

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room 'A'
Monday, October 22, 2012

Planning Commissioners Present: Jim Patrick, Mark Fisher, Rod Croteau, and Bill Branigan.

Planning Commissioners Absent: Gary East, Jim McIntyre, and Glen Small (excused).

Citizens Advisory Committee Members Present: Bob Berman, Lee Hardy, and Lisa Mulcahy.

Citizens Advisory Committee Members Absent: Suzanne Dalton (excused).

City Staff Present: Community Development Director (CDD) Derrick Tokos, Public Works Director Tim Gross, and Executive Assistant Wanda Haney.

Chair Patrick called the Planning Commission work session to order at 6:04 p.m. and turned the meeting over to CDD Tokos.

A. Unfinished Business.

1. Continued discussion about annexation and UGB amendments for the City reservoir properties and discussion for the old quarry site off NE 71st St. Tokos started discussion with the reservoir properties that the Commission was in the middle of at the last meeting. He noted that Gross has done additional work on redefining the area the City would bring in.

Gross showed a couple of large-size maps of the reservoir area. The first one showed the contour lines. The second was a summary of the data. Tokos noted that included in the packets was the feedback we received from the State. He said that one of the key things is that we will need to do a needs analysis to demonstrate what our need is, why it is necessary that it be inside the city limits, and that there is no other location inside the city that can serve that need. It is up to the City to define the need. Tokos said that based on feedback from the Commissioners at the last meeting, Tim has reworked the lines to correlate to what our need is rather than property lines. He said that ultimately this may or may not be what the Commission wants to move forward with. We will have to determine how we should be framing this in terms of what we want to bring into the UGB and why. Gross said that, based on the existing raw water storage capacity, he calculated what our raw storage capacity needs would be in 2070. If we do dam alteration, he said that nothing actually will hit the ground until 2020. Then using a 50-year build out, he determined what the demand would be based on population. He said it is the same methodology as in the master plan. Gross explained that based on the 2070 need, the red line on the map shows where the reservoir would need to be expanded to. The dam would need to be raised 30-35 feet. He said it actually is not too far from the reservoir itself because it is so steep around the reservoir. The orange line is the drainage boundary of the reservoir, and everything within that drains to the reservoir site. Gross said that is the area he would like to have control over.

Branigan asked about the effect of a major tsunami surge on Big Creek. Gross said it would impact it to a level. He noted that there are some maps that show that. There are a couple of constraints. As far as delay surge, he doesn't know how to calculate it, but it wouldn't go anywhere near the upper reservoir. He believes that the lower dam and the treatment plant are on the very fringe of a tsunami inundation area. Gross said that he ignored the lower dam and took the lower dam volume and added it to the upper dam. He noted that the upper dam has more sediment than the lower dam; but with any kind of improvement we would deal with that at the same time. Mulcahy asked how much forestry activity is going on in that area. Gross said on city-owned land, none. Tokos said that the private timber lands are on cycle so there is work there, and they would appreciate time to go in and harvest. Fisher asked if the City is now saying that the orange line is where we want the boundary for the UGB to go out to. Gross said that the red line is actually covered in water and, his thought is that would be the minimum. The orange line is all that drains into the reservoir and is the maximum.

Tokos said this is a lot about strategy and how strong our argument is. This is just an attempt at one way that this could be framed. Patrick thought we need to go larger. Gross said that he needs to review the best practices strategy by AWWA or some other accredited agency. He would guess that it may be somewhere between the orange and the red lines. Gross said that he can easily justify saying the drainage area of the reservoir and could probably get agencies to back him up on that. It is a pretty big area and probably more than we really need. Tokos said that the needs argument has to focus on why we have to have this inside the city and why we can't live with the county's or the state's rules. The state rules require a deed restriction that ties our hands related to forest practices that can result in turbid conditions in our water supply. The regulatory restriction of having an additional layer of government involved is another reason. Tokos said we can set that up at the red line and make a pretty good argument there. That way, where we will potentially be doing work is in our control. The City can't work where

we have to put deed restrictions on our property. He said that is one argument. Then as we start to acquire further property, we can protect drainage. Tokos said on the other hand, we can set the boundary at the orange line. It doesn't take land that we don't own out of timber immediately. They would be able to continue to harvest until they are annexed and put into Public zoning or something of that nature. Annexation would be a follow-up step. Tokos said the parks recommendation was out of the 1993 plan, which is the adopted policy and was all he could find. He said the advantage we have is there is specific need identified for a regional park, and this area was identified as filling that need. He said it doesn't matter that this is an old parks master plan. The important thing is that it is an adopted plan.

