



## **CITY COUNCIL WORK SESSION AGENDA**

**Monday, February 05, 2024 - 4:00 PM**

**Council Chambers - 169 SW Coast Highway, Newport, Oregon 97365**

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All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Erik Glover, City Recorder at 541.574.0613, or [e.glover@newportoregon.gov](mailto:e.glover@newportoregon.gov).

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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### **1. CALL TO ORDER AND ROLL CALL**

### **2. DISCUSSION ITEMS**

#### **2.A City Manager's Report**

City Manager's Report

**2.B Update on Oceanview Drive Traffic Study**

[Newport\\_Oceanview\\_Drive\\_Assessment\\_Memo\\_-\\_Final\\_DRAFT\\_2.pdf](#)

[City\\_Council\\_Presentation\\_by\\_Kittelsohn.pdf](#)

[Lindsey Brown Public Comment Oceanview .pdf](#)

**2.C City Hall Landscape Renovations Discussion**

[Staff Report](#)

[City Hall Drawing - Landscape](#)

[Landscape Examples](#)

[City Hall Drawing - Hardscape](#)

[Hardscape Examples](#)

[City Hall Drawing - Lighting](#)

[Lighting Examples](#)

**2.D Discussion on transient room tax collection and auditing by the State**

[Staff Report - Collection of Transient Room Tax by the State of Oregon 02-05-24.pdf](#)

[Room Tax State Presentation LLX Administration.pdf](#)

[Local Lodging Administration User Guide.pdf](#)

[DOR Model TLT Ordinance 7.6.21.pdf](#)

[Newport Room Tax Municipal Code.pdf](#)

[ord\\_2183.pdf](#)

[ord\\_1033.pdf](#)

**3. EXECUTIVE SESSION**

**3.A Scheduling an Executive Session Pursuant to ORS 192.660(2)(d) to Discuss Labor Negotiations**

**4. ADJOURNMENT**



Spencer R. Nebel  
City Manager  
CITY OF NEWPORT  
169 S.W. Coast Hwy.  
Newport, OR 97365  
[s.nebel@newportoregon.gov](mailto:s.nebel@newportoregon.gov)

**DATE:** February 5, 2024  
**TO:** City Council  
**FROM:** Spencer Nebel, City Manager  
**RE:** Work Session and Urban Renewal meetings for Monday, February 5, 2024 at 4 PM

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City Council will hold a work session at 4 PM on Monday, February 5 with an Urban Renewal meeting following at 4:45 PM. An executive session will follow the Urban Renewal meeting regarding labor negotiations. This will be followed by the regular City Council meeting will start at 6 PM.

### **Schedule for Meetings for Monday, February 5, 2024**

- 1.) City Council Work Session at 4 PM
  - 4:00 PM Update on Oceanview Drive traffic study (25 minutes)
  - 4:25 PM Review of City Hall landscaping (10 minutes)
  - 4:35 PM Discussion on transient room tax collection and auditing by the State (10 minutes)
- 2.) Urban Renewal Meeting at 4:45 PM
  - 4:45 PM Authorization of funding to improve and extend NW Biggs Street in conjunction with the construction of the Samaritan Coastal S.T.A.R.S. Center. (15 minutes)
  - 5 PM Acceptance of a grant from the Oregon Business Development Department for asbestos abatement (5 minutes)
  - 5:05 PM South Beach project update (10 minutes)
- 3.) Executive Session for Purposes of Discussing Negotiations at 5:15 PM (30 minutes)
- 4.) Regular City Council Meeting at 6 PM

**Oceanview Drive Operations and Safety Assessment**  
**(25 minutes)**

Matt Hughart of Kittleson and Associates will discuss their findings on conducting an operations and safety assessment of Oceanview Drive. This is in response to concerns over increased traffic volumes and traffic speeds that have been conveyed by the City to the consultants. Kittleson and Associates will get additional input from the City Council on this study prior to finalizing their report to the City.

**Review of the City Hall Landscaping Plan**  
**(10 minutes)**

The City Council has appropriated funding to address a number of landscaping issues surrounding City Hall. The focus of this plan is on the south and west sides of City Hall. The design has been completed by Anita Albrecht from the Parks and Recreation Department, and focuses on plants and landscaping that will be more easily maintained and keeping all areas of the grounds clearly visible. Furthermore, the work that will be completed will not be impacted by future plans dealing with the Urban Renewal Agency's acquisition of the gas station property. It is the intent that the gas station property will be incorporated into the City Hall campus. This future plan could include providing additional parking, accommodating the bus stop, public restroom, signage for the entire City Hall campus and perhaps a location for replacing the clock tower that was lost on the northwest corner of Angle and Highway 101. We would like to get the final input on landscaping before we send it out for bid. The City Council has appropriated \$149,000 for hardscape and landscaping, etc. The preliminary plans are included in this packet.

**Transient Room Tax Collection and Auditing by the State of Oregon (10 minutes)**

City staff participated in a presentation by the Department of Treasury on the State's collection of transient room tax for local units of government. There are number of issues that we discussed with the State on this matter. We would like to discuss this with the City Council to get additional feedback prior to making a recommendation on our future direction tax collection.

**Scheduling an Executive Session Pursuant to ORS 192.660(2)(d) to Discuss Labor**  
**Negotiations**  
**(15 minutes)**

I would recommend that the City Council schedule an executive session immediately after the Urban Renewal Agency meeting to discuss upcoming negotiations with the Newport Police Association. I would request Council consider the following motion:

**I move to hold an executive session immediately following the Urban Renewal meeting of February 5, 2024, to discuss negotiation strategies with the Newport Police Association pursuant to ORS 192.660(2)(d)**

Respectfully submitted,



Spencer R. Nebel  
City Manager

# Technical Memorandum

January 11, 2024

Project# 28305

To: City of Newport, OR  
From: Matt Hughart, AICP, Phill Worth, Fred Wismer, P.E., and Sutapa Banerjee  
RE: Newport, OR Oceanview Drive Operations and Safety Assessment – REVIEW DRAFT

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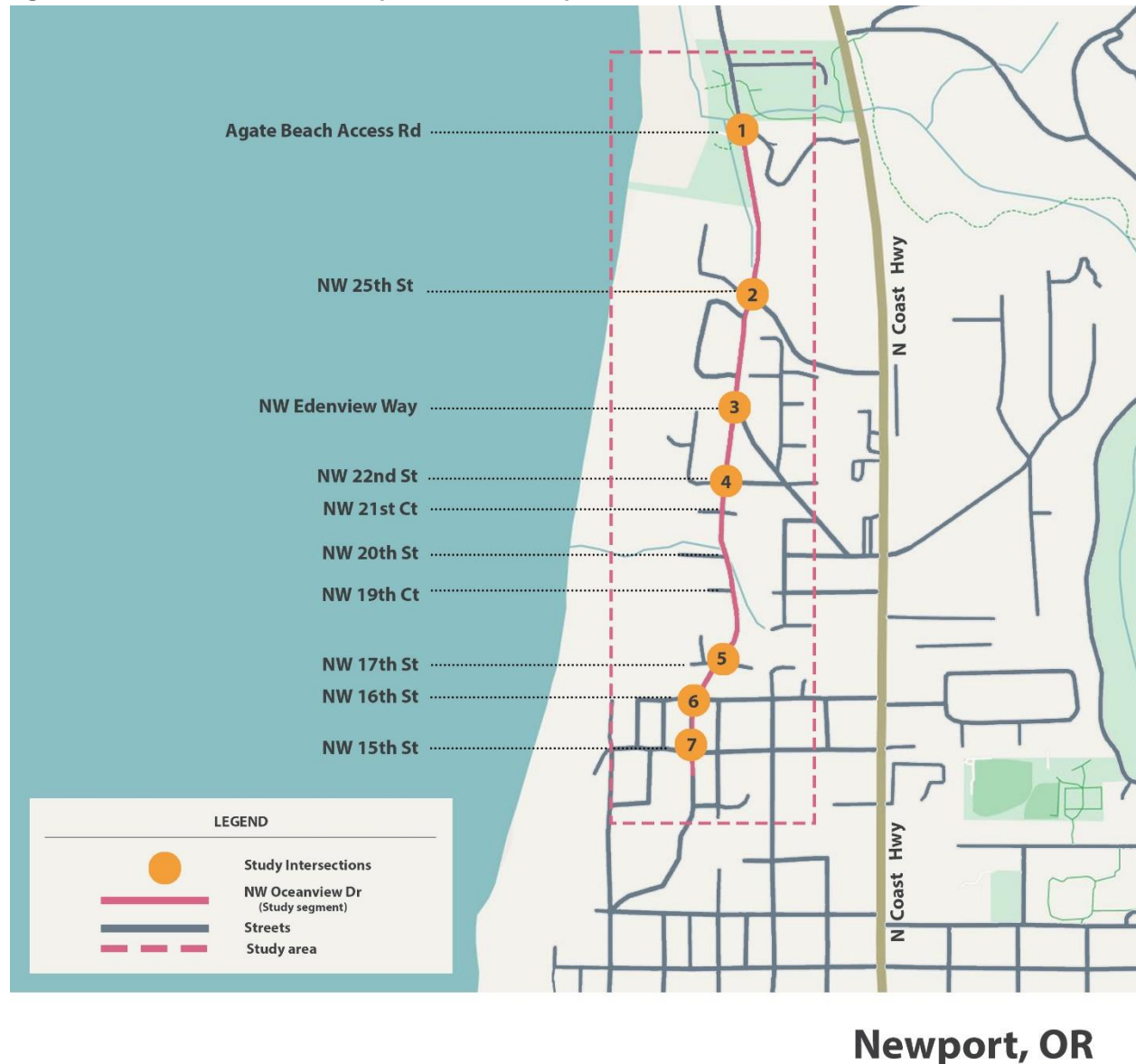
## OVERVIEW

In response to concerns over increased traffic volumes and travel speeds, Kittelson & Associates, Inc. performed a preliminary transportation assessment of the NW Oceanview Drive corridor from NW 15<sup>th</sup> Street to just past the Agate Beach State Wayside parking lot (see Figure 1). The purpose of the assessment was to investigate issues of concern identified by the City of Newport (City) at key intersections along the corridor and provide independently objective perspectives on if and how these issues could be addressed.

## Study Area Characteristics

As shown in Figure 1, NW Oceanview Drive is a continuous north-south travel route located west of US 101. As such, it experiences higher traffic volumes and more through traffic than surrounding roadways, and is sometimes used as an alternative to US 101. The corridor as a whole is largely unimproved from a multimodal perspective, has narrow and windy sections, has cross street intersections with sight distance limitations, and has variable travel speed characteristics. A summary of the corridor's key infrastructure characteristics is summarized in Table 1.

Figure 1. NW Oceanview Drive Study Corridor and Key Intersections



**Table 1 – NW Oceanview Drive Study Corridor Travel Way Characteristics**

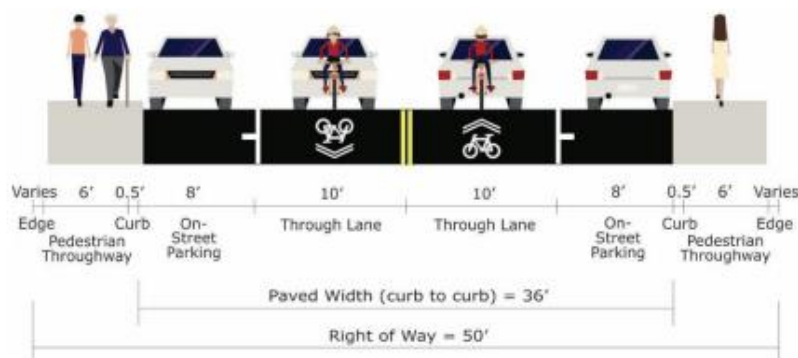
NW Oceanview Drive Corridor Segment	Functional Classification/ Designation	Number of Travel Lanes	Travel Way Width	Sidewalks	Bicycle Lanes	Posted Speed
Agate Beach State Wayside Driveway to NW 25 <sup>th</sup> Street	-Neighborhood Collector -Major Bicycle Corridor -Major Pedestrian Corridor	2	20'±	None	Shared Lane Markings	35
NW 25 <sup>th</sup> Street to NW Edenvue Way	-Neighborhood Collector -Major Bicycle Corridor -Major Pedestrian Corridor	2	20'±	None	Shared Lane Markings	35
NW Edenvue Way to NW 22 <sup>nd</sup> Street	-Neighborhood Collector -Major Bicycle Corridor -Major Pedestrian Corridor	2	20'±	None	Shared Lane Markings	25
NW 22 <sup>nd</sup> Street to NW 17 <sup>th</sup> Street	-Neighborhood Collector -Major Bicycle Corridor -Major Pedestrian Corridor	2	20'±	None	Shared Lane Markings	25
NW 17 <sup>th</sup> Street to NW 15 <sup>th</sup> Street	-Neighborhood Collector -Neighborhood Bicycle Corridor -Local Pedestrian Street	2	20'±	None	Shared Lane Markings	25

As noted in Table 1, the entire NW Oceanview Drive corridor is classified as a Neighborhood Collector in the City of Newport's Transportation System Plan (TSP). From just north of the NW 17<sup>th</sup> Street intersection, the corridor has a Major Bicycle Corridor and a Major Pedestrian Corridor overlay classification. South of NW 17<sup>th</sup> Street, the corridor has the lower order overlay classification of a Neighborhood Bicycle Corridor and Local Pedestrian Street.

The travel way width is approximately 20 feet (one 10' travel lane in each direction) along the entire corridor. There are no segments with sidewalks or bicycle lanes, however the entire roadway corridor has shared-lane markings for cyclists. For comparative reference, Exhibit 1 includes the standard cross section for the ideal Neighborhood Collector roadway.

**Exhibit 1 – Newport Neighborhood Collector Cross-Section Standard (Source: Newport TSP)**

**FIGURE 32: CITY NEIGHBORHOOD COLLECTOR CROSS-SECTION**



## CORRIDOR TRAFFIC COUNTS

To help inform the transportation assessment, vehicular traffic volumes were collected at points along the study corridor in March 2023 (during the week of Spring Break) and July 2023 (during the peak summer season). These time periods were selected in consultation with City staff to ensure the counts were able to capture the unique peaking characteristics that Newport experiences during the busier vacation/travel periods. A comparison of the two sets of traffic counts is summarized below.

### Traffic Volumes Comparison (March vs July counts)

**March/April Counts:** Daily profile counts were collected at the north and south ends of the NW Oceanview Drive corridor on Thursday and Friday, 3/30 & 3/31 (weekdays) and Saturday, 4/1 (weekend). This period coincided with Oregon's public school system Spring Break week.

**July Counts:** Similar to the March/April 2023 counts, daily profile counts were collected at the north and south ends of the NW Oceanview Drive corridor on Thursday and Friday, 7/20 & 7/21 (weekdays) and Saturday, 7/22 (weekend). This period was selected as it coincides with Newport's peak summer travel and visitor season.

**Comparison:** A comparison of the traffic counts found that the July 2023 counts were on average approximately 10%-15% higher than the March/April counts. A graphical summary of these count comparisons is included in Appendix A along with the detailed count sheets. For the purposes of this assessment, the July 2023 counts were subsequently used to inform the transportation assessment outlined in the following sections.

## CRASH DATA ASSESSMENT

Intersection and corridor crash histories were obtained and reviewed in an effort to document and identify the existence of crash patterns along the NW Oceanview Drive study corridor. Crash records, maintained by the Oregon Department of Transportation (ODOT), were obtained for the most recent five-year period from January 1, 2017, through December 31, 2021. This database includes a history of reported crash types, crash severity, time of day, weather conditions, and other related factors. Appendix B includes the ODOT crash report summary sheets.

A total of nine crashes on the study corridor were reported during the five-year period. To visualize the reported crashes along the study corridor, Figure 2 provides a mapped summary of the crashes while Tables 2 provides more detailed summary information.

**Table 2. NW Oceanview Drive Reported Five-Year Crash Type Summary**

	Crash Types					Crash Severity				Total
	Rear-End	Side-Swipe	Angle/Turning	Fixed Object	Other	PDO	Injury	Fatal	Unknown	
NW Oceanview Dr	1	1	2	3	2	5	4	0	0	9

PDO = Property Damage Only



Figure 2 – Oceanview Drive Reported Five-Year Crash Location Map



Table 3. Study Corridor Reported Five-Year Crash Details

	Intersection	Distance from Intersection	Severity	Crash Type	Year	Month	Weather Condition
a	Oceanview Dr & Agate Beach Access Rd	200 ft from intersection	Non-fatal injury crash	Pedestrian	2017	January	Cloudy
b	Oceanview Dr & NW 21st St	180 ft from intersection	Property damage only crash (PDO)	Sideswipe-overtaking	2017	May	Clear
c	Oceanview Dr & Agate Beach Access Rd	At intersection	Non-fatal injury crash	Overtaken motorcycle	2018	April	Clear
d	Oceanview Dr & NW 15th St	At intersection	Property damage only crash (PDO)	Angle	2019	November	Clear
e	Oceanview Dr & NW 25th St	220 ft from intersection	Non-fatal injury crash	Fixed-Object or Other-Object	2020	November	Clear

	Intersection	Distance from Intersection	Severity	Crash Type	Year	Month	Weather Condition
f	Oceanview Dr & NW 19th St	At intersection	Non-fatal injury crash	Fixed-Object or Other-Object	2020	December	Rain
g	Oceanview Dr & NW 21st St	40 ft from intersection	Property damage only crash (PDO)	Fixed-Object or Other-Object	2020	June	Rain
h	Oceanview Dr & NW 22nd St	At intersection	Property damage only crash (PDO)	Turning Movement	2021	February	Rain
i	Oceanview Dr & NW 19th St	70 ft from intersection	Property damage only crash (PDO)	Rear-End	2021	September	Clear

Based on the information in Figure 2 and Tables 2 and 3, a summary of the crash data is outlined below.

- Fixed object crashes were the most common crash types, comprising approximately 33 percent of the total reported crashes.
- There was one reported pedestrian-related crash and no bicycle related crashes. The pedestrian-related crash occurred approximately 200 feet south of the Agate Beach pedestrian crossing. The driver was cited for careless driving while the pedestrian experienced minor injuries. Based on the location, it does not appear that this pedestrian crash occurred at the signed/striped Agate Beach crossing.
- Approximately 56 percent of the reported crashes were property damage only (PDO) and approximately 44 percent of the crashes involved a minor injury. There were no reported fatalities.
- Two of the reported crashes were related to alcohol intoxication and two involved vehicles traveling at excessive speeds.
- The majority of reported crashes (more than 50 percent) occurred during the afternoon hours between 12:00 PM and 6:00 PM.
- Forty-four percent of reported crashes (4) occurred during rainy/cloudy conditions. The rest of the crashes occurred during dry conditions.
- Only two reported crashes involved angle or turning movements to/from cross streets. One of these crashes occurred at the NW Oceanview Drive/NW 15<sup>th</sup> Street intersection where a westbound vehicle on NW 15<sup>th</sup> Street attempted to cross NW Oceanview Drive. In this instance, the driver made an illegal maneuver and ignored the one-way nature of NW 15<sup>th</sup> Street. The other crash occurred at the NW Oceanview Drive/NW 22<sup>nd</sup> Street intersection and involved an eastbound left-turn maneuver. See the following sight distance assessment section for additional information.

## Crash Data Findings and Next Steps

The low number and dispersed nature of crashes over this five-year period limits the ability to discern any underlying causes that may benefit from potential mitigation measures. This review of the reported crash data found no predominate crash location, type, time period, or consistency in the directionality of the movements involved in the crashes to determine a need for specific safety-based mitigation measures. However, as noted in subsequent sections of this report, several potential mitigation measures are identified for consideration by the City that could address sight distance limitations and concerns for motor vehicle speeds and pedestrian/bicycle exposure on the corridor.

## INTERSECTION SIGHT DISTANCE ASSESSMENT

Intersection sight distance was assessed at specific intersections requested by the City, along the NW Oceanview Drive study corridor. Based on this assessment, sight distance limitations were found at the following locations:

- NW Oceanview Drive/NW 15<sup>th</sup> Street
  - The westbound NW 15<sup>th</sup> Street approach to NW Oceanview Drive has sight distance limitations (looking to the north) primarily due to vegetation that exists along the east side of the roadway north of the intersection. Removal or trimming of shrubs and trees could mitigate this condition. Sight distance looking south would also benefit from removal or trimming of shrubs and trees on the east side of the roadway.
- NW Oceanview Drive/NW 16<sup>th</sup> Street
  - The westbound NW 16<sup>th</sup> Street approach to NW Oceanview Drive has sight distance limitations (looking to the north) due to vegetation that exists along the east side of the roadway and due to the horizontal curvature of NW Oceanview Drive. Removal or trimming of shrubs and trees could mitigate this condition.
- NW Oceanview Drive/NW 17<sup>th</sup> Street
  - The westbound NW 17<sup>th</sup> Street approach to NW Oceanview Drive has sight distance limitations (looking to the south) due to vegetation that exists on the south side of the roadway and due to the horizontal curvature of NW Oceanview Drive. Removal or trimming of shrubs and trees could mitigate this condition.
- NW Oceanview Drive/NW 22<sup>nd</sup> Street
  - The westbound NW 22<sup>nd</sup> Street approach to NW Oceanview Drive has sight distance limitations (looking to the south and north) due to vegetation that exists along the east side of the roadway and the vertical curvature of NW Oceanview Drive. The eastbound NW 22<sup>nd</sup> Street approach to NW Oceanview Drive also has sight distance limitations (looking to the south) due to vegetation on the west side of the roadway. Removal or trimming of shrubs and trees could mitigate this condition.

### Sight Distance Next Steps

To address the noted sight distance limitations, the City may choose to remove or trim back any vegetation impediments growing in the public right of way. The City may also choose to inspect and provide notice to adjacent landowners that have vegetation growing on their properties that contribute to the sight distance limitations.

## NW OCEANVIEW DRIVE/NW 15<sup>TH</sup> STREET ALL-WAY STOP ASSESSMENT

At the request of City staff, the following section summarizes all-way stop criteria contained within the Manual for Uniform Traffic Control Devices (MUTCD) with a specific assessment of those criteria at the Oceanview Drive/NW 15<sup>th</sup> Avenue intersection.

The 11<sup>th</sup> Edition of the MUTCD includes guidance on all-way stop control, including criteria to consider for all-way stop installation. The criteria includes minimum volume thresholds of 300 units (combined vehicle,

pedestrian, and bicycle movements) per hour on the major road approaches and 200 units per hour on the minor road approaches.

The MUTCD also includes a crash-based experience factor for all-way stop, based on “five or more reported crashes in a 12-month period” or “six or more reported crashes in a 36-month period that are of a type susceptible to correction by all-way stop installation”.

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## Crash Experience Factor

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As previously summarized, there were no reported crashes at the NW Oceanview Drive/NW 15<sup>th</sup> Street intersection within the past 36 months that would be correctable by all-way stop control. Based on this finding, the crash component of the criteria is not met.

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## Sight Distance Factor

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The westbound NW 15<sup>th</sup> Street approach to NW Oceanview Drive has sight distance limitations, but these limitations are due to vegetation that exists along the east side of the roadway north of the intersection. Removal or trimming of shrubs and trees could mitigate this condition. Given the sight distance limitations are correctable through vegetation removal, this factor is not applicable.

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## 8-Hour Volume Factor

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Volume counts (including vehicles, pedestrian, and bicyclists) were collected on the north, south, and west legs of the NW Oceanview Drive/NW 15<sup>th</sup> Street intersection as previously outlined in this report. An average of the weekday counts for each approach was used for the assessment.

The peak hourly volume on NW Oceanview Drive (major roadway) and NW 15<sup>th</sup> Street (minor roadway) was 256 units per hour and 64 units per hour, respectively.

Based on these measurements, the major road (NW Oceanview Drive) approach volumes did not exceed 300 units per hour for any one-hour period and the combined approach volumes on the minor road (NW 15<sup>th</sup> Street) did not exceed 200 units per hour for any one hour period. As such, the volume-based factor for all-way stop criteria were not met at this intersection. A summary of the volume-based all-way stop criteria assessment is provided in Appendix C.

## All-Way Stop Control Findings and Next Steps

Based on data summarized within this memorandum, MUTCD all-way stop crash, sight distance, and volume factors are not currently met at the NW Oceanview Drive/NW 15<sup>th</sup> Street intersection. Trimming or removal of vegetation that limits sight distance should be investigated and implemented, where possible. The City should continue to monitor this location in the future if conditions change.

## NW OCEANVIEW DRIVE SPEEDS

At the request of City staff, travel speeds and conditions along the NW Oceanview Drive study corridor were assessed due to community concerns that the northern half of the corridor should have a lower posted travel speed. As noted in Table 1, the northern half of the corridor (from US 101 to NW Edenvue Way) has a posted speed of 35 mph. South of this point, the posted speed is 25 mph. While no historical documentation of the rationale for these posted speeds has been reviewed, existing conditions suggest that these different posted speeds are reflective of the character of the corridor due to alignment, adjacent land use, frequency of driveways, and topography.

Compared to the southern half of the study corridor, the northern segment has less severe changes in vertical profile, longer straightaway sections with fewer curves, fewer public street intersections and private driveways, a more rural character with stretches that traverse the Agate Beach State Recreational Park, and wooded hillsides that buffer most of the adjacent residential land uses. Characteristics like these give drivers a greater level of comfort which can then lead to higher travel speeds. This is confirmed in a 2022 speed study conducted by the Oregon Department of Transportation (ODOT). In this study, speed counts were collected on NW Oceanview Drive in the vicinity of the Agate Beach State Wayside access where it was found that the 85<sup>th</sup> percentile speeds<sup>1</sup> were approximately 39 mph in this 35 mph zone. Given these findings and concerns expressed by city leadership, an assessment of potential speed reduction mitigation measures was prepared including a discussion of simply changing the posted speed limit. These speed reduction measures are discussed below.

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## Reduction of the Posted Speed Limit

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It is a common misnomer that simply changing the posted speed limit on a roadway will result in a reduction of vehicular travel speeds (see footnote<sup>2</sup> below for a discussion of one particular speed modification provision that is available to cities in certain circumstances and its applicability to NW Oceanview Drive). As noted above, vehicular travel speeds are generally more a product of the characteristics of the roadway (rural vs. urban, frequency of conflict points at driveways, topography and curvature, width of the travel lane, etc.) and the comfort levels it provides to drivers. As such, posted speeds are generally designated/confirmed based on a careful engineering study that factors in these characteristics as well as a review of measured travel speeds. Although the measured 85<sup>th</sup> percentile travel speed of 39 mph is higher than the 35 mph posted speed, the findings do confirm that a 35 mph posted speed is consistent with actual driver behavior. However, these findings also suggest that some speed reduction measures on this segment of the corridor may be appropriate, particularly considering the presence of the Agate Beach pedestrian crossing. Some potential context sensitive measures that could be implemented to passively change driver behavior along the northern segment of NW Oceanview Drive are outlined below.

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<sup>1</sup> The 85<sup>th</sup> percentile speed is the speed at or below which 85 percent of the drivers are traveling during the measurement period. Motorists traveling above the 85<sup>th</sup> percentile speed are generally considered to be exceeding the safe and reasonable speed for road and traffic conditions.

<sup>2</sup> City staff and leadership may be aware of Oregon Revised Statute [ORS 810.180 \(11\)](#) which includes a provision that allows cities to establish by ordinance a designated speed for a roadway that is up to 10 mph lower than the statutory speed. Upon review of this statute, it has been determined in consultation with ODOT that this statute does not apply to NW Oceanview Drive for several reasons. First, it is meant to provide cities latitude in reducing statutory speeds (such as an existing 25 mph residential speed limit). The 35 mph posted speed limit on NW Oceanview Drive is a designated speed limit, not a statutory speed limit. Second, the statute applies to residential districts only where the roadway in question is clearly serving a defined residential district with property access driveways spaced 150 feet apart or more frequently. For these reasons, ORS 810.180(11) is not applicable and cannot be used by the City to lower the speed limit on this segment of NW Oceanview Drive.

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## Traverse Rumble Strips

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Traverse rumble strips are pavement treatments such as grooves or raised pavement markers placed in the roadway perpendicular to the direction of travel and are intended to cause vehicular vibrations signaling drivers to slow down in advance of a speed transition area or some other condition such as the presence of an upcoming intersection or crosswalk. Exhibit 2 shows an example of a traverse rumble strip application.

**Exhibit 2 – Example of a Traverse Rumble Strip**



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## Dynamic Speed Displays

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Dynamic speed displays or speed feedback signs (see Exhibit 3) are signs that measure in real time vehicular travel speeds and display those speeds back to drivers. The City currently utilizes signs like these along NW Oceanview Drive in the vicinity of NW 15<sup>th</sup> Street and has found them to be effective at managing driver behavior.

**Exhibit 3 – Dynamic Speed Display**



**Speed Feedback Sign**

Police departments and transportation agencies use speed feedback signs as educational tools that can enhance enforcement efforts directed at speed compliance. Speed feedback signs educate drivers as to their operating speed, and remind them of the posted speed limit on the roadway.

Source: FHWA Small Town and Rural Multimodal Networks

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## Lane Narrowing

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Wider travel lanes can give drivers a more comfortable feeling, which can oftentimes lead to higher speeds. A narrowing of travel lanes can have the opposite effect. Narrowing can take many different forms including physically narrowing the travel lane, introducing center islands, narrowing or replacing shoulders with curb and gutter, or other psychological treatments like speed reduction markings. Of these options, speed reduction markings could be applicable for portions of NW Oceanview Drive such as placement in advance of the Agate Beach pedestrian crossing. Exhibit 4 is a graphic representation of this treatment.

### Exhibit 4 – Speed Reduction Markings



#### Speed Reduction Markings

Speed reduction markings are a series of white rectangular markings typically 1 foot wide placed just inside both edges of the lane and spaced progressively closer to create the illusion of traveling faster as well as the impression of narrower lane.

Source: FHWA Small Town and Rural Multimodal Networks

## Recommendations

The measured speeds on some portions of the northern segment of NW Oceanview Drive suggest some speed reduction measures may be appropriate, particularly considering the presence of the Agate Beach pedestrian crossing (see the following section of this report for additional information). There are no applicable provisions that would allow the City to artificially adjust the existing 35 mph posted speed, nor do we believe such actions would result in measurable changes in driver behavior. Instead, the City should investigate the provision of one or more passive speed management measures such as traverse rumble strips, speed feedback signs, and speed reduction markings.

## AGATE BEACH CROSSING ASSESSMENT

At the request of City staff, a review of the NW Oceanview Drive/Agate Beach pedestrian crossing was performed. This crossing at the north end of the study corridor is shown in Exhibit 5, providing standard crosswalk signage, crosswalk markings, and overhead lighting.

**Exhibit 5 – NW Oceanview Drive Agate Beach Pedestrian Crossing**



## Crossing Enhancement Assessment

The Federal Highway Administration (FHWA) *Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations* informs what crossing countermeasures are typically appropriate given roadway features including speed, average annual daily traffic (AADT), and roadway configuration including number of lanes. ODOT has adopted this guidance, and the guidance produced by the FHWA is included in the *ODOT Analysis Procedures Manual*. ODOT also refined the guidance to local Oregon conditions, incorporated it into the *ODOT Traffic Manual*. Exhibit 6 is a graphical representation of the guidance and is based on different parameters including the annual average daily traffic (AADT), posted speed, presence of a refuge island, and number of lanes being crossed.



**Exhibit 6 – ODOT Traffic Manual Uncontrolled Marked Crossing Treatments**

Lanes Crossed**	Refuge Island	AADT & Posted Speed***														
		<3000 veh/day			3000-9000 veh/day			9000-12,000 veh/day			12,000-15,000 veh/day			>15,000 veh/day		
		≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph
1	N/A	A <sup>x</sup> B C D E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> B C D E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	
2	Yes	A <sup>x</sup> B C D E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> B C D E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	
2	No	A <sup>x</sup> B C D E F	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> B C D E F	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	
3	Yes	A <sup>x</sup> B C D E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> B C D E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	
3	No	A <sup>x</sup> B C D E F	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> B C D E F	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	
4	Yes	A <sup>x</sup> B C D E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> B C D E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	
4	No	A <sup>x</sup> B C D E F	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> B C D E F	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	A <sup>x</sup> C E	

X = Treatment optional  
 ⊗ = Treatment recommended  
 ⊗ = Treatment recommended and should be installed with other identified treatments.

The absence of a letter means the treatment is generally not appropriate, but exceptions may be considered through the engineering study and STRE approval process.

A = Continental-style crosswalk markings, parking restrictions on crosswalk approach (see Table 310.3-B), lighting according to the ODOT Traffic Lighting Design Manual. Crossing warning sign(s) for school crosswalks, midblock crosswalks, or speed ≥30 mph.

B = Raised crosswalk, except on freight routes, emergency response routes, arterial roadways, and snowplow routes.

C = If 2+ lanes in one direction, wide advance stop bar and STOP HERE FOR Pedestrians sign.

D = In-street pedestrian crossing sign (R1-6a). If refuge island present, install on the refuge island.

E = Curb extension

F = Pedestrian refuge island (at least 6 feet wide)

G = Rectangular rapid flashing beacon (RRFB)

H = Reduce number of motor vehicle lanes

I = Traffic signal or pedestrian hybrid beacon (PHB)

Blue = All treatments shown in category optional. Treatment "A" recommended for school and midblock crossings.  
 Green = Visibility enhancements recommended  
 Yellow = RRFB treatment recommended  
 Red = Traffic signal or PHB recommended

\* Treatment "A" recommended for school crossings and midblock crosswalks.

\*\* Total motor vehicle lanes crossed to complete the crossing, including TWLTL and left/right turn lanes. Bicycle lanes and refuge islands at least 6 feet wide are not lanes crossed. STRE approval required for uncontrolled marked crosswalks across 5+ lanes.

\*\*\* See Speed discussion in the Special Considerations subsection. 85<sup>th</sup> percentile speed may be used instead of the posted speed.

Installation of a treatment(s) at any location is subject to an engineering study that accounts for factors such as sight distance, safety, operations, other field conditions, and local land use.

This table does not apply to temporary marked crosswalks. See the TCP Manual (4) for temporary uncontrolled marked crosswalks.

## Findings

The AADT along this segment of NW Oceanview Drive is less than 3,000 vehicles (~2,100 ADT), the posted speed is 35 mph, and the cross section is two lanes without a raised median. Under these current parameters, the treatment recommended by the ODOT Traffic Manual procedure is to provide "continental-style crosswalk markings, parking restrictions on each crosswalk approach (see Table 310.3-B), and lighting according to ODOT Traffic Lighting Design Manual." It is also suggested that "crossing warning sign(s)" are provided for a midblock crossing with speeds greater than or equal to 30 miles per hour. Given the current measured speeds on this segment of NW Oceanview Drive (39 mph 85<sup>th</sup> percentile speeds), the guidance would not recommend a raised crosswalk as an appropriate treatment at the crossing.

## Signage Assessment

In addition to the pedestrian crossing enhancement analysis, a signage audit was performed on this segment of NW Oceanview Drive to consider additional signing options. From this audit, there were three notable findings:

- NW Oceanview Drive does not have advanced pedestrian crossing warning signage on the northbound or southbound approaches to the crossing.
- The post-mounted pedestrian crossing warning sign located at the crossing serving southbound drivers on NW Oceanview Drive does not have a diagonal downward pointing arrow plaque mounted below the sign. In this situation, the MUTCD says this plaque shall be mounted below the sign.
- The post-mounted pedestrian crossing warning sign serving northbound drivers on NW Oceanview Drive is located too far in advance of the crossing location (approximately 50 feet). This can be seen in Exhibit 2.

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## Recommendations

- To provide drivers with additional advanced notice of the pedestrian crossing, the City may choose to install pedestrian crossing ahead signs (W11-2) and a supplemental "Ahead" (W16-9P) warning plaque in accordance with the guidelines of the MUTCD and applicable local standards. These signs should be placed a minimum of 100 feet in advance of the crossing.
- The post-mounted pedestrian crossing warning sign serving northbound drivers on NW Oceanview Drive should be relocated to the pedestrian crossing. This relocated sign should also include a diagonal downward pointing arrow plaque (W16-7P) mounted below the sign.
- The post-mounted pedestrian crossing warning sign serving southbound drivers on NW Oceanview Drive should include a diagonal downward pointing arrow plaque (W16-7P) mounted below the sign.
- Consider supplemental speed reduction pavement markings, speed feedback signs, and/or traverse rumble strips on the northbound and southbound NW Oceanview Drive approaches to the crossing.

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## NW Oceanview Drive Parking

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Just south of the Agate Beach Pedestrian crossing is a small head-in parking lot that can serve approximately 9-10 vehicles. When this lot gets full, drivers have been observed to park along both sides of NW Oceanview Drive south of the lot. While there is a wide gravel shoulder on the west side of NW Oceanview Drive, there is no formal shoulder on the east side.

## Recommendations

- The City may choose to install no parking signage along the east side of NW Oceanview Drive.

