

CITY OF NEWPORT

ORDINANCE NO. 2065

AN ORDINANCE AMENDING THE NEWPORT COMPREHENSIVE PLAN
MAP AND URBAN GROWTH BOUNDARY TO FACILITATE EXPANSION OF THE
OCEANVIEW SENIOR LIVING FACILITY
(Newport File No. 1-UGB-14)

WHEREAS, Newport Assisted Living, LLC, owner of the Oceanview Senior Living facility, desires to expand the Urban Growth Boundary (UGB) by 0.61 acres so that they may construct a 48-bed addition to provide long-term memory care to residents; and

WHEREAS, Oceanview Senior Living is located at 525 NE 71st Street in Newport, and the expansion area is located at the east end of the facility on land currently designated for forest use in the Lincoln County Comprehensive Plan; and

WHEREAS, said expansion will allow the land to be placed under a "High Density Residential" Comprehensive Plan Map designation so that, once annexed, it can be zoned for R-4/ "High Density Multi-Family Residential," a designation that will allow an expansion of the assisted living facility; and

WHEREAS, the planned expansion falls within the Iron Mountain Quarry Impact Area and would be subject to its protective provisions once the land is inside the UGB and annexed to the City; and

WHEREAS, Newport Assisted Living, LLC submitted its application to the City of Newport to expand the UGB in this manner on March 11, 2014 (Application); and

WHEREAS, the Lincoln County and City of Newport Planning Directors' evaluated the request and concur that it qualifies as a minor UGB boundary line adjustment in that it will not substantially change the City's population or development density, materially change the land use pattern in the area, or affect multiple ownerships or large amounts of land; and

WHEREAS, Application contains findings of compliance with the policies and standards set forth in the "Urbanization" and the "Administration of the Plan" elements of the Newport Comprehensive Plan; and

WHEREAS, Newport Planning Commission held a public hearing on April 14, 2014 for the purpose of reviewing the Application for compliance with applicable state and local policies and standards and to provide a recommendation to the Newport City Council; and

WHEREAS, the Planning Commission's public hearing, above, was duly held in accordance with all applicable state and local law, and, after due deliberation and consideration of the proposed changes, the Planning Commission did recommend that the Application be approved; and

WHEREAS, the Newport City Council held a public hearing on May 19, 2014, to consider the amendments to the Newport UGB and Comprehensive Plan Map

proposed in the Application and voted in favor of the changes, after considering the recommendation of the Planning Commission and evidence and argument in the record; and

WHEREAS, information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings; and

WHEREAS, The Newport Comprehensive Plan requires that amendments to the Urban Growth Boundary and Newport Comprehensive Plan approved by the City must also be adopted by Lincoln County, and that Newport Assisted Living, LLC may submit an application to the County once the City has taken action.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The findings set forth above and in the attached Exhibit "A" are hereby adopted in support of the amendments to the Newport Urban Growth Boundary, Comprehensive Plan adopted by Sections 2, 3 and 4 of this Ordinance.

Section 2. The Urban Growth Boundary as established on the Comprehensive Plan Map of the City of Newport is hereby expanded as described in Exhibit "B-1" and "B-2."

Section 3. The Comprehensive Plan Map of the City of Newport is hereby amended as set forth within Exhibit "C" and all real property contained within the expansion area is hereby designated as "High Density Residential" on the Comprehensive Plan Map.

Section 4. The map entitled "Figure 1 Iron Mountain Impact Area within City UGB" contained in the Aggregate and Mineral Resources element of the Comprehensive Plan of the City of Newport is hereby expanded as shown in Exhibit "D."

Section 5. This Ordinance shall take effect at such time as Lincoln County adopts corresponding amendments acknowledging this revision to the City of Newport's Urban Growth Boundary.

Date adopted and read by title only: May 19, 2014

Signed by the Mayor on May 20, 2014.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

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 and a 50' road allowance (approximately 9,500 sq ft) 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 50' road allowance is south of the subject site and is owned by the City of Newport (T10S, R11W, Sec 20 Tax Lot 1002). The road allowance provides access to a city-owned water storage facility as well as timberlands to the east. Like the subject site, the road allowance is zone T-C in the Lincoln County Comprehensive Plan.

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 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.

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 0.70 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: Legal description of the road allowance

Exhibit D: 50' road allowance sketch map

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

Exhibit F: Assessor's index map and subject site

Exhibit G: 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 and a 50' road allowance (approximately 9,500 sq ft) 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 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 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 2015. 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.

