



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

March 19, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Newport Plan Amendment
DLCD File Number 009-06



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: April 2, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
James Bassingthwaite, City of Newport

<paa> ya/

FORM 2

D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

MAR 13 2007

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Newport Local File No.: 6-CP-06/9-Z-06
(If no number, use none)

Date of Adoption: March 5, 2007 Date Mailed: March 12, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: December 6, 2006

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

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

Changed Comp Plan map and Zoning map designations from Public/P-1 "Public Structures"
to Commercial/C-1 "Retail and Service Commercial" for the former Newport City
Hall property located at 810 SW Alder Street

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same.

Plan Map Changed from: Public to Commercial

Zone Map Changed from: P-1 to C-1

Location: 810 SW Alder Street Acres Involved: .33

Specify Density: Previous: --- New: ---

Applicable Statewide Planning Goals: 2, 9, 12

Was an Exception Adopted? Yes: --- No: X

DLCD File No.: 009-06(15737)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: * No:

*mailed in time for DLCD to receive 45 days prior

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

City of Newport

Local Contact: James Bassingthwaite Area Code + Phone Number: 541-574-0626

Address: 169 SW Coast Hwy

City: Newport Zip Code+4: 97365-4713

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies 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
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF NEWPORT

ORDINANCE NO. 1907

AN ORDINANCE AMENDING ORDINANCE NO. 1621 (AS AMENDED) OF THE CITY OF NEWPORT, OREGON, AND ORDINANCE NO. 1308 (AS AMENDED) TO AMEND THE COMPREHENSIVE PLAN MAP OF THE CITY OF NEWPORT COMPREHENSIVE PLAN: 1990-2010 AND THE NEWPORT ZONING MAP

WHEREAS, the City Council authorized the initiation of an amendment to the Comprehensive Plan Map (General Land Use Plan Map) of the City of Newport Comprehensive Plan (Ordinance No. 1621, as amended) and the Newport Zoning Map of the City of Newport Zoning Ordinance (Ordinance No. 1308, as amended) on October 2, 2006,

WHEREAS, the proposed request involves Comprehensive Plan Map and Zoning Map amendments to change the Comprehensive Plan and Zoning classifications of property owned by the City of Newport and formerly used for the Newport City Hall at 810 SW Alder Street (Lots 1-4, Block 48, Case & Bayley's Second Addition to Newport) of approximately 0.33 acres of property from Public/P-1 (Public Structures) to Commercial/C-1 (Retail and Service Commercial),

WHEREAS, the Planning Commission of the City of Newport, after providing the required public notification including the notification to the Department of Land Conservation & Development, held a public hearing on January 22, 2007, on the proposed amendments (Newport File No. 6-CP-06/9-Z-06) for the purpose of reviewing the proposed amendments and providing a recommendation to the City Council,

WHEREAS, the above said public hearing was held in accordance with the appropriate provisions of the city ordinances, and, after due deliberation and consideration of the proposed change, the Planning Commission, by a unanimous vote, did recommend that the proposed amendments be adopted by the City Council of the City of Newport; and

WHEREAS, the City Council of the City of Newport, after providing the required public notification, held a duly noticed public hearing on February 20, 2007, regarding the question of the proposed Comprehensive Plan Map and Zoning Map amendments (Newport File No. 6-CP-06/9-Z-06), and voted in favor of adoption of the proposed amendments after considering the recommendation of the Planning Commission, the Planning Staff Report and attachments, and the evidence and argument presented at the public hearing,

NOW, THEREFORE, THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 1621 (as amended) is amended to establish a "Commercial" Comprehensive Plan land use designation for property described as Lots 1-4 of Block 48, Case & Bayley's Second Addition to Newport (also currently identified as 810 SW Alder Street and as Lincoln County Assessor's Map 11-11-8-BD Tax Lots 10400, 10500, and 10600) as illustrated in Exhibit "A".

