



Oregon

Theodore R. Kulbowski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/15/2008

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 003-08

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: Monday, December 29, 2008

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

<paa> YA/

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)

DEC 09 2008

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Newport Local File No.: 4-CP-08/2-Z-08 (If no number, use none)

Date of Adoption: December 1, 2008* signed 12/2/08 (Must be filled in) Date Mailed: December 8, 2008 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: September 11, 2008

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Amendment of Comp Plan Map and Zoning Map in 86 acre area from current Low Density Residential from 33.7 acres to 47.0 acres, current High Density Residential from 16.9 acres to 9.8 acres, Commercial from 9.2 acres to 4.9 acres, Public from 26.2 acres to 24.3 acres and Zoning Map designations from current R-1 27.3 ac to 0 ac, current R-2 from 6.4 ac to 47.0 ac, current R-3 from 16.9 ac to 9.8 acres, current C-1 from 9.2 acres to 4.9 acres, and P-1 from 26.2 ac to 24.3 ac. Changes to adjust Oregon Coast Community College central campus site property designations following purchase of property and to increase flexibility in housing options primarily in the R-2 zone by increase in R-2 zone property.

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."

Minor adjustment in boundary of Commercial/C-1 and High Density Residential/R-3 but no change in acreage from proposed amendment.

Plan Map Changed from: See above. to See above.

Zone Map Changed from: See above. to See above.

Location: Assessor's Map 11-11-20 TL 100 & 101 Acres Involved: approx. 86 acres

Specify Density: Previous: Assessor's Map 11-11-21 TL 700 R-1/ 1DU/7,500 sq ft plus R-2 and R-3 density New: R-2 - 1 DU/5,000 sq. ft. R-3 - 1 DU/1,250 sq. ft.

Applicable Statewide Planning Goals: 1, 2, 9, 10 and 12.

Was an Exception Adopted? Yes: No: X

DLCD File No.: 003-08 (17126)

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: X* No:

* Notice sent 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,
Oregon Coast Community College, ODOT

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. 1968

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

Summary of Findings:

1. An application (Newport File No. 4-CP-08/2-Z-08) was submitted by applicant Landwaves, Inc. (Emery Investments, Inc., Oregon Coast Community College, and Landwaves, Inc., property owners) on August 28, 2008, for a minor Comprehensive Plan map amendment to the Comprehensive Plan Map (General Land Use Plan Map) of the City of Newport Comprehensive Plan (Ordinance No. 1621, as amended) and an amendment to the Newport Zoning Map of the City of Newport Zoning Ordinance (Ordinance No. 1308, as amended). The requested Comprehensive Plan map amendments proposed to change the Comprehensive Plan classifications in an 86 acre area of property owned by Landwaves and the Oregon Coast Community College located on Tax Lots 100 & 101 of Lincoln County Assessor's Map 11-11-20 (Parcels 1 and 2 of Partition Plat 2007-39) and a portion of Tax Lot 700 of Map 11-11-21 by increasing the Low Density Residential designation from 33.7 acres to 47.0 acres, decreasing the High Density Residential designation from 16.9 acres to 9.8 acres, decreasing the Commercial designation from 9.2 acres to 4.9 acres, and decreasing the Public designation from 26.2 acres to 24.3 acres. The requested Zoning map amendment proposed to change the Zoning map classifications by decreasing the R-1 (Low Density Single-Family Residential) designation from 27.3 acres to 0 acres, by increasing the R-2 (Medium Density Single-Family Residential) designation from 6.4 acres to 47.0 acres, by decreasing the R-3 (High Density Multi-Family Residential) designation from 16.9 acres to 9.8 acres, decreasing the C-1 (Retail and Service Commercial) designation from 9.2 acres to 4.9 acres, and decreasing the P-1 (Public Structures) designation from 26.2 acres to 24.3 acres.
2. The proposed changes were requested by the applicant to adjust the Public/P-1 zoning designation for the Oregon Coast Community College (OCCC) central campus site property designation as the purchase of property by the OCCC occurred after the original zoning designation was established as part of the South Beach Neighborhood Plan (SBNP) amendments and subsequent property annexation. The applicant was also proposing map amendments to increase the flexibility in housing options primarily in the R-2 zone by increasing the R-2 zoned property and eliminating the R-1 zone designations within the subject area as the R-2 zone, for example, allows for duplex and townhouse developments.

