



**PLANNING COMMISSION REGULAR SESSION AGENDA**  
**Monday, December 09, 2024 - 6:00 PM**  
**Council Chambers, 169 SW Coast Hwy, Newport, Oregon 97365**

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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](mailto: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](mailto: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.

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**1. CALL TO ORDER AND ROLL CALL**

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

**2. APPROVAL OF MINUTES**

**2.A Approval of the Planning Commission Work Session Meeting Minutes of November 25, 2024.**

[Draft PC Work Session Minutes 11-25-2024](#)

[11-25-24 PC Work Session Meeting Video Link](#)

**2.B Approval of the Planning Commission Regular Session Meeting Minutes of November 25, 2024.**

[Draft PC Reg Session Minutes 11-25-2024](#)

[11-25-24 PC Regular Session Meeting Video Link](#)

**3. CITIZENS/PUBLIC COMMENT**

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

**4. PUBLIC HEARINGS**

**4.A File #2-Z-24: Legislative Amendments Related to Implementation of the SB 1537 Limited Land Use Provisions.**

[Staff Report](#)

[Attachment A - Draft Ordinance No. 2228](#)

[Attachment B - SB 1537-Limited Land Use Decisions](#)

[Attachment C - ORS 197.195](#)

[Attachment D - DLCD Notice of SB 1537 Changes](#)

[Attachment E - Planning Commission 9-23-24 Minutes](#)

[Attachment F - DLCD 35-Day Public Notice](#)

[Attachment G - Published Public Notice](#)

**5. DIRECTOR COMMENTS**

**6. ADJOURNMENT**

**City of Newport  
Draft Planning Commission Work Session Minutes  
November 25, 2024**

<b>LOCATION:</b> CITY COUNCIL CHAMBERS, NEWPORT CITY HALL, 169 SW COAST HIGHWAY, NEWPORT	
<b>Time Start:</b> 6:00 P.M.	<b>Time End:</b> 6:58 P.M.

**ATTENDANCE LOG/ROLLCALL**

<b>COMMISSIONER/ ADVISORY MEMBER</b>	<b>STAFF</b>
Chair Bill Branigan	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.
Commissioner Jim Hanselman	Ethan Bassett, GIS Technician
Commissioner Gary East (absent, excused)	
Commissioner Braulio Escobar	
Commissioner John Updike	
Commissioner Robert Bare	
Citizen Advisory Member Dustin Capri (absent)	
Citizen Advisory Member Greg Sutton (absent)	

<b>AGENDA ITEM</b>	<b>ACTIONS</b>
<b>WORK SESSION MEETING</b>	
<b>CALL TO ORDER AND ROLL CALL</b>	
a. Roll Call	Introduction of Commissioner Robert Bare.
<b>WEB MAP UPDATES, NEW AERIAL IMAGERY, AND LIDAR DATA (ETHAN BASSETT).</b>	<p>Mr. Bassett gave an update on the new aerial imagery and lidar data for the City of Newport's GIS mapping system.</p> <p>Discussions included high resolution imagery; impervious surface layers; Lidar derived products; canopy height maps; and contour maps.</p> <p>The Commission discussed questions on code updates with new GIS maps.</p> <p>Berman requested that the city limits map be updated on the city's website.</p>
<b>MID-YEAR BAYFRONT PARKING MANAGEMENT PROGRAM REPORT.</b>	<p>Mr. Tokos reviewed the report on the Bayfront Parking Management Program that was shared with the City Council.</p> <p>Discussions included questions on if the parking funds could be used to pay Community Development staff who manage the parking program, and how the city's collection rates compared to other cities.</p>

<p><b>COUNCIL ACTION ON FEMA PRE-IMPLEMENTATION COMPLIANCE MEASURES.</b></p>	<p>Mr. Tokos reviewed the Council action that was taken on the FEMA pre-implementation compliance measures to declare an emergency ordinance so the city wouldn't be disqualified from the National Flood Insurance Program.</p>
<p><b>PLANNING COMMISSION WORK PROGRAM UPDATE.</b></p>	<p>None.</p>

Submitted by: \_\_\_\_\_  
 Sherri Marineau, Executive Assistant

DRAFT

**11-25-2024 - Planning Commission Work Session Meeting Video Link:**

[https://thecityofnewport.granicus.com/player/clip/1368?view\\_id=2&redirect=true](https://thecityofnewport.granicus.com/player/clip/1368?view_id=2&redirect=true)

**City of Newport  
Draft Planning Commission Regular Session Minutes  
October 14, 2024**

<b>LOCATION:</b> CITY COUNCIL CHAMBERS, NEWPORT CITY HALL 169 SW COAST HIGHWAY NEWPORT	
<b>Time Start:</b> 7:00 P.M.	<b>Time End:</b> 7:54 P.M.

**ATTENDANCE LOG/ROLLCALL**

<b>COMMISSIONER/ ADVISORY MEMBER</b>	<b>STAFF</b>
Chair Bill Branigan	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.
Commissioner Jim Hanselman	
Commissioner Gary East (absent, excused)	
Commissioner Braulio Escobar	<b>PUBLIC MEMBERS PRESENT</b>
Commissioner John Updike	Gail Malcom, Central Lincoln PUD
Commissioner Robert Bare	Eric Chambers, Central Lincoln PUD
	Trace Ward, GLAS Architects

<b>AGENDA ITEM</b>	<b>ACTIONS</b>
<b>REGULAR MEETING</b>	
<b>CALL TO ORDER AND ROLL CALL</b>	
a. Roll Call	None.
<b>APPROVAL OF THE MINUTES</b>	
a. Meeting minutes of Work Session Meeting on October 28, 2024	Motion by Berman, seconded by Updike, to approve the work session meeting minutes of October 28, 2024 as written. Motion carried in a voice vote. Bare abstained.
b. Meeting minutes of Regular Session Meeting on October 28, 2024	Motion by Berman, seconded by Updike, to approve the regular session meeting minutes of October 28, 2024 with minor corrections. Motion carried in a voice vote. Bare abstained.
<b>CITIZEN/PUBLIC COMMENT</b>	
None.	
<b>PUBLIC HEARINGS</b>	
<b>File #2-Z-24: Legislative Amendments Related to Implementation of the SB 1537 Limited Land Use Provisions (Rescheduled to December 9, 2024)</b>	
a. PUBLIC HEARING OPEN	7:07 p.m.  The public hearing for File #2-Z-24 was rescheduled to the December 9, 2024 meeting.

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

- a. STAFF REPORT - DERRICK TOKOS
- b. PUBLIC COMMENT

Mr. Tokos reviewed the staff report.

Applicants Gail Malcom and Eric Chambers with Central Lincoln PUD addressed the Commission and express how imperative it was to get the upgrades. They clarified that they planned to take the current building down to build a new building to accommodate the current 50 employees, and to have a better flow for drive through improvements.

The Commission asked questions on location studies and seismic considerations for the property.

Trace Ward with GLAS Architects shared a site plan with that Commission that showed the location of the current and future buildings; how there was a need for the 10-foot buffer to protect the residential properties from the Commercial; the plan to leave the existing building up until the new one is built; and the geotechnical work that was done on the site.

The Commission asked questions concerning the location of the new building; how the staging area would be used; geotechnical testing on the site; EV charging stations; and solar equipment for the site.

- c. PUBLIC HEARING CLOSED
- d. COMMISSION DECISION

7:41 p.m.

Updike supported the application. Berman didn't see any problems approving the request. Hanselman didn't like seeing R-1 zoned properties go away, but he didn't see CLPUD building housing on the property or moving from the site. He wanted to see views and fumes hidden from the neighbors. Escobar had concerns about losing residential sites, but noted that the city relied on CLPUD to keep things safe in the event of an emergency and he was in favor of the request. Bare was happy with the applicant's presentation and the staff recommendation. Branigan didn't voice any objections.

Motion was made by Escobar, seconded by Berman, to forward a favorable recommendation to the City Council for File #3-CP-24/3-Z-24 with conditions. Motion carried unanimously in a voice vote.

**DIRECTORS COMMENTS**

Tokos reviewed the updated Planning Commission work program.

