



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, January 13, 2025 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 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 Regular Session Meeting Minutes of December 9, 2024.

[Draft PC Reg Session Minutes 12-09-2024](#)

[12-09-24 PC Work 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

4.A Annual Organizational Meeting.

5. PUBLIC HEARINGS

5.A File 1-AX-24 / 4-Z-24: South Beach Church Property Annexation and Zoning Map Designation.

[Staff Report](#)

[Attachment A - Application Form](#)

[Attachment B - Statutory Warranty Deed Vesting the Church with Ownership](#)

[Attachment C - Completed Consent to Annex Form](#)

[Attachment D - Legal Description and Map of Area to be Annexed](#)

[Attachment E - Newport Comprehensive Plan Map](#)

[Attachment F - Proposed Zoning Map](#)

[Attachment G - Local Wetland Inventory and Aerial Map](#)

[Attachment H - Uses Allowed in Industrial Zones](#)

[Attachment I - Intent of Zoning Districts](#)

[Attachment J - Public Notice](#)

[Attachment K - OAR 660-12-0060](#)

[Attachment I - Copy of ORS 222.170 through 222.183](#)

[Attachment M - Copy of ORS 222.460 through 222.465 and ORS 222.524](#)

6. DIRECTOR COMMENTS

7. ADJOURNMENT

City of Newport
 Draft Planning Commission Regular Session Minutes
 December 9, 2024

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL 169 SW COAST HIGHWAY NEWPORT	Time End: 6:37 P.M.
Time Start: 6:01 P.M.	

ATTENDANCE LOG/ROLLCALL

COMMISSIONER/ ADVISORY MEMBER	STAFF
Chair Bill Branigan	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherrri Marineau, Community Development Dept.
Commissioner Jim Hanselman	
Commissioner Gary East	
Commissioner Braulio Escobar	
Commissioner John Updike	
Commissioner Robert Bare	

AGENDA ITEM	ACTIONS
REGULAR MEETING	
CALL TO ORDER AND ROLL CALL	
a. Roll Call	None.
APPROVAL OF THE MINUTES	
a. Meeting minutes of Work Session Meeting on November 25, 2024	Motion by Berman, seconded by Bare, to approve the work session meeting minutes of November 25, 2024 as written. MOTION carried unanimously with Branigan, Berman, Hanselman, East, Escobar, Updike, and Bare all voting in favor.
b. Meeting minutes of Regular Session Meeting on November 25, 2024	Motion by Berman, seconded by Bare, to approve the regular session meeting minutes of November 25, 2024 as written. MOTION carried unanimously with Branigan, Berman, Hanselman, East, Escobar, Updike, and Bare all voting in favor.
CITIZEN/PUBLIC COMMENT	
None.	
PUBLIC HEARINGS	
File #2-Z-24: Legislative Amendments Related to Implementation of the SB 1537 Limited Land Use Provisions.	
a. PUBLIC HEARING OPEN	6:09 p.m.

<p>b. STAFF REPORT - DERRICK TOKOS</p> <p>c. PUBLIC COMMENT</p> <p>d. PUBLIC HEARING CLOSED</p> <p>e. COMMISSION DECISION</p>	<p>Mr. Tokos reviewed the staff report.</p> <p>The Commission discussed changes that would decrease the notification areas to adjacent property owners and how they thought this would limit public involvement; staff level reviews for nonconforming uses; concerns about the interpretations of the rules by different staff; the review of the legislative amendments by the city’s legal counsel to confirm the mandated changes; the appeal process for citizens who didn’t agree with the staff decisions; and minor edits to the draft amendments.</p> <p>None.</p> <p>6:28 p.m.</p> <p>Bare thought the amendments were good to go. Escobar noted these were mandated amendments and not up to a discussion. Hanselman saw loss of transparency and trust with the changes. There was nothing the Commission could do but approve and he had no say. Berman agreed that the amendments were mandated and they had no choice. They needed to have faith that staff would elevate anything decisions to the Commission when necessary. East agreed with Berman. Updike wanted the Commissions thoughts conveyed to the City Council.</p> <p>Motion was made by Hanselman, seconded by Bare, to approve and forward a recommendation to the City Council for File #2-Z-24. MOTION carried with Branigan, Berman, Hanselman, East, Updike, and Bare all voting in favor. Escobar abstained.</p>
<p>DIRECTORS COMMENTS</p>	<p>Tokos gave a reminder for the joint City Council meeting on December 16th. Berman requested that the City Center Revitalization presentation at the meeting be comprehensive instead of summarized.</p> <p>Escobar requested that the Council be told that the recommendation for the night’s hearing item was mandated, and the Commission’s feelings on the amendments.</p>

Submitted by: _____

Sherry Marineau, Executive Assistant

12-09-2024 - Planning Commission Work Session Meeting Video Link:

https://thecityofnewport.granicus.com/player/clip/1372?view_id=2&redirect=true

PLANNING STAFF REPORT
Case File No. 1-AX-24 / 4-Z-24

A. **APPLICANT:** South Beach Church, owner (Tim Gross, PE, Civil West Engineering Services, Inc., authorized representative).

B. **REQUEST:** Consideration of requests to: **(1) annex approximately 2.65 acres of real property** (consisting of property currently identified as Tax Lot 00300 of Assessor’s Tax Map 11-11-20-AB and adjoining SE 40th Street right-of-way) into the Newport city limits; **(2) amend the City of Newport Zoning Map to establish an I-1/“Light Industrial” zoning designation for the entire property** consistent with the existing Newport Comprehensive Plan designation of “Industrial;” and **(3) withdraw said territory from the Newport Rural Fire Protection District, Lincoln County Library District, and Seal Rock Water District.**

C. **LOCATION:** Southeast corner of the intersection of SE 40th Street and US 101 (Assessor’s Map 11-11-20-AB, Tax Lot 00300).

D. **PROPERTY SIZE:** 2.65 acres.

E. **STAFF REPORT:**

1. **REPORT OF FACTS:**

a. **Plan Designation:** The subject territory is within the Newport Urban Growth Boundary and is designated as “Industrial” on the Newport Comprehensive Plan Map.

b. **Zone Designation:** City of Newport zoning is established at time of annexation. The I-1/“Light Industrial,” I-2/“Medium Industrial,” and I-3/“Heavy Industrial” designations are consistent with a Comprehensive Plan designation of “Industrial.” The applicant is requesting I-1 zoning, which aligns with the designation applied to property within the City, situated immediately to the north and further south along US 101.

c. **Surrounding Land Uses:** Property immediately to the west, north, and east is undeveloped. The parcel to the south is developed with a cluster of single family detached dwellings. The US 101 corridor in this areas is developed predominantly with light industrial uses intermixed with a modest number of older detached and manufactured dwellings.

d. **Topography and Vegetation:** The private property is relatively flat, with a sand berm along the US 101 frontage and forested areas along the south and east sides of the property. A portion of the berm has been excavated with the material being removed from the property. SE 40th is a fully improved road.

- e. **Existing Residences/Buildings:** None.
- f. **Utilities:** Municipal water and wastewater service is available along SE 40th Street and US 101.
- g. **Development Constraints:** The south east corner of the property appears to be encumbered by a wetlands (Attachment "G").
- h. **Past Land Use Actions:** None known.
- i. **Notification:** Required notice to the Department of Land Conservation and Development was provided on December 5, 2024. For the Planning Commission public hearing, notification in accordance with the NMC Section 14.52.060(C) requirements included mailing notice to surrounding property owners, City departments and other public agencies and utilities, and other individuals on December 12, 2024. A notice of public hearing was published in the Lincoln County Leader on January 1, 2025 (Attachment "J").
- j. **Attachments:**
 - Attachment "A" – Application Form
 - Attachment "B" – Statutory Warranty Deed Vesting the Church with Ownership
 - Attachment "C" – Completed Consent to Annex Form
 - Attachment "D" – Legal Description and Map of Area to be Annexed
 - Attachment "E" – Newport Comprehensive Plan Map
 - Attachment "F" – Proposed Zoning Map
 - Attachment "G" – Local Wetland Inventory and Aerial Map
 - Attachment "H" – Uses Allowed in Industrial Zones
 - Attachment "I" – Intent of Zoning Districts
 - Attachment "J" – Public Notice
 - Attachment "K" – OAR 660-012-0060
 - Attachment "L" – Copy of ORS 222.170 through 222.183
 - Attachment "M" – Copy of ORS 222.460 through 222.465 and ORS 222.524

2. **Explanation of the Request:** Pursuant to NMC Section 14.52.030(A) (Approving Authorities), all actions that have the City Council as the approving authority (with the exception of withdrawals) shall first be referred to the Planning Commission for review and recommendation.

