



Oregon

Theodore R. Kubongoski, 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

6/2/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Seaside Plan Amendment  
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, June 16, 2010

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Kevin Cupples, City of Seaside  
Gloria Gardiner, DLCD Urban Planning Specialist  
Matt Spangler, DLCD Regional Representative

Angela Lazarean, DLCD Urban Planner  
Matt Crall, DLCD Regional Representative

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FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF

MAY 27 2010

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Seaside**

Local file number: **09-053ACP**

Date of Adoption: **May 24, 2010**

Date Mailed: **5-26-2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **1-13-10**

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 proposed amendment will revise the approval criteria for expansion of the City of Seaside acknowledged Urban Growth Boundary (UGB) for certain uses. It identifies specific characteristics that are necessary for lands that will be considered to accommodate hospitals and public schools. The City will only consider lands that meet certain characteristics such as: adjacency to the city limits, size, topography, access, soil & geologic stability, elevation above tsunami inundation, and utility service capability.

Does the Adoption differ from proposal? Yes, the text changes are explained below:

Deleted text: h. ~~Availability. The site shall be available for use by the Seaside School District, Providence Seaside Hospital, or other public school or hospital provider."~~

Amended text: f. Tsunami Inundation Zone. The developable area of the site shall predominantly be located above the 80-foot elevation contour line currently estimated to be **reasonably safe from the likely** run-up elevation of a tsunami generated by a major Cascadia Subduction Zone earthquake.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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 file No. 001-10 (18062) [16155]

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

Clatsop County Planning Department & Oregon Department of Transportation

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Local Contact: **Kevin S. Cupples**

Phone: (503) 738-7100 Extension:

Address: **989 Broadway**

Fax Number: **503-738-8765**

City: **Seaside**

Zip: **97138**

E-mail Address: **kcupples@cityofseaside.us**

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. ~~Deadline to appeals to LUBA~~ is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

**ORDINANCE NO. 2010-03**

**AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE COMPREHENSIVE PLAN REFERENCED IN CODE OF SEASIDE ORDINANCE CHAPTER 151 ESTABLISHING CRITERIA FOR EXPANSION OF THE URBAN GROWTH BOUNDARY (UGB) FOR HOSPITALS AND PUBLIC SCHOOLS.**

**WHEREAS**, the Planning Commission conducted a public hearing regarding a proposed Comprehensive Plan text amendment that would establish criteria applicable to any proposed urban growth boundary (UGB) expansion necessary to accommodate hospitals and public schools; and

**WHEREAS**, after careful consideration the Planning Commission recommended the City Council approve the text amendment based on the applicant's submittal, the staff report, public testimony, findings, justification, and conclusions that support the proposed amendment; and

**WHEREAS**, the City Council reviewed the Commission's recommendation on Comprehensive Plan text amendment 09-053ACP and conducted a public hearing on the proposed amendment during their meeting on May 10, 2010, and

**WHEREAS**, after careful consideration the Council approved the request based on a determination the proposed text amendment was justifiable, consistent with the provisions in the City's Comprehensive Plan, and maintained the Plan's compliance with Statewide Planning Goals.

**NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:**

**SECTION 1.** Amend City of Seaside Comprehensive Plan Section 14.1 URBAN GROWTH POLICIES referenced in Code of Ordinance Chapter 151 by adding Subsection 10, as follows:

**10. Criteria for Expansion of City of Seaside Urban Growth Boundary for Hospitals and Public Schools:**

Pursuant to OAR 660-024-0060(5), the City finds that the following characteristics are necessary for land to be suitable for hospitals and public schools. Pursuant to this administrative rule, the City need not consider sites that do not meet the characteristics listed below when conducting an alternatives analysis in conjunction with a proposed expansion of the City's acknowledged Urban Growth Boundary ("UGB").

- a. **Adjacent to Existing City Limits.** The proposed UGB expansion area shall be adjacent to the existing city limits.
- b. **Size.** The developable area of the site shall be sufficient for the proposed public school use and hospital use. The developable acreage cannot be loosely assembled or dispersed; rather, it shall allow for a reasonably consolidated development site.
- c. **Topography.** The developable area of the site shall be predominantly composed of slopes not greater than 15%, except that roads may exceed this slope but are subject to fire district standards for roads exceeding 15%.
- d. **Access.** The developable area of the site shall be accessed by at least one (1) public street and at least one (1) additional emergency vehicular access point, either public or private.
- e. **Soils and Underlying Geological Conditions.** The developable area of the site shall predominantly consist of soils and underlying geological conditions suitable for constructing a hospital or public school.
- f. **Tsunami Inundation Zone.** The developable area of the site shall predominately be located above the 80-foot elevation contour line

currently estimated to be reasonably safe from the run-up elevation of a tsunami generated by a major Cascadia Subduction Zone earthquake.

- g. Utilities. The site shall be currently served by public and private utilities or shall be capable of being served by public and private utilities.

**SECTION 2.** The Seaside Planning Commission did hold a public hearing on April 20, 2010, during which the public was given an opportunity to testify in favor and in opposition of the zone change. Following the hearing, the Commission recommended the Seaside City Council approve the proposed Comprehensive Plan text amendment.

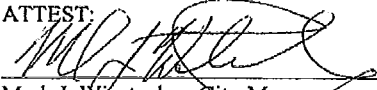
**SECTION 3.** The City Council hereby approves the Comprehensive Plan text amendment (file reference #09-053ACP) based on the adopted information in the Planning Commission's recommendation after consideration of the testimony offered during the Council's public hearing on May 10, 2010.

**ADOPTED** by the City Council of the City of Seaside on this 24 day of May, 2010, by the following roll call vote:

YEAS:	TOLAN, LARSON, HALLER, LYONS, JOHNSON
NAYS:	NONE
ABSTAIN:	NONE
ABSENT:	BARBER

**SUBMITTED** to and **APPROVED** by the Mayor on this 25 day of May, 2010.

  
\_\_\_\_\_  
DON LARSON, MAYOR

ATTEST:  
  
\_\_\_\_\_  
Mark J. Winstanley, City Manager

**SEASIDE PLANNING COMMISSION  
NOTICE OF DECISION**

**Date:** May 26, 2010

**To:** Applicant, Parties, and Previously Notified Individuals

**From:** Kevin Cupples, Planning Director

**RE:** **09-053ACP** – A request by Providence Health & Services - Oregon to approve a post-acknowledgement text amendment to the City of Seaside Comprehensive Plan. The proposed amendment will revise the approval criteria for expansion of the City of Seaside acknowledged Urban Growth Boundary (UGB) for certain uses. It will identify the specific characteristics that are necessary for lands that will be considered to accommodate hospitals and public schools. The amendment is limited to a text change and the applicant is not seeking any change in the current UGB at this point in time.

**CITY COUNCIL DECISION:**

On May 24, 2010; the Seaside City Council approved the above referenced request in accordance with the provision in the City of Seaside Zoning Ordinance and the Comprehensive Plan.

