

CITY OF NEWPORT
ORDINANCE NO. 2062

An Ordinance Amending Ordinance No. 1922, as amended by
Ordinance No. 1931,
Relating to the 2007 Annexation
of 102.23 acres in South Beach

Summary of Findings:

1. On June 18, 2007 the Newport City Council adopted Ordinance No. 1922, an ordinance providing for the annexation and zoning of 102.23 acres of property in South Beach.
2. Annexed property included a site for the Oregon Coast Community College, which has since been developed, along with Phase 1 of the "Wilder" planned development, then owned by Emery Investments, Inc. and Landwaves, Inc., and a vacant industrial property owned by GVR Investments.
3. The Oregon Department of Transportation (ODOT) appealed the City of Newport's decision arguing that it did not comply with Oregon's Transportation Planning Rule (TPR), which is codified in Chapter 660, Division 12 of the Oregon Administrative Rules.
4. Affected parties entered into a Settlement Agreement to resolve the appeal, which required that certain improvements be made to the transportation system, including upgrades to the intersection of SE 40th Street and US 101. Further, the Agreement imposed a limitation ("trip cap") of 180 peak hour vehicle trips attributed to new development at this improved intersection.
5. On August 6, 2007 the Newport City Council adopted Ordinance No. 1931, amending Ordinance No. 1922 to incorporate operable provisions of the Settlement Agreement, including supplemental findings to establish that the 180 peak hour vehicle trip cap and associated improvements to the intersection of SE 40th Street and US 101 complied with the TPR.
6. Section 3(B) of Ordinance No 1922, as amended, stipulated that improvements to the SE 40th Street and US 101 intersection were to be constructed and operating, under an approach road permit from ODOT, prior to issuance of occupancy permits within the annexed territory. An approach permit was issued by ODOT and the City and State have accepted the street improvements; therefore, the conditions imposed by Section 3(B) of Ordinance No. 1922, as amended, have been satisfied and are no longer needed.

7. Section 3(C) of Ordinance No. 1922, as amended, prohibits the City from issuing building permits for land uses in the annexed territory that would generate more than 180 peak hour trips based upon a Saturday mid-day peak hour in August. While this limitation has not been exceeded to date, it has been replaced by recent changes to the City of Newport Transportation System Plan (Ordinance No. 2045); Lincoln County Transportation System Plan (Ordinance No. 470), and the State of Oregon Highway Plan. These changes put in place new, more flexible mobility targets for US 101; a plan and program for financing needed enhancements to the transportation system for the next 20-years; a trip budget program that allocates a total of 1,237 pm peak hour trips attributed to new development in the area within which the annexed territory is located; standards that outline when transportation improvements are required in conjunction with new development; and standards for when traffic impacts attributed to new development must be analyzed in detail. City Ordinance No. 2045, County Ordinance No. 470, and the amendment to the Oregon Highway Plan are supported by findings of compliance with the TPR.
8. Section 3(D) of Ordinance No. 1922, as amended, sets out parameters for when and how analysis is to be performed to establish compliance with the TPR in the event the annexed territory creates impacts in excess of 180 peak hour trips. As discussed above, in Finding No. 7, a new program has been adopted that no longer hinges upon the 180 peak hour trip threshold as the determining factor for when additional TPR analysis is required. The new program includes specific provisions that address when TPR compliance is required and how TPR compliance is to be achieved; therefore, the Section 3(D) trip limitation and associated procedures are no longer needed.
9. Consistent with Chapter 14.36.020.A of the Newport Municipal Code, the Newport City Council initiated the legislative process to carry out revisions contained within this Ordinance by motion at a meeting on December 16, 2013.
10. On January 14, 2014, the Newport Planning Commission held a public hearing to consider an amendment to Ordinance No. 1922, as amended, repealing Sections 3(B), 3(C), and 3(D), and voted to recommend adoption of the amendment.
11. On February 3, 2014, the Newport City Council held a public hearing regarding the question of the proposed amendment and voted in favor of its adoption after considering the recommendation of the Planning Commission and all 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 Hearings

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

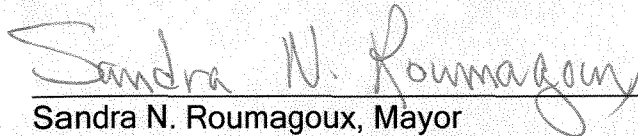
Section 1. The above findings, and those adopted in support of City of Newport Ordinance No. 2045, Lincoln County Ordinance No. 470 and the associated State Highway Plan Amendment are hereby adopted as support for this Ordinance.

Section 2. Sections 3(B), 3(C), and 3(D) of Ordinance No. 1922, as amended by Ordinance No. 1931, are hereby repealed.

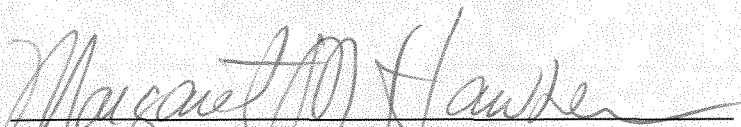
Section 3. This ordinance shall take effect 30 days after passage.

Adopted by the Newport City Council on February 3, 2014.


Signed by the Mayor on February 7, 2014.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

Approved:


City Attorney