

Coburg Planning Commission
Regular Session
May 18, 2016 – 7:00 P.M.
Coburg City Hall
91136 North Willamette St., Coburg

PRESENT: John Bosley, Chair; Bryan McConnell, Vice Chair; John Marshall, Lorrie Zeller, Judith Behney, Jonathan Derby, Commissioners; Petra Schuetz, staff
ABSENT: William Wood, Commissioner; Jeff Kernan, staff.
GUESTS: There were no guests.

1. AGENDA REVIEW (CHANGES / ADDITIONS): None.

2. PUBLIC TESTIMONY: No public testimony.

3. COMMISSION BUSINESS:

Review Park Reservation & Fee Changes

Chair Bosley opened the meeting at 7:02 p.m.

Ms. Schuetz presented the staff report. The City had expanded the reservation options for parks, and a couple of Parks Committee members were concerned about said expansion. Coburg City Council had directed the Planning Commission and the Parks Committee to review the changes and make recommendations if the Planning Commission or the Parks Committee saw fit. Ms. Schuetz offered the staff recommendation that no changes be made.

Ms. Schuetz explained the City Council had expanded reservation options for parks because there had been a significant increase in interest in reserving park shelters. People were calling on a near daily basis to reserve park shelters, and 95% of the 20 people who had called to reserve park structures claimed to be Coburg residents. One of the Parks Committee's concerns was that by accepting park structure reservations, the City of Coburg was inviting outsiders into the community.

Ms. Schuetz stated that she and City staff responsible for park reservations, had met to identify a way to meet the City's needs, goals, and requirements and apply it to the park reservation fee. The fee for a Facilities Permit had not been updated since its inception, and the fees were fairly low (between \$25 and \$50).

Ms. Schuetz reported that one of the primary goals of Coburg was economic development. Attracting visitors from outside the city was included in that goal and parks are a draw for visitors to the City. The City wanted to promote the parks while remaining revenue neutral.

Ms. Schuetz stated that the City was contacted by its insurance organization regarding a recent court case concerning recreational immunity for cities. Recreational immunity case law had suggested park employees could not be sued as individuals if there were maintenance issues in the parks. Ms. Schuetz pointed to a recent court case in Portland, in which a person was jogging in a park, and stepped into a hole created by a broken irrigation pipe, injuring their ankle. The person sued the public works employee responsible for repairing said irrigation pipe, and won a multimillion dollar lawsuit. City/County insurance had stated the biggest area of

growth was recreational indemnity in terms of lawsuits filed against cities. The insurance organization performed an audit of Coburg's parks, and found no deficiencies. The insurance organization advised the City to post its park rules and to take as many reservations as possible, so that responsible parties would have a copy of the park rules that they had to sign.

Chair Bosley asked what the difference was between someone who had reserved park space and assumed that liability, and a casual visitor, such as someone walking their dog through the park.

Ms. Schuetz said that the casual visitor did have the ability to sue the City, and that the insurance organization wanted the City to capture as many reservations as possible.

Ms. Schuetz discussed a change in park reservation policy in which it would be possible to reserve four-hour blocks of time, in addition to the ability to reserve a park structure for the entire day. She concluded that would represent less than 1% of the time the park structures were reserved annually. Reservations would not prevent casual visitors from enjoying the park.

Ms. Schuetz discussed the City Council meeting at which the Parks Committee heard public testimony and answered public questions. Ms. Schuetz said that it has always been a public park, and no neighbor notification had ever been required. There had been concerns with low-income individuals not being able to afford the reservations. The park, being a public space, requires no reservation to visit. Discounted reservation fees for low-income individuals was a possibility, but the City did not wish to put an individual in an uncomfortable position over use of a public space, so sensitivity in that matter was encouraged.

Chair Bosley asked if it would be labor intensive for staff to figure out the low-income issue.

Ms. Schuetz replied that she did not believe so, but it might prove problematic to verify if an individual was actually a low-income individual.

Commissioner Behney inquired if the reservation process was strictly for park shelters.

Ms. Schuetz answered that the insurance organization wanted a smaller space of liability defined because it is possible for someone to leave the space of the party and injure themselves in another part of the park.

Chair Bosley asked if the reservation system would apply to the park shelters only.

Ms. Schuetz said a reservation system was in place with regards to larger events, and this would implement the same on a smaller scale.

Commissioner Zeller then asked if anything would have to be posted on site to make clear what areas were reserved.

Ms. Schuetz reported that Bend was implementing the posted signage, and that the City of Coburg should soon follow suit. As long as visible signage was posted describing the rules of the park, the City's chance of being sued by a park visitor was greatly reduced.

In response to Commissioner Zeller, Ms. Schuetz clarified the new pricing policy.

Ms. Schuetz stated the City's Parks Fund is almost nil, and Public Works was responsible for the maintenance and liability of new park shelters. This deemed the project non-revenue neutral, although Ms. Schuetz believed the number of reservations would grow over time. A Parks Fund would be a great way to offset any costs of operation.

