



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: March 23, 2015

Jurisdiction: City of Newport

Local file no.: 5-CP-14

DLCD file no.: 004-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/20/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 41 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 004-14 {22594}  
Received: 3/20/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Newport

Local file no.: **5-CP-14**

Date of adoption: 2-18-15

Date sent: 3/20/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/16/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No changes.

Local contact (name and title): Derrick I. Tokos, AICP

Phone: 541-574-0626

E-mail: [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov)

Street address: 169 SW Coast Highway

City: Newport

Zip: 97365-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Amends the Housing Element of the Newport Comprehensive Plan consistent with Statewide Planning Goal 10.

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: Lincoln County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Copy of the implementing ordinance (Ordinance No. 2076)

CITY OF NEWPORT

ORDINANCE NO. 2076

AN ORDINANCE AMENDING THE HOUSING ELEMENT  
OF THE CITY OF NEWPORT COMPREHENSIVE PLAN  
TO INCORPORATE RECOMMENDATIONS IN THE  
NEWPORT STUDENT HOUSING REPORT  
(File No. 5-CP-14)

Summary of Findings:

1. On December 1, 2014 the Newport City Council adopted Resolution No. 3700, a resolution accepting the analysis and recommendations of the Newport Student Housing Study prepared by ECONorthwest. That study, dated November 2014, evaluated how the Newport housing market will be impacted by Oregon State University's proposal to expand the Hatfield Marine Science Center to accommodate 450 additional students and 40 to 60 faculty members and staff over the next ten years.
2. The ECONorthwest study analyses the impact that additional students and faculty will have on the City's existing rental housing inventory; assesses the City's buildable lands inventory and housing policies in light of this potential development; identifies lands within the city that are suitable for student housing; outlines public/private partnership opportunities and incentive programs available to facilitate the construction of multi-family units for student and workforce housing; and recommends policy and implementation measures that the City of Newport can pursue to promote the realization of additional multi-family development.
3. A stakeholder group was formed to guide ECONorthwest's work. It included representatives from Oregon State University, the Oregon Coast Community College, the Department of Land Conservation and Development, representatives from local governments in Lincoln County, and individuals with direct experience in real property development and rental housing management.
4. In adopting Resolution No. 3700, the Newport City Council directed the Newport Planning Commission to evaluate the policy and implementation measures identified in the report and provide a recommendation for how they might be incorporated into the City of Newport's Comprehensive Plan.
5. The Newport Planning Commission actively participated in the development of the scope of work for ECONorthwest's report, was appraised of policy and implementation measures as they were developed, and reviewed recommendations contained in the final draft of the report prior to the document being presented to the City Council. This occurred at work sessions on September 8, 2014 and November 24, 2014 and a regular meeting on November 10, 2014.
6. On January 26, 2015, the Newport Planning Commission conducted a public hearing to consider the policy and implementation measures contained in the report and, after taking testimony and reviewing the information contained in the record, recommend that the City Council adopt the changes into the Housing element of the Newport Comprehensive Plan.

7. The policy and implementation measures contained in the ECONorthwest report provide a well thought out strategy that the City of Newport can pursue to assist Oregon State University and others interested in developing multi-family housing in Newport. This is an area where the existing Housing element in the Newport Comprehensive Plan provides little guidance. The ECONorthwest report calls for the City to encourage development of multi-family housing, including student housing, throughout the City in areas that allow multi-family development. This is to be accomplished by evaluating opportunities to incentivize such development through use of a multiple unit tax exemption, or by leveraging Community Block Grant Funds. Further, the City will work with individuals that own property in the vicinity of, and including the Wilder development, and the Oregon Department of Transportation to ensure that an adequate amount of appropriately zoned land is available for multi-family development.

8. These amendments to the Housing element of the Newport Comprehensive Plan are consistent with applicable Statewide Planning Goals in that the changes:

- a. Have been developed and vetted with affected stakeholders and the City of Newport Planning Commission and its Advisory Committee consistent with Statewide Planning Goal 1, Public Involvement; and
- b. Provide a policy basis to support future fact based land use decision making processes to enhance the availability of land available for multi-family development and to incentivize such development, consistent with Statewide Planning Goal 2, Land Use Planning; and
- c. Provide a policy framework that will allow the City of Newport to proactively work with affected stakeholders and developers to ensure needed multifamily units are developed concurrent with substantial new development like the planned expansion of the Hatfield Marine Science Center campus. This will help to ensure that there is an adequate number of needed housing units at price ranges and rent levels affordable to Newport residents consistent with Statewide Planning Goal 8. A policy framework that promotes the objective of ensuring that Newport possesses an adequate number of affordable multi-family units is also consistent with Statewide Planning Goal 9 because workers that have access to adequate housing ensures that there will be a workforce available to area employers at salaries they can afford; and
- d. Support the timely, orderly, and efficient arrangement of public facilities and services, and the safe and convenient extension of the City's transportation system by ensuring that changes to residential densities in vicinity of Wilder are properly coordinated amongst affected property owners and agencies, as encouraged by Statewide Planning Goals 11 and 12.

