



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 2, 2007

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Waldport Plan Amendment
DLCD File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office. Due to the size of amended material submitted, a complete copy has not been attached.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 20, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative
Larry Lewis, City of Waldport

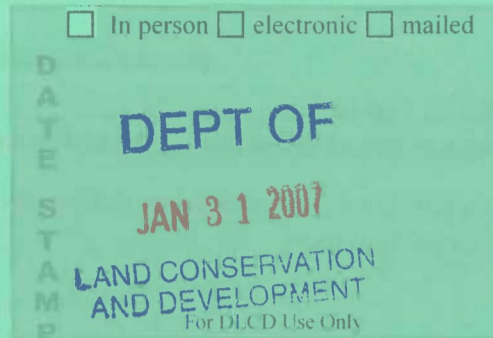
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NRDF 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Waldport**

Local file number: **#3PD-PC-06 (UGB Amend)**

Date of Adoption: **1/25/2007**

Date Mailed: **1/29/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 11/3/2006

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The UGB Amendment removes 215.5 acres from the existing Waldport UGB and adds an equal amount (215.5 acres) to the Waldport UGB. This is a developer-initiated UGB adjustment in conjunction with the preliminary plan approval of a 576-acre Planned Development.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Existing UGB**

to: **Proposed UGB**

Zone Map Changed from: **R-1 and RR-2**

to: **R-1 and P-F (Public Facilities)**

Location: **south part of Waldport**

Acres Involved: **215**

Specify Density: Previous: **1,245 dwellings (PD approval)** New: **1,245 dwellings**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 002-06(15676)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Dept. of Land Conservation and Development (DLCD); Oregon Dept. of Transportation (ODOT);
City of Waldport

Local Contact: **Larry Lewis, City Planner**

Phone: **(541) 563-3561** Extension: **103**

Address: **PO Box 1120**

Fax Number: **541-563-5810**

City: **Waldport, OR**

Zip: **97394-**

E-mail Address: **larry.lewis@waldport.org**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

After recording please return to:
City of Waldport
P.O. Box 1120
Waldport, OR 97394

COPY

ORDINANCE NO. 713

AN ORDINANCE ADJUSTING THE URBAN GROWTH BOUNDARY FOR THE CITY OF WALDPOR, LINCOLN COUNTY, OREGON

WHEREAS, the Urban Growth Boundary (UGB) is a regional boundary set to control urbanization by designating the area inside the boundary for higher density urban development and the area outside the boundary for lower density rural development; and

WHEREAS, the proposed Naples Golf and Beach Resort encompasses property that is both within and without the present City of Waldport UGB; and

WHEREAS, the property owner has initiated a request for consideration of the UGB adjustment to facilitate the development of the property in order to enable the City to better meet its comprehensive planning objectives for the conservation of natural resources, development of recreational and tourism facilities, efficient provision of City services and facilities and adequate inventories of housing and employment lands; and

WHEREAS, the applicant has stated that the objective of the UGB adjustment is to preserve and maintain the environmental integrity and physical characteristics of the property by placing drainage & wetland areas, steep slope areas, natural land forms and heavily treed areas outside of the UGB; and

WHEREAS, the proposed UGB adjustment will have zero net effect to the overall acreage currently within and outside of the UGB areas;

AND WHEREAS, the Council heard the request at its January 25, 2007 meeting and moved to proceed with the UGB adjustment (the legal description of which is hereto attached as "Exhibit A" and by this reference incorporated herein) contingent upon the applicant's compliance with the requirements contained in the Findings, Conclusion and Final Order for the Naples Planned Development UGB Adjustment application;

NOW, THEREFORE, the City of Waldport ordains as follows:


That the current UGB boundary of the City is hereby adjusted to conform to the legal description attached as "Exhibit A".

FIRST READ to the City Council this 25th day of January, 2007.

PASSED by the City Council this 25th day of January, 2007 by the following

vote: 4 Ayes 0 Nays 0 Abstaining 2 Absent

SIGNED by the Mayor this 25th day of January, 2007.


Herman Welch, Mayor

ATTEST:


Reda A. Quinlan, City Clerk

EFFECTIVE DATE: February 24, 2007



TED J. LANGTON - REGISTERED SURVEYOR

720 NW 4th Street, Corvallis, Oregon 97330 Phone 541-757-9050; FAX 541-757-7578

URBAN GROWTH BOUNDARY
LEGAL DESCRIPTION

NAPLES

WALDPORT, OREGON

January 15, 2007

Beginning at the northwest corner of said tract conveyed to Charles and Esther M. Battles per M.F. Volume 249, Page 1072, Lincoln County Records, on the west line of Golf Course Heights Subdivision; thence along said west line S 0°42'38"W 125.00 feet to the southwest corner thereof; thence leaving said west line S 08°54'45"E 87.87 feet; thence S 86°02'03"W 313.01 feet; thence N 10°53'46"W 246.29 feet to said Battles north line; thence along said line S 88°36'41"E 346.86 feet to the point of beginning;

ALSO beginning at a 5/8" iron rod on the west line of that tract conveyed to Mark C. and Patricia L. Campbell per M.F. Volume 329, Page 588, said County Records; thence along said west line N 0°44'22"E 90.39 feet to a 5/8" iron rod at the northwest corner thereof; thence along the Campbell north line S 88°27'55"E 60.00 feet to a 5/8" iron rod; thence continuing along said north line S 89°29'38"E 140.00 feet to the northeast corner thereof on the westerly right-of-way line of County Road 802 (South Crestline Drive); thence along said right-of-way line S 3°02'34"W 124.28 feet to the Campbell southeast corner; thence continuing along said right-of-way line S 0°51'17"E 179.82 feet to the northeast corner of "Parcel Two" as conveyed to the Clark Living Trust Dated December 1, 1994 per M.F. Volume 292, Page 1161, said County Records; thence along the Clark Trust's north line N 88°18'12"W 130.00 feet to the northwest corner thereof; thence N 17°34'03"W 222.91 feet to the point of beginning;

ALSO beginning at a 5/8" iron rod at the northwest corner of Lot 44, Block 4, Crestview Hills No. 5, a subdivision in said County and State; thence along the west line of said Block 4, S 0°55'10"W 211.14 feet to a 5/8" iron rod at the northwest corner of Lot 42, said Block 4; thence along the Lot 42 west line S 0°52'43"W 89.07 feet to the southwest corner thereof, being also the northwest corner of Lot 37, said Block 4; thence along the Lot 37 west line S 0°55'13"W 99.27 feet to a 5/8" iron rod at the southwest corner thereof; thence S 1°03'31"W 60.41 feet to a 5/8" iron rod at the northwest corner of Lot 36, Block 3, said Crestview Hills No. 5; thence along the west line of said Block 3, S 0°56'27"W 273.43 feet to a 5/8" iron rod at the southwest corner thereof; thence S 1°18'05"W 14.35 feet to a 5/8" iron rod on the east-west centerline of the Southwest 1/4 of said Section 30; thence N 88°40'14"W 299.52 feet to a Brass capped monument at the Southwest 1/16 corner of said Section 30;

thence S 1°17'20"W 1,310.23 feet to a Brass capped monument at the West 1/16 corner between Sections 30 and 31, said Township and Range; thence along the Section line S 88°56'52"E 455.68 feet; thence leaving said Section line S 2°30'48"E 338.41 feet to the north line of that tract conveyed to South Lincoln Landfill, Inc. per Book 195, Page 929, said County Records; thence along the South Lincoln north line N 89°11'38"W 456.16 feet; thence N 89°12'06"W 327.83 feet to the northwest corner thereof; thence along the South Lincoln west line as follows: S 02°16'36"E 683.38 feet; thence N 89°41'18"W 413.94 feet; thence leaving said South Lincoln boundary S 2°03'26"E 687.72 feet to the southerly line of said South Lincoln tract; thence along said southerly line N 89°45'08"E 747.21 feet to the east line of Government Lot No. 2; thence along said Lot line S 02°24'46"E 340.27 feet to the northwest corner of that tract conveyed to the William R. Dahl Revocable Living Trust, dated April 5, 2001; thence along the north line thereof N 89°35'12"E 658.82 feet to the northwest corner of Parcel 2, Partition Plat No. 1999-25, said County and State; thence along the west lines of Parcels 2 and 3, said Plat, S 02°30'48"E 295.02 feet to the Parcel 3 southwest corner; thence along the Parcel 3 south line S 89°28'04"E 199.58 feet to the southeast corner thereof on the west right-of-way line of Ann Street; thence along said right-of-way line S 02°30'48"E 60.03 feet to the north line of Partition Plat 1997-29, said County and State; thence along said north line N 89°27'54"W 199.58 feet to the northwest corner thereof; thence along the west line of said Partition Plat, S 02°30'48"E 320.00 feet to the southwest corner thereof, lying on the east-west centerline of said Section 31; thence along said Section centerline, and the south line of said Partition Plat, N 89°06'16"E 659.83 feet to a Brass capped monument at the Center 1/4 corner of said Section 31; thence along the north-south centerline of said Section, S 02°36'56"E 1183.68 feet; thence leaving said line S 51°02'05"W 254.12 feet; thence S 89°30'04"W 256.74 feet; thence N 65°26'55"W 191.92 feet; thence N 85°05'04"W 531.95 feet; thence N 01°13'04"W 93.13 feet; thence N 58°18'03"E 461.97 feet; thence N 68°39'56"E 240.73 feet; thence N 69°10'25"E 477.14 feet; thence N 02°32'42"W 61.31 feet; thence N 88°20'36"W 475.68 feet; thence S 83°22'56"W 474.31 feet; thence S 47°20'19"W 644.88 feet; thence S 84°43'11"W 692.20 feet; thence N 24°55'06"W 361.40 feet; thence N 35°40'32"E 132.68 feet; thence N 67°19'43"E 417.44 feet; thence N 09°26'58"W 313.85 feet; thence N 34°29'40"E 43.50 feet; thence N 53°59'14"E 633.06 feet; thence S 43°21'48"E 714.24 feet; thence S 64°01'26"E 377.82 feet; thence N 88°23'26"E 480.26 feet; thence N 02°32'42"W 209.70 feet; thence N 75°33'04"W 644.21 feet; thence N 52°50'04"W 1242.05 feet; thence S 89°17'22"W 335.38 feet; thence S 89°45'27"W 442.42 feet; thence N 15°02'39"E 2231.03 feet; thence N 22°19'26"E 779.17 feet; thence N 04°46'36"W 295.14 feet; thence N 18°28'19"E 286.09 feet; thence N 70°57'16"E 152.33 feet; thence N 16°34'47"W 232.47 feet; thence N 15°54'21"E 53.79 feet; thence N 67°53'29"E 143.55 feet; thence N 42°27'23"E 141.42 feet; thence N 48°22'34"W 288.00 feet; thence S 55°46'00"W 364.58 feet; thence S 06°58'32"E 184.50 feet; thence S 23°32'20"W 719.23 feet; thence S 34°13'16"W 1265.36 feet; thence N 76°11'15"W 215.91 feet; thence N 25°33'57"W 599.41 feet; thence N 49°21'16"W 164.04 feet; thence N 06°15'21"W 333.30 feet; thence N 41°36'04"E 588.97 feet; thence N 25°31'43"E 343.89 feet; thence N 88°36'02"E 156.21 feet; thence N 28°59'35"W 320.73 feet; thence N 17°35'33"W 495.39 feet; thence N 30°49'51"E 365.26 feet; thence N 78°52'04"E 745.67 feet; thence S 84°09'46"E 341.95 feet; thence S 17°23'21"E 172.29 feet; thence N 71°35'45"E 199.24 feet; thence

N 25°35'16"W 289.78 feet; thence N 29°43'47"E 372.70 feet; thence N 84°29'35"E 321.47 feet; thence S 05°30'25"E 149.99 feet; thence S 39°05'07"E 158.88 feet; thence N 62°03'56"E 125.78 feet; thence N 30°39'38"W 94.57 feet; thence N 24°09'11"E 171.20 feet; thence N 84°29'35"E 570.14 feet; thence S 11°26'09"W 1073.25 feet; thence N 79°30'48"W 367.81 feet; thence N 59°18'07"W 268.88 feet; thence N 89°12'07"W 180.96 feet; thence S 22°35'58"W 104.91 feet; thence S 05°24'54"W 457.42 feet; thence S 69°09'08"E 218.84 feet to the point of beginning;

ALSO beginning at a Brass capped monument at the East 1/16 corner between Sections 25 and 36, Township 13 South, Range 12 South, Willamette Meridian; thence along the north-south centerline of the Southeast 1/4 of said Section 25, N 01°08'36"E 1,697.23 feet to the south line of that tract conveyed to Naples One, LLC per Document No. 2006-14797, said County Records; thence along said south line, and the south line of that tract conveyed to Naples One, LLC per Document No. 2006-14799, said County Records, parallel to the south line of said Section 25, N 89°23'09"W 849.86 feet to a 5/8" iron rod on the easterly right-of-way line of Oregon State Highway No. 101; thence along said right-of-way line as follows: N 07°35'27"E 965.58 feet; thence leaving said right-of-way line S 64°04'17"E 266.37 feet; thence S 14°02'07"E 352.77 feet; thence S 86°04'08"E 86.66 feet; thence S 42°50'37"E 260.68 feet; thence S 03°46'55"E 218.23 feet; thence N 86°33'28"E 184.62 feet; thence N 13°43'39"W 408.90 feet; thence S 82°13'58"E 450.29 feet; thence N 15°42'41"E 127.23 feet; thence N 82°43'40"E 342.48 feet; thence S 17°02'36"E 491.02 feet; thence S 30°14'12"W 1361.33 feet; thence S 33°13'28"E 649.93 feet; thence S 02°36'03"E 177.31 feet; thence S 77°50'30"E 311.71 feet; thence S 40°21'20"E 291.71 feet; thence S 01°33'54"W 1720.20 feet; thence N 89°36'59"W 1009.51 feet; thence N 00°23'01"E 693.04 feet; thence N 89°36'49"W 722.09 feet; thence N 04°11'45"E 702.58 feet; thence N 89°15'58"W 230.28 feet; thence N 00°05'43"W 649.91 feet; thence S 89°29'20"E 814.91 feet; thence N 01°08'36"E 20.10 feet to the point of beginning;

ALSO beginning at a 5/8" iron rod at the southwest corner of Lot 7, Ocean Hills Subdivision; thence leaving said subdivision boundary S 00°30'02"E 68.73 feet; thence N 79°06'08"W 397.19 feet; thence S 10°53'52"W 138.45 feet; thence S 44°45'45"E 310.97 feet; thence S 00°04'05"E 222.27 feet; thence N 84°42'52"E 929.82 feet; thence N 04°08'05"E 392.69 feet; thence N 52°09'24"W 81.86 feet to a 5/8" iron rod on the southerly right-of-way line of SW Ocean Hills Drive; thence along said right-of-way line, on the arc of a 275.00 foot radius curve left (Long Chord: N 68°17'38"W 76.39 feet) 76.64 feet to a 5/8" iron rod at the northeast corner of Lot 1, said subdivision; thence along the east line of said Lot, S 16°47'17"W 95.24 feet to a 5/8" iron rod at the southeast corner thereof; thence N 73°12'43"W 172.89 feet to a 5/8" iron rod at the southwest corner of Lot 2, said subdivision; thence N 16°47'17"E 80.06 feet to a 5/8" iron rod at the Lot 2 northwest corner; thence N 78°17'05"W 50.20 feet to a 5/8" iron rod at the northeast corner of Lot 3, said subdivision; thence along the Lot 3 easterly line S 16°47'17"W 119.31 feet to the southeast corner thereof; thence along the southerly line of said subdivision N 73°12'43"W 100.00 feet to a 5/8" iron rod; thence N 78°17'05"W 278.75 feet to the point of beginning;

ALSO beginning at a 5/8" iron rod on the west line of Lot 7, Ocean Hills Subdivision; thence leaving said subdivision boundary N 78°56'12"W 560.10 feet to the easterly

right-of-way line of Oregon State Highway No. 101; thence along said right-of-way line on the arc of a 2,764.79 foot radius curve right (Long Chord: N 21°00'27"E 280.94 feet) 281.06 feet to the intersection with the southerly right-of-way line of SW Ocean Hills Drive; thence leaving said State Highway 101 right-of-way line, along said SW Ocean Hills Drive right-of-way line as follows: S 78°05'50"E 25.92 feet; thence along the arc of a 120.25 foot radius curve right (Long Chord: S 60°22'46"E 73.19 feet) 74.37 feet; thence S 42°39'43"E 227.32 feet to a 5/8" iron rod at the most westerly corner of said Ocean Hills; thence continuing along said right-of-way line S 42°39'43"E 97.50 feet to a 5/8" iron rod; thence along the arc of a 340.50 foot radius curve left (Long Chord: S 48°43'43"E 71.97 feet) 72.11 feet to a 5/8" iron rod; thence along the arc of a 299.36 foot radius curve left (Long Chord: S 63°58'10"E 95.46 feet) 95.87 feet to the point of beginning;

ALSO beginning a 5/8" iron rod at the northwest corner of the "Common Area" depicted on Ocean Hills, a subdivision in said County and State, lying S 0°49'27"W 1,720.75 feet and N 89°23'09"W 1,372.10 feet from a Brass capped monument at the northwest corner of said Section 25; thence along the west line of said "Common Area" S 0°49'42"W 100.50 feet to a 5/8" iron rod on the westerly line of Lot 12, said subdivision; thence S 17°01'58"W 71.67 feet to a 5/8" iron rod at the Lot 12 southwest corner; thence along the west line of said subdivision S 0°49'42"W 293.15 feet to a 5/8" iron rod on the northerly right-of-way line of S.W. Ocean Hills Drive; thence along said right-of-way line, on the arc of a 239.36 foot radius curve right (Long Chord: N 61°52' 58"W 59.07 feet) 59.22 feet to a 5/8" iron rod; thence along the arc of a 280.50 foot radius curve right (Long Chord: N 48°43'43"W 59.29 feet) 59.40 feet to a 5/8" iron rod; thence N 42°39'43"W 97.50 feet to a 5/8" iron rod; thence continuing N 42°39' 43"W 227.32 feet; thence along the arc of a 180.25 foot radius curve left (Long Chord: N 52°27'03"W 61.29 feet) 61.59 feet; thence N 26° 51'31"E 59.39 feet; thence N 64°59'43"W 62.54 feet to the easterly right-of-way line of Oregon State Highway No. 101, thence along said right-of-way line, on the arc of a 2,764.79 foot radius curve right (Long Chord: N 27°05'09"E 49.24 feet to the intersection with the north line of that tract conveyed to Naples One, LLC per Document No. 2006-14799, said County Records; thence along said Naples One, LLC north line S 89°23'09"E 399.52 feet to the point of beginning;

ALSO beginning at a Brass capped monument at the North 1/16 corner between Section 30, Township 13 South, Range 11 West, Willamette Meridian, and Section 25, Township 13 South, Range 12 West, Willamette Meridian, Lincoln County, Oregon, being also the northwest corner of that tract conveyed to Charles and Esther M. Batties per M.F. Volume 249, Page 1072, Lincoln County Records; thence along the Batties north line S 88°36'41"E 304.23 feet; thence leaving said line S 04°34'39"E 148.60 feet; thence N 89°48'26"E 478.84 feet; thence S 54°58'33"E 343.69 feet; thence S 14°56'46"E 179.83 feet; thence S 25°20'57"W 238.25 feet; thence N 45°47'07"W 279.09 feet; thence S 74°27'19"W 679.13 feet; thence S 87° 41'59"W 293.27 feet; thence S 59°50'19"W 159.17 feet; thence S 85°24'25"W 74.54 feet; thence N 00°36'51"W 253.26 feet; thence S 89°23'09"E 216.28 feet; thence N 00°37'12"W 198.71 feet to the north line of that tract conveyed to Naples One, LLC per Document No. 2006-14797, said County Records; thence along said north line S 89°23'09"E 121.80 feet to a 5/8" iron rod at the northeast corner thereof on the

east line of said Section 25; thence along the Section line N 0°49'27"E 377.00 feet to the point of beginning;

SAVE AND EXCEPT from all of the above described property the following portion thereof:

Beginning at a 5/8" iron rod at the southwest corner of that tract conveyed to the Southwest Lincoln Water District per Book 365, Page 363, said County Records, lying S 53°18'22"E 407.18 feet from a Brass capped monument at the North 1/16 corner between Section 30, Township 13 South, Range 11 West, Willamette Meridian, and Section 25, Township 13 South, Range 12 West, Willamette Meridian, Lincoln County, Oregon; thence N 1°03'23"W 80.00 feet to a 5/8" iron rod; thence S 89°58'33"E 208.86 feet to a 5/8" iron rod; thence S 1°05'39"E 209.00 feet to a 5/8" iron rod; thence N 89°58'36"W 209.00 feet to a 5/8" iron rod; thence N 1°03'23"W 129.00 feet to the point of beginning;

The resultant area of the total tract described above being therefore 331.18 acres, more or less.

**BEFORE THE CITY COUNCIL
OF
WALDPOR, OREGON**

**Case File #3-PD-PC-06
Request for Urban Growth Boundary Adjustment
Applicant: Columbia Pacific Enterprises, Inc.**

FINDINGS AND CONCLUSION

Nature of the Application

The applicant is requesting approval of an Urban Growth Boundary adjustment. The urban growth boundary, or UGB, is a regional boundary, set in an attempt to control urbanization by designating the area inside the boundary for higher density urban development and the area outside the boundary for lower density rural development.

The proposed Naples Golf and Beach Resort totals 576 acres and includes 1,245 residential dwellings, approximately 50,000 square feet of commercial space, and an 18-hole golf course. The Planning Commission granted preliminary plan approval for the Planned Development in December 2006. One condition of the preliminary plan approval is: The applicant shall submit a legal description and Findings for the proposed Urban Growth Boundary (UGB) modification for review and consideration of approval by the Waldport City Council. Findings for the UGB modification shall demonstrate compliance with applicable Oregon Administrative Rules (OAR). Upon approval of the UGB modification, land that would come into the UGB shall be rezoned with an urban zoning classification, i.e. R-1 Residential, and the land that would be removed from the UGB shall be rezoned to a rural classification, i.e. Public Facilities P-F.

