



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, November 25, 2024 - 7:00 PM
Council Chambers, 169 SW Coast Hwy, Newport, Oregon 97365

All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Erik Glover, City Recorder at 541.574.0613, or e.glover@newportoregon.gov.

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to publiccomment@newportoregon.gov. Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. CALL TO ORDER AND ROLL CALL

Commission Members: Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Robert Bare.

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Work Session Meeting Minutes of October 28, 2024.

[Draft PC Work Session Minutes 10-28-2024](#)

[10-28-24 PC Work Session Meeting Video Link](#)

2.B Approval of the Planning Commission Regular Session Meeting Minutes of October 28, 2024.

[Draft PC Reg Session Minutes 10-28-2024](#)

[10-28-24 PC Regular Session Meeting Video Link](#)

3. CITIZENS/PUBLIC COMMENT

A Public Comment form is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after submitting a form. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

4. ACTION ITEMS

5. PUBLIC HEARINGS

5.A File #2-Z-24: Legislative Amendments Related to Implementation of the SB 1537 Limited Land Use Provisions (Rescheduled to December 9, 2024)

5.B File #3-CP-24/3-Z-24, Comprehensive Plan Map & Zoning Map Amendments Related to Redevelopment of the Central Lincoln PUD Administrative Office (243 NE 23rd & 2228 NW Nye)

[Staff Report](#)

[Attachment A - Application Form](#)

[Attachment B - Applicant Narrative](#)

[Attachment C - Zoning Map](#)

[Attachment D - Applicant's Site Plan](#)

[Attachment E - NMC 14.13.020 - Table A Dimensional Standards](#)

[Attachment F - NMC Chapter 14.18](#)

[Attachment G - NMC 14.03.050 - Residential Uses](#)

[Attachment H - NMC 14.03.070 Commercial Uses](#)

[Attachment I - OAR 660-012-0060](#)

[Attachment J - Notice of Public Hearing](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

**City of Newport
Draft Planning Commission Work Session Minutes
October 28, 2024**

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL, 169 SW COAST HIGHWAY, NEWPORT	
Time Start: 6:01 P.M.	Time End: 7:05 P.M.

ATTENDANCE LOG/ROLLCALL

COMMISSIONER/ ADVISORY MEMBER	STAFF
Chair Bill Branigan (by video)	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.
Commissioner Jim Hanselman	
Commissioner Gary East (absent, excused)	
Commissioner Braulio Escobar (absent)	
Commissioner John Updike	
Citizen Advisory Member Dustin Capri (absent)	
Citizen Advisory Member Greg Sutton (absent)	

AGENDA ITEM	ACTIONS
WORK SESSION MEETING	
CALL TO ORDER AND ROLL CALL a. Roll Call	None.
EVENT PLAN FOR CITY CENTER REVITALIZATION PLANNING PROJECT.	Mr. Tokos gave an overview of the event plan for the City Center Revitalization Project. He covered the dates of events; types of focus group meetings; online open house for the public who can't attend workshops; adding a blurb to utility e-bills reminders to notify the public of the project; postcard notice being mailed to all properties in Newport; advertising for the events; updates to the city website for the project; workshop format and setup; online open house; survey questions for the public; how the Philomath process for their couplet was done; business façade grants; commercial revitalization; needed housing considerations; giving more emphasis to 9th Street on the questionnaire; questioning how relevant the demographic questions were for the decisions for the project; concerns on displacement of businesses in the City Center; and focus group meetings that would be held for underrepresented groups.
UPDATE ON COMPREHENSIVE PLAN STREAMLINING PROJECT (BETH YOUNG).	Ms. Young gave her progress report on the Comprehensive Plan streamlining project. The Commission asked questions about the photos that were used in the chapter examples; goals, policies and implementation measures; and

	discussing how the updates to the Plan would look like on the web.
PLANNING COMMISSION WORK PROGRAM UPDATE.	None.

Submitted by: _____
 Sherri Marineau, Executive Assistant

DRAFT

10-28-2024 - Planning Commission Work Session Meeting Video Link:

https://thecityofnewport.granicus.com/player/clip/1352?view_id=2&redirect=true

City of Newport
Draft Planning Commission Regular Session Minutes
October 28, 2024

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL 169 SW COAST HIGHWAY NEWPORT	
Time Start: 7:06 P.M.	Time End: 7:13 P.M.

ATTENDANCE LOG/ROLLCALL

COMMISSIONER/ ADVISORY MEMBER	STAFF
Chair Bill Branigan	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.
Commissioner Jim Hanselman	
Commissioner Gary East (absent, excused)	
Commissioner Braulio Escobar (absent)	PUBLIC MEMBERS PRESENT
Commissioner John Updike	

AGENDA ITEM	ACTIONS
REGULAR MEETING	
CALL TO ORDER AND ROLL CALL	
a. Roll Call	None.
APPROVAL OF THE MINUTES	
a. Meeting minutes of Regular Session Meeting on October 14, 2024	Motion by Updike, seconded by Hanselman, to approve the regular session meeting minutes of October 14, 2024 with minor edits. Motion carried unanimously in a voice vote.
CITIZEN/PUBLIC COMMENT	None.
ACTION ITEMS	
File #3-NCU-24: Final Order and Findings of Fact for Nonconforming Use Permit to Install a New Cold Box System to More Effectively Convert Natural Gas to a Liquid at the NW Natural LNG Plant.	Motion was made by Branigan, seconded by Hanselman, to approve the Final Order and Findings of Fact for File #3-NCU-24 with conditions. Motion carried unanimously in a voice vote.
File #2-SUB-24: Final Order and Findings of Fact for 4-Lot Townhouse Subdivision on Nye Street.	Motion was made by Updike, seconded by Branigan, to approve the Final Order and Findings of Fact for File #2-SUB-24 with conditions. Motion carried unanimously in a voice vote.
File #1 & 2-PD-24 / 1-SUB-24 / 2-TIA-24: Wilder Remainder Phase (Planned	Motion was made by Hanselman, seconded by Updike, to approve the Final Order and Findings of Fact for File #1 &

Development, Final Development, Preliminary Subdivision Plat, and Traffic Impact Analysis).	2-PD-24 / 1-SUB-24 / 2-TIA-24 with conditions. Motion carried unanimously in a voice vote.
DIRECTORS COMMENTS	Tokos reported a candidate would be interviewed for the open Commission position.

Submitted by: _____

Sherri Marineau, Executive Assistant

DRAFT

10-28-2024 - Planning Commission Regular Session Meeting Video Link:

https://thecityofnewport.granicus.com/player/clip/1353?view_id=2&redirect=true

PLANNING STAFF REPORT

1. **APPLICANT:** Central Lincoln Peoples Utility District (Tyrell Hillebrand, representative).
2. **REQUEST:** Proposal to amend the Newport Comprehensive Plan Map from Low Density Residential to Commercial and the Newport Zoning Map from R-1/"Low Density Single-Family Residential" to C-1/"Retail and Service Commercial" in order to facilitate replacement of the office building.
3. **LOCATION:** 243 NW 23rd Street and 2228 NW Nye Street, identified as Tax Lots 00800 and 00801 respectively, on Tax Map 10-11-32-DC.
4. **LOT SIZE:** Approximately 0.29 acres.
5. **STAFF REPORT**

A. **REPORT OF FACTS**

- i. **Plan Designation:** Low Density Residential to Commercial.
- ii. **Zone Designation:** R-1/"Low Density Single-Family Residential" to C-1/"Retail and Service Commercial."
- iii. **Surrounding Land Uses:** A church and residential uses to the north, a mix of residential and commercial to the west and south, and commercial to the east.
- iv. **Topography and Vegetation:** The property is gradually sloped and landscaped.
- v. **Existing Structures:** Existing office building and telecommunication shed.
- vi. **Utilities:** Water, sewer, and storm drainage infrastructure are in place to serve the property (US 101 and NW Edenvue).
- vii. **Development Constraints:** None known.
- viii. **Past Land Use Actions:** None known.
- ix. **Notice:** Public notice of the application and public hearing was mailed to surrounding property owners within 300 feet of the subject property and public entities and agencies on October 28, 2024. Notice of the public hearing was also published in the Lincoln County Leader on November 13, 2024 (Attachment "J"). The required 35-day notice of the first public hearing was also provided to the Department of Land Conservation and Development.
- x. **Planning Staff Report Attachments:**
 Attachment "A" – Application Form
 Attachment "B" – Application Narrative
 Attachment "C" – Zoning Map

Attachment "D" – Applicant's Site Plan

Attachment "E" – Zoning Ordinance "Table A" Standards

Attachment "F" – NMC Chapter 14.18, Screening and Buffering Standards

Attachment "G" – Permitted Use List for Residential Zone Districts

Attachment "H" – Permitted Use List for Commercial Zone Districts

Attachment "I" – OAR 660-012-0060

Attachment "J" – Notice of Public Hearing

- B. **Explanation of the Request:** The applicant, Central Lincoln People's Utility District, is planning to replace their existing headquarters building at 2129 North Coast Highway with a new, seismically resilient facility. That property is zoned C-1/ "Retail and Service Commercial." The applicant owns two residential lots west of, and adjacent to the property containing the headquarters building. Both lots are vacant.

