

#### AGENDA & NOTICE OF PLANNING COMMISSION MEETING

The Planning Commission of the City of Newport will hold a meeting at 7:00 p.m. Monday, April 14, 2014, at the Newport City Hall, Council Chambers, 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder, 541-574-0613.

The City of Newport Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

#### NEWPORT PLANNING COMMISSION Monday, April 14, 2014, 7:00 p.m. <u>AGENDA</u>

- A. Roll Call.
- B. Approval of Minutes.
  - 1. Approval of the Planning Commission work session and regular session meeting minutes of February 24, 2014, and the work session meeting minutes of March 24, 2014.
- C. Citizens/Public Comment.
  - 1. A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.
- D. Consent Calendar.
- E. Action Items.
  - 1. Initiate a Comprehensive Plan amendment to adopt the Library Goals, Objectives, and Strategies (File No. 2-CP-14).
  - 2. <u>Consideration of appointing Karen Wilson as an additional member to the Nye Beach Design Review Overlay Ad Hoc Work Group.</u>
- F. Public Hearings.
  - 1. <u>File No. 1-UGB-14 / 1-CP-14</u>. Consideration of a request submitted by Newport Assisted Living, LLC (Andrew Plant, Managing Member) (Bob Parker & Beth Goodman of ECONorthwest, authorized representatives) for a minor amendment to the Newport Urban Growth Boundary to include an approximately 0.61-acre site in order to construct an addition to the Oceanview Senior Living facility. The proposal would also include an amendment to the Newport Comprehensive Plan map designating the subject site High Density Multi-family Residential. The Planning Commission will make a recommendation to the City Council on this matter.
- G. New Business.
- H. Unfinished Business.
  - 1. Reminder of Volunteer Appreciation Banquet, April 22<sup>nd</sup> at 6:00 p.m. at the Oregon Coast Aquarium.
- I. Director Comments.
- J. Adjournment.

<u>Please Note: ORS197.763(6):</u> "Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing." (applicable only to quasi-judicial public hearings)

# **Draft MINUTES**City of Newport Planning Commission

Work Session
Newport City Hall Conference Room 'A'
Monday, February 24, 2014

Planning Commissioners Present: Jim Patrick, Bill Branigan, Rod Croteau, Mark Fisher, Jim McIntyre, and Bob Berman.

Planning Commissioners Absent: Gary East (excused).

Citizens Advisory Committee Members Present: Lee Hardy and Suzanne Dalton (by conference call).

City Staff Present: Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

Chair Patrick called the Planning Commission work session to order at 6:00 p.m. and turned the meeting over to CDD Tokos.

#### A. Unfinished Business.

1. Review ECONorthwest's technical analysis of the three options for boundaries for a North Side Urban Renewal District. Tokos started by covering the points that ECONorthwest made about the additional capacity under the 25% limitation for both the assessed value and acreage. On the assessed value, Tokos was under the assumption that the assessed value in the South Beach district was as of the last certified roll; but that's not how the statute is interpreted. As it's interpreted, the value is assessed at the time the district's base is established; the frozen base value. Instead of having 12% remaining in assessed value, we have 24% remaining; which is what is shown in ECO's memo included in the meeting packet. Patrick said, so instead of South Beach containing 13% of the assessed value, it's only 1%, which gives a whole lot of room. He said so they don't use current assessed values; it's what the value was when the district was formed. Tokos said it's more or less when it was established. He talked to legal counsel about it and she contacted Portland. That is how they do it. So if that is how the big guys interpret it, we are safe. She couldn't find any case trials on it, so it hasn't been litigated apparently. Tokos said so we have additional capacity there and also on acreage. When he did the mapping in GIS, there are different projections of the earth. Different projections display a geographical area differently. The projection Tokos used was meter-based while measurements were in feet so it was off. He said as shown in ECO's memo, when it comes to acreage, the original 576 actually is 282 when they went to the correct projection. Tokos changed the projection, and that was in fact correct. Berman said, anyway it's all good news. Tokos said yes, we have additional acreage capacity as well.

Tokos said ECO came up with a couple of options that we could do, which are shown on the colored maps. Option 1, which is our original Option 1; and Option 2, which includes Agate Beach and picks up everything else and includes up through Fred Meyer and Walmart. Option 2 kicks up the assessed value for the frozen base but is still within the limitation, since we have 24%; and it's still within the acreage capacity. He said the issue becomes the more assessed value that is thrown into the frozen base, the quicker you generate funds and can close the district down. It's a more significant near-term hit on the taxing districts. There is more impact near-term, but because it can shut down earlier, they reap the benefits sooner. Fisher asked if the taxpayers would see anything different; and Tokos said it would be transparent to the taxpayer. Hardy asked if it would have an impact on any other area of the budget. Tokos said no. He said there will be an impact to the city's budget, the county's budget, and maybe the school district; but the Commission will get to see these numbers for the different options. He noted that there are some things in the statutes that protect school districts. Patrick added that there will be impact on the Port, too. Tokos said all of the taxing districts we discussed before. He said there is the county school one, a three-county school one, and the transit. Tokos said what the Commissioners had are the maps ECO put together for Option 1, which is more or less the original option without Agate Beach, and Option 2, which is the expanded area; their chart showing project costs for Option 1 and Option 2; and then two additional sheets that Tokos put together showing the urban renewal portion of the overall costs. He said that Urban Renewal only supplies a third or half of the funding; not the overall total.

Berman asked why on the table where it lists 6th Street realignment, it goes up by \$2-3 thousand just because the URD got bigger. Tokos said for Option 2, there was a slightly higher estimate plugged in for that work. There are less resources in Option 1 to apply as opposed to a larger district with more resources. Berman noted that is the only one with a difference. Fisher said if this district goes ahead, it doesn't have to be given to the voters; and that's the same problem he has had through the years. He said the general terms "as needed or desired" scares him. He said they can do a lot with that money. Tokos said what we are trying to do here is define it enough to understand what the general categories can be so that ECO can guess what kind of impact the projects would have. Fisher said for example, "strategic site acquisitions" is such a general term that it scares him. Tokos said it's the Council's expectation that if we proceed to form a district, that they would actually put a plan together with a steering committee with members from the public. Tokos said it is a balancing act on this too. We don't want to be so specific that we don't have options. Hardy described it as building a workable skeleton. McIntyre agreed that it has to have some flexibility in

it. Berman asked if the numbers that actually get allocated are moveable. For example if you find that you need more than a million dollars for parking and didn't need all of it for site preparation, could you move it? Tokos said we do the best we can by keeping it flexible. If the Council says let's form a district and a steering committee is put together, the projects may get more specific when the plan is implemented. You try to figure out where your willing partners are. He said you can do minor amendments. You can move money around categories based on opportunities in the project period. He said maybe 6th Street doesn't happen because you can't find partners for that; but there are some business owners struggling to accomplish something else and need help, you can shift funds around. Sometimes, we don't even exercise line items. He said there was a South Beach wetland mitigation that was never used because there was never an opportunity or desire to do something with it. Berman asked if you can add categories. Tokos said that requires a substantial amendment by statute; a public hearings process. A minor amendment is just a resolution by Council. Patrick noted that NOAA was a minor amendment, it just changed what it was used for. Tokos said we had a category of improving street rights-of-way, which is pretty vague. We defined what that meant and shifted it up to Phase 1. It was a minor amendment. Although there was actually quite a bit of public outreach, with open houses, design charettes, and such. There was a lot of community engagement. If there is any significant change, the Council wants to see public vetting of it. The vaguer the projects are, the steering agency needs to play a key role in overseeing them. The more specific; the less input there is and it's easy enough for Gross and Tokos to say OK.

Berman said then on Option 2 that is \$40 million that would not go to taxing districts that would have had there not been an urban renewal district. Tokos said over a 23-year period. Fisher added unless paid off before. Tokos said it can be retired early. Tokos said basically the less funding you have the less capacity for projects. With a larger frozen base, you can start backing off projects faster. All projects are completed four years earlier in Option 2. The maximum level of debt plays into this as well. The smaller the district, the more constrained the base and it takes longer to get projects done. Berman said the funding starts getting set aside the very first year the district is in effect; but are there bonds sold also when you do the work or build something. He asked how you project what that is going to cost. He said ten years from now, who knows what interest rates will be. Tokos said that is done by ECO. He said you will see the debt schedule, but he can ask them to elaborate on outlying years and about the assumptions they have made. Berman asked, it's not in this schedule. Tokos said those are project costs. Interest does not count against your maximum indebtedness under statute. Berman said but it still comes from the taxing districts. Tokos said it comes out of increments. He said you can make interest off tax increment as well. Berman thought he was told you can't invest this money. Fisher said if you have a bond issue to build a building, you can't invest it until the building is built. Tokos said he would talk to ECO about it, and they can lay all that out.

Berman asked what the breakdown is on \$40 million; which agencies don't get how much of that. Tokos said that is coming. That is the impact to the taxing districts, which is a scheduled piece because we have to talk to the taxing districts. Patrick agreed that we have to do a sales job. Tokos said he thinks we stand a good chance of convincing them. He said look at the projects. The county fairgrounds; they will need it for reinvestment. That is part of it. If they get \$3 million in the fairgrounds, they are not losing \$3 million. Otherwise they would have to come up with it. He said similarly for the hospital if we are addressing their access and parking issues that they would otherwise have to spend for. He said for the public safety building the City otherwise would have to come up with those funds. Fisher said there is a good chance that the county couldn't get a bond issue passed. He said a lot are getting something for sure without risking anything. Croteau said as pointed out, that is the advantage; there is something for almost everyone to rally around.

Tokos said the couplet is something that we may want to talk about, and we may want to water it down. We want to emphasize the biggest deal for the downtown area. If we are doing a refinement plan in downtown, perhaps the couplet isn't the solution. Perhaps it's improvements to 9th Street, maybe taking out some downtown buildings for parking that is visible from 101, or maybe we do some other package. He said, as has been noted, it is building that skeleton. Berman said the couplet has a lot of issues. It's not like 101 is going to get less congested; but there are a limited number of solutions to deal with that. Tokos said the couplet would have a positive impact on the commercial base and would make 9th Street more attractive for re-development; but he's not saying that is the only solution. Hardy asked if that's an alternative route away from 101 if you don't want to use 101. She was told no, it's two one-ways like through Philomath. Tokos said 7th Street would just flip the concept around. Northbound traffic would travel on either 7th or 9th.

Croteau asked if inflation is built into this length of time. Tokos said ECO asked if he had factored it in; and he did somewhat, but he doesn't have a lot to go on. It's about \$8 million for a public safety building, there is \$10 in here. The couplet was estimated at \$19 million, and in here it's \$25 million. So Tokos has put something in there for inflation, but it's rough. Berman asked if these will be refined in the final plan. Tokos said yes, they will change around; there will be some refinement. ECO assumed a 4.5% TIF revenue based on their review of the City's historic records. That will fluctuate from time to time up to 7-8% and down around 3% at others. Tokos said that is not an unreasonable assumption. He noted that then the rest of the chart shows the numbers by project and the total debt. Down in the footnotes, you see that Option 2 would assume the final debt payment in 2042; and Option 1 final debt payment and closure in 2047. Option 1 would finish projects later and close later; Option 2 would have a shorter window.

Tokos said we have under contract three options. He wondered if new Number 2 is a good option. The existing Option 1 is good, and Option 2 might be a slight variation of Option 1 but pick up Walmart and Fred Meyer to increase the maximum project load. It would close even quicker. Patrick asked why pick up those properties. Tokos said one project on the list that would benefit them would be the line undergrounding; and it might be beneficial for site acquisition as well. So it's not adding properties that would not benefit; they would benefit from the list of projects. That is a lot of assessed value to add in here. The more you stick in there, the quicker you can ramp up for projects and shut down. Berman asked what is the northern most for Option 1 now. Tokos said he thought it was 15th. This would be just an extension. Patrick said to make Option 2 shown on these maps Option 3. Berman asked if we could have more undergrounding if we go up 101. Tokos said by adding commercial to increase the frozen base, we could shut that district down faster. There may be more utility undergrounding. PUD's estimate is \$8 million up to Walmart. Now it stops at Highway 20. The City has an undergrounding fund, and urban renewal is not assessed 100% for that anyway. Patrick said he likes three options: Option 1 as is here; Option 2 adding the commercial up to Walmart onto Option 1; and Option 3 being that entire area plus Agate Beach. Tokos said he can convey that to ECO as the general consensus. He said it is reasonable. ECO will take a hard look at it. They have done a lot more work. They have a spreadsheet breaking out figures from the assessment rolls and the level of development in these boundaries. That will be their direction. They will come back with comments about what looks good and some factors to consider on the projects lists. We may want to tweak the boundaries; so we may possibly have another conversation about boundaries. Details will get finer and finer, and we will get more targeted feedback from them. Tokos said that we ended up here because of the differences in the values. Fisher said that Agate Beach is a natural part of Newport and including it makes sense. The others agreed. Tokos said Agate Beach by itself doesn't have a lot of assed value; but it could be a small district. Fisher said, but it would take forever to pay it off.

Berman asked about the five-step process that ECO outlined. Tokos said we are in step one. There will be a 1 and a 1-A. Steps 2-4 will go fast because they have done a lot of the work already. We need to get back to them that this approach is good. We will provide a third option. The next meeting will be feedback about relative advantages of the projects and concepts we mapped out and their feedback on how viable this is based on what we have on the ground. Berman asked if we could get a little more detailed maps showing street names. He said it looks like when we add up to Walmart we end at Fred Meyers on that side. He asked why not include Safeway, too. Tokos said it's all commercially-zoned properties up there. Berman asked about the little triangular area. Patrick said that is the triangle where Sizzler and S&W are. Berman said, so Safeway and Rite-Aid would be included. Tokos said there is a lot of assessed value sitting up there and we don't want to lose that. He said to look at the difference in the assessed value in the memo and when we established the South Beach district. The frozen base was \$18 million and the assumption he was making under Table 1 based on the last assessment data was \$146 million. He said those investments in infrastructure pay off. When districts close down, that gets released back to the taxing districts. It's "near-term pain, long-term gain." On the flip side, it is the only way to do meaningful infrastructure investments. We can get only a few street overlays through the gas taxes.

Berman asked how much we looked at where the non-urban-renewal portion is coming from; is that specific or we'll find a way. Tokos said those are the projects where we would likely have a partner to do the project. If it's on 101, the State is a likely player. If it were the couplet, the State would make it a priority if we are providing half. Given the limited funding the State has available, if a local jurisdiction comes up with a meaningful match, they get to the front of the line. Fisher talked about what the Port came up with for the NOAA project and what the State provided. Tokos said if it's a good project, the State will step up and find a way to help financially. The \$3 million funding for the multi-purpose building at the fairgrounds will come from multiple parties.

#### B. New Business.

1. 2013 CDD Land Use/Building Annual Summary. The meeting packet included a memo that Tokos had presented to the City Council today. He said it would have been nice to discuss this with the Commission before the Council goal-setting; but it didn't work out that way. Berman noted that he thought it would be better if the charts at the bottom of the first page were presented in the opposite order. Patrick noted that the valuation has changed but the number of permits hasn't. Tokos said the construction value has fluctuated if a big project landed in a given year. If we had the construction value for Teevin added, it would have been closer to 2012.

Berman didn't think Teevin was in the city limits, but was told it is; the city limits go out just past the LNG tank. Fisher said sewer and water goes out there to Running Springs. Tokos said there is some schematic for extending sewer down to that area, but there hasn't been a use for that demand. Teevin looked at making that connection, but it didn't pencil out for them. They decided to do a storage tank. If the Port would have an industrial user that had discharge to our system, it's not hard to extend from Running Springs.

Tokos noted that the Community Development Department is involved in land use planning, building services, and urban renewal programs. He gave the City Council this brief synopsis of the building permit activity. He said we are still in post-recession recovery. It has been relatively flat on the residential side. This year there seems to be some up-take, but he doesn't see a huge amount of residential this year. Commercial will still be reasonable. There is still some reinvestment in commercial sites and a

few new sites. O'Reilly's should happen in another month. They just hired the general contractor for the project; so they are getting close. We probably will see the hospital building go; they just held their groundbreaking. Lincoln County schools are still not finished with their renovation work. There is some work on county buildings. They are working on remodel of the new extension office. So there are some institutional investments too. Tokos said what he conveyed to the Council is that commercial is steady and residential is slowly recovering.

In terms of goals, the ongoing goals include economic development strategies; and urban renewal is part of that. Another ongoing goal is to involve citizens in all aspects of planning. Tokos said we certainly had that with Teevin Bros., and we are doing that with Nye Beach where we are putting an ad hoc work group together.

Fiscal Year 2013-14 goals include completing the reservoir UGB expansion, which will be finished this fiscal year. Tokos said it was supposed to go to the Lincoln County Board of Commissioners this week, but they missed the public notice deadline; so it will be at their first meeting in March. Then it will go up to the State. Tokos talked to the local DLCD representative and he said they will handle it administratively so it doesn't have to go to LCDC. It will go relatively quickly. The next current fiscal year goal is to initiate the annexation of the reservoir property, which Tokos said we should be able to do before the end of the fiscal year. The next goal is land bank implementation, and Tokos said we have done a lot of work on it. He noted that the Council wasn't happy with it just being a City-only investment. They are looking for a bigger engagement; so we are working right now with Lincoln City and the County to do it. That will be past to the City Council as part of the budget process. If that is something that they are not comfortable with, there needs to be a heart-to-heart conversation about how to implement these policies. We did the whole housing study. We may need to revisit these policies. We do the work to adopt these policies, and if they are not comfortable with how they are coming forward, then they should take them off the books and do something else.

Tokos noted that because of time constraints he kind of has mixed planning goals with urban renewal goals. The next goal listed was to complete Safe Haven Hill Phase 1, which is an urban renewal project. FEMA funded Phase 1 and is preparing the Phase 2 grant. We know that funding is locked in; it is secure and won't go away. It was just a matter of demonstrating to FEMA that Safe Haven Hill is a viable location and this is an appropriate and vital investment to be made. It's a \$650 million project. The next goal is also an urban renewal project, which was to acquire rights-of-way in South Beach. By the end of the fiscal year, rights-of-way should be acquired for Abalone, SW 30th, and SW 35th Streets. Additional rights-of-way for 35th and Ferry Slip should be picked up next fiscal year. The State has agreed to early 2017 for the street light relocation to 35th and improvements at that intersection with 101. McIntyre thought that would be a good realignment for getting out to Idaho Point as well.

Tokos said the next goal on the list is code updates for accessory units and park models, which we took care of. Regarding the goal of developing a strategy for annexation of the South Beach industrial areas, Tokos said we haven't done that yet. He said now we have the Seal Rock issue. Tokos explained that there was a 102 acre chunk of land annexed and zoned in 2007 that included Wilder, GVR, and the Community College properties; and at that time the City was in negotiations with Seal Rock Water District shifting the Seal Rock boundaries to the south. At the time the annexation occurred, there was no withdrawal from that district; there was just an intergovernmental agreement. The agreement didn't take care of it; it didn't deal with property tax at all. Seal Rock had revenue bonds and GO bonds, and their revenue bonds were backed by the revenue they were bringing into the district. The loss of those properties put those at risk. Seal Rock also wanted compensation for future revenue, and they got that too. What wasn't addressed were the GO bonds, which are backed by property taxes. It's normally addressed as properties are withdrawn. That wasn't part of the agreement. Seal Rock did a master plan update and passed a GO bond for \$10-15 million. They did the first issue of that in 2010-2011; and their property taxes went way up. They were based on the 2004 GO bond prior to that. The City started getting calls as Wilder began selling homes that they were paying Seal Rock property taxes, City property taxes, and City water. They wondered why they were paying Seal Rock anything. Seal Rock assumed it had been taken care of. We are updating the Urban Service Area Agreement which will basically say as we serve them, withdrawal occurs on these properties. Some of the properties are in the City, and some are outside. The agreement will say that if they withdraw, they are only subject to the 2004 GO debt, not the 2010-11 GO bonds; which is a good deal for the City. Seal Rock sees that it's not fair to argue on the 2010-11 GO debt because their updated master plan didn't include these properties and they are not benefiting from that debt. The City will initiate the withdrawal then. The City is on the hook for a proportional share of the debt within the city limits; outside the city limits, it's the property owners. Outside the city limits, the city can't do anything. The City can have a conversation with those property owners outside the city limits that they are paying to Seal Rock and getting no benefit. See what the City can do for you. If they agree to withdraw from that district, they will realize a tax benefit. The City can help them fill out the paperwork and they would get better water rates from the City. Then that gets back to the annexation. Tokos thought that it's best not to talk about annexation at the same time that we are dealing with the Seal Rock issue. It's probably best to give that some breathing room. Get Seal Rock taken care of and then deal with annexation later. Patrick thought we should do something before we have a problem like Lincoln City has. Tokos noted that it's mostly industrial property.

Continuing through the current fiscal year goals, Tokos noted that the concept of a North Side Urban Renewal District, the review of the Nye Beach Design Review Overlay, and preplanning for the bridge are all under way.

Moving on to the 2-5 year goals, Tokos said that regarding the organization structure of the Community Development Department, he has submitted for filling the Senior Planner position. He has been holding it vacant for several years, but we are at the point where we have to do it. He noted also that two of the four staff members are working past normal retirement age. We need to be to where we have a plan in place to ensure continuity of service. Tokos said as the Council continues to pull him other ways, it pulls him away from Planning Commission work. There is not a lack of work, and there are issues we need to work on. Tokos also put in the budget enough money should Hargie retire officially from his post-retirement part-time position so we can hire a new Building Official possibly full-time.

Another 2-5 year goal is to work on LID ordinances. Tokos said that is so we can implement it a little bit better to comport with statutory requirements and integrate it with land use and exactions and things of that nature. Part of that is that we need to work on what language we need to include in remonstrance agreements to make them iron tight down the road. Part of that conversation is having meaningful LIDs for funding street improvements.

Adopting storm drainage and erosion control standards will follow the Stormwater Master Plan, which should be adopted next fiscal year. That will come through the Planning Commission and the City Council and goes into the Comprehensive Plan. Tokos said the Commission will not only see the condition of the storm water system, but will also look at what the engineers' views are in terms of the sequence of storm water improvements over a 20-year planning period. One piece of that is the framework for how we generally should go about regulating private properties for discharge into the public system. Tokos said that the Sewer Master Plan will follow shortly thereafter. This will likely lead to some significant updates to the SDCs. Then we are in a position to talk about storm drainage and erosion control standards.

Another 2-5 year goal is to initiate a process for forming a new North Side Urban Renewal District. Tokos said that next fiscal year we will be in a position to know if the City Council wants to go forward with a new district.

The next goal 2-5 years out is to complete the preliminary planning for bridge replacement. Tokos said the preliminary planning will continue and eventually turn into an alternatives analysis.

Because of the time constraint, Tokos just touched on the other 2-5 year goals. He said he has been working with the Council on an inventory of the City's property assets; and they have a good sense of that for both vacant and developed properties and whether it is needed for public purposes. Tokos noted that there will likely be the potential for additional regulatory mandates on the floodplain. We will move forward on Safe Haven Hill Phase 2. Agate Beach Wayside improvements will move forward with the design phase next year. We will try to get money set aside in the budget for a Park System Master Plan.

Berman asked what the intent was of an Airport Master Plan. Tokos said that we have one. It basically outlines long-term plans for development. The FAA is requiring it to be updated because it is out of date. Because they gave us \$9 million for airport renovations, they want to see it brought up to snuff. Tokos said as it comes before the Planning Commission, he thinks it will impact some adjoining properties because there may possibly be further restrictions on development to meet FAA requirements. He thought that the Wolf Tree property would be the most impacted. He doesn't believe it can develop as was originally envisioned.

C. Adjournment.	Having no further discussion, the work session meeting adjourned at 7:09 p.m.
Respectfully submit	ited,

Wanda Haney Executive Assistant

## **Draft Minutes**

## City of Newport Planning Commission Regular Session

## Newport City Hall Council Chambers Monday, February 24, 2014

Commissioners Present: Jim Patrick, Jim McIntyre, Rod Croteau, Mark Fisher, Bill Branigan, and Bob Berman.

Commissioners Absent: Gary East (excused).

City Staff Present: Community Development Director Derrick Tokos and Executive Assistant Wanda Haney.

A. Roll Call. Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:11 p.m. On roll call, Berman, McIntyre, Croteau, Patrick, Fisher, and Branigan were present. East was absent, but excused.

#### B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular session meeting minutes of January 13, 2014, and the work session meeting minutes of January 27, 2014.

**MOTION** was made by Commissioner Fisher, seconded by Commissioner McIntyre, to approve the Planning Commission minutes as presented. The motion carried unanimously in a voice vote.

C. <u>Citizen/Public Comment</u>. No comments on non-agenda items.

#### D. Action Items.

1. Appoint new member to the Planning Commission Citizens Advisory Committee.

Applicant Dustin Carpi was in attendance and expressed that he is looking forward to being back.

**MOTION** was made by Commissioner Fisher, seconded by Commissioner McIntyre, to appoint Dustin Capri to fill the vacancy on the Citizens Advisory Committee. The motion carried unanimously in a voice vote.

