



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

7/1/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Newport Plan Amendment
DLCD File Number 003-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, July 15, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Derrick Tokos, City of Newport
Gloria Gardiner, DLCD Urban Planning Specialist
Matt Spangler, DLCD Regional Representative

<paa> YA

**FORM 2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	JUN 24 2010
	LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: **City of Newport**Local file number: **1-Z-10**Date of Adoption: **6/7/2010**Date Mailed: **June 24, 2010**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **3/11/10**☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendment to Section 2-5-4 of the Newport Zoning Ordinance for Planned Developments, clarifying the criteria that apply to preliminary development plans and final development plans, adding an allowance for neighborhood commercial uses in residential planned developments, creating an expedited process for minor amendments to final development plans, and eliminating redundant language.

Does the Adoption differ from proposal? Yes, Please explain below:

Minor reorganizing of the approval criteria. No substantive changes.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **Newport**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☐	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 003-10 (18175) [16194]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None.

Local Contact: **Derrick L. Tokos, AICP**

Phone: **(541) 574-0626** Extension:

Address: **169 SW Coast Highway**

Fax Number: **541-574-0644**

City: **Newport**

Zip: **97365**

E-mail Address: **d.tokos@thecityofnewport.net**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. **Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:**
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5) **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see **ORS 197.615**).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see **ORS 197.830 to 197.845**).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see **ORS 197.615**).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

CITY OF NEWPORT
ORDINANCE NO. 2005

**AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE
(ORDINANCE NO. 1308, AS AMENDED) TO CLARIFY CRITERIA, ADD AN
ALLOWANCE FOR NEIGHBORHOOD COMMERCIAL USES IN
RESIDENTIAL PLANNED DEVELOPMENTS, CREATE AN EXPEDITED
PROCESS FOR MINOR AMENDMENTS, AND ELIMINATE
REDUNDANT LANGUAGE**

Findings:

1. The City of Newport Zoning Ordinance (No. 1308, as amended) contains criteria that provide flexibility in how land can be developed beyond what is available under conventional zoning. This flexibility is intended to encourage variety in the development pattern of the community and provides an opportunity for innovative and creative concepts. Land use applications that utilize these criteria are known as Planned Developments.
2. The City of Newport Planning Commission and its Citizens Advisory Committee completed a comprehensive review of the Planned Development Section 2-5-4 of the Zoning Ordinance and determined that amendments are needed to clarify the criteria that apply to preliminary and final development plans, provide for neighborhood commercial uses in residential planned developments, create an expedited process for minor amendments to final development plans, and to eliminate redundant language.
3. The Newport Planning Commission and Planning Commission Citizens Advisory Committee reviewed changes to the Planned Development Section of the Zoning Ordinance (Newport File No. 1-Z-10) at work sessions on January 28, 2010 and March 8, 2010. Following a public hearing on May 24, 2010, the Planning Commission voted to recommend adoption of the proposed amendments.
4. The City Council held a public hearing on June 7, 2010 regarding the question of the proposed revisions (Newport File No. 1-Z-10), and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.
5. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Section 2-5-4 of Ordinance No. 1308 (as amended), Planned Developments, is repealed in its entirety and replaced with a new Section as shown in Exhibit "A".

Section 2. This ordinance shall take effect 30 days after passage.

Date adopted on initial vote and read by title only: June 7, 2010

Date adopted on final roll call vote: June 7, 2010

Signed by the Mayor on June 8, 2010.

William D. Bain
William D. Bain, Mayor

ATTEST:

Margaret M. Hawker
Margaret M. Hawker, City Recorder

Exhibit A to Ordinance No. 2005, Amending the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) to Clarify Criteria, Add and Allowance for Neighborhood Commercial Uses in Residential Planned Developments, Create an Expedited Process for Minor Amendments, and Eliminate Redundant Language

Section 2-5-4. PD, PLANNED DEVELOPMENTS*

2-5-4.010. Purpose. The purpose of the Planned Development Permit is to provide a greater flexibility in development of land than may be possible under a strict interpretation of the provisions of this Ordinance. It is intended to encourage variety in the development pattern of the community and provides and opportunity for innovative and creative land development. It is further intended to achieve economics in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, and the general well being of the inhabitants. The planned development option serves to encourage developing as one project tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed.