## APPENDICES

- A. Traffic Count Worksheets
- B. Crash Data Reports
- C. MUTCD All-Way Stop Criteria Evaluation Worksheets

## Appendix A

Type of report: Tube Count - Volume Data

LOCATION: N Coast Hwy/US-101 south of NE 31st St						QC JOB #: 16145501				
SPECIFIC LOCATION:						DIRECTION: NB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				29	42	36	21		31	
01:00 AM				18	20	19	21		20	
02:00 AM				28	22	25	15		22	
03:00 AM				20	19	20	15		18	
04:00 AM				25	35	30	7		22	
05:00 AM				83	65	74	25		58	
06:00 AM				182	125	154	70		126	
07:00 AM				283	273	278	163		240	
08:00 AM				362	368	365	223		318	
09:00 AM				506	446	476	350		434	
10:00 AM				644	576	610	565		595	
11:00 AM				759	719	739	678		719	
12:00 PM				777	812	795	717		769	
01:00 PM				919	817	868	798		845	
02:00 PM				874	860	867	879		871	
03:00 PM				977	934	956	862		924	
04:00 PM				942	878	910	837		886	
05:00 PM				816	727	772	713		752	
06:00 PM				565	576	571	543		561	
07:00 PM				453	378	416	404		412	
08:00 PM				273	242	258	263		259	
09:00 PM				173	172	173	211		185	
10:00 PM				100	126	113	142		123	
11:00 PM				67	74	71	33		58	
Day Total				9875	9306	9596	8555		9248	
% Weekday Average				102.9%	97%					
% Week Average				106.8%	100.6%	103.8%	92.5%			
AM Peak Volume				11:00 AM 759	11:00 AM 719	11:00 AM 739	11:00 AM 678		11:00 AM 719	
PM Peak Volume				3:00 PM 977	3:00 PM 934	3:00 PM 956	2:00 PM 879		3:00 PM 924	

Comments:

Report generated on 4/14/2023 8:59 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: N Coast Hwy/US-101 south of NE 31st St						QC JOB #: 16145501				
SPECIFIC LOCATION:						DIRECTION: NB, SB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				56	74	65	40		57	
01:00 AM				34	41	38	42		39	
02:00 AM				52	32	42	30		38	
03:00 AM				48	46	47	42		45	
04:00 AM				71	75	73	41		62	
05:00 AM				175	150	163	78		134	
06:00 AM				382	317	350	184		294	
07:00 AM				711	654	683	390		585	
08:00 AM				862	858	860	531		750	
09:00 AM				1161	1024	1093	846		1010	
10:00 AM				1398	1343	1371	1205		1315	
11:00 AM				1566	1514	1540	1439		1506	
12:00 PM				1583	1637	1610	1479		1566	
01:00 PM				1751	1602	1677	1573		1642	
02:00 PM				1682	1686	1684	1668		1679	
03:00 PM				1703	1601	1652	1564		1623	
04:00 PM				1706	1553	1630	1510		1590	
05:00 PM				1473	1289	1381	1385		1382	
06:00 PM				1028	1021	1025	1038		1029	
07:00 PM				781	691	736	761		744	
08:00 PM				514	474	494	520		503	
09:00 PM				329	367	348	388		361	
10:00 PM				190	255	223	247		231	
11:00 PM				111	122	117	59		97	
Day Total				19367	18426	18902	17060		18282	
% Weekday Average				102.5%	97.5%					
% Week Average				105.9%	100.8%	103.4%	93.3%			
AM Peak Volume				11:00 AM 1566	11:00 AM 1514	11:00 AM 1540	11:00 AM 1439		11:00 AM 1506	
PM Peak Volume				1:00 PM 1751	2:00 PM 1686	2:00 PM 1684	2:00 PM 1668		2:00 PM 1679	

Comments:

Report generated on 4/14/2023 8:59 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: N Coast Hwy/US-101 south of NE 31st St						QC JOB #: 16145501				
SPECIFIC LOCATION:						DIRECTION: SB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				27	32	30	19		26	
01:00 AM				16	21	19	21		19	
02:00 AM				24	10	17	15		16	
03:00 AM				28	27	28	27		27	
04:00 AM				46	40	43	34		40	
05:00 AM				92	85	89	53		77	
06:00 AM				200	192	196	114		169	
07:00 AM				428	381	405	227		345	
08:00 AM				500	490	495	308		433	
09:00 AM				655	578	617	496		576	
10:00 AM				754	767	761	640		720	
11:00 AM				807	795	801	761		788	
12:00 PM				806	825	816	762		798	
01:00 PM				832	785	809	775		797	
02:00 PM				808	826	817	789		808	
03:00 PM				726	667	697	702		698	
04:00 PM				764	675	720	673		704	
05:00 PM				657	562	610	672		630	
06:00 PM				463	445	454	495		468	
07:00 PM				328	313	321	357		333	
08:00 PM				241	232	237	257		243	
09:00 PM				156	195	176	177		176	
10:00 PM				90	129	110	105		108	
11:00 PM				44	48	46	26		39	
Day Total				9492	9120	9314	8505		9038	
% Weekday Average				101.9%	97.9%					
% Week Average				105%	100.9%	103.1%	94.1%			
AM Peak Volume				11:00 AM 807	11:00 AM 795	11:00 AM 801	11:00 AM 761		11:00 AM 788	
PM Peak Volume				1:00 PM 832	2:00 PM 826	2:00 PM 817	2:00 PM 789		2:00 PM 808	

Comments:

Report generated on 4/14/2023 8:59 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr south of Agate Beach State Wayside						QC JOB #: 16145502				
SPECIFIC LOCATION:						DIRECTION: NB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				11	3	7	5		6	
01:00 AM				4	3	4	3		3	
02:00 AM				3	1	2	2		2	
03:00 AM				1	1	1	2		1	
04:00 AM				1	1	1	2		1	
05:00 AM				2	4	3	2		3	
06:00 AM				7	7	7	6		7	
07:00 AM				19	15	17	14		16	
08:00 AM				30	30	30	28		29	
09:00 AM				43	43	43	40		42	
10:00 AM				49	55	52	66		57	
11:00 AM				69	61	65	74		68	
12:00 PM				84	73	79	88		82	
01:00 PM				90	80	85	103		91	
02:00 PM				92	78	85	93		88	
03:00 PM				104	73	89	89		89	
04:00 PM				84	70	77	87		80	
05:00 PM				84	58	71	76		73	
06:00 PM				56	39	48	57		51	
07:00 PM				31	31	31	50		37	
08:00 PM				36	19	28	27		27	
09:00 PM				16	19	18	35		23	
10:00 PM				12	15	14	15		14	
11:00 PM				8	8	8	5		7	
<b>Day Total</b>				936	787	865	969		897	
% Weekday Average				108.2%	91%					
% Week Average				104.3%	87.7%	96.4%	108%			
AM Peak Volume				11:00 AM 69	11:00 AM 61	11:00 AM 65	11:00 AM 74		11:00 AM 68	
PM Peak Volume				3:00 PM 104	1:00 PM 80	3:00 PM 89	1:00 PM 103		1:00 PM 91	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr south of Agate Beach State Wayside						QC JOB #: 16145502				
SPECIFIC LOCATION:						DIRECTION: NB, SB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				17	7	12	6		10	
01:00 AM				7	4	6	8		6	
02:00 AM				7	2	5	2		4	
03:00 AM				2	2	2	4		3	
04:00 AM				4	5	5	5		5	
05:00 AM				6	11	9	3		7	
06:00 AM				17	14	16	12		14	
07:00 AM				43	35	39	30		36	
08:00 AM				69	68	69	49		62	
09:00 AM				81	90	86	84		85	
10:00 AM				122	115	119	122		120	
11:00 AM				147	123	135	139		136	
12:00 PM				168	142	155	170		160	
01:00 PM				176	153	165	198		176	
02:00 PM				175	146	161	188		170	
03:00 PM				211	139	175	190		180	
04:00 PM				194	134	164	163		164	
05:00 PM				172	98	135	140		137	
06:00 PM				101	84	93	106		97	
07:00 PM				62	59	61	89		70	
08:00 PM				52	37	45	49		46	
09:00 PM				27	36	32	63		42	
10:00 PM				18	22	20	23		21	
11:00 PM				14	17	16	9		13	
Day Total				1892	1543	1725	1852		1764	
% Weekday Average				109.7%	89.4%					
% Week Average				107.3%	87.5%	97.8%	105%			
AM Peak Volume				11:00 AM 147	11:00 AM 123	11:00 AM 135	11:00 AM 139		11:00 AM 136	
PM Peak Volume				3:00 PM 211	1:00 PM 153	3:00 PM 175	1:00 PM 198		3:00 PM 180	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)



Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr south of Agate Beach State Wayside						QC JOB #: 16145502				
SPECIFIC LOCATION:						DIRECTION: SB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				6	4	5	1		4	
01:00 AM				3	1	2	5		3	
02:00 AM				4	1	3	0		2	
03:00 AM				1	1	1	2		1	
04:00 AM				3	4	4	3		3	
05:00 AM				4	7	6	1		4	
06:00 AM				10	7	9	6		8	
07:00 AM				24	20	22	16		20	
08:00 AM				39	38	39	21		33	
09:00 AM				38	47	43	44		43	
10:00 AM				73	60	67	56		63	
11:00 AM				78	62	70	65		68	
12:00 PM				84	69	77	82		78	
01:00 PM				86	73	80	95		85	
02:00 PM				83	68	76	95		82	
03:00 PM				107	66	87	101		91	
04:00 PM				110	64	87	76		83	
05:00 PM				88	40	64	64		64	
06:00 PM				45	45	45	49		46	
07:00 PM				31	28	30	39		33	
08:00 PM				16	18	17	22		19	
09:00 PM				11	17	14	28		19	
10:00 PM				6	7	7	8		7	
11:00 PM				6	9	8	4		6	
<b>Day Total</b>				956	756	863	883		865	
% Weekday Average				110.8%	87.6%					
% Week Average				110.5%	87.4%	99.8%	102.1%			
AM Peak Volume				11:00 AM 78	11:00 AM 62	11:00 AM 70	11:00 AM 65		11:00 AM 68	
PM Peak Volume				4:00 PM 110	1:00 PM 73	3:00 PM 87	3:00 PM 101		3:00 PM 91	
<i>Comments:</i>										

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr north of NW Pacific Pl/NW 25th St						QC JOB #: 16145503				
SPECIFIC LOCATION:						DIRECTION: NB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				11	4	8	7		7	
01:00 AM				5	5	5	3		4	
02:00 AM				3	1	2	3		2	
03:00 AM				2	1	2	2		2	
04:00 AM				1	1	1	2		1	
05:00 AM				2	4	3	2		3	
06:00 AM				9	8	9	7		8	
07:00 AM				24	14	19	13		17	
08:00 AM				37	39	38	30		35	
09:00 AM				42	43	43	34		40	
10:00 AM				57	56	57	74		62	
11:00 AM				72	65	69	68		68	
12:00 PM				89	71	80	86		82	
01:00 PM				91	86	89	98		92	
02:00 PM				90	91	91	86		89	
03:00 PM				99	76	88	89		88	
04:00 PM				79	72	76	89		80	
05:00 PM				84	69	77	80		78	
06:00 PM				62	45	54	63		57	
07:00 PM				33	43	38	52		43	
08:00 PM				41	23	32	36		33	
09:00 PM				19	24	22	35		26	
10:00 PM				12	16	14	10		13	
11:00 PM				8	8	8	7		8	
<b>Day Total</b>				972	865	925	976		938	
% Weekday Average				105.1%	93.5%					
% Week Average				103.6%	92.2%	98.6%	104.1%			
AM Peak Volume				11:00 AM 72	11:00 AM 65	11:00 AM 69	10:00 AM 74		11:00 AM 68	
PM Peak Volume				3:00 PM 99	2:00 PM 91	2:00 PM 91	1:00 PM 98		1:00 PM 92	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr north of NW Pacific Pl/NW 25th St						QC JOB #: 16145503				
SPECIFIC LOCATION:						DIRECTION: NB, SB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				17	9	13	10		12	
01:00 AM				9	7	8	8		8	
02:00 AM				9	2	6	4		5	
03:00 AM				3	1	2	4		3	
04:00 AM				3	5	4	5		4	
05:00 AM				7	12	10	3		7	
06:00 AM				20	16	18	12		16	
07:00 AM				48	35	42	29		37	
08:00 AM				81	79	80	57		72	
09:00 AM				86	98	92	82		89	
10:00 AM				135	121	128	138		131	
11:00 AM				146	130	138	127		134	
12:00 PM				180	146	163	170		165	
01:00 PM				185	170	178	188		181	
02:00 PM				171	166	169	176		171	
03:00 PM				194	148	171	188		177	
04:00 PM				181	135	158	170		162	
05:00 PM				176	118	147	149		148	
06:00 PM				113	95	104	110		106	
07:00 PM				68	78	73	98		81	
08:00 PM				63	44	54	71		59	
09:00 PM				35	49	42	70		51	
10:00 PM				21	25	23	34		27	
11:00 PM				15	21	18	13		16	
Day Total				1966	1710	1841	1916		1862	
% Weekday Average				106.8%	92.9%					
% Week Average				105.6%	91.8%	98.9%	102.9%			
AM Peak Volume				11:00 AM 146	11:00 AM 130	11:00 AM 138	10:00 AM 138		11:00 AM 134	
PM Peak Volume				3:00 PM 194	1:00 PM 170	1:00 PM 178	1:00 PM 188		1:00 PM 181	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr north of NW Pacific Pl/NW 25th St						QC JOB #: 16145503				
SPECIFIC LOCATION:						DIRECTION: SB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				6	5	6	3		5	
01:00 AM				4	2	3	5		4	
02:00 AM				6	1	4	1		3	
03:00 AM				1	0	1	2		1	
04:00 AM				2	4	3	3		3	
05:00 AM				5	8	7	1		5	
06:00 AM				11	8	10	5		8	
07:00 AM				24	21	23	16		20	
08:00 AM				44	40	42	27		37	
09:00 AM				44	55	50	48		49	
10:00 AM				78	65	72	64		69	
11:00 AM				74	65	70	59		66	
12:00 PM				91	75	83	84		83	
01:00 PM				94	84	89	90		89	
02:00 PM				81	75	78	90		82	
03:00 PM				95	72	84	99		89	
04:00 PM				102	63	83	81		82	
05:00 PM				92	49	71	69		70	
06:00 PM				51	50	51	47		49	
07:00 PM				35	35	35	46		39	
08:00 PM				22	21	22	35		26	
09:00 PM				16	25	21	35		25	
10:00 PM				9	9	9	24		14	
11:00 PM				7	13	10	6		9	
Day Total				994	845	927	940		927	
% Weekday Average				107.2%	91.2%					
% Week Average				107.2%	91.2%	100%	101.4%			
AM Peak Volume				10:00 AM 78	10:00 AM 65	10:00 AM 72	10:00 AM 64		10:00 AM 69	
PM Peak Volume				4:00 PM 102	1:00 PM 84	1:00 PM 89	3:00 PM 99		1:00 PM 89	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 16th St & NW 15th St						QC JOB #: 16145504				
SPECIFIC LOCATION:						DIRECTION: NB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				8	3	6	7		6	
01:00 AM				5	2	4	5		4	
02:00 AM				4	2	3	0		2	
03:00 AM				1	0	1	2		1	
04:00 AM				1	1	1	3		2	
05:00 AM				3	3	3	1		2	
06:00 AM				15	10	13	6		10	
07:00 AM				27	22	25	15		21	
08:00 AM				54	54	54	34		47	
09:00 AM				63	65	64	56		61	
10:00 AM				95	107	101	118		107	
11:00 AM				119	133	126	124		125	
12:00 PM				151	158	155	131		147	
01:00 PM				180	171	176	134		162	
02:00 PM				133	167	150	130		143	
03:00 PM				173	139	156	134		149	
04:00 PM				137	137	137	104		126	
05:00 PM				160	146	153	113		140	
06:00 PM				83	75	79	82		80	
07:00 PM				47	48	48	72		56	
08:00 PM				47	34	41	38		40	
09:00 PM				22	24	23	32		26	
10:00 PM				20	24	22	12		19	
11:00 PM				8	9	9	6		8	
<b>Day Total</b>				1556	1534	1550	1359		1484	
% Weekday Average				100.4%	99%					
% Week Average				104.9%	103.4%	104.4%	91.6%			
AM Peak Volume				11:00 AM 119	11:00 AM 133	11:00 AM 126	11:00 AM 124		11:00 AM 125	
PM Peak Volume				1:00 PM 180	1:00 PM 171	1:00 PM 176	1:00 PM 134		1:00 PM 162	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 16th St & NW 15th St						QC JOB #: 16145504				
SPECIFIC LOCATION:						DIRECTION: NB, SB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				14	8	11	11		11	
01:00 AM				9	2	6	9		7	
02:00 AM				9	3	6	0		4	
03:00 AM				1	0	1	3		1	
04:00 AM				3	5	4	4		4	
05:00 AM				5	6	6	3		5	
06:00 AM				22	17	20	11		17	
07:00 AM				48	42	45	24		38	
08:00 AM				102	97	100	61		87	
09:00 AM				105	116	111	103		108	
10:00 AM				164	170	167	194		176	
11:00 AM				212	214	213	207		211	
12:00 PM				267	262	265	224		251	
01:00 PM				294	288	291	222		268	
02:00 PM				253	264	259	224		247	
03:00 PM				279	236	258	251		255	
04:00 PM				238	229	234	186		218	
05:00 PM				278	223	251	186		229	
06:00 PM				152	132	142	138		141	
07:00 PM				85	88	87	121		98	
08:00 PM				70	66	68	78		71	
09:00 PM				36	36	36	56		43	
10:00 PM				36	39	38	32		36	
11:00 PM				16	20	18	13		16	
<b>Day Total</b>				2698	2563	2637	2361		2542	
% Weekday Average				102.3%	97.2%					
% Week Average				106.1%	100.8%	103.7%	92.9%			
AM Peak Volume				11:00 AM 212	11:00 AM 214	11:00 AM 213	11:00 AM 207		11:00 AM 211	
PM Peak Volume				1:00 PM 294	1:00 PM 288	1:00 PM 291	3:00 PM 251		1:00 PM 268	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 16th St & NW 15th St						QC JOB #: 16145504				
SPECIFIC LOCATION:						DIRECTION: SB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				6	5	6	4		5	
01:00 AM				4	0	2	4		3	
02:00 AM				5	1	3	0		2	
03:00 AM				0	0	0	1		0	
04:00 AM				2	4	3	1		2	
05:00 AM				2	3	3	2		2	
06:00 AM				7	7	7	5		6	
07:00 AM				21	20	21	9		17	
08:00 AM				48	43	46	27		39	
09:00 AM				42	51	47	47		47	
10:00 AM				69	63	66	76		69	
11:00 AM				93	81	87	83		86	
12:00 PM				116	104	110	93		104	
01:00 PM				114	117	116	88		106	
02:00 PM				120	97	109	94		104	
03:00 PM				106	97	102	117		107	
04:00 PM				101	92	97	82		92	
05:00 PM				118	77	98	73		89	
06:00 PM				69	57	63	56		61	
07:00 PM				38	40	39	49		42	
08:00 PM				23	32	28	40		32	
09:00 PM				14	12	13	24		17	
10:00 PM				16	15	16	20		17	
11:00 PM				8	11	10	7		9	
<b>Day Total</b>				1142	1029	1092	1002		1058	
% Weekday Average				104.6%	94.2%					
% Week Average				107.9%	97.3%	103.2%	94.7%			
AM Peak Volume				11:00 AM 93	11:00 AM 81	11:00 AM 87	11:00 AM 83		11:00 AM 86	
PM Peak Volume				2:00 PM 120	1:00 PM 117	1:00 PM 116	3:00 PM 117		3:00 PM 107	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW 15th St east of NW Oceanview Dr						QC JOB #: 16145505				
SPECIFIC LOCATION:						DIRECTION: EB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				0	1	1	0		0	
01:00 AM				0	0	0	0		0	
02:00 AM				0	0	0	0		0	
03:00 AM				1	2	2	0		1	
04:00 AM				2	2	2	1		2	
05:00 AM				9	5	7	2		5	
06:00 AM				13	11	12	4		9	
07:00 AM				23	21	22	14		19	
08:00 AM				14	19	17	15		16	
09:00 AM				24	25	25	28		26	
10:00 AM				34	24	29	19		26	
11:00 AM				40	32	36	29		34	
12:00 PM				35	30	33	23		29	
01:00 PM				29	32	31	30		30	
02:00 PM				25	33	29	29		29	
03:00 PM				24	30	27	23		26	
04:00 PM				28	28	28	25		27	
05:00 PM				19	15	17	14		16	
06:00 PM				12	14	13	8		11	
07:00 PM				12	13	13	12		12	
08:00 PM				6	7	7	9		7	
09:00 PM				4	11	8	7		7	
10:00 PM				2	3	3	5		3	
11:00 PM				2	2	2	4		3	
<b>Day Total</b>				358	360	364	301		338	
% Weekday Average				98.4%	98.9%					
% Week Average				105.9%	106.5%	107.7%	89.1%			
AM Peak Volume				11:00 AM 40	11:00 AM 32	11:00 AM 36	11:00 AM 29		11:00 AM 34	
PM Peak Volume				12:00 PM 35	2:00 PM 33	12:00 PM 33	1:00 PM 30		1:00 PM 30	
<i>Comments:</i>										

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)



Type of report: Tube Count - Volume Data

LOCATION: NW 15th St east of NW Oceanview Dr						QC JOB #: 16145505				
SPECIFIC LOCATION:						DIRECTION: EB, WB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				0	1	1	1		1	
01:00 AM				0	0	0	0		0	
02:00 AM				1	0	1	0		0	
03:00 AM				1	3	2	1		2	
04:00 AM				3	2	3	2		2	
05:00 AM				16	8	12	2		9	
06:00 AM				20	21	21	9		17	
07:00 AM				42	44	43	23		36	
08:00 AM				37	51	44	40		43	
09:00 AM				57	73	65	70		67	
10:00 AM				83	73	78	61		72	
11:00 AM				97	98	98	69		88	
12:00 PM				112	95	104	75		94	
01:00 PM				89	101	95	78		89	
02:00 PM				97	86	92	75		86	
03:00 PM				84	96	90	63		81	
04:00 PM				97	81	89	66		81	
05:00 PM				61	49	55	42		51	
06:00 PM				34	33	34	31		33	
07:00 PM				28	28	28	27		28	
08:00 PM				13	19	16	24		19	
09:00 PM				8	21	15	14		14	
10:00 PM				7	6	7	6		6	
11:00 PM				4	5	5	5		5	
<b>Day Total</b>				991	994	998	784		924	
% Weekday Average				99.3%	99.6%					
% Week Average				107.3%	107.6%	108%	84.8%			
AM Peak Volume				11:00 AM 97	11:00 AM 98	11:00 AM 98	9:00 AM 70		11:00 AM 88	
PM Peak Volume				12:00 PM 112	1:00 PM 101	12:00 PM 104	1:00 PM 78		12:00 PM 94	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW 15th St east of NW Oceanview Dr						QC JOB #: 16145505				
SPECIFIC LOCATION:						DIRECTION: WB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				0	0	0	1		0	
01:00 AM				0	0	0	0		0	
02:00 AM				1	0	1	0		0	
03:00 AM				0	1	1	1		1	
04:00 AM				1	0	1	1		1	
05:00 AM				7	3	5	0		3	
06:00 AM				7	10	9	5		7	
07:00 AM				19	23	21	9		17	
08:00 AM				23	32	28	25		27	
09:00 AM				33	48	41	42		41	
10:00 AM				49	49	49	42		47	
11:00 AM				57	66	62	40		54	
12:00 PM				77	65	71	52		65	
01:00 PM				60	69	65	48		59	
02:00 PM				72	53	63	46		57	
03:00 PM				60	66	63	40		55	
04:00 PM				69	53	61	41		54	
05:00 PM				42	34	38	28		35	
06:00 PM				22	19	21	23		21	
07:00 PM				16	15	16	15		15	
08:00 PM				7	12	10	15		11	
09:00 PM				4	10	7	7		7	
10:00 PM				5	3	4	1		3	
11:00 PM				2	3	3	1		2	
<b>Day Total</b>				633	634	640	483		582	
% Weekday Average				98.9%	99.1%					
% Week Average				108.8%	108.9%	110%	83%			
AM Peak Volume				11:00 AM 57	11:00 AM 66	11:00 AM 62	9:00 AM 42		11:00 AM 54	
PM Peak Volume				12:00 PM 77	1:00 PM 69	12:00 PM 71	12:00 PM 52		12:00 PM 65	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 15th St & NW 14th St						QC JOB #: 16145506				
SPECIFIC LOCATION:						DIRECTION: NB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				8	2	5	5		5	
01:00 AM				5	3	4	4		4	
02:00 AM				4	2	3	0		2	
03:00 AM				0	0	0	2		1	
04:00 AM				1	1	1	3		2	
05:00 AM				3	3	3	1		2	
06:00 AM				12	11	12	6		10	
07:00 AM				23	16	20	14		18	
08:00 AM				43	40	42	33		39	
09:00 AM				51	47	49	45		48	
10:00 AM				78	84	81	97		86	
11:00 AM				90	102	96	88		93	
12:00 PM				128	110	119	107		115	
01:00 PM				128	133	131	105		122	
02:00 PM				107	113	110	104		108	
03:00 PM				128	110	119	103		114	
04:00 PM				99	98	99	87		95	
05:00 PM				121	113	117	90		108	
06:00 PM				55	58	57	58		57	
07:00 PM				43	46	45	59		49	
08:00 PM				39	30	35	36		35	
09:00 PM				25	18	22	27		23	
10:00 PM				22	28	25	12		21	
11:00 PM				6	8	7	9		8	
<b>Day Total</b>				1219	1176	1202	1095		1165	
% Weekday Average				101.4%	97.8%					
% Week Average				104.6%	100.9%	103.2%	94%			
AM Peak Volume				11:00 AM 90	11:00 AM 102	11:00 AM 96	10:00 AM 97		11:00 AM 93	
PM Peak Volume				12:00 PM 128	1:00 PM 133	1:00 PM 131	12:00 PM 107		1:00 PM 122	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 15th St & NW 14th St						QC JOB #: 16145506				
SPECIFIC LOCATION:						DIRECTION: NB, SB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				14	5	10	8		9	
01:00 AM				9	3	6	8		7	
02:00 AM				9	3	6	0		4	
03:00 AM				0	0	0	3		1	
04:00 AM				2	3	3	4		3	
05:00 AM				4	4	4	3		4	
06:00 AM				16	18	17	10		15	
07:00 AM				40	32	36	24		32	
08:00 AM				80	73	77	56		70	
09:00 AM				88	92	90	87		89	
10:00 AM				142	140	141	156		146	
11:00 AM				166	171	169	155		164	
12:00 PM				245	198	222	185		209	
01:00 PM				228	243	236	191		221	
02:00 PM				230	196	213	194		207	
03:00 PM				228	192	210	202		207	
04:00 PM				195	178	187	163		179	
05:00 PM				234	179	207	151		188	
06:00 PM				119	120	120	107		115	
07:00 PM				85	86	86	109		93	
08:00 PM				57	60	59	77		65	
09:00 PM				39	35	37	49		41	
10:00 PM				35	44	40	32		37	
11:00 PM				13	18	16	20		17	
<b>Day Total</b>				2278	2093	2192	1994		2123	
% Weekday Average				103.9%	95.5%					
% Week Average				107.3%	98.6%	103.3%	93.9%			
AM Peak Volume				11:00 AM 166	11:00 AM 171	11:00 AM 169	10:00 AM 156		11:00 AM 164	
PM Peak Volume				12:00 PM 245	1:00 PM 243	1:00 PM 236	3:00 PM 202		1:00 PM 221	
<i>Comments:</i>										

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 15th St & NW 14th St						QC JOB #: 16145506				
SPECIFIC LOCATION:						DIRECTION: SB				
CITY/STATE: Newport, OR						DATE: Mar 30 2023 - Apr 1 2023				
Start Time	Mon	Tue	Wed	Thu 30 Mar 23	Fri 31 Mar 23	Average Weekday Hourly Traffic	Sat 1 Apr 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				6	3	5	3		4	
01:00 AM				4	0	2	4		3	
02:00 AM				5	1	3	0		2	
03:00 AM				0	0	0	1		0	
04:00 AM				1	2	2	1		1	
05:00 AM				1	1	1	2		1	
06:00 AM				4	7	6	4		5	
07:00 AM				17	16	17	10		14	
08:00 AM				37	33	35	23		31	
09:00 AM				37	45	41	42		41	
10:00 AM				64	56	60	59		60	
11:00 AM				76	69	73	67		71	
12:00 PM				117	88	103	78		94	
01:00 PM				100	110	105	86		99	
02:00 PM				123	83	103	90		99	
03:00 PM				100	82	91	99		94	
04:00 PM				96	80	88	76		84	
05:00 PM				113	66	90	61		80	
06:00 PM				64	62	63	49		58	
07:00 PM				42	40	41	50		44	
08:00 PM				18	30	24	41		30	
09:00 PM				14	17	16	22		18	
10:00 PM				13	16	15	20		16	
11:00 PM				7	10	9	11		9	
Day Total				1059	917	993	899		958	
% Weekday Average				106.6%	92.3%					
% Week Average				110.5%	95.7%	103.7%	93.8%			
AM Peak Volume				11:00 AM 76	11:00 AM 69	11:00 AM 73	11:00 AM 67		11:00 AM 71	
PM Peak Volume				2:00 PM 123	1:00 PM 110	1:00 PM 105	3:00 PM 99		1:00 PM 99	

Comments:

Report generated on 4/6/2023 4:43 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: N Coast Hwy/US-101 south of NE 31st St						QC JOB #: 16278301				
SPECIFIC LOCATION:						DIRECTION: NB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				19	32	26	38		30	
01:00 AM				25	26	26	25		25	
02:00 AM				18	22	20	15		18	
03:00 AM				18	18	18	12		16	
04:00 AM				33	42	38	28		34	
05:00 AM				73	80	77	74		76	
06:00 AM				199	128	164	75		134	
07:00 AM				285	290	288	185		253	
08:00 AM				416	398	407	277		364	
09:00 AM				507	569	538	502		526	
10:00 AM				609	638	624	650		632	
11:00 AM				724	809	767	721		751	
12:00 PM				800	819	810	788		802	
01:00 PM				821	800	811	882		834	
02:00 PM				854	826	840	898		859	
03:00 PM				901	953	927	927		927	
04:00 PM				912	887	900	846		882	
05:00 PM				848	941	895	717		835	
06:00 PM				723	728	726	673		708	
07:00 PM				513	514	514	518		515	
08:00 PM				336	351	344	351		346	
09:00 PM				227	249	238	280		252	
10:00 PM				126	186	156	157		156	
11:00 PM				67	90	79	89		82	
Day Total				10054	10396	10233	9728		10057	
% Weekday Average				98.3%	101.6%					
% Week Average				100%	103.4%	101.8%	96.7%			
AM Peak Volume				11:00 AM 724	11:00 AM 809	11:00 AM 767	11:00 AM 721		11:00 AM 751	
PM Peak Volume				4:00 PM 912	3:00 PM 953	3:00 PM 927	3:00 PM 927		3:00 PM 927	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: N Coast Hwy/US-101 south of NE 31st St							QC JOB #: 16278301			
SPECIFIC LOCATION:							DIRECTION: NB, SB			
CITY/STATE: Newport, OR							DATE: Jul 20 2023 - Jul 22 2023			
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				42	64	53	68		58	
01:00 AM				49	46	48	43		46	
02:00 AM				37	44	41	40		40	
03:00 AM				55	52	54	32		46	
04:00 AM				86	95	91	74		85	
05:00 AM				171	172	172	176		173	
06:00 AM				453	376	415	214		348	
07:00 AM				817	712	765	421		650	
08:00 AM				971	938	955	658		856	
09:00 AM				1179	1176	1178	1126		1160	
10:00 AM				1355	1431	1393	1361		1382	
11:00 AM				<b>1508</b>	<b>1593</b>	<b>1551</b>	<b>1516</b>		<b>1539</b>	
12:00 PM				1596	1599	1598	1625		1607	
01:00 PM				1608	1626	1617	<b>1684</b>		1639	
02:00 PM				1605	1624	1615	1684		1638	
03:00 PM				<b>1661</b>	<b>1722</b>	<b>1692</b>	1649		<b>1677</b>	
04:00 PM				1657	1684	1671	1627		1656	
05:00 PM				1523	1653	1588	1388		1521	
06:00 PM				1255	1274	1265	1272		1267	
07:00 PM				842	953	898	933		909	
08:00 PM				623	687	655	686		665	
09:00 PM				487	499	493	566		517	
10:00 PM				276	376	326	346		333	
11:00 PM				113	167	140	182		154	
<b>Day Total</b>				19969	20563	20274	19371		19966	
% Weekday Average				98.5%	101.4%					
% Week Average				100%	103%	101.5%	97%			
AM Peak Volume				11:00 AM 1508	11:00 AM 1593	11:00 AM 1551	11:00 AM 1516		11:00 AM 1539	
PM Peak Volume				3:00 PM 1661	3:00 PM 1722	3:00 PM 1692	1:00 PM 1684		3:00 PM 1677	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: N Coast Hwy/US-101 south of NE 31st St							QC JOB #: 16278301			
SPECIFIC LOCATION:							DIRECTION: SB			
CITY/STATE: Newport, OR							DATE: Jul 20 2023 - Jul 22 2023			
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				23	32	28	30		28	
01:00 AM				24	20	22	18		21	
02:00 AM				19	22	21	25		22	
03:00 AM				37	34	36	20		30	
04:00 AM				53	53	53	46		51	
05:00 AM				98	92	95	102		97	
06:00 AM				254	248	251	139		214	
07:00 AM				532	422	477	236		397	
08:00 AM				555	540	548	381		492	
09:00 AM				672	607	640	624		634	
10:00 AM				746	793	770	711		750	
11:00 AM				784	784	784	795		788	
12:00 PM				796	780	788	837		804	
01:00 PM				787	826	807	802		805	
02:00 PM				751	798	775	786		778	
03:00 PM				760	769	765	722		750	
04:00 PM				745	797	771	781		774	
05:00 PM				675	712	694	671		686	
06:00 PM				532	546	539	599		559	
07:00 PM				329	439	384	415		394	
08:00 PM				287	336	312	335		319	
09:00 PM				260	250	255	286		265	
10:00 PM				150	190	170	189		176	
11:00 PM				46	77	62	93		72	
<b>Day Total</b>				9915	10167	10047	9643		9906	
% Weekday Average				98.7%	101.2%					
% Week Average				100.1%	102.6%	101.4%	97.3%			
AM Peak Volume				11:00 AM 784	10:00 AM 793	11:00 AM 784	11:00 AM 795		11:00 AM 788	
PM Peak Volume				12:00 PM 796	1:00 PM 826	1:00 PM 807	12:00 PM 837		1:00 PM 805	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)



Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr south of Agate Beach State Wayside							QC JOB #: 16278302			
SPECIFIC LOCATION:							DIRECTION: NB			
CITY/STATE: Newport, OR							DATE: Jul 20 2023 - Jul 22 2023			
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				8	4	6	5		6	
01:00 AM				5	2	4	4		4	
02:00 AM				3	1	2	2		2	
03:00 AM				0	1	1	2		1	
04:00 AM				0	0	0	2		1	
05:00 AM				1	6	4	2		3	
06:00 AM				7	6	7	5		6	
07:00 AM				16	20	18	21		19	
08:00 AM				38	37	38	38		38	
09:00 AM				57	53	55	68		59	
10:00 AM				45	81	63	80		69	
11:00 AM				69	67	68	98		78	
12:00 PM				81	81	81	90		84	
01:00 PM				100	74	87	110		95	
02:00 PM				86	99	93	110		98	
03:00 PM				83	99	91	93		92	
04:00 PM				82	87	85	83		84	
05:00 PM				86	101	94	83		90	
06:00 PM				77	48	63	66		64	
07:00 PM				46	56	51	61		54	
08:00 PM				38	56	47	48		47	
09:00 PM				25	27	26	29		27	
10:00 PM				20	13	17	25		19	
11:00 PM				10	14	12	7		10	
<b>Day Total</b>				983	1033	1013	1132		1050	
% Weekday Average				97%	102%					
% Week Average				93.6%	98.4%	96.5%	107.8%			
AM Peak Volume				11:00 AM 69	10:00 AM 81	11:00 AM 68	11:00 AM 98		11:00 AM 78	
PM Peak Volume				1:00 PM 100	5:00 PM 101	5:00 PM 94	1:00 PM 110		2:00 PM 98	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr south of Agate Beach State Wayside						QC JOB #: 16278302				
SPECIFIC LOCATION:						DIRECTION: NB, SB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				11	7	9	10		9	
01:00 AM				8	3	6	7		6	
02:00 AM				3	3	3	4		3	
03:00 AM				0	1	1	4		2	
04:00 AM				0	1	1	3		1	
05:00 AM				1	11	6	8		7	
06:00 AM				16	15	16	17		16	
07:00 AM				47	53	50	47		49	
08:00 AM				78	79	79	73		77	
09:00 AM				107	122	115	124		118	
10:00 AM				120	155	138	180		152	
11:00 AM				153	153	153	188		165	
12:00 PM				181	181	181	190		184	
01:00 PM				213	168	191	222		201	
02:00 PM				181	212	197	218		204	
03:00 PM				185	196	191	200		194	
04:00 PM				170	184	177	193		182	
05:00 PM				171	185	178	159		172	
06:00 PM				130	111	121	130		124	
07:00 PM				88	117	103	136		114	
08:00 PM				77	95	86	102		91	
09:00 PM				54	45	50	68		56	
10:00 PM				41	32	37	39		37	
11:00 PM				15	27	21	18		20	
<b>Day Total</b>				2050	2156	2110	2340		2184	
% Weekday Average				97.2%	102.2%					
% Week Average				93.9%	98.7%	96.6%	107.1%			
AM Peak Volume				11:00 AM 153	10:00 AM 155	11:00 AM 153	11:00 AM 188		11:00 AM 165	
PM Peak Volume				1:00 PM 213	2:00 PM 212	2:00 PM 197	1:00 PM 222		2:00 PM 204	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr south of Agate Beach State Wayside							QC JOB #: 16278302			
SPECIFIC LOCATION:							DIRECTION: SB			
CITY/STATE: Newport, OR							DATE: Jul 20 2023 - Jul 22 2023			
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				3	3	3	5		4	
01:00 AM				3	1	2	3		2	
02:00 AM				0	2	1	2		1	
03:00 AM				0	0	0	2		1	
04:00 AM				0	1	1	1		1	
05:00 AM				0	5	3	6		4	
06:00 AM				9	9	9	12		10	
07:00 AM				31	33	32	26		30	
08:00 AM				40	42	41	35		39	
09:00 AM				50	69	60	56		58	
10:00 AM				75	74	75	100		83	
11:00 AM				84	86	85	90		87	
12:00 PM				100	100	100	100		100	
01:00 PM				113	94	104	112		106	
02:00 PM				95	113	104	108		105	
03:00 PM				102	97	100	107		102	
04:00 PM				88	97	93	110		98	
05:00 PM				85	84	85	76		82	
06:00 PM				53	63	58	64		60	
07:00 PM				42	61	52	75		59	
08:00 PM				39	39	39	54		44	
09:00 PM				29	18	24	39		29	
10:00 PM				21	19	20	14		18	
11:00 PM				5	13	9	11		10	
<b>Day Total</b>				1067	1123	1100	1208		1133	
% Weekday Average				97%	102.1%					
% Week Average				94.2%	99.1%	97.1%	106.6%			
AM Peak Volume				11:00 AM 84	11:00 AM 86	11:00 AM 85	10:00 AM 100		11:00 AM 87	
PM Peak Volume				1:00 PM 113	2:00 PM 113	1:00 PM 104	1:00 PM 112		1:00 PM 106	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr north of NW Pacific Pl/NW 25th St						QC JOB #: 16278303				
SPECIFIC LOCATION:						DIRECTION: NB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				6	3	5	3		4	
01:00 AM				4	2	3	2		3	
02:00 AM				0	1	1	2		1	
03:00 AM				1	0	1	2		1	
04:00 AM				2	6	4	1		3	
05:00 AM				8	7	8	9		8	
06:00 AM				19	22	21	19		20	
07:00 AM				41	36	39	42		40	
08:00 AM				61	58	60	68		62	
09:00 AM				40	80	60	75		65	
10:00 AM				74	71	73	89		78	
11:00 AM				86	87	87	93		89	
12:00 PM				94	75	85	114		94	
01:00 PM				81	102	92	106		96	
02:00 PM				86	99	93	95		93	
03:00 PM				85	89	87	95		90	
04:00 PM				90	103	97	82		92	
05:00 PM				77	59	68	68		68	
06:00 PM				44	49	47	68		54	
07:00 PM				42	60	51	53		52	
08:00 PM				34	34	34	30		33	
09:00 PM				22	16	19	20		19	
10:00 PM				14	14	14	11		13	
11:00 PM				4	5	5	8		6	
<b>Day Total</b>				1015	1078	1054	1155		1084	
% Weekday Average				96.3%	102.3%					
% Week Average				93.6%	99.4%	97.2%	106.5%			
AM Peak Volume				11:00 AM 86	11:00 AM 87	11:00 AM 87	11:00 AM 93		11:00 AM 89	
PM Peak Volume				12:00 PM 94	4:00 PM 103	4:00 PM 97	12:00 PM 114		1:00 PM 96	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr north of NW Pacific Pl/NW 25th St							QC JOB #: 16278303			
SPECIFIC LOCATION:							DIRECTION: NB, SB			
CITY/STATE: Newport, OR							DATE: Jul 20 2023 - Jul 22 2023			
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				11	6	9	10		9	
01:00 AM				6	4	5	8		6	
02:00 AM				0	1	1	4		2	
03:00 AM				3	0	2	3		2	
04:00 AM				3	12	8	6		7	
05:00 AM				20	21	21	23		21	
06:00 AM				62	52	57	40		51	
07:00 AM				92	85	89	90		89	
08:00 AM				131	146	139	129		135	
09:00 AM				138	158	148	189		162	
10:00 AM				163	174	169	187		175	
11:00 AM				219	205	212	212		212	
12:00 PM				219	188	204	222		210	
01:00 PM				179	216	198	207		201	
02:00 PM				203	207	205	211		207	
03:00 PM				179	211	195	206		199	
04:00 PM				194	199	197	161		185	
05:00 PM				145	140	143	150		145	
06:00 PM				84	122	103	155		120	
07:00 PM				90	118	104	120		109	
08:00 PM				81	54	68	85		73	
09:00 PM				55	38	47	44		46	
10:00 PM				26	35	31	31		31	
11:00 PM				8	9	9	14		10	
<b>Day Total</b>				2311	2401	2364	2507		2407	
% Weekday Average				97.8%	101.6%					
% Week Average				96%	99.8%	98.2%	104.2%			
AM Peak Volume				11:00 AM 219	11:00 AM 205	11:00 AM 212	11:00 AM 212		11:00 AM 212	
PM Peak Volume				12:00 PM 219	1:00 PM 216	2:00 PM 205	12:00 PM 222		12:00 PM 210	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr north of NW Pacific Pl/NW 25th St						QC JOB #: 16278303				
SPECIFIC LOCATION:						DIRECTION: SB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				5	3	4	7		5	
01:00 AM				2	2	2	6		3	
02:00 AM				0	0	0	2		1	
03:00 AM				2	0	1	1		1	
04:00 AM				1	6	4	5		4	
05:00 AM				12	14	13	14		13	
06:00 AM				43	30	37	21		31	
07:00 AM				51	49	50	48		49	
08:00 AM				70	88	79	61		73	
09:00 AM				98	78	88	114		97	
10:00 AM				89	103	96	98		97	
11:00 AM				133	118	126	119		123	
12:00 PM				125	113	119	108		115	
01:00 PM				98	114	106	101		104	
02:00 PM				117	108	113	116		114	
03:00 PM				94	122	108	111		109	
04:00 PM				104	96	100	79		93	
05:00 PM				68	81	75	82		77	
06:00 PM				40	73	57	87		67	
07:00 PM				48	58	53	67		58	
08:00 PM				47	20	34	55		41	
09:00 PM				33	22	28	24		26	
10:00 PM				12	21	17	20		18	
11:00 PM				4	4	4	6		5	
<b>Day Total</b>				1296	1323	1314	1352		1324	
% Weekday Average				98.6%	100.7%					
% Week Average				97.9%	99.9%	99.2%	102.1%			
AM Peak Volume				11:00 AM 133	11:00 AM 118	11:00 AM 126	11:00 AM 119		11:00 AM 123	
PM Peak Volume				12:00 PM 125	3:00 PM 122	12:00 PM 119	2:00 PM 116		12:00 PM 115	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 16th St & NW 15th St						QC JOB #: 16278304				
SPECIFIC LOCATION:						DIRECTION: NB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				6	5	6	5		5	
01:00 AM				5	5	5	4		5	
02:00 AM				4	2	3	1		2	
03:00 AM				0	1	1	1		1	
04:00 AM				4	3	4	4		4	
05:00 AM				1	2	2	3		2	
06:00 AM				13	13	13	9		12	
07:00 AM				28	30	29	23		27	
08:00 AM				59	57	58	42		53	
09:00 AM				73	84	79	86		81	
10:00 AM				98	118	108	114		110	
11:00 AM				164	134	149	113		137	
12:00 PM				147	142	145	123		137	
01:00 PM				176	146	161	155		159	
02:00 PM				160	185	173	156		167	
03:00 PM				161	181	171	140		161	
04:00 PM				146	153	150	122		140	
05:00 PM				153	182	168	105		147	
06:00 PM				102	82	92	86		90	
07:00 PM				72	74	73	82		76	
08:00 PM				57	69	63	72		66	
09:00 PM				39	37	38	36		37	
10:00 PM				16	14	15	31		20	
11:00 PM				8	10	9	6		8	
<b>Day Total</b>				1692	1729	1715	1519		1647	
% Weekday Average				98.7%	100.8%					
% Week Average				102.7%	105%	104.1%	92.2%			
AM Peak Volume				11:00 AM 164	11:00 AM 134	11:00 AM 149	10:00 AM 114		11:00 AM 137	
PM Peak Volume				1:00 PM 176	2:00 PM 185	2:00 PM 173	2:00 PM 156		2:00 PM 167	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 16th St & NW 15th St						QC JOB #: 16278304				
SPECIFIC LOCATION:						DIRECTION: NB, SB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				8	8	8	10		9	
01:00 AM				8	8	8	9		8	
02:00 AM				6	5	6	2		4	
03:00 AM				0	1	1	3		1	
04:00 AM				5	5	5	5		5	
05:00 AM				4	7	6	7		6	
06:00 AM				21	22	22	19		21	
07:00 AM				54	53	54	29		45	
08:00 AM				98	94	96	86		93	
09:00 AM				126	143	135	150		140	
10:00 AM				173	191	182	207		190	
11:00 AM				285	221	253	214		240	
12:00 PM				261	268	265	230		253	
01:00 PM				319	257	288	252		276	
02:00 PM				289	313	301	273		292	
03:00 PM				284	304	294	260		283	
04:00 PM				246	272	259	219		246	
05:00 PM				261	285	273	187		244	
06:00 PM				161	159	160	160		160	
07:00 PM				123	136	130	149		136	
08:00 PM				100	118	109	114		111	
09:00 PM				74	67	71	78		73	
10:00 PM				39	38	39	53		43	
11:00 PM				18	28	23	21		22	
Day Total				2963	3003	2988	2737		2901	
% Weekday Average				99.2%	100.5%					
% Week Average				102.1%	103.5%	103%	94.3%			
AM Peak Volume				11:00 AM 285	11:00 AM 221	11:00 AM 253	11:00 AM 214		11:00 AM 240	
PM Peak Volume				1:00 PM 319	2:00 PM 313	2:00 PM 301	2:00 PM 273		2:00 PM 292	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)



Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 16th St & NW 15th St						QC JOB #: 16278304				
SPECIFIC LOCATION:						DIRECTION: SB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				2	3	3	5		3	
01:00 AM				3	3	3	5		4	
02:00 AM				2	3	3	1		2	
03:00 AM				0	0	0	2		1	
04:00 AM				1	2	2	1		1	
05:00 AM				3	5	4	4		4	
06:00 AM				8	9	9	10		9	
07:00 AM				26	23	25	6		18	
08:00 AM				39	37	38	44		40	
09:00 AM				53	59	56	64		59	
10:00 AM				75	73	74	93		80	
11:00 AM				121	87	104	101		103	
12:00 PM				114	126	120	107		116	
01:00 PM				143	111	127	97		117	
02:00 PM				129	128	129	117		125	
03:00 PM				123	123	123	120		122	
04:00 PM				100	119	110	97		105	
05:00 PM				108	103	106	82		98	
06:00 PM				59	77	68	74		70	
07:00 PM				51	62	57	67		60	
08:00 PM				43	49	46	42		45	
09:00 PM				35	30	33	42		36	
10:00 PM				23	24	24	22		23	
11:00 PM				10	18	14	15		14	
<b>Day Total</b>				1271	1274	1278	1218		1255	
% Weekday Average				99.5%	99.7%					
% Week Average				101.3%	101.5%	101.8%	97.1%			
AM Peak Volume				11:00 AM 121	11:00 AM 87	11:00 AM 104	11:00 AM 101		11:00 AM 103	
PM Peak Volume				1:00 PM 143	2:00 PM 128	2:00 PM 129	3:00 PM 120		2:00 PM 125	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW 15th St east of NW Oceanview Dr						QC JOB #: 16278305				
SPECIFIC LOCATION:						DIRECTION: EB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				0	0	0	1		0	
01:00 AM				0	0	0	1		0	
02:00 AM				0	1	1	2		1	
03:00 AM				0	0	0	0		0	
04:00 AM				1	1	1	0		1	
05:00 AM				1	1	1	1		1	
06:00 AM				5	2	4	2		3	
07:00 AM				6	10	8	9		8	
08:00 AM				13	13	13	12		13	
09:00 AM				16	18	17	28		21	
10:00 AM				23	30	27	30		28	
11:00 AM				33	24	29	17		25	
12:00 PM				31	34	33	32		32	
01:00 PM				39	33	36	27		33	
02:00 PM				36	30	33	38		35	
03:00 PM				34	32	33	42		36	
04:00 PM				19	26	23	24		23	
05:00 PM				27	21	24	24		24	
06:00 PM				18	15	17	19		17	
07:00 PM				11	16	14	19		15	
08:00 PM				17	12	15	10		13	
09:00 PM				12	15	14	11		13	
10:00 PM				9	1	5	6		5	
11:00 PM				0	4	2	0		1	
<b>Day Total</b>				351	339	350	355		348	
% Weekday Average				100.3%	96.9%					
% Week Average				100.9%	97.4%	100.6%	102%			
AM Peak Volume				11:00 AM 33	10:00 AM 30	11:00 AM 29	10:00 AM 30		10:00 AM 28	
PM Peak Volume				1:00 PM 39	12:00 PM 34	1:00 PM 36	3:00 PM 42		3:00 PM 36	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW 15th St east of NW Oceanview Dr						QC JOB #: 16278305				
SPECIFIC LOCATION:						DIRECTION: EB, WB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				2	1	2	2		2	
01:00 AM				1	0	1	1		1	
02:00 AM				0	2	1	2		1	
03:00 AM				0	0	0	1		0	
04:00 AM				4	2	3	1		2	
05:00 AM				1	2	2	2		2	
06:00 AM				8	5	7	5		6	
07:00 AM				16	21	19	18		18	
08:00 AM				35	34	35	31		33	
09:00 AM				47	46	47	61		51	
10:00 AM				63	66	65	69		66	
11:00 AM				84	67	76	47		66	
12:00 PM				88	94	91	72		85	
01:00 PM				98	85	92	73		85	
02:00 PM				87	106	97	94		96	
03:00 PM				95	94	95	89		93	
04:00 PM				74	82	78	69		75	
05:00 PM				80	89	85	57		75	
06:00 PM				60	51	56	46		52	
07:00 PM				34	30	32	37		34	
08:00 PM				34	24	29	27		28	
09:00 PM				23	28	26	21		24	
10:00 PM				11	4	8	15		10	
11:00 PM				2	9	6	6		6	
<b>Day Total</b>				947	942	953	846		911	
% Weekday Average				99.4%	98.8%					
% Week Average				104%	103.4%	104.6%	92.9%			
AM Peak Volume				11:00 AM 84	11:00 AM 67	11:00 AM 76	10:00 AM 69		10:00 AM 66	
PM Peak Volume				1:00 PM 98	2:00 PM 106	2:00 PM 97	2:00 PM 94		2:00 PM 96	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW 15th St east of NW Oceanview Dr							QC JOB #: 16278305			
SPECIFIC LOCATION:							DIRECTION: WB			
CITY/STATE: Newport, OR							DATE: Jul 20 2023 - Jul 22 2023			
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				2	1	2	1		1	
01:00 AM				1	0	1	0		0	
02:00 AM				0	1	1	0		0	
03:00 AM				0	0	0	1		0	
04:00 AM				3	1	2	1		2	
05:00 AM				0	1	1	1		1	
06:00 AM				3	3	3	3		3	
07:00 AM				10	11	11	9		10	
08:00 AM				22	21	22	19		21	
09:00 AM				31	28	30	33		31	
10:00 AM				40	36	38	39		38	
11:00 AM				51	43	47	30		41	
12:00 PM				57	60	59	40		52	
01:00 PM				59	52	56	46		52	
02:00 PM				51	76	64	56		61	
03:00 PM				61	62	62	47		57	
04:00 PM				55	56	56	45		52	
05:00 PM				53	68	61	33		51	
06:00 PM				42	36	39	27		35	
07:00 PM				23	14	19	18		18	
08:00 PM				17	12	15	17		15	
09:00 PM				11	13	12	10		11	
10:00 PM				2	3	3	9		5	
11:00 PM				2	5	4	6		4	
<b>Day Total</b>				596	603	608	491		561	
% Weekday Average				98%	99.2%					
% Week Average				106.2%	107.5%	108.4%	87.5%			
AM Peak Volume				11:00 AM 51	11:00 AM 43	11:00 AM 47	10:00 AM 39		11:00 AM 41	
PM Peak Volume				3:00 PM 61	2:00 PM 76	2:00 PM 64	2:00 PM 56		2:00 PM 61	
<i>Comments:</i>										

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 15th St & NW 14th St						QC JOB #: 16278306				
SPECIFIC LOCATION:						DIRECTION: NB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				4	4	4	5		4	
01:00 AM				3	5	4	4		4	
02:00 AM				4	0	2	3		2	
03:00 AM				0	1	1	0		0	
04:00 AM				1	2	2	3		2	
05:00 AM				0	1	1	3		1	
06:00 AM				11	8	10	5		8	
07:00 AM				22	25	24	21		23	
08:00 AM				47	43	45	32		41	
09:00 AM				54	63	59	67		61	
10:00 AM				67	101	84	93		87	
11:00 AM				122	100	111	90		104	
12:00 PM				108	100	104	97		102	
01:00 PM				134	108	121	115		119	
02:00 PM				125	129	127	130		128	
03:00 PM				115	135	125	115		122	
04:00 PM				102	113	108	92		102	
05:00 PM				111	114	113	91		105	
06:00 PM				71	58	65	74		68	
07:00 PM				58	62	60	77		66	
08:00 PM				53	62	58	59		58	
09:00 PM				38	31	35	35		35	
10:00 PM				17	12	15	23		17	
11:00 PM				6	7	7	5		6	
<b>Day Total</b>				1273	1284	1285	1239		1265	
% Weekday Average				99.1%	99.9%					
% Week Average				100.6%	101.5%	101.6%	97.9%			
AM Peak Volume				11:00 AM 122	10:00 AM 101	11:00 AM 111	10:00 AM 93		11:00 AM 104	
PM Peak Volume				1:00 PM 134	3:00 PM 135	2:00 PM 127	2:00 PM 130		2:00 PM 128	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 15th St & NW 14th St						QC JOB #: 16278306				
SPECIFIC LOCATION:						DIRECTION: NB, SB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				6	7	7	10		8	
01:00 AM				6	8	7	8		7	
02:00 AM				6	2	4	3		4	
03:00 AM				0	1	1	2		1	
04:00 AM				1	2	2	5		3	
05:00 AM				2	5	4	7		5	
06:00 AM				17	14	16	11		14	
07:00 AM				48	46	47	30		41	
08:00 AM				84	74	79	71		76	
09:00 AM				100	119	110	112		110	
10:00 AM				129	165	147	175		156	
11:00 AM				233	170	202	176		193	
12:00 PM				208	218	213	199		208	
01:00 PM				252	201	227	197		217	
02:00 PM				237	236	237	233		235	
03:00 PM				227	247	237	207		227	
04:00 PM				199	219	209	175		198	
05:00 PM				205	207	206	164		192	
06:00 PM				124	126	125	153		134	
07:00 PM				104	119	112	137		120	
08:00 PM				92	105	99	98		98	
09:00 PM				72	55	64	70		66	
10:00 PM				33	34	34	43		37	
11:00 PM				17	23	20	20		20	
<b>Day Total</b>				2402	2403	2409	2306		2370	
% Weekday Average				99.7%	99.8%					
% Week Average				101.4%	101.4%	101.6%	97.3%			
AM Peak Volume				11:00 AM 233	11:00 AM 170	11:00 AM 202	11:00 AM 176		11:00 AM 193	
PM Peak Volume				1:00 PM 252	3:00 PM 247	2:00 PM 237	2:00 PM 233		2:00 PM 235	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

Type of report: Tube Count - Volume Data

LOCATION: NW Oceanview Dr btwn NW 15th St & NW 14th St						QC JOB #: 16278306				
SPECIFIC LOCATION:						DIRECTION: SB				
CITY/STATE: Newport, OR						DATE: Jul 20 2023 - Jul 22 2023				
Start Time	Mon	Tue	Wed	Thu 20 Jul 23	Fri 21 Jul 23	Average Weekday Hourly Traffic	Sat 22 Jul 23	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM				2	3	3	5		3	
01:00 AM				3	3	3	4		3	
02:00 AM				2	2	2	0		1	
03:00 AM				0	0	0	2		1	
04:00 AM				0	0	0	2		1	
05:00 AM				2	4	3	4		3	
06:00 AM				6	6	6	6		6	
07:00 AM				26	21	24	9		19	
08:00 AM				37	31	34	39		36	
09:00 AM				46	56	51	45		49	
10:00 AM				62	64	63	82		69	
11:00 AM				111	70	91	86		89	
12:00 PM				100	118	109	102		107	
01:00 PM				118	93	106	82		98	
02:00 PM				112	107	110	103		107	
03:00 PM				112	112	112	92		105	
04:00 PM				97	106	102	83		95	
05:00 PM				94	93	94	73		87	
06:00 PM				53	68	61	79		67	
07:00 PM				46	57	52	60		54	
08:00 PM				39	43	41	39		40	
09:00 PM				34	24	29	35		31	
10:00 PM				16	22	19	20		19	
11:00 PM				11	16	14	15		14	
Day Total				1129	1119	1129	1067		1104	
% Weekday Average				100%	99.1%					
% Week Average				102.3%	101.4%	102.3%	96.6%			
AM Peak Volume				11:00 AM 111	11:00 AM 70	11:00 AM 91	11:00 AM 86		11:00 AM 89	
PM Peak Volume				1:00 PM 118	12:00 PM 118	3:00 PM 112	2:00 PM 103		12:00 PM 107	

Comments:

Report generated on 7/26/2023 4:11 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

## Appendix B



TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT

URBAN NON-SYSTEM CRASH LISTING

CITY OF NEWPORT, LINCOLN COUNTY

OCEANVIEW DR and Intersectional Crashes at OCEANVIEW DR, City of Newport, Lincoln County, 01/01/2017 to 12/31/2021

1 - 5 of 12 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY	STREET	INT-TYPE	SPCL USE	MOVE	PRTC	INJ	G	E	LICNS	PED	ERROR	ACT	EVENT	CAUSE									
INVEST	E	A	U	I	C	O	DIST	FIRST STREET	RD CHAR	(MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	TRLR	QTY	OWNER	FROM	P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE		
RD DPT	E	L	G	N	H	R	TIME	SECOND STREET	DIRECT	LEGS	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	TO	P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE			
UNLOC?	D	C	S	V	L	K	LAT	LONG	LRS	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE		
00301	N	N	N	N	N	N	06/30/2020	17	21ST PL	INTER	3-LEG	N	Y	RAIN	FIX OBJ	01	NONE	9	STRGHT									062	16		
CITY						TU	0		OCEANVIEW DR	S		NONE	N	WET	FIX		N/A	S	-N									000	00		
N						6A				05	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00	00		
N						44 39 8.05	-124 3 24.36																								
00578	N	N	N	N	N	10/12/2019	17		OCEANVIEW DR	INTER	4-LEG	N	N	CLR	S-STRGHT	01	NONE	9	STRGHT										06		
NO RPT						SA	0		SPRING ST	NE		UNKNOWN	N	DRY	SS-O		N/A	NE-SW										031	00		
N						11A				05	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00	00		
N						44 38 44.16	-124 3 33.69																								
00517	N	N	N	N	N	09/11/2019	17		OCEANVIEW DR	CURVE		N	N	CLR	O-STRGHT	01	NONE	9	STRGHT										05,27		
CITY						WE	50		SPRING ST	NE	(NONE)	NONE	N	DRY	SS-M		N/A	SW-NE										088	00		
Y						3P				06			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00	00		
N						44 38 44.95	-124 3 32.58				(02)																				
00653	N	N	N	N	N	11/16/2019	19		OCEANVIEW DR	INTER	CROSS	N	N	CLR	ANGL-OTH	01	NONE	9	STRGHT										02		
CITY						SA	0		15TH ST	CN		UNKNOWN	N	DRY	ANGL		N/A	S	-N										000	00	
N						5P				04	0		N	DUSK	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00	00		
N						44 38 53.78	-124 3 26.78																								
00679	Y	Y	N	N	N	12/24/2020	17		NW OCEANVIEW DR	INTER	3-LEG	N	Y	RAIN	FIX OBJ	01	NONE	0	STRGHT									079,010	16,30		
CITY						TH	0		NW 19TH ST	N		STOP SIGN	N	WET	FIX		PRVTE	N	-S									000	079,010	00	
N						12A				06	0		N	DARK	INJ		PSNGR CAR		01	DRVR	INJC	30	M	NONE		016,050,081	025	025	16,30		
N						44 39 3.39	-124 3 23.4																								
00323	N	Y	N	N	N	05/26/2017	17		NW OCEANVIEW DR	STRGHT		N	Y	CLR	S-STRGHT	01	NONE	9	STRGHT										33,06		
CITY						FR	50		NW 19TH ST	N	(NONE)	UNKNOWN	N	DRY	SS-O		N/A	S	-N									031	00		
N						3P				07			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00	00		
N						44 39 4.08	-124 3 23.64				(02)																				

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.



TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT

URBAN NON-SYSTEM CRASH LISTING

CITY OF NEWPORT, LINCOLN COUNTY

OCEANVIEW DR and Intersectional Crashes at OCEANVIEW DR, City of Newport, Lincoln County, 01/01/2017 to 12/31/2021

12 - 12 of 12 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE	INT-REL	OFFRD	WTHR	CRASH	SPCL USE	TRLR QTY	MOVE	A	S	G	E	LICNS	PED	ACT	EVENT	CAUSE
INVEST	E	A	U	I	C	O DAY	DIST	FIRST STREET		(MEDIAN)		RNDBT	SURF	COLL	OWNER	FROM										
RD DPT	E	L	G	N	H	R TIME	FROM	SECOND STREET	DIRECT	LEGS	TRAF-															
UNLOC?	D	C	S	V	L	K LAT	LONG	LRS	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	
00409	Y	N	N	N		08/01/2019	17	NW OCEANVIEW DR	GRADE		N	N	CLR	O-STRGHT	01	NONE	9	STRGHT							129	01,05
NO RPT						TH	100	N 12TH ST	NE	(NONE)	UNKNOWN	N	DRY	SS-M	N/A		NE-SW							088	00	
Y						11A			07			N	DAY	PDO		PSNGR CAR			01	DRVR	NONE	00	Unk	UNK	000	000
N						44 38 45.23	-124 3			(02)																
						31.77										02	NONE	9	STRGHT							
																N/A		SW-NE							000	00
																PSNGR CAR			01	DRVR	NONE	00	Unk	UNK	000	000
																										00

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

## Appendix C

**Multi-Way Stop Application Criteria**  
Based on Section 2B.07 of the 2009 MUTCD

Project #: 28305  
 Project Name: Oceanview Drive  
 Analyst: jxh  
 Intersection: Oceanview Drive and NW 15th Street  
 Data Date: 6/26/2023  
 Scenario: Existing Volumes

85th Percentile Speed on Major Road > 40mph? **No**  
 Factor (based on speed) 100%

MUTCD Criteria Met?  
**No**

**MUTCD Criteria Assessment**

A. Is a signal justified? *(see separate spreadsheet for signal warrant analysis)*  
**No**  
 Criteria Met? **No**

B. Is the number of reported crashes in a 12 month period that are susceptible to correction by a multi-way stop installation five or more?  
 Such crashes include right-turn and left-turn collisions as well as right-angle collisions.  
 # crashes **1**  
 Criteria Met? **No**

C. Minimum Volumes

1. Is the major road approach volume (total of both) at least 300 vph for min 8 hours? **and**  
 2. Are the combined ped, bike, and veh volume on minor approach (total of both) at least 200 units per hour for the same 8 hours as criteria C.1? **and**  
 Is the average delay to minor-street vehicular traffic at least 30 seconds per vehicle during the highest hour?  
 Average delay to minor-street vehicular traffic during the highest hour (seconds) **8.7**

**No**  
 3. If the 85th percentile speed on the major road exceeds 40 mph, do volumes meet 70% of the values in C-1 and C-2?  
 FALSE  
 Criteria Met? **No**

D. If no previous criteria are met, are criteria B, C.1, and C.2 all satisfied to 80 percent of the minimum values?  
 Criteria Met? **No**

Volume Data:

Time Period	From	To	Major Road: Both App.	Minor Road: Both App. (ped, bike, & veh)	C.1	C.2	C.1 and C.2 Met?	70% (Criteria C.3)			80% (Criteria D)		
								C.1	C.2	C.1 and C.2 Met?	C.1	C.2	C.1 and C.2 Met?
1	0:00	1:00	7	2	No	No	No	No	No	No	No	No	No
2	1:00	2:00	7	1	No	No	No	No	No	No	No	No	No
3	2:00	3:00	5	1	No	No	No	No	No	No	No	No	No
4	3:00	4:00	1	0	No	No	No	No	No	No	No	No	No
5	4:00	5:00	4	2	No	No	No	No	No	No	No	No	No
6	5:00	6:00	5	1	No	No	No	No	No	No	No	No	No
7	6:00	7:00	19	3	No	No	No	No	No	No	No	No	No
8	7:00	8:00	49	11	No	No	No	No	No	No	No	No	No
9	8:00	9:00	83	22	No	No	No	No	No	No	No	No	No
10	9:00	10:00	115	30	No	No	No	No	No	No	No	No	No
11	10:00	11:00	158	38	No	No	No	No	No	No	No	No	No
12	11:00	12:00	215	47	No	No	No	Yes	No	No	No	No	No
13	12:00	13:00	224	59	No	No	No	Yes	No	No	No	No	No
14	13:00	14:00	248	56	No	No	No	Yes	No	No	Yes	No	No
15	14:00	15:00	256	64	No	No	No	Yes	No	No	Yes	No	No
16	15:00	16:00	248	62	No	No	No	Yes	No	No	Yes	No	No
17	16:00	17:00	218	56	No	No	No	Yes	No	No	No	No	No
18	17:00	18:00	219	61	No	No	No	Yes	No	No	No	No	No
19	18:00	19:00	133	39	No	No	No	No	No	No	No	No	No
20	19:00	20:00	117	19	No	No	No	No	No	No	No	No	No
21	20:00	21:00	104	15	No	No	No	No	No	No	No	No	No
22	21:00	22:00	68	12	No	No	No	No	No	No	No	No	No
23	22:00	23:00	39	3	No	No	No	No	No	No	No	No	No
24	23:00	0:00	21	4	No	No	No	No	No	No	No	No	No



# OCEANVIEW DRIVE OPERATIONS AND SAFETY ASSESSMENT

CITY COUNCIL WORK SESSION

# Study Area



# Assessment

- Collected Updated Peak Summer Traffic Counts
- Crash Data Assessment
- Sight Distance Assessment
- All-Way Stop Assessment
- Speed Assessment and Mitigations
- Agate Beach Crossing Assessment



# NW Oceanview Drive

## Corridor Characteristics

NW Oceanview Drive Corridor Segment	Functional Classification/ Designation	Number of Travel Lanes	Travel Way Width	Sidewalks	Bicycle Lanes	Posted Speed
Agate Beach State Wayside Driveway to NW 25 <sup>th</sup> Street	-Neighborhood Collector -Major Bicycle Corridor -Major Pedestrian Corridor	2	20'±	None	Shared Lane Markings	35
NW 25 <sup>th</sup> Street to NW Edenvue Way	-Neighborhood Collector -Major Bicycle Corridor -Major Pedestrian Corridor	2	20'±	None	Shared Lane Markings	35
NW Edenvue Way to NW 22 <sup>nd</sup> Street	-Neighborhood Collector -Major Bicycle Corridor -Major Pedestrian Corridor	2	20'±	None	Shared Lane Markings	25
NW 22 <sup>nd</sup> Street to NW 17 <sup>th</sup> Street	-Neighborhood Collector -Major Bicycle Corridor -Major Pedestrian Corridor	2	20'±	None	Shared Lane Markings	25
NW 17 <sup>th</sup> Street to NW 15 <sup>th</sup> Street	-Neighborhood Collector -Neighborhood Bicycle Corridor -Local Pedestrian Street	2	20'±	None	Shared Lane Markings	25

# Crash Data

- Low number of crashes
- No clustering of crashes
- No repeating patterns



# Sight Distance Limitations

- NW Oceanview Drive/  
NW 15<sup>th</sup> Street
- NW Oceanview Drive/  
NW 16<sup>th</sup> Street
- NW Oceanview Drive/  
NW 17<sup>th</sup> Street
- NW Oceanview Drive/  
NW 22<sup>nd</sup> Street



# All-Way Stop at Oceanview/15<sup>th</sup> St

- Only one reported crash in last five years.
- Existing sight distance limitations are correctable with traffic control.
- Traffic volumes on all approach are not high enough.

**Conclusion:**  
**All-way stop not warranted**



# Oceanview Drive Speed Assessment

- Existing Posted (Designated) Speed = 35mph
- Measured Speed = 39mph (85<sup>th</sup> percentile)
  
- Contributing factors:
  - Long straightaways
  - Less severe vertical changes
  - Rural feel

# Speed Reduction Measures

## Traversable Rumble Strips



## Speed Feedback Sign



### Speed Feedback Sign

Police departments and transportation agencies use speed feedback signs as educational tools that can enhance enforcement efforts directed at speed compliance. Speed feedback signs educate drivers as to their operating speed, and remind them of the posted speed limit on the roadway.

## Speed Reduction Markings



### Speed Reduction Markings

Speed reduction markings are a series of white rectangular markings typically 1 foot wide placed just inside both edges of the lane and spaced progressively closer to create the illusion of traveling faster as well as the impression of narrower lane.

Source: FHWA Small Town and Rural Multimodal Networks

# Agate Beach Crossing

Lanes Crossed**	Refuge Island	AADT & Posted Speed***														
		<3000 veh/day			3000-9000 veh/day			9000-12,000 veh/day			12,000-15,000 veh/day			>15,000 veh/day		
		≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph
1	N/A	A <sup>*</sup> B C E	A C E	A C E	A B C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	
2	Yes	A <sup>*</sup> B C D E	A C E	A C E	A B C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	
2	No	A <sup>*</sup> B C D E F	A C E	A C E	A B C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	
3	Yes	A B C D E G	A C E	A C E	A B C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	
3	No	A B C D E F G	A C E	A C E	A B C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	
4	Yes	A C D E G H	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	
4	No	A C D E F G H	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	A C E	

- X = Treatment optional
- ⊗ = Treatment recommended
- ⊗ = Treatment recommended and should be installed with other identified treatments.

The absence of a letter means the treatment is generally not appropriate, but exceptions may be considered through the engineering study and STRE approval process.

- A = Continental-style crosswalk markings, parking restrictions on crosswalk approach (see Table 310.3-B), lighting according to the ODOT Traffic Lighting Design Manual. Crossing warning sign(s) for school crosswalks, midblock crosswalks, or speed ≥30 mph.
- B = Raised crosswalk, except on freight routes, emergency response routes, arterial roadways, and snowplow routes.
- C = If 2+ lanes in one direction, wide advance stop bar and STOP HERE FOR Pedestrians sign.
- D = In-street pedestrian crossing sign (R1-6a). If refuge island present, install on the refuge island.
- E = Curb extension
- F = Pedestrian refuge island (at least 6 feet wide)
- G = Rectangular rapid flashing beacon (RRFB)
- H = Reduce number of motor vehicle lanes
- I = Traffic signal or pedestrian hybrid beacon (PHB)

- Blue = All treatments shown in category optional. Treatment "A" recommended for school and midblock crossings.
- Green = Visibility enhancements recommended
- Yellow = RRFB treatment recommended
- Red = Traffic signal or PHB recommended

\* Treatment "A" recommended for school crossings and midblock crosswalks.  
 \*\* Total motor vehicle lanes crossed to complete the crossing, including TWLTL and left/right turn lanes. Bicycle lanes and refuge islands at least 6 feet wide are not lanes crossed. STRE approval required for uncontrolled marked crosswalks across 5+ lanes.  
 \*\*\* See Speed discussion in the Special Considerations subsection. 85<sup>th</sup> percentile speed may be used instead of the posted speed.  
 Installation of a treatment(s) at any location is subject to an engineering study that accounts for factors such as sight distance, safety, operations, other field conditions, and local land use.  
 This table does not apply to temporary marked crosswalks. See the TCP Manual (4) for temporary uncontrolled marked crosswalks.

# Agate Beach Crossing Improvements

Warning  
Plaque



W16-7P

Advanced  
Notice





-----Original Message-----

From: Lindsey Brown <[REDACTED]>

Sent: Tuesday, January 16, 2024 11:52 AM

To: Public comment <publiccomment@newportoregon.gov>

Subject: Public Comment on Oceanview Dr Study

[WARNING] This message comes from an external organization. Be careful of embedded links.

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Dear Newport City Council,

I am pleased to hear you have studying the safety of Oceanview Drive in response to concerns over increased traffic volumes and travel speeds. As a homeowner and year-round resident of [REDACTED] [REDACTED] (on the north part of your study between 2. NW 25th St and 3. Edenvue Way) I both see and hear vehicles zooming by my house daily at unsafe speeds.

The current placement of speed limit signs is problematic as southbound traffic does not encounter a 25 mph sign until after they have gone a block into the neighborhood and driven by 3 houses at 35 mph(2421 NW Oceanview, 2416 NW Edenvue, 2404 NW Edenvue) AND past a forked turn lane to Edenvue Way at 35mph. May I please suggest that the southbound 25mph zone sign be moved to just north of NW 25th St so that the speed zone reflects the start of the Oceanview Drive neighborhood, not once drivers are already a block into the residential area?

The current placement of the northbound 35mph sign is also a concern as it means vehicles speed up before they have left the neighborhood and passed by houses at 2416 NW Edenvue and 2421 NW Oceanview. Could we please move this 35 mph speed limit sign also to just north of NW 25th St where there is a clear division of being past where the residential area ends. I encourage you to take this opportunity to have the 25mph sped zone include the houses between 2. NW 25th St and 3. Edenvue Way.

According to Kittleson & Associates technical memorandum the number of lanes, travel way width, and lack of sidewalks is identical in 2. NW 25th to 3. NW Edenview Way as the 3. NW Edenview Way to 4. NW 22nd St which is a 25mph section.

I am happy to hear the tools of rumble strips and dynamic speed displays could be put to use to make Oceanview Dr safer. I offer a logical suggestion to place the rumble strips just north of NW 25th to get southbound motorists slowing down BEFORE the residential area begins. Please do not place these rumble strips directly in front of a home due to volume concerns.

For pedestrians, pets, Coast Bicyclists, the Oceanview Neighborhood, and everyone's safety thank you for taking the time to consider my suggestions to include my entire residential block as part of the 25mph for both lanes of traffic.

Best Regards,

Lindsey Brown

[REDACTED]

[REDACTED]



STAFF REPORT  
CITY COUNCIL AGENDA ITEM

Meeting Date: February 5, 2024

**Title:**

City Hall Landscape Renovations Discussion

**Prepared by:**

Mike Cavanaugh, Parks and Recreation Director

**Recommended Motion:**

None. Informational Report

**Background Information:**

Improving Newport City Hall's landscape design has been an on-going topic of discussion in recent years. An upgrade to a more unified facility landscape would benefit the City since the property is located at the center of Newport. Funding was originally appropriated for this project from the Capital Improvement Fund in the FY2022 -2023 Budget. Additional funds were requested for the project in FY2023-2024 Budget bringing the total project funds to \$149,000.

The proposed City Hall Landscape Plan has 3 components:

- Landscape
- Hardscape
- Lighting

The planting selection includes native Cascara trees (*Rhamnus purshiana*) on the South side of City Hall, ornamental perennials, grasses and dwarf evergreens planted on the West facing side of City Hall. The new landscape will be planted on both sides of the entrance stairs. This plan leaves the existing Shore Pines in place. The plant selection provides native plantings for habitat, and ornamental plantings that are uniform, easy to maintain, visually interesting and appropriate to our climate.

*Attachments - photos of plants, trees*

An irrigation plan will be completed after City Staff and City Council discussion is had on whether to include a new irrigation system for the turf area. The new landscaping will need irrigation to ensure success of the plantings.

The hardscape plan includes the built alterations to the landscape including a sidewalk that connects the East parking area with the South entrance and the main West facing entrance. This sidewalk acts as a border to the paved area under the trees on the South side and as a border to landscaping around the South side and West side. On the paved

area benches will be installed, and a water fountain is included in the plan at the start of the new sidewalk, on the South East side of City Hall.

There are four (48" round) sculpture pads included in the design for the 'Art Seen' outdoor art gallery.

*Attachments - Most Dependable Fountain and Willamette Graystone pavers*

The landscape lighting plan includes replacing the bollard lights on the North West side of City Hall. The bollard lights are high voltage, LED lights designed locally to be used in difficult weather and wet conditions.

There is a separate low voltage system designed to enhance the landscape features, light the pathways, and sculptures, and wash the building with soft light for visual interest and as a statement of City Hall's importance. This lighting system is low voltage (12 volt), using LED lights that are integrated into the fixtures (weather and waterproof) and fixtures are guaranteed for a minimum of 10 years. While these lights are not specifically 'Dark Sky' approved, the wattage per fixture is between 3 and 10 watts. The lighting design would be connected to a transformer (to reduce voltage) and a smart controller. This would allow for lights to be programmed to turn off at a pre-determined time nightly. By turning landscape lights off in the evening, it would be 'Dark Sky' friendly.

Prior to moving forward with the project, City staff is seeking City Council feedback regarding design layout for planting, hardscape, and lighting. Staff is also seeking direction on any changes City Council would like to see incorporated into future designs.

**Fiscal Notes:**

The City Hall Renovation Project is currently funded at \$149,000 from the Capital Improvement Fund (405).

**Alternatives:**

Approve and direct staff to proceed, request revisions, or deny approval and direct staff not to continue with the identified project.



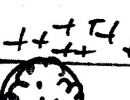



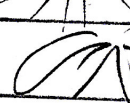
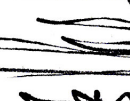

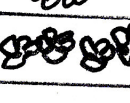



**Attachments:**

City Hall Drawing - Landscape  
Landscape Examples  
City Hall Drawing - Hardscape  
Hardscape Examples  
City Hall Drawing - Lighting  
Lighting Examples

2 EXISTING  
PINUS CONTORTA

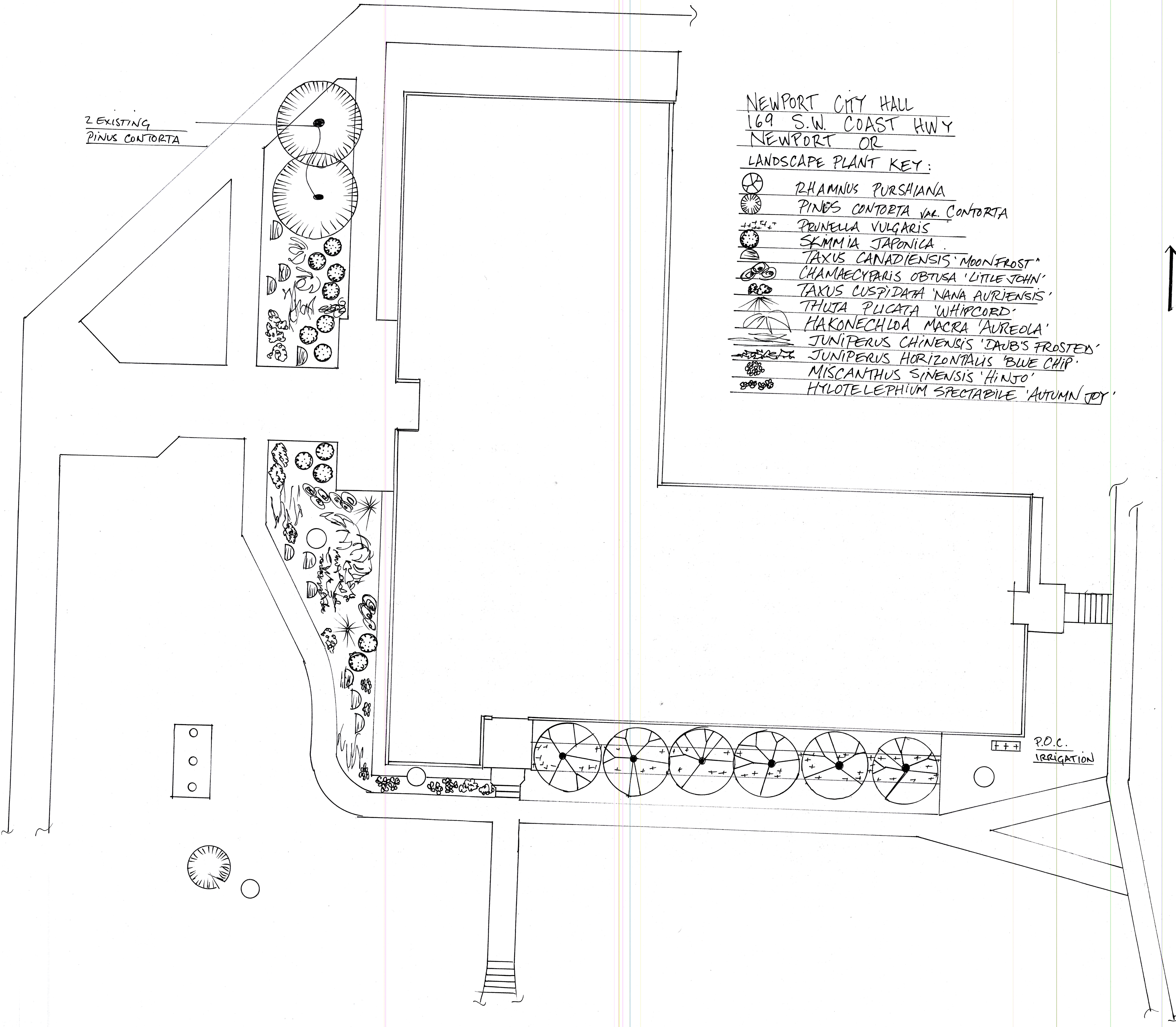
NEWPORT CITY HALL  
169 S.W. COAST HWY  
NEWPORT OR

LANDSCAPE PLANT KEY:

-  RHAMNUS PURSHIANA
-  PINUS CONTORTA var. CONTORTA
-  PRUNELLA VULGARIS
-  SAMMIA JAPONICA
-  TAXUS CANADIENSIS 'MOON FROST'
-  CHAMAECYPARIS OBTUSA 'LITTLE JOHN'
-  TAXUS CUSPIDATA 'NANA AURIENSIS'
-  THUJA PLICATA 'WHIPCORD'
-  HAKONECHLOA MACRA 'AUREOLA'
-  JUNIPERUS CHINENSIS 'DAUB'S FROSTED'
-  JUNIPERUS HORIZONTALIS 'BLUE CHIP'
-  MISCANTHUS SINENSIS 'HINJO'
-  HYLOELEPHIUM SPECTABILE 'AUTUMN JOY'

NORTH ↑

SCALE 3/32" = 1'





*Cascara foliage turns yellow to orange-red in fall*



*Photo credit: USFWS* [🔗 \(https://www.flickr.com/photos/usfwspacific/23831063655/in/photolist-53R28y-53M3Fc-53Rmb7-53M7jz-53M3RX-53R8t3-aubt28-tqb7p-CiSqXR-iM2GW-rVxQje-x5bxsh\)](https://www.flickr.com/photos/usfwspacific/23831063655/in/photolist-53R28y-53M3Fc-53Rmb7-53M7jz-53M3RX-53R8t3-aubt28-tqb7p-CiSqXR-iM2GW-rVxQje-x5bxsh)



*Cascara berries attract many native birds*

## **About Us ([trees/get-involved/about-us](#))**

[Regulations \(trees/regulations\)](#)

[Volunteer \(trees/get-involved\)](#)

## Trees for Seattle (trees)

### Cascara

*Rhamnus purshiana*

**Description:**

This small native tree boasts small flowers and purple fruit that feed many native birds. While it's frequently overlooked, it's a highly adaptable tree that will work well in a woodland setting or in a smaller yard. Its foliage turns brilliant yellow in autumn.

**Power Line Approved:** Yes

**Min. street tree planting width:** 5 feet

**Mature Height:** 25 feet

**Mature Spread:** 20 feet

**Tree Shape:** Upright oval

**Where to Plant:**

A perfect tree for unimproved rights of way or woodland settings. Can also be used for small yard spaces.

**Leaves:**

Dark green oval shaped leaves turning yellow to orange-red in the fall.



**Flowers:**

Small and insignificant greenish-white flowers favored by butterflies.

**Fruit:**

Small purple-black beads that attract many native birds.

**Preferred Site Conditions:**

Works in a wide variety of conditions from wet to dry, part sun to shade. Cascara will grow best in a part sun/shade location with well-drained, uncompacted soils. Keep the grass away and make sure it is mulched.

**Potential Problems:**



Very few pest and disease problems, however aphids can be a nuisance.

**Minimum Planting Distances:**

- 15 feet from house or building
- 3 ½ feet back from the face of the curb
- 5 feet from underground utility lines
- 10 feet from power poles
- 7 ½ feet from driveways (10 feet recommended)
- 20 feet from street lights and other existing trees
- 30 feet from street intersections

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**Additional Resources**

- [WSU](http://www.pnwplants.wsu.edu/PlantDisplay.aspx?PlantID=333)  (<http://www.pnwplants.wsu.edu/PlantDisplay.aspx?PlantID=333>)
- [Seattle PI](http://www.seattlepi.com/lifestyle/homegarden/article/Ann-s-Organic-Garden-Don-t-overlook-a-charming-1214529.php)  (<http://www.seattlepi.com/lifestyle/homegarden/article/Ann-s-Organic-Garden-Don-t-overlook-a-charming-1214529.php>)



## Shore Pine, *Pinus contorta*

**Shore Pine**

**The Pine Family–Pinaceae**

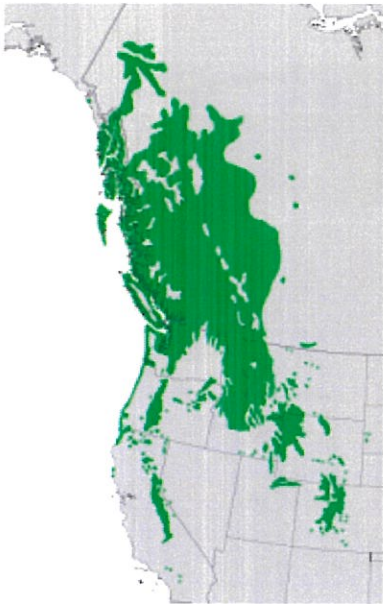
***Pinus contorta*** Douglas ex Louden ***var. contorta***

(PIE-nus kon-TOR-tuh)

**Names:** Contorta means twisted, referring to the young shoots. It is called Shore Pine or Beach Pine because it is often found along the Northwest coast. The Lodgepole pine, *Pinus contorta var. latifolia* (latifolia=broad-leaved) is a variety known for its tall, straight trunks, common in the Rocky Mountains.

**Relationships:** There are about 115 species of pines worldwide, 35 in North America. The needles of pines are borne in bundles (or fascicles). Pines are separated into two groups: soft pines, which usually have needles in bundles of 5; and hard pines, which usually have needles in bundles of 2 or 3. We have one common soft pine,

(5-needled) and two common hard pines (one with 2 needles and one usually with 3 needles). *Pinus contorta* is a 2-needled pine.



*Distribution of Pinus Contorta from USGS ("Atlas of United States Trees" by Elbert L. Little, Jr.)*

**Distribution:** The Shore Pine or Beach Pine is found along the coast from southern Alaska to Northern California. Lodgepole Pine is found throughout the Rocky Mountains and other western mountain ranges.

**Growth:** Shore Pine grows fairly fast, typically to 20 or 35 feet (6-10m), but the tallest are over 100 feet (33m). The oldest are about 250 years old.

**Habitat:** It is highly adaptable and can grow from dunes and bogs to rocky hilltops and is tolerant of low nutrient conditions and salt-spray.

**Wetland designation:** FAC, Facultative, it is equally likely to occur



in wetlands or non-wetlands.



*Woody cones often hang on to the tree for a long time.*

**Diagnostic Characters:** The 1-2 inch (2.5-5cm) long, paired needles are stiff and often twisted. The cones are small and hard (about 1-2 inches or 2.5-5cm long) with a sharp prickle at the tip of each scale. They are twisted at the base so that the cones end up pointing toward the trunk. Like many pines, the cones are sometimes serotinous, which means they are sealed shut by resin, usually requiring a fire to release the seeds (although very old ones will eventually open on their own).

**In the Landscape:** Shore Pine has an open form with interesting branching patterns, and is best planted in drifts. In seaside plantings, Shore Pines are often sculpted by the wind making them quite picturesque. Pines produce new shoots in the spring, called "candles." If it is desired to control the growth of pines, it is better to pinch back the elongating candles in the spring rather than shearing or pruning. In fast growing species, controlling growth may be an effort in futility.



