



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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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 006-06

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

<paa> ya

DLCD 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)

LAND CONSERVATION AND DEVELOPMENT

DEC 11 2006

DEPT OF

Jurisdiction: City of Newport Local File No.: 3-AX-06/6-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: August 10, 2006

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

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

Annexation of approximately 2.07 acres of property and abutting public right-of-way with a Zoning map designation applied of R-2/Medium Density Single Family Residential consistent with Comp Plan map designation of Low Density Residential. Withdrew property from Lincoln County Library District and Newport Rural Fire Protection District.

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: County R-1 to City R-2

Location: Assessor's Map 11-11-9-DB TL 301 & 300 Acres Involved: 2.07 8000

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

Applicable Statewide Planning Goals: 2, 10

Was an Exception Adopted? Yes: ___ No: X

DLCD File No.: 006-06 (15460)

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 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, Newport Rural Fire Protection District, LC Library Dist, Lincoln County

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

Address: 169 SW Coast Hwy

City: Newport Zip Code+4: 97365-³⁸⁰⁶~~4003~~

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. 1901

AN ORDINANCE PROVIDING FOR THE ANNEXATION, THE WITHDRAWAL FROM THE LINCOLN COUNTY LIBRARY DISTRICT AND NEWPORT RURAL FIRE PROTECTION DISTRICT, THE ESTABLISHMENT OF ZONING, AND MAKING FINDINGS OF FACT, FOR A CERTAIN TERRITORY AS HEREIN DESCRIBED, ALL IN THE CITY OF NEWPORT, COUNTY OF LINCOLN, STATE OF OREGON

WHEREAS, a request (Newport File No. 3-AX-06/6-Z-06) was filed by the owners of real property (Peter R. and Heather Heisler and Rony's & Associates) (Peter Heisler, applicant) to annex a portion of the property into the city limits and withdraw property from several districts, and to amend the Newport Zoning Map to adopt a City zone designation for the annexed property,

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 October 9, 2006, for the purpose of reviewing the proposed ordinance 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 requests be approved with a recommendation that the zone designation be an R-2/"Medium Density Single-Family Residential" zone designation;

WHEREAS, the City Council of the City of Newport, after provision of the required public notification, held a public hearing on November 20, 2006, on the requested annexation and withdrawal, and the zoning of the property to be annexed,

WHEREAS, the Council made a determination after considering the recommendation of the Planning Commission, the staff memorandum, and the evidence and argument presented at the public hearing and in the record, that each of the requests were in compliance with the applicable criteria and voted 7-0 to approve the requested annexation, withdrawal, and zoning designation of R-2/"Medium Density Single-Family Residential",

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

Section 1. ANNEXATION, WITHDRAWAL, AND ZONING

A. Annexation. The following described territory (illustrated in Exhibit "A") is hereby annexed to and incorporated within the City of Newport, Oregon:

Beginning at a point in the center of SE Bay Boulevard, formerly the Spruce Production Railroad Right-of-Way, at Engineer's Centerline Station 155+56.79 P.O.T.; said point being 3,746.20 feet South and 3,557.66 feet East of the Northwest corner of Section 9, Township 11 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon; thence North, a distance of 255.84 feet; thence South 63°34' West, a distance of 523.34 feet, to a point that is due North of Engineer's Centerline Station 160+80.13 P.O.T.; thence South, a distance of 255.84 feet, to said Engineer's Centerline Station 160+80.13 P.O.T.; thence continuing South, a distance of 55.84 feet, to the southerly right-of-way line of said SE Bay Boulevard; thence North 63°34' East, a distance of 523.34 feet, to a point that is due South of said Engineer's Centerline Station 155+56.79 P.O.T.; thence North, a distance of 55.84 feet, to the point of beginning.

B. **Withdrawal.** The property annexed to the City of Newport, as described in Section 1 (A) above, is hereby withdrawn from the Lincoln County Library District and the Newport Rural Fire Protection District, such withdrawal being deemed to be in the best interest of the City of Newport. The City of Newport also hereby elects to assume the liabilities and indebtedness, if any, against the property so withdrawn from the Lincoln County Library District and Rural Fire Protection District and further elects to assume such liability to the Lincoln County Library District in the manner provided by ORS 222.520(2)(b).