2-5-4.015. Permitted Uses. An approved planned development permit may only include those uses permitted outright or conditionally in the underlying district, except that commercial uses as provided in the C-1/“Retail and Service Commercial” zone district may be permitted within residential zoned areas provided:.

- A. The area surrounding the proposed location of the commercial uses is deficient in support commercial opportunities;
- B. The proposed commercial development and uses will be primarily for the service and convenience of residents of the neighborhood; and
- C. The proposed commercial development and uses must be consistent with the purpose and regulations of the C-1/ “Retail and Service Commercial” zone district.

2-5-4.020. Accessory Uses in Planned Development. In addition to the accessory uses typical for the primary or conditional uses authorized, accessory uses approved as a part of a planned development may include the following uses:

- A. Golf courses.
- B. Private parks, lakes, or waterways.
- C. Recreation areas.
- D. Recreation buildings, clubhouses, or social halls.
- E. Other accessory structures which the Planning Commission finds are designed to serve primarily the residents of the planned development and are compatible to the design of the planned development.

Exhibit A to Ordinance No. 2005, Amending the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) to Clarify Criteria, Add and Allowance for Neighborhood Commercial Uses in Residential Planned Developments, Create an Expedited Process for Minor Amendments, and Eliminate Redundant Language

2-5-4.025. Preapplication Conference. Prior to actually filing the application with the City, the applicant shall meet with the Community Development Director and other City officials as may be necessary for preliminary staff review of the proposal.

2-5-4.030. Application Submission. An application for a planned development shall include a Preliminary Development Plan and Final Development Plan. Such plans may be submitted sequentially as separate applications or they may be submitted at the same time for concurrent review. Submittal requirements for a Preliminary Development Plan are as described in Section 2-5-4.035. Submittal requirements for a Final Development Plan are as described in Section 2-5-4.050. Except as otherwise described in this Section, the procedure for review and approval of a planned development shall be in accordance with the provisions of Section 2-6-1, Procedural Requirements.

2-5-4.035. Submittal Requirements for Preliminary Development Plans. In addition to a land use application form with the information required in Section 2-6-1.020, an application for a Preliminary Development Plan shall include:

- A. Nine (9) copies of the Preliminary Development Plan that include the following information:
- (1) A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes, and status of street ownership.
 - (2) Areas proposed to be conveyed, dedicated, or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings, and similar public and semi public uses, especially open spaces.
 - (3) A plot plan for each building site and common open space area showing the approximate location of buildings, structures, and other improvements, indicating the open spaces around buildings and structures.
 - (4) A narrative description in specific terms of the size and type of buildings, grading modifications, water supply, drainage, and sewage collection and disposal.
 - (5) Elevation and perspective drawings of proposed structures.
 - (6) A list of all variances to standards of this Ordinance or any other City ordinance. All other standards for which variances have not been requested shall apply.
 - (7) A development schedule indicating:

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- (a) The approximate date when construction of the project can be expected to begin.
 - (b) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
 - (c) The anticipated rate of development.
 - (d) The approximate dates when each stage in the development will be completed.
 - (e) The area, location, and degree of development of common open space that will be provided at each stage.
- (8) Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the planned development and any of its common open space areas.
- (9) The following plans and diagrams, insofar as the reviewing body finds that the planned development creates special problems of traffic, parking, landscaping, or economic feasibility:
- (a) An off-street parking and loading plan.
 - (b) A circulation diagram indicating proposed movement of vehicles, goods, bicycles and pedestrians within the planned development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.
 - (c) A landscaping and tree plan.
 - (d) An economic feasibility report or market analysis.
- (10) The preliminary plan shall include enough information on the area surrounding the proposed development to show the relationship of the planned development to adjacent uses, both existing and proposed.