Commissioner Zeller asked about park visitors who use the shelter without a reservation. Commissioner Behney pointed out that anyone using a park structure without a reservation would have to leave the structure in the event that someone came that had reserved the space. Chair Bosley stated that he had noticed people would "homestead" the park shelters, sometimes putting their gear down early, and leaving it for the majority of the day.

Commissioner Zeller asked if there were any provisions in the new reservation system that would prevent the aforementioned from happening.

Ms. Schuetz replied that with the reservations, and the public posting of them, conflicts over reserved space may be fewer. Conflicts arose when neither party had a reservation. There had been no phone calls to police or public works complaining about anyone's behavior at the park.

Vice Chair McConnell asked if permits were required to set up a tent in the park.

Ms. Schuetz said that to her knowledge, a permit would be required to put up a tent because it would require driving something into the ground, thereby endangering irrigation systems, etc.

Commissioner Behney stated that she doubted the new park reservation system was going to be a big issue.

Ms. Schuetz said that several Parks Committee members were concerned about the new reservation system. It was likely that they would recommend that the City Council not to allow reservations, or to reduce the current reservation fee, or to not charge Coburg residents.

Commissioner Behney offered that she was not clear on the issue concerning residents vs. nonresidents. She stated that she would think Coburg would want people to come and visit the City's parks.

Chair Bosley declared he had no problem with fees for residents, but nonresident fees should be higher.

Vice Chair McConnell expressed concern that some Coburg residents might feel betrayed by the fact they had to pay to reserve structures at their own park.

Ms. Schuetz suggested the Commission make recommendations to City Council regarding different fee rates for residents.

Vice Chair McConnell expressed concern again about the residents of Coburg feeling betrayed by the City attempting to make money off of something the residents have worked hard on. Commissioner Behney disagreed with the Vice Chair's sentiment, stating that she doubted the City was actually going to make money off of reservation fees. Vice Chair McConnell introduced the idea of a local citizens' pride campaign that might encourage more city residents to pick up trash in the parks.

Commissioner Marshall was concerned about the added workload on park staff to clean up after reserved parties, and to that end, suggested a deposit be required when the reservation was made.

Ms. Schuetz replied that while taking deposits can be problematic, the City did take a credit card number from the party making the reservation, and required the party sign a document stating that any damages occurring during the party's time in the structure would be paid for with the credit card number used to make the reservation.

Commissioner Derby stated that he did like the reservation fee discount for Coburg residents, but cautioned against raising the fee too much, for fear of retaliation from park visitors in the form of property damage to the park.

Chair Bosley inquired what exactly the City Council was looking for from the Planning Commission

Ms. Schuetz replied that the City would like any alternative Commission recommendations.

Commissioner Behney thought the fee system was good, but a discount for Coburg residents would be appropriate.

Ms. Schuetz said that no park rules had been changed, but the park signage was not up yet.

Chair Bosley stated that a higher reservation fee would be appropriate for nonresident park visitors.

ACTION: Commissioner Zeller, seconded by Commissioner Marshall, moved to recommend to City Council that reservation fees remain as is, with the addition of a \$10 or \$15 dollar discount for residents of Coburg. The motion carried unanimously.

4. City Updates

City Administration Report

Commissioner Behney inquired into the situation between the City of Coburg and the Urban Growth Boundary

Ms. Schuetz reported that the process was ongoing, and a hearing could be a couple of months away. The City expected a decision by late fall from the Lane Use Board of Appeals (LUBA). She added that the City had no new communication with LUBA. The City was being sued by

B.J. Jones, the owner of the Matthews House. Ms. Schuetz said the Jones suit had three facets: emotional distress, loss of real estate contract, and ex parte contact. Commissioner Behney inquired about the ex parte contact portion of the suit.

Ms. Schuetz responded that an alleged incorrect decision by City Council partially based on an inappropriate process, including not following through on alleged *ex parte* by a City Councilor. Ms. Schuetz said there was a defense attorney being assigned the case. Ms. Schuetz said the Planning Commission was not allowed to discuss pending litigation. If former City officials were named in the suit, and any of those individuals displayed negligent behavior, the City's attorney would likely cease representing the City. Ms. Schuetz concluded that she did not believe it would go to that extreme.

Chairman Bosley asked if there had been any responses to the park survey.

Ms. Schuetz replied that she did not know how many responses were received, but they were numerous.

5. Approval of Minutes

Commissioner Vice Chair McConnell, seconded by Commissioner Derby, moved to approve the Minutes from April 20, 2016. The vote passed 6:0.

With no further Commission business, the meeting adjourned at 7:41 p.m.

(Recorded by Rodney Cimburke)

ACCEPTANCE

Approved _____
Date _____

Yes _____ No _____ Abstained _____
Attest John Bosley Date 7/19/16
John Bosley, Chairperson

Date _____
Sammy L. Egbert, City Recorder

