

City of Newport
Township
Applicant
Planning
11-12-97
99-135

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 **ORDINANCE #374**

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5
6 **Amending the Urban Growth Boundary for the City of Newport on Property identified**
7 **as the eastern 40 acres of the south half of the NW quarter of Section 4, Township 11**
8 **South, Range 11 West, WM, Lincoln County, Oregon (eastern 40 acres of Tax Lot 200,**
9 **Lincoln County Assessor's Map 11-11-04), and declaring an emergency.**
10

11 WHEREAS the City of Newport adopted Ordinance No. 1771 on April 21, 1997,
12 which amended the City of Newport Urban Growth Boundary to include approximately 40
13 acres located east of the existing city limits and the existing Urban Growth Boundary, west
14 of Newport Heights Road and north of Candletree Subdivision, further described as the
15 eastern 40 acres of the south half of the NW quarter of Section 4, Township 11 South, Range
16 11 West, WM, Lincoln County, Oregon (eastern 40 acres of Tax Lot 200, Lincoln County
17 Assessor's Map 11-11-04) at the request of Beaver State Land Company; and

18 WHEREAS the Lincoln County Planning Commission voted to recommend approval
19 of the request for an Urban Growth Boundary amendment for the City of Newport; and

20 WHEREAS after published notice in accordance with law, the Lincoln County Board
21 of Commissioners held a public hearing on November 5, 1997, to consider the request; and

22 WHEREAS at the conclusion of that hearing, the Board voted to approve the request
23 as submitted;

24 The Lincoln County Board of Commissioners ordains as follows:

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SECTION 1.

That the Planning Commission's recommendation is adopted, and the City of Newport's Urban Growth Boundary is amended to include property identified as the eastern 40 acres of the south half of the NW quarter of Section 4, Township 11 South, Range 11 West, WM, Lincoln County, Oregon (eastern 40 acres of Tax Lot 200, Lincoln County Assessor's Map 11-11-04).

SECTION 2.

The findings and conclusions supporting these actions are adopted as set forth in Exhibit "A" attached hereto and incorporated herein.

SECTION 3.


The Department of Planning and Development is directed to amend the official maps in the Lincoln County Clerk's Office

SECTION 4.

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

DATED this 12th day of November, 1997.

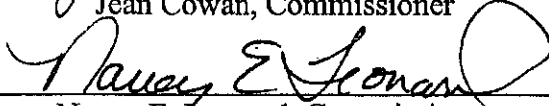
LINCOLN COUNTY BOARD OF COMMISSIONERS



Don Lindly, Chair



Jean Cowan, Commissioner



Nancy E. Leonard, Commissioner


ATTESTED TO:



Susan Kays, Recorder

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APPROVED AS TO FORM:



Wayne Belmont, County Counsel

BEFORE THE PLANNING COMMISSION

OF

LINCOLN COUNTY, OREGON

Urban Growth Boundary Map) Case File #3-LUPC-PC-97
Amendment; Applicant: Beaver) Findings, Conclusions, and Final Order
State Land Co.; Agent: Richard
Townsend

Nature of the Application

The request is to amend the county's urban growth boundary (UGB) east of Newport to include approximately 40 acres. This proposal is for an amendment to the boundary only. Zoning of the subject property will change when the property is annexed into the City of Newport.

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

1. The subject property is 40 acres in size.
2. The subject property is located east of the existing city limits and urban growth boundary, west of Newport Heights Road and North of Candletree Subdivision. The property is further identified on Lincoln County Assessor's Map #11-11-4 as tax lot 200.
3. The subject property is zoned T-C (Timber Conservation).
4. The subject property carries a plan designation of Forest Land.
5. The subject property abuts lands within the City of Newport zoned residential. Immediately east, in the County, is rural residential development and forest land.

6. The property contains varying topography ranging from level to steeper slopes and is covered in typical coastal native vegetation.
7. The subject property is vacant.
8. Urban services would be extended to the property.
9. No development constraints were identified.
10. No comments were received from the Department of Land Conservation and Development.
11. The City of Newport sent notice of the proposed annexation to various city departments and public utilities as part of their notice and hearings process. No comments were received.
12. A public hearing was held on August 13, 1997 before the Lincoln County Planning Commission. All interested parties were given an opportunity to testify.
13. The applicants representative presented testimony on behalf of the request.
14. Ordinance No. 1771, adopted as Findings of Fact by the City of Newport during their review process, amends the City of Newport Urban Growth Boundary to include the subject property, and at the same time assigns a comprehensive plan designation of "Low Density Residential". Contained within the document ("Exhibit A"), all related Statewide Planning Goals, including Goals 1 and 3 - 14 have been addressed in some detail by the applicant; Goals 15 - 19 (Willamette Greenway, Estuarine Resources, Coastal Shorelands, and Beaches and Dunes) do not apply. The criteria to be assessed under Goal 14, Urbanization, were presented throughout the narrative of the application. The findings conclude that with the loss of residentially zoned land used by the new middle school, there is no longer an ample supply of vacant residential land in the City and its UGB to accommodate anticipated residential development. Applicant has addressed factors such as the inventory and usefulness of residential property within Newport, impact of the proposal on housing availability, availability of public facilities and services, transportation concerns, and urbanization. Through this analysis, applicant has identified a need for additional residential property within the city. A copy of that analysis and findings is attached as Exhibit A.
15. No opposition testimony was entered into the record.

