



Oregon

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

Date: June 02, 2015
Jurisdiction: City of Newport
Local file no.: 2-Z-15
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/29/2015. 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



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

FOR DLCD USE
File No.: 002-15 {23693}
Received: 5/29/2015

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.: **2-Z-15**

Date of adoption: 5/18/15

Date sent: 5/29/2015

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): 3/17/15

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:

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

Phone: 541-574-0626

E-mail: d.tokos@newportoregon.gov

Street address: 169 SW Coast Hwy

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:

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:

Amendment to Section 14.14.100 of the Newport Municipal Code eliminating the option of "payment-in-lieu" for off-street parking that would otherwise be required in Nye Beach, City Center and Bay Front areas within the City. Clarifies the geographical boundary of the areas where these changes apply and provides for parking districts to be created that can establish alternative parking standards.

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):

List affected state or federal agencies, local governments and special districts: None.

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.

City of Newport Ordinance No. 2081.

CITY OF NEWPORT

ORDINANCE NO. 2081

AN ORDINANCE AMENDING CHAPTER 14.14 OF THE
NEWPORT MUNICIPAL CODE (ORDINANCE NO. 1308, AS AMENDED)
RELATING TO OFF-STREET PARKING REQUIREMENTS
FOR SPECIAL PARKING AREAS

Findings:

1. The City of Newport Zoning Ordinance (No. 1308, as amended) contains criteria that establish off-street parking, loading, and access requirements for new development; institute development standards for off-street parking lots; and formulate special parking standards for specific areas within the City of Newport. These criteria are found in Newport Municipal Code (NMC) Chapter 14.14.
2. The proposed amendments update NMC Section 14.14.100 of this Chapter, which set out parking requirements for "special areas" that encompass the Nye Beach, Bay Front, and City Center business districts. These business districts are developed more densely than other portions of Newport and the geography and development pattern is such that there is little room for new off-street parking to be constructed with private development projects. Instead, businesses in these areas rely heavily upon public parking assets to meet their needs.
3. Historically, developers in these special areas had the option of paying a fee in lieu of constructing off-street parking to accommodate traffic attributed to their development projects. The "payment in lieu" option was suspended in 2010 and replaced temporarily by economic improvement districts formed by business owners in these areas. The economic improvement districts generate funds for parking system improvements and provide business owners a say in how those funds are expended. By state law, the districts have a maximum life of 5 years unless extended. The Nye Beach district was the first to form, and is set to expire July 1, 2015. The advisory committee to that district has asked the City Council to approve a 12-month extension, and a hearing on the extension has been scheduled for June 1, 2015.
4. Text amendments included in this ordinance will prevent the "payment-in-lieu" option from becoming available again should the parking districts expire because such an option proved to be too difficult for the City to administer. Further, many of the business owners felt that it was unfair that only those that were developing property contributed to parking system improvements that all of the businesses in the area benefitted from.
5. Additionally, the text amendments clarify the geographic boundary where special area parking requirements apply in the Nye Beach, City Center and Bay Front and provide that when parking districts are created, those districts may establish alternative approaches to regulating on-street and off-street parking. The boundary clarification results in the Bay Front and City Center special parking areas being more closely aligned with the parking districts. The boundary clarification for Nye Beach results in the

special parking area matching up with the perimeter of the Historic Nye Beach Zoning Overlay District.

