



# Meeting Notice

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Please note that there will not be a 6:00 p.m. Newport Planning Commission work session meeting held prior to the regular 7:00 p.m. session on **Tuesday, May 27, 2014.**

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## AGENDA & NOTICE OF PLANNING COMMISSION MEETING

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The Planning Commission of the City of Newport will hold a meeting at 7:00 p.m. **Tuesday** (*because of the Monday holiday*), **May 27, 2014**, at the Newport City Hall, Council Chambers, 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder, 541-574-0613.

The City of Newport Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

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### NEWPORT PLANNING COMMISSION **Tuesday, May 27, 2014, 7:00 p.m.** AGENDA

- A. Roll Call.**
- B. Approval of Minutes.**
  - 1. Approval of the Planning Commission work session and regular session meeting minutes of May 12, 2014.
- C. Citizens/Public Comment.**
  - 1. A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.
- D. Consent Calendar.**
- E. Action Items.**
  - 1. Approval of a letter to the City Council regarding the Planning Commission's recommendations pertaining to local regulatory options for medical marijuana dispensaries.
- F. Public Hearings.**
  - 1. File No. 2-CP-14. Consideration of a comprehensive re-write of the Library Services element of the Newport Comprehensive Plan to incorporate goals, policies, and implementation strategies from the Library Board and Foundation's March 2014 strategic planning and public engagement process. The Planning Commission will make a recommendation to the City Council on this matter.
- G. New Business.**
- H. Unfinished Business.**
- I. Director Comments.**
- J. Adjournment.**

**Draft MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Conference Room 'A'**  
**Monday, May 12, 2014**

**Planning Commissioners Present:** Jim Patrick, Bill Branigan, Gary East, Rod Croteau, Jim McIntyre, Bob Berman, and Mike Franklin (*newly appointed*).

**Citizens Advisory Committee Members Present:** Lee Hardy, Suzanne Dalton, and Dustin Capri.

**City Staff Present:** Community Development Director (CDD) Derrick Tokos, Police Chief Mark Miranda, and Executive Assistant Wanda Haney.

Chair Patrick called the Planning Commission work session to order at 6:00 p.m. and turned the meeting over to CDD Tokos.

**A. New Business.**

1. Presentation by Meg Gardner (NOAA Coastal Fellow) on the Oregon Coastal Management program related to updated Goal 18 (Beaches & Dunes) Beachfront Protective Structure (BPS) Eligibility Inventory. Tokos noted that in their packets, the Commissioners had copies of the maps, the Goal 18 provisions, and a memo from Meg Gardner. He said that Gardner was here to give a primer on how she went about doing the inventory. He said that Goal 18 requires local jurisdictions to have an inventory of properties developed prior to January 1, 1977, which qualify for BPS such as rip-rap and seawalls. He noted that most coastal communities don't have this inventory and have been dealing with it on a case-by-case basis. He said that DLCD and Gardner did a lot of work on this; and Gardner was here tonight to make a presentation.

With the use of the overhead, Gardner showed some maps and gave a quick review. She noted that Goal 18 says BPSs are only permitted for where development existed on January 1, 1977, and the local Comprehensive Plan should have an inventory of where these developments existed. Even though this regulation was put in, it slipped through the cracks and was not adopted by most jurisdictions and is handled on a case-by-case basis when these requests come up. Because it's based on historic information, it can be hard to track. Gardner explained the meaning of development: houses, commercial and industrial buildings, vacant subdivision lots which are improved with streets and utilities (septic, sewer, water, and electrical) to the lot. Branigan asked if it has to be both streets and utilities; and Gardner confirmed that was the case.

Gardner explained that the reason for updating was that the DLCD did an overall inventory in 2005; but it was done fast. Some properties were undetermined because it would take more time to figure out whether they were developed or not. It was mostly subdivisions. The 2014 review cleared those up. She had to go back through and update it and make it more complete, update tax lot geometry, and ocean front development. A lot of tax lots were on the bluff or in the ocean shore areas, so she added lots to go back to the actual first houses to have a determination.

Gardner explained what information she used to make decisions. She used a lot of subdivision information from Lincoln County. They have all subdivision plats on line and tax information, so she was able to access that information pretty quickly. The aerial photographs from 1967 and 1977 were used; and in some cases, the 1967 photo was actually clearer and better. To get the utility information, they used as quick a way as they could. They looked at the aerial imagery to see if there is a road to the lot and whether there is a lot of development in close proximity to that lot. If there is, then the assumption is that the vacant lot had services. If the lot is in a clearly rural area and there are no roads or access, then it's not eligible. She showed very quick examples of what it looks like on a case-by-case basis. She showed some highlighted lots and explained that she was able to use the 1967 map, which showed that in fact there was development there. On the 1977 map there was more definition to tell those were houses. She also had access to year-built dates from the Assessor. These were an example of ones that would be eligible. The next one she displayed was a vacant subdivision lot. There is development around it, and there are roads around. It's in Agate Beach in a landslide area and would not be eligible because the determination is that there probably are no services going to a landslide area. She showed another vacant subdivision lot with houses next door and across the street, which she called eligible. Berman asked if Gardner actually went out in the field to look at these. Gardner said no, because there are so many that would be hard to do. She showed one that in 1967 had no roads and development nearby; but now it's developed. However, because it was development in 1997, well after the 1977 date, it's not eligible. In the last example she showed, she noted that you can see that the structures are pretty small; and she wasn't sure if they were houses or not. Now there is nothing there. In this case, the qualifying development is gone so now it's ineligible. If it were built in the same footprint, it might be.

Gardner went over a few subdivision things that came up. Based on the law, there need to be four or more parcels with recorded plat and some sort of proof that it happened. If a subdivision was created after implementation of the Lincoln County subdivision

ordinance in 1963 and prior to January 1, 1977, they assume it had services because the ordinance would have required those improvements. Before that year, they would use the definition that if there is a road constructed and houses nearby, then it's eligible; if not, then it's ineligible. She said that if there was evidence that they got it wrong and a property owner had evidence of services, they wanted to make sure that there would be a process within the code for the property owner to change it if it was wrong. She noted that she is using the same year for implementation of the cities' subdivision ordinances as Lincoln County's, which was 1963. She said a lot of development in Newport was pretty old, so it wouldn't matter much. If development is after 1977, it's ineligible. Also, if it was subdivided into a new subdivision after 1977, it is ineligible.

The last thing Gardner wanted to mention was about public land. Anything that is public land usually doesn't fall under the definition of development. Yaquina Head is BLM land and is a rocky headland anyway and probably wouldn't need BPS; but it's not eligible. The grandfathering is to protect private property mostly. She noted that this law happened in 1985 so that if there had been a structure that was permitted lawfully on private land, it could be maintained into the future; it's just anything after that plan cannot.

Gardner said the benefits of using inventory, which hopefully jurisdictions are moving toward adopting, is that it will save time and effort. It is a place to go to every time this comes up. It will provide full disclosure to the public. It provides consistency with Goal 18 requirements. It's proactive planning for coastal erosion and where hot spots might be. Dedicated staff is available to provide assistance and products. Branigan asked Gardner how long this has taken her. She said Lincoln County took a few months. Now she is on to Tillamook County. She is hoping to get the whole coast done by the end of summer. Berman asked if there is any kind of emergency provision if it looks like someone's house is going over the edge and they want to put in rip-rap. Gardner said in cases of emergency, Parks and Recreation permits BPSs, and they have to get a LUCS signed by the City. Tokos said generally they can't do rip-rap; if it's not an eligible property, then it's not.

Tokos noted that it doesn't take a whole lot to put this in the Comprehensive Plan. We will include some outlet language in the zoning code to provide alternative proof if they believe it's not accurate. The GIS DLCD provided has rationale for how they did their analysis for each property. This will be an official resource. He said we may end up dealing with several at once if we had a catastrophic weather event.

Berman asked if this is the finished product. Gardner said as long as the City is happy. She said there won't be big changes. At least for the time being, this is the document. Patrick asked Tokos if he wanted the Planning Commission to go ahead and initiate this. Tokos said that the Commission can just make a motion at the regular session asking staff to initiate the work to roll this into the Comprehensive Plan and he can bring the text back. Patrick asked if there would be notice and a hearing; and Tokos confirmed that would be the process.

Berman asked what if an area used for public safety for beach access erodes. Would there be exceptions to ineligible lots. Gardner thought it is part of the rule to maintain beach access, and thought it would be allowed. She said also when these structures are built, they have edges that can cause more erosion so you are allowed to make a continuous line to prevent that from happening. If there were two eligible properties on each side of a beach access, the access could potentially get rip-rap as well.

Franklin asked about Don Davis Park where the entire path is green, but the area that is most likely to erode first is in red. He asked if the City couldn't do anything with that. Tokos said they have talked about that particular parcel; and that needs to be clarified. He thought it needs to go green. Gardner said that she thought she has changed that.

Croteau said that his house is in the green, but there is a red area in front of his house. Gardner said that if you feel your property needs to be protected, it would be up to Parks and Recreation to say when you would be able to get it. They would have to look at criteria when making a decision to permit.

Gardner said that once the whole coast is finished, this will be available on line. She is doing it mostly by county. Lincoln County was done first because it was the most out-of-date. Franklin asked once she gets through, if she will need to start all over again. She noted that she made the call to go a few lots back in some places to anticipate erosion.

The Commission thanked Gardner for her efforts and her presentation.

## **B. Unfinished Business.**

1. Consideration of public input received on whether or not the City should consider adopting reasonable limitations on the hours during which a medical marijuana facility may be operated, reasonable limitations on where a medical marijuana facility may be located, or reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana, as allowed by Senate Bill 1531. Patrick read the summary of this agenda item and turned the proceedings over to Tokos. Tokos noted that he had asked Police Chief Miranda to join the Commission on this item. Tokos said as everyone may recall, the

Planning Commission at their last work session had set out a process for considering whether or not the City should be imposing any reasonable regulations at the local level. Staff sent out a press release to the local news media. We didn't receive any feedback whatsoever one way or the other. Nothing came in indicating that there was any desire to impose regulations at the local level.

Tokos noted that at the last meeting, the Commission had an opportunity to talk about whether it makes sense to impose land use regulations such as hours of operation or where it should be permitted in our commercial or industrial zones. He said it seems that he heard that would be inconsistent with how we tackle land uses in Newport, which are regulated by use categories. It would be out of character to pull out an individual commercial use and set it to different land use rules. Similarly with hours of operation type standards. Tokos talked to Police Chief Miranda and there are a range of regulations that would be non-land-use regulations that get at how medical marijuana facilities operate that in the Police Chief's view is public-safety-related. Tokos listed in his memo a number of these different areas of concern. He wanted to go through that list.

The first is in regards to background checks. The administrative rule requires background checks for the principal but not employees. The Police Department would like to extend that to employees.

Second, in regards to building access, the Police Department would like to have access to the facilities. Miranda said primarily if there is an incident, they want these facilities to allow the police inside so that they can investigate whatever is going on.

The third concern involves records. The OHA already has requirements. The Police would like access to the same information.

Next is prohibition on processed items such as food-related items, hash oil, etc.

Another concern is security alarms and surveillance. The rule requires that these systems be in place. The Police would like to have access to those surveillance records.

As far as liability insurance and indemnification, the Police Department would like to see the City indemnified against challenges it may face in allowing these facilities within city limits.

Tokos noted that those are the things the Police Department would like to see put in place. If the Planning Commission feels these are appropriate regulations for the City and are within the meaning of the law, they could be done as an endorsement to the business license. Tokos said that he did talk to other jurisdictions. Senate Bill 1531 just passed in March, so not a lot of jurisdictions are way ahead of us. Many have taken a wait-and-see approach and placed a moratorium. Cave Junction is even challenging the validity of medical marijuana stores. We will see how that plays out. Also, there is the potential for recreational use hitting the ballot. The Legislature may pick up medical marijuana again at the next session. Jurisdictions are looking at how it plays out in those areas that didn't impose moratoriums. Tokos said that he didn't have a good example of a jurisdiction that tried to impose land-use regulations or even any others. They are working through this the same as we are. Tokos said if the Planning Commission is inclined, the Commission's response could be formed as a letter to the Council. It's not something that comes back before the Planning Commission. It's not land-use-related. The City Council can take it on if they choose. Tokos said the letter will speak to land use as well and whether it's prudent or not to impose that.