16. All application materials and staff's report are by reference incorporated into the record herein.

Relevant Criteria

- a. Lincoln County Development Code, Section 1.1235, Quasi-Judicial Amendments: A quasi-judicial amendment to the Comprehensive Plan and Zoning Maps may be authorized provided that the proposal satisfies all applicable requirements of this Chapter and also provided that the applicant, in a quasi-judicial hearing, demonstrates that:
- 1) The change is in accord with the Comprehensive Plan goals and policies or the Statewide Planning Goals; and
 - 2) There has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or
 - 3) The zoning previously adopted for the area was in error; or
 - 4) There is a public need for the change being sought.
- b. Lincoln County Comprehensive Plan Goals and Policies:
The following Lincoln County Comprehensive Plan Goals and Policies are pertinent to this proposal:
1. Land Use Planning Goals (Section 1.0010)
 - (a) To identify activities, issues and problems of land use.
 - (b) To ensure that all growth is orderly and efficient
 - (c) To establish a land used planning process and policy framework as a basis for all decisions and actions related to the use of land, and to assure an adequate factual basis for such decisions and actions.
 2. Urbanization Policies (Section 1.0030).
These policies state that 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 LCDC goals;
 - (b) Need for housing, employment opportunities, and livability;
 - (c) Orderly and economic provision for public facilities and services;
 - (d) Maximum efficiency of land uses within and on the fringe of the existing urban area;
 - (e) Environmental, energy, economic and social consequences;
 - (f) Retention of agricultural land as defined, with Class VI the lowest priority; and
 - (g) Compatibility of the proposed urban uses with nearby agricultural

activities.

3. Economic Goals (Section 1.0130)
 - (a) To establish an economic planning process in the county.
 - (b) To support and encourage the expansion of existing industrial and commercial activities in appropriate locations.
 - (c) To support and encourage the creation of new industrial and commercial activities in appropriate locations.
 - (d) To recognize the environmental and developmental constraints in expansion of industrial, commercial, and residential activities.
 - (e) To improve the average wage in the county
 - (f) To improve the quality of employment opportunities in Lincoln County.
4. Transportation Goals (Section 1.0140)
 - (a) To plan for a safe, convenient and economic transportation system.
 - (b) To provide an efficient and aesthetically pleasing system of public roads.
 - (c) To develop a transportation system which enhances the County's economy.
 - (d) To encourage energy conserving transportation modes.
 - (e) To conserve energy in transportation.

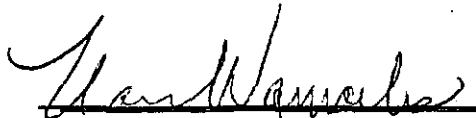
Findings and Conclusions

The Commission finds that the findings and conclusions supporting this action are adopted as set forth in Exhibit "A" attached hereto and incorporated herein

Order

It is ORDERED by the Lincoln County Planning Commission that Case File #3-LUPC-PC-97 be APPROVED.

This ORDER was presented to and approved by the Lincoln County Planning Commission on August 25, 1997.



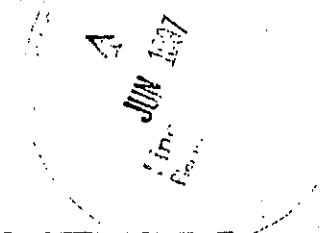
Naomi Wamacks, Chair

Lincoln County Planning Commission

EXHIBIT "A"

CITY OF NEWPORT

ORDINANCE NO. 1771



AN ORDINANCE AMENDING THE URBAN GROWTH BOUNDARY AND THE COMPREHENSIVE PLAN MAP (ORDINANCE NO. 1621, AS AMENDED) OF THE CITY OF NEWPORT REGARDING TAX LOT 200 (EAST 40 ACRES ONLY) OF TAX MAP 11-11-4.

