



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: May 11, 2016
Jurisdiction: City of Newport
Local file no.: 1-AX-14/2-Z-14
DLCD file no.: 002-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/06/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 002-16 {24350}

Received: 5/6/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Newport

Local file no.: **1-AX-14/2-Z-14**

Date of adoption: 5/2/16

Date sent: 5/6/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3/22/16

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Technical corrections to the legal description as requested by DOR. No substantive revisions.

Local contact (name and title): Derrick I. Tokos, AICP

Phone: 541-574-0626

E-mail: d.tokos@newportoregon.gov

Street address: 169 SW Coast Hwy

City: Newport

Zip: 97365-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from T-C	to P-1	Acres: 323
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): TL 201, 600 & 900 of 10-11-33 & TL 100 of 10-11-34.

List affected state or federal agencies, local governments and special districts: Lincoln County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance No. 2095 containing a legal description of the territory being annexed and a map exhibit.

CITY OF NEWPORT

ORDINANCE NO. 2095

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF NEWPORT,
WITHDRAWING THE ANNEXED TERRITORY FROM THE LINCOLN COUNTY
LIBRARY DISTRICT AND NEWPORT RURAL FIRE PROTECTION DISTRICT AND
ESTABLISHING ZONING FOR THE ANNEXED TERRITORY

Summary of Findings:

1. On July 7, 2014 the Newport City Council initiated the annexation of city owned territory surrounding the Big Creek Reservoirs along with adjoining portions of Big Creek Road and directed staff to amend the Newport Zoning Map to adopt a zone designation for the annexed territory of P-1/"Public Structures (Newport File No. 1-AX-14/2-Z-14). The annexation includes approximately 323 acres of land.
2. Territory subject to the annexation includes all, or a portion of, real property identified by the Lincoln County Assessor's Office as Tax Lots 201, 600 and 900 of Assessor's Map 10-11-33 and Tax Lot 100 of Assessor's Map 10-11-34.
3. The territory to be annexed was brought into the Newport Urban Growth Boundary (UGB) with a "Public" Comprehensive Plan designation in 2014 for the purpose of streamlining the land use processes that will apply to future development and redevelopment of the City's domestic water storage and distribution system, and to facilitate a future reservoir trail project. That UGB expansion included 350 acres of public and privately owned land. Only the publically owned property is being annexed at this time. The UGB amendment was approved by the City of Newport on May 6, 2013 (Ord. #2050) and by Lincoln County on April 16, 2014 (Ord. #476). The Department of Land Conservation and Development accepted the city and county decisions on July 10, 2014.
4. After the City Council initiated the annexation process in July of 2014, the proposal was placed on hold until Lincoln County legalized the alignment for Big Creek Road. This is because there are several locations where the legal description for the annexed area follows the boundary of Big Creek Road. Lincoln County completed the legalization process in September of 2015.
5. 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 March 28, 2016, for the purpose of reviewing the proposed requests and providing a recommendation to the City Council. The Planning Commission public hearing was held in accordance with the appropriate provisions of the Newport Zoning Ordinance and, after due deliberation and consideration of the proposed changes, the Planning Commission voted to recommend that the City Council approve the annexation.
6. The City Council of the City of Newport, after provision of the required public notification, held a public hearing on May 2, 2016, on the requested annexation and withdrawal, and the zoning of the property to be annexed.

7. After considering the recommendation of the Planning Commission and the evidence presented at the public hearing and in the record, the City Council determined that the proposal complies with the applicable criteria and voted to approve the requested annexation, withdrawal, and zoning designation.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. ANNEXATION, WITHDRAWAL, AND ZONING

- A. Annexation. The following described territory, graphically depicted on Exhibit "A" to this ordinance, is hereby annexed to and incorporated within the City of Newport, Oregon:

Beginning at the Southeast corner of the Southwest quarter of Section 33, Township 10 South, Range 11 West, of the Willamette Meridian, in Lincoln County, Oregon; thence west along the South line of said Section 33, a distance of 20 chains, to the Southeast corner of that tract of land conveyed to Tonia K. Warren, by deed, recorded July 18, 2000, in mf405-0166, Microfilm Records for Lincoln County Oregon, thence continuing west along said South line of Section 33, a distance of 7 chains, to the Southwest corner of said Warren Tract; thence north along the West line of said Warren Tract, a distance of 10 chains, to the Northwest corner of said Warren Tract, said Northwest corner of the Warren Tract lying on the South line of the North half of the Southwest quarter of said Southwest quarter of Section 33, and said Northwest corner of the Warren Tract also being the True Point of Beginning; thence continuing north along the north extension of said West line of the Warren Tract, a distance of 720 feet, more or less, to its intersection with the easterly annexation line established by City of Newport, Oregon Ordinance No. 966, approved by the City Council on May 6th, 1974 and adopted by the Mayor on May 6th, 1974; thence northeasterly along said easterly annexation line, a distance of 880 feet, more or less, to the most southerly corner of that tract of land conveyed to Robert N. Etherington and Winifred K. Etherington, husband and Wife, and Robert C. Etherington and Linda A. Etherington, husband and wife, by deed, recorded March 17, 2011, in DOC 2011-02743, Book of Records for Lincoln County, Oregon, said point also being at center line station 58+86.99 on the north line of Big Creek Road Legalization Survey per filed survey number 20411 at the Lincoln County Surveyor's office; thence northeasterly along said survey 20411 to the approximate center line station of 69+35 at the intersection with the southwest corner of that property described in DV 211-0263, Book of Records for Lincoln County; thence northerly along the west line of that property described in DV 211-0263, 136 feet more or less to a point on the south line of the northwest quarter, northwest quarter, Section 33; thence easterly along said south line 40.00 feet; thence northeasterly along the northerly line of that property described in said DV 211-0263 48.5 feet more or less, to the most southerly corner of that property described in Doc. 2008-11669; thence North 34°48'50" West, 181.37 feet to a 1" iron pipe; thence South 86°02'00" West, 85.42 feet to a 1" iron pipe; thence North 25°57'30" West, 106.87 feet to a 1" iron pipe; thence North 46°31'25" East, 192.76 feet to a 1" iron pipe; thence South 34°48'50" East, 335.48 feet, more or less to a point on the northerly line of said DV 211-0263; thence North 45°00'00" East along the northerly line thereof, 102 feet, more or less to a point on the West line of the Northeast quarter of said Section 33; thence north along said West line of the Northeast quarter of Section 33, a distance of 280 feet, more or less, to its intersection with a line that is 480.00 feet north of and parallel to the South line of said Northeast quarter of Section 33; thence east along said line that is 480.00 feet north of and parallel to the South line of the Northeast quarter of Section 33, a distance of 2570 feet, more or less, to its intersection with a line that is 85.00 feet west of and parallel to the East line of said Section 33; thence north along said line that is 85.00 feet west of and parallel to the East line of Section 33, a distance of 340 feet, more or less, to its intersection with a line that is 820.00 feet north of and parallel to said South line of the Northeast quarter of Section 33; thence east along said line that is 820.00 feet north of and parallel to the South line of the Northeast quarter of Section 33, a distance of 85 feet, more or

