



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, December 14, 2020 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

This meeting will be held electronically. The public can live-stream this meeting at <https://newportoregon.gov>. To access the livestream, visit the Planning Commission page at <https://www.newportoregon.gov/citygov/comm/pc.asp>. Once there, an "in progress" note will appear if the meeting is underway; click on the "in progress" link to watch the livestream. It is not possible to get into a meeting that will be livestreamed before the meeting starts. The meeting will also be broadcast on Charter Channel 190.

Public comment may be made, via e-mail, by noon on the scheduled date of the meeting at publiccomment@newportoregon.gov. To make a "real time" comment during a meeting, a request to speak must be received by 2:00 P.M. on the scheduled date of the meeting. The request to speak should include the agenda item on which the requestor wishes to speak. If the comments are not related to a particular agenda item, the request to speak should include a notation that the request is for general public comment, and the general topic. The request should be e-mailed to publiccomment@newportoregon.gov. Once a request to speak has been received, staff will send the requestor the Zoom meeting link. This link will allow a requestor to participate via video or telephone.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES
 - 2.A Approval of the Planning Commission Work Session Meeting Minutes of November 23 2020.
[Draft PC Work Session Minutes 11-23-2020](#)

 - 2.B Approval of the Planning Commission Regular Session Meeting Minutes of November 23 2020.
[Draft PC Reg Session Minutes 11-23-2020](#)

3. CITIZENS/PUBLIC COMMENT

A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

4. ACTION ITEMS

5. PUBLIC HEARINGS

5.A File 1-UGB-20 / 1-CP-20: Adjust the Newport Urban Growth Boundary to Include a 43.4 Acre Property at NE Harney Street and Remove a 71.4 Acre Property from the Undeveloped Wolf Tree Destination Resort.

[Memorandum](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Attachment E](#)

[Attachment F](#)

[Attachment G](#)

[Attachment H](#)

[Attachment I](#)

[Attachment J](#)

[Attachment K](#)

[Attachment L](#)

[Attachment M](#)

[Attachment N](#)

[Attachment O](#)

[Attachment P](#)

[Attachment Q with Exhibits](#)

[Attachment R](#)

[Public Testimony - Oregon Coast Alliance](#)

[Public Testimony - Jean Dahlquist](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers by Video Conference
November 23, 2020
6:00 p.m.

Planning Commissioners Present by Video Conference: Jim Patrick, Lee Hardy, Bob Berman, Jim Hanselman, Bill Branigan, Mike Franklin, and Gary East.

PC Citizens Advisory Committee Members Present by Video Conference: Greg Sutton, and Braulio Escobar.

PC Citizens Advisory Committee Members Absent: Dustin Capri (*excused*)

City Staff Present: Community Development Director (CDD) Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:02 p.m.
2. **Unfinished Business.**
- A. **Updated Draft of Small Wireless Facility Design Standards.** Tokos reviewed the changes from the last work session meeting that were shown in the draft, and asked for comments. None were heard. Tokos noted that there was an action item on the night's regular session meeting to give a recommendation on the standards to the City Council so they could take this up in an ordinance.
3. **New Business.**
- A. **Review of Land Use Regulatory Options for Wireless Telecommunication Facilities.** Tokos reviewed the PowerPoint slide. The Commission would review the provisions that were commonly applied by local governments through their land use regulations, and determining which ones they were concerned about so draft could be packaged for future review.

Tokos reviewed Newport's existing standards. He explained that towers were permitted outright as communication facilities in C-1, C-3, industrial and public zones. They weren't allowed in tourist commercial, water related zones, and residential zones. The height limits were 150 feet in industrial, and 100 feet in commercial and public zones. Tokos noted that there were more stringent height limitations if the property was adjacent to a residential zone. The height limit was scalable depending on how close it was to the residential zone. Tokos noted that towers weren't typically placed near residential zones and didn't think this was much of an issue.

Tokos explained how antennas were allowed as accessory uses on non-residential buildings as long as they did not exceed 25% of the maximum allowable building height. Berman asked if a building was 50 feet high, could they have a 12.5 foot tower on top of the building. Tokos confirmed they could. Berman asked if a building was 10 feet high, could they have a 12.5 foot tower. Tokos confirmed they could because this would be under the building height limit. Patrick questioned if there was a federal law that gave an exception for free standing ham antennas up to 50 feet in residential zones. Tokos wasn't sure but explained that this review focused on the commercial aspect, not the residential use. It set up the parameters for what they could and couldn't regulate in local zoning. They couldn't adopt regulations that appeared to prohibit wireless services, or discriminate between providers. Berman asked if what they were talking about was only for communications. Tokos confirmed this was correct. Berman asked if electrical transmission towers fell somewhere else. Tokos would take a look at this and thought it was addressed as a conditional use. He would have to double check on the height limitation language to see if it was picked up there. Tokos reviewed the height limits for conditional uses

in the Municipal Code and was able to confirm that electrical transmission towers were captured under these rules.

Tokos continued his review of the FCC limitations on local zoning. Patrick asked if there were any clock problems with the procedures. Tokos thought they needed to be cognizant of this when making changes. For example, they wouldn't want to set up a conditional use process for small wireless because we couldn't complete a conditional use process in 60 days. Tokos reminded that conditional uses had a 120 day clock because any conditional use decision was appealable to the City Council. A discuss ensued regarding on whether or not a conditional use could be done with enough time to go to LUBA.

Tokos reviewed the location of key wireless facilities and the existing facilities images next. He then discussed the local government regulatory approach to wireless facilities small wireless (5G) and antenna collocates. Tokos noted that the Bend example included 5G and was beneficial for the Commission's review.

Tokos asked for the Commissioner's thoughts. Berman asked if they were just reviewing the current ordinance to see if it needed tweaking or something else. Tokos explained they weren't obligated to do anything but they were opening it up to address small wireless and how the rules would apply outside of the right-of-way. He noted they could modernized other parts of the code as well. Berman asked how much modernizing would be done. Tokos explained this would be up to the Commission. Patrick didn't want to do limits because there was already limited wireless service in Newport. He wasn't sure about making considerations for colors as well.

Patrick questioned how much noise the towers would make. Franklin thought they would make a hum. Patrick asked if the towers were tall enough to get picked up for the lighting standards. Tokos confirmed they didn't and why there weren't lights on them. He wondered if the C-1 zone was a good fit for towers but noted there were towers already in that zone. Patrick suggested a lower height limit for towers in the C-1 zone. A discuss ensued regarding an existing tower on a Lincoln County building in the C-1 zone and how it met the height limits through a possible variance approval.

Tokos asked if the Commission wanted him to bring forward a code that dealt with small wireless provisions on private property, and clarification on collation, but not a lot of language on the towers. Branigan wanted to look at private properties because there would be more little antennas for 5G wireless and their reach was smaller. Tokos asked if 5G should be treated similar to how they were treating it in the right-of-way. Branigan thought they should treat it similar, but the Commission should review it. Tokos explained he could put together a package that treated 5G similar in terms of design standards for private properties, and then hold them to the design guidelines that the Commission reviewed already if they were to be placed on the side of a building.

Hanselman thought that keeping just one set of rules would be beneficial for city to make decisions. Tokos agreed that it would keep things consistent. Hanselman wanted to see 5G limited to 35-45 feet in residential neighborhoods.

Tokos ran through the category headers to see if the Commission thought there was anything needed. He asked if they were comfortable with where towers were allowed. The Commission was in general agreement. Tokos asked if they saw a need for alternatives analysis. Hanselman thought it was a good idea and would give the city options. Escobar asked if this would put a crunch on the timeline. Tokos explained it wouldn't for a new tower because they had 150 days for this. He would put language together for an alternatives analysis. He asked if the Commission wanted to require separation between towers. Patrick didn't think so because some areas had typography where towers needed to be placed by each other because they were on a hill. Tokos asked if they wanted to see any adjustments to the height limitations that were typically between 100 to 150 feet. Berman thought they would need all the height given the typography. He liked the stealth deployment for historical buildings and didn't want to see a big tower on a historical building. Hanselman thought that the alternative analysis would allow them some leeway on height restrictions. Tokos noted that the alternative analysis he was thinking of was different. The analysis would be for scenarios such as when a provider wanted to put up a new tower close to one that another service provider had installed. The applicant for the new tower would have to prove they couldn't collocate on the other tower.

Sutton suggested adding language for removing abandoned towers. He also thought they should stay away from the lattice towers. Tokos asked for thoughts on lattice or guy wire towers. Berman didn't like guy wire towers but didn't have any problems with lattice towers.

Tokos asked about the Commissioner's thoughts on setbacks, and noted this was typically for residential zones. The city already had this but it needed clarification in the code. Patrick wanted to look at this but noted the tower at the football field might have been in violation of this. He explained there was a hearing around 12 years before to allow it to be built there. Tokos thought they would had a variance for this at the time.

Tokos asked if the Commission saw any need for viewshed standards. Hanselman liked the concept but didn't know where this would apply in Newport because they weren't allowed in areas where they would be an issue. Patrick couldn't think of any area this would apply other than the tower at the Yaquina Head.

Tokos asked if they should require new towers to show that they could accommodate a certain number of collocates. The Commission was in general agreement that this was a good idea. Patrick questioned what a good cut off number would be. Tokos noted that a tower up to 75 to 100 feet would have two collocates at this height. A tower under 75 feet would require one collocate. Berman asked how the number of collocates were verified. Tokos reported the design engineer would provide a letter on how many the tower could accommodate.

Tokos asked for thoughts on buffering or screening requirements for ground mounted equipment. Patrick thought if they did this, it had to be limited the equipment close to residential areas. Hanselman noted there was also the issue of whether they would maintain the buffering landscaping. Tokos explained security fences were generally a requirement for them.

Tokos asked for thoughts on the FCC requirements. Patrick didn't see any problems asking for this. Hanselman asked if they could do ask for annual or biannual testing to make sure towers were operating within safe parameters. Tokos explained the FCC prohibited regulations to get emissions. If someone said they were operating outside of the requirements it would go to the FCC. There was a process with the FCC to decide if they would look into the complaint any further. Berman asked if the city had any kind of process to confirm if the standards were met when a second transmitter was installed. Tokos reported that there would be a building code review. Though it wasn't currently done, the city could require them to provide documentation for collocates. Berman and Hanselman thought this should be required.

Tokos asked for thoughts on prohibiting signage other than for safety. Patrick didn't think the city would want to see branding posted on the towers. Tokos asked if the Commission saw any reason to impose noise limitations above the noise ordinance. The Commission was in general agreement not to. Tokos asked if they wanted to regulate color. The Commission was in general agreement not to regulate this. Tokos asked if they wanted to regulate lighting. Escobar thought residential areas should have standards.

Franklin asked if a tower was having problems with a noise in the city, what avenue would the city have to address the problem. Tokos explained this could be addressed with the nuisance code. East was concerned about the noise levels of backup generators. Tokos explained this would be handled with the nuisance code and noted the code didn't specify where the noise came from.

Tokos reiterated that what he heard was the Commission wasn't interested in prohibiting specific types of towers, and that they thought they should address abandoned towers. Berman thought they should add language for guy wires to require the applicant to show a need for them.

Tokos asked the Commission if there was anything else they wanted to add. Patrick thought there needed to be a variance process included. Tokos would add this. Berman asked if public agencies would be subject to all the same provisions. Tokos confirmed they would.

Tokos reported that Mike Franklin would not be renewing his term as a Planning Commissioner and they would

be recruiting to fill his place. The Commissioners thanked Franklin for his service. There would be an advertisement done around the first of the year and the City Council would make the appointment.

4. **Adjourn.** The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers by Video Conference
November 23, 2020

Planning Commissioners Present by Video Conference: Jim Patrick, Lee Hardy, Jim Hanselman, Bill Branigan, Gary East, Bob Berman, and Mike Franklin.

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:02 p.m. On roll call, Commissioners Hardy, Hanselman, Branigan, East, Berman, Franklin, and Patrick were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work Session Meeting Minutes of October 12, 2020, Regular Session Meeting Minutes of October 15, 2020, and Work Session Meeting Minutes of October 26, 2020.

MOTION was made by Commissioner Berman, seconded by Commissioner Franklin to approve the Planning Commission Work Session Meeting Minutes of October 12, 2020, Regular Session Meeting Minutes of October 15, 2020, and Work Session Meeting Minutes of October 26, 2020 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Action Items.**

A. **Recommendation to City Council on NMC Chapter 9.25 (5G Small Wireless Ordinance).**

Tokos noted this would be the time for the Commission to make a recommendation to the City Council to move forward with the 5G ordinance and the corresponding designs standards that went with it, based on the review they had over the last few work sessions. This would be referred out to Utilities for comment and City Attorney would need to review it.. Tokos noted there might be minor tweaks to make sure it aligned with our franchise code. Patrick asked if this just applied to 5G, not the towers. Tokos confirmed this was correct and only applied to 5G in rights-of-way. Patrick asked if they would be coming back to the Commission with things that applied to the standards. Tokos confirmed they would.

MOTION was made by Commissioner Branigan, seconded by Commissioner Hardy to make a favorable recommendation to the City Council to consider draft provisions to NMC Chapter 9.25 regulating the deployment of small wireless facilities within rights-of-way and the related design standards. The motion carried unanimously in a voice vote.

5. **Public Hearings.** None were heard

6. **New Business.** None were heard.

7. **Unfinished Business.** None were heard.

8. **Director Comments.** Tokos reported that the meeting procedures went back to strictly virtual meetings because of the Governor’s two week restrictions. He explained that the notice for the December 14th Urban Growth Boundary land swap hearing stated it would be strictly virtual because of this. The applicant would be notified of the change because they wanted to participate in the hearing in person. They would be able to participate through video conference.


9. **Adjournment.** Having no further business, the meeting adjourned at 7:11 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Memorandum

To: Planning Commission

From: Derrick I. Tokos, AICP, Community Development Director 

Date: December 11, 2020

Re: Planning Staff Memorandum for File No. 1-UGB-20/1-CP-20

The applicant's narrative refers to a number of attachments that they included with their application that do not align with how attachments are organized in the staff report. This might be confusing, so I have put together this memo to clarify the relationship between the two sets of documents, as follows:

- Applicant's narrative is Attachment "E" to the staff report.
- The land use application, referred to as Attachment "A" in the applicant's narrative, is Attachments "A" and "B" to the staff report.
- The County Assessor's tax map, referred to as Attachment "B" in the applicant's narrative, is not enclosed. Staff prepared a substitute that is included with Attachment "C" to the staff report.
- The County Assessor's list of surrounding property owners, referred to as Attachment "C" in the applicant's narrative, is the mailing list included with the hearing notice as Attachment "P" to the staff report.
- The Traffic Impact Analysis, referred to as Attachment "D" in the applicant's narrative, is Attachment "G" to the staff report.
- The Exhibit Maps, referred to as Attachment "E" in the applicant's narrative, is Attachment "F" to the staff report.

Also, the applicant refers to "analysis of Site B" as an attachment in their narrative. What they appear to be referring to is a combination of the Exhibit Maps (Attachment "F" to the staff report) and the analysis on pages 48 and 49 of their findings.

PLANNING STAFF MEMORANDUM
FILE No. 1-UGB-20/1-CP-20

I. Applicant: Casey Fisher on behalf of Boston Timber Opportunities, LLC; Mercedes Serra, 3J Consulting, Inc., authorized representative; Mike Robinson, Schwabe, Williamson, Wyatt, Legal Representative.

II. Request: Application to adjust the Urban Growth Boundary (UGB) to include a 43.4 acre parcel (Site A) in the UGB and to remove a 71.4 acre parcel (Site B) from the UGB. The proposal will also establish a Newport Comprehensive Plan Map designation of “High Density Residential” for the property being added to the UGB. The 71.4 acre parcel being removed from the UGB similarly carried a Comprehensive Plan Map designation of “High Density Residential.”

Property to be brought into the UGB is identified as Tax Lot 101 of Assessor’s Map 10-11-33, owned by the City of Newport, being 3.56 acres in size, and the southerly 39.84 acres of Tax Lot 100 of Assessor’s Map 10-11-33, as described with County Survey Record No. 20889, being owned by Boston Timber Opportunities, LLC. The City property is developed as NE Harney Street. Property owned by Boston Timber Opportunities, LLC is undeveloped forest land. The 71.4 acre property to be removed from the UGB is identified as Tax Lot 801 of Assessor’s Map 12-11-05, and is owned by Terrance and Laurie Weitkamp. The property is forested and developed with a single-family residence.

III. Planning Commission Review and Recommendation: The Planning Commission will review the proposed amendments and provide a recommendation to the City Council. At a later date, the City Council will hold an additional public hearing prior to any decision on the amendments.

IV. Findings Required: Required findings are contained in the “Urbanization” element of the Newport Comprehensive Plan (pages 273 - 284), as amended by Ordinance No. 2049, effective March 21, 2013. Additional findings are listed under the “Administration of the Plan” element of the Comprehensive Plan (pages 285 - 292). Key findings are summarized as follows:

- A. **Land Need:** Establishment and change of urban growth boundaries shall be based on the following:
1. Demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
 2. Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets, and roads, schools, parks and open space, or any combination of the need categories in this subsection; and
 3. For land exchanges, OAR 660-024-0070 provides that a local government considering an exchange of land may rely on the land needs analysis that provided the basis for its current acknowledged plan, rather than adopting a new need analysis, provided (a) the land added to the UGB for the specific type of residential need is substantially equivalent to the amount of buildable residential land removed, and (b) the local government applies the same comprehensive plan designations to the land added as applied to the land that is being removed.
- B. **Boundary Location:** The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:
1. Efficient accommodation of identified land needs;
 2. Orderly and economic provision of public facilities and services;
 3. Comparative environmental, energy, economic, and social consequences; and
 4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB; and
 5. OAR 660-024-0065 sets out parameters for the boundary location study area and requires that

- such study area include all lands within 1-mile of the Newport UGB, and lands even further removed if they are in a contiguous exception area. Lands within a tsunami inundation zone, or that are prone to landslides or flooding, may be excluded. The same goes for significant scenic, natural, cultural, or recreational resources; and
6. OAR 660-024-0067 requires that non-resource land within the study area that accommodates the identified land need must be given priority over resource land.
- C. Compliance with applicable Statewide Planning Goals, unless an exception is taken to a particular goal requirement.

These findings are addressed in Attachments "E" and "Q" to this report.

V. Planning Staff Memorandum Attachments:

- Attachment "A" – Application forms
- Attachment "B" – Lettenmaier letter of support, dated November 13, 2020
- Attachment "C" – Lincoln County Property Reports and Assessor's Maps of the subject properties
- Attachment "D" – County Survey No. 20889, portion of Tax Lot 100 to be brought into the UGB
- Attachment "E" – Applicant's revised findings in support of the UGB expansion, submitted October 19, 2020
- Attachment "F" – Applicant's updated exhibit maps, submitted October 19, 2020
- Attachment "G" – Traffic Impact Analysis and cover letter from Kittelson and Associates, dated May 2020
- Attachment "H" – Husing email, dated July 31, 2020, concurring that the application is a major amendment
- Attachment "I" – "Administration of the Plan" section of the Newport Comprehensive Plan
- Attachment "J" – "Urbanization" element of the Newport Comprehensive Plan (required findings)
- Attachment "K" – OAR 660-024-0070, UGB Adjustments (relevant language highlighted)
- Attachment "L" – Copy of OAR 660-024-0065 and OAR 660-024-0067 Establishment of Study Area and Prioritization of Land for Inclusion in the UGB (relevant language highlighted)
- Attachment "M" – Lisa Phipps, Department of Land Conservation and Development (DLCD), email dated November 24, 2020
- Attachment "N" – Chris Janigo, P.E., Acting City Engineer, email dated November 30, 2020
- Attachment "O" – Email Confirmation from DLCD that they received notice of proposal
- Attachment "P" – Notice of public hearing
- Attachment "Q" – Supplemental boundary location analysis, by City staff, dated December 8, 2020
- Attachment "R" – City map of property with utility and hazard information

VI. Notification: Notification for the proposed amendments included notification to the Department of Land Conservation & Development (DLCD) in accordance with the DLCD requirements on October 26, 2020 (Attachment "O"). Notice of the Planning Commission hearing was mailed to affected property owners on November 23, 2020, and was published in the Newport News-Times on December 4, 2020 (Attachment "P").

VII. Comments: As of December 7, 2020, two comments were received regarding the proposed application. Emails were submitted by Lisa Phipps, DLCD, on November 24, 2020 (Attachment "M") and Chris Janigo, P.E., Acting City Engineer, on November 30, 2020 (Attachment "N").

VIII. Discussion of Request: This application seeks add roughly 40 acres of undeveloped forest land in the northeast portion of the City, along with a City fee owned parcel containing a portion of NE Harney Street, in exchange for the removal of a 71.4 acre forested parcel south of the airport that was added to the UGB in 1987 as part of the Wolf Tree Destination Resort. The Comprehensive Plan Map designation for the property being removed from the UGB is "High Density Residential" and that same designation would be applied to property being brought into the UGB.

Property being removed from the UGB was withdrawn from the city limits in 2013 (Ord. 2057) and was subject to an equal area UGB land swap to accommodate a property line adjustment with a neighboring parcel in 2016 (Ord. 2101). This property is developed with a single-family dwelling constructed in 2018 (Attachment "C").

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

Compliance with Statewide Planning Goals and the land need component of the analysis is addressed in the applicant's findings (Attachment "E"). Because this is viewed as an equal area exchange of land being added and removed from the UGB, and the City is applying the same residential Comprehensive Map designation to the property being added as applied to the property being removed, it may rely upon the land needs analysis that provided a basis for the City's current acknowledged Comprehensive Plan (OAR 660-024-0070(3)).

The housing element of the City's Comprehensive Plan identifies a need for 42 dwelling units annually between 2011 and 2031, 60% of which should be single-family detached units, and 40% single-family attached and multi-family units. Over the last couple of years, the City has added around 200 multi-family units. This has partially made up for prior years where units generated were almost exclusively single-family detached. The City typically sees single-family detached construction in the range of 20 to 30 units annually, with most landing on the higher end of the affordability spectrum given their proximity to the ocean or bay. While the Comprehensive Plan Map designation that would apply to this property is "High Density Residential," the applicant is not seeking to construct a conventional multi-family development. If this application is successful, then the applicant would apply to annex into the city limits. At that time R-4 zoning would be applied to the property. R-4 zoning allows anything from single-family detached units to multi-family. The applicant has indicated that they are looking at single-family-detached and attached units, which is more conducive to the terrain and complementary of the Lakewood Hills residential subdivision to the south. They also intend to construct units that are affordable to Newport's workforce. The property's location east of US 101, with limited ocean views, will help in that regard. The applicant notes that up to 200 dwelling units would be built. They have provided a concept drawing of a subdivision layout, which would be refined. Acting City Engineer, Chris Janigo notes that some of the streets, as depicted, would be excessively steep (Attachment "N"). This would be addressed moving forward. Similarly, traffic impacts associated with the project, including Transportation Planning Rule (TPR) analysis, will be addressed at the time the property is annexed. Preliminary analysis is included with the application Attachment "G." The project has the potential of triggering the need for significant transportation system improvements depending upon how it is phased, and it is likely that a trip cap of some sort would be imposed at time of annexation to ensure that needed transportation improvements keep pace with demand.

Required boundary location analysis has been addressed by staff (Attachment "Q".) The subject property is resource land, and as such is the lowest priority for being brought into the Newport UGB. Resource lands are typically not good candidates because they are usually too far removed from urban services for them to be cost effectively developed, and they are often constrained by terrain which drives up development costs and limits the number of units that can be realistically built. The applicant's property; however, is a good candidate for urban development as the City has services in place immediately adjacent to the subject property that are capable of supporting the development. Sewer lift stations that serve this area were recently upsized to address chronic overflow issues the City had experienced, and a new water tank, pumps, and main lines have been constructed to address pressure issues. A paved collector roadway abuts the property, as does an electric utility substation. The property has terrain limitations; however, that is not out of the ordinary for Newport. The property is outside of mapped landslide hazard areas (Attachment "R").

As part of the boundary location analysis, the City is required to evaluate properties within 1 mile of its UGB to determine if there are non-resource lands that can meet identified land needs. Such lands exist to the south, east, and north of the City. Unfortunately, these "exception lands" tend to be well removed from City services, are parcelized such that they would be difficult to develop in an urban manner, and are significantly impacted by bluff and dune-backed erosion hazards, landslide hazards, and the risk of tsunami inundation. This is graphically depicted on maps included with the staff analysis, and demonstrates that there aren't other viable properties that could be added as part of the UGB land exchange that would meet the City's housing needs.

IX. Conclusion and Recommendation: The Planning Commission should review the proposed amendments and make a recommendation to the City Council. As this is a legislative process, the Commission may recommend changes to the amendments if the Commission chooses to do so. The City Council may also make changes to the proposal prior to adoption of a final decision.

If the Planning Commission provides a favorable recommendation then the applicant's findings and staff analysis will be worked into an ordinance that will be presented at a public hearing before the Newport City Council. The UGB amendment must also be approved by Lincoln County before the local decisions are forwarded to the Department of Land Conservation and Development.



Derrick I. Tokos AICP
Community Development Director
City of Newport
December 8, 2020



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Boston Timber Opportunities, LLC	Contact: Casey Fisher
Applicant Mailing Address:	Property Owner Mailing Address:
17700 SE Mill Plain Blvd, Suite 180	Vancouver, WA 98683
Applicant Phone No.	Property Owner Phone No.
360-260-4594	
Applicant Email	Property Owner Email
cfisher@hnrq.com	
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
3J Consulting, Inc. Contact: Andrew Tull	
Authorized Representative Mailing Address:	
9600 SW Nimbus Ave, Suite 100	
Authorized Representative Telephone No.	
503-545-1907	
Authorized Representative Email. andrew.tull@3j-consulting.com	

Project Information

Property Location: *Street name if address # not assigned*
NE Harney St

Tax Assessor's Map No.: **10s11w33** Tax Lot(s): **100**

Zone Designation: **Timber Conservation (T-C)** Legal Description: *Add additional sheets if necessary*

Comp. Plan Designation: **Timber Conservation Lincoln County**

Brief description of Land Use Request(s):
Examples:
 1. *Move north property line 5 feet south*
 2. *Variance of 2 feet from the required 15-foot front yard setback*

UGB Amendment to incorporate the subject property (Site A) to the UGB. A currently rural residential parcel (Site B - 12s11w05 801) will be exchanged.

Existing Structures: if any
N/A

Topography and Vegetation:
Forested

Application Type (please check all that apply)

<input type="checkbox"/> Annexation	<input type="checkbox"/> Interpretation	<input checked="" type="checkbox"/> UGB Amendment
<input type="checkbox"/> Appeal	<input type="checkbox"/> Minor Replat	<input type="checkbox"/> Vacation
<input type="checkbox"/> Comp Plan/Map Amendment	<input type="checkbox"/> Partition	<input type="checkbox"/> Variance/Adjustment
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Planned Development	<input type="checkbox"/> PC
<input type="checkbox"/> PC	<input type="checkbox"/> Property Line Adjustment	<input type="checkbox"/> Staff
<input type="checkbox"/> Staff	<input type="checkbox"/> Shoreland Impact	<input type="checkbox"/> Zone Ord/Map
<input type="checkbox"/> Design Review	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Amendment
<input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Other

FOR OFFICE USE ONLY

File No. Assigned:

Date Received:	Fee Amount:	Date Accepted as Complete:
Received By:	Receipt No.	Accepted By:

City Hall
169, SW Coast Hwy
Newport, OR 97365
541.574.0629



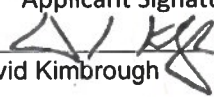

City of Newport Land Use Application

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development and Planning Department Staff Report concerning the applicable criteria.

I certify that, to the best of my knowledge, all information provided in this application is accurate.
Boston Timber Opportunities, LLC

By Hancock Natural Resource Group, Inc.
Its Manager

March 20, 2020

Applicant Signature(s)	Date
By: 	
Name: David Kimbrough	
Title: Vice President	
Property Owner Signature(s) (if other than applicant)	Date
	
	3/27/2020
Authorized representative Signature(s) (if other than applicant)	Date

Please note application will not be accepted without all applicable signatures.

Please ask staff for a list of application submittal requirements for your specific type of request.



City of Newport Land Use Application

Applicant Name(s):	Property Owner Name(s) <i>if other than applicant</i>
Terrance Lettenmaier	Terrance Lettenmaier
Applicant Mailing Address:	Property Owner Mailing Address:
PO Box 550 South Beach, OR 97366	853 SE 98th St. South Beach, OR 97366
Applicant Phone No.	Property Owner Phone No.
541-961-5833	541-961-5833
Applicant Email	Property Owner Email
lett@peak.org	lett@peak.org
Authorized Representative(s): <i>Person authorized to submit and act on this application on applicant's behalf</i>	
3J Consulting, Inc. Contact: Andrew Tull	
Authorized Representative Mailing Address:	
9600 SW Nimbus Ave, Suite 100	
Authorized Representative Telephone No.	
503-545-1907	
Authorized Representative Email. andrew.tull@3j-consulting.com	

Project Information

Property Location: <i>Street name if address # not assigned</i>	
853 SE 98th Street	
Tax Assessor's Map No.: 12s11w05	Tax Lot(s): 801
Zone Designation: RR-10	Legal Description: <i>Add additional sheets if necessary</i>
Comp. Plan Designation: High Density Res.	Lincoln County
Brief description of Land Use Request(s):	
<i>Examples:</i>	
<ol style="list-style-type: none"> 1. <i>Move north property line 5 feet south</i> 2. <i>Variance of 2 feet from the required 15-foot front yard setback</i> 	
UGB Amendment to remove the subject property from the UGB	
Existing Structures: if any	
One existing dwelling	
Topography and Vegetation:	
Forested	

Application Type (please check all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation
<input type="checkbox"/> Appeal
<input type="checkbox"/> Comp Plan/Map Amendment
<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> PC
<input type="checkbox"/> Staff
<input type="checkbox"/> Design Review
<input type="checkbox"/> Geologic Permit | <input type="checkbox"/> Interpretation
<input type="checkbox"/> Minor Replat
<input type="checkbox"/> Partition
<input type="checkbox"/> Planned Development
<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Shoreland Impact
<input type="checkbox"/> Subdivision
<input type="checkbox"/> Temporary Use Permit | <input checked="" type="checkbox"/> UGB Amendment
<input type="checkbox"/> Vacation
<input type="checkbox"/> Variance/Adjustment
<input type="checkbox"/> PC
<input type="checkbox"/> Staff
<input type="checkbox"/> Zone Ord/Map
<input type="checkbox"/> Amendment
<input type="checkbox"/> Other |
|--|---|--|

FOR OFFICE USE ONLY

File No. Assigned:		
Date Received:	Fee Amount:	Date Accepted as Complete:
Received By:	Receipt No.	Accepted By:

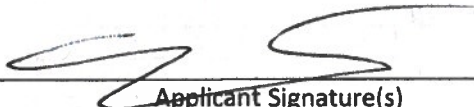
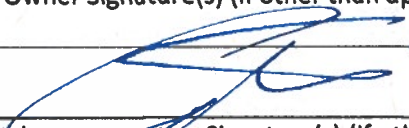
City Hall
 169, SW Coast Hwy
 Newport, OR 97365
 541.574.0629



City of Newport Land Use Application

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development and Planning Department Staff Report concerning the applicable criteria.

I certify that, to the best of my knowledge, all information provided in this application is accurate.

 Applicant Signature(s)	<u>March 16, 2020</u> Date
Property Owner Signature(s) (if other than applicant)	Date
 Authorized representative Signature(s) (if other than applicant)	<u>3/27/2020</u> Date

Please note application will not be accepted without all applicable signatures.

Please ask staff for a list of application submittal requirements for your specific type of request.

PO Box 550
South Beach, OR 97366

November 13, 2020

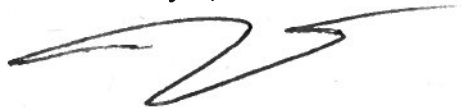
Derrick Tokos
Community Development Director
City of Newport
169 South Coast Highway
Newport, OR 97365

RE: Removal of 12-11-05-00-00801-00 from UGB

Dear Mr. Tokos,

My wife, Laurie Weitkamp, and I own Lincoln County Map Taxlot 12-11-05-00-00801-00, which is 71 acres immediately north of SE 98th St. We are writing in support of Hancock Natural Resource Group's land use request for a UGB amendment, which includes our own March 16, 2020 application to remove our property from inside the UGB. As you know, our property was left inside the UGB when it was de-annexed from the City of Newport in 2013. At the time, we wanted to de-annex our property from the City so that we could get a residential zoning from Lincoln County and build a house on it, which we have since done. We were indifferent as to whether our property was left inside the UGB or not in 2013, and are still indifferent. Leaving our property inside the UGB after the de-annexation was the preference of the City back in 2013. We are now willing to have our property removed from the UGB to allow the addition of Hancock's property inside the UGB elsewhere in the City.

Thank you,



Terry Lettenmaier

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R510714	Neighborhood:	RMTB	Owner and	CITY OF NEWPORT
Map Taxlot:	10-11-33-00-00101-00	Property Class:	940	Mailing Address:	CITY MANAGER 169 SW COAST HWY NEWPORT, OR 97365
Tax Map:	10s11w33			Site Address(es):	
Web Map:	View Map				
Info:	TWNShp 10, RNG 11, ACRES 3.56, MF384-1283				
Document:	MF384-1283				
Tax Code:	133				
Acres:	3.56				

Improvements						
No Inventory						
Value History						
Year	Imp.	Land	Total Market	Total Assessed	Levied Tax	
2019	0	3,560	3,560	0	0	
2018	0	3,560	3,560	0	0	
2017	0	3,560	3,560	0	0	
2016	0	3,560	3,560	0	0	
2015	0	3,560	3,560	0	0	
2014	0	3,560	3,560	0	0	
2013	0	3,560	3,560	0	0	
2012	0	3,560	3,560	0	0	
Sales History						
Sale Date	Price		Document	Type	Code	
06/17/1999	\$13,500		MF384-1283	27	WD	

Land			Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value	For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. Tax data exported 10/2019.
RESIDENTIAL TRACT 3.56	3.56	3,560		

Today's Date: 10/26/2020

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R206997	Neighborhood:	RMTB	Owner and	BOSTON TIMBER OPPORTUN LLC
Map Taxlot:	10-11-33-00-00100-00	Property Class:	640	Mailing Address:	ATTN HANCOCK FOREST MGMT 17700 SE MILL PLAIN BLVD STE 180 VANCOUVER, WA 98683
Tax Map:	10s11w33			Site Address(es):	
Web Map:	View Map				
Info:	TWNShp 10, RNg 11, ACRES 116.44, POTENTIAL ADDITIONAL TAX LIABILITY, DOC200416962				
Document:	DOC200416962				
Tax Code:	100				
Acres:	116.44				

Improvements					
No Inventory					
Value History					
Year	Imp.	Land	Total Market	Total Assessed	Levied Tax
2019	0	122,260	122,260	59,570	808.64
2018	0	122,260	122,260	57,840	782.97
2017	0	122,260	122,260	56,150	798.52
2016	0	122,260	122,260	54,510	775.23
2015	0	122,260	122,260	52,930	682.53
2014	0	122,260	122,260	51,390	668.24
2013	0	122,260	122,260	49,890	634.56
2012	0	122,260	122,260	48,440	604.84
Sales History					
No Sales Data					

Land		Related Accounts		Disclaimer
Description	Acres	Market Value	Special Use Value	For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. Tax data exported 10/2019.
DESIGNATED FOREST	40	42,000	22,910	
DESIGNATED FOREST	76.44	80,260	36,660	

Today's Date: 10/26/2020

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R522062	Neighborhood:	SBNI	Owner and	LETTENMAIER TERRANCE M &
Map Taxlot:	12-11-05-00-00801-00	Property Class:	641	Mailing Address:	WEITKAMP LAURIE A PO BOX 550 SOUTH BEACH, OR 97366
Tax Map:	12s11w05			Site Address(es):	853 SE 98TH ST
Web Map:	View Map				
Info:	TWNSHP 12, RNG 11, ACRES 20.30, POTENTIAL ADDITIONAL TAX LIABILITY, POTENTIAL ADDITIONAL TAX LIABILITY DUE TO DISQUALIFIED FORESTLAND \$162.96, DOC201106639 PLUS DOC201610536 LESS DOC201610537				
Document:	DOC201106639 , DOC201610536 , DOC201610537				
Tax Code:	100				
Acres:	20.30				

Improvements							
Description	Area	Yr Built	Found	Heat	Plumb	BDMS	Value
MAIN AREA	1738 sq ft	2018	CONC	FOR	B3;SHRD2;SNK	2	\$204,010
FINISHED BSMT	246 sq ft	2018		FOR			\$25,270
LO-COST FIN BSMT	1188 sq ft	2018		FOR			\$76,180
BASEMENT GARAGE	304 sq ft	2018		FOR			\$16,430
DETACHED GARAGE	572 sq ft	2018	CONC				\$47,410
ENCLOSED PORCH	182 sq ft	2018					\$0
COVERED PORCH	176 sq ft	2018					\$8,920
COVERED PORCH	119 sq ft	2018					\$0
ACCESSORY IMPROVEMENTS	1 sq ft	2018					\$6,930

Foundation Code List Heating/AC Code List Plumbing Code List

Value History					
Year	Imp.	Land	Total Market	Total Assessed	Levied Tax
2019	385,150	88,230	473,380	323,560	3,706.07
2018	103,440	85,330	188,770	111,350	1,489.35
2017	0	65,200	65,200	9,170	128.86
2016	0	70,210	70,210	8,910	125.08
2015	0	65,200	65,200	8,650	112.78
2014	0	65,200	65,200	8,400	110.48

Year	Imp.	Land	Total Market	Total Assessed	Levied Tax
2013	0	71,330	71,330	8,150	160.15
2012	0	203,960	203,960	7,910	152.32

Sales History

No Sales Data

Land				Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value	R500182	For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. Tax data exported 10/2019.
DEV OCEANVIEW SITE 1	5,150				
SITE DEVELOPMENT	14,500				
DESIGNATED FOREST 19.3	68,580		9,250		

Today's Date: 10/26/2020

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R522062	Neighborhood:	SBNI	Owner and	LETTENMAIER TERRANCE M &
Map Taxlot:	12-11-05-00-00801-00	Property Class:	641	Mailing Address:	WEITKAMP LAURIE A PO BOX 550 SOUTH BEACH, OR 97366
Tax Map:	12s11w05			Site Address(es):	853 SE 98TH ST
Web Map:	View Map				
Info:	TOWNSHIP 12, RING 11, ACRES 20.30, POTENTIAL ADDITIONAL TAX LIABILITY, POTENTIAL ADDITIONAL TAX LIABILITY DUE TO DISQUALIFIED FORESTLAND \$162.96, DOC201106639 & DOC201610536 LESS DOC201610537				
Document:	DOC201106639 , DOC201610536 , DOC201610537				
Tax Code:	100				
Acres:	20.30				

Improvements							
Description	Area	Yr Built	Found	Heat	Plumb	BDMS	Value
MAIN AREA	1738 sq ft	2018	CONC	FOR	B3;SHRD;SNK	2	\$239,920
FINISHED BSMT	208 sq ft	2018		FOR			\$20,930
LO-COST FIN BSMT	1226 sq ft	2018		FOR			\$96,280
BASEMENT GARAGE	304 sq ft	2018		FOR			\$20,120
DETACHED GARAGE	572 sq ft	2018	CONC				\$49,160
ENCLOSED PORCH	182 sq ft	2018					\$0
COVERED PORCH	176 sq ft	2018					\$9,250
COVERED PORCH	119 sq ft	2018					\$0
ACCESSORY IMPROVEMENTS	1 sq ft	2018					\$6,420

[Foundation Code List](#)
[Heating/AC Code List](#)
[Plumbing Code List](#)

Value History					
Year	Imp.	Land	Total Market	Total Assessed	Levied Tax
2020	442,080	85,330	527,410	371,560	4,296.26
2019	385,150	88,230	473,380	323,560	3,706.07
2018	103,440	85,330	188,770	111,350	1,489.35
2017	0	65,200	65,200	9,170	128.86
2016	0	70,210	70,210	8,910	125.08
2015	0	65,200	65,200	8,650	112.78
2014	0	65,200	65,200	8,400	110.48

Year	Imp.	Land	Total Market	Total Assessed	Levied Tax
2013	0	71,330	71,330	8,150	160.15
2012	0	203,960	203,960	7,910	152.32
Sales History					
No Sales Data					

Land		Related Accounts	Disclaimer
Description	AcresMarket ValueSpecial Use Value	R500182	
DEV OCEANVIEW SITE1	4,950		For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. Tax data exported 11/2020.
SITE DEVELOPMENT	14,500		
DESIGNATED FOREST 19.3	65,880		
Today's Date: 12/08/2020			

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R500182	Neighborhood:	SBNI	Owner and	LETTENMAIER TERRANCE M &
Map Taxlot:	12-11-05-00-00801-00	Property Class:	641	Mailing Address:	WEITKAMP LAURIE A PO BOX 550 SOUTH BEACH, OR 97366
Tax Map:	12s11w05			Site Address(es):	
Web Map:	View Map				
Info:	TWNSHP 12, RNG 11, ACRES 51.09, POTENTIAL ADDITIONAL TAX LIABILITY, DOC201106639 PLUS DOC201610536 LESS DOC201610537				
Document:	DOC201106639 , DOC201610536 , DOC201610537				
Tax Code:	148				
Acres:	51.09				