Fisher wondered if showing that the reservoir can't be on land that is already in the UGB is easy to do. Tokos said that it is, but it will take some work. Gross said that the water master plan almost says that. Tokos said we can get there, but we will have to explain it. We have some adopted documents that touch on that somewhat. Gross said that from what he has seen, 1,000 feet outside the water is consistent with practices for trout lands and wetlands; so it would be reasonable to say from the proposed inundation area. Gross showed the area where there was another proposal to develop a dam; but he said that we don't have the capacity there, and soil conditions wouldn't allow that. He said this would be the most feasible option. Fisher wondered if there were any native fish species we would have to be concerned about. Gross said this is already a dam area. Those are the existing conditions. The fish passages are not changing. It might involve building fish ladders; but it will not make it worse.

Patrick said we could start talking about 1,000 feet out, and maybe we would use some of the orange line. Croteau thought that the drainage area seems the most rational. He suggested going for the orange line. He said what we really want to do is define the drainage area, and he thought that is what we should go for. Gross said that is very straight forward, and any engineer can go pick that out.

Tokos said the next step on this proposal is that the City will bring in an outside consultant to help frame this application because it will be looked at very critically by the state. He said that we will use ECONorthwest to help frame this and get the application pulled together in a way that will be helpful. Tokos said he would like to bring this back to the December work session meeting to give the Commissioners their first look at what the draft application would look like. He said hopefully it would be detailed enough that the Commission feels comfortable to initiate the process. Then there would be a public hearing before the Planning Commission, a hearing before the County Planning Commission, and hearings before the City Council and the Board of Commissioners. The process will take months after it is initiated. He said that once the Commission looks at the application, we can get it out to the state DLCD, and they can hone in on it and provide more specific feedback. When this process gets initiated by the City, we need to make a strong enough case that will get the state into a position where they accept the concept and will help us address issues versus where they will start to throw up road blocks because they don't accept the concept. Berman asked how much the County gets involved. Tokos said that he assumes it will go to City Planning Commission first; and after that, to the County Planning Commission. This has to be approved by both bodies. Tokos thought that the County's objections would be less on criteria and more on other issues. He said that we want to work collaboratively.

Patrick thought we should work with the County to see what they want to sign off on it, and we should include a regional park there. He suggested a low impact park with walking trails and interpretive things. Gross said that ideally it would be a park with very low impacts and no vehicles allowed whatsoever. Gross said that he thought the Big Creek watershed area is about 3 square miles.

Tokos asked the Commissioners if they were comfortable moving this amendment forward using one of these boundaries rather than property boundaries. The consensus was yes.

Gross thought there could be a watershed plan in conjunction with the UGB amendment that clarifies how to manage the area from the watershed perspective since that is the whole goal. Tokos noted that the expansion of the UGB doesn't change the right of private timber holders from harvesting. They can still harvest and are still subject to the County's conservation zoning until they are annexed and put under City zoning at that point. Tokos said that he didn't disagree with Gross's thought, but he said the trick is how complicated that can be from the approach of the existing Comprehensive Plan designation on that property. When they are annexed or the City acquires the property, they get an existing City zoning designation. There are no new codes or overlays adopted. Patrick said he is thinking about setting this up for the long term. He said there still could be a watershed master plan on city-owned property. Gross said that open space and how to use it complies with the watershed plan we have in place. Gross said there is a huge series of conveyance systems in that area and that is why it is important even if it is pretty broad.