Submitted by: \_\_\_\_\_

Sherri Marineau, Executive Assistant

DRAFT



**11-25-2024 - Planning Commission Regular Session Meeting Video Link:**

[https://thecityofnewport.granicus.com/player/clip/1369?view\\_id=2&redirect=true](https://thecityofnewport.granicus.com/player/clip/1369?view_id=2&redirect=true)

**PLANNING STAFF MEMORANDUM**  
**FILE No. 2-Z-24**

- I. **Applicant:** Initiated by motion of the Newport Planning Commission on September 23, 2024.
- II. **Request:** Amendments to Chapters 14.01, 14.32, and 14.52 of Title XIV of the Newport Municipal Code to implement the limited land use decision making procedures contained in the Governor's Housing Bill (SB 1537).
- III. **Findings Required:** This is a legislative action whereby the City Council, after considering a recommendation by the Newport Planning Commission, must determine that the changes to the Newport Municipal Code (NMC) are necessary and further the general welfare of the community (NMC 14.36.010).
- IV. **Planning Staff Memorandum Attachments:**
- Attachment "A" – Draft Ordinance No. 2228 (changes shown in mark-up format)
  - Attachment "B" – Sections 44 and 45 of SB 1537 Relating to Limited land Use Decisions
  - Attachment "C" – Copy of ORS 197.195
  - Attachment "D" – 11/18/24 Email from DLCD with Effective Date of SB 1537 Changes
  - Attachment "E" – Minutes from the 9/23/24 Planning Commission regular session
  - Attachment "F" – Email confirmation of 35-day DLCD PAPA notice
  - Attachment "G" – Published public hearing notice
- V. **Notification:** The Department of Land Conservation & Development was provided notice of the proposed legislative amendment on 10/9/24 (Attachment "F"). Notice of the 12/9/24 Planning Commission hearing was published in the Lincoln County Leader on 11/27/24 (Attachment "G").
- VI. **Comments:** No comments have been received regarding the proposed amendments.
- VII. **Discussion of Request:** Senate Bill (SB) 1537, commonly referred to as the "Governor's Housing Bill," was approved by the Oregon Legislature on March 4, 2024 and signed into law on April 4, 2024. Sections 44 and 45 of SB 1537 expanded the applicability of the limited land use statute in ORS 197.195, and made the process for evaluating limited land use decisions outlined in the statute mandatory. The practical impact of these changes in the City of Newport is that new subdivisions and requests to alter or expand non-conforming uses will no longer be subject to public hearings with review and approval by the Planning Commission. Instead these types of requests will be Type II land use actions, subject to review and approval by the Community Development Director without a hearing. Notice for limited land use decisions is also half of what the City has traditionally provided for staff level decisions. That is, notice will only be provided to property owners within 100-feet of the subject site. In addition to subdivisions and non-conforming uses, SB 1537 identifies partitions, replats and property line adjustments as other types of limited land use decisions.

The Planning Commission reviewed a set of draft code amendments to implement the new laws at a work session on 9/9/24. At its 9/23/24 regular meeting, the Commission approved a motion to initiate the legislative changes consistent with authority granted to the policymaking body under Chapter 14.36 of the Newport Municipal Code (Attachment "E"). The proposed amendments are illustrated in mark-up form in draft Ordinance No 2228 (Attachment "A") and are summarized as follows:

NMC 14.01.020, Definitions, is being revised to include the definition of a “limited land use decision” as modified by Section 44 of SB 1537. In addition to subdivisions and partitions, the new statutory definition includes the approval or denial of replats, property line adjustments, or the alteration/expansion of a non-conforming use as types of limited land use decisions.

NMC 14.32.030, Approval Authority, is revised such that all applications to alter, expand, or replace a non-conforming use will be subject to a Type II decision-making procedure. The City’s Type II decision-making procedure is a staff level review, with appeals to the Planning Commission. It mirrors the process in ORS 197.195 for approving or denying limited land use decisions.

NMC 14.52.020, Description of Land Use Actions/Decision-Making Procedures, is being amended to clarify that subdivisions, and requests to alter or expand a non-conforming use are Type II land use actions. Other edits to this sub-section eliminate references to outdated terms.

NMC 14.52.030, Approving Authorities, is being amended to remove alterations or expansions of non-conforming uses and subdivisions from the list of land use actions subject to Planning Commission approval. Subdivisions were added as a type of application subject to Community Development Director review and approval. Language in this subsection has been revised for consistency, and new provisions make it clear that all Type II applications are subject to review and approval by the Community Development Director.

NMC 14.52.060, Notice, is amended to establish a separate, reduced notice requirement for Type II actions that are limited land use decisions. This is necessary to comply with Section 45 of SB 1537, which requires that local government use the statutory process in ORS 197.195 when making a limited land use decisions. That statutory process provides that only record owners of property within 100-feet of the subject site are entitled to receive notice before a decision is rendered. The City has historically provided notice to property owners within 200-feet of the subject site, and that 200-foot distance will remain in effect for Type II actions other than limited land use decisions. Other changes to this subsection ensure that terms used are consistent.

NMC 14.52.100, Appeals, is being amended to include references to limited land use decisions, where appropriate, and to ensure consistent use of terms.

NMC 14.52.140, Expiration and Extension of Land Use Actions, is being amended to include references to limited land use decisions, where appropriate, and to ensure consistent use of terms.

NMC 14.52.150, Revocation of Decisions, is being amended to ensure consistent use of terms.

**VIII. Conclusion and Recommendation:** The Planning Commission should review the proposed amendments and make a recommendation to the City Council as to whether or not they are necessary and further the general welfare of the community (ref: NMC 14.36.010). This would be done by motion and vote of the Commission members present. In making a motion the Commission should specifically reference the policy options or any other revisions they wish to see incorporated as part of their recommendation. If the Commission is not prepared to make a recommendation, or desires additional information or code revisions before it does so, then it may continue the hearing to a date certain.



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

December 2, 2024

CITY OF NEWPORT

ORDINANCE NO. 2228

AN ORDINANCE AMENDING CHAPTERS 14.01, 14.32, AND 14.52  
OF TITLE XIV OF THE NEWPORT MUNICIPAL CODE  
RELATING TO LIMITED LAND USE DECISIONS

(Newport File No. 2-Z-24)

**Findings:**

1. Senate Bill (SB) 1537, commonly referred to as the “Governor’s Housing Bill,” was approved by the Oregon Legislature on March 4, 2024 and signed into law on April 4, 2024. Sections 44 and 45 of SB 1537 expanded the applicability of the limited land use statute in ORS 197.195, and made the process outlined in the statute for evaluating limited land use decisions mandatory.
2. At its September 9, 2024 work session, the Planning Commission reviewed a draft set of code amendments to implement Sections 44 and 45 of SB 1537, and at its regular meeting on September 23, 2024, the Planning Commission chose to initiate the process of amending Newport Zoning Ordinance, codified as Title XIV of the Newport Municipal Code consistent with the process set out in Newport Municipal Code (NMC) Chapter 14.36.
3. The Newport Planning Commission held a public hearing on December 2, 2024 to consider testimony and comment on the draft amendments and, at the conclusion of the hearing, passed a motion recommending the City Council adopt the changes. In making its recommendation, the Commission concluded that the amendments satisfy the City’s requirement that legislative amendments be necessary and further the general welfare of the community because they ensure that the Municipal Code provisions that the City enforces align with new state law. The specific amendments forwarded by the Commission for the City Council’s consideration are summarized as follows:
  - a. NMC 14.01.020, Definitions, is being revised to include the definition of a “limited land use decision” as modified by Section 44 of SB 1537. In addition to subdivisions and partitions, the new statutory definition includes the approval or denial of replats, property line adjustments, or the alteration/expansion of a non-conforming use as types of limited land use decisions.
  - b. NMC 14.32.030, Approval Authority, is revised such that all applications to alter, expand, or replace a non-conforming use will be subject to a Type II

decision-making procedure. The City's Type II decision-making procedure is a staff level review, with appeals to the Planning Commission. It mirrors the process in ORS 197.195 for approving or denying limited land use decisions.

- c. NMC 14.52.020, Description of Land Use Actions/Decision-Making Procedures, is being amended to clarify that subdivisions, and requests to alter or expand a non-conforming use are Type II land use actions. Other edits to this sub-section eliminate references to outdated terms.
- d. NMC 14.52.030, Approving Authorities, is being amended to remove alterations or expansions of non-conforming uses and subdivisions from the list of land use actions subject to Planning Commission approval. Subdivisions were added as a type of application subject to Community Development Director review and approval. Language in this subsection has been revised for consistency, and new provisions make it clear that all Type II applications are subject to review and approval by the Community Development Director.
- e. NMC 14.52.060, Notice, is amended to establish a separate, reduced notice requirement for Type II actions that are limited land use decisions. This is necessary to comply with Section 45 of SB 1537, which requires that local government use the statutory process in ORS 197.195 when making a limited land use decisions. That statutory process provides that only record owners of property within 100-feet of the subject site are entitled to receive notice before a decision is rendered. The City has historically provided notice to property owners within 200-feet of the subject site, and that 200-foot distance will remain in effect for Type II actions other than limited land use decisions. Other changes to this subsection ensure that terms used are consistent.
- f. NMC 14.52.100, Appeals, is being amended to include references to limited land use decisions, where appropriate, and to ensure consistent use of terms.
- g. NMC 14.52.140, Expiration and Extension of Land Use Actions, is being amended to include references to limited land use decisions, where appropriate, and to ensure consistent use of terms.
- h. NMC 14.52.150, Revocation of Decisions, is being amended to ensure consistent use of terms.

