAR VISION AREAS

14.17.030 Clear Vision Area Requirements

A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees located within a clear vision area shall have their branches and foliage removed to the height of eight feet above the grade.

RESPONSE: No plantings, fences, walls or other structures are planned within a clear vision area. This standard is met.

(***)

CHAPTER 14.21 GEOLOGIC HAZARDS OVERLAY

14.21.020 Applicability of Geologic Hazards Regulations

A. The following are areas of known geologic hazards or are potentially hazardous and are therefore subject to the requirements of Section 14.21:

1. Bluff or dune backed shoreline areas within high or active hazard zones identified in the Department of Geology and Mineral Industries (DOGAMI) Open File Report 0-04-09 Evaluation of Coastal Erosion Hazard Zones along Dune and Bluff Backed Shorelines in Lincoln County, Oregon: Cascade Head to Seal Rock, Technical Report to Lincoln County, dated 2004.
2. Active or potential landslide areas, prehistoric landslides, or other landslide risk areas identified in the DOGAMI Open File Report 0-04-09.
3. Any other documented geologic hazard area on file, at the time of inquiry, in the office of the City of Newport Community Development Department.

RESPONSE: The North Newport Natural Hazard Overlay Zones Map shows the subject property is in the Geologic Hazard Area. These regulations apply.

A. "Documented geologic 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.

RESPONSE: The subject property is documented in the North Newport Natural Hazard Overlay Zones map. These regulations apply.

- B. The DOGAMI Open File Report 0-04-09 is not intended as a site specific analysis tool. The City will use DOGAMI Open File Report 0-04-09 to identify when a Geologic Report is needed on property prior to development. A Geologic Report that applies to a specific property and that identifies a proposed development on the property as being in a different hazard zone than that identified in DOGAMI Open File Report 0-04-09, shall control over DOGAMI Open File Report 0-04-09 and shall establish the bluff or dune-backed shoreline hazard zone or landslide risk area that applies to that specific property. The time restriction set forth in subsection 14.21.030 shall not apply to such determinations.

RESPONSE: A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and includes the information required by the City for a Geologic Report. The Geotechnical Report indicates that there are no known landslide risk areas that apply to the property. This requirement is met.

- C. In circumstances where a property owner establishes or a Geologic Report identifies that development, construction, or site clearing (including tree removal) will occur outside of a bluff or dune-backed shoreline hazard zone or landslide risk areas, as defined above, no further review is required under this Section 14.21.

RESPONSE: A Geotechnical Report for the subject property is included in Exhibit G. This requirement is met. The Report documents that development, construction, or site clearing will occur outside the risk areas defined above. This standard is met.

- D. If the results of a Geologic Report are substantially different than the hazard designations contained in DOGAMI Open File Report 0-04-09 then the city shall provide notice to the Department of Geology and Mineral Industries (DOGAMI) and Department of Land Conservation and Development (DLCD). The agencies will have 14 days to provide comments and the city shall consider agency comments and determine whether or not it is appropriate to issue a Geologic Permit.

RESPONSE: The findings in the Geotechnical Report in Exhibit G do not appear to conflict with the DOGAMI Open File Report. This standard is met.

14.21.030 Geologic Permit Required

All persons proposing development, construction, or site clearing (including tree removal) within a geologic hazard area as defined in 14.21 .010 shall obtain a Geologic Permit. The Geologic Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit required by the city. Unless otherwise provided by city ordinance or other provision of law, any Geologic Permit so issued shall be valid for the same period of time as a building permit issued under the Uniform Building Code then in effect.

RESPONSE: A Geologic Permit application is included in this submittal. This requirement can be met.

14.21.050 Application Submittal Requirements

In addition to a land use application form with the information required in Section 14.52.020, an application for a Geologic Permit shall include the following:

- A. A site plan that illustrates areas of disturbance, ground topography (contours), roads and driveways, an outline of wooded or naturally vegetated areas, watercourses, erosion control measures, and trees with a diameter of at least 8-inches dbh (diameter breast height) proposed for removal; and

RESPONSE: The Preliminary Subdivision Plans in Exhibit B include the required information. The Existing Conditions Plan on Sheet C1 shows site plan contours and existing vegetation. The Preliminary Demolition Plan on Sheet C3 illustrates the area of disturbance and proposed tree removal. The Preliminary Grading and Erosion Control Plan on Sheet C4 shows erosion control measures. These requirements are met.

- B. An estimate of depths and the extent of all proposed excavation and fill work; and

RESPONSE: The Preliminary Grading and Erosion Control Plan on Sheet C4 shows estimated depths and extent of planned excavation and fill work. This requirement is met.

- C. Identification of the bluff or dune-backed hazard zone or landslide hazard zone for the parcel or lot upon which development is to occur. In cases where properties are mapped with more than one hazard zone, a certified engineering geologist shall identify the hazard zone(s) within which development is proposed; and

RESPONSE: A Geotechnical Report for the property is included in Exhibit G. The Geotechnical Report indicates that there are no known landslide risk areas on the property. This requirement is met.

- D. A Geologic Report prepared by a certified engineering geologist, establishing that the site is suitable for the proposed development; and

RESPONSE: A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and includes the information required by the City for a Geologic Report. This requirement is met.

- E. An engineering report, prepared by a licensed civil engineer, geotechnical engineer, or certified engineering geologist (to the extent qualified), must be provided if engineering remediation is anticipated to make the site suitable for the proposed development.

RESPONSE: A Geotechnical Report for the property is included in Exhibit G. This report is stamped by both a licensed Geotechnical Engineer and a licensed Engineering Geologist and includes the information required by the City for a Geologic Report. The Report concludes that the site is suitable for the planned project, and that the Preliminary Subdivision Plan in Exhibit B complies with the recommendations in the Report. This requirement is met.

14.21.070 Construction Limitations within Geologic Hazard Areas

- A.** New construction shall be limited to the recommendations, if any, contained in the Geologic Report; and
- 1.** Property owners should consider use of construction techniques that will render new buildings readily moveable in the event they need to be relocated; and Page 563 Newport Municipal Code
 - 2.** Properties shall possess access of sufficient width and grade to permit new buildings to be relocated or dismantled and removed from the site.

RESPONSE: The Preliminary Subdivision Plans in Exhibit B are intended to comply with the recommendations in the Geotechnical Report in Exhibit G. This requirement can be met.

14.21.090 Erosion Control Measures

In addition to completing a Geologic Report, a certified engineering geologist shall address the following standards.

- A.** Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;
- B.** Development plans shall minimize cut or fill operations so as to prevent off-site impacts;
- C.** Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
- D.** Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;
- E.** Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;
- F.** Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;
- G.** All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure.
- H.** Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;
- I.** Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control

devices and measures which may be required include, but are not limited to:

1. Energy absorbing devices to reduce runoff water velocity;
 2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
 3. Dispersal of water runoff from developed areas over large undisturbed areas;
- J. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and
- K. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.

RESPONSE: The Preliminary Grading and Erosion Control Plan on Sheet C4 in Exhibit B includes appropriate grading and erosion control measures for the project and was prepared according to the recommendations in the Geotechnical Report in Exhibit G. These requirements are met.

CHAPTER 14.33 ADJUSTMENTS AND VARIANCES

14.33.020 General Provisions

- A. Application for an Adjustment or Variance from a numerical standard including, but not limited to, size, height, or setback distance may be processed and authorized under a Type I or Type III decision-making procedure as provided by Section 14.52, Procedural Requirements, in addition to the provisions of this section.

RESPONSE: A variance to Section 13.05.015.H. is included in this application to allow Street B to be constructed without sidewalks. This Section authorizes the City to exempt this standard with a variance. A variance is included in the application. This standard is met.

- B. No Adjustment or Variance from a numerical standard shall be allowed that would result in a use that is not allowed in the zoning district in which the property is located, or to increase densities in any residential zone.

RESPONSE: The variance will not change the planned use of the property. The planned residential use is permitted in the R-2 Zone and density standards are met. The standard is met.

- C. In granting an Adjustment or Variance, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

RESPONSE: The variance is not anticipated to create any adverse impacts. Street B will not be a typical through street that will connect to the surrounding street network and will not carry through traffic at speeds typical of a local street. Street B is designed to allow vehicles to maneuver in and out of the driveways serving the future homes on Lots 5 through 9 at

slow speeds. Therefore, sidewalks are not needed to provide separation from faster moving vehicular traffic. As described in Section 13.05.015, the planned width of Street B is narrower than the standard width for a minor street. Therefore, the crossing distances between the new sidewalks on Street A to the new lots on Street B will be similar to the distance required to cross a minor street and pedestrians will not need to negotiate cross traffic typical of a minor street.

14.33.030 Approval Authority

Upon receipt of an application, the Community Development Director or designate shall determine if the request is to be processed as an Adjustment or as a Variance based on the standards established in this subsection. There shall be no appeal of the Director's determination as to the type of application and decision-making process, but the issue may be raised in any appeal from the final decision on the application.

- A. A deviation of less than or equal to 10% of a numerical standard shall satisfy criteria for an Adjustment as determined by the Community Development Director using a Type I decision-making procedure.
- B. A deviation of greater than 10%, but less than or equal to 40%, of a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.
- C. Deviations of greater than 40% from a numerical standard shall satisfy criteria for a Variance as determined by the Planning Commission using a Type III decision-making procedure.

RESPONSE: The variance is combined with an application for a subdivision and is being processed as a Type III procedure. This standard is met.

14.33.040 Application Submittal Requirements

In addition to a land use application form with the information required in Section 14.52.080, the petition shall include a site plan prepared by a registered surveyor that is drawn to scale and illustrates proposed development on the subject property.

- A. For requests to deviate from required setbacks, the site plan shall also show survey monuments along the property line subject to the Adjustment or Variance.
- B. For requests to deviate from building height limitations, the application shall include exterior architectural elevations, drawn to scale, illustrating the proposed structure and adjoining finished ground elevations.

RESPONSE: Site plans are provided in the Preliminary Subdivision Plan in Exhibit B. The variance does not request any deviation from the required setbacks or building heights. These requirements are met.

(***)

14.33.060 Criteria for Approval of a Variance

The approval authority may grant a Variance using a Type III decision-making process when it finds that the application complies with the following criteria:

- 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. The circumstance or condition may relate to:
1. The size, shape, natural features, and topography of the property, or
 2. The location or size of existing physical improvements on the site, or
 3. The nature of the use compared to surrounding uses, or
 4. The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district, or
 5. A circumstance or condition that was not anticipated at the time the Code requirement was adopted.
 6. The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.

RESPONSE: The circumstances and conditions 1,3, and 4 apply to the property, as described below.

1. The size, shape, natural features, and topography of the property:

The hammerhead street configuration shown in the Preliminary Subdivision Plans is planned to provide the best practical access to the new lots. The subject property is an irregularly shaped lot with a skewed orientation to SE Bay Boulevard which poses challenges in creating buildable lots that are as close to rectangular in shape as possible with side lots lines that are, to the maximum extent possible, perpendicular to the boundaries of the property and run at right angles to the streets they front. Adding sidewalks to Street B would require additional street width which would result in lots that would not meet the dimensional standards or restrict the number of lots that otherwise be allowed elsewhere in the R-2 Zone. As described in the Executive Summary, this subdivision is a "needed housing" application under Oregon Revised Statute (ORS) 197.303(1)(a). It is in the public interest to allow the property to be developed to a reasonable density allowed in the R-2 Zone.

The topographical conditions of the property make it impractical to include sidewalks on Street B. As shown in the Existing Conditions on Sheet C2 of Exhibit B, the site slopes moderately downhill from east to west. The Preliminary Street Profiles on Sheet C6 of Exhibit B show the finished grade of the street in relation to existing grade. The drawings show the depth of cuts required to construct the street with a finished grade and pitch that meet applicable standards for fire access and conform to accepted engineering guidelines. Including sidewalks will increase the cutting, filling, and grading needed to construct the street while providing minimal benefits to pedestrian safety and comfort.

3. The nature of the use compared to surrounding uses: Street B is not a typical street because it will not connect to other streets outside the subdivision. It will not carry traffic volumes at speeds typical of a standard minor street and will have minimal cross traffic that pedestrians will need to cross to access Lot 5 through 9 from the new sidewalk on Street A. Therefore, sidewalks are not necessary on Street B for safety. Most of the streets in other subdivisions in the area do not have sidewalks and the planned street network will be improved to a higher standard than the streets that serve surrounding uses.

4. The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district: As discussed under circumstance 1 above, including sidewalks on Street B would require either reducing the size of the lots below the minimum dimensional standard in the R-2 Zone or reducing the number of lots for the planned use below what would otherwise be possible on a more regularly shaped lot with flatter topography elsewhere in the R-2 Zone. Most of the streets in other subdivisions in the area do not have sidewalks and the planned street network will be improved to a higher standard than the streets that serve surrounding uses.

The circumstances and conditions 1,3, and 4 apply to the property. Therefore, this criterion is met.

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.

RESPONSE: The circumstances and conditions are discussed in the response to Section 14.33.060.A above. These circumstances and conditions are not the result of the personal circumstance of the owner. Therefore, this criterion is met.

C. There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

RESPONSE: The practical difficulty and unnecessary hardship with including sidewalks on Street B are discussed in the response to Section 14.33.060.A above. Requiring sidewalks on Street B would restrict the property from being developed to its fullest potential. Furthermore, sidewalks would not improve access for pedestrians. This criterion is met.

D. Authorization of the Variance will not result insubstantial 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.

RESPONSE: The variance will not create any adverse impact to surrounding properties. Street B will not be a typical through street and will not connect to the surrounding street network. The future homes on Lots 5 through 9 will be the only uses served by the street that will generate traffic. Therefore, only the subject property is impacted by the variance. Furthermore, streets in the vicinity such as SE Harbor Crescent Drive that serve

development on adjoining properties do not have sidewalks. With the variance, the proposed streets will be improved to a higher level than what is typical of other streets in the vicinity.

- F. 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.

RESPONSE: Utilities are planned as shown on the Preliminary Composite Utility Plan on Sheet C7 of Exhibit B. This criterion is met.

- G. Any impacts resulting from the Variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

RESPONSE: The variance will not result in any impacts requiring mitigation. This criterion does not apply.

14.44.040 Conditions of Development Approval

No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact.

RESPONSE: Public improvements are planned as shown in the Preliminary Subdivision Plans in Exhibit B. The Applicant believes these improvements to be roughly proportional to the impact of the development. Additional improvements are not anticipated. The Applicant understands that, if the City chooses to require additional improvements as conditions of approval, the City must provide defensible findings showing that the additional requirements are roughly proportional to the impact of the development. This standard, to the extent that it applies, is met.

14.44.050 Transportation Standards

- A. Development Standards. The following standards shall be met for all new uses and developments:

1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or Street vacation must have frontage or approved access to a public Street.

RESPONSE: The new lots are planned to have the required frontage on the new street as shown on the Preliminary Plat on Sheet C2 in Exhibit B. This standard is met.

2. **Streets within or adjacent to a development subject to Chapter 13.05, Subdivision and Partition, shall be improved in accordance with the Transportation System Plan, the provisions of this Chapter, and the street standards in Section 13.05.015.**

RESPONSE: SE Bay Boulevard is fully improved to City standards. No further improvements to SE Bay Boulevard are necessary. New streets are planned to serve the new lots as shown on the Preliminary Street Plan and Typical Sections on Sheet C5 of Exhibit B. A modification is requested to the applicable street standards for Street B. A variance is included to exempt Street B from the sidewalk requirement in Section 13.05.015.H. This standard is met with the requested modification and variance.

3. **Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance Chapter 13.05, and public streets shall be dedicated to the applicable road authority;**

RESPONSE: New streets are planned to serve the new lots as shown on the Preliminary Street Plan and Typical Sections on Sheet C5 of Exhibit B. A modification and variance are requested to the applicable street standards for Street B. This standard is met with the requested modification and variance.

4. **Substandard streets adjacent to existing lots and parcels shall be brought into conformance with the standards of Chapter 13.05.**

RESPONSE: There are no substandard streets adjacent to the existing lot. This standard does not apply.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate the application is consistent with the applicable provisions of the City of Newport Municipal Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests the City approve this subdivision, geologic permit, and variance application.



Exhibit A: Application Forms and Checklists

<p>Section 1: General Information</p> <p>Name of Applicant: _____</p> <p>Address: _____</p> <p>City: _____ State: _____ Zip: _____</p> <p>Phone: _____ Fax: _____</p> <p>E-mail: _____</p>	<p>Section 2: Project Description</p> <p>Project Name: _____</p> <p>Project Location: _____</p> <p>Project Description: _____</p>	<p>Section 3: Environmental Assessment</p> <p>Assessment Type: _____</p> <p>Assessment Period: _____</p>
<p>Section 4: Financial Information</p> <p>Budget: _____</p> <p>Funding Source: _____</p>	<p>Section 5: Regulatory Compliance</p> <p>Permits Required: _____</p> <p>Regulatory Agency: _____</p>	<p>Section 6: Other Information</p> <p>Other Agencies: _____</p> <p>Other Comments: _____</p>
<p>Section 7: Declaration and Signatures</p> <p>I hereby declare that the information provided in this application is true and correct.</p> <p>Signature: _____ Title: _____</p> <p>Date: _____</p>		



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Greyson Financial Services, Inc.	William Ekman
Applicant Mailing Address:	Property Owner Mailing Address:
440 1st Avenue, Suite #3, Albany, OR	200 Ferry Street SW
Applicant Phone No.	Property Owner Phone No.
contact authorized representative	contact authorized representative
Applicant Email	Property Owner Email
contact authorized representative	contact authorized representative
Authorized Representative(s): <i>Person authorized to submit and act on this application: on applicant's behalf</i>	
AKS Engineering & Forestry - Curt Fisher	
Authorized Representative Mailing Address:	
4300 Cherry Avenue NE, Keizer, OR 97303	
Authorized Representative Telephone No.	
503-400-6028	
Authorized Representative Email. fisherc@aks-eng.com	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
1005 SE Bay Boulevard	
Tax Assessor's Map No.: 11S11W09CB	Tax Lot(s): 400
Zone Designation: R-2	Legal Description: <i>Add additional sheets if necessary See application narrative</i>
Comp. Plan Designation:	Low Density Residential
Brief description of Land Use Request(s): <i>Examples:</i>	±11 lot subdivision, geologic permit and variance. See attached narrative.
1. Move north property line 5 feet south	
2. Variance of 2 feet from the required 15-foot front yard setback	
Existing Structures: if any	
None	
Topography and Vegetation:	
Moderate slope to the north and west. Mostly clear of significant vegetation.	

Application Type (please check all that apply)

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

FOR OFFICE USE ONLY

File No. Assigned:		
Date Received:	Fee Amount:	Date Accepted as Complete:
Received By:	Receipt No.	Accepted By:
City Hall 169, SW Coast Hwy Newport, OR 97365 541.574.0629		



City of Newport Land Use Application

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

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

[Handwritten Signature]
Applicant Signature(s)

7/25/2018
Date

[Handwritten Signature]
Property Owner Signature(s) (if other than applicant)

7-9-18
Date

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

Date

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

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

APPLICATION SUBMITTAL REQUIREMENTS

Subdivision Tentative Plan

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

- 1. An original & fourteen (14) copies of the tentative plan.
- 2. A current 18" x 24" Lincoln County Assessor's tax map(s) showing the subject property and the notification area. The notification area is all properties within 150 feet of the subject property. *(Lincoln County Assessor's office is located in the Lincoln County Courthouse at 225 W Olive St, Newport)*
- 3. A list of names and addresses of property owners, as shown in the records of the Lincoln County Assessor, within the notification area described in #2 above.
- 4. Written findings of fact explaining how the proposed subdivision complies with the development criteria and how the developer will assure the completion of public improvements.
- 5. Letters from the following stating that utilities sufficient to serve the proposed subdivision are readily available to the site:
 - (a) Newport City Engineer
 - (b) Central Lincoln PUD (ATTN: Troy Delle, PO Box 1126, Newport, OR 97365
TDelle@cencoast.com)
 - (c) CenturyLink ATTN: (Travis Vaughn, 740 State St, Salem, OR 97301
Travis.Vaughn@CenturyLink.com)
or Pioneer Telephone Cooperative (ATTN: Gary Vick, PO Box 631,
Philomath, OR 97370 garyvick@pioneer.net)
- 6. A preliminary title report, lot book report, subdivision guarantee report, or any other report that establishes ownerships and easements, together with copies of easement documents.
- 7. Fee of ~~\$992.00~~ plus ~~\$49.00~~ each lot.
\$1014.00 \$50.00

be provided if engineering remediation is anticipated to make the site suitable for the proposed development.

- 8. Fee of \$211.00.
\$216.00

The following fee schedule is provided for your information. The fee schedule is subject to change without notice.

For requests to review from the applicant, the fee is \$211.00. For requests to review from the applicant, the fee is \$211.00.

For requests to review from the applicant, the fee is \$211.00. For requests to review from the applicant, the fee is \$211.00.

A fee of \$211.00 is required for the review of the application. A fee of \$211.00 is required for the review of the application.

A list of names and addresses of the property owners in the vicinity of the subject property is available for review.

The following information is provided for your information.

The following information is provided for your information.

The following information is provided for your information.

The following information is provided for your information.

The following information is provided for your information.

The following information is provided for your information.

The following information is provided for your information.

The following information is provided for your information.

APPLICATION SUBMITTAL REQUIREMENTS

Variance (greater than 40% of a numerical standard) (Planning Commission Type III decision-making process)

The following must be submitted with a City of Newport Land Use application for a Variance processed as a Type III decision-making process:

- N/A 1. For requests to deviate from required setbacks, a site plan prepared by a registered surveyor or licensed professional civil engineer and drawn to scale with appropriate survey monuments shown, showing the dimensions and arrangement of the proposed development on the applicant's lot.
- N/A 2. For requests to deviate from building height limitations, exterior architectural elevations drawn to scale illustrating the proposed structure and adjoining finished ground elevations.
3. A current 18" x 24" Lincoln County Assessor's tax map(s) showing the subject property and the notification area. The notification area is all properties within 200 feet of the subject property. (*Lincoln County Courthouse is located in the Lincoln County Courthouse at 225 W Olive St, Newport*)
4. A list of names and addresses of property owners, as shown in the records of the Lincoln County Assessor, within the notification area described in #3 above.
5. Written findings of fact addressing the following criteria:
- (a) That there is a circumstance or condition that applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:
- (1) The size, shape, natural features and topography of the property, or
- (2) The location or size of existing physical improvements on the site, or
- (3) The nature of the use compared to surrounding uses, or
- (4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district, or
- (5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.
- (6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.
- (b) That 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) That there is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.
 - (d) That 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) That 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) That any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.
6. A written explanation of the specific request (e.g. a setback variance) and the percentage of variance requested.
7. Fee of \$617.00.



Exhibit B: Preliminary Subdivision Plans

The project is a residential subdivision located in the City of... The project consists of... The project is subject to the following conditions...

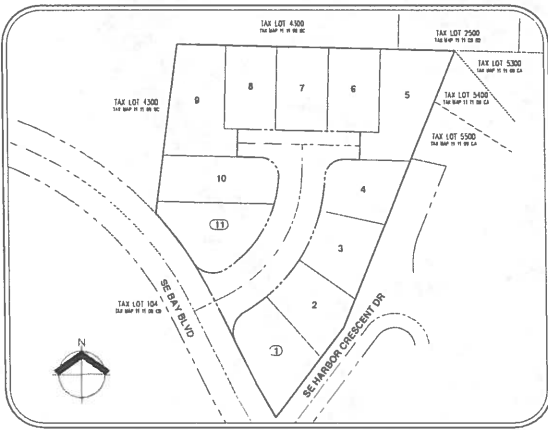
The project is subject to the following conditions...

The project is subject to the following conditions...

The project is subject to the following conditions...

FISHERMAN'S WHARF ESTATES

PRELIMINARY SUBDIVISION PLANS



SITE MAP
1" = 50'



VICINITY MAP
1" = 250'

APPLICANT OWNER
GREYSON FINANCIAL SERVICES, INC.
440 1ST AVENUE E. #3
ALBANY, OR 97321

PROPERTY OWNER
WILLIAM EKMAN
200 FERRY STREET SW
ALBANY, OR 97321

PROPERTY DESCRIPTION:
1005 SE BAY BOULEVARD
NEWPORT, OREGON 97365
TAX LOT 400, LINCOLN COUNTY
ASSESSOR'S MAP 11 11 09 03

**PLANNING/
CIVIL ENGINEERING /
SURVEYING FIRM**
AKS ENGINEERING & FORESTRY, LLC
PLANNER: CURT FISHER
ENGINEER: DAVID KARR, PE, PLS
4300 CHERRY AVE NE
KEIZER, OR 97333
PH: 503-400-6028
FAX: 503-400-7722

VERTICAL DATUM
VERTICAL DATUM: ELEVATIONS ARE BASED ON MGS BENCHMARK
ND V 211, LOCATED AT THE NE QUADRANT OF NE 3RD ST AND
NE EADS ST. ELEVATION = 171.77 FEET (HAWD 88).

PROJECT LOCATION
EAST OF SE MOORE DRIVE, NORTH OF
SE HARBOR CRESCENT DRIVE AND SE
BAY BLVD

EXISTING LAND USE
VACANT

PROJECT DESCRIPTION:
11 LOT SUBDIVISION FOR FUTURE
SINGLE-FAMILY HOMES AND/OR DUPLEX'S

SHEET INDEX

- C0 COVER SHEET
- C1 EXISTING CONDITIONS
- C2 PRELIMINARY PLAT
- C3 PRELIMINARY DEMOLITION AND TREE PRESERVATION PLAN
- C4 PRELIMINARY GRADING AND EROSION CONTROL PLAN
- C5 PRELIMINARY STREET PLAN AND TYPICAL SECTIONS
- C6 PRELIMINARY STREET PROFILES
- C7 PRELIMINARY COMPOSITE UTILITY PLAN

	LEGEND			
	EXISTING	PROPOSED		
GEODOMIC TREE			STORM SEWER CLEAN OUT	
CONCRETE TIE			STORM SEWER CATCH BASIN	
FIRE ALARM			STORM SEWER MANHOLE	
WATER SERVICE			GAS METER	
WATER METER			GAS VALVE	
DOUBLE CHECK VALVE			OLT WRE WHOP	
WIRE RELEASE VALVE			POWER POLE	
SAFETY SEWER CLEAN OUT			POWER MOUNT	
SAFETY SEWER MANHOLE			POWER JUNCTION BOX	
STOP			POWER FENCIBLE	
"STREET LIGHT"			COMMUNICATION HOLE	
WALKWAY			COMMUNICATIONS JUNCTION BOX	
			COMMUNICATION TOWER	

	EXISTING	PROPOSED
RIGHT-OF-WAY LINE	---	---
BOUNDARY LINE	---	---
PROPERTY LINE	---	---
CURBLINE	---	---
DITCH	---	---
CLASH	---	---
EDGE OF PAVEMENT	---	---
EASEMENT	---	---
FENCE LINE	---	---
GRAVEL EDGE	---	---
POWER LINE	---	---
OVERHEAD WIRE	---	---
COMMUNICATIONS LINE	---	---
FIBER OPTIC LINE	---	---
GAS LINE	---	---
STORM SEWER LINE	---	---
SAFETY SEWER LINE	---	---
WATER LINE	---	---

AKS ENGINEERING & FORESTRY, LLC
 4300 CHERRY AVE NE
 KEIZER, OR 97333
 PH: 503-400-6028
 FAX: 503-400-7722
FISHERMAN'S WHARF ESTATES SUBDIVISION
 NEWPORT, OREGON

COVER SHEET
 SHEET NO. 5691
 SHEET C0

ALL DIMENSIONS SHOWN ON THESE PLANS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.

NOTES:

- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MAPS PER UTILITY LOCATE FIELD MARKS SURVEY AND INTERIOR TO UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA NOTING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
- FIELD WORK WAS CONDUCTED APRIL 3-4, 2023.
- VERTICAL DATUM: ELEVATIONS ARE BASED ON AEG BENCHMARK NO. 1 NE 3RD ST AND NE 4TH ST ELEVATION = 170.71 FEET (NAVD 83).
- THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
- SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
- CONTOUR INTERVAL IS 1.00'.
- AREAS WITH DIMETERS OF 8' AND GREATER ARE SHOWN FREE DIMETER INSPECTION FREE. INFORMATION IS SUBJECT TO CHANGE. SHOW ME.

LEGEND

EXISTING	EXISTING
DECIDUOUS TREE	STORM SEWER CLEAN OUT
CONIFEROUS TREE	STORM SEWER CLEAN BURN
FIRE HYDRANT	STORM SEWER MANHOLE
WATER BURNOUT	GAS METER
WATER METER	GAS VALVE
WATER VALVE	OLT WIRE MASON
DOUBLE CHECK VALVE	POWER POLE
AIR RELEASE VALVE	POWER VALVE
SAWTOOTH SEWER CLEAN OUT	POWER JUNCTION BOX
SDP	POWER PEGESTAL
STREET LIGHT	COMMUNICATIONS WALL
WALDOUR	COMMUNICATIONS JUNCTION BOX
	COMMUNICATIONS PILE

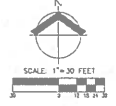
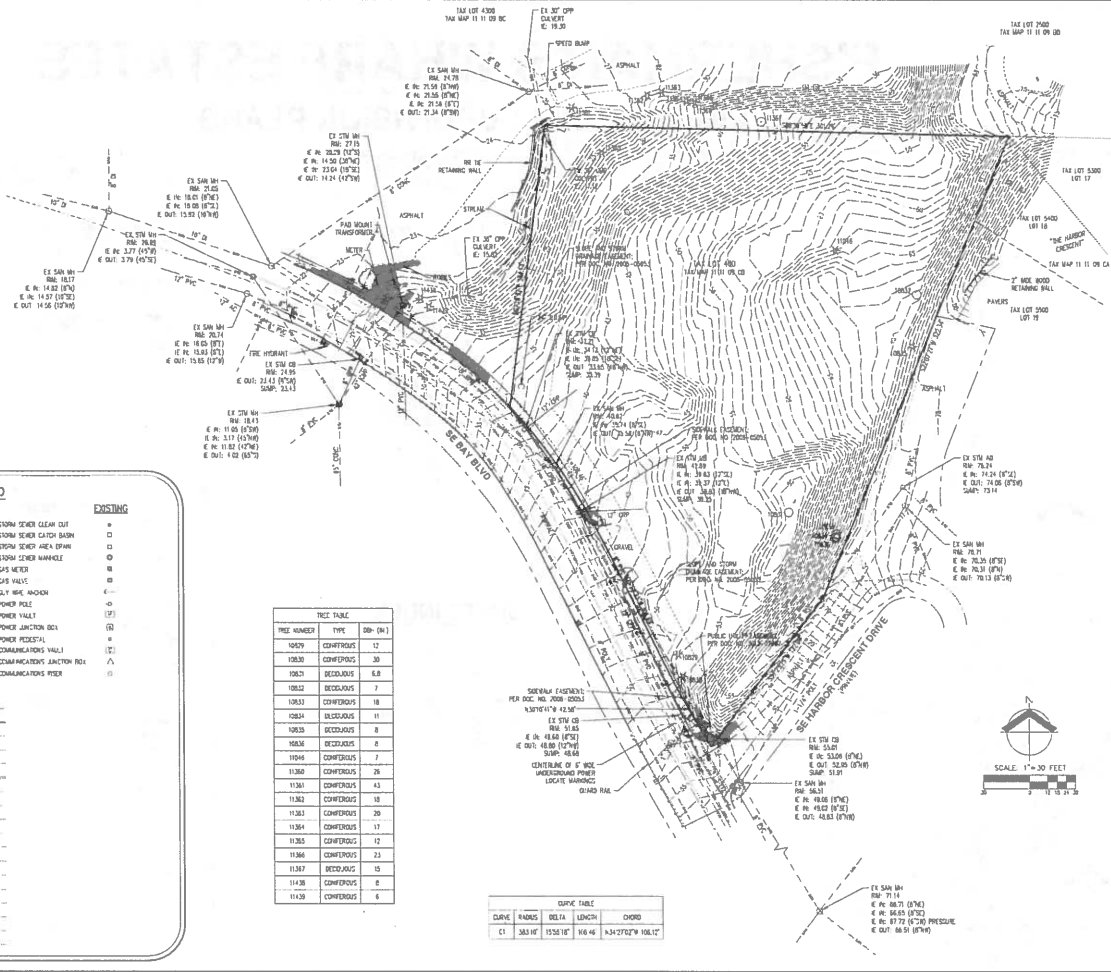
EXISTING
RIGHT OF WAY LINE
BOUNDARY LINE
PROPERTY LINE
CENTERLINE
DTM
CMSD
EDGE OF PARKMENT
EXISTENT
FENCE LINE
GRAVEL DOCK
POWER LINE
OVERHEAD WIRE
COMMUNICATIONS LINE
POWER OPTIC LINE
GAS LINE
STORM SEWER LINE
SAWTOOTH SEWER LINE
WATER LINE

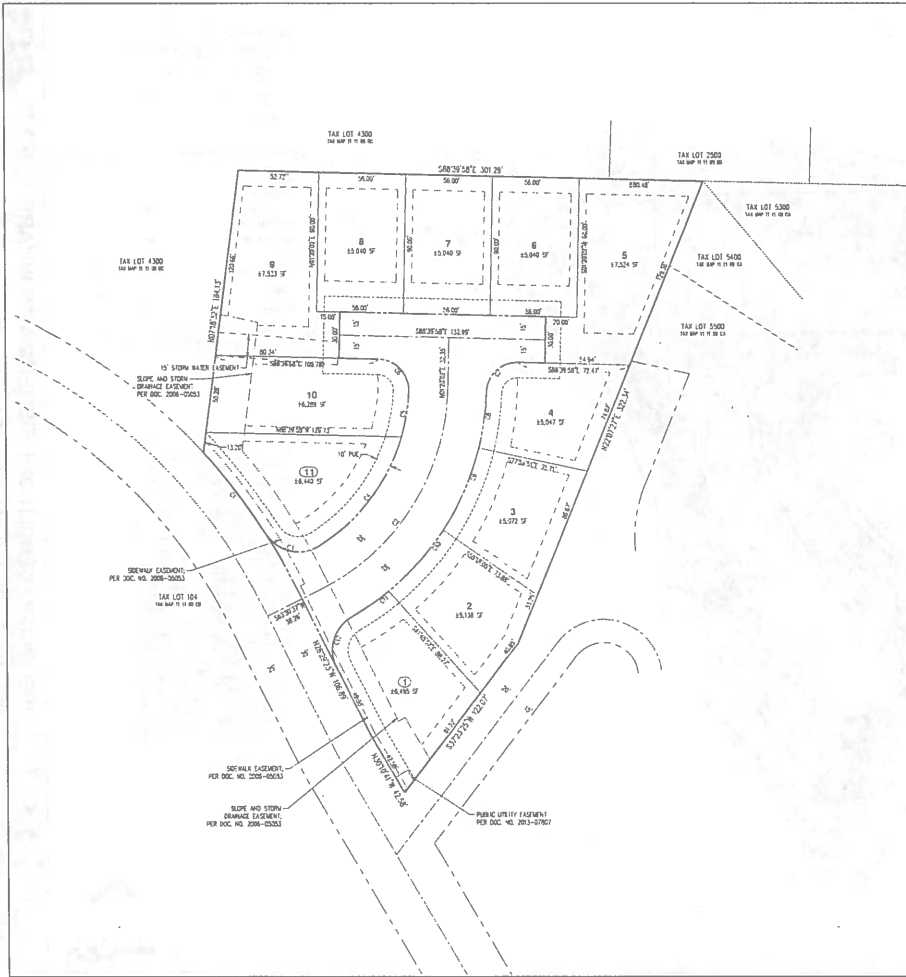
TREE TABLE

TREE NUMBER	TYPE	DBH (IN)
10079	CONIFEROUS	12
10030	CONIFEROUS	30
10023	DECIDUOUS	6.8
10022	DECIDUOUS	7
10033	CONIFEROUS	18
10024	DECIDUOUS	11
10035	CONIFEROUS	8
10028	CONIFEROUS	8
10026	CONIFEROUS	7
10020	CONIFEROUS	26
10021	CONIFEROUS	43
10025	CONIFEROUS	18
10024	CONIFEROUS	17
10024	CONIFEROUS	20
10025	CONIFEROUS	12
10026	CONIFEROUS	23
10027	DECIDUOUS	15
10028	CONIFEROUS	6
10029	CONIFEROUS	6

CONIC TABLE

CURVE	MARKS	BEGIN	LENGTH	CHORD
C1	363.16'	1736.18'	346.46'	634.276279' 104.117'

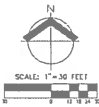





CURVE	BEARINGS	CHORD	LENGTH	CHORD
C1	408.81'	81°53'	66.42'	537.26' x 66.35'
C2	159.00'	87°25'	482.72'	527.77' x 159.00'
C3	21.00'	89°23'	39.37'	397.92' x 21.00'
C4	35.00'	41°25'14"	60.15'	537.16' x 35.00'
C5	29.00'	131°41'	29.88'	327.34' x 29.00'
C6	29.00'	89°28'41"	31.62'	542.36' x 29.00'
C7	20.00'	89°13'30"	31.14'	449.72' x 20.00'
C8	175.00'	115°58'18"	30.46'	485.61' x 175.00'
C9	175.00'	198°40'	16.37'	413.37' x 175.00'
C10	175.00'	172°21'15"	51.27'	441.32' x 175.00'
C11	175.00'	87°32'36"	29.27'	485.27' x 175.00'
C12	29.00'	89°22'27"	37.76'	418.47' x 29.00'

SETBACK TABLE	
ADJUTING STREET	10' MINIMUM FROM LOT BOUNDARY
INTERIOR SIDE	5' MINIMUM
INTERIOR REAR	10' MINIMUM

NOTES:
 ZONING: R-2
 GROSS SITE AREA: 61.81 ACRES
 PUBLIC USE ZONING AREA: 11.5135 AC
 NET BUILDABLE AREA: 1174 AC-AS
 MINIMUM LOT AREA = 1,000 SF
 MINIMUM LOT WIDTH = 50 FT
 MAXIMUM ALLOWED DENSITY = 31 UNITS/ACRE
 PROPOSED NUMBER OF LOTS = 11
 PROPOSED MINIMUM LOT AREA = 1,040 SF
 PROPOSED MINIMUM LOT WIDTH = 50.26 FT
 PROPOSED DENSITY = 1.61 UNITS/ACRE



THE PRELIMINARY PLAT IS NOT AN OFFICIAL RECORDED PLAT. DIMENSIONS ARE SUBJECT TO CHANGE, AND IT IS NOT TO BE USED FOR SURVEYING PURPOSES.

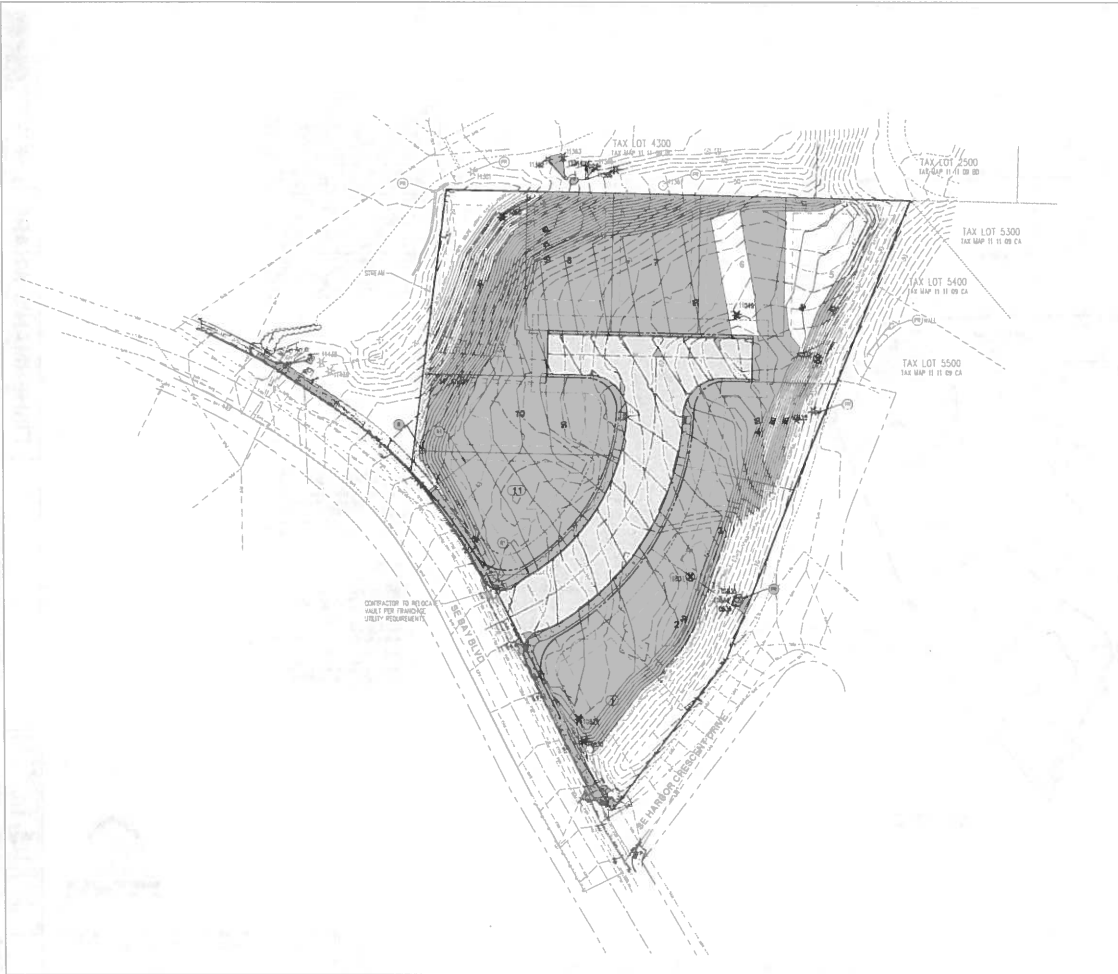


AKS
 ARCHITECTURE & ENGINEERING, LLC
 1000 OCEAN BLVD., SUITE 100
 NEWPORT, RI 02840
 P: 401.863.2722
 F: 401.863.2727
 WWW.AKSRI.COM

**FISHERMAN'S WHARF
ESTATES SUBDIVISION
NEWPORT**

PRELIMINARY PLAT

RECORDED BY	DATE
FILED	FILE
REGISTERED PROFESSIONAL LAND SURVEYOR	PRELIMINARY
NOT FOR CONSTRUCTION	SCALE 1/8"=1'-0"
DATE	
JOB NUMBER	5691
SHEET	C2



KEYED DEMOLITION NOTES

A PUBLIC ABANDON, AND/OR REMOVE EXISTING UTILITY LINES PER CITY AND/OR UTILITY CO. STANDARDS.

B CONTRACTOR TO REMOVE AND Haul OFF SITE FOR DISPOSAL.

H1 EXISTING UTILITY TO BE ABANDONED AND REMOVED PER CITY STANDARDS.

PH PROJECT

LEGEND

EXISTING GROUND CONTOUR (1 FT) ---

EXISTING GROUND CONTOUR (5 FT) ---

FINISHED GRADE CONTOUR (1 FT) ---

FINISHED GRADE CONTOUR (5 FT) ---

CLEARING LIMITS ---

EXISTING CONIFEROUS TREE

EXISTING DECIDUOUS TREE

TREE REMOVAL

NOTE: SEE COLOR SHEET FOR GENERAL PLAN LEGEND

TREE NUMBER	TYPE	DBH (IN)	STATUS
10529	CONIFEROUS	12	REMOVE
10530	CONIFEROUS	30	REMOVE
10531	DECIDUOUS	6.8	REMOVE
10532	DECIDUOUS	7	REMOVE
10533	CONIFEROUS	18	PRESERVE
10534	DECIDUOUS	11	PRESERVE
10535	DECIDUOUS	8	PRESERVE
10536	DECIDUOUS	8	PRESERVE
10537	CONIFEROUS	25	REMOVE
10538	CONIFEROUS	43	PRESERVE
10539	CONIFEROUS	18	PRESERVE
10540	CONIFEROUS	28	PRESERVE
10541	CONIFEROUS	13	PRESERVE
10542	CONIFEROUS	12	PRESERVE
10543	CONIFEROUS	23	PRESERVE
10544	DECIDUOUS	15	PRESERVE
10545	CONIFEROUS	8	PRESERVE
10546	CONIFEROUS	8	PRESERVE

AKS
 LAND SURVEYING & PROJECTS, LLC
 10000 SW 10TH AVE
 SUITE 100
 MIAMI, FL 33156
 (305) 555-1111
 www.aks-survey.com

**FISHERMAN'S WHARF
 ESTATES SUBDIVISION
 NEWPORT**

**PRELIMINARY DEMOLITION
 AND TREE PRESERVATION
 PLAN**

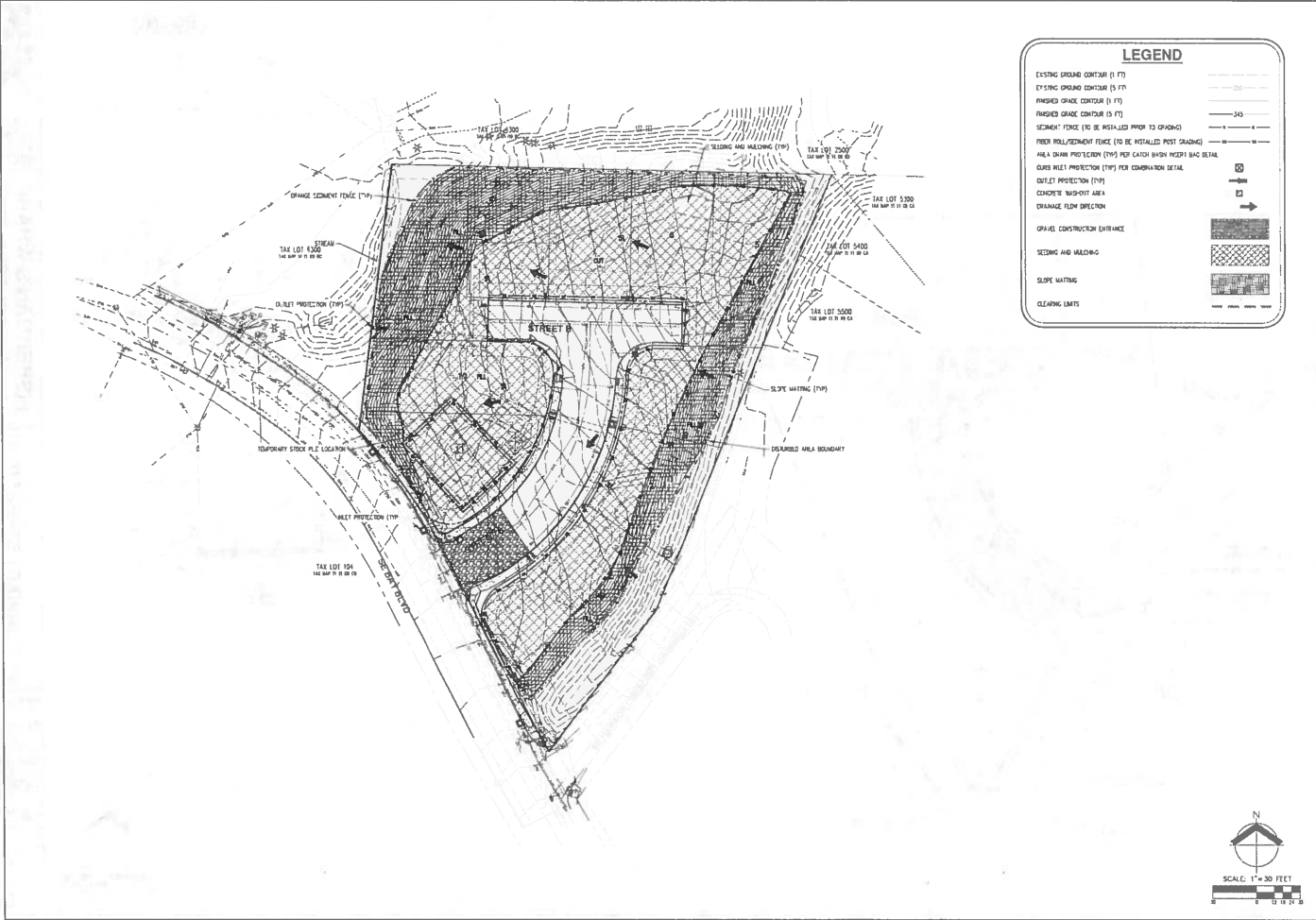
REVISION: 01/2011
 DRAWN BY: JDA
 CHECKED BY: JDA
 SCALE: AS SHOWN
 DATE: 07/2010

NOT FOR CONSTRUCTION

JOB NUMBER: 5691
 SHEET: C3

AKS DRAWING FILE: SWP 10000 SW 10TH AVE SUBDIVISION 11/2010.DWG

NO GRADING PER ANY PRELIMINARY GRADING AND EROSION CONTROL PLAN SHEET C4



LEGEND

- EXISTING GROUND CONTOUR (1 FT)
- EXISTING GROUND CONTOUR (5 FT)
- FINISHED GROUND CONTOUR (1 FT)
- FINISHED GROUND CONTOUR (5 FT)
- SEDIMENT FENCE (TO BE INSTALLED PRIOR TO GRADING)
- FRESH POLYESTER FENCE (TO BE INSTALLED POST GRADING)
- WHALE SHAM PROTECTION (TYP) FOR CATCH BASIN INLET BAC DETAIL
- GRAVEL PROTECTION (TYP) FOR COMBINATION DETAIL
- OUTLET PROTECTION (TYP)
- CONCRETE WASH-OFF AREA
- DRAINAGE FLOW DIRECTION
- GRAVEL CONSTRUCTION ENTRANCE
- SEEDING AND MADING
- SLOPE MATING
- CLEARING LIMITS

AKS
 LANDSCAPE ARCHITECTURE, INC.
 10000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80231
 PHONE: 303.755.1111
 FAX: 303.755.1112
 WWW.AKS-LA.COM

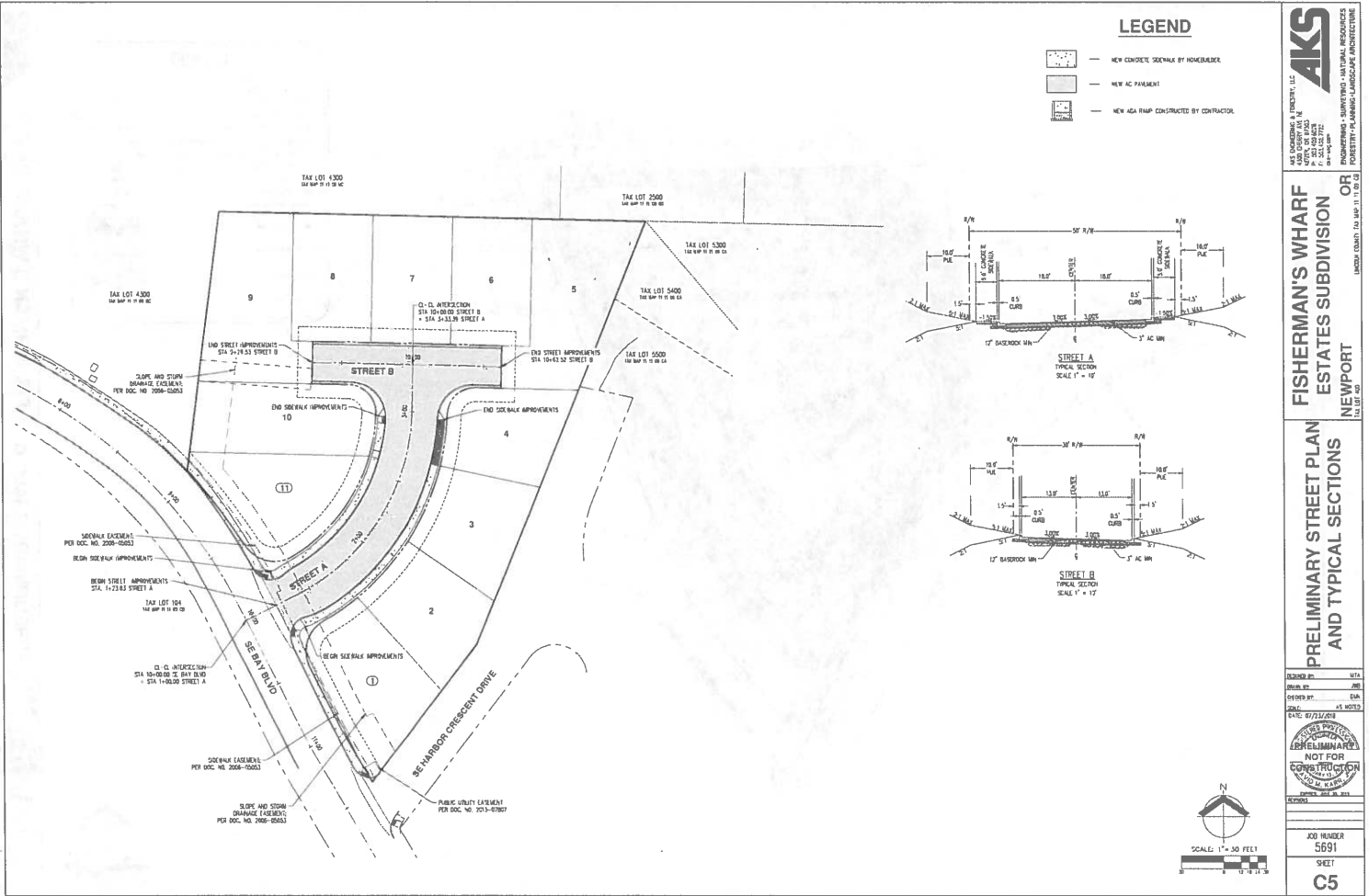
**FISHERMAN'S WHARF
 ESTATES SUBDIVISION
 NEWPORT**

**PRELIMINARY GRADING
 AND EROSION CONTROL
 PLAN**

UNION COUNTY, ILL. MAP # 1-1.07 (2)
 TAX LOT 104

DATE: 07/21/2011
 DRAWN BY: JMM
 CHECKED BY: JMM
 PROJECT: 5691

JOB NUMBER: 5691
 SHEET: C4



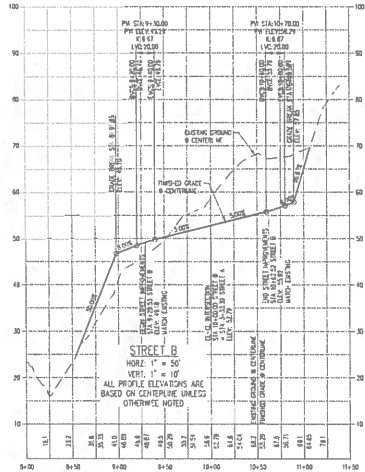
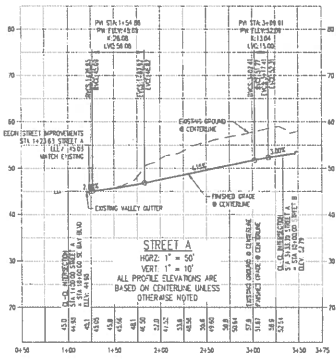
AKS
 AKS ENGINEERING & ARCHITECTURE, LLC
 14750 104TH AVE. N.
 SUITE 100
 ALPHARETTA, GA 30201
 TEL: 770.241.1111
 FAX: 770.241.1112
 WWW.AKS-ENR.COM

**FISHERMAN'S WHARF
 ESTATES SUBDIVISION
 OR
 NEWPORT**

**PRELIMINARY STREET PLAN
 AND TYPICAL SECTIONS**

DATE: 07/21/2010	SCALE: 1" = 30 FEET
PROJECT NO.: 5691	SHEET: C5

NOT FOR CONSTRUCTION



PRELIMINARY STREET PROFILES

FISHERMAN'S WHARF ESTATES SUBDIVISION
 NEWPORT, OREGON

DATE: 07/11/2020

PROJECT NO: 5691

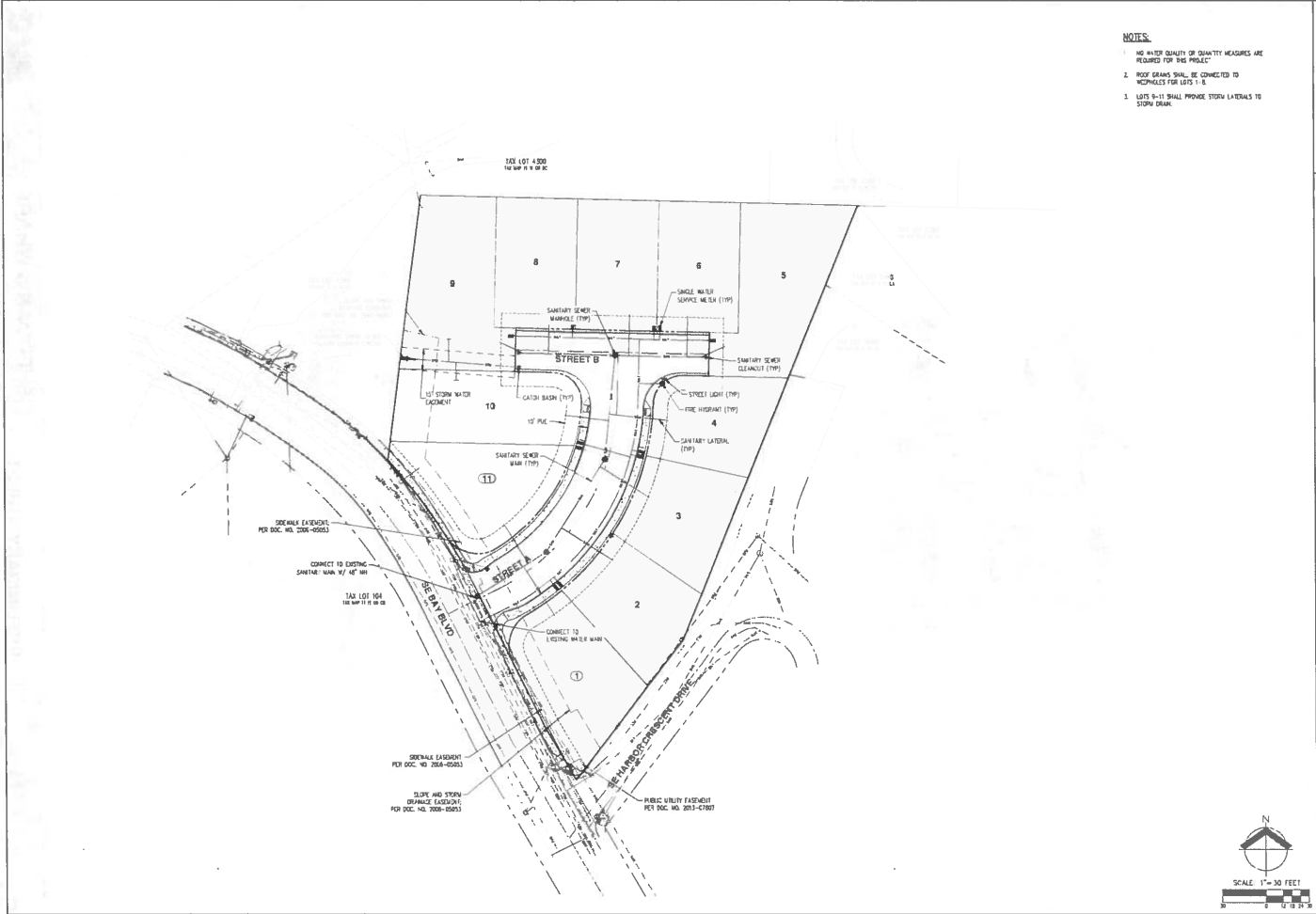
SHEET: C6

AKS ENGINEERING & ARCHITECTURE, LLC
 1000 NE 10TH AVENUE, SUITE 100
 SEASIDE, OREGON 97138
 PHONE: 503.738.1111
 FAX: 503.738.1112
 WWW.AKS-OR.COM

NOT FOR CONSTRUCTION

AKS ENGINEERING & ARCHITECTURE, LLC
 ENGINEERING - SURVEYING - NATURAL RESOURCES
 FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

AKS ENGINEERING & ARCHITECTURE, LLC



- NOTES:**
- NO WATER QUALITY OR QUANTITY MEASURES ARE REQUIRED FOR THIS PROJECT.
 - ROOF DRAINS SHALL BE CONNECTED TO INTERCEPTORS FOR LOTS 1-4.
 - LOTS 6-10 SHALL PROVIDE STORM LATERALS TO STORM DRAIN.

