

**Minutes**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, October 8, 2012**

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

**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 7:05 p.m. On roll call, McIntyre, Small, Croteau, Patrick, Fisher, East, and Branigan were present.

**B. Approval of Minutes.**

1. Approval of the Planning Commission work session and regular session meeting minutes of September 24, 2012.

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

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

**D. Consent Calendar.**

1. **Final Order for File No. 2-PD-12.** Final Order approving a request submitted by Donald Huster (Newport Village, LLC, property owner) for 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.

**MOTION** was made by Commissioner Small, seconded by Commissioner Croteau, to approve the final order for File No. 2-PD-12 as presented. Patrick recalled that this final order had been held up by something. Tokos noted that the developer was working with ODOT on access issues. He did include some of the information in the packet so the Commissioners had the context of why the final order was held up. Tokos said that the developer has made an adjustment to the approach, and ODOT is on board with the proposal. The motion carried unanimously in a voice vote.

**E. New Business.**

1. **Consideration of an appointment to fill the vacancy on the Citizens' Advisory Committee.** Patrick noted that two applications had been received, and CDD Tokos had mentioned that the Planning Commission might want to consider appointing both of them and increase the size of the committee to four members. Tokos said that the Commission doesn't have limits on how large that advisory committee is. He noted that Lisa has indicated that she will be gone for the next couple of months; so expanding the committee to four might be good.

**MOTION** was made by Commissioner McIntyre, seconded by Commissioner Croteau, to increase the number of the Citizens' Advisory Committee members to total four. Fisher felt that both candidates are capable of doing the job and would be a plus. He said that he would like to see more interest from young people to apply. The motion to increase the committee size carried unanimously in a voice vote. **MOTION** was made by Commissioner Fisher, seconded by Commissioner Branigan, to appoint both Lee Hardy and Suzanne Dalton to the Citizens' Advisory Committee. The motion carried unanimously in a voice vote.

**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.

Patrick opened the public hearing portion of the meeting at 7:10 p.m. by reading the summary of the request from the agenda. He read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, bias, ex parte contact, or site visits. Several Commissioners declared that they have been to the site, but not recently. Patrick called for challenges to any of the Planning Commissioners or the Commission as a whole hearing these matters; and no objections were

raised. Patrick asked for the staff report. Tokos noted that the City Council was approached by the Oregon Coast Community Forest Assn. (OCCFA) with a proposal that they would like to see the acreage being discussed here and indicated on the maps in the packets and on display designated as a "Forest Park". He said that there are a number of elements that go along with that. There is consideration of a management plan in order that the land is maintained in its natural state. OCCFA is interested in development of low impact regional trails, etc. They see this property as being an excellent resource for children in the community in terms of learning about natural systems. OCCFA believes that the City should make a commitment to maintain this property in this manner and not allow it to be converted to other uses (such as the Harney Street extension). OCCFA does recognize that the City has utilities within the property and would need to maintain and upgrade those. It may be possible to do dual use there with trails. The City has water tanks and water distribution lines there, which are depicted on the map. The swimming pool is located in the far southwest corner of the property. The Council recognized that there is a provision recently added to the code for naming city-owned property other than streets. The Park System Master Plan is very old, but it identifies this property as open space area, but with no maintenance plan provided. The City Council is not really ready to tackle a new Master Plan upgrade, but they felt that there needs to be a management plan that goes along with a "Forest Park". They wanted something to be prepared and asked the OCCFA group and staff to work together to put together a concept for a management plan. Tokos noted that for renaming public places other than streets, there are two standards per the NMC that the Planning Commission should consider; factors of historical significance related to persons, circumstances, or events; or factors of geographical significance. He said that the City Council is looking for a recommendation from the Commission on the name change and also on the management strategy outlined in this packet. Tokos said that he took the information that OCCFA provided and worked it into an actual document that could later be used as an update to the Parks Master Plan. Going through the document, he said that the purpose is straight forward. It is to guide in a management strategy for maintaining and enhancing the property. The plan includes a property description. He noted that he didn't include the pieces to the south with the residential zoning because those could potentially be part of Harney Street. Also those are residential, and this piece is already public land. Then the management strategy goes on to characteristics that were provided by Mark Miller with Trout Mountain Forestry. They were incorporated from his letter, Exhibit 'B', and were rephrased as policies in the management strategy. Tokos noted that there is also a stream report for Jeffries Creek. The Management Plan itself talks about existing policies; the zoning; and the strategies: recreational, educational, public infrastructure, forest stewardship, and property maintenance.