4. Statewide Planning Goal 10, and its implementing statutes and administrative rules, are designed to ensure that there is (a) an opportunity within a city for the provision of adequate numbers of needed housing units, (b) the efficient use of buildable land within urban growth boundaries, and (c) to provide greater certainty in the development process so as to reduce housing costs. The amendments, summarized above, respond to the last point by reducing the length of time and uncertainty often attributed to processes that require a public hearing before a Planning Commission, with respect to applications for subdivisions and alterations/expansions of non-conforming uses. Accordingly, the proposed amendments are consistent with these stated objectives of Statewide Planning Goal 10.
5. The City Council held a public hearing on December 2, 2024 regarding the question of the proposed amendments, and, after considering the recommendation of the Planning Commission and evidence and argument in the record, adopted the ordinance, concluding that it is necessary and furthers the general welfare of the community.
6. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

**THE CITY OF NEWPORT ORDAINS AS FOLLOWS:**

**Section 1.** Findings. The findings set forth above are hereby adopted in support of the amendments to Chapters 14.01, 14.32, and 14.52 of Title XIV of the Newport Municipal Code adopted by Section 2 of this Ordinance.

**Section 2.** Municipal Code Amendment. Chapters 14.01, 14.32, and 14.52 of Title XIV of the Newport Municipal Code are hereby amended as set forth in Exhibit "A".

**Section 3.** Effective Date. This ordinance shall take effect 30 days after adoption.

Date adopted and read by title only: \_\_\_\_\_

Signed by the Mayor on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Jan Kaplan, Mayor

ATTEST:

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\_\_\_\_\_  
Jeanne Tejada, Asst. Interim City Recorder

(Unless otherwise specified, new language is shown in double underline, and text to be removed is depicted with ~~strikethrough~~. Staff comments, in *italics*, are for context and are not a part of the revisions.)

## CHAPTER 14.01 PURPOSE, APPLICABILITY, AND DEFINITIONS\*\*

### 14.01.020 Definitions

As used in this ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

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**Land Division**. A subdivision or partition.

**Land Use Action**. The procedure by which the City of Newport makes a land use decision.

**Land Use Decision**. In general, a final decision or determination that concerns the adoption, amendment, or application of the statewide planning goals, a comprehensive plan provision, or a land use regulation. Specifically, a city decision as defined by ORS 197.015(10).

**Land Use Decision (limited)**. A final decision or determination pertaining to a tentative subdivision or partition plat, replat, property line adjustment, or the extension, alteration or expansion of a nonconforming use.

*Staff: Adding definition of limited land use decision, as modified by Section 44, SB 1537.*

## CHAPTER 14.32 NONCONFORMING USES, LOTS, AND STRUCTURES

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### 14.32.030 Approval Authority

~~An application for the alteration, expansion, or replacement of a nonconforming use shall be processed and authorized using a Type II decision-making procedure. Upon receipt of an application, the Community Development Director or designate shall determine if an alteration, expansion, or replacement of a nonconforming use or structure qualifies for Type II or Type III review based on the standards established in this subsection. There shall be no appeal of the Director's determination as to the decision making process, but the issue may be raised in any appeal from the final decision on the application.~~

~~A. An application shall be processed and authorized using a Type II decision-making procedure when characterized by the following.~~

~~1. The request is to alter, expand, or replace a nonconforming single-family dwelling or structure accessory thereto; or~~

~~2. Alteration or expansion of a nonconforming use or structure is necessary in order to satisfy health and safety or Americans with Disabilities Act (ADA) requirements.~~

~~B. All other applications for the alteration, expansion, or replacement of nonconforming uses or structures shall be processed and authorized using a Type III decision-making procedure.~~

*Staff: While SB 1537 was crafted as a housing bill, the change to the definition of limited land use decisions in Section 44 of the bill is more expansive with respect to applications to alter or expand a non-conforming use. The legislation does not distinguish between residential, commercial, industrial or public uses. All applications to alter or expand a non-conforming use or structure will be subject to staff review as a limited land use decision.*



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## CHAPTER 14.52 PROCEDURAL REQUIREMENTS

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### 14.52.020 Description of Land Use Actions/Decision-Making Procedures

The following is a description of four general types of land use actions/decision-making procedures utilized for land use and limited land use decisions within the City of Newport:

- A. Type I Land Use Actions. Type I decisions are generally made by the Community Development Director without public notice prior to the decision and without a public hearing. A notice of the decision and opportunity to appeal is provided. Type I decisions involve limited administrative discretion. An example of a Type I action is an estuarine review. An appeal of a Type I decision is heard by the Planning Commission.
- B. Type II Land Use Actions. Type II decisions are generally made by the Community Development Director with public notice and an opportunity to comment but without a public hearing. Type II decisions involve administrative discretion in the application of criteria but usually involve land use actions with limited impacts or involve limited land use decisions. Examples of Type II actions include Conditional Use Permits that generate less than 50 vehicle trips per day and involve property that is less than an acre in size, Property Line Adjustments, ~~Minor Partitions, and Minor Replats, Subdivisions, and requests to alter or expand a non-conforming use~~. An appeal of a Type II decision by the Community Development Director is heard by the Planning Commission, and an appeal of a Type II decision by the Planning Commission is heard by the City Council.
- C. Type III Land Use Actions. Type III decisions are considered quasi-judicial land use actions and generally are made by the Planning Commission after public notice and a public hearing. Type III decisions generally use discretionary criteria or involve land use actions with larger

impacts than those reviewed under a Type I or Type II procedure. Examples of Type III actions include Conditional Use Permits that generate more than 50 trips per day, variances, preliminary and final planned development applications, and interpretation requests, ~~and tentative subdivision plat applications~~. An appeal of a Type III permit decision is heard by the City Council.

- D. Type IV Land Use Actions. Type IV decisions are made by the City Council as either quasi-judicial or legislative decisions involving land use action such as urban growth boundary amendments, Comprehensive Plan map/text amendments, Zoning map/text amendments, annexation requests, planned destination resorts conceptual master plans, and street/plat vacations for which an ordinance must be adopted by the City Council. Most Type IV decisions require a public hearing and recommendation by the Planning Commission prior to the City Council public hearing.

*Staff: Clarifies that subdivisions and requests to alter or expand a non-conforming use are Type II land use actions. Other edits eliminate old terms.*

#### 14.52.030 Approving Authorities

The approving authority for the various land use and ministerial actions shall be as follows:

- A. City Council. A public hearing before the Council is required for all land use actions identified below. Items with an "\*" require a public hearing and recommendation from the Planning Commission prior to a City Council hearing.
1. Annexations\*.
  2. Comprehensive Plan amendments (text or map)\*.
  3. Planned destination resorts--conceptual master plans\*.
  4. Urban growth boundary amendments\*.

5. Vacations (plat or street)\*.
6. Withdrawals of territory (public hearing required).
7. Zone Ordinance amendments (text or map)\*.
8. Any other land use action defined in ordinance as a Type IV decisionaction\*.
9. Any land use action seeking to modify any action or conditions on actions above previously approved by the City Council where no other modification process is identified.
10. Appeals of a Planning Commission action.

B. Planning Commission. A public hearing before the Commission is required for all land use actions identified below. Items with an "\*" are subject to Planning Commission review as defined in the section of the ordinance containing the standards for that particular type of land use action. Planning Commission decisions may be appealed to the City Council.

1. Conditional use permits\*.
- ~~2. Nonconforming use changes or expansions\*.~~
- ~~3~~2. Planned destination resorts - preliminary and final development plans\*.
- ~~4~~3. Planned developments.
- ~~5. Subdivisions (tentative subdivision plat).~~
- ~~6~~4. Variances.
- ~~7~~5. Adjustments\*.
- ~~8~~6. Design review\*.

~~97.~~ Interpretations of provisions of the Comprehensive Plan or Zoning Ordinance that require factual, policy, or legal discretion.

~~108.~~ Any land use ~~action~~ decision defined as a Type III decision action.

~~11.~~ Any land use action defined as a Type II decision for which the Planning Commission is the initial approving authority.

~~129.~~ Any land use action seeking to modify any action or conditions on actions above previously approved by the Planning Commission where no other modification process is identified.

~~1310.~~ Appeal of the Community Development Director decision under a Type I or Type II decision action.

C. Community Development Director. Land use actions decided by the Director are identified below. A public hearing is not required prior to a decision being rendered. Items with an "\*" are subject to Director review as defined in the section of the ordinance containing the standards for that particular type of land use action. Decisions made by the Community Development Director may be appealed to the Planning Commission.