Appoint members to the Nye Beach Design Review Overlay Ad Hoc Work Group.

Applicants Don Huster, Kathy Cleary, Jody George, and Michael Franklin had sent their apologies for being unable to attend the meeting. Applicant Wendy Engler introduced herself and noted that the Commissioners had seen her application. She expressed her appreciation for the Commission establishing this work group and said that she looked forward to working with the Commissioners. Fisher said that when he talked to Kathy Cleary, he was concerned that we wouldn't get a cross section of people. He said that he is glad to see that there is a fairly good cross section and thanked Engler for her application. Tokos recommended that the Commission appoint a liaison to make it a work group of six. Patrick volunteered to act as liaison.

MOTION was made by Commissioner Fisher, seconded by Commissioner McIntyre, to appoint all applicants, Jody George, Wendy Engler, Don Huster, Kathy Cleary, and Michael Franklin to the Nye Beach Design Review Overlay Ad Hoc Work Group with Commissioner Patrick serving as liaison. Croteau thought that Commissioner McIntyre should be the alternate liaison. The motion was amended by Fisher, seconded by McIntyre, to appoint the five individuals who submitted applications and include Patrick as liaison and McIntyre as alternate liaison. The motion carried unanimously in a voice vote.

- E. Consent Calendar. Nothing on the consent calendar.
- F. Public Hearings. No public hearings.
- **G.** New Business. No new business.
- H. Unfinished Business. No unfinished business.

#### I. <u>Director's Comments</u>.

1. Tokos noted that as mentioned in work session, the City Council did their goal setting today. All departments did presentations and then the Council had their own time to put together their thoughts, which he doesn't know how that went. The Council had an

1 Planning Commission meeting minutes 2/24/14.

opportunity to hear from every department and had the benefit of a review of all of the City's adopted policies and plans done in the past and what they produced or did not produce. It was not something they necessarily had to go through in detail. But in working with CM Nebel, Tokos was able to put together quite an exhaustive list. Quite a bit of work has been done. Tokos went back as far as the early 90s as a point of reference. The Council will be moving into the budget now; and as they start to develop the budget, they work toward their points of emphasis.

2. Tokos said that he also briefly was at a meeting today where they met with the State who is putting together a new regional solutions team focusing on Lincoln County. This is the Governor's program to get state agencies to play ball together with local communities on projects of significance. Tokos said it looks like the Economic Development Alliance is the conduit through which this team works. This is a process to work through projects where state agencies' objectives are at loggerheads, and the poor jurisdiction is in the middle. He said this will play into a number of projects, even urban renewal, where state agencies would be involved and things need to be sorted out. This will also likely provide us with some assistance in trying to get at streamlining some of our estuarine planning rules and issues where state agencies worked together for the NOAA development because they had to. And the federal government was even fairly cooperative there. But then everybody went back. The Port has been fairly adept at working through regulatory challenges, but they are getting pretty challenged when it comes to estuarine dealings. It involves the Dept. of State Lands, US Army Corp of Engineers, Fish and Wildlife, and DEQ. There are a lot of issues. It is challenging to Port development and is starting to bite them. Like for the supplemental dredging; they couldn't get it taken care of in time so it impacts log exporting some. This team should be able to help work through that kind of stuff.

Croteau asked if the delay in dredging would cause a delay for Teevin Bros. overall. Tokos said the last he heard from Teevin, they said we would have revised plans by the end of the month; but we haven't seen them. That is the result of changes in lease negotiations where they are not only dealing with the Port but also the Hall family; and there are some different dimensions. It's not the same internal layout as the Commission went through when reviewing the TIA; but it will be the same access and amount of traffic. These are changes to the internal layout. Fisher said that February 15<sup>th</sup> is the end for dredging. They were able to get an extension up to thirty days, but with all the entities that have to agree that makes it difficult. He doesn't think they will get all the positive responses timely enough to get the dredging done. Fisher said a lot of what they have to do in preparing the site is upland, and they can do those things. He said maybe as early as September 1<sup>st</sup>, they might get permission to do the dredging; so it might all come together during this year. He believes that their actual physical construction on site will commence pretty soon. Berman said there was talk about filling ships partially and then sending them somewhere else to complete their loads. Fisher said that is always a possibility, but the longshoremen are not going to charge less. They have two full crews; one works two to three hours while the others sit here and then they change out. He said the Port could agree to take less. It could happen for maybe just a trial run or two.

J. Adjournment. Having no further business to discuss, the meeting adjourned at 7:24 p.m.

Respectfully submitted,		
Wanda Haney,	 	
Executive Assistant		

#### Draft MINUTES

## City of Newport Planning Commission Work Session Newport City Hall Conference Room 'A'

Monday, March 24, 2014

Planning Commissioners Present: Jim Patrick, Bill Branigan, Gary East, Mark Fisher, Rod Croteau, and Bob Berman.

Planning Commissioners Absent: Jim McIntyre (excused).

Citizens Advisory Committee Members Present: Lee Hardy and Dustin Capri.

Citizens Advisory Committee Members Absent: Suzanne Dalton (excused).

City Staff Present: Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

Chair Patrick called the Planning Commission work session to order at 6:02 p.m. and turned the meeting over to CDD Tokos.

#### **Unfinished Business.**

Further Discussion regarding the potential formation of a North Side Urban Renewal District. Tokos noted that the Commissioners had in their packet a copy of the draft report from ECONorthwest. Additional information showing the impacts to the various taxing districts that was not included with the draft were handed out. Hardy asked if these additional tables show the losses of revenue these districts would experience. Tokos confirmed that. He noted that one thing these do not include is the release of the urban renewal tax increment with the South Beach District in 2027. Tokos thinks they need to add that in. That is a helpful piece of information. Hardy asked if these are the amounts per year or accumulative. Tokos said it is per year; the total is on the bottom. Tokos said we are talking about a frozen base. The first year he's not sure it's a big deal. After 20 years there is still the frozen base, and that's a pretty substantial bit of annual money. When the URD closes, all that excess releases back to the taxing districts. Hardy said so they are gaining in the long run; but it will hurt in the short range.

Fisher said, so we have three options for making a recommendation to the City Council; and the fourth option would be to not do anything for a period of time and maybe review it in three years or something. He asked, or did the Council say they wanted to do a district and asked the Commission to suggest how to do it. Tokos said the Council wanted a feasibility study done. He said the recommendation by the Planning Commission can be that you think it's not feasible to pursue for the following reasons, or you think it's feasible and suggest the Council strongly considers option "blank" as a priority. Tokos said tonight the Commission is not focusing on a recommendation. Tonight, he wanted to walk through the report and get the Commission's comments and field questions to see if there are changes to pass on to ECO. He said he does believe ECO needs to factor in the release of South Beach. It will have an impact in a positive way. Hardy asked if ECO did the feasibility study for the South Beach URD. Tokos said they didn't; it was a different firm in South Beach. Lee thought it would be helpful to have a comparison of the actual versus the previous in South Beach. Tokos said that we did redo the growth projections based on the first three years. It was corrected as we went into the second phase of the South Beach District just last year. Tokos noted that the South Beach Urban Renewal District was originally put in in 1982; and was extended in 2008. For information, Tokos handed out two pieces of paper pulled from the South Beach Urban Renewal Plan. The first gave the projected revenues and growth projections for the South Beach District; and the other was a table talking about the taxes being lost with the South Beach District.

Tokos said first he wants to go through the draft report, and it's his hope to pull together comments from the Commission and get those to ECO so they can make revisions. Then he will take this information to the different taxing entities and have conversations with them and get their feedback. Tokos said he has seen preliminarily with the County that they look favorably on this because of the potential infrastructure improvements with the fairgrounds. If the hospital is able to get infrastructure improvements that otherwise they would have to do with their expansion, that's a big bonus for them. Similarly for the County. He said those are things to keep in mind.

Tokos said that the first page of the report talks about what is compiled in here; background information, methodology, results, and a discussion about compression. Tokos noted that the school district is clearly in compression; there was a half million dollars that they couldn't collect. He said that urban renewal districts help with compression. Then the rest of the report contains the conclusions and map exhibits. Going on to the next page, Tokos said the report is broken into sections: "Introduction," "What is urban renewal," and "What is TIF;" which are all straightforward. Then on page 3, under the section "What is Revenue Sharing," Tokos noted what he believes is an error in the second paragraph. It talks about 10% and 12.5%; it's not both, it's either. He said that just doesn't read right. What it's talking about is whatever threshold was set in 2009 when the Legislature adopted a bill to say when an URD gets fed with tax revenue, there is a certain point where they shouldn't be able to collect without kicking some back. He said, say it is 10%, with \$30 million maximum indebtedness, as soon as you are at \$3 million you hit the cap for the maximum you can bring in; and anything above that would be kicked back. Tokos said that he will tell ECO to incorporate the revenue sharing. We should account for it in the losses if it will be kicked back to the districts. Patrick agreed if that's true, they need to show that on the charts. Tokos said that he will ask ECO if that is reflected in the losses. Patrick said and to clarify whether 10% or 12.5% applies; it's like saying the same thing twice.

Continuing on page 3 with the next section, "What is maximum indebtedness," Tokos said it's straightforward. The section, "How does Oregon property tax work," Tokos believes is a good explanation of a complicated system. Then on page 4, they cover "what is compression." Patrick said if urban renewal will help compression, they need to put that in there. Berman said they mention it later on, but it's just a brief thought. Patrick said they should highlight that in the report; not just barely mention it. Tokos said that he noted to have ECO show the positive of urban renewal as it applies to compression. Branigan thought it would be helpful if they gave an example. Patrick asked if urban renewal would help the school district with compression just in that district. Tokos said it would be the entire county for the tax district. Patrick said then it would help countywide. Tokos said that is one of the side effects of urban renewal; and it was actually done intentionally to minimize impacts to school districts. Branigan wondered if it would help that ECO specifies that presently LCSD is under compression and this would actually help to ultimately alleviate the issue. Tokos said we can put some informational materials together to help with that understanding.

Tokos noted that page 5 includes sections, "Methods" with steps 1 through 6, and then discussion of "Step 1: Define boundary options." Tokos noted that the small option is the original option 1. The report lists the amount of land, and there is \$40 million maximum indebtedness for the small option. There is a relatively heavy project load. The assessed value determines the maximum indebtedness per area. Tokos said that with the larger option more TIF is generated and the district can shut down sooner. One of the big ramifications of a small district is that there is not as much TIF, and it takes longer to shut down; which can have as much impact to the taxing entities. He noted that these different outcomes are set up so policymakers can make a choice. Patrick noted that we have limitations on acreage and how much assessed value can be in urban renewal districts; but we are under both of those by quite a bit. Tokos said, as it mentions somewhere in this report, the district could be a combination of the three options. The small option has \$40 million for projects you can take on, the mid option has \$30 million, and the large option would be \$45 million. Tokos said that projects are a big piece of this. It's not an easy thing to create a district, so you want to hit the mark pretty well. You don't want it too low so there's not as much success; and not too high because you don't want to create more of a hit on entities than is appropriate. He said it is a juggling act. The City is the biggest hit, and the school district gets hit hard. Everybody takes a hit and hopefully benefits. Branigan asked if on the map on page 6, ECO could highlight some streets so you can see where the boundaries are in association to the streets. Tokos said maybe change the type from black and increase the font.

Moving to Exhibit 2 on page 7, Tokos explained that it goes through the projects and how they differ between the options. He noted that from a prior work session, the Commission would recognize that this is the urban renewal contribution toward the project, not the sum total cost. He said for example the couplet would be \$25 million; half would be from urban renewal, and the other half comes from another source such as the State. Berman noted that since the estimates are not the total costs for the projects, in the paragraph below the table it should point out that the total of \$37.3 million for the projects is the urban renewal portion. Tokos said that's a good catch and noted that correction for ECO. Patrick wondered if we wanted to list what the total cost would be. Tokos said he almost thought the best way to reflect the actual total cost would be in a column. He noted that part of utility undergrounding would probably be coming from another source as well. Patrick asked why the couplet wasn't the same across all three. Tokos said it has more reduced time. The public safety building also was pulled because it's the type of project that's cleaner for a GO bond. He said the concept of taking the couplet down to \$10 million is that \$2.5 million would come through an LID because certain properties would benefit more than others. It would be an LID, urban renewal, state funding package. Patrick asked, actually the cost doesn't change? Tokos said that's right; the contributions change. Capri asked where these amounts were drawn from. Tokos said he took the cost estimates from the 2012 TSP and escalated them. Others were guestimates; like parking improvements. Strategic site acquisition was put in at \$5 million. That is for buying properties to help aggregate with others. There is flexibility in terms of where we set this number. This was done from the feasibility study pulled from the different plans and concepts to make sure that they could be viewed by a firm that does this all the time. Tokos noted that the City Council may change some projects because the Council will pull together an advisory committee. But he suspects that it's likely the major premise won't change. There may be some revisions, but he wouldn't expect huge dramatic changes. Capri asked if for further explanation, maybe where these were pulled from could be included as an appendix. Patrick thought we should do the history of Nye Beach and South Beach districts. He said especially South Beach where we changed course. We only did half of the stuff on the original list, and it's not on the table any more. We totally changed that one. He said that Nye Beach was pretty straightforward. He said the South Beach district is a good example of one that changed tremendously. Capri said the projects are pretty vague; but defining these may make more questions. He said that maybe some of these could be more combined if that is the intent. Tokos said it's hard. You want to be clear enough to understand the concept but vague enough so you are in a better position for when you know what the project will be. He gave the example of the South Beach Refinement Plan. We had the line item for improvements to existing ROW. When we did the Coho Brant project, we took the generalized column and developed specific projects. That way you don't have to do a major amendment; you can do a minor amendment.

Fisher asked if wayfinding means street signs. Tokos said it could include signs. It is directing you where to go. It can be signage or a compilation of other things. There has been talk about using kiosks. It can mean that kind of thing.

Berman said the end of this is roughly 10-20 years away, and these projects are in today's dollars. Tokos said no, he escalated a few years. Berman wondered if a timeframe is something to show, or will there be phasing of projects over time. Tokos said if we move forward with a plan, the couplet will probably be broken in three phases. His sense is this is good for the feasibility study to give a sense of the general target for maximum indebtedness. In the actual plan we would be updating and refining these numbers a bit. Berman said so Tokos did inflate the figures. Tokos said he tried to as best he could. As the next step, he would put more time into that. At this planning level, the figures are rough.

Tokos noted that what you see on the small option is that it doesn't include Agate Beach, but it does include the public safety building and utility undergrounding. The mid option doesn't include Agate Beach or the public safety building; and it has \$10 million instead of \$12.5 million for the couplet, and the utility undergrounding is reduced. You can scale that if you have \$5 million for undergrounding, you can do that amount of that type of work. If you have \$8 million, you can do more. The large option includes everything effectively. It includes Agate Beach. Tokos noted that in Agate Beach the boundary was refined and moved further south along 101 after talking with Tim Gross. This picks up a planned major water line upgrade that will basically create conditions where more robust development can happen on the north side. That is appropriate for an urban renewal district. That would use \$600 thousand from urban renewal and \$1.2 million over all. There would be a lot of benefiting properties outside the district. That didn't change acreage much. Berman asked if the total project costs in here can be shown by adding columns. Show a grand total or something. Tokos said they can possibly do it as one column. Tokos was asked if there could be one more column showing whether urban renewal is paying for the whole thing or not. Patrick noted to be sure that the total is labeled as "estimated total project cost." In answer to a question from Capri, Tokos noted that right-of-way acquisition and parking improvements are the total costs. He said as you get into the actual implementation, you begin engaging stakeholders. If you end up where the right-of-way acquisition needs to be \$750 thousand, you pull from another line item that is acceptable to the citizens and the City Council. This gives the policymakers which ones are likely to have partners contributing. He said for example, the fairgrounds is estimated at \$9 million. Capri asked how funding works with several organizations. Tokos said we essentially can enter into an intergovernmental agreement with the funding partners. Capri asked if we ever have issues with say ODOT funding. Tokos said where we have found success is to engage the State early and keep them plugged into the process as we go through the concept planning. The couplet for instance will probably be plugged into all three phases; the first three years would be refinement, then ROW acquisition for several years because we will be acquiring developed property. You are engaging with ODOT so you can hook up their funding. If the State has been engaged in the process for 6-10 years, they will find a way. Also, the State is looking for partners that bring some funding to the table; it's nice to get to the front of the line.

Tokos noted that Step 3, "Determine applicable tax rates," discussed on page 8 contains Exhibit 3 that is a compilation of what every entity is currently doing. Step 4, "Forecast growth in assessed value," is also described on page 3. Tokos said he was wondering if we shouldn't ask ECO to do the growth at 3.5% not 4.5%. Exhibit 4 shows annual growth from 1.2% to 5.7% per year, with an average of 3.65%. Fisher said that looking at other years, he thinks 2008 to 2012 was really dead. Berman said we know there is a minimum of 3%, except those in compression are less than 3%. Tokos said it has been 3.65% on average the last ten years. For their analysis, they are assuming 4.5%. The consensus was that that is too high; 3.5% seems reasonable. Tokos said that he will talk to ECO about that. Patrick said unless ECO can demonstrate someplace that that is where it should be. Tokos noted that on page 9, for the assessed values from 2010 to 2013 there was virtually no increase at all. He said for ECO to go to 3.5%, it's just changing the calculations. That will impact the ramp up and closure of the district. Patrick said he would rather have it conservative than overly rosey. Tokos said when the South Beach district got extended in 2008, nobody thought that 7.1% was bad. Then we hit the recession and had to recalculate it at 3%.

Tokos said that Step 5 on page 9 is "calculate TIF and revenue sharing." We already talked about that a little. Berman asked if Tokos can ask ECO if the small option table, Exhibit 5 on page 10, doesn't have an error in it. He said the first number shouldn't be "0" in excess value. Berman is sure that this table is wrong; the others are okay. He noted that the large option has "0" in it, but it balances out. He said that the mid option excess on the first line is the difference between those first two numbers. He thought that it looks like on the small option that the whole column is shifted down one. The excess value should be shifted up one cell. There is another number at the bottom, he thinks it was 407. Patrick said that will affect the limit. Tokos said you shouldn't have excess value your first year; so why not "0" in the others. He said he will talk to ECO about that. We can get those numbers fixed. Patrick said that will change this stuff. If 3.5%, their assumptions are going to change pretty quickly. Tokos agreed these fixes will change stuff.

Looking at the advantages of the small option listed on page 11, Tokos noted that a smaller boundary requires less acreage, which leaves more capacity for other districts. That provides added flexibility to add in other properties because we haven't maxed out acreage. Capri asked Tokos from his expertise, if he saw other urban renewal areas in the future. Tokos said not a large-scale one. He noted that Wilsonville, for example, will form urban renewal districts with a handful of properties for economic opportunities as a way of financing infrastructure for those types of properties. Tokos said that we could do that if we wanted; but he doesn't see anything in the area. Berman said Agate Beach could have potential, but probably not as a stand-alone. Tokos

said all the industrial land on the north side might be a good area; but he said maybe we should shut down South Beach before having that conversation. In response to Patrick, Tokos noted that we are getting close to acreage on the large option. That doesn't account for the annexation. Another advantage of the small option is that it signals the entities that we are being more targeted with the district; and it might be more popular. The disadvantages listed on page 11 include that while it may be more popular, it may be more costly because you have to stretch out the life of the district. Tokos talked to ECO, and the point they made is that if there are more diverse property types, the district is stronger. If you have residential with commercial, if there is a downturn on one side, your urban renewal revenues should be more consistent. With only commercial, it is exposed to ups and downs based on growth. Berman said what happens if all of a sudden revenues are short. Tokos said you just don't do some projects. Typically with urban renewal you are fortunate to complete 70-80% of the projects; you're not going to get 20% because you don't have the partnerships or the timing's not right. He noted that in South Beach phase 1, we did a pretty good job on the projects at over 80%. The wetland mitigation didn't happen because there wasn't a partnership, and we didn't do it. He noted that that is normal. You try to accomplish what you can and take advantage of the window you have.

The advantages of the mid option that ECO lists on page 13 includes the fact that this boundary has the smallest maximum indebtedness and can be funded by other sources. It could potentially be funded by LIDs or things of that nature. The district can ramp up and shut down faster. The disadvantages to the mid option are that it's all commercial; and if you go with the smaller maximum indebtedness, the other funding sources have to come through.

For the large option, the advantages shown on page 15 include that you can do the most projects; and it has the most diverse portfolio, which means it is less susceptible to real estate downturns. There is the potential to experience more rapid growth in TIF. There are maximum resources brought to the table to start working on the projects. The large option has the biggest impact on the taxing districts. Agate Beach waters down the focus a little bit because it is a different type; a residential area. As opposed to Highway 101 and Highway 20 corridor improvements. Fisher noted that Agate Beach is the area that is most stepchild-like and most needy. Tokos said he thought ECO's observation is a fair one. Including residential in an urban renewal district takes more public outreach. Residents are going to be more skeptical about it, and they don't understand it necessarily. They are more likely to be engaged and oppose it where commercial is a little more removed. It was noted that infrastructure and streets are big selling points to people that live up there. Patrick said they are in dire need of stormwater management. Tokos said we are not going to realize as much in terms of increased tax revenue from investments in Agate Beach as we would in downtown. Paving streets in Agate Beach doesn't carry that much weight. Berman said it would be taking money that could be used for real economic development projects and using it in Agate Beach where it doesn't really need that. Tokos said most of Agate Beach is developed residential. Capri asked if there is vacant land up north where there would be more impact. Tokos said if you pull in residential areas like Blue Water Ridge, which at build-out would be a substantial number of units. He noted that the residential area of Southshore is pumping money into the South Beach district. Fisher said if we're not showing a number of projects in Agate Beach, then we shouldn't include it; if we are, then we need to show those projects. Tokos said that he thinks it's a reasonable option. It is on the table as an option. The Planning Commission will decide whether you want to recommend a specific option. Croteau said you could consider going further north. Tokos said he doesn't know if we can get that much more acreage. Branigan said with annexation, we can do that. Tokos said that he doesn't think we need to for purposes of the feasibility study; we covered what we need to. If the large option has traction, there would be the opportunity to fine-tune those boundaries. This gives the Planning Commission and the City Council a good feel for what the large option would look like; and that is what we were shooting for. Patrick thought these were pretty valid options and was a good mix. He said, less money, big district, or little district; pick what you want.

Tokos noted that the next section of the report on page 16 is about compression. He explained this is effectively when the assessed value hits the real market value. He noted that Exhibit 9 on page 17 is where it shows the shift with urban renewal adjusted rates. Tax rates shift more into general government and fall out of education. Tokos said this is where you want to see that factor. He said in the chart on page 16, you can see that under compression in FY 2013-14, the school district loses \$576 thousand. If that trend continues, urban renewal actually helps them quite a bit. Berman asked if theoretically the assessed value came up to the real market value, compression would be 100%. Tokos said that Measure 5 limits general government to \$10 per thousand and education to \$5 per thousand of real market value. When the assessed value hits the real market value, you are working off the real market value. Anything above the \$10 or the \$5, you don't get. Normally it's off the assessed value. When you hit the real market value, the Assessor changes to another way of calculating this. Berman asked how you determine real market value to compare. Tokos said that is a question for the County Assessor. Hardy said they are required by law to reappraise properties every five years. Tokos noted that the ones they don't reappraise, there are factors that they take into consideration when making an adjustment. Hardy said they consider recent sales, cost of construction; they have three to four approaches to make an educated decision on the average. Fisher said, unlike in California where whatever a property sells for becomes the taxable value at that moment. Tokos said the tough part about compression is that it is tough to determine how long we will stay in it. As we are coming out of recession, the real market value will start climbing. The cap should increase, and the school district won't be in the hole close to \$6 thousand.

Berman said that something he had highlighted was in the last paragraph on page 18 regarding passage of local option levies increasing the risk of compression losses. He said that he can't imagine that there is very little chance that utility rates will

continue up and that GO bonds aren't going to be a distinct possibility in the next few years. ECO makes the statement in this paragraph that compression comes into focus more. He noted that we do have that major thing hanging out there that will have to be handled one way or another. Tokos noted that he will ask ECO if they did account for the pool. He said he would ask Tim Gross; but he believes most of what Gross is doing is revenue bonds, which borrow off utilities revenue. GO bonds are what key off property taxes. Revenue bonds won't affect compression because they're not tied to property taxes. He added, but the swimming pool is. He said if the Health District goes out for something that could hit them. Tokos will ask ECO. Any of the other taxing entities would have impacts with GO bonds they put out. Tokos noted that on the South Beach table, it shows GO bonds for Lincoln County and Lincoln School District. That was an impact already issued. He said urban renewal does impact GO bonds. He said that he can ask ECO to talk more about that in here. He thinks one thing to update is the impact sheets; they don't show the complete picture. You have another district closing, and revenue will be coming back in. He said maybe even another table that reflects it. Tokos thought that compression is the other one that they need to show. He said the question is are we comfortable with it in its entirety. That is what we want to talk to them about.

