

1 3. Copies of this ordinance shall be forwarded to the City of Newport Planning
2 Department; County Surveyor; County Assessor; County Counsel; and Lincoln County Department
3 of Planning and Development.

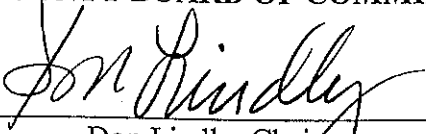
4 4. The Department of Planning and Development shall amend the official maps in the
5 Lincoln County Clerk's Office and shall forward a copy of this ordinance to the Department of
6 Land Conservation and Development.

7 **SECTION 2.**

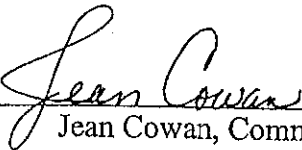
8 This Ordinance being necessary for the immediate preservation of the public peace, health
9 and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

DATED this 7th day of July, 1999.

LINCOLN COUNTY BOARD OF COMMISSIONERS



Don Lindly, Chair

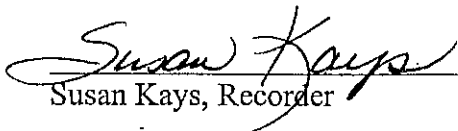


Jean Cowan, Commissioner



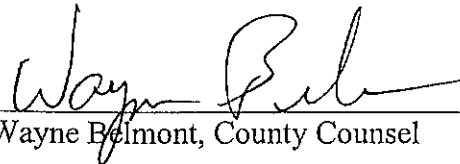
Karen L. Gerttula, Commissioner

ATTESTED TO:



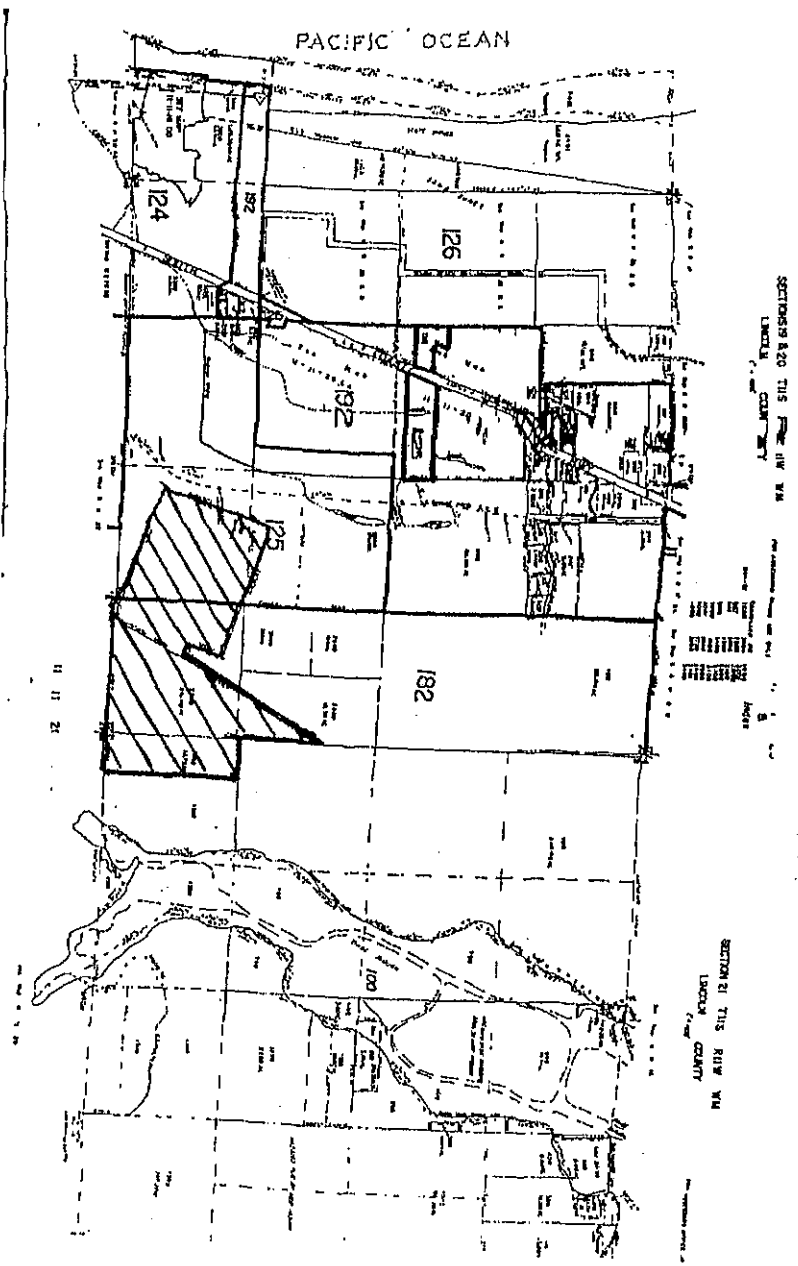
Susan Kays, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