## Japanese Skimmia



**Scientific name:** *Skimmia japonica*

### Taxonomy

**Family:** Rutaceae  
**Type:** Evergreen shrubs  
**Native:** NO

### Plant Requirements

**Zone:** 6 to 7  
**Sun:** Partial shade to full shade  
**Moisture:** Medium

### Plant Characteristics

**Height:** 4 ft      **Bloom:** Spring flowers  
**Width:** 4 ft      **Bloom Time:** April to May  
**Bloom Color:** White

### Additional Characteristics

#### Trees

- Small lot suitable
- Flowering tree
- Safe for beneath power lines

#### Fruit

- Showy
- Edible

#### Leaves

- Good Fall color
- Leaves fragrant
- Gold foliage
- Evergreen

#### Bark

- Showy

#### Wildlife value

- Attract hummingbirds
- Attract butterflies
- Attract birds

#### Poisonous

- Foliage
- Fruit

### Description

Best known for its ability to thrive in the shade and still produce bright red berries and fragrant flowers, Japanese skimmia should be highly considered for any Northwest gardener who has acidic soil.

#### Morphology:

As a native of Japan, skimmia is a slow growing evergreen shrub that grows 3'-4' and as wide in a dense rounded mound. It produces medium to dark green leaves, arranged alternately on stiff stems. The leaves are aromatic, having a sweet fragrance when cut or bruised.

In the spring months of April and May skimmia begins to set forth yellow-white, 4-part flowers, which latter give rise to red berries. As plants are male and female, the red fruit will only occur on the female plants when a male pollinator is nearby. One male plant is needed for every six female plants.

#### Adaptation:

Skimmia requires partial shade to full shade in order to maintain its healthy green fresh appearance. Too much sun will bleach out the foliage and stunt the plant. The best growth will occur where the plant receives morning sun followed by mid-day dappled light. As for site selection, only plant skimmia on moist, acidic soils that have been heavily amended with compost or other types of organic matter prior to planting.

Japanese skimmia is often grouped together and shaped into a low growing hedge, as would be the case for boxwood, or English yew. Avoid planting it too close to a home's concrete foundation, as the higher soil pH near these sites can harm the plants growth.

All parts of the skimmia plant are considered poisonous. However it is only toxic if large quantities of the plant are ingested.

**Pests:**

Spider mites can be a problem when skimmia is grown in a hot dry sunny location. Citrus red mite has been found to be the principal mite species.

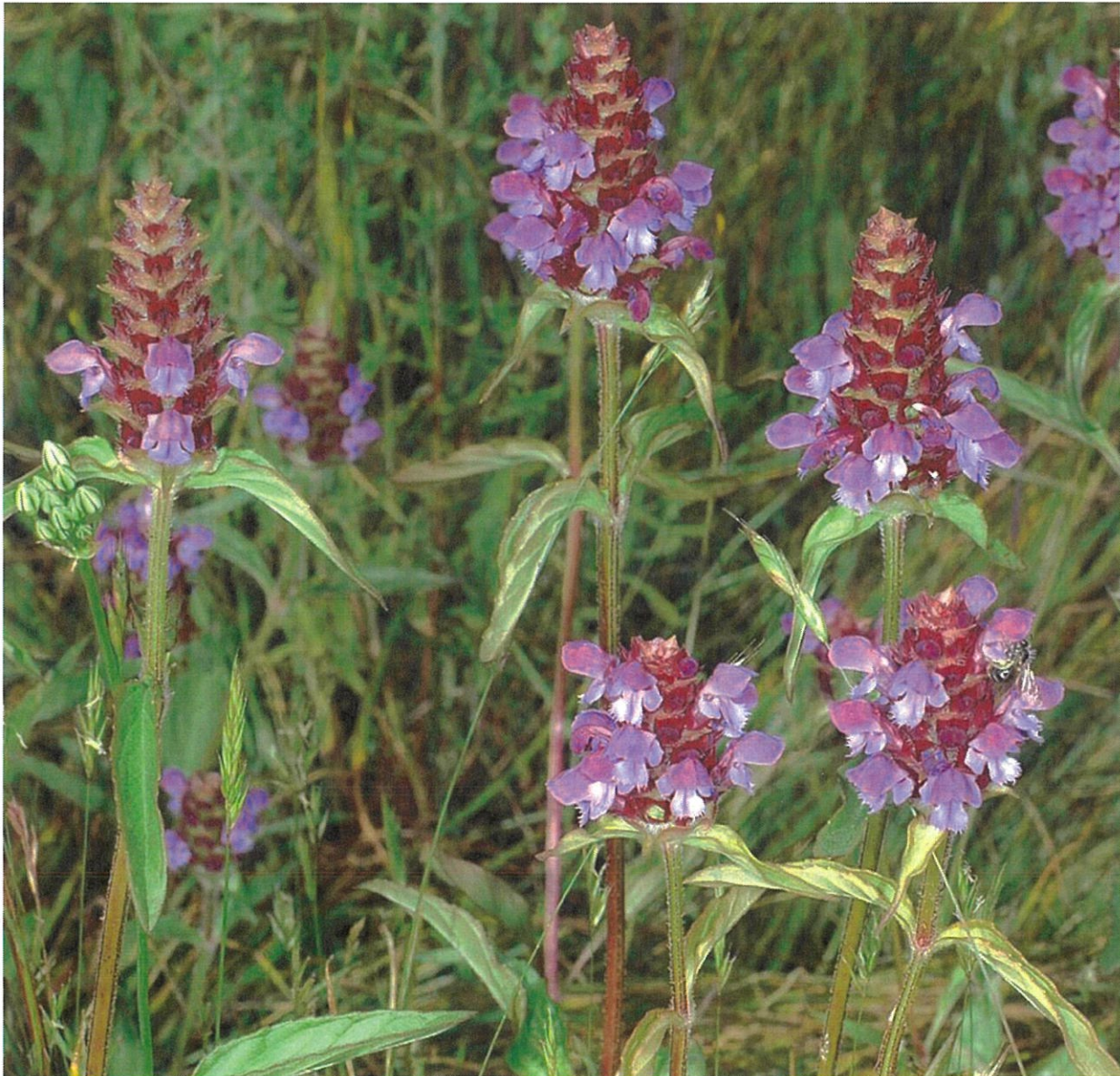
For assistance, contact Dr. Charles Brun ([brunc@wsu.edu](mailto:brunc@wsu.edu)), (360) 397-6060 5701  
Computing and Web Resources, PO Box 6234, Washington State University, Pullman WA 99164-6234

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Through the support of many individuals, NPSO, and OSU Extension, we now have funding to operate at half-capacity through June 2024. We are currently seeking donations to fully fund our program, so we can keep providing our resources. Thank you — your donations are appreciated! <https://oregonflora.org/taxa/garden.php?taxon=7672>

## common heal-all *Prunella vulgaris*



Gerald D. Carr

A highly adaptable--and some would say aggressive--low groundcover, native heal all is often found carpeting roadsides, fields, and disturbed areas. This hardy ground cover tolerates a variety of light and moisture regimes, and can be a colorful addition to an ecolawn that flowers even when mowed! Known by the common name of heal-all or self-heal, it is purported to have many medicinal properties.

## Highlights

Plant type	deciduous perennial herb
Size at maturity	0-2' high, 0-1' wide
Light tolerance	sun part shade shade
Ease of growth	easy

## Native plant groups

Containing **common heal-all**:

### Meadowscape



## Plant Facts

Flower color	purple white blue
Bloom time	October May June July August September
Moisture	moist occasional summer water
Wildlife support	adult butterflies/nectar source bees and other insect pollinators beneficial insects/pest eating insects

## Growth and Maintenance

Spreads vigorously	yes
Cultivation preferences	drought tolerant
Plant behavior	runners (rhizomes, stolons, etc.) seed
Propagation	division/separation seed with stratification
Landscape uses	groundcover green roof

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University

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Dept. Botany & Plant Pathology, OSU  
2701 SW Campus Way, Corvallis, OR 97331  
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## THUJA PLICATA 'WHIPCORD'

Search

### Whipcord Western Red Cedar

Iseli Introduction



#### *Thuja plicata* 'Whipcord'

The unusual foliage on this low, mop-head-like plant consists of long, thick, glossy tendrils that suggest Independence Day fireworks. The many branches seem to explode upward and send sparks cascading in all directions. Green in summer, the foliage changes to bronze in winter, matching the richly colored wood.

Garden Size - 4'H x 4'W  
Dwarf - 3-5 inches / year  
Globe Shaped - Zone 5 - Green  
Sun to Partial Shade



### NAVIGATION

#### Colorful Conifers®

Thuja (Arborvitae and Western Red Cedar)

Thuja (Platyclusus) orientalis 'Morgan'

Thuja (Platyclusus) orientalis 'Franky Boy'

Thuja occidentalis 'Autumn Moon'

Thuja occidentalis 'Filiformis'

Thuja occidentalis 'Golden Blush'

Thuja occidentalis 'Kelsoki Spire' Iseli®

Thuja occidentalis 'Tinus'

Thuja occidentalis 'DeGroot's Spire'

Thuja occidentalis 'Golden Globe'

Thuja occidentalis 'Golden Tuffet'

Thuja occidentalis 'Hetz Midget'

Thuja occidentalis 'Hetz Wintergreen'

Thuja occidentalis 'Holmstrup'

Thuja occidentalis 'Jantar' PP22296

Thuja occidentalis 'Norm Evers'

Thuja occidentalis 'Rushmore'

Thuja occidentalis 'Smaragd'

Thuja occidentalis 'Yellow Ribbon'

#### Whipcord Western Red Cedar

The unusual foliage on this low, mop-head-like plant consists of long, thick, glossy tendrils that suggest Independence Day fireworks. Unlike the species, which is a giant forest tree, the many branches of *Thuja plicata* 'Whipcord' seem to explode upward and send sparks cascading in all directions. Green in summer, the foliage changes to bronze in winter, matching the richly colored wood. Every garden can accommodate the small, dynamic conifer (only about 5' tall and 4' wide) that demonstrates some deer resistance. Found in a seedbed of Western Red Cedar at Drakes Crossing Nursery, Silverton, Oregon.

Garden Size: 4'H x 4'W

Dwarf: 3-5"/year

Globe Shaped

Zone 5

Green

Conifer

Sun to Partial Shade



View General planting instructions [HERE](#).

Ball®('Bobazam')

Thuja occidentalis Primo® ('IslPrim')

Thuja plicata 'Lucky Find'

Thuja plicata 'Gruene Kugel'

Thuja plicata 'Hogan'

Thuja plicata 'Virescens'

Thuja plicata 'Whipcord'

Thuja plicata 'Whipcord' – on  
standard

Thuja plicata Forever Goldy®

Thuja plicata x standishii 'Green  
Giant'

Thuja plicata x standishii Green  
Screen™ ('INGGSP' PP35,388)

Abies (Fir)

Araucaria araucana

Athrotaxis (Tasmanian Cedar)

Cedrus (Cedar)

Cephalotaxus (Plum Yew)

Chamaecyparis (False Cypress)

Cryptomeria (Japanese Cedar)

Cupressocyparis (Leyland Cypress)

Cupressus (Cypress)

Juniperus (Juniper)

Larix (Larch)

Living Art®

Metasequoia (Dawn Redwood)

Microbiota (Siberian Cypress)

Picea (Spruce)

Pinus (Pine)

Podocarpus (Plum Pine)

Pseudolarix (Golden Larch)

Pseudotsuga (Douglas Fir)

Sciadopitys (Japanese Umbrella Pine)

## TAXUS CUSPIDATA 'NANA AURESCENS'

Search

### Golden Dwarf Japanese Yew



*Taxus cuspidata* 'Nana Aurescens'  
New growth on this low-growing, Japanese Yew bursts on the scene in a splash of brilliant goldenrod. Since second-year foliage goes dark green, each year's new growth makes another dramatic splash of color when it emerges. The shade tolerant, adaptable, colorful conifer has a wider-than-tall, spreading habit.

Garden Size - 2'H x 8'W  
Dwarf - 3-6 inches / year  
Spreading - Zone 4 - Yellow  
Sun to partial shade



#### Golden Dwarf Japanese Yew

New growth on *Taxus cuspidata* 'Nana Aurescens' bursts on the scene like a splash of brilliant goldenrod. Since second-year foliage goes dark green, each year's new growth makes another dramatic splash of color when it emerges. The shade tolerant, adaptable, colorful conifer has a wider-than-tall, spreading habit.

Garden Size: 2'H x 8'W

Dwarf: 3-6"/year

Spreading

Zone 4

Yellow

Conifer

Partial Shade

Download a printable point of sale sign [HERE](#).

View General planting instructions [HERE](#).

### NAVIGATION

#### Colorful Conifers®

##### Taxus (Yew)

*Taxus baccata* 'Bultinck Orange Beauty'

*Taxus baccata* 'Fastigiata Micro'

*Taxus baccata* 'Green Column'

*Taxus baccata* 'Green Diamond'

*Taxus baccata* 'Goldener Zwerg'

*Taxus baccata* 'Silver Spire'

*Taxus cuspidata* 'Amersfoort'

*Taxus cuspidata* 'Dwarf Bright Gold'

*Taxus cuspidata* 'Nana Aurescens'

*Taxus x media* 'Beanpole'

##### Abies (Fir)

*Araucaria araucana*

*Athrotaxis* (Tasmanian Cedar)

*Cedrus* (Cedar)

*Cephalotaxus* (Plum Yew)

*Chamaecyparis* (False Cypress)

*Cryptomeria* (Japanese Cedar)

*Cupressocyparis* (Leyland Cypress)

*Cupressus* (Cypress)

*Juniperus* (Juniper)

*Larix* (Larch)

- Microbiota (Siberian Cypress)
- Picea (Spruce)
- Pinus (Pine)
- Podocarpus (Plum Pine)
- Pseudolarix (Golden Larch)
- Pseudotsuga (Douglas Fir)
- Sciadopitys (Japanese Umbrella Pine)
- Sequoiadendron (Giant Redwood)
- Taxodium (Bald Cypress)
- Thuja (Arborvitae and Western Red Cedar)
- TRUdwarf® Mugo Pine Collection
- Tsuga (Hemlock)
- Wollemia nobilis

Search

Search

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Boring, OR 97009

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## CHAMAECYPARIS OBTUSA 'LITTLE JOHN'

Search

### Little John Hinoki Cypress



*Chamaecyparis obtusa*  
'Little John'

The outstanding character of this irregular, upright Hinoki cultivar comes from a combination of foliage types. Some of it is tight sprays of congested, twisting fans that cup gracefully downward, and some of it is longer, more open shoots with red stems that reach up and out. Bronze winter tones add seasonal interest to this jolly fellow from Robin Hood's Merry Men.

Garden Size - 6'H x 4'W  
Dwarf - 3-6 inches / year  
Broad Upright - Zone 5 - Green  
Sun to partial shade

### NAVIGATION

Colorful Conifers®

Chamaecyparis (False Cypress)

Chamaecyparis lawsoniana 'Azurea'

Chamaecyparis lawsoniana 'Pearly Swirls'

Chamaecyparis lawsoniana 'Snow Queen'

Chamaecyparis Lawsoniana 'Super Nova'

Chamaecyparis lawsoniana 'Wissel's Saguro'

Chamaecyparis nootkatensis 'Jubilee'

Chamaecyparis nootkatensis 'Pendula'

Chamaecyparis nootkatensis 'Strict Weeping'

Chamaecyparis obtusa 'Spiralis'

Chamaecyparis obtusa 'Aurea'

Chamaecyparis obtusa 'Butter Ball'

Chamaecyparis obtusa 'Chirimen'

Chamaecyparis obtusa 'Confucius'

Chamaecyparis obtusa 'Dainty Doll'

Chamaecyparis obtusa 'Ellie B.'

Chamaecyparis obtusa 'Fernspray Gold'

### Little John Hinoki Cypress

The outstanding character of the irregular, upright *Chamaecyparis obtusa* 'Little John' comes from a combination of foliage types. Some of it is tight sprays of congested, twisting fans that cup gracefully downward, and some is longer, more open shoots with red stems that reach up and out. Bronze winter tones add seasonal interest to this jolly fellow from Robin Hood's Merry Men.

Garden Size: 6'H x 4'W

Dwarf: 3-6"/year

Broad Upright

Zone 5

Green

Conifer

Sun to Partial Shade

Download a printable point of sale sign [HERE](#).

View General planting instructions [HERE](#).

- Chamaecyparis obtusa 'Flabelliformis'
- Chamaecyparis obtusa 'Gemstone'
- Chamaecyparis obtusa 'Gimborn Beauty'
- Chamaecyparis obtusa 'Gnome'
- Chamaecyparis obtusa 'Golden Nymph'
- Chamaecyparis obtusa 'Goldilocks'
- Chamaecyparis obtusa 'Graciosa'
- Chamaecyparis obtusa 'Iseli Green'
- Chamaecyparis obtusa 'Jane's Jewel'
- Chamaecyparis obtusa 'Just Dandy'
- Chamaecyparis obtusa 'Kerdalo'
- Chamaecyparis obtusa 'Kosteri'
- Chamaecyparis obtusa 'Little John'
- Chamaecyparis obtusa 'Little Markey'
- Chamaecyparis obtusa 'Mariesii'
- Chamaecyparis obtusa 'Maureen'
- Chamaecyparis obtusa 'Melody'
- Chamaecyparis obtusa 'Nana Gracilis'
- Chamaecyparis obtusa 'Nana Lutea'
- Chamaecyparis obtusa 'Nana'
- Chamaecyparis obtusa 'Reis Dwarf'
- Chamaecyparis obtusa 'Sunlight Lace'
- Chamaecyparis obtusa 'Sunny Swirl'
- Chamaecyparis obtusa 'Thowell'
- Chamaecyparis obtusa 'Verdoni'
- Chamaecyparis pisifera 'Angel Hair'
- Chamaecyparis pisifera 'Blue Moon'
- Chamaecyparis pisifera 'Boulevard'
- Chamaecyparis pisifera 'Cream Ball'

## TSUGA CANADENSIS 'MOON FROST'

Search

### Moon Frost Canadian Hemlock



*Tsuga canadensis* 'Moon Frost'  
 Bright, white, new growth with older, inner foliage that retains a light tone combine to give this plant a distinctly white appearance. In winter, foliage of the seedling, developed by Ed Wood, takes on a blush of pink. A compact globe when young, 'Moon Frost' broadens and increases its growth rate with age, but remains a reliably small, dwarf plant.  
 Garden Size - 6'H x 6'W  
 Dwarf - 3-6 inches / year  
 Globe Shaped - Zone 4 - Green  
 Sun to Partial Shade



#### Moon Frost Canadian Hemlock

Bright, white, new growth with older, inner foliage that retains a light tone combine to give *Tsuga canadensis* 'Moon Frost' a distinctly white appearance. In winter, foliage of the seedling, developed by Ed Wood, takes on a blush of pink. A compact globe when young, 'Moon Frost' broadens and increases its growth rate with age, but remains a reliably small, dwarf plant.

Garden Size: 6'H x 6'W

Dwarf: 3-6"/year

Globe Shaped

Zone 4

Green

Conifer

Sun to Partial Shade

Download a printable point of sale sign [HERE](#).

View General planting instructions [HERE](#).

### NAVIGATION

Colorful Conifers®

Tsuga (Hemlock)

[Tsuga Canadensis 'Aurea Compacta'](#)

[Tsuga Canadensis 'Forest Fountain'](#)

[Tsuga canadensis 'Green Lace'](#)

[Tsuga canadensis 'Abbott's Pygmy'](#)

[Tsuga canadensis 'Albospica'](#)

[Tsuga canadensis 'Ashfield Weeper'](#)

[Tsuga canadensis 'Bacon Cristate'](#)

[Tsuga canadensis 'Betty Rose'](#)

[Tsuga canadensis 'Cole's Prostrate'](#)

[Tsuga canadensis 'Dawsoniana'](#)

[Tsuga canadensis 'Gentsch White'](#)

[Tsuga canadensis 'Golden Splendor'](#)

[Tsuga canadensis 'Gracilis'](#)

[Tsuga canadensis 'Hebefolia'](#)

[Tsuga canadensis 'Hornbeck'](#)

[Tsuga canadensis 'Jeddeloh'](#)

[Tsuga canadensis 'Jervis'](#)

[Tsuga canadensis 'Kelsey's Weeping'](#)

[Tsuga canadensis 'Moon Frost'](#)

[Tsuga canadensis 'Pendula'](#)

[Tsuga canadensis 'Summer Snow'](#)

*Tsuga heterophylla* 'Iron Springs'

*Tsuga heterophylla* 'Thorsen's Weeping'

*Tsuga mertensiana* 'Elizabeth'

*Tsuga mertensiana* 'Glacier Peak'

*Abies* (Fir)

*Araucaria araucana*

*Athrotaxis* (Tasmanian Cedar)

*Cedrus* (Cedar)

*Cephalotaxus* (Plum Yew)

*Chamaecyparis* (False Cypress)

*Cryptomeria* (Japanese Cedar)

*Cupressocyparis* (Leyland Cypress)

*Cupressus* (Cypress)

*Juniperus* (Juniper)

*Larix* (Larch)

Living Art®

*Metasequoia* (Dawn Redwood)

*Microbiota* (Siberian Cypress)

*Picea* (Spruce)

*Pinus* (Pine)

*Podocarpus* (Plum Pine)

*Pseudolarix* (Golden Larch)

*Pseudotsuga* (Douglas Fir)

*Sciadopitys* (Japanese Umbrella Pine)

*Sequoiadendron* (Giant Redwood)

*Taxodium* (Bald Cypress)

*Taxus* (Yew)

*Thuja* (Arborvitae and Western Red Cedar)

TRUdwarf® Mugo Pine Collection

*Wollemia nobilis*

## JUNIPERUS CHINENSIS 'DAUB'S FROSTED'

Search

### Daub's Frosted Juniper



*Juniperus chinensis*  
'Daub's Frosted'

This low, spreading juniper is especially appealing: it develops new, bright, golden yellow growth that points in all directions above the bluish green, feathery, interior foliage. A lively selection for a sunny, well-drained bank or other challenging site where a reliable bit of color is needed.

Garden Size - 2'H x 8'W  
Dwarf - 3-6 inches / year  
Spreading - Zone 4 - Yellow  
Full sun



#### Daub's Frosted Juniper

The low, spreading *Juniperus chinensis* 'Daub's Frosted' is especially appealing: it develops new, bright, golden yellow growth that points in all directions above the bluish green, feathery, interior foliage. A lively selection for a sunny, well-drained bank or other challenging site where a reliable bit of color is needed.

Garden Size: 2'H x 8'W

Dwarf: 3-6"/year

Spreading

Zone 4

Yellow

Conifer

Full Sun

Download a printable point of sale sign [HERE](#).

View General planting instructions [HERE](#).

### NAVIGATION

Colorful Conifers®

Juniperus (Juniper)

- Juniperus chinensis 'Torulosa'
- Juniperus chinensis 'Daub's Frosted'
- Juniperus chinensis 'Shimpaku'
- Juniperus chinensis 'Trautman'
- Juniperus communis 'Berkshire Sparkler'
- Juniperus communis 'Miniature'
- Juniperus communis 'Compressa'
- Juniperus communis 'Corielagen'
- Juniperus communis 'Effusa'
- Juniperus communis 'Gold Cone'
- Juniperus communis 'Green Carpet'
- Juniperus conferta 'All Gold'
- Juniperus conferta 'Silver Mist'
- Juniperus horizontalis 'Blue Pygmy'
- Juniperus horizontalis 'Gold Strike'
- Juniperus horizontalis 'Golden Carpet'
- Juniperus horizontalis 'Mother Lode'
- Juniperus horizontalis 'Pancake'
- Juniperus horizontalis Limeglow™
- Juniperus procumbens 'Nana'



Juniperus squamata 'Blue Star'

Juniperus squamata 'Holger'

Juniperus virginiana 'Taylor'

Juniperus x pfitzeriana 'Golden Joy'

Juniperus x pfitzeriana 'Sea Green'

Juniperus x Star Power®

Abies (Fir)

Araucaria araucana

Athrotaxis (Tasmanian Cedar)

Cedrus (Cedar)

Cephalotaxus (Plum Yew)

Chamaecyparis (False Cypress)

Cryptomeria (Japanese Cedar)

Cupressocyparis (Leyland Cypress)

Cupressus (Cypress)

Larix (Larch)

Living Art®

Metasequoia (Dawn Redwood)

Microbiota (Siberian Cypress)

Picea (Spruce)

Pinus (Pine)

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Sciadopitys (Japanese Umbrella Pine)

Sequoiadendron (Giant Redwood)

Taxodium (Bald Cypress)

Taxus (Yew)

Thuja (Arborvitae and Western Red Cedar)

TRUdwarf® Mugo Pine Collection

Tsuga (Hemlock)

Wollemia nobilis

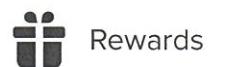


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Prairie Blossom

# Juniperus 'Blue Chip' Juniper



\$32.99

POT SIZE

QUANTITY

#5 Gallon

- 1 +

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## Juniperus Blue Chip Juniper

*Juniperus horizontalis*

Lovely when planted around boulders or in rock gardens, where its twisted branches can be trained to unique forms. A superior low evergreen shrub that displays beautiful silver-blue foliage on a widely spreading habit. The deer resistant foliage retains its rich color all year long. A durable, tough ground-cover for edging driveways. Plant on slopes or along retaining walls for erosion control.

Thrives in average, well-drained soil; avoid poorly drained, wet sites. Water deeply, regularly during the first growing season to establish an extensive root system; reduce frequency once established. Apply fertilizer before new growth begins in spring. Prune young plants in late winter to promote dense new growth.

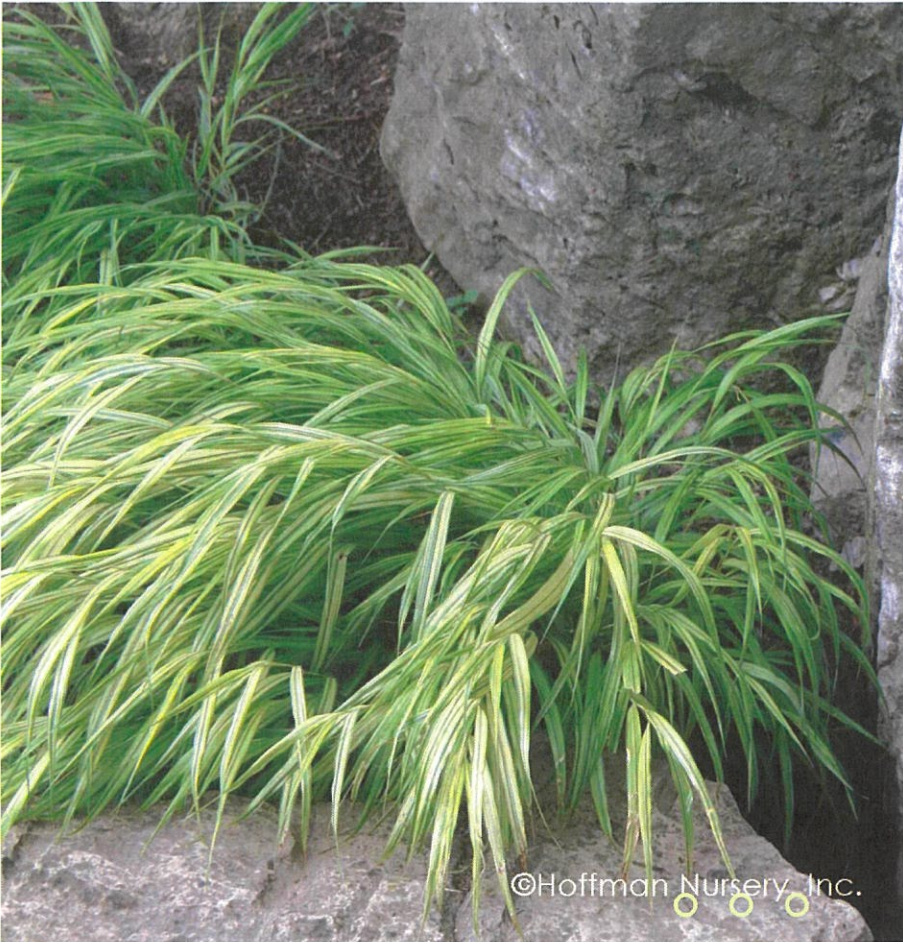
- Light: Full sun
- Water: Average
- Fertilizer: Apply before new growth in spring
- Height: 1 feet
- Spacing: 6-8 feet

## Customer Reviews

No reviews yet [Write a review](#)

Share





## *Hakonechloa macro* 'Aureola'

Golden Variegated Hakone Grass

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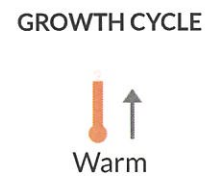
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[📞 1 \(800\) 203-8590](tel:18002038590) or [Contact Us \(/contact-us\)](/contact-us)

Beautiful and elegant, this low-growing grass brings refinement, good taste, and color to shady areas. Golden leaves with intermittent green lines flow downward like a bright waterfall. The amount of variegation on *Hakonechloa macra* 'Aureola' depends on its environment: stripes are most pronounced in deep shade, less in sunnier spots. It prefers rich, organic, well-drained soil similar to that of the cool, damp areas of its native Mount Hakone in Japan. It can handle sun in cool, moist climates, but requires shade in hot, dry environments. Golden Variegated Hakone Grass grows in an 18-inch clump that spreads very slowly by rhizomes to make a superb ground cover. Hakone Grasses are sometimes called Japanese Forest Grass.

*Hakonechloa macra* 'Aureola' was awarded Perennial Plant of the Year<sup>®</sup> in 2009 by the Perennial Plant Association. Winners are selected for their ability to perform well in a wide range of growing climates, for low maintenance needs, multiple-season interest, and for being relatively pest/disease-free. 'Aureola' is the second grass to receive this award. It is also the recipient of the Royal Horticulture Society's Award of Garden Merit.

**Avoid shipping in heat of July/August.**



FOLIAGE COLOR



BLOOM:



Midsummer



Ice plant in our rockery

**In culture...** The most common characteristic culturally is its use as a wildlife attractant (see below) although it is a popular cut-flower. In its native eastern Asia, it has been associated with the Mid-Autumn Festival due to its flowering time coinciding, but there is little beyond this. The species and the cultivar 'Brilliant' have both gained the Royal Horticultural Society's Award of Garden Merit. It has allegedly been used in love divination.

The name *Hylotelephium* comes from *Hylo-* referring to woodland, and *Telephium*, thought to be named after a surgical term for an ulcer that was particularly difficult to cure. This in turn was named *Telephus*, an ancient king of Mysia and child of the legendary Herakles (Hercules) after who suffered from a spear wound that would not

rare as a garden escape, although it has naturalised and considered invasive in some parts of the eastern and central United States including New York, Connecticut, Pennsylvania, New Jersey, North Carolina, Georgia, Wisconsin and Louisiana.

It is easily grown in average, dry to medium, well-drained soils in full sun. Thrives in sandy to gravelly soils of moderate to low fertility. It tolerates some light part shade in hot summer climates, but will produce weak floppy growth when grown in too much shade or in overly rich soils. Needs good soil drainage to perform well. Drought tolerant. Propagate by divisions in spring or stem cuttings in summer. Detached leaves can be rooted in soil to form new plants.

**General ID:** Growing to 45cm tall and broad, it is an herbaceous perennial with alternate, simple, toothed leaves on erect, unbranched stems. Both the leaves and the stems are succulent. The star-shaped pink flowers are borne in flat cymes 15cm across, in autumn. The leaves and stems are usually pale green, but cultivars exist with a rich reddish-purple colouration.

**For food...** The leaves make excellent succulent additions to a variety of dishes raw or cooked. They can be added to salads, stir fries, steamed, battered or in pickles and preserves. The taste is generally mild and agreeable, although some bitterness can be observed, especially in plants under stress.

**For healing...** The plant was listed in the 'Barefoot Doctor's Manual' – itself an American translation of Chinese Paramedical Manual – as being used to reduce inflammation or fever. Presumably this has something to do with the cooling, emollient and mucilaginous textures of the plant when crushed. It is also listed as a depurative, having a purifying action on the body. It is also regarded as a sialogogue – promoting the production or excretion of saliva. It was allegedly used by the Romans to treat wounds, and in later times to treat internal ulcers, although given the native range of the species, this may in fact be a reference to related European species.



Search for Plants...



## Miscanthus sinensis 'Hinjo'

### ALSO KNOWN AS

Miscanthus sinensis 'Little Nicky' • Compact Zebra Grass • Little Nicky Silver Grass



PHOTO BY

**Secret Garden Growers**

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3 inch pot | \$12

Ships USPS, based on weight/location

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## DESCRIPTION



prefers sun - mostly sun and regular - low water. Drought tolerant once established. Grows best in well-drained, rich and average soil. In need of something humidity tolerant, heat tolerant, pollution tolerant and verticillium wilt resistant? This may be a good option.

**CHARACTERISTICS**

**Plant type:** perennial grass (or grassy in appearance)

**Plant family:** #Poaceae

**Foliage:** deciduous variegated, gold and green

**Mature size:** 2 FT - 4 FT - wide, 3 FT - 6 FT - tall

**Flowers:** white and silver blooms in summer

**GROWING CONDITIONS**

**USDA Zones:** 5a - 10b

**Sun exposure:** sun - mostly sun

**Watering frequency:** regular - low

**Resistant to:** deer, humidity, heat, pollution and verticillium wilt

**Soil needs:** well-drained, rich and average

DETAILS

PHOTOS  
&  
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DETAILS

PLANT TYPE

**Perennial, Grass / Grass Like**

SIZE

**H: 3'-6' W: 2'-4'**

ZONES

**5a-10b**



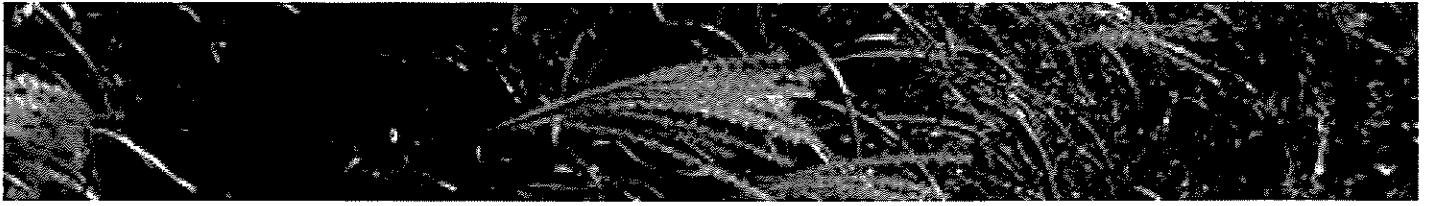
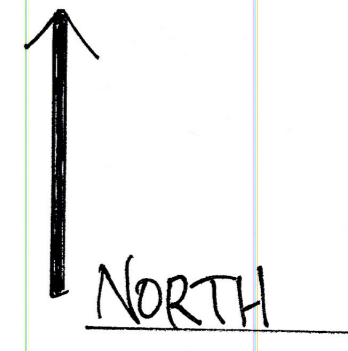


Photo by JLBG taken at Juniper Level Botanic Gdn, NC

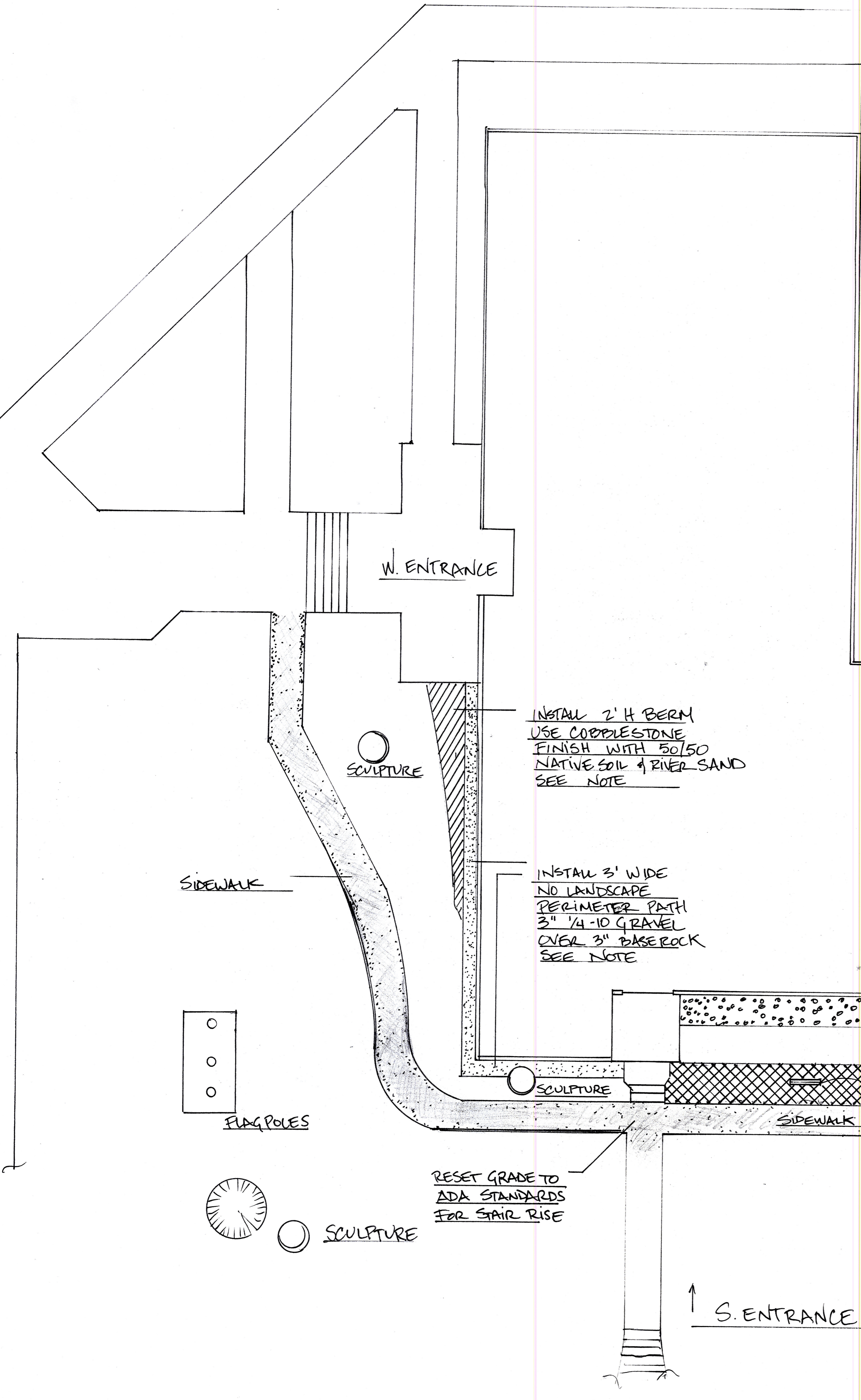
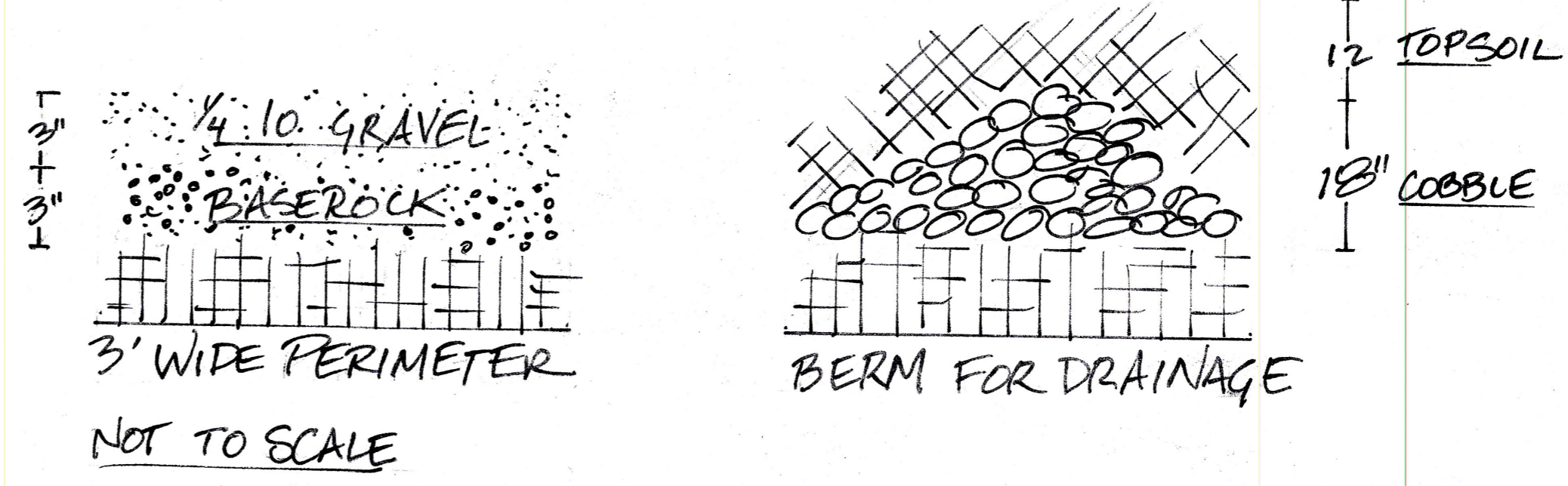


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WATER FOUNTAIN  
BENCHES



SCALE 3/32" = 1'



REMOVE EXISTING  
LANDSCAPE PLANTS & SWALE  
BRING GRADE UP TO LEVEL  
WITH PAVERS  
USE LOAM MIX FOR FILL

INSTALL 2' H BERM  
USE COPPLESTONE  
FINISH WITH 50/50  
NATIVE SOIL & RIVER SAND  
SEE NOTE

INSTALL 3' WIDE  
NO LANDSCAPE  
PERIMETER PATH  
3\"/>

RESET GRADE TO  
ADA STANDARDS  
FOR STAIR RISE

MOST DEPENDABLE  
WATER FOUNTAIN  
4410 SMTA

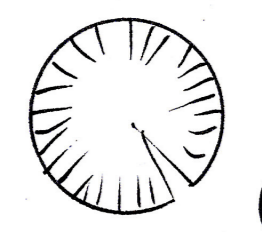
E. ENTRANCE

S. ENTRANCE

PAVERS SET IN SAND

R.O.C.  
IRRIGATION

FLAG POLES



SCULPTURE

SCULPTURE

SCULPTURE

BENCHES

PAVERS SET IN SAND

# WILLAMETTE GRAYSTONE





### SF Rima®:

#### DIMENSIONS:

9 1/2" x 9 1/2" x 3 1/8" (soft conversion from Metric)

#### COLORS:

Contact Willamette Graystone for colors now in stock and ready for shipment. We also manufacture custom colors to meet your needs.

