



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

November 16, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Newport Plan Amendment
DLCD File Number 005-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 30, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
James Bassingthwaite, City of Newport

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D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

NOV 13 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Newport Local File No.: 4-CP-06/5-Z-06 (If no number, use none)

Date of Adoption: November 6, 2006 (Must be filled in) Date Mailed: November 9, 2006 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: July 13, 2006

- Comprehensive Plan Text Amendment, Comprehensive Plan Map Amendment, Land Use Regulation Amendment, Zoning Map Amendment, New Land Use Regulation, Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Adopted Comp. Plan map and Zoning map amendments for property used as part of the South Beach State Park from Commercial/C-1 (approximately 5.7 acres aquired in 2005 by ORRD) to Public/P-2 "Public Parks" and to establish a zoning designation on property (including portion of South Jetty Way road) of P-2 consistent with Comp Plan map designation of Public for property currently designated as "(NOT Zoned)" on the Newport Zoning Map consistent with existing P-2 zoning of the South Beach State Park.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: Commercial to Public

Zone Map Changed from: C-1 and (NOT ZONED) to P-2 "Public Parks"

Location: west portion of South Jetty Way Road Acres Involved: 10.4 acres (approximate)

Specify Density: Previous: --- New: ---

Applicable Statewide Planning Goals: 1, 2, 9, 12

Was an Exception Adopted? Yes: ___ No: X

DLCD File No.: 005-06 (15377)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X* No:

*Mailed in time for DLCD to receive 45 days prior

If no, do the Statewide Planning Goals apply.

Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: City of Newport,

Lincoln County, OPRD, ACOE, South Beach Urban Renewal District

Local Contact: James Bassingthwaite Area Code + Phone Number: (541) 574-0626

Address: 169 SW Coast Hwy

City: Newport Zip Code+4: 97365-4713

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF NEWPORT

ORDINANCE NO. 1895

AN ORDINANCE AMENDING ORDINANCE NO. 1621 (AS AMENDED) OF THE CITY OF NEWPORT, OREGON, AND ORDINANCE NO. 1308 (AS AMENDED) TO AMEND THE COMPREHENSIVE PLAN MAP OF THE CITY OF NEWPORT COMPREHENSIVE PLAN: 1990-2010 AND THE NEWPORT ZONING MAP

WHEREAS, the City Council authorized the initiation of an amendment to the Comprehensive Plan Map (General Land Use Plan Map) of the City of Newport Comprehensive Plan (Ordinance No. 1621, as amended) and the Newport Zoning Map of the City of Newport Zoning Ordinance (Ordinance No. 1308, as amended) on May 1, 2006,

WHEREAS, the proposed amendment involves a Comprehensive Plan Map and Zoning Map amendment to change the Comprehensive Plan and Zoning classifications of property used in conjunction with South Beach State Park of approximately 5.7 acres of property acquired by the Oregon Park and Recreation Department in 2005 from Commercial/C-1 (Retail and Service Commercial) to Public/P-2 (Public Parks) and a Zoning map amendment to designate approximately 4.7 acres of property (which includes portions of SW Jetty Way) from the existing "(NOT ZONED)" designation to a P-2 (Public Parks) designation,

WHEREAS, the Planning Commission of the City of Newport, after providing the required public notification including the notification to the Department of Land Conservation & Development, held a public hearing on August 28, 2006, on the proposed amendments (Newport File No. 4-CP-06/5-Z-06) for the purpose of reviewing the proposed amendments and providing a recommendation to the City Council,

WHEREAS, the above said public hearing was held in accordance with the appropriate provisions of the city ordinances, and, after due deliberation and consideration of the proposed change, the Planning Commission, by a unanimous vote, did recommend that the proposed amendments be adopted by the City Council of the City of Newport; and

WHEREAS, the City Council of the City of Newport, after providing the required public notification, held a duly noticed public hearing on October 2, 2006, regarding the question of the proposed Comprehensive Plan Map and Zoning Map amendments (Newport File No. 4-CP-06/5-Z-06), and voted in favor of adoption of the proposed amendments after considering the recommendation of the Planning Commission, the Planning Staff Report and attachments, and the evidence and argument presented at the public hearing,

NOW, THEREFORE, THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 1621 (as amended) is amended to establish a "Public" Comprehensive Plan land use designation for the property as described in Exhibit "A" on the Newport Comprehensive Plan Map.