The applicant is requesting that the City Council incorporate the subject property into the city limits of Newport, and change the zoning designation of the property to I-1/“Light Industrial.” Getting the property into the city limits will provide the applicant an opportunity to market or develop the property at urban scale. For annexations, a hearing is required before the Planning Commission who makes a recommendation to the City Council. A second hearing is required before the Council.

Concurrent with the annexation, and as provided for in Oregon Revised Statutes (ORS) 222.524, the subject property will be withdrawn from the Newport Rural Fire Protection District, Lincoln County Library District, and Seal Rock Water District. The City of Newport will provide these services to the annexed properties. With

respect to the Seal Rock Water District, the City is required to reimburse the District for the outstanding bond debt attributed to the annexed properties that was incurred before the City started providing water service to the area ORS 222.520(2).

3. Evaluation of the Request:

a.) **Comments:** No comments were received in response to the public notice.

b.) **Applicable Criteria:**

(1) **Annexation/Withdrawal:**

Newport Municipal Code (NMC) Section 14.37.040: The required consents have been filed with the City; the territory to be annexed is within the acknowledged urban growth boundary (UGB); and the territory to be annexed is contiguous to the existing city limits.

The Newport Municipal Code does not have criteria for withdrawals from a district. Withdrawals are done in conjunction with an annexation, because it is at that time that the City becomes the service provider for the property. Per ORS 222.524(1) the governing body must determine if the withdrawal is in the best interest of the city.

(2) **Zone Map Amendment:**

Zone Map Amendments (as per NMC Section 14.36.010): Findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare.

(3) **Transportation Planning Rule (OAR 660-012-0060):**

OAR 660-012-0060(1) Plan and Land Use Regulation Amendments. If an amendment to a zoning map significantly affects an existing or planned transportation facility, then the local government must put in place measures to mitigate the impact, unless the amendment is allowed under section (3), (9) or (10) of the rule. In this case, section (9) is applicable and it reads as follows:

(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.

c.) **Staff Analysis:**

(1) Annexation: Newport Municipal Code (NMC) Section 14.37.040: The required consents have been filed with the city; the territory to be annexed is within the acknowledged urban growth boundary (UGB); and the territory to be annexed is contiguous to the existing city limits.

A. The required consents have been filed:

Pursuant to Oregon Revised Statutes (ORS) 222.170(2), the City need not hold an election on the annexation of contiguous territory if it receives the consent of more than 50 percent of the owners of land in the territory, and such owners own more than 50 percent of the land area within the territory.

The applicant, South Beach Church, owns the subject territory as evidenced by a Statutory Warranty Deed, recorded November 1, 2022 under Instrument #2022-10304 (Attachment "B"). The South Beach Church filed a completed "consent to annex form" demonstrating their desire to have the property annexed by the city (Attachment "C"). This is sufficient evidence to establish that the requisite consent has been granted and that the city may proceed with the annexation without an election.

B. territory to be annexed is within the acknowledged urban growth boundary (UGB);

City records show that the property is within the Urban Growth Boundary of the City of Newport.

C. territory to be annexed is contiguous to the existing city limits.

The east boundary of the subject territory is contiguous to the existing city limits as shown on the applicant's map exhibit (Attachment "D").

(2) Zone Map Amendment: Zone Map Amendments (as per NMC Section 14.36.010): Findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare.

The applicant is requesting an I-1/“Light Industrial” zoning designation. The Comprehensive Plan designation for the property is Industrial (Attachment "E"). It is implemented by either the I-1/“Light Industrial,” I-2/“Medium Industrial,” or I-3/ “Heavy Industrial” zoning designations. Property along the US 101 corridor is under the same Comprehensive Plan Map designation (Attachment "E"). Property to the north is zoned I-1, as is land to the south that is situated inside the city limits (Attachment "F"). A list of uses permitted outright and conditionally in the I-1, I-2, and I-3 zones is included as Attachment "H." The intent of the I-1, I-2, and I-3 zoning districts is included as Attachment "I."

The Newport Comprehensive Plan identifies a need for additional industrial land to support the City’s commercial and industrial needs. The I-1 zone is a flex commercial zone that allows a range of highway oriented commercial and industrial uses. The Newport Urban Renewal Agency is in the process of obtaining approval from the Oregon Department of Transportation to signalize the intersection of SE 40th and US 101. Once that occurs, this property, at the southeast corner of that intersection, will be well positioned to support urban scale commercial or industrial development that would bring needed services and employment to the community. The I-2 and I-3 zones allow industrial activities that can generate significant noise, vibration, dust and fumes. Given the proximity of noise sensitive uses in the area (i.e. residences), it would be reasonable for the Commission to find that these zoning designations are not suitable for this location.

Given the above, it is reasonable for the Planning Commission to conclude that the proposed zoning is consistent with the Comprehensive Plan Map, and that applying I-1 zoning to the property furthers a public necessity and promotes the general welfare.

(3) *Transportation Planning Rule Compliance (OAR 660-012-0060). Findings showing that the zoning map amendment is allowed per OAR 660-012-0060(9) and; therefore, does not significantly affect an existing or planned transportation facility.*

OAR 660-012-0060(9) provides that 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;*

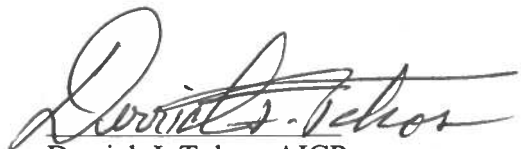
(b) *The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*

(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.

This requirement is satisfied in that (a) the proposed I-1/“Light Industrial” zoning is consistent with the Industrial Comprehensive Plan Map designation; (b) Newport updated its Transportation System Plan (TSP) in 2011 (Ordinance No. 2045) and again in 2022 (Ordinance No. 2199) and the requested zoning is consistent with the urban scale of development that the TSP assumes will be generated from the property; and (c) the subject property was exempted from the Transportation Planning Rule because it predated the rule, being included in the City’s original UGB in 1982 (Ordinance No. 1310); however, as noted, the City has subsequently adopted TSP amendments that account for the urbanized area.

4. **Conclusion:** If the Commission finds that the request meets the criteria, then the Commission should recommend approval of the application with any reasonable conditions it deems necessary for compliance with the criteria. Additionally, the Commission should recommend to the City Council whether or not the zoning designation for the property should be I-1, I-2, or I-3. If, on the other hand, the Commission finds that the request does not comply with the criteria, then the Commission should identify the portion(s) of the criteria with which the annexation request is not in compliance.

F. **STAFF RECOMMENDATION:** Based on the information contained in the record, the applicant appears to be able to meet the applicable criteria for the annexation request and zoning map amendment, and staff recommends the Commission provide a favorable recommendation to the City Council.



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

January 7, 2025



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
South Beach Church	
Applicant Mailing Address:	Property Owner Mailing Address:
PO BOX 950 Newport, OR 97365	
Applicant Phone No.	Property Owner Phone No.
541-272-3377	
Applicant Email	Property Owner Email
Southbeachchurch@gmail.com	
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
Timothy Gross, Civil West Engineering Sevices, Inc.	
Authorized Representative Mailing Address:	
409 SW 10th Street, Newport, OR 97365	
Authorized Representative Telephone No.	
541-961-7489	
Authorized Representative Email: tgross@civilwest.net	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
SE corner of US Hwy 101/Pacific Coast Hwy and SE 40th Street	
Tax Assessor's Map No.: 11-11-20-AB	Tax Lot(s): 00300
Zone Designation:	Legal Description: <i>Add additional sheets if necessary</i>
Comp. Plan Designation: industrial	
Brief description of Land Use Request(s):	
<i>Examples:</i>	
<ol style="list-style-type: none"> 1. Move north property line 5 feet south 2. Variance of 2 feet from the required 15-foot front yard setback 	annexation of property
Existing Structures: if any	
none	
Topography and Vegetation:	
sand dunes, some trees	

Application Type (please check all that apply)

<input checked="" type="checkbox"/> Annexation <input type="checkbox"/> Appeal <input type="checkbox"/> Comp Plan/Map Amendment <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> PC <input type="checkbox"/> Staff <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 <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Zone Ord/Map <input type="checkbox"/> Amendment <input type="checkbox"/> Other
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FOR OFFICE USE ONLY

File No. Assigned: 1-AX-24/4-Z-24		
Date Received: 12/4/24	Fee Amount: \$948-	Date Accepted as Complete:
Received By: DT	Receipt No. 8550	Accepted By:

City Hall
169, SW Coast Hwy
Newport, OR 97365
541.574.0629

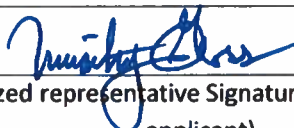
(1025-24-000058-PLNG)



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.

Applicant Signature(s)	Date
Property Owner Signature(s) (if other than applicant)	Date
	12/4/24
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.