1. Conditional use permits\*.

~~2.~~ Subdivisions.

~~23.~~ Partitions, ~~minor~~.

~~34.~~ Replats, ~~minor~~.

~~45.~~ Estuarine review.

~~56.~~ Adjustments\*.

~~67.~~ Nonconforming use changes or expansions\*.

~~78.~~ Design review\*.

89. Ocean shorelands review.

910. Any land use ~~action decision or limited land use decision~~ defined as a Type I or Type II ~~decision~~ action for which the ~~Community Development Director is the initial approving authority.~~

119. Any land use action seeking to modify any action or conditions on actions above previously approved by the Community Development Director where no other modification process is identified.

12. Ministerial actions necessary to implement Title XIV of the Newport Municipal Code, including final plats, property line adjustment conveyance documents, public improvement agreements, temporary uses (unless an alternative process is provided), and confirmation that building permits satisfy clear and objective approval standards.

*Staff: Amended to eliminate redundant language and to establish that all land divisions and alterations/expansions of non-conforming uses are subject to Community Development Director (Type II) review.*

14.52.060 Notice

The notification requirements in general for the various types of land use actions are identified below. The applicant shall provide city staff with the required names and addresses for notice. Notice of hearings to individual property owners is not required for Type IV legislative actions unless required by state law, such as ORS 227.186 (notice to owners whose property is rezoned). These notification requirements are in addition to any other notice requirements imposed by state law or city ordinance.

A. Information Required in all Notices of Actions and Hearings:

1. Name of applicant and property owner (if different), and file number.
2. Location of property (if applicable).
3. Date, time, and location for public hearing (for all hearings).
4. A brief summary of the nature and substance of the application or decision.
5. A list of applicable Newport Ordinance and/or Comprehensive Plan standards and where the applicable criteria may be found.
6. A statement that relevant information (decision, staff report, application or other materials) may be reviewed and providing information about where and when they can be reviewed, and a statement that copies are available at cost).
7. Staff contact information, including name, address, and phone number.
8. Date the notice is mailed.

B. Information Required in Specific Notices:

1. Date of decision (for Type I actions).
2. A statement describing the process and the deadline for filing comments (for Type II actions).
3. A statement that the failure to raise an issue with sufficient specificity to allow the decision maker an opportunity to respond to the issue precludes raising the issue on appeal, including an appeal to the Land Use Board of Appeals (for Type II and III and quasi-judicial Type IV actions).
4. Date, time, and location of the hearing (all hearing notices).

5. A statement that the staff report will be available for view at no cost and that copies will be available at a reasonable cost at least seven days before the hearing (Type III and Type IV quasi-judicial actions).
  6. A general description of the hearing process, including the process for submitting written materials (Type III and IV decisionsactions).
  7. An explanation of the use or uses that could be authorized by the decision (Type IV decisionsactions).
- C. Mailing of Notice. Notices of hearings and actions applications shall be mailed by first class mail at least 14 days prior to the deadline for providing testimony for Type II decisionsactions and at least 20 days prior to the public hearing for Type III and Type IV quasi-judicial actions. Notices shall be mailed to:
1. The applicant and property owner (if different).
  2. Any affected public agency, including ODOT or Lincoln County Transit, or public/private utility.
  3. Any person who has requested notice of the hearing or action in writing.
  4. Any officially recognized neighborhood association whose boundaries include the subject property.
  5. Record owners of property (as specified in the most recent Lincoln County Assessor's property tax assessment roll):
    - a. Within 100 feet of the subject property (Type II actions involving limited land use decisions).
    - b. Within 200 feet of the subject property (Type I actions, Type II actions other than limited land use decisions, and Type III actions).
    - bc. Within 300 feet of the subject property (Type IV quasi-judicial actions).

- D. Written Notice for Rezoning of Mobile Home or Manufactured Dwelling Park. If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park, written notice by first class mail shall be given to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least 20 days, but not more than 40 days, before the date of the first hearing on the application.
- E. Written Notice to Airport Owners. Notice of a public hearing on a zone use application shall also be provided to the owner of an airport, defined by the Department of Transportation as a “public use airport,” if:
1. The name and address of the airport owner has been provided by the Aeronautics Division of the Department of Transportation to the City Community (Planning) Department; and
  2. The property subject to the zone use hearing is:
    - a. Within 5,000 feet of the side or end of a runway of an airport determined by the Department of Transportation to be a “visual airport,” or
    - b. Within 10,000 feet of the side or end of the runway of an airport determined by the Department of Transportation to be an “instrument airport.”
  3. Notice of a zone use hearing need not be provided if the permit or zone change would only allow a structure less than 35 feet in height, and the property is located outside of the runway “approach surface” as defined by the Department of Transportation.
- F. Published Notice. Notice of each Type III and Type IV hearing shall be published at least once in a newspaper of general circulation in the city at least 5 days, and no more than 14 days, prior to the date set for public hearing.



*Staff: Terminology has been clarified, and language has been added to account for the 100-foot notice parameter for limited land use decisions.*

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## 14.52.100 Appeals

Any person with standing may appeal a decision of the approving authority. No person shall have standing to appeal unless the person made an appearance of record in the initial proceeding prior to the close of the public comment period, public hearing, or close of the record. All appeals shall be made no later than 15 calendar days after the date the final order is signed. "Appearance of record" shall mean either appearance in person or in writing. City Council decisions may be appealed to the Oregon Land Use Board of Appeals as provided by state law.

- A. Appeal Document. All appeals shall be signed by the appellant or authorized agent and shall contain:
1. An identification of the decision sought to be reviewed, including the date of the decision.
  2. A statement demonstrating that the appellant has standing to appeal.
  3. A statement of the specific grounds which the appellant relies on as the basis for the appeal. If the appellant contends that the findings of fact made by the approving authority are incorrect or incomplete, the application shall specify the factual matters omitted or disputed. If the appellant contends that the decision is contrary to city code, an ordinance statute, or other law, the appeal shall identify the city code, an ordinance, statute, or other legal provision, and state how the applicable provision has been violated. For appeals of a quasi-judicial or limited land use action, a statement demonstrating that the appeal issues were raised with sufficient specificity in the hearing below.

B. Scope of Review. Unless the appeal is heard de novo, the appeal of a decision by a person with standing shall be limited to the specific issues raised during the hearing from which the decision is being appealed. Approving authorities may hear appeals on the record of the initial hearing (if a previous hearing was held) or de novo. An appeal of a limited land use decision, from or a land use action decision that had a previous hearing shall be held on the record unless the approving authority determines that a de novo hearing is warranted.

1. When de novo hearing is warranted.

a. Where a land use decision was made without a public hearing, the appeal shall be heard de novo.

b. For a limited land use decision, or ~~Where a~~ land use decision ~~was~~ made following a public hearing, the approving authority may consider holding the appeal de novo for any of the following reasons:

i. (The appellant(s) have documented as part of a petition to appeal a significant procedural error that resulted in a substantive harm to their ability to participate ~~in the initial hearing~~ that could be cured by a ~~subsequent~~ de novo hearing.

ii. The appeal of the decision is part of a package of land use ~~requests actions~~ submitted by the applicant that include other land use ~~requests actions~~ that will be considered in a ~~new~~ public hearing before the review authority, and it would be more efficient to conduct the appeal de novo in conjunction with the hearings for the other land use ~~requests actions~~.

iii. A significant number of appeals have been filed such that the efficiency of the appeal process would be better served through a de novo hearing.

2. Procedure for determining when de novo hearing is warranted on appeal from a land use decision made following a public hearing:

- a. Following the end of the appeal period for which an appeal has been filed with a request for a de novo hearing, the matter of the de novo appeal hearing request shall be scheduled at the next available approving authority meeting for consideration.
- b. The appeal authority shall review the submitted request for de novo hearing along with any staff and applicant (if other than appellant) input on the matter and make a decision.

C. Notice of Appeal. Notice of the appeal hearing shall be given to the applicant, the applicant's authorized agent (if any), and to interested persons. Interested persons are:

1. Anyone who has made appearance of record.
2. Anyone who has filed a written request for notice of the approving authority's decision; and
3. Anyone who has requested notice of any appeal hearing.

D. Appeal Hearings. The following is a minimum set of procedures supplemented by any duly adopted rules of procedure:

1. Appeal hearings on the record shall be conducted as follows:
  - a. A record of hearing shall be prepared by the Community Development Department containing the written material involving the approval through the filing of the appeal. A transcript of the hearing shall be prepared and included with the record.
  - b. Following preparation of the record, a date for the on-the-record hearing shall be set by the

Community Development Department, and notice of the date of the appeal hearing shall be given.