The 576 acre site is entirely within the Waldport City limits however 216.5 acres are currently outside the UGB. The applicant states that the UGB adjustment will facilitate the development of the infill area between Highway 101 and Crestline Drive south of Range Drive in a manner that enables the city to better meet its comprehensive planning objectives for the conservation of natural resources, development of recreational and tourism facilities, efficient provision of city services and facilities, and adequate inventories of housing and employment lands. The proposed UGB adjustment will have zero net affect to the overall acreage currently within and outside of the UGB areas.

The applicant states that the objective of the UGB adjustment is to preserve and maintain the environmental integrity and physical characteristics of the property. The proposed adjustment will provide the guideline to preserve and maintain the physical integrity of the property through placing important physical features such as drainage (wetlands areas), steep slope areas, natural land forms and heavily treed areas outside of the UGB.

Relevant Facts

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

**#3-PD-PC-06 Naples Golf & Beach Resort
UGB Adjustment Findings & Conclusions**

A. Property Location: The subject site is located east of Highway 101, south of Range Drive, and west of Crestline Drive. The site includes 18 tax lots identified on Lincoln County Tax Assessor's Maps as follows:

Tax Map 13-11-30, Tax Lot 800	Tax Map 13-11-25, Tax Lots 300, 301, 500
Tax Map 13-11-30BD, Tax Lots 1200, 1202	Tax Map 13-12-25AD, Tax Lot 3800
Tax Map 13-11-30CA, Tax Lot 1400	Tax Map 13-12-36, Tax Lot 100
Tax Map 13-11-31B, Tax Lots 300, 400, 500, 600, 601	Tax Map 13-12-36AB, Tax Lot 100, 1200
Tax Map 13-11-31C, Tax Lot 100	Tax Map 13-12-36AD, Tax Lot 100

B. Zoning:

Residential Zone R-1
Retail Commercial Zone C-1
Planned Industrial Zone I-P
Public Facilities Zone P-F
Residential Zone RR-2 (Lincoln County zoning)

C. Plan Designation: Residential, Commercial, Industrial

D. Site Size: 576 acres

E. Existing Land Use and Structures: The existing Crestview Hills Golf Course and associated structures are located at the northeast section of the subject site (west of Crestline Drive, south of Range Drive). A Southwest Lincoln Water District water reservoir (water tank) is located in the northern part of the site, east of Seabrook Lane. The remaining acreage is undeveloped.

F. Topography and Vegetation: The property generally slopes westward from the east toward the ocean, and is crossed with numerous natural drainage ways. The site has a logged area in the north section and un-maintained roads crossing the site. Trees and foliage cover the majority of the property with Crestview Golf Course located in the northeast section of the site. Wetlands located on the site are typically small creeks with associated wetlands that are restricted within minor, narrow drainage ways in two small, localized drainage basins. Broader wetland areas have formed in association with the creeks from impoundments that are either naturally or artificially created. Wetland/upland boundaries are distinct and well defined by elevation contours.

G. Surrounding Land Use:

North: Single family residential uses are located just north of the site (Ocean Hills development, Seabrook/Southmayd/Tara streets, and south of Range Drive).

East: Land uses east of the site, west of Crestline Drive include single family residential uses just east and south of the existing golf course (Crestview Hills Subdivision), the Waldport Elementary and Middle Schools, light industrial uses within the planned industrial park, and Dahl Disposal Service. Land east of Crestline Drive is primarily undeveloped with some single family residential uses.

South: Single family residential uses are located south of the site near Highway 101 (along Breakers Loop, Whitecap Lane, and other streets)

**#3-PD-PC-06 Naples Golf & Beach Resort
UGB Adjustment Findings & Conclusions**

West: Governor Patterson State Park and beach are located west of Highway 101. An existing weigh station (Oregon Dept. of Transportation) is located just west of the subject site on the east side of Highway 101.

H. Utilities: The following utilities currently serve or are available to serve the subject property:

- a. Water: City of Waldport and Southwest Lincoln Water District
- b. Sewer: City of Waldport
- c. Electricity: Central Lincoln P.U.D.

I. Development Constraints: Wetlands and some steep land associated with drainage ways.

J. Public Testimony: No written or oral testimony was provided.

K. Public Agency Comment. At the time the Planned Development was applied for, both the Oregon Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT) provided comments and requirements regarding the proposed Urban Growth Boundary adjustment. The applicant addressed those concerns and requirements in the *Proposed Urban Growth Boundary Adjustment* report. The DLCD and ODOT letters are herein incorporated into the record.

Relevant Criteria

Oregon Administrative Rule Chapter 660, Division 24 Urban Growth Boundaries

Waldport Municipal Code, Title 16

- Chapter 16.104 Amendments

Waldport Comprehensive Plan

- Goal II. Urbanization
- Goal IX. Economy
- Goal X. Housing
- Goal XI. Public Facilities and Services
- Goal XII. Transportation

Applicant's Proposal

For the UGB Adjustment application, the applicant submitted the *Proposed Urban Growth Boundary Adjustment, January 2007*, which is herein incorporated into the record, and includes:

- a. Introduction/Vicinity Map
- b. Existing Conditions: Urban Growth Boundary (UGB) – Existing and Proposed

Analysis

- Traffic, Streets, and Roads
- Infrastructure: Utility Impacts
- Residential Development, Existing and Proposed
- Employment Development, Existing and Proposed
- Findings
- Summary Statement

Appendix

**#3-PD-PC-06 Naples Golf & Beach Resort
UGB Adjustment Findings & Conclusions**

- Letter from Department of Land Conservation and Development (DLCD)
- Legal Description
- Sewer System Evaluation
- Water System Evaluation

Excerpts from the Application (Please refer to the enclosed *Proposed Urban Growth Boundary Adjustment* report for a detailed description of the proposed development.)

Introduction: “As the different segments of the City of Waldport develop and grow, it may become necessary to occasionally adjust the city’s policies, ordinances, development guidelines and standards. Additionally, the state of Oregon’s Land Conservation and Development Commission (LCDC) regulations allow local governments to adjust the UGB at any time by adding or removing land from the UGB or by exchanging land inside the UGB for land outside the UGB.

It is with that in mind that the city’s Urban Growth Boundary is proposed to be adjusted. The objective of this adjustment is to preserve and maintain the environmental integrity and physical characteristics of the property while accommodating where appropriate the development needs and values of the community. The focus of this proposed adjustment involves an overall area of approximately 576 acres located in the southern area of the city. The area is located generally between the Oregon Coast Highway and Crestline Drive.

The configuration of the existing Urban Growth Boundary currently is aligned with property and parcel lines in a somewhat rectilinear and arbitrary manner. The proposed adjustment will provide the guideline so as to preserve and maintain the physical integrity of the property through placing important physical features such as drainage (wetlands areas), steep slope areas, natural land forms and heavily treed areas outside of the Urban Growth Boundary. This adjustment will also set the basis to provide linkages for wildlife movement and future trail systems.”

Findings

The following is a summary of the City Council findings:

1. **General Description of Proposed Urban Growth Boundary (UGB) Adjustment.** The December 2006 preliminary plan approval for the Naples Planned Development establishes the uses, structures and other forms of development allowed on the subject site (Waldport Municipal Code Section 16.60.020.A). The Planned Development allows a maximum of 1,245 residential dwellings. Without the Planned Development approval, over 2,300 residential dwellings would have been permitted on the 576 acre site with the underlying zoning of R-1, C-1 and RR-2. The proposed UGB modification, in conjunction with the approved Planned Development, maintains the city’s current urban growth acreage allocation, and does not increase the number of residential dwelling units or increase other development currently allowed within the UGB.

The requested UGB modification generally extends the UGB along the western and southern portions of the proposed Naples development where residential development is proposed, while decreasing the UGB in the proposed open spaces areas, i.e. the golf course and other open space areas. The request for a UGB modification requires the applicant to submit a legal description of the proposed UGB modification, and review and approval by the Waldport City Council. Upon approval of the UGB modification, land that would come into the UGB would be rezoned with an urban zoning classification, i.e. R-1 Residential, and the land that would be removed from the UGB

**#3-PD-PC-06 Naples Golf & Beach Resort
UGB Adjustment Findings & Conclusions**

would be rezoned to a rural classification, i.e. P-F Public Facilities. All land would be regulated under the approved Planned Development.

2. **Introduction.** The applicant proposes an adjustment of the Waldport Urban Growth Boundary by means of a substantially-equivalent exchange of lands currently inside the boundary for lands outside the boundary. Both the lands to be added and those to be removed are part of a single 576-acre site and are entirely within the city limits of the City of Waldport. There are 360.5 acres currently inside the UGB and 215.5 acres outside the UGB, and the numbers after the exchange will be the same.

The adjustment will facilitate the development of the infill area between Highway 101 and Crestline Drive south of Range Drive in a manner that enables the city to better meet its comprehensive planning objectives for the conservation of natural resources, development of recreational and tourism facilities, efficient provision of city services and facilities, and adequate inventories of housing and employment lands. The post-adjustment development scenario is set forth in the Naples Golf Resort Community Master Plan approved by the Waldport Planning Commission on December 19, 2006, under the city's acknowledged planned development standards and procedures.

3. **Application of Oregon's Land Conservation and Development Commission's (LCDC's) New Rule on Urban Growth Boundaries.** This UGB adjustment is proposed in accordance with the LCDC's new Urban Growth Boundary Rule, codified in Oregon Administrative Rules as OAR Chapter 660, Division 24. The new rule was adopted in October 2006 "to clarify procedures and requirements of Goal 14 [LCDC's Urbanization Goal] regarding local government adoption or amendment of an urban growth boundary (UGB)." OAR 660-024-0000(1). The rule is generally effective April 5, 2007, but a local government may apply it before then if it so chooses to do so.
4. **UGB Adjustment Requirements--OAR 660-024-0070.** OAR 660-024-0070 allows a local government to "adjust the UGB at any time to better achieve the purposes of Goal 14 and this division." It provides that such adjustments may occur by adding or removing land from the UGB, "or by exchanging land inside the UGB for land outside the UGB." The rule allows exchanges of land without new population projections and supply-demand analyses when those exchanges do not substantially alter the community's supply of buildable residential and suitable employment lands. Specifically, OAR 660-024--0070(3) provides that:
 - (3) Notwithstanding sections (1) and (2) of this rule, a local government considering an exchange of land may rely on its acknowledged population forecast and land needs analysis, rather than adopt a new forecast and need analysis, provided the land added to the UGB is planned for the same uses and at the same housing or employment density as the land removed from the UGB, and provided:
 - (a) For residential land, the amount of buildable land added to the UGB is substantially equivalent to the amount of buildable land removed; or
 - (b) For industrial or other employment land, the amount of suitable land added to the UGB is substantially equivalent to the amount of suitable land removed.

The subject UGB adjustment is consistent with Section (3). Under the preliminary plan approval for the Naples Golf and Beach Resort Planned Development, the range of uses authorized on the development site following the adjustment will be substantially the same as the zoning before, but

**#3-PD-PC-06 Naples Golf & Beach Resort
UGB Adjustment Findings & Conclusions**

will be differently distributed and will include mixes of uses that create equivalent or better employment opportunities than are provided by the employment lands removed from the UGB.

Only part of the industrially-zoned I-P area near Crestline Drive is being removed from the Urban Growth Boundary, and both the area removed and the area brought in to the UGB are partially unsuitable for industrial use because of uneven terrain, wetlands, and 20% or greater slopes, making it unsuitable for construction of buildings, roads, sewers, and other utilities.

Moreover, the current "industrial" zone is in fact already a de facto mixed-use zone that actually doesn't allow any industrial uses as outright permitted uses. All uses in this zone are conditional uses, and the zone allows a substantial range of non-industrial uses on the same basis (Municipal Code 16.36). This zoning provides no assurance that the site will in fact develop with industrial uses rather than other allowed uses. Thus it is fair to conclude that the land added to the City of Waldport UGB is planned for substantially the same range of uses and at substantially the same overall housing or employment density as the land removed from the UGB, and the adjustment results in substantially equivalent amounts of buildable residential land and suitable employment land before and after the adjustment.

The LCDC's rules recognize that lands planned and zoned for mixed residential and employment uses can be counted towards residential and employment lands inventories in reasonable ratios under state land use housing and economy goals. The Housing Rule, interpreting Statewide Planning Goal 10, Housing, defines "buildable land" as "residentially designated vacant . . . land . . . that is not severely constrained by natural hazards (Statewide Planning Goal 7) or subject to natural resource protection measures (Statewide Planning Goals 5 and 15)." In addition, land with slopes of 25 percent or greater is generally considered unbuildable. OAR 660-008-005(2). The Industrial and Commercial lands rule interpreting Statewide Planning Goal 9, Economic Development, defines land as "suitable" if it either provides for the site requirements of a proposed use or category of use or can be expected to provide" for those requirements within the planning period." In the case of the subject UGB adjustment rule, the record shows that the proposed mixed-use planned community will provide substantial additional "employment lands," including retail, industrial, office, and commercial uses in the Commercial Village, Hotel, Golf Course, and home-office-oriented residential areas.

5. **Relationship to Transportation Planning Rule--OAR 660-024-0020(1)(d).** The new UGB adjustment rule also recognizes that urban growth boundary amendments do not authorize uses that will generate increased transportation impacts and are consequently neutral with respect to the LCDC's Transportation Planning Rule (TPR).

OAR 660-024-0020(1)(d) provides as follows:

"The transportation planning rule requirements under OAR 660-12-0060 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."

The subject UGB land exchange adjustment reallocates but does not alter the overall development potential of the affected lands. Moreover, the conditions adopted as part of this plan amendment are the functional equivalent of interim zoning because they incorporate the relevant requirements of the state Transportation Planning Rule as additional standards for approval of final development

**#3-PD-PC-06 Naples Golf & Beach Resort
UGB Adjustment Findings & Conclusions**

plans allowing development on the affected lands under the approved Planned Development for the property.

The Transportation Planning Rule provisions referenced by the UGB adjustment rule above require that amendments to land use regulations that significantly affect a transportation facility be supported by a demonstration that the amendments will not "significantly affect" a transportation facility within the meaning of the rule or that any significant effects will be mitigated by mitigation measures referenced in the rule. OAR 660-010-0060.

Compliance with this requirement can be achieved in more than one way. It can be shown that the amendments will have no net impact greater than could occur without the subject amendment. Compliance can also be shown by conditions to a plan or zoning amendment to assure there will be no significant effect until requirements substantially the same as those of the TPR have been addressed in subsequent discretionary permitting processes involving notice, hearing, and coordination with ODOT.

In this case, the applicant's transportation engineering consultant has prepared and supplemented a Traffic Impact Analysis which demonstrates that the subject UGB amendments themselves will not authorize any development generating traffic impacts on transportation facilities in excess of those that could result from development on the subject site without the amendment.

In addition, the applicant has proposed the following condition, which assures that development on the subject property that could not have occurred without the subject amendment will be consistent with the above-referenced requirements of the TPR:

Condition: Applications for final development plan approvals for development on the subject site, in phases or otherwise, shall be processed as quasi-judicial "discretionary permits" within the meaning of ORS 197.763 and ORS 227.415 and shall be supported by a demonstration that the development to be authorized by the requested discretionary permit (a) would not "significantly affect" transportation facilities within the meaning of the Oregon Transportation Rule as currently set forth in OAR 660-012-0060 or would be mitigated with measures meeting the substantive and coordination requirements of OAR 660-012-0060.

The proposed UGB adjustment is also "TPR-neutral" because, as shown by the applicant's Transportation Impact Analysis and supplements thereto, the adjustment will not authorize development that will generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary.

Development with substantially the same impacts is allowed under the existing zoning on lands inside and outside the existing UGB, but with fewer transportation impact constraints. No transportation impact analysis at all is required for uses currently permitted outright on these lands, and all that a conditional use applicant has to show is "the adequacy of transportation access to the site." Waldport Municipal Code 16.84.070.A.1.b.

The Transportation Impact Analysis for development under the Planned Development approved by the City on December 19, 2006, assumes the following levels of development:

- 1,003 single family homes
- 315 townhouses/condominiums
- 1,104 recreational homes
- 100,000 square feet of retail space

**#3-PD-PC-06 Naples Golf & Beach Resort
UGB Adjustment Findings & Conclusions**

- 35,360 square feet of office space
- 57,000 square feet of industrial space

All of these uses and a wide range of other uses with comparable or greater impacts upon public facilities and services could be developed on the subject site without adjusting the urban growth boundary and without amending the existing plan and zoning designations. The adjustment simply allows these uses to be sited in a way that makes better use of the site's assets and constraints. To illustrate: Under the current UGB configuration and existing zoning for the subject site, it can be developed as follows without a UGB adjustment, without application of statewide land use goals, and without application of the State Transportation Planning Rule:

R-1 Residential

Allowed uses under Waldport Municipal Code 16.08

Permitted outright: One-family dwellings (6000 sq. ft. minimum lot size), manufactured homes, residential homes, family day care.

Conditional uses. Schools, churches, golf courses, country clubs, residential day care facilities.

RR-2 Residential (retained county zoning on annexed lands outside UGB)

Allowed uses under Lincoln County Development Code 1.345, including uses and minimum lot sizes:

Permitted outright. Single-family dwellings (2 acre minimum lot size).

Conditional uses. Churches, private schools, golf courses, retirement homes, governmental structures, etc.

C-1 Commercial

Allowed uses under Waldport Municipal Code 16.28, including uses permitted by reference to 16.20 (R-3) and cross-referenced R-4 multi-family standards.

Permitted outright. Retail stores, hotels/motels (1500 sq ft lot size per guest) restaurants, clinics, office buildings, multi-family dwellings (5000 sq ft min lot size plus 1250 sq ft for each additional unit.)

Conditional uses. RV parks, drive-in restaurants and gas stations.

P-F Public Facilities

Allowed uses under Waldport Municipal Code 16.52.

Permitted outright. Golf courses, public schools, hospitals, museums, solid waste disposal facilities, community centers.

I-P Planned Industrial

Allowed uses under Waldport Municipal Code 16.36

Permitted outright. None (except owner/caretaker/watchman residence.)

Conditional Uses. Low-impact manufacture, research, repair, assembly, processing, warehousing, etc.

Public utilities and governmental structures

Restaurants, bars, taverns

Animal hospitals

Lumber or building materials and storage

Race track (automotive)

**#3-PD-PC-06 Naples Golf & Beach Resort
UGB Adjustment Findings & Conclusions**

The applicant has the option, under the existing urban growth boundary configuration, to request a reconfiguration of the project under the existing zoning and UGB configuration, while achieving the same overall level of development. While the result would be less desirable from aesthetic, recreational, and design standpoints, its impacts on surrounding public transportation facilities would be substantially the same.

6. **Other Goal 14 considerations:** There are several ways that the subject UGB adjustment better achieves the purposes of Goal 14 and this division than the piecemeal accretion of conventional rural and urban subdivisions that could reasonably be expected to occur without the adjustment. Among these advantages are the following:
 - a) In place of the "cookie-cutter" Euclidean model, the adjustment facilitates a comprehensive, tailored-to-the-site master-planned approach to allocating residential, employment, open space, conservation, and recreational uses on the entire property in a manner that conforms to the site's setting, topography, and natural assets, as well as its public facility and service requirements.
 - b) The UGB adjustment allows the city to replace a marginal industrial site in the SE corner of the city's urban area that has topographical constraints, access problems, and industrial zoning that allows no industrial uses outright while allowing competing conditional uses such as restaurants, bars, and taverns. In contrast, the subject UGB amendment allows the city to create genuine near-term employment opportunities on lands developed with commercial, golf-resort, office, and home occupation uses. The resulting employment-lands share of the gross acreage of the 576-acre Planned Development site is the substantial equivalent of the suitable employment lands removed.
 - c) The proposed adjustment presents no issues of compatibility with rural agricultural and forest uses. There are no rural resource designations on lands adjacent to the lands to be removed and none adjacent to those to be added. All of the lands to be removed and all of the lands to be added are within the city limits and currently surrounded by lands that are designated on acknowledged comprehensive plans and zoning maps as nonresource, and that have long been planned, zoned, and, in many cases, developed with homes, golf courses, landfills, public schools, transfer stations, and other nonresource uses.
 - d) The proposed adjustment makes actual near-term comprehensively-planned development of the site by a single developer with adequate financing much more likely than would otherwise be the case. In so doing, it increases the likelihood that urban housing and employment needs will in fact be addressed, fosters the orderly and economic provision of public facilities and services, and avoids the adverse environmental, energy, economic, and social consequences of piecemeal, delayed, and uncoordinated development, and helps to maximize the efficiency of land uses within and on the fringe of the existing urban area.
7. The city and the applicant have coordinated with DLCD and ODOT through numerous communications, meetings, and exchanges of documents, by adopting findings and conditions reasonably addressing and accommodating their concerns, and by assuring that no substantial impacts to transportation facilities within the meaning of the state Transportation Planning Rule can occur until the substance of that rule concerning determination of "substantial effects" and mitigation of such effects is addressed through findings and measures consistent with the requirements of the rule."

#3-PD-PC-06 Naples Golf & Beach Resort
UGB Adjustment Findings & Conclusions

Conclusion

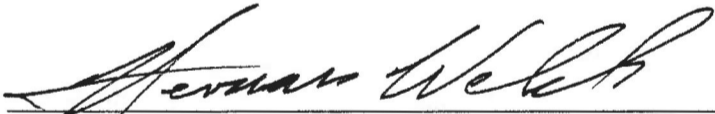
The City Council finds that the Urban Growth Boundary adjustment for the Columbia Pacific Enterprises, Inc. property is consistent with Goal 14's factors governing the establishment and change of urban growth boundaries, as interpreted by the Goal 14 rule's urban growth boundary adjustment provisions.

Order

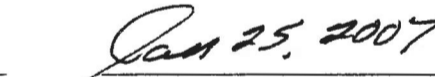
It is ORDERED by the Waldport City Council that the requested Urban Growth Boundary Adjustment be and is hereby approved. Said approval is subject to the following conditions:

1. **Adjusted UGB Boundary.** The adjusted UGB boundary will be consistent with the proposed plan as provided in the January 2007 *Proposed Urban Growth Boundary Adjustment* report. Any significant change to the boundary shall require a new application for an Urban Growth Boundary adjustment.
2. **Transportation Planning Rule.** Applications for final development plan approvals for development on the subject site, in phases or otherwise, shall be processed as quasi-judicial "discretionary permits" within the meaning of ORS 197.763 and ORS 227.415 and shall be supported by a demonstration that the development to be authorized by the requested discretionary permit (a) would not "significantly affect" transportation facilities within the meaning of the Oregon Transportation Rule as currently set forth in OAR 660-012-0060 or would be mitigated with measures meeting the substantive and coordination requirements of OAR 660-012-0060.
3. **Zoning.** Land that will be added into the UGB shall be rezoned to R-1 Residential (an urban zoning classification), and the land removed from the UGB shall be rezoned to P-F Public Facilities (a rural zoning classification).

