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BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ORDINANCE NO. 284

AN ORDINANCE AMENDING CITY OF NEWPORT'S URBAN GROWTH BOUNDARY AND LINCOLN COUNTY'S COMPREHENSIVE PLAN AND ZONING MAP ON PROPERTY IDENTIFIED AS TAX LOTS 102, 103, 200, 299, 300, 301, AND 500, ASSESSOR'S MAP 10-11-20BB, AND TAX LOTS 100, 101, AND 200, ASSESSOR'S MAP 10-11-20BC, REQUESTED BY ASH SEVERSON, D.B.A. DRIFTWOOD VILLAGE MOTEL AND INITIATED BY RESOLUTION OF THE LINCOLN COUNTY BOARD OF COMMISSIONERS; AND DECLARING AN EMERGENCY

WHEREAS the Lincoln County Planning Commission voted unanimously to recommend approval of an amendment to the City of Newport's Urban Growth Boundary to take in approximately 17.88 acres located north of the city limits and west of Highway 101, and a comprehensive plan amendment from Dispersed Residential to Suburban Residential and a zone change from Rural Residential to Single-Family Residential, for properties owned by several parties, as requested by Ash Severson, d.b.a. Driftwood Village Motel, and as initiated by the Lincoln County Board of Commissioners in Resolution No. 89-21-6; and

WHEREAS the subject property contains approximately 17.88 acres made up of ten tax lots, identified as follows: Tax Lots 102, 103, 200, 299, 300, 301, and 500, Lincoln County Assessor's Map 10-11-20BB, and Tax Lots 100, 101, and 200, Assessor's Map 10-11-20BC; and

WHEREAS the decision and recommendation of the Planning Commission was not appealed and, therefore, the Board need not hold another public hearing;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS;

1. That the Planning Commission's decision is upheld and the City of Newport's Urban Growth Boundary be amended to take in approximately 17.88 acres on property identified as Tax Lots 102, 103, 200, 299, 300, 301, and 500, Lincoln County Assessor's Map 10-22-20-BB, and Tax Lots 100, 101, and 200, Assessor's Map 10-11-20BC; that Lincoln County's Comprehensive Plan be changed from Dispersed Residential to Suburban Residential and the zone changed from Rural Residential to Single-Family Residential on the aforementioned property.

2. That the findings and conclusions supporting these changes contained in the public testimony before the Planning Commission and in the staff report are adopted as set forth in Exhibit "A" attached hereto and incorporated herein.

1 3. That copies of this ordinance be forwarded to the
2 applicant, Ash Severson, 1700 Ridge Crest Drive, Lake Oswego, OR
3 97034; Newport, Oregon; Surveyor; Assessor; City of Newport, and
4 Department of Planning and Development; said Planning Department
5 shall amend the official maps in the Lincoln County Clerk's
6 Office.

7 4. That the Lincoln County Department of Planning and
8 Development shall forward a copy of this ordinance to the
9 Department of Land Conservation and Development.

10 5. That this ordinance, being necessary for the immediate
11 preservation of the public peace, health, and safety, an
12 emergency is declared to exist and this ordinance takes effect
13 upon its adoption.

14 DATED this 25th day of October, 1989.

15 LINCOLN COUNTY BOARD OF COMMISSIONERS

16 Frank Armstrong
17 FRANK ARMSTRONG, Chairman

18 Andy Zedwick
19 ANDY ZEDWICK, Commissioner

20 Norma McMILLIN
21 NORMA McMILLIN, Commissioners

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EXHIBIT "A"

Case File: #3-LUPC-ZC-89
Date Filed: 8-4-89
Previous Files: City of Newport
Hearing Date: 9-25-89

LINCOLN COUNTY PLANNING COMMISSION

- I. APPLICANT: Ash Severson, d.b.a. Driftwood Village Motel. Jim Hackett, agent (intervening owners are not a party to this application, see Board of Commissioner's Resolution #89-21-6).
- II. REQUEST: The applicant is requesting an extension of the City of Newport's Urban Growth Boundary to take in approximately 17.88 acres located north of the city limits and west of Highway 101. The request also entails a comprehensive plan map amendment from Dispersed Residential to Suburban Residential and a zone change from RR1-2 (rural residential) to R-1 (single-family residential). The purpose of the request is a prerequisite to extension of city services. The applicant has filed a petition with Lincoln County in order to accomplish this land use action. That petition is hereby incorporated into the record by reference
- III. AMENDMENT AREA: The amendment area contains approximately 17.88 acres made up of 10 tax lots. The subject properties are identified on the following Lincoln County Assessor's Map #10-11-20BB Tax Lots 102, 103, 200, 299, 300, 301, and 500. Map #10-11-20BC Tax Lots 100, 101, and 200.
- IV. STAFF REPORT:
- A. Report of Facts:
1. Plan Designation: DR (Dispersed Residential).
 2. Zone Designation: RR1-2 (Rural Residential).
 3. Surrounding Land Use: Following Highway 101 are tourist related facilities including motel accommodations, retail establishments, and viewing areas. Ocean Forest Estates (east of Highway 101) and Iron Mountain Beach (west of Highway 101 within city limits) are two residential subdivisions found within the immediate vicinity. Otherwise, some parcels remain undeveloped or have established homesites.
 4. Topography and Vegetation: The subject property covers a distance of over 1600 feet (m/l) located between Highway 101 and the ocean. The general area is characterized by high oceanfront bluffs, level to sloping lots, covered in coastal shore pine, Sitka Spruce and native shrubs and grasses.
 5. Utilities: The following utilities presently serve the subject properties:

- a. Water: City of Newport.
- b. Sewer: On-site sewage disposal systems.
- c. Electricity: Central Lincoln P.U.D.
- d. Fire Protection: City of Newport.