#### *Downloadable Information:*

[SF Rima Product Sheet](#)

Willamette Graystone is now Manufacturing Sustainable Solutions. We have partnered up with [Advanced Pavement Technology](http://www.advancedpavement.com) (<http://www.advancedpavement.com>) and [SF Concrete Technology, Inc.](http://www.sfconcrete.com) (<http://www.sfconcrete.com>), to offer a variety of Permeable Interlocking Concrete Pavers. When installed using the Bio-Aquifer Storm System, permeable pavers can reduce or eliminate stormwater run-off, while safely recharging the groundwater below. Whether you are trying to eliminate the lake in front of your business, or the puddle in front of your house, Willamette Graystone has a sustainable solution that will not only work, but look great too!

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# Outdoor Drinking Fountains



---

## DESCRIPTION

Meets ADA Hi/Lo requirements.

- Push button requires less than 5lbs of pressure to operate.
- Vacuum breaker included for pet fountain.
- Available in one piece welded construction with standard 3/16" wall or standard 304 schedule 10 stainless steel.
- Solid engineering and intuitive design.
- Maintenance friendly and built "tank tough".
- Optional 10 stainless steel surface carrier is recommended for easier installation.
- Simple winterization if applicable.
- Supply connection stops above grade behind the access door.
- All products including 'SS' are powder coated for extra protection.
- Chrome powder coat only available for 'SS' model.
- Weight: 155 lbs.

---

## DOWNLOADS

---

## COMPLIANCES & CALIFORNIA PROPOSITION 65

# 440 SMFA OR SMSSFA (FRONT APPROACH)

Drinking Fountains / Outdoor Drinking Fountains are great for parks, sports complexes, camps, beaches, schools, universities, green ways, bike trails, residential areas and any place where there is a thirsty crowd. Made in the U.S.A.

### AVAILABLE COLORS



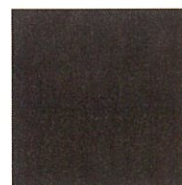
BLUE



GREEN



RED



BROWN



BLACK



WHITE



TEXTURED BLACK



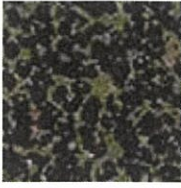
TEXTURED BURGUNDY



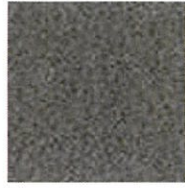
TEXTURED COPPER



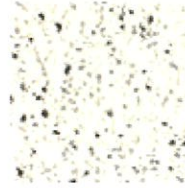
TEXTURED EMERALD



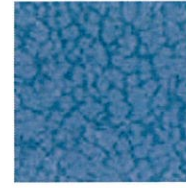
TEXTURED GOLD VEIN



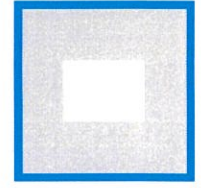
TEXTURED PYRITE



TEXTURED SANDSTONE



TEXTURED SAPPHIRE



CHROME

AVAILABLE OPTIONS

REQUEST A QUOTE (US)

REQUEST A QUOTE (CANADA)

All other countries, email [info@mostdependable.com](mailto:info@mostdependable.com) for quotes.



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Arlington, TN 38002

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F 901-867-4008

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MOST DEPENDABLE FOUNTAINS  
ALL RIGHTS RESERVED  
WEB DESIGN BY SPEAK

10 UGMAN BOLLARDS

NEWPORT CITY HALL  
169 SW COAST HWY  
NEWPORT OR

LIGHTING PLAN

- BOLLARD LIGHTS - 10 120V  
UGMAN LIGHTWAVE BOLLARD - CYLINDRICAL  
MODEL ULW-10874, AMBER LED
- KICHLER 12V LED FIXTURES  
WALL WASH - 10 12V  
VLD LED MINI WALL WASH  
16026 AZT27
- PATHWAY LIGHT - 17 12V  
INTEGRATED LED  
15880 CBR 27
- ACCENT/UPLIGHT - 12 12V  
VLD 12V LED SMALL 35°  
16016 AZT27
- ◁ FLOOD LIGHT - 8 12V  
VLD 500K LED HIGH LUMEN  
16162 AZT 50 60° WIDE FLOOD

KICHLER TRANSFORMER  
15PRO 900SS  
WITH SMART TIMER

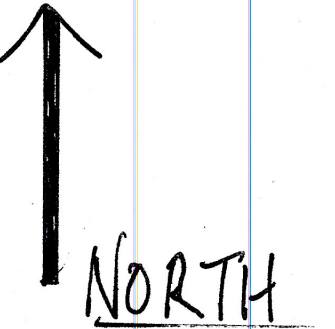
CITY HALL BUILDING

SCULPTURE

SCULPTURE

SCULPTURE

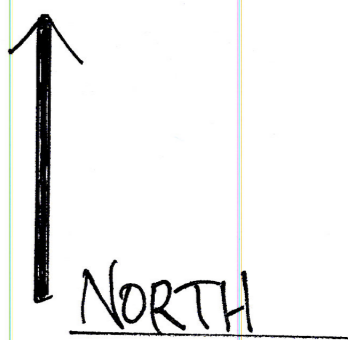
SCULPTURE



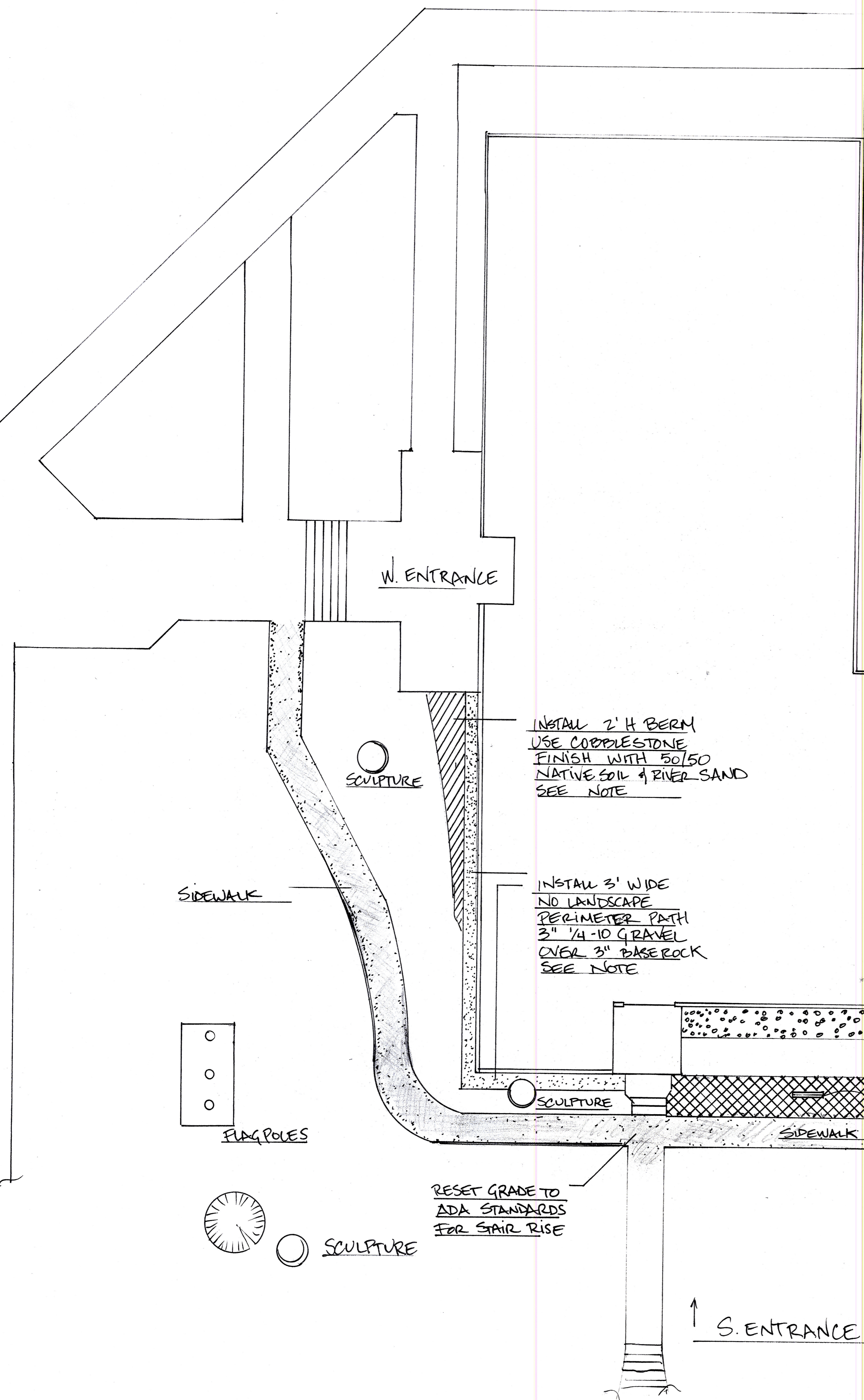
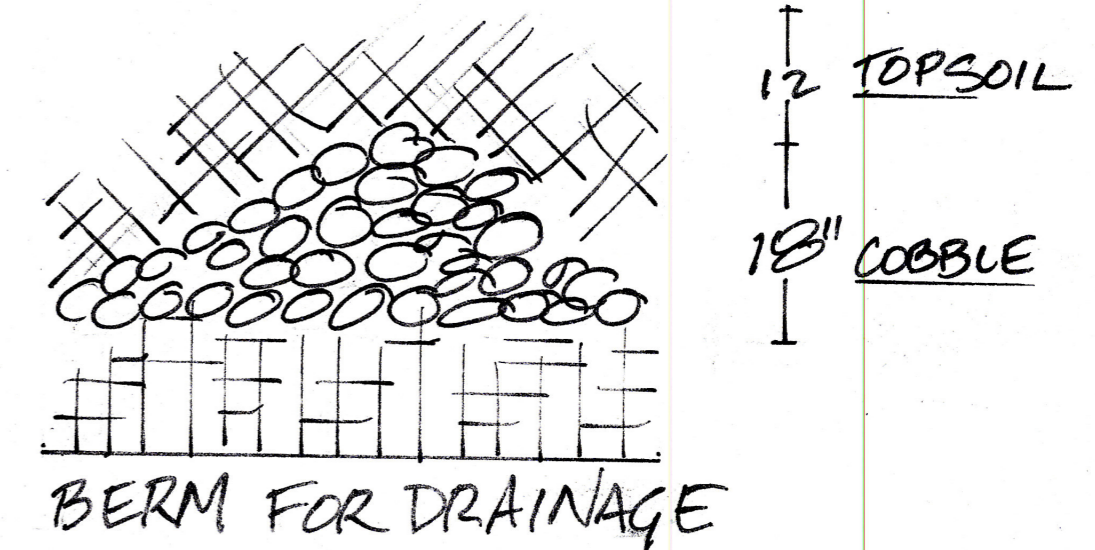
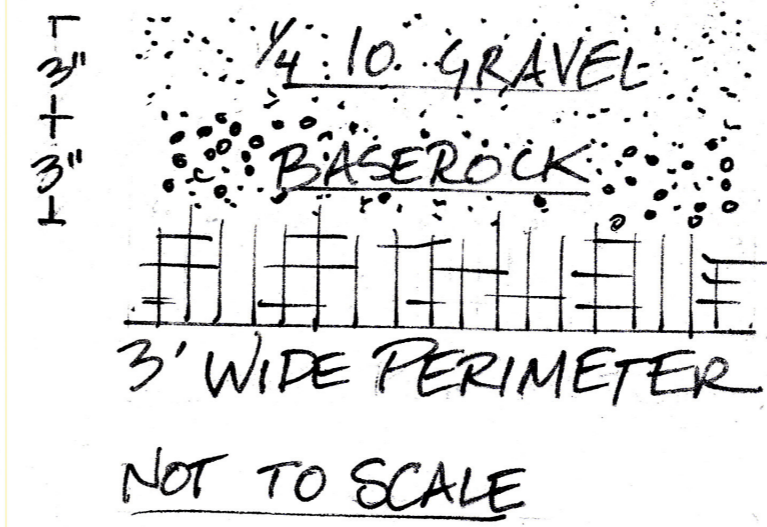
SCALE 3/32" = 1'

NEWPORT CITY HALL  
169 SW COAST HWY  
NEWPORT OR

HARDSCAPE GRADING  
WATER FOUNTAIN  
BENCHES



SCALE 3/32" = 1'



W. ENTRANCE

SCULPTURE

INSTALL 2' H BERM  
USE COPPLESTONE  
FINISH WITH 50/50  
NATIVE SOIL & RIVER SAND  
SEE NOTE

INSTALL 3' WIDE  
NO LANDSCAPE  
PERIMETER PATH  
3" 1/4-10 GRAVEL  
OVER 3" BASEROCK  
SEE NOTE

SIDEWALK

FLAGPOLES

RESET GRADE TO  
ADA STANDARDS  
FOR STAIR RISE

SCULPTURE

S. ENTRANCE

REMOVE EXISTING  
LANDSCAPE PLANTS & SWALE  
BRING GRADE UP TO LEVEL  
WITH PAVERS  
USE LOAM MIX FOR FILL

E. ENTRANCE

R.O.C.  
IRRIGATION

SCULPTURE

PAVERS SET IN SAND

BENCHES



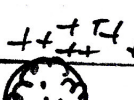




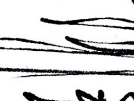

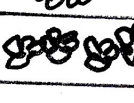



PAVERS SET IN SAND

MOST DEPENDABLE  
WATER FOUNTAIN  
4410 SMTA

2 EXISTING  
PINUS CONTORTA

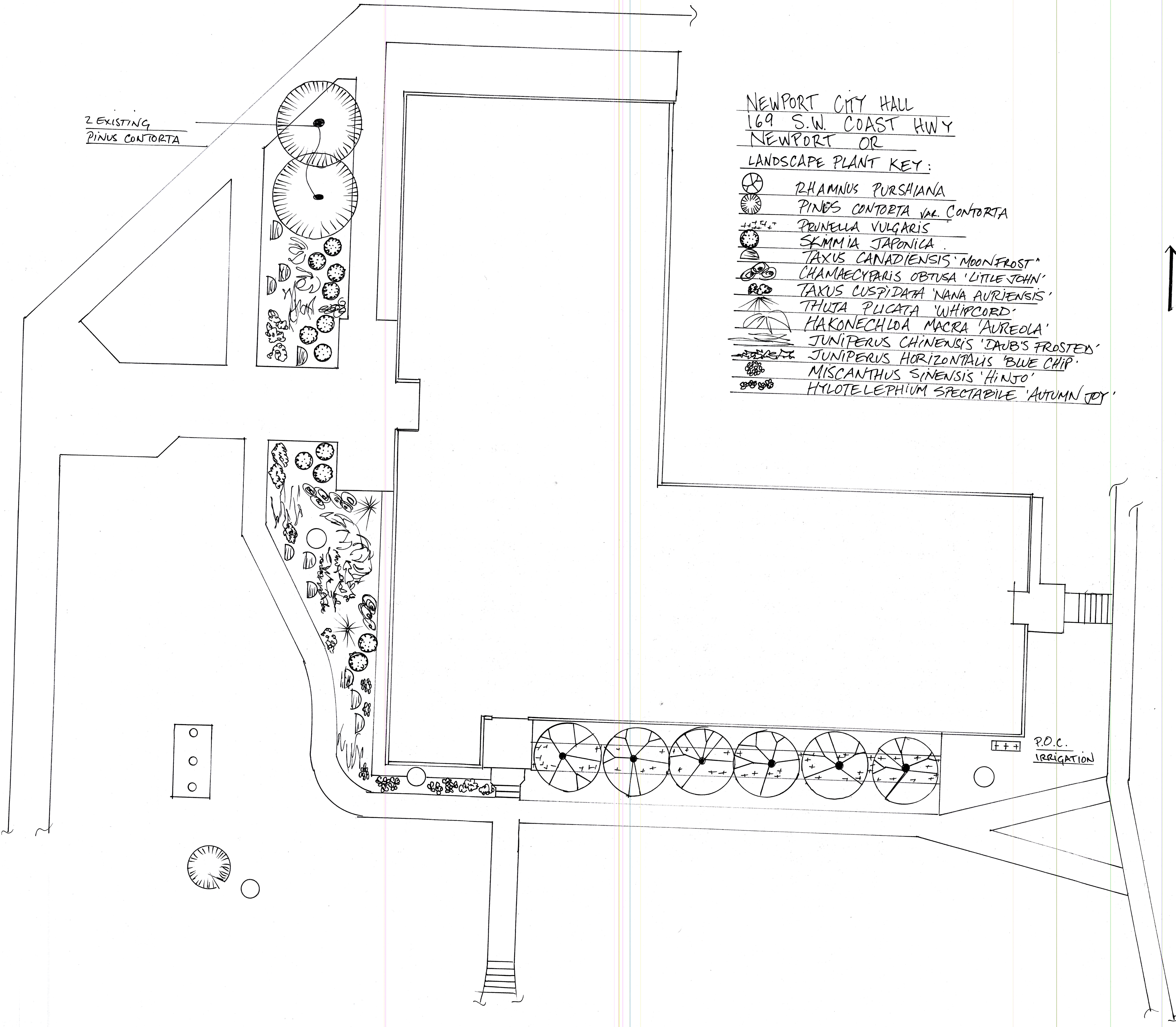
NEWPORT CITY HALL  
169 S.W. COAST HWY  
NEWPORT OR

LANDSCAPE PLANT KEY:

-  RHAMNUS PURSHIANA
-  PINUS CONTORTA var. CONTORTA
-  PRUNELLA VULGARIS
-  SAMMIA JAPONICA
-  TAXUS CANADIENSIS 'MOONFROST'
-  CHAMAECYPARIS OBTUSA 'LITTLE JOHN'
-  TAXUS CUSPIDATA 'NANA AURIENSIS'
-  THUJA PLICATA 'WHIPCORD'
-  HAKONECHLOA MACRA 'AUREOLA'
-  JUNIPERUS CHINENSIS 'DAUB'S FROSTED'
-  JUNIPERUS HORIZONTALIS 'BLUE CHIP'
-  MISCANTHUS SINENSIS 'HINJO'
-  HYLOELEPHIUM SPECTABILE 'AUTUMN JOY'

↑  
NORTH

SCALE 3/32" = 1'





All

Related products

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Related products

Ads ⓘ



**\$47.95**  
Global Industrial™ Smooth B...  
Global Industrial



**\$62.95**  
Global Industrial™ Reflective ...  
Global Industrial



**\$70.95**  
Global Industrial™ Floor Mou...  
Global Industrial



**\$259.99**  
C-Lite Square LED Bollard CC...  
e-conolight



**\$505.00**  
Post Guard® Stainless Steel ...  
Global Industrial

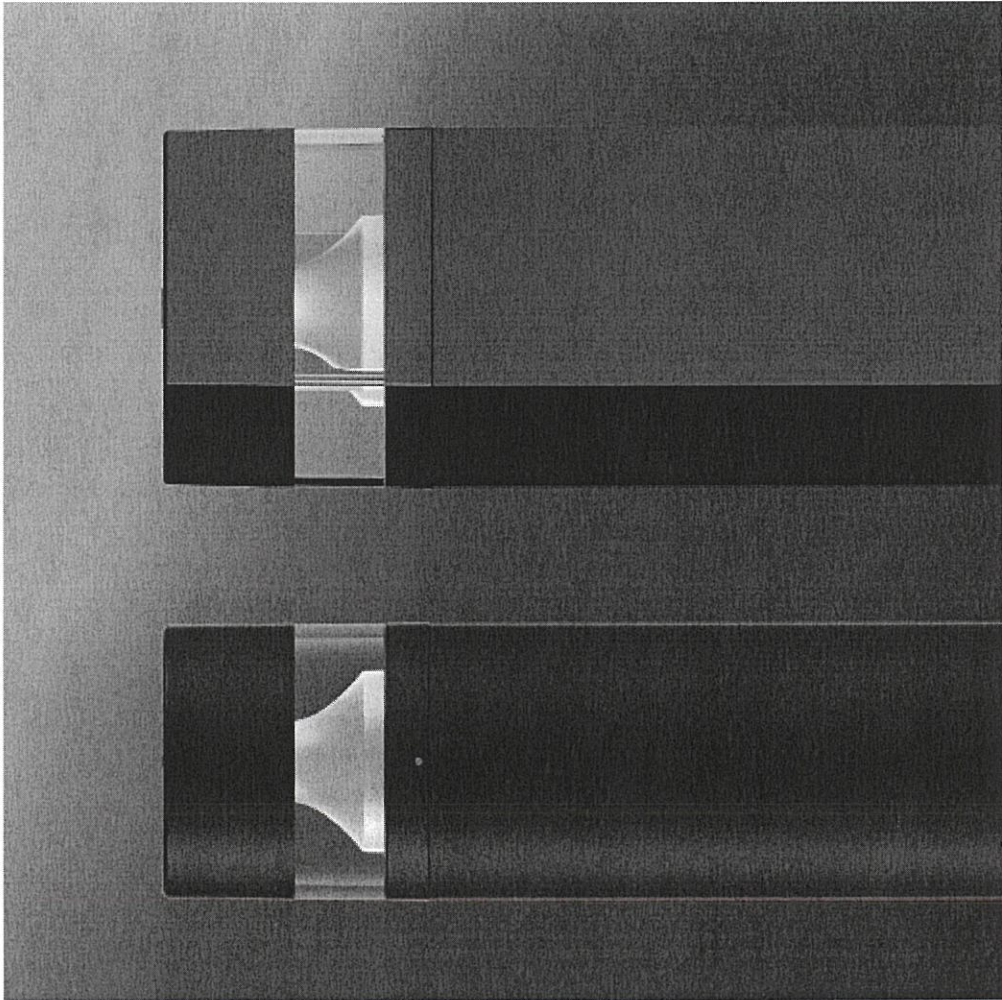
See more similar

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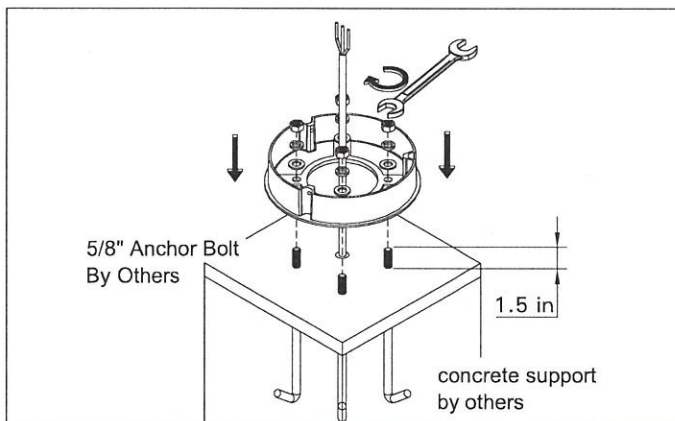
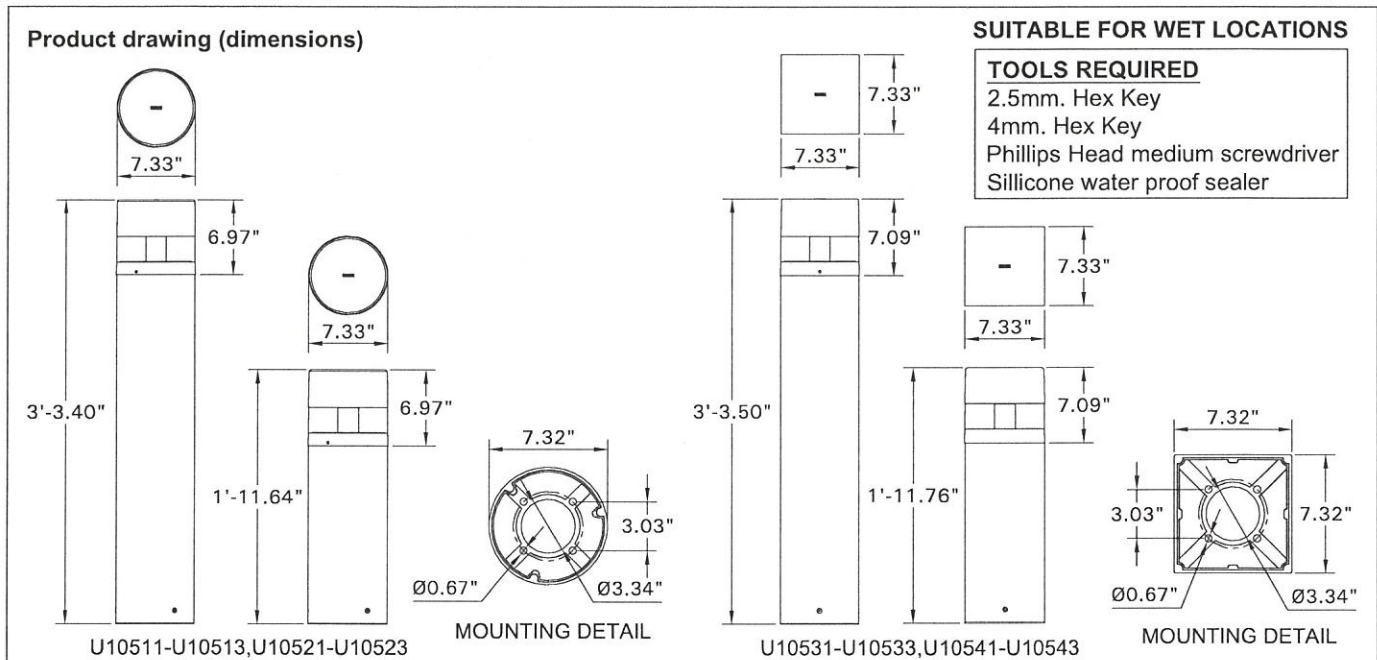


Related searches

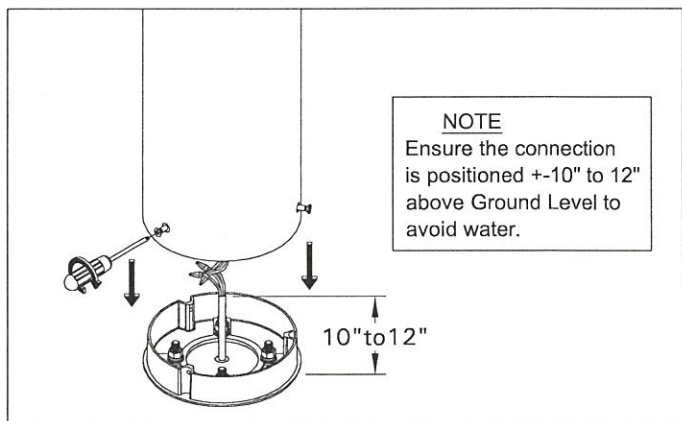
Outdoor Bollard Light Designer



For installation of Lightsoft Bollard.  
 Model. U10511-U10513,U10521-U10523,U10531-10533 and U10541-U10543.



Install 5/8" Anchor Bolts into concrete. See attached template for Bolt Position.



Connect power using UL Approved Waterproof wire nuts and tighten set screws

**Notice to installer :**

- 1.WIRING INSTRUCTIONS** Warning : RISK OF FIRE AND ELECTRICAL SHOCK. : FIXTURE MUST BE INSTALLED BY A QUALIFIED ELECTRICIAN ONLY>FIXTURE IS INTENDED FOR INSTALLATION IN ACCORDACE WITH THE NATIONAL ELECTRICAL CODE, LOCAL AND FEDERAL CODE SPECIFICATIONS. DISCONNECT POWER BEFORE SERVICING.
- This fixture has a **VOLTAGE SPECIFIC BALLAST**,Check that the supply voltage is the same as the installed voltage.
- 3.WARNING** : Make sure the power is off before installing or servicing this fixture.
- Install the anchor rods into a concrete footing using the Fixture Base as a Template reference.
- Connect the supply lines from the supply conduit to the inputs using waterproof wire nuts. Tie the wires so they do not lie on the ground.
- Set the fixture onto the base plate. Be sure not to crimp any wires.
- Tighten the set screw to lock in place.
- Install a lamp per the relamping instructions and test the fixture for proper operation.

**Ligman Lighting USA**

Tanasbourne Commerce Center  
 3302 Nw 211th Terrace  
 Hillsboro Oregon 97124  
 Tel : 503-645-0500, Fax : 503-645-8100

www.ligmanlightingusa.com

U 10511/09/11/11/REV.0  
 1/2



FM-TS-13/25-05-2007-REV.2





Bundle with These Compatible Accessories

								
<b>Spike</b> 1/2" x 3" x 1/2" x 1/2" x 1/2" x 1/2" \$4.95	<b>Cable</b> 100' 1/2" x 1/2" x 1/2" x 1/2" x 1/2" \$29.95	<b>Cable</b> 100' 1/2" x 1/2" x 1/2" x 1/2" x 1/2" \$29.95	<b>Cable</b> 100' 1/2" x 1/2" x 1/2" x 1/2" x 1/2" \$29.95	<b>Cable</b> 100' 1/2" x 1/2" x 1/2" x 1/2" x 1/2" \$29.95	<b>Screw</b> 1/4" x 1/2" x 1/2" x 1/2" x 1/2" \$4.95	<b>Spike</b> 1/2" x 3" x 1/2" x 1/2" x 1/2" x 1/2" \$4.95	<b>Spike</b> 1/2" x 3" x 1/2" x 1/2" x 1/2" x 1/2" \$4.95	<b>Spike</b> 1/2" x 3" x 1/2" x 1/2" x 1/2" x 1/2" \$4.95

Also in the Variable Lumen Output Collection

							
<b>Variable Lumen Output Spotlight</b> \$39.95	<b>Variable Lumen Output Flood Light</b> \$39.95	<b>Variable Lumen Output Flood Light</b> \$39.95	<b>Variable Lumen Output In-Road Spotlight</b> \$49.95	<b>Variable Lumen Output In-Road Spotlight</b> \$49.95	<b>Variable Lumen Output In-Road Spotlight</b> \$49.95	<b>Variable Lumen Output Flood Light</b> \$39.95	<b>Variable Lumen Output Flood Light</b> \$39.95

Reviews










4.5 out of 5 stars

10 reviews










Model: 12-Volt Collection



Optional Lamping

								
<b>Vertical Mounting Flange</b> 12-Volt \$48.95	<b>Flange</b> 12-Volt \$48.95	<b>Adjustment Ring</b> 12-Volt \$23.95	<b>Cap</b> 12-Volt \$28.95	<b>Cap</b> 12-Volt \$28.95	<b>Cap</b> 12-Volt \$28.95	<b>Cap</b> 12-Volt \$28.95	<b>Cap</b> 12-Volt \$28.95	<b>Cap</b> 12-Volt \$28.95

Shop the 12-Volt Collection

								
<b>Desk Light</b> 12-Volt \$29.95	<b>Landscape 12V Floodlight</b> 12-Volt \$18.95	<b>12-Volt Floodlight</b> 12-Volt \$18.95	<b>12-Volt Path Light</b> 12-Volt \$49.95	<b>12-Volt Spot Light</b> 12-Volt \$15.95	<b>12-Volt Plug Ground Light</b> 12-Volt \$24.95	<b>12-Volt Deck Light</b> 12-Volt \$24.95	<b>12-Volt Deck Light</b> 12-Volt \$24.95	<b>12-Volt Deck Light</b> 12-Volt \$24.95

**Reviews**

5.0

100%

12



Product Details

Quick Pick [Add to Cart](#) [Add to Wish List](#) [Share](#)

At a Glance

[View Product](#) [View Details](#) [View Reviews](#) [View Images](#)

Light Specifications

- Beam Spread: 100°
- Beam Angle: 100°
- Beam Diameter: 100"
- Beam Length: 100"
- Beam Weight: 100 lbs
- Beam Material: 100%

[View Full Description](#)

Bulb Requirements

• Bulb Type: 100W

Compatible Accessories

<b>Slate</b> 100W (E26) LED Light Bulb (100W) 47.99 (14)	<b>Cable</b> 100W (E26) LED Light Bulb (100W) 50.00 (13)	<b>Cable</b> 100W (E26) LED Light Bulb (100W) 50.00 (13)	<b>Cable</b> 100W (E26) LED Light Bulb (100W) 50.00 (13)	<b>Cable</b> 100W (E26) LED Light Bulb (100W) 50.00 (13)	<b>Slim Segment</b> 100W (E26) LED Light Bulb (100W) 50.00 (13)	<b>Slate</b> 100W (E26) LED Light Bulb (100W) 50.00 (13)
\$46.85	\$29.95	\$29.95	\$29.95	\$424.95	\$36.95	\$20.95
<a href="#">Compare</a>	<a href="#">Compare</a>	<a href="#">Compare</a>	<a href="#">Compare</a>	<a href="#">Compare</a>	<a href="#">Compare</a>	<a href="#">Compare</a>

Shop the Variable Lumen Output Collection

<a href="#">Compare</a>	<a href="#">Compare</a>	<a href="#">Compare</a>	<a href="#">Compare</a>	<a href="#">Compare</a>	<a href="#">Compare</a>	<a href="#">Compare</a>

SKU: 16167A7T50 (Textured Architectural Bronze)

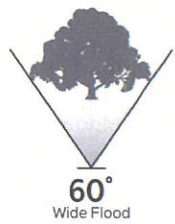
Our VLO 5000K LED High Lumen Accent in a Textured Architectural Bronze finish comes equipped with our Lumen Effect System. This system allows you to switch between two lumen outputs: 1000 or 1200 easily with the use of the Magnetic Key. Its field configurable design allows for customization based on the needs of the application during or after installation. The VLO 5000K LED High Lumen Accent fixture comes with a moonlighting kit for added effects.



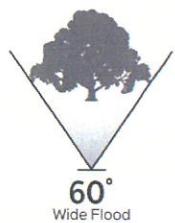
- Its robust IP66 rated design provides a dust and water tight housing that can protect against strong jets of water that can occur in coastal areas with strong storms or applications close to sprinklers.
- 6,000-volt system surge protection protects against power surges and irregularities, when paired with one of our transformers.
- Tempered, shock resistance glass with a high tolerance for thermal expansion and stress.
- Equipped with a moonlighting kit that includes a long cowl and a 6500 CCT mercury vapor green lens to mimic the color of the moon.
- What's in the box? Includes (1) 8 inch in-ground slotted stake, (1) long cowl, (1) 6500 CCT mercury vapor green lens, (2) gel-filled wire nuts and (1) lumen switching magnetic key.

**About Photometrics**

Photometrics is the measurement of the intensity of light or relative illuminating power. It helps confirm the brightness, intensity, evenness of a light source.



Item	16162 (High - 1200 lm)		
<b>Beam</b>	60° Wide Flood		
<b>Candela</b>	Max Candela: 996		
<b>Distance</b>	<b>Foot-candles</b>		<b>Beam Width</b>
84'	0.1		120'
72'	0.2		103'
60'	0.3		86'
48'	0.4		68.5'
36'	0.8		51.5'
24'	1.7		34.5'
12'	6.9		17'
8'	15.6	11.5'	



Item	16162 (Low - 1000 lm)		
<b>Beam</b>	60° Wide Flood		
<b>Candela</b>	Max Candela: 830		
<b>Distance</b>	<b>Foot-candles</b>		<b>Beam Width</b>
84'	0.1		120'
72'	0.2		103'
60'	0.2		86'
48'	0.4		68.5'
36'	0.6		51.5'
24'	1.4		34.5'
12'	5.8		17'
8'	13	11.5'	



Date: January 12, 2024  
To: Spencer R. Nebel, City Manager  
From: Steve Baugher, Finance Director  
Subject: Collection of transient room tax by the State of Oregon (DOR)

The State of Oregon (DOR) offers a service that administers local transient lodging tax reporting, collection, and auditing. The cost of the service is \$10 per quarterly return (annual cost of \$40 per customer).

The City will need to change the current transient room tax ordinance to line up with the state's statutes and rules. The City's collection and accounting practices must be coordinated with collection and accounting practices used by the DOR and also comply with ORS 305.620. Attached is the City's current municipal code and an example of the state's model ordinance.

The following are some of the advantages of the DOR administering the local transient lodging tax (TLT):

1. The DOR offers an online reporting service that allows customers to file electronic tax returns and pay electronically on a quarterly basis along with the state tax return.
2. Administrative cost is \$10 per return (annual cost of \$40 per taxpayer).
3. Provides filing enforcement to make sure all taxpayers are filing their tax returns.
4. Offers online filing assistance.
5. Provides a sampling of audits of taxpayers including transient lodging intermediaries.
6. Routine collection of penalties and interest.
7. Having the DOR administer the TLT will free up staff time to work on existing tasks more consistently and to work on future projects and agenda items.

The following are some disadvantages of the DOR administering the TLT:

1. The City will need to change the room tax ordinance to match the state ordinance.
2. Will not receive detailed information on a taxpayer. Will just receive total returns filed, total collected, type of returns filed, etc. But, they may provide limited information on new taxpayers that file to check any new short-term-rentals.
3. Will receive payments on quarterly basis instead of monthly basis.
4. Quarterly payments will be delayed by three months after quarter ends.
5. Will not be able to collect additional information such as days rented for short-term-rentals.



# Local Lodging Tax Administration (LLX)

Tera Lum

Tyler Skidmore

Marcus Cridge

---

In 2017 the legislature passed House Bill 2400.

HB2400 amends ORS 305.620 allowing units of local government to enter into an agreement to allow DOR to administer their local lodging taxes.

<https://olis.oregonlegislature.gov/liz/2017R1/Measures/Overview/HB2400>



# Getting Started

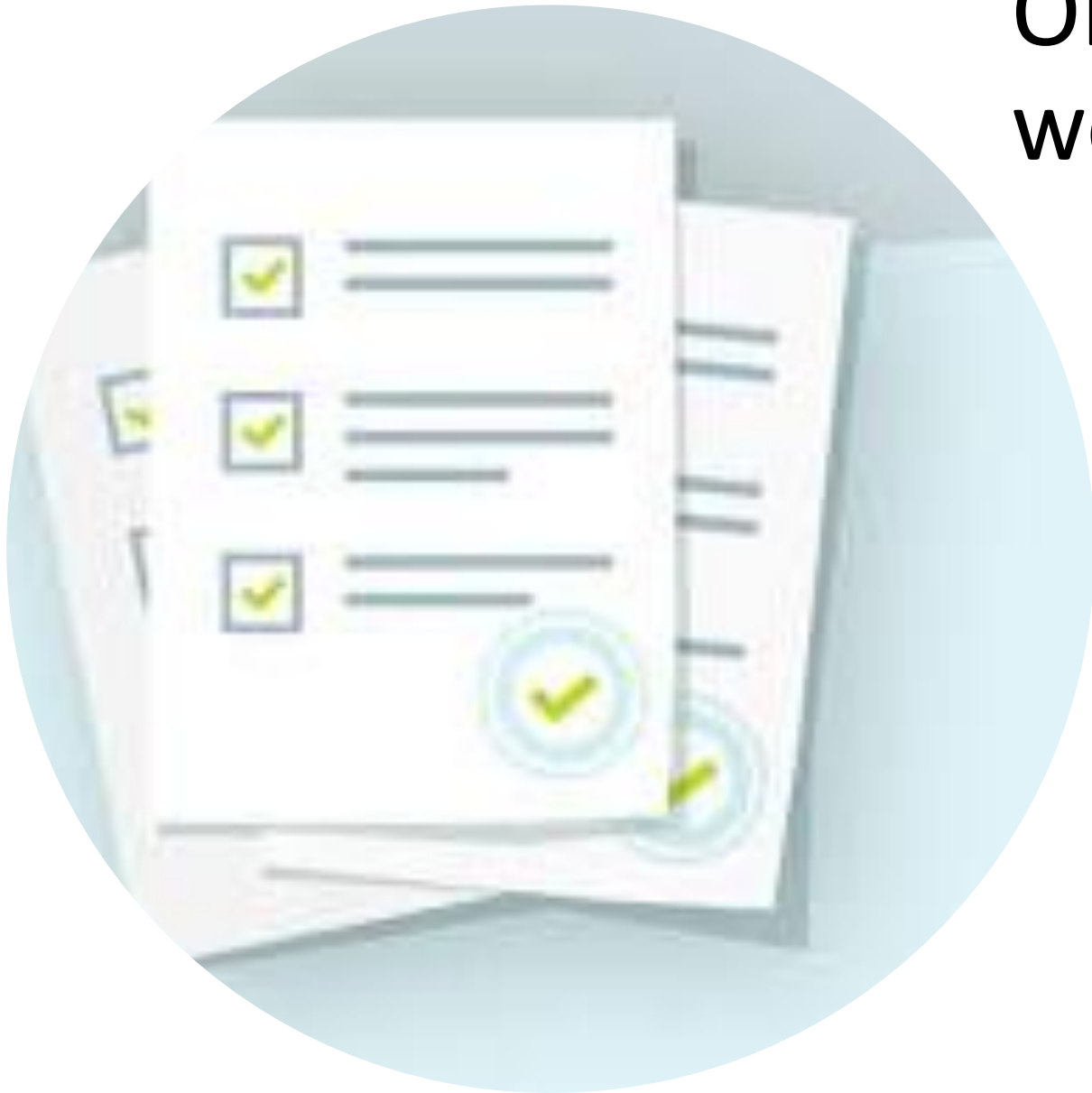
Before we consider your local government for LLX, we need to verify your local municipal codes line up with ORS 320.300 – 320.365 and OAR150-320.0040 – 150-320.0365)



START



# Onboarding documents we provide



- Intergovernmental Agreement (IGA)
- Secrecy certificate
- Transient lodging tax program information form

# Administrative Cost

DOR's cost for administration is \$10.00 per quarterly return filed with a property in your jurisdiction.

This cost will be reevaluated quarterly.