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



BEFORE THE PLANNING COMMISSION
OF
LINCOLN COUNTY, OREGON

Amend Urban Growth Boundary
Applicant: City of Newport

) Case File #1-LUPC-PC-99
) Findings, Conclusions, and Final Order

Nature of the Request

The applicant is requesting authorization for an amendment to the City of Newport's Urban Growth Boundary, to include approximately 50 acres of land currently zoned Timber Conservation. The request is necessary for the establishment of a new City park and future expansion of the City's new wastewater treatment plant.

Relevant Criteria

- 1) Statewide Planning Goal 2: Land Use Planning
- 2) Statewide Planning Goal 4: Forest Lands
- 3) Statewide Planning Goal 14: Urbanization
- 4) Lincoln County Land Use Code: Section 1.1235 (Quasi-Judicial Amendments)

Relevant Facts

The following is a summary of the facts found to be relevant to this decision:

1. The Lincoln County Comprehensive Plan designates the subject property as Forest Lands.
2. The site is zoned T-C (Timber Conservation).
3. The property is located east of and adjacent to the existing Urban Growth Boundary in South Beach, between the Newport Airport and Mike Miller Park, and is identified on Lincoln County Assessor's map #11-11-21 as tax lot 1600 and on map 11-11-20 as tax lots 2501 and 2700.
4. The property has moderate to flat topography and has typical coastal vegetation.
5. There are no existing structures.
6. City of Newport utilities and Central Lincoln PUD will serve the subject property.

7. There are no identified wetlands, geologic hazards, designated floodplain areas, or other development constraints identified on the subject property.
8. Surrounding land use consists of forest management to the east, north, and south. Approximately 1,200 feet to the northwest is Mike Miller Park. To the southwest approximately 2,000 feet is the Newport Municipal Airport. West of the subject property is land within the Newport City limits to be developed as the City's new wastewater treatment plant.
9. The staff report is by reference incorporated into the record herein.
10. The application materials are by reference incorporated into the record herein.
11. The City of Newport is concurrently processing the requested Urban Growth Boundary amendment.
12. A public hearing was held before the Lincoln County Planning Commission on Monday, May 10, 1999, to consider the request. All interested parties were given an opportunity to provide testimony.
15. Mr. Mike Shoberg, the Planning Director for the City of Newport, presented testimony on behalf of the applicant. Mr. Shoberg summarized the proposed findings which were submitted with the application materials, and concluded that the applicable criteria for amendment of the Urban Growth Boundary have been met.

Findings & Analysis

The Commission finds:

1. Each of the "Relevant Facts" are hereby incorporated as findings.
2. The City of Newport's Planning Commission has considered this request at a public hearing, and forwarded the matter to the Newport City Council with the recommendation that the request be approved.
3. The applicant has submitted proposed findings in support of the application, which adequately demonstrate that criteria based on Statewide Planning Goals 2: Land Use Planning and Goal 14: Urbanization have been met.
4. The applicant has demonstrated that a public need exists for a new City park and future expansion of the new wastewater treatment plant on the subject property.

Conclusions

The record and findings support the conclusion that:

1. Appropriate Statewide Planning Goals have been addressed in the application materials applicants' testimony.
2. Sufficient information has been shown in the applicants' request to support approval for a quasi-judicial amendment based on public need.
3. This request is in compliance with Statewide Planning Goals, particularly Goals 2 and 14.
4. The findings of fact submitted by the applicant and attached as Exhibit "A" serve as evidence that the criteria for amending the established Urban Growth Boundary in Lincoln County have been met.
5. The Planning Commission recommends to the Board of County Commissioners that the Urban Growth Boundary and the Comprehensive Plan Map should be amended as proposed.

