



AGENDA & NOTICE OF PLANNING COMMISSION MEETING

The Planning Commission of the City of Newport will hold a meeting at **7:00 p.m. Monday, October 8, 2012**, 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.

NEWPORT PLANNING COMMISSION Monday, October 8, 2012, 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 September 24, 2012.

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.

1. Final Order for File No. 2-PD-12. Final Order approving a request submitted by Donald Huster (Newport Village, LLC, property owner) for approval of an amendment to the planned development plans for Blue Water Ridge to divide the property into three parcels for 8 phases for development of a 120-unit assisted-living facility and subsequent phases with various types of independent living. The Planning Commission held a public hearing on this matter on July 9, 2012.

E. New Business.

1. Consideration of an appointment to fill the vacancy on the Citizens' Advisory Committee.

F. Public Hearings.

1. Consideration of designating approximately 95.86 acres of forested land owned by the City of Newport along NE Big Creek Road as a Forest Park. The subject property includes Tax Lot 2100 of Assessor's Map 10-11-32-DD; Tax Lot 600 Tax Map 10-11-33; Tax Lot 400 Tax Map 11-11-05; and Tax Lot 200 Tax Map 11-11-05DA. The Commission will make a recommendation to the City Council on this matter. The Commission will also consider and make a recommendation on a management plan for the park.

G. Unfinished Business.

H. Director Comments.

I. Adjournment.

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room 'A'
Monday, September 24, 2012

Planning Commissioners Present: Jim Patrick, Mark Fisher, Rod Croteau, Gary East, Glen Small, and Bill Branigan.

Planning Commissioners Absent: Jim McIntyre.

Citizens Advisory Committee Members Present: Bob Berman.

Citizens Advisory Committee Members Absent: Lisa Mulcahy.

DLCD Representative Present: Patrick Wingard.

City Staff Present: Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

Audience Member Present: Suzanne Dalton.

Chair Patrick called the Planning Commission work session to order at 6:00 p.m. Because there were guests, introductions were made. Patrick turned the meeting over to CDD Tokos.

A. Unfinished Business.

1. DLCD Training: Oregon Land Use System – Final Part. Tokos noted that this was the third and final installment of this training from the website www.coastalatlant.net/training. He said we will be wrapping up with Chapters 7 through 9, which deal with coastal-specific statewide planning goals. With that in mind, he also had provided the draft of the Newport area visual assessments prepared as part of the State's effort to update the Territorial Sea Plan.

Referring to the last training session, Berman asked about the responsibility for estuaries. Tokos explained that the City is responsible for estuary planning. The Port will coordinate with the City and has to obtain permits. He said that the Port is more an economic development focused entity.

Chapter 7 covers Goal 17, Coastal Shorelands. The aim of Goal 17 is to protect major natural resources in coastal shorelands while allowing development where appropriate and consistent with the geological and resource limitations of the area. It also includes measures to reduce hazards to life and property. The shorelands planning area is generally west of Highway 101, but in some areas where the highway is further inland, the planning area is defined by specific roads. The planning area includes areas within 1,000 feet of all estuaries and coastal lakes. Within the planning area, the local government must inventory the nature, location and extent of hazards; habitat; water-dependent uses; economic resources; recreational resources; and aesthetics to provide a basis for further planning, conservation, and development.

Using this resource inventory information, local governments have adopted shorelands boundaries that are contiguous with the ocean, estuaries and lakes, and includes: areas subject to ocean flooding; land within 100 feet of the ocean shore or 50 feet of an estuary or coastal lake; geologically unstable land that affects the shoreland; riparian resources and vegetation, especially those that stabilize the shore; significant shoreland and wetland biological habitats; areas necessary for water-dependent and water-related uses; land with exceptional aesthetic or scenic quality associated with the water body; and coastal headlands.

Goal 17 specifies uses within shoreland areas that are permitted outright and those that are subject to conditions; with emphasis on protecting habitat, headlands, aesthetic resources, and areas needed for water-dependent uses. For uses in water-dependent shorelands, Goal 17 requires local land use policies and zoning to support water-dependent development and limit conflicting uses. Water-related uses provide goods or services needed by water-dependent uses. Two examples are fueling stations for marinas and stores for fishing gear or repair. Uses, such as restaurants, RV parks, and warehouses, that do not require direct access to coastal waters are not considered water-related or water-dependent and have low priority for development in estuarine and shoreland areas. In 1999, the LCDC amended Goal 17 to change requirements related to water-dependent shorelands to encourage reuse of water-dependent development. The new requirements are applicable if local governments make changes to their existing water-dependent shoreland designations. The amended goal requires local estuary plans to protect a minimum amount of shorelands for water-dependent uses including areas currently used for such water-dependent activities as wharves, piers, docks, mooring piling, and boat ramps. Local plans also must account for lands developed for water-dependent uses previously that still possess structures or facilities that can be used in the future. Shoreland areas identified as mitigation sites

under Goal 16 (Estuarine Resources) are protected from new uses and activities that would prevent restoration or addition to the estuarine ecosystem. Shoreland planning also requires that upland dredged material disposal sites be identified and protected from new uses and activities that would prevent their use for dredged material disposal. Riparian vegetation in shorelands along coastal waters must be maintained and, where appropriate, restored and enhanced. Development in coastal shorelands is subject to a variety of natural and geological hazards, including erosion and flooding. Preferred solutions are land management practices and non-structural measures; but any structures, such as seawalls or riprap, that are considered necessary should be designed and built to limit impacts on water currents and protect adjacent and nearby areas from erosion or other adverse effects. Only with adequate review and safeguards should shorelands be developed in areas subject to severe hazards that could result in the loss of life and property.

Under Oregon's Beach Law, the ocean shore is open to the public; and the beds of most lakes, waters and lands within estuaries subject to tidal flooding are also open to public use. Goal 17 requires governments to identify; maintain; and, where possible, increase public access to these areas. Existing access must be retained or replaced if sold, exchanged, or transferred. Rights-of-way may be vacated to permit redevelopment if public access across the affected site is retained.

Tokos noted that the City does have shorelands habitat overlay, but it is fairly rudimentary. We haven't delved into that with great emphasis in the past. We do have some areas that are of particular interest, such as Yaquina Head and state parks. Regarding aesthetics, the City didn't adopt rules that protect scenery. Fisher asked about the progress of the wave energy project. Tokos noted the draft results attached with the work session packet. He noted that he, Berman, Mayor McConnell, and Councilor Roumagoux had participated on the City's behalf in identifying resources. He said that once the State has those assessments completed, they will work that into a matrix that will provide resources. He said classes will be established for the resources; such as class one (Yaquina Head) where nothing can distract from the view in that area, class two where something may be okay if it doesn't stand out, and class three where it doesn't warrant significant protection. They are also working on buffers; how big is it, and what are the foreground, the mid-ground, and the background. They will be developing standards for development in each of those areas, and they are developing maps defining those. Tokos said that his expectation is that as that gets more refined, they will bring it back to us to get our feedback. Berman said that when they went out and did the three sites he was surprised that they weren't doing all of the sites shown on the map the Commission had reviewed. He noted that the state parks were reserved for the State to do. He said he will be curious to see what they came up with. Tokos agreed that it is unfortunate that the State wasn't taking local input on state parks.

Croteau asked if the City gets involved in public beach access. Tokos said the County has a lot of access issues. You cannot vacate rights-of-way without protecting beach accesses. Patrick mentioned Agate Beach, and Tokos agreed that Circle Drive is a great example.

Tokos noted that this chapter discussed water-dependent and water-related. He said that the Commission is fairly familiar with that. Most of those along the Bay are either one or the other. He noted that water-dependent is very strict on what it will allow. On the positive side, it makes sure that land is available for things like NOAA for example. Without that designation, we may not have had that land available. He said there have been proposals to reduce that area; but under the State's program, it is nearly an impossible task to do. We have to maintain what we have. Tokos noted that dredge sites will likely be on the list of things to do before long. He talked about the Port's dredge disposal site getting too small, so it is something that may come up before the Planning Commission in the future.

Chapter 8 regards Goal 18, Beaches and Dunes. Goal 18 defines beaches as gently sloping areas of loose material, such as sand, gravel, or cobbles that extend from the low-water line to a definite change in the material type, landform, or vegetation line. The Goal defines a dune as a hill or ridge of sand built up by the wind along sandy coasts and further breaks it down into more specific dune definitions. These features are the result of dynamic, natural forces of waves and wind and take many shapes and sizes and are always changing. The objectives of Goal 18 are to conserve, protect, and, where appropriate, develop or restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or human-induced actions in these areas. Local jurisdictions use zoning and policies to meet these objectives.

Local governments must inventory all beach and dune areas. As most of these inventories were adopted in the early to mid-1980s, most of these contain only general information. Some jurisdictions have updated inventories with more recent information, particularly in the form of GIS maps and data. As beaches and dunes shift over time through erosion and accretion, OCMP works closely with DOGAMI and other agencies to provide updated information to local governments. Local governments are required to regulate uses and activities on beaches and dunes that may cause erosion, alteration, or otherwise create adverse impact on important scenic, biological, and habitat areas. Requirements include limitations on the location of certain types of development, requirements to minimize adverse environmental effects, and protect development from geologic hazards, wind erosion, ocean undercutting, and ocean flooding.

Goal 18 identifies four types of dunes. Active dune forms include foredunes and hummocks with little or no vegetation. An active dune is still moving, growing, or shrinking, with the wind and sand. A foredune is the ridge of sand closest to and

parallel to the beach, while a hummock is a circular elevated mound of sand, usually without vegetation. Recently stabilized dune forms have sufficient vegetation to begin to stabilize the dune but no significant soil build-up. Loss of vegetation would render it active again so it is too fragile for any structure. These dune forms include conditionally stable dunes, conditionally stable foredunes, dune complexes, and younger stabilized dunes. European beach grass has become a principal agent for stabilizing dunes on the Oregon coast. Older stabilized dunes are a third form of dune type. They are stable today, with established vegetation and significant soil development, and are expected to remain so; especially if undisturbed. These dunes are often covered with shore-pine forests and a dense growth of coastal shrubs. Interdune forms, the fourth dune type, are low-lying areas between dunes that are scoured by wind and are under water part of the year due to the high water table during the rainy season. As the wind blows somewhat parallel to the coast during most of the year, it carries away the dry sand to the level of the water table, which creates what is called a deflation plain (a wet, low-lying area typically found behind a foredune).

Goal 18 establishes a three-tiered hierarchy for development: development generally allowed on older stabilized dunes; development prohibited on beaches, active foredunes, foredunes subject to ocean undercutting or wave overtopping, and interdune areas subject to ocean flooding; and development conditionally allowed on most other dune types, subject to environmental review and compliance with applicable criteria and conditions.

Goal 18 strictly regulates beachfront protective structures and prohibits them if development didn't exist before January 1, 1977 (the effective date of the Goal). Homes and other development built near the beach prior to that time often are protected from erosion caused by ocean waves. The most common beachfront protective structure is riprap (large rocks placed to absorb the energy from waves). Other protective structures include retaining walls, seawalls, and revetments. These so-called hard structures are discouraged because they can create erosion and other problems for adjacent areas, alter sand movement and water currents, reduce public access to the beach, and create unpleasant visual and aesthetic impacts. The OPRD issues permits for any structures on or adjacent to the beach. In the few cases where new beachfront structures are approved, they must be designed and built to minimize adverse environmental effects.

Because dune grading can alter the dune system and accelerate erosion or create other hazards for adjacent and nearby properties, Goal 8 allows dune grading only in areas committed to development or inside a city's UGB when it is conducted as part of an overall plan for managing foredune grading. The OPRD will not authorize dune grading until such a plan has been completed. A foredune grading plan must consider the entire beach and the area subject to sand build-up or accretion. It must be based on geological information and maintain a specific minimum dune height of four feet above the 100-year flood elevation to ensure the grading will not lower a dune so much that developed areas behind it are subject to ocean flooding for a 100-year storm event.

Fisher asked if in the picture showing the house nearly covered by the sand dune, could that person clear it on his own or would it have to be the whole block. Wingard said that Waldport has addressed that by coming up with a comprehensive plan. He said that Bay Shore has maybe seven different reaches, all with different standards. He said that is a good example of why you don't build on active foredunes. Tokos asked if we would be getting new maps showing the boundary of what the State considered dunes. Wingard noted that Laren Woolley is working on following up with what Steve Williams had worked on for years, and DLCDC is applying with NOAA to have someone come in to assist with that. Tokos said that with the old foredune map, it is hard to tell where the boundaries are. He said we don't have a lot of it; the most likely applicant is OPRD. They have the most jurisdiction involving dunes and are the most likely to have some development in a dune; such as trails, interpretive displays, viewing areas, etc. He said there are some in the Coho/Brant area that are already developed, and Southshore has been worked out. He said the mapping is so bad that it is unclear how far inland the dunes go. He wondered if that mapping can't be made available when all the detailed LIDAR they have been using for geologic and tsunami zones clearly shows the dune areas. He said it's just a matter of that being a priority.

Chapter 9 discusses Goal 19, Ocean Resources. The Pacific Ocean defines the western edge of Oregon with its weather, waves, currents, and tides affecting nearly every aspect of the environment of the coast and being a part of a large marine ecosystem. The purpose of Goal 19 is to conserve marine resources and ecology to provide long-term ecological, economic, and social benefits for future generations. The Goal places a higher priority on protecting renewable resources than developing non-renewable ocean-related resources. State and federal agencies are expected to coordinate with local jurisdictions.

Jurisdiction over the ocean is shared by federal and state governments. The State owns the ocean floor from shore out to three nautical miles (the Territorial Sea). From three nautical miles to 200, the federal government has jurisdiction over the seabed, resources, and uses. From the shore to the edge of the continental margin about 40 miles out to sea, Oregon has acknowledged an interest but not ownership over ocean resources or direct regulatory authority; and this is called the Ocean Stewardship Area.