WHEREAS, Beaver State Land Company is found to be the owner of record of certain real property herein described and has given written consent for the applications listed hereafter; and

WHEREAS, an application for amendment of the City of Newport urban growth boundary (UGB) has been submitted to the City of Newport by Beaver State Land Company to include certain real property described herein in the city's urban growth boundary; and

WHEREAS, an application for amendment of the City of Newport Comprehensive Plan Map has been submitted to the City of Newport by Beaver State Land Company to change the designation of said property described herein from the Lincoln County "Timber Conservation" designation to the City of Newport's "Low Density Residential" designation; and

WHEREAS, the Newport Planning Commission did consider said actions on February 10, 1997, and recommended to the Common Council of the City of Newport that the requested actions be approved; and

WHEREAS, after due and legal notice was given as provided by ORS 197.610, a public hearing was held by the Common Council on the 7th day of April, 1997, at the hour of 7:30 p.m., to consider whether or not to affect such changes; and

WHEREAS, the City of Newport finds these actions to be in conformance with the herein mentioned laws, administrative rules, and goals and guidelines, and all planning considerations show that this area lies within the area expected to be needed for urbanization by the year 2010, inasmuch as the entire parcel is considered appropriate for low density residential purposes, and is in a desirable area for such use, which is found by the City Council to be the best use for this property.

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

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 urban growth boundary and Comprehensive Plan Map to extend the boundaries east and to allow an appropriate planning designation.

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 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" (Applicant's Findings of Fact) and Exhibit "B" (Planning Staff Report), 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, to-wit:

The south half of the northwest quarter, Section 4, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County (east 40 acres only) [Tax Map 11-11-4, Tax Lot 200 (east 40 acres only)].

B. The above-described property is here by designated "Low Density Residential" on the City of Newport Comprehensive Plan Map.

Section 3. CODIFICATION

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

B. The City Recorder is directed to mail a copy of this Ordinance, together with the Findings of Fact and Conclusions adopted hereby, to the Director of the Department of Land Conservation and Development within five (5) working days after the adoption of this Ordinance by the Common Council, pursuant to ORS 197.610 and 197.615. The City Recorder shall also mail a copy of this Ordinance to

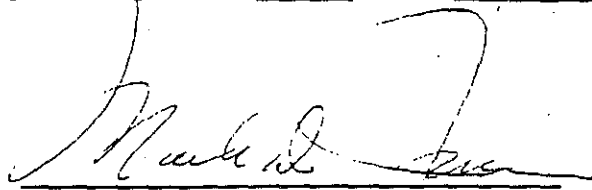
persons who have participated in proceedings leading to the adoption of this Ordinance or who have requested notice of adoption of this Ordinance. The notice required shall comply with provisions of ORS 197.615.

C. This Ordinance shall take effect on the thirtieth day after its enactment by the Common Council 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 7 day of April, 1997.

Passed to the second reading, placed on final passage, and adopted by the Common Council of the City of Newport, Oregon, held on the 21 day of April, 1997.

Approved by the Mayor of the City of Newport, Oregon, this 21 day of April, 1997.


MAYOR

ATTEST:


CITY RECORDER

**BEFORE THE CITY COUNCIL
OF THE CITY OF NEWPORT
STATE OF OREGON**

In the Matter of Amendment)
of the Urban Growth Boundary) **APPLICANT'S PROPOSED**
to Include Property Described) **FINDINGS OF FACT**
as the Eastern Half of Tax Lot)
200 on Assessor's Map 11-11-4)
_____)

I. The Application and the Site

1. Beaver State Land Company is the owner of Tax Lot 200 on Lincoln County Assessor's Map No. 11-11-4. The entire property consists of approximately 80 acres. The western half of the property (40 acres) has been annexed into the City. This application is to include the eastern half within the City's Urban Growth Boundary.

2. The property currently is undeveloped and vacant. It is zoned T-C, Timber-Conservation, under the Lincoln County Zoning Ordinance. Its Lincoln County Comprehensive Plan designation is forest land.

3. The property generally slopes down to the west. The grades are not extreme and would be readily developable for urban purposes.

4. The western half of the subject parcel is located within the city limits of the City of Newport. The eastern half, therefore, is contiguous with the city limits.

5. The subject property adjoins lands zoned for residential use to the west and south. To the north and east is land zoned T-C, Timber-Conservation, by the County.

II. Criteria

A. Need for the Change

6. There is a demonstrated need for the change to satisfy urban housing needs. This is shown by the recent decrease in the stock of available land within the UGB that is available for residential use.

7. The City recently lost approximately 30 acres of residential property to the new school site. This area, adjacent to the subject parcel, had been zoned R-1/"Low Density Residential." Since under the City's Comprehensive Plan this area

was needed in order to meet the City's need for residential development, and since there has been no other addition to the stock of residential land within the City's Urban Growth Boundary, and since the subject property is adjacent to the residential land lost to the school site, it follows that the subject property is needed for the City's requirements for residential property.

