



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## AMENDED NOTICE OF ADOPTED AMENDMENT

January 16, 2008

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 010-07



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: January 31, 2008**

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  
James Bassingthwaite, City of Newport

<paa> ya

FORM 2

DLCD 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

JAN 11 2008

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Newport Local File No.: 2-CP-07/9-Z-07 (If no number, use none)

Date of Adoption: January 7, 2008 (Must be filled in) Date Mailed: January 10, 2008 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: September 27, 2007

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

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

Comp Plan Map and Zoning Map amendment to change designations on approximately 25,000 square feet of real property and abutting SW 8th Street public right-of-way from Low Density Residential/R-2 to Commercial/C-1.

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: Low Density Residential to Commercial

Zone Map Changed from: R-2/Medium Density SFR to C-1/Retail and Service Commercial

Location: Assessor's Map 11-11-8-CC TL 600, 601 Acres Involved: 0.57 acres real property and 90000 sqft of Supp. Map No. 1)

Specify Density: Previous: 1/unit / 5,000 sqft; New: N/A

Applicable Statewide Planning Goals: 2, 9, 10, 12

Was an Exception Adopted? Yes: No: X

DLCD File No.: 010-07 (16436)



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 to first hearing

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](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY OF NEWPORT**

**ORDINANCE NO. 1942**

**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**, an application was submitted for 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 September 4, 2007, by applicant Christina Bushnell (Hugh and Candis Smith, Mario and Deborah Fannuchi, and Bradley and Sheryl Bowder, property owners),

**WHEREAS**, the proposed request for a minor Comprehensive Plan map and Zoning map amendment to change the Comprehensive Plan and Zoning classifications of approximately 0.57 acres of real property from Low Density Residential/R-2 (Medium Density Single-Family Residential) to Commercial/C-1 (Retail and Service Commercial) located on Tax Lots 600, 601 & 90000 (Supp. Map no. 1) of Lincoln County Assessor's Map 11-11-08-CC) (1012 & 1022 SW 8<sup>th</sup> Street and parking lot on SW 8<sup>th</sup> Street),

**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 November 13, 2007, on the proposed amendments (Newport File No. 2-CP-07/9-Z-07) 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 December 17, 2007, (following the cancellation of the December 3, 2007, Council original public hearing date on this matter due to severe inclement weather) regarding the question of the proposed Comprehensive Plan Map and Zoning Map amendments (Newport File No. 2-CP-07/9-Z-07), 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 originally described as Lots 1-5 of Block 92, Case & Bayley's Third Addition to Newport (also currently identified as Tax Lots 600, 601 & 90000 (Supp. Map No. 1) of Lincoln County Assessor's Map 11-11-08-CC and currently designated as 1012 & 1022 SW 8<sup>th</sup> Street and parking lot on SW 8<sup>th</sup> Street) and abutting SW 8<sup>th</sup> Street public right-of-way 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 originally described as Lots 1-5 of Block 92, Case & Bayley's Third Addition to Newport (also currently identified as Tax Lots 600, 601 & 90000 (Supp. Map No. 1) of Lincoln County Assessor's Map 11-11-08-CC and currently designated as 1012 & 1022 SW 8<sup>th</sup> Street and parking lot on SW 8<sup>th</sup> Street) and abutting SW 8<sup>th</sup> Street public right-of-way 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.

**Section 4.** The City Council conditions approval of the requests upon the property owners signing and recording a waiver of remonstrance for future local improvement districts that would include streets, storm drainage, and/or sidewalk for SW 8<sup>th</sup> Street for each property. The effective date of the amendments in Section 1 and Section 2 for each property shall be the date that the waiver of remonstrance is recorded for each property. If a property owner does not record the waiver of remonstrance within one year of the passage of this ordinance, the amendments identified in Section 1 and Section 2 to that property owner's individual property shall not take effect.

Introduced and passed on first reading in a regular meeting of the City Council of the City of Newport, Oregon, held on the 17<sup>th</sup> day of December, 2007.

