



AGENDA & Notice of Work Session and Regular City Council Meeting

The City Council of the City of Newport will hold a work session on Tuesday, February 19, 2013, at 12:00 P.M., and regular City Council meeting at 6:00 P.M. The work session will be held in Conference Room A at City Hall, and the Urban Renewal Agency and Council meetings will be held in the Council Chambers, City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

The meeting locations are accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder 541.574.0613.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session and/or meeting. Action items that do not require a public hearing may be moved up earlier in the meeting.

CITY COUNCIL WORK SESSION Tuesday, February 19, 2013 - 12:00 P.M. Conference Room A

I. City Council Goals

COUNCIL MEETING AGENDA Tuesday, February 19, 2013 - 6:00 P.M. Council Chambers

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the City Council Chamber. Anyone commenting on a subject not on the agenda will be called upon during the Public Comment section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

I. Pledge of Allegiance

II. Call to Order and Roll Call

III. Additions/Deletions and Approval of Agenda

IV. Public Comment

This is an opportunity for members of the audience to bring to the Council's attention any item not listed on the Agenda. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.

V. Consent Calendar

The consent calendar consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

- A. Approval of minutes from the Work Session and Regular City Council Meeting of February 4, 2013 (Hawker)
- B. Report of Accts. Paid - January 2013 (Marshall)
- C. OLCC Application-Nye Beach Wine Cellar (Miranda)

VI. Officer's Reports

- A. Mayor's Report
 - i. Select Date for Meeting with the Port
 - ii. Request for Excused Absence
 - iii. Appointment of Airport Committee Members
- B. City Manager's Report
 - i. Department Head Reports
 - ii. Suggestion/Concern/Complaint Update
 - iii. Project Management Report

VII. Discussion Items and Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items.

- A. Bike/Pedestrian Committee Presentation-power point (10 minutes)
- B. Update: Six-Month Review of Financials (Marshall)
- C. Business License Administrative Rules (Marshall)
- D. City Manager's Authority to Settle State and/or Federal Lawsuits (Voetberg)
- E. Newport Fire Department "Standard of Cover" and Annual Report (Paige)

VIII. Public Hearings - 7:00 P.M.

- A. Public Hearing on Amendment to Urbanization & Public Facilities Elements of the Newport Comprehensive Plan (Tokos)
- B. Public Hearing on Adoption of Resolution No. 3621 for a Supplemental Budget for Fiscal Year 2012-13 (Marshall)

IX. Action Items

Citizens will be provided an opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. (Action items are expected to result in motions, resolutions, orders, or ordinances.)

- A. Continuation of the Teevin Bros. SDC Appeal **Postponed to March 18 at the Teevin Bros. Request** (Tokos)
- B. Consideration of Adoption of Resolution No. 3619 Calling for an Election on a measure creating a new Municipal Code Chapter 4.30 prohibiting the distribution of single-use plastic carryout bags by retail establishments (Hawker)
- C. Consideration of Adoption of Resolution No. 3620 Adopting Transfer for Fiscal Year Budget 2012-13 (Marshall)

X. Council Reports and Comments

XI. Public Comment (Additional time for public comment - 5 minutes per speaker)

XII. Adjournment

CITY OF NEWPORT
CITY COUNCIL GOALS
FISCAL YEAR 2012/2013

FIRE DEPARTMENT

Ongoing Goals

A. Strengthen volunteer and paid staff relationships

This will be ongoing, and while it is a difficult goal to measure objectively, I believe the volunteer and paid staff are more cohesive than they have been in recent years.

B. Volunteer Recruitment

This goal should probably be renamed Volunteer Recruitment and Retention. While we have been actively recruiting, the retention and continuing turnover of volunteers is a continuing challenge. The extensive training needed to be "entry-qualified" is mandatory, and the result is that by the time they are qualified as firefighters, there is often only a short time before they are gone and we are starting over. We are also looking for ways to use non-entry qualified volunteers in more useful ways. To work on better retention, we are trying to get a handle on which factors we can influence and which are out of our control. Here is a short analysis of the past year.

Recruitment - In 2012, the department received seventeen applications for new volunteer firefighters. Of those, nine were accepted and began the training process. Two of the nine new people left within the same year (both moved out of the area).

Of the remaining 7 new volunteers for the year 2012; two are currently with NOAA and have limited time available to devote to training throughout the year but are nearing entry qualification, two came with experience from other fire departments and will be entry qualified in January 2013, two started their training in July and are continuing to progress in their training, and the seventh person joined as a support volunteer and is not expected to become entry qualified.

Retention - During 2012, Newport lost a total of 12 volunteers. Informal exit interviews are conducted to help determine reasons for attrition and hopefully improve retention of volunteers. Of the twelve volunteers who did not continue with the department, six moved out of the area, five cited changes in job demands, family situation, or that the overall time required for training was more than they could give, and one was hired as a full time firefighter/paramedic at Newport Fire Department.

<u>Date</u>	<u># of Volunteers</u>	<u>Entry Qualified</u>	<u>Non-Entry Qualified</u>
<u>January 1, 2012</u>	<u>25</u>	<u>18</u>	<u>7</u>
<u>January 1, 2013</u>	<u>22</u>	<u>13</u>	<u>9</u>

Fiscal Year 2012/2013 Goals

A. Reconfiguration of main station

This was completed in a very cost-effective manner with a lot of work from on duty personnel.

B. Develop a comprehensive Fire Inspection Program

Rob Murphy and Chris Rampley have developed an inspection program focusing on hotels and restaurants (highest risk occupancies for life safety). The program is working well, and also helps our people to be more familiar with the layout of the buildings.

C. Consider and/or Update Comprehensive Plan

The ESCI study was completed and we have begun to incorporate the recommendations into a Strategic Plan for the Fire Department. The Strategic Plan will address goals in the areas of administration, staffing, facilities, and apparatus.

The other document being developed is the Standard of Cover. The Standard of Cover will set performance goals for the tasks that must be performed at the scene of an emergency incident. It will also address response time goals and identify the needed staffing to deal with the different types of emergencies that we are called upon to stabilize and mitigate.

Both of these documents are anticipated to be completed and presented to the City Council in 2013, and will provide a basis for long updating our 1-5 year goals and priorities for the department.

1 - 5 Year Goals

A. Implement recommendations from ESCI

Ongoing - See above

B. Develop a strategic plan

Ongoing - See above

5+ Year Goals

A. Implement strategic plan

Ongoing - See above

POLICE DEPARTMENT

Ongoing Goals

A. Maintain volunteer force

There are currently 27 volunteers and two more applications are being reviewed.

B. Continue to support education and crime prevention

Several Neighborhood Watch programs were presented last quarter. A new Neighborhood Watch sign design has been developed and will be made available to qualifying neighborhoods.

C. Evaluate and monitor staffing levels

This is an ongoing process. Maintaining patrol staffing minimums is a priority.

D. Conduct annual public surveys

This year's survey was completed in June.

Fiscal Year 2012/2013 Goals

A. Update Comprehensive Plan

Has not been accomplished as yet.

B. Develop and implement a policy review schedule

Completed.

C. Develop a technology and equipment replacement schedule

Completed.

D. Participate in LINT as staffing allows

An officer was transferred from patrol to LINT in December.

E. Develop a strategy to achieve 100% FTE levels at all times

We are currently at 100% staffing although one officer is still completing his field training. The only possible way to maintain 100% staffing at all times is to do an 'over hire' process, but that depends on contingency funding.

F. Develop a resource and partnership to reinstate a school resource officer

No federal or other dollars are available to fund a SRO. The school district's funding situation also does not allow for a financial partnership. While we do not have a dedicated officer for the schools, we do provide officers when needed, a presence at the schools and frequent contact with school administrators.

1 - 5 Year Goals

- A. Add school resource officer

No action will be taken until funding is available.

5+ Year Goals

- A. Become accredited with the Oregon Accreditation Alliance (OAA)

The pre-assessment phase has been completed and the files are being evaluated at this time. Within the next month, we will have a site visit by the OAA managers.

PUBLIC SAFETY

Ongoing Goals

- A. Education and public outreach and designation of October as Emergency Preparedness Month

The Mayor issued a proclamation proclaiming October as Emergency Preparedness in the City of Newport.

- B. Maintain Community Emergency Response Team (CERT) program

The city continues to participate in the CERT program and offers training throughout the year.

Fiscal Year 2012/2013 Goals

- A. Transition to an updated 911 system

The city has contracted with the City of Salem (Willamette Valley Communications) for emergency dispatching services.

- B. Develop Tsunami alerts and evacuation routes and sites

There were several tsunami evacuation drills this year. Safe Haven Hill has been preliminarily cleared as an evacuation site, and FEMA funding is in place for Phase I improvements to this site.

C. Evaluate public facilities for earthquake readiness

This is under discussion by the Emergency Preparedness Committee.

D. Form an Emergency Preparedness Committee - staff level and include ICS training

An Emergency Preparedness Committee has been formed and basic ICS training has been mandated for certain employees.

1 - 5 Year Goals

A. Implement plan to upgrade structures for earthquake readiness

Awaiting evaluation of public facilities, but it needs to be kept on the goals list.

B. Become a NOAA Tsunami Ready City

No work has been done on this goal, but it needs to be kept on the goals list.

C. Develop a plan and implement stockpiles for emergency preparedness

There was a grant received this past year where stockpiles were added to and storage rooms were built in the main and South Beach fire stations for storage of the stockpiles.

AIRPORT

Ongoing Goals

A. Comply with FAA Part 139 regulations by continuing to develop staff by cross-training in all aspects of airport operations

All three full-time staff members are cross-trained, and shifts have been established so that one of the three trained staff members is on duty during the day, and on-call during the evening.

B. Maintain and develop operational and maintenance core guiding plans for field operations

This goal is always going to be a work in progress.

C. Continue to explore management options for the FBO

There continues to be occasional interest in purchasing the FBO, but no takers to date. Staff continues to be alert to possibilities.

D. Continue to develop and implement Airport Improvement Projects (AIP)

AIP projects continue to occur.

In addition to AIP grant funded projects, the city received a ConnectOregonIV grant for the rehabilitation of Runway 16/34.

Fiscal Year 2012/2013 Goals

A. Complete operational and maintenance plans for field operations

This is an ongoing goal, and will always be a work in progress.

B. Continue advanced training of operational staff

Staff is participating in advanced training, cross-training, and participating in meetings with ODOT and ODA.

C. Develop a plan to offer services of a full-service FBO

Staff continues to work on this goal. Toward this end, Enterprise Car Rental and Toby Murry Motors have entered into concessionaire agreements to provide rental cars at the airport.

1 - 5 Year Goals

A. Develop the FBO to a level that it becomes profitable and attractive to independent operations

This is ongoing and should be a continuing goal.

The hangar leases were updated this year, and staff is in the process of getting signatures on the new leases.

B. Continue to develop and support a volunteer association to support and promote ONP

Very little has been done on this goal, but it should stay on the goals list. The Airport Committee has expressed the idea that the volunteer cadre could be responsible for special events at the airport, i.e., fly-ins, etc.

C. Continue to develop airport business opportunities including infrastructure upgrades

Enterprise Car Rental and Toby Murry Motors have entered into concessionaire agreements to provide rental cars at the airport. Staff continues to explore other opportunities as they arise.

LIBRARY

Ongoing Goals

A. Ensure the safety of library users and staff and minimize risk

Installed four surveillance cameras in the Library - two in the Children's Department and two upstairs

New light fixtures installed on the main floor making the entire library brighter, safer, and easier for patrons to find materials on shelves

B. Pursue improvements to keep the library current

Ordered and awaiting installation of automatic opening front doors. These will make us ADA compliant. Automatic opening doors are also a big help to patrons with children and patrons with arm loads of library materials.

Working with Reliable Lawn Care and Handyman Service to mow grass, trim trees and shrubs over the next year.

Fiscal Year 2012/2013 Goals

A. Conduct an electrical and energy inspection and implement a plan to update heating and lighting systems

Nothing has been done at this time because the building needs a complete energy audit and this should be done in conjunction with a larger building needs study that would require the work of a professional consultant.

B. Increase funding for collection development

Collection development budget was increased by almost \$26,000 this year as a result of dissolving the Coastal Resource Sharing Network and forming a new consortium and consortia agreement.

C. Develop an equipment and furnishings maintenance and replacement plan

Done. An equipment and furniture replacement schedule is in place, but it is of course, dependent on funding availability. Maintenance is always ongoing and needs no schedule. We repair and use everything, from furniture to books, until they no longer have life.

D. Install security cameras and improved lighting

Done. The security cameras and lighting were all installed in the first quarter of the current fiscal year

1 - 5 Year Goals

A. Plan for library expansion/relocation study

In August, the Library Director contacted one of the most highly recommended library consultants, asking her company to submit a bid that would encompass a community needs assessment, a building needs assessment, and a technology needs assessment. Her bid was \$76,000, which is not out of the ballpark for this kind of work. Over the next three months, grants will be written to the Oregon State Library, the Meyer Memorial Trust, and the Oregon Community Foundation, seeking funds to help get this study done. It will not be known before the next budget is due whether the grants will be awarded, but \$20,000 should be budgeted for the city's share of the cost of this study.

B. Implement the Radio Frequency Identification (RFID) security system

We can do this anytime the city has \$50,000 to put toward this project. The Library Foundation might help with some funding for this project, but if they do, then they should not be counted on to help fund the community and building needs assessment.

5+ Year Goals

A. Expand or relocate the library

This will all depend on the findings of a consultant who will have done a complete community needs and building assessment. After all this is done, then we need to: find land; hire an architect to design a new library or redesign the present library - at the very least updating the building's HVAC system, electrical system, carpet and shelving layout.

FINANCE AND BUDGETING

Ongoing Goals

A. Develop and produce award-winning audits and budgets

This is now an FY15 goal

Fiscal Year 2012/2013 Goals

A. Install and make operational a purchase requisition/purchase order system

Anticipated in the last half of the 2013 calendar year

B. Implement the new accounting system - Cassell

Approximately half completed

1 - 5 Year Goals

- A. Focus on reorganization of administrative duties in relation to finance and administration activities

Quarterly financial reports

Three year financial forecast

Reorganize Finance Department

Two-position cash receipts

New payroll assignment

Increased emphasis on accounts receivable

Increased emphasis on agreements, contracts, RFPs, and projects, and tracking them

Financial specialists instead of accounting tech, accounting specialist, and accountant

Make all salary schedules consistent

For human resources

Initiate streamlined linear hiring process through Clarity

Complete standardized interview guides for all departments

Develop and implement cross-departmental injury reduction plan

PARKS AND RECREATION DEPARTMENT

Ongoing Goals

- A. Provide recreational programming and opportunities

The department continues to provide programs and facilities for recreation.

- B. Maintain and continue to update programs and equipment

Staff has developed new programming and has embarked on an equipment replacement program.

- C. Appoint and maintain the operation of the Parks and Recreation Advisory Committee

This Committee continues to struggle for full membership. It is quite a large Committee and it is recommended that Council consider decreasing the number of members through adoption of an ordinance.

Fiscal Year 2012/2013 Goals

- A. Form and Parks and Recreation Foundation

Formation of a Parks and Recreation Foundation is underway.

B. Implement an “Adopt-a-Park” and an “Adopt-a-Streetscape” program

These programs have been implemented.

C. Develop a schedule and implementation plan for equipment and facilities repair and replacement

This is underway.

D. Review the existing Comprehensive Plan with the Parks and Recreation Advisory Committee and staff and report the findings to the City Council

There has been no progress on this goal.

E. Update the CIP

There has been no progress on this goal.

F. Create a cost recovery program and define subsidy levels

Toward this end, the department has initiated new events to reduce the previous subsidy. Work continues on this goal.

G. Remodel and update the control desk, circuit room, and gym lights

The gym lights have been replaced. Planning is ongoing on the remodel and update of the control desk and circuit room.

1 - 5 Year Goals

A. Address the issue of replacing the aquatic facility (municipal pool)

No additional work has been done on this goal.

B. Consider an update to the Parks and Open Space Master Plan

No work has been done on this goal.

ECONOMIC DEVELOPMENT

Ongoing Goals

A. Maintain and implement economic development strategies

CDD has maintained and implemented economic development strategies by completing legislative initiatives that better define the City's role in economic development (Economic Opportunity Analysis); allow for more robust development by loosening

regulatory barriers such as ODOT's vehicle capacity limits on US 101 in South Beach (Transportation System Plan Updates); clarify the the nature and timing of Urban Renewal investments in South Beach (Coho/Brant Neighborhood Plan); and work to secure the City's domestic water supply over the long-term so that the City has the capacity to support growth (Reservoir UGB Amendment).

Public Works and CDD have worked closely together to implement the South Beach Urban Renewal Plan, which serves as a catalyst for economic growth. This includes completing the 40th to 50th street water/sewer line project, design of the Ash Street extension, securing FEMA match funds for tsunami evacuation route enhancements; preparing a grant application to ODOT for the US 101/SE 35th Street Intersection and Ferry Slip Road project, and engaging land owners to acquire needed rights-of-way.

CDD is working closely with OMSI to identify how the organization and City can collaborate on needed infrastructure improvements, is assisting Teevin Bros. and the Port of Newport in siting their log exporting operation, and participated actively in the community's successful effort in securing a commitment from the Pacific Marine Energy Center to locate in Newport.

B. Involve citizens in every aspect of planning

Citizens have influenced and molded economic planning efforts by serving on technical advisory committees (Economic Opportunity Analysis), attending open houses (South Beach TSP Update) and participating in design charrettes (Coho/Brant Neighborhood Plan). Citizens have also participated at public meetings where the South Beach Urban Renewal District has set its funding priorities, and have provided the Council and staff with direct feedback on a project specific basis.

Fiscal Year 2012/2013 Goals

A. Work with the City Center Newport Association to develop a renewal plan

CDD prepared an ODOT Transportation Growth Management (TGM) grant application, on behalf of CCNA, to fund a US 101 corridor study between the bridge and US 20 to identify steps to improve traffic flow and enhance pedestrian, bicycle, and transit opportunities. Removal of on-street parking and the potential of a future one way couplet (with 9th being the north bound movement) would have also been evaluated. The grant application was not approved. ODOT Region 2 planning may fund the work in the coming years; however, that is now likely to be mixed in to the future bridge replacement conversation.

CCNA is interested in developing a set of design guidelines and CDD staff is providing technical assistance on an "as needed" basis.

B. Finalize the EOA and Economic Development Plan

The Newport Economic Opportunity Analysis (EOA) has been completed and its recommendations incorporated into the Economic Section of the Newport Comprehensive Plan (Ord. #2042).

C. Address annexation and land supply issues

The Council will need to discuss how it wants to pursue annexation of industrial sites in South Beach, including whether or not annexation should be mandatory in order for properties to receive sewer service. This will become a more important policy issue once the 40th to 50th street service goes online.

D. Annex and zone city's water reservoir

An Urban Growth Boundary expansion is needed before the reservoir properties can be annexed and zoned. CDD has prepared amendments to the Comprehensive Plan to facilitate that process. They are scheduled for Council consideration on February 19, 2013. An application to amend the UGB under the new criteria has been prepared and will be considered by the Planning Commission on February 25, 2013.

1 - 5 Year Goals

A. Implement measures from the EOA and the Economic Development Plan

One of the initial implementation measures is to develop a job description and funding plan for a Business Retention and Recruitment Coordinator function. CDD staff worked with the Technical Advisory Committee to develop the description and funding plan, which will be worked into the budget discussions. This position would be housed at, and under the direction of, the Greater Newport Chamber of Commerce.

B. Develop strategies for annexing property in the Urban Growth Boundary

The City's rules for amending its Urban Growth Boundary were outdated and inconsistent with current state law. CDD has prepared amendments to address this deficiency, as discussed above, and has prepared an application to amend the UGB under the new rules to bring in the reservoir properties.

COMMUNITY DEVELOPMENT

Ongoing Goals

A. Involve citizens in every aspect of planning

The Newport Planning Commission, a citizen volunteer committee, reviews and provides recommendations on all legislative initiatives. They also serve as a decision making body for land use actions. In addition to the outreach discussed under the "Economic Development" goal above, citizens have been engaged through advisory committees and the public hearing/comment opportunities inherent to quasi-judicial and

legislative processes. Examples include the VRD and B&B code update, Tree City USA ordinance, Teevin Bros. project.

Fiscal Year 2012/2013 Goals

A. Organize city records to handle leases, franchises, and easements

Lease and franchise records have been researched and the information is being organized for entry into a relational database and GIS system. Easement records are still being researched and inventoried. Remonstrance agreements have been inventoried and a GIS layer developed showing where they are in place.

B. Automate addressing and inspection records

Inspection records have been scanned and are available on the City's website. The next batch update is scheduled for April. Miscellaneous inspections (footing, foundation, etc.) are being pulled out of hand logs and worked into the scanning program as time allows. No work has been done yet on automating addressing.

C. Develop incentives and regulatory changes to facilitate development of work force housing and develop a land bank

A framework for an Intergovernmental Agreement between the Community Services Consortium and corresponding contract with the Lincoln Community Land Trust, to facilitate the construction of workforce housing and establish the "land bank," has been discussed with the Planning Commission and City Council. Detailed documents are being prepared for Commission and Council consideration in March/April.

D. Achieve "Tree City USA" designation

The City's Tree City USA application, prepared by the Parks and Recreation Department, was approved on February 7, 2013. A celebration and/or presentation by the Arbor Day Foundation will be scheduled in the coming months.

E. Develop an open space policy and plan

This needs to be an element of an updated Park System Master Plan. That Plan was last amended in 1993, and funding should be allocated for that work. In the interim, CDD and Parks and Recreation staff worked with OCCFA, the Planning Commission, and City Council to designate City property next to the municipal pool as a "Forest Park." This included the development of management strategies that have allowed OCCFA to play a more active role through the City's adopt-a-park program.

F. Adopt a city-wide erosion control code

A draft concept has been reviewed by the Planning Commission. Work is currently on hold. This code may need to sync up with the development of on-site stormwater

management standards which have yet to be developed. Staffing of the Building Department may also be inadequate to fully implement this type of program right now.

G. Work toward the Adoption of a Common Design Theme for South Beach

Development of the Coho/Brant Neighborhood Plan provides common elements in terms of streetscape options. No further work on design guidelines is planned at this time.

1 - 5 Year Goals

A. Adopt recommendations related to the handling of/or treatment of storm runoff associated with new development

No work has been done on this item.

B. Coordinate with the state and FEMA on flood plain and wetland regulations

CDD has met with representatives from the State of Oregon and FEMA on several occasions. New floodplain regulations will likely be released in late 2013 or early 2014. Protection and/or preservation of wetlands will be a component of these rules as a result of ESA litigation.

C. Develop a plan for handling city building inspection services

Work has begun on a transition plan as the City's longstanding Building Official, Elwin Hargis, considers moving from a part-time role to full retirement. This effort will extend into next fiscal year.

D. Develop strategies for property acquisitions, sales, and other city assets

This has largely been handled on an ad-hoc basis, with the acquisition of the Guin property open space and new fire station properties being the most recent purchases. A property on the bay front was also sold. The City is still in the process of organizing its assets. This discussion with the Council would be timely and appropriate once that process is complete.

E. Develop a plan for the inclusion of park models

Work has not started on this item.

F. Adopt and Begin Implementing a Common Design Theme for South Beach

The Coho/Brant Neighborhood Plan was developed and completed.

WATER

Ongoing Goals

A. Update the Water System Master Plan and the Comprehensive Plan

This was completed in 2008 and updated several years ago, and can be removed from the ongoing goals list.

Fiscal Year 2012/2013 Goals

A. Consider construction of the new Agate Beach water tank

Design is nearly complete on this project; it will be bid; and is expected to be constructed this year.

B. Switch out water meters to “radio reads”

The RFP is being written and will be advertised within the month for Phase I.

C. Begin the systematic replacement of water supply lines and develop plans for future replacement

Ongoing. The plan is to replace the water supply lines on Third Street, between Highway 101 and Coast Street, this year. Replaced local water lines around Walgreen's this year.

1 - 5 Year Goals

A. Develop a water conservation plan and review the distribution system

This goal should be ongoing as a part of the water conservation program.

B. Implement automatic meter reading system

See above.

C. Extend water system to the airport

This goal is funding dependent.

5+ Year Goals

A. Plan for future raw water supply

Working on the condition analysis of two reservoirs and dams.

WASTEWATER

Ongoing Goals

- A. Update and maintain mapping of systems (water, stormwater, and wastewater)

Ongoing. System is mapped, pending review, for the south part of Newport up to Highway 20.

Fiscal Year 2012/2013 Goals

- A. Start, or continue with, initial inventory and mapping of systems

See above.

- B. Plan for bonding issues to provide for big project funding

Just executed task order with the grant consultant to pursue CWSRF funding for the Agate Beach Wastewater System.

1 - 5 Year Goals

- A. Develop wastewater plans for service to the airport

Funding dependent.

- B. Develop a Wastewater Master Plan

Programmed for the 2014 fiscal year. Currently performing flow monitoring for the Plan.

- C. Identify and reduce inflow, infiltration, and pollution

We have a scope of work to perform smoke testing for which we are pursuing grant monies to fund.

- D. Upgrade sewer pump stations in the north end

The Big Creek pump station and force main are in design and will be built this fiscal year.

- E. Plan for funding of major reconstruction of wastewater systems

Adjusting rates and working with a grant consultant to pursue CWSRF funding for the Agate Beach Wastewater System.

STORMWATER

Ongoing Goals

A. Update and maintain mapping of systems

Ongoing project. System is mapped, pending review, for the south part of Newport up to Highway 20.

B. Develop a watershed management plan

Programmed for this fiscal year - Stormwater System Master Plan. The first part of this plan is the watershed at SE Moore Drive and Bay Boulevard.

Fiscal Year 2012/2013 Goals

A. Participate in Emergency Response Committee planning process

Public Works staff is participating.

B. Consider implementation of stormwater fee

A stormwater fee was implemented by Council and is included in the current budget.

C. Continue with initial inventory and mapping of systems

See above.

D. Plan for funding of major construction/repair of system

Stormwater utility fee is woefully short to fund any long-term construction or repair of the system. Working with grant consultant to identify funding for stormwater projects.

E. Continue to identify cross-connections and pollution sources

We have a scope of work to perform smoke testing for which we are pursuing grant monies to fund.

F. Plan for NPDES requirements

This work is encompassed in many of the other goals identified previously.

1 - 5 Year Goals

A. Develop Stormwater Master Plan

Programmed for this fiscal year - Stormwater System Master Plan. The first part of this plan is the watershed at SE Moore Drive and Bay Boulevard.

5+ Year Goals

A. Plan for funding of major construction project

Stormwater utility fee is woefully short to fund any long-term construction or repair of the system. Working with grant consultant to identify funding for stormwater projects.

STREETS AND TRANSPORTATION

Ongoing Goals

A. Continue to support the Lincoln County Transit District and the shuttle program

Council allocated money in the current budget to support this program.

B. Continue with the wayfinding project

The ad hoc Wayfinding Committee continues to meet to discuss issues relevant to wayfinding signage in the city. Council recently directed staff to draft an ordinance formalizing this committee. The ordinance is drafted; it will be vetted by the ad hoc Wayfinding Committee in early March; and be placed on an upcoming City Council agenda for consideration by Council.

Fiscal Year 2012/2013 Goals

A. Designate and develop pedestrian and bicycle routes in association with streets

These are identified as a part of the Bicycle and Pedestrian System Plan which is adopted as a part of the city's Comprehensive Plan.

B. Designate and develop gravel streets for paving, and develop a paving inventory and replacement program

Some have been paved, but no specific long-term plan has been developed. Paving those that have the highest classification within the Transportation System Plan.

1 - 5 Year Goals

A. Develop a system to support electric/alternative fuel vehicles

An electric car charging station was installed in the city-owned parking lot at 9th and Hubert Streets.

COMMUNICATIONS

Ongoing Goals

A. Continue utilizing employee surveys

The second annual employee survey was conducted in the spring of 2012.

B. Continue to support the City Employee Committee

The City Employee Committee continues to regularly meet with facilitator, John Baker.

C. Provide communication management training to supervisors and the management team

SUSTAINABILITY

Ongoing Goals

A. Every city department will look at ways of conserving resources

February 4, 2013
Noon
Newport, Oregon

CITY COUNCIL WORK SESSION

Councilors present: Beemer, Roumagoux, Sawyer, Busby, Saelens, Swanson, and Allen.

Staff present: Voetberg, Hawker, and Tokos.

Others present: Bill Hall, Lincoln County Commissioner.

Roumagoux called the meeting to order and roll was taken.

1. Council discussed scheduling of the City Council goal setting session. It was agreed to hold the goal setting on two different days. Day 1 - February 19 (during the noon work session) - department heads will describe their departments and review accomplishments from the current goals; and discuss mid- and long-term goals briefly. Day 2 - February 20 - 8:30 A.M. - Noon - A further discussion of departmental goals will ensue and upcoming goals will be developed.
2. Bill Hall presented an overview of a conceptual framework for workforce housing. He noted that he is the Chair of the Lincoln County Land Trust and explained the work of the LCLT. Tokos discussed, in detail, the housing study and the need for workforce housing. He noted that a first step would be to put in place the land bank and move toward developing workforce housing units. He explained that each unit would be vetted by the Planning Commission and City Council; and that an agreement would be needed with the Lincoln County Land Trust and an intergovernmental agreement with the Community Services Consortium. Tokos and Hall responded to Council questions, including: what is the actual cost to the city; will the project pay SDC's; restrictions on future sale of the property and survivorship; financing of the housing units; the inclusion of a reversionary clause; protection of the city's interests; the potential donation of city properties; the position of Toledo to the proposal; whether the City of Lincoln City is interested in donating city properties; and whether larger private property owners would be interested in participating in this program. Tokos noted that the next step is to draft the IGA and contract. It was asked that a brief description of the project also be developed. A discussion ensued regarding whether there are guidelines outlining what can be done with city properties.
3. Roumagoux asked that staff present URA101 or a basic training in urban renewal.
4. Tokos reported that Phase One of the Safe Haven Hill project has been funded. The funding will be used for an additional geotechnical study and an cost/benefit analysis of the project.

Having no further business, the meeting adjourned at 1:06 P.M.

February 4, 2013
6:00 P.M.
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Beemer, Allen, Roumagoux, Sawyer, Saelens, Busby, and Swanson were present.

Staff present was City Manager Voetberg, City Recorder Hawker, Community Development Director Tokos, Finance Director Marshall, Public Works Director Gross, and Police Chief Miranda.

Roumagoux explained the public comment rules.

PLEDGE OF ALLEGIANCE

Council and the audience participated in the Pledge of Allegiance.

ADDITIONS/DELETIONS AND APPROVAL OF THE AGENDA

Allen noted that action item A is an item to be handled by the Local Contract Review Board, and although it was not noticed as such in the agenda, Council can convene as the Local Contract Review Board, at that time, and take action on the item.

PUBLIC COMMENT

Roumagoux reiterated the public comment rules.

Giovanni Catalano, stated that he moved to the community because he wanted to raise his children here. He expressed opposition to the proposed Teevin Brothers proposal due to safety and environmental concerns. He urged Council to choose the course that is best for the community and children.

Katie McNeil, representing the Lincoln County Small Farmer's Association, asked that this group be included in discussions regarding safety or other issues associated with the Farmer's Market. Sawyer noted that the City Manager considers an agreement with the Farmer's Market annually. He suggested that various city departments be asked for comment on potential changes to this agreement. McNeil reviewed the history of the locations of the Farmer's Market, noting that vendor and customer interest tripled after moving the market from the Fairgrounds to the old City Hall.

Michael VanDyke, representing the Oregon Association of Realtors, stated that he is looking for equal treatment, and application of the business license ordinance, of owners at the Embarcadero Resort. Voetberg reported that the ordinance is relatively new and staff is developing administrative rules. He noted that there are two options by which to handle the Embarcadero business licensing: treat it like a hotel with one business license, or consider each owner as a business, and charge each an individual business license fee. He suggested that Council provide input to staff for inclusion in the final draft of the rules. A discussion ensued regarding the number of units at the Embarcadero and their ownership status. Voetberg noted that a business license would not be required for

full-time residences at the Embarcadero. Swanson asked why there should be individual licenses rather than licensing the Embarcadero as a whole. Patrick noted that nothing in the code exempts individual units. Patrick noted that Embarcadero units can be placed in the rental pool run by the Embarcadero unit owners group, and in that situation, no business license is required of the individual owners. She added that there are other realtors who manage Embarcadero properties. Allen asked that if Voetberg wanted Council input on the administrative rules that apply to business licensing, he (Allen) would like to see the options in writing. He asked that this item be placed on the next Council agenda for discussion. It was reiterated that the administrative rules need to be vetted by the City Attorney.

Mark Jones spoke to Council regarding fairness issues. He reported that he had a water line break on his property, and was told by city staff that an adjustment to the water bill would occur in approximately two months due to the time it would take for a staff determination of actual usage. He suggested that staff examine past water bills and adjust his bill based on his usage history. He suggested that Council direct staff to look at the ordinances and policies to make them more user-friendly. He added that he pays a sewer bill and is not connected to the city's sewer system; rather that his bill is based on water consumption. He noted that there are five other properties with the same circumstance. Jones reported that the east end of NE 57th Street is not being graded, and asked that the residents of that street be treated equally to those in other areas, and that the street be graded twice each year.

Beemer noted that he thought the city had eliminated the sewer charge for residences that do not have service. Gross stated that the city has to know about those addresses in order to cease billing for sewer charges.

Ron Evans, a member of the Newport Volunteer Fire Department, read a letter from the Department stating that it does not support the consolidation of fire services with any neighboring departments on any level. Busby noted that he would appreciate something, in writing, as to why the Department has this opinion.

CONSENT CALENDAR

The consent calendar consists of the following:

- A. Approval of City Council minutes from the work session and regular meeting of January 22, 2013, and the joint work session with various fire districts held January 24, 2013.

MOTION was made by Saelens, seconded by Beemer, to approve the consent calendar with the changes to the minutes as noted by Saelens and Allen. The motion carried unanimously in a voice vote.

OFFICER'S REPORTS

Mayor's Report. Roumagoux reported that she attended a recent YBEF meeting at which Don Mann spoke about the Teevin Brothers log exporting proposal.

Roumagoux reported that she had met with A.J. Mattila, Depoe Bay Mayor.

Roumagoux reported that she and Miranda had welcomed the VFW at its mid-winter conference.

Roumagoux reported that she was the emcee for the RSVP Chocolate Classic fundraiser.

Roumagoux reported that she met with representatives from OMSI regarding the educational building that OMSI plans to build in South Beach.

Roumagoux reported that her office hours tomorrow will be from 3:00 - 5:00 P.M.

City Manager's Report. Voetberg reported that the city limit signs have been removed to be refurbished. He added that he will determine whether temporary signs may be available during the upcoming Seafood and Wine Festival.

Voetberg reported that grant funding had been secured for Phase I of the Safe Haven Hill project.

Voetberg reported that the area fire chiefs will be meeting to discuss comments made at the recent joint meeting between the City Council and local fire districts. He asked that individual Councilor comments be forwarded to Hawker or Fire Chief Paige. He added that the city has an intergovernmental agreement with the Newport Rural Fire Department that should be updated regardless of the consolidation/collaboration efforts.

Voetberg reported that the capital project update is in the packet.

Voetberg reported that the city had received a credit from the Pall Corporation due to delays with the water treatment plant. Gross reported that the credit is for approximately \$85,000.

Voetberg reported that he will be at Silver Falls for an OCCMA board meeting. He added that he will return Thursday, and that Miranda will be in charge during his absence.

Sawyer asked that questions regarding the Embarcadero be sent to the city manager in the next few days. He reported that he and Roumagoux had met with representatives from Dolphin Realty last week regarding the Embarcadero.

Sawyer requested information regarding the tsunami dock, and particularly, what the obstacles were when the company from Sherwood called and indicated they would not cut the dock as originally planned. Gross reviewed the costs to cut and ship the dock. He added that he mentioned this to the Hatfield Marine Science Center, and that representatives from HMSC thought this was still a good plan. He noted that when the dock arrived, it was much larger than HMSC had envisioned. He stated that it is HMSC's dock, and it is easier to cut here. It was asked whether there has been a discussion regarding what to do with the giant piece that will be left over. It was reported that there is some interest from the organization promoting the sea lion docks, and that those folks have been directed to HMSC. It was asked whether the Port has given any indication as to how long the dock could remain on Port property, and whether the size of the dock will create a future issue. It was asked what ODOT's involvement was in the delivery of the dock to Newport. Gross reported that the contractor failed to pull a bridge permit, but that ODOT did finally approve an arrangement for the dock to be transported across the bridge. It was ultimately hauled to the Port, rather than being taken across the bridge. It was noted that the hope is that the city is not dumping a dock on HMSC without fully vetting it with HMSC. Voetberg noted that he had forwarded a letter signed by Janet Webster to the City Council.

Saelens thanked Voetberg for including sections in his manager's report that are specifically directed to new Councilors and containing sufficient background to understand the issues.

Allen asked that the business license administrative rules options be an agenda item at the next regular meeting, and that Voetberg utilize the legal team if there are legal issues that need to be vetted. He reiterated the importance of this matter being a scheduled agenda item.

DISCUSSION ITEMS AND PRESENTATIONS

Report and Recommendations from the Port of Newport Pedestrian Safety Task Force. Don Mann introduced Doug Wills and Oly Olson, members of the Port of Newport Pedestrian Safety Task Force. He added that the presentation that Wills and Olson will be making was presented to the Port Commission last month.

Doug Wills stated that he and Oly Olson live very close to Moore Drive. He thanked Allen and the Task Force for their input. Wills and Olson made a PowerPoint presentation regarding short-term (Phase 1) recommendations.

A discussion ensued regarding the presentation and related issues. It was reported that the next Task Force meeting will be held at City Hall on February 13, and that Beemer is now the Council liaison to the Task Force.