C. **Zoning.** Ordinance No. 1308 (as amended) adopting the City of Newport Zoning Map is hereby amended to provide for a zone designation on the Zoning Map for the property annexed to the City of Newport by designating the subject property, as owned by Peter R. and Heather Heisler and Rondy's & Associates, and described above in Section 1 (A), with an R-2/"Medium Density Single-Family Residential" zone designation as illustrated in Exhibit "A".

Section 2. The findings attached as Exhibit "B" are hereby adopted in support of the annexation, withdrawal, and zoning designations as adopted in Section 1.

Section 3. As a condition of annexation, a Measure 37 Covenant of Waiver of Claims shall be signed by the property owners and shall be recorded with the Lincoln County Clerk.

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

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

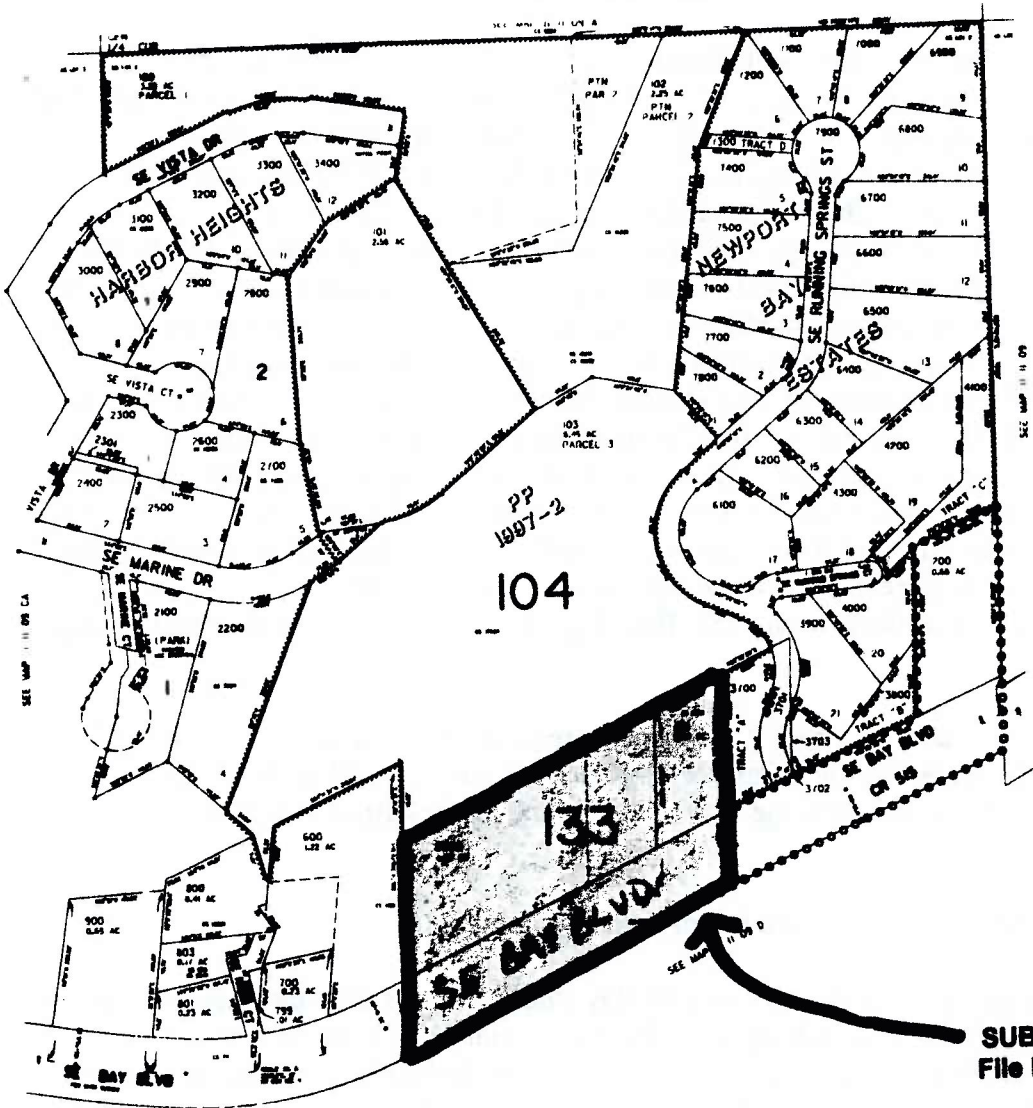
Approved by the Mayor of the City of Newport, Oregon, this 4th day of December, 2006.