In general, the OPRD has jurisdiction over the ocean shore, which includes the dry sand beaches as well as the area out to extreme low tide, including rocky intertidal areas. The DSL controls the seabed from mean high water out to three nautical miles (the extent of state jurisdiction). Other state agencies having authority are: the ODF&W for marine fisheries, wildlife,

and habitats; the DEQ for ocean water quality and response to oil spills; the State Marine Board for boater registration and safety; and the OSP for enforcement of fish and wildlife regulations. The DLCDC is responsible for coordinating all planning for the state's Territorial Sea. The training states that, although the boundaries of coastal counties extend seaward to the limits of state jurisdiction, local governments have no planning or regulatory authority or responsibility in the Territorial Sea. Federal agencies having authority over resources and uses in Oregon's Territorial Sea include: The US F&W Service owns and manages nearly all of more than 1400 rocks and islands as the Oregon Islands National Wildlife Refuge; The US Army Corps of Engineers has authority over structures or material on the seabed such as dredged materials, telecommunication cables, and anchors for wave energy devices; the US Coast Guard is responsible for responding to spills of oil or hazardous material; the National Marine Fisheries Service regulates ocean fisheries and also has responsibility for some species such as marine mammals; the Bureau of Ocean Energy Management (BOEM) has jurisdiction over the seabed and authority to lease wave energy devices; and the US EPA establishes and monitors ocean dumping sites.

The LCDC adopted Oregon's Territorial Sea Plan in 1994. It covers the coastal high-tide area out to three nautical miles and is based on the requirements of Goal 19. It is a coast-wide strategy to protect Oregon's valuable and vulnerable ocean areas while enabling appropriate development. It requires state and federal agencies to analyze the effects of proposed activities on ocean resources and the marine environment. The Plan is amended as needed by DLCDC as well as the Ocean Policy Advisory Council (OPAC).

Fisher wondered where the agency, BOEM, came from. Tokos said he was unsure, but felt it came about as a result of the wave energy industry. He noted that Councilor Allen is involved with BOEM. Tokos told Wingard that the statement that local jurisdictions have no planning authority over the Territorial Sea is a little strong. He felt the County would feel that way as well. He suggested that DLCDC might want to take a look at saying that. Wingard said he had mentioned that at the staff meeting and was told they had softened that and weren't going to change it. Tokos said even though the Cities don't really have jurisdiction, but the Goal does specifically state that "aesthetics are to be protected". He said that has been a hot topic with the visual assessments. He noted that it also says that fisheries and habitat take top priority, and recreation will be protected as well. It didn't talk about wave energy at all. Tokos said this training presentation needs a little bit of work.

Patrick noted that where the wave energy has to come on shore is most likely going to be in a residential area. Tokos said it would be a conditional use application under our code because it is a utility under our code. It still goes to the Planning Commission and is subject to conditional use standards. The Commission can only look at the upland part of it, even though the discussion will likely be about the entire project. The decision can only be based on what we have jurisdiction over. Patrick wondered if the City's jurisdiction ends at the high- or low-water level. Tokos will check into that. Berman noted that Newport is one of two finalists for permanent location for wave energy devices. Tokos said those folks have talked to him, and he encouraged them to do a lot of outreach. If they hone in on Newport, there will likely be more community discussion before it lands in front of the Planning Commission. Tokos said they were looking in Agate Beach but were concerned about slopes. They are looking at this as a long term investment, so they don't want to put it in an area that might slide. They will have to work with the public utility districts. Patrick said they have to be concerned about the ground fishing areas. Tokos said the visual assessments are done. That is one component. The other is protecting fisheries and habitat. Tokos said how he sees it working is that there will be a joint agency review team, and there will be local government representation on that team. When the Cities and Counties are affected, they need to be on it. That team will provide a recommendation to DSL, who will make the final decision of whether the project moves forward or needs to be modified. There will be the standard option for appeals through state agencies to appeal the state agency's decisions. Berman asked about the time frame. Tokos said they are trying to have the visual assessments by January. The wave energy folks are starting to get concerned about the length of time. The state is putting together these regulations. This is all new and is kind of cutting edge stuff. Berman said it was by coincidence that they were assessing Moolack Beach when the test site was actually being installed out there. He said it is definitely visible; and if there were fifty of them out there, it would be disruptive to the aesthetics. Branigan added that that is a small model out there now. Fisher said this might be more defensible if they showed that the money from electricity is coming into Lincoln County. He said the money is going to whoever owns the large grids. Patrick said the utility can count that as part of their renewable resources. Croteau said some of the devices can be done far off shore. Tokos added that some are not even visible from the surface. He said the designs are still very fluid; we don't know when or what we will see. Fisher said he was disappointed that the fishing community gave in so easily.

Tokos asked the Commissioners if they had any feedback on this training to provide to the State. Fisher thought the things Tokos had already mentioned. Croteau thought it gave a good overview of the process. He said he is unsure he could get enough to apply to a real situation; but the overview was done well. Patrick said it gave a good overview of what we don't know and where we fit. Berman said he found the most valuable information to be where it talks about the actual procedures and what you can and can't do; conflicts of interest and recusal; the day-to-day things that happen at this table. Patrick thought that at some point, the Commission should have the ethics people back for a refresher.

Wingard asked if Tokos expected the Territorial Sea Plan update to be brought back to local jurisdictions. Tokos said his sense is that once the program gets pulled together, they were going to do one more check-in before this gets finalized. He thinks it

would be wise for them to do that. He noted that DLCD staff was forced to move quickly, and not all jurisdictions have had a chance to be involved; Newport was lucky. Tokos thought they should take every opportunity to get this information back to local governments and give the local governments an opportunity to provide feedback to them before they make it final. He noted that some of the numbers don't match up in different phases for the same site; so they will have to go back and reconcile those. Wingard agreed that several issues had come up in Tillamook County, and many questions had been raised at the coastal meeting in Salem last week. He said he would pass on Tokos' comments.

B. Adjournment. Having nothing further to discuss, the work session meeting adjourned at 7:00 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

Draft Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, September 24, 2012

Commissioners Present: Jim Patrick, Rod Croteau, Mark Fisher, Bill Branigan, Glen Small, and Gary East.

Commissioners Absent: Jim McIntyre.

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, Small, Croteau, Patrick, Fisher, East, and Branigan were present. McIntyre was absent.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular session meeting minutes of September 10, 2012.

MOTION was made by Commissioner Fisher, seconded by Commissioner Branigan 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.

1. Final Order for File No. 2-CUP-12. Approval of a request submitted by Yaquina Bay Baptist Church (Darrin Goodrick, authorized representative) (Newport Elks Lodge BPOE 2105, owner (Bill Bain, authorized representative)) for a conditional use permit in order for The Yaquina Bay Baptist Church to conduct their church operation in the lower level of the Newport Elks Lodge building located at 45 SE John Moore Rd. The Planning Commission held a public hearing on this matter on September 10, 2012.

MOTION was made by Commissioner Croteau, seconded by Commissioner East, to approve the final order for File No. 2-CUP-12 as presented. The motion carried unanimously in a voice vote.

E. Public Hearings. No public hearings on tonight's agenda.

F. New Business. No new business to discuss.

G. Unfinished Business. Tokos noted that the EOA that was before the Planning Commission on the 10th will be going before the City Council on October 1st. The City Council has held a work session on it, and they are up to speed. Tokos has made a presentation to the Chamber of Commerce and will do one at the Port Commission Tuesday night. Tokos said that we had a great advisory committee. So far the recommendations have been well received. He said the process is moving fairly smoothly. If this gets adopted, the TAC will be reconvened to tackle how the business and retention function will be established in the community and how the City will contribute to that. He said ideally this will be accomplished by the first of the year to be included in the next budget cycle. He said also if this is adopted, we will be looking at potentially forming a new north side Urban Renewal District and will be looking to budget some funds next year. He added that the annexation strategy part of it is something that the City Council had on the list of things to do; especially in South Beach where the City is extending sewer and water.

H. Director's Comments. Tokos noted that applications for the citizens' advisory committee vacancy are being accepted through the 28th and will be a topic of conversation at the next meeting in terms of filling that vacancy.

He said that the Commission will probably be talking about annexing some city-owned property at the end of NE 71st Street. There is a piece of property there next to the assisted living facility on which Public Works wants to put transmission towers in the future for part of the wireless water billing system. That property is outside the city's jurisdiction, and we would like to get it into the city before we start developing it. Branigan said that is a parcel that Public Works has been using for a dump site; and Tokos agreed that it has historically been that.

Tokos said that he is still working with Patrick on a larger annexation of the city's water reservoirs. They are trying to find a process that will work the best and avoid issues with the State.

I. **Adjournment.** Having no further business to discuss, the meeting adjourned at 7:10 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON**

**IN THE MATTER OF PLANNING COMMISSION FILE)
NO. 2-PD-12, APPLICATION FOR MODIFICATION OF)
PRELIMINARY DEVELOPMENT PLAN APPROVAL AND) FINAL
FINAL DEVELOPMENT PLAN APPROVAL AS SUBMITTED) ORDER
BY DONALD HUSTER (NEWPORT VILLAGE, LLC,)
PROPERTY OWNER))**

ORDER APPROVING A MODIFICATION to the Preliminary Planned Development Plan and the Final Development Plan approved in 2006 for Blue Water Ridge (formerly known as “Heritage Place”). Under File No. 2-PD-06/2-SUB-06, Blue Water Ridge was approved for a development of 101 single-family residential units. These amendments envision that the property will be divided into three parcels for 8 phases of development. Development of Phase 1 on Parcel 1 would consist of a 120-unit assisted-living facility with 88 assisted-living units and a separate 32-bed memory care wing. Subsequent phases will offer various types of independent living such as apartments, condominiums, duplexes, and single-family homes, which may total up to an additional 170 units. The subject property is identified as Tax Lot 1403 of Lincoln County Assessor’s Tax Map 10-11-20 and consists of 37.35 acres total.

WHEREAS:

- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Zoning Ordinance (NZO) (No. 1308, as amended); and
- 2.) The Planning Commission has duly held a public hearing on the request for the planned development, with a public hearing a matter of record of the Planning Commission on July 9, 2012; and
- 3.) At the public hearing on said application, the Planning Commission received evidence and recommendations from the applicants, interested persons, and Community Development (Planning) Department staff; and
- 4.) At the conclusion of said public hearing, after consideration and discussion, the Newport Planning Commission, upon a motion duly seconded, approved the request for the preliminary development plan modification with conditions of approval.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") are adopted in support of approval of the request for preliminary development plan approval and final development plan approval modifications, and the following conditions of approval are adopted in support of approval of this request:

1. The applicant shall submit a parking demand analysis establishing that 46 off-street parking spaces are adequate to serve a 120-unit assisted-living facility. Such analysis shall reference established parking ratios or finished projects when justifying this figure. In the event the analysis establishes that additional spaces are needed, the applicant shall submit an amended Final Development Plan showing where the spaces will be located.
2. Terms for the use, ownership, and maintenance of open space areas depicted on the Preliminary Development Plan shall be identified via an easement or tract designation on the Partition Plat. Such instruments shall provide for a trail system with benches and pocket parks as proposed by the applicant.
3. A trail system with benches and pocket parks shall be installed in a manner that links the Preliminary Development Plan phases and ties into the City's larger trail system. Details regarding the location of the improvements shall be provided with Final Development Plans for each project phase, beginning with Phase 2. Improvements are to be constructed on a phase-by-phase basis and shall be installed and accepted prior to issuance of building permits for the phase within which construction is to occur. City may accept a bond or other adequate assurance that the improvements will be completed in lieu of requiring that they be in place before building permits can be issued.
4. A geologic hazards permit shall be obtained as provided in the Newport Municipal Code prior to any earthwork occurring within potential landslide areas identified in the geotechnical investigation prepared by GeoDesign, Inc., dated December 14, 2006. As an alternative, an updated report from a licensed engineering geologist may be provided indicating that those conditions no longer exist. Such areas are located within Phases 6 and 8 of the Preliminary Development Plan.
5. Building setbacks may be eliminated within Phases 2 through 8 where terrain or geologic conditions makes it impractical to satisfy the setbacks of the underlying zone district; however, in no case shall building be separated a distance of less than eight (8) feet.
6. Lot sizes in Phases 2 through 8 may be reduced below the minimum allowed in the underlying zoning district provided the maximum number of units across all phases does not exceed 170 units, and any subdivision proposing such lots conforms to the provisions of the Newport Subdivision Ordinance (including street standards).
7. The maximum building height for the Preliminary Development Plan is as follows: 42 feet for Phase 1; 30 feet for Phases 2 through 6; and 35 feet for Phases 7 and 8.
8. Prior to issuance of building permits, necessary utilities as applicable (including sewer, water, and /or storm drainage/sewer and over which the City of Newport has jurisdiction) shall be extended to provide service to each plan phase, and associated easements shall be dedicated to the City in

conformance with the applicable City of Newport standards and as approved by the City of Newport Public Works Department.

9. Streets surfaces shall be paved prior to occupancy permits being granted by the Building Official. Applicant may elect to construct streets to a standard that the city will accept for maintenance, in which case the design shall be coordinated with the City of Newport Public Works Department.
10. As proposed by the applicant for the planned development, a secondary access for emergency vehicle use shall be constructed from the subject property to NE 60th Street at such time and in such manner as required by the Newport Fire Chief and Newport Public Works Director to meet the requirements of the Uniform Fire Code.
11. All access roads shall maintain a minimum 22 foot wide travel surface with 13.5 feet of unobstructed vertical clearance. Such roads shall also be designed to support a gross vehicle weight of 80,000 pounds, and provide for a turn radius of 48 feet. These may be varied when deemed appropriate by the Newport Fire Chief.
12. Prior to issuance of building permits, fire hydrants shall be spaced, installed, and flow tested to confirm that they satisfy the requirements of the Uniform Fire Code.
13. As established with File No. 4-PD-09/2-SUB-09, this planned development vests at such time as \$2 million of work is performed to implement the project as originally envisioned in File No. 2-PD-06/2-SUB-06.
14. Prior to the issuance of building permits, the applicant shall obtain the appropriate approvals from the Oregon Department of Transportation for the proposed connection to US 101. Should ODOT not provide a modified approval for the proposed senior living project, the existing authorization as approved for 101 single-family residences shall remain in effect. In the event ODOT requires adjustments to the modifies the US 101 access, applicant shall submit amended Preliminary and Final Development Plans illustrating the changes.

BASED UPON THE ABOVE, the Planning Commission determines that the request is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport.

Accepted and approved this 8th day of October, 2012.