Section 2. Ordinance No. 1308 (as amended) is amended to establish a P-2/"Public Parks" designation for property as illustrated in Exhibit "B" for the Newport Zoning Map, including for that property as described in Exhibit "A".

Section 3. The City Council adopts the findings contained in Exhibit "C" in support of approval of the amendments to the Newport Comprehensive Plan Map and the Newport Zoning Map.

Introduced and passed on first reading in a regular meeting of the City Council of the City of Newport, Oregon, held on the 16th day of October, 2006.

Passed on second reading, placed for final passage, and adopted by the City Council of the City of Newport, Oregon, on the 6th day of November, 2006.

Approved by the Mayor of the City of Newport, Oregon, on the 6th day of November, 2006.


MAYOR

ATTEST:


CITY RECORDER

EXHIBIT "A"

The property that is described below as was designated in Ordinance No. 1869 with a "C-1/Retail and Service Commercial" designation on the Zoning Map of the City of Newport and with a "Commercial" designation on the Comprehensive Plan Map of the City of Newport and that is not located within an estuarine management unit, is to be designated by this Ordinance as "P-2/Public Parks" on the Zoning Map of the City of Newport and to be designated by this Ordinance as "Public" on the Comprehensive Plan Map of the City of Newport is as follows:

PARCEL V:

A tract of land located in Sections 17 and 18, of Township 11 South Range 11 West, Willamette Meridian in Lincoln County, Oregon, more particularly described as follows:

Beginning at a point on the Northerly right of way line of County Road #568, which point is on the most Westerly terminus of said County Road, located 30.00 feet right of centerline Station 43+33.77 as depicted on County Road Survey #568 filed in September, 1975 in the office of Lincoln County Surveyor; thence along the Northerly right of way line the following courses and distances: Along the arc of a 388.10 foot radius curve to the right (long chord bears North 75 deg. 51' 36" East, 158.51 feet) a distance of 159.63 feet; thence North 87 deg. 38' 36" East 65.10 feet; thence along the arc of a 328.10 foot radius curve to the left (long chord bears North 79 deg. 43' 06" East 90.47 feet) a distance of 90.76 feet; thence North 71 deg. 47' 36" East 380.59 feet; thence North 64 deg. 52' 37" East 583.65 feet; thence along the arc of a 328.10 foot radius curve to the left (long chord bears North 50 deg. 42' 22" East 160.63 feet) a distance of 162.28 feet; thence North 36 deg. 32' 07" East 112.69 feet; thence along the arc of a 388.10 foot radius curve to the right (long chord bears North 50 deg. 22' 07" East 185.59 feet) a distance of 187.40 feet; thence North 64 deg. 12' 06" East 421.49 feet to the mean high tide line of the Pacific Ocean; thence along said mean high tide line the following courses and distances: South 72 deg. 28' 28" West 88.58 feet; thence North 81 deg. 34' 23" West 27.29 feet; thence South 27 deg. 53' 50" West 38.47 feet; thence South 68 deg. 48' 21" West 105.11 feet; thence South 82 deg. 52' 30" West 16.12 feet; thence South 66 deg. 51' 06" West 300.17 feet; thence South 56 deg. 18' 36" West 36.06 feet; thence South 71 deg. 33' 54" West 31.62 feet; thence South 47 deg. 47' 34" West 58.05 feet; thence South 62 deg. 06' 10" West 19.24 feet; thence North 68 deg. 11' 55" West 16.16 feet; thence South 26 deg. 33' 54" West 33.54 feet; thence South 66 deg. 37' 33" West 128.55 feet; thence North 87 deg. 52' 44" West 27.02 feet; thence South 58 deg. 08' 02" West 43.57 feet; thence South 55 deg. 07' 29" West 40.22 feet; thence West 53.00 feet; thence South 18 deg. 26' 06" East 18.97 feet; thence South 46 deg. 44' 09" West 23.35 feet; thence South 73 deg. 08' 30" West 34.48 feet; thence South 57 deg. 31' 44" West 104.31 feet; thence South 67 deg. 53' 26" West 34.54 feet; thence South 49 deg. 42' 28" West 60.31 feet; thence South 72 deg. 53' 50" West 54.41 feet; thence South 48 deg. 39' 08" West 66.60 feet; thence South 59 deg. 44' 37" West 13.89 feet; thence South 65 deg. 37' 25" West 351.32 feet; thence South 79 deg. 59' 31" West 17.26 feet; thence South 57 deg. 56' 17" West 107.38 feet; thence South 61 deg. 55' 39" West 17.00 feet; thence South 85 deg. 20' 52" West 47.10 feet; thence South 67 deg. 41' 38" West 84.31 feet; thence South 64 deg. 46' 39" West 90.73 feet to the point of beginning.