The Council's decision was based on the information submitted by the applicant, the staff report, oral & written testimony during public hearings, and the Planning Commission's recommendation. This information was used to establish the findings, justification statements, and conclusions adopted by the Council in conjunction with Ordinance No. 2010-03 (Attached).

**APPEAL PROVISIONS:**

The Council's decisions may be appealed in accordance with Oregon Revised Statute 197.830 which generally requires the following:

The Notice of Intent to Appeal and the required fees must be filed at LUBA within 21 days after the land use decision becomes final as described by OAR 661-010-0010(3). If the deadline is missed, LUBA will dismiss the appeal. Under LUBA's rules (OAR 661-010-0015(1)(b)), the date of filing a Notice of Intent to Appeal is either the date the Notice is actually received by LUBA or the date the Notice is mailed, provided it is mailed by registered or certified mail and the party filing the Notice obtains a receipt stamped by the U.S. Postal Service showing the date mailed and the certified or registered number.

If you have any questions regarding this decision or the appeal process, please contact the Planning Department at (503) 738-7100.

The date of the "Final Decision" is the date the decision is reduced to writing and that coincides with the date of this "Notice of Decision": **Wednesday, May 26, 2010.**

**CITY COUNCIL FINAL DECISION WAS SUPPORTED BY THE ADOPTION OF  
THE FOLLOWING INFORMATION**

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**PLANNING COMMISSION RECOMMENDATION  
Comprehensive Plan Amendment 09-053ACP**

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After conducting a public hearing on April 20, 2010, the Planning Commission recommended the following action:

**Recommended Decision:** Approve the proposed text amendment establishing criteria for expansion of the Urban Growth Boundary (UGB) for hospitals and public schools. This request is consistent with the provisions in the City's Comprehensive Plan and it will not undermine the Plan's compliance with state wide planning goals.

This recommendation is supported by the applicant's submittal, the staff report, public testimony, and the Commission's adopted findings, justification statements, and conclusions.

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**PLANNING COMMISSION REQUEST SUMMARY & JUSTIFICATION**

**Date:** April 20, 2010

**Applicants:** Providence Health Services-Oregon  
1235 NE 47<sup>th</sup> Avenue #160  
Portland, OR 97213

**Representative:** Michael C. Robinson, Perkins Coie  
1120 NW Couch Street, Tenth Floor  
Portland, OR 97209

**Subject:** 09-053ACP- Comprehensive Plan amendment revising  
the approval criteria for expansion of the City's UGB for  
specific uses

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**REQUEST:**

The applicant is requesting a comprehensive plan amendment that will revise the City of Seaside Comprehensive Plan's approval criteria for expansion of the City's Urban Growth Boundary (UGB). The proposed criteria would apply to any proposed expansion necessary to accommodate hospitals and public schools. The need to establish unique criteria for these particular uses is explained in the applicant's submitted justification document (see attached). Basically, when the need for additional land is documented for these uses, the City would only consider lands that meet certain characteristics such as: adjacency to the city limits, size, topography, access, soil & geologic stability, elevation above tsunami

inundation, and utility service capability.

It is important to point out the applicant is not presently proposing any expansion of the current UGB. The proposed amendment will simply make any future UGB expansion process easier by eliminating some lands for consideration at the beginning of the process instead of at the end of an arduous evaluation. Staff considers this analogous to a family of five eliminating two, three and four passenger cars from their list of potential purchases before they start shopping for a family car. The proposed amendment will avoid needlessly evaluating lands that will not meet pre-established requirements for the specified uses.

In accordance with the Comprehensive Plan, after holding a public hearing on the proposed text amendment, the Commission will make a recommendation to the City Council.

#### **DECISION CRITERIA, JUSTIFICATION, FINDINGS, & CONCLUSIONS:**

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which were adopted by the Planning Commission to support their conclusions. The adopted information will be used as the basis for the Commission's final recommendation to the City Council.

The Commission's recommendation includes modifications they consider necessary and appropriate for the amendment to the Plan. Although each of the findings or justification statements may specifically apply to one of the decision criteria, any of the statements may be used to support the Commission's final recommendation:

#### **DECISION CRITERIA # 1: Findings of fact for requested Comprehensive Plan revisions shall, as a minimum:**

- a. Explain which plan goals, objectives, or policies are being furthered by the change.
- b. Present the facts used in making the decision; and
- c. Explain how the change will serve the public need.

#### **FINDINGS & JUSTIFICATION STATEMENTS:**

1. The applicant has submitted a justification document which supports the request based on information in the plan, statewide planning goals, and Oregon Administrative Rule. The applicant's information is adopted by reference.
2. Based on the USGS Scientific Investigations Report 2007-5283 prepared by Nathan Wood entitled "Variations in City Exposure and Sensitivity to Tsunami Hazards in Oregon," the City of Seaside has the highest exposure and sensitivity to tsunami inundation when compared to all other incorporated cities in Oregon.
3. The DOGAMI Special Paper 41, Tsunami hazard assessment of the northern Oregon coast prepared by George R. Priest, Chris Goldfinger, Kelin Wang,



Robert C. Witter, Yinglong Zhang, and António M. Baptista; details the underlying research that went into the production of new tsunami evacuation maps for the Cannon Beach area. This new research shows that run-ups (how high above sea level a tsunami would push inland) from a Cascadia Subduction Zone earthquake are much higher in worst-case scenario events than previously estimated. The report indicates a range between 9-30 meters (30-98').

4. DOGAMI has requested funds to accelerate detailed mapping similar to that completed in Cannon Beach. The following is an excerpt from the request, *Mitigating Oregon's Tsunami Risk: Accelerating Tsunami Inundation Mapping and Promoting Preparedness through Grassroots Outreach*: "The completion of the Cannon Beach, Oregon tsunami hazard assessment (Priest et al., 2008) marks an important accomplishment toward the objective of developing a new generation of tsunami inundation maps for Oregon. Our Cannon Beach study addressed whether run-up produced by future Cascadia tsunamis could reach elevations attained by the Indian Ocean tsunami along the northwestern coast of Sumatra, Indonesia. The Cannon Beach project developed 25 Cascadia tsunami scenarios that encompass the uncertainty and variability of the earthquake sources that produce tsunamis. Inputs for the tsunami simulations came from elastic dislocation models that predict seafloor deformation caused by earthquakes with different rupture parameters. Various rupture parameters (e.g., earthquake slip, rupture area, slip distribution, slip patch configuration and activation of a splay fault) were evaluated using a logic tree approach. Maximum run-up at the open coast produced by the maximum considered Cascadia tsunami simulation reached 30 m, similar to run-up observed in Sumatra and much higher than 10- to 20-m-high run-up predicted by earlier modeling in Oregon (Priest et al., 1997; 2000).
5. At this time, the City of Seaside does not have the same level of sophisticated mapping that has been completed for Cannon Beach. Future detailed mapping in Seaside could produce different results based on its unique geomorphic characteristics; however, incorporating a level of safety from potential tsunami inundation when selecting UGB expansion lands for the development of schools and hospitals is prudent planning.