Improvements

No Inventory

Value History

Year	Imp.	Land	Total Market	Total Assessed	Levied Tax
2019	0	199,740	199,740	21,720	331.67
2018	0	184,390	184,390	21,100	321.97
2017	0	174,080	174,080	20,470	327.52
2016	0	187,500	187,500	19,300	299.24
2015	0	174,080	174,080	19,300	277.49
2014	0	174,080	174,080	18,750	271.71
2013	0	190,500	190,500	18,190	384.66
2012	0	513,330	513,330	17,660	368.25

Sales History

Sale Date	Price	Document	Type	Code
07/13/2011	\$230,000	201106639	32	WD
07/09/2009	\$222,000	200908197	28	SWD

Land	Related Accounts	Disclaimer																
<table border="1"> <thead> <tr> <th>Description</th> <th>Acres</th> <th>Market Value</th> <th>Special Use Value</th> </tr> </thead> <tbody> <tr> <td>DESIGNATED FOREST</td> <td>5.83</td> <td>22,790</td> <td>2,790</td> </tr> <tr> <td>DESIGNATED FOREST</td> <td>38.32</td> <td>149,820</td> <td>15,610</td> </tr> <tr> <td>DESIGNATED FOREST</td> <td>6.94</td> <td>27,130</td> <td>3,320</td> </tr> </tbody> </table>	Description	Acres	Market Value	Special Use Value	DESIGNATED FOREST	5.83	22,790	2,790	DESIGNATED FOREST	38.32	149,820	15,610	DESIGNATED FOREST	6.94	27,130	3,320	R522062	For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on
Description	Acres	Market Value	Special Use Value															
DESIGNATED FOREST	5.83	22,790	2,790															
DESIGNATED FOREST	38.32	149,820	15,610															
DESIGNATED FOREST	6.94	27,130	3,320															

specific properties before making decisions based on this information. **Tax data exported 10/2019.**

Today's Date: 10/26/2020

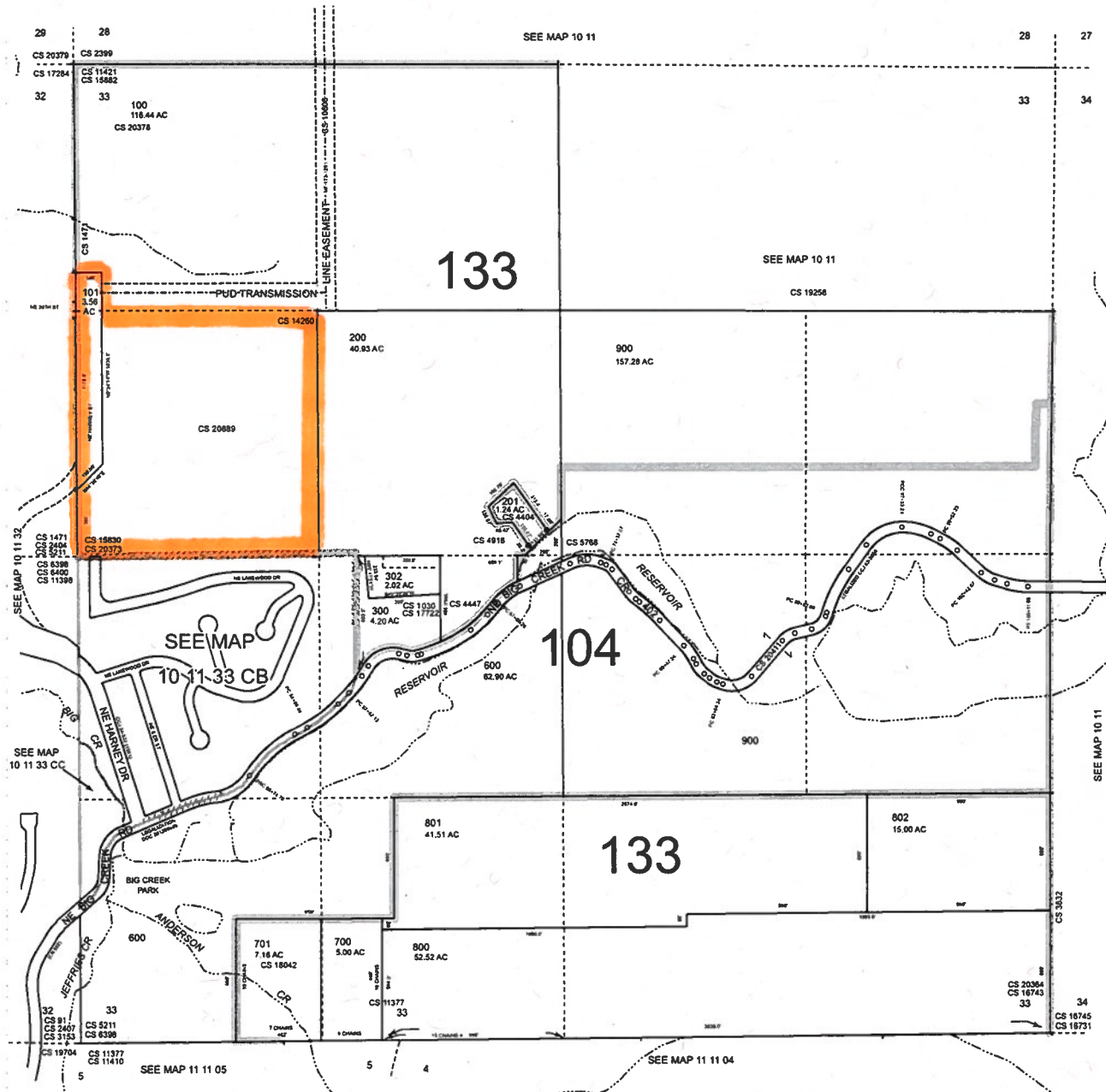
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 200 400 600 800 Feet

SECTION 33 T.10S. R.11W. W.M.
LINCOLN COUNTY
1" = 400'

10 11 33
NEWPORT

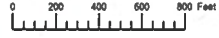
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301
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402
403
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Revised: SEB
03/23/2017

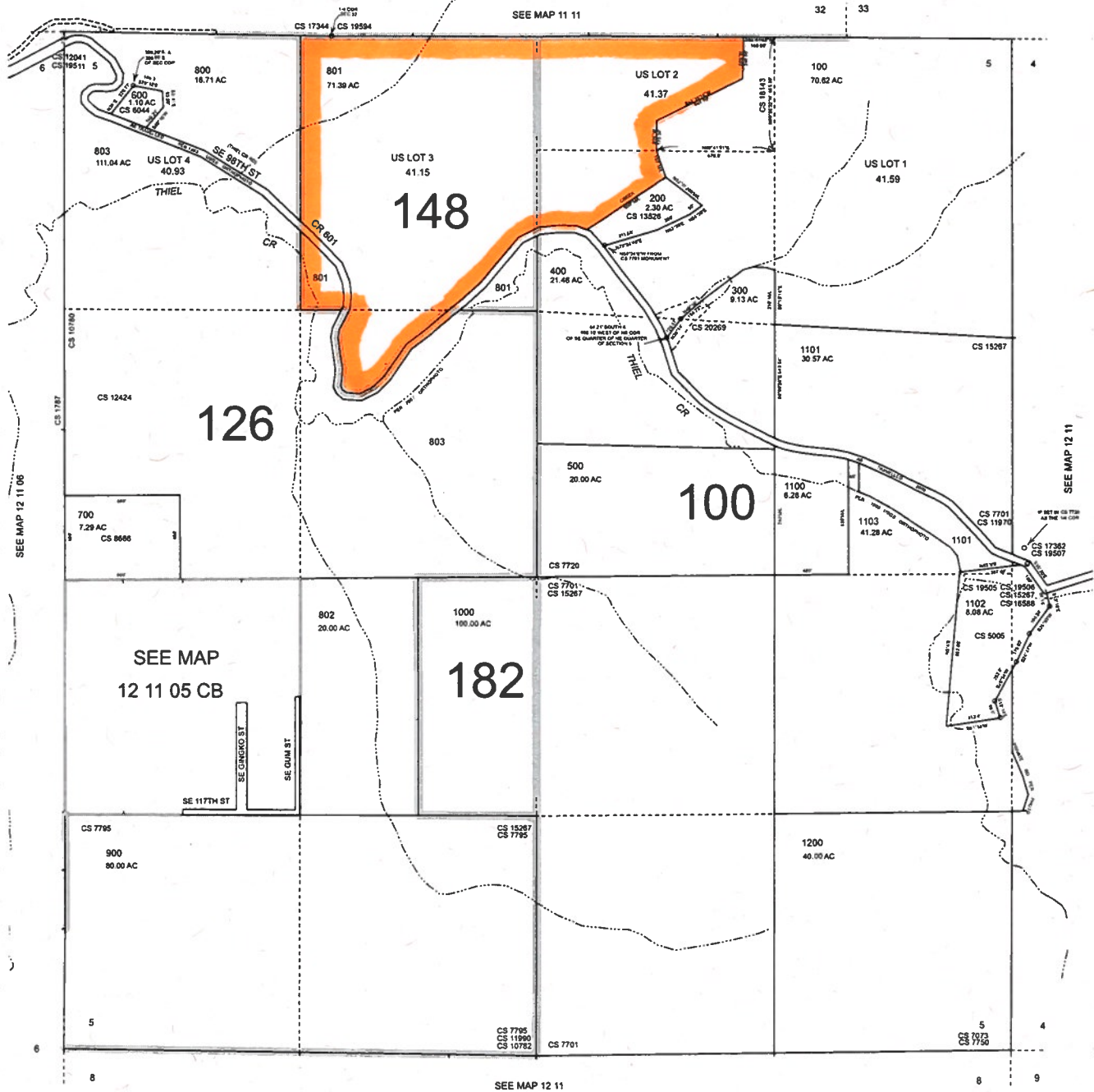
NEWPORT
10 11 33

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 5 T.12S. R.11W. W.M. LINCOLN COUNTY 1" = 400'

12 11 05 NEWPORT



Revised: SAO 11/08/2016 NEWPORT 12 11 05

SHEET 1 OF 2

SURVEY PREPARED FOR
HANCOCK TIMBER RESOURCE GROUP
LOCATED IN THE NW 1/4
SECTION 33, T10S, R11W, W.M.
LINCOLN COUNTY, OREGON
APRIL 17, 2019
(10-11-33 TAX LOT 100)
"RESERVOIR SURVEY"

C.S. # 20889
FILED 3 May 2019
LINCOLN COUNTY SURVEYOR

LINE TABLE

LINE	BEARING	DISTANCE
L1	S89°28'06"W	27.17'
L2	S89°05'30"W	110.07'
L3	S89°01'55"W	89.81'
L4	S89°09'34"W	90.13'
L5	S89°11'00"W	90.30'
L6	S89°04'10"W	89.83'
L7	S89°08'12"W	59.99'
L8	S89°07'34"W	60.00'
L9	N89°45'03"W	20.56'
L10	N00°18'05"W	49.97'
L11	N84°28'40"E	2.65'

(C.S. 15,977)
(L10) N00°24'14"W 50.00'

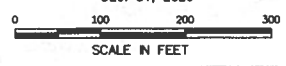
LEGEND

- MONUMENT SET: 5/8" X 30" RE-BAR WITH YELLOW PLASTIC CAP MARKED "NYHUS SURVEYING"
- ▲ MONUMENT FOUND: HELD FOR CONTROL, AS NOTED
- () RECORD INFORMATION, AS NOTED
- [] RECORD: BOOK 13, PAGE 19 "LAKEWOOD HILLS PHASE 2 / REPLAT

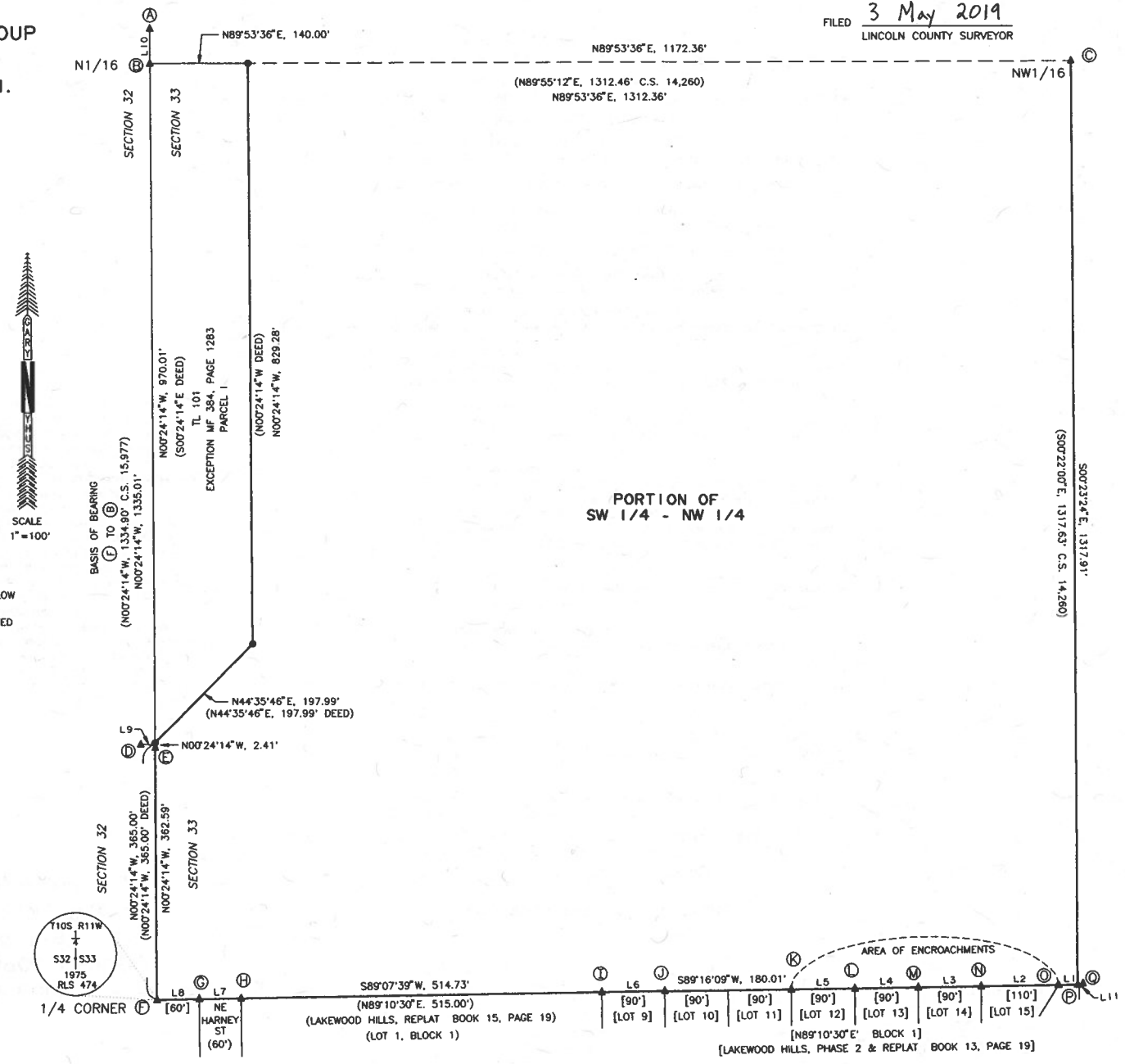
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gary Keith Nyhus
OREGON
JULY 23, 1991
GARY KEITH NYHUS
2918
RENEWAL DATE:
DEC. 31, 2020

FIELD CREW
GARY NYHUS
ERIC NYHUS
STEVEN NYHUS
DANIEL ALVARADO



<p>NYHUS SURVEYING INC. GARY NYHUS / STEVEN NYHUS / ERIC NYHUS PROFESSIONAL LAND SURVEYORS P.O. BOX 206 740 E. THISSELL RD. TIDEWATER, OR 97390 (541) 528-3234</p>	CHECKED BY: GKN
	DRAWN BY: GAM
	DATE: 4-17-2019
	SCALE: 1" = 100'
	PROJECT: 19075
DRAWN BY: GM MAPPING -GREG MURRY- (541) 528-7062 / 20NASRV	



SHEET 2 OF 2

SURVEY PREPARED FOR
HANCOCK TIMBER RESOURCE GROUP
LOCATED IN THE NW 1/4
SECTION 33, T10S, R11W, W.M.
LINCOLN COUNTY, OREGON

APRIL 17, 2019
(10-11-33 TAX LOT 100)
"RESERVOIR SURVEY"

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO LOCATE AND MARK THE CORNERS OF A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, EXCEPTING THE TRACT DESCRIBED AS "PARCEL 1" LINCOLN COUNTY MICROFILM VOLUME 384, PAGE 1283, AS SHOWN ON THE ACCOMPANYING PLAT. MONUMENTS FROM LINCOLN COUNTY SURVEYS 6398, 11747, 14260, 15830, AND 15977, AS WELL AS MONUMENTS FROM "LAKEWOOD HILLS PHASE 2" AND A REPLAT OF A PORTION OF "LAKEWOOD HILLS PHASE 2" (PLAT BOOK 15, PAGE 19) WERE FOUND AND HELD TO CONTROL THIS SURVEY.

TWO ADDITIONAL MONUMENTS WERE FOUND AND ARE BELIEVED TO BE PART OF A SURVEY IN PROGRESS FOR A NEIGHBORING TRACT AS THEY APPEAR TO BE VERY RECENTLY SET. THE BOUNDARIES OF "PARCEL 1" IN MF 384, PAGE 1283 THAT ARE WITHIN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33 WERE THEN CALCULATED AND SET BY HOLDING DEED RECORD ANGLES AND DISTANCES OFF OF THE WEST LINE OF SECTION 33. THE EASTERLY BOUNDARY OF THIS PARCEL WAS THEN INTERSECTED WITH THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND MONUMENTED AS SHOWN. THE NORTHERN PORTION OF "LAKEWOOD HILLS PHASE 2" OVERLAPS WITH THE SOUTHERLY BOUNDARY OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33 AS SHOWN ON C.S. 14,260. BESIDES THIS OVERLAP, THERE ARE NUMEROUS ENCROACHMENTS UP TO 50 FEET NORTHERLY ACROSS THE LINES OF LOTS 12, 13, 14, AND 15 OF "LAKEWOOD HILLS, PHASE 2". THESE ENCROACHMENTS INCLUDE SHOWN WIRE FENCES, CHAIN LINK FENCES, OUTBUILDINGS, DECKS, ETC. BEARINGS, AS SHOWN, ARE BASED ON C.S. 15,977 RECORD BETWEEN MONUMENTS (B) AND (C). THIS SURVEY WAS PERFORMED USING A LEICA TS11 TOTAL STATION (3" ANGULAR PRECISION, 1 MM ± 1.5 PPM DISTANCE PRECISION) AS WELL AS A LEICA GS14 GNSS RECEIVER.

FIELD CREW
GARY NYHUS
ERIC NYHUS
STEVEN NYHUS
DANIEL ALVARADO



RENEWAL DATE:
DEC. 31, 2020

0 100 200 300
SCALE IN FEET

<p>NYHUS SURVEYING INC. GARY NYHUS / STEVEN NYHUS / ERIC NYHUS PROFESSIONAL LAND SURVEYORS P.O. BOX 206 740 E. THISSELL RD. TIDEWATER, ORE 97390 (541) 528-3234</p>	CHECKED BY: GKN
	DRAWN BY: CAM
	DATE: 4-17-2019
	PROJECT: 19075
DRAWN BY: GM MAPPING -GREG MURRY- (541) 528-7062 / 20MASRV	

C.S. # 20889
FILED 3 May 2019
LINCOLN COUNTY SURVEYOR

MONUMENT DESCRIPTIONS

- (A) FOUND: A 5/8" IRON ROD, 0.7' ABOVE GRADE (C.S. ~~8462~~ 15977)
- (B) NORTH 1/16 CORNER TO SECTIONS 32 & 33
FOUND: A 5/8" IRON ROD, 0.1' ABOVE GRADE (C.S. 15,977)
- (C) NORTHWEST 1/16 CORNER SECTION 33
FOUND: A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "IE ENG", 0.1' ABOVE GRADE (C.S. 14260)
FROM WHICH:
A 38" HEMLOCK WITH A HEALED BLAZE BEARS S 70° W, 23.7' (C.S. 14,260)
A ROTTED 8" ALDER STUB, 1.5' HIGH, BEARS S 74° E, 34.9' (C.S. 14,260)
NEW:
A 16" ALDER, BARKSCRIBED "NW 1/16 S33 BT", BEARS S 70° E, 31.7'
- (D) FOUND: A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "FERGUSON PLS 2279", FLUSH (SURVEY IN PROGRESS)
- (E) FOUND: A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "FERGUSON PLS 2279", FLUSH (SURVEY IN PROGRESS)
- (F) 1/4 CORNER TO SECTIONS 32 & 33
FOUND: A 2" IRON PIPE WITH A 2" BRASS CAP, MARKED AS SHOWN, 0.2' ABOVE GRADE (C.S. 6398)
FROM WHICH:
A 12" HEMLOCK SHAG, 8" HIGH, WITH A ROTTED FACE BEARS N 79° E, 62.1' (C.S. 1471)
A 2" ALUMINUM CAP MARKED "LINCOLN COUNTY RM, S45W, 53.6', S33, 1999", FLUSH, BEARS N 46° 13' E, 53.57' (C.S. 15,830)
A BENT 5/8" IRON ROD, FLUSH, BEARS S 45° 35' W, 21.41' (C.S. 15,830)
AN 18" POWER POLE "C332003B", WHICH IS THE WESTERLY POLE OF A DOUBLE POLE STRUCTURE, BEARS N 5° W, 107.1'
- (G) FOUND: A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DENISON SURV NEWPORT OR", 0.1' ABOVE GRADE ("REPLAT OF/LAKEWOOD HILLS PHASE 2" PLAT BOOK 15, PAGE 19)
- (H) FOUND: A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DENISON SURV NEWPORT OR", 0.2' ABOVE GRADE ("REPLAT OF/LAKEWOOD HILLS PHASE 2" PLAT BOOK 15, PAGE 19)
- (I) FOUND: A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ORE RLS 1816", 1.0' ABOVE GRADE ("LAKEWOOD HILLS PHASE 2")
- (J) FOUND: A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ORE RLS 1816", 0.7' ABOVE GRADE ("LAKEWOOD HILLS PHASE 2")
- (K) FOUND: A 5/8" IRON ROD, 0.6' BELOW GRADE ("LAKEWOOD HILLS PHASE 2")
- (L) FOUND: A BENT RUSTED 1/2" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HOWELL LS 1994", 1.0' ABOVE GRADE (C.S. 11,747)
- (M) FOUND: A 5/8" IRON ROD, 0.1' BELOW GRADE ("LAKEWOOD HILLS PHASE 2")
- (N) FOUND: A 5/8" IRON ROD WITH ILLEGIBLE YELLOW PLASTIC CAP, 0.1' BELOW GRADE ("LAKEWOOD HILLS PHASE 2")
- (O) FOUND: A BENT 5/8" IRON ROD, 0.1' BELOW GRADE ("LAKEWOOD HILLS PHASE 2")
- (P) FOUND: A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "IE ENG", 0.3' BELOW GRADE (C.S. 14,260)
- (Q) FOUND: A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "ORE RLS 1816", 0.4' BELOW GRADE ("LAKEWOOD HILLS PHASE 2")

Derrick Tokos

From: Mercedes Serra <mercedes.serra@3j-consulting.com>
Sent: Monday, October 19, 2020 2:02 PM
To: Derrick Tokos
Cc: Aaron Murphy; Robinson, Michael C.; Casey Fisher
Subject: Hancock UGB Swap - Completeness Review
Attachments: 10.19.2020 Letter to Newport Community Development Director Tokos.PDF; 19529-Hancock-Exhibit Maps-Attachment E.pdf; 19529-Hancock Newport-Legal Description-Attachment B.pdf; 19529-Hancock-Narrative.pdf

Hi Derrick,

Please find the attached cover letter, updated narrative, legal description, and updated exhibit maps for the Hancock UGB Swap. The materials have been updated to reflect the revisions requested in the City's 7/10/2020 email.

Thank you,

Mercedes Serra | Senior Urban Designer | **3J Consulting**

9600 SW Nimbus Ave, Suite 100 | Beaverton, OR 97008

O: 503.946.9365 x.211 | C: 541.999.7870

mercedes.serra@3j-consulting.com

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Attachments

- Attachment A – Land Use Application
- Attachment B – County Assessor’s Tax Map
- Attachment C – County Assessor’s List of Surrounding Property Owners
- Attachment D – Traffic Impact Analysis
- Attachment E – Exhibit Maps

GENERAL INFORMATION

Property Owner and Applicant: **Hancock Forest Management, Inc.**
 17700 SE Mill Plain Boulevard, Suite 180
 Vancouver, WA 98683
 Contact: Casey Fisher
 Phone: 360-260-4594
 Email: cfisher@hnrng.com

Applicant's
 Planning Representative: **3J Consulting, Inc.**
 9600 SW Nimbus Ave, Suite 100
 Beaverton, OR 97008
 Contact: Andrew Tull
 Phone: 503-545-1907
 Email: andrew.tull@3j-consulting.com

Applicant's
 Legal Representative: **Schwabe, Williamson and Wyatt**
 1211 SW 5th Avenue Suite 1900
 Portland, OR 97204
 Contact: Mike Robinson
 Phone: 503-796-3756
 Email: mrobinson@shwabe.com

SITE INFORMATION

SITE A

Parcel Number: 10s11w33 100 and 10s11w33 101
 Size: 43.36 acres
 Current Zoning Designation: Lincoln County Timber Conservation (T-C)
 Existing Use: Vacant Timber Land

SITE B

Parcel Number: 12s11w05 801
 Size: 71.39 acres
 Current Zoning Designation: Lincoln County Rural Residential (RR-10)
 Newport Comprehensive Plan High Density Residential
 Designation:
 Existing Use: Vacant

INTRODUCTION

APPLICANT'S REQUEST

Hancock Forest Management is requesting an adjustment to the urban growth boundary (UGB) map to include a 43.4-acre parcel (SITE A) in the UGB and to remove a 71.4-acre parcel (SITE B) from the UGB. Upon annexation into the City of Newport. The Applicant's intent for the subject site is to process subsequent applications for annexation along with requests to amend the City's Comprehensive Plan maps to show the site as High Density Residential and on the City zoning map as High Density Residential (R-4). The parcel to be removed from the UGB is intended to retain its zoning designation on the Lincoln County Comprehensive plan map as RR-10.

SITE DESCRIPTION/SURROUNDING LAND USE

The 43.36-acre subject site (SITE A) is outside the UGB and is zoned Commercial-Timber (T-C) in the Lincoln County Comprehensive Plan. The TC zone is a forest resource zone compliant with the Statewide Planning Goal 4 (Forest Lands) and is reserved for forest operations or forest practices per Section 1.1375(1) of the Lincoln County Zoning Ordinance consistent with ORS 527.722.

The 71.4-acre parcel (SITE B) is located within the UGB and is designated as High-Density Residential (HDR) in the Newport Comprehensive Plan. The site has a Lincoln County zoning designation of Rural Residential (RR-10).

Under the Oregon land use system, the justification for a UGB adjustment is a two-step process: (1) demonstrate land need; and (2) analyze potential boundary locations. This proposal includes an amendment to the Newport Comprehensive Plan Map and Lincoln County Comprehensive Plan Map, which amends the Newport UGB, adding approximately 43.4-acre and removing approximately 71.4-acres. As proposed, the subject site (SITE A) would be retain its existing zoning designation. Site B would be removed from the UGB and retain its designation as Rural Residential (RR-10).

APPLICABLE CRITERIA

The following sections of Newport's Zoning and Development Ordinance, the Newport Comprehensive Plan and the Statewide Planning Goals have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for an Urban Growth Boundary Adjustment and Comprehensive Plan Map Amendment.

OREGON STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement

Applicant's Finding: The intent of Goal 1 is to ensure that citizens have meaningful opportunities to participate in land use planning decisions. The stated purpose of the goal is:

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

Goal 1 has five stated objectives that are applicable to the proposed UGB adjustment:

1. *Citizen Involvement - To provide for widespread citizen involvement.*
2. *Communication - To assure effective two-way communication with citizens.*
3. *Citizen Influence - To provide the opportunity for citizens to be involved in all phases of the planning process.*
4. *Technical Information - To assure that technical information is available in an understandable form.*
5. *Feedback Mechanisms - To assure that citizens will receive a response from policy-makers.*

This land use application is subject to a City of Newport Type IV land use review, which includes a significant citizen involvement component. This process has been established by the city and determined to be consistent with this goal. The mandatory public notice of the action and decision, and the hearing on this case before the Newport Planning Commission and City Council are all avenues of citizen participation satisfying the applicable objectives listed above.

Goal 2: Land Use Planning

Applicant's Finding: Goal 2 requires that all incorporated cities establish and maintain comprehensive land use plans and implementing ordinances and that land use decisions must be made in accordance with these plans and ordinances. It also requires cities to coordinate with other affected government entities in legislative land use processes. The stated purpose of the goal is:

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

The review of this application will follow the process established in the Newport Comprehensive Plan and Zoning Ordinance. The findings presented in this application provide an adequate factual basis for decisions and actions by the Newport Planning Commission and City Council. In the process of developing the UGB adjustment proposal and findings, the City complied with Goal 2.

Goal 3: Agricultural Lands and 4: Forest Lands

Applicant's Finding: As stated in 660-024-0020(b), Goals 3 and 4 are not applicable when establishing or amending an urban growth boundary.

Goal 5: Open Spaces and Historic Areas & Natural Resources.

Applicant's Finding: Goal 5 requires local governments to inventory and protect natural resources. The subject site does not fall within any lands designated as open spaces, historic areas, or natural resource areas. A resource delineation will be provided at the time of the development of the property.

Goal 6: Air, Water and Land Resources Quality

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

Goal 7: Areas Subject to Natural Disasters and Hazards

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

Goal 8: Recreational Needs

Applicant's Finding: Goal 8 requires jurisdictions establish policies and procedures for the planning and zoning of state and local parks in order to address the needs of the citizens of the state. The City of Newport has addressed the Goal 8 requirements in the Newport Parks System Master Plan.

While the site is not located within the UGB and was not analyzed as part of the planning effort, it is identified as the location of a potential future trail connecting to Big Creek Reservoir Open Space. Big Creek Open Space is a 536-acre natural area adjacent to the subject site. The proposed trail connection can be incorporated in the future development of the site.

A Level of Service Analysis was provided in the Newport Parks System Master Plan. The existing park system was analyzed using seven park categories for the 2017

population as well as the 2035 projected population. Per the SCORP 2013-2017 suggested standards, the level of service of park acres per 1,000 residents within the City is met or exceeded for each park category.

The destination resort siting requirements are not applicable to the proposed development.

Goal 9: Economy of the State

Applicant's Finding: The proposal does not involve employment lands; therefore, Goal 9 is not applicable.

Goal 10: Housing

Applicant's Finding: The purpose of Goal 10 is to provide for housing needs for communities throughout the state. This goal requires jurisdictions to inventory developable lands to accommodate housing of a variety of types, densities, and prices commensurate with the financial capabilities of Oregon households. When there is a deficiency of buildable land to accommodate residential development within a city's UGB, that city is required to address the deficiency either through policy change within the UGB or through a UGB expansion.

According to the City's 2011 Housing Needs Analysis, the City has an adequate supply of high-density residential land. The proposed removal of approximately 70 acres of high-density residential land from the UGB will not result in a shortfall of high-density residential land, based on the City's 20-year projected growth. Additionally, much of the land proposed for removal has significant development constraints that would impact the total number of units the parcel could support. Attached to this application is a more detailed analysis of Site B with an estimate of the total number of units the parcel could support.

Site A is proposed for inclusion within the UGB with an assumption that upon annexation, it will receive a high density residential (R-4) designation. This would allow the development of the parcel at a net density of approximately 200 total homes (i.e. 1 unit per 5,000 SF for single-family homes).

Therefore, while there may be a change in the total gross acreage as a result of the UGB Adjustment, there overall outcome in terms of units produces will be substantially similar. Additionally, the inclusion of Site A into the UGB will result in development of needed housing in a much shorter timeframe than Site B due to the relative feasibility and economic efficiency of serving Site A with public facilities and services and its proximity to retail, employment opportunities, services, and transportation linkages.

The addition of 43.4-acre acres of high-density residential land into the UGB will provide an addition of land available for residential development within proximity to City services. Newport's Housing Needs Analysis identifies an increased need for workforce housing.

Goal 11: Public Facilities and Services

Applicant's Finding:

The purpose of Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The goal requires that public facilities and services in urban areas are provided at levels necessary and suitable for existing and future urban uses. It also requires jurisdictions to adopt public facilities plans in coordination with urbanization.

Transportation

The City adopted a Transportation System Plan in 2012, which meets the requirements of Goal 11 and OAR 660-011. As detailed in the Site A transportation analyses of Goals 12 and 14 as well as the attached Transportation Impact Study (Attachment D), adequate transportation facilities can be made available to serve Site A with the provision of identified improvements.

Water

The City adopted a Water System Master Plan in 2008, which meets the requirements of Goal 11 and OAR 660-011.

Site A falls within the City's main pressure zone (Main Storage Tanks) which can serve elevations up to 183 feet above sea level. Dwellings within the development above 183 feet will be served via a booster pump station. A pressure tank will be installed near the highest site elevation to serve homes including fire protection.

As shown in the attached Boundary Location Analysis (Attachment E), adequate water system facilities exist adjacent to Site A and can be served with the provision of appropriate system development charges, facilities, and connections.

Sanitary Sewer

The City recently adopted a Sanitary Sewer Master Plan (SSMP) in 2018, which meets the requirements of Goal 11 and OAR 660-011.

Wastewater is anticipated to be conveyed to the existing PVC gravity line located near the north west corner of Site A. Flow will then be conveyed through the gravity system, beneath Highway 101 and discharge into the Big Creek Pumpstation. The anticipated flow from the proposed development was determined to be approximately 32,000 gpd or 0.032 mgd. This calculation was adopted in accordance with an assumed 2.19 people per household in accordance with the SSMP - High Density Residential, Medium Density Residential and Low Density Residential, average calculation.

Table 5.1 of the SSMP identifies the existing peak flow of Big Creek PS to be 2.60 mgd with a maximum capacity of 3.50 mgd or a net capacity of 0.9 mgd.

Table 5.2 of the SSMP identifies the 20-year Conditions Planning Scenario and peak flow of Big Creek Pumpstation to be 3.00 mgd with a maximum capacity of 3.5 mgd or a net capacity of 0.5 mgd.

Adequate sanitary sewer system facilities exist to serve Site A with the provision of appropriate system development charges, facilities, and connections.

Stormwater

The City does not have an adopted Stormwater Master Plan, but the proposed inclusion of Site A into the UGB and future development will require the provision of a surface drainage and storm sewer system pursuant to Section 13.05.040 of the Newport Municipal Code. It is anticipated that stormwater runoff from Site A will be collected, detained and released to match the pre-developed site runoff condition using surface water ponds, weirs and flow control manholes.

Goal 12: Transportation

Applicant's Finding: Goal 12 encourages the provision of a safe, convenient, and economic transportation system and implements provisions of other statewide planning goals related to transportation planning in order to plan and develop facilities in coordination with urban and rural development.

The Transportation Planning Rule (TPR), OAR 600-012-0060, requires that, where an amendment to a comprehensive plan would significantly affect an existing or planned transportation facility, the local government shall put in place measures that assure that allowed land uses are consistent with the function, capacity, and performance standards of the facility. This application is for an amendment to the comprehensive plan and urban growth boundary and, as such, the proposed changes must comply with the TPR.

This application includes a Transportation Impact Study (TIS) completed by Kittelson & Associates on October 18, 2019. The TIA measures impacts to the transportation system by estimating the change in vehicle trips, resulting from this proposed UGB and comprehensive plan designation change. The analysis compares the transportation system performance under the current comprehensive plan designation reasonable worst-case scenario to the performance under the proposed comprehensive plan designation reasonable worst-case scenario.

As detailed in the submitted Transportation Impact Study (TIS), the following table shows the requisite reasonable worst-case scenario analysis.

	Comprehensive Plan Designation	Zoning	Land Use (ITE Code)	Units	Daily Trips	PM Trips Entering	PM Trips Exiting
Existing	N/A	T-C	-	-	-	-	-
Proposed	Low Density Residential	R-2	210	200	1,968	125	73
Change				+200	+1,968	+125	+73

While the Applicant may or may not construct 200 dwelling units, this is the reasonable worst-case scenario and therefore must be analyzed as the comparison to the existing reasonable worst-case scenario. Based on the above table, 1,968 additional daily trips are forecast to be generated by the comprehensive plan change under reasonable worst-case scenario development assumptions. This number exceeds the threshold of 400 daily trips per the TPR to trigger a significant impact, and requires intersection operational analysis.

The following intersections were analyzed for impacts based on this proposed adjustment:

Study Intersections	V/C Mobility Target	Weekday AM Peak Hour		Weekday PM Peak Hour	
		V/C	Delay (sec)	V/C	Delay (sec)
US 101 / NE 36 th Street	0.80 major	0.01 (SBLT)	8.78 (SBLT)	0.03 (SBLT)	11.5 (SBLT)
	0.90 minor	0.59 (WB)	54.5 (WB)	0.72 (WB)	123.0 (WB)
		0.02 (SBLT)	8.94 (SBLT)	0.06 (SBLT)	12.6 (SBLT)
US 101 / NE 31 st Street	0.80 major	0.61 (WB)	72.3 (WB)	0.79 (WB)	182.2 (WB)
	0.90 minor	0.02 (SBLT)	8.94 (SBLT)	0.06 (SBLT)	12.6 (SBLT)
		0.62 (WB)	14.2 (WB)	0.92 (WB)	48.5 (WB)
US 101 / NE 25 th Street	0.80 intersection	0.62 (WB)	14.2 (WB)	0.92 (WB)	48.5 (WB)
US 101 / NE 20 th Street	0.90 intersection	0.55 (WB)	18.3 (WB)	0.92 (WB)	63.2 (WB)
NE Harney Street / NE 31 st Street	0.90 minor	0.04 (EB)	8.62 (EB)	0.07 (EB)	9.0 (EB)

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, LT = Left-turn, TH = Through, RT = Right-turn
V/C= Critical volume-to-capacity ratio, Delay= Intersection delay (signalized) / Critical movement delay (unsignalized)

The analysis included in the submitted TIA concludes that based on the long-term traffic impact detailed in the report, the proposed land exchange will result in a significant impact on the surrounding transportation system that will require mitigation. The report recommends the following improvements:

The US 101/NE 36th Street Intersection Improvements:

- Capacity Enhancing Projects
 - Widen the westbound NE 36th Street approach to include a separate left and right-turn lane.
 - Install a traffic signal
- Additional Projects to meet the currently adopted 0.80 Mobility Target:
 - Widen US 101 to include a second northbound through lane
- Alternative to Meeting the 0.80 Mobility Target:
 - City of Newport and ODOT consider the adoption of an alternative mobility target (0.90 or higher) under the 30th

highest hour conditions or maintain the existing target under other than peak season conditions.

US 101/NE 31st Street Intersection

- Capacity Enhancing Projects:
 - Widen the westbound NE 31st Street approach to include a separate left and right-turn lane.
 - Install a traffic signal
- Additional projects to meet the currently adopted 0.80 Mobility Target:
 - Widen US 101 to include a second northbound through lane.
- Alternative to meeting the 0.80 Mobility Target:
 - City of Newport and ODOT consider the adoption of an alternative mobility target (0.95 or higher) under the 30th highest hour conditions or maintain the existing target under other than peak season conditions.

US 101/NE 25th Street Intersection

- Projects to Restore the Intersection to Background Conditions
 - Install right-turn overlap phasing on the eastbound approach

US 101/NE 20th Street Intersection

- Projects to Restore the Intersection to Background Traffic Conditions/Mobility Target:
 - Install right-turn overlap phasing on the eastbound approach.
 - Construct a separate westbound right-turn lane on the NE 20th Street approach.
- Alternative to Meeting the 0.90 Mobility Target:
 - City of Newport and ODOT consider the adoption of an alternative mobility target (0.95 or higher) under 30th highest hour conditions of maintain the existing target under other than peak season conditions.

While the Applicant has detailed a series of potential improvements to address capacity at the identified intersections, the preference would be for the City and ODOT to consider alternative mobility targets at the specified intersections as the City updates their Transportation System Plan.

The Application proposes to leave the existing zoning in place until the property is annexed to the City. Therefore, pursuant to OAR 660-024-0020(1)(d), the Application does not address OAR 660-012-0060, the TPR. The applicant will demonstrate compliance with the TPR when it proposes urban zoning on the property added to the UGB.

Goal 13: Energy

Applicant's Finding: Goal 13 requires land and uses developed on the land to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Energy consequences of the proposed urban growth area adjustment have been considered in the Goal 14 alternatives analysis ESEE process.