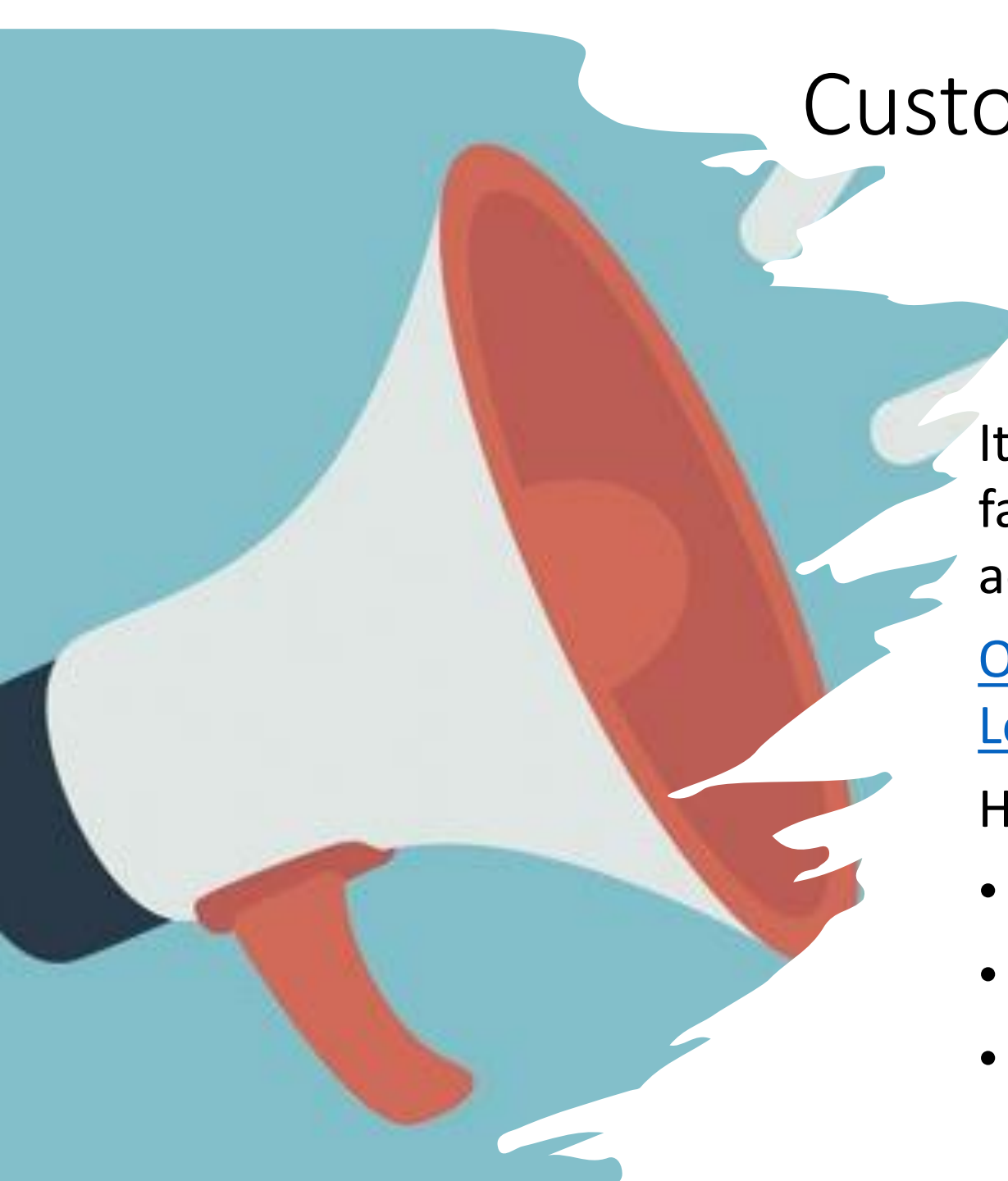




## What we provide under LLX administration

- Audit,
- Collection,
- Customer education,
- Filing enforcement,
- Payments options,
- Revenue Online (ROL) filing assistance,
- Quarterly activity reports,
- Quarterly distribution of local taxes.

# Customer & Facility Notification



It is important you notify short-term rental facilities in your jurisdiction about DOR administering your lodging taxes.

[Oregon Department of Revenue : Transient Lodging Tax : Businesses : State of Oregon](#)

Here they will find:

- List of local administration.
- Filing and paying instructions.
- Contact information.

# Distribution of funds and quarterly reports



## Quarterly filing due dates

<b>Quarter</b>	<b>Quarter ending date</b>	<b>Due date</b>	<b>Distribution date</b>
1st – (Jan, Feb, March)	March 31	April 30	4th business day in July
2nd –(April, May, June)	June 30	July 31	4th business day in October
3rd – (July, Aug, Sept)	September 30	October 31	4th business day in January
4th – (Oct, Nov, Dec)	December 31	January 31	4th business day in April

# Local Lodging Quarterly Report

Revenue Period October 1, 2022 through December 31, 2022

## City of (Location)

The following table contains the local lodging tax distribution for City of (Location). This distribution includes revenues received from October 1, 2022, through December 31, 2022.

Net Receipts	DOR Administrative Fee	Dollars Directed to Local Government
(5,177.46)	40	(5,137.46)

The following information comes from all returns filed from October 1, 2022 through December 31, 2022. While this information mainly reflects the filing activity for the Q3 2022 tax return period, it may include late returns, amended returns, and audits from various filing periods.

## Return Information

Original Returns Filed	4
# of Taxpayers	4
Amended Returns	0
Failure to File Assessment	0
Audits	0

## Demographic Information

Hotels	1	Owner Operator	1
Motels	0	Managing Agent	1
B&B	0	Transient Lodging Intermediary	2
RV/Campground	0		
Vacation Rental	3		
Other	0		

A state lodging return may include multiple rental locations located in City of (Location) on one return. This means that the number of rental locations may not equal the number of returns.

## Local Tax Information

Gross receipts reported on returns	124,439.01
Exemptions claimed on returns	15,439.94
Net Taxable Receipts reported on returns	108,999.07
Local tax reported on returns	5,177.46
Tax deficiency/unpaid tax	-
Penalty and Interest Received	-
Audit Payments Received	-

Penalties and interest also apply to deficiencies but are not included in this figure.

These values may not always tie to the amounts distributed due to system tolerances, and/or penalty/interest waiver requests. Payments are first applied to penalty/interest, and then to tax

## Reporting parameter

- Net Receipts.
- DOR Administrative Fee.
- Dollars directed to local government.

## Return Information

- Original returns.
- Taxpayers filing for the quarter.
- Returns amended.
- Failures to file assessments set up.
- Audits or adjustments performed.

## Demographic Information

- By facility type.
- By operator type

## Local Tax Information

- Gross receipts.
- Exemptions claimed.
- Net Taxable Receipts.
- Local tax reported.
- Tax deficiency/unpaid tax.
- Penalty and interest.
- Audit payments.



**Questions?**

[dor\\_dl\\_buslocallodgingadministration@dor.oregon.gov](mailto:dor_dl_buslocallodgingadministration@dor.oregon.gov)



# **Local Lodging Administration User Guide**

**Oregon  
Department of Revenue**





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## Introduction

In 2017, the Oregon Legislature passed House Bill (HB) 2400 allowing local governments the ability to enter into an agreement with the Oregon Department of Revenue (DOR) for the purpose of administering local transient lodging taxes. This House Bill was adopted into Oregon Revised Statute (ORS) 320.365.

If your city or county does not currently impose a transient lodging tax, you may find the *League of Oregon Cities* to be a good resource ([orcities.org](http://orcities.org)). They offer a guide to collecting lodging tax in Oregon that can be useful in starting the process. Find their *Legal Guide to Collecting Transient Lodging Tax in Oregon* in their reference library: [www.orcities.org/resources/reference/reference-library](http://www.orcities.org/resources/reference/reference-library).

## Getting started

### Cost of DOR administration

DOR's current cost for administration is \$10.00 per quarterly return filed with a property in your jurisdiction. This fee also applies to amended returns and failure-to-file assessments (a tax assessed by DOR if the taxpayer does not file themselves). This cost will be reevaluated quarterly. If this fee changes, participants will be notified.

### Local ordinance review

The first step to having DOR administer your local transient lodging tax is aligning your local transient lodging tax ordinances with the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) that govern lodging tax on the state level. For reference, those are ORS 320.300 through 320.365 and OAR 150-320-0040 through 150-320-0365.

We highly recommend reviewing the Intergovernmental Agreement (IGA) prior to making ordinance changes to ensure the contract terms, including the timing of distributions and reporting, are agreeable to you. You can find a copy of the IGA on page 13 of this document.

Some examples of things that may need to be adjusted to match those statutes and rules are exemptions, filing frequency and due dates, to name just a few. A model ordinance is provided on page 6 for reference.

If you believe your ordinance meets the requirements outlined above or if you need assistance, please send a copy or a link to your ordinance to:

[dor\\_dl\\_buslocallodgingadministration@dor.oregon.gov](mailto:dor_dl_buslocallodgingadministration@dor.oregon.gov)

**The subject line should read:** *TLT ordinance review*–(Local Government name).

Please also provide a direct contact person if further follow-up is needed. DOR will notify you if any changes are needed to your ordinance or if it has been approved for the next steps.

### Onboarding documents

- Intergovernmental Agreement (IGA)
- Secrecy certificate
- Transient lodging tax program information form

The next step after your ordinance has been approved, is to complete the DOR onboarding forms, including the IGA.

A signed secrecy certificate is required for every individual that will have access to taxpayer information DOR provides. This ensures everyone understands the confidentiality laws and the penalties for violating them. This secrecy certificate will need to be renewed annually for everyone that has access. DOR staff will reach out prior to the certificate expiration date to facilitate renewal of those secrecy certificates. This will typically occur each February.

Additionally, DOR will need a completed transient lodging tax program information form. This form provides DOR with your contact information as well as information on how you would like your quarterly funds distributed.

#### You can return these completed forms to:

[dor\\_dl\\_buslocallodgingadministration@dor.oregon.gov](mailto:dor_dl_buslocallodgingadministration@dor.oregon.gov)

Once those documents are received, DOR will begin the process of registering your local government for local lodging tax administration. Upon completion, DOR will send you the fully executed IGA, which will confirm you are officially registered.

As part of the registration process, DOR will add your local government to the local lodging tax administration page. This is the only way DOR will notify taxpayers of the change in administration. It is the participants responsibility to notify their taxpayer base of the change. Please do not notify your taxpayers of the change in administration until you have received confirmation that you are officially registered.

## Administration

### Transition to DOR administration

Once registration is complete, DOR will provide full tax administration. This includes processing returns, accepting payments, answering taxpayer questions, as well as performing filing enforcement, audit, and collections activities. Additional details on these activities can be found on page 4 in the *Frequently asked questions* section of this document.

DOR’s administration will begin on the first day of the new quarter after registration of your local government. We ask that you notify all short-term rental facilities in your jurisdiction about DOR administering your lodging taxes as **soon as possible** after registration is confirmed. If you have a website, we encourage you to add information about the transition to DOR administration on your lodging tax page.

DOR can provide you with both a phone number and an email to give to your taxpayers if they have questions about the transition or the filing process. We can also provide written filing instructions that can be provided at the time you notify your taxpayers.

Within 60 days of registration, DOR asks that participants provide a list of all zip codes within their taxing area and when possible, a list of all known short-term rental addresses subject to your tax. Additionally, DOR also asks to be notified quarterly of any new short-term rental properties in your area. Conversely, DOR will notify participants of any new filers in their jurisdiction by email at the same time the quarterly report is provided.

**Return filing process**

DOR requires transient lodging tax returns to be filed quarterly. Returns and payments are due on the last day of the month following the end of the quarter unless the due date lands on a weekend or holiday. In those instances, the due date is pushed to the following business day. See the following quarterly filing due dates table below for more details. See also ORS 320.315 and ORS 320.360 for rules related to filing and paying state and local lodging taxes.

Quarterly filing due dates			
Quarter	Quarter ending date	Due date	Distribution date
1 <sup>st</sup> – Jan, Feb, March	March 31	April 30	4 <sup>th</sup> business day in July
2 <sup>nd</sup> –April, May, June	June 30	July 31	4 <sup>th</sup> business day in October
3 <sup>rd</sup> – July, Aug, Sept	September 30	October 31	4 <sup>th</sup> business day in January
4 <sup>th</sup> – Oct, Nov, Dec	December 31	January 31	4 <sup>th</sup> business day in April

**Taxpayers not required to file**

DOR does not require lodging providers that rent their facility less than 30 calendar days a year to file. Additionally, if a lodging provider exclusively uses a transient lodging intermediary (TLI) that collects and remits tax on their behalf, DOR does not require them to file.

A full list of transient lodging tax exemptions can be found under ORS 320.308 and ORS 320.357 as well as OAR 150-320-0500.

**Distribution of funds**

Transient lodging taxes collected by DOR for local governments shall be distributed to the local government on a quarterly basis. Distributions will be made 60-65 days after the quarterly filing due date. These distributions will be made by either ACH to a checking/savings account or to a local government investment pool, whichever option was selected during the onboarding process.

**Reporting**

Each local government participant will receive a quarterly report to show activity related to the previous filing period. The quarterly report will be provided approximately 7-10 business days after the quarterly distribution. The reports will include information such as total returns filed, gross receipts, and tax calculated during the revenue reporting period. An example of the quarterly report can be found on page 8 of this document.

# Frequently asked questions

## ***How quickly can DOR begin to administer our tax?***

Administration can begin the first day of the quarter after you receive confirmation from DOR that you are registered. For example, if you are officially registered on December 15th, 2022 (4th quarter, 2022), administration can begin January 1st, 2023 (1st quarter, 2023).

## ***What is the cost for DOR to administer our transient lodging taxes?***

The fee is based on the number of quarterly returns filed that include facilities within your jurisdiction. The current rate is \$10.00 per quarterly return. This rate is reviewed quarterly and subject to change if the cost to DOR for administering local taxes changes.

## ***Who is responsible for notifying local taxpayers if we opt for DOR to administer our local tax?***

Each jurisdiction will be responsible for notifying their taxpayer base regarding DOR taking over the administration of the local tax. DOR can supply contact information and instructions to help their taxpayers with the transition. Additionally, DOR will update the transient lodging administration webpage to include your city and county to the list of localities DOR administers taxes for.

## ***How does DOR handle taxpayers that do not file and/or pay as required?***

For taxpayers that have a filing history, DOR's tax administration software automatically identifies non-filers and issues demand to file letters when a tax filing is 30 days past due.

If the taxpayer does not respond, DOR will create a failure-to-file return and assesses a tax due based on the best available information (such as prior filings). The taxpayer is also assessed penalties and interest.

DOR staff also work filing enforcement leads for lodging establishments that have no filing history. These leads are generated through various sources, including lodging establishment sales and transfers, full city/county establishment searches, travel guides, etc. Once DOR identifies a taxpayer that should be filing but is not, DOR will follow the steps listed above –issue a demand to file letter and assess tax, penalty, and interest if no response is received.

If a taxpayer does not pay, DOR has a collections team that will attempt to recover the debt using several collection methods including liens and garnishment in severe cases.

## ***Are penalties and interest charged on late returns and/or payments?***

Yes, penalties and interest are charged based on the unpaid tax due. Localities will receive funds from penalty and interest collected proportionate to their tax rate. Penalties and interest are assessed as described:

- There is a 5% failure-to-pay penalty if the tax due is not paid by the due date of the return.
- If a return is filed more than 30 days after the due date, there is a 20% failure-to-file penalty assessed.
- Both the above penalties can be applied making a total of a 25% penalty
- There is an additional 25% failure-to-file a return penalty applied if DOR must create a tax assessment for the period, making a total penalty of 50%
- There is a 100% failure-to-file penalty if no return is filed for 12 consecutive quarters
- Interest is also imposed on any unpaid tax from the due date until the date when payment is made in full

## ***Are audits performed to ensure that taxes are being reported correctly?***

DOR performs in-depth audits of various lodging establishments to determine if they are correctly reporting their tax liability. This includes examining all financial records, sales reports, bank statements, and other relevant records to verify taxable lodging sales, and substantiate all exempt sales claimed. Audits are selected through a variety of methods, including random selection.

Any adjustments made for the purpose of an Oregon Lodging Tax audit will be applied to local lodging returns administered by the department and the applicable local tax percent used to determine tax due for that locality.

## ***Will we get a list of facilities that are non-compliant with their lodging taxes?***

Our standard report includes amounts that have moved to the collections process, but we do not provide account or address level detail on non-compliant taxpayers. The quarterly reports contain high-level summarized detail related to the quarterly distributions.

## ***Will we be able to request special reports?***

Please see the sample report provided on page 8 to review items included on the quarterly reports that DOR will provide. DOR is not able to offer specialized reports. Any future enhancements made to these reports will be to the benefit of all in the program.

## ***Does DOR have a licensing requirement for short-term rental providers?***

DOR does not have a licensing requirement for short-term rental providers. Additionally, there is no formal registration process required to file and remit transient lodging taxes. DOR's online filing system will allow new filers to identify they are first-time filer, and the system will automatically register the filer for a transient lodging tax account.

DOR will notify participants of any new filers in their jurisdiction by email at the same time the quarterly report is provided.

Sample quarterly report

# Local Lodging Quarterly Report

Revenue Period October 1, 2022 through December 31, 2022

## City of (Location)

The following table contains the local lodging tax distribution for City of (Location). This distribution includes revenues received from October 1, 2022, through December 31, 2022.

Net Receipts	DOR Administrative Fee	Dollars Directed to Local Government
(5,177.46)	40	(5,137.46)

The following information comes from all returns filed from October 1, 2022 through December 31, 2022. While this information mainly reflects the filing activity for the Q3 2022 tax return period, it may include late returns, amended returns, and audits from various filing periods.

### Return Information

Original Returns Filed	4
# of Taxpayers	4
Amended Returns	0
Failure to File Assessment	0
Audits	0

### Demographic Information

Hotels	1	Owner Operator	1
Motels	0	Managing Agent	1
B&B	0	Transient Lodging Intermediary	2
RV/Campground	0		
Vacation Rental	3		
Other	0		

A state lodging return may include multiple rental locations located in City of (Location) on one return. This means that the number of rental locations may not equal the number of returns.

### Local Tax Information

Gross receipts reported on returns	124,439.01
Exemptions claimed on returns	15,439.94
Net Taxable Receipts reported on returns	108,999.07
Local tax reported on returns	5,177.46
Tax deficiency/unpaid tax	-
Penalty and Interest Received	-
Audit Payments Received	-

Penalties and interest also apply to deficiencies but are not included in this figure.

These values may not always tie to the amounts distributed due to system tolerances, and/or penalty/interest waiver requests. Payments are first applied to penalty/interest, and then to tax

# Model Transient Lodging Tax Ordinance

## AN ORDINANCE OF THE CITY OF [enter name] IMPLEMENTING A [enter percent] TRANSIENT LODGING TAX

**WHEREAS**, a local transient lodging tax is a tax imposed by a local government on the sale, service or furnishing of transient lodging;

**WHEREAS**, transient lodging includes hotel, motel and inn dwelling units that are used for temporary overnight human occupancy; spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy;

**WHEREAS**, ORS 320.350 provides that a city council may impose a new local transient lodging tax if at least seventy percent (70%) of the net revenue shall be used to fund tourism promotion or tourism-related facilities or certain debt-related expenses and no more than thirty percent (30%) of net revenue may be used for city services; and

**WHEREAS**, the city wishes to require any person other than a transient lodging provider that facilitates the retail sale of transient lodging and: charges for occupancy of the transient lodging; collects the consideration charged for occupancy of the transient lodging; or receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging and remitting the tax to the city; and

**WHEREAS**, the city council wants to impose a [enter percent] transient lodging tax.

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF [enter name] ORDAINS AS FOLLOWS:

Chapter [enter chapter number] is hereby added to the [enter name of city] municipal code as follows:

### **Section 1:** DEFINITIONS

The following definitions apply in this chapter.

- A. **Transient Lodging Provider** means a person that furnishes transient lodging.
- B. **Transient Lodging Intermediary** means a person other than a transient lodging provider that facilitates the retail sale of transient lodging and:
  - a. Charges for occupancy of the transient lodging;
  - b. Collects the consideration charged for occupancy of the transient lodging; or
  - c. Receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging.
- C. **Transient Lodging Tax Collector** means a transient lodging provider or transient lodging intermediary.
- D. **Occupancy** means the right to the use or possession of any space in transient lodging for dwelling, lodging, or sleeping purposes for less than 30 days.
- E. **Occupant** means any individual who exercises occupancy or is entitled to occupancy in transient lodging for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days.
- F. **Person** means any individual, firm, partnership, joint venture, limited liability company, corporation, limited liability partnership, association, host, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- G. **Rent** means the consideration paid or payable by an occupant for the occupancy of space in transient lodging valued in money, goods, labor, credits, property, or other consideration. If a separate fee is charged for services, goods or commodities and the fee is optional, that fee is not included in rent.
- H. **Short-Term Rental** means a house, duplex, multi-plex, apartment, condominium, houseboat, trailer or other residential dwelling unit where a person rents a guest bedroom or the entire residential dwelling unit for transient lodging occupancy. Generally, a short-term rental is zoned residential or has a building occupancy that only allows for residential use.

- I. **Short-Term Rental Hosting Platform** means a business or other person that facilitates the retail sale of transient lodging by connecting occupants with transient lodging providers, either online or in any other manner. Short-term rental hosting platforms are transient lodging intermediaries.
- J. **Tax Administrator** means the [enter finance director or other position] of the City of [enter city], or its designee, which may include the Oregon Department of Revenue. If the city utilizes the Oregon Department of Revenue as its tax administrator, it will comply with ORS 305.620 in that it will follow the rules adopted by the Department of Revenue regarding the administration, collection, enforcement, and distribution of transient lodging taxes.<sup>1</sup>
- K. **Transient Lodging or Transient Lodging Facilities** means:
  - a. Hotel, motel, and inn dwelling units that are used for temporary overnight human occupancy;
  - b. Spaces used for overnight parking of recreational vehicles or placement of tents during periods of human occupancy; or
  - c. Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units that are used for temporary human occupancy.
- L. **TLT or tax** means the transient lodging tax.

**Section 2: TAX IMPOSED**

- A. Effective [date], each occupant shall pay a TLT in the amount of [tax rate] percent of the rent. The occupant shall pay the TLT with the rent to the transient lodging tax collector. TLT amounts shall be rounded down to the nearest cent. The transient lodging tax collector shall maintain records of all rent charged and TLT payments received. If rent is paid in installments, a proportionate share of the TLT shall be paid by the occupant to the transient lodging tax collector with each installment unless the occupant pays the entire amount with the first payment.
- B. Bills, receipts or invoices provided to occupants shall list the TLT separately and must accurately state the amount of tax. All amounts listed as TLT on invoices, bills or receipts must be reported as TLT and, after collection, must be turned over to the city, less the [PERCENT<sup>2</sup>] percent administrative charge.

**Section 3: COLLECTION OF TAX BY TRANSIENT LODGING TAX COLLECTOR**

- A. Every transient lodging tax collector shall collect the TLT at the time rent is paid, unless an exemption applies. If payment is by credit card, for purposes of this section, payment is made at the time credit card information is provided to the transient lodging tax collector, not when the transient lodging tax collector ultimately receives credit for the transaction. While holding the payment in trust for the city, a transient lodging tax collector may commingle the tax proceeds with the transient lodging tax collector’s funds, but the transient lodging tax collector is not the owner of tax proceeds, except that, when a return is filed, the transient lodging tax collector becomes the owner of the administrative fee authorized to be retained. Transient lodging tax collectors may choose to file returns and remit payment based on amounts accrued but not yet collected. The transient lodging tax collector is liable for any TLT that should have been collected from the occupant, except in cases of nonpayment of rent by the occupant.
- B. Upon request of the city, transient lodging tax collectors must provide all physical addresses of transient lodging facilities within the city limits and the related contact information, including the name and mailing address, of the general manager, agent, owner, host or other responsible person for the location.

**Section 4: SHORT-TERM RENTAL HOSTING PLATFORM FEES**

A hosting platform for short-term rentals may collect a fee for booking services in connection with short-term rentals only when those short-term rentals are lawfully registered as operators with the city and possess a certificate of authority at the time the short-term rental is occupied.

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1 Cities who choose to use the Oregon Department of Revenue should be aware that in doing so, they agree to comply with any rules adopted by the Department of Revenue regarding the administration, collection, enforcement and distribution of transient lodging taxes, even if those rules may differ from their own desired local processes and rules. Cities are encouraged to consult with legal counsel to understand the benefits and drawbacks of using a tax administrator who is not a city official.

2 For new or increased TLTs, the administration fee cannot be less than 5%. See ORS 320.345

**Section 5:** LIABILITY FOR TAX

Transient lodging providers who receive any portion of the rent for transient lodging and transient lodging intermediaries that provide booking service are both transient lodging tax collectors and are jointly and severally liable for the tax.

**Section 6:** EXEMPTIONS<sup>3</sup>

No TLT shall be imposed upon:

- A. A dwelling unit in a hospital, health care facility, long-term care facility or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority;
- B. A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;
- C. A dwelling unit that is used by members of the general public for temporary human occupancy for fewer than 30 days per year;
- D. A dwelling unit, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter;
- E. A dwelling unit at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility; or
- F. A dwelling unit that is leased or otherwise occupied by the same person for a consecutive period of 30 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period, if:
  - a. All dwelling units occupied are within the same facility; and
  - b. The person paying consideration for the transient lodging is the same person throughout the consecutive period.

**Section 7:** REGISTRATION OF TRANSIENT LODGING PROVIDER , FORM AND CONTENTS, EXECUTION, CERTIFICATION OF AUTHORITY

- A. Every person engaging or about to engage in business as a transient lodging provider shall provide a completed registration form to the tax administrator within 15 calendar days after commencing business. The registration form shall require the transient lodging provider to provide the name of the business, any separate business addresses, and other information as the tax administrator may require to implement this Chapter. Transient lodging providers who own or operate transient lodging facilities in [CITY] shall provide the address of the lodging facility. The registration form shall be signed by the transient lodging provider. The tax administrator shall, within 15 days after registration, issue without charge a certificate of authority to collect the TLT. The transient lodging provider's obligation to collect the TLT is imposed once rent for transient lodging is paid, even if the registration form has not been filed or if the certificate has not been issued. If the rent transaction is facilitated online, the certificate of authority must be able to be viewed by the occupant by clicking on a link to the certificate of authority at a reasonable place during the payment transaction.
- B. Certificates shall be non-assignable and non-transferable and shall be surrendered to the tax administrator when the business is sold or transferred or when a transient lodging facility ceases to operate at the location specified in the registration form. Each certificate issued to a transient lodging provider for a specific lodging facility shall be prominently displayed at the lodging facility and include:
  - a. The name of the transient lodging provider;
  - b. The address of the transient lodging facility;
  - c. The date the certificate was issued; and
  - d. The certificate number as assigned by the tax administrator.<sup>4</sup>

**Section 8:** REMITTANCES AND RETURNS

- A. Transient lodging tax collectors must submit a completed tax return form to the tax administrator on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due during the

<sup>3</sup> Under state law, exemptions are only applicable to the state tax, but most local jurisdictions choose to apply the exemptions to the local tax as well.

<sup>4</sup> A certificate of authority should look something like a building permit or any city-issued permit.



quarter and accompanied by remittance of all tax collected, less a [five percent] administration fee.<sup>5</sup> The return shall be filed in such form as the tax administrator may prescribe. The tax administrator if they deem it necessary in order to insure payment or facilitate collection by the City of the amount of taxes in any individual case, may require returns and payment of the amount of taxes on other than monthly periods.

- B. The transient lodging tax collector is entitled to the administration fee. If a transient lodging facility has multiple owners, they are not entitled to retain additional fees.
- C. Remittances are delinquent if not made by the last day of the month in which they are due.
- D. Returns shall show the gross rents collected, taxable rents, the total amount of TLT collected and the amount of the administrative fee retained by the transient lodging tax collector. Returns shall also show the exempt and excluded rents and the basis for exemptions and exclusions.
- E. The person required to file the return shall deliver the return, together with payment of the amount of the tax due, to the tax administrator, to the appropriate office, either by personal delivery, by mail, or by electronic tax return filed through a reporting and payment portal furnished by the tax administrator, or its designee. If the return is mailed, the postmark shall be considered the date of delivery.
- F. The tax administrator may extend the time for making any return or remittance of the tax by up to 30 days. No further extension shall be granted, except by the city council. Any transient lodging tax collector to whom an extension is granted shall pay interest at the rate of [PERCENT] per month on the amount of the remittance due without proration for a fraction of a month. If a return is not filed, and the remittance and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties.

**Section 9:** PENALTIES AND INTEREST

- A. Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to the tax administrator was originally required to be filed to the time of payment. If a transient lodging tax collector fails to file a return or pay the tax as required, a penalty shall be imposed in the same manner and amount provided under ORS 314.400.
- B. Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid and remitted to the tax administrator.
- C. Taxes, interest, and penalties paid to the tax administrator under this section shall be distributed to the city's {Name of Designated Fund}.

**Section 10:** DEFICIENCY DETERMINATION – FRAUD, EVASION, LOCAL TAX TRUSTEE DELAY

- A. Deficiency Determination. The tax administrator may review tax returns and adjust the amount due based on the information in the return, on information obtained during a review or audit of records, or on the basis of other evidence. In the event of a deficiency, the tax administrator shall provide notice of the deficiency to the transient lodging tax collector, who shall remit deficiencies within 10 business days of the deficiency notice. Notice may be by personal delivery or certified or registered mail.
  - a. In reviewing and adjusting tax returns, the tax administrator shall offset any amount received in excess of the remittances due against any shortages in remittances.
  - b. Except in the case of fraud or intent to evade the TLT, notice of deficiency determinations shall be issued within three years of the period for which the deficiency determination is made.
  - c. The time to remit deficient payment amounts under this section shall be extended if the local tax trustee timely requests a redetermination.
- B. Fraud–Refusal to Collect–Evasion. If any transient lodging tax collector fails to collect, report or remit the tax as required, submits a fraudulent return, or otherwise violates or attempts to violate this chapter, the tax administrator shall estimate the tax due, and calculate the amount owing from the transient lodging tax collector for tax remittance, interest and penalties and provide notice to the transient lodging tax collector of the assessment. The determination and notice shall be made and mailed within three years of the discovery by the tax administrator of the violation. The determination is due and payable upon receipt of notice and shall become final 10 business days after the date notice was delivered if no petition for redetermination is filed.

<sup>5</sup> Under ORS 320.345, 5 percent is the minimum reimbursement for new or increased TLTs. Cities can choose to increase this percentage, but not decrease it.

**Section 11:** REDETERMINATIONS

- A. Any person affected by a deficiency determination may file a petition for redetermination with the tax administrator within 10 business days of service of notice of the tax deficiency. A determination becomes final if a petition for redetermination is not timely filed.
- B. If a petition for redetermination is filed within the allowable period, the tax administrator shall reconsider the determination and grant an oral hearing if requested. The petitioner shall be allowed at least 20 business days to prepare for the hearing.
- C. After considering the petition and all available information, the tax administrator shall issue a redetermination decision and mail the decision to the petitioner. During the redetermination process, the tax administrator may agree to a compromise of the amount due if there is a good faith dispute over the amount owing.
- D. The decision of the tax administrator on redetermination becomes final and payment is due 10 business days after the decision is mailed unless the petitioner files an appeal to the city council within that time. The appeal shall be filed with the tax administrator. The city council's decision shall be final when reduced to writing and mailed to the petitioner and all amounts due must be paid within 10 business days of mailing of the city council decision.

**Section 12:** COLLECTIONS

- A. The city may bring legal action to collect on any amounts owed to the city under this chapter within three years after remittance is due to the city or within three years after any determination becomes final.
- B. The city is entitled to collect reasonable attorneys' fee in any legal action brought to collect on amount owed to the city under this chapter.

**Section 13:** LIENS

The city may record a lien in the city's lien docket against any real property owned by a transient lodging provider who receives any portion of the rent from a transient lodging facility located within the city as to any delinquent remittances by the transient lodging provider.

**Section 14:** REFUNDS

- A. Refunds by City to Transient Lodging Tax Collector. If the transient lodging tax collector remits more tax, penalty or interest than is due, the transient lodging tax collector may file a claim in writing stating the facts relating to the claim, within three years from the date of remittance. If the claim is approved by the tax administrator, the excess amount shall be either refunded or credited on any amount due from the transient lodging tax collector.
- B. Refunds by City to Occupant. A transient lodging tax collector may file a claim for refund by filing a claim in writing within three years of payment providing the facts relating to the claim for refund. If the tax administrator determines that the tax was collected and remitted to the city and the occupant was not required to pay the tax or overpaid, the city shall issue a refund to the occupant.
- C. Refunds by Transient Lodging Tax Collector to Occupant. If an occupant has paid tax to a transient lodging tax collector but stays a total of 30 or more consecutive days in the same transient lodging facility, the transient lodging tax collector shall refund to the occupant any tax collected for any portion of the continuous stay. The transient lodging tax collector shall account for the collection and refund to the tax administrator. If the transient lodging tax collector has remitted the tax prior to the refund or credit to the occupant, the transient lodging tax collector shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.
- D. Burden of Proof. The person claiming the refund shall have the burden of proving the facts that establish the basis for the refund.

**Section 15:** ADMINISTRATION

- A. Use of TLT Funds.<sup>6</sup> Seventy percent of the revenue from the tax rate of [tax rate] shall be used for tourism promotion and tourism -related facilities. Thirty percent of the revenue of the [tax rate] shall be used for City services.<sup>7</sup>
- B. Records Required from Local Tax Trustee. Every local tax trustee shall keep records of each transaction involving rent and/or collection of TLT. All records shall be retained for at least three years and six months.
- C. Examination of Records – Investigations. The tax administrator or agent may examine all records of a local tax trustee relating to receipt of rent and TLT and remittance of tax during normal business hours and may obtain copies of the records to audit returns.
- D. Authority of Tax Administrator. The tax administrator shall have the power to enforce this chapter, conduct audits, and to adopt rules, regulations and forms consistent with this chapter. Rules and regulations of general application shall be mailed to all registered transient lodging providers. The tax administrator may also issue written interpretations on request of a transient lodging tax collector. As to the transient lodging tax collector to whom the interpretation is issued, the City will act consistently with the interpretation until it is withdrawn, and the city shall provide 30 days’ written notice of withdrawal of an interpretation.
- E. Confidential Character of Information Obtained – Disclosure Unlawful. The city shall maintain the confidentiality of information provided by transient lodging tax collector. Nothing in this subsection shall be construed to prevent:
  - a. The disclosure to, or the examination of records and equipment by, another city official, employee or agent for collection of taxes for the purpose of administering or enforcing any provisions of this chapter or collecting city business license fees.
  - b. Disclosure of information to the transient lodging tax collector and the transient lodging tax collector’s agents.
  - c. The disclosure of the names and addresses of any persons to whom certificates of authority have been issued.
  - d. The disclosure of general statistics regarding taxes collected or business done in the City.
  - e. Disclosures required by ORS Chapter 192.
  - f. Disclosures required by ORS Chapter 297.

**Section 16:** APPEALS TO CITY COUNCIL

Any person aggrieved by any decision of the tax administrator may appeal to the city council by filing a written appeal with the tax administrator within 10 business days of the serving or mailing of the decision being appealed. The city manager shall schedule the hearing on a city council agenda and provide the appellant notice of the hearing at least 10 business days before the hearing. The city council may agree to a compromise of the amount of tax remittance if there is a good faith dispute over the amount owing. Any person may appeal the issuance of a rule or regulation issued by the tax administrator to the city council by filing a written appeal within 10 business days of the mailing of the notice of the regulation.

<sup>6</sup> The example provided here assumes the city did not have a TLT prior to 2003 and therefore the entire tax is subject to the 70/30 distribution required by state law for newly imposed TLTs. ORS 320.350. If a city has a grandfathered TLT with a different distribution ratio and the city would like to increase the tax rate, it may do so but the increase will trigger the 70/30 distribution required by state law. Although not completely free from doubt, most local governments interpret the 70/30 distribution to only apply to the increased portion of the TLT, not the total revenue generated from the increased tax as a whole.

For example, if the local government had a 5 percent grandfathered tax with 20 percent going to tourism promotion and 80 percent going to the general fund on or before July 1, 2003, it could continue to apply the 20/80 distribution. However, if the local government increased the tax to 8 percent, the 20/80 distribution would apply to the funds raised by the grandfathered 5 percent and the 70/30 distribution would apply to the funds raised by the 3 percent increase. Sample language for this scenario would be:

Twenty percent of the revenue from the first 5 percent shall be used for tourism promotion and 80 percent of the revenue from the first five percent of the tax shall go into the general fund. Seventy percent of the funds generated by the remaining three percent of the tax may be used for any tourism purpose consistent with state law. Thirty percent of the funds generated by the remaining 3 percent shall go into the general fund.

<sup>7</sup> Cities are advised to closely track TLT funds. The best practice is to form a “Tourism Fund” where the tax revenue is used only for tourism promotion and tourism-related facilities. In this way, if the city’s compliance with ORS 320.350 is ever challenged, the city can prove the funds were used appropriately. If TLT funds are placed in the general fund, or combined with other tax revenue, this may be more difficult. Likewise, if a city transfers TLT funds to a third party—such as a chamber of commerce—the city should have an agreement with the third party which gives the city the ability to audit the funds to ensure compliance with the law. Please see Appendix C for recommended language to include.

**Section 17:** PENALTY<sup>8</sup>

A violation of this chapter is a Class A civil infraction. Each day that a violation remains uncured is a separate infraction.

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<sup>8</sup> Cities may want to include a penalty section or make violations subject to the city's general penalty, if applicable.

# Intergovernmental Agreement (IGA)

## TRANSIENT LODGING TAX COLLECTION INTERGOVERNMENTAL AGREEMENT

This Transient Lodging Tax Agreement [enter agreement name] is entered into between the State of Oregon, acting by and through its Department of Revenue (the Department) and [enter city], under the authority of ORS 305.620.

In consideration of the conditions and promises hereinafter contained, it is mutually agreed by the parties that the Department shall supervise and administer, according to the terms and conditions set forth in this Agreement, the Local Tax on transient lodging by transient lodging providers authorized under ORS 320.365 and approved by the voters of City.

**(1) Definitions.** As used in this Agreement the following terms have the meanings ascribed to them:

(a) "Confidential Information" means the information on Local Tax returns administered pursuant to ORS 305.620, any information in the reports required under Sections 8 and 9 of this Agreement from which information about a particular Local Taxpayer is discernable from the report due to a small number of Local Taxpayers in City or similar factors, and any other information exchanged between the Department and City related to this Agreement, which is confidential under ORS 314.835.

(b) "Fees" means collectively the Administrative Services Fee, Business Fee and any additional fees described in Section 5 of this Agreement.

(c) "Local Government" means a city or county that has entered into a form of this agreement with the Department under the authority of ORS 305.620 for the Department to collect Local Taxes authorized under ORS 320.365.

(d) "Local Tax" or "Local Taxes" means the Local Transient Lodging Tax imposed by City, together with any additional interest or penalties provided for by state statute or the Department's rules; it does not include any additional penalties or fees that City may assess against its Local Taxpayers.

(e) "Local Taxpayer" means a Transient Lodging Provider, or a Transient Lodging Intermediary, with a lodging facility located in the taxing jurisdiction of City.

(f) "Ordinance" means the ordinance imposing a Local Tax adopted by the governing body of the City that is attached hereto as **Exhibit B** and by this reference incorporated herein.

(g) "Taxpayer" means a Transient Lodging Provider or Transient Lodging Intermediary with a lodging facility located in a taxing jurisdiction which has opted to have the Department of Revenue administer their local transient lodging tax program throughout Oregon.

(h) "Transient Lodging" has the meaning given in ORS 320.300(11)

(i) "Transient Lodging Intermediary" has the meaning given in ORS 320.300(12)

(j) "Transient Lodging Provider" has the meaning given in ORS 320.300(13).

**(2) General Administration.** The Department shall be responsible for all aspects of Local Tax administration, including, but not limited to, adopting administrative rules; auditing returns; assessing deficiencies and collecting the Local Tax and penalties and interest under applicable statutes, including but not limited to ORS 305.265, ORS 305.220, and ORS 314.400; making refunds; holding conferences with Local Taxpayers; handling appeals to the Oregon Tax Court; issuing warrants for the collection of unpaid taxes; determining the minimum amount of Local Tax economically collectible; and taking any other action necessary to administer and collect the Local Taxes. The Department has adopted rules related to the taxation of Transient Lodging under ORS chapter 320. City understands and agrees that such rules will be applied in administering the Local Tax.

**(3) Level of Service.** In performing its duties, the Department may in its sole discretion determine what action shall be taken to enforce provisions of the law and to collect the Local Tax. In exercising its discretion, the Department shall provide a level of services that are comparable to the level of services it provides in the administration of the State of Oregon transient lodging tax laws and the collection of such taxes owed to the State of Oregon. If the Department deems it necessary to vary substantially from this standard, the Department shall first notify City of the need and obtain City's consent. The Department shall provide all forms necessary for implementation of the Local Tax, including forms for transient lodging tax returns, exemptions and refunds.

**(4) Transfer of Taxes to City.** Beginning at the end of the first full quarter after execution of this Agreement, the Department shall remit to City the amount of Local Taxes collected in the preceding quarter less amounts withheld to pay the Department's Fees and other costs as described in this Agreement within 60 days of the return due date for the quarter. The Department shall notify City if, because of inability to move funds electronically or otherwise through the banking system, a force majeure event described in Section 26 of this Agreement or other exigent circumstance, the Department is unable to transfer the Local Tax collected to City as provided in this Section. In that event, the Department shall provide an estimate, if possible, of when it expects to be able to transfer the Local

Taxes collected to City. The Department may enter into an agreement with another state government agency to fulfill the requirements of this Section 4, provided that said government agency can comply with the requirements of this section.

**(5) Fees.** In order to recover its costs to collect and transfer the Local Tax as provided in this Agreement the Department shall be paid the following three fees:

(a) **Administrative Services Fee:** Pays for the establishment and maintenance of financial systems needed to administer and distribute Local Taxes. The fee shall be calculated annually as a percentage of the equivalent of 60 hours of work conducted for the Department of Revenue by the Department of Administrative Services, divided among the Local Governments in proportion to the number of Taxpayers in each Local Government. This fee shall be charged only if the Department of Administrative Services provides transfer services as described in section (4).