Order

It is ORDERED by the Lincoln County Planning Commission that Case File #1-LUPC-PC-99 be APPROVED.

This ORDER was presented to and approved by the Lincoln County Planning Commission on May 11, 1999.



Lincoln County Planning Commission
Steve Morrill, Chair

EXHIBIT A

Findings of Fact
and
Conclusions of Law

Applicant: City of Newport

Request: A minor amendment to the Urban Growth Boundary to include the subject property, designation of the property as Public on the Comprehensive Plan Map, annexation of the property into the corporate City limits and rezoning of the property to P-1/Public Structures.

Current Zoning: The property is under the jurisdiction of the County and is currently zoned T-C/Timber Conservation.

Property Location: The subject property is located south of Mike Miller Park and east of Hwy. 101 and the current Urban Growth Boundary and City limits (see attached map, Exhibit A).

Existing Structures: The property is currently vacant. Property to the west within the City limits is the site for the new wastewater treatment plant and a water storage tank.

Topography and vegetation: The subject property is hilly with typical coastal vegetation. Much of the property has been logged and is covered with brush and other understory types of vegetation.

Criteria: The applicable criteria for the various land use actions are:

Urban Growth Boundary Change

1. There exists a demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
2. An orderly and economic provision of key urban facilities or services.
3. Maximum efficiency of land uses within the current urbanizable area.
4. Environmental, energy, economic and social consequences.
5. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI being the lowest priority.
6. Compatibility of the proposed urban uses with nearby agricultural activities.
7. Need for housing, employment opportunities and livability.

8. Statewide Planning Goal 2 exception criteria.

Comprehensive Plan Map Change

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

Annexation

1. The required consents have been filed with the City.
2. The territory to be annexed is within the acknowledged urban growth boundary.
3. The territory to be annexed is contiguous to the existing city limits.

Zone Change

1. The change furthers a public necessity.
2. The change promotes the general welfare.

Compliance with the Criteria: The following addresses the applicable criteria cited above and makes findings showing how the request complies with those findings.

Urban Growth Boundary Change

1. *There exists a demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

The need for the property to be in the City is actually twofold. One is for the future expansion of the wastewater treatment plant. The City will be constructing a new wastewater treatment plant on property within the current City limits on property immediately west of the subject property. That plant will be built over the next three to four years and should provide the City of Newport

adequate sewerage for the next 20 years. With anticipated population growth, the plant will need to be expanded at that time to serve the community over the next 30 years. Topographical constraints and engineering considerations limit the ability of the City to go north, south or west with planned expansion (see attached map Exhibit B). It therefore becomes necessary to go east over land that is not currently in the Urban Growth Boundary or the City Limits.

In addition to the wastewater treatment plant consideration, the City is in need of parks and recreation land to serve the recreational needs of the citizens of Newport, especially in South Beach. In October of 1993, the City of Newport adopted Ordinance No. 1686 which adopted as part of the Comprehensive Plan a Park System Master Plan. The changes to the Comprehensive Plan were incorporated and became part of the acknowledged plan upon adoption of that ordinance. On page 11 of Section VII, the Parks Plan outlines the need for community parks and specifically mentions a park in South Beach next to the proposed wastewater treatment plant. More specifically, the plan states:

Proposed South Newport Park	Site C2	15.0 acres
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Currently, there are no community parks in the southern half of the city. It is recommended that a 15 acre site be acquired to serve the South Beach area. ... *it is recommended that land adjacent to the City's proposed wastewater treatment plant be acquired.* (Emphasis added) Recommended facilities for this park site should include:

- Children's playground
- Two lighted tennis courts
- Multi-use paved court
- Open multi-purpose grass area, large enough for pick-up games
- Internal trail and pathway system
- Restroom facility

The Comprehensive Plan also mentions the park on page 194, number 19 in Table 1.

The proposed park is listed in the six-year capital improvement plan shown on page VIII-6 of the Park Plan and reprinted on page 194 of the Comprehensive Plan. Since both Plans were adopted in 1993, the last year of the projected capital plan is 1999, this year. It is therefore appropriate to include the property within the City limits in order to further the plan at this time.