Goal 14: Urbanization

Applicant's Finding: Goal 14 requires cities to establish and maintain urban growth boundaries to provide land for urban development needs and separate urban and urbanizable land from rural land. The stated purpose of the goal is:

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The goal provides two "Land Need" factors and four "Boundary Location" factors in evaluating changes to the urban growth boundary. Goal 14 and related statutes and administrative rules establish a specific method and hierarchy for boundary review. Findings for the proposed UGB adjustment are organized according to that hierarchy.

Land Need Criteria

Goal 14 requires that changes to the UGB shall be based on the following:

1. *Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments.*
2. *Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection. In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.*

However, OAR 660-024-0070 (3) allows a local government considering an exchange of land to rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided that the buildable land added to the UGB provides a specific type of residential need substantially equivalent to the amount of buildable land removed and that the land added to the UGB is designated for the same residential uses and housing density as the land removed from the UGB.

The proposed site for removal from the UGB (Site B) is approximately 71.4 acres, is currently zoned as RR-10 (Rural Residential), and designated as “High Density Residential” on the Newport Comprehensive Plan Map. The current zoning of Site B is inappropriate for the desired objectives of the Comprehensive Plan Designation.

If incorporated, the designation of Site B as a higher density district (i.e. R-3 or R-4) would be inconsistent with the stated intent of those districts, which contain siting requirements including land that is flat and free of constraints that would inhibit the development of apartments. City staff suggested the land would be zoned R-2 (Medium Density Single-Family Residential) if incorporated into the city, which is more consistent with the stated intent of that district to provide for smaller lot size residential development that serves as a transitional area between low density uses and higher density residential districts.

The applicant anticipates annexing Site A with a “High Density Residential” Comprehensive Plan designation and R-4 Zoning Designation. Site A is approximately 28 acres smaller than Site B, but the current Housing Element of the Newport Comprehensive Plan indicates that the city has a 730-acre surplus of High-Density Residential Land. Therefore, while the UGB Adjustment will result in a gross acreage loss of 28 acres, this will not significantly impact the overall supply of land. Furthermore, the inclusion of Site A into the UGB will go further towards providing needed housing to Newport residents by providing lands that are more easily served by public facilities, closer to existing residential development, and closer to existing employment centers. The applicant provides a more detailed analysis of Site B later in this narrative to confirm that the inclusion of Site A would meet a substantially equivalent need.

Boundary Location Criteria

OAR 660-024-0040 requires conducting a boundary location analysis evaluating alternative boundary locations in order to determine any change to a city’s UGB. These analyses must be conducted in a manner consistent with ORS 197.298 and consider the following four factors:

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

The section below describes boundary location analysis factors for the purpose of comparing the site proposed for inclusion to the UGB to other viable sites.

Site A

General Description

Site A is a 43.4-acre site located east of the existing Newport UGB. The parcel is zoned Commercial-Timber (T-C) in the Lincoln County Comprehensive Plan. The TC zone is a forest resource zone compliant with the Statewide Planning Goal 4 (Forest Lands) and is reserved for forest operations or forest practices per Section 1.1375(1) of the Lincoln County Zoning Ordinance consistent with ORS 527.722. The parcel is largely wooded with young Douglas fir and two seasonal streams draining to the southwest corner of the site. The parcel is moderately sloped with approximately 12 acres of containing slopes that would prohibit development, whereas the remaining 28 acres have slopes that could accommodate development.

Efficient accommodation of identified land needs

The anticipated inclusion of Site A into the UGB, designation as high density residential (R-4), and subsequent development of housing on this site provides an effective response to the regional issue of limited housing supply and increasing housing costs affecting the City of Newport and Lincoln County. According to the 2013-2017 American Community Survey, median monthly housing costs total \$869 and 37.5% of households pay 30 percent or more of their household income in housing costs. Among households with a mortgage, 33.4% have household costs exceeding 35 percent of their household income. Compounding this issue is the prevalence of housing units that are utilized as second homes or vacation homes. The vacancy rate of households in Newport is 21 percent, suggesting a large proportion of needed housing to serve Newport residents are owned by non-residents. This further constrains supply and exacerbates the affordability crisis Newport faces.

The inclusion of Site A would provide a large site that has minimal development constraints, is easily serviceable by existing public facilities and services, and is located near existing development and economic opportunities in Newport. Additionally, because the site is not currently parcelized, the associated return on investment for the development of the tract is much greater than alternative locations, making development significantly more likely in the near future than sites with high parcelization. The full development of Site A with housing, while not fully meeting the affordability need of the City, will provide critical housing supply that will ultimately reduce the average cost of homes in the region and provide more affordable options for Newport residents. Additionally, the provision of housing near existing transportation networks and development provide communities better access to employment and educational opportunities and more efficient provision of transportation facilities and utilities.

Orderly and economic provision of public facilities and services

Transportation

Site A is currently adjacent to a developed collector, NE Harney Street, and it is located adjacent to existing development. According to the attached Transportation Impact Analysis (Attachment D), the proposed amendment to the City's UGB and

affiliated comprehensive plan/zone designation for the 43.4-acre site has the potential to create a significant effect on the surrounding transportation network. However, acceptable operational levels can be achieved at the study intersections in the planning horizon year 2039 with the implementation of mitigation measures identified in the TIA.

Capacity of existing facilities to serve areas already inside the UGB

Operational analyses outlined in the Traffic Impact Analysis (Attachment D) indicate that all of the study intersections currently operate at acceptable mobility targets with the exception of the US 101/NE 20th Avenue intersection. During the weekday PM peak hour, this intersection operates at a volume-to-capacity ratio of 0.84 which is above the 0.80 mobility target.

Capacity of existing facilities to serve areas proposed for addition to the UGB

The attached TIA estimates background traffic volumes for the 2039 planning horizon year using an 1% annual growth rate to reflect anticipated regional traffic growth along the US 101 corridor. With the proposed UGB adjustment, assuming that the 43.4-acre site is zoned under the City of Newport's R-2 Medium Density Single Family Residential zone, the TIA determined the site could support up to 200 single family homes in a reasonable worst case scenario. This has the potential to generate approximately 1,968 net new daily trips, 147 net new AM peak hour trips, and 198 net new PM peak hour trips.

Impacts to existing facilities that serve nearby areas already inside the UGB

Operations of the study intersections under the 2039 R-2 Medium Density Single Family Residential zoning scenario found that all of the US 101 study intersections are forecast to exceed their respective mobility targets.

The eastbound approach to the unsignalized US 101/NE 36th Street intersection is forecast to operate over capacity during both the weekday AM and PM peak hours. This represents a significant impact to the operations of the intersection. Rather than addressing these impacts through this application, the applicant proposes to leave the existing zoning in place until the property is annexed to the City. Therefore, pursuant to OAR 660-024-0020(1)(d), the Application does not address OAR 660-012-0060, the TPR. The applicant will demonstrate compliance with the TPR when it proposes urban zoning on the property added to the UGB.

Water

According to a City map of existing water services in Newport, a 12-inch water main runs along NE Harney Street as well as two hydrants located along this main adjacent to Site A. This would allow for the extension of water service to the parcel once it develops.

Capacity of existing facilities to serve areas already inside the UGB

Sections 5 and 6 of the 2008 Newport Water System Master Plan describe the existing water system and water demand. The City holds water rights allowing for a maximum of 19.24 cfs from six streams, but can only utilize 16.54 cfs from three due to location constraints. The City stores water from these streams in the Big Creek reservoir to draw from during the dry and high-water-demand summer months. The plan estimates that the average monthly water consumption for a typical dwelling ranges between 3,695 gallons in winter months to 6,270 gallons in summer months with an average demand of 4,600 gallons per month. During the summer months, the maximum daily demand (MDD) can reach a total 6.27 cfs, but the average daily demand (ADD) throughout the year is 3.33 cfs. In instances where the City's demand exceeded water available from streams, supply drew from the Big Creek reservoir to meet demand.

The plan projects this demand to increase to a MDD 8.99 cfs and an ADD of 4.72 cfs by 2030. Based on the capacity of the Big Creek reservoir during its driest year on record, it is possible to support the anticipated maximum demand in 2030 by diverting water from the Siletz River to recharge the reservoir, but following that, the City will need to consider alternatives to provide sufficient water supply. The Capital Improvement Plan (Section 9) identifies a \$12 million upgrade to the existing Big Creek Water Treatment Plant that will allow for the sufficient accommodation of water needs as development continues.

Capacity of existing facilities to serve areas proposed for addition to the UGB

Assuming the average monthly water consumption outlined in the Newport Water System Master Plan, the inclusion of Site A into the UGB and development could result in a total increase in water demand of 1,254,000 gallons per month (0.06 cfs) during peak months and 920,000 gallons per month (0.05 cfs) on average. While significant, the capacity to serve Site A currently exists, and the Capital Improvement Plan identifies improvements that will ensure the adequate provision of water well into the future. Therefore, with the provision of appropriate system development charges and water line extension, the existing water system will be able to accommodate the full buildout of Site A.

Impacts to existing facilities that serve nearby areas already inside the UGB

Linking to the existing 12-inch water main along NE Harney Street will result in additional water demand on the pipe and local distribution network however these impacts should be able to be accommodated without significant impacts upon the surrounding system.

Sanitary Sewer

The City recently updated their Sanitary Sewer Master Plan (SSMP) in order to update wastewater elements of the Comprehensive Plan and develop a priority for

capital improvement projects. According to the SSMP dated February 9, 2018, there is a gravity sewer extending to the northwest corner of Site A, which would allow for the extension of sanitary sewer to Site A once it develops. The line was constructed circa 1990 and is composed of Polyvinyl Chloride (PVC). This gravity main connects to a Vance Avery Wastewater Treatment Facility located in South Beach.

Capacity of existing facilities to serve areas already inside the UGB

The City provides sanitary sewer collection system services to approximately 10,000 people spread across an area of approximately 11.2 square miles. The City oversees over 62 miles of gravity pipelines ranging in size from approximately 3 to 36 inches in diameter, 1,400 manholes, 9 major pump stations, 16 minor pump stations, and 12 miles of sanitary force mains. The plan identifies minor deficiencies in the sanitary sewer system, but provides a series of recommended improvements prioritized by assessed risk of overflow to ensure that there will be sufficient capacity to accommodate new development.

Capacity of existing facilities to serve areas proposed for addition to the UGB

The Master Plan models buildout scenarios over a 20-year period to identify possible surcharging and flooding during large storm events (i.e. a 1-in-10 year storm). The plan uses these scenarios to provide recommended improvements to ensure the existing system will be able to accommodate new development as it occurs, prioritizing the most critical facilities for improvement. Therefore, with the provision of appropriate system development charges and sanitary sewer extension, the existing sanitary sewer system will be able to accommodate the full buildout of Site A.

Impacts to existing facilities that serve nearby areas already inside the UGB

Linking to the existing gravity sewer will result in an increase demand on the existing capacity of the pipe however the system is believed to be adequately sized to handle the demands associated with a new subdivision. These demands can be evaluated in detail and the system may be upsized in order to enable the development.

Stormwater

The Applicant has sufficient room on the property to treat and detain stormwater consistent with the City's applicable regulations. The impacts to stormwater management will be evaluated and managed at the time of development of the property.

Comparative environmental, energy, economic and social consequences

Economic

As discussed earlier in this analysis, the full development of Site A with housing will provide critical housing supply that will ultimately reduce the average cost of homes in the region and provide more affordable options for Newport residents. Additionally, the provision of housing near existing transportation networks and development provide communities better access to employment and educational opportunities and more efficient provision of transportation facilities and utilities.

While a T-C designation on Site A will result in the preservation of resource land, the R-4 land use provides a greater economic benefit to the community through increased housing options. The proposed adjustment and future use promote more efficient and coordinated use of land and minimizes urban sprawl.

Social

There are developed neighborhoods to the north and the west of Site A, and the development of housing on what was originally resource land would result in a change of character for existing residents, most notably a loss of rural lifestyle or low-density residential development. Additionally, forest and natural areas can provide people with access to nature and stress relief, though the anticipated loss would be minimal in this case as this land is managed forest with no public access.

There is the potential to dedicate future park space and scenic areas as development occurs. Specifically, in areas that have topographical constraints that make development infeasible, dedicated natural open space and scenic vistas can be provided to serve as an essential resource to Newport communities. Additionally, the provision of trails connecting to the existing Ocean to Bay Trail network to the southwest could mitigate loss of forested area by providing access to nature and other recreational amenities to Newport residents.

Environmental

There are no identified wetlands on Site A. However, just south of the parcel is a City designated wetland that extends from the property line to NE Harney Street. The development of Site A could impact this wetland as the increase in impervious surface increases runoff and flow rates downstream.

The development of Site A will require the clearing of trees, which will have associated erosion, air quality, and greenhouse gas impacts. These impacts can be mitigated through the careful provision of open space in areas that are not suitable for development. These areas could be planted with native vegetation and trees that would provide better environmental services than the current timber plantation. This would offset some of the environmental impact associated with the clearing of trees to accommodate development.

Additionally, the exclusion of Site B and will offset the development of Site A by precluding development on Site B and preserving the area for forest land uses. Site B is currently included in the UGB and zoned for rural residential development,

which would result in much larger development footprints and disturbance to the surrounding area should they be developed. Therefore, the proposed adjustment provides the opportunity to limit the future clearing of trees and sprawling patterns of development on Site B and provide more compact residential development with a lower environmental footprint per unit through the development of Site A.

Energy

The inclusion of Site A into the UGB is expected to result in new housing replacing areas currently used as timber resource land except where topography constrains development. There is a power transmission line and transformer to the north of Site A, but it is unlikely to be impacted by residential development. Within the site, redevelopment could support as many as 200 dwelling units, which would have an increased energy impact in the form of construction, dwelling unit energy use, and transportation.

There is a bus stop along Hwy 101 that is approximately a ten minute walk from the western periphery of Site A, and an existing Ocean to Bay Trail network that can provide options for non-automobile travel, reducing some of the energy impacts associated with transportation.

Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB

The proximity of single-family dwellings to adjacent forest lands creates the potential for conflict between the two uses in the form of noise, pollution from logging equipment, truck and automobile traffic, and hazards associated with forest lands such as falling or windthrown trees and wildfire. Additionally, the proximity of new housing may present challenges to active forest management if those activities are a nuisance to adjacent uses. The key towards mitigating these conflicts is separation and buffering. The power transmission line located north of Site A provides an excellent buffer area in which felling is less likely to occur to avoid damage to the lines. This allows trees to grow in this buffer, providing additional shielding and impacts associated with forest activity to the north of the power line. In addition to this, Chapter 14.18 requires buffering between residential and non-residential uses, providing an opportunity to increase the separation between residential and forest uses and mitigate potential conflicts.

Alternative UGB Expansion Areas

ORS 197.298 establishes a priority of land to be included within an urban growth boundary that Boundary Location Analyses must consider:

- 1) Designated urban reserve land
 - * Note: Areas around Newport do not contain Urban Reserves as defined in OAR 660-021
- 2) Acknowledged exception area or nonresource land

- 3) Marginal land
 - * Note: Areas around Newport do not contain Marginal land as defined in ORS 197.247
- 4) Designated agriculture or forestry land

This section also permits the inclusion of lower priority land in the following circumstance:

- 3) *Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:*
 - a) *Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;*
 - b) *Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or*
 - c) *Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands*

Policy 15 under Goal 14: Urbanization of the Comprehensive Plan encourages land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increases the efficiency of energy use. The subject property to be brought into the UGB is located directly adjacent to the City Limits and developed residential land. The subject property to be removed from the Urban Growth Boundary is not located near existing services or major transportation facilities.

Site B is located at the southeastern periphery of the Newport UGB. It is far from existing development and features several constraints that limit the provision of public services including wetlands, a creek at the southern area of the parcel, and fairly steep slopes. These factors result in lands that would be prohibitively expensive to develop at higher densities in the near future.

Goal 15: Willamette River Greenway

Applicant’s Finding: Goals 15 is related to the Willamette Greenway. The subject site is not located along the Willamette Greenway; therefore, this goal is not applicable and no further analysis is required.

Goal 16: Estuarine Resources

Applicant’s Finding: Goal 16 is related to estuaries. The subject site is located inland and is not located near any identified estuaries; therefore, this goal does not apply to the subject site and no further analysis is required.

Goal 17: Coastal Shorelands

Applicant's Finding: Goal 17 is related to lands bordering estuaries, ocean shores and coastal lakes. The Newport Comprehensive Plan Ocean Shorelands Map identifies areas within the City that are within the Ocean Shorelands boundary. The subject site is not located within the area identified by the City as Ocean Shorelands. This goal does not apply to the subject site and no further analysis is required.

Goal 18: Beaches and Dunes

Applicant's Finding: Goal 18 is related to the beaches and dune resources. The Newport Comprehensive Plan identifies ocean beaches and dunes within the City. The subject site is located inland and is not located near any identified beaches or dunes; therefore, this goal does not apply to the subject site and no further analysis is required.

Goal 19: Ocean Resources

Applicant's Finding: Goal 19 addresses issues related to open ocean resources. The subject site is located inland and is not located near open ocean resources; therefore, this goal does not apply to the subject site and no further analysis is required.

STATE ADMINISTRATIVE RULES OAR CHAPTER 660**660-006-0020****Plan Designation Within an Urban Growth Boundary**

Goal 4 does not apply within urban growth boundaries and therefore, the designation of forest lands is not required.

Applicant's Finding: The proposed site for inclusion into the UGB (Site A) would be redesignated by the City of Newport as "High Density Residential" in the Comprehensive Plan and zoned "High Density Residential" (R-4) upon annexation into the City.

Division 12 – Transportation Planning**660-012-0060****Plan and Land Use Regulation Amendments**

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

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

Applicant's Finding: The Application proposes to leave the existing zoning in place until the property is annexed to the City. Therefore, pursuant to OAR 660-024-0020(1)(d), the Application

does not address OAR 660-012-0060, the TPR. The applicant will demonstrate compliance with the TPR when it proposes urban zoning on the property added to the UGB.

(b) Change standards implementing a functional classification system; or

Applicant's Finding: The proposed land exchange will not result in any changes to the standards that implement the functional classification system.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Applicant's Finding: The proposed land exchange of the 43.4-acre site would result in future traffic volumes that are consistent with the functional classifications of the roadways in the study area.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

Applicant's Finding: The proposed land exchange of the 43.4-acre site would not result in the degradation of any of the operations of the US 101/NE 36th Street and US 101/NE 31st Street intersections below their respective mobility targets. The Application proposes to leave the existing zoning in place until the property is annexed to the City. Therefore, pursuant to OAR 660-024-0020(1)(d), the Application does not address OAR 660-012-0060, the TPR. The applicant will demonstrate compliance with the TPR when it proposes urban zoning on the property added to the UGB.

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Applicant's Finding: Without any mitigation measures in place, the proposed land exchange would result in further degradation of failing operations at the US 101/NE 31st Street intersection, the US 101/NE 25th Street intersection and US 101/NE 20th Street intersection. As the City is updating their TSP, the Applicant has suggested that the City consider the adoption of alternative mobility standards which would potentially remedy this issue prior to the rezoning of the subject property. The Application proposes to leave the existing zoning in place until the property is annexed to the City. Therefore, pursuant to OAR 660-024-0020(1)(d), the Application does not address OAR 660-

012-0060, the TPR. The applicant will demonstrate compliance with the TPR when it proposes urban zoning on the property added to the UGB.

- (2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.**
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.**
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.**
 - (c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.**
 - (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.**
 - (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:**
 - (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;**
 - (B) The providers of facilities being improved at other locations provide written statements of approval; and**
 - (C) The local jurisdictions where facilities are being improved provide written statements of approval.**

Applicant's Finding: The Application proposes to leave the existing zoning in place until the property is annexed to the City. Therefore, pursuant to OAR 660-024-0020(1)(d), the Application does not address OAR 660-012-0060, the TPR. The applicant will demonstrate compliance with the TPR when it proposes urban zoning on the property added to the UGB.

The applicant acknowledges the responsibility of the City for amending the current adopted TSP to reflect the proposed improvements in accordance with the provisions listed above.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

- (a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;**
- (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;**
- (c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and**
- (d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.**

Applicant's Finding: The proposed land exchange of the 43.4-acre site would result in future traffic volumes that are consistent with the function, capacity and performance standards of the roadways in the study area. The Application proposes to leave the existing zoning in place until the property is annexed to the City. Therefore, pursuant to OAR 660-024-0020(1)(d), the Application does not address OAR 660-012-0060, the TPR. The applicant will demonstrate compliance with the TPR when it proposes urban zoning on the property added to the UGB. Therefore, the requirements of this section do not apply.

- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.**
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.**
- (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:**
- (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.**
- (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.**
- (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.**
- (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.**
- (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.**
- (c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:**
- (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the**

Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

Applicant's Finding: The applicant acknowledges the authority of the City of Newport to render a determination regarding the anticipated effect of the proposed UGB amendment on the transportation network.

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

Applicant's Finding: The applicant does not propose an exception to allow development on rural lands under this division.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-

friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

- (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;
- (c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
- (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

Applicant's Finding: The applicant does not propose a mixed-use development. Therefore, the requirements of this section do not apply.

- (7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street

plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

- (a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;
- (b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and
- (c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

Applicant's Finding: The site, at the time of development, would only propose the creation of a local street network. No update to the City's TSP or future streets plan is required as part of this application.

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

- (a) Any one of the following:
 - (A) An existing central business district or downtown;
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
 - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
 - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
- (b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:
 - (i) Medium to high density residential development (12 or more units per acre);
 - (ii) Offices or office buildings;
 - (iii) Retail stores and services;
 - (iv) Restaurants; and
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.
 - (B) Generally include civic or cultural uses;
 - (C) A core commercial area where multi-story buildings are permitted;
 - (D) Buildings and building entrances oriented to streets;
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

- (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
- (G) One or more transit stops (in urban areas with fixed route transit service); and
- (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Applicant's Finding: The applicant does not propose a mixed-use development. Therefore, the requirements of this section do not apply.

- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.
 - (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;
 - (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and
 - (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

Applicant's Finding: The applicant acknowledges that the proposed land exchange would not significantly affect the existing transportation network. Therefore, the requirements of this section do not apply.

- (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.
 - (a) A proposed amendment qualifies for this section if it:
 - (A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

- (B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.
- (b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:
 - (A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;
 - (B) Entirely within an urban growth boundary;
 - (C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;
 - (D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and
 - (E) Located in one or more of the categories below:
 - (i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;
 - (ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or
 - (iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.
- (c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.
 - (A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:
 - (i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;
 - (ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and
 - (iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.
 - (B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

- (d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.
- (e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

Applicant's Finding: The applicant does not propose an exemption to the provision of performance standards related to motor vehicle traffic congestion within this application. Therefore, the requirements of this section do not apply.

- (11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.
 - (a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.
 - (A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.
 - (B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.
 - (C) For the purpose of this section:
 - (i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.
 - (ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.
 - (D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:
 - (i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.
 - (ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

Applicant's Finding: The applicant does not propose a partial mitigation of anticipated transportation impacts. Therefore, the requirements of this section do not apply.

Division 18 – Post-Acknowledgement Amendments

660-018-0020

Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

- (1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.
- (2) The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all of the following materials:
 - (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section (3) of this rule;
 - (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered
 - (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change;
 - (d) The date set for the first evidentiary hearing;
 - (e) The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable; and
 - (f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.
- (3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.
- (4) If a local government proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal, or a rule implementing the statutes or goals, the local government may adopt such a change without holding a public hearing, notwithstanding contrary provisions of state and local law, provided:
 - (a) The local government provides notice to the department of the proposed change identifying it as a change described under this section, and includes the materials described in section (2) of this rule, 35 days before the proposed change is adopted by the local government, and

- (b) The department confirms in writing prior to the adoption of the change that the only effect of the proposed change is to conform the comprehensive plan or the land use regulations to the new requirements.
- (5) For purposes of computation of time for the 35-day notice under this rule and OAR 660-018-0035(1)(c), the proposed change is considered to have been “submitted” on the day that paper copies or an electronic file of the applicable notice forms and other documents required by section (2) this rule are received or, if mailed, on the date of mailing. The materials must be mailed to or received by the department at its Salem office.

Applicant’s Finding: For the Post Acknowledgement Plan Amendment associated with the UGB Adjustment, the City of Newport and Lincoln County shall jointly submit all of the required elements listed above within the specified timeframe.

660-018-0021

Joint Submittal of Notices and Changes

- (1) Where two or more local governments are required by plan provisions, coordination agreements, statutes or goals to agree on and mutually adopt a change to a comprehensive plan or land use regulation, the local governments shall jointly submit the notice required in OAR 660-018-0020 and, if the change is adopted, the decision and materials required by OAR 660-018-0040. Notice of such proposed changes must be jointly submitted at least 35 days prior to the first evidentiary hearing. For purposes of notice and appeal, the date of the decision is the date of the last local government’s adoption of the change.
- (2) For purposes of this rule, a change to a comprehensive plan or land use regulation that requires two or more local governments to agree on and mutually adopt the change includes, but is not limited to, the establishment or amendment of an urban growth boundary or urban reserve by a city and county in the manner specified in Goal 14.

Applicant’s Finding: For the Post Acknowledgement Plan Amendment associated with the UGB Adjustment, the City of Newport and Lincoln County shall jointly submit all of the required elements listed above within the specified timeframe.

Division 24 – Urban Growth Boundaries

660-024-0020

Adoption or Amendment of a UGB

- (1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:
 - (a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);
 - (b) Goals 3 and 4 are not applicable;

- (c) Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;
 - (d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;
 - (e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;
 - (f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;
 - (g) Goal 19 is not applicable to a UGB amendment.
- (2) The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.

Applicant's Finding: The applicant acknowledges the applicability of goals and administrative rules as listed above. Attached to this application are proposed revised maps showing the existing and proposed UGB in detail.

660-024-0040

Land Need

- (1) The UGB must be based on the appropriate 20-year population forecast for the urban area as determined under rules in OAR chapter 660, division 32, and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision. Local governments in Crook, Deschutes or Jefferson Counties may determine the need for Regional Large-Lot Industrial Land by following the provisions of OAR 660-024-0045 for areas subject to that rule.
- (2) If the UGB analysis or amendment is conducted as part of a periodic review work program, the 20-year planning period must commence on the date initially scheduled for completion of the appropriate work task. If the UGB analysis or amendment is conducted as part of a sequential UGB approval, the 20-year planning period will be established in the work program issued pursuant to OAR 660-025-0185. If the UGB analysis or amendment is conducted as a post-acknowledgement plan amendment under ORS 197.610 to 197.625, the 20-year planning period must commence either:

- (a) On the date initially scheduled for final adoption of the amendment specified by the local government in the initial notice of the amendment required by OAR 660-018-0020; or
 - (b) If more recent than the date determined in subsection (a), at the beginning of the 20-year period specified in the appropriate coordinated population forecast for the urban area as determined under rules in OAR chapter 660, division 32, unless ORS 197.296 requires a different date for local governments subject to that statute.
- (3) A local government may review and amend the UGB in consideration of one category of land need (for example, housing need) without a simultaneous review and amendment in consideration of other categories of land need (for example, employment need).
- (4) The determination of 20-year residential land needs for an urban area must be consistent with the appropriate 20-year coordinated population forecast for the urban area determined under rules in OAR chapter 660, division 32, and with the requirements for determining housing needs in Goals 10 and 14, OAR chapter 660, division 7 or 8, and applicable provisions of ORS 197.295 to 197.314 and 197.475 to 197.490.

Applicant's Finding: OAR 660-024-0070(3) allows a local government considering an exchange of land to rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided that the buildable land added to the UGB provides a specific type of residential need substantially equivalent to the amount of buildable land removed and that the land added to the UGB is designated for the same residential uses and housing density as the land removed from the UGB.

As detailed later in this narrative, the inclusion of Site A meets these requirements; therefore, the City may utilize its current 20-year population forecast and housing needs analysis for the purposes of this UGB Adjustment.

- (5) Except for a metropolitan service district described in ORS 197.015(13), the determination of 20-year employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR chapter 660, division 9, and must include a determination of the need for a short-term supply of land for employment uses consistent with OAR 660-009-0025. Employment land need may be based on an estimate of job growth over the planning period; local government must provide a reasonable justification for the job growth estimate but Goal 14 does not require that job growth estimates necessarily be proportional to population growth. Local governments in Crook, Deschutes or Jefferson Counties may determine the need for Regional Large-Lot Industrial Land by following the provisions of OAR 660-024-0045 for areas subject to that rule.
- (6) Cities and counties may jointly conduct a coordinated regional EOA for more than one city in the county or for a defined region within one or more counties, in conformance with Goal 9, OAR chapter 660, division 9, and applicable provisions of ORS 195.025. A

defined region may include incorporated and unincorporated areas of one or more counties.

- (7) The determination of 20-year land needs for transportation and public facilities for an urban area must comply with applicable requirements of Goals 11 and 12, rules in OAR chapter 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768. The determination of school facility needs must also comply with 195.110 and 197.296 for local governments specified in those statutes.

Applicant's Finding: The proposed UGB Adjustment does not propose a change to the amount of employment land or land for transportation and public facilities. Therefore, the requirements of this section do not apply.

- (8) The following safe harbors may be applied by a local government to determine housing need under this division:

- (a) A local government may estimate persons per household for the 20-year planning period using the persons per household for the urban area indicated in the most current data for the urban area published by the U.S. Census Bureau.
- (b) If a local government does not regulate government-assisted housing differently than other housing types, it is not required to estimate the need for government-assisted housing as a separate housing type.
- (c) If a local government allows manufactured homes on individual lots as a permitted use in all residential zones that allow 10 or fewer dwelling units per net buildable acre, it is not necessary to provide an estimate of the need for manufactured dwellings on individual lots.
- (d) If a local government allows manufactured dwelling parks required by ORS 197.475 to 197.490 in all areas planned and zoned for a residential density of six to 12 units per acre, a separate estimate of the need for manufactured dwelling parks is not required.
- (e) A local government outside of the Metro boundary may estimate its housing vacancy rate for the 20-year planning period using the vacancy rate in the most current data published by the U.S. Census Bureau for that urban area that includes the local government.
- (f) A local government outside of the Metro boundary may determine housing needs for purposes of a UGB amendment using the combined Housing Density and Housing Mix safe harbors described in this subsection and in Table 1, or in combination with the Alternative Density safe harbor described under subsection (g) of this section and in Table 2. To meet the Housing Density safe harbor in this subsection, the local government may Assume For UGB Analysis that all buildable land in the urban area, including land added to the UGB, will develop at the applicable average overall density specified in column B of Table 1. Buildable land in the UGB, including land added to the UGB, must also be Zoned to Allow at least the average overall maximum density specified as Zone To Allow in column B of Table 1. Finally, the local

government must adopt zoning that ensures buildable land in the urban area, including land added to the UGB, cannot develop at an average overall density less than the applicable Required Overall Minimum density specified in column B of Table 1. To meet the Housing Mix safe harbor in this subsection, the local government must Zone to Allow the applicable percentages of low, medium and high density residential specified in column C of Table 1.

- (g) When using the safe harbor in subsection (f), a local government may choose to also use the applicable Alternative Density safe harbors for Small Exception Parcels and High Value Farm Land specified in Table 2. If a local government chooses to use the Alternative Density safe harbors described in Table 2, it must:
 - (A) Apply the applicable Small Exception Parcel density assumption and the High Value Farm Land density assumption measures specified in the table to all buildable land that is within these categories, and
 - (B) Apply the Housing Density and Mix safe harbors specified in subsection (f) of this section and specified in Table 1 to all buildable land in the urban area that does not consist of Small Exception Parcels or High Value Farm Land.
- (h) As an alternative to the density safe harbors in subsection (f) and, if applicable, subsection (g), of this section, a local government outside of the Metro boundary may assume that the average overall density of buildable residential land in the urban area for the 20-year planning period will increase by 25 percent over the average overall density of developed residential land in the urban area at the time the local government initiated the evaluation or amendment of the UGB. If a local government uses this Incremental Housing Density safe harbor, it must also meet the applicable Zoned to Allow density and Required Overall Minimum density requirements in Column B of Table 1 and, if applicable, Table 2, and must use the Housing Mix safe harbor in Column C of Table 1.
- (i) As an alternative to the Housing Mix safe harbor required in subsection (f) of this section and in Column C of Table 1, a local government outside the Metro boundary that uses the housing density safe harbor in subsection (f), (g) or (h) of this section may estimate housing mix using the Incremental Housing Mix safe harbor described in paragraphs (A) to (C) of this subsection, as illustrated in Table 3:
 - (A) Determine the existing percentages of low density, medium density, and high density housing on developed land (not “buildable land”) in the urban area at the time the local government initiated the evaluation or amendment of the UGB;
 - (B) Increase the percentage of medium density housing estimated in paragraph (A) of this subsection by 10 percent, increase the percentage of high density housing estimated in paragraph (A) of this subsection by five percent, as illustrated in Table 3, and decrease the percentage of low density single family housing by a proportionate amount so that the overall mix total is 100 percent, and

- (C) Zone to Allow the resultant housing mix determined under subparagraphs (A) and (B) of this subsection.
- (j) Tables 1, 2 and 3 are adopted as part of this rule, and the following definitions apply to terms used in the tables:
- (A) "Assume For UGB Analysis" means the local government may assume that the UGB will develop over the 20-year planning period at the applicable overall density specified in Column B of Tables 1 and 2.
- (B) "Attached housing" means housing where each unit shares a common wall, ceiling or floor with at least one other unit. "Attached housing" includes, but is not limited to, apartments, condominiums, and common-wall dwellings or row houses where each dwelling unit occupies a separate lot.
- (C) "Average Overall Density" means the average density of all buildable land in the UGB, including buildable land already inside the UGB and buildable land added to the UGB, including land zoned for residential use that is presumed to be needed for schools, parks and other institutional uses.
- (D) "Coordinated 20-year Population Forecast" and "20-year Population Forecast" under Column A of the Tables refers to the appropriate population forecast for the urban area determined under rules in OAR chapter 660, division 32.
- (E) "Density" means the number of dwelling units per net buildable acre.
- (F) "High Value Farm Land" has the same meaning as the term defined in ORS 195.300(10).
- (G) "Required Overall Minimum" means a minimum allowed overall average density, or a "density floor," that must be ensured in the applicable residential zones with respect to the overall supply of buildable land for that zone in the urban area for the 20-year planning period.
- (H) "Single Family Detached Housing" means a housing unit that is free standing and separate from other housing units, including mobile homes and manufactured dwellings under ORS 197.475 to 197.492.
- (I) "Small Exception Parcel" means a residentially zoned parcel five acres or less with a house on it, located on land that is outside a UGB prior to a proposed UGB expansion, subject to an acknowledged exception to Goal 3 or 4 or both.
- (J) "Zone To Allow" or "Zoned to Allow" means that the comprehensive plan and implementing zoning shall allow the specified housing types and densities under clear and objective standards and other requirements specified in ORS 197.307(4) and (6).

Applicant's Finding: The applicant acknowledges the permitted safe harbors listed above.

- (9) The following safe harbors may be applied by a local government to determine its employment needs for purposes of a UGB amendment under this rule, Goal 9, OAR chapter 660, division 9, Goal 14 and, if applicable, ORS 197.296.

- (a) A local government may estimate that the current number of jobs in the urban area will grow during the 20-year planning period at a rate equal to either:
 - (A) The county or regional job growth rate provided in the most recent forecast published by the Oregon Employment Department; or
 - (B) The population growth rate for the urban area in the appropriate 20-year coordinated population forecast determined under rules in OAR chapter 660, division 32.
- (b) A local government with a population of 10,000 or less may assume that retail and service commercial land needs will grow in direct proportion to the forecasted urban area population growth over the 20-year planning period. This safe harbor may not be used to determine employment land needs for sectors other than retail and service commercial.
- (10) As a safe harbor during periodic review or other legislative review of the UGB, a local government may estimate that the 20-year land needs for streets and roads, parks and school facilities will together require an additional amount of land equal to 25 percent of the net buildable acres determined for residential land needs under section (4) of this rule, and in conformance with the definition of "Net Buildable Acre" as defined in OAR 660-024-0010(6).

Applicant's Finding: The proposed UGB Adjustment does not propose a change to the amount of employment land or land for transportation and public facilities. Therefore, the requirements of this section do not apply.

660-024-0050

Land Inventory and Response to Deficiency

- (1) When evaluating or amending a UGB, a local government must inventory land inside the UGB to determine whether there is adequate development capacity to accommodate 20-year needs determined in OAR 660-024-0040. For residential land, the buildable land inventory must include vacant and redevelopable land, and be conducted in accordance with OAR 660-007-0045 or 660-008-0010, whichever is applicable, and ORS 197.296 for local governments subject to that statute. For employment land, the inventory must include suitable vacant and developed land designated for industrial or other employment use, and must be conducted in accordance with OAR 660-009-0015.
- (2) As safe harbors, a local government, except a city with a population over 25,000 or a metropolitan service district described in ORS 197.015(13), may use the following assumptions to inventory the capacity of buildable lands to accommodate housing needs:
 - (a) The infill potential of developed residential lots or parcels of one-half acre or more may be determined by subtracting one-quarter acre (10,890 square feet) for the existing dwelling and assuming that the remainder is buildable land;

- (b) Existing lots of less than one-half acre that are currently occupied by a residence may be assumed to be fully developed.
- (3) As safe harbors when inventorying land to accommodate industrial and other employment needs, a local government may assume that a lot or parcel is vacant if it is:
 - (a) Equal to or larger than one-half acre, if the lot or parcel does not contain a permanent building; or
 - (b) Equal to or larger than five acres, if less than one-half acre of the lot or parcel is occupied by a permanent building.
- (4) If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and applicable rules at OAR 660-024-0060 or 660-024-0065 and 660-024-0067.
- (5) In evaluating an amendment of a UGB submitted under ORS 197.626, the director or the commission may determine that a difference between the estimated 20-year needs determined under OAR 660-024-0040 and the amount of land and development capacity added to the UGB by the submitted amendment is unlikely to significantly affect land supply or resource land protection, and as a result, may determine that the proposed amendment complies with section (4) of this rule.

Applicant's Finding: The proposed UGB Adjustment would result in the inclusion of Site A, a 43.4-acre parcel of vacant timber land zoned Timber Conservation (T-C) and the exclusion of Site B, a 71.4 acre parcel of unincorporated lands within the UGB. Site B is zoned for Rural Residential (RR-10) and designated as High Density Residential in the Newport Comprehensive Plan. As the County has no deficiencies of land identified for Timber Conservation, the conversion of these lands to an urban designation will have no net negative impacts.

- (6) When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination and the requirements of section (7) of this rule, if applicable. The local government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.

- (7) Lands included within a UGB pursuant to OAR 660-024-0065(3) to provide for a particular industrial use, or a particular public facility, must be planned and zoned for the intended use and must remain planned and zoned for that use unless the city removes the land from the UGB.
- (8) As a safe harbor regarding requirements concerning "efficiency," a local government that chooses to use the density and mix safe harbors in OAR 660-024-0040(8) is deemed to have met the Goal 14 efficiency requirements under:
 - (a) Sections (1) and (4) of this rule regarding evaluation of the development capacity of residential land inside the UGB to accommodate the estimated 20-year needs; and
 - (b) Goal 14 regarding a demonstration that residential needs cannot be reasonably accommodated on residential land already inside the UGB, but not with respect to:
 - (A) A demonstration that residential needs cannot be reasonably accommodated by rezoning non-residential land, and
 - (B) Compliance with Goal 14 Boundary Location factors.

660-024-0070

UGB Adjustments

- (1) A local government may adjust the UGB at any time to better achieve the purposes of Goal 14 and this division. Such adjustment may occur by adding or removing land from the UGB, or by exchanging land inside the UGB for land outside the UGB. The requirements of section (2) of this rule apply when removing land from the UGB. The requirements of Goal 14 and this division [and ORS 197.298] apply when land is added to the UGB, including land added in exchange for land removed. The requirements of ORS 197.296 may also apply when land is added to a UGB, as specified in that statute. If a local government exchanges land inside the UGB for land outside the UGB, the applicable local government must adopt appropriate rural zoning designations for the land removed from the UGB prior to or at the time of adoption of the UGB amendment and must apply applicable location and priority provisions of OAR 660-024-0060 through 660-020-0067.
- (2) A local government may remove land from a UGB following the procedures and requirements of ORS 197.764. Alternatively, a local government may remove land from the UGB following the procedures and requirements of 197.610 to 197.650, provided it determines:
 - (a) The removal of land would not violate applicable statewide planning goals and rules;
 - (b) The UGB would provide a 20-year supply of land for estimated needs after the land is removed, or would provide roughly the same supply of buildable land as prior to the removal, taking into consideration land added to the UGB at the same time;

- (c) **Public facilities agreements adopted under ORS 195.020 do not intend to provide for urban services on the subject land unless the public facilities provider agrees to removal of the land from the UGB and concurrent modification of the agreement;**
- (d) **Removal of the land does not preclude the efficient provision of urban services to any other buildable land that remains inside the UGB; and**
- (e) **The land removed from the UGB is planned and zoned for rural use consistent with all applicable laws.**

Applicant's Finding: The applicant proposes a UGB adjustment by exchanging land inside the UGB for land outside the UGB. The proposed exchange would result in the inclusion of a 43.4-acre parcel currently zoned Timber Conservation (Site A) and the exclusion of a 71.4 acre parcel currently zoned Rural Residential (Site B). The removal of Site B follows the procedures and requirements of ORS 197.764 as detailed in this narrative.