This ORDER was presented to and approved by the Waldport City Council on January 25, 2007.

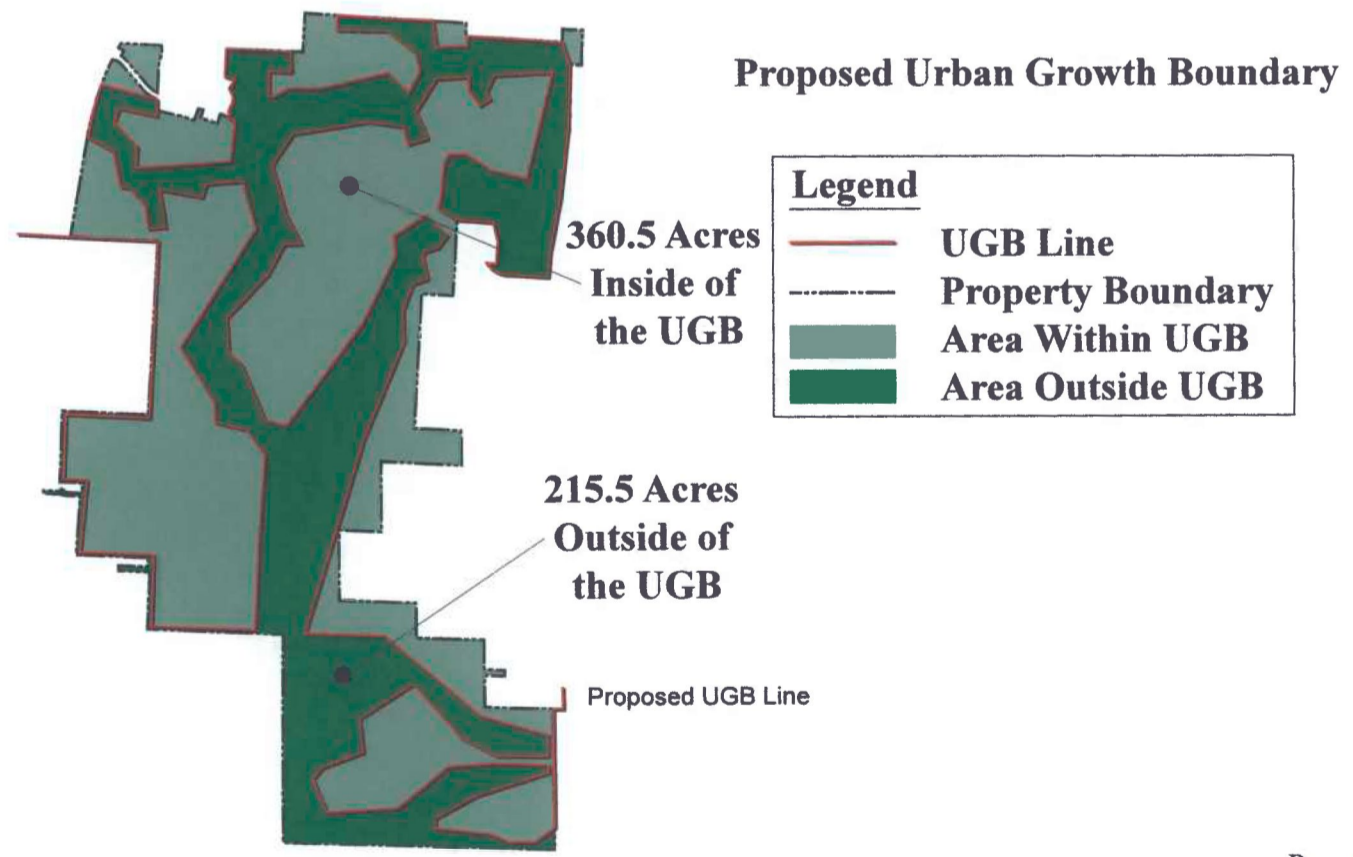
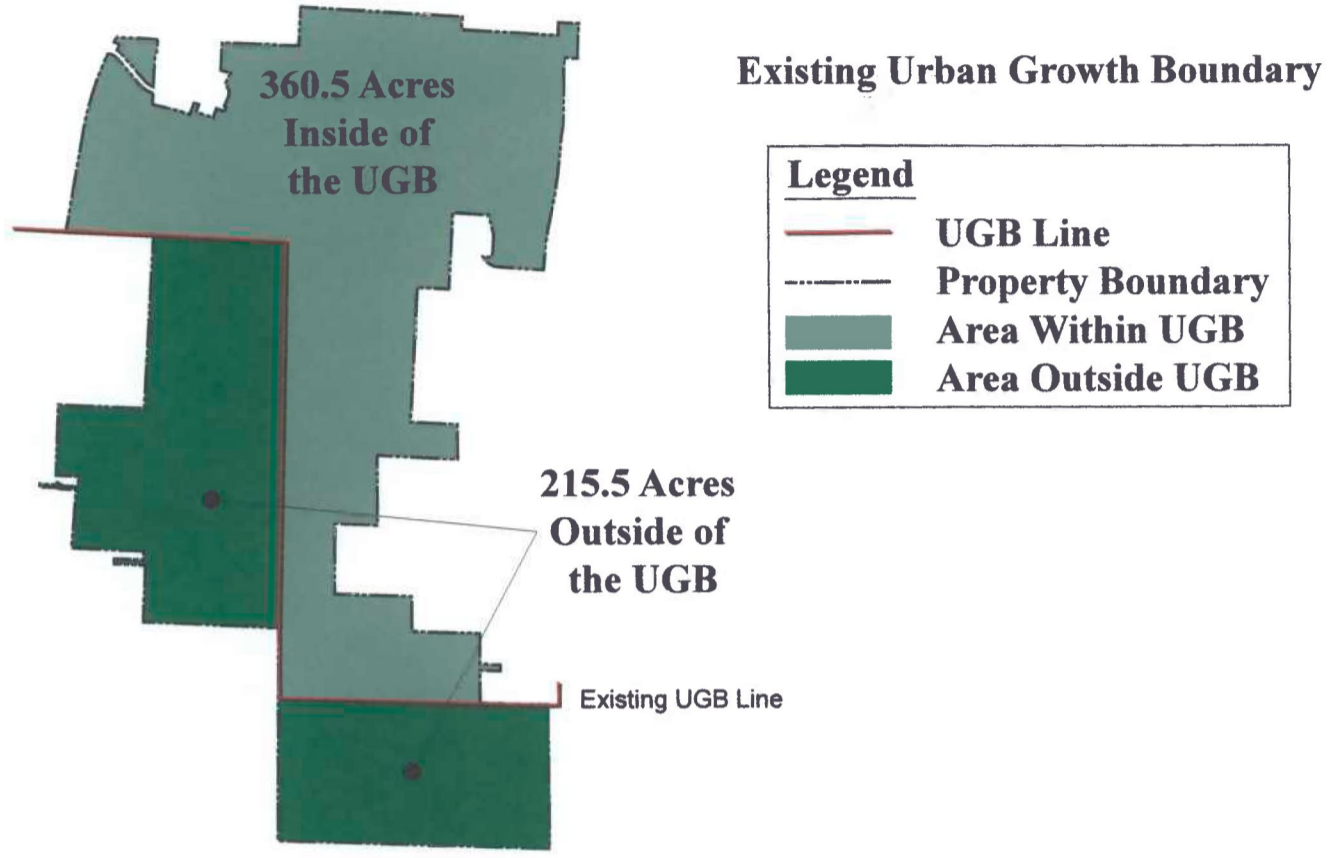


Herman Welch, Mayor



Date

Urban Growth Boundary (UGB): Existing and Proposed





Proposed Urban Growth Boundary Adjustment



City of Waldport, Oregon
January 2007

Columbia Pacific Enterprises

Proposed Urban Growth Boundary Adjustment Table of Contents

Page 1: Introduction/Vicinity Map

Pages 2, 3: Existing Conditions: Urban Growth Boundary (UGB) - Existing and Proposed

Analysis

Pages 4-18: Traffic, Streets, and Roads

Page 19: Infrastructure: Utility Impacts

Pages 20, 21: Residential Development, Existing and Proposed

Pages 22, 23: Employment Development, Existing and Proposed

Pages 24-30: Findings

Page 31: Summary Statement

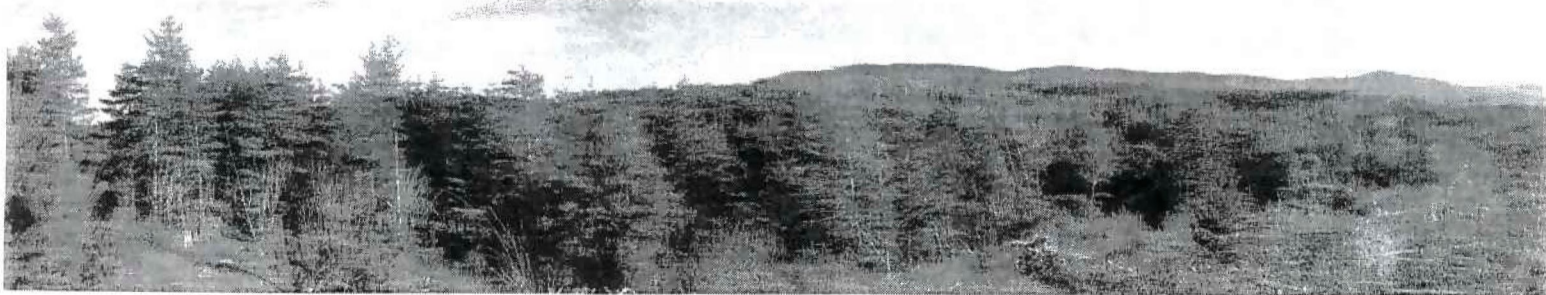
Appendix:

-Letter from Department of Land Conservation and Development (DLCD)

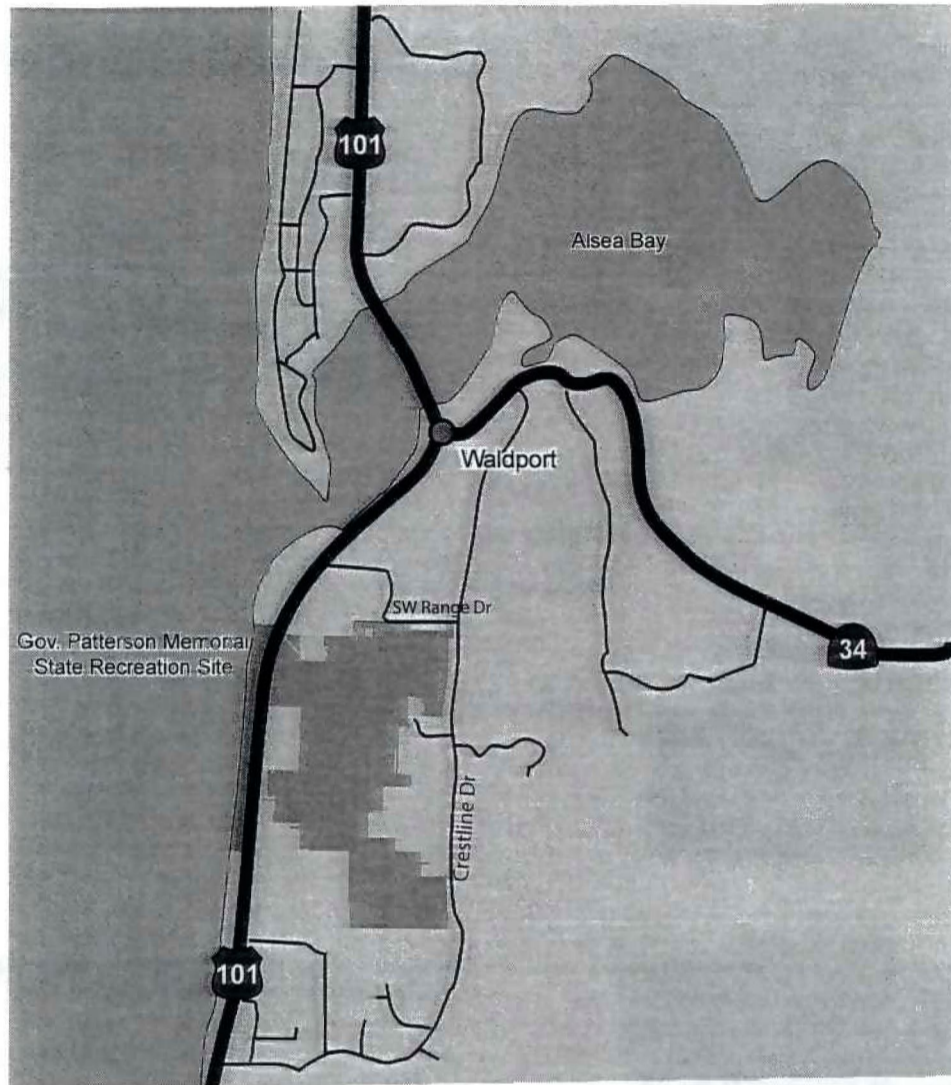
-Legal Description

-Sewer System Evaluation

-Water System Evaluation



Proposed Urban Growth Boundary Adjustment



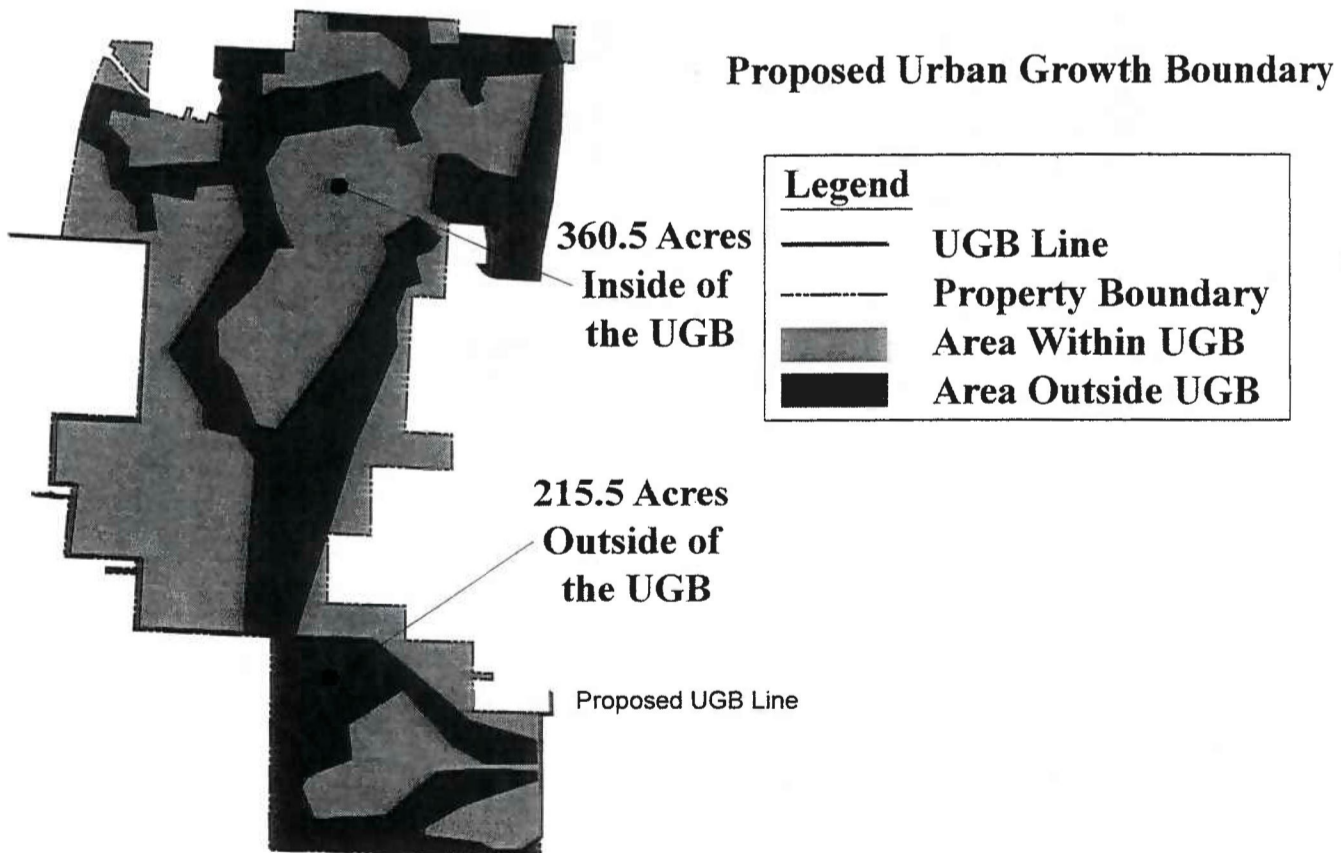
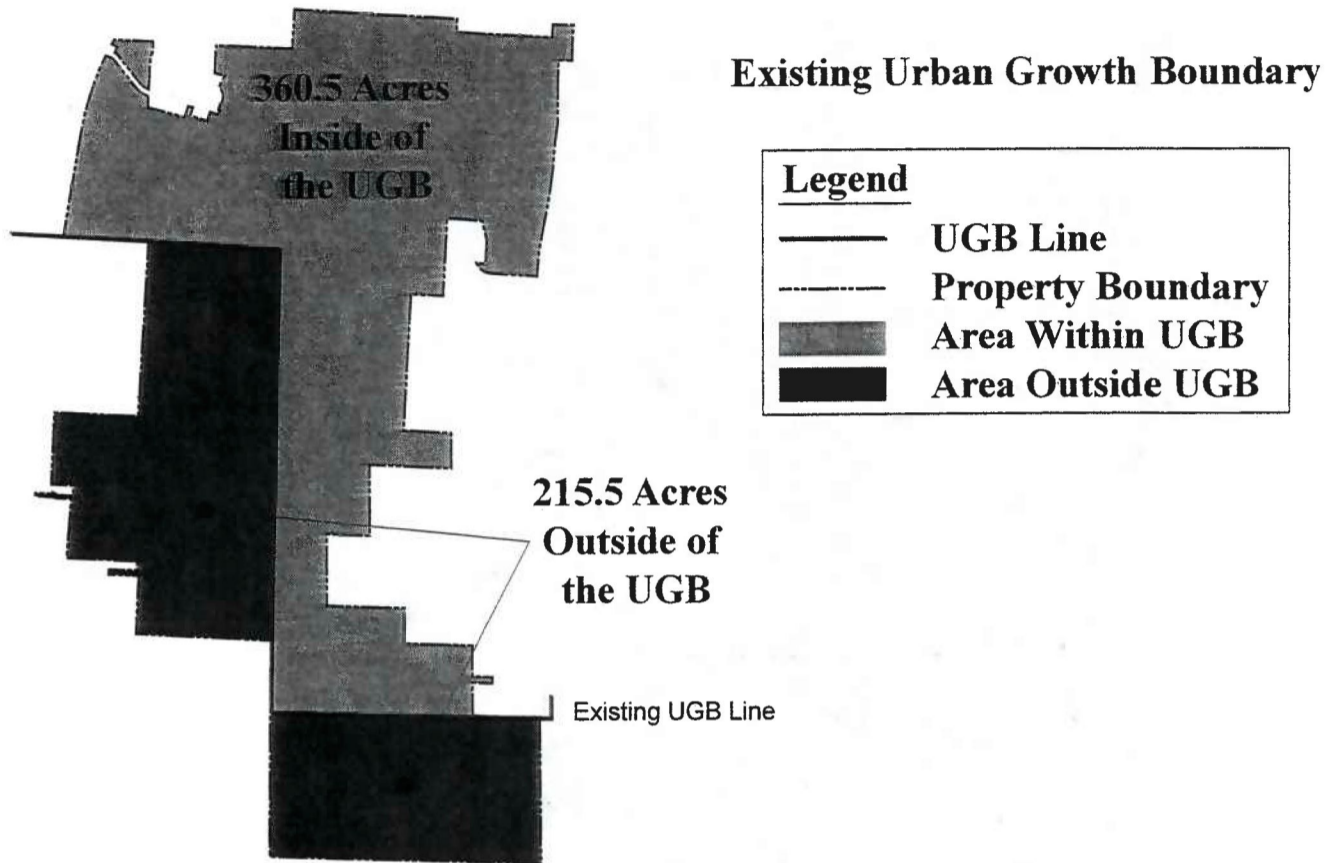
Vicinity Map 

As the different segments of the City of Waldport develop and grow, it may become necessary to occasionally adjust the city's policies, ordinances, development guidelines and standards. Additionally, the State of Oregon's Land Conservation and Development Commission (LCDC) regulations allow local governments to adjust the UGB at any time by adding or removing land from the UGB or by exchanging land inside the UGB for land outside the UGB.

It is with that in mind that the city's Urban Growth Boundary is proposed to be adjusted. The objective of this adjustment is to preserve and maintain the environmental integrity and physical characteristics of the property while accommodating where appropriate the development needs and values of the community. The focus of this proposed adjustment involves an overall area of approximately 576 acres located in the southern area of the city. The area is located generally between the Oregon Coast Highway and Crestline Drive. (See vicinity map)

The configuration of the existing Urban Growth Boundary currently is aligned with property and parcel lines in a somewhat rectilinear and arbitrary manner. The proposed adjustment will provide the guideline so as to preserve and maintain the physical integrity of the property through placing important physical features such as drainage (wetlands areas), steep slope areas, natural land forms and heavily treed areas outside of the Urban Growth Boundary. This adjustment will also set the basis to provide linkages for wildlife movement and future trail systems.

Urban Growth Boundary (UGB): Existing and Proposed



Urban Growth Boundary (UGB): Existing and Proposed

The proposed adjustment will have zero net affect to the overall acreage currently within and outside of the Urban Growth Boundary (UGB) area(s). (See exhibits and table below.)

Area	Existing	Proposed	Difference
Area Within the Urban Growth Boundary	360.5 Acres	360.5 Acres	0 Acres
Area Outside of the Urban Growth Boundary	215.5 Acres	215.5 Acres	0 Acres



H. Lee & Associates

Traffic Engineering, Transportation Planning, and Intelligent Transportation Systems

MEMORANDUM

*P.O. Box 1849
Vancouver, WA 98668
Phone: (360) 567-3002
Fax: (360) 567-3005*

To: City of Waldport and ODOT Staff

From: Hann Lee and Jay Bockisch, P.E.