Passed on second reading, placed for final passage, and adopted by the City Council of the City of Newport, Oregon, on the 7<sup>th</sup> day of January, 2008.

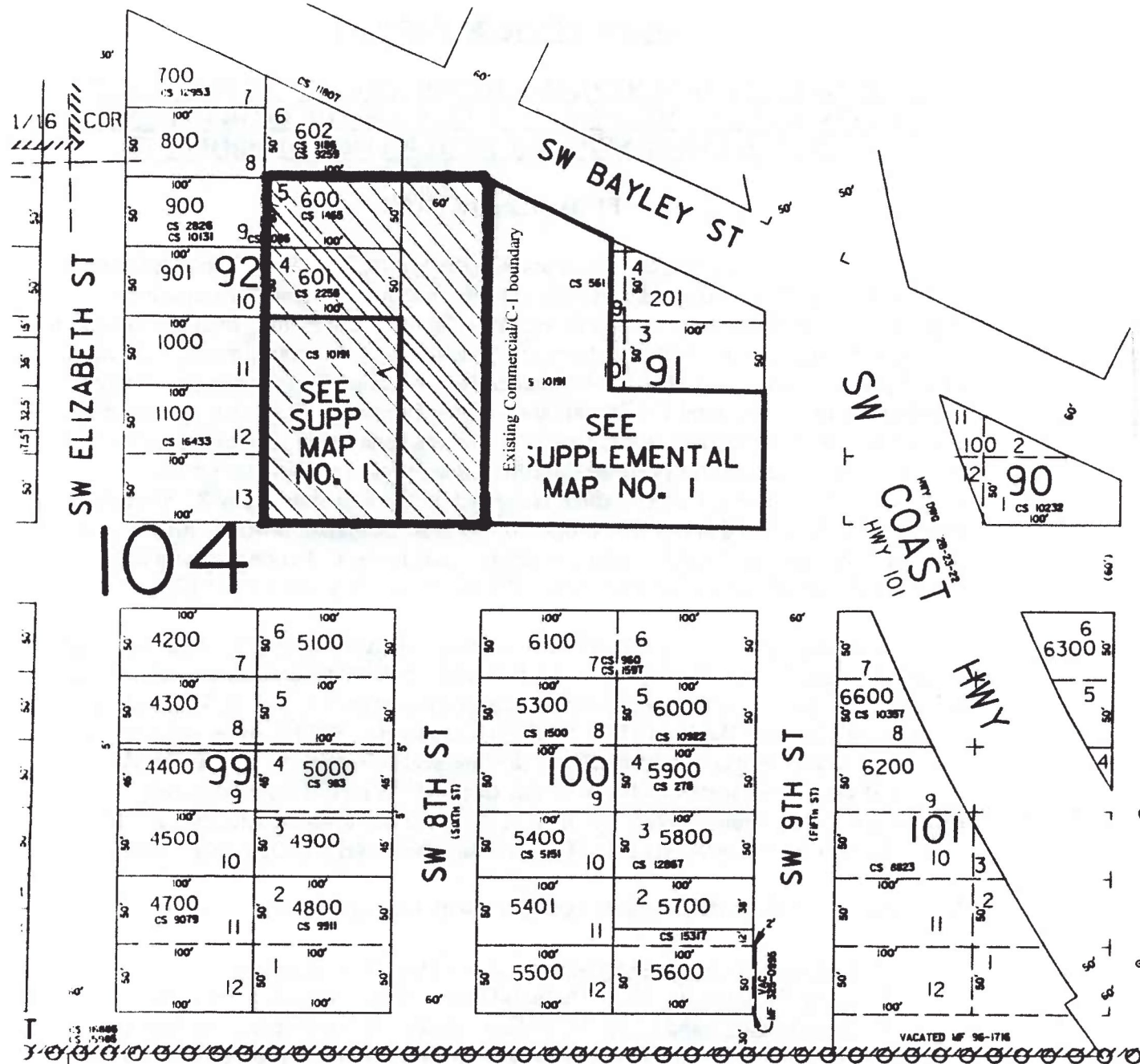
Approved by the Mayor of the City of Newport, Oregon, on the 8<sup>th</sup> day of January, 2008.