9. No other Statewide Planning Goals are applicable to the proposed changes to the Housing element of the Newport Comprehensive Plan.

10. Since the rationale for the new policy and implementation measures is spelled out in detail in the report titled "Newport Student Housing Study - Expansion of the Hatfield Marine Science Center in Newport," dated November 2014, it is appropriate that the document be included as an appendices to the Newport Comprehensive Plan.

11. The City Council held a public hearing on February 17, 2015 regarding the question of the proposed amendments, and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.

12. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

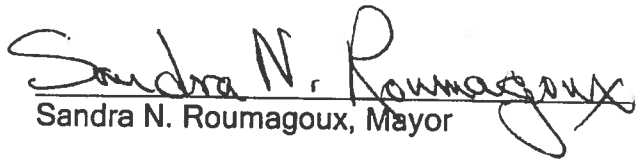
Section 1. The Housing element of the City of Newport Comprehensive Plan is hereby amended as set forth in Exhibit "A."

Section 2. Appendix "D" to the City of Newport Comprehensive Plan is amended to include the document titled "Newport Student Housing - Expansion of the Hatfield Marine Science Center in Newport," prepared by ECONorthwest, dated November 2014.

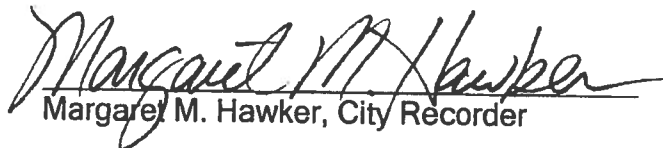
Section 3. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: February 17, 2015

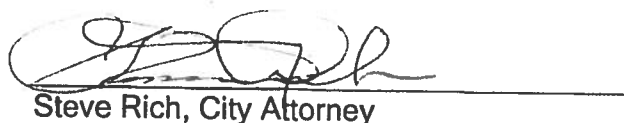
Signed by the Mayor on February 18, 2015.

  
Sandra N. Roumagoux, Mayor

ATTEST:

  
Margaret M. Hawker, City Recorder

Approved as to form

  
Steve Rich, City Attorney

(Note: Language being added is identified with a double underline.)

## **HOUSING GOALS, POLICIES, AND IMPLEMENTATION MEASURES**

### **Goals:**

**Goal 1: To provide for the housing needs of the citizens of Newport in adequate numbers, price ranges, and rent levels which are commensurate with the financial capabilities of Newport households.**

**Goal 2: To provide adequate housing that is affordable to Newport workers at all wage levels.**

Policy 1: The City of Newport shall assess the housing needs and desires of Newport residents to formulate or refine specific action programs to meet those needs.

Implementation Measure 1.1: The City of Newport shall establish a set of verifiable and empirically measurable metrics to track trends in housing development and affordability. The metrics should be based on readily available data sets that are available on an annual basis and should include income and housing cost trends, housing sales, building permits by type and value, as well as others.

Implementation Measure 1.2: The Community Development Department shall prepare annual housing activity reports that include data on residential building permits issued, residential land consumption, and other indicators relevant to housing activity.

Implementation Measure 1.3: The Community Development Department shall conduct an assessment of the housing needs of Newport residents and workforce every five years. This assessment shall focus on the implementation measures and related housing programs as described in the Housing section of the Newport Comprehensive Plan.

Implementation Measure 1.4: The City of Newport shall assess the use of creative funding and land use tools to facilitate the development of government-assisted housing and workforce housing. Tools to be evaluated include urban renewal, lodging tax revenues, system development charge structures, in lieu fees, and others.

Policy 2: The city shall cooperate with private developers, nonprofits, and federal, state, and local government agencies in the provision and improvement of government assisted and workforce housing.

Implementation Measure 2.1: The City shall establish a residential land bank program with the intent of facilitating the development of government-assisted and workforce housing.

Policy 3: The city shall encourage diversity and innovation in residential design, development and redevelopment that is consistent with community goals.

Implementation Measure 3.1: The City shall review the potential for establishing policies and locations for transitional housing in ORS 446.265.

Implementation Measure 3.2: The City shall review options for allowing innovative housing design including pre-approved housing plans. The review shall consider impacts on government assisted or workforce housing on innovative design and should include consideration of innovative options that would result in an increase of workforce or government-assisted housing.