#### **CONCLUSION TO CRITERIA #1:**

The proposed comprehensive plan text amendment will establish reasonable criteria for expansion of the City of Seaside Urban Growth Boundary for Hospitals and Public Schools. The proposed text amendment is consistent with the Comprehensive Plan and the amendment will maintain the Plan's compliance with the applicable Statewide Planning Goals.

Although the Commission believes the amendment is justified, it appears that substituting the following text in 10.f. is supported better by the evidence currently available for Seaside:

- f. Tsunami Inundation Zone. The developable area of the site shall

predominately be located above the 80-foot elevation contour line currently estimated to be **reasonably safe** from the run-up elevation of a tsunami generated by a major Cascadia Subduction Zone earthquake.

**FINAL COMMISSION RECOMMENDATION:**

Provided testimony during the public hearing does not lead to findings which indicate the proposed change will violate the Comprehensive Plan or undermine the integrity of the Plan's compliance with State wide Planning Goals, the Commission recommends approval of application 09-053ACP to the City Council.

This recommendation can be supported by the applicant's submittal and the Commission's adopted findings, justification statements, and conclusions.

**Attachments:**

- Applicant's Amended Submittal  
OAR 660-024-0060
- Applicant's Response to DLCD 3/1/10
- DLCD Correspondence 2/5/10
- Applicant's Correspondence 1/20/10
- Applicant's Correspondence 1/19/10

**BEFORE THE PLANNING COMMISSION AND CITY COUNCIL  
FOR THE CITY OF SEASIDE, OREGON**

**In the Matter of a Request for a Text Amendment to the City of Seaside Comprehensive Plan to Revise the Approval Criteria for Expansion of the City of Seaside Urban Growth Boundary to Accommodate Hospitals and Public Schools**

**NARRATIVE IN SUPPORT OF THE APPLICATION PROPOSED BY PROVIDENCE HEALTH & SERVICES - OREGON**

**I. Request.**

Providence Health & Services - Oregon (the "Applicant") submits this application (the "Amendment") requesting approval of a post-acknowledgement text amendment to the City of Seaside Comprehensive Plan ("Plan") to identify the specific characteristics that are necessary for an expansion of the City of Seaside acknowledged Urban Growth Boundary ("UGB") to accommodate hospitals and public schools. This application does not seek to amend the acknowledged UGB.

The Amendment proposes to amend the Plan to add a new policy under Plan Section 14.1, "Urban Growth Policies," that provides as follows:

**"10: Criteria for Expansion of City of Seaside Urban Growth Boundary for Hospitals and Public Schools:**

Pursuant to OAR 660-024-0060(5), the City finds that the following characteristics are necessary for land to be suitable for hospitals and public schools. Pursuant to this administrative rule, the City need not consider sites that do not meet the characteristics listed below when conducting an alternatives analysis in conjunction with a proposed expansion of the City's acknowledged Urban Growth Boundary ("UGB").

- a. **Adjacent to Existing City Limits.** The proposed UGB expansion area shall be adjacent to the existing city limits.
- b. **Size.** The developable area of the site shall be sufficient for the proposed public school use and hospital use. The developable acreage cannot be loosely assembled or dispersed; rather, it shall allow for a reasonably consolidated development site.
- c. **Topography.** The developable area of the site shall be predominantly composed of slopes not greater than 15%, except that roads may exceed this slope but are subject to fire district standards for roads exceeding 15%.
- d. **Access.** The developable area of the site shall be accessed by at least one (1) public street and at least one (1) additional emergency vehicular access point, either public or private.
- e. **Soils and Underlying Geological Conditions.** The developable area of the site shall predominantly consist of soils and underlying geological conditions suitable for constructing a hospital or public school.
- f. **Tsunami Inundation Zone.** The developable area of the site shall predominantly be located above the 80-foot elevation contour line currently estimated to be the likely

~~run-up elevation of a tsunami generated by a major Cascadia Subduction Zone earthquake.~~

- g. Utilities. ~~The site shall be currently served by public and private utilities or shall be capable of being served by public and private utilities.~~

The following narrative explains how the Amendment satisfies the applicable substantive approval criteria and consistency requirements of applicable Statewide Planning Goals ("Goals"), applicable Oregon Administrative Rules ("OAR"), applicable Plan policies and the applicable provisions of the Seaside Development Code ("SDC"). As explained below, the City of Seaside (the "City") can approve the Amendment because it meets the approval criteria.

## II. Background and Existing Plan Provisions.

Oregon cities must comply with the procedures and requirements of ORS 197.298 and OAR Chapter 660 when amending the location of their UGBs. Among other things, when considering a UGB amendment, a city must determine which land to add by evaluating alternative locations and identifying the land that is most suitable to accommodate the city's land needs. To prepare for this process, OAR 660-024-0060(5) authorizes a city to specify characteristics "such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need." This rule (**Exhibit 1**) also allows a city that has adopted these characteristics to "limit its consideration to land that has the specified characteristics" when the city conducts its boundary location alternatives analysis.

The City has adopted general characteristics in Plan Section 14.1, Policy 9 for consideration prior to amendment of the City's UGB; however, the City has not adopted specific characteristics that are necessary for land to be suitable for an identified need. The proposed characteristics serve several purposes. These characteristics are necessary in order to: (1) Protect these important public facilities and the citizens who utilize them from harm caused by a tsunami; and (2) Allow their development in a campus-style setting. The Applicant proposes that the City Council adopt these characteristics into the Plan. If the Amendment is adopted, the City must then apply these characteristics to any future UGB expansion that is proposed to accommodate public schools or hospital facilities.

The Amendment does not propose any changes to the City's existing UGB. Any proposal to amend the City's UGB that relies on the identified land use characteristics in this amendment would be proposed and reviewed with public notice and hearings at a later time.

## III. Applicable Approval Criteria.

### A. Statewide Planning Goals

The Land Conservation and Development Commission ("LCDC") has adopted 19 Statewide Planning Goals ("Goals") that are the foundation of Oregon's land use system. For the reasons set forth below, the City can find that the Amendment is consistent with all applicable Goals.

1. **Goal 1, Citizen Involvement:** "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

**RESPONSE:** Goal 1 requires local governments to adopt and administer programs to ensure citizen involvement in the land use planning process. LCDC acknowledged the City's citizen involvement program for Plan amendments. The City's approved process ensures citizen participation and will be used during the decision making process for the Amendment.

The Applicant requests a change in the text of the Plan, which requires two (2) noticed public hearings (one before the Planning Commission and one before the City Council) in accordance with City land use policies for legislative applications. Opportunities for citizen involvement are provided before and during the public hearings. The City can find that, upon compliance with the City's notice and hearing procedures, the Amendment is consistent with Goal 1.

