

CITY OF NEWPORT

ORDINANCE NO. 2046

AN ORDINANCE RENAMING 95.86 ACRES OF CITY OWNED  
LAND SOUTH OF ANDERSON CREEK AND EAST OF  
BIG CREEK ROAD AS A "FOREST PARK"

Findings:

1. The Oregon Coast Community Forest Association (OCCFA) has asked that the City of Newport designate 95.86 acres of City owned land south of Anderson Creek and east of Big Creek Road as a "Forest Park."
2. The property includes all of Tax Lot 2100, Section 32DD, T10S, R11W; Tax Lot 400, Section 5, T11S, R11W; Tax Lot 200, Section 5DA, T11S, R11W; and a portion of Tax Lot 600, Section 33, T10S, R11W, as illustrated on a map enclosed as Exhibit "A".
3. This site 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.
4. Existing development consists of the Newport Municipal Pool in the southwest corner of the site, two municipal water reservoir tanks located roughly 1,100 feet northeast of the pool and appurtenant water distribution lines and access roads. The property is otherwise forested with mature stands of spruce, alder, and hemlock. Two fish bearing streams cross the property, with Anderson Creek forming the northern boundary of the proposed park and Jeffries Creek which drains to the north through the length of the property.
5. OCCFA is seeking a "Forest Park" designation for the property because they are interested in seeing it maintained in a 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. Further, OCCFA sees an opportunity for the property to serve as an educational venue for local students interested in learning about natural systems.
6. 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.
7. As outlined in Chapter 2.35 of the Newport Municipal Code (NMC), an action to rename a public place other than a street may be initiated by resolution of the City Council. This was done on July 2, 2012 with Resolution No. 3604.
8. With Resolution No. 3604, the Council further requested that a management strategy for the property be outlined and shared with the public as part of the renaming process. A copy of the management strategy is enclosed as Exhibit "B."

9. NMC Chapter 2.35 requires the Newport Planning Commission conduct a public hearing on the proposal, and provide a recommendation to the City Council considering the following criteria: (a) factors of historical significance related to persons, circumstances or events; (b) factors of geographical significance; and (c) other circumstances that warrant consideration.

10. A draft copy of the management strategy (Exhibit "B") was provided to the Planning Commission along with an Oregon Department of Fish and Wildlife Stream Conditions Report for Jeffries Creek (Exhibit "C") and a letter from OCCFA, dated September 7, 2012 (Exhibit "D").

11. The Newport Planning Commission held a public hearing on October 8, 2012 to hear testimony and deliberate on whether the proposed name change is in the best interest of the City of Newport considering the listed criteria. The Commission concluded that there sufficient geologic features exist inherent to the property to justify renaming the property "Forest Park."

12. Further, it was the general consensus of the Newport Planning Commission that the City Council move ahead with a management strategy that attempts to maintain the land in its natural "forested" state, to the extent that is possible.

13. The same materials were presented to the Newport Parks and Recreation Committee on October 24, 2012 and they similarly provided the City Council with a favorable recommendation on the proposal.

14. The Newport City Council held a public hearing on November 5, 2012 to consider whether or not the name change is in the best interest of the City in light of the Planning Commission's recommendation, public testimony, and other information in the record. After due consideration, the Council determined that the name change is in the best interest of the City as a whole.

15. Notice of the public hearing before the Planning Commission and City Council was provided in the October 3, 2012 and October 31, 2012 edition of the News Times in the manner required under NMC Chapter 2.35.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Approximately 95.86 acres of City owned land south of Anderson Creek and east of Big Creek Road shall be renamed "Forest Park," as depicted in Exhibit "A."

Section 2. The City Recorder shall cause a certified copy of this ordinance to be filed with the Lincoln County Clerk, County Assessor, and County Surveyor.

Section 3. This ordinance shall take effect 30 days after passage.

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

Signed by the Mayor on \_\_\_\_\_, 2012.

