



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

AMENDED NOTICE OF ADOPTED AMENDMENT

January 30, 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 011-07



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: February 19, 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

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

JAN 29 2008

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Newport Local File No.: 10-Z-07
(If no number, use none)
Date of Adoption: January 22, 2008 Date Mailed: January 28, 2008
(Must be filled in) (Date mailed or sent to DLCD)
Date the Notice of Proposed Amendment was mailed to DLCD: October 10, 2007

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."

Amends the Newport Zoning Ordinance (No. 1308, as amended) (NZO) Section 2-4-16.030(A)(7)
for the Historic Nye Beach Design Review District to provide greater flexibility
for property owners in allowing residential uses within certain areas of the
C-2/Tourist Commercial zone where such residential uses currently exist and/or have
previously existed.

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 wording changes in some of the proposed language to make the wording clearer.

No change in actual intent or application.

Plan Map Changed from: --- to ---

Zone Map Changed from: --- to ---

Location: Historic Nye Beach Design Review District Acres Involved: ---

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

Applicable Statewide Planning Goals: 2, 9, 10

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

DLCD File No.: 011-07(16464)

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 1st ev. 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

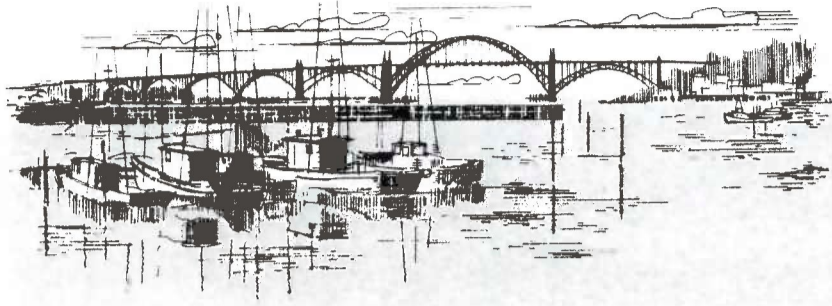
Address: 169 SW Coast Highway

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

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 # 10-2-07

Date of Deposit in the U.S. Mail: January 28, 2008

Name of Person Mailing JAMES BASSINGTHWAITE

Signature of Person Mailing 

CITY OF NEWPORT
ORDINANCE NO. 1946

An Ordinance Amending Ordinance No. 1308, as amended, to Modify the Provisions for Residential Uses within the C-2 Zone of the Historic Nye Beach Design Review District

Findings

1. The City Council initiated proposed minor legislative text amendment (File No. 10-Z-07) of the Newport Zoning Ordinance (No. 1308, as amended) on October 1, 2007, at the request of Eileen Obtshka, Don Huster and Lon Brusselback. The proposed minor legislative text amendment of the Newport Zoning Ordinance (NZO) (No. 1308, as amended) to amend the Historic Nye Beach Design Review District (HNBO) in NZO Section 2-4-16.030 (A) (7) would allow for more flexibility in residential uses by creating an additional permitted use category (proposed NZO Section 2-4-16.030 (A)(7)(a)) within a portion of Historic Nye Beach Design Review District involving Commercial-Tourist/C-2 zone (the C-2 zone is currently a mixed use zone with both commercial and residential uses (subject to limitations) being permitted) and by allowing more flexibility in the use of buildings for single-family residences along certain streets that currently prohibit residential use at the street grade (proposed NZO Section 2-4-16.030 (A)(7)(b)). The proposed amendment is intended to allow for more flexibility in residential use within areas that currently have existing residential use and have had a history of residential use. The additional permitted use category would be subject to certain additional requirements (the additional requirements would only apply to those residential uses seeking to be permitted under the proposed legislative amendment under the proposed NZO Section 2-4-16.030 (A) (7) (a) subsection).
2. The Planning Commission reviewed this proposed amendment at a public hearing held on November 26, 2007. Following the public hearing, 2007, the Planning Commission voted 4-0 (Patrick, Atwill, Eisler, and Brusselback) in favor of recommending approval of the amendments with recommended modifications included as part of the amendments.
3. The City Council reviewed this proposed amendment at a public hearing held on January 7, 2008, and voted unanimously to approve the amendments with modifications as recommended by the Planning Commission.
4. Based on the Planning Staff Memorandum prepared for the City Council and the affidavits of mailing and publication and the material in file entered into the record at the City Council hearing, the Council concludes that appropriate notification was given for both the Planning Commission and City Council public hearings.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

ORDINANCE NO. 1946
Page 1 of 3

Section 1. The Newport Zoning Ordinance (Ordinance No. 1308, as amended) is amended by adding the following subsections (a) and (b) to NZO Section 2-4-16.030 (A) (7) to read as follows:

Section 2-4-16.030 (A) (7) (a). Additional residential use, including at the street grade, is permitted outright for C-2 property located south of NW 2nd Court and north of NW 6th Street that front N.W. and S.W. Coast Street, W. Olive Street, N.W. and/or S.W. Cliff St, if the residential use complies with the following additional requirements:

1. The maximum density per residential unit is 1,250 square feet per unit.
2. The maximum building height is 35 feet.
3. The maximum lot coverage in structures is 64%. If the proposed residential use provides at least 1 actual off-street parking space for each residential unit in a below-grade parking structure (for the purposes of this section below-grade is defined to mean that 50% or more of the perimeter of the building is below-grade) located directly below the residential portion of the structure, the maximum lot coverage allowed is 90%.
4. Residential structures built on C-2 property located south of NW 2nd Court and north of NW 6th Street that front N.W. and S.W. Coast Street, W. Olive Street, N.W. and/or S.W. Cliff St., shall be required to meet the Design Standards and Design Guidelines for Single-Family, Two-Family, or Multiple-Family dwellings as applicable and contained in the Historical Nye Beach Overlay
5. The residential use provides at minimum 1 actual off-street parking space for each residential unit.
6. At least one residential building per lot is set back from the property line abutting the street no more than 5 feet unless compliance with the setback is precluded by topography or easement or a larger setback is authorized by the Planning Commission by variance or through the design review process.

Section 2-4-16.030 (A) (7) (b). For C-2 zoned property with frontage on N.W. and S.W. Coast Street, W. Olive Street, N.W. and S.W. Cliff Street, N.W. Beach Drive and/or N.W. Third Street, single-family residential use of a building that was either constructed for single-family residential use or has been previously used for a single-family residential use is permitted throughout the entire portion of the building.

Adopted on initial vote and read by title only: 7-0

Adopted on final roll call vote: 7-0

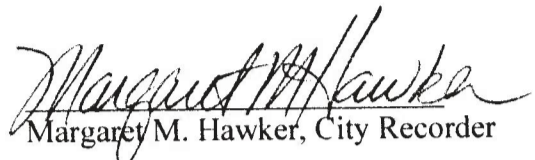
Signed by the Mayor on January 22, 2008.



William D. Bain, Mayor

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ATTEST:


Margaret M. Hawker, City Recorder

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City of Newport
169 S.W. Coast Highway
Newport, Oregon 97365-3806

Return Service Requested



02 1A
0004318124 JAN 28 2008
MAILED FROM ZIP CODE 97365

Attention: Plan Amendment Specialist
Department of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

973012540