AKS ENGINEERING & ARCHITECTURE, LLC
 1000 BAYVIEW BLVD
 SUITE 200
 SAN FRANCISCO, CA 94133
 TEL: 415.774.8888
 WWW.AKS-ENGINEERING.COM

AKS

ENGINEERING & ARCHITECTURE
 CIVIL ENGINEERING
 ARCHITECTURE

PROJECT: FISHERMAN'S WHARF
 SUBDIVISION
 NEWPORT
 SHEET NO. C7

**FISHERMAN'S WHARF
ESTATES SUBDIVISION
OR
PRELIMINARY COMPOSITE
UTILITY PLAN**

DESIGNED BY: []

DRAWN BY: []

CHECKED BY: []

DATE: []

NOT FOR
CONSTRUCTION

JOB NUMBER
5591

SHEET
C7

SCALE: 1" = 30 FEET



**Exhibit C: Lincoln County
Assessor's Maps**

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



N.W.1/4 S.W.1/4 SEC.9 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 100'

11 11 09 CB
NEWPORT

- Cancelled
- 100
- 101
- 102
- 103
- 104
- 105
- 201
- 300
- 70212
- 70319
- 70321
- 70332



116

Revised SEB
07/11/2016

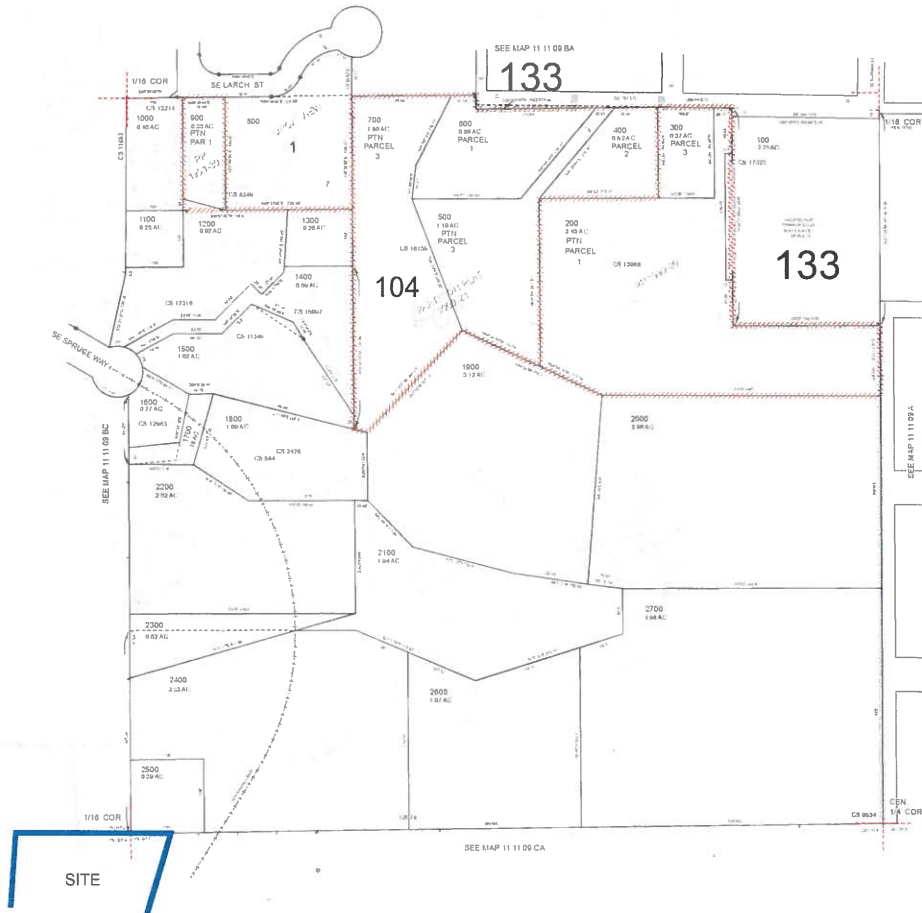
NEWPORT
11 11 09 CB

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.E. 1/4 N.W. 1/4 SEC. 9 T. 11S. R. 11W. W.M. LINCOLN COUNTY 1" = 100'

11 11 09 BD NEWPORT



Revised: CEH 08/27/2011

NEWPORT 11 11 09 BD

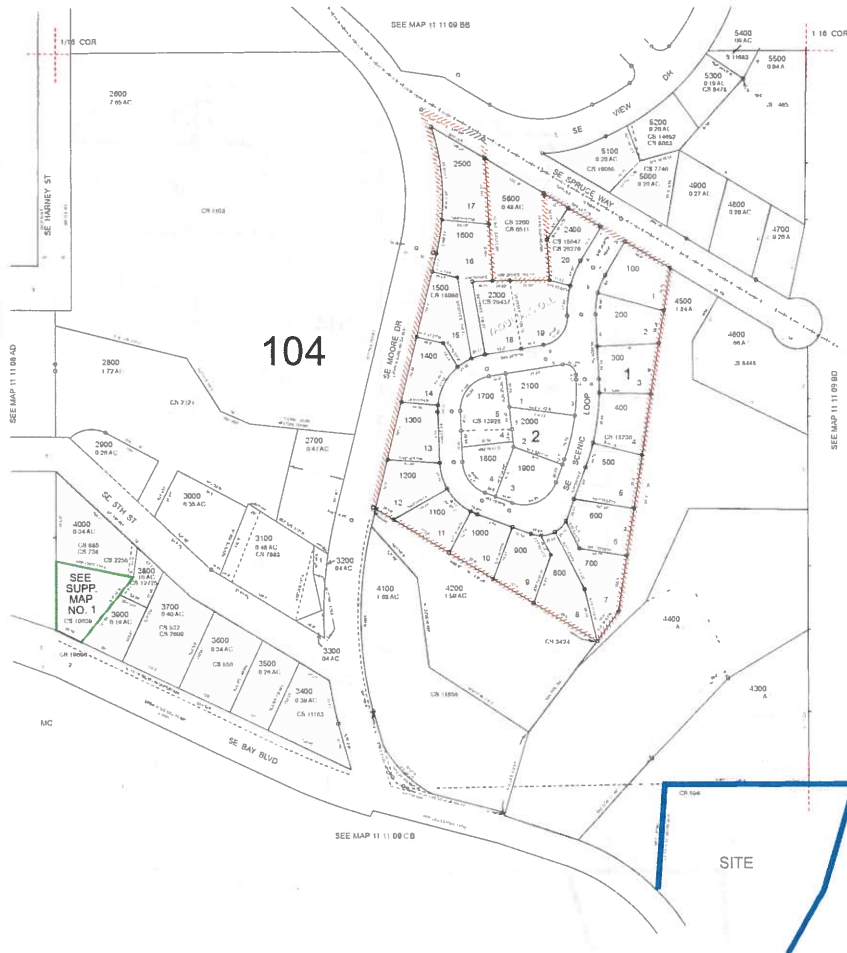
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.W.1/4 N.W.1/4 SEC.9 T.11S. R.11W. W.M.
LINCOLN COUNTY
T = 100'

11 11 09 BC
NEWPORT

Created
2009
4:41



Revised SAO
01/31/2018

NEWPORT
11 11 09 BC



Exhibit D: 200-Foot Notification List

Account #	Map Taxlot	Site Address(es)	Owner	Mailing Address1	Mailing Address2	Mailing Address3	City
R467790	11-11-09-BC-04400-00	923 SE BAY BLVD NEWPORT, OR 97365	HARBOR VILLAGE MHP LLC	6305 SEASIDE WALK	12159 SWISHER LN SE		LONG BEACH, CA 90803
R474940	11-11-09-BC-04300-00	923 SE BAY BLVD	HARBOR VILLAGE MHP LLC	6305 SEASIDE WALK			LONG BEACH, CA 90803
R446608	11-11-09-BD-02400-00	923 SE BAY BLVD	HARBOR VILLAGE MHP LLC	6305 SEASIDE WALK			LONG BEACH, CA 90803
R32923	11-11-09-BD-02500-00		HARBOR VILLAGE MHP LLC	6305 SEASIDE WALK			LONG BEACH, CA 90803
R194171	11-11-09-CA-05400-00	828 SE CRESCENT PL	RAICHL J KEVIN &	RAICHL NATALIE	1243 SW WHEELER PL		BEND, OR 97702
R189442	11-11-09-CA-05300-00	824 SE CRESCENT PL	LOVELIN BRUCE J &	LOVELIN TERESA A	824 SE CRESCENT PL		NEWPORT, OR 97365
R189442	11-11-09-CA-05200-00	820 SE CRESCENT PL	GRACE KELLY	7 CAPTAIN DR	APT C 213		EMERYVILLE, CA 94608
R187100	11-11-09-CA-05100-00		C&L INVESTMENT COMPANY	45021 COUGAR CIRCLE			FREMONT, CA 94539
R184690	11-11-09-CA-05000-00		YANG DAVID DAI WEI	PO BOX 3701			SARATOGA, CA 95070
R196600	11-11-09-CA-05500-00	836 SE CRESCENT PL	SOLANO JOSE &	SOLANO BERNADETTE	836 SE CRESCENT PL		NEWPORT, OR 97365
R501503	11-11-09-CA-05601-00	840 SE CRESCENT PL	KNUTSON ERIC H &	KNUTSON PATRICIA J	840 SE CRESCENT PL		NEWPORT, OR 97365
R201325	11-11-09-CA-05700-00		ROGERS SCOTT O &	ROGERS MARY A	10440 NEIDERHOUSE RD		NEWPORT, OR 97365
R203667	11-11-09-CA-05800-00	850 SE CRESCENT PL	COYLE F J &	COYLE BARBARA	850 SE CRESCENT PL		PERRYSBURG, OH 43551
R206016	11-11-09-CA-05900-00	854 SE CRESCENT PL	VANDERBECK JOHN G &	VANDERBECK KARMEN J	854 SE CRESCENT PL		NEWPORT, OR 97365
R208388	11-11-09-CA-06000-00	862 SE CRESCENT PL	PURCELL DOUGLASS L &	WARNER LANI L	862 SE CRESCENT PL		NEWPORT, OR 97365
R217833	11-11-09-CA-06400-00		C&L INVESTMENT COMPANY	45021 COUGAR CIRCLE			FREMONT, CA 94539
R210778	11-11-09-CA-06100-00	872 SE CRESCENT PL	CHADWICK WILLIAM W JR &	ATWILL TERESA M	872 SE CRESCENT PL		NEWPORT, OR 97365
R213006	11-11-09-CA-06200-00	882 SE CRESCENT PL	OLSON LLOYD G JR &	SEAGER LAURA M	882 SE CRESCENT PL		NEWPORT, OR 97365
R220198	11-11-09-CA-06500-00		SHEN FAMILY LIVING TRUST &	SHEN PEI-JEN TRUSTEE	1771 MANDAN PLACE		FREMONT, CA 94539
R132556	11-11-09-CB-00400-00	1005 SE BAY BLVD	EKMAN WILLIAM	200 SW FERRY ST SW			ALBANY, OR 97321
R461119	11-11-09-CB-90905-00	1000 SE BAY BLVD; UNIT I-5	STOCKTON JUDITH DAWN &	KICKNER SHIRLEY STOCKTON	PO BOX 206		TANGENT, OR 97389
R456373	11-11-09-CB-90903-00	1000 SE BAY BLVD; UNIT I-3	HILTON NANCY L	PO BOX 1503			NEWPORT, OR 97365
R463415	11-11-09-CB-90906-00	1000 SE BAY BLVD; UNIT I-6	VICE ROGER &	VICE PATRICIA	16310 DAW JONES CT		CROSBY, TX 77532
R454022	11-11-09-CB-90902-00	1000 SE BAY BLVD; UNIT I-2	POST WILMER H TRUSTEE &	POST JENELLE L TRUSTEE	PO BOX 25		MONMOUTH, OR 97361
R468150	11-11-09-CB-90908-00	1000 SE BAY BLVD; UNIT I-8	VTS PROGRAM REMAINDER LLC	ATTN ROBERT RINGGENBERG	19 EVERGREEN LN		MERCER ISLAND, WA 98040
R458799	11-11-09-CB-90904-00	1000 SE BAY BLVD; UNIT I-4	SCOTT JULIAN E TRUSTEE &	SCOTT BEVERLY J TRUSTEE	8555 SE 28TH AVE		MILWAUKIE, OR 97222
R470640	11-11-09-CB-90909-00	1000 SE BAY BLVD; UNIT I-9	KELSON CRAIG &	KELSON KATHY	45 OLALLA RD		TOLEDO, OR 97391
R425705	11-11-09-CB-90802-00	1000 SE BAY BLVD; UNIT H-2	NORTH SEA PROPERTIES LLC	ATTN CHAMPION STUART	5331 SW MACADAM AVE	STE 258	PORTLAND, OR 97239
R442175	11-11-09-CB-90809-00	1000 SE BAY BLVD; UNIT H-9	VTS PROGRAM REMAINDER LLC	ATTN ROBERT RINGGENBERG	19 EVERGREEN LN		MERCER ISLAND, WA 98040
R430492	11-11-09-CB-90804-00	1000 SE BAY BLVD; UNIT H-4	WHEELER LOIS I TSTEE	1000 SE BAY BLVD	UNIT H-4		NEWPORT, OR 97365
R444618	11-11-09-CB-90810-00	1000 SE BAY BLVD; UNIT H-4	BAKER CHARLES E JR TSTEE &	BAKER CHERYL J TSTEE	460 NW MERRIE DR		CORVALLIS, OR 97330
R423376	11-11-09-CB-90801-00	1000 SE BAY BLVD; UNIT H-1	OLSON ROBERT E TRUSTEE &	OLSON JERRYANN TRUSTEE	230 NE SAN-BAY-O CIR		NEWPORT, OR 97365
R447062	11-11-09-CB-90811-00	1000 SE BAY BLVD; UNIT H-11	VTS PROGRAM REMAINDER LLC	ATTN ROBERT RINGGENBERG	19 EVERGREEN LN		MERCER ISLAND, WA 98040
R432851	11-11-09-CB-90805-00	1000 SE BAY BLVD; UNIT H-5	VTS PROGRAM REMAINDER LLC	ATTN ROBERT RINGGENBERG	19 EVERGREEN LN		MERCER ISLAND, WA 98040
R449283	11-11-09-CB-90812-00	1000 SE BAY BLVD; UNIT H-12	GOOLD MICHAEL &	GOOLD WANDA	3859 DAKOTA RD SE		SALEM, OR 97302
R189843	11-11-09-CB-90201-00	1000 SE BAY BLVD; UNIT B-1	GALL JOHN P &	GALL DEBORAH A	1376 SW LAURELWOOD		DALLAS, OR 97338
R199195	11-11-09-CB-90205-00	1000 SE BAY BLVD; UNIT B-5	WALKER HOUSE LLC	616 NW 35TH ST			CORVALLIS, OR 97330
R194535	11-11-09-CB-90203-00	1000 SE BAY BLVD; UNIT B-3	KELLER RODNEY J &	KELLER BARBARA S	2056 CHASE LOOP SW		ALBANY, OR 97321
R203977	11-11-09-CB-90207-00	1000 SE BAY BLVD; UNIT B-7	NAVEIRA DIANA L	2190 W BIRCH			FRESNO, CA 93711
R192148	11-11-09-CB-90202-00	1000 SE BAY BLVD; UNIT B-2	PARNES EILEEN M	1000 SE BAY BLVD	UNIT B-2		NEWPORT, OR 97365
R206349	11-11-09-CB-90208-00	1000 SE BAY BLVD; UNIT B-8	HOORNBECK FRANK K TSTEE &	HOORNBECK BILLEE W TSTEE	1000 SE BAY BLVD	B505/605	NEWPORT, OR 97365
R180302	11-11-09-CB-90101-00	1000 SE BAY BLVD; UNIT A-1	VTS PROGRAM REMAINDER LLC	ATTN ROBERT RINGGENBERG	19 EVERGREEN LN		MERCER ISLAND, WA 98040
R187426	11-11-09-CB-90104-00	1000 SE BAY BLVD; UNIT A-1	HALSEY STEVE	PO BOX 1066			NEWPORT, OR 97365
R307656	11-11-09-CB-80087-00		KRAMIEN STANLEY RICHARD JR &	KRAMIEN DEBRA L	17600 NE OLDS LN		NEWBERG, OR 97132
R125687	11-11-09-CB-80210-00		SEE DAVID M	534 N COAST HWY			NEWPORT, OR 97365
R262898	11-11-09-CB-80047-00		SEIDLER ROBERT E &	SEIDLER BECKY J	85 N RIVERTON CT		OTIS, OR 97368
R128087	11-11-09-CB-80211-00		NASH HAL B	110 NE WALDPOR HEIGHTS			WALDPOR, OR 97394
R317150	11-11-09-CB-80091-00		BRANDT STEPHEN B	6970 NW CABERNET PL			CORVALLIS, OR 97330
R135236	11-11-09-CB-80214-00		SUTHERLAND DENNIS SR &	SUTHERLAND DENNIS JR	24184 SILETZ HWY		SILETZ, OR 97380

R255638	11-11-09-CB-80012-00	STRICKLER KENT	PO BOX 470		SILETZ; OR 97380
R137602	11-11-09-CB-80215-00	LONDON BRIAN	923 SE BAY BLVD	#233	NEWPORT; OR 97365
R338369	11-11-09-CB-80100-00	EDWARDS DUANE	PO BOX 2088		NEWPORT; OR 97365
R147024	11-11-09-CB-80219-00	SHELL STANLEY ALFRED JR &	SHELL BRADY E	895 SE CRESCENT PL	NEWPORT; OR 97365
R270099	11-11-09-CB-80050-00	DENNY ROBERT R	20556 KLAHANI DR		BEND; OR 97702
R149427	11-11-09-CB-80220-00	LIU XIN &	QU WEIWEI	765 NE JEFFRIES PL	NEWPORT; OR 97365
R340713	11-11-09-CB-80101-00	CRAIG A MORRIE &	CRAIG BARBARA C	3765 HILLTOP DR	CORVALLIS; OR 97333
R151784	11-11-09-CB-80221-00	HENRY CATHERINE	47272 MCKENZIE HWY	BOX 181	VIDA; OR 97488
R283776	11-11-09-CB-80024-00	SHATLUCK TOD L TSTEE	18425 SW PHEASANT ST		BEAVERTON; OR 97006
R154119	11-11-09-CB-80222-00	GOULD GEORGE F	184 NE 57TH ST		NEWPORT; OR 97365
R428014	11-11-09-CB-90803-00	FAUGHT LESLIE TRUSTEE	1929 NW TIVOLI LN		PORTLAND; OR 97229
R435064	11-11-09-CB-90806-00	WINTERS JODY A	1000 SE BAY BLVD	UNIT H-6	NEWPORT; OR 97365
R437437	11-11-09-CB-90807-00	HAFEN JACQUELYN K TRUSTEE &	FREHNER SANDRA G &	HAMRICK LISA D	NEWPORT; OR 97365
R439803	11-11-09-CB-90808-00	FREY STEPHEN A TRUSTEE &	FREY CHERYL A B TRUSTEE	5137 NW WINN DR	ALBANY; OR 97321
R185076	11-11-09-CB-90103-00	HABERMAN JOSEPH J	6430 NW SISTERS PL		CORVALLIS; OR 97330
R182680	11-11-09-CB-90102-00	LEHNHERR NEIL	1000 SE BAY BLVD	UNIT A-2	NEWPORT; OR 97365
R196858	11-11-09-CB-90204-00	KRAMIEN STANLEY RICHARD JR &	KRAMIEN DEBRA L	17600 NE OLDS LN	NEWBERG; OR 97132
R201693	11-11-09-CB-90206-00	BEERS PATRICK R TSTEE &	BEERS LORI G TSTEE	PO BOX 202	RUFUS; OR 97050
R347853	11-11-09-CB-80104-00	BELVEAL BLANE &	BELVEAL DIXIE	PO BOX 2067	LEBANON; OR 97355
R222797	11-11-09-CB-80030-00	WILDER DAVID M &	WILDER KATHY A	PO BOX 794	TOLEDO; OR 97391
R274722	11-11-09-CB-80052-00	JINCKS LELAND G TRUSTEE &	JINCKS JANE K TRUSTEE	PO BOX 1570	NEWPORT; OR 97365
R252237	11-11-09-CB-80031-00	ZAWALSKI ROD M &	ZAWALSKI THERESA L	6735 GLADYS AVE	OTTER ROCK; OR 97369
R250261	11-11-09-CB-80105-00	CHRISTENSEN CYNTHIA A TRUSTEE	8710 CARDWELL HILL DR		CORVALLIS; OR 97330
R227505	11-11-09-CB-80032-00	ZANEVELD J RONALD V TRUSTEE &	ZANEVELD JACQUELINE L TRUSTEE	3835 NW GLEN EDEN DR	CORVALLIS; OR 97330
R502342	11-11-09-CB-90000-00	HAMSTREET DOROTHY A ETAL	ATTN NEWPORT MARINE CO	PO BOX 1067	NEWPORT; OR 97365
R229980	11-11-09-CB-80033-00	MCCLAUGHRY DOUGLAS L	PO BOX 630		BROWNSVILLE; OR 97327
R352580	11-11-09-CB-80106-00	CHRISTENSEN CYNTHIA A TRUSTEE	8710 CARDWELL HILL DR		CORVALLIS; OR 97330
R232232	11-11-09-CB-80034-00	VARNER DOUGLAS	923 SE BAY BLVD	#50	NEWPORT; OR 97365
R277063	11-11-09-CB-80053-00	CONRAD ERIC R &	CONRAD MARGARET A	295 LA FIESTA DR	LINCOLN CITY; OR 97367
R238939	11-11-09-CB-80005-00	ANDRES VALENTINO W JR	PO BOX 1583		VANCOUVER; WA 98668
R354841	11-11-09-CB-80107-00	ROHUS GENE &	ROHUS TRACEY	4784 NE VAUGHN AVE	TERREBONNE; OR 97760
R241340	11-11-09-CB-80006-00	WETHERILL JAMES G TRUSTEE &	WETHERILL LANA R TRUSTEE	25804 NE OLSON RD	BATTLE GROUND; WA 98604
R213321	11-11-09-CB-80026-00	ANDRES LARRY	565 W MARQUAM ST		MT ANGEL; OR 97362
R243789	11-11-09-CB-80007-00	SMITH LOREN J &	SMITH NANCY L	30361 LOREN LN	CORVALLIS; OR 97333
R357306	11-11-09-CB-80108-00	BYLUND JUTTA G TRUSTEE &	BYLUND BEN E	3663 MAHLON AVE	EUGENE; OR 97401
R246175	11-11-09-CB-80008-00	BAILEY CLIFFORD A &	BAILEY JUDITH A	14361 EDENBERRY DR	LAKE OSWEGO; OR 97035
R279443	11-11-09-CB-80054-00	EMBARCADERO	ASSN OF UNIT OWNERS	1000 SE BAY BLVD	NEWPORT; OR 97365
R248398	11-11-09-CB-80009-00	SUNTERRA PACIFIC INC	1417 116TH AVE NE		BELLEVUE; WA 98004
R359678	11-11-09-CB-80109-00	ROHUS DAVID G &	ROHUS TRACEY G	4784 NE VAUGHN AVE	TERREBONNE; OR 97760
R257820	11-11-09-CB-80013-00	DICKSON KENNETH D &	DICKSON KARRI K	PO BOX 3524	WILSONVILLE; OR 97070
R260216	11-11-09-CB-80014-00	GRENZER ROBERT FRED	17507 NW SALUIE ISLAND RD		PORTLAND; OR 97231
R269706	11-11-09-CB-80018-00	STERLING PHIL	17225 BECK RD		DALLAS; OR 97338
R362040	11-11-09-CB-80110-00	TAKUSH DONALD R TRUSTEE &	TAKUSH DONALD R TRUSTEE	1915 NE PAX PL	CORVALLIS; OR 97330
R276667	11-11-09-CB-80021-00	VICE ROGER &	VICE PATRICIA	16310 DAVY JONES CT	CROSBY; TX 77532
R284228	11-11-09-CB-80056-00	CAPRI DAVID J G TSTEE &	DOUGHERTY CAPRI JILL M TTEE	PO BOX 1022	NEWPORT; OR 97365
R274442	11-11-09-CB-80020-00	MAGUIRE PATRICK HENRY	1406 NW OCEANVIEW DR		NEWPORT; OR 97365
R364443	11-11-09-CB-80111-00	BEDNARZ WARREN C TRUSTEE &	BEDNARZ LINDA TRUSTEE	PO BOX 2724	SALEM; OR 97308
R211055	11-11-09-CB-80025-00	WALKUP THEODORE D &	WALKUP AMANDA M	1321 LORANE HWY	EUGENE; OR 97405
R215749	11-11-09-CB-80027-00	MARTIN RANDY W &	MARTIN SUSAN E	3875 HAYDEN BRIDGE RD	SPRINGFIELD; OR 97477
R239312	11-11-09-CB-80037-00	JOSTAD CHRIS	PO BOX 1172		BEND; OR 97709

R406822	11-11-09-CB-80129-00	VAUGHN NOEL L &	VAUGHN CHERYL D	PO BOX 3782	SALEM, OR 97302
R244104	11-11-09-CB-80039-00	COWAN PATRICK &	COWAN S JEAN	2710 NE ILER ST	NEWPORT; OR 97365
R288520	11-11-09-CB-80058-00	BANTON RICHARD M D&	BECKER CINDY G	1162 CAYUSE CIR SE	SALEM; OR 97306
R255832	11-11-09-CB-80044-00	COOPER MARK &	COOPER NANCI	1119 OLALLA RD	TOLEDO; OR 97391
R413949	11-11-09-CB-80132-00	LEE SHI NONG	1130 NE 7TH DR		NEWPORT; OR 97365
R265315	11-11-09-CB-80048-00	DEGNER GEORGE G &	DEGNER JAMES M	92076 COBURG RD	EUGENE; OR 97401
R236700	11-11-09-CB-80004-00	SCHLECHTER ANTONE P &	SCHLECHTER MARY D	PO BOX 525	GERVAIS; OR 97026
R267634	11-11-09-CB-80049-00	PLEDGER WILLIAM H &	PLEDGER FELICIA C	19720 INNES MKT RD	BEND; OR 97701
R416167	11-11-09-CB-80133-00	MILLIREN DANIEL LEE	216 PAXTON RD		KELSO; WA 98626
R272456	11-11-09-CB-80051-00	WOLCOTT KENT P &	WOLCOTT APRIL A	749 NW 3RD ST	NEWPORT; OR 97365
R290927	11-11-09-CB-80059-00	BECK WILLIAM J	41266 MANITAU RD SE		STAYTON; OR 97383
R281742	11-11-09-CB-80055-00	MASTEN S C 1998 REV TR/CST	MASTEN PATRICIA A TRUSTEE &	MASTEN KENNETH D TRUSTEE	9217 ST ANDREWS CIR KLAMATH FALLS; OR 97603
R418591	11-11-09-CB-80134-00	ROPP HOWARD	5995 NE HWY 20		CORVALLIS; OR 97330
R286190	11-11-09-CB-80057-00	NORWOOD JAMES TODD	PO BOX 201		YACHATS; OR 97498
R218088	11-11-09-CB-80028-00	IVERSON JOHN C &	IVERSON LISA M	1354 E SANTIAM ST	STAYTON; OR 97383
R297914	11-11-09-CB-80062-00	BEERS PATRICK R TSTEE &	BEERS LORI G TSTEE	PO BOX 202	RUFUS; OR 97050
R420855	11-11-09-CB-80135-00	SKOCH JAMES M	504 HAMER RD		SALEEM; OR 97380
R307316	11-11-09-CB-80066-00	SERBU DANIEL A	PO BOX 716		YACHATS; OR 97498
R293234	11-11-09-CB-80060-00	THOMAS ROBERT &	THOMAS LAURA	4026 RAVELLO DR	LAKE HAVASU CITY; AZ 86406
R319274	11-11-09-CB-80071-00	NELSON DAVID	PO BOX 503		TOLEDO; OR 97391
R432809	11-11-09-CB-80140-00	KLOSTER MAX B &	KLOSTER SANDRA S	750 WYATT LN	PHILOMATH; OR 97370
R321508	11-11-09-CB-80072-00	RICE JASON M	18425 NE MARINE DR	SLIP C6	PORTLAND; OR 97230
R262663	11-11-09-CB-80015-00	NELSON ROBERT T	1525 E ALSEA HWY		WALDPART; OR 97394
R335613	11-11-09-CB-80078-00	WARDELL DOUGLAS L JR	5401 EAST RIDGE ST S		SALEM; OR 97306
R430502	11-11-09-CB-80139-00	DEMERS ANNETTE M &	DEMERS JOHN R	7564 SW ROANOKE DR N	WILSONVILLE; OR 97070
R500360	11-11-09-CB-80086-00	CASE FLYNN D TRUSTEE	PO BOX 5639		SALEM; OR 97304
R295494	11-11-09-CB-80061-00	KLOSTER MAX B &	KLOSTER SANDRA	750 WYATT LN	PHILOMATH; OR 97370
R310125	11-11-09-CB-80088-00	MITCHELL JOHN C &	MITCHELL GERRI U	1405 ROCKHAVEN DR	MODESTO; CA 95356
R435071	11-11-09-CB-80141-00	SAXTON FREDERICK M &	SAXTON TONYA M	9459 SE CEDAR	SOUTH BEACH; OR 97366
R312360	11-11-09-CB-80089-00	TILSON MURRAY M &	TILSON NANCY K	136 SE LARCH ST	NEWPORT; OR 97365
R220455	11-11-09-CB-80029-00	OREGON MINK INC	11658 BARON RD		MT ANGEL; OR 97362
R314758	11-11-09-CB-80090-00	WILSON THOMAS D &	WILSON SUSETTE A	330 NW 185TH AVE	PORTLAND; OR 97229
R437572	11-11-09-CB-80142-00	MURRY RICHARD G	PO BOX 1050		NEWPORT; OR 97365
R319547	11-11-09-CB-80092-00	LOTTIS LOREN & MARGERY	% SCHMOLZI RUSSELL W &	SCHMOLZI WENDY M; CONT	1000 SE BAY BLVD; C-1 NEWPORT; OR 97365
R300311	11-11-09-CB-80063-00	KLOSTER MAX B &	KLOSTER SANDRA	750 WYATT LN	PHILOMATH; OR 97370
R321921	11-11-09-CB-80093-00	CURTIS MICHAEL D	39044 GOLDEN VALLEY DR		LEBANON; OR 97355
R439793	11-11-09-CB-80143-00	BROWN KENNETH	518 SW SMITH CT		NEWPORT; OR 97365
R324216	11-11-09-CB-80094-00	GROSS ROBERT J	9480 SW GRABHORN		BEAVERTON; OR 97007
R232022	11-11-09-CB-80002-00	CHAPMAN WILLIAM T	PO BOX 206		NEWPORT; OR 97365
R326537	11-11-09-CB-80095-00	WOODBURN ORNAMENTALS INC	13009 MCKEE SCHOOL RD NE		WOODBURN; OR 97071
R444655	11-11-09-CB-80145-00	BRENNEMAN ANDREW	6919 NW CARDINAL DR		CORVALLIS; OR 97330
R328961	11-11-09-CB-80096-00	ROWLEY WILLIAM D TRUSTEE	PO BOX 1746		NEWPORT; OR 97365
R302592	11-11-09-CB-80064-00	NEWPORT AUTO CENTER INC	1030 N COAST HWY		NEWPORT; OR 97365
R331250	11-11-09-CB-80097-00	YECK FRED A TRUSTEE	PO BOX 352		NEWPORT; OR 97365
R446883	11-11-09-CB-80146-00	GREGORY JEFFREY KIM &	GREGORY SUSAN KAY	7731 SW 194TH TER	BEAVERTON; OR 97007
R336630	11-11-09-CB-80098-00	EDWARDS DUANE	PO BOX 2088		NEWPORT; OR 97365
R234637	11-11-09-CB-80035-00	RADER DEL &	RADER COLLEEN	16500 NE 36TH ST	VANCOUVER; WA 98682
R336062	11-11-09-CB-80099-00	YECK ERNEST	PO BOX 1256		NEWPORT; OR 97365
R451668	11-11-09-CB-80148-00	NELSON DALE & SUE ANN &	NELSON LYLE & ROSALIE	7399 HWY 219	WOODBURN; OR 97071
R343030	11-11-09-CB-80102-00	FRANK LUMBER COMPANY	DRAWER 79		MILL CITY; OR 97360

R305004	11-11-09-CB-80065-00	EMBARCADERO OTTER CREST LLC	2397 NW KINGS BLVD #314	CORVALLIS; OR 97330
R345494	11-11-09-CB-80103-00	LEWIS HAL	PO BOX 427	AMITY; OR 97101
R453994	11-11-09-CB-80149-00	TURNER DAVID	340 N COAST HWY	NEWPORT; OR 97365
R366680	11-11-09-CB-80112-00	OKUNO KOJI	316 N LOTUS ISLE DR	PORTLAND; OR 97217
R264891	11-11-09-CB-80016-00	WEYERS STEPHEN G & KRIS M & SCHOPP DENNIS & BIRMINGHAM ELEANOR COTRUSTEE & MURPHY CRAIG S	BRATT LAWRENCE P & CHARLENE PO BOX 473 SCHOPP NANCY JO 60 HAWORTH RD BERMINGHAM PETER COTRUSTEE 1538 CARLTON AVE	FOLSOM; CA 95630 PASCO; WA 99301 STONE MOUNTAIN; GA 30087
R369164	11-11-09-CB-80113-00		4607 NW LAVINA ST	VANCOUVER; WA 98663
R456525	11-11-09-CB-80150-00	BERMINGHAM ELEANOR COTRUSTEE & MURPHY CRAIG S	MASSEY JOYCE A 23500 SE FRANQUETTE DR	AMITY; OR 97101
R371510	11-11-09-CB-80114-00		DIECKHOFF SUSAN D 2193 WISCONSIN ST	EUGENE; OR 97402
R309756	11-11-09-CB-80067-00	MASSEY DWAIN E & BEAGLEY QUENTIN L & STRICKLAND DAVID J & BALDWIN SCOTT G	STRICKLAND REBECCA S 485 COVEY LN	EUGENE; OR 97401
R373877	11-11-09-CB-80115-00		412 N WADDILL	MCKINNEY; TX 75069
R461156	11-11-09-CB-80152-00	ALAINE TREVOR	18257 SW SANTORO DR	BEAVERTON; OR 97007
R376170	11-11-09-CB-80116-00	VELA PAUL & SEVERSON CHARLES F III & PINA RICHARD A	CARTER ROGER 5134 CHERIE CT SE SEVERSON JANE B TRUSTEE PO BOX 435	SALEM; OR 97306 WALDPOR; OR 97394
R237016	11-11-09-CB-80036-00		1980 NE STURDEVANT RD	TOLEDO; OR 97391
R378430	11-11-09-CB-80117-00		MCMAHAN JOHN D & TOY HARRY A TRUSTEE & CAMPBELL GARY L TRUSTEE & STATZ JOE P & COLLINS CHARLES R JR	BRIGHTWOOD; OR 97011
R463566	11-11-09-CB-80153-00		OPHEIM TAMMY & THOMPSON ROBERT E TRUSTEE & MILLER GUY N	NEWPORT; OR 97365
R380880	11-11-09-CB-80118-00		GILLETT JODY	NEWPORT; OR 97365
R312111	11-11-09-CB-80068-00		HILL PETER STEPHEN	KEIZER; OR 97303
R38320	11-11-09-CB-80119-00	ASSOCIATION OF UNIT OWNERS OF GOOLD MICHAEL & BROWN RICCI & NEWPORT OCEANFRONT	EMBARCADERO CONDOMINIUMS 1000 SE BAY BLVD GOOLD WANDA 3859 DAKOTA RD SE SHAO FENGZHI 1147 NE NEWPORT HEIGHTS DR ESTATE LLC 1705 N 22ND ST	MILWAUKIE; OR 97222 NEWPORT; OR 97365 SALEM; OR 97302 NEWPORT; OR 97365 BOISE; ID 83702
R468173	11-11-09-CB-80155-00		LEONARD STEVEN EDWARD TRUSTEE FOSTER JANET & SCHUDEL STEVEN P TRUSTEE & SPULNIK PHILIP A TRUSTEE	NEWPORT; OR 97365 TOLEDO; OR 97391 CORVALLIS; OR 97333 WALDPOR; OR 97394
R387884	11-11-09-CB-80121-00		ATKINSON THOMAS E	ALBANY; OR 97321
R250710	11-11-09-CB-80010-00		DALE JUDY K TSTEE	SALEM; OR 97306
R390370	11-11-09-CB-80122-00		ENGER SHARON A	ALBANY; OR 97321
R479994	11-11-09-CB-80160-00		POWELL JEROLD H	SOUTH BEACH; OR 97366
R392653	11-11-09-CB-80123-00		LACKNER WILLIAM & HOWARD SISTERS LLC THE	NEWPORT; OR 97365
R314460	11-11-09-CB-80069-00		WELLS RONALD L TSTEE & MCFARLAND KENNETH L & KROPP HELEN LOUISE TSTEE	LEBANON; KS 66209
R395137	11-11-09-CB-80124-00		NORBURY SARA & LINK JACKSON C LIVING TRUST & WARDELL DOUGLAS	TURNER; OR 97392
R482321	11-11-09-CB-80161-00		DATZ WILLIAM R TRUSTEE & BOWMAN MERLIN G TTEE	NEWPORT; OR 97365
R397337	11-11-09-CB-80125-00		MONTGOMERY JOHN & BURKUM PHILIP &	SALEM; OR 97305 LEBANON; OR 97355 SALEM; OR 97306
R241696	11-11-09-CB-80038-00			OTIS; OR 97368
R399730	11-11-09-CB-80126-00			SALEM; OR 97304
R12020	11-11-09-CB-80162-00			JUNCTION CITY; OR 97448
R402205	11-11-09-CB-80127-00			PHILOMATH; OR 97370
R316746	11-11-09-CB-80070-00			
R404484	11-11-09-CB-80128-00			
R16766	11-11-09-CB-80164-00			
R409222	11-11-09-CB-80130-00			
R267263	11-11-09-CB-80017-00			
R411446	11-11-09-CB-80131-00			
R19189	11-11-09-CB-80165-00			
R423230	11-11-09-CB-80136-00			
R324006	11-11-09-CB-80073-00			
R425644	11-11-09-CB-80137-00			
R21465	11-11-09-CB-80166-00			
R428110	11-11-09-CB-80138-00			
R246455	11-11-09-CB-80040-00			
R442236	11-11-09-CB-80144-00			
R23817	11-11-09-CB-80167-00			
R449323	11-11-09-CB-80147-00			
R326189	11-11-09-CB-80074-00			
R458739	11-11-09-CB-80151-00			

R26170	11-11-09-CB-80168-00		WEAVER DORA C TRUSTEE	12362 SE PARADISE LANE			SOUTH BEACH; OR 97366
R465904	11-11-09-CB-80154-00		PRANTL LAWRENCE J	2902 NW BAYSHORE LP			WALDPOR; OR 97394
R229574	11-11-09-CB-80001-00	1000 SE BAY BLVD	BAKER DAVID	1000 SE BAY BLVD M-1			NEWPORT; OR 97365
R470628	11-11-09-CB-80156-00		WOLF ANDREW D	1960 SW OLD SHERIDAN RD			MCMINNVILLE; OR 97128
R28500	11-11-09-CB-80169-00		BLADINE PHILIP N &	BLADINE MARGARET G	PO BOX 1487		MCMINNVILLE; OR 97128
R473005	11-11-09-CB-80157-00		MATHEWS BRENDAN	556 SW 5TH ST			NEWPORT; OR 97365
R328653	11-11-09-CB-80075-00		ALLUMBAUGH FRANK	3 RIVER MEADOW DR			GARDEN VALLEY; ID 83622
R475228	11-11-09-CB-80158-00		HILL TERRANCE A TRUSTEE &	HILL JUDITH L TRUSTEE	835 NW CARPATHIAN DR		CORVALLIS; OR 97330
R31039	11-11-09-CB-80170-00		GUTZEIT CLARY C &	GUTZEIT PATRICIA J	1000 SE BAY BLVD	UNIT G-239	NEWPORT; OR 97365
R477741	11-11-09-CB-80159-00		LIND PAMELA J	411 SE SCENIC LOOP			NEWPORT; OR 97365
R248751	11-11-09-CB-80041-00		LUND GERALD N	1000 SE BAY BLVD	SLIP 41		NEWPORT; OR 97365
R14303	11-11-09-CB-80163-00		SCHUTTPELZ BEVERLY	826 SE 5TH			NEWPORT; OR 97365
R33372	11-11-09-CB-80171-00		HETTMAN GARY L &	HETTMAN MARSHA M	3010 MOSSY LN		TOLEDO; OR 97391
R40364	11-11-09-CB-80174-00		MORROW GENI L	2679 UNIVERSITY ST			EUGENE; OR 97403
R330980	11-11-09-CB-80076-00		MONTGOMERY JOHN &	MONTGOMERY CINDY	1215 OAK ST		JUNCTION CITY; OR 97448
R45199	11-11-09-CB-80176-00		ROGERS GARRY &	LUTZ ANN	480 20TH ST SE		SALEM; OR 97301
R35658	11-11-09-CB-80172-00		HILLYER REBECCA &	RIEDL JOHN	5529 QUINCE ST NE		SALEM; OR 97305
R54705	11-11-09-CB-80180-00		BOWMAN JERROLD W &	BOWMAN SYLVIA D	8104 NW ARBORETUM RD		CORVALLIS; OR 97330
R272116	11-11-09-CB-80019-00		BAILEY HAROLD RICHARD	91909 PRAIRIE RD			JUNCTION CITY; OR 97448
R57023	11-11-09-CB-80181-00		PLANT KAY C TRUST &	PLANT GEORGE JR TRUSTEE	1183 SE HARBOR CRESCENT DR		NEWPORT; OR 97365
R38117	11-11-09-CB-80173-00		ROSE KURT M TRUSTEE &	ROSE KATHERINE A TRUSTEE	PO BOX 1055		LEBANON; OR 97355
R59365	11-11-09-CB-80182-00		TRYON VERNON L &	TRYON SHERRIE L	PO BOX 1058		WALDPOR; OR 97394
R333352	11-11-09-CB-80077-00		REDFIELD MARK E	PO BOX 811			SALEM; OR 97308
R61725	11-11-09-CB-80183-00		COLVILLE ERIK EMERY	1528 EAGLE CAP ST SE			SALEM; OR 97317
R42744	11-11-09-CB-80175-00		COLUMBUS CHARLES F JR	PO BOX 12653			SALEM; OR 97309
R64094	11-11-09-CB-80184-00		DAVIES JOHN F FAMILY LLC	1780 YOLANDA ST			SPRINGFIELD; OR 97477
R251177	11-11-09-CB-80042-00		KELLER RODNEY J &	KELLER BARBARA S	2056 CHASE LOOP SW		ALBANY; OR 97321
R66521	11-11-09-CB-80185-00		NOVELLO JOSEPH III &	NOVELLO MARGARET ANN	227 NE SAN-BAY-O CIRCLE		NEWPORT; OR 97365
R47505	11-11-09-CB-80177-00		WOLFE BRANDON	5876 S LONE ELDER RD			AURORA; OR 97002
R68886	11-11-09-CB-80186-00		LARSELL RICHARD A (TOD)	32006 GRIFFITH DR			TANGENT; OR 97389
R286561	11-11-09-CB-80079-00		BECKLEY FRED C TSTEE	2500 W 29TH AVE			EUGENE; OR 97405
R71252	11-11-09-CB-80187-00		LARSELL RICHARD A (TOD)	32006 GRIFFITH DR			TANGENT; OR 97389
R49824	11-11-09-CB-80178-00		CRESPO ROBERT J &	CRESPO DEBORAH A	826 SE VISTA DR		NEWPORT; OR 97365
R73571	11-11-09-CB-80188-00		ROBERTS CASEY &	ROBERTS VICKY	258 KAWAILANI CIR		KIHEI; HI 96753
R253219	11-11-09-CB-80011-00		HUFFMAN RONALD M	PO BOX 2388			LAKE OSWEGO; OR 97035
R75990	11-11-09-CB-80189-00		OLDENBURG LELAND	PO BOX 1802			NEWPORT; OR 97365
R52330	11-11-09-CB-80179-00		PETERSEN ANITA	PO BOX 160			WINSTON; NM 87943
R78270	11-11-09-CB-80190-00		NEWPORT MARINE LIMITED PTNSHIP	ONE SW COLUMBIA	SUITE 1575		PORTLAND; OR 97258
R288920	11-11-09-CB-80080-00		BLACKBURN MICHAEL A &	BLACKBURN PATRICIA L	PO BOX 2568		LEBANON; OR 97355
R80773	11-11-09-CB-80191-00		MABE JIM &	WHITEHEAD SHERY	7250 NUNES LN		EUREKA; CA 95503
R94992	11-11-09-CB-80197-00		CHRISTENSEN CYNTHIA A TRUSTEE	8710 CARDWELL HILL DR			CORVALLIS; OR 97330
R83060	11-11-09-CB-80192-00		TIDWELL VAUGHN C	2236 PACIFIC AVE			FOREST GROVE; OR 97116
R253541	11-11-09-CB-80043-00		HERZBERG CARL A & KATHY T &	CLEVELAND KIMBERLY T &	CLEVELAND STEPHEN E	605 WALNUT ST	LEBANON; OR 97355
R85504	11-11-09-CB-80193-00		LUXFORD DENNIS R &	LUXFORD CAROL L	PO BOX 1414		VENETA; OR 97487
R97266	11-11-09-CB-80198-00		COCHRAN KURT M	PO BOX 290			SILETZ; OR 97380
R87876	11-11-09-CB-80194-00		VOGEL CARL STEPHENS III	292 W GALENA PKWY			DRAPER; UT 84020
R291192	11-11-09-CB-80081-00		BLACKTAIL DEVELOPMENT LLC	3330 HAYDEN BRIDGE RD			SPRINGFIELD; OR 97477
R90186	11-11-09-CB-80195-00		MARTIN DANIEL J &	MARTIN BARBARA J	PO BOX 2052		NEWPORT; OR 97365
R99678	11-11-09-CB-80199-00		NEWMAN WALTER C IV &	TEAGUE MARK	107 MARIE CIR		ROGUE RIVER; OR 97537
R92500	11-11-09-CB-80196-00		HUTMACHER NICKOLAS G	PO BOX 4731			SALEM; OR 97302

R279074	11-11-09-CB-80022-00	NOLTA DUSTIN L	PO BOX 815		TOLEDO; OR 97391
R106872	11-11-09-CB-80202-00	SERBU DANIEL A	PO BOX 716		YACHATS; OR 97498
R102008	11-11-09-CB-80200-00	HENDRICKS LIVING TRUST &	HENDRICKS BYRON J TRUSTEE &	HENDRICKS NANCY J TRUSTEE	SALEM; OR 97302
R130424	11-11-09-CB-80212-00	OUDEKIRK J F &	PRICE FRANK STEPHEN TSTEE &	PRICE THERESE M WANNER TSTEE	855 CHRISTIANSEN RD
R293650	11-11-09-CB-80082-00	GARBARINO TONY A &	GARBARINO LAURI MAVITY	PO BOX 254	TOLEDO; OR 97391
R132811	11-11-09-CB-80213-00	SPINK MARCUS &	SPINK DANA	PO BOX 811	NEWPORT; OR 97365
R104481	11-11-09-CB-80201-00	ROBINSON DOUGLAS &	ROBINSON CUTTALIYA	PO BOX 83	CORVALLIS; OR 97339
R139937	11-11-09-CB-80216-00	WOOD STREET LLC	5500 NE MOORE CT		HILLSBORO; OR 97124
R258292	11-11-09-CB-80045-00	SUNTERRA PACIFIC INC	1417 116TH AVE NE		BELLEVUE; WA 98004
R142240	11-11-09-CB-80217-00	SCHRANTZ JEFFREY	152 SE VIEW DR		NEWPORT; OR 97365
R109212	11-11-09-CB-80203-00	GOETTL WILLIAM H	PO BOX 20698		MESA; AZ 85277
R144706	11-11-09-CB-80218-00	ZANDER SHAWN &	ZANDER SARAH	PO BOX 1312	SILVERTON; OR 97381
R295940	11-11-09-CB-80083-00	STATTON MATTHEW W E	31431 WATERLOO RD		LEBANON; OR 97355
R156598	11-11-09-CB-80223-00	LARSELL RICHARD A (TOD)	32006 GRIFFITH DR		TANGENT; OR 97389
R111436	11-11-09-CB-80204-00	TOP HAT MUSHROOMS INC	39344 JORDAN RD		SCIO; OR 97374
R158932	11-11-09-CB-80224-00	MARK DONALD	2226 N COAST HWY #231		NEWPORT; OR 97365
R234236	11-11-09-CB-80003-00	ROLIE LOREN P	18075 5 ABIQUA RD NE		SILVERTON; OR 97381
R161312	11-11-09-CB-80225-00	MASON DENNIS &	MASON BETTY	1241 SE SHELTON ST	DALLAS; OR 97338
R113890	11-11-09-CB-80205-00	QUINTESSENTIAL COFFEES LLC	1101 MATTHEWS		WASHOUGAL; WA 98671
R163722	11-11-09-CB-80226-00	JINCKS DAVID A TRUSTEE	PO BOX 1658		NEWPORT; OR 97365
R298305	11-11-09-CB-80084-00	HANSCAM STEVEN	4427 COULTER LN		SWEET HOME; OR 97386
R166010	11-11-09-CB-80227-00	STOCKTON DONALD B &	STOCKTON JUDITH D	PO BOX 206	TANGENT; OR 97389
R116318	11-11-09-CB-80206-00	NEWPORT MARINE COMPANY	ONE SW COLUMBIA	SUITE 1575	PORTLAND; OR 97258
R168382	11-11-09-CB-80228-00	ANDRES MARK C	736 W FRONT ST		FARMERSVILLE; CA 93223
R260624	11-11-09-CB-80046-00	SUNTERRA PACIFIC INC	1417 116TH AVE NE		BELLEVUE; WA 98004
R170807	11-11-09-CB-80229-00	SCANLON MIKE &	SCANLON SONJA	646 WIMBLEDON CT	EUGENE; OR 97401
R118539	11-11-09-CB-80207-00	SINISCAL GEORGE F	PO BOX 1085		LINCOLN CITY; OR 97367
R173212	11-11-09-CB-80230-00	FETTIG JIM &	FETTIG LINNEA	17705 NE CHEHALEM DR	NEWBERG; OR 97132
R300651	11-11-09-CB-80085-00	WILSON RICHARD C &	WILSON LIZA A	PO BOX 928	CORVALLIS; OR 97339
R175533	11-11-09-CB-80231-00	WILLIAMS EDWARD &	WILLIAMS ANNE M	611 S IMMONEN RD	LINCOLN CITY; OR 97367
R120996	11-11-09-CB-80208-00	LYMAN DEBORAH &	LONG DAVID ET AL	240 NE 56TH ST	NEWPORT; OR 97365
R177945	11-11-09-CB-80232-00	HERKERT GREGORY E TRUSTEE &	HERKERT BARBARA L TRUSTEE	1105 SE 1ST ST	NEWPORT; OR 97365
R281560	11-11-09-CB-80023-00	SCHMIDT JON &	SCHMIDT CARMEN	5419 YAQUINA BAY RD	NEWPORT; OR 97365
R338140	11-11-09-CB-80233-00	EMBARCADERO	ASSN OF UNIT OWNERS	1000 SE BAY BLVD	NEWPORT; OR 97365
R451787	11-11-09-CB-90901-00	VICE ROGER &	VICE PATRICIA	5215 FIRST ST	CROSBY; TX 77532
R465871	11-11-09-CB-90907-00	RICHARDS SANDRA G &	RICHARDS BRIDGET E	655 SE 22ND ST	OCALEA; FL 34471
R123313	11-11-09-CB-80209-00	CRISP PATRICIA	866 SE VISTA DR		NEWPORT; OR 97365
R385670	11-11-09-CB-80120-00	COOPER DAN	PO BOX 209		SCIO; OR 97374
R215476	11-11-09-CA-06300-00	HARBOR CRESCENT HOMEOWNRS ASSN	882 SE CRESCENT PL		NEWPORT; OR 97365

1000 SE BAY BLVD; UNIT I-1
1000 SE BAY BLVD; UNIT I-7



Exhibit E: Service Provider Letters

City of Newport
 169 SW Coast Highway
 Newport, OR 97365
 P|541-574-3366 F|541-574-3301
<http://www.thecityofnewport.net/>



Memo

To: Derrick Tokos, Community Development Director

From: Timothy Gross, Director of Public Works/City Engineer

Date: 6/4/2018

RE: Adequacy of Public Facilities and Utilities – 1005 SE Bay Boulevard

The proposed development at 1005 SE Bay Boulevard Parcel is currently served by a 2" PVC water line along Bay Boulevard and by an 8" asbestos concrete waterline to the east within an easement that covers the area encompassed by SE Harbor Crescent Drive. In order to provide adequate water service at the property, it will be necessary to replace the 2" PVC with a 6" water main or larger, and loop the water system to the 8" water line in SE Harbor Crescent Drive. Furthermore fire hydrants may be necessary within the development based upon fire code and flushing needs. Water pressure and volume will be adequate to serve the proposed development when public improvements are completed.