3. 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 duly noticed public hearing on October 27, 2008, on the proposed amendments (Newport File No. 4-CP-08/2-Z-08) for the purpose of reviewing the proposed amendments and providing a recommendation to the City Council. The Planning Commission voted unanimously to recommend approval of the amendments to the City Council.

4. The City Council of the City of Newport, after providing the required public notification, held a duly noticed public hearing on November 17, 2008, and voted unanimously 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.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 1621 (as amended) is amended to establish Comprehensive Plan Map (General Land Use Plan Map) designations for property currently identified as Tax Lots 100 & 101 of Lincoln County Assessor's Map 11-11-20 (Parcels 1 and 2 of Partition Plat 2007-39) and a portion of Tax Lot 700 of Map 11-11-21 with Low Density Residential, High Density Residential, Public and Commercial designations as illustrated in Exhibit "A".

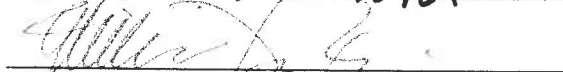
Section 2. Ordinance No. 1308 (as amended) is amended to establish Zoning map designations for property currently identified as Tax Lots 100 & 101 of Lincoln County Assessor's Map 11-11-20 (Parcels 1 and 2 of Partition Plat 2007-39) and a portion of Tax Lot 700 of Map 11-11-21 with R-2/Medium Density Single-Family Residential, R-3/Medium Density Multi-Family Residential, P-1/Public Structures, and C-1/Retail and Service Commercial designations illustrated in Exhibit "A".