- c. The appellant(s) shall have seven calendar days from the date the record is available to supplement the petition for appeal by identifying items in the record in support of the appeal (“support brief”).
  - d. The applicant(s) (if other than the appellant) and city staff shall have seven calendar days from the date the appellant support brief is due to respond (“response brief”).
  - e. The appeal hearing will allow for comments by city staff, argument from appellant(s), applicant(s) (if other than appellant), rebuttal, and questions and deliberation by the approving authority.
2. De novo appeal hearings may be held by the appeals approving authority. In cases of a de novo hearing, the same procedure shall be used as was employed in the initial hearing.
  3. Ability for City Council to deny appeal without hearing. The City Council may deny an appeal from a Planning Commission decision where the Planning Commission has held a de novo hearing following an appeal of a decision of the Community Development Director for land use actions subject to the 120-day rule in ORS 227.178. If the City Council votes to deny an appeal, the Council shall adopt the Planning Commission Final Order as the final decision of the City.
- E. Appeals Decision. Upon review of the appeal, the appeals approving authority may, by final order, affirm, reverse, or modify in whole or part the initial decision. When the appeals approving authority modifies or reverses a decision of the initial approving authority, the final order shall set forth findings and reasons for the change. The appeals approving authority may also remand the matter back to the initial approving authority for further consideration or clarification. A notice of the decision made by the approving authority shall be given to:

1. Anyone who has made appearance of record; and
2. Anyone who has filed a written request for notice of the approving authority's decision; and
3. Anyone who has requested notice of any appeal hearing.

F. Judicial Finality. No permit shall be issued, no permit or approval shall be considered valid, and no project may proceed, based on any land use decision of the City of Newport for a land use action processed under this section of the Ordinance, until such time as all rights of appeal from such decision have been exhausted and such decision is "judicially final." A decision shall be considered judicially final at such time as any applicable period for the appeal of such decision shall have expired without initiation of an appeal, or any properly initiated appeal shall have been exhausted, whichever is later. However, this shall not preclude the making of an application for, or the conduct of proceedings to consider, the issuance of a permit or approval based on such land use decision.

*Staff: Language has been added requiring that an appeal of a limited land use decision be handled on the record in most cases. This is optional. The Commission could also handle the appeals de novo.*

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14.52.140 Expiration and Extension of ~~Decision~~Land Use Actions

Expiration or extension of all land use ~~decisions~~actions shall be as follows:

- A. All land use ~~decisions~~actions shall be void if within twenty-four (24) months of the date of the final decision:
  1. All necessary building permit(s) have not been issued, if required; or
  2. The authorized use has been established; or

3. In cases where a final plat is required, the final plat has not been signed by the City and referred for recording.
- B. Notwithstanding Subsection (A) of this section, the approval authority may set forth in ~~the its~~ written decision specific instances or time periods when a permit expires.
  - C. The Community Development Department may extend any approved ~~decision-land use action~~ for a period of twelve (12) months; provided the permit holder:
    1. Submits a written request for an extension of time prior to expiration of the approval period; ~~and~~
    2. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.
  - D. The Planning Commission may grant an additional twelve (12) month extension after ~~conducting a~~ public hearing. Notice shall be the same as ~~what was provided for the original tentative plan~~ land use action. The criteria for an extension are:
    1. An unforeseen change in the economic condition has affected the real estate market for the project; or
    2. The weather has prevented the physical work; or
    3. Other unanticipated hardship, such as change or turnover in engineering firms, contractors, or significant delays in obtaining required state or federal permits requires additional time to complete the project.
    4. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.
  - E. The granting of an extension pursuant to this section is ~~an a administrative ministerial action, is not a land use decision as described in ORS 197.015,~~ and is not subject

to appeal as a limited land use decision, or land use decision.

- F. Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.
- G. If a permit decision is appealed beyond the jurisdiction of the city, the expiration period shall not begin until review before the Land Use Board of Appeals and the appellate courts has been completed, including any remand proceedings before the city. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

*Staff: Amendments clarify terminology. No substantive changes.*

#### 14.52.150 Revocation of Decisions

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the city's approval, the city may institute a revocation proceeding under this section.

- A. Type I, Type II, and Type III decisions-actions may be revoked or modified if the Planning Commission determines a substantial likelihood that any of the following situations exists:
  - 1. One or more conditions of the approval have not been implemented or have been violated: or
  - 2. The activities of the use, or the use itself, are substantially different from what was approved or represented by the applicant.
- B. A revocation shall be processed as a Type III decisionaction. The Community Development Department or any private complaining party shall have the burden of proving, based on substantial evidence in the whole

record, that the applicant or the applicant's successor has in some way violated the city's approval.

- C. Effect of revocation. In the event that the permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Planning Commission, unless the decision provides otherwise. In the event the Planning Commission's decision on a revocation request is appealed, the requirement to terminate the use shall be stayed pending a final, unappealed decision.

*Staff: Amendments clarify terminology. No substantive changes.*

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(c) Failing to comply with conditions of approval adopted under subsection (4) of this section.

**SECTION 40. Temporary exemption authority.** Before January 1, 2025, notwithstanding section 39 of this 2024 Act:

(1) Cities may deliver applications for exemption under section 39 of this 2024 Act to the Department of Land Conservation and Development; and

(2) The Department of Land Conservation and Development may perform any action that the Housing Accountability and Production Office may take under section 39 of this 2024 Act. Decisions and actions of the department under this section are binding on the office.

**SECTION 41. Reporting.** (1) A city required to provide a report under ORS 197A.110 shall include as part of that report information reasonably requested from the Department of Land Conservation and Development on residential development produced through approvals of adjustments granted under section 38 of this 2024 Act. The department may not develop a separate process for collecting this data or otherwise place an undue burden on local governments.

(2) On or before September 15 of each even-numbered year, the department shall provide a report to an interim committee of the Legislative Assembly related to housing in the manner provided in ORS 192.245 on the data collected under subsection (1) of this section. The committee shall invite the League of Oregon Cities to provide feedback on the report and the efficacy of section 38 of this 2024 Act.

**SECTION 42. Operative date.** Sections 38 to 41 of this 2024 Act become operative on January 1, 2025.

**SECTION 43. Sunset.** Sections 38 to 41 of this 2024 Act are repealed on January 2, 2032.

#### LIMITED LAND USE DECISIONS

**SECTION 44.** ORS 197.015 is amended to read:

197.015. As used in ORS chapters 195, 196, 197 and 197A, unless the context requires otherwise:

(1) "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals.

(2) "Board" means the Land Use Board of Appeals.

(3) "Carport" means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

(4) "Commission" means the Land Conservation and Development Commission.

(5) "Comprehensive plan" means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

(6) "Department" means the Department of Land Conservation and Development.

(7) "Director" means the Director of the Department of Land Conservation and Development.

(8) "Goals" means the mandatory statewide land use planning standards adopted by the commission pursuant to ORS chapters 195, 196, 197 and 197A.

(9) "Guidelines" means suggested approaches designed to aid cities and counties in preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid state agencies and special districts in the preparation, adoption and implementation of plans, programs and regulations in compliance with goals. Guidelines are advisory and do not limit state agencies, cities, counties and special districts to a single approach.

(10) "Land use decision":

(a) Includes:

(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

- (i) The goals;
- (ii) A comprehensive plan provision;
- (iii) A land use regulation; or
- (iv) A new land use regulation;

(B) A final decision or determination of a state agency other than the commission with respect to which the agency is required to apply the goals; or

(C) A decision of a county planning commission made under ORS 433.763;

(b) Does not include a decision of a local government:

(A) That is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;

(B) That approves or denies a building permit issued under clear and objective land use standards;

(C) That is a limited land use decision;

(D) That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;

(E) That is an expedited land division as described in ORS 197.360;

(F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;

(G) That approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan; or

(H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the acknowledged comprehensive plan and land use regulations implementing the plan, if:

(i) The local government has already made a land use decision authorizing a use or activity that encompasses the proposed state agency action;

(ii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan; or

(iii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action requires a future land use review under the acknowledged comprehensive plan and land use regulations implementing the plan;

(c) Does not include a decision by a school district to close a school;

(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c), authorization of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period; and

(e) Does not include:

(A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;

(B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; or

(C) A state agency action subject to ORS 197.180 (1), if:

(i) The local government with land use jurisdiction over a use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action has already made a land use decision approving the use or activity; or

(ii) A use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan.

(11) "Land use regulation" means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan.

**(12)(a) "Limited land use decision"[:]**

**[(a)] means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:**

**(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040 (1).**

**(B) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.**

**(C) The approval or denial of an application for a replat.**

**(D) The approval or denial of an application for a property line adjustment.**

**(E) The approval or denial of an application for an extension, alteration or expansion of a nonconforming use.**

**(b) "Limited land use decision" does not mean a final decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.**

(13) "Local government" means any city, county or Metro or an association of local governments performing land use planning functions under ORS 195.025.