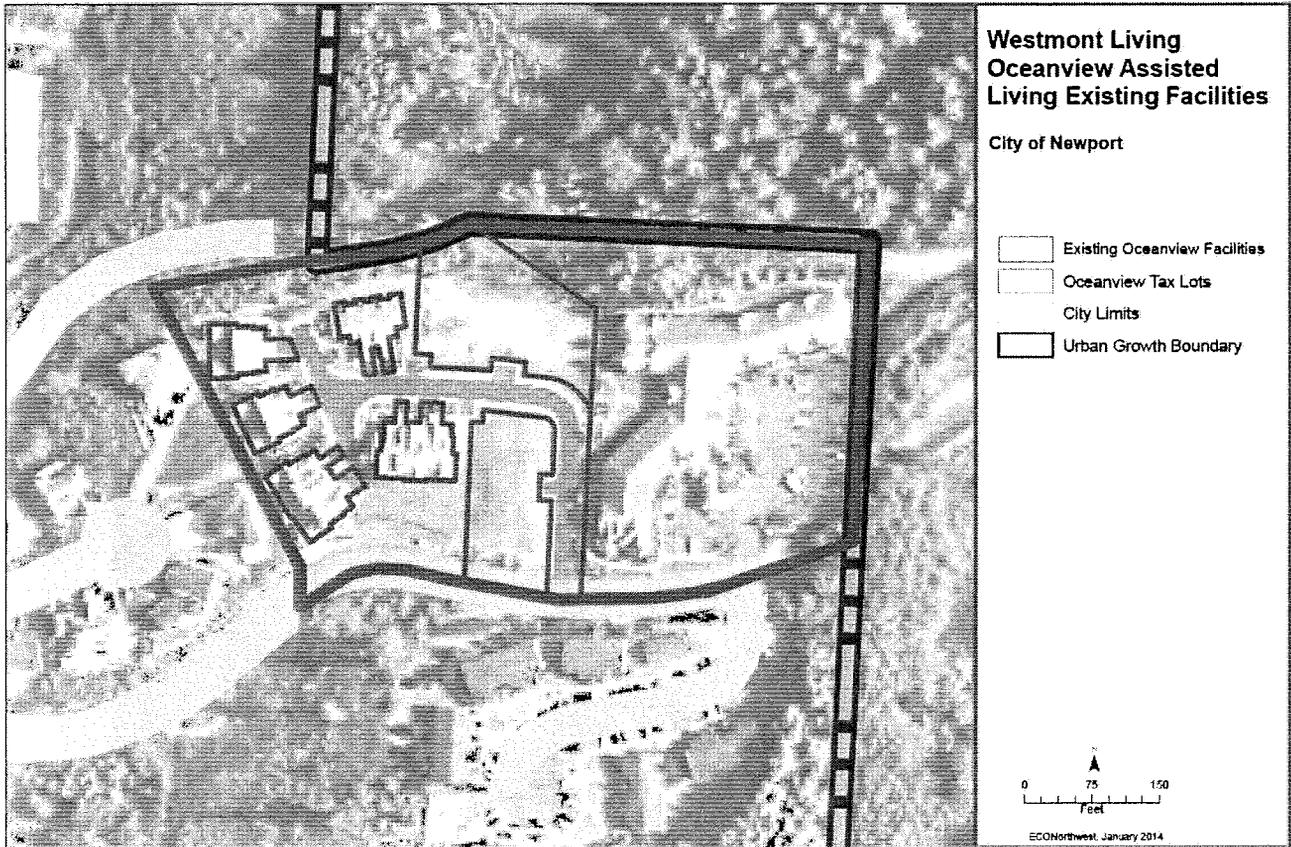
Map 3 shows adjacent property owners. The city requires notification of property owners within 300' of the subject site. Only three property owners (other than the existing Oceanview facilities managed by Westmont) are within 300' of the site. To the north, the Oregon Department of Transportation owns 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 Multi-family Residential (R-4). Assisted living facilities are identified as outright allowable uses in the R-4 zone.

The 50' road allowance is south of the subject site and is owned by the City of Newport (T10S, R11W, Sec 20 Tax Lot 1002). The road allowance provides access to a city-owned water storage facility as well as timberlands to the east. Like the subject site, the road allowance is zone T-C in the Lincoln County Comprehensive Plan.