Date: January 3, 2007

Subject: Naples Golf and Beach Resort – UGB Amendment Traffic Analysis – Revised 1/15/07

Introduction

Within its Naples Golf and Beach Resort development proposal, the Urban Growth Boundary of Waldport is being proposed to be adjusted. This adjustment includes an area of approximately 576 acres located in the southern area of the City of Waldport. Of the 576 acres, approximately 360.5 acres is currently within the existing UGB and 215.5 acres exist outside the existing UGB. The proposed adjustment will not change these overall acreages inside and outside the UGB. The adjustment is essentially an exchange of land.

A trip generation analysis was conducted to compare the difference in traffic impacts between the potential build out of the existing UGB and the build out associated with the proposed UGB adjustment. It should be noted that the development proposal associated with the UGB adjustment was approved in a Planning Commission hearing on December 19, 2006.

Trip Generation Analysis

The trip generation analysis for the Existing and Adjusted UGB Build Out scenarios are quite detailed and therefore contained in Attachment 1 of this memorandum. The analysis contains both a typical weekday and Sunday trip generation estimates for both scenarios. Included are gross trip generation estimates and deductions for pass-by and internal trip making characteristics. Please reference Attachment 1 for the details of the trip generation analysis.

Summary

In comparing the Existing and Adjusted UGB Build Out scenarios, the Existing UGB Build Out scenario generates substantially more trips. As shown below, the Adjusted UGB Build Out with the Naples Golf and Beach Resort actually generates 5,491 fewer weekday daily external trips, 420 fewer weekday A.M. peak hour trips, and 601 fewer weekday P.M. peak hour trips.

This trend is identical during Sunday as well. As shown below, the Adjusted UGB Build Out with the Naples Golf and Beach Resort actually generates 5,104 fewer Sunday daily external trips and 535 fewer Sunday peak hour trips.

Weekday Trip Generation Comparison

Scenario	Average Daily	A.M. Peak Hour			P.M. Peak Hour		
		In	Out	Total	In	Out	Total
Existing UGB Build Out							
New External Trips	18,026	463	764	1,227	979	787	1,766
Adjusted UGB Build Out							
New External Trips	12,535	347	460	807	624	541	1,165
Difference (Existing – Adjusted)							
New External Trips	5,491	116	304	420	355	337	601

Sunday Trip Generation Comparison

Scenario	Average Sunday	Sunday Peak Hour		
		In	Out	Total
Existing UGB Build Out				
New External Trips	15,109	809	780	1,589
Adjusted UGB Build Out				
New External Trips	10,005	532	522	1,054
Difference (Existing – Adjusted)				
New External Trips	5,104	277	258	535

The Adjusted UGB Build Out Scenario with the preliminarily approved Naples Golf and Beach Resort CMP clearly has much less traffic impact than the Existing UGB Build Out scenario. The Adjusted UGB Build Out scenario generates approximately 44 percent fewer weekday daily trips and 52 percent fewer weekday A.M. and P.M. peak hour trips. During Sundays, this trend continues with approximately 51 percent fewer trips being generated daily and in the Sunday peak hour.

Attachment 1 - Existing UGB Build Out and Trip Generation

The existing UGB Build Out for residential uses was based on the existing zoning and associated allowed density. Based on the existing residential zoning and allowed density of the existing UGB area, 2,422 residential units would be allowed.

Of the 2,422 residential units allowed, it was assumed that a portion would be recreational homes. This split of recreational homes to full-time residents was based on demographic information provided in the market study conducted for the project. Based on the market study information, it was assumed that 1,104 residential units would be recreational homes. Of the remaining units, it was assumed that 1,003 would be single family homes with full-time residents and that the remaining 315 residential units would be townhouse/condominiums with full-time residents.

The assumption for the commercial space in the existing UGB build out scenario was assumed to be identical to that of the proposed Naples development since it reflects the commercial demand associated with residential build out. The commercial space for the existing UGB build out was assumed to be 100,000 square feet of retail (Shopping Center – ITE Code 820) and 35,360 square feet of office space (General Office – ITE Code 710).

The only other land use that requires consideration is the industrially zoned property within the existing UGB. Based on city planning documents, the long term industrial demand can be accommodated by 57,000 square feet of space in 8.75 acres.

In summary, the following land uses were assumed with the build out of the existing UGB:

- 1,003 single family homes
- 315 townhouses/condominiums
- 1,104 recreational homes
- 100,000 square feet of retail space
- 35,360 square feet of office space
- 57,000 square feet of industrial space

Estimates of weekday daily, A.M. peak hour and P.M. peak hour trips generated by the existing UGB development scenario above were developed from rates published in *Trip Generation*, 7th Edition (Institute of Transportation Engineers, 2003). The trip generation rates and resulting trip generation are shown in Table 1 for the weekday. The proposed development is expected to generate 20,014 average weekday daily, 1,278 A.M. peak hour (491 in, 787 out), and 1,948 P.M. peak hour (1,069 in, 879 out) trips. This gross trip generation is before internal and pass-by trip reductions, which is discussed below.

Due to the mixed use nature of the project, there will be internal trips between the retail, industrial, office, and residential uses. Mixed-use reductions were taken in accordance with the procedures outlined in the *Trip Generation Handbook* (Institute of Transportation Engineers, 2003). Attachment A contains the worksheets that document the internal trip percentages used and the internal trip calculations for daily, A.M. peak hour and P.M. peak hour trips. As shown in these worksheets, approximately 5.2 percent of the daily trips are projected to be internal trips.

2.2 percent of A.M. peak hour trips and 5.1 percent of P.M. peak hour trips are projected to be internal trips based on the ITE Methodology.

An adjustment was also taken for pass-by trips based on pass-by percentages documented in *Trip Generation Handbook*. A pass-by trip is generally defined as a trip attracted from traffic passing the site in route to a primary destination. These trips are not new trips to the adjacent roadway, but are assigned at the project external intersections. Since the retail portions of the project are oriented toward US 101, pass-by trips were assumed to come from the through traffic along US 101 adjacent to the site. The pass-by trip formulas outlined in the *Trip Generation Handbook* yield a pass-by percentage of approximately 39 percent during the P.M. peak hour for Shopping Centers¹. In order to be conservative and because an internal trip reduction was taken, a 25 percent pass-by percentage was assumed. The pass-by percentage was applied to the external trips only.

The net weekday trip generation for the site, with all the appropriate reductions, is presented in Table 2. It should be noted that in Table 2, the office and industrial trip generation has been aggregated into employment trips due to the requirements of the internal trip analysis. The proposed development is expected to generate 18,026 average weekday daily, 1,227 A.M. peak hour (463 in, 764 out), and 1,766 P.M. peak hour (979 in, 787 out) new external trips.

Estimates of Sunday daily and peak hour trip generation by the proposed project were also developed based on input from ODOT due to the recreational nature of traffic along US 101. The trip generation rates and resulting trip generation are shown in Table 3. The proposed development is expected to generate 16,164 average Sunday daily and 1,725 Sunday peak hour (877 in, 848 out) trips. This gross trip generation is before internal and pass-by trip reductions, which is discussed later below.

Mixed-use reductions were taken in accordance with the procedures outlined in the *Trip Generation Handbook* (Institute of Transportation Engineers, 2003). Attachment B contains the worksheets that document the internal trip percentages used and the internal trip calculations for Sunday daily and Sunday peak hour trips. As shown in these worksheets, approximately 3.0 percent of the Sunday daily trips are projected to be internal trips and 3.8 percent of Sunday peak hour trips are projected to be internal trips based on the ITE Methodology.

An adjustment was also taken for pass-by trips based on pass-by percentages documented in *Trip Generation Handbook*. The pass-by trip formulas outlined in the *Trip Generation Handbook* yield a pass-by percentage of approximately 39 percent during the Sunday peak hour for Shopping Centers². In order to be conservative and because an internal trip reduction was taken, a 25 percent pass-by percentage was assumed. The pass-by percentage was applied to the external trips only.

The net weekday trip generation for the site, with all the appropriate reductions, is presented in Table 4. It should be noted that in Table 4, the office and industrial trip generation has been

¹ Trip Generation Handbook, Institute of Transportation Engineers, 2003, page 43.

² Trip Generation Handbook, Institute of Transportation Engineers, 2003, page 43.

aggregated into employment trips due to the requirements of the internal trip analysis. The proposed development is expected to generate 15,109 average Sunday daily, and 1,589 Sunday peak hour (809 in, 780 out) new external trips.

Adjusted UGB Build Out and Trip Generation with Naples Golf and Beach Resort

The adjusted UGB Build Out scenario was based on the Naples Golf and Beach Resort CMP which was approved in a Planning Commission hearing on December 19, 2006. The Naples Golf and Beach Resort CMP was approved with the following land uses:

- 915 single family homes (515 full-time primary residential and 400 recreational homes)
- 330 townhouses/condominiums (162 full-time primary residential and 168 recreational homes)
- 100,000 square feet of retail space
- 35,360 square feet of office space
- 18-hole golf course
- 15,000 square foot recreational community center
- 178 room hotel

Estimates of weekday daily, A.M. peak hour and P.M. peak hour trips generated by the proposed project for the proposed development were developed from rates published in *Trip Generation*, 7th Edition (Institute of Transportation Engineers, 2003). The trip generation rates and resulting trip generation are shown in Table 5 for the weekday. The proposed development is expected to generate 14,860 average weekday daily, 889 A.M. peak hour (398 in, 491 out), and 1,379 P.M. peak hour (726 in, 653 out) trips. This gross trip generation is before internal and pass-by trip reductions, which is discussed below.

Due to the mixed use nature of the project, there will be internal trips between the retail uses and the office uses. Mixed-use reductions were taken in accordance with the procedures outlined in the *Trip Generation Handbook* (Institute of Transportation Engineers, 2003). Attachment C contains the worksheets that document the internal trip percentages used and the internal trip calculations for daily, A.M. peak hour and P.M. peak hour trips. As shown in these worksheets, approximately 7.3 percent of the daily trips are projected to be internal trips, 3.7 percent of A.M. peak hour trips and 8.0 percent of P.M. peak hour trips are projected to be internal trips based on the ITE Methodology.

An adjustment was also taken for pass-by trips based on pass-by percentages documented in *Trip Generation Handbook*. A pass-by trip is generally defined as a trip attracted from traffic passing the site in route to a primary destination. These trips are not new trips to the adjacent roadway, but are assigned at the project external intersections. Since the retail portions of the project are oriented toward US 101, pass-by trips were assumed to come from the through traffic along US 101 adjacent to the site. The pass-by trip formulas outlined in the *Trip Generation Handbook* yield a pass-by percentage of approximately 39 percent during the P.M. peak hour for Shopping Centers³. In order to be conservative and because an internal trip reduction was taken, a 25

³ Trip Generation Handbook, Institute of Transportation Engineers, 2003, page 43.

Table 2. Weekday Net Trip Generation for the Existing UGB Scenario

Land Use Description	Average Daily	A.M. Peak Hour			P.M. Peak Hour		
		In	Out	Total	In	Out	Total
2,422 d.u.'s Residential							
Internal Trips	402	4	6	10	25	16	41
External Trips	14,532	330	728	1,058	848	575	1,423
Total Trips	14,934	334	734	1,068	873	591	1,464
Employment (Office and Industrial)							
Internal Trips	134	1	3	4	5	6	11
External Trips	652	93	10	103	11	87	98
Total Trips	786	94	13	107	16	93	109
100,000 s.f. Retail							
Internal Trips	504	9	5	14	20	28	48
External Trips	3,790	54	35	89	160	167	327
Pass-By Trips (25%)	948	14	9	23	40	42	82
New External Trips (75%)	2,842	40	26	66	120	125	245
Total Trips	4,294	63	40	103	180	195	375
Site Total							
New External Trips	18,026	463	764	1,227	979	787	1,766
Reduction	1,988	28	23	51	90	92	182
Total Trips	20,014	491	787	1,278	1,069	879	1,948
Percentage							
New External Trips	90.1%	94.3%	97.1%	96.0%	91.6%	89.5%	90.7%
Reduction	9.9%	5.7%	2.9%	4.0%	8.4%	10.5%	9.3%
Total Trips	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

percent pass-by percentage was assumed. The pass-by percentage was applied to the external trips only.

The net weekday trip generation for the site, with all the appropriate reductions, is presented in Table 6. The proposed development is expected to generate 12,535 average weekday daily, 807 A.M. peak hour (347 in, 460 out), and 1,165 P.M. peak hour (624 in, 541 out) new external trips.

Estimates of Sunday daily and peak hour trip generation by the proposed project were also developed based on input from ODOT due to the recreational nature of traffic along US 101. The trip generation rates and resulting trip generation are shown in Table 7. The proposed development is expected to generate 11,504 average Sunday daily and 1,238 Sunday peak hour (624 in, 614 out) trips. This gross trip generation is before internal and pass-by trip reductions, which is discussed later below.

Mixed-use reductions were taken in accordance with the procedures outlined in the *Trip Generation Handbook* (Institute of Transportation Engineers, 2003). Attachment D contains the worksheets that document the internal trip percentages used and the internal trip calculations for Sunday daily and Sunday peak hour trips. As shown in these worksheets, approximately 4.9 percent of the Sunday daily trips are projected to be internal trips and 6.0 percent of Sunday peak hour trips are projected to be internal trips based on the ITE Methodology.

An adjustment was also taken for pass-by trips based on pass-by percentages documented in *Trip Generation Handbook*. The pass-by trip formulas outlined in the *Trip Generation Handbook* yield a pass-by percentage of approximately 36 percent during the Sunday peak hour for Shopping Centers⁴. In order to be conservative and because an internal trip reduction was taken, a 25 percent pass-by percentage was assumed. The pass-by percentage was applied to the external trips only.

The net weekday trip generation for the site, with all the appropriate reductions, is presented in Table 8. The proposed development is expected to generate 10,005 average Sunday daily, and 1,054 Sunday peak hour (532 in, 522 out) new external trips.

⁴ Trip Generation Handbook, Institute of Transportation Engineers, 2003, page 43.

Table 3. Sunday Trip Generation for the Existing UGB Scenario

		Average Sunday	Sunday Peak		
			In	Out	Total
Single Family Dwelling (ITE Code 210)					
Rate per dwelling Unit		8.78	0.46	0.40	0.86
Trips	1,003 units	8,806	461	402	863
Townhouse (ITE Code 230)					
Rate per dwelling Unit		4.84	0.22	0.23	0.45
Trips	315 units	1,525	69	73	142
Recreational Home (ITE Code 260)					
Rate per dwelling Unit		2.93	0.17	0.19	0.36
Trips	1,104 units	3,235	188	209	397
Shopping Center (ITE Code 820)					
Rate per 1,000 s.f.		25.24	1.53	1.59	3.12
Trips for 100,000 s.f.		2,524	153	159	312
General Office (ITE Code 710)					
Rate per 1,000 s.f.		0.98	0.08	0.06	0.14
Trips for 35,360 s.f.		35	3	2	5
General Light Industrial (ITE Code 110)					
Rate per 1,000 s.f.		0.68	0.05	0.05	0.10
Trips for 57,000 s.f.		39	3	3	6
Project Total Trip Generation		16,164	877	848	1,725

Table 4. Sunday Net Trip Generation for the Existing UGB Scenario

Land Use Description	Average Sunday	Sunday Peak Hour		
		In	Out	Total
2,422 d.u.'s Residential				
Internal Trips	230	17	14	31
External Trips	13,336	701	670	1,371
Total Trips	13,566	718	684	1,402
Employment (Office and Industrial)				
Internal Trips	14	1	1	2
External Trips	60	5	4	9
Total Trips	74	6	5	11
100,000 s.f. Retail				
Internal Trips	240	15	18	33
External Trips	2,284	138	141	279
Pass-By Trips (25%)	571	35	35	70
New External Trips (75%)	1,713	103	106	209
Total Trips	2,524	153	159	312
Site Total				
New External Trips	15,109	809	780	1,589
Reduction	1,055	68	68	136
Total Trips	16,164	877	848	1,725
Percentage				
New External Trips	93.5%	92.2%	92.0%	92.1%
Reduction	6.5%	7.8%	8.0%	7.9%
Total Trips	100.0%	100.0%	100.0%	100.0%

Table 5. Weekday Trip Generation for the Adjusted UGB Scenario with the Naples Golf and Beach Resort

	Average Daily	A.M. Peak			P.M. Peak			
		In	Out	Total	In	Out	Total	
Single Family Dwelling (ITE Code 210)								
Rate per dwelling Unit	9.57	0.19	0.56	0.75	0.64	0.37	1.01	
Trips	515 units	4,929	98	288	386	329	191	520
Townhouse (ITE Code 230)								
Rate per dwelling Unit	5.86	0.07	0.37	0.44	0.35	0.17	0.52	
Trips	162 units	949	11	60	71	56	28	84
Recreational Home (ITE Code 260)								
Rate per dwelling Unit	3.16	0.11	0.05	0.16	0.11	0.15	0.26	
Trips	568 units	1,795	62	29	91	62	86	148
Shopping Center (ITE Code 820)								
Rate per 1,000 s.f.	42.94	0.63	0.40	1.03	1.8	1.95	3.75	
Trips for 100,000 s.f.	4,294	63	40	103	180	195	375	
General Office (ITE Code 710)								
Rate per 1,000 s.f.	11.01	1.36	0.19	1.55	0.25	1.24	1.49	
Trips for 35,360 s.f.	389	48	7	55	9	44	53	
Golf Course (ITE Code 430)								
Rate per hole.	35.74	1.75	0.47	2.22	1.21	1.53	2.74	
Trips for 18 holes	643	32	8	40	22	27	49	
Recreational Center (ITE Code 495)								
Rate per 1,000 s.f.	18.22	0.99	0.63	1.62	0.48	1.16	1.64	
Trips for 15,000 s.f.	273	15	9	24	7	18	25	
Hotel (ITE Code 310)								
Rate per Occupied Room	8.92	0.39	0.28	0.67	0.34	0.36	0.70	
Trips for 178 rooms	1,588	69	50	119	61	64	125	
Project Total Trip Generation	14,860	398	491	889	726	653	1,379	

Table 6. Weekday Net Trip Generation for the Adjusted UGB Scenario with the Naples Golf and Beach Resort

Land Use Description	Average Daily	A.M. Peak Hour			P.M. Peak Hour		
		In	Out	Total	In	Out	Total
1,245 d.u.'s Residential							
Internal Trips	394	4	6	10	24	16	40
External Trips	7,279	167	371	538	423	289	712
Total Trips	7,673	171	377	548	447	305	752
178 rooms Hotel							
Internal Trips	0	0	0	0	0	0	0
External Trips	1,588	69	50	119	61	64	125
Total Trips	1,588	69	50	119	61	64	125
Recreational							
Internal Trips	458	24	9	33	15	23	38
External Trips	458	23	8	31	14	22	36
Total Trips	916	47	17	64	29	45	74
35,360 s.f. Office							
Internal Trips	66	1	2	3	3	5	8
External Trips	323	47	5	52	6	39	45
Total Trips	389	48	7	55	9	44	53
100,000 s.f. Retail							
Internal Trips	444	8	5	13	20	26	46
External Trips	3,850	55	35	90	160	169	329
Pass-By Trips (25%)	963	14	9	23	40	42	82
New External Trips (75%)	2,887	41	26	67	120	127	247
Total Trips	4,294	63	40	103	180	195	375
Site Total							
New External Trips	12,535	347	460	807	624	541	1,165
Reduction	2,325	51	31	82	102	112	214
Total Trips	14,860	398	491	889	726	653	1,379
Percentage							
New External Trips	84.4%	87.2%	93.7%	90.8%	86.0%	82.8%	84.5%
Reduction	15.6%	12.8%	6.3%	9.2%	14.0%	17.2%	15.5%
Total Trips	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

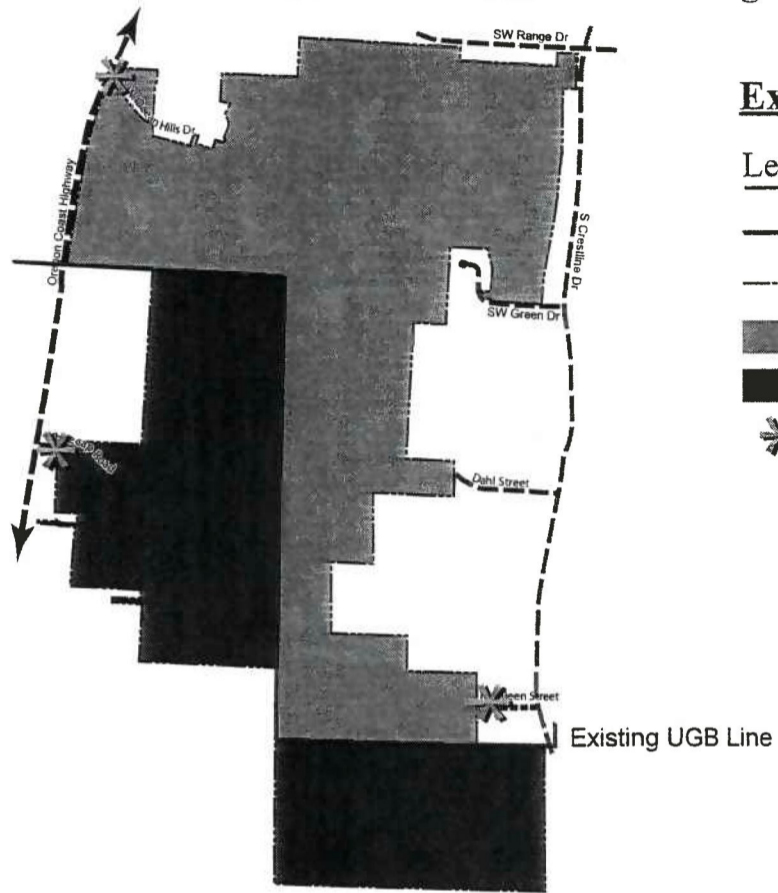
Table 7. Sunday Trip Generation for the Adjusted UGB Scenario with the Naples Golf and Beach Resort

