



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

December 15, 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 002-06



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: December 29, 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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FORM 2

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

DEC 11 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Newport Local File No.: 3-Z-06
(If no number, use none)

Date of Adoption: December 4, 2006 Date Mailed: December 8, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: May 12, 2006 (hand delivered)

- | | |
|---|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ (Please Specify Type of Action) |

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

Adopts a South Beach Open Space Overlay zone by amendment of the Newport Zoning Ordinance to implement a policy to provide for tax incentives under ORS 308A open space tax provisions for private property owners to maintain open space areas in the South Beach neighborhood portion of the City of Newport

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: --- to ---

Zone Map Changed from: --- to ---

Location: --- Acres Involved: ---

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

Applicable Statewide Planning Goals: 1, 2

Was an Exception Adopted? Yes: --- No: x

DLCD File No.: 002-06 (15229)

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: * No:
*hand delivered 45 days prior to first hearing

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,
Port of Newport, South Beach Urban Renewal District, Seal Rock Water District

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

Address: 169 SW Coast Hwy

City: Newport Zip Code+4: 97365-3806

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. 1900

**AN ORDINANCE AMENDING ORDINANCE NO. 1308 (AS AMENDED) OF
THE CITY OF NEWPORT, OREGON, TO ADOPT A SOUTH BEACH OPEN
SPACE OVERLAY ZONE PROVISION**

WHEREAS, the proposed South Beach Neighborhood Plan Policy 4, Implementation Measure 1, requires the City to establish an Open Space designation to allow for the designation of private property as open space under the Oregon Revised Statutes (ORS) 308A tax incentive program,

WHEREAS, the Planning Commission and the Commission's Citizens Advisory Committee reviewed the proposed zoning ordinance text amendment in a worksession held on October 24, 2005,

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 beginning on June 26, 2006, and continued on July 10, 2006, for the purpose of reviewing the proposed zoning ordinance text amendment (File No. 3-Z-06) along with the proposed South Beach Neighborhood Plan and related amendments (File No. 1-CP-06/1-UGB-06/2-CP-06/2-Z-06) in order to provide a recommendation to the City Council, 2006,

WHEREAS, the above said public hearings were 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 zoning ordinance text amendment be approved,

WHEREAS, the City Council of the City of Newport, after providing the required public notification, held a public hearing on August 21, 2006, directed staff to make changes to the proposed amendments relating to the South Beach Neighborhood Plan in conformance with the Planning Commission recommendations, and continued the public hearing to October 2, 2006, October 16, 2006, and November 6, 2006, to allow for additional public testimony including testimony on the proposed zoning ordinance text amendment (File No. 3-Z-06),

WHEREAS, the City Council of the City of Newport, on November 6, 2006, approved the proposed zoning ordinance text amendment and found that said changes furthered a public necessity and promoted the general welfare after consideration of the recommendation of the Planning Commission, the staff memorandum, the evidence and argument presented at the public hearings, and the detailed findings prepared in conjunction with the related land use requests (File No. 1-CP-06/1-UGB-06/2-CP-06/2-Z-06) involving the South Beach Neighborhood Plan,

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

Section 1. The Newport Zoning Ordinance (NZO) (No. 1308, as amended) shall be amended to add Section 2-5-11. South Beach Open Space Overlay Zone as follows:

2-5-11.005. Purpose. The South Beach Open Space Overlay Zone (indicated by the letters "SBOS" on the City of Newport Zoning Map) is intended to implement the South Beach Neighborhood Land Use Plan's Policy No. 4 to encourage the private maintenance of open space in the South Beach neighborhood and the use of ORS 308A tax incentives for private property owners maintaining open space.

2-5-11.010. Procedure. The consideration of the designation of property with the South Beach Open Space Overlay Zone shall be processed in the same manner as an amendment to the Comprehensive Plan.

2-5-11.015. Criteria. A determination of whether or not to apply the South Beach Open Space Overlay Zone shall be based on the following criteria:

A. Suitability of the land for the open space zone designation in consideration of any one of the following factors:

1. The land is designated by the Newport Comprehensive Plan as open space land or potential open space land; or,
2. The preservation of the land area in its present use would:
 - a. Conserve and enhance natural or scenic resources; or,
 - b. Protect air or streams or water supply; or,
 - c. Promote conservation of soils, wetlands, beaches or tidal marshes; or,
 - d. Conserve landscaped areas, such as public or private golf courses, which reduce air pollution and enhance the value of abutting or neighboring property; or,
 - e. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space; or,
 - f. Enhance recreation opportunities; or,
 - g. Preserve historic sites; or,
 - h. Promote orderly urban or suburban development; or,
 - i. Retain in their natural state tracts of land, on such conditions as may be reasonably required by the City Council.

B. A weighing of the following factors:

1. The projected costs and other consequences of extending urban services to the affected property;
2. The value of preserving the property as open space;
3. The projected costs and other consequences of extending urban services beyond the affected lot or parcel; and,
4. The projected costs and other consequences, including the projected costs of extending urban services, of expanding the urban growth boundary in other areas if necessary to compensate for any reduction in available buildable lands.

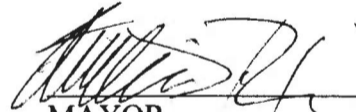
2-5-11.015. Uses permitted. Uses permitted outright within the South Beach Open Space Overlay Zone include:

- A. Uses existing at the time the open space designation is applied.
- B. Low intensity recreational, educational, or scientific uses (including such uses as hiking/bicycle pathways/trails, wildlife viewing platforms, monitoring stations, and other similar types of uses).
- C. Public or private utility infrastructure.

Introduced and passed on first reading in a regular meeting of the City Council of the City of Newport, Oregon, held on the 20th day of November, 2006.

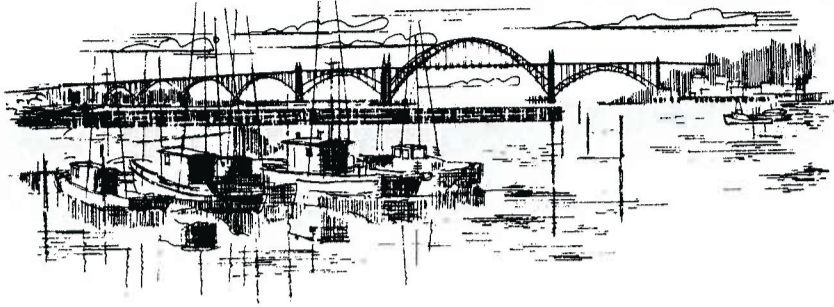
Passed on second reading, placed for final passage, and adopted by the City Council of the City of Newport, Oregon, on the 4th day of December, 2006.

Approved by the Mayor of the City of Newport, Oregon, on the 4th day of December, 2006.


MAYOR

ATTEST:


CITY RECORDER



CITY OF NEWPORT

169 SW COAST HWY

NEWPORT, OREGON 97365

TDD/VOICE 1-800-735-2900

OFFICE OF Community Development

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

Local File # 3-2-06

Date of Deposit in the U.S. Mail: DECEMBER 8, 2006

Name of Person Mailing James Brewster

Signature of Person Mailing 