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

Date adopted on initial vote and read by title only: 12/1/08

Date adopted on final roll call vote: 12/1/08

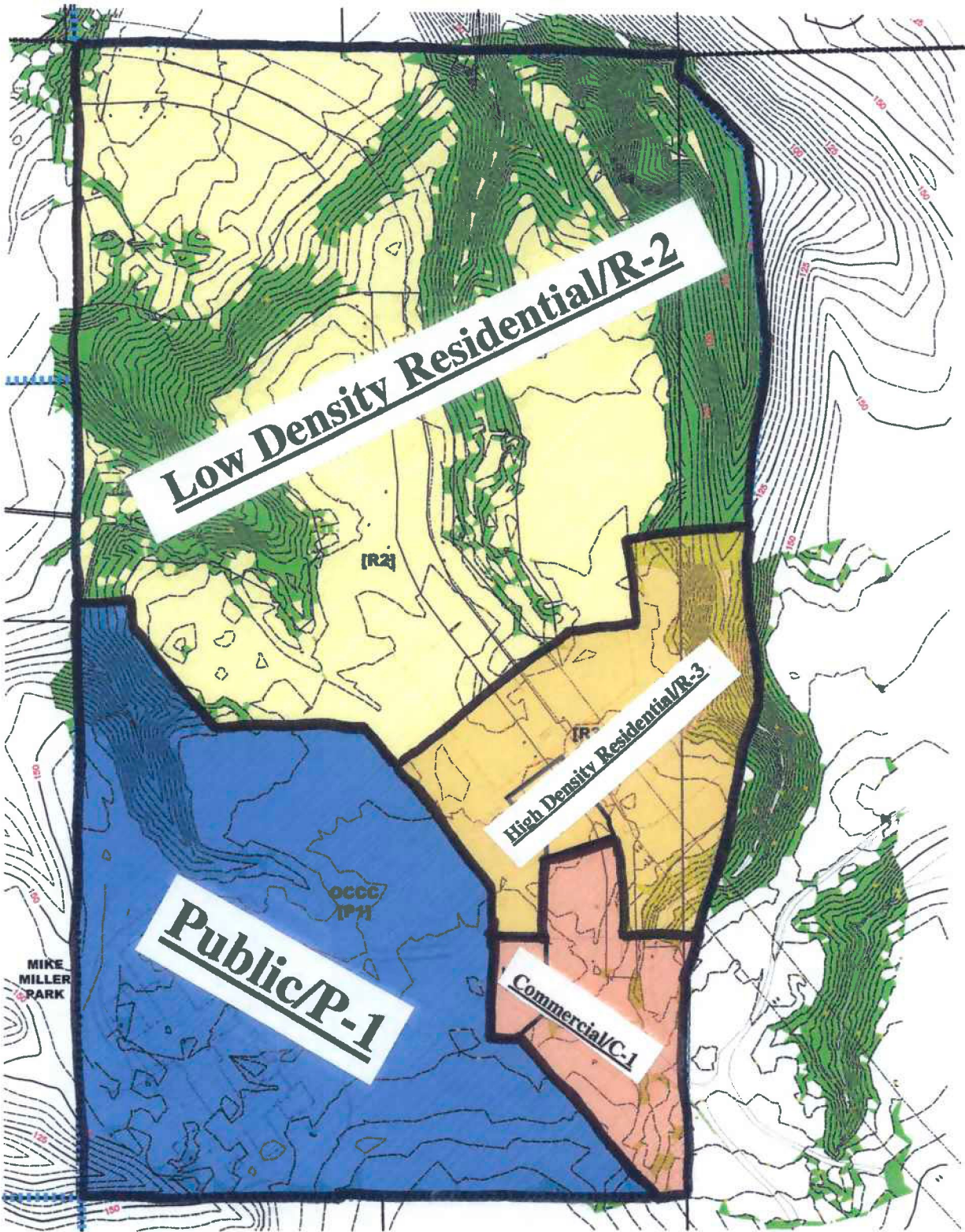
Signed by the Mayor on 12/2, 2008.


William D. Bain, Mayor

ATTEST:

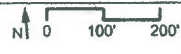

Margaret M. Hawker, City Recorder

EXHIBIT "A"



<u>High Density Residential</u>		<u>Low Density Residential</u>		<u>Commercial</u>		<u>Public</u>	
	R3		R2		C1		P1

FIG 2: WILDER MASTER PLAN
PHASE 1 -PROPOSED ZONING
 20-OCT-08



<p>SERA 338 19th St NW SUITE 200 SEASIDE, OR 97138</p>	<p>landwaves 1733 NE 7th Ave. Portland, Oregon 97232 TEL: (503) 221-0167 FAX: (503) 221-0741</p>

Ordinance No. _____

EXHIBIT "B"