The applicant has submitted this application to amend the Newport Comprehensive Plan Map and Zoning Map to place the two lots into the same commercial zoning as the rest of the property. This will give them greater flexibility in terms of siting the new building or to use the space for staging when they muster resources to respond to outage events.

C. **Evaluation of the Request:**

- i. **Comments:** No comments were received in response to the public notice.
- ii. **Applicable Criteria:** Minor amendments to the Newport Comprehensive Plan (ref: pg. 419) must address the following criteria (1) A change in one or more goal or policy; and (2) a demonstrated need to accommodate unpredicted population trends, housing needs, employment needs or changes in community attitudes; and (3) the orderly and economic provision of key public facilities; and (4) the ability to serve the subject property(s) with city services without an undue burden on the general population; and (5) the compatibility of the proposed change with the surrounding neighborhood and the community.

Revisions to the Newport Zoning Map must satisfy the provisions of NMC 14.36.010, which requires that the change furthers a public necessity and promotes the general welfare of the community.

OAR 660-012-0060 requires that a determination be made as to whether or not a significant effect on the transportation system would result from a proposed amendment to the Newport Comprehensive Plan or to a land use regulation.

iii. **Compliance with Newport Comprehensive Plan Map Amendment Criteria:**

This application seeks to amend the Newport Comprehensive Plan Map from "Low Density Residential" to "Commercial" with respect to the two residential lots at issue. Those lots, totaling 0.29 acres in size, represent a relatively small amount of land with limited capacity for residential development under the existing R-1/"Low

Density Single-Family Residential” zoning (Attachment "G"). With the City’s 2022 Housing Capacity Analysis identifying 1,444 acres of unconstrained, residential buildable land in Newport, it is appropriate to view this request as a minor amendment given its limited impact on the City’s residential land base.

The applicant asserts that the change is needed to ensure the orderly and economic provision of key public facilities, which is one of the criteria that can justify a minor amendment. This is reasonable, considering that Central Lincoln People’s Utility District is the sole provider of electricity services in our area. Being able to fully utilize their land ownership gives Central Lincoln the leeway to site and construct a new headquarter building in conformance with current seismic requirements and will provide them additional space for staging resources to respond to outages. Collectively, this will allow Central Lincoln to ensure the orderly and economic provision of this key public service.

Compatibility of the proposed change with the surrounding neighborhood and the community is also a consideration. As noted in NMC Chapter 14.18, a ten foot wide planted and maintained landscape screen is required on any portion of a non-residential zone that abuts a residential zone (Attachment "F"). The applicant understands that they will be required to satisfy this requirement, and they have prepared a site plan illustrating how compliance can be achieved (Attachment "D"). The applicant recognizes that NW 23rd Street is an underdeveloped residential street and they do not intend to utilize that street for vehicle traffic. NW Edenvue Drive and US 101 will serve as the points of access to and from the new headquarters building.

The other minor amendment criteria are not relevant to this request. That is, there has not been a change in one or more goal or policy that would necessitate this amendment; it is not needed to accommodate unpredicted population trends, housing needs, employment needs or changes in community attitudes; and the amendment has no bearing on the ability of the City to provide services to the subject property(s).

Considering the above, it is reasonable for the Planning Commission to conclude that sufficient information has been provided to justify the proposed Comprehensive Plan Map minor amendment.

iv. **Compliance with NMC 14.36.010, Revisions to Newport Zoning Map:**

This application seeks to rezone 0.29 acres of land from an R-1/"Low Density Single-Family Residential" zone district to a C-1/"Retail and Service Commercial" zone district. Central Lincoln’s existing headquarters office is located on property designated C-1, and office uses are allowed outright in that zone (Attachment "H").

In their narrative (Attachment "B"), the applicant notes that Central Lincoln People’s Utility District is a consumer-owned utility. It is a not-for-profit government entity that exists to provide electricity as an essential service to residents along the central Oregon coast.

They point out that Oregon people's utility districts (PUDs) are formed by a vote of the people who live within the district, and are directed, managed, and operated locally. PUDs are granted authority by the Oregon Constitution, Article XI, Section 12, and further defined by Oregon Revised Statute (ORS) Chapter 261.

Central Lincoln's headquarters facility, located at 2129 N. Coast Hwy, houses administrative, engineering, operational and IT functions critical to managing and operating the electric grid that powers coastal communities from Lincoln Beach to North Bend. The headquarters facility also includes a communication tower, which hosts AT&T infrastructure and is a critical part of the local cellular coverage and FirstNet prioritized calling for emergency responders.

The applicant indicates that a designation of C-1 for Central Lincoln's two residential lots, located at 228 NW Nye Street and 2443 NW 23rd Street, would allow the utility to fully prepare for a major earthquake and extreme weather events, as well as provide new services for customers and secure critical infrastructure — all of which promote the general welfare.

Further the applicant points out that Central Lincoln wishes to construct a headquarters building that meets essential facility seismic standards, and is sited on the property based on geotechnical data that has identified the most seismically resilient area of the property. The intent is to construct a building that would remain operational after an earthquake, allowing the utility to work on restoring customer power as soon after the event as possible. The utility recognizes that residents and communities cannot begin to fully recover until power is restored. Changing the designation to C-1 would further community resiliency and prepare the region for a Cascadia type event.

During extreme weather-related outages, there is increased activity at the headquarters building and the existing parking lot is frequented by the utility's larger vehicles. This activity may take place at all hours of the day during major outages. Changing the zoning designation to C-1 would allow for alternate internal travel paths, as well as the opportunity for temporary staging areas for those outages that require a larger response. Customers, and communities in general, would benefit from these efficiencies and experience shorter restoration times.

A designation to C-I would allow for a larger usable footprint and provide an opportunity for enhanced customer services such a drive-through service window. A drive-through would allow the utility to continue to serve customers who have mobility issues, as well as during times when the community is being asked to minimize close contact for public health reasons.

Lastly, the applicant notes that utility infrastructure is increasingly targeted by domestic and foreign actors. Central Lincoln takes these physical and cyber security threats seriously and is constantly working to mitigate potential threats. The change to C-1 would allow for a wider perimeter around structures, which would be helpful in addressing security requirements for critical infrastructure. More than ever before, residents and community services depend on electronic devices that require

power. They expect the utility to make every effort to mitigate for threats and provide power at all times.

Considering the above, it is reasonable for the Planning Commission to conclude that the requested zoning map change furthers a public necessity and promotes the general welfare of the community.

v. **Compliance with OAR 660-012-0060, Transportation Planning Rule:**

OAR 660-012-0060 requires that a determination be made as to whether or not a significant effect on the transportation system would result from a proposed amendment to the Newport Comprehensive Plan or to a land use regulation. This includes zoning map amendments.

The applicant has indicated that the new headquarters building will be no larger, and is likely to be smaller, than the existing facility. They point out that Central Lincoln is not currently using all of the space in the existing headquarter building, and that a smaller building, properly tailored to their needs, can be more cost effectively designed to meet seismic requirements (i.e. less mass, weight, etc.). The site currently utilizes driveway accesses off of US 101 and NW Edenvue, and that will not change as a result of this application. Improvements may be needed at the headquarters US 101 access to improve safety, and it is expected that the new facility will use NW Edenvue as a primary access. Since that street lacks pedestrian facilities, it is likely that the applicant will need to add sidewalk along their NW Edenvue frontage between the driveway and US 101. The details of required improvements of this nature fall under NMC Chapter 14.44, and would be determined once the applicant submits plans for the new facility.