Tokos reported that a decision on the Traffic Impact Analysis will be prepared at staff level. He added that Teevin Brothers is making revisions to the Traffic Impact Analysis that may lead to changes in the report and recommendations. He noted that when the information is available, it will be posted on the city website and time will be allowed for public input.

Saelens noted that with one log ship monthly, there would likely be one truck every six minutes, during the operating hours, for the number of days it takes to fill the ship. He added that the impression is that there will be much greater activity, and the reality should make a difference to a lot of people.

Busby asked what actions are available to the city and what form will it take once Council receives the final updated reports and staff decisions. Tokos noted that there will be a two week appeal period after the staff decision. He added that if there is an appeal, it will be heard by the Planning Commission, likely in a de novo hearing. The Planning Commission decision could be appealed to the City Council, at which time Council would likely conduct an on-the-record hearing. Tokos reviewed Council options and added that in the staff decision, he will note whether comments can be applied. He also noted that additional queuing analysis with potential recommendations may have an influence.

Roumagoux called for public comment.

Christy Peterson expressed concern about safety and noise. She suggested that a hearing be held on this issue in the near future, and it was noted that staff is working on scheduling at this time.

Darlene Nordgaarden stated that she is concerned with the two intersections as they have always been dangerous. She expressed concern that efforts be made to keep the bay environmentally sound

Delores Williams stated that she is concerned about the environmental impact of the proposed log debarking and shipping operation.

Ron Plummer suggested that there will be 100 truck trips every day up and down Moore Drive. He asked whether all the trees suitable for export to China must come from east of Toledo.

Yale Fogarty spoke in support of the proposed Teevin Brothers log exporting operation.

Sawyer asked Miranda to prepare a brief report on the history of accidents on Moore Drive.

Voetberg asked for direction from Council. He noted that the information will be given to the Public Works Department after any additional input on the TIA is available. Allen suggested that the recommendation to ODOT regarding Highway 20 be initiated soon, and the rest of the recommendations be sent to staff for further vetting.

Beemer noted that the intersection of Moore Drive and Bay Boulevard is dangerous, and that he has seen many near misses there.

It was reported that staff is working on scheduling a joint meeting between the City Council and Port Commission, and that a final date will be available by the next Council meeting.

MOTION was made by Allen, seconded by Saelens, that the Port of Newport's Vehicle/Pedestrian Safety Plan Task Force short-term recommendations be forwarded to the Public Works Department with direction that the Public Works staff review the recommendations and report back to the Council at a future meeting. The motion carried unanimously in a voice vote.

MOTION was made by Allen, seconded by Beemer, that the city move forward with a formal request to ODOT to move the speed limit signs further east on Highway 20, and also indicate that we would like a support letter from the Port of Newport, and move forward along those lines with a request to ODOT. The motion carried unanimously in a voice vote.

Police Officer Involved Shooting Protocol. Miranda reported that the Police Department is required to review its deadly physical force plan annually to the governing body. He made a PowerPoint presentation outlining the city's deadly physical force plan. He noted that the plan is on the city website. Miranda reported that there is a statewide issue with OSHA taking over, or attempting to take over, investigations of law enforcement shootings.

PUBLIC HEARINGS

Authorization to Sell Substandard Undeveloped Property Described as a Portion of Gladys Street. Roumagoux opened the public hearing at 8:12 P.M. Tokos delivered the staff report. He noted that the issue before Council is the consideration of whether it is in the public interest to convey portions of NW Gladys Street that the city attempted to vacate in the 1980's and early 1990's. He reported that the conveyances involve 6-foot wide strips of land adjoining properties identified as Tax Lots 5002, 6200, 9300, and 11200 of the Lincoln County Assessors Tax Map 10-11-29-BB. He added that if approved the strips of land would accrue to the owners of those properties.

Roumagoux asked for public comment.

LeOra Johnson asked whether this portion of Gladys Street could be closed. She spoke about crime in the area. Gross and Miranda responded to her concerns.

Roumagoux closed the public hearing at 8:25 P.M. for Council deliberations.

MOTION was made by Swanson, seconded by Allen, that the property described in the bargain and sale deed documents presented at this meeting is no longer needed for public use, and that the Mayor is authorized to sign the deeds conveying the property to adjoining landowners. Such action is consistent with the city's intent of vacating what it had originally thought was excess road right-of-way.

Dan Hoffman asked to speak on the issue, and the hearing was reopened and the motion suspended. Hoffman reported that someone had cleared an area of Gladys Street between 58th and 60th Streets. He asked whether the person clearing the area had permission to clear the area.

Saelens noted that it would be good to find out whether someone violated the rules. Tokos reported that if no right-of-way permit had been pulled, there is not a lot that could be done since this much time has lapsed.

Marletta Noe reported that the area that Hoffman is referring to houses two memory care homes, and that there was formerly a church at this site.

Susan Sturm reported that the memory care facility plans to add another building when funding is available. She spoke about crime in the area.

Roumagoux closed the public hearing at 8:40 P.M. The suspended motion carried unanimously in a voice vote.

ACTION ITEMS

Consideration of an Intergovernmental Agreement Between the State of Oregon and the City of Newport Local Contract Review Board for the Disposal of Surplus Property.

The City Council convened as the Local Contract Review Board at 8:42 P.M. On roll call, those in attendance were Beemer, Allen, Roumagoux, Sawyer, Saelens, Busby, and Swanson. Gross reported that the issue before the Local Contract Review Board is consideration of an intergovernmental agreement with the State of Oregon, Department of Administrative Services to allow the acquisition, distribution, utilization, disposal, or sale of surplus personal property in accordance with federal and state laws. MOTION was made by Allen, seconded by Beemer, to approve the intergovernmental agreement with the State of Oregon, as presented. The motion carried unanimously in a voice vote. The brief meeting of the Local Contract Review Board adjourned at 8:44 P.M., and Council reconvened.

De-Annexation of a Portion of the 668 Acre Wolf Tree Destination Resort Property.

Tokos reported that the issue before Council is consideration of whether Council should initiate the statutory process to withdraw a 71.39 acre property from the corporate limits of the city, as requested by the owner, Terry Lettenmaier. He noted that the property is a part of the larger 668 acre Wolf Tree Destination Resort site, and is specifically identified as Tax Lot 801, Section 5, T12S, R11W, W.M. He noted that the property owner wants to construct one dwelling on the property, and that withdrawing the property from the city helps achieve this objective by allowing them to approach the county to rezone the site from R-4 with a PDR overlay to a designation where that use would be permissible. He explained the process of de-annexation. Tokos reported that the subject property is not in the airport approach zone, and therefore does not trigger a permit under the airport restricted area provisions. It was asked why the city zoning code does not provide a

method to accomplish the requested de-annexation. Tokos explained that land use in Oregon is statutorily driven. He added that the concept of a destination resort is that the entire project happens or nothing happens. It was noted that the property was purchased with these restrictions. He stated that de-annexation is effectively the only method that the applicant could use for construction of one house on his property. Tokos added that the County still has issues and the applicant will work with the County, and if he is unable to work them out, the process is not likely to move forward. Saelens asked whether the issues noted in Bonnie Serken's letter can be addressed. It was noted that these issues will be addressed at the first public hearing, and the final language will have the details. MOTION was made by Beemer, seconded by Allen, to direct staff to prepare a resolution, pursuant to ORS 222.460, initiating withdrawal of the subject property from the corporate limits of the City of Newport, upon receipt from the owner of a \$700 filing fee to offset notification costs associated with this action. The resolution shall be presented to Council at a future public meeting. The motion carried unanimously in a voice vote.

COUNCIL REPORTS AND COMMENTS

Allen asked for direction from the City Council as to whether to seek advice from the City Attorney regarding what she is interpreting as a personnel matter for purposes of settling state and federal lawsuits. He added that, at this point, Council has gotten just a one line response from the City Attorney indicating that, in her interpretation, a personnel matter for purposes of City Manager settlement authority, through city budget funds, also includes settlement in state and federal courts with respect to employment related and other claims. He noted that he would like a more thorough explanation and analysis for clear guidance. He asked for Council input on whether to initiate the request to City Attorney for clarification on this issue as noted in his e-mail of December 12 which was included as a part of December 17 City Council packet. Council concurred. Allen noted that, within the next few days, he will forward the formal request to Voetberg.

Allen reported that he was in Salem for the territorial sea planning process in what was thought would be the final resolution, but there are still things to work out at the state level. He added that a decision was made by LCDC on the Territorial Sea Plan that has been put in place over the last five years as far as that planning effort on behalf of the state, utilizing in part, the decision by OPAC which is the policy council he sits on as a public at-large representative.

Allen noted that he was unable to attend the recent Retirement Board of Trustees meeting, and suggested that an alternate be appointed. Saelens agreed to serve as alternate.

Allen reported on a recent OCZMA meeting. He noted that there was discussion regarding the LCDC actions regarding the territorial sea planning. He added that the organization is moving forward without a director.

Allen reported that he attended a Town Hall Meeting with Representative Shrader last Friday. He noted Shrader discussed general issues related to local government budgets, and that he (Shrader) is always open to listening to constituents.

Allen noted that he worked with Saelens and staff to make minor revisions to Ordinance No. 2047 relative to single-use plastic carryout bags, and that the final draft appears to be a good product.

Beemer reported that he attended the joint meeting between the City Council and various fire districts. He noted that the main problem is that the paid and volunteer staff of the Newport Fire Department has voted not to support collaboration at this time.

Busby reported that he had attended the fire collaboration meeting. He added that he heard Ron Evans statement earlier this evening, and will be interested to see what they bring back to the group.

Busby reported that he has been meeting with department heads.

Swanson reported that the Library Board and the Senior Advisory Committee had not yet met. Sawyer asked whether the Senior Center van will be identified with a logo. Swanson agreed to inquire about the van.

Saelens thanked staff and reported that the new Councilors have tours planned. He stated that he appreciates this opportunity.

Saelens suggested that one of the questions to ask the fire districts and departments is whether they have a plan if the state mandates consolidation of agencies.

Sawyer reported that he had met with Roumagoux and Dolphin Realty on business license issues.

Sawyer reported that he attended a tsunami outreach presentation, and that the state has hired a new tsunami outreach coordinator for Lincoln County. He added that the plan is to hold evacuation drills throughout the county.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:07 P.M.

Margaret M. Hawker, City Recorder

Sandra Roumagoux, Mayor

City of Newport
Monthly Distributions
Jan-13

<u>Name</u>	<u>Check Issue Date</u>	<u>Check #</u>	<u>GL ACCT</u>	<u>Amount</u>
ABECO	1/4/2013	18910	401-4150-6402	\$27.72
Aboveboard Electric, Inc	1/4/2013	18911	304-3410-6114	\$5,456.48
Ace Alarms	1/4/2013	18912	101-1035-6214	\$820.00
Allstart Auto Electric, Inc	1/4/2013	18913	302-3210-6114	\$154.00
Anderson, Tim	1/4/2013	18914	401-4160-6026	\$198.75
Appliance Service Station	1/4/2013	18915	401-4150-6114	\$165.00
Barrelhead Supply, Inc	1/4/2013	18916	304-3410-6113	\$19.49
Barrett Business Svcs, Inc	1/4/2013	18917	304-3420-6009	\$1,244.80
Ben, Amber	1/4/2013	18918	401-4150-4302	\$13.17
Bendel, Amy	1/4/2013	18919	401-4160-6026	\$247.80
Bigfoot Beverages	1/4/2013	18920	402-4220-6406	\$41.84
Booth, Richard W.	1/4/2013	18921	401-4160-6026	\$45.00
Calhoun and DeJong, Inc.	1/4/2013	18922	402-4220-6220	\$1,082.53
Carquest Auto Parts Stores	1/4/2013	18923	304-3410-6112	\$103.28
Carson Oil Co	1/4/2013	18924	302-3210-6403	\$208.01
Central Lincoln P.U.D	1/4/2013	18925	303-3310-6103	\$523.66
Cheek, Rebecca	1/4/2013	18926	401-4160-6026	\$294.70
Clemons, Julia E.R	1/4/2013	18927	401-4160-6026	\$221.55
COASTCOM, INC	1/4/2013	18928	101-1025-6305	\$1,616.38
Complete Wireless Solutions	1/4/2013	18929	101-1070-6222	\$275.00
Copeland Lumber	1/4/2013	18930	304-3420-6115	\$8.33
Dell Financial Services	1/4/2013	18931	101-1025-6308	\$4,374.78
DMV Driver & Motor Vehicle Ser	1/4/2013	18932	302-3210-6222	\$105.50
Do Re Mi by the Sea, LLC	1/4/2013	18933	401-4160-6026	\$154.00
Dutton, Richard	1/4/2013	18934	101-02745	\$20.26
Elbon, Brandon Michael	1/4/2013	18935	401-4160-6026	\$75.00
Emerald Springs	1/4/2013	18936	101-1050-6402	\$52.50
Fastenal Company	1/4/2013	18937	402-4220-6111	\$146.19
FedEx	1/4/2013	18938	101-1070-6215	\$54.38
Utility Refunds	1/4/2013	18939	303-01114	\$3.96
Utility Refunds	1/4/2013	18941	303-01114	\$54.23
GE CAPITAL	1/4/2013	18942	401-4150-6209	\$110.00
H & W Emergency Vehicles	1/4/2013	18944	101-1090-6112	\$187.87
Industrial Welding Supply, Inc	1/4/2013	18945	101-1035-6113	\$32.45
L.N. Curtis & Sons	1/4/2013	18946	101-1090-6112	\$104.73
Utility Refunds	1/4/2013	18947	303-01114	\$7.76
Lieder, Ted Construction	1/4/2013	18948	101-1035-6113	\$900.00
Linn-Benton Tractor, Co	1/4/2013	18949	402-4220-6114	\$403.09
Lloyd, Robert Sheet Metal, Inc	1/4/2013	18950	101-1035-6113	\$2,802.50
M & K Bark & Flowers by Moo	1/4/2013	18951	101-1035-6113	\$14.00
Utility Refunds	1/4/2013	18952	303-01114	\$89.67
Microflex Corporation	1/4/2013	18953	304-3410-6408	\$390.70
Minter, Don	1/4/2013	18954	401-4150-4302	\$40.00

NEWPORT AUTO PARTS, INC	1/4/2013	18955	304-3420-6115	\$373.43
Newport Electronics	1/4/2013	18956	101-1090-6414	\$105.65
OCCMA	1/4/2013	18958	101-1020-6213	\$198.60
Ocean Tire Factory	1/4/2013	18959	101-1070-6112	\$2,322.00
Optimal Control Systems Inc	1/4/2013	18960	304-3420-6115	\$7,617.66
OREGON HEALTH AUTHORITY-Cashi	1/4/2013	18961	101-1090-6414	\$18.00
Oregon State University	1/4/2013	18962	101-1900-6030	\$2,766.43
Pacific Coast Plumbing, Inc	1/4/2013	18963	101-1035-6113	\$91.05
Parkson Corporation	1/4/2013	18964	304-3410-6107	\$3,813.48
Pepsi-Cola Bottling Co. Eugene	1/4/2013	18965	401-4150-6406	\$129.10
Pierson, Amie	1/4/2013	18966	401-4150-4302	\$45.85
Platt Electric Supply	1/4/2013	18967	101-1035-6113	\$48.00
Polydyne, Inc	1/4/2013	18968	304-3410-6408	\$5,428.00
ProBuild Newport #609	1/4/2013	18969	101-1090-6401	\$66.80
R. Gray's Bargain Yard	1/4/2013	18970	304-3420-6115	\$95.75
Utility Refunds	1/4/2013	18971	303-01114	\$101.86
Utility Refunds	1/4/2013	18972	303-01114	\$63.84
Samaritan Clinic Billing	1/4/2013	18973	101-1070-6030	\$52.00
SCHEMBRI, LAURIE	1/4/2013	18974	401-4160-6026	\$672.00
Seal Rock Water District	1/4/2013	18975	101-1090-6411	\$469.15
Solomonson, Mary	1/4/2013	18976	401-4160-6026	\$93.75
SPARKS, JONATHAN	1/4/2013	18977	401-4160-6026	\$15.00
Staples	1/4/2013	18978	101-1050-6402	\$247.69
Staples Advantage	1/4/2013	18979	101-1070-6402	\$186.20
State of Oregon	1/4/2013	18980	101-1090-6502	\$56.00
T&L Septic & Chemical Toilet	1/4/2013	18981	402-4210-6092	\$102.50
USA Blue Book	1/4/2013	18982	304-3410-6114	\$3,087.41
Waldport Ready Mix	1/4/2013	18983	304-3420-6115	\$562.50
West Coast Linen	1/4/2013	18984	402-4220-6101	\$19.53
Wire Works LLC	1/4/2013	18985	101-1070-6030	\$208.70
Utility Refunds	1/4/2013	18986	303-01114	\$104.81
Avery, Tara	1/7/2013	18987	401-4160-6026	\$36.50
A & E Imaging	1/11/2013	18988	301-3120-6215	\$151.96
A Work Safe Service, Inc	1/11/2013	18989	304-3410-6032	\$60.00
Ace Alarms	1/11/2013	18990	101-1100-6212	\$120.00
Associated Cleaning Serv., Inc	1/11/2013	18991	101-1020-6113	\$146.25
Barrelhead Supply, Inc	1/11/2013	18992	302-3210-6501	\$139.43
Barrett Business Svcs, Inc	1/11/2013	18993	101-1035-6009	\$507.60
Blumenthal Uniforms & Equipmnt	1/11/2013	18994	101-1070-6407	\$44.38
BMI	1/11/2013	18995	301-3110-6216	\$85.00
Brown & Caldwell	1/11/2013	18996	304-3450-6025	\$9,625.01
Utility Refunds	1/11/2013	18997	303-01114	\$101.80
Calhoun and DeJong, Inc.	1/11/2013	18998	402-4220-6220	\$53.22
Carquest Auto Parts Stores	1/11/2013	18999	302-3220-6114	\$48.96
Carson Oil Co	1/11/2013	19000	302-3210-6403	\$138.67
CASELLE	1/11/2013	19001	101-1050-6305	\$1,398.00
Central Coast Soccer League	1/11/2013	19002	401-4160-6026	\$400.00

Central Lincoln P.U.D	1/11/2013	19003	101-1035-6103	\$7,426.45
Century Link	1/11/2013	19004	403-4310-6204	\$40.71
Coastal Arts Guild	1/11/2013	19007	101-1055-6030	\$160.00
Complete Wireless Solutions	1/11/2013	19008	101-1070-6030	\$2,745.00
Dept of Consumer & Business	1/11/2013	19009	101-1100-6305	\$197.12
Dish Network	1/11/2013	19010	402-4220-6234	\$39.00
Utility Refunds	1/11/2013	19011	303-01114	\$12.50
Doug's Electric	1/11/2013	19012	101-1035-6113	\$2,778.84
Englund Marine Supply	1/11/2013	19013	304-3420-6115	\$135.24
Factory Matress Outlet	1/11/2013	19014	101-1090-6501	\$423.99
FRANK CONSTRUCTION	1/11/2013	19015	601-6110-7024	\$21,501.18
Gale Group	1/11/2013	19016	101-1100-6510	\$808.40
Gaylord Bros., Inc	1/11/2013	19017	101-1100-6402	\$59.47
Greater Newport Chamber of Crc	1/11/2013	19018	403-4310-6207	\$400.00
Lincoln County Clerk	1/11/2013	19020	101-1900-6240	\$611.00
Lloyd, Robert Sheet Metal, Inc	1/11/2013	19021	101-1035-6113	\$1,830.00
MES	1/11/2013	19022	101-1090-6503	\$52.94
NEWPORT AUTO PARTS, INC	1/11/2013	19023	303-3320-6112	\$36.51
Newport Plumbing, Inc	1/11/2013	19024	601-6110-7024	\$339.40
Newport Public Library	1/11/2013	19025	101-1100-6510	\$73.04
Newport Rental Service, Inc	1/11/2013	19026	302-3210-6403	\$33.99
News-Times	1/11/2013	19027	101-1100-6207	\$52.50
Ocean Tire Factory	1/11/2013	19028	101-1090-6112	\$496.75
Oregon Accreditation Alliance	1/11/2013	19029	101-1070-6213	\$1,550.00
OREGON DEPT OF FORESTRY	1/11/2013	19030	101-1090-6112	\$175.00
Pacific Coast Plumbing, Inc	1/11/2013	19032	101-1100-6113	\$212.76
Pacific Office Automation	1/11/2013	19033	101-1100-6305	\$100.30
Perkins, Justin	1/11/2013	19034	302-3210-6202	\$20.50
Pioneer Telephone Cooperative	1/11/2013	19035	101-1090-6204	\$526.01
Platt Electric Supply	1/11/2013	19036	101-1100-6103	\$48.00
ProBuild Newport #609	1/11/2013	19038	101-1035-6401	\$110.34
Public Works Supply, Inc	1/11/2013	19039	301-3110-6415	\$71.37
Recorded Books, Llc	1/11/2013	19040	101-1100-6515	\$6.95
Road & Driveway Company, Inc	1/11/2013	19041	601-6110-7024	\$15,494.30
Santiam Escrow, Inc	1/11/2013	19042	101-1090-6228	\$2,062.05
Seal Rock Water District	1/11/2013	19043	402-4210-6411	\$2,015.05
Staples	1/11/2013	19044	304-3410-6408	\$280.35
T&L Septic & Chemical Toilet	1/11/2013	19045	402-4210-6092	\$187.40
TCB SECURITY SERVICES, INC.	1/11/2013	19046	101-1070-6009	\$37.50
Thompson's Sanitary Serv., Inc	1/11/2013	19047	401-4130-6106	\$1,167.95
Thompson's Transfer & Disposal	1/11/2013	19048	101-1035-6106	\$63.00
Thyssenkrupp Elevator Corp	1/11/2013	19049	403-4310-6211	\$675.59
TLO LLC	1/11/2013	19050	101-1070-6213	\$18.25
United Grocers	1/11/2013	19051	101-1090-6413	\$98.96
VerizonWireless	1/11/2013	19052	402-4220-6205	\$568.22
Waldport Ready Mix	1/11/2013	19053	304-3420-6115	\$250.00
West Coast Linen	1/11/2013	19054	101-1090-6101	\$13.90

Western Systems	1/11/2013	19055	304-3420-6215	\$63.98
Winning Traditions, LLC	1/11/2013	19056	101-1100-6515	\$167.00
Xerox Corporation	1/11/2013	19058	101-1610-6211	\$860.91
Analytical Laboratory & Consul	1/18/2013	19059	303-3310-6029	\$570.00
BRENNTAG PACIFIC, INC	1/18/2013	19060	303-3310-6408	\$7,351.22
DMV Driver & Motor Vehicle Ser	1/18/2013	19061	101-1400-6222	\$104.50
FRANK CONSTRUCTION	1/18/2013	19062	601-6110-7024	\$20,000.00
Pape Machinery, Inc	1/18/2013	19064	302-3210-6114	\$8,075.91
ABECO	1/21/2013	19066	402-4220-6402	\$6.25
Aboveboard Electric, Inc	1/21/2013	19067	304-3420-6115	\$859.65
Ace Alarms	1/21/2013	19068	303-3310-6212	\$72.00
American Security Alarms	1/21/2013	19069	303-3310-6212	\$557.25
Amerigas	1/21/2013	19070	304-3420-6115	\$281.70
Applegate Door Co.	1/21/2013	19071	304-3410-6113	\$1,140.00
Barrelhead Supply, Inc	1/21/2013	19072	304-3420-6115	\$80.26
Barrett Business Svcs, Inc	1/21/2013	19073	402-4220-6009	\$3,228.22
Batteries Northwest	1/21/2013	19074	302-3210-6407	\$5.95
Bigfoot Beverages	1/21/2013	19075	402-4220-6406	\$39.72
Blumenthal Uniforms & Equipmnt	1/21/2013	19076	101-1070-6407	\$949.53
Braxling & Braxling, Inc	1/21/2013	19077	303-3320-6420	\$1,898.65
Alan Brown Tire Center	1/21/2013	19078	302-3210-6114	\$48.53
Building Department, LLC , The	1/21/2013	19079	404-4410-6015	\$2,936.73
Carquest Auto Parts Stores	1/21/2013	19080	301-3120-6114	\$203.22
Carson Oil Co	1/21/2013	19081	402-4210-6403	\$971.81
Central Coast Excavating, Inc	1/21/2013	19082	304-3420-6115	\$7,443.00
Century Link	1/21/2013	19083	303-3320-6204	\$82.11
Chase Park Grants LLC	1/21/2013	19084	304-3430-6034	\$880.00
Dell Marketing L.P	1/21/2013	19085	101-1050-6303	\$1,438.45
Detroit Industrial Tool	1/21/2013	19086	303-3320-6508	\$773.04
Doug's Electric	1/21/2013	19087	402-4210-6113	\$1,684.73
Englund Marine Supply	1/21/2013	19088	101-1090-6112	\$50.20
F & W Fence Company, LLC	1/21/2013	19089	402-4220-6113	\$1,619.00
Fastenal Company	1/21/2013	19090	303-3320-6523	\$47.07
Gale Group	1/21/2013	19091	101-1100-6510	\$21.59
Graymont Capital Inc.	1/21/2013	19092	304-3410-6408	\$3,808.55
Groth-Gates Heating & Sheet Me	1/21/2013	19093	403-4310-6233	\$1,478.00
Halco Welding, Inc	1/21/2013	19094	302-3220-6517	\$2,031.50
HD Fowler	1/21/2013	19095	303-3320-6523	\$463.63
HD Supply Waterworks, LTD	1/21/2013	19096	303-3320-6523	\$113.70
Idea Print Works	1/21/2013	19097	101-1070-6407	\$87.00
Industrial Welding Supply, Inc	1/21/2013	19098	302-3210-6501	\$32.45
J.C. Market	1/21/2013	19099	101-1010-6405	\$68.93
LEAF	1/21/2013	19100	402-4210-6209	\$11.40
LGPI	1/21/2013	19101	301-3110-6004	\$128.00
Lincoln County Clerk	1/21/2013	19102	101-1400-6017	\$8.25
Lincoln County Public Works	1/21/2013	19103	101-1070-6403	\$7,423.08
Lincoln County School District	1/21/2013	19104	101-1010-6409	\$1,039.47

Lincoln Equipment, Inc	1/21/2013	19105	401-4140-6408	\$83.14
Lloyd, Robert Sheet Metal, Inc	1/21/2013	19106	101-1035-6113	\$1,390.00
Lynn Peavey Company	1/21/2013	19107	101-1070-6402	\$128.00
M & K Bark & Flowers by Moo	1/21/2013	19108	101-1035-6113	\$25.00
NEWPORT AUTO PARTS, INC	1/21/2013	19109	304-3420-6115	\$93.65
Newport Diesel & Marine Co Inc	1/21/2013	19110	304-3410-6114	\$3,273.95
Newport Rental Service, Inc	1/21/2013	19111	401-4140-6113	\$48.65
Northwest Pump & Equipment Co	1/21/2013	19112	402-4220-6112	\$1,468.28
NURNBERG SCIENTIFIC	1/21/2013	19113	304-3410-6408	\$550.72
OAMR	1/21/2013	19114	101-1020-6216	\$150.00
Ocean Tire Factory	1/21/2013	19115	101-1070-6112	\$170.05
Oregon Live	1/21/2013	19116	403-4310-6207	\$2,500.00
Oregon Water Resources Depart.	1/21/2013	19117	301-3110-6216	\$69.00
Orsborn Power Saw Co	1/21/2013	19118	101-1035-6114	\$109.45
Platt Electric Supply	1/21/2013	19119	301-3120-6508	\$194.15
Polydyne, Inc	1/21/2013	19120	304-3410-6408	\$5,428.00
Premier Title of Oregon LLC	1/21/2013	19121	101-1400-6017	\$100.00
ProBuild Newport #609	1/21/2013	19122	303-3320-6508	\$84.69
Professional Law Enforcement Train	1/21/2013	19123	101-1070-6216	\$125.00
Quill.com	1/21/2013	19125	301-3110-6402	\$27.95
Rotary Club of Newport, Or	1/21/2013	19126	101-1100-6213	\$350.00
Setere & Sons LTD	1/21/2013	19127	304-3410-6408	\$799.50
Stanley M. Slowik, Inc	1/21/2013	19128	101-1070-6216	\$325.00
Staples	1/21/2013	19129	304-3410-6502	\$189.43
Staples Advantage	1/21/2013	19130	101-1070-6402	\$304.82
Stitchin Post, The	1/21/2013	19131	101-1070-6219	\$70.00
Sybertech Waste Reduction LTD	1/21/2013	19132	101-1035-6215	\$1,249.62
T&L Septic & Chemical Toilet	1/21/2013	19133	101-1035-6113	\$429.72
TCB SECURITY SERVICES, INC.	1/21/2013	19134	101-1070-6218	\$3,750.00
Thompson's Sanitary Serv., Inc	1/21/2013	19135	402-4210-6106	\$268.65
Thompson's Transfer & Disposal	1/21/2013	19136	101-1035-6106	\$12.00
Thyssenkrupp Elevator Corp	1/21/2013	19137	101-1100-6211	\$1,094.88
Toyota Lift Northwest	1/21/2013	19138	302-3210-6114	\$347.00
Uline	1/21/2013	19139	101-1070-6402	\$147.37
Waldport Ready Mix	1/21/2013	19140	304-3420-6115	\$437.50
West Coast Linen	1/21/2013	19141	402-4220-6101	\$19.53
Western States Elect Const.	1/21/2013	19142	101-1100-6103	\$81.00
Xerox Corporation	1/21/2013	19143	303-3310-6211	\$854.01
Xylem Dewatering Solutions, Inc	1/21/2013	19144	304-3420-6115	\$220.00
Utility Refunds	1/22/2013	19145	303-01114	\$137.38
Century Link	1/22/2013	19147	403-4310-6204	\$3,566.10
Coast Range Equipment and Repa	1/22/2013	19148	304-3420-6115	\$411.00
Coastal Refrigeration	1/22/2013	19149	401-4140-6211	\$180.00
Complete Wireless Solutions	1/22/2013	19150	303-3320-6432	\$2,154.75
Newport Rental Service, Inc	1/22/2013	19151	304-3410-6113	\$18.03
News-Times	1/22/2013	19152	101-1052-6207	\$154.76
VerizonWireless	1/22/2013	19153	302-3210-6205	\$959.20

Woosley, Kathy	1/22/2013	19154	101-1030-6502	\$27.99
ABECO	1/25/2013	19155	401-4160-6402	\$31.62
Aboveboard Electric, Inc	1/25/2013	19156	304-3420-6115	\$257.71
Action Networks, Inc	1/25/2013	19157	101-1100-6307	\$25.00
Alan Brown Tire Center	1/25/2013	19158	101-1090-6112	\$4,764.66
ALL- STAR ENGRAVING	1/25/2013	19159	101-1010-6402	\$23.00
Allstart Auto Electric, Inc	1/25/2013	19160	304-3410-6408	\$60.00
ANNABLE, LINDA	1/25/2013	19161	101-1100-6201	\$162.50
Aquatic Services	1/25/2013	19162	303-3310-6029	\$160.00
Ashard, Jim	1/25/2013	19163	401-4160-6026	\$24.00
Associated Business Systems	1/25/2013	19164	301-3120-6211	\$1,447.98
AT&T	1/25/2013	19165	101-1070-6204	\$659.35
Barrelhead Supply, Inc	1/25/2013	19166	303-3320-6523	\$158.43
Barrett Business Svices, Inc	1/25/2013	19167	402-4220-6009	\$319.20
Bell Hardware of Eugene	1/25/2013	19168	101-1010-6402	\$17.00
Booth, Richard W.	1/25/2013	19169	401-4160-6026	\$75.00
Calhoun and DeJong, Inc.	1/25/2013	19170	402-4220-6114	\$116.13
Carpet One Floor and Home	1/25/2013	19171	401-4130-7013	\$9,488.00
Carquest Auto Parts Stores	1/25/2013	19172	302-3210-6508	\$859.88
Carson Oil Co	1/25/2013	19173	302-3220-6403	\$138.67
Century Link	1/25/2013	19175	403-4310-6204	\$40.72
Chase Park Grants LLC	1/25/2013	19176	304-3430-6034	\$3,670.00
Chief Supply	1/25/2013	19177	101-1070-6402	\$77.96
Clackamas County	1/25/2013	19178	101-1070-6207	\$150.00
Coastal Paper & Supply	1/25/2013	19179	303-3310-6401	\$128.50
Complete Wireless Solutions	1/25/2013	19180	101-1035-6432	\$9,931.47
Copeland Lumber	1/25/2013	19181	101-1035-6113	\$27.64
Dell Financial Services	1/25/2013	19182	101-1025-6308	\$5,577.00
Employment Department	1/25/2013	19183	402-4220-5250	\$3,983.00
Englund Marine Supply	1/25/2013	19184	304-3410-6114	\$226.56
Enviro-Clean Equipment, Inc	1/25/2013	19185	302-3220-6114	\$2,357.84
Exercise Equipment Northwest	1/25/2013	19186	401-4150-6114	\$120.10
FRANCE, MITCH	1/25/2013	19187	101-1070-6201	\$20.00
FRANK CONSTRUCTION	1/25/2013	19188	601-6110-7024	\$9,563.66
Gale Group	1/25/2013	19189	101-1100-6510	\$51.18
HD Supply Waterworks, LTD	1/25/2013	19190	303-3320-6216	\$2,000.00
Hernandez-Martinez, Jorge	1/25/2013	19191	101-1030-6010	\$667.50
Idea Print Works	1/25/2013	19192	401-4160-6413	\$1,802.90
Itron, Inc	1/25/2013	19193	101-1055-6102	\$350.00
KPPT-AM/KPPT FM	1/25/2013	19194	401-4160-6207	\$400.00
KSHL Radio	1/25/2013	19195	401-4160-6207	\$150.00
Lazerquick	1/25/2013	19196	101-1055-6402	\$75.65
Lincoln County Public Works	1/25/2013	19197	303-3320-6403	\$2,186.68
MES	1/25/2013	19198	101-1090-6503	\$484.35
Nelson, Melanie	1/25/2013	19199	101-1090-6405	\$31.83
NEWPORT AUTO PARTS, INC	1/25/2013	19200	101-1090-6112	\$45.09
Newport Marine & R V Service	1/25/2013	19201	304-3410-6403	\$33.90

Newport Public Library	1/25/2013	19202	101-1100-6405	\$45.77
News-Times	1/25/2013	19203	101-1020-6226	\$327.86
Northwest Management	1/25/2013	19204	101-1020-6030	\$165.00
NW Natural	1/25/2013	19205	303-3320-6109	\$1,195.09
Olympic Foundry, Inc	1/25/2013	19206	302-3210-6501	\$9,228.20
Oregon Department of Revenue	1/25/2013	19207	101-02723	\$2.40
Oregon Department of Transport	1/25/2013	19208	101-1900-6104	\$402.15
Orsborn Power Saw Co	1/25/2013	19209	302-3210-6114	\$216.35
Pacific Office Automation	1/25/2013	19210	101-1100-6305	\$99.93
Peak Internet	1/25/2013	19211	402-4210-6122	\$70.99
Peltier, Cathy	1/25/2013	19212	401-4140-6523	\$203.95
Pepsi-Cola Bottling Co. Eugene	1/25/2013	19213	401-4150-6406	\$168.00
Pierson, Amie	1/25/2013	19214	401-4160-6026	\$119.00
Pioneer Telephone Cooperative	1/25/2013	19215	304-3420-6204	\$156.09
ProBuild Newport #609	1/25/2013	19216	301-3120-6402	\$106.91
Quill.com	1/25/2013	19217	301-3120-6402	\$355.30
Samaritan Occupational Med	1/25/2013	19218	101-1070-6032	\$118.00
Satcom Global FZE	1/25/2013	19219	101-1070-6204	\$36.15
Seal Rock Water District	1/25/2013	19220	202-2220-8023	\$5,000.00
SPEER HOYT LLC	1/25/2013	19221	301-3110-6004	\$6,366.50
Staples	1/25/2013	19222	304-3410-6402	\$551.97
Subway	1/25/2013	19223	101-1090-6216	\$165.00
TASER International	1/25/2013	19224	101-1070-6414	\$877.15
Thompson's Sanitary Serv., Inc	1/25/2013	19225	401-4150-6106	\$650.20
Thompson's Transfer & Disposal	1/25/2013	19226	304-3410-6107	\$324.90
Thyssenkrupp Elevator Corp	1/25/2013	19227	401-4150-6016	\$731.30
Troyer's Marine Supply	1/25/2013	19228	304-3420-6115	\$74.95
True-Cut Engraving, LLC	1/25/2013	19229	401-4110-6414	\$30.00
West Coast Linen	1/25/2013	19230	101-1090-6101	\$13.90

City of Newport
Monthly Distributions over \$25K
Jan-13

<u>Name</u>	<u>Check Issue Date</u>	<u>Check Number</u>	<u>GL ACCT</u>	<u>Amount</u>
FRANK CONSTRUCTION	1/4/2013	18940	601-6110-7024	\$47,308.29
Greater Newport Chamber of Crc	1/4/2013	18943	403-4310-6233	\$43,125.00
OCCA	1/4/2013	18957	403-4310-6233	\$28,125.00
CG Contractors LLC	1/11/2013	19005	601-6110-7024	\$49,324.00
Civil West Engineering Service	1/11/2013	19006	601-6110-6025	\$29,360.17
HDR Engineering, Inc.	1/11/2013	19019	303-3350-6025	\$27,479.19
Precision Approach Engineering	1/11/2013	19037	402-4210-6025	\$137,724.41
WW Construction	1/11/2013	19057	304-3450-7024	\$80,626.95
Laskey-Clifton Corp	1/18/2013	19063	601-6110-7024	\$266,666.81
Road & Driveway Company, Inc	1/18/2013	19065	601-6110-7024	\$149,946.41
Pumptech, Inc.	1/21/2013	19124	304-3420-7015	\$58,371.00
Central Lincoln P.U.D	1/22/2013	19146	101-1035-6103	\$25,432.39
Central Lincoln P.U.D	1/25/2013	19174	101-1900-6103	\$41,047.57
WW Construction	1/25/2013	19231	303-3350-7024	\$35,683.56



Agenda Item #
Meeting Date

V. C.
2-19-13

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title OLCC License Approval

Prepared By: Newport Police Dept Head Approval: Chief Mark J. Miranda *MM* City Mgr Approval: *JV*

Issue Before the Council:

Shall the City Council recommend approval of the liquor license application for the Nye Beach Cellar.