Section 2. Ordinance No. 1308 (as amended) is amended to establish a C-1/"Retail and Service Commercial" designation for property described as Lots 1-4 of Block 48, Case & Bayley's Second Addition to Newport (also currently identified as 810 SW Alder Street and as Lincoln County Assessor's Map 11-11-8-BD Tax Lots 10400, 10500, and 10600) as illustrated in Exhibit "A".

Section 3. The City Council adopts the findings contained in Exhibit "B" in support of approval of the amendments to the Newport Comprehensive Plan Map and the Newport Zoning Map.

Introduced and passed on first reading in a regular meeting of the City Council of the City of Newport, Oregon, held on the 20th day of FEBRUARY, 2007.

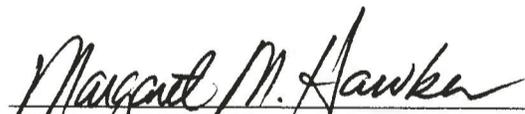
Passed on second reading, placed for final passage, and adopted by the City Council of the City of Newport, Oregon, on the 5th day of MARCH, 2007.

Approved by the Mayor of the City of Newport, Oregon, on the 5th day of MARCH, 2007.



MAYOR

ATTEST:



CITY RECORDER

Exhibit "A"

Newport File No. 6-CP-06/9-Z-06

Newport File No. 6-CP-06/9-Z-06
Existing Comp Plan map designation: Public
Existing Zoning map designation: P-1
Proposed Comp Plan map designation: Commercial
Proposed Zoning map designation: C-1

Subject Property: 810 SW Alder Street
Assessor's Map 11-11-8-BD Tax Lots 10400, 10500, 10600



Exhibit "B"

Newport File No. 6-CP-06/9-Z-06

**FINDINGS FOR A MINOR COMPREHENSIVE PLAN MAP AMENDMENT
AND ZONING MAP AMENDMENT INVOLVING PROPERTY OWNED BY
THE CITY OF NEWPORT TO CHANGE THE COMPREHENSIVE PLAN MAP
AND ZONING MAP DESIGNATION OF THE FORMER CITY HALL FROM
PUBLIC/P-1 TO COMMERCIAL/C-1**

FINDINGS OF FACT

1. The City Council of the City of Newport initiated the proposed Comprehensive Land Use Plan Map and Zoning Map amendment by approved motion of the City Council at the October 2, 2006, City Council meeting.

2. The subject property is located at 810 SW Alder Street and is identified as Tax Lots 10400, 10500, and 10600 of Lincoln County Assessor's Map 11-11-8-BD. The legal description of the property is Lots 1-4 of Block 48, Case & Bayley's Second Addition to Newport. The size of the subject property is 0.3323 acres or approximately 14,475 square feet +/- . The subject property is currently improved with a building (former Newport City Hall) and related off-street parking previously used for municipal office use.

3. The proposed amendments would change the Comprehensive Land Use Plan Map designation of the subject property from "Public" to "Commercial" and would change the Zoning Map designation of the subject property from P-1/"Public Structures" to C-1/"Retail and Service Commercial".

3. Staff reported the following facts:

- a. Plan Designations: Public.
- b. Zone Designations: P-1/"Public Structures".
- c. Surrounding Land Uses: Mix of uses in the surrounding area including commercial (including but not limited to retail establishments, banks, radio stations, restaurants, hotels and other types of commercial uses), public (including but not limited to Lincoln County School District offices, the armory, the hospital, and the Lincoln County Historical Society), religious, and residential (both single-family and multi-family) uses in the area surrounding the subject property.
- d. Topography and Vegetation: Flat with landscaping.
- e. Existing Structures: Former City Hall building.
- f. Utilities: Existing.
- g. Development Constraints: None known.
- h. Past Land Use Actions: None known

4. The Department of Land Conservation & Development was mailed notification of the proposed amendments on December 6, 2006, using the DLCD Notice of Proposed Amendment green form. All applicable city departments and other public agencies and affected property owners within 300 feet of the subject property were notified on December 27, 2006, for the Planning Commission hearing and on January 31, 2007, for the City Council hearing. Notification was published in the Newport News-Times on January 12, 2007, for the proposed Planning Commission hearing and on February 9, 2007, for the City Council hearing.