Map 1: Existing Oceanview Senior Living Facilities

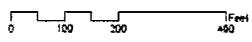


Map 2: Land included in the proposed UGB expansion

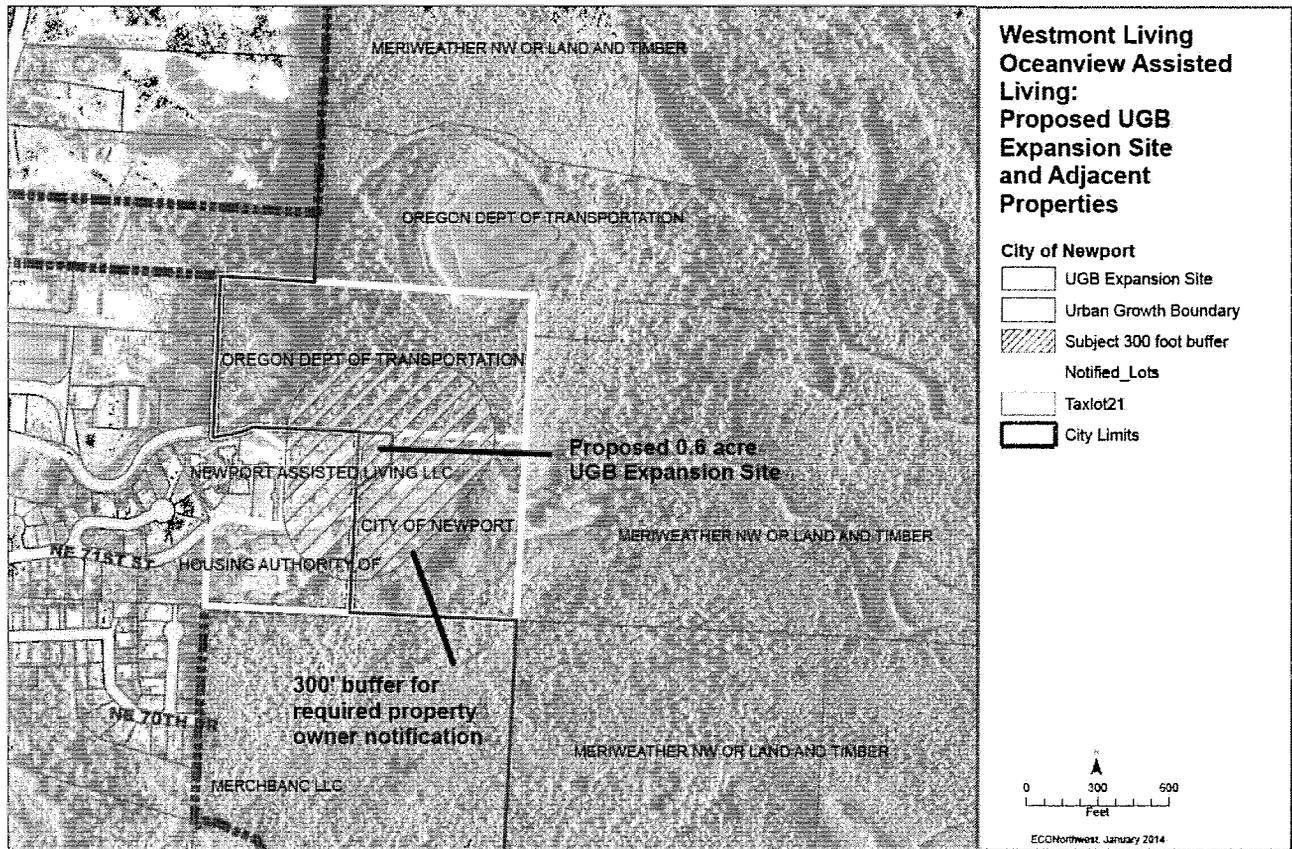


NEWPORT City of Newport
Community Development Department
400 West Coast Highway Newport, OR 97365
Phone: 503.273.4929 Fax: 503.273.4899

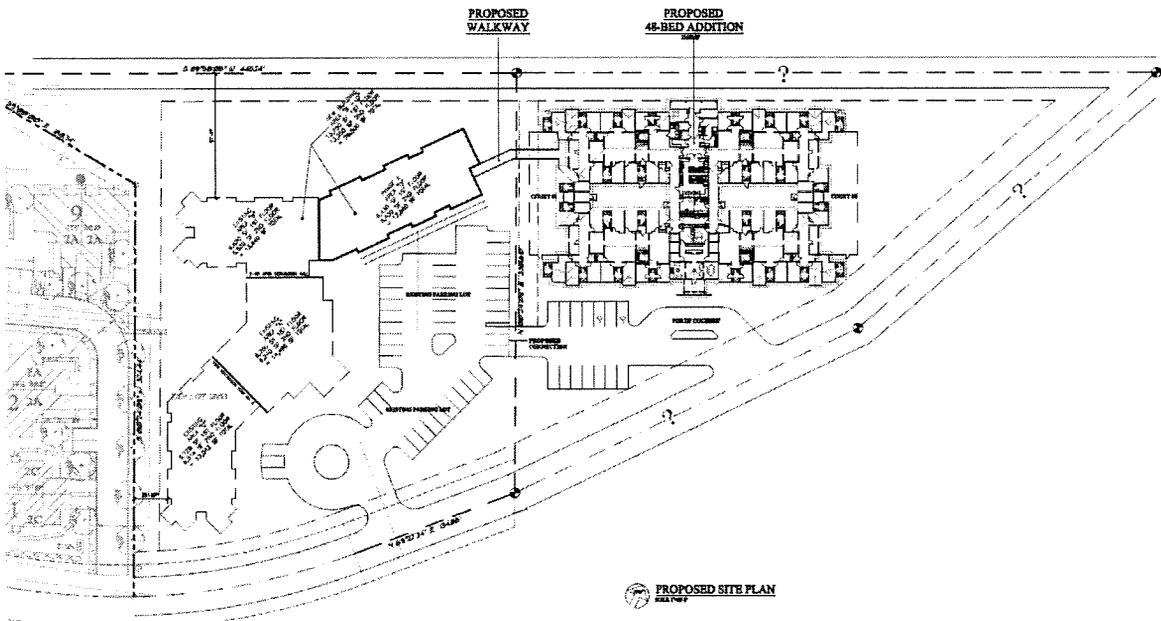
Newport Assisted Living UGB Amendment
Image Taken July 2013
4-Inch, 4-band Digital Orthophotos
David Smith & Associates, Inc. Portland, OR



Map 3: Property owners adjacent to the subject site



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



 WIDEWOOD ARCHITECTURAL, INTERIOR DESIGN & CONSTRUCTION 100 S. 4th Street, Suite 200 Tampa, Florida 33602 Tel: 813.251.1111 www.widewoodarch.com	
STATE LICENSES: Architecture: 12700 Interior Design: 1010 Landscape Architecture: 1010 Professional Engineer: 1010 Professional Surveyor: 1010 Professional Planner: 1010	
OCEANVIEW SENIOR LIVING	
MEMORY CARE ADDITION	
515 NE 7th Street Tampa, Florida 33602	
SCALE:	1" = 30'-0"
DATE OF PLAN:	June 9, 2013
DESIGNED BY:	WIDEWOOD
PROJECT NO.:	1310
CLIENT:	WIDEWOOD
DATE:	June 9, 2013
OVERALL SITE PLAN	
A1-1	
PROJECT NO. 1310	

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

Area	Population				Change 1990 to 2012		
	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

Area	Population		Change 2000 to 2030		
	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 the majority of those suffering from dementia and Alzheimer's disease are age 65 and older with the incidence rate rising rapidly with age.^{1 2 3 4} 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 to include approximately 0.7 acres to provide a 48-bed memory care facility serving current and future residents of Southern Lincoln County and a 50' road allowance. The proposal is to amend the Newport UGB to include 0.62 acres of tax lot 1003 T10S, R11W, S20 and 9,555 sq ft of tax lot 1002 T10S, R11W, Sec 20 as shown in Map 2 and Exhibits B and C. 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).

¹ 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.
<http://www.ncbi.nlm.nih.gov/pubmed/11723367>.

² 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>.

³ 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/>

⁴ 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
 - ORS 197.298: Priority of land to be included within urban growth boundary
 - 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).⁵ 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

Year	Lincoln County (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 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).

⁵ 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."

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 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.