  
MAYOR

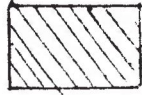
ATTEST:  
  
CITY RECORDER

**EXHIBIT "A"**

**Newport File No. 2-CP-07/9-Z-07**



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Newport File No. 2-CP-07/9-Z-07

Subject Property:  
Assessor's Map 11-11-8-CC Tax Lots 600, 601  
and 90000 (of Supp. Map No. 1)

Former City Zoning Designation: R-2  
Former Comp Plan Designation: Low Density Residential

City Zoning established by this Ordinance: City C-1  
City Comp Plan Designation established by this Ordinance: Commercial

SEE MAP 11 11 17



**EXHIBIT "B"**

**Newport File No. 2-CP-07/9-Z-07**

**FINDINGS FOR A MINOR COMPREHENSIVE PLAN MAP AMENDMENT  
AND ZONING MAP AMENDMENT TO CHANGE THE COMPREHENSIVE  
PLAN MAP AND ZONING MAP DESIGNATION OF PROPERTY**

**FINDINGS OF FACT**

1. Applicant Christina Bushnell (Hugh and Candis Smith, Mario and Deborah Fannuchi, and Bradley and Sheryl Bowder, property owners) submitted a land use request on September 4, 2007, for a minor Comprehensive Plan map and Zoning map amendment to change the Comprehensive Plan and Zoning classifications of approximately 0.57 acres of real property from Low Density Residential/R-2 (Medium Density Single-Family Residential) to Commercial/C-1 (Retail and Service Commercial). Existing uses of the subject property include two single-family residences (one being used as a daycare and one proposed to be used for professional office space) and a parking lot for the Bridgeview Professional Center (which is located on the east side of SW 8<sup>th</sup> Street in an existing C-1 designated zone). The proposed C-1 zone designation would allow those uses identified as permitted uses and conditional uses in the C-1 zone pursuant to Newport Zoning Ordinance (NZO) (No. 1308, as amended) Section 2-2-1.035.
2. The subject property is located on Tax Lots 600, 601 & 90000 (Supp. Map No. 1) of Lincoln County Assessor's Map 11-11-08-CC (1012 & 1022 SW 8<sup>th</sup> Street and parking lot on SW 8<sup>th</sup> Street). The property includes originally platted Lots 1, 2, 3, 4, and 5 of Block 92 of Case and Bayley's Third Addition and abutting SW 8<sup>th</sup> Street public right-of-way. The subject property is located near the intersection of SW 8<sup>th</sup> Street and SW Minnie Street and is located on the west side of SW 8<sup>th</sup> Street to the west of the Bridgeview Professional Center. See map in Planning Staff Report Attachment "B". The size of the subject real property is 0.57 acres or approximately 25,000 square feet.
3. Staff reported the following facts associated with the request:
  - A. Comprehensive Plan Designation: Low Density Residential.
  - B. Zone Designation: R-2/"Medium Density Single-Family Residential".
  - C. Surrounding Land Uses: Mix of uses in the surrounding area including commercial (including but not limited to office, retail, restaurant, gas station, and other types of commercial) uses, a public park, and residential (both single-family and multi-family) uses.
  - D. Topography and Vegetation: Generally flat with landscaping.
  - E. Existing Structures: Two single-family residences (one being used as a daycare and one proposed to be used for professional office space).
  - F. Utilities: Existing.

H. Development Constraints: None known.

I. Past Land Use Actions: None known.

4. The Department of Land Conservation & Development was mailed notification of the proposed amendments on September 27, 2007, 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 October 23, 2007, for the Planning Commission hearing and on November 13, 2007, for the City Council hearing. Notification was published in the Newport News-Times on November 2, 2007, for the Planning Commission hearing and on November 21, 2007, for the City Council hearing. Notification was also provided for the December 17, 2007, Council rescheduled public hearing by mail on December 3, 2007, and by publication in the News-Times on December 7, 2007.