Also, because the proposed park includes tennis courts, playground equipment, paved courts and restrooms as opposed to a passive park with nothing more than trails and viewing areas, the property needs to be removed from the T-C/Timber Conservation zone and placed in an appropriate zoning in the City. Because the P-1/Public Structures zoning is the only public zone that is appropriate (Newport Zoning Ordinance (NZO) Section 2-2-1.045) for the park and the future expansion of the wastewater treatment facility, the property should be zoned P-1/Public Structures once in the City limits.

Conclusion: Engineering and topographic constraints as well as the close proximity to the new plant dictates that the future expansion of the plant needs to go onto land that is outside the UGB and City limits. The need for a park in the South Beach area was anticipated by the Parks System Master Plan which was incorporated into the acknowledged Comprehensive Plan. Both plans also recognized that the area currently under consideration by this action was the logical place for the park. Although this was not an unanticipated population change, it was concluded that the two needs could best be met on the property under consideration. The request therefore complies with the criteria.

2. *An orderly and economic provision of key urban facilities or services.*

When the City developed the wastewater plan, a plan referenced in the City's acknowledged Comprehensive Plan, there was a recognition that a new treatment facility would be needed around this time. The plan also identified a location for that plant, a piece next to the current property but within the City limits.

During the planning phase of the new facility, a citizen's advisory committee was formed to analyze the need for, the size of, the design for and the location of the new treatment plant. The preferred option, a new plant in South Beach of sufficient size to accommodate all of Newport's wastewater, was chosen by that committee and property in South Beach was selected. The property chosen was one which was large enough to accommodate the plant, of suitable elevation to provide the engineering needs and in a location that would have adequate buffers between the plant and abutting uses. The only choice was the place where the plant is currently contemplated for construction.

Although the first phase of the plant is within the City limits and will be under construction shortly, future phases will need to be placed on property that is currently outside the City limits and the Urban Growth Boundary. Again, because of topographic limitations, elevation requirements for outfall and buffering needs, not to mention proximity to the new plant, any future expansion must go on property that is outside the current City limits and Urban Growth Boundary.

Although parks are not a key urban facility or service, they are an amenity that greatly improve the quality of life for residents. In fact, the City has developed a Parks Master Plan in anticipation of the need for parks and recreation facilities, especially in South Beach. As stated above, there are very limited areas where public parks can be developed to the standard outlined in the Master Plan. The Plan identifies the subject property as the area where the park should go and anticipates now as the time to do the actual development. The City has purchased the property so the need to start planning the development is upon us. Because the parks project includes structures, streets and the need for other utilities, the property must be brought into the City limits since the current T-C/Timber Conservation zoning does not allow such construction.

Conclusion: The request complies with the criterion.

3. *Maximum efficiency of land uses within the current urbanizable area.*

As stated in the previous section, the wastewater treatment plant and the proposed park have limited options. In fact, the engineering firm hired to design the new plant and the citizen's committee formed to recommend to the Council the design and location of the plant, decided that the only place within the entire City limits and Urban Growth Boundary is immediately next to the subject property. It makes little sense to build a plant at one location then, when needed, add on to it at a different location merely to keep the project entirely within the current UGB.

The Parks Master Plan also says that the subject property is the best for the proposed park in South Beach because of limited areas open for development. The presence of wetlands, topographic constraints and ownership all combine to reduce the available land that can be developed for park purposes. Location, property that is relatively close to the population centers and easily accessible, is another factor in choosing park property. Because of those limitation, the Parks Master Plan states that the subject property is the logical place to put it. In order to build the park, the property must be in the City limits and UGB.

Conclusion: The wastewater treatment plant must be built where planned. Any future expansion must be located nearby in order to efficiently use land and facilities. The ability to develop a park in South Beach is limited by wetlands, topography and ownership patterns. The logical and most efficient place to put it is on land that is currently owned by the City. The request complies with the criteria.

4. *Environmental, energy, economic and social consequences.*

There is no known environmental constraints, such as wetlands, historic sites, significant wildlife habitat or salmon producing streams, on the subject property. The property is currently zoned T-C/Timber Conservation, but is marginal timber producing land because of the close proximity to the ocean. Neither the City nor the County has any environmental designation on the property.