Tokos noted that on the South Beach table showing the revenues foregone, it shows that the City is foregoing a million dollars we would otherwise recognize if we didn't have the South Beach district. If the GO bonds were retired, then there would be no more hit. Effectively what you would have when South Beach closes is that you would have the release of your annual amount, so the permanent rate goes up and the urban renewal increment goes away. He noted that on the FY 2026-27 line you get a sense of what those entities are going to get back on an annual basis. He said that you have the remaining uncommitted revenue in Table 2. He added that we may be able to retire the district sooner. He said those are all projections. At 3%, it's pretty conservative.

Tokos said that under "Conclusions" on page 19, Exhibit 10 provides a summary of the three options. Berman said again, the urban renewal portion of the total project costs needs to be shown. Tokos said that the small option closes out in 2041; and the 3.5% will make it worse. Tokos noted that the rest of today's handouts are showing the full list of projects. It was noted that the one for the small option was missing. It is in the appendix of the report. Patrick thought they should show an example of South Beach now and historically. Tokos noted that South Beach had a small frozen base. With a larger frozen base, you can ramp up quicker. He said maybe that looks better to the taxing entities if they are looking at the next 20 years and not 30 years down the road. By the time the South Beach district closes, it will have had almost 40-50 years of life. Croteau asked what tax areas 104 and 107 mean. Tokos explained that those are Assessor tax codes in the city. How the district breaks is that they are those properties in tax codes 104 and 107.

Tokos summed up his notes of the Commission's comments and questions.

- Factor in the release of the South Beach District in 2027.
- Make sure revenue sharing is reflected in the losses; and on page 3, ECO needs to clarify the revenue sharing threshold; whether it's 10% or 12.5%.
- On page 4, need to highlight or discuss the positive impact of urban renewal on compression in terms of the shift from schools to general government and discuss the effect a little.
- On page 6, improve the street labeling on the map (white text).
- Exhibit 2, add total cost column.
- At bottom of page 7, clarify the total is for the urban renewal project costs and not total costs.
- On page 9, recalculate the table at 3.5% or demonstrate why 4.5% is appropriate.
- On page 10, fix Exhibit 5 excess value column.
- Look at Exhibit 6 & 7 for the same issue as Exhibit 5.
- On Exhibit 8, compression, can we show a trend in just one year? Show where we are likely to go and how this plays out with the formation of a district. Did they make up some of it through no longer being subject to compression; which would be good for the school. Give picture of financial impacts either good or bad.
- On page 18, did ECO capture the pool bond in the calculations? Discuss the impact of general obligation bonds taken out by other districts.
- On Page 19, Exhibit 10, add urban renewal total project costs.

#### B. New Business.

- 1. Reminder of Volunteer Appreciation Banquet, April 22<sup>nd</sup> at 6:00 p.m. at the Oregon Coast Aquarium.
- C. Adjournment. Having no further discussion, the work session meeting adjourned at 7:25 p.m.

Respectfully submitted,

Wanda Haney, Executive Assistant

## Wanda Haney

From:

Cindy Breves

Sent:

Thursday, March 06, 2014 10:36 AM

To:

Wanda Haney Derrick Tokos

Subject:

FW: Committee Application

Cindy Breves
Executive Assistant/ Municipal Court Clerk
169 SW Coast Highway
Newport, OR 97365
541-574-0603
c.breves@newportoregon.gov

----Original Message----

From: CommitteeApp@newportoregon.gov [mailto:CommitteeApp@newportoregon.gov]

Sent: Thursday, March 06, 2014 9:41 AM

To: Cindy Breves; Peggy Hawker Cc: kwilson722@yahoo.com Subject: Committee Application

Application for City Council - Email Application

Date: 3/6/2014

Commission/Committee of Interest: Ad Hoc Design Review Committee, Nye Beach

Name: Karen Wilson

Addres

Newport OR 97365

Mailing Address:

Newport, OR 97365

Workphor

Homephone: same

Emai

Occupation: Retired

Employer:

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? I have owned my condominium in Nye Beach for 10 years, and have lived here for the past 4 years. I have experienced Nye Beach as both a visitor and a resident.

I have experience reviewing development plans. In Sacramento I served on a development review committee for the community of Natomas, where with other citizens I reviewed plans for conformity to the community plan as well as for their impact on existing and planned future development. I was also a member of the Folsom Historic District Association, comprised of both residents and businesses in that historic area. We met regularly with City and business representatives to review opportunities to integrate development with an existing historic neighborhood.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? All parties to an issue come with specific backgrounds. In reviewing planned development I often had to set my own feelings aside to

consider the overall impact of a specific project. In my citizen review role, it often happened that projects such as left turn-only auto-oriented projects (gas stations, drive-through restaurants and malls) were allowed in the community plan, though as a resident and, in my professional life as a manager in an air quality agency, these projects did not represent the highest or best use of the property. I worked with developers to incorporate mitigating measures wherever possible to offset the negative aspects of these projects.

Describe the process of how you make decisions. Thoroughly review the proposal; meet with or otherwise get information from all affected parties as well as others on the review committee; determine where there is agreement and where there is conflict; consider the short and long-term implications of potential outcomes; arrive at a decision that reflects the best possible outcome in the circumstances.

What do you think about consensus decision making? What does the consensus decision making process mean to you? General agreement among all parties is the desired outcome of a decision making process. It is worth considerable effort to create both the appearance and the reality that all voices have at least been heard, even if they cannot be reflected in the final outcome. The process of arriving at a consensus decision should be transparent, so that future decisions can build on the process.

Describe all other pertinent information/background for this position. I am a member of the Board of Writers on the Edge, Inc, am President of the Central Coast UU Fellowship, and a volunteer at the Newport Food Pantry.

## PLANNING STAFF MEMORANDUM FILE No. 1-UGB-14

- <u>I. Applicant:</u> Newport Assisted Living, LLC (Andrew Plant, Managing Member) (Bob Parker & Beth Goodman, ECONorthwest, authorized representatives).
- <u>II. Request:</u> Application for a minor amendment to the Newport Urban Growth Boundary to include an approximately 0.61-acre site in order to construct a 48-bed addition to the Oceanview Senior Living facility. The proposal would also include an amendment to the Newport Comprehensive Plan map designating the subject site "High Density Residential."
- III. Planning Commission Review and Recommendation: The Planning Commission will review the proposed amendments and provide a recommendation to the City Council. At a later date, the City Council will hold an additional public hearing prior to any decision on the amendments.
- IV. Findings Required: Required findings are contained in the "Urbanization" element of the Newport Comprehensive Plan (pages 273 284), as amended by Ordinance No. 2049, effective March 21, 2013. Additional findings are listed under the "Administration of the Plan" element of the Comprehensive Plan (pages 285 292). Key findings are summarized as follows:
  - A. <u>Land Need:</u> Establishment and change of urban growth boundaries shall be based on the following:
    - 1. Demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
    - 2. Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets, and roads, schools, parks and open space, or any combination of the need categories in this subsection.
  - B. <u>Boundary Location</u>: The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:
    - 1. Efficient accommodation of identified land needs:
    - 2. Orderly and economic provision of public facilities and services;
    - 3. Comparative environmental, energy, economic, and social consequences; and
    - 4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.
  - C. Compliance with applicable Statewide Planning Goals, unless an exception is taken to a particular goal requirement.

These findings are addressed in Attachment "C" to this report.

#### V. Planning Staff Memorandum Attachments:

- Attachment "A" "Urbanization" element of the Newport Comprehensive Plan (required findings)
- Attachment "B" "Administration of the Plan" section of the Newport Comprehensive Plan
- Attachment "C" Findings in support of the UGB expansion prepared by ECONorthwest, dated April 2014
- Attachment "D" Notice of public hearing
- Attachment "E" Conveyance documents for the subject property
- Attachment "F" Tokos letter, dated March 3, 2014, requesting County concurrence
- Attachment "G" Husing email, dated April 4, 2014, concurring amendment is minor in nature

Attachment "H" – 2013 aerial image of Urban Growth Boundary expansion area

VI. Notification: Notification for the proposed amendments included notification to the Department of Land Conservation & Development (DLCD) in accordance with the DLCD requirements on March 2, 2014. Notice of the Planning Commission hearing was mailed to affected property owners on March 3, 2014, and was published in the Newport News-Times on April 4, 2014 (Attachment "D").

VII. Comments: As of April 7, 2014, no written comments have been received.

<u>VIII. Discussion of Request:</u> The Oceanview Senior Living facility is located off of NE 71<sup>st</sup> Street and includes 12 condominium units on 3.2 acres (including common areas) and 71 assisted living units on 2.8 acres. Oceanview has potential for nine additional condominium units on 1.0 acre. The Oceanview Senior Living facility was developed in 1996 and currently provides independent living options, assisted living options and respite care. Oceanview is an Assisted Living Facility as defined in the Newport Zoning Code (Chapter 14.01.020) and is licensed by the Oregon Department of Human Resources as required by Oregon Administrative Rule (OAR) 411-56-000. The proposed 48-bed addition would provide long-term memory care to residents, which complements the existing Oceanview facilities and meets an identified need to provide more senior living facilities in Newport.

The 0.61-acre subject site was created through a property line adjustment and land swap between the City of Newport and Newport Assisted Living LLC. (see Attachment "E"). The subject site is outside of the Newport UGB and is zoned Commercial-Timber (T-C) in the Lincoln County Comprehensive Plan. The TC zone is a forest resource zone compliant with Statewide Planning Goal 4 (Forest Lands) and is reserved for forest operations or forest practices per Section 1.1375(1) of the Lincoln County Zoning Ordinance consistent with ORS 527.722.

Under the Oregon land use system, justifying a UGB amendment is a two-step process: (1) demonstrate land need; and (2) analyze potential boundary locations. Local governments must address both parts in the UGB application and associated findings. Moreover, the City must address applicable City and County criteria. Consistent with Policy 4.3 of the Newport Comprehensive Plan, the Planning Director's for the City and County shall determine whether or not a change is a minor or major amendment. Both Director's concur that this proposal qualifies as a minor amendment (see Attachments "F" and "G).

The proposal includes an amendment to the Newport Comprehensive Plan Map and the Lincoln County Comprehensive Plan Map, which amends the Newport UGB, expanding it by approximately 0.61 acre. As proposed, the subject site would be designated "High Density Residential" and, upon annexation, zoned "High Density Multi-Family Residential" (R-4). The property is within the Iron Mountain Quarry Impact Area and would be subject to the protective provisions of that overlay zone once it is inside the UGB and annexed to the City.

IX. Conclusion and Recommendation: The Planning Commission should review the proposed amendments and make a recommendation to the City Council. As this is a legislative process, the Commission may recommend changes to the amendments if the Commission chooses to do so. Staff suggests the Commission include a condition requiring 50-feet along the south line of the expansion area be brought into the UGB (see Attachment "H"). This will ensure that required frontage improvements occur on urban land. This minor change will not materially impact the findings prepared by ECONorthwest. The City Council may also make changes to the proposal prior to adoption of a final decision.

Derrick I. Tokos AICP

Community Development Director

City of Newport

April 8, 2014

# **URBANIZATION\***

The Newport urban area includes lands within the city limits. It becomes necessary, however, to identify lands outside those limits that will become available for future growth. With that in mind, the City of Newport and Lincoln County have agreed upon a site specific boundary that limits city growth until the year 2031.

The urban growth boundary (UGB) delineates where annexations and the extension of city services will occur. Converting those county lands within the UGB requires coordination between the county, the property owners, and the city. This section provides the framework and the policies for those conversions and service extensions. The decision makers can also use this section as a guide for implementation of the urbanizing process.

The city and county made the policies of this section as part of a coordinated effort. Involved in the process were the governing bodies and planning commissions of both jurisdictions. The Citizen's Advisory Committee, concerned citizens, and other affected agencies also participated in the process.

## **Newport Urban Growth Areas:**

Land forms are the most important single determinant of the directions in which Newport can grow. Newport is bounded on the west by the Pacific Ocean and on the east by the foothills of the Coast Range. In addition, the city is divided by Yaquina Bay. The only suitable topography for utility service and lower cost urban development is along the narrow coastal plain. Some development has occurred in the surrounding foothills and along the Yaquina River and creek valleys, but this is generally rural development of low density without urban utilities. The following inventory describes areas evaluated as to their suitability to accommodate expected growth.

# A. Agate Beach Area (North Newport/390 Acres):

Inventory. This study area consists of both urbanized and undeveloped land (see map on page 283). Of the 390 acres available for residential development, 225 lie within the unincorporated area of the UGB, and 165 acres are within Newport's city limits. (The urbanized area contains approximately 60 acres.)

The urbanized area was platted in the 1930's, with growth occurring gradually since that time. The area is primarily residential and has a mixture of houses, mobile homes, trailers, and some limited commercial uses along U.S. Highway 101. The area was previously served by the Agate Beach Water System, which frequently failed to meet federal water quality standards and had inadequate line size and pressure to serve existing customers and projected growth. The City of Newport rebuilt the water system and installed a sewer system at the cost of approximately \$1.4 million.

The unincorporated portions of this study area have been included in Newport's UGB

to help meet anticipated need for residential land. The land is relatively level, water services and road access are immediately adjacent, and sewer is available. The area has been urbanized to a degree already and is suitable for continued residential development. Much of this area has been platted into 5,000 square foot lots, which are both suitable for mobile home placement and "buildable" as sewer is extended.

Analysis. Because most of this area has been previously platted into 50 x 100 foot lots, land costs can be expected to be lower than in newly platted areas of the city. Many mobile homes and trailers currently exist in this area, and smaller lots are appropriate for mobile homes.

**Finding.** This area is suitable for continued residential development and is designated residential. In addition, because of the smaller lot sizes and the existence of many mobile homes in the area, a mobile home overlay zone is desirable and compatible with existing uses. Areas of larger acreage on both the east and west side are suitable for high density residential use with the mobile home overlay so that new mobile home parks may be built in the area as outright uses, as well as allowing apartments. Existing commercial development along U.S. Highway 101 should be allowed to remain.

# B. Agate Beach Golf Course and Little Creek Drainage Area (North Newport/93 acres):

Inventory. This area lies south and east of the golf course, west of the west line of Section 33, and east of Highway 101, all of which is within the city limits (see map on page 283). The area is generally undeveloped, and it slopes steeply toward Little Creek.

The area has been planned to be served by city water and sewer and a major new road. It is zoned for low and high density residential development.

Analysis. Because of the steep slopes, this is the type of area where a planned development is often appropriate. It borders a mobile home park to the south and is geographically well separated from other areas of conventional housing; therefore, mixed residential development can be considered for the property with little possible conflict.

**Finding.** Because of the topography, either low density residential development with a planned development overlay or high density residential development would be appropriate designations. However, the former would insure more open space in the long range.

## C. West Big Creek Drainage Area (North Newport/40 acres):

**Inventory.** This area lies south of the Pacific Beach Club, east of U.S. Highway 101, and west of Lakewood Hills (see map on page 283). It has not yet been developed.

Analysis. Much of the area is in a flood plain. However, it has been studied for a planned development and is suitable for high density residential use.

**Finding.** High density residential will be the designation for this property. The land may be suitable for a planned unit development.

## D. East Big Creek Drainage Area (City Reservoir):

**Inventory.** This area drains into the city reservoir, and the city owns the majority of the land (see map on page 283). There are several smaller private parcels with houses and livestock.

**Finding.** This area could eventually be used as a large city park or residential area once the reservoir is no longer used for the city water supply. During the planning period, this area should be protected from further residential development.

That land which is not needed for public park land shall be considered for return to the private sector for housing.

## E. Jeffries Creek Drainage Area (Northeast Newport/220 Acres):

Inventory. This area is south of the city reservoir, north of Old Highway 20, east of Harney Street, and west of the eastern half of Section 4 (see map on page 283). This area contains the Terrace Heights, Virginia Additions, Kewanee Addition, and the Beaver State Land property. There is very little development in the area as yet. Fifty-five acres lie within Newport's city limits.

Analysis. Platted around the turn of the century, this area has long been planned for low density residential development. Little has occurred so far due to more accessible development closer to Newport. This is no longer the case, and this land is now needed for housing.

**Finding.** This area has steep slopes, no existing utilities as yet, and will be expensive to develop. However, much of the property will have ocean or bay view. The area is appropriate for low density development.

## F. Harbor Heights Area (Southeast Newport/267 Acres):

**Inventory.** This study area lies east of Harbor Heights to the urban growth boundary and north of Bay Road to the urban growth boundary (see map on page 283). Of its 267 acres, approximately 44 are within Newport's city limits.

**Analysis.** This is an area where lot sizes might well be raised to a higher minimum to encourage the maintenance of the vegetation that helps stabilize the entire area. This would be a high cost housing area with very low density development.

**Finding.** The area is steep with some slide potential. Dotted with residential uses, the area commands a view of the bay and is in heavy demand. A low density residential designation is appropriate for this area.

## G. Idaho Point Area (South Beach/120 Acres):

**Inventory.** This area stretches from South Bay Street to the Idaho Point Marina and from S.E. 32nd Street south to the forest lands (see map on page 283).

Analysis. The existing water system is inadequate and is being replaced, along with city sewer. Some of the area is in demand for its bay view, and much of the land could be developed for medium to high cost housing. The topography varies from flat to steeply sloping, with most in the in between category; therefore, development costs will vary.

**Finding.** The topography in the area varies from flat to steeply sloping, with most of it moderately sloping. The existing water system is inadequate and sewer is not yet available. Some low density residential uses currently exist, and the area has been planned for a mix of low and high density residential.

## H. South Beach (South of Newport/560 Acres):

Inventory. The area extends from S.E. 32nd Street to the southern boundary of the Newport Municipal Airport and from the southerly extension of Bay Street to U.S. Highway 101 (see map on page 283).

Analysis. The area has long been planned for urban development and is currently coming along in that manner. Newport has planned for many years to encourage industrial development in South Beach.

**Finding.** It is the only area for which the city has planned industrial development that would allow non-water related or non-water dependent industrial development. The area will need city sewer and other city services.

# I. Wolf Tree Destination Resort (South of Newport/1,000 Acres):

Inventory. The city extended its urban growth boundary and the city limits to include about 1,000 acres for the Wolf Tree Destination Resort consistent with Goal 8 (see map on page 284). The area includes about 800 acres south of the Newport Municipal Airport, with another 200 acres lying east of the airport. The region has a special plan and zoning designation that limits the land for a destination resort.

Analysis. Currently undeveloped except for a few scattered residences, the area has been planned for a destination resort since 1987. The south area is presently in the city limits, but the easterly 200 acres is not. The Wolf Tree property was brought into the UGB and annexed to the city only after a Goal 8 Destination Resort analysis and a limitation on

the property to the development of a destination resort. Many state and federal agencies were involved in the process that brought this property into the UGB and the city limits.



**Finding.** The project complies with Goal 8/"Destination Resort." The property cannot be developed except as a destination resort consistent with state and city law.

**Finding.** The City of Newport has established its urban growth boundary as indicated on the city's Comprehensive Plan Map (available in the city's Planning Department office), in accordance with the following findings and as demonstrated in the inventory:

- > The projected population growth requirements of the City of Newport, as demonstrated in the inventory, cannot be met within the existing city limits.
- > In order to provide adequate housing opportunities and needed employment and to plan for a livable environment, there is a need for additional acreage beyond that currently available within the Newport city limits.
- > The City of Newport has planned for the urbanization of the UGB area based upon the city's long-range plan and capacity to extend needed facilities and service during the planning period.
- > In determining the most appropriate and efficient land uses and densities within the UGB, the City of Newport has considered current development pattern limitations posed by land forms, as well as the city's needs during the planning period.
- In establishing its UGB, the City of Newport has considered and accounted for environmental, energy, economic, and social consequences as demonstrated in the inventory.
- > There are no agricultural lands adjacent to the Newport urban growth boundary.
- > What alternative locations within the area have been considered for the proposed needs.

# GOALS/POLICIES/IMPLEMENTATION MEASURES URBANIZATION

Goal: To promote the orderly and efficient expansion of Newport's city limits.

<u>Policy 1</u>: The City of Newport will coordinate with Lincoln County in meeting the requirements of urban growth to 2031.

<u>Implementation Measure 1</u>: The adopted urban growth boundary for Newport establishes the limits of urban growth to the year 2031.

- 1.) City annexation shall occur only within the officially adopted urban growth boundary.
- 2.) The official policy shall govern specific annexation decisions. The city, in turn, will provide an opportunity for the county, concerned citizens, and other affected agencies and persons to respond to pending requests for annexation.
- 3.) Establishment of an urban growth boundary does not imply that all included land will be annexed to the City of Newport.

<u>Policy 2</u>: The city will recognize county zoning and control of lands within the unincorporated portions of the UGB.

<u>Implementation Measure 2</u>: A change in the land use plan designations of urbanizable land from those shown on the Lincoln County Comprehensive Plan Map to those designations shown on the City of Newport Comprehensive Plan Map shall only occur upon annexation to the city.

- 1.) Urban development of land will be encouraged within the existing city limits. Annexations shall address the need for the land to be in the city.
- 2.) Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth allowed in the city's plans. Those facilities must be available or can be provided to a site before or concurrent with any annexations or plan changes.

<u>Policy 3</u>: The city recognizes Lincoln County as having jurisdiction over land use decisions within the unincorporated areas of the UGB.

<u>Implementation Measure 3</u>: All such decisions shall conform to both county and city policies.

- 1.) Unincorporated areas within the UGB will become part of Newport; therefore, development of those areas influences the future growth of the city. Hence, the city has an interest in the type and placement of that growth. Lincoln County shall notify the city of any land use decision in the UGB lying outside the city limits. The county shall consider recommendations and conditions suggested by the city and may make them conditions of approval.
- 2.) The city shall respond within 14 calendar days to notifications by the county of a land use decision inside the adopted UGB. The county may assume the city has comments only if they are received inside of that 14 days.

Policy 4: The development of land in the urban area shall conform to the plans, policies, and ordinances of the City of Newport.

Implementation Measure 4a: The City of Newport may provide water and wastewater services outside the city limits consistent with the policies for the provision of such services as identified in the applicable Goals and Policies of the Public Facilities Element of the Comprehensive Plan.

Implementation Measure 4b: Amendments to UGB Boundaries or Policies. This subsection delineates the procedure for joint city and county review of amendments to the urban growth boundary or urbanization policies as the need arises.

#### 1.) Major Amendments:

- a.) Any UGB change that has widespread and significant influence beyond the immediate area. Examples include:
  - (1) Quantitative changes that allow for substantial changes in the population or development density.
  - (2) Qualitative changes in the land use, such as residential to commercial or industrial.
  - Changes that affect large areas or many different (3) ownerships.
- b.) A change in any urbanization policy.
- 2.) Minor Boundary Line Adjustments: The city and county may consider minor adjustments to the UGB using procedures similar to a zone change. Minor adjustments focus on specific, small properties not having significant impact beyond the immediate area.
- 3.) <u>Determination of Major and Minor Amendments</u>: The planning directors for the city and county shall determine whether or not a change is a minor or major amendment. If they cannot agree, the planning commissions for the city and county shall rule on the matter. The request shall be considered a major amendment if the planning commissions cannot agree.
- 4.) Initiation, Application, and Procedure: Individual or groups of property owners, agencies that are
  - affected, the planning commissions, or the city or county governing bodies may initiate amendments. Applicants for changes are responsible for completing the necessary application and preparing and



submitting the applicable findings with the application. The planning commissions for the city and county shall review the request and forward recommendations to the Newport City Council and the Lincoln County Board of Commissioners.

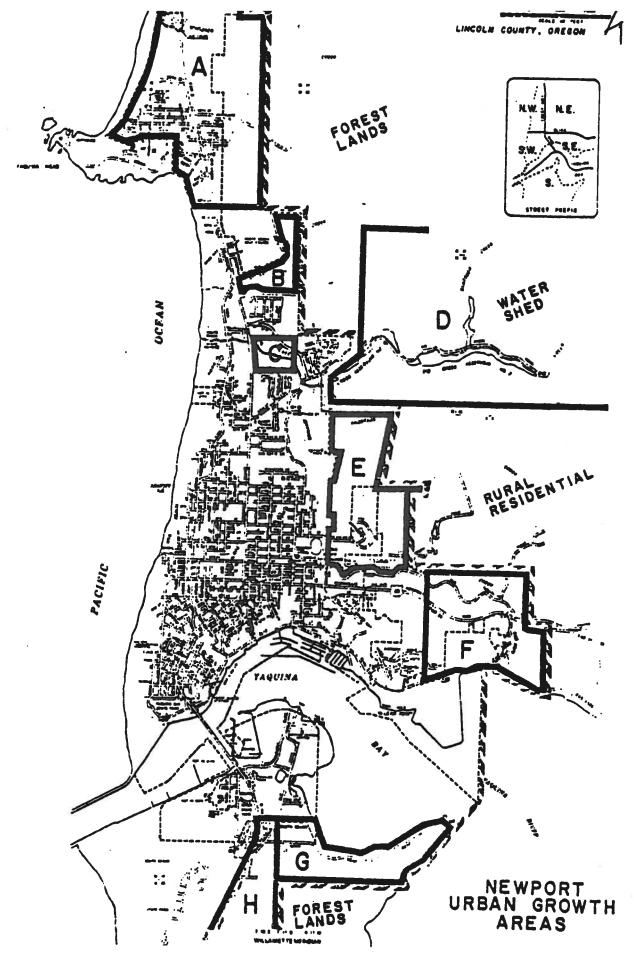
The city and county governing bodies shall hold public hearings on the request. Amendments become final only if both bodies approve the request.