The proposed development is served by an 8" 3034 PVC gravity sanitary sewer located in SE Bay Boulevard. The capacity of the receiving pump station is exceeded during extreme storm events, however the additional flow created by the few lots associated with the proposed development will have a negligible impact on this issue. The adjacent sanitary sewer pipe is sufficient to meet the demand of the proposed development. Because the proposed development has a negligible impact to the receiving pump station I recommend that the development be allowed to proceed. The City is actively working to resolve the peak storm capacity issues at the station.

Storm drainage is provided in the ROW by an 8" PVC storm sewer in Bay Boulevard that discharges into Yaquina Bay by the Embarcadero Resort. Without a hydraulic model of the proposed storm sewer associated with the development, it is impossible to determine if the adjacent storm sewer has sufficient capacity. It may be necessary to increase the size of the existing storm sewer or do on-site storm water detention if modeling shows the additional volume will exceed the capacity of the storm sewer system.

Transportation facilities are provided via Bay Boulevard, which has a 50' wide right-of-way, two 12' travel lanes, and two 6' wide bike lanes and a sidewalk on the east side. The transportation facilities are adequate for the proposed development.



2129 North Coast Highway • P.O. Box 1126 • Newport, Oregon 97365-0090 • 541-265-3211 • fax: 541-265-5208

May 22, 2018

Kurt Fisher
AKS Engineering & Forestry

Mr. Fisher,

I have reviewed your request for possible service(s) to a "new" subdivision near 1005 SE Bay Blvd. in Newport, Oregon. Central Lincoln is able to provide electrical services to this property. The primary line would need to be extended and a new transformer(s) added to serve the new home sites.

There would be costs involved for trenching, conduit installation and CLPUD material and labor. Also an easement would be needed where CLPUD primary lines encroach or cross private property.

If you have any questions, please contact me at 541-574-3639.

Sincerely,

Jake Pettis
GIS Lead Technician
541-574-3639 (Office)

June 26, 2018

Attn: Jayme Baer
AKS Engineering & Forestry, LLC
4300 Cherry Ave NE
Keizer, Or 97303

RE: Minor Replat – 1005 SE Bay Blvd, T11S, R11W, SEC 9, TL 400, City of Newport, Lincoln County, Oregon

This information is provided in response to your request regarding telephone service for the property described as T11S, R11W, SEC 9, TL 400, City of Newport, Lincoln County, Oregon.

The address at issue is in CenturyLink service territory. Newport is the serving exchange.

The developer and subsequent property owners are subject to the terms and conditions contained in CenturyLink's filed Price List for Exchange and Network Services, Section 59, entitled "Construction of Outside Plant Facilities". It shall be in effect at the time service is billed.

There exists the possibility that facilities will not be available at CenturyLink when requested by the applicant. Delays may be encountered until such time as facilities become available. Since telephone service is handled on an individual case basis, installation dates will be negotiated upon application of each customer.

The Tariffs and Price Lists discussed are on file with the Oregon Public Utilities Commission.

Please contact me at 541-259-7275, at your earliest convenience to negotiate the required supporting structure on the subject property, and any other site improvements which may be required prior to extending CenturyLink facilities.

Sincerely,



Kerry Pozder
Network Services Engineer II
CenturyLink
60 W Grant
Lebanon, Or. 97355
541-259-7275



Exhibit F: Subdivision Guarantee Report

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WT0155429

Remit Payment To:

Western Title & Escrow Company
 360 SW Bond Street, Suite 100
 Bend, OR 97702
 Phone: (541)265-2288 Fax: (541)265-9570
Due upon receipt

INVOICE

Tim Lunceford
 440 1st Avenue East, Suite 3
 Albany, OR 97321

Order Number: WT0155429**Invoice Date:** April 10, 2018**Invoice Number:** WT0155429-1**Operation:** 02785.470073**Buyer/Borrower(s):** William Ekman**Title Officer:** Anya Kirkes**Sales Rep:** TITLE HOUSE**Property Description:**

1005 SE Bay Boulevard, Newport, OR 97365
 Tax/Map ID(s): 11-11-09-CB-00400 APN/Parcel ID(s): R132556

Bill Code	Description	Amount
OTF	Public Records Report	200.00
Invoice total amount due:		\$ 200.00

**Thank you for the opportunity to serve you.
 Please return a copy of this invoice with your payment**



**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION
OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF THE FOLLOWING CUSTOMER:

Tim Lunceford
Phone No.: (999)999-9999

Date Prepared: April 10, 2018
Effective Date: April 2, 2018 / 05:00 PM
Charge: \$200.00
Order No.: WT0155429
Reference:

The information contained in this report is furnished to the Customer by Western Title & Escrow Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report ("the Report"). Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Lincoln, State of Oregon, and is described as follows:
As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.
- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:
As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.
- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:
As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.
- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:
As fully set forth on Exhibit "D" attached hereto and by this reference made a part hereof.

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0155429

EXHIBIT "A"
(Land Description)

A parcel of land located in the Southwest Quarter (SW 1/4) of Section 9, Township 11 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, being more particularly described as follows:

Beginning at a point on the East-West centerline of said Section 9 that is $\frac{3}{4}$ of one mile West of the East Quarter corner of said Section 9; thence Westerly along said centerline to a point that is West 194.7 feet, to the Northwest corner of the Spellman tract, as described in Circuit Court Case No. 16584 (said case is also recorded as County Survey No. 7023), which point is the True Point of Beginning of the herein described parcel; thence Easterly along said centerline 300 feet, more or less, to the Northwest corner of the Stumpf tract, as described in Deed from Spellman to Stumpf, recorded July 22, 1982 in Book 133, Page 2464, Lincoln County Records (said iron was reset, as shown in County Survey No. 10,925); thence South $20^{\circ} 00'$ West 320.90 feet to an iron rod; thence South $35^{\circ} 28'$ West 120 feet, more or less, to the Northerly right of way of County Road No. 515 (now Bay Boulevard); thence Northwesterly along said right of way 260 feet, more or less, to a point on the East line of the Spellman tract (as described in said Circuit Court Case No. 16584) that is South $05^{\circ} 00'$ West of the true point of beginning; thence North $05^{\circ} 00'$ East 180 feet, more or less, to the True Point of Beginning.

EXCEPTING THEREFROM any portion lying with the Harbor Crescent Subdivision.

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0155429

EXHIBIT "B"
(Tax Account and Map)

APN/Parcel ID(s) R132556 as well as Tax/Map ID(s) 11-11-09-CB-00400

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Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0155429

EXHIBIT "C"
(Vesting)

William Ekman

Western Title & Escrow Company
 Public Record Report for New Subdivision or Land Partition
 Order No. WT0155429

EXHIBIT "D"
(Liens and Encumbrances)

1. Unpaid Property Taxes with partial payment are as follows:

Fiscal Year: 2016-2017
 Original Amount: \$3,755.86
 Unpaid Balance: \$1,435.57, plus interest, if any
 Levy Code: 104
 Account No.: R132556
 Map No.: 11-11-09-CB-00400

Unpaid Property Taxes are as follows:

Fiscal Year: 2017-2018
 Amount: \$3,725.44, plus interest, if any

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

2. City Liens, if any, in favor of the City of Newport.
3. Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.
4. Memorandum and Grant of Easements, including the terms and provisions thereof,
- Recording Date: April 3, 2006
 Recording No.: 200605053
 Between: Buck Terrace, LLC
 And: City of Newport
5. Possible \$325,000.00 unrecorded Trust Deed, as disclosed in Statutory Warranty Deed

Recording Date: October 21, 2008
 Recording No.: 2008-12279

Western Title & Escrow Company
 Public Record Report for New Subdivision or Land Partition
 Order No. WT0155429

EXHIBIT "D"
(Liens and Encumbrances)
 (continued)

6. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: **McKenzie Aviation, LLC**

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

7. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$175,000.00
 Dated: July 23, 2009
 Trustor/Grantor: Timothy A. Lunceford, Trustee of the Letha M. Oliver Living Trust dated May 18, 2005
 Trustee: Fidelity National Title Insurance Company
 Beneficiary: David Russell Williams, Jr.
 Loan No.: 20090722
 Recording Date: July 28, 2009
 Recording No.: 2009-08792

8. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$325,000.00
 Dated: January 20, 2012
 Trustor/Grantor: Timothy A. Lunceford, as Trustee of the Letha M. Oliver Living Trust dated May 18, 2005
 Trustee: First American Title Insurance Company
 Beneficiary: Clifford Allen
 Recording Date: January 26, 2012
 Recording No.: 2012-00565

It is possible the above Trust Deed is the unrecorded Trust Deed mentioned in Exception #5. If that is the case Western Title & Escrow will require documentation to that effect.

Western Title & Escrow Company
 Public Record Report for New Subdivision or Land Partition
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EXHIBIT "D"
(Liens and Encumbrances)
 (continued)

9. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

In favor of: Central Lincoln People's Utility District
 Recording Date: August 7, 2013
 Recording No: 2013-07807

10. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: **Laughrea LLC**

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

The Oregon Corporation Commission records show that as of April 9, 2018, Laughrea, LLC is an active Oregon corporation and is currently in good standing.

11. A judgment, for the amount shown below, and any other amounts due:

Amount: \$800,000.00
 Debtor: McKenzie Aviation LLC and Timothy A. Lunceford
 Creditor: Clifford G. Allen
 Date entered: August 5, 2014
 County: Lincoln
 Court: Circuit
 Case No.: 122669

Judgment arises out of the foreclosure of the unrecorded Trust Deed shown above as exception #5 and retains the priority thereof.

12. Parties in Possession or claiming the right to possession.

Western Title & Escrow Company
 Public Record Report for New Subdivision or Land Partition
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DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. **Liability of Company.**
 - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
 - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
 - (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0155429

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

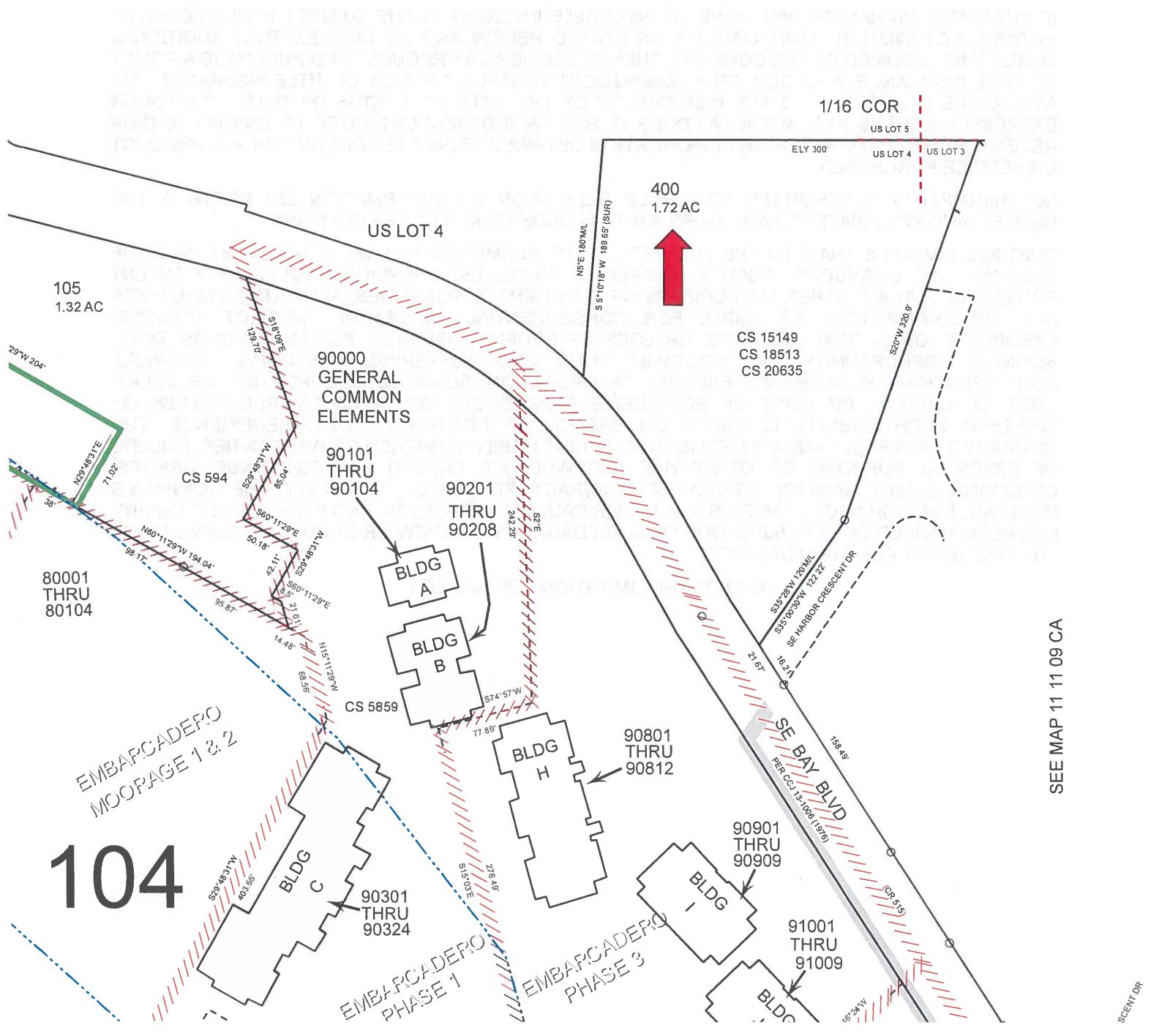
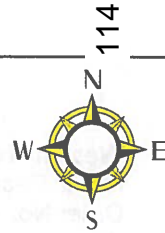
Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0155429

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY



105
1.32 AC

US LOT 4

1/16 COR

400
1.72 AC



90000
GENERAL
COMMON
ELEMENTS

CS 15149
CS 18513
CS 20635

80001
THRU
80104

90101
THRU
90104

90201
THRU
90208

BLDG
A

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B

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91001
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J

EMBARCADERO
MOOPAGE 1 & 2

104

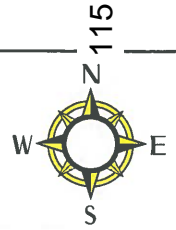
EMBARCADERO
PHASE 1

EMBARCADERO
PHASE 3

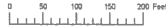
SE BAY BLVD
PER C.C.J. 12, 1006 (1979)

SEE MAP 11 11 09 CA

SCENT DR

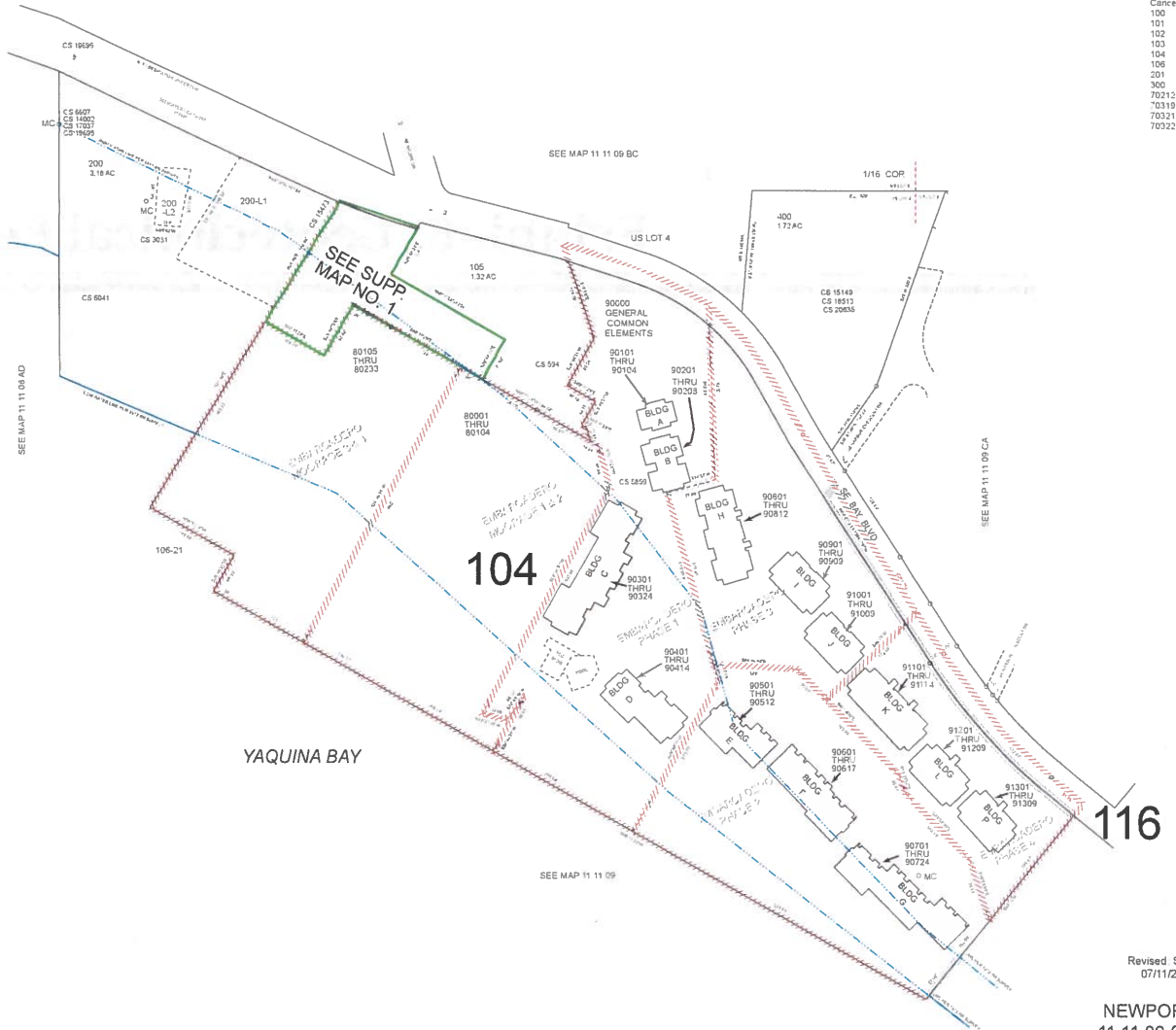


THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



N.W.1/4 S.W.1/4 SEC.9 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 100'

11 11 09 CB
NEWPORT



Cancelled
100
101
102
103
104
106
201
300
70212
70319
70321
70322

Revised SEB
07/11/2016

NEWPORT
11 11 09 CB



Exhibit G: Geotechnical Report



Foundation Engineering, Inc.

Professional Geotechnical Services

Attn: Tim Lunceford
 Greyson Financial Services, Inc.
 440 1st Avenue SE, #3
 Albany, Oregon 97321

June 12, 2018

**Tax Lot 400 (Fisherman's Wharf Estates)
 Geotechnical Consultation
 Newport, Oregon**

Project 2181053

Dear Mr. Lunceford:

This letter serves as a reissue and update to our Geotechnical Investigation titled *Fisherman's Wharf Estates*, dated October 19, 2007. The original report is attached. This letter is intended to be used with the original report to document the site and subsurface conditions and provide geotechnical design and construction recommendations for the above-referenced project. This letter and the attached report should be considered a single text, and neither should be used independently of each other.

BACKGROUND

A residential development is planned on a parcel located northwest of the intersection of SE Bay Boulevard and SE Harbor Crest Drive in Newport. Foundation Engineering completed a geotechnical investigation as part of a previously-planned development known as Fisherman's Wharf Estates. The results of our investigation are documented in the attached report.

Greyson Financial Services, Inc. (Greyson) is developing the current project. AKS Engineering & Forestry, Inc. (AKS) is the civil designer. AKS provided a preliminary plat in Sheet C2 of their current plans (attached). Sheet C2 indicates the parcel will be divided into 11 individual lots. A new road will be constructed that extends approximately north from SE Bay Boulevard, bisecting the parcel and ending in a hammerhead configuration. The layout is similar to the previous design, included in Figure 2A (Appendix A) of the original geotechnical report, with the exception that the number of lots has been reduced from 19 in the previous design.

As part of the current project, the City of Newport requested the geotechnical report be reissued, and confirmation that conditions have not changed since the original report was issued in 2007. In addition, the City requested recommendations addressing erosion control measures consistent with Section 14.21.090 of the Newport Municipal Code.

Greyson retained Foundation Engineering to provide the requested geotechnical services, which included a review of our original report, a site reconnaissance, and updates as necessary to address any changes from the original investigation. Our current scope of work was summarized in a proposal and agreement dated May 30, 2018.

SITE RECONNAISSANCE

A site reconnaissance was completed by Foundation Engineering representatives Brooke Running, R.G., C.E.G. and Jonathan C. Huffman, P.E., G.E., on June 7, 2018. During the reconnaissance, we walked the parcel and surrounding area, and observed surface features. The observations were compared to previously documented data that included available survey and topographic information, previous photos, and previous notes and field logs. We noted the following:

1. Surface vegetation and general conditions across the site are similar compared to what we observed during our 2007 investigation. The steep slopes along the north and west sides of the parcel are densely vegetated with trees, undergrowth, and brambles. It appears one tree was removed near the west side of the parcel adjacent to SE Bay Boulevard. Additional brambles have spread further south, towards SE Bay Boulevard, and over stockpiled fill (described in Item 2). We understand the site has been periodically mowed to cut the brambles, scotch broom, and similar fast-growing vegetation.
2. Fill has been stockpiled near the south end of the site. A portion of the fill was stockpiled prior to our 2007 investigation, and it appears more fill has been stockpiled since then. The fill appears to have been end-dumped from trucks and/or moved using a dozer, but not placed as engineered fill (i.e., compacted in documented lifts).

The extent of the fill is difficult to measure because it is overgrown with brambles and other vegetation. However, we estimated the approximate limits of the fill to extend across the southern portion of the new road and parts of Lots 1, 2, and 11. The approximate limits are outlined on Sheet C2 (attached). The quantity may be on the order of ± 100 to 150 yd^3 .

3. No other site grading was apparent besides the stockpiled fill. Some track marks from a small dozer or similar equipment were observed elsewhere on the parcel, but we understand these may be from the periodic mowing.
4. Besides the fill stockpile, the site grades and topography appear to be consistent with the conditions documented in 2007. We noted no signs of new surface slumps, scarps, or similar signs of instability.
5. A drainage is located downhill near the west boundary of the parcel and flows to a culvert running beneath SE Bay Boulevard. This drainage was in place prior to our 2007 investigation. Besides this drainage, we observed no other locations of surface water flow or ponding. We observed no seeps or springs along the hillside terrain.
6. Fill was stockpiled near a low-lying area within Lot 2. The fill and the naturally sloping terrain within the lot likely create an area where water ponds during periods of wet weather. However, no standing water was observed during the reconnaissance.

DISCUSSION OF GEOTECHNICAL CONSIDERATIONS AND REVIEW

After reviewing our original report and completing a site reconnaissance to observe the existing surface conditions, we believe the information provided in the 2007 geotechnical report is suitable for design and construction of the proposed residential subdivision with the following additions and revisions.

Updated Fault Mapping

Since our original (attached) report was issued, the US Geological Survey (USGS) has updated the location of the Yaquina Bay fault, which is part of the Yaquina faults. The previous location was mapped ± 300 feet southeast of the southeast corner of the parcel. Presently, the mapped location has moved and bisects the northwest portion of the parcel. We did not identify evidence of active faulting or displacement as part of the original explorations or during the recent reconnaissance. Therefore, we cannot confirm or refute the newer USGS fault mapping.

Development in Areas of Landslide Deposits

As noted in the attached report, Tax Lot 400 (i.e., Fisherman's Wharf Estates) is located within an area of mapped landslide deposits. We do not believe this precludes development since a substantial portion of the developed area around the project site is also within the mapped landslide deposits. However, the inherent risks associated with doing so should be understood.

Our investigation did not encounter deep deposits of weak or soft soils, slide planes between the soil or the soil-to-rock interface, ground water seeps or springs, or similar features that indicate mass slope movement. Based on these observations, the risk of landslides and/or slope instability appears to be low for the current site conditions.

It is possible deep-seated instabilities exist that were not identified. It is also possible that instability could be triggered with poor planning or construction. Triggering of slides in developed areas is typically associated with large excavations that remove natural buttresses, or from elevated ground water developing within a natural slide plane from concentrated run-off. The information provided herein and in the attached report are intended to document the existing conditions that suggest low landslide risk and provide recommendations to limit any increased or new risk associated with the proposed development.

Existing Fill

The fill currently stockpiled on site should either be removed or excavated and reprocessed during site grading. All fill placement should be completed in accordance with the recommendations included in the attached 2007 report. Any fill used for site grading should be observed and approved by a Foundation Engineering representative prior to placement. Reprocessed fill should be free of organics, construction debris, high plasticity clay, or other deleterious materials.

Most of the fill has been stockpiled near the south end of the site. However, as noted in the attached report, some of the explorations also encountered limited fill (e.g., TP-6 dug in the current Lot 9). Surficial construction debris was also observed in portions of the site during the recent reconnaissance. No building foundations or slabs, or roads and driveways should be constructed on undocumented fill.

Lots 2 and 3

A low-lying area extends across the middle section Lot 2 and the south portion of Lot 3. The new site grading plan was not available at the time this letter was prepared. However, based on current grades, we anticipate modest fill could be required to level the terrain in these lots. Fill, if required, should be benched and compacted over a prepared surface, as recommended in the attached report. Any loose or soft soils or existing undocumented fill should be removed or moisture-conditioned and compacted prior to placing new fill.

If site grading requires significant fill and construction of new footings within the fill in Lots 2 and 3, we should be contacted to provide additional recommendations and observation of the fill placement.

Discharge of Storm Drains

Item 34 in the attached report recommends discharging drains by gravity into the nearest storm drain or discharging the water into the nearest natural drainage. It further states that roof drains may be discharged onto the property at least 5 feet away from footings.

As a revision to the report, we do not recommend discharging onto the property. Instead, we recommend only discharging to storm drains or hard surfaces (e.g., pavements) that drain off the site. We recommend this revision to help reduce risks associated with erosion and instability of the steep-sloping terrain.

Erosion Control

The City of Newport requires erosion control measures consistent with Section 14.21.090 of the Newport Municipal Code. We reviewed these measures and discussed with AKS. Erosion control will be addressed in the civil plans. We assume the plans will incorporate the recommendations provided in the geotechnical report.

Several general and specific recommendations were provided in the attached report for site preparation, embankment construction, siting of new structures, foundation construction and drainage. These recommendations are intended, in part, to provide a means reduce the risks associated with erosion and/or instability on the sloping terrain both during and after construction of the planned development. In consultation with AKS, pertinent recommendations are repeated herein to help identify the erosion control measures.

General recommendations to reduce the risk of both short and long-term slope instability and erosion include:

- Construct homes on full cut benches.
- Remove any loose, organic-rich or plastic soils from beneath foundations and slabs and from behind retaining and basement walls.
- Provide foundation drains on the upslope side of the house.
- Vegetate finished cut and fill slopes to reduce the risk of erosion. Vegetation should also be restored where it is disturbed on slopes that have no cuts or fills.

Specific recommendations were provided in the Recommendations section of the attached report for embankment construction, which include:

- Strip the existing ground ± 6 to 12 inches, or as required to remove roots and sod. Deeper excavations may be required to remove larger tree roots. Dispose of all strippings outside of construction areas.
- Compact the subgrade to a depth of at least 12 inches. Embankments constructed in sloping terrain should be benched into the slope.
- Maintain the moisture in the subgrade to prevent excessive drying and cracking. Immediately backfill the prepared subgrade with On-Site Fill or Stabilization Rock and compact as specified in Item 7 (defined in the attached report).
- Overexcavate and replace any pumping soils with compacted Stabilization Rock, Select Fill, or drier On-Site Fill (defined in the attached report).
- Subgrade stabilization (where required) should include placement of a Stabilization Geotextile over relatively undisturbed subgrade. An initial ± 12 to 18-inch thick lift of Stabilization Rock (defined in the attached report) should be spread over the geotextile prior to any compaction of the fill.
- Construct permanent cut and fill slopes no steeper than 2:1(H:V).
- Periods of wet weather or isolated showers may prevent adequate compaction of the fine-grained On-Site Fill (defined in the attached report). Therefore, if showers occur, the work may have to be delayed or a higher quality material may be required to allow the work to continue in these conditions. In addition, surficial fill that softens due to exposure to wet weather may have to be aerated and recompact or excavated and replaced.
- The finished grades should be seeded, watered, and maintained as soon as possible following earthwork to provide mature vegetation prior to the onset of wet weather and reduce the risk of erosion. If mature vegetation cover is not in place prior to the onset of wet weather, erosion control mats should be installed.

Recommendation for foundation design and construction that pertain to erosion control and stability include the following:

- Site grading for residential construction should be limited to full cut benches. Temporary cuts should be planned no steeper than ½:1(H:V). However, the appropriate cut slopes will have to be evaluated at the time of construction. Concentrated seepage from the slope will tend to destabilize the slope. Therefore, grading should direct surface water away from the slopes.
- Grade the ground surface surrounding all buildings to promote runoff away from the foundations.

Specific recommendations for drainage were provided, in part, to address erosion and stability concern. Those recommendations include the following:

- Install foundation drains along the perimeter of the buildings. The drains should consist of 3 or 4-inch diameter, perforated or slotted, PVC pipe wrapped in a Filter Fabric (defined in the attached report). The flowline of the pipe should be set at least 18 inches below the ground surface. The pipe should be bedded in at least 4 inches of Drain Rock (defined in the attached report). The entire mass of Drain Rock should be wrapped in a similar filter fabric that laps at least 12 inches at the top.
- Install interceptor drains behind basement and retaining walls. The drain should consist of 3 or 4-inch diameter, perforated or slotted PVC pipe wrapped in a non-woven Filter Fabric. The bottom of the trench should extend at least 3 feet below the existing grade. The pipe should be bedded in at least 4 inches of Drain Rock and backfilled to the full depth with Drain Rock. The entire mass of Drain Rock should be wrapped in a similar filter fabric that laps at least 12 inches on the top.

The interceptor drain should be placed at least 5 feet behind the wall as shown on Figure 5A (included in the attached report). The ground surface should be sloped behind the wall to direct flow into the drain.

- Provide clean-outs at appropriate locations for future maintenance of the drainage systems.

As noted above, we recommend altering the drainage recommendations to only direct discharge to storm drains or hard surfaces (e.g., pavements) that drain off the site.

DESIGN REVIEW/CONSTRUCTION OBSERVATION/TESTING

Consistent with the recommendations included in the attached report, we should be provided the opportunity to review all new drawings and specifications that pertain to site preparation, foundation construction, and pavements. Site preparation will require field confirmation of foundation soils and road subgrade. Mitigation of any subgrade pumping or uncompacted site fill will also require engineering review and judgment. That judgment should be provided by one of our representatives. Frequent field density tests should be run on all engineered fill, subgrade and base

rock. We recommend that we be retained to provide the necessary construction observations.

VARIATION OF SUBSURFACE CONDITIONS, USE OF THIS REPORT AND WARRANTY

The analysis, conclusions and recommendations contained herein assume the soil profiles encountered in the test pits and borings (documented in the attached 2007 report) are representative of the overall site conditions. Additionally, the recommendations assume that nearby sites have been properly engineered and will not affect the development of the proposed site or the performance of new structures. The above recommendations assume we will have the opportunity to review final drawings and be present during construction to confirm foundation conditions. No changes in the enclosed recommendations should be made without our approval. We will assume no responsibility or liability for any engineering judgment, inspection or testing performed by others.

This report was prepared for the exclusive use of Greyson Financial Services, Inc. and their design consultants for the Tax Lot 400 (a.k.a., Fisherman's Wharf Estates) project in Newport, Oregon. Information contained herein should not be used for other sites or for unanticipated construction without our written consent. This report is intended for planning and design purposes. Contractors using this information to estimate construction quantities or costs do so at their own risk. Our services do not include any survey or assessment of potential surface contamination or contamination of the soil or ground water by hazardous or toxic materials. We assume that those services, if needed, have been completed by others.

Our work was done in accordance with generally accepted soil and foundation engineering practices. No other warranty, expressed or implied, is made.

It was a please working with you on this project. Please do not hesitate to call if you have any questions with the information included in this letter or the attached 2007 report.

Sincerely,

FOUNDATION ENGINEERING, INC.

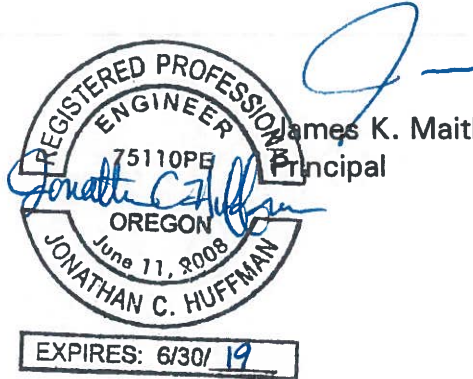
Jonathan C Huffman

Jonathan C. Huffman, P.E., G.E.
Senior Engineer

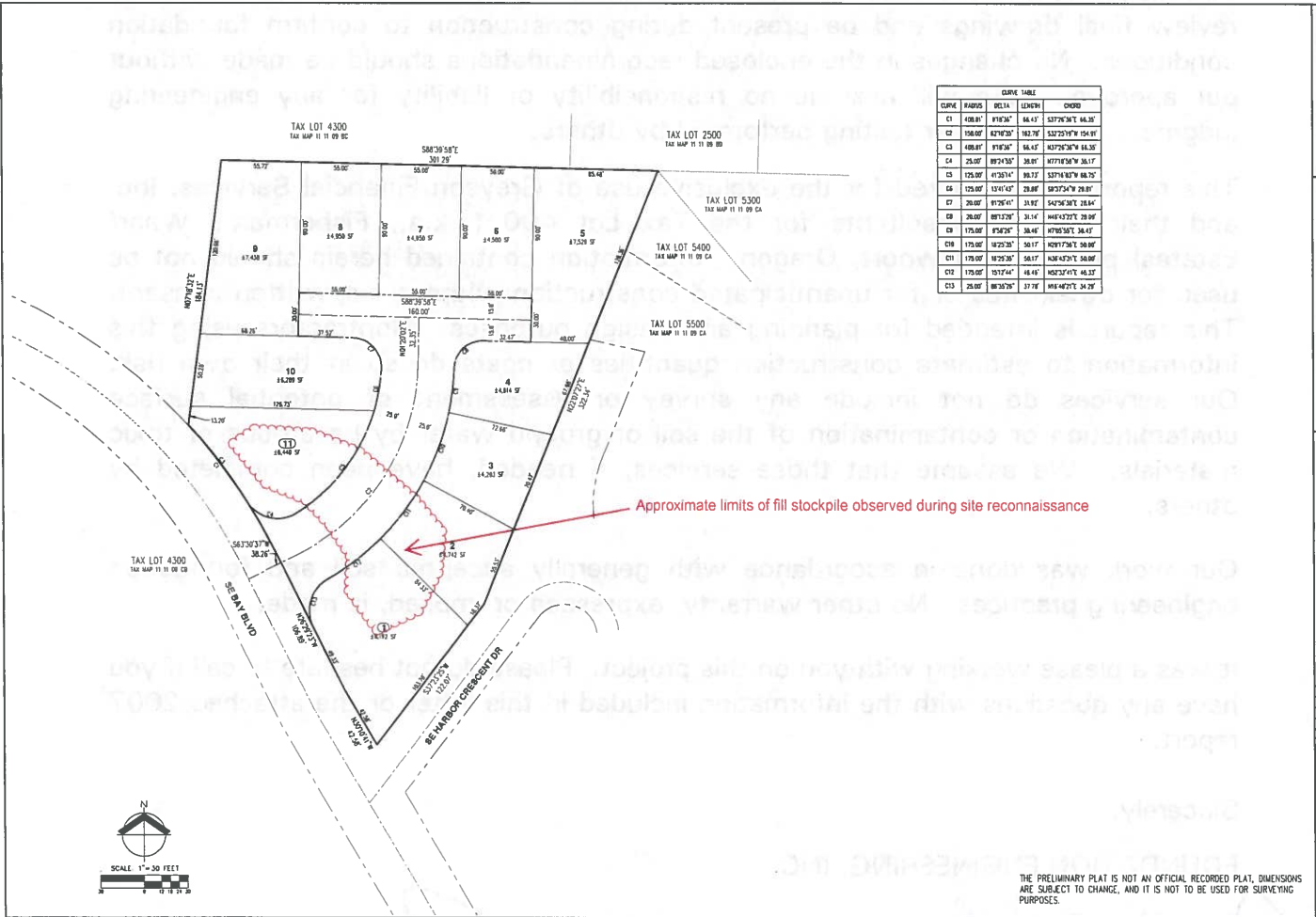
Brooke Running

Brooke Running, R.G., C.E.G.
Geologist

JCH/JKM/BKR/wg



James K. Maitland, P.E., G.E.
Principal



CDMP#	PARCELS	BELLA	LEHIGH	CHORD
C1	428.81	818.24	84.43	5377347'W 64.35'
C2	128.02	878.28	182.76	5372574'W 124.91'
C3	108.87	918.24	84.43	5372574'W 64.35'
C4	25.02	897.52	38.81	8771826'W 26.17'
C5	175.02	1217.52	38.81	5374674'W 64.35'
C6	128.02	1217.52	38.81	8922574'W 26.17'
C7	28.02	912.52	31.81	5425674'W 26.17'
C8	28.02	872.52	31.81	8484724'W 26.17'
C9	175.02	872.52	31.81	8760724'W 26.17'
C10	175.02	822.52	31.81	8384724'W 26.17'
C11	175.02	822.52	31.81	8384724'W 26.17'
C12	175.02	1217.52	38.81	8384724'W 64.35'
C13	28.02	882.52	31.81	8184724'W 26.17'

Approximate limits of fill stockpile observed during site reconnaissance

AKS
 AKS ENGINEERING & SURVEYING, LLC
 1000 W. 10TH AVENUE SUITE 100
 DENVER, CO 80202
 (303) 733-1111
 www.aks-engineering.com

NEWPORT SUBDIVISION
TL - 400
NEWPORT

PRELIMINARY PLAT

DESIGNED BY: 124
 DRAWN BY: 124
 CHECKED BY: PBE
 SCALE: AS SHOWN
 DATE: 05/11/2021

THE PRELIMINARY PLAT IS NOT AN OFFICIAL RECORDED PLAT, DIMENSIONS ARE SUBJECT TO CHANGE, AND IT IS NOT TO BE USED FOR SURVEYING PURPOSES.

JOB NUMBER: 5691
 SHEET: C2

AKS ENGINEERING & SURVEYING, LLC



Geotechnical Investigation

Fisherman's Wharf Estates

Newport, Oregon

Prepared for:

**Willamette Development Services
Albany, Oregon**

October 19, 2007

*Professional
Geotechnical
Services*

Foundation Engineering, Inc.



Foundation Engineering, Inc.

Professional Geotechnical Services

Peter Martin
 Willamette Development Services
 110 Third Avenue SE
 Albany, Oregon 97321

October 19, 2007

**Fisherman's Wharf Estates
 Geotechnical Investigation
 Newport, Oregon**

Project 2071093

Dear Mr. Martin:

We have completed the requested geotechnical investigation for the above-referenced project. Our report includes a description of our work, a discussion of the site conditions, a summary of laboratory testing and a discussion of engineering analyses. Recommendations for site preparation and foundation design and construction, and the construction of pavements are enclosed.

It has been a pleasure assisting you with this phase of your project. Please do not hesitate to contact us if you have any questions or if you require further assistance.

Sincerely,

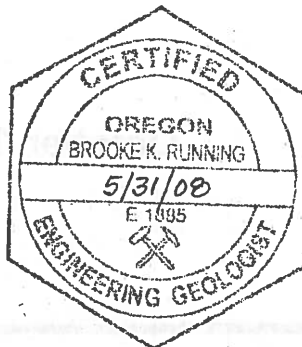
FOUNDATION ENGINEERING, INC.

Jonathan C. Huffman

James K. Maitland, P.E., G.E.
 Principal

Brooke Running, R.G., C.E.G.
 Geologist

JCH/JKM/BKR/cs
 enclosure



Portland • Corvallis

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**GEOTECHNICAL INVESTIGATION
FISHERMAN'S WHARF ESTATES
NEWPORT, OREGON**

BACKGROUND

Fisherman's Wharf Estates is a proposed 19-lot development located northwest of the intersection of SE Bay Boulevard and SE Harbor Crescent Drive in Newport, Oregon. The location of the site is shown on Figure 1A (Appendix A). The ± 2.14 -acre site is currently undeveloped. However, we understand that a residence previously occupied a portion of the property. Additionally, fill has been stockpiled in different areas within the parcel. At the time this report was prepared, the southwest portion of the property (i.e., the area adjacent to SE Bay Boulevard) was being used as a staging area for on-going road and utility improvements near the site.

The proposed improvements will include site grading for construction of new residences. A new road (designated as Martin Court) is also planned that will access the lots. The site layout, including the proposed lots and the new road, is shown on Figure 2A (Appendix A).

Willamette Development Services (WDS) is developing the property and K&D Engineering, Inc. (K&D) is providing civil design services. Foundation Engineering, Inc. (FEI) was retained by WDS as the geotechnical consultant. Our scope of work was outlined in a proposal dated August 14, 2007, and authorized by a signed service agreement dated September 12, 2007.

REVIEW OF LITERATURE AND LOCAL AGENCY INFORMATION

We reviewed geologic maps and reports to provide a general overview of the site geology and to help evaluate local hazards, primarily involving landslide concerns. We also contacted local authorities, including the City of Newport and the local office of the Oregon Department of Geology and Mineral Industries (DOGAMI) for possible site or area-specific information that may be prudent to the investigation. The agencies did not have records of site-specific geologic hazards. However, DOGAMI provided us with an aerial photograph of the site and surrounding area that includes overlays of mapped landslide topography and Quaternary landslides, as identified by Schlicker et al. (1973) and Snavelly et al. (1976). The aerial photograph is included as Figure 3A (Appendix A).

LOCAL GEOLOGY AND FAULTING

Newport is located west of the foothills of the Coast Range on the central Oregon Coast. The area between the Coast Range and the ocean near Newport is on the western flank of a broad, north-trending anticline (Schlicker et al., 1973). The older Siletz River Volcanics form the core of the anticline and are overlain by younger rocks of the Yamhill and Nestucca Formations to the west-northwest and Tyee Formation to the south and east (Van Atta et al., 1976; Schlicker et al., 1973). In the Newport area, Yamhill, Yaquina and Nye Mudstone Formations (east to west, older to younger) have a northerly trend and a gentle dip to the west and overlie the Tyee Formation (Schlicker et al., 1973).

Yaquina Bay is surrounded by elevated marine terraces that are primarily composed of beach-deposited sand with occasional lenses of gravel (Schlicker et al., 1973). However, the project site is underlain at shallow depths by Nye Mudstone. The Nye Mudstone is approximately 4,400 feet thick at Yaquina Bay (Schlicker et al., 1973).

Extensive faulting within the bedrock units is displayed with northwest and northeast-trending normal faults within ± 10 miles of the site (Schlicker et al., 1973). However, these faults are not considered active in the Quaternary (USGS, 2007; Geomatrix Consultants, 1995). It is evident that no faulting has been noted within the marine terrace deposits (late Pliocene to early Pleistocene); therefore, fault deformation is older than 0.5 million years (Schlicker et al., 1973).

Three, east-trending faults offset marine-terrace deposits and platforms between Yaquina Head and Yaquina Bay, located within $\pm \frac{1}{2}$ mile of the site along the northern portion of Yaquina Bay (USGS, 2007). These faults (Yaquina Head, Nye Beach and Yaquina Bay faults) offset Miocene through Eocene volcanic and sedimentary rocks of the Coast Range but do not appear to extend off-shore. It has been estimated that these faults are active within the late Quaternary (<130,000 years old) (USGS, 2007).

FIELD EXPLORATION

Test Pits

We dug seven exploratory test pits at the site on September 19, 2007, using a Komatsu PC 50mr mini-excavator. The explorations extended to depths ranging from ± 8 to 9.5 feet below the ground surface. Disturbed soil samples were obtained for visual classification and laboratory testing. The soil profiles were logged and the absence of ground water was noted. An undrained shear strength measurement was made on the sidewall of TP-1 using a Torvane shear device. However, the soil was typically too stiff and friable for accurate Torvane measurements at other locations.

Following the completion of the explorations, the holes were backfilled with the excavated materials. The soil profiles, sampling depths and strength measurements are summarized on the test pit logs (Appendix B). The approximate locations of the test pits are shown in Figure 2A (Appendix A).

Boreholes

We drilled three boreholes between October 1 and 2, 2007, using a Dietrich D50 Turbo track-mounted drill rig with mud-rotary drilling and NQ double-barrel coring techniques. The borings were advanced to maximum depths ranging from ± 35 to 41.5 feet to help characterize the soil profile at deeper depths. Disturbed samples were obtained at 2.5-foot intervals for the first 15 feet and at 5-foot intervals thereafter using a split-spoon sampler. The Standard Penetration Test (SPT), which is run when the split-spoon is driven, provides an indication of the relative stiffness or density of the foundation soils. Continuous rock core was obtained in BH-2 after drilling extended a short distance into the rock surface. We did not core at the other locations due to poor recovery of the rock core in BH-2.

The borings were continually logged during drilling. The soil profiles, sampling depths and SPT and coring data are summarized on the boring logs (Appendix B). The approximate borehole locations are shown in Figure 2A. The subsurface conditions observed in the test pits and borings are discussed below.

DISCUSSION OF SITE CONDITIONS

Site Topography and Vegetation

The terrain typically slopes gently to moderately to the north and west. However, the southeast corner of the property (i.e., the back of Lots 15 through 19) is relatively steep, sloping at $\pm 1.5:1$ (H:V) down from SE Harbor Crescent Drive. Similarly, the terrain becomes relatively steep just north of the property limits adjacent to Lots 8 through 10. Topographic information provided by K&D indicates that the elevation within the parcel ranges from \pm El. 72, near the northeast corner, to \pm El. 12 towards the northwest corner. The ground surface is mostly uneven across the site, which we attribute primarily to previous excavation and infilling activities. However, colluvial deposits, which may create uneven terrain, are also common in the surrounding hilly area.

An existing drainage swale at the base of the north and west slopes separates the site from the adjacent properties. Flow is directed to a small concrete culvert that passes under SE Bay Boulevard, immediately west of the property limits. At the time of the site exploration, we noted a few inches of standing water at the base of the drainage near the culvert.

A relatively large quantity of fill was recently stockpiled at the south end of the site. The stockpiled fill primarily consists of residual soil and decomposed bedrock, which may have been excavated during recent road improvements. A thin layer of open-graded crushed rock has also been spread in the southwest portion of the site adjacent to SE Bay Boulevard to stabilize the existing staging area.

Most of the site (outside of the staging area) is covered by short blackberry bushes. Scotch broom grows abundantly as well. The northern and western slopes near the drainage are densely vegetated with trees, blackberries and brush.