Site B is proposed for removal from the UGB. It is currently zoned for rural residential use (RR-10).

The lands proposed for removal from the UGB are located on the southeastern perimeter of the Newport UGB near other undeveloped lands designated for high-density residential use. Due to the parcel's location on the periphery of the UGB and north of a stream and wetland, it is unlikely that the removal of Site B from the UGB will significantly impact the provision of urban services to other buildable lands inside the UGB.

- (3) **Notwithstanding sections (1) and (2) of this rule, a local government considering an exchange of land may rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided:**
 - (a) **The amount of buildable land added to the UGB to meet:**
 - (A) **A specific type of residential need is substantially equivalent to the amount of buildable residential land removed, or**
 - (B) **The amount of employment land added to the UGB to meet an employment need is substantially equivalent to the amount of employment land removed, and**
 - (b) **The local government must apply comprehensive plan designations and, if applicable, urban zoning to the land added to the UGB, such that the land added is designated:**
 - (A) **For the same residential uses and at the same housing density as the land removed from the UGB, or**
 - (B) **For the same employment uses as allowed on the land removed from the UGB, or**
 - (C) **If the land exchange is intended to provide for a particular industrial use that requires specific site characteristics, only land zoned for commercial or industrial use may be removed, and the land added must be zoned for the**

particular industrial use and meet other applicable requirements of ORS 197A.320(6).

Applicant's Finding:

The proposed site for removal from the UGB (Site B) is approximately 71.4 acres, is currently zoned as RR-10 (Rural Residential) and designated as "High Density Residential" on the Newport Comprehensive Plan Map. The current zoning of Site B is inappropriate for the desired objectives of the Comprehensive Plan Designation.

If incorporated, the designation of Site B as a higher density district (i.e. R-3 or R-4) would be inconsistent with the stated intent of those districts, which contain siting requirements including land that is flat and free of constraints that would inhibit the development of apartments. City staff suggested the land would be zoned R-2 (Medium Density Single-Family Residential) if incorporated into the city, which is more consistent with the stated intent of that district to provide for smaller lot size residential development that serves as a transitional area between low density uses and higher density residential districts.

The applicant anticipates the eventual designation for Site A with a "High Density Residential" Comprehensive Plan designation and R-4 Zoning Designation. Site A is approximately 28-acres smaller than Site B, but the current Housing Element of the Newport Comprehensive Plan indicates that the city has a 730-acre surplus of High-Density Residential Land. Therefore, while the UGB Adjustment will result in a gross acreage loss of 28-acres, this will not significantly impact the overall supply of land. Furthermore, the inclusion of Site A into the UGB will go further towards providing needed housing to Newport residents by providing lands that are more easily served by public facilities, closer to existing residential development, and closer to existing employment centers.

To confirm that the proposed UGB Adjustment will not result in a substantial change in developable acreage, the applicant conducted an analysis of buildable lands (Attachment E) on Site B. In order to accurately determine the buildable acreage of Site B, the applicant excluded the following lands from the total buildable acreage:

- Wetlands identified on local or national wetland inventories
- Slopes exceeding twenty five percent
 - Slopes between ten and twenty five percent are considered "partially constrained" and are assumed at full buildout in these calculations.
- Areas within fifty feet of an identified stream
- Otherwise developable areas that are surrounded by constrained areas which prevent the adequate provision of public facilities and services

Through this analysis, the applicant determined that approximately 23.2 acres are developable with minimal constraints, 33.0 acres are constrained via the exclusion criteria listed above, and the remaining 15.2 acres are partially constrained by moderate slopes.

The R-4 zone permits the development of single-family detached dwellings at a net density of 5,000 sq. ft. per unit. Assuming net developable acreage equal to 80% of gross acreage, Site B could accommodate a total of 162 unit on the unconstrained portion of the site. Assuming the full buildout of areas with partial constraints due to slopes between ten and twenty five percent, Site B could accommodate an additional 105 units, for a grand total of 267 units.

As shown on the attached Site Plan for Site A (Attachment E), the applicant proposes the construction approximately 200 single family homes, which is substantially equivalent to the estimated buildout of Site B.

660-024-0080

LCDC Review Required for UGB Amendments

A metropolitan service district that amends its UGB to include more than 100 acres, or a city with a population of 2,500 or more within its UGB that amends the UGB to include more than 50 acres shall submit the amendment to the Commission in the manner provided for periodic review under ORS 197.628 to 197.650 and OAR 660-025-0175.

Applicant's The proposed UGB adjustment will include an additional 43.4-acres to the UGB.

Finding: Therefore, the requirements for this section do not apply, and the reviewing body will be the Department of Land Conservation and Development (LCDC).

OREGON REVISED STATUES

197.298 Priority of land to be included within urban growth boundary.

- (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary of Metro except under the following priorities:
 - (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.
 - (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.
 - (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).
 - (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.
- (2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

- (3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:
 - (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;
 - (b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or
 - (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.
- (4) When a city includes land within the urban growth boundary of the city pursuant to ORS 197.295 to 197.314, the city shall prioritize lands for inclusion as provided in ORS 197A.320.

Applicant's Finding: UGB adjustments must comply with applicable local criteria as outlined in the City of Newport Comprehensive Plan and Development Code.

The process for expanding the UGB has been described under Policy 4 (Urbanization) of the Newport Comprehensive Plan. Newport categorizes UGB Amendments as minor or major. The City and County Planning Director are responsible for assigning a designation to the proposed application. The City and County have categorized the proposed adjustment as a minor UGB Amendment.

The proposed UGB adjustment and comprehensive plan map amendment has been initiated by the property owners of each parcel. Consistent with Statewide Planning Goal 14 and Policy 4.4 of the Newport Comprehensive Plan, both the city and county governing bodies are required to hold public hearings, and both must agree for an amendment to become final.

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

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

197.626 Submission of land use decisions that expand urban growth boundary or designate urban or rural reserves.

- (1) A local government shall submit for review and the Land Conservation and Development Commission shall review the following final land use decisions in the

manner provided for review of a work task under ORS 197.633 and subject to subsection (3) of this section:

- (a) An amendment of an urban growth boundary by a metropolitan service district that adds more than 100 acres to the area within its urban growth boundary;
- (b) An amendment of an urban growth boundary by a city with a population of 2,500 or more within its urban growth boundary that adds more than 50 acres to the area within the urban growth boundary;
- (c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a metropolitan service district or by a city with a population of 2,500 or more within its urban growth boundary;
- (d) An amendment of the boundary of an urban reserve by a metropolitan service district;
- (e) An amendment of the boundary of an urban reserve to add more than 50 acres to the urban reserve by a city with a population of 2,500 or more within its urban growth boundary; and
- (f) A designation or an amendment to the designation of a rural reserve under ORS 195.137 to 195.145 by a county, in coordination with a metropolitan service district, and the amendment of the designation.

Applicant's Finding: The proposed UGB amendment will not result in an addition to the UGB exceeding 100 acres. Therefore, the requirements of this section do not apply.

197.764 Application to remove property from within urban growth boundary

1) A local government may approve an application to remove a lot or parcel from within an urban growth boundary if:

a) The application is submitted by the owner of the lot or parcel;

Applicant's Finding: The proposed UGB Adjustment application has been initiated by both property owners of Sites A and B. The requirements of this section are met.

b)

A) The lot or parcel is adjacent to the edge of the urban growth boundary; or

B) The lot or parcel is adjacent to another lot or parcel that is removed under this section;

Applicant's Finding: Site B, the parcel proposed for removal from the urban growth boundary, is located at the edge of the existing urban growth boundary. The requirements of this section are met.

c) The lot or parcel is assessed under ORS 308A.050 (Legislative intent) to 308A.128 (Certain district assessments inapplicable to exclusive farm use zone farmland) for its value for farm use;

Applicant's Finding: Neither parcel has been assessed under ORS 308A.050 to 308A.128.

d) The lot or parcel is not within the boundaries of a city; and

Applicant's Finding: The parcel proposed for removal is not located within the Newport City Limits. The requirements of this section are met.

e) The lot or parcel is not included in an area identified for urban services under ORS 197.754 (Land identified for urban services).

Applicant's Finding: The parcel proposed for removal is not included in an area identified for urban services. The requirements of this section are met.

2) A local government, in deciding whether to approve an application under subsection (1) of this section, shall consider:

a) The projected costs and other consequences of extending urban services to the affected lot or parcel;

Applicant's Finding: Site B is located at the southeastern periphery of the Newport UGB in the area identified as the "Wolf Tree Destination Resort". While this parcel and much of the surrounding area was designated for High Density Residential use in the Newport Comprehensive Plan, the area remains largely undeveloped and without public facilities and services.

The site has several features that would make the extension of urban services infeasible. Because the site is on the periphery of the UGB and far from developed urban areas, the costs associated with extending these services from the nearest development to the north would be infeasible. Additionally, the site has several geographic constraints to the installation of public facilities, including varying slope and the presence of wetlands and a creek that would greatly increase the costs to serve the parcel.

b) The potential value in the investment of providing urban services to the affected lot or parcel;

Applicant's Finding: The southern portion of the UGB designated for High Density Residential use remains largely undeveloped today due to the costs associated with providing urban services to the area as well as the area's location far from services, retail, and transportation linkages. This issue is identified in the Housing element of the Newport Comprehensive Plan.

c) Any requirement for expanding the urban growth boundary in other areas to compensate for any loss in buildable lands; and

Applicant's Finding: To confirm that the proposed UGB Adjustment will not result in a substantial change in developable acreage, the applicant conducted an analysis of buildable lands (Attachment E) on Site B. In order to accurately determine the buildable acreage of Site B, the applicant excluded the following lands from the total buildable acreage:

- Wetlands identified on local or national wetland inventories
- Slopes exceeding twenty five percent

- Slopes between ten and twenty five percent are considered “partially constrained” and are assumed at full buildout in these calculations.
- Areas within fifty feet of an identified stream
- Otherwise developable areas that are surrounded by constrained areas which prevent the adequate provision of public facilities and services

Through this analysis, the applicant determined that approximately 23.2 acres are developable with minimal constraints, 33.0 acres are constrained via the exclusion criteria listed above, and the remaining 15.2 acres are partially constrained by moderate slopes.

The R-4 zone permits the development of single-family detached dwellings at a net density of 5,000 sq. ft. per unit. Assuming net developable acreage equal to 80% of gross acreage, Site B could accommodate a total of 162 unit on the unconstrained portion of the site. Assuming the full buildout of areas with partial constraints due to slopes between ten and twenty five percent, Site B could accommodate an additional 105 units, for a grand total of 267 units.

As shown on the attached Site Plan for Site A (Attachment E), the applicant proposes the construction of 200 units, which is substantially equivalent to the estimated buildout of Site B.

d) The projected costs and other consequences of providing urban services to other areas brought in under an expanded urban growth boundary.

Applicant's Finding: The costs associated with the development of both properties is likely to be extremely similar. Both properties will require the extension of urban services, new roadways, and franchise utilities to be delivered.

3)

a) Land that is removed from within an urban growth boundary pursuant to an application approved under this section shall be removed from any inventory of buildable lands maintained by the local government.

Applicant's Finding: The inventory of buildable lands maintained by the City of Newport will be revised to reflect the changes associated with the proposed UGB Adjustment. The requirements of this section are met.

b) A local government that approves an application under this section shall either expand the urban growth boundary to compensate for any resulting reduction in available buildable lands or increase the development capacity of the remaining supply of buildable lands. [1999 c.503 §1; 2001 c.104 §70]

Applicant's Finding: The reduction in buildable lands from the removal of Site B from the UGB will be offset by the buildable land brought into the UGB via the inclusion of Site A. While these two lands share different acreages and Comprehensive Plan designations, they would produce a similar type and quantity of residential dwellings.

Site B is currently zoned for rural residential use (RR-10), but designated for High Density Residential Use in the Newport Comprehensive Plan. If incorporated, it is unlikely that the site would be assigned either a Medium Density Multi-Family Residential (R-3) or High Density Multi-Family Residential (R-4) zoning designation due to their siting criteria. Specifically, the stated intent of these zones outline the following:

R-3/"Medium Density Multi-Family Residential." This district is intended for medium density multi-family residential development. It is planned for areas that are able to accommodate the development of apartments. New R-3 zones should be near major streets, on relatively flat land, and near community or neighborhood activity centers.

R-4/"High Density Multi-Family Residential." This district is intended to provide for high density multi-family residential and some limited commercial development. New R-4 zones should be on major streets, on relatively flat land, and near commercial centers.

Multifamily development would face significant challenges on Site B due to the steep slopes and topography of the site. City staff has suggested the land would be zoned High Density Single-Family Residential (R-4) with a stated intent to serve as a transitional area between low density and higher density residential districts. Based on the 2011 housing needs assessment ECONorthwest completed for the City in 2011, R-4 would be the appropriate zoning for Site B.

Therefore, the anticipated zone of Site B would be identical to the anticipated zoning for Site A and the anticipated scopes of development would be the similar in yield and impact.

Another potential concern is regarding the imbalance of acreage between the two sites. The applicant has provided an analysis in this narrative comparing the expected net density of each site confirming that each parcel would produce a substantially similar number of dwellings.

NEWPORT COMPREHENSIVE PLAN

URBANIZATION GOALS, POLICIES, AND IMPLEMENTATION MEASURES

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

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

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

1) Major Amendments:

- a) Any UGB change that has widespread and significant influence beyond the immediate area. Examples include:**

- (1) Quantitative changes that allow for substantial changes in the population or development density.
- (2) Qualitative changes in the land use, such as residential to commercial or industrial.
- (3) Changes that affect large areas or many different ownerships.

b) A change in any urbanization policy.

- 2) **Minor Boundary Line Adjustments:** The city and county may consider minor adjustments to the UGB using procedures similar to a zone change. Minor adjustments focus on specific, small properties not having significant impact beyond the immediate area.

Applicant's Finding: The proposed amendment is considered a "minor" amendment. Findings related to local policy are similar to those required for Goal 14 and are addressed in this section.

- 3) **Determination of Major and Minor Amendments:** The planning directors for the city and county shall determine whether or not a change is a minor or major amendment. If they cannot agree, the planning commissions for the city and county shall rule on the matter. The request shall be considered a major amendment if the planning commissions cannot agree.

Applicant's Finding: The applicant acknowledges the authority of the city and county planning directors and commissions to determine whether a change is a minor or major amendment.

- 4) **Initiation, Application, and Procedure:** Individual or groups of property owners, agencies that are affected, the planning commissions, or the city or county governing bodies may initiate amendments. Applicants for changes are responsible for completing the necessary application and preparing and Submitting the applicable findings with the application. The planning commissions for the city and county shall review the request and forward recommendations to the Newport City Council and the Lincoln County Board of Commissioners. The city and county governing bodies shall hold public hearings on the request. Amendments become final only if both bodies approve the request.

Applicant's Finding: The purpose of this application is to provide all necessary information and findings for the approval of the proposed UGB Adjustment. The requirement of this section is met.

- 5) **Findings shall address the following:**

- a) **Land Need:** Establishment and change of urban growth boundaries shall be based on the following:

- (1) **Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and**

Applicant's Finding: As discussed in greater detail under Goal 14 of this narrative, the proposed UGB Adjustment will serve an estimated population over the planning period specified in the City's housing element of the Comprehensive Plan by providing needed housing.

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks and open space, or any combination of the need categories in this subsection;

Applicant's Finding: The proposed inclusion of Site A into the UGB, eventual designation as high density residential (R-4), and subsequent development of housing on this site provides an effective response to the regional issue of limited housing supply and increasing housing costs affecting the City of Newport and Lincoln County. According to the 2013-2017 American Community Survey, median monthly housing costs total \$869 and 37.5% of households pay 30 percent or more of their household income in housing costs. Among households with a mortgage, 33.4% have household costs exceeding 35 percent of their household income. Compounding this issue is the prevalence of housing units that are utilized as second homes or vacation homes. The vacancy rate of households in Newport is 21 percent, suggesting a large proportion of needed housing to serve Newport residents are owned by non-residents. This further constrains supply and exacerbates the affordability crisis Newport faces.

The full development of Site A with housing, while not fully meeting the affordability need of the City, will provide critical housing supply that will ultimately reduce the average cost of homes in the region and provide more affordable options for Newport residents.

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

(1) Efficient accommodation of identified land needs;

Applicant's Finding: The inclusion of Site A would provide a large site that has minimal development constraints, is easily serviceable by existing public facilities and services, and is located near existing development and economic opportunities in Newport. Additionally, because the site is not currently parcelized, the associated return on investment for the development of the tract is much greater than alternative locations, making development significantly more likely in the near future than sites with high parcelization. The full development of Site A with housing, while not fully meeting the affordability need of the City, will provide critical housing supply that will ultimately reduce the average cost of homes in the region and provide more affordable options for Newport residents. Additionally, the provision of housing near existing transportation networks and development provide communities better access to employment and educational opportunities and more efficient provision of transportation facilities and utilities.

(2) Orderly and economic provision of public facilities and services;

**Applicant's
Finding:**

The proposed UGB Adjustment would provide for a more orderly and economic provision of public facilities and services in comparison to existing conditions. Site A is located at the periphery of the Newport UGB and City Limits. The site is currently adjacent to a developed collector, NE Harney Street, and it is located to adjacent development.

Transportation

Site A is currently adjacent to a developed collector, NE Harney Street, and it is located adjacent to existing development. According to the attached Transportation Impact Analysis (Attachment D), the proposed amendment to the City's UGB and affiliated comprehensive plan/zone designation for the 43.4-acre site has the potential to create a significant effect on the surrounding transportation network. However, acceptable operational levels can be achieved at the study intersections in the planning horizon year 2039 with the implementation of improvements identified in the TIA.

Capacity of existing facilities to serve areas already inside the UGB

Operational analyses outlined in the Traffic Impact Analysis (Attachment D) indicate that all of the study intersections currently operate at acceptable mobility targets with the exception of the US 101/NE 20th Avenue intersection. During the weekday PM peak hour, this intersection operates at a volume-to-capacity ratio of 0.84 which is above the 0.80 mobility target.

Capacity of existing facilities to serve areas proposed for addition to the UGB

The attached TIA estimates background traffic volumes for the 2039 planning horizon year using an 1% annual growth rate to reflect anticipated regional traffic growth along the US 101 corridor. With the proposed UGB adjustment, assuming that the 43.4-acre site is zoned under the City of Newport's R-4 High Density Single Family Residential zone, the TIA determined the site could support up to 200 single family homes in a reasonable worst-case scenario. This has the potential to generate approximately 1,968 net new daily trips, 147 net new AM peak hour trips, and 198 net new PM peak hour trips.

Impacts to existing facilities that serve nearby areas already inside the UGB

Operations of the study intersections under the 2039 R-4 High Density Single Family Residential zoning scenario found that all of the US 101 study intersections are forecast to exceed their respective mobility targets. The Application proposes to leave the existing zoning in place until the property is annexed to the City. Therefore, pursuant to OAR 660-024-0020(1)(d), the Application does not address OAR 660-012-0060, the TPR. The applicant will demonstrate compliance with the TPR when it proposes urban zoning on the property added to the UGB.

Water

According to a City map of existing water services in Newport, a 12-inch water main runs along NE Harney Street as well as two hydrants located along this main adjacent to Site A. This would allow for the extension of water service to the parcel once it develops.

Capacity of existing facilities to serve areas already inside the UGB

Sections 5 and 6 of the 2008 Newport Water System Master Plan describe the existing water system and water demand. The City holds water rights allowing for a maximum of 19.24 cfs from six streams, but can only utilize 16.54 cfs from three due to location constraints. The City stores water from these streams in the Big Creek reservoir to draw from during the dry and high-water-demand summer months. The plan estimates that the average monthly water consumption for a typical dwelling ranges between 3,695 gallons in winter months to 6,270 gallons in summer months with an average demand of 4,600 gallons per month. During the summer months, the maximum daily demand (MDD) can reach a total 6.27 cfs, but the average daily demand (ADD) throughout the year is 3.33 cfs. In instances where the City's demand exceeded water available from streams, supply drew from the Big Creek reservoir to meet demand.

The plan projects this demand to increase to a MDD 8.99 cfs and an ADD of 4.72 cfs by 2030. Based on the capacity of the Big Creek reservoir during its driest year on record, it is possible to support the anticipated maximum demand in 2030 by diverting water from the Siletz River to recharge the reservoir, but following that, the City will need to consider alternatives to provide sufficient water supply. The Capital Improvement Plan (Section 9) identifies a \$12 million upgrade to the existing Big Creek Water Treatment Plant that will allow for the sufficient accommodation of water needs as development continues.

Capacity of existing facilities to serve areas proposed for addition to the UGB

Assuming the average monthly water consumption outlined in the Newport Water System Master Plan, the inclusion of Site A into the UGB and development could result in a total increase in water demand of 1,254,000 gallons per month (0.06 cfs) during peak months and 920,000 gallons per month (0.05 cfs) on average. While significant, the capacity to serve Site A currently exists, and the Capital Improvement Plan identifies improvements that will ensure the adequate provision of water well into the future. Therefore, with the provision of appropriate system development charges and water line extension, the existing water system will be able to accommodate the full buildout of Site A.

Impacts to existing facilities that serve nearby areas already inside the UGB

Linking to the existing 12-inch water main along NE Harney Street will result in additional water demand on the pipe and local distribution network. Any significant

demands upon the City's existing water network can be addressed by the developer at the time of development.

Sanitary Sewer

The City recently updated their Sanitary Sewer Master Plan (SSMP) in order to update wastewater elements of the Comprehensive Plan and develop a priority for capital improvement projects. According to the SSMP dated February 9, 2018, there is a gravity sewer extending to the northwest corner of Site A, which would allow for the extension of sanitary sewer to Site A once it develops. The line was constructed circa 1990 and is composed of Polyvinyl Chloride (PVC). This gravity main connects to a Vance Avery Wastewater Treatment Facility located in South Beach.

Capacity of existing facilities to serve areas already inside the UGB

The City provides sanitary sewer collection system services to approximately 10,000 people spread across an area of approximately 11.2 square miles. The City oversees over 62 miles of gravity pipelines ranging in size from approximately 3 to 36 inches in diameter, 1,400 manholes, 9 major pump stations, 16 minor pump stations, and 12 miles of sanitary force mains. The plan identifies minor deficiencies in the sanitary sewer system, but provides a series of recommended improvements prioritized by assessed risk of overflow to ensure that there will be sufficient capacity to accommodate new development.

Capacity of existing facilities to serve areas proposed for addition to the UGB

The Master Plan models buildout scenarios over a 20-year period to identify possible surcharging and flooding during large storm events (i.e. a 1-in-10 year storm). The plan uses these scenarios to provide recommended improvements to ensure the existing system will be able to accommodate new development as it occurs, prioritizing the most critical facilities for improvement. Therefore, with the provision of appropriate system development charges and sanitary sewer extension, the existing sanitary sewer system will be able to accommodate the full buildout of Site A.

Impacts to existing facilities that serve nearby areas already inside the UGB

(3) Comparative environmental, energy, economic, and social consequences; and

Applicant's Finding: *Economic*

As discussed earlier in this analysis, the full development of Site A with housing will provide critical housing supply that will ultimately reduce the average cost of homes in the region and provide more affordable options for Newport residents. Additionally, the provision of housing near existing transportation networks and development provide communities better access to employment and educational opportunities and more efficient provision of transportation facilities and utilities.

While a T-C designation on Site A will result in the preservation of resource land, the R-4 land use provides a greater economic benefit to the community through increased housing options, and the loss of resource land will be offset through the movement of Site B out of the urban growth boundary. The proposed adjustment and future use promote more efficient and coordinated use of land and minimizes urban sprawl.

Social

There are developed neighborhoods to the north and the west of Site A, and the development of housing on what was originally resource land would result in a change of character for existing residents, most notably a loss of rural lifestyle or low-density residential development. Additionally, forest and natural areas can provide people with access to nature and stress relief, though the anticipated loss would be minimal in this case as this land is managed forest with no public access.

There is the potential to dedicate future park space and scenic areas as development occurs. Specifically, in areas that have topographical constraints that make development infeasible, dedicated natural open space and scenic vistas can be provided to serve as an essential resource to Newport communities. Additionally, the provision of trails connecting to the existing Ocean to Bay Trail network to the southwest could mitigate loss of forested area by providing access to nature and other recreational amenities to Newport residents.

Environmental

There are no identified wetlands on Site A. However, just south of the parcel is a City designated wetland that extends from the property line to NE Harney Street. The development of Site A could impact this wetland as the increase in impervious surface increases runoff and flow rates downstream.

The development of Site A will require the clearing of trees, which will have associated erosion, air quality, and greenhouse gas impacts. These impacts can be mitigated through the careful provision of open space in areas that are not suitable for development. These areas could be planted with native vegetation and trees that would provide better environmental services than the current timber plantation. This would offset some of the environmental impact associated with the clearing of trees to accommodate development.

Additionally, the exclusion of Site B will offset the development of Site A by precluding development on Site B and preserving the area for forest land uses. Site B is currently included in the UGB and zoned for rural residential development, which would result in much larger development footprints and disturbance to the surrounding area should they be developed. Therefore, the proposed adjustment provides the opportunity to limit the future clearing of trees and sprawling patterns

of development on Site B and provide more compact residential development with a lower environmental footprint per unit through the development of Site A.

Energy

The inclusion of Site A into the UGB is expected to result in new housing replacing areas currently used as timber resource land except where topography constrains development. There is a power transmission line and transformer to the north of Site A, but it is unlikely to be impacted by residential development. Within the site, redevelopment could support as many as 200 dwelling units, which would have an increased energy impact in the form of construction, dwelling unit energy use, and transportation.

There is a bus stop along Hwy 101 that is approximately a ten minute walk from the western periphery of Site A, and an existing Ocean to Bay Trail network that can provide options for non-automobile travel, reducing some of the energy impacts associated with transportation.

(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Applicant's Finding:

The proximity of single-family dwellings to adjacent forest lands creates the potential for conflict between the two uses in the form of noise, pollution from logging equipment, truck and automobile traffic, and hazards associated with forest lands such as falling or windthrown trees and wildfire. Additionally, the proximity of new housing may present challenges to active forest management if those activities are a nuisance to adjacent uses. The key towards mitigating these conflicts is separation and buffering. The power transmission line located north of Site A provides an excellent buffer area in which felling is less likely to occur to avoid damage to the lines. This allows trees to grow in this buffer, providing additional shielding and impacts associated with forest activity to the north of the power line. In addition to this, Chapter 14.18 requires buffering between residential and non-residential uses, providing an opportunity to increase the separation between residential and forest uses and mitigate potential conflicts.

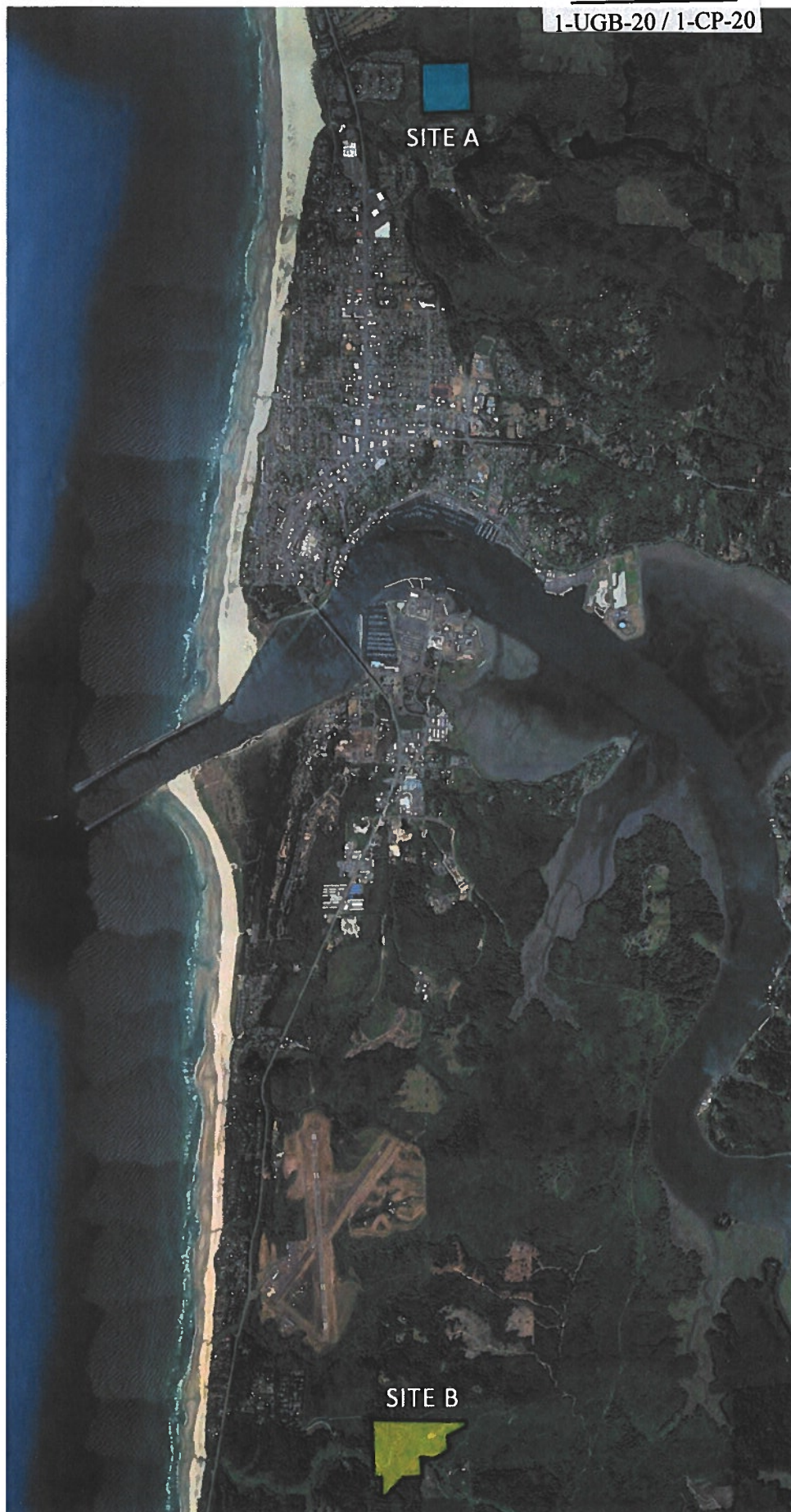
c) Compliance with applicable Statewide Planning Goals, unless an exception is taken to a particular goal requirement.

Applicant's Finding:

As detailed earlier in this narrative, the proposed UGB Adjustment demonstrates substantial compliance with applicable Statewide Planning Goals. The requirement of this section is met.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City's Planning Department of this application for an Urban Growth Boundary Adjustment.

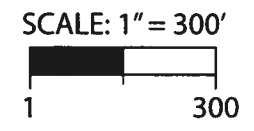
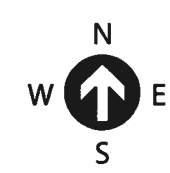




EXISTING ZONING COMP PLAN DESIGNATION	
43.4 ACRES	TIMBER CONSERVATION (T-C)
PROPOSED ZONING COMP PLAN DESIGNATION	
43.4 ACRES	HIGH DENSITY RESIDENTIAL (R-4) COMP: HIGH DENSITY RESIDENTIAL

SITE NOTE

SITE MAP HAS BEEN PREPARED USING DATA FROM EXISTING COUNTY SURVEYOR DATA AND USGS ELEVATION DATA. THIS MAP HAS BEEN PREPARED FOR ILLUSTRATIVE PURPOSES ONLY. ALL BOUNDARY AND DIMENSIONAL INFORMATION SHOULD BE VERIFIED BY A PROFESSIONAL LAND SURVEYOR.

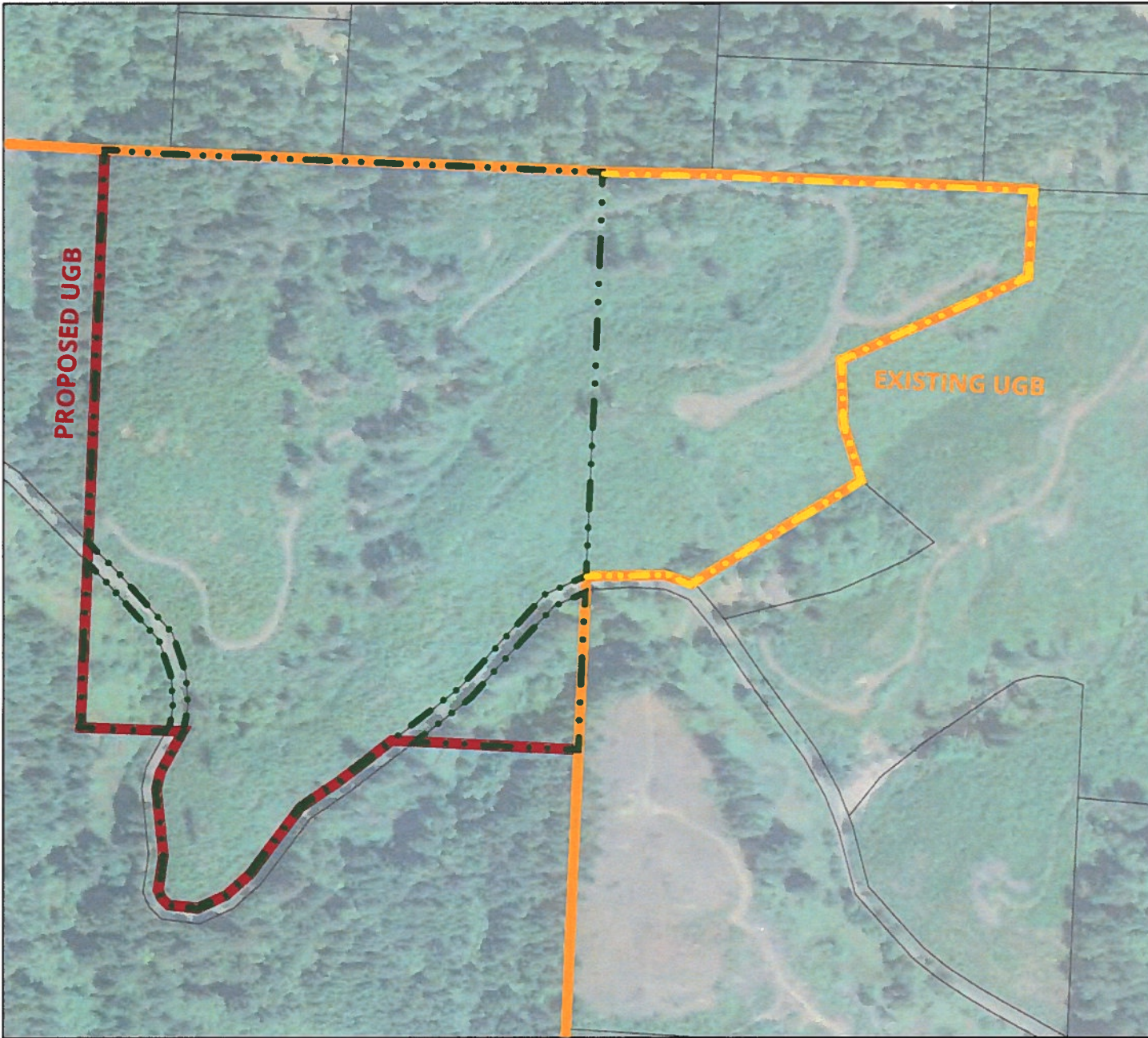


HANCOCK UGB ADJUSTMENT

SITE A ZONE CHANGE EXHIBIT

3J CONSULTING
CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

SEPTEMBER 2020

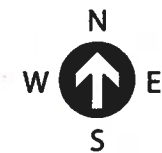


EXISTING ZONING | COMP PLAN DESIGNATION

71 RURAL RESIDENTIAL (RR-10) |
ACRES HIGH DENSITY RESIDENTIAL (HDR)

SITE NOTE

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SCALE: 1" = 400'



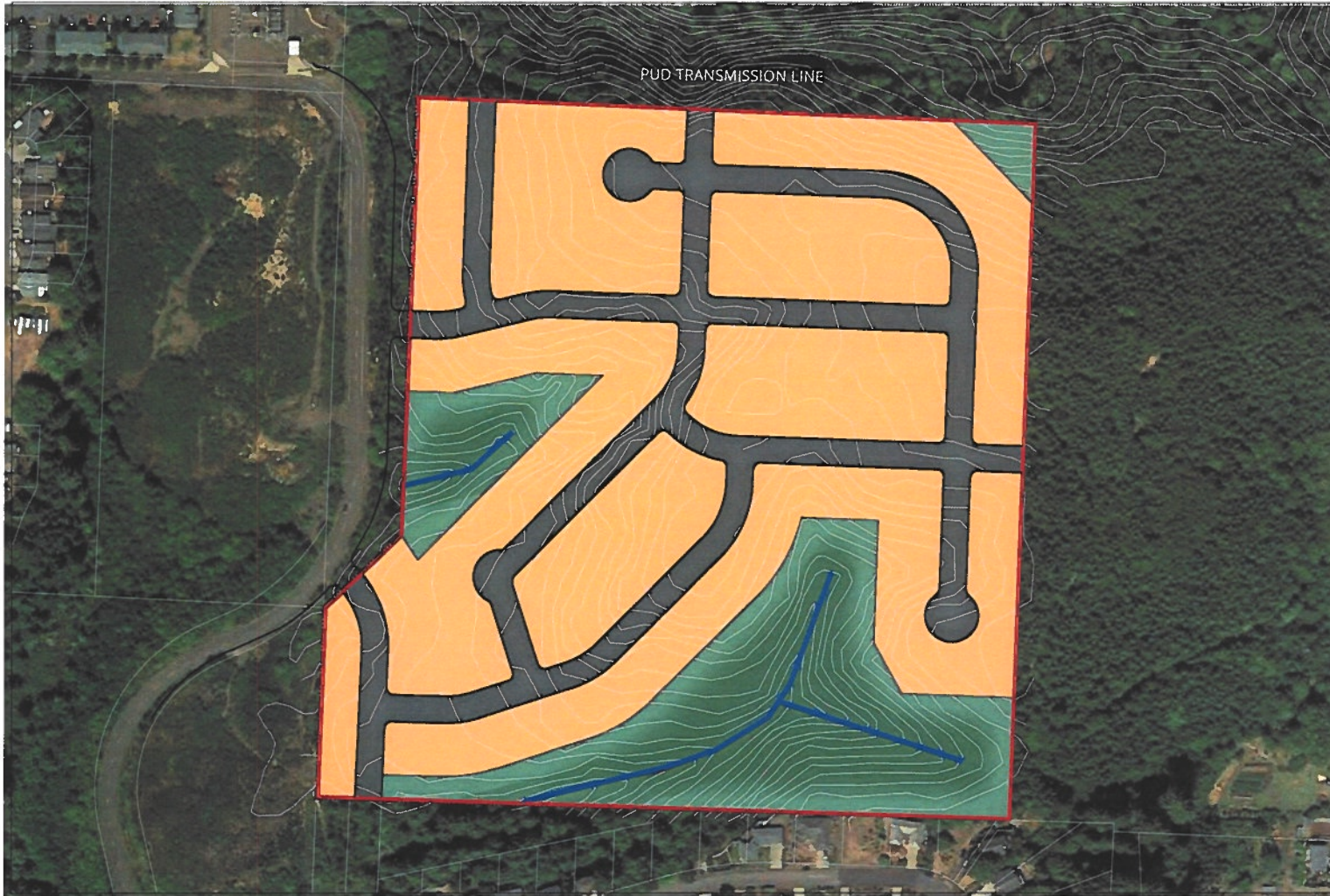
HANCOCK UGB ADJUSTMENT

UGB AMENDMENT EXHIBIT

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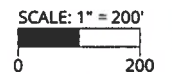


SITE NOTE

SITE MAP HAS BEEN PREPARED USING DATA FROM EXISTING TAX MAPS AND COUNTY RLE GIS DATA. THIS MAP HAS BEEN PREPARED FOR ILLUSTRATIVE PURPOSES ONLY. ALL BOUNDARY AND DIMENSIONAL INFORMATION SHOULD BE VERIFIED BY A PROFESSIONAL LAND SURVEYOR

LEGEND

- DEVELOPABLE LOT AREA
21.6 ACRES
- STREAM BUFFER/STEEP SLOPES
8.4 ACRES
- POTENTIAL STREAM ALIGNMENT



NEWPORT UGB SWAP

HANCOCK FOREST MANAGEMENT






07/25/19

CONCEPTUAL SITE PLAN

3J CONSULTING

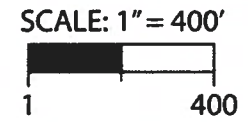
CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING



LEGEND	
	EST. ACREAGE
 BUILDABLE	22.5
 PARTIALLY CONSTRAINED	15.2
 CONSTRAINED	33.7
 SITE B BOUNDARY	
 STREAMS	

SITE NOTE

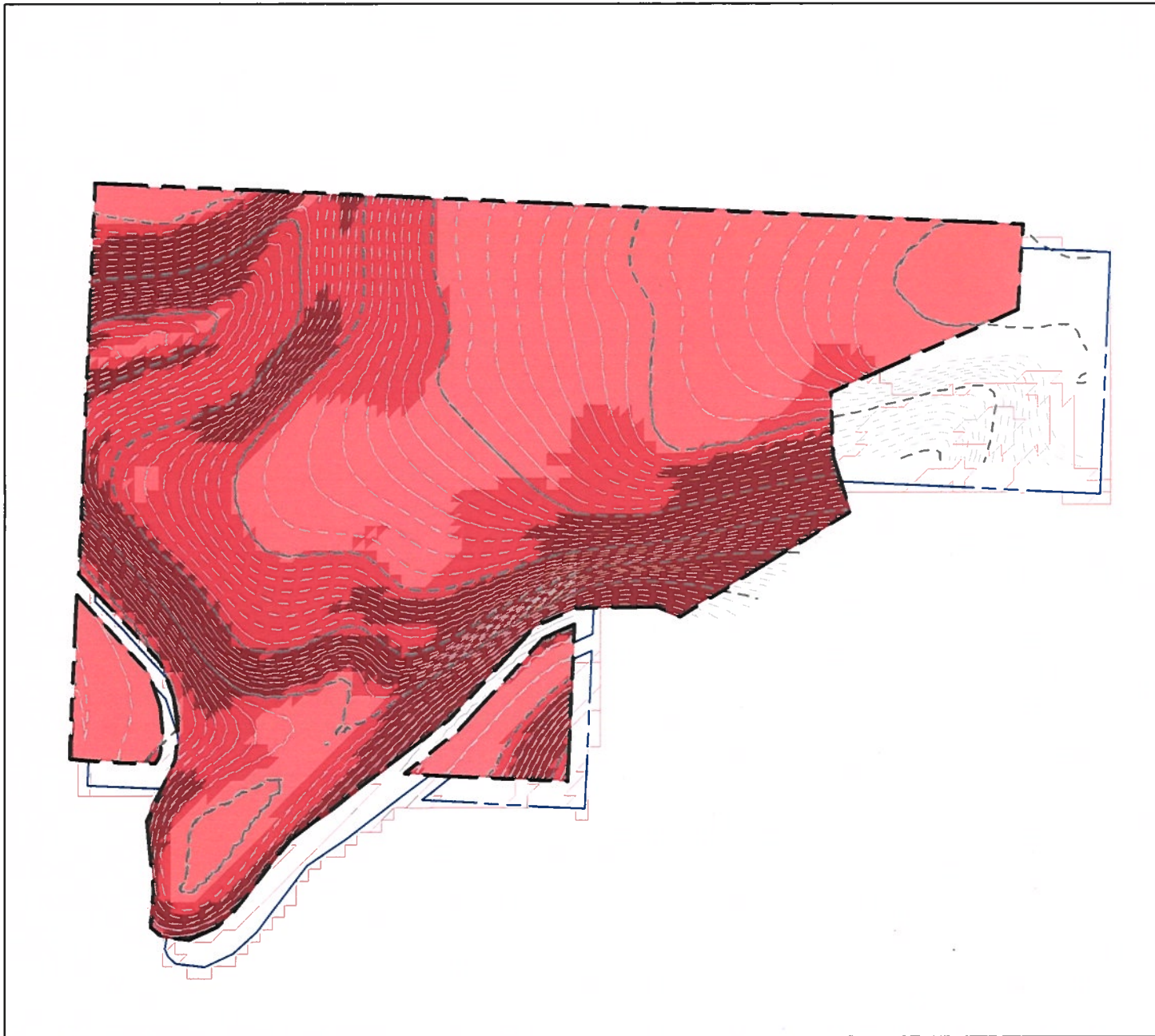
SITE MAP HAS BEEN PREPARED USING DATA FROM EXISTING COUNTY SURVEYOR DATA AND USGS ELEVATION DATA. THIS MAP HAS BEEN PREPARED FOR ILLUSTRATIVE PURPOSES ONLY. ALL BOUNDARY AND DIMENSIONAL INFORMATION SHOULD BE VERIFIED BY A PROFESSIONAL LAND SURVEYOR.