- 5.) Findings shall address the following:
  - a.) Land Need: Establishment and change of urban growth boundaries shall be based on the following:
    - 1.) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
    - Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks and open space, or any combination of the need categories in this subsection;
  - b.) Boundary Location: The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:
    - 1.) Efficient accommodation of identified land needs;
    - 2.) Orderly and economic provision of public facilities and services;
    - 3.) Comparative environmental, energy, economic, and social consequences; and
    - 4.) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.
  - c.) Compliance with applicable Statewide Planning Goals, unless an exception is taken to a particular goal requirement.
- 6.) <u>Correction of Errors</u>: Occasionally an error may occur. Errors such as cartographic mistakes, misprints, typographical errors, omissions, or duplications are technical in nature and not the result of new information or changing policies. If the Newport City Council and the

Lincoln County Board of Commissioners become aware of an error in the map or text of this adopted urbanization program, either body may cause an immediate amendment to correct the error. Both bodies must, however, agree that an error exists. Corrections shall be made by ordinance after a public hearing. The governing bodies may refer the matter to their respective planning commissions, but that is not required.

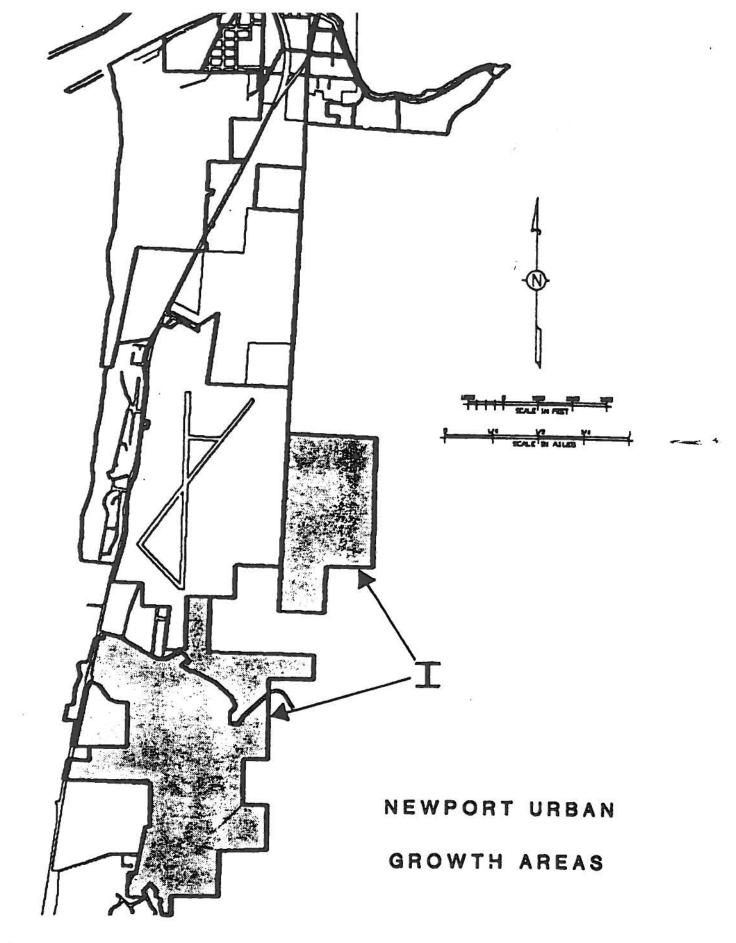
<u>Policy 5</u>: The city is responsible for public facilities planning within its urban growth boundary.

Page intentionally blank.



Page 283. CITY OF NEWPORT COMPRESENSIVE PLAN: Urbanization.

į. St. Significant Control of the Control o 39



Page 284. CITY OF NEWPORT COMPREHENSIVE PLAN: Urbanization.

ř 1 T **(4**)

# ADMINISTRATION OF THE PLAN

Introduction:

Planning is a process. Because conditions change, the planning process should remain dynamic. Oregon's statewide planning program addresses this need in two ways: First, a post acknowledgement review process exists to assure that local amendments to a state acknowledged plan or implementing ordinance comply with the statewide planning goals: second, a periodic review program mandates the maintenance of local comprehensive plans. Cities must submit their plans every four to seven years to the state, who in turn reviews the plans for consistency and compliance with new rules and statutes.

In addition to state requirements, local jurisdictions should have a well defined review and amendment process. That process should attempt to strike a balance between changing circumstances and the need to provide certainty in the rules. This section presents such a process.

There are two types of comprehensive plan changes, text and map.

## Text Amendments

Changes to the text of the plan shall be considered legislative acts and processed accordingly. These include conclusions, data, goals and policies, or any other portion of the plan that involves the written word.

#### Map Amendments1

There are three official maps within this plan. They are (1) the General Land Use Plan Map (commonly called the "Comp Plan Map"), (2) the Yaquina Bay Estuary and Shorelands Map (page 272), and (3) the Ocean Shorelands Map (page 50).

Three types of amendments are possible to each of these maps. The first involves wide areas of the map and many different properties, and these are considered major, legislative changes (see the urbanization section on page 273 for definitions). The second usually involves small areas and affects only a few pieces of property. These amendments are considered minor (again, see the urbanization section for definitions), and are quasi-judicial in nature. The third amendment is an amendment based on a demonstrated error in a map designation of a property or the establishment of

<sup>1</sup> Map Amendments Section amended by Ordinance No. 1868 (February 17, 2004).

Page 285 CITY OF NEWPORT COMPREHENSIVE PLAN: Administration of the Plan.

boundaries on one of the maps. Errors may include, but are not limited to cartographic mistakes, scrivener's errors in a description of a designation or boundary, incorrect map designations of property based on an erroneous assumption of property ownership, the need to reconcile conflicts between a comprehensive plan map designation and a zoning map designation of a property, or the need to adjust comprehensive plan designations or boundaries based on the correction of errors in the Urban Growth Boundary under the Newport Comprehensive plan process for resolution of errors in the Urban Growth Boundary.

Major, minor, and error amendments to any of the three maps shall be processed consistent with the procedure established in 2-6-1/"Procedural Requirements" of the Zoning Ordinance (No. 1308, as amended). Major, minor, and error amendments to the maps shall be accompanied by findings addressing the following:

## A. Major Amendments:

- 1.) A significant change in one or more goal or policy; and
- 2.) A demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities; and
- 3.) The orderly and economic provision of key public facilities; and
- 4.) Environmental, energy, economic, and social consequences; and



6.) All applicable Statewide Planning Goals.

## B. <u>Minor Amendments:</u>

- 1.) A change in one or more goal or policy; and
- A demonstrated need to accommodate unpredicted population trends, housing needs, employment needs or change in community attitudes; and
- 3.) The orderly and economic provision of key public facilities: and
- 4.) The ability to serve the subject property(s) with city services without an undue burden on the general population; and
- 5.) The compatibility of the proposed change with the

surrounding neighborhood and the community.

# C. <u>Error Amendments:</u>

- An error was made in the establishment of a map designation or boundary; and,
- The correction of the error by the amendment of a map designation or boundary is necessary to resolve an issue created by the error.

### Initiation:

A comprehensive plan text revision may be initiated by the Newport City Council, the Newport Planning Commission, the owner (or his/her authorized representative) of any property included in the urban growth boundary, or any resident. Changes proposed by a property owner or resident shall be initiated by the filing of an application for such change. The application shall be on a form prescribed by the City of Newport. Accompanying the application shall be a fee. The City Council shall from time to time set, by resolution, the fees for comprehensive plan changes.

All modifications initiated by a motion of the City Council or an application from a property owner or resident shall be forwarded to the Planning Commission for review and recommendation, who shall review the request and send a recommendation back to the City Council.

# Hearings and Notification:

All changes shall be considered by the Planning Commission and City Council at public hearings. Notices and other procedural requirements shall be made in accordance with Section 2-6-1 of the Zoning Ordinance.

The City Council shall hear the matter at a regularly scheduled meeting. If the Council approves the request, they shall pass an ordinance reflecting the change. Denial may be made upon a motion duly seconded and passed by a majority of the Council voting.

# Findings of Fact:

All requests for amendments to the data, text, inventories, graphics, conclusions, goals and policies, or implementation strategies shall be accompanied by findings that address the following:

A. <u>Data, Text, Inventories or Graphics:</u>



1.) New or updated information.

## B. <u>Conclusions</u>:

1.) A change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information.

## C. Goals and Policies:

- 1.) A significant change in one or more conclusion; or
- 2.) A public need for the change; or
- 3.) A significant change in community attitudes or priorities; or
- 4.) A demonstrated conflict with another plan goal or policy that has a higher priority; or
- 5.) A change in a statute or statewide agency plan; and
- 6.) All the Statewide Planning Goals.

# D. <u>Implementation Strategies</u>:

- 1.) A change in one or more goal or policy; or
- A new or better strategy that will result in better accomplishment of the goal or policy; or
- A demonstrated ineffectiveness of the existing implementation strategy; or
- 4.) A change in the statute or state agency plan; or
- 5.) A fiscal reason that prohibits implementation of the strategy.

# Interpretations:

It may become necessary from time to time to interpret the meaning of a word or phrase or the boundaries of a map. Whenever such an interpretation involves the use of factual, policy, or legal discretion, a public hearing before the Planning Commission consistent with the procedural requirements contained in Section 2-6-1 of the Zoning Ordinance (No. 1308, as amended) shall be held.

A ruling for an interpretation shall be approved only if findings are presented that comply with the following:

- The interpretation does not change any conclusion, goal, policy, or implementation strategy.
- > The interpretation is based on sound planning, engineering, or legal principles.
- > The interpretation is consistent with the Comprehensive Plan.

# Additional Map Information:

The official maps shall be identified by the City Council and shall be on file with the City of Newport's Department of Community Planning and Development. A correct and up-to-date original of each map shall be maintained by the planning department. Regardless of the existence of copies of the official maps that may be made or published, the official maps shall be the final authority for determining boundaries for various districts and features.

In the event that an official map becomes damaged, destroyed, lost, difficult to interpret, or outdated, the City Council shall, by ordinance, adopt a new official map, which shall supersede the old one. Adoption of a new official map shall be a legislative matter and shall be processed as such.

Where uncertainty exists as to the boundaries of districts shown on the official maps, the following rules shall apply:

- A. Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following shore lines shall be construed to follow the mean higher high water line of such shore lines. In the event of change in the shore line, the boundary shall be construed as moving with the actual shore line.
- E. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- F. Areas below the mean higher high water line or the line of non-aquatic vegetation, whichever is most landward in the

Page 289 CITY OF NEWPORT COMPREHENSIVE PLAN: Administration of the Plan.

estuarine area, shall be considered to be in the estuarine management unit rather than the adjacent shoreland zone.

- G. Boundaries indicated as parallel to or extensions of geographic features indicated in subsections 1 through 6, above, shall be so construed.
- H. Distances not specifically indicated on the official maps shall be determined by the scale of the map.

### Citizen Involvement:

It is important to involve a cross section of the citizens of Newport in the development and execution of this Comprehensive Plan and its implementing ordinances. For this purpose, a process must be established to assure that citizen involvement is effective. This section is designed to outline such a procedure for the City of Newport.

The City of Newport contains a wide variety of people with many different interests. When developing new plan policies and implementing laws, it is vital to consider the various view of the community or neighborhood that will be affected by the proposal.

Timing is crucial. Too often citizens do not become involved in the planning process until a specific project is proposed. By then it is frequently more difficult to have an affect on the outcome of the project. This is compounded by the legal requirements of quasi-judicial hearings. The complicated criterion and procedural mandates are not "user friendly" and add to the frustration of persons not familiar with the process. As a result, citizens may feel that the planning does not work and they are left with a bad experience.

For developers, the perception is similar. Public hearings place an element of uncertainty in their projects. Sometimes seemingly arbitrary decisions are made, discouraging investment and innovation. Once again, planning is seen as an impediment, a necessary and expensive paper hoop that must be jumped through.

How then can a citizen involvement program be effective? For Newport, with a strong tradition of community pride and awareness, the answer lies in citizen participation in the planning of the community rather than the administration of the plan and ordinances. That means the emphasis should be placed in citizen participation in the legislative, rather than the quasi-judicial, aspect of the planning process.

When the emphasis for citizen involvement is shifted from the quasi-judicial to the legislative, the adversarial nature of the program is reduced. It is no longer the neighborhood versus the

developer but a group of concerned citizens who want a well planned community. The accent is also changed from the strict, legal procedures to more informal fact finding. All voices are encouraged. People have the freedom to explore all the alternatives and consider them fully.

Once a neighborhood or community consensus can be built, ordinances can be formulated that offer clear direction for development. As long as a developer is willing to comply with the community goals, s/he can be assured that approval will be given. Innovation can be considered on a case-by-case basis and looked at in light of objective policy.

With this system, there is a unified approach to community development. This can save the general public and development community a great deal of time and money, not to mention frustration. Planning can then be a positive.

This is not to say that problems and conflicts will not arise. It would be foolish to assume that all community goals and policies will be without ambiguity and that all developers will voluntarily comply with those standards. But the point is to shift the priority away from the antagonistic view of planning and more to the cooperative.

### GOALS/POLICIES/IMPLEMENTATION FOR CITIZEN\_INVOLVEMENT

Goal 1: To involve citizens in the development and implementation of the city's Comprehensive Plan and its implementing ordinances.

<u>Policy 1</u>: The city shall develop methods of community outreach that encourage participation in the planning process.

Implementation Measure #1: The Planning Commission shall serve as the official citizens' advisory committee to the City Council. Whenever a major change (as determined by the Commission) to the Comprehensive Plan or an implementing ordinance is under consideration, three persons from the community at large shall be designated by the Planning Commission as a Citizens' Advisory Committee.

Implementation Measure #2: The city may promote or assist neighborhood organizations to assist in decision making. When appropriate, the Planning Commission and/or

City Council may hold meetings in neighborhoods affected by the issues under consideration.

Implementation Measure #3: If an important issue needs study, then the Planning Commission or the City Council may call for the formation of an ad hoc committee. The committee shall be appointed by the Mayor and confirmed by the City Council. Effort shall be made to select persons from different sides of the issue.

<u>Policy 2</u>: The city will encourage the participation of citizens in the legislative rather the quasi-judicial stage of plan development and implementation.

Implementation Measure #1: The city will make reasonable attempts to contact and solicit input in the formulation of comprehensive plan elements and ordinance provisions. The city may use the neighborhood organizations to discuss specific proposals. The media will be used as much as possible to make citizens aware of city policy and actions.

Implementation Measure #2: The city will develop clear and objective standards by which to review development proposals. Those standards should be developed only after a concerted effort by the city to involve citizens in the formulation process.

Implementation Measure #3: The city will rely on its staff to administer the plan and ordinances if clear and objective standards can be developed. If, however, administration of a plan or implementing ordinance provision involves a legal, factual, or policy decision, the decision shall be made by the Planning Commission and/or the City Council after adequate public notice to interested or affected persons.

Implementation Measure #4: The Planning Commission shall serve as the official Committee for Citizen Involvement (CCI). On matters of neighborhood or city-wide significance, the Planning Commission shall make an effort to solicit the input of citizens.

ATTACHMENT "C"
File No. 1-UGB-14
Findings in support of the UGB
expansion prepared by ECONorthwest,
dated April 2014

# FINDINGS FOR URBAN GROWTH BOUNDARY AMENDMENT

Project Number:	1-UGB-14		
Project Type:	Urban Growth Boundary Amendment		
Procedure Type:	UGB Amendment: Type IV Comprehensive Plan Map (Minor Amendment)		
Applicant:	Newport Assisted Living LLC		

## 1 OVERVIEW:

This application is for a minor amendment to the Newport Urban Growth Boundary (UGB) to include a 0.61-acre site in the Newport UGB for up to a 48-bed addition to the Oceanview Senior Living facility. The proposal would also include an amendment to the Newport Comprehensive Plan map designating the subject site High Density Multifamily residential.

Developed in 1996, the Oceanview Senior Living facilities currently provide independent living options, assisted living options and respite care. Oceanview is an Assisted Living Facility as defined in the Newport Zoning Code (Chapter 14.01.020) and is licensed by the Oregon Department of Human Resources as required by Oregon Administrative Rule (OAR) 411-56-000. The proposed addition would provide long-term memory care to residents. The proposed memory care addition complements the existing Oceanview facilities and meets an identified need to provide more senior living facilities in Newport.

The Oceanview Senior Living facility is located off of NE 71st Street in the Northern portion of Newport (see Map 1). The facilities include 12 condominium units on 3.2 acres (including common areas) and 71 assisted living units on 2.8 acres. Oceanview has potential for nine additional condominium units on 1.0 acre.

The 0.61-acre subject site was created through a land swap between the City of Newport and Newport Assisted Living LLC. The subject site was added to the existing Westmont site (T10S, R11W, S20 Tax Lot 1003) through a lot line adjustment. The subject site is outside of the Newport UGB and is zoned Commercial-Timber (T-C) in the Lincoln County Comprehensive Plan. The TC zone is a forest resource zone compliant with Statewide Planning Goal 4 (Forest Lands) and is reserved for forest operations or forest practices per Section 1.1375(1) of the Lincoln County Zoning Ordinance consistent with ORS 527,722.

The Oregon Department of Transportation, the City of Newport, and the Lincoln County Housing Authority own adjacent lands.

Under the Oregon land use system, the justification for a UGB amendment is a twostep process: (1) demonstrate land need; and (2) analyze potential boundary locations. Local governments must address both parts in the UGB application and associated findings. Moreover, the City must address applicable City and County criteria.

The proposal includes an amendment to the *Newport Comprehensive Plan* Map and the Lincoln County *Comprehensive Plan* Map, which amends the Newport UGB, expanding it by approximately 0.61 acres. As proposed, the subject site would be designated High-Density Residential and, upon annexation, zoned High-Density Multi-family Residential (R-4).

## **2 AUTHORITY AND CRITERIA:**

The authority, review procedures, and locally adopted criteria for the proposed urban growth boundary and comprehensive plan map amendments are provided in the Newport *Comprehensive Plan* as specified below. Criteria for the amendments are also provided in applicable state law. Those criteria are addressed together with the local criteria, which are similar to applicable state law, in Section V of this application.

#### 2.1 STATE CRITERIA

State law that governs the locational analysis and needs for the UGB amendment include the following:

- Statewide Planning Goal 14 (OAR 660-015-0000(14))
- ORS 197.298
- Goal 14 Administrative Rule (OAR 660 Division 24)

Statewide planning Goal 14 (Urbanization) requires that urban growth boundary amendments be a cooperative process:

"Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements..."

Goal 14 breaks the UGB amendment process into two parts: (1) Land Need; and (2) Boundary Location. UGB amendments must address both parts in the UGB application and associated findings.

## 2.1.1 Goal 14: Urbanization

#### Land Need

Establishment and change of urban growth boundaries shall be based on the following:

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
- (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection.

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

OAR 660-024-0040 provides additional guidance on determining land need.

## **Boundary Location**

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

# 2.1.2 ORS 197.298: Priority of land to be included within urban growth boundary.

- (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:
  - (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

- (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.
- (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).
- (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.
- (2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.
- (3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:
  - (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;
  - (b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or
  - (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

Note that Newport does not have Urban Reserves as defined in OAR 660-021.

#### 2.2 LOCAL CRITERIA

UGB amendments must comply with applicable local criteria as outlined in the City of *Newport Comprehensive Plan* and *Development Code*, as well as the Lincoln County *Comprehensive Plan* and *Development Code*.

## 2.2.1 City of Newport Criteria

The City process for expanding the UGB is described under Policy 4 (Urbanization) of the *Newport Comprehensive Plan*. UGB amendments are broken into two categories: minor and major. The City and County Planning Director's must agree on the designation of the proposed application. Exhibit C (letter to city and county planning directors) shows that the City and County concur this proposal constitutes a minor UGB amendment.

In Newport, UGB amendments can be initiated by individuals or groups, the City or County Planning Commissions, or the Newport City Council or Lincoln County Board of Commissioners. This action was initiated by the Westmont Living Corporation, owner of the Oceanview Senior Living facilities, and the site of the proposed UGB expansion. Consistent with Statewide Planning Goal 14 and Policy 4.4 of the Newport Comprehensive Plan, both the city and county governing bodies are required to hold public hearings and both must agree for an amendment to become final.

Chapter 8 of the *Newport Comprehensive Plan* specifies three types of procedures for map amendments. The proposed amendment is considered a "minor" amendment. Findings related to local policy are similar to those required for Goal 14 and are addressed in Section V.

- 5.) Findings shall address the following:
  - a.) Land Need: Establishment and change of urban growth boundaries shall be based on the following:
    - 1.) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
    - 2.) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks and open space, or any combination of the need categories in this subsection;
  - b.) Boundary Location: The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:
    - 1.) Efficient accommodation of identified land needs;
    - 2.) Orderly and economic provision of public facilities and services;
    - 3.) Comparative environmental, energy, economic, and social consequences; and
    - 4.) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.
    - c.) Compliance with applicable Statewide Planning Goals

The Urbanization Element requires that changes to the Comprehensive Plan text or map shall be considered by the Planning Commission and City Council at public hearings. Notices and other procedural requirements shall be made in accordance with Section 2-6-1 of the Newport Zoning Ordinance. Moreover, the Urbanization Element requires findings of fact be developed in support of the decision and outlines the requirements for findings.

The proposed expansion also falls within the Iron Mountain Impact area and is therefore subject to the provisions of Chapter 14.28 of the Newport Development Code. According to 14.28.010, the purpose of the Iron Mountain Impact area is:

"...to protect the operation of the Iron Mountain Quarry from adverse impacts of nearby development and to protect development within the area from adverse impacts from quarry operations, while recognizing that some impacts upon each use are unavoidable."

## 3 SUMMARY OF EVIDENCE:

The applicant provides the following evidence in support of the application.

Exhibit A: Legal description of the exchange area and Tax Lot 1003

Exhibit B: Property Line Adjustment Survey

Exhibit C: Letter from Onno Husing, Lincoln County Planning Director, concurring the application is a Minor Amendment

Exhibit D: Assessor's index map and subject site

Exhibit E: List of notified property owners

# 4 GENERAL FINDINGS - BACKGROUND AND DISCUSSION:

#### 4.1 NATURE OF THE PROPOSAL

This application is for a minor amendment to the Newport Urban Growth Boundary (UGB) to include a 0.61-acre site in the Newport UGB for up to a 48-bed addition to the Oceanview Senior Living facility. The proposal would also include an amendment to the Newport Comprehensive Plan map designating the subject site High Density Multifamily residential.

The Oceanview Senior Living facility currently provides independent living options, assisted living options and respite acre. Oceanview is an Assisted Living Facility as defined in the Newport Zoning Code (Chapter 14.01.020) and is licensed by the Oregon Department of Human Resources as required by Oregon Administrative Rule (OAR) 411-56-000. The Newport Zoning Code defines Assisted Living Facilities as follows:

"A facility licensed by or under the authority of the Department of Human Resources (DHR) per Oregon Administrative Rule 411-45-000, which provides or coordinates a range of services for elderly and disabled persons in a home-like environment. An assisted living facility is required to provide each resident with a separate living unit with a lockable door to guarantee their privacy, dignity, and independence." (\*Definition added by Ordinance 1790 (7-6-98))

The proposed addition would provide long-term memory care to residents. The proposed memory care addition complements the existing Oceanview facilities and meets an identified need to provide more senior living facilities in Newport. The addition would be built in two phases. The first phase would include approximately 24 memory care beds. The Applicant desires to initiate construction of Phase I in 2014. Phase II would include approximately another 24 beds and is proposed for construction as need arises.

The subject site is located off of NE 71st Street in the Northern portion of Newport (see Map 1). The current facility has 12 independent living condominiums with potential for nine additional units. The condominiums are located on several tax lots that are on the west side of the site. The condominiums are privately owned with common areas managed by the condominium association. Residents of the condominiums have priority to move into the assisted living facility. The facility also includes 71 assisted living units (the large structure on the eastern portion of the site).