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.^{6 7 8 9} 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.

⁶ 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. <http://www.ncbi.nlm.nih.gov/pubmed/11723367>.

⁷ 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>.

⁸ 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/>

⁹ 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:

5.3.2.1 – Site Suitability Requirements

5.3.3 – 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 memory care facility.

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 71st 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. Lands within the UGB 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 than 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.

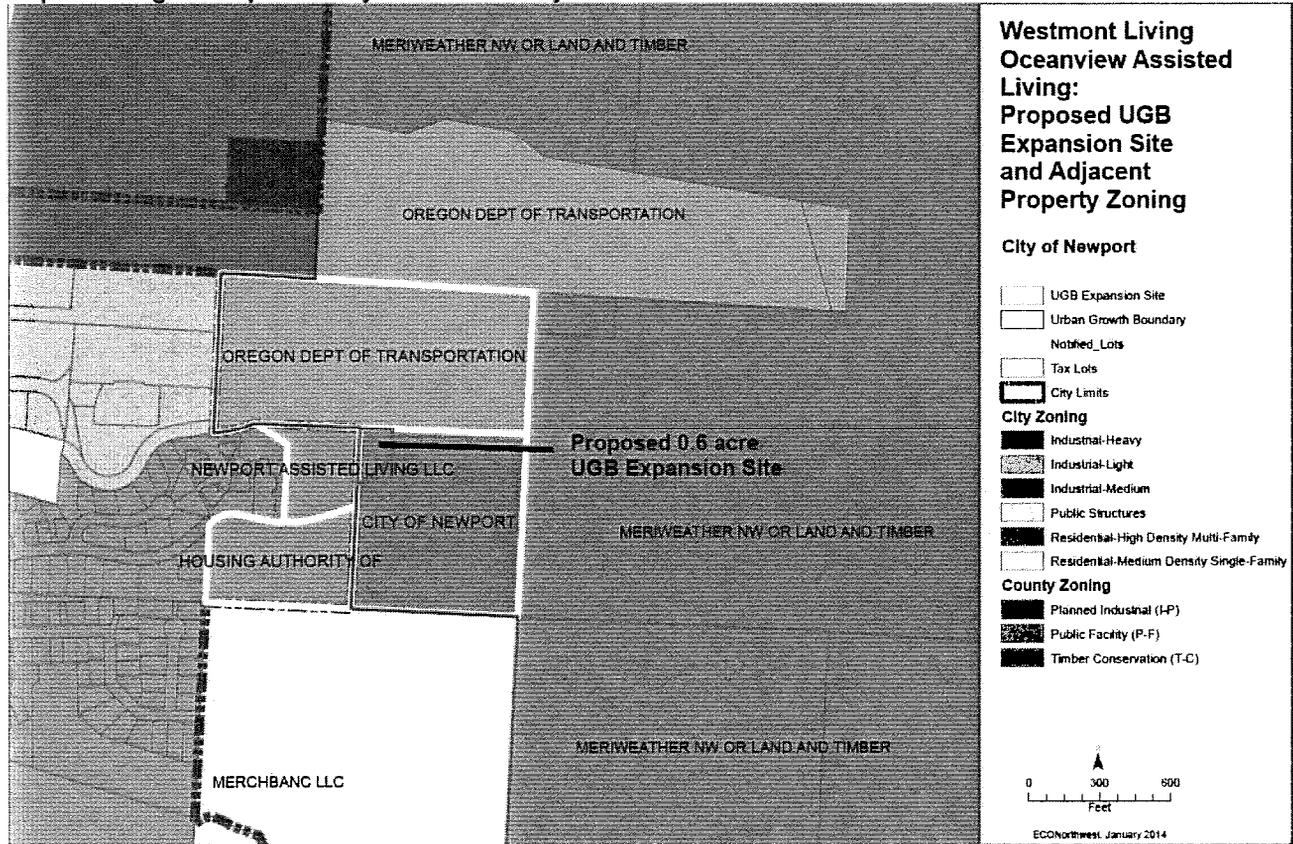
Lands directly adjacent to the subject site inside the UGB are zoned R-4 (high density multifamily residential) and are developed. Directly to the east of the subject site are the existing Oceanview facilities. To the South is a development owned and managed by the Lincoln County Housing Authority.

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.