Berman said that the law gives three reasons why additional regulations can be imposed. He said as he reads down the list of the Chief's concerns, he sees no reference to the first two; hours and location. He said they fall under the manner in which a medical marijuana facility may dispense; and it seems semi-marginal to him whether these fall under that. He asked if the City Attorney has looked at what falls under that. He doesn't see the liability insurance. The prohibition on the processed items he doesn't see withstanding any challenges. There are no prohibitions in the State law. Tokos said that the City Attorney hasn't weighed in, but obviously will when it is presented in ordinance. Maybe the City Attorney would have issue with some and not with others. There may be some in this package what would qualify as reasonable conditions. But, if it's all; he doesn't know. Tokos said he is trying to frame the issues of concern from public safety.

Patrick wondered if the Commissioners wanted to go through each standard. He said that as far as locations and hours of use, that would actually be unrelated to land use. He asked if there was any sentiment from the Commission. The general consensus of the Commission was that this is not related to land use; and those two are off the board.

Hardy asked if there were any other business licenses that require insurance to indemnify the City. Miranda said that taxi cabs primarily; and we issue permits for temporary things. Hardy asked if that requirement is potentially in conflict with the Federal government. Miranda said not that he is aware of. Hardy asked if the CDD reviews business licenses. Tokos explained that typically just the land use aspect of those. When our department is looking at business licenses, we are checking parking standards, landscaping, or if a use is permitted in certain areas. He said this stuff would be potentially handled at the Finance counter or the Police Department before a business license is issued. Tokos said the Police Department is one sign-off; as well as Planning, Building, Fire, and Public Works. Hardy said so there is a process in place for licensing of these.

Tokos said the question before this group is do these types of supplemental standards fit within the meaning of what the Senate Bill authorizes. Are they something the Planning Commission recommends the City Council pursue, consider, or not deal with? Berman thought that we couldn't make a blanket statement about all of them. His reading of the requirements says that several of them don't fit within the meaning of reasonable conditions. Some of them wouldn't be practical; the background check in particular. He assumes that some of these dispensaries are nonprofit with volunteer labor. For this, all volunteers would have to go through the background check process before they could volunteer. Franklin asked what the Police Department is looking for in backgrounds. Miranda said it's the same standard OHA is looking at; prior convictions in the last five years (schedule one and schedule two). Berman said that the City Attorney is the only one that can say if these six things fit in the category of reasonable. He said maybe we are getting ahead of ourselves in this discussion. In his opinion, these are just regular businesses. Should they do something over and above say pharmacies? Do they indemnify the City? He said that the records and security thing is perfectly reasonable. Patrick could see some trouble with the records. Because it's medical marijuana, it's under HIPA; and you can't see that information. Miranda said that in some cases they can. It depends on the circumstances. Dalton said under building access, it seems that if the Police need to have access, they have it. Miranda said similar to OLCC, a licensed establishment can't keep the police out. They have access to licensed establishments. Dalton had a question about surveillance. She thought that would be automatic. If it were required to view it, the police would. Dalton said that she knows at public schools there are regions and zones that you can't put alcohol or a pharmacy because of the zoning in the city. She wondered if this is one of those uses. She asked if there is anything in the law that speaks to zoning. She was told yes, it's a thousand feet from a school or park or each other.

Tokos said the Commission can go through each item. He will put together a draft letter to the City Council for review at the next regular Planning Commission meeting saying we looked at these things, and this is our opinion. Tokos said although what the Planning Commission typically does is land use, there are some other things statutorily that you deal with. He told the Commission, you are an advisory body. If you don't agree with these, just say so. He said the Council is just looking for your advice. The consensus was to go through the areas of concern individually.

Background checks: Franklin thought there should be background checks for employees just as there are in pharmacies. You can't be a nurse if you have a conviction. After brief discussion, the general consensus of the Commission was to allow the Police Department to conduct background checks comparable to what the Oregon Health Authority requires.

Building access: Franklin asked what the Police Department was worried about. Miranda said the police generally go into bars for example as a preventative strike to keep the peace. Every now and then they will see a crime in a bar a will take care of it. Hardy asked if the police visit pharmacies. Miranda said they do, but mostly to remind them that we have the drop-off box at the office for pharmaceuticals; or to let them know if we have someone scamming in town. Berman asked if it's the intention of the police to go in to do inspections of lab equipment or scales and check IDs of the workers. Miranda said that the OHA only has six employees, and two are in the office. Law enforcement felt the field will fall under an unfunded mandate. Hardy asked if it wouldn't be complaint-driven. If the State isn't doing it, the police may have to inspect once or twice. Dalton thought that the presence of a police officer could be preventative. Berman thought the intent is to inform the dispensaries that they are not allowed to say the police are not allowed to come in. It was the general consensus of the Commission that the Police Department should be afforded access to the facilities.

Records: Berman said that some of the records could be within constraints of HIPA. You may get information such as how much went in, how much went out, and from what grower. Miranda said that it might also be records of an individual user if they have a crime involved. If they bought a forged prescription with a forged drivers' license, the police may need something along those lines. McIntyre thought there should be a caveat that they have a reasonable cause to look at those records. Miranda said the police don't have the time to go in just to look at those records. Croteau asked if the police need a court record for that. Miranda said they would need a subpoena. He said it depends on what they are looking for; the number of tons for one particular grower, or did a certain individual purchase last week. The chances are for the latter, they would be getting a warrant for that. He said it depends on the situation. If there is a crime involved, they may not need a warrant. Franklin asked if the marijuana is carried in bottles with the patient's name on it. From the audience, there was an explanation that there is no such thing as a prescription. Capri wondered why a dispensary doesn't follow the same lines as a pharmacy. Branigan added that if the State is treating it as a pharmacy. The Health Authority spelled out specific recordkeeping, and what the police are saying is that at their request, they would like access to the records as well as the Health Authority. Miranda said he suspects it would be their overall business records. From the audience, the comment was made that the City might do well to contact Corvallis where there is a dispensary that is open now and seems to be running in exemplary fashion. The audience member noted that the amount of recordkeeping you have to do and what you have to produce to use the facility is in place. He said if this is what it takes for people to become comfortable with dispensaries, then fine. He thought Corvallis is a good place to look. He suggested the Commission talk to a similar body in Corvallis. Franklin noted, and in Toledo as well. Berman asked whether the records that are already in existence and are provided to the State should also be provided to the Police Department. McIntyre said maybe to the Police Department on request. Most thought that was okay. McIntyre said he was okay with it if it were upon formal request. Patrick thought this item was a wash; he didn't see a lot of sentiment for or against.

Prohibition on processed items: The majority of the Commission didn't see the difference. Miranda said that the problem with processed items, particularly food, is kids getting hold of it; it's not how much THC is actually in there. From the audience, the explanation was made that recent modifications require potency labeling. It has to list the THC on everything and the ingredients on food. Another audience member expressed concern that these products are not regulated by the FDA. One of her concerns is protecting the consumer as well. She said that she can't even bake cookies to send with her child to school. There are no regulations on commercial products containing THC. From the audience, the person responsible for the facility (PRF) in Toledo said that anybody that works there are volunteers and are patients. Theirs are patient-to-patient services. That is what they prefer to have for the knowledge base. She noted that as far as edible products, that is evolving. She said they have come up with packing that is black heat-sealed plastic. You can't see the content that is in there; and you would need scissors or a knife to get into the packaging. She said that the people using these products want to protect children. They are doing all they can to comply with the law. Oregon has set the standards. They are testing potency more and pesticides. She said they are doing it right. They are becoming more knowledgeable. For a lot of patients there is no more recourse for them. She said the City needs to look at the benefits of what is going on with these medications. She said they don't allow anyone without a card. She added that they had to have a full security system before they could apply. A patient from the audience said that until these facilities are allowed to open, she has to live in the back alley. She has to go to somebody she doesn't know. She said some of these issues are moot because the State is covering them; both dispensary agents and patients. Berman noted that additionally there are patients that can't smoke; that's not an option for them, and ingesting it is the only viable way of receiving this medication. There was a question raised whether a food-handlers' license applies to these products. Franklin thought they should have health inspections just like anybody else. Patrick said it might already be in the law. It was noted from the audience that vendors bring in these products. The consensus of the Planning Commission was no prohibition on processed items.

Security alarms and surveillance: Berman had a concern about false alarms that get sent out by alarm companies. He asked if Miranda wanted to send his officers out on those. Miranda said they respond to all alarms. From the audience, the PRF in Toledo said that they call the police; but there are three additional contacts first. They have access to their camera 24 hours. If the alarm company can't reach anybody, then an officer is called. She said they pay a licensing fee to the County. From the audience, it was noted that they believe the State specified the alarm system; it is in the State law. Miranda said that even a panic alarm goes through the alarm company. Franklin wondered if this is a non-issue because it's already in the State requirements. Berman asked if anytime an alarm goes to the alarm company, the first call is to the police department. Miranda said that is the preferable way; and they are asking that the police be contacted. He said whatever the OAR is doing for the State, the local police department should be able to do the same thing. Gary said as long as the State has that regulation, we can follow the State. Patrick said that he wasn't sure. The rules require the system, but they are not required to respond. Tokos said that he didn't see anything about alarms, but the OHA has to make a request for video surveillance. Capri asked what would be wrong with having the police department go. Hardy asked if every time. Miranda said they would respond; but if it were every day every week, they would be contacting the owner. Berman said it would be extra action by the alarm company to call on all alarms. From the audience, it was noted that if the alarm company can't verify it's a false alarm, they call the police. The Toledo representative said that is the way they want it. McIntyre said there has to be a priority; the alarm company calls the person responsible for the facility, and then the police department after that. Patrick said if the alarm company can't figure out what the alarm is, they will call the police department anyway. Franklin said it seems like the police department will be called if needed. Branigan said to first call the person responsible for the facility and then slip in the police department. Again from the audience, the PRF from Toledo said that if the alarm company can't reach somebody, the police department is contacted. Miranda said that sounds like a false alarm ordinance where, because of fines their clients were getting, the alarm companies didn't want the police called immediately. He said it is best if the police department is called first, and they can get on their way. If there's no problem, then they can go somewhere else. Patrick said that we can let the system work the way it is; and we can always change the rules later.

Liability insurance and indemnification: Patrick noted that an example of taxies had been given. Branigan wondered if the reason for looking for indemnification had to do with the Federal issue. Tokos thought that the risk Miranda saw was control at the Federal level; which is different than many issues. Hardy said that if the City is perceived as allowing an illegal activity, she doesn't think an insurance company would write that policy. An audience member said that the Federal government is not going to come swooping down on Newport. Patrick noted that the consensus of the Commission is not to support this item. Insurance is part of a normal business.

Miranda wanted to go back to surveillance. He noted that OHA has records. Berman thought that the law says video surveillance is available to the local law enforcement. Tokos said it says OHA.

First, Tokos wanted to note that at the next meeting he will have a letter drafted that clears up what was discussed here. The Commission can take action on that and send it up to the City Council. The Council would be charged with what they are going to do; initiate a code in line with this or not.

Hardy asked if the OHA saw the strong possibility of a crime, are they going to keep it from the police. It's almost like any business, if there's a problem, they will call and want the police to look at the video. The person responsible would want them

to. Patrick said that the Police Department could write a request to OHA. Miranda said he had tried calling OHA and had sent an email and still hasn't heard from them. East asked if the reason for seeing the surveillance videos was if there is a crime issue. He would think that the owners would want the Police Department to get permission to view anything that would solve a crime or a potential problem. The PRF from Toledo said that they also want to protect their patients' privacy. Patients don't want to be labeled because of the stigma of the community. The dispensaries have to protect people's privacy too. Miranda said the Police Department would not use the videos as a fishing mechanism. Maybe there was a crime a block away. They have used surveillance videos within a neighborhood to solve crimes. Like in the Umpqua Bank robbery, the suspect was identified from a video across the street. Patrick asked how the Commission felt about the Police Department having access to the surveillance videos. Branigan said if they have a reasonable cause.