James Patrick, Chair
Newport Planning Commission

Attest:

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

EXHIBIT "A"

File No. 2-PD-12

FINDINGS OF FACT

1. On June 11, 2012, Donald Huster (Newport Village, LLC, property owner) submitted an application for approval of an amendment to the planned development preliminary development plan and the final development plan approved in 2006 for Blue Water Ridge (formerly known as "Heritage Place"). Under File No. 2-PD-06/2-SUB-06, Blue Water Ridge was approved for a development of 101 single-family residential units. These amendments envision that the property will be partitioned into three parcels for 8 phases of development. Development of Phase 1 on Parcel 1 would consist of a 120-unit assisted-living facility with 88 assisted-living units and a separate 32-bed memory care wing. Subsequent phases will offer various types of independent living such as apartments, condominiums, duplexes, and single-family homes, which may total up to an additional 170 units.
2. The subject property is identified as Tax Lot 1403 of Lincoln County Assessor's Tax Map 10-11-20 and consists of approximately 37.35 acres total.
3. Staff reports the following facts in connection with the application:
 - a. Plan Designation: Low Density Residential.
 - b. Zone Designation: R-2/"Medium Density Single-Family Residential" and R-4/"High Density Multi-Family Residential".
 - c. Surrounding Land Uses: To the north is a 20-acre undeveloped parcel currently under public (City of Newport) ownership. To the east is Longview Hills manufactured home community. To the west is Highway 101; and further west is the Outdoor Resorts RV Park. To the south/southeast is undeveloped land in a large ravine, Agate Beach RV Park, and a one-acre undeveloped parcel.
 - d. Topography and Vegetation: Topography is uneven terrain consisting of gullies and ravines with wetlands and seasonal streams. Portions of the property were cleared by the property owner in anticipation of developing the property consistent with File No. 2-PD-06/2-SUB-06.
 - e. Existing Structures: None.
 - f. Utilities: All are available to the site.
 - g. Development Constraints: Terrain, localized landslide hazards, and wetlands.
 - h. Past Land Use Actions:

File No. 4-PD-09/2-SUB-09 (approved May 11, 2009, changing what constitutes substantial construction for the planned development.)

File No. 3-GP-07 (geologic permit final on April 18, 2007, for construction of roads and infrastructure within proposed Blue Water Ridge subdivision).

File No. 2-PD-06/2-SUB-06 (approval final on May 23, 2006, for the preliminary and final development plans and tentative subdivision plan for the "Blue Water Ridge" subdivision (formerly called "Heritage Place").

File No. 11-PLA-05 (approved 10/20/05 adjusting property line between Tax Lot 1401 & 1403).

File No. 10-PLA-05 (approved 10/20/05 adjusting property line between Tax Lot 1401 & 1402).

4. Upon submission and acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed actions on June 18, 2012, to property owners within 200 feet required to receive such notice by the Newport Zoning Ordinance, to various City departments, and to public/private utilities and agencies within Lincoln County. The notice referenced the criteria by which the application was to be assessed. The notice required that written comments on the application be submitted by 5:00 p.m., July 9, 2012. Comments could also be submitted during the course of the public hearing. The notice was also published in the Newport News-Times on June 29, 2012. No comments were received from any of the affected parties.

5. Pursuant to NMC Section 14.35.110(C)/“Procedure for Modification of a Planned Development Plan,” any change in the character of the development or any increase in the intensity or density of the land use or in the location or amount of the land devoted to specific land uses is considered a major change requiring approval by the Planning Commission following a public hearing.

6. The addition of a 120-unit assisted-living facility, a conditional use in the R-2 zone district (NMC Section 14.03.050(27)), with an allowance for an additional 170 dwelling units of mixed types constitutes an increase in density from the 101 single-family residential dwellings previously approved. The configuration of future development phases, the layout of the major roads, and location of open space areas have also been modified.

7. NMC Section 14.35.020 notes that an approved Preliminary Development Plan may include uses permitted outright or conditionally in the underlying zoning district. Therefore, the Planning Commission may authorize the addition of an assisted living use without a separate conditional use permit if it finds that the planned development criteria have been satisfied.

8. In sum, changes proposed in this application constitute a major change requiring Planning Commission approval pursuant to NMC Section 14.35.110(C). File No. 2-PD-06/2-SUB-06 was amended in 2009 to define substantial construction as the expenditure of at least \$2 million toward implementation of the project. This occurred; therefore, the 2006 approval has not expired, and it is appropriate to evaluate this application as an amendment to the prior approval.

9. A public hearing was held on July 9, 2012. At the public hearing, the statement of rights and relevance and applicable criteria were read. The Planning Commission disclosed any ex parte contact, conflicts of interest, and/or bias. No objections were made to any of the Planning Commissioners hearing the matter. The Planning Commission received the staff report and heard testimony in support of the request from Don Huster, the applicant, Doris Lamb, Dr. Richard Beemer, and Bob Johnson of MSNW. The minutes of the July 9, 2012, meeting are hereby incorporated by reference into the findings. The Planning Staff Report with Attachments is hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

Attachment "A" – Applicant’s Request Overview Narrative

- Attachment "A-1" – Applicant’s Request Statements
- Attachment "A-2" – File No. 2-PD-06/2-SUB-06 Final Order & Findings
- Attachment "A-3" – File No. 4-PD-09/2-SUB-09 Final Order & Findings
- Attachment "A-4" – Market Study for Proposed Assisted Living Facility
- Attachment "A-5" – Wetland Delineation Report for Heritage Place
- Attachment "A-6" – Lincoln County Surveyor’s extension of name reservation
- Attachment "A-7" – Proposed Building Views
- Attachment "A-8" – Building Height Calculations and Map
- Attachment "A-9" – Picture of Typical Pedestrian Bridge
- Attachment "A-10" – Picture of Typical Style Street Light
- Attachment "A-11" – Shade Study
- Attachment "A-12" – Recorded Deed of Easement
- Attachment "A-13" – Preliminary Site Plan
- Attachment "A-14" – Phase I Site Plan Showing Utilities
- Attachment "A-15" – Phase I Site Plan Showing Landscaping
- Attachment "B" – Public Notice and Map
- Attachment "C" – Newport Zoning Map of Area

10. Pursuant to NMC Section 14.35.110(D), “the Planning Commission may approve, reject, modify, or attach special conditions to a request for modification of a Preliminary or Final Development Plan.”

11. In considering any request for a change in a Preliminary or Final Development Plan, the Planning Commission shall apply the same standards as are provided for the approval of Preliminary or Final Development Plans. For this request, the criteria in NMC Section 14.35.070 (for approval of a Preliminary Development Plan) and Section 14.35.100 (for approval of the Final Development Plan) would be applicable.

12. Considering the significant differences between this application and the 2006 request, this proposal will replace the prior approval in its entirety should the Commission find that the approval criteria have been satisfied.

13. Criteria For Preliminary Development Plan Approval:

NMC Section 14.35.070: (Findings for Project Approval): A. Except as set forth in subsection (A)(2) of this section, a planned development shall be on a tract of land at least two acres in low-density residential areas. B(1) The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development. B(2) If the spacing between main buildings is not equivalent to the spacing that would be required between buildings similarly developed under this Code on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards. B(3) Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the zone. B(4) The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned development is proposed, except that a greater height may be approved if surrounding open space within the planned development, building setbacks, and other design features are used to avoid any adverse impact due to the greater height. B(5) The building coverage for any planned development shall not exceed that which is permitted for other construction in the zone exclusive of public and private streets. C(1) The planned development may result in a density in excess of

the density otherwise permitted within the zone in which the planned development is to be constructed not to exceed 5%... D(1) No open areas may be accepted as common open space within a planned development unless it meets the following requirements: (a) The location, shape, size, and character of the common open space is suitable for the planned development; (b) The common open space is for amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings provided; (c) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space; (d) The development schedule that is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned development; and (e) If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan. E. The planned development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover, and rough terrain. F. The planned development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land. G. Financial assurance or bonding may be required to assure completion of the streets and utilities in the planned development prior to final approval.

14. The proposed request would allow for the subdivision of land through the planned development process. The Planning Commission is required to follow ORS 197.522 which states:

A local government shall approve an application for a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land that is consistent with the comprehensive plan and applicable land use regulations or shall impose reasonable conditions on the application to make the proposed activity consistent with the plan and applicable regulations. A local government may deny an application that is inconsistent with the comprehensive plan and applicable land use regulations and that cannot be made consistent through the imposition of reasonable conditions of approval.

CONCLUSIONS

This request is for modification of the preliminary approval for the planned development for Blue Water Ridge. Modifications to planned development approvals must be consistent with the approval criteria contained in the Newport Municipal Code (NMC). In order to approve this request, the Planning Commission must find that the applicant has addressed and met all standards.

After consideration of the application materials, the Planning Staff Report and Attachments, and the testimony in the record, the Planning Commission concludes as follows in regard to the criteria established in Newport's Municipal Code for approving the modification requested to the preliminary planned development plan for Blue Water Ridge:

Compliance with NMC Section 14.35.070, Criteria for Approval of a Preliminary Development Plan:

1. NMC Section 14.35.070(A) requires that: “Except as set forth in subsection (A)(2) of this section, a planned development shall be on a tract of land at least two acres in low-density residential

areas.” The entire subject property is approximately 37.35 acres. Blue Water Ridge Phase 1 consists of 5.84 acres. Therefore, this standard has been met.

2. NMC Section 14.35.070(B)(1) requires that: “The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development.” The applicant explains that the assisted living facility in Phase 1 will be approximately 80,000-100,000 square feet in size and will satisfy the following: north: 250 feet; west: 40 feet from Hwy. 101 right-of-way; south: 20 feet; and east: 1,000 feet.

Some lots in future Preliminary Development Plan phases may be smaller than the minimum lot size of 5,000 square feet allowed by R-2 zoning in order to accommodate townhomes and smaller, less-expensive single-family homes; however, in no event will the maximum 170 units be exceeded. The applicant notes that under normal circumstances, his 37.35 acre parcel could theoretically hold up to 323 - 5,000-square-foot lots. The intent is not to exceed this aggregate number but rather to gain flexibility in dealing with terrain and market conditions. Due to lot size and terrain, some setbacks will be as little as 5 feet. The applicant explains that this would only be done when necessary to minimize environmental impact or as required by terrain. The use of reduced setbacks will not be allowed to impact quality of life. For example, a bedroom would not be situated excessively close to a busy intersection. In some cases zero lot line configurations may be utilized in order to more effectively deal with the terrain or limited space.

3. NMC Section 14.35.070(B)(2) states that: “If the spacing between main buildings is not equivalent to the spacing that would be required between buildings similarly developed under this Code on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards.” The applicant explains that, in cases where two single-family homes or separate buildings are involved, a minimum separation of 8 feet would be maintained between buildings even if one is on the property line.

4. Pursuant to NMC Section 14.35.070(B)(3), “buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the zone.” Homes in the independent living phases (i.e. future Planned Unit Development phases) will have off-street parking for one to four vehicles depending on the particular driveway and garage configuration. Garages will be included wherever possible. Ample area exists within the property to accommodate these spaces, so the Planning Commission finds that this can be reasonably accomplished. One to four off-street parking spaces is consistent with the city’s typical parking standards for townhouses, duplexes, and single-family dwellings.

The assisted living/memory care facility will have a parking lot with 46 spaces (with an additional space reserved for emergency vehicles). The applicant indicates that this is adequate enough to meet the needs of residents and employees. City standards for off-street parking provide that .8 spaces per unit are required for elderly housing projects where over 16 dwelling units are proposed (NMC Section 14.14.030(23)). Congregate care/nursing homes require 1 space for every 1,000 square feet of gross floor area (NMC Section 14.14.030(24)). The amount of parking proposed is roughly half what these ratios would require. Assisted living facilities are not a type of use that is specifically

addressed under the city's parking standards. In such cases, NMC 14.14.040 allows applicants to submit a parking demand analysis in order to establish alternative parking requirements. Such analysis was not provided with the application. Given the large size of the Phase 1 property, the Commission finds that enough area exists to accommodate additional off-street spaces should they be needed without compromising the applicant's ability to develop a 120-unit assisted-living facility at this location. The parking analysis can; therefore, be deferred to a condition of approval. In addition, the Commission encourages the applicant to take a close look at the ratio of handicap spaces being provided.

A trail system with benches and pocket parks will be a common development amenity in the community. Blue Water Ridge will have a series of interconnecting trails as well as sidewalks on most streets. This will enable access throughout the development and future connectivity to trails leading to the beach and other parts of the City as the City's trail system gets built out.

As with the previous development approval, it is expected that approximately 10 acres of ravine and wetlands will be cleaned up to provide open space and views. Most of the common areas will be left in a natural state. Front yards of homes may contain some lawn and will be planted with plants native to the area. The intent is to achieve a clean but natural look.

There is no trail, open space, or screening requirements in the Newport Zoning Ordinance applicable to residential areas. A landscaping requirement of 10% of the lot area is what is generally required (NMC Section 14.19.050). The open space areas identified on the applicant's Preliminary Development Plan exceed this standard.

5. NMC Section 14.35.070(B)(4) states that: "The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned development is proposed, except that a greater height may be approved if surrounding open space within the planned development, building setbacks, and other design features are used to avoid any adverse impact due to the greater height." The building height for the assisted living/memory care facility as drawn in the conceptual renderings is approximately 36 feet. Since there will likely be changes to the final design, the applicant is requesting an allowance for a maximum building height of not more than 42 feet, or 40% greater than the 30' height specified for R-2 zoning. The west side of the building will be from one to three stories tall, and the proportions will be such that it is appropriate for the area and surroundings. The building will be set back 40 feet from Highway 101, 250 feet to the north property line, 20 feet to the south, and 1,000 feet to the east.

Development in future plan Phases 2 through 6 will satisfy a 30-foot maximum building height consistent with the R-2 district within which they are located. Phases 7 and 8 will satisfy a 35-foot maximum building height as they are predominantly within an R-4 district.

6. NMC Section 14.35.070(B)(5) requires that: "The building coverage for any planned development shall not exceed that which is permitted for other construction in the zone exclusive of public and private streets." Based on R-2 zoning, 323 homes could theoretically be built on the site. The assisted living/memory care facility will contain 120 units. Future development may total up to 170 units when fully built out. The proposed amended planned development would therefore meet this requirement.