**2. Goal 2, Land Use Planning: "To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."**

RESPONSE: Goal 2 requires that the City establish a factual basis for its decisions and assure that such decisions are coordinated with the appropriate governmental agencies. This narrative and the related Amendment materials provide substantial evidence in support of a decision to approve the Applicant's request.

The City is required to provide notice to and coordinate with appropriate governmental agencies according to ORS 197.610(1) (which requires a 45-day notice to DLCD) and Plan Section 15.4, Policy 7. Coordination requires that the City provide notice to affected governmental entities, consider the comments and include the comments in the decision, if appropriate. Upon compliance with these requirements, the City can find that its processing of the Amendment is consistent with Goal 2.

**3. 3. Goal 3, Agricultural Lands: "To preserve and maintain agricultural lands."**

RESPONSE: The purpose of Goal 3 is to protect agricultural lands. This Amendment concerns a text change that would govern the City's future amendment of the UGB to accommodate public schools or hospital facilities, but the Amendment does not propose any development or an amendment to the location of the UGB. As a result, no "agricultural lands" are impacted by the Applicant's request, and the City can find that Goal 3 is not applicable.

**4. 4. Goal 4, Forest Lands: "To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."**

RESPONSE: The objective of Goal 4 is to protect forest lands. This Amendment concerns a text change that would govern the City's future amendment of the UGB to accommodate public schools or hospital facilities, but the Amendment does not propose any development or an amendment to the location of the UGB.

As a result, no "forest lands" are impacted by the Applicant's request, and the City can find that Goal 4 is not applicable.

**5. 5. Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces: "To protect natural resources and conserve scenic and historic areas and open spaces."**

RESPONSE: Pursuant to Goal 5, a local government must prepare an inventory of the quality, quantity, and location of specified resources and then develop programs to achieve the goal of protecting these identified resources. The Applicant's proposed Amendment would not create or amend the City's Goal 5 resource list or a portion of the Plan adopted to protect a Goal 5 resource. Moreover, the Amendment does not propose any development that would impact an identified Goal 5 resource.

Therefore, the proposed amendment would not allow new uses that would conflict with any identified Goal 5 resources. The City can find that Goal 5 is not applicable to the Amendment.

**6. Goal 6, Air, Water and Land Resources Quality: "To maintain and improve the quality of the air, water and land resources of the state."**

RESPONSE: Goal 6 addresses waste and process discharges from future development and requires local governments to determine that the future discharges, when combined with existing development, would not violate (or threaten to violate) applicable state or federal environmental quality statutes, rules and standards. The Amendment itself does not propose any specific development and therefore will not increase waste or process discharges. The City will assess discharges of any future development at the time such development is proposed.

The City can find that Goal 6 is not applicable to the Amendment.

**7. 7. Goal 7, Areas Subject to Natural Hazards: "To protect people and property from natural hazards."**

RESPONSE: Goal 7 prohibits development in known areas of natural hazards without appropriate safeguards. The Amendment does not propose any development. It does propose to adopt a text amendment to the Plan that would limit future UGB expansions to accommodate public schools or hospitals to locations that are above the 80-foot elevation contour line currently estimated to be the likely run-up elevation of a tsunami generated by a major Cascadia Subduction Zone earthquake. In this way, adoption of the Amendment will protect people and property from natural hazards.

The City can find that adoption of the Amendment is consistent with Goal 7.

**8. Goal 8, Recreational Needs: "To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."**

RESPONSE: Goal 8 requires a local government to prepare an inventory of recreational needs and opportunities in the planning area based upon adequate research and analysis. The Amendment will not affect the City's adopted recreational inventory or any recreational facilities identified on this inventory. The City can find that Goal 8 is not applicable to the Amendment.

**9. Goal 9, Economic Development: "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."**

RESPONSE: The intent of Goal 9 is to ensure that each community's local comprehensive plan and policies contribute to helping the state maintain a stable and healthy economy. The Amendment does not propose to add or amend any policies that will affect the City's compliance with this goal. Accordingly, the City can find that Goal 9 is not applicable to the Amendment.

**10. Goal 10, Housing: "To provide for the housing needs of citizens of the state."**

RESPONSE: Goal 10 and its implementing administrative rules require each local government to inventory the supply of buildable residential lands within its UGB and to ensure that the supply of such buildable lands is adequate to meet the local government's anticipated housing needs. Approval of the Amendment will not affect the supply or demand of residential lands in the City or its UGB. Therefore, the City can find that Goal 10 is not applicable to the Amendment.

**11. Goal 11, Public Facilities and Services: "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."**

RESPONSE: Goal 11 creates local planning obligations for public facilities and services. The proposed amendments do not specifically propose any new development that would utilize public facilities and services. When development occurs in the future, all such development must necessarily comply with local laws regulating the timing of construction and operational standards for public facilities and services. In fact, the Amendment proposes a text amendment to the Plan that will limit the City's expansion of the UGB to accommodate public schools and hospital facilities to those sites with adequate transportation access and the ability to be served by utilities. Accordingly, the City can find that Goal 11 is not applicable to the Amendment.

**12. Goal 12, Transportation: "To provide and encourage a safe, convenient and economic transportation system."**

**RESPONSE:** Goal 12 requires that local governments provide and encourage a safe, convenient, and economic transportation system. This rule is implemented by the Oregon Transportation Planning Rule ("TPR") set forth at OAR 660-012-0060(1), which mandates that local governments impose mitigation measures when a proposed amendment would "significantly affect an existing or planned transportation facility." According to the TPR:

"A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
  - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
  - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan."

The Amendment does not propose any development, any changes to land uses, or any change to any existing or planned transportation facilities. Therefore, the City can find that approval of the Amendment will not significantly affect a transportation facility, and no mitigation measures are necessary to comply with the TPR. Thus, the Amendment is consistent with Goal 12.

**13. Goal 13, Energy Conservation: "To conserve energy."**

**RESPONSE:** Goal 13 is directed at the development of local energy policies and implementing measures, and does not state requirements with respect to other land use provisions. As a result, the City can determine that Goal 13 is not applicable to the Amendment.

**14. Goal 14, Urbanization: "To provide for an orderly and efficient transition from rural to urban land use."**

**RESPONSE:** Goal 14 calls for maintaining urban uses within urban growth boundaries. Pursuant to Goal 14, a change in an urban growth boundary should be based upon the following: (1) Demonstrated need to accommodate long-range urban population; (2) Demonstrated need for housing and employment opportunities; livability; or public facilities; (3) Efficient accommodation of



identified land needs; (4) Orderly and economic provision of public facilities and services; (5) Comparative environmental, energy, economic, and social consequences; and (6) Compatibility with nearby agricultural and forest activities.