6. Development Constraints: According to the RNKR Environmental Hazard Inventory coastal recession rates along this stretch of land range from moderate to severe depending on site specific locations. A geologically recent landslide has been identified within 100 feet of the Driftwood Village Motel in addition to minor slope sloughing. These same features are also shown along specific beachfront locales contained within the subject property. The Environmental Bulletin 81 of the Yaquina River Section shows a fault line in the area of Driftwood Village Motel.

B. Evaluation of the Request:

1. Agency Comments:

- a. Newport Fire Department: "No impact. No problems foreseen. Hydrants available in area." Dan Rowley, Newport Fire Department.
- b. Oregon State Highway Division: Under impacts: "The Highway Division would have no objection to the proposed change. It is my understanding this is necessary to provide sewer service for the area." OAR 734-50 Road Approaches and OAR 734-55 Pole Lines, Buried Cables, Pipelines, etc. are applicable to this request. Lew Moorehead, State Highway Division.
- c. City of Newport: Under impacts: "Extension of our U.G.B., eventual annexation to the City and extension of City services." Under statutes: "L.C.D.C. goals and guidelines, coordination agreement with Lincoln County." Under recommendations: "The Planning Commission and City Council have reviewed the request and have approved it. The City Council passed Ordinance #1541, which officially amended the U.G.B. subject to approval by the County." Mike Shobery, City of Newport.
- d. Department of Land Conservation and Development: No comment received.

2. Comprehensive Plan Policies:

a. Land Use Planning Policies (Section 1.0015):

- (1) Lincoln County shall maintain a planning process to coordinate federal agency, state agency, county city and special district plans which are to be consistent with this comprehensive plan.
- (2) If revisions are required as a part of the overall review and update process, the comprehensive Plan text and/or map shall be amended by ordinance using the following procedure:

- (A) All plan revisions shall be reviewed by the appropriate citizen committees. The committees shall be notified of the proposed plan revisions by the County and shall be given the opportunity to submit committee reports containing findings, recommendations and possible alternatives, and invited to attend public hearings.
- (B) Proposed plan revisions shall then be presented to the planning commission for a public hearing, after which a recommendation shall be made to the Board of County Commissioners.
- (C) The Board of County Commissioners may affirm, deny or table matters or refer matters back to the planning commission for further action.

b. Intergovernmental Coordination Policies (Section 1.0020):

- (1) During all comprehensive plan updates and revisions, the County shall encourage the participation of affected local, state and federal agencies and districts.

c. Urbanization Policies (Section 1.0030):

- (1) Lincoln County shall work with citizens and cities of Lincoln County in the establishment, maintenance and amendment of urban growth boundaries. Establishment and change of the boundaries shall be based upon consideration of the following factors:
 - (A) Demonstrated need to accommodate long-range urban population growth requirements consistent with L.C.D.C. goals;

The area in question encompasses 17.88 acres on the fringe of the City of Newport. A portion of this acreage is built and committed with single-family dwellings, and motel units. City water is presently available. Extending the urban growth boundary to include the subject property would allow extension of the city sewer line. If the concurrent request for a zone change to R-1 were granted and public facilities are in place, then future development to planned urban densities would be theoretically possible. The applicant's representative states that the Driftwood Village Motel, as a well established existing use, is compatible within an urban area.

The lodging establishment makes use of an on-site sewage disposal system which has failed. The provision of sewer service to the subject property will eliminate potential negative environmental consequences resulting from the failure of existing subsurface sewage disposal and will permit construction of improvements on existing undeveloped lots.

- (B) Need for housing, employment opportunities, and liveability;

The applicant addresses this factor contained within the submitted petition (p.3, section b) which states that the proposed amendment will provide more area within the UGB for possible future housing and will allow a business which provides employment opportunities to continue.

- (C) Orderly and economic provision for public facilities and services;

The applicant goes on to say that the proposed amendment will allow orderly economic and efficient provision of public facilities and services because, as amended, the UGB would extend from a point where services are currently provided, to a point directly north along Highway 101 and end where a natural fault line provides a logical break and an ending point for the extension of the city's underground services. These and other arguments addressing this criterion are detailed on page 3, Section c of the petition.

- (D) Maximum efficiency of land uses within and on the fringe of the existing urban area;

The subject property is on the fringe of the City of Newport urban area. The applicant's findings contained under section f, p.4 of the submitted petition indicates that the extension of underground services concurrent with the extension of the urban growth boundary will help to maximize the efficiency of the existing land uses within the area.

- (E) Environmental, energy, economic and social consequences;

Findings which address the energy, economic, and social consequences of the proposed amendment are described on pages 4-5 of the petition. To summarize, the applicant asserts that the primary motivation for the change is to eliminate a public health hazard in an area which cannot support an on-site sewage disposal system and that because of geologic conditions, the change cannot support intensive urbanization, thus the proposal will not have any significant environmental effects. The petitioner goes on to say that the proposed change will have a secondary positive economic consequence by allowing the lodging establishment to continue operation.