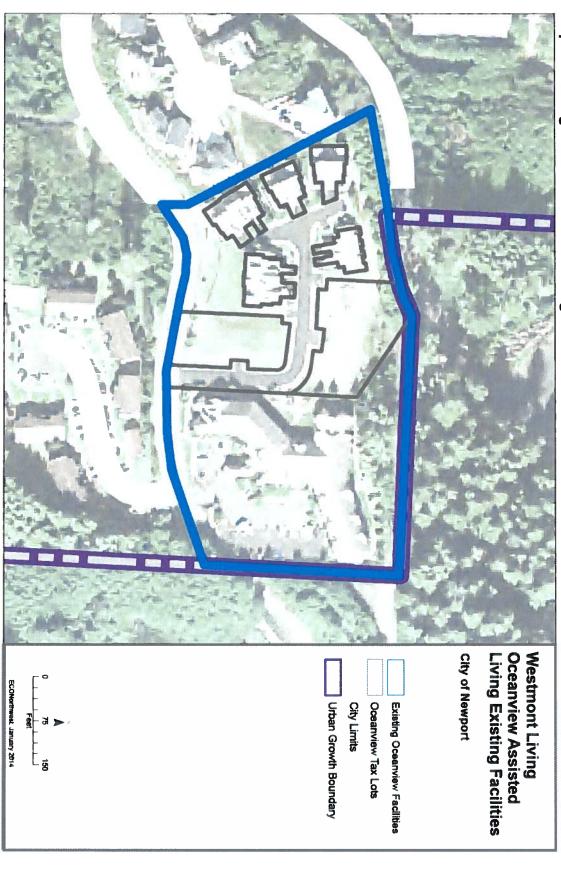
The subject site is outside of the Newport UGB and is zoned Commercial-Timber (T-C) in the Lincoln County Comprehensive Plan (see Map 2). The TC zone is a forest resource zone compliant with Statewide Planning Goal 4 (Forest Lands) and is reserved for forest operations or forest practices per Section 1.1375(1) of the Lincoln County Zoning Ordinance consistent with ORS 527.722. The subject site is located adjacent to the existing Newport (UGB) and would be accessed by NE 71st Street.

Map 3 shows adjacent property owners. The city requires notification of property owners within 300' of the subject site. Only three property owners (other than the existing Oceanview facilities managed by Westmont) are within 300' of the site. To the north, the Oregon Department of Transportation owns land that includes the Iron Mountain Quarry. To the east, the City of Newport owns land that is intended for a municipal water storage tank. The City is in the process of gaining the required permits to develop the facility, which will address pressure deficiencies in the northern area of Newport. To the south, the Lincoln County Housing Authority owns land that is developed with government-assisted housing. Lands outside the notification area to the east are owned by Meriweather NW OR Land and Timber and are in forest use.

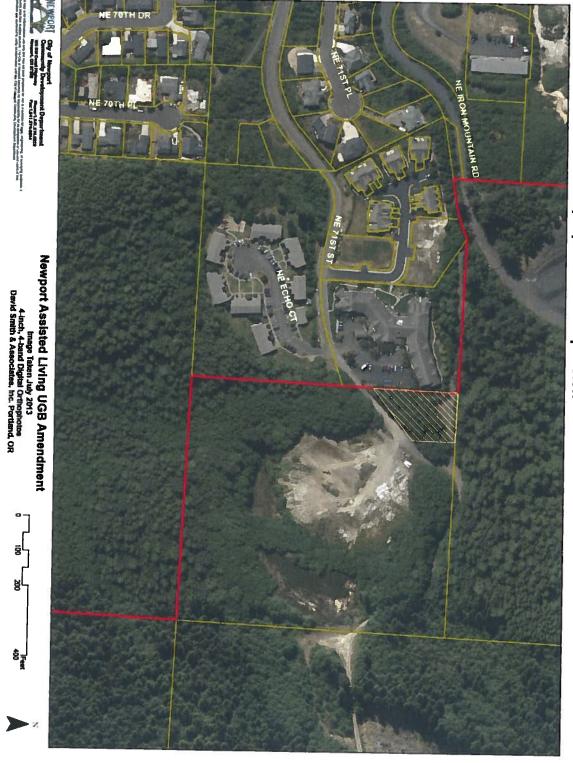
Based on discussions with City staff, the subject site can be easily provided water and wastewater service. The facility would have inconsequential stormwater impacts. The subject site is gently sloping and has no significant development constraints. Map 4 shows the proposed site plan for the Oceanview Memory Care facilities.

The proposal includes a minor amendment to the *Newport Comprehensive Plan* Map and the Lincoln County *Comprehensive Plan* Map, which amends the Newport UGB, expanding it by approximately 0.6 acres. As proposed, the subject site would be designated High-Density Residential and, upon annexation, zoned High-Density Multifamily Residential (R-4). Assisted living facilities are identified as outright allowable uses in the R-4 zone.

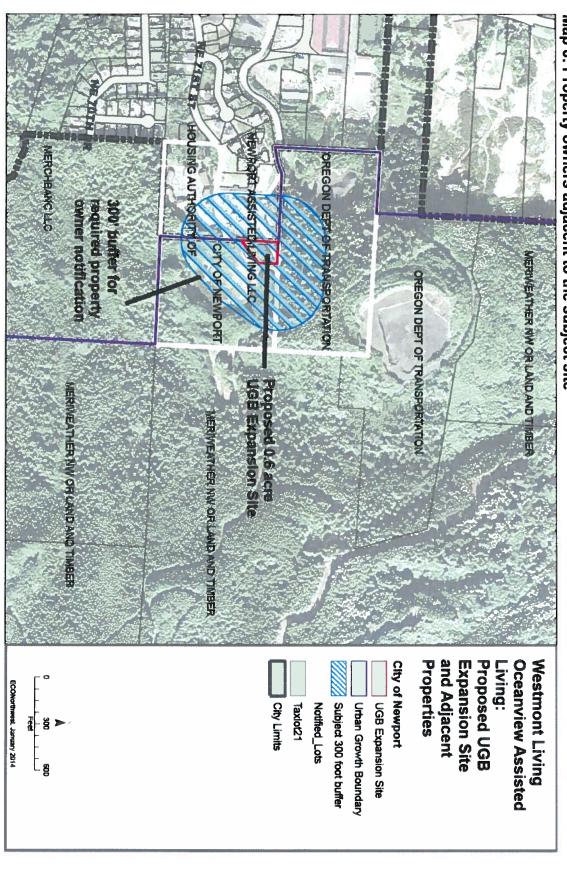
Map 1: Existing Oceanview Senior Living Facilities



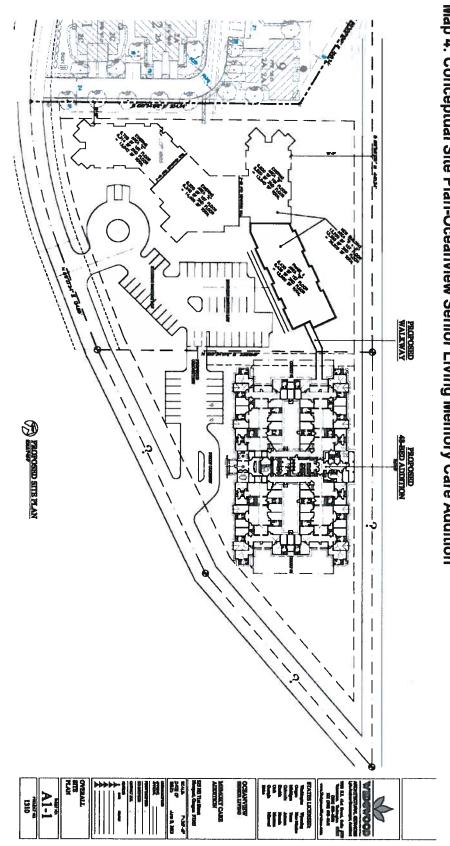
Map 2: Land included in the proposed UGB expansion



Map 3: Property owners adjacent to the subject site



Map 4: Conceptual Site Plan-Oceanview Senior Living Memory Care Addition



### 4.2 RATIONALE FOR THE PROPOSAL

This section describes the Applicant's rationale for this application.

Need for a new memory care facility stems from growth in population most likely to require memory care: people over 65 years old with diseases like Alzheimer's or dementia. The following analysis provides an estimate of the number of individuals in Southern Lincoln County that are likely to have conditions that require memory care by 2030.

**Table 1** shows that Lincoln County added about 7,400 people between 1990 to 2012, at an average annual growth rate of 0.8%. The share of population in cities in southern Lincoln County (i.e., Newport, Toledo, Waldport, Siletz, and Yachats) grew from 37% of the County's population in 1990 to 38% of the County's population in 2012. About 39% of the County's growth over the 22-year period (2,800 new people) was in cities in southern Lincoln County.

Table 1: Population growth, U.S., Oregon, Lincoln County, Newport, Siletz, Toledo, Waldport, Yachats, 1990-2012

_	Population			W	Change 1990 to 201		012
Area	1990	2000	2010	2012	Number	Percent	AAGR
Oregon	2,842,321	3,421,399	3,831,074	3,883,735	1,041,414	37%	1.4%
Lincoln County	38,889	44,479	46,034	46,295	7,406	19%	0.8%
Newport	8,437	9,532	9,989	10,150	1,713	20%	0.8%
Toledo	3,174	3,472	3,465	3,465	291	9%	0.4%
Waldport	1,595	2,050	2,033	2,040	445	28%	1.1%
Siletz	992	1,133	1,212	1,225	233	23%	1.0%
Yachats	533	617	690	705	172	32%	1.3%

Source: U.S. Census Bureau, 1990, 2000, 2010; PSU Population Research Center

**Table 2** shows the Oregon Office of Economic Analysis (OEA) population forecast for Oregon and Lincoln County, 2000 to 2030. Lincoln County's population is forecast to grow by more than 8,000 people. The number of people under 65 years is expected to decrease by nearly 1,700 people over the 30-year period. The number of people over 65 years old is expected to grow by about 9,900 people.

Table 2: Population forecast by age, Oregon and Lincoln County, 2000 and 2030

	Popu	lation	Change 2000 to 2030		
Area	2000	2030	Number	Percent	AAGR
Oregon	3,436,750	4,768,000	1,331,250	39%	1.1%
Under 65 years old	2,996,990	3,746,810	749,820	25%	0.7%
65 years old and over	439,760	1,021,190	581,430	132%	2.8%
Lincoln County	44,600	52,857	8,257	19%	0.6%
Under 65 years old	35,878	34,195	(1,683)	-5%	-0.2%
65 years old and over	8,722	18,662	9,940	114%	2.6%

Source: Oregon Office of Economic Analysis

Estimates about the incidence and prevalence of dementia in the U.S. vary depending on the method used to calculate the number of affected individuals. The research shows that that the majority of those suffering from dementia and Alzheimer's disease are age 65 and older with the incidence rate rising rapidly with age.<sup>1 2 3 4</sup> The research shows that dementia or Alzheimer's disease generally affects 13% of the population over 65 years old.

If southern Lincoln County continues to account for about 40% of the County's growth, by 2030 southern Lincoln County will have more than 7,000 residents over 65 years old, an increase of 4,000 people. If 13% of people over 65 years old have dementia or Alzheimer's disease, southern Lincoln County may have more than 900 individuals that need some type of living assistance. While not all of these individuals will require (or desire) beds in memory care facilities. These figures clearly demonstrate a need for memory care facilities in Southern Lincoln County. Based on an inventory conducted by ECONorthwest, at this time no such facilities exist in Southern Lincoln. The nearest facility is managed by Westmont Living and is located in Lincoln City (Lakeview Senior Living, 2690 NE Yacht Avenue, Lincoln City).

#### 4.3 SUMMARY OF PROPOSED ACTION

This application includes an amendment to the City of Newport Urban Growth Boundary and city limits to include approximately 0.6 acres to provide a 48-bed memory acre facility serving current and future residents of Southern Lincoln County. The proposal is to amend the Newport UGB to include 0.62 acres of tax lot 1002 T10S, R11W, S20 as shown in Map 2 and Exhibit B. Upon annexation to the City of Newport, the subject site would be designated on the comprehensive plan map as High Density Residential and on the Newport zoning map as High Density Multifamily Residential (R-4).

<sup>&</sup>lt;sup>1</sup> Hebert LE, Beckett LA, Scherr PA, Evans DA. "Annual incidence of Alzheimer disease in the United States projected to the years 2000 through 2050." Alzheimer Disease & Associated Disorders 2001; 15(4): 169–73. <a href="http://www.ncbi.nlm.nih.gov/pubmed/11723367">http://www.ncbi.nlm.nih.gov/pubmed/11723367</a>.

<sup>&</sup>lt;sup>2</sup> Hebert LE, Scherr PA, Bienias JL, Bennett DA, Evans DA. "Alzheimer disease in the US population: prevalence estimates using the 2000 census." Archives of Neurology 2003; 60(8): 1119–22. http://www.ncbi.nlm.nih.gov/pubmed/12925369.

<sup>&</sup>lt;sup>3</sup> Plassman, B.L., et al. "Prevalence of Dementia in the United States: The Aging Demographics, and Memory Study." Neuroepidemiology. 2007 November; 29(1-2): 125–132. http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2705925/

<sup>&</sup>lt;sup>4</sup> 2010 Alzheimer's disease facts and figures. Journal of the Alzheimer's association. http://www.alz.org/documents\_custom/report\_alzfactsfigures2010.pdf

## 5 FINDINGS:

This section presents findings addressing key elements of state land use policy pertaining to UGB expansions. Applicable state goals, statutes and administrative rules for the Urban Growth Boundary (UGB) amendment include:

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 14: Urbanization
  - o ORS 197.298: Priority of land to be included within urban growth boundary
  - o OAR 660-024: Urban Growth Boundaries

The findings are organized broadly around the Goal 14 Need and Locational requirements. Other relevant state policy is referenced within this framework. The remainder of this section presents findings for each goal and related statute or administrative rule.

#### 5.1 GOAL 1: CITIZEN INVOLVEMENT

The intent of Goal 1 is to ensure that citizens have meaningful opportunities to participate in land use planning decisions. As stated in the Goal, the purpose is:

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Goal 1 has five stated objectives that are relevant to the UGB boundary amendment:

Citizen Involvement -- To provide for widespread citizen involvement.

Communication -- To assure effective two-way communication with citizens.

Citizen Influence — To provide the opportunity for citizens to be involved in all phases of the planning process.

Technical Information — To assure that technical information is available in an understandable form.

Feedback Mechanisms – To assure that citizens will receive a response from policy-makers.

**Finding: Satisfied**. The city followed all applicable procedures as described in the City ordinances, including notification of property owners, legal notice of public hearings, and hearings with the Newport Planning Commission and City Council.

#### 5.2 GOAL 2: LAND USE

Goal 2 requires all incorporated cities to establish and maintain comprehensive land use plans and implementing ordinances. It also requires cities to coordinate with other affected government entities in legislative land use processes. The purpose of Goal 2 is:

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**Finding: Satisfied.** The review of this application followed the planning processes established in the Newport Comprehensive Plan and Zoning Ordinance. The applications and findings presented in this document provide an adequate factual basis for decisions and actions by the Newport Planning Commission and City Council.

#### 5.3 GOAL 14: URBANIZATION

The Goal 14 findings are broken out by specific criteria. Goal 14 provides two 'Need Factors' and four 'Location Factors.' Goal 14 and the related statutes and rules establish a specific method and hierarchy for boundary review. The findings that follow are organized according to that hierarchy.

### 5.3.1 Goal 14 Need Criteria

Goal 14 notes that establishment and change of urban growth boundaries shall be based on the following:

Goal 14 Need Factor 1: Demonstrated need to accommodate long range urban population growth, consistent with a 20-year population forecast coordinated with affected local governments.

Goal 14 Need Factor 2: Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space.

#### 5.3.1.1 Goal 14 Need Factor 1

In 2011, ECONorthwest assisted the City with a housing needs analysis. That study required a population forecast. Counties are required to coordinate population forecasts among the cities and unincorporated areas within the County (ORS 195.036). As of 2011, Lincoln County did not have a coordinated, adopted population forecast for the cities within the County. As a result, Newport developed a population forecast for the urban growth boundary (UGB).

OAR 660-024 provides "safe harbor" approaches for forecasting population in cities that do not have a coordinated, adopted population forecast. A city may adopt a 20-year population forecast based on the Oregon Office of Economic Analysis's (OEA) population forecast for the County, assuming that the urban area's share of the forecast population will remain constant over the planning period (OAR 660-024-0030(4)(b)).

Based on the revised PSU estimates, Newport's 2010 population accounted for 21.7% of Lincoln County's population. Table 3 shows a population forecast for Newport for the 2011 to 2031 period based on the assumption that Newport continues to account for 21.7% of Lincoln County's population over the 20-year period. Table 3 also extrapolates the 2011 to 2031 forecast to the 2013 to 2033 time period. This provides a 20-year forecast to support the UGB proposal consistent with the requirements of OAR 660-024-0040(2). The 2013 to 2033 forecast is for an increase of 1,486 persons for a 2033 UGB population of 11,909 persons.

Table 3. Population forecast, Newport, 2011 to 2031, extrapolated to 2013-2033

Lincoln County					
Year	(OEA)	Newport			
2011	47,306	10,285			
2013	47,941	10,423			
2031	54,051	11,751			
2033	54,776	11,909			
Change 2013 to	o 2033				
Number	6,835	1,486			
Percent	14%	14%			
AAGR	0.7%	0.7%			

Source: ECONorthwest, based on the Office of Economic Analysis forecast for Lincoln County Note: Population for 2011 and 2031 was extrapolated based on the growth rates used between 2010-2015 (for 2011) and 2030-2035 (for 2031). Note: AAGR is average annual growth rate

The City adopted the population forecasts along with the housing needs analysis and related policies in 2011. The City makes the following findings about the population forecast:

- 1. The population forecast is a coordinated forecast. The City provided notification to Lincoln County and its incorporated municipalities in January 2013 regarding coordination of the figures. This notification is consistent with the consultation requirements of ORS 195.034(3)(a).
- 2. The Applicant intends to complete work on the UGB proposal in 2014. As such, the required planning period is 2013-2033. ECONorthwest extrapolated the coordinated population forecast for the 2013-2033 period to be consistent with OAR 660-024-0040(2)(a).

<sup>&</sup>lt;sup>5</sup> OAR 660-024-0040(2) states: "If the UGB analysis or amendment is conducted as part of a periodic review work program, the 20-year planning period must commence on the date initially scheduled for completion of the appropriate work task." Because the proposed expansion is in excess of 50 acres, the City must follow the process "in the manner of periodic review" as required by OAR 660-024-0080.

#### 5.3.1.2 Goal 14 Need Factor 2

Goal 14 Need Factor 2 addresses specific types of land need. For this proposal, the applicant identifies demonstrated need for **housing**, **specifically senior assisted memory care**. The proposal to meet specific types of land need is allowable under OAR 660-024-0040(3):

"A local government may review and amend the UGB in consideration of one category of land need (for example, housing need) without a simultaneous review and amendment in consideration of other categories of land need (for example, employment need)."

The housing need derive from the following factors:

Based on Need Factor 1, Newport forecasts a population increase of 1,486 persons between 2013 and 2033. A memory care facility, however, meets a regional need. Table 2 shows that, according to the Oregon Office of Economic Analysis, Lincoln County's population is forecast to grow by more than 8,000 people between 2010 and 2030. Moreover, the number of people <u>under</u> 65 years is expected to decrease by nearly 1,700 people over the 30-year period. The number of people <u>over</u> 65 years old is expected to grow by about 9,900 people.

Estimates about the incidence and prevalence of dementia in the U.S. vary depending on the method used to calculate the number of affected individuals. The research shows that that the majority of those suffering from dementia and Alzheimer's disease are age 65 and older with the incidence rate rising rapidly with age. <sup>6 7 8 9</sup> The research shows that dementia or Alzheimer's disease generally affects 13% of the population over 65 years old.

The proposed memory care facility in Newport will address both a regional and local housing need. While the proposed facility will be located in Newport, it will provide housing options for persons with dementia or Alzheimer's disease that reside in southern Lincoln County.

<sup>&</sup>lt;sup>6</sup> Hebert LE, Beckett LA, Scherr PA, Evans DA. "Annual incidence of Alzheimer disease in the United States projected to the years 2000 through 2050." Alzheimer Disease & Associated Disorders 2001; 15(4): 169–73. <a href="http://www.ncbi.nlm.nih.gov/pubmed/11723367">http://www.ncbi.nlm.nih.gov/pubmed/11723367</a>.

<sup>&</sup>lt;sup>7</sup> Hebert LE, Scherr PA, Bienias JL, Bennett DA, Evans DA. "Alzheimer disease in the US population: prevalence estimates using the 2000 census." Archives of Neurology 2003; 60(8): 1119–22. http://www.ncbi.nlm.nih.gov/pubmed/12925369.

<sup>&</sup>lt;sup>8</sup> Plassman, B.L., et al. "Prevalence of Dementia in the United States: The Aging Demographics, and Memory Study." Neuroepidemiology. 2007 November; 29(1-2): 125–132. http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2705925/

<sup>&</sup>lt;sup>9</sup> 2010 Alzheimer's disease facts and figures. Journal of the Alzheimer's association. http://www.alz.org/documents\_custom/report\_alzfactsfigures2010.pdf

If southern Lincoln County continues to account for about 40% of the County's growth, by 2030 southern Lincoln County will have more than 7,000 residents over 65 years old, an increase of 4,000 people. If 13% of people over 65 years old have dementia or Alzheimer's disease, southern Lincoln County may have more than 900 individuals that need some type of living assistance. While not all of these individuals will require (or desire) beds in memory care facilities.

ECONorthwest conducted a search for other memory care facilities and identified one other facility in Lincoln County. The Lakeview Senior Living facility is located at 2690 NE Yacht Avenue in Lincoln City. The facility is managed by Westmont Senior Living — the applicant for this project. The facility has 43 beds and is at 100% occupancy. At this time no such facilities exist in Southern Lincoln County.

Moreover, Lincoln County identifies its role in meeting housing needs as relatively minor (Lincoln County Comprehensive Plan, Section 1.005(22):

The County's role in providing areas for needed housing is projected to be relatively small during the planning period (as compared to areas within incorporated cities).

Consistent with statewide planning goals and policies, the County does not identify a role to meet urban housing needs. Due to the need for public services (e.g., water, wastewater, roads, etc.), proximity to supporting health care facilities, and public emergency services (specifically ambulance service), assisted living facilities can be considered "urban uses" that would appropriately locate within an urban growth boundary. Moreover, the Lincoln County development code does not specifically define "assisted" or "memory care" housing and does not include such uses as outright allowed or conditional uses in any county zoning district.

At full build out, the proposed memory care facility would include up to 48 beds—far fewer than the potential need based on the overall number of persons that will potentially need assistance. An online search identified only one other memory care facility operating in Lincoln County. These figures clearly demonstrate a need for memory care facilities in Southern Lincoln County consistent with Goal 14 Need Factor 2.

## 5.3.2 Goal 14 Boundary Location Analysis

Several statewide policies relate to the boundary location analysis. These include ORS 197.298 which establishes a priority scheme for lands included in UGBs, OAR 660-024-0060 which defines the requirement elements of a boundary "alternatives analysis," and the four Goal 14 locational factors. Additionally, the Goal 2 requirements for justifying exceptions to forest uses come into play, as well as the provisions of OAR 660-006 that relate to forest zone exceptions.

This section addresses the requirements of ORS 197.298, OAR 660-024-0050 and OAR 660-024-0060. Specifically, the boundary alternatives analysis and supporting findings must:

- 1. Demonstrate that the land needs cannot be met within the existing Newport UGB;
- 2. Demonstrate that the needs cannot be met on exceptions lands; and
- 3. Demonstrate that the needs cannot be met on sites on forest land that has a lower productivity classification than the existing reservoir site.

Once the City makes those determinations, it will need to conduct a more detailed analysis of the four Goal 14 boundary location factors.

The remainder of this section is organized as follows:

- B.1 Site Suitability Requirements
- B.2 Boundary Location Analysis/Alternatives Analysis

Finding: Satisfied.

### 5.3.2.1 Site Suitability Requirements

The identified land needs have specific siting characteristics. In other words, the proposed assisted living facility cannot be met on every land type—the facilities have specific land suitability characteristics. As explained in OAR 660-024-0060(5) related to need determination:

"If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298."

Moreover, the ORS 197.298(3)(a) recognizes that certain land uses may have specific site needs:

- (3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:
  - (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

The following sections describe the site requirements for the proposed water storage and treatment facilities and the regional park.

#### 5.3.2.1.1 Site Requirements for Assisted Care Housing

If the local government identifies specific characteristics that are necessary to meet the identified need, OAR 660-024-0060(1)(e) requires the government to consider these suitability characteristics when evaluating and determining the alternative boundary location.

- (1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:
- (e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.

This proposal involves identifying areas appropriate for Assisted Care facilities. The characteristics of suitable land for assisted living facilities are:

1. **Factor 1:** Location in appropriate residential zones. Newport defines Assisted Living Facilities as follows (Newport Code 14.01.020):

A facility licensed by or under the authority of the Department of Human Resources (DHR) per Oregon Administrative Rule 411-56-000, which provides or coordinates a range of services for elderly and disabled persons in a home like environment. An assisted living facility is required to provide each resident with a separate living unit with a lockable door to guarantee their privacy, dignity, and independence.

Newport allows assisted living facilities as conditional uses in the R-2 (Medium Density Single-Family Residential) zone, and as outright permitted uses in the R-3 (Medium Density Multi-Family Residential) and R-4 (High Density Multi-Family Residential) zones. The existing Oceanview facility is in the R-4 zone.