The Amendment does not involve a change in the location of the UGB or a conversion of rural land to urban land, although it does establish specific characteristics that are necessary for a future UGB expansion accommodate public schools or hospital facilities. This is permitted by OAR 660-024-0060(5), which provides as follows:

**"If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298."**

The City has adopted general characteristics in Plan Section 14.1, Policy 9 for consideration prior to amendment of the City's UGB which are consistent with the six factors identified in Goal 14 itself (and the first paragraph of this response); however, the City has not adopted specific characteristics that are necessary for land to be suitable for an identified need. Recently, City staff, in conjunction with the Applicant and the Seaside Public School District, has identified specific characteristics that are necessary for land to be suitable for new public schools or hospital facilities. These characteristics are necessary in order to: (1) Protect these important public facilities and the citizens who utilize them from harm caused by a tsunami; and (2) Allow their development in the unique campus-style setting that these facilities require. The Applicant proposes that the City Council adopt these characteristics into the Plan. If the Amendment is adopted and takes effect, the City must then apply these characteristics to any future UGB expansion that is proposed to accommodate public schools or hospital facilities.

The City can find that adoption of the Amendment is consistent with Goal 14.

**15. Goal 15, Willamette River Greenway: "To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."**

RESPONSE: Goal 15 requires conservation and maintenance of the special features of lands located in the Willamette River Greenway. The Amendment does not propose development in or near, or regulate lands or activities in or near, the Willamette River Greenway. Therefore, the City can find that Goal 15 is not applicable to the Amendment.

**16. Goal 16, Estuarine Resources: "To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where**

appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity, and benefits of Oregon's estuaries."

RESPONSE: Goal 16 calls for protecting and restoring estuarine resources. The Amendment does not propose development in or near, or regulate lands or activities in or near, any estuarine resources. Accordingly, the City can find that Goal 16 is not applicable to the Amendment.

**17. Goal 17, Coastal Shorelands: "To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."**

RESPONSE: Goal 17 calls for the conservation and protection of coastal areas. The Amendment does not propose development in or near, or regulate lands or activities in or near, any coastal shorelands. As a result, the City can find that Goal 17 is not applicable to the Amendment.

**18. Goal 18, Beaches and Dunes: "To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas."**

RESPONSE: Goal 18 requires that each local government conserve and potentially restore or develop coastal beach and dune areas in order to reduce threats to life and property. This goal requires inventories to "describe the stability, movement, groundwater resource, hazards and values of the beach and dune areas." The Amendment will not impact any inventoried beach or dune areas. Thus, the City can find that Goal 18 is not applicable to the Amendment.

**19. Goal 19, Ocean Resources: "To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."**

RESPONSE: Goal 19 calls for the conservation of ocean resources. The Amendment will not impact any ocean resources. Therefore, the City can find that Goal 19 is not applicable to the Amendment.

**B. Seaside Comprehensive Plan.**

For the reasons set forth below, the City can find that the Amendment is consistent with applicable goals and policies of the Plan.

**1. "1. Section 6.1: Community Facilities Policies.**

**The City of Seaside will cooperate to the fullest extent with the Seaside School District to assure adequate sites for new schools that may be needed in the future, or for expansion of existing facilities to meet future education requirements."**

RESPONSE: Approval of the Amendment will incorporate specific characteristics that will govern changes to the City's UGB to accommodate new school facilities. The City cooperatively developed these characteristics in conjunction with the School District and for the purpose of planning to assure adequate sites for new schools that may be needed in the future.

The City can find that adoption of the Amendment is consistent with this policy.

**2. "2. Section 14.1: Urban Growth Policies.**

**City/County Planning Authority:**

After agreement by Clatsop County on the Urban Growth Boundary location, policies and findings presented in this plan:

- a. Seaside's Zoning Ordinance and Subdivision regulations will apply to unincorporated areas within the Urban Growth Boundary and will be administered by Clatsop County.
- b. Clatsop County shall retain responsibility for land use decisions in these areas until they are annexed.
- c. For the purpose of controlling development before annexation occurs, the city and county agree to designate these areas as areas of joint cooperation for reaching decisions on rezoning property, approving Subdivision, allowing large scale developments which must be reviewed by the county Planning Commission, making Comprehensive Plan amendments, and carrying out other major planning actions.
- d. Changes of the Urban Growth Boundary should be a mutual process between the city and county. Major revisions in the boundary should be considered every five years as a part of a major review process. Minor changes should be considered no more than once a year, preferably as part of the annual plan update process. Adequate findings of fact must be adopted by both the city and county as part of the process."

RESPONSE: The Amendment does not relate to existing properties in the unincorporated area of the UGB. Further, the Amendment does not propose a change to the UGB or to the schedule for proposing or considering such changes. Accordingly, the City can find that none of these policies are applicable to the Amendment.

3. **"2. Notification of Proposed Actions:**

It shall be the responsibility of the jurisdiction initiating a major planning action involving an unincorporated portion of the Urban Growth Boundary to notify and involve the other jurisdiction. The following procedures will be used to assure timely response to proposed actions:

- a. Either jurisdiction initiating the proposed action shall notify the other in writing of the proposed within five (5) working days of its initiation.
- b. Reply shall be made within fifteen (15) working days after receipt of the proposed action.
- c. If additional time for response is requested, it will be considered upon written notification."

RESPONSE: The Amendment does not relate to existing properties in the unincorporated area of the UGB. The City can find that none of these procedures are applicable to the Amendment.

4. **"3. Rural/Urban Conversion:**

Areas within the Urban Growth Boundary shall be considered available over time for urban uses. Conversion of undeveloped land to urban uses will be based in part on consideration of:

- a. Orderly and economic provisions for public facilities and services;

- b. Availability of sufficient land for various uses to insure choices in the market place; and
- c. Encouragement of new urban uses near previously developed areas before conversion of vacant land in isolated locations."

RESPONSE: The Amendment does not relate to existing properties in the UGB. As a result, the City can find that this policy is not applicable to the Amendment.

5. **"4. Public Facilities and Services:**

**City water and sewer service will be extended only if:**

- a. The costs of providing these services to the area have been studied and estimated in a reasonable manner, and;
- b. The city water and sewer plants have adequate capacity to begin serving the area within a reasonable time.

**All city public facilities and services not already provided to an area may become available after annexation takes place. Property owners affected will be required to pay for the cost of water and sewer extensions.**

**The public facilities' planning is the responsibility of the City of Seaside."**

RESPONSE: The Amendment does not propose the extension of City water and sewer service, nor does it propose development that may need the extension of City water and sewer service. The City can find that policy is not applicable to the Amendment.

6. **"5. Transportation:**

**Increased use of county roads is a concern to both city and county. Before final city approval is given to a development affecting county roads, the city, the county, the developer, and the State Highway Division where applicable, should arrive at a mutually satisfactory method of upgrading the roads and paying for the costs of the improvement for streets, roads, and intersections affected by the development. The number of commercial use access points to US Highway 101 will be minimized, wherever possible, through the use of common driveways, frontage roads, or other techniques."**

RESPONSE: The Amendment does not propose any land development or any modifications to streets, roads, or intersections. Thus, the City can find that this policy is not applicable to the Amendment.