		Average Sunday	Sunday Peak		
			In	Out	Total
Single Family Dwelling (ITE Code 210)					
Rate per dwelling Unit		8.78	0.46	0.40	0.86
Trips	515 units	4,522	237	206	443
Townhouse (ITE Code 230)					
Rate per dwelling Unit		4.84	0.22	0.23	0.45
Trips	162 units	784	36	37	73
Recreational Home (ITE Code 260)					
Rate per dwelling Unit		2.93	0.17	0.19	0.36
Trips	568 units	1,664	97	107	204
Shopping Center (ITE Code 820)					
Rate per 1,000 s.f.		25.24	1.53	1.59	3.12
Trips for 100,000 s.f.		2,524	153	159	312
General Office (ITE Code 710)					
Rate per 1,000 s.f.		0.98	0.08	0.06	0.14
Trips for 35,360 s.f.		35	3	2	5
Golf Course (ITE Code 430)					
Rate per hole.		39.53	2.22	2.21	4.43
Trips for 18 holes		712	40	40	80
Recreational Center (ITE Code 495)					
Rate per 1,000 s.f.		13.60	0.83	0.65	1.48
Trips for 15,000 s.f.		204	12	10	22
Hotel (ITE Code 310)					
Rate per Occupied Room		5.95	0.26	0.30	0.56
Trips for 178 rooms		1,059	46	53	99
Project Total Trip Generation		11,504	624	614	1,238

Table 8. Sunday Net Trip Generation for the Adjusted UGB Scenario with the Naples Golf and Beach Resort

Land Use Description	Average Sunday	Sunday Peak Hour		
		In	Out	Total
1,245 d.u.'s Residential				
Internal Trips	228	17	14	31
External Trips	6,742	353	336	689
Total Trips	6,970	370	350	720
178 rooms Hotel				
Internal Trips	0	0	0	0
External Trips	1,059	46	53	99
Total Trips	1,059	46	53	99
Recreational				
Internal Trips	458	26	25	51
External Trips	458	26	25	51
Total Trips	916	52	50	102
35,360 s.f. Office				
Internal Trips	6	0	0	0
External Trips	29	3	2	5
Total Trips	35	3	2	5
100,000 s.f. Retail				
Internal Trips	234	14	17	31
External Trips	2,290	139	142	281
Pass-By Trips (25%)	573	35	36	71
New External Trips (75%)	1,717	104	106	210
Total Trips	2,524	153	159	312
Site Total				
New External Trips	10,005	532	522	1,054
Reduction	1,499	92	92	184
Total Trips	11,504	624	614	1,238
Percentage				
New External Trips	87.0%	85.3%	85.0%	85.1%
Reduction	13.0%	14.7%	15.0%	14.9%
Total Trips	100.0%	100.0%	100.0%	100.0%

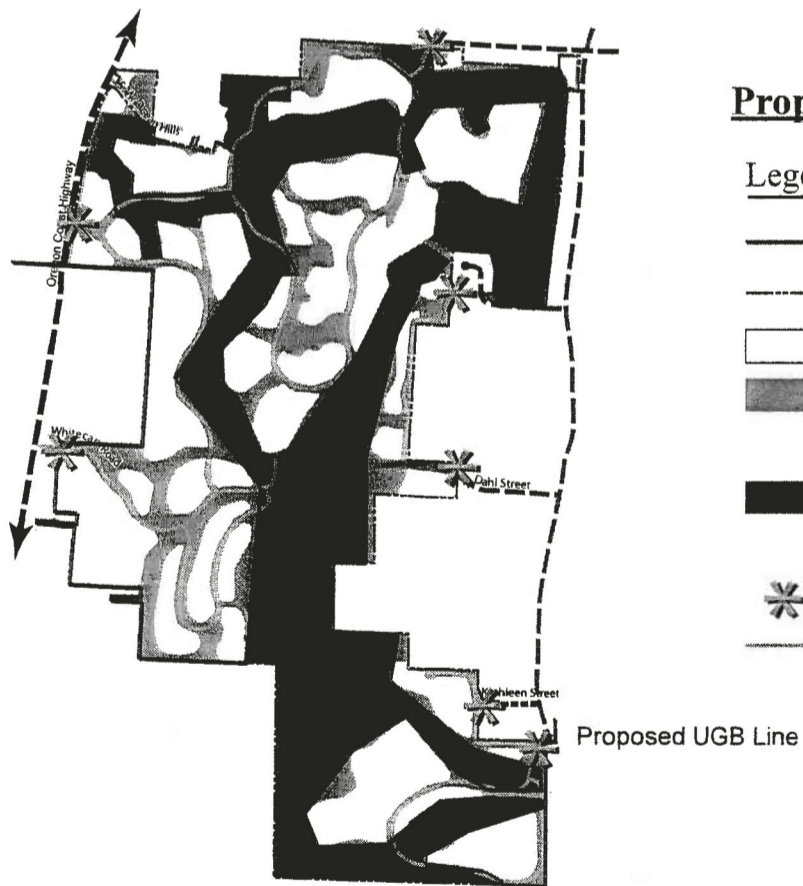
Traffic Conditions: Existing and Proposed UGB



Existing Urban Growth Boundary

Legend

- UGB Line
- - - Property Line
- Area within UGB
- Area Outside UGB
- * Entry/Exit Point



Proposed Urban Growth Boundary

Legend

- UGB Line
- - - Property Line
- Development Areas
- Area within UGB (Recreation, Golf Course, Open Areas)
- Area outside UGB (Recreation, Golf Course, Open Areas)
- * Entry/Exit Point
- Proposed Community Roads

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MEMORANDUM

Date: January 15, 2007
To: D and S Ventures, LLC
From: Travis C. Jansen, P.E., P.L.S.
Subject: Naples Golf and Beach Resort
Urban Growth Boundary – Utility Impacts

We have reviewed the proposal to exchange an equivalent amount of urban land with rural land at the Naples Golf and Beach Resort in Waldport, Oregon. The Urban Growth Boundary (UGB) land exchange will result in no negative impacts to the water and sewer systems.

The resort property includes 576 acres of total land. Urban areas within the UGB consist of 360.5 acres, and the remaining 215.5 acres are rural areas outside of the UGB. The proposal moves an equal amount of land from rural to urban as it does from urban to rural. There will be no net gain or loss of urban and rural land with this proposal.

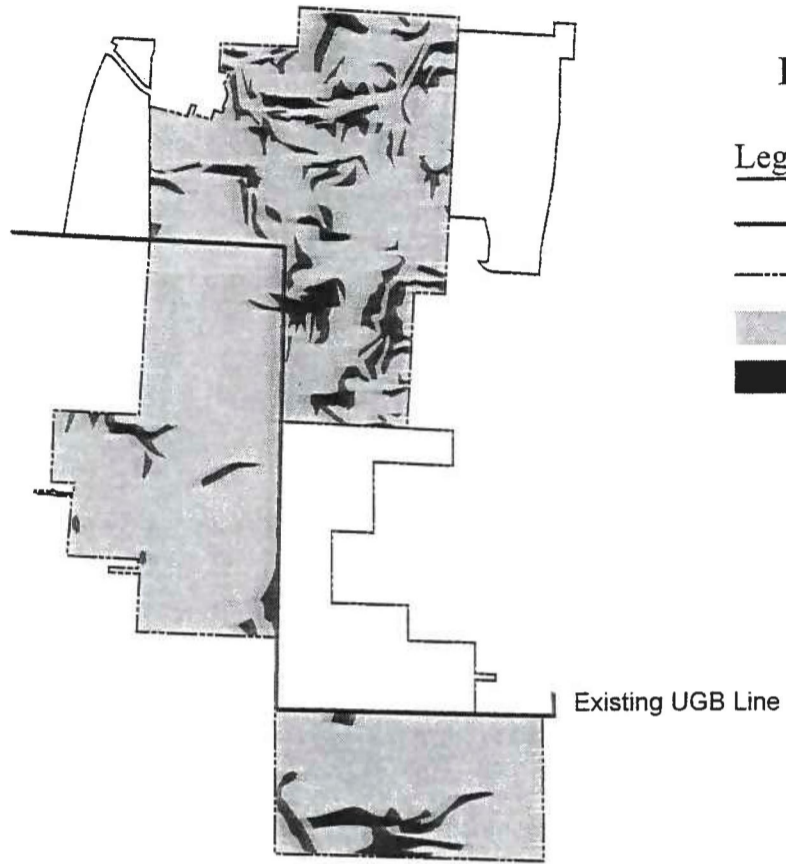
The urban land within the UGB will consist of high and low density residential housing, a mixed-use village, a hotel resort, and golf maintenance facilities. The rural land outside of the UGB will consist of open space, trails, vista points, preservation of natural areas and a golf course.

Less development is being proposed than allowed under the current UGB, which results in a decrease of water and sewer demands. For example, many of the rural lands under the current UGB that can be developed as 1 dwelling per two acres will be developed as open space and golf course. Also, employment land will be substantially equivalent resulting in minimal change to the water and sewer demands in these areas.

Residential development will be restricted to the urban areas; therefore water and sewer demand outside of the UGB will be reduced. The golf course will initially use potable water for irrigation; however as a conditioned use, reclaimed water from the city's treatment plant will ultimately be the source for irrigation. Furthermore, the demands associated with the golf resort, including the clubhouse, are accommodated in the urban areas.

In conclusion, the new urban areas will offset the changes from the rural areas, and will not negatively impact any utilities.

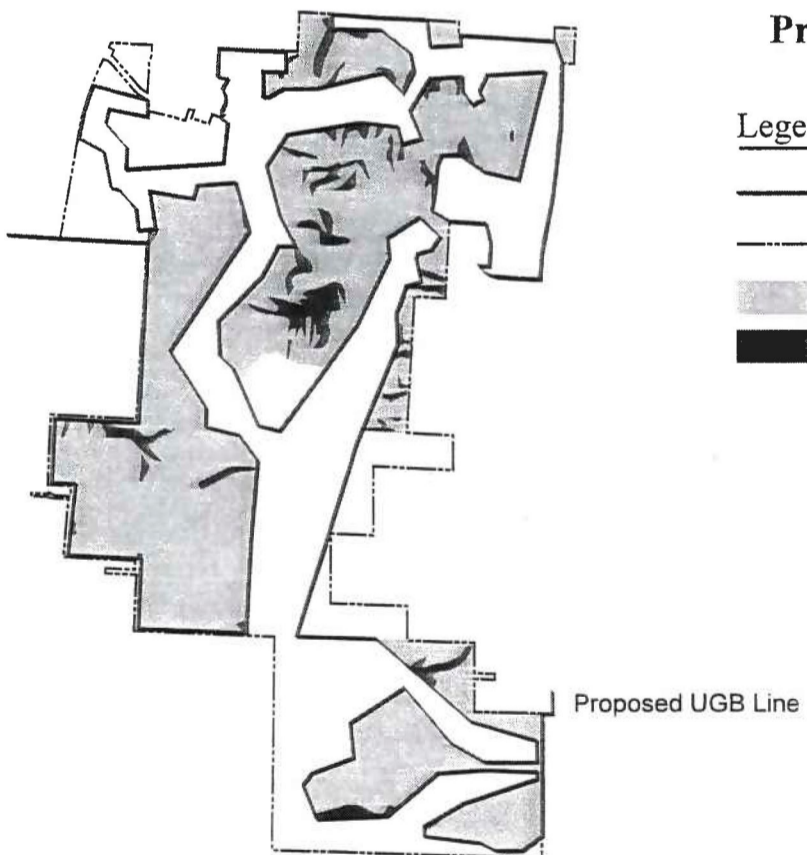
Planned Residential Development: Existing and Proposed UGB



Existing Urban Growth Boundary

Legend

- UGB Line
- - - Property Line
- Residential
- > 30% Slopes (unbuildable for residential land)



Proposed Urban Growth Boundary

Legend

- UGB Line
- - - Property Line
- Residential
- > 30% Slopes (unbuildable for residential land)

Planned Residential Development: Existing and Proposed UGB

This proposed UGB land exchange complies with Oregon land use rules and can be approved relying on the City of Waldport's existing population forecast and residential land needs analysis. The analysis indicates that as a result of this proposed UGB land exchange the amount of residential buildable land added to the UGB is substantially equivalent to the amount of residential buildable land removed and that the difference which exists is in the city's favor. It is also worthy of note that the recently approved community master planned development associated with this UGB land exchange is proposing less residential housing density than current zoning allows on the property. Residential buildable land is defined as residential land with slopes less than 30% and non-wetland areas. Based on the above, the difference between the existing and proposed residential development land is a 22 acre (14%) increase in buildable residential land.

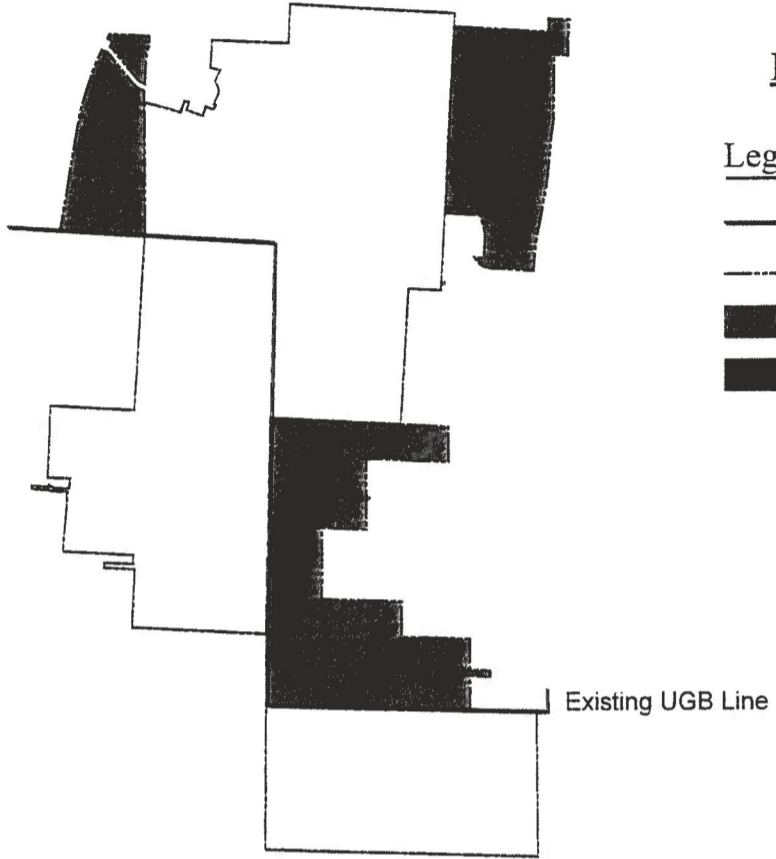
Housing Strategy

Based on the city goals and policies, a variety of housing opportunities will be provided so as to serve the needs of those who currently live in the area and those wishing to locate to the City of Waldport. With that in mind, the affordable housing options necessary to meet the needs of the community are being carefully analyzed and will be incorporated into the housing element of the master plan so as to successfully position the project into the community as well as the marketplace. The residential lots and house pricing are currently under evaluation. The current strategy will offer the non-ocean, non-golf course view, along with smaller sized lots and homes, to be the most affordable while the golf view and/or ocean view, along with moderate sized lots and homes to be moderately priced while the front row ocean view, along with large size homes and lots, will represent the higher priced segment of the lots and homes offered.

The recently approved Community Master Plan (CMP) for the property complies with the city's housing goals and objectives. The residential housing types approved within the Master Plan proposes a variety of options such as; single-family homes at various price points, single family attached homes, patio homes, townhomes, condominiums and apartments. The table outlines the proposed housing distribution of the various housing types. The table below was approved by the city in the CMP. While the housing types are still under evaluation, the numbers below are consistent with the city's housing policies and statewide planning Goal 10. The applicant will work with the city to ensure compliance with the city's housing element.

Housing type	Acres	Dwelling Units per acre	Number of dwelling units	Distribution (percent of total)
Condominiums and Apartments	24.9	10-14	330	27%
Patio Homes, Attached Homes, Townhomes	34	8.5	292	23%
Single Family Detached (Clustered Small Lot homes and Large Lot Custom Lot Homes)	137	3-6	623	50%
Totals	195.9			100%

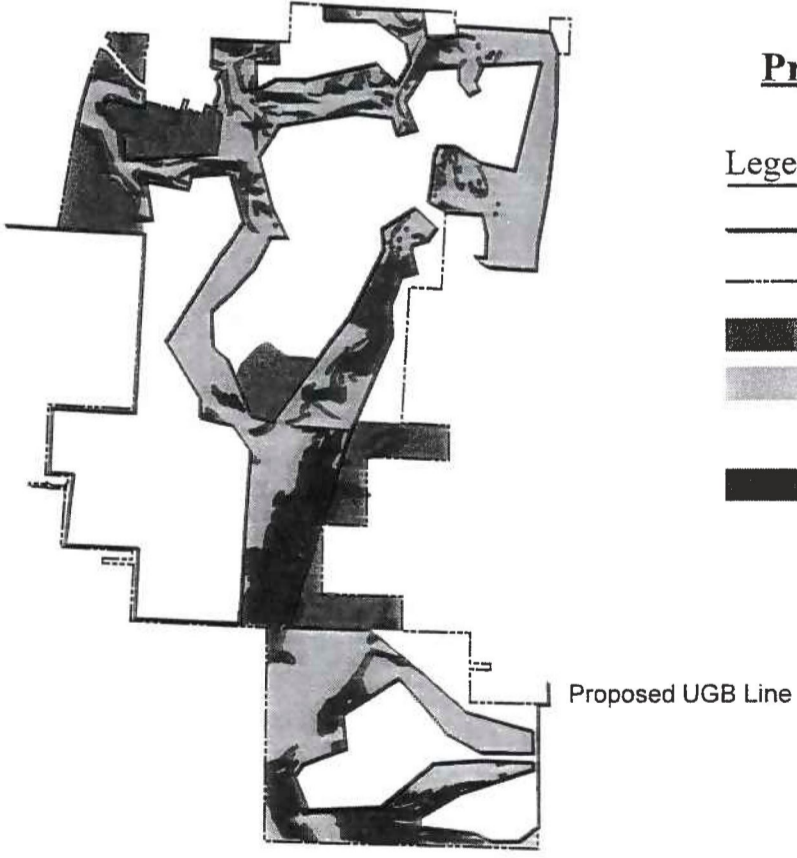
Planned Employment Development: Existing and Proposed UGB



Existing Urban Growth Boundary

Legend

- UGB Line
- - - Property Line
- Employment Land
- > 20% Slopes (unsuitable for employment land)



Proposed Urban Growth Boundary

Legend

- UGB Line
- - - Property Line
- Employment Land Within UGB
- Employment Area Outside UGB (Recreation, Golf Course, Open Areas)
- >20% Slopes (unsuitable for employment land)

Planned Employment Development: Existing and Proposed UGB

Existing Industrial or Other Employment-Oriented Land Uses

1. So as to facilitate the review and understanding of the existing employment-oriented zoned land situation, only the zoned land uses which would be the primary employment generators were considered. With that in mind, commercial/office, industrial and public facilities were considered as a similar land use category type. (See exhibit on previous page.)
2. Our suitability analysis indicates that approximately 50% of this property area is considered suitable for commercial, office, industrial and/or employment-oriented development. Property areas having characteristics with slopes over 20%, wetland areas, and areas with restrictive accessibility were considered unsuitable for employment oriented development.

Based on the above, the total existing industrial, commercial and office employment-oriented suitable area represents 68.5 acres.

Proposed Industrial or Other Employment-Oriented Land Uses

1. So as to facilitate the review and understanding of the employment-oriented designated land as indicated on the recent city-approved Community Master Plan (CMP), only the designated land uses which would be the primary generators of employment were considered. With that in mind, commercial/office and industrial uses were considered as a similar land use category type. However, the public facilities land area which include such uses as the golf course areas (located outside the UGB) were not considered in the analysis. (See exhibit on previous page.)

In addition, so as to maintain consistency in analyzing the job creation analysis, the public facilities land-use area, although located outside of the UGB, should be included in the calculation and related analysis. However, based on the letter from LCDC, this area was not included in the analysis.

2. The suitability analysis indicates that approximately 95% of the employment area designated within the proposed UGB configuration area is considered suitable for commercial office, industrial, public facilities or employment-oriented development. Property areas having characteristics with slopes over 20%, wetland areas, and areas with restrictive accessibility were considered unsuitable for employment land. The I-P zoned area within the subject property is proposed generally west of the property line and up to where the steep slope area begins. The area southwest-erly of the I-P zoned area has very difficult access. Additionally, three reasons make it unreasonable to develop in this designated employment oriented area; (1) DEQ will not allow a paved road over a landfill, (2) topography and drainage in this area is restrictive, and (3) access to this property area is dependent on a third party cooperation. The applicant, does not own or control the access rights to this area of the property.

Based on the above, the total proposed industrial, commercial, office and public facilities employment-oriented suitable area represents 70 acres. The difference between the existing and proposed suitable employment land is a 2 acre (3%) increase in suitable employment land.

Columbia Pacific Enterprises, Inc.)
Urban Growth Boundary Adjustment) **Proposed Findings**
Waldport City Council)
January 5, 2007)

Introduction:

The applicant proposes an adjustment of the Waldport Urban Growth Boundary by means of a substantially-equivalent exchange of lands currently inside the boundary for lands outside the boundary. Both the lands to be added and those to be removed are part of a single 576-acre site and are entirely within the city limits of the City of Waldport. There are 360.5 acres currently inside the UGB and 215.5 acres is outside the UGB, and the numbers after the exchange will be the same.

The adjustment will facilitate the development of the infill area between Highway 101 and Crestline Drive south of Range Drive in a manner that enables the city to better meet its comprehensive planning objectives for the conservation of natural resources, development of recreational and tourism facilities, efficient provision of city services and facilities, and adequate inventories of housing and employment lands. The post-adjustment development scenario is set forth in the Naples Golf Resort Community Master Plan approved by the Waldport Planning Commission on December 19, 2006, under the city's acknowledged planned development standards and procedures.

Application of LCDC's New Rule on Urban Growth Boundaries

This UGB adjustment is proposed in accordance with the LCDC's new Urban Growth Boundary Rule, codified in Oregon Administrative Rules as OAR Chapter 660, Division 24. The new rule was adopted in October 2006 "to clarify procedures and requirements of Goal 14 [LCDC's Urbanization Goal] regarding local government adoption or amendment of an urban growth boundary (UGB)." OAR 660-024-0000(1). The rule is generally effective April 5, 2007, but a local government may apply it before then if it so chooses, and the City of Waldport elects to do so.