7. NMC Section 14.35.070(C)(1) states that “The planned development may result in a density in excess of the density otherwise permitted within the zone in which the planned development is to be constructed not to exceed 5%...” The applicant noted that the 37.35 acres would allow up to 323 dwellings on 5,000 square-foot lots. The applicant’s intent is not to try to exceed this aggregate number, but rather to gain flexibility in dealing with terrain and market conditions. Building densities will not increase beyond what is permitted in the district.

8. NMC Section 14.35.070(D)(1) provides that: “No open areas may be accepted as common open space within a planned development unless it meets the following requirements: (1) The location, shape, size, and character of the common open space is suitable for the planned development; (2) The common open space is for amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings provided; (3) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space; (4) The development schedule that is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned development; and (5) If buildings, structures, or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.” Approximately 10 acres in the planned development plan is dedicated as open space. This provides for separation of uses, and privacy consistent with the objectives of a planned development designation. This amendment would not compromise this objective.

The applicant has indicated that a trail system with benches and pocket parks will be constructed as a common amenity. They have advised that these amenities will be installed on a phase-by-phase basis, beginning with Phase 2. Those future phases will include independent living arrangements where these types of amenities will be desired. To ensure that open space areas are developed as proposed, the Commission may require that they be placed in easements or tracts identifying their purpose along with ownership and maintenance responsibilities. Construction guarantees will be deferred to future Final Development Plan phases, since the work is not proposed to occur until Phase 2.

9. NMC Section 14.35.070(E) requires that: “The planned development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover, and rough terrain.” The applicant notes that the site has significant terrain, which presents both challenges and opportunities. The flexibility afforded by a planned development is key to being able to cost-effectively utilize this property. The goal is to utilize this flexibility to highlight the natural beauty and ocean views.

The road system has been carefully designed to eliminate wetland impacts and mitigation requirements. One bridge is planned to span a ravine and wetlands in the northwest corner of the property. A centrally-located crossing on the property will be an arch culvert and fill. Both of these crossing span and will be constructed without impacting wetlands. Pedestrian walkways will also span wetlands with foot bridges.

Storm drainage will be routed to the natural wetlands on site. This runoff will be collected in sumped catch basins and then piped to discharge locations that will be designed with rip-rap outfalls. The design will use multiple collection and discharge points to reduce discharge volumes and velocities. The design approach will assist in reducing erosion potential and maintain current storm basins.

Approximately 10 acres of ravine and wetlands will be cleaned up but left in a natural state to provide open space and views.

A geotechnical report prepared by GeoDesign, Inc., dated December 14, 2006, identifies landslide risks in portions of Phases 6 and 8, and recommends that additional geotechnical investigation be performed prior to development. NMC 14.21.010 requires that a geologic hazards permit be obtained for development in “documented geologic hazard areas.” Following applicant’s testimony, the Planning Commission finds that a condition of approval should be imposed requiring that a geologic hazards permit be obtained; or as an alternative, an updated study be provided from a licensed engineering geologist indicating those conditions no longer exist. This requirement will ensure that development in these areas conforms to the Natural Features Chapter of the Comprehensive Plan, which seeks to ensure that construction activities in potentially hazardous areas are appropriately evaluated to ensure that the planned development is as safe as possible.

10. NMC Section 14.35.070(F) requires that: “The planned development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.” Blue Water Ridge was determined to be compatible with the surrounding area in previous approvals. The applicant explains that this application is the culmination of an extensive effort to identify a productive use that falls within the current zoning for the subject property since extreme declines in the local housing market have undermined the viability of the previously-approved subdivision and planned development for this site. The new direction identified for the property is to serve a current and growing need for housing to meet the needs of senior citizens in Newport and Lincoln County. Under the R-2 zoning, senior living facilities are a conditional use, subject to approval from the Planning Commission.

In addition to local land use rules and building codes, the DHS also has specific requirements for senior living facilities. The facility will be built to ensure it meets all codes, is attractive, is built for the coastal environment, and is operationally efficient.

Seniors typically use fewer resources and place lighter demands on utilities and services, except perhaps emergency services; so it is expected that aggregate demand will be the same or less than approved in the original planned development plan.

Included in the submittal package was a recent market study that confirms market demand in

excess of the proposed size of this facility. A letter of intent has been signed with Mennonite Services Northwest, a very highly-regarded organization, to professionally manage the facility. The applicant is confident they will operate it in a manner that is an asset to the community.

The applicant is proposing to construct streets that will be privately owned and it does not appear that a conventional subdivision process will be followed, at least for Phase 1. A subdivision process is what the city typically uses to ensure that infrastructure (water, sewer, fire, streets, etc.) are adequate for the anticipated development. The Planning Commission attached a condition requiring that these improvements, all but paved streets, be in place and appropriate easements be dedicated (where the city will maintain infrastructure) prior to building permits being issued. This will ensure that the proposal will not place a greater demand on public services than other uses authorized in the district. The condition requires streets to be paved prior to occupancy.

11. NMC Section 14.35.070(G) states that: “Financial assurance or bonding may be required to assure completion of the streets and utilities in the planned development prior to final approval.” A 12” water line and gas have been brought to the entrance to the site. Sanitary sewer is available on site. Power, telephone, and cable conduit have been laid to the site entrance as well.

Streets within Blue Water Ridge will be privately-owned and maintained by Newport Village, LLC or successor entities. Applicant may elect to design streets to meet City standards so that they can be transferred to the City at a future date. For this option, the applicant will coordinate with the Newport Public Works Department to ensure that the approach conforms with City design standards. Utilities in streets will be installed per standard practice between developer, its contractors, and the respective utilities. Water and sanitary sewer infrastructure will be turned over the City upon acceptance of the work performed. A public utility easement will be recorded for each phase prior to commencement of construction. No portion of the property will be dedicated to the public. However, the public will be able to access streets and trails in the development.

The applicant is proposing to construct roads that will not satisfy city standards for streets within a subdivision (NMC Section 13.05.040(A)). This means that conventional subdivision plats, with individual lots available for sale will not be an option. The current proposal may rely upon a condominium model to allow improvements to be sold independent of the land, which would be held in common ownership. Likewise, streets, lighting, and walkways would be privately owned. The Commission finds that a condition is needed requiring that utilities be in place prior to building permits being issued and that the streets be paved prior to occupancy in lieu of requiring the applicant provide financial assurances or a bond.

Compliance with NMC Section 14.35.100, Criteria for Approval of the Final Development Plan:

1. NMC Section 14.35.100(A) states that: “Financial assurance or bonding may be required to assure completion of the streets and utilities in the planned development prior to final approval.” A 12” water line and gas have been brought to the entrance to the site. Sanitary sewer is available on site. Power, telephone, and cable conduit have been laid to the site entrance as well.

Streets within Blue Water Ridge will be privately-owned and maintained by Newport Village, LLC or successor entities. Utilities in streets will be installed per standard practice between developer, its contractors, and the respective utilities. Water and sanitary sewer infrastructure will be turned over the City upon acceptance of the work performed. A public utility easement will be recorded for each phase prior to commencement of construction. No portion of the property will be dedicated to the public. However, the public will be able to access streets and trails in the development.

2. NMC Section 14.35.100(B) states that: “The proposed uses shall be compatible in terms of density and demand for public services with uses that would otherwise be allowed by the Comprehensive Plan.” Based on R-2 zoning, 323 homes could theoretically be built on the site. The assisted living/memory care facility will contain 120 units. This is well within the scope of what is envisioned in the underlying district.

The applicant’s intent is not to try to exceed this aggregate number of allowed units, but rather to gain flexibility in dealing with terrain and market conditions. Building densities will not increase beyond what is permitted in the district.

Seniors typically use fewer resources and place lighter demands on utilities and services, except perhaps emergency services; so it is expected that aggregate demand will be the same or less than approved in the original planned development plan.

3. NMC Section 14.35.100(C) states that: “Adequate services normally rendered by the city to its citizens must be available to the proposed development at the time of approval of the Final Development Plan. The developer may be required to provide special or oversize facilities to serve the planned development.” A 12” water line and gas have been brought to the entrance to the site. Sanitary sewer is available on site. Power, telephone, and cable conduit have been laid to the site entrance as well.

Streets within Blue Water Ridge will be privately-owned and maintained by Newport Village, LLC or successor entities. Utilities in streets will be installed per standard practice between developer, its contractors, and the respective utilities. Water and sanitary sewer infrastructure will be turned over the City upon acceptance of the work performed. A public utility easement will be recorded for each phase prior to commencement of construction. No portion of the property will be dedicated to the public. However, the public will be able to access streets and trails in the development.

The Commission conditioned its approval upon the applicant demonstrating that water, sewer, fire, and road access is available to the site and that such improvements satisfy health and safety codes prior to building permits being issued for the facility. Streets may be paved prior to occupancy.

4. NMC Section 14.35.100(D) states that: “Access shall be designed to cause minimum interference with traffic movement on abutting streets.” Agreement with ODOT has been finalized for access to Highway 101, and a permanent easement for emergency access from NE 60th Street has been negotiated and recorded.

The agreement with ODOT was obtained for the prior planned development concept of 101 single-family homes. The applicant will need to obtain an updated authorization from the state to ensure that there are no traffic movement conflicts where the development obtains access off of Highway 101. The Planning Commission finds that existing authorizations from ODOT are adequate to establish that it is feasible that the development will meet the agency's standards. If ODOT requires modifications to the proposed US 101 access then the Commission finds that the applicant will need to submit modified Preliminary and Final Development Plans illustrating those changes. ODOT approval of the access for the new planned development concept will replace the approval for the prior concept. However, if ODOT fails to grant authorization for the new concept, the prior authorization for the planned development shall remain in effect.

The Commission also imposed a condition that the emergency access onto NE 60th be constructed when deemed necessary by the Fire and Public Works Departments. This will likely occur after Phase 1 has been constructed, when the length of the private roads and associated congestion pose risks to the public or adversely affect emergency response times.

5. NMC Section 14.35.100(E) states that: "The plan shall provide for adequate landscaping and effective screening for off-street parking areas and for areas where nonresidential use or high-density residential use could be detrimental to residential uses." The assisted living/memory care facility will have a parking lot with 46 spaces (3 handicap accessible), adequate enough to meet the needs of residents and employees. Homes in the independent living phases will have off-street parking for one to four vehicles depending on the particular driveway and garage configuration. Garages will be included wherever possible.

A trail system with benches and pocket parks will be a common development amenity in the community. Blue Water Ridge will have a series of interconnecting trails as well as sidewalks on most streets. This will enable access throughout the development and future connectivity to trails leading to the beach and other parts of the City as the City's trail system gets built out.

As with previous development approval, it is expected that approximately 10 acres of ravine and wetlands will be cleaned up to provide open space and views. Most of the common areas will be left in a natural state. Front yards of homes may contain some lawn and will be planted with plants native to the area. The intent is to achieve a clean but natural look.

There are no open space or screening requirements in the R-2/"Medium density single-family residential" zone. Therefore, the amendment meets this standard.

6. NMC Section 14.35.100(F) states that: "That arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare relative to adjoining property." The building in Phase 1 will be set back from the highway right-of-way 40 feet, 250 feet to the north property line, 20 feet to the south, and 1,000 feet to the east.

The assisted living/memory care facility will have a parking lot with 46 spaces (3 handicap accessible), adequate enough to meet the needs of residents and employees. Homes in the independent living phases will have off-street parking for one to four vehicles depending on the particular driveway and garage configuration. Garages will be included wherever possible.

7. NMC Section 14.35.100(G) states that: “Artificial lighting, including illuminated signs and parking areas lights, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.” The applicant has previously stated that other than an entry sign, there will be no other lighted signage in the development. Street lights will be on poles with downward facing reflectors designed to light the ground but not be obtrusive to surrounding areas. See Staff Report Attachment “A-10” for a picture of the typical style street light.

8. NMC Section 1.35.100(H) states that: “The area around the development can be developed in substantial harmony with the proposed plan.” The applicant notes that the site is surrounded by the following uses: to the north is a 20-acre undeveloped parcel owned by the City of Newport; to the east is the manufactured home community of Longview Hills; to the south is undeveloped land in a large ravine, the Agate Beach RV Park, and a one-acre undeveloped parcel. All surrounding properties are also zoned residential and could be developed in substantial harmony with Blue Water Ridge.

9. NMC Section 14.35.100(I) states that: “The plan can be completed within a reasonable period of time.” The applicant notes that to date, significant work has been done on the site. This includes clearing and grubbing nearly all areas for roads and building sites, major earthwork has been completed for approximately 2/3 of the lots, sewer lines are in the ground for approximately 70 homes, all utilities (water, electricity, telephone, cable, gas, and conduit for fiber) have been extended to the subdivision entrance from Highway 101, access agreement with ODOT has been finalized for access from Highway 101, and a permanent easement for emergency access from NE 60th Street has been negotiated and recorded. Investment sources have been identified, and construction is expected to begin approximately 6-8 months after approval of this land use application.

Blue Water Ridge is planned to be built in 8 phases. The first phase is expected to begin upon receipt of investment funds and a permit from ODOT to begin Highway 101 enhancements, and a building permit from the City of Newport. The subsequent phases are planned as various types of independent living, and it is expected that a significant portion of these will be rentals. If the strong rental market continues in this area, then initial development of these phases will commence as soon as possible, possibly in parallel with the main assisted living facility.

Individual phases are expected to take approximately one year to complete from the date construction commences. Depending on market acceptance, construction activity may take place in more than one phase at a time.

10. NMC Section 14.35.100(J) states that: “The streets are adequate to serve the anticipated traffic.”

Primary streets within Blue Water Ridge will be two-way with sidewalks of adequate width to accommodate pedestrian traffic; typically a minimum of 5 feet. Emergency access to and from NE 60th Street has been negotiated and recorded. Smaller roads and driveways will be added as plans for future phases are finalized.

Streets within Blue Water Ridge will be privately owned and maintained by Newport Village, LLC or successor entities. As noted, applicant may elect to construct the streets so that they can be dedicated and maintained by the City, in which case applicant will need to coordinate with the Public Works Department on the design. In light of the fact that this project is envisioned as a senior community, additional planning will be made to accommodate this age group; such as being golf cart friendly, plenty of benches along walking paths, etc.