- (F) Retention of agricultural land as defined, with Class VI the lowest priority; and

There are no identified agricultural lands within the amendment area.

- (G) Compatibility of the proposed urban uses with nearby agricultural activities.

There are no nearby agricultural activities.

3. Statewide Planning Goal 14: Change of urban growth boundaries shall be based on consideration of the following factors:
- a. Demonstrated need to accommodate long-range urban population growth requirements consistent with L.C.D.C. goals;
 - b. Need for housing, employment opportunities, and liveability;
 - c. Orderly and economic provision for public facilities and services;
 - d. Maximum efficiency of land uses within and on a fringe of the existing urban area;
 - e. Environmental, energy, economic and social consequences;
 - f. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
 - g. Compatibility of the proposed urban uses with nearby agricultural activities.

These factors are essentially identical to those described in the preceding section of this report (Urbanization Policies 2). The reasons and facts which pertain to these factors are, therefore, the same as those in that section.

4. Statewide Planning Goal 2: When a local government changes an established urban growth boundary, it shall follow the procedures and requirements set forth in Goal 2, "Land Use Planning, Part II, Exceptions." An established urban growth boundary is one which has been acknowledged by the L.C.D.C. under ORS 197.251. Revised findings and reasons in support of an amendment to an established UGB shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:

- (A) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;
- (B) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(C) The following standards are not met:

- (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
- (2) Areas which do not require a new exception cannot reasonably accommodate the use;
- (3) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
- (4) The proposed uses are compatible with other adjacent use or will be so rendered through measures designed to reduce adverse impacts.

The applicant has argued that (a) above applies since the area of the proposed amendment is concerned with existing uses. General findings are contained within the submitted petition.

5. Ordinance Standards (Section 1.1235): In considering a quasi-judicial amendment to the Comprehensive Plan map, the planning commission shall seek to determine the following;

- a. That the change is in accord with the Comprehensive Plan goals and policies and the Statewide Planning goals; and
- b. That there has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or
- c. That the zoning previously adopted for the area was in error; or
- d. That there is a public need for the change being sought.

The County's Comprehensive Plan Policies have been addressed in a previous section demonstrating conformance with statewide planning goals.

The applicant contends that the land is committed to urban uses which has been supported by the City of Newport in their adoption of Ordinance #1541. It follows then that zoning adopted for the area is in error. To grant approval of the request would bring the subject property into conformance with the City of Newport's amended plan.

If the Planning Commission finds that the request qualifies for an amendment to the urban growth boundary, the logical progression would be to assign a plan designation which reflects anticipated development potential assuming city services are available, and remain consistent with the City of Newport's designation of low-density residential. With availability of urban services, the subject property should carry a plan designation of Suburban Residential and implementing zone designation of R-1, single-family residential.

- D. Conclusions: If the Planning Commission finds that the criteria for amending an established urban growth boundary have been met, it can move to recommend to the Board of County Commissioners that the Comprehensive Plan map and zone designation be amended as proposed by the applicant. The findings and conclusions contained in the petition and the staff report should also be adopted in that motion and the Planning Commission should direct staff to prepare the final order.

A motion to deny the request will require findings and conclusions which show how any of the criteria have not been met.

Submitted by,

Jessica Bondy

Jessica Bondy
Associate Planner

JB:rlm

Commissioner Adler stated that the compatibility issue has not been demonstrated. The adjoining land owned by the forest service is zoned T-C. Placer Lake is designated as a significant wildlife habitat and is being managed as such by the forest service. Significant wildlife habitats are not compatible with RV parks. Mr. Adler has many other objections and will not vote in favor of the proposal.

Chairman Goebel stated that there is a problem with the site plan. Since the development is tied to the plan, a workable site plan is necessary. Mr. Goebel suggested that the applicants address the environmental impact and satisfy the concerns of the commission. A revised site plan with topographical information which will fit the property would be helpful. Mr. Goebel questioned whether the applicants should resubmit a new plan at another meeting.

After further discussion regarding the possibility of continuing the request at another hearing, Commissioner Spulnik stated that he felt that to do this would be leading the applicant on and that the site is not suitable for the proposed use. Mr. Spulnik felt that based upon his experience as a graduate in Fisheries and Wildlife from OSU, and numerous ecology courses, the request is simply not compatible with the area.

Commissioner Imes urged that a motion be made.

Commissioner Willits made a motion to deny the application for case file #57-PC-C-89, as it does not meet ordinance standards for conditional uses as outlined on page 4 of the staff report, Sections 1.1630, and directed staff to prepare findings to that effect, based upon the testimony heard at this hearing.

Commissioner Over seconded the motion.

The vote was taken with Chairman Goebel voting in opposition.

MOTION TO DENY APPLICATION FOR CASE FILE

#57-PC-C-89. #39-89.