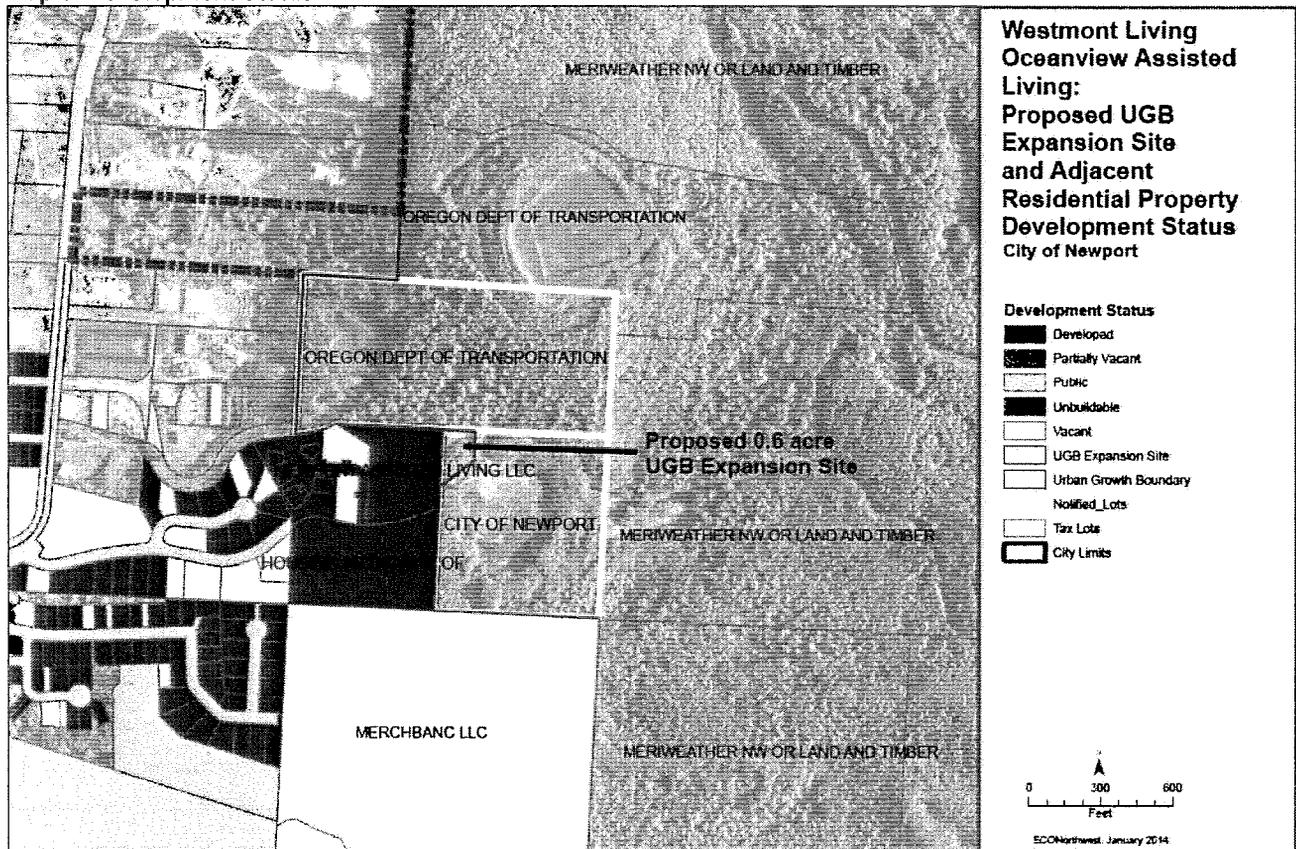
The closest vacant residential lands are approximately 500' from the subject site. Lands owned by Merchbank LLC are zoned R-2 which do not allow Assisted Living Facilities outright. Moreover, the distance from the existing Oceanview facilities makes the site unsuitable for the proposed use. Vacant lots 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 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.*

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.

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) consequences 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. 73rd 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 58th 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. *OTOD 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.

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 $\frac{1}{4}$ corner of Section 20, Township 10 South, Range 11 West, Willamette Meridian, thence South $89^{\circ}50'16''$ East, 611.44 feet; thence North $00^{\circ}24'09''$ East 428.92 feet to the southeast corner of Parcel 2 of Partition Plat 1996-28; thence continuing North $00^{\circ}24'09''$ 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 $89^{\circ}58'05''$ East, along the north line of that property described in said Book 266, Page 266, 143.51 feet; thence leaving said northerly line, South $00^{\circ}09'05''$ East, 122.49 feet; thence South $49^{\circ}45'30''$ 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 $00^{\circ}24'09''$ East, along the easterly line of said Parcel 2, 245.60 feet to the point of beginning.

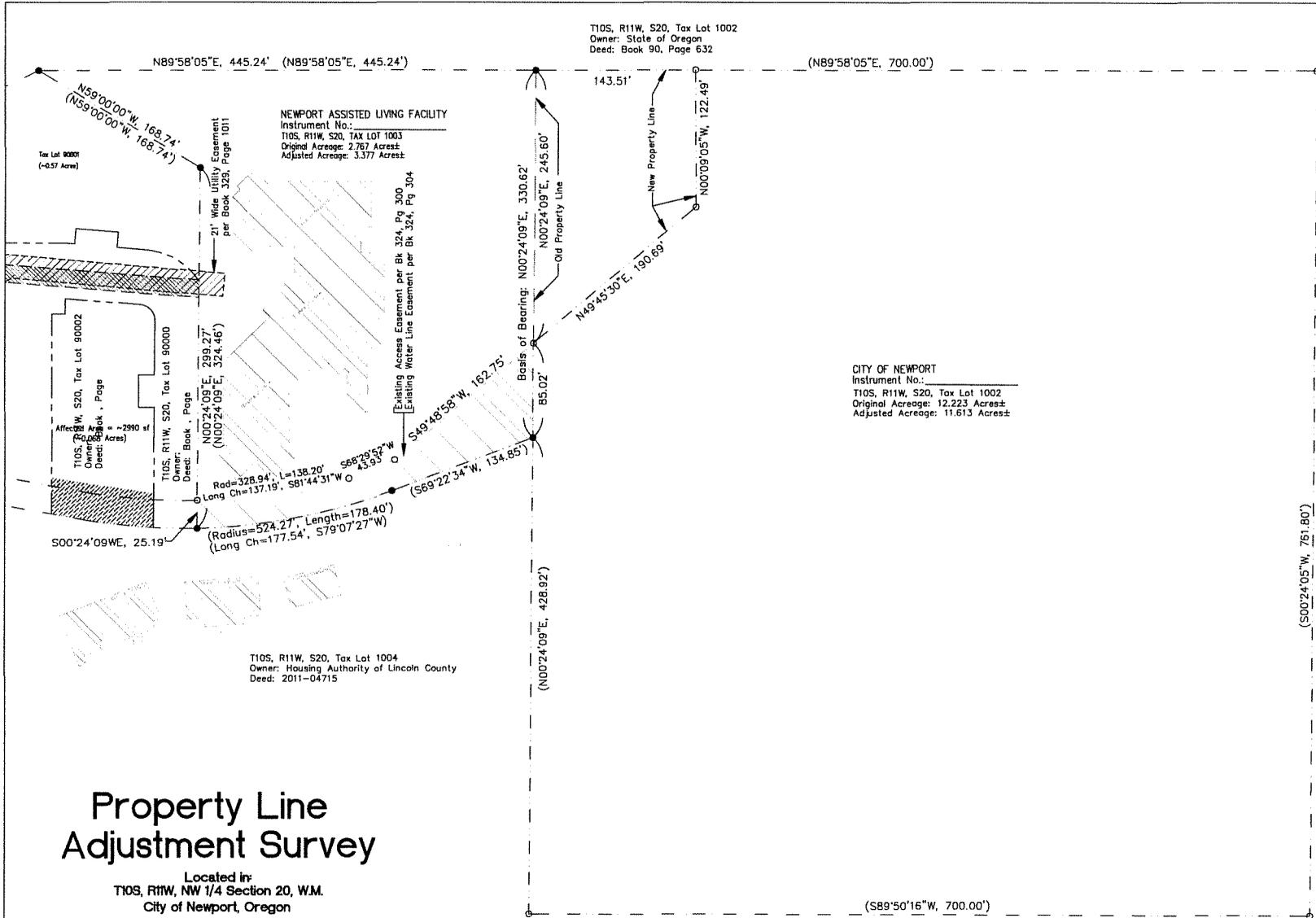
Excepting the following:

Beginning at the Center $\frac{1}{4}$ corner of Section 20, Township 10 South, Range 11 West, Willamette Meridian, thence North $42^{\circ}11'22''$ 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 $79^{\circ}07'27''$ East, 177.54 feet) 178.40 feet, thence North $69^{\circ}22'34''$ East, to a point on the easterly line of said Parcel 2, 134.85 feet; thence North $00^{\circ}24'09''$ East, along said easterly line of Parcel 2, 85.02 feet; thence leaving said easterly line South $49^{\circ}48'58''$ West, 162.75 feet; thence South $68^{\circ}29'52''$ 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 $81^{\circ}44'31''$ West, 137.19 feet) 138.20 feet to a point on the westerly line of said Parcel 2; thence South $00^{\circ}24'09''$ West, along said westerly line 25.19 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John R. Pariani
OREGON
July 13, 1999
JOHN R. PARIANI
#51382

Renews: December 31, 2014



Property Line Adjustment Survey

Located in:
 T10S, R11W, NW 1/4 Section 20, W.M.
 City of Newport, Oregon

Narrative:

The purpose of this survey is to add property near the northeasterly corner of tax lot 1003, and subject property from the northwesterly corner of tax lot 1002 as agreed to by their respective owner's. Utilizing Lincoln County Surveyor's filed survey 14381, and deed records, the lines were calculated for tax lot 1002, a complete boundary of this tax lot was not performed. Lines for tax lot 1003 were determined by found monumentation per Partition Plat 1996-28. The monuments found per Partition Plat 1996-28 were in good condition and held. Monuments set on the adjusted property corners as depicted on this map.

Equipment used: Trimble 5603, DR200+, fully robotic total station, with 360° prism. Monuments were set on August, 2013.

Legend:

- Existing Edge of Roadway
- Adjusted Property Line
- Existing Property Lines
- () Record Data per filed survey 14381
- Found Monument per filed survey 14381 Unless Noted Otherwise
- Set 5/8"x30" Rebar w/Orange Plastic Cap Marked "PLS 51382"
- Future Area Dedicated to the City of Newport Under Separate Instrument

0 15 30 60

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**PROFESSIONAL
 LAND SURVEYOR**

Preliminary Copy

OREGON
 July 13, 1999
 JOHN R. PARIANI
 #51382
 Renews: December 31, 2014

Property Line Adjustment Survey

Pariani Land Surveying

136 West Main Street
 Eagle Point, Oregon
 541-890-1131

Date:	Scale:	Job No.:	Sheet:
Oct. 15, 2013	1" = 30'	2012-095	1 of 1

Survey By:
 Pariani Land Surveying
 136 W. Main Street
 Eagle Point, OR 97524

Survey For:
 Newport Assisted Living, LLC
 Andrew Plant, CEO
 7660 Fay Avenue, Suite N
 La Jolla, CA 92037

Basis of Bearing:
 Partition Plat 1996-28

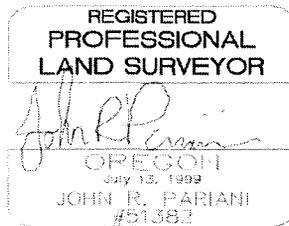
References
 Book 290, Page 400
 Book 274, Page 545
 Book 316, Page 524
 Book 108, Page 898
 Filed Survey 8678
 Filed Survey 14381
 Filed Survey 15469
 Filed Survey 17113
 Partition Plat 1996-28

PARCEL 50' Wide Road Allowance--

A parcel of land lying in Section 20, Township 10 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon and more particularly described as:

Beginning at the northeast corner of said Parcel 2, Partition Plat 1996-28, said point also being the northwest corner of the property described in Book 266, Page 266 of the Lincoln County Official Records; 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 to the true point of beginning; thence South 00°09'05" East, 65.36 feet; thence South 49°45'30" West, 191.52 feet, to a point on the west line of that property described in Instrument 2014-01029, Lincoln County Official Records; thence North 00°24'09" East, along said westerly line, 65.90 feet, said point also being a southerly corner to the property described in Instrument No. 2014-01030, Lincoln County Official Records; thence North 49°45'30" East, along southerly line of last said Instrument, 190.69 feet to the point of beginning.