Newport File No. 4-CP-08/2-Z-08

**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 Landwaves, Inc. (Emery Investments, Inc., Oregon Coast Community College, and Landwaves, Inc., property owners) submitted a land use request on August 28, 2008, for a minor Comprehensive Plan map amendment and Zoning map amendment to change the Comprehensive Plan classifications in an 86 acre area of property owned by Landwaves and the Oregon Coast Community College by increasing the Low Density Residential designation from 33.7 acres to 47.0 acres, decreasing the High Density Residential designation from 16.9 acres to 9.8 acres, decreasing the Commercial designation from 9.2 acres to 4.9 acres, and decreasing the Public designation from 26.2 acres to 24.3 acres; and to change the Zoning map classifications by decreasing the R-1 (Low Density Single-Family Residential) designation from 27.3 acres to 0 acres, by increasing the R-2 (Medium Density Single-Family Residential) designation from 6.4 acres to 47.0 acres, by decreasing the R-3 (High Density Multi-Family Residential) designation from 16.9 acres to 9.8 acres, decreasing the C-1 (Retail and Service Commercial) designation from 9.2 acres to 4.9 acres, and decreasing the P-1 (Public Structures) designation from 26.2 acres to 24.3 acres. The proposed changes are intended to adjust the Public/P-1 zoning designation for the Oregon Coast Community College (OCCC) central campus site property designation as the purchase of property by the OCCC occurred after the original zoning designation was established as part of the South Beach Neighborhood Plan (SBNP) amendments and subsequent property annexation. The applicant is also proposing map amendments to increase the flexibility in housing options primarily in the R-2 zone by increasing the R-2 zoned property and eliminating the R-1 zone designations within the subject area as the R-2 zone, for example, allows for duplex and townhouse developments. Development of the property is subject to master planning approval as required by SBNP Policy 1, Implementation Measure 3. A preliminary planned development approval involving the subject property was approved in Newport File No. 1-PD-07 and final planned development approval in Newport File No. 2-PD-07 (involving the OCCC site). An amendment to the approved preliminary planned development approval in Newport File No. 1-PD-07 and final development approval in File No. 2-PD-07 (involving the OCCC site) will be necessary at a future date if the requested amendments are approved. Future development of the subject property (outside of the OCCC site) will require final planned development plan approval and will identify the types or categories of uses proposed for the subject property consistent with the zoning designations and planned development approval process. The uses of the OCCC site were limited to the proposed main campus building, additions to the building

and other buildings and facilities of the OCCC as part of the final planned development approval for the property included in File No. 2-PD-07.

2. The subject property is located on Tax Lots 100 & 101 of Lincoln County Assessor's Map 11-11-20 (Parcels 1 and 2 of Partition Plat 2007-39) and a portion of Tax Lot 700 of Map 11-11-21 and is served by the new SE 40th St and is located to the east and northeast of Mike Miller Park. See map in Planning Staff Report Attachment "B". The size of the subject property is approximately 86 acres.

3. Staff reported the following facts associated with the request:

A. Comprehensive Plan Designation: The existing Plan designations are Commercial – 9.2 acres; Public – 26.2 acres; High Density Residential – 16.9 acres; Low Density Residential – 33.7 acres.

B. Zone Designation: The existing zone designations are C-1/"Retail and Service Commercial" – 9.2 acres; P-1/"Public Structures" – 26.2 acres; R-3/"Medium Density Multi-Family Residential" – 16.9 acres; R-2/"Medium Density Single-Family Residential" – 6.4 acres; R-1/"Low Density Single-Family Residential" – 27.3 acres.

C. Surrounding Land Uses: The South Beach neighborhood contains a mix of public, commercial, water-dependent and water-related, industrial and residential uses. Land uses in the area near the subject property include a mix of developed and undeveloped industrial land, residential zoning that allows for single-family and multi-family uses, a trailer park, a mix of commercial uses, the Central Lincoln PUD warehousing and substation facility, and public uses such as Mike Miller Park and the Newport Waste Water Treatment facility. See Planning Staff Report Attachments "C-2" and "C-3".

D. Topography and Vegetation: The subject property consists of previously managed timber land with some steep sloped areas.

E. Existing Structures: OCCC Central Campus under construction.

F. Utilities: City services to the site are under construction.

H. Development Constraints: Portions of property with steep slopes.

I. Past Land Use Actions:

File No. 1-CP-06/1-UGB-06/2-CP-06/2-Z-06: South Beach Neighborhood Plan as adopted in December 2006 by Newport Ordinance No. 1899 (concurrence with Urban Growth Boundary (UGB) adjustment by Lincoln County Ordinance No. 447 adopted April 18, 2007). Added property into UGB (including subject property) and removed property from UGB.

File No. 1-PD-07: By Final Order adopted 5/19/07, approved a preliminary planned development for approximately 80 acres of property for the proposed development of "South Beach Village Phase I".

File No. 2-PD-07: By Final Order adopted 5/19/07, approved a final planned development plan for an approximately 25 acre portion of the "South Beach Village Phase I" for the proposed Oregon Coast Community College (OCCC) central campus site.