- 6.2 A request for an urban growth boundary amendment by Ash Severson, d.b.a. Driftwood Village Motel to extend the city of Newport's Urban Growth Boundary to Driftwood Village Motel at 7947 N. Coast Hwy. 101 to take in approximately 17.88 acres located north of the city limits and west of Highway 101. The also entails a comprehensive plan map amendment from Dispersed Residential to Suburban Residential and a zone change from RR 1-2 (rural residential to R-1 (single-family residential). The purpose of the request is a prerequisite to extension of city services. The subject property is identified on Lincoln County Assessor's Map #10-11-20BB, as tax lots 102, 103, 200, 299, 300, 301, and 500 and map #10-11-20BC, as tax lots 100, 101, and 200.

Chairman Goebel introduced the second case and called for any ex-parte contact among the planning commissioners.

Commissioner Willits revealed that he owns land within 250' of the subject property. Mr. Willits explained that his property is in Iron Mt. Beach, east of Highway 101 and is already located in the urban growth boundary, and therefore, he feels that he can make an objective decision on the request.

After a brief discussion, it was agreed that Commissioner Willits could vote upon the request.

Chairman Goebel called for a review of the staff report on this case.

Jessica Bondy reported that the correct amount of acreage of the subject property is 17.88 acres. The motel is sited on only one tax lot, lot 103. The purpose of the request is a prerequisite for the extension of urban city services, which in this case, is the city sewer line.

The applicant has filed a petition to amend the urban growth boundary in order to accomplish the land use action, and the petition is hereby incorporated into the record by reference.

Ms. Bondy described the subject property with the aid of a large map prepared by staff. The map includes: the total area for inclusion within the urban growth boundary including the lot with the motel, the other motels, nearby dwellings and zoning in the area. The present city limits and urban growth boundary are represented with a red line.

Portions of the staff report which Ms. Bondy reviewed include: the topography and vegetation of the area, development constraints, and agency comments, etc.

Commissioner Willits referred to page 6 of the staff report and was concerned about item b. "That there has been a substantial change in the character of the area since zoning was adopted..."

Jessica Bondy explained that the commissioners need address item a. plus one of any of the following standards.

Commissioner Willits asked for clarification of item 4 (A) of the Statewide Planning Goal Two described on page five.

Matt Spangler explained that the basis for the urban growth boundary amendment is the built and committed exception, that is physically built, or developed to the extent that uses permitted by the applicable goal (Goal 14) cannot be established.

The basis for the petition is that the lands are already committed to urban level uses and should be included within the UGB.

Commissioner Adler asked if the City annexes this land, and the plan designations are changed, will this be changed to their zoning and designation and if so, then this is an interim action.

Matt Spangler agreed and explained that in terms of the zoning, this is an interim action. The major item is the UGB amendment. Once the area is annexed, the UGB would be extended further.

Commissioner Over added that the city and county have always been compatible with zoning in the outlying areas.

Matt Spangler agreed and explained that it is a legal requirement for plan coordination that the county must be consistent with the city.

Chairman Goebel called for proponents testimony.

Richard Hammersley, a local attorney, explained that he is the agent for the case and the applicant, Ash Severson, is present along with a neighbor, Benson Allard. Mr. Allard owns the three lots to the south.

Several other property owners have given written approval for the earlier hearings on this case at city level.

Mr. Hammersley stated that the staff report is comprehensive. The city has approved the same urban growth boundary extension. Approval of this request would be coextensive with the city's approval.

The purpose of the request is to extend the city sewer to the site to remedy the current septic problems. The city is willing to extend this service. There is currently city water to the site.

With regard to the faultline, Mr. Hammersley explained that it is located 150' to the north of the area.

Commissioner Adler asked if the fault was the natural terminus of the sewer line and was concerned that the Surf N Sand Motel would be in the same situation in the future.

Ash Severson explained that the fault was opposite of the Surf N Sand Motel.

Mr. Hammersley explained that the sewer line will probably not extend past the present proposed urban growth boundary extension because of the fault line. This will not be a problem as far as the sewer line is concerned.

Commissioner Adler asked if the sewer line could be extended up to the Surf N Sand Motel without crossing the fault line.

Richard Hammersley responded that he did not think so.

Ash Severson described the location of the fault on the map. Mr. Severson's motel is located at the top of the hill. Since everything drains to the south, the city has stated that his motel is as far as the system will extend.

The fault line crosses to the south of his motel. The Surf N Sand Motel could be served by a sewer line coming down from the north. The fault line has been crossed with the City of Newport's waterline, which has never ruptured.

Chairman Goebel called for opposing testimony. Since there was no opposing testimony nor correspondence, Mr. Goebel asked the commissioners for their feelings on the request.

Commissioner Willits stated that he is in favor of the proposal and the application demonstrate all the needs in Goal 14 and the county ordinance.

With regard to the ordinance standards, Mr. Willits feels that the request meets standards a. and d..

Commissioner Over stated that she is in agreement with the request.

Commissioner Miyakawa stated that he had no comment.

Commissioner Adler stated that he had no problem with the request.

Chairman Goebel stated he did not have a problem with the request either.

Commissioner Adler was concerned that there is a limit as to how much could be annexed into the city within a certain period of time, and if they did not annex this area, what would happen.

Matt Spangler explained that the city would not provide sewer services without annexation and without sewer services, the area (which is slated for urban level development) could not be developed.