Tokos summed up that in his letter to the City Council, the recommendation from the Planning Commission will be that there is no reason for pursuing land use regulations for hours or location. The Council may want to consider supplemental standards as an endorsement for public safety. The Commission generally mentioned such things as expanded background checks, building access, access to records, and access to video surveillance records. The Commission discussed further restrictions on prohibiting processed items, security alarms, and liability insurance and indemnification and weren't as comfortable with doing those. If the City Council is concerned and wants to pursue that, they can take ordinance directly. Patrick reminded Tokos to add access to video surveillance "with reasonable cause." Tokos said that he will put a draft letter together for action at the next Planning Commission meeting. That will be sent to the City Council; and they will take it from there. Then they would direct staff to do that endorsement. He will note in the letter that the Commission is sensitive to moving this along in a timely fashion. Berman asked if the letter needs to go through a final Planning Commission meeting. Tokos said yes, he wants to make sure that what is passed by the Commission is what they said; and it has to be on the record. From the audience, Tokos was asked if he could give a timeframe. Tokos said the letter will be at the next Planning Commission meeting, which is May 27<sup>th</sup> because of the Monday holiday. The letter would be presented to the City Council at their June 2<sup>nd</sup> meeting. Adoption would probably be at the July 7<sup>th</sup> City Council meeting. If they choose not to pursue any further regulations, it could be at the June 16<sup>th</sup> meeting or the July meeting that the Council may lift the moratorium. The Planning Commission will put out the letter on May 27<sup>th</sup>, and then it will be in the Council's hands from there.

**C. Adjournment.** Having no further discussion, the work session meeting adjourned at 7:26 p.m.

Respectfully submitted,

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Wanda Haney,  
Executive Assistant

**Draft Minutes**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, May 12, 2014**

**Commissioners Present:** Jim Patrick, Rod Croteau, Gary East, Bill Branigan, Jim McIntyre, Bob Berman, and Mike Franklin (*newly appointed*).

**City Staff Present:** Community Development Director Derrick Tokos and Executive Assistant Wanda Haney.

**A. Roll Call.** Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:27 p.m. due to a long work session. On roll call, Berman, McIntyre, Croteau, Patrick, Franklin, East, and Branigan were present.

**B. Approval of Minutes.**

1. Approval of the Planning Commission regular session meeting minutes of April 28, 2014.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Berman, to approve the Planning Commission minutes as presented. The motion carried unanimously in a voice vote.

**C. Citizen/Public Comment.** No comments on non-agenda items.

**D. Consent Calendar.** Nothing on the consent calendar.

**E. Action Items.**

1. Confirm Mayor's appointment of Michael Franklin as new Planning Commission member.

**MOTION** was made by Commissioner Branigan, seconded by Commissioner Croteau, to confirm the appointment of Mike Franklin to fill the remainder of Mark Fisher's position. Franklin gave a brief introduction of himself. The motion carried unanimously in a voice vote.

2. Initiate the work related to Goal 18 Beachfront Protective Structures (BPS) inventory.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner McIntyre, to initiate the work related to Goal 18 BPS inventory. Berman assumed that would include an opportunity for people to provide additional information. Tokos said there would be an opportunity to further refine it to the extent it needs to be as we go through the process of putting it in the Comprehensive Plan. Berman asked if those changes can be made by Tokos; and Tokos confirmed that he can make changes as needed and would share them with DLCD. Tokos said we probably would include some standards in the zoning code and include how the process works for people needing to make changes. The motion carried unanimously in a voice vote.

**F. Public Hearings.** No public hearings.

**G. New Business.**

1. Direct staff to prepare a letter to the City Council with the Planning Commission's recommendations regarding local regulations for medical marijuana dispensaries.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner McIntyre, to request Tokos to prepare a letter to the City Council with the Planning Commission's recommendations on the Council's question regarding additional reasonable rules and regulations pertaining to medical marijuana dispensaries for approval at the Commission's next meeting. The motion carried unanimously in a voice vote.

**H. Unfinished Business.** No unfinished business.

**I. Director's Comments.** No Director's comments at this time.

**J. Adjournment.** Having no further business to discuss, the meeting adjourned at 7:35 p.m.

Respectfully submitted,

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Wanda Haney,  
Executive Assistant

# Memorandum

To: Newport Planning Commission  
From: Derrick Tokos, Community Development Director   
Date: May 23, 2014  
Re: Letter to Council on Regulation of Medical Marijuana Facilities

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Enclosed is a draft letter for your consideration. If it is acceptable, then the Commission will need to make a motion to authorize the Chair to sign the document. A copy of the letter will then be provided to the City Council and a discussion item scheduled for their June 2<sup>nd</sup> meeting. You might want to consider who from the Commission should attend the Council meeting to present the letter and field questions Council members may have about the process the Commission used to vet these issues.

CITY OF NEWPORT  
169 SW COAST HWY  
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



phone: 541.574.0629  
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thecityofnewport.net

mombetsu, japan, sister city

To: Newport City Council

From: Newport Planning Commission

Date: May 27, 2014

**RE: Local Regulatory Options for Medical Marijuana Facilities**

Dear Council Members,

The Planning Commission met at work sessions on April 14<sup>th</sup> and May 12<sup>th</sup> to consider the Council's request that it evaluate whether or not the City should adopt limitations on the hours during which a medical marijuana facility may be operated, where they may be located, and conditions under which a facility may dispense medical marijuana. These options for imposing "reasonable regulations" at a local government level are specifically provided for in SB 1531, passed by the Oregon Legislature in March of this year. Interested parties were invited to attend the work sessions, including those individuals that were present at the April 7<sup>th</sup> City Council meeting when a temporary moratorium was imposed on the establishment of such facilities. A press release was also issued seeking public input on this issue. The Commission did not receive any public comment requesting that the City adopt supplemental regulations.

After considerable discussion and research into the matter, the Commission has concluded that there is no need for the City to change its land use regulations to limit the hours of operation or the locations where medical marijuana facilities may operate within the city limits. The City of Newport regulates commercial activities by "use categories," with medical marijuana facilities falling under a sales-oriented, general retail classification. This same classification covers pharmacies. Hours of operation are not restricted for any of these uses, and the City has structured its commercial zones to allow full categories of uses, where appropriate. The Commission does not believe that there is a compelling reason that would warrant changing this approach for medical marijuana facilities.

The Newport Police Department would like the City to put in place standards for the purpose of enhancing public safety that relate to the condition under which a facility may dispense medical marijuana. This includes extending background checks to employees (as opposed to just the principal operator), ensuring that the police have access to the facility at all times when people are present, and requiring that facilities provide local law enforcement with the same access to records and video surveillance videos that they are required to provide to the Oregon Health Authority. These are reasonable requests that if used judicially by the Police Department will enhance public safety. Restrictions on the sale of ancillary products containing marijuana (such as food), requiring alarm companies contact the Police Department anytime the alarm system is triggered, and imposing liability insurance and indemnification requirements on facility operators, were



additional standards that the Police Department has requested. There was not consensus amongst the Commission that these requirements, if adopted, would enhance public safety or otherwise benefit the community.

Should the Council determine that it is appropriate for the City to regulate the manner in which facilities dispense medical marijuana for public safety purposes, then it may want to consider crafting those standards such that they could be considered as part of a business license endorsement. These are not land use standards. Therefore, the Council should feel free to direct its staff to prepare such provisions without further engaging the Commission. This might be the most expeditious way of addressing legitimate public safety concerns, while minimizing impacts on prospective operators and persons in the community that would like convenient access to the medical marijuana products that they need.

Sincerely,

Jim Patrick, Chairman  
On behalf of the Planning Commission

**PLANNING STAFF MEMORANDUM**  
**FILE No. 2-CP-14**

**I. Applicant:** City of Newport. (Initiated pursuant to authorization of the Newport Planning Commission).

**II. Request:** Revisions to the Library Services section of the Public, Cultural and Educational Services element of the Newport Comprehensive Plan to identify the City's role in implementing the goals, objectives, and strategies outlined in a March 2014 strategic plan prepared on behalf of the Library Board of Trustees and Newport Library Foundation.

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

**IV. Findings Required:** The Newport Comprehensive Plan Section entitled "Administration of the Plan" (p. 287-288) requires findings regarding the following for the proposed amendments:

- A. **Data, Text, Inventories or Graphics:** (1) New or updated information.
- B. **Conclusions:** (1) Change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information.
- C. **Goals and Policies:** (1) A significant change in one or more conclusion; or (2) a public need for the change; or (3) a significant change in community attitudes or priorities; or (4) a demonstrated conflict with another plan goal or policy that has a higher priority; or (5) a change in a statute or statewide agency plan; or (6) applicable statewide planning goals.
- D. **Implementation Strategies:** (1) a change in one or more goal or policy; or (2) a new or better strategy that will result in better accomplishment of the goal or policy; or (3) a demonstrated ineffectiveness of the existing implementation strategy; or (4) a change in the statute or state agency plan; or (5) a fiscal reason that prohibits implementation of the strategy.

These findings are addressed in the proposed ordinance, attached to this report.

**V. Planning Staff Memorandum Attachments:**

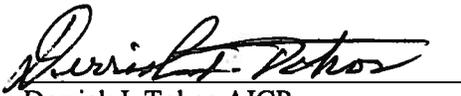
Attachment "A"	Draft of the proposed ordinance
Attachment "B"	Notice of public hearing
Attachment "C"	Minutes from the April 14, 2014 Planning Commission meeting
Attachment "D"	Current Library Section of the Newport Comprehensive Plan
Attachment "E"	Aerial image of the Newport Public Library and Literacy Park
Attachment "F"	Purpose, Vision, Strategy document (strategic plan) for the Newport Public Library, dated March 2014

**VI. Notification:** Notification for the proposed amendments included notification to the Department of Land Conservation & Development (DLCD) in accordance with the DLCD requirements on April 23, 2014. Notice of the Planning Commission hearing was published in the Newport News-Times on May 16, 2014 (Attachment "B").

**VII. Comments:** As of May 23, 2014, no written comments have been submitted on the proposed amendments.

**VIII. Discussion of Request:** The Newport Public Library and adjacent Literacy Park are part of the City's capital infrastructure and services offered at these venues are a key component of the cultural fabric of the community. In the Newport Comprehensive Plan, the Library Services section is contained within the Public, Cultural, and Educational Services element of the document. This section of the Plan was last updated on October 7, 1991 (Ordinance No. 1621) as part of periodic review and is outdated. The Library Board of Trustees and Newport Public Library Foundation prepared a strategic plan for the facility in March of 2014. The strategic plan sets out goals, objectives, and strategies for ensuring that the Library has the capacity to meet the current and future needs of our community. As the Library is a city funded service, it is important that the City's Comprehensive Plan be updated to reflect the City's role in implementing the goals, strategies, and objectives contained in the strategic plan.

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



Derrick I. Tokos AICP  
Community Development Director  
City of Newport

May 23, 2014

**CITY OF NEWPORT**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE PUBLIC, CULTURAL AND EDUCATIONAL SERVICES ELEMENT OF THE CITY OF NEWPORT COMPREHENSIVE PLAN TO REMOVE AND REPLACE THE LIBRARY SERVICES SECTION (Newport File No. 2-CP-14)**

**Summary of Findings:**

1. On April 14, 2013 the Newport Planning Commission initiated amendments to the "Public, Cultural, and Educational Services" element of the Newport Comprehensive Plan to rewrite the Library Services section of the document in a manner that speaks to the City's role in implementing the goals, objectives, and strategies outlined in a March 2014 strategic plan prepared on behalf of the Library Board of Trustees and Newport Public Library Foundation.
2. The Newport Public Library building and adjacent Literacy Park are a part of the City's capital infrastructure, and the services offered at these venues are a key component of the cultural fabric of the community. The Library Services section of the Newport Comprehensive Plan was last updated on October 7, 1991 (Ordinance No. 1621) as part of periodic review and is outdated. With the recent completion of the strategic planning process, it is timely to update this section of the Comprehensive Plan.
3. Newport Public Library maintains a collection of over 85,000 items, including books, DVDs, audio books, and music. This number does not include the tens of thousands of titles available from the Library's downloadable e-book, audiobook and streaming video service known as Library2go.
4. The Library's physical collection is housed in a single building, constructed in 1985 and expanded in 1999 to a present size of 16,500 square feet.
5. Since its last expansion, patron seating has been sacrificed or placed more closely together in an effort to make room for its growing collection. This has also led to a reduction in meeting room space, which has limited the type and scope of children and adult programs that can be offered.
6. Further, the demographics of the population served by the Library, and technology have changed dramatically over the last 20 years requiring adjustments to programming, equipment, and staff training to ensure the public is adequately served.
7. In response to these changes, the Library Board of Trustee's and Newport Public Library Foundation determined that there was a public need to conduct a strategic planning and building analysis process through which stakeholders would be engaged to provide input on future programming and facility needs. The process was completed in March of 2014 with a "Purpose, Vision, Strategy" document that contains recommended service goals, objectives, and strategies that, if implemented, are designed to ensure that the Library is positioned to provide the type and range of services needed to support our growing community.