WT0242016-AMM
RECORDING REQUESTED BY:

Western Title & Escrow

255 SW Coast Highway, Suite 100
Newport, OR 97365

Lincoln County, Oregon	2022-10304
11/01/2022 11:24:03 AM	
DOC-WD	Cnt=1 Pgs=3 Stn=10
\$15.00 \$11.00 \$10.00 \$60.00 \$7.00	\$103.00
I, Dana W. Jenkins, County Clerk, do hereby certify that the within instrument was recorded in the Lincoln County Book of Records on the above date and time. WITNESS my hand and seal of said office affixed.	
	
Dana W. Jenkins, Lincoln County Clerk	

GRANTEE'S NAME:
South Beach Church, an Oregon Nonprofit Corporation

AFTER RECORDING RETURN TO:
Order No.: WT0242016-AMM
Luke Frechette
South Beach Church, an Oregon Nonprofit Corporation
PO Box 950
Newport, OR 97365

SEND TAX STATEMENTS TO:
South Beach Church, an Oregon Nonprofit Corporation
PO Box 950
Newport, OR 97365

APN: R354314
Map: 11-11-20-AB-00300
APN/Parcel ID(s) R354314 as well as Tax/Map ID(s)
11-11-20-AB-00300

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Candace Stocker Ford, Grantor, conveys and warrants to **South Beach Church, an Oregon Nonprofit Corporation**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lincoln, State of Oregon:

That portion of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at a point on the Easterly right of way line of the Oregon Coast Highway #101 that is 30 feet South from the North line of said section when measured at right angles thereto; thence Southwesterly along said highway 570 feet more or less to the Northwest corner of the tract conveyed to Alton B. Zeek et ux, recorded June 19, 1937, in Book 185, page 473, Deed Records; thence East on said Zeek North line 360 feet, more or less, to the West right of way line of the Old Spruce Production Rail Road; thence North on said West right if way line to a 30 feet from the North line of said Section; thence West to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the City of Newport by deed recorded September 9, 2009 in Document No. 2009-10498, Lincoln County Records.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED THOUSAND AND NO/100 DOLLARS (\$200,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN

STATUTORY WARRANTY DEED

(continued)

VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: October 31, 2022

Candace Stocker Ford
Candace Stocker Ford

State of Oregon
County of Lincoln

This instrument was acknowledged before me on October 31, 2022 by Candace Stocker Ford.

Amanda Gayle Maddox
Notary Public - State of Oregon

My Commission Expires: AUG 26, 2024

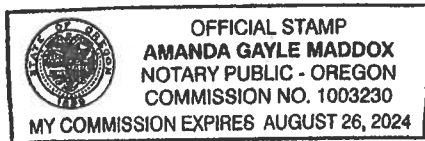


EXHIBIT "A"
Exceptions

Subject to:

The Land has been classified as Designated Forestland, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Regulations, levies, liens, assessments, rights of way and easements of Seal Rock Water District.

Subject property is either situated within the urban renewal boundaries or within the shared area of South Beach and is subject to the terms and provisions thereof, as outlined by Resolution No. 3943

Recorded: February 14, 2022

Document No.: 2022-01594

Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: United States Spruce Production

Purpose: as set forth therein

Recording Date: July 29, 1920

Recording No: Book 38, page 602

Conveyance and Agreement for Easement, including the terms and provisions thereof,

Recording Date: April 5, 2006

Recording No: 200605221

Between: Gary Tryon, Vernon Tryon and Robert Tryon, doing business
as GVR Investments

And: Marion E. Stocker

Driveway Access and Maintenance Easement, including the terms and provisions thereof,

Recording Date: August 30, 2007

Recording No: 200712513

Between: Jack Stocker and Lillie Stocker, husband and wife

And: Candace Stocker Ford, Personal Representative for
the Estate of Marion Stocker

**Consent to Annex to the City of Newport
Property Owner**

Per ORS 222.170, we, the undersigned, being legal owners of land that is not presently a part of the corporate limits of the City of Newport, Oregon, do hereby consent to the annexation of said property to the City of Newport and petition the City of Newport to annex said property and to determine the appropriate zoning designation, effective upon annexation, pursuant to Section 2-5-6 of the Newport Zoning Ordinance (No. 1308, as amended).

Legal description of Property (attach additional sheets if necessary):

SEE ATTACHED

Tax Assessor's Map and Lot Number: 11-11-20-AB / 00300

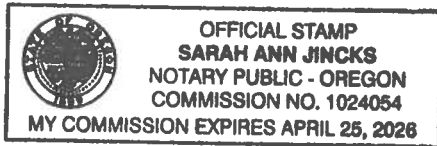
Signature: _____

Date: 12.10.24

STATE OF Oregon)
COUNTY OF Lincoln) ss.

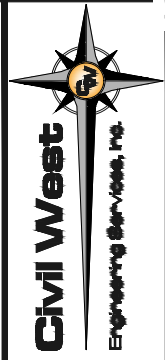
Personally appeared before me Luke Frechette / South Beach Church and acknowledged the foregoing instrument to be his/her voluntary act and deed.

Before me: 12/10/24



Sarah Ann Jincks
Notary Public

My Commission Expires: 4/25/26



SOUTH BEACH CHURCH
LINCOLN COUNTY, OR

APPLICATION FOR ANNEXATION
PROPERTY BOUNDARY AND LEGAL DESCRIPTION

1" = 80'
DRAWN BY: TEG
DATE: JANUARY 2025

FIGURE
1

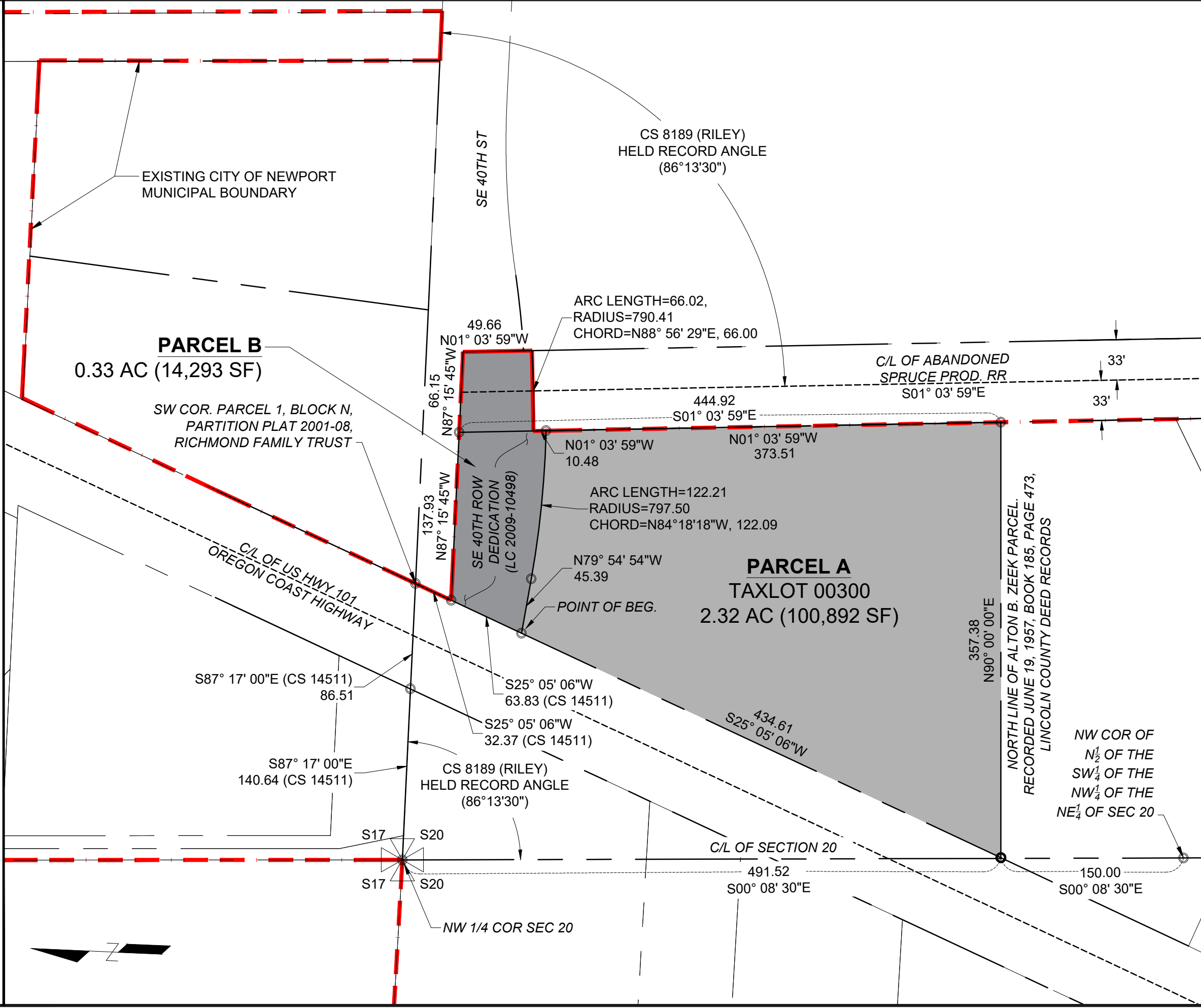
LEGAL DESCRIPTION

Those portions of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as Parcels A and B as follows:

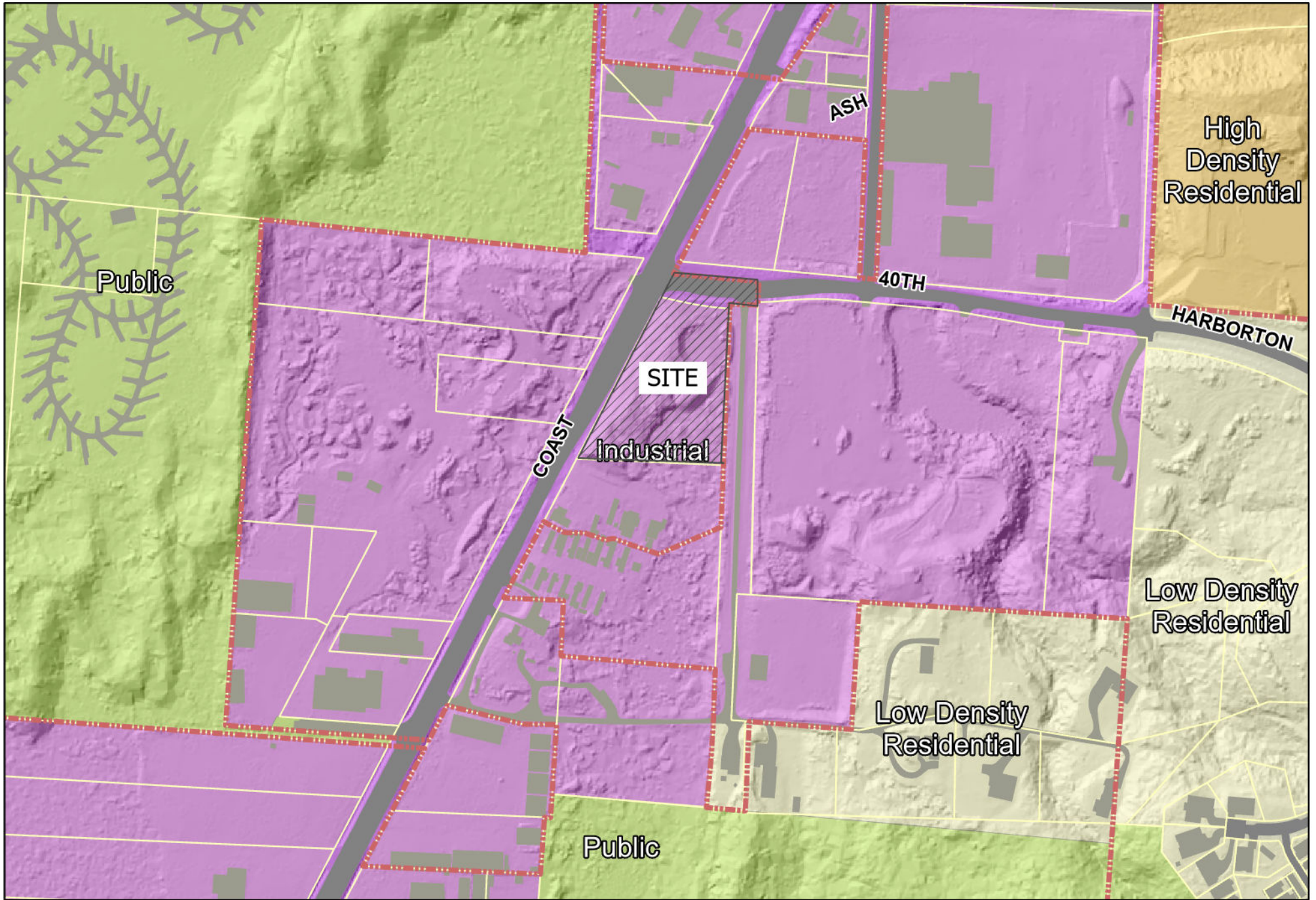
Beginning at the North 1/4 Corner of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon (COR9023); thence S87°17'E a distance of 140.64 feet to the west right-of-way line of US Hwy 101; thence S87°17'E a distance of 86.51 feet to the east right-of-way line of US Hwy 101 and the southwest corner of Parcel 1, Block N, of the Partition Plat 2001-08 for the Richmond Family Trust; thence S25°05'06"W along the east right-of-way line of US Hwy 101 a distance of 32.37 feet to the northwest corner of the SE 40th Street Dedication to the City of Newport, Document number 2009-10498, Lincoln County Records; thence S25°05'06"W along the east right-of-way line of US Hwy 101 a distance of 63.83 feet to the northwest corner of Lincoln County Taxlot 00300 and the Point of Beginning. Parcel A (TAXLOT 11-11-20-AB-00300-00):

Starting from the Point of Beginning; thence S25°05'06"W along the eastern right-of-way line of US Hwy 101 a distance of 506.170 feet, more or less; thence N90°E a distance of 388.92 feet, more or less, to the West right of way line of the Old Spruce Production Rail Road; thence N01°03'59"W along said west right-of-way line a distance of 438.33 feet to the beginning of a non-tangent 797.50 foot radius curve to the right; thence leaving said west right-of-way line and on said curve an arc distance of 122.21 feet, the long chord of which bears N84°18'18"W, a distance of 122.09 feet, to the end thereof; thence N79°54'54"W a distance of 45.39 feet, more or less, to the Point of Beginning. Parcel A being described as Taxlot 00300 containing 2.32 acres, more or less.

Parcel B (SE 40th Street ROW): Starting from the Point of Beginning; thence S79°54'54"E a distance of 45.39 feet to the beginning of a non-tangent 797.50 foot radius curve to the left; and on said curve an arc distance of 122.21 feet, the long chord of which bears S84°18'18"E, a distance of 122.09 feet, to the end thereof and the west right-of-way line of the Old Spruce Production Rail Road; thence N01°03'59"W along the western right-of-way line of the Old Spruce Production Rail Road a distance of 10.48 feet to the beginning of a non-tangent 790.41 foot radius curve to the left; thence leaving said west right-of-way line and on said curve an arc distance of 66.02 feet, the long chord of which bears N88°56'29"E, a distance of 66.02 feet to the end thereof and the east right-of-way line of the Old Spruce Production Rail Road; thence N01°03'59"W along the eastern right-of-way line of the Old Spruce Production Rail Road a distance of 49.74 feet, more or less; thence N87°15'45"W a distance of 66.15 feet, more or less, to the northeastern corner of the SE 40th Street Dedication to the City of Newport, Document number 2009-10498, Lincoln County Records and the east right-of-way line of US Hwy 101; thence S25°05'06"W along the east right-of-way line of US Hwy 101 a distance of 63.83 feet to the northwest corner of Lincoln County Taxlot 00300 and the Point of Beginning. Parcel B being described as the SE 40th Street right-of-way containing 0.33 acres, more or less.



DATE: 1/16/25 FILE: N:\2204 Misc Private Engineering Work\2204-194-SBC Site Development\04 Final Design\Drawings\DWG\TL_00300Annexation\00300 Annexation Drawing 12-3-24.dwg



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

**Comprehensive Plan Map Designation
Annexation File #1-AX-24/4-Z-24**

Hillshade Derived July 2024
4-inch, 4-band Digital Orthophotos
GeoTerra, Inc. Eugene, OR



This map is for informational use only and has not been prepared for, nor is it suitable for, legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.



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

Zoning Designation to I-1/"Light Industrial" Annexation File #1-AX-24/4-Z-24

Hillshade Derived July 2024
4-inch, 4-band Digital Orthophotos
GeoTerra, Inc. Eugene, OR



This map is for informational use only and has not been prepared for, nor is it suitable for, legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.



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

Local Wetland Inventory Annexation File #1-AX-24/4-Z-24

Aerial Image Taken July 2024
4-inch, 4-band Digital Orthophotos
GeoTerra, Inc. Eugene, OR



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- 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.)

C-2/"Tourist Commercial." The intent of this zone is to provide for tourist needs, as well as for the entertainment needs of permanent residents.

C-3/"Heavy Commercial." The intent of this zone is to provide for commercial uses that are frequently incompatible with retail and service commercial uses. This zone is also intended to provide uses that utilize more than 50% of the floor area for storage, repair, or compounding of products but do not constitute a nuisance because of noise, dust, vibration or fumes.

I-1/"Light Industrial." The intent of this zone is to provide for commercial and industrial uses that can be located near residential or commercial zones. Uses that are associated with excessive noise, dust, vibration, or fumes shall be prohibited.