UGB Adjustment Requirements--OAR 660-024-0070

OAR 660-024-0070 allows a local government to "adjust the UGB at any time to better achieve the purposes of Goal 14 and this division." It provides that such adjustments may occur by adding or removing land from the UGB, "or by exchanging land inside the UGB for land outside the UGB." The rule allows exchanges of land without new population projections and

supply-demand analyses when those exchanges do not substantially alter the community's supply of buildable residential and suitable employment lands. Specifically, OAR 660-024--0070(3) provides that

(3) Notwithstanding sections (1) and (2) of this rule, a local government considering an exchange of land may rely on its acknowledged population forecast and land needs analysis, rather than adopt a new forecast and need analysis, provided the land added to the UGB is planned for the same uses and at the same housing or employment density as the land removed from the UGB, and provided:

(a) For residential land, the amount of buildable land added to UGB is substantially equivalent to the amount of buildable land removed; or

(b) For industrial or other employment land, the amount of suitable land added to the UGB is substantially equivalent to the amount of suitable land removed.

The subject UGB adjustment is consistent with Section (3). Under the approved Naples Golf and Beach Resort Community Master Plan, the range of uses authorized on the development site following the adjustment will be substantially the same as the zoning before, but will be differently distributed and will include mixes of uses that create equivalent or better employment opportunities than are provided by the employment lands removed from the UGB.

Only part of the industrially-zoned I-P area on Crestline Drive is being removed from the Urban Growth Boundary and both the area removed and the area brought in are partially unsuitable for industrial use because of uneven terrain, wetlands, and 20% or greater slopes, making it unsuitable for construction of buildings, roads, sewers, and other utilities.

Moreover, the current "industrial" zone is in fact already a de facto mixed-use zone that actually doesn't allow any industrial uses as outright permitted uses. All uses in this zone are conditional uses, and the zone allows a substantial range of non-industrial uses on the same basis. Municipal Code 16.36. This zoning provides no assurance that the site will in fact develop with industrial uses rather than other allowed uses. Thus it is fair to conclude that the land added to the City of Waldport UGB is planned for substantially the same range of uses and at substantially the same overall housing or employment density as the land removed from the UGB, and the adjustment results in substantially equivalent amounts of buildable residential land and suitable employment land before and after the adjustment.

The LCDC's rules recognize that lands planned and zoned for mixed residential and employment uses can be counted towards residential and employment lands inventories in reasonable ratios under state land use housing and economy goals. The Housing Rule, interpreting Statewide Planning Goal 10, Housing, defines "buildable land" as "residentially

designated vacant . . . land . . . that is not severely constrained by natural hazards (Statewide Planning Goal 7) or subject to natural resource protection measures (Statewide Planning Goals 5 and 15)." In addition, land with slopes of 25 percent or greater is generally considered unbuildable. OAR 660-008-005(2). The Industrial and Commercial lands rule interpreting Statewide Planning Goal 9, Economic Development, defines land as "suitable" if it either provides for the site requirements of a proposed use or category of use or can be expected to provide" for those requirements within the planning period." In the case of the subject UGB adjustment rule, the record shows that the proposed mixed-use planned community will provide substantial additional "employment lands," including retail, industrial, office, and commercial uses in the Commercial Village, Hotel, Golf Course, and home-office-oriented residential areas.

Relationship to Transportation Planning Rule--OAR 660-024-0020(1)(d)

The new UGB adjustment rule also recognizes that urban growth boundary amendments do not authorize uses that will generate increased transportation impacts and are consequently neutral with respect to the LCDC's Transportation Planning Rule (TPR).

OAR 660-024-0020(1)(d) provides as follows:

"The transportation planning rule requirements under OAR 660-12-0060 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;. . ."

The subject UGB land exchange adjustment reallocates but does not alter the overall development potential of the affected lands. Moreover, the conditions adopted as part of this plan amendment are the functional equivalent of interim zoning because they incorporate the relevant requirements of the state Transportation Planning Rule as additional standards for approval of final development plans allowing development on the affected lands under the Community Master Plan for the property

The Transportation Planning Rule provisions referenced by the UGB adjustment rule above require that amendments to land use regulations that significantly affect a transportation facility be supported by a demonstration that the amendments will not "significantly affect" a transportation facility within the meaning of the rule or that any significant effects will be mitigated by mitigation measures referenced in the rule. OAR 660-010-0060.

Compliance with this requirement can be achieved in more than one way. It can be shown the

record shows that the amendments will have no net impact greater than could occur without the subject amendment. It can also be shown by conditions to a plan or zoning amendment the assure there will be no significant effect until requirements substantially the same as those of the TPR have been addressed in subsequent discretionary permitting processes involving notice, hearing, and coordination with ODOT.

In this case, the applicant's transportation engineering consultant has prepared and supplemented a comprehensive TIA which demonstrates that the subject UGB amendments themselves will not authorize any development generating traffic impacts on transportation facilities in excess of those that could result from development on the subject site without the amendment.

In addition, the applicant has proposed, and the council hereby adopts, the following condition, which assures that development on the subject property that could not have occurred without the subject amendment will be consistent with the above-referenced requirements of the TPR:

Condition: Applications for final development plan approvals for development on the subject site, in phases or otherwise, shall be processed as quasi-judicial "discretionary permits" within the meaning of ORS 197.763 and ORS 227.415 and shall be supported by a demonstration that the development to be authorized by the requested discretionary permit (a) would not "significantly affect" transportation facilities within the meaning of the Oregon Transportation Rule as currently set forth at OAR 660-012-0060 or would be mitigated with measures meeting the substantive and coordination requirements of OAR 660-012-0060.

The proposed UGB adjustment is also "TPR-neutral" because, as shown by the applicant's Transportation Impact Analysis and supplements thereto, the adjustment will not authorize development that will generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary.

Development with substantially the same impacts is allowed under the existing zoning on lands inside and outside the existing UGB, but with fewer transportation impact constraints. No transportation impact analysis at all is required for uses currently permitted outright on these lands, and all that a conditional use applicant has to show is "the adequacy of transportation access to the site." Waldport Municipal Code 16.84.070.A.1.b.

The Transportation Impact Analysis for development under the Community Master Plan

approved by the city on December 19, 2006, assumes the following levels of development:

- 915 single family homes
- 330 townhouses/condominiums
- 45% of which are recreational homes
- 100,000 square feet of retail space
- 35,360 square feet of office space
- 57,000 square feet of industrial space

All of these uses and a wide range of other uses with comparable or greater impacts upon public facilities and services could be developed on the subject site without adjusting the urban growth boundary and without amending the existing plan and zoning designations. The adjustment simply allows these uses to be sited in a way that makes better use of the site's assets and constraints. To illustrate: Under the current UGB configuration and existing zoning for the subject site, it can be developed as follows without a UGB adjustment, without application of statewide land use goals, and without application of the state Transportation Planning Rule:

R-1 Residential

Allowed uses under Waldport Municipal Code 16.08

Permitted outright: One-family dwellings (6000 sq. ft. minimum lot size), manufactured homes, residential homes, family day care.

Conditional uses. Schools, churches, golf courses, country clubs, residential day care facilities.

RR-2 Residential (retained county zoning on annexed lands outside UGB)

Allowed uses under Lincoln County Development Code 1.320

Permitted outright. One Family Dwelling, Duplexes, 2 acre minimum lot size

Conditional uses. Churches, schools, hospitals, golf courses, mobile home parks, RV parks, retirement homes, governmental structures.

C-1 Commercial

Allowed uses under Waldport Municipal Code 16.28, including uses permitted by reference to 16.20 (R-3) and cross-referenced R-4 multi-family standards.

Permitted outright. Retail stores, hotels/motels (1500 sq ft lot size per guest) restaurants, clinics, office buildings, multi-family dwellings (5000 sq ft min lot size plus 1250 sq ft for each additional unit.)

Conditional uses. RV parks, drive-in restaurants and gas stations.

P-F Public Facilities

Allowed uses under Waldport Municipal Code 16.52.

Permitted outright. Golf courses, public schools, hospitals, museums, solid

waste disposal facilities, community centers.

I-P Planned Industrial

Allowed uses under Waldport Municipal Code 16.36

Permitted outright. None (except owner/caretaker/watchman residence.)

Conditional Uses. Low-impact manufacture, research, repair, assembly, processing, warehousing, etc.

Public utilities and governmental structures

Restaurants, bars, taverns

Animal hospitals

Lumber or building materials and storage

Race track (automotive)

The applicant has the option, under the existing urban growth boundary configuration, to reconfigure the project under the existing zoning and UGB configuration, while achieving the same overall level of development. While the result would be less desirable from aesthetic, recreational, and design standpoints, its impacts on surrounding public transportation facilities would be substantially the same.

Other Goal 14 considerations: There are several ways that the subject UGB adjustment better achieves the purposes of Goal 14 and this division than the piecemeal accretion of conventional rural and urban subdivisions that could reasonably be expected to occur without the adjustment. Among these advantages are the following:

a) In place of the "cookie-cutter" Euclidean model, the adjustment facilitates a comprehensive, tailored-to-the-site master-planned approach to allocating residential, employment, open space, conservation, and recreational uses on the entire property in a manner that conforms to the site's setting, topography, and natural assets, as well as its public facility and service requirements.

b) The UGB adjustment allows the city to replace a marginal industrial site in the SE corner of the city's urban area that has topographical constraints, access problems, and industrial zoning that allows no industrial uses outright while allowing competing conditional uses such as restaurants, bars, and taverns. In contrast, the subject UGB amendment allows the city to create genuine near-term employment opportunities on lands developed with commercial, golf-resort, office, and home occupation uses. The resulting employment-lands share of the gross acreage of the 576-acre Community Master Plan site is the substantial equivalent of the suitable employment lands removed.

c) The proposed adjustment presents no issues of compatibility with rural agricultural and forest uses. There are no rural resource designations on lands adjacent to the lands to be

removed and none adjacent to those to be added. All of the lands to be removed and all of the lands to be added are within the city limits and currently surrounded by lands that are designated on acknowledged comprehensive plans and zoning maps as nonresource, and that have long been planned zoned, and, in many cases, developed with homes, golf courses, landfills, public schools, transfer stations, and other nonresource uses.

d) The proposed adjustment makes actual near-term comprehensively-planned development of the site by a single developer with adequate financing much more likely than would otherwise be the case. In so doing, it increases the likelihood that urban housing and employment needs will in fact be addressed, fosters the orderly and economic provision of public facilities and services, and avoids the adverse environmental, energy, economic, and social consequences of piecemeal, delayed, and uncoordinated development, and helps to maximize the efficiency of land uses within and on the fringe of the existing urban area.

Conclusion:

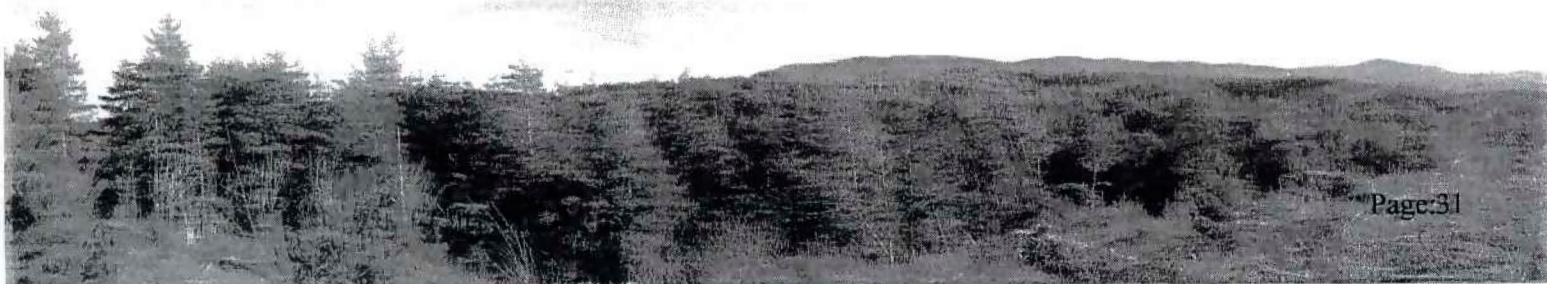
In summary, the UGB adjustment for the Columbia Pacific Enterprises, Inc. property is consistent with Goal 14's factors governing the establishment and change of urban growth boundaries, as interpreted by the Goal 14 rule's urban growth boundary adjustment provisions.

Summary Statement

Based on the Department of Land Conversation and Development (DLCD) areas of concern regarding the proposed UGB Adjustment as indicated in their letter dated December 8, 2006 (included in appendix), this submittal has been prepared in response to their concerns. This proposed UGB Adjustment application submittal includes and/or demonstrates the following:

1. Citation of the rule and provides the findings that demonstrate consistency with applicable statewide planning goals. See Proposed Findings on page 24-30.)
2. Includes the acreage broken down by land use district and its density that is proposed to be removed and/or exchanged. This analysis also includes the affected lands into buildable and unbuildable categories.
3. Demonstrates that residential, industrial and/or other employment land, as well as the amount of development-suitable land added to the UGB, is substantially equivalent to the amount of suitable land removed.
4. This adjustment will comply with the requirement that lands removed from the UGB be planned and zoned for rural use consistent with all applicable laws.
5. Transportation planning related to this adjustment has assessed the impacts and, where appropriate, defined the mitigations necessary so that as a result of this adjustment would result in an insignificant effect. (See letter from traffic engineer on pages 4-9.)
6. The Master Plan for the property proposes to provide a variety of housing types, sizes styles and consequently the basis to offer a variety of home prices. The range will extend from renters to first-time homebuyers to second and third move-ups, as well as to empty nesters and retirees with downsizing home buying needs, all within a small town country club and resort-like atmosphere. This proposed development will be consistent with the city housing policies and statewide planning goal 5.
7. As a result of this proposed adjustment, there will be no significant change or increase to the future infrastructure demand or requirements. (See civil engineer's letter dated December 28, 2006, contained on page 19.)

The project applicants' team has studied, analyzed and appropriately responded to the concerns of the DLCD. The proposed UGB Adjustment is in compliance with the city's recent approval of the Community Master Plan. This adjustment represents the next logical step in the planning process of this golf and beach resort project.



Proposed Urban Growth Boundary Adjustment

Appendix

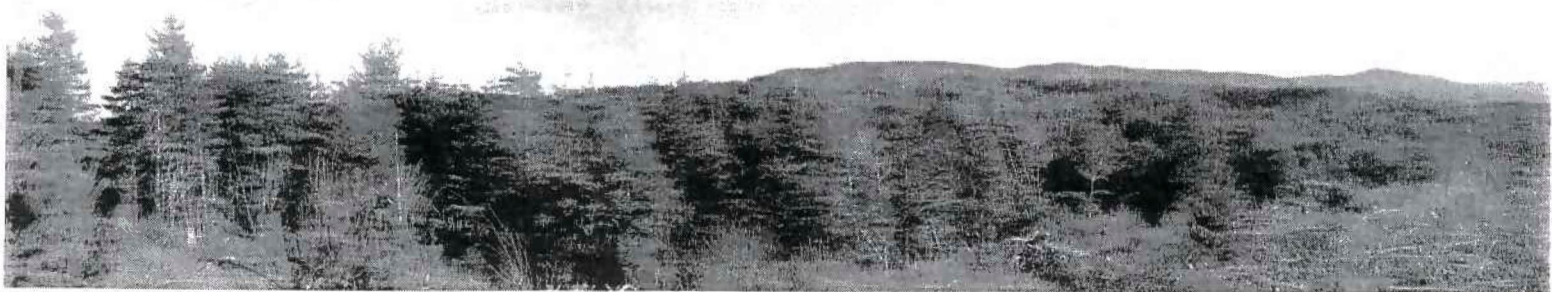
-Letter from Department of Land
Conservation and Development (DLCD)

-Legal Description

-Sewer System Evaluation

-Water System Evaluation

-Traffic Technical Study





Oregon
Theodore R. Kuongoski, Governor

**Dept. of Land Conservation and Development
Oregon Coastal Management Program**

PO Box 451, 720 Mill Street
Waldport, OR 97394
(541)563-3745
FAX (541) 563-4022

Web: <http://www.lcd.state.or.us/coastal>

December 8, 2006

Larry Lewis, City Planner
City of Waldport
PO Box 1120
Waldport, OR 97394

Re: File # 3-PD-PC-06, Proposed UGB Adjustment
Columbia Pacific Enterprises

Larry,

We have reviewed the above referenced plan amendment to modify the city's urban growth boundary (UGB). The proposed adjustment would facilitate development of the proposed Naples Golf and Beach Resort on 576 acres of land just east of Highway 101 in south Waldport. The proposed planned development would incorporate a wide range of housing types, including condominiums, neo-traditional, multi-family and single-family homes. The proposal also calls for extensive areas devoted to recreational use, including an 18-hole golf course and a network of walking trails and natural areas. A portion of the property along its Highway 101 frontage is zoned for commercial use. All the affected lands lie within the city limits of Waldport, although much of the property is outside the existing UGB.

Proposed UGB Adjustment

The intent of the UGB adjustment is to meander the boundary so that the land areas slated for residential development in the preliminary master plan lie within the UGB where urban services can be provided and areas planned for golf course development, where urban services are not required, lie outside the boundary. The majority of the lands being exchanged are currently zoned for residential use. The existing Crestview Hills Golf Course is part of the subject property and is zoned Public Facilities. And a relatively small portion of the property affected by the UGB adjustment is in the Planned Industrial zoning district.

Recently adopted Oregon Administrative Rule (OAR) 660-024-070 addresses UGB adjustments (see Attachment A). Paragraph (3) of the Rule provides that, "... a local government considering an exchange of land may rely on its acknowledged population forecast and land needs analysis, rather than adopt a new forecast and need analysis, provided the land added to the UGB is planned for the same uses and at the same housing or employment density as the land removed from the UGB, and provided: (a) For residential land, the amount of buildable land added to the UGB is substantially equivalent to the amount of buildable land removed; or (b) For industrial or other employment land, the amount of suitable land added to the UGB is substantially equivalent to the

amount of suitable land removed.” The application does not cite the Rule or otherwise provide findings that demonstrate consistency with applicable Statewide Planning Goals.

Under 3.a above, the applicant must demonstrate that the amount of buildable land added to the UGB is substantially equivalent to the amount of buildable land removed from the UGB, while maintaining the same uses and at the same housing and employment densities. The preliminary master plan is pretty sketchy with regard to this requirement. There are conclusionary statements and a map showing the existing and proposed boundary, but little in the way of analysis. We recommend that the city provide findings that demonstrate compliance with OAR 660-024-070 (3) (a-b). The findings should show the acreage, broken down by land use district, that is proposed to be removed, and the acreage, by district, being brought into the boundary. The analysis should also break the affected lands into “buildable” and “unbuildable” classes.

Related to the proposed UGB adjustment, it should be noted that a portion of the property being removed from the boundary is planned for industrial use, but there is no discussion of the matter in the findings. Under 3.b above, the Rule requires that for industrial or other employment land, the amount of suitable land added to the UGB must be substantially equivalent to the amount of suitable land removed. The city’s findings should address the industrially designated area, by describing the features of the industrially-zoned property being removed from the boundary and its “suitability” for industrial use. If the property being removed is not suitable for industrial development due to physical constraints such as topography, protected riparian and wetland areas, the findings should reflect these facts. If the land is appropriate for industrial development, the findings should indicate where industrial development may be accommodated on lands that are proposed for inclusion within the boundary. And finally, OAR 660-024-070 (2) (e) requires that lands removed from the UGB be “...planned and zoned for rural use consistent with all applicable laws.” Because the lands outside the UGB are within the city limits of Waldport, the city must apply a zoning classification that provides for low-density rural uses that do not require urban services.

Transportation Planning Rule Requirements

It is important to note that any modifications of zoning districts require additional analysis to determine whether the proposed land use would be still be consistent with the function, capacity and performance standards of the transportation system. This process is addresses specifically in Section 0060 of the Oregon Transportation Planning Rule (TPR). The TPR currently in effect is available online at:

arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_012.html

Section 0060 of the TPR requires a two part analysis. First, findings are required about whether or not the proposed amendment would have a “significantly effect” on the transportation system as defined in subsections (1) and (4). If the amendment would have a “significant effect”, then approval must be accompanied by mitigation measures as described in subsections (2) and (3). It does not appear that the applicants have addresses Section 0060 requirements of the TPR. The applicant should work closely with ODOT to resolve this and other issues raised in their December 1, 2006 letter relating to this proposal.

Housing

The city's comprehensive plan, in conjunction with Statewide Planning Goal 10, includes a goal to provide for the housing needs of the residents of the community. Additionally, the city's plan also includes a goal to increase the amount of decent and affordable housing, especially rentals. The Naples Golf and Beach Resort proposal encompasses a significant portion of the city's urban growth area and a significant portion of land available for meeting the housing needs of the community. The proposal does not appear to provide affordable housing types necessary to meet the needs of the community as indicated above. We encourage the applicants to work with the City to provide a variety of housing types within the proposal, including affordable housing options. Findings in support of this application should address how this proposal is consistent with the city housing policies and Statewide Planning Goal 10.

Conclusion

We request that this letter be entered into the record of the proceedings. When additional information such as staff reports or revised drafts becomes available, we would appreciate receiving a copy. If there are significant changes to the proposal or significant new evidence, we would request that the record be held open at least seven days (but preferably fifteen days) pursuant to Oregon Revised Statutes (ORS) 197.763(4)(b), to allow us time to review and respond. Submitting computer files via email can speed our review. We would also request a copy of the final decision, within five working days as required by ORS 197.610.

If you have any questions please do not hesitate to contact me at 541-563-3745 or laren.woolley@state.or.us.

Sincerely,



Laren Woolley
North Coast Regional Representative

OAR 660-024-0070. UGB Adjustments

Attachment A

(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, 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 before the local government applies ORS 197.298 and other UGB location requirements necessary for adding land to the UGB.