MAYOR

ATTEST:


CITY RECORDER

EXHIBIT "A"



SUBJECT PROPERTY
File No. 3-AX-06/6-Z-06

Assessor's Map 11-11-09-DB

EXHIBIT "B"

Findings for Requested Annexation of Property, Withdrawal from the Newport Rural Fire Protection District and the Newport Library District, and Establishment of a Zoning Designation

FINDINGS OF FACT

1. The application for annexation, withdrawal, and zoning designation (Newport File No. 3-AX-06/6-Z-06) was filed by Peter Heisler, 567 SE Vista Dr., Newport, OR 97365, (Peter and Heather Heisler and Rondy's & Associates, Inc., 711 SE 4th St., Newport, OR 97365, property owners) (Pavitt Land Use Consulting, LLC, PO Box 5, Newport, OR 97365, authorized representative) on August 9, 2006. The application included consideration of a request to (1) include a certain territory (consisting of approximately 2.07 acres of Assessor's Tax Map 11-11-09-DB Tax Lots 301 & 8000) into the Newport City limits through annexation; (2) amend the City of Newport Zoning Map to establish a zoning designation for the subject property of R-2/"Medium Density Single-Family Residential" consistent with the existing Newport Comprehensive Plan designation of Low Density Residential (which would allow either the R-1/"Low Density Single-Family Residential" zone or the R-2 zone) to allow those uses permitted outright and conditionally in the R-2 zone as specified in the Newport Zoning Ordinance (NZO) (Ordinance No. 1308, as amended) Section 2-2-1.025 (Residential Uses); and (3) withdrawal of said territory from the Newport Rural Fire Protection District and the Lincoln County Library District. As part of the annexation/withdrawal, the City also considered the annexation/withdrawal of the portion of SE Bay Blvd (Yaquina Bay Road) abutting the subject property.

2. The property that was the subject of the land use requests included approximately 2.07 acres on Lincoln County Assessor's Tax Map No. 11-11-09-DB Tax Lots 301 & 8000 (also known as 1523 Yaquina Bay Road and lot to the west) and abutting SE Bay Blvd (Yaquina Bay Road) right-of-way.

3. The legal description of the area to be annexed is as follows:

Beginning at a point in the center of SE Bay Boulevard, formerly the Spruce Production Railroad Right-of-Way, at Engineer's Centerline Station 155+56.79 P.O.T.; said point being 3,746.20 feet South and 3,557.66 feet East of the Northwest corner of Section 9, Township 11 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon; thence North, a distance of 255.84 feet; thence South 63°34' West, a distance of 523.34 feet, to a point that is due North of Engineer's Centerline Station 160+80.13 P.O.T.; thence South, a distance of 255.84 feet, to said Engineer's Centerline Station 160+80.13 P.O.T.; thence continuing South, a distance of 55.84 feet, to the southerly right-of-way line of said SE Bay Boulevard; thence North 63°34' East, a distance of 523.34 feet, to a point that is due South of said Engineer's Centerline Station 155+56.79 P.O.T.; thence North, a distance of 55.84 feet, to the point of beginning.

4. The size of the applicant's property is approximately 2.07 acres (Tax Lot 301 is 0.44 acres and

Tax Lot 8000 is 1.63 acres). The public right-of-way abutting the applicant's property is approximately 1.2 acres.