2. Factor 2: Proximity to other Assisted Living Facilities. The proposed Oceanview Memory Care facility is intended to support a "continuum of care" for current and future residents of Oceanview. The Oceanview facility currently provides independent living in owner-occupied condominiums (71st Street Oceanview Cottage Condominiums). Residents of the condominiums have priority over others to move into the neighboring Oceanview Retirement and Assisted Living Residence (ORALR) as defined in Section 8.3 of the condominium CC&Rs:

The Unit Owners will have priority over non-Unit Owners regarding the right to move into ORALR...

Westmont intends for a similar arrangement to exist for residents of the 71<sup>st</sup> Street Condominiums and ORALR.

The proposed Oceanview Memory Care facility will be required to meet State requirements, such as an dedicated administrator, health care personnel, and oversight by a registered nurse. Operating a relatively small memory care facility, such as the one being proposed by Westmont, requires leveraging existing staff and materials for the operations of the memory care facility. The proposed Oceanview Memory Care facility can share the following staff, amenities, and services with ORALR:

- ORALR has a full kitchen and chef, which will allow for central preparation of meals
- ORALR has a registered nurse on site, a service which can be shared with the proposed memory care facility
- ORALR has an existing maintenance director and housekeeping staff
- ORALR has an activities director, bus, and bus driver

The proximity of the proposed memory care facility to ORALR is important in the provision of services to residents—who will share staff, amenities, and services with residents of ORALR. While the proposed memory care facility will require additional staff, operations of the memory care facility can be shared with the ORALR staff described above.

The economies of scale in operating the two facilities adjacent to each other will not only make the memory care facility more financially feasible but will provide opportunities for enriching experiences for residents of the facility. Developing the facility at a different location would result in capital and operating costs that would make the proposed facility financially infeasible. Westmont Living would not be able to operate such a small memory care facility in a different location.

## 5.3.3 Boundary Location Analysis/Alternatives Analysis

Normally, a UGB expansion would require a boundary locations analysis consistent with ORS 197.298 and OAR 660-024. Because the applicant has identified specific siting requirements as allowed by ORS 197.298(3)(a), and OAR 660-024-0060(1)(e), the boundary location analysis is limited to lands that meet the identified site requirements. The analysis in the preceding section (5.3.2.1) describes the specific site needs, including a proximity requirement. Because of the proximity requirement as well as the high capital costs for developing at another location, the boundary location analysis is limited to lands that are adjacent to the existing Oceanview facility. This is consistent with the provisions of ORS 197.298(3)(a) and OAR 660-024-0060(1)(e).

## 5.3.4 Boundary Priority Analysis

The boundary priority analysis evaluates lands that are adjacent to the existing Oceanview facility. The analysis starts by looking at the zoning and ownership of surrounding properties. Map 4 shows zoning and land ownership for properties adjacent to the existing Oceanview facility. <u>Lands within the UGB</u> are in a variety of zones:

- R-4 (high density multifamily residential) to the East
- R-2 (medium density single-family residential) to the South
- Industrial (light and medium) to the East and North (including unincorporated areas within the UGB)

Lands outside the UGB are zoned:

- T-C (timber conservation) to the West
- P-F (public facility) to the north

Lands directly adjacent to the subject site outside the UGB are in two zones: (1) public facility, and (2) timber conservation. Lands outside the UGB that are zoned Public Facility are owned by the Oregon Department of Transportation (ODOT) and are in use as the Iron Mountain Quarry. ODOT has no intention of developing this site in any use other that aggregate extraction. Lands to the east of the subject site are zoned timber conservation. The nearest site is owned by the City of Newport. The closest privately held timberland is approximately 500' to the east.

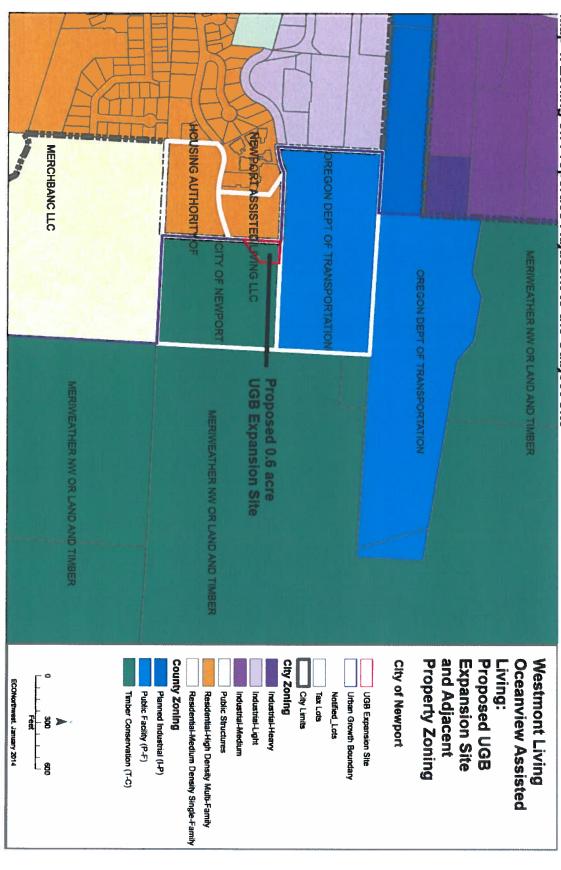
Lands directly adjacent to the subject site inside the UGB are zoned R-4 (high density multifamily residential) and are developed. Directly to the east of the subject site are the existing Oceanview facilities. To the South is a development owned and managed by the Lincoln County Housing Authority.

Map 5 shows development status for lands with the Newport UGB. The data are from the 2011 Newport Housing Study, which included a comprehensive inventory of residential lands within the UGB. Residential lands adjacent to the subject site within the UGB are developed. The inventory classified some lands within the Oceanview Cottage Condominiums as vacant, which is accurate. The Codes, Covenants and Restrictions (CC&Rs) for the condominiums specifically allow and additional six condominiums to be developed on the sites. No other uses are allowed under the CC&Rs.

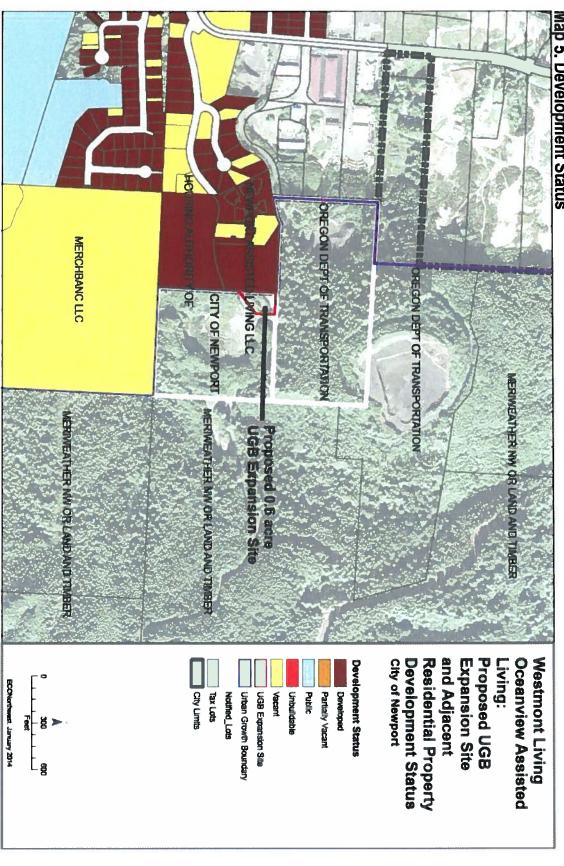
The closest vacant residential lands are approximately 500' from the subject site. Lands owned by Merchbanc LLC are zoned R-2 which do not allow Assisted Living Facilities outright. Moreover, the distance from the existing Oceanview facilities makes the site unsuitable for the proposed use. Vacant lots in the subdivision east of the subject site are zoned R-4 but are not suitable due to proximity.

Thus, the subject site is the only site that meets the required siting criteria.

Map 4. Zoning on Properties Adjacent to the Subject Site



Map 5. Development Status



## 5.3.5 Goal 14 Boundary Location Factors (factors 1-4)

Goal 14 establishes four boundary location factors that must be considered when reviewing alternative boundaries:

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

The following sections provide a preliminary evaluation of the proposed lands.

## 5.3.5.1 Goal 14 Location Factor 1: Efficient accommodation of identified land need

The proposed expansion provides the most efficient accommodation of the identified land need due to the existing public facilities (e.g., water, wastewater, and transportation), the nature of the site (e.g., no development constraints) and proximity to the existing Oceanview Assisted Living Facilities.

## 5.3.5.2 Goal 14 Location Factor 2: Orderly and economic provision of public facilities and services

The proposed expansion provides the most orderly and economic provision of public facilities and services. The City of Newport is proposing to construct a water storage facility on the city-owned parcel just east of the subject site and the existing Oceanview facilities. The site has easy access to all necessary public facilities and services.

## 5.3.5.3 Goal 14 Location Factor 3: Comparative environmental, energy, economic and social consequences

The proposed boundary amendment would have minimal environmental and energy consequences. The location of the proposed facilities on the subject site would have similar environmental and energy impacts regardless of location.

The proposed facilities will have positive economic impacts through creation of new jobs and improvements that would add to Newport's property tax base. The facility would have additional direct economic impacts through the local purchase of goods

and services related to operation of the facility. These impacts exist regardless of location.

The proposed memory care facility would have positive social impacts by meeting a need to house residents in a facility that does not presently exist in Newport. These positive impacts would exist regardless of location.

Chapter 14.28 of the Newport Comprehensive Plan (Iron Mountain Impact Area) requires evaluation of environmental, energy, economic and social impacts related to the operation of the Iron Mountain Quarry that is approximately 750 feet to the Northeast of the subject site. These requirements are addressed in section 5.4.3 below.

# 5.3.5.4 Goal 14 Location Factor 4: Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

The Assisted Care Facility does not create any inherent compatibility issues with nearby forest activities. This is due to the fact that the City of Newport and the Oregon Department of Transportation own the adjacent properties outside the UGB. Each provides more than a 300' buffer between the proposed urban uses and forest uses. No agricultural uses exist near the subject site.

The subject site is within the Iron Mountain Impact Area — which was established to manage potential land use conflicts between urban uses and the Iron Mountain quarry. The applicable criteria for the Iron Mountain Impact Area are addressed in Section 5.4.3.

#### 5.4 CITY OF NEWPORT CRITERIA

This section reviews the proposed UGB expansion against relevant City criteria. That includes criteria for major plan text or map amendments as described in Policy 4.5 of the Newport Comprehensive Plan:

- 5.) Findings shall address the following:
  - a.) Land Need: Establishment and change of urban growth boundaries shall be based on the following:
    - 1.) Demonstrated need to accommodate long range urban population, consistent with a 20year population forecast coordinated with affected local governments; and
    - 2.) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks and open space, or any combination of the need categories in this subsection;
  - b.) Boundary Location: The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- 1.) Efficient accommodation of identified land needs;
- 2.) Orderly and economic provision of public facilities and services;
- 3.) Comparative environmental, energy, economic, and social consequences; and
- 4.) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.
- c.) Compliance with applicable statewide planning goals unless an exception is taken.

## 5.4.1 Criteria 4.5.a: Land Need: Establishment and change of urban growth boundaries shall be based on the following:

- 1. Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
- 2. Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks and open space, or any combination of the need categories in this subsection;

**Finding: Satisfied.** The analysis of Goal 14 need factors 1 and 2 in Section 5.3.1 of these findings clearly demonstrate the need for the facilities based on population trends and public facility demands created by current and future population.

- 5.4.2 Criteria 4.5.b: Boundary Location: The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:
  - 1. Efficient accommodation of identified land needs:
  - 2. Orderly and economic provision of public facilities and services;
  - 3. Comparative environmental, energy, economic, and social consequences; and
  - 4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

**Finding: Satisfied.** The findings in section 5.3.2 through 5.3.5 of this document conclude the proposed expansion is the most appropriate when evaluated against the four Goal 14 location criteria.

Page 30

### 5.4.3 Iron Mountain Impact Area

The existing Westmont facilities fall within the Iron Mountain Impact Area. This area is subject to additional development review as described in Chapter 14.28 of the Newport Zoning Code. The proposed UGB expansion would also be included in the Iron Mountain Impact Area. This section addresses the applicable provisions of Chapter 14.28 as well as the applicable Goal 5 provisions.

The purpose of the Iron Mountain Impact Area is:

...to protect the operation of the Iron Mountain Quarry from adverse impacts of nearby development and to protect development within the area from adverse impacts from quarry operations, while recognizing that some impacts on each use are unavoidable. It is also the intent of this section to implement the Comprehensive Plan as it relates to the Iron Mountain Rock Quarry.

The provisions are applied to all properties within the Newport City Limits that are within the overlay. While the subject site of the UGB expansion is not yet in the Newport City Limits, it is the applicant's intent to annex the property upon conclusion of the UGB expansion process. The Iron Mountain Impact Area overlay would be applied upon annexation. Thus, the overlay is applicable to this action.

Section 14.28.060 of the Newport Zoning Code identifies allowed uses in the R-4 zone (High Density Multifamily Residential) in the Iron Mountain Overlay district; Section 14.28.070 identifies prohibited uses in the R-4 zone in the Iron Mountain Overlay district. The code is not explicit on whether Assisted Living Facilities are allowed in the District. In a 1995 action, the Newport Planning Commission made an interpretation that Assisted Living Facilities are allowed uses in R-4 zones that are subject to the Iron Mountain Overlay (Newport Planning Commission file 3-INT-95). In short, the proposed use is an outright allowable use on the subject site.

The Newport Zoning Code includes additional requirements for approval of development within the Iron Mountain Overlay (14.28.140). The applicant is not required to address these criteria at this time. The requirements will need to be addressed at the time the applicant files for approval of any development on the site.

## 5.4.3.1 Section 14.28.130 Change of Zone or Use in the Iron Mountain **Impact Area**

Section 14.28.130 states:

In order to approve any change of zone or use in the Iron Mountain Impact Area, the City shall amend the Comprehensive Plan to incorporate a revised analysis of economic, social, environmental and energy consequences of the Iron Mountain Quarry.

The applicant proposes a comprehensive map amendment to amend the urban growth boundary (UGB) to include the subject site and designate it High Density Residential. Upon annexation, the site would be zoned R-4. This constitutes a proposed zone change that requires section 14.28.130 be addressed.

The Newport Comprehensive Plan includes a detailed analysis of economic, social, environmental and energy (ESEE) of the Iron Mountain Quarry (Newport Comprehensive Plan Chapter 3, Appendix A, pages 88-129). The analysis concludes:

The consequences of conflicts between the quarry and nearby uses are primarily economic and social. Surrounding land uses do not threaten the rock resource itself. Complaints about quarry activities can severely constrain or prohibit ODOT's use of the resource. The inability to use the resource for highway maintenance and construction projects increases the cost of these projects. Transportation is the key component in the price of aggregate. Forced reliance on sites more distant from Newport will dramatically increase the cost of construction on the central coast.

As a part of this analysis and to meet the requirements of Goal 5 and OAR 660-016, the City adopted the Iron Mountain Impact Area (IMIA) overlay. The IMIA Overlay includes detailed requirements that development must address to minimize potential use conflicts. The proposed plan map amendment and uses do not create any additional use conflicts beyond those already described in great detail in the Newport Comprehensive Plan. Moreover, the requirements of Section 14.28.140 of the Newport Zoning code require the developer to accept that potential use conflicts exist and limit potential recourse against ODOT related to the Iron Mountain Quarry.

Thus, no additional ESEE consequences exist and no additional analysis is required.

## 6 GOAL COMPLIANCE:

This section addresses compliance with applicable Statewide Planning Goals.

## 6.1.1 Goal 1 Citizen Involvement

Goal 1 calls for the opportunity for citizens to be involved in all phases of the planning process. The Applicant held hearings with the Newport Planning Commission, provided notification to affected property owners, and held public hearings to take public testimony.

In conclusion, the City's public and agency review process complies with Goal 1.

## 6.1.2 Goal 2 Land Use Planning

Goal 2 (Land Use Planning) outlines the basic procedures of Oregon's statewide planning program, stating that land use decisions must be made in accordance with comprehensive plans and that effective implementation ordinances must be adopted. In the process of developing the UGB proposal and findings, the City complied with Goal 2.

All pertinent documentation has been made available to all interested parties. Goal 2 has been properly addressed.

## 6.1.3 Goals 3 Agricultural Lands and 4 Forest Lands

As stated in 660-024-0020(b), Goals 3 and 4 are not applicable when establishing or amending an urban growth boundary. No further analysis is required.

## 6.1.4 Goal 5 Open Spaces, Scenic and Historic Areas & Natural Resources

Goal 5 requires local governments to inventory and protect natural resources. There are significant Goal 5 resources in any of the areas included within the proposed expansion area. These are addressed through a detailed analysis in the Newport Comprehensive Plan that established the Iron Mountain Impact Area (IMIA) to minimize use conflicts between the Iron Mountain Quarry and nearby urban uses. As a result of a detailed ESEE analysis, the City adopted Section 14.28 of the Newport Zoning Code that identifies detailed requirements related to urban uses within the IMIA.

Thus, Goal 5 has been properly addressed.

## 6.1.5 Goal 6 Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. By complying with applicable air, water and land resource quality policies in the Newport Comprehensive Plan, Goal 6 will be properly addressed.

## 6.1.6 Goal 7 Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions apply appropriate safeguards when planning development in areas that are subject to natural hazards such as flood hazards. The subject site does not fall within any identified natural hazard areas.

Thus, Goal 7 has been properly addressed.

#### 6.1.7 Goal 8 Recreation Needs

The proposal does not include recreation lands or facilities.

## 6.1.8 Goal 9 Economy of the State

The proposal does not involve employment lands, therefore Goal 9 is not applicable.

## 6.1.9 Goal 10 Housing

The proposal meets an identified need for memory care facilities in Southern Lincoln County. While memory care facilities are not a needed housing type as defined in ORS

197.304, they meet an urgent and necessary need for current and future Newport residents. Goal 10 and the applicable rules (OAR 660-008) do not specifically require analysis for memory care facilities. This application, however, provides analysis that justifies the need and proposed action.

Thus, Goal 10 has been properly addressed.

#### 6.1.10 Goal 11 Public Facilities and Services

The City adopted a Water System Master Plan in 2008. That plan meets the requirements of Goal 11 and 660-011. Adequate public facilities exist to service the proposed Assisted Care facilities.

For the above reasons, the City finds that Goal 11 has been addressed for purposes of this customized periodic review and that, therefore, the proposed amendments are in compliance with Statewide Planning Goal 11.

## 6.1.11 Goal 12 Transportation

Goal 12 encourages the provision of a safe, convenient and economic transportation system. This goal also implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities and services in coordination with urban and rural development (OAR 660-012-0060(1). For purposes of the proposed amendments, the Transportation Planning Rule (TPR) requires additional analysis if the proposed amendments would significantly affect an existing or planned transportation facility, as defined in OAR 660-001-0060(1).

The first step is to determine whether the proposed zone change would "significantly affect" an existing or planned transportation facility. If the answer is yes, then the TPR applies and further consideration or possible mitigation is required. If the answer is no, then no further consideration is required. This initial TPR evaluation can be accomplished through a comparison of the potential number of trips which could be generated from allowed uses under the current designations and zoning against trips which could be generated by allowed uses under the proposed designations and zoning. Even if increased trip generation could result, this may not result in significant affects to City transportation facilities. See, *Griffith v. City of Corvallis*, 50 Or LUBA 588, 596-97 (2005).

ECO conducted a trip generation analysis based on data from the Institute of Transportation Engineers (ITE) *Trip Generation Report* (8th Edition). The ITE gathers data on trip generation for various land uses. The proposed facility is ITE code 254 (assisted living facilities). The unit of analysis is beds. According to the ITE, assisted living facilities generate 2.66 trips per bed. The PM Peak Period Rate is 0.22 with 44% of the PM Peak trips "in" (e.g., to the facility), and 56% "out" (e.g., leaving the facility).

Table 4 shows the results of the trip generation analysis. Based on the ITE factors and the proposed 48-bed facility, total daily trip generation would be 128, with 11 PM Peak trips. Because Oceanview has existing facilities on the site, the actual impacts may be somewhat less. In either case, the facility will generate a small number of trips.

Table 4. Estimated Trip Generation, Proposed Oceanview Memory Care Facility

Input Variable	Data
Description / ITE Code	Assisted Living Facility
Units	Beds
Rate Weekday Daily Traffic	2.66
PM Peak Period Rate	0.22
% PM In	0.44
% PM Out	0.56
Expected Units (independent variable)	48
Results	
Calculated Daily Trips	128
PM Peak Trips - Total	11
PM In	5
PM Out	6

Source: Calculations by ECONorthwest based on ITE Trip Generation Tables

According to traffic data gathered by the Oregon Department of Transportation, average daily traffic (ADT) on Highway 101 at the North city limits of Newport (0.02 mile north of N.E. 73<sup>rd</sup> Street or milepost 136.53) was 8,800 in 2012. The data show average daily traffic volumes increase to 13,900 at 0.3 miles north of 58<sup>th</sup> Avenue (milepost 137.29). Based on the data at the North city limits (8,800 ADT), the proposed facility would increase traffic by less than 1.5%.

Newport City Code Chapter 14.45 outlines land use actions that may require a traffic impact analysis (TIA). Section 14.45.010 defines the circumstances when a TIA may be required. Following are the specific instances with city code requires a TIA, and an analysis of the proposed plan map amendment with respect to each circumstance.

A. To determine whether a significant affect on the transportation system would result from a proposed amendment to the Newport Comprehensive Plan or to a land use regulation as specified in OAR 660-012-0060.

**Findings**: OAR 660-012-0060 identifies the following criteria for determining significant impact:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or

- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
  - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
  - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The proposed action does not propose to change any functional classifications, thus OAR 660-012-0060(a) and (b) are not applicable. With respect to OAR 660-012-0060(c) and its subsections, the trip generation analysis in Table 4 above demonstrate that none of the impacts listed would occur.

B. ODOT requires a TIA in conjunction with a requested approach road permit, as specified in OAR 734-051-3030(4)

Finding: The proposed action does not include an approach road permit.

C. The proposal may generate 100 PM peak-hour trips or more onto city streets or county roads.

**Finding:** The analysis in Table 4 shows that the proposed development would generate an estimated 11 PM peak-hour trips. This is well below the 100 PM peak-hour trip threshold.

D. The proposal may increase use of any adjacent street by 10 vehicles or more per day that exceeds the 26,000 pound gross vehicle weight.

**Finding:** The proposed development will require more supplies (primarily of food) to residents. Because the facility is co-located with existing Oceanview facilities, it will not create demand for additional large vehicle deliveries. In short, existing deliveries can provide sufficient supplies for up to 48 more persons on the site.

E. The proposal includes a request to use Trip Reserve Fund trips to meet the requirements of Chapter 14.43, South Beach Transportation Overlay Zone.

**Finding**: The proposed facility is not located in the South Beach Transportation Overlay Zone.

Based on this analysis, no Traffic Impact Analysis is required and Goal 12 has been adequately addressed.

# 6.1.12 Goal 13 Energy

Goal 13 requires land and uses developed on the land to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Energy consequences of the proposed urban growth area amendment have been considered in the Goal 14 alternatives analysis ESEE process. Therefore, Goal 13 has been adequately addressed.

# 6.1.13 Goal 14 Urbanization

Goal 14 has been complied with as demonstrated in Sections 2 through 6 of this report.

# 6.1.14 Goal 15 through 19

Goals 15 through 19 are related to the Willamette Greenway and coastal resources. As such, these goals do not apply to the subject site and no further analysis is required.

# EXHIBIT A-Legal Description Page 1 of 1

## Tax Lot 1003 (T10S, R11W, Sec 20)

Pariani Land Surveying-JRP October 30, 2013

#### PARCEL -

A parcel of land lying in Section 20, Township 10 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon; and being a portion of that property described in that Warranty Deed to Newport Assisted Living, LLC, an Oregon limited liability company, recorded August 27, 1996 as Book 324, Page 105 of Lincoln County Official Records and depicted on Partition Plat 1996-28, Parcel 2 as filed in the Lincoln County Surveyor's Office;

## Also including the following:

Beginning at the Center ½ corner of Section 20, Township 10 South, Range 11 West, Willamette Meridian, thence South 89°50′16″ East, 611.44 feet; thence North 00°24′09″ East 428.92 feet to the southeast corner of Parcel 2 of Partition Plat 1996-28; thence continuing North 00°24′09″ East, along the easterly line of said Parcel 2, 330.62 feet to the northeast corner of said Parcel 2, said point also being the northwest corner of the property described in Book 266, Page 266 of the Lincoln County Official Records and the true point of beginning; thence North 89°58′05″ East, along the north line of that property described in said Book 266, Page 266, 143.51 feet; thence leaving said northerly line, South 00°09′05″ East, 122.49 feet; thence South 49°45′30″ West, 190.69 feet to a point on the easterly line of said Parcel 2, said point also being on the west line of that property described in said Book 266, Page 266; thence North 00°24′09″ East, along the easterly line of said Parcel 2, 245.60 feet to the point of beginning.