(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 ORS 197.610 to 197.650, provided it determines:

- (a) The removal of land would not violate applicable statewide planning goals;
- (b) The UGB would provide a 20-year supply of land for estimated needs after the land is removed, taking into consideration land added to the UGB at the same time;
- (c) Public facilities agreements adopted under ORS 195.020 do not provide for urban services on the subject land unless the public facilities provider agrees to removal of the land from the UGB;
- (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 its acknowledged population forecast and land needs analysis, rather than adopt a new forecast and need analysis, provided the land added to the UGB is planned for the same uses and at the same housing or employment density as the land removed from the UGB, and provided:

- (a) For residential land, the amount of buildable land added to the UGB is substantially equivalent to the amount of buildable land removed; or
- (b) For industrial or other employment land, the amount of suitable land added to the UGB is substantially equivalent to the amount of suitable land removed.



TED J. LANGTON - REGISTERED SURVEYOR

720 NW 4th Street, Corvallis, Oregon 97330 Phone 541-757-9050; FAX 541-757-7578

URBAN GROWTH BOUNDARY
LEGAL DESCRIPTION

NAPLES

WALDPORT, OREGON

January 15, 2007

Beginning at the northwest corner of said tract conveyed to Charles and Esther M. Battles per M.F. Volume 249, Page 1072, Lincoln County Records, on the west line of Golf Course Heights Subdivision; thence along said west line S 0°42'38"W 125.00 feet to the southwest corner thereof; thence leaving said west line S 08°54'45"E 87.87 feet; thence S 86°02'03"W 313.01 feet; thence N 10°53'46"W 246.29 feet to said Battles north line; thence along said line S 88°36'41"E 346.86 feet to the point of beginning;

ALSO beginning at a 5/8" iron rod on the west line of that tract conveyed to Mark C. and Patricia L. Campbell per M.F. Volume 329, Page 588, said County Records; thence along said west line N 0°44'22"E 90.39 feet to a 5/8" iron rod at the northwest corner thereof; thence along the Campbell north line S 88°27'55"E 60.00 feet to a 5/8" iron rod; thence continuing along said north line S 89°29'38"E 140.00 feet to the northeast corner thereof on the westerly right-of-way line of County Road 802 (South Crestline Drive); thence along said right-of-way line S 3°02'34"W 124.28 feet to the Campbell southeast corner; thence continuing along said right-of-way line S 0°51'17"E 179.82 feet to the northeast corner of "Parcel Two" as conveyed to the Clark Living Trust Dated December 1, 1994 per M.F. Volume 292, Page 1161, said County Records; thence along the Clark Trust's north line N 88°18'12"W 130.00 feet to the northwest corner thereof; thence N 17°34'03"W 222.91 feet to the point of beginning;

ALSO beginning at a 5/8" iron rod at the northwest corner of Lot 44, Block 4, Crestview Hills No. 5, a subdivision in said County and State; thence along the west line of said Block 4, S 0°55'10"W 211.14 feet to a 5/8" iron rod at the northwest corner of Lot 42, said Block 4; thence along the Lot 42 west line S 0°52'43"W 89.07 feet to the southwest corner thereof, being also the northwest corner of Lot 37, said Block 4; thence along the Lot 37 west line S 0°55'13"W 99.27 feet to a 5/8" iron rod at the southwest corner thereof; thence S 1°03'31"W 60.41 feet to a 5/8" iron rod at the northwest corner of Lot 36, Block 3, said Crestview Hills No. 5; thence along the west line of said Block 3, S 0°56'27"W 273.43 feet to a 5/8" iron rod at the southwest corner thereof; thence S 1°18'05"W 14.35 feet to a 5/8" iron rod on the east-west centerline of the Southwest 1/4 of said Section 30; thence N 88°40'14"W 299.52 feet to a Brass capped monument at the Southwest 1/16 corner of said Section 30;

thence S 1°17'20"W 1,310.23 feet to a Brass capped monument at the West 1/16 corner between Sections 30 and 31, said Township and Range; thence along the Section line S 88°56'52"E 455.68 feet; thence leaving said Section line S 2°30'48"E 338.41 feet to the north line of that tract conveyed to South Lincoln Landfill, Inc. per Book 195, Page 929, said County Records; thence along the South Lincoln north line N 89°11'38"W 456.16 feet; thence N 89°12'06"W 327.83 feet to the northwest corner thereof; thence along the South Lincoln west line as follows: S 02°16'36"E 683.38 feet; thence N 89°41'18"W 413.94 feet; thence leaving said South Lincoln boundary S 2°03'26"E 687.72 feet to the southerly line of said South Lincoln tract; thence along said southerly line N 89°45'08"E 747.21 feet to the east line of Government Lot No. 2; thence along said Lot line S 02°24'46"E 340.27 feet to the northwest corner of that tract conveyed to the William R. Dahl Revocable Living Trust, dated April 5, 2001; thence along the north line thereof N 89°35'12"E 658.82 feet to the northwest corner of Parcel 2, Partition Plat No. 1999-25, said County and State; thence along the west lines of Parcels 2 and 3, said Plat, S 02°30'48"E 295.02 feet to the Parcel 3 southwest corner; thence along the Parcel 3 south line S 89°28'04"E 199.58 feet to the southeast corner thereof on the west right-of-way line of Ann Street; thence along said right-of-way line S 02°30'48"E 60.03 feet to the north line of Partition Plat 1997-29, said County and State; thence along said north line N 89°27'54"W 199.58 feet to the northwest corner thereof; thence along the west line of said Partition Plat, S 02°30'48"E 320.00 feet to the southwest corner thereof, lying on the east-west centerline of said Section 31; thence along said Section centerline, and the south line of said Partition Plat, N 89°06'16"E 659.83 feet to a Brass capped monument at the Center 1/4 corner of said Section 31; thence along the north-south centerline of said Section, S 02°36'56"E 1183.68 feet; thence leaving said line S 51°02'05"W 254.12 feet; thence S 89°30'04"W 256.74 feet; thence N 65°26'55"W 191.92 feet; thence N 85°05'04"W 531.95 feet; thence N 01°13'04"W 93.13 feet; thence N 58°18'03"E 461.97 feet; thence N 68°39'56"E 240.73 feet; thence N 69°10'25"E 477.14 feet; thence N 02°32'42"W 61.31 feet; thence N 88°20'36"W 475.68 feet; thence S 83°22'56"W 474.31 feet; thence S 47°20'19"W 644.88 feet; thence S 84°43'11"W 692.20 feet; thence N 24°55'06"W 361.40 feet; thence N 35°40'32"E 132.68 feet; thence N 67°19'43"E 417.44 feet; thence N 09°26'58"W 313.85 feet; thence N 34°29'40"E 43.50 feet; thence N 53°59'14"E 633.06 feet; thence S 43°21'48"E 714.24 feet; thence S 64°01'26"E 377.82 feet; thence N 88°23'26"E 480.26 feet; thence N 02°32'42"W 209.70 feet; thence N 75°33'04"W 644.21 feet; thence N 52°50'04"W 1242.05 feet; thence S 89°17'22"W 335.38 feet; thence S 89°45'27"W 442.42 feet; thence N 15°02'39"E 2231.03 feet; thence N 22°19'26"E 779.17 feet; thence N 04°46'36"W 295.14 feet; thence N 18°28'19"E 286.09 feet; thence N 70°57'16"E 152.33 feet; thence N 16°34'47"W 232.47 feet; thence N 15°54'21"E 53.79 feet; thence N 67°53'29"E 143.55 feet; thence N 42°27'23"E 141.42 feet; thence N 48°22'34"W 288.00 feet; thence S 55°46'00"W 364.58 feet; thence S 06°58'32"E 184.50 feet; thence S 23°32'20"W 719.23 feet; thence S 34°13'16"W 1265.36 feet; thence N 76°11'15"W 215.91 feet; thence N 25°33'57"W 599.41 feet; thence N 49°21'16"W 164.04 feet; thence N 06°15'21"W 333.30 feet; thence N 41°36'04"E 588.97 feet; thence N 25°31'43"E 343.89 feet; thence N 88°36'02"E 156.21 feet; thence N 28°59'35"W 320.73 feet; thence N 17°35'33"W 495.39 feet; thence N 30°49'51"E 365.26 feet; thence N 78°52'04"E 745.67 feet; thence S 84°09'46"E 341.95 feet; thence S 17°23'21"E 172.29 feet; thence N 71°35'45"E 199.24 feet; thence

N 25°35'16"W 289.78 feet; thence N 29°43'47"E 372.70 feet; thence N 84°29'35"E 321.47 feet; thence S 05°30'25"E 149.99 feet; thence S 39°05'07"E 158.88 feet; thence N 62°03'56"E 125.78 feet; thence N 30°39'38"W 94.57 feet; thence N 24°09'11"E 171.20 feet; thence N 84°29'35"E 570.14 feet; thence S 11°26'09"W 1073.25 feet; thence N 79°30'48"W 367.81 feet; thence N 59°18'07"W 268.88 feet; thence N 89°12'07"W 180.96 feet; thence S 22°35'58"W 104.91 feet; thence S 05°24'54"W 457.42 feet; thence S 69°09'08"E 218.84 feet to the point of beginning;

ALSO beginning at a Brass capped monument at the East 1/16 corner between Sections 25 and 36, Township 13 South, Range 12 South, Willamette Meridian; thence along the north-south centerline of the Southeast 1/4 of said Section 25, N 01°08'36"E 1,697.23 feet to the south line of that tract conveyed to Naples One, LLC per Document No. 2006-14797, said County Records; thence along said south line, and the south line of that tract conveyed to Naples One, LLC per Document No. 2006-14799, said County Records, parallel to the south line of said Section 25, N 89°23'09"W 849.86 feet to a 5/8" iron rod on the easterly right-of-way line of Oregon State Highway No. 101; thence along said right-of-way line as follows: N 07°35'27"E 965.58 feet; thence leaving said right-of-way line S 64°04'17"E 266.37 feet; thence S 14°02'07"E 352.77 feet; thence S 86°04'08"E 86.66 feet; thence S 42°50'37"E 260.68 feet; thence S 03°46'55"E 218.23 feet; thence N 86°33'28"E 184.62 feet; thence N 13°43'39"W 408.90 feet; thence S 82°13'58"E 450.29 feet; thence N 15°42'41"E 127.23 feet; thence N 82°43'40"E 342.48 feet; thence S 17°02'36"E 491.02 feet; thence S 30°14'12"W 1361.33 feet; thence S 33°13'28"E 649.93 feet; thence S 02°36'03"E 177.31 feet; thence S 77°50'30"E 311.71 feet; thence S 40°21'20"E 291.71 feet; thence S 01°33'54"W 1720.20 feet; thence N 89°36'59"W 1009.51 feet; thence N 00°23'01"E 693.04 feet; thence N 89°36'49"W 722.09 feet; thence N 04°11'45"E 702.58 feet; thence N 89°15'58"W 230.28 feet; thence N 00°05'43"W 649.91 feet; thence S 89°29'20"E 814.91 feet; thence N 01°08'36"E 20.10 feet to the point of beginning;

ALSO beginning at a 5/8" iron rod at the southwest corner of Lot 7, Ocean Hills Subdivision; thence leaving said subdivision boundary S 00°30'02"E 68.73 feet; thence N 79°06'08"W 397.19 feet; thence S 10°53'52"W 138.45 feet; thence S 44°45'45"E 310.97 feet; thence S 00°04'05"E 222.27 feet; thence N 84°42'52"E 929.82 feet; thence N 04°08'05"E 392.69 feet; thence N 52°09'24"W 81.86 feet to a 5/8" iron rod on the southerly right-of-way line of SW Ocean Hills Drive; thence along said right-of-way line, on the arc of a 275.00 foot radius curve left (Long Chord: N 68°17'38"W 76.39 feet) 76.64 feet to a 5/8" iron rod at the northeast corner of Lot 1, said subdivision; thence along the east line of said Lot, S 16°47'17"W 95.24 feet to a 5/8" iron rod at the southeast corner thereof; thence N 73°12'43"W 172.89 feet to a 5/8" iron rod at the southwest corner of Lot 2, said subdivision; thence N 16°47'17"E 80.06 feet to a 5/8" iron rod at the Lot 2 northwest corner; thence N 78°17'05"W 50.20 feet to a 5/8" iron rod at the northeast corner of Lot 3, said subdivision; thence along the Lot 3 easterly line S 16°47'17"W 119.31 feet to the southeast corner thereof; thence along the southerly line of said subdivision N 73°12'43"W 100.00 feet to a 5/8" iron rod; thence N 78°17'05"W 278.75 feet to the point of beginning;

ALSO beginning at a 5/8" iron rod on the west line of Lot 7, Ocean Hills Subdivision; thence leaving said subdivision boundary N 78°56'12"W 560.10 feet to the easterly

right-of-way line of Oregon State Highway No. 101; thence along said right-of-way line on the arc of a 2,764.79 foot radius curve right (Long Chord: N 21°00'27"E 280.94 feet) 281.06 feet to the intersection with the southerly right-of-way line of SW Ocean Hills Drive; thence leaving said State Highway 101 right-of-way line, along said SW Ocean Hills Drive right-of-way line as follows: S 78°05'50"E 25.92 feet; thence along the arc of a 120.25 foot radius curve right (Long Chord: S 60°22'46"E 73.19 feet) 74.37 feet; thence S 42°39'43"E 227.32 feet to a 5/8" iron rod at the most westerly corner of said Ocean Hills; thence continuing along said right-of-way line S 42°39'43"E 97.50 feet to a 5/8" iron rod; thence along the arc of a 340.50 foot radius curve left (Long Chord: S 48°43'43"E 71.97 feet) 72.11 feet to a 5/8" iron rod; thence along the arc of a 299.36 foot radius curve left (Long Chord: S 63°58'10"E 95.46 feet) 95.87 feet to the point of beginning;

ALSO beginning a 5/8" iron rod at the northwest corner of the "Common Area" depicted on Ocean Hills, a subdivision in said County and State, lying S 0°49'27"W 1,720.75 feet and N 89°23'09"W 1,372.10 feet from a Brass capped monument at the northwest corner of said Section 25; thence along the west line of said "Common Area" S 0°49'42"W 100.50 feet to a 5/8" iron rod on the westerly line of Lot 12, said subdivision; thence S 17°01'58"W 71.67 feet to a 5/8" iron rod at the Lot 12 southwest corner; thence along the west line of said subdivision S 0°49'42"W 293.15 feet to a 5/8" iron rod on the northerly right-of-way line of S.W. Ocean Hills Drive; thence along said right-of-way line, on the arc of a 239.36 foot radius curve right (Long Chord: N 61°52' 58"W 59.07 feet) 59.22 feet to a 5/8" iron rod; thence along the arc of a 280.50 foot radius curve right (Long Chord: N 48°43'43"W 59.29 feet) 59.40 feet to a 5/8" iron rod; thence N 42°39'43"W 97.50 feet to a 5/8" iron rod; thence continuing N 42°39' 43"W 227.32 feet; thence along the arc of a 180.25 foot radius curve left (Long Chord: N 52°27'03"W 61.29 feet) 61.59 feet; thence N 26° 51'31"E 59.39 feet; thence N 64°59'43"W 62.54 feet to the easterly right-of-way line of Oregon State Highway No. 101; thence along said right-of-way line, on the arc of a 2,764.79 foot radius curve right (Long Chord: N 27°05'09"E 49.24 feet to the intersection with the north line of that tract conveyed to Naples One, LLC per Document No. 2006-14799, said County Records; thence along said Naples One, LLC north line S 89°23'09"E 399.52 feet to the point of beginning;

ALSO beginning at a Brass capped monument at the North 1/16 corner between Section 30, Township 13 South, Range 11 West, Willamette Meridian, and Section 25, Township 13 South, Range 12 West, Willamette Meridian, Lincoln County, Oregon, being also the northwest corner of that tract conveyed to Charles and Esther M. Battles per M.F. Volume 249, Page 1072, Lincoln County Records; thence along the Battles north line S 88°36'41"E 304.23 feet; thence leaving said line S 04°34'39"E 148.60 feet; thence N 89°48'26"E 478.84 feet; thence S 54°58'33"E 343.69 feet; thence S 14°56'46"E 179.83 feet; thence S 25°20'57"W 238.25 feet; thence N 45°47'07"W 279.09 feet; thence S 74°27'19"W 679.13 feet; thence S 87° 41'59"W 293.27 feet; thence S 59°50'19"W 159.17 feet; thence S 85°24'25"W 74.54 feet; thence N 00°36'51"W 253.26 feet; thence S 89°23'09"E 216.28 feet; thence N 00°37'12"W 198.71 feet to the north line of that tract conveyed to Naples One, LLC per Document No. 2006-14797, said County Records; thence along said north line S 89°23'09"E 121.80 feet to a 5/8" iron rod at the northeast corner thereof on the

east line of said Section 25; thence along the Section line N 0°49'27"E 377.00 feet to the point of beginning;

SAVE AND EXCEPT from all of the above described property the following portion thereof:

Beginning at a 5/8" iron rod at the southwest corner of that tract conveyed to the Southwest Lincoln Water District per Book 365, Page 363, said County Records, lying S 53°18'22"E 407.18 feet from a Brass capped monument at the North 1/16 corner between Section 30, Township 13 South, Range 11 West, Willamette Meridian, and Section 25, Township 13 South, Range 12 West, Willamette Meridian, Lincoln County, Oregon; thence N 1°03'23"W 80.00 feet to a 5/8" iron rod; thence S 89°58'33"E 208.86 feet to a 5/8" iron rod; thence S 1°05'39"E 209.00 feet to a 5/8" iron rod; thence N 89°58'36"W 209.00 feet to a 5/8" iron rod; thence N 1°03'23"W 129.00 feet to the point of beginning;

The resultant area of the total tract described above being therefore 331.18 acres, more or less.

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Landscape Architects
Main Office Vancouver, WA & Branch Office in Pasco, WA

MEMORANDUM

Date: December 12, 2006

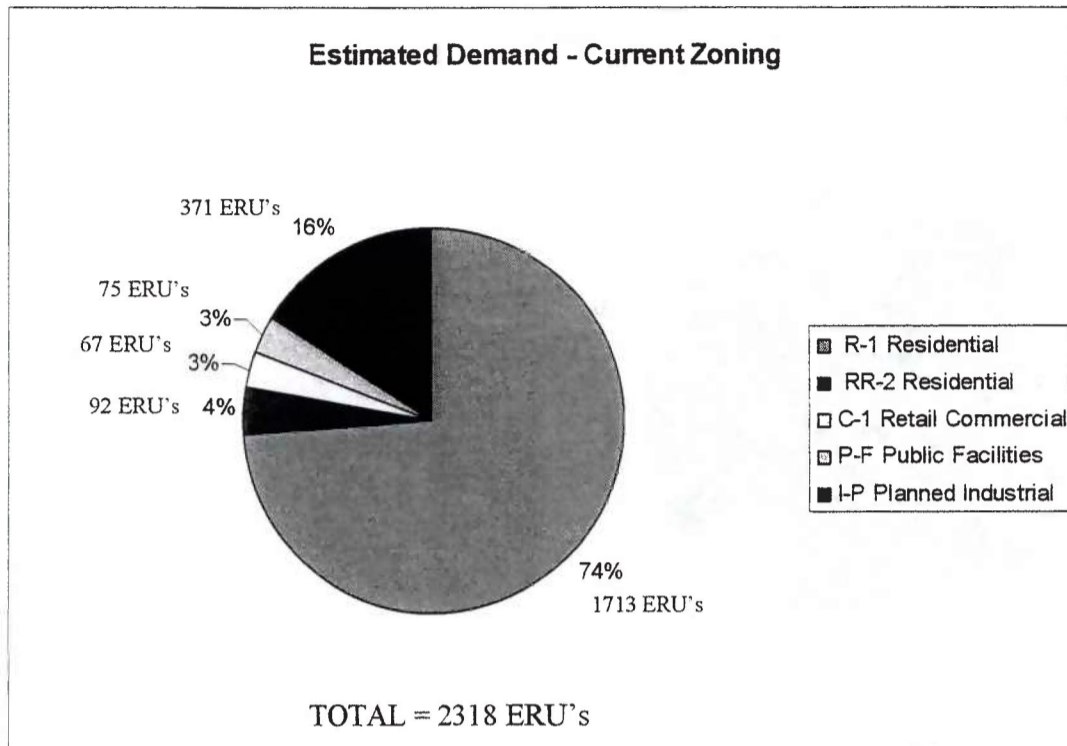
To: D and S Ventures, LLC

From: Travis C. Jansen, P.E., P.L.S.

Subject: Sewer System Evaluation

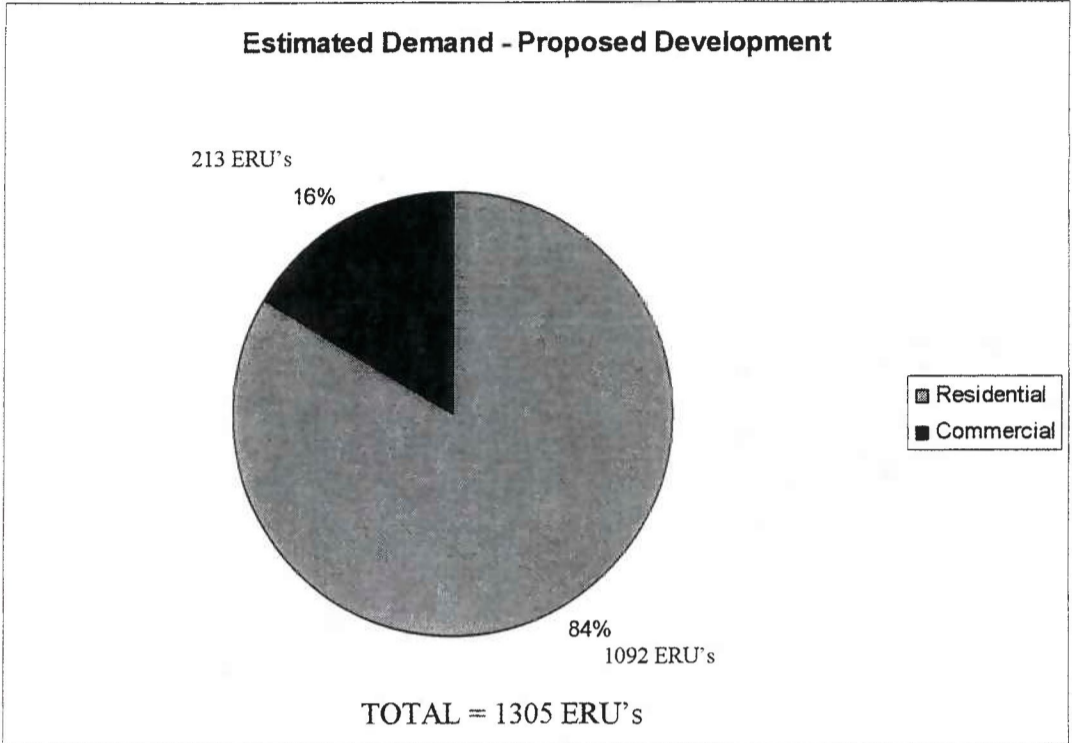
Estimated Demand - Current Zoning

The planned development covers a gross land area of approximately 576 acres. The existing land is zoned R-1 Residential, RR-2 Residential (County zoning), C-1 Retail Commercial, P-F Public Facilities, and I-P Planned Industrial. A typical average daily sewer demand of 240 gpd per ERU (Equivalent Residential Unit) was used for residential land uses based on the WCSMP (Waldport Waste Water Collection System Master Plan). The R-1 zoning allows a density of 1 dwelling per 6,000 SF, resulting in a total of 1,713 dwellings for 236 acres, resulting in a sewer flow of 411,000 gpd (1713 ERU's). The RR-2 zoning allows a density of 1 dwelling per 2 acres, resulting in a total of 92 dwellings for 184 acres, resulting in a sewer flow of 22,000 gpd (92 ERU's). For the retail commercial and public facilities areas of the site, a typical average daily sewer demand of 1,000 gpd per acre was used based on the WCSMP. For the industrial areas of the site, a typical average daily sewer demand of 1,500 gpd per acre was used based on the WCSMP. Considering 60% of the area dedicated to these three zones as developable, the sewer flow for these areas comes to 16,000 gpd (67 ERU's) for retail commercial, 18,000 gpd (75 ERU's) for public facilities, and 89,000 gpd (371 ERU's) for planned industrial. The total projected sewer demand for the entire 576 acres as developed under current zoning comes to 556,000 gpd (2,318 ERU's).