8. These amendments to the “Library Services” section of the Newport Comprehensive Plan are consistent with applicable Statewide Planning Goals in that the changes:

- a. Have been developed and vetted with the community as part of a strategic planning process and with the City of Newport Planning Commission and its Advisory Committee consistent with Statewide Planning Goal 1, Public Involvement; and
- b. Ensure that goals and policies contained in the Newport Comprehensive Plan accurately reflect the current condition and service capabilities of the Library, which will facilitate future fact based land use decision making processes consistent with Statewide Planning Goal 2, Land Use Planning; and
- c. Provide a framework for structuring city library services so that they will adequately meet the public’s needs helping to foster a well-educated and informed constituency. This complement economic development strategies contained in the Comprehensive Plan that emphasize and support workforce development and the provision of cultural amenities attractive to employees/employers, consistent with Statewide Planning Goal 9; and
- d. Support the timely, orderly, and efficient arrangement of public facilities and services by ensuring the Library’s facility and equipment needs are identified in conjunction with the City’s other capital project priorities, as encouraged by Statewide Planning Goal 11.

9. No other Statewide Planning Goals are applicable to the proposed changes to the “Library Services” section of the Newport Comprehensive Plan.

10. The Newport Planning Commission reviewed the proposed changes to the Library Services section of the Newport Comprehensive Plan at a work session on April 14, 2014. The Planning Commission held a public hearing on May 27, 2014 and voted to recommend adoption of the amendments.

11. The City Council held a public hearing on \_\_\_\_\_ regarding the question of the proposed revisions, and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.

12. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

#### **THE CITY OF NEWPORT ORDAINS AS FOLLOWS:**

**Section 1.** The entire Library Services section of the Public, Cultural, and Educational Services element of the City of Newport Comprehensive Plan is removed and replaced with the text set out in Exhibit "A".

**Section 2.** This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: \_\_\_\_\_

Signed by the Mayor on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Sandra Roumagoux, Mayor

ATTEST:

\_\_\_\_\_  
Margaret M. Hawker, City Recorder

DRAFT

## **LIBRARY SERVICES**

### **Background:**

Newport Public Library checked out its first book in 1925. Since that time, the Library has occupied several buildings in at least three different locations. Its current home was built in 1985 and expanded in 1999 to its present size of 16,500 square feet. The Library's collection holds over 85,000 items, including books, DVDs, audio books, and music. This number does not include the tens of thousands of titles available from the Library's downloadable e-book, audiobook and streaming video service known as Library2Go.

Open seven days a week, the Library is known for its outstanding collection of art books, independent American and foreign film and documentary titles and dedication to children's and youth services. According to data compiled by the Institute of Museum and Library Service (FY 2011), the Library consistently ranks as the number first or second library on the Oregon coast in total circulation per capita, hours open, number of children and adult programs offered, attendance at children and adult programs and internet usage by patrons.

Since its last expansion, patron seating has been sacrificed or placed more closely together in an effort to make room for its growing collections. The ability to offer more robust children and adult programs is constrained by lack of adequate meeting room space and there are not enough small meeting rooms to accommodate collaborative learning spaces. Patrons also complain about the "boxed in" feel and the lack of personal space.

Newport's demographics have changed dramatically in the past twenty years. The steady growth of new immigrants in the Fishing and Hospitality industries have necessitated the need for developing a collection and programs that meet the needs of this group of citizens.

The technology landscape has changed – and continues to change – dramatically each year. The way patrons seek information, the way they read and what they need and expect when they come to a modern day library requires a constant updating of equipment and training for staff. Technology on the staff side has changed workflows and day-to-day responsibilities. Consistent and constant training in new technologies and equipment is demanding of staff time and funds to provide training opportunities.

To meet the future needs of its patrons, the Library hired a team of consultants to assist in the development of a strategic plan and building analysis. This was completed in March, 2014.

Over seventy-five citizens were involved in the development of the strategic plan. Some served on the Strategic Planning Committee. Some were part of focus group discussions that were held in various locations around Newport. Some participants were interviewed by the consultants and some were asked to participate because they believe the Library is necessary to the community's well-being and livability. All participants were highly motivated and appreciative of the chance to participate in work that developed a roadmap for the Library's future.

**The following processes and methods were used in preparing this Library element of the Comprehensive Plan:**

1. **Strategic Plan:** The strategic plan helped identify what the community wants from the Library. Community input was gathered over a three month period. The strategic plan contains the service goals and organizational initiatives to be carried out over the next 10 years.
2. **Building Analysis:** The building analysis identified physical and other aesthetic improvements that will create more space for children and teen programs and to give the Library a new “look” and more open “feel.” The building analysis specifies short-term, medium-term and long-term solutions to the space needs at the Library.

**Service Goal: To be place that stimulates the imagination, invites and enables life-long learning and creates young readers.**

**Policy 1:** The City will provide programs for teens and adults that stimulate the imagination.

**Strategies:**

1. Involve teens and adults in a Stimulate the Imagination initiative. Provide a sponsor or funding for the design of one or more programs and events for teens and adults.
2. Develop partnerships with schools, churches, clubs, recreation centers, homeschool groups, etc. to promote Library sponsored activities to teens.
3. Establish advertising activities to promote programs through newsletters, brochures, social media, etc.
4. Evaluate teen and adult collections to reflect changing interests, keeping those collections fresh and up-to-date.

**Policy 2:** The City will make available early literacy programs for all children from birth to age five.

**Strategies:**

1. Insure staffing is sufficient to provide programs and services to children inside the Library.
2. Implement a plan to work with early childhood service providers to enable children age 0-5 visit the Library.
3. Implement a plan to work with families to enable children 0-5 to visit the Library.
4. Increase awareness and online tools and resources for this age group and their families through orientations and classes at the Library.

**Policy 3:** The City will provide Hispanic residents and families a Library that is welcoming and enriching.

**Strategies:**

1. Initiate an informal group of Hispanic residents to advise the Library regarding collections, programs, communication channels and outreach avenues.
2. Hire bi-lingual and bicultural staff and/or recruit bi-lingual and bicultural volunteers to assist Hispanic patrons.
3. Broaden collections that appeal to various Hispanic cultures.
4. Advertise the Library and its programs and services in Spanish.
5. Conduct regular orientations and programs in Spanish for adults, children and families.
6. Provide computer classes in Spanish.

**Policy 4:** The City will continually improve its ability to deliver library services in the library and online using up-to-date technology.

**Strategies:**

1. Implement self-check, kiosk vending and PC management software and keep all software and hardware updated.
2. Advocate for greater depth in the City Information Technology Department.
3. Use current assessment programs to set IT baselines to identify strengths and inadequacies.
4. Set technology baselines for staff and develop a training program to keep staff current on emerging technologies.
5. Create a technology tub program that allows staff access to new devices as they become part of the mainstream IT world.
6. Redesign the website and online catalog so they are accessible for a broad range of devices and user languages.
7. Increase technology budget that allows for flexibility to meet changing technology needs.

**Organizational Goal: The Library Facility is a gathering place for individuals and groups.**

**Policy 1:** The City will provide its citizens with an attractive and adequately sized facility where they can utilize the collections, programs and activities to their benefit and satisfaction.

**Strategies:**

1. Carry out consultant recommendations by implementing a light remodel during FY 14-15.
2. Develop a timeline and funding plan for implementation of long-term building needs as pointed out in the consultants, "Interior Space Planning and Space Needs Recommendations" during FY 15-16.
3. Initiate a capital campaign for the Library in FY 17-18.
4. Commission a Building Program and Conceptual Design for a 22,400-26,500 square foot Library during FY 17-18.
5. Outline an architectural process and timeline for the construction of an expanded or new Library by FY 18-19.

**Policy 2:** The City will actively promote the strategic plan through partnerships, marketing and public information campaign.

**Strategies:**

1. Engage a strategic communications/public relations/marketing consultant or qualified staff to develop a targeted outreach plan in support of all library service goals
2. Regularly survey citizens; adjust, add, or replace services and programs in response to feedback.

## **NOTICE OF A PUBLIC HEARING**

The City of Newport Planning Commission will hold a public hearing on Tuesday (*due to the Monday holiday*), May 27, 2014, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on a Comprehensive Plan text amendment (File No. 2-CP-14). A public hearing before the City Council will be held at a later date, and notice of that hearing will also be provided. The proposed legislative amendment is a comprehensive re-write of the "Library Services" element of the Newport Comprehensive Plan to incorporate goals, policies, and implementation strategies from the Library Board and Foundation's March 2014 strategic planning and public engagement process. The Newport Comprehensive Plan Section entitled "Administration of the Plan" (p. 287-288) requires findings regarding the following for such amendments: A. Data, Text, Inventories or Graphics Amendment: 1) New or updated information. B. Conclusions Amendment: 1) Change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information. C. Goal and Policy Amendments: 1) A significant change in one or more conclusions; or 2) A public need for the change; or 3) A significant change in community attitudes or priorities; or 4) A demonstrated conflict with another plan goal or policy that has a higher priority; or 5) A change in a statute or statewide agency plan; and 6) All the Statewide Planning Goals. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from proponents, testimony from opponents, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be viewed or a copy purchased. Contact Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov) (mailing address above).

***(For Publication Once on Friday, May 16, 2014)***



Minutes  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, April 14, 2014**

**Commissioners Present:** Jim Patrick, Jim McIntyre, Rod Croteau, Mark Fisher, Gary East, Bill Branigan, and Bob Berman.

**City Staff Present:** Community Development Director Derrick Tokos and Executive Assistant Wanda Haney.

**A. Roll Call.** Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:03 p.m. On roll call, Berman, McIntyre, Croteau, Patrick, Fisher, East, and Branigan were present.

**B. Approval of Minutes.**

1. Approval of the Planning Commission work session and regular session meeting minutes of February 24, 2014, and the work session meeting minutes of March 24, 2014.

**MOTION** was made by Commissioner Fisher, seconded by Commissioner East, to approve the Planning Commission minutes as presented. The motion carried unanimously in a voice vote.

**C. Citizen/Public Comment.** No comments on non-agenda items.

**D. Consent Calendar.** Nothing on the consent calendar.

**E. Action Items.**

1. Initiate a Comprehensive Plan amendment to adopt the Library Goals, Objectives, and Strategies (File No. 2-CP-14).

**MOTION** was made by Commissioner Fisher, seconded by Commissioner McIntyre, to initiate a Comprehensive Plan amendment to adopt the Library goals and strategies as presented in work session (File No. 2-CP-14). The motion carried unanimously in a voice vote.

2. Consideration of appointing Karen Wilson as an additional member to the Nye Beach Design Review Overlay Ad Hoc Work Group. The consensus was to have as much input as we can from Nye Beach residents and business owners. Patrick noted that Ms. Wilson had attended the first Ad Hoc meeting.

**MOTION** was made by Commissioner Fisher, seconded by Commissioner Croteau, to appoint Karen Wilson to the Nye Beach Design Review Overlay Ad Hoc Work Group. The motion carried unanimously in a voice vote.

**F. Public Hearings.**

Patrick opened the public hearing portion of the meeting at 7:06 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, bias, ex parte contacts, or site visits. Croteau and Branigan declared site visits. Patrick asked for objections to any of the Commissioners or the Commission as a whole hearing this matter; and none were heard.

1. File No. 1-UGB-14 / 1-CP-14. Consideration of a request submitted by Newport Assisted Living, LLC (Andrew Plant, Managing Member) (Bob Parker & Beth Goodman of ECONorthwest, authorized representatives) for a minor amendment to the Newport Urban Growth Boundary to include an approximately 0.61-acre site in order to construct an addition to the Oceanview Senior Living facility. The proposal would also include an amendment to the Newport Comprehensive Plan map designating the subject site High Density Multi-family Residential. The Planning Commission will make a recommendation to the City Council on this matter.