11. NMC Section 14.35.100(K) states that: “Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.” A 12” water line and gas have been brought to the entrance to the site. Sanitary sewer is available on site. Power, telephone, and cable conduit have been laid to the site entrance as well. The east side of the property does extend into a higher water elevation zone. This can be addressed by either adding a booster pump in the future or tapping into the existing City piping in Longview Hills. Due to the terrain, some residential pockets in future phases will require sewage pumps to pump sewage up to a line with gravity flow.

Storm drainage will be routed to the natural wetlands on site. This runoff will be collected in sumped catch basins, and then piped to discharge locations that will be designed with rip-rap outfalls. The design will use multiple collection and discharge points to reduce discharge volumes and velocities. This design approach will assist in reducing erosion potential and maintain current storm basins.

Utilities in streets will be installed per standard practice between developer, its contractors, and the respective utilities. Water and sanitary sewer infrastructure will be turned over to the City upon acceptance of the work performed.

12. NMC Section 14.35.100(L) states that: “Land shown on the Final Development Plan as common open space shall be conveyed under one of the following options: 1) To a public agency that agrees to maintain the common open space and any buildings, structures, or other improvements that have been placed on it; 2) To an association of owners of tenants, created as a non-profit corporation under the laws of the State, which shall adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.” Approximately 10 acres in the planned development plan is dedicated as open space. This provides for separation of uses, and privacy consistent with the objectives of a planned development designation.

The applicant explains that at this time there is no plan to divide and sell individual lots or homes.

All property will retain the same underlying ownership (Newport Village, LLC or successor entities). Therefore, agreements, provisions, or covenants which govern the use, maintenance, and protection of the planned development beyond any conditions of approval with the City are not considered necessary.

13. NMC Section 14.35.100(M) states that: “The Final Development Plan complies with the requirements and standards of the Preliminary Development Plan.” The Planning Commission found that the final development plan meets the above requirements, therefore this criterion is satisfied.

14. NMC Section 14.35.100(N) states that: “No building shall be erected in a planned development district except within an area contained in an Approved Final Development Plan, and no construction shall be undertaken in that area except in compliance with the provisions of said plan. All features required in the Final Development Plan shall be installed and retained indefinitely or until approval has been received from the Planning Commission or Community Development Director for modification.

OVERALL CONCLUSION

Based on the staff report, the application material, and other evidence and testimony in the record, the Planning Commission concludes that the request as presented in the application materials complies with the criteria established in the Zoning Ordinance for granting modifications to the preliminary development plan and the final development plan; and the request is hereby **APPROVED** with the conditions listed below.

1. The applicant shall submit a parking demand analysis establishing that 46 off-street parking spaces are adequate to serve a 120-unit assisted-living facility. Such analysis shall reference established parking ratios or finished projects when justifying this figure. In the event the analysis establishes that additional spaces are needed, the applicant shall submit an amended Final Development Plan showing where the spaces will be located.
2. Terms for the use, ownership, and maintenance of open space areas depicted on the Preliminary Development Plan shall be identified via an easement or tract designation on the Partition Plat. Such instruments shall provide for a trail system with benches and pocket parks as proposed by the applicant.
3. A trail system with benches and pocket parks shall be installed in a manner that links the Preliminary Development Plan phases and ties into the City’s larger trail system. Details regarding the location of the improvements shall be provided with Final Development Plans for each project phase, beginning with Phase 2. Improvements are to be constructed on a phase-by-phase basis and shall be installed and accepted prior to issuance of building permits for the phase within which construction is to occur. City may accept a bond or other adequate assurance that the improvements will be completed in lieu of requiring that they be in place before building permits can be issued.
4. A geologic hazards permit shall be obtained as provided in the Newport Municipal Code prior to any earthwork occurring within potential landslide areas indentified in the geotechnical investigation prepared by GeoDesign, Inc., dated December 14, 2006. As an alternative, an updated report from a licensed engineering geologist may be provided indicating that those conditions no longer exist. Such areas are located within Phases 6 and 8 of the Preliminary Development Plan.

5. Building setbacks may be eliminated within Phases 2 through 8 where terrain or geologic conditions makes it impractical to satisfy the setbacks of the underlying zone district; however, in no case shall building be separated a distance of less than eight (8) feet.
6. Lot sizes in Phases 2 through 8 may be reduced below the minimum allowed in the underlying zoning district provided the maximum number of units across all phases does not exceed 170 units, and any subdivision proposing such lots conforms to the provisions of the Newport Subdivision Ordinance (including street standards).
7. The maximum building height for the Preliminary Development Plan is as follows: 42 feet for Phase 1; 30 feet for Phases 2 through 6; and 35 feet for Phases 7 and 8.
8. Prior to issuance of building permits, necessary utilities as applicable (including sewer, water, and /or storm drainage/sewer and over which the City of Newport has jurisdiction) shall be extended to provide service to each plan phase, and associated easements shall be dedicated to the City in conformance with the applicable City of Newport standards and as approved by the City of Newport Public Works Department.
9. Streets surfaces shall be paved prior to occupancy permits being granted by the Building Official. Applicant may elect to construct streets to a standard that the city will accept for maintenance, in which case the design shall be coordinated with the City of Newport Public Works Department.
10. As proposed by the applicant for the planned development, a secondary access for emergency vehicle use shall be constructed from the subject property to NE 60th Street at such time and in such manner as required by the Newport Fire Chief and Newport Public Works Director to meet the requirements of the Uniform Fire Code.
11. All access roads shall maintain a minimum 22 foot wide travel surface with 13.5 feet of unobstructed vertical clearance. Such roads shall also be designed to support a gross vehicle weight of 80,000 pounds, and provide for a turn radius of 48 feet. These may be varied when deemed appropriate by the Newport Fire Chief.
12. Prior to issuance of building permits, fire hydrants shall be spaced, installed, and flow tested to confirm that they satisfy the requirements of the Uniform Fire Code.
13. As established with File No. 4-PD-09/2-SUB-09, this planned development vests at such time as \$2 million of work is performed to implement the project as originally envisioned in File No. 2-PD-06/2-SUB-06.

14. Prior to the issuance of building permits, the applicant shall obtain the appropriate approvals from the Oregon Department of Transportation for the proposed connection to US 101. Should ODOT not provide a modified approval for the proposed senior living project, the existing authorization as approved for 101 single-family residences shall remain in effect. In the event ODOT requires adjustments to the modifies the US 101 access, applicant shall submit amended Preliminary and Final Development Plans illustrating the changes.

Derrick Tokos

From: LINER Duane J [Duane.J.LINER@odot.state.or.us]
Sent: Wednesday, October 03, 2012 12:55 PM
To: 'DON HUSTER';
Cc: DOOLEY Daniel P; Derrick Tokos; 'Craig Harris'; DETAR John G; DETERING Lynn; MORTENSEN Taundra L; LINER Duane J
Subject: No additional comments RE: Updated Road Design on Blue Water ridge

Mr. Huster

Thank you for providing the revised deisgn for ODOT's consideration. Signing and striping in the vicinity of the "J" Street and service road driveway (leading to back/south side of building) were not detailed on this submitted plan sheet. As discussed with you, you do intend to include appropriate signing and striping when this is constructed. The changes proposed occur off of ODOT RW and do not appear that they will impact the operations of the highway. As such, we have no additional comments regarding this proposed revision.

Please do verify with the City that your design meets their standards and requirements, especially since there are now plans to make this a future public street.

If you have any additional questions or need additional assistance, please call or email.

thank you
- duane

Duane James Liner, P.E.
Interim Development Review Coordinator
ODOT - Region 2
541-757-4140

From: LINER Duane J
Sent: Monday, September 24, 2012 2:30 PM
To: MORTENSEN Taundra L
Cc: DOOLEY Daniel P; Derrick Tokos; Craig Harris; 'DON HUSTER'; DETAR John G; DETERING Lynn
Subject: RE: Updated Road Design on Blue Water ridge

Tandra,

For "Blue Water Riffdge" (proposed development east of US 101, north end of Newport), a revision to the approach road off of RMW is being proposed. (I also attached the previously submitted design which we said we were ok with)

Do you have any comments or concerns?

thank you
- duane

From: DON HUSTER [mailto:dhuster@thewoodsidegroup.com]

Sent: Monday, September 24, 2012 10:44 AM

To: LINER Duane J; DETAR John G

Cc: DOOLEY Daniel P; Derrick Tokos; Craig Harris

Subject: Updated Road Design on Blue Water ridge

Good morning John and Duane,

Pursuant to our discussion regarding a tighter radius for the entry road to our property, AAI engineering has drafted the attached revised layout. This reduces the radius to 30' which is actually what I have noted as being mentioned during our meeting in late July. The stacking distances and visibility are the same as in the previous design. This layout provides a significant advantage in that it addresses a concern Derrick had by getting all parking on the same side of the street as the assisted living facility. From a safety perspective this is much more desirable. It also allows us to retain the original building configuration. I think this is a nice improvement which better meets all parties concerns.

Please let us know if this layout for the access is acceptable to ODOT and if so, we will incorporate it into the overall site plan for Derrick to include in the Planning Commission's Final Order.

Thank you very much.

Don Huster
Newport Village, LLC
541-270-5187

Derrick Tokos

From: LINER Duane J [Duane.J.LINER@odot.state.or.us]
Sent: Wednesday, September 19, 2012 10:36 AM
To: 'Don Huster'
Cc: Derrick Tokos; DETAR John G; DOOLEY Daniel P; 'Todd Mobley'; KNITOWSKI David; BATTEN Ann M; WEEKS Kendal J; DETERING Lynn; 'Brian Davis'; LINER Duane J; KARGEL Angela J; UPTON Dorothy J
Subject: ODOT Review conclusion 9 19 12 RE: Blue Water Ridge Transportation Assessment Letter

Mr. Huster,

We have completed review of the material your traffic engineer has submitted. We are satisfied that the improvements proposed (SB left turn and NB right turn lane) required as part of the existing Cooperative Improvement Agreement are still valid for your proposed revised development.

A special thanks to Ann Batten (ODOT Region 2 Senior Traffic Analyst) for providing such a quick review and John deTar for aissing with the review and coordinating with the traffic engineer.

- duane

Duane James Liner, P.E.
Interim Development Review Coordinator
ODOT - Region 2
541-757-4140

From: LINER Duane J
Sent: Tuesday, September 18, 2012 7:27 AM
To: 'Don Huster'; Brian Davis
Cc: d.tokos@newportoregon.gov; DETAR John G; DOOLEY Daniel P; Todd Mobley
Subject: RE: Blue Water Ridge Transportation Assessment Letter

Mr. Huster,

Just wanted to acknowledge receipt of your email. I will forward it to our traffic analyst to review but can not commit to you that they will have it reveiwed as quickly as you have requested. I will pass on your request.

- duane

Duane James Liner, P.E.
Interim Development Review Coordinator
ODOT - Region 2
541-757-4140

From: Don Huster [mailto:dhuster@thewoodsidegroup.com]
Sent: Sunday, September 16, 2012 5:44 PM
To: Brian Davis
Cc: d.tokos@newportoregon.gov; DETAR John G; LINER Duane J; DOOLEY Daniel P; Todd Mobley
Subject: Re: Blue Water Ridge Transportation Assessment Letter

All,

Derrick and I are scheduled to meet Wednesday morning to discuss details for the Newport Planning Commission's Final Order for our Blue Water Ridge land use application. If it is possible for ODOT to review and hopefully approve our Highway 101 access plans based on the information we have provided, it would be very helpful to receive your response by Wednesday morning in order to finalize plans for moving forward with this project.

Thank you for your help on this.

Don Huster

On Sep 13, 2012, at 3:24 PM, Brian Davis wrote:

Attached please find a transportation assessment letter for the proposed Blue Water Ridge subdivision in Newport. Please let me know if you have any questions or would like to see any points clarified.

Best,
Brian

--
Brian Davis

Transportation Analyst
Lancaster Engineering

(503) 248-0313

brian@lancasterengineering.com

<Blue Water Ridge - Transportation Assessment - Updated.pdf>



EXPIRES: 12/31/2012

TECHNICAL MEMORANDUM

TO: Don Huster, Newport Village, LLC
FROM: Brian Davis
Todd E. Mobley, PE, PTOE
DATE: September 13, 2012
SUBJECT: Blue Water Ridge Transportation Assessment

LANCASTER ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

INTRODUCTION

In 2006, a 107-lot residential subdivision was approved on the subject site in Newport, Oregon, on the east side of Highway 101 and north of NW 60th Street. Newport village, LLC is the entity that owns the property and has submitted the land use applications to the City of Newport. The subdivision was originally known as Heritage Place but the name was subsequently changed to Blue Water Ridge, which has been registered with the Lincoln County Surveyor. Due to market conditions, the subdivision was not constructed and is now proposed to be developed with standard detached single-family homes as well as a residential care facility that includes assisted living and memory care.

This memo is written to examine the trip generation of the proposed use of the site and compare that to the trip generation anticipated with the previously approved 107-lot subdivision. An access to Highway 101 was previously approved by the Oregon Department of Transportation (ODOT), but was not constructed. The access includes left and right-turn lanes on Highway 101. This analysis will examine the applicability of the prior design to the current development plan.

TRIP GENERATION

To assess the trip generation of the proposed use of the site, trip rates from the manual *TRIP GENERATION*, Eighth Edition, published by the Institute of Transportation Engineers (ITE) were used. The following land use categories were used for this analysis:

- Land Use Code 210 – Single-Family Detached Housing
- Land Use Code 254 – Assisted Living
- Land Use Code 620 – Nursing Home (used for proposed memory care)

The current development plan was reviewed and tentatively approved by the Newport Planning Commission. That development plan calls for 88 units for assisted living, 32 units for memory care, and 170 housing units. This analysis examines the trip generation potential of developing Blue Water Ridge under the new approval.

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Don Huster
September 13, 2012
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Results of the trip generation calculations are summarized in the table below. Detailed trip generation calculations are attached to this memorandum.

Trip Generation Summary

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	Total
Assisted Living	88 Beds	8	4	12	8	11	19	234
Memory Care	32 Beds	4	1	5	2	5	7	76
Single-Family Homes	170 Dwelling units	32	96	128	108	64	172	1,626
	290 TOTAL	44	101	145	118	80	198	1,936

As shown in the table above, the proposed development plan will generate 145 trips during the morning peak hour, 198 trips during the evening peak hour, and 1,936 trips over the course of a typical weekday. The peak hour results are most important, as these are the critical analysis periods and determine the necessary transportation facilities to accommodate the traffic from the development.