5. Staff reported the following information regarding the requests:

- A. Plan Designation: Lincoln County designation of "Suburban Residential", which according to LCC 1.0190 Plan Designations (6) Suburban Residential "primary uses are single-family residential, multi-family residential where urban facilities and services are available, and existing public recreation facilities". City of Newport Comprehensive Plan Land Use Plan designation of Low Density Residential.
- B. Zone Designation: City of Newport zoning is established at time of annexation. Either the R-1/"Low Density Single-family Residential" or R-2/"Medium Density Single-family Residential" zone designations are consistent with Comprehensive Plan designation of Low Density Residential. The applicant is requesting the R-2 zone designation. The County designation for the property is currently R-1/Rural Residential.
- C. Surrounding Land Uses: The city limit boundary on the west, north and east is abutting and zoned R-2 and contains residential uses. Directly across Yaquina Bay Road to the south is land zoned I-3 and W-1 within the city limits and contains industrial uses and marine facility uses such as the Port of Newport terminal facilities.
- D. Topography and Vegetation: The subject property is generally level with some slope variations. The property tends to slope down steeply towards the south and Yaquina Bay Road. There is typical coastal brushy vegetation on the property as described in the applicant's request. See also Planning Staff Report Attachment "D" (Topographical Map).
- E. Existing Structures: Currently, there is a house on Tax Lot 301.
- F. Utilities: Currently subject property is not being served with city services. Surrounding properties, including on SE Running Springs, are currently served with city utilities.
- G. Development Constraints: Portion of property with steep slopes.
- H. Past Land Use Actions: None known.
- I. Notification: The required 45 Day Notice to the Department of Land Conservation and Development was mailed on August 11, 2006.
 - 1. For the Planning Commission public hearing, notification in accordance with the NZO Section 2-6-1.030 (B) requirements included mailing notice to surrounding property owners within 200 feet of the subject property, City departments and other public agencies and utilities on September 18, 2006. The notice of public hearing in the Newport News-Times was published on September 29, 2006.
 - 2. For the City Council public hearing, notification in accordance with the NZO Section 2-6-1.030 (B) requirements included mailing notice to surrounding property within 200 feet of the subject property, City

departments and other public agencies and utilities on October 13, 2006. Pursuant to the requirements of ORS 222.120, the City Council on October 16, 2006, set the November 20th Council meeting as the date of public hearing before the Council. Notice of the proposed annexation was posted in four public places (City of Newport City Hall, City of Newport Recreation Center, City of Newport Library, and Lincoln County Courthouse) on October 31, 2006, as required by ORS 222.120(3). Notice of the public hearing was published in the Newport News-Times on November 3, 2006, November 8, 2006, and November 15, 2006, as required by ORS 222.120(3).

6. The Planning Commission held a public hearing on October 9, 2006, regarding the proposed annexation/withdrawal/rezone request. Dawn Pavitt (Pavitt Land Use Consulting) appeared in conjunction with the applicant. Patricia Noel Johnson (1450 SE Marine Drive) and Neola Lacey (1447 SE Marine Drive) appeared as interested parties with questions about the notification distance and where the subject property would obtain access. It was noted that the notification distance was 200 feet and that the subject property had existing access from SE Bay Blvd (Yaquina Bay Road). The Planning Commission voted unanimously (Romney, Henning, Patrick, Newman-Reno, McEntee, Brusselback) to recommend approval of the requests. See Planning Staff Report Attachment "E" (PC 10/9/06 Draft Minutes).

7. Notice of the proposed annexation, withdrawal, and Zoning Map amendment was mailed on September 18, 2006, for the Planning Commission hearing and on October 31, 2006, for the City Council hearing to affected property owners and various City departments, public/private utilities and agencies within Lincoln County. As of November 16, 2006, only two comments dated September 20, 2006, and November 11, 2006, from the Newport Public Works Department had been received; which indicated that they have no objections to the annexation and support the annexation as it only makes sense that it be annexed since it is completely surrounded by the city limits.