Patrick opened the public hearing for File No. 1-UGB-14 / 1-CP-14 at 7:07 p.m. by reading the summary of the file from the agenda and then called for the staff report. Tokos noted that before the Commission was a request for a minor amendment to the UGB. He noted that the required findings can be found in the "Urbanization" and the "Administration" sections of the Plan. The first set is based on land need, and the second set is on boundary location. He read through these required findings. Also there is a need to demonstrate compliance with applicable Statewide Planning Goals unless an exception is taken to a particular goal. Tokos noted that these findings were addressed by ECO in Attachment C. He noted that Bob Parker from ECONorthwest was attending the meeting and could answer any questions. Tokos said effectively what the Commission will find is an argument that due to

demographics changes there is a need for memory care. Tokos explained that Newport Assisted Living also operates Ocean View Senior Living facility. They are looking to do a 48-bed addition, with the first phase being 24 beds. The 0.61 acres for the expansion will need to get slightly bigger because in addition to bringing in the land they acquired from the City as part of a property line adjustment, a 50-foot right-of-way also needs to be brought in to make it easier to extend the road to provide access to the addition. Tokos said that if the Commission is inclined to make a favorable recommendation to the City Council, that stipulation should be included in a motion. Tokos said that regarding the boundary, the applicant did a good job explaining how with the high cost of these types of facilities it is very efficient to bring it in at this location where there is already staff qualified to provide this type of care and is an aggregation of comparable uses. As he noted, the location is in the Iron Mountain Quarry area. If this is brought into the UGB and later annexed and zoned, at that time the Iron Mountain Impact Area (IMIA) Overlay will be applied. Before development, they would have to record a covenant that they would not object to the continued operation of the quarry. He said this is a matter of Statewide Planning Goal 5 (production of aggregate resources), which the State filters down to local governments to insure that conflicting uses don't put aggregate uses out of business. That is typically what happens, and that is what these rules are intended for. Fisher asked if there is no problem with the quarry and the additional building harming one another. Tokos said there shouldn't be. There can be noise, truck traffic, and a certain amount of dust; but he is not aware of complaints from the existing senior living facility. The quarry is not entitled to do physical harm to their neighboring properties. For instance, they are not entitled to do blasting. Those building the new addition recognize there is a quarry; and they will probably design it for soundproofing and potential vibration. Branigan said there is a lot of timber beyond the addition. Tokos said that is correct; but by expanding the UGB, that doesn't have an impact on that. There are existing easement rights across their property. That is independent of this action. East said that one access road behind the existing assisted living facility is rarely used and is gated off. Branigan said it was used a lot last year. He said it is gated off; but instead of coming out in front, they went down that back road. They hauled in a lot of aggregate and improved the road. McIntyre said he assumed it would be covered in the covenant. Tokos said the covenant has to do with the quarry and that the assisted living facility can't object to that operation. There are existing easement rights to how that land is used independent of our action. McIntyre assumed they both would be covered under agreements; and Tokos confirmed that. Summing up, Tokos said he believes that the analysis is sufficient to support the required findings. Branigan asked if the acreage needs to be increased to include where the road would extend. Tokos said it's just kind of a dirt road right now. Branigan asked if the applicant would pave that. Tokos said the improvements will come after the property is annexed. Tokos said this is just the first step; then annexation and zone change. Before the actual development, they first have to get it into the city limits proper. Branigan asked if they plan on physical construction occurring this year. Tokos said that Parker could address that. Berman asked if this is across the street from the new water tank; and Tokos confirmed where the water tank will go. Tokos noted that there had been the earlier discussion about annexing for the water tank, but the City decided just to do a Conditional Use Permit; the water reservoir UGB amendment was enough. Patrick thought eventually we will want to look at that. He said the timber stuff was the only other thing that he saw; but it is fairly minor. Berman asked if Tokos considered the transportation analysis to be adequate; and Tokos confirmed that he did.

**Proponents:** Bob Parker with ECONorthwest, the applicant's agent on the application wanted to make a couple of comments. Parker said that the Commission obviously has a sense that these UGB actions are complicated. He said this is a minor amendment where the appeal path is to LUBA and not in the manner of periodic review to LCDC. He said the process for doing this is very prescriptive. First is a demonstrated need; and in this instance it uses the study they did two years ago to demonstrate population growth and how specific housing for memory care is not addressed. Regarding inventory, he noted that there is one other memory care facility in the City; and it is nearly fully occupied at this point. Statistics on memory care suggest a substantial need for these kinds of facilities. He said this may be the first of many you will be seeing in the coming years. The argument they are making is that there is a need for memory care, which have specific siting requirements; in this instance, the efficiencies that are generated from the existing facilities. He said the process for choosing locations is pretty precisely defined in State Statute and Goals. There are steps to do the locational analysis. First, you go to urban reserves. If that's not adequate, you can go to an exception area. Then you can go to marginal lands. Finally, you can go to resource lands. There is one exception specifically for siting requirements; and the findings say there is. This type of development is normally not in the Iron Mountain Overlay, but the subject property is more than 300 feet from the quarry. The application indicates that annexation would be in the IMIA Overlay and as zoning changes, a covenant will be processed basically saying that they agree that those operations are going on. Surrounding the proposed area to the north is ODOT, to the east is the City, and private timber lands about 500 feet away. The actual logging isn't going to affect the applicant. The trucking going on has a right of access through easements. Parker said the only other issue is the Goal 12 issue; the transportation findings. Under State rules, the applicant could choose to defer until the point they change the zoning. They did the analysis basically demonstrating that the additional bedrooms won't have substantial impact on traffic so no additional analysis is necessary. The final comment Parker wanted to make was that they notified adjacent property owners, and they have had some conversation with ODOT's staff early on; and ODOT was satisfied with the IMIA Overlay providing protection with their ongoing activities there.

There were no other proponents or opponents present wishing to testify.

Patrick closed the hearing at 7:25 for Commission deliberation. Berman said that this sounds very straightforward to him. He said he was completely blown away by the complexity when he thought it should be simple. He understands that the regulations are in place to protect the larger picture. He did see that ECO did a nice job of providing the arguments. His only question would be whether there was any chance LUBA will have a problem with it; but he doesn't see any problems. McIntyre agreed. He saw no problem with it. He said he is vaguely familiar with the area; not specifically where the addition is. He thinks it is a good plan.

Croteau said this will fulfill a need. He found it in order and is favorably inclined. Fisher said he had a concern about the IMIA Overlay and later on if something goes wrong. He wouldn't want that. Otherwise, he thought it's a good thing. East concurred with the rest of the Commissioners. He believes we need that type of facility. It will serve the city and its citizens well. He agreed the application should be moved forward. Branigan said that he is very familiar with that piece of land. With the aging population, the City could certainly stand the addition. We need more assisted living and memory care units. He thought everything was addressed. He doesn't see why LUBA would have any objections to it. He concurred we should have a motion to move this on.

**MOTION** was made by Commissioner Branigan to forward to the City Council a favorable recommendation for a minor amendment to the Urban Growth Boundary (File 1-UGB-14 / 1-CP-14) to include the 0.61-acre site to construct the memory care addition. He amended his motion to include the adjoining 50-feet along the south side of the expansion area for road improvements to provide access. Commissioner McIntyre seconded the motion as amended. The motion carried unanimously in a voice vote.

Parker noted that the question had been raised earlier, and it is the applicant's intention to start as soon as possible. He said there will be a City Council hearing, and the County has to give approval on the action. The annexation and zone change will come in almost immediately after the County takes action. Whether this can happen this year depends on the County's agenda. The County will see some additional findings because the County has additional criteria. Parker also notified Patrick Wingard of DLCD and didn't hear anything back from him.

**G. New Business.** No new business.

**H. Unfinished Business.**

1. **Reminder of Volunteer Appreciation Banquet, April 22<sup>nd</sup> at 6:00 p.m. at the Oregon Coast Aquarium.** Tokos said that he hoped the Commissioners could attend. Branigan, Croteau, and maybe McIntyre said they should be able to make it.

**I. Director's Comments.**

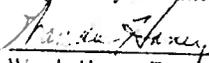
1. Regarding UGB amendments, Tokos wanted to give the Commissioners a heads up that a public hearing with the County Board of Commissioners on the reservoir UGB amendment was held; and they directed their Counsel to prepare for annexation this week. Tokos said it was last May that the Commission raised it up to the City Council; and it was submitted to the County in June. The Lincoln County Planning Commission held a hearing within about thirty days, but they didn't issue a final order until February. It finally got in front of the Board of Commissioners. Tokos talked to Onno Husing, Lincoln County Planning Director, and told him that wouldn't have been good if we had a pending project that was eating us alive; but it happened to not be the case. We are still going through getting funds to offset some expenses in doing detailed analyses we need to do. We are still going through the process of assessing the structural conditions and what remediation options are. So this delay hasn't held us up. It would hang up someone like the assisted living facility, which we hope will move quicker. As soon as the Board of Commissioners acts on this, it will go to DLCD. Their staff said it will be handled by the director, not the full commission; which is a good sign.

Berman asked if Big Creek Road will be a two-lane road. Tokos said he's not exactly sure with respect to that. There was a Memorandum of Understanding agreement that the City Council signed off on outlining steps necessary to transfer the rest of Big Creek Road. We legalized the part of the road within the city limits; and the County will have to legalize the rest of it. The transfer would happen as annexation occurs. The process is mapped out, and we will initiate annexation as soon as the UGB amendment is final. The annexation of just over 300 acres will be before the Planning Commission in a few months. Berman asked if the MOU is about maintaining the road. Tokos said that is part of it. The City is not equipped to maintain gravel. We will just do a maintenance agreement with the County and work with them. The City Council recognizes that there is a cost with jurisdictional control; but it will make things easier at the end of the day. Tokos said that he also emphasized with the County Commissioners, after Norm Ferber testified that this is just a way for the City to side step the conditional use permit process and avoid public comment, that the conditional use process was created to protect timber land and this is a public facility so it isn't necessary. Besides, there will be public outreach during annexation; and a GO bond is likely, which means lots of public outreach. So, the conditional use process is something that should go away. There will be lots of opportunity for public input as we get a better idea of the problems and the full range of solutions. Tokos said there has been an influx of grant funding with the Oregon Department of Water Resources to deal with these types of issues; which is a big plus.

2. Tokos noted that the Nye Beach Design Review Overlay Ad Hoc Work Group held their first meeting, and the next meeting is scheduled for April 23<sup>rd</sup>. They are starting to identify issues that need to be worked through. That will eventually be brought back to the Planning Commission.

**J. Adjournment.** Having no further business to discuss, the meeting adjourned at 7:39 p.m.

Respectfully submitted,

  
Wanda Haney, Executive Assistant

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Conference Room 'A'**  
**Monday, April 14, 2014**

**Planning Commissioners Present:** Jim Patrick, Bill Branigan, Gary East, Mark Fisher, Rod Croteau, Jim McIntyre, and Bob Berman.

**Citizens Advisory Committee Members Present:** Lee Hardy, Suzanne Dalton, and Dustin Capri.

**City Staff Present:** Community Development Director (CDD) Derrick Tokos, Library Director Ted Smith, and Executive Assistant Wanda Huney.

Chair Patrick called the Planning Commission work session to order at 6:02 p.m. and turned the meeting over to CDD Tokos.

**A. New Business.**

1. Review of Updated Library Goals, Objectives, and Strategies (File No. 2-CP-14) for potential action in regular session. Tokos noted that he had invited Ted Smith to join the meeting to walk through the different goals, objectives, and strategies the Library has been working on. He noted that after this presentation and asking questions, if the Commissioners are comfortable with it, they can initiate legislative policy update to the Comprehensive Plan in tonight's regular session. Tokos turned the presentation over to Smith for him to give the background on why and how this document came to be.

Smith said that their last strategic plan was done in 2004. Ever since he got here in 2009, he wanted to do a plan with a building analysis and have someone look at infrastructure and IT issues and give an idea of what can be done within the footprint the library is on without expansion. Also to look at what we could do in the community and in the Library to increase efficiencies and make more space and keep as many books as we have. The Library Foundation gave some money, and he had consultants come in and prepare this strategy. He noted that there is more to the original document. Tokos had provided the strategies, but didn't include the details. Smith said the consultants went out to the community and had focus groups with teachers and home-schooling parents. They held meetings in the Library with advocates and meetings where they invited people randomly. The consultants asked questions about how they used the Library. They talked to leaders in the community. The result of all of those talks with residents and leaders is the strategic plan here. He noted that basically they find that they have three strategies externally, which focus on life enrichment and life skills and that create young readers. He said the Library is doing a pretty good job of meeting a lot of needs people expect them to do. There are a few things to tweak, but they are basically meeting the external needs; they just need to do more of the same and get more efficient. The internal strategy is basically to remodel the library. He noted that the Library has 90-inch-high shelving, and patrons have to climb on small stools. While doing that, some of the older patrons have found it hard to read through the bottom of the lens of their bifocals. What they found was that you can make room by taking out shelving, put some high-use DVDs in a vending kiosk similar to a Red Box; and that creates more space for patrons, seating, and meetings. The Library only has one meeting room and an informal conference room. They can reconfigure the shelving in the Library for height. In the children's area, they can reconfigure seating so the parents and kids can meet together. Now the parents are estranged from the kids because there isn't enough room for the parents to sit on the floor like the kids. He said there is some work to do. Smith is writing grants to pay for as much of this as possible. The Library Board is committed to whatever is needed.