7. **"6. Airport:**

**In determining whether or not a development should be approved in the airport approach zones, consideration will be given to the type of use, its general location, its height, and other relevant factors. The city will invite and consider comments from the Aeronautics Division of the Oregon Department of Transportation. "**

RESPONSE: The Amendment does not propose any development in the airport approach zones. The City can find that this policy is not applicable to the Amendment.

8. **"7. Estuarine Areas and Flooding:**

**Until additional policies are added to the Comprehensive Plan to protect the Necanicum Estuary, all developments must be in conformance with policies in the Necanicum Estuary Plan (Review Draft, June 1979). All development in the flood plain shall satisfy standards of the Federal Flood Insurance Program."**

**RESPONSE:** The Amendment does not propose any development. Therefore, the City can find that this policy is not applicable to the Amendment.

9. **"8. Hazardous Soils:**

**In geologic hazardous areas identified in Geologic Hazard Policy 1, approval of a Subdivision in the Urban Growth Boundary shall require an adequate on-site hazards investigation by a qualified person in conformance with the plan's Geologic Hazard Policies."**

**RESPONSE:** The Amendment is not proposing or amending a subdivision inside the UGB. The City can find that this policy is not applicable to the Amendment.

10. **"9. Additional Urban Growth Areas:**

**The following factors will be considered before changes are made in the Urban Growth Boundary:**

- a. **The demonstrated need to accommodate long range urban population growth requirements;**
- b. **The need for housing, employment opportunities, and livability;**
- c. **The importance of an orderly and economic provision for public facilities and services;**
- d. **The desirability for maximum efficiency of land uses within and on the fringe of the existing urban area; and**
- e. **The environmental, energy, economic, and social consequences;**
- f. **Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and**
- g. **Compatibility of the proposed urban uses with nearby agricultural activities."**

**RESPONSE:** The Amendment does not propose any changes to the UGB, although it does establish specific characteristics that are necessary for a future UGB expansion to accommodate public schools or hospital facilities. In the event a UGB expansion of this type is proposed, it must satisfy both the new criteria set forth in the Amendment and the factors set forth in this Policy 9. The City can find that adoption of the Amendment is consistent with this policy.

11. **"10. Section 15.3: REVISING THE PLAN**

**The long term nature of the Comprehensive Plan requires decisions to be made based upon economic and population projections. As time progresses, these projections must be continually compared with existing conditions, and if a wide discrepancy occurs, the Comprehensive Plan should be updated to reflect these changes. Otherwise, the Comprehensive Plan will not realistically meet the needs of the community."**

**RESPONSE:** The Amendment is not being proposed to accommodate a discrepancy between economic and population projections and existing conditions. The City can find that this criterion is not applicable to the Amendment.

**12. "11. Section 15.4: IMPLEMENTATION AND PROCEDURAL POLICIES**

**4. Any revision shall be based on examination of development trends, population growth, and effectiveness of policy statement since the adoption or previous revision date."**

RESPONSE: The City finds that existing Plan policies do not effectively identify the land characteristics necessary to accommodate public schools or hospital facilities. The Amendment is designed to amend the Plan to identify these characteristics. The City can find that the Amendment satisfies this criterion.

**13. "5. Changes to the Comprehensive Plan shall be based on adequate finding of public need and factual information."**

RESPONSE: As set forth below in response to Policy 6, the adoption of the Amendment is based upon factual information and the finding of a public need. The City can find that adoption of the Amendment is consistent with this criterion.

**14. "6. Findings of fact for requested Comprehensive Plan revisions shall, a{t} a minimum:  
a. Explain which plan goals, objectives, or policies are being furthered by the change:"**

RESPONSE: The Amendment furthers the Plan goals, objectives, and policies identified in this narrative. The City can find that the Amendment satisfies this criterion.

**15. "b. Present the facts used in making the decision; and"**

RESPONSE: The facts used in making the decision are the following: All existing public schools and hospital facilities in the City are either antiquated and/or in need of expansion to accommodate increased demand. Moreover, all such facilities are located below the 80-foot elevation contour line currently estimated to be the likely run-up elevation of a tsunami generated by a major Cascadia Subduction Zone earthquake. Adopting criteria into the Plan that will govern expansion of the UGB to accommodate these facilities will allow these facilities to relocate to safer locations. The City has developed the identified site characteristics in conjunction with the Seaside School District and the Applicant, which are the current respective providers of public educational and health care services in the City. The City can find that the Amendment satisfies this criterion.

**16. "c. Explain how the change will serve the public need."**

RESPONSE: The City finds that public schools are important uses that serve the public need because they provide educational, social, and community services to local youth and families. The City finds that hospital facilities are important uses that serve the public need because they provide public health, critical care, and community services to citizens in need of same. Due to the important public benefits associated with these uses, the City finds that it is necessary to ensure that these uses develop in a manner and at a location that ensures their viability, particularly in the event of a tsunami or other public emergency. Accordingly, the City can find that the Amendment will serve this public need by establishing characteristics that are necessary for a UGB expansion to accommodate public schools and hospitals. The City can find that this criterion is satisfied.

**17. "7. As with the preparation of the Comprehensive Plan, other jurisdictions and agencies shall be involved in the process of revision or updating."**

RESPONSE: The City shall coordinate with DLCD, Clatsop County, and other affected jurisdictions and agencies in accordance with Goal 2 in order to ensure that they have notice and an opportunity to comment on the Amendment. The City can find that upon compliance with these procedures, the City's processing of the Amendment is consistent with this policy.

18. "8. Major and minor revision of the Comprehensive Plan shall occur only after public hearings by both the Planning Commission and the City Council."

RESPONSE: This policy does not set forth substantive approval criteria, but it does provide procedural provisions that apply to the City's review of the Amendment. The Applicant acknowledges that these provisions are applicable. Upon the occurrence of public hearings before both the Planning Commission and the City Council, the City can find that its consideration of the Amendment is consistent with this policy.

19. "9. Property owners within 100 feet of an area subject to change shall be notified by first class mail of proposed changes as i[s] specified by the Seaside Zoning Ordinance under notification procedures."

RESPONSE: The Amendment is legislative in nature and does not relate to a specific property. Therefore, the City can find that this policy is not applicable to the Amendment.

20. "10. Public hearings shall be conducted in accordance with procedures outlined under Article 11 of the Seaside Zoning Ordinance."

RESPONSE: This policy does not set forth substantive approval criteria, but it does provide procedural provisions that apply to the City's review of the Amendment. The Applicant acknowledges that these provisions are applicable. Upon compliance with the applicable procedures under Article 11 of the Seaside Zoning Ordinance, the City can find that its consideration of the Amendment is consistent with this policy.