less, to said East line of Section 33; thence north along said East line of Section 33, a distance of 1800 feet, more or less, to the common corner of Sections 27, 28, 33, and 34, said Township 10 South, Range 11 West of the Willamette Meridian; thence east along the North line of said Section 34, a distance of 1280 feet, more or less, to the north-south centerline of the Northwest quarter of said Section 34; thence south along said north-south centerline of the Northwest quarter of Section 34, a distance of 2565 feet, more or less, to a point that is 50.00 feet north of the Southwest corner of the Southeast quarter of said Northwest quarter of Section 34; thence southeasterly, a distance of 680 feet, more or less, to a point, said point being the intersection of two lines, the first being a line that is 170.00 feet south of and parallel to the North line of the Southwest quarter of said Section 34, and the second being a line that is 645.00 feet east of and parallel to the north-south centerline of the Southwest quarter of Section 34; thence northeasterly, a distance of 800, more or less, to a point that is the intersection of two lines, the first being a line that is 550.00 feet north of and parallel to said South line of said Northwest quarter of Section 34, and the second being a line that is 280.00 feet west of and parallel to the East line of said Northwest quarter of Section 34; thence east 280 feet along said line that is 550.00 feet north of and parallel to said South line of the Northwest quarter of Section 34, to a point that is on the East line of the Southwest quarter of Section 34; thence south along the east line of the southwest quarter of Section 34 to the Southeast corner of the northwest quarter of Section 34; thence south along the West line of the Southeast quarter of Section 34, to a point at the southwest corner of that property described in Document 2004-12180 Lincoln County Records; thence South 68°48'26" East, 424.24 feet, more or less, to a point on the north line of said Big Creek Road Survey number 20411 at approximate center line station 139+21; thence southeasterly along the north line of said Big Creek Road Survey to approximate center line station of 146+00 to the intersection with the southwesterly corner of property described in DV 147-349 Lincoln County Records; thence leaving north line of Big Creek Road, North 06°31'40" East, 248 feet more or less, along the westerly line of property described in said DV 147-349; thence North 19°58'20" East, 198.18 feet; thence North 57°42'40" East, 205.49 feet, more or less to a point on the west line of the northeast quarter, southeast quarter Section 34; thence south along the last said west line 661 feet more or less, to the southeast corner of the northwest quarter, southeast quarter Section 34; thence south along the west line of the southeast quarter, southeast quarter, Section 34 20 feet; thence west along a line that is parallel with and 20 feet south of the south line of the northwest quarter, southeast quarter, Section 34, 170 feet, more or less; thence North along a line parallel with and 170 feet westerly of the west line of the southeast quarter, southeast quarter Section 34, 8'; thence South 53°43' West, 217 feet, more or less; thence South 08°01' West, 171 feet; thence South 77° West, 80.00 feet more or less; thence North 04°16' West, 173 feet; thence North 54°06' West, 280 feet to a point on the north line of the southwest quarter, southeast quarter, Section 34; thence westerly along the last said north line 600 feet, more or less, to a point on the east line of the southwest quarter, section 34; thence west along the north line of the south half, southwest quarter section 34, 2562 feet, more or less to a point on the east line of said Section 33; thence west along the along the north line of the south half, southeast quarter Section 33, a distance of 2630 feet, more or less, to the East line of said Southwest quarter of Section 33; thence west along the east-west centerline of said Southwest quarter of Section 33, a distance of 910 feet, more or less, to the Northeast corner of that third tract of land conveyed to the City of Newport, by deed, recorded February 21, 1953, in Book 156, Page 409, Deed Volume Records for Lincoln County, Oregon; thence south along the East line of said third City of Newport Tract, a distance of 660 feet, more or less, to the Southeast corner of the third City of Newport Tract, said Southeast corner of said third City of Newport Tract lying on said South line of the North half of the Southeast quarter of said Southwest quarter of Section 33; thence west along said South line of the North half of the Southeast quarter of said Southwest quarter of the Southwest quarter of Section 33, a distance of 400 feet, more or less, to the East line of the Southwest quarter of the Southwest quarter of Section 33; thence west along the South line of the North half of said Southwest quarter of the Southwest Quarter of Section 33, a distance of 458 feet, more or less, to the true point of beginning.