Branigan asked if this has to go to the City Council. Tokos said it is the existing Library Services section in the Comprehensive Plan that needs to be amended because it is out-of-date; and this is the type of effort you would use to do that. It will require public hearings before the Planning Commission and the City Council. Tokos said that he was talking to Smith, and one of the things they will have to talk about is how to work this into the Comprehensive Plan by reframing it as City objectives as opposed to Library Committee services. It will just take some wordsmithing. Branigan noted that these are aggressive goals. Smith agreed and said that he didn't know if they would be able to hit them; but it is an aiming point. In addition, he noted that the Library is considered to serve 18,000 Lincoln County residents.

Croteau asked if they are looking at increasing square footage 40%, how they will do that. Smith said they would add to the footprint they have to the west side as far as to the ravine; and on the north side to the parking lots. He said if they went much farther north, they would have to acquire land. In addition, parking is as dire a need. The lower parking lot is used when people can't find a place to park; so it gets full too. When the disabled park there, they have to roll their chairs all the way around and back up. There is no outside elevator. East asked if there is any plan to access the lower parking lot. Smith said yes if there is an expansion; but the initial plan is not opening walls. There is a door downstairs, but it is a one way door and can't be used

when there is a meeting down there. Smith said that the City owns all of the ravine and over to Literacy Park. He thought they may be able to put in a big culvert and expand the parking or build there.

Fisher said that he is a great user and supporter of the Library. He noted that in the 90s when he was on the school budget committee, he noticed that they were putting aside most extra money for computer systems and equipment and all to the detriment of getting more library books. He tried to make a case each year. He thinks our Library for a town this size is remarkable. He said that he actually appreciated the self-check-out of books, which works so easily and so well. He would like to see getting funding from other grants and entities. He said the Library does have a lot of books there; and he hopes this won't be to the detriment of increasing the number of books. Berman said he found the hours to be most impressive. He also would like to see an expansion of public meeting space. Smith agreed that is one of the biggest issues they have out there. Fisher added that he also appreciates the children's section downstairs. He said we need to hook children into reading and using books; and McIntyre added, at an early age.

Dalton said that she also truly values the Library and the concept of a more comprehensive plan. She said maybe she missed it when she reviewed this, but asked Smith who was surveyed. She wondered if they surveyed the youth. Smith said there were 13 youths on one committee. There was a group of 20 people randomly pulled from the community; and there were 35-40 educators that use the Library regularly. They went to Head Start and had meetings with the teachers and parents; and they heard from home teachers. There were individual interviews with community leaders to get a feel for the community and how the community views the Library; and they got very positive things out of that. Smith said they tried to cover as much of the community as they could. Dalton asked if there was anyone for whom English is their second language. Smith said that most of those at Head Start are Spanish-speakers. He said they have a lot of information. Also, the Library has bilingual story time; and they are getting a lot of feedback from those parents.

Branigan asked how they got the consultants; is that her specialty. Smith said yes; and a facilities planner from San Francisco; and the IT person that works with libraries in Portland, and an interior designer.

Fisher noted that Tokos' memo says that in regular session, if the Commission wants, we would recommend that this study that Smith put together be adopted and referred on to the City Council. Tokos said the Commission would initiate amendments to the Library section of the Comprehensive Plan. He would be working with Smith and bringing a draft back to the Planning Commission for public hearing. Patrick said this is just starting the process. Tokos said an amendment needs either the City Council or Planning Commission to initiate. It would just be a motion to initiate the amendment process.

The group thanked Smith and told him that the study was a very nice piece of work.

2. Discussion about pursuing regulatory options for medical marijuana dispensaries as provided in SB1531. Tokos noted that at their April 7<sup>th</sup> meeting, the City Council put in place a temporary moratorium on medical marijuana dispensaries within city limits. That option was made available with passage of SB 1531 in March. SB 1531 authorized temporary moratorium until May 1, 2015, unless rescinded sooner; and that is what the City Council chose to put in place. It also allows reasonable regulations to be imposed on medical marijuana facilities. Tokos said those of a zoning nature would be in terms of further refining where these facilities would be allowed within commercial, industrial, and mixed use zones; and hours of operation. There is a provision for other reasonable conditions that may be non-land-use-related. The City Council referred this to the Planning Commission to explore whether or not to provide a recommendation if the City should be pursuing any of these options in terms of reasonable regulations under SB 1531. It was sent for the Planning Commission to work through whether any specific changes should be pursued through City regulations. Berman asked if these would be over and above what the State set up; and Tokos confirmed that. He said the Council also wanted to make sure that the process to make a recommendation provides for input from those interested in establishing medical marijuana dispensaries; and several of those folks were in attendance at this meeting. Tokos said he looked at the land use code; and unlike some jurisdictions, we go by categories and not by individual land uses anymore. We made that change because we recognized that with a 20-page SIC listing, they needed to be constantly updated; and it just wasn't prudent. He said that the way our code is set up makes it challenging to pull out a particular use and say that this one is restricted from Tourist Commercial for instance. It would look at the entire category and whether it was inappropriate.

Tokos said that his sense is that we might want to tackle this in a couple of work sessions to address the threshold and whether there's any reason to pursue this further on the land-use side. He thought that land use isn't the place to go. If there are any restrictions, it would likely be non-land-use; like if the Police Department wants enhanced background checks. It could be an endorsement to the business license and probably not code. Tokos suggested a couple of work sessions. Invite those interested to weigh in whether they believe there are any additional types of regulations that would be prudent. Similarly, invite the Police to weigh in. Work through this in a couple of work sessions to get to the point to say that we discussed and thought about this and come up with a letter back to the City Council indicating where we think they should go before taking it through a full process. That is how we have addressed some of the issues the Council has sent back to the Commission; we have sent a written response back. Tokos suggested tackling this matter that way. Dalton wondered if that could also include learning what other cities nearby are doing. Tokos said yes, that could be part of the work session process.

Fisher noted that he's not opposed to using medical marijuana. But he read this, he noticed that it says "governing body of city or county may:" and he's thinking that we already have the County Health Department that does licensing for restaurants and food events, and the State already has set up a body of people knowledgeable in dispensing such drugs (pharmacies). He is not convinced that we have an obligation to set up an actual business code saying here is what you have to do. He's not sure that we shouldn't recommend referring this to the County; maybe they are the proper body and should be doing that in concert with the State Pharmacy Board. He didn't know if anybody at the table is qualified to set up these rules and know how it should be done properly. Patrick said that he didn't see how this can be done through zoning without doing some major monkey-wrenching. He agrees that the Commission can do the hearing and can ask what kind of rules they would like to see. Berman thought that the whole mechanism with the VRDs and the business license endorsement was a good approach. Then we can get as specific as we want and come up with a list of conditions. Patrick agreed that process worked pretty well. Berman thought that would be a good mechanism for implementing something if it were to occur. Croteau said from a land-use aspect, it is medical marijuana, and we have facilities that sell medical supplies. That is the way it should be handled. He didn't see a valid reason to separate them. Hardy agreed and asked why they are any different than pharmacies. McIntyre said that they are really controlled by the Oregon Health Authority. Patrick said he could see this being controversial so the Commission could take the approach like we did with the VRDs: talk to the people who want to dispense and to the Police Department. Tokos said it would create a structured process for people to provide information to us so that we have it for the next work session. Interested parties can submit what types of reasonable restrictions are prudent if any. The Commission can discuss those at the next work session and provide to the City Council how we want to pursue changes or if it's set hard enough. Then in letter form, he'll prepare and bring back a response to the Council at the regular meeting for Commission approval. Tokos wondered if that seemed reasonable. Berman said it is a starting point and lets public input come in from various sources to say why and if there should be any additional restrictions above what are there already. McIntyre agreed. Capri said we could invite those that would be upset, like certain neighborhoods, and those that will have an opinion about it. Fisher said he didn't think that we can get through this in one two-hour evening. We will have groups of people coming in.

Branigan wondered if anyone had contacted Vancouver, Washington or any other city in Washington. He said there has to be some cities that have gone through a lengthy process. Tokos said that he can certainly reach out and see what other jurisdictions are doing with SB 1531 if anything and can report back on that. East said some surrounding cities are not going to pursue a moratorium.

From the audience, Lou Limbrunner, asked why the City Attorney wasn't present. Tokos said it's not necessary; we are just talking about the process to solidify information. Limbrunner said this affects the business licenses. These people made decisions that cost lots of money. Tokos said that's not the question before the Commission right now. Limbrunner noted that the State already has rules and regulations in place. Tokos said that he understood. Again, Tokos asked if the work session approach seemed reasonable; and the consensus was that it did. Berman said we will need good publicity. Patrick wanted to make sure that we hear from both sides. He thought the work session was best.

Audience member Jack O'Neil suggested looking at the OHA rules and regulations final draft. He said it is comprehensive and he believes covers most of the bases. He said it is written very carefully and requires security and very stringent accountability. He said the zoning is addressed just like Tokos had mentioned. He noted that around the country, other cities and local governments have tried to adopt regulations to ban this based on other business association in a given area. Other businesses might protest even though it is zoned correctly. He said the courts have been ruling pretty consistently in favor of the State zoning regulations as opposed to neighbors heavily protesting this existence. He said the State did put a lot into this thing and covered it pretty thoroughly. He said he is unsure what local jurisdictions are looking for. O'Neil said that he has been operating a dispensary for two and a half years. At this point he is dealing with the State and trying to be compliant. He said he can't imagine how this could get more stringent. His dispensary is in Salem. He had a good video system, but he had to completely redo it because it wasn't good enough for the State. They also seem very serious about their regulations. When you read them, you wonder if they have the ability or intent to regulate to that extent. Berman thought the document from the Health Authority would be a good thing to include. Tokos said absolutely.

Tokos said he would envision that the next work session would be the first one in May. That's four weeks from now. We can provide three weeks' outreach and pull information together for that meeting. Dalton asked if it's appropriate when we do the announcement of the public meeting to also cite the law and the Health Authority resource that was referenced. Tokos said what he was thinking of is that basically this is an opportunity for interested folks to provide feedback about what, if any, reasonable regulations should be considered in work session. We don't have anything that is appropriate for a hearing at this point. We may not want to go down the path of any changes and just kick back to the Council that the Commission doesn't see any reasonable regulations to pursue. He is cautious about public hearings right off the bat because that is inviting testimony, and they don't know what to testify to. That is why he is framing this in a work-session-structured way for input of what they think should be considered or why not. That gives the Commission time to digest it and talk about it as a group and decide where you want to go.

Limbrunner asked if any other municipality is doing this. Tokos said that Lincoln County did put in a temporary moratorium. Limbrunner said that Toledo already has one; and Yachats and Lincoln City are not doing this. Tokos said that is possible. He will see what other jurisdictions are doing.

O'Neil had one comment regarding the problems with the issuance of the business licenses. He asked if it was possible to come up with some sort of timeframe. He said if they have a timeframe, they can deal more easily with some of these problems that are happening so suddenly. He said that they ran into this at the last minute and were already tied into leases and commitments. He said a timeframe would really be helpful.

Fisher thought that the City Council was clear that this moratorium isn't going to be quickly recalled. They are serious about putting this off awhile to see what the Planning Commission comes up with. Tokos thought the initial step with May 12<sup>th</sup> is reasonable to provide three weeks for comments and is moving along in a timely manner. If what the Commission determines it wants to do is a recommendation for specific changes or report back to the City Council why we don't think it should be pursued, he can bring that back to the second meeting in May at the regular session for the Commission to consider. After May 12<sup>th</sup>, if the Planning Commission directs Tokos to prepare additional changes that will have to go through public hearing, which would be four weeks out; possibly the first meeting in June. Tokos said those are the two paths. We are moving as timely as we can and also respecting that we need to do meaningful outreach and get information to the Planning Commission.