**C. Seaside Development Code ("SDC").**

As identified in Section III.B. above, the SDC includes applicable procedural requirements that will apply to the City's consideration of the Amendment; however, the SDC does not include substantive approval criteria applicable to the Amendment. Therefore, the City can find that no substantive criteria from the SDC can serve as a basis to approve or deny the Amendment.

**IV. Conclusion.**

For the reasons set forth in this narrative and on the basis of evidence included in the Amendment, the City should adopt an ordinance amending the Plan to include the Amendment.

**660-024-0060**

**Boundary Location Alternatives Analysis**

(1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.

(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.

(d) Notwithstanding subsection (a) to (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).

(e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.

(2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during periodic review or other legislative review of the UGB, a local government may approve an application under ORS 197.610 to 197.625 for a UGB amendment proposing to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.

(4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

(5) If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.





1120 N.W. Couch Street, Tenth Floor  
Portland, OR 97209-4128  
PHONE: 503.727.2000  
FAX: 503.727.2222  
www.perkinscoie.com

Michael C. Robinson  
PHONE: (503) 727-2264  
FAX: (503) 346-2264  
EMAIL: MRobinson@perkinscoie.com

March 1, 2010

VIA E-MAIL

Mr. Kevin Cupples  
Planning Director  
City of Seaside Community Development Department  
989 Broadway  
Seaside, OR 97138

**Re: Proposed Comprehensive Plan Text Amendment; City of Seaside File  
No. 09-053ACP**

Dear Kevin:

I have attached the February 5, 2010 letter from the Oregon Department of Land Conservation and Development ("DLCD") signed by Matt Spangler, the North Coast Field Representative. I am writing to respond to DLCD's comments.

**1. Goal 14 Need and Alternatives Analysis.**

Providence agrees with the suggestion that the analysis be conducted at both the alternatives stage and the alternative boundary location stage. The reason that Providence wrote the amendment as proposed is that OAR 660-024-0060(5) (enclosed), the basis for the amendment, provides for the opportunity that Providence requests the City take advantage of in the boundary stage. However, to the extent the same analysis is applied at the earlier stage, Providence has no objection to that.

The second part of DLCD's suggestion is that the City also consider addressing site needs for other public facilities, such as police and fire stations and emergency preparedness and communication facilities. While Providence does not disagree with that suggestion, we think it would be extremely difficult for the City to conduct that kind of analysis at this stage, principally because the City has not determined what sites would be appropriate for those uses, whereas Providence and the Seaside School District have done so for their uses.

Mr. Kevin Cupples  
March 1, 2010  
Page 2

**2. Justification of the 80 Foot Elevation Criterion.**

Mr. Spangler raised this issue in the conversation that you and I had with him several weeks ago. Providence agrees that the record should contain information justifying the 80 foot run-up line.

**3. Availability Criterion.**

Based on our conversation, Providence and the Seaside School District have submitted a revised text amendment deleting this criterion.

**4. Goal 7 Issues.**

Providence does not disagree that existing school and hospital sites within the urban growth boundary should be analyzed for other appropriate uses should an urban growth boundary expansion be completed and should those facilities move. However, Providence and the Seaside School District would prefer that this analysis occur at a separate time because neither Providence nor the Seaside School District have begun the process of acquiring sites for an urban growth boundary expansion. Moreover, the process of determining an appropriate use for future surplus sites will require a good deal of community comment well beyond the scope of this very limited text amendment.

Moreover, all of those sites have zoning designations allowing for other uses, so the regulations are already in place to accommodate other uses. The hospital and Seaside Heights Elementary School are zoned R-1. The elementary school on Broadway is split zoned Commercial/R-2. The high school is zoned R-2.

Thanks very much to both you and Matt for your thoughtful comments. Please place this letter before the Planning Commission at its public hearing.

Very truly yours,



Michael C. Robinson

MCR:cfr

Enclosures

cc: Ms. Dana White (w/encls.) (via email)  
Ms. Glenda Fossum-Smith (w/encls.) (via email)  
Mr. Doug Dougherty (w/encls.) (via email)  
Ms. Krista Farnham (w/encls.) (via email)



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

Coastal Services Center  
810 SW Alder Street, Suite B  
Newport, OR 97365  
North Coast Rep. (541) 574-0811  
South Coast Rep. (541) 574-1584  
Coastal Hazards (541) 574-1095  
Fax: (541) 574-4514  
[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



February 5, 2010

Kevin S. Cupples, AICP  
Planning Director  
City of Seaside  
989 Broadway  
Seaside, OR 97138

**RE: Proposed Comprehensive Plan Text Amendment; DLCDC Seaside PAPA file #001-10/ City of Seaside File # 09-053ACP**

Dear Kevin,

Thank you for the opportunity to work with the City of Seaside on the above referenced plan amendment proposal. I appreciate the opportunity to conference with you and the applicant's counsel Michael Robinson to discuss several issues the department believes the city should consider in the review of this proposal.

The department recognizes the significant vulnerability of Seaside to the effects of a tsunami generated by a Cascadia Subduction Zone earthquake. The proposed plan amendment represents an initial step toward evaluating alternatives to protect important public facilities from the potentially devastating effects of such an event. The department offers the following comments intended to assist the city in addressing issues related to Goal 14 and Goal 7 which are raised by this proposal. Please enter these comments into the record for the March 2, 2010 planning commission hearing and subsequent hearings on the matter.

### Goal 14 Need and Alternatives Analyses

Applicants have framed the proposed amendment as establishing site suitability criteria for schools and hospitals which would be applied during the urban growth boundary location alternatives analysis provided for in OAR 660-024-0060. The department notes that Goal 14 also provides for the specification of suitability characteristics for purposes of determining land need during the need analysis phase of the UGB amendment process. The same suitability characteristics for specific land needs are to be applied both when the city reviews alternatives within the UGB (OAR 660-024-0050) and when the city considers alternative boundary locations (OAR-660-024-0060). Because the need and alternative analyses are intended to be integrated, the department suggests that the city consider completing both of these analyses along with the establishment of appropriate site needs characteristics at the time of a proposed UGB change or expansion. As a part of this complete analysis, the city may also wish to consider defining site needs for other



important public facilities such as police and fire stations and emergency preparedness and communications facilities.

**Justification of the 80 Foot Elevation Criterion**

As one site suitability criterion, the application proposes to limit the consideration of sites for schools and hospitals to those located above the 80 foot elevation contour. The 80 foot elevation is described in the proposed policy as “estimated to be the likely run-up elevation...” of a locally generated tsunami. This is substantially higher than the current tsunami inundation zone boundary established and mapped by the Oregon Department of Geology and Mineral Industries pursuant to ORS 455.446. The department is aware that more recent scientific understanding of the potential magnitude of a tsunami generated by a subduction zone earthquake indicates that the inundation area will likely extend significantly beyond current mapped boundary. However, at present, the proposal before the city does not provide any discussion or supporting technical information to justify the selection of the 80 foot elevation as the probable extent of tsunami run-up. The department recommends that the city develop additional findings supported by appropriate scientific and technical documentation to provide a clear rationale for the selection of a particular elevation as the basis for this site suitability criterion.