I-2/"Medium Industrial." The intent of this zone is to provide areas suitable for industrial activities, including manufacturing, fabricating, processing, packing, storage, repairing, and wholesaling. This classification should be applied to industrial areas having good access to transportation facilities and not near residential zones.

I-3/"Heavy Industrial." The intent of this zone is to provide for industrial uses that involve production and processing activities generating noise, vibration, dust, and fumes. Typically, this zone requires good access to transportation, large lots, and segregation from other uses due to nuisances.

W-1/"Water-Dependent." The intent of the W-1 district is to protect areas of the Yaquina Bay Shorelands, as identified in the Newport Comprehensive Plan, for water-dependent uses. For purposes of this section, a water-dependent use is one which needs contact with or use of the water for water-borne transportation, recreation, energy production, or water supply. All uses in a W-1 district shall comply with the following standards:

- A. Existing water-dependent uses or future water-dependent uses anticipated by the Comprehensive Plan shall not be preempted or restricted by non-water-dependent uses. In determining whether or not a use preempts or

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ¹

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, January 13, 2025, to review the following request for annexation, zone designation, and withdrawal, and to make a recommendation to the City Council on this request. A public hearing before the City Council will be held at a later date and notice will be provided for the Council hearing.

File No. 1-AX-24 / 4-Z-24

Applicant: South Beach Church (Tim Gross, Civil West Engineering Services, Inc., representative).

Request: Consideration of requests to: **(1) annex approximately 2.32 acres of real property** (consisting of property currently identified as Tax Lot 300 of Assessor's Tax Map 11-11-20-AB) into the Newport city limits; **(2) amend the City of Newport Zoning Map to an I-1/"Light Industrial" zoning designation for the property** consistent with the existing Newport Comprehensive Plan designation of Industrial; and **(3) withdraw said territory from the Newport Rural Fire Protection District, the Seal Rock Water District, and the Lincoln County Library District.**

Applicable Criteria: (1) Annexations (as per Newport Municipal Code (NMC) Section 14.37.040): The required consents have been filed with the city; the territory to be annexed is within the acknowledged urban growth boundary (UGB); and the territory to be annexed is contiguous to the existing city limits. (2) Zone Map Amendments (as per NMC Section 14.36.010): Findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare. OAR 660-012-0060, the proposed zoning map change will not significantly affect existing or planned transportation facilities.

Location: Lincoln County Assessor's Map 11-11-20-AB, Tax Lot 300.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Newport Comprehensive Plan and its implementing ordinances that a person believes applies 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 and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department (address below in "Reports/Application Material") must be received by 3:00 p.m. the day of the hearing or must be submitted to the Planning Commission in person during the hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant, those in favor or opposed to the application, and questions and deliberation by the Planning Commission. 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/Application Materials: The staff report may be reviewed or purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy., Newport, Oregon 97365, seven days prior to the hearing. The application materials, applicable criteria, and other file material are available for inspection at no cost or copies may be purchased for reasonable cost at this address.

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

Time/Place of Planning Commission Hearing: Monday, January 13, 2025; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Materials").

MAILED: December 12, 2024.

PUBLISHED: Wednesday, January 1, 2025 / Lincoln County Leader.

¹ This notice is being sent to the applicant, the applicant's authorized agent (if any), affected property owners within 200 feet of the subject property (according to Lincoln County tax records), affected public/private utilities/agencies within Lincoln County, and affected city departments.

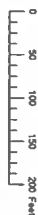
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

N.W.1/4 N.E.1/4 SEC.20 T.11S. R.11W. W.M.

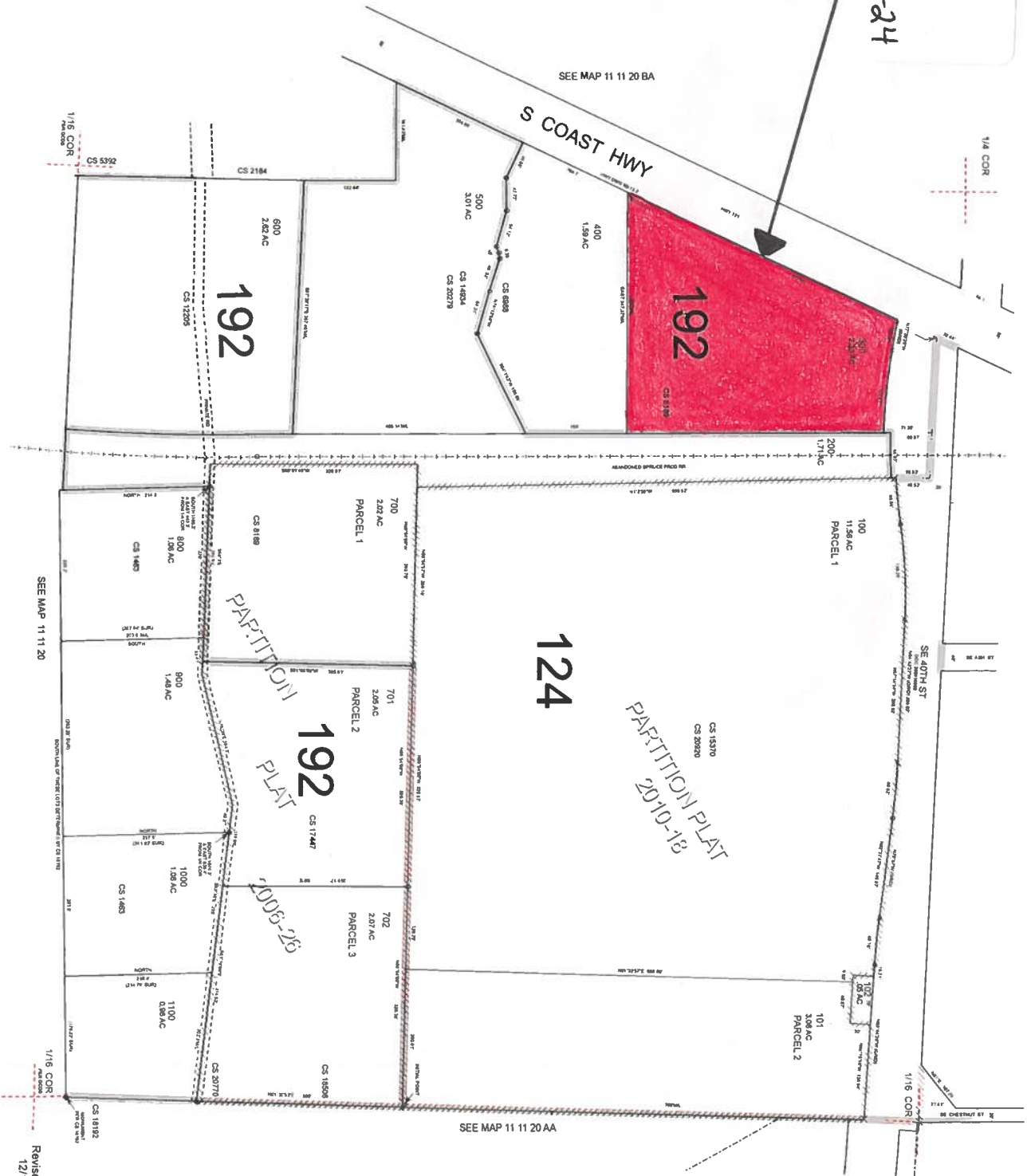
LINCOLN COUNTY

1" = 100'

11 11 20 AB NEWPORT



Subject Property
File No. 1-AX-24/4-Z-24



Revised: SEB 12/13/2019

NEWPORT 11 11 20 AB

Sherri Marineau

From: Sherri Marineau
Sent: Wednesday, December 11, 2024 4:50 PM
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; Todd Drage
Subject: Annexation and Zoning Map Amendment - File 1-AX-24 / 4-Z-24
Attachments: File 1-AX-24 -- 4-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

CITY HALL HOURS: 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: Wednesday, December 11, 2024 4:50 PM
To: 'odotr2planmgr@odot.state.or.us'; Brett Estes
Subject: Annexation and Zoning Map Amendment - File 1-AX-24 / 4-Z-24
Attachments: File 1-AX-24 -- 4-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

CITY HALL HOURS: Monday – Thursday 8:00am-6:00pm, CLOSED on FRIDAYS



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**NW Natural
Account Services
Attn: Annexation Coordinator
250 SW Taylor St
Portland, OR 97204-3038**

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

**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**

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

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

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

**WVCC
911 Emergency Dispatch
555 Liberty St SE Rm P-107
Salem OR 97301-3513**

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

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

**Secretary of State
136 State St Capitol
Salem OR 97310**

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

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

**Hilary Leavell
City of Salem
Enterprise Services Dept.
Willamette Valley 9-1-1
295 Church St SE, Suite 210
Salem OR 97301**