(b) **Business Fee:** Pays for the Local Tax administration activities set forth in this Agreement. The fee shall be calculated as a percentage of the Department's Business Division annual expenses for the administration of all lodging taxes, with the total fee increasing in direct proportion to the number of Local Taxpayers. The total amount per Local Taxpayer billed to City under the Business Fee shall not exceed 0.035 percent of the Department's Business Division expenses for the administration of all lodging taxes;

FOR EXAMPLE, in a hypothetical with the following assumptions:

1,000 Taxpayers

50 Local Taxpayers in the City of Mainville

2 Local Taxpayers in the City of Middletown

Business Division's Lodging Tax Expenses: \$500,000 per year

Hourly DAS rate: \$99/hour

The fees would be calculated as follows:

Administrative Services Fee =  $(\$99/\text{hour} * 60 \text{ hours}) / 1,000 \text{ Taxpayers} = \$5.94 \text{ per Local Taxpayer per year}$

Business Fee =  $\$500,000 \text{ in lodging tax expenses per year} * 0.035\% = \$175 \text{ per Local Taxpayer per year}$

City of Mainville:  $(\$5.94 \text{ Administrative Services Fee} + \$175 \text{ Business Fee}) * 50 \text{ Local Taxpayers} = \$9,047.00 \text{ in fees}$

City of Middletown:  $(\$5.76 \text{ Administrative Services Fee} + \$175 \text{ Business Fee}) * 2 \text{ Local Taxpayers} = \$361.52 \text{ in fees}$

(c) In addition to the Fees described above, the Department may withhold or otherwise recover from City the Department's costs for additional services not described in this Agreement related to the Local Tax; such additional costs may include, without limitation, requests for audits from City that exceed the scope of the Department's normal audit procedures, requests for research or advice from the Department or the Oregon Department of Justice attorneys, or specially appointed counsel, regarding the Local Tax.

(d) If the Department determines that its costs cannot be covered by the maximum fees outlined in this Section 5, the Department will notify City of the amount by which the Department has determined the Fees must increase. If the Department and City do not agree upon a Fee increase and related amendment to this Agreement, then this Agreement may be terminated by either party in accordance with Section 16 of this Agreement.

(e) The Department may recover its costs to administer the Local Tax, per ORS 305.620(5). The above formula is intended to produce the Department's best estimate of its costs to administer the Local Tax.

**(6) Withholding for Fees and Rebate.** The Department may withhold from the Local Taxes collected and each transfer to City an amount equal to four percent (4%) of the Local Taxes collected. In the first quarter of each calendar year, the Department will reconcile the amounts withheld in the previous year with the total Fees assessed and provide a reconciliation in the Department's annual report described in Section 9 of this Agreement. If the amount withheld in a calendar year exceeds the amount of the Department's Fees, the Department will rebate the balance of the Local Taxes withheld to City by the end of the first quarter following the year of withholding. If the amount withheld does not cover the Department's Fees for the preceding year, the amount of the shortfall will be withheld from subsequent transfers of Local Taxes collected until the Department's Fees are fully paid, or in its discretion the Department may invoice City for the unpaid amount of the Department's Fees.

**(7) Recovery of Overpayments.** If the amount of Local Taxes paid to City under this Agreement exceeds the amount to which City is entitled, the Department may, after notifying City in writing, withhold from later payments due City under this Agreement such amounts, over such periods of time, as are necessary to recover the amount of the overpayment.

**(8) Department Quarterly Reports.** Beginning with the first full calendar quarter after the execution of this Agreement and continuing each calendar quarter thereafter, within sixty (60) days after the due date for quarterly Local Tax returns, the Department shall provide City with a report indicating the amount of Local Taxes collected, the Department's Fees incurred, the amount withheld under Section 6 of this Agreement and the cumulative amount of delinquent Local Taxes for each lodging provider in City's jurisdiction. The information in this report must be treated as potentially revealing Confidential Information and shall be protected as described in Section 15. City shall adopt procedures to prevent Confidential Information from being disclosed, except as consistent with this Agreement. The Department and City may disclose any non-confidential information from a report when required to do so by law, including the Oregon Public Records Law, ORS 192.311 to 192.478.

**(9) Department Annual Reports.** In the first calendar quarter of each year, the Department shall provide a written annual report of the preceding calendar year to City showing the total amount of Local Taxes collected, refunds paid, the expenses of administering and collecting the Local Tax, and other pertinent information. The report shall show the total amount withheld by the Department under Section 6 of this Agreement and shall show the Department's Fees, charged by category. In the report, the Department shall also make recommendations concerning changes in Local Tax Ordinances, procedures, policies, Local Tax administration and related matters, as the Department deems necessary and appropriate. The information in this report must be treated as potentially Confidential Information and shall be protected as described in Section 15. City shall adopt procedures to prevent Confidential Information from being disclosed, except as consistent with this Agreement. The Department and City may disclose any non-confidential information in the report when required to do so by law, including the Oregon Public Records Law, ORS 192.311 to 192.478.

**(10) City Reports.** Within sixty (60) days of the effective date of this Agreement, City shall provide the Department with a list of zip code areas that are within its jurisdiction for purposes of imposing the Local Tax. City shall review all reports and reconciliations provided to it by the Department and shall promptly notify the Department of any perceived errors or omissions in such reports.

**(11) Records Maintenance and Access.** Each party shall maintain its records relevant to this Agreement, the Local Taxes and Local Taxpayers for the period of time specified and in the manner required under the document retention and archiving requirements applicable to it that are established under ORS 192.005 to 192.170. Upon written request, each party may examine the records of the other party at a time and location that is convenient and without extra cost to the holder to the records; provided, however, any requests for records made in connection with litigation or other efforts to collect the Local Tax shall be immediately provided in the time and manner requested.

**(12) Ordinance and Notification of Changes.** Contemporaneous with the execution of this Agreement, City shall provide a copy of the Ordinance to Department for incorporation into this Agreement as Exhibit B. In order to insure consistency in administration of the Local Tax, each party shall notify the other of any change in applicable law, including changes to the Ordinance and any state or local regulations or rulings interpreting the Local Tax or the Ordinance, any changes in rates or changes in the City's boundary at least ninety (90) days prior to the effective change, unless it is not legally possible to provide ninety (90) days' notice or both parties mutually agree to effect such changes in less than ninety (90) days. Each party shall notify the other of any change in administration of the Local Tax under this Agreement. The parties shall cooperate in amending the Ordinance or in seeking any amendments to ORS 320.365 or ORS 305.620 they deem necessary.

**(13) Information.** The parties will cooperate in the exchange of information and making public announcements to facilitate effective administration of the Local Tax and maintain consistency in public announcements and information. Policy announcements, announcement of changes to the Ordinance, and all public relations related to the Local Tax will be handled by City. The Department shall promptly notify City of any issue arising in the administration of the Local Tax that would require any legislative change or affect City's policy, including any policy that relates to the amount of Local Tax collected. Nothing in this section shall prohibit the Department from conducting its own outreach activities to increase awareness and knowledge of Local Tax obligations.

**(14) Limits and Conditions.** To the extent limited by applicable provisions of Article XI of the Oregon Constitution or other governing law, and within the limits of the Oregon Tort Claims Act applicable respectively to the Department and City, each party shall indemnify the other for damage to life or property arising from their respective duties and obligations under this Agreement, provided neither party shall be required to indemnify the other for any such liability arising out of a party's own negligent or wrongful acts.

**(15) Confidentiality.**

(a) Confidential information may be disclosed to city by the Department, at the discretion of the Department, only for purposes of carrying out the administration of the Local Tax. Requests for Confidential Information may be made by City by giving not less than ten (10) days' notice to the Department, stating the information desired, the

purposes of the request, and the use to be made of such information. If the compilation of the requested information is not reasonably feasible, the Department shall so advise City and may decline to provide the requested information.

(b) ORS 314.840(3) requires that employees and representatives of City who receive Confidential Information must be advised in writing of the provisions of ORS 314.835 and 314.991(3), relating to the penalties for unlawful disclosure. Prior to being given access to Confidential Information, all City employees involved in the performance of this Agreement must review the DOR Secrecy Clause and sign the DOR Secrecy Laws Certificate (substantially in the form of Exhibit A, attached hereto and by this reference incorporated herein) certifying the employee understands the confidentiality laws and the penalties for violating them. Annually thereafter, (on or before a date specified by the Department), or upon request by the Department, such City employees must review and sign the latest versions of the Secrecy Clause and the Secrecy Laws Certificate. All signed Secrecy Laws Certificates must be immediately emailed to the designated Department Authorized Representative (indicated below). When the employee terminates employment with City, City will forward the certificate to the Department's Authorized Representative indicating the employee is no longer employed by City. A listing of every person employed by City that is authorized to request and receive Confidential Information identified in this Agreement must be sent by City to the following designated representative:

Andrew Trolan  
Title: Transient Lodging Tax Program Manager  
Contact Email: Andrew.Trolan@Oregon.Gov

(c) Upon request and pursuant to the instructions of the Department, City shall return or destroy all copies of Confidential Information provided by the Department to City, and City shall certify in writing the return or destruction of all such Confidential Information.

(d) The administrative rules implementing ORS 314.835 and ORS 314.840 as amended from time to time during the term of this Agreement, shall apply to Confidential Information under this Agreement.

(e) City shall comply with the requirements of ORS 646A.600 to 646A.628 in the event of a breach of security or disclosure of confidential information.

**(16) Term.** The term of this Agreement shall be from the date it is executed by all parties and until it is terminated by operation of law or by either party, at its discretion upon at least ninety (90) days prior written notice. Prior to the termination date specified in written notice provided under this section or Section 17 below, City and the Department will continue to perform their respective duties and obligations of under this Agreement. After the termination date, the Department will cease all collection and other activities under this Agreement, unless prior to the termination date the Department and City agree in writing that the Department may continue actions that are pending before the Oregon Tax Court or the Oregon Supreme Court, or are being collected after judgment or stipulation. In addition, after the termination date the Department will continue to remit to City any Local Taxes received by the Department, after deduction of the Department's actual costs, until all matters pending on the date of termination have been resolved or collected. The Department shall administer the Local Tax for City beginning with the calendar quarter commencing after this Agreement is executed, However, if this Agreement is fully executed on or before the 15th day of the calendar quarter, the Department shall begin administering the Local Tax for the quarter in which this Agreement is executed.

**(17) Default and Remedies.** A party shall be in default under this Agreement if it fails to perform any of its duties and obligations under this Agreement, and fails to cure such nonperformance within ninety (90) days after the other party provides written notice specifying the nature of the nonperformance. If the nonperforming party does not cure its nonperformance, or provide a satisfactory explanation to the other party of its performance under this Agreement, the other party may terminate this Agreement immediately or at a later date specified in written notice provided to the nonperforming party. In addition to termination of this Agreement, in the event of default by a nonperforming party, the other party may pursue any remedies available in law or equity, including an action for specific performance.

**(18) Notices.** All notices, documents, and information shall be sent as follows:

Oregon Department of Revenue  
Transient Lodging Tax  
Salem, OR 97309

**(19) Amendments.** The provisions of this Agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by both parties.



**(20) Successors and Assigns.** This Agreement shall be binding and inure to the benefit of the parties, their assigns, and successors.

**(21) Severability.** If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

**(22) Representations.** Each party represents to the other that the making and performance of this Agreement: (a) have been duly authorized by its governing body or official, (b) does not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board or other administrative agency or any provision of any applicable local charter or other organizational document, and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which the party is bound.

**(23) Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively "Claim") between the Department and City regarding the enforcement or interpretation of this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon. The parties understand and agree that any action brought to determine the amount of Local Tax owed by a Local Taxpayer, whether brought solely by the Department or in conjunction with City shall be brought solely in the Oregon Tax Court.

**(24) Nonappropriation.** The obligation of each party to perform its duties under this Agreement is conditioned upon the party receiving funding, appropriations, limitation, allotment, or other expenditure authority sufficient to allow the party, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, sections 7 or 10 of the Oregon Constitution or any other law limiting the activities, liabilities or monetary obligations of each party.

**(25) Survival.** All rights and obligations of the parties under this Agreement will cease upon termination of the Agreement, other than the rights and obligations arising under Sections 14, 16 and 17, and those rights and obligations that by their express terms survive termination of this Agreement; provided, however, that termination of this Agreement will not prejudice any rights or obligations accruing to a party prior to termination.

**(26) Force Majeure.** Neither party is responsible for any failure to perform or any delay in performance of an obligation under this Agreement caused by fire, civil unrest, labor unrest, natural causes, or war, which is beyond that party's reasonable control. Each party shall, however, make all reasonable efforts to remove or eliminate such cause of failure to perform or delay in performance and shall, upon the cessation of the cause, diligently pursue performance of its obligation under this Agreement.

**(27) Counterparts.** This Agreement may be executed in counterparts, all of which when taken together shall constitute one agreement, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed constitutes an original.

**(28) Merger.** This Agreement and any exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements or presentations, oral or written, not specified herein regarding this Agreement.

Each party represents that this Agreement, when fully executed and delivered will constitute a legal, valid and binding obligation of the party in accordance with its terms, and that the person signing below is the authorized representative of the party with full power and authority to bind his/her principal to this Agreement.

Oregon Department of Revenue	City:
Name/title:	Name/title:
Signature:	Signature:
Date signed:	Date signed:

# **EXHIBIT A**



**DEPARTMENT OF REVENUE**

**SECRECY CLAUSE**

**and**

**SECRECY LAWS CERTIFICATE**



## SECRECY CLAUSE

Taxpayer information is confidential and protected by Oregon law. Only authorized persons may have access to taxpayer information, or to secure buildings where taxpayer information is handled. Oregon law requires that you sign a Secrecy Certificate before being allowed access to this confidential information or secure areas. By signing the certificate, you certify that you understand the confidentiality laws and the penalties for violating them.

This applies to everyone with access to taxpayer information, including:

- Department of Revenue employees
- Employees of other government agencies
- Vendors and contractors
- Business partners

### Penalties for unauthorized disclosure of state tax information

- **Income tax\***—Class C felony; up to \$125,000 fine; up to five years imprisonment; dismissal from state employment; no public office for five years. [ORS 314.991(2)]
- **Inheritance tax**—Class C felony; up to \$125,000 fine; up to five years imprisonment; dismissal from state employment; no public office for five years. [ORS 118.990(3)]
- **Industrial property tax**—Up to \$10,000 fine; up to one year imprisonment. [ORS 308.990(5)]
- **Timber tax**—Up to \$5,000 fine; dismissal from state employment. (ORS 321.686)
- **Employment Department**—May result in dismissal from state employment, or other discipline. [ORS 657.665(6)]

\* These provisions also apply to transient lodging tax (ORS 320.330), cigarette tax (ORS 323.403), tobacco products tax (ORS 323.595), emergency communications tax (ORS 403.230), oil and gas production tax (ORS 324.170), hazardous substances tax (ORS 453.410), and petroleum products tax (ORS 465.124).

### Penalties for unauthorized disclosure of federal tax information

- **IRC Sect. 7213**—Felony; up to \$5,000 fine; imprisonment of up to five years; cost of prosecution, damages\*\*.
- **IRC Sect. 7213A**—Up to \$1,000 fine; imprisonment of up to one year; cost of prosecution, damages\*\*.

\*\* Damages may include \$1,000 per act, actual damages, punitive damages, cost of legal action, attorney fees. See Section 7431.

## Instructions

Please read the following laws. They explain the types of information that are confidential. If you have questions during your employment or performance of duties, ask your supervisor or a Disclosure officer before accessing or disclosing information.

After reading this information, fill out the last page and return it to the Department of Revenue. Keep the other pages for your records.

## Oregon Income Tax Laws

### ORS 314.835

(1) Except as otherwise specifically provided in rules adopted under ORS 305.193 or in other law, it shall be unlawful for the Department of Revenue or any officer or employee of the department to divulge or make known in any manner the amount of income, expense, deduction, exclusion or credit or any particulars set forth or disclosed in any report or return required in the administration of ORS 310.630 to 310.706, required in the administration of any local tax pursuant to ORS 305.620, or required under a law imposing a tax upon or measured by net income. It shall be unlawful for any person or entity to whom information is disclosed or given by the department pursuant to ORS 314.840 (2) or any other provision of state law to divulge or use such information for any purpose other than that specified in the provisions of law authorizing the use or disclosure. No subpoena or judicial order shall be issued compelling the department or any of its officers or employees, or any person who has acquired information pursuant to ORS 314.840 (2) or any other provision of state law to divulge or make known the amount of income, expense, deduction, exclusion or credit or any particulars set forth or disclosed in any report or return except where the taxpayer's liability for income tax is to be adjudicated by the court from which such process issues.

(2) As used in this section:

(a) "Officer," "employee" or "person" includes an authorized representative of the officer, employee or person, or any former officer, employee or person, or an authorized representative of such former officer, employee or person.

(b) "Particulars" includes, but is not limited to, a taxpayer's name, address, telephone number, Social Security number, employer identification number or other taxpayer identification number and the amount of refund claimed by or granted to a taxpayer.

### ORS 314.991

(2) Violation of ORS 314.835 is a Class C felony. If the offender is an officer or employee of the state the offender shall be dismissed from office and shall be incapable of holding any public office in this state for a period of five years thereafter.

### Applicability to other tax programs

The above provisions of ORS 314, concerning the confidentiality of returns and penalties, also apply to:

• Transient lodging tax	ORS 320.330
• Cigarette tax	ORS 323.403
• Tobacco products tax	ORS 323.595
• Emergency communications tax	ORS 403.230
• Oil and gas production tax	ORS 324.170
• Hazardous substances tax	ORS 453.410
• Petroleum products tax	ORS 465.124

## Oregon Inheritance Tax Laws

### ORS 118.525

(1) It shall be unlawful for the Department of Revenue or any of its officers or employees to divulge or make known in any manner any particulars disclosed in any return or supporting data required under this chapter. Except for executors or beneficiaries and their authorized representatives, it shall be unlawful for any person or entity who has acquired information pursuant to subsections (3) and (4) of this section to divulge or make known such information for any purpose other than that specified in the provisions of law authorizing the use or disclosure. No subpoena or judicial order shall be issued compelling the department, or its officers or employees, or persons described in subsections (3) and (4) of this section, to divulge or make known any particulars disclosed in any such return or supporting data except where the liability for inheritance taxes is to be adjudicated by the Oregon Tax Court. Nothing in this section shall prohibit the publication of statistics so classified as to prevent the identification of particulars in any return or supporting data covered by this section.

(2) As used in this section:

(a) "Officer," "employee" or "person" includes an authorized representative of the officer, employee or person, or former officer, employee or person, or an authorized representative of such former officer, employee or person.

(b) "Particulars" includes, but is not limited to, a taxpayer's name, address, telephone number, Social Security number and the amount of refund claimed by or granted to a taxpayer.

### ORS 118.990

(3) Violation of ORS 118.525 is a Class C felony. If the offender is an officer or employee of the state the offender shall be dismissed from office and shall be incapable of holding any public office in this state for a period of five years thereafter.

## Oregon Property Tax Laws

### ORS 308.290

(11)(a) All returns filed under the provisions of this section and ORS 308.525 and 308.810 are confidential records of the Department of Revenue or the county assessor's office in which the returns are filed or of the office to which the returns are forwarded under paragraph (b) of this subsection.

### ORS 308.413

(1) Any information furnished to the county assessor or to the Department of Revenue under ORS 308.411 which is obtained upon the condition that it be kept confidential shall be confidential records of the office in which the information is kept, except as follows:

(a) All information furnished to the county assessor shall be available to the department and all information furnished to the department shall be available to the county assessor.

(b) All information furnished to the county assessor or department shall be available to any reviewing authority in any subsequent appeal.

(c) The department may publish statistics based on the information furnished if the statistics are so classified as to prevent the identification of the particular industrial plant.

(2) The Department of Revenue shall make rules governing the confidentiality of information under this section.

(3) Each officer or employee of the Department of Revenue or the office of the county assessor to whom disclosure or access of the information made confidential under subsection (1) of this section is given, prior to beginning employment or the performance of duties involving such disclosure, shall be advised in writing of the provisions of this section and ORS 308.990 (5) relating to penalties for the violation of this section, and shall as a condition of employment or performance of duties execute a certificate for the department or the assessor in a form prescribed by the department, stating in substance that the person has read this section and ORS 308.990 (5), that these sections have been explained to the person and that the person is aware of the penalties for violation of this section.

### ORS 308.990

(5) Subject to ORS 153.022, any willful violation of ORS 308.413 or of any rules adopted under ORS 308.413 is punishable, upon conviction, by a fine not exceeding \$10,000, or by imprisonment in the county jail for not more than one year, or by both.

## Forestland Tax Laws

### ORS 321.682

(1) Except as otherwise specifically provided by law, it shall be unlawful for the Department of Revenue or any officer or employee of the department to divulge or make known in any manner the amount of the tax or any particulars set forth or disclosed in any report or return required to be filed under ORS 321.045 or 321.741 or any appraisal data collected to make determinations of specially assessed value of forestland pursuant to ORS 321.201 to 321.222. It shall be unlawful for any person or entity to whom information is disclosed or given by the department pursuant to ORS 321.684 (2) or any other provision of state law to divulge or use such information for any purpose other than that specified in the provisions of law authorizing the use or disclosure. No subpoena

or judicial order shall be issued compelling the department or any of its officers or employees, or any person who has acquired information pursuant to ORS 321.684 (2) or any other provision of state law, to divulge or make known the amount of tax or any particulars set forth or disclosed in any report or return except where the taxpayer's liability for timber tax is to be adjudicated by the court from which such process issues.

(2) As used in this section, "officer," "employee" or "person" includes an authorized representative of the officer, employee or person, or any former officer, employee or person, or an authorized representative of such former officer, employee or person.

### ORS 321.686

Violation of ORS 321.682 is subject to a fine not exceeding \$5,000 or, if committed by an officer or employee of the state, dismissal or removal from office or employment, or both fine and dismissal or removal from office or employment.

## Oregon Employment Department Laws

### ORS 657.665

(4)The Employment Department may: ... (i) Disclose information to the Department of Revenue for the purpose of performing its duties under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Revenue in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Revenue may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Revenue.

(6) Any person or any officer or employee of an entity to whom information is disclosed by the Employment Department under this section who divulges or uses the information for any purpose other than that specified in the provision of law or agreement authorizing the use or disclosure may be disqualified from performing any service under contract or disqualified from holding any appointment or employment with the state agency that engaged or employed that person, officer or employee. The Employment Department may immediately cancel or modify any information sharing agreement with an entity when a person or an officer or employee of that entity discloses confidential information, other than as specified in law or agreement.



**SECRECY LAWS CERTIFICATE**

**Required by ORS 314.840(3), ORS 118.525(6),  
ORS 308.413(3), ORS 321.684**

I have read the laws prohibiting disclosure of confidential information for the tax programs below.  
The laws have been explained to me.  
I have been furnished with a copy of the laws.  
I understand Oregon's disclosure laws and the penalties for violating them.

<b>Income tax</b>	ORS 314.835; ORS 314.991(2)
<b>Inheritance tax</b>	ORS 118.525(1); ORS 118.990(3)
<b>Industrial property tax</b>	ORS 308.290(11); ORS 308.413; ORS 308.990(5)
<b>Forestland tax</b>	ORS 321.682; ORS 321.686
<b>Employment Department tax</b>	ORS 657.665(4)(i) and (6)
<b>Transient lodging tax</b>	ORS 320.330
<b>Cigarette tax</b>	ORS 323.403
<b>Tobacco products tax</b>	ORS 323.595
<b>Emergency communications tax</b>	ORS 403.230
<b>Oil and gas production tax</b>	ORS 324.170
<b>Hazardous substances tax</b>	ORS 453.410
<b>Petroleum products tax</b>	ORS 465.124
<b>Federal tax laws</b>	IRC Sections 7213, 7213A, 7431

**VENDORS, CONTRACTORS, BUSINESS PARTNERS**

PRINT your full name	Business telephone number
Print full name of business or organization for which you are acting in an official capacity	
Address of business or organization	SSN (Collection agency employees only)
What is the nature of your business?	Duration of contract or visit
Revenue contact	Area where you'll be working
Signature	Date
<b>X</b>	

**REVENUE EMPLOYEES**

PRINT your full name	Date
Signature	
<b>X</b>	

**AGENCY USE**

In Compliance
  Not in Compliance

## Resources

**DOR Transient Lodging Tax Program website:**

[www.oregon.gov/dor/programs/businesses/pages/lodging.aspx](http://www.oregon.gov/dor/programs/businesses/pages/lodging.aspx)

**Oregon Revised Statutes—Transient Lodging Taxes website:**

[oregon.public.law/statutes/ors\\_320.300](http://oregon.public.law/statutes/ors_320.300)

**Oregon Administrative Rules—State Lodging Tax website:**

[oregon.public.law/rules/oar\\_150-320-0040](http://oregon.public.law/rules/oar_150-320-0040)

**League of Oregon Cities website—*Legal Guide to Collecting Transient Lodging Tax in Oregon***

(Search “*Reference library*” by keyword):

[www.orcities.org/resources/reference/reference-library](http://www.orcities.org/resources/reference/reference-library)

**Travel Oregon Website—*Travel Oregon Local Transient Lodging Tax: Expenditures and Administration Report***

[www.industry.traveloregon.com/resources/research/local-transient-lodging-tax-expenditures-and-administration-report](http://www.industry.traveloregon.com/resources/research/local-transient-lodging-tax-expenditures-and-administration-report)

In 2017, the Legislature amended ORS 305.620 to allow the Oregon Department of Revenue (DOR) to collect local TLTs on behalf of cities. Under that amendment, the DOR is permitted to collect local TLTs if a city and the DOR enter into an intergovernmental agreement and the DOR recoups their administrative costs. For such a collection effort to occur, a city's collection and accounting practices must be coordinated with collection and accounting procedures used by the DOR and also comply with ORS 305.620.

The Legislature also amended ORS 320.332 in 2017, which authorizes cities and the DOR to share confidential TLT information with one another to improve the abilities of state and local governments in collecting TLTs.

## **Appendix B**

### **Model TLT Ordinance**

#### AN ORDINANCE OF THE CITY OF [NAME] IMPLEMENTING A [INSERT PERCENT] TRANSIENT LODGING TAX

**WHEREAS**, a local transient lodging tax is a tax imposed by a local government on the sale, service or furnishing of transient lodging;

**WHEREAS**, transient lodging includes hotel, motel and inn dwelling units that are used for temporary overnight human occupancy; spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy;

**WHEREAS**, ORS 320.350 provides that a city council may impose a new local transient lodging tax if at least seventy percent (70%) of the net revenue shall be used to fund tourism promotion or tourism-related facilities or certain debt-related expenses and no more than thirty percent (30%) of net revenue may be used for city services; and

**WHEREAS**, the city wishes to require any person other than a transient lodging provider that facilitates the retail sale of transient lodging and: charges for occupancy of the transient lodging; collects the consideration charged for occupancy of the transient lodging; or receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging and remitting the tax to the city; and

**WHEREAS**, the city council wants to impose a [insert percent] transient lodging tax.

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF [NAME] ORDAINS AS FOLLOWS:

Chapter [insert chapter number] is hereby added to the [insert name of city] municipal code as follows:

**Section 1:**     DEFINITIONS

The following definitions apply in this chapter.

A. **Transient Lodging Provider** means a person that furnishes transient lodging.



**B. Transient Lodging Intermediary** means a person other than a transient lodging provider that facilitates the retail sale of transient lodging and:

- a. Charges for occupancy of the transient lodging;
- b. Collects the consideration charged for occupancy of the transient lodging; or
- c. Receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging.

**C. Transient Lodging Tax Collector** means a transient lodging provider or transient lodging intermediary.

**D. Occupancy** means the right to the use or possession of any space in transient lodging for dwelling, lodging or sleeping purposes for less than 30 days.

**E. Occupant** means any individual who exercises occupancy or is entitled to occupancy in transient lodging for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days.

**F. Person** means any individual, firm, partnership, joint venture, limited liability company, corporation, limited liability partnership, association, host, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

**G. Rent** means the consideration paid or payable by an occupant for the occupancy of space in transient lodging valued in money, goods, labor, credits, property, or other consideration. If a separate fee is charged for services, goods or commodities and the fee is optional, that fee is not included in rent.

**H. Short-Term Rental** means a house, duplex, multi-plex, apartment, condominium, houseboat, trailer or other residential dwelling unit where a person rents a guest bedroom or the entire residential dwelling unit for transient lodging occupancy. Generally, a short-term rental is zoned residential or has a building occupancy that only allows for residential use.

**I. Short-Term Rental Hosting Platform** means a business or other person that facilitates the retail sale of transient lodging by connecting occupants with transient lodging providers, either online or in any other manner. Short-term rental hosting platforms are transient lodging intermediaries.

**J. Tax Administrator** means the [Finance Director or other position] of the City of [insert], or its designee, which may include the Oregon Department of Revenue. If the city utilizes the Oregon Department of Revenue as its tax administrator, it will comply with ORS 305.620 in that it will follow the rules adopted by the Department of Revenue regarding the administration, collection, enforcement and distribution of transient lodging taxes.<sup>1</sup>

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<sup>1</sup> Cities who choose to use the Oregon Department of Revenue should be aware that in doing so, they agree to comply with any rules adopted by the Department of Revenue regarding the administration, collection, enforcement and distribution of transient lodging taxes, even if those rules may differ from their own desired local processes and rules. Cities are encouraged to consult with legal counsel to understand the benefits and drawbacks of using a tax administrator who is not a city official.

**K. Transient Lodging or Transient Lodging Facilities** means:

- (1) Hotel, motel, and inn dwelling units that are used for temporary overnight human occupancy;
- (2) Spaces used for overnight parking of recreational vehicles or placement of tents during periods of human occupancy; or
- (3) Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units that are used for temporary human occupancy.

**L. TLT or tax** means the transient lodging tax.

**Section 2: TAX IMPOSED**

A. Effective [DATE], each occupant shall pay a TLT in the amount of [TAX RATE] percent of the rent. The occupant shall pay the TLT with the rent to the transient lodging tax collector. TLT amounts shall be rounded down to the nearest cent. The transient lodging tax collector shall maintain records of all rent charged and TLT payments received. If rent is paid in installments, a proportionate share of the TLT shall be paid by the occupant to the transient lodging tax collector with each installment unless the occupant pays the entire amount with the first payment.

B. Bills, receipts or invoices provided to occupants shall list the TLT separately and must accurately state the amount of tax. All amounts listed as TLT on invoices, bills or receipts must be reported as TLT and, after collection, must be turned over to the city, less the [PERCENT<sup>2</sup>] percent administrative charge.

**Section 3: COLLECTION OF TAX BY TRANSIENT LODGING TAX COLLECTOR**

A. Every transient lodging tax collector shall collect the TLT at the time rent is paid, unless an exemption applies. If payment is by credit card, for purposes of this section, payment is made at the time credit card information is provided to the transient lodging tax collector, not when the transient lodging tax collector ultimately receives credit for the transaction. While holding the payment in trust for the city, a transient lodging tax collector may commingle the tax proceeds with the transient lodging tax collector's funds, but the transient lodging tax collector is not the owner of tax proceeds, except that, when a return is filed, the transient lodging tax collector becomes the owner of the administrative fee authorized to be retained. Transient lodging tax collectors may choose to file returns and remit payment based on amounts accrued but not yet collected. The transient lodging tax collector is liable for any TLT that should have been collected from the occupant, except in cases of nonpayment of rent by the occupant.

B. Upon request of the city, transient lodging tax collectors must provide all physical addresses of transient lodging facilities within the city limits and the related contact information, including the name and mailing address, of the general manager, agent, owner, host or other responsible person for the location.

**Section 4: SHORT-TERM RENTAL HOSTING PLATFORM FEES**

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<sup>2</sup> For new or increased TLTs, the administration fee cannot be less than 5%. See ORS 320.345.

A hosting platform for short-term rentals may collect a fee for booking services in connection with short-term rentals only when those short-term rentals are lawfully registered as operators with the city and possess a certificate of authority at the time the short-term rental is occupied.

**Section 5:**     LIABILITY FOR TAX

Transient lodging providers who receive any portion of the rent for transient lodging and transient lodging intermediaries that provide booking service are both transient lodging tax collectors and are jointly and severally liable for the tax.

**Section 6:**     EXEMPTIONS<sup>3</sup>

No TLT shall be imposed upon:

- A. A dwelling unit in a hospital, health care facility, long-term care facility or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority;
- B. A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;
- C. A dwelling unit that is used by members of the general public for temporary human occupancy for fewer than 30 days per year;
- D. A dwelling unit, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter;
- E. A dwelling unit at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility; or
- F. A dwelling unit that is leased or otherwise occupied by the same person for a consecutive period of 30 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period, if:
  - (1) All dwelling units occupied are within the same facility; and
  - (2) The person paying consideration for the transient lodging is the same person throughout the consecutive period.

**Section 7:**     REGISTRATION OF TRANSIENT LODGING PROVIDER – FORM AND CONTENTS – EXECUTION – CERTIFICATION OF AUTHORITY

A. Every person engaging or about to engage in business as a transient lodging provider shall provide a completed registration form to the tax administrator within 15 calendar days after commencing business. The registration form shall require the transient lodging provider to provide the name of the business, any

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<sup>3</sup> Under state law, exemptions are only applicable to the state tax, but most local jurisdictions choose to apply the exemptions to the local tax as well.

separate business addresses, and other information as the tax administrator may require to implement this Chapter. Transient lodging providers who own or operate transient lodging facilities in [CITY] shall provide the address of the lodging facility. The registration form shall be signed by the transient lodging provider. The tax administrator shall, within 15 days after registration, issue without charge a certificate of authority to collect the TLT. The transient lodging provider's obligation to collect the TLT is imposed once rent for transient lodging is paid, even if the registration form has not been filed or if the certificate has not been issued. If the rent transaction is facilitated online, the certificate of authority must be able to be viewed by the occupant by clicking on a link to the certificate of authority at a reasonable place during the payment transaction.

B. Certificates shall be non-assignable and non-transferable and shall be surrendered to the tax administrator when the business is sold or transferred or when a transient lodging facility ceases to operate at the location specified in the registration form. Each certificate issued to a transient lodging provider for a specific lodging facility shall be prominently displayed at the lodging facility and include:

- (1) The name of the transient lodging provider;
- (2) The address of the transient lodging facility;
- (3) The date the certificate was issued; and
- (4) The certificate number as assigned by the tax administrator.<sup>4</sup>

## **Section 8: REMITTANCES AND RETURNS**

A. Transient lodging tax collectors must submit a completed tax return form to the tax administrator on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due during the quarter and accompanied by remittance of all tax collected, less a [five percent] administration fee.<sup>5</sup> The return shall be filed in such form as the tax administrator may prescribe. The tax administrator if they deem it necessary in order to insure payment or facilitate collection by the City of the amount of taxes in any individual case, may require returns and payment of the amount of taxes on other than monthly periods.

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<sup>4</sup> A certificate of authority should look something like a building permit or any city-issued permit.

<sup>5</sup> Under ORS 320.345, 5 percent is the minimum reimbursement for new or increased TLTs. Cities can choose to increase this percentage, but not decrease it.

Cities can alter the tax due date. This schedule aligns with the state TLT under ORS 320.315.

In addition, ORS 320.347 makes an exception for camping and recreational vehicle spaces:

“(1) Except as provided in this section, a unit of local government that imposes a tax on the rental of privately owned camping or recreational vehicle spaces shall, regardless of a schedule imposed by the unit of local government for remitting tax receipts, allow a transient lodging tax collector to hold the tax collected until the amount of money held equals or exceeds \$100.

(2) Once the amount held by a transient lodging tax collector equals or exceeds \$100, or by December 31 of each year if the \$100 threshold is not met, the transient lodging tax collector shall remit the tax collected at the next following reporting period established by the unit of local government for payment of the tax.

(3) A unit of local government may not assess any penalty or interest against a transient lodging tax collector that withholds payments pursuant to this section.”

B. The transient lodging tax collector is entitled to the administration fee. If a transient lodging facility has multiple owners, they are not entitled to retain additional fees.

C. Remittances are delinquent if not made by the last day of the month in which they are due.

D. Returns shall show the gross rents collected, taxable rents, the total amount of TLT collected and the amount of the administrative fee retained by the transient lodging tax collector. Returns shall also show the exempt and excluded rents and the basis for exemptions and exclusions.

E. The person required to file the return shall deliver the return, together with payment of the amount of the tax due, to the tax administrator, to the appropriate office, either by personal delivery, by mail, or by electronic tax return filed through a reporting and payment portal furnished by the tax administrator, or its designee. If the return is mailed, the postmark shall be considered the date of delivery.

F. The tax administrator may extend the time for making any return or remittance of the tax by up to 30 days. No further extension shall be granted, except by the city council. Any transient lodging tax collector to whom an extension is granted shall pay interest at the rate of [PERCENT] per month on the amount of the remittance due without proration for a fraction of a month. If a return is not filed, and the remittance and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties.

**Section 9:** PENALTIES AND INTEREST

- A. Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to the tax administrator was originally required to be filed to the time of payment.
- B. If a transient lodging tax collector fails to file a return or pay the tax as required, a penalty shall be imposed in the same manner and amount provided under ORS 314.400.
- C. Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid and remitted to the tax administrator.
- D. Taxes, interest, and penalties paid to the tax administrator under this section shall be distributed to the city's {Name of Designated Fund}.

**Section 10:** DEFICIENCY DETERMINATION – FRAUD, EVASION, LOCAL TAX TRUSTEE DELAY

A. Deficiency Determination. The tax administrator may review tax returns and adjust the amount due based on the information in the return, on information obtained during a review or audit of records, or on the basis of other evidence. In the event of a deficiency, the tax administrator shall provide notice of the deficiency to the transient lodging tax collector, who shall remit deficiencies within 10 business days of the deficiency notice. Notice may be by personal delivery or certified or registered mail.

- (1) In reviewing and adjusting tax returns, the tax administrator shall offset any amount received in excess of the remittances due against any shortages in remittances.

- (2) Except in the case of fraud or intent to evade the TLT, notice of deficiency determinations shall be issued within three years of the period for which the deficiency determination is made.
- (3) The time to remit deficient payment amounts under this section shall be extended if the local tax trustee timely requests a redetermination.

B. **Fraud – Refusal to Collect – Evasion.** If any transient lodging tax collector fails to collect, report or remit the tax as required, submits a fraudulent return, or otherwise violates or attempts to violate this chapter, the tax administrator shall estimate the tax due, and calculate the amount owing from the transient lodging tax collector for tax remittance, interest and penalties and provide notice to the transient lodging tax collector of the assessment. The determination and notice shall be made and mailed within three years of the discovery by the tax administrator of the violation. The determination is due and payable upon receipt of notice and shall become final 10 business days after the date notice was delivered if no petition for redetermination is filed.

### **Section 11: REDETERMINATIONS**

A. Any person affected by a deficiency determination may file a petition for redetermination with the tax administrator within 10 business days of service of notice of the tax deficiency. A determination becomes final if a petition for redetermination is not timely filed.

B. If a petition for redetermination is filed within the allowable period, the tax administrator shall reconsider the determination and grant an oral hearing if requested. The petitioner shall be allowed at least 20 business days to prepare for the hearing.

C. After considering the petition and all available information, the tax administrator shall issue a redetermination decision and mail the decision to the petitioner. During the redetermination process, the tax administrator may agree to a compromise of the amount due if there is a good faith dispute over the amount owing.

D. The decision of the tax administrator on redetermination becomes final and payment is due 10 business days after the decision is mailed unless the petitioner files an appeal to the city council within that time. The appeal shall be filed with the tax administrator. The city council's decision shall be final when reduced to writing and mailed to the petitioner and all amounts due must be paid within 10 business days of mailing of the city council decision.

### **Section 12: COLLECTIONS**

A. The city may bring legal action to collect on any amounts owed to the city under this chapter within three years after remittance is due to the city or within three years after any determination becomes final.

B. The city is entitled to collect reasonable attorneys' fee in any legal action brought to collect on amount owed to the city under this chapter.

**Section 13:** LIENS

The city may record a lien in the city's lien docket against any real property owned by a transient lodging provider who receives any portion of the rent from a transient lodging facility located within the city as to any delinquent remittances by the transient lodging provider.

**Section 14:** REFUNDS

A. Refunds by City to Transient Lodging Tax Collector. If the transient lodging tax collector remits more tax, penalty or interest than is due, the transient lodging tax collector may file a claim in writing stating the facts relating to the claim, within three years from the date of remittance. If the claim is approved by the tax administrator, the excess amount shall be either refunded or credited on any amount due from the transient lodging tax collector.

B. Refunds by City to Occupant. A transient lodging tax collector may file a claim for refund by filing a claim in writing within three years of payment providing the facts relating to the claim for refund. If the tax administrator determines that the tax was collected and remitted to the city and the occupant was not required to pay the tax or overpaid, the city shall issue a refund to the occupant.

C. Refunds by Transient Lodging Tax Collector to Occupant. If an occupant has paid tax to a transient lodging tax collector but stays a total of 30 or more consecutive days in the same transient lodging facility, the transient lodging tax collector shall refund to the occupant any tax collected for any portion of the continuous stay. The transient lodging tax collector shall account for the collection and refund to the tax administrator. If the transient lodging tax collector has remitted the tax prior to the refund or credit to the occupant, the transient lodging tax collector shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.

D. Burden of Proof. The person claiming the refund shall have the burden of proving the facts that establish the basis for the refund.

**Section 15:** ADMINISTRATION

- A. Use of TLT Funds.<sup>6</sup> Seventy percent of the revenue from the tax rate of [tax rate] shall be used for tourism promotion and tourism -related facilities. Thirty percent of the revenue of the [tax rate] shall be used for City services.<sup>7</sup>
- B. Records Required from Local Tax Trustee. Every local tax trustee shall keep records of each transaction involving rent and/or collection of TLT. All records shall be retained for at least three years and six months.
- C. Examination of Records – Investigations. The tax administrator or agent may examine all records of a local tax trustee relating to receipt of rent and TLT and remittance of tax during normal business hours and may obtain copies of the records to audit returns.
- D. Authority of Tax Administrator. The tax administrator shall have the power to enforce this chapter, conduct audits, and to adopt rules, regulations and forms consistent with this chapter. Rules and regulations of general application shall be mailed to all registered transient lodging providers. The tax administrator may also issue written interpretations on request of a transient lodging tax collector. As to the transient lodging tax collector to whom the interpretation is issued, the City will act consistently with the interpretation until it is withdrawn, and the city shall provide 30 days’ written notice of withdrawal of an interpretation.
- E. Confidential Character of Information Obtained – Disclosure Unlawful. The city shall maintain the confidentiality of information provided by transient lodging tax collector. Nothing in this subsection shall be construed to prevent:

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<sup>6</sup> The example provided here assumes the city did not have a TLT prior to 2003 and therefore the entire tax is subject to the 70/30 distribution required by state law for newly imposed TLTs. ORS 320.350. If a city has a grandfathered TLT with a different distribution ratio and the city would like to increase the tax rate, it may do so but the increase will trigger the 70/30 distribution required by state law. Although not completely free from doubt, most local governments interpret the 70/30 distribution to only apply to the *increased portion* of the TLT, *not the total revenue* generated from the increased tax as a whole.