HANCOCK UGB ADJUSTMENT
 SITE B BUILDABLE LANDS ANALYSIS

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SEPTEMBER 2020

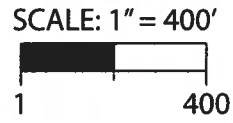


LEGEND

- 0 - 10% SLOPE
- 10 - 25% SLOPE
- >25% SLOPE
- SITE B BOUNDARY
- 40 FT MAJOR CONTOURS
- 5 FT MINOR CONTOURS

SITE NOTE

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HANCOCK UGB ADJUSTMENT





SITE B SLOPE ANALYSIS

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SEPTEMBER 2020

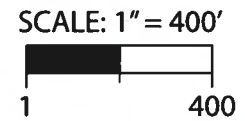
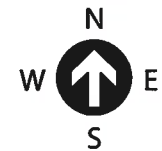


LEGEND

-  LOCAL WETLAND INVENTORY
-  NATIONAL WETLAND INVENTORY
-  SITE B BOUNDARY
-  URBAN GROWTH BOUNDARY (OUT OF DATE)

SITE NOTE

SITE MAP HAS BEEN PREPARED USING DATA FROM EXISTING CITY OF NEWBERG WETLAND MAPS. THIS MAP HAS BEEN PREPARED FOR ILLUSTRATIVE PURPOSES ONLY. ALL BOUNDARY AND DIMENSIONAL INFORMATION SHOULD BE VERIFIED BY A PROFESSIONAL LAND SURVEYOR.



HANCOCK UGB ADJUSTMENT

SITE B WETLAND ANALYSIS

3J CONSULTING
CIVIL ENGINEERING · WATER RESOURCES · LAND USE PLANNING

SEPTEMBER 2020



851 SW 6th AVENUE, SUITE 600
PORTLAND, OR 97204
P 503.228.5230 F 503.273.8169

May 15, 2020

Project #: 23915

Derrick Tokos, AICP
City of Newport
169 SW Coast Highway
Newport, OR 97365

RE: Newport Urban Growth Boundary Swap Transportation Analysis Letter

Dear Derrick,

Attached to this letter is a copy of the Traffic Impact Analysis report that was initially prepared to support the removal of a 71.36-acre property from the southern Newport UGB, bring in a 40-acre property in the northern UGB, and then rezone the 40-acre property for future annexation and residential development. As noted in the report and subsequently discussed in our phone conversations, the analysis findings suggest it would be beneficial for the City of Newport to consider the adoption of alternative mobility targets for the segment of Highway 101 north of NE 20th Street in order to avoid significant highway widening improvements. Given that the City is currently in the process of updating its Transportation System Plan (TSP), the timing is conducive for the UGB swap application to defer a formal rezone request to a date after the TSP is complete and the alternative mobility targets are potentially adopted. To assist the City in its TSP update (and the potential for adoption of alternative mobility targets), we offer the analysis and findings of the attached report.

Depending on a successful UGB swap and the results of the TSP update, the attached Traffic Impact Analysis will be updated and formally submitted to address Oregon's Transportation Planning Rule requirements for an eventual residential zone change application.

Please contact me if you have any questions.

Sincerely,
KITTELSON & ASSOCIATES, INC.

A handwritten signature in blue ink that reads 'Matt Hughart'.

Matt Hughart, AICP
Principal Planner



851 SW 6th AVENUE, SUITE 600
 PORTLAND, OR 97204
 P 503.228.5230 F 503.273.8169

April 1, 2020

Project #: 23915

Keith Blair
 ODOT Region 2
 455 Airport Road SE, Bldg. A
 Salem, OR 97301

Derrick Tokos
 City of Newport
 169 SW Coast Highway
 Newport, OR 97365

RE: Newport UGB Lane Exchange

Dear Keith and Derrick,

This letter presents a Traffic Impact Analysis supporting the proposed land exchange that would remove 71.39 acres of undeveloped residential zoned land in the southern portion of Newport's urban growth boundary (UGB) and bring in approximately 40 acres of rural land located adjacent to the northeast quadrant of the City's UGB.

Based on the results of the transportation analysis outlined in this report, the proposed amendment to the City's UGB and affiliated comprehensive plan/zone designation for the 40-acre site has the potential to create a significant effect on the surrounding transportation network if no mitigations are proposed. However, acceptable operational levels can be achieved at the study intersections in the planning horizon year 2040 with potential mitigation measures in place as described in the report.

FINDINGS

Existing Transportation Conditions

- Traffic counts were collected in June 2019 at all of the study intersections during the critical weekday AM and PM peak travel periods. ODOT procedures were used to identify the 30th Highest Hour Volumes along the US 101 corridor which resulted in a 17% increase to the existing weekday AM and PM peak hour traffic volumes.
- Operational analyses indicate that all of the study intersections currently operate acceptably based on the existing mobility targets with the exception of the US 101/NE 20th Avenue intersection. During the weekday PM peak hour, this intersection operates at a volume-to-capacity ratio of 0.84 which is above the 0.80 mobility target.

Future Year 2040 Traffic Conditions

- The proposed land use action is a unique case that would involve the exchange of 71.36 acres of undeveloped UGB land in southern Newport for 40 acres on the northern border of the Newport UGB. Since the existing 71.36 acres is proposed to be removed from the UGB, it would have no significant future development potential outside of its current Lincoln County RR-10 zone designation. Accordingly, the focus of this analysis is on the proposed urbanization of the 40-acre site.
- Background traffic volumes for the 2040 planning horizon year were estimated using a 1% annual growth rate to reflect anticipated regional traffic growth along the US 101 corridor. Trips associated with anticipated developments near the 40-acre site were applied to the study intersections to account for local traffic growth on the system.
- The existing 40-acre site is currently zoned Timber Conservation by Lincoln County. As a resource land designation, it essentially has no measurable trip generation potential. Therefore, the 2040 Background Conditions represent the future traffic conditions that can be expected under the existing Timber Conservation zone scenario.
- Operations of the study intersections under 2040 Background conditions (assumed regional and local traffic growth but no land use action on the 40-acre site) found that all of the study intersections are forecast to continue to operate acceptably during both the weekday AM and PM peak hours with the exception of the US 101/NE 25th Street and US 101/NE 20th Street intersections. During the weekday PM Peak hour, both of these intersections are forecast to operate with a volume-to-capacity ratio of 0.92 which exceeds their respective 0.80 and 0.90 mobility targets.
- With a potential UGB amendment, it was conservatively assumed that the 40-acre site could be zoned under the City of Newport's R-2 Medium Density Single Family Residential zone which allows a mix of duplexes and single-family homes. Based on a preliminary site assessment taking into consideration topography, non-buildable lands, and wetlands, it was determined that the site could conservatively support up to 200 single family homes.
- Comparing the existing Timber Conservation zoning to a potential R-2 Medium Density Single Family Residential zone, the later has the potential to generate approximately 1,968 net new daily trips, 147 net new AM peak hour trips, and 198 net new PM peak hour trips.
- Operations of the study intersections under the 2040 R-2 Medium Density Single Family Residential zoning scenario found that all of the US 101 study intersections are forecast to exceed their respective mobility targets. Specifically:
 - The eastbound approach to the unsignalized US 101/NE 36th Street intersection is forecast to operate over capacity during both the weekday AM and PM peak hours. This represents a significant impact to the operations of the intersection. To address TPR requirements, mitigation and potential revised mobility targets would

be needed to restore capacity to the intersection and show it can meet operating standards.

- The eastbound approach to the unsignalized US 101/NE 31st Street intersection is forecast to operate over capacity during both the weekday AM and PM peak hours. To address TPR requirements, mitigation and potential revised mobility targets would be needed to restore capacity to the intersection and show it can meet operating standards.
- The signalized US 101/NE 25th Street intersection is forecast to operate at a volume-to-capacity ratio of 0.94 during the weekday PM peak hour. Compared to forecast volume-to-capacity ratio of 0.92 under 2040 Background conditions, this represents a further degradation to the intersection. To address TPR requirements, mitigation would need to be proposed that would restore the intersection operations back to a volume-to-capacity ratio of 0.92 or better.
- The signalized US 101/NE 20th Street intersection is forecast to operate at a volume-to-capacity ratio of 0.95 during the weekday PM peak hour. Compared to forecast volume-to-capacity ratio of 0.92 under 2040 Background conditions, this represents a further degradation to the intersection. To address TPR requirements, mitigation and potential revised mobility targets would be needed to show it can meet operating standards.

Conclusions

The following intersection mitigation measures would ensure the proposed land exchange and urbanization (R-2 Medium Density Single Family Residential zoning scenario) of the 40-acre parcel complies with the Oregon TPR:

The US 101/NE 36th Street Intersection Improvements:

- Capacity Enhancing Projects:
 - Widen the westbound NE 36th Street approach to include a separate left- and right-turn lane.
 - Install a traffic signal
- Additional Projects to Meet the Currently Adopted 0.80 Mobility Target:
 - Widen US 101 to include a second northbound through lane
- Alternative to Meeting the 0.80 Mobility Target:
 - City of Newport and ODOT consider the adoption of an alternative mobility target (0.90 or higher) under 30th highest hour conditions or maintain the existing target under other than peak season conditions.

US 101/NE 31st Street Intersection

- Capacity Enhancing Projects:
 - Widen the westbound NE 31st Street approach to include a separate left- and right-turn lane.
 - Install a traffic signal
- Additional Projects to Meet the Currently Adopted 0.80 Mobility Target:
 - Widen US 101 to include a second northbound through lane
- Alternative to Meeting the 0.80 Mobility Target:
 - City of Newport and ODOT consider the adoption of an alternative mobility target (0.95 or higher) under 30th highest hour conditions or maintain the existing target under other than peak season conditions.

US 101/NE 25th Street Intersection

- Projects to Restore the Intersection to Background Traffic Conditions:
 - Install right-turn overlap phasing on the eastbound approach

US 101/NE 20th Street Intersection

- Projects to Restore the Intersection to Background Traffic Conditions/Mobility Target:
 - Install right-turn overlap phasing on the eastbound approach.
 - Construct a separate westbound right-turn lane on the NE 20th Street approach.
- Alternative to Meeting the 0.90 Mobility Target:
 - City of Newport and ODOT consider the adoption of an alternative mobility target (0.95 or higher) under 30th highest hour conditions or maintain the existing target under other than peak season conditions.

PROJECT BACKGROUND

The proposed land exchange involves two separate land parcels. The first parcel is 71.36 acres of privately-owned property in southern Newport that is accessed from SE 98th Street. This land is located within the City of Newport's UGB, but it has not been annexed into the city limits. Currently zoned Rural Residential (RR-10) by Lincoln County, the property is steeply sloped, not currently served by established infrastructure, and not a currently desirable location for future urban development given its somewhat isolated location. The second parcel is a 40-acre site that is currently outside the City of Newport's UGB as shown in Figure 1. The land is currently zoned Timber-Conservation (T-C) by Lincoln County. The proposed land use action would remove the 71.36-acre property from the Newport UGB and bring in the 40-acre property where it would then be eligible for potential future annexation and residential development.

Per Oregon Administrative Rule 660-012-0060, also known as the Transportation Planning Rule (TPR), land use actions such as these need to determine if there will be a significant effect on an existing or planned transportation facility. Under these types of land use actions, a significant effect to a transportation facility typically is anything that could involve the degradation of the performance of an existing or planned transportation facility such that it would not meet adopted local performance standards. The following report addresses the TPR requirements.

Figure 1 – Site Vicinity Map



STUDY SCOPE & ANALYSIS METHODOLOGY

The proposed land use action is a unique case that would involve the exchange of 71.36 acres of undeveloped UGB land in southern Newport for 40 acres on the northern border of the Newport UGB. Since the existing 71.36 acres would be removed from the UGB, it would have no significant future development potential outside of its current Lincoln County RR-10 zone designation. Accordingly, the focus of this analysis is on the proposed 40-acre site and its applicable study area.

Study Scope

This analysis identifies the transportation-related impacts associated with the proposed land exchange. The study was prepared in accordance with the ODOT *Analysis Procedures Manual* (APM, Reference 1), the City of Newport's traffic impact study requirements, and supplemental direction provided by ODOT development review staff. The study scope and overall study area for this project were selected based on an analysis of current and future traffic volumes at study intersections and discussions with both City and ODOT staff. As required by the City of Newport's Municipal Code Chapter 14.45 and the TPR requirements, the analysis was prepared to address the following transportation issues:

- Existing land use and transportation system conditions within the site vicinity;
- Review of regional traffic growth and seasonal traffic patterns, in-process developments, planned transportation improvements, and related transportation impact studies for other developments in the study area;
- Site trip generation and distribution estimates for reasonable worst-case development scenarios for current Timber Conservation and proposed residential zoning;
- Planning horizon year 2040 traffic operations and vehicle queuing conditions under existing Timber Conservation and proposed residential zoning development scenarios;
- Identification of traffic system deficiencies and potential mitigation measures;
- Assessment of zone change compliance with the TPR (OAR Section 660-12-060); and,
- Conclusions and recommendations.

Study Intersections

The study intersections were identified in collaboration with City and ODOT staff. Figure 1 illustrates the location of the study intersections that are listed below. For ease of review, each intersection is referenced within this report using a numerical ID.

1. US 101 / NE 36th Street
2. US 101 / NE 31st Street
3. US 101 / NE 25th Street
4. US 101 / NE 20th Street

5. NE Harney Street / NE 31st Street

Traffic Analysis Time Periods

Study intersection operations were analyzed during the weekday morning (intersection peak hour between 7:00-9:00 AM) and evening peak hour (intersection peak hour between 4:00-6:00 PM).

Analysis Methodology

The unsignalized and signalized intersection operational analyses presented in this report were prepared following Highway Capacity Manual 6th edition (Reference 2) analysis procedures using VISTRO software.

Performance Measures & Operating Standards

Intersection performance measures reported in this study include volume-to-capacity ratio (V/C), and delay. Intersection operating standards adopted by the City and ODOT are summarized in this section.

ODOT Operating Standards (Mobility Targets)

ODOT uses volume-to-capacity (V/C) ratios to assess intersection operations. Table 6 of the *Oregon Highway Plan (OHP)* provides maximum volume-to-capacity ratio targets for all signalized and unsignalized intersections located outside the Portland metropolitan area. The ODOT controlled intersections within the study area are located along US 101. Table 1 summarizes the v/c ratios that will be used to identify the existing and potential future operational issues at the ODOT study intersections.

Table 1 – ODOT Mobility Targets

Intersection	OHP Mobility Target
US 101 / NE 36 th Street (unsignalized)	0.80 major approach / 0.90 minor approach
US 101 / NE 31 st Street (unsignalized)	0.80 major approach / 0.90 minor approach
US 101 / NE 25 th Street (signalized)	0.80
US 101 / NE 20 th Street (signalized)	0.90

Note: US 101 is a Statewide Highway (not a Freight Route). The posted speed along US 101 is 35 mph through the US 101/NE 20th Street intersection and transitions to a 45 mph facility from the NE 25th Street intersection through the NE 36th Street intersection.

City of Newport Operating Standards

The City of Newport has not adopted intersection operating standards and, per City staff, generally relies on consideration of queuing as well as ODOT standards. For the NE Harney Street / NE 31st Street intersection, a 0.80 major street approach/0.90 minor street approach volume-to-capacity standard will be utilized.

EXISTING CONDITIONS TRAFFIC ANALYSIS

The existing conditions analysis identifies field conditions and the current operational, traffic control, and geometric characteristics of the roadways and other transportation facilities within the vicinity of the 40-acre study area. These conditions will be compared with future year conditions later in this report. Kittelson staff visited the study area and inventoried the existing transportation system to identify lane configurations, traffic control devices, bicycle and pedestrian facilities, transit stops, geometric features, and sight distances at the study intersections during the summer of 2019.

Site Conditions and Adjacent Land Uses

The proposed 40-acre land exchange site is currently undeveloped and heavily forested. It is generally bordered by SW Harney Street to the west, existing single-family development to the south, and undeveloped forest land to the north and east.

Transportation Facilities

This section provides a multi-modal overview of transportation facilities in the site vicinity.

Roadway Facilities

Figure 2 summarizes the existing lane configurations and traffic control devices at the study intersections. Table 2 summarizes roadways in the site vicinity that are assessed as part of the traffic impact study.

Table 2 – Existing Transportation Facilities

Roadway	Jurisdictional Authority	Functional Classification ¹	Number of Auto Lanes	Posted Speed (MPH)	Sidewalks Present	Bicycle Lanes Present	On-Street Parking Allowed?
US 101	ODOT	Statewide Highway – ODOT Oregon Highway Plan Principal Arterial - Newport	3-5	45 ²	Yes ³	Yes ⁴	No
NE 36 th Street	City of Newport	Collector	2	25	No	Yes	No
NE 31 st Street	City of Newport	Minor Arterial	2	Not Posted	No	No	No
NW 25 th Street	City of Newport	Local	2	Not Posted	Yes	No	No
NW 20 th Street	City of Newport	Collector	2	Not Posted	No	No	No
NW Harney St	City of Newport	Collector	2	Not Posted	No	No	No

¹ Source: City of Newport Transportation System Plan

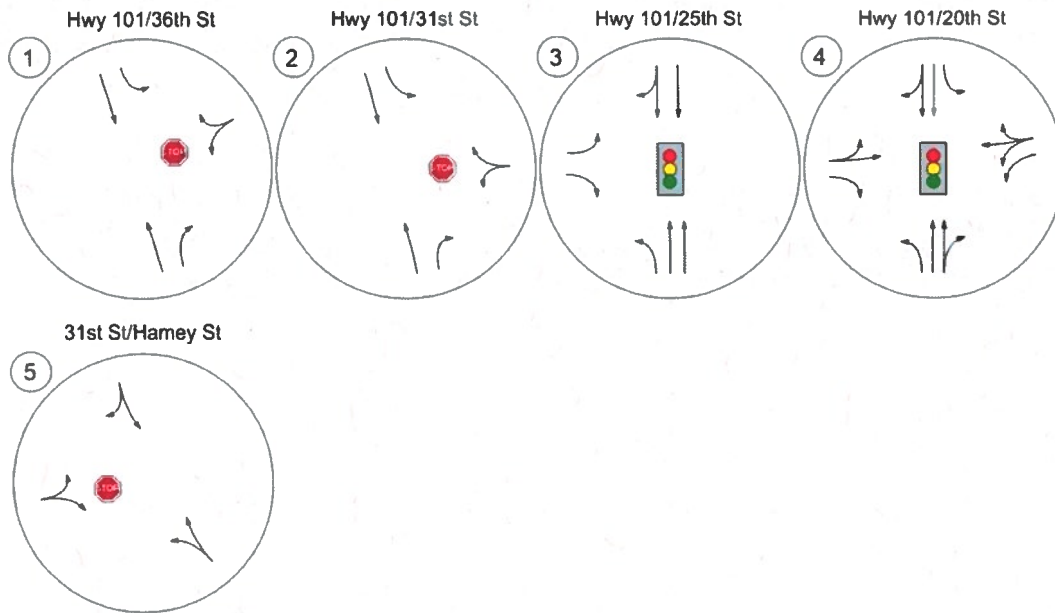
² The posted speed of US 101 lowers to 35 mph in the vicinity of NW 20th Street

³ There are no sidewalks on US 101 in the vicinity of NW 31st Street and NW 36th Street

⁴ US 101 has a striped bicycle lane or wide shoulder north of NW 25th Street

Figure 2 - Existing Study Intersection Lane Configurations and Traffic Control Devices

Generated with **PTV VISTRO** Version 7.00-05
Newport UGP Swap Existing Traffic Conditions
Weekday AM Peak Hour HCM 6th



10/18/2019

K KITTELSON
& ASSOCIATES

1

Transit Facilities

Lincoln County operates the Newport City Loop Bus within the City. The bus operates between 7:23 AM and 5:11 PM seven days a week except on Thanksgiving and Christmas. The bus route loops between Newport Business Center on the south side of the community and the NW 73rd & Avery intersection on the north side of the community with study area stops at Fred Meyer, Walmart, and the Little Creek Apartments. Intercity bus connections are also provided between Newport and Siletz, Lincoln City/Rose Lodge, and Yachats. The intercity service schedules vary by destination but generally operate Monday through Saturday with service to Newport occurring at a stop at City Hall.

Existing Traffic Volumes

Turning movement counts were conducted at the study intersections on a typical mid-weekday in early June 2019 while local schools were still in session. Peak traffic volumes were observed at the intersections between 7:20 - 8:20 AM and 4:05 – 5:05 PM. The traffic counts were seasonally adjusted to 30th highest hour design volumes before use in the operational analysis in accordance with procedures presented in ODOT's APM. *Appendix "A" provides the detailed methodology and calculations for the 30th highest hour adjustment.* Figures 3 and 4 show the resulting turning movement counts at the study intersections during the weekday AM and PM peak hours. *Appendix "B" contains the intersection turning movement count sheets.*

Existing Intersection Operations

Operations of the study intersections were assessed using the previously described methodology and were compared to the respective mobility targets. Table 3 summarizes the operational analyses for the weekday AM and PM peak hour reflective of the seasonal adjustment factor. As shown, all of the study intersections currently operate acceptably during both the weekday AM and PM peak hours with the exception of the US 101/NE 25th Street intersection. During the weekday PM Peak hour, the intersection currently operates with a volume-to-capacity ratio of 0.84 which exceeds the 0.80 mobility target. *Appendix "C" includes the existing conditions intersection operations analysis worksheets.*

Table 3 – Existing Traffic Conditions

Study Intersections	V/C Mobility Target	Weekday AM Peak Hour		Weekday PM Peak Hour	
		V/C	Delay (sec)	V/C	Delay (sec)
US 101 / NE 36 th Street	0.80 major approach / 0.90 minor approach	0.01 (SBLT) 0.37 (WB)	8.57 (SBLT) 34.1 (WB)	0.01 (SBLT) 0.15 (WB)	10.2 (SBLT) 33.5 (WB)
US 101 / NE 31 st Street	0.80 major approach / 0.90 minor approach	0.02 (SBLT) 0.43 (WB)	8.69 (SBLT) 46.1 (WB)	0.03 (SBLT) 0.37 (WB)	10.8 (SBLT) 58.6 (WB)
US 101 / NE 25 th Street	0.80 for intersection	0.54	12.8	0.84	41.8
US 101 / NE 20 th Street	0.90 for intersection	0.48	16.6	0.74	35.9
NE Harney Street / NE 31 st Street	0.90 minor approach	0.04 (EB)	8.7 (EB)	0.07 (EB)	8.6 (EB)

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, LT = Left-turn, TH = Through, RT = Right-turn
V/C= Critical volume-to-capacity ratio, Delay= Intersection delay (signalized) / Critical movement delay (unsignalized)
Shaded values indicate the intersection volume-to-capacity ratio exceeds the respective mobility target

Figure 3 – Existing Traffic Volumes, Weekday AM Peak Hour

Generated with **PTV VISTRO** Version 7.00-05
 Newport UGP Swap Existing Traffic Conditions
 Weekday AM Peak Hour HCM 6th

Traffic Volume - Future Total Volume

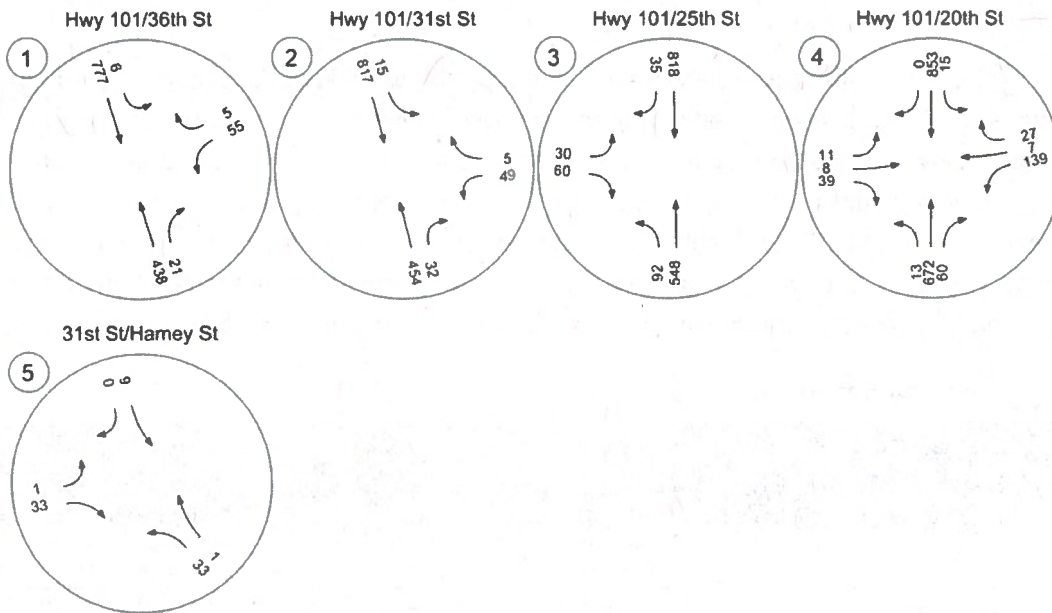
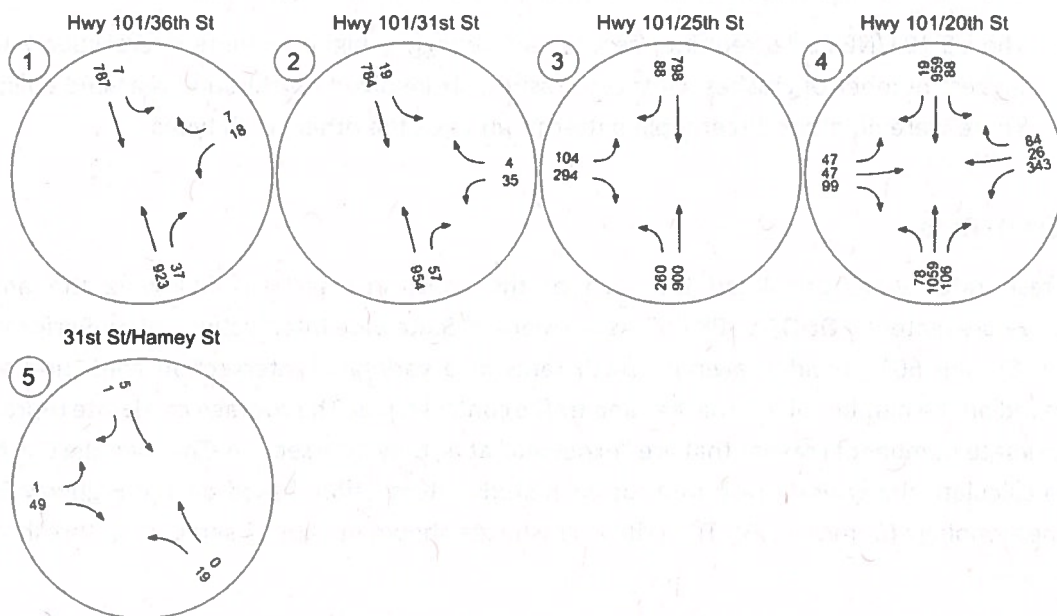


Figure 4 – Existing Traffic Volumes, Weekday PM Peak Hour

Generated with **PTV VISTRO** Version 7.00-05
Newport UGP Swap Existing Traffic Conditions
Weekday PM Peak Hour HCM 6th

Traffic Volume - Future Total Volume



10/18/2019



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Intersection Crash History

The crash histories at the individual study intersections were obtained and reviewed in an effort to identify potential safety issues. ODOT provided crash records for the study intersections for the five-year period from January 1, 2013 through December 31, 2017. Table 4 summarizes the ODOT crash data.

Table 4 – Study Intersection Crash Summary (January 2013 to December 2017)

Study Intersections	Collision Type					Severity			Total
	Rear-End	Turning	Angle	Fixed Object	Other	PDO	Injury	Fatal	
US 101 / NE 36 th Street	1	6	0	0	0	1	5	1	7
US 101 / NE 31 st Street	2	3	0	0	0	4	1	0	5
US 101 / NE 25 th Street	5	2	0	1	0	6	2	0	8
US 101 / NE 20 th Street	9	5	3	0	2	7	12	0	19
NE Harney Street / NE 31 st Street	0	0	0	0	0	0	0	0	0

A review of Table 4 revealed the following:

- One fatality occurred at the US 101/NE 36th Street intersection that involved a westbound vehicle making a left-turn onto US 101 and colliding with a northbound US 101 vehicle. Six of the 7 recorded collisions also involved this same set of movements.
- The US 101/NE 20th Street intersection, a four legged higher volume intersection had the highest number of crashes. Of these crashes, six involved northbound rear-end collisions. There were no other discernable patterns amongst the other crash types.

Critical Crash Rate

Critical crash rates were calculated for each of the study intersections following the analysis methodology presented in ODOT’s SPR 667 Assessment of Statewide Intersection Safety Performance (Reference 5). SPR 667 provided average crash rates at a variety of intersection configurations in Oregon based on the number of approaches and traffic control types. The average crash rate represents the approximate number of crashes that are “expected” at a study intersection. This average crash rate is used to calculate the critical crash rate for each study intersection, based on the Highway Safety Manual methodology (Reference 6). The critical crash rate shown in Table 5 serves as a threshold for further analysis.

Table 5 – Intersection Critical Crash Rate Assessment

Intersection	Total Crashes	Critical Crash Rate by Intersection	Critical Crash Rate by Volume	Observed Crash Rate at Intersection	Observed Crash Rate > Critical Crash Rate?
US 101 / NE 36 th Street	7	0.47	0.48	0.29	No
US 101 / NE 31 st Street	5	0.47	0.63	0.20	No
US 101 / NE 25 th Street	8	0.71	0.46	0.28	No
US 101 / NE 20 th Street	19	0.25	0.35	0.56	Yes
NE Harney Street / NE 31 st Street	0	1.01	1.04	0.00	No

As shown in Table 5, the observed crash rate at the US 101/NE 20th Street intersection exceeds the critical crash rate by intersection type and volume. Further, this intersection is on ODOT's 2017 Safety Priority Index List (SPIS). *Appendix "D" contains the crash data summary sheets.*

YEAR 2040 TRAFFIC CONDITIONS

This section of the report contains a detailed assessment of the long-term traffic impacts associated with the proposed land exchange. More specifically, it evaluates the impacts of urbanizing the 40-acre parcel on the north side of the Newport UGB¹. The analysis of long-term traffic conditions is mandated by the State's Transportation Planning Rule (TPR, OAR Section 660-12-0060), given that the proposed UGB amendment for the 40-acre parcel would require an amendment to an acknowledged land use regulation and may have the potential to significantly affect a transportation facility.

To test for significant effect, an analysis of traffic conditions was conducted under reasonable worst-case site development scenarios for the subject site under the current Lincoln County Timber Conservation zone and a proposed scenario where the UGB is amended and the land is zoned and annexed for future residential development.

Based on the required analysis, the impacts of traffic generated by the potential urbanization of the 40-acres site were examined in the following manner:

- Anticipated background traffic growth patterns and in-process development trips were identified for the weekday AM and PM peak hour of the 2040 planning horizon year.
- Planned transportation improvements in the site vicinity were identified and reviewed.
- Reasonable worst-case land development scenarios were developed under the current Timber Conservation zone and for a potential future residential zoning designation, including basic assumptions on site accessibility.
- Estimates of average daily, weekday AM, and weekday PM peak hour site trips were prepared for the current Timber Conservation zone and for a potential future residential zoning designation.
- A site trip distribution pattern was derived through a review of existing traffic volumes, surrounding transportation facilities, and conversations with ODOT and City of Newport staff.
- Weekday AM and PM peak hour site-generated trips were assigned to the surrounding street network for both zoning scenarios.

¹ As previously stated, the proposed land use action is a unique case that would involve the exchange of 71.36 acres of undeveloped UGB land in southern Newport for 40 acres on the northern border of the Newport UGB. Since the existing 71.36 acres would be removed from the UGB, it would have no significant future development potential outside of what is currently allowed under the Lincoln County RR-10 zone. Accordingly, the focus of this analysis is on the potential urbanization of 40-acre site and its surrounding study area.

- Planning horizon year 2040 traffic volumes, operations, and vehicle queuing conditions were analyzed for the weekday AM and PM peak hour under the existing Timber Conservation zone and for a potential future residential zoning designation.
- Operational deficiencies were identified and appropriate mitigation measures were evaluated.

Year 2040 Background Traffic Forecast

To achieve a reasonable estimate of background traffic levels during the 2040 planning horizon year, current weekday AM and PM peak hour volumes shown in Figure 3 were increased by a 1% linear annual growth rate to account for regional traffic growth in the area over the 20-year forecast window. This growth factor was determined through consultation with City of Newport staff.

Additional trips were added to the background traffic growth adjustments to account for development that is not specifically approved but highly anticipated to be built within the 2040 analysis period. Through discussions with city staff, three development projects are anticipated in the immediate vicinity of the 40-acre site. These developments² are defined below:

- A 66-unit multi-family apartment complex is anticipated on the undeveloped parcel of land east of the NE Harney Street/NE 31st Street intersection. This project would likely include an extension of NE Lakewood Drive to NE Harney Street.
- A 96-unit multi-family apartment complex is anticipated on the undeveloped parcel of land located south of NE 36th Street, west of NE Harney Street and east of the Pacific Homes Beach Club.
- An 84-unit multi-family apartment complex is anticipated on the undeveloped parcel of land located south of NE 31st Street and west of NE Harney Street.

Year 2040 background traffic volumes forecast for the weekday AM and PM peak hour are illustrated in Figures 5 and 6 for all study intersections. These figures reflect background traffic levels without any development on the subject site.

² Through conversations with City staff, none of these developments are formally approved. However, City staff feels they are all reasonably likely to be approved and built within the 20-year planning period of this study. For these reasons, representative stand in projects have been assumed to more conservatively account for this long-term traffic growth potential and its operational impacts at the NE 36th Street and NE 31st Street intersections.

Figure 5 – 2040 Background Traffic Volumes, Weekday AM Peak Hour

Generated with **PTV VISTRO** Newport UGP Swap Weekday AM Peak Hour
 Version 7.00-05 Year 2039 Background Traffic Conditions HCM 6th

Traffic Volume - Future Total Volume

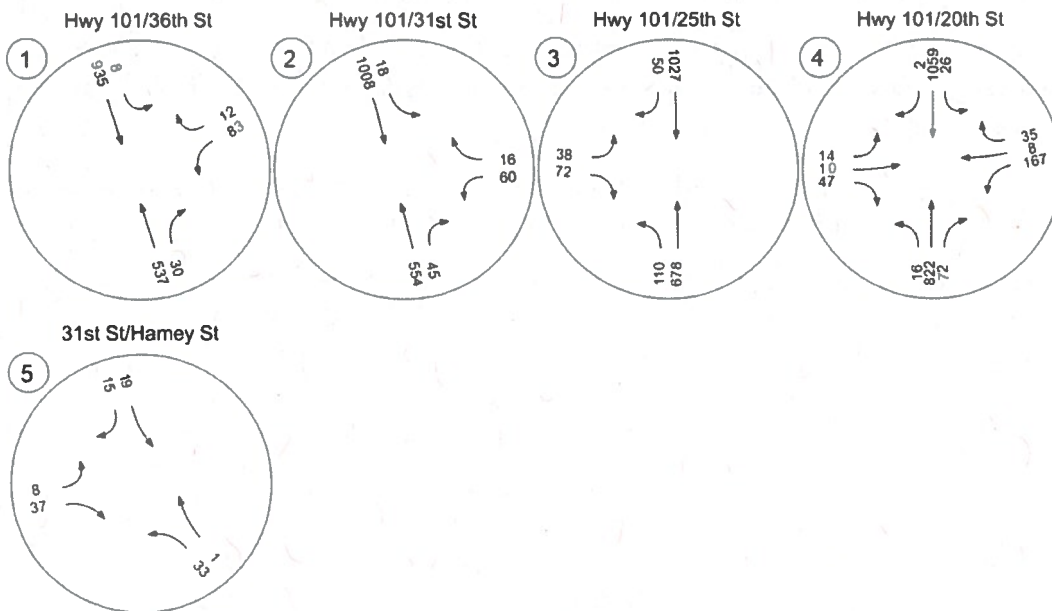
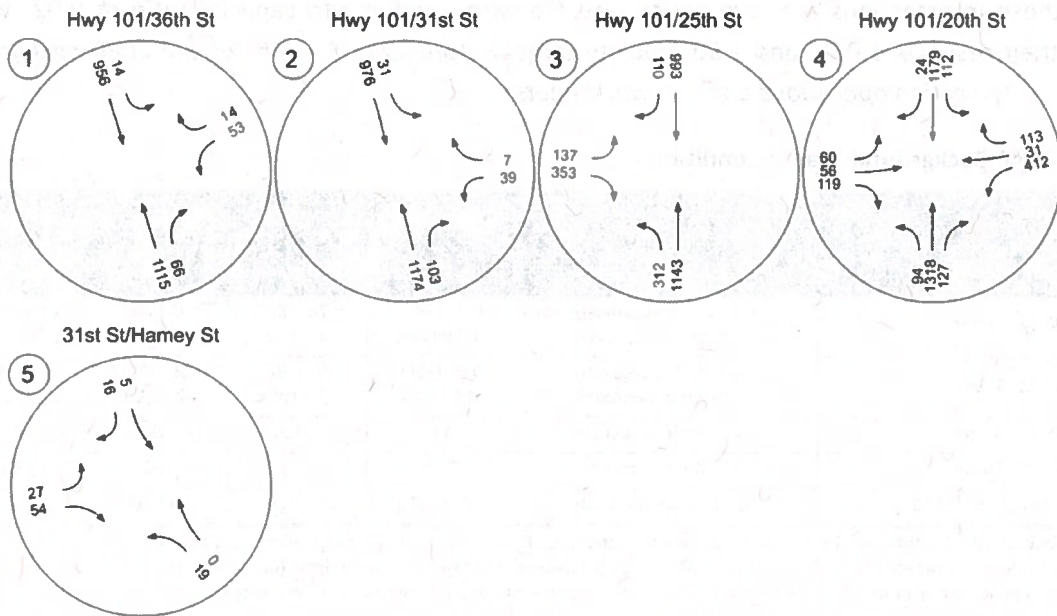


Figure 6 – 2040 Background Traffic Volumes, Weekday PM Peak Hour

Generated with **PTV VISTRO** Version 7.00-05
 Newport UGP Swap Year 2039 Background Traffic Conditions
 Weekday PM Peak Hour HCM 6th
Traffic Volume - Future Total Volume



Year 2040 Planned Transportation Improvements

The Transportation Planning Rule provides specific language and direction on how planned transportation improvements can be included in the long-range transportation impact analyses for proposed comprehensive plan and zone changes. Specifically, the TPR allows roadway or intersection improvement projects to be included in the analysis if they are in a Capital Improvement Plan with secured funding, are on a “financially constrained” project list in the adopted TSP, or alternatively, are deemed by the local agency to be “reasonably likely to occur” within the planning horizon. Within the study area, the Newport TSP has identified the need for signalization of the US 101/NE 36th Street intersection. However, the TSP identifies this infrastructure improvement as a development-based project that would be constructed when warranted. As such, it is not currently funded or included on the City’s CIP as has therefore not been assumed within the 2040 planning period.