Staff Recommendation:

The Police Department recommends favorable action by the City Council

Proposed Motion:

Handled as a consent calendar item

Key Facts and Information Summary:

The Nye Beach Wine Cellar, 255 NW Coast Street, has made application to the Oregon Liquor Control Commission for a "Limited On-Premises Sales" and "Off-Premises Sales" license as a new outlet. Such a license allows for the applicant to sell wine, malt beverages and cider 'by the drink.' These beverages must be consumed on the premises. Partially consumed bottles of wine that had been served with a meal may also be taken from the premises. In addition, the license allows for the applicant to sell factory sealed containers of wine, malt beverages and cider. Containers of malt beverages sold under the license may not hold more than two and one-quarter gallons

A background check of the applicant revealed no disqualifying information. He was arrested in 2008 for furnishing alcohol to a minor, however that case has been adjudicated with a guilty plea. The Nye Beach Wine Cellar is located on the west side of NW Coast Street between NW 2nd and NW 3rd Streets. It is on the ground floor of the building. There have been four police calls to this address within the last year; all were alarm calls.

ORS 471.166 requires an applicant to obtain a recommendation from the local governing body in the city where the business is located. The City Council may make a "Favorable Recommendation" or an "Unfavorable Recommendation" to OLCC. The Commission will then decide if granting a license is appropriate.

Other Alternatives Considered:

Not applicable.

City Council Goals:
Public Safety related.

Attachment List:
License Application

Fiscal Notes:
There is no fiscal impact on the City other than time to process the application





OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Reset Form

Print Form

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

RECEIVED

JAN 31 2013

NEWPORT POLICE

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: 1/31/13

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: lab

Date: 1-31-13

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Cooper's LLC ③ _____

② _____ ④ _____

2. Trade Name (dba): Nye Beach Wine Cellar

3. Business Location: 255 NW Coast Newport Lincoln OR 97365
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: Same
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 571-265-3292
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? Yes No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Newport
(name of city or county)

11. Contact person for this application: Zachary Walth 571-901-8052
(name) (phone number(s))
11828 SE Coast St Newport OR 97366
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Zachary Walth Date 1-29-2013 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

Peggy Hawker

From: CommitteeApp@newportoregon.gov
Sent: Friday, December 14, 2012 9:14 PM
To: Nicole Morris; Peggy Hawker
Cc: tck58@gmx.de
Subject: Committee Application

Application for City Council - Email Application
Date: 12/14/2012
Commission/Committee of Interest: Airport Committee
Name: Thomas Knott
Address: [REDACTED]
[REDACTED]
Workphone: [REDACTED]
Homephone: [REDACTED]
Email: [REDACTED]
Occupation: management consultant
Employer: self

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? I have worked in different management positions where I have managed projects for buildings and vehicles. I am in touch with aviation for 25 years, have an aircraft at Newport airport and I am a private pilot.

I have a Mastersdegree in Mechanical Engineering which can be of help in technical questions.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? working in German/Chinese Joint ventures for 10 years I came across a lot of decisions with a conflict of interest. As the comunist party of China tried to occupy most positions with party members that were not necessarily able to do the job. For some important jobs I have decided to put capable chinese engineers in the position. However there were often a lot of convincing talks necessary.

Describe the process of how you make decisions. collect all information possible and discuss with the people involved.
Look for other sources of information. Ask people with expertise that have made decisions on asimilar subject. Evaluate the pros and cons. Try to understand others which came to different decisions on the same subject.

What do you think about consensus decision making? What does the consensus decision making process mean to you? Consensus decision making is the most stabil way to make decisions because everybody should support the decision aftrwards.
However every day life shows, that there are situations where people who make a consensus decision can be absolutely wrong. Thus it is always important to evaluate all different sources and possibilities before making a decision.

Describe all other pertinent information/background for this position. I like Newport and Lincoln county and I think we should have more people flying in to experience the central coast.

Date	1/17/2013
List the Commission/ Committee of Interest:	Airport and Public Arts
Name:	Jeff Bertuleit
Address:	[REDACTED]
Work Telephone Number:	[REDACTED]
Home Telephone Number:	[REDACTED]
Email Address:	[REDACTED]
Occupation:	Self Employed
Employer:	Props Inc.
(1) Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value?	I have an interest and background for the committees and would like to participate and help with their goals.
(2) What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest?	I am aware of the laws concerning conflict of interest and bias and follow those laws.
(3) Describe the process of how you make decisions.	I like to gather all of the information available, listen to various viewpoints and determine the best course of action.
(4) What do you think about consensus decision making? What does the consensus decision making process mean to you?	A consensus decision is one made with the best possible information and thorough open discussion. The process of moving things forward is aided by consensus decision.
(5) Describe all other pertinent information/background for this position.	I have attended airport committee meetings for 20 years and helped author the Airport Business Plan. I am a Private Pilot. I am also an artist and a past President of the Yquina Art Association. I am active with and have contacts within the art community.



Jim Voetberg
City Manager
CITY OF NEWPORT
169 S.W. Coast Hwy.
Newport, OR 97365

j.voetberg@thecityofnewport.net

Manager's Report Meeting of February 19, 2013

Following is the Manager's Report for the City Council meeting of February 19, 2013:

Suggestion/Concern/Complaint update: Attached for Council review is the current Suggestion/Concern/Complaint update. The update covers citizen comments to staff, citizen comments brought to staff's attention by Councilors, and citizen comments voiced at Council meetings. Closed items over 30 days old have been dropped off the list.

Department Monthly Reports: Attached are monthly reports prepared by each department head briefly listing various activities that have occurred in their department over the past month. The reports are not intended to be overly detailed, but provides general activities that have recently occurred.

Potential Wayfinding Committee: A draft scope of duties for a Wayfinding Committee has been drafted and will be reviewed by the current Ad-hoc Wayfinding Committee at its March meeting. Council can anticipate seeing an agenda item to create a Wayfinding Committee at its second meeting in March or the first meeting in April.

Volunteer Fire Department Personnel Use of Recreation Facilities: For the past several years, Volunteer Fire Fighters have had free access to the City's recreational facilities similar to our Career (full-time) employees. Access for use was in recognition that this group of volunteers train side-by-side with our Career firefighters and the City encourages all firefighters to be in good physical shape. Over the past few months, the Fire Department has stepping up its efforts to get both the Career and Volunteer Firefighters in better physical condition by developing physical conditioning goals and making time during the work-day to exercise. As an enhanced incentive for Volunteer Firefighters to spend more of their time improving their physical condition, the Fire Department would like to expand the Volunteer Firefighters use of the recreational facilities to their families, similar to the full-time Career personnel. The request has merit as this particular class of volunteers are asked to have fire and rescue skills similar to our Career firefighters, have knowledge and training similar to our Career firefighters, as well

as respond and perform at levels similar to our Career firefighters. Unless the Council desires to discuss allowing the Volunteer firefighters families free access to our recreational facilities, Chief Paige will proceed with making this happen.

Gregory Carpenter Violations Update: Attached is an update by Chief Miranda regarding potential violations reported by Gregory Carpenter. Please note the update was sent to Mr. Carpenter as promised by the Chief.

Joint Port/City Meeting: The joint Port/City meeting to hear public comment on the Port's log export operations is scheduled for March 19, 2013 at 6:00pm at the Oregon Coast Community College.

SE Moore Road Crash Analysis: Attached for Council review is a SE Moore Road Crash Analysis as requested by Councilor Sawyer.

Updated Budget Calendar: Attached is an updated budget calendar. Please note the Budget Committee meetings are scheduled for May 7th, May 14th and if necessary, May 28th.

Manager's Weekly Report: Attached are my weekly Manager's Reports for the weeks of January 28, 2013 and February 4, 2013.

SUGGESTION/CONCERN/COMPLAINT FORM--CITY OF NEWPORT

Date City Notified	No. Assigned	Claimant	Suggestion/Concern/Complaint	Status
1/18/2013	195-PW-1-18-13	Hovey Grosvenor 408 SE Elm Street South Beach	Wants contact regarding drainage issues on Elm Street. It is affecting his residence. Also maintenance of gravel street.	OPENED: 1/22/13 -- Contacted Hovey at site. Cut drain ditch in with grader, and rocked and graded street. CLOSED
1/24/2013	196-PW-1-24-13	Rich Gogl	Requested NE 56th & 57th Streets be graded	OPENED: 1-25-13 -- Street was graded. CLOSED
1/25/2013	197-Fin-1-25-13	Pat Maguire	Was not notified of higher than normal water usage, so bill increased dramatically. He has repaired leak, but cannot afford the increased charges from the leak, and especially with the most recent fee increases imposed by the City.	OPENED: 1-25-13 -- This matter was referred to Finance Director
1/25/2013	198-PW-1-25-13	Nye Beach Merchants Association	Requested cleaning the Nye Beach Visual Arts Stairway	OPENED: 1-25-13 - Litter was picked up on 1-25 and 1-28. Cleaning from top down. Will complete on 1-30-13. Stairway will be checked on a monthly basis and cleaned as necessary CLOSED - 1-30-13
1/28/2013	199-PW-1-28-2013	Alicia 528 NE 1st	Sewer slower draining contacted City said it was at City main.	OPENED: 1-12-2013-Checked main, opened and flowing. Spoke with Newport Plumbing jetted also. CLOSED
1/30/2013	200-PW-1-30-2013	Citizen visiting City Hall	Shared concern handicap ramp has bump handicap person could fall.	OPENED 1-30-2013- Referred to Public Works. Inspected ramp could not locate any bumps. Expansion spaces--3/8" between panels. No action taken. CLOSED

SUGGESTION/CONCERN/COMPLAINT FORM--CITY OF NEWPORT

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*Phil Paige, Fire Chief
Newport Fire Department
245 NW 10th ST
Newport, Oregon 97365*

February 12, 2013

To: Jim Voetberg, City Manager
Re: January Monthly Activities

Here is a brief summary of Fire Department activities in January.

Operations - We have completed our Fire Department Annual Report for 2012 (see attached). I think this will be a great improvement from past annual reports, which were just a list of the types of emergency responses and inspections completed, listed on one or two pages. We have undertaken many programs to improve the department, and in order to measure our progress, we need a lot more information. To that end, the new annual report analyzes the data, addresses progress towards the department's strategic plan goals, and documents many of the things we do besides responding to 911 calls. I hope this will be helpful to you, our council, and to our citizens.

We hosted our newest councilors in a short tour of the police and fire departments. The fire department responded to 140 calls for service in January, with no major incidents. In January, we kicked off our physical fitness testing, and it seems like it was received pretty well so far.

Annual Newport Fire Department Awards Banquet – Will be held on Saturday March 2nd and we would like to invite you and the Council (and significant others) to attend. It will be at the Best Western Agate Beach, like last year. We'll have a social hour at 6:00, Dinner at 7:00 and awards following dinner. Please RSVP to Melanie at 541-574-5879 ASAP.

Central Coast Fire Authority - Discussions continue between Newport City Council, the Boards of Directors of Depoe Bay, Newport and Central Coast Fire Districts to discuss combining our administrations and the possible formation of the "Central Coast Fire Authority". We held a joint workshop on January 24th with the three Fire District Boards and the City Council. Many good questions were raised, and the firefighters from Newport expressed their opposition to the Fire Authority concept. We will be scheduling another Collaboration Committee meeting within the next few weeks to try and address the issues and concerns that have been raised by our career and volunteer personnel. We asked each representative to go back to their groups and to identify the strengths, weaknesses, opportunities and threats that they see with the Fire Authority concept.

Station 3400 – We have assigned a crew of volunteers to the Agate Beach Station and they are now responding with a Rescue unit from that location to calls north of 36th.

Chief Out of Service Temporarily – My surgery went well and I'll be on limited duty for the rest of the month, and then I'm cleared for full duty.

Finally, We are busy preparing for the Seafood and Wine Festival. For Friday and Saturday, we will plan to increase our staffing in order to provide at least two 2-person crews. One crew will be at the main station (3200) and one at the South Beach station (3300). We will also have personnel at the event all four days, throughout the festival hours.

Respectfully submitted,
Phil Paige, Fire Chief

NEWPORT FIRE DEPARTMENT

City Report January 2013

	CITY	RURAL		CITY	RURAL
FIRE CALLS:	4	0	PERMITS ISSUED:		
AUTOMATIC ALARMS:	5	1	BURN PERMITS:	54	51
MEDICAL CALLS:	95	10	FIREWORKS PERMIT:	0	0
MOTOR VEHICLE COLLISION	2	0	FIREWORKS DISPLAY:	0	0
RESCUE	0	0	PERSON INSERVICES TOURS:	20	
MUTUAL AID RENDERED:	1	1	TOTAL INSPECTIONS:	14	
MUTUAL AID RECEIVED:	0	0	VIOLATIONS:	50	
AVIATION STANDBY:	0		ABATEMENTS:	10	
PUBLIC SERVICE	20	1	PLAN REVIEWS:	3	
HAZARDOUS CONDITION	0	0	CONSTRUCTION INSPECTIONS:	1	
OVERPRESSURE/RUPTURE:	0	0	VOLUNTEER HOURS	310	

OCCUPANCIES of Fires and Automatic Alarms

AIRCRAFT:	0	0	PROCESSING PLANTS:	0	0
BOATS:	0	0	PUBLIC BUILDINGS:	3	1
HOSPITAL/CARE CENTER:	0	0	REPAIR SHOPS:	0	0
HOTEL/MOTEL:	2	0	RESIDENTIAL:	1	0
LABORATORIES:	0	0	RESTAURANT:	0	0
LAUNDRAMATS:	0	0	SCHOOLS:	1	0
LAUNDRIES:	0	0	SERVICE STATION:	0	0
MANUFACTURING:	0	0	STORAGE:	0	0
MARINA:	0	0	STORES:	1	0
MISCELLANEOUS:	0	0	TAVERNS:	0	0
MOTOR VEHICLES:	1	0	TRAILERS:	0	0
NATURAL COVER:	0	0	UTILITIES:	0	0
OFFICES:	0	0	VACANT BUILDINGS:	0	0

NEWPORT FIRE DEPARTMENT

City Report January 2013

CAUSES of Fires and Automatic Alarms

	CITY	RURAL		CITY	RURAL
ALARM MALFUNCTION:	1	1	HEATING APPLIANCE:	0	0
CARELESS SMOKING:	1	0	INCENDIARY:	0	0
CHILDREN W/HEAT SOUR	0	0	PROHIBITED MATERIALS	0	0
CLEARANCE:	0	0	MISTAKEN ALARM:	4	0
ELECTRICAL:	0	0	OPEN FIRES:	0	0
ENGINE BACKFIRE:	0	0	REKINDLE:	0	0
EXPOSURE FIRE:	0	0	SCORCHED FOOD:	0	0
FALSE ALARM:	0	0	SPARKS:	0	0
FIREWORKS:	0	0	UNDETERMINED:	1	0
FLAMMABLE LIQUID:	0	0	WELDING/CUTTING:	0	0
FLUES:	1	0			
FRICTION:	0	0			
GAS LEAK:	0	0			

LOSS OF LIFE

CIVILIAN: 0 FIREFIGHTER: 0

INJURY

CIVILIAN: 0 FIREFIGHTER: 0



Noble
Professional
Dedicated

Newport Police Department
Memorandum

One Team - One Future

Date: February 10, 2013
To: Jim Voetberg, City Manager
From: Mark J. Miranda, Chief of Police *MBM*
Subject: January Department Report

1. While on my way from Salem to Seaside to attend a conference, I took a slight detour to Rainier and visited the Teevin Brothers operation. I was given the 'grand' tour and was able to see the various aspects of what is done there. I did not notice any particular problem with truck traffic. It's interesting to note that although they have the main part of the operation in Rainier, they have to transport the logs to Longview. I stood next to the de-barking machine and did not need any hearing protection. I did not see any dust being emitted from the machine. I stood across the street from the machine, about 100 feet away, and could carry on a conversation in a normal level of voice.

I contacted the Rainier Police Department and inquired about complaints they have received about the Teevin Brothers operation. The Chief of Police stated that they have not had any complaints in a long time. When Teevin Brothers first expanded their logging yard there was a complaint about dust during the summer. Teevin Brothers immediately corrected the situation by spraying down the yard. There may have been a noise complaint earlier, years ago, but again, there have not been any current complaints. The truck traffic has not been a problem since the Teevin Brothers trucks go immediately over the Longview bridge and not through town. But he also said that there is a lot of other truck traffic that goes through town that's not related to Teevin Brothers.

2. The Seafood and Wine Festival is a short time away. The Public Safety Sub-committee met and everything is in readiness. We are trying a slightly different staffing method this year. We will have less police officers in the tent and more on patrol in the surrounding area. We have worked with TCB Security for several years and feel that they are professional, competent, and can handle most situations in the tent. TCB will identify problems in the tent, bring the offending party(ies) out and turn them over to the police. This method is used by several other large venues in the State and it works well for them. With more

officers working the street we have more flexibility to move to any problem point quickly. Although there will be less officers in the tent, there will be minimal savings in overtime since we will still utilize officers for extra patrols.

3. Willamette Valley Communications Center (WVCC) reports that the cut over to start dispatching in Salem should occur sometime in March. While everything is in place, the only hold up is the contract with the telephone company. Once that's signed, the changeover will occur shortly thereafter. Radio codes for Lincoln County law enforcement are changing to conform with WVCC codes. The changes are minor. A major change coming is that we'll be switching to the military phonetic alphabet. (Alpha, Bravo, Charlie instead of Adam, Baker, Charles). That will take a little getting used to.
4. I was pleased to be along with the Mayor when we provided welcoming remarks to the Veterans' of Foreign Wars Conference.
5. Plans and protocols are being worked on for the Police Department to help the Library recover books that are way over due. Ted Smith reports that there are some people who fail to return Library books even after receiving several overdue notices. The process will be the following:
 - a. Two weeks after a book is due an automated notice is sent out (phone, email or letter)
 - b. Two weeks later another automated notice is sent out.
 - c. Two weeks later the Library Director will send a letter warning the individual that criminal action may be taken against them for failing to return an overdue book.
 - d. Two weeks later, our Community Service Officer will send a letter to the borrower, along with a citation to appear in Municipal Court.Failure to return a library book is a Class B violation under the State criminal code. This means that only a fine can be imposed. A person cannot be arrested and taken to jail for having an overdue library book. The Library Director is looking to recover outstanding books and to help reduce the incidents of people failing to return books.
6. In December I submitted a grant proposal to the Wal-Mart Foundation in the amount of \$2,500.00 to assist us in purchasing Crime Prevention materials. We just received notice that our request was denied. There was no reason given, except for the volume or requests that they do receive.
7. Attached is the latest updated Nuisance Complaint Log. A copy of the log has also been mailed to Mr. Carpenter.

FINANCE DEPARTMENT STATUS

THE "B" WORD

A. AS WE CREPT INTO THE NEW YEAR, OMINOUS SIGNS BEGAN TO TELL A TALE: THE VORACIOUS "B" CREPT INTO THE YEAR WITH US. YES, "B" (FOR **BUDGET**) HAS, ONCE AGAIN, SURVIVED A BLEAK WINTER AND EMERGED, LIKE THE PHOENIX, TO LIVE AGAIN. "B" WILL SOON BE FOUND ATTACHED TO SUCH OTHERWISE INNOCUOUS WORDS AS THESE:

1. CALENDAR
2. WORKING
3. PROPOSED
4. APPROVED
5. ADOPTED
6. COMMITTEE
7. AUTHORITY
8. RESOURCES
9. EXPENSES
10. APPROPRIATIONS



B. YES, IT'S BUDGET TIME, AGAIN, AND, JUST IN CASE, I HAVE ATTACHED THE CURRENT BUDGET CALENDAR.

II. CURRENT ACTIVITIES

A. WE ARE:

- B. WRITING UP THREE RFPs (BELIEVING THAT ALL CONTRACTED FIRMS SHOULD HAVE TO RESPOND TO A NEW RFP FOR THEIR SERVICES EVERY THREE TO FIVE YEARS, REGARDLESS OF THE SUPERIORITY (OR NOT) OF THE SERVICES THEY PROVIDE).
1. AUDITING SERVICES
 2. ACTUARIAL SERVICES
 3. BANKING SERVICES
- C. UPDATING "LIEN" PROCEDURES AND PROCESSES
- D. UPDATING THE CITY'S INDIRECT COST ALLOCATION METHODS
- E. TRAINING PUBLIC WORKS SECOND TIER SUPERVISORS (AND OTHERS) IN REPORT RETRIEVAL IN *CLARITY*.
- F. RESEARCHING ADMINISTRATIVE RULES FOR THE BUSINESS LICENSE ORDINANCE
- G. STUDYING WAYS TO MAKE MORE EFFICIENT THE DEPARTMENT'S CASH RECEIPTING FUNCTIONS AT THE FRONT DESK
- H. CREATED THE CITY'S FIRST SUPPLEMENTAL BUDGET FOR THIS YEAR.
- I. WORKING ON A PLETHORA OF "RECEIVABLES" ISSUES, SOME OF WHICH HAVE BEEN WITH THE CITY FOR YEARS, SOME OF WHICH SURFACED AS WE CONVERTED TO A NEW FINANCIAL SYSTEM, AND SOME OF THEM, MORIBUND IN ANY EVENT, BECAME ABSOLUTELY COMATOSE WHEN THE FINANCE

January 2013

DIRECTOR TOOK EIGHT WEEKS TO “CAVORT IN CORVALLIS.” RECEIVABLES, THANKFULLY, ARE JUST ABOUT “FIXED,” AND YOU WILL HAVE A COMPREHENSIVE RECEIVABLES REPORT IN MARCH.

III. HUMAN RESOURCES

- A. CREATED STANDARDIZED INTERVIEW GUIDE FOR EXEC. ASST. POSITION.
- B. REVIEWED SAFETY PROGRAM AND FOUND HOLES IN SYSTEM. I AM STILL WORKING TO COMPLETE AND INSTITUTE CHANGES.
- C. FOUND ERRORS IN FILING AND COMPLETING 19 FORMS. I AM STILL WORKING TO COMPLETE.
- D. HIRED TWO PUBLIC WORKS EMPLOYEES AND EXEC. ASSISTANT.
- E. COMPLETED STANDARDIZED CORRECTIVE ACTION FORM.
- F. UPDATED PAY SCHEDULES TO REFLECT COLA RAISE.
- G. REVIEWED EMPLOYEE HANDBOOK, MADE REQUISITE CHANGES

IV. LAST YEAR'S AUDIT

- A. IS LATE, BUT JUST ABOUT FINISHED WE EXPECT TO REPORT TO THE COUNCIL ON THE AUDIT RESULTS IN MARCH



Memo

To: Jim Voetberg, City Manager and City Council
From: Derrick Tokos, Community Development Director
Date: February 11, 2013
Re: Department Update

MONTHLY PERMIT FIGURES

The following is a summary of January 2013 building and land use activity.

	Building Permits	Electrical Permits	Plumbing Permits	Construction Value	Land Use Actions
Jan.	4 (\$1,000.58)	21 (\$4,405.12)	2 (\$692.71)	\$62,272.15	4 (\$1,754.00)
YTD	4 (\$1,000.58)	21 (\$4,405.12)	62 (\$692.71)	\$62,272.15	4 (\$1,754.00)

Building permit activity included a change of occupancy (church to residence), cellular antenna installation, residential demolition, and commercial remodel. The land use actions consisted of the Teevin Bros. Traffic Impact Analysis, a residential setback adjustment, an estuarine permit for dock renovations by Bornstein Seafood's, and the de-annexation of 71 acres out of the Wolf Tree destination resort.

STATUS OF MAJOR CONSTRUCTION PROJECTS

Port Terminal Project: Work is substantially complete, and we are awaiting a final write-up from the project engineer. Should soon be able to issue an occupancy permit.

Lincoln County School District: Finish work is underway on new classrooms at the Prep Academy and High School.

O'Reilly Auto Parts: Building plans have been submitted and reviewed. Architect is working on corrections and storm drainage issues. Construction to occur after ravine fill project is completed.

Umpqua Bank: Architect is working on a design for the new bank and we anticipate receiving building plans any time now.

Safeway: Met with architect on 1/24/13 to discuss renovation plans. They are proposing a wholesale remodel of the store. Anticipate receiving a submittal for plan review by the end of the month.

Nazarene Church Outreach/Community Center: Perimeter foundation in place for footings and the structure is enclosed. Concrete slab has been poured.

Walgreens: Footing and initial foundation inspection completed. Walls are being erected.

Fred Meyer: Bus shelter to be installed 2/14/13. Certificate of occupancy to follow.

Teevin Bros. Log Yard: Traffic Impact Analysis received 1/9/13. City requested corrections and submittal of the required Bay Blvd/Yaquina Bay Road structural analysis on 1/22/13. The public comment period on the report closed on 2/1/13. Teevin Bros. is making the requested edits and a revised report will be submitted shortly.

SIGNIFICANT PLANNING PROJECTS

Safe Haven Hill Tsunami Evacuation Improvements: FEMA authorized and funded the Phase 1 scope of work, including supplemental geotechnical and cost benefits analysis. Contracts have been signed and a kick-off meeting will be held in the coming weeks. Phase 1 work must be completed by 1/26/14.

Creation of Land Bank for Work Force Housing: Work sessions have been held by the Planning Commission and City Council on the conceptual framework, which consists of a contract with the Lincoln Community Land Trust (LCLT) and Intergovernmental Agreement with the Community Service Consortium to construct six workforce housing units over the next five years. The City would make properties available out of its land inventory as a "land bank." LCLT Board to review proposal at its 2/19/13 meeting. Detail documents are being prepared for consideration by the Planning Commission and Council in March/April.

Vacation Rental Code Update: At this time 85 applications for VRD or B&B endorsements have been submitted. The City has conducted 75 inspections, 50 of which have passed. For those applications that have yet to pass, fire egress out of bedroom windows, lack of GFCI outlets, inadequate hand railing or guard rails on staircases (primarily on decks), and strapping on water heaters were the primary issues.

Transportation System Plan (TSP) Update: City Council adopted the TSP amendments on 11/5/12. New zoning code chapters for transportation impact analysis studies and street improvements for infill development were effective the first of the year. The trip budget program will become effective once the County and State adopt the proposal. County staff anticipates a hearing before its Planning Commission in March; however, a date has not yet been set for the meeting.

Agate Beach Street and Recreation Enhancements: On 8/2/12 FHWA announced that the project will be funded in the amount of \$557,696. City is awaiting grant agreement paperwork from ODOT, who administers the program for our state. They have advised that an agreement will be provided for city review in February. This sets the City up for consultant selection in the spring, outreach and design in the fall, with construction in 2014. As this is federally funded, the City must use a state approved consultant for the design.

Reservoir UGB Amendment and Annexation: The Planning Commission has initiated amendments to the Comprehensive Plan to update criteria for evaluating UGB expansions and policies related to the reservoir properties. If adopted, the changes set the stage for an application to expand the UGB to bring the reservoirs inside the city limits, which will make it easier for the City to repair and/or expand its water infrastructure. The amendments are scheduled for Council consideration on 2/19/13. A draft of the UGB expansion proposal was reviewed by the Commission on 1/14/13, and a hearing date is scheduled for 2/25/13. DLCD has reservations with the concept, so this is by no means a done deal.

Newport Economic Opportunity Analysis: Technical Advisory Committee met on 12/17/12 and 2/7/13 to develop a work plan, position description, and funding recommendations for a business retention and recruitment coordinator function. The position would be full time, and would be housed at the Greater Newport Chamber of Commerce under the direction of the Chamber Director. Total costs are anticipated to be in the range of \$80 to \$100,000. Funding would come from the City, Chamber, and possibly the Port of Newport. A proposal is being drafted to inform upcoming budget discussions. This effort implements one of the key recommendations of the recently adopted Economic Opportunity Analysis.

COMMITTEE WORK

Planning Commission: Held work session and regular meetings on 1/14/13 and 1/28/13 to consider amendments to the Comprehensive Plan related to UGB expansions and the reservoir annexation, and initiated work on the UGB expansion application. The Commission also reviewed their calendar year accomplishments and started a discussion about goals for the coming year to help inform the Council's discussions in February.

Parking Districts: Neither the Nye Beach, City Center nor the Bay Front Parking Districts met in January. All three districts will meet prior to mid-March to review budget priorities for the coming fiscal year.



Memo

To: Jim Voetberg, City Manager and City Council
From: Ted Smith, Library Director
Date: February 15, 2013
Re: Library Department Update

Professional Involvement:

The Library Director is the planning chair of a joint Oregon Library Association/Washington Library Association Conference program dealing with aberrant behaviors in libraries. This program will help participants understand and/or create policies and procedures regarding unusual behaviors. It will teach ways to identify behaviors that require action, along with communication strategies for dealing with unusual behavioral situations. Representatives from law enforcement, social services and legal backgrounds will join with library staff to discuss improving safety in the library and empowering staff to address the myriad of difficult behavioral issues encountered in the library. This joint conference will take place on April 24, in Vancouver, WA.

On January 23, the Library Director spoke at length with Kate Laughlin, Conference Program Coordinator for the Washington Library Association. Details for the aberrant behaviors program we all but finalized. The Library Director gave Ms. Laughlin a list of panel participants he intended to contact about being on the panel for this program.

On January 28, the Library Director participated in an online meeting of the Public Library Division (PLD) of the Oregon Library Association. The Library Director updated the group on the aberrant behaviors program.

On February 1, the Library Director met with Hillsboro Librarian, Karen Muller and Hillsboro Police Detective, Henry Reimann to discuss Detective's participation in the aberrant behaviors program. Detective Reimann works special crimes for the Hillsboro Police Department and quickly volunteered to be a panelist.

On February 8, the Library Director spoke with Racheal Baker, Staff Attorney for Legal Aid Service of Oregon about participating in the aberrant behaviors program. In her profession, Racheal sometimes represents the kinds of people who act out or display aberrant behavior in public places. Her participation on the panel will help participants understand the civil issues involved.

Three other people have agreed to participate in this program. They are: Dan Gottlieb, a Washington attorney who is a member of the Kitsap Regional Library Board; Sarah Elliot, Deschutes County Homeless Outreach Case Manager and John Cabrera, Operations Administrator at the Multnomah County Library.

Other Library News

On January 24, and January 29, the Library Director met with two new Library Advisory Board members Debora Chandler and Autumn Belloni. They were each given tours of the Library and orientation packets.

On January 30, the Library Director met with Ralph Busby. Ralph was looking for background information on library operations.

On January 31, The Library Director met with Chief Miranda and Dustin Kittle to work out the process for filing citations against patrons who fail to return library materials. It is anticipated that the first citations will go out in early March. The Library Director must still meet with the City's prosecutor before all details are finalized.



Memo

To: Jim Voetberg, City Manager and City Council
From: Jim Protiva, Parks and Recreation Director
Date: February 7, 2013
Re: Department Update-January 2013

Municipal Pool

- Additional swim lesson sessions offered, 30 students total enrolled
- 12th annual Aloha Swim, Saturday 26th was enjoyed by youth
- Rentals for: Job Corp, Swim Team and 3 birthday parties

Recreation Center

- Funds raised by gymnastics clinic (\$900+) used to purchase new equipment
- Hosted/co-sponsored Oregon ASK (after school kids) training at the Rec. Center
- Stretch & Flex class continues to grow – highest number of attendees so far is 44
- Our new yoga instructor has moved, but we have 2 other potential instructors

Sports Programs

- About 530 people were enrolled in structured sports leagues during the month of January. 15 leagues, 34 volunteers and 20 community sponsors.
- Middle School girl's basketball tournament held at the Rec Center in which 888 people visited the Newport Rec. Center, over the previous Saturday.

Senior Activity Center

- New Experience Works placement –Michael started this month
- AARP tax aide training and season preparations
- Living well with Chronic Conditions series offered
- New Party Bridge group started, Jan.-March

Parks & Rec Data January 2012	Facility usage counts	# Programs offered	New annual passes	Total annual passes	New other passes	Total other passes	Drop in users
Senior Center	1,420	27	N/A	N/A	N/A	N/A	30
Sports	7,062 est. vists mult. Locations	17	N/A	N/A	N/A	N/A	344
Recreation Center	16976 visits	29	93	745	107	599	1214
Municipal Pool	8368 visits	9	11	136	44	114	189
Totals	33,826	82	104	881	151	713	1,777

*spectators are not required to have a pass

*Rec Center pass allows Pool use



Memo

To: Jim Voetberg, City Manager and City Council
From: Ted Jones, PE, Sr Proj Mgr
Date: February 19th, 2013
Re: Capital Projects Status Update

Project: **Agate Beach Tank & Salmon Run Pump/Waterlines**
Project Number: 2011-018
Status: Contract documents in review with City staff.
Next Task: Release for a spring 2013 bid opening.
Budget: \$2,384,000
Description: Will provide 1 million gallons of storage capacity for Agate Beach area, improving capacity, pressure, and fire flow.

Project: **Big Creek Road Landslide Repairs**
Project Number: 2011-003
Status: FEMA has approved the proposed design and associated design/construction funding.
Next Task: Preparing to issue contract documents for a spring 2013 bid opening.
Budget: \$750,000
Description: This project will restore Big Creek Road. Heavy rainfall in January of 2011 caused portions of the road to slide away, making the road unsafe for vehicles and jeopardizing a buried water main and electrical and telecommunications overhead transmission lines. This project is 75% funded through FEMA.

Project: **Ash Street Design and Construction**
Project Number: 2010-003
Status: Contract documents are being finalized.
Next Task: Release for a spring 2013 bid opening.
Budget: \$557,000
Description: Design and construct Ash Street between SE 40th St. and SE Ferry Slip Road.

Project: **US 101 Pedestrian Crossing Improvements**
Project Number: 2011-024
Status: ODOT is reviewing the consultant's environmental/cultural plan and may need to send out additional consultant RFQs.
Next Task: Spring 2013 bid is now.
Budget: \$502,000

Description: This project will improve the visibility and safety of multiple crosswalks on Highway 101 between 15th Street and the bridge. Proposed improvements include curb extensions and/or pedestrian safety islands, improved signage and pavement markings, and in one location pedestrian activated warning lights.

Project: **Big Creek Wastewater Force Main Replacement**
Project Number: 2012-024
Status: Consultant has started geotechnical investigation, field surveying, and is preparing preliminary alternative pipeline routes.
Next Task: Complete design memo and select preferred alternate pipeline route.
Budget: \$730,000
Description: Replace undersized force main sewer that is at the end of its useful service life. Help to reduce the amount of raw sewage overflows.

Project: **Hwy 101 Sewer & Water Improvements**
Project Number: 2011-008
Status: Installing service connections, fire hydrants, and main line connections to existing water system.
Next Task: Complete connections and prepare for system disinfection and testing.
Budget: \$1.3MM
Description: This project replaces undersized and aging water pipes in the South Beach area, improving water capacity and pressure. In addition, sanitary sewer pipes are being extended allowing adjacent properties to connect to City services, thereby abandoning aging septic systems. The extension of water and sewer services in this area allows future residential and commercial growth in South Beach. This project is primarily funded through South Beach Urban Renewal.

Project: **AIP-020 RWY 16/34 Rehabilitation Pre-Design**
Project Number: 2012-094
Status: FAA and staff are reviewing the draft Pre-Design report.
Next Task: Start detailed design.
Budget: \$500,000 (Pre-Design only)
Description: Pre-design to rehabilitate RWY 16/34 with a FAA compliant x-section, a full overlay, improved drainage, lighting, and safety areas. The last major pavement improvement project was 30 years ago and the pavement is at the end of its useful service life.

POLICE DEPARTMENT
169 SW COAST HWY
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



541.574.3348
www.newportpolice.net

MOMBETSU, JAPAN, SISTER CITY

February 7, 2013

Gregory Carpenter
5806 NW Rhododendron Street
Newport, Oregon 97365

Dear Mr. Carpenter,

As promised, enclosed is the log of the violations you reported. It shows the progress, to date, of action taken. I will send you another updated log at the end of this month.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark J. Miranda".