**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**

**ATTN: PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONSERVATION &
DEVELOPMENT
635 CAPITOL ST NE STE 150
SALEM OR 97301-2540**

**Lincoln County Library District
PO Box 2027
Newport OR 97365**

**OREGON DIVISION OF STATE LANDS
775 SUMMER ST NE
SALEM OR 97310-1337**

**Newport Rural Fire Protection
District
PO Box 923
Newport OR 97365**

ODOTR2PLANMGR@ODOT.STATE.US

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

**Rob Murphy Lance Vanderbeck
Fire Chief Airport**

**Jason Malloy Joseph Lease
Police Chief Building Official**
**Laura Kimberly Chris Beatty
Library Public Works**

**Ron Welsh Todd Drage
Public Works Public Works**
**Nina Vetter
City Manager**

**Beth Young Derrick Tokos
Associate Planner Comm Develop**

File 1-AX-24 / 4-Z-24

**Steve Baugher
Finance Director**

**EXHIBIT 'A'
(Affected Agencies)**

ANDERSON DENNIS B
4263 S COAST HWY SPACE #1
SOUTH BEACH, OR 97366

BERTULEIT DONALD J TRUSTEE
354 SE 2ND ST
NEWPORT, OR 97365

BERTULEIT MARGARET
354 SE 2ND ST
NEWPORT, OR 97365

BERTULEIT MARGARET TRUSTEE
354 SE 2ND ST
NEWPORT, OR 97365

BI MART CORPORATION
220 S SENECA RD
EUGENE, OR 97402

GSBN LLC
PO BOX 857
SILETZ, OR 97380

LOFTON JOAN E TSTEE
11550 LOGSDEN RD
SILETZ, OR 97380

LRP PROPERTIES LLC
701 CREEK VIEW LN
THE DALLES, OR 97058

ORCA VENTURES LLC
2221 SW 1ST AVE #1224
PORTLAND, OR 97201

SOUTH BEACH BUSINESS PARK LLC
2113 SE 98TH ST
SOUTH BEACH, OR 97366

SOUTH BEACH CHURCH
PO BOX 950
NEWPORT, OR 97365

STATE OF OREGON PARKS & REC
DEPT
725 SUMMER ST NE
STE C
SALEM, OR 97301

TIMOTHY GROSS
CIVIL WEST ENGINEERING SERVICES,
INC
409 SW 10TH ST
NEWPORT, OR 97365

File No. 1-AX-24 / 4-Z-24

Adjacent Property Owners Within 200 Ft

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING.**

The City of Newport Planning Commission will hold a public hearing on Monday, January 13, 2025, at 7:00 p.m. in the Council Chambers at City Hall to review File No. 1-AX-24 / 4-Z-24, a request for annexation, and zone designation submitted by South Beach Church (Tim Gross, Civil West Engineering, representative). The Commission will make a recommendation to the City Council on this request, which will then hold a public hearing at a later date. Notice of that hearing will also be provided. The request is to (1) annex approximately 2.32 acres of real property (consisting of property currently identified as Tax Lot 300 of Assessor's Tax Map 11-11-20-AB) into the Newport city limits; (2) amend the City of Newport Zoning Map to an I-1/"Light Industrial" zoning designation for the property consistent with the existing Newport Comprehensive Plan designation of Industrial; and (3) withdraw said territory from the Newport Rural Fire Protection District, the Seal Rock Water District, and the Lincoln County Library District. The applicable criteria for annexations (as per Newport Municipal Code (NMC) Section 14.37.040) are that the required consents have been filed with the city; the territory to be annexed is within the acknowledged urban growth boundary (UGB); and the territory to be annexed is contiguous to the existing city limits. The criteria for Zone Map Amendments (as per NMC Section 14.36.010) are that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare. OAR 660-012-0060, the proposed zoning map change will not significantly affect existing or planned transportation facilities. Testimony and evidence must be directed toward the criteria described above or other criteria in the Newport Comprehensive Plan and its implementing ordinances that a person believes applies 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 and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing or must be submitted to the Planning Commission in person during the hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant, those in favor or opposed to the application, and questions and deliberation by the Planning Commission. 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. The staff report may be reviewed or purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials, applicable criteria, and other file materials are available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626; d.tokos@newportoregon.gov (address above).

(For Publication once on Wednesday, January 1, 2025)

800 RENTALS

AFFORDABLE HOUSING in Lincoln City, Oregon for Seniors and or Persons with Disabilities. Income Restrictions Apply, call for details. 503-450-0245

902 HOMES FOR SALE

ADVANTAGE REAL ESTATE Find all listed MLS property by All Offices on our Website! 541-265-2200 Advantage-RealEstate.com

999 PUBLIC NOTICES

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING.

The City of Newport Planning Commission will hold a public hearing on Monday, January 13, 2025, at 7:00 p.m. In the Council Chambers at City Hall to review File No. 1-AX-24 / 4-Z-24, a request for annexation, and zone designation submitted by South Beach Church (Tim Gross, Civil West Engineering, representative). The Commission will make a recommendation to the City Council on this request, which will then hold a public hearing at a later date. Notice of that hearing will also be provided. The request is to (1) annex approximately 2.32 acres of real property (consisting of property currently identified as Tax Lot 300 of Assessor's Tax Map 11-11-20-AB) into the Newport city limits; (2) amend the City of Newport Zoning Map to an I-1/"Light Industrial" zoning designation for the property consistent with the existing Newport Comprehensive Plan designation of Industrial; and (3) withdraw said territory from the Newport Rural Fire Protection District, the Seal Rock

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Water District, and the Lincoln County Library District. The applicable criteria for annexations (as per Newport Municipal Code (NMC) Section 14.37.040) are that the required consents have been filed with the city; the territory to be annexed is within the acknowledged urban growth boundary (UGB); and the territory to be annexed is contiguous to the existing city limits. The criteria for Zone Map Amendments (as per NMC Section 14.36.010) are that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare. OAR 860-012-0060, the proposed zoning map change will not significantly affect existing or planned transportation facilities. Testimony and evidence must be directed toward the criteria described above or other criteria in the Newport Comprehensive Plan and its implementing ordinances that a person believes applies 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 and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing or must be submitted to the Planning Commission in person during the hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant, those in favor or opposed to the application, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.797 (6), any person prior to the conclusion of the initial public hearing may

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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. The staff report may be reviewed or purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials, applicable criteria, and other file materials are available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626; d.tokos@newportoregon.gov (address above). J1

LCL25-0002 TRUSTEE'S NOTICE OF SALE

The obligations secured by the trust deed described in this notice are in default and the beneficiary has elected to foreclose the trust deed pursuant to ORS 86.705 through ORS 86.815. No action is currently pending to recover any part of the debt secured by the trust deed. The following information is given, pursuant to ORS 86.752 and ORS 86.771: 1. PARTIES: The parties to the trust deed described in this notice are: Grantor: DUCK TAILS LLC; Trustee: FIRST AMERICAN TITLE COMPANY; Beneficiary: UNITED FUNDING INVESTMENTS LLC. A CALIFORNIA LIMITED LIABILITY COMPANY. 2. PROPERTY: The address of the property covered by the trust deed is 18271 Harlan Road, Eddyville, Oregon, more particularly described as follows: The South half of the Southeast quarter of Section 1, Township 12 South, Range 9 West, Willamette Meridian, in the County of Lincoln and State of Oregon. Excepting therefrom any portion thereof lying within the right of way of Harlan Road. 3. DATE AND RECORDING REFERENCE OF THE TRUST

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DEED SUBJECT OF THIS NOTICE: Dated April 3, 2023, recorded April 6, 2023, as Document Number 2023-02068. 4. DEFAULTS: The defaults for which foreclosure is made is grantor's failure to pay when due the following sums: Entire balance due and payable April 15, 2024. 5. BALANCE OWING: The sums owing on the obligations secured by the trust deed are: The entire unpaid principal balance of One Million Two Hundred Fifty Thousand and no/100 Dollars (\$1,250,000.00), together with interest thereon at the rate of twelve percent (12%) per annum from November 15, 2023 until paid; together with beneficiary's legal fees and costs incurred in enforcement of the obligation. 6. ELECTION TO SELL: The beneficiary and the trustee, by reason of the defaults set out above have elected to sell the property to satisfy the obligations secured by the trust deed. A Notice of Default has been recorded pursuant to ORS 86.752(3) and the beneficiary has declared all sums owing on the obligations secured by the trust deed immediately due and payable. 7. SALE: The property will be sold in the manner prescribed by law on Wednesday, March 5, 2025, at 2:00 P.M. in accord with the standard of time established by ORS 187.110, outside the front entrance of the Lincoln County Courthouse, 225 W. Olive Street, Newport, Lincoln County, Oregon. 8. RIGHT TO CURE DEFAULT UNDER ORS 86.778: Any person named in ORS 86.778 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than the portion of the principal that would not be due had no default occurred) together with costs