The City of Newport is responsible for the wastewater treatment for the citizens of Newport. The City is building a new plant to take care of the needs of the community for the next 15 to 20 years, but eventually the plant will need to be expanded. It is only logical, as explained earlier, to expand the plant where it is rather than trying other alternatives, like building a second plant. The plant therefore meets the City's environmental mandates for water treatment, provides an economic and energy savings by efficiently expanding off of the existing plant when expansion is needed and generally enrich the social setting by placing the plant in an area separated from other development.

As far as the park development is concerned, it is common practice for cities to provide parks to enliven the social climate. Parks are where people can gather to enjoy the outdoors, visit with friends and play. A fully functioning city and neighborhood needs parks.

The location of the planned park is also one that maximizes the City's resources and minimizes the impact on the environment, energy consumption and money. The property, as stated earlier, has no identified environmental constraints. Its timber production quality is marginal at best. And one of the functions of a park is to expose people to a more natural area rather than the built environment, even if the park is an active one.

Finally, the City must extend roads, water, electricity, sewer, telephone and other utilities to the new wastewater treatment facility. Since those services will be to the wastewater treatment plant site, extending them to the future expansion of the plant and the park is a simple matter and feeds off of the investment already made. This is an economy for the citizens of Newport and provides them with needed services at reasonable cost.

Conclusion: The request complies with the criterion.

5. *Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI being the lowest priority.*

The subject property is not agricultural land as defined.

Conclusion: The request complies with the criterion.

6. *Compatibility of the proposed urban uses with nearby agricultural activities.*

There are no agricultural uses near the subject property.

Conclusion: The request complies with the criterion.

7. *Need for housing, employment opportunities and livability.*

The future expansion of the wastewater treatment plant is needed for the continued growth of the City. As the City grows, the need for additional housing and employment opportunities also increases. Without adequate wastewater treatment, that growth cannot occur without significant environmental problems arising.

Some may suggest that the City should stop growing then there will not be a need for the expansion of the treatment plant and no need to expand the Urban Growth Boundary. Firstly, the park land is not dependent on growth. The Parks Master Plan indicates that there already exists a need for the park and the subject property is the best place for it.

With regard to the future expansion of the treatment plant, the City does not have an option of not meeting our fair share of the growth that occurs in the region and the state. There have been many court cases regarding that subject most notably the U.S. Supreme Court cases involving the cities of Ramapo, New York, Boulder Colorado and Petaluma, California. All three cities passed

laws to limit or stop growth and all three Supreme Court decisions stated that those cities could not stop but could merely manage growth. The reasons the Court gave was that cities cannot pass growth onto other cities, especially low income housing, by limiting growth in their city. This is tantamount to exclusionary zoning and prohibited by the Constitution of the United States. All three cities were mandated to change their unconstitutional ordinances and accommodate their fair share of growth.

The Oregon land use process also sets up a system where cities plan for their growth. In the planning process, Cities must anticipate their growth rate, establish population projections and plan for the orderly and economic provisions of various needs such as housing, employment opportunities, public facilities (including wastewater treatment), economic development and recreational needs. The City of Newport would be remiss if we did not adequately plan for those considerations.

Livability is a subject of much debate throughout the state at this time because the growth rates in most parts of the state are relatively high. The question always becomes, what makes a city livable? With regard to this application, there are two items that help in assuring that a city, in this case Newport, remains an attractive place to live and work. One is that the wastes produced in the normal course of daily life are taken care of and treated in an efficient and environmentally safe manner. The construction of the new plant does just that, it provides the necessary treatment facility to take care of the wastewater and provides for the efficient expansion of the plant when needed. Since the property for the expansion requires the use of property outside the UGB, that area needs to be added.

Another aspect of a livable community are areas for recreation. People need places to go to experience the outdoors and play. Again, the City plans for those amenities by preparing master plans that anticipate the need for parks, the amount of land necessary to provide those needs and the types of uses that are seen as meeting the recreational needs of the citizens of the town. The Parks Master Plan has done that and identified the subject area as the place to put a park.

Conclusion: The subject request complies with the criterion.

8. *Statewide Planning Goal 2 exception criteria.*

Goal 2 of the Oregon Statewide Planning Goals outlines the requirements for taking an exception to the Goals. Because the subject property is on resource land (Timber Conservation), an exception is required. The City is pursuing an amendment to the Urban Growth Boundary so Goal 2 outlines the criteria for taking that exception. Those criteria and this requests compliance are as follows:

"1. Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14)."