(14) "Metro" means a metropolitan service district organized under ORS chapter 268.

(15) "Metro planning goals and objectives" means the land use goals and objectives that Metro may adopt under ORS 268.380 (1)(a). The goals and objectives do not constitute a comprehensive plan.

(16) "Metro regional framework plan" means the regional framework plan required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan.

(17) "New land use regulation" means a land use regulation other than an amendment to an acknowledged land use regulation adopted by a local government that already has a comprehensive plan and land regulations acknowledged under ORS 197.251.

(18) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency or public or private organization of any kind. The Land Conservation and Development Commission or its designee is considered a person for purposes of appeal under ORS chapters 195, 197 and 197A.

(19) "Special district" means any unit of local government, other than a city, county, Metro or an association of local governments performing land use planning functions under ORS 195.025, authorized and regulated by statute and includes but is not limited to water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts.

(20) "Urban growth boundary" means an acknowledged urban growth boundary contained in a city or county comprehensive plan or adopted by Metro under ORS 268.390 (3).

(21) "Urban unincorporated community" means an area designated in a county's acknowledged comprehensive plan as an urban unincorporated community after December 5, 1994.

(22) "Voluntary association of local governments" means a regional planning agency in this state officially designated by the Governor pursuant to the federal Office of Management and Budget Circular A-95 as a regional clearinghouse.

(23) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**SECTION 45.** ORS 197.195 is amended to read:

197.195. (1) A limited land use decision shall be consistent with applicable provisions of city or county comprehensive plans and land use regulations. Such a decision may include conditions authorized by law. Within two years of September 29, 1991, cities and counties shall incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations. A decision to incorporate all, some, or none of the applicable comprehensive plan standards into land use regulations shall be undertaken as a post-acknowledgment amendment under ORS 197.610 to 197.625. If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.

(2) A limited land use decision is not subject to the requirements of ORS 197.797.

(3) A limited land use decision is subject to the requirements of paragraphs (a) to (c) of this subsection.

(a) In making a limited land use decision, the local government shall follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.

(b) For limited land use decisions, the local government shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(c) The notice and procedures used by local government shall:

(A) Provide a 14-day period for submission of written comments prior to the decision;

(B) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;

(C) List, by commonly used citation, the applicable criteria for the decision;

(D) Set forth the street address or other easily understood geographical reference to the subject property;

(E) State the place, date and time that comments are due;

(F) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

(G) Include the name and phone number of a local government contact person;

(H) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and

(I) Briefly summarize the local decision making process for the limited land use decision being made.

(4) Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(5) A local government may provide for a hearing before the local government on appeal of a limited land use decision under this section. The hearing may be limited to the record developed pursuant to the initial hearing under subsection (3) of this section or may allow for the introduction

of additional testimony or evidence. A hearing on appeal that allows the introduction of additional testimony or evidence shall comply with the requirements of ORS 197.797. Written notice of the decision rendered on appeal shall be given to all parties who appeared, either orally or in writing, before the hearing. The notice of decision shall include an explanation of the rights of each party to appeal the decision.

**(6) A city shall apply the procedures in this section, and only the procedures in this section, to a limited land use decision, even if the city has not incorporated limited land use decisions into land use regulations, as required by ORS 197.646 (3), except that a limited land use decision that is made under land use standards that do not require interpretation or the exercise of policy or legal judgment may be made by city staff using a ministerial process.**

**SECTION 45a.** Section 46 of this 2024 Act is added to and made a part of ORS chapter 197.

**SECTION 46. Applicability of limited land use decision to housing development.** (1) The Housing Accountability and Production Office may approve a hardship exemption or time extension to ORS 197.195 (6), during which time ORS 197.195 (6) does not apply to decisions by a local government.

(2) The office may grant an exemption or time extension only if the local government demonstrates that a substantial hardship would result from the increased costs or staff capacity needed to implement procedures as required under ORS 197.195 (6).

(3) The office shall review exemption or time extension requests under the deadlines provided in section 39 (3) of this 2024 Act.

**SECTION 47. Sunset.** Section 46 of this 2024 Act is repealed on January 2, 2032.

**SECTION 47a. Operative date.** Section 46 of this 2024 Act and the amendments to ORS 197.015 and 197.195 by sections 44 and 45 of this 2024 Act become operative on January 1, 2025.

#### ONE-TIME SITE ADDITIONS TO URBAN GROWTH BOUNDARIES

**SECTION 48.** Sections 49 to 59 of this 2024 Act are added to and made a part of ORS chapter 197A.

**SECTION 49. Definitions.** As used in sections 49 to 59 of this 2024 Act:

(1) “Net residential acre” means an acre of residentially designated buildable land, not including rights of way for streets, roads or utilities or areas not designated for development due to natural resource protections or environmental constraints.

(2) “Site” means a lot or parcel or contiguous lots or parcels, or both, with or without common ownership.

**SECTION 50. City addition of sites outside of Metro.** (1) Notwithstanding any other provision of ORS chapter 197A, a city outside of Metro may add a site to the city’s urban growth boundary under sections 49 to 59 of this 2024 Act, if:

(a) The site is adjacent to the existing urban growth boundary of the city or is separated from the existing urban growth boundary by only a street or road;

(b) The site is:

(A) Designated as an urban reserve under ORS 197A.230 to 197A.250, including a site whose designation is adopted under ORS 197.652 to 197.658;

(B) Designated as nonresource land; or

(C) Subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland;

(c) The city has not previously adopted an urban growth boundary amendment or exchange under sections 49 to 59 of this 2024 Act;

(d) The city has demonstrated a need for the addition under section 52 of this 2024 Act;

(e) The city has requested and received an application as required under sections 53 and 54 of this 2024 Act;

(f) The total acreage of the site:

**197.195 Limited land use decision; procedures.** (1) A limited land use decision shall be consistent with applicable provisions of city or county comprehensive plans and land use regulations. Such a decision may include conditions authorized by law. Within two years of September 29, 1991, cities and counties shall incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations. A decision to incorporate all, some, or none of the applicable comprehensive plan standards into land use regulations shall be undertaken as a post-acknowledgment amendment under ORS 197.610 to 197.625. If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.

(2) A limited land use decision is not subject to the requirements of ORS 197.797.

(3) A limited land use decision is subject to the requirements of paragraphs (a) to (c) of this subsection.

(a) In making a limited land use decision, the local government shall follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.

(b) For limited land use decisions, the local government shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(c) The notice and procedures used by local government shall:

(A) Provide a 14-day period for submission of written comments prior to the decision;

(B) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;

(C) List, by commonly used citation, the applicable criteria for the decision;

(D) Set forth the street address or other easily understood geographical reference to the subject property;

(E) State the place, date and time that comments are due;

(F) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

(G) Include the name and phone number of a local government contact person;

(H) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and

(I) Briefly summarize the local decision making process for the limited land use decision being made.

(4) Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(5) A local government may provide for a hearing before the local government on appeal of a limited land use decision under this section. The hearing may be limited to the record developed pursuant to the initial hearing under subsection (3) of this section or may allow for the introduction of additional testimony or evidence. A hearing on appeal that allows the introduction of additional testimony or evidence shall comply with the requirements of ORS 197.797. Written notice of the decision rendered on appeal shall be given to all parties who appeared, either orally or in writing, before the hearing. The notice of decision shall include an explanation of the rights of each party to appeal the decision. [1991 c.817 §3; 1995 c.595 §1; 1997 c.844 §1]



## Derrick Tokos

**From:** ESTES Brett \* DLCD <Brett.ESTES@dlcd.oregon.gov>  
**Sent:** Monday, November 18, 2024 2:58 PM  
**To:** [REDACTED]  
**Subject:** SB 1537 - Mandatory Adjustment and Land Use Exemption Guidance

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

Hello all,

Guidance for cities interested in requesting an exemption to Mandatory Adjustments or Limited Land Use Decision provisions in Senate Bill 1537 is now complete. This law applies universally to cities. See the information below provided by Sean Edging in the Housing Accountability and Production Office...

[Senate Bill 1537 \(2024\)](#) was adopted and signed into law earlier this year. This bill establishes a new joint office between DLCD and the Building Codes Division called the "Housing Accountability and Production Office" (HAPO) and includes a variety of provisions intended to reduce barriers to the development of housing. Earlier this year, DLCD published a [SB 1537 guidance document and FAQ](#) to provide planning practitioners more information on the bill and responses to common questions.