The directional distribution of site trips along Highway 101 (the north/south split) for Blue Water Ridge is expected to be the same as that previously derived for the Newport Village subdivision. The traffic impact study prepared for the prior subdivision identified a split of 70 percent to and from the south and 30 percent to and from the north.

OPERATIONAL ANALYSIS

An analysis of the access to Highway 101 was performed using the trip generation numbers summarized above and traffic volumes counted on Highway 101. Assuming a build-out period of two years, and using an annual rate of growth of 0.81% derived from ODOT's *Future Volumes Tables*, the intersection would operate with a volume-to-capacity (v/c) ratio of 0.74 upon completion of the development. This is slightly in excess of ODOT's performance standard that requires intersections along Highway 101 to operate at a v/c ratio of 0.70 or less.

However, there are several ways to ensure that the v/c requirement is satisfied as the development progresses. It is expected that the detached homes in the development will be attractive to seniors, given the location of the properties and the proximity to care facilities as part of the proposed development. Senior adult housing generates trips at a far lower rate than housing occupied by working-age families. Thus, if only 14 of the 170 houses are occupied by seniors, this eliminates ten total trips—six incoming trips and four outgoing trips—which will cause the access to exceed the performance standard, operating with a v/c ratio of 0.69. Additionally, a second access point to the development at E 60th Avenue is available as an option. This access was not available at the time of the prior subdivision approval and was not considered in that traffic analysis. If the trips generated by only ten of the houses in Blue Water Ridge—again, six incoming trips and four outgoing trips—choose to use this access point rather than the direct access to Highway 101, the direct access will

Don Huster
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again meet the performance standard by operating with a v/c ratio of 0.69 during the evening peak hour. Given the location of the access point to Highway 101 via E 60th Avenue with respect to the arrangement of the lots, it is expected that this utilization would easily be exceeded if this second access point is developed.

LEFT & RIGHT-TURN LANE STORAGE

The design of the left and right-turn lanes on Highway 101 at the site access drive is dependent largely on the *entering* traffic volumes. The largest volume of entering traffic, as well as the highest volume of traffic on Highway 101, occurs during the evening peak hour, with at most 35 trips turning left into the access. The prior approval includes plans for a left-turn lane of approximately 350 feet for the southbound left turn movement. Based on the “two-minute rule” (the rule of thumb from the AASHTO Manual that queue storage should be provided for at least two minutes of random arrivals), the 95th percentile queue length for this movement would be less than two vehicles, or less than 50 feet. Thus the planned queue storage is more than adequate.

Additionally, the prior approval called for a right-turn lane of approximately 200 feet to accommodate the northbound entering traffic. This movement will experience no delay, but its presence ensures that northbound through traffic flow on Highway 101 will not be affected by the access.

TRAFFIC SIGNAL WARRANTS

Unlike the turn lanes on Highway 101, the traffic signal warrant calculations are dependent largely on the volume of traffic *exiting* the site. Exiting traffic receives the most benefit from signalization. The proposed Blue Water Ridge will have more exiting trips than the previously approved project, with exiting volumes increasing from 60 to a maximum of 101 during the morning peak and from 40 to a maximum of 80 during the evening peak. However, neither volume is sufficient to warrant installation of a traffic signal. A traffic signal is therefore not necessary and is not recommended.

CONCLUSIONS

Based on the trip generation calculations and traffic characteristics for the new development and a comparison to the trip generation previously anticipated for the prior subdivision, the access to Highway 101 is sufficient to accommodate the traffic from the development of the site. With a minimal portion of the proposed detached housing occupied by seniors, all performance standards will be met, queue storage will be adequate, and no signals will be warranted. However, in the unlikely event that the maximum anticipated trip rates are realized if only a minimum number of the houses are occupied by seniors, the newly available second access point to Highway 101 via E 60th Avenue could be developed to ensure that all performance measures are met. The previous design of the site access intersection to Highway 101 is still valid given the new proposed development and no changes are recommended.

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TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 170

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	32	96	128

PM PEAK HOUR

Trip Rate: 1.01

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	108	64	172

WEEKDAY

Trip Rate: 9.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	813	813	1,626

SATURDAY

Trip Rate: 10.08

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	857	857	1,714

1e

TRIP GENERATION CALCULATIONS

Land Use: Assisted Living
Land Use Code: 254
Variable: Beds
Variable Value: 88

AM PEAK HOUR

Trip Rate: 0.14

	Enter	Exit	Total
Directional Distribution	65%	35%	
Trip Ends	8	4	12

PM PEAK HOUR

Trip Rate: 0.22

	Enter	Exit	Total
Directional Distribution	44%	56%	
Trip Ends	8	11	19

WEEKDAY

Trip Rate: 2.66

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	117	117	234

SATURDAY

Trip Rate: 2.20

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	97	97	194

1e

TRIP GENERATION CALCULATIONS

Land Use: Nursing Home
Land Use Code: 620
Variable: Beds
Variable Value: 32

AM PEAK HOUR

Trip Rate: 0.17

	Enter	Exit	Total
Directional Distribution	71%	29%	
Trip Ends	4	1	5

Directional distribution taken from 1,000 Sq Ft data

PM PEAK HOUR

Trip Rate: 0.22

	Enter	Exit	Total
Directional Distribution	33%	67%	
Trip Ends	2	5	7

WEEKDAY

Trip Rate: 2.37

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	38	38	76

SATURDAY

Trip Rate: 2.11

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	34	34	68

TWO-WAY STOP CONTROL SUMMARY

General Information				Site Information				
Analyst	Brian Davis			Intersection	Highway 101 & Blue Water Ridge			
Agency/Co.	Lancaster Engineering			Jurisdiction				
Date Performed	8/30/2012			Analysis Year	2014			
Analysis Time Period	PM Peak							
Project Description 170 SFD - No Access to 60th Avenue								
East/West Street: Site Access				North/South Street: Highway 101				
Intersection Orientation: North-South				Study Period (hrs): 1.00				
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)		783	83	35	851			
Peak-Hour Factor, PHF	1.00	0.93	0.93	0.93	0.93	1.00		
Hourly Flow Rate, HFR (veh/h)	0	841	89	37	915	0		
Percent Heavy Vehicles	0	--	--	5	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	1	1	1	0		
Configuration		T	R	L	T			
Upstream Signal		0			0			
Minor Street	Eastbound			Westbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)				56		24		
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.93	1.00	0.93		
Hourly Flow Rate, HFR (veh/h)	0	0	0	60	0	25		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	1	0	1		
Configuration				L		R		
Delay, Queue Length, and Level of Service								
Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L	L		R			
v (veh/h)		37	60		25			
C (m) (veh/h)		723	81		368			
v/c		0.05	0.74		0.07			
95% queue length		0.16	5.59		0.22			
Control Delay (s/veh)		10.2	153.3		15.5			
LOS		B	F		C			
Approach Delay (s/veh)	--	--	112.8					
Approach LOS	--	--	F					

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	Brian Davis	Intersection	Highway 101 & Blue Water Ridge
Agency/Co.	Lancaster Engineering	Jurisdiction	
Date Performed	8/30/2012	Analysis Year	2014
Analysis Time Period	PM Peak		
Project Description 160 SFD OR 156 SFD + 14 Senior Detached Homes			
East/West Street: Site Access		North/South Street: Highway 101	
Intersection Orientation: North-South		Study Period (hrs): 1.00	

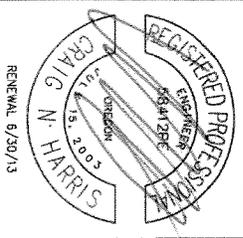
Vehicle Volumes and Adjustments

Major Street Movement	Northbound			Southbound		
	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		783	78	34	851	
Peak-Hour Factor, PHF	1.00	0.93	0.93	0.93	0.93	1.00
Hourly Flow Rate, HFR (veh/h)	0	841	83	36	915	0
Percent Heavy Vehicles	0	--	--	5	--	--
Median Type	Raised curb					
RT Channelized			0			0
Lanes	0	1	1	1	1	0
Configuration		T	R	L	T	
Upstream Signal		0			0	

Minor Street Movement	Eastbound			Westbound		
	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)				53		23
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.93	1.00	0.93
Hourly Flow Rate, HFR (veh/h)	0	0	0	56	0	24
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L	L		R			
v (veh/h)		36	56		24			
C (m) (veh/h)		727	81		368			
v/c		0.05	0.69		0.07			
95% queue length		0.16	4.84		0.21			
Control Delay (s/veh)		10.2	135.6		15.5			
LOS		B	F		C			
Approach Delay (s/veh)	--	--	99.6					
Approach LOS	--	--	F					



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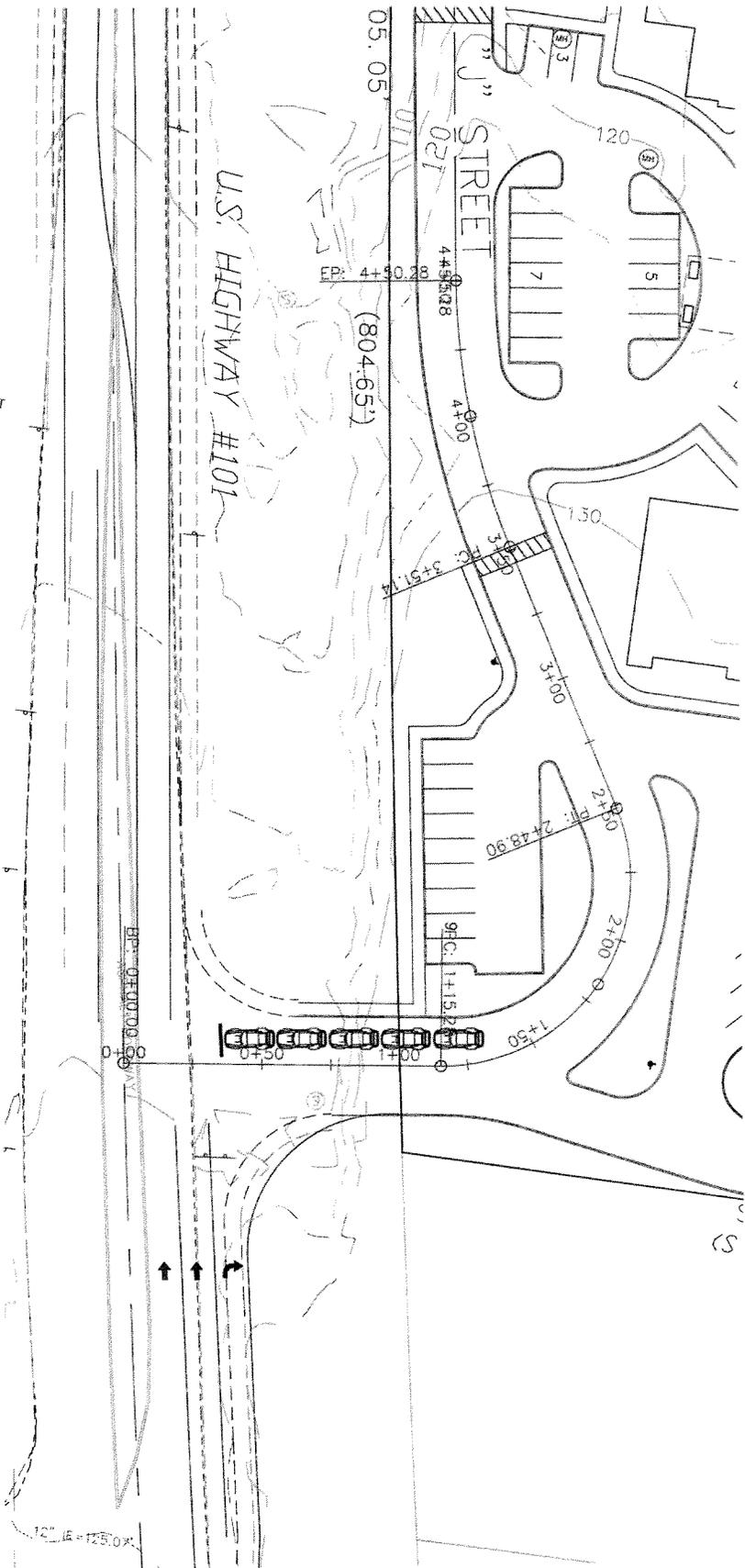
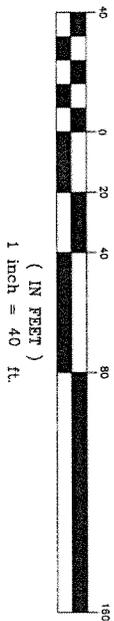
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ENGINEERING
4875 SW Glisan Drive | Suite 300 | Beaverton, OR 97005
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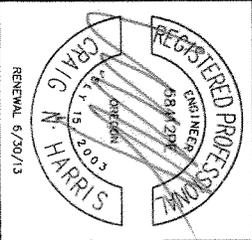
ACCESS DRIVE PLAN