PARCEL IV:

A tract of land located in Section 18, Township 11 South, Range 11 West, Willamette Meridian in Lincoln County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron rod on the Southerly right of way line of County Road #568, which point is on the most Westerly terminus of said County Road, located 30.00 feet left of centerline station 43+33.77 as depicted on County Road Survey #568 filed in September, 1975 in the office of Lincoln County Surveyor; thence North 25 deg. 55' 24" West along the Westerly terminus of said county road a distance of 60.00 feet to the mean high tide line of the Pacific Ocean as it is located on the North side of the South Jetty; thence along said mean high tide line on the North side of said jetty the following courses and distances:

South 64 deg. 37' 41" West 434.87 feet; thence South 65 deg. 46' 20" West, 219.32 feet; thence South 62 deg. 56' 58" West 516.20 feet; thence South 25 deg. 26' 14" East, leaving said North side of said jetty, 50.60 feet to a point that is 30.00 feet Southeasterly from the centerline of the South Jetty; thence North 64 deg. 33' 44" East parallel with and 30.00 feet from said jetty centerline, 1170.65 feet to the point of beginning.

EXHIBIT "B"

NEWPORT FILE NO. 4-CP-06/5-Z-06

SUBJECT PROPERTY: 

EXISTING COMP PLAN / ZONING DESIGNATIONS:

COMMERCIAL / C-1 (Retail and Service)
PUBLIC / *(NOT ZONED)*

PROPOSED COMP PLAN / ZONING DESIGNATION:

PUBLIC / P-2 (Public Parks)