This analysis is intended to be more macro scale, with a plan or land use regulation amendment significantly affecting a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility;
- (b) Change standards implementing a functional classification system; or
- (c) Result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; degrades the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or; degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

NW Edenvue is classified as a neighborhood collector, that serves commercial and residential uses and US 101 is classified as an arterial, serving principally commercial uses. This zone change will increase the commercially zoned acreage from 2.68 to 2.97, a little more than a 10% increase in size. Such a small increase in commercial acreage will not require that the functional classification of either of

these roads be changed, nor will it impact standards implementing the functional classification system.

The applicant will be replacing its existing headquarter facility with a new one that is similar or smaller in size. While the types and level of travel may change slightly, and shift a bit from US 101 to NW Edenvue, these changes will not be so significant that they would be inconsistent with the functional classification of either of these streets. Additionally, transportation impacts from heavy trucks, passenger vehicles, cyclists, pedestrians and transit is likely to be close enough to what is occurring presently, that it will not degrade the performance of these streets.

Compliance with this standards would be problematic if the applicant were proposing to use NW 23rd, an underdeveloped local residential street, as a means of access; however, that is not the case.

Considering the above, it is reasonable for the Planning Commission to conclude that the map changes will not significantly affect transportation facilities.


- D. Conclusion: If the Planning Commission finds that the applicant meets the criteria for amending the Newport Comprehensive Plan Map and Newport Zoning Map then the Commission should forward a favorable recommendation to the City Council. The Commission may suggest reasonable conditions of approval, which it believes are necessary to satisfy the approval criteria. Conditions of approval must relate to the proposal and applicable criteria (i.e. there is a rational nexus) and need to be roughly proportional to the impact created by the development in order to be constitutionally permissible as conditions of approval. The burden on demonstrating that conditions of approval have both a rational nexus and are roughly proportional is on the government, not the applicant. If, on the other hand, the Commission finds that the request does not comply with the criteria and cannot be made to comply through reasonable conditions of approval, then it should recommend the City Council deny the request.

6. STAFF RECOMMENDATION: On balance, the applicant has demonstrated that the approval criteria have, or can be, satisfied. Staff recommends the Planning Commission take public testimony and ask questions of the public, staff and applicant. Once this has occurred, the Commission can close the hearing to new testimony, deliberate, and provide a recommendation to the City Council. An ordinance with the requisite findings will be prepared for the City Council hearing, which would occur no earlier than January 6, 2025. Such ordinance would be based upon the information contained in this staff report as informed by the recommendation provided by the Planning Commission.



Derrick I. Tokos, AICP
Community Development Director
City of Newport

November 19, 2024

 <h2 style="margin: 0;">City of Newport Land Use Application</h2>	
Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Central Lincoln PUD	
Applicant Mailing Address:	Property Owner Mailing Address:
2129 North Coast Highway	
Applicant Phone No.	Property Owner Phone No.
541-574-2054	
Applicant Email	Property Owner Email
gmalcolm@cencoast.com	
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Tyrell Hillebrand, General Manager	
Authorized Representative Mailing Address:	
2129 North Coast Highway	
Authorized Representative Telephone No.	
541-574-2048	
Authorized Representative Email. thillebrand@cencoast.com	
Project Information	
Property Location: <i>Street name if address # not assigned</i>	
243 NE 23rd Street and 2228 NW Nye Street	
Tax Assessor's Map No.: 10-11-32-DC	Tax Lot(s): 00800-00 and 00801
Zone Designation: R-1	Legal Description: <i>Add additional sheets if necessary</i>
Comp. Plan Designation: Low Density Residential	
Brief description of Land Use Request(s):	
<i>Examples:</i> 1. Move north property line 5 feet south 2. Variance of 2 feet from the required 15-foot front yard setback <div style="text-align: right; margin-top: 10px;">Change zoning from R-1 to C-1.</div>	
Existing Structures: if any	
None	
Topography and Vegetation:	
Sloping site, with some trees and grass	
Application Type (please check all that apply)	
<input type="checkbox"/> Annexation <input type="checkbox"/> Appeal <input checked="" type="checkbox"/> Comp Plan/Map Amendment <input type="checkbox"/> Conditional Use Permit <div style="margin-left: 20px;"> <input type="checkbox"/> PC <input type="checkbox"/> Staff </div> <input type="checkbox"/> Design Review <input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Interpretation <input type="checkbox"/> Minor Replat <input type="checkbox"/> Partition <input type="checkbox"/> Planned Development <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Shoreland Impact <input type="checkbox"/> Subdivision <input type="checkbox"/> Temporary Use Permit
<input type="checkbox"/> UGB Amendment <input type="checkbox"/> Vacation <input type="checkbox"/> Variance/Adjustment <div style="margin-left: 20px;"> <input type="checkbox"/> PC <input type="checkbox"/> Staff </div> <input type="checkbox"/> Zone Ord/Map <input type="checkbox"/> Amendment <input type="checkbox"/> Other	
FOR OFFICE USE ONLY	
File No. Assigned: 3-CP-24/3-Z-24	
Date Received: 10/1/2024	Fee Amount: \$3188
Date Accepted as Complete:	
Received By: gm	Receipt No. 8388, 8389, 8391
City Hall 169, SW Coast Hwy Newport, OR 97365 541.574.0629	
1025-24-000054-PLNG	



City of Newport Land Use Application

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development and Planning Department Staff Report concerning the applicable criteria.

I certify that, to the best of my knowledge, all information provided in this application is accurate.

Gail Malcolm

Digitally signed by Gail Malcolm
DN: cn=Gail Malcolm, o=CLPUD, ou=Admin,
email=gmalcolm@cencocast.com, c=US
Date: 2024.09.20 12:02:22 -07'00'

Applicant Signature(s)

Date

Property Owner Signature(s) (if other than applicant)

Date

[Handwritten Signature] General Manager

9-21-2024

Authorized representative Signature(s) (if other than applicant)

Date

Please note application will not be accepted without all applicable signatures.

Please ask staff for a list of application submittal requirements for your specific type of request.

As a Minor Amendment to the Comprehensive Plan Text/Map

The applicable findings of fact include:

- a. There is no change to the goals or policies.
- b. Not applicable.
- c. The orderly and economic provision of key public facilities.
 - a. **As the only electric utility serving the city of Newport, the change of these two lots from R-1 to C-1 is meant to allow fuller use of the total Administrative Building site for Central Lincoln PUD. In particular, the utility needs to be able to have the full use of the site in response to outage events where additional staging is required for functionality.**
- d. Not applicable.
- e. Compatibility of the proposed change with surrounding neighborhood and community.
 - a. **As per discussions with Newport Development Director Derrick Tokos, the utility plans to provide a 10 foot wide landscape buffer for the length of the two properties that abut the adjacent residential zone. Please refer to the attached site plan with buffer zone shown marked up.**

ZONING ORDINANCE MAP AMENDMENT

Written explanation of the requested change.

The change requested is for designating the two lots located at 2228 NW Nye Street and 243 NW 23rd Street as C-1 rather than their current residential zoning.

Written findings of fact addressing:

b. The change promotes the general welfare.