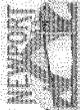
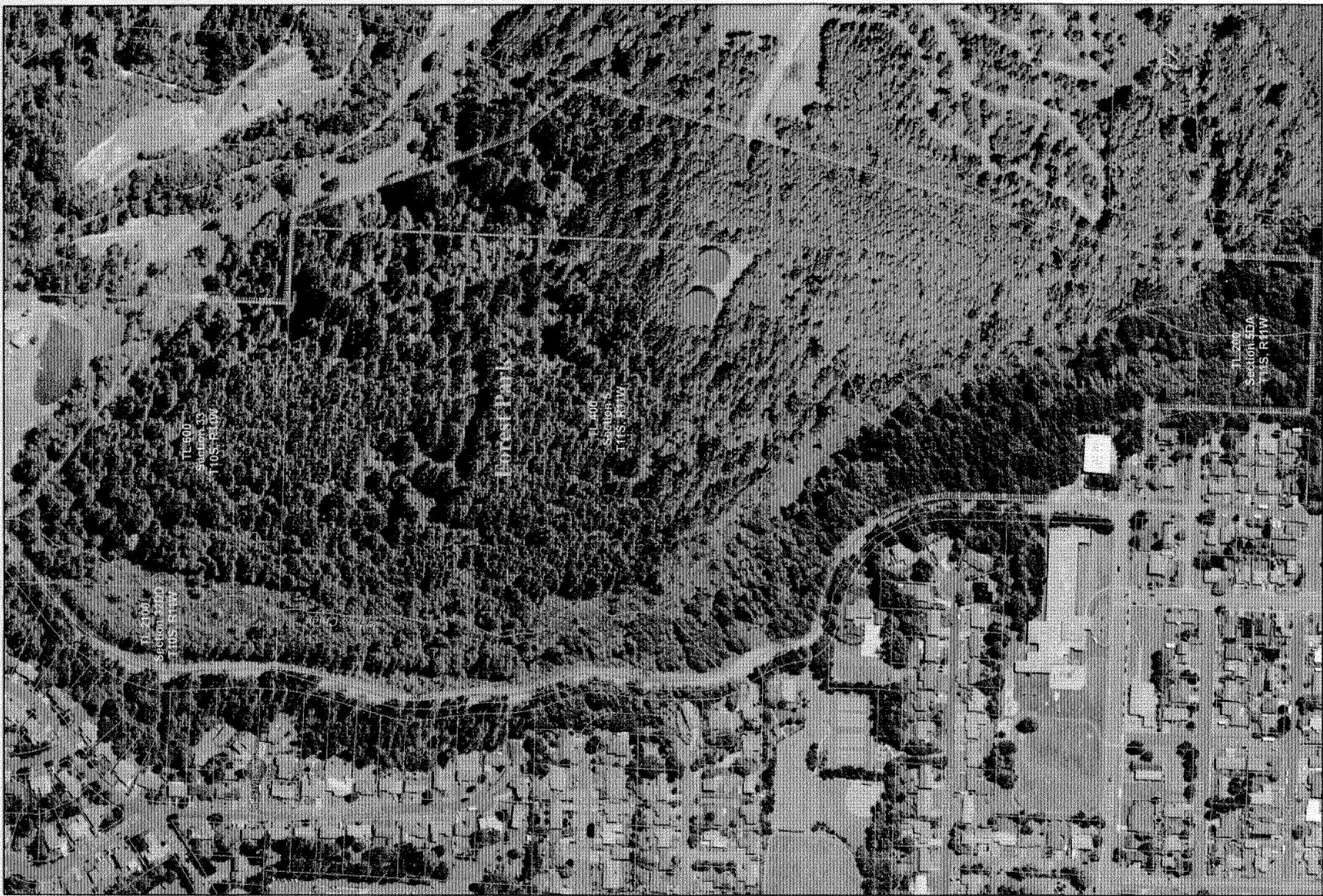


Mark McConnell, Mayor

ATTEST:



Margaret M. Hawker, City Recorder



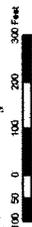
City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365

Phone: 1.541.874.0929  
Fax: 1.541.874.0644

# 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 is not to be used for any other purpose of law. Information is obtained to verify all information with the City of Newport Community Development Department.

Ordinance No. 2046





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 21<sup>st</sup> 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

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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

City of Newport Management Strategy for Forest Park

November 5, 2012

1. PURPOSE

This Management Strategy 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. EXISITING POLICIES

The Newport Comprehensive Plan calls for the City to pursue implementation of the Park System Master Plan, adopted in November of 1993. This strategy 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



TL-100  
SOUTH OREGON  
LENS SYSTEM

TL-100  
SECTION 33  
110S-141W

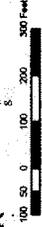
Forest Park  
TL-100  
SECTION 33  
110S-141W

110S-141W  
SECTION 33  
TL-100



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# EXHIBIT A: BOUNDARY MAP OF PROPOSED FOREST PARK



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(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 7.5m<sup>3</sup> 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 4.6m<sup>3</sup> 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 4.4m<sup>3</sup> 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 37m<sup>3</sup> 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 8.4m<sup>3</sup> 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.

COMMENTS:

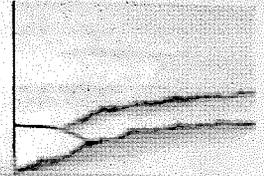
The survey crew observed salmonid fry and cutthroat trout. The crew observed fry through unit 193 (2611 m). Sculpin, raccoon, deer, ducks, downy woodpecker, snails, beaver, and salamander are the wildlife noted. Reach three is a long braided wetland area created by beaver influence. There is a barrier 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.



Exhibit D

Ordinance No. 2046  
(File No. 1-MISC-12)

# Oregon Coast Community Forest Association



PO Box 149 • Newport, OR 97365 • [www.occfest.org](http://www.occfest.org) • 541-574-4030 • Email: [occfest@occfest.org](mailto:occfest@occfest.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,

A handwritten signature in black ink, appearing to read 'Chuck Willer', written in a cursive style.

Chuck Willer