Year 2040 Background Intersection Operations

Operations of the study intersections under 2040 Background conditions were assessed using the previously described methodology and were compared to the respective mobility targets. Table 6 summarizes the operational analyses for the weekday AM and PM peak hour reflective of anticipated regional and local traffic volume growth. As shown, all of the study intersections are forecast to continue to operate acceptably during both the weekday AM and PM peak hours with the exception of the US 101/NE 25th Street and US 101/NE 20th Street intersection. During the weekday PM Peak hour, both of these intersections are forecast to operate with a volume-to-capacity ratio of 0.92³ which exceeds their respective 0.80 and 0.90 mobility targets. *Appendix “E” includes the 2040 background conditions intersection operations analysis worksheets.*

Table 6 – 2040 Background Traffic Conditions

Study Intersections	V/C Mobility Target	Weekday AM Peak Hour		Weekday PM Peak Hour	
		V/C	Delay (sec)	V/C	Delay (sec)
US 101 / NE 36 th Street	0.80 major approach / 0.90 minor approach	0.01 (SBLT) 0.59 (WB)	8.78 (SBLT) 54.5 (WB)	0.03 (SBLT) 0.72 (WB)	11.5 (SBLT) 123.0 (WB)
US 101 / NE 31 st Street	0.80 major approach / 0.90 minor approach	0.02 (SBLT) 0.61 (WB)	8.94 (SBLT) 72.3 (WB)	0.06 (SBLT) 0.79 (WB)	12.6 (SBLT) 182.2 (WB)
US 101 / NE 25 th Street	0.80 for intersection	0.62	14.2	0.92	48.5
US 101 / NE 20 th Street	0.90 for intersection	0.55	18.3	0.92	63.2
NE Harney Street / NE 31 st Street	0.90 minor approach	0.04 (EB)	8.62 (EB)	0.07 (EB)	9.0 (EB)

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, LT = Left-turn, TH = Through, RT = Right-turn
 V/C= Critical volume-to-capacity ratio, Delay= Intersection delay (signalized) / Critical movement delay (unsignalized)
 Shaded values indicate the intersection volume-to-capacity ratio is forecast to exceed the respective mobility target

³ The 20-year operations are reflective of signal timing optimization while maintaining the existing overall cycle length.

Site Zoning and Development Scenarios

For the purposes of this analysis, two reasonable worst-case development scenarios were identified for the 40-acre site to compare the traffic impacts between development under the existing Timber Conservation zone and for a potential future residential zoning designation.

Existing Timber Conservation Zoning vs. Potential Residential Zoning

The existing Timber Conservation zone is essentially a resource land zone designation. As such, it has conservatively been assumed that it has no significant or measurable trip generation potential. Under a potential residential zoning designation, it was conservatively assumed that the 40-acres site could be zoned under the City of Newport’s R-2 Medium Density Single Family Residential zone which allows a mix of duplexes and single-family homes. Based on a preliminary site assessment taking into consideration topography, non-buildable lands, and wetlands, it was determined that the site could conservatively support up to 200 single family homes. This land use was assumed to represent a reasonable worst-case development scenario for the subject property.

Table 6 shows the estimated trip generation comparison between the two land use scenarios as summarized in the ITE *Trip Generation Manual, 10th Edition*. As shown, the proposed urbanization of the 40-acre site under R-2 development scenario would generate approximately 1,968 net new daily trips, 147 net new AM peak hour trips, and 198 net new PM peak hour trips.

Table 7 – Estimated Trip Generation (Current Timber Conservation Zone vs. Proposed Residential Zone)

Land Use	ITE Code	Size	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Existing Lincoln County Timber Conservation Zone									
Rural Resource Land	-	40 acres	-	-	-	-	-	-	-
Assumed City of Newport R-2 Medium Density Single Family Zoning									
Single-Family Detached Housing	210	200 homes	1,968	147	37	110	198	125	73
Net New Trips			+1,968	+147	+37	+110	+198	+125	+73

Site Trip Distribution and Assignment

Under the existing Timber Conservation Zone, there is no measurable trip profile that can be forecast from this land use. Under the assumed R-2 Medium Density Single Family Residential development scenario, vehicular access to the 40-acre site was assumed to occur via multiple driveways along the property’s NE Harney Street frontage. From these points of access, the distribution of site-generated trips onto the study area roadway system was estimated based on an examination of major transportation facilities within the site vicinity and travel characteristics observed from the existing weekday AM and PM traffic counts.

The assumed trip distribution pattern for the R-2 Medium Density Single Family Residential development scenario are illustrated in Figures 7 and 8 along with the total weekday AM and PM peak hour site trip assignments.

Year 2040 Total Traffic Intersection Operations Analysis (40-Acres Converted to Residential Zoning)

The 2040 traffic conditions analysis forecasts how the study area’s transportation system will operate by the planning horizon year if the subject site were to remain under the current Timber Conservation zone or reasonably developed under the R-2 Medium Density Single Family Residential zone. As noted, there is no measurable development potential under the Timber Conservation zone. Accordingly, the previously summarized 2040 Background traffic conditions effectively represent the operations under this scenario. To produce the analysis under the R-2 Medium Density Single Family Residential development scenario, the weekday AM and PM peak hour site generated traffic volumes shown in Figures 7 and 8 were added to the background traffic volumes shown in Figures 5 and 6 to arrive at year 2040 traffic volumes shown in Figures 9 and 10.

Year 2040 Total Traffic Operations Results (40-Acres Converted to Residential Zoning)

Operations of the study intersections under 2040 Total conditions (with the 40 acres converted to residential zoning) were assessed using the previously described methodology and were compared to the respective mobility targets. Table 8 summarizes the operational analyses for the weekday AM and PM peak hour reflective of anticipated regional/local traffic volume growth and the traffic generated by the R-2 Medium Density Single Family Residential zone. As shown, all of the study intersections are forecast to experience operational issues. Specifically, the US 101/NE 25th Street and US 101/NE 20th Street intersections are forecast to continue to operate above their respective mobility targets while the critical westbound approaches at the US 101/NE 36th Street and US 101/NE 20th Street intersections are forecast to operate over capacity. *Appendix “F” includes the 2040 total traffic conditions intersection operations analysis worksheets.*

Table 8 - 2040 Total Traffic Conditions (40 Acres Converted to Residential Zoning)

Study Intersections	V/C Mobility Target	Weekday AM Peak Hour		Weekday PM Peak Hour	
		V/C	Delay (sec)	V/C	Delay (sec)
US 101 / NE 36 th Street	0.80 major approach / 0.90 minor approach	0.02 (SBLT) 0.91 (WB)	8.87 (SBLT) 113.9 (WB)	0.07 (SBLT) 1.75 (WB)	12.2 (SBLT) 584.9 (WB)
US 101 / NE 31 st Street	0.80 major approach / 0.90 minor approach	0.02 (SBLT) 1.11 (WB)	9.06 (SBLT) 205.6 (WB)	0.07 (SBLT) 1.69 (WB)	13.4 (SBLT) 526.6 (WB)
US 101 / NE 25 th Street	0.80 for intersection	0.59	13.0	0.94	48.8
US 101 / NE 20 th Street	0.90 for intersection	0.58	18.8	0.95	73.3
NE Harney Street / NE 31 st Street	0.90 minor approach	0.04 (EB)	9.17 (EB)	0.17 (EB)	11.1 (EB)

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, LT = Left-turn, TH = Through, RT = Right-turn
V/C= Critical volume-to-capacity ratio, Delay= Intersection delay (signalized) / Critical movement delay (unsignalized)
Shaded values indicate the intersection volume-to-capacity ratio is forecast to exceed the respective mobility target

Figure 7 – Site Trip Distribution and Site Generated Trips (Proposed Residential Zoning), Weekday AM Peak Hour

Generated with **PTV VISTRO** Newport UGP Swap Weekday AM Peak Hour
Version 7.00-05 Year 2039 Total Traffic Conditions HCM 6th

Traffic Volume - Net New Site Trips

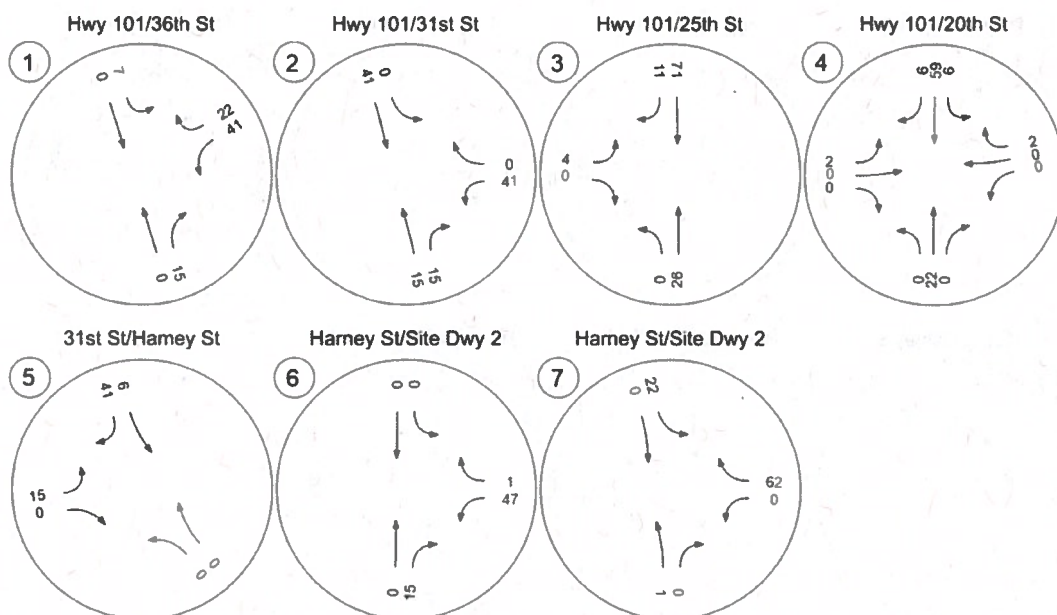
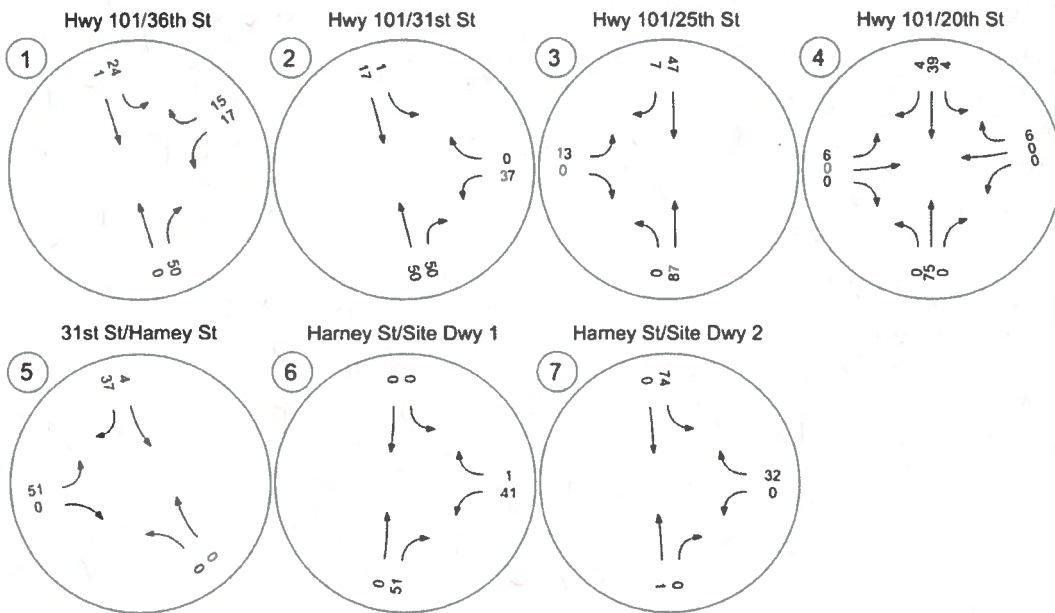


Figure 8 – Site Trip Distribution and Site Generated Trips (Proposed Residential Zoning), Weekday PM Peak Hour

Generated with **PTV VISTRO** Newport UGP Swap Weekday PM Peak Hour
 Version 7.00-05 Year 2039 Total Traffic Conditions HCM 6th
Traffic Volume - Net New Site Trips



10/18/2019

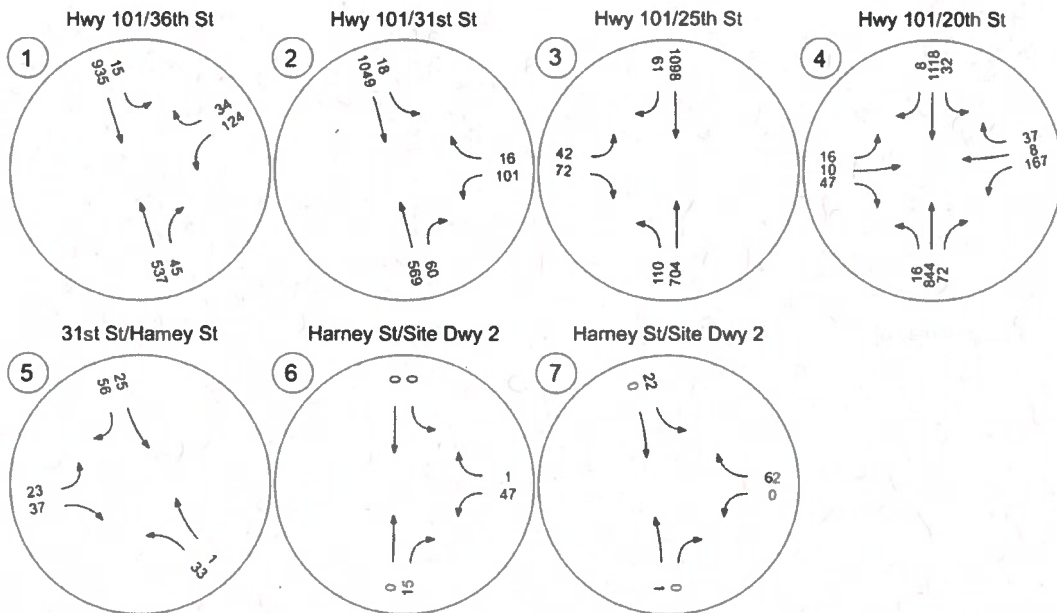


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Figure 9 – 2040 Traffic Volumes (w/ Proposed Residential Zoning), Weekday AM Peak Hour

Generated with **PTV VISTRO** Version 7.00-05
Newport UGP Swap Year 2039 Total Traffic Conditions
Weekday AM Peak Hour HCM 6th

Traffic Volume - Future Total Volume



10/18/2019

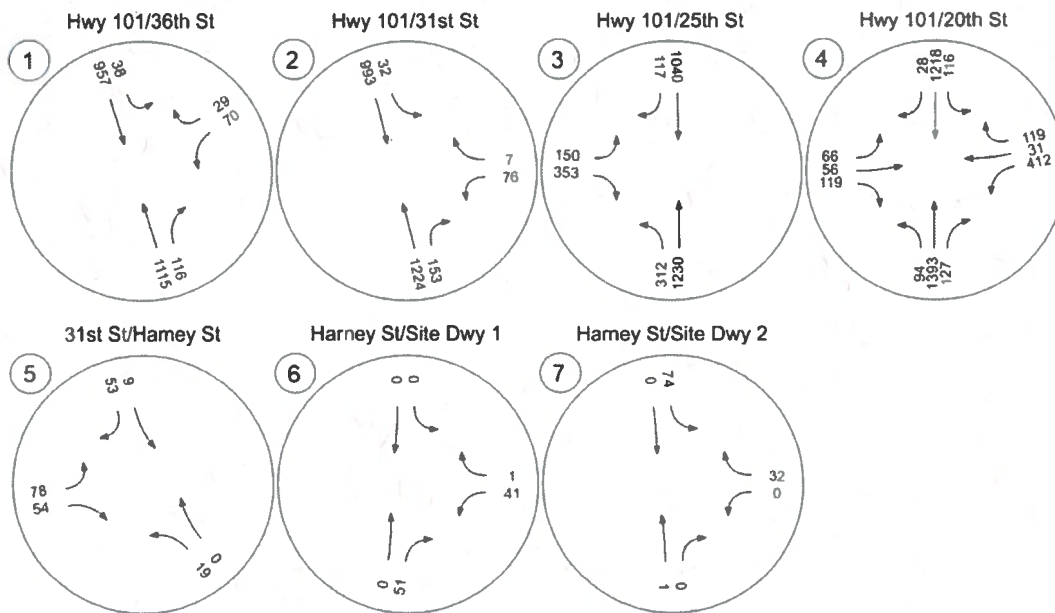


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Figure 10 – 2040 Traffic Volumes (w/ Proposed Residential Zoning), Weekday PM Peak Hour

Generated with **PTV VISTRO** Newport UGP Swap Weekday PM Peak Hour
 Version 7.00-05 Year 2039 Total Traffic Conditions HCM 6th

Traffic Volume - Future Total Volume



10/18/2019



4

Year 2040 Intersection Operation Deficiencies and Mitigation Measures

As noted in Table 8, the inclusion of R-2 Medium Density Single Family Residential zoning on the 40 acres is forecast to result in a measurable degradation of the four US 101 study intersections when compared to the 2040 Background Conditions analysis. Therefore, per the TPR, the proposed land exchange has the potential to create a significant effect on the supporting transportation infrastructure. The following sections identify potential mitigation measures that could be considered to address forecast operations.

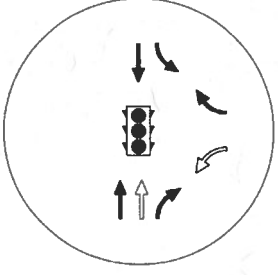
US 101/NE 36th Street Intersection

The westbound approach at the unsignalized US 101/NE 36th Street intersection is projected to exceed the mobility target during the weekday AM peak hour and operate well over capacity during the weekday PM peak hour. In recognition of these findings, the following investigation was performed:

- A signal warrant analysis found that the intersection is forecast to meet the volume-based planning warrants for a traffic signal.
- Given that signalization of the intersection is already identified in the Newport TSP, mitigation scenarios were limited to signalization and potential roadway widening options as summarized in Table 9 below.

Table 9 – US 101/NE 36th Street Intersection Mitigation Summary, 2040 Total Traffic Conditions

US 101/NE 36 th Street Intersection		Weekday AM Peak Hour			Weekday PM Peak Hour			
Under Existing Unsignalized Intersection Configurations								
	Critical Westbound Approach V/C = 0.91			Critical Westbound Approach V/C = 1.75				
	Mitigation Option #1 – Signalization w/separate left- and right-turn lanes on NE 36 th Street							
	V/C = 0.73	WB	LT	75	V/C = 0.88	WB	LT	50
			RT	25			RT	25
		SB	TH	200		SB	TH	100
			LT	25			LT	25
		NB	TH	100		NB	TH	900
			RT	25			RT	25

US 101/NE 36 th Street Intersection		Weekday AM Peak Hour			Weekday PM Peak Hour			
Mitigation Option #2 – Signalization w/separate left- and right-turn lanes on NE 36th Street and a second northbound lane on US 101								
	V/C = 0.73	Approach	Lane	95 th Queue	V/C = 0.78	Approach	Lane	95 th Queue
		WB	LT	75		WB	LT	25
			RT	25			RT	25
		SB	TH	250		SB	TH	75
			LT	25			LT	25
		NB	TH	50		NB	TH	100
			RT	50			RT	100

Note: Hollow arrows represent assumed lane configurations

As shown in Table 9, Mitigation Scenario #1 involves the signalization of the intersection along with widening for separate left- and right-turn lanes on the NE 36th Street approach. While this scenario would restore working capacity to the intersection (0.88), it would still operate above the 0.80 mobility target during the weekday PM peak hour. As such, Mitigation Scenario #2 assessed a widening of the critical northbound US 101 approach to include a second northbound through lane. This additional US 101 widening coupled with all the improvements under Mitigation Scenario #1 would provide sufficient capacity (0.78) to meet the 0.80 mobility target. *Appendix "G" includes the 2040 total traffic mitigation operations analysis worksheets.*

Summary of US 101/NE 36th Street Intersection Mitigation and Potential Alternative Mobility Targets

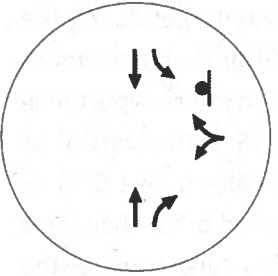
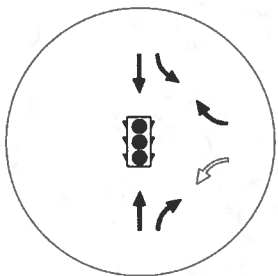
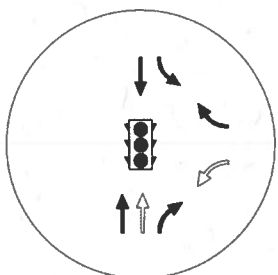
The analysis in Table 9 shows that without traffic control and widening improvements, the US 101/NE 36th Street intersection will operate over capacity. With the first level of intersection improvements in place (i.e. signalization w/separate left- and right-turn lanes on NE 36th Street), working capacity will be restored to the intersection, but it would still operate above the ODOT mobility target during the weekday PM peak hour. Given that the intersection will require a significant additional enhancement (a second northbound lane on US 101) to fully meet the 0.80 mobility target, the City of Newport may want to consider adoption of alternative mobility targets along this segment of US 101 as part of its ongoing Transportation System Plan (TSP) update. For example, adoption of an alternative 0.90 or higher mobility target during 30th highest hour conditions or using an analysis period other than peak season for this segment of US 101 would result in the intersection meeting mobility targets under the more realistic and achievable Mitigation Scenario #1.

US 101/NE 31st Street Intersection

The westbound approach at the unsignalized US 101/NE 31st Street intersection is projected to operate over capacity during the weekday AM and PM peak hours. In recognition of these findings, the following investigation was performed:

- A signal warrant analysis found that the intersection is forecast to meet the volume-based planning warrants for a traffic signal.
- Given the context and constraints of the study area, mitigation scenarios were limited to signalization and potential roadway widening options as summarized in Table 10 below.

Table 10 – US 101/NE 31st Street Intersection Mitigation Summary, 2040 Total Traffic Conditions

US 101/NE 31 st Street Intersection		Weekday AM Peak Hour			Weekday PM Peak Hour			
Under Existing Unsignalized Intersection Configurations								
		Critical Westbound Approach V/C = 1.11			Critical Westbound Approach V/C = 1.69			
Mitigation Option #1 – Signalization w/separate left- and right-turn lanes on NE 31 st Street								
	V/C = 0.79	Approach	Lane	95 th Queue	V/C = 0.95	Approach	Lane	95 th Queue
WB		LT	75	WB		LT	50	
		RT	25			RT	25	
SB		TH	400	SB		TH	125	
		LT	25			LT	25	
NB		TH	100	NB		TH	1,300	
	RT	25	RT		25			
Mitigation Option #2 – Signalization w/separate left- and right-turn lanes on NE 31 st Street and a second northbound lane on US 101								
	V/C = 0.79	Approach	Lane	95 th Queue	V/C = 0.79	Approach	Lane	95 th Queue
WB		LT	75	WB		LT	50	
		RT	25			RT	25	
SB		TH	400	SB		TH	100	
		LT	25			LT	25	
NB		TH	50	NB		TH	125	
	RT	50	RT		25			

Note: Hollow arrows represent assumed lane configurations

As shown in Table 10, Mitigation Scenario #1 involves the signalization of the intersection along with widening for separate left- and right-turn lanes on the NE 31st Street approach. While this scenario would restore some capacity to the intersection (0.95), it would still operate well above the 0.80 mobility target during the weekday PM peak hour. As such, Mitigation Scenario #2 assessed a widening of the critical northbound US 101 approach to include a second northbound through lane. This additional widening coupled with all the improvements under Mitigation Scenario #1 would provide sufficient capacity (0.79) to meet the 0.80 mobility target. *Appendix "G" includes the 2040 total traffic mitigation operations analysis worksheets.*

Summary of US 101/NE 31st Street Intersection Mitigation and Potential Alternative Mobility Targets

The analysis in Table 10 shows that without traffic control and physical improvements, the US 101/NE 31st Street intersection will operate over capacity. With the first level of intersection improvements in place (i.e. signalization w/separate left- and right-turn lanes on NE 31st Street), some capacity will be restored to the intersection, but it would still operate well above the ODOT mobility target during the weekday PM peak hour. Given that the intersection will require a significant additional enhancement (a second northbound lane on US 101) to fully meet the 0.80 mobility target, the City of Newport may want to consider adoption of alternative mobility targets along this segment of US 101 as part of its ongoing Transportation System Plan (TSP) update. For example, adoption of an alternative 0.95 or higher mobility target during 30th highest hour conditions, or using an analysis period other than peak season for this segment of US 101 would result in the intersection meeting mobility targets under the more realistic and achievable Mitigation Scenario #1.

US 101/NE 25th Street Intersection

The US 101/NE 25th Street intersection is forecast to operate at volume-to-capacity ratio of 0.94 during the weekday PM peak hour which exceeds the critical 0.92 volume-to-capacity ratio under background conditions. In recognition of this finding, a mitigation scenario was evaluated that involves the addition of right-turn overlap phasing to the eastbound right-turn lane. As summarized in Table 11, this relatively simple and inexpensive signal modification will significantly improve the intersection to an acceptable 0.76 volume-to-capacity ratio. *Appendix "G" includes the 2040 total traffic mitigation operations analysis worksheets.*

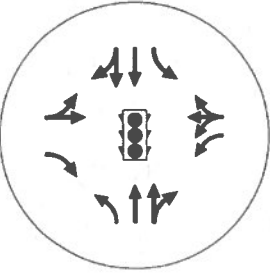

Table 11 - US 101/NE 25th Street Intersection Mitigation Summary, 2040 Total Traffic Conditions

US 101/NE 25 th Street Intersection		Weekday AM Peak Hour			Weekday PM Peak Hour			
Under Existing Intersection Configurations								
	V/C = 0.59			V/C = 0.94				
	Mitigation – Add overlap phasing to the eastbound right-turn movement							
	V/C = 0.56	Approach	Lane	95 th Queue	V/C = 0.76	Approach	Lane	95 th Queue
		EB	LT	75		EB	LT	200
			RT	50			RT	350
		SB	TH	275		SB	TH	675
		NB	TH	175		NB	TH	350
LT	50		LT	475				

US 101/NE 20th Street Intersection

The US 101/NE 20th Street intersection is forecast to operate at volume-to-capacity ratio of 0.95 during the weekday PM peak hour which exceeds the critical 0.92 volume-to-capacity ratio under background conditions. In recognition of this finding, a mitigation scenario was evaluated that involves the addition of right-turn overlap phasing to the eastbound right-turn lane and the addition of a separate westbound right-turn lane. As summarized in Table 12, this signal and signal timing modification will improve the intersection to an acceptable 0.89 volume-to-capacity ratio. *Appendix "G" includes the 2040 total traffic mitigation operations analysis worksheets.*

Table 12 - US 101/NE 20th Street Intersection Mitigation Summary, 2040 Total Traffic Conditions

US 101/NE 31 st Street Intersection		Weekday AM Peak Hour			Weekday PM Peak Hour					
Under Existing Intersection Configurations										
	V/C = 0.58			V/C = 0.95						
	Mitigation Option #1 – Add overlap phasing to the eastbound right-turn movement and add a separate westbound right-turn lane									
	V/C = 0.58	EB	Approach	Lane	95 th Queue	V/C = 0.89	EB	Approach	Lane	95 th Queue
			LT/TH	50	200			LT/TH	200	
		RT	25	150	RT	150				
		WB	LT	125	300	WB	LT	300		
			LT/TH	150	300		LT/TH	300		
			RT	50	175		RT	175		
		SB	TH/RT	350	625	SB	TH/RT	625		
			LT	75	250		LT	250		
		NB	LT	50	175	NB	LT	175		
			TH/RT	275	950		TH/RT	950		

Note: Hollow arrows represent assumed lane configurations

Summary of US 101/NE 20th Street Intersection Mitigation and Potential Alternative Mobility Targets

The analysis in Table 12 shows that without traffic control and physical improvements, the US 101/NE 20th Street intersection will operate over the 0.92 background volume-to-capacity ratio and over the 0.90 mobility target. With the identified intersection improvements in place (i.e. eastbound right-turn

overlap phasing and a separate westbound right-turn lane on NE 20th Street), some capacity will be restored to the intersection. However, given that the westbound right-turn lane will likely involve right-of-way impacts to the adjacent parcel, the City of Newport may consider adoption of alternative mobility targets along this segment of US 101 as part of its ongoing Transportation System Plan (TSP) update. For example, adoption of an alternative 0.95 or higher mobility target during 30th highest hour conditions, or using an analysis period other than peak season for this segment of US 101 would result in the intersection meeting mobility targets without the costly and impactful right-turn lane improvement.

Alternative Trip Routing Scenario Using Big Creek Road

At the request of the City of Newport, an alternative operations scenario was performed that assumes significant upgrades to Big Creek Road (widened to bi-directional travel and modernized to accommodate multi-modal use) and an associated higher percentage of local trips using this facility as an alternative to US 101. To address this request, a reasonable portion of the localized background growth and the new trips generated by urbanization of the 40 acres was reassigned to Big Creek Road. In summary, each of the study intersections that was previously identified as either operating over capacity or over their respective mobility targets would continue to operate over capacity or over their respective mobility targets. While Big Creek Road would provide some parallel benefit (particularly for trips to/from the local public schools), that benefit has its limitations given the roadways circuitous alignment through established residential neighborhoods and its lack of connections to major retail centers along the US 101 corridor.

TRANSPORTATION PLANNING RULE COMPLIANCE

This section addresses the Oregon Administrative Rule Section 660-12-0060 of the Oregon Transportation Planning Rule (TPR) requirements for the proposed zone change.

TRANSPORTATION PLAN RULE

OAR Section 660-12-0060 Plan and Land Use Regulation Amendments of the TPR sets forth the criteria for evaluating plan and land use regulation amendments. The criteria establish the determination of significant effect on a transportation system resulting from a land use action; where a significant effect is identified, the criteria establish the means for achieving compliance. The relevant portion of this section of the TPR is reproduced below in italics followed by the response for this project in standard text.

660-12-0060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

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

Response: The proposed land exchange and residential zoning of the 40-acre site will not require or result in any changes to the functional classification of any transportation facility in the vicinity of the site.

(b) Change standards implementing a functional classification system; or

Response: The proposed land exchange and residential zoning of the 40-acre site will not outright require changes to the standards that implement the functional classification system. However, if desired by the City of Newport and ODOT, alternative mobility targets could potentially be adopted to address the operational impacts of the proposed land exchange. See subsequent responses to the (c) below.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to,

transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Response: The proposed land exchange and residential zoning of the 40-acre site would result in future traffic volumes that are consistent with the functional classifications of the roadways in the study area.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

Response: The proposed land exchange and residential zoning of the 40-acre site would degrade operations of the US 101/NE 36th Street and US 101/NE 31st Street intersections below their respective mobility targets. Signalization and the addition of travel lanes on US 101, NE 36th Street, and NE 31st Street would improve forecast intersection operations back to acceptable levels. Alternatively, signalization, widening to the NE 36th Street and NE 31st Street approaches, and potential adoption of alternative mobility targets would allow operations to be measured at acceptable levels without the significant and costly widening of US 101.

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Response: Without any mitigation measures in place, the proposed land exchange and residential zoning of the 40-acre site would result in further degradation of failing operations at the US 101/NE 25th Street and US 101/NE 20th Street intersections. Modification of current signal phasing would restore the US 101/NE 25th Street intersection to a v/c ratio that is better than the respective mobility target. Modification of current signal phasing and the installation of a separate westbound right-turn lane would restore the US 101/NE 20th Street intersection to a v/c ratio that is better than the respective mobility target. Alternatively, potential adoption of alternative mobility targets would allow operations to be measured at acceptable levels without the significant and costly widening of the westbound NE 20th Street approach.

CONCLUSIONS

Based on the long-term traffic impact analyses detailed in this report, the proposed land exchange and residential zoning of the 40-acre site has the potential to significantly affect the surrounding transportation system. As mitigation for this potential significant effect and to comply with the TPR (OAR Section 660-12-0060), the following intersection improvements can be considered:

The US 101/NE 36th Street Intersection Improvements:

- Capacity Enhancing Projects:
 - Widen the westbound NE 36th Street approach to include a separate left- and right-turn lane.
 - Install a traffic signal
- Additional Projects to Meet the Currently Adopted 0.80 Mobility Target:
 - Widen US 101 to include a second northbound through lane
- Alternative to Meeting the 0.80 Mobility Target:
 - City of Newport and ODOT consider the adoption of an alternative mobility target (0.90 or higher) under 30th highest hour conditions or maintain the existing target under other than peak season conditions.

US 101/NE 31st Street Intersection

- Capacity Enhancing Projects:
 - Widen the westbound NE 31st Street approach to include a separate left- and right-turn lane.
 - Install a traffic signal
- Additional Projects to Meet the Currently Adopted 0.80 Mobility Target:
 - Widen US 101 to include a second northbound through lane
- Alternative to Meeting the 0.80 Mobility Target:
 - City of Newport and ODOT consider the adoption of an alternative mobility target (0.95 or higher) under 30th highest hour conditions or maintain the existing target under other than peak season conditions.

US 101/NE 25th Street Intersection

- Projects to Restore the Intersection to Background Traffic Conditions:
 - Install right-turn overlap phasing on the eastbound approach

US 101/NE 20th Street Intersection

- **Projects to Restore the Intersection to Background Traffic Conditions/Mobility Target:**
 - Install right-turn overlap phasing on the eastbound approach.
 - Construct a separate westbound right-turn lane on the NE 20th Street approach.
- **Alternative to Meeting the 0.90 Mobility Target:**
 - City of Newport and ODOT consider the adoption of an alternative mobility target (0.95 or higher) under 30th highest hour conditions or maintain the existing target under other than peak season conditions.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Matt Hughart, AICP
Principal Planner



Susan Wright, P.E.
Principal Engineer



Ali Razmpa
Transportation Analyst

Appendix A Season Adjustment Calculations

Derrick Tokos

From: Onno Husing <ohusing@co.lincoln.or.us>
Sent: Friday, July 31, 2020 8:50 AM
To: Derrick Tokos
Cc: Wayne Belmont
Subject: Re: FW: Two questions

Good morning. Hope you are well too.

Yes, I recall we thought it should be a "major amendment" when we looked at this some time ago with you and the consultants.

Onno

On Thu, Jul 30, 2020 at 4:39 PM Derrick Tokos <D.Tokos@newportoregon.gov> wrote:

Hi Onno,

I hope all is well. This UGB amendment was finally submitted (see attached). It is presently incomplete and I expect a resubmittal in a couple of weeks. In the meantime, I just want to confirm that you agree this is a Major Amendment. I believe that is where we landed on the topic when we discussed it "in concept" back in 2018 per the email exchange below.

Could you please provide a brief email response to the affirmative so that I have it in the record?

Thank you,

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

ADMINISTRATION OF THE PLAN

Introduction:

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

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

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

Text Amendments

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

Map Amendments¹

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

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

Three types of amendments are possible to each of these maps. The first involves wide areas of the map and many different properties, and these are considered major, legislative changes (see the urbanization section on page 273 for definitions). The second usually involves small areas and affects only a few pieces of property. These amendments are considered minor (again, see the urbanization section for definitions), and are quasi-judicial in nature. The third amendment is an amendment based on a demonstrated error in a map designation of a property or the establishment of boundaries on one of the maps. Errors may include, but are not limited to cartographic mistakes, scrivener's errors in a description of a designation or boundary, incorrect map designations of property based on an erroneous assumption of property ownership, the need to reconcile conflicts between a comprehensive plan map designation and a zoning map designation of a property, or the need to adjust comprehensive plan designations or boundaries based on the correction of errors in the Urban Growth Boundary under the Newport Comprehensive Plan process for resolution of errors in the Urban Growth Boundary.

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

A. Major Amendments:

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

B. Minor Amendments:

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

C. Error Amendments:

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

Initiation:

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

All modifications initiated by a motion of the City Council or an application from a property owner or resident shall be forwarded

to the Planning Commission for review and recommendation, who shall review the request and send a recommendation back to the City Council.

Hearings and Notification:

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

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

Findings of Fact:

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

A. Data, Text, Inventories or Graphics:

- 1.) New or updated information.

B. Conclusions:

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

C. Goals and Policies:

- 1.) A significant change in one or more conclusion; or
- 2.) A public need for the change; or
- 3.) A significant change in community attitudes or priorities; or

- 4.) A demonstrated conflict with another plan goal or policy that has a higher priority; or
- 5.) A change in a statute or statewide agency plan; and
- 6.) All the Statewide Planning Goals.

D. Implementation Strategies:

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

Interpretations:

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

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

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

Additional Map Information:

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

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

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

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

- F. Areas below the mean higher high water line or the line of non-aquatic vegetation, whichever is most landward in the estuarine area, shall be considered to be in the estuarine management unit rather than the adjacent shoreland zone.
- G. Boundaries indicated as parallel to or extensions of geographic features indicated in subsections 1 through 6, above, shall be so construed.
- H. Distances not specifically indicated on the official maps shall be determined by the scale of the map.

Citizen Involvement:

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

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

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

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

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

When the emphasis for citizen involvement is shifted from the quasi-judicial to the legislative, the adversarial nature of the program is reduced. It is no longer the neighborhood versus the developer but a group of concerned citizens who want a well planned community. The accent is also changed from the strict, legal procedures to more informal fact finding. All voices are encouraged. People have the freedom to explore all the alternatives and consider them fully.

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

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

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

GOALS/POLICIES/IMPLEMENTATION
FOR CITIZEN INVOLVEMENT

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

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

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

Implementation Measure #2: The city may promote or assist neighborhood organizations to assist in decision making. When appropriate, the Planning Commission and/or City Council may hold meetings in neighborhoods affected by the issues under consideration.

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

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

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

Implementation Measure #2: The city will develop clear and objective standards by which to review development proposals. Those standards should be developed only

after a concerted effort by the city to involve citizens in the formulation process.

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

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

URBANIZATION*

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

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

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

Newport Urban Growth Areas:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GOALS/POLICIES/IMPLEMENTATION MEASURES
URBANIZATION

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

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

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

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

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

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

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

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

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

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

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

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

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

1.) **Major Amendments:**

a.) Any UGB change that has widespread and significant influence beyond the immediate area. Examples include:

- (1) Quantitative changes that allow for substantial changes in the population or development density.
- (2) Qualitative changes in the land use, such as residential to commercial or industrial.
- (3) Changes that affect large areas or many different ownerships.

b.) A change in any urbanization policy.

2.) **Minor Boundary Line Adjustments:** The city and county may consider minor adjustments to the UGB using procedures similar to a zone change. Minor adjustments focus on specific, small properties not having significant impact beyond the immediate area.

3.) **Determination of Major and Minor Amendments:** The planning directors for the city and county shall determine whether or not a change is a minor or major amendment. If they cannot agree, the planning commissions for the city and county shall rule on the matter. The request shall be considered a major amendment if the planning commissions cannot agree.