The City of Newport is seeking to include within the Urban Growth Boundary about 50 acres of property that is currently zone T-C. The reason for the inclusion is so that the City can have land for the expansion of a wastewater treatment plant and for a park that includes active recreational opportunities. There are adequate reasons to approve this request.

The City over the past several years has been studying the need and location for the new wastewater treatment plant. Because our old plant was being over taxed and several violations of DEQ permit had occurred, the need for the new plant was warranted so the issue became where to put it. Many options were discussed including expanding the plant where it currently is or locating it at a new location.

A consultant was hired to evaluate the possible solutions to the problem and a citizen's ad hoc committee was formed to give recommendation to the City Council. From the analysis and the citizen review the option for locating the plant in South Beach was selected because:

1. The current plant site is in the middle of the City and surrounded by urban development. The site is very constrained by that development so the possibility of expansion of the property was nil. Technologies do exist that better utilize the site (deep shaft technology) but they are untried, very expensive and did not guarantee a reduction in the problems resulting in the current plant being located so close to development.
2. The idea of operating two plants, one on the north side of Yaquina Bay and one on the south side, was another option explored by the players. The problem was that option would require a new outfall line into the ocean at great expense and the plant site in the center of town would eventually have to be replaced anyway. It made no sense to spend the amount of money now and to only need to spend more in the very near future. Economically, therefore, it was more prudent to build the new plant in South Beach.
3. There were locational criteria that had to be met in order to comply with the engineering requirements. For example, the property for the plant had to be relatively flat and at a proper elevation to give the necessary head for the outfall line. It was also a criterion to have the plant in a location that would isolate the facility from extensive sensitive development (such as apartments or offices) so the same problem we have now of having a plant in the center of town would be avoided. After considering all the factors, the property where the wastewater treatment plant is going to be built was the only one that complied.

A general obligation bond issue was passed by the voters of the City in November of 1998. This was the final financial piece to allow the City to build the plant. It is currently in the design and permitting phase so construction should start within the next year. Completion is expected in 2003. The property where the first phase of the plant will be built is currently within the City limits and UGB. However, any future expansion, which will be needed within 20 years from now, must be built off of the new plant and can only be done on property outside the existing City limits and UGB because of topographic constraints and elevation requirements (see the

attached map of the plant design). There therefore exists a compelling reason to place the property in the UGB.

With regard to the park, the Parks Master Plan (hereby incorporated as supporting evidence for these findings) showed that a park is needed in the South Beach area. The Plan explored the South Beach area to find a suitable area for the development and found that the only available property was that parcel owned by the City and east of the current City limits and UGB. Since the Plan also determined that the park should be an active one with play fields, restrooms, hard surface courts and tennis courts, the property needs to have an urban type of development which is prohibited in the T-C zone. It is therefore necessary to put the site in the City limits and the UGB. This is also a compelling reason to put the property in the UGB.

Conclusion: There is a compelling reason to put the property in the Urban Growth Boundary and the City limits to accommodate the development that has been identified in the Wastewater Master Plan, the engineering analysis of an adequate place to put the plant, on advice of the ad hoc committee formulated to make recommendation to the City Council on the placement of the plant and the Parks Master Plan for the City of Newport.

"2. Areas which do not require a new exception cannot reasonably accommodate the use."

As stated under the reasons, the location of the new wastewater treatment plant was extensively studied and the present site is the only one available that would meet the needs of the first phase of construction scheduled for next year and future phases scheduled over the next 20 years. In addition to those issues, the acknowledged Wastewater Master Plan contained in the City's Comprehensive Plan shows that the development of the plant should be located on the property where it will be located. This plan has been in existence for ten years and was an additional basis for locating the plant in South Beach.

Concerning the park development, the Park System Master Plan also had an extensive analysis of the need for park land, i.e. in South Beach (an estimated 15 acres was needed), and looked at places to put it. The plan came to the conclusion that the property immediately east of the new treatment plant was the best place to put the park. There are a couple of reasons for that recommendation. One was the very limited amount of available land for park development. The South Beach area is very low lying and subject to a high water table and is extensively covered with wetlands or very steep slopes. The property that did not have those burdens was either already developed, not of sufficient size, or zoned for a high use (such as commercial, industrial or high density residential) that made the property expensive or poorly situated with regard to adjacent uses.