B. Withdrawal. The territory 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 territory annexed to the City of Newport by designating the subject territory described in Section 1(A) above with the zone designation of P-1/"Public Structures."

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. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: May 2, 2016

Signed by the Mayor on May 5, 2016.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

Reviewed as to form:



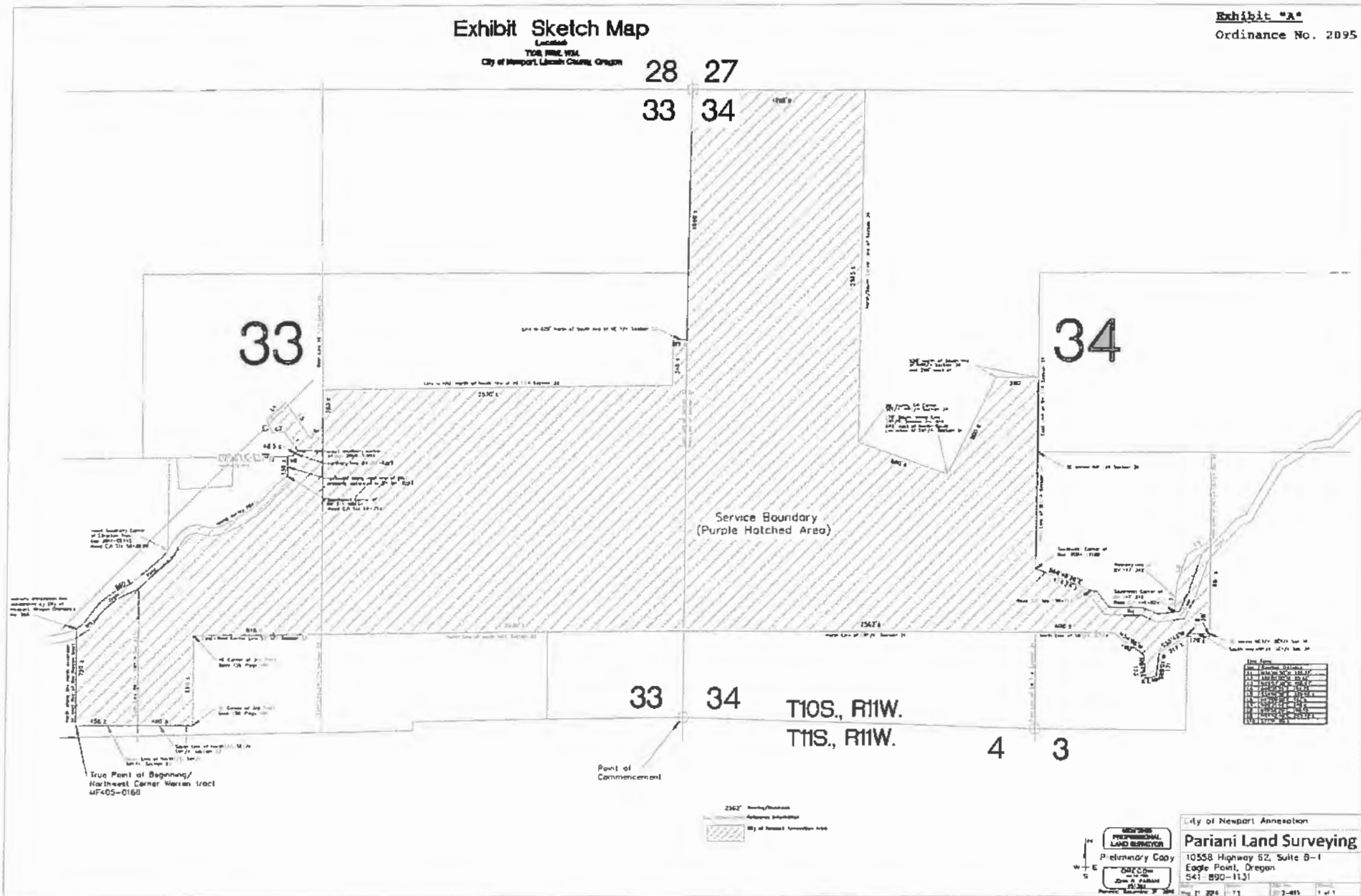
Steven E. Rich, City Attorney

Exhibit Sketch Map

Location
T10S, R11W, S34
City of Newport, Lincoln County, Oregon

Exhibit "A"
Ordinance No. 2095

28 27
33 34



City of Newport Annexation

Pariani Land Surveying
10558 Highway 62, Suite B-1
Eagle Point, Oregon
541-890-1131

2-815 1 of 1

EXHIBIT "B"

Findings for Proposed Annexation of Territory, 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. 2-AX-15/4-Z-15) was initiated by the Newport City Council on July 7, 2014. The application included consideration of a proposal to: (1) annex approximately 323 acres of territory (including real property currently identified as Tax Lots 201, 600 and 900 of Assessor's Tax Map 10-11-33, Tax Lot 100 of Assessor's Map 10-11-34, and adjoining portions of Big Creek Road into the Newport city limits; (2) amend the City of Newport Zoning Map to establish a P-1/"Public Structures" zoning designation for the subject territory consistent with the existing Newport Comprehensive Plan designation of Public; and (3) withdraw said territory from the Newport Rural Fire Protection District and the Lincoln County Library District.
2. The territory to be annexed was brought into the Newport Urban Growth Boundary (UGB) in 2014 for the purpose of streamlining the land use processes that will apply to future development and redevelopment of the City's domestic water storage and distribution system, and to facilitate a future reservoir trail project. That UGB expansion included 350 acres of public and privately owned land. Only the publically owned property is being annexed at this time.
3. The legal description of the area to be annexed is as follows:

Beginning at the Southeast corner of the Southwest quarter of Section 33, Township 10 South, Range 11 West, of the Willamette Meridian, in Lincoln County, Oregon; thence west along the South line of said Section 33, a distance of 20 chains, to the Southeast corner of that tract of land conveyed to Tonia K. Warren, by deed, recorded July 18, 2000, in mf405-0166, Microfilm Records for Lincoln County Oregon, thence continuing west along said South line of Section 33, a distance of 7 chains, to the Southwest corner of said Warren Tract; thence north along the West line of said Warren Tract, a distance of 10 chains, to the Northwest corner of said Warren Tract, said Northwest corner of the Warren Tract lying on the South line of the North half of the Southwest quarter of said Southwest quarter of Section 33, and said Northwest corner of the Warren Tract also being the True Point of Beginning; thence continuing north along the north extension of said West line of the Warren Tract, a distance of 720 feet, more or less, to its intersection with the easterly annexation line established by City of Newport, Oregon Ordinance No. 966, approved by the City Council on May 6th, 1974 and adopted by the Mayor on May 6th, 1974; thence northeasterly along said easterly annexation line, a distance of 880 feet, more or less, to the most southerly corner of that tract of land conveyed to Robert N. Etherington and Winifred K. Etherington, husband and Wife, and Robert C. Etherington and Linda A. Etherington, husband and wife, by deed, recorded March 17, 2011, in DOC 2011-02743, Book of Records for Lincoln County, Oregon, said point also being at center line station 58+86.99 on the north line of Big Creek Road Legalization Survey per filed survey number 20411 at the Lincoln County Surveyor's office; thence northeasterly along said survey 20411 to the approximate center line station of 69+35 at the intersection with the southwest corner of that property described in DV 211-0263, Book of Records for Lincoln County; thence northerly along the west line of that property described in DV 211-0263,