B. Provision of Urban Facilities or Services

8. Water service can be provided to the property. There is a 16" water line that runs through the property which could be used to provide water to the property. The pressure level in this line at this point may require the property owner to build a pump station. Higher pressure is available from the water line in 7th Street, which will be serving the middle school on adjacent property. There also is higher pressure water available from the line serving the nearby Candletree Subdivision via 7th Drive.

9. City sewer can be provided. It will require building a pump station to pump from the area of the pool up to an existing manhole on a line served by the Jeffries Creek lift station. Alternatively, a line could be built down the creek to tie in to the line west of Harney Street and Big Creek Road.

C. Efficiency of Land Uses

10. There presently is very little undeveloped land within the City of Newport. This is particularly true with respect to land near the core of the city. Urbanization has stretched to the north and south. To the east, where the subject parcel is located, lies urbanizable land that will promote efficiency in land uses. By making the best use of the area served by the existing commercial core of the city, that is, by making it available for urban-type density, the need for additional commercial usage of the limited stock of urbanizable land is minimized. This will help to ensure that no more land is urbanized than is necessary to meet the needs of population growth in the city.

D. Environmental, Energy, Economic and Social Consequences

11. The subject parcel does not contain any land providing habitat for any protected species, nor does it contain any land listed on any inventory of habitat for fish and wildlife. No part of the subject parcel has been identified as being needed for wildlife and fisheries habitat. The City of Newport Comprehensive Plan has identified the western half of the subject parcel as potential commercial forest land but has specifically stated that it is either committed to urban uses or needed for urban uses, and therefore not suitable for commercial forestry uses. This necessarily includes the habitat element of forest land. The same

must be said of the eastern half of the parcel as well. It is indistinguishable from the western half.

12. The energy consequences of converting the subject parcel to urban uses will be inconsequential. It will not affect energy production, nor will it affect the energy consumption of any off-premises uses. There will be no net energy consumption beyond what is already contemplated by the Comprehensive Plan because the site is replacing urban residential land converted to school use.

13. There will be no economic consequences of urbanization of the subject property. It presently is vacant and does not provide any economic services.

14. There are no known social consequences of urbanizing the subject property. When ultimately developed, it will provide positive social consequences in that residences located on the property will have ocean or bay views.

E. Retention of Agricultural Land

15. The subject parcel contains soils known as the Tolovana-Reedsport complex. There are Class VI soils, which is the lowest agricultural retention priority type. The site is not and has not been used for any agricultural purpose. Because the site has poor agricultural soils and is not readily useable for agricultural purposes, inclusion of this parcel within the Urban Growth Boundary will not affect the retention of agricultural land.

F. Compatibility with Nearby Agricultural Activities

16. There are no nearby agricultural activities. Surrounding land uses are a mix of residentially zoned properties to the west and south, and timber conservation zoned properties to the east and north. Consequently, there is no issue of compatibility of the proposed urban uses with agricultural activities.

G. Need for Housing, Employment Opportunities and Liveability

17. The growth of Lincoln County, and particularly its urban areas, has created a need for housing and employment opportunities. Since the statewide planning goals severely restrict the ability to meet these needs outside the urban areas of the County, they must be met inside the County's urban growth boundaries.

18. At the same time, the availability of urbanizable land within the urban growth boundaries is limited. This is especially true in Newport.

III. Compliance with Statewide Planning Goals

19. The proposed UGB amendment relates to certain other statewide planning goals. These are considered below:

A. Goal 1, Citizen Involvement and Goal 2, Land Use Planning

20. These goals are met by the various proceedings through which this application is subject.

B. Goal 3, Agricultural lands

21. This goal is not applicable because there are no agricultural lands on the site.

C. Goal 4, Forest Lands

(See the discussion of the Goal 2 exception criteria, below.)

D. Goal 5, Open Spaces, etc.

22. This goal will be complied with in that there are no inventoried Goal 5 resources on the subject property. The proposed residential use of the property will not conflict with any inventoried Goal 5 resources on adjacent properties because there are no such resources.

E. Goal 6, Air, Water and Land Resources Policy

23. This goal will be met because the subject property will be served by City services for waste and handling.

F. Goal 7, Areas Subject to Natural Disasters and Hazards

24. The subject property is not within any known area of natural disasters or hazards.

G. Goal 8, Recreational Needs

25. The subject property is located in close proximity to the recreational resources of the City of Newport, including numerous City parks and playing fields, State parks, the beach, Yaquina Bay, and the Yaquina River. These facilities and sites will meet the needs of the future residents of the subject property.

H. Goal 9, Economic Development

26. This goal does not apply to the subject request.

I. Goal 10, Housing

27. This goal is to provide for the housing needs of citizens of the state. The proposed UGB amendment is consistent with this goal because it will restore the stock of buildable lands within the UGB, and as such, will encourage the availability of adequate numbers of housing units of varying types in varying price ranges.