Implementation Measure 3.3: The City shall evaluate how the zoning code can be modified to create more flexibility for innovative housing design, such as form-based code options, or modifications to the conditional use process.

Policy 4: The City of Newport shall designate and zone land for different housing types in appropriate locations. Higher density housing types shall be located in areas that are close to major transportation corridors and services.

Implementation Measure 4.1: The City of Newport shall review the comprehensive plan and zoning maps to ensure that low- and high-density residential lands are located in areas that are appropriate to associated housing types.

Implementation Measure 4.2: The City of Newport shall review the Newport Zoning Code to identify potential amendments related to facilitating the development of needed housing types. The review shall, at a minimum, include the following elements: (1) reduced minimum lot size in the R-1 and R-2 zones; (2) allowing small homes under certain circumstances; (3) adoption of an accessory dwelling unit ordinance; and (4) street width standards. Any proposals to reduce minimum lot sizes shall consider building mass and the potential need to reduce lot coverage allowances.

Policy 5: The City of Newport shall coordinate planning for housing with provision of infrastructure. The Community Development Department shall coordinate with other city departments and state agencies to ensure the provision of adequate and cost-effective infrastructure to support housing development.

Implementation Measure 5.1: The Community Development Department shall review functional plans (e.g., water, wastewater, transportation, etc.) to identify areas that have service constraints or will be more expensive to service. This review shall occur in conjunction with the five-year housing needs evaluation described in Implementation Measure 1.3.



Policy 6: The City of Newport shall discourage, and in some cases, prohibit the development of residences in known environmentally hazardous or sensitive areas where legal and appropriately engineered modifications cannot be successfully made. In support of this policy, the city shall inventory, and to the greatest extent possible, specifically designate areas that are not buildable or require special building techniques.

Policy 7: As much as possible, the City of Newport shall protect residential development from impacts that arise from incompatible commercial and industrial uses; however, the city also recognizes that some land use conflicts are inevitable and cannot be eliminated. Where such conflicts occur, the uses shall be buffered, where possible, to eliminate or reduce adverse affects. Residences that develop next to objectionable uses are assumed to be cognizant of their actions, so no special effort by the adjacent use is required. The residential development will, therefore, be responsible for the amelioration of harmful affects.

Implementation Measure 7.1: The City of Newport shall investigate and evaluate housing programs that may reduce the costs on renters and home buyers.

Implementation Measure 7.2: The City of Newport shall eliminate any unnecessary review processes.

Policy 8: The City of Newport recognizes that mobile homes and manufactured dwellings provide an affordable alternative to the housing needs of the citizens of Newport. The city shall provide for those types of housing units through appropriate zoning provisions.

Implementation Measure 8.1: The City of Newport shall review the mobile home park inventory maintained by the Oregon Department of Housing and Community Services to identify parks that may be at risk of transition to commercial uses. Mobile home parks represent a low-cost housing alternative for lower income households. The City should consider strategies to mitigate the conversion of mobile home parks into other uses including working with park owners or managers.

Implementation Measure 8.2: The City of Newport shall review the zoning code to allow and encourage "park model" RVs as a viable housing type. This review should include establishing appropriate definitions for Park Model RVs, establishing appropriate development standards, reviewing minimum lot sizes, and establishing a set of pre-approved Park Model plans.

Policy 9: Consistent with the November 2014 study titled "Newport Student Housing – Expansion of the Hatfield Marine Science Center in Newport" by ECONorthwest (Appendix "D"), the City of Newport will encourage development of multifamily housing, including student housing, throughout the City in areas that allow multifamily development. Increasing the supply of multifamily housing is crucial to meeting the needs of Newport's workforce and lower-income households, as well as to supporting student growth at the Hatfield Marine Science Center. The City will

identify and implement appropriate tools to support multifamily and student housing development.

Implementation Measure 1: The City of Newport will endeavor to work with Lincoln County to evaluate the use of the multiple unit tax exemption to support multifamily development. If the City and County choose to offer the multiple unit tax exemption, they will work together to identify the area(s) to apply the tax exemption, develop criteria for offering the tax exemption, and set criteria for using the program (such as a programmatic cap).

Implementation Measure 2: The City of Newport will endeavor to work with Lincoln County to evaluate the use of CDBG and Section 108 funds to support development of subsidized low-income and (where applicable) workforce multifamily housing.

Implementation Measure 3: The City of Newport will endeavor to work with property owners around the Wilder development and the Oregon Department of Transportation to coordinate the amount, type, and density of residential development in this area. If necessary, the City of Newport will adjust the zoning in this area to allow for development of student housing and other multifamily housing.