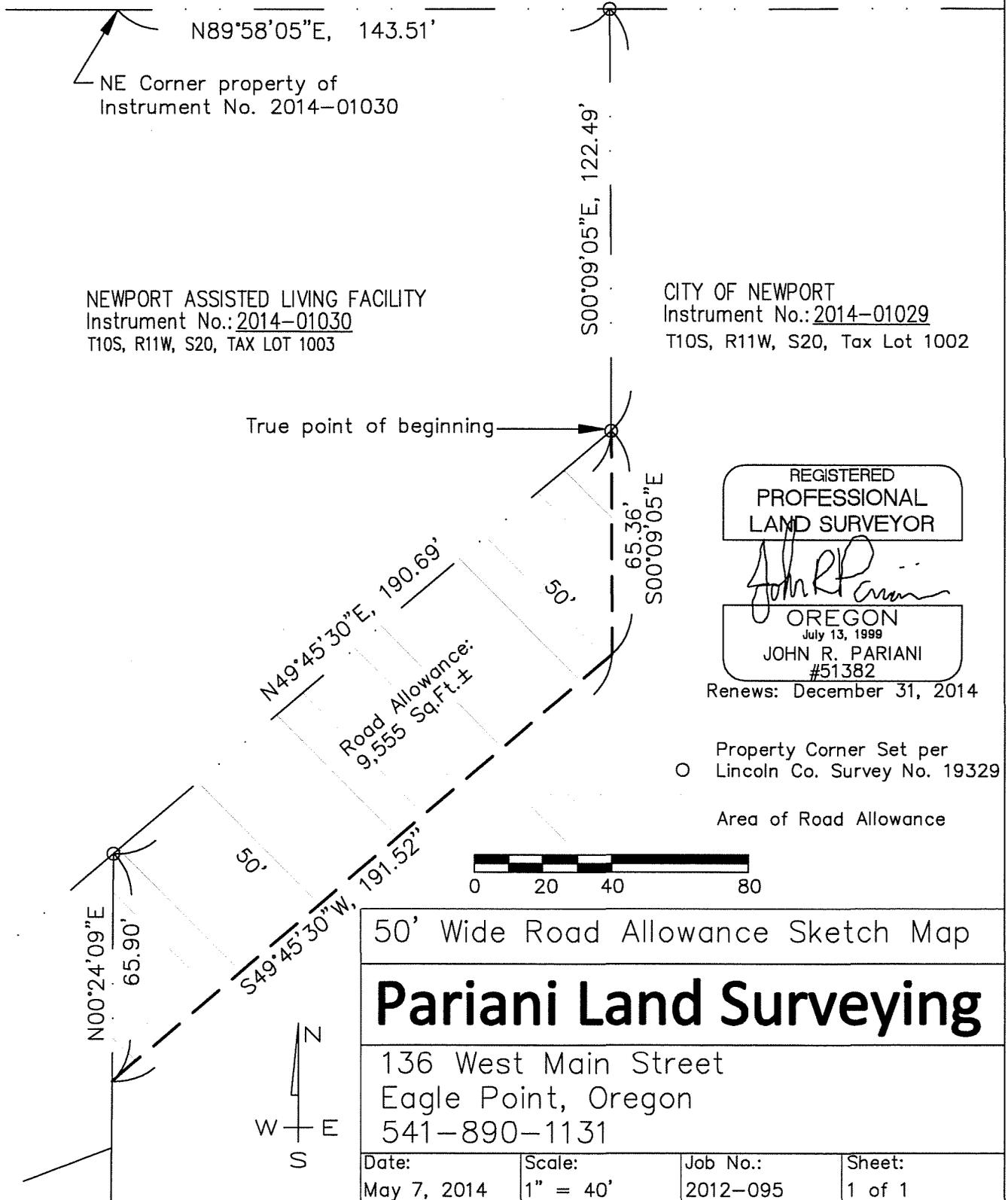
Parcel area contains 9,555 square feet, more or less.



Renews: December 31, 2014

Exhibit B

Located:
 T10S, R11W, NE 1/4 Section 20, W.M.
 City of Newport, Oregon



NEWPORT ASSISTED LIVING FACILITY
 Instrument No.: 2014-01030
 T10S, R11W, S20, TAX LOT 1003

CITY OF NEWPORT
 Instrument No.: 2014-01029
 T10S, R11W, S20, Tax Lot 1002

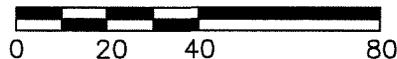
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 July 13, 1999
 JOHN R. PARIANI
 #51382

Renews: December 31, 2014

Property Corner Set per
 O Lincoln Co. Survey No. 19329

Area of Road Allowance



50' Wide Road Allowance Sketch Map

Pariani Land Surveying

136 West Main Street
 Eagle Point, Oregon
 541-890-1131

Date: May 7, 2014	Scale: 1" = 40'	Job No.: 2012-095	Sheet: 1 of 1
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T10S, R11W, S20 TL1002-1003

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,

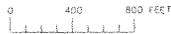
I need concurrence ASAP that the Newport Assisted Livings UGB expansion proposal qualifies as a minor amendment.† An email response is fine. ††The first hearing is scheduled for April 7th (Monday) at 7:00 pm here at City Hall.

Please call if you have any questions.