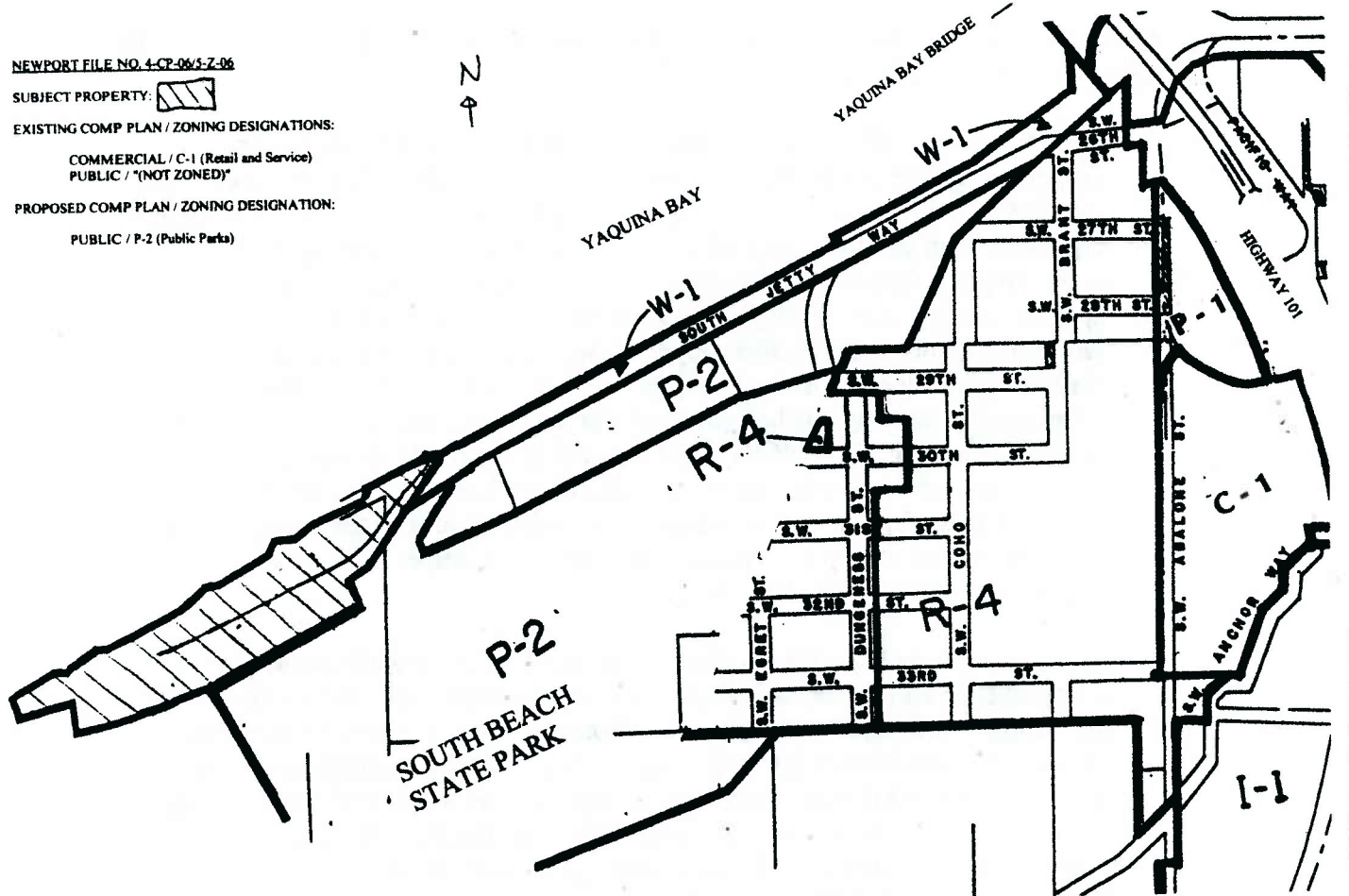


EXHIBIT "C"

FINDINGS FOR A MINOR COMPREHENSIVE PLAN MAP AMENDMENT AND ZONING MAP AMENDMENT INVOLVING PROPERTY OWNED BY THE STATE OF OREGON AS PART OF THE SOUTH BEACH STATE PARK

FINDINGS OF FACT

1. City staff reports the following background on the proposed Comprehensive Plan Map and Zoning Map Amendments.

A. As the Oregon Park and Recreation Department (OPRD) has acquired property to add to the South Beach State Park system, the OPRD has previously sought Comprehensive Plan Map and Zoning Map amendments to designations consistent with the park usage of the property. In 2003, for example, approximately 52 acres of Commercial/C-2 "Tourist Commercial" and approximately 8 acres of High Density Residential/R-4 "High Density Multi-family Residential" designated properties were redesignated to a Public/P-2 "Public Parks" designation in Newport File No. 1-CP-03/2-CP-03/1-Z-03/2-Z-03. Additionally, the City has been interested in resolving what has been an area designated as "(NOT ZONED)" on the Newport Zoning Map located on the westerly end of the South Jetty Way road and south of the jetty. Staff is uncertain as to why this property was not originally provided a zoning map designation when the zoning map was originally adopted in September 1982 or when the zoning map was readopted in 1993.

B. As part of resolving the zoning map issue, the City Council initiated a Comprehensive Plan map and Zoning map amendment in 2003 (File Nos. 6-CP-03/5-Z-03 – Ord. No. 1869) for a private property owner (Breeze/Bunn) that subsequently established a Comprehensive Plan and Zoning map designation (Commercial/C-1) that allowed for potential uses suitable for private property ownership within the area designated as "(NOT ZONED)". At that time, the property owner had indicated an interest in potentially donating the property to the State of Oregon through OPRD for use as part of the South Beach State Park. The property was subsequently acquired in 2005 by the Oregon Parks and Recreation Department.