File No. 1-AX-07/2-Z-07: By Ordinance No. 1922 adopted 6/18/07 and amended by Ordinance No. 1931 adopted 8/6/07, annexed approximately 96.5 acres (subsequently determined to be 102.225 acres upon completion of a revised legal description of the property to be annexed) (including approximately 75 acres of Tax Lot 100 of Assessor's Tax Map 11-11-20 and approximately 5 acres of Tax Lot 700 of Assessor's Tax Map 11-11-21) and established a mix of zoning designations consistent with those designations adopted as part of the South Beach Neighborhood Plan.

File No. 5-PAR-07: By Final Order adopted 9/11/07, divided Tax Lot 100 of Assessor's Map 11-11-20 (80 acres) into two parcels for the purpose of selling Parcel 1 (24.248 acres) to Oregon Coast Community College (OCCC) for their central campus site and creating Parcel 2 (55.496 acres).

4. The Department of Land Conservation & Development was mailed notification of the proposed amendments on September 11, 2008, using the DLCDC 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 7, 2008, for the Planning Commission hearing and on October 28, 2008, for the City Council hearing. Notification was published in the Newport News-Times on October 17, 2008, for the Planning Commission hearing and on November 7, 2008, for the City Council hearing.

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 October 27, 2008. The Planning Commission voted unanimously (7-0) (Patrick, Brusselback, Fisher, McIntyre, Reh fuss, Newman, and Atwill) in favor of the requested amendments with a minor change (see Planning Staff Report Attachment "A-1") in the proposed amendments involving location of a portion of the Commercial/C-1 and HDR/R-3 as requested by the applicant. Testifying in support of the application at the Planning Commission hearing were Frank Angelo, Patrick O'Connor, and Will Emery. No testimony in opposition was received by the Planning Commission. See Planning Staff Report Attachment "F" (PC Draft 10/27/08 Minutes).

6. A Planning Staff Report was prepared for the City Council public hearing held on November 17, 2008. The following attachments were included with the City Council Planning Staff Report:

Attachment "A"	Applicant Request
Attachment "A-1"	Proposed 10-20-08 Modification in Commercial/C-1 and HDR/R-3
Attachment "B"	Notice of Public Hearing and Map
Attachment "C"	Subject Property Existing Comp Plan and Zoning Designations
Attachment "C-1"	Subject Property Proposed Comp Plan and Zoning Designations
Attachment "C-2"	Comp Plan Designations in area added to UGB by Ord. No. 1899 (includes subject property)
Attachment "C-3"	Comp Plan Designations in area prior to Ord. No. 1899
Attachment "C-4"	Uses Allowed in the C-1 Zone
Attachment "C-5"	Uses Allowed in the R Zones
Attachment "C-6"	Uses Allowed in the P-1 Zone
Attachment "C-7"	NZO Section 2-3-5 Table "A"
Attachment "D"	File No. 1-PD-07 Final Order
Attachment "D-1"	File No. 2-PD-07 Final Order
Attachment "D-2"	Kit of Parts from File No. 1-PD-07
Attachment "E"	SBNP Goals and Policies
Attachment "F"	PC Draft 10/27/08 Minutes

7. The City Council held a public hearing on November 17, 2008. 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 November 17, 2008, 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 November 17, 2008, the Council voted unanimously 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 City of Newport adopted the South Beach Neighborhood Plan (SBNP) in 2006 by Ordinance No. 1899. New goals and policies were adopted for the South Beach neighborhood which changed the Comprehensive Plan as it existed prior to the adoption of the SBNP. The SBNP includes the subject property. No amendments to the text of the Comprehensive Plan, as amended by the SBNP, are being requested as part of this application. However, the applicant notes that the proposed amendments reflect a minor change in the policy direction originally included in the SBNP in the sense that the amendments will more accurately designate the land use pattern in the area. The applicant contends that the result of this minor change will continue to implement the broader SBNP goals and policies aimed at creating a mixed-use community in the South Beach area. Part of the request is to apply the appropriate Comprehensive Plan Public Structures designation to all land currently owned by OCCC. The applicant states that this is a compatibility issue, as the existing land use designation no longer matches up with the Central Campus parcel, as defined by its recent sale and purchase.