5. The Planning Commission held a public hearing on January 22, 2007, and voted unanimously to recommend approval of the amendments to the City Council.

6. The City Council held a public hearing on February 20, 2007. The City Council received a Planning Staff Report with attachments and the material in the file was entered into the record and is hereby incorporated by reference into the findings. The minutes of the February 20, 2007, hearing are hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

Attachment "A"	Proposed Findings
Attachment "A-1"	Zoning Map with Proposed Changes
Attachment "B"	Notice of Public Hearing
Attachment "C"	Uses Allowed in the C-1 Zone
Attachment "C-1"	Uses Allowed in the P-1 Zone
Attachment "C-2"	Table A of NZO Section 2-3-5

7. Following the City Council public hearing and deliberation on February 20, 2007, the Council voted to approve the requested amendments.

8. The City Council finds that the applicable criteria are as follows:

A. Criteria for the Proposed Comprehensive Plan Map Minor Amendment (p. 286 of the Comprehensive Plan):

1. Change in one or more goal or policy; and
2. Demonstrated need to accommodate unpredicted population trends, housing needs, employment needs, or change in community attitudes; and
3. Orderly and economic provision of key public facilities; and
4. Ability to serve the subject property with City services without an undue burden on the general population; and
5. Compatibility of the proposed change with the surrounding neighborhood and community.

B. Criteria for the Proposed Zoning Map Amendments (Section 2-5-5.005) of the Newport Zoning Ordinance (No. 1308, as amended):

1. The change furthers a public necessity.
2. The change promotes the general welfare.

CONCLUSIONS

1. The City Council concludes that the following findings demonstrate compliance with the applicable criteria for a Minor Comprehensive Plan Amendment as follows:

A. Findings as applicable addressing whether or not there is: "A change in one or more goal or policy".

1. In 2006, the City of Newport in Ordinance No. 1891 adopted Implementation Measure 2 as part of Goal 1, Policy 1 of the Economic Section of the Newport Comprehensive Plan which is a change in one or more goal or policy. Implementation Measure 2 addresses the future need for commercial land in Newport as follows:

North of Yaquina Bay, the City will focus on the redevelopment and/or conversion of existing areas for commercial uses to encourage efficient use of land already developed with urban level services that are currently underdeveloped or underutilized. The City will also examine areas in the downtown area down to the Bayfront and west of the downtown area between Highway 101 and the Nye Beach area for potential conversion to commercial Comprehensive Plan designations and Zones or other such designations that may provide for additional commercial opportunities.

B. Findings as applicable addressing whether or not there are: "Demonstrated need to accommodate unpredicted population trends, housing needs, employment needs, or change in community attitudes."

1. The updated Economic Section of the Newport Comprehensive Plan adopted in 2006 identifies a need for commercial land to provide employment opportunities. In Table 4 (Gross Need For Commercial and Industrial Land, 2005-2025) of the Economic Section, under the medium growth scenario, 14.0 acres of office commercial and 201.6 acres of retail commercial will be needed over the 20 year period. The change from Public to Commercial of the former City Hall building will help meet the demonstrated need for commercial land for employment needs.

C. Findings as applicable addressing whether or not there are: "Orderly and economic provision of key public facilities."

1. The former City Hall property is already served with existing public facilities.

D. Findings as applicable addressing whether or not there is an: "Ability to serve the subject property with City services without an undue burden on the general population."

1. The former City Hall is already served by City services and the change in Comprehensive Plan designation from "Public" to "Commercial" will not place an undue burden on the general population.