136 feet more or less to a point on the south line of the northwest quarter, northwest quarter, Section 33; thence easterly along said south line 40.00 feet; thence northeasterly along the northerly line of that property described in said DV 211-0263 48.5 feet more or less, to the most southerly corner of that property described in Doc. 2008-11669; thence North 34°48'50" West, 181.37 feet to a 1" iron pipe; thence South 86°02'00" West, 85.42 feet to a 1" iron pipe; thence North 25°57'30" West, 106.87 feet to a 1" iron pipe; thence North 46°31'25" East, 192.76 feet to a 1" iron pipe; thence South 34°48'50" East, 335.48 feet, more or less to a point on the northerly line of said DV 211-0263; thence Northeasterly along the northerly line thereof, 102 feet, more or less to a point on the West line of the Northeast quarter of said Section 33; thence north along said West line of the Northeast quarter of Section 33, a distance of 280 feet, more or less, to its intersection with a line that is 480.00 feet north of and parallel to the South line of said Northeast quarter of Section 33; thence east along said line that is 480.00 feet north of and parallel to the South line of the Northeast quarter of Section 33, a distance of 2570 feet, more or less, to its intersection with a line that is 85.00 feet west of and parallel to the East line of said Section 33; thence north along said line that is 85.00 feet west of and parallel to the East line of Section 33, a distance of 340 feet, more or less, to its intersection with a line that is 820.00 feet north of and parallel to said South line of the Northeast quarter of Section 33; thence east along said line that is 820.00 feet north of and parallel to the South line of the Northeast quarter of Section 33, a distance of 85 feet, more or less, to said East line of Section 33; thence north along said East line of Section 33, a distance of 1800 feet, more or less, to the common corner of Sections 27, 28, 33, and 34, said Township 10 South, Range 11 West of the Willamette Meridian; thence east along the North line of said Section 34, a distance of 1280 feet, more or less, to the north-south centerline of the Northwest quarter of said Section 34; thence south along said north-south centerline of the Northwest quarter of Section 34, a distance of 2565 feet, more or less, to a point that is 50.00 feet north of the Southwest corner of the Southeast quarter of said Northwest quarter of Section 34; thence southeasterly, a distance of 680 feet, more or less, to a point, said point being the intersection of two lines, the first being a line that is 170.00 feet south of and parallel to the North line of the Southwest quarter of said Section 34, and the second being a line that is 645.00 feet east of and parallel to the north-south centerline of the Southwest quarter of Section 34; thence northeasterly, a distance of 800, more or less, to a point that is the intersection of two lines, the first being a line that is 550.00 feet north of and parallel to said South line of said Northwest quarter of Section 34, and the second being a line that is 280.00 feet west of and parallel to the East line of said Northwest quarter of Section 34; thence east 280 feet along said line that is 550.00 feet north of and parallel to said South line of the Northwest quarter of Section 34, to a point that is on the East line of the Southwest quarter of Section 34; thence south along the east line of the southwest quarter of Section 34 to the Southeast corner of the northwest quarter of Section 34; thence south along the West line of the Southeast quarter of Section 34, to a point at the southwest corner of that property described in Document 2004-12180 Lincoln County Records; thence South 68°48'26" East, 424.24 feet, more or less, to a point on the north line of said Big Creek Road Survey number 20411 at approximate center line station 139+21; thence southeasterly along the north line of said Big Creek Road Survey to approximate center line station of 146+00 to the intersection with the southwesterly corner of property described in DV 147-349 Lincoln County Records; thence leaving north line of Big Creek Road, North 06°31'40" East, 248 feet more or less, along the westerly line of property described in said DV 147-349; thence North 19°58'20" East, 198.18 feet; thence North 57°42'40" East, 205.49 feet, more or less to a point on the west line of the northeast quarter, southeast quarter Section 34; thence south along the last said east line 661 feet more or less, to the southeast corner of the northeast quarter, southeast quarter Section 34; thence south along the west line of the southeast quarter, southeast quarter, Section 34 20 feet; thence west along a line that is parallel with and 20 feet south of the south line of the northwest quarter, southeast quarter, Section 34, 170 feet, more or less; thence North along a line parallel with and 170 feet westerly of the west line of the southwest quarter, southeast quarter Section 34, 8'; thence South 53°43' West, 217 feet, more or less; thence South 08°01' West, 171 feet;