C. The proposed Comprehensive Plan designation of "Public" and the proposed zoning designation of P-2/"Public Parks" would be consistent with the comprehensive plan and zoning designations of the rest of South Beach State Park. The subject property is located on the northwest portion of the South Beach State Park on the western portion of the South Jetty road and located south of the south jetty. The size of the subject property involved in the change from Commercial/C-1 to Public/P-2 is approximately 5.7 acres. The size of the subject property already designated Public on the Comprehensive Plan map but currently identified as "(NOT ZONED)" on the Newport Zoning Map is approximately 4.7

acres and includes portions of SW Jetty Way. The Newport City Council at the May 1, 2006, Council meeting voted to initiate the Comprehensive Plan and Zoning Map amendments.

2. The subject property is located on the westerly portion of SW Jetty Way along the Yaquina Bay and includes Tax Lot 100 of Lincoln County Assessor's Map 11-11-18-D and adjacent portions of SW Jetty Way South Beach State Park (5580 South Coast Highway). The size of the subject property involved in the change from Commercial/C-1 to Public/P-2 is approximately 5.7 acres. The size of the subject property already designated Public on the Comprehensive Plan map but currently identified as "(NOT ZONED)" on the Newport Zoning Map is approximately 4.7 acres and includes portions of SW Jetty Way.

3. Staff reports the following facts:

- a. Plan Designations: Commercial and Public for the subject property.
- b. Zone Designations: C-1/Commercial Retail and Service and "(Not Zoned)" for the subject property.
- c. Surrounding Land Uses: Residential neighborhoods adjoin the park along its southern and northeast boundaries. Assorted commercial and light industrial developments are located along the east park boundary and Highway 101 (Coast Highway). At the north end of the park, the river jetty is under Army Corps of Engineers jurisdiction. To the east across Highway 101 are a number of facilities that serve as attractions for tourism including the Port of Newport marina facility, the Hatfield Marine Science Center, and the Oregon Coast Aquarium. The Pacific Ocean borders the park on the west, and the Yaquina Bay borders the park along the north.
- d. Topography and Vegetation: Dune and interdune formations and related plant communities.
- e. Existing Structures: State park campground and day use facilities.
- f. Utilities: The state park has existing utility services.
- g. Development Constraints: Beach and dune resource areas, significant habitat, wetlands, flood zones, and tsunami inundation zones.
- h. Past Land Use Actions: Land use actions for the South Beach State Park include:

Approval of Comprehensive Plan text and map and Zoning Ordinance text and map changes related to adoption of 2003 South Beach State Park Master Plan (File No. 1-CP-03/2-CP-03/1-Z-03/2-Z-03)

Approval of conditional use permits for RV spaces:

File No. 5-CUP-01 (two RV spaces)

File No. 5-CUP-00 (two RV spaces)

File No. 12-CUP-97 (establishes 1,380 sq. ft. RV site for volunteer park hosts)

File No. 19-CUP-89 (two RV spaces)

Approval of property line adjustment in File No. 6-PLA-97.

Approval of variance in File No. 11-V-89 (for a two space RV park).

4. The Department of Land Conservation & Development was mailed notification of the proposed amendments on July 13, 2006, using the DLCDC Notice of Proposed Amendment green form. All applicable city departments and other public agencies and affected property owners within 300 feet of the subject property were notified on August 8, 2006, for the Planning Commission hearing and on September 12, 2006, for the City Council hearing. Notification was published in the Newport News-Times on August 18, 2006, for the proposed Planning Commission hearing and on September 22, 2006, for the City Council hearing.

5. The Planning Commission held a public hearing on August 28, 2006, and voted unanimously (Romney, Henning, Patrick, Brusselback, and Eisler) to recommend the amendments to the City Council.

6. The City Council held a public hearing on October 2, 2006. The City Council received a Planning Staff Report with attachments and the material in the file was entered into the record and is hereby incorporated by reference into the findings. The minutes of the October 2, 2006, hearing are hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

Attachment "A"	Proposed Findings
Attachment "A-1"	Zoning Map with Proposed Changes
Attachment "B"	Notice of Public Hearing

7. Following the City Council public hearing and deliberation on October 2, 2006, the Council voted to approve the requested amendments.