6. Newport has no dedicated funding sources to maintain and enhance its parking assets in the special parking areas. The payment-in-lieu option did not generate sufficient funds to fill this need, nor have the parking districts.
7. A parking study is proposed for fiscal year 2015/2016 to inventory parking assets in the special parking areas, evaluate utilization and turnover rates during peak and off-peak periods, identify capital needs (maintenance and enhancements), map out funding strategies, and provide policy recommendations. The results of this work will inform policy makers on actions the City and its stakeholders can take to ensure that public and private parking assets in these areas will be sufficient to meet current and future needs. In the meantime, it is imperative that the proposed text amendments be made to prevent "payment-in-lieu" from automatically becoming an option again, should the existing parking districts expire, without any thought as to whether or not such an option is in the best interest of the community.
8. The Newport Planning Commission and Planning Commission Citizens Advisory Committee reviewed changes to Section 14.14.100 of the Newport Municipal Code at a work session on March 9, 2015. On April 27, 2015, the Planning Commission conducted a public hearing to discuss the amendments. The entire Community Development Department file on the proposal was physically before the Planning Commission, and the Commission did not reject any part of the Community Development Department file (Newport File No. 2-Z-15). Derrick I. Tokos, AICP, then presented the City Community Development Department staff report, which included a description of the proposed amendments and relevant approval standards. No public testimony was provided. At the conclusion of the hearing, the Planning Commission closed the public hearing and discussed the amendments. A motion was then made, and seconded, recommending adoption of the proposed amendments. The Planning Commission voted to approve the motion.
9. On May 8, 2015, the City published notice of the City Council hearing relating to the amendments. The published notice ran in the Newport News-Times and listed the date, time, and place of the City Council hearing, which was May 18, 2015. This notice satisfied the City's pre-hearing obligations for notice to the public.
10. On May 18, 2015, the Council opened a public hearing on the amendments. The entire Community Development Department file on the application was physically before the Council. The Council did not reject any part of the Community Development Department file. City manager, Spencer Nebel, then presented the Staff Report. Following the presentation, the Council accepted public testimony, and then closed the public hearing and discussed the amendments. Based upon the Planning Commission recommendation, the evidence before the Council (which included the evidence before the Planning Commission), and oral and written testimony presented to the Council, a motion was made, and seconded, to adopt the ordinance as presented. The Council voted to approve the motion.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The above findings are hereby adopted as support for the amendments, below.

Section 2. Section 14.14.100 of the Newport Municipal Code (Ordinance No. 1308 (as amended)), Special Area Parking Requirements, is amended as shown in Exhibit "A."

Section 3. This ordinance shall take effect 30 days after its adoption.

Date adopted and read by title only:

May 18, 2015

Signed by the Mayor on May 19, 2015.

Sandra Roumagoux
Sandra Roumagoux, Mayor

ATTEST:

Margaret M. Hawker
Margaret M. Hawker, City Recorder

Approved as to form:

Steve Rich
Steve Rich, City Attorney

PROPOSED AMENDMENT TO NMC CHAPTER 14.14

14.14.100 Special Area Parking Requirements.

These special areas are defined as follows:

- A. Nye Beach. That area bounded by SW 2nd Street, NW 6th 12th Street, NW and SW High-Hurbert Street, and the Pacific Ocean.
- B. Bay Front. That area bounded by Yaquina Bay and the following streets: SE FogartyMoore Drive, SE 5th and SE 13th, SW 13th Street, SW Canyon Way, SW 10th, SW Alder, SW 12th, SW Fall, SW 13th, and SW Bay.
- C. City Center. That area bounded by SW Fall Street, SW 7th Street, SW Neff Street, SW Alder Street, SW 2nd Street, SW Nye Street, Olive Street, SE Benton Street, and SW 10th Street, SW Angle Street, SW 11th Street, SW Hurbert Street, and SW 10th Street.

Uses within a special area are not required to provide the parking required in this section. ~~However, in lieu of providing that parking, the use shall be required to pay into a parking fund in an amount established by resolution of the City Council. The City Council may amend the resolution from time to time. The fee charged shall be based on a reasonable estimate on the cost of providing one surface parking space plus a proportionate share of other requirements such as driveways, aisles, and landscaping.~~

- If if a parking district authorized by the City Council is formed in all or part of the special area, ~~the requirements for payment in lieu of providing parking may be waived upon adoption of a motion of the City Council.~~ In such circumstances, off-street parking shall be provided as specified by the parking district.