For clarification, Small asked if we were talking about re-designation of the site or renaming. He said it still would be open space. The zoning would be the same. He thought it was really a rename. It doesn't have a name now. This is naming it Forest Park. The Management Strategy is a policy document that the City would use; or, if OCCFA would adopt this area, they would be inherent to that strategy as well. Small wondered if it was more restrictive calling it Forest Park than Big Creek open area. Do we treat it any differently?

Parks Director, Jim Protiva, stepped forward to help with the explanation. He said it would be different in that it would be designated a park. The intention is to keep Forest Park a forest by designating it as a park. It draws a boundary that says this land is important, and we want to keep it as natural as possible. He said it would be a good thing to adopt stewardship with that. He noted that the City has adopted a park program. There has been some interest through OCCFA that, if we can come to some sort of agreement, that group has put resources into the management plan. If this should obtain Forest Park designation, then the City can adopt that out to that group to handle invasive species control and maintain the forest as a forest. Protiva said that Forest Park is just a name. The name is less important than the designation being put on it.

Small said that he wasn't disagreeing. He was unsure the criteria for renaming public land are the right vehicle to accomplish what we want to do. Tokos said the Commissioners are being asked to actually designate it as Forest Park with the name change; naming a public place. The Council is looking not just for renaming, they wanted a management strategy pulled together to provide some actual substance of what that means. The management strategy is piece number 2; the name change is piece 1.

Branigan asked that with the management strategy, if the land is designated Forest Park, does that obligate the City to spend funds if there is a land slide for instance versus today where there is no obligation. Tokos said this does not obligate city resources to do specific repair work. It outlines objectives. There is not a hard and fast way saying how things should happen. He said that was intentional and mutually agreed upon.

Fisher noted this is not being named after a person. He said going the other step of also designating it a park carries more weight. He wondered what impact this would have on rebuilding the road that goes down to the bottom of the hill that has collapsed. Tokos said that is a utility access road; and the management strategy has been set up so that whatever work is necessary to maintain the utility corridor can be done. Fisher said that he would like the road to be rebuilt; and if the designation is changed, it may be a positive thing. Protiva said there are plans to do some work there; and this designation would not add to or take away from that effort.

Croteau asked if the designation would preclude extension of Harney Street for all time. Protiva said no there are opportunities there. Tokos said the current thinking on alignment is that it would swing east of this property. What this does is further support that thinking that Harney needs to swing to the east and not go through this property. Patrick said that his main question was where Harney would come in. Tokos has worked with Gross and determined that Anderson Creek would be about right. Croteau

asked if it would preclude any other utility work in this area. Tokos said it shouldn't. Consistent with what is drafted, the public entity can do that which is necessary to maintain and enhance existing utilities.

**Proponents:** Penelope Kaezmarek, Board member of OCCFA, came forward to testify. Kaezmarek said that she didn't have a lot to add but explained that OCCFA is represented by a number of locals; all who have an interest in seeing what they can do in promoting the preservation and health of natural resources of our area, while at the same time looking at promoting the well-being of infrastructure and creating jobs. They are looking more at a preservation model where they can demonstrate working with the community. She said that it would be attractive. When you look at forests around here, they are mostly privately-owned and are hammered pretty hard. She said that their organization has an interest in letting people that come to this community know what the Oregon Coast forest does look like and did in the past. They are interested in working with the City and doing whatever they can to sustain a relationship with the City.