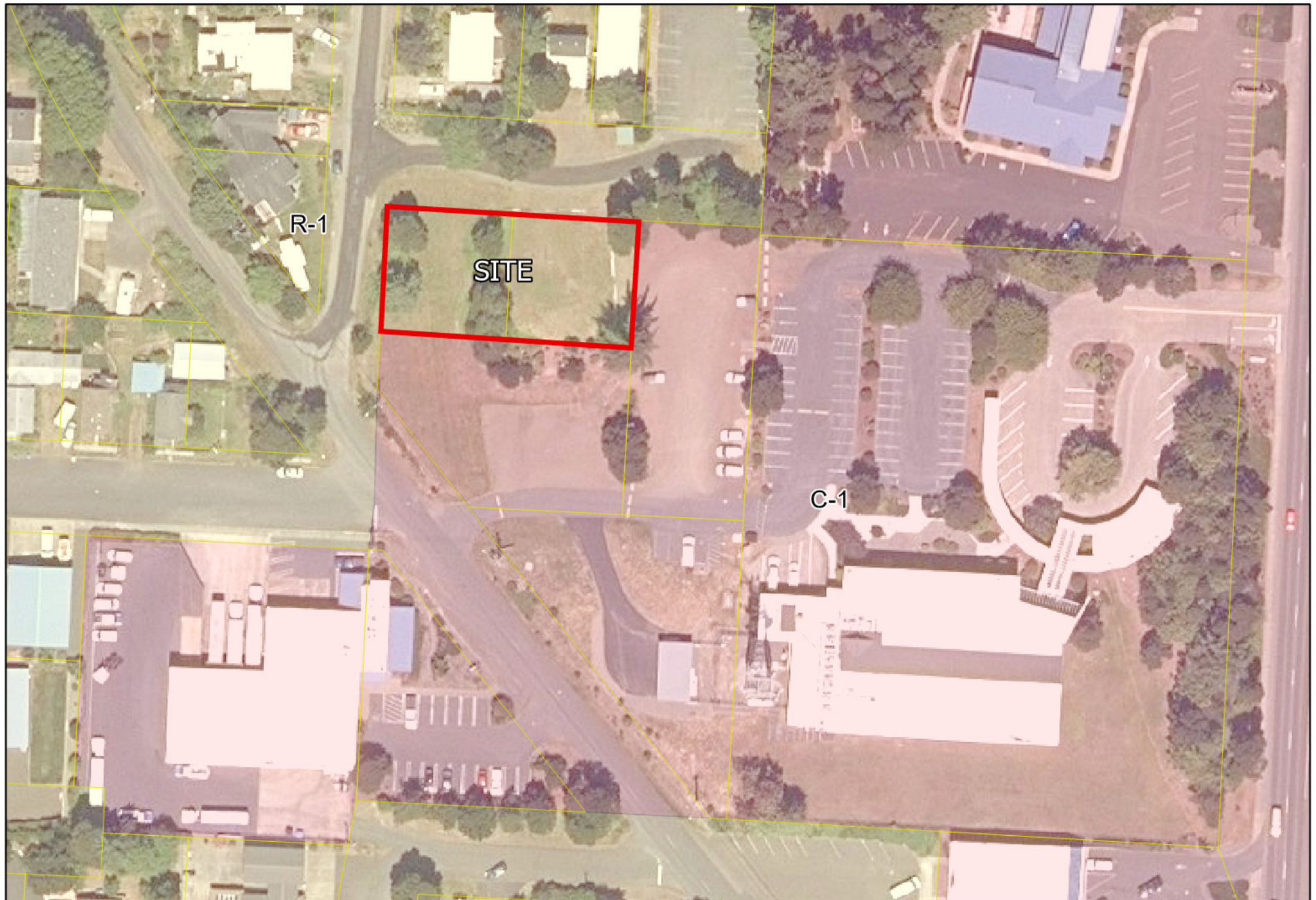
Central Lincoln People's Utility District is a consumer-owned utility. It is a not-for-profit government entity that exists to provide electricity as an essential service to residents along the central Oregon coast. Oregon people's utility districts (PUDs) are formed by a vote of the people who live within the district, and are directed, managed, and operated locally. PUDs are granted authority by the Oregon Constitution, Article XI, Section 12, and further defined by Oregon Revised Statute (ORS) 261.

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A designation of C-1 for Central Lincoln's two residential lots, located at 228 NW Nye Street and 2443 NW 23rd Street, would allow the utility to fully prepare for a major earthquake and extreme weather events, as well as provide new services for customers and secure critical infrastructure – all of which promote the general welfare. Specifically,

- Central Lincoln wishes to construct a headquarters building that meets essential facility seismic standards, and is sited on the property based on geotechnical data that has identified the most seismically resilient area of the property. The intent is to construct a building that would remain operational after an earthquake, allowing the utility to work on restoring customer power as soon after the event as possible. The utility recognizes that residents and communities cannot begin to fully recover until power is restored. Changing the designation to C-1 would further community resiliency and prepare the region for a Cascadia type event.
- During extreme weather-related outages, there is increased activity at the headquarters building and the existing parking lot is frequented by the utility's larger vehicles. This activity may take place at all hours of the day during major outages. Changing the designation to C-1 would allow for alternate internal travel paths, as well as the opportunity for temporary staging areas for those outages that require a larger response. Customers, and communities in general, would benefit from these efficiencies and experience shorter restoration times.
- A designation to C-1 would allow for a larger usable footprint and provide an opportunity for enhanced customer services such a drive-through service window. A drive-through would allow the utility to continue to serve customers who have mobility issues, as well as during times when the community is being asked to minimize close contact for public health reasons.

- Utility infrastructure is increasingly targeted by domestic and foreign actors. Central Lincoln takes these physical and cyber security threats seriously and is constantly working to mitigate potential threats. The change to C-1 would allow for a wider perimeter around structures, which would be helpful in addressing security requirements for critical infrastructure. More than ever before, residents and community services depend on electronic devices that require power. They expect the utility to make every effort to mitigate for threats and provide power at all times.



City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365
Phone: 1.541.574.0629
Fax: 1.541.574.0644

243 NW 23rd & 2228 NW Nye Street
Zoning Map

0 40 80 160 Feet



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civil • transportation
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SURVEYING

310 5th Street
Springfield, OR 97477
P: 541.463.0551
F: 541.463.0552
www.branch-engineering.com
DANIEL@branch-engineering.com
DANIEL@branch-engineering.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
MAJOR PLAT
DANIEL ADAM NELSON
846322PLS
EXPRES: December 31, 2020

BENCHMARK

LOCATIONS OF UNDERGROUND UTILITIES SHOWN ARE BASED ON A COMBINATION OF VISIBLE FACILITIES LOCATED ABOVE GROUND AND UTILITY LOCATE MARKS. NO CERTIFICATION IS MADE TO ACTUAL LOCATION OF UNDERGROUND UTILITIES.

NOTES

1. LOCATIONS OF UNDERGROUND UTILITIES SHOWN ARE BASED ON A COMBINATION OF VISIBLE FACILITIES LOCATED ABOVE GROUND AND UTILITY LOCATE MARKS. NO CERTIFICATION IS MADE TO ACTUAL LOCATION OF UNDERGROUND UTILITIES.
2. ALL DIMENSIONS SHOWN ARE IN FEET.
3. BEARINGS BASED ON OREGON COORDINATE REFERENCE SYSTEM - OREGON COAST PROJECTION 2011.



CHAPTER 14.13 DENSITY LIMITATIONS

14.13.010 Density Limitations

A residential building structure or portion thereof hereafter erected shall not exceed the maximum living unit density listed in Table A, as hereinafter set forth, for the zone indicated, except in the case of a lot having less than is required and of record prior to December 5, 1966, which may be occupied by a single-family dwelling unit, providing other requirements of this ordinance are complied with, except to the extent that a higher density may specifically be allowed by any term or provision of this Ordinance.

(BY THIS REFERENCE, THERE IS INCLUDED HEREIN AND MADE A PART HEREOF, A TABLE OF DENSITY AND OTHER REQUIREMENTS, DESIGNATED "TABLE A".)