Subsurface Conditions

The general soil profile encountered during our exploration includes:

- Topsoil. A topsoil layer overlies most of the site and has a thickness varying from ± 6 inches to ± 3 feet. The topsoil typically consists of dark brown, medium plasticity silt. The topsoil was dry to damp and medium stiff at the time of our exploration.
- Residual Soil. The topsoil is underlain by residual soil. The residual soil represents bedrock that has decomposed to a soil-like consistency with trace rock fragments. Relict rock structure was also noted at deeper depths in the test pits. The residual soil typically consists of light grey-brown, stiff to hard, medium plasticity silt or clayey silt. Sandy silt was also encountered in TP-2 to a depth of ± 6 feet, and in BH-1 between a depth of ± 3 and 5 feet.

The maximum depth of the residual soil varies across the site. It was encountered to a depth of ± 6 feet in TP-2 and extended beyond the maximum exploration depth of the other test pits (± 8 to 9.5 feet). The residual soil extended to maximum depths ranging between ± 9 feet and ± 21 feet in the borings.

- ***Bedrock.*** Moderately weathered to decomposed, extremely weak (RO) siltstone and/or mudstone (Nye Mudstone) underlies the residual soil. As noted, the depth to rock varies across the site. There is typically a gradual transition between hard residual soil and competent rock, and we made the distinction between soil and rock where the color of the material changed to dark grey, the documented color of Nye Mudstone.

A minimum SPT N-value of 32 was recorded in the bedrock (at BH-1). This suggests that, at a minimum, the rock is consistent with hard soil. The N-value typically increased with depth and practical driving refusal was recorded at depth in all of the borings.

Three core runs were completed in BH-2 between ± 25 and ± 35 feet. Recovery ranged from 57 to 100% and the RQD ranged from 0 to 48%. We anticipate the low RQD was in some part due to coring action disturbing the relatively soft (i.e., soil-like) rock.

Fill was also encountered at various locations to a maximum depth of ± 3.5 feet (TP-6). The consistency and stiffness of the observed fill varied between test pits. However, most of the fill was similar to other soils observed on site, including the topsoil and residual soils.

Ground Water

We observed no ground water infiltration in the exploratory test pits. However, the observed iron-staining of the residual soil suggests that a perched water table condition may develop at either the interface between the topsoil and residual soil, the interface between the residual soil and the underlying bedrock, or at both interfaces during periods of extended rainfall. As noted above, some standing water was observed in the drainage area at the base of the west slope.

Due to the mud-rotary drilling method, we were unable to obtain water levels in any of the borings during our exploration.

LABORATORY TESTING

The laboratory work included natural water contents, Atterberg limits tests and grain-size analysis to classify the on-site soils according to the Unified Soil Classification System (USCS), determine their homogeneity and estimate their overall engineering properties. Results of the natural water contents and Atterberg limits are summarized in Table 1C. The results of the index testing are summarized on Table 1C and Figure 1C (Appendix C).

A moisture-density curve (ASTM D 698) and California Bearing Ratio (CBR) tests were completed for a bulk subgrade sample obtained from TP-5, dug near the proposed Martin Court. The results of the moisture-density test (Figure 2C, Appendix C) suggest the soil has a maximum dry density of 65.6 lb/ft³ (pcf) at an optimum moisture content of 46.2%. Results of the CBR test (Figure 3C, Appendix C) suggest a CBR value of 9.8 for the material compacted to 95% of its maximum dry density.

DISCUSSION OF GEOTECHNICAL ISSUES

Slope Stability

Our subsurface investigation suggests the site is mantled with a thin layer of topsoil underlain by stiff to hard residual soil that grades to bedrock at relatively shallow depths. The presence of a thin soil mantle and shallow bedrock typically precludes the formation of large-scale, deep rotational failures. However, bedding-plane and/or block slides have been documented in similar rock formations within the area; typically along the water-saturated contact of the overlying material and the bedding plane when lateral support is removed by either erosion or excavation (Schlicker et al., 1973).

Landslides have been mapped in the area and most of the local sloping terrain is identified as landslide topography. However, it appears that the site is mostly outside of the known landslide area identified by Schlicker et al. (1973) (Figure 3A, Appendix A). Madin and Wang (1999) identified the site as having a moderate hazard for earthquake-induced landslides. We anticipate this hazard rating is at least in part due to the proximity of the site to the Cascadia Subduction Zone (CSZ), which creates potential for high seismic activity; the proximity to the Yaquina Bay fault; and the presence of moderate slopes and nearby mapped landslide deposits. Because of this potential, nearby sites with sloping terrain are also rated with at least a moderate hazard level (Madin and Wang, 1999). However, the hazard increases to high if existing landslides are present.

We noted no visible movement or instability indicators or existing scarps across the site. The uneven terrain across the site is primarily created by previous cutting and filling activities. The ground surface along the drainage to the north and west is densely vegetated and tree trunks, mainly on the western slope have slightly curved trunks. The drainage swale had some standing water at the time of our site investigation. However, no other ground water, including any seeps or springs, was observed. During the subsurface exploration, we did not identify any potentially weak bedding planes within the residual soil or bedrock, or at the interface between the soil and rock.

Based on our observations, we have concluded there is a low potential for landslides or instability with the existing slope conditions due to the absence of identifiable landslide features, the lack of seeps or springs, and the presence of relatively stiff residual soil and shallow bedrock beneath mature slopes. It should be noted, however, that building within areas of potentially high seismic activity carries some inherent risk.

It is our professional opinion that the lots are suitable for the proposed development. Development of the property will result in some alteration to the existing slopes. To limit the potential for slope instability, we recommend the following:

- Construct homes on full cut benches.
- Remove any loose, organic-rich or plastic soils from beneath foundations and slabs and from behind retaining and basement walls.
- Provide foundation drains on the upslope side of the house.
- Vegetate finished cut and fill slopes to reduce the risk of erosion. Vegetation should also be restored where it is disturbed on slopes that have no cuts or fills.

Further discussion is provided below and more specific details are included in the Recommendations section of this report.

Cuts/Fills

Moderate cuts and fills will be required for general site grading. We understand that residential construction in the steeper sloping areas, primarily in the north and west lots, will include basements and stem walls.

Cuts will likely expose residual soil and/or decomposed to highly weathered siltstone. The Komatsu PC 50mr mini-excavator used to dig the test pits was able to excavate through the different materials with moderate effort. As noted above, the residual soil and rock appear to be stable in their existing condition. However, exposing the underlying materials even for a short time will make them susceptible to erosion. Landscaping (i.e., seeding and watering) all cut faces should be completed as soon as practical during the earthwork phase.

Fill may be generated from on-site cuts or from the material stockpiled towards the south end of the parcel. Fill that includes organics, construction debris, or other deleterious material should not be used as subgrade for roads or placed beneath structures. A maximum slope of 2:1(H:V) is appropriate for the on-site materials. When placing fill, density tests should be run frequently to verify the required compaction. The toe of the fill should be keyed into very stiff to hard residual soil or bedrock. Fill should be placed on terrain that is properly stripped and benched. Individual benches should be relatively flat (i.e., 10:1(H:V) or flatter). We recommend overbuilding the slopes and subsequently trimming the fill to provide compaction at the face of the finish slope. Any on-site material (native or fill) will be moisture-sensitive and, therefore, placement and compaction of fill will only be appropriate during the dry summer months when the material can be properly moisture-conditioned and/or aerated.

Site Drainage

The observed iron-staining of the residual soil suggests that rainfall may perch within a few feet of the ground surface during periods of extended rainfall. We recommend perimeter footing drains be placed on the up-slope sides of houses to reduce the risk of weakening the foundation soils due to repeated wetting and

drying. Recommendations for perimeter footing drains are provided below and a schematic is included in Figure 4A (Appendix A). Run-off from streets should be directed to the nearest storm drain. If storm drains are discharged into the existing drainage swale, we recommend providing erosion control at the outlet drain.

Improper drainage significantly increases the potential for slope instability. In addition to on-site mitigation discussed above, the stability of the slope will also depend, in part, on proper drainage of the upslope developments located east of the parcel. Therefore, we recommend that the existing condition of the upslope drainage is documented prior to beginning work on this site.

Surficial Fill

Fill was encountered in TP-5 and TP-6 while digging along the north and west slopes. Due to the loose nature of the fill and its variable organic content, we do not believe it is an appropriate subgrade to support foundations and slabs. We recommend placing foundations and slabs on the stiff to hard residual soil.

Construction along the slopes will likely require removing a significant portion of the vegetation. This will tend to destabilize the surficial fill. Therefore, proper erosion control will also be required throughout construction to mitigate sliding of fill into the drainage swale downslope.

ENGINEERING ANALYSIS

The analysis and recommendations below assume that excavations for footings and slabs will extend to stiff to hard residual soil. We recommend that FEI be retained during the grading work for residential construction to verify the soil conditions assumed in the engineering analyses provided below.

Bearing Capacity

Soil observations within the test pits, the Torvane measurement and SPT N-values indicate the residual soil is stiff to hard. An allowable bearing pressure was calculated assuming an undrained soil shear strength of 0.5 tsf (i.e., stiff soil profile). The calculations suggest an allowable bearing pressure of 2,000 psf with a typical factor of safety of 3.

This analysis assumes that foundations will be placed at least 24 inches below the ground surface. In addition, we assumed the footings will bear on a minimum of 6 inches of compacted Select Fill and that the Select Fill will extend a minimum of 12 inches outside the footprint of the footing.

Settlement

We did not perform a traditional settlement analysis. However, based on the stiffness of the residual soil and the assumed footing loads, we anticipate that settlement due to consolidation of the foundation soils will be relatively small (i.e., less than 1 inch).

Basement and Retaining Walls

Lateral earth pressures for basement retaining walls were estimated assuming at-rest (K_0) conditions. An equivalent fluid density of 55 pcf is recommended for retaining wall design based on the assumed rigidity of the wall and the method of backfill compaction.

For cantilevered retaining walls, an equivalent fluid density of 35 pcf is recommended for design. This assumes the walls will be free to rotate the amount required to develop an active (K_a) condition.

Recommendations for the active and at-rest condition assume the walls will be backfilled with Select Fill in the manner described in the recommendations section. In addition, both values assume an appropriated drainage system will be installed behind the wall to prevent the build-up of hydrostatic pressure. Figure 5A (Appendix A) provides a schematic of the assumed typical wall construction.

Footings for basement walls or retaining walls should be designed and constructed as described above for residential foundations. Guideline recommendations for the design and construction of these footings are provided below.

Pavement Analysis and Design

Based on the number of new lots proposed for the development, we estimated a daily traffic of ± 50 cars and light pickup trucks, ± 3 to 5 medium-size delivery trucks and/or service vehicles (36,000 lb/GVW) and up to 1 heavy truck (80,000 lb/GVW) per day. An M_r value of 9,000 psi was selected for analysis based on available correlations and a reduced CBR value of 6 to account for some variability of the subgrade.

We used a computer program, the assumed traffic and the results of the laboratory tests to estimate a pavement section for the new road. Our analysis indicates the new road (i.e., Martin Court) should have a minimum flexible pavement section consisting of a nominal 3 inches of asphaltic concrete (AC) over 9 inches of base rock consisting of Select Fill. However, due to the potential variability in subgrade conditions beneath pavements, we recommend a minimum section of 3 inches AC over 12 inches of base rock. The minimum pavement section assumes the road will be built on subgrade prepared as recommended herein and that any loose or organic soils will be removed.

A 20-year design life was assumed for the analysis. However, a nominal 2-inch overlay should be planned at about 12 years. The Asphalt Institute (TAI) recommends overlaying flexible pavements when 60% of the structure life is used. Research has shown that overlaying pavements at that time is more cost-effective than a full-depth repair after the pavement has failed. The pavement should be inspected by an experienced engineer every 5 years to determine its condition and need for rehabilitation.

RECOMMENDATIONS

The following recommendations assume the earthwork will be completed during dry weather. Excavations will be difficult during wet weather due to moisture sensitivity of the subgrade and on-site fill. Compaction of the on-site soils will be impractical during wet weather and may require substitution with a higher quality imported material. The contractor may still experience pumping problems in the summer if the surficial soils have not adequately dried. Therefore, we recommend an on-site conference with the contractor prior to the grading work to review site conditions.

Material and Compaction Recommendations

1. Select Fill as defined in this report should consist of 1 or ¾-inch minus, clean (i.e., less than 5% passing the #200 U.S. Sieve), well-graded, crushed gravel or rock. We should be provided a sample of the intended fill for approval, prior to delivery to the site.
2. On-Site Fill should consist of low to medium plasticity silt, clay, rock, or mixtures of the above that are free of high plasticity clay, organics or construction debris. Unless approved by us, silts or clays should not be placed under foundation areas or under settlement-sensitive structures.
3. Stabilization Rock should consist of 6-inch minus, durable, angular, crushed rock, which is free-draining and does not contain clay, organic matter, or debris. Uncrushed (bar-run) gravels are not acceptable for use as granular stabilization rock.
4. Drain Rock should consist of 2-inch minus, clean (less than 2% passing the #200 sieve), open-graded gravel or rock.
5. Filter Fabric should consist of a non-woven geotextile with a grab tensile strength greater than 200 lb., an apparent opening size (AOS) of between #70 and 100 (US Sieve) and a permittivity greater than 0.1 sec^{-1} .
6. Stabilization Geotextile should have Mean Average Roll Value (MARV) strength properties meeting the requirements of an AASHTO M 288-2000 Class 2 geotextile (e.g., Propex 2004 or Linq GTF 300).

The geotextile shall have MARV hydraulic properties meeting the requirements of AASHTO M 288-2000 (geotextile for separation) with a permittivity greater than 0.05 sec^{-1} and an Apparent Opening Size (AOS) less than 0.6 mm. We should be provided a specification sheet on the selected geotextile for approval prior to delivery to the site

7. Compact the subgrade and all imported fill to 95% relative compaction. The maximum dry density of ASTM D 698 should be used as the standard for estimating the relative compaction.

Efficient compaction of fine-grained soils will require the use of a padfoot or kneading roller. Granular soils typically compact more efficiently using a smooth drum, vibratory roller. Fine-grained soils may require moisture-conditioning prior to compaction to adjust the natural moisture content to within $\pm 2\%$ of its optimum value. Moisture-conditioning may include ripping and aeration for soils too wet of optimum or ripping and wetting if the soils are too dry of optimum.

Field density tests should be run frequently to confirm adequate compaction of the subgrade and imported fills. The subgrade and granular fills that contain aggregates too coarse for density testing should be proof-rolled using a loaded, 10-yd³ dump truck or other approved vehicle. The proof-roll should be observed by an FEI representative. Areas of pumping or deflection observed beneath the truck wheels may be reworked, or overexcavated and replaced with compacted Select Fill or Stabilization Rock and proof-rolled again.

8. Place and compact all fill in loose lifts not exceeding 12 inches. Thinner lifts may be required if light or hand-operated equipment is used.
9. Overexcavate all test pits that extend under buildings and pavements. Replace the test pit backfill with compacted Select Fill.
10. Shore all excavations to protect workers from sloughing or caving soils according Oregon OSHA requirements. Soils encountered in the test pits typically met the OSHA standard for Type B soils. However, sloping terrain, trenches should be shored assuming OSHA Type C soils. OR OSHA recommendations assume maximum temporary cut slopes of 1:1(H:V) for Type B soils and 1.5:1(H:V) for Type C soils. Short-term steeper cuts (up to $\frac{1}{2}$:1(H:V)) may be feasible in the stiff soils during dry weather. The actual maximum cut slopes will have to be evaluated in the field at the time of construction.

Trenches should be pumped dry prior to placing the backfill. Trench backfill that extends beneath the new building, pavements and hardscapes should consist of compacted Select Fill.

Inform contractors that bedrock may be encountered at shallow depths. Digging with a Komatsu PC 50mr mini-excavator did not encounter practical refusal in rock in any of the test pit locations. Practical driving refusal was encountered at relatively deep depths within the borings.

11. Provide contractors with a copy of this report to review recommendations for foundation construction and the soil and rock conditions encountered in the test pits. We should be provided an opportunity to meet with the contractor prior to construction to discuss the site conditions and the contractor's approach to site preparation.

Embankment Construction

Recommendations for excavation, preparation of fill areas and fill placement are outlined below. Compaction may not be practical if the soils are too wet of optimum. Therefore, the site work should not be attempted during wet weather and should be delayed until the subgrade soils are sufficiently dry or until weather permits efficient aeration. We recommend that the work be conducted only during dry weather as follows:

12. Strip the existing ground ± 6 to 12 inches, or as required to remove roots and sod. Deeper excavations may be required to remove larger tree roots. Dispose of all strippings outside of construction areas.
13. Compact the subgrade to a depth of at least 12 inches. Embankments constructed in sloping terrain should be benched into the slope.
14. Maintain the moisture in the subgrade to prevent excessive drying and cracking. Immediately backfill the prepared subgrade with On-Site Fill or Stabilization Rock and compact as specified in Item 7.
15. Overexcavate and replace any pumping soils with compacted Stabilization Rock, Select Fill or drier On-Site Fill.
16. Subgrade stabilization (where required) should include placement of a Stabilization Geotextile over relatively undisturbed subgrade. An initial ± 12 to 18-inch thick lift of Stabilization Rock should be spread over the geotextile prior to any compaction of the fill.
17. Construct permanent cut and fill slopes no steeper than 2:1(H:V).
18. Periods of wet weather or isolated showers may prevent adequate compaction of the fine-grained On-Site Fill. Therefore, if showers occur, the work may have to be delayed or a higher quality material may be required to allow the work to continue in these conditions. In addition, surficial fill that softens due to exposure to wet weather may have to be aerated and recompacted or excavated and replaced.
19. The finished grades should be seeded, watered and maintained as soon as possible following earthwork to provide mature vegetation prior to the onset of wet weather and reduce the risk of erosion.

Site Preparation for Foundation Construction

It is assumed that daylight basements, stepped foundations and stem walls will be typical for residential construction within the development. We recommend that FEI be present to confirm the minimum embedment depth of footings, in particular those on the north and west portion of the site, where the terrain is typically steeper. Additionally, individual home sites should be evaluated by FEI to confirm the absence of unexpected ground water and/or the need for subslab drainage.

We recommend that the foundation area under new residences be prepared during dry weather as follows:

20. Strip the existing ground ± 6 to 12 inches, or as required to remove roots and sod. Deeper excavations may be required to remove larger tree roots. Dispose of all strippings outside of construction areas.
21. Site grading for residential construction should be limited to full cut benches. Temporary cuts should be planned no steeper than $\frac{1}{2}:1(H:V)$. However, the appropriate cut slopes will have to be evaluated at the time of construction. Concentrated seepage from the slope will tend to destabilize the slope. Therefore, grading should direct surface water away from the slopes.
22. Grade the ground surface surrounding all buildings to promote runoff away from the foundations.
23. Excavate to the planned grades for slabs and footings. Place a minimum of 6 inches of Select Fill over the subgrade to create a building pad. A representative of FEI should be present during excavation work to confirm the subgrade conditions.
24. Compact the building pad Select Fill as specified in Item 7. Staging construction traffic on the completed pad will increase the risk of subgrade disturbance and is not recommended.
25. Excavate for footings using a hoe equipped with a smooth bucket to reduce subgrade disturbance. The excavations should be deep enough to accommodate a ± 6 -inch granular leveling pad of compacted Select Fill beneath the footing. The Select Fill should extend at least 12 inches outside the edges of the footing.
26. Design all continuous wall footings and isolated column footings using an allowable bearing pressure of 2,000 psf. This value assumes that all footing excavations will terminate in stiff to hard residual soil.
27. Provide a minimum footing width of 18 inches for continuous wall footings and isolated column footings. Use continuous, reinforced interior footings excavated below the surface of any crawl space. Place the base of all exterior footings at least 24 inches below the finished grade or paved surface. Shallower embedment may be used for interior footings or footings that are poured monolithically with the slab. Do not use post-and-beam construction with isolated pier posts for any house.
28. Construct footings along slopes with a minimum 3 feet of horizontal distance between the edge of the footing and the face of the slope. These embedment and setback requirements are appropriate for footings up to 3 feet wide along the downhill portion of the site. Minimum embedment and setbacks are shown on Figure 4A.

29. Design retaining wall footings consistent with Items 26 through 28.
30. Use Select Fill for backfill behind basement and retaining walls. Wall backfill should be compacted using a light, hand-operated compactor. Use an equivalent fluid density of 55 pcf to represent lateral earth pressure for the design of basement walls. An equivalent fluid density of 35 pcf is appropriate for the design of cantilevered retaining walls.

Foundation and Wall Drainage

We recommend that drainage for the site be constructed as follows.

31. Install foundation drains along the perimeter of the buildings. The drains should consist of 3 or 4-inch diameter, perforated or slotted, PVC pipe wrapped in a Filter Fabric. The flowline of the pipe should be set at least 18 inches below the ground surface. The pipe should be bedded in at least 4 inches of Drain Rock. The entire mass of Drain Rock should be wrapped in a similar filter fabric that laps at least 12 inches at the top.
32. Install interceptor drains behind basement and retaining walls. The drain should consist of 3 or 4-inch diameter, perforated or slotted PVC pipe wrapped in a non-woven Filter Fabric. The bottom of the trench should extend at least 3 feet below the existing grade. The pipe should be bedded in at least 4 inches of Drain Rock and backfilled to the full depth with Drain Rock. The entire mass of Drain Rock should be wrapped in a similar filter fabric that laps at least 12 inches on the top.

The interceptor drain should be placed at least 5 feet behind the wall as shown on Figure 5A. The ground surface should be sloped behind the wall to direct flow into the drain.
33. Provide clean-outs at appropriate locations for future maintenance of the drainage systems.
34. Discharge the drains by gravity flow into the nearest storm drain, if practical. Otherwise, discharge the water into the nearest natural drainage. Roof drains may be discharged onto the property at least ± 5 feet away from the foundations. Roof drains should not be connected to foundation drains.

Pavement Construction

35. Strip the ground surface as required to remove roots and sod. Dispose of all strippings outside of construction areas.
36. Prepare, compact and test the subgrade as specified in Item 7. Compaction should be verified for both native soils and embankment fill.
37. Overexcavate and replace any areas of subgrade pumping with compacted Select Fill.

38. Maintain the moisture in the compacted subgrade to prevent excessive drying and cracking. Immediately cover the subgrade with compacted Select Fill.
39. Provide a minimum flexible pavement section of 3 inches AC over 12 inches of base rock (Select Fill). Compact the base rock as specified in Item 7.
40. Compact the AC to a minimum of 91% relative compaction according to the theoretical maximum density calculated from the Rice specific gravity.

DESIGN REVIEW/CONSTRUCTION OBSERVATION/TESTING

We should be provided the opportunity to review all drawings and specifications that pertain to site preparation, foundation construction and pavements. Site preparation will require field confirmation of foundation soils and road subgrade. Mitigation of any subgrade pumping will also require engineering review and judgment. That judgment should be provided by one of our representatives. Frequent field density tests should be run on all engineered fill, subgrade and base rock. We recommend that we be retained to provide the necessary construction observations.

VARIATION OF SUBSURFACE CONDITIONS, USE OF THIS REPORT AND WARRANTY

The analysis, conclusions and recommendations contained herein are based on the assumption that the soil profiles encountered in the test pits and borings are representative of the overall site conditions. Additionally, the recommendations assume that nearby sites have been properly engineered and will not affect the development of the proposed site or the performance of new structures. The above recommendations assume that we will have the opportunity to review final drawings and be present during construction to confirm assumed foundation conditions. No changes in the enclosed recommendations should be made without our approval. We will assume no responsibility or liability for any engineering judgment, inspection or testing performed by others.

This report was prepared for the exclusive use of Willamette Development Services, K&D Engineering, Inc. and their design consultants for the Fisherman's Wharf Estates project in Newport, Oregon. Information contained herein should not be used for other sites or for unanticipated construction without our written consent. This report is intended for planning and design purposes. Contractors using this information to estimate construction quantities or costs do so at their own risk. Our services do not include any survey or assessment of potential surface contamination or contamination of the soil or ground water by hazardous or toxic materials. We assume that those services, if needed, have been completed by others.

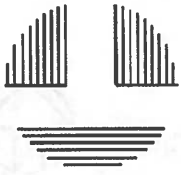
Climate conditions in western Oregon typically consist of wet weather for almost half of the year (typically between mid-October and late May). Residential construction on hillsides or sloping terrain has an inherent risk of moisture

accumulation within crawl spaces, with or without recommended provisions for perimeter drainage. The recommendations for site preparation and foundation drainage are not intended to represent any warranty (expressed or implied) for prevention of seepage or ponding water near foundations, nor the growth of mold, mildew or other organisms that grow in a humid or moist environment.

Our work was done in accordance with generally accepted soil and foundation engineering practices. No other warranty, expressed or implied, is made.

REFERENCES

- Geomatrix Consultants, 1995; Final Report: Seismic Design Mapping, State of Oregon, Prepared for Oregon Department of Transportation, Salem, Oregon, Personal Services Contract 11688, January 1995, Project No. 2442.
- Madin, I. P., and Wang, Z., 1999; Relative Earthquake Hazard Maps for Selected Coastal Communities in Oregon: Astoria-Warrenton, Brookings, Coquille, Florence-Dunes City, Lincoln City, Newport, Reedsport-Winchester Bay, Seaside-Gearhart-Cannon Beach, Tillamook, Oregon Department of Geology and Mineral Industries, p. 25.
- Schlicker, H. G., Deacon, R. J., Olcott, G. W., and Beaulieu, J. D., 1973; Environmental Geology of Lincoln County, Oregon, Oregon Department of Geology and Mineral Industries, Bulletin 81, p. 171.
- USGS, 2007, Quaternary Fault and Fold Data Base for the United States: accessed October 2007, <http://earthquake.usgs.gov/regional/qfaults/or/index.php>.
- Van Atta, R. O., Coryell, G., Hanson, D., Lowery, B., McNabb, D., Nelson, M., Pettygrove, S., Power, S. G., and Prihar, D., 1976; Geology and Soils Field Trip to Oregon Coast and Coast Range: *in* 25th Clay Mineral Conference, Corvallis, Oregon, v. 44.



Appendix A

Figures

Professional
Geotechnical
Services

Foundation Engineering, Inc.



© 2007 MapQuest Inc.

Map Data © 2007 NAVTEQ

DATE OCT 2007
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 PROJECT NO.
 2071093

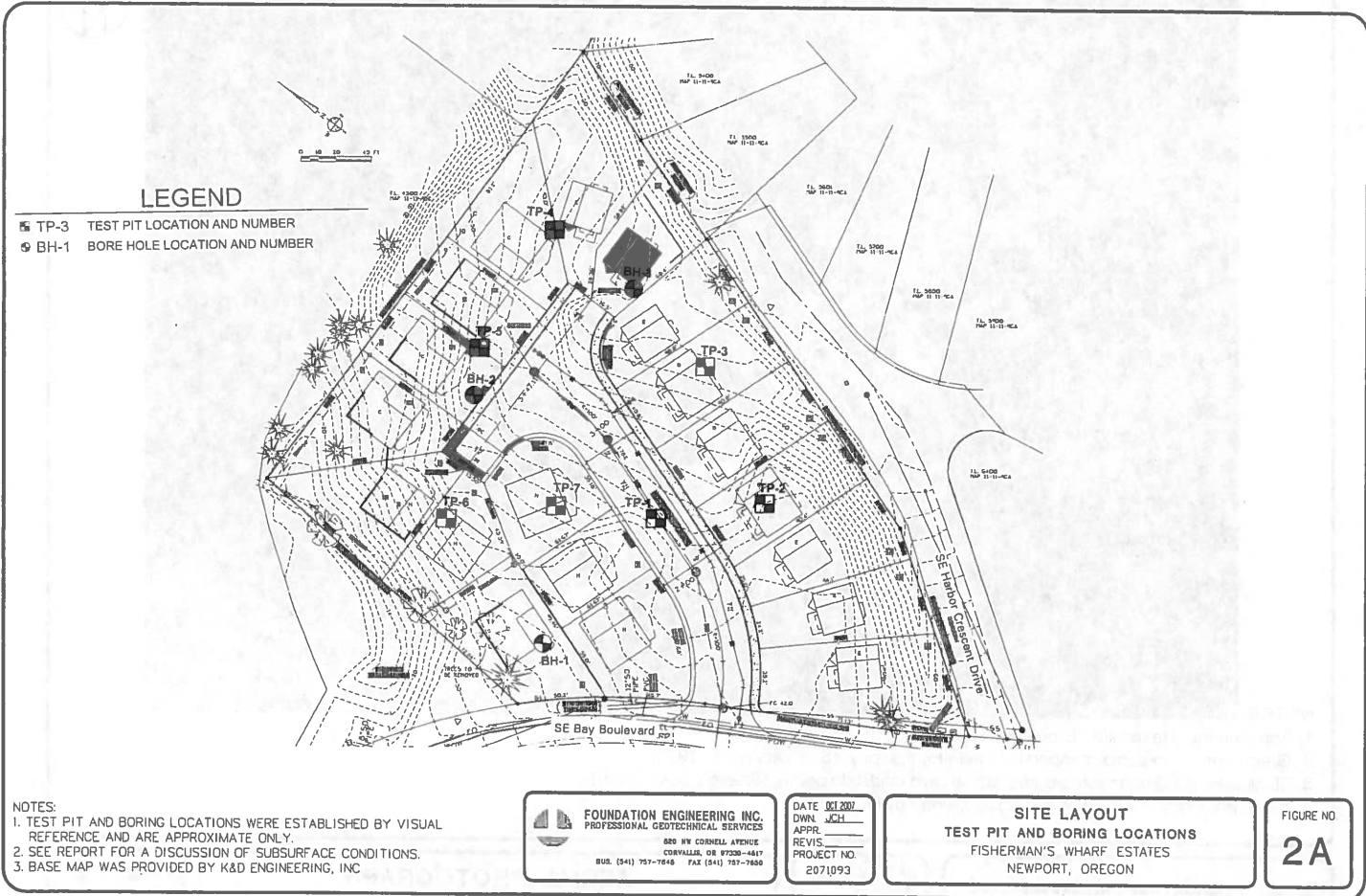
FOUNDATION ENGINEERING INC.
 PROFESSIONAL GEOTECHNICAL SERVICES

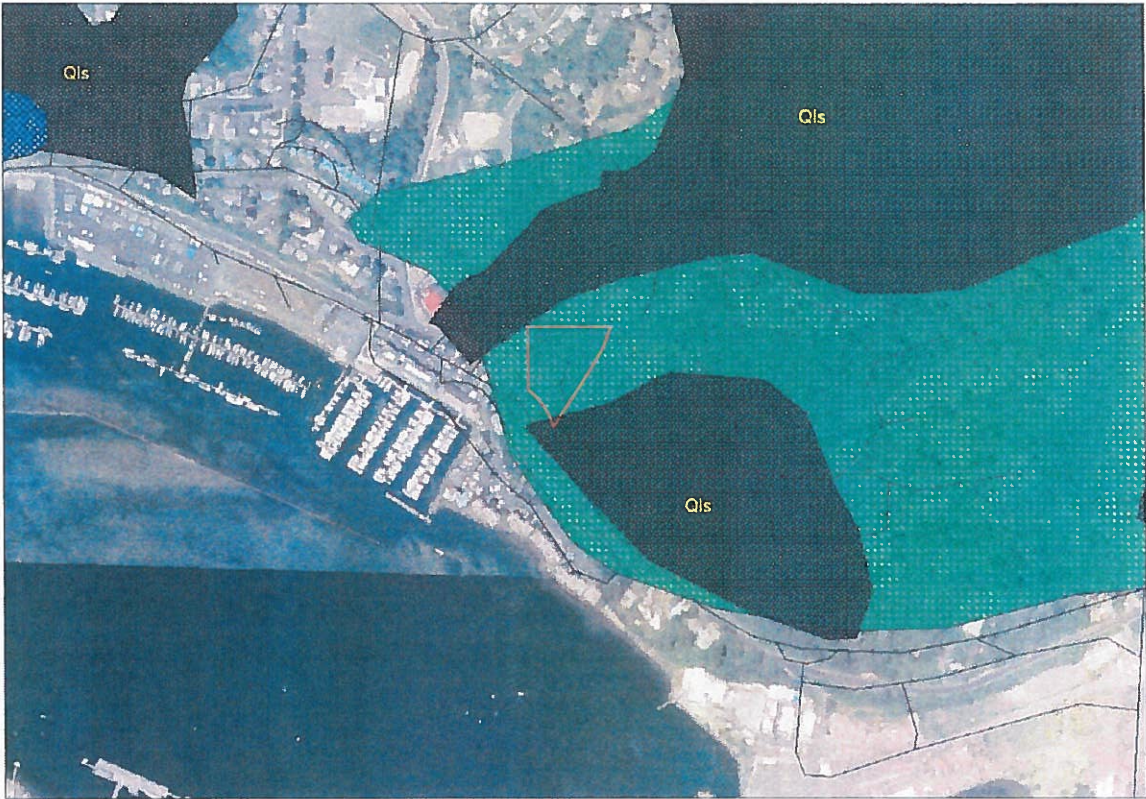
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VICINITY MAP

FISHERMAN'S WHARF ESTATES
 NEWPORT, OREGON

FIGURE NO.
1A





NOTES:

1. Approximate site location is outlined in red.
2. Green area represents mapped landslide topography (Schlicker et al., 1973).
3. Black area (Qls) represents areas with known landslide debris (Snaveley et al., 1976).
4. Aerial photograph with overlays was provided by DOGAMI.



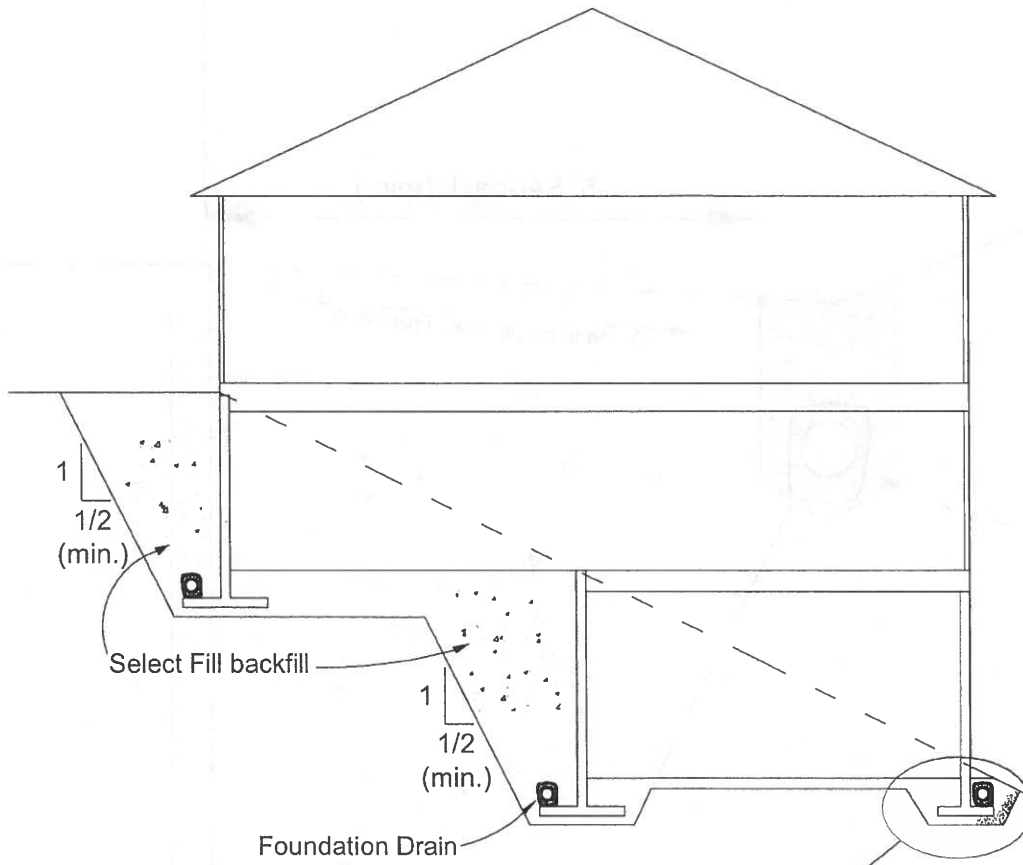
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**AERIAL PHOTOGRAPH
 WITH MAPPED LANDSLIDE TOPOGRAPHY**
 FISHERMAN'S WHARF ESTATES
 NEWPORT, OREGON

FIGURE NO.

3A



Foundation Drain

Select Fill backfill

1
1/2
(min.)

1
1/2
(min.)

2' Embedment (min.)

Select Fill

3' Set-back (min.)

NOTES:

1. SEE REPORT FOR DETAILS OF FOUNDATION DRAIN CONSTRUCTION AND MATERIAL SPECIFICATIONS.
2. MAXIMUM CUT SLOPES WILL NEED TO BE VERIFIED IN THE FIELD.

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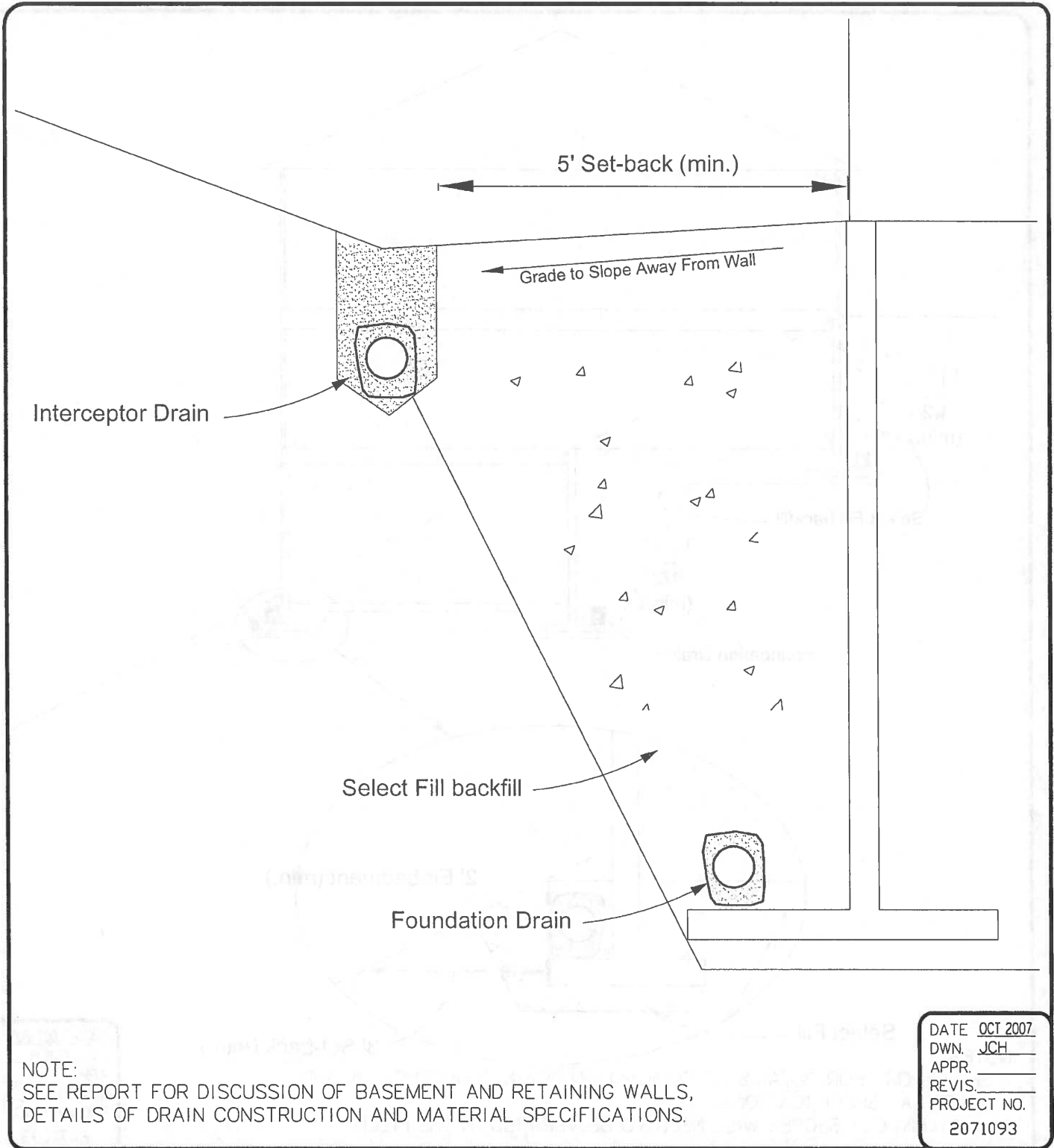
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TYP. FOOTING DETAIL/SLOPE EXCAVATION

FISHERMAN'S WHARF ESTATES
 NEWPORT, OREGON

FIGURE NO.

4A

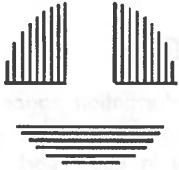


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**TYPICAL BASEMENT OR RETAINING WALL
 DRAINAGE DETAIL**
 FISHERMAN'S WHARF ESTATES
 NEWPORT, OREGON

FIGURE NO.
5A



Appendix B

Boring & Test Pit Logs

DISTINCTION BETWEEN FIELD LOGS AND FINAL LOGS

A field log is prepared for each boring or test pit by our field representative. The log contains information concerning sampling depths and the presence of various materials such as gravel, cobbles, and fill, and observations of ground water. It also contains our interpretation of the soil conditions between samples. The final logs presented in this report represent our interpretation of the contents of the field logs and the results of the laboratory examinations and tests. Our recommendations are based on the contents of the final logs and the information contained therein and not on the field logs.

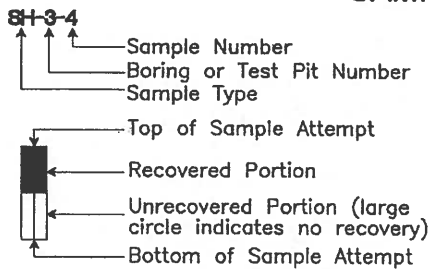
VARIATION IN SOILS BETWEEN TEST PITS AND BORINGS

The final log and related information depict subsurface conditions only at the specific location and on the date indicated. Those using the information contained herein should be aware that soil conditions at other locations or on other dates may differ. Actual foundation or subgrade conditions should be confirmed by us during construction.

TRANSITION BETWEEN SOIL OR ROCK TYPES

The lines designating the interface between soil, fill or rock on the final logs and on subsurface profiles presented in the report are determined by interpolation and are therefore approximate. The transition between the materials may be abrupt or gradual. Only at boring or test pit locations should profiles be considered as reasonably accurate and then only to the degree implied by the notes thereon.

SAMPLE OR TEST SYMBOLS



- S - Grab Samples
- SS - Standard Penetration Test Sample (split-spoon)
- SH - Thin-walled Shelby Tube Sample
- C - Core Sample
- CS - Continuous Sample

- ▲ Standard Penetration Test Resistance equals the number of blows a 140 lb. weight falling 30 in. is required to drive a standard split-spoon sampler 1 ft. Practical refusal is equal to 50 or more blows per 6 in. of sampler penetration.
- Water Content (%)

UNIFIED SOIL CLASSIFICATION SYMBOLS

- | | |
|------------|---------------------|
| G - Gravel | W - Well Graded |
| S - Sand | P - Poorly Graded |
| M - Silt | L - Low Plasticity |
| C - Clay | H - High Plasticity |
| Pt - Peat | O - Organic |

FIELD SHEAR STRENGTH TEST

Shear strength measurements on test pit side walls, blocks of soil or Shelby tube samples are typically made with Torvane or pocket penetrometer devices.

TYPICAL SOIL/ROCK SYMBOLS

- | | | | |
|--|--------|--|-----------|
| | Sand | | Silt |
| | Clay | | Gravel |
| | Basalt | | Siltstone |

WATER TABLE

- Water Table Location
- (1/31/00) Date of Measurement
- Piezometer Tip Location (if used)



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SYMBOL KEY BORING AND TEST PIT LOGS

Explanation of Common Terms Used in Soil Descriptions

Field Identification	Cohesive Soils			Granular Soils	
	SPT	S_u^* (tsf)	Term	SPT	Term
Easily penetrated several inches by fist.	0 - 1	< 0.125	Very Soft	0 - 4	Very Loose
Easily penetrated several inches by thumb.	2 - 4	0.125-0.25	Soft	5 - 10	Loose
Can be penetrated several inches by thumb with moderate effort.	5 - 8	0.25 - 0.50	Medium Stiff (Firm)	11 - 30	Medium Dense
Readily indented by thumb but penetrated only with great effort.	9 - 15	0.50 - 1.0	Stiff	31 - 50	Dense
Readily indented by thumbnail.	16 - 30	1.0 - 2.0	Very Stiff	> 50	Very Dense
Indented with difficulty by thumbnail.	31 - 60	> 2.0	Hard		

* Undrained shear strength

Term	Soil Moisture Field Description
Dry	Absence of moisture. Dusty. Dry to the touch.
Damp	Soil has moisture. Cohesive soils are below plastic limit and usually moldable.
Moist	Grains appear darkened, but no visible water. Silt/clay will clump. Sand will bulk. Soils are often at or near plastic limit.
Wet	Visible water on larger grain surfaces. Sand and cohesionless silt exhibit dilatancy. Cohesive silt/clay can be readily remolded. Soil leaves wetness on the hand when squeezed. "Wet" indicates that the soil is wetter than the optimum moisture content and above the plastic limit.

Term	PI	Plasticity Field Test
Nonplastic	0 - 3	Cannot be rolled into a thread.
Low Plasticity	3 - 15	Can be rolled into a thread with some difficulty.
Medium Plasticity	15 - 30	Easily rolled into thread.
High Plasticity	> 30	Easily rolled and rerolled into thread.

Term	Soil Structure Criteria
Stratified	Alternating layers at least 1 inch thick - describe variation.
Laminated	Alternating layers at less than 1 inch thick - describe variation.
Fissured	Contains shears and partings along planes of weakness.
Slickensides	Partings appear glossy or striated.
Blocky	Breaks into lumps - crumbly.
Lensed	Contains pockets of different soils - describe variation.

Term	Soil Cementation Criteria
Weak	Breaks under light finger pressure.
Moderate	Breaks under hard finger pressure.
Strong	Will not break with finger pressure.



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COMMON TERMS
SOIL DESCRIPTIONS

Explanation of Common Terms Used in Rock Descriptions

Field Identification		UCS (psi)	UCS (MPa)	Strength (Hardness)
Indented by thumbnail.	R0	< 100	0.25-1.0	Extremely Weak (Extremely Soft)
Crumbles under firm blows with geological hammer, can be peeled by a pocket knife.	R1	100-1000	1.0-5.0	Very Weak (Very Soft)
Can be peeled by a pocket knife with difficulty, shallow indentations made by firm blow with geological hammer.	R2	1000-4000	5.0-25	Weak (Soft)
Cannot be scraped or peeled with a pocket knife, specimen can be fractured with a single blow of geological hammer.	R3	4000-8000	25-50	Medium Strong (Medium Hard)
Specimen requires more than one blow of geological hammer to fracture it.	R4	8000-16000	50-100	Strong (Hard)
Specimen requires many blows of geological hammer to fracture it.	R5	16000-36000	100-250	Very Strong (Very Hard)
Specimen can only be chipped with geological hammer.	R6	> 36000	> 250	Extremely Strong (Extremely Hard)

Term	Weathering Field Identification
Fresh	Crystals are bright. Discontinuities may show some minor surface staining. No discoloration in rock fabric.
Slightly Weathered	Rock mass is generally fresh. Discontinuities are stained and may contain clay. Some discoloration in rock fabric.
Moderately Weathered	Significant portions of rock show discoloration and weathering effects. Crystals are dull and show visible chemical alteration. Discontinuities are stained and may contain secondary mineral deposits.
Highly Weathered	Rock can be excavated with geologist's pick. All discontinuities exhibit secondary mineralization. Complete discoloration of rock fabric. Surface of core is friable and usually pitted due to washing out of highly altered minerals by drilling water.
Decomposed	Rock mass is completely decomposed. Original rock "fabric" may be evident. May be reduced to soil with hand pressure.

Spacing (meters)	Spacing (feet)	Spacing Term	Bedding/Foliation
< 0.06	< 2 in.	Very Close	Very Thin
0.06 - 0.30	2 in. - 1 ft.	Close	Thin
0.30 - 0.90	1 ft. - 3 ft.	Moderately Close	Medium
0.90 - 3.0	3 ft. - 10 ft.	Wide	Thick
> 3.0	> 10 ft.	Very Wide	Very Thick (Massive)

Vesicle Term	Volume
Some	3 - 20%
Highly	20 - 50%
Scoria	> 50%

Stratification Term	Description
Lamination	< 1 cm thick beds
Fissile	Preferred break along laminations
Parting	Preferred break direction
Foliation	Metamorphic layering of minerals

RQD %	Designation	RQD %	Designation
0 - 25	Very Poor	75 - 90	Good
25 - 50	Poor	90 - 100	Excellent
50 - 75	Fair		

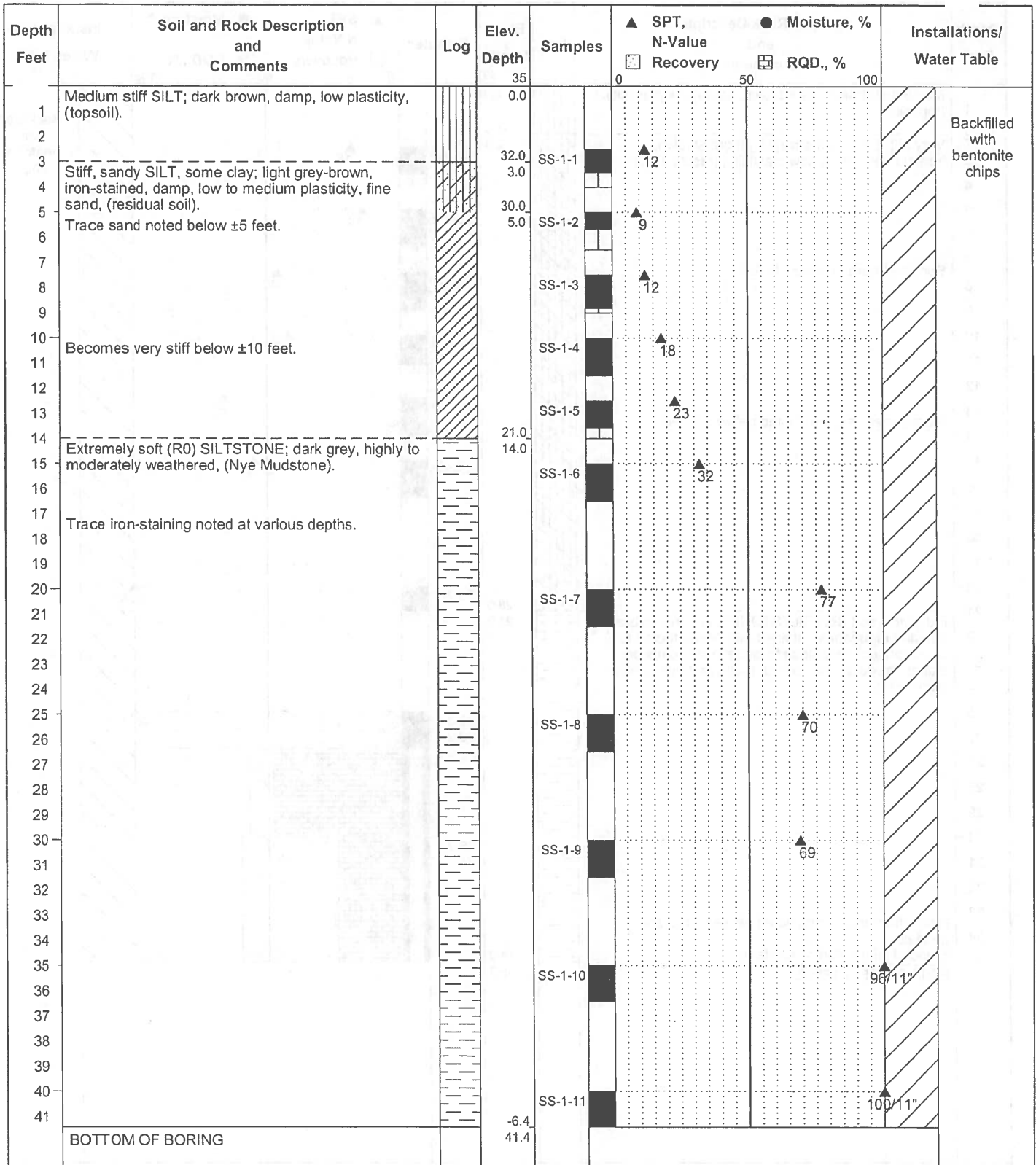
Rock Quality Designation (RQD) is the percent of a core run with intact lengths greater than 0.1 m excluding breaks caused by drilling.



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COMMON TERMS
ROCK DESCRIPTIONS



Project No.: 2071093

Surface Elevation: 35.00 feet (Approx.)