8. The City Council held a public hearing on the proposed requests on November 20, 2006. A Planning Staff Report with attachments was submitted to the City Council. The Planning Staff Report and attachments as follows are hereby incorporated into the findings:

- Attachment "A" – Applicant Requests
- Attachment "A-1" – Applicant Map
- Attachment "B" – Notice of Public Hearing and Map
- Attachment "C" – Newport Zoning Map
- Attachment "C-1" – Uses allowed in the R-1 and R-2 zones
- Attachment "C-2" – Intent of Zoning Districts
- Attachment "D" – Topographical Map
- Attachment "E" – PC 10/9/06 Draft Minutes

9. At the November 20, 2006, public hearing, the City Council heard a staff report and allowed for testimony and evidence to be given on the proposed requests. Following the close of the public hearing, the Council deliberated and voted to approve the requests. The minutes of the

November 20, 2006, public hearing are hereby incorporated by reference into the findings.

10. The applicable criteria for each of the requests are as follows:

- A. For the annexation/withdrawal portion of the requests, Newport Zoning Ordinance (NZO) Section 2-5-6.020 provides the applicable criteria: The required consents have been filed with the City; the territory to be annexed is within the acknowledged urban growth boundary (UGB); and the territory to be annexed is contiguous to the existing city limits. There are not specific criteria for withdrawals from a district. Withdrawals are done in conjunction with the annexation when the City becomes the service provider for the property.
- B. For the zoning map amendment portion of the requests, the applicable criteria per NZO Section 2-5-6.030 & NZO Section 2-5-5.005 are: Findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare.

CONCLUSIONS

1. In regard to the criteria for approval of the annexation request under NZO Section 2-5-6.020, the City Council concludes as follows:

A. In regard to the first criterion (*The required consents have been filed*), the City Council concludes that pursuant to Oregon Revised Statutes (ORS) 222.170, petitions for annexation of a territory into the city limits must have the consent of more than 50 percent of owners of land in the territory, and such owners must also own more than 50 percent of the assessed value of all real property in the subject territory. The owners of the subject property are identified on the Warranty Deed for Tax Lot 301 dated April 12, 2006, as being Peter R. and Heather J. Heisler; and on the memorandum of land sale contract for Tax Lot 8000 dated July 11, 2006 as being Rondy's & Associates, Inc. and Peter R. and Heather J. Heisler. In conjunction with the application for annexation Wilburn Hall (on behalf of Rondy's & Associates, Inc.) has signed the Newport Land Use Application requesting annexation of the property as well as the City's formal Consent to Annex form. As noted by the applicant in the applicant's findings, Tax Lot 301 is owned by Peter R. and Heather H. Heisler; Tax Lot 800 is owned by Peter R. and Heather H. Heisler and Rondy's & Associates, Inc. (Wilburn Hall, Vice President, legal representative). The applicant has provided all signed consents and the Lincoln County Assessor's values of all properties to be annexed. See Planning Staff Report Attachment "A" (Applicant Requests). The petitioners have met this prerequisite in that Mr. & Mrs. Heisler and Rondy's and Associates, Inc., appear to have 100 percent ownership of the subject property. The applicant has also provided the necessary signed and notarized consents signed by the electorate residing on the subject property: E. Chris Sugrue, Erika Sugrue, and Jordan Studubaker. All property owners have consented.

B. In regard to the second criterion (*the territory to be annexed is within the*

acknowledged urban growth boundary (UGB)), the City Council concludes that the subject property is within the Urban Growth Boundary pursuant to the Comprehensive Plan Map of the City of Newport and is designated "Low Density Residential." The applicant submitted a map with the application materials identifying the subject property and the UGB. See Planning Staff Report Attachment "A-1" (Applicant Map).

C. In regard to the third criterion (*the territory to be annexed is contiguous to the existing city limits*), the City Council concludes that the subject property is contiguous to the existing city limits. See Planning Staff Report Attachment "B" (Public Notice and Map) and Planning Staff Report Attachment "C" (Zoning Map).

2. In regard to the withdrawal request, the City Council finds that there are no applicable criteria and the withdrawal of the property from the Newport Rural Fire Protection District and the Lincoln County Library District occur during annexation when the City of Newport becomes the service provider within the city limits.