Fisher asked if this would be a gentlemen's agreement in perpetuity. Kaezmarek said it is a little bit difficult to say at this point. It is somewhat undecided, and they are attempting to build a model in cooperation with the City. They would like to adopt it and work with the City and define what their role would be. Their interest is mostly in preservation and educational opportunities for youth. She doesn't have knowledge of the length of that contract because that doesn't exist yet. Fisher said having been on the Port of Newport Board, he knows that for a government to give away land to someone else is rare. He thinks the City should always use and control it. It is okay if a group is interested in working on that; but he is totally against giving control to them. Kaezmarek agreed that was in the interest of the citizenry. She described this as a bit of a novelty; but this type of working together seems to be happening more and more. She explained how OCCFA has been working with the City of Toledo.

Branigan asked that if, besides managing the preservation of that land, they had plans for developing further recreational areas in there. Kaezmarek said that it is her understanding that Protiva's group has outlined that. Protiva explained that the City will maintain ownership as it always has. He said that it is a relationship where their goals could be met and the City benefits; like with the Rotary at Literacy Park behind the Library. The City works in tandem with a group and reaps their expertise. Protiva said that we have a document that spells out how either party can exit within thirty days ending the agreement. Tokos said this partnership is very favorable if you are going out to get funding from the State Parks and Recreation Department. If we were putting a proposal together to do trail development, having this strategy in place would give the State a confidence level.

Kaezmarek said that OCCFA would be interested in the City considering a partnership with OCCFA for this area. The fact that they are working with the City would allow them some credibility with organizations. This partnership can benefit both for garnering monies for taking care of this area.

Patrick said that he is afraid one corner will get chopped one way or another. The water treatment facility is on the north end. Harney will be moving to the east. Tokos said that the pond can go away from the City's perspective. It was created at some point. Small said that part of the driving purpose of this is to ensure that the Harney expansion doesn't go through this area. He wanted an idea how this re-designation makes that more accessible to the general public for their enjoyment. Kaezmarek believes there is an interest in developing more of a trail system through there and signage. For school children this offers short-term forest educational opportunities. There are invasive species in that area that need attending to. More people are invited to be exposed to that area and taken into that area in tandem with Parks and Recreation developing a trail.

McIntyre said he is unclear about whether the City is responsible for developing and maintaining trails or if it is OCCFA in conjunction with the City. Kaezmarek said they will be in conjunction with the City. They will be helping with the management and helping deal with invasive species. She said the details are yet to be arranged.

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

Patrick closed the hearing at 7:40 p.m. for deliberation. Branigan said that Kaezmarek and City staff have answered his questions. He doesn't see a downside to making it a park if it can be developed further. There is an opportunity from an educational perspective. Today there is just one trail. Branigan said he is all in favor of it. East agreed. Fisher said there is a bigger question than just renaming. He said he is still digesting the designating. Croteau liked the community forest. To him it means increasing access. He was concerned that the City might lose options for development, but Tokos has confirmed that is unlikely. Croteau said he was generally in favor. He thought that details need to be filled in as far as to what volunteers would do and what the City does. Tokos said that the City Council has adopted a park program. That would be the next step to enter into. He said he can bring that back for the Commission to see. Tokos said what the Commission is asked to do tonight is find if there are grounds to rename the Forest Park and provide their general observations on the management plan. He said that ideally the management plan would have been done as part of the City's master plan, but the City Council didn't think that right now was the time to open that plan. If they put together a management strategy adopted by resolution, it would provide direction how this piece should be managed until the plan is updated. Croteau said he supports what it does, but he just wondered if this is the right action. Small said that was his issue. He said if we simply didn't rename it, it would just be the forest open space. He said that he understood the background. He said that he likes the management plan. He likes the concept of designating this as a park as long as there is assurance of community access. He doesn't want that to be a back door way of excluding that. Small said that his concerns are satisfied. He is in favor of the concept but is just not sure this is the vehicle. McIntyre thought this will accomplish the ability to