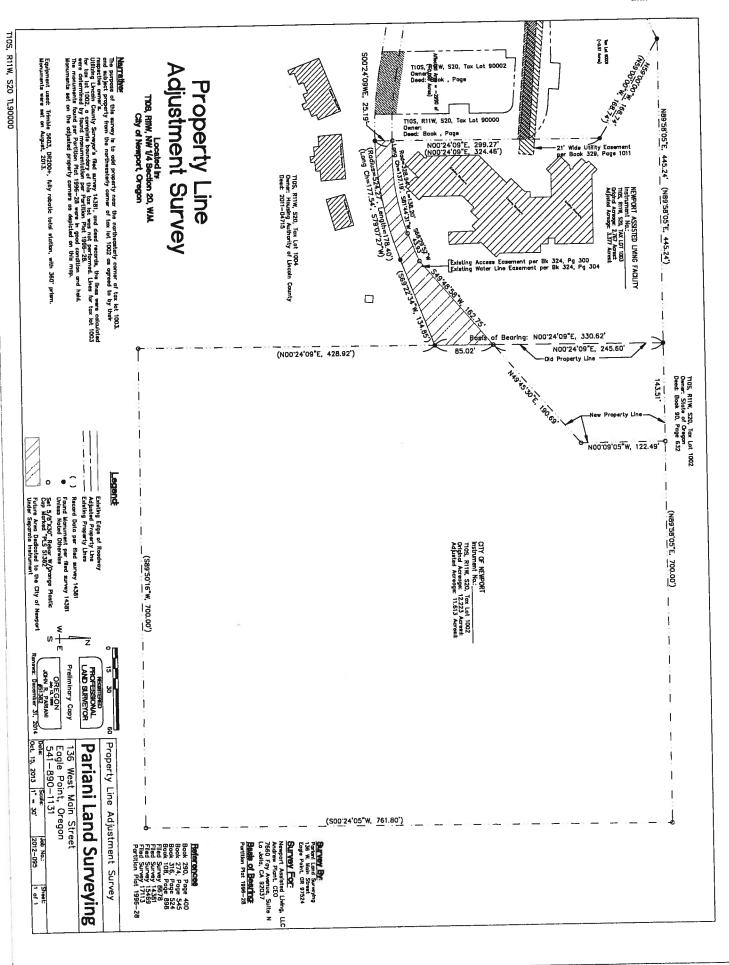
Excepting the following:

Beginning at the Center ¼ corner of Section 20, Township 10 South, Range 11 West, Willamette Meridian, thence North 42°11′22″ East, 467.37 feet to the true point of beginning; thence along the curve of a 524.27 foot arc, concave to the north, (the long chord of which bears North 79°07′27″ East, 177.54 feet) 178.40 feet, thence North 69°22′34″ East, to a point on the easterly line of said Parcel 2, 134.85 feet; thence North 00°24′09″ East, along said easterly line of Parcel 2, 85.02 feet; thence leaving said easterly line South 49°48′58″ West, 162.75 feet; thence South 68°29′52″ West, 43.93 feet; thence along the arc of a 328.94 foot radius curve to the right, (the long chord of which bears South 81°44′31″ West, 137.19 feet) 138.20 feet to a point on the westerly line of said Parcel 2; thence South 00°24′09″ West, along said westerly line 25.19 feet to the point of beginning.

REGISTERED PROFESSIONAL LAND SURVEYOR

Corner

JOHN E. PARIAM #51382 Penews: December 31, 2014



Subject: Re: Concurrence on Minor UGB Amendment From: Onno Husing <ohusing@co.lincoln.or.us>

Date: 4/4/2014 2:45 PM

To: Derrick Tokos < D.Tokos@newportoregon.gov>

CC: Bob Parker <parker@econw.com>, Joshua Shaklee <jshaklee@co.lincoln.or.us>

Thank you Derrick, here at the Lincoln County Planning Department, we concur that this is a Minor UGB Amendment

Thank you.

Onno Husing DIRECTOR, LINCOLN COUNTY PLANNING AND DEVELOPMENT DEPARTMENT

From: Derrick Tokos

Sent: Thursday, April 03, 2014 4:40 PM

To: Onno Husing Cc: 'Bob Parker'

Subject: Concurrence on Minor UGB Amendment

Importance: High

†

Hi Onno,

I need concurrence ASAP that the Newport Assisted Livings UGB expansion proposal qualifies as a minor amendment.† An email response is fine. ††The first hearing is scheduled for April 7th (Monday) at 7:00 pm here at City Hall.

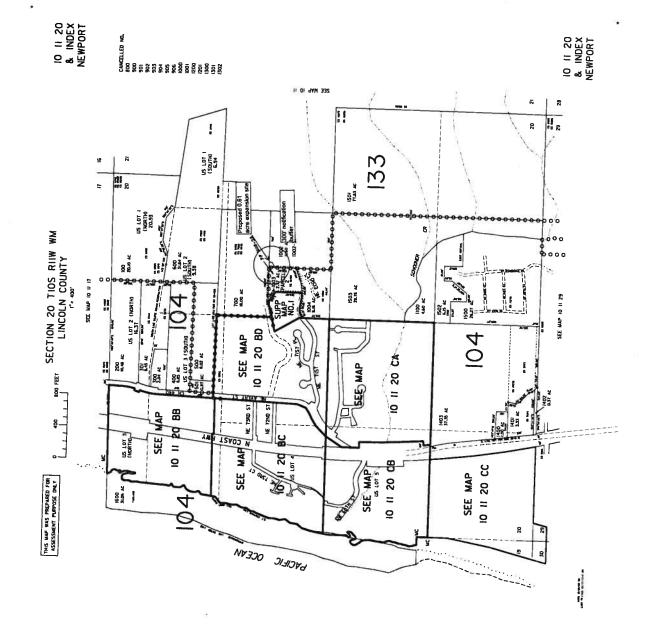
Please call if you have any questions.

†

Derrick I. Tokos, AICP Community Development Director City of Newport 169 SW Coast Highway Newport, OR 97365 ph: 541.574.0626

fax: 541.574.0644

d.tokos@newportoregon.gov



File 1-UGB-2014
Newport Assisted Living LLC
Affected Properties within 300'

MapLot	R267076	Legal Description	Owner 1	Owner 2	Address	City, St, Zip
		TWNSHP 10, RNG 11, ACRES 11.60, MINERAL RIGHTS SEPARATED,	CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY 97365	NEWPORT, OR
10-11-20-00-01002-00	R267076	MF266-0266				
		TWNSHP 10, RNG 11, ACRES 5.16,				NEWPORT OR
		MF274-0545, EXEMPTION UNDER	HOUSING AUTHORITY		PO BOX 1470	97365
10-11-20-00-01004-00	R505110	ORS 456.225, DOC201104715	OF LINCOLN COUNTY			
	200	PART. PLAT 1996-28, PARCEL 2,	NEWPORT ASSISTED		7660 FAY AVE,	1 A 1011 A CA 92037
10-11-20-00-01003-00	K458360	ACRES 2.77, MF398-1581	LIVING LLC		SUITEN	יבטזר, כא, יבטזרי
				TECHNICAL		
	10477	TWNSHP 10, RNG 11, ACRES 18.00, OREGON	OREGON	LEADERSHIP CTR		
	K465125	DV90-0632	DEPARTMENT OF	RIGHT OF WAY	4040 FAIRVIEW IND	
10-11-20-00-00700-00			TRANSPORTATION	SECTION MS#2	DR SE	SALEM, OR, 97302

The City of Newport Planning Commission will hold a public hearing on Monday, April 14, 2014, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on File No. 1-UGB-14 / 1-CP-14 as submitted by Newport Assisted Living, LLC (Andrew Plant, Managing Member) (Bob Parker and Beth Goodman of ECONorthwest, authorized representatives) for a minor amendment to the Newport Urban Growth Boundary to include an approximately 0.61-acre site in order to construct an addition to the Oceanview Senior Living facility. The proposal would also include an amendment to the Newport Comprehensive Plan map designating the subject site High Density Multi-family Residential. Provisions of the "Urbanization" element of the Newport Comprehensive Plan require findings regarding the following for the proposed UGB amendment: A.) Land Need: Establishment and change of urban growth boundaries shall be based on the following: 1.) Demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and 2.) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets, and roads, schools, parks and open space, or any combination of the need categories in this subsection. B.) Boundary Location: The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors: 1) Efficient accommodation of identified land needs; 2) Orderly and economic provision of public facilities and services; 3.) Comparative environmental, energy, economic, and social consequences; and 4.) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. C.) Compliance with applicable Statewide Planning Goals, unless an exception is taken to a particular goal requirement. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be inspected at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626, email address d.tokos@newportoregon.gov (mailing address above).

(For publication once on Friday, April 4, 2014)

#### **I Coast Lakes**

all water bodies have ked multiple times n with rainbow trout ing has really picked ly as water temperae warmed and a lot ve been stocked. This in offer anglers of all e levels some great opportunities. Prime occurs March, April in Mid Coast water e sure to check out the king schedule on the eb page for the most

information.
hatchery winter steellts have been released
a and Big Creek Rescently. These are conut" once in a lake or so only one trout over is allowed per day.

#### River: steelhead

is slow with the upper ig the most productive ne as the river continop and clear through Wild fish tend to most of the catch this

#### River: steelhead

inter steelhead fishery fair with some hatch till around and the poan early returing sum-head. This time of year rative steelhead tend to revalent in the fishery ire nearing or are al-iwning. Good bank acm Moonshine Park up

#### Siuslaw River: steel

The winter steelhead fishery has slowed down but there are still some hatchery steelhead that can be caught around the Whittaker Creek area. The Whittaker Creek vicinity remains open to steelhead April 1 - 15. All other areas are closed until the trout opener on May 24.

#### Yaquina River: steelhead

The Yaquina and Big Elk are closed to angling April 1 - May 23 and will re-open with the trout season on May 24. Tide water remains open year round for marine species.

#### Surf Fishing Report

Bill sent in an update on surf fishing on the north coast last week. He said fishing was very slow and caught only six de-cent Redtail Surf Perch and one Starry Flounder fishing North of the Mouth of the Necanicum River. He caught an "unbeliev-able number of Sculpin and many Dungenous Crabs (all undersize)." Most of the redtail that he kept ran about 10 inches and healthy. The starry flounder was nice at 14.5 inches, but he released it to breed again.

On side note, he saw several large sharks swimming in the suds, working the edge of the outgoing freshwater, but they never showed an interest in his

#### Herring

The herring left Yaquina Bay last week after an epic spawning.

Biologists report it was the largest spawning event in the last 15

#### **Bottom Fishing**

Fishing is good for bottom fish when the weather allows. Many anglers report limits of lingcod Rockfish seem to be back on the bite too.

The ocean outside of the 30-fathom curve (defined by coordinates) is closed to bottom fishing from April 1 to Sept. 30.

The cabezon season is closed until July 1.

The marine fish daily bag limit is seven fish. There are separate daily limits for lingcod (two) and flatfish other than Pacific halibut

Remember: yelloweye rock-fish and canary rockfish may not

be retained.
The Stonewall Bank Yelloweye Rockfish Conservation Area, approximately 15 miles west of Newport, is closed to the take of rockfish, lingcod, flatfish and other species in the groundfish

#### Spearfishing

This is prime time for spearfishing along rocky jetties and rocky outcrops in bays. On good ocean days a boat trip to rocky ocean reefs will provide excellent hunting. Visibility is good during this time of year, except in bays following heavy

#### Ocean Salmon

The early recreational ocean salmon from Cape Falcon to Humbug Mountain opened March 15 and runs through April 30 for all salmon except coho.
All other regulations including length limits, bag limits, gear restrictions and area restrictions from the 2013 ocean salmon regulations are in effect.

The early 2014 ocean salmon seasons (prior to May 1) were set under the 2013 season setting process. Other salmon seasons for the year are still under development.

#### Razor clams

The entire Oregon coast is

open for razor clamming.

The next minus tide series began March 25 mid-afternoon. You will need a lantern as the low tides get later in the evening, but midwinter clamming can be productive. For hest results. clammers should pay close attention to surf forecasts and be on the beach one to two hours before low tide. If the forecast calls for combined seas over 8 or 10 feet, razor clam harvest-ing can be difficult because the clams tend to show much less in those conditions. When referencing tide tables, Clatsop beach razor clam harvesters should use the tide gauge at the Columbia River entrance.

#### Recreational shellfish safety status as of April

1:

Mussel harvesting is closed from Cape Arago in Coos County south to the California border.

All other recreational shellfish harvesting is open from the Co-lumbia River to the California border.

Crabs

Bay crabbing is very slow this time of year. The best months for bay crabbing in Oregon are August through November, al-though success usually declines after significant rainfall as estuary salinity drops. Look for bay crabbing to pick up again in

#### Marine Wildlife Viewing

The network of whale watchers along the coast reported more than 700 whale sightings for the first three days of "Whale Watch Week" going on right now. Of course, many of the sightings are multiple views of the same are multiple views of the same whale. A ranger at the Depoe Bay Whale watch Center reports some spectacular behavior, including breaches by some whales and many mothers with calves. The whales move more slowly and closer to the beach white the strong missience behavior the strong missience behavior the strong missience. during the spring migration be-cause there are calves in the pod. About 18,000 gray whales will

pass by the Oregon coast.

A gray whale's blow is up to 15 feet high, and each blow is visible for about five seconds. When warm, moist air exhaled from the animals' lungs meets the cool air at the ocean surface, it creates the bushy column called a blow, or spout. Antici-pate that the whale will dive for three to six minutes, then surface for three to five blows in row, 30 to 50 seconds apart, before div-ing deep for three to six minutes again.

To watch the migration, it is best to pick a calm day and find a view point that is high enough to spot the spouts. Learning good

binocular technique will help spot the whales. Gaze out onto spot the whates. Oaze out onto the ocean, focusing on medium distances until you see a puff of white. Then raise your binoculars while continuing to look at the place you saw the puff. This schrijtust takes commencial. the place you saw the purr. This technique takes some practice, but generally works better than swinging the binoculars around looking for something. Just keep your eyes focused on the whale and raise the binoculars to your eyes, looking through them, not into them.

into them.

Gray whales are the most coastal of the baleen whales and are often found within a few miles of shore as they mi-grate from Alaska to Baja. Gray whales have baleen instead of teeth. To feed, they fill their vast mouths with mud from the sea bottom and strain it through their baleen to capture amphipods and other small animals. This is the only type of whale to feed in this

#### Killer whales

Seeing killer whales off the Oregon coast is a rare treat, but whale watchers can usually count on a pod of orca's patrolling the coast in mid April. Orcas shadow gray whales as they return from breeding in Mexico. They mostly target the gray whale calves. Orcas are most often seen in the ocean off Depoe Bay and New-port, but can be spotted coast wide. The first thing you are likely to see when sighting killer whales is their dorsal fin. Male orcas have a dorsal fin that can be six feet in height, juveniles and females have shorter fins. These large fins can be seen from

# BLIC NOTICES

DLIB NESDAY ITTON: n Thursd RIDAY SHOUTH arn Thunsdow

DF SHEETHEFTS: 1814-02877
5, 2014, at the 200 a.m., at the ounty Sheriff's 1800 a.m., at 1800 a.

OF SHERIFFS E #14-0228
15, 2014, at the 0:00 a.m., at the 0:00 a.m., at the 0:00 s.m. benti's 5 W Olive St., Rm ie City of New-rest will be sold.
) iedemption, in property comrest will be solve, in property com-bwn as 890 SE 109, Newport, The court case 130988, Christa a division of n Savings Function 1588 as trustee andy Mortgage still vs. Gregory individually and tructive trustee state of Roservinstee Unknown Heist arte of Horisac Inknown Heirs Anderson; The Newport Con-Unit Owners I, Inc., Other Parties, Includ-ants, unknown ny right, title, est in the prop-ed in the com-in defendants. to the highest bidder for cash or cashier's check, in hand. For more details go to http://www.oregonaher-

iffa.com/salea-incotn.nom.
M-14, 21, 28, A-4 (81-04)

NOTICE OF SHERIFFFS

ASLES 4-0227

On ASLES 4-0277

ON

iffa.com/salea-incoln.htm.
M-14, 21, 28, A4 (63-04)
NOTICE OF SHERIFFS
SALE #14-0222
On April 15, 2014, at the hour of 10-00 a.m, at the luncoln County Sheriffs
Office, 225 W Olive St., Rm 203, in the City of house of 10-00 and the luncoln County Sheriffs
Office, 225 W Olive St., Rm 203, in the City of house of the luncoln County Sheriffs of the luncoln County Sheriffs of the luncoln County of

NOTICE OF BUDGET
COMMITTEE MEETING
A public meeting of the
Southwest Lincoin County
Water District, Lincoin
County, State of Oregon,
on the budget for the fiscal
year July 1, 2014 to June
30, 2015 will be hald at
7740 Highwey 101 N; The

meeting will take place on the control of the contr

IN THE CIRCUIT COURT
OF THE STATE OF
FOR THE COUNTY OF
INCOLN
THE ESTATE OF NORMAN BRUCE FERRIS,
DECEASED,
NO. 14-0400
INTERESTED PERSONS
NOTICE IS hereby given
pursuant to ORS 113,155
that the undersigned has
been appointed and has
been appointed and has
evaluated as the persons
custate All persons having
claims against the estate
are hareby required to
present the same, with
proper vouchers, with
proper the county of the
date of first publication
of this notice, as stated
below, to the personal
representative at: William
claim of the indica, as stated
below, to the personal
representative at: William
Law, 515 W Olive Street,
Newport, OR 97365, (541)
265-2217 or they may be
barred, All persons writces
rights may enforce the personal
representative or
the attorney for the personal representative or
the statorney for the perfriesport, Atmery to the
Personal Representative
M-21, 28, A-4 (78-44)

PURSUANT TO CRS
CHAPTER 87
Notice is hereby given that
the following vehicle will be
sold, for cash to the high-est bidder, on 4/15/2014.
The sale will be held at
10;00am by DNJ TOW-

ING. 2008 STURDEVANT RD TOLEDO OR. 2001 FORD FOCUS 4DR VIN = 1FAFP33-P11W320013. Amount due owner(s) JOSE RICARDO DAZ NOVOA. M-28, A-4 (87-04)

NOTICE
NOTICE
NOTICE
NOTICE
SI HEREBY
GIVEN that Christer Mossberg has been apportraic
that the County Christer Mossberg has been apportraic
that the Estate of Swarts Edvin
Mossberg, decreased, Lincoln County Circuit Court
Case No. 140922. All persons having claims against
the estate of publication of the
notics to the Personal
Representative at 7777
High St. 6700 Engages
The County County
County County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County
County thisse proceedings may obtain additional informa-tion from the records of the above-entitled court or from the Personal Rep-resentative or from the Personal Representative's Liveas Cobb. Add Eby and Liveas Rep-resentative. A-4, 11, 18 re2-19.

TRUSTEE'S NOTICE OF

Reference is made to that certain short form trust deed line of credit (the Text of the Control of the Control

ciosare la made la Grestcria faltura to pey when
due the following suma:
monthly peyments in Ital
when due under the Note
begression peyments in the
discontrol of the Note
begression of the Note
declared at sums owner
on the obligation socurate
distribution and peyment
of the Note
declared and peymble
which sums are an tolower.
(a) the principal amount of
\$107,641.20 as of November
on the principal amount of
\$107,641.20 as of November
on the principal amount of
\$107,641.20 as of November
on the principal amount of
\$107,641.20 as of November
on the principal amount of
\$107,641.20 as of November
on the principal amount
of \$174.00 as of November
ber 8, 2013, plus any late
charges an only the peyment
of the peyment
ber 8, 2013, plus any late
charges an only the peyment
of the peyment
ber 8, 2013, plus any late
charges an only the peyment
ber 8, 2013, plus any late
charges an only the peyment
ber 8, 2013, plus any late
charges and the peyment
ber 8, 2013, plus any late
charges and the selfse

expenses of sale. NOTICE IS FURTHER GIVEN that any person named in ORS 86.753 has the right, at any time prior to five days the prior to five sale, to have this foreclosure proceeding damissed and the That Deed reinstated by payment to Sentitive of the prior to the sale, to have the foother than such portion of the priorities of the

18. 25 (94-25)
NOTICE OF SHERIFF'S
SALE #14-0223
On May 6, 2014, at the hour of 1000 a.m. at the hour of 1000 a.m. at the hour of 1000 a.m. at the Lincoln County Sheriff's May 1000 a.m. at the Lincoln County Sheriff's May 203, in the City of Newport, Oragon, the defendant's interest will be sold, subject to melempton, in the real property on, in the real property on, or 1979.5. The count case number is 131517, Webs Farge Bank, National Association, as trustee for Siructured Association, as trustee for Siructured Association as trusteen as the siructure of the Siructured Association as trusteen as the siructure of the siructu

Series 2007-BC1, plaintiff vs. Eberhard Fritz Van Der Vlugt, Johanne Hauste Agettus Van Der Vlugt, and Persons or Parties and Persons or Parties of the Comparish Compar oregonsheri lincoln.htm. 25 (95-25)

REQUEST FOR PROPOSALS PATENT OF THE PROPOSALS PATENT O

(98-04)
NOTICE OF SMERIFF'S
SALE #14-0331
On May 8, 2014, at the
hour of 10.00 am, at the
hour of 10.00 am, at the
Lincoln 25 Juny Sheriff's
Film 203, in the City of
Newport, Oregon, the
defendant's interest with be
sold, subject to redemption, in the real property
commonly known as: 720
SW 6th Sheet Unit G302,
Newport, OH 97355. The
132308. JPMOrgan Chass
Bank, National Associa-

O'Nest: Martene A. O'Nest: Association of Unit Own-ers of Plays Del Mer Con-dominiums; Occupants of the Property, defendents. This is a public excitor to the highest bidder for cash or cisheller ocheck, in both of Permon delails go-ffic convasies-lincoin.htm. A-4, 11, 18, 25 (97-25)

NOTICE OF A PUBLIC

The City of Newton't Planning Commission will hold a public hearing on Monday, April 14, 2014, at 7:00 p.m. in the City Half Council Chambers to review and make a seconteredation-cit on File No. 1-UGB-16, 1-10, onatmate reset to incoormodate long-range urban population, consistent with a 20-year population forecast coordinated semination forecast coordinated semination of the coordinated semination of the coordinated semination of the coordinated semination of the need categories in this subsection. By Boundary Locations are contained in the semination of the need categories in this subsection. By Boundary Locations for the location of the need categories in this subsection. By Boundary Locations consistent of the location of the contained of the contained the provided and charges to the boundary shall be determined by evaluating atternative boundary locations consistent of the following factors: 1) Efficient accommodation of Identified land needs; 2) Cordery and senoming processing seminations of the contained and contained the contained and seminations of the contained and semination

an exception is taken to a particular goar required mem. Restimony and exist and the second of the rest and exist and the second of the rest and the second of the rest and it in the second of the s



**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on April 14, 2014, to review and make a recommendation to the Newport City Council on the following request. A public hearing before the City Council will be held at a later date.

File No.: 1-UGB-14 / 1-CP-14.

Applicant & Owner: Newport Assisted Living, LLC (Andrew Plant, Managing Member) (Bob Parker and Beth Goodman of ECONorthwest, authorized representatives).

Request: A request for a minor amendment to the Newport Urban Growth Boundary to include an approximately 0.61-acre site in order to construct an addition to the Oceanview Senior Living facility. The proposal would also include an amendment to the Newport Comprehensive Plan map designating the subject site High Density Multi-family Residential.

Applicable Criteria: Provisions of the "Urbanization" element of the Newport Comprehensive Plan require findings regarding the following for the proposed UGB amendment: A.) Land Need: Establishment and change of urban growth boundaries shall be based on the following: 1.) Demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and 2.) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets, and roads, schools, parks and open space, or any combination of the need categories in this subsection. B.) Boundary Location: The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors: 1) Efficient accommodation of identified land needs; 2) Orderly and economic provision of public facilities and services; 3.) Comparative environmental, energy, economic, and social consequences; and 4.) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. C.) Compliance with applicable Statewide Planning Goals, unless an exception is taken to a particular goal requirement.

Testimony: Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department (address under "Reports/Materials") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

Reports/Materials: Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365. Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be inspected at no cost or copies may be purchased for reasonable cost at this address.

Contact: Derrick Tokos, Community Development Director (541) 574-0626 (address above in "Reports/Materials").

<u>Time/Place of Continued Hearing</u>: Monday, April 14, 2014; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: March 3, 2014.

**PUBLISHED:** April 4, 2014.

<sup>1</sup> This notice is being sent to affected property owners within 300 feet of the subject property (according to Lincoln County tax records), affected public utilities and agencies, and affected city departments.