After further discussion, Commissioner Willits made a motion to recommend to the Board of County Commissioners approval of the request for the extension of the City of Newport's Urban Growth Boundary for case file #3-LUPC-ZC-89, be approved and that a comprehensive plan map amendment from dispersed residential to suburban residential be granted and a zone change from RR 1-2 to R-1 single family residential also be granted and that the findings which have been submitted by the applicant be adopted.

Commissioner Over seconded the motion.

The vote was taken and passed unanimously.

MOTION TO RECOMMEND TO BOARD OF COUNTY

COMMISSIONERS APPROVAL OF CASE FILE

#3-LUPC-ZC-89. #40-89

8. PLANNING COMMISSION CONCERNS

Chairman Goebel mentioned a letter he received regarding the topic of the Bed and Breakfast standards review and wondered how to respond to the letter.

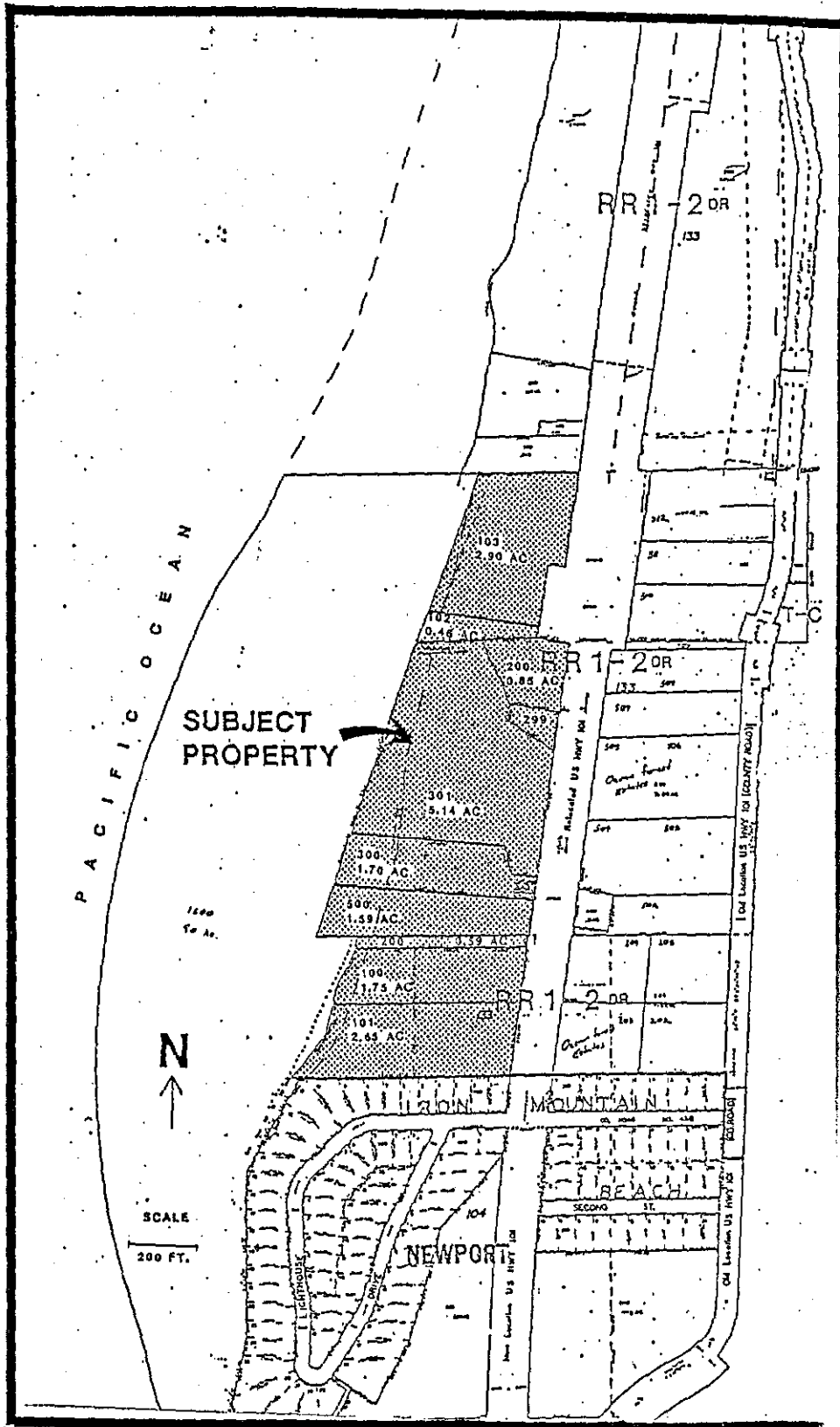
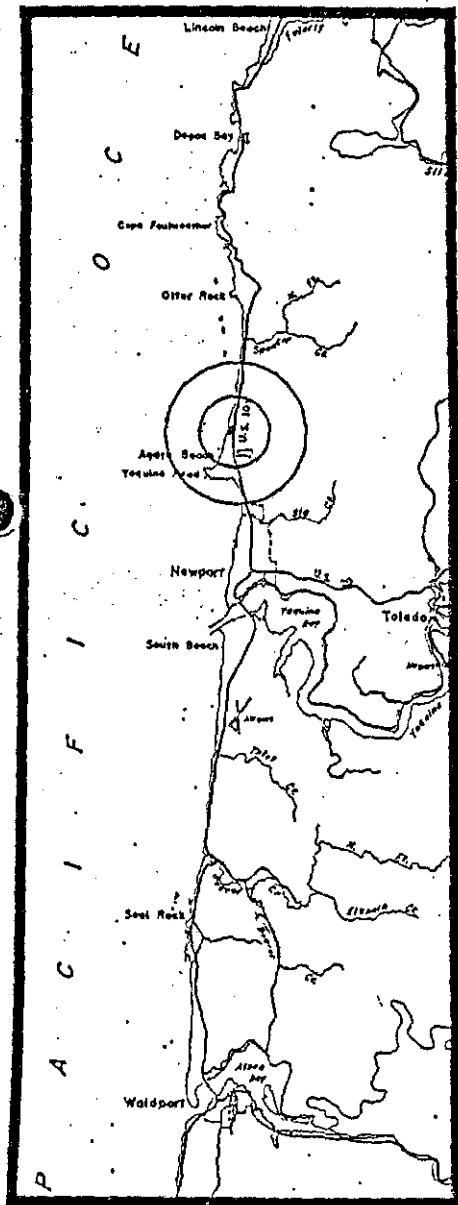
Matt Spangler explained that the letter was sent for informational testimony and it can be considered for the future hearing on this issue.