Mark J. Miranda
Chief of Police
(FBINA 198)

Cc: Jim Voetberg, City Manager

EST.
1882

Newport Police Department
 NUISANCE COMPLAINT LOG

No.	Date Rcd.	Complt.	Address	Problem	Priority	Case	Status	Closed Date
1	9/17/2012	Carpenter	558 NE 3rd St.	Fence	3	1211-4009	No Viol.	11/27/2012
2	9/17/2012	Carpenter	508 NE 3rd St	Fence	3	1211-4010	No Viol.	11/27/2012
3	9/17/2012	Carpenter	509 NE 3rd St.	Fence	3	1211-4011	UTL	11/27/2012
4	9/17/2012	Carpenter	204 NE Benton St.	Vegetation	3	1211-4012	NFA	1/9/2013
5	9/17/2012	Carpenter	710 NE Jeffries St.	Vegetation	3			
6	9/17/2012	Carpenter	705 NE Jeffries St.	Vegetation	3	1211-4013	No Viol.	11/27/2012
7	9/17/2012	Carpenter	1098 NE 7th St.	Vegetation	3	1211-4014	Pending	
8	9/17/2012	Carpenter	1110 NE 7th St.	Vegetation	3			
9	9/17/2012	Carpenter	311 NE 2nd St.	Vegetation	3	1211-4015	Variance	11/27/2012
10	9/17/2012	Carpenter	132 NE Coos St.	Fence	3	1211-4016	No Viol.	11/27/2012
11	9/17/2012	Carpenter	404 NE 2nd St.	Vegetation	3			
12	9/18/2012	Carpenter	457 NW 56th St.	Vegetation	3			
13	9/18/2012	Carpenter	5608 NW Meander St.	Vegetation	3	1212-4210	No viol.	12/4/2012
14	9/18/2012	Carpenter	5511 NW Meander St.	Vegetation	3			
15	9/18/2012	Carpenter	5423 NW Meander St.	Vegetation	3	1212-4211	No viol.	12/12/2012
16	9/18/2012	Carpenter	521 NW 54th St.	Vegetation	3			
17	9/18/2012	Carpenter	412 NW 54th St.	Fence	3			
18	9/18/2012	Carpenter	551 NW 54th St.	Vegetation	3			
19	9/18/2012	Carpenter	5508 NW Pinery St.	Vegetation	3			
20	9/20/2012	Carpenter	535 NW 7th St.	Trees	3			
21	9/20/2012	Carpenter	613 NE 7th St.	Vegetation	3	1210-4627	Pending	
22	9/20/2012	Carpenter	409 NE 7th St.	Fence & Vegetation	3	1210-4628	NFA	1/23/2012
23	9/20/2012	Carpenter	707 NE Eads St.	Vegetation	2	1210-4629	UTL	10/30/2012
24	9/20/2012	Carpenter	305 NE 7th St.	Vegetation	3	1210-4630	No Viol.	10/30/2012
25	9/20/2012	Carpenter	306 NE 7th St.	Vegetation	3	1210-4631	UTL	10/30/2012
26	9/20/2012	Carpenter	431 NE Benton St.	Fence & Vegetation	3	1210-4632	No Viol.	10/30/2012
27	9/20/2012	Carpenter	620 NE Benton St.	Vegetation	3	1210-4633	No Viol.	10/30/2012
28	9/20/2012	Carpenter	428 NE Benton St.	Vegetation	3	1210-4634	NFA	1/15/2013
29	9/20/2012	Carpenter	303 NE Benton St.	Vegetation	3	1210-4635	UTL	10/30/2012
30	9/20/2012	Carpenter	305 NE Benton St.	Vegetation	3	1210-4636	No Viol.	10/30/2012
31	9/20/2012	Carpenter	304 NE Benton St.	Vegetation	3			
32	9/21/2012	Carpenter	1921 NE Crestview Dr.	Vegetation	3			
33	9/21/2012	Carpenter	1930 NE Crestview Dr.	Vegetation	3			
34	9/21/2012	Carpenter	2014 NE Crestview Dr.	Vegetation	3			

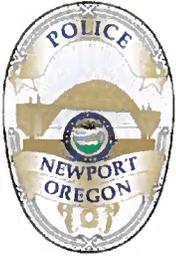
Newport Police Department
 NUISANCE COMPLAINT LOG

35	9/21/2012	Carpenter	2597 NE Crestview Dr.	Vegetation	3	
36	9/21/2012	Carpenter	5707 NW Gladys St.	Vegetation	3	
37	9/21/2012	Carpenter	87 NW 56th St.	Fence & Vegetation	3	
38	9/21/2012	Carpenter	519 NE 20th Place	Vegetation	3	
39	9/21/2012	Carpenter	437 NE 20th Place	Vegetation	3	
40	9/21/2012	Carpenter	2511 NE Crestview Dr.	Vegetation	3	
41	9/21/2012	Carpenter	405 NW 55th St.	Cars & Junk	3	
42	9/21/2012	Carpenter	658 NW 7th St.	Fence	3	
43	9/24/2012	Carpenter	415 NW 58th St	Fence & Vegetation	3	
44	9/24/2012	Carpenter	416 NW 58th St.	Vegetation	3	
45	9/24/2012	Carpenter	5715 NW Rhododendron St.	Vegetation	3	
46	9/24/2012	Carpenter	5805 NW Rhododendron St.	Vegetation	3	
47	9/24/2012	Carpenter	125 NW 55th St.	Junk	3	
48	9/24/2012	Carpenter	5909 NW Rhododendron St.	Vegetation	3	
49	9/24/2012	Carpenter	125 NW Gladys St.	Vegetation	3	
50	9/24/2012	Carpenter	424 NW 59th St.	Blighted	3	
51	9/24/2012	Carpenter	5814 NW Rhododendron St.	Vegetation	3	
52	9/24/2012	Carpenter	5818 NW Rhododendron St.	Vegetation	3	
53	9/24/2012	Carpenter	5815 NW Rhododendron St.	Trees	3	
54	9/24/2012	Carpenter	428 NW 56th St.	Fence, vegetation & trailer	3	1212-4209 No viol. 12/25/2012
55	11/24/2012	Carpenter	19 SW Herbert St	Over 36" hedge	3	
56	11/24/2012	Carpenter	244 SW 12th St	Over 36" hedge	3	
57	11/24/2012	Carpenter	345 SE 2nd St	Over 36" hedge	3	1212-4208 No viol. 12/31/2012
58	11/24/2012	Carpenter	462 NE 5th St	Over 36" hedge	2	1302-0908 NFA 1/30/2013
59	11/24/2012	Carpenter	13 SW Brook St	Hazardous hedges	3	1302-0849 No viol. 1/23/2013
60	11/24/2012	Carpenter	219 NW Cottage	Hazardous hedges	3	1302-0850 No viol. 1/21/2013

Priority 1 : Main Thoroughfare
 Priority 2: Residential Feeder Streets
 Priority 3: Residential Streets

UTL: Not a valid address
 NFA: No further action

Updated: 1/31/2013



Noble
Professional
Dedicated

Newport Police Department
Memorandum

One Team - One Future

Date: February 11, 2013
To: Jim Voetberg, City Manager
From: Mark J. Miranda, Chief of Police *MJM*
Subject: SE Moore Road Crash Analysis

At the request of City Councilor Dean Sawyer, I collected data for review of crashes on SE Moore Road. Generally for a traffic crash analysis a period of the immediate three years of data is used. However, in this instance there was only one crash and that was in 2010. That being the case, I collected data from 2003 to date. 2003 is the earliest date that our Records Management System has recorded. The following information was gleaned from the data:

Occurrence:

Hwy 20 and Moore Road = 14
Moore Road = 0
Moore Road and Bay Blvd = 2

Crashes by Year for Hwy 20 and Moore Road

2003 = 2
2004 = 4
2005 = 0
2006 = 2
2007 = 0
2008 = 4
2009 = 1
2010 = 1
2011 = 0

Primary Cause for Hwy 20 and Moore Road:

Failure to obey a Traffic Control Device = 8
Improper or Dangerous Left Turn = 5

Direction of Travel of Violator for Hwy 20 and Moore Road:

East Bound =	4
West Bound =	3
North Bound =	3
South Bound =	1
South Bound to East Bound =	1

For the two crashes at Moore Road and Bay Blvd, both were for failure to obey a traffic control device (stop sign). One violator was west bound and the other east bound.

There have not been enough crashes on SE Moore Road to be able to create a definitive analysis of crashes. Ten years of data can only illustrate past problems. The data of the past three years shows that the problem is minimal. Attached is a chart of the data collected.

Newport Police Department
 TRAFFIC CRASH ANALYSIS FOR SE MOORE ROAD

Case No.	20/JM	JM	JM/Bay	Day	Time	Veh 1 Dir	Veh 2 Dir	Veh 3 Dir	Violation
03N-03893	XX			Fri	0924	EB	NB		TCD
03N-05067	XX			Thurs	1930	EB	WB-SB		TCD
04N-01125	XX			Sat	1328	SB-EB	NB		Dang LT
04N-03316	XX			Sat	1725	NB	SB		Dang LT
04N-03240	XX			Wed	1031	NB	SB		Dang LT
04N-04602			XX	Fri	1354	EB	SB-EB		TCD
04N-06000	XX			Sun	1857	WB	SB-EB		TCD
06N-00371	XX			Thurs	1330	EB	SB		TCD
06N-00705	XX			Tues	1549	NB	EB		TCD
06N-00918			XX	Wed	1715	WB	SB		TCD
08N-00230	XX			Mon	0845	WB	SB		TCD
08N-00270	XX			Sat	1250	NB	SB		Imp LT
08N-01096	XX			Tues	0857	Unk	Unk		Unk
08N-03725	XX			Thurs	0740	EB	EB		FTC
09N-01731	XX			Thurs	1000	WB	WB		FTC
10N-01839	XX			Mon	1352	SB	NB-WB	NB-WB	Imp LT

Red = Person at Fault

CITY OF NEWPORT

Budget Calendar

For the Fiscal Year Ending 30 June 2014

Preliminary Meeting of the Budget Committee20 March 2013¹

Publish 1st Notice of Budget Committee Meetings11 April 2013

Publish 2nd Notice of Budget Committee Meetings25 April 2013

First Budget Committee Meeting.....07 May 2013

- Appoint Presiding Officer
- Receive Budget Message
- Review Budget Document and Discuss Relevant Changes
- Respond to Questions from the Budget Committee

Second Budget Committee Meeting.....14 May 2013

- Budget Committee Deliberations
- Respond to Questions from First Meeting

Third Budget Committee Meeting (If needed).....28 May 2013

Publish Notice of Budget Hearing (once only).....05 June 2013

- Publish Financial Summaries

Budget Hearing.....17 June 2013

- Conducted by City Council
- Open to Public
- Run concurrently with Council meeting
- **Adopt Budget**
- **Make Appropriations**
- **Impose and Categorize Taxes**

Submit Tax Certification Documents.....15 July 2013

- To County Assessor by 15 July 2013
- File Budget Document with County Recorder and Designated Agencies

¹ Review this year's budget assumptions, forecast year end, discuss strategic and tactical considerations; do not discuss FY14 budget

Manager's Office Weekly Report **Weeks of 1-28, 2013**

Following are various items and issues which the City has been involved with during the week of January 28, 2013.

Gymnastic Meet at the Rec Center: Over the weekend, the Rec Center was the venue for a gymnastics meet from out of town gymnastic clubs. The three day event not only brought in revenue to the Rec Center, the teams rented hotel rooms, ate in our restaurants, and visited many attractions in Newport. Coordinators of the event were pleased with the hospitality Newport had to offer. Recognition goes to the Recreation Department for making this happen. For newer Councilors, the Recreation Department has been tasked with putting on or hosting several big events each year to help bring in new revenue to the Recreation Fund. New events last year included the Home and Garden Show, Winter Artesian Fair, Outdoor/Camping Swap Meet, and the Mountain Bike Race.

PAC PA System: On Saturday, OCCA held a recognition event to show off their new PA system at the PAC. Individual performances were fantastic and the new PA system only added to the experience. For newer Councilors, the City owns the PAC building and has an agreement with OCCA to manage it. The new PA system, along with the upcoming acoustical and expansion project is included in the overall tourism facility grant the City awarded OCCA last year.

Airport Leases: As Council was earlier informed, it was discovered that airport hanger tenants have not been billed for several months. Finance has already talked with several hanger tenants to explain the situation. On a related note, Peggy has been working with the Airport and Finance on updating hanger leases that have expired.

Telecommunication Agreements with Coastcom: Staff has been working with Coastcom on several issues including; a dark fiber lease, a conduit occupancy agreement and an update to their franchise agreement. Aside from updating the franchise agreement, the dark fiber and conduit occupancy agreements are necessary for our city telecommunication and SCADA systems build-outs.

Use of Rec Facilities for Showering: A leader in the church community discussed with Jim Protovia the possibility of providing vouchers to homeless individuals for use of the City's showering facilities at the Rec Center and/or Pool. Jim told the church community leader that our facilities were not designed for this type of use and may not be compatible with many of the younger aged users. While we do not discriminate against individuals who pay to use the facilities, we also would not encourage the use of our facilities for this purpose.

Upcoming issues:

- Updating Sign Code
- Vehicle Camping
- OPRD Agreement for use of Room Tax Funds for improvements to South Beach State Park

Staff has been/continues working with LGLG on the following issues:

- Fiber Build-out and potential agreements with Coastcom.
- LID Process
- Miscellaneous Agreements
- Employment issues

Manager's Office Weekly Report

Weeks of 2-4, 2013

Following are various items and issues which the City has been involved with during the week of February 4, 2013.

Public Records Request: Larry Coonrod of the News Times has submitted a Public Records Request for recently filed tort claims. As the Council may recall, via e-mail on December 5, 2012, the EEOC complaint filed by Brook Day and a tort claim submitted by Brian Page was sent to Council. Via e-mail on December 18, 2012, the tort claim filed by Brook Day was sent to Council. For Council's convenience, I will include the two tort claims and EEOC complaint with this report.

Airport Hanger Leases: Staff is close to cleaning up issues with the airport hanger leases. David Marshall has sent out letters and talked to individual hanger leasees about back rent and Peggy Hawker is updating the leases.

City Annual Audit: David Marshall is finalizing the annual audit's Management Discussion and Analysis report so that the audit can be submitted to the State. Due at the end of last calendar year, the delay in submitting the audit has been attributed to a disagreement between Finance and the Auditors on some minor issues. Finance intends to go out with an RFP for new auditors.

Library Late-Return Citations: The Library is near to begin issuing citations to patrons who are extremely and chronically late in returning library materials. This will be the last step in a many step process to get our library materials back.

Joint Port/City Meeting: The joint Port/City meeting to hear public comment on the Port's log export operations is scheduled for March 19, 2013 at 6:00pm at the Oregon Coast Community College.

Gymnastic Meet: As earlier reported, the Recreation Center hosted a gymnastics meet for several gymnastic clubs. The organizer was extremely pleased with the facilities and the community, and plans to come back next year. With 450 athletes participating, it is estimated the event brought over 1200 people to the community; staying in our hotels, eating in our restaurants and visiting our attractions. The economic impact to the community was noticeable.

Request For Waiver of SDC Fees by the Hospital Foundation: Council can anticipate a request by the Hospital Foundation to waiver (pay for) System Development Charges (SDC's) for their planned education building. The SDC's for the hospital's new building will likely be in the \$40,000 range. For new Councilors, SDC's cannot be waived. Should the Council desire to help pay the SDC fees, the funds would need to be paid utilizing General Fund monies, which logically could impact current or planned uses of these funds.

Meritage Garbage Disposal: A few years ago, the City got into the middle of a dispute between homeowners of the Meritage and the Meritage Homeowners Association regarding the disposal of garbage. Citations were issued, attorneys got involved and a lot of time and effort was taken up on this issue. Fortunately, LGLG who had just begun working for the City helped with a way

out. As seen in the attached e-mail from a Meritage homeowner, it appears the homeowners of Meritage and the Meritage Homeowners Association may be at it again.

Upcoming issues:

- Updating Sign Code
- Vehicle Camping
- OPRD Agreement for use of Room Tax Funds for improvements to South Beach State Park

Staff has been/continues working with LGLG on the following issues:

- Fiber Build-out and potential agreements with Coastcom.
- Miscellaneous Agreements
- Requests by Council



Newport Bicycle/Pedestrian Advisory Committee

Sharrows on City streets based on priority list compiled by Bike-Ped Committee

Sidewalks – Involve Bay Front parking district to help fund sidewalk from Bay Front to hospital as high priority FY 2013-2014 (TSP Priority Tier 1)

Monitor 2013 Crosswalk Project on Highway 101

Update walking and bicycling maps

Review Newport 2010-2014 Bike-Ped Project list

Review and prioritize 2009 Pedestrian and Bicycle Improvements list for South Beach

Trail from NW Nye to Oceanview

Trail connecting Agate Beach Wayside trail to sidewalk on west side of Hwy. 101 from Best Western to Walmart

The next ODOT or MAP-21 Grant

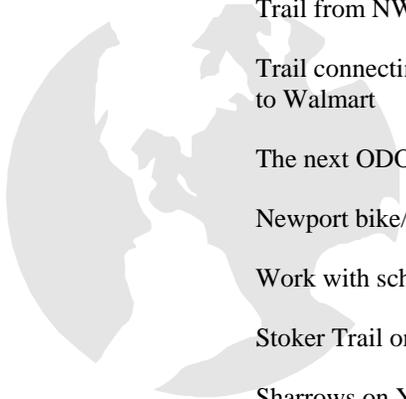
Newport bike/pedestrian trail system

Work with schools and State Safe Routes to Schools (SRTS) coordinators

Stoker Trail on old RR bed in South Beach (connect to Parks and Rec. Trail system)

Sharrows on Yaquina Bay Bridge (ODOT) and Select Roads in State Parks

Update “Goals and Objectives” in Committee By-Laws



***By-Laws of the
NEWPORT BICYCLE and PEDESTRIAN ADVISORY
COMMITTEE***

ARTICLE 1

1. This committee shall be called the Newport Bicycle and Pedestrian Advisory Committee. The Committee motto is: *Striving For A Livable Community*

ARTICLE 2

1. The purpose of the committee is to advise the Council regarding issues relating to bicycle and pedestrian transportation, safety, recreation and education.
2. The committee will act as a resource to provide additional information related to the unique problems associated with non-motorized transportation.
3. To act as a source of current information in matters relating to the use of the bicycle or pedestrian routes as a means of transportation in the City of Newport.
4. To sustain and support the bicycle or pedestrian routes as a means of transportation. Periodically review the “goals and objectives” of the existing state and local Bicycle and Pedestrian Master Plans for bicycle/pedestrian amenities.

Goals and Objectives

Create greater awareness of non-motorized travel as a viable transportation option

Find funding for bicycle and pedestrian projects in the current Newport Transportation Plan

Explore ways to efficiently and safely move bicyclists and pedestrians through Newport, especially along and across the Highway 101 and 20 corridors

Assist in providing bicycle/pedestrian safety education in Newport schools

Create a safe climate for children to ride bicycles or walk to school and provide special consideration for the needs of elderly and disabled pedestrians

Make recommendations for safe and convenient bicycle parking at all public facilities

Explore option for separate bicycle/pedestrian routes to circumnavigate the Newport area

Review bicycle/pedestrian vs. motor vehicle incidents to identify safety priorities and recommend remedial measures to Council

ARTICLE 3

1. Shall be comprised of individuals whose primary residence is in the City of Newport and who specify an interest in the stated goals of the committee.
2. Shall consist of a minimum of five (5) members selected to fairly represent the diverse geographic areas of the City of Newport.
3. Terms shall be for three (3) years, except the initial appointments, which will be for two (2), or three (3) years to provide a staggered expiration. Terms begin January 1st and end December 31st.
4. The committee shall recommend individuals for appointment to this committee when vacancies occur. Such recommendations shall be made to the City of Newport's City Council.

ARTICLE 4

Meetings

1. Shall meet twelve (12) times a year, at times and places fixed by the chair of the committee. The committee may meet at other times upon notice from the chair or three (3) members.
2. The City of Newport shall make reasonable effort to provide meeting space and personnel to assist the committee, subject to the availability of funds.
3. The committee shall adopt rules to govern its proceedings and may select officers, as it considers necessary.
4. A majority of the members shall constitute a quorum to create an act of the committee.

ARTICLE 5

Amendments

1. The By-Laws may be amended at any time by the City of Newport. The committee shall make requests to the City Council for necessary and appropriate amendments.

Accepted by the City of Newport on _____

Mayor

Council Members

Item Description:

Develop a City of Newport Complete Streets policy consistent with the 2008 Bicycle and Pedestrian Transportation System Plan.

Resolution:

WHEREAS, Complete Streets are designed and operated to assure safety and accessibility for all the users of our roads, trails and transit systems, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles and for people of all ages and of all abilities; and

WHEREAS, Complete Streets reduce congestion by providing safe travel choices that encourage non-motorized transportation options, increasing the overall capacity of the transportation network as well as decreasing consumer transportation costs; and

WHEREAS, Complete Streets support economic growth and community stability by providing accessible and efficient connections between home, school, work, recreation and retail destinations by improving the pedestrian and vehicular environments throughout the community; and

WHEREAS, Complete Streets enhance safe walking and bicycling options for school age children, in recognition of the objectives of the national Safe Routes to School program and the Centers for Disease Control and Prevention's Physical Activity Guidelines; and

WHEREAS, Complete Streets can help reduce crashes and injuries and their costs; and

WHEREAS, Complete Streets is consistent with the Council-approved principles to promote the integration of physical activity into the daily lives of Newport residents; therefore

BE IT RESOLVED, that in order to develop and maintain a safe, efficient, balanced and environmentally sound City transportation system for people of all ages and abilities, transportation and development projects shall incorporate a Complete Streets philosophy that expands transportation choices; and

BE IT FURTHER RESOLVED, that the City of Newport City Council encourages other cities, counties, and the state to work together to make Complete Streets a reality throughout Oregon.

(Approved at May 17, 2010 City Council meeting)

Mission Statement

The purpose of the Committee is to advise the Council regarding issues relating to bicycle and pedestrian transportation, safety, recreation and education. The Committee would act as a resource to provide additional information related to the unique problems associated with non-motorized transportation.

Goals and Objectives (taken from By-Laws)

Update Newport's Bicycle Master Plan *(Completed July 2008)*

Find funding for bicycle/pedestrian issues on the current Newport Transportation Plan *(successfully helped PW Dept. obtain ODOT Bike/Ped Grants for improvements to SE Bay Blvd. and improvements to Naterlin Dr. past USCG Sta. to Bay Front)*

Explore ways to efficiently move bicyclists north/south in Newport *(Included in update to TSP)*

Assist in providing bicycle/pedestrian safety education in Newport schools *(Have approached LCSD and Oregon Safe Routes to Schools coordinators about SRTS funding)*

Create greater awareness of non-motorized travel as viable transportation options *(Helped promote Bike to Work Month)*

Provide safe and convenient bicycle parking at all public facilities *(Provided City with recommendations for locations and design for bike racks)*

Explore option for separate bicycle/pedestrian routes to circumnavigate the Newport area *(Included in TSP update)*

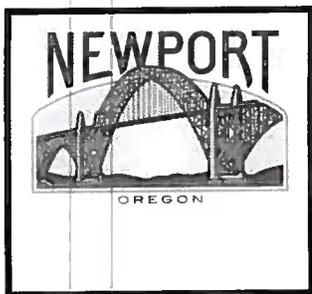
Improve the safety of non-motorized travelers across Yaquina Bay *(was instrumental in getting speed lowered and warning lights for bicycles on the bridge and working with ODOT to get sharrows on the roadway)*

Create a safe climate for children to ride bicycles to school *(Part of SRTS program. Funding is provided through ODOT Transportation Safety Dept.)*

Review bicycle/pedestrian vs. motor vehicle accidents to help minimize a reoccurrence by making recommendations to the proper departments *(We need NPD police officer on committee)*

Newport Bicycle/Pedestrian Committee Members (January 2013)

Name	Address	Phone number	email
Ken Dennis	1328 NW Nye St., Newport	272-2578	kdennis@actionnet.net
Chuck Forinash	P.O. Box 161, Newport	867-3430	info@forinashgallery.com
Bob Hein	562 Golf Course Dr.	961-3565	rooferbob2@charter.net
Elliot Crowder	312 SW 29th	265-9917 270-6141	bikeneport@charter.net
Alisha Kern	1341 NW Nye St., Newport	270-8368	alishakern@charter.net
Dave Teem	2750 NE Harney	961-8232	dateem@g.com
Maryann Bozza	1006 SW Elizabeth St.	541 219-2612	maryannbozza@yahoo.com
Tim Gross	Public Works Director	574-3369	T.Gross@NewportOregon.gov
Mark Saelens	Newport City Council		M.Saelens@NewportOregon.org
Ted Jones	Senior Project Manager	574-3375	T.Jones@NewportOregon.gov



Agenda Item # VII.B.
Meeting Date 19February 2013

CITY OF NEWPORT AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Update: Six-Month Review of Financials

Prepared By: David Marshall Dept Head Approval: DM City Mgr Approval: _____

Issue Before the Council: To review the City's financial status for the Proprietary Funds (Water and Wastewater) for the first seven months of this fiscal year.

Staff Recommendation: None

Key Facts and Information Summary:

This agenda item continues the review of the City's major funds, in this case, those of the Water and Wastewater Funds. Staff will engage in a brief discussion of the charts associated with this agenda item.

In addition, we have included a chart showing the City's new health insurance costs and, also, a forecast of health insurance costs for the year.

Other Alternatives Considered:

None

Fiscal Notes: As presented

Attachments: Seven Month Financial Report for the Water and Wastewater Funds and, also, for the new Health Insurance Costs.

CITY OF NEWPORT

SEVEN-MONTH FINANCIAL REPORT (Entrepreneurial Funds)

I. PURPOSES

- A. TO CONTINUE THE REVIEW OF THE FINANCIAL CONDITION OF OUR MAJOR FUNDS, BY LOOKING BRIEFLY AT THE ENTREPRENEURIAL (WATER AND WASTEWATER) FUNDS AS WE CONTINUE TO SET THE BASELINE FOR NEXT YEAR'S BUDGET.
1. THIS REVIEW WILL COMPARE THE BUDGETED SOURCES OF REVENUE AGAINST THE REVENUES BOOKED TO DATE, AND WILL FORECAST THE YEAR-END REVENUE FOR THE MAJOR REVENUE SOURCES
 2. IT WILL ALSO REVIEW THE BUDGETED APPROPRIATIONS AGAINST THE EXPENSES THAT HAVE BEEN BOOKED AGAINST THEM.
 3. IT WILL ALSO FORECAST YEAR-END EXPENSES AGAINST THOSE APPROPRIATIONS; IF WHERE THESE EXPENSES ARE FORECAST TO EXCEED APPROPRIATIONS, WE EXPLAIN HOW WE PLAN TO CORRECT THAT SITUATION.
 4. ARE THERE ANY FUNDS WHOSE FORECAST **RESOURCES** WILL NOT COVER FORECAST EXPENSES?
 5. WHAT ARE OUR FORECAST ENDING FUND BALANCES?

II. REMINDERS

- A. **APPROPRIATIONS** ARE THE LEGAL AUTHORIZATION TO SPEND RESOURCES, SUCH AUTHORIZATION EXECUTED AT THE TIME THE COUNCIL ADOPTS ITS ANNUAL BUDGET. IT IS, ALSO, THE LIMIT THAT CAN BE SPENT, WITHOUT *PRIOR* AUTHORIZATION BY THE COUNCIL.
- B. A **FUND BALANCE** IS THE DIFFERENCE BETWEEN A FUND'S RESOURCES AND ITS EXPENSES. A FUND'S RESOURCES ARE EQUAL TO THE AMOUNT OF "LIQUIDITY" THAT THE FUND HAS AT THE START OF THE FISCAL YEAR (ITS "FUND BALANCE") AND THE AMOUNT OF REVENUE IT RECEIVES ... FROM THAT IS SUBTRACTED THE AMOUNT THAT IT SPENDS. BY OREGON LAW, FUND BALANCES CANNOT BE NEGATIVE.

ENTREPRENEURIAL FUND PERFORMANCE

WATER FUND RESOURCES

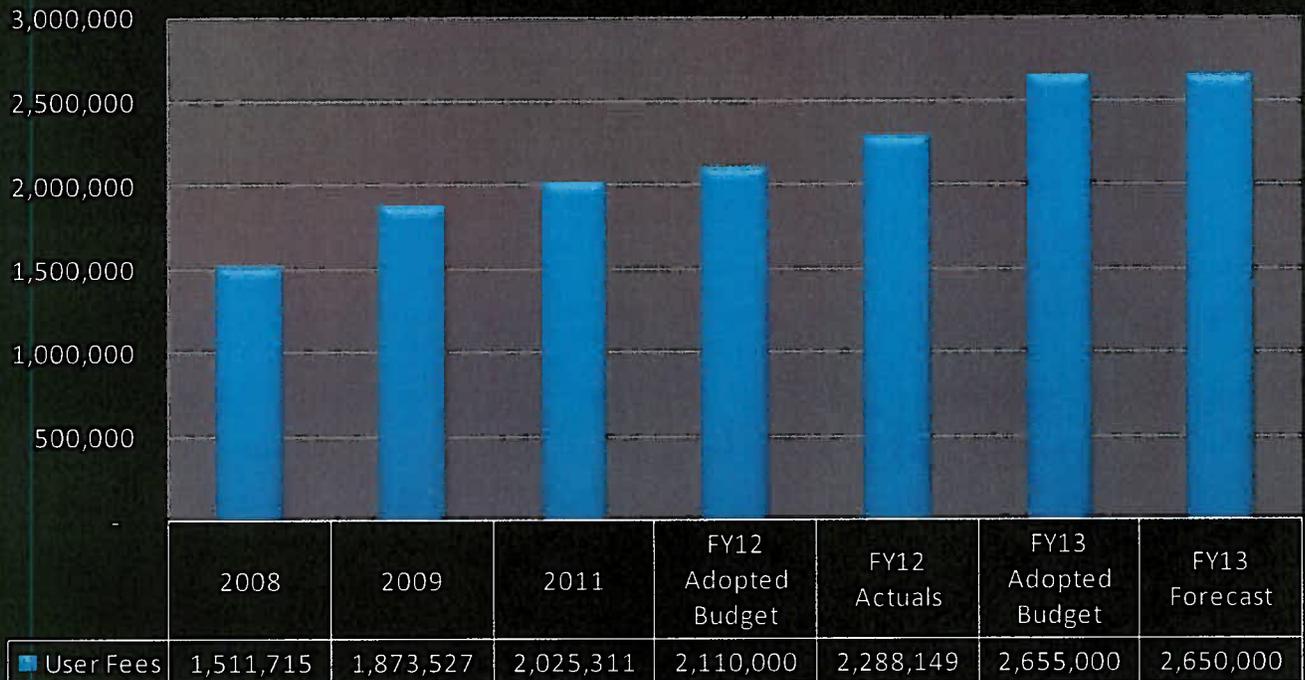
Total Resources **4,139,700**

Water Fund As Appropriated

	FY13			FY13 Variance to Fcst
	FY13 Adopted Budget	Operating Results	FY13 Forecast	
Water Treatment Plant	827,785	329,867	667,348	160,437
Water Distribution	723,795	331,348	623,025	100,770
Water Capital Projects	2,345,169	921,148	1,773,514	571,655
Water Non-Departmental	664,005	72,104	659,784	4,221
Transfers to Debt Service	64,556	32,278	64,556	-
Contingency	525,517			525,517
TOTAL APPROPRIATIONS	5,150,827	1,686,745	3,788,228	1,362,599

Forecast EFB **\$ 351,473**

Water User Fees



WASTEWATER FUND RESOURCES

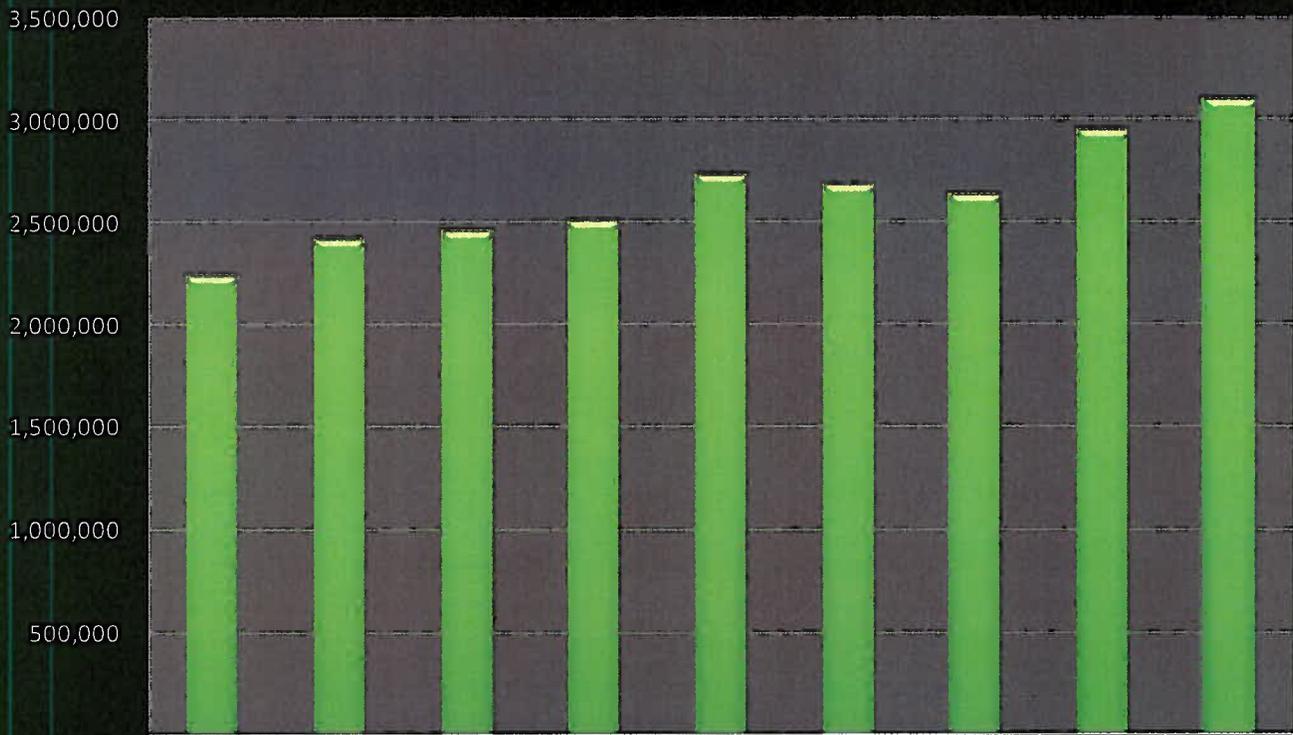
Total Resources **6,967,028**

WasteWater Fund As Appropriated

	FY13			FY13 Variance to Fcst
	FY13 Adopted Budget	Operating Results	FY13 Forecast	
WasteWater Treatment Plant	957,684	593,461	942,607	15,077
Wastewater Collections	944,744	374,607	651,369	293,375
WasteWater Capital Projects	1,702,642	522,610	895,902	806,740
WasteWater Non-Departmental	749,467	447,329	822,063	(72,596)
Transfers to Debt Service	468,411	234,206	468,411	-
Contingency	1,010,295			1,010,295
TOTAL APPROPRIATIONS	5,833,243	2,172,213	3,780,353	2,052,890

Forecast EFB **\$ 3,186,675**

Wastewater User Fees



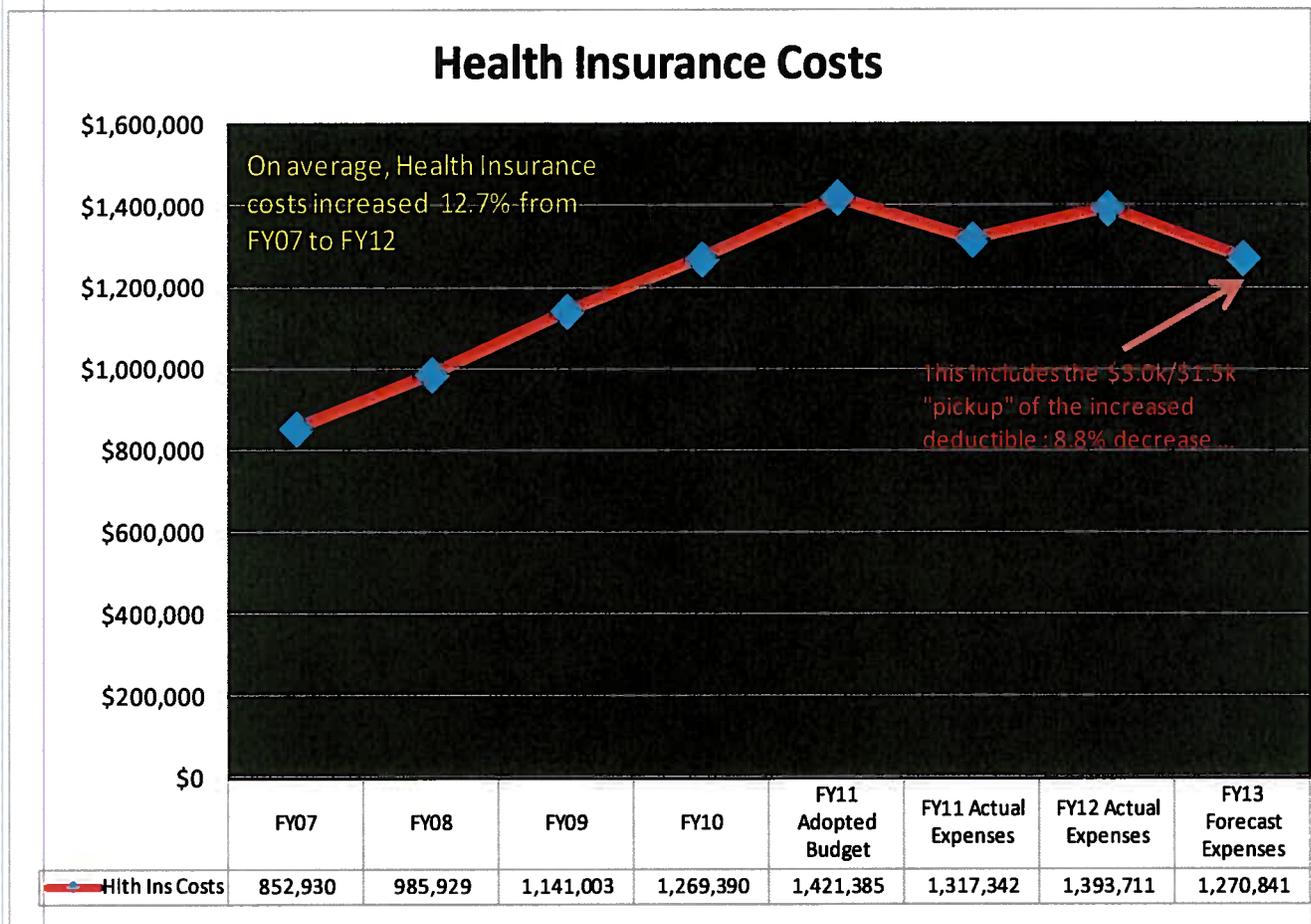
	User fees	2,240,66	2,417,72	2,458,15	2,507,52	2,736,53	2,681,35	2,632,95	2,950,00	3,100,00
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On January 1, 2013, the majority of the City's employees changed health plans, to a High Deductible Health Plan with an associated Health Savings Account (HSA) or, in the case of O'Dawgs, with a Voluntary Employee Benefits Association (VEBA).