NMC 14.13.020

Table "A"

Zone District	Min. Lot Area (sf)	Min. Width	Required Setbacks ^{3, 7}			Lot Coverage (%)	Max. Building Height	Density (Land Area Required Per Unit (sf))
			Front/2 nd Front ¹	Side	Rear			
R-1	7,500 sf	65-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft & 8-ft	15-ft	54 %	30-ft	SFD - 7,500 sf ² Duplex - 3,750 sf ²
R-2	5,000 sf ³	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	57%	30-ft	SFD – 5,000 sf ² Duplex - 2,500 sf ² Townhouse - 2,500 sf ³
R-3	5,000 sf ³	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	60%	35-ft	1,250 sf ³
R-4 ⁴	5,000 sf ³	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	64%	35-ft	1,250 sf ^{3, 5}
C-1	5,000 sf	0	0 or 15-ft from US 101 ⁸	0	0	85-90% ⁶	50-ft ⁶	n/a

C-2 ⁴	5,000 sf	0	0 or 15-ft from US 101 ⁸	0	0	85- 90% ⁶	50-ft ⁶	n/a
C-3	5,000 sf	0	0 or 15-ft from US 101 ⁸	0	0	85- 90% ⁶	50-ft ⁶	n/a
I-1	5,000 sf	0	15-ft from US 101	0	0	85- 90% ⁶	50-ft ⁶	n/a
I-2	20,000 sf	0	15-ft from US 101	0	0	85- 90% ⁶	50-ft ⁶	n/a
I-3	5 acres	0	15-ft from US 101	0	0	85- 90% ⁶	50-ft ⁶	n/a
W-1	0	0	0	0	0	85- 90% ⁶	40-ft ⁶	n/a
W-2	0	0	0	0	0	85- 90% ⁶	35-ft ⁶	n/a
MU-1 to MU-10 Mgmt. Units	0	0	0	0	0	100%	40-ft ⁶	n/a
P-1	0	0	0	0	0	100%	50-ft	n/a
P-2	0	0	0	0	0	100%	35-ft	n/a
P-3	0	0	0	0	0	100%	30-ft	n/a

¹ Front and second front yards shall equal a combined total of 30-feet. Garages and carports shall be setback at least 20-feet from the access street for all residential structures.

² Density limitations apply where there is construction of more than one single-family dwelling (SFD) or duplex on a lot or parcel.

³ Density limitations for townhouses and cottage clusters is the minimum area required per townhouse or cottage cluster unit; whereas, minimum lot area, minimum lot width, and setbacks, apply to the perimeter of the lot, parcel, or tract dedicated to the townhouse or cottage cluster project.

⁴ Special Zoning Standards apply to R-4 and C-2 zoned property within the Historic Nye Beach design Review District as outlined in NMC 14.30.100.

⁵ Density of hotels, motels, and non-residential units shall be one unit for every 750 sf of land area.

⁶ Height limitations, setbacks, and lot coverage requirements for property adjacent to residential zones are subject to the height and yard buffer requirements of NMC Section 14.18.

⁷ Front and 2nd front setbacks for a townhouse project or cottage cluster project shall be 10-feet except that garages and carports shall be setback a distance of 20-feet.

⁸ The 15-foot setback from US 101 applies only to land situated south of the Yaquina Bay Bridge.

CHAPTER 14.18 SCREENING AND BUFFERING BETWEEN RESIDENTIAL AND NONRESIDENTIAL ZONES

14.18.010 Height Buffer

Non-residential sites of districts abutting or having any portion located adjacent to any residential zone shall have a height limitation beginning at a height of ten feet at the property line abutting the residential zone and increasing at a slope of 1:2 for R-1 property, 1:1 for R-2 property, 2:1 for R-3 property, and 3:1 for R-4 property until intersecting the height limit otherwise established in that district.

14.18.020 Adjacent Yard Buffer

On any portion of a site in a non-residential zone that abuts a residential zone, a minimum interior yard of 10 feet planted and maintained as a landscaped screen shall be required.

14.18.030 Separated Yard Buffer

On any portion of a non-residential site that is opposite from a residential district and separated therefrom by a street, alley, creek, drainage facility, or other open area, a minimum yard of ten feet shall be required. The minimum yard shall be planted and maintained as a landscape screen (excluding areas required for access to the site).

In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality.

14.03.050 Residential Uses.

The following list sets forth the uses allowed within the residential land use classification. Uses not identified herein are not allowed. Short-term rentals are permitted uses in the City of Newport's R-1, R-2, R-3 and R-4 zone districts subject to requirements of [Section 14.25](#).

"P" = Permitted uses.

"C" = Conditional uses; permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

A.	Residential	R-1	R-2	R-3	R-4
	1. Single-Family	P	P	P	P
	2. Two-family	P	P	P	P
	3. Townhouse	X	P	P	P
	4. Single Room Occupancy ⁴	P	P	P	P
	5. Cottage Cluster	X	X	P	P
	6. Multi-family	X	X	P	P
	7. Manufactured Homes ¹	P	P	P	P
	8. Manufactured Dwelling Park	X	P	P	P
B.	Accessory Dwelling Units	P	P	P	P
	(B. was added on the adoption of Ordinance No 2055 on June 17, 2013; and subsequent sections relettered accordingly. Effective July 17, 2013.)				
C.	Accessory Uses	P	P	P	P
D.	Home Occupations	P	P	P	P
E.	Community Services				
	1. Parks	P	P	P	P
	2. Publicly Owned Recreation Facilities	C	C	C	C
	3. Libraries	C	C	C	C
	4. Utility Substations	C	C	C	C
	5. Public or Private Schools	C	C	C	P
	6. Family Child Care Home	P	P	P	P
	7. Child Care Center	C	C	C	C
	8. Religious Institutions/Places of Worship	C	C	C	C
	9. Emergency Shelter ⁵	P	P	P	P
F.	Residential Care Homes	P	P	P	P
G.	Nursing Homes	X	X	C	P
H.	Motels and Hotels ³ .	X	X	X	C

I.	Professional Offices	X	X	X	C
J.	Rooming and Boarding Houses	X	X	C	P
K.	Beauty and Barber Shops	X	X	X	C
L.	Colleges and Universities	C	C	C	C
M.	Hospitals	X	X	X	P
N.	Membership Organizations	X	X	X	p
O.	Museums	X	X	X	P
P.	Condominiums ²	X	P	P	P
Q.	Hostels	X	X	X	C
R.	Golf Courses	C	C	C	X
S.	Recreational Vehicle Parks	X	X	X	C
T.	Necessary Public Utilities and Public Service Uses or Structures	C	C	C	C
U.	Residential Facility*	X	X	P	P
V.	Movies Theaters**	X	X	X	C
W.	Assisted Living Facilities***	X	C	P	P
X.	Bicycle Shop****	X	X	X	C
Y.	Short-Term Rentals (subject to requirements of Chapter 14.25)	P	P	P	P
Z.	Transportation Facilities	P	P	P	P

¹ Manufactured homes may be located on lots, parcels or tracts outside of a manufactured dwelling park subject to the provisions listed in NMC 14.06.020.

² Condominiums are a form of ownership allowed in all zones within dwelling types otherwise permitted pursuant to subsection (A).

³ Hotels/motels units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone.

⁴ A building with four to six units on a lot or parcel in an R-1 or R-2 zone district, or a combination of buildings of at least four units each subject to the density limitations of an R-3 or R-4 zone district.

⁵ Subject to a public hearing before the Newport City Council to establish compliance with the requirements of ORS 197.782.

(14.03.050 amended by the adoption of Ordinance No. 2194 on May 16, 2022; effective June 15, 2022.)

(Section 14.03.050 was amended by Ordinance No. 2182 adopted on May 17, 2021; effective June 16, 2021.)

(Section 14.03.050 was amended by Ordinance No. 2144, adopted on May 6, 2019; effective May 7, 2019.)

(Chapter 14.03.050 amended by Ordinance No. 2216, adopted on January 2, 2024, effective February 2, 2024.)

- iii. Radio Frequency Transmission Facilities that are public safety facilities and small wireless facilities are classified as Basic Utilities. Small wireless facilities shall be subject to design standards as adopted by resolution of the City Council.

(Section 14.03.060(E)(8)(c)(iii) was amended by Ordinance No. 2180, adopted on April 5, 2021; effective May 5, 2021.)

9. Transportation Facilities

- a. Characteristics. Includes facilities designed to convey, or facilitate the conveyance of, people or goods from one location to another.
- b. Examples. Examples include streets, pedestrian pathways, bicycle facilities, shared use paths, trails, transit stops and rail lines.

(Section amended by the adoption of Ordinance No. 2199 on August 15, 2022; effective September 14, 2022.)

14.03.070 Commercial and Industrial Uses.

The following list sets forth the uses allowed within the commercial and industrial land use categories.

“P” = Permitted uses.

“C” = Conditional uses; allowed only after the issuance of a conditional use permit.

“X” = Not allowed.