For example, if the local government had a 5 percent grandfathered tax with 20 percent going to tourism promotion and 80 percent going to the general fund on or before July 1, 2003, it could continue to apply the 20/80 distribution. However, if the local government increased the tax to 8 percent, the 20/80 distribution would apply to the funds raised by the grandfathered 5 percent and the 70/30 distribution would apply to the funds raised by the 3 percent increase. Sample language for this scenario would be:

Twenty percent of the revenue from the first 5 percent shall be used for tourism promotion and 80 percent of the revenue from the first five percent of the tax shall go into the general fund. Seventy percent of the funds generated by the remaining three percent of the tax may be used for any tourism purpose consistent with state law. Thirty percent of the funds generated by the remaining 3 percent shall go into the general fund.

<sup>7</sup> Cities are advised to closely track TLT funds. The best practice is to form a “Tourism Fund” where the tax revenue is used only for tourism promotion and tourism-related facilities. In this way, if the city’s compliance with ORS 320.350 is ever challenged, the city can prove the funds were used appropriately. If TLT funds are placed in the general fund, or combined with other tax revenue, this may be more difficult.

Likewise, if a city transfers TLT funds to a third party—such as a chamber of commerce—the city should have an agreement with the third party which gives the city the ability to audit the funds to ensure compliance with the law. Please see Appendix C for recommended language to include.



- (1) The disclosure to, or the examination of records and equipment by, another city official, employee or agent for collection of taxes for the purpose of administering or enforcing any provisions of this chapter or collecting city business license fees.
- (2) Disclosure of information to the transient lodging tax collector and the transient lodging tax collector's agents.
- (3) The disclosure of the names and addresses of any persons to whom certificates of authority have been issued.
- (4) The disclosure of general statistics regarding taxes collected or business done in the City.
- (5) Disclosures required by ORS Chapter 192.
- (6) Disclosures required by ORS Chapter 297.

**Section 16:** APPEALS TO CITY COUNCIL

Any person aggrieved by any decision of the tax administrator may appeal to the city council by filing a written appeal with the tax administrator within 10 business days of the serving or mailing of the decision being appealed. The city manager shall schedule the hearing on a city council agenda and provide the appellant notice of the hearing at least 10 business days before the hearing. The city council may agree to a compromise of the amount of tax remittance if there is a good faith dispute over the amount owing. Any person may appeal the issuance of a rule or regulation issued by the tax administrator to the city council by filing a written appeal within 10 business days of the mailing of the notice of the regulation.

**Section 17:** PENALTY<sup>8</sup>

A violation of this chapter is a Class A civil infraction. Each day that a violation remains uncured is a separate infraction.

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<sup>8</sup> Cities may want to include a penalty section or make violations subject to the city's general penalty, if applicable.

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CHAPTER 3.05 ROOM TAX

3.05.010 Definitions

The following definitions apply to this chapter.

- A. Hotel means any structure or any portion of any structure that is occupied or intended or designed for occupancy for thirty days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club. "Hotel" also means space in mobile home or recreational vehicle parks, or similar structure or space occupied for less than thirty days.
- B. Monthly Rental Plan means any rental agreement for a period of one month or greater, including month-to-month tenancies.
- C. Occupant means any individual who has the right to use all or part of a room in a hotel or a space in a mobile home or residential vehicle park for lodging or sleeping purposes for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days, but not including the check-out day if not charged for that day. Any individual occupying space in a hotel shall be deemed to be an occupant until thirty days has expired unless there is an agreement in writing providing for a longer period of occupancy, or the occupant has paid for more than 30 consecutive days. A person who pays for lodging on a monthly basis is not an occupant regardless of the number of days in the month.
- D. Operator includes:
  - 1. The owner and manager of a hotel as defined herein; and
  - 2. A transient lodging intermediary as defined in ORS 320.300(12).
- E. Person means any individual, partnership, transient lodging intermediary, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, governmental entity or agency, or any other group or combination acting as a unit.

*(Section 3.05.010(D) and (E) amended by Ordinance No. 2139; adopted on September 4, 2018; effective October 4, 2018.)*

- F. Rent means the consideration charged for the occupancy of space in a hotel, valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction, but shall not include charges to a condominium unit owner which are solely for cleaning or maintenance of such unit or personal use or occupancy by such owner so long as the charges are made in connection therewith for space occupancy. Rent does not include any charges for additional services, goods or commodities.
- G. Rent Package Plan means the consideration charged for both food and rent for lodging where a single combined charge is made for both food and lodging, or where food and lodging are offered as a package. The entire amount charged for the “rent package plan” shall be considered rent unless the lodging is also offered independently of any food at a lower price, in which case the rent shall be the charge which would be made for the lodging if purchased separately from any food.
- H. Tax Administrator means the city manager or designee.

### 3.05.020 Tax Imposed

Each occupant shall pay a tax in the amount of twelve (12) percent of the rent charged by the operator. The occupant shall pay the tax to the operator of the hotel at the time the rent is paid. The operator shall maintain records of all tax payments by occupants as soon as they are made. If rent is paid in installments, a proportionate share of the tax shall be paid by the occupant to the operator with each installment.

*(Chapter 3.05.020 was amended by Ordinance No. 2183; adopted on June 7, 2021; and effective on July 7, 2021.)*

### 3.05.030 Collection of Tax by Operator

- A. Every operator shall collect the room tax from all occupants at the time of payment unless an exemption applies. If payment is by credit card, payment is made at the time the occupant provides credit card information to the operator, not when the operator ultimately receives credit.
- B. Tax amounts shall be rounded down to the nearest cent.

- C. In credit card and similar transactions, the amount of rent shall include only the amount ultimately paid to the operator, excluding any credit charge transaction charges.

### 3.05.040 Operator Record Keeping and Expenses

- A. The operator shall maintain records showing the amount of tax separately from rent charged, and any receipt shall show the tax separately. No operator of a hotel shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this ordinance.
- B. Operators may withhold five percent of room tax collected to cover the operator's collection and remittance expenses.

### 3.05.050 Exemptions

No tax imposed under this ordinance shall be imposed upon:

- A. Any person who occupies the same room for more than thirty successive calendar days. Any person who has paid a room tax and occupies a room for more than 30 successive days may obtain a refund under Section 3.05.130.
- B. Any occupant whose rent is less than \$2.00 per day.
- C. Any occupancy of a room in a hospital, medical clinic, convalescent home or home for the aged.
- D. Occupancy of any public institution owned and operated by a governmental body in its governmental capacity.
- E. The United States of America or any federal agency or body, to the extent exempt under the United States Constitution. This exemption applies only if the exempt agency pays the operator directly for the room or space.
- F. A person occupying a room on a monthly rental plan.

*(Chapter 3.05.050 amended by Ordinance No. 2006; adopted on July 19, 2010; and effective on August 18, 2010.)*

3.05.060 Registration of Operator

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- A. Every person engaging or about to engage in business as an operator of a hotel shall provide a completed registration form to the tax administrator within fifteen days after commencing business. The registration form shall require the operator to provide the name of the business, the hotel name, if different, the location of the hotel and any separate business address, and other information as the tax administrator may require. The registration shall be signed by the operator. The tax administrator shall, within ten days after registration issue without charge certificates of authority to collect the room tax for each hotel operated by the registrant. Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the tax administrator upon the cessation of business at the location named or upon its sale or transfer. Each certificate shall be prominently displayed at the business location and include:
1. The name of the operator;
  2. The address of the hotel;
  3. The date upon which the certificate was issued;
  4. The following language: "This Room Tax Registration Certificate signified that the person named on the face hereof has fulfilled the requirements of the Room Tax Ordinance of the City of Newport by registration with the tax administrator for the purpose of collecting from occupants the lodging tax imposed by said city and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department, or office of the City of Newport. This certificate does not constitute a permit."
- B. The obligation to collect the tax is imposed once an operator rents a room, and not when the registration form is filed or the certificate issued.

- C. Owners and managers of hotels are exempt from the registration requirement if they offer occupancy only by monthly rental plan and file an affidavit with the tax administrator including:
1. The name of the operator.
  2. The name and address of the hotel.
  3. The name and address of the owner of the hotel, and if not an individual, the nature of the entity.
  4. The facts upon which the operator relies for exemption.
  5. That the operator will collect and remit the room tax and comply with reporting requirements if and when any portion of the hotel is occupied or made available for occupancy other than a Monthly Rental Plan

### 3.05.070 Remittance and Returns

- A. All taxes, after deduction of the 5% collection and remittance credit, collected by any operator shall be remitted to the tax administrator monthly. Remittance is due within 15 days of the end of the monthly reporting period and is delinquent if remittance is not received within 30 days of the end of the monthly reporting period. The tax administrator may establish monthly reporting periods other than calendar months, but must advise each operator of the reporting periods, due dates, and delinquency dates for the operator.
- B. A return for the preceding month's tax collections shall be filed with the tax administrator on or before the due date in a form prescribed by the tax collector. If the return is mailed, the postmark shall be considered the date of delivery.

For good cause, the tax administrator may extend the time for making any return or payment of tax by up to one month. No further extension shall be granted, except by the Room Tax Committee. Any operator to whom an extension is granted shall pay interest at the rate of one-half of one percent per month or portion of a month on the amount of tax due. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties.

### 3.05.080 Late Charges and Interest

- A. **Original delinquency.** Any operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this ordinance prior to delinquency shall pay ten percent of the amount of the tax due in addition to the amount of the tax.
- B. **Continued delinquency.** Any operator who has not been granted an extension of time for remittance of tax due, and who failed to pay any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay an additional fifteen percent of the amount of the tax due plus the amount of the tax and the ten percent penalty first imposed.
- C. **Fraud.** If the tax administrator determines that the nonpayment of any remittance due under this ordinance is due to fraud or intent to evade payment of the tax, an additional charge of twenty-five percent of the amount of the tax shall be imposed in addition to the penalties stated in paragraphs (a) and (b) of this section.
- D. **Interest.** In addition to the other charges imposed by this section, any operator who fails to remit any tax imposed by this ordinance shall pay interest at the rate of one percent per month or fraction thereof , on the amount of the tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
- E. **Additional amounts with tax.** Every additional amount and interest imposed by this section shall be merged with and become a part of the tax payable
- F. **Petition for waiver.** An operator who has paid all tax, additional charges and interest may petition the tax administrator for waiver and refund all or part of the additional charges and the tax administrator may, if a good and sufficient reason is shown, waive and direct a refund of all or part of the additional charges.

### 3.05.090 Deficiency Determinations, Evasion, Operator Delay

- A. **Deficiency determinations.** The tax administrator may review tax returns and adjust the amount payable based

on the information in the return, on information obtained during a review or audit of records, or on the basis of other evidence. In the event of a deficiency, the tax administrator shall provide notice of the deficiency to the operator, who shall pay any deficiencies within 15 days of the deficiency notice. Notice may be by personal delivery or certified or registered mail.

1. In reviewing and adjusting tax returns, the tax administrator shall offset any known overpayments against any underpayments.
  2. Except in the case of fraud or intent to evade the room tax, notice of deficiency determinations shall be issued within three years of the period for which the deficiency determination is made.
- B. Fraud, refusal to collect, evasion. If any operator fails to collect, report or remit the room tax as required, submits a fraudulent return, or otherwise willfully violates or attempts to violate this chapter, the tax administrator shall estimate the tax due, and assess the tax, interest and penalties provided for by this chapter ordinance against the operator and provide notice to the operator of the assessment. The determination and notice shall be made and mailed within three years of the discovery by the tax administrator of the violation. The determination is due and payable upon receipt of notice and shall become final twenty days after the date notice was delivered if no petition for redetermination is filed.

### 3.05.100 Redeterminations

- A. Any person affected by a determination under Section 20.09 may petition for a redetermination within the time required in Section 20.09.
- B. If a petition for redetermination is filed within the allowable period, the tax administrator shall reconsider the determination, and grant an oral hearing, if requested. The petitioner shall be allowed at least 20 days to prepare for the hearing.
- C. After considering the petition and all available information, the tax administrator shall issue a redetermination decision and serve notice of the decision on the petitioner.



- D. The decision of the tax administrator on a petition for redetermination becomes final twenty days after service of notice, unless the petitioner files an appeal within that time.
- E. No petition for redetermination shall be effective for any purpose unless the operator has first paid the amounts set forth in the tax administrator's determination, and no appeal may be filed unless accompanied by any additional payment that may be required by the decision on redetermination.

### 3.05.110 Security for Collection of Tax

The tax administrator may require an operator to deposit security in the form of cash, bond or other security acceptable to the tax administrator. The amount of the security shall be fixed by the tax administrator but shall not be greater than twice the operator's estimated average monthly liability for the period, or \$5,000.00, whichever is less. The amount of security may be increased or decreased by the tax administrator so long as the minimum security remains in place. The operator may appeal any decision of the tax administrator requiring security under [Section 3.05.170\(b\)](#). At any time within three years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the tax administrator may bring any action in the courts of this state, or any other state, or of the United States in the name of the city to collect the any tax, penalties, or interest owing.

### 3.05.115 Secured Interest in Personal Property

As a privilege for conducting a business providing lodging within the City of Newport and to secure payment of the tax collected by the operator to the City of Newport, the operator, by act of filing a registration to engage in business as an operator of a hotel in the City of Newport irrevocably grants to the City of Newport a security interest in all tangible personal property of the operator, which security interest shall be effective at the time when any tax, penalty or interest become delinquent. The city may foreclosure its security interest as provided by ORS Chapter 79. By filing of a registration to conduct a business engaged as a hotel in the City of Newport, the operator grants a special power of attorney-in-fact to the city manager for purposes of executing a financing statement to give evidence of the granted security interest at the time of delinquency and authorizes the city manager to execute the

UCC financing statement on behalf of the debtor, listing as collateral all tangible personal property of the operator and to file the financing statement with the Oregon Secretary of State and with the Lincoln County Clerk, if appropriate.

The tax administrator shall give notice of the delinquency to the operator . The notice shall include the effective date of the security interest against all tangible personal property of the operator, and the date of recordation of the UCC financing statement if filed, or if not, the city's intent to file a UCC financing statement.

### 3.05.130 Refunds

- A. **Refunds by the City to the Operator.** If any overpayment of tax, penalty or interest is made, the operator may file a claim in writing on the city claim form, stating the facts relating to the claim within one year from the date of payment. If the claim is approved by the tax administrator, the excess amount collected or paid shall be either refunded or credited on any amount then due and payable from the operator.
- B. **Refunds by City to Occupant.** An occupant may file a claim for refund by filing a claim on the city claim form within one year of payment providing the facts relating to the claim for refund. If the tax administrator determines that the tax was collected and remitted to the city and the occupant was not required to pay the tax or overpaid, the city shall issue a refund.
- C. **Refunds by operator to tenant.** If an occupant has paid tax to an operator, but then stays a total or more than 30 consecutive days, the operator shall refund to the occupant any tax collected for any portion of the continuous stay. The operator shall account for the collection and refund to the tax administrator. If the operator has remitted the tax prior to the refund or credit to the tenant, the operator shall be entitled to a corresponding refund or offset if the claim for refund is filed within one year from the date of collection.

### 3.05.140 Rules, Regulations and Forms

The tax administrator may promulgate rules and regulations and adopt forms as the tax administrator determines

appropriate for administration and enforcement of this chapter.

3.05.150 Administration

A. **Disposition and use of room tax funds.**

1. At least 46% of the room tax revenue from a tax of 9.5% of the rent charged, and at least 70% of the room tax revenue from a tax of 2.5% of the rent charged, shall be used for tourism promotion and tourism related facilities. The city may accumulate funds dedicated to tourism promotion and tourism related facilities and such funds will be considered to be used for tourism promotion and tourism related facilities. The City Council shall have the authority to determine which facilities are tourism related. The City Council may determine that some facilities are in part tourism related facilities, and funds reserved for tourism related facilities may be used to cover an equivalent proportion of the cost of such facilities.

*(Chapter 3.05.150(A)(1) was amended by Ordinance No. 2183; adopted on June 7, 2021; effective July 7, 2021.)*

2. The finance director shall account for the room tax revenues and expenditures and may establish funds and sub-funds in the budget as needed to administer the provisions of this chapter and the allocation of funds provided in this section.
- B. **Records required from operators.** Every operator shall keep records to account for all proceeds from room rentals and collection of room tax for at least three years and one half years.
- C. **Examination of records; investigations.** The tax administrator or designee may examine the records during normal business hours and may obtain copies of the records to audit the returns.
- D. **Confidential character of information obtained; disclosure unlawful.** The tax administrator and all designees shall maintain the confidentiality of information provided by operators. Nothing in this sub-section shall be construed to prevent:

The disclosure to, or the examination of records and equipment by another City of Newport official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this chapter or collecting city business license fees.

Disclosure of information to the operator and the operator's agents.

The disclosure of the names and addresses of any persons to whom Room Tax Registration Certificates have been issued.

The disclosure of general statistics regarding taxes collected or business done in the city.

### 3.05.170 Appeal to City Council

Any person aggrieved by any decision or action of the tax administrator may appeal to the City Council by filing a written appeal with the tax administrator within twenty days of the serving or mailing of the tax notice or decision of the tax administrator. The tax administrator shall fix a time and place for the hearing the appellant twenty days written notice of the time and place of hearing.

### 3.05.180 Severability

If any section, subsection paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or otherwise invalid, the remaining portions of this ordinance shall remain valid and enforceable. The Council would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

### 3.05.190 Violations

It is unlawful for any person required to register to fail or refuse to register, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the tax administrator or to render a false or fraudulent return. No person required to make, render, sign or verify any report shall make any false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this ordinance.

3.05.200 Penalty

- A. A violation of any provision of this chapter is a civil infraction, with a maximum civil penalty of \$500.00. If a person commits a further violation within 24 months of a judgment that the person has violated this chapter, the maximum civil penalty shall be \$1000.00. The penalty is in addition to all other remedies, including but not limited to late charges and the requirement to pay interest on late payments.
  
- B. Each day during which a violation shall continue shall constitute a separate infraction. If more than one provision of this chapter is violated, each violation of each separate provision shall constitute a separate infraction.

*(Chapter 3.05 was adopted by Ordinance No. 1916 on May 21, 2007; effective on June 15, 2007)*

CITY OF NEWPORT

ORDINANCE NO. 2183

AN ORDINANCE AMENDING CHAPTER 3.05 OF THE NEWPORT MUNICIPAL CODE INCREASING THE TRANSIENT ROOM TAX RATE

**WHEREAS**, over the past three years, the City Council has tasked the Finance Work Groups with developing a system for projecting the city's long-range financial condition; identifying options to address the structural deficit in the General Fund by reducing expenditures and/or increasing revenues; and developing a five-year financial plan for the city that achieves financial sustainability during this period; and

**WHEREAS**, the Finance Work Group recommended that the City Council consider increasing the transient room tax, beginning with the fiscal year that starts on July 1, 2021, from the current 9.5% rate to 12% to fund both tourism promotion and facilities that provide services to visitors, as well as additional support to the General Fund for public safety, general government, and other activities; and

**WHEREAS**, on April 19, 2021, the City Council scheduled a public hearing for May 17, 2021, to take public comment on a potential increase of the transient room tax rate to 12% of the room rent. The current transient room tax rate is 9.5% for hotels, motels, vacation rentals, and campgrounds. Notices of the public hearing were sent to lodging facilities in the City of Newport; and

**WHEREAS**, on May 17, 2021, the City Council held a public hearing, took public comment, and continued the public hearing to June 7, 2021, with a proposed ordinance to be considered by the City Council at that time; and

**WHEREAS**, on June 7, 2021, the City Council continued the public hearing from May 17, 2021, took public comment, and considered a proposed ordinance to increase the transient room tax rate to 12% of the room rent, with at least 70% of revenue from the 2.5% rate increase to fund tourism promotion and facilities, as required under state law.

**THE CITY OF NEWPORT ORDAINS AS FOLLOWS:**

**Section 1.** The above findings are adopted in support of amendments below to Chapter 3.05 of the Newport Municipal Code.

**Section 2.** Section 3.05.020 is hereby amended to read as follows (deleted language shown in ~~strikethrough~~ and language to be added depicted with underline):

Each occupant shall pay a tax in the amount of ~~nine and one-half~~ twelve (12) percent of the rent charged by the operator. The occupant shall pay the tax to the operator of the hotel at the time the rent is paid. The operator shall maintain records of all tax payments by occupants as soon as they are made. If rent is paid in installments, a proportionate share of the tax shall be paid by the occupant to the operator with each installment.

**Section 3.** Subsection 3.05.150(A)(1) is hereby amended to read as follows (language

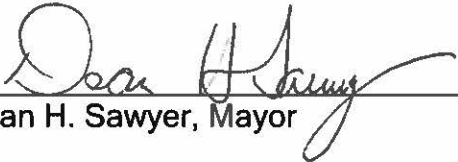
to be added depicted with underline):

At least 46% of the room tax revenue from a tax of 9.5% of the rent charged, and at least 70% of the room tax revenue from a tax of 2.5% of the rent charged, shall be used for tourism promotion and tourism related facilities. The city may accumulate funds dedicated to tourism promotion and tourism related facilities and such funds will be considered to be used for tourism promotion and tourism related facilities. The City Council shall have the authority to determine which facilities are tourism related. The City Council may determine that some facilities are in part tourism related facilities, and funds reserved for tourism related facilities may be used to cover an equivalent proportion of the cost of such facilities.

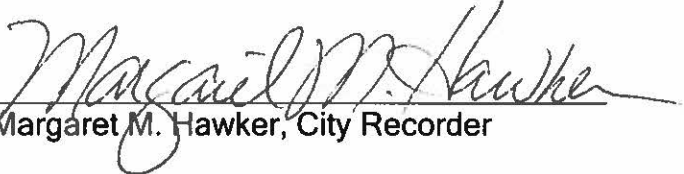
**Section 4.** This ordinance shall be effective 30 days after adoption by the City Council.

Date adopted by the Newport City Council: June 7, 2021.

Signed by the Mayor on June 8, 2021.

  
\_\_\_\_\_  
Dean H. Sawyer, Mayor

ATTEST:

  
\_\_\_\_\_  
Margaret M. Hawker, City Recorder

ORDINANCE NO. 1033

AN ORDINANCE PROVIDING FOR A 5 PERCENT TRANSIENT ROOM TAX FOR NEWPORT; PROVIDING THE ADMINISTRATIVE PROCEDURES FOR COLLECTION OF SAME; AND ESTABLISHING ADVERTISING AND PROMOTION FUND.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. DEFINITION. Except where the context otherwise requires, the definitions given in this section govern the construction of the ordinance.

(a) "Hotel" means any structure, or any portion of any structure which is occupied or intended or designed for transient occupancy for thirty days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, and also means space in mobile home or trailer parks, or similar structure or space or portions thereof so occupied, provided such occupancy is for less than a thirty day period.

(b) "City Council" means the city council of the City of Newport, Oregon.

(c) "Occupancy" means the use or possession, or the right to the use of possession for lodging or sleeping purposes of any room or rooms in a hotel, or space in a mobile home or trailer park or portion thereof.

(d) "Operator" means the person who is the proprietor of the hotel in any capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this ordinance and shall have the same duties and liabilities as his principal. Compliance with the provision of this ordinance by either the principal or the managing agent shall be considered to be compliance by both.

(e) "Person" means any individual, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

(f) "Cash accounting" means the operator does not enter the rent due from a transient on his records until rent is paid.

(g) "Accrual accounting" means the operator enters the rent due from a transient on his records when the rent is earned, whether or not it is paid.

(h) "Rent" means the consideration charged, whether or not received by the operator, for the occupancy of space in a hotel, valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction, but shall not include charges to a condominium unit owner which are solely for cleaning or maintenance of such unit or personal use or occupancy by such owner, so long as the charges are made in connection therewith for space occupancy.

(i) "Rent package plan" means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this ordinance shall be the same charge made for rent when consideration is not a part of the package plan. The amount applicable to rent for determination of transient room tax under this ordinance shall be that amount allocated to space rent, taking into consideration a reasonable value of other items in the rent package and taking into consideration charge for rent when the space is rented separately and not included in a package plan.

(j) "Tax" means either the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which he is required to report his collections.



(k) "Tax administrator" means the City Recorder of the City of Newport, Oregon.

(l) "Transient" means any individual who exercised occupancy or is entitled to occupancy in a hotel for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel shall not be included in determining the thirty-day period if the transient is not charged rent for that day by the operator. Any individual so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, or the tenancy actually extends more than thirty consecutive days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this ordinance may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.

(m) "Transient Lodgings Tax Review Committee" means a committee composed of an accountant, an attorney and three other persons appointed by the Mayor and approved by the Council of the City of Newport and may be owners or operators of a "hotel" as defined in this ordinance.

Section 2. TAX IMPOSED. For the privilege of occupancy in any hotel, on or after the 1st day of June, 1976, each transient shall pay a tax in the amount of five percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the City which is extinguished only by payment by the operator to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. The operator shall enter the tax on his records when rent is collected if the operator keeps his records on the cash accounting basis and when earned if the operator keeps his records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities, other than the furnishing of rooms, accommodations, and space occupancy in mobile home parks or trailer parks.

### Section 3. COLLECTION OF TAX BY OPERATOR; RULES FOR COLLECTION.

(a) Every operator renting rooms or space for lodging or sleeping purposes in this city, the occupancy of which is not exempted under the terms of this ordinance, shall collect a tax from the occupant. The tax collected or accrued by the operator constitutes a debt owing by the operator to the City.

(b) In all cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until credits are paid or deferred payments are made. Adjustments may be made for uncollectables.

(c) The tax administrator shall enforce provisions of this ordinance and shall have the power to adopt rules and regulations not inconsistent with this ordinance as may be necessary to aid in the enforcement.

(d) For rent collected on portions of a dollar, fractions of a penny of tax shall not be remitted.

(e) In instances where credit is extended to the transient for charges for the rental of the unit through the use of a credit card or other similar transaction whereby the amount paid to the operator is discounted by contract between the operator and the issuer of the credit card, the amount of such discount shall be excluded from the definition of "rent" and no tax shall be imposed on the amount so discounted.

Section 4. OPERATOR'S DUTIES. Each operator shall collect the tax imposed by this ordinance at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records, and any receipt rendered by the operator. No operator of a hotel shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this ordinance.

Section 5. EXEMPTION. No tax imposed under this ordinance shall be imposed upon:

(a) Any occupant for more than thirty successive calendar days with respect to any rent imposed for the period commencing after the first thirty days of such successive occupancy.

(b) Any occupant who rent is of a value less than two dollars per day;

(c) Any person who rents a private home, vacation cabin, or like facility from any owner who rents such facilities incidental to his own use thereof;

(d) Any occupant whose rent is paid for hospital room or to a medical clinic, convalescent home or home for the aged people, or to a public institution owned and operated by a unit of the government.

Section 6. REGISTRATION OF OPERATOR; FORM AND CONTENTS; EXECUTION; CERTIFICATION OF AUTHORITY. Every person engaging or about to engage in business as an operator of a hotel in this City shall register with the tax administrator on a form provided by him. Operators engaged in business at the time this ordinance is adopted must register not later than thirty calendar days after passage of this ordinance. Operators starting business after this ordinance is adopted must register within fifteen days after commencing business. The privilege of registration after the date of impositions of such tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration. Registration sets forth the name under which the operator transacts or intends to transact business, the location of his place or places of business and such other information to facilitate collection of the tax as the tax administrator may require. The registration shall be signed by the operator. The tax administrator shall, within ten days after registration issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the tax administrator upon the cessation of business at the location named or upon its sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently display therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy.

Said certificate shall, among other things, state the following:

- (1) The name of the operator;
- (2) The address of the hotel;
- (3) The date upon which the certificate was issued;
- (4) "This Transient Occupancy Registration Certificate signified that the person named on the face hereof has fulfilled the requirements of the Transient Lodging Tax Ordinance of the City of Newport by registration with the tax administrator for the purpose of collecting from transients the lodging tax imposed by said city and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the City of Newport. This certificate does not constitute a permit."

Section 7. DUE DATE; RETURNS AND PAYMENTS.

(a) The tax imposed by this ordinance shall be paid by the transient to the operator at the time that rent is paid. All amounts of such taxes collected by any operator are due and payable to the tax administrator on a monthly basis on the fifteenth day of the following month for the preceding month; and are delinquent on the last day of the month in which they are due. The tax administrator has authority to classify and/or district the operators for determination of applicable tax periods, and shall notify each operator of the due and delinquent dates for the operator's returns.

(b) On or before the fifteenth day of the month following each month of collection, a return for the preceding month's tax collections shall be filed

with the tax administrator. The return shall be filed in such form as the tax administrator may prescribe by every operator liable for payment of tax.

(c) Returns shall show the amount of tax collected or otherwise due for the related period. The tax administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of operator for such period and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.

(d) The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the tax administrator at his office, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

(e) For good cause, the tax administrator may extend for not to exceed one month, the time for making any return or payment of tax. No further extension shall be granted, except by the Transient Lodging Tax Committee. Any operator to whom an extension is granted shall pay interest at the rate of one-half of one percent per month on the amount of tax due without pro-ration for a fraction of a month. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this ordinance.

#### Section 8. PENALTIES AND INTEREST.

(a) Original delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this ordinance prior to delinquency shall pay ten percent of the amount of the tax due in addition to the amount of the tax.

(b) Continued delinquency. Any operator who has not been granted an extension of time for remittance of tax due, and who failed to pay any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent of the amount of the tax due plus the amount of the tax and the ten percent penalty first imposed.

(c) Fraud. If the tax administrator determines that the nonpayment of any remittance due under this ordinance is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties stated in paragraphs (a) and (b) of this section.

(d) Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this ordinance shall pay interest at the rate of one percent per month or fraction thereof without proration for portions of a month, on the amount of the tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(e) Penalties merged with tax. Every penalty imposed and such interest as accrues under the provisions of this section shall be merged with and become a part of the tax herein required to be paid.

(f) Petition for waiver. Any operator who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated, provided, however, the operator may petition the Transient Lodgings Tax Review Committee for waiver and refund of the penalty or any portion thereof and the Transient Lodgings Tax Review Committee may, if a good and sufficient reason is shown, waive and direct a refund of the penalty of any portion thereof.

#### Section 9. DEFICIENCY DETERMINATIONS; EVASION, OPERATOR DELAY.

(a) Deficiency determinations. If the tax administrator determines that the returns are incorrect, he may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information within his possession or that may come into his possession.

One or more deficiency determinations may be made of the amount due for one or more than one period, and the amount so determined shall be due and payable immediately upon service of notice as herein provided after which the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in Section 8.

(1) In making a determination the tax administrator may offset overpayments, if any, which may have been previously made for a period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in Section 8.

(2) The tax administrator shall give to the operator or occupant a written notice of his determination. The notice may be served personally or by mail. If by mail the notice shall be addressed to the operator at his address as it appears on the records of the tax administrator. In case of service by mail or any notice required by this ordinance, it shall be served by mailing such notice by certified mail, postage prepaid, return receipt requested.

(3) Except in the case of fraud or intent to evade this ordinance or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires later.

(4) Any determination shall become due and payable immediately upon receipt of notice and shall become final within twenty days after the tax administrator has given notice thereof, provided, however, the operator may petition redemption and refund if the petition is filed before the determination becomes final as herein provided.

(b) Fraud, refusal to collect, evasion. If any operator shall fail or refuse to collect said tax or to make within the time provided in this ordinance any report or remittance of said tax or any portion thereof required by this ordinance, or makes a fraudulent return or otherwise wilfully attempts to evade this ordinance, the tax administrator shall proceed in such a manner as he may deem best to obtain the facts and information on which to base an estimate of the tax due. As soon as the tax administrator has determined the tax due that is imposed by this ordinance from any operator who has failed or refused to collect the same and to report and remit said tax, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this ordinance. In case such determination is made, the tax administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years of the discovery by the tax administrator of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return. Any determination shall become due and payable upon receipt of notice and shall become final within twenty days after the tax administrator has given notice thereof, provided, however, the operator may petition for redemption refund if the petition is filed before the determination becomes final as herein provided.

(c) Operator delay. If the tax administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the City will be jeopardized by delay, or if any determination will be jeopardized by delay, he shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined as herein provided shall be immediately due and payable, and the operator shall immediately pay such determination to the tax administrator after service of notice thereof; provided, however, the operator may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within twenty days from the date of service of notice by the tax administrator.

#### Section 10. REDETERMINATIONS.

(a) Any person against whom a determination is made under Section 9 or any person directly interested may petition for a redetermination and redemption

and refund within the time required in Section 9. If a petition for redetermination and refund is not filed within the time required in Section 9, the determination becomes final at the expiration of the allowable time.

(b) If a petition for redetermination and refund is filed within the allowable period, the tax administrator shall reconsider the determination, and if the person has so requested in his petition, shall grant the person an oral hearing and shall give him twenty days notice of the time and place of the hearing. The tax administrator may continue the hearing from time to time as may be necessary.

(c) The tax administrator may decrease or increase the amount of the determination as a result of the hearing and if an increase is determined such increase shall be payable immediately after the hearing.

(d) The order or decision of the tax administrator upon a petition for redetermination of redemption and refund becomes final twenty days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the Transient Lodgings Tax Review Committee within the twenty days after the service of such notice.

(e) No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the operator has first complied with the payment provisions hereof.

#### Section 11. SECURITY FOR COLLECTION OF TAX.

(a) The tax administrator, whenever he deems it necessary to insure the compliance with this ordinance, may require the operator subject thereto to deposit with him such security in the form of cash, bond or other security as the tax administrator may determine. The amount of the security shall be fixed by the tax administrator but shall not be greater than twice the operator's estimated average monthly liability for the period for which he files returns, determined in such a manner as the tax administrator deems proper, or five thousand dollars, whichever amount is less. The amount of security may be increased or decreased by the tax administrator subject to limitations herein provided. The operator has a right to appeal to the Transient Lodging Tax Review Committee any decision of the tax administrator made pursuant to this section. The operator's right to appeal is pursuant to Section 17 herein.

(b) At any time within three years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the tax administrator may bring any action in the courts of this state, or any other state, or of the United States in the name of the city to collect the amount delinquent together with penalties and interest.

Section 12. LIEN. The tax imposed by this ordinance together with the interest and penalties herein provided and the filing fees paid to the County Clerk of Lincoln County, Oregon, and advertising costs which may be incurred when same becomes delinquent as set forth in this ordinance shall be and, until paid, remain a lien from the date of its recording with the Department of Records, Lincoln County, Oregon, and superior to all subsequent recorded liens on all tangible personal property used in the hotel of an operator within Newport and may be foreclosed on and sold as may be necessary to discharge said lien, if the lien has been recorded with the Department of Records in Lincoln County, Oregon. Notice of the lien may be issued by the tax administrator or his deputy whenever the operator is in default in the payment of said tax, interest and penalty shall be recorded with the Department of Records of Lincoln County, Oregon, and a copy sent to the delinquent operator. The personal property subject to such lien seized by any deputy or employee of the tax administrator may be sold by the department seizing same at public auction after ten days notice which means one publication in a newspaper published in the city of Newport, Oregon. Any lien for taxes shown on the records of the proper county official shall, upon payment of all taxes, penalties, and interest thereon, be released by the tax administrator when the full amount determined to be due has been paid to the City and the operator or person making such payment shall have a receipt therefor stating that the full

amount of taxes, penalties, and interest thereon have been paid and that the lien is hereby released and the record of lien is satisfied.

### Section 13. REFUNDS.

(a) Refunds by the city to the operator. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator under this ordinance, it may be refunded, provided a verified claim in writing therefore, stating the specific reason upon which the claim is founded, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount collected or paid may be refunded or may be credited on any amount then due and payable from the operator from whom it was collected or by whom paid and the balance may be refunded to such operator, his administrators, executors, or assignees.

(b) Refunds by city to transient. Whenever the tax required by this ordinance has been collected by an operator, and deposited by operator with the tax administrator, and it later is determined that the tax was erroneously or illegally collected or received by the tax administrator, it may be refunded by the tax administrator to the transient, provided a verified claim in writing therefore, stating the specific reason on which the claim is founded, is filed with the tax administrator within three years from the date of payment.

(c) Refunds by operator to tenant. Whenever the tax required by this ordinance has been collected by the operator and it is later determined that the tenant occupies the hotel for a period exceeding thirty days without interruption, the operator shall refund to such tenant the tax previously collected by the operator from that tenant as a transient. The operator shall account for such collection and refund to the tax administrator. If the operator has remitted the tax prior to the refund or credit to the tenant, he shall be entitled to a corresponding refund under this section.

### Section 15. ADMINISTRATION.

(a) Disposition and use of transient room tax funds. There is hereby created a fund to be known as "advertising and promotion fund" into which all charges collected shall be deposited and kept as a fund of the city. The City Finance Office shall be allocated five percent of the monies collected for administration of the ordinance. The remaining monies shall be segregated by placing one-half of the monies in an "advertising and promotion" account in the fund. The monies placed in this account shall be budgeted in the regular City Budget. However, a seven member committee appointed by the Mayor and the Council shall be an advisory committee to the City Council in preparing the yearly advertising budget of the advertising and promotion fund. The committee shall be composed of three motel owners, two retail merchants, and two laymen. The remaining one-half of the monies shall be budgeted by transferring 60% to a capital outlay account for building and equipment in the Trust and Reserve Fund, 20% to the Airport Fund, and 20% to the General Fund for public safety expenditures.

(b) Records required from operators, etc; Form. Every operator shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the operator for a period of three years and six months after they come into being.

(c) Examination of records; investigations. The tax administrator, or any person authorized in writing by him, may examine during normal business hours the books, papers, and accounting records relating to room sales of any operator liable for the tax, and may investigate the business of the operator in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

(d) Confidential character of information obtained; disclosure unlawful. It shall be unlawful for the tax administrator or any person having an administrative or clerical duty under the provisions of the ordinance to make known in any

manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a Transient Occupancy Registration Certificate or pay a transient occupancy tax, or other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person; provided that nothing in this subsection shall be construed to prevent:

(1) The disclosure to, or the examination of records and equipment by another city of Newport official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this ordinance, or collecting taxes imposed hereunder, or collecting City business license fees.

(2) The disclosure, after the filing of a written request to that effect, to the taxpayer himself, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest and penalties; further provided, however, that the City Attorney approves each such disclosure and that the tax administrator may refuse to make any disclosure referred to in this paragraph when in his opinion the public interest would suffer thereby.

(3) The disclosure of the names and addresses of any persons to whom Transient Occupancy Registration Certificates have been issued.

(4) The disclosure of general statistics regarding taxes collected or business done in the city.

Section 16. TRANSIENT LODGINGS TAX REVIEW COMMITTEE; APPEAL RULES, PROCEDURE. A Transient Lodgings Tax Review Committee is hereby created to be composed of an attorney, who may be a city employee, an accountant, an operator, as herein defined, and two lay members. The committee shall select from its members a chairman who shall serve at its pleasure. Three members of the committee shall constitute a quorum. The committee shall keep a record of its transactions. The committee shall be deemed to be in the office of the tax administrator and shall keep its files in his office. The members of the committee shall not, at any time, receive any compensation as such members or acting members for their services on the committee. The committee shall be appointed by the Mayor and shall serve four-year terms, except the accountant, the attorney and the operator appointed to the first committee after the adoption of this ordinance shall serve three-year terms. Thereafter, all terms shall be four years.

The committee shall have power and it shall be its duty:

(1) To hear and determine appeals of orders or decisions of the tax administrator made upon petitions for redetermination of tax. The committee may affirm, modify, or reverse such orders or decisions or dismiss the appeals therefrom, as may be just, and shall prescribe such forms, rules and regulations relating to appeals as it may deem necessary. In the review of the tax administrator decision or order, the committee may take such evidence and make such investigation as it may deem necessary. It shall give notice of its determinations in the manner prescribed for service of notice of a tax administrator's decision and shall file a copy of each such determination with the tax administrator with certification thereon of the date of service thereof. Such determination shall become final twenty days thereafter and shall thereupon become due and payable, subject to interest penalties, and enforceable by the tax administrator in like manner as an order or decision of the tax administrator.

(2) To approve, modify or disapprove all forms, rules and regulations prescribed by the tax administrator in the administration and enforcement of this ordinance and such forms, rules and regulations adopted or promulgated after June 1, 1976.

(3) To hear and determine in such manner as shall be just, any protest which may be made by any person who may be interested, to any form, rule, or regulation approved or prescribed by the committee.

(4) To grant for good cause, applications for extensions of time in excess of one month, for making any return or payment of tax, and to prescribe rules therefore.

(5) To make such investigations as it deems advisable regarding the imposition and administration of the transient lodging tax and report its findings to the City Council; to act in an advisory capacity to the legislative body on matters pertaining to the transient lodgings tax and enforcement problems and to recommend to the Council the adoption, amendment or repeal of legislation pertaining thereto.

Section 17. APPEAL TO TRANSIENT LODGINGS TAX REVIEW COMMITTEE. Any person aggrieved by any decision of the tax administrator may appeal to the Transient Lodgings Tax Review Committee by filing notice of appeal with the tax administrator within twenty days of the serving or mailing of the tax notice of a decision given by the tax administrator. The tax administrator shall fix a time and place for hearing such appeal as prescribed by the Transient Lodgings Tax Review Committee in its rules and regulations and shall give the appellant twenty days written notice of the time and place of hearing.

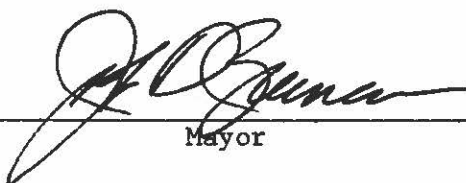
Section 18. APPEALS TO CITY COUNCIL. Any person aggrieved by any decision of the Transient Lodgings Tax Review Committee may appeal to the City Council by filing notice of appeal with the tax administrator within twenty days of the serving or the mailing of the notice of the decision given by the Transient Lodgings Tax Review Committee. The tax administrator shall transmit said notice of appeal together with the file of said appealed matter to the Council, who shall fix a time and place for hearing such appeal from the decision of the Transient Lodgings Tax Review Committee. The Council shall give the appellant not less than twenty days written notice of the time and place of hearing of said appealed matter. Action by the Council on appeals shall be decided by a majority of the members of the Council present at the meeting where such appeal is considered.

Section 19. SEVERABILITY. If any section, subsection paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional (or otherwise invalid), such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The legislative body hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional (or otherwise invalid.)

Section 20. VIOLATIONS. It is unlawful for any operator or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the tax administrator or to render a false or fraudulent return. No person required to make, render, sign or verify any report shall make any false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this ordinance.

Section 21. MISDEMEANOR. Any person willfully violating any of the provisions of this ordinance shall be guilty of a misdemeanor and may be punishable therefore by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the City of County jail for a period of not more than six months or by both such fine and imprisonment.

Section 22. EFFECTIVE DATE. This ordinance shall become effective at 12:01 AM on the 1st day of June, 1976.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
=City Recorder

*Passed 4-19-76.*