Date of Boring: October 2, 2007

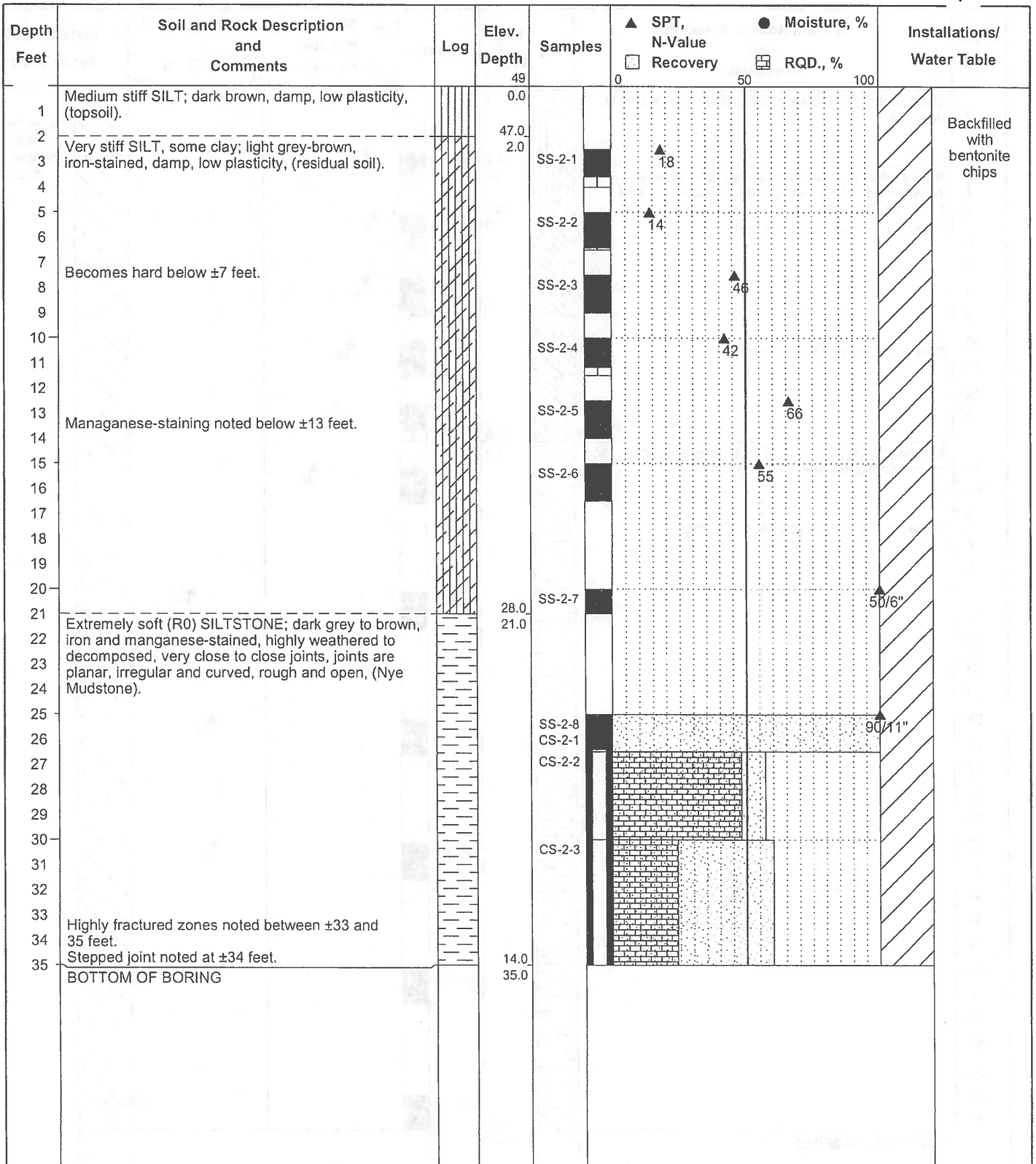
Boring Log: BH-1

Fisherman's Wharf Estates

Newport, Oregon



Foundation Engineering, Inc.



Project No.: 2071093

Surface Elevation: 49.00 feet (Approx.)

Date of Boring: October 2, 2007

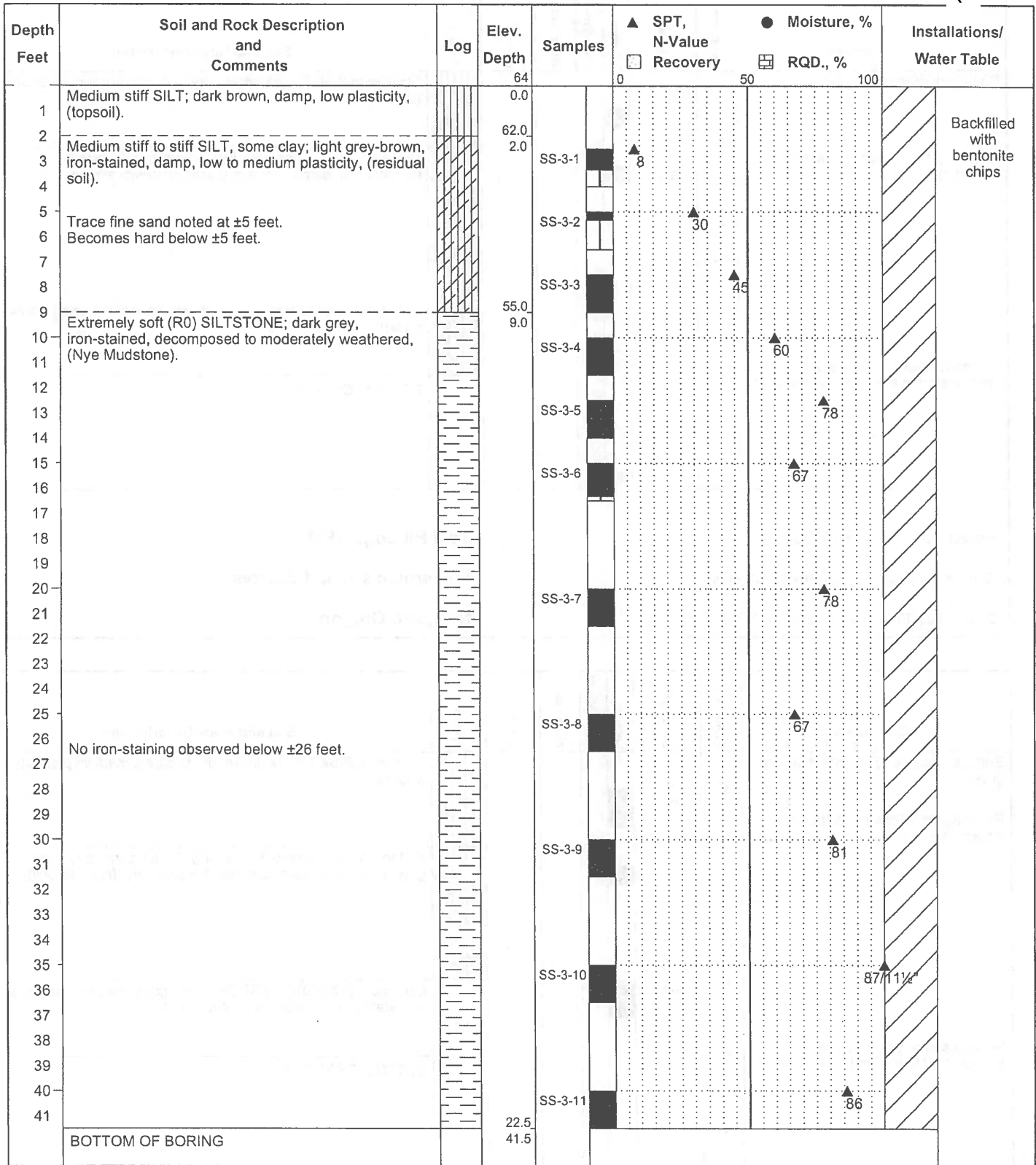
Boring Log: BH-2

Fisherman's Wharf Estates

Newport, Oregon



Foundation Engineering, Inc.



Project No.: 2071093

Surface Elevation: 64.00 feet (Approx.)

Date of Boring: October 3, 2007

Boring Log: BH-3

Fisherman's Wharf Estates

Newport, Oregon






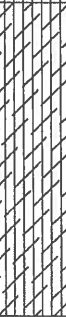
Foundation Engineering, Inc.

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description	
Surface: blackberry bushes. Roots (up to ±½-inch in diameter) extend to ±2 feet. No seepage or ground water encountered to the limit of excavation.	1-	S-1-1	█			>1.0		Medium stiff SILT; dark brown, dry to damp, medium plasticity, (topsoil).	
	2-	S-1-2	█						Very stiff, SILT, some clay; light brown, trace to some iron-staining, damp, medium plasticity, (residual soil).
	3-		█						Increased iron-staining with depth and trace sand noted below ±6 feet.
	4-								
	5-								
	6-								
	7-								
	8-								
	9-								
	10-								



Project No.: 2071093	Test Pit Log: TP-1
Surface Elevation: 48.0 feet (Approx.)	Fisherman's Wharf Estates
Date of Test Pit: September 19, 2007	Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description	
Surface: blackberry bushes and short grass. Roots (up to ±½-inch in diameter) extend to ±18 inches. No seepage or ground water encountered to the limit of excavation.	1-	S-2-1	█					Medium stiff SILT; dark brown, dry to damp, medium plasticity, (topsoil).	
	2-	S-2-2	█						Stiff to very stiff, sandy SILT to silty SAND, some clay; light grey-brown, iron-stained, damp, low plasticity, (residual soil).
	3-		█						
	4-								
	5-								
	6-	S-2-3	█						Extremely soft (R0) SILTSTONE; dark grey, trace iron-staining, moderately weathered, (Nye Mudstone).
	7-								
	8-								
	9-								
	10-								

Project No.: 2071093	Test Pit Log: TP-2
Surface Elevation: 46.0 feet (Approx.)	Fisherman's Wharf Estates
Date of Test Pit: September 19, 2007	Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: blackberry bushes, tall grass. Fine roots extend to ±18 inches. No seepage or ground water encountered to the limit of excavation.	1-	S-3-1						Stiff CLAY, trace sand; light grey-brown, iron-stained, dry, medium plasticity, (fill).
	2-							Medium stiff to stiff SILT; dark brown, dry, medium plasticity, (topsoil).
	3-	S-3-2						Very stiff to hard SILT, some clay, trace sand; light grey-brown, iron-stained, damp, medium plasticity, (residual soil).
	4-							
	5-							
	6-							
	7-							
	8-							
	9-							
	10-							BOTTOM OF TEST PIT

Project No.: 2071093	Test Pit Log: TP-3
Surface Elevation: 63.0 feet (Approx.)	Fisherman's Wharf Estates
Date of Test Pit: September 19, 2007	Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: blackberry bushes. Roots (up to ±½-inch in diameter) extend to ±12 inches. No seepage or ground water encountered to the limit of excavation.	1-	S-4-1						Medium stiff SILT; dark brown, dry, medium plasticity, (topsoil).
	2-							Very stiff to hard SILT, some clay, trace to some sand, trace rock fragments; light grey-brown, iron-stained, damp, medium plasticity, fine sand, gravel to cobble-sized siltstone fragments, (residual soil).
	3-							
	4-							
	5-							
	6-							
	7-							
	8-							
	9-							
	10-	BOTTOM OF TEST PIT						



Project No.: 2071093	Test Pit Log: TP-4
Surface Elevation: 58.0 feet (Approx.)	Fisherman's Wharf Estates
Date of Test Pit: September 19, 2007	Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: blackberry bushes.	1-	S-5-1						Medium stiff, clayey SILT, some wood debris, trace sand; dark brown, damp, low plasticity, (fill).
Fine roots extend to ±2 feet.	2-							Medium stiff SILT; dark brown, dry, medium plasticity, (topsoil).
	3-							Very stiff to hard SILT, some clay, trace rock fragments; light grey-brown, iron-stained, medium plasticity, sand and gravel-sized siltstone fragments, (residual soil).
	4-							
	5-							
	6-							
	7-							
	8-							
No seepage or ground water encountered to the limit of excavation.	9-							BOTTOM OF TEST PIT
	10-							

Project No.: 2071093 Test Pit Log: TP-5
 Surface Elevation: 51.0 feet (Approx.) Fisherman's Wharf Estates
 Date of Test Pit: September 19, 2007 Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: dense blackberry bushes.	1-	S-6-1						Medium stiff, sandy SILT to loose, silty SAND; brown to dark brown, dry, low plasticity silt, fine sand, (fill).
	2-							
Roots (up to ±½-inch in diameter) extend to ±3 feet.	3-							Wood debris encountered at ±3 feet.
	4-							Medium stiff SILT; dark brown, damp, medium plasticity, (topsoil).
	5-	S-6-2						
	6-							Very stiff to hard SILT, some clay, trace sand and rock fragments; light grey-brown, iron-stained, damp, medium plasticity, gravel-sized siltstone fragments, (residual soil).
	7-							
	8-							
No seepage or ground water encountered to the limit of excavation.	9-							BOTTOM OF TEST PIT
	10-							

Project No.: 2071093 Test Pit Log: TP-6
 Surface Elevation: 38.0 feet (Approx.) Fisherman's Wharf Estates
 Date of Test Pit: September 19, 2007 Newport, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: blackberry bushes. Fine roots extend to ±12 inches. No seepage or ground water encountered to the limit of excavation.	1- 2- 3- 4- 5- 6- 7- 8- 9- 10-	S-7-1 S-7-2 S-7-3						Medium stiff SILT; dark brown, dry, medium plasticity, (topsoil). Very stiff to hard SILT, some clay, trace sand and rock fragments; light grey-brown, trace iron-staining, damp, medium plasticity, gravel-sized siltstone fragments, (residual soil). BOTTOM OF TEST PIT

Project No.: 2071093

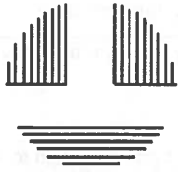
Test Pit Log: TP-7

Surface Elevation: 43.0 feet (Approx.)

Fisherman's Wharf Estates

Date of Test Pit: September 19, 2007

Newport, Oregon



Appendix C

Laboratory Test Results

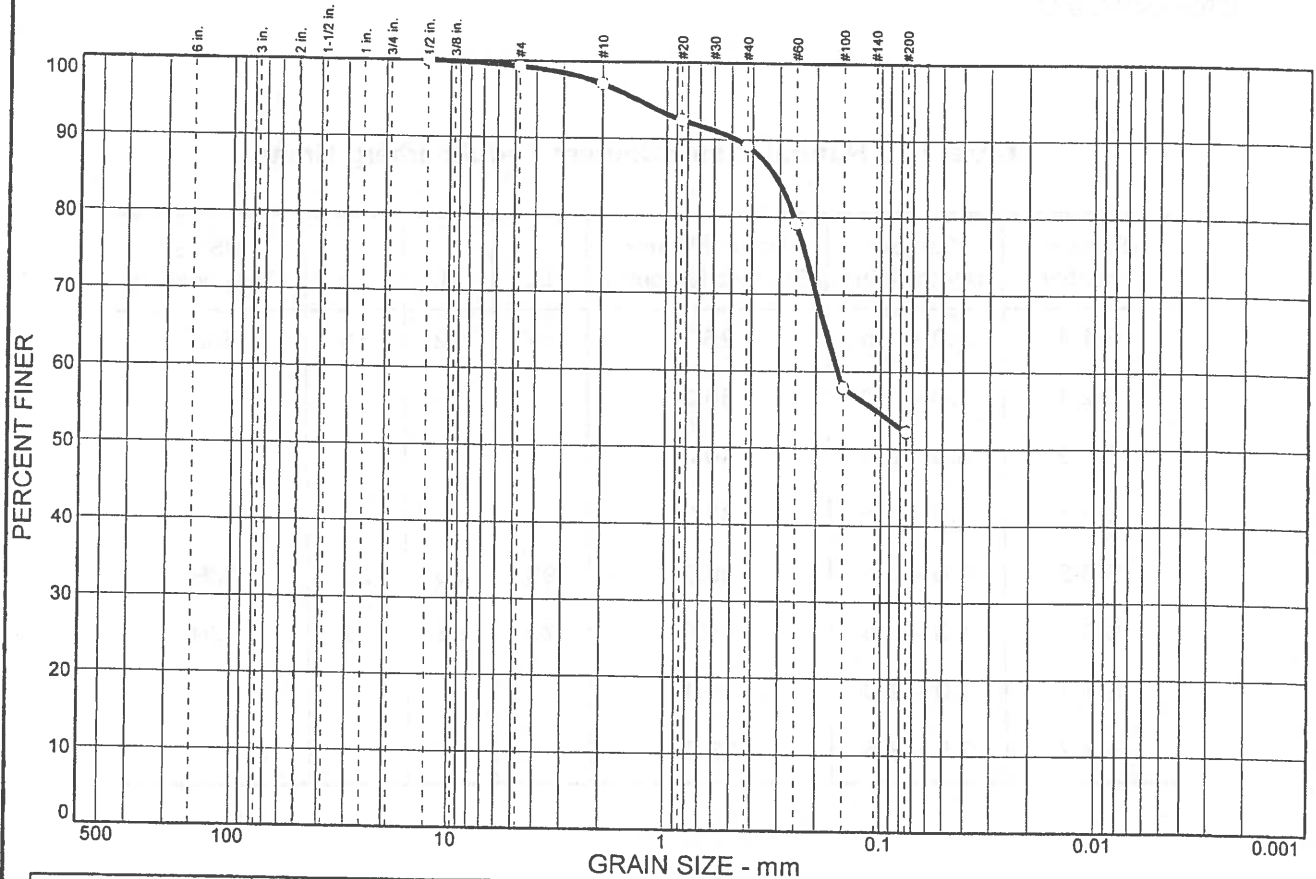
*Professional
Geotechnical
Services*

Foundation Engineering, Inc.

Table 1C. Natural Water Content and Atterberg Limits

Sample Number	Sample Depth (feet)	Natural Water Content (percent)	LL	PL	PI	USCS Classification
S-1-1	1.0 - 1.5	26.7	57	42	15	MH
S-2-1	1.0 - 2.0	30.3				
S-2-2	3.0 - 3.5	40.8				
S-3-1	1.0 - 1.5	37.3				
S-3-2	3.0 - 3.5	38.7	93	65	28	MH
S-5-1	1.5 - 2.5	33.8	70	58	12	MH
S-7-1	1.0 - 2.0	36.4				
S-7-2	2.5 - 3.5	33.0				

Particle Size Distribution Report



% COBBLES	% GRAVEL		% SAND			% FINES	
	CRS.	FINE	CRS.	MEDIUM	FINE	SILT	CLAY
0.0	0.0	0.7	2.2	7.9	37.0	52.2	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
.50 in.	100.0		
#4	99.3		
#10	97.1		
#20	92.5		
#40	89.2		
#60	79.2		
#100	57.9		
#200	52.2		

Material Description

Brown to dark brown sandy SILT

PL=	Atterberg Limits	PI=
	LL=	
	Coefficients	
D ₈₅ = 0.309	D ₆₀ = 0.159	D ₅₀ =
D ₃₀ =	D ₁₅ =	D ₁₀ =
C _u =	C _c =	
	Classification	
USCS= ML	AASHTO= A-4(0)	
Remarks		

* (no specification provided)

Sample No.: S-6-1
Location:

Source of Sample: 3717

Date: 10-11-07
Elev./Depth: 1.0 - 2.0 feet

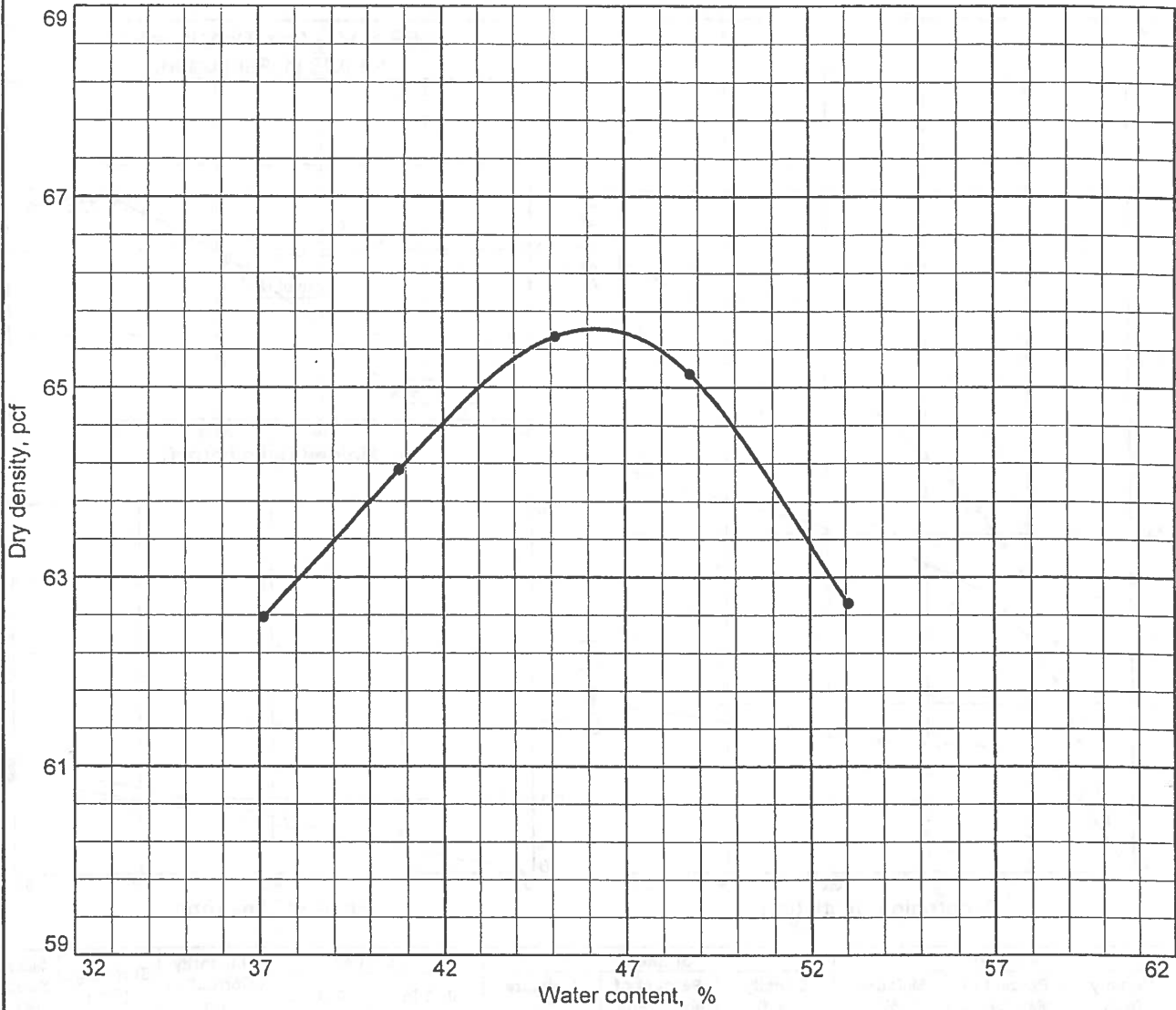
FEI Testing & Inspection, Inc.
Corvallis, OR

Client: Foundation Engineering, Inc.; 2071093
Project: Fisherman's Wharf Estates; Newport, OR

Project No: 2076001-572

Figure 1C

COMPACTION TEST REPORT



Test specification: ASTM D 698-00a Method A Standard

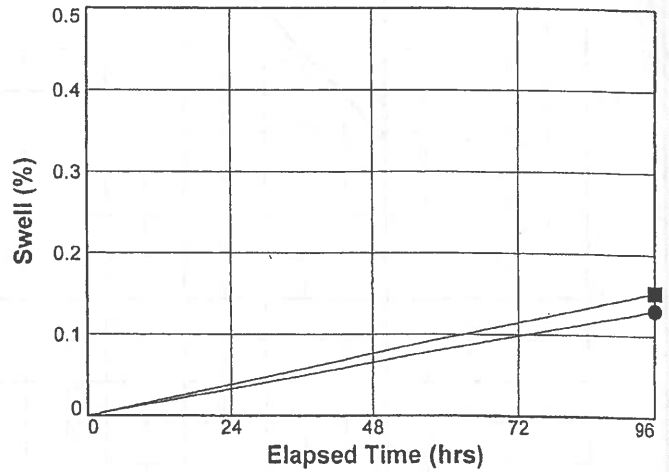
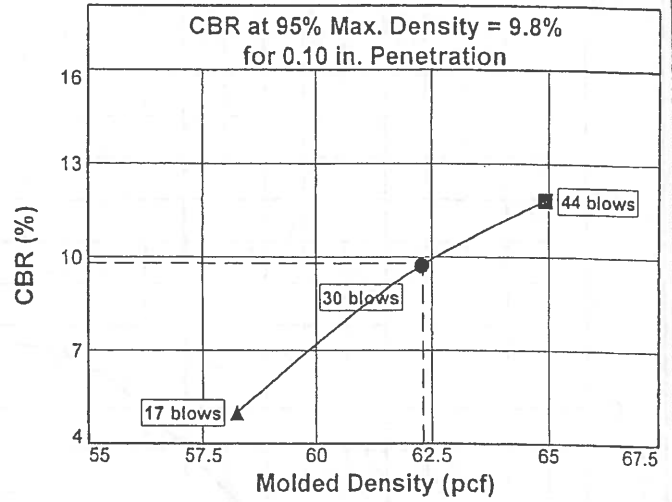
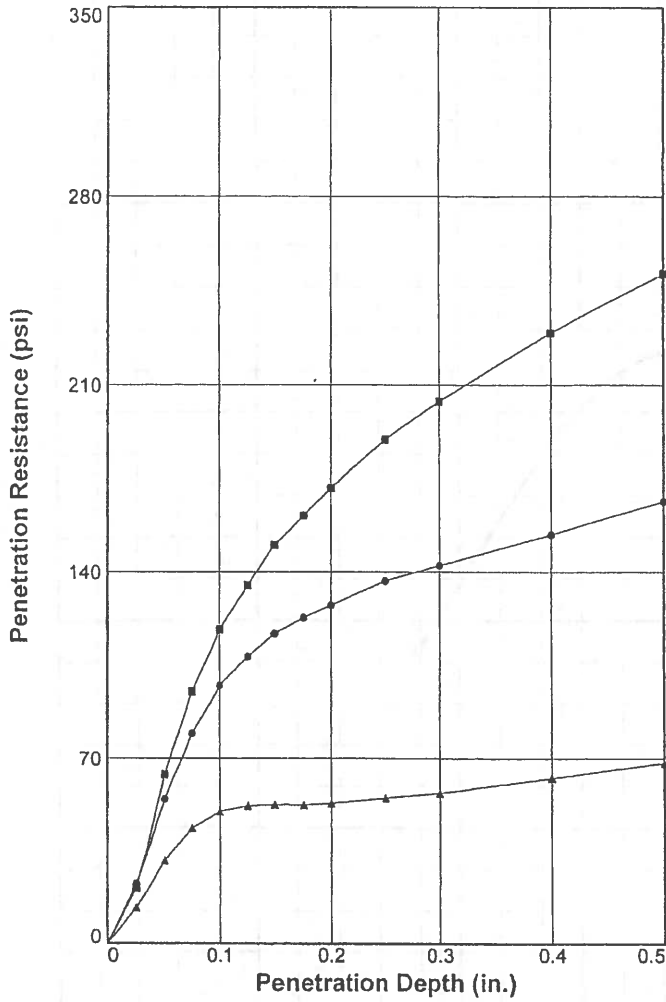
Elev/ Depth	Classification		Nat. Moist.	Sp.G.	LL	PI	% > No.4	% < No.200
	USCS	AASHTO						
1.5-2.5	MH		33.8		70	12		

TEST RESULTS	MATERIAL DESCRIPTION
Maximum dry density = 65.6 pcf Optimum moisture = 46.2 %	Dark brown SILT
Project No. 2076001-572 Client: Foundation Engineering, Inc.; 2071093 Project: Fisherman's Wharf Estates; Newport, OR ● Source: 3717 Sample No.: S-5-1 Elev./Depth: 1.5 - 2.5 feet	Remarks: Date: 10-1-07
COMPACTION TEST REPORT FEI Testing & Inspection, Inc. Corvallis, OR	

Figure 2C

BEARING RATIO TEST REPORT

ASTM D 1883-05



	Molded			Soaked			CBR (%)		Linearity Correction (in.)	Surcharge (lbs.)	Max. Swell (%)
	Density (pcf)	Percent of Max. Dens.	Moisture (%)	Density (pcf)	Percent of Max. Dens.	Moisture (%)	0.10 in.	0.20 in.			
1 ○	62.3	95	46.3	62.2	94.8	49.6	9.7	8.5	0.000	32	0.1
2 △	58.2	88.7	47.5	58.2	88.7	53.8	5.0	3.5	0.000	32	0.2
3 □	64.9	98.9	46.5	64.8	98.8	48.7	11.8	11.4	0.000	32	0.2

Material Description	USCS	Max. Dens. (pcf)	Optimum Moisture (%)	LL	PI
	Dark brown SILT	MH	65.6	46.2	70

Project No: 2076001-572
Project: Fisherman's Wharf Estates; Newport, OR
Source of Sample: 3717 **Depth:** 1.5 - 2.5 feet
Sample Number: S-5-1
Date: 10-08-07

Test Description/Remarks:

BEARING RATIO TEST REPORT
 FEI Testing & Inspection, Inc.
 Corvallis, OR

Figure 3C

- NOTES:**
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARK PER UTILITY LOCATE TICKET NUMBERS 18076498 AND 18076509. THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
 - FIELD WORK WAS CONDUCTED APRIL 3-4, 2018.
 - VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK NO. 1 NE 3RD ST AND NE EADS ST. ELEVATION = 171.77 FEET (NAVD 88).
 - THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
 - SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
 - CONTOUR INTERVAL IS 1 FOOT.
 - TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETER INSPECTION. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARI

LEGEND

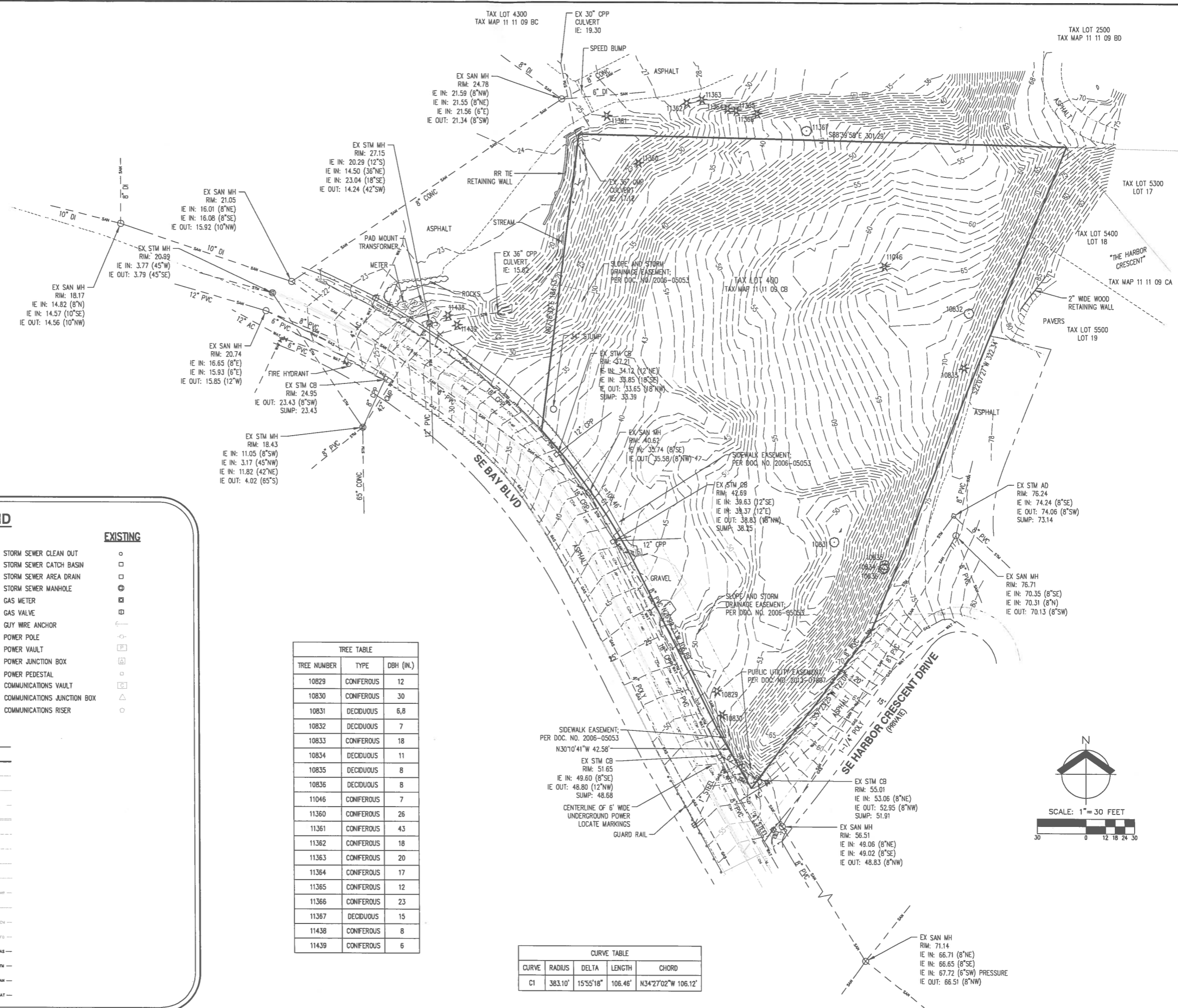
EXISTING	EXISTING
DECIDUOUS TREE	STORM SEWER CLEAN OUT
CONIFEROUS TREE	STORM SEWER CATCH BASIN
FIRE HYDRANT	STORM SEWER AREA DRAIN
WATER BLOWOFF	STORM SEWER MANHOLE
WATER METER	GAS METER
WATER VALVE	GAS VALVE
DOUBLE CHECK VALVE	GUY WIRE ANCHOR
AIR RELEASE VALVE	POWER POLE
SANITARY SEWER CLEAN OUT	POWER VAULT
SANITARY SEWER MANHOLE	POWER JUNCTION BOX
SIGN	POWER PEDESTAL
STREET LIGHT	COMMUNICATIONS VAULT
MAILBOX	COMMUNICATIONS JUNCTION BOX
	COMMUNICATIONS RISER
EXISTING	
RIGHT-OF-WAY LINE	
BOUNDARY LINE	
PROPERTY LINE	
CENTERLINE	
DITCH	
CURB	
EDGE OF PAVEMENT	
EASEMENT	
FENCE LINE	
GRAVEL EDGE	
POWER LINE	
OVERHEAD WIRE	
COMMUNICATIONS LINE	
FIBER OPTIC LINE	
GAS LINE	
STORM SEWER LINE	
SANITARY SEWER LINE	
WATER LINE	

TREE TABLE

TREE NUMBER	TYPE	DBH (IN.)
10829	CONIFEROUS	12
10830	CONIFEROUS	30
10831	DECIDUOUS	6,8
10832	DECIDUOUS	7
10833	CONIFEROUS	18
10834	DECIDUOUS	11
10835	DECIDUOUS	8
10836	DECIDUOUS	8
11046	CONIFEROUS	7
11360	CONIFEROUS	26
11361	CONIFEROUS	43
11362	CONIFEROUS	18
11363	CONIFEROUS	20
11364	CONIFEROUS	17
11365	CONIFEROUS	12
11366	CONIFEROUS	23
11367	DECIDUOUS	15
11438	CONIFEROUS	8
11439	CONIFEROUS	6

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	383.10'	15°55'18"	106.46'	N34°27'02"W 106.12'





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4300 CHERRY AVE NE
SEASIDE, OR 97138
P: 503.400.7722
aks-eng.com

ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

**FISHERMAN'S WHARF
ESTATES SUBDIVISION**

NEWPORT
TAX LOT 400
OR
HICKMAN COUNTY TAX MAP 11 11 09 CA

PRELIMINARY PLAT

DESIGNED BY: MTA
DRAWN BY: TJS
CHECKED BY: DMK
SCALE: AS NOTED
DATE:

REGISTERED PROFESSIONAL LAND SURVEYOR
PRELIMINARY NOT FOR CONSTRUCTION
DAVID MARK KARR, JR.
7359PLS
RENEWS: 6/30/19

REVISIONS

JOB NUMBER
5691

SHEET
C2

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	408.81'	97°18'36"	66.43'	S37°26'36"E 66.35'
C2	150.00'	62°10'35"	162.78'	S32°25'19"W 154.91'
C3	25.00'	89°24'55"	39.01'	N77°10'58"W 35.17'
C4	125.00'	41°35'14"	90.73'	S37°16'03"W 88.75'
C5	125.00'	13°41'43"	29.88'	S9°37'34"W 29.81'
C6	20.00'	91°26'41"	31.92'	S42°56'38"E 28.64'
C7	20.00'	89°13'20"	31.14'	N46°43'22"E 28.09'
C8	175.00'	11°56'18"	36.46'	N8°04'51"E 36.40'
C9	175.00'	19°06'40"	58.37'	N23°36'21"E 58.10'
C10	175.00'	17°25'15"	53.21'	N41°52'19"E 55.77'
C11	175.00'	9°34'06"	29.23'	N55°21'59"E 33.96'
C12	25.00'	86°35'27"	37.78'	N16°48'20"E 34.29'

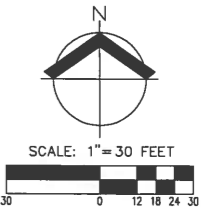
SETBACK TABLE	
ABUTTING STREET	20' MINIMUM FRONT. 10' MINIMUM 2ND FRONT.
INTERIOR SIDE	5' MINIMUM
INTERIOR REAR	10' MINIMUM

NOTES:

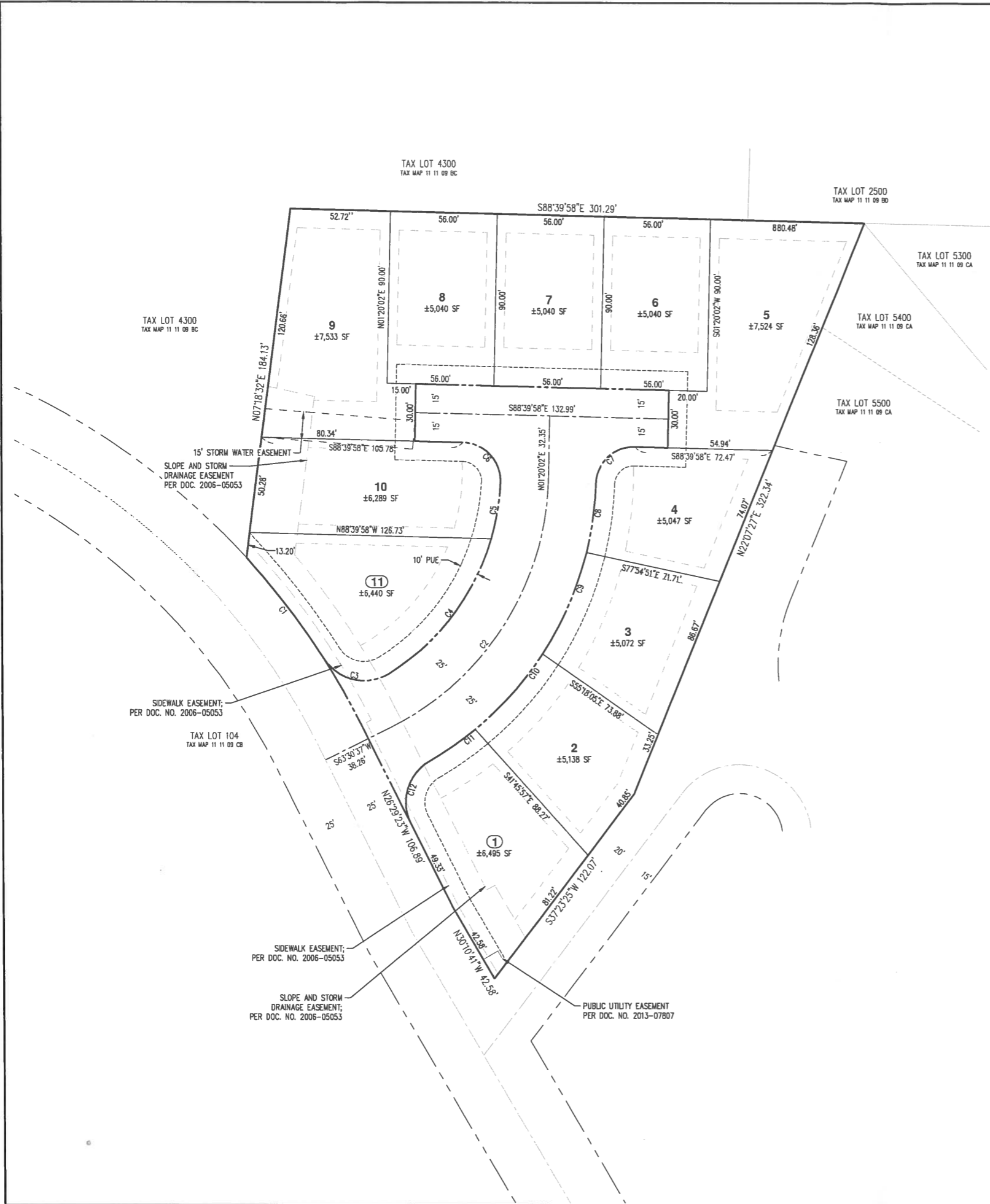
ZONING: R-2
GROSS SITE AREA: ±1.81 ACRES
PUBLIC ROW DEDICATION: ±15,130 SF
NET BUILDABLE AREA: ±1.46 ACRES

MINIMUM LOT AREA = 5,000 SF
MINIMUM LOT WIDTH = 50 FT
MAXIMUM ALLOWED DENSITY = 9.1 UNITS/ACRE

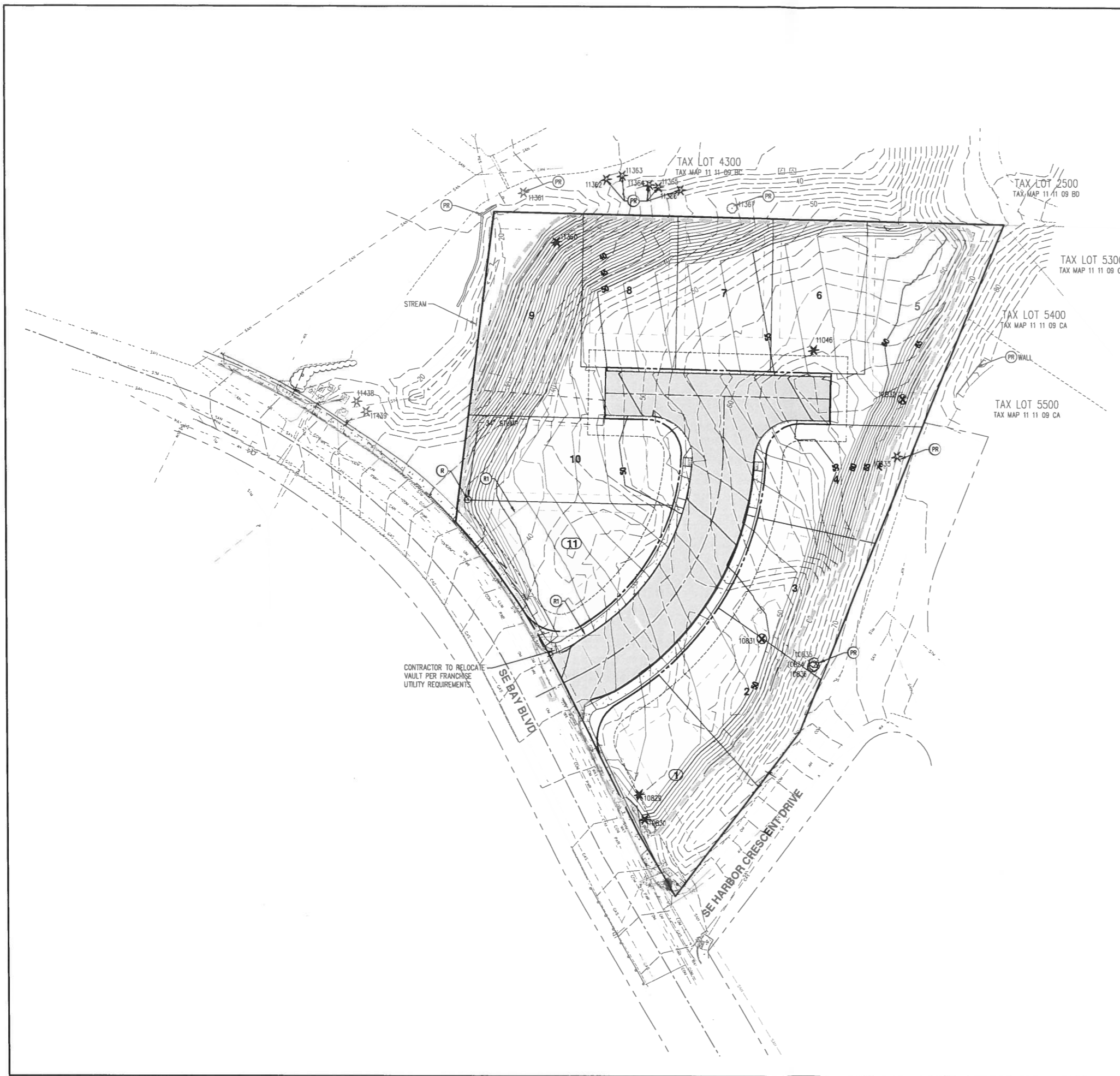
PROPOSED NUMBER OF LOTS = 11
PROPOSED MINIMUM LOT AREA = 5,040 SF
PROPOSED MINIMUM LOT WIDTH = 50.28 FT
PROPOSED DENSITY = ±6.1 UNITS/ACRE



THE PRELIMINARY PLAT IS NOT AN OFFICIAL RECORDED PLAT, DIMENSIONS ARE SUBJECT TO CHANGE, AND IT IS NOT TO BE USED FOR SURVEYING PURPOSES.



AKS DRAWING FILE: 5691 PRELIM DEMOLITION | LAYOUT: C3



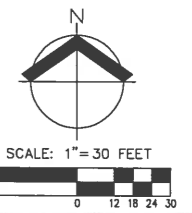
- KEYED DEMOLITION NOTES** (LTR)
- A PLUG, ABANDON, AND/OR REMOVE EXISTING UTILITY LINES PER CITY AND/OR UTILITY CO. STANDARDS.
 - R CONTRACTOR TO REMOVE AND HAUL OFF SITE FOR DISPOSAL.
 - R1 EXISTING UTILITY TO BE ABANDONED AND REMOVED PER CITY STANDARDS.
 - PR PROTECT

LEGEND

- EXISTING GROUND CONTOUR (1 FT)
- EXISTING GROUND CONTOUR (5 FT)
- FINISHED GRADE CONTOUR (1 FT)
- FINISHED GRADE CONTOUR (5 FT)
- CLEARING LIMITS
- EXISTING CONIFEROUS TREE
- EXISTING DECIDUOUS TREE
- TREE REMOVAL

NOTE: SEE COVER SHEET FOR GENERAL PLAN LEGEND

TREE TABLE			
TREE NUMBER	TYPE	DBH (IN.)	STATUS
10829	CONIFEROUS	12	REMOVE
10830	CONIFEROUS	30	REMOVE
10831	DECIDUOUS	6,8	REMOVE
10832	DECIDUOUS	7	REMOVE
10833	CONIFEROUS	18	PRESERVE
10834	DECIDUOUS	11	PRESERVE
10835	DECIDUOUS	8	PRESERVE
10836	DECIDUOUS	8	PRESERVE
11046	CONIFEROUS	7	REMOVE
11360	CONIFEROUS	26	REMOVE
11361	CONIFEROUS	43	PRESERVE
11362	CONIFEROUS	18	PRESERVE
11363	CONIFEROUS	20	PRESERVE
11364	CONIFEROUS	17	PRESERVE
11365	CONIFEROUS	12	PRESERVE
11366	CONIFEROUS	23	PRESERVE
11367	DECIDUOUS	15	PRESERVE
11438	CONIFEROUS	8	PRESERVE
11439	CONIFEROUS	6	PRESERVE



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F: 503.400.7772
aks-eng.com

**FISHERMAN'S WHARF
ESTATES SUBDIVISION
NEWPORT**

**PRELIMINARY DEMOLITION
AND TREE PRESERVATION
PLAN**

OR
LINCOLN COUNTY TAX MAP 11 09 CB
TAX LOT 400

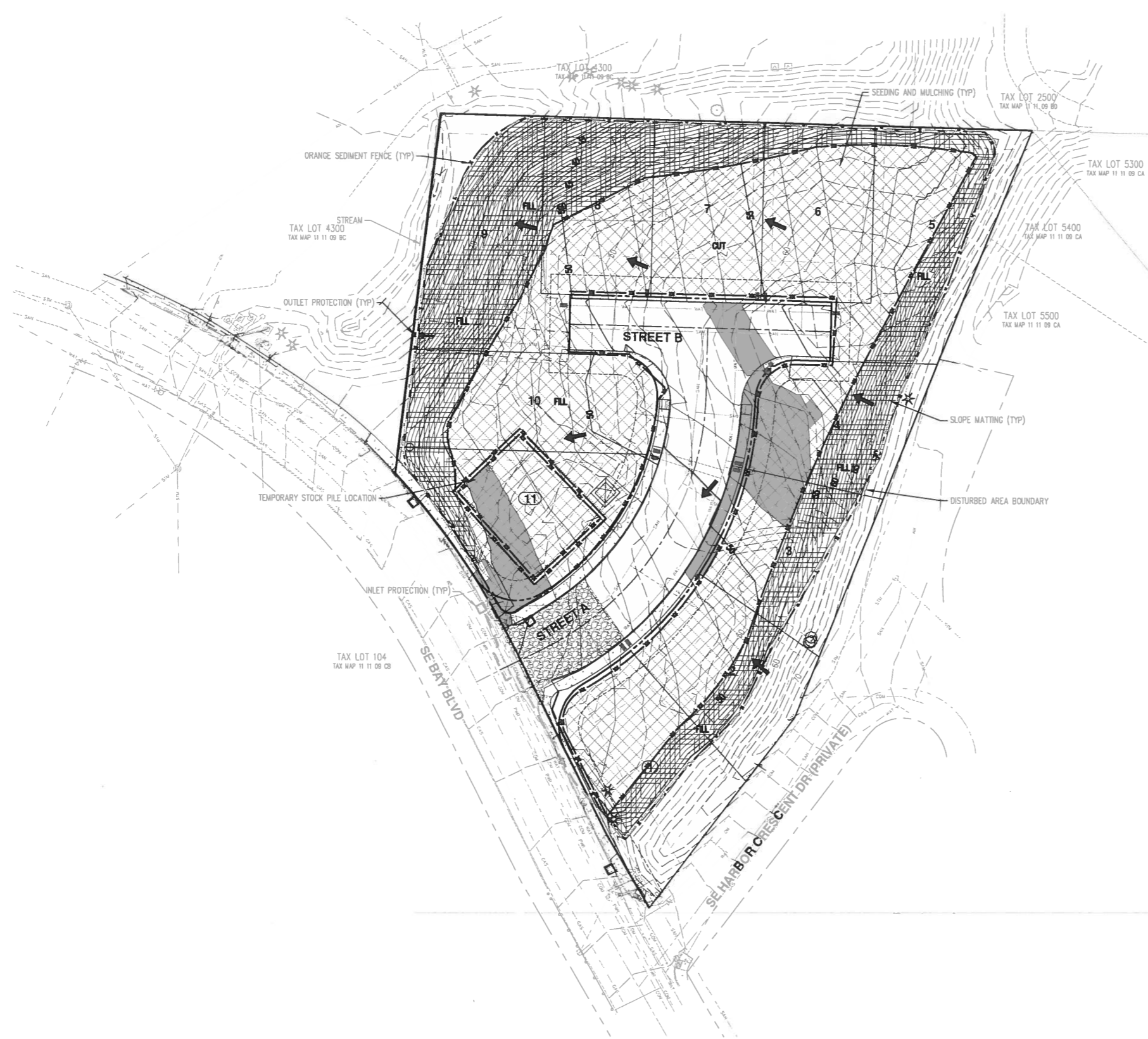
DESIGNED BY: MTA
DRAWN BY: JWB
CHECKED BY: DMK
SCALE: AS NOTED
DATE: 07/23/2018

**REGISTERED PROFESSIONAL
ENGINEER
PRELIMINARY
NOT FOR
CONSTRUCTION**
JANUARY 15, 2011
DAVID M. KARR, J.E.
EXPIRES: JUNE 30, 2019

REVISIONS:

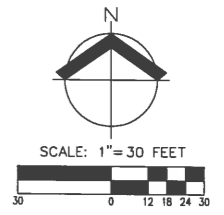
JOB NUMBER
5691

SHEET
C3



LEGEND

EXISTING GROUND CONTOUR (1 FT)	
EXISTING GROUND CONTOUR (5 FT)	
FINISHED GRADE CONTOUR (1 FT)	
FINISHED GRADE CONTOUR (5 FT)	
SEDIMENT FENCE (TO BE INSTALLED PRIOR TO GRADING)	
FIBER ROLL/SEDIMENT FENCE (TO BE INSTALLED POST GRADING)	
AREA DRAIN PROTECTION (TYP) PER CATCH BASIN INSERT BAG DETAIL	
CURB INLET PROTECTION (TYP) PER COMBINATION DETAIL	
OUTLET PROTECTION (TYP)	
CONCRETE WASHOUT AREA	
DRAINAGE FLOW DIRECTION	
GRAVEL CONSTRUCTION ENTRANCE	
SEEDING AND MULCHING	
SLOPE MATTING	
CLEARING LIMITS	



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 AKS ENGINEERING & FORESTRY, LLC
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 KEIZER, OR 97103
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 F: 503.400.7722
 aks-eng.com

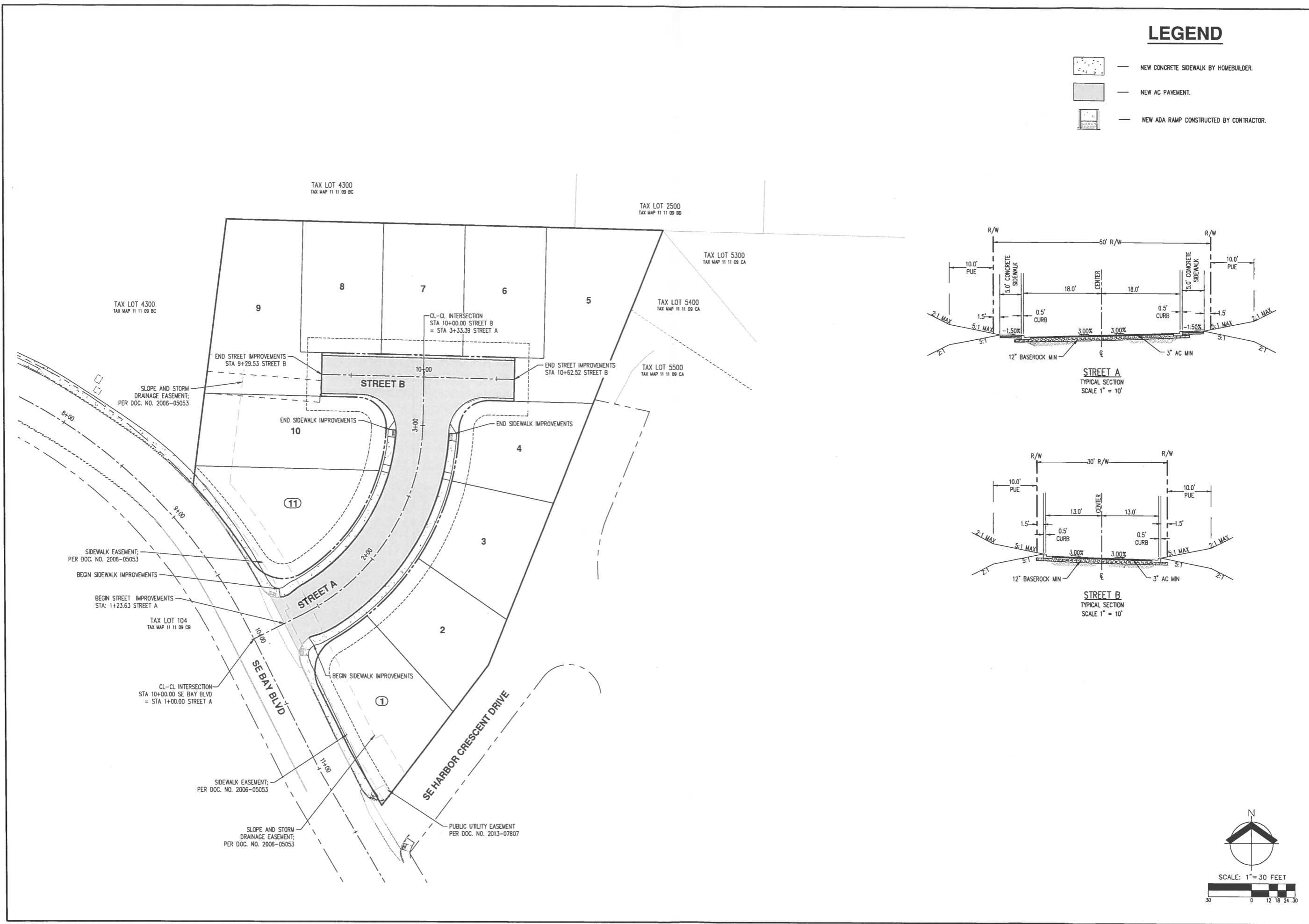
**FISHERMAN'S WHARF
 ESTATES SUBDIVISION**
 OR
 NEWPORT
 LINCOLN COUNTY TAX MAP 11 11 09 03
 TAX LOT 400

**PRELIMINARY GRADING
 AND EROSION CONTROL
 PLAN**

DESIGNED BY: MTA
 DRAWN BY: JWB
 CHECKED BY: DMK
 SCALE: AS NOTED
 DATE: 07/23/2018

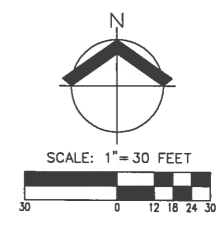
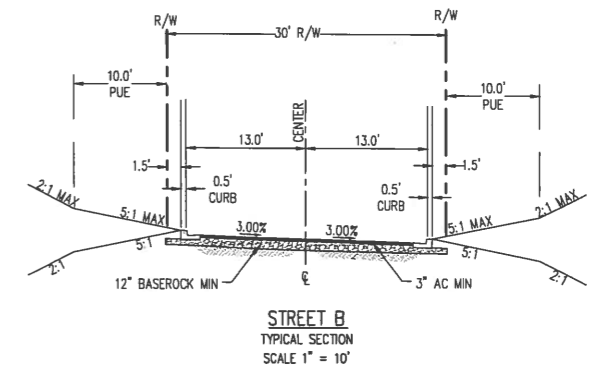
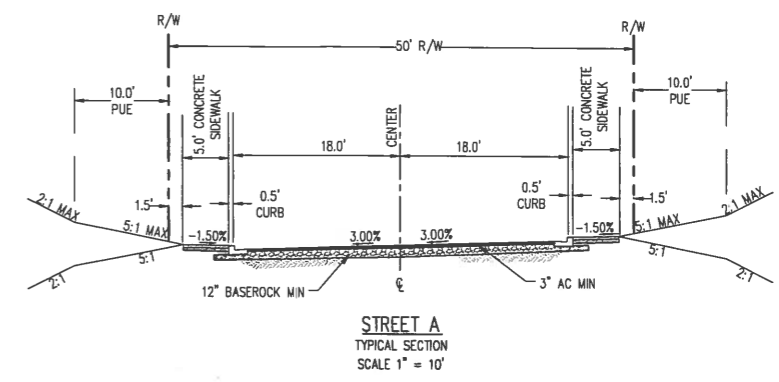
**REGISTERED PROFESSIONAL
 ENGINEER
 PRELIMINARY
 NOT FOR
 CONSTRUCTION**
 DAVID M. KARR, J.E.
 EXPIRES: APR 30, 2019
 REVISIONS:

JOB NUMBER
5691
 SHEET
C4



LEGEND

- NEW CONCRETE SIDEWALK BY HOMEOWNER.
- NEW AC PAVEMENT.
- NEW ADA RAMP CONSTRUCTED BY CONTRACTOR.