		C-1	C-2 ¹	C-3	I-1	I-2	I-3
1.	Office	P	X	P	P	P	X
2.	Retails Sales and Service						
	a. Sales-oriented, general retail	P	P	P	P	P	C
	b. Sales-oriented, bulk retail	C	X	P	P	P	C
	c. Personal Services	P	C	P	P	C	X
	d. Entertainment	P	P ²	P	P	C	X
	e. Repair-oriented	P	X	P	P	P	X
3.	Major Event Entertainment	C	C	P	P	C	X
4.	Vehicle Repair	C	X	P	P	P	X
5.	Self-Service Storage ⁶	X	X	P	P	P	X
6.	Parking Facility	P	P	P	P	P	P

7.	Contractors and Industrial Service ⁶	X	X	P	P	P	P
8.	Manufacturing and Production						
	a. Custom Creative Work ⁸	P	P	P	P	C	C
	b. Light Manufacturing	X	X	C	P	P	P
	c. Heavy Manufacturing	X	X	X	X	C	P
9.	Warehouse, Freight Movement, & Distribution	X	X	P	P	P	P
10.	Wholesale Sales	X	X	P	P	P	P
11.	Waste and Recycling Related	C	C	C	C	C	C
12.	Basic Utilities ³	P	P	P	P	P	P
13.	Utility Corridors	C	C	C	C	C	C
14.	Community Service ⁷	P	C	P	P	C	X
15.	Family Child Care Home	P	P	P	X	X	X
16.	Child Care Center	P	P	P	P	P	X
17.	Educational Institutions						
	a. Elementary & Secondary Schools	C	C	C	X	X	X
	b. College & Universities	P	X	P	X	X	X
	c. Trade/Vocational Schools/Other	P	X	P	P	P	P
18.	Hospitals	C	C	C	X	X	X
19.	Courts, Jails, and Detention Facilities	X	X	P	C	X	X
20.	Mining						
	a. Sand & Gravel	X	X	X	X	C	P
	b. Crushed Rock	X	X	X	X	X	P
	c. Non-Metallic Minerals	X	X	X	X	C	P
	d. All Others	X	X	X	X	X	X
21.	Communication Facilities ⁴	P	X	P	P	P	P
22.	Residences on Floors Other than Street Grade	P	P	P	X	X	X
23.	Affordable Housing ⁵	P	P	P	P	X	X
24.	Transportation Facilities	P	P	P	P	P	P

1. Any new or expanded outright permitted commercial use in the C-2 zone district that exceeds 2,000 square feet of gross floor area. New or expanded uses in excess of 2,000 square feet of gross floor area may be permitted in accordance with the provisions of Chapter 14.34, Conditional Uses. Residential uses within the C-2 zone are subject to special zoning standards as set forth in Section 14.30.100.

2. Recreational Vehicle Parks are prohibited on C-2 zoned property within the Historic Nye Beach Design Review District.

3. Small wireless facilities shall be subject to design standards as adopted by City Council resolution.
4. Communication facilities located on historic buildings or sites, as defined in Section 14.23, shall be subject to conditional use review for compliance with criteria outlined in Sections 14.23 and 14.34.
5. Permitted as outlined in Chapter 14.15 or, in the case of hotels/motels, the units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone defined in NMC Chapter 14.50.
6. Self-service storage use; salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; and auto and truck salvage and wrecking are prohibited within the South Beach Transportation Overlay Zone, as defined in Section 14.43.020.
- 7 For emergency shelters subject to ORS 197.782, city staff shall determine if standards listed under ORS 197.782 have been satisfied when the shelter is located in a zone where community service uses are listed as permitted. In those zones where community service uses are listed as conditional, a public hearing shall be held by the Newport City Council to establish compliance with statutory requirements.
8. Use limited to a maximum of 2,000 square feet of gross floor area

(Citation amended by the adoption of Ordinance No. 2199 on August 15, 2022; effective September 14, 2022.)

(14.03.070 amended by the adoption of Ordinance No. 2194 on May 16, 2022; effective June 15, 2022.)

(Section 14.03.070 was amended by Ordinance No. 2180, adopted on April 5, 2021; effective May 5, 2021.)

(Section 14.03.070 amended by the adoption of Ordinance No. 2196 on November 7, 2022; effective December 6, 2022.)

Chapter 14.03.070 amended by Ordinance No. 2216, adopted on January 2, 2024, effective February 2, 2024.)

(Chapter 14.03.060 and 14.03.070 amended by Ordinance No. 2220, adopted on February 20 2024, effective March 20, 2024.)

Land Conservation and Development Department

Chapter 660

Division 12 TRANSPORTATION PLANNING

660-012-0060 **Plan and Land Use Regulation Amendments**

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the performance standards of the facility measured or projected at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in subsections (a) through (e) below, unless the amendment meets the balancing test in subsection (e) or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses consistent with the requirements of this division. Such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

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- (c) Amending the TSP to modify the performance standards of the transportation facility.
- (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.
- (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:
 - (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;
 - (B) The providers of facilities being improved at other locations provide written statements of approval; and
 - (C) The local jurisdictions where facilities are being improved provide written statements of approval.
- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without ensuring that the allowed land uses are consistent with the performance standards of the facility where:
 - (a) In the absence of the amendment, planned transportation facilities, improvements, and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the performance standard for that facility by the end of the planning period identified in the adopted TSP;
 - (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;
 - (c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and
 - (d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.
- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
 - (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
 - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements, and services:
 - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
 - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements, or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
 - (C) Transportation facilities, improvements, or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
 - (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement, or service is reasonably likely to be provided by the end of the planning period.

- (c) Within interstate interchange areas, the improvements included in paragraphs (b)(A)–(C) are considered planned facilities, improvements, and services, except where:
- (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
- (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
- (d) As used in this section and section (3):
- (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
- (B) Interstate highway means Interstates 5, 82, 84, 105, 205, and 405; and
- (C) Interstate interchange area means:
- (i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or
- (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement, or service is a planned transportation facility, improvement, or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements, and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).
- (5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional, or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.
- (6) If a local government is determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2) using a performance standard based on projected levels of motor vehicle traffic, then the local government shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d);
- (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10 percent fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10 percent reduction allowed for by this subsection shall be available only if uses that rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;
- (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10 percent reduction required in subsection (a);
- (c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b), it shall ensure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with OAR 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that ensure compliance with these rule requirements at the time of development approval; and
- (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments that accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a). The commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances that provide for the calculation

or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations that meet all of the criteria listed in subsections (a)–(c) shall include an amendment to the comprehensive plan, transportation system plan, the adoption of a local street plan, access management plan, future street plan, or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan that complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 1, Section 3.08.110 of the Regional Transportation Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

(8) A “mixed-use, pedestrian-friendly center or neighborhood” for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center, or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit-oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space that is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local

government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan, or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay, or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay, or travel time.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling, or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment, and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within 45 days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 195.025, ORS 197.230, ORS 197.245, ORS 197.610 – 197.625, ORS 197.628 – 197.646, ORS 197.712, ORS 197.717, ORS 197.732 & ORS 197.798

History:

[LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022](#)

[LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022](#)

LCDD 7-2016, f. 7-29-16, cert. ef. 8-1-16

LCDD 11-2011, f. 12-30-11, cert. ef. 1-1-12

LCDD 3-2005, f. & cert. ef. 4-11-05

LCDD 6-1999, f. & cert. ef. 8-6-99

LCDD 6-1998, f. & cert. ef. 10-30-98

LCDD 1-1991, f. & cert. ef. 5-8-91

[Please use this link to bookmark or link to this rule.](#)

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**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING¹**

File No. 3-CP-24/3-Z-24

NOTICE IS HEREBY GIVEN that the City of Newport Planning Commission will hold a public hearing on Monday, November 25, 2024, to review and make a recommendation to the Newport City Council for the following request.

File No.: 3-CP-24 / 3-Z-24.

Applicant & Owner: Central Lincoln PUD (Tyrell Hillebrand, representative).

Request: (1) An amendment to the City of Newport's Comprehensive Plan Map to change the designation of Tax Lots 800 and 801 of Tax Map 10-11-32-DC from Low Density Residential to Commercial.

(2) An Amendment to the Zoning Map to change the zoning of Tax Lots 800 and 801 of Tax Map 10-11-32-DC from R-1/"Low Density Single Family Residential" to C-1/"Retail and Service Commercial".