The other factor was the properties closeness to the ocean. Anyone familiar with the coastal climate knows that the weather patterns close to the shore are not conducive to outdoor recreation. During the winter, the rain and wind are very strong and limit outside activity anywhere in town. But during the summer, the northwest winds are most strong near the beach.

As the interior warms, the fog is also drawn off of the ocean. Once inland a very short ways however, those weather patterns change in that the winds are not as strong and the fog is not present. When the Park System Master Plan was being developed, the Parks Department looked at some property west of Hwy. 101 but the weather eliminated that property immediately, especially for active recreation such as softball, tennis and field sports. The inland property owned by the City was a much better location.

This property was already owned by the City so money for land acquisition was not needed. Especially considering the cost of commercial land, the economics was a definite consideration for selecting the park site. Also, the commercial and industrial development and designation on much of the property in South Beach made a poor neighbor for a park. The subject location is removed from that so the impacts are much less.

Conclusion: There are no other options for the location of the future expansion of the wastewater treatment plant and the park. The property must be in the UGB so as to allow the necessary development. The request therefore complies with the criterion.

"3. The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site."

The reasons for the inclusion of the property within the City's UGB and the City limits have been extensively discussed. Also, the ESEE analysis was discussed above under the City's criterion for the change. Based on the above, the proposed site for the future expansion of the wastewater treatment plant is well justified. The site of the park is also justified and can benefit from the construction of the first phase of the plant in that utilities will be extended for the latter which can easily be extended to the former.

Conclusion: The request complies with the criterion.

"4. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

The plant site was chosen because of the development pattern of the immediate vicinity. The surrounding area is either very low density residential (T-C/Timber Conservation) or industrial. Both of those development potentials fit in well with the plant. In addition, the design of the plant provides for at least 100 foot buffers from the plant to all other surrounding the site. To the west, the setback is even further. Also, the elevation difference between the plant and the property to the west, the area most likely to develop extensively, is over 100 feet so there is that separation. And, if the City does build a park to the east, the buffer of the park further removes any potential for sensitive uses near the plant.

For the park site, the development of the park will provide a nice buffer and transition from the urban level development to the west and the timber lands to the east. And a park will not interfere with the normal operations of timber production on those lands. If the subject property were developed as a residential or commercial project, then normal timber operations could cause a nuisance and generate complaints that could jeopardize the logging activity. But the park will not have those sensitive uses so logging operations can continue without much concern for neighbors. Also, the closeness of the timber lands to the park provides a more natural and aesthetically pleasing setting for the people enjoying the park.

Conclusion: The two uses proposed for the subject land, the future expansion of the wastewater treatment plant and the park, are not only compatible with other adjacent uses but offer a measure of buffering and transition that benefits the abutting properties.

Comprehensive Plan Map Change

1. *A change in one or more goal or policy.*

Actually there has not been a change in a goal or policy. The proposed wastewater treatment plant general location has been part of the City's acknowledged Comprehensive Plan since 1993. The change that has occurred is that the plant site is very limited. When the first phase is built, the entire plant will be within the existing City limits and UGB. But once expansion is needed, the options are limited to going east which places the development outside the current limits and UGB of the City. The City must therefore expand those boundaries sooner or later to accommodate the need for an expanded facility.

The park, on the other hand is needed in the near future. Again, because of topography, wetlands, and other development constraints, the Parks Master Plan identified the property that is subject to this application as the site for a neighborhood park. Because the park involves more than just passive recreation and will require the construction of buildings, play fields and other constructed items, City services must be available and the property must be zoned something other than T-C/Timber Conservation. The proposal to annex the property and zone it public is therefore the most logical approach and still afford the City the ability to build the park.

Conclusion: The request complies with the criteria.

2. *A demonstrated need to accommodate unpredicted population trends, housing needs, employment needs, or change in community attitudes.*

This has been addressed above under the criteria for the UGB change, but to reiterate, the need to build a new wastewater treatment facility is unquestioned and the voters of Newport authorized the City to do so by passing a bond issue. This reflects the community attitude that, not only is treatment necessary, but a vital part of the livability and needs of a City.