thence South 77° West, 80.00 feet more or less; thence North 04°16' West, 173 feet; thence North 54°06' West, 280 feet to a point on the north line of the southwest quarter, southeast quarter, Section 34; thence westerly along the last said north line 600 feet, more or less, to a point on the east line of the southwest quarter, section 34; thence west along the north line of the south half, southwest quarter section 34, 2562 feet, more or less to a point on the east line of said Section 33; thence west along the along the north line of the south half, southeast quarter Section 33, a distance of 2630 feet, more or less, to the East line of said Southwest quarter of Section 33; thence west along the east-west centerline of said Southwest quarter of Section 33, a distance of 910 feet, more or less, to the Northeast corner of that third tract of land conveyed to the City of Newport, by deed, recorded February 21, 1953, in Book 156, Page 409, Deed Volume Records for Lincoln County, Oregon; thence south along the East line of said third City of Newport Tract, a distance of 660 feet, more or less, to the Southeast corner of the third City of Newport Tract, said Southeast corner of said third City of Newport Tract lying on said South line of the North half of the Southeast quarter of said Southwest quarter of Section 33; thence west along said South line of the North half of the Southeast quarter of said Southwest quarter of the Southwest quarter of Section 33, a distance of 400 feet, more or less, to the East line of the Southwest quarter of the Southwest quarter of Section 33; thence west along the South line of the North half of said Southwest quarter of the Southwest Quarter of Section 33, a distance of 458 feet, more or less, to the true point of beginning.

4. Staff reported the following information regarding the proposal:

- A. Plan Designation: The subject territory is within the Newport Urban Growth Boundary, and is designated as "Public" on the Newport Comprehensive Plan Map.
- B. Zone Designation: City of Newport zoning is established at time of annexation. Either the P-1/"Public Structures," P-2/"Public Recreation," or P-3/ "Public Open Space" zoning designations are consistent with a Comprehensive Plan designation of Public. A P-1 zone designation is proposed because it allows a range of governmental and recreational uses that will accommodate the City's need to make improvements to its reservoirs and related water system infrastructure. Regional park uses are also permitted.
- C. Surrounding Land Uses: Land uses in the immediate vicinity include commercial timber and low density residential development.
- D. Topography and Vegetation: The properties include moderate to steeply sloped, forested terrain and the two domestic water supply reservoirs.
- E. Existing Buildings: A portion of the City's water treatment plant (it straddles the existing city limits) and the reservoir structures.
- F. Utilities: All are currently available to the water treatment facility.
- G. Development Constraints: None known.
- H. Past Land Use Actions: File No. 2-UGB-12/3-CP-12 - City approved a 350-acre Urban Growth Boundary (UGB) expansion with a "Public" Comprehensive Plan designation on May 6, 2013 (Ord. #2050) and the County followed suit on April 16,

2014 (Ord. #476). The Department of Land Conservation and Development (DLCD) accepted the city/county decisions on July 10, 2014. The subject properties are within the area covered by this UGB expansion.

- i. **Notification:** Required notice to the Department of Land Conservation and Development was mailed on March 22, 2016.

For the Planning Commission public hearing, notification in accordance with the NMC Section 14.52.060(C) requirements included mailing notice to surrounding property owners, City departments and other public agencies and utilities, and other individuals on March 15, 2016. The notice of public hearing in the Newport News-Times was published on March 18, 2016 and March 23, 2016.

In accordance with Oregon Revised Statute 222.120(3), notice of the May 2, 2016 City Council public hearing was published once each week for two successive weeks prior to the day of the hearing, such notice occurring in the Newport News-Times on April 22, 2016 and April 27, 2016. Notice of the hearing was also posted at the Newport City Hall, Lincoln County Courthouse, Newport Public Library and Newport Recreation Center. No comments have been received in response to this notice.

5. The Planning Commission held a public hearing on the proposal on March 28, 2016. Robert Etherington was the only individual that offered testimony. Mr. Etherington wanted to know how much of Big Creek Road would be annexed, and staff responded that the City of Newport would be taking in the entire stretch of the road adjoining the city-owned parcels. After considering the testimony and reviewing the staff report the Commission voted unanimously to recommend approval of the annexation with the territory being zoned P-1/"Public Structures."
6. The City Council held a public hearing on the annexation proposal on May 2, 2016. A Planning Staff Report, dated March 22, 2016, was submitted to the City Council. The Planning Staff Report and attachments as follows are hereby incorporated into the findings:
 - Attachment "A" - Legal description of area to be annexed
 - Attachment "B" - Exhibit "A" map of area to be annexed
 - Attachment "C"- Comprehensive Plan map of the area
 - Attachment "D" - Zoning map of the area
 - Attachment "D-1" - Uses allowed in the P-1, P-2, and P-3 zones
 - Attachment "E" - Big Creek Road legalization
 - Attachment "F"- Memorandum of Agreement between City/County
 - Attachment "G"- Notice of Public Hearing and Map
 - Attachment "H"- Copy of ORS 222.170 and ORS 222.524
7. At the May 2, 2016 public hearing, the City Council heard a staff report and allowed for testimony and evidence to be given on the annexation proposal. Following the close of the public hearing, the Council deliberated and voted to approve the proposal. The minutes of the May 2, 2016 public hearing are hereby incorporated by reference into the findings.