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 aks-eng.com

**FISHERMAN'S WHARF
 ESTATES SUBDIVISION**
 NEWPORT
 LINCOLN COUNTY TAX MAP 11 11 09 CB

**PRELIMINARY STREET PLAN
 AND TYPICAL SECTIONS**

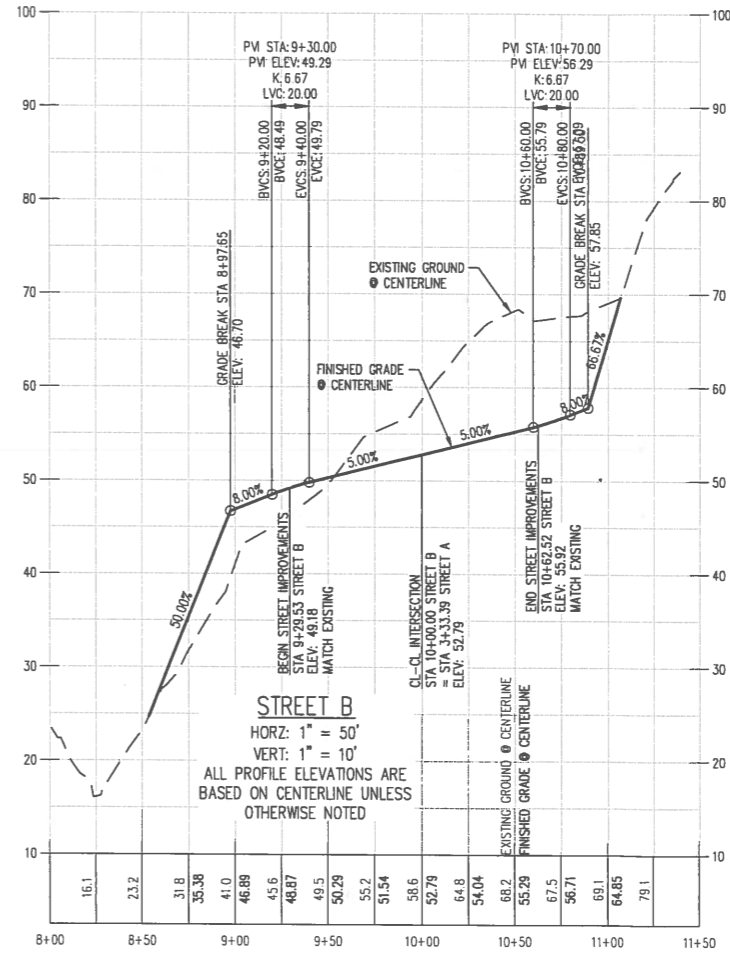
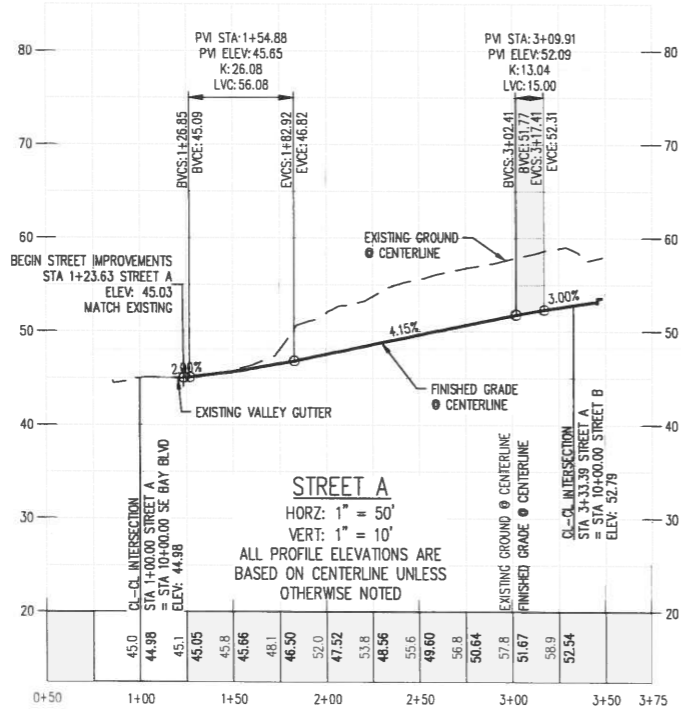
DESIGNED BY: MTA
 DRAWN BY: JWB
 CHECKED BY: DMK
 SCALE: AS NOTED
 DATE: 07/23/2018

REGISTERED PROFESSIONAL ENGINEER
 PRELIMINARY
 NOT FOR CONSTRUCTION
 DAVID M. KARR, JR.
 EXPIRES: JAN 30, 2019

REVISIONS

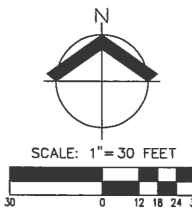
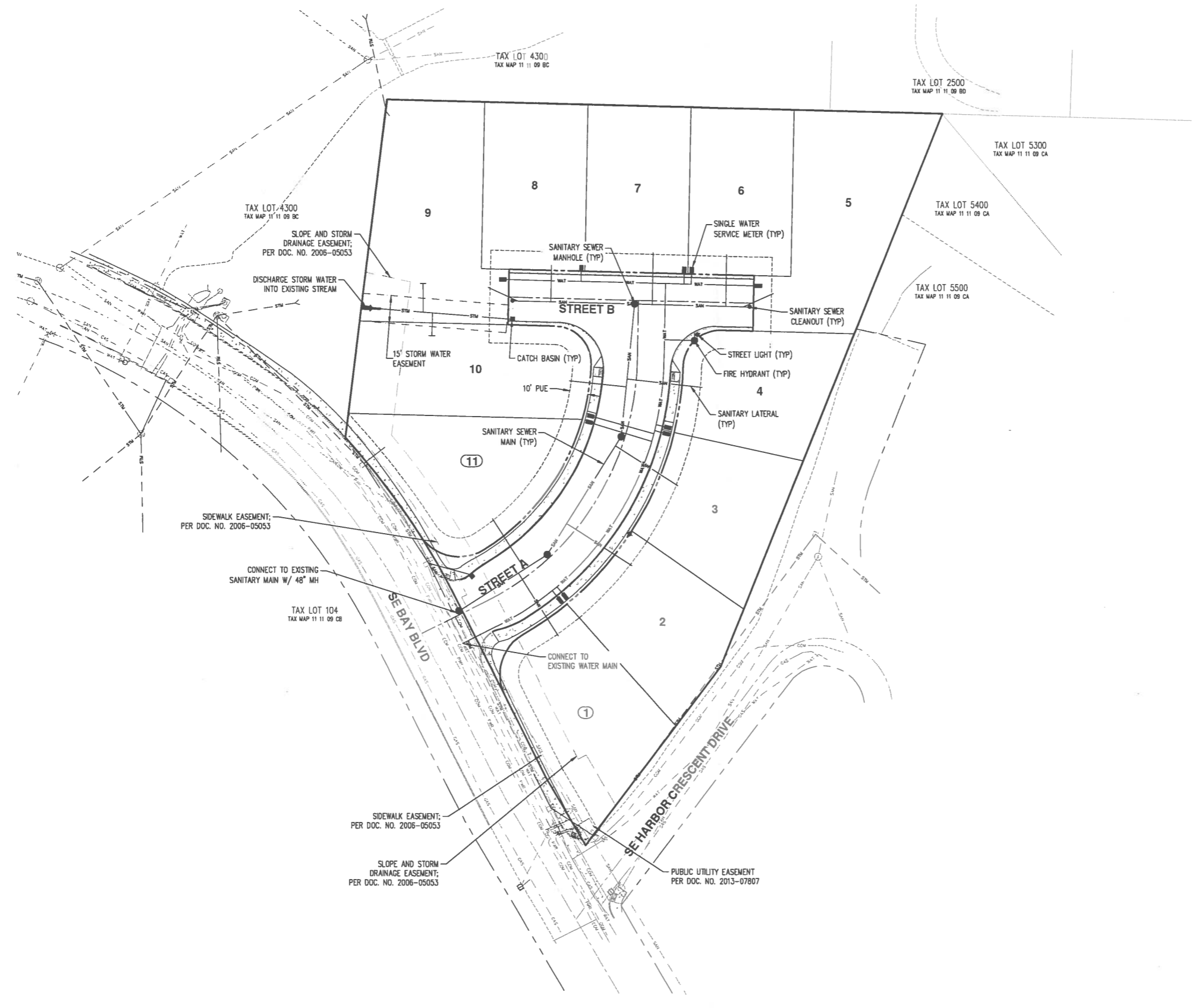
JOB NUMBER
5691

SHEET
C5

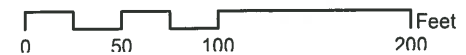
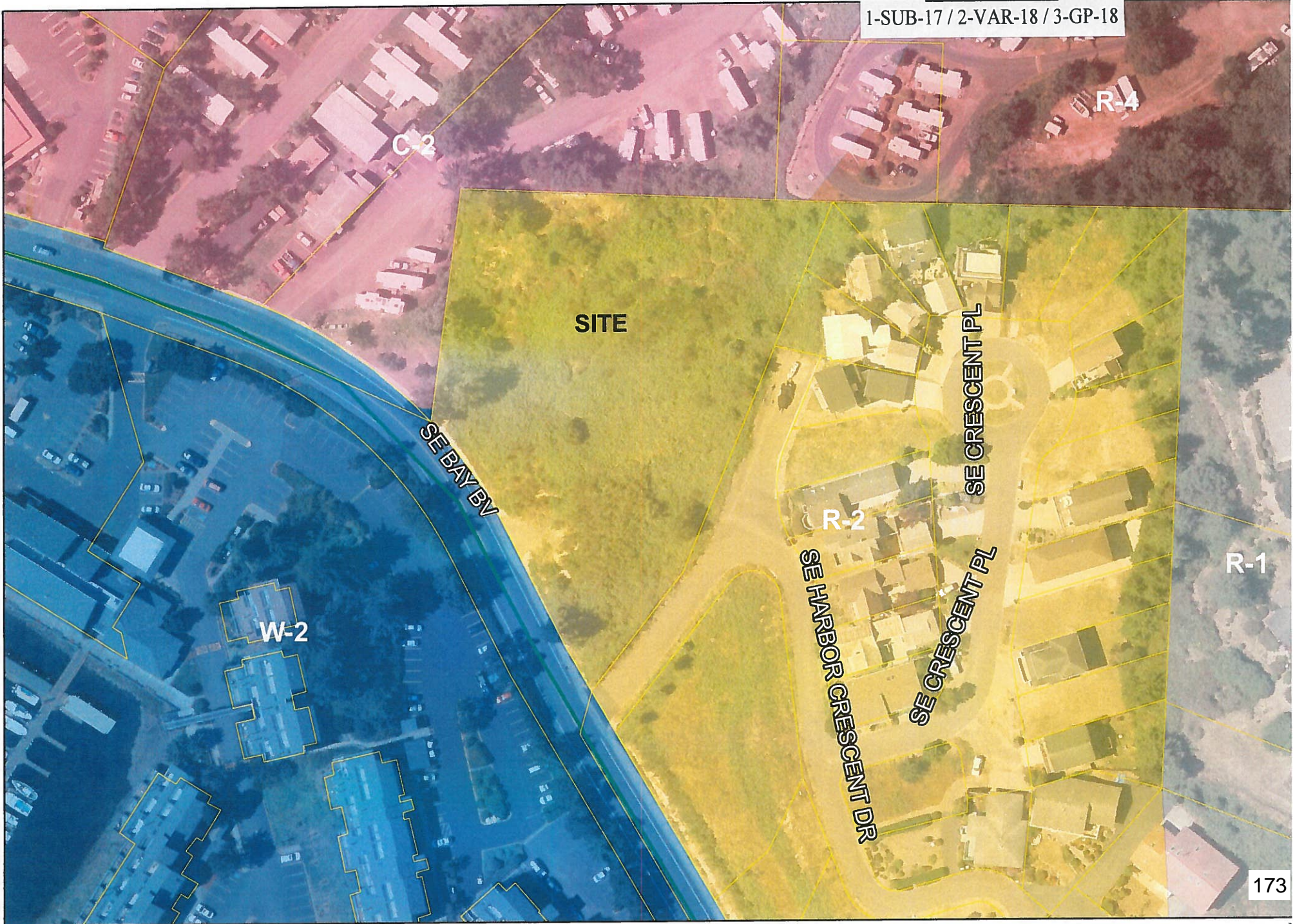


NOTES:

1. NO WATER QUALITY OR QUANTITY MEASURES ARE REQUIRED FOR THIS PROJECT.
2. ROOF DRAINS SHALL BE CONNECTED TO WEEPHOLES FOR LOTS 1-8.
3. LOTS 9-11 SHALL PROVIDE STORM LATERALS TO STORM DRAIN.



AKS DRAWING FILE: 5691 PRELIM COMPOSITE UTILITY PLAN/DWG | LAYOUT: C7



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

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, September 10, 2018, to consider the following request:

File No. 1-SUB-18 / 2-VAR-18 / 3-GP-18.

Applicant & Owner: Greyson Financial Services, Inc. (Rhonda Meisenburg, AKS Engineering & Forestry, LLC, representative).

Requests

1-SUB-18: Approval for the Tentative Subdivision Plan (proposed name of "Fisherman's Wharf Estates") including 11 single family residential lots.

2-VAR-18: Type III Variance approval request to allow the hammerhead portion of the proposed street to be constructed without a sidewalk.

3-GP-18: Approval for a Geological Permit to allow future development, construction, and site clearing within a known geologic hazard area.

Location: Tax Lot 400 of Lincoln County Assessor's Tax Map 11-11-09-CB (1005 SE Bay Blvd).

Applicable Criteria: Must be consistent with those approval criteria as set forth in Section 13.05.085 (for tentative subdivision plan approval) of the City of Newport's Municipal Code (NMC); NMC Section 14.33.060 (for variance requirement approval); and NMC Section 14.21.030 (for geological permit approval).

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the 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 under "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing or submitted to the Planning Commission during the hearing. The hearing will include a report by staff, testimony (both oral and written) from those in favor (including the applicant) or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

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

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

Time/Place of Hearing: Monday, September 10, 2018, 7:00 p.m. in the Newport City Hall Council Chambers

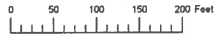
¹ This notice is being sent to affected property owners within 200 feet of the subject property (according to Lincoln County tax records), affected public/private utilities/agencies within Lincoln County, and affected city departments.

(address above in "Reports/Application Materials").

MAILED: August 6, 2018.

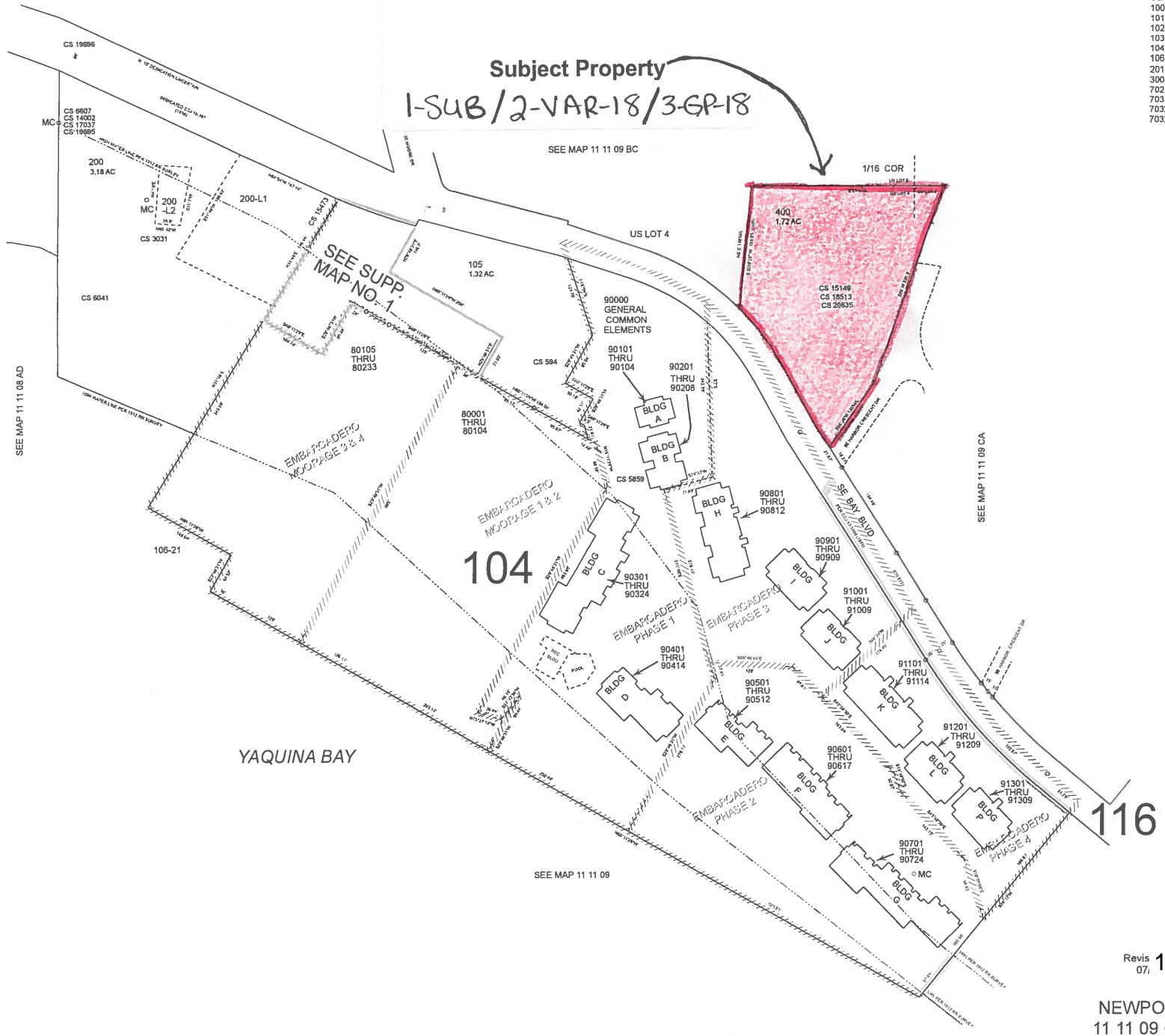
PUBLISHED: August 31, 2018/Newport News-Times.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.W.1/4 S.W.1/4 SEC.9 T.11S. R.11W. W.M.
LINCOLN COUNTY
1" = 100'

11 11 09 CB
NEWPORT



- Cancelled
- 100
- 101
- 102
- 103
- 104
- 106
- 201
- 300
- 70212
- 70319
- 70321
- 70322

Revis 07/ 176

NEWPORT
11 11 09 CB

Case File: 3-VAR-18
 Date filed: August 21, 2018
 Hearing Date: September 10, 2018

PLANNING STAFF REPORT

- A. **APPLICANTS & OWNERS:** Innerface Architectural Signage on behalf of Samaritan Pacific Hospital (Matthew Brown, authorized representative).
- B. **REQUEST:** Approval of a Type III variance pursuant to Section 10.10.130 of the City of Newport Municipal Code to allow a wall sign to be placed at a height that exceeds the 30-foot height limitation requirement. Section 10.10.095(J) of the Newport Municipal Code limits sign height to 30 feet from grade to the top of the sign. The applicant is further requesting a variance to allow a total of five signs, two of which would be wall signs and three of which will be freestanding signs along SW 9th Street. Section 10.10.095(C) of the Newport Municipal Code limits the total number of signs at this location to three, one of which may be other than a wall sign.
- C. **LOCATION:** 930 SW Abbey Street (Blocks 18, 19, 21 and 22 Bayley and Case's Addition to Newport, together with that portion of vacated SW Case Street and that portion of SW 10th Street inuring thereto.)
- D. **LOT SIZE:** Roughly 7.5 acres per Assessor's Map.
- E. **STAFF REPORT:**
1. **REPORT OF FACT:**
 - a. **Plan Designation:** Public.
 - b. **Zone Designation:** P-1/"Public Structures."
 - c. **Surrounding Land Uses:** Surrounding uses include a mixture of medical and commercial uses to the west and south, medical and residential to the east and residential to the north.
 - d. **Topography:** The property is gradually sloped and the developed areas are landscaped.
 - e. **Existing Structures:** Hospital, medical office buildings, helipad and parking.
 - f. **Utilities:** All are available to the subject property.

g. **Past Land Use Actions:**

File No. 1 VAR-18. Authorized the mechanical penthouse on their three-story hospital addition to be expanded from 3,530 square feet to 3,770 square feet. The change allowed a 240 square foot awning to be placed on the air handling unit.

File No. 1-VAR-17. Authorized a 10-foot height variance for the mechanical penthouse on a three-story addition to an existing hospital. The size of the mechanical penthouse was approved at 3,530 square feet.

File No. 1-SV-15. A street vacation initiated by the City Council, at the request of Samaritan Pacific Health Services, Inc. on behalf of Pacific Communities Health District, for portions of SW 10th Street from SW Bay Street north to SW Case Street; SW Case Street from SW 10th Street east to SW 11th Street; and an alley between and parallel to SW 10th and 11th Streets from SW Bay Street north to SW Case Street. The street vacation was approved by the City Council on November 2, 2015 (Ord. No. 2087). File No. 3-CP-16/5-Z-16. Amendments to the Newport Comprehensive Plan Map from High Density Residential to Public and the Newport Zoning Map from R-4/"High Density Multi-Family Residential" to P-1/"Public Structures" in order to facilitate a hospital expansion. The application was filed by the Pacific Communities Health District (Minor, Bandonis & Haggerty PC, agent) and was approved by the City Council on February 7, 2017 (Ord. No. 2109).

h. **Notification:** All affected property owners within 200 feet, applicable City departments, and other agencies were notified on August 21, 2018. See Planning Staff Report Attachment "D" (Public hearing notice). The public hearing notice was published in the Newport News-Times on August 31, 2018.

i. **Attachments:**

Attachment "A" – Application form

Attachment "B" – Applicant's narrative

Attachment "C" – Schematic drawing of the existing monument sign

Attachment "D" – Public hearing notice

Attachment "E" – Municipal Code Chapter 10.10 (Sign Regulations)

2. **Explanation of the Request:** Samaritan Pacific Communities Hospital is requesting approval of several sign variances. The applicant states that approval of these variance requests will support a sign plan that uses a hierarchy of sign types to promote clearer and more efficient wayfinding within the Samaritan Pacific Communities Hospital campus. They assert that these signs cannot be looked at independently, but must be viewed as a holistic wayfinding system that takes into

consideration the distressed nature of the visitor, site constraints and challenges, and applicable sign guidelines. The applicant notes that all signs have been placed at critical decision making points for both drivers and pedestrians, with the primary focus on ensuring visitors are effectively directed to the Emergency Department and to the appropriate medical entries. Samaritan Pacific Communities Hospital has changed organically over many years. For many visitors it is confusing. The applicant indicates that the layout of the campus combined with topography of the campus has driven both the quantity and placement of signs. None of the signs shown in our plans have been placed arbitrarily or unnecessarily. They further emphasize that the ability to find a location on a hospital campus can be a life or death situation.

The applicant points out that readability is a second key factor in seeking a signage variance. There are a number of standards available for determining lettering height and style, which ultimately determines sign size. The commonly used standard is the American Sign Council (ASC), Sign Legibility Rules. The Americans with Disabilities Act (ADA) does not have specific requirements for lettering heights on exterior signs, but there is ADA guidance in support of sign legibility. This guidance suggests that the minimum lettering height for an exterior sign should be 3-inches. This is consistent with ASC sign legibility rules.

The specific sign code standards relevant to the variance are as follows:

1. The height of the Campus Identification sign E9/A, Sign Location Plan, Attachment “C” exceeds the 30-foot height limitation [(NMC 10.10.095(J)]
2. The SW 9th Street frontage has four signs – two wall signs (the campus identification sign (E-9/A) and the “emergency” sign (E-6/A.1); and three freestanding signs (E-1/C, E-10/B, and E-8/C). NMC 10.10.095(C) requires that each street frontage shall be limited to not more than 2 signs, only one of which may be other than a wall sign unless there is more than 200 lineal feet of street frontage, in which case one additional sign is permitted. (That street frontage is more than 200 feet. So, only a maximum of three signs may be allowed on that frontage. Therefore, two of the five signs must be eliminated in order to be consistent with the code).

Pursuant to Section 10.10.130 (Variance Requirements) of the Newport Municipal Code, the applicant may seek a variance to the numerical provisions of the code. The Planning Commission is the designated approval authority.

3. **Evaluation of the Request:**

- a. **Written Comments:** As of September 5, 2018, the Community Development (Planning) Department has received no comments from any of the affected parties.

b. **Applicable Criteria (Newport Municipal Code Section 10.10.130):**

Section 10.10.130(A) states that: "approval of the request is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant."

c. **Staff Analysis:**

In order to grant the variance, the Planning Commission must review the application to determine whether it meets the criteria. With regard to those criteria, the following analysis could be made:

Approval of the request is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant.

In regard to this criterion, the Planning Commission should consider whether the applicant has sufficiently demonstrated that the request is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant.

The applicant's representative, Matthew Brown with Innerface Architectural Signage, submitted findings explaining why they believe the variance should be granted and provided schematic drawings illustrating the location, size and type of signage envisioned. See Planning Staff Report Attachment "B" and "C". The applicant's primary argument with regards to the height variance is that it is necessary in order for the public to find the hospital, which may be a life or death situation. Similarly, with respect to the additional signs, the applicant points to the array of specialized medical services performed at modern medical facilities and the hardship they would face if, in complying with the code, they cannot provide adequate wayfinding to persons in need of such services.

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Newport Municipal Code for granting a variance, then the Commission should approve the request and ask staff to prepare findings and a final order for consideration at its next meeting (September 24, 2018). As always, the Commission may attach any reasonable conditions of approval necessary to carry out the purposes of the Ordinance as conditions of approval are permissible under NMC Section 10.10.130 (Variance Requirements – specifying that the Planning Commission utilizes the procedure and process of zoning variances, including conditions of approval). If, on the other hand, the Commission finds that the request does not comply with the criteria, then the Commission should make findings for denial. Staff would then prepare findings and a final order to that effect for the Commission's consideration.

- F. **STAFF RECOMMENDATION:** It is reasonable for the Commission to conclude that a variance to the height limitation should be granted to allow the applicant to install the signage requested. The hospital is a large facility offering an array of medical services and without a holistic wayfinding system it can be difficult for members of the public to locate the critical services they need. Placement of some signs may need to be adjusted to address final site design and vehicle line of site considerations, so the site plan submitted should not be viewed as locking in the specific footprint of all of the free standing signs. Commission members may want to ask the applicant what the signage needs will be for the portion of the hospital labeled “existing facility” on the site plan as that is not addressed in the application.



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

September 5, 2018



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>(father to applicant)</i>
Innerface Architectural Signage/Matthew Brown	Samaritan Pacific Health Services
Applicant Mailing Address:	Property Owner Mailing Address:
534 Albemarle St., El Cerrito, CA 94530	930 SW Abbey Rd., Newport OR
Applicant Phone No.	Property Owner Phone No.
510-504-9156	541-921-4742
Applicant Email	Property Owner Email
mbrown@innerfacesign.com	jconner@samhealth.org
Authorized Representative(s): <i>Per applicant's request, authorized representative is acting on behalf of applicant's behalf</i>	
Jeff Jensen	
Authorized Representative Mailing Address:	
Authorized Representative Telephone No.	
503-260-8838	
Authorized Representative Email. JJensen@innerfacesign.com	

Project Information

Property Location: <i>Same as mailing address</i>		
930 SW Abbey Rd., Newport OR		
Tax Assessor's Map No.:	Tax Lot(s):	
Zone Designation: P1	Legal Description: <i>As indicated on title sheets if necessary</i>	
Comp. Plan Designation: APN 11-11-08-CA-12300-00, 11-11-08-CA-12200-00		
Brief description of Land Use Request(s):		
<i>Examples:</i> 1. Directional and Identification Sign Program for expanded Hospital 2. <i>Installation of 27' x 10' directional signs for hospital from Hwy 101 to 102nd St.</i> (See attached description for variance description.)		
Existing Structures: if any		
See plans		
Topography and Vegetation:		
See plans		
Application Type (please check all that apply)		
<input type="checkbox"/> Annexation <input type="checkbox"/> Appeal <input type="checkbox"/> Comp Plan/Map Amendment <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Design Review <input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Interpretation <input type="checkbox"/> Minor Replat <input type="checkbox"/> Partition <input type="checkbox"/> Planned Development <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Shoreland Impact <input type="checkbox"/> Subdivision <input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> UGB Amendment <input type="checkbox"/> Vacation <input checked="" type="checkbox"/> Variance/Adjustment <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Zone Ord/Map <input type="checkbox"/> Amendment <input type="checkbox"/> Other

FOR OFFICE USE ONLY

File No. Assigned: **3-VAR-18**

Date Received: 8/21/18	Fee Amount: 617 -	Date Accepted as Complete:
Received By: sm	Receipt No.	Accepted By:



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



City of Newport Land Use Application

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

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

Applicant Signature(s)	Date
 Property Owner Signature(s) (if other than applicant)	8/22/18 Date
 Authorized representative Signature(s) (if other than applicant)	8/22/18 Date

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

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

Samaritan Pacific Communities Hospital Application for Sign Variance

INTRODUCTION

Samaritan Pacific Communities Hospital is requesting approval of several sign variances. Approval of these variance requests will support a sign plan that uses a hierarchy of sign types to promote clearer and more efficient wayfinding within the Samaritan Pacific Communities Hospital campus. It is important to point out that these signs cannot be looked at independently, but must be viewed as a holistic wayfinding system that takes into consideration the distressed nature of the visitor, site constraints and challenges, and applicable sign guidelines. All signs have been placed at critical decision making points for both drivers and pedestrians, with the primary focus on ensuring visitors are effectively directed to the Emergency Department and to the appropriate medical entries. Samaritan Pacific Communities Hospital has changed organically over many years. For many visitors it is confusing. The layout of the campus combined with topography of the campus has driven both the quantity and placement of signs. None of the signs shown in our plans have been placed arbitrarily or unnecessarily. The ability to find a location on a hospital campus can be a life or death situation.

Readability is a second key factor in seeking a signage variance. There are a number of standards available for determining lettering height and style, which ultimately determines sign size. The commonly used standard is the *American Sign Council (ASC), Sign Legibility Rules*. The Americans with Disabilities Act (ADA) does not have specific requirements for lettering heights on exterior signs, but there is ADA guidance in support of sign legibility. This guidance suggests that the minimum lettering height for an exterior sign should be 3-inches. This is consistent with ASC sign legibility rules.

APPROVAL STANDARDS FOR SIGN VARIANCES:

1. The height of the Campus Identification sign E7/D.1 exceeds the 30-foot height limitation [(NMC 10.10.095(J))]
2. The SW Bay Street frontage has four signs – two wall signs (the campus identification sign (E-9/A) and the “emergency” sign (E-6/A.1); and two freestanding signs (E-7/D.1 and E-8/C). NMC 10.10.095(C) requires that each street frontage shall be limited to not more than 2 signs, only one of which may be other than a wall sign unless there is more than 200 lineal feet of street frontage, in which case one additional sign is permitted. (That street frontage is more than 200 feet. So, only a maximum of three signs may be allowed on that frontage. Therefore, one of the four signs must be eliminated in order to be consistent with the code).
3. The proposed “directional” freestanding signs may not be exempt in that they each exceed 3 square feet in area and some of them are internally illuminated.

The city of Newport may only grant a variance if the city finds that all of the following three standards are substantially met:

1. **The variance is consistent with the purposes of the Newport Sign Code (Municipal Code 10.10.010 & 10.15.005):**

Samaritan Pacific Communities Hospital has frontage along SW 9th & 11 Streets, and SW Abbey & Bay Streets. Emergency care access is adjacent to the new main entrance of the hospital building. The main entrance is next to the emergency entrance. The emergency & main entrance face primarily 9th St, and secondarily Bay St..

Given the special conditions at Samaritan Pacific Communities Hospital, such as the extensive road frontage, multiple driveway entrances and exits, and typical visitor circumstances, adherence to the maximum sign area and quantity would not be consistent with the intent of the sign ordinance; which is to promote public health, safety and welfare in Newport.

Samaritan Pacific Communities Hospital has intended to create a concise and well-marked sign program for their whole campus to direct visitors to the various provided services. The signs designed for Samaritan Pacific Communities Hospital meet the intentions of the sign ordinance, as they are designed to:

- Enhance and protect the physical appearance of the municipality.
- Encourage sound signing practices for business identification and public information.
- Ensure that signs are located and designed to:
 - Provide an effective means of wayfinding in the community.
 - Reduce the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
 - Minimize the disruption of the scenic views which, when maintained, protect important community values.

Signs for Samaritan Pacific Communities Hospital need to be large enough for drivers to read the message, process the message, and anticipate where to turn. To determine the appropriate sign size needed for legibility, the proposed signs comply with the U.S. Sign Council's *Sign Legibility Rules of Thumb*. These guidelines require a minimum text height of 3-inches for either pedestrian-oriented or vehicle-oriented signage. Further, the guidelines indicate that for best readability the negative space of the sign (the area without letters) should constitute 60% of the sign area. Although not completely applicable to this site, letter height requirements identified for vehicular users in the Manual of Uniform Traffic Control Devices (MUTCD) would suggest a minimum letter height of 4-inches for the instructional signs.

This is a campus that provides multiple medical services located in different buildings with multiple entrances to the main hospital and emergency room. The populace using the services provided at Samaritan Pacific Communities Hospital typically include the elderly, sick, injured, tired, and stressed. Given this population, it would be logical to provide appropriate means to find the service they are seeking in a clear and orderly manner. The only way to accomplish an effective wayfinding plan is to place legible signage at key decision points. The petitioner has relied on national standards to accomplish this goal.

2. **The variance will allow for placement of a sign with exceptional design, style, or circumstance, or will allow a sign that is more consistent with the architecture and development of the site.**

The proposed Campus identification sign is located on the new building face, above the windows. The height is based on available space on the building. No part of the proposed sign extends above the roof line, and the submitted elevation shows that the intended placement will provide an architecturally integrated design solution for Samaritan campus identification.

Healthcare is delivered to the Samaritan Pacific Communities patient by a variety of means. The outpatient model that has become universally accepted in this country requires that the patient seek out the steps for their care or diagnosis sequence separately and individually. Radiological or diagnostic services are separate from surgical or therapeutic treatments. For a single care process, patients can frequently be expected to arrive at three or more destinations, and these destinations are usually located through separate entrances.

As discussed, strict interpretation of the sign ordinance does not allow Samaritan Pacific Communities Hospital to meet the intent of the ordinance. Compliance with the specific limits on the size and placement of signs in the ordinance would not provide an effective

means of wayfinding, given the size and complexity of the campus. Strict adherence would also limit Samaritan Pacific Communities Hospital's ability to maintain a safe and orderly pedestrian and vehicular environment and to minimize confusion that would contribute to traffic congestion and vehicle accidents. Other properties in the district do not have the campus development patterns of the Samaritan Pacific Communities Hospital campus, or the concentration of elderly, sick, and distressed visitors.

3. The Variance will not significantly increase or lead to street level sign clutter, nor will it create a traffic or safety hazard.

This variance request is solely for the purpose of assisting the public that are seeking services at Samaritan Pacific Communities Hospital and to respond to specific signage requirements for the users of the new hospital. This is not merely a pecuniary hardship or convenience. This signage program is a carefully crafted strategic plan specifically designed to meet the needs of this complex of facilities, services, and road networks.

The variance requested is the minimal amount possible to make reasonable use of the medical campus. The requested approval for campus signs is in proportion with the size of the campus, the topography of the site, and the multitude of services provided. More than ever, information is a vital part of Samaritan Pacific Communities care. An informed patient can seek appropriate care from the right places, with the least amount of unhealthy stress. All signs on the Samaritan Pacific Communities site are intended to assist in communicating that information. By providing consistent, visible guidance, a sense of unity, order and professionalism is created. This gives both first-time and familiar visitors the faith and trust they need to put their healing in the hands of the Samaritan Pacific Communities caregivers. The proposed signs are needed to meet the intent of the sign ordinance: to provide clear wayfinding, and to reduce any driver confusion. Removing confusion minimizes the risk of vehicle accidents and traffic congestion, and helps to ensure public health and safety.



Exterior Design Development & Wayfinding

Campus Identification & Wayfinding

Draft (1) 05.21.18

Draft (2) 07.03.18

Draft (3) 07.10.18

Draft (4) 07.10.18



Samaritan
Pacific Communities
Hospital

INNERFACE

ARCHITECTURAL
SIGNAGE, INC.

5849 PEACHTREE ROAD
ATLANTA, GEORGIA 30341
T 770 921 5566
TF 800 445 4796
F 770 279 1327
INNERFACEDSIGN.COM

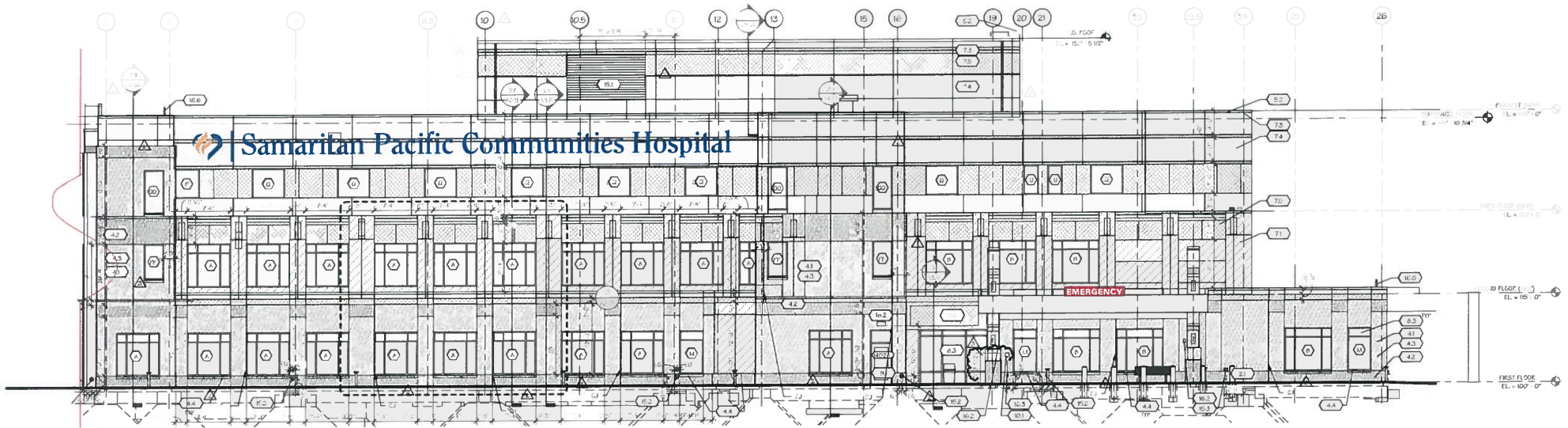


Samaritan Pacific Communities Hospital

Detail View
Scale: 1/8" = 1'-0"

Campus Identification:

- Internally illuminated individual pan channel letters/logo - 42" cap Letters
- w/ translucent acrylic faces and LED illumination. - 63" x 8" Accent Bar
- Self-contained units with internal power packs - 66" x 63" Logomark



Partial West Elevation

Scale: 1/16" = 1'-0"

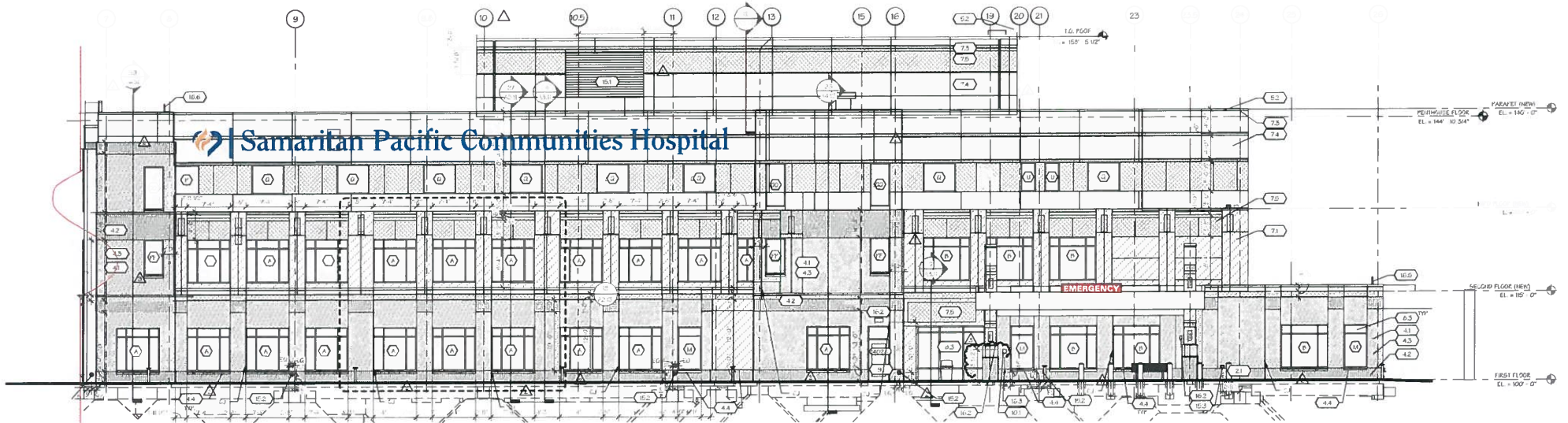


Detail View
 Scale: 1/2" = 1'-0"

Entry Identification:

Internally illuminated cabinet
 w/ translucent acrylic face and LED illumination.
 Translucent red vinyl background w/ reversed white copy
 Base mount to top of building canopy.

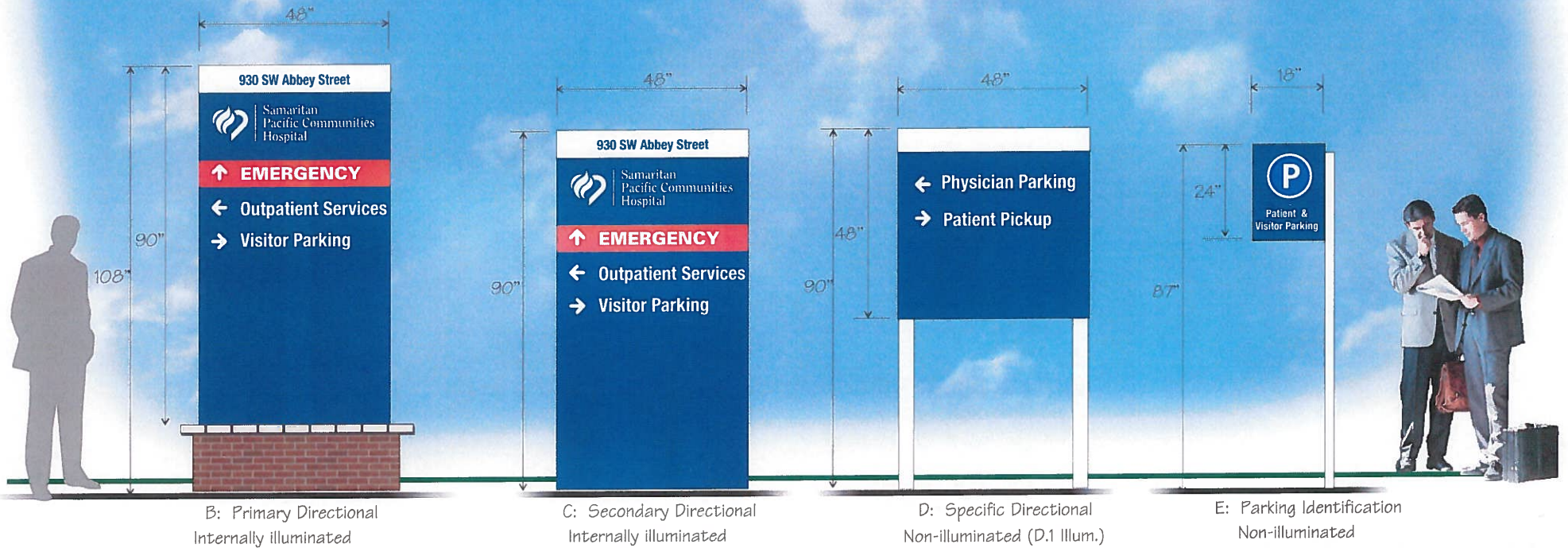
- 12" cap Letters
- 18" x 10'-0" Cabinet

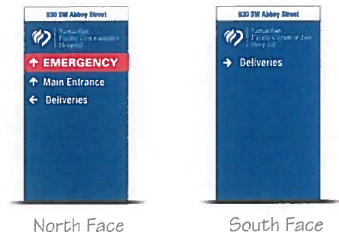
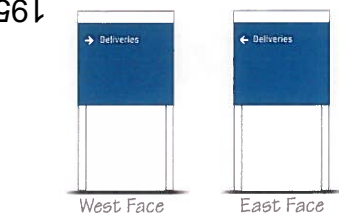
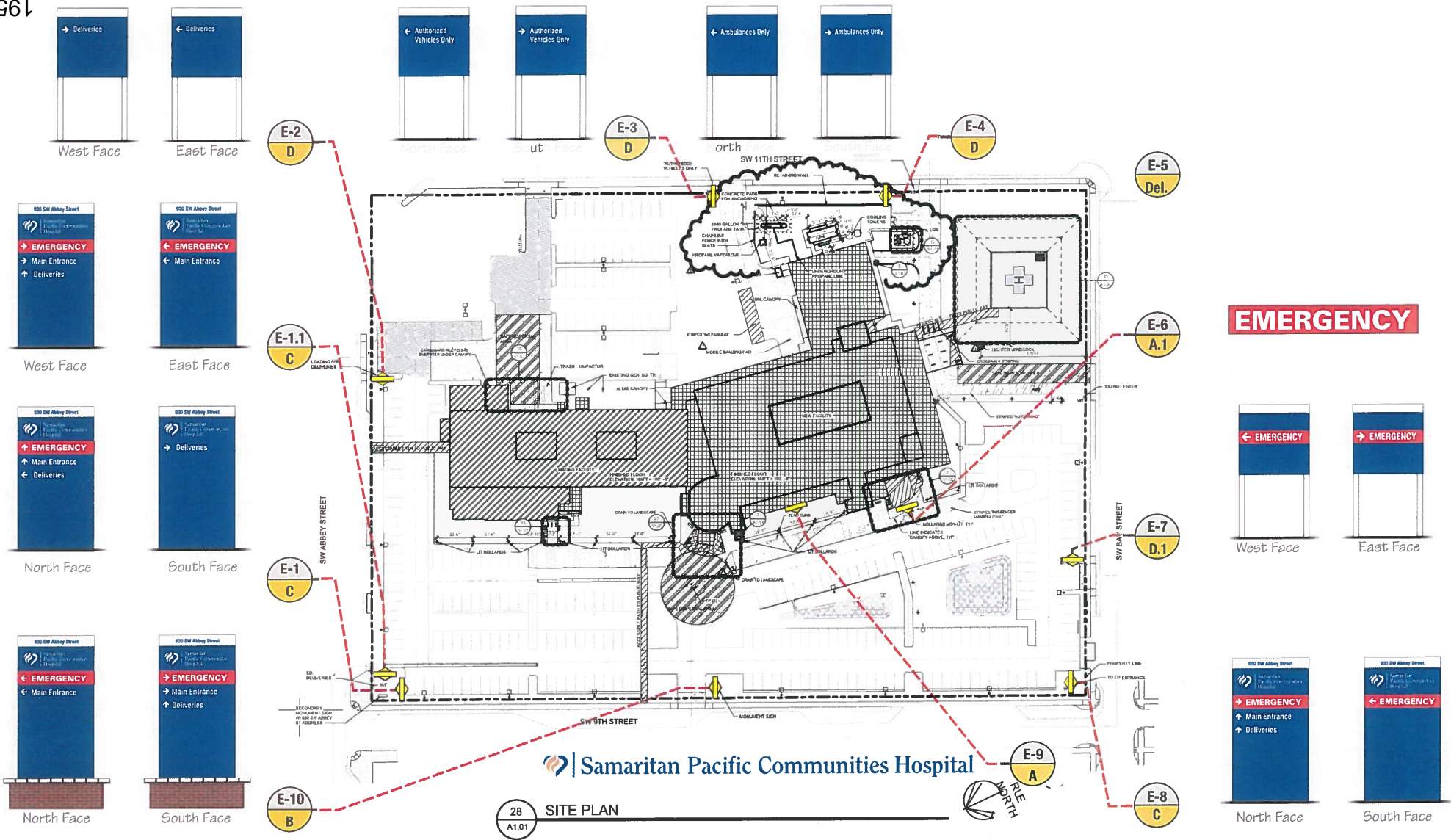


Partial West Elevation

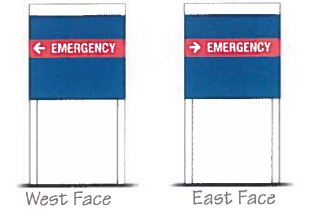
Scale: 1/16" = 1'-0"

Appearance Concept 1





EMERGENCY



CITY OF NEWPORT NOTICE OF A PUBLIC HEARING¹

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

File No. 3-VAR-18.