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 the request to designate a greater portion of the site to Low Density Residential stems from a conceptual village center plan that includes a commercial center that is designed around the OCCC parcel, the proposed roadway system, and topographic and natural resource areas. While the result of this change is

slightly less land available for High Density Residential and Retail Commercial, the applicant notes that the proposed Comprehensive Plan land use designations will enable a village center with both commercial and higher density residential uses that is sized appropriately to serve future residents, students, and employees, and that is located with sensitivity to the natural environment. The applicant contends that in addition, the larger area designated for Low Density Residential will help satisfy the City's urban housing needs and will increase the customer base for the village center, thereby enhancing the viability of future retail in the area and the development of a true neighborhood center.

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

1. The applicant's findings indicate that the requested change in land use designations will not impede future orderly and economic provision of key public facilities or the ability to serve the subject site with city services. The applicant contends that the requested change will, in fact, better support the provision of public facilities to the area and to the OCCC campus by clarifying the land use pattern in the South Beach area and allowing these facilities to be located and sized appropriately.

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 from its inception, the vision for this area of South Beach has included a loop road system (40th and 50th Streets) and a conceptual land use plan that includes a mixed-use village center, residential neighborhoods, and open spaces. Providing infrastructure to serve the first phase of development is underway and includes the construction of the new 40th Street (the main access into phase one) and utility systems from Highway 101 to the village center and the OCCC development site.

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 goals and policies in the South Beach Neighborhood Plan adopted by the City of Newport in 2006 govern future growth in South Beach. See Planning Staff Report Attachment "E". The applicant believes that the proposed amendments will more accurately designate the land use pattern in the area. The vision for this area of South Beach has included a conceptual land use plan that includes a mixed-use

village center, residential neighborhoods, and open spaces. See Planning Staff Report Attachment "D" and "D-2". The requested Comprehensive Plan and Zoning map designations will provide approximately the same amount of residential land as is currently zoned, but will allow a future development proposal more flexibility in providing a variety of housing types within the R-2 zoning. The amendments will also result in modifications to future development patterns and will place more emphasis on the village-center development concept. The applicant contends that the result of this minor change will continue to implement the broader South Beach Neighborhood Plan goals and policies aimed at creating a mixed-use community in the South Beach area.

2. As previously noted, development of the property is subject to master planning approval as required by SBNP Policy 1, Implementation Measure 3. A preliminary planned development approval involving the subject property was approved in Newport File No. 1-PD-07 and final planned development approval in Newport File No. 2-PD-07 (involving the OCCC site). An amendment to the approved preliminary planned development approval in Newport File No. 1-PD-07 and final development approval in File No. 2-PD-07 (involving the OCCC site) will be necessary at a future date if the requested amendments are approved. Future development of the subject property (outside of the OCCC site) will require final planned development plan approval and will identify the types or categories of uses proposed for the subject property consistent with the zoning designations and planned development approval process. The uses of the OCCC site were limited to the proposed main campus building, additions to the building and other buildings and facilities of the OCCC as part of the final planned development approval for the property included in File No. 2-PD-07. See Planning Staff Report Attachments "D" and "D-1" for copies of the final orders in File No. 1-PD-07 and 2-PD-07.

2. The City Council concludes that the following findings demonstrate compliance with the applicable criteria for a Zoning Map Amendment as follows:

A. Findings as applicable have been submitted demonstrating: "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 zoning changes were driven by the final configuration of the OCCC campus parcel, strategic placement of the village center (comprised of C-1 and R-3 zoned land) to maximize accessibility from the planned street system, and the need to design around natural features (in particular steep slopes). The rezoning request proposes to modify land zoned P-1 to respond to the parcel description of

the OCCC campus and to increase the R-2 zoning in Phase One. There would no longer be any land zoned R-1, and the total acres zoned R-2 and C-1 would also be decreased.