As with any major financial change which the City makes, *post facto* analysis of the projected costs (or savings) against the realized cost (or savings) ought to be examined from time to time. Such efforts enable us to fine tune our forecasting abilities but, also enable us to provide the information to our citizens which compare advertised savings to those that are realized.

One month into the new "insurance year," we see that we have experienced savings of 8.8%, even though a large block of employees are not covered by the new plan. We can present these savings at this time because November was the last month under the old plan (and because health insurance premium costs precede coverage by one month), and December was the first month (for premium payments) under the new plan. These savings, incidentally, include the City's contribution to the HSA/VEBA accounts.

In my 19 years in the public sector, this is the first time I have seen the charted cost of health insurance *decline* (save for massive layoffs that, often, result because of unaffordable health insurance costs).





Agenda Item # VII.C.
Meeting Date February 19, 2013

CITY OF NEWPORT AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Administrative Rules: Business License Ordinance

Prepared By: David Marshall Dept Head Approval: dm City Mgr Approval: _____

Issue Before the Council: The issue before Council is the review of two proposed administrative rules for the city's business license ordinance.

Staff Recommendation: None.

Key Facts and Information Summary: This agenda item continues the discussion from the January 22, 2013 meeting on Administrative Rules for the city's business license ordinance. Paragraph 4.05.045 of the Business License Ordinance states that the "City Manager shall provide the City Council with a report of any administrative rule adoptions or amendments"

- Attachment 1, Administrative Rule 015.13-1, informs Council of the City Manager's implementation of a Business License Administrative Rule regarding timeshares.
- Attachment 2, Request for direction from Council regarding "Condominium Rentals." The issue before Council is whether to develop an Administrative Policy for "Condominium Rentals" (condominium unit owners who rent their units on a short term (less than 30 days) basis, either through a hotel-type use agreement or as a vacation rental.

Other Alternatives Considered: None

Fiscal Notes: None

Attachments:

1. Administrative Rule 015.13-1
2. Discussion Points on Possible Administrative Rule 025.13-1
3. City Attorney memo to City Manager dated February 13, 2013: Application of Business License Ordinance to Condominium Rentals

Timeshares

Definition: A timeshare is a property with a particular form of ownership or use rights. These properties are typically resort condominium units, in which multiple parties hold rights to use the property, and each sharer is allotted a period of time (typically one week, and almost always the same time every year) in which they may use the property. Units may be on a partial ownership, lease, or "right to use" basis, in which the sharer holds no claim to ownership of the property.

Determination

- I. There are at least two, perhaps more, condominium complexes that fit this definition of a timeshare within the City of Newport.
- II. Given that the "particular form of ownership" can involve from two to 20 "owners," and that the "manager" of these condominiums can be a corporation located in another state, it is not practical to expect this form of "ownership" to be subject to the City's Business License ordinance.
- III. Accordingly, Timeshares are exempt from the Business Application Fee and the Business License Annual Fee, and such exemption will be included in the next change to Ordinance No. 2030, An Ordinance Repealing and Re-Enacting Chapter 4.05 of the city of Newport Municipal Code Pertaining to Business Licensing.

Condominium Units

Definition: The City defines *Condominium Units* as properties which doesn't fit easily or completely into a single business classification. Such a business, by definition, may have multiple property managers, may operate partly as a hotel, may have individual owners who rent out their properties, may even cater to individuals who own boat slips and rent them out. Whatever the peculiarities of Condominium Units, the City will determine the applicability of Business Licenses on a case-by-case basis.

Background (using the Embarcadero as an example)

The Embarcadero is a condominium development that has several units that are used for short-term (less than 30 days) rentals.

The Embarcadero was approved as a hotel/motel and constructed under commercial (as opposed to residential) building codes.

The Embarcadero units are independently owned and many units are used for short-term (less than 30 days) vacation rental purposes.

Because the Embarcadero was approved as hotel/motel and constructed under commercial building codes, units used for vacation rental purposes do not require a vacation rental endorsement pursuant to Chapter 14.25.05 of the NMC.

The Embarcadero is registered as a hotel pursuant to Section 3.05.060 of the NMC.

The Embarcadero has a Homeowners Association that, in part, offers hotel management services (utilization of their units for short-term, hotel like, purposes) for those property owners who subscribe to this service. These unit owners have long term lease contracts for this service and are not renting their units as vacation rentals. This service acts similarly and appears to the public as a hotel in that; it has a manned reception desk at the Embarcadero entrance, it rents out rooms in a similar fashion as a hotel, it has cleaning service similar to a hotel, and operates a restaurant where charges can be billed to the room, and one room tax report is filed for all the units. Individual unit owners do not advertise independently, register guests, process payments, remit room tax collected or any other function associated with their unit.

Not all unit owners who manage their units for short-term rentals subscribe to the Homeowners Association property management hotel service. Some unit owners who rent their units for vacation rental purposes use a separate property manager and some unit owners manage their units themselves.

Determination

Based on the findings above, the City Manager initially determined that Embarcadero unit owners who collectively used their units as a hotel would be treated as a hotel and only require the hotel agent to obtain a business license. Dolphin Real Estate contested this ruling, and as staff understood, requesting parity between unit owners who utilized the "Embarcadero Hotel" and unit owners who use private property managers to rent their units for vacation rentals; and

believing that all unit owners who rent their units on a short-term basis should have a business license. Regarding parity, it was originally believed that unit owners who utilized a private property manager could also be exempt from a business license, but based on the attached City Attorney's analysis this is not the case. Therefore, to achieve parity, the City Manager and I believe the initial ruling should be reversed and require all Embarcadero unit owners who rent out their units on a short-term basis (less than 30 days) be required to obtain a business license. Because of the timing of this determination, staff suggests an effective of July 1, 2013.

Memo

To: City Manager Jim Voetberg
From: Christy Monson, City Attorney
Date: February 13, 2013
Re: Application of Business License Ordinance to Condominium Rentals

You asked for a legal opinion regarding whether certain condominium rentals are subject to the City's business license ordinance. Specifically, you inquired:

If individual Embarcadero Resort unit owners who rent their units for terms less than 30 days are exempt from the City's business license requirements; and

- a. Does the above answer change if such owners rent their units through a Home Owner's Association which operates much like a hotel and is recognized by the City as a hotel?
- b. Does the above answer change if such owners use a private property manager to rent out the units?
- c. Does the above answer change if such owners self-manage their property?

After reviewing the language of your business license, the short answers to these questions are:

1. NO, because the owners rent their property for terms of less than 30 days.
 - a. LIKELY NO, but City administrative rules could be used to clarify this situation and provide more guidance.
 - b. NO, because the ordinance does not make distinctions based on how an owner rents out a property.
 - c. NO, because the ordinance does not make distinctions based on how an owner rents out a property.

I explain further below.

Business License Ordinance Definitions

Your business license ordinance broadly defines which businesses are subject to the ordinance. It defines “business” as,

“Any enterprise, establishment, store, shop, activity, profession, or undertaking doing business of any nature within the city, *whether conducted directly, indirectly, or cooperatively, including the rental of real property* as defined in this ordinance. “Business” does not include the on-premises sale of used household goods by a person who resides on the premises (a yard or garage sale), so long as the sale is conducted no more than four days in any calendar year. As used in this ordinance, the phrase “doing business” means an act or series of acts performed in the course or pursuit of a business activity for more than twenty (20) hours in one calendar year.”

In the above definition, a “business” includes “the rental of real property”. This term is also defined in your ordinance,

“Rental of real property includes, but is not limited to, the following types of properties rented or offered for rent: hotel or motel rooms, automobile or tourist courts, boarding houses, bed and breakfast rooms, mobile homes or trailer parks, residential or vacation homes, multi-family dwelling units, moorage units, and commercial properties. Notwithstanding anything to the contrary above, an owner’s rental of no more than one residential dwelling unit for thirty (30) days or more shall not constitute the rental of real property.”

The “Rental of Real Property” Definition Includes both HOA and Individual Condo Rentals

As you can see above, the definition of “rental of real property” does not directly address the rental of individual condominium units. However, it does expressly include the rental of hotel or motel rooms. This “hotel or motel room” language clarifies that the owners of hotels or motels are “business” owners and are subject to the ordinance. The ordinance also includes any business, “whether done directly, indirectly, or cooperatively.” These factors support including the Embarcadero HOA as a business under the ordinance, but do not necessarily provide guidance regarding the individual condo owners.

However, the ordinance also contains “includes, but is not limited to” language. This language operates to include other types of rental property not specifically listed within the definition, such as condominiums or HOAs. This supports inclusion of both the Embarcadero HOA and the individual condo owners as businesses under the ordinance.

Lastly, the definition provides an exclusion for one residential dwelling unit rented for 30 days or more. This exclusion was meant to address one long-term landlord-tenant residential rental. It was drafted in this manner, at the request of City staff and the business license ordinance committee, to specifically *include* the short-term vacation rentals. Proponents of the inclusion presented testimony at the hearing that the City would benefit in the following ways: 1) inclusion of short term vacation rentals would provide a way for the City to learn about such rentals, making it easier to inspect the

properties for any fire or safety violations; 2) inclusion would increase business license revenue to the City. This testimonial history supports the inclusion of individual condo owners as businesses under the ordinance.

OPINION: Given the above broad definitions, the limited exclusion for one long-term rental, and the testimony presented, it is reasonable to conclude that both the Embarcadero HOA and the individual owners of condominiums held out for short term rentals are subject to the business license ordinance.

How the Ordinance Applies to Methods of Renting Out Property

You also asked if the City should make further distinctions based on how condominium owners rent out or manage the properties. Specifically, you asked if the above analysis would still apply if:

- Scenario 1: the owner rents the property through a Home Owner's Association which acts much like a hotel;
- Scenario 2: the owner rents through a private property manager; or
- Scenario 3: if the owner self-manages.

The ordinance makes no such distinctions, but it does provide guidance for determining how to apply the ordinance when there are multiple businesses or owners involved in a business operation.

OPINION: Therefore, I conclude that there is no reasonable basis to change the above analysis for Scenarios 2 and 3. However, there may be a reasonable basis to adopt administrative rules regarding the facts in Scenario 1- where an HOA comprised of individual condo owners acts like a hotel. I further explain this below.

HOA Scenario

I've not had the opportunity to fully research the Embarcadero's status as a hotel, but it appears as if the Embarcadero condominiums have traditionally been treated as a single hotel operation by the City. I'm also told that the Embarcadero owners, through an HOA, jointly operate hotel-like functions such booking, front desk, and advertising.

Certainly, the HOA itself qualifies as a "business" under the ordinance and is subject to the business license requirements. And, as I stated above, there is also a reasonable basis to conclude that the individual condo owners qualify as a "business" and are subject to the ordinance. However, if the City is considering whether it should grant an exception to the individual unit owners, there may be a reasonable basis for such treatment. This is provided in the below italicized provisions of Section 4 of the ordinance:

4.05.045 ADMINISTRATION

The City Manager is responsible for the administration of this Chapter and will adopt reasonable policies, procedures, administrative rules, or regulations to carry out the purpose and intent of this Chapter and to ensure that any health or safety issues related to the applicant's business are identified prior to the city issuing a business license. The City Manager shall provide the City Council with a report of any administrative rule adoptions or amendments regarding this ordinance. The city may initiate the process for

remediating any health or safety issues at any time, whether before or after the issuance of the business license.

4.05.025 MULTIPLE LOCATIONS OR BUSINESSES

An owner of real property for rent who rents or offers for rent more than one dwelling unit of real property need only obtain one business license. *In determining whether different business entities or activities should be categorized as only one business, or as multiple businesses for the purposes of this ordinance, the City Manager shall consider the normal and ordinary customs and usages of business, including but not limited to: consideration of how the businesses are registered with other governmental agencies such as the Oregon Secretary of State and the Internal Revenue Service.”*

OPINION: Because the ordinance actually contemplates additional City Manager rule-making for multiple business-entity situations and because it even provides standards for such clarification, I conclude that the City may, at its discretion, adopt reasonable administrative rules creating an exception for such owners or treating them differently. In doing so, the City should consider whether:

- 1) the owners, as an HOA group, in the normal course of their affairs act more like a single entity rather than individual owners; and
- 2) the City or other governments have traditionally treated the Embarcadero as a hotel rather than as individual units.

Both of these factors would require further investigation into how the Embarcadero owners operate. I'm happy to answer any questions you may have.



Agenda Item # VII.D.
Meeting Date February 19, 2013

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: City Manager's Authority to Settle State and/or Federal Lawsuits

Prepared By: Peggy Hawker Dept Head Approval: ph City Manager Approval: _____

Issue Before the Council: The issue before Council is consideration of a memo from Christy Monson, City Attorney, regarding clarification of the City Manager's authority to settle state and federal lawsuits.

Staff Recommendation: None.

Proposed Motion: None.

Key Facts and Information Summary: At the January 22, 2013, Council requested clarification regarding advice that the City Attorney had provided to the City Manager, in an email on December 12, 2012. The City Attorney's memo regarding this matter is attached.

Other Alternatives Considered: None.

City Council Goals: None.

Attachment List: Memo from Christy Monson, City Attorney, dated February 13, 2013.

Fiscal Notes: None.

Memo

To: City Council
From: Christy Monson, City Attorney
Date: February 13, 2013
Re: City Manager Authority

The Council has asked for clarification regarding advice I provided to City Manager Jim Voetberg in a December 12, 2012 email. See attached. Specifically, you have asked me to clarify the scope of your City Manager's authority over personnel matters involving litigation. You've also asked me to address any possible conflicts of interest regarding the City Manager settling employment-related lawsuits when he is a named defendant in the lawsuit. I'm happy to provide clarification.

Charter Authority

As I state in my earlier email, your Charter, Chapter VII, provides administrative authority to your City Manager to handle personnel matters. He serves as "the administrative head of the city government" and is responsible to the Council for the "proper administration of all city business." Section 34. Your Charter spells out his exact duties in Section 34 (d), as well as provides a "catch all" duty to "perform other duties as directed by the Council."

These duties are purposefully broadly-drafted. The language of your Charter likely comes from the League of Oregon Cities' Model Charter. Municipal experts agree that it is more efficient and serves the public better to delegate these administrative responsibilities, with appropriate oversight, to a qualified person who maintains a day to day presence at the City.

Budget Authority

Your budget document, which is adopted by the Council, provides the expenditure authority and limits for your City Manager and staff. When staff needs policy guidance regarding the budget, the City Manager typically seeks Council guidance. However, no additional Council guidance is legally-required unless the City's expenditures exceed the authorized budgetary amounts or purposes. This is further supported by your Charter provision which states that the City Manager shall "administer the annual city budget." Section 34(d)(7).

Managing Lawsuits

When a City is sued, whether it be an employment-related suit or otherwise, the City commonly hires legal counsel to handle the suits. Newport used excellent litigation

attorneys hired through your insurer, City County Insurance Services. City administrators typically work with their litigation counsel to make decisions, sometimes on a daily or weekly basis, regarding the suit. Some of these decisions have to do with which lawyers to hire, what strategic positions to take, and how much money the City or the insurance company is willing to spend to settle.

While it is advisable for a City Manager to keep the Council informed during this process, a good manager also strives to keep settlement details and strategy confidential. These two goals can sometimes be at odds with each other, frankly because councilors are human and may mistakenly reveal strategy. A good way to balance these competing goals is to provide information to the Council regarding the progress of the litigation and general strategy-- and to ask for specific input regarding settlement parameters. This is what occurred when City Manager Jim Voetberg sought your Council's input during an executive session. Specifically, City Manager Voetberg asked for a "not to exceed" limit from the Council so that your insurance lawyer could confidently and successfully negotiate a settlement that would not offend the Council.

The above-described scope of authority and process is a common process used by cities throughout the state as they negotiate litigation settlements. The reason city councils do not typically negotiate these types of issues directly is that it's very difficult to negotiate "by committee." During these times, it's important that the Council speak with one united voice. Doing so allows you to take a strong, undivided stance and, in the end, protects the City's money and resources.

Conflict of Interest Issues

Councilor Allen also requested clarification about any real or perceived conflict of interest regarding having a named defendant as your delegated representative for settling the matter. This is a valid question; however, the fact that your City Manager was a named defendant does not change my analysis above. There was no real or perceived conflict of interest because your City Manager was named as a defendant in his acting capacity as City Manager. As such, the law grants him immunity from suit and the City must (and did) indemnify and defend him. In short, employees are protected from liability as long as they stay within the proper scope of their duties. For these reasons, such suits are nearly always dismissed against such individuals. If at any time your litigation counsel thought that your City Manager had acted outside the scope of his authority and was not covered by the City's insurance, they would have notified us and advised your City Manager to retain independent legal counsel.

Lastly, because I did not handle this litigation for you, I cannot speak to the specific claims alleged against your City Manager; however I did advise him to make a special effort to brief the City Council throughout the process and obtain settlement parameters on any proposed settlement deals, which he did. In this way, no one could accuse the City or your City Manager of acting outside the City's best interests.

Special Nature of Employment Law Litigation

The good questions posed by Councilor Allen seem to indicate a concern about the role your City Manager plays in settling employment lawsuits. Specifically, the questions indicate a concern about his scope of authority, which I hope I have addressed above, and a concern about the timing and release of the settlement agreement.

I believe these two issues are related in that they both require the City Council to delegate strategy and negotiating authority in your City Manager-- and to trust your City Manager to exert that authority responsibly without providing all the details to the Council. This can be a difficult thing to do. However, I do believe that investing such authority during litigation settlements is absolutely critical for cities, as long as your designated representative has the advice of legal experts with the City's interests at heart and as long as the City Council provides ongoing guidance and oversight. With such guidance, and regular "check-ins" with the City Council, I believe the City Manager can successfully negotiate settlements which benefit the City and save taxpayer dollars.

I'm happy to answer any questions you might have and I hope this memo has clarified our advice to you.



Agenda Item #
Meeting Date

VII.E
February 19, 2013

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Presentation on the Fire Department Standard of Cover

Prepared By: Phil Paige, Fire Chief Dept Head Approval: PLP City Mgr Approval: _____

Issue Before the Council: Presentation on the Fire Department Standard of Cover.

Staff Recommendation: The Council should consider the information presented regarding the Fire Department Standard of Cover.

Proposed Motion: No action required at this time.

Key Facts and Information Summary: A critical element in the assessment of any fire/EMS delivery system is the ability to provide adequate resources for anticipated fire combat situations and medical emergencies. Each fire/EMS emergency requires a variable amount of staffing and resources to be effective. Properly trained and equipped fire companies must arrive, deploy, and attack the fire within specific time frames if successful fire ground strategies and tactical objectives are to be met. The same holds true for rescue operations, major medical emergencies, and other situations that require varying levels of resources. A Standard of Cover identifies the critical tasks based on the types of emergencies, and helps to determine the best utilization of the available resources.

City Council Goals: One of the 2012-13 Council Goals is to implement recommendations from the ESCI study. One of the recommendations of the study was that Newport Fire Department establish a Standard of Cover.

Attachment List: Newport Fire Department Standard of Cover



STANDARD OF COVER

Newport Fire Department

January, 2013

Standards of Cover - Overview

A critical element in the assessment of any fire/EMS delivery system is the ability to provide adequate resources for anticipated fire combat situations and medical emergencies. Each fire/EMS emergency requires a variable amount of staffing and resources to be effective. Properly trained and equipped fire companies must arrive, deploy, and attack the fire within specific time frames if successful fire ground strategies and tactical objectives are to be met. The same holds true for rescue operations, major medical emergencies, and other situations that require varying levels of resources.

Controlling a fire before it has reached its maximum intensity requires a rapid deployment of personnel and equipment in a given time frame. The higher the risk increases the amount of resources needed. For example, more resources are required for the rescue of persons trapped within a high-risk building with a high-occupancy load than for a low-risk building with a low-occupancy load.

More resources are required to control fires in large, heavily loaded structures than in small buildings with limited contents. Therefore, creating a level of service requires making decisions regarding the distribution and concentration of resources in relation to the potential demand placed upon them by the level of risk in the community.

Fire Suppression Capabilities

Firefighters encounter a wide variety of conditions at each fire. Some fires will be at an early stage and others may have already spread throughout the building. This variation in conditions complicates attempts to compare fire department capability. A common reference point must be used so that the comparisons are made under equal conditions.

In the area of fire suppression, the service level objectives are intended to prevent the fire from reaching **FLASHOVER**, a particular point of a fire's growth that marks a significant shift in its threat to life and property. Firefighting tasks that are required at a typical fire scene can vary greatly. To save lives and limit property damage, fire companies must arrive within a short period of time with adequate resources to do the job. Providing the proper resources within a specific time period is a great challenge.

This is also true from an emergency medical perspective where the service level objective is typically to intervene within four to six minutes when people are pulse less and/or not breathing. If this is not accomplished within this time period, brain damage is very likely to occur due to lack of oxygen. In a cardiac arrest situation, survivability dramatically decreases beyond four minutes without appropriate intervention.

The Stages of Fire Growth

Virtually all structure fires progress through a series of identifiable stages:

*Stage 1 - **The Ignition Stage*** - The ignition of a fuel source takes place. Ignition may be caused by any number of factors from natural occurrences such as lightning to premeditated arson.

*Stage 2 - **The Flame Stage*** - The fuel initially ignited is consumed. If the fire is not terminated in this stage the fire will progress to the smoldering stage or go directly to flashover.

*Stage 3 - **The Smoldering Stage*** - The fuel continues to heat until enough heat is generated for actual flames to become visible. It is during this stage that large volumes of smoke are produced and most fire deaths occur. Temperatures rise throughout this stage to over 1,000°F in confined spaces creating the hazard of a “backdraft” or smoke explosion. This stage can vary in time from a few minutes to several hours.

*Stage 4 - **Free Burning or "Flashover" Stage*** - The fire becomes free burning and continues to burn until the fire has consumed all contents of the room of fire origin, including furnishings, wall and floor coverings, and other combustible contents. Research into the flashover phenomenon has yielded criteria that precisely measures when flashover occurs. However, any exact scientific measurement in the field is extremely difficult. Observable events that would indicate a flashover are "total room involvement" and “free burning.”

Effective Response Force

An effective response force is the minimum amount of staffing and equipment that must reach a specific emergency within a targeted time to mitigate the situation. This effective response force should be able to handle the typical emergency medical incident or fire that is reported shortly after it starts and that response must be within the maximum prescribed response time for the type of medical emergency or risk level of the structure. Considering that a fire department cannot hold fire risk to zero or successfully resuscitate every patient, the response objective should find a balance between effectiveness, efficiency, and reliability that will keep fire risk at a reasonable level and maximize the potential for saving lives and property (acceptable risk) at an acceptable cost

Response Time

In general, NFPA 1720 provides the following benchmarks:

- **Urban Zones** with >1000 people/sq. mi. call for 15 staff to assemble an attack in 9 minutes, 90% of the time.
- **Suburban Zones** with 500-1000 people/sq. mi. call for 10 staff to assemble an attack in 10 minutes, 80% of the time.
- **Rural Zones** with <500 people/sq. mi. call for 6 staff to assemble an attack in 14 minutes, 80% of the time.
- **Remote Zones** with a travel distance =8 mi. call for 4 staff, once on scene, to assemble an attack in 2 minutes, 90% of the time.

The Newport Fire Department provides protection for The City of Newport and the Newport Rural Fire Protection District. The City would fall into the Suburban Zone category with about 964 people/sq. mi. and the District would fall into the Rural Zone category with about 81 people/sq. mi. (Source: ESCI Feasibility Study, June 2012)

In addition to the aforementioned benchmarks, it will be the goal of the Newport Fire Department to have emergency responders on the scene of an emergency within the City of Newport (Suburban Zone) within 6 minutes of emergency notification 80 % of the time, and within the Newport Rural Fire Protection District (Rural Zone) within 10 minutes of emergency notification 80 % of the time.

Elements of Response Time

Developing *Standards of Cover* must take into account not only the significance of flashover but also other factors such as the time/temperature relationship in a structure fire. This is also true with cardiac arrest events. The relationship between the time of medical intervention and cardiac patient survival is dependent on the time when external defibrillation is applied.

Various scientific models have been developed to correlate the relationship between time and the ability to successfully mitigate emergency events. The window of opportunity for both fire and critical medical emergencies to effectively intervene is narrowly defined.

Recognition must be given, however, to the *point of awareness* within these various models. In the instance of residential dwelling fires as shown through fire modeling studies conducted by the Southwestern Research Institute on smoke alarm activation, flame ignition does not normally occur for approximately 18-20 minutes after initiation of the event. From this point of awareness, conditions deteriorate rapidly with maximum temperatures and flashover occurring within an 8-10 minute time frame. Flashover can occur in as little as four minutes from this point of awareness depending upon the type of combustible material involved.

In a cardiac arrest, the point of awareness is the recognition of the patient's condition. The arrival of defibrillator-equipped personnel within the first four minutes before heart damage occurs greatly increases the chances of survival. In the absence of other mitigating strategies, response time has a direct relationship to the critical time interval for fire and medical emergencies with respect to outcome, patient survival, or property saved.

NEWPORT FIRE DEPARTMENT - CURRENT STATUS

Current Risk

NFD provides emergency service to approximately 12,100 residents within Lincoln County. Other services that may be provided by the District include: beach and cliff rescue, citizen welfare checks, traffic control, roadside assistance, body recovery and removal, water removal in structures, property loss mitigation, law enforcement assistance, and providing community meeting facilities. NFD encompasses a long and narrow service area of about thirty-six square miles, stretching along the beautiful but rugged Oregon coastline. The majestic coastline of the Pacific Ocean forms the west side of the NFD response area. The coastal mountains form most of the eastern boundary of the NFD response area. The city of Newport is surrounded on the north, west and south by the Newport Rural Fire Protection District, which contracts with the City of Newport for fire protection. The City of Newport residents (approximately 10,030 of the 12,100 within the protection area) make up the most concentrated population. Many residents are retired and/or over sixty years of age. This is a major barrier to recruiting fire suppression volunteers. The City is the county seat and a regional hub for Lincoln County, with many areas with urban density levels. It is comprised of residential and multi-family housing; commercial and light industrial areas; a regional hospital; an active working bay front area; a municipal airport; a Coast Guard Station, NOAA, Hatfield, the Oregon Coast Aquarium and other marine research facilities, many hotels, restaurants and retail businesses revolving around tourism.

The communities within the protection area are Beverly Beach, Agate Beach, Nye Beach, South Beach, Lost Creek, the Historic Bayfront, Newport Heights, and the Deco District. There are also several state parks, campgrounds and vacation homes in the protection area. As a result, the traffic on the main transportation corridors, seasonal population and calls for emergency services increase substantially during summer months.

Highway 101 is the single continuous access north/south through the District and Highway 20 is the only main route heading east. During peak tourism, traffic on these highways becomes a major barrier to service delivery. Bridges divide access to the District along Highway 101. In most cases, the fire station placement and/or mutual aid is such that both sides of these barriers are covered unless there is a loss of multiple bridges. Other barriers to providing fire protection in the community are narrow or long driveways, steep inclines, lack of phone service and cell phone coverage, and poor addressing.

The services of NFD are augmented by the Lincoln County Fire Defense Board Mutual Aid Agreement that establishes a mechanism to receive emergency response from surrounding area fire departments. Under that same agreement NFD also provides services in the areas surrounding the District as requested. Currently mutual aid partners include: Central Coast Fire District, Depoe Bay Fire District, North Lincoln Fire and Rescue District #1, Seal Rock Fire District, Siletz Fire Department, Toledo Fire District, and Yachats Fire District. On major emergencies at target hazards within NFD these agreements for outside aid assist the District in providing the necessary firefighting capabilities. There is also an automatic aid agreement in effect with Depoe Bay for areas north of NE100th Street, and similar agreements are being developed with Seal Rock and Toledo.

Newport Fire Department Target Hazards

TARGET HAZARDS

Target hazards within the NFD fire response area are hazardous occupancies that require more expertise or response capability than a standard residential structure fire. These hazards are assigned a risk level to indicate the severity of the hazard. This risk level is based on the factors presented by the building, life safety considerations, overall risks, water supply, and value to the community. **Building factors** that would be considered are: other adjacent exposed buildings, the type of construction of the facility, the building height, the ability to access the building, and the total floor area. **Life safety considerations** include: the occupant load, the mobility of the occupants, the alarm alerting capability to warn occupants, and existing fire suppression capability available to the occupants. **Overall risks** include: the past experience at that location, the types of activities that transpire at that location, types of hazards on-site, the capacity to control a fire at that location, and the overall fire load. **Water supply** includes: available and needed fire flow and existing sprinkler systems. The **value to the community** includes: the personnel on site, the economic value, the value of the infrastructure, and the historical value.

Target hazards noted within the NFD coverage area are as follows (the ordering of the following list **DOES NOT** indicate priority of importance as a target hazard):

1. Churches and Other Public Assembly Facilities

- Jehovah's Witness Kingdom Hall (Moderate)
- Church of Jesus Christ of Latter day Saints (Moderate)
- Atonement Lutheran Church (Moderate)
- Newport Foursquare Church (Moderate)
- Church of the Nazarene (High)
- Newport First Presbyterian Church (Moderate)

- Newport First Baptist Church (Moderate)
- 7th Day Adventist Church (Moderate)
- Central Coast Assembly of God Church (Moderate)
- Newport First Christian Church (Moderate)
- Trinity Baptist Church (High)
- St. Stephens Episcopal Church (Moderate)

2. Commercial Facilities

- Newport Cinemas (Moderate)
- Agate Beach Supply (Moderate)
- Wal-Mart (High)
- Newport Plaza (High)
- Fred Meyer (High)
- Sea Towne Shopping Center (Moderate)
- Staples (Moderate)
- Cash & Carry Grocery (Moderate)
- Pro-Build (High)
- McEntee Building (Nye Beach) (Low)
- Archway Place (Moderate)
- NW Beach St. Businesses (Moderate)
- Pacific Pride Fuel Facility (Moderate)
- JC Market (Moderate)
- Copeland Lumber (High)
- Newport Rental (Moderate)
- Road & Driveway (Moderate)
- Lincoln County Fuel Facility (Moderate)
- CFN Fuel Facility (Moderate)
- Newport Diesel (Moderate)
- Amerigas (Moderate)
- Antique Mall/Dollar Tree Building (Moderate)
- NAPA Building (Moderate)
- Gateway Building (Mazatlan Restaurant) (Moderate)
- Mariner's Square (Moderate)
- Old Bay Front Bizarre Building (Moderate)
- Mo's Restaurant Building (Moderate)
- Rogue Public House (Moderate)
- Apollo's Nightclub (Moderate)
- ME Fitness (Moderate)
- Les Schwab Tire Center (Moderate)
- Aquarium Village (Moderate)
- Barrel Head Building Supply (High)
- Grey's Bargain Yard (Moderate)
- Newport Business Plaza (Moderate)

3. Government Facilities

- Oregon State Police Field Office (Low)
- Agate Beach Fire Station (Low)
- City Water Treatment and Sewer Treatment Plants (Moderate)
- Yaquina Head Light House and Interpretative Center (Moderate)
- Central Lincoln PUD Administrative Offices (Moderate)
- Sam Case Primary School (Moderate)
- Newport Swimming Pool (Moderate)
- Downtown Fire Station (Moderate)
- Newport Intermediate School (Moderate)
- Lincoln County Road Department & Shops (Moderate)
- Newport High School (High)
- Lincoln County Fair Grounds (Moderate)
- City of Newport Public Works (Moderate)
- Newport Fire Training Facility/ PW North Side Pump Station (Moderate)
- Newport Public Library (Moderate)
- Performing Arts Center (Moderate)
- Lincoln County Jail (Moderate)
- Lincoln County Courthouse (Moderate)
- City Hall (Moderate)
- Newport Recreation Center (Low)
- Newport Senior Center (Moderate)
- National Guard Armory (Moderate)
- Oregon Coast History Center (Moderate)
- Yaquina View School (Moderate)
- Pacific Communities Hospital (High)
- USCG Station Yaquina Bay (Moderate)
- Yaquina Bay Lighthouse (Low)
- Newport Maritime Heritage Museum (Moderate)
- Central Lincoln PUD Warehouse (Moderate)
- Oregon Coast Community College (Moderate)
- South Beach Fire Station (Low)
- Newport Municipal Airport (Moderate)
- USCG Air Station (Moderate)

4. High Density Residential Properties

- Oceanview Assisted Living (Moderate)
- Long View Hills (Moderate)
- Graceland Care Homes II (Moderate)
- Star Fish Point (Moderate)
- Little Creek Cove Condominiums (Moderate)

- Little Creek Apartments (Moderate)
- Pacific Homes Beach Club (Low)
- Agate Beach Best Western (High)
- Shangra-La Residential Facilities (Low)
- Big Creek Point Senior Apartments (Moderate)
- Nye Beach Condominiums (Moderate)
- The Waves Motel (Moderate)
- Summer Wind Budget Motel (Moderate)
- Pinewood Manor Apartments (Moderate)
- Graceland Care Home I (Moderate)
- Silvia Beach Hotel (High)
- The Whaler Motel (Moderate)
- Elizabeth Street Inn (Moderate)
- Shilo Inn (High)
- Halmark Resort (High)
- City Center Motel (Moderate)
- Days Inn (Moderate)
- Willer's Motel (Moderate)
- Econo Lodge (Moderate)
- Comfort Inn (Moderate)
- Newport Rehabilitation Nursing Home (Moderate)
- Embarcadaro (Moderate)
- The Landing Condominiums (Moderate)
- Inn at Yaquina Bay (Moderate)
- LaQuinta Inn (Moderate)
- Holiday Inn Express (Moderate)
- Bayside at South Beach Assisted Living (Moderate)
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5. Industrial:

- Northwest Natural LNG Facility (High)
- Rogue Brewery (Moderate)
- Rogue Distillery (High)
- Borenstein's Seafood Processing (High)
- Pacific Shrimp Seafood Processing (High)
- Trident Seafoods Seafood Processing (High)
- Trident Seafoods Fish Meal Processing (Moderate)
- Kevin Hill Marine (Moderate)
- River Bend Marine (Moderate)

6. Marinas:

- Port of Newport International Terminals (Moderate)
- Port of Newport Port Dock 7 (Moderate)
- Port of Newport Port Dock 5 (Moderate)
- Port of Newport Port Dock 3 (Moderate)
- Port of Newport Port Dock 1 (Low)
- Port of Newport South Beach Marina (Low)
- OSU HMSC Ship Operations (Low)
- NOAA MOC-P Ship Operations (Moderate)

7. Research Facilities:

- Hatfield Marine Science Center (Moderate)
- NOAA MOC-P (Moderate)
- EPA (Low)
- ODF&W (Low)
- National Marine Fisheries (Low)
- Oregon Coast Aquarium (Moderate)

8. Special Events:

- Newport Seafood & Wine Festival (February)
- Great Oregon Beach Cleanup (March/September)
- Loyalty Days (April/May)
- Newport Marathon (June)
- Newport Celtic Festival (June)
- Fourth of July Fire Works (July)
- Lincoln County Fair (July)
- Newport Jazz Festival (October)
- Newport Wild Seafood Weekend (September)
- Newport Half Marathon (September)

STAFFING AND DEPLOYMENT

Career Staffing

The leadership of the City consists of a seven-member City Council that has hired City manager, who, in turn, has hired a Fire Chief to run the fire department. The Fire Chief, with City Manager approval, hires the NFD career staff that currently consists of one Assistant Chief/Fire Marshal, three Captains, three Engineers, three firefighters, and one full time Administrative Assistant. Both chief officers and the administrative assistant work weekdays and work a variety

of weekday schedules. The remaining career staff works on a 24 hour shift schedule. It is also important to note that one of the chief officers is normally available for after-hours response.

Volunteer Staffing

Across the nation the number of volunteer firefighters continues to decline, the Newport Fire Department is no different. In our continuing efforts to recruit volunteer firefighters, and provide high levels of reliable response, we have augmented the traditional career staffing and volunteer response from home or the workplace, with two other programs - employing seasonal temporary employees to add staffing during the peak summer season, and providing a small stipend to encourage volunteer firefighting personnel to sign up to serve shifts at the fire station.

The career firefighters and shift stipend volunteer firefighters are stationed at the Downtown Newport Station (3200), where sleeping quarters have been constructed. The traditional volunteer responders either respond to one of the three fire stations, or directly to the scene. Seasonal employees allow for minimal summertime staffing at the Agate Beach Fire Station (3400) and/or the South Beach Fire Station (3300).

ON-SCENE OPERATIONS, CRITICAL TASKING, AND EFFECTIVE RESPONSE FORCE

On-scene operations, critical tasking, and effective response force are the elements of a Standards of Coverage study that determines staffing levels, number of units needed, and duties to be performed on the fire ground. A fire department must be able to determine what tasks need to be completed in order to have a positive influence on the outcome of the situation, and the number of personnel and apparatus required to complete those tasks. Our capabilities of meeting these standards are different for certain hours of the day. During the daytime hours (8:00AM-5:00PM M-F) there are fewer volunteers to respond. Weekends and evenings generally have a better response due to being traditional non-working hours.

ON-SCENE OPERATIONS

Fires - The variables of fire growth dynamics and property and life risk combine to determine the fire ground tasks that must be accomplished to mitigate loss. These tasks are interrelated, but can be separated into two basic types: Life Safety and Fire Flow. Life safety tasks are those related to finding and rescuing trapped victims and safely removing them from the building. Fire flow tasks are those related to getting extinguishing agent on the fire.