E. Findings as applicable addressing the: "Compatibility of the proposed change with the surrounding neighborhood and community."

1. The former City Hall property is in an area of other commercial, religious, public and residential uses. The former City Hall was previously used for office space by the City of Newport as part of the City Hall operations. The proposed Commercial designation is consistent with the Commercial designation of much of the surrounding property.

2. No significant adverse impacts on the neighborhood or community are expected to result from the changes in the Comprehensive Plan designation to a Commercial designation. Moreover, the existing former City Hall building has been vacant since the city hall operations were moved to the current City Hall building at 169 SW Coast Hwy. The former City Hall building is an important anchor to the Newport City Center area and providing for the utilization of the building will improve the City Center area over the current situation of a vacant building.

2. The City Council concludes as follows regarding State Land Use Goals/Administrative Rule Requirements:

A. In regard to Statewide Planning Goal 1 (Citizen Involvement), the acknowledged Newport Comprehensive Plan establishes the City of Newport's Goal 1 program on pages 291 and 292. In regard to the specific Policies and Implementation Measures, the following information is provided demonstrating conformance with the goal of encouraging citizen involvement:

1. Policy 1 contains at least three possible implementation measures (IM) to implement Policy 1 requirements of encouraging public involvement that may be or not be applicable depending on the nature of the proposed amendment. The City may use any one of the three implementation methods (or combinations thereof) to meet the Policy 1 requirements of encouraging public involvement. Additionally, as the City undertook the process of amending the Comprehensive Plan map, additional opportunities for public involvement did occur.

A. Policy 1, IM 1 (Planning Commission to serve as official Citizens' Advisory Committee to the City Council / appointment of a Citizens' Advisory Committee on major changes). Under Policy 1, IM 1, the Newport Planning Commission is the official Citizens' Advisory Committee to the City Council and the Planning Commission will hold a public hearing for the purpose of reviewing the proposed amendments and making a recommendation to the City Council. If the Planning Commission determines that a major legislative change is under consideration, the Commission may designate a Citizens' Advisory Committee for the purposes of using Policy 1 IM 1 as a means to encourage public involvement. This amendment is a quasi-judicial minor comprehensive plan amendment and therefore not a major legislative change.

B. Policy 1, IM 2 in the first part addresses possible City promotion or assistance to neighborhood organizations to assist in decision making. The second part of Policy 1, IM 2 relates to allowing the Council or Commission to hold meetings in neighborhoods affected by issues under consideration. Both the first and second parts are at the discretion of the Council or Commission and are not a specific requirement prior to amendment adoption.

C. Policy 1, IM 3 allows for the formation of an ad hoc advisory committee for the study of an important issue. As this is a quasi-judicial minor comprehensive plan amendment rather than a major legislative change, no formation of an ad hoc advisory committee is required.

2. Policy 2 relates to encouraging the participation of citizens in the legislative stage of plan and ordinance development rather than in the quasi-judicial stage. The proposed comprehensive plan amendment is a quasi-judicial amendment (not a legislative amendment) and therefore this policy is not applicable.

B. In regard to Statewide Planning Goal 2 (Land Use Planning), the City of Newport's Comprehensive Plan has been acknowledged as being in compliance with the Statewide Planning Goals, including Goal 2. The Newport Comprehensive Plan section entitled "Administration of the Plan" specifies how amendments to the plan are made. The proposed amendment will follow the requirements for an amendment found in the Newport Comprehensive Plan and will therefore be in compliance with Statewide Planning Goal 2.

C. In regard to Statewide Planning Goal 3 (Agricultural Lands), Goal 4 (Forest Lands), Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources), Goal 6 (Air, Water and Land Resources Policy), Goal 7 (Areas Subject to Natural Disasters and Hazards), Goal 8 (Recreation Needs), Goal 10 (Housing), Goal 11 (Public Facilities and Services), Goal 13 (Energy Conservation), Goal 14 (Urbanization), Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), and Goal 18 (Beaches and Dunes), there are no applicable requirements in these goals in regard to the proposed comprehensive plan amendment.