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and expenses actually incurred in enforcing the obligations, including trustee's and attorney's fees (not exceeding the amounts provided by ORS 86.778) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the note and trust deed. 9. Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamine, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale. THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. DATED: September 12, 2024 Willard L. Ransom, Trustee; OSB No. 031372, Sorenson, Ransom & Ferguson, LLP, 133 NW D Street, Grants Pass, OR 97526 wransom@roguevalley-law.com J1 J8 J15 J22

LCL25-0004 IN THE CIRCUIT COURT FOR THE STATE OF OREGON FOR THE COUNTY OF LINCOLN Probate Department in the Matter of the Estate of WARREN ALLAN GARDNER, Deceased. Case No.: 24PB06897 NOTICE TO INTERESTED PERSONS NOTICE IS HEREBY GIVEN that Donna Millbourn has been appointed personal representative. All persons having claims against the estate are required to present them, with vouchers attached, within four months after the date of first publication of this notice, or the claims may be barred. Claims should be presented to the attorney for the personal representa-

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tive at: John Andon, 5 Centerpointe Drive, Suite 400, Lake Oswego, OR 97035. 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 January 1, 2025. /s/ John Andon, John Andon, OSB #050363, Attorney for Personal Representative. Personal Representative: Donna Millbourn, 4119 W. 40th Ave., Spokane, WA 99224, Phone: 509-624-4851. Attorney for Personal Representative: John Andon, OSB #050363, 5 Centerpointe Dr., Ste. 400, Lake Oswego, OR 97035, Phone: 971-888-4602.

LCL25-0003 NOTICE OF AVAILABILITY FOR THE DRAFT ENVIRONMENTAL ASSESSMENT

FOR THE SPECIAL PURPOSE CRAFT HEAVY WEATHER (SPC-HWX) II ACQUISITION PROGRAM SUMMARY: The Coast Guard announces the availability of a Draft Environmental Assessment (EA) / Overseas Environmental Assessment (OEA) prepared for its proposal to acquire up to six, second generation SPC-HWX II, four in operation and training status, and two as Maintenance Relief Hulls. Each SPC-HWX II would have a service design life of 25 years. The Proposed Action would include vessel operations as well as training exercises to meet the Coast Guard's mission responsibilities in the proposed action area. The Proposed Action does not include emergency response but would include training for SAR. Any USCG response during a SAR mission is considered an emergency and is not a part of the Proposed Action. Like the original SPC-HWX, the SPC-HWX II would service Coast Guard District 13 and the Pacific Northwest (PNW) from the following deepwater ports: Station Grays Harbor, Washington; Station Cape Disappointment, Washington; Station Yaquina Bay, Oregon; and Station Coos Bay, Oregon. DATES: Agencies and the public are encouraged to provide written comments on the Draft EA/OEA. The 30-day public comment period for the Draft EA/OEA ends on 30 January 2025. Comments must be submitted on or before this date to be considered. ADDRESSES: The Draft EA is available for review between 20 December 2024 and 30 January 2025 at the following public libraries: Ilwaco Timberland Library, 158 First Ave N, Ilwaco, WA 98624, (360)642-3908 Westport

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Super Crossword

CATCHING SOME WAVES

- ACROSS 1 Biblical boat of refuge 9 1971 Best Actor winner Gene 16 Sewing line 20 Classroom instructor, in Aussie lingo 21 Long South 53 "Exodus" novelist Leon 54 Toe the line 58 Actress Liu 60 Angelina of Hollywood 62 Spiny lizard 64 Riddle, part 4 70 Third-place medal metal 107 Riddle's answer 116 Fall lawn tool 117 Interweaves of joy 118 St. Patrick's Day bar order 119 Went quickly 120 Store full of playthings 121 One of the men waiting 15 Start to doze 16 Birds bringing bundles 50 Track tipsters 55 Crotchety cry 56 Dir. opposite WSW 57 Turkey Day tuber 58 Wonder Woman 48 Quiet spells 49 Moistureless 81 Want badly 82 Pleading tyke's query 83 First-class aisle seat on many planes 84 Rent- (temporary wheels) 85 "Frozen" queen

Derrick Tokos

From: DLCDC Plan Amendments <plan.amendments@dlcd.oregon.gov>
Sent: Thursday, December 5, 2024 2:23 PM
To: Derrick Tokos
Subject: Confirmation of PAPA Online submittal to DLCDC

[WARNING] This message comes from an external organization. Be careful of embedded links.

Newport

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: 1-AX-24/4-Z-24

DLCD File #: [005-24](#)

Proposal Received: 12/5/2024

First Evidentiary Hearing: 1/13/2025

Final Hearing Date: 2/3/2025

Submitted by: dtokos

If you have any questions about this notice, please reply or send an email to plan.amendments@dlcd.oregon.gov.



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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.

- (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

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

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222.170 Annexation by consent before public hearing or order for election;

proclamation of annexation. (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(3) If the city legislative body has not dispensed with submitting the question to the electors of the city and a majority of the votes cast on the proposition within the city favor annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

(4) Real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section.

[Amended by 1955 c.51 §2; 1961 c.511 §2; 1971 c.673 §1; 1973 c.434 §1; 1983 c.350 §36; 1985 c.702 §11; 1987 c.447 §117; 1987 c.737 §4; 1999 c.1093 §12]

222.173 Time limit for filing statements of consent; public records. (1) For the purpose of authorizing an annexation under ORS 222.170 or under a proceeding initiated as provided by ORS 199.490 (2), only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

(2) Statements of consent to annexation filed with the legislative body of the city by electors and owners of land under ORS 222.170 are public records under ORS 192.311 to 192.478. [1985 c.702 §20; 1987 c.737 §5; 1987 c.818 §8]

Note: 222.173 to 222.177 were added to and made a part of ORS chapter 222 by legislative action but were not added to any smaller series therein. See Preface to Oregon

Revised Statutes for further explanation.

222.175 City to provide information on taxes and services when soliciting statements of consent. If a city solicits statements of consent under ORS 222.170 from electors and owners of land in order to facilitate annexation of unincorporated territory to the city, the city shall, upon request, provide to those electors and owners information on that city's ad valorem tax levied for its current fiscal year expressed as the rate per thousand dollars of assessed valuation, a description of services the city generally provides its residents and owners of property within the city and such other information as the city considers relevant to the impact of annexation on land within the unincorporated territory within which statements of consent are being solicited. [1985 c.702 §21; 1987 c.737 §6; 1987 c.818 §9]

Note: See note under 222.173.

222.177 Transmittal of annexation records to Secretary of State. When a city legislative body proclaims an annexation under ORS 222.125, 222.150, 222.160 or 222.170, the recorder of the city or any other city officer or agency designated by the city legislative body to perform the duties of the recorder under this section shall transmit to the Secretary of State:

(1) A copy of the resolution or ordinance proclaiming the annexation.

(2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.

(3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.

(4) A copy of the ordinance issued under ORS 222.120 (4).

(5) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the ordinance adopted under ORS 222.120 (4). [1985 c.702 §4; 1987 c.737 §7; 1987 c.818 §10]

Note: See note under 222.173.

222.179 Exempt territory. The amendments to ORS 222.210, 222.230, 222.240 and 222.270 made by chapter 702, Oregon Laws 1985, do not apply in territory subject to the jurisdiction of a local government boundary commission. [1985 c.702 §27]

Note: 222.179 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 222 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

222.180 Effective date of annexation. (1) The annexation shall be complete from the date of filing with the Secretary of State of the annexation records as provided in ORS 222.177 and 222.900. Thereafter the annexed territory shall be and remain a part of the city to which it is annexed. The date of such filing shall be the effective date of annexation.

(2) For annexation proceedings initiated by a city, the city may specify an effective date that is later than the date specified in subsection (1) of this section. If a later date is specified under this subsection, that effective date shall not be later than 10 years after the date of a

proclamation of annexation described in ORS 222.177. [Amended by 1961 c.322 §1; 1967 c.624 §15; 1973 c.501 §2; 1981 c.391 §5; 1985 c.702 §12; 1991 c.637 §9]

222.183 Notice of annexation when effective date delayed for more than one year. (1)

If the effective date of an annexation is more than one year after the date of a proclamation of annexation, the city, through its recorder or other city officer or agency performing the duties of recorder under this section, shall send notice to the county clerk of each county within which the city is located. The notice shall be sent not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

(2) The notice described in subsection (1) of this section shall be in addition to any other notice or filing required under ORS 222.010 to 222.750. [1995 c.607 §67]

Note: 222.183 was added to and made a part of 222.010 to 222.750 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

WITHDRAWAL OF TERRITORY

222.460 Procedures for withdrawal of territory; contents of resolution; hearing; election; taxes and assessments. (1) Except as expressly prohibited by the city charter, when the legislative body of a city determines that the public interest will be furthered by a withdrawal or detachment of territory from the city, the legislative body of the city, on its own motion, may order the withdrawal of territory as provided in this section.

