

1                                   **BEFORE THE BOARD OF COMMISSIONERS**

2                                   **FOR LINCOLN COUNTY, OREGON**

3                                   ORDINANCE # 377

4 \_\_\_\_\_  
5  
6 **Amending the Urban Growth Boundary for the City of Newport to include Tax Lots 100,**  
7 **200, 300, 400, and 500, Lincoln County Assessor's Map 10-11-20-BD; and declaring an**  
8 **emergency.**  
9 \_\_\_\_\_

10           WHEREAS the City of Newport adopted Ordinances No. 1700 and 1711, which  
11 amended the City of Newport Urban Growth Boundary to include approximately 15 acres  
12 located north of the existing city limits and the existing Urban Growth Boundary, east of  
13 Highway 101, further described as Tax Lots 100, 200, 300, 400, and 500, Lincoln County  
14 Assessor's Map 10-11-20-BD (formerly Tax Lots 900 and 902, Lincoln County Assessor's  
15 Map 10-11-20); and

16           WHEREAS after legal notice, the Lincoln County Planning Commission held a public  
17 hearing on October 8, 1990, and voted to recommend approval of a request for an Urban  
18 Growth Boundary amendment for the City of Newport for property owned by Michael and  
19 Katherine Gates and Michael and Frances Gates. Delays in finalization of the City of  
20 Newport's actions stayed further county activities until now; and

21           WHEREAS the Board of Commissioners, after legal notice held a public hearing on  
22 May 13, 1998, to consider the request; and

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in boldfaced type.

1           WHEREAS at the conclusion of that hearing, the Board voted unanimously to approve  
2 the decision and recommendations of the Planning Commission;

3           The Lincoln County Board of Commissioners ordains as follows:

4           **SECTION 1.**

5           The Urban Growth Boundary for the City of Newport is hereby amended to include  
6 approximately 15 acres identified as Tax Lots 100, 200, 300, 400, and 500, Lincoln County  
7 Assessor's Map 10-11-20-BD (formerly Tax Lots 900 and 902, Lincoln County Assessor's  
8 Map 10-11-20), and further identified on the map attached hereto as Exhibit "A."

9           **SECTION 2.**

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

12          **SECTION 3.**

13          The Department of Planning and Development shall amend the official maps in the  
14 Lincoln County Clerk's Office and shall forward a copy of this ordinance to the Department of  
15 Land Conservation and Development.

16          **SECTION 4.**

17          Copies of this ordinance shall be forwarded to the applicants; County Surveyor;  
18 County Assessor; County Counsel; and Department of Planning and Development.

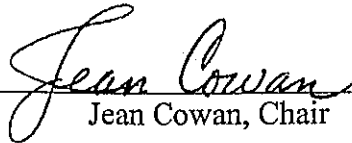
19          **SECTION 5.**

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

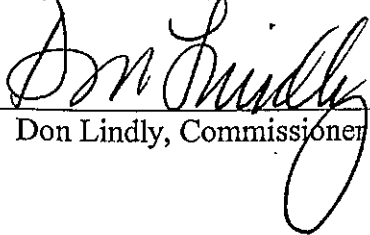
1 its passage.

DATED this 20th day of May, 1998.

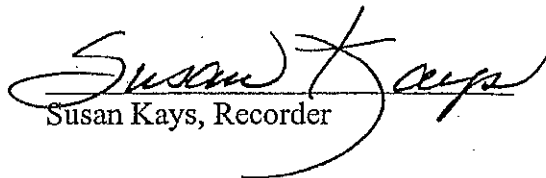
LINCOLN COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Jean Cowan, Chair

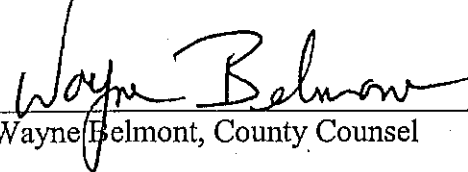
  
\_\_\_\_\_  
Nancy E. Leonard, Commissioner

  
\_\_\_\_\_  
Don Lindly, Commissioner

ATTESTED TO:

  
\_\_\_\_\_  
Susan Kays, Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wayne Belmont, County Counsel

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.



BEFORE THE PLANNING COMMISSION

COUNTY OF LINCOLN

STATE OF OREGON

In the Matter of:

Application to Amend Urban Grow  
Boundary, Annexation and Zone  
Designation,

and

Michael Gates and Kathryn Gates,  
husband and wife, Michael A. Gates )  
and Frances Gates, husband and wife )

) No. #2-LUPC-ZC-PC-90

) APPLICANTS'  
) FINDINGS OF FACT

DISCUSSION OF FACTS

The applicants herein have filed applications which propose an expansion of the urban growth boundary of the City of Newport, annexation to the City and an R-4 Zone designation in an area that is currently outside the urban growth boundary and zoned TC (Timber Conservation).

This area is immediately adjacent to the City's present urban growth boundary and is an area that has recently experienced rapid development. Within the last two years, the area in which the subject property is located has been affected by the following:

1. Property in the South Beach area of Newport has experienced development limitations for light industry and high density multiple family residences due to wetlands classification.

2. The pressure of affordable housing has continued to increase due to this wetlands limitation and the continued

population and economic growth in the Newport area.

3. A new single family residential development on the ocean front was approved in 1990 (North Beach) and construction has been initiated. This is on the west side of Highway 101 opposite the subject property.

4. In 1990 a new Oregon State Police Office was built on an approximate 3 acre site on the east side of Highway 101, just to the west of the subject property.

5. In the 1988-1989 time period, a new 182 space RV park was constructed approximately one mile south of the subject property on the west side of Highway 101.