4.) **Initiation, Application, and Procedure:** Individual or groups of property owners, agencies that are

affected, the planning commissions, or the city or county governing bodies may initiate amendments. Applicants for changes are responsible for completing the necessary application and preparing and

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

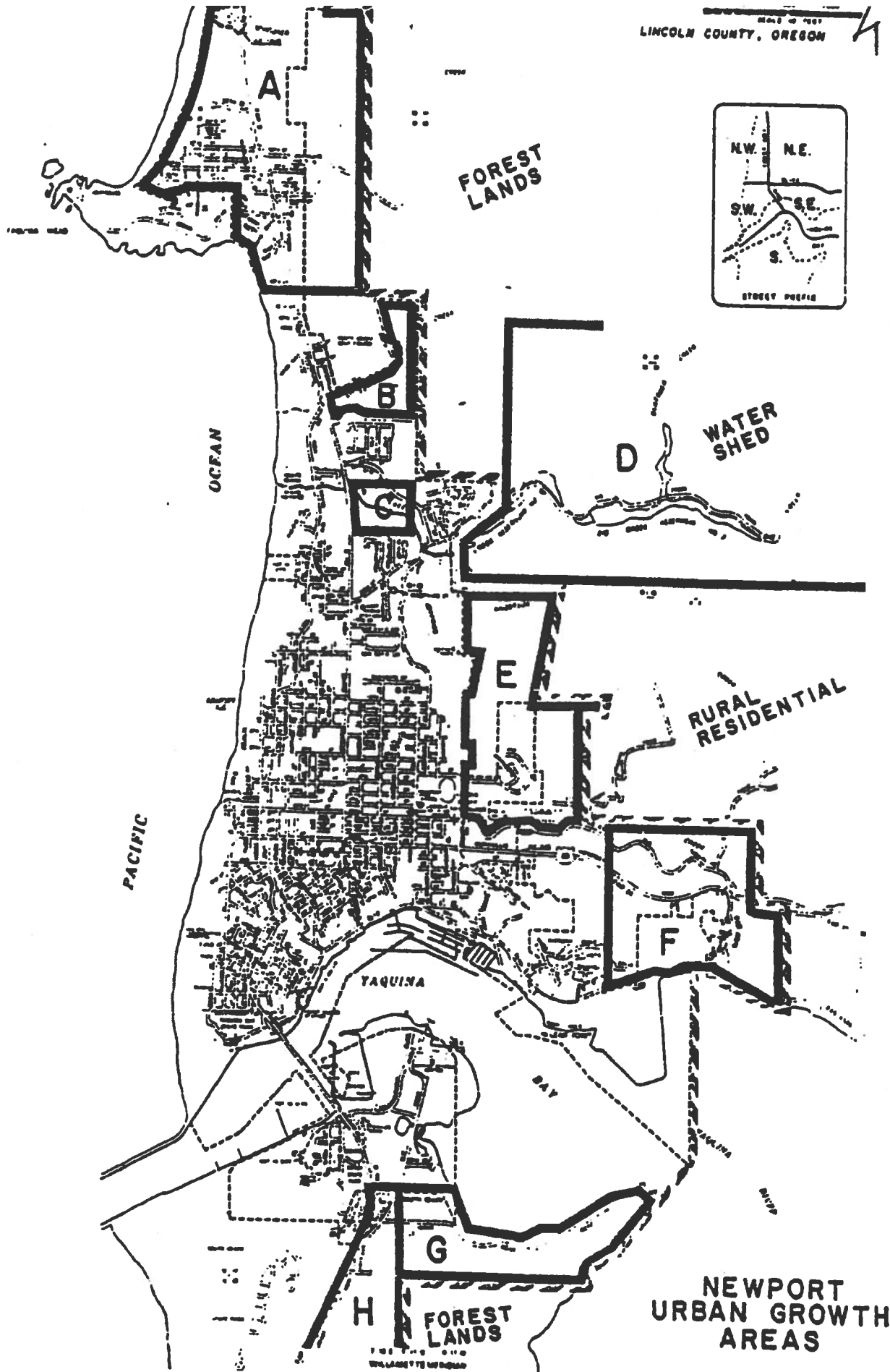
The city and county governing bodies shall hold public hearings on the request. Amendments become final only if both bodies approve the request.

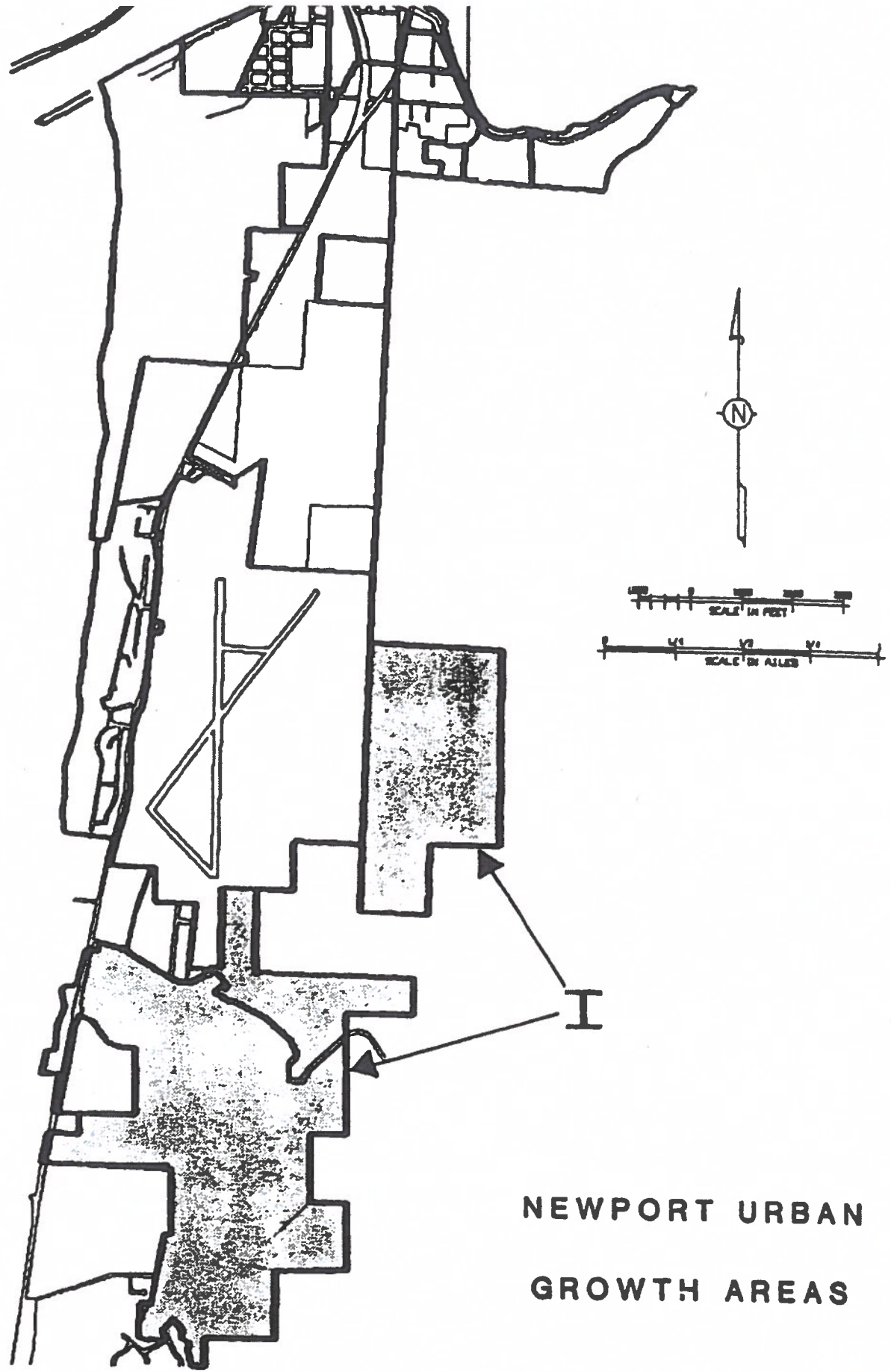
- 5.) Findings shall address the following:
- a.) Land Need: Establishment and change of urban growth boundaries shall be based on the following:
 - 1.) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments;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

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

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

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**NEWPORT URBAN
GROWTH AREAS**

Chapter 660

Attachment "K"
1-UGB-20 / 1-CP-20

Division 24

URBAN GROWTH BOUNDARIES

660-024-0070

UGB Adjustments

(1) A local government may adjust the UGB at any time to better achieve the purposes of Goal 14 and this division. Such adjustment may occur by adding or removing land from the UGB, or by exchanging land inside the UGB for land outside the UGB. The requirements of section (2) of this rule apply when removing land from the UGB. The requirements of Goal 14 and this division[and ORS 197.298] apply when land is added to the UGB, including land added in exchange for land removed. The requirements of ORS 197.296 may also apply when land is added to a UGB, as specified in that statute. If a local government exchanges land inside the UGB for land outside the UGB, the applicable local government must adopt appropriate rural zoning designations for the land removed from the UGB prior to or at the time of adoption of the UGB amendment and must apply applicable location and priority provisions of OAR 660-024-0060 through 660-020-0067.

(2) A local government may remove land from a UGB following the procedures and requirements of ORS 197.764. Alternatively, a local government may remove land from the UGB following the procedures and requirements of 197.610 to 197.650, provided it determines:

- (a) The removal of land would not violate applicable statewide planning goals and rules;
- (b) The UGB would provide a 20-year supply of land for estimated needs after the land is removed, or would provide roughly the same supply of buildable land as prior to the removal, taking into consideration land added to the UGB at the same time;
- (c) Public facilities agreements adopted under ORS 195.020 do not intend to provide for urban services on the subject land unless the public facilities provider agrees to removal of the land from the UGB and concurrent modification of the agreement;
- (d) Removal of the land does not preclude the efficient provision of urban services to any other buildable land that remains inside the UGB; and
- (e) The land removed from the UGB is planned and zoned for rural use consistent with all applicable laws.

(3) Notwithstanding sections (1) and (2) of this rule, a local government considering an exchange of land may rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided:

(a) The amount of buildable land added to the UGB to meet:

- (A) A specific type of residential need is substantially equivalent to the amount of buildable residential land removed, or
- (B) The amount of employment land added to the UGB to meet an employment need is substantially equivalent to the amount of employment land removed, and

(b) The local government must apply comprehensive plan designations and, if applicable, urban zoning to the land added to the UGB, such that the land added is designated:

- (A) For the same residential uses and at the same housing density as the land removed from the UGB, or
- (B) For the same employment uses as allowed on the land removed from the UGB, or
- (C) If the land exchange is intended to provide for a particular industrial use that requires specific site characteristics, only land zoned for commercial or industrial use may be removed, and the land added must be zoned for the particular industrial use and meet other applicable requirements of ORS 197A.320(6).

Statutory/Other Authority: ORS 197.040, 197A.305, 197A.320 & 197.235 & Statewide Planning Goal 14

Statutes/Other Implemented: ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650, 197.764 & 197A.300 - 197A.325

History:

LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

LCDD 2-2009, f. 4-8-09, cert. ef. 4-16-09

LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07

Chapter 660

Attachment "L"
1-UGB-20 / 1-CP-20

Division 24

URBAN GROWTH BOUNDARIES

660-024-0065

Establishment of Study Area to Evaluate Land for Inclusion in the UGB

(1) When considering a UGB amendment to accommodate a need deficit identified in OAR 660-024-0050(4), a city outside of Metro must determine which land to add to the UGB by evaluating alternative locations within a "study area" established pursuant to this rule. To establish the study area, the city must first identify a "preliminary study area" which shall not include land within a different UGB or the corporate limits of a city within a different UGB. The preliminary study area shall include:

(a) All lands in the city's acknowledged urban reserve, if any;

(b) All lands that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one-half mile;

(B) For cities with a UGB population equal to or greater than 10,000: one mile;

(c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one mile;

(B) For cities with a UGB population equal to or greater than 10,000: one and one-half miles;

(d) At the discretion of the city, the preliminary study area may include land that is beyond the distance specified in subsections (b) and (c).

(2) A city that initiated the evaluation or amendment of its UGB prior to January 1, 2016, may choose to identify a preliminary study area applying the standard in this section rather than section (1). For such cities, the preliminary study area shall consist of:

(a) All land adjacent to the acknowledged UGB, including all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency, and

(b) All land in the city's acknowledged urban reserve established under OAR chapter 660, division 21, if applicable.

(3) When the primary purpose for expansion of the UGB is to accommodate a particular industrial use that requires specific site characteristics, or to accommodate a public facility that requires specific site characteristics, and the site characteristics may be found in only a small number of locations, the preliminary study area may be limited to those locations within the distance described in section (1) or (2), whichever is appropriate, that have or could be improved to provide the required site characteristics. For purposes of this section:

(a) The definition of "site characteristics" in OAR 660-009-0005(11) applies for purposes of identifying a particular industrial use.

(b) A "public facility" may include a facility necessary for public sewer, water, storm water, transportation, parks, schools, or fire protection. Site characteristics may include but are not limited to size, topography and proximity.

(4) The city may exclude land from the preliminary study area if it determines that:

(a) Based on the standards in section (7) of this rule, it is impracticable to provide necessary public facilities or services to the land;

(b) The land is subject to significant development hazards, due to a risk of:

(A) Landslides: The land consists of a landslide deposit or scarp flank that is described and mapped on the Statewide Landslide Information Database for Oregon (SLIDO) Release 3.2 Geodatabase published by the Oregon Department of Geology and Mineral Industries (DOGAMI) December 2014, provided that the deposit or scarp flank in the data source is mapped at a scale of 1:40,000 or finer. If the owner of a lot or parcel provides the city with a site-specific analysis by a

certified engineering geologist demonstrating that development of the property would not be subject to significant landslide risk, the city may not exclude the lot or parcel under this paragraph;

(B) Flooding, including inundation during storm surges: the land is within the Special Flood Hazard Area (SFHA) identified on the applicable Flood Insurance Rate Map (FIRM);

(C) Tsunamis: the land is within a tsunami inundation zone established pursuant to ORS 455.446;

(c) The land consists of a significant scenic, natural, cultural or recreational resource described in this subsection:

(A) Land that is designated in an acknowledged comprehensive plan prior to initiation of the UGB amendment, or that is mapped on a published state or federal inventory at a scale sufficient to determine its location for purposes of this rule, as:

(i) Critical or essential habitat for a species listed by a state or federal agency as threatened or endangered;

(ii) Core habitat for Greater Sage Grouse; or

(iii) Big game migration corridors or winter range, except where located on lands designated as urban reserves or exception areas;

(B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal agency responsible for the scenic program;

(C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources;

(D) Wellhead protection areas described under OAR 660-023-0140 and delineated on a local comprehensive plan;

(E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan;

(F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;

(G) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 18, Implementation Requirement 2;

(d) The land is owned by the federal government and managed primarily for rural uses.

(5) After excluding land from the preliminary study area under section (4), the city must adjust the area, if necessary, so that it includes an amount of land that is at least twice the amount of land needed for the deficiency determined under OAR 660-024-0050(4) or, if applicable, twice the particular land need described in section (3). Such adjustment shall be made by expanding the distance specified under the applicable section (1) or (2) and applying section (4) to the expanded area.

(6) For purposes of evaluating the priority of land under OAR 660-024-0067, the "study area" shall consist of all land that remains in the preliminary study area described in section (1), (2) or (3) of this rule after adjustments to the area based on sections (4) and (5), provided that when a purpose of the UGB expansion is to accommodate a public park need, the city must also consider whether land excluded under subsection (4)(a) through (c) of this rule can reasonably accommodate the park use.

(7) For purposes of subsection (4)(a), the city may consider it impracticable to provide necessary public facilities or services to the following lands:

(a) Contiguous areas of at least five acres where 75 percent or more of the land has a slope of 25 percent or greater, provided that contiguous areas 20 acres or more that are less than 25 percent slope may not be excluded under this subsection. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;

(b) Land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. The city's determination shall be based on an evaluation of:

(A) The likely amount of development that could occur on the land within the planning period;

(B) The likely cost of facilities and services; and,

(C) Any substantial evidence collected by or presented to the city regarding how similarly situated land in the region has, or has not, developed over time.

(c) As used in this section, "impediments to service provision" may include but are not limited to:

- (A) Major rivers or other water bodies that would require new bridge crossings to serve planned urban development;
- (B) Topographic features such as canyons or ridges with slopes exceeding 40 percent and vertical relief of greater than 80 feet;
- (C) Freeways, rail lines, or other restricted access corridors that would require new grade separated crossings to serve planned urban development;
- (D) Significant scenic, natural, cultural or recreational resources on an acknowledged plan inventory and subject to protection measures under the plan or implementing regulations, or on a published state or federal inventory, that would prohibit or substantially impede the placement or construction of necessary public facilities and services.
- (8) Land may not be excluded from the preliminary study area based on a finding of impracticability that is primarily a result of existing development patterns. However, a city may forecast development capacity for such land as provided in OAR 660-024-0067(1)(d).
- (9) Notwithstanding OAR 660-024-0050(4) and section (1) of this rule, except during periodic review or other legislative review of the UGB, the city may approve an application under ORS 197.610 to 197.625 for a UGB amendment to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

Statutory/Other Authority: ORS 197.040, 197A.305, 197A.320 & 197.235 & Statewide Planning Goal 14

Statutes/Other Implemented: ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650, 197.764 & 197A.300 - 197A.325

History:

LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

Chapter 660

Division 24

URBAN GROWTH BOUNDARIES

660-024-0067

Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities

(1) A city considering a UGB amendment must decide which land to add to the UGB by evaluating all land in the study area determined under OAR 660-024-0065, as follows

(a) Beginning with the highest priority category of land described in section (2), the city must apply section (5) to determine which land in that priority category is suitable to satisfy the need deficiency determined under OAR 660-024-0050 and select for inclusion in the UGB as much of the land as necessary to satisfy the need.

(b) If the amount of suitable land in the first priority category is not sufficient to satisfy all the identified need deficiency, the city must apply section (5) to determine which land in the next priority is suitable and select for inclusion in the UGB as much of the suitable land in that priority as necessary to satisfy the need. The city must proceed in this manner until all the land need is satisfied, except as provided in OAR 660-024-0065(9).

(c) If the amount of suitable land in a particular priority category in section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by applying the criteria in section (7) of this rule.

(d) In evaluating the sufficiency of land to satisfy a need under this section, the city may use the factors identified in sections (5) and (6) of this rule to reduce the forecast development capacity of the land to meet the need.

(e) Land that is determined to not be suitable under section (5) of this rule to satisfy the need deficiency determined under OAR 660-024-0050 is not required to be selected for inclusion in the UGB unless its inclusion is necessary to serve other higher priority lands.

(2) Priority of Land for inclusion in a UGB:

(a) First Priority is urban reserve, exception land, and nonresource land. Lands in the study area that meet the description in paragraphs (A) through (C) of this subsection are of equal (first) priority:

(A) Land designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan;

(B) Land that is subject to an acknowledged exception under ORS 197.732; and

(C) Land that is nonresource land.

(b) Second Priority is marginal land: land within the study area that is designated as marginal land under ORS 197.247 (1991 Edition) in the acknowledged comprehensive plan.

(c) Third Priority is forest or farm land that is not predominantly high-value farm land: land within the study area that is designated for forest or agriculture uses in the acknowledged comprehensive plan and that is not predominantly high-value farmland as defined in ORS 195.300, or that does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system or the cubic foot site class system, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic foot site class lands first.

(d) Fourth Priority is agricultural land that is predominantly high-value farmland: land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high-value farmland as defined in ORS 195.300. A city may not select land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS, unless there is an insufficient amount of other land to satisfy its land need. In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system to select lower capability lands first.

(3) Notwithstanding section (2)(c) or (d) of this rule, land that would otherwise be excluded from a UGB may be included if:

(a) The land contains a small amount of third or fourth priority land that is not important to the commercial agricultural enterprise in the area and the land must be included in the UGB to connect a nearby and significantly larger area of land of higher priority for inclusion within the UGB; or

(b) The land contains a small amount of third or fourth priority land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the UGB.

(4) For purposes of categorizing and evaluating land pursuant to subsections (2)(c) and (d) and section (3) of this rule,

(a) Areas of land not larger than 100 acres may be grouped together and studied as a single unit of land;

(b) Areas of land larger than 100 acres that are similarly situated and have similar soils may be grouped together provided soils of lower agricultural or forest capability may not be grouped with soils of higher capability in a manner inconsistent with the intent of section (2) of this rule, which requires that higher capability resource lands shall be the last priority for inclusion in a UGB;

(c) Notwithstanding subsection (4)(a), if a city initiated the evaluation or amendment of its UGB prior to January 1, 2016, and if the analysis involves more than one lot or parcel or area within a particular priority category for which circumstances are reasonably similar, these lots, parcels and areas may be considered and evaluated as a single group;

(d) When determining whether the land is predominantly high-value farmland, or predominantly prime or unique, "predominantly" means more than 50 percent.

(5) With respect to section (1), a city must assume that vacant or partially vacant land in a particular priority category is "suitable" to satisfy a need deficiency identified in OAR 660-024-0050(4) unless it demonstrates that the land cannot satisfy the specified need based on one or more of the conditions described in subsections (a) through (g) of this section: Existing parcelization, lot sizes or development patterns of rural residential land make that land unsuitable for an identified employment need; as follows:

(A) Parcelization: the land consists primarily of parcels 2-acres or less in size, or

(B) Existing development patterns: the land cannot be reasonably redeveloped or infilled within the planning period due to the location of existing structures and infrastructure."

(b) The land would qualify for exclusion from the preliminary study area under the factors in OAR 660-024-0065(4) but the city declined to exclude it pending more detailed analysis.

(c) The land is, or will be upon inclusion in the UGB, subject to natural resources protections under Statewide Planning Goal 5 such that that no development capacity should be forecast on that land to meet the land need deficiency.

(d) With respect to needed industrial uses only, the land is over 10 percent slope, or is an existing lot or parcel that is smaller than 5 acres in size, or both. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals.

(e) With respect to a particular industrial use or particular public facility use described in OAR 660-024-0065(3), the land does not have, and cannot be improved to provide, one or more of the required specific site characteristics.

(f) The land is subject to a conservation easement described in ORS 271.715 that prohibits urban development.

(g) The land is committed to a use described in this subsection and the use is unlikely to be discontinued during the planning period:

(A) Public park, church, school, or cemetery, or

(B) Land within the boundary of an airport designated for airport uses, but not including land designated or zoned for residential, commercial or industrial uses in an acknowledged comprehensive plan.

(6) For vacant or partially vacant lands added to the UGB to provide for residential uses:

(a) Existing lots or parcels one acre or less may be assumed to have a development capacity of one dwelling unit per lot or parcel. Existing lots or parcels greater than one acre but less than two acres shall be assumed to have an aggregate development capacity of two dwelling units per acre.

(b) In any subsequent review of a UGB pursuant to this division, the city may use a development assumption for land described in subsection (a) of this section for a period of up to 14 years from the date the lands were added to the UGB.

(7) Pursuant to subsection (1)(c), if the amount of suitable land in a particular priority category under section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by first applying the boundary location factors of Goal 14 and then applying applicable criteria in the acknowledged comprehensive plan and land use regulations acknowledged prior to initiation of the UGB evaluation or amendment. The city may not apply local comprehensive plan criteria that contradict the requirements of the boundary location factors of Goal 14. The boundary

location factors are not independent criteria; when the factors are applied to compare alternative boundary locations and to determine the UGB location the city must show that it considered and balanced all the factors. The criteria in this section may not be used to select lands designated for agriculture or forest use that have higher land capability or cubic foot site class, as applicable, ahead of lands that have lower capability or cubic foot site class.

(8) The city must apply the boundary location factors of Goal 14 in coordination with service providers and state agencies, including the Oregon Department of Transportation (ODOT) with respect to Factor 2 regarding impacts on the state transportation system, and the Oregon Department of Fish and Wildlife (ODFW) and the Department of State Lands (DSL) with respect to Factor 3 regarding environmental consequences. "Coordination" includes timely notice to agencies and service providers and consideration of any recommended evaluation methodologies.

(9) In applying Goal 14 Boundary Location Factor 2 to evaluate alternative locations under section (7), the city must compare relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. For purposes of this section, the term "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities. The evaluation and comparison under Boundary Location Factor 2 must consider:

- (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;
- (b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and
- (c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

(10) The adopted findings for UGB amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis.

Statutory/Other Authority: ORS 197.040, 197A.305, 197A.320 & 197.235 & Statewide Planning Goal 14

Statutes/Other Implemented: ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650, 197.764 & 197A.300 - 197A.325

History:

LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

Derrick Tokos

From: Phipps, Lisa <lisa.phipps@state.or.us>
Sent: Tuesday, November 24, 2020 3:27 PM
To: Derrick Tokos
Subject: UGB amendment

Hi, Derrick,

Thank you for the conversation today and for clarifying several points in my earlier email.

In the process of reviewing the PAPA notice for the proposed UGB amendment (a swap), several comments came up that I wanted to make sure were considered during the City's land use process. I would like to be clear that these comments are informational only for the purposes of the proposed UGB swap but may impact reviews during other land use processes. There are many steps before development occurs on this site. Initially, it appeared that geologic hazards exist on the site. A review at a coarse level does show landslide topography on the whole site but a more refined look may show that this portion of the larger parcel may be outside of the identified areas. Maps of the specific site would address those concerns as will conditions during later processes, if the applicant is successful, requiring additional site specific geologic work if applicable. While landslide hazards factor more strongly in review of rezone and development applications, it is important that they are identified and acknowledged in this process and will influence any future land use proposals. Additionally, there were several comments around high-density development in this location, primarily the need to encourage pedestrian-friendly and bicycle paths. From a climate-friendly perspective, locating high-density development away from the Highway 101 corridor can leave a significant localized carbon footprint and when development does occur, we would encourage the allowable lesser density within that zone to minimize the number of auto trips. We recognize there are challenges with Highway 101 that will need to be addressed during the development phase of this project, if it is successful.

We realize that these comments have more applicability to other land use processes the applicant will need to complete in order to develop, but we thought it was important to acknowledge that this site does come with some challenges for future development.

I would also like to thank Community Development Director, Derrick Tokos, for including DLCD early in the conversations regarding this proposal. The proposed site is certainly more suited for development and needed housing in the City than the southern site that is proposed for removal from the UGB and we are supportive of the efforts of the City to look at land in the UGB in terms of how it can help meet the needs of a growing and vibrant city.

Sincerely,
 Lisa Phipps



Lisa M. Phipps

North Coast Regional Representative | Ocean/Coastal Services Division

Cell: 503-812-5448

lisa.phipps@state.or.us | www.oregon.gov/LCD

Sherri Marineau

From: Chris Janigo
Sent: Monday, November 30, 2020 5:03 PM
To: Sherri Marineau
Cc: Spencer Nebel; Derrick Tokos; Robert Murphy; Clare Paul; Jason Malloy; Beth Young
Subject: RE: Urban Growth Boundary Amendment File 1-UGB-20 / 1-CP-20

Hi Sherri,

I have no exceptions to the UGB Amendment. The street layout will need to change though. This would be one of the steepest streets in Newport at 27% grade. It should be discussed with them soon about constructing an alternate through street for our new access road for big creek, and designing an alternate lot plat configuration that creates a feasible route for vehicles.

All the Best,

Chris Janigo, PE

Acting City Engineer
 City of Newport
 169 SW Coast Highway
 Newport, OR 97365
 P 541-574-3376
 F 541-265-3301
 C 541-270-7515

From: Sherri Marineau
Sent: Monday, November 23, 2020 10:26 AM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>; Robert Murphy <R.Murphy@NewportOregon.gov>; Michael Murzynsky <M.Murzynsky@NewportOregon.gov>; Joseph Lease <J.Lease@NewportOregon.gov>; Jason Malloy <J.Malloy@newportpolice.net>; Laura Kimberly <L.Kimberly@NewportLibrary.org>; Michael Cavanaugh <M.Cavanaugh@NewportOregon.gov>; Beth Young <B.Young@NewportOregon.gov>; Clare Paul <C.Paul@NewportOregon.gov>; Chris Janigo <C.Janigo@NewportOregon.gov>
Subject: Urban Growth Boundary Amendment File 1-UGB-20 / 1-CP-20

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing. Please review this information to see if you would like to make any comments. We must have your comments at least 10 days prior to the hearing period in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Sherri Marineau
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 ph: 541.574.0629 fax: 541.574.0644
s.marineau@newportoregon.gov



Derrick Tokos

From: DLCDC Plan Amendments <plan.amendments@state.or.us>
Sent: Monday, October 26, 2020 12:59 PM
To: Derrick Tokos
Subject: Confirmation of PAPA Online submittal to DLCDC

Newport

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: 1-UGB-20 / 1-CP-20

DLCDC File #: 006-20

Proposal Received: 10/26/2020

First Evidentiary Hearing: 12/14/2020

Final Hearing Date: 1/18/2021

Submitted by: dtokos

If you have any questions about this notice, please reply or send an email to plan.amendments@state.or.us.

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING¹**

**Attachment "P"
1-UGB-20 / 1-CP-20**

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This meeting will be conducted by video-conference. Please contact the Community Development Department at the phone number or email listed below for options on how you can participate in the hearing.

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on December 14, 2020, to review and make a recommendation to the Newport City Council on the following request. A public hearing before the City Council will be held at a later date.

File No.: 1-UGB-20 / 1-CP-20.

Applicant & Owners: Boston Timber Opportunities, LLC (Casey Fisher, Member) (Mercedes Serra, 3J Consulting, Inc. authorized representative).

Location/Subject Properties: Tax Map 10-11-33-00, Tax Lot 100 and Tax Map 12-11-05-00, Tax Lot 801 (853 SE 98th St).

Request: A request for a major amendment to the Newport Urban Growth Boundary, that will add approximately 43.4-acres (Site "A") and remove approximately 71.4-acres (Site "B"). Land area within the UGB that is to be removed is designated as High-Density Residential. Property outside the UGB is designated for forest uses. The change accommodates amendments to the City's Comprehensive Plan maps for the parcel being added to show the site as High Density Residential. The parcel to be removed from the UGB is intended to receive a Comprehensive Plan designation consistent with its designation on the Lincoln County Zoning map as RR-10.

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

Testimony: Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department (address under "Reports/Materials") must be received by 2:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

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

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

Time/Place of Hearing: Monday, December 14, 2020; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: November 23, 2020.

PUBLISHED: Friday, December 4, 2020.

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



ARNSDORF JOSEPH A &
ARNSDORF JESSICA L
1220 NE LAKEWOOD DR
NEWPORT, OR 97365

BAKER CARL F &
BAKER DIAN G
2935 NE LISI PL
NEWPORT, OR 97365

BARBER JERRY LEE &
BARBER SANDRA LEE
2930 NE LISI PL
NEWPORT, OR 97365

BODENSTAB MARK R &
BODENSTAB DORIS
7836 E BRALTON DR
NAMPA, ID 83686

BOSTON TIMBER OPPORTUN LLC
ATTN HANCOCK FOREST MGMT
17700 SE MILL PLAIN BLVD
STE 180
VANCOUVER, WA 98683

BOYS DAVID A II &
BOYS LEILA M
1250 NE LAKEWOOD DR
NEWPORT, OR 97365

BRAXLING ARTHUR &
BRAXBEACH LLC
PO BOX 240
NEWPORT, OR 97365

BRUNELLE LAWRENCE W &
BRUNELLE CLAUDIA J
1150 NE LAKEWOOD DR
NEWPORT, OR 97365

BURTON LYNSEY
1200 NE LAKEWOOD DR
NEWPORT, OR 97365

CAUDURO RAYMOND &
CAUDURO PATRICIA A
1090 NE LAKEWOOD DR
NEWPORT, OR 97365

CENTRAL LINCOLN PUD
ATTN BRIAN BARTH
MGR ACCT & FINANCE
PO BOX 1126
NEWPORT, OR 97365

CITY OF NEWPORT
ATTN MINOR J CHRISTOPHER
236 W OLIVE ST
NEWPORT, OR 97365

CITY OF NEWPORT
CITY MANAGER
169 SW COAST HWY
NEWPORT, OR 97365

DUNSCOMB KATHRYN M TRUSTEE &
MARTIN TERENCE R TRUSTEE
ATTN RAMONA MARTIN
4100 N COAST HWY
NEWPORT, OR 97365

ETHERINGTON ROBERT C &
ETHERINGTON LINDA A
3249 NE BIG CREEK RD
NEWPORT, OR 97365

FERRIS WILLARD STUART &
FERRIS PETER K &
FERRIS KATHERINE
415 SE 98TH CT
SOUTH BEACH, OR 97366

GOODPASTURE KATHERINE E
415 SE 98TH CT
SOUTH BEACH, OR 97366

HESLEN AMIE L &
MARSHALL HEATH
1215 NE LAKEWOOD DR
NEWPORT, OR 97365

INGALLS DONNE J &
INGALLS KELSEY A
1235 NE LAKEWOOD DR
NEWPORT, OR 97365

JOHN HANCOCK LIFE INSUR CO
ATTN HANCOCK FOREST MGMT
17700 SE MILL PLAIN BLVD
STE 180
VANCOUVER, WA 98683

KEPLER RICHARD ALLEN
1175 NE LAKEWOOD DR
NEWPORT, OR 97365

KLAY JONATHAN MARK &
KLAY FREDRIKA
20143 47TH AVE NE
LK FOREST PK, WA 98155

LAKEWOOD HILLS INC
810 SE 5TH ST
NEWPORT, OR 97365

LC APARTMENTS LLC
1231B STATE ST
SANTA BARBARA, CA 93101

LEE DAVID J &
LEE ROSALINE H
PO BOX 2226
NEWPORT, OR 97365

LETTENMAIER TERRANCE M &
WEITKAMP LAURIE A
PO BOX 550
SOUTH BEACH, OR 97366

MERWIN PAMELA D COTTEE &
ROEBBER SUSAN COTTEE &
VANGORP ALISON COTSTEE
1135 NE LAKEWOOD DR
NEWPORT, OR 97365

NELSON NICKOLAS R
466 WASKOW DR
SAN JOSE, CA 95123

PEDERSON JOEL W
16151 SHELLCRACKER RD
JACKSONVILLE, FL 32226

PETTETT JAMES W &
PETTETT MICHELLE R
1080 NE LAKEWOOD DR
NEWPORT, OR 97365

**PORCH ROBERT R
1100 NE LAKEWOOD DR
NEWPORT, OR 97365**

**RANDALL MARGARET J
840 S RANCHO DR
#4-409
LAS VEGAS, NV 89106**

**ROLL JOHN R &
ROLL NINA R
2930 NE KLAMATH PL
NEWPORT, OR 97365**

**RYAN REATHA L TSTEE
1155 NE LAKEWOOD DR
NEWPORT, OR 97365**

**SAVARA VIKRAM C TSTEE &
SAVARA NALINI V TSTEE
772 SW BROADWAY DR #2
PORTLAND, OR 97201**

**SELICH JACK M &
SELICH JUDITH N
PO BOX 358
SOUTH BEACH, OR 97366**

**SENN JAMES A &
SENN JONG SOON
8450 SW MARINE VIEW ST
SOUTH BEACH, OR 97366**

**SHAMAS RICHARD A &
SHAMAS IRIS T
6821 SYLVIA DR
HUNTINGTON BEACH, CA 92647**

**SLAYDEN CONSTRUCTION GROUP INC
PO BOX 247
STAYTON, OR 97383**

**SMITH ROBERT &
SMITH LEA
1240 NE LAKEWOOD DR
NEWPORT, OR 97365**

**STEEL STRING INC
2712 SE 20TH AVE
PORTLAND, OR 97202**

**STUDLEY DAVID J &
STUDLEY PAULETTE L
1185 NE LAKEWOOD DR
NEWPORT, OR 97365**

**TODD EDWARD L &
TODD SYDNEY E
337 NE SAN-BAY-O CIR
NEWPORT, OR 97365**

**WALKER STEPHEN D TSTEE &
WALKER CHRISTIE H TSTEE
1225 NE LAKEWOOD DR
NEWPORT, OR 97365**

**WEATHERS KAREN A
876 CHURCH ST
WOODBURN, OR 97071**

**WENELL GARY W TSTEE &
WENELL PAULA C TSTEE
1145 NE LAKEWOOD DR
NEWPORT, OR 97365**

**WOODARD LISA A
1255 NE LAKEWOOD DR
NEWPORT, OR 97365**

**WOODLEY MICHAEL H &
WOODLEY WINNIFRED J
PO BOX 664
PRINEVILLE, OR 97754**

**WYNDHAVEN RIDGE LLC
PO BOX 247
STAYTON, OR 97383**

**YUILLE KRISTIN H &
GREEN NATHAN R
1245 NE LAKEWOOD DR
NEWPORT, OR 97365**

**ZEISER STEVEN K &
ZEISER KATHERINE K
3511 E 3RD ST
LONG BEACH, CA 90814**

File 1-UGB-20 / 1-CP-20

**Adjacent Property Owners Within
300 Feet**

NW Natural
 ATTN: Dave Sanders
 1405 SW Hwy 101
 Lincoln City, OR 97367

Email: Lisa Phillips
 DLCD Coastal Services Center
 lisa.phillips@state.or.us

CenturyLink
 ATTN: Corky Fallin
 740 State St
 Salem OR 97301

Lincoln County Assessor
 Lincoln County Courthouse
 225 W Olive St
 Newport OR 97365

Lincoln County Surveyor
 880 NE 7th St
 Newport OR 97365

911 Dispatch
 ATTN: Lynn Iverson
 815 SW Lee St
 Newport OR 97365

Lincoln County Clerk
 Lincoln County Courthouse
 225 W Olive St
 Newport OR 97365

Central Lincoln PUD
 ATTN: Randy Grove
 PO Box 1126
 Newport OR 97365

Charter Communications
 ATTN: Keith Kaminski
 355 NE 1st St
 Newport OR 97365

Lincoln County School District
 ATTN: Superintendent
 PO Box 1110
 Newport OR 97365

Lincoln County Commissioners
 Lincoln County Courthouse
 225 W Olive St
 Newport OR 97365

Lincoln County Library District
 PO Box 2027
 Newport OR 97365

US Post Office
 ATTN: Postmaster
 310 SW 2nd St
 Newport OR 97365

OR Parks & Recreation Dept.
 ATTN: Steve Williams
 5580 S Coast Hwy
 South Beach OR 97366

Secretary of State
 136 State St Capitol
 Salem OR 9731

Lincoln County Planning Dept
 210 SW 2nd St
 Newport OR 97365

Seal Rock Water District
 PO Box 190
 Seal Rock OR 97365

Pioneer Telephone Co-Op
 PO Box 631
 Philomath OR 97370

Newport Rural Fire Protection
 District
 PO Box 923
 Newport OR 97365

OREGON DIV OF STATE LANDS
 775 SUMMER ST NE
 SALEM OR 97310-1337

Mike Murzynsky
 Finance Director

ODOT
 ATTN: PLANNER
 STATE HWY DIV DISTRICT 4
 3700 SW PHILOMATH BLVD
 CORVALLIS OR 97333-1194

US ARMY CORP OF ENGINEERS
 PO BOX 2946
 PORTLAND OR 97208-2946

Jason Malloy
 Police Chief

Pioneer Telephone Co-Op
 PO Box 631
 Philomath OR 97370

Beth Young
 Planner

Clare Paul/Chris Janigo
 Public Works

Rob Murphy
 Fire Chief

Joseph Lease
 Building Official

File 1-UGB-20 / 1-CP-20
 Affected Agencies

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING**

This meeting will be conducted by video-conference. Please contact the Community Development Department at the phone number or email listed below for options on how you can participate in the hearing.

The City of Newport Planning Commission will hold a public hearing on Monday, December 14, 2020, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on File No. 1-UGB-20/1-CP-20 as submitted by Boston Timber Opportunities, LLC (Casey Fisher, Member) (Mercedes Serra, 3J Consulting, Inc. authorized representative), for a major amendment to the Newport Urban Growth Boundary, that will add approximately 43.4-acres (Site "A") and remove approximately 71.4-acres (Site "B"). Land area within the UGB that is to be removed is designated as High-Density Residential. Property outside the UGB is designated for forest uses. The change accommodates amendments to the City's Comprehensive Plan maps for the parcel being added to show the site as High Density Residential. The parcel to be removed from the UGB is intended to receive a Comprehensive Plan designation consistent with its designation on the Lincoln County Zoning map as RR-10. The properties are located at Tax Map 10-11-33-00, Tax Lot 100 (Site "A") and Tax Map 12-11-05-00, Tax Lot 801 (853 SE 98th St)(Site "B"). Provisions of the "Urbanization" element of the Newport Comprehensive Plan require findings regarding the following for the proposed UGB amendment: A.) Land Need: Establishment and change of urban growth boundaries shall be based on the following: 1.) Demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and 2.) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets, and roads, schools, parks and open space, or any combination of the need categories in this subsection. B.) Boundary Location: The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors: 1) Efficient accommodation of identified land needs; 2) Orderly and economic provision of public facilities and services; 3.) Comparative environmental, energy, economic, and social consequences; and 4.) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. C.) Compliance with applicable Statewide Planning Goals, unless an exception is taken to a particular goal requirement. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 2:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be inspected at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626, email address d.tokos@newportoregon.gov (mailing address above).

(For publication once on Friday, December 4, 2020)

and dentist. He was in the Navy for four years and participated in atomic bomb experiments while in the Pacific.