improve the area with trails and make it more accessible to people as a park rather than open space. However, he understands it restricts it a little more as to what can be done with that land if it is designated as a park. The City owns it and has control of it. He said if the City does this resolution and creates a maintenance program, then it gives more control over using it actually as a park rather than open space and leaving it open to other development. Tokos said the strategy sets sidebars for how this area should be used moving forward. It's not as strong as an ordinance if it's just a resolution, but it is a step forward. McIntyre said that is why he is in favor of it. Fisher said that it would bother him to see an outside group that has their own focus take it over and run it. He mentioned when the YMCA ran the pool, and the City had to take it back. He said as long as it is that kind of thing, he thinks it is a good idea and probably should be moved ahead. Patrick said he was not enthused about the process. He said he has no problem naming it Forest Park; but to make a recommendation on a management plan, he doesn't know where the Commission is supposed to go with that. He said the Commission just has the framework. There is no input other than from OCCFA and Parks and Recreation. He said he is not comfortable to do it that way. He would much rather see more input before doing something like that. Patrick said that he has no problem with the whole idea. Small said that next would be a public hearing, and Patrick noted that this was a public hearing. Tokos said there would be one before the Council. Patrick said the challenge is that there is nothing on the books for designating parks. Tokos said that what we have is the Parks System Master Plan. The City could have updated that through a public hearing. The issue is that that is a whole master plan and has a lot of issues. He said there may have been more or less people in the audience. Tokos said we have the renaming ordinance, which is appropriate because a designation is being given to this property. He said that it does achieve the objective. Tokos said what the Council is looking for is if it just makes sense or not. McIntyre thought it made sense. It is a resolution of a combined program between Parks and Recreation and OCCFA, which the City can also step out of if they desire to. Protiva said the central issue here is what to do with this piece of property. He said that the highest and best value of this land is as a park. That is the big thing we are looking to accomplish with a partnership like with OCCFA who can provide resources that the City doesn't have. He said not doing aggressive things, but things like trail head enhancements and signage. He said the fundamental thing is to keep it as a forest and not look at it as a commercial development or something. He said that is why the City forges these park partnerships. The City doesn't have the resources to do major labor-intensive things. Protiva said we have been looking at doing an update to the master plan. It is very expensive and we haven't been able to acquire that funding level. He said this is an opportunity. He said that the City Council would like to hear the Commissioners' thoughts.

Fisher thought there were two votes; one for the strategy and then the name change. Patrick felt that it was okay as long as there is a viable way to get Harney Street around it. He added that it is not really great ground for housing. The advantage of designating it a park is to make it educational. Fisher agreed that it made more sense to make it a greenbelt or city park. Patrick added that this is more a park for forest preservation with some access. He said he buys that concept; not a particular use. East agreed that it would be nice to get the invasive species out of there. Branigan said you can walk the trails, and it will be nice to have signage. East said there is a lot of residential area around it, and it would be nice to have easy access through it. Patrick said this doesn't preclude putting an access trail through it to get up to the tanks and follow the water line. Branigan noted that there is a road that goes up to the water tanks today. McIntyre agreed that the trail currently follows the water lines. Patrick said he agrees with the concept of a preservation-type park and has no objections to partnering with whomever, for which there is already a process in place. Tokos noted that the resolution explained the strategy would provide the Parks and Recreation Department with direction how this would be managed and provide anybody that adopted a park with that same type of direction on how it would be managed.