J. Goal 11, Public Facilities and Services

28. The proposed UGB amendment is consistent with this goal because public facilities and services may easily be extended to the subject parcel when needed, and adequate capacity is available.

K. Goal 12, Transportation

29. The proposed UGB amendment is consistent with this goal because it will promote a safe, convenience and economic transportation system. The subject property is close to the urban core of the City of Newport, a fact that will minimize the need for future expansions of the transportation system to serve outlying areas that would have to be urbanized if this amendment is not granted. Users of the transportation system will therefore be making shorter, cheaper trips to make use of the other residential, commercial, industrial and governmental facilities of the City.

L. Goal 13, Energy Conservation

30. The proposed UGB amendment is consistent with this goal because the future development of the subject parcel will help to concentrate growth close to existing residential, commercial, industrial and governmental facilities. Trips to utilize these facilities will be shorter than if they were made from areas more distant from the core of the City, and therefore, will use less fuel.

M. Goal 14, Urbanization

31. This goal is applicable because urban lands must be made available to accommodate projected population growth. Part II of these findings of fact demonstrates compliance with this goal.

N. Goal 15, Willamette River Greenway

32. This goal does not apply because the Greenway is many miles away from the subject property.

O. Goal 16, Estuarine Resources; Goal 17, Coastal Shorelands; Goal 18, Beaches and Dunes; and Goal 19, Ocean Resources

33. These goals are not applicable because none of the relevant resources are on the subject property.

IV. Goal 2 Exception Criteria

34. Because the amendment of the UGB proposed here is not consistent with Goal 4, Forest Lands, ("To conserve forest lands by maintaining the forest land base ..."), an exception to that goal is necessary. The criteria to be satisfied in this regard are as follows:

A. Reasons Justify Why the Goals Should not Apply

35. This criterion is satisfied by the applicant's compliance with the seven Goal 14 factors as described above in Part II of this application.

B. Areas Which Do not Require a New Exception Cannot Reasonably Accommodate the Use

36. There are no areas outside the UGB that both (1) are available for urbanization for low density residential use; and (2) do not need a new exception. Other lands outside the UGB uniformly would require an exception, and other lands inside the UGB are committed to other uses or to otherwise helping to meet the demand for residential property already facing the City.

C. The EESE Consequences are not Significantly More Adverse than in Other Areas

37. In general, the environmental, energy, social and economic consequences of including the subject parcel in the UGB are the same or less than those of including other areas instead. This is because other areas to the east are essentially indistinguishable from the subject parcel (and so would have the same EESE consequence), while areas to the north and south would have greater energy consequences due to longer travel distances to essential commercial, industrial and public (e.g. schools) facilities.

D. The Proposed Uses are Compatible with Other Adjacent Uses

38. The Comprehensive Plan states in the Urbanization section that the subject property is appropriate for low density development, and has long been planned for such. In the Forest Lands section, it states that this parcel, among others, is committed to or needed for urban development, and that forest use is in fact incompatible with the adjacent urban uses. This leads

to the conclusion, especially since urban lands are located to the west and south, that urban use on this parcel is compatible with other adjacent uses.



**SUPPLEMENTAL INFORMATION IN SUPPORT OF THE
BEAVER STATE LAND COMPANY'S REQUEST FOR AN
AMENDMENT OF THE CITY'S URBAN GROWTH BOUNDARY**

Beaver State Land Company is seeking to have the City of Newport's Urban Growth Boundary amended to include the eastern half of an 80-acre tract the company owns near the site of the new school. The western half of the tract recently was annexed into the City, and Beaver State Land desires to include the eastern half of the tract within the City's Urban Growth Boundary.

The property is needed to be brought within the UGB in order to meet the needs for residentially-zoned land that already has been identified and codified in the City's acknowledged comprehensive plan. At the time the current comprehensive plan was developed, for the years 1990 to 2010, the City determined what its needs would be for various types of land. Particular attention was given to the need for various classifications of residential property based on projected population growth characteristics, a detailed housing inventory and analysis, an estimation of housing demand, and a projection of land needs. The result of all this was the current zoning mix and the current UGB. With these established, the comprehensive plan stated that, at that time, there was sufficient residentially-zoned land available to meet expected residential needs. At the same time, the plan cautioned that "the city must be careful ... not to artificially limit the availability of serviced, vacant land." To that end, the following policy was established:

Policy 5: The City of Newport shall monitor the consumption of vacant residential land. Through zoning, annexation, and capital expenditures, the City shall ensure a relatively free market place. It is not the intent of the city to artificially limit the amount of vacant residential land so as to adversely affect market value.