2. The applicant notes that approval of the change in zoning will further a public necessity of providing appropriately-zoned land for the OCCC Central Campus. The applicant explains that in 2005, Emery Investments, Inc. (the owners of the subject site) entered into discussion with OCCC regarding purchasing a site in South Beach for a new Central Campus. The sale of the approximately 24-acre campus site was negotiated. Subsequent to the annexation of the property, the terms of the sale modified the property lines of the OCCC parcel, resulting in the City's land use designation and zoning demarcations to be slightly off. The proposed reduction in land zoned P-1 is approximately two acres.

3. The applicant notes that the biggest change that would result from the approval of this rezoning request is the elimination of R-1 zoning on the subject site and the increase in R-2 by approximately 40 acres. The additional R-2 land will allow more flexibility in siting appropriate housing types in the northern portion of the subject site, north of the OCCC campus. Specifically, the R-2 zoning allows for attached single-family (townhomes) and duplex, while the R-1 zoning does not. The conceptual plan for residential development in Phase One includes single-family detached housing, cottage clusters, and attached townhomes. The applicant notes that having the majority of land in Phase One zoned R-2 will allow the future planned development to supply housing types that will satisfy the City's urban housing needs, respond to the housing market, and support the goods and services provided in the village center.

4. The applicant notes that the proposed reconfiguration of the areas zoned as C-1 and R-2 is the result of designing a functional village center around the OCCC parcel, the proposed roadway system, and topographic and natural resource areas. These considerations have led to a design that includes slightly less land zoned for commercial and medium-density multi-family residential uses. The applicant contends that approving the requested rezoning is consistent with the public approval of a new OCCC Central Campus and the City's existing zoning, allowing this campus to be located in South Beach. Approval will also increase the potential for the future development of a variety of housing types in the area. Both the institutional use and the potential for increased density in the area will support the future village center. The mix of uses envisioned for the area will promote the development of a complete community and will help to keep vehicle trips localized internally to South Beach

5. 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.

3. 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. The current request is for a quasi-judicial land use amendment application (not a legislative amendment) and therefore this policy is inapplicable.

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 applicant proposes to reduce the amount of Commercial zoned land within the Phase 1 development from 9.2 acres to 4.9 acres. OAR 660-009-0010(4) contains provisions regarding changes in commercial or industrial land designations in excess of two acres and requires that findings must address all applicable planning requirements and one of three other requirements in OAR 660-009-0010(4)(a)-(c). OAR 660-009-0010(4)(a) requires that the amendment be consistent with the parts of the City's acknowledged comprehensive plan which address this requirement. Under the Goal 1, Policy 1, Implementation Measure 1 of the Economic Section of the Comprehensive Plan, the City has determined that only a portion of the land within the South Beach area will be designated with a commercial designations to accommodate some of the need for commercial land. Priority is placed on serving the new commercial areas (which includes the subject Commercial area within this application) within the South Beach Neighborhood Plan with necessary services. The City chose not to include all projected commercial land needed within the UGB over the 20 year period at the time of adoption of the Implementation Measure 1 of Policy 1, Goal 1. Part of the reason that City is not providing all the identified commercial land needed is to encourage the redevelopment/conversion of existing areas for commercial use north of the Yaquina Bay including commercial land that is underdeveloped or underutilized as explained in Goal 1, Policy 1, Implementation Measure 2 of the Economics Section. While the primary need for additional commercial land is in the tourist related commercial land need as documented in Table 4 of the Economic Section of the Newport Comprehensive Plan (page 121), the applicant's commercial land within the Phase 1 development is primarily intended for neighborhood commercial types of uses (although it will likely include a component of commercial tourist types of activities such as hospitality types of uses as identified in the Kit of Parts on pages 31-34 (Planning Staff Report Attachment "D-2")). As noted by Frank Angelo in the Planning Commission public hearing testimony on October 27, 2008, the primary focus is in the neighborhood commercial use for the Phase One portion of the development. The location of the proposed commercial land in Phase One would allow for additional increases to the commercial land area abutting the commercial neighborhood core in later phases of the Wilder development if necessary to accommodate additional commercial land demand. Additionally, the South Beach Neighborhood Plan in Policy 7, Implementation Measures 2 and 3 identifies other potential land areas that could be rezoned in the future to address the commercial land need, including for commercial tourist oriented uses, such that the over all supply of potential commercial land can be increased as needed. See Planning Staff Report Attachment "E".