## **B. Unfinished Business.**

1. Further discussion regarding the feasibility of the formation of a North Side Urban Renewal District. Tokos said that he hoped everyone had read through the final report. He said what he tried to do was summarize the revisions in a memo. He noted that the revenue sharing provisions were clarified on page 3. We had talked about it not being clear with the different thresholds you see. They cleared up the 10% and the partial revenue of 12.5%. There are additional details provided regarding compression including the trend, and that was moved up in the report. Street labeling was improved on the map so you can read it. Tokos thought they did a nice job of cleaning up the tables, and the summary on Exhibit 3 was a good one. Croteau asked if the total column was only of the large option. Tokos said what that is saying is the large option includes those elements; and the small and middle do not include those. Looking at Exhibit 3, the small and mid means those aren't further projects at all; they are in the large to that amount (100%, 50%, 75%, and so forth). Tokos said he had a conversation with ECO about this; and they held with 4.5% growth forecast. They asked if we really want to do 3.65% because 4.5% is realistic; and they felt that 3.65% is too conservative. They said that was taking in a recession that we are unlikely to see again. ECO said that 4.5% is more typical and is reasonably conservative. Tokos noted that this is the feasibility study, and if you form a plan based on 4.5% growth that doesn't mean that can't be refined. He said in South Beach we went with 7.1% growth because that seemed reasonable in 2008. That changed, and we adjusted it down to 3% based on experience. You can make course corrections after you make the plan. If you don't meet it, that means less money coming in and less projects. Berman asked if that is the rate only within the plan area or citywide. Tokos said the 4.5% should be just in the plan area. He continued noting corrections by saying that they cleared up the error in the TIF forecasts in Exhibits 6, 7, and 8. He said he talked to them about truncating the tables and why not stop them at the year they retire; and that is what they did. He asked them if they would flag the year when we would be closing the South Beach District because the entities will be getting an infusion back; and they footnoted that. Croteau asked if 2026 is realistic; and Tokos said it is shown as 2027 on the tables, which is realistic but we may actually close sooner. At that point we would have \$2.8 million in annual TIF revenue that will roll back to the taxing districts. ECO added a new section to the report to address impacts to taxing districts. Tokos said that he didn't appreciate fully until he had a talk with ECO that school districts are held harmless. It is picked up through a State formula, which funds based on student population. The school district is not going to get impacted. You also have compression, so the loss in property taxes to schools in the near term wouldn't be as significant anyway because of the compression issue. If an urban renewal district passes, the school district is losing a half million dollars to compression; that shifts to general government, and the school district will no longer lose that. That clarified the school a little bit, which was helpful. Existing GO bonds are not affected by the creation of a new urban renewal district. The pool bond would not be affected. They clarified that all three options assume that for certain projects there will be other funding partners; the middle just assumes the most. Tokos caught a typographical error in the tables where fairgrounds was misspelled and will pass that on to ECO.

Tokos said his thoughts for next steps is for him to take this to the taxing entities and have a conversation with each of them and bring that information back to the Planning Commission. He noted that City Manager Nebel wants to participate in that. Tokos said the City Council will get this document so they can start looking at it; maybe at their next work session. As feedback, Tokos noted that the new City Manager read this report. Nebel has been digging through all kinds of documents trying to get up to speed and familiarize himself with things; and he said that this gave him a better sense of how these different issues are intertwined. Tokos said that's good to hear. Other entities that don't deal with urban renewal will read this and share their candid thoughts.

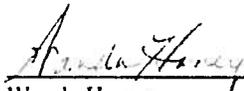
Berman wondered if the City Council asked the Planning Commission to take a look at this. Tokos said this came out of a recommendation in the Economic Opportunity Analysis. This was one of the key recommendations out of that. The Council

wanted to get this policy going. The TAC group was formed from a large group from the taxing entities and businesses in the community. Croteau asked if other taxing entities will see this report. Tokos said that is his thought. We're not in a rush, but want to move timely. Berman said that he sees three serious impacts. The school district essentially has no impact. The County out of their \$12 million, they could at least get a \$3 million contribution back in their new building. Tokos said the hospital district similarly. They will have a near-term hit; but they will see that we are programing in projects benefiting them because otherwise they would have to spend money on them. Tokos noted that the taxing entities don't have veto power; but we want everyone going the same direction. Patrick agreed that we want to do a good sales job.

2. Discussion regarding urban renewal collection on tax statement. Berman had provided a sheet to explain a city's urban renewal tax calculations. He told Fisher the bottom line is that \$8,800, if there hadn't been any urban renewal, is money that he still would have paid. Berman explained that you start with an URD, you define an area, and come up with a frozen base. It's the assessed value on the day it's set up in that area. The next year that assessed value goes up by some percent: say 3%. So that 3% is a countable number; you know how much that is. You can say what city taxes would have to be to generate that much money. If city tax was \$1 per thousand, a million dollars in increment then would be 1/100 of 1%. You simply apply that rate to the whole city. It raises exactly the same as if you applied the full tax rate in the small district. In the example he provided, with urban renewal, urban renewal would raise \$3,449; the city would raise \$86,916. The sum of that is \$90,366, which is what the total taxes would have been if there hadn't been an URD. You figure the rate adjustment for all taxing districts and subtract it out and apply it to everybody. Tokos said that's the way the assessor would chose to calculate the amount payable to urban renewal. That is strictly what would be going from the frozen base in the district. That is a given. If the frozen base means a half million dollars to urban renewal; next year the county could take it on just within that district. It's easier to calculate it citywide. Fisher said the bottom line is that some of the entities he has been paying taxes to are getting less money that is now going to an URA. He said it is not an accurate way to reflect it. His statement shows him paying into urban renewal whether or not the bottom line changes. There is some money not going to these others because it's been reduced. Berman said the rate presented on these tax statements was the same reason he started asking. He agreed that this is poor presentation. Fisher said the bottom line is that money would have gone to other entities if it didn't go into urban renewal; and that is not right. He said \$20 million over ten years is not right. Patrick said that people in the district paid more money. They paid more than they were supposed to. Fisher said he shouldn't have had money that he was paying to other entities taken away. It should have gone where he was paying it instead of into an URA. Fisher said he will have a hard time voting for a new urban renewal district because it will make this more egregious. Berman agreed they would take more from other entities. Again, Fisher said that isn't right. Berman said that is how State regulations are written. Dalton said she appreciated what they just shared. Tokos said it doesn't reflect how it's displayed here. Fisher said they can explain it away all day; but it isn't right.

C. Adjournment. Having no further time for discussion, the work session meeting adjourned at 7:02 p.m.

Respectfully submitted,



Wanda Haney,  
Executive Assistant

LIBRARY SERVICES

**Introduction:**

Too often people tend to think of a library as nothing more than a building with books on shelves. Contemporary libraries, however, are as vital and energetic as the communities they represent. The Newport Public Library reflects this modern reality by offering a variety of services and formats: from current best sellers to standard reference works, large print books for the visually handicapped, picture books and programs for children, and more. There are magazines, records, cassettes, compact discs, books on tape, videocassettes, and audio-visual equipment for loan, as well as over 32,000 books. Outreach services are available for those who are unable to come to the library.

**Services and Staffing:**

The Newport Library is the busiest library of its size in Oregon, with a total circulation of over 125,000 items each year. A library's regional location often defines its special interests. As one might expect, a considerable collection of fishing and boating materials is maintained at the library, although requests for highly technical information are referred to the excellent resources of the nearby Hatfield Marine Science Center Library. Newport's art community is surprisingly active, with interest running high in books on everything from raku to set design. Competing with books in popularity is the growing collection of unabridged books on tape favored by commuters.

The library provides information exploring different sides of controversial issues, and does not decide, through either inclusion or exclusion, what the public should read. It is our belief that the diversity and openness of the collection enhance and strengthen our democratic society.

Five full-time staff members are assisted by part-time staff and community volunteers to offer library services and to keep the library open seven days a week.

In January, 1991, the "new" library was five years old. The Library Board took that occasion to study usage of the building and look to the future of the facility.

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GOALS/POLICIES/IMPLEMENTATION MEASURES  
LIBRARY SERVICES

Goal: To provide quality and efficient library services for a variety of users within the community.

Policy 1: To serve as a popular materials library, to provide reference services, and to act as preschoolers' door to learning.

Implementation Measure 1: The Newport Public Library staff will purchase current, high-demand, high interest materials in a variety of formats for persons of all ages.

Implementation Measure 2: The Newport Library staff will seek timely, accurate, and useful information for community residents.

Implementation Measure 3: The library staff will encourage young children to develop an interest in reading and learning through services for children, and for parents and children together.

**ATTACHMENT "E"**  
**File No. 2-CP-14**  
**Aerial Image of the Newport Public Library and Literacy Park**



**Newport Public Library**  
**35 NW Nye Street**  
Image Taken July 2013  
4-inch, 4-band Digital Orthophotos  
David Smith & Associates, Inc. Portland, OR

**City of Newport**  
**Community Development Department**  
100 SW Coast Highway  
Newport, OR 97365  
Phone: 541.572.4829  
Fax: 541.574.0644



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# Purpose Vision Strategy

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Newport Public Library

NEWPORT, OREGON

March 2014



# Thank You!

## LIBRARY BOARD OF TRUSTEES AND NEWPORT PUBLIC LIBRARY FOUNDATION

Members of the Board of Trustees are appointed by the Mayor and Council to advise in matters of library policy. The Newport Public Library Foundation is an independent, non-profit organization promoting private donations to enhance and enrich Newport Public Library's resources and services.

Carol Ruggeri, Library Board, Foundation President  
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Autumn Belloni, Library Board  
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Richard Kilbride, Library Foundation  
Patti Littlehales, Library Foundation  
Michele Longo Eder, Library Foundation  
Evonne Mochon-Collura, Library Foundation  
Ted Smith, Library Director

## STRATEGIC PLANNING COMMITTEE

Carol Ruggeri  
Laura Swanson  
Richard Kilbride  
Evonne Mochon Collura  
James Bassingthwaite  
Sachiko Otsuki  
Michael Smith  
K. C. Collins  
Ted Smith  
Stacy Johns

CITY OF NEWPORT

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Exhibit A - Community Snapshot

Exhibit B: Library Snapshot



## FROM THE LIBRARY DIRECTOR

*The public library is one of the cornerstones of a vibrant, progressive community. Libraries are transformational places. When you come into your library you should feel welcome, comfortable, engaged and empowered. I have never lived in a community that didn't have a public library. I hope I never do.*

*We have a wonderful public library. Nearly 75% of the 18,000 residents of our service area have an active library card. Over a quarter of a million people of every age visit our library annually. They check out items from the collection, use computers, get questions answered, learn to read, borrow items from libraries in the region and across the nation, and attend programs at a rate of 550,000 per year. We provide great value at a cost of under \$53.00 per capita (how much is your cable or satellite bill?) And we know there is more to be done to be prepared for the future.*

*This plan is a road map of sorts. It shows where we're headed, and it gives us some guidance in how to get there. The path is not completely straight and smooth, however; there are obstacles and constraints that must be overcome.*

*Our plan has a strong internal focus which will assure that the Library remains current and relevant for our residents. Comprehensive capital and maintenance plans for the building, an aggressive technology plan, and a fund development plan will help us continue to be good stewards of public resources in challenging economic times.*

*During the planning sessions, we took the time to reexamine all we do, to find ways to be more responsive to our community's needs, and provide service in new and relevant ways. We also recognized that there are limits on our time, money and energy and that we can't do everything. We can no longer say yes every time a new service or program is requested. We'll test our service responses against the road map. We'll strive to stay on course.*

*Every day we impact lives and the community. We see the toddler with her first board book. We help the unemployed worker apply for a job using library computers, the entrepreneur start and manage a business. We provide a comfortable, safe "first place" for newcomers and immigrants to learn about the community, build skills, and meet their first friend. A library outranks any other one thing a community can do to benefit its people.*

*I have my own, personal library stories and I am gratified to hear those of the people for whom the library has made a positive difference. What is your library story? What difference has ours or any library made in your life? I'd like to hear about it and if you haven't a library story yet, then please, come to the Newport Public Library where you are sure to find one.*

*Respectfully,*

*Ted Smith*

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## INTRODUCTION

The Newport Public Library is a municipal library and department of the Pacific Ocean coastal City of Newport, Oregon. The Library serves the residents of Newport and the surrounding unincorporated Lincoln County. The Newport Public Library is a partner in interlibrary cooperation in the region and in Oregon and is a bridge to physical and digital collections and information everywhere.