5. The Planning Commission reviews this request and makes a recommendation to the City Council. The Planning Commission held a public hearing on the proposed amendments on November 13, 2007. The Planning Commission voted 6-0 (Patrick, Brusselback, Atwill, Mosley, Eisler, and Reh fuss) in favor of the requested amendments. See Planning Staff Report Attachment "E" (PC Draft 11/13/07 Minutes).

6. A Planning Staff Report was prepared for the City Council public hearing originally scheduled to be held on December 3, 2007. The following attachments were included with the City Council Planning Staff Report:

Attachment "A"	Applicant Comp Plan Map Amendment Findings
Attachment "A-1"	Applicant Zoning Map Amendment Findings
Attachment "B"	Notice of Public Hearing and Map
Attachment "C"	Zoning Map of Area
Attachment "C-1"	Comp Plan Map of Area
Attachment "C-2"	Uses Allowed in the C-1 Zone
Attachment "C-3"	Uses Allowed in the R-2 Zone
Attachment "C-4"	Table A of NZO Section 2-3-5
Attachment "D"	Qwest 10/24/07 and 11/16/07 Comments
Attachment "E"	PC Draft 11/13/07 Minutes

7. The City Council held a public hearing on December 17, 2007 (following the cancellation of the December 3, 2007, public hearing due to severe inclement weather). 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 December 17, 2007, hearing are hereby incorporated by reference into the findings. The City Council allowed for both written and oral testimony (as identified in the Council minutes and the material in the file) at the public hearing on the proposed amendments.



8. Following the City Council public hearing and deliberation on December 17, 2007, the Council voted to approve the requested amendments.

9. 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 have been submitted demonstrating: "A change in one or more goal or policy".

1. The applicant notes that the change in Comprehensive Plan Map designation will be compatible with the City's Comprehensive Plan, Economic Section, Goal 1, Policy 1. See Planning Staff Report Attachment "A". 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 have been submitted demonstrating that there is a: "Demonstrated need to accommodate unpredicted population trends, housing needs, employment needs, or change in community attitudes."

1. The applicant notes in the findings that there is a need for additional commercial land identified in the Newport Comprehensive Plan. See Planning Staff Report Attachment "A". The applicant notes that the subject property uses currently include a daycare in a single-family residence and a parking lot for the Bridgeview Professional Center Condominiums. The applicant notes that the one existing single-family residence on Tax Lot 600 would be used for a Professional and Business Services property.

2. The updated Economic Section of the Newport Comprehensive Plan adopted in 2006 identifies a demonstrated 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 Low Density to Commercial would help meet the demonstrated need for commercial land for employment needs.

C. Findings as applicable have been submitted demonstrating an: "Orderly and economic provision of key public facilities."

1. The applicant notes that the proposed change will not have an impact on any key public facilities. See Planning Staff Report Attachment "A". This is an area already served by existing public facilities. The Newport Public Works Department has not identified concerns regarding public facilities to serve the subject property if the amendment is approved but has recommended that the property owners sign a waiver of remonstrance for future local improvement districts that could include streets, storm drainage, and/or sidewalk. Sharon O'Brien (Qwest) simply notes that any cost associated with relocating existing Qwest facilities will be borne by the developer/owner and that Qwest wishes to maintain existing easements that may exist. See Planning Staff Report Attachment "D". The change in Comprehensive Plan map and Zoning map designations would not serve to alter any existing easements that Qwest may have.



D. Findings as applicable have been submitted demonstrating an: "Ability to serve the subject property with City services without an undue burden on the general population."