E. In regard to Statewide Planning Goal 12 and the implementing Transportation Planning Rule requirements, when a development application includes a proposed comprehensive plan amendment or zone change, the proposal must be reviewed to determine whether it significantly affects a transportation facility.

1. The applicant states that the requested land use redesignation and rezoning of portions of Phase One is not anticipated to significantly affect the planned transportation system. The requested Comprehensive Plan land use designations results in the slight reduction in the amount of land designated Public Structures, Retail Commercial, and High Density Residential and increases land designated Low Density Residential.

2. The requested corresponding change in zoning would result in a reduction of property designated P-1, C-1, and R-3. In addition, the requested zone change would eliminate R-1 zoning in Phase One and rezone this land to R-2. The allowed density in R-1 is 7,500 square foot per unit; the allowed density for R-2 is 5,000 square foot per unit for single-family detached housing and 3,750 square feet for each duplex or attached housing unit. Through the planned development process, the maximum density would be based on a 3,750 square feet per unit basis. Although off set to some degree by the loss of approximately 7 acres of R-3, the requested additional R-2 zoned land could result in a potential increase in residential density on the R-2 property.

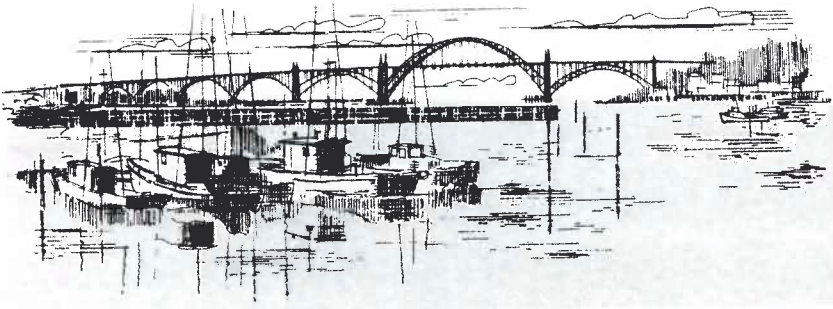
3. The applicant notes that regarding transportation impacts, the City of Newport Ordinance No. 1931 amended the original annexation approval (Ordinance No. 1922) for the subject property. This was done primarily to address potential transportation impacts of Phase One. Ordinance No. 1931 states that the city will not issue building permits for land uses in the annexation territory if they generate more than 180 peak hour trips. In effect, Ordinance No. 1931 places a "trip cap" on Phase One and conditioned approval of the annexation by requiring that development in the annexation territory that generates more than 180 peak hour trips must demonstrate compliance with the TPR before it will be allowed. The applicant contends that because the "trip cap" adopted in Ordinance No. 1931 will remain in place upon approval of the Comprehensive Plan and Zoning map amendments and Phase One will continue to be subject to the "trip cap" requirements, the proposed amendments will not significantly affect the planned transportation system.

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.

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 # U-CP-08/07-08

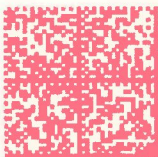
Date of Deposit in the U.S. Mail: 12/08/08

Name of Person Mailing JAMES BASSANUTTI-WHITE

Signature of Person Mailing



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DEC 08 2008
MAILED FROM ZIP CODE 97365



City of Newport
169 SW Coast Hwy
Newport, OR 97365



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