2-5-4.040. Criteria for Approval of a Preliminary Development Plan. The approval authority may approve an application for a Preliminary Development Plan when it finds that the application complies with the following criteria:

A. Size of the Planned Development Site.

- (1). A planned development shall be on a tract of land of at least two acres in low density residential areas or;

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- (2). A planned development may be allowed on any size tract of land in high density residential areas if:
 - (a) An unusual physical or topographic feature of importance to the people of the area or the community as a whole exists on the site or in the neighborhood which can be conserved and still leave the land owner equivalent use to the land by the use of a planned development.
 - (b) The property or its neighborhood has a historical character of importance to the community that will be protected by the use of a planned development.
 - (c) The property is adjacent to or across a street from property which has been developed or redeveloped under a planned development, and a planned development will contribute to the maintenance of the amenities and values of the neighboring development.

B. Dimensional and Bulk Standards.

- (1) The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development.
- (2) If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this Code on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards.
- (3) Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the zone.
- (4) The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned development is proposed, except that a greater height may be approved if surrounding open space within the planned development, building setbacks, and other design features are used to avoid any adverse impact due to the greater height.
- (5) The building coverage for any planned development shall not exceed that which is permitted for other construction in the zone exclusive of public and private streets.

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C. Project Density.

- (1) The planned development may result in a density in excess of the density otherwise permitted within the zone in which the planned development is to be constructed not to exceed 5%. An increase in density of over 5% but less than 10% can be permitted by the Planning Commission if the arrangement of yards and common open space is found to provide superior protection to existing or future development on adjacent property.
- (2) If the Planning Commission finds that any of the following conditions would be created by an increase in density permitted by this Section, it may either prohibit any increase in density or limit the increase in density by an amount which is sufficient to avoid creation of any of these conditions:
 - (a) Inconvenient or unsafe access to the planned development.
 - (b) Traffic congestion in the streets that adjoin the planned development.
 - (c) An excessive burden on sewerage, water supply, parks, recreational areas, schools, or other public facilities which serve or are proposed to serve the planned development.

D. Common Open Space.

- (1) No open area may be accepted as common open space within a planned development unless it meets the following requirements:
 - (a) The location, shape, size, and character of the common open space is suitable for the planned development.
 - (b) The common open space is for amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings provided.
 - (c) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.

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- (d) The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned development.
 - (e) If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.
- (2) No common open space may be put to a use not specified in the Final Development Plan unless the Final Development Plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
- (3) If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the City to enforce their provisions.
- E. The planned development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover, and rough terrain.
- F. The planned development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.
- G. Financial assurance or bonding may be required to assure completion of the streets and utilities in the planned development prior to final approval as for a subdivision (see the Newport Subdivision Ordinance, Newport Municipal Code Chapter 13.05).

2-5-4.045. Approval of the Final Development Plan.

- A. Within 12 months following the approval of the Preliminary Development Plan, the applicant shall file with the Planning Commission a Final Development Plan containing in final form the information required in the preliminary plan. At its

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discretion, the Planning Commission may extend for six months the period for the filing of the Final Development Plan.

- B. If the Community Development Director finds evidence of a major change in the approved Preliminary Development Plan, the Community Development Director shall advise the applicant to submit an application for amendment of the planned development. An amendment shall be considered in the same manner as an original application.

2-5-4.050. Submittal Requirements for a Final Development Plan. In addition to a land use application form with the information required in Section 2-6-1.020, an application for a Final Development Plan shall include:

- A. The Final Development Plan may be submitted for any reasonably sized portion of the area previously given preliminary approval for development. The Final Development Plan shall contain the following information:
 - (1) Proposed land uses, building locations, and housing unit densities.
 - (2) Proposed circulation patterns indicating the status of street ownership.
 - (3) Proposed open space locations and uses.
 - (4) Proposed grading and drainage patterns.
 - (5) Proposed methods of water supply and sewage disposal.

2-5-4.055. Criteria for Approval of a Final Development Plan. The approval authority may approve an application for a Final Development Plan when it finds that the application complies with the following criteria:

- A. The Final Development Plan must substantially conform to the land use and arterial street pattern as approved in the Preliminary Development Plan.
- B. The proposed uses shall be compatible in terms of density and demand for public services with uses that would otherwise be allowed by the Comprehensive Plan.
- C. Adequate services normally rendered by the City to its citizens must be available to the proposed development at the time of approval of the Final Development Plan. The developer may be required to provide special or oversize facilities to serve the planned development.
- D. Access shall be designed to cause minimum interference with traffic movement on abutting streets.