By bringing the Beaver State Land property into the UGB, the City will take a needed step towards complying with this policy. The necessity results from the removal of over 30 acres of property from the residentially-zoned supply, for the new middle school. With this land removed from the inventory of residential land, there no longer is an ample supply of vacant residential land in the City and its UGB. The UGB must be expanded to meet the need.

Presently, there is little in the way of developable R-1 zoned land left in the City. Moreover, most of what there is left is located at the north end of the City. Other than the remaining

lots in Candletree, most R-1 land is in the areas of Lakewood Hills, Walmart, and other north end areas.

Even in areas where R-1 land is to be found, constraints such as topography, wetlands, flooding, and other factors make it marginally buildable at best. Given that the current comprehensive plan speaks of maintaining a supply of housing options that will ensure a free market place, one not limited by shortages, it is important that sufficient land that is buildable be available for housing. The Beaver State Land property helps to accomplish that. Moreover, the Beaver State Land property will help to do that in a geographic area that recently lost over 30 acres of buildable, residentially-zoned land to the Newport Middle School site.

The Beaver State Land Company property is perfectly sited for urbanization. It is close to Newport's urban core and to essential urban services and facilities. Just to the west and southwest of the property are schools, including Sam Case Elementary, Newport High School, and the new middle school. Also, just to the west will be the Harney Street extension which will provide ready access to the site while easing some of the existing congestion on Highway 101.

In fact, the City of Newport already is developing in that direction. The Candletree development is located on property slightly to the southwest of the Beaver State Land property. Additionally, there are plans being prepared for development of the land between Candletree and the Beaver State Land parcel. And, of course, the new Newport Middle School is being built to the southwest, on adjacent property acquired from the Beaver State Land Company.

All of these properties and developments will be adjacent to the planned Harney Street "bypass" which will be an alternate north-south route (alternate to Highway 101) through the east side of the City, much like Ocean View Drive is on the west side of the City.

Bringing the Beaver State Land property into the Urban Growth Boundary will make the most efficient use of public facilities in the area. Notably, the extension of Harney Street will be able to serve a greater number of people if more dwellings ultimately are allowed to its east. It is important that the best possible use be made of the public resources that will be spent on the extension of Harney Street, and this will help to do just that.

Similarly, the water system must be developed and utilized in the most economically sound manner. By including the Beaver State Land property within the UGB, it will be possible to make efficient

use of the water lines that will serve the new school site and the other residential development underway or planned for the area.

Moreover, by channeling development into this area to the east of the existing UGB, the City will be avoiding the sort of linear sprawl that characterizes areas such as Lincoln City. Rather than extending to the north or south along Highway 101, expanding to the east will make the most efficient use of existing public facilities and services, concentrate the population of the City near the existing commercial and business services centers, and maintain the quality of life for which Newport is known.

Recently, most of the new subdivision activity in the City has been at the north end, in the Agate Beach area. In contrast to the north end properties, the Beaver State Land property is close to the core of the City. This fact means that there will be no demand for new commercial facilities; instead, residents will use the existing stores and other commercial establishments. Their trips to these establishments and to places of employment within the City will be shorter, so their contribution to congestion in the City will be relatively less. Needed City services will not have to be extended in inefficient, wastefully long strings, serving narrow corridors, but will be provided to residences clustered near the existing service areas. All these factors combine to demonstrate that the Beaver State Land property should be brought within the City's UGB.

PLANNING STAFF REPORT

- A. **APPLICANT** Beaver State Land Co. (Richard Townsend, Authorized Agent).
- B. **REQUEST** (1) An amendment to the City of Newport's Urban Growth Boundary (UGB) to include the subject property; and (2) an amendment to the Comprehensive Plan Map, changing the designation of the subject property from the Lincoln County's Timber Conservation designation to the city's Low Density Residential designation.
- C. **LOCATION**: The south half of the northwest quarter, Section 4, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County (east 40 acres only); Tax Map 11-11-4, Tax Lot 200 (east 40 acres only); generally, a parcel of land northeast of the new middle school property and directly north of Candletree Park Subdivision.
- D. **LOT SIZE** : 40 acres.
- E. **STAFF REPORT**

1. **REPORT OF FACT**

- a.) **Plan Designation**: Currently Lincoln County's designation of "Timber Conservation."
- b.) **Zone Designation**: Currently Lincoln County's designation of R-1 /"Residential."
- c.) **Surrounding Land Uses**: There is a new middle school under construction to the southwest, and the Candletree Park Subdivision of single-family residences is located to the south, of the subject property.
- d.) **Topography and Vegetation**: N/A.
- e.) **Existing Structures**: Currently there are no structures on the property.
- f.) **Utilities**: Currently not being served with city service.
- g.) **Development Constraints**: None known.
- h.) **Past Land Use Actions**: On June 10, 1996, the Planning Commission

forwarded a favorable recommendation to the City Council to approve a request (#1-AX-96) to annex only the westerly 40 acres of Tax Lot 11-11-4, and, on August 19, 1996, the City Council adopted Ordinance #1751, which annexed that western portion of the tract and designated it as "low density residential" and "public" on the Comprehensive Plan Map, and as R-1/"Low Density Single-Family Residential" (and P-1 /"Public Structures" on a smaller portion) on the Zoning Map.