NEWPORT ASSISTED LIVING LLC ATTN: ANDREW PLANT 7660 FAY AVENUE STE N LA JOLLA CA 92537

ODOT
TECHNICAL LEADERSHIP CTR
R-O-W SECTION MS#2
4040 FAIRVIEW IND DR SE
SALEM OR 97302

ECONORTHWEST ATTN: BOB PARKER OR BETH GOODMAN 99 WEST 10<sup>TH</sup> AVE STE 400 EUGENE OR 97401

NO NEED TO MAIL:

**CITY OF NEWPORT** 

HOUSING AUTHORITY OF LINCOLN
COUNTY
PO BOX 1470
NEWPORT OR 97365

EMAILED: Valerie Grigg-Devis

Exhibit 'A'
Mailing labels
Affected Properties

WTE 78936(N)-6

Until a change is requested, All tax statements shall be sent To the following address: Newport Assisted Living, LLC 7660 Fay Avenue, Suite N La Jolla, CA 92037

After recording return to: City of Newport 169 SW Coast Hwy Newport, OR 97365 ATTACHMENT "E"
File No. 1-UGB-14
Conveyance documents for the
subject property

Lincoln ( 02/04/2) DOC-WD

DOC-WO Cnt=1 Pgs=6 Stn=18 \$45.00 \$11.00 \$20.00 \$10.00 \$7.00 - Total =\$93.00

0008546820140001028009008

I, Dans W. Jenkins, County Clark, do hereby certify that the within instrument was recorded in the Lincoln County Book of Records on the above data and time. WITNESS my hand and seal of said office affice.

Dana W. Jenkins, Lincoln County Clerk

# STATUTORY WARRANTY DEED (ORS 93.850(1))

CITY OF NEWPORT (Grantor) conveys and warrants to NEWPORT ASSISTED LIVING, LLC (Grantee), the following described real property, free of encumbrances except as specifically set forth herein:

Beginning at the Center ½ corner of Section 20, Township 10 South, Range 11 West, Willamette Meridian, thence South 89°50'16" East, 700.00 feet; thence North 00°24'09" East 428.92 feet to the southeast corner of Parcel 2 of Partition Plat 1996-28; thence continuing North 00°24'09" East, along the easterly line of said Parcel 2, 330.62 feet to the northeast corner of said Parcel 2, said point also being the northwest corner of the property described in said Book 266, Page 266 and the true point of beginning; thence North 89°58'05" East, along the north line of that property described in said Book 266, Page 266, 143.51 feet, thence leaving said northerly line, South 00°09'05" East, 122.49 feet, thence South 49°45'30" West, 190.69 feet to a point on the easterly line of said Parcel 2, said point also being on the westerly line of that property described in said Book 266, Page 266; thence North 00°24'09" East, along the easterly line of said Parcel 2, 245.60 to the point of beginning. (Property.)

The true consideration for this conveyance is \$2,500.00.

Property is free from encumbrances, EXCEPT the following:

Right-of-way easement, as disclosed by instrument, Dated September 12, 1979, Recorded December 17, 1979 in Book 108, Page 898, Lincoln County Records.

Property exchange agreement, including the terms and provisions thereof, as disclosed by Assignment and Assumption agreement by instrument Recorded November 3, 1988 in Book 198, Page 1322, Lincoln County Records.

PAGE 1 - STATUTORY WARRANTY DEED

Reservation of Mineral Rights, including the terms and provisions thereof, as disclosed by instrument Recorded August 9, 1993 in Book 266, Page 266, Lincoln County Records.

Reservation of an Easement for Logging, Utilities, Real Estate Development and access to lands, including the terms and provisions thereof, as disclosed by Instrument Recorded August 9, 1993 in Book 266, Page 266, Lincoln County Records.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this day of December 2013.

**GRANTOR:** 

CITY OF NEWPORT

Ted Smith

Title: Acting City Manager

STATE OF OREGON ) ss County of Lincoln )

This instrument was acknowledged before me on JANUAC 1 14 2014, 2813, by Tec Smith as Acting City Manager of CITY OF NEWPORT (Grantor).



Notary Public for Oregon

BEFORE THE COMMUNITY DEVELOPMENT DIRECTOR CITY OF NEWPORT, COUNTY OF LINCOLN, STATE OF OREGON

IN THE MATTER OF LAND USE FILE NO. 5-PLA-13	
APPLICATION FOR A PROPERTY LINE ADJUSTMENT,	
AS SUBMITTED BY CITY OF NEWPORT (JOHN ) F	INAL
PARIANI, PARIANI LAND SURVEYING, AUTHORIZED )	RDER
REPRESENTATIVE) CITY OF NEWPORT AND	
NEWPORT ASSISTED LIVING, LLC, OWNERS	

FINAL ORDER APPROVING an application for a property line adjustment that transfers approximately 0.61 acres from property identified as Tax Lot 1002 of Lincoln County Assessor's Map 10-11-20 to property identified as Tax Lot 1003 of Lincoln County Assessor's Map 10-11-20, as illustrated in Exhibit "B".

#### WHEREAS:

- The Community Development (Planning) Director has duly accepted the application filed consistent with City of Newport Property Line Adjustment standards codified as part of the Newport Municipal Code in Chapter 13.99; and
- 2.) The Community Development (Planning) Director has duly reviewed the request and has given proper and timely notice to affected property owners; and
- The Community Development (Planning) Director allowed evidence and recommendations from interested persons, Planning Department staff, other City departments, and local utilities/agencies to be submitted; and
- 4.) At the conclusion of said review, after consideration, the Newport Community Development (Planning) Director approved the request for said property line adjustment.

THEREFORE, LET IT BE RESOLVED by the City of Newport Community Development (Planning) Director that the attached Findings of Fact, Exhibit "A," support the approval of the request for a property line adjustment as requested by the applicant as shown in the attached Exhibit "B", subject to the following conditions.

Page 1. FINAL ORDER: Property Line Adjustment No. 5-PLA-13-City of Newport and Newport Assested Living, LLC.

- 1.) The owners of the property involved in the property line adjustment shall prepare a conveyance or conveyances in accordance with ORS 92.190(4), containing the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgement. The parties shall thereupon attach a copy of this final order setting forth the City's approval of the property line adjustment, and record the property line adjustment deed, order, and the survey, if any, required by ORS 92.060(7) with the Lincoln County Clerk, in the manner provided in ORS 92.190(3).
- 2.) The parties shall finalize the survey of the adjusted property line, and the same shall be monumented, and the survey shall be filed with the county surveyor, as required by ORS 92.060(7).
- 3.) The property line adjustment shall not be effective until the conveyances, final order, and survey have been recorded.

BASED UPON THE ABOVE, the Newport Community Development (Planning) Director determines that the request for a property line adjustment, as conditioned, is in conformance with Chapter 13.99 of the Newport Municipal Code.

Accepted and approved this \_\_\_\_\_\_ day of September, 2013.

Derrick I. Tokos, AICP

Community Development (Planning) Director

Attest:

Wanda Haney

**Executive Assistant** 

Acknowledgement from the Lincoln County Department of Planning and Development for Tax Lot 1002 that lies outside of the corporate limits of the City of Newport.

Onno Husing, Planning Director

For Lincoln County Dept. of Planning & Development

#### EXHIBIT "A"

#### Case File No. 5-PLA-13

#### FINDINGS OF FACT

- 1. The request is for consideration of a property line adjustment as provided for by Chapter 13.99 of the Newport Municipal Code. The proposal adjusts the common property line between properties identified as Tax Lot 1002 and Tax Lot 1003 of Lincoln County Assessor's Map 10-11-20 (as shown in Exhibit "B").
- 2. The applicant and owner of the property identified as Tax Lot 1002 is the City of Newport (John Pariani, Pariani Land Surveying, authorized representative), 169 SW Coast Highway, Newport, Oregon 97365. Newport Assisted Living, LLC, 7660 Fay Avenue Suite N, La Jolla, California 92037, owns the property currently identified as Tax Lot 1003.
- 3. The application for the property line adjustment was submitted on August 21, 2013. The application materials are found in File No. 5-PLA-13 and are incorporated by reference into these findings.
- 4. The property identified as Tax Lot 1002 lies outside of the corporate limits of the City of Newport. For ease of administration, the City and County have agreed to use the City of Newport's process to evaluate the property line adjustment application. An acknowledgment statement from the County is included on the final order to note that they consent to City action on the application.
- 5. The property identified as Tax Lot 1002 has a Lincoln County Comprehensive Plan designation of "Forest" and a zoning designation of T-C/"Timber Conservation." Tax Lot 1003 has a City of Newport Comprehensive Plan designation of "High Density Residential" and a zoning designation of R-4/"High Density Multi-Family Residential."
- 6. The property line adjustment survey, prepared by Pariani Land Surveying, indicates that Tax Lot 1002 is 12.223 acres in size and will decrease by 0.61 acres to become 11.613 acres following the adjustment. The survey shows that Tax Lot 1003 is 2.767 acres in size and will increase to 3.377 acres.
- 7. The property identified as Tax Lot 1002 is an undeveloped, decommissioned aggregate quarry site. Tax Lot 1003 is developed with an assisted living facility (Oceanview Senior Living).
- 8. This property line adjustment implements a land exchange agreement between the City of Newport, Newport Assisted Living, LLC, and Newport Cottages, LLC, dated August 6, 2013. The agreement calls for the City to transfer real property identified in this application to Newport Assisted Living, LLC in exchange for Newport Assisted Living, LLC and Newport Cottages, LLC dedicating right-of-way for NE 71st Street. The additional right-of-way facilitates the extension of NE 71st Street to the City property. Land being acquired by Newport Assisted Living, LLC provides area for future expansion of the assisted living facility provided they are successful in bringing the property into the Urban Growth Boundary and annexing the land into the City.

- 9. Property owned by the City of Newport, identified as Tax Lot 1002, does not include mineral rights. Those rights were separated by statutory warranty deed referenced in Book 266 at Page 266 of the Lincoln County Records. The mineral rights are not affected by this property line adjustment.
- 10. Notices of the proposed action were mailed on August 22, 2013 to affected property owners within 200 feet of the subject property, affected public/private utilities/agencies within Lincoln County, and affected state agencies and city departments. The notice contained the criteria by which the request for the proposed property line adjustment is to be assessed. Affected parties were given until September 5, 2013, in which to make comment on the application. No comments were received by the Community Development Department.
- 11. Section 13.99.020 of the Newport Municipal Code contains the criteria for the review of a property line adjustment. Those criteria are:
  - (a) The size, shape or configuration of two existing units (lots or parcels) of land, each of which is a legal lot or parcel, is to be modified by the relocation of a common boundary between the parcels; and
  - (b) An additional unit of land is not created; and
  - (c) If an existing unit of land is reduced in size by the adjustment, that unit of land will comply with the requirements of any applicable ordinance, and none of the units of land existing after the adjustment will be in nonconformity with any applicable zoning or other requirement of the City of Newport to a greater extent than prior to the adjustment.

### CONCLUSIONS

With regard to the three criteria for approving a property line adjustment, listed under Section 13.99.020 of the Newport Municipal Code, the Community Development (Planning) Director concludes as follows:

- 1. In regard to the first criterion (The size, shape or configuration of two existing units (lots or parcels) of land, each of which is a legal lot or parcel, is to be modified by the relocation of a common boundary between the parcels.), the Community Development (Planning) Director concludes as follows:
  - A. Oregon Revised Statute (ORS) 92.010(3) contains a definition for a legal lot or parcel. It states that "Lawfully established unit of land" means:
    - A lot or parcel created pursuant to ORS 92.010 to 92.192; or
    - Another unit of land created in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations; or
    - Another unit of land created by deed or land sales contract, if there were no applicable planning, zoning, subdivision, or partition ordinances or regulations.

- B. Property identified as Tax Lot 1002 was placed in its present configuration no later than January 1, 1962, as shown in Book 216 at Page 545 of the Lincoln County Records. Lincoln County did not have planning, zoning, subdivision, or partition ordinances in effect at that time that would have precluded this division; therefore, the property is a lawful parcel pursuant to 1.A.iii, above.
- C. Property identified as Tax Lot 1003, owned by Newport Assisted Living, LLC, was placed in its present configuration as the result of a partition plat approved by the City of Newport and recorded May 17, 1996 (Partition Plat No. 1996-28). City partition plat criteria implement provisions of ORS Chapter 92; therefore, this property is a lawful parcel pursuant to 1 A.i. above.
- 2. In regard to the second criterion (An additional unit of land is not created), the Community Development (Planning) Director concludes as follows:
  - A. Exhibit "B" shows that no additional unit of land is being created. The property line adjustment simply relocates the common property line, transferring 0.61 acres from Tax Lot 1002 to Tax Lot 1003.
- 3. In regard to the third criterion (If an existing unit of land is reduced in size by the adjustment, that unit of land will comply with the requirements of any applicable ordinance, and none of the units of land existing after the adjustment will be in nonconformity with any applicable zoning or other requirement of the City of Newport to a greater extent than prior to the adjustment), the Community Development (Planning) Director concludes as follows:
  - A. The parcel reduced in size is identified as Tax Lot 1002. It is located in Lincoln County's T-C/"Timber Conservation" zoning district where the minimum lot size requirement is 80 acres. The parcel was created prior to the T-C zoning being applied to the site and is; therefore, non-conforming. The Lincoln County Code contains provisions that allow existing lots or parcels to be reduced in size below the minimum required area provided that the adjustment does not create the potential for additional land divisions under existing zoning and (a) the lot or parcel to be reduced in size is developed with residential, commercial or industrial structural improvements; or (b) the reduction in size results from acquisition or condemnation for right of way or other public purpose (ref. LCC 1.3247(H)). Lincoln County has approved the construction of a water storage tank on this property (File No. 3-C-ADM-13), which is an industrial use of the site. As noted earlier, the property is also part of an exchange agreement that allows the City to acquire road right-of-way.
  - B. As Tax Lot 1002 is outside of the city limits, there are no city standards against which the reduced size of the parcel would be evaluated to ensure that the resulting property does not exacerbate the nature of the non-conformity. The Lincoln County Code; however, contains a comparable requirement (ref: LCC 1.3247(G)). The primary purpose of the T-C zone is to facilitate production of wood fiber and related uses. Reducing the size of the subject property by 0.61 acres, from 12.223 acres to 11.613 will have a negligible impact on the property's viability for these types of uses, particularly considering that a substantial portion of the acreage was dedicated to aggregate extraction in the past, compromising its suitability for timber production.

- C. The area being exchanged out of Tax Lot 1002 is at the far northwest corner of the site, as depicted on Exhibit "B." The approved water storage tank is located far to the south and east, so there are no building setbacks or other criteria that would cause the storage tank to be noncompliant as a result of this adjustment.
- D. The parcel identified as Tax Lot 1003 is located within an R-4"High Density Multi-Family Residential" zoning district where the minimum lot size requirement is 5,000 square feet. At 3.377 acres, the adjusted parcel satisfies this requirement. None of the existing building setbacks are affected since the land area being added to the parcel is beyond the original property lines.
- E. A final survey showing the new property configurations will need to be prepared and appropriate deeds recorded.

#### OVERALL CONCLUSION

The application complies with the criteria established for the approval of a property line adjustment and is hereby APPROVED, subject to the following conditions:

- 1.) The owners of the property involved in the property line adjustment shall prepare a conveyance or conveyances in accordance with ORS 92.190(4), containing the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgement. The parties shall thereupon attach a copy of this final order setting forth the City's approval of the property line adjustment, and record the property line adjustment deed, order, and the survey, if any, required by ORS 92.060(7) with the Lincoln County Clerk, in the manner provided in ORS 92.190(3).
- 2.) The parties shall finalize the survey of the adjusted property line, and the same shall be monumented, and the survey shall be filed with the county surveyor, as required by ORS 92.060(7).
- The property line adjustment shall not be effective until the conveyances, final order, and survey have been recorded.

105, R11W, 520 TL90000 ï prami wash Tshaha HAZI, DAZADA, Alily rabalia jalai stalipa, alih IAOT pelan. Amanin wasa sai sa Augusa, 2012. Adjustment Survey Property Line aide Calmy Revendy And prince (1981), and dead respect, the dean new principal (1982), a Marie de Marie (1982), a Marie (1982) True, Print, NW '94 Section 20, W.M.
City of Newport, Dregon this servey is to end preparity near the sarthwestesty occurs of ten tek tooks gon't from the northwestesty temper of ten tek 1002 on agrand in by tests in N95 28 (02 E 148 24) (N85 26 28 2 148 24) 706. 8119, 920. Tee Lei 1884 Desary Handry Authority of Livedo Seenly Geed 2011–04713 EMPORE AUSSIED LANGS FACILITY Language Live Services ٢ 14251 THE RIVE SER TO Let 1002 Compt State of Oragon Danie Davis 14, Fagus 632 hely the pulseled to the thy of I (Norden 1, Fill, Brieg.) (Sapraora"w, yea.ou) DIF OF SERVICE THE LOCAL PROPERTY OF SERVICE THE LOCAL PROPERTY OF SERVICE THE Tale mally properly not acresy on ofernal by DBS. 136 West Main Street Eagle Point, Oregon 541-890-1131 Property Line Adjustment Survey Pariani Land Surveying M 1 18162 2 13760 THE REAL PROPERTY. EXHIBIT "B"

WTE 78936(N)-6

Lincoln County, Oregon 02/04/2014 01:07:43 PM DOC-BSD

2014-01030 Cnt=1 Pgs=3 Stn=19

Cnt=1 Pgs=3 Str \$15.00 \$11.00 \$20.00 \$10.00 \$7.00 - Total =\$63.00

I, Dans W. Jenkins, County Clerk, do hereby certify that the within instrument was recorded in the Lincoin County Book of Records on the above date and time. WITNESS my hand and seal of said office affixed.

Dana W. Jenkins, Lincoln County Clerk

Until a change is requested, send all tax statements to: Newport Assisted Living 7660 Fay Ave Suite N La Jolla, CA 92037

After re	cord	ling return	to:
_same	as	above	
			······································

Recorded by Western Title as an accommodation only. No liability accepted for condition of title or validity, sufficiency or affect of document.

# Statutory Bargain and Sale Deed

True consideration for this conveyance is other than monetary value.

Newport Assisted Living, LLC , Grantor, conveys to Newport Assisted Living, LLC , Grantee, the following-described real property:

A parcel of land lying in Section 20, Township 10 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon; and being a portion of that property described in that Warranty Deed to Newport Assisted Living, LLC, an Oregon limited liability company, recorded August 27, 1996 as Book 324, Page 105 of Lincoln County Official Records and depicted on Partition Plat 1996-28, Parcel 2 as filed in the Lincoln County Surveyor's Office;

Also including the following:

Beginning at the Center ¼ corner of Section 20, Township 10 South, Range 11 West, Williamette Meridian, thence South 89°50'16" East, 700.00 feet; thence North 00°24'09" East 428.92 feet to the southeast corner of Parcel 2 of Partition Plat 1996-28; thence continuing North 00°24'09" East, along the easterly line of said Parcel 2, 330.62 feet to the northeast corner of said Parcel 2, said point also being the northwest corner of the property described in Book 266, Page 266 of the Lincoln County Official Records and the true point of beginning; thence North 89°58'05" East, along the north line of that property described in said Book 266, Page 266, 143.51 feet; thence leaving said northerly line, South 00°09'05" East, 122.49 feet; thence South 49°45'30" West, 190.69 feet to a point on the easterly line of said Parcel 2, said point also being on the west line of that property described in said Book 266, Page 266; thence North 00°24'09" East, along the easterly line of said Parcel 2, 245.60 feet to the point of beginning.

Excepting the following:

Beginning at the Center ½ corner of Section 20, Township 10 South, Range 11 West, Willamette Meridian, thence North 42°11'22" East, 467.37 feet to the true point of beginning; thence along the curve of a 524.27 foot arc, concave to the north, (the long chord of which bears North 79°07'27" East, 177.54 feet) 178.40 feet, thence North 69°22'34" East, to a point on the easterly line of said Parcel 2, 134.85 feet; thence North 00°24'09" East, along said easterly line of Parcel 2, 85.02 feet; thence leaving said easterly line South 49°48'58" West, 162.75 feet; thence South 68°29'52" West, 43.93 feet; thence along the arc of a 328.94 foot radius curve to the right, (the long chord of which bears South 81°44'31" West, 137.19 feet) 138.20 feet to a point on the westerly line of said Parcel 2; thence South 00°24'09" West, along said westerly line 25.19 feet to the point of beginning.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS. IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON

LAWS 2009, AND SECTIONS 2 TO 7, CHA	PTER 8, OREGON LAWS 2010.
DATED this 21 day of Decem	ary 2014 (ASP)
	GRANTOR:
·	Andrew Plant On behalf of Newport Assisted Living, LLC
	Title: Managing Member
STATE OF OREGON ) ) ss.	See attached "all purpose acknowledgment
County of)	de affana 411 filipine 4 - 111 diag
This instrument was acknowled December, 2013, by Andrew Plant as Manager	edged before me on the day of ging Member of Newport Assisted Living, LLC.
	Notary Public for <del>Oregon</del>
	÷



# All-purpose Acknowledgment California only

State of California	
County of San Diego	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
country of San Diego  on 1/21/14 before me, John D. Hick, notary public there insepersonally appeared Andrew Plant	ert name and title of the officer),
personally appeared Andrew Plant	
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/spte/the/y executed the same in his/hgf/the/ir authorized capacity(igs), and that by his/hgf/the/if signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.	My Commission Es
I certify under PENALTY OF PERIURY under the laws of the State of California that the foregoing paragraph is true and correct.	OHN D. HICKOR WM. #201228 PUBLIC-CALFO NDEED COUNTY PARTS CONTRACT STREED COLLERY STREED COLLEGE STREED COLLEGE
Signature WITNESS my hand and official seaf.	Source Land Concess
	Notary Seel





CITY OF NEWPORT

169 SW COAST HWY

NEWPORT, OREGON 97365

COAST GUARD CITY, USA



ATTACHMENT "F"
File No. 1-UGB-14
Tokos letter, dated March 3, 2014,
requesting County concurrence

http://newportoregon.gov

mombetsu, japan, sister city

March 3, 2014

Onno Husing, Director Lincoln County Planning Department 210 SW 2nd Street Newport, Oregon 97365

RE: Request for Concurrence of Minor Amendment to Newport Urban Growth Boundary

Dear Mr. Husing,

On February 27, 2014 the City of Newport received the enclosed application for an amendment to its Urban Growth Boundary involving 0.61 acres of land at the east end of NE 71<sup>st</sup> Street. This property was recently conveyed by the City of Newport to Newport Assisted Living, LLC. Newport Assisted Living owns the Oceanview Senior Living Facility and bringing this land into the Urban Growth Boundary positions them to annex to the City so that they can construct a 48-bed, memory care addition to the complex.

The property is currently designated as forest land. The applicant is seeking a Comprehensive Plan Map designation of High Density Residential. Further, the applicant recognizes that they are within the Iron Mountain Quarry Impact Area and would be subject to the Iron Mountain Impact Area Overlay Zone upon annexation to the City.

Consistent with Policy 4.3 of the Newport Comprehensive Plan, the Planning Director's for the City and County shall determine whether or not a change is a minor or major amendment. A major amendment is defined as any change to the Urban Growth Boundary that has widespread and significant influence beyond the immediate area. Examples include quantitative changes that allow substantial changes in population or development density, qualitative changes in land use such as residential to industrial, and changes that affect large areas or multiple ownerships. It is my opinion that the subject request is not of this nature, and therefore qualifies as a minor amendment.

This application to amend the Newport Urban Growth Boundary is tentatively scheduled for a Planning Commission hearing on April 14, 2014. I would appreciate receiving your written concurrence that this proposal qualifies as a minor amendment by March 24, 2014.

Sincerely.

Derrick I. Tokos, AICP

Community Development Director

City of Newport ph: 541-574-0626

Attachments

# ATTACHMENT "G" File No. 1-UGB-14 Husing email, dated April 4, 2014, concurring amendment is minor in nature

#### **Derrick Tokos**

From:

Onno Husing <ohusing@co.lincoln.or.us>

Sent:

Friday, April 04, 2014 2:45 PM

To:

Derrick Tokos

Cc:

Bob Parker; Joshua Shaklee

Subject:

Re: Concurrence on Minor UGB Amendment

Thank you Derrick, here at the Lincoln County Planning Department, we concur that this is a Minor UGB Amendment

Thank you.

Onno Husing

DIRECTOR, LINCOLN COUNTY PLANNING AND DEVELOPMENT DEPARTMENT

On Fri, Apr 4, 2014 at 8:39 AM, Derrick Tokos < <u>D.Tokos@newportoregon.gov</u>> wrote:

Here is the policy language that we discussed.

Derrick

From: Derrick Tokos

**Sent:** Thursday, April 03, 2014 4:40 PM

To: Onno Husing Cc: 'Bob Parker'

Subject: Concurrence on Minor UGB Amendment

Importance: High

Hi Onno,

I need concurrence ASAP that the Newport Assisted Livings UGB expansion proposal qualifies as a minor amendment. An email response is fine. The first hearing is scheduled for April 7<sup>th</sup> (Monday) at 7:00 pm here at City Hall.

Please call if you have any questions.



**Newport Assisted Living UGB Amendment** 

Image Taken July 2013 4-inch, 4-band Digital Orthophotos David Smith & Associates, Inc. Portland, OR

JFeet 400

200

9