**MOTION** was made by Commissioner Fisher, seconded by Commissioner Croteau, to designate the area described in File No. 1-MISC-12 as a City of Newport park. The motion carried unanimously in a voice vote. **MOTION** was made by Commissioner Fisher to rename this property Forest Park. McIntyre added and develop a resolution for a management program to care for the park. Fisher withdrew his motion so it could be rephrased. **MOTION** was made by Commissioner Small, seconded by Commissioner Fisher, to apply the criteria for renaming a public place because there are sufficient geologic features involved here and rename this property Forest Park. The motion carried unanimously in a voice vote. The Commissioners discussed how to frame a motion to adopt a management plan to leave the land as a forest. Tokos suggested language saying something like "the Commission forwards to the City Council a management strategy to consider for Forest Park in order to maintain and enhance it in its natural state with low impact accesses." Protiva agreed that the priority is to maintain it with good stewardship and control invasive species. Tokos said the Commission has made two motions, the rest is supportive. He said the Commission's intention can be captured in the minutes. Small said his feeling is for the Commission to make a recommendation to the City Council to move ahead with a management plan with the idea to endeavor to maintain the land in its natural state as a forest. The consensus of the Commission was that was correct. The thought was that we are looking at a management plan put together by the Parks and Recreation Department and OCCFA. Tokos said this all stems back to the fact that the Parks Master Plan needs to be updated because it is a 1993 document; but the Council is not ready to tackle that big job right now. This is a way to deal with this small piece that will work in the interim. Patrick said that he had no concerns that this is shutting the door on anything important.

**G. Unfinished Business.** Tokos noted that the TSP update will be before the City Council for public hearing on October 15<sup>th</sup>. He said that the changes included a couple of things that were not presented to the Planning Commission. The City Council considered it at a work session with Bonnie Serkin of Landwaves, and her concern was that it wasn't clearly specified in the code when deductions are taken from the trip budget. The code will specify that those trips will be tied to land use decisions in most cases. There will be a hearing only on the 15<sup>th</sup>; the ordinance is not being presented. If the Council is comfortable with it, the ordinance will follow in a couple of weeks.

**H. Director's Comments.** Tokos wanted to give the Commissioners a heads up that Walgreens is still moving forward. He noted that the developer ran into issues that the lender doesn't like the way the street vacation was set up. The lender didn't like the potential that if Walgreens doesn't follow through, then the street is not vacated. The Council will be doing an alternative ordinance on November 5<sup>th</sup>, which will be a street vacation of the right-of-way subject to a recorded development agreement. That will put the developer on the hook to rededicate the road through a surety bond. Tokos said the developer is on board with this.

Tokos said that there is a housing survey being conducted by the Lincoln County Land Trust with employers. They did this with nine employees at the City. They are looking at what the obstacles are for getting adequate housing in the community. This effort supplements the City's work. Tokos will forward along their results. The County will also interview employees of the county, the hospital, the school district, HMSC, and Georgia Pacific.

Tokos noted that ODOT has opened up a big grant opportunity (STIP) for the 2015-2018 cycle. We will be submitting a proposal. He will bring it to a work session so the Commissioners can take a look at it. The big one for us to cover will be the intersection improvement on 101 in South Beach.

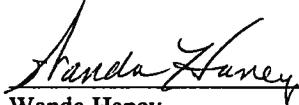
Tokos said that at the next City Council meeting on the 15<sup>th</sup>, OSU will be making a presentation on their ocean observing stuff.

Tokos has several meetings coming up that he will be attending: a Coastal Hazards conference on October 29<sup>th</sup> and the Coastal Planners meeting on the 25<sup>th</sup> and 26<sup>th</sup>. He said they may have updates on FEMA's work on flood plains related to wave surges. He will bring that to the Planning Commission to update them.

Croteau asked about HMSC's dynamic revetment, and Tokos said it is still in the monitoring stage. McIntyre asked about the tsunami test this week and who was coordinating it.

**I. Adjournment.** Having no further business to discuss, the meeting adjourned at 8:20 p.m.

Respectfully submitted,



Wanda Haney  
Executive Assistant