9. ADJOURNMENT

The meeting was adjourned at 10:38 pm.

SITE MAP

LOCATION MAP



CITY OF NEWPORT
ORDINANCE NO. 1541

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP OF THE CITY OF NEWPORT, OREGON, AND PROVIDING FOR AN AMENDMENT TO THE CITY OF NEWPORT'S URBAN GROWTH BOUNDARY.

Section 1. PURPOSE AND INTENT

A. The Common Council of the City of Newport hereby finds that it is necessary and in the interest of the public's health, safety, general welfare, and convenience to provide for an amendment to the City of Newport's Comprehensive Plan Map and an amendment to the City of Newport's Urban Growth Boundary to extend the boundaries north and allow appropriate planning designations.

B. The Council finds that the City's Planning Commission has conducted a public meeting on the actions to be implemented by this Ordinance and has submitted its recommendations to this Council. Furthermore, the Council has duly conducted a public hearing for the purpose of receiving testimony on this Ordinance and finds that notice as required by the Comprehensive Plan has been given to interested persons, affected governmental entities, and residents in the affected area, and that notice as required by ORS 197.610 has been given to the director of the Department of Land Conservation and Development at least 45 days prior to the public hearing on this Ordinance.

C. The Council finds that the Lincoln County Board of Commissioners has adopted an ordinance amending the City's Urban Growth Boundary and has recommended approval of the amendment.

D. The Council finds that it is in receipt of all matters and information necessary to consider this Ordinance in an adequate manner and that this Ordinance complies with the Statewide Planning Goals, the Oregon Revised Statutes, the Administrative Rules of the Land Conservation and Development Commission, the existing Comprehensive Plan of the City of Newport, and the City of Newport Charter. The Council hereby adopts the legal findings and conclusion contained in Exhibit "A", hereby attached and

incorporated herein.

Section 2. COMPREHENSIVE PLAN MAP AND UGB AMENDMENTS

A. The City of Newport's Comprehensive Plan Map and Urban Growth Boundary are hereby amended and adopted to include the extended boundaries as represented in the succeeding legal description:

A parcel of land situated in Section 20, Township 10 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at the intersection of the west line of relocated U.S. Highway 101 and the north line of the plat of IRON MOUNTAIN BEACH; thence northerly along the west line of relocated U.S. Highway 101 to the north line of Government Lot 3 in Section 20, Township 10 South, Range 11 West; thence westerly along the north line of Government Lot 3 to the mean high tide line of the Pacific Ocean; thence southerly along the mean high tide line to the north line of the Plat of IRON MOUNTAIN BEACH; thence east 89° 54' west, along the north line of IRON MOUNTAIN BEACH, to the point of beginning (see map, Exhibit "B"). [Tax Lots 102, 103, 299, 300, 301, and 500 of Tax Map 10-11-20BB and Tax Lots 100, 101, and 200 of Tax Map 10-11-20BC]

B. The above-described property is hereby designated "Low Density Residential."

Section 3. CODIFICATION

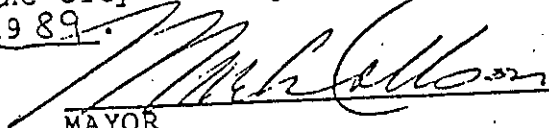
The Council hereby determines that the provisions of this Ordinance shall be appropriately incorporated into the Comprehensive Plan of the City of Newport to provide one complete document for the citizens of the City of Newport.

Introduced and passed the first reading at a regular meeting of the Common Council of the City of Newport, Oregon, held on the 15th day of May, 1989.

Page 2. ORDINANCE Amending the Comprehensive Plan Map and Urban Growth Boundary (Ash Severson/Driftwood Village Motel).

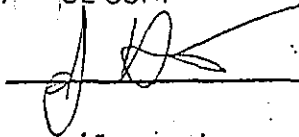
Passed to the second reading, passed on
adopted by the Council of the City of Newport, Oregon,
held on the 5th day of June, 1989.

Approved by the Mayor of the City of Newport, Oregon, this
5th day of June, 1989.