Life safety tasks are based upon the number of occupants, their location, are they unconscious,

sleeping or awake, and their ability to take self-preserving action. Life safety tasks generally commit larger numbers of firefighters than do fire flow tasks. Consideration must also give to the life safety risks of firefighters during rescue operations.

Fire flow tasks can be accomplished with hand held hoses or master streams. Master streams take relatively fewer firefighters to operate because they are most often fixed to apparatus, but require an adequate water supply.

The decision to use hand lines or master streams depends upon the stage of the fire and the threat to life safety. More importantly, these tactical decisions will be dictated by the amount of trained personnel who are assembled at the scene. If the fire is in a pre-flashover stage, firefighters can make an offensive fire attack into the building by using hand lines to attack the fire and shield trapped victims until they can be removed from the building. If the fire is in its post-flashover stage and has extended beyond the capacity or mobility of hand lines, or if structural damage is a threat to firefighter safety, the structure is declared lost and master streams are used to extinguish the fire and prevent it from spreading to surrounding property.

The key to a fire department's success at a fire is adequate staffing and coordinated teamwork, regardless of whether the fire ground tasks are all life safety related or a combination of fire flow and life safety.

Newport Fire Department utilizes aggressive offensive attacks when possible and if appropriate. The first objective is to place a water stream between any victims and the fire, and then to rescue those victims by removing them from the proximity of the hazard. The second objective is to contain the fire to the room of origin. Again, these tactical decisions will be dictated by the amount of trained personnel who are assembled at the scene.

Newport Fire Department has established the following guidelines for on-scene personnel tasked with determining the strategy(s) to be used during an incident:

Before an on-scene plan can be developed, the Incident Commander must select an appropriate initial strategy - offensive, defensive or transitional.

An ***offensive strategy*** is an aggressive interior fire attack. The top priority is the rescue of trapped victims and maintaining firefighter safety. The second priority is to contain the fire to the room or area of origin. Because the District desires to limit the number of fires that spread beyond the room of origin and to limit fire related deaths and injuries, the aggressive offensive attacks are utilized whenever possible.

A ***transitional strategy*** is utilized in the face of changing resource levels or changing fire conditions this allows the strategy to change as resources change. A *defensive > offensive* transitional attack may be utilized while awaiting the arrival of sufficient resources to safely mount an offensive attack, or to temporarily reduce hazardous conditions within the structure.

These conditions are described as *immediately dangerous to life and health* (IDLH) conditions, which mean unprotected people will not survive the environment. Conversely, an *offensive > defensive* transitional strategy may be employed when fire progress renders a building unsafe for continued interior operations.

A *defensive strategy* is one that allows for no interior fire attack. No attempts are made to rescue civilian victims because in circumstances where defensive tactics are warranted, victims are presumed to be beyond rescue. All fire fighting is performed from the exterior of the structure and the goal is to contain the fire to that structure or geographical area of origin.

RISK/BENEFIT ANALYSIS MODEL

We will risk a lot - to save a life

We will risk a little - to save property

We will risk nothing - to save lives or property already lost

Emergency Medical Responses - Strategies for emergency medical responses are based on medical protocols. Life threatening medical and trauma issues dictate short scene times and rapid transport to the closest appropriate medical facility. Individually, these responses may require few resources, but collectively can commit the District's entire on-duty staff for a short time or for several hours.

Approximately 66% of Newport Fire Department requests for emergency responses are for emergency medical incidents. These calls vary greatly in severity and complexity. They typically range from a single patient with a minor medical problem (cut finger, sprained ankle, fever) to an auto accident with 1-3 critically injured patients. The fire department provides first response emergency medical services and ambulance transportation is provided by a commercial ambulance which is franchised through Lincoln County. Ambulances are staffed with at least one paramedic and one EMT basic.

Newport Fire Department provides the equipment required to initially treat a cardiac arrest patient with defibrillation and airway management on all of the rescue vehicles. All EMS responders are trained in the use of this equipment. Newport Fire Department has established responses to match the level of severity and complexity of each medical emergency. The responses range from a single rescue unit for a minor medical emergency, to multiple units for a mass casualty incident (MCI), such as a school bus accident with multiple patients.

The first fire officer on scene amends the response once conditions have been assessed.

Conditions considered include, but are not limited to, number of patients, severity of injuries, trapped victims requiring extrication, hazardous materials involvement, traffic control and difficult access situations, such as a car over an embankment.

Establishment of an Effective Response Force

CRITICAL TASKING

Critical Tasks are tasks that must be conducted in a timely manner by firefighters at emergency incidents in order to save lives, control the situation, stop loss, or perform the necessary tasks required in medical emergency situations. The fire district is responsible for assuring that responding companies are capable of performing all of the described tasks in a prompt, efficient and safe manner.

Critical Tasking for Fire Operations - is to provide the necessary number of personnel and equipment, so that the appropriate strategy goals for the situation can be met. On all incidents, the Incident Commander will act as the Safety Officer until sufficient personnel are on scene to delegate the task to another trained individual.

The *Initial Attack* - is determined by the Incident Commander's chosen strategy. Incident command is determined or established by the first arriving fire company. Initial support is those tasks/functions required to support the initial attack strategy to a successful conclusion.

If the objective of the initial attack is not met, then the operation moves into the extended attack phase. This phase generally requires the addition of more resources to support the change in tactics needed to preserve lives, control the incident, or stop the loss and/or additional personnel for replacement of the initial attack personnel. Hostile fire situations are dynamic events and often require Incident Commanders to deal with changes as they occur.

**CRITICAL TASKING FOR STRUCTURE FIRES:
OFFENSIVE FIRE ATTACKS**

Structure Fire - Imminent Life Saving Rescue ONLY!

(This situation assumes it is possible to save a life – after considering the risk. This is the one situation when safety of firefighters may be worth the risk)

TASKS	NUMBER OF FIREFIGHTERS
Incident Command (1 out)	1
Pump Operator (1 out)	1
Interior Operations (2 interior)	2
OR – OSHA* Minimum for life-saving rescue	4 (2 in - 2 out, minimum to attempt rescue)

*In the case of a known rescue (compelling evidence of a viable victim, who can be successfully rescued), an exemption from the “2 in-2 out” may be allowed. Each time that this exemption is used, a written report and investigation must be documented.

RESIDENTIAL STRUCTURE FIRE - Offensive Attack

TASKS	NUMBER OF FIREFIGHTERS
Incident Command	1
Safety Officer	1
Pump Operator	1
Water Supply	1 (2 or more if water shuttle)
Interior Operations (2 interior)	2
Backup Operations (2 nd line - assist interior crew)	2
Rapid Intervention Team (RIT - 2 out)	2
Search and rescue	(2 dedicated to this function is desirable)
Ventilation	(2 dedicated to this function is desirable)
Minimum for Offensive Fire Attack	TOTAL 10 (12+ if water shuttle needed)

COMMERCIAL STRUCTURE FIRE - Offensive Attack

(Assumes the size of structure is significantly larger than a residence)

TASKS	NUMBER OF FIREFIGHTERS
Incident Command	1
Safety Officer	1
Pump Operators	1
Water Supply	(2 or more if water shuttle)
Interior Operations (2 interior)	2
Backup Operations (2 nd line - assist Interior)	2
Exposure Protection	2
Rapid Intervention Team (RIT - 2 out)	2
Search and rescue	(4 or more if multi-family or hotel)
Ventilation	2
Minimum for Offensive Fire Attack	TOTAL 13 (17+ if multi-family or 15+ if water shuttle is needed)

All of the above Critical Tasks for OFFENSIVE FIRE ATTACKS assume the least number of firefighters needed to attempt an **Offensive Fire Attack Strategy**. Many factors such as risk to firefighters, probability of success in controlling the fire, firefighting water supply water, and is the benefit greater than the risk are being evaluated by the incident commander. Large structures with the potential to become uncontrollable may require more resources than the fire department can effectively muster - these potential situations will become red flags to incident commanders.

<p>CRITICAL TASKING FOR STRUCTURE FIRES: <u>DEFENSIVE FIRE ATTACKS</u></p>

Defensive fire attacks of structure fires assume that either resource are inadequate to attempt an interior fire attack strategy, or that the potential risks to firefighter safety is too great. A decision to attach a fire defensively will also be dictated by the stage of fire growth upon arrival. Another potential reason for choosing the defensive tactic would be based off the number of trained responders who have assembled on scene. In all situations where the risks out-weigh the benefits, the incident commander will decide to adopt a **Defensive Fire Attack Strategy**. This strategy is a more conservative approach and attempts to minimize the loss to the structure of origin. Unfortunately, it also assumes that no life-saving rescues will be attempted.

STRUCTURE FIRE - Initial Defensive Attack - 1 Fire Engine minimum staffing

(This situation assumes 1 engine with the minimum staff on exterior of structure)

TASKS	NUMBER OF FIREFIGHTERS
Incident Command	1
Pump Operator	1
Firefighter	1
Minimum Initial Defensive Attack (allows for 1 exterior hose-line or master stream)	TOTAL 3

RESIDENTIAL STRUCTURE FIRE - Effective Defensive Fire Attack

TASKS	NUMBER OF FIREFIGHTERS
Incident Command	1
Pump Operator	1
Water Supply	1 (2 or more if water shuttle)
Fire Attack & Exposure Protection	4
Effective Initial Defensive Fire Attack	7 (9 + if water shuttle needed)

COMMERCIAL STRUCTURE FIRE - Defensive Fire Attack

(Assumes the size of structure is significantly larger than a residence)

TASKS	NUMBER OF FIREFIGHTERS
Incident Command	1
Safety Officer	1
Pump Operators	1
Water Supply	1 (4 or more if water shuttle)
Fire Attack & Exposure Protection (3 small hose lines or 2 large hose lines)	6
For an Effective Defensive Fire Attack	10 (12+ if water shuttle is needed)

<p>CRITICAL TASKING FOR WILDLAND FIRE RESPONSES</p>
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There is a wide variety of incidents involving brush and Wildland fires and like structure fires there is also a variety of fire districts responses to these incidents. Simple slow-moving brush fires may only require one Brush Unit, while Wildland fires in forested or interface areas may require resources beyond the fire district’s capability.

SINGLE BRUSH UNIT/SQUAD RESPONSE - *Minimum Staffing*

<i>TASKS</i>	<i>NUMBER OF FIREFIGHTERS</i>
Fire Officer	1
Driver/Firefighter	1
TOTAL	2

WILDLAND FIRE RESPONSE - *Initial Fire Attack*

(Assumes a Wildland fire that has significant potential)

<i>TASKS</i>	<i>NUMBER OF FIREFIGHTERS</i>
Incident Command	1
Safety Officer/Lookout	1
Pump Operator	1
Water Supply	1 (2 or more if water shuttle is needed)
Firefighters	4
Minimum for Initial Wildland Fire Attack	8 (9+ if water shuttle is needed)

<p>CRITICAL TASKING FOR EMERGENCY MEDICAL INCIDENTS</p>
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Critical Tasking for Emergency Medical Operations - is to provide the necessary number of personnel and tasks needed to support the incident. This consists of performing the following tasks in the following order: defibrillation, airway management and ventilation of the patient, chest compressions.

Non-Life Threatening Category:

Non-life threatening situations are those such as simple fractures, sprains, or medical checks.

EMERGENCY MEDICAL INCIDENTS - Non-life Threatening Incidents

<i>TASKS</i>	<i>NUMBER OF FIREFIGHTERS</i>
Rescue	2
Minimum for 1 BLS Patient	2*

* Minimum level of training requires at least one First Responder

EMERGENCY MEDICAL INCIDENTS - Life Threatening Incidents

<i>TASKS</i>	<i>NUMBER OF FIREFIGHTERS</i>
Incident Command	1
Rescue	2
Minimum for 1 ALS Patient	3

- This number **DOES NOT INCLUDE** Ambulance transport units at minimum of 2 people per ambulance.

With life threatening incidents the fire district’s goal is to provide an advanced level trained EMT on each incident. Newport Fire Department strives to provide at least one EMT or Paramedic for these situations. This level of EMS training provides a higher level of skills for managing a patient’s airway, breathing and circulation. Not all members of the Fire District are trained to the Level of EMT. There may be times when a response may be delivered without an EMT.

<p>CRITICAL TASKING FOR MOTOR VEHICLE ACCIDENTS</p>
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MOTOR VEHICLE ACCIDENT - Minimum Staffing for Injury Accidents

(Presumes limited injuries, patients and uncomplicated extrication)

<i>TASKS</i>	<i>NUMBER OF FIREFIGHTERS</i>
Incident Command	1
Pump Operator	1
Patient Triage, Treatment	2
Extrication	2
Minimum for 1 injured/trapped victim	6 (10+ for 2 or more patients needing extrication)

- This number *DOES NOT INCLUDE* Ambulance transport units at minimum of 2 people per ambulance.

MOTOR VEHICLE ACCIDENT - Injury Accident with Multiple Patients

(Presumes 3 or more patients with serious injuries and possible extrication needed)

<i>TASKS</i>	<i>NUMBER OF FIREFIGHTERS</i>
Incident Command	1
Pump Operator	1
Firefighters for Scene Safety	2
Patient Triage, Treatment, Transport	4*
Extrication	2
Multiple seriously injured/trapped victims	10*

- This number *DOES NOT INCLUDE* Ambulance transport units at minimum of 2 people per ambulance and per patient.

<p>CRITICAL TASKING FOR RESCUES OR TECHNICAL RESCUES</p>

RESCUES AND TECHNICAL RESCUES (water and rope) - Single Victim Rescue

(Presumes Rescue Only - NO SEARCH)

<i>TASKS</i>	<i>NUMBER OF FIREFIGHTERS</i>
Incident Command	1
Extrication/Technical Rescue	2
Firefighters for Rescue Support	4*
Patient Treatment	2
Single victim needing Rescue	9*

** This number may vary depending on type of rescue. Some types of rescues, such as, high angle rope rescue, water rescue, and others may require significantly more personnel and/or personnel with specialized training and qualifications before the operation can be implemented. These numbers do not include ambulance transport. At this time the Fire District is in the process of training our members to deliver this type of response within the District and cannot guarantee an adequate response to these types of incidents. We rely heavily on mutual aid from neighboring District's to performs both water and rope rescue. The Newport Fire Department is also an active participant in the newly established Lincoln County rope rescue team. This team will respond to any incident in the County with personnel and gear.*

**CRITICAL TASKING FOR
LIGHT RESPONSES**

Critical Tasking for Other Calls for Service - The fire district receives a significant number of calls for service which do not fit into the above described critical tasks. These include investigation of hazardous situations, public assists, illegal burns, automatic alarms, chimney fires, vehicle fires and other minor requests for assistance. Most of these situations have a predetermined 9-1-1 dispatch response. However, based on the circumstances the Duty Officer, Incident Commander, initial responding unit officer or Dispatcher has the discretion to determine the appropriate response for assistance. Therefore, the response may be 1 Duty Officer, 1 Rescue, or 1 Fire Engine for these response situations based on dispatch or size-up information.

These responses include public assists, investigation of hazard, burning complaints, trash fires and other calls for assistance. The duty officer may handle these calls without assistance or one fire engine, rescue or other unit may respond.

**CRITICAL TASKING FOR
HAZARDOUS MATERIAL INCIDENTS**

Hazardous material incidents can vary greatly, from a small spill to large tanker trucks over turned. The fire district is trained to the Awareness and Operations Level. This Awareness and Operations Level is the basic Haz Mat training required of firefighters in Oregon. The training prepares firefighters to be aware and recognize Haz Mat situations, isolate the area and call for technically qualified Haz Mat Teams for incident mitigation. The actual clean-up will require private contractors and a considerable period of time to restore the occupancy or environment.

HAZARDOUS MATERIALS INCIDENT - Initial Response

(Assumes a wild-land fire that has significant potential)

<i>TASKS</i>	<i>NUMBER OF FIREFIGHTERS</i>
Incident Command	1
Fire Engine Companies	3
Minimum for Initial Haz Mat Response	4

CITY OF NEWPORT FIRE DEPARTMENT

2012 ANNUAL REPORT



Umpqua Bank Fire – March 12, 2012

Photo by Mark Miranda

2012 Annual Report Transmittal

To the Citizens of Newport:

The past year brought many changes to your fire department, and I am pleased to say that many improvements were made to our facilities, apparatus and our ability to provide high quality emergency services. We added a third fire station in our under-served north end. We upgraded our fleet with the purchase of two structural fire engines, a wild land fire engine and an ambulance/rescue unit – all used equipment, but in good condition.

We also reorganized our staffing and deployment to provide more staffing on the first engine at the scene of an emergency. We will continue to operate as a combination volunteer and career fire department, and to emphasize our commitment to recruiting and retaining a strong community volunteer contingent.

We started a fire inspection program using our in-service engine personnel, focusing on hotels, restaurants and other public assembly buildings, the buildings with the greatest potential risk to life safety. This program will complement our regular fire inspection program. Our public education and disaster preparedness programs focus not only on the school safety programs, but also emphasize preparedness for our biggest natural risks, an earthquake and/or tsunami.

The year brought an increase in emergency calls for our services. We ended the year with 1,715 calls for service. This represents an increase of about 23%. The total dollar loss from fire was \$1,128,080, with most of that loss at the Umpqua Bank fire on March 12.

Along with the normal day to day activities, the year included a comprehensive look at the fire department through a regional collaborative study of fire and emergency services by Emergency Services Consulting International (ESCI), as well as a thorough review of the fire department by Insurance Services Organization (ISO). ISO rates fire departments on their abilities to fight fires, as well as the community water systems, communications and dispatching. The ISO rating is between 1 (the best) and 10 (basically, no protection). We anticipate receiving a report on our re-rating from ISO in early 2013.

We continue to collaborate with our neighboring departments to provide service improvements in a cost-conscious way. Finally, I would like to thank the dedicated volunteer and career staff of the Newport Fire Department for their commitment to serving our community, and thank the City Manager and City Council for their support in everything we do.

Phil Paige, Fire Chief

NEWPORT FIRE DEPARTMENT

MISSION, VISION AND VALUES

Mission Statement

The men and women of the Newport Fire Department will provide timely, courteous and professional service through preparation and teamwork.

Vision

The appearance of our facilities, apparatus, equipment and personnel reflect our professional service and attitude.

We provide a service level that exceeds public expectations.

We resolve problems and complaints in a professional manner.

Values

We do what is right.

We do our best.

We treat others with dignity, honor and respect.

We leave the situation better than we found it.

We help others to be successful.

2012 ANNUAL REPORT

TABLE OF CONTENTS

Transmittal Letter	i
NFD Mission, Vision and Values	ii
Calls for Service	1
Strategic Plan Progress	5
Disaster Preparedness	9
Emergency Medical Services	11
Fire Prevention	13
Training	15



Umpqua Bank Fire – March 12, 2012

Photo by Mark Miranda

Calls for Service 2012

We ended the year with 1,715 calls for service. This represents an increase of about 23% over the previous year. Some of the increase is attributable to the broader scope of the calls we respond to, but overall there is still a significant increase of all types of calls. The following is a breakdown of some of these typical calls for service.

Fire:	124
Automatic Alarm:	83
Medical:	1069
Motor Vehicle Accidents:	70
Rescues:	14
Mutual Aid Rendered:	37
Hazardous Condition:	38
Aviation Standby:	1
Public Service:	216

Geographical Distribution of Alarms

During the Calendar year 2012, Newport Fire Department responded to 1715 Alarms. This represents a 23% increase over the 1393 Alarms we responded to in 2011. This data is as measured by the department run sheets. The usual criteria for creating a run sheet is either 1 - NFD is dispatched by phone or toned alarm; or 2 – Either equipment or manpower is used at the request of a customer.

This data is compiled breaking responses into one of four types of response:

- EMS / Medical (rescue response)
- Fire / Hazmat / Automatic Alarm (Engine response)
- MVC (MVC Engine response)
- Other – including agency assists, public service calls, and lift assists.

The data is geographically broken down into eight fire management zones:

- North of 36th Street – (3400) This area runs to the north end of the district and notably includes Longview Hills senior community, Oceanview Assisted Living facility, and Beverly Beach State Park.
- Northwest Newport – (3200) West of Highway 101 and North of West Olive Street up to the 3600 block.
- Northeast Newport –(3200) North of East Olive (Highway 20), East of Highway 101. This district includes all of Newport’s schools.
- Southwest Newport – (3200) This district includes the 101 south of highway 20, half of the bayfront area and the majority of Newport’s 1500 hotel rooms.
- Southeast Newport - (3200) This district is mainly the hillside overlooking the bay from Pine Street east to John Moore road and includes the commercial fishing fleet at docks 5 and 7.
- Newport East –(3200) From the highway 20 traffic light (John Moore road/NE Harney Street) eastward to the district boundaries at Hwy 20 MP 3 and Yaquina Bay Road MP 6.
- South – (3300) North of Station 3300
- South – (3300) South of Station 3300

Activity Totals by Fire Management Zone

Area	Medical	Fire	MVC	Other	Total
North of 36 th	250	30	16	34	330
NW Newport	179	45	19	32	275
NE Newport	245	55	24	78	402
SW Newport	216	32	15	26	289
SE Newport	79	23	2	30	134
South N of 3300	114	56	3	32	205
South S of 3300	40	5	4	13	62

Activity Totals by Fire Station Service Area (In District)

2012	Medical	Fire	MVC	Other	Total	Percent
Agate Beach Station 3400	250	30	16	34	330	19.2%
Newport Station 3200	719	155	61	166	1107	64.5%
South Beach Station 3300	154	61	7	45	267	15.5%
TOTAL Calls	1123	246	84	245	1704	
Percent By Run Type	65.4%	14.3%	4.8%	14.2%		

Mutual Aid Responses

Newport Fire Department operates with an extremely lean staffing level utilizing a combination of career and volunteer staff. Our neighboring departments are also operating with very few personnel. As a result of these low staffing levels and the labor intensive nature of fire and emergency incidents, we rely more and more on automatic and mutual aid with our neighboring departments to get the job done.

2012 Mutual Aid Given on Calls Out of District *

Service Call	Total
Mutual Aid to Depoe Bay	12
Mutual Aid to Toledo	8
Mutual Aid to Seal Rock	1
County-wide Rope Team	6

*Due to a change in the way mutual aid calls were recorded, some were earlier recorded as medicals or rescues. 11 mutual aid calls were recorded in the run log as "Mutual Aid", which gives the total of 1715 runs. The others reflected in this chart were counted as something else in the above chart.

Strategic Plan Progress

In 2012, Newport Fire Department began to develop a Strategic Plan and a Standard of Cover.

The Strategic Plan is based on the findings and recommendations that resulted from a study of several local fire departments that was completed by Emergency Consulting International (ESCI). The plan will address goals in the areas of administration, staffing, facilities, and apparatus.

The Standard of Cover will set performance goals for the tasks that must be performed at the scene of an emergency incident. It will also address response time goals and identify the needed staffing to deal with the different types of emergencies that we are called upon to stabilize and mitigate.

Both of these documents are anticipated to be completed and presented to the City Council in 2013, and will provide long term goals and priorities for the department.

Administration

This year we had to renegotiate parts of our labor contract with IAFF. This was successfully done in a fairly short time period, and our firefighters worked cooperatively to help the City to contain health care insurance costs. We were also able to negotiate several other changes which allowed for changes in staffing and more effective department operations. We currently enjoy a very cooperative labor/management environment.

We continue to work on updating and modernizing our Standard Operating Guidelines (SOG's). We are also working collaboratively with our neighboring fire departments to standardize our training programs, lesson plans and schedules.

Staffing

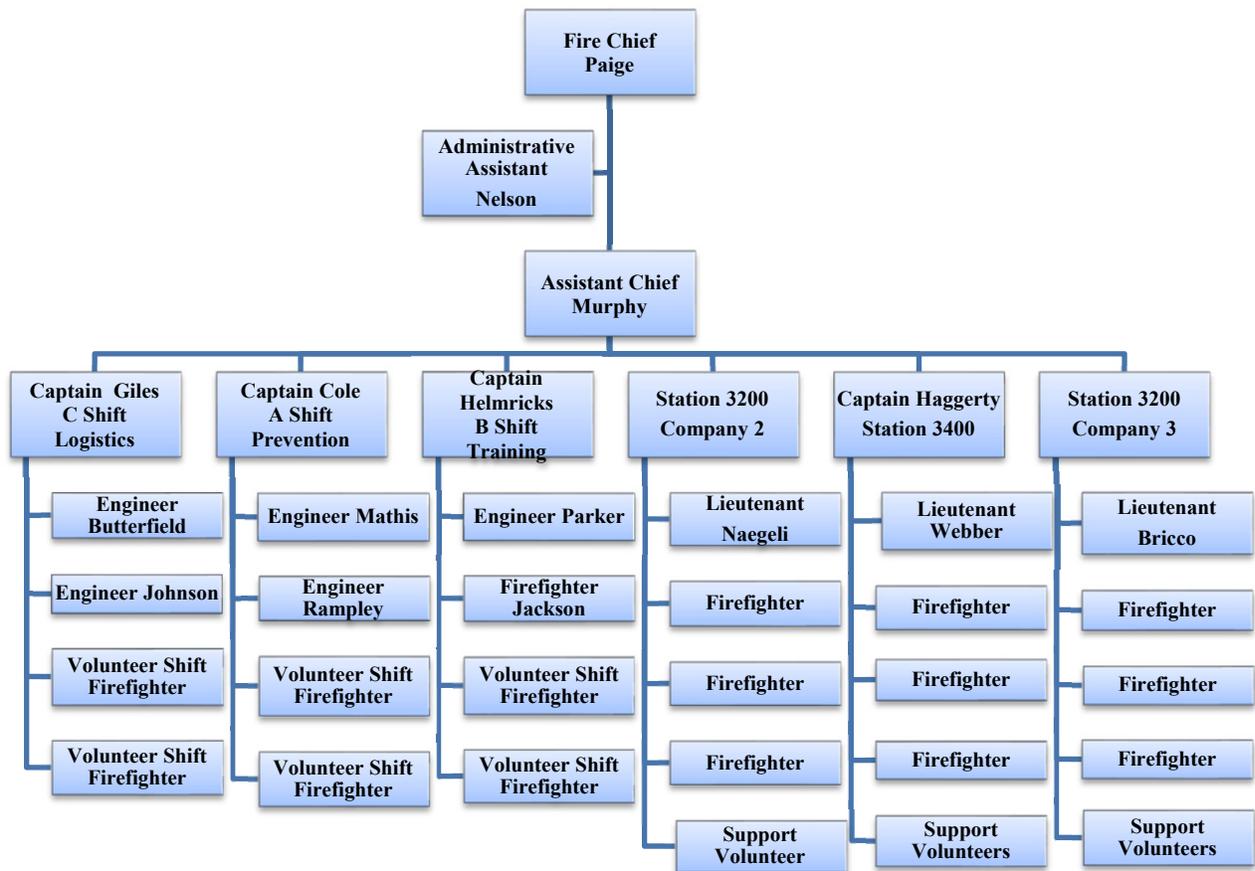
Melanie Nelson was hired in August as our new Administrative Assistant. She is a welcome and needed addition to the fire department, making many improvements (such as this annual report) possible.

Tom Jackson, formerly a volunteer Lieutenant was hired as a full time Firefighter/Paramedic. Our two relief Engineer positions were reassigned to 24 hour shifts, and our staffing was moved

from Station 3300 at the airport to the main station (3200). At the beginning of 2013, three Captains will be promoted and there will be a crew of three assigned at Station 3200, by far our busiest station, every day 24/7. Until such time as we can hire additional relief staff, we will still have to drop to a two-person crew when someone is sick or on vacation.

We also began a stipend program to provide additional on-duty staffing at night and on weekends utilizing our dedicated volunteer firefighters. This program, allows for a higher staffing level during these times (usually four-person staffing) than we could otherwise provide.

At the end of 2012, a new facility was purchased to become Station 3400 on NE 73rd, in the Agate Beach area. Brian Haggerty was promoted to Volunteer Captain, and a crew of volunteers was assigned to the new station. By the beginning of 2013, they will begin responding to incidents north of 36th with a light rescue vehicle that is housed at the station. Hopefully, in 2013 we will make further improvements to the building and an engine will also be ready to respond from that station. The new organization chart, effective 1/1/13 is shown here.



Volunteer Recruitment and Retention

Newport Fire Department received a SAFER grant from FEMA to assist in the recruitment and retention of volunteer firefighters. The purpose of the grant was to build on the new volunteer staffing program in the fire stations evenings and weekends, by offering a stipend for the participating volunteers. The program has helped Newport to provide better immediate emergency response capabilities and has improved firefighter safety. However, even with the additional funding of this incentive program, recruitment and retention of volunteers is one of the biggest challenges for Newport, as it is in fire departments across the country.

To further these efforts, the Lincoln County fire departments share a volunteer coordinator position (also grant funded), and he is developing programs specifically for recruitment and retention of volunteer firefighters county-wide.

Recruitment

In 2012, the department received seventeen applications for new volunteer firefighters. Of those, nine were accepted and began the training process. Two of the nine new people left within the same year (both moved out of the area).

Of the remaining 7 new volunteers for the year 2012; two are currently with NOAA and have limited time available to devote to training throughout the year but are nearing entry qualification; two came with experience from other fire departments and will be entry qualified in January 2013; two started their training in July and are continuing to progress in their training, and the seventh person joined as a support volunteer and is not expected to become entry qualified.

Retention

During 2012, Newport lost a total of 12 volunteers. Informal exit interviews are conducted to help determine reasons for attrition, and hopefully provide ideas to improve retention of volunteers. Of the twelve volunteers who started 2012 with us but did not continue with the department, six moved out of the area, five cited changes in job demands, family situation, or that the overall time required for training was more than they could give, and one was hired as a full time firefighter/paramedic at Newport Fire Department.

Date	# of Volunteers	Entry Qualified	Non-Entry Qualified
January 1, 2012	25	18	7
January 1, 2013	22	13	9

Seasonal Fire fighters;

In 2012, we also initiated a seasonal firefighter position. During the summer months, the influx of tourists causes an increase in the number of emergencies in the north and south parts of our response area. It also causes significant congestion on Highway 101, our main response route to these calls. By hiring seasonal firefighters during the summer from Memorial Day to Labor Day, we can maintain a high level of service to the community, even with these added challenges. We plan to continue the seasonal firefighter program in 2013.

Facilities

As mentioned above, a new facility was purchased to become Station 3400 in the Agate Beach area. Some minor modifications have been made to the building to enable it to serve as a fire station. More improvements are planned for 2013.

We also have done some remodeling to the main Station (3200). We have added several dividing walls and moved our day room upstairs. We moved our Fire Chief and Assistant Chief offices upstairs as well. The old offices downstairs were converted to firefighter bunkrooms/offices, providing space for around the clock staffing of up to five personnel. The old day room has been converted to a conference room. We would like to thank everyone who participated in getting this remodel done on a shoestring budget, including Bert Johnson, Todd Butterfield, Ron Evans and several others.

Apparatus

Two 1994 Spartan fire engines and a 2000 Wheeled Coach ambulance/rescue unit were purchased from the City of Bellevue, Washington in September. A 2005 Ford F-550 wild land fire engine was also purchased from Oregon State Surplus. These vehicles will replace outdated engines. We have equipped them and put them in service.

With the purchase of the ambulance/rescue unit, we will be able to meet the goal of providing ALS Ambulance Transport as a potential back up when all other ambulance services are too busy or too far away to respond. Having this ambulance will also be an asset during a multi-casualty incident (MCI), because most or all of the ambulance resources in the county would be used in this type of event.

Disaster Preparedness

Emergency management and preparedness is a multi-disciplinary effort to plan and prepare for natural or manmade events that have a major impact on our community and/or city services. Rob Murphy, Assistant Chief/Fire Marshal for Newport Fire, along with Sergeant Tony Garbarino from Newport Police Department coordinate Emergency Management efforts for the City of Newport and City Manager Jim Voetberg serves as the Emergency Manager as spelled out in the City Emergency Operations Manual.

This last year has seen many efforts undertaken and the city is taking big steps forward to being prepared for major emergencies. This work has been done by many people in the city from many different departments. This year end review will focus on the efforts the Fire Department has had involvement in; however, there are other efforts that are being led by other people within and outside of the City.

In January, Chief Murphy, along with staff from the Public Works Department, attended a class on initial damage assessment and met with the State Office of Emergency Management on their planning efforts involving a Cascadia Subduction Zone earthquake. In March we participated in a readiness fair held at City Hall which was well attended. Chief Murphy also participated in a CERT board meeting, as well as a meeting at City Hall from State OEM dealing with Tsunami Debris in April.

In May, a group made up of emergency services personnel from throughout the county started meeting to plan a series of tabletop and live exercises that focused on Hazardous Materials. This was made available by a Grant from the State Fire Marshal's Office. A Hazardous Materials Incident Commander Course was held in June, funded by the same grant. This was attended by several members of our Department.

July and August were busy months with classes on mass water filtration and we received a portable water filtration unit along with MRE's which we placed in our disaster cache. We also were able to purchase a trailer to store our medical emergency supplies and started construction on storage rooms at the main fire station and the south beach fire station to store

disaster supplies. The tabletop and live Hazmat exercises were undertaken in August and September.

In September we started holding meetings to discuss emergency management issues relating to the city. This has turned into a city emergency management committee chaired by Sgt. Garbarino and Chief Murphy, with City Manager Jim Voetberg maintaining his role as City Emergency Manager. We also participated in a community readiness fair held at the National Guard Armory.

The annual tsunami evacuation drill hosted by Hatfield Marine Science Center held in October was expanded this year to include all of the South Beach Peninsula area. The drill was a great success and plans are in the works to expand the drill to include the Nye Beach neighborhood and the Bayfront area next year. Rob also joined the Mayor on his weekly radio show to talk about tsunami evacuation, the south beach evacuation drill and emergency readiness. In October we began a CERT class that finished up in November.

In December we met with representatives of DOGAMI to work on the new draft tsunami evacuation maps for the greater Newport area. Rob Murphy and other city staff gave input on evacuation routes, assembly areas and correct place names. The final revised maps were completed in late January of this year.

With much progress being made in 2012, 2013 promises further strides being made to improve our community's readiness. Work continues at Safe Haven Hill in South Beach, to improve access. We continue to work on improving City readiness. Training and improvements to our City EOC are among our goals. We are planning a readiness fair for the spring and a city-wide tsunami evacuation drill again in October.

Emergency Medical Services

Newport Fire has many protocols, equipment and supplies which must be continually reviewed and inspected to make sure they are up to date with the current standards. Our EMS Coordinator helps our department by insuring our department has the latest information on supplies, regulations & EMS trends to be sure we have the knowledge necessary to do the best job possible for our citizens. Some of these services include:

EMS Equipment / Supplies procurement:

Newport Fire procures EMS equipment and supplies by networking with other area fire departments and taking advantage of opportunities for group purchasing. We also take advantage of state surplus equipment programs. For example, in 2012, we purchased three used defibrillators, for approximately \$1,000, which would have cost over \$100,000 if purchased new.

Ongoing Review and Revision of EMS Protocols:

Our department coordinates with the physician advisor and other fire department representatives to review current EMS Protocols and the latest EMS trends in order to offer the most appropriate emergency medical treatment to our citizens.

Budgeting for EMS Equipment / Supplies:

We are constantly purchasing emergency medical supplies and updating our equipment in order to replace old and / or outdated equipment, in an attempt to provide the latest and most advanced equipment and facilitate the best patient outcomes possible.

In 2012, we purchased a used ambulance/rescue unit. Again, our goal is to provide the capability of Advanced Life Support (ALS) transport as a backup when all of the other ambulances are busy or too far away to respond in a timely manner. When this unit is completely equipped in 2013, it will also be a valuable asset in the event of a multi-casualty incident (MCI), as this type of event can quickly deplete the transport ambulance capabilities in the County.

EMS Committee Meetings:

These meetings are important for properly coordinating ongoing EMS training and education: Providing monthly EMS education and training is an important part of ensuring our staff is kept up to date on the latest and most appropriate patient care.

It is also essential to make sure our staff has enough continuing education hours for relicense. It is a high training priority to ensure that our staff – both volunteer and career – have enough “continuing medical education” (CME) hours to meet the requirements of the state for renewing their EMT or Paramedic License. This is done by providing the appropriate level and frequency of training. If the training is not available then we provide the staff with available resources to find the training they need.

State Registered:

In order to continue to be recognized as an Emergency Medical Service, we are required to file paperwork with the state every two years.

Informal QA/QI (Quality Assurance / Quality Improvement):

In order to ensure our staff is providing the appropriate care and treatment, there is a process in which we measure the type of care a patient receives. This is completed by reviewing EMS charts and by corrective actions focusing on training or re-training. Reviewing calls allows us to see if the appropriate level of treatment is being provided correctly to a patient.

Fire Prevention

Fire prevention activities are aimed at reducing the number of preventable incidents and the potential damages through education and inspections, investigating the causes of all fires, and reviewing the plans of new buildings and developments to ensure that they comply with applicable codes and ordinances.

In January we began a new program of conducting inspections of assembly areas focusing on restaurants and night clubs that get very busy during Seafood and Wine Festival held in February. This gave these businesses time to correct violations in time for the Festival.

Rob Murphy, Fire Marshal for Newport Fire attended the OFMA training seminar in February as well as conducted inspections and worked at the Seafood and Wine Festival. In March and April we continued inspections and working with OSFM Deputy Steve Candella worked on forming a Lincoln County Fire Investigation Team.

May and June brought continued education including the OFCA Conference and helping with a Fire Investigation class. We also conducted our inspections of the local fireworks booths in June. In July we joined with other agencies in putting on a residential Fire Sprinkler Demonstration at the Lincoln County Fair. This was a live fire demonstration in a self contained trailer and was well received by the public. In August we continued regular business inspections as well as special event inspections such as the BBQ championships held down on the Bay Front.