8. The applicable criteria for this annexation proposal are as follows:
 - A. For the annexation/withdrawal portion of the proposal, Newport Municipal Code Section 14.37.040 provides *"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."*
 - B. For the zoning map amendment portion of the proposal, the applicable criteria per Newport Municipal Code Section 14.36.010 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 under Newport Municipal Code Section 14.37.040 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(2), the City need not hold an election on the annexation of contiguous territory if it receives the consent of more than 50 percent of the owners of land in the territory, and such owners own more than 50 percent of the land area within the territory. ORS 222.170(4) further notes that publicly owned real property, such as Big Creek Road, that is exempt from ad valorem taxes, shall not be factored into the calculus outlined above. The city owns the territory that is to be annexed (i.e. all but the subject portions of Big Creek Road). The City Council authorized the annexation at its July 7, 2014 meeting. The consent requirement has been met.
 - 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 city records are sufficient to establish that the subject territory is within the Urban Growth Boundary of the City of Newport.
 - 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 territory is contiguous to the existing city limits along the west side of Big Creek Road and it adjoins city property in the vicinity of the lower reservoir dam, as graphically depicted on the exhibit map to the annexation legal description (Exhibit "A").
2. In regard to the withdrawal, the City Council finds that there are no applicable criteria and the withdrawal of the territory 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 for establishment of an P-1/"Public Structures" zoning designation with regard to the applicable criteria from Newport Municipal Code Section 14.36.010 (*Findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare.*).

- A. The Comprehensive Plan designation of "Public" is implemented by the P-1/"Public Structures," P-2/"Public Recreation," or P-3/"Public Open Space" zoning designations. The P-1 zoning designation is the most appropriate designation to place on the subject territory because it allows a range of governmental and recreational uses that will accommodate the City's need to undertake improvements to its reservoirs and related water system infrastructure. It also provides for regional park uses. Both of these future uses were behind the UGB expansion. The uses permitted outright and conditionally in the P-1, P-2, and P-3 zones are included in Planning Staff Report, Attachment "D-1."
- B. Currently, the abutting property within the city limits immediately to the west of the subject territory is designated with a P-1 zone designation. The property to the northwest within city limits is designated R-1, which is a low density residential zone. All other abutting properties are currently in the county and designated T-C, which is a commercial forest zoning designation (ref: Planning Staff Report, Attachment "D").
- C. The subject territory has been designated in the Newport Comprehensive Plan as Public, and the P-1 zone is consistent with that designation. The Comprehensive Plan Map reflects the policy direction contained in the Newport Comprehensive Plan, including an Urban Growth Boundary that sets out the City's buildable land needs for a 20-year planning period. Therefore, it is reasonable for the City Council to conclude that the application of a zone designation in conformance with the Comprehensive Plan will further a public necessity and promote the general welfare.
- D. The City has conducted extensive analysis of its domestic water supply reservoirs, identified a range of structural deficiencies, and has developed options for resolving those issues. This will require reconstruction of the City's water infrastructure in the area, and placing the territory into a P-1 zone removes land use and procedural steps that will make it easier to implement needed improvements. The same applies to future construction of a regional park and trail system around the reservoir. Both of these needs are well documented in the supporting materials for the 2014 UGB expansion and, for these reasons, the City Council finds that the annexation promotes the general welfare.
- E. Considering the above, the application of a P-1 zone designation will further a public necessity and promotes the general welfare.