MAYOR

ATTEST:


CITY RECORDER



Before the Common Council
City of Newport, Oregon

ASH SEVERSON,)
)
Petitioner.) PETITION TO AMEND URBAN
) GROWTH BOUNDARY

Petitioner herein seeks an extension of the urban growth boundary of the City of Newport.

1

Aerial photographs submitted herewith and labeled Exhibit "A" show the location of the existing urban growth boundary and also the boundary as it is proposed to be amended. The boundary, as amended, would extend approximately 1800 feet north along the west side of Highway 101.

2

Current Lincoln County Assessor's tax maps are submitted herewith as Exhibit "B" and show all tax lots within 300 feet of the area proposed to be included in the urban growth boundary.

3

A list of the names and addresses of property owners affected because their tax lots fall within the 300 foot area described in #2 above is provided herewith as Exhibit "C".

4

Petitioner is the owner of Driftwood Village Motel, a lodging establishment. This is a well-established existing use. The use is compatible within an urban area. Examination of alternate locations are not relevant because this is an

Litchfield, Carstens & Hammersley
ATTORNEYS AT LAW
407 NORTH COAST HIGHWAY, P.O. BOX 1710
NEWPORT, OREGON 97131
(503) 265-8670

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existing use. The lodging establishment is compatible with adjacent existing and allowable uses.

5

Submitted herewith as Exhibit "D" is a letter from Richard E. Lyon, Lincoln County sanitarian, dated February 7, 1989. The letter explains that the Petitioner's onsite sewer disposal system has failed and that because of the geology of the area a permanent onsite disposal system is not feasible. The last sentence of the third paragraph states that, "connection to the city sewer is seen as the final solution to this problem." Accordingly, the environmental consequences of extending urban growth boundary and concurrently extending city underground services to the locality are very favorable.

Without adequate sewage disposal the Driftwood Village Motel will not be able to remain in business, and thus [provide] economic consequences which [extending city services to the area] favor an urban growth boundary change. No significant impact is anticipated upon the social and energy consequences of the proposed amendment.

6

In accordance with section 1-2-4.410 of the City of Newport Land Use Ordinances, Petitioner urges the City to make the following findings of fact for the respective reasons set out below:

a) The proposed urban growth boundary amendment will accommodate long-range growth, consistent with the state

2 goals acknowledged in the comprehensive plan because the
3 addition is a small, but logical extension of the boundary
4 which will serve to eliminate a public health hazard.

5 b) The proposed amendment will provide more area
6 within the urban growth boundary for possible future housing
7 and will allow a business which provides employment
8 opportunities to continue in operation.

9 c) The proposed amendment will allow the orderly
10 economic and efficient provision of public facilities and
11 services because, as amended, the urban growth boundary would
12 extend from a point where services are currently provided [to
13 a point] directly north along Highway 101 and end where a
14 natural fault line provides a logical break and an ending
15 point for the extension of the city's underground services.
16 The location of this natural fault line is noted on a
17 Geological Hazards Map submitted herewith as Exhibit "E".
18 Newport City Manager, Don Davis, has indicated to counsel for
19 Petitioner that the city is not willing to extend services
20 beyond the fault line because of the significant expense
21 associated with maintaining the underground services each time
22 the ground settles. The unstable geology of the area is well
23 known to local residents because the highway must be
24 resurfaced each time the ground slips. The fault line becomes
25 readily apparent upon an onsite inspection of the area and can
26 be located as the dip in the road just north of Petitioner's
lot.

BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

RECEIVED

JUN 26 1989

In the Matter of
Initiating Amendment of the
Lincoln County Comprehensive
Plan/Newport Urban Growth
Boundary

LINCOLN COUNTY PLANNING DEPT.
RESOLUTION NO. COURT HOUSE - 6
NEWPORT, OREGON 97365

WHEREAS the Board received a request from James Hackett, representing Ash Severson, owner of the Driftwood Village Motel, to initiate action to amend the Lincoln County Comprehensive Plan, Lincoln County Code Section 1.0030, to amend the City of Newport Urban Growth Boundary to include properties described in attached Exhibit "A," said amendment extending the Urban Growth Boundary approximately 1800 feet north along the west side of Highway 101; and

WHEREAS the Driftwood Village Motel septic system has failed, and the Lincoln County Sanitarian has informed Mr. Severson that connection with the City of Newport sewer system is the only long-term solution to that failed system; and

WHEREAS in order to receive sewer service, the City of Newport Urban Growth Boundary must first be extended to the Driftwood Village Motel; and

WHEREAS Mr. Severson has been unable to obtain all of the property owners' signatures from land owners lying between the existing Urban Growth Boundary and the proposed amended Urban Growth Boundaries; and

WHEREAS under Lincoln County Code Section 1.1201 through 1.1280, the Board may, by resolution adopted at its discretion, initiate a comprehensive plan change and direct the Planning Commission to hold hearings on said change; and

WHEREAS it is the practice of the County to require all property owners requesting an amendment to the Urban Growth Boundary to initiate the change, but the Board recognizes under very limited circumstances present here, that it may place an undue hardship on a land owner who has a health hazard situation to require that all intervening property owners sign a petition; and

WHEREAS the Board is aware this request has been processed by the City of Newport, that notice has been provided to all intervening property owners of the City's action, hearings were held by the City, and no opposition surfaced during those hearings;

Page

Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, OR 97365
Phone: 265-5611 ext. 308

1. That the Board initiate amendment to the Lincoln County Code, Section 1.0030 to amend the City of Newport Urban Growth Boundary as proposed in the letter and accompanying materials submitted by James Hackett on behalf of Ash Severson (dated May 19, 1989).