6. During the 1989-1990 time period, a multiplex cinema was approved for construction on the east side of Highway 101 approximately one mile south of subject property.

Since the subject property is currently zoned TC, this planning body is cognizant of the exception requirements of ORS 197.732 and Oregon Administrative Rules 660-04-028 and accordingly makes the following findings of fact:

#### FINDINGS

1. Michael Gates and Kathryn Gates, husband and wife and Michael A. Gates and Frances Gates, husband and wife, are the owners of record of the property which is subject to these applications, except for tax lot 800, which is owned by the State of Oregon.

2. Applicants have duly and properly filed applications to

amend the urban growth boundary, to annex to the City and to designate the property as R-4. The property is identified on Assessor's Map 10-11-20 as tax lots 800, 900 and 902.

3. The City of Newport has duly and properly noticed the hearing before the Planning Commission of said City and said hearing has been duly and properly convened and conducted.

4. The subject property consists of approximately 18.32 acres of undeveloped land with predominantly alder, alder thickets, coast pine, hemlock, not of merchantable size or quality. The ground cover is predominantly salal, blackberry and native plants, vines and bushes.

5. This property is surrounded by small parcels, one of which is 18 acres on the east but the majority of which are one acre to eight acre sites, some of which currently have mobile home residences attached. Immediately to the west of the subject property and on the west side of Old Highway 101 are approximately 22 one acre lots.

6. The majority of lots within a 500 foot radius of the subject property are either being used as mobile home residences or considered for light industrial uses.

7. To the southeast of the subject property is a rock quarry, which is accessed by a gravel road along the southern boundary of subject property. Tax lot 800, immediately south of subject property is used by the State of Oregon for rock and gravel storage.

8. Nearby development east of Highway 101 also includes the new State Police Building and the Newport City Land Fill.

9. The only large tracts of R-4 land in the immediate area are: (a) Shore Pine Hills, which has been developed as a single family, mobile home subdivision, (b) Schooner Landing, occupied by time-share condominiums, and (c) Pacific Shores RV Park, used for a commercial recreational park. None of these parcels are providing multi-family housing for Newport residents.

10. As indicated in the City's 1990 Oregon Community Development Block Grant Application and supporting materials, there is a critical shortage of, an urgent need for, decent, moderately priced housing in the City. The shortage has been shown to impair the ability of Newport employers to attract and retain needed employees, and is a major impediment of economic growth within the City.

11. There is a need for additional moderately priced multi-family housing within the City.

12. Adequate sewer facilities, water facilities, and storm drainage are available to serve multi-family development of the subject property.

13. Adequate access to the subject property from Highway 101 is available on 73rd Street, or, alternatively Old Highway 101 could be reopened between Shore Pine Hills and 72nd Street to provide easy access.

14. Because of the existing industrial and public service

uses, south, east and north of the subject property, the property is more suitable for multi-family development than for single family development.

15. The proposed Urban Growth Boundary Amendment will accommodate long range growth, consistent with the state goals acknowledged in the City of Newport's Comprehensive Plan because the addition is a small, but logical extension of the boundary, which will provide more area within the urban growth boundary for future multi-family housing stock. This will also enhance business and employment opportunities in the Newport Area.

16. The proposed amendment will allow the orderly, economic and efficient provision of public facilities and services because, as amended, the urban growth boundary would extend from a point where services are currently provided to appoint directly east and north along Highway 101.

17. Due to the light industrial and residential uses which exist on adjacent parcels, the proposed urban growth boundary amendment and proposed use is determined to be compatible pursuant to ORS 197.732(1)(c).

18. The proposed amendment to the urban growth boundary will provide beneficial environmental and economic consequences. The primary benefit will be increased multi-family housing and an orderly extension of City services. Petitioners do not foresee that the inclusion of the area within the urban growth boundary of the City of Newport will have any significant or detrimental

environmental affects. Moreover, the proposed change will have a secondary and positive economic consequence by providing housing for employees of area businesses and an efficient use of the land within the proposed change area.

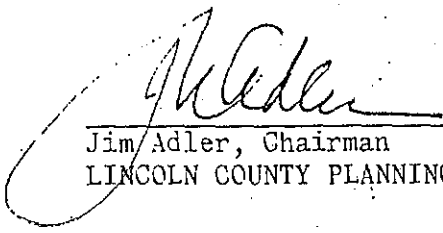
### CONCLUSIONS

The foregoing findings demonstrate that:

1. Inclusion of the subject property within the urban growth boundary, is compatible with the uses of adjacent properties.
2. There are existing public facilities and services to provide adequate services to the subject property.
3. The parcel size and ownership patterns in the area adjacent to subject property are such that the subject property has been committed to the use being proposed.

Respectfully submitted. D. Richard Hammersley, OSB #70060  
Litchfield, Carstens & Hammersley  
Attorney for Petitioners

ORDER: It is ORDERED by the Planning Commission of Lincoln County that the Urban Growth Boundary be amended as proposed and that Case File #2-LUPC-ZC-PC-90, be and is hereby APPROVED. This ORDER was presented and approved by the Lincoln County Planning Commission on November 13, 1990.

  
\_\_\_\_\_  
Jim Adler, Chairman  
LINCOLN COUNTY PLANNING COMMISSION

#### ATTEST:

Ayes:  
Noes:  
Absent:  
Abstain:

6. - FINDINGS OF FACT FOR MICHAEL & KATHRYN GATES AND MICHAEL A. & FRANCES GATES,  
CASE FILE #2-LUPC-ZC-PC-90

EXHIBIT B  
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