

**CITY OF NEWPORT**

**ORDINANCE NO. 2127**

**AN ORDINANCE AMENDING THE NEWPORT ZONING MAP TO FACILITATE LINCOLN COUNTY SCHOOL DISTRICT USE OF THE OLD MUNICIPAL POOL SITE  
(Newport File No. 6-Z-17)**

**WHEREAS**, Lincoln County School District (Dawn Pavitt, Pavitt Land Use Consulting, LLC, agent), submitted an application to the City of Newport on October 24, 2017 to amend the Newport Zoning Map to facilitate the District's plans to remodel the old pool building so that it can be used for school administrative purposes, storage, information technology operations, early childhood education, and the Homeless Literacy Project; and

**WHEREAS**, property subject to this application is a 1.64 acre piece of a larger 67.80 acre city-owned property, known as Forest Park, that the District is leasing on a long term basis from the City (Identified as Tax Lot 400, of Lincoln County Assessor's Map 11-11-05); and

**WHEREAS**, the Newport Comprehensive Plan Map designation for the subject property is "Public"; and

**WHEREAS**, the Newport Zoning Map designation for the subject property is being amended from P-3/"Public Open Space" to P-1/"Public Structures"; and

**WHEREAS**, District's desired uses are prohibited under the current P-3 zoning, but permitted in the P-1 zone, making the proposed zone change necessary in order for the District to proceed with the planned remodel; and

**WHEREAS**, a lease agreement between the District and City limits the scope of the remodel and obligates the District to make certain improvements to the Forest Park trailhead and nearby city streets that are in addition to requirements set forth in the P-1 zone; and

**WHEREAS**, the submitted application, as supplemented by the applicant's authorized agent and city staff, contains findings of compliance with the policies and standards set forth in Newport Municipal Code Chapter 14.36, which contains the approval criteria for amending the Newport Zoning Map; and

**WHEREAS**, the Newport Planning Commission held a public hearing on November 27, 2017 for the purpose of reviewing the application for compliance with applicable approval criteria and to provide a recommendation to the Newport City Council; and

**WHEREAS**, the Planning Commission's public hearing, above, was duly held in accordance with all applicable state and local law, and, after due deliberation and

consideration of the proposed changes, the Planning Commission did recommend that the application be approved; and

**WHEREAS**, the Newport City Council held a public hearing on January 2, 2018, to consider the proposed amendment to the Newport Zoning Map and voted in favor of the changes, after considering the recommendation of the Planning Commission, public testimony, and evidence and argument in the record; and

**WHEREAS**, 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.** The findings set forth above and in the attached Exhibit "A" are hereby adopted in support of the amendments to the Newport Comprehensive Plan Map and Newport Zoning Map adopted by Section 2 of this Ordinance.

**Section 2.** The Zoning Map of the City of Newport is hereby amended as depicted and described with Exhibits "B" and "C".

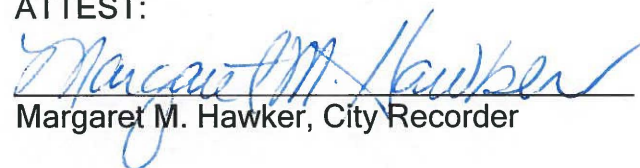
**Section 3.** This Ordinance shall take effect 30 days after passage.

Date adopted and read by title only: January 2, 2018.

Signed by the Mayor on January 3, 2018.

  
Sandra N. Roumagoux, Mayor

ATTEST:

  
Margaret M. Hawker, City Recorder

**EXHIBIT "A"**  
**ORD #2127**

**File No. 6-Z-17**

**FINDINGS OF FACT**

- I. The applicant, Lincoln County School District (Dawn Pavitt, Pavitt Land Use Consulting, LLC, agent), submitted an application to the City of Newport on October 24, 2017 to amend the Newport Zoning Map to facilitate the District's plans to remodel the old pool building so that it can be used for school administrative purposes, storage, information technology operations, early childhood education, and the Homeless Literacy Project.
- II. The subject property is a 1.64 acre piece of a larger 67.80 acre City owned parcel identified as Tax Lot 400, of Tax Map 11-11-05 that the District is leasing on a long term basis.
- III. Staff reports the following facts in connection with the application:
  - A. Plan Designation: Public.
  - B. Zone Designation: P-3/"Public Open Space."
  - C. Surrounding Land Uses: Forest Park to the north and east, Sam Case Elementary to the west, and residential uses to the south.
  - D. Topography and Vegetation: The property is gradually sloped and landscaped.
  - E. Existing Structures: Old municipal pool constructed in 1965. The building is currently vacant.
  - F. Utilities: Water and sewer service are available to the site.
  - G. Development Constraints: None known.
  - H. Past Land Use Actions: None known.
- IV. Upon submission and acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed actions on October 25, 2017 to property owners within 300 feet required to receive such notice by the Newport Zoning Ordinance, to various City departments, and to public/private utilities and agencies within Lincoln County. The notice referenced the criteria by which the application was to be assessed and invited persons to provide written comment and/or attend a public hearing before the Newport Planning Commission scheduled for 7:00 pm, November, 27, 2017. The notice of the Planning Commission hearing was also published in the Newport News-Times on November 17, 2017.
- V. At the November 27, 2017 public hearing, a statement of rights and relevance and applicable criteria was read. The Planning Commission disclosed any ex parte contact, conflicts of interest, and/or bias. No objections were made to any of the Planning Commissioners hearing the matter. The Planning Commission received the staff report

and heard testimony in support of the request from the applicant. No testimony was offered in opposition to the application. After taking testimony, the Commission deliberated and elected to recommend to the City Council that the application be approved. The Planning Staff Report and staff report attachments are hereby incorporated by reference into the findings. The Planning Staff Report attachments included the following:

Attachment "A" - Application form

Attachment "B" - Application narrative from Dawn Pavitt, dated 10/24/17

Attachment "C" - Lincoln County property report

Attachment "D" - Legal description of the lease area ("area to be rezoned")

Attachment "E" - Lease agreement, dated 10/4/17

Attachment "F" - Vicinity map

Attachment "G" - Map illustrating the zone change

Attachment "H" - Notice of public hearing

- VI. For the January 2, 2018 public hearing before the Newport City Council, notice to property owners within 300 feet of the subject site, to various City departments, and to public/private utilities and agencies within Lincoln County was provided on December 6, 2017. The notice referenced the criteria by which the application was to be assessed and invited persons to provide written comment and/or attend the public hearing. Notice of the City Council hearing was also published in the Newport News-Times on December 27, 2017.
- VII. Amendments to the Newport Zoning Map must satisfy the provisions of NMC 14.36.010, which requires that the change furthers a public necessity and promotes the general welfare of the community.

## CONCLUSIONS

- I. Compliance with Newport Zoning Map Approval Criteria: This application seeks to rezone 1.64-acres, of a larger 67.80 acre city-owned property, from a P-3/"Public Open Space" zone district to a P-1/"Public Structures" zone district. The balance of the 67.80 acre city-owned property, known as Forest Park, will not be impacted by the change. The District is interested in remodeling the pool building so that it can be used for school administrative purposes, storage, information technology operations, early childhood education, and the Homeless Literacy Project. The change to a P-1/"Public Structures" zoning designation will allow these land uses; whereas, the existing P-3 zoning designation does not.

The applicant points out in their narrative that the footprint of the structure cannot be expanded, pursuant to the terms of the lease. Additionally, they note that the original pool use was not a permitted use in the P-3/"Public Open Space" zone and that it should have been designated P-1 a long time ago. The lease requires the District improve pedestrian mobility along Big Creek Road, Fogarty Street, NE 11th Street, and NE 12th Street; create and install parking and trailhead signage for Forest Park; and pay a lump sum amount to the City to cover the cost of paving portions of NE 11th and Fogarty Streets (ref: Section 3.1 and 3.3, Planning Staff Memorandum Attachment "E").

The applicant maintains that this change furthers a public necessity and promotes the general welfare by facilitating re-use of an existing, shuttered public building in a manner that enhances the District's ability to provide essential educational services, improves pedestrian mobility, and facilitates public access to Forest Park (Planning Staff Memorandum Attachment "B").

Revisions to Newport Zoning Maps must satisfy the provisions of NMC 14.36.010, which requires that the change furthers a public necessity and promotes the general welfare of the community. The City Council accepts the above analysis, as sufficient reasons to conclude that this standard has been met.

## **OVERALL CONCLUSION**

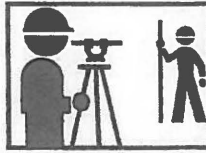
Based on the staff report, the application materials, and other evidence and testimony in the record, the City Council concludes that the request complies with the approval criteria as set forth herein, and that the Newport Zoning Map amendments are hereby **APPROVED**.

# LINCOLN COUNTY SCHOOL DISTRICT - LEARNING SUPPORT SERVICES BUILDING

23 OCTOBER 2017

ZONE CHANGE SITE PLAN - *EX D*





### Nyhus Surveying, Inc.

Gary K. Nyhus, PLS

P.O. Box 206 / 740 E. Thissell Rd. • Tidewater, OR 97390 • 541-528-3234 • (Fax) 541-528-3234  
nyhussurveying@peak.org

## LEGAL DESCRIPTION PREPARED FOR LINCOLN COUNTY SCHOOL DISTRICT

### DESCRIPTION OF PROPOSED LEASE AREA FROM THE CITY OF NEWPORT TO LINCOLN COUNTY SCHOOL DISTRICT

A TRACT OF LAND LOCATED IN THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF NEWPORT, LINCOLN COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 454.66 FEET WEST OF THE EAST ¼ CORNER OF SECTION 5; THENCE NORTH 90° 00' 00" WEST, 150.00 FEET, MORE OR LESS, TO THE EASTERN BOUNDARY OF THE TEAGUE TRACT DESCRIBED IN LINCOLN COUNTY DEED DOCUMENT 2012-04166; THENCE NORTHERLY ALONG SAID EASTERN BOUNDARY, 60 FEET, MORE OR LESS, TO AN IRON ROD AT THE NORTHEAST CORNER OF SAID TEAGUE TRACT; THENCE WESTERLY ALONG THE NORTH BOUNDARY OF THE TEAGUE TRACT, 100 FEET, MORE OR LESS, TO AN IRON ROD AT THE NORTHWEST CORNER OF THE TEAGUE TRACT; THENCE NORTH 00° 00' 00" WEST, 250 FEET; THENCE NORTH 90° 00' 00" EAST, 250.00 FEET; THENCE SOUTHERLY, 310 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Gary Keith Nyhus*  
OREGON  
JULY 25, 1991  
GARY KEITH NYHUS  
2515