D. In regard to Statewide Planning Goal 9 (Economic Development), the City of Newport recently adopted an updated Comprehensive Plan Economic Section (File No. 2-CP-05) on June 5, 2006, in Ordinance No. 1891, which became effective on July 5, 2006. To meet the Goal 9 requirements of maintaining at least an adequate supply of commercial land consistent with plan policies, the City of Newport adopted Goal 1, Policy 1, Implementation Measures 1 and 2. The proposed Comprehensive Plan amendment is consistent with Implementation Measure 2 to increase commercial opportunities north of the Yaquina Bay through redevelopment and utilization of underutilized properties. Therefore the change to Commercial will be consistent with the City's adopted Economic Section implementing the Statewide Goal 9 requirements.

F. In regard to Statewide Planning Goal 12 and the implementing Transportation Planning Rule requirements, the proposed amendment will not significantly affect transportation facilities pursuant to OAR 660-012-0060 (1) as both the acreage involved in the amendment is small (less than 15,000 square feet) and the previous use was a public office use (former City Hall) similar to a commercial office use.

G. In regard to Statewide Planning Goal 15 (Willamette River Greenway) and Goal 19 (Ocean Resources), the proposed Comprehensive Plan map amendment will not have an impact on either of these two Goals as Statewide Planning Goal 15 involves land along the Willamette River and Statewide Planning Goal 19 involves Ocean Resources.

3. The City Council concludes as follows regarding the applicable criteria for the proposed Zoning Map amendment:

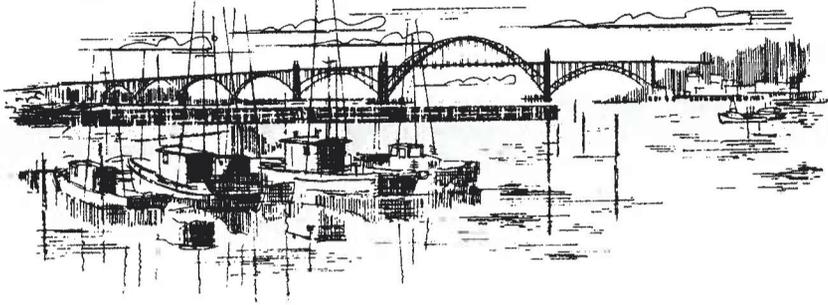
A. The change furthers a public necessity and promotes the general welfare.

1. The requested Zoning Map amendment accompanies a request for a Comprehensive Plan Map amendment. The reasons for the request are consistent with Implementation Measure 2 of Goal 1, Policy 1 of the Economic Section of the Newport Comprehensive Plan. As the Comprehensive Plan provides the land use policies for the City of Newport, it can be considered as furthering a public necessity and

promoting the general welfare by adopting a Zoning Map amendment consistent with a Comprehensive Plan Map amendment which is adopted in conformance with the Comprehensive Plan policies.

OVERALL CONCLUSION

Based on the Planning Staff Report and attachments, and other evidence and testimony in the record, the City Council concludes that the above findings of fact and conclusions demonstrate compliance with the applicable criteria and the requested amendments are hereby **APPROVED**.



CITY OF NEWPORT

169 SW COAST HWY

NEWPORT, OREGON 97365

TDD/VOICE 1-800-735-2900

OFFICE OF Community Development

**CERTIFICATE OF MAILING OF NOTICE OF ADOPTION AND THE
ADOPTED TEXT AND FINDINGS AS APPLICABLE**

Local File # 6-CP-06/9-7-06

Date of Deposit in the U.S. Mail: 3/12/07

Name of Person Mailing JAMES BASSANO STAWATE

Signature of Person Mailing 