3. In regard to the establishment of a City of Newport zone designation upon annexation, the City Council concludes as follows in regard to the applicable criteria from NZO Section 2-5-6.030 and NZO Section 2-5-5.005 (*Findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare.*):

A. The City Council concludes that Comprehensive Plan designation of Low Density Residential is implemented by either the R-1/"Low Density Single-Family Residential" zone or the R-2/"Medium Density Single-Family Residential" zone. The applicant is requesting an R-2 zoning designation. The uses permitted outright and conditionally in the R-1 and R-2 zones are included as Planning Staff Report Attachment "C-1". The intent of the R-1 and R-2 zoning districts is included as Planning Staff Report Attachment "C-2". The topography of the area is illustrated in Planning Staff Report Attachment "D". Currently, the property within the City limits to the north, east, and west of the subject property is designated with an R-2 zone designation. See Planning Staff Report Attachment "C". The applicant has submitted findings regarding the criteria for the zoning map amendment. Please see Planning Staff Report Attachment "A" (Applicant Requests).

B. The City Council concludes that because the Comprehensive Plan Map has designated the property to be Low Density Residential to implement the Comprehensive Plan (which establishes the limits of growth within the Urban Growth Boundary for the City of Newport to the year 2010), the City Council may conclude that the application of a zone designation in conformance with the Comprehensive Plan would further a public necessity and promote the general welfare.

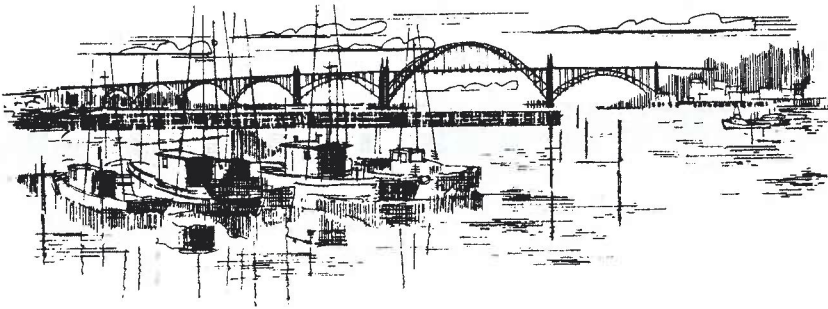
4. Measure 37 is the ballot measure approved by the Oregon voters that allows for property owners to seek compensation or waiver of regulations that are adopted after the property owner acquires property and that reduce the property value of the property. There are a number of uncertainties with the application of Measure 37 in general and there is

insufficient information regarding the subject property to say whether or not there is a potential for a valid Measure 37 claim, so it is not certain that there would be a potential Measure 37 issue. Based on the deed submitted with the application, the current property owners of Tax Lot 301, Peter and Heather Heisler, appear to have acquired the property in 2006. If the applicant completes the sale of the Tax Lot 8000 and acquires the property after it is annexed, then there would not appear to be a Measure 37 claim issue for the regulations existing at the time the applicant acquires the property. Depending on the date Tax Lot 8000 was acquired by Rondys & Associates and the land use regulations applicable to the property at that time, there may be a potential for a Measure 37 claim. In a previous annexation (File No. 1-AX-04/2-Z-04) involving annexation of a property that was also in the process of changing ownership, there was a potential for a Measure 37 claim and the City Council required a Measure 37 claim waiver be signed by the current property owners as a condition of annexation.

OVERALL CONCLUSION

Based on the staff report and attachments, the application material, and other evidence and testimony in the record, the City Council concludes that the requested annexation, withdrawal, and zone designations comply with the criteria established for approval of each of the requests under the applicable criteria as explained in the findings. The requested annexation, withdrawal, and establishment of a zone designation are hereby **APPROVED** with the following condition:

- 1) The property owners shall sign a Measure 37 Covenant of Waiver of Claims and that the Covenant shall be recorded.



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 # S-A-06/6-2-06

Date of Deposit in the U.S. Mail: 12/18/06

Name of Person Mailing JAMES BASSETT WATKINS

Signature of Person Mailing [Handwritten Signature]