- 2. **Explanation of the Request:** Pursuant to Section 2-6-1.040/"Public Hearing Procedures" of the Zoning Ordinance, all actions that have the City Council as the approving authority (with the exception of withdrawals) shall first be referred to the Planning Commission for review and recommendation.

The petitioners are requesting the City Council to amend the city's UGB to include the subject property. Consequently, a public hearing by the Planning Commission is required to make recommendations to the City Council regarding the request.

- 3. **Evaluation of the Request:**

- a.) **Agency Comments:** Notice of the proposed UGB and Comprehensive Plan Map amendments was sent to various city departments and public utilities on January 21, 1997, and, at the time of this report, we have not received any comments.

- b.) **Applicable Criteria:**

Urban Growth Boundary:

There exists (1) a demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities; (2) an orderly and economic provision of key urban facilities or services; (3) maximum efficiency of land uses within the current urbanizable area; (4) environmental, energy, economic, and social consequences; (5) retention of agricultural lands as defined with Class 1 being the highest priority for retention and Class VI being the lowest priority; (6) compatibility of the proposed urban uses with nearby agricultural activities; (7) need for housing, employment opportunities and livability; and (8) Statewide Planning Goal 2 exception criteria.

Comprehensive Plan Map Amendment (minor):

(1) A change in one or more goal or policy; (2) a demonstrated need to accommodate unpredicted population trends, housing needs, employment needs or

ment and we do not have findings of fact addressing the applicable criteria for amending the city's Comprehensive Plan Map. Therefore, the Planning Commission could recommend to the City Council to amend only the UGB to include the subject property. But, to maintain the current Lincoln County Comprehensive Plan designation for the property until such time as when the subject property is being incorporated into the city.

- G. **STAFF RECOMMENDATION:** Forward a favorable recommendation to the City Council to include the subject property in the UGB. But, to maintain the current Lincoln County Comprehensive Plan designation until such time as when the subject property is being incorporated into the city.

- H. **PLANNING COMMISSION RECOMMENDATION:** [At their February 10, 1997, meeting] Commissioner Goebel moved to forward a favorable recommendation to the City Council that they include the subject property in the urban growth boundary and assign it a "Low Density Residential" Comprehensive Plan Map designation; Commissioner Macpherson seconded; and the motion carried [Ayes--Patrick, Johnson, Goebel, Macpherson, and Saxton; Nays--none; Abstentions--Hammond; and Absences--Lund].

Victor K. Mettle
 Code Administrator/Planner
 City of Newport
 February 6, 1997
 Revised February 11, 1997

change in community attitudes; (3) the orderly and economic provision of key public facilities; (4) the ability to serve the subject property(s) with city services without an undue burden on the general population; and (5) the compatibility of the proposed change with the surrounding neighborhood and the community.

c.) **Staff Analysis:**

The applicant has furnished detailed findings of fact (Exhibit "A"), which address only the applicable criteria for an amendment to the urban growth boundary. Staff concurs with those findings and recommends that the Planning Commission adopts those findings and forward a favorable recommendation to the City Council to amend the UGB to include the subject property.

However, it has been the policy of the City to assign a Comprehensive Plan designation to a property when it is brought into the UGB, and, although the applicant has not technically requested an amendment to the Comprehensive Plan Map, the Planning Commission could assign a Comprehensive Plan designation to the subject property in this hearing if findings could be made to address the applicable criteria for amending the Comprehensive Plan Map.

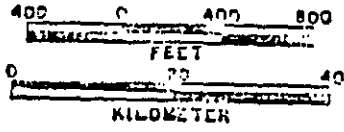
Otherwise, the Planning Commission could simply defer the matter of the Comprehensive Plan amendment, and keep the property under the current Lincoln County Comprehensive Plan designation, until such time as when the property is to be annexed into the city.