SHEET TITLE

DATE:	08.22.12
DRAWN:	JSR
CHECKED:	CMH
SCALE:	1"=40'
JOB NUMBER:	A12063.11

EXA
1 OF 2





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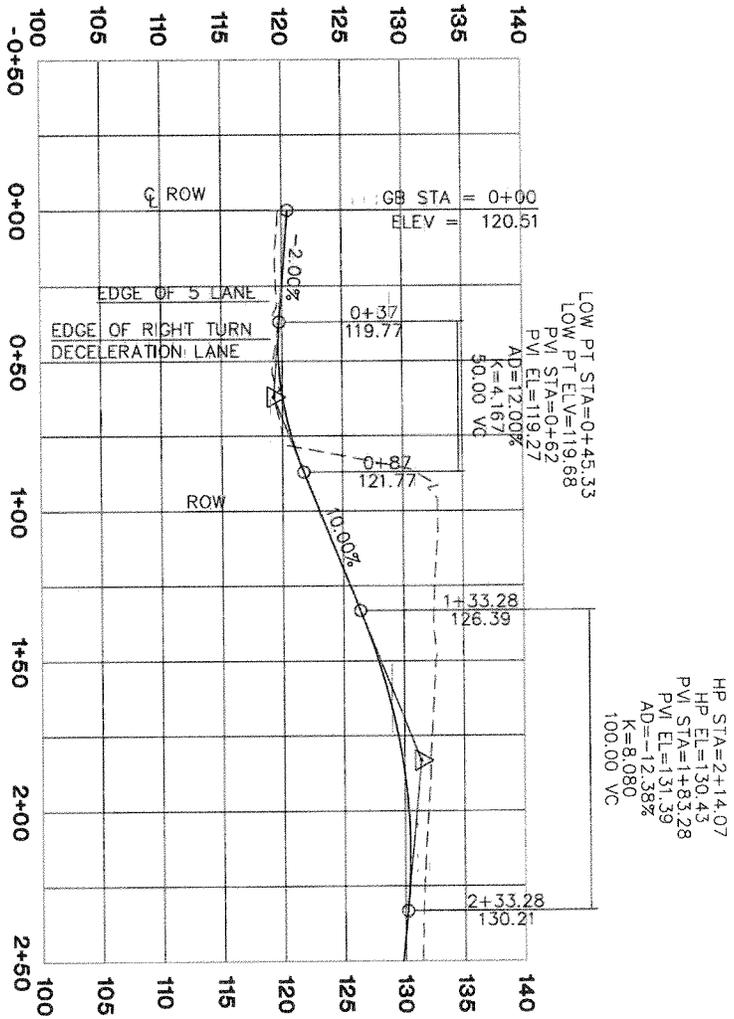
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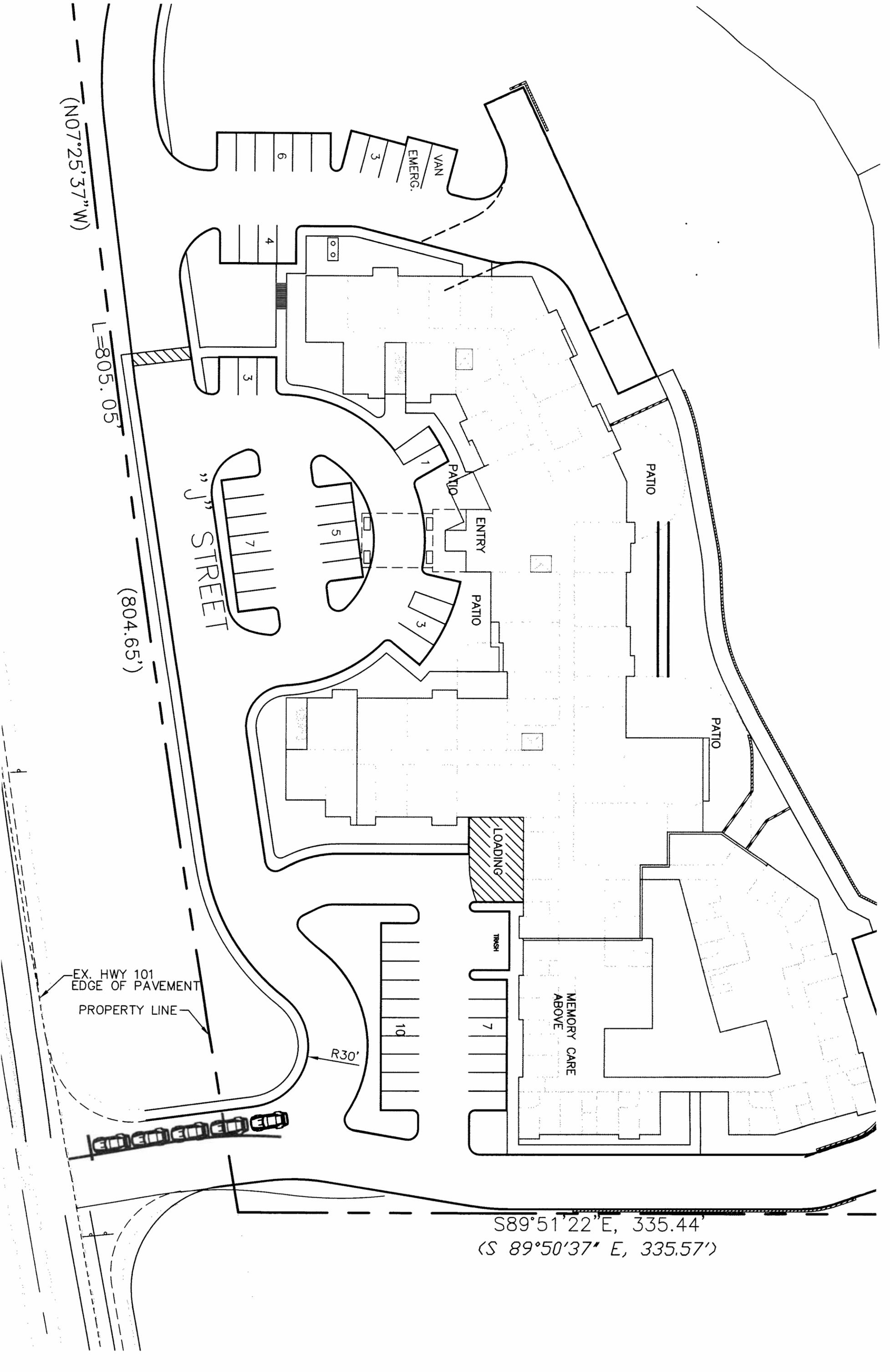
ACCESS DRIVE PROFILE

SHEET TITLE

DATE: 08.22.12
 DRAWN: JSR
 CHECKED: CMH
 SCALE: 1"=10'
 JOB NUMBER: A32063.11

EXB





PLANNING STAFF MEMORANDUM
FILE No. 1-MISC-12

- I. **Applicant:** City of Newport.
- II. **Request:** A proposal to rename approximately 95.86 acres of City owned land south of Anderson Creek and east of Big Creek road as a “Forest Park.” The property is identified as Tax Lot 2100, Section 32DD, T10S, R11W; Tax Lot 600, Section 33, T10S, R11W; Tax Lot 400, Section 5, T11S, R11W; and Tax Lot 200, Section 5DA, T11S, R11W.
- III. **Findings Required:** An action to rename a public place other than a street may be initiated by resolution of the City Council (NMC 2.35.020(A)(1)). This was done on July 2, 2012 with Resolution No. 3604. In this resolution the Council requested that the Planning Commission provide a recommendation as to whether or not it is in the public interest to rename this area as a “Forest Park” considering (1) factors of historical significance related to persons, circumstances or events; (2) factors of geographical significance; and (3) other circumstances that warrant consideration (NMC 2.35020(E)). The Council further requested that a management strategy be prepared and considered by the Commission.
- IV. **Planning Staff Memorandum Attachments:**
- Attachment "A" – Draft Forest Park Management Plan, with attachments, dated 10/1/12
 - Attachment "B" – Letter from Oregon Coast Community Forest Association, dated 9/7/12
 - Attachment "C" – ODFW Stream Report for Jeffries Creek
 - Attachment "D" – Resolution No. 3604
 - Attachment "E" – Copy of NMC Chapter 2.35, Renaming Public Places (Other than Streets)
 - Attachment "F" – Notice of Public Hearing
- Note: Oversized map prepared by Oregon Coast Community Forest Association will be available at the hearing.
- V. **Notification:** The Newport Municipal Code (NMC) requires that the Planning Commission conduct a public hearing on a renaming proposal and that notice of the hearing be published in a newspaper of general circulation at least once prior to the week within which the hearing is to be held (NMC 2.35.020(D)). The required notice was provided on October 3, 2012. See Planning Staff Memorandum Attachment "F" (Notice of Public Hearing).
- VI. **Comments:** No written comments were received in response to the notice.
- VII. **Discussion of Request:** The City Council was approached by the Oregon Coast Community Forest Association (OCCFA) to designate the subject property as a “Forest Park.” This City owned property does not presently have an official name, although it is referenced in the 1993 Park System Master Plan as the Big Creek/Jefferies Creek Open Space. OCCFA is interested in seeing the property maintained in its natural state with low impact trail development. They acknowledge that the City needs to be able to maintain utilities in place on the property and the municipal pool, but do not want to see more extensive development. This includes any future extension of Harney Street. OCCFA also sees an opportunity for the property to serve as an educational venue for local students interested in learning about natural systems. In passing Resolution No. 3604, the City Council initiated the renaming process but also asked that a management strategy or plan be developed to define what it means for the property to carry a “Forest Park” designation.

Portions of the property are zoned P-3/“Public Open Space” and P-1/“Public Buildings and Structures.” Allowed uses in the P-3 zone are limited to public parks, open space, trails and associated activities. The P-1 zoning designation allows a broad range of public uses (i.e. schools, courts, utility facilities, museums, fairgrounds, airports, administrative buildings, etc.), although most of these uses already exist elsewhere in the community.

- VIII. **Conclusion and Recommendation:** The Planning Commission should review the proposal to determine if historic or geographic factors warrant renaming the subject property as “Forest Park” and make a recommendation to the City Council. The recommendation should include the Commission’s stance as to whether or not the City should implement the Management Plan as drafted or with amendments.



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

October 5, 2012

1. PURPOSE

This Management Plan provides specific information about the condition of Forest Park and desired management practices that, if accepted by the Newport City Council, serve to supplement existing City policies that set forth expectations for maintenance and future development of the property.

2. PROPERTY DESCRIPTION

Forest Park includes City owned land south of Anderson Creek and east of Big Creek road within Tax Lot 2100, Section 32DD, T10S, R11W; Tax Lot 600, Section 33, T10S, R11W; Tax Lot 400, Section 5, T11S, R11W; and Tax Lot 200, Section 5DA, T11S, R11W. The property is approximately 95.86 acres in size and is graphically depicted on the map attached as Exhibit A.

3. CHARACTERISTICS

The property is forested with mature stands of spruce, alder, and hemlock. Douglas fir, pacific yew, and cascara are also present. Understory vegetation includes salal, salmon berry, ferns, and vine maple. Two fish bearing streams cross the property, with Anderson Creek forming the northern boundary of the park and Jeffries Creek which drains to the north through the length of the property. Existing development consists of the Newport Municipal Pool in the southwest corner of the park, two municipal water reservoir tanks located roughly 1,100 feet northeast of the pool and appurtenant utility lines and access roads. A detailed description of the condition of the property, prepared by Trout Mountain Forestry, on behalf of the Oregon Coast Community Forest Association, is enclosed as Exhibit B.

4. EXISTING POLICIES

The Newport Comprehensive Plan calls for the City to pursue implementation of the Park System Master Plan, adopted in November of 1993. This plan identifies the property as the Big Creek/Jeffries Creek Open Space area, and sets out the following policies for the management of open space lands:

- (a) Where feasible, public access into these areas should be encouraged but environmentally sensitive areas protected from public over use.
- (b) Improvements should be kept to a minimum with protection of the natural environment emphasized.

5. ZONING

The central portion of the property, identified as Tax Lot 400, is zoned P-3/"Open Space." This covers 77.43 acres of the park site. Allowed uses in the P-3 zone are limited to public parks, open space, trails and associated activities. The balance of the property is zoned P-1/"Public Buildings and Structures." This zoning designation allows a broad range of public uses (i.e. schools, courts, utility facilities, museums, fairgrounds, airports, administrative buildings, etc.). Most of these uses already exist elsewhere in the community. Public parks and trail uses are permitted in the P-1 zoning district.

6. MANAGEMENT STRATEGIES

(a) *Recreation and Educational Opportunities*

- i. Maintain the municipal pool as a recreational venue independent from the balance of Forest Park, and seek alternative locations for a replacement facility that are situated in a more developed areas;

- ii. Explore opportunities to enhance Forest Park by developing trail elements that foster forest stewardship and educational opportunities, including trailhead kiosks, monitoring devices and learning sites supportive of school curriculums, space for interpretive/demonstration learning areas and similar features;
- iii. Consider using existing utility corridors as part of a formal trail system within the park;
- iv. Preserve Forest Park for trail and interpretive use, directing more active and intensive forms of park development to other properties; and
- v. Design and construct trail or interpretive facilities such that they avoid adverse impacts to the natural ecosystem.

(b) *Public Infrastructure*

- i. Limit the scope of utility work to that which is necessary to maintain and enhance existing infrastructure to meet the needs of residents of the City of Newport;
- ii. Consider defining utility areas by easement so that it is clear where disturbances can occur; and;
- iii. Avoid establishing an alignment for the planned extension of Harney Street that cuts through or otherwise materially impacts Forest Park.

(c) *Forest Stewardship*

- i. Conserve and maintain Forest Park as a mature forest reserve and ensure that any new uses are consistent with this objective;
- ii. Promote stewardship activities within Forest Park that enhance the natural ecosystem, including the control of invasive species, and improvements to fish habitat;
- iii. Support the efforts of volunteer groups interested in undertaking stewardship and educational activities; and
- iv. Provide city resources to supplement volunteer stewardship initiatives when such efforts are aligned with existing policy objectives and can be supported considering staff and budget constraints.

(d) *Property Maintenance*

- i. Manage Forest Park in a manner that protects and enhances its natural functions;
- ii. Avoid removing mature trees unless necessary for forest health, public safety or to maintain/enhance existing utilities and structures;
- iii. Follow best management practices when conducting earthwork to minimize erosion and avoid sediment discharge into streams; and
- iv. Evaluate measures that can be undertaken to stabilize slopes along Big Creek Road to reduce the risk of future landslides, including improvements to the drainage system.

Attachments

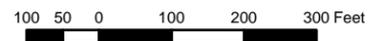
Exhibit A: Boundary Map of Proposed Forest Park, dated September 26, 2012

Exhibit B: Forest Park Assessment prepared by Trout Mountain Forestry, dated September 10, 2012



City of Newport
Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 Phone: 1.541.574.0629
 Fax: 1.541.574.0644

EXHIBIT A: BOUNDARY MAP OF PROPOSED FOREST PARK



This map is for informational use only and has not been prepared for, nor is it suitable for, legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.



September 10, 2012

Penelope Kaczmarek
Oregon Coast Community Forest Association
PO Box 149
Newport, OR 97365

Re: Forest Park Assessment

Hi Pen,

I reviewed Newport's proposed Forest Park on August 21st with Chuck Willer and others from OCCFA. Following are my observation and preliminary recommendations. To build on this memo I recommend developing a more detailed long-term management plan sometime in the near future. To do so would involve a bit more fieldwork and mapping.