The Comprehensive Plan has, since 1993, acknowledged that a new treatment plant will be needed in South Beach and the location was identified as where it is currently being planned. The Plan did not do the in depth engineering study that further identified the exact location of the new plant. However, when that analysis was done, the plant site was crowded to the eastern half of the property owned by the City and identified by the ad hoc sewer advisory committee as the only place that would meet the needs of that plant. Since the first phase of the plant uses virtually all the buildable land within the current City, any future expansion must go onto lands outside the City.

With regard to the park development, again, the need for a park was identified in the Parks Master Plan and the subject property was chosen as the site for the park needed in South Beach. The question comes up, why there and not somewhere else? All through these findings the argument as been raised that the topographic and natural constraints in South Beach severely limit the amount of buildable land. Plus, public ownership of the subject property reduces the overall cost of the park development by the cost of the land. These two reasons dictate that the park be placed on the subject property.

Conclusion: The request complies with the criterion.

3. *The orderly and economic provision of key public facilities.*

The wastewater treatment plant must be built where it is planned. The plant will be built and in operation by 2003 or so. Topographic constraints force the development of the plant along the eastern property line of the property owned by the City for the purpose of the plant. Any future expansion must be near the existing plant for obvious orderly and economic reasons. The only area that the future expansion can go is on property outside the current City limits and the UGB.

The need for a park has been demonstrated and the location for that park has been shown throughout these findings. There is no need to go over that again other than to say that the most logical place to put it is outside the City limits and UGB so an expansion of those boundaries is needed.

Conclusion: The request complies with the criterion.

4. *The ability to serve the subject property with city services without an undo burden on the general population.*

The construction of the new wastewater treatment plant will bring all City services to the property which is immediately west of the subject property. Those services are needed to build the plant so expansion of those will be a minimal burden on the general population because of the limited services needed for the park and the short distance to extend those services that will be required.

Conclusion: The application complies with the criterion.

5. *The compatibility of the proposed change with the surrounding neighborhood and community.*

One of the reasons that the area was chosen for the wastewater treatment plant is because it is relatively isolated from surrounding development. The property to the east, northeast and southeast is zoned T-C/Timber Conservation and therefore destined for very low density residential development. In fact the minimum lot size in the T-C zone is 80 acres with residences allowed on smaller, legal nonconforming lots through the issuance of a conditional use permit. Property to the west is zoned I-1/Light Industrial and is separated by an elevation difference of 130 feet or so. In addition the wastewater plant is setback at least 100 feet from all property lines to insure additional buffers between adjoining properties.

With regard to the park, it will be surrounded by either public property (the wastewater plant) or T-C land. This will provide two things. One is a nice buffer between any development and the active park, which can have noise and light associated with it. The second is the natural environment that will surround the park. This provides the park user a nice surrounding so the enjoyment of the park is enhanced.

Conclusion: The request complies with the criterion.

Annexation

1. *The required consents have been filed with the City.*

The City owns the property and has consented to the annexation. There are no residences on the property.

Conclusion: The request complies with the criterion.

2. *The territory to be annexed is within the acknowledged urban growth boundary.*

The request expands the Urban Growth Boundary so, once completed, the subject property will be within that boundary.

Conclusion: The request complies with the criterion once annexed into the UGB.

3. *The territory to be annexed is contiguous to the existing city limits.*

The subject property is contiguous to the existing City limits on its western boundary.

Conclusion: The request complies with the criterion.

Zone Change

1. *The change furthers a public necessity.*

Throughout these findings the need to have the property within the UBG and City limits has been demonstrated. Once in the City, the property will be designated as public on the City's Comprehensive Plan Map. The P-1/Public Structures zoning is consistent with that designation.

Conclusion: The request complies with the criterion.

2. *The change promotes the general welfare.*

Again, the need for the future of the wastewater treatment plant and the need for the park has been demonstrated and justified. Those amenities are necessary for the enjoyment of life and the protection of the health for citizens of Newport. Such items further the general welfare of the community by providing recreational opportunities and adequate treatment of wastewater.

Conclusion: The request complies with the criterion.

Overall Conclusion

These findings justify the request to include the subject property within the Urban Growth Boundary, designate that property as public on the City's Comprehensive Plan Map, annex the property into the corporate limits of the City of Newport and change the zoning from the County T-C/Timber Conservation to the City P-1/Public Structures.