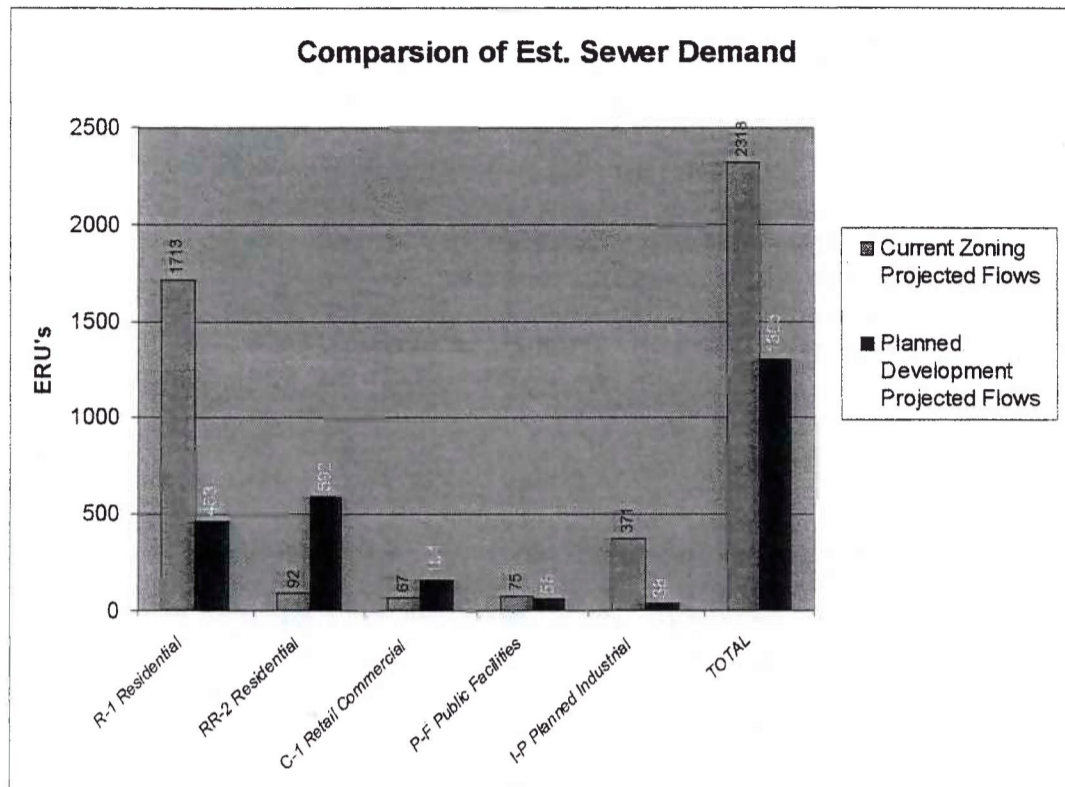
Estimated Demand - Proposed Development

The planned development includes 69% of the maximum density allowed in the residential zoned areas, approximately 1,245 dwellings. A portion of these dwellings will be high-density dwellings, and the remainder will be low-density dwellings. Considering an ERU factor of 0.8 for the high-density dwellings and 1.0 for the low-density dwellings, a total of 1,093 ERU's is proposed. Using the average daily sewer demand of 240 gpd per ERU, as discussed previously, the anticipated sewer demand for the residential uses comes to 262,000 gpd (1,092 ERU's). For the proposed commercial uses, a total sewer demand of 51,000 gpd (213 ERU's) is anticipated. Therefore, the total anticipated sewer demand for the entire 576 acres, as developed under the proposed conditions, is estimated at 313,000 gpd (1,305 ERU's).



Comparison of Est. Sewer Demand

Comparing the projected sewer demands for the planned development with current zoning, a reduction of 243,000 gpd (1013 ERU's) has been calculated. Therefore, the planned development represents a 40% reduction in future sewer demand than is possible under current zoning.



Existing Facilities

The site lies within two sewer service areas for the City. The southern portions of the project, outside of the current UGB, are within the Wakonda Beach (UGB Unit #3) area. The northern portion of the site is within the “South Waldport” service area, inside the City limits. The site is tributary to and served by the City’s wastewater treatment plant located off of Lint Sl. Rd approximately eight-tenths of a mile north/northwest of the site. The treatment plant is currently operating at roughly 26-27% of capacity according to the Public Works Director. With a capacity of 0.7 mgd, the plant is currently operating at roughly 0.2 mgd. Therefore, the existing treatment plant has an available capacity of approximately 0.5 MGD, or approximately 2,083 ERU’s

The Ocean Hills Pump Station and the Golf Course Pump Station systems both serve the site. The Ocean Hills pump station was recently upgraded and has been brought on-line. It is located along the south-side of SW Ocean Hills Drive, adjacent to Patterson Creek. The station is a duplex pump station with each pump having a design peak flow of approximately 550 gpm. The station currently collects wastewater only from the Ocean Hills subdivision. This system discharges through an 8-inch diameter pressure sewer that extends northeasterly through the City, ultimately discharging to the WWTP.

The second system serving the site is the Golf Course pump station. This is an existing duplex pump station located along the west edge of the Crestview Hills Golf Course. Both pumps within the system are designed with a peak flow of 150 gpm, expandable to 300 gpm. The collection system has two sewer mains which serve the golf course frontage homes along the south side of SW Range Dr. and Crestline Drive. This system also has a gravity main which serves the homes along Fairway Circle and Green Drive on the south-side of the existing golf course. This pump station discharges via a pressure sewer main running north along Crestline Drive. The force main has installed valve control so as to allow either discharge to the WWTP via gravity sewer in Crestline or discharge to the Grade School Pump Station.

Proposed Sewer Plan

The proposed sewer plan has been designed to maximize both the use of the existing facilities and the use of conventional collection and conveyance systems. The majority of the site will be served by a standard gravity sewer collection system. The gravity sewers are served by pump stations for discharge to the City's WWTP. Limited areas on-site, particularly in the southwest corner of the site, will be served using a STEP system. All development of the site that lies within the City limits will be served by public sewer. The anticipated sewer demand for the project, as previously calculated, is 1,305 ERU's, approximately 63% of the available capacity at the Treatment Plant. With an available capacity of roughly 2,083 ERU's, the Treatment Plant will have a remaining capacity of approximately 778 ERU's upon full-build out of the proposed development. The sewer facilities will be designed in accordance with City of Waldport standards.

The majority of the site will be served by the Ocean Hills Pump Station. A network of gravity sewer mains will be constructed on-site to collect the wastewater and convey it to the pump station. The proposed mains will generally be located within public roadways. However, to facilitate gravity service, in select locations the gravity sewer mains will be located along proposed trails or cart paths. In such cases, a public sewer easement will be dedicated along the main.

The existing golf course pump station will remain in use. This facility will continue to serve the existing residences. The collection system will be expanded to serve approximately 20 acres of additional residential development; roughly 60-75 single family units. To facilitate the proposed residential development, portions of the existing conveyance system will be replaced. This is necessary to locate the mains outside of the proposed residential lots.

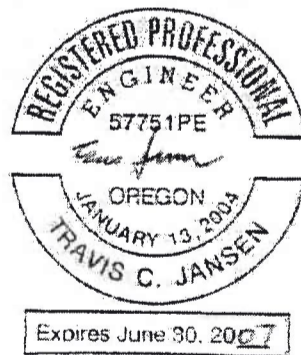
The extreme southwest and southeast corners of the site are not feasible to be served by either of the proposed gravity collection systems. As such, they will be serviced by a STEP system. Each single family unit will have a private STEP service which will connect into the public STEP main located in the roadway. The number of units served

in each of these areas is too small to necessitate or reasonably support a pump station. Additionally, in the southeast portion of the site, the topography, limited density, and separation of the proposed development also limits the feasibility of standard gravity sewers and pump stations. The individual single family STEP services can be publicly or privately maintained as desired by the City. Each service consists of a septic tank, pump, control system, and pressure service lateral. Service of these areas with a STEP system is consistent with the City's Sewer Plan.

Reclaimed Water

The City of Waldport is in the process of making their reclaimed water system operational. A 4-inch diameter pressure re-use line was installed from the WWTP south along Crestline Drive to SW Range Drive. The line is intended to service the golf course. The City is currently selecting the necessary pumping works. Upon installation of the pumping system, the re-use line would be operational. The reclaimed water may also be extended on-site to supplement irrigation of proposed parks and open space areas. Under reasonable flow velocities, say 4-6 fps, the re-use main can be expected to have a design flow in the range of 150 to 250 gpm. The facility is capable of meeting the estimated irrigation demand for the golf course.

As the WWTP utilizes batch reactors, there will not be a continuous supply of reclaimed water. Periodically, upon completion of the batch treatment process, a unit volume, "batch", of re-use water would be available for discharge. As such, it will be necessary to provide a storage facility(s) on-site for reclaimed water. Sizing of the facility(s) and design of the control system, integrating the level measurement system in the storage facility(s) with the pump controls at the WWTP, will be completed prior to final approvals of the golf course.



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MEMORANDUM

Date: December 12, 2006

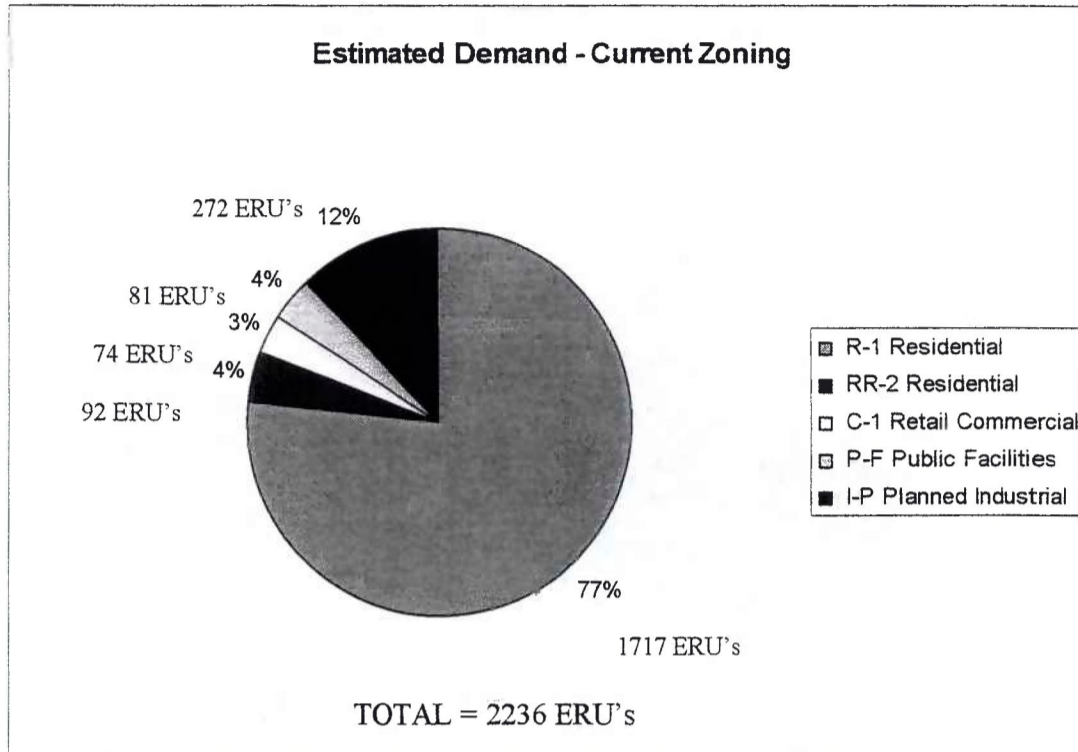
To: D and S Ventures, LLC

From: Travis C. Jansen, P.E., P.L.S.

Subject: Water System Evaluation

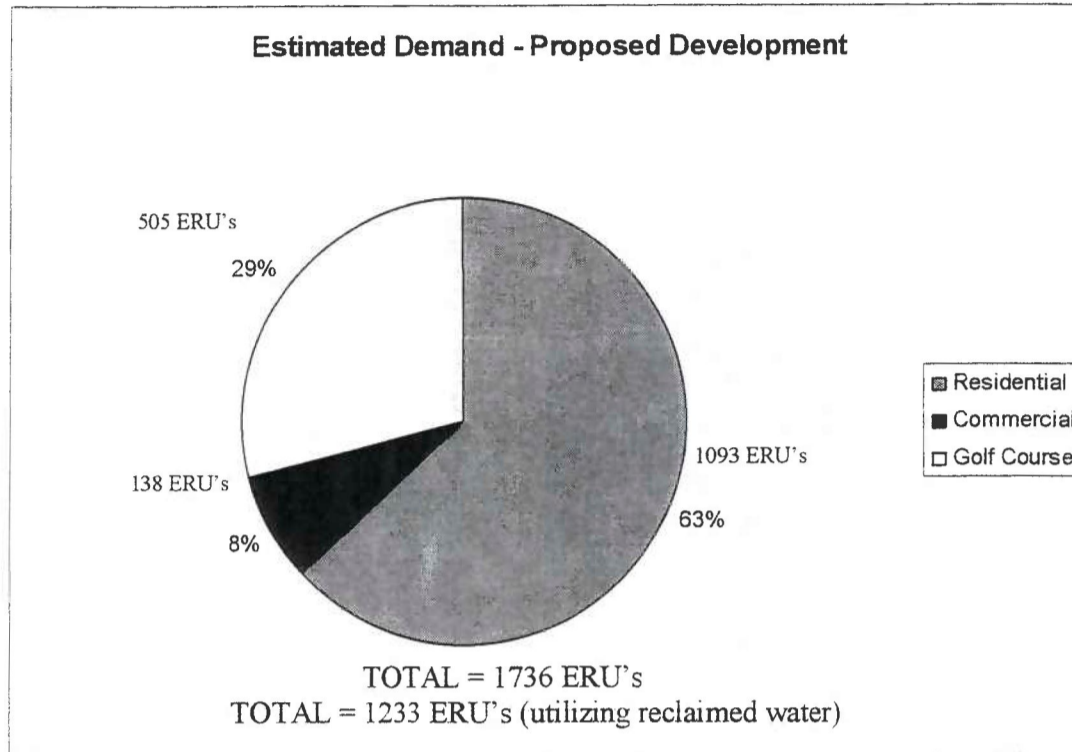
Estimated Demand - Current Zoning

The planned development covers a gross land area of approximately 576 acres. The existing land is zoned R-1 Residential, RR-2 Residential (County zoning), C-1 Retail Commercial, P-F Public Facilities, and I-P Planned Industrial. The Waldport Water Master Plan forecasts an average daily water demand of 283.5 gpd per ERU (Equivalent Residential Unit), based on 126 gpd per person and 2.25 people per ERU. The R-1 zoning allows a density of 1 dwelling per 6,000 SF, resulting in a total of 1,713 dwellings for 236 acres, resulting in an ADD (Average Day Demand) of 486,000 gpd (1717 ERU's). The RR-2 zoning allows a density of 1 dwelling per 2 acres, resulting in a total of 92 dwellings for 184 acres, resulting in an ADD of 26,000 gpd (92 ERU's). For the retail commercial, public facilities, and planned industrial areas of the site, a typical average daily water demand of 1,300 gpd per acre was assumed. Considering 60% of the area dedicated to these three zones as developable, the ADD for these areas comes to 21,000 gpd (74 ERU's) for retail commercial, 23,000 gpd (81 ERU's) for public facilities, and 77,000 gpd (272 ERU's) for planned industrial. The total projected ADD for the entire 576 acres as developed under current zoning comes to 633,000 gpd (2236 ERU's).



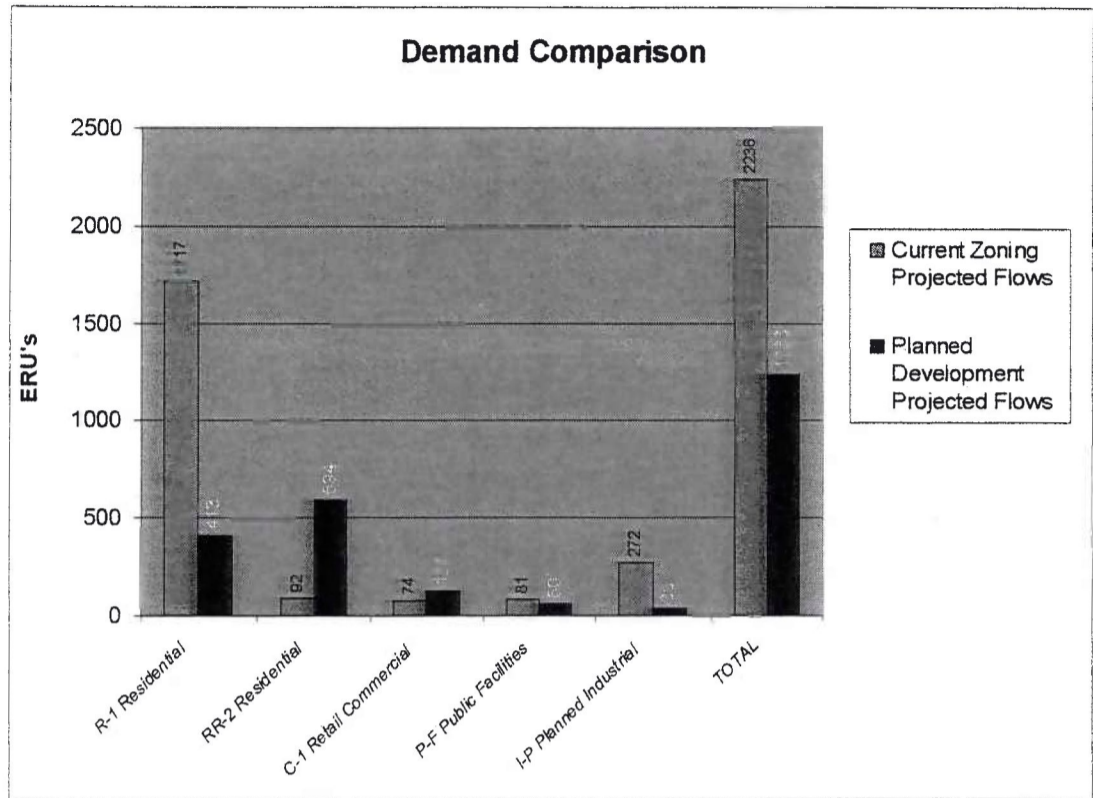
Estimated Demand - Proposed Development

The planned development includes 69% of the maximum density allowed in the residential zoned areas, resulting in 1,245 dwellings. A portion of these dwellings will be high-density dwellings, and the remainder will be low-density dwellings. Considering an ERU factor of 0.8 for the high-density dwellings and 1.0 for the low-density dwellings, a total of 1,093 ERU's is proposed. Using the average daily water demand of 283.5 gpd per ERU as discussed previously, the ADD for the residential uses of the site comes to 310,000 gpd (1093 ERU's). Considering the commercial uses of the site, a total ADD of 39,000 gpd (138 ERU's) is anticipated. Lastly, considering the proposed golf course, a total ADD of 143,000 gpd (505 ERU's) is anticipated for irrigation. Therefore, the total anticipated ADD for the entire 576 acres as developed under proposed conditions comes to 492,000 gpd (1,736 ERU's). However, the proposal includes the use of reclaimed water to irrigate the proposed golf course. Therefore, the total potable water demand for this planned development is significantly reduced. The net potable water demand for the project is estimated at 349,000 gpd (1,233 ERU's).



Demand Comparison

Comparing the projected flows of the planned development to the projected flows under current zoning, a reduction in the ADD of 284,000 gpd (1003 ERU's) has been calculated. Therefore, the planned development represents a potential 45% reduction in future water demand compared to that allowed under current zoning.



Existing Water System

This site lies within the service areas of the City of Waldport and The Southwest Lincoln County Water District (SLCWD). The majority of the site is located and will be served by the SLCWD. A smaller portion of the site will continue to be served by the City of Waldport. The City's service area on-site will continue to encompass the area that is currently developed and operating as the golf course. Additionally, the area adjacent to SW Ocean Hills Drive is proposed for service by the City. All other areas on-site will be serviced by SLCWD. The City of Waldport and SLCWD have a mutual aid agreement to provide emergency water supply, if needed. They have a water system inter-tie in place along Crestline Drive.

The perimeter of the site is well served with existing water facilities. To the west, located within HWY 101 is located an existing 8-inch water main. Similarly, an eight-inch main is located to the north in SW Range Drive, to the east in Crestline Drive is an existing 8-inch water main. Green Drive is served by a 6-inch PVC with a 4-inch stub to the site. Also located on site is an existing SLCWD reservoir. The reservoir is served by an 8-inch main coming east off of Seabrook Lane.