Forest Condition

The forest is predominantly 40-50 year-old naturally seeded stands of spruce, alder, and hemlock. Douglas-fir, Pacific yew, and cascara are minor species. Areas of older trees are found at the north end of the property, and widely scattered throughout other areas. A well-developed native understory features salal, salmon berry, ferns, and vine maple. There has been no significant tree cutting since property acquisition in the early 1970s.

Forest Health

Trees are generally healthy and growing well. I noted no significant insect or disease concerns. The property's ridge top location presents a high risk for blowdown, but I saw only limited signs of recent or past wind damage. The site's generally well drained soils and relatively open stands mitigate against wind throw risk, though risk increases with stand age, in areas of dense uniform tree stocking, or at exposed stand edges. That said, most areas are likely to be wind-firm for years to come, barring extreme storm events.

Invasive Species

The greatest forest health concern is well-established and expanding invasive weed populations, most notably English ivy. A concerted multi-year approach will be necessary to for adequate control. A combination of manual and chemical methods is typically most effective. I also observed Scotch broom, exotic blackberry, and English holly, but these are less widespread and pose a lower risk of invasion.

Water quality

Two streams cross the property, Anderson Creek to the north, and Jeffries Creek which crosses the property in the south and flows the length of the property to the west. Recent landslides along Big Creek Road and activities upstream of the property are causing sedimentation in Jeffries Creek, but Anderson Creek was running clean at the time I

visited. The two streams join at the north end of the property, and immediately flow into Big Creek.

Fish and wildlife habitat

Both Anderson and Jeffries Creeks are considered medium fish-bearing streams by Oregon Department of Forestry rules; the small tributary of Jeffries in the far south is considered a small fish-bearing stream. The stream crossing of Jeffries by the southern trail/access road appears to be inadequately sized for fish passage, and appears to present a persistent maintenance and access issue, especially at high stream flows. Historically Jeffries Creek was known to have a significant salmon run, but recent monitoring indicates only intermittent fish runs. A closer look is warranted here.

ODF maps show no sensitive wildlife habitat areas, though larger spruce and hemlock provide potential habitat for marbled murrelets

Management direction

Given the parcel's close proximity to the city, its high recreation use, and mature forest condition the site is best suited for conservation, and has excellent potential as a mature forest reserve. Stands of this stature are becoming increasingly rare in the Coast Range, especially in such close proximity to population centers. Management to protect forest health and ecosystem values should be emphasized.

Property boundary

See the attached map for the suggested area for Forest Park. Swimming and water treatment facilities should be excluded.

Management opportunities

Priority forest stewardship activities follow. Additional project specifications should be developed. A forest management plan would provide additional rationale and details.

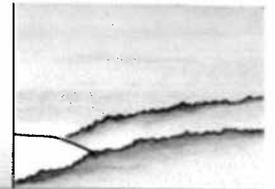
1. Control invasive species – a weed control plan is needed; volunteers can play a key role in control efforts
2. Improve fish passage/stream crossing – a new fish-friendly stream crossing should be designed and installed. Grant funding is available
3. Stabilize landslide areas – active slide areas should be stabilized; improving ditches and adding more cross drain culverts to Big Creek Road will reduce future slide risks (it appears this work may already be underway)
4. Fish habitat enhancements – adding large wood to stream channels and establishing more conifers in streamside zones will improve fish habitat and should help recover historic runs. Grant funding is available.
5. Forest Stewardship education – adding trailhead kiosks with information on forest stewardship activities would be an excellent education and public engagement opportunity

This is an exceptional property with great potential for enhanced public recreation and education. We have worked with several communities, and are happy to assist with planning, project design and implementation, and securing project funding.

Please contact me with any questions, or if I can be of further assistance.

Mark Miller

Oregon Coast Community Forest Association



PO Box 149 • Newport, OR 97365 • www.occforest.org • 541-574-4030 • Email: occf@occforest.org

Sept. 7, 2012

Jim Protiva
Parks and Recreation Director
City of Newport

Dear Jim,

Per our earlier discussion and arrangements you made with Penelope Kaczmarek, I submit the following:

1. A mapped recommendation of the park's boundary.
2. A copy of the stream inventory for Jeffries Creek completed in 1999 as part of the Oregon Department of Fish and Wildlife's Aquatic Inventory Project.
3. A brief forest assessment by Trout Mountain Forestry commissioned by the Oregon Coast Community Forest Association (OCCFA).

The OCCFA recommends the park not be managed for commercial outputs. Our recommendation is that the park be managed to conserve and protect its mature forest ecosystem and associated aquatic values. Undoubtedly, restoration projects can be identified as future work efforts. Recreation, research and education are uses that should be emphasized in the park's designation by the city.

Sincerely,

Chuck Willer

(Jeffries Creek continued)

The stream is alternating hillslope and terrace constrained with a broad valley. The average valley width index is 32.5 (range: 15.0-50.0). Land uses for the reach are mature trees and rural residential area. The average unit gradient is 1.1 percent. Stream habitat is comprised of glides (57%) and scour pools (24%). Stream substrate is dominated by silt and organic (66%) sized sediment. The average residual pool depth is 52 cm. Wood volume is low at 7.5m³ per 100 m of stream channel. The trees found most frequently in the riparian zone are hardwood 30-90 dbh. The vegetation is based on one riparian transect.

- Reach 3: (T11S-R10W-S32SE) Length 1300 m. Reach 3 begins at the start of a long wetland area and ends at a culvert crossing. The stream is an unconstrained braided channel in a wide floodplain. The average valley width index is 13 (range: 7.0-17.0). Land uses for the reach are mature trees and wetlands. The average unit gradient is 0.8 percent. Stream habitat is comprised of glides (97%). Stream substrate is dominated by silt and organic (58%) and sand (35%) sized sediment. The average residual pool depth is 82 cm. Wood volume is low at 4.6m³ per 100 m of stream channel. The trees found most frequently in the riparian zone are conifer and hardwood 3-30 dbh. The vegetation is based on three riparian transects. This reach is comprised of a large braided beaver marsh.
- Reach 4: (T11S-R10W-S5NE) Length 167 m. Reach 4 begins at culvert crossing and unnamed tributary junction and ends where the channel becomes constrained. The stream is single channel unconstrained in a wide floodplain. The average valley width index is 18.5 (range: 17.0-20.0). Land uses for the reach are mature trees. The average unit gradient is 0.8 percent. Stream habitat is comprised of scour pools (42%) and riffles (35%). Stream substrate is dominated by sand (50%) and gravel (37%) sized sediment. The average residual pool depth is 40 cm. Wood volume is low at 4.4m³ per 100 m of stream channel. No riparian transect was taken for this reach.
- Reach 5: (T11S-R10W-S4SW) Length 644 m. Reach 5 begins where the channel becomes constrained and ends where the valley becomes narrower. The stream is alternating hillslope and terrace constrained with a broad valley. The average valley width index is 7.8 (range: 3.0-14.0). Land use for the reach is mature trees. The average unit gradient is 3.0 percent. Stream habitat is comprised of riffles (40%), scour pools (37%), and glides (23%). Stream substrate is dominated by gravel (58%), sand (18%) and silt and organic (18%) sized sediment. The average residual pool depth is 42 cm. Wood volume is high at 37m³ per 100 m of stream channel. The trees found most frequently in the riparian zone are conifer and hardwood 15-50 dbh. The vegetation is based on three riparian transects.
- Reach 6: (T11S-R10W-S4SE) Length 370 m. Reach 6 begins where the valley becomes narrower and ends at an unnamed tributary junction at Petersen's property boundary. The stream is hillslope constrained with a moderate V-shaped valley. The average valley width index is 1.4 (range: 1.0-2.5). Land use for the reach is mature trees. The average unit gradient is 1.8 percent. Stream habitat is comprised of riffles (58%) and scour pools (31%). Gravel (34%), bedrock (19%), and cobble (17%) sized sediment dominate stream substrate. The average residual pool depth is 34 cm. Wood volume is low at 8.4m³ per 100 m of stream channel. The trees found most frequently in the riparian zone are hardwood 3-30 dbh. The vegetation is based on two riparian transects.

(Jeffries Creek continued)

COMMENTS:

The survey crew observed salmonid fry and cutthroat trout. The crew observed fry through unit 193 (2611 m). Sculpin, raccoon, deer, ducks, downy woodpecker, snails, beaver, and salamander are the wildlife noted. Reach three is a long braided wetland area created by beaver influence. There is a barrier to upstream fish migration at a culvert upstream from the end of the surveyed stream. The crew commented that this creek has the greatest potential spawning gravel of any in the Big Creek system.

RESOLUTION NO. 3604

A RESOLUTION INITIATING THE RENAMING OF CITY PROPERTY
AT 1212 NE FOGARTY STREET AS "FOREST PARK"

FINDINGS:

1. The City of Newport has been approached by citizens interested in the city designating approximately 77.43 acres of land adjacent to and north of the public swimming pool at 1212 NE Fogarty Street as "Forest Park;" and
2. The property is identified on Lincoln County Assessment Maps as Tax Lot 400, Section 5, Township 11S, Range 11W, W.M and is bordered to the west by NE Big Creek Road (ref: Exhibit A); and
3. Site improvements include the swimming pool at the southwest corner of the property, municipal water storage tanks approximately 1,200 feet to the north and east, and an appurtenant utility access road and associated trails. The property is otherwise undeveloped and forested and includes a portion of Jeffries Creek; and
4. Newport Municipal Code (NMC) Section 2.35.020 sets out a process for naming public places other than streets; and
5. Such process may be initiated by resolution of the City Council or a petition signed by no fewer than 100 eligible voters residing in the City of Newport; and
6. It is the desire of the City Council to initiate the renaming process by resolution so that subsequent hearings may be conducted before the Newport Planning Commission and City Council to solicit public input on whether or not designating the property as "Forest Park" is in the public interest; and
7. In moving this proposal forward, the Council recognizes that a potential "Forest Park" designation will not change the zoning for the property, which is already very restrictive, but may help to establish a management strategy that provides appropriate access to the site while preserving the natural scenery; and
8. It is also the Council's expectation that such a strategy be outlined by city staff and shared with the public so that it may be considered as part of the renaming process. The City's 1993 Park System Master Plan identifies the site as the "Big Creek/Jefferies Creek Open Space" but does not provide details about how the property will be managed or developed. If a management strategy is agreed upon as part of this process it could be incorporated into a future Park System Master Plan update.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. As provided in NMC Section 2.35.020(E), a public hearing shall be scheduled before the Newport Planning Commission so that they might provide a recommendation to the City Council on whether or not it is in the public interest to

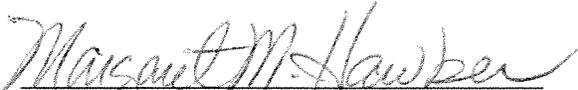
designate the property as "Forest Park." Such hearing shall be scheduled as soon as practicable considering the need for a management strategy to be drafted and applicable notice requirements; and

Section 2. This resolution shall be effective immediately upon passage.



Mark McConnell, Mayor

ATTEST:


Margaret M. Hawker
Margaret M. Hawker, City Recorder

**CHAPTER 2.35 RENAMING PUBLIC PLACES
(OTHER THAN STREETS)**

2.35.010 Purpose

To provide a process and criteria for renaming public places other than streets. The renaming of streets is addressed in Chapter 9.85 of this Code.

2.35.015 Scope

The provisions of this Chapter shall apply to public places within the corporate limits of the City of Newport and to property owned by the City of Newport.

2.35.020 Renaming Public Places

- A. An action to rename a public place other than a street shall be initiated by:
 - 1. Resolution of the City Council; or
 - 2. A petition signed by no fewer than 100 eligible voters residing in the City of Newport.
- B. A resolution or petition initiating the renaming of a public place other than a street shall include a clear description of the public place that is to be renamed.
- C. If the resolution or petition to rename a public place other than a street is in honor of an individual, then a written statement must be included describing why the individual is deserving of the honor.
- D. Following adoption of a Council resolution or the filing of a petition under 2.35.020(A), the Planning Commission shall conduct a public hearing on the renaming proposal.
 - 1. Notice of the hearing shall be published in a newspaper of general circulation in the city at least once within the week prior to the week within which the hearing is to be held.
- E. The Planning Commission shall consider the following factors when making a recommendation on a proposal to rename a public place:
 - 1. Factors of historical significance related to persons,

circumstances or events;

2. Factors of geographical significance;
 3. In the case of a proposal to rename a public place in honor of an individual, the following conditions shall be met:
 - a. The individual made significant contributions to the betterment of the city and its citizens;
 - b. The proposed change is in the best interest of the city and will not cause undue adverse impact or hardship; and
 - c. The cost of the proposed change can either be reasonably borne by the city or assigned to the petitioner(s) as a condition of approval.
 4. Other circumstances that warrant consideration.
- F. Following the public hearing, the Planning Commission shall forward a recommendation on the renaming proposal to the City Council.
- G. Upon receiving a recommendation from the Planning Commission, the City Council shall hold a public hearing to take testimony on the proposal. Notice of the hearing shall be provided as outlined in 2.35.020(D).
- H. After conducting a hearing, the City Council by ordinance shall either rename the public place or by resolution shall reject the renaming proposal.

(Chapter 2.35 adopted by Ord. No. 2019 on October 3, 2011; effective November 2, 2011.)

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING**

The Newport Planning Commission will hold a public hearing on Monday, October 8, 2012, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on the following request. A public hearing before the City Council will be held at a later date, and notice of the City Council hearing will also be provided. The request is to designate approximately 95.86 acres of forested land owned by the City of Newport along NE Big Creek Road as a Forest Park. The subject property includes Tax Lot 2100 Assessor's Tax Map 10-11-32-DD; Tax Lot 600 Tax Map 10-11-33; Tax Lot 400 Tax Map 11-11-05; and Tax Lot 200 Tax Map 11-11-05-DA. Pursuant to Newport Municipal Code (NMC) Section 2.35.020(E), the Planning Commission shall consider the following factors when making a recommendation on a proposal to rename a public place: 1) Factors of historical significance related to persons, circumstances, or events; 2) Factors of geographical significance; 3) Other circumstances that warrant consideration. The Commission will also consider and make a recommendation on a management plan for the park. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 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. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The file materials and the applicable criteria are available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director (541) 574-0626; or email address d.tokos@newportoregon.gov (mailing address above).

(For publication once on Wednesday, October 3, 2012)