OVERALL CONCLUSION

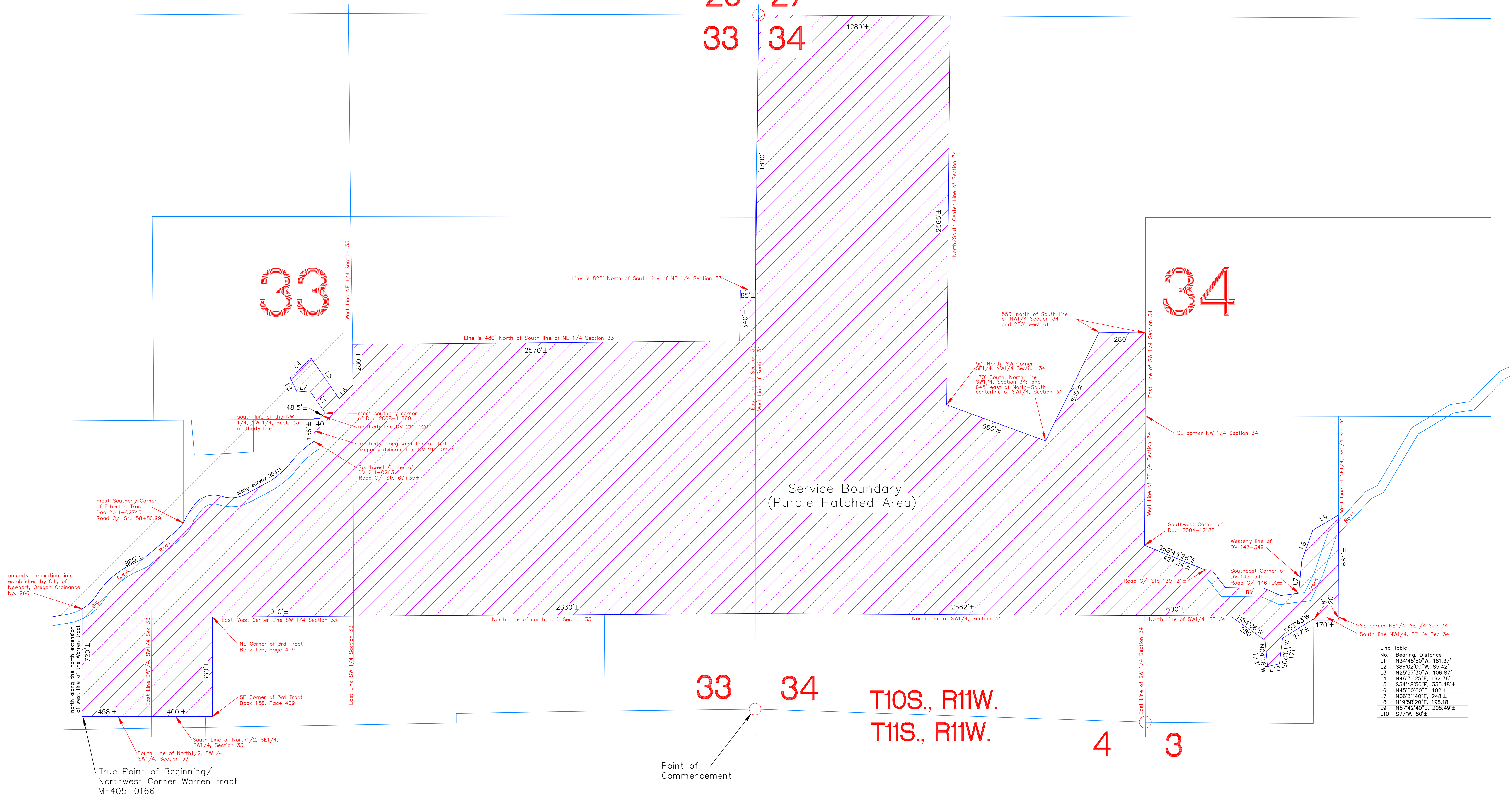
Based on the staff report and attachments, the application materials, and other evidence and testimony in the record, the City Council concludes that the annexation, withdrawal, and application of a P-1 zone designation comply with the criteria established for approval of each of the requests under the applicable criteria as explained in the findings. The annexation, withdrawal, and establishment of a P-1 zone designation are hereby **APPROVED**.

Exhibit Sketch Map

Located:
T10S, R11W, W.M.
City of Newport, Lincoln County, Oregon

Exhibit "A"

Ordinance No. 2095



No.	Bearing	Distance
L1	N34°48'50"W	181.37'
L2	S88°02'00"W	85.42'
L3	N25°57'30"W	106.87'
L4	N46°31'25"E	192.76'
L5	S34°48'50"E	335.48±
L6	N45°00'00"E	102±
L7	N06°31'40"E	248±
L8	N19°58'20"E	198.18'
L9	N57°42'40"E	205.49±
L10	S77°W	80±

2562' Bearing/Distances
Doc. 2004-12180 Reference Information
City of Newport Annexation Area

REGISTERED PROFESSIONAL LAND SURVEYOR
Preliminary Copy
OREGON
JOHN R. PARIANI
#51382
Renews: December 31, 2016

City of Newport Annexation
Pariani Land Surveying
10558 Highway 62, Suite B-1
Eagle Point, Oregon
541-890-1131
Date: May 21, 2016
Scale: N.T.S.
Job No.: 2012-095
Sheet: 1 of 1