2. That the Department of Planning and Development prepare the language of the amendment for consideration by the Planning Commission.

3. That the Planning Commission conduct the necessary hearings on the request and forward a recommendation to the Board.

4. That because this change is at the request of a property owner and is not due to an error or omission made by the County in the development of the comprehensive plan, that Mr. Severson be required to pay the appropriate filing fee for a comprehensive plan amendment prior to processing this matter.

5. That a copy of this resolution be forwarded to the Department of Planning and Development and to James Hackett, P. O. Box 1730, Newport, Oregon.

DATED this 21st day of June, 1989.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Frank Armstrong
FRANK ARMSTRONG, Chairman

Andy Sedwick
ANDY SEDWICK, Commissioner

Norma McMillin
NORMA McMILLIN, Commissioner

Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, OR 97158
Phone: 265 6611 x1308

2 d) The proposed urban growth boundary amendment has
no impact upon the retention of forest land.

3 e) The existing uses are compatible with nearby
4 forest lands and it is anticipated that any future uses will
5 be similarly compatible.

6 f) A change in growth patterns has not motivated
7 the Petitioner to apply for amendment to the urban growth
8 boundary. Still, the extension of city underground services
9 concurrent with the extension of the urban growth boundary
10 will help to maximize the efficiency of the existing land uses
11 within the area.

12 g) The proposed amendment to the urban growth
13 boundary will provide beneficial environmental and economic
14 consequences. As stated previously, the primary motivation
15 for the change is to eliminate a public health hazard by
16 extending city sewer services to an area which geologically
17 cannot support onsite disposal. Thus, the primary
18 environmental consequence of the proposed change is
19 beneficial. Because the area is already developed with
20 existing uses and the geology of the area within the proposed
21 change cannot support intensive urbanization, Petitioner does
22 not foresee that inclusion of the area within the urban growth
23 boundary of the City of Newport will have any significant or
24 detrimental environmental effects. Moreover, the proposed
25 change will have a secondary and positive economic consequence
26 by allowing Petitioner's lodging establishment to continue

Litchfield, Carstens & Hammersley
ATTORNEYS AT LAW
407 NORTH COAST HIGHWAY, P.O. BOX 1730
NEWPORT, OREGON 97131
(503) 261-8870

operation and by allowing more efficient use of land within
the proposed change area.

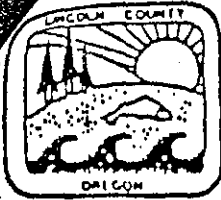
h) Alternate locations have not been considered
because the area of the proposed amendment to the urban growth
boundary is concerned with existing uses.

Respectfully submitted:

/s/ James Allen Hackett

James Allen Hackett, OSB #70060
OF Attorneys for Petitioner
LITCHFIELD, CARSTENS & HAMMERSLEY
P.O. Box 1730
Newport, Oregon 97365
Telephone: 265-8670

Litchfield, Carstens & Hammersley
ATTORNEYS AT LAW
401 NORTH COAST HIGHWAY - P.O. BOX 1730
NEWPORT, OREGON 97365
(503) 265-8670



DEPARTMENT OF PLANNING
AND DEVELOPMENT

Public Service Building
210 S.W. Second Street
Newport, Oregon 97365

(503) 265-8611

Building Division On-Site Waste Mgmt.
Ext. 251 Ext. 253
Code Enforcement Planning Division
Ext. 292 Ext. 292

February 7, 1989

Ash Severson
c/o Severson Management
12900 S.W. Pacific Highway
Tigard, Oregon 97223

Re: Driftwood Village Motel
10-10-20BB #103

Dear Mr. Severson:

On 1-24-89 an on-site meeting was held at your above mentioned property to inspect a test hole for the feasibility of installing a repair system. Present were Dr. Bob Paeth, D.E.Q., Elmer Ostling, installer, Bill Zekan and myself.

Although the area is obviously unstable, it was the consensus that the immediate area had not moved in a major way over the last twenty (20) years or so.

It was determined that a sand filter in the area of the deck to the north of the parking lot and a seepage pit in the area below by the test hole would be acceptable for a temporary repair until such time as a pressure line to city sewer could be installed. Again, connection to city sewer is seen as the final solution to this problem.

The gallonage flow is determined to be 1630 gpd thus the area for the sand filter should be 1325 sq. ft. which translates to a 36' x 36' sand filter. The effluent is to be disposed of into a seepage pit in the area mentioned above.

You need to either have Elmer Ostling or yourself draw up a plot plan showing the proposed installation as well as details like pipe size, pump information, the sand filter cross section etc. Submit this data along with the repair permit application inclosed also the fee (\$30.00) and we will forward a copy to D.E.Q. for final approval.

If you have any questions concerning the above, please do not hesitate to contact this department.

Respectfully,

Richard E. Lyon
RICHARD E. LYON, R.S.
LINCOLN COUNTY SANITARIAN

EXHIBIT "A" (con't)

PETITIONER
EXHIBIT