Location: 243 NW 23rd Street (Lincoln County Tax Map 10-11-32-DC, Tax Lot 800) and 2228 NW Nye Street (Tax Map 10-11-32-DC, Tax Lot 801).

Applicable Criteria: For the proposed minor amendment to the Comprehensive Plan/Map Amendments (page 419 of the Comprehensive Plan) the applicable criteria are identified as follows: (1) A change in one or more goal or policy; and (2) a demonstrated need to accommodate unpredicted population trends, housing needs, employment needs or changes in community attitudes; and (3) the orderly and economic provision of key public facilities; and (4) the ability to serve the subject property(s) with city services without an undue burden on the general population; and (5) the compatibility of the proposed change with the surrounding neighborhood and the community. For the proposed amendment to the Zoning Map of the City of Newport, the applicable criteria identified in the Newport Zoning Ordinance (NZO) 14.36.010 are as follows: (1) The change furthers a public necessity; and (2) The change promotes the general welfare.

Testimony: Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department (address under "Reports/Materials") must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

Reports/Materials: Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365. Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be inspected at no cost or copies may be purchased for reasonable cost at this address.

Contact: Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address: d.tokos@newportoregon.gov (address above in "Reports/Materials").

Time/Place of Hearing: Monday, November 25, 2024; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: October 28, 2024.

PUBLISHED: Wednesday, November 13, 2024/Lincoln County Leader.

¹ This notice is being sent to affected property owners within 300 feet of the subject property (according to Lincoln County tax records), affected public utilities and agencies, and affected city departments.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 50 100 150 200 Feet

S.W.1/4 S.E.1/4 SEC.32 T.10S. R.11W. W.M.

10 11 32 DC
NEWPORT

LINCOLN COUNTY

1" = 100'

Cancelled
1100
1200
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1400
1500
1600
1700
1800
1900
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6800
6900
7000
7100
7200
7300
7400
7500
7600
7700
7800
7900
8000
8100
8200
8300



ANDERSON PAMELA TRUSTEE
2224 NW OCEANVIEW DR
NEWPORT, OR 97365

ATONEMENT LUTHERAN CHURCH
2315 N COAST HWY
NEWPORT, OR 97365

CENTRAL LINCOLN PUD
PO BOX 1126
NEWPORT, OR 97365

CHANDLER CHRISTINE A
PO BOX 578
NEWPORT, OR 97365

COLMAN PINNING JOHN H TTEE &
COLMAN PINNING ALLISON B TTEE
3315 N BAYVIEW RD
WALDPORT, OR 97394

EMERSON JASON LEE & EMERSON
MILLER ANN
2208 NW OCEANVIEW DR
NEWPORT, OR 97365

EVANS LEIGH J ESTATE & FOOTE
WILLIAM, PERS REP
100 NE 89TH AVE
VANCOUVER, WA 98664

HIBBS JOLYN
238 NW 24TH ST
NEWPORT, OR 97365

HOWARD TRAVIS J & HOWARD AMY E
PO BOX 1358
NEWPORT, OR 97365

IVERSON RICHARD CC & IVERSON
SHEILA L
2241 NW NYE ST
NEWPORT, OR 97365

LAU TAI KWAN ANDY
2404 NW EDENVIEW WAY
NEWPORT, OR 97365

LIGHTHOUSE UNITED
PENTECOSTAL CHURCH
936 SW BAY ST
NEWPORT, OR 97365

LOOMIS CHARLES MELVIN
2305 NW NYE ST
NEWPORT, OR 97365

MCNAIR VALENCIA Y
364 NW 22ND ST
NEWPORT, OR 97365

NOBLE BRIAN
PO BOX 2424
NEWPORT, OR 97365

OCAMPO ISIDRO FRANCISCO
1058 NW SUNSET DR
TOLEDO, OR 97391

PARKER LARRY E COTRUSTEE &
PARKER EILEEN COTRUSTEE
PO BOX 74
SILETZ, OR 97380

RICHCREEK DAVID & RICHCREEK
ANGELA, TSTEEES
2026 NW OCEANVIEW DR
NEWPORT, OR 97365

ROSSI VICKI & LAMBETH LORI
2231 NW EDENVIEW WAY
NEWPORT, OR 97365

SEARCY DONALD F & SEARCY
DARLEEN R
2304 NW NYE ST
NEWPORT, OR 97365

THALMAN DAVID S JR
2320 NW EDENVIEW WAY
NEWPORT, OR 97365

WATKINS LYSSA R & WATKINS JOHN F
243 NW 24TH ST
NEWPORT, OR 97365

WHITMORE SCOTT GORDON
353 NW 22ND ST
NEWPORT, OR 97365

WILLAMETTE BEVERAGE CO
PO BOX 10728
EUGENE, OR 97440

CENTRAL LINCOLN PUD
ATTN: TYRELL HILLEBRAND
GENERAL MANAGER
2129 N COAST HWY
NEWPORT, OR 97365

CENTRAL LINCOLN PUD
ATTN: GAIL MALCOLM
2129 N COAST HWY
NEWPORT, OR 97365

GRADY RICHARD NELSON & GRADY
KATHLEEN MARIE CUMMINS
PO BOX 783
WALDPORT, OR 97394

WEBB THOMAS L ESTATE
2979 UPPER DR
LAKE OSWEGO, OR 97035

EARL THOMAS W TSTEE & EARL
JUDITH B TSTEE
227 NW 21ST ST
NEWPORT, OR 97365

PEARCE LORI & PEARCE WARD
PO BOX 814
SILETZ, OR 97380

MAVITY DENNIS C
335 NW 21ST ST
NEWPORT, OR 97365

HAUGEN DOUGLAS WENDELL &
HAUGEN ANNAMARIA
2029 NW NYE ST
NEWPORT, OR 97365

ZIEBART CAROL D
361 NW 22ND ST
NEWPORT, OR 97365

File No. 3-CP-24 / 3-Z-24

Adjacent Property Owners Within 300 Ft

NW Natural
ATTN: Dave Sanders
2815 NE 36th Dr
Lincoln City, OR 97367

Email: Bret Estes
DLCD Coastal Services Center
brett.estes@dlcd.oregon.gov

CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301

Lincoln County Assessor
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

Lincoln County Surveyor
880 NE 7th St
Newport OR 97365

911 Dispatch
ATTN: Lynn Iverson
815 SW Lee St
Newport OR 97365

Lincoln County Clerk
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

Central Lincoln PUD
ATTN: Ty Hillebrand
PO Box 1126
Newport OR 97365

Charter Communications
ATTN: Steve Manning
Construction Coordinator
1400 Newmark Ave
Coos Bay, OR 97420

Lincoln County School District
ATTN: Superintendent
PO Box 1110
Newport OR 97365

Lincoln County Commissioners
Lincoln County Courthouse
225 W Olive St
Newport OR 97365

Secretary of State
136 State St Capitol
Salem OR 97310

US Post Office
ATTN: Postmaster
310 SW 2nd St
Newport OR 97365

OR Parks & Recreation Dept.
ATTN: Steve Williams
5580 S Coast Hwy
South Beach OR 97366

Seal Rock Water District
1037 NW Grebe St
Seal Rock OR 97365

Lincoln County Planning Dept
210 SW 2nd St
Newport OR 97365

WaveDivision VII, LLC
dba Astound Broadband
650 College Rd. East, Suite 3100
Princeton, NJ 08540

ODOT
ATTN: PLANNER
STATE HWY DIV DISTRICT 4
3700 PHILOMATH BLVD
CORVALLIS OR 97333-1194

Newport Rural Fire Protection
District
PO Box 923
Newport OR 97365

Joseph Lease
Building Official

Beth Young
Associate Planner

Steve Baugher
Finance Director

Derrick Tokos
Community Development

Rob Murphy
Fire Chief

Lance Vanderbeck
Airport

Jason Malloy
Police Chief

Nina Vetter
City Manager

Robert Moser
Public Works

Chris Beatty
Engineering

Ron Welsh
Engineering

EXHIBIT 'A'
File No. 3-CP-24 / 3-Z-24
(Affected Agencies)

Sherri Marineau

From: Sherri Marineau
Sent: Monday, October 28, 2024 9:20 AM
To: Derrick Tokos; Robert Murphy; Joseph Lease; Jason Malloy; Laura Kimberly; Michael Cavanaugh; Beth Young; Lance Vanderbeck; Steve Baugher; Chris Beatty; Robert Moser; Ron Welsh; Nina Vetter
Subject: Comprehensive Plan Map & Zoning Map Amendments - File #3-CP-24 / 3-Z-24
Attachments: File #3-CP-24--3-Z-24 Notice - PC.pdf

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing. Please review this information to see if you would like to make any comments. We must have your comments at least 10 days prior to the hearing period in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Thank you,

Sherri Marineau
 Executive Assistant
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 ph: 541.574.0629, option 2
 fax: 541.574.0644
s.marineau@newportoregon.gov

NEW CITY HALL HOURS BEGINNING: January 22, 2024
Monday – Thursday 8:00am-6:00pm, CLOSED on FRIDAYS



PUBLIC RECORDS LAW DISCLOSURE. This e-mail is a public record of the City of Newport, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Records Retention Schedule for Cities.