8. The City Council finds that the applicable criteria are as follows:

A. Criteria for the Proposed Comprehensive Plan Map Minor Amendment (p. 286 of the Comprehensive Plan):

1. Change in one or more goal or policy; and
2. Demonstrated need to accommodate unpredicted population trends, housing needs, employment needs, or change in community attitudes; and
3. Orderly and economic provision of key public facilities; and
4. Ability to serve the subject property with City services without an undue burden on the general population; and
5. Compatibility of the proposed change with the surrounding neighborhood and community.

B. Criteria for the Proposed Zoning Map Amendments (Section 2-5-5.005) of the Newport Zoning Ordinance (No. 1308, as amended):

1. The change furthers a public necessity.
2. The change promotes the general welfare.

CONCLUSIONS

1. The City Council concludes that the following findings demonstrate compliance with the applicable criteria for a Minor Comprehensive Plan Amendment as follows:

A. Findings as applicable addressing whether or not there is: "A change in one or more goal or policy".

1. In September 2003, the City of Newport in Ordinance No. 1858 adopted Policy 1 as part of the adoption of the second goal of the Parks and Recreation Section of the City of Newport Comprehensive Plan: 1990-2010 on page 195 of the Plan regarding state park properties. Policy 1 of the second goal states that: "The City will adopt plan designations and zoning districts for state park properties that are consistent with the intended recreational and resource management objectives for these properties."

2. Policy 1 of the second goal of the Parks and Recreation Section of the City of Newport Comprehensive Plan represents a change in a goal and policy from the Comprehensive Plan as originally adopted by Ordinance No. 1621 on October 7, 1991.

B. Findings as applicable addressing whether or not there are: "Demonstrated need to accommodate unpredicted population trends, housing needs, employment needs, or change in community attitudes."

1. Community attitudes regarding South Beach State Park were assessed in the mandated public involvement process that guided the formulation of the 2003 South Beach State Park Master Plan that was adopted by the City in September of 2003. One of the reasons that the OPRD sought to adopt the 2003 South Beach State Park Master Plan was to address a demonstrated and growing need for public recreation opportunities through expansion and rehabilitation of state park facilities as reflected in the public comments and as described in the adopted master plan.

C. Findings as applicable addressing whether or not there are: "Orderly and economic provision of key public facilities."

1. The subsequent acquisition of the subject property in 2005 by the OPRD will provide for an orderly and economic provision of public facilities for the South Beach State Park as recognized in the 2003 South Beach State Park Master Plan.

D. Findings as applicable addressing whether or not there is an: "Ability to serve the subject property with City services without an undue burden on the general population."

1. The South Beach State Park is already served by City services and the addition of the subject property to the South Beach State Park will not create an undue burden on the general population as the proposed Comprehensive Plan and Zoning designations will allow for public park uses consistent with the 2003 South Beach State Park Master Plan.

E. Findings as applicable addressing the: "Compatibility of the proposed change with the surrounding neighborhood and community."

1. The South Beach State Park and its current uses have co-existed with the surrounding community and neighborhood for many years. The 2003 South Beach State Park Master Plan proposed relatively minor campground expansion, some new amenities for campers and day use visitors, and other improvements that will help manage the existing uses.

2. No significant adverse impacts on the neighborhood or community are expected to result from the changes in the Comprehensive Plan designation to a Public designation consistent with the OPRD ownership of the subject property.

2. The City Council concludes as follows regarding State Land Use Goals/Administrative Rule Requirements:

A. In regard to Statewide Planning Goal 1 (Citizen Involvement), the acknowledged Newport Comprehensive Plan establishes the City of Newport's Goal 1 program on pages 291 and 292. In regard to the specific Policies and Implementation Measures, the following information is provided demonstrating conformance with the goal of encouraging citizen involvement:

1. Policy 1 contains at least three possible implementation measures (IM) to implement Policy 1 requirements of encouraging public involvement that may be or not be applicable depending on the nature of the proposed amendment. The City may use any one of the three implementation methods (or combinations thereof) to meet the Policy 1 requirements of encouraging public involvement. Additionally, as the City undertook the process of amending the Comprehensive Plan, additional opportunities for public involvement did occur.