†

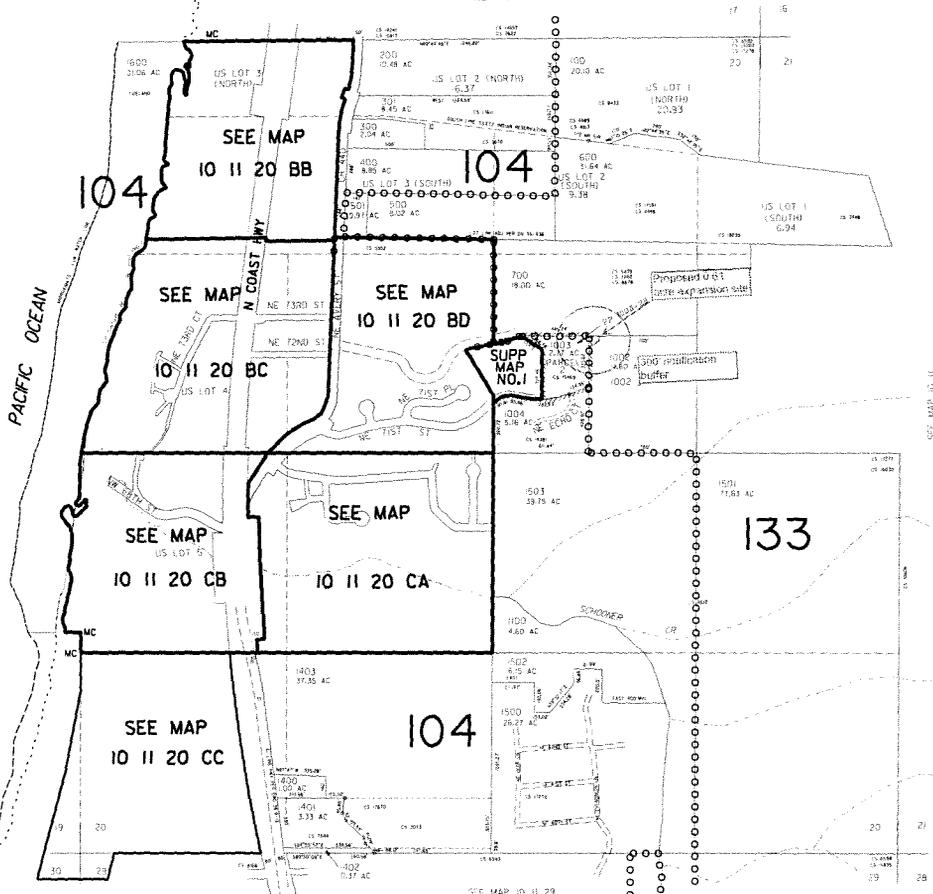
Derrick I. Tokos, AICP
Community Development Director
City of Newport
169 SW Coast Highway
Newport, OR 97365
ph: [541.574.0626](tel:541.574.0626)
fax: [541.574.0644](tel:541.574.0644)
d.tokos@newportoregon.gov

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



SECTION 20 TIOS RIH WM
LINCOLN COUNTY

SEE MAP 10 11 17



10 11 20
& INDEX
NEWPORT

CANCELLED NO.

- 800
- 900
- 901
- 902
- 903
- 904
- 905
- 906
- 1000
- 1001
- 1200
- 1201
- 1300
- 1301
- 1302

10 11 20
& INDEX
NEWPORT

DATE: 02/27/14 BY: [unreadable]

File 1-UGB-2014

Newport Assisted Living LLC

Affected Properties within 300'

MapLot	R267076	Legal Description	Owner 1	Owner 2	Address	City, St, Zip
10-11-20-00-01002-00	R267076	TWNSHP 10, RNG 11, ACRES 11.60, MINERAL RIGHTS SEPARATED, MF266-0266	CITY OF NEWPORT	CITY MANAGER	169 SW COAST HWY	NEWPORT, OR 97365
10-11-20-00-01004-00	R505110	TWNSHP 10, RNG 11, ACRES 5.16, MF274-0545, EXEMPTION UNDER ORS 456.225, DOC201104715	HOUSING AUTHORITY OF LINCOLN COUNTY		PO BOX 1470	NEWPORT, OR 97365
10-11-20-00-01003-00	R458360	PART. PLAT 1996-28, PARCEL 2, ACRES 2.77, MF398-1581	NEWPORT ASSISTED LIVING LLC		7660 FAY AVE, SUITE N	LA JOLLA, CA, 92037
10-11-20-00-00700-00	R465125	TWNSHP 10, RNG 11, ACRES 18.00, DV90-0632	OREGON DEPARTMENT OF TRANSPORTATION	TECHNICAL LEADERSHIP CTR RIGHT OF WAY SECTION MS#2	4040 FAIRVIEW IND DR SE	SALEM, OR, 97302

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LAND SURVEYOR

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July 13, 1999
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#51382

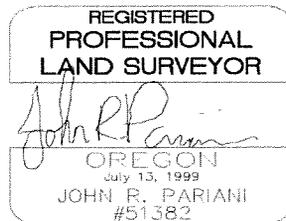
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Parcel area contains 9,555 square feet, more or less.



Renews: December 31, 2014



NEWPORT
City of Newport
Community Development Department
169 SW Coast Highway Phone: 1.541.574.0629
Newport, OR 97365 Fax: 1.541.574.0644

**Newport Assisted Living, LLC - Urban Growth Boundary
Expansion and Comprehensive Plan Map Amendment**

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

This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

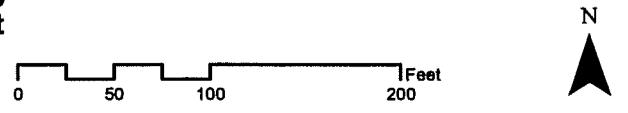


Exhibit D

Ordinance No. 2065

File 1-UGB-14

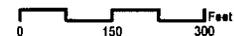


City of Newport
Community Development Department
189 SW Coast Highway
Newport, OR 97385
Phone: 1.541.574.0629
Fax: 1.541.574.0844

**Iron Mountain Impact Area
Within City UGB**

Image Taken July 2013

4-inch, 4-band Digital Orthophotos
David Smith & Associates, Inc. Portland, OR



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Figure 1