Sherri Marineau

From: Sherri Marineau
Sent: Monday, October 28, 2024 9:20 AM
To: 'odotr2planmgr@odot.state.or.us'; Brett Estes
Subject: Comprehensive Plan Map & Zoning Map Amendments - File #3-CP-24 / 3-Z-24
Attachments: File #3-CP-24--3-Z-24 Notice - PC.pdf

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing. Please review this information to see if you would like to make any comments. We must receive comments prior to the last day of the comment period in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Thank you,

Sherri Marineau

Executive Assistant
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 ph: 541.574.0629, option 2
 fax: 541.574.0644
s.marineau@newportoregon.gov

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NOTICE OF A PUBLIC HEARING.

The City of Newport Planning Commission will hold a public hearing on Monday, November 25, 2024, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on a Comprehensive Plan Map amendment (File No. 3-CP-24) and a Zoning Map amendment (File 3-Z-24). A public hearing before the City Council will be held at a later date, and notice of that hearing will also be provided. Central Lincoln PUD (Tyrell Hillebrand, representative) has requested an amendment to the City of Newport's Comprehensive Plan Map and Zoning Map for property located at 243 NW 23rd Street (Lincoln County Tax Map 10-11-32-DC, Tax Lot 800) and 2228 NW Nye Street (Tax Map 10-11-32-DC, Tax Lot 801). The amendment to the City of Newport's Comprehensive Plan Map changes the designation from Low Density Residential to Commercial. The amendment to the Zoning Map changes the zoning from R-1/"Low Density Single Family Residential" to C-1/"Retail and Service Commercial". For the proposed minor amendment to the Comprehensive Plan/Map Amendments (page 419 of the Comprehensive Plan) the applicable criteria are identified as follows: (1) A change in one or more goal or policy; and (2) a demonstrated need to accommodate unpredicted population trends, housing needs, employment needs or changes in community attitudes; and (3) the orderly and economic provision of key public facilities; and (4) the ability to serve the subject property(s) with city services without an undue burden on the general population; and (5) the compatibility of the proposed change with the surrounding neighborhood and the community. For the proposed amendment to the Zoning Map of the City of Newport, the applicable criteria identified in the Newport Zoning Ordinance (NZO) 14.36.010 are as follows: (1) The change furthers a public necessity; and (2) The change promotes the general welfare. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be inspected at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address: d.tokos@newportoregon.gov (mailing address above).

(For Publication Once on Wednesday, November 13, 2024)

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Sell your services.

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11/13/2024

541-265-8571

999 Public Notices

RENTAL & SALES
Residential, Commercial & Multi Family
Office Hours: Open by appointment only. Available via phone and email Monday-Friday 10AM to 4PM. loren@drellc.us Closed weekends Equal Housing Opportunity

999 Public Notices

LCL24-3169 NOTICE OF A PUBLIC HEARING.
The City of Newport Planning Commission will hold a public hearing on Monday, November 25, 2024, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on a Comprehensive Plan Map amendment

999 Public Notices

(File No. 3-CP-24) and a Zoning Map amendment (File 3-Z-24). A public hearing before the City Council will be held at a later date, and notice of that hearing will also be provided. Central Lincoln PUD (Tyrell Hillebrand, representative) has requested an amendment to the City of Newport's Comprehensive Plan Map and Zoning Map for property located at 243 NW 23rd Street (Lincoln County Tax Map 10-11-32-DC, Tax Lot 800) and 2228 NW Nye Street (Tax Map 10-11-32-DC, Tax Lot 801). The amendment to the City of Newport's Comprehensive Plan Map changes the designation from Low Density Residential to Commercial. The amendment to the Zoning Map changes the zoning from R-1/"Low Density Single Family Residential" to C-1/"Retail and Service Commercial". For the proposed minor amend-

999 Public Notices

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999 Public Notices

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999 Public Notices

the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be inspected at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address: d.tokos@newportoregon.gov (mailing address above), N13

LCL24-3188

The Lincoln County Board of Commissioners will hold a public hearing on Wednesday, December 4, 2024, at 10:00 a.m., to adopt Ordinance No. 537, amending the Lincoln County Code (LCC), Chapter One, to update sections of the code pertaining to the administration of the National Flood Insurance Program (NFIP) Special Flood Hazard Area requirements. This Ordinance will amend LCC 1.1115 Definitions and LCC 1.2005, et seq. (Flood Hazard Management Section). The hearing will be held in the Lincoln County Courthouse, Board of Commissioner's Conference Room, 225 W. Olive Street, Newport, Oregon, 97365. A copy of the proposed amendments can be found at <https://www.co.lincoln.or.us/1192/01-TA-24--Flood-Hazard-Management-Code->, or may be physically reviewed at the Lincoln County Department of Planning and Development, 210 SW 2nd Street, Newport, Oregon, between the hours of 8:00 a.m. and 4 p.m., Monday through Thursday, and 8:00 a.m. to 11:00 a.m. on Fridays, excluding major holidays. Testimony on this matter can be submitted in written or oral form. Oral testimony will be taken during the public hearing. The Chair reserves the right to limit the time allowed for oral testimony. Written testimony can be submitted in advance of the hearing by posting comments

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at the following web address: <https://www.co.lincoln.or.us/53-Board-of-Commissioners-> or by emailing boc@co.lincoln.or.us or by USPS to Lincoln County Board of Commissioners, Attn: Planning Case File 01-TA-2 Room 110, 225 W. Olive Street, Newport, OR 97365. For more information on the code amendments, contact Oni Husing, Planning Director, by phone at 541-265-4192, or by email at ohusing@co.lincoln.or.us. For special physical, language or other accommodations at the Board of Commissioners meeting, please contact the Kenneth Lipp, Public Information Office at 541-265-4100 or dial 7-1-1 Relay Service as soon as possible, but at least 48 hours before the meeting.

LCL24-3187 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN

Probate Department Case No. 24PB094 NOTICE TO INTERESTED PERSONS the Matter of the Estate of Frederick C. James Deceased. NOTICE HEREBY GIVEN that Brian J. James has been appointed as the personal representative of the above estate. All persons having claims against the estate are required to present them to the attorney for the personal representative named below at 1312 Main St Vancouver, WA 98661 within four months after the date of first publication of this notice, or their claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court, the personal representative, or the attorney for the personal representative. Dated and first published on November 13, 2024 Brian J. James Personal Representative Josi R. Howard, OS No. 164041, Navigat Law Group, Attorney for Personal Representative, 1312 Main St Vancouver, WA 98661 (971) 250-0007 tel, (971) 801-6000 fax, jhoward@navigatelawgroup.com Published November 13, 2024.

LCL24-3186
The following unit will be sold at Public Auction Starting 12/3/2024 at 9:00am, Ending 12/10/2024 at 9:00am for non-payment of rent and other fees. Auction to be pursuant to Auction Rules and Procedures for Truax Holdings. Rules are available at the facility office. All bidding will take place ONLINE at bid13.com Unit# A14 Renee Smith, Unit# C44 Van Kuhn

LCL24-3185 PERSUENT TO ORS CHAPTER 819
Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 11/26/2024 The sale will be held at 10:00am at BAR CARE TOW PR

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