A. Policy 1, IM 1 (Planning Commission to serve as official Citizens' Advisory Committee to the City Council / appointment of a Citizens' Advisory Committee on major changes). Under Policy 1, IM 1, the Newport Planning Commission is the official Citizens'

Advisory Committee to the City Council and the Planning Commission will hold a public hearing for the purpose of reviewing the proposed amendments and making a recommendation to the City Council. If the Planning Commission determines that a major legislative change is under consideration, the Commission may designate a Citizens' Advisory Committee for the purposes of using Policy 1 IM 1 as a means to encourage public involvement. This amendment is a quasi-judicial minor comprehensive plan amendment and therefore not a major legislative change.

B. Policy 1, IM 2 in the first part addresses possible City promotion or assistance to neighborhood organizations to assist in decision making. The second part of Policy 1, IM 2 relates to allowing the Council or Commission to hold meetings in neighborhoods affected by issues under consideration. Both the first and second parts are at the discretion of the Council or Commission and are not a specific requirement prior to amendment adoption.

C. Policy 1, IM 3 allows for the formation of an ad hoc advisory committee for the study of an important issue. As this is a quasi-judicial minor comprehensive plan amendment rather than a major legislative change, no formation of an ad hoc advisory committee is required.

2. Policy 2 relates to encouraging the participation of citizens in the legislative stage of plan and ordinance development rather than in the quasi-judicial stage. The proposed comprehensive plan amendment is a quasi-judicial amendment and not a legislative amendment, therefore this policy is not applicable.

B. In regard to Statewide Planning Goal 2 (Land Use Planning), the City of Newport's Comprehensive Plan has been acknowledged as being in compliance with the Statewide Planning Goals, including Goal 2. The Newport Comprehensive Plan section entitled "Administration of the Plan" specifies how amendments to the plan are made. The proposed amendment will follow the requirements for an amendment found in the Newport Comprehensive Plan and will therefore be in compliance with Statewide Planning Goal 2.

C. In regard to Statewide Planning Goal 3 (Agricultural Lands), Goal 4 (Forest Lands), Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources), Goal 6 (Air, Water and Land Resources Policy), Goal 7 (Areas Subject to Natural Disasters and Hazards), Goal 10 (Housing), Goal 11 (Public Facilities and Services), Goal 13 (Energy Conservation), Goal 14 (Urbanization), Goal 18

(Beaches and Dunes), there are no applicable requirements in these goals in regard to the proposed comprehensive plan amendment.

D. In regard to Statewide Planning Goal 8 (Recreation Needs), the City's adopted and acknowledged Comprehensive Plan Parks and Recreation section contains a Goal and Policies regarding state parks and state park master plans as discussed earlier in the findings.

E. In regard to Statewide Planning Goal 9 (Economic Development), the findings for the proposed change from Commercial to Public involving more than 2 acres of property adequately address all applicable planning requirements consistent with the Statewide Planning Goal 9 implementing administrative rules in OAR 660-009-0010 (4). Consistent with OAR 660-009-0010 (4) (a), the proposed amendment is consistent with the parts of its acknowledged plan which address Goal 9 requirements. The City of Newport recently adopted an updated Comprehensive Plan Economic Section (File No. 2-CP-05) on June 5, 2006, in Ordinance No. 1891, which became effective on July 5, 2006. As the portion of the subject property designated Commercial was donated to the OPRD by property owner in 2005, the portion of the subject property designated as Commercial was not included as part of the inventory of vacant commercial property as the future use of the property was intended to be for use as part of the South Beach State Park and therefore the change to Public will be consistent with the City's adopted Economic Section implementing the Statewide Goal 9 requirements.

F. In regard to Statewide Planning Goal 12 and the implementing Transportation Planning Rule requirements, the proposed amendment will not significantly affect transportation facilities pursuant to OAR 660-012-0060 (1) as both the proposed designation of P-2/"Public Parks" and the adopted South Beach State Park Master Plan limit uses to those uses consistent with the South Beach State Park Master Plan. Additionally, the subject property including South Jetty Way road has historically been used by members of the public in conjunction with the South Beach State Park.