Applicant: Pacific Communities Health District (Innerface Architectural Signage, Matthew Brown, agent).

Request: Approval of a Type III variance pursuant to Section 10.10.095(J) of the City of Newport Municipal Code to allow a wall sign to be placed at a height that exceeds the 30-foot height limitation requirement. Section 10.10.085(J) of the Newport Municipal Code limits sign height to 30 feet from grade to the top of the sign. The applicant is further requesting a variance to allow a total of four signs, two of which would be wall signs and two of which will be freestanding signs along SW Bay Street. Section 10.10.085(C) of the Newport Municipal Code limits the total number of signs at this location to three, one of which may be other than a wall sign. The applicant is further requesting a variance to allow "directional" freestanding signs to exceed 3 square feet in area with some of them being internally illuminated. Section 10.10.060(A)(4) of the Newport Municipal Code exempts non-illuminated signs on private property oriented towards internal driveways and parking areas, if they do not exceed 3 square feet in area.

Location: 930 SW Abbey St, Newport, OR 97365 (Assessor's Map 11-11-08-CA; Tax Lots 12200, 12300, 12500, 12600, 12700, 12900, 13000, 13001, 13100, 13200, 13300, 13400, 13500, 13501, 13502, 13600, 13700, & 13800, and Assessor's Map 11-11-08-CB; Tax Lots 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, & 5300).

Applicable Criteria: Newport Municipal Code Section 10.10.130(A): All sign variance applications that propose to increase the number or size of signs or propose a variance from any other numerical standard shall be determined by the Planning Commission using the zoning Type III Variance procedure, based on a determination that the proposed variance is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant; and Newport Municipal Code Section 10.10.140(C): The approval authority must find that the application for a Variance complies with the following criteria: (1.) The Variance is consistent with the purposes of the sign code, as provided in Chapter 10.10.010 of the Newport Municipal Code; and (2.) The Variance will allow for placement of a sign with exceptional design, style, or circumstance, or will allow a sign that is more consistent with the architecture and development of the site; and (3.) The Variance will not significantly increase or lead to street level sign clutter, or will it create a traffic or safety hazard.

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 I. Tokos, AICP, Community Development Director, (541) 574-0626 (address above in "Reports/Materials").

Time/Place of Hearing: Monday, September 10, 2018; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

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****
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
Code Administrator/Planner

Jason Malloy
Interim Police Chief

Mike Murzynsky
Finance Director

Ted Smith
Library

Jim Protiva
Parks & Rec

Spencer Nebel
City Manager

ABBEY RD LLC
1715 NW WOODLAND DR
CORVALLIS, OR 97330

ADAMSON WHITE DEBORAH
707 SW 11TH ST
NEWPORT, OR 97365

BAYWOOD CONDOMINIUMS
ASSOCIATION OF UNIT OWNERS
912 SW 11TH ST
NEWPORT, OR 97365

BRIDGEVIEW RENTAL MNGMNT LLC
3389 S LAMBERT ST
EUGENE, OR 97405

BRYAN MANOR COMDOMINIUM
ASSOCIATION OF UNIT OWNERS
833 13TH ST SW
NEWPORT, OR 97365

BURDETT JOHN DAVID TRUSTEE
PO BOX 465
COLUMBIA CITY, OR 97018

C3J LP
% DENNIS L BARTOLDUS
ATTORNEY AT LAW, AGENT
PO BOX 1510
NEWPORT, OR 97365

CCP NEWPORT 1528 LLC
ATTN ALTUS GROUP US #1528
21001 N TATUM BLVD
STE 1630-630
PHOENIX, AZ 85050

CHOW SHEUNG
PO BOX 394
THREE FORKS, MT 59752

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

CLIFFORD TAMARIS T TRUSTEE
466 NE 32ND ST
NEWPORT, OR 97365

COMMUNITY SERVICES CONSORTIUM
250 BROADALBIN ST SW
#2A
ALBANY, OR 97321

CRISWELL BRAYDEN TRUSTEE
6269 NE MAST AVE
LINCOLN CITY, OR 97367

CROWS NEST CONDOMINIUM
ASSOCIATION OF UNIT OWNERS
1039 NW ABBEY ST
NEWPORT, OR 97365

DAY MANAGEMENT INC
ATTN MILLER DON
PO BOX 22169
MILWAUKIE, OR 97222

ELLISON NORMAN D &
ELLISON KARIN
9272 NW EGRET ST
SEAL ROCK, OR 97376

EMBLEY ROBERT W
PO BOX 282
NEWPORT, OR 97365

ESCOBAR BRAULIO
PO BOX 747
NEWPORT, OR 97365

FOSTER JALYNN A &
FOSTER STEPHANIE J
4809 S COAST HWY
SOUTH BEACH, OR 97366

GILL PAMELA S &
BOYLE CHRISTOPHER D CO-TRUSTEES
197 SW 82ND ST
SOUTH BEACH, OR 97366

HEARNE WADE C
646 SW 11TH ST UNIT 4
NEWPORT, OR 97365

HOLDEN EDWARD &
COLBY JESSICA
3932 NE 35TH PL
PORTLAND, OR 97212

JIMENEZ BRETT M &
JIMENEZ SHERRI J
PO BOX 165
NEWPORT, OR 97365

JONES JOHN B
2140 LOS ANGELES AV
BERKELEY, CA 94707

KRISHNA INC
ATTN KHALASI KOKILA
861 SW COAST HWY
NEWPORT, OR 97365

LAWSON PETER WAYNE &
REID NANCY JANE
1206 SW ABBEY
NEWPORT, OR 97365

LIVERMORE MIGUEL D &
LIVERMORE LINDA R
5476 SERENITY DR SE
SALEM, OR 97301

MCVEIGH SUSAN
646 SW 11TH ST
UNIT #1
NEWPORT, OR 97365

NEALEIGH DEBBIE
913 SW ABBEY ST
NEWPORT, OR 97365

NEWPORT BAY VENTURES LLC
ATTN MICHAEL RICKUS
156 NW 73RD CT
NEWPORT, OR 97365

ONR LLC
ATTN DANIEL MCCARTHY
608 WALNUT ST
TWP WASHINGTN, NJ 07676

PAC COMMUNITIES HEALTH DIST
% SAMARITAN PAC HEALTH SERVICES
ATTN SHS ACCOUNTING LEASE
PO BOX 3000
CORVALLIS, OR 97339

PACIFIC COMMUNITIES
HEALTH DISTRICT
% SAMARITAN PACIFIC HEALTH SVC
PO BOX 873
NEWPORT, OR 97365

PACIFIC COMMUNITIES
HEALTH DISTRICT
930 SW ABBEY
NEWPORT, OR 97365

PACIFIC COMMUNITIES
HOSPITAL DIST
PO BOX 945
NEWPORT, OR 97365

PACIFIC COMMUNITIES
HOSPITAL DISTRICT
ATTN HOSPITAL ADMINISTRATOR
721 SW 9TH ST
NEWPORT, OR 97365

PACIFIC COMMUNITIES HEALTH DIST
% GALASH JOSEPH N & LOUISE M
CO-TR LIFE ESTATE
PO BOX 873
NEWPORT, OR 97365

PACIFIC COMMUNITIES HEALTH DIST
% SAMARITAN PACIFIC HEALTH SVCS
SHS ACCOUNTING LEASE
PO BOX 3000
CORVALLIS, OR 97339

PACIFIC COMMUNITIES HOSP DIST
% SAMARITAN PACIFIC HEALTH SVC
LEASE
PO BOX 945
NEWPORT, OR 97365

PALMER STEVEN H
927 SW 11TH ST
NEWPORT, OR 97365

PATRAO KEN TSTEE
9841 SEAN WAY
WESTMINSTER, CA 92683

PETER GEOFFREY
PO BOX 533
NEWPORT, OR 97365

PETERSON MELDON L
1212 NW CURTIS ST
SEAL ROCK, OR 97376

PROTEAU ROSITA
1809 OLIVIA CIRCLE NW
ALBANY, OR 97321

RAMAN SHIRI &
RAMAN BENNA A &
CAMPBELL DOROTHY A
3949 W 188TH ST
TORRANCE, CA 90504

RANDALL PHYLLIS M
PO BOX 18
SOUTH BEACH, OR 97366

RASK PATRICK &
ROH G LLC & CRUZ MANNY
ATTN PROGRSSVE MGMT GRP LLC
2364 MAIN ST
PHILOMATH, OR 97370

REED JIMMY L
635 SW 10TH ST
NEWPORT, OR 97365

ROBBINS JERRY J
1039 SW ABBEY ST
UNIT C
NEWPORT, OR 97365

SALVATION ARMY THE
8495 SE MONTEREY AVE
HAPPY VALLEY, OR 97086

SALVATION ARMY THE
PO BOX 655
NEWPORT, OR 97365

SANTUARIO JESUS
846 SW COAST HWY
NEWPORT, OR 97365

SCHLISKE NORA MOSHER &
LOEWEN NIKI MOSHER
14988 BENT LANE
SUBLIMITY, OR 97385

SCHONAU KATHLEEN A &
TAYLOR DONALD W
1806 NE CRESTVIEW PL
NEWPORT, OR 97365

SCHONAU KATHLEEN ANN &
TAYLOR DONALD WILLIAM &
LAMB DORIS ANNE & JOSEPH T
PO BOX 405
NEWPORT, OR 97365

SIMONSEN LUKE S &
SIMONSEN CHRISTINA
915 SW 11TH ST
NEWPORT, OR 97365

STRUB PAUL T &
STRUB SHIRLEY A
3145 NW TWINBERRY ST
CORVALLIS, OR 97330

TRABOLD BRIAN
PO BOX 7963
SALEM, OR 97303

TWIDWELL LARRY &
NEALEIGH DEBRA
913 SW ABBEY ST
NEWPORT, OR 97365

YOUNG DAVID FREDERICK &
YOUNG CAROL LEE
3742 NW LARK PL
CORVALLIS, OR 97330

ZIRGES MALCOLM H &
ZIRGES GLORIA M
PO BOX 938
NEWPORT, OR 97365

WILLIAMS CORRINE C LIVING TRUST &
WILLIAMS CORRINE C. TRUSTEE
1300 NE 16TH AVE #433
PORTLAND, OR 97232

SEAVIEW HOMES LLC
342 SW BAY BLVD
NEWPORT, OR 97365

LAFORCE BETTY J &
REED DONALD T &
PRESTON CURTIS J
520 EASTGATE DR
PROSSER, WA 99350

EMBLEY MARTHA J
PO BOX 1332
NEWPORT, OR 97365

Exhibit "A"
Adjacent Property Owners Within 200 ft

File No. 3-VAR-18

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The Planning Commission of the City of Newport, Oregon, will hold a public hearing in the City Hall Council Chambers at 7:00 p.m. on Monday, September 10, 2018, to consider File No. 3-VAR-18, which is a request submitted by Pacific Communities Health District for approval of a Type variance pursuant to Section 10.10.095(J) of the City of Newport Municipal Code to allow a wall sign to be placed at a height that exceeds the 30-foot height limitation requirement. Section 10.10.085(J) of the Newport Municipal Code limits sign height to 30 feet from grade to the top of the sign. The applicant is further requesting a variance to allow a total of four signs, two of which would be wall signs and two of which will be freestanding signs along SW Bay Street. Section 10.10.085(C) of the Newport Municipal Code limits the total number of signs at this location to three, one of which may be other than a wall sign. The applicant is further requesting a variance to allow "directional" freestanding signs to exceed 3 square feet in area with some of them being internally illuminated. Section 10.10.060(A)(4) of the Newport Municipal Code exempts non-illuminated signs on private property oriented towards internal driveways and parking areas, if they do not exceed 3 square feet in area. The subject property is located at 930 SW Abbey St, Newport, OR 97365 (Assessor's Map 11-11-08-CA; Tax Lots 12200, 12300, 12500, 12600, 12700, 12900, 13000, 13001, 13100, 13200, 13300, 13400, 13500, 13501, 13502, 13600, 13700, & 13800, and Assessor's Map 11-11-08-CB; Tax Lots 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, & 5300). Per Newport Municipal Code Section 10.10.130(A): All sign variance applications that propose to increase the number or size of signs or propose a variance from any other numerical standard shall be determined by the Planning Commission using the zoning Type III Variance procedure, based on a determination that the proposed variance is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant; and Newport Municipal Code Section 10.10.140(C): The approval authority must find that the application for a Variance complies with the following criteria: (1.) The Variance is consistent with the purposes of the sign code, as provided in Chapter 10.10.010 of the Newport Municipal Code; and (2.) The Variance will allow for placement of a sign with exceptional design, style, or circumstance, or will allow a sign that is more consistent with the architecture and development of the site; and (3.) The Variance will not significantly increase or lead to street level sign clutter, or will it create a traffic or safety hazard. 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, City Hall, 169 SW Coast Hwy, Newport, OR 97365, 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. The staff report may be reviewed or a copy purchased at the Newport Community Development Department (address above) 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).

(FOR PUBLICATION ONCE ON FRIDAY, August 31, 2018)

NOTICES

In the mortgage records of the county or counties in which the above-described Real Property is situated with appointing Saalfeld Griggs PC as the current successor trustee; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.752(7). The Real Property will be sold to satisfy the Note identified below secured by the Trust Deed and a Notice of Default has been recorded pursuant to the Oregon Revised Statutes, ORS 86.752(3), the date(s) for which the foreclosure is made are the following:

Loan No. 41006694:
 Grantors' failure to pay the entire balance due and owing on the loan as of the date of maturity on November 5, 2017, pursuant to the terms of the Deed of Trust securing the above referenced property. Note dated November 12, 2002 and referenced therein ("Note"); and Grantors' failure to pay Lincoln County, Oregon real property taxes when due for the following:

Tax Year 2013-2014 - \$1,684.59, plus interest;
 Tax Year 2014-2015 - \$1,499.42, plus interest;
 Tax Year 2015-2016 - \$1,567.50, plus interest;
 Tax Year 2016-2017 - \$1,944.13, plus interest;
 Tax Year 2017-2018 - \$1,109.14, plus interest.

By reason of the defaults, the current Beneficiary has and does hereby declare all sums owing on the Note secured by the Trust Deed immediately due and payable, those sums being the following, to wit:

Principal Balance: \$282,218.
 Interest to 05/16/2018: \$748.70.
 Appraisal Fees: \$1,160.00
 Legal Fees as of 05/16/2018: \$2,424.59
 Title: \$30,354.41

*Total does not include accrued interest at the rate of \$3.0299 per diem from May 17, 2018 until paid, additional late charges, expenses, and trustee fees, and attorney fees and costs. A total payoff amount as of a specific date is available upon written request to the successor trustee.

WHEREFORE, notice hereby is given that the undersigned successor trustee will on WEDNESDAY, OCTOBER 3, 2018 at 10:00 a.m. in accord with the standard of time established by ORS 187.110, at the FRONT ENTRANCE OF THE LINCOLN COUNTY COURTHOUSE, 225 WEST OLIVE STREET, in the City of NEWPORT County of LINCOLN, State of OREGON, which is the hour, date, and place last set for the sale to be sold at public auction to the highest bidder for cash the interest in the Real Property which the Grantors had or had power to convey at the time of the execution by Grantors of the Trust Deed, together with any interest which the Grantors or Grantors' successors have or have an interest in, together with any after the execution of the Trust Deed, to satisfy the foregoing Promissory Note secured by the Trust Deed and the costs and expenses of sale, together with a reasonable charge by the successor trustee. The successor trustee intends to foreclose upon the Real Property.

Notice is further given that any person named in ORS 86.778 has the right, at any time not later than five days before the date last set for the sale, to have the sale further proceeded with and dismissed and the Trust Deed reinstated by paying the entire amount then due (other than such portion of the principal as would then be due had no default occurred), together with costs, trustee's fees and attorney fees and costs, and by paying any other default complained of in the Notice of Default, that is capable of being cured

that I am the attorney or one of the attorneys for the above named Successor Trustee and that the foregoing is a complete and exact copy of the entire Promissory Note of Sale.
 /s/ Erich M. Paetsch Attorney for said Trustee A-10, A-17, A-24, A-31 (65-31).

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF KING PROBATE DEPARTMENT IN THE MATTER OF THE GUARDIANSHIP OF: TIERNY CREECH, RESIDENCE UNKNOWN, CASE NO. 18-4-03651-5 SKNT NOTICE OF PETITION TO APPOINT GUARDIANS

NOTICE IS HEREBY GIVEN that on July 3rd, 2018 the undersigned filed a petition for appointment of a guardian for the estate of Brandon Gire and Wendy Gire as guardians of Tierney Creech, a minor. A copy of the petition accompanies this notice. The petitioners' names, and address are: Brandon Gire and Wendy Gire, 22217 177th Ave SE, Kent, WA 98044. The petition is filed with the Superior Court, 401 Fourth Avenue N, Room 403, Kent, WA 98032. Oral objections may be made at King County Superior Court, 401 Fourth Avenue N, Courtroom 1J, Kent, WA 98032, at a place designated by the court. NOTICE: If you wish to receive copies of the future filings in this case, you must inform the court by filing a request for notice and paying any applicable fee. The request for notice must be in writing, must clearly indicate that you wish to receive future filings in the proceedings, and must contain your name, address, and telephone number. You must notify the persons named as parties by filing a copy of the request to the petitioners. Unless you take these steps, you will receive no further copies of the filings in this case. DATED this 13th day of August, /s/ Robert A. Stewart, WSBAR 1998, Attorney for Guardians, A-17, A-24, A-31 (70-31).

IN THE CIRCUIT COURT OF THE STATE OF OREGON COUNTY OF LINCOLN CASE NO. 18PB05595 NOTICE TO INTERESTED PERSONS IN THE MATTER OF KEVIN MICHAEL RYAN, DECEASED

NOTICE IS HEREBY GIVEN that KEVIN W SPENCE has been appointed personal representative of the ESTATE of KEVIN MICHAEL RYAN, a person having claims against the estate are required to present them, with vouchers attached, to: Pacific Northwest Trust Co., 8865 SW Center Street, Tigard, OR 97223, 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 or the personal representative. Dated and first published on August 17th, 2018. KEVIN W SPENCE PERSONAL REPRESENTATIVE A-17, A-24, A-31 (72-31).

IN THE CIRCUIT COURT OF THE STATE OF OREGON COUNTY OF LINCOLN JUVENILE DEPARTMENT IN THE MATTER OF KRISTOPHER M SAUNDERS, A CHILD. CASE NO. 18JU05285 PUBLISHED SUMMONS

further notice and take jurisdiction of the above-named children either ON THE DATE SPECIFIED IN THIS SUMMONS OR ON A FUTURE DATE, and may take such action as authorized by law. RIGHTS AND OBLIGATIONS (1) YOU HAVE A RIGHT TO BE REPRESENTED BY AN ATTORNEY IN THIS MATTER. If you are currently represented by an attorney, CONTACT YOUR ATTORNEY IMMEDIATELY UPON RECEIVING THIS NOTICE. Your previous attorney may not be representing you in this matter. IF YOU CANNOT AFFORD TO HIRE AN ATTORNEY and you meet the state's financial guidelines, you are entitled to have an attorney appointed for you at state expense. (2) YOU MUST APPEAR AT THE HEARING(S) IN YOUR PLACE. PETITIONER'S ATTORNEY: Kristyn M. Houston Assistant Attorney General Department of Justice 1162 Court Street NE Salem, OR 97301-4096 Phone: (503) 934-4400 ISSUED this 14th day of August, 2018. Issued by: Kristyn M. Houston Assistant Attorney General A-17, A-24, A-31 (75-31).

TO HIRE AN ATTORNEY and you meet the state's financial guidelines, you are entitled to have an attorney appointed for you at state expense. TO REQUEST APPOINTMENT OF AN ATTORNEY TO REPRESENT YOU AT STATE EXPENSE, YOU MUST IMMEDIATELY CONTACT the Lincoln County Juvenile Department at 225 West Olive Street, Newport, Oregon 97365, phone number (541) 265-4236, between the hours of 8:00 a.m. and 5:00 p.m. for further information. IF YOU WISH TO HIRE AN ATTORNEY, please retain one as soon as possible and have the attorney appear at the hearing. If you need help finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll free in Oregon at (800) 452-7636. IF YOU ARE REPRESENTED BY AN ATTORNEY, IT IS YOUR RESPONSIBILITY TO MAINTAIN CONTACT WITH YOUR ATTORNEY AND TO KEEP YOUR ATTORNEY ADVISED OF YOUR WHEREABOUTS. AN ATTORNEY MAY NOT ATTEND THE HEARING(S) IN YOUR PLACE. PETITIONER'S ATTORNEY: Kate Beck Assistant Attorney General Department of Justice 1162 Court Street NE Salem, OR 97301-4096 Phone: (503) 934-4400 ISSUED this 16th day of August, 2018. Issued by: Kate Beck Assistant Attorney General A-24, A-31, S-07 (80-07).

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LINCOLN COUNTY JUVENILE DEPARTMENT IN THE MATTER OF RAFFAELLE DAWN CHADL, CASE NO. 18JU04896 PUBLISHED SUMMONS TO: ROBERT VERNON YARBOUR, AKA ROBERT VERNON LOGSDEN

IN THE NAME OF THE STATE OF OREGON: A petition has been filed asking the court to establish jurisdiction under ORS 419B.100 for the above-named child. YOU ARE REQUIRED TO PERSONALLY APPEAR BEFORE the Lincoln County Court at 225 West Olive Street, Newport, Oregon 97365, on the 21st day of September, 2018 at 10:30 a.m. to admit or deny the allegations of the petition and to personally appear at any subsequent court-ordered hearing. YOU MUST APPEAR EVEN IF YOUR ATTORNEY ALSO APPEARS. This summons is published and ordered each week for three consecutive weeks, making three publications in all, in a published newspaper of general circulation in Lincoln County, Oregon. Date of first publication: August 24, 2018.

IN THE MATTER OF KRISTOPHER M SAUNDERS, A CHILD. CASE NO. 18JU05285 PUBLISHED SUMMONS TO: ROBERT VERNON YARBOUR, AKA ROBERT VERNON LOGSDEN. IN THE NAME OF THE STATE OF OREGON: A petition has been filed asking the court to establish jurisdiction under ORS 419B.100 for the above-named child. YOU ARE REQUIRED TO PERSONALLY APPEAR BEFORE the Lincoln County Court at 225 West Olive Street, Newport, Oregon 97365, on the 21st day of September, 2018 at 10:30 a.m. to admit or deny the allegations of the petition and to personally appear at any subsequent court-ordered hearing. YOU MUST APPEAR PERSONALLY IN THE COURTROOM ON THE DATE AND AT THE TIME LISTED ABOVE. AN ATTORNEY MAY NOT ATTEND THE HEARING(S) IN YOUR PLACE. THEREFORE, YOU MUST APPEAR EVEN IF YOUR ATTORNEY ALSO APPEARS. This summons is published and ordered each week for three consecutive weeks, making three publications in all, in a published newspaper of general circulation in Lincoln County, Oregon. Date of first publication: August 24, 2018.

present at the above hearing. If you need help finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll free in Oregon at (800) 452-7636. IF YOU ARE REPRESENTED BY AN ATTORNEY, IT IS YOUR RESPONSIBILITY TO MAINTAIN CONTACT WITH YOUR ATTORNEY AND TO KEEP YOUR ATTORNEY ADVISED OF YOUR WHEREABOUTS. (2) If you contest the petition, the court will schedule a hearing on the allegations of the petition and order you to appear personally and may schedule other hearings related to the petition and order you to appear personally. IF YOU ARE ORDERED TO APPEAR, YOU MUST APPEAR PERSONALLY AT THE COURTROOM UNLESS THE COURT HAS GRANTED YOU AN EXCEPTION IN ADVANCE UNDER ORS 419B.918 TO APPEAR BY OTHER MEANS INCLUDING, BUT NOT LIMITED TO, TELEPHONIC OR OTHER ELECTRONIC MEANS. AN ATTORNEY MAY NOT ATTEND THE HEARING(S) IN YOUR PLACE. PETITIONER'S ATTORNEY: Kate Beck Assistant Attorney General Department of Justice 1162 Court Street NE Salem, OR 97301-4096 Phone: (503) 934-4400 ISSUED this 16th day of August, 2018. Issued by: Kate Beck Assistant Attorney General A-24, A-31, S-07 (81-07).

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT IN THE MATTER OF THE ESTATE OF FLOYD WAYNE HAROLDSEN, DECEASED. CASE NO. 18PB06199 NOTICE TO INTERESTED PERSONS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the estate. All persons having claims against the estate are required to present them, with vouchers attached, to the undersigned personal representative at the office of Braulio Escobar, Attorney at Law, PO Box 747, Newport, Oregon 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, Braulio Escobar. Dated and first published on August 24th, 2018. /s/Braulio Escobar, OSB #81920 Attorney for Personal Representative PO Box 747 Newport, Oregon 97365 541-265-7717 Carla Rose Personal Representative 541 Millstream Woods Stayton, Oregon 97382 A-24, A-31, S-07 (82-07).

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN IN THE MATTER OF THE ESTATE OF: VELDIA FERN BECKHAM, DECEASED. CASE NO. 18PB05834 NOTICE TO INTERESTED PERSONS Notice is hereby given that the undersigned has been appointed and has qualified as the personal representative of the above-referenced estate. All persons having claims against the estate are hereby required to present the same, with proper vouchers, within four (4) months after the date of first publication of this Notice, as stated below, to the personal representative at the address

in hand. For more details go to <http://www.oregon-sheriffssales.org/county/lincoln/> A-24, A-31, S-07, S-14 (87-14).

PUBLIC SALE ANNOUNCEMENT
 On September 19th, 2018 at 11:00am a public sale will be held at Ideal Storage: Siletz - 134 NE Metcalf, Siletz, OR 97391.541.336.9611. Contents of Unit #S027 Rented by Kenneth Hall Contents of Unit #S165 Rented by Colby Uda Contents of Unit #S001 Rented by Cova Metcalf Contents of Unit #S072 Rented by Jasmine Flores-Keeley. The aforementioned party/parties can contact us prior to the sale. We reserve the right to reject any or all bids/sales. A-31, S-04 (91-05).

PUBLIC SALE ANNOUNCEMENT
 On September 19th, 2018 at 11:00am a public sale will be held at Ideal Storage: Toledo - 501 W Hwy 20, Toledo, OR, 97391.541.336.9611. Contents of Unit #T0661 Rented by Candace Wood Contents of Unit #T080 Rented by Jason Luckini Contents of Unit #T079 Rented by Jason Luckini Contents of Unit #T0913 Rented by Alsin King Contents of Unit #T0831 Rented by Kurtis Anderson. The aforementioned party/parties can contact us prior to the sale. We reserve the right to reject any or all bids/sales. A-31, S-05 (92-05).

PUBLIC SALE ANNOUNCEMENT
 On September 20th, 2018 at 2:00pm a public sale will be held at Ideal Storage: Waldport - 235 SW Dahl Ave, Waldport, OR, 97324.541.336.9611. Contents of Unit #WF140 Rented by Wendy Woodside/Rollie Rilatos Contents of Unit #WF144 Rented by Rick Snow. The aforementioned party/parties can contact us prior to the sale. We reserve the right to reject any or all bids/sales. A-31, S-05 (93-05).

NOTICE OF PUBLIC HEARING
 HEARING: The Lincoln County Board of Commissioners wishes to amend Ordinance 225 West Olive Street, Newport, Oregon, and C-2 to include on-site accessory use of processing, packing, and storage of food or beverage including those products that have undergone fermentation, rendering of fats or oils, or slaughtering to the out-right permitted use of restaurant, bar, or tavern. FILE MATERIALS: File materials may be reviewed at the Lincoln County Department of Planning and Development, 210 SW 2nd Street, Newport, Oregon, between the hours of 8:00 a.m. and 4 p.m., Monday through Friday. TESTIMONY: Testimony may be submitted in written or oral form. Letters should be sent to the Lincoln County Department of Planning and Development; oral testimony will be taken during the course of the public hearing. Written testimony in advance of the hearing is encouraged. The Chair reserves the right to limit the time allowed for oral testimony. CONTACT: Hui Rodomsky, Senior Planner (541) 265-4192. TIME/PLACE OF HEARING: Monday, September 10, 2018, at 7:00 p.m. in the Lincoln County Courthouse, Board of Commissioners Conference Room, East Entrance, 225 West Olive Street, Newport, Oregon, 97365. For special physical, language or other accommodations at the Planning Commission meeting, please contact the Lincoln County Planning Department at 541-265-4192 or dial 7-1-1 Relay Service and include e-mail as follows:

FORECLOSURE SALE
 Foreclosure Sale at The Storage Place, 4822 S Coast Highway, South Beach, OR, 97366. Starting at 4:00pm on 9-21-2018 for unit #90 rented by Samantha Keeling. A-31, S-05 (96-05)

FORECLOSURE SALE
 Foreclosure Sale at South Beach Mini Storage, 4844 S Coast Hwy, South Beach, OR, 97366. Starting at 4:00pm on 9-21-2018 for unit #C-5 rented by Curtis Ritchards and Josie Waterman, #A-17 rented by Joshua Scott, and #A-5, #B-26 rented by Marquis Hernandez. A-31, S-5 (97-05)

Commercial Zone C-1 LOCATION: The subject property is located in Lincoln Beach immediately north of 3855 N Highway 101 on the west side of the highway and south of Willow Street. The property is identified on Lincoln County Assessor's Map #08-11-28BC as tax lots 9800, 1000 and 1002. 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 and 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 may 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 a 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: Hui Rodomsky, Senior Planner (541) 265-4192. TIME/PLACE OF HEARING: Monday, September 10, 2018 at 7:00 p.m. in the Lincoln County Court House, Board of Commissioners Conference Room, East Entrance, 225 West 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. For special physical, language or other accommodations at the Planning Commission meeting, please contact the Lincoln County Planning Department at 541-265-4192 or dial 7-1-1 Relay Service and include e-mails as soon as possible, at least 48 hours before the meeting. A-31 (95-31)

NOTICE OF A PUBLIC HEARING
 The Planning Commission of the City of Newport, Oregon, will hold a public hearing in the City Hall Council Chambers at 7:00 p.m. on Monday, September 10, 2018, to consider File No. S-VAR-18-10-085(L) of a request submitted by Pacific Communities Health District for approval of a Type variance pursuant to Section 10.10.055(J) of the Newport Municipal Code to allow a wall sign to be placed at a height that exceeds the 30-foot height limitation requirement. Section 10.10.085(L) of the Newport Municipal Code limits sign height to 30 feet from grade to the top of the sign. The applicant is further requesting a variance to allow a total of four signs, two of which would be wall signs and two of which will be freestanding signs along SW Bay Street. Section 10.10.055(C) of the Newport Municipal Code limits the total number of signs at this location to three, one of which may be a sign on a wall sign. The applicant is further requesting a variance to allow "directional" freestanding signs to exceed 3 square feet in area with a maximum height of 10 feet internally illuminated. Section 10.10.060(A)(4) of the Newport Municipal Code exempts non-illuminated signs for signs oriented towards internal driveways and parking areas, if they do not exceed 3 square feet in area. The subject property is located at 336 West Abbey St, Newport, OR 97365 (Assessor's Map 11-11-08-CA; Tax Lots 12200, 12300, 12500, 12600, 12700, 12900, 13000, 13100, 13200, 13300, 13400, 13500, 13501, 13502, 13600, 13700, & 13800, and Assessor's Map 11-11-08-CA; Tax lots 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, & 5300). Per Newport Municipal Code Section 10.10.130(A): All sign variances shall be proposed to increase the number or size of signs or propose a variance from any other numerical standard shall be determined by the Planning Commission mission using the zoning Type III Variance procedure, based on a determination that the proposed variance is the minimum necessary to overcome any practical hardships or difficulties faced by the applicant and that are beyond the control of the applicant; and Newport Municipal Code Section 10.10.140(C): The approval authority must find that the application for a Variance complies with the following criteria: (1) The Variance is consistent with the purposes of the sign code, as provided in Chapter 10.10.010 of the Newport Municipal Code; and (2) The Variance will not significantly increase or lead to street level sign clutter, or will create a public safety hazard. 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

NOTICE OF A PUBLIC HEARING
 The City of Newport Planning Commission will hold a public hearing on Monday, September 10, 2018, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 18-3-CP-18, a request submitted by Greyson Financial Services, Inc., property owner (Rhonda Meisenbaur, AKS Engineering & Construction, representative) for the following amendments: 1-SUB-18: Approval for the Tentative Subdivision Plan (proposed name of "Fisherman's Wharf Estates") including 11 single family residential lots; 2-VAR-18: Type III Variance approval request to allow the narrowing of the street on the proposed street to be constructed without a sidewalk; and 3-GP-18: Approval for a Geographical Permit to allow future development, construction, and site clearing within a known geologic

NOTICE OF A PUBLIC HEARING
 The City of Newport Planning Commission will hold a public hearing on Monday, September 10, 2018, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 18-3-CP-18, a request submitted by Greyson Financial Services, Inc., property owner (Rhonda Meisenbaur, AKS Engineering & Construction, representative) for the following amendments: 1-SUB-18: Approval for the Tentative Subdivision Plan (proposed name of "Fisherman's Wharf Estates") including 11 single family residential lots; 2-VAR-18: Type III Variance approval request to allow the narrowing of the street on the proposed street to be constructed without a sidewalk; and 3-GP-18: Approval for a Geographical Permit to allow future development, construction, and site clearing within a known geologic

CHAPTER 10.10 SIGNS

10.10.005 Short Title

This chapter may be referred to as the Newport Sign Code.

10.10.010 Purpose

The purposes of the Newport Sign Code are:

- A. To protect and promote the health, safety, property, and welfare of the public, including but not limited to promotion and improvement of traffic and pedestrian safety.
- B. To improve the neat, clean, and orderly appearance of the city for aesthetic purposes.
- C. To allow the erection and maintenance of signs consistent with the restrictions of the Newport Sign Code.
- D. To prevent distraction of motorists, bicyclists and pedestrians.
- E. To allow clear visibility of traffic signs and signal devices, pedestrians, driveways, intersections, and other necessary clear vision areas.
- F. To provide for safety to the general public and especially for firemen who must have clear and unobstructed access near and on roof areas of buildings.
- G. To preserve and protect the unique scenic beauty and the recreational and tourist character of Newport.
- H. To regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and location of signs.

10.10.015 Scope

All signs shall comply with this chapter. Provided however, that any signs in the Agate Beach area annexed in 1998 shall comply with Chapter 10.15, and in the event of an inconsistency between the two chapters, Chapter 10.15 shall prevail as to any property within the Agate Beach area.

10.10.020 Prohibited Signs

No sign may be erected, maintained, or displayed except as expressly authorized by this chapter.

10.10.025 Conflicting Provisions

If any provisions of this chapter conflict with any law or regulation requiring a sign or notice, the law or regulation requiring the sign or notice shall prevail.

10.10.030 Definitions

The definitions in this section apply in this chapter.

- A. **Adjacent** means immediately next to and on the same side of the street.
- B. **Awning** includes any structure made of cloth, metal, or similar material with a frame attached to a building that may project outwards but can be adjusted to be flat against the building when not in use.
- C. **Building** shall include all structures other than sign structures.
- D. **Bulletin Boards**. A bulletin board is a surface for posting posters, cards, or notices, usually of paper, and not illuminated or electrical.
- E. **Business** means the premises where a duly licensed business is conducted. Multiple businesses conducted within the same premises shall be subject to the same limits as would a single business on the same premises.
- F. **Canopy** includes any structure made of cloth, metal, or similar material projecting out from a building that is fixed and not retractable.
- G. **Clearance** is the distance between the highest point of the street, sidewalk, or other grade below the sign to the lowest point of the sign.
- H. **Display Area** means the area of a regular geometric figure that encloses all parts of the display surface of the sign. Structural supports that do not include a display or message are not part of the display area.

- I. **Erect** means to build, attach, hang, place, suspend, paint, affix, or otherwise bring into being.
- J. **Externally Illuminated Sign** is a sign illuminated by an exterior light source that is primarily designed to illuminate the sign.
- K. **Face** means any part of a sign arranged as a display surface substantially in a single plane.
- L. **Grade** means the surface of the ground at the point of measurement. Height shall be measured from the lowest point of the grade immediately below the sign or any sidewalk or street within 5 feet of the sign and the top of the sign.
- M. **Internally Illuminated Sign** shall mean a sign illuminated by an interior light source, which is primarily designed to illuminate only the sign.
- N. **Multiple Business Property** means a property used for business or commercial purposes under a single ownership or control and containing less than 40,000 square feet of land area and on which three or more separate businesses or commercial enterprises are located.
- O. **Painted** includes the application of colors directly on a wall surface by any means.
- P. **Person** means individuals, corporations, firms, partnerships, associations, and joint stock companies.
- Q. **Premise** means a lot, parcel, or tract of land.
- R. **Reader Board** is a sign designed so that the sign face may be physically or mechanically changed, but does not include electronic message signs.
- S. **Shopping Center** means any property used for business or commercial purposes under a single ownership or control having at least 40,000 square feet of land area and on which are located business or commercial improvements containing at least 20,000 square feet of floor space.

- T. **Sign** means any medium, including structure and component parts, which is used or intended to be used to display a message or to attract attention to a message or to the property upon which such sign is located.
1. **Electronic Message Sign** means a permanent sign consisting of text, symbolic imagery, or both, that uses an electronic display created through the use of a pattern of lights in a pixilated configuration allowing the sign face to intermittently change the image without having to physically or mechanically replace the sign face, including an LED (Light Emitting Diode) sign, as distinguished from a static image sign.
 2. **Freestanding Sign** means any sign permanently attached to the ground that is not affixed to any structure other than the sign structure.
 - a. **Pole Sign** means a freestanding sign that is mounted on a pole or other support that is not as wide as the sign.
 - b. **Monument Sign** means a freestanding sign in which the sign structure is at least as wide as the sign.
 3. **Mural Sign** means a sign that is painted directly on the wall of a building or retaining wall, without any sign structure or additional surface.
 4. **Portable Sign** means a sign that is not attached to the ground or any structure and is movable from place to place. "Portable sign" does not include any sign carried or held by an individual.
 5. **Projecting Sign** means a sign attached to the wall or roof of a building with a sign face that is not parallel to the wall or roof.
 6. **Roof Sign** means a sign attached to a roof of a building, or a sign attached to a wall of a building but extending above the top edge of the wall where the sign is located.
 7. **Temporary Sign** means any sign, regardless of construction materials, that is not permanently

mounted and is intended to be displayed on an irregular basis for a limited period of time

8. **Wall Sign** means any sign attached to a wall of a building that does not extend above the wall of the building and is parallel to and within one foot of the wall.
9. **Window Sign** shall mean any sign placed inside or upon a window facing the outside and which is visible from the exterior.
- U. **Sign Business** means the business of constructing, erecting, operating, maintaining, leasing, or selling signs.
- V. **Sign Structure** means the supports, upright braces, and framework of the sign.

10.10.035 Application, Permits, and Compliance

- A. Except as exempted by this chapter, no person shall erect, replace, reconstruct, move, or remove any permanent sign without a sign permit, or place a temporary or portable sign without a sign permit. All signs shall comply with this chapter and any other applicable law. Any sign permit may be withdrawn for violation of this chapter or any other applicable law.
- B. Written applications on city forms are required. The applicant shall provide the following information:
 1. Name, address, and telephone number of the applicant.
 2. Proposed sign location, identifying the property and any building to which the sign will be attached.
 3. A sketch, plan, or design showing the method of attachment, structure, design, and such other information necessary to allow a determination of compliance. Nothing in this section requires the applicant to provide any information regarding the content of any message displayed on the sign.
 4. Grade, height, dimensions, construction materials, and specifications.

5. Underwriter Laboratories certification in the case of an electrical sign.
 6. Name and address of the person, firm, corporation, or other business association erecting the structure.
- C. The city shall issue a sign permit based on a determination that the proposed sign complies with this chapter and other applicable law. Construction of the sign must be completed within 90 days after issuance of the sign permit. An extension of the 90-day period may be granted. If a sign was partially constructed and not completed within the 90-day period or any extension, the partially completed work shall be removed. Permits shall specify the location, size, and type of sign, and any conditions applicable to the sign. Permits for temporary signs and portable signs in rights of way shall specify the duration of the permit and/or the times when the signs may be in place.
- D. When electrical permits are required, they shall be obtained and the installation approved prior to making connection to the electrical power source.
- E. Permit fees shall be established by resolution of the City council, and paid with submission of the sign permit application, as follows:
1. For the erection, placement, replacement, reconstruction, or relocation of a sign. Such fee shall be supplemented by a surcharge for a mural sign that exceeds the maximum permissible size for a wall sign in the same location. Non-profit organizations are exempt from the requirement to pay the supplemental fee for a mural sign.
 2. For the repair, demolition, or removal of an existing sign and/or its supporting structure.
 3. For temporary signs placed in the right of way. Non-profit organizations are exempt from the requirement to pay this fee.
 4. For portable signs placed in the right of way. Such fee shall include a monthly charge for use of the public right-of-way. Non-profit organizations are exempt from the requirement to pay either fee required by this

section.

10.10.040 Signs in Public Rights-of-Way

- A. Except as provided in this section, permanent signs wholly located within rights-of-way are prohibited. A sign permit does not allow a sign to project into any part of any public right-of-way unless expressly stated in the permit. Each applicant shall determine the location of the public right-of-way and whether any proposed permanent sign will project into any public right-of-way. Any sign permit that allows a sign projecting into any public right-of-way shall be revocable at any time by the city with or without cause.
- B. Permits are required for temporary or portable signs within rights-of-way and may be issued only if authorized in this section.
 - 1. Permits for temporary and/or portable signs in rights-of-way may be granted if the sign is to be in place for no more than five consecutive days and no more than 10 total days in a calendar year.
 - 2. Permits for portable signs within rights-of-way for more than five consecutive days and more than 10 total calendar days in a year may be granted if the portable sign is placed adjacent to a business location operated by the permittee, the sign is removed at all times when the business is not open, and the sign is within the following areas:
 - a. On SW Coast Highway between SW Angle Street and SW Fall Street.
 - b. On SW Bay Street between SW Naterlin Drive and SW Bay Boulevard. On Bay Boulevard between SW Bay Street and SE Moore Drive.
 - c. On Hurbert Street between SW 7th Street and SW 9th Street.
 - d. In the area bounded by Olive Street on the south, NW 6th Street on the north, SW High Street and NW Coast Street on the east and the Pacific Ocean on the west, including both sides of each named street. For purposes of this section, "Olive Street"

means both Olive Street and the area that Olive Street would occupy if it continued straight to the Pacific Ocean west of SW Coast Street.

- e. On SE Marine Science Drive/SE OSU Drive between SE Pacific Way and Yaquina Bay.
- f. In that portion of the South Beach area of Newport, east of Highway 101, west of Kings Slough, south of the intersection of Highway 101 and 40th Street and north of the intersection of Highway 101 and 50th Street.

(Chapter 10.10.040(B.)2.)f.) was added by the adoption of Ordinance No. 2001, adopted on March 16, 2010; effective April 15, 2010.)

- 3. Permits may be granted under Subsections B.1 and B.2 of this section only if:
 - a. The sign is not within any vehicle travel lane;
 - b. The sign does not restrict clear vision areas at intersections and driveway access points; and
 - c. The sign does not prohibit pedestrian movement on a sidewalk.
- C. The following signs are exempt from the prohibitions and requirements of this section:
 - 1. Sign placed by the city or other governmental entity with responsibility for the right-of-way.
 - 2. Permanent signs placed in a location where allowed by a license or easement from the city to an adjacent property owner to occupy the right-of-way. Signs allowed by this exemption must comply with all other requirements of this chapter, and the display area of the signs will be included in the calculation of the maximum display area of the adjacent property.
 - 3. Signs not exceeding one square foot on a pole in the right-of-way placed on the pole by its owner.
- D. Signs placed in ODOT right-of-way may also require approval from ODOT.
- E. No permit may be issued for a sign in the right-of-way

unless the applicant provides proof of liability insurance in an amount determined to be sufficient by the city manager.

(Section 10.10.045 amended by Ordinance No. 1986, adopted on September 8, 2009; effective October 8, 2009.)

10.10.045 Prohibited Signs

No sign shall be constructed, erected, or maintained:

- A. That uses lights unless effectively screened, shielded, or utilized so as not to direct light directly into the eyes of motorists traveling on any street or highway.
- B. That includes any single light bulb that creates more light than a 60 watt incandescent bulb (800 lumens).
- C. That uses neon tubing on the exterior surface of a sign for sign illumination where the capacity of such tubing exceeds 300 milliamperes rating for white tubing or 100 milliamperes rating for any other color of tubing.
- D. That uses flashing or intermittent light.
- E. That uses any type of rotating beacon light, zip light, or strobe light, or any light not directed to or part of the illumination of the sign.
- F. That uses wind-activated devices or devices which flutter in the wind, such as propellers, but excluding flags, banners, and pennants.
- G. That is flashing, blinking, fluctuating, or animated, that has parts that are flashing, blinking, fluctuating, or animated; or that includes similar effects.
- H. That uses a guy wire for support of a sign, except where there exists no other means of support for a sign otherwise conforming to the requirements of this chapter.
- I. That has any visible moving parts, visible revolving parts, visible mechanical movement of any description, or any other apparent visible movement achieved by electrical, electronic, or kinetic means, including intermittent electrical pulsations or movement or action by wind currents.

- J. That is erected at the intersection of any street that substantially obstructs free and clear vision of motorists, pedestrians and cyclists, or at any location where it may interfere with, obstruct, or be confused with any authorized traffic sign.
- K. While subject to these prohibitions, this section shall not be construed to prohibit electronic message signs where expressly permitted elsewhere in this chapter.

10.10.050 Projection and Clearance

- A. Signs shall not project more than 3 feet over any public right-of-way, and in no case shall be within 2 feet of a traveled roadway.
- B. The minimum clearance of any sign over driveways, parking lots, or public right-of-ways is 16 feet, excepting that the minimum clearance of any sign over a sidewalk is 8 feet, unless the sidewalk is used as a driveway.

10.10.055 Exempt Signs

The following signs are exempt from regulation under this chapter:

- A. Signs erected or maintained by or on behalf of a federal, state, or local governmental body. This exemption shall not apply to signs that are otherwise prohibited under Section 10.10.045 except when the sign is placed in a public right-of-way by the entity responsible for managing the public right right-of-way as allowed under Section 10.10.040 (C)(1).
- B. Signs not visible from a public right-of-way or from property other than the property where the sign is located. For purposes of this section, "property where the sign is located" includes all property under common ownership," and "visible" means that the sign face is visible.

10.10.060 Partially Exempt Signs

- A. The following signs are exempt from the permit requirement and, except as expressly provided to the contrary, do not count towards maximum display area:

1. One sign not exceeding two square feet on each property with a separate street address, placed flat against the building.
 2. In a residential zone on a property where a home occupation is legally conducted, a non-illuminated sign not exceeding two square feet in area, placed flat against the building.
 3. Signs placed on post boxes.
 4. Non-illuminated signs on private property oriented towards internal driveways and parking areas, not to exceed 3 square feet in area.
 5. Signs that are an integral part a building, including those cut into any masonry surface, as well as signs integrated into the structure of a building constructed of bronze or other non-combustible materials.
 6. Signs placed within a public right of way place by the public entity with responsibility for administering the right of way.
 7. Flags.
- B. Each religious institution is allowed to have, in addition to signage otherwise allowed, additional signage not to exceed 48 square feet in area, including each face of any multiple faced sign. No single sign face may exceed 24 square feet, except reader boards, which may not exceed 32 square feet and bulletin boards, which may not exceed 16 square feet. The sign(s) allowed by this subsection are exempt from the maximum total display area standard.
- C. Each community center and educational institution is allowed one reader board not exceeding 32 square feet in area in addition to other allowed signs. The sign allowed by this subsection is exempt from the maximum total display area standard.
- D. Temporary signs complying with all of the following are permitted in all zones without a permit, in addition to any other permitted signs:
1. The signs must be entirely on private property and outside of any vision clearance areas.

2. The signs do not exceed 20 square feet of display area or any horizontal or vertical dimension of 8 feet.
 3. The signs are not erected more than 90 days prior to the date of an election and they are removed within 30 days after the election.
 4. They are erected or maintained with the consent of the person or entity lawfully in possession of the premises and any structure to which they are attached.
- E. One temporary portable sign per business placed on private property is permitted. Temporary portable signs shall be made of permanent, durable materials and shall be maintained in a good condition. Temporary signs (portable and attached) in the aggregate may not exceed 24 square feet for all display area surfaces on a single property. Temporary signs shall not be included in the calculation of total maximum display area. All portable signs shall be weighted, anchored, or constructed so that they will not move or collapse in the event of wind, or otherwise create a hazard.

(Chapter 10.10.070(E.) was added by the adoption of Ordinance No. 2001 on March 16, 2010; effective April 15, 2010.)

10.10.065 Signs at Subdivision Entrances

One permanent sign per subdivision entrance not to exceed 16 square feet in area is permitted. Signs at subdivision entrances may be illuminated but which shall not obstruct any required vision clearance area.

10.10.070 Vehicle Signs

Any sign attached to or imprinted upon a validly licensed motor vehicle operating legally upon the streets and highways of the State of Oregon is exempt from this chapter while the vehicle is traveling upon any street or highway, or while such vehicle is parked to carry out an activity incidental to interstate commerce, but is otherwise not exempt unless:

- A. The sign is painted or otherwise imprinted upon, or solidly affixed to, the surface of the vehicle, with no projection at any point in excess of 6 inches from the surface of the vehicle.

- B. The vehicle, with the sign attached, complies with all applicable requirements of the Motor Vehicle Code required for the lawful operation thereof.

10.10.075 R-1, R-2, and R-3 Residential Districts

In all R-1, R-2, and R-3 residential districts, the following signs are allowed:

- A. One non-illuminated sign not exceeding 2 square feet.
- B. One non-illuminated temporary sign not exceeding 8 square feet in area.
- C. One non-internally illuminated sign not exceeding 20 square feet in area placed flat against the building for each apartment complex.

10.10.080 R-4 Residential District

In an R-4 residential district, the following signs are allowed:

- A. For residential uses, signs allowed in the R-1, R-2 and R-3 districts.
- B. For hotels, motels, recreational vehicle parks, and movie theaters, no more than two illuminated signs that do not exceed 100 square feet in total area. The signs may be internally or externally illuminated, but may not include electronic message signs.
- C. For all other uses, a maximum of 20 square feet of sign area per street frontage. The maximum area shall be a combination of wall and freestanding signs. Freestanding signs shall be set back a minimum of 10 feet from all property lines and shall not exceed 8 feet in height. No sign may be internally illuminated.

10.10.85 Commercial, Industrial, and Marine Districts

In commercial, industrial, and marine zoning districts, signs are allowed subject to the following parameters:

- A. The maximum total area for roof and wall signs is two square feet of display area for each lineal foot of street frontage.

- B. The maximum total area for projecting and freestanding signs is one square foot of display area for each lineal foot of street frontage. Projecting and freestanding signs having two sides facing in opposite directions shall be counted as having only one face, which shall be the larger of the two faces if not of equal size. Only the larger face of back-to-back signs within two feet of each other and signs on opposite parallel ends of awnings shall be counted towards total maximum size.
- C. Each street frontage of a business shall be limited to not more than 2 signs, only one of which may be other than a wall sign unless there is more than 200 lineal feet of street frontage, in which case one additional sign is permitted. Where a property contains an electronic message sign, only one freestanding sign is permitted.
- D. Window signs shall not exceed 16 square feet in area. Window signs are not included in the calculation of total display area.
- E. Except within marine zoning districts or the Historic Nye Beach Design Review District, electronic message signs on properties with no more than one freestanding sign of up to 20 feet in height, provided the electronic message sign:
1. Is less than or equal to thirty-five percent (35%) of the total allowable sign area per sign face.
 2. Displays text, symbolic imagery, or a combination thereof for a period of time in excess of (5) minutes before a change occurs. This provision does not apply to the display of time, date and temperature information.
 3. Changes the entire display text, symbolic imagery, or combination thereof within two (2) seconds.
 4. Is turned off between the hours of 11 p.m. and 6:00 a.m. unless the sign is associated with a business that is open to the public, in which case the sign may stay illuminated until the business is closed.
 5. Does not contain or display animated, moving video, flashing, or scrolling messages.