**Availability Criterion**

As we discussed, the department has concerns with the proposed criterion that a prospective site be “available”. The term is not otherwise defined in the proposal. There may be circumstances which justify eliminating an alternative as not available for a particular proposed use; however, this determination would need to be based on a site specific analysis of the ownership status, legal encumbrance or other circumstances associated with a particular parcel to be removed from consideration. While this may be an appropriate consideration on a site specific basis, a general criterion intended to limit the evaluation of alternatives to only those sites that have been specifically identified for purchase, for example, would not provide a complete analysis of alternatives as required by Division 24. Given the fairly narrow crafting of the other proposed criteria, the department recommends eliminating “availability” as a site suitability criterion

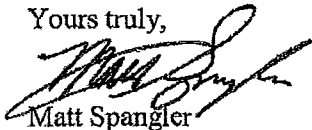
**Goal 7 Issues**

We commend the city for its efforts to begin the process of evaluating alternatives for the location of currently vulnerable public facilities. Given the current knowledge and awareness of the potential for loss of life and property in a tsunami event, the department encourages the city to consider this issue as part of a broader effort to reduce risk and vulnerability for the entire community. The department is in particular concerned about the future use of high risk sites that are decommissioned as the result of the relocation of schools, hospitals and other public facilities. As the city seeks to reduce risks to life and

property by considering the placement of important public facilities in areas outside of the tsunami inundation zone, the city should likewise carefully evaluate the appropriate future uses of sites subject to potentially catastrophic hazards that would be vacated as a result of facility relocation. Consistent with the implementation requirements of Goal 7, the city should provide for development of these sites based on and consistent with a complete evaluation of the risks to people and property.

Thank you again for the opportunity to review and comment on this proposal. The department is committed to working with the city and the community of Seaside on the important issue of risk reduction and its interrelationship with urban growth management. If you have any questions regarding our comments, please contact me by phone at (541) 574-1095 or by e-mail at [matt.spangler@state.or.us](mailto:matt.spangler@state.or.us)

Yours truly,



Matt Spangler  
Regional Representative

Cc: *Darren Nichols, Bob Bailey, Gloria Gardiner, Dale Blanton, Matt Crall, (DLCD); DLCD files; Michael Robinson (Perkins Coie)*



1120 N.W. Couch Street, Tenth Floor  
Portland, OR 97209-4128  
PHONE: 503.727.2000  
FAX: 503.727.2222  
www.perkinscoie.com

Michael C. Robinson  
PHONE: (503) 727-2264  
FAX: (503) 346-2264  
EMAIL: MRobinson@perkinscoie.com

January 20, 2010

**VIA E-MAIL**

Mr. Tom Horning, Chair  
Seaside Planning Commission  
989 Broadway  
Seaside, OR 97138

**Re: Proposed Amendment to Seaside Comprehensive Plan**

Dear Chair Horning and Members of the Seaside Planning Commission:

This office represents Providence Health & Services – Oregon ("Providence"). As you know, Providence and the Seaside School District have submitted an application to the City to modify the Seaside Comprehensive Plan. The purpose of the amendment is to allow the City to more precisely identify a suitable area for a future Urban Growth Boundary ("UGB") expansion to accommodate new school facilities and a new hospital. While Providence does not have plans to either build a new hospital or to purchase land outside of the current UGB to accommodate a new hospital, it made sense to both Providence and the Seaside School District to plan for this eventuality. Therefore, they jointly submitted the application that is before you.

The major reason that I urge you to recommend approval of this amendment to the Seaside City Council is that it will make the UGB expansion process much easier and simpler. Normally, an application to expand the UGB requires a substantial analysis of available areas. In this case, the administrative rule on which this amendment is based allows the City, in advance of such an amendment, to specify characteristics for a particular use for UGB expansion. This will save City staff and the public a substantial amount of time because they will not have to evaluate areas without these established characteristics.

38638-0066/LEGAL17568894.1

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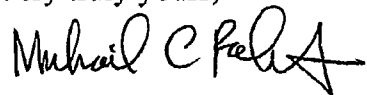
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Mr. Tom Horning, Chair  
January 20, 2010  
Page 2

I have asked your staff to place this letter in the official Planning Department file for this matter and before you at your public hearing on March 2, 2010.

On behalf of Providence, I thank you in advance for your consideration of this request and urge you to recommend approval to the City Council.

Very truly yours,



Michael C. Robinson

MCR/cfr

cc: Ms. Dana White (via email)  
Ms. Krista Farnham (via email)  
Mr. Doug Dougherty (via email)



1120 N.W. Couch Street, Tenth Floor  
Portland, OR 97209-4128  
PHONE: 503.727.2000  
FAX: 503.727.2222  
www.perkinscoie.com

Michael C. Robinson  
PHONE: (503) 727-2264  
FAX: (503) 346-2264  
EMAIL: MRobinson@perkinscoie.com

January 19, 2010

**VIA E-MAIL**

Mr. Kevin Cupples  
Planning Director  
City of Seaside Community Development Department  
989 Broadway  
Seaside, OR 97138

**Re: ~~My Client, Providence Health & Services - Oregon~~**

Dear Kevin:

I thought it would be helpful to clarify for the public record the purpose of the post-acknowledgement plan amendment submitted on behalf of Providence Health & Services – Oregon ("Providence"). As you know, neither Providence nor the Seaside School District has made a commitment to purchase land outside the City's Urban Growth Boundary ("UGB"), nor to build any new facilities, including a new hospital. Nevertheless, in the mutual discussions between the hospital and the school district and with your office, we all believed it made sense to at least prepare for such an eventuality by modifying the Seaside Comprehensive Plan now to take advantage of the administrative rule provision allowing the City to more precisely guide a future application for UGB expansion. However, as people review this file notwithstanding that the application and your letters to the County and DLCD have indicated that there is no present UGB amendment application, this letter shall clarify that fact.

Would you please place this letter in the official Planning Department file so that people will see it if they review the file?

38638-0066/LEGAL17571210.1

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Perkins Coie LLP and Affiliates



Mr. Kevin Cupples  
January 19, 2010  
Page 2

Thanks again for all of your courtesy and assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "MCR" followed by the word "for".

Michael C. Robinson

MCR/cfr

cc: Ms. Dana White (via email)  
Ms. Glenda Fossum-Smith (via email)  
Mr. Doug Dougherty (via email)  
Ms. Krista Farnham (via email)

Kevin Cupples  
City of Seaside Planning Director  
989 Broadway  
Seaside OR 97138

Plan Amendment Specialist –  
DLCD  
635 Capital Street NE Suite 150  
Salem, OR 97301-2540