1. The applicant notes that Tax Lot 90000 is serving as a parking lot for the Bridgview Professional Center condominiums and is a nonconforming use in the current R-2 zone. The applicant notes that Tax Lot 600 currently contains a 1,100 square foot residence that would be converted to professional office space and that Tax Lot 601 is currently a private residence that operates as a daycare Monday through Friday 7:00 a.m. to 5:00 p.m. The applicant concludes that: "converting these properties from R-2 to C-1 would have no change or impact on city services as the usage to these properties would vary little, if any from their current uses." See Planning Staff Report Attachment "A".

E. Findings as applicable have been submitted demonstrating the: "Compatibility of the proposed change with the surrounding neighborhood and community."

1. The applicant concludes that the "The proposed change is in line with the surrounding neighborhood. These properties already abut commercially zoned properties to the East. There are only three addresses on this block of SW 8<sup>th</sup> Street. As stated before, one is currently being used as a parking lot and one is already operating as a licensed daycare. Converting these properties to commercial would fit in with the surrounding neighborhood." See Planning Staff Report Attachment "A".

2. The surrounding neighborhood contains a mix of uses in the surrounding area including commercial (including but not limited to office, retail, restaurant, gas station, and other types of commercial), public park, and residential (both single-family and multi-family).

3. Although there is a difference in the maximum height limitation between the C-1 zone (50 foot) and R-2 zone (30 foot), the Newport Zoning Ordinance (No. 1308, as amended) contains Section 2-4-4 (Screening and Buffering Between Residential and Non-Residential Zones) that provides for a height buffer (NZO Section 2-4-4.005) and an Adjacent Yard Buffer (NZO Section 2-4-4.010) that would be applicable to the subject property if the proposed amendments are approved. In the C-1 zone, at 10 feet from the property line with the abutting R-2 zoned property, the maximum height allowed is only 20 feet under NZO Section 2-4-4.005), with height increasing at 1 foot in height for each 1 foot away from the property line. In the current R-2 zone designation that the subject property is in, the maximum height at 10 feet as a rear property line setback is 30 feet.

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.

E. 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 (around 25,000 square feet) and one use of the existing subject property is currently a parking lot for an existing commercial use.

F. 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.

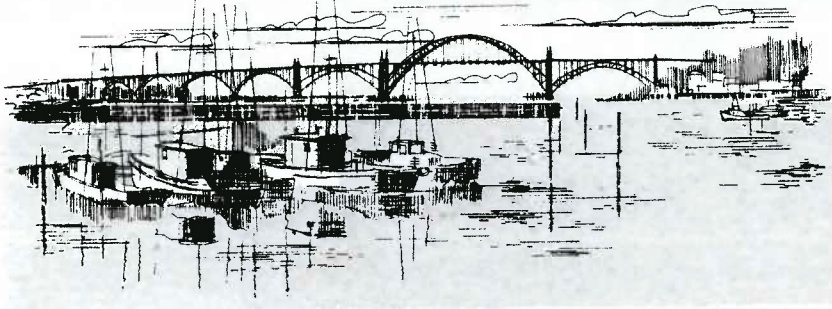
1. The requested Zoning Map amendment accompanies a request for a Comprehensive Plan Map amendment. The reasons for the request are consistent with Implementation Measure 2 of Goal 1, Policy 1 of the Economic Section of the Newport Comprehensive Plan as the applicant notes that adequate commercial property aids in employment growth within the City. Additionally, the applicant notes that "the conversion of these properties will allow for the creation of additional jobs due to expansion in the Professional & Business Services and Financial Services industries. This would also be in line with the City of Newport's Economic Vision and Major Development Goals under item #2 "To Enhance Newport's Workforce Size, Permanence and Quality, and #5, "Promote conditions for Newport's Home Grown and Small Businesses to Flourish." See Planning Staff Report Attachment "A-1".

2. 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 # 2-CP-07/9-2-07

Date of Deposit in the U.S. Mail: 1/10/08

Name of Person Mailing WANDA HANEY

Signature of Person Mailing Wanda Haney



City of Newport  
169 SW Coast Hwy  
Newport, OR 97365

TO

Attn: Plan Amendment Specialist  
DLCD  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540