September saw an increase in business inspections along with construction inspections as two of our largest retail stores were in the midst of major remodels. In addition, Rob began attending the Leadership Lincoln Classes. October, which includes Fire Prevention Week, was a very busy month for public education. We gave Fire Prevention Presentations in the grade schools and pre-schools in Newport and talked to over 700 kids! We also hosted a County Fire Investigation Class which Rob helped instruct.

In November, Chief Murphy also attended Fire Officer training out of state. The same month, he passed his State Fire Investigator Exam. We began to assist the Building Department conducting vacation rental dwelling inspections in December and Chief Murphy gave a fire prevention presentation to a local senior group and held our first Lincoln County Fire Investigation Team meeting with help from the State Fire Marshal's Office and Oregon State Police Arson Unit.

In 2012, Newport Fire kept busy with many activities as a member of our community throughout the year. We participated in CERT classes, a car seat education event , and we visited local schools to help educate our kids during Fire Prevention week.

We were called in for safety standby for high school football games, the fireworks program and to aid as standby for the Newport Police Department for community activities like the Seafood and Wine Fest and the 4th of July celebration. Once again, we were involved in helping collect food for the community food drive, we provided smoke detectors and installation for citizens, as well as community fire extinguisher classes and education.

In the summer of 2012, Newport Fire was involved in the beach cleanup and we helped aid and assist in the Newport Marathon. We also hosted our annual Holiday Toy Drive this year which was another great success. We helped 68 families and 211 children.

The year 2012 held many challenges and opportunities for the Fire Prevention Division. We gave fire prevention education presentations to 1,705 people. There were 129 inspections conducted, among them 24 were new construction inspections. There were 292 violations, and 78 abatements, 33 Fireworks permits were issued and 2 fireworks displays approved. The department investigated 48 fires with a total dollar loss of \$1,128,080.00.

Prevention Activities

Burn Permits Issued:	1,312
Person In Service Tours:	1,705
Fire Inspections:	105
Fire Violations:	292
Abatements:	78
Plan Reviews:	99
Construction Inspections:	24
Volunteer Hours:	4,050

Training

Newport Fire takes its training very seriously. There is a mandatory 60 hours of training for every firefighter, required each year to maintain the basic firefighter certification. Each week we have drills for our volunteers and career staff on different topics. Beginning in early 2013, we will be providing training every day for on-duty personnel.

Training Hours:

For the year, 4487.75 hours of training were documented by department personnel. With the implementation of daily training in 2013, our goal is to increase the total training significantly next year.

Physical Fitness Program:

Firefighting is a very labor intensive and physical activity. It is also potentially dangerous, particularly if the personnel are not in excellent physical condition. Nationally, about half of the firefighter line of duty deaths are attributed to stress and cardiac related events. Many are preventable through an active physical fitness program.

During 2012, work began towards developing such a physical fitness program to ensure the safety of our personnel. This program will begin in early 2013. It will include an initial cardio and body composition assessment, one on one consultation and counseling to help each individual design an exercise program, and then a physical agility evaluation based on the physical requirements of representative firefighting tasks.

In anticipation of the new program, all personnel, volunteer and career, were provided with membership to the Newport Recreational Center and we began requiring personnel to exercise during each duty shift.

Training Topics:

Beyond our normal weekly Fire and EMS training the department personnel participated in the following specialty training activities/classes:

- NFPA 1403 Live Fire Instructor
- NFPA Public Information Officer
- PHTLS (Pre Hospital Trauma Life Support)
- Building Construction

- MITCO/PICO
- NFPA Hazmat 472
- STICO
- Hazmat Awareness
- NFPA Hazmat Ops
- ICS 300
- ICS 400
- NFPA Hazmat IC
- NFPA Incident Safety Officer
- Essentials of Fire Station Leadership
- ITAC
- Company Officer Inspection
- Basic Fire Investigation 100/200
- NFPA Driver
- NFPA Instructor

Live Fire Burn Schools:

During the last year we conducted 3 different Live Fire Burn schools utilizing acquired structures.

Training facility update:

During this last year we completed the final improvements to the automotive extrication area and installed fire hydrants.

The current plan is to look at future improvements such as adding a classroom, additional covered training areas and paving of existing gravel areas.

Future Training Goals:

Along with weekly training activities and implementing daily training, next year's plans include the following specialty training:

- NFPA Mobile Water Supply
- NFPA Aerial Operator
- Officer Development
- Maritime firefighting
- Firefighter I Academy
- Rope rescue team



NEWPORT FIRE DEPARTMENT

245 NW 10th Street

Newport, OR 97365

541-265-9461



Agenda Item # VIII.A. _____
Meeting Date February 19, 2013

CITY COUNCIL AGENDA ITEM SUMMARY
City of Newport, Oregon

Issue/Agenda Title Public hearing and possible adoption of Ordinance No. 2049 repealing and replacing the “Public Facilities” and “Urbanization” elements of the Newport Comprehensive Plan

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: _____

ISSUE BEFORE THE COUNCIL: Consideration of whether or not the public interest is served by rewriting the Urbanization and Public Facilities elements of the Newport Comprehensive Plan. Revisions to the Urbanization element of the Plan update the City’s standards for evaluating proposals for Urban Growth Boundary (UGB) amendments so that they comport with current state law. Changes to the Public Facilities element outline strategies for addressing structural deficiencies in Big Creek Reservoir No. 1 and No. 2. Collectively, the changes will facilitate an expansion of the Newport UGB to include the reservoirs so that it will be easier for the City to undertake needed upgrades to these facilities.

STAFF RECOMMENDATION: The Planning Commission has reviewed the changes and recommends that they be adopted by the City Council. Staff recommends the Council accept the Planning Commission’s recommendation and adopt the ordinance.

PROPOSED MOTION: I move for reading, by title only, of an ordinance that repeals and replaces the Urbanization and Public Facilities elements of the Newport Comprehensive Plan and for adoption by roll call vote.

KEY FACTS AND INFORMATION SUMMARY: On December 10, 2012 the Newport Planning Commission initiated amendments to the “Public Facilities” and “Urbanization” elements of the Newport Comprehensive Plan to update standards against which an Urban Growth Boundary (UGB) amendment is evaluated; establish policies to acquire lands and protect water quality within the city’s municipal watershed; acknowledge structural deficiencies in the City’s municipal water reservoirs; and outline steps the City will take to resolve the structural deficiencies.

Revisions to the Public Facilities element incorporate and respond to a Dam Assessment, performed by HDR consultants, which identifies structural deficiencies in the City of Newport’s Big Creek No. 1 and Big Creek No. 2 domestic water storage reservoirs. This new information is not addressed in the City’s Water System Master Plan, which was last amended in 2008. While the full extent of the deficiencies is not yet known, it is evident from the analysis that the City will need to reconstruct one or both of its reservoirs. Proposed policies describe how the City should respond to this threat to its domestic water supply, including strategies for completing necessary engineering studies to ascertain the full scope of the problem, financing future construction and land acquisition, and protecting water quality consistent with a source water assessment performed by the Oregon Dept. of Environmental Quality/Oregon Health Department. A policy referencing an outdated Public Facility Plan from 1990 is being deleted.

The Urbanization element of the Comprehensive Plan sets out the process and criteria for evaluating UGB amendments. Changes to a municipal UGB must comply with Statewide Planning Goal 14. That statewide planning goal was updated in April of 2006. The City Council has expressed an interest in expanding the Newport

UGB to include the reservoirs under urban “public” zoning that would make it easier for the City to modify its water infrastructure in response to the reservoir structural issues and to construct a future regional park called for in the 1993 Park System Master Plan. To efficiently accomplish this objective, the Commission felt it prudent for the City to update its standards for evaluating UGB amendments so that they conform to current state law before considering an expansion proposal involving the reservoirs. The edits include updated references to the City’s official 2031 population forecast, clarification regarding areas that have been studied for potential future inclusion into the Newport UGB, and revisions to the required findings section that set out the needs analysis required under the current version of Goal 14.

The Newport Planning Commission reviewed the proposed changes as they were being developed at work sessions on October 8, 2012, October 22, 2012, November 26, 2012 and December 10, 2012. The Planning Commission held a public hearing on January 28, 2013, and voted to recommend adoption of the amendments.

Notification for the proposed amendments was provided to the Department of Land Conservation & Development (DLCDD) on January 7, 2013. The agency has indicated that they do not have any issues with the proposed revisions.

As this is a legislative item, there are no approval criteria.

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: These changes are in keeping with the Council’s goal of eventually annexing the reservoir properties.

ATTACHMENT LIST:

- Proposed Ordinance and exhibits
- Minutes from the January 28, 2013 Planning Commission hearing
- Statewide Planning Goal 14
- Notice for the City Council Hearing

FISCAL NOTES: There are no fiscal impacts associated with these amendments.

CITY OF NEWPORT

ORDINANCE NO. 2049

**AN ORDINANCE REPEALING AND REPLACING THE PUBLIC
FACILITIES AND URBANIZATION ELEMENTS OF THE NEWPORT
COMPREHENSIVE PLAN ORIGINALLY ADOPTED
BY ORDINANCE NO. 1621
(Newport File No. 3-CP-12)**

Summary of Findings:

1. On December 10, 2012 the Newport Planning Commission initiated amendments to the “Public Facilities” and “Urbanization” elements of the Newport Comprehensive Plan to update standards against which an Urban Growth Boundary (UGB) amendment is evaluated; establish policies to acquire lands and protect water quality within the city’s municipal watershed; acknowledge structural deficiencies in the City’s municipal water reservoirs; and outline steps the City will take to resolve the structural deficiencies.
2. Newport City Council desires to expand the UGB to include Big Creek Reservoir #1 and Big Creek Reservoir #2, which are the City’s primary storage facilities for its domestic water supply. This expansion is desirable because placing the land under a “Public” Comprehensive Plan and zoning designation will make it easier for the City to modify its water infrastructure in response to known structural deficiencies at the reservoirs and to construct a future regional park as envisioned in the 1993 Park System Master Plan.
3. Repealing and replacing the “Public Facilities” element of the Newport Comprehensive Plan sets the table for an expansion proposal. Preliminary geotechnical analysis, prepared by HDR Consultants, describes the nature of structural deficiencies inherent to Big Creek Reservoir #1 and Big Creek Reservoir #2, and supports the adoption of policies describing how the City should respond to this threat to its domestic water supply. Proposed policies provide direction for completing necessary engineering studies to ascertain the full scope of the problem, financing future construction and land acquisition, and protecting water quality consistent with a source water assessment performed by the Oregon Department of Environmental Quality and Oregon Health Department.
4. Similarly repealing and replacing the “Urbanization” element of the Newport Comprehensive Plan sets the table for an expansion proposal and is necessary because it updates outdated criteria for evaluating such requests to that the standards conform to current state law, namely Statewide Planning Goal 14, amended April of 2006.

5. The Newport Comprehensive Plan element entitled “Administration of the Plan” lists factors that must be met to amend the document, such factors being listed explicitly in the Planning Staff Memorandum dated, January 23, 2013 and incorporated herein.

- a. The revised “Public Facilities” element satisfies the listed factors in that it updates technical inventories related to the structural integrity of Big Creek Reservoir #1 and Big Creek Reservoir #2 and the quality of the water within the municipal watershed, and puts in place policies and implementation strategies that respond to the new information.
- b. The revised “Urbanization” element satisfies the listed factors in that it updates the City’s criteria for evaluating UGB amendment proposals to be consistent with current state law.

6. Repealing and replacing the “Public Facilities” and “Urbanization” elements of the Newport Comprehensive Plan are consistent with applicable Statewide Planning Goals in that the changes:

- a. Have been developed and vetted with the City of Newport Planning Commission and its Advisory Committee consistent with Statewide Planning Goal 1, Public Involvement; and
- b. Update the Newport Comprehensive Plan’s technical inventory (with respect to the condition of the reservoirs and water quality) and criteria (with respect to UGB amendments) that facilitate a land use planning process and policy framework that provides an adequate factual basis for decision making consistent with Statewide Planning Goal 2, Land Use Planning; and
- c. Ensure that the Newport Comprehensive Plan contains accurate information about the condition of the City’s water infrastructure as encouraged by Statewide Planning Goal 11, Public Facilities and Services; and
- d. Put in place standards for amending the Newport Urban Growth Boundary consistent with ORS 197.298 and the following factors (1) efficient accommodation of identified land needs; (2) orderly and economic provision of public facilities and services; (3) comparative environmental, energy, economic and social consequences; and (4) compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB, as set out in Statewide Planning Goal 14, Urbanization.

7. No other Statewide Planning Goals are applicable to the proposed changes to the “Public Facilities” and “Urbanization” sections of the Newport Comprehensive Plan.

8. The Newport Planning Commission reviewed the proposed changes to the “Public Facilities” and “Urbanization” sections of the Newport Comprehensive Plan, as they were

being developed, at work sessions on October 8, 2012, October 22, 2012, November 26, 2012, and December 10, 2012. The Planning Commission held a public hearing on January 28, 2013, and voted to recommend adoption of the amendments.

9. The City Council held a public hearing on February 19, 2013 regarding the question of the proposed revisions, and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.

10. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The Public Facilities element of the Newport Comprehensive Plan, originally adopted by Ordinance No. 1621 (as amended) is repealed and replaced with the text at Exhibit A, attached to this Ordinance.

Section 2. The Urbanization element of the Newport Comprehensive Plan, originally adopted by Ordinance No. 1621 (as amended) is repealed and replaced with the text at Exhibit B, attached to this Ordinance.

Section 3. The document titled “Big Creek Dam No. 1 and No. 2, Preliminary Geotechnical Investigation and Seismic Evaluation” and prepared by HDR Consultants in February of 2013, attached as Exhibit C, is included as support for this ordinance.

Section 4. The Planning Staff Memorandum dated January 23, 2013, attached as Exhibit D, is included as support for this ordinance.

Section 5. This Ordinance shall take effect 30 days after passage.

Date adopted and read by title only: _____

Signed by the Mayor on _____, 2013.

Sandra Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

GOALS AND POLICIES PUBLIC FACILITIES ELEMENT

GENERAL

Goal: To assure adequate planning for public facilities to meet the changing needs of the City of Newport urbanizable area.

Policy 1: The city shall develop and maintain public facilities master plans (by reference incorporated herein). These facility plans should include generalized descriptions of existing facilities operation and maintenance needs, future facilities needed to serve the urbanizable area, and rough estimates of projected costs, timing, and probable funding mechanisms. Public facilities should be designed and developed consistent with the various master plans.

Policy 2: In order to assure the orderly and cost efficient extension of public facilities, the city shall use the public facilities master plans in the capital improvement planning.

Policy 3: The city shall work with other providers of public facilities to facilitate coordinated development.

Policy 4: Essential public services should be available to a site or can be provided to a site with sufficient capacity to serve the property before it can receive development approval from the city. For purposes of this policy, essential services shall mean:

- > Sanitary Sewers
- > Water
- > Storm Drainage
- > Streets

Development may be permitted for parcels without the essential services if:

- > The proposed development is consistent with the Comprehensive Plan; and
- > The property owner enters into an agreement, that runs with the land and is therefore binding upon future owners, that the property will connect to the essential service when it is reasonably available; and
- > The property owner signs an irrevocable consent to annex if outside the city limits and/or agrees to participate in a local improvement district for the essential service.

Policy 5: Upon the annexation of territory to the City of Newport, the city will be the provider of water and sewer service except as specified to the contrary in an urban service agreement or other intergovernmental agreement.

WATER

Goal: To provide the City of Newport with a high quality water system that will supply residents and businesses with adequate quantities for consumption and fire protection.

Policy 1: The city will comply with state and federal laws concerning water quality and will take appropriate steps consistent with those laws to protect and maintain drinking water source areas.

Implementation Measure 1: The City shall work to establish a source water protection buffer in the Big Creek Watershed. The City declares the Big Creek Watershed a public facility consistent with the definition of Public Facility Systems in OAR 660-011-0005(7)(a)(A). The City will work to establish a source water protection buffer that is consistent with the findings of the Oregon Department of Environmental Quality / Oregon Health Department source water assessment report (PWS #4100566).

Policy 2: The water system will be designed and developed to satisfy the water demand of the various users under normal and predictable daily and seasonal patterns of use, and at the same time provide sufficient supplies for most emergency situations.

Policy 3: The city may extend water service to any property within the city's urban growth boundary, and may extend water service beyond the urban growth boundary if the extension of service is not inconsistent with an urban service agreement or other intergovernmental agreement. The city may require a consent to annexation as a condition of providing water service outside the city limits.

Policy 4: The city will acquire lands within the municipal watershed when available or necessary to protect water quality or improve its water system.

Policy 5: The city will reconstruct its municipal raw water storage and distribution facilities to address identified structural deficiencies to Big Creek Dam #1 and Big Creek Dam #2.

Implementation Measure 1: The city shall conduct necessary and appropriate engineering studies to determine the safest and most cost-effective approach to ensure the integrity of the municipal water supply. The studies shall identify the cost and timing of needed capital projects to address identified structural deficiencies and comply with Policy 2 of this section.

Implementation Measure 2: The city shall explore financing mechanisms, and prepare a financing plan to fund construction needed to resolve the structural deficiencies by 2030.

Implementation Measure 3: The city shall use data and findings from Implementation Measures 1 and 2 of this section to update the Water Supply section of the Public Facilities element of the Newport Comprehensive Plan to reflect new information as a result of the engineering and finance studies.

WASTEWATER

Goal: To provide a wastewater collection and treatment system with sufficient capacity to meet the present and future needs of the Newport urbanizable area in compliance with State and Federal regulations.

Policy 1: On-site sewer systems shall not be allowed unless the city's sanitary sewer system is greater than 250 feet away. In any case, a subsurface permit from the Lincoln County Sanitarian must be obtained prior to any development that will rely on an on-site sewer system.

Policy 2: City wastewater services may be extended to any property within the urban growth boundary. Except for the very limited circumstances allowed by state law and regulations, the city will not generally provide wastewater services outside the urban growth boundary. The city may require a consent to annexation as a condition of providing wastewater service outside the city limits. Nothing in this policy obligates the City to provide wastewater services outside of the city limits. For property outside the city limits but within the urban growth boundary, wastewater services may be provided at the City's discretion only for:

- a) residentially zoned lands as allowed by county zoning without full services, and
- b) commercial and industrial zoned lands to existing lawful uses as of the date (9/4/07) of this amendment.

Policy 3: The city will design and develop the wastewater collection and treatment system in a way that addresses the demands of the various users under normal and predictable daily and seasonal patterns of use.

TRANSPORTATION

Transportation Goals and Policies repealed by Ordinance No. 1802 (January 4, 1999).

STORM WATER DRAINAGE

Goal: To provide a storm water drainage system with sufficient capacity to meet the present and future needs of the Newport urbanizable area.

Policy 1: The city will comply with state and federal laws concerning water quality.

Policy 2: The city will use existing, natural drainage systems to the greatest extent possible.

AIRPORT

Goal: To provide for the aviation needs of the City of Newport and Lincoln County.

Policy 1: The city will ensure through zoning and subdivision ordinance provisions that the airport will be able to operate safely and efficiently.

Policy 2: The city will cooperate with state and federal agencies in the development of the airport.

URBANIZATION

The Newport urban area includes lands within the city limits. It becomes necessary, however, to identify lands outside those limits that will become available for future growth. With that in mind, the City of Newport and Lincoln County have agreed upon a site specific boundary that limits city growth until the year 2031.

The urban growth boundary (UGB) delineates where annexations and the extension of city services will occur. Converting those county lands within the UGB requires coordination between the county, the property owners, and the city. This section provides the framework and the policies for those conversions and service extensions. The decision makers can also use this section as a guide for implementation of the urbanizing process.

The city and county made the policies of this section as part of a coordinated effort. Involved in the process were the governing bodies and planning commissions of both jurisdictions. The Citizen's Advisory Committee, concerned citizens, and other affected agencies also participated in the process.

Newport Urban Growth Areas:

Land forms are the most important single determinant of the directions in which Newport can grow. Newport is bounded on the west by the Pacific Ocean and on the east by the foothills of the Coast Range. In addition, the city is divided by Yaquina Bay. The only suitable topography for utility service and lower cost urban development is along the narrow coastal plain. Some development has occurred in the surrounding foothills and along the Yaquina River and creek valleys, but this is generally rural development of low density without urban utilities. The following inventory describes areas evaluated as to their suitability to accommodate expected growth.

A. Agate Beach Area (North Newport/390 Acres):

Inventory. This study area consists of both urbanized and undeveloped land (see map on page 283). Of the 390 acres available for residential development, 225 lie within the unincorporated area of the UGB, and 165 acres are within Newport's city limits. (The urbanized area contains approximately 60 acres.)

The urbanized area was platted in the 1930's, with growth occurring gradually since that time. The area is primarily residential and has a mixture of houses, mobile homes, trailers, and some limited commercial uses along U.S. Highway 101. The area was previously served by the Agate Beach Water System, which frequently failed to meet federal water quality standards and had inadequate line size and pressure to serve existing customers and projected growth. The City of Newport rebuilt the water system and installed a sewer system at the cost of approximately \$1.4 million.

The unincorporated portions of this study area have been included in Newport's UGB to help meet anticipated need for residential land. The land is relatively level, water services

and road access are immediately adjacent, and sewer is available. The area has been urbanized to a degree already and is suitable for continued residential development. Much of this area has been platted into 5,000 square foot lots, which are both suitable for mobile home placement and "buildable" as sewer is extended.

Analysis. Because most of this area has been previously platted into 50 x 100 foot lots, land costs can be expected to be lower than in newly platted areas of the city. Many mobile homes and trailers currently exist in this area, and smaller lots are appropriate for mobile homes.

Finding. This area is suitable for continued residential development and is designated residential. In addition, because of the smaller lot sizes and the existence of many mobile homes in the area, a mobile home overlay zone is desirable and compatible with existing uses. Areas of larger acreage on both the east and west side are suitable for high density residential use with the mobile home overlay so that new mobile home parks may be built in the area as outright uses, as well as allowing apartments. Existing commercial development along U.S. Highway 101 should be allowed to remain.

B. Agate Beach Golf Course and Little Creek Drainage Area (North Newport/93 acres):

Inventory. This area lies south and east of the golf course, west of the west line of Section 33, and east of Highway 101, all of which is within the city limits (see map on page 283). The area is generally undeveloped, and it slopes steeply toward Little Creek.

The area has been planned to be served by city water and sewer and a major new road. It is zoned for low and high density residential development.

Analysis. Because of the steep slopes, this is the type of area where a planned development is often appropriate. It borders a mobile home park to the south and is geographically well separated from other areas of conventional housing; therefore, mixed residential development can be considered for the property with little possible conflict.

Finding. Because of the topography, either low density residential development with a planned development overlay or high density residential development would be appropriate designations. However, the former would insure more open space in the long range.

C. West Big Creek Drainage Area (North Newport/40 acres):

Inventory. This area lies south of the Pacific Beach Club, east of U.S. Highway 101, and west of Lakewood Hills (see map on page 283). It has not yet been developed.

Analysis. Much of the area is in a flood plain. However, it has been studied for a planned development and is suitable for high density residential use.

Finding. High density residential will be the designation for this property. The land may be suitable for a planned unit development.

D. East Big Creek Drainage Area (City Reservoir):

Inventory. This area drains into the city reservoir, and the city owns the majority of the land (see map on page 283). There are several smaller private parcels with houses and livestock.

Finding. This area could eventually be used as a large city park or residential area once the reservoir is no longer used for the city water supply. During the planning period, this area should be protected from further residential development.

That land which is not needed for public park land shall be considered for return to the private sector for housing.

E. Jeffries Creek Drainage Area (Northeast Newport/220 Acres):

Inventory. This area is south of the city reservoir, north of Old Highway 20, east of Harney Street, and west of the eastern half of Section 4 (see map on page 283). This area contains the Terrace Heights, Virginia Additions, Kewanee Addition, and the Beaver State Land property. There is very little development in the area as yet. Fifty-five acres lie within Newport's city limits.

Analysis. Platted around the turn of the century, this area has long been planned for low density residential development. Little has occurred so far due to more accessible development closer to Newport. This is no longer the case, and this land is now needed for housing.

Finding. This area has steep slopes, no existing utilities as yet, and will be expensive to develop. However, much of the property will have ocean or bay view. The area is appropriate for low density development.

F. Harbor Heights Area (Southeast Newport/267 Acres):

Inventory. This study area lies east of Harbor Heights to the urban growth boundary and north of Bay Road to the urban growth boundary (see map on page 283). Of its 267 acres, approximately 44 are within Newport's city limits.

Analysis. This is an area where lot sizes might well be raised to a higher minimum to encourage the maintenance of the vegetation that helps stabilize the entire area. This would be a high cost housing area with very low density development.

Finding. The area is steep with some slide potential. Dotted with residential uses, the area commands a view of the bay and is in heavy demand. A low density residential designation is appropriate for this area.

G. Idaho Point Area (South Beach/120 Acres):

Inventory. This area stretches from South Bay Street to the Idaho Point Marina and from S.E. 32nd Street south to the forest lands (see map on page 283).

Analysis. The existing water system is inadequate and is being replaced, along with city sewer. Some of the area is in demand for its bay view, and much of the land could be developed for medium to high cost housing. The topography varies from flat to steeply sloping, with most in the in between category; therefore, development costs will vary.

Finding. The topography in the area varies from flat to steeply sloping, with most of it moderately sloping. The existing water system is inadequate and sewer is not yet available. Some low density residential uses currently exist, and the area has been planned for a mix of low and high density residential.

H. South Beach (South of Newport/560 Acres):

Inventory. The area extends from S.E. 32nd Street to the southern boundary of the Newport Municipal Airport and from the southerly extension of Bay Street to U.S. Highway 101 (see map on page 283).

Analysis. The area has long been planned for urban development and is currently coming along in that manner. Newport has planned for many years to encourage industrial development in South Beach.

Finding. It is the only area for which the city has planned industrial development that would allow non-water related or non-water dependent industrial development. The area will need city sewer and other city services.

I. Wolf Tree Destination Resort (South of Newport/1,000 Acres):

Inventory. The city extended its urban growth boundary and the city limits to include about 1,000 acres for the Wolf Tree Destination Resort consistent with Goal 8 (see map on page 284). The area includes about 800 acres south of the Newport Municipal Airport, with another 200 acres lying east of the airport. The region has a special plan and zoning designation that limits the land for a destination resort.

Analysis. Currently undeveloped except for a few scattered residences, the area has been planned for a destination resort since 1987. The south area is presently in the city limits, but the easterly 200 acres is not. The Wolf Tree property was brought into the UGB and annexed to the city only after a Goal 8 Destination Resort analysis and a limitation on

the property to the development of a destination resort. Many state and federal agencies were involved in the process that brought this property into the UGB and the city limits.

Finding. The project complies with Goal 8/"Destination Resort." The property cannot be developed except as a destination resort consistent with state and city law.

Finding. The City of Newport has established its urban growth boundary as indicated on the city's Comprehensive Plan Map (available in the city's Planning Department office), in accordance with the following findings and as demonstrated in the inventory:

- > The projected population growth requirements of the City of Newport, as demonstrated in the inventory, cannot be met within the existing city limits.
- > In order to provide adequate housing opportunities and needed employment and to plan for a livable environment, there is a need for additional acreage beyond that currently available within the Newport city limits.
- > The City of Newport has planned for the urbanization of the UGB area based upon the city's long-range plan and capacity to extend needed facilities and service during the planning period.
- > In determining the most appropriate and efficient land uses and densities within the UGB, the City of Newport has considered current development pattern limitations posed by land forms, as well as the city's needs during the planning period.
- > In establishing its UGB, the City of Newport has considered and accounted for environmental, energy, economic, and social consequences as demonstrated in the inventory.
- > There are no agricultural lands adjacent to the Newport urban growth boundary.
- > What alternative locations within the area have been considered for the proposed needs.

GOALS/POLICIES/IMPLEMENTATION MEASURES
URBANIZATION

Goal: To promote the orderly and efficient expansion of Newport's city limits.

Policy 1: The City of Newport will coordinate with Lincoln County in meeting the requirements of urban growth to 2031.

Implementation Measure 1: The adopted urban growth boundary for Newport establishes the limits of urban growth to the year 2031.

- 1.) City annexation shall occur only within the officially adopted urban growth boundary.
- 2.) The official policy shall govern specific annexation decisions. The city, in turn, will provide an opportunity for the county, concerned citizens, and other affected agencies and persons to respond to pending requests for annexation.
- 3.) Establishment of an urban growth boundary does not imply that all included land will be annexed to the City of Newport.

Policy 2: The city will recognize county zoning and control of lands within the unincorporated portions of the UGB.

Implementation Measure 2: A change in the land use plan designations of urbanizable land from those shown on the Lincoln County Comprehensive Plan Map to those designations shown on the City of Newport Comprehensive Plan Map shall only occur upon annexation to the city.

- 1.) Urban development of land will be encouraged within the existing city limits. Annexations shall address the need for the land to be in the city.
- 2.) Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth allowed in the city's plans. Those facilities must be available or can be provided to a site before or concurrent with any annexations or plan changes.

Policy 3: The city recognizes Lincoln County as having jurisdiction over land use decisions within the unincorporated areas of the UGB.

Implementation Measure 3: All such decisions shall conform to both county and city policies.

- 1.) Unincorporated areas within the UGB will become part of Newport; therefore, development of those areas influences the future growth of the city. Hence, the city has an interest in the type and placement of that growth. Lincoln County shall notify the city of any land use decision in the UGB lying outside the city limits. The county shall consider recommendations and conditions suggested by the city and may make them conditions of approval.
- 2.) The city shall respond within 14 calendar days to notifications by the county of a land use decision inside the adopted UGB. The county may assume the city has comments only if they are received inside of that 14 days.

Policy 4: The development of land in the urban area shall conform to the plans, policies, and ordinances of the City of Newport.

Implementation Measure 4a: The City of Newport may provide water and wastewater services outside the city limits consistent with the policies for the provision of such services as identified in the applicable Goals and Policies of the Public Facilities Element of the Comprehensive Plan.

Implementation Measure 4b: Amendments to UGB Boundaries or Policies. This subsection delineates the procedure for joint city and county review of amendments to the urban growth boundary or urbanization policies as the need arises.

1.) Major Amendments:

a.) Any UGB change that has widespread and significant influence beyond the immediate area. Examples include:

- (1) Quantitative changes that allow for substantial changes in the population or development density.
- (2) Qualitative changes in the land use, such as residential to commercial or industrial.
- (3) Changes that affect large areas or many different ownerships.

b.) A change in any urbanization policy.

2.) Minor Boundary Line Adjustments: The city and county may consider minor adjustments to the UGB using procedures similar to a zone change. Minor adjustments focus on specific, small properties not having significant impact beyond the immediate area.

3.) Determination of Major and Minor Amendments: The planning directors for the city and county shall determine whether or not a change is a minor or major amendment. If they cannot agree, the planning commissions for the city and county shall rule on the matter. The request shall be considered a major amendment if the planning commissions cannot agree.

4.) Initiation, Application, and Procedure: Individual or groups of property owners, agencies that are

affected, the planning commissions, or the city or county governing bodies may initiate amendments. Applicants for changes are responsible for completing the necessary application and preparing and

submitting the applicable findings with the application. The planning commissions for the city and county shall review the request and forward recommendations to the Newport City Council and the Lincoln County Board of Commissioners.

The city and county governing bodies shall hold public hearings on the request. Amendments become final only if both bodies approve the request.

- 5.) Findings shall address the following:
 - a.) Land Need: Establishment and change of urban growth boundaries shall be based on the following:
 - 1.) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
 - 2.) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks and open space, or any combination of the need categories in this subsection;
 - b.) Boundary Location: The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:
 - 1.) Efficient accommodation of identified land needs;
 - 2.) Orderly and economic provision of public facilities and services;
 - 3.) Comparative environmental, energy, economic, and social consequences; and
 - 4.) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.
 - c.) Compliance with applicable Statewide Planning Goals, unless an exception is taken to a particular goal requirement.
- 6.) Correction of Errors: Occasionally an error may occur. Errors such as cartographic mistakes, misprints, typographical errors, omissions, or duplications are technical in nature and not the result of new information or changing policies. If the Newport City Council and the

Lincoln County Board of Commissioners become aware of an error in the map or text of this adopted urbanization program, either body may cause an immediate amendment to correct the error. Both bodies must, however, agree that an error exists. Corrections shall be made by ordinance after a public hearing. The governing bodies may refer the matter to their respective planning commissions, but that is not required.

Policy 5: The city is responsible for public facilities planning within its urban growth boundary.

FINAL

Big Creek Dam No. 1 and No. 2

Preliminary Geotechnical Investigation and Seismic Evaluation

City of Newport, Oregon



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Table of Contents

List of Acronyms and Abbreviations	v
Executive Summary	vii
Regional and Site Geology	vii
Seismic Hazards	vii
Subsurface Conditions	vii
Seepage and Stability Analysis Results	vii
Recommendations	viii
1.0 Introduction	1
2.0 Site Conditions.....	2
3.0 Description of Existing Dams	3
3.1 BC No. 1.....	3
3.2 Big Creek No. 2.....	4
4.0 Field Exploration	5
4.1 Geotechnical Drilling	5
4.2 Cone Penetration Testing.....	6
4.3 Geophysical Testing.....	6
5.0 Laboratory Testing.....	8
6.0 Geologic and Seismic Setting.....	9
6.1 Geologic Setting.....	9
6.2 Seismic Setting	9
6.3 Other Geologic Hazards.....	11
7.0 Subsurface Conditions.....	12
7.1 Subsurface Stratigraphy.....	12
7.2 Engineering Property Characterization	16
8.0 Seismic Hazards and Ground Motions.....	20
8.1 Seismic Sources	20
8.2 Probabilistic Seismic Hazard Analysis (PSHA)	20
8.3 Ground Motions.....	20
8.4 Ground Motion Time Histories.....	21
9.0 Seismic Response	22
9.1 Evaluation Procedure.....	22
9.2 Cyclic Softening Evaluation Methodology	23
9.3 BC No. 1.....	25
9.4 BC No. 2.....	25
10.0 Embankment Seepage and Slope Stability Analysis Results	26
10.1 Embankment Seepage Analysis Results	26

10.2 Embankment Stability Analysis Results	26
11.0 Conclusions and recommendations	29
11.1 Conclusions.....	29
11.2 Recommendations	30
12.0 References.....	31

Tables:

Table 1. Mean Magnitude/Distance Pairs for Principal Earthquake Sources
Table 2. Deaggregated Earthquake Motions
Table 3. Exploration Survey Data and Completion Depths
Table 4. Estimated Depth to top of Siltstone Bedrock
Table 5. BC No. 1 Stratigraphy Based on Simplified Interpretation of Soil Boring CPTu Data
Table 6. Basic Soil Properties, Dams BC No. 1 and BC No. 2
Table 7. Ranges of Permeability Values Considered for Preliminary Seepage, Stability, and Seismic Response Evaluations of the Big Creek Dams
Table 8. Permeability Values used in Seepage Analyses, BC No. 1 and BC No. 2
Table 9. Strength Values for Pre-Earthquake Static (Steady-State) Slope Stability Analysis, Dam BC No. 1
Table 10. Strength Values for Post-Earthquake Slope Stability Analysis based on BC1-CPT-3 Embankment and Foundation Conditions at BC No. 1
Table 11. Strength Values for Post-Earthquake Slope Stability Analysis, BC1-CPT-4 Profile, Dam BC No. 1
Table 12. Strength Values for Pre-Earthquake Static (Steady-State) Slope Stability Analysis, Dam BC No. 2 (Oregon, 1978)
Table 13. Undrained Strength Values for Post-Earthquake Slope Stability Analyses used in 1974 analyses by CH2MHill, Dam BC No. 2
Table 14. Estimated Undrained Strength Values for Slope Stability Analyses, based on results of CPTu Soundings BC2-CPT-1, BC2-CPT-2, and BC2-CPT-3, Dam BC No. 2
Table 15. Steady State Seepage Analysis Cases
Table 16. Slope Stability Analysis Results for Big Creek Dam No. 1
Table 17. Slope Stability Analysis Results for Big Creek Dam No. 2

Figures:

- Figure 1. Project Location and Tsunami Hazard Map
- Figure 2. Big Creek No. 1 Original Construction (1951)
- Figure 3. Big Creek No. 1 Original and Current Typical Cross-Section
- Figure 4. Big Creek No. 1 Subsurface Profile (Facing Downstream)
- Figure 5. Big Creek No. 2 Typical Cross-Section and Profile (1969)
- Figure 6. Big Creek No. 2 Typical Cross-Section after Modification in 1976
- Figure 7. Big Creek No. 2 Typical Cross Section
- Figure 8. Big Creek No. 2 Subsurface Profile (Looking Downstream)
- Figure 9. Big Creek No. 1 Exploration Location Plan
- Figure 10. Big Creek No. 2 Exploration Location Plan
- Figure 11. CPT Soil Behavior Index (Ic), BCI-CPT-3
- Figure 12. CPT Cone Resistance and Normalized Pore Pressure, BC1-CPT-3
- Figure 13. CPT Cone Resistance and Normalized Pore Pressure BC1-CPT-1
- Figure 14. CPT Cone Resistance and Normalized Pore Pressure BC1-CPT-4
- Figure 15. CPT Interpreted Stratigraphy and Shear Strength; BC1-CPT-3
- Figure 16. CPT Interpreted Stratigraphy and Undrained Shear Strength; BC1-CPT-4
- Figure 17. Residual Shear Strength of Liquefied Sand
- Figure 18. Post-Earthquake Strength Liquefiable Sandy Soils, BC1-CPT-3
- Figure 19. Cyclic Simple Shear Test Result Sample Depth 30.3 ft
- Figure 20. CPT Interpreted Stratigraphy and Undrained Shear Strength, BC2-CPT-1
- Figure 21. CPT Interpreted Stratigraphy and Undrained Shear Strength, BC2-CPT-2
- Figure 22. CPT Interpreted Stratigraphy and Undrained Shear Strength, BC2-CPT-3
- Figure 23. Average Response Spectra Yaquina Crustal Fault Source
- Figure 24. Average Response Spectra CSZ Fault Source
- Figure 25. FOS Against Liquefaction and Cyclic Softening Exploration: BCI-B-1
- Figure 26. FOS Against Liquefaction and Cyclic Softening Exploration: BC1-B-1/BC1-CPT-3
- Figure 27. FOS Against Liquefaction and Cyclic Softening Exploration: BC1-B-1/BC1-CPT-3
- Figure 28. Factor of Safety Against Cyclic Softening, BC1-CPT-4
- Figure 29. FOS Against Liquefaction and Cyclic Softening Exploration: BC2-B-3
- Figure 30. FOS Against Cyclic Softening Exploration: BC2-CPT-1
- Figure 31. Pre-Earthquake FOS, BC No. 1
- Figure 32. Post-Earthquake FOS, BC1-CPT-3, BC No. 1
- Figure 33. Post-Earthquake FOS, BC1-CPT-4, BC No. 1
- Figure 34. Pseudostatic Yield Acceleration Values, BC No. 1
- Figure 35. Pre-Earthquake FOS, BC No. 2
- Figure 36. Post-Earthquake FOS, BC No. 2



Appendices:

Appendix A Existing Conditions

Appendix B Exploration Data

B.1 Boring Logs

B.2 CPTu Data

B.3 Geophysical Survey Report

Appendix C Laboratory Data

C.1 Northwest

C.2 Fugro

C.3 Beta Analyses

Appendix D Seismic and Ground Motion Review Report

Appendix E Liquefaction Analysis

Appendix F Seepage and Slope Stability Analyses

LIST OF ACRONYMS AND ABBREVIATIONS

ASTM	American Society for Testing and Materials
BC	Big Creek
bpf	blows per foot
BOSC	Board of Senior Consultants
B_q	normalized pore pressure ratio
C-L	clay-like
cm/sec	centimeters/per second
CPTu	cone penetrometer test with pore pressure measurement
CRR	Cyclic Resistance Ratio
CSR	Cyclic Stress Ratio
CSZ	Cascadia Subduction Zone
DOGAMI	Oregon Department of Geology and Mineral Industries
EL	elevation
FLAC	fast lagrangian analysis of continua
FOS	factors of safety
ft/s	feet per second
g	acceleration due to gravity
I_c	soil behavior type index
km	kilometer(s)
ksf	kips per square foot
k_v	vertical permeability
k_h	horizontal permeability
LL	liquid limit
M	magnitude
MH	elastic silt (high plasticity)
ML	silt (low plasticity)
MSF	Magnitude Scaling Factor
MSL	Means Sea Level
NAVD88	North American Vertical Datum of 1988
NGA	Northwest Geophysical Associates, Inc.
N_k	cone factor
NP	nonplastic
OH	organic silt
OWRD	Oregon Water Resources Department
pcf	pounds per cubic foot
PEER	Pacific Earthquake Engineering Research Institute
PGA	peak ground acceleration(s)
PHGA	peak horizontal ground acceleration



PI	plasticity index
psf	pounds per square foot
PSHA	site-specific probabilistic seismic hazard analysis
q_t	cone tip resistance
S-L	sand-like
SM	silty sand
SPT	Standard Penetration Test
S_u	undrained shear strength
S_v	total overburden pressure
S'_v	vertical effective stress
USCS	Unified Soil Classification System
USGS	United States Geological Survey
UU	unconsolidated undrained
V_s	shear wave velocity



EXECUTIVE SUMMARY

HDR Engineering, Inc. (HDR) has completed an initial assessment of the static and seismic stability of Big Creek Dam No. 1 (BC No. 1) and Big Creek Dam No. 2 (BC No. 2) for the City of Newport (City). This assessment included a limited site characterization program of 1) seismic hazard evaluation, 2) borings, 3) cone penetration testing, and 4) laboratory testing along with 5) appraisal level engineering analyses. The initial findings from this evaluation are summarized below:

Regional and Site Geology

The dam sites are at a geologic boundary where normal stream channel and estuarial formation processes have influenced the development of foundation soils above a siltstone bedrock. Initial site characterization studies have shown these soils to be composed of high plasticity silts and sands of low density and prone to a loss of strength when subjected to cyclic loading.