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## THE PROCESS

The planning process began with the appointment of a citizen-based Strategic Planning Committee (Committee). With the assistance of a planning facilitator, the Committee began the process with a discussion of a community vision, the needs of the community, and the role of the library in helping to meet those needs. The process also included focus groups, interviews, and a meeting of key leaders in the community concerning the role of the Newport Public Library.

Concurrent with the planning was an assessment of the Newport Public Library building and a review of the library's technology and infrastructure by Ruth Metz Associates. The Committee identified the most important roles for the Library in the community while library staff assessed the Library's capacity to fulfill those roles. The resulting Plan is the result of the library's management team homing in on what will be its strategic framework for the next few years.

This strategic plan includes the service goals and organizational initiatives. Service goals are directed outward, toward community residents. Organizational initiatives are directed inward, and have to do with the strategic management of the library. The objectives noted under the goals and initiatives are some of the measures Library Management will use to gauge progress toward the goals. The list of strategies for each goal and initiative is illustrative rather than prescriptive and the best course of action for each will need to be thoughtfully and resourcefully managed over the term of this strategic plan.

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## OUR PURPOSE

Be the community center that stimulates the imagination, invites and enables lifelong learning for all ages, and creates young readers.

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## OUR VISION

We live in a coastal community that cares about each other, the environment, sustainability, education, and the arts. Our vision is:

**A thriving community where quality of life prevails!**

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## OUR VALUES

Respond and reach out to serve the current and evolving information needs of our diverse community.

Create a sense of community by providing a welcoming, inviting, secure environment for our public and staff.

Provide excellent customer service that is both timely and confidential.

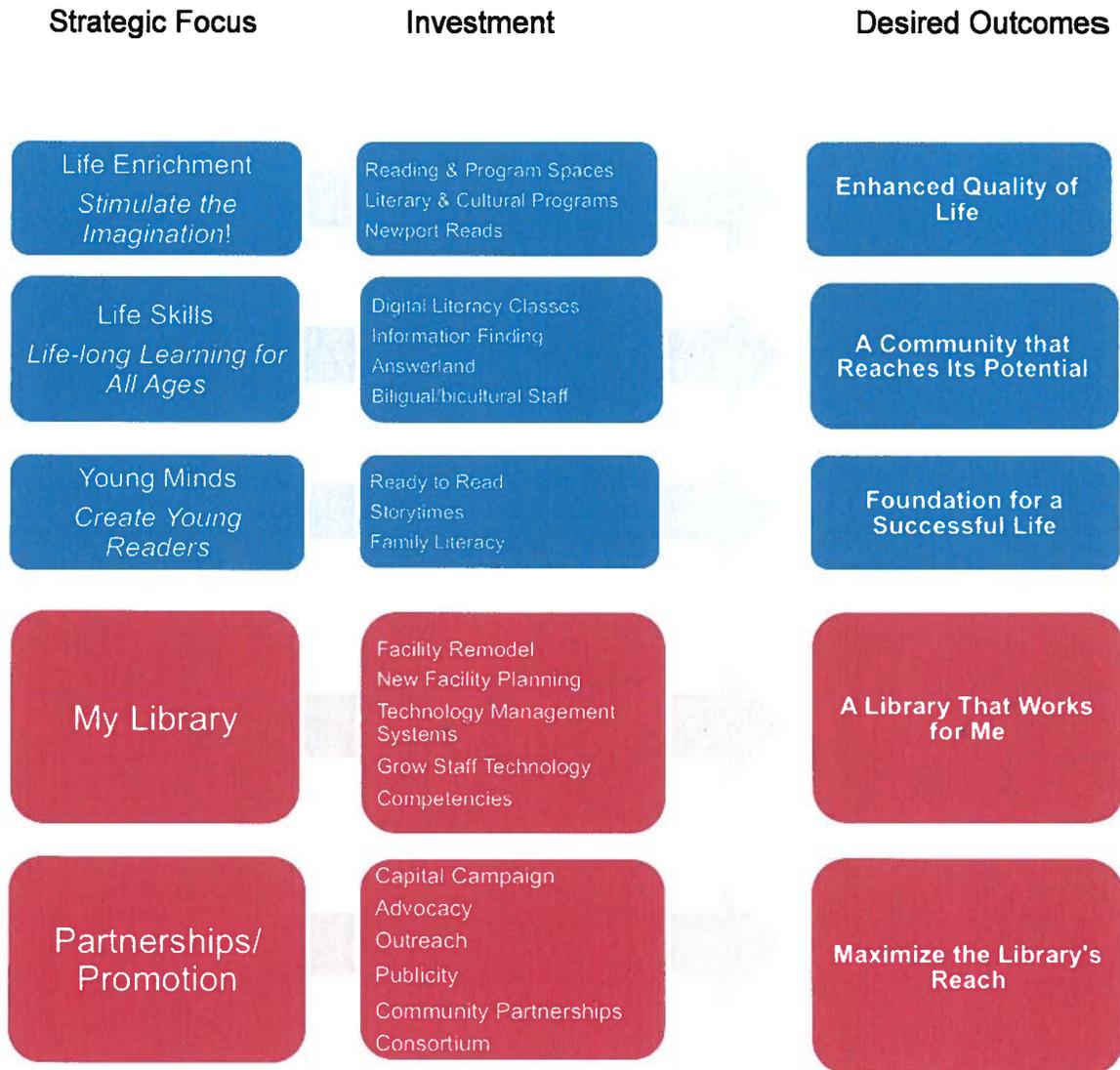
Develop a well-trained, knowledgeable, courteous and professional staff.

Communicate with our public and staff to ensure vital, relevant and effective library services.

# OUR STRATEGIC FRAMEWORK

EXTERNAL

INTERNAL



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## OUR SERVICE GOALS

1. Teens and adults will have programs that stimulate their imaginations.

### OBJECTIVES:

- 1.1 Number of programs offered to teens and number of programs offered to adults.
- 1.2 Attendance of teens, attendance of adults at programs offered
- 1.3 Percentage of attendees that indicate the Library's program stimulated their imagination.
- 1.4 Circulation of teen and adult materials will increase by 30%

### STRATEGIES:

- A. Involve teens and adults in a Stimulate Imagination Initiative and provide a sponsor and a budget for them to design one or more programs, events, or activities for teens.
- B. Develop partnerships with local schools, school clubs, parks and recreation centers, churches, and other teen venues to plan, design, and promote activities, events, and programs for teens.
- C. Regularly schedule and consistently deliver programming for teens.
- D. Establish advertising practices and criteria to promote teen life at the Library through community newsletters, newspapers, and brochures.
- E. Coordinate with district schools and homeschoolers to advertise library offerings and advertise the library's ability to support teens.
- F. Evaluate juvenile and teen collections to reflect changing interests in sub- genres and keep youth collections desirable with fresh copies of standard items.

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**2. Hispanic residents and families will have a welcoming and enriching experience at the library.**

**OBJECTIVES:**

- 2.1 In an annual survey, Hispanic library users indicate that they feel welcomed at the library as the result of improved signage, space, collections, and programs for adults, children, and families.**
- 2.2 The total circulation of items will increase by 10% annually.**
- 2.3 Program attendance will increase by 20% annually.**
- 2.4 Spending for collections of interest to Hispanic residents will increase by 80%.**
- 2.5 Library card registrations for Hispanic residents will increase by 10% per year.**

**STRATEGIES:**

- A. Initiate an informal group or groups of Hispanic residents to advise the Library regarding collections and programs, communication channels and outreach approaches.**
- B. Hire bilingual, bicultural staff and recruit bicultural volunteers to assist with outreach and programs**
- C. Evaluate collections for relevancy and broaden collections that appeal to various Hispanic cultures living in the community**
- D. Advertise the library and its collections and programs in Spanish.**
- E. Plan and conduct orientations and programs in Spanish for adults, children, and families.**
- F. Conduct computer classes in Spanish.**

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**3. All children from birth to age five will directly benefit from the Library's early literacy program.**

**OBJECTIVES:**

- 3.1 The number of new registrations for children from birth to age five issued annual over the term of this Plan**
- 3.2 The number of participants in programs offered at the library for this audience**
- 3.3 The number of programs put on for this audience in the library**
- 3.4 The staffing allocation shift from external to internal**
- 3.5 The ratings of the early literacy by participating family members**
- 3.6 Awareness of the early literacy program in the community as determined in a community family survey.**

**STRATEGIES:**

- A. Reallocate FTE staffing and provide programs and services in the Library for this audience.**
- B. Make and implement a plan to work with early childhood service providers to enable age 0-5 children to visit the Library.**
- C. Make and implement a plan to work with families to enable age 0-5 children to visit the Library.**
- D. Increase awareness of online tools and resources for this age group and their families through orientations and classes.**

**4. Residents will learn how to use the library's computers, the Internet, and online information and tools they need in the course of their lives.**

**OBJECTIVES**

- 4.1 The number of offerings**
- 4.2 The number of attendees**
- 4.3 The ratings attendees give for effectiveness and value of offerings**
- 4.4 Library users will have high-level interactions with the library from their own personal devices.**

**STRATEGIES**

- A. Develop a program of core offerings based on interest and demand, to promote resources of the library such as "Library to Go", and to highlight resources of the library that would be of interest to Hispanic residents, families of young children, and teens.**
- B. Recruit a core of teens and young adults to help teach, tutor, and coach.**
- C. Develop a schedule of classes offerings at times and days that are convenient for residents.**
- D. Publish and promote the schedule regularly through the news media.**

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## OUR ORGANIZATIONAL INITIATIVES

1. Residents have a library facility that is attractive and adequately sized so that they can enjoy the collections, programs, and activities that make them want to be in the Library.

### OBJECTIVES:

- 1.1 The short-term facility improvements in the report, "Interior Space Planning and Space Needs Recommendations," are accomplished by the end of Fiscal Year 2014.
- 1.2 The number of library visits will increase system wide by 10% per year on average.
- 1.3 80% of survey respondents indicate on a survey that library facilities have been improved and are attractive, comfortable, and functional.

### STRATEGIES:

- A. Plan medium term facility improvements for implementation in FY 2015.
- B. Develop a timeline and funding plan for implementation of the long-term facility recommendations in the report, "Interior Space Planning and Space Needs Recommendations" in FY 2015.
- C. Initiate a capital campaign for the new Library in FY 2015.
- D. Commission a Building Program and Conceptual Design for a 22,400-26,500 square foot expanded or new Newport Public Library by 2017.
- E. Outline an architectural process and timeline for the construction of an expanded or new Newport Public Library by 2018.

**2. THE LIBRARY WILL ACTIVELY PROMOTE ITS STRATEGIC PLAN THROUGH ITS PARTNERSHIPS AND A PUBLIC INFORMATION AND MARKETING CAMPAIGN.**

**OBJECTIVES:**

- 2.1 Per capita revenue for the Library's services and programs**
- 2.2 Amount of funds raised for the Library's capital campaign**
- 2.3 Number of volunteers and volunteer hours annually**
- 2.4 Consistent growth in the number of library users.**

**STRATEGIES:**

- A. Complete the Library's program-based cost/benefit analysis**
- B. Engage public relations/marketing consultant or staff to develop a plan and budget for targeted outreach especially in support of the service goals**
- C. Launch with the Library Foundation a new library advocacy, information, and fund-raising campaign**
- D. Sculpt the Library's webpage to match library strategic plan framework**
- E. Regularly survey community members; adjust, add, or replace services and programs in response to input and feedback**
- F. Target publicity and outreach based on market research**

3. The Library will improve its capacity to deliver library services in the library and online through technology.

**OBJECTIVES:**

- 3.1 Library will meet 90% of Library Edge assessment benchmarks.
- 3.2 Technology competencies are developed.
- 3.3 100% of staff will participate in training to meet technology competencies and achieve a satisfactory or above completion rating.

**STRATEGIES:**

- A. Implement self-check, public computer, and CD/DVD management systems
- B. Advocate for greater depth in City IT department.
- C. Develop third-party contacts for selected IT support.
- D. Use Library Edge assessment to set baseline and identify strengths and improvements needed.
- E. Create technology competencies for staff and create and implement a training program
- F. Create a "technology tub" program to expose staff to new devices and apps as they become available.
- G. Redesign websites and library catalog to be accessible from a broad range of devices and user languages
- H. Increase Technology Budget to accommodate for greater technology needs and the flexibility to react to those needs