- 6. Contains a default mechanism that freezes the sign in one position if a malfunction occurs.
- 7. Automatically adjusts the intensity of its display according to natural ambient light conditions.
- 8. Adheres to a maximum night-time illumination standard of 0.3 foot-candles as measured from a distance, in lineal feet, from the sign that is equivalent to the square root of the display area, in square feet, multiplied by 100.

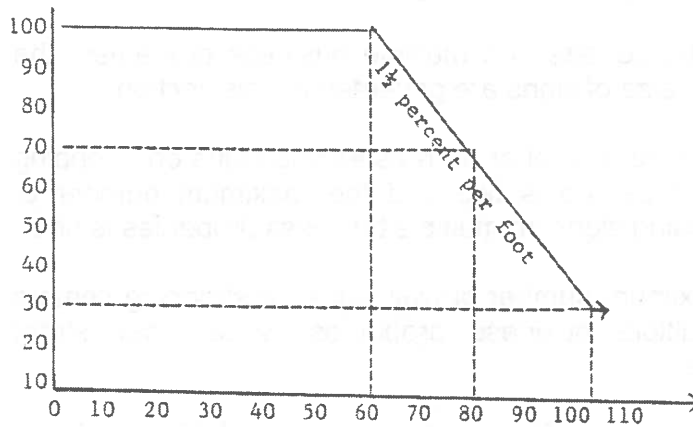
F. Mural signs.

G. Each street frontage of a business shall be limited to no more than 200 square feet of display area for all non-exempt signs other than mural signs.

H. Notwithstanding any limitation on total sign area, each separate business is allowed at least 50 square feet of display area.

I. The maximum display area allowed shall be adjusted based on distance from the nearest property line, using the graph below:

Percentage of actual measured square footage to define allowable limits



Feet from the right-of-way/property line to the sign

E.g., 60 foot setback of a measured 100 square foot sign results in 100 square feet being charged to the allowable signing area.

80 foot setback of a measured 100 square foot sign results in 70 square feet being charged to the allowable signing area.

105 foot setback of a measured 100 square foot sign results in 32.5 square feet being charged to the allowable signing area.

e.g., 60-foot setback of a measured 100 square foot sign results in 100 square feet being charged to the allowable sign area.

80 foot setback of a measured 100 square foot sign results in 70 square feet being charged to the allowable sign area.

105 foot setback of a measured 100 square foot sign results in 32.5 square feet being charged to the allowable sign area.

- J. The maximum height of all signs other than mural signs shall be no greater than 30 feet above grade.
- K. The maximum horizontal or vertical dimension of the display surface of any sign other than mural signs shall not exceed:
 - 1. Thirty feet for freestanding and roof signs on properties adjacent to Highways 101 or 20 that are located at least 125 feet from the center line of the highway and at least 76 feet from the center line of any other street.
 - 2. Fifty feet or the width of the wall for wall sign horizontal dimension.
 - 3. Except as otherwise provided by this chapter, the maximum horizontal or vertical dimension of any display surface shall not exceed 20 feet.

10.10.90 Signs in Shopping Centers

For shopping centers and multiple business properties, the number and size of signs are governed by this section.

- A. The maximum number of freestanding signs on shopping center properties is two and the maximum number of freestanding signs on multiple business properties is one.
- B. The maximum number of wall signs for shopping centers and multiple business properties is one per street frontage.
- C. For both shopping centers and multiple business properties, the maximum total area display area of all freestanding and wall signs and is one square foot for each lineal foot of street frontage, with a maximum of 200

square feet per sign. Only one side of a double-faced freestanding sign shall be included in the calculation of display area, provided that the sign faces are 180 degrees opposed and separated by two feet or less.

- D. In addition to the signs allowed by subsections A through C, each individual business may erect wall signs on the premises controlled by the individual business of up to two square feet of display area for each lineal foot of frontage. For the purposes of this subsection, the term frontage means the distance, measured in a straight line, along any one wall of the business premises facing and providing public access to the separate premises of the business. Where a business has entrances allowing public access on more than one frontage, wall signs may be erected for each frontage, but the display area maximum shall be calculated separately for each frontage.
- E. The provisions of NMC 10.10.085 for signs in commercial, industrial, or marine districts apply to shopping centers and multiple business properties except as modified by this subsection.

10.10.095 P1, P-2, and P-3 Public Districts

In public zoning districts, signs are allowed subject to the following parameters:

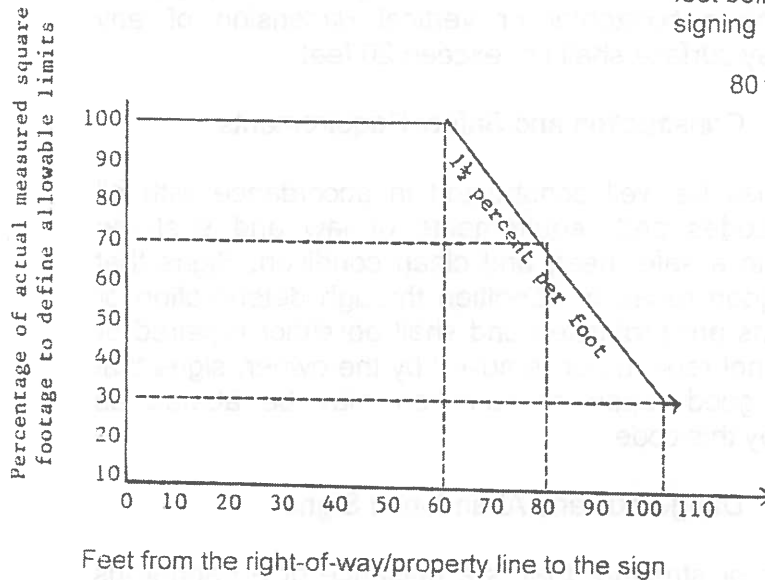
- A. The maximum total area for roof and wall signs is two square feet of display area for each lineal foot of street frontage.
- B. The maximum total area for projecting and freestanding signs is one square foot of display area for each lineal foot of street frontage. Projecting and freestanding signs having two sides facing in opposite directions shall be counted as having only one face, which shall be the larger of the two faces if not of equal size. Only the larger face of back-to-back signs within two feet of each other and signs on opposite parallel ends of awnings shall be counted towards total maximum size.
- C. Each street frontage of a property shall be limited to not more than 2 signs, only one of which may be other than a wall sign unless there is more than 200 lineal feet of street frontage, in which case one additional sign is permitted.

Where a property contains an electronic message sign, only one freestanding sign is permitted.

- D. Window signs shall not exceed 16 square feet in area. Window signs are not included in the calculation of total display area.
- E. Electronic message signs on properties with no more than one freestanding sign of up to 20 feet in height, provided the electronic message sign:
 - 1. Is less than or equal to thirty-five percent (35%) of the total allowable sign area per sign face.
 - 2. Displays text, symbolic imagery, or a combination thereof for a period of time in excess of (5) minutes before a change occurs. This provision does not apply to the display of time, date and temperature information.
 - 3. Changes the entire display text, symbolic imagery, or combination thereof within two (2) seconds.
 - 4. Is turned off between the hours of 11 p.m. and 6:00 a.m. unless the sign is associated with a facility that is open to the public, in which case the sign may stay illuminated until the facility is closed.
 - 5. Does not contain or display animated, moving video, flashing, or scrolling messages.
 - 6. Contains a default mechanism that freezes the sign in one position if a malfunction occurs.
 - 7. Automatically adjusts the intensity of its display according to natural ambient light conditions.
 - 8. Adheres to a maximum night-time illumination standard of 0.3 foot-candles as measured from a distance, in lineal feet, from the sign that is equivalent to the square root of the display area, in square feet, multiplied by 100.
- F. Mural signs.
- G. Each street frontage of a property shall be limited to no more than 200 square feet of display area for all non-

exempt signs other than mural signs.

- H. Notwithstanding any limitation on total sign area, each separate building is allowed at least 50 square feet of display area.
- I. The maximum display area allowed shall be adjusted based on distance from the nearest property line, using the graph below:



E.g., 60 foot setback of a measured 100 square foot sign results in 100 square feet being charged to the allowable signing area.

80 foot setback of a measured 100 square foot sign results in 70 square feet being charged to the allowable signing area.

105 foot setback of a measured 100 square foot sign results in 32.5 square feet being charged to the allowable signing area.

Feet from the right-of-way/property line to the sign

e.g., 60-foot setback of a measured 100 square foot sign results in 100 square feet being charged to the allowable sign area.

80 foot setback of a measured 100 square foot sign results in 70 square feet being charged to the allowable sign area.

105 foot setback of a measured 100 square foot sign results in 32.5 square feet being charged to the allowable sign area.

J. The maximum height of all signs other than mural signs shall be no greater than 30 feet above grade.

K. The maximum horizontal or vertical dimension of the

display surface of any sign other than mural signs shall not exceed:

1. Thirty feet for freestanding and roof signs on properties adjacent to Highways 101 or 20 that are located at least 125 feet from the center line of the highway and at least 76 feet from the center line of any other street.
2. Fifty feet or the width of the wall for wall sign horizontal dimension.
3. Except as otherwise provided by this chapter, the maximum horizontal or vertical dimension of any display surface shall not exceed 20 feet.

10.10.100 Construction and Safety Requirements

All signs shall be well constructed in accordance with all applicable codes and requirements of law and shall be maintained in a safe, neat, and clean condition. Signs that are not in good repair or condition through deterioration or other reasons are prohibited and shall be either repaired or removed. If not repaired or removed by the owner, signs that are not in good repair or condition may be abated as authorized by this code.

10.10.105 Dangerous and Abandoned Signs

- A. Any sign or structure that is a nuisance or a dangerous structure may be abated as provided by city ordinances governing nuisances and dangerous structures. If the city manager or building official determines that any sign or sign structure constitutes an immediate threat, danger, or hazard to life, health, or property, the city manager or building official take any action necessary to immediately abate the risk, pursuant to the police power of the City of Newport and without prior notice.
- B. Any sign that has been abandoned or reasonably appears to be abandoned constitutes a hazard and may be abated as provided in Subsection A.

10.10.110 Removal of Signs in Rights-of-Way

Any unauthorized sign in a public right-of-way may be removed immediately without notice by the city and removed

to a place of storage. A notice of removal shall be sent to any owner of the sign known to the city, notifying the owner that the sign will be destroyed unless the owner claims the sign within 20 days of the notice. If the owner is unknown to the city, no notice is required and the sign may be destroyed if unclaimed after 20 days from the date of removal. No sign removed from the right-of-way shall be returned to the owner unless the owner pays a removal fee to the city in an amount set by Council resolution. If the city reasonably estimates the value of the sign materials to be less than \$10.00, the city may immediately dispose of any sign left in the right-of-way without notice.

10.10.115 Remedies

A sign erected or maintained in violation of this chapter is a nuisance and a civil infraction. The city may pursue any one or more of the legal, equitable administrative and self-help remedies legally available to it. All remedies of the city, both as a governmental body and otherwise are cumulative.

10.10.120 Nonconforming Signs

- A. The purpose of this section is to discourage nonconforming signs and to work toward eliminating or removing nonconforming signs or bringing them into conformity with this chapter. Nonconforming signs shall not be enlarged, expanded or extended, nor used as grounds for adding other structures or signs otherwise prohibited.
- B. A nonconforming sign may not be altered as to size, message, or construction, except that common and ordinary maintenance to maintain the sign in a good and safe condition is allowed, including incidental structural repair or replacement.
- C. If a nonconforming sign is damaged or destroyed by any cause including normal deterioration to the extent that the cost of repair shall exceed 50% of the replacement value of the sign, the sign may not be repaired or restored, and may be replaced only by a sign conforming to the provisions of this chapter.

10.10.125 Content and Interpretation

This chapter and Chapter 10.15 do not regulate the content

of signs and shall be interpreted as not regulating content. These chapters shall be interpreted if at all possible to be consistent with constitutional protection of expression, and any provision that unconstitutionally restricts expression shall not be enforced, and the remainder of the provisions shall continue to be applicable and shall be applied constitutionally.

10.10.130 Variance Requirements

Any person may seek a variance to the numerical provisions of this chapter or of Chapter 10.15 by filing a written application. The procedure and process applicable to zoning adjustments and variances (including but not limited to the notification process, public hearing process, conditions of approval, time limitations, and revocation of permits as applicable for the type of adjustment or variance requested) shall be followed. The fee shall be the same as for a zoning adjustment or variance. The criteria for the sign variance shall be as specified below. In addition to the requirements for submitting a zoning adjustment or variance, a sign inventory including the location, type, and size of each sign on the property shall be submitted with the application.

- A. All sign variance applications that propose to increase the number or size of signs or propose a variance from any other numerical standard shall be determined by the Planning Commission using the zoning Type III Variance procedure, based on a determination that the proposed variance is the minimum necessary to alleviate special hardships or practical difficulties faced by the applicant and that are beyond the control of the applicant.
- B. All sign variance applications based on a change in a sign or signs that decreases but does not eliminate an existing nonconformity shall be determined by the community development (planning) director using a Type I Adjustment procedure, based on a determination that the proposal will result in a reduction of the nonconformity without increasing any aspect of nonconformity.

10.10.135 Violations

A violation of this chapter or of Chapter 10.15 is a civil infraction, with a civil penalty not to exceed \$500. The penalty for a second or subsequent violation within two years may be up to \$1,000. A violation occurs on the date of the occurrence

of the act constituting the violation. Each violation is a separate infraction, and each day in which a violation occurs or continues is a separate infraction.

(Chapter 10.10 was enacted by Ordinance No. 2037 on May 21, 2012; effective June 20, 2012.)

(Chapter 10.10 was repealed and re-enacted by Ordinance No. 2075; adopted on January 5, 2015; effective February 5, 2015.)

PLANNING STAFF MEMORANDUM
FILE No. 3-Z-18

- I. **Applicant:** Pacific Seafood Group (Michael Miliucci, authorized representative).
- II. **Request:** The request before the Planning Commission is to review and provide a recommendation to the City Council on a proposal to amend the Newport Municipal Code to provide for extended stay (i.e. non-transient) hotel and motel uses. The purpose of the amendment is to allow workforce housing in the City's three commercial zoning districts to accommodate the unmet need for short-term housing for employees working for periods longer than 30-days.
- 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" – Draft amendments to NMC 14.01.020 and 14.03.060, dated August 31, 2018
Attachment "B" – Application form
Attachment "C" – Applicant's findings of fact and conclusions
Attachment "D" – R-1 and R-2 Occupancy Classifications, 2014 Oregon Structural Specialty Code
Attachment "E" – Draft minutes from the August 13, 2018 Planning Commission Work Session
Attachment "F" – Newport Zoning Map
Attachment "G" – Notice of public hearing
- V. **Notification:** The Department of Land Conservation & Development was provided notice of the proposed legislative amendment on August 6, 2018. Notice of the Planning Commission hearing was published in the Newport News-Times on September 5, 2018 (Attachment "H").
- VI. **Comments:** No public comments have been received related to this proposal.
- VII. **Discussion of Request:** The City of Newport received an application from Pacific Seafood Group to amend the Newport Municipal Code to provide for extended stay hotel and motel uses. They are interested in purchasing property that they can use in this manner to meet the needs of their workforce. The Municipal Code does not currently allow extended stay hotel and motel use of an entire building.

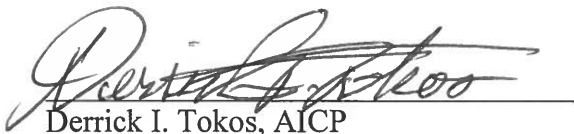
The proposal creates definitions for non-transient hotels and motels, distinguishing them from their transient counterparts. A change is also being made to the commercial use category section of the code, with non-transient hotel and motel uses, that is lodging with average lengths of stay that is 30 days or longer, being added to the personal service oriented retail category. Transient hotel and motel uses, where guests typically stay less than 30 days, will remain an entertainment oriented retail sales and service use. If the change is adopted, non-transient hotel and motel uses will become an outright permitted use in C-1, C-3 and I-1 zones. They would be conditional uses in the C-2 and I-2 zones. A copy of the proposed changes is enclosed as Attachment "A".

The Planning Commission reviewed the proposed changes at an August 13, 2018 work session. Coming out of that work session, staff amended the proposal to make the availability of cooking facilities in the units, or for a group of units, a distinguishing feature between transient and non-transient hotel and motel uses. The availability of cooking facilities becomes a more pressing issue when tenancy extends over 30-days, and requiring they be provided to units may prevent fire hazards attributed to tenants creating their own means of meeting their cooking needs, which may not be safe. The applicant reviewed the new language and has indicated that they are comfortable with the changes. A question was posed at the work session regarding the difference between an apartment use and an extended stay hotel or motel use. From a land use perspective, it would be length of tenancy and the availability of cooking facilities in each unit. The proposed definition for non-transient hotels and motels requires cooking facilities be provided in the individual units or for a group of units. The latter option would not be available for apartments. As for building code requirements, apartments and non-transient hotel/motel uses fall under the same R-2 occupancy classification (Ref: Attachment "D") and would be subject to the same general construction standards.

With respect to whether or not the amendment is necessary and furthers the general welfare of the community, there is ample evidence of the human and economic impact that a shortage of affordable housing has on employees and employers in Newport. The applicant addresses this in a number of their findings and it would be reasonable for the Commission to accept the applicant's analysis as satisfying these requirements.

The applicant's initial set of findings and conclusions are included with this report (Attachment "C"). They have indicated that they will be modifying them to more closely align with current draft set of amendments. That change will be helpful for the ordinance and supporting findings that will be prepared for the City Council hearing, but is not material to the question before the Commission at this hearing.

- 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

August 31, 2018

14.01.020 Definitions.

Hotel (transient). A building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an entrance opening directly to the outdoors (except for emergencies), with or without cooking facilities, and where ~~more than~~ 50 percent or more of the lodging rooms are for rent to ~~transient~~ guests for a continuous period of less than 30 days. A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a hotel use.*

Hotel (non-transient). A building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an entrance opening directly to the outdoors (except for emergencies), where cooking facilities are provided within individual lodging rooms, or for groups of lodging rooms, and where 50 percent or more of the lodging rooms are offered for rent to guests for a continuous period of 30 days or longer. A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a hotel use.*

Motel (transient). A building or group of buildings in which lodging is provided for guests for compensation, containing ~~guest units~~ lodging rooms with separate entrances from the building exterior, with or without cooking facilities, and where ~~more than 40-50~~ percent or more of the lodging rooms are for rent to ~~transient~~ guests for a continuous period of less than 30 days. A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a motel use.*

Motel (non-transient). A building or group of buildings in which lodging is provided for guests for compensation, containing lodging rooms with separate entrances from the building exterior, where cooking facilities are provided within individual lodging rooms, or for groups of lodging rooms, offered for rent to guests for a continuous period of 30 days or longer. A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a motel use.*

14.03.060 Commercial and Industrial Districts.

The uses allowed within each commercial and industrial zoning district are classified into use categories on the basis of common functional, product, or physical characteristics.

C. Commercial Use Categories

2. Retail Sales and Service

a. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide

personal services or entertainment, or provide product repair or services for consumer and business goods.

b. Examples. Examples include uses from the four subgroups listed below:

i. Sales-oriented, general retail: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, books, clothing, dry goods, electronic equipment, fabric, fuel, gifts, groceries, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales. Sales oriented general retail includes the service but not repair of vehicles.

ii. Sales-oriented, bulk retail: Stores selling large consumer home and business goods, including appliances, furniture, hardware, home improvements, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.

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

iv. Entertainment-oriented: Restaurants (sit-down and drive through); cafes; delicatessens; taverns and bars; hotels (transient), motels (transient), recreational vehicles, and other temporary lodging with an average length of stay less than 30 days; athletic, exercise and health clubs or gyms; bowling alleys, skating rinks, game arcades; pool halls; dance halls, studios, and schools; theaters; indoor firing ranges, miniature golf facilities, golf courses, and driving ranges.

v. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

c. Exceptions.

i. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

ii. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.

iii. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

iv. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.

v. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service.

vi. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as a Recreational Vehicle Park.

City of Newport Land Use Application

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

Applicant Name(s): Pacific Seafood Group	Property Owner Name(s): <i>if other than applicant</i> N/A
Applicant Mailing Address: See attached.	Property Owner Mailing Address: <i>if other than applicant</i> N/A
Applicant Telephone No.: See attached.	Property Owner Telephone No.:
E-mail:	E-mail:
Authorized Representative(s): See attached.	
Authorized Representative Mailing Address: See attached.	
Authorized Representative Telephone No.:	E-Mail:
See attached.	See attached.

Project Information

Property Location: N/A	
Tax Assessor's Map No.: N/A	Tax Lot(s):
Zone Designation: N/A	Legal Description:
Comp Plan Designation: N/A	N/A
Brief Description of Land Use Request(s):	Amendment to the Newport Development Code (the "NDC") to allow hotels, motels and other temporary lodging with an average length of stay greater than 30 days in the C-1, C-2, and C-3 zones in NDC 14.03.060.C.2.iv and to amend the definitions of "hotel" and "motel" in NDC Section 14.01.020 to remove the length of stay requirements.
Existing Structures: <i>if any</i>	
Topography and Vegetation:	

APPLICATION TYPE (please check all that apply)

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

FOR OFFICE USE ONLY

Date Received: _____	File No. Assigned: <u>3-2-18</u>	Date Accepted as Complete: _____
Received By: _____	Fee Amount: <u>1262⁻</u>	Accepted By: _____
	Receipt No.: <u>2417</u>	
	<u>425-18-000069-PLUG</u>	

(SEE REVERSE SIDE)

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

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

PACIFIC SEAFOOD GROUP

Applicant Signature(s)

7-30-19

Date Signed

PACIFIC SEAFOOD GROUP

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

7-30-19

Date Signed

Michael M.

Authorized Representative Signature(s) (If other than applicant)

Michael M. Liucci
CORPORATE COUNSEL

7-30-19

Date Signed

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

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

BEFORE THE PLANNING COMMISSION
AND THE CITY COUNCIL
FOR THE CITY OF NEWPORT, OREGON

In the Matter of a Type IV Application to)	FINDINGS OF FACT
Amend Newport Development Code)	AND CONCLUSIONS OF LAW
("NDC") Sections 14.01.020 and)	DEMONSTRATING SATISFACTION OF
14.03.060.2.b.iii to Allow Work Force)	THE APPLICABLE APPROVAL
Housing (the "Application") in the C-1, C-2)	CRITERIA
and C-3 Zoning Districts)	

I. Request.

This Type IV legislative amendment Application to the text of the NDC, the City's land use regulations, requests that the Planning Commission recommend approval of, and that the City Council approve, two amendments:

- to NDC Section 14.01.020 to amend the definitions of "hotel" and "motel" to remove the reference to the percentage of lodging rooms available for rent to transient guests for a continual period of less than thirty days; and
- to NDC Section 14.03.060.2.b.iii, to amend the uses in the retail sales and service, personal service-oriented land use category, whereby hotels, motels and other temporary lodging are allowed with guests having an average length of stay less than thirty days in the C-1, C-2 and C-3 zoning districts.

The purpose of the text amendment is to allow work force housing in the City's three commercial zoning districts to accommodate the unmet need for short-term housing for employees for longer than thirty days.

II. Classification of Application and Procedure.

A. Authority to Initiate the Application.

NDC 14.36.020.C provides that a legislative amendment to the City's land use regulations may be initiated by a property owner. **Exhibit 1** to this Application is a completed "City of Newport Land Use Application" form signed by the authorized representative of Pacific Seafood Group, a property owner within the City of Newport, Oregon.

B. Characterization of Application as a Legislative Application.

This Application is characterized as a legislative application and is not a quasi-judicial application. The application is properly characterized as a legislative application because it makes new law as opposed to applying existing law.

C. Procedure Type.

This Application is characterized as a Type IV Application because the final decision is made by the Newport City Council following a recommendation by the Newport Planning Commission and involves a land use action, such as a text amendment to the NDC. NDC 14.52.020.

This Application meets the requirements of NDC 14.52.040, “Application for a Land Use Action”, by providing information relevant to a legislative amendment. The Application includes the name and address of the Applicant as required by NDC 14.52.040.A, and findings of fact and other information to support the request and addresses all applicable approval criteria, as required by NDC 14.52.040.K.

D. Proposed Amendments.

Exhibit 2 shows the proposed amendments:

1. NDC 14.01.020, “Definitions”.

These amendments modify the definitions of “hotel” and “motel”. The definitions currently limit the percentage of guests who may occupy rooms for more than thirty days. The proposed amendments remove this restriction. However, hotel and motel operators retain the choice of how long to rent rooms to guests.

2. NDC 14.03.060.2.b.iii, “Commercial Use Categories, Personal Service-Oriented.”

This amendment modifies this use category by allowing hotels, motels and other temporary lodging establishments to offer rooms to guests with an average stay longer than thirty days.

E. Public Review Procedure for the Application.

After the City accepts the Application, the City is required to provide notice of the Planning Commission hearing to the Oregon Department of Land Conservation and Development (“DLCDC”) thirty-five (35) days before the Planning Commission hearing. The City is not required to mail notice of the hearing to surrounding property owners. The Planning Commission will hold a public hearing on the Application and make a recommendation to the Newport City Council. The Newport City Council will hold a public hearing on the Application and provide notice of its decision within twenty (20) days to DLCDC and anyone who testified orally or in writing before either the Planning Commission or the City Council.

III. Reasons for the Amendments.

Pacific Seafood Group makes this Application because it is a large employer in the City and has found it difficult to keep existing employees and hire new employees because of the lack of affordable housing. Pacific Seafood Group maintains two processing plants in the City, employing about 430 persons. The peak demand for work force housing occurs during the

Shrimp, Whiting and Crab seasons, about six to eight months each year. As explained in Part IV, “Applicable Approval Criteria”, the City has an acknowledged need for work force housing. In this case, the lack of housing at affordable prices, acknowledged in the Newport Comprehensive Plan (the “Plan”), makes it difficult for Pacific Seafood Group’s employees to find acceptable housing for needed rental periods at affordable prices. Pacific Seafood Group has determined that it must provide work force housing for its employees.

This amendment to the NDC is necessary to allow Pacific Seafood Group to purchase buildings in one of the City’s three commercial zoning districts and to provide work force housing in those buildings without a limitation on the percentage of occupants who must stay fewer than thirty days. The proposed amendment, discussed with the City’s Planning Director prior to submittal of this Application, amends the definitions of “hotel” and “motel” and the retail sales, personal service-oriented use category, to accomplish this purpose. If adopted by the Newport City Council, hotels and motels in the City’s three commercial zoning districts can offer occupancy to guests without the current limitation on the number of guests staying more than thirty days. This amendment is a reasonable solution to the identified problem without requiring Pacific Seafood Group or another developer to construct additional multi-family dwelling units, or to compete with full-time residents for affordable housing.

IV. Applicable Approval Criteria.

This legislative amendment to the City’s land use regulations requires the Applicant to demonstrate that the applicable approval criteria, including relevant Statewide Planning Goals (the “Goals”), administrative rules implementing the Goals (the “Rules”), and provisions of the acknowledged Newport Comprehensive Plan (the “Plan”), are satisfied. ORS 197.195(2)(d). This part of the Application addresses the relevant Goals, Rules and Plan goals and policies for the proposed legislative amendment.

A. Relevant Goals.

1. Goal 1, “Citizen Involvement”:

“To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.”

FINDING: The City can find that Goal 1 is satisfied because the City will follow its acknowledged Citizen Involvement Program in reviewing the proposed land use regulation amendments. The City will provide notice of the legislative amendment in the local newspaper of record and make public hearings available where persons can testify about the Application.

The City can find that Goal 1 is satisfied.

2. Goal 2, “Land Use Planning”:

“To establish a land use planning process and policy framework as a basis for all decision and actions related to use

of land and to assure an adequate factual basis for such decisions and actions.”

FINDING: The Application contains an adequate factual basis for the proposed legislative amendment to the City’s acknowledged land use regulations. The adequate factual base includes a description of the problem and the proposed amendments to the NDC, to address the problem.

Additionally, the City must demonstrate that it has “coordinated” the Application, as “coordination” is defined in ORS 197.015(5), with affected governmental units including but not limited to local governments, special districts and state and federal agencies by providing them with notice of the Application, an opportunity to comment and considering their comments in the decision-making process as much as possible.

The City can also find that the proposed legislative amendment to the NDC do not require an amendment to the acknowledged Plan.

The City can find that Goal 2 is satisfied.

3. Goal 9, “Economic Development”:

“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

FINDING: The City can find that the proposed legislative amendments support the City’s Goal 9 program by providing adequate work force housing to support Pacific Seafood Group and other employers in the City.

The City can find that Goal 9 is satisfied.

4. Goal 12, “Transportation”:

“To provide and encourage a safe, convenient and economic transportation system.”

FINDING: The City can find that Goal 12 is satisfied because the proposed text amendments do not add a new use to the City’s three commercial zoning districts nor will the proposed legislative amendments add additional vehicle trips on local and state streets and highways.

The City can find that Goal 12 is satisfied.

B. Applicable Administrative Rules.

1. OAR Chapter 660, Division 9, “Economic Development”.

FINDING: The City can find that this administrative rule implementing Goal 9 is inapplicable because it applies to amendments to comprehensive plans for areas within urban growth boundaries. OAR 660-009-0010(1). This Application does not amend the Plan.

2. OAR Chapter 660, Division 12, “Transportation Planning”.

FINDING: OAR 660-012-0060 is entitled “Plan and Land Use Regulation Amendments.” OAR 660-012-0060(1) provides that the administrative rule applies to amendments to existing land use regulations. The administrative rule requires a determination of whether a land use regulation amendment would “significantly affect” a transportation facility. OAR 660-012-0060(1)(a)-(c) identifies when a land use regulation amendment significantly affects a transportation facility. The City can find that OAR 660-012-0060 is inapplicable to this Application because none of the three situations constituting when a “significant affect” occurs are applicable to this Application.

The City can find that the Transportation Planning Rule is satisfied by this Application.

C. Newport Comprehensive Plan.

The acknowledged Plan contains two sections relevant to this Application: the Economy and Housing Sections.

1. “Economy”.

FINDING: Plan Pages 24 and 25 note that the fishing and seafood processing industry in Newport generates one-third of the state’s commercial fishing activities and one-third of the state’s harvested seafood. In fact, the Plan identifies fishing and seafood processing as “potential growth industries.” Plan Page 26 states that industrial employment in Newport will increase from 11% of employment in Newport in 2010 to 15% by 2032. Part of this increase in employment is attributable to the increase of seafood processing employment.

The City can find that fishing and seafood processing is an increasingly important part of the City’s economy as noted in the Plan’s Economic Opportunities Analysis (the “EOA”). The City can find that by supporting work force housing for Pacific Seafood Group’s employees and other employers in the City, that industrial employment is strengthened, especially for seafood processing, which is considered a “potential growth industry.”

The City can also find that Economy Policy 4 is relevant to this Application. Economy Policy 4 provides:

“The City shall encourage growth of businesses involving fishing and value-added seafood.”

The City can find that the evidence supports a conclusion that additional work force housing opportunities are needed for housing for employees in the seafood industry. This legislative amendment encourages the provision of additional work force housing so that the seafood industry has a readily available supply of workers and those workers have affordable and adequate housing.

The City can find that the Plan’s “Economy” Section is satisfied.

2. “Housing”.

FINDING: The Plan contains a Housing Opportunities Analysis (the “HOA”). The reason that this legislative amendment is needed is to provide for more opportunities for work force housing. The City lacks affordable, longer-term, work force housing. The HOA at Plan Page 114-B notes that while affordable housing has been decreasing, housing costs have been increasing. Further, the HOA at Plan Page 114-f notes that there are very few high density housing locations available in locations that are “ideal for workers.” HOA Plan Page 114-f notes that another impediment to work force housing is the cost of rental housing.

Housing Policy 2 at Plan 114-h provides that:

“The City shall cooperate with private developers * * * in the provision and improvement of * * * work force housing.”

The City can find that this Application implements Housing Policy 2 in two ways. First, it allows for private developers to provide for work force housing without cost to the City or other governmental entities. Second, it provides an affordable housing solution for work force housing without competing for multi-family housing with permanent and seasonal residents.

The City can find that the Plan “Housing” Section is satisfied.

C. Conclusion.

The City can find that the acknowledged Plan supports both the Plan’s acknowledgement of value-added seafood as a growth industry in the City and encourages private developers to provide solutions to the City’s work force housing needs.

D. NDC.

FINDING: The NDC contains no approval criteria for an amendment to the City’s acknowledged land use regulations.

V. CONCLUSION.

For the reasons contained in this Application, the Planning Commission and the City Council can find that the proposed text amendment to the NDC satisfy applicable Goals, Administrative Rules and Plan policies. By adopting the proposed text amendment, the City will encourage private employers to find a solution to work force housing needs for their employees.

The Applicant respectfully requests that the Planning Commission recommend approval to the City Council and that the City Council approve the text amendment as proposed.

EXHIBITS

Exhibit 1 "City of Newport Land Use Application" form

Exhibit 2 Proposed text amendments in redline format

City of Newport Land Use Application

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

Applicant Name(s): <p style="text-align: center;">Pacific Seafood Group</p>	Property Owner Name(s): <p style="text-align: center;">N/A</p>
Applicant Mailing Address: <p style="text-align: center;">See attached.</p>	Property Owner Mailing Address: <p style="text-align: center;">N/A</p>
Applicant Telephone No.: <p style="text-align: center;">See attached.</p>	Property Owner Telephone No.: <p style="text-align: center;">N/A</p>
E-mail: <p style="text-align: center;">See attached.</p>	E-mail: <p style="text-align: center;">See attached.</p>
Authorized Representative(s): See attached.	
Authorized Representative Mailing Address: See attached.	
Authorized Representative Telephone No.: See attached.	E-Mail: See attached.

Project Information

Property Location: <p style="text-align: center;">N/A</p>	
Tax Assessor's Map No.: N/A	Tax Lot(s):
Zone Designation: N/A	Legal Description: <p style="text-align: center;">N/A</p>
Comp Plan Designation: N/A	
Brief Description of Land Use Request(s): Amendment to the Newport Development Code (the "NDC") to allow hotels, motels and other temporary lodging with an average length of stay greater than 30 days in the C-1, C-2, and C-3 zones in NDC 14.03.060.C.2.iv and to amend the definitions of "hotel" and "motel" in NDC Section 14.01.020 to remove the length of stay requirements.	
Existing Structures:	
Topography and Vegetation:	

APPLICATION TYPE (please check all that apply)

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

FOR OFFICE USE ONLY

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

(SEE REVERSE SIDE)

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

Applicant Mailing Address:

Mr. Michael Miliucci
Dulcich Realty, LLC
PO Box 97
Clackamas, OR 97015

Applicant Telephone Number and Email Address:

(503) 905-4500
mmiliucci@pacseafood.com

AUTHORIZED REPRESENTATIVE INFORMATION

1. The authorized representative is:

Michael Miliucci
Pacific Seafood Group
PO Box 97
Clackamas, OR 97015
Telephone: (503) 906-4500
Email: mmiliucci@pacseafood.com

2. The authorized representative is represented by:

Michael C. Robinson
Schwabe, Williamson & Wyatt, P.C.
1211 SW Fifth Avenue, Suite 1900
Portland, OR 97204
Telephone: (503) 796-2756
Email: mrobinson@schwabe.com

APPLICATION SUBMITTAL REQUIREMENTS

Zoning Ordinance Map or Text Amendment

The following information must be submitted with a City of Newport Land Use application for Zone Ordinance Map or Text Amendment:

Text Amendments:

- 1. A copy of the proposed language.
- 2. Fee of \$1,262.00.

Map Amendments:

- 1. A current 18" x 24" Lincoln County Assessor's tax map(s) showing the subject property and the notification area. The notification area is all properties within 300 feet of the subject property. *(Lincoln County Assessor's office is located in the Lincoln County Courthouse at 225 W Olive St, Newport)*
- 2. A list of names and addresses of property owners, as shown in the records of the Lincoln County Assessor, within the notification area described in #1 above.
- 3. Written findings of fact addressing the following criteria:
 - (a) The change furthers a public necessity.
 - (b) The change promotes the general welfare.
- 4. A written explanation of the requested change.
- 5. Fee of \$1,262.00.

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

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

PACIFIC SEAFOOD GROUP
Applicant Signature(s)

7-30-19
Date Signed

PACIFIC SEAFOOD GROUP
Property Owner Signature(s)

7-30-19
Date Signed

Michael M.
Authorized Representative Signature(s)
Michael M. Liguori
CORPORATE COUNSEL

7-30-19
Date Signed

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

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

Definitions

Hotel. A building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an entrance opening directly to the outdoors (except for emergencies), with or without cooking facilities, and ~~where more than 50 percent of the lodging rooms are for rent to transient guests for a continuous period of less than 30 days.~~ A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a hotel use.*

Motel. A building or group of buildings in which lodging is provided for guests for compensation, containing guest units with separate entrances from the building exterior, with or without cooking facilities, ~~and where more than 40 percent of the lodging rooms are for rent to transient guests for a continuous period of less than 30 days.~~ A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a motel use.*

14.03.060 Commercial and Industrial Districts.

The uses allowed within each commercial and industrial zoning district are classified into use categories on the basis of common functional, product, or physical characteristics.

C. Commercial Use Categories

2. Retail Sales and Service

a. **Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

b. **Examples.** Examples include uses from the four subgroups listed below:

i. **Sales-oriented, general retail:** Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, books, clothing, dry goods, electronic equipment, fabric, fuel, gifts, groceries, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales. Sales oriented general retail includes the service but not repair of vehicles.

ii. **Sales-oriented, bulk retail:** Stores selling large consumer home and business goods, including appliances, furniture, hardware, home improvements, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.

iii. Personal service-oriented: Branch banks; urgency medical care; Laundromats; photographic studios; photocopy and blueprint services; printing, publishing and lithography; hair, tanning, and personal care services; tax preparers, accountants, engineers, architects, real estate agents, legal, financial services; art studios; art, dance, music, martial arts, and other recreational or cultural classes/schools; hotels, motels, and other temporary lodging with an average length of stay greater than 30 days; taxidermists; mortuaries; veterinarians; kennels limited to boarding and training with no breeding; and animal grooming.

iv. Entertainment-oriented: Restaurants (sit-down and drive through); cafes; delicatessens; taverns and bars; hotels, motels, recreational vehicles, and other temporary lodging with an average length of stay less than 30 days; athletic, exercise and health clubs or gyms; bowling alleys, skating rinks, game arcades; pool halls; dance halls, studios, and schools; theaters; indoor firing ranges, miniature golf facilities, golf courses, and driving ranges.

v. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

c. Exceptions.

i. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

ii. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.

iii. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

iv. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.

v. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service.

vi. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as a Recreational Vehicle Park.

USE AND OCCUPANCY CLASSIFICATION

GROUP HOME.

LODGING HOUSE. Any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise. The total number of guests shall not exceed 16.

PERSONAL CARE SERVICE.**TRANSIENT.**

310.3 Residential Group R-1. Residential occupancies containing *sleeping units* where the occupants are primarily *transient* in nature, including:

- Boarding houses (transient)* with more than 10 occupants
- Congregate living facilities (transient)* with more than 10 occupants
- Hotels (*transient*)
- Motels (*transient*)

310.4 Residential Group R-2. Residential occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses* (nontransient) with more than 16 occupants
- Congregate living facilities* (nontransient) with more than 16 occupants
- Convents
- Dormitories*
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units*
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

Group R-2 occupancies providing 21 or more housing units for low-income elderly, which are financed in whole or in part by the federal or state fund, shall contain a multiservice room adequate in size to seat all the tenants (ORS 455.425). The multiservice room shall include adjacent toilet facilities for both sexes; a service area with a kitchen sink, countertop and upper and lower cabinets; and a storage room sized to store tables, chairs or benches and janitorial supplies and tools. The multiservice room and accessory rooms shall be accessible to disabled persons (see Chapter 11).

310.5 Residential Group R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Adult care facilities that provide accommodations for six or fewer persons of any age for less than 24 hours
- Adult foster homes, as defined in ORS Chapter 443, or family child care homes (located in a private residence), as defined in Section 310.2
- Adult foster homes and family child care homes that are within a single-family dwelling are permitted to comply

with the *Residential Code* in accordance with Section 101.2

Buildings that do not contain more than two *dwelling units* *Boarding houses* (nontransient) with 16 or fewer occupants
Child care facilities that provide accommodations for six or fewer persons of any age for less than 24 hours
Congregate living facilities (nontransient) with 16 or fewer occupants

Lodging houses, as defined in this section, are permitted to comply with the *Residential Code* in accordance with Section 101.2

310.5.1 Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Appendix T of the *Residential Code*.

310.6 Residential Group R-4. This occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. Buildings of Group R-4 shall be classified as one of the occupancy conditions indicated in Sections 310.6.1 or 310.6.2.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code.

310.6.1 Condition 1. This occupancy condition shall include buildings in which all persons receiving *custodial care*, who without any assistance, are capable of responding to an emergency situation to complete building evacuation. This group shall include, but not be limited to, the following:

- Congregate living facilities
- Halfway houses
- Social rehabilitation facilities

310.6.2 Condition 2. This occupancy condition shall include buildings subject to licensure by the Oregon Department of Human Services in which there are any persons receiving *custodial care* who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities with or without a Memory Care Endorsement
- Residential care facilities with or without a Memory Care Endorsement
- Residential treatment facilities
- Group homes and facilities

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
August 13, 2018
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Rod Croteau, Mike Franklin, Bill Branigan, and Jim Hanselman.

PC Citizens Advisory Committee Members Present: Dustin Capri.

PC Citizens Advisory Committee Members Absent: Karmen Vanderbeck (*excused*)

City Staff Present: Community Development Director (CDD) Derrick Tokos; City Attorney, Steve Rich; 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.**
3. **New Business.**
 - A. **Conflict of Interest Presentation by City Attorney.** Steve Rich gave a presentation to the PC about conflicts of interest. He noted that he was presenting an annual update to all committees on conflicts. He clarified for the PC what the difference was between a conflict and bias. Rich also clarified the differences between a potential conflict of interest and actual conflict of interest. He then went on to discuss the overlays of the Newport Municipal Code and the State Ethics Code. Tokos explained the difference between legislative and qui-judicial conflicts of interest.
 - B. **Review of Amendments to NMC 14.01.020 and 14.03.060 Related to Extended Stay Motels.** Capri and Franklin noted that they had a potential conflict of interest. Tokos reviewed the application that was submitted by Pacific Seafood Group and the amendments to the NMC.

Berman asked if they bought the building and turned it into units, why it wouldn't be considered apartments. Tokos said it wouldn't be under a residential code. Croteau asked if it would no longer be used for commercial motel rental. Tokos said if their plans changed, they could use it or sell it to someone who wanted to use it as a motel. Franklin asked where the location of the unit was. Tokos said he couldn't say but was in one of the zones listed in memo and explained where the locations fell in the zones.

Hanselman thought it sounded like they were asking for dwellings to stay in for up to six months. Tokos said no, they weren't apartments and were in a different construction classifications. It would be no different from hotels/motels. Hanselman was concerned about safety for people who are in a lodging setting where they could cook. Tokos said it was a benefit to have a provision to allow a business to build an extended stay operation. Franklin asked if the units would have kitchens. Tokos wanted to encourage the PC to think in terms of any extended stay when considering the amendments. He said that some units may not have kitchenettes. Hanselman thought that more and more businesses would need more housing for the workforce and this is something that might become more common. Franklin asked if it would be a loop hole for affordable housing. Tokos said they weren't apartments and were different from dwellings. Hardy reminded the PC to not confuse seasonal housing with workforce housing as they were different. Hanselman was concerned that tourism was also seasonal and also looking for housing. Croteau thought it would set precedence for housing for employees. Berman saw it as a positive to free up some workforce housing. Croteau said that he had talked to different businesses who said that housing was an issue for hiring people. Hardy thought that there had been seasonal shortages for decades. Croteau said he had a number of people in important roles in the community that say that housing was an issue.

Patrick reminded the PC that they were looking at doing a standard for extended stay. He had a problem with converting a complex to an extended stay because he didn't know the state of the plumbing, electrical and the building. Tokos asked if the PC wanted info on the building codes for the PC hearing. Capri reminded that anytime they would be changing the use they would have to bring the building up to code. He said he could bring information on the distinction between hotel/motels and multi-family; and extended stay or not. The PC agreed it would be helpful. Berman was concerned that if someone bought an existing hotel, with these changes someone could either rent it as a motel or an

extended stay. Tokos said that it wasn't an accurate assumption that Pacific Seafoods was assuming they were buying an existing motel. Croteau asked if the existing motels met the existing code. Patrick said no because of the change in the code. A discussion ensued regarding what triggers projects being required to be put up to code.

Capri asked if Hatfield and Samaritan Hospital could build to do extended stays. Tokos said they may have been already been doing that and was already permitted under the current code. Patrick was more concerned about the conversion of the buildings for extended stay, not so much the changes to the amendments.

Ellen Bristow addressed the PC and asked if extended stay was considered a boarding house or a dorm room. Tokos said it was different from a boarding house which had a central common room. Bristow asked if a person would be in one room or more than one in a room. Tokos said there would be an occupancy limit based on size of room, but who was renting the unit wouldn't be determined.

Branigan asked if this would be allowed in I-3 zones. Tokos said no. Hanselman asked about room taxes for extended stay. Tokos said he could take a look at it and give the PC the information. Berman said they originally asked for it in the C-2 zone but the proposal was not for C-2. Tokos said this was a typo on the application. Patrick asked to have the map published split in half (North and South) with more color definition.

C. **Planning Commission Scope of Work Update.** Tokos reviewed the updated work program with the PC.

4. **Director's Comments.** No Director comments.

5. **Adjournment.** Having no further discussion, the meeting adjourned at 6:58 p.m.

Respectfully submitted,

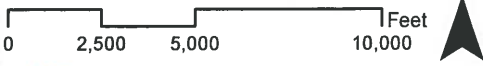
Sherri Marineau,
Executive Assistant

City of Newport Zoning Map

6/28/16

Legend

-  City Limits
-  Urban Growth Boundary
- Zone District**
-  C-1 Retail and Service
-  C-2 Tourist
-  C-3 Heavy
-  I-1 Light
-  I-2 Medium
-  I-3 Heavy
-  P-1 Public Structures
-  P-2 Public Parks
-  P-3 Public Open Space
-  R-1 Low Density Single-Family
-  R-2 Medium Density Single-Family
-  R-3 Medium Density Multi-Family
-  R-4 High Density Multi-Family
-  W-1 Water Dependent
-  W-2 Water Related



NEWPORT City of Newport
 Community Development Department
 169 SW Coast Highway Phone: 541.574.0629
 Newport, OR 97365 Fax: 541.574.0644

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.



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

The Newport Planning Commission will hold a public hearing on Monday, September 10, 2018, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 3-Z-18, revisions to the Newport Municipal Code (NMC) 14.01.020 and 14.03.060 to provide for extended stay hotel and motel uses. 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 WEDNESDAY, SEPTEMBER 5, 2018)

Sherri Marineau

From: Derrick Tokos
Sent: Friday, September 07, 2018 8:04 AM
To: Sherri Marineau
Subject: FW: Text Amendment Hearing

Please add this email to the Planning Commission packet under the 3-Z-18 agenda item. I will send it to the Commission members directly, via email, later today along with an updated work program calendar.

Derrick

From: Robinson, Michael C. [mailto:MRobinson@SCHWABE.com]
Sent: Thursday, September 06, 2018 2:22 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Cc: Michael Miliucci <MMiliucci@pacseafood.com>; Robinson, Michael C. <MRobinson@SCHWABE.com>
Subject: Text Amendment Hearing

Derrick, thanks for rescheduling this application's initial evidentiary hearing from September 10 to September 24. That gives me a little more time to submit the revised findings and to submit a letter from my client describing the management and management of the hotel or motel.

I wanted to let you know that the applicant's preference is that the Newport Planning Commission not take oral testimony at the September 10 hearing but instead simply open the matter and continue it to the date certain of September 24. The applicant understands, however, that the Planning Commission may take testimony.

Let us know if you have any questions. Thanks. Mike

NOTICE: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

Sherri Marineau

From: Derrick Tokos
Sent: Wednesday, September 05, 2018 3:48 PM
To: Sherri Marineau
Subject: FW: Naming/Renaming Ordinance
Attachments: Scanned from a Xerox Multifunction Printer (002).pdf

Hi Sherri,

Please include this email and the attached ordinance in the Planning Commission packet under unfinished business. It is essentially an FYI that the City's naming and renaming code has been updated to pull them out of the process for minor requests.

Derrick I. Tokos, AICP
Community Development Director
City of Newport
169 SW Coast Highway
Newport, OR 97365
ph: 541.574.0626 fax: 541.574.0644
d.tokos@newportoregon.gov

From: Peggy Hawker
Sent: Wednesday, September 05, 2018 2:05 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: Naming/Renaming Ordinance

CITY OF NEWPORT

ORDINANCE NO. 2138

**AN ORDINANCE REPEALING AND RE-ENACTING
SECTION 2.35 OF THE NEWPORT MUNICIPAL CODE
RELATED TO THE STANDARDS AND PROCESSES FOR
THE NAMING AND RENAMING OF PUBLIC PLACES
OTHER THAN STREETS**

WHEREAS, Section 2.35 of the Newport Municipal Code was originally written to apply to the renaming of public places other than streets such as buildings and parks to ensure that there is an adequate level of public involvement in the decision making process; and

WHEREAS, over a time, it has become apparent that different levels of public involvement are needed for different types of naming and renaming requests; and

WHEREAS, this ordinance sets out three levels of review for naming and renaming proposals to establish a level of public engagement commensurate to the scale and relative complexity of the proposal.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Section 2.35 of the Newport Municipal Code is hereby repealed and re-enacted as provided in Exhibit A.

Section 2. This ordinance shall take effect 30 days from the date of adoption.

Date adopted and read by title only: September 4, 2018.

Signed by the Mayor on September 5, 2018.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

Approved as to form:


Steven E. Rich, City Attorney

**EXHIBIT A
TO ORDINANCE NO. 2138**

Purpose

To provide criteria and processes for the naming and renaming of public places other than streets. The renaming of streets is addressed in Chapter 9.85 of this Code.

2.35.015 Scope

The provisions of this Chapter shall apply to public places, other than streets, within the corporate limits of the City of Newport and to property owned by the City of Newport.

2.35.020 Criteria for the Naming and Renaming of Public Places Other than Streets

- A. Factors of historical significance related to persons, circumstances or events;
- B. Factors of geographical significance;
- C. In the case of a proposal to name or rename a public place in honor of an individual, the following conditions shall be met:
 - 1. The individual made significant contributions to the betterment of the city and its citizens;
 - 2. The proposed change is in the best interest of the city and will not cause undue adverse impact or hardship; and
 - 3. The cost of the proposed change can either be reasonably borne by the city or assigned to the petitioner(s) as a condition of approval.
- D. Other circumstances that warrant consideration.

2.35.030 Process for the Naming and Renaming of Recognition Items

This process shall be utilized for the naming or renaming of recognition items, including such items as benches, picnic tables, trees, small rooms in facilities such as

restrooms, bricks, seats, and similar small recognition items.

- A. An application to name or rename recognition items shall be submitted to the City Manager, on an application provided by the city.
 1. The application shall include:
 - a. Name of requestor;
 - b. Recognition item being requested;
 - c. Location where the recognition item is requested to be installed;
 - d. Significance of recognition;
 - e. Appropriate fee for installation of recognition item, if any.
 2. On receipt of an application, the application will be forwarded to the appropriate city staff for review and recommendation to the City Manager or his designee.
 3. After approval by the City Manager, and payment of any fee, the recognition item shall be installed by the city.

2.35.040 Process for the Naming and Renaming of Small Buildings and Components of Real Property or Buildings

This process shall be used for naming or renaming requests for buildings with an occupancy of less than 50 persons, and components of buildings, such as rooms, or components of real property.

- A. An action to name or rename a small building, or components of a larger building or larger parcel of real property, other than a street, shall be initiated by:
 1. Resolution of the City Council; or
 2. A petition signed by no fewer than 100 eligible voters residing in the City of Newport.

- B. Following adoption of a Council resolution or the filing of a petition under 2.35.040(A)(2), the City Council shall conduct a public hearing on the naming or renaming proposal.
 - 1. Notice of the hearing shall be published in a newspaper of general circulation in the city at least once within the week prior to the week within which the hearing is to be held.
- C. At the next regular City Council meeting following the public hearing, the City Council, by resolution, may either name or rename the public place.

2.35.050 Process for the Naming and Renaming of Key City Features

The process for the naming or renaming of a key city features, other than a street, shall be utilized on receipt of a request for the naming or renaming of a building, with an occupancy in excess of 50 people, or real property.

- A. An action to name or rename a public place, other than a street shall be initiated by:
 - 1. Resolution of the City Council; or
 - 2. A petition signed by no fewer than 100 eligible voters residing in the City of Newport.
- B. A resolution or petition initiating the naming or renaming of a public place other than a street shall include a clear description of the public place that is to be named or renamed.
- C. If the resolution or petition to name or rename a public place, other than a street is in honor of an individual, then a written statement must be included describing why the individual is deserving of the honor.
- D. Following adoption of a Council resolution or the filing of a petition under 2.35.050(A)(2), the Planning Commission shall conduct a public hearing on the naming or renaming proposal.
 - 1. Notice of the hearing shall be published in a newspaper of general circulation in the city at least once within the week prior to the week within which the hearing is to be

held.

- E. Following the public hearing, the Planning Commission shall forward a recommendation on the naming or renaming proposal to the City Council.
- F. Upon receiving a recommendation from the Planning Commission, the City Council shall hold a public hearing to take testimony on the proposal. Notice of the hearing shall be provided as outlined in 2.35.050(D).
- G. After conducting a hearing, the City Council may, by resolution, either name or rename the public place.