Tokos said with the UGB, it is where we want to go in the future. We have limited ability to influence those properties until they are annexed. Until annexed, those properties are under the jurisdiction of the County and are under policies that are already on their books. The County would be told this is the long-term plan. These are areas the City will be looking at to bring into the city limits to protect the watershed. Hardy asked what kind of economic impact this might have on those timber companies. Tokos said we have several large companies and noted on the map where one piece is family-owned. Gross

counted about 13 properties within the orange boundaries. Patrick wondered if once this is done, would we immediately annex those properties the City already owns. Tokos confirmed yes, that would be a follow-up step so that we get it under the City zoning. Patrick said that is where we might have the rubbing point with the County regarding the road. Berman wondered if it would help if this were part of the parks development plan. Tokos said for the purpose of discussion with the state, what we have on the books is okay. The County has expressed an interest in seeing the City continue to allow fishing in the reservoir. The City doesn't have objections per se. But, if the water quality changes, that may not be an option.

Mulcahy wondered if the memo sent to the state was pretty detailed about the reason for this. Tokos said that there are old rules that apply to UGB expansion and new rules. The state focuses on the new only. We have to address the old as well because that is what is in our old Comprehensive Plan. They are not going to be the focus of review, so we don't have to get into them with as much detail.

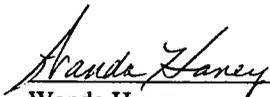
Tokos noted that the other UGB amendment is the small, minor expansion up north that involves just less than 12 acres and is the old quarry site at the end of NE 71st Street. He said for this one, the City would be looking to tailor the property itself in order to locate the lower Agate Beach storage tank. The need isn't quite the same. We are not in a position to object that we would have to record deed restrictions for forest practices. That is not as big an issue here. It is more regulatory so that we do not have to go through with the county processes. Tokos said that this is a pretty tiny expansion, and he doesn't expect major issues there. It is a Goal 5 quarry site; primarily an aggregate site under the state's scheme. He said that he is unsure how we will have to address that, but it is something we will have to address. The City will be meeting with Hancock, the company that has the mineral rights. We are pursuing with legal counsel what the ownership of mineral rights is; if it's 50/50. They can't access their mineral rights directly through the property; that is how it is drafted. But, they do own a big piece to the east. Tokos thought they want to meet because they sense a chance to get rid of the mineral rights, which they picked up from Boise Cascade. The City brought this to their attention and now they want to meet. He would guess it is to see if the City is interested in purchasing the mineral rights. Tokos said that this property meets the elevation needs, and Gross agreed. Gross said that he didn't realize there were mineral rights owned by someone else until we were well underway (about ¾ of the way) with this plan. He said the City has significant infrastructure in this property; to the tune of a million dollars already. He said it is not something he wants to back off from. The City doesn't want to be prohibited from building on the property, so we are trying to streamline this so the property can be used for water improvements. He said we are trying to avoid things such as the bridge we had to do with the new water treatment plant. Tokos said there would be access road improvements primarily; not a bridge. Gross said the plans are not just for a tank anymore. They are pretty substantial and include the Salmon Run booster station, the tank itself, piping improvements, and the telemetry tower for meter reading.

Berman said the biggest hurdle he saw was that there are alternative sites within the UGB. Gross said the elevation needs to be at or around what it is there. Water towers are best on elevation. If you go lower, the tank has to be higher. That is why they have sited it at the highest city-owned land. Tokos said that the memo he put together was following discussion with Assistant City Engineer, Greg Schaecher, about lower elevation sites where he said we would be looking at pump stations. Tokos said this hasn't been all mapped out. We will have to do more detail in terms of alternatives. He said that his sense is that because this is a small enough piece bordered on two sides by the city, the state won't be pushing as hard on detailed analysis. We can get by with the County's CUP process on this, while that is a major issue on the other one. Gross said it is important from the regulatory stand point. Every time he would want to do something on that tank, he would be back to a CUP. Branigan asked if these would be two separate processes; and that was confirmed. Patrick's suggestion was to just make our best case on it. Gross said that he has all financing in place for the tank and the booster station, and it will let to bid in February. He again stated that there is a rather substantial investment in that property already.

Patrick said that we might have to run both amendments in parallel. Tokos said that he expects this one to move a little quicker. It might be before the Commission at one of their November meetings. On the reservoir one, the thought is to do a work session and then turn around and initiate the process in regular session that same night.

B. Adjournment. Having no further discussion, the work session meeting adjourned at 6:53 p.m.

Respectfully submitted,



Wanda Haney
Executive Assistant