[The City of Newport Comprehensive Plan indicates (on page 279) that it is the policy of the City to recognize Lincoln County as having jurisdiction over land use decisions within the unincorporated areas of the UGB. Policy 3 - (Urbanization)]

- 4. **Conclusion:** The request appears to comply with the applicable criteria for amending the UGB. If the Planning Commission agrees with that conclusion, then you should adopt the applicant's findings (Exhibit "A") and this staff report (Exhibit "B") and forward a favorable recommendation to the City Council to include the property within the Urban Growth Boundary. As always, you could also suggest conditions of approval to your recommendation. If, on the other hand, you find that the request does not comply with the criteria, then you should make findings to that effect and forward a recommendation of denial to the City Council.

With regard to the issue of amending the City of Newport's Comprehensive Plan Map by assigning a Plan designation for the subject property, at the time of this report, the applicant has not technically requested for such an amend-

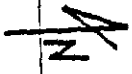
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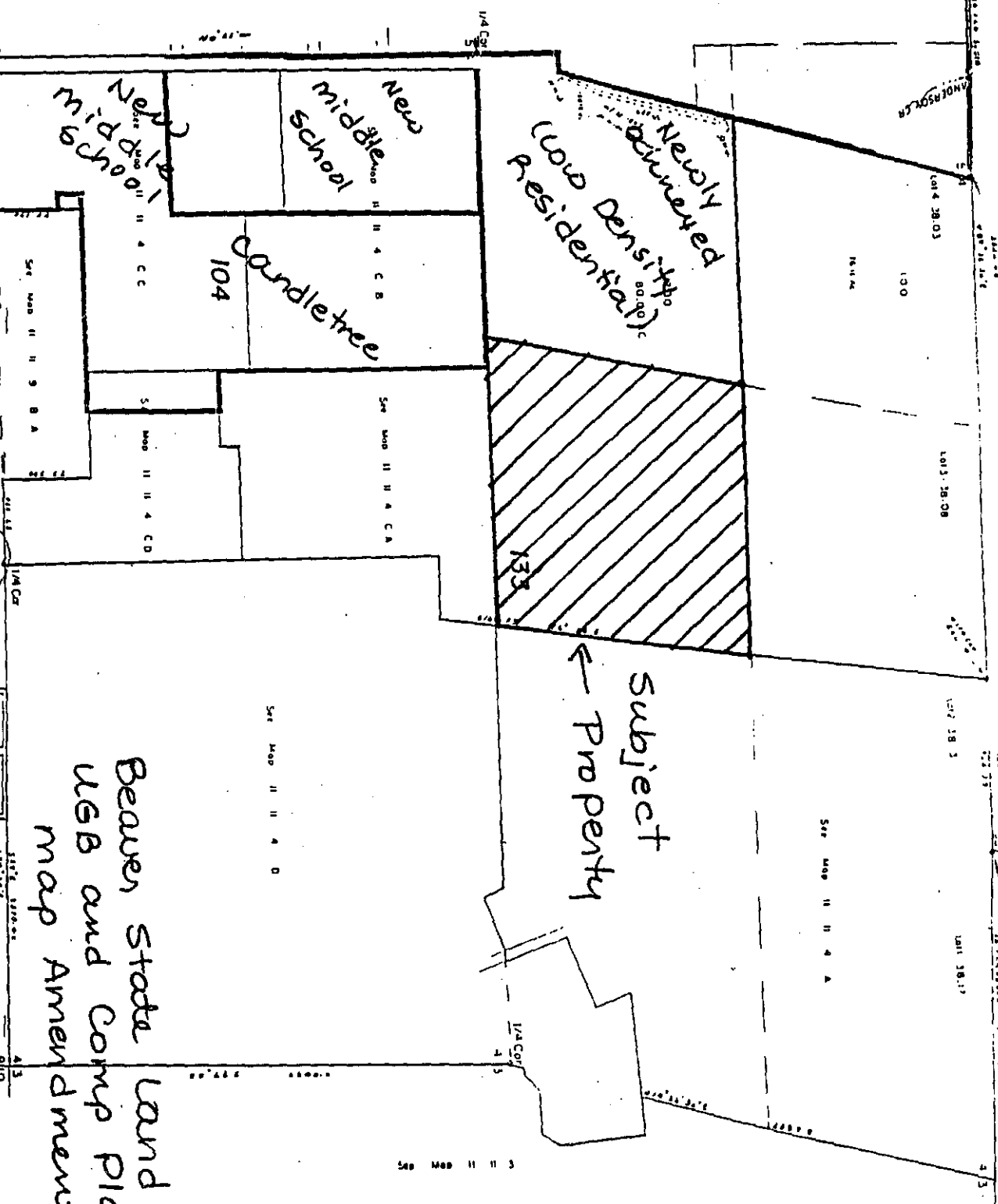
See Map II 5 D D

See Map II 5 DA

See Map II 5



N.E. 7th Street



Beaver State Land Co.
USB and Comp Plan
map Amendments

Subject
← Property

#1-USB-97

EXHIBIT "B" (con't)

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