(2) A withdrawal of territory from the city shall be initiated by a resolution of the legislative body of the city.

(3) The resolution shall:

(a) Name the city and declare that it is the intent of the legislative body of the city to change the boundaries of the city by means of a withdrawal of territory;

(b) Describe the boundaries of the affected territory; and

(c) Have attached a county assessor's cadastral map showing the location of the affected territory.

(4) Not later than 30 days after adoption of the resolution, the legislative body of the city shall hold a public hearing at which the residents of the city may appear and be heard on the question of the withdrawal of territory. The legislative body of the city shall cause notice of the hearing to be given in the manner required under ORS 222.120 (3).

(5) After receiving testimony at the public hearing, the legislative body of the city may alter the boundaries described in the resolution to either include or exclude territory. If the legislative body of the city still favors the withdrawal of territory pursuant to the resolution, as approved or modified, it shall enter an order so declaring. The order shall set forth the boundaries of the area to be withdrawn. The order shall also fix a place, and a time not less than 20 nor more than 50 days after the date of the order, for a final hearing on the resolution. The order shall declare that if written requests for an election are not filed as provided by subsection (6) of this section, the legislative body of the city, at the time of the final hearing, will adopt a resolution or ordinance detaching the territory from the city.

(6) An election shall not be held on the question of withdrawal of the affected territory from the city unless written requests for an election are filed at or before the hearing by not less than 15 percent of the electors or 100 electors, whichever is the lesser number, registered in the territory proposed to be withdrawn from the city.

(7) At the time and place set for the final hearing upon the resolution for withdrawal, if the required number of written requests for an election on the proposed withdrawal have not been filed, the legislative body of the city shall, by resolution or ordinance, declare that the territory is detached from the city.

(8) If the required number of requests for an election are filed on or before the final hearing, the legislative body of the city shall call an election in the city upon the question of the withdrawal of the affected territory.

(9) If an election is called and a majority of the votes cast at the election is in favor of the withdrawal of the designated area from the city, the legislative body of the city shall, by resolution or ordinance, declare that the territory is detached from the city. If the majority of the votes cast is against the withdrawal, the legislative body of the city shall enter an order declaring the results of the election and that no withdrawal shall occur.

(10) The described area withdrawn shall, from the date of entry of the order, be free from assessments and taxes levied thereafter by the city. However, the withdrawn area shall remain subject to any bonded or other indebtedness existing at the time of the order. The proportionate

share shall be based on the assessed valuation, according to the assessment roll in the year of the levy, of all the property contained in the city immediately prior to the withdrawal. [1985 c.702 §2; 1989 c.1063 §13]

Note: 222.460 and 222.465 were added to and made a part of ORS chapter 222 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

222.465 Effective date of withdrawal from domestic water supply district, water control district or sanitary district. Notwithstanding any provision of this chapter or ORS chapter 199 which provides a different effective date, when territory is withdrawn by a city from a domestic water supply district organized under ORS chapter 264, a water control district organized under ORS chapter 553 or a sanitary district organized under ORS chapter 450, if the ordinance, annexation or incorporation that results in the withdrawal is enacted or approved after March 31 in any year, the effective date of the withdrawal of territory shall be July 1 in the following year. However, if the ordinance, annexation or incorporation that results in the withdrawal is enacted or approved before April 1 in any year, the effective date of the withdrawal of territory shall be July 1 in the same year. When less than the entire area of a domestic water supply district organized under ORS chapter 264, a water control district organized under ORS chapter 553 or a sanitary district organized under ORS chapter 450 is annexed by or incorporated into a city, the district shall, for purposes of administration, operation and the collection of service charges, continue to operate that portion of the district separately until the effective date of the withdrawal of territory as determined under this section. This section does not limit any agreement between a city and a district under ORS 222.530 (5), 222.540 (4) or 222.560 (4). [1985 c.702 §4a]

Note: See note under 222.460.

ANNEXATION OF PUBLIC SERVICE DISTRICTS

222.510 Annexation of entire district; transfer of assets, liabilities and functions to city; exceptions. (1) Whenever the entire area of a rural fire protection district, a water district, including a domestic water supply corporation, a park and recreation district, a highway lighting district, a county service district, a special road district, a road assessment district or a sanitary district or authority, lawfully organized and existing, becomes incorporated in or annexed to a city in accordance with law, the district is extinguished and the city shall, upon the effective date of the incorporation or annexation, succeed to all the assets and become charged with all the liabilities, obligations and functions of the district. The district officers shall forthwith deliver to the city officers the district assets and records. Uncollected taxes theretofore levied by the district become the property of the city and must be delivered to it by the county treasurer upon collection.

(2) Notwithstanding subsection (1) of this section, a rural fire protection district, a water district, including a domestic water supply corporation, a park and recreation district, a highway lighting district, a county service district, a special road district, a road assessment district or a sanitary district or authority, lawfully organized and existing, the entire area of which becomes incorporated in a city, may continue to provide services if the continuation is proposed by petitioners in a petition for incorporation that is subsequently approved by voters in an incorporation election. At any time after incorporation, a city may cause a district to be

extinguished and succeed to all the assets and become charged with all the liabilities, obligations and functions of the district if:

(a) The governing body of the city holds a public hearing on the question of the extinguishment, hears objections to the extinguishment at the hearing, determines that the extinguishment is in the best interest of the city and adopts an ordinance extinguishing the district;

(b) After the hearing, the governing body of the city refers the ordinance extinguishing the district to the electors of the city; and

(c) The majority of all votes cast favors that the district be extinguished.

(3) For the public hearing required in subsection (2)(a) of this section, the governing body shall fix a date, time and place for the hearing and cause notice of the date, time, place and purpose of the hearing to be published once each week for two successive weeks prior to the date of the hearing in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period. [Amended by 1955 c.471 §1; 1963 c.347 §1; 1965 c.509 §1; 1967 c.365 §1; 1967 c.624 §16; 1969 c.78 §1; 1971 c.13 §5; 2007 c.420 §1; 2010 c.41 §1]

222.520 Annexation of less than entire district; assumption of obligations by city conditional. (1) Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law and the city, after the incorporation or annexation, will provide for the service to the part of the district that the district provided before the incorporation or annexation, the city may cause the part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after the incorporation or annexation in the manner set forth in ORS 222.524. Until withdrawn, the part of the district incorporated as or annexed to the city shall continue to be a part of the district.

(2) The part withdrawn pursuant to subsection (1) of this section is not relieved from liabilities and indebtedness previously contracted by the district. For the purposes of paying the liabilities and indebtedness of the district, property in the part withdrawn shall continue to be subject to assessment and taxation uniformly with property in the area remaining in the district. The city of which it became a part shall, however, assume such obligations if the obligations assumed do not bring the total of the city's obligations above any applicable limitations prescribed by statute. When the city assumes the obligations it shall be liable to the district for one of the following, at the option of the city:

(a) The amount of taxes that otherwise would be extended each year for the obligations against the property in the part withdrawn; or

(b) Payment annually, as the bonds of the district that were outstanding on the effective date of the withdrawal mature, of the same proportion of the outstanding bonds, and the interest on the bonds, as the assessed valuation of the part withdrawn bears to the assessed valuation of the entire district on the effective date of the withdrawal. After the city agrees to make payments under this paragraph, neither the city nor the part withdrawn shall be charged by the district with any future liabilities, obligations or functions of the district. [Amended by 1955 c.471 §2; 1957 c.401 §1; 1963 c.347 §2; 1965 c.509 §2; 1967 c.624 §17; 1985 c.702 §13; 2013 c.277 §1]

222.524 Procedure for withdrawal of part of district from district. (1) If as authorized by ORS 222.520 the governing body of the city elects to cause the withdrawal from a district named in ORS 222.510 of that part of such district theretofore incorporated in or annexed to the city, it shall hold a public hearing on the question of such withdrawal. At the hearing, the

governing body of the city shall hear objections to the withdrawal and shall determine whether such withdrawal is for the best interest of the city.

(2) The governing body shall fix a date, time and place for the hearing and cause notice of the date, time, place and purpose of the hearing to be published once each week for two successive weeks prior to the date of the hearing in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(3) After the hearing, the governing body of the city may by ordinance declare that the part of the district which was theretofore incorporated as or annexed to the city is withdrawn from the district.

(4) The ordinance referred to in subsection (3) of this section is subject to referendum.

(5) The city may withdraw from all of such districts at the same time in one proceeding under this section or may withdraw from each district in separate proceedings at different times.

(6) The public hearing and ordinance referred to in this section may be the same as the public hearing and ordinance in ORS 222.120. [1957 c.401 §3; 1963 c.347 §3; 1965 c.509 §3; 1985 c.702 §14]