He will be remembered by his children, the golf communities at Agate Beach and Crestview and by his many friends. He was predeceased by his life partner, Nan Putman, earlier this year.

cooking and grilling for them. Some of his favorite topics of conversation were trucks and cars. Eric also enjoyed sharing hunting and fishing stories. His family and loved ones will cherish these times and will forever remember Eric for his huge smile and big heart.

His family is comforted by his faith in God and security in his eternal home in

survived by his grandmother, Devonna Brown, grandmother, Suzanne Baxter, grandfather, J.D. (Fran) Baxter, brother, Jack Brown, and many other loved ones. His service will be held on Saturday, December 5th, at 2:00 pm, at Toledo Landmark Missionary Baptist Church. The address is as follows: 220 Butler Bridge Road, Toledo, OR 97391.

12/4/2020

UNDER ORS 419B.018 TO APPEAR BY OTHER MEANS INCLUDING, BUT NOT LIMITED TO TELEPHONIC OR OTHER ELECTRONIC MEANS. AN ATTORNEY MAY NOT ATTEND THE HEARING(S) IN YOUR PLACE. PETITIONER'S ATTORNEY Michelle Branam Assistant Attorney General Department of Justice 1162 Court Street NE Salem, OR 97301-4096 Phone: (503) 934-4400 ISSUED this 19th day of November 2020. Issued by: Michelle Branam #032737 Assistant Attorney General. N28 D4 D11 (61-11)

PUBLIC NOTICE
Through the authorization of the Port of Newport Commission, the Port of Newport is accepting bids from qualified marine contractors for the supply of material & labor for removal/replacement of existing pilings, pier superstructure, and gangway called the Port Dock 5 Pier. The contract will be awarded to the lowest responsive, responsible bidder. Engineer's estimate for the cost of the project is approximately \$2.4M. More information can be found on ORPIN or on the Port's website at <https://www.portofnewport.com/2020-12-rfq-port-dock-5-pier-access-construction>. D4 D9 D11 D16

BOARD MEETING
The Depoe Bay Fire District Board of Directors will hold their monthly Board Meeting at 4pm on Tuesday, December 8, 2020 at the Gleneden Beach Fire Station, 6445 Gleneden Beach Loop, Gleneden Beach, OR 97388. PLEASE NOTE: To promote social distancing guidelines currently in place at federal and state levels, the Board asks that individuals who wish to attend the meeting contact the District Administrative Assistant at least forty-eight hours prior to the noticed meeting time by phone at 541-764-2202 or by email at info@depobayfire.com. D4 (71-04)

NOTICE OF HEARING
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF KING, JUVENILE DEPARTMENT; IN RE THE DEPENDENCY OF: YOVONII D'MAR HYMAN DOB: 05/21/15. NO: 20-7-00296-6 SEA. TO:

*Alleged Father, Omar Pasada; Unknown Father, and/or anyone claiming parental/paternal rights or interest in the child and to All Whom It May Concern: On February 3, 2020, a petition for Termination was filed in the above entitled Court, pursuant to RCW 13.34.080 and/or RCW 26.33.310 regarding the above named child, whose parents are Alicia Elaine Hyman and * [FOR FURTHER INFORMATION, CALL 206-477-2310, 8:00 a.m. - 4:30 p.m.] Said Petition will be heard on January 11, 2021, at the hour of 8:30 a.m., at the Judge Patricia H. Clark Children & Family Justice Center, 1211 E. Alder St., Rm 4-B, Seattle, WA 98122. Appearance at this hearing is required and may be in person or by telephone. Parties may appear by telephone by calling 206-263-8114 and using the following PIN number to join the call: for Seattle cases - 5167911#, before a judge of the above entitled court, at which time you are directed to appear and answer the said petition or the petition will be granted and action will be taken by the court such as shall appear to be for the welfare of the said child. DATED this 30th day of November, 2020. BARBARA MINER KING COUNTY SUPERIOR COURT CLERK BY: KAB, Deputy Clerk. D4 D11 D18 (70-18)

PUBLIC AUCTION
On December 15th, 2020 at 2:00 PM, a public sale will be held at Ideal Storage 235 SW Dahl Ave. Waldport, OR 97394: Vickie Blakely - WA014, Tom O'Connell - WF106, Veronica Sears - WF132. On December 16th, 2020 at 11:00 AM, a public sale will be held at Ideal Storage. 5441 W. Hwy 20, Toledo, OR 97391 Minimum bid \$50.00 Cash only. D4 D11 (69-11)

NOTICE OF SUPPLEMENTAL BUDGET HEARING
For supplemental budgets proposing a change in any fund's expenditures by more than 10 percent. A public hearing on a proposed supplemental budget for The Port of Newport for the current fiscal year will be held Virtually. The hearing will take place on December 15th, 2020 at 6:00 pm. The purpose of the hearing is to discuss the supplemental budget with interested persons. A copy of the

supplemental budget document may be inspected or obtained on or after 9:00 AM and 4:00PM December 5th, 2020 at 600 Bay Blvd. Newport, OR. 97365. SUMMARY OF PROPOSED BUDGET CHANGES: AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED. FUND: NOAA Cap Res Fund. Expenditure - Indicate Or. Unit/Prog. & Activity, and Object Class. 1. Transfers Out to GOF. Amount: \$1,400,000. Explanation of change(s): The exact amount of transfer is unknown at the time of publication, but will be clear prior to the Supplemental budget meeting. This transfer gives the Port the flexibility to set up a capital loan to fund the replacement of all of the electric Load centers in South Beach. The amount indicated above is the maximum limit on transferred funds. FUND: General Operating Fund; Resource 1.) Transfers in from NOAA Cap Res Fund. Amount: \$1,400,000. Revised Total Fund Resources: \$1,400,000. Explanation of change(s): The exact amount of transfer is unknown at the time of publication, but will be clear prior to the Supplemental budget meeting. This transfer gives the Port the flexibility to set up a capital loan to fund the replacement of all of the electric Load centers in South Beach. The amount indicated above is the maximum limit on transferred funds. D4 (68-04)

NOTICE TO INTERESTED PERSONS
IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN PROBATE DEPARTMENT; IN THE Matter of the Estate of Vernon John Logue Case No. 20PB07979. Notice is hereby given that Justin Logue has been appointed personal representative. All persons having claims against the estate are required to present them with vouchers attached to the personal representative at 4826 SE 45th Ave., Portland, OR 97206, within four months after the date of first publication of this notice or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the court, the personal representative, or the attorneys for the personal representative, Brian

Haggerty, OSB #980588, Minor, Bandonis & Haggerty, P.C., PO Box 510, Newport, OR 97365, (541) 265-8888. Dated and first published November 28, 2020. N28 D4 D11 (67-11)

NOTICE TO INTERESTED PERSONS
Notice is hereby given that the undersigned has been appointed Personal Representative of the ESTATE OF DARWIN F. SMITH, JR., DECEASED, Lincoln County, Oregon, Circuit Court Case No. 20PB05707. All persons having claims against said estate are required to present them, with proper vouchers, within four months after the date of first publication of this notice, as stated below, to the Personal Representative at 285 Highway 101/P.O. Box 700, Waldport, Oregon 97394-0700, or they may be barred. All persons whose rights may be affected by these proceedings may obtain additional information from the records of the court, the Personal Representative, or the attorney for the Personal Representative. DATED and first published: November 28th, 2020. Shiela Strubel, Personal Representative. Law Office of Holly Anne Gibbons, LLC Attorney for Personal Representative P.O. Box 700 Waldport, OR 97394-0700. N28 D4 D11 (65-11)

NOTICE OF A PUBLIC HEARING
CITY OF NEWPORT; This meeting will be conducted by video-conference. Please contact the Community Development Department at the phone number or email listed below for options on how you can participate in the hearing. The City of Newport Planning Commission will hold a public hearing on Monday, December 14, 2020, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on File No. 1-UGB-20/1-CP-20 as submitted by Boston Timber Opportunities, LLC (Casey Fisher, Member) (Mercedes Serra, 3J Consulting, Inc. authorized representative), for a major amendment to the Newport Urban Growth Boundary, that will add approximately 43.4-acres (Site "A") and remove approximately 71.4-acres (Site "B"). Land area within the UGB that is to be removed is designated as High-Density Residential.

Property outside the UGB is designated for forest uses. The change accommodates amendments to the City's Comprehensive Plan maps for the parcel being added to show the site as High Density Residential. The parcel to be removed from the UGB is intended to receive a Comprehensive Plan designation consistent with its designation on the Lincoln County Zoning map as RR-10. The properties are located at Tax Map 10-11-33-00, Tax Lot 100 (Site "A") and Tax Map 12-11-05-00, Tax Lot 801 (853 SE 98th St)(Site "B"). Provisions of the "Urbanization" element of the Newport Comprehensive Plan require findings regarding the following for the proposed UGB amendment: A.) Land Need: Establishment and change of urban growth boundaries shall be based on the following: 1.) Demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and 2.) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets, and roads, schools, parks and open space, or any combination of the need categories in this subsection. B.) Boundary Location: The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors: 1) Efficient accommodation of identified land needs; 2) Orderly and economic provision of public facilities and services; 3.) Comparative environmental, energy, economic, and social consequences; and 4.) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. C.) Compliance with applicable Statewide Planning Goals, unless an exception is taken to a particular goal requirement. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties

an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 2:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be inspected at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626, email address d.tokos@newportoregon.gov (mailing address above). D4 (62-04)


LEGAL DEADLINES:
Wednesday
5:00pm
Thursday
PRIOR
Friday
5:00pm
Tuesday
PRIOR

City of Newport

Community Development Department

Memorandum

To: Newport Planning Commission

From: Derrick Tokos, Community Development Director 

Date: December 8, 2020

Re: Supplemental Analysis for Boston Timber Opportunities, LLC UGB Amendment (File 1-UGB-20/1-CP-20)

This memo addresses boundary location and priority provisions outlined in OAR 660-024-0065 and OAR 660-024-0067. The locational provisions require the City to evaluate lands within 1 mile of the Newport Urban Growth Boundary (UGB) to see if the 43.4 acres the applicant proposes to add to the UGB is best suited for that purpose given (a) the identified residential need and (b) the State of Oregon's priorities which emphasize non-resource (i.e. "exception") land being added as opposed to resource (i.e. "farm and forest") lands. A map enclosed as Exhibit A shows the 1 mile study area. If exception areas are contiguous to the 1 mile buffer, then the analysis must extend another ½ mile from the Newport UGB. This ½ mile buffer has not been mapped, but is addressed in the analysis. Exception lands exist south, east, and north of the City of Newport UGB and maps illustrating these areas are attached as Exhibits B, C, and D.

The City may exclude lands from the study area if it determines that it is not practicable for the City to extend the necessary public services because the land is not proximate to existing services, or the lands are subject to development hazards such as bluff and dune backed erosion hazards, landslide hazards, or tsunami inundation (OAR 660-024-0065(4)(a) and (b)).

Exception lands south of the Newport Urban Growth Boundary are being excluded because they are far removed from City water and wastewater services, and are significantly impacted by bluff and dune backed erosion hazards, landslide hazards, or tsunami inundation. The extent to which the properties are impacted by development hazards is illustrated on Exhibit B. Water and wastewater service would have to be extended from SE 50th Street, which is over three miles to the north. For wastewater alone, a force main and lift stations would have to be extended south along the US 101 corridor which is heavily impacted by wetlands and lies within the tsunami inundation area. The City Waterwater Master Plan, by Brown and Caldwell, dated February 9, 2018, includes an estimate for extending sewer service to the Surf land unincorporated rural residential development, which lies just inside the Newport UGB and is a little more than 1 mile from existing services at SE 50th Street. Its location is identified on Exhibit B. The project cost is estimated to be a little more than \$6.2 million (2016 dollars), including a force main, lift station, and gravity main distribution system. This is not a project the City can presently fund, having exhausted much of its resources upsizing lift stations on the north side of town to address overflow problems. Exception lands are an additional two miles distant from the Surf land development. These properties are also heavily parcelized, meaning the City would expect a lower level of development, that would occur incrementally during the planning period. This has been an impediment to extending service to Surf land, because without the connection of a significant number of units the flow of effluent will be too low, and the wastewater system will not operate properly. Many of the properties are also subject to inundation from a near shore XXL Cascadia earthquake and resulting tsunami, as mapped by the Oregon Department of Geology and Mineral Industries (DOGAMI), and all are reliant upon a stretch of US 101 that is within the tsunami inundation area and serves as the sole point of vehicle access to these lands.

Exception lands to the east are depicted on Exhibit C. They face similar issues as unincorporated exception lands to the south. Property between US 20 and the Yaquina Bay Road is steeply sloped and within a landslide hazard area mapped by DOGAMI. Wastewater would be directed downslope to a lift station at SE Running Springs Drive and SE Bay Blvd. That lift station is at capacity and would have to be upsized. The same goes for the force main between that lift station and the Bayfront lift station located at Port Dock 7. From there effluent is directed to the Northside lift station, which then pumps it under Yaquina Bay to the City's wastewater treatment plant in South Beach. The City's Wastewater Master Plan estimates the cost of these upgrades at a little more than \$5.2 million (2016 dollars). Exception areas east of Newport's UGB that are north of US 20, are situated along Yaquina Heights Drive and Newport Heights Drive. Some of these lands are within mapped landslide hazard areas. They are steeply sloped except where they border the roads and the Wastewater Master Plan assumes only a 40% of otherwise permissible infill due to slope constraints. This area feeds to the Bayfront lift station which is capacity constrained (part of the \$5.2 million cost). Wastewater service to this area would require new lift stations and force mains along each of the main roads due to the elevation changes. This has not been priced out, but would likely be more expensive than the Surfland extension due to the terrain.

Exception areas north of the Newport UGB, as shown on Exhibit D, are located tight to US 101. These lands rely upon highway access and, unfortunately, this stretch of US 101 is within an active landslide area. City wastewater service is only 1/3 of a mile from the UGB at US 101 and NE 73rd Street; however, the City cannot practicably extend that service further north due to the unstable terrain in that area. The only other exception land in that area is the Iron Mountain Quarry, at the east end of NE 71st St. This is a Goal 5 protected aggregate site that abuts industrial land and would be brought into the City as industrial if added to the UGB and annexed. It is not suitable for residential development.

What is left are resource lands, which are almost exclusively forest zoned properties. For the most part, these sites possess the same terrain and service limitations as exception lands that have been excluded. Applicant's property; however, does not share these same limitations and is a good candidate for urban development. City services are in place immediately adjacent to the subject property that are capable of supporting urban levels of development. Sewer lift stations that serve this area (unlike some of the others mentioned) were recently upsized to address chronic overflow issues the City had experienced, and a new water tank, pumps, and main lines have been constructed to provide adequate water pressure. A paved collector roadway abuts the property, as does an electric utility substation. The property has terrain limitations; however, as evidenced above that is not out of the ordinary for Newport. The property is outside of mapped landslide hazard areas.






Considering the above, boundary locational requirements outlined in OAR 660-024-0065 and 660-024-0067 have been adequately addressed for this UGB amendment.

Attachments

- Exhibit A – UGB Study Area
- Exhibit B – Exception Lands South of Newport
- Exhibit C – Exception Lands East of Newport
- Exhibit D – Exception Lands North of Newport

Exhibit "A"

Legend

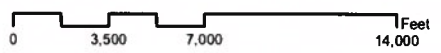
-  UGB 1-Mile Buffer
-  Newport UGB
-  Urban Area
-  County Resource Lands
-  County Exception Lands



NEWPORT City of Newport
 Community Development Department
 169 SW Coast Highway Phone: 1.541.574.0629
 Newport, OR 97305 Fax: 1.541.574.0844

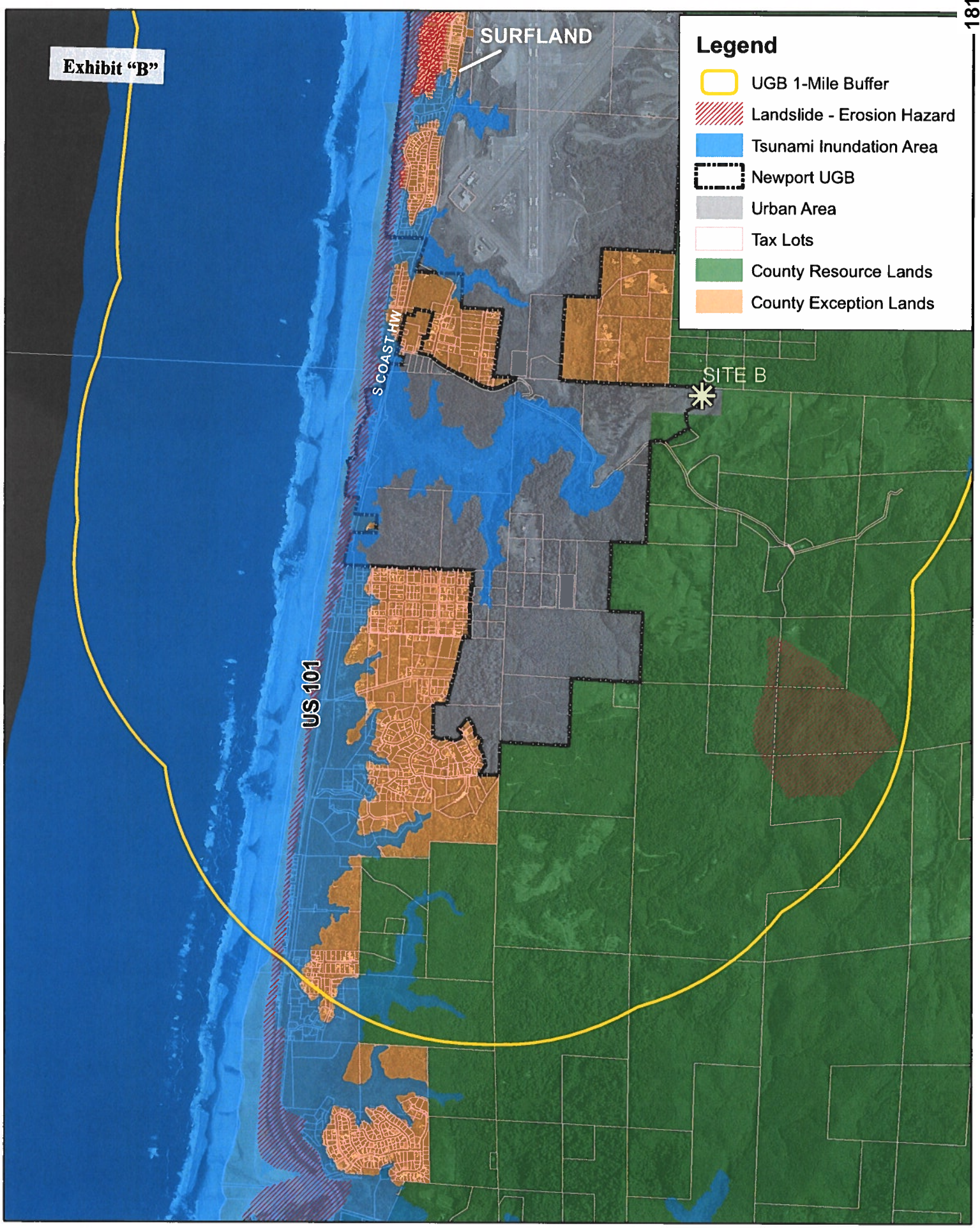
**Urban Growth Boundary Study Area
 Boston Timber Opportunities, LLC (File No. 1-UGB-20/1-CP-20)**

Image Taken July 2018
 4-inch, 4-band Digital Orthophotos
 Quantum Spatial, Inc. Corvallis, OR



This map is for informational use only, and does not constitute a legal opinion or surveying purposes. It is not intended to be used for any other purpose. The City of Newport assumes no responsibility for its compilation or use and users will verify all information and locations with the City of Newport Community Development Department.

Exhibit "B"



Legend









- UGB 1-Mile Buffer
- Landslide - Erosion Hazard
- Tsunami Inundation Area
- Newport UGB
- Urban Area
- Tax Lots
- County Resource Lands
- County Exception Lands

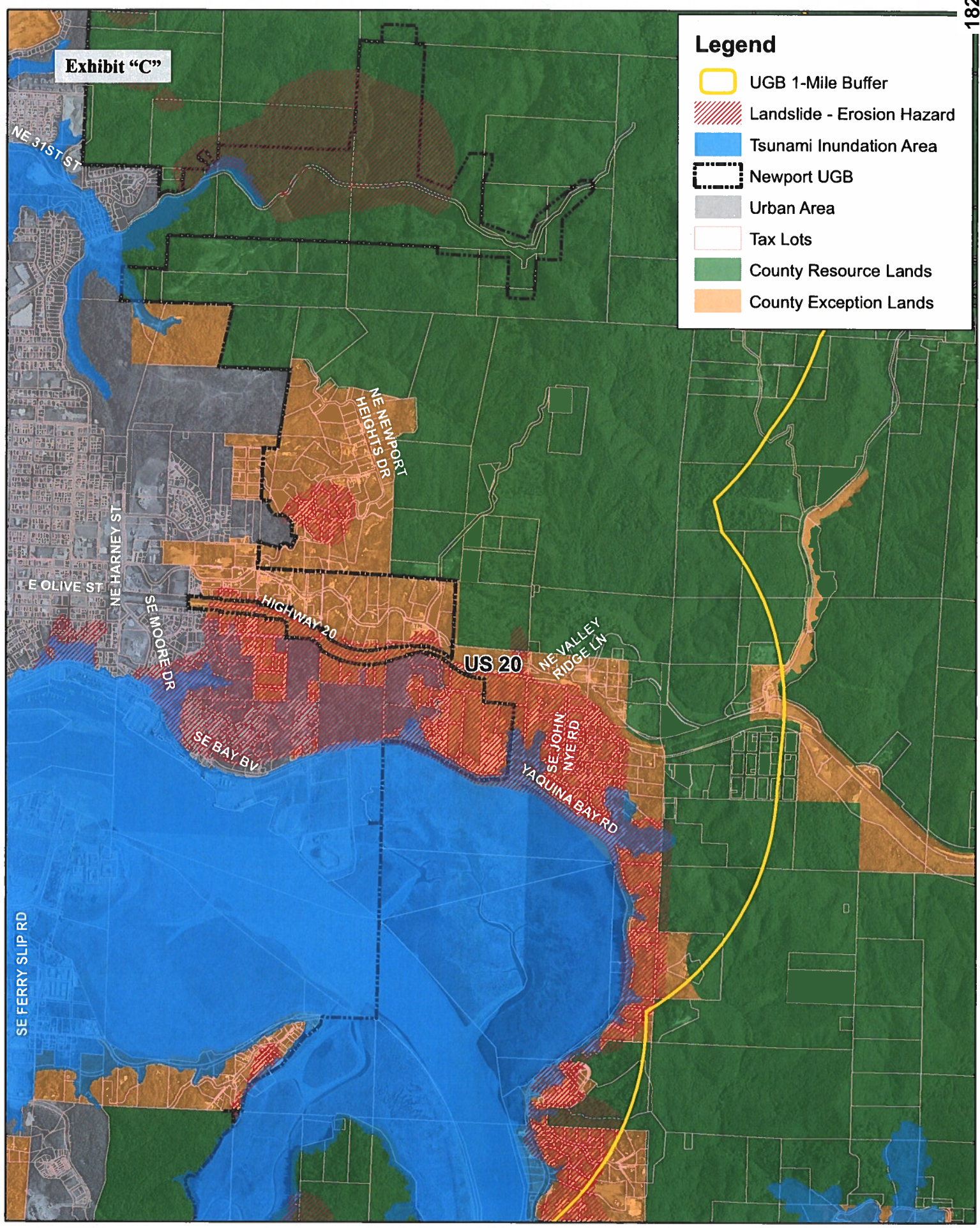


This map is for informational use only and has not been prepared for use as a substitute for legal, engineering, or business purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its completion or use, and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

Exhibit "C"

Legend

-  UGB 1-Mile Buffer
-  Landslide - Erosion Hazard
-  Tsunami Inundation Area
-  Newport UGB
-  Urban Area
-  Tax Lots
-  County Resource Lands
-  County Exception Lands



NEWPORT City of Newport
 Community Development Department
 185 SW Cross Highway Phone: 1 541 574 1629
 Newport, OR 97365 Fax: 1 541 574 0644

**UGB Study Area - Exception Land East of Newport
 Boston Timber Opportunities, LLC (File No. 1-UGB-20/1-CP-20)**









Image Taken July 2018
 44-inch, 4-band Digital Orthophoto
 Quantum Spatial, Inc. Corvallis, OR

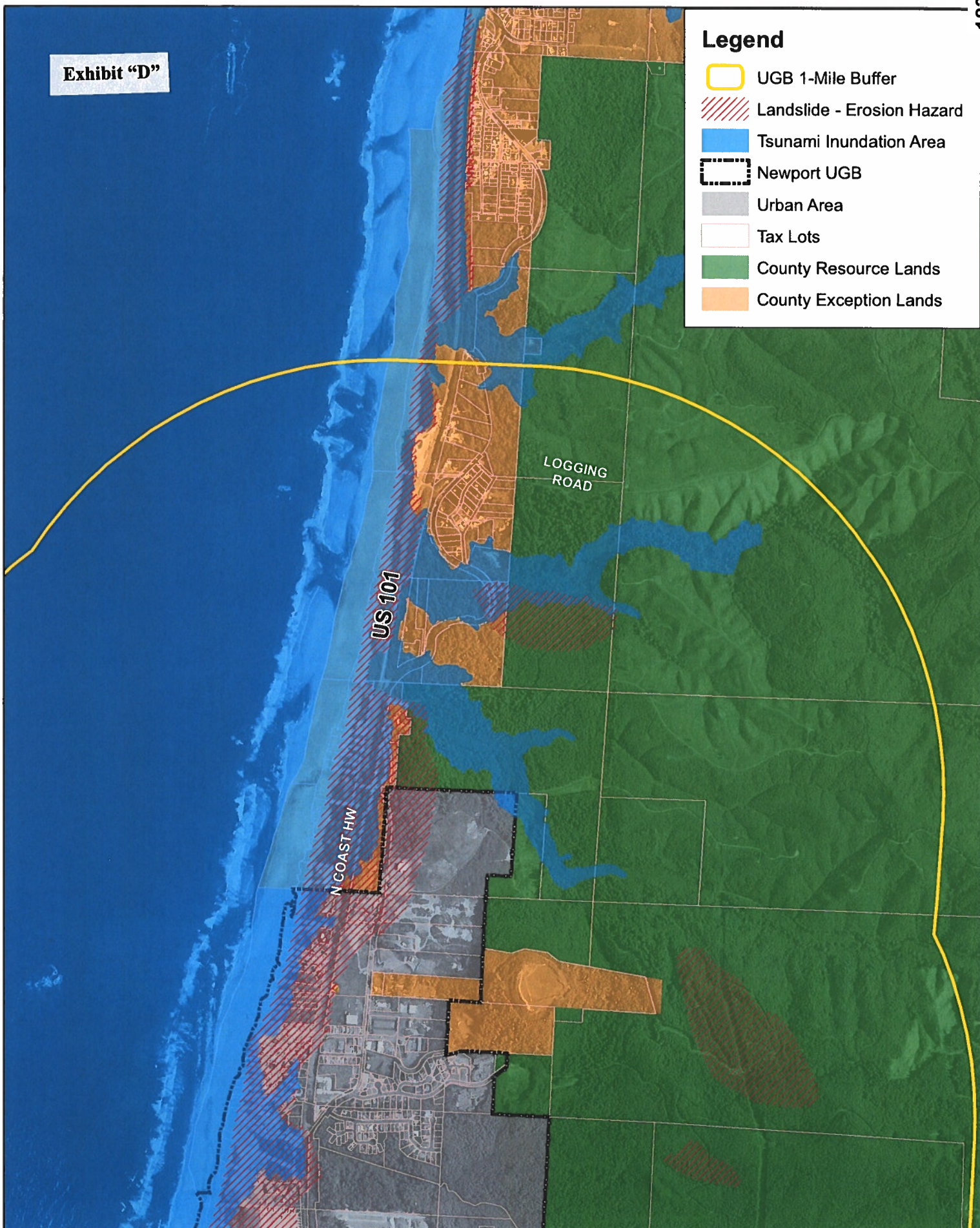


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Exhibit "D"

Legend












-  UGB 1-Mile Buffer
-  Landslide - Erosion Hazard
-  Tsunami Inundation Area
-  Newport UGB
-  Urban Area
-  Tax Lots
-  County Resource Lands
-  County Exception Lands

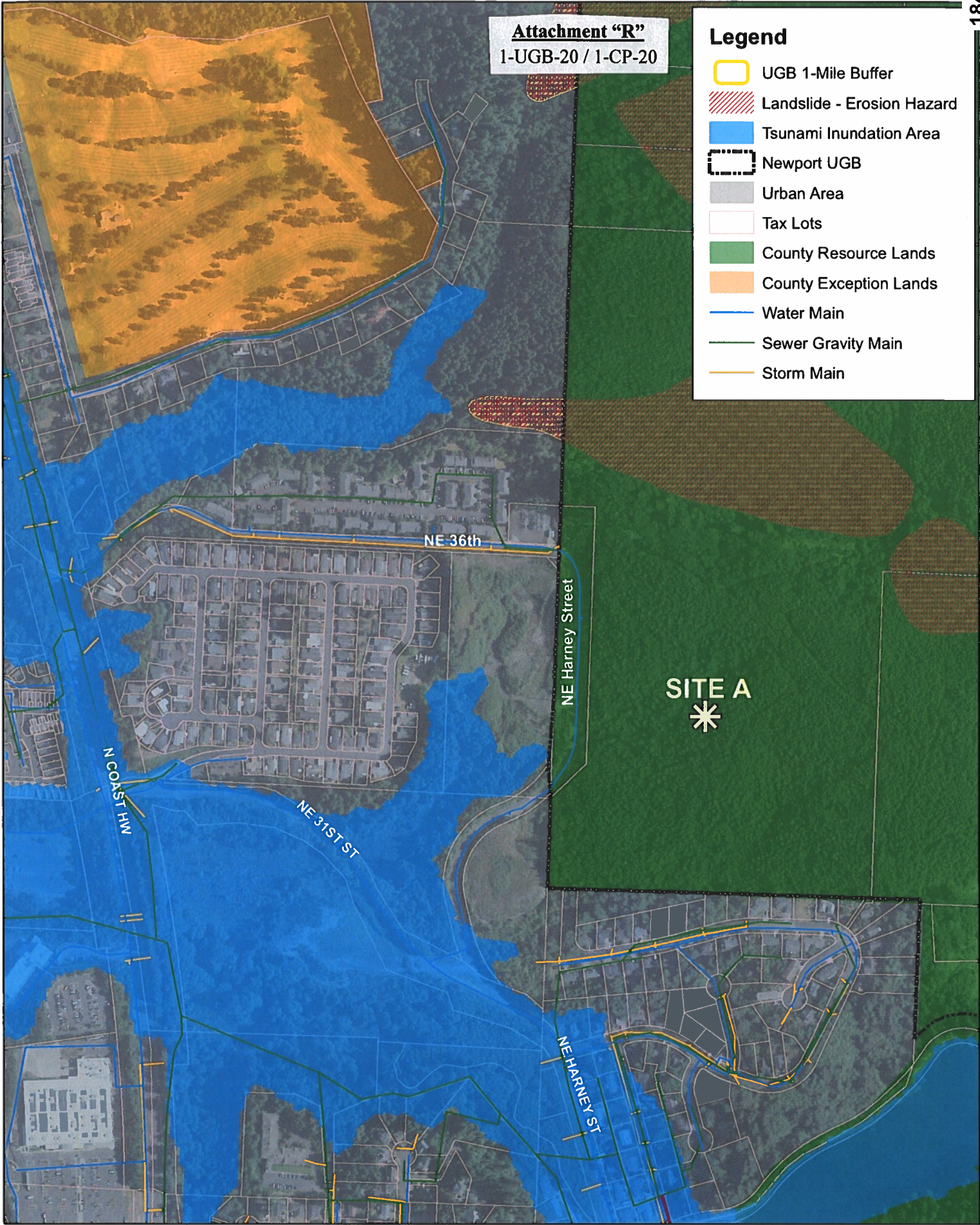


This map is for informational use only and has not been prepared for use in building or legal applications or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its completion or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

Attachment "R"
1-UGB-20 / 1-CP-20

Legend

-  UGB 1-Mile Buffer
-  Landslide - Erosion Hazard
-  Tsunami Inundation Area
-  Newport UGB
-  Urban Area
-  Tax Lots
-  County Resource Lands
-  County Exception Lands
-  Water Main
-  Sewer Gravity Main
-  Storm Main



This map is for informational use only and has not been prepared for use as a substitute for professional engineering or surveying services. The City of Newport assumes no responsibility for its completion or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

Sean T. Malone

Attorney at Law

259 E. Fifth Ave.,
Suite 200-C
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

December 14, 2020

Via Email

Derrick Tokos
Community Development Director
City of Newport
169 South Coast Highway
Newport, OR 97365
d.tokos@newportoregon.gov

Re: Oregon Coast Alliance Hearing Testimony in Support of Request to Adjust the Urban Growth Boundary and Comprehensive Plan Amendment, File No. 1-UGB-20/1-CP-20.

Dear Planning Commission of the City of Newport,

Oregon Coast Alliance (ORCA) is an Oregon nonprofit corporation whose mission is to protect coastal natural resources and work with residents to enhance community livability. ORCA hereby submits this hearing testimony in support of the consolidated applications identified above.

The request is to adjust the Urban Growth Boundary (UGB) to include a roughly 43-acre parcel in the UGB and to remove a roughly 71-acre parcel from the UGB. The request will also establish a Newport Comprehensive Pan Map designation of “High Density Residential” for the 43-acre property.

After reviewing the application and proposed findings prepared on behalf of Hancock Forest Management, Inc., ORCA believes that the applicant has demonstrated land need and has sufficiently analyzed potential boundary locations, pursuant to OAR 660-024-0040¹. The

¹ The requirements include: “Efficient accommodation of identified land needs,” “Orderly and economic provision of public facilities and services,” “Comparative environmental, energy, economic and social consequences,” and “Compatibility of the proposed urban uses with nearby

Comprehensive Plan establishes a need for 42 dwelling units annually between 2011 and 2031, 3/5 of which should be single-family detached units and 2/5 of which should be single-family attached and multi-family units. R-4 zoning would be applied to the property, which allows single-family detached units to multi-family units.

While the subject property is resource land (the lowest priority to be brought within the UGB), the property has services in place immediately adjacent and is capable of supporting development. Waste management stations have recently been upsized to address chronic overflow issues the City had experienced, and new water tank, pumps, and main lines have been constructed to address pressure issues. A paved collector roadway abuts the property, as does an electric utility substation. The property, while containing topography, is outside of mapped landslide hazard areas.

Non-resource lands within one mile of the UGB are not better situated because they are removed from City services, are parcelized, are complicated by bluff and dune-backed erosion hazards, landslide hazards, and subject to potential tsunami inundation. As such, it appears that there are no other properties that could be added as part of the UGB land exchange that would meet the City's housing needs.

ORCA also believes that the proposed findings for compliance with the Statewide Planning Goals are sufficient for the Planning Commission to recommend approval of the application to the City Council. Importantly, Goal 10 provides for the housing needs for communities throughout the state, and the proposal, combined with the high-density residential (R-4) designation, could result in 200 homes. Goal 11 is also pertinent here given level of services available to the subject property. The findings adequately demonstrate that transportation², water, sewer, and waste management services are available to the subject property.

Goal 14 requires a demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments, and also requires a demonstrated need for housing, employment opportunities, or uses such as public facilities, streets and roads, schools, parks or open space. OAR 660-024-0070(3) allows a local government considering an exchange of land to rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided that

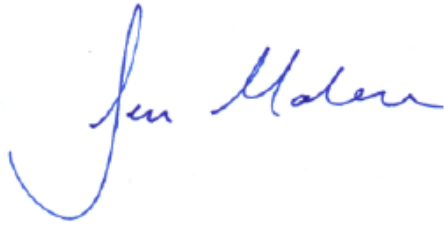
agricultural and forest activities occurring on farm and forest land outside of the UGB.” ORCA agrees that the proposed findings adequately demonstrate compliance with these standards.

² The application includes a Transportation Impact Study completed by Kittelson & Associates. The Study addresses the reasonable worst-case scenario of developing 200 dwelling units. The number of daily trips exceeds the threshold that would trigger a significant impact, and the Study analyzes those significant impacts and proposes adequate mitigation.

the buildable land added to the UGB provides a specific type of residential need substantially equivalent to the amount of buildable land removed and that the land added to the UGB is designated for the same residential uses and housing density as the land removed from the UGB. While the UGB adjustment will result in a gross acreage loss of 28 acres, this will not significantly impact the overall supply of land -- and the inclusion of Site A into the UGB will further the City's needed housing by providing lands that are more easily served by public facilities, closer to existing residential development, and closer to existing employment centers.

Because the proposed findings demonstrate compliance with the applicable criteria, ORCA respectfully requests that the Planning Commission recommend approval.

Sincerely,

A handwritten signature in blue ink that reads "Sean T. Malone". The signature is written in a cursive style with a large, sweeping initial "S".

Sean T. Malone
Attorney for Oregon Coast Alliance

Cc:
Client

Sherri Marineau

From: Sherri Marineau
Sent: Monday, December 14, 2020 11:48 AM
To: 'sherrimarineau@yahoo.com'
Subject: FW: FW: Staff Report for Boston Timber Opportunities UGB Amendment (File No. 1-UGB-20/1-CP-20)

From: Derrick Tokos
Sent: Monday, December 14, 2020 11:41 AM
To: 'Jim Patrick' <jpatrick@newportnet.com>; 'James Hanselman' <jj_oregon@yahoo.com>; 'Lee Hardy' <lee@yaquinabayproperties.com>; 'William Branigan' <phantom41@gmail.com>; 'gary.east460@gmail.com' <gary.east460@gmail.com>; 'Mike Franklin (mike@newportchowderbowl.com)' <mike@newportchowderbowl.com>; 'Bob Berman' <CindyAndBob@earthlink.net>
Subject: FW: FW: Staff Report for Boston Timber Opportunities UGB Amendment (File No. 1-UGB-20/1-CP-20)

FYI

From: Jean Dahlquist <jdahlqu1@gmail.com>
Sent: Monday, December 14, 2020 8:28 AM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: Re: FW: Staff Report for Boston Timber Opportunities UGB Amendment (File No. 1-UGB-20/1-CP-20)

Good morning Derrick,

Normally we'd submit a comment letter if no findings were provided before the PC meeting. This is due to the fact that if draft findings are provided at that time, it leaves more space for planners and advocates to interact with the process before a decision is made. However, the applicant provided very detailed findings for this application, so we feel as if that is sufficient information to judge whether the amendment complies with Goal 10 or not. We'd encourage the planning department to consider providing findings earlier in the process in the future.

Thank you, and I hope your monday is off to a good start!

Jean Dahlquist

Fair Housing Council of Oregon
Phone: (414) 477-1567
E-mail: jdahlqu1@gmail.com
[Linkedin](#)

On Fri, Dec 11, 2020 at 2:20 PM Jean Dahlquist <jdahlqu1@gmail.com> wrote:

Good afternoon Derrick,

Thank you for the email and the clarification. I'll be able to include the context in my report to the board. I'll let you know what they decide.

Thanks again!

--Jean

On Wed, Dec 9, 2020 at 10:04 AM Derrick Tokos <D.Tokos@newportoregon.gov> wrote:

Hi Jean... the applicant's reference to "analysis of Site B" as an attachment could be clearer. What they are referring to is a combination of the map exhibits (Attachment "F" to the staff report) and the analysis on pages 48 and 49 of their findings.

Please feel free to email your comments. I won't be providing any additional findings prior to the Planning Commission hearing; however, assuming the Commission provides a favorable recommendation, I will prepare an ordinance supported by findings of fact prior to the Council hearing. While I will use the applicant's analysis as the basis for those findings, I'll also clarify points as needed, and address Commission and public feedback.

Derrick I. Tokos, AICP

Community Development Director

City of Newport

169 SW Coast Highway

Newport, OR 97365

ph: 541.574.0626 fax: 541.574.0644

d.tokos@newportoregon.gov

From: Jean Dahlquist <jdahlqu1@gmail.com>

Sent: Wednesday, December 09, 2020 9:22 AM

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

Cc: Sherri Marineau <S.Marineau@NewportOregon.gov>

Subject: Re: FW: Staff Report for Boston Timber Opportunities UGB Amendment (File No. 1-UGB-20/1-CP-20)

Good morning,

Thank you for sending! It looks like there should be an attachment "analysis of Site B" that might provide some needed quantification. How could I get ahold of that?

I also have some feedback on the findings regarding the HNA data, however I noticed that these were the applicants findings. Is the staff planning on providing findings in addition to these? The feedback is fairly straightforward and simple, as long as the quantification in the attachment is clear.

Thank you,

--Jean

On Tue, Dec 8, 2020 at 5:13 PM Derrick Tokos <D.Tokos@newportoregon.gov> wrote:

Hi Jean,

I posted the staff report to the City's website. Here is a link: <https://www.newportoregon.gov/dept/cdd/default.asp>

It will also be included with the formal packets when they are posted towards the end of the week. Monday night's hearing will be held by video-conference. It will start at 7pm. Please let us know if you want to participate and I'll forward the dial-in information.

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