This bill also included a process by which local governments may request an exemption to two provisions in the bill:

- **Section 38** which requires cities\* to temporarily grant adjustments to specified design and development standards for qualifying residential developments. This provision will be in effect on January 1, 2025 and sunsets on January 2, 2032. \*While this section applies to all local governments, a qualifying residential development must both be within an urban growth boundary and annexed by a city to be eligible for an adjustment.
- **Section 45 (6)** which expands the applicability of the 'limited land use decision' statute ([ORS 197.195](#)), requiring the application of a ministerial or administrative review procedure to specified development application types. This provision will be in effect on January 1, 2025. The HAPO is authorized to grant a hardship exemption or time extension until January 2, 2032.

The HAPO is responsible for reviewing exemption requests submitted by cities. In recognition of the office's anticipated establishment on July 1, 2025, after the effective date of Sections 38 and 45, DLCD established an intake process and prepared a guidance document to provide detailed instructions and interpretive guidance for cities to prepare and submit a complete application for HAPO review. You can access that guidance document here:

[https://www.oregon.gov/lcd/Housing/Documents/Section 39 and 46 Exemption Guidance.pdf](https://www.oregon.gov/lcd/Housing/Documents/Section%2039%20and%2046%20Exemption%20Guidance.pdf)



**Sean Edging**

Senior Housing Planner | Housing Accountability and Production Office  
Pronouns: He / Him / His  
Oregon Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540  
Cell: 971-375-5362 | Main: 503-373-0050  
[sean.edging@dlcd.oregon.gov](mailto:sean.edging@dlcd.oregon.gov) | [www.oregon.gov/LCD](http://www.oregon.gov/LCD)

If there are any questions on this please let us know.

Have a good week,  
Brett



**Brett Estes AICP**

North Coast Regional Representative | North Coast Regional Solutions Team

Pronouns: He / Him

Oregon Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540

Cell: 503-881-0667 | Main: 503-373-0050

[brett.estes@dlcd.oregon.gov](mailto:brett.estes@dlcd.oregon.gov) | [www.oregon.gov/LCD](http://www.oregon.gov/LCD)



City of Newport  
Planning Commission Regular Session Minutes  
September 23, 2024

**LOCATION:** CITY COUNCIL CHAMBERS, NEWPORT CITY HALL 169 SW COAST HIGHWAY NEWPORT  
**Time Start:** 7:00 P.M. **Time End:** 7:36 P.M.

**ATTENDANCE LOG/ROLLCALL**

COMMISSIONER/ ADVISORY MEMBER	STAFF
Chair Bill Branigan	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.
Commissioner Jim Hanselman	
Commissioner Gary East (absent)	<b>PUBLIC MEMBERS PRESENT</b>
Commissioner Braulio Escobar	Meg Reed (by video)
Commissioner John Updike (by video)	Kent Doughty (by video)
	Mark Arnold

AGENDA ITEM	ACTIONS
<b>REGULAR MEETING</b>	
<b>CALL TO ORDER AND ROLL CALL</b>	
a. Roll Call	None.
<b>APPROVAL OF THE MINUTES</b>	
a. Meeting minutes of Work Session Meeting on August 26, 2024	Motion by Hanselman, seconded by Escobar, to approve the work session meeting minutes of August 26, 2024 as written. Motion carried unanimously in a voice vote.
b. Meeting minutes of Regular Session Meeting on August 26, 2024	Motion by Hanselman, seconded by Escobar, to approve the regular session meeting minutes of August 26, 2024 as written. Motion carried unanimously in a voice vote.
c. Meeting minutes of Work Session Meeting on September 9, 2024	Motion by Hanselman, seconded by Escobar, to approve the work session meeting minutes of September 9, 2024 as written. Motion carried unanimously in a voice vote.
<b>CITIZEN/PUBLIC COMMENT</b>	None.
<b>ACTION ITEMS</b>	
<b>Initiate Legislative Amendments to Implement Limited Land Use Provisions of SB 1537.</b>	Motion by Escobar, seconded by Berman, to initiate the legislative amendments to implement limited land use provisions of SB 1537 as set forth in the materials. Motion carried unanimously in a voice vote.



## Derrick Tokos

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**From:** DLCD Plan Amendments <plan.amendments@dlcd.oregon.gov>  
**Sent:** Wednesday, October 9, 2024 5:32 PM  
**To:** Derrick Tokos  
**Subject:** Confirmation of PAPA Online submittal to DLCD

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

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### 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 #: 2-Z-24

DLCD File #: [003-24](#)

Proposal Received: 10/9/2024

First Evidentiary Hearing: 11/25/2024

Final Hearing Date: 12/16/2024

Submitted by: dtokos

If you have any questions about this notice, please reply or send an email to [plan.amendments@dlcd.oregon.gov](mailto:plan.amendments@dlcd.oregon.gov).

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

The Newport Planning Commission will hold a public hearing on Monday, December 9, 2024, at 6:00 p.m. in the City Hall Council Chambers to consider File No. 2-Z-24, amendments to Newport Municipal Code (NMC) Chapter 14.01, Purpose, Applicability, and Definitions; Chapter 14.32, Nonconforming Uses, Lots, and Structures; and Chapter 14.52, Procedural Requirements, related to implementing the limited land use decision making procedures contained in the Governor's Housing Bill (HB 1537). Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 2:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (address above).

***(FOR PUBLICATION ONCE ON WEDNESDAY, November 27, 2024)***



11/27/2024

<b>999</b> PUBLIC NOTICES	<b>999</b> PUBLIC NOTICES	<b>999</b> PUBLIC NOTICES	<b>999</b> PUBLIC NOTICES	<b>999</b> PUBLIC NOTICES	<b>999</b> PUBLIC NOTICES	<b>999</b> PUBLIC NOTICES
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UNKNOWN CLAIMING TITLE, EREST IN PROPERTY KNOWN RESTLINE ALDPORT, efendants. 4CV48737 OR PUBLIC KNOWN EES AND ES OF NES and KNOWN CLAIMING TITLE, EREST IN PROPERTY KNOWN RESTLINE PORT, OR DEFENDENT(S) ED: You cted and appear in, ainst, this within 30 first date of sum- the 27th er, 2024, e above in the ourt, and omplaint LLAC INVEST- nd serve answer esigned plaintiff, at their ted; and r failure nent will inst you demand t, which with the t. This is Judicial Deed of "appear" he other matical-ou must t a legal "motion" "motion" ust be rt clerk within the . It must m and vice on rey or es not /, proof plaintiff. ques- see an ately. If n find- ou may n State efferal : www. j or by 3763 in politan a vet- d forc- ay be county officer action forma- county officer action tained infor- IATED: 4 ZBS / Dirk outen, Amber

L. Labrecque, OBS No. 094593, dschouten@zbslaw.com, alabrecque@zbslaw.com, Attorneys for Plaintiff.

**LCL24-3205 THE EAST LINCOLN FIRE DISTRICT BOARD OF DIRECTORS WILL MEET:**  
Every second Tuesday at 6pm at 353 NW. Burgess road Sodexo conference room. The meeting is open to the public. N27

**LCL24-3204 CITY OF NEWPORT NOTICE OF A PUBLIC HEARING.**  
The Newport Planning Commission will hold a public hearing on Monday, December 9, 2024, at 6:00 p.m. in the City Hall Council Chambers to consider File No. 2-2-24, amendments to Newport Municipal Code (NMC) Chapter 14.01, Purpose, Applicability, and Definitions; Chapter 14.32, Nonconforming Uses, Lots, and Structures; and Chapter 14.52, Procedural Requirements, related to implementing the limited land use decision making procedures contained in the Governor's Housing Bill (HB 1537). Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy Newport, OR 97365, must be received by 2:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments,

and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (address above). N27

**LCL24-3203 NOTICE TO INTERESTED PERSONS**  
Notice is hereby given that the undersigned has been appointed Personal Representative of the ESTATE OF ELAINE B. (COX) HARLEY, DECEASED, Lincoln County, Oregon, Circuit Court Case No. 24PB10101. All persons having claims against said estate are required to present them, with proper vouchers, within four months after the date of publication of this notice, as stated below, to the Personal Representative at 10121 SE Sunnyside Rd., Suite 329, Happy Valley, Oregon 97015-5714, or they may be barred. All persons whose rights may be affected by these proceedings may obtain additional information from the records of the court, the Personal Representative, or the attorney for the Personal Representative. DATED and published: November 27, 2024. Steven E. Harley, Personal Representative. Confluence Law Center, PC, Paula M. Walker, Attorney for Personal Representative, 10121 SE Sunnyside Rd., Suite 329, Happy Valley, OR 97015-5714. N27