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- E. The plan shall provide for adequate landscaping and effective screening for off-street parking areas and for areas where nonresidential use or high density residential use could be detrimental to residential areas.
- F. The arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare relative to adjoining property.
- G. Artificial lighting, including illuminated signs and parking area lights, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.
- H. The area around the development can be developed in substantial harmony with the proposed plan.
- I. The plan can be completed within a reasonable period of time.
- J. The streets are adequate to serve the anticipated traffic.
- K. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- L. Land shown on the Final Development Plan as common open space shall be conveyed under one of the following options:
 - (1) To a public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
 - (2) To an association of owners or tenants, created as a non-profit corporation under the laws of the State, which shall adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.
- M. The Final Development Plan complies with the requirements and standards of the Preliminary Development Plan.
- N. No building shall be erected in a planned development district except within an area contained in an approved Final Development Plan, and no construction shall be undertaken in that area except in compliance with the provisions of said plan. All features required in the Final Development Plan shall be installed and retained indefinitely or until approval has been received from the Planning Commission or Community Development Director for modification.

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2-5-4.060. Procedure for Modification of a Planned Development.

- A. A minor change in the Preliminary or Final Development Plan may be approved by the Community Development Director. A minor change is any change that is not within the description of a major change as provided in the following subparts B and C of this Section.
- B. A major change in a Preliminary or Final Development Plan which includes a change from a more restricted use to a less restricted use, or a change in the location, width, or size of a collector or major thoroughfare street, or in the location or specifications for utilities which is likely to materially affect future street or utility plans of the City may be approved only by the Commission after public hearing and by the City Council after public hearing.
- C. A major change in a Preliminary or Final Development Plan which includes any change in the character of the development or any increase in the intensity or density of the land use or in the location or amount of land devoted to specific land uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially changes the location or specification for utilities but which will not materially affect future street or utility plans of the City may be approved by the Commission after public hearing.
- D. In considering any request for a change in a Preliminary or Final Development Plan, the Planning Commission and City Council shall apply the same standards as are provided in this Article for the approval of Preliminary or Final Development Plans. The Planning Commission and City Council may approve, reject, modify, or attach special conditions to a request for modification of a Preliminary or Final Development Plan. The Community Development Director in his reasonable discretion shall determine whether each request for modification of a Preliminary or Final Development Plan is a minor or major change within the remaining of subparts A, B, or C of this Section and shall determine or refer each request appropriately.

2-5-4.065. Control of the Development After Completion. The Final Development Plan shall continue to control the planned development after it is finished, and the following shall apply:

- A. The Community Development Director, in issuing a certificate of completion of the planned development, shall note the issuance on the recorded Final Development Plan.
- B. After the certificate of completion has been issued, the use of the land and the construction, modification, or alteration of a building or structure within the planned development shall be governed by the approved Final Development Plan.

Exhibit A to Ordinance No. 2005, Amending the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) to Clarify Criteria, Add and Allowance for Neighborhood Commercial Uses in Residential Planned Developments, Create an Expedited Process for Minor Amendments, and Eliminate Redundant Language

- C. After the certificate of completion has been issued, no change shall be made in development contrary to the approved Final Development Plan without approval of an amendment to the plan except as follows:
- (1) Minor modification of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.
 - (2) A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned development if it is in compliance with the purpose and intent of the Final Development Plan.
- D. An amendment to a completed planned development may be approved if it is required for the continued success of the planned development, if it is appropriate because of changes in conditions that have occurred since the Final Development Plan was approved, or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related land use regulations.
- E. No modification or amendment to a completed planned development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures, and improvements within the area of the planned development. All rights to enforce these covenants against any change permitted by this Section are expressly reserved.

2-5-4.070. Appeal. In the event that a dispute arises between the Planning Commission and the developer as to any provisions of the Final Development Plan, either party may appeal to the City Council, in accordance with process outlined in Section 2-6-1. Should the developer appeal, a fee for an appeal in an amount set by the city shall be paid.



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City of Newport
169 SW Coast Hwy
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DLCD
635 CAPITOL ST NE STE 150
SALEM OR 97301-2540