G. In regard to Statewide Planning Goal 16 (Estuarine Resources) and Statewide Planning Goal 17 (Coastal Shorelands), neither of these two goals establishes criteria relevant to the proposed comprehensive plan and zoning map amendments. In regard to the administrative rules implementing Statewide Planning Goal 17 (Coastal Shorelands), OAR 660-037-0030 (1) is not triggered as the proposed amendment does not involve a "designated water-dependent shoreland site" as defined in OAR 660-037-0040 (1) as the subject property is designated with a Comprehensive Plan designation of either Commercial or Public.

H. In regard to Statewide Planning Goal 15 (Willamette River Greenway) and Goal 19 (Ocean Resources), the proposed Comprehensive Plan map amendment

will not have an impact on either of these two Goals as Statewide Planning Goal 15 involves land along the Willamette River and Statewide Planning Goal 19 involves Ocean Resources.

3. The City Council concludes as follows regarding the applicable criteria for the proposed Zoning Map amendment:

A. The change furthers a public necessity.

1. The requested Zoning Map amendment accompanies a request for a comprehensive plan map amendment. The reasons for the request are to implement the Policy 2 of the second Goal of the Parks and Recreation Section of the Newport Comprehensive Plan to adopt "plan designations and zoning districts for state park properties that are consistent with the intended recreational and resource management objectives for these properties." As the Comprehensive Plan provides the land use policies for the City of Newport, it can be considered a public necessity for the Zoning map to be consistent with the Comprehensive Plan.

2. In regard to Policy 1 of the Goal for the Physical Description section of the Newport Comprehensive Plan on page 10, the policy states that: "All state, county, and city parks within the Newport urban growth boundary shall be protected with appropriate zoning." As the subject property is being used by the State of Oregon for use with the South Beach State Park, the Comprehensive Plan sets forth a policy for an appropriate zoning designation to be applied to the property.

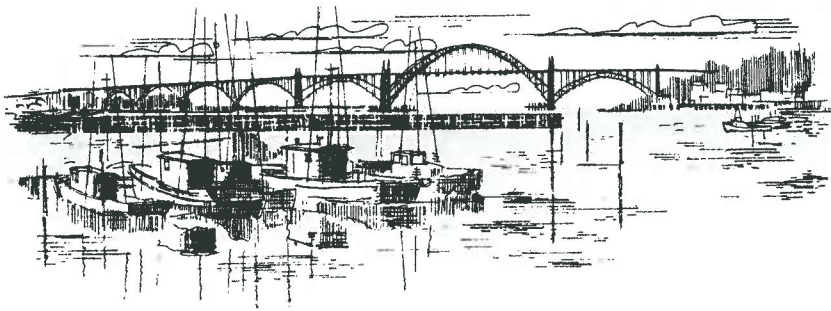
3. Portions of the Newport Zoning Map retain a designation of "(NOT ZONED)" even though the Comprehensive Plan designation is a Public designation and as such it would further a public necessity to apply a zoning designation consistent with the Comprehensive Plan designation.

B. The change promotes the general welfare.

1. The general welfare is promoted by the implementation of a Zoning designation consistent with the Comprehensive Plan polices regarding appropriate zoning for state park properties.

OVERALL CONCLUSION

Based on the Planning Staff Report and attachments, and other evidence and testimony in the record, the City Council concludes that the above findings of fact and conclusions demonstrate compliance with the applicable criteria and the requested amendments are hereby approved.



CITY OF NEWPORT

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NEWPORT, OREGON 97365

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OFFICE OF Community Development

**CERTIFICATE OF MAILING OF NOTICE OF ADOPTION AND THE
ADOPTED TEXT AND FINDINGS AS APPLICABLE**

Local File # 4-CP-06/5-7-06

Date of Deposit in the U.S. Mail: 11/9/06

Name of Person Mailing JAMES BASSINGTHWAITE

Signature of Person Mailing 