**LCL24-3202 INVITATION TO BIDS CITY OF LINCOLN CITY CITY HALL WINDOW REPLACEMENT**  
Bids Due: 2:00 PM, December 19, 2024 WORK - The general nature of work, described in detail in this Contract and in the basis of payment, includes furnishing all labor, equipment, and materials necessary for the construction of the project. Primary items of work include: Remove and replace windows along the elevator on a four story building and miscellaneous other items. BID SUBMITTAL - Sealed bid proposals will be received by Finance Department, PO Box 50, 801 SW Hwy 101 - City Hall, 3rd Floor, Lincoln City, OR 97367 until 2:00 PM Pacific Standard Time (PST) on the 19th day of December, 2024. Late bids will not be accepted. Within two working hours of the bid closing time, bidders must submit the First-Tier Subcontractor Disclosure Form. Submittal of bid proposals shall be in a sealed envelope with identification plainly marked on the outside including project name,

bid date, and time, "Bid Proposal, Bid Bond and Certificate of Residency" and bidder's name. Bid proposals shall be publicly opened and read aloud immediately thereafter. Each bid proposal must be submitted on the forms prescribed by the City and accompanied by a Proposal Guaranty (certified check, cashier's check, or bid bond) in an amount equal to ten (10) percent of the total amount bid. The ten percent Proposal Guaranty shall be forfeited to the City if the bidder fails to enter into a contract with the City of Lincoln City within fifteen (15) days after the date of the Notice of Award. The successful bidder will be required to furnish a bond equal to one hundred percent of the amount bid for faithful performance of the Contract. BID DOCUMENTS - Bidders are to contact Jason Yoshinaga, Project Manager by email (jyoshinaga@lincolncity.org) to obtain Bid Documents. The Bid Documents will be emailed to you. The official Planholder's list will be kept by the City and any addenda will be issued by the City. PRE-BID MEETING - There will not be a pre-bid meeting or site visit conducted by the City. Bidders are required to conduct a field review of the project area on their own to acquaint themselves with pertinent conditions prior to preparing and submitting their bid proposal. QUESTIONS - All questions or requests for clarification shall be directed in writing to the Terry Chamberlin, Project Engineer, via email: tchamberlin@lincolncity.org, or by regular mail to Lincoln City, PO Box 50, Lincoln City, Oregon 97367. All written questions must be received by the Project Engineer by 5 PM PST on December 10, 2024, 9 calendar days prior to the Bid Due date. The Project Engineer will determine appropriate responses, if any, and if necessary an Addendum will be issued to all plan holders of record at least 5 calendar days prior to the Bid Due date. Any verbal response(s) obtained from any source by bidders will be considered informational and shall not be relied upon by bidders. OTHER BID INFORMATION Bidders must possess a current set of the 2021 Oregon Standard Specifications for Construction and the Oregon Standard Drawings (English), published jointly by ODOT and Oregon APWA. For ordering information contact Oregon Department of Transportation (ODOT) at: 355 Capitol St., NE Room 28, Salem, OR 97301-3871 (503) 986-3720 - Fax: (503) 986-3224 Website:

www.odot.state.or.us/contractorplans E-mail: contractorplans@odot.state.or.us The Contractor must comply with the provisions required by ORS 279C.800 to ORS 279C.870 (PREVAILING WAGE RATE). City may cancel this procurement or reject any bid that does not comply with all prescribed public bidding procedures and requirements, including the requirement to demonstrate the bidder's responsibility under ORS 279C.375 (3)(b) and that City may reject for good cause all bids after finding that doing so is in the public interest. N27

**LCL24-3201 NOTICE OF PUBLIC HEARING BEFORE THE NEWPORT CITY COUNCIL REGARDING THE PROPOSED SALE OF DEVELOPED PROPERTY AT 669 SW BAY BOULEVARD.**  
The City Council of the City of Newport will hold a public hearing on Monday, December 2, 2024, at 6:00 P.M. in the City Hall Council Chambers (169 SW Coast Hwy), regarding the proposed sale of developed property known as the Abbey Street Pier Building, at 669 SW Bay Boulevard, to Arthur N. Hoppe in the amount of \$615,000. A copy of the proposed real estate contract, and other documentation setting up the nature and general terms of the proposed sale, including an appraisal of the property, will be available for public review at the hearing. The City Council, at a prior hearing, determined that the subject property is not needed for public purposes and secured the services of a real estate broker to market the premises for sale. This hearing is being held to solicit public testimony on whether or not it is in the public interest to proceed with the sale of the property to Arthur N. Hoppe. Interested parties are encouraged to testify at the hearing. Persons wishing to provide comment may do so by sending an email to: publiccomment@newportoregon.gov or for more information, please feel free to contact Derrick Tokos, Community Development Director, at 541-574-0626 or d.tokos@newportoregon.gov. N27

**LCL24-3200 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN**  
Probate Department Case No. 24PB09309 In the Matter of the Estate of MARGARET S. TAYLOR, Deceased. NOTICE IS HEREBY GIVEN THAT JACQUELINE Rachel Willey has been appointed as the personal representative. All persons having claims against the estate are required to present them to the personal

viewed online at www.cityoftoledo.org/planning City File #RZ-1-24 and PA-1-24 are applications by Eric Bohne to amend the Comprehensive Plan Map and Zoning Map designations from General Residential Zone to Commercial Zone for the properties identified as Lincoln County Assessor's Map 11-10-17 BC Tax Lots 7800, 7900, and 8200. The properties are commonly known as 161 SE 2nd Street and includes a portion of the former Toledo Eagles building site and parking lot. Criteria for the request: Toledo Municipal Code Chapters 17.80, 17.12, 17.16, and the Toledo Comprehensive Land Use Plan. If City File #RZ-1-24/PA-1-24 is approved, the Toledo City Council will consider the proposed ordinance, titled: "An ordinance amending the 2023 Toledo Comprehensive Land Use Plan and zoning maps, as adopted by Ordinance #1417". The proposed ordinance will also be considered at the City Council regular meeting on December 4, 2024, beginning at 6:00 pm. The proposed ordinance is available for review at the City Recorder's Office, Toledo City Hall, 206 N. Main St. Toledo OR. Oregon law requires that testimony and evidence presented be directed toward the relevant criteria in the Toledo Zoning Ordinance, Comprehensive Plan, or other City plans or policies which a person believes pertains to the request, and which will be used in making the decision. The application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall at no cost and copies can be provided at reasonable cost. The staff report and recommendation to the City Council will be available for review at no cost seven days before the scheduled hearings and copies can be provided on request at a reasonable cost. You may present your testimony at the public hearing or provide written comments to the Planning Department prior to the public hearing date. Failure to raise an issue in person or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals. N20 N27

**LCL24-3191 NOTICE OF ABANDONED PROPERTY.**  
724 SW Ferry Ave #42 Siletz, OR 97380. Owner on record Ashley Devries. 1972 Skyline Hillcrest ID# 242140 x#182337

es, assistance may be available from a county veterans' service officer or community action agency. Contact information for a local county veterans service officer and community action agency may be obtained by calling a 2-1-1 information service. DATED: November 4, 2024 ZBS LAW, LLP By: /s/ Dirk Schouten. Dirk Schouten, OSB# 115153, Amber L. Labrecque, OBS No. 094593, dschouten@zbslaw.com, alabrecque@zbslaw.com, Attorneys for Plaintiff.

**LCL24-3172 TS NO. OR08000155-16-3S APN R259597 II P523437 / 07-11-22-BA-01600-00 TO NO DEF-635473 TRUSTEE'S NOTICE OF SALE**  
Reference is made to that certain Trust Deed made by WAYNE MORRISON AND CELESTIAL MORRISON, HUSBAND AND WIFE as Grantor to LAWYERS TITLE INSURANCE CORP. A VA CORP as Trustee, in favor of DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A. as Beneficiary dated as of March 1, 2006 and recorded on March 10, 2006 as Instrument No. 200603813 and that said Deed of Trust was modified by Modification Agreement and recorded December 6, 2016 as Instrument Number 2016-11579 and the beneficial interest was assigned to U.S. Bank National Association and recorded January 20, 2012 as Instrument Number 2012-00431 of official records in the Office of the Recorder of Lincoln County, Oregon to-wit: APN: R259597 II P523437 / 07-11-22-BA-01600-00 LOT 20, BLOCK 1, NELSCOTT CREST IN LINCOLN COUNTY, OREGON Commonly known as: 1821 SW COAST AVENUE, LINCOLN CITY, OR 97367 Both the Beneficiary, U.S. Bank National Association, and the Trustee, Nathan F. Smith, Esq., OSB #120112, have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and notice has been recorded pursuant to Section 86.752(3) of Oregon Revised Statutes. The default for which the foreclosure is made is the Grantor's failure to pay: Failed to pay payments which became due Monthly Payment(s): 53 Monthly Payment(s) from 10/01/2019 to 02/01/2024 at \$2,545.02 4 Monthly Payment(s) from 03/01/2024 to 06/01/2024 at \$7,476.43 1 Monthly Payment(s) from 07/01/2024 to 07/31/2024 at \$6,561.31 1 Monthly Late Charge(s) at \$636.25 By this reason of said default the Beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the fol-