Seismic Hazards

The dam sites are at a location where their long-term performance can be significantly impacted by several seismic hazard sources including nearby active crustal faults and the Cascadia Subduction Zone (CSZ). The hazard potential of the CSZ is relatively unique in terms of the magnitude of the ground motions (peak ground accelerations) and the duration of strong shaking that can occur. The CSZ hazard will be the controlling event for both dam safety evaluations and any required rehabilitation design going forward. While the understanding of the CSZ hazard has grown significantly over the past 20 years, recent similar hazard events off the coast of Chile and Japan have greatly increased the database of information that can be used to identify ground motion records suitable for detailed seismic response evaluations and design. This information will be available to HDR in the coming months and used to update ground motion information developed as part of this study.

Subsurface Conditions

Borings and cone penetration testing supported by laboratory test results have shown that the embankment and foundation soils above bedrock and beneath both dams generally consist of relatively low density and high plasticity clayey and very silty sands, sandy and slightly clayey silts, and silts. Alternative potential stratigraphic models of each site have been identified. However, significant uncertainties exist with the models and the corresponding engineering properties of the foundation and embankment soils. Further evaluations are recommended to help refine the subsurface stratigraphic models of the sites, confirm the mineralogical origin of the soils and the corresponding reasons for the low densities, and further refine the understanding of engineering properties of the soils for engineering analyses and design.

Seepage and Stability Analysis Results

BC No. 1 – Records indicate that this dam was originally constructed with a limited internal drainage system. Subsequently, a berm of soil was added over the downstream toe area. Results of both seepage and stability evaluations indicate that both these features are important in providing for the safety and performance of the downstream slope of the dam during an earthquake event. Additional evaluations are indicated to determine if the internal drainage system is functioning. The post-earthquake factors of safety suggest that the overall safety of the dam is marginal. Additional site characterization and engineering evaluations may indicate that only minor modifications are required to retain the benefit of this structure in the Newport water supply system. Alternatively and as discussed with the City, it may be

desirable to transfer a portion, or all of the storage in this facility to the upper dam if significant costs are required to rehabilitate the dam and associated water supply structures and pipes.

BC No. 2 – Results of seepage and stability evaluations indicate that a significant safety deficiency exists and that modification of the dam and related hydraulic structures is required to increase post-earthquake stability factors of safety and limit deformations during and immediately following a large earthquake event. Similar to the findings at the lower dam, additional site characterization and engineering evaluations are recommended to refine the stratigraphic and engineering models of the structure, reduce uncertainties related to engineering properties, and identify the most reasonable and cost effective modification requirements.

Recommendations

Supplemental Site Characterization – A program of supplemental site characterization including an update of the appropriate ground motions for engineering evaluation and design, cone penetration tests, borings with undisturbed and disturbed sampling, laboratory testing, along with some groundwater monitoring instrumentation is recommended to further refine stratigraphic models of the structures, reduce uncertainties related to engineering properties and to support preparation of alternative rehabilitation design concepts.

Update of Time Histories for Engineering Evaluations – HDR has held initial meetings with the Pacific Earthquake Engineering Research Institute (PEER) at Berkeley, California and will be updating ground motions for future engineering evaluations based on information from recent similar hazard earthquakes in Japan and Chile. Use of updated ground motion records for detailed seismic response evaluations and design will provide for the most up-to-date safety evaluation and decision making by the City.

Laboratory Testing - Supplemental laboratory testing should include petrographic examination and testing of the embankment and foundation soils, and bedrock materials at the site to further evaluate the root cause of the low density of the soils; index; consolidation; direct and cyclic simple shear; and triaxial shear.

Engineering Analyses – Safety concerns and any rehabilitation design completed during subsequent engineering evaluations should include both simplified assessments based on empirically based seismic response models and more complex numerical simulations using advanced computer models such as FLAC (fast lagrangian analysis of continua).

Corrective Actions – A broad range of design and construction methods may be suitable to achieve the desired post-earthquake factors of safety and limited deformations of the dams and structures during earthquake events. The next phase of evaluation should evaluate a range of rehabilitation concepts and methods including removal and replacement of materials, stability berms, and insitu densification and strengthening.



1.0 INTRODUCTION

HDR Engineering, Inc. began working with the City of Newport in 2009 on the design and construction of a new water membrane filtration treatment plant. The water treatment plant is supplied with water stored in two man-made reservoirs in Big Creek, denoted BC No. 1 and BC No. 2. BC No. 1 is adjacent to the new treatment plant, and BC No. 2 is located approximately 1 mile upstream. These reservoirs were formed by the construction of an earthen dam at each location.

During construction of the new plant, geotechnical explorations were performed for design of a new intake structure located in the BC No. 1 reservoir. Borings were drilled on the dam crest near the intake structure and near the downstream toe of the dam. The borings indicated the subsurface soils consist of very loose, saturated silty sand and sandy silt, which exhibits the potential for liquefaction during a seismic event.

As a result of this discovery, the City requested HDR perform a seismic evaluation of the embankment dams for both BC No. 1 and No. 2 reservoirs. This evaluation consisted of a limited site investigation to characterize the dams' earthen and foundation materials, a probabilistic seismic hazard analysis (PSHA), a geologic hazard assessment, and geotechnical analyses to determine the stability of the dams in the event of potential seismic events.

The site investigation consisted of a site visit by geotechnical engineers from HDR, exploratory borings, laboratory testing, and a surface geophysical survey. A limited topographic survey was performed to locate the field explorations and determine the dam cross-section at one location for each dam.

The PSHA was performed to evaluate the regional seismicity and potential ground motions at the dam sites. Information from the PSHA was used in soil liquefaction analyses and to evaluate the seismic stability of the dams.

2.0 SITE CONDITIONS

The reservoirs are located at the western foot of the Coast Range east of Highway 101 near the northern end of the City of Newport as shown on Figure 1 (all figures provided at the end of the report). The upper and lower reservoirs (BC No. 2 and No. 1, respectively) were formed by construction of the two dams within Big Creek. Big Creek meanders through the Coast Range generally from east to west and is fed by Blattner Creek, as well as numerous smaller drainages. The banks of Big Creek are covered with vegetation ranging from grass and low growing brush to alder and fir trees generally less than 12 inches in diameter.

3.0 DESCRIPTION OF EXISITNG DAMS

3.1 BC No. 1

A plan view and typical cross-section of the original BC No. 1 dam design is shown on Figure 2. Based on the 1978 inspection report prepared by the Oregon Water Resources Department (OWRD, 1978), the dam was constructed in 1951 using clayey soil obtained from the stream channel immediately upstream of the dam. The elevations shown on Figure 2 are relative to mean sea level (MSL). At this location, MSL is 3.3 feet lower than the North American Vertical Datum of 1988 (NAVD88) that is used for vertical control datum in the United States. The pertinent data for the dam from the inspection report includes:

Pertinent Data for BC Dam No. 1	
Minimum Crest Length	315 feet
Crest Elevation (EL)	42.3 feet MSL (45.6 NAVD88)
Height from Original Ground	21 feet
Crest Width	12 feet
Side Slopes	3V:1H upstream 2V:1H downstream
Type of Construction	Modified homogeneous earthen fill dam
Internal Drainage	Filter blanket at downstream toe
Principal Spillway EL	38.0 feet MSL 41.3 feet. NAVD88 (4.3 feet below dam crest)
Emergency Spillway EL	40.8 feet MSL (44.1 NAVD88)

Source: OWRD, 1978

Based on the limited topographic survey performed as part of this investigation, the dam crest is at about EL 47.1 feet (NAVD88); this is 1.5 feet higher than the original construction. A comparison of the original dam cross-section to the current cross-section is shown on Figure 3. The current profile is shown on Figure 4. Based on the current dam topographic survey, the dam is about 19 feet high relative to the reservoir bottom elevation along the upstream toe of the dam, but only about 14 feet high relative to the ground surface elevation along the downstream toe of the dam. Based on this cross-section, it appears about 8 feet of fill was placed on the downstream toe of the dam sometime after dam construction. This fill is detrimental to the operation of the dam since it prevents the exit of seepage from the blanket drain and creates the potential for developing excess pressures at the base of the dam. The impact of this is discussed in Section 11.0.

Based on the original design, the reservoir storage at normal pool is about 190 acre feet. The normal pool elevation is the principal spillway elevation of 41.3 feet NAVD88.

3.2 Big Creek No. 2

The BC No.2 dam was originally constructed in 1968 to a crest elevation of 73.0 feet MSL; a typical section through the dam centerline for the original construction is shown on Figure 5. In 1976, the embankment was raised to EL 87 to 88 feet MSL as shown on Figure 6 based on the 1978 inspection report (OWRD, 1978). The current cross-section and profile are shown on Figure 7 and Figure 8, respectively. The dam is a zoned embankment with the embankment fill materials for the dam raise derived from siltstone from access road and spillway excavations. The original dam was constructed from clayey silt and sandy silt from a borrow area upstream from the dam. The pertinent data for the BC No. 2 dam from the inspection report includes:

Pertinent Data for BC Dam No. 2	
Crest Length	455 feet
Crest EL	88.0 feet MSL (91.2 NAVD88)
Height from Natural Ground	56 feet (as measured from the foundation of the dam)
Crest Width	20 feet
Side Slopes	3V:1H upstream 2V:1H downstream
Internal Drainage	Inclined and horizontal graded gravel filters
Principal Spillway EL	80.1 feet MSL (83.4 NAVD88)
Emergency Spillway EL	84.0 feet MSL (87.3 NAVD88)

Source: OWRD, 1978

Based on the limited topographic survey performed as part of this investigation, the dam crest is at about EL 91 feet NAVD88; this is essentially the same elevation as the construction completed in 1976. The height of the dam relative to the downstream toe is about 41 feet and relative to the upstream toe the dam height is 31 feet. It appears about 15 feet of sediment has accumulated in the reservoir. Based on the typical embankment cross-section in the 1978 inspection report, the dam height relative to the downstream toe is about 41 feet and 46 feet to the upstream toe when measured from the lowest portion of the foundation excluding the cutoff trench.

Based on the expanded embankment size, the estimated reservoir storage at normal pool is about 970 acre feet. The normal pool elevation is at the principal spillway elevation, 7.9 feet below the dam crest.

4.0 FIELD EXPLORATION

The field investigation consisted of three components: geotechnical drilling (mud rotary and hollow stem auger), cone penetrometer testing, and a surface geophysical survey. The exploration locations are shown on Figure 9 and Figure 10 for BC No. 1 and BC No. 2, respectively.

4.1 Geotechnical Drilling

One boring was drilled at the BC No. 1 dam (BC1-B-1) and three borings were drilled at the BC No. 2 dam (BC2-B-1 through BC2-B-3) from December 12 through December 15, 2011 and on January 5, 2012 by Western States Drilling. The exploration locations were surveyed by Ward Northwest, Inc. and the survey data is shown in Table 3; exploration completion depths are also shown.

The boreholes were advanced using a combination of truck- and track-mounted drill rigs using mud rotary and hollow stem auger drilling techniques. The borings were advanced through the existing dams using the hollow stem auger technique to prevent the possibility of hydraulic fracturing of the embankment. The borings were continued using the mud rotary techniques beneath the embankment. Boring logs are included in Appendix B.1.

Samples were obtained at 5-foot intervals within the embankment dams and at 2.5-foot intervals thereafter. Disturbed samples were obtained with a standard penetration test (SPT) split-spoon sampler in accordance with Unified Soil Classification System (USCS) American Society for Testing and Materials (ASTM) D1586. The hammer energy for the SPT driving system was measured for each drilling rig to obtain the actual energy transfer ratio for the driving system (GeoDesign, 2012). The SPT N-value blow counts (as defined in ASTM D1586) were obtained for each sample and recorded on the boring log; the corrected blow counts (i.e., 60% efficiency) based on the measured energy transfer ratio is also shown on the logs. As shown on the boring logs, undisturbed soil samples were obtained with 3-inch-diameter thin-walled Shelby tube samples at selected depths in the borings in accordance with ASTM D1587. HQ wire-line coring methods were used in boring BC2-B-1 to core the siltstone bedrock in accordance with ASTM D2113. HQ (96 mm outside diameter) wire line coring consists of a 2.5-inch inner diameter triple-walled core barrel advanced in maximum 5-foot runs. Core samples were boxed and retained for further review.

As shown on Figure 9, boring BC1-B-1 at BC No. 1 was drilled from the dam crest, approximately 150 feet from the southern end, near the deepest section of the original creek channel. The purpose of this boring was to evaluate the strength and consistency of the fill material within the dam and soils underlying the dam. The boring was drilled to a depth of 85 feet where decomposed siltstone bedrock was encountered, then drilled to a depth of 86.5 feet; the interpreted depth to and corresponding elevation of the siltstone bedrock is shown in Table 4.

Borings BC2-B-1 and BC2-B-2 were drilled from the dam crest as shown on Figure 10. The purpose of these borings was to establish the consistency and depth of the embankment fill, and evaluate the soils underlying the dam. BC2-B-1 was drilled at the estimated deepest section of the original channel and BC2-B-2 was drilled approximately 140 feet from the northern end of the dam; borings BC2-B-1 and BC2-B-2 were drilled to depths of 80 and 71.5 feet, respectively.

BC2-B-3 was drilled to a depth of 41.5 feet near the southern end of the dam, at the downstream toe approximately 100 feet from the dam centerline. The purpose of this boring was to establish the depth of fill and determine the properties of the alluvial soils that underlie the dam. Decomposed siltstone was encountered at a depth of 30 feet.

The boreholes were continuously logged during drilling. The boring logs in Appendix B.1 were prepared based on a review of the field logs, an examination of the soil samples, and results of the laboratory testing.

4.2 Cone Penetration Testing

Four cone penetration test with pore pressure measurements (CPTu) soundings were advanced at the BC No. 1 dam (BC1-CPT-1 through BC1-CPT-4) and three were advanced at the BC No. 2 dam (BC2-CPT-1 through BC2-CPT-3). The location of the CPT tests are shown on Figure 9 and Figure 10 and summarized in Table 3.

The CPT tip resistance, sleeve friction, and pore water pressure was measured at 2-inch increments as the CPT instrument was pushed at a constant rate of 2 centimeters/second (ASTM D5778). Shear wave velocity and pore water pressure dissipation measurements were conducted at selected depths in BC1-CPT-3, BC1-CPT-4, BC2-CPT-1, and BC2-CPT-2. All CPTs were terminated in decomposed to highly weathered siltstone. BC2-CPT-2 was advanced approximately 20 feet into the siltstone, whereas the other CPTs were typically advanced 5 to 10 feet into the siltstone.

BC1-CPT-1 and BC1-CPT-2 were advanced near the downstream toe of the BC No. 1 dam to a depth of approximately 50 feet; BC1-CPT-3 and BC1-CPT-4 were advanced from the crest of the dam to a depth of approximately 83 feet. BC1-CPT-3 was located adjacent to boring BC1-B-1 to provide a correlation with the soil boring information.

All CPTs at BC No. 2 were advanced from the dam crest. BC2-CPT-1 was located adjacent to boring BC1-B-1 to provide a correlation with the soil boring information and extended to a depth of 85 feet. BC2-CPT-2 was located near the center of the dam, and extended to a depth of 95 feet and BC2-CPT-3 was located about 80 feet from the northern end of the dam and extended to a depth of 63 feet.

CPT data for each sounding, shear wave velocity plots, and pore pressure dissipation plots are included in Appendix B.2.

4.3 Geophysical Testing

A seismic refraction geophysical survey was conducted at the BC No. 1 and BC No. 2 sites on December 20 and 21, 2011 by Northwest Geophysical Associates, Inc. (NGA, 2012). The purpose of the survey was to estimate the depth to bedrock and define the bedrock subsurface profile.

The surface seismic refraction survey was performed using a seismograph to record data and sledge hammer to generate a seismic compression wave at regular intervals along and at the end of each line. The time required for a seismic wave to travel from a source to a receiver was measured, and the seismic velocity and depth to the underlying soil and rock strata were estimated based on this time period.

The locations of the seismic lines are shown on Figure 9 and Figure 10 for BC No. 1 and 2, respectively. A total of three seismic lines were performed; one at BC No. 1 and two at BC No. 2. Seismic line 1 (SL-1) was run on the crest of BC No. 1. SL-2 and SL-3 were run in opposing orientations radiating outward from the downstream toe at BC No. 2 due to conflicts with the stream, fish ladder, and wetlands.

In general, relatively slow compression or P-wave velocities of 700 to 1,200 feet per second (ft/s) were recorded to a depth of 42 feet at BC No. 1, which suggest relatively weak soil material below the dam crest. At a depth of about 42 feet, a seismic wave velocity of 3,700 ft/s was measured. The NGA report states that this zone is likely representative of sediments that are saturated to a greater degree than the



overlying sediment. This is the most plausible explanation of this faster velocity zone since BC1-B-1 and CPTu soundings BC1-CPT-3 and BC1-CPT-4 encountered siltstone at depths ranging from 82 to 85 feet. In addition, the NGA geophysicist stated that the short seismic line length and the low signal to noise ratio may have limited the ability to detect bedrock at depths of 80 feet and generally affected the quality of the survey.

Relatively slow P-wave velocities (800 to 1,100 ft/s) were recorded to a depth of 10 feet at BC No. 2, with faster velocities (4,300 to 5,600 ft/s) recorded below. Again, this is likely representative of sediments that are saturated to a greater degree than the overlying sediment since boring BC2-B-3 encountered siltstone at a depth of about 30 feet at the downstream toe of the dam. In HDR's opinion, and the opinion of NGA, the geophysical survey results were not successful in defining the bedrock profile. Therefore the refraction surveys were not used as part of the geotechnical site characterization.

The geophysical report is included in Appendix B.3.



5.0 LABORATORY TESTING

Northwest Geotechnical, Inc. conducted laboratory index testing on selected samples from each of the geotechnical borings. Testing consisted of water content, Atterberg limits, gradation analysis, bulk density, and unconfined compressive strength. The results are included in Appendix C.1. Tables C.1-1 and C.1-2 present data for dams BC No. 1 and BC No. 2, respectively.

Additional soil testing consisting of index, unconsolidated undrained (UU) triaxial compression, one-dimensional consolidation, and monotonic and cyclic simple shear tests were conducted on selected samples by Fugro Consultants, Inc. in Houston, Texas. The results are included in Appendix C.2.

Radiocarbon dating of a wood fragment from Boring BC1-B-1 was performed by Beta Analysis, Inc. in Miami, Florida. The laboratory test results are presented in Appendix C.3 and discussed in the following sections.

6.0 GEOLOGIC AND SEISMIC SETTING

6.1 Geologic Setting

The Big Creek dams lie at the western margin of the Oregon Coast Range physiographic province which consists of a moderately high mountain range and coastal headlands interspersed with shallow bays, estuaries, beaches, and dunes. The site is located approximately 2 miles north of Yaquina Bay and 0.5 mile inland from Agate Beach. Review of available geologic information indicates the bedrock in the area is Miocene Era Marine Sedimentary Rock. Snavely, MacLeod, Wagner, and Rau (1976) mapped the bedrock formation as Nye Mudstone consisting of sandy siltstone and fine- to medium-grained marine siltstone and sandstone. The marine sedimentary rock is overlain with alluvial streambed material consisting of sands and silts. The bedrock outcrops at the abutments for both dams, and it appears the alluvial sediment is deepest at the location of the current Big Creek stream channel.

The alluvial material found in the borings is generally a silt or clay with varying amounts of sand. Wood fragments and some organics were encountered in some of the borings indicating the material is relatively young geologically. A carbon14 dating test was performed to estimate the age of the sediment. The test results for a wood fragment from a depth of 50 feet from boring BC1-B-1 indicated the age of the sample was about 4,100 years (Appendix C.3). This indicates the alluvial sediments are Holocene in age (i.e., less than 12,000 years). There are some distinct differences between the dam foundations at BC No. 1 and BC No. 2. The BC No. 1 site is geomorphically a drowned stream valley with its base at about EL -40 feet NAVD88. Based on Boring BC1-B-1 the upper 31 feet (EL 23.9 to -7.1 feet NAVD88) of the alluvium consists of primarily high plasticity silt (MH) with varying amounts of sand and clay. The lower 30.5 feet of alluvium from EL -7.1 to -37.6 feet NAVD88 is primarily silty sand (SM) with one interval of low plasticity silt with sand (ML) and one interval of organic silt (OH). The bottom 15 feet of this lower zone of alluvium has scattered coarse sand and rounded gravel. The constituents of the lower zone of alluvium are that of an alluvial depositional environment. The upper zone of alluvium is more indicative of a lower energy near shore depositional environment such as an estuary or delta. In addition to the particle size difference, the high plasticity and moisture content data from the upper 32.5 feet of the alluvium indicate the possible presence of ash or other mineral characteristics typical of high plasticity silt and relatively high insitu void ratios. The sources of ash in Holocene alluvium can vary from the erosion of the local tuffaceous siltstone to syn-depositional volcanic events such as the 7,700-year-old Mazama eruption approximately 200 miles to the southwest. The identification of the source(s) of ash is not as critical as identification of the chemical and structural makeup of this zone of alluvium as these characteristics may be important with respect to behavior during cyclic softening under seismic loading.

At BC No. 2 located about 3,000 feet upstream from BC No. 1 the stream has transitioned to a more typical stream cut valley configuration with bedrock at about EL 0 feet NAVD88. The amount of alluvium at the BC No. 2 site is minimal compared to the BC No. 1 site. Alluvium was drilled in BC2-B-3 from EL 40.1 to 20.1 feet NAVD88 and consists of an upper zone of up to 5 feet of sandy high plasticity silt (MH) then is consistently silty sand (SM) to the top of the bedrock (decomposed siltstone) at EL 20.1 feet NAVD88.

6.2 Seismic Setting

The regional tectonic setting of the project area lies within a zone of active convergence between the Juan de Fuca Oceanic plate and the North American Continental plate. Compressive forces on a global scale are forcing the denser Juan de Fuca plate beneath the lighter North American plate. This process is referred to as “subduction.” Within this regional tectonic setting there are three general types of earthquakes that could generate ground motions at the site. Two are related to the subduction zone

(interface and intraplate earthquakes), and the third involves shallow crustal earthquakes within the North American plate. Only the interface and crustal earthquakes were found to generate significant seismic shaking. Crustal faults are generally located in the upper 20 miles of the earth's crust and typically have some surface expression related to the movement of the fault. The CSZ interface is generally considered to be located at a depth of 50 to 75 miles below the surface.

Known active faults in the region have been mapped by the United States Geological Survey (USGS, 2012) using information from a number of sources. The location of the faults and information related to them are available through the USGS Earthquake Hazard Program. The Quaternary Fault Map and associated database is available at <http://earthquake.usgs.gov/hazards/qfaults/>. Locations of earthquakes along the central Oregon coast during the period 1841 through 2002 are shown on Figure 1 of the Cornforth "Seismic Review and Ground Motion Development" Report (Cornforth, 2012, Appendix D). The Quaternary faults and folds of the region are shown on Figure 2 of the Cornforth Report. Quaternary faults are faults that have occurred during the last 2.6 million years and are considered potentially active. Two significant sources of seismic hazard were identified for the dam sites. The first source is the Yaquina Fault which is located approximately 1.9 miles north of the two dams. The Yaquina Fault is a crustal fault approximately 8 miles long. The Yaquina Fault has the potential of producing a magnitude (M) 6.1 earthquake. Due to the close proximity of the fault to the dams the peak ground acceleration (PGA) at the site of the dams is expected to range from 0.52g (acceleration due to gravity) to 1.10g with an average of 0.83g for a recurrence interval of 2,475 years. There have been no recorded earthquake events attributed to this fault, but geologic evidence suggests the fault is active. The second source is the CSZ located approximately 14 miles off the coast in the Newport area. The CSZ has the potential of producing a M 9.0 earthquake, but due to its distance the PGA was determined to be 0.56g with a recurrence interval of 2,475 years. The CSZ is believed to have generated an approximate M 9.0 earthquake on January 29, 1700. Geologic evidence suggests that there have been several events related to the CSZ over the last few thousand years, and that the events have been occurring for several million years.

Based on additional information not included in the Cornforth report, recent studies of turbidite deposits along the Cascadia margin indicate the CSZ can be subdivided into a northern and southern section with three potential rupture modes: full length, 50 to 70 percent of the southern section, and smaller seismic events for short reaches of the southern section (Goldfinger, et al., 2012). For a full length rupture, an average return period for a great earthquake has been estimated to be about 500 to 530 years. The average return period for the southern section of the CSZ based on analysis of the turbidite deposits is approximately 240 years. Therefore, a great earthquake on the full length CSZ could be expected to occur within the next 200 years and a large earthquake of a lesser magnitude on the southern section could occur at any time since it has been 300 years since the last recorded CSZ earthquake. Additional discussion of the estimated seismic hazards at the dam sites is provided in Section 8.0.

In addition to evaluation of the earthquake hazard at the site as described above, potential ground motions that would be associated with both the crustal and CSZ sources were recommended as part of the CCI studies (see Section 8.0). Ground motion time histories were not used in explicit seismic response evaluations completed under the current study but will be used for subsequent seismic response evaluations once the site characterization model is at a suitable level of understanding. It should be further noted that a significant effort is underway at the PEER to collect, evaluate and synthesize over 1,000 time history records obtained during the 2011 Tohoku earthquake off the northeastern shore of Japan. Once completed, the database of time histories that can be accessed and used for seismic response analysis of subduction zone earthquake events will be substantially improved. HDR has had discussions with the Executive Director of PEER and will be working with him during the next phase of work to update the evaluation of potential time histories that will be considered for the Newport dams and obtain

the appropriate information needed for input to seismic response models of the CSZ events. The time histories developed and presented in Appendix D will be suitable for use during the next phase of evaluation.

Finalizing the CSZ ground motions early in the next phase of work will be an important step for the project as HDR's experience with the seismic response analyses recently completed at Reclamations nearby Scoggins Dam has shown that the CSZ hazard will control the site response and safety of the dam. Currently, available information suggests that the CSZ earthquake events can have very large durations (100 to 400 seconds) and there can be significantly different remediation concepts and costs associated with this range of ground shaking durations. It is anticipated that the new information from PEER will increase the confidence in the ground motions used for evaluation and design and to help justify the shortest ground motion duration that is reasonable for the site.

6.3 Other Geologic Hazards

Given the location of BC No.1 and BC No. 2 near the Oregon coast and within the Oregon Coast Range, the geologic hazards of Tsunami inundation and landslides are possible. However, the Tsunami inundation hazard map (Figure 1) shows the downstream toe of the lower dam east and outside of the inundation line indicating that inundation during a tsunami is not likely to occur. A review of the State Wide Landslide Information Map produced by Oregon Department of Geology and Mineral Industry (DOGAMI, 2012) (<http://www.oregongeology.org/slido/index.html>) shows two landslides within the last 16 years within 1 kilometer of the dam sites. In addition, a large area of highly erodible Quaternary material is mapped adjacent to and north of the dam sites. This area has the potential for producing large volumes of sediment during periods of heavy rainfall. An existing or nascent landslide has the greatest potential to affect the stability of the dams if it occurs within any of the abutments. Another geologic hazard is the presence of liquefiable soils. Non-cohesive silts and silty sands are known to exist in the foundation at both sites. These materials, where they exist, are subject to liquefaction under seismic loading as discussed in Section 6.2.

7.0 SUBSURFACE CONDITIONS

7.1 Subsurface Stratigraphy

BC No. 1

As discussed in Section 4.0, a series of explorations were performed at the BC No. 1 dam site including: one boring and two CPTu soundings from the embankment crest, two CPTu soundings near the downstream toe, and a seismic refraction geophysical survey line across the crest of the dam from abutment to abutment. As previously noted, the seismic refraction surveys were of limited value and not included in development of the subsurface model at the BC No. 1 dam site. As shown on boring log BC1-B-1 in Appendix B.1, clayey silt (MH, defined as elastic silt with high plasticity) embankment fill was encountered from just beneath the dam crest (EL 45.4) to EL 23.5 feet. The embankment fill is underlain by sandy silt and clayey silt (EL 23.5 to -4.6 feet), and silty sand alluvium (EL -4.6 to about EL -37.6 feet) where weathered bedrock consisting of decomposed siltstone was encountered. Unless otherwise indicated, all elevations noted in this report are NAVD88.

Siltstone bedrock outcrops north and south of the embankment dam abutments. Based on the results of the boring, and CPTs (summarized further below), a general concept for a geologic model of the BC No. 1 site was developed. Using this concept, a typical cross-section through the maximum section of the dam was developed and is shown on Figure 3. A subsurface profile along the alignment of the crest of the dam is shown on Figure 4.

Following is a description of the materials (in accordance with the USCS ASTM D2487) encountered in boring BC1-B-1 and drilled from the crest of the dam. It should be noted that the embankment and foundation soils found at the site appear to be similar to materials of volcanic origin and hence display some unusual characteristics (i.e., high void ratio and water contents, moisture contents in excess of the liquid limit) These characteristics are not necessarily indicative of problematic soils but of the need for proper handling, testing, and evaluation procedures as the project progresses through future evaluation and construction phases.

Clayey SILT with some Sand (Dam Fill): The dam fill material generally consists of low to medium plasticity clayey silt with some fine sand. As discussed in Section 3.0, the plans for the original dam construction in 1951 indicate up to 21 feet of clayey silt fill was placed to construct the embankment. This is consistent with the conditions found in boring BC1-B-1 where fill appeared to extend from EL 47.4 to EL 23.9 feet (23.5 feet below the crest of the dam). SPT N-values ranging from 0 to 4 indicate the relative consistency of the fill is very soft to soft. Results of laboratory index testing on selected samples showed a plasticity index (PI) ranging from 20 to 28 (MH), water contents near the liquid limit (LL), and a fines (silt and clay) percentage near 50 percent.

Sandy SILT with some Clay (Alluvium): Alluvial material consisting of low to medium plasticity sandy silt with fine sand was encountered in BC1-B-1 below the dam fill, extending to EL 17.4 feet (depth of 30 feet). SPT N-values ranged from 0 to 5, indicating the relative consistency of the alluvium is very soft to medium stiff. Results of laboratory index testing on selected samples showed a PI of 14, LL of 49 which is a borderline low to high plasticity silt (ML-MH), water content above the LL, and fines percentage of 62 percent.

Clayey SILT with some Sand (Alluvium): This material was encountered from EL 17.4 to -4.6 feet (depth of 30 to 52 feet). Atterberg limit testing results showed this silt has a PI ranging from 14 to 41 (MH), LL

ranging from 54 to 87, and water contents at or slightly below the liquid limit. The SPT N-values recorded in this layer ranged from 0 to 2, indicating the soil is very soft to soft.

Silty SAND (Alluvium): Alluvial material consisting of low plasticity silty sand with isolated lenses of medium plasticity sandy silt and organic silt was encountered beneath the clayey silt from EL -4.6 to EL -37.6 feet (depth of 52 to 85 feet). SPT N-values ranged from 0 to 3, indicating the relative density is very loose. Laboratory testing indicates these soils generally have low plasticity with PI ranging from 0 (non-plastic) to 8 (ML) with few layers ranging from 22 to 28, LL ranging from 42 to 57, and fines percentage ranging from 22 to 53 percent. Scattered organics and wood chips/debris were encountered throughout this layer.

Siltstone (Marine Sedimentary Rock): The boring terminated in decomposed to weathered siltstone. In the decomposed condition, the siltstone consisted of stiff to hard, clayey silt. Results from the CPT penetrations also suggested that decomposed to weathered siltstone was encountered providing a basis to estimate the bedrock surface profile at the BC No. 1 site. The elevation of the siltstone layer that was found in each of the exploration borings or CPT soundings is summarized in Table 4 and shown on Figure 3 and Figure 4. The elevation of the siltstone layer varies from -16 to -38 feet with the lowest elevation near the original creek channel and highest siltstone elevation (i.e., shallowest) occurring beneath the northern and southern ends of the dam. Siltstone bedrock outcrops north and south of the embankment dam were identified in the field and surveyed with a handheld Global Positioning System (GPS) unit.

Soil samples are not obtained with a CPTu sounding; therefore it is generally accepted practice to establish a correlation between at least one soil boring and CPTu soundings during site characterization investigations. BC1-CPT-3 was performed adjacent to boring BC1-B-1 (see Figure 9) to allow a correlation of the CPTu data with the soil boring data, and to use this correlation to interpret the results from the other three CPTu soundings at the BC No. 1 dam site. The correlation with the soil boring is required primarily to determine if the CPTu derived soil classifications (i.e., sandy or clayey soils) match the soil classifications determined from visual classification and laboratory soil sample index testing. SPT N-values measured in the boring also can be compared to the CPTu data as well as laboratory measured undrained shear strength (S_u) values to develop a site specific correlation between both SPT and CPT measurements, and the shear strength of the embankment and foundation soils.

For seismic response evaluations, it is important to delineate materials that may be subject to liquefaction verses those that may soften due to cyclic loading. This is typically done by identifying materials that will behave as “sand-like” (potentially liquefiable) from those that will behave as “clay-like” (potentially susceptible to cyclic softening). For purposes of this study, the recommendations of Boulanger and Idriss (2004), and Bray and Sancio (2006) were used to identify these behavior characteristics. The primary soil property used for this characterization is the soil PI. The percentage of silt/clay in the soil matrix is also a consideration in this designation. As discussed in Section 7.0, “sand-like” soils generally have a PI less than 7 and may be potentially liquefiable. “Clay-like” soils generally have a PI equal to or greater than 7 and may be potentially susceptible to cyclic softening. A minimum fines content of between 35 and 50 is also considered for the “clay-like” designation.

Soil categorization based on a specific PI value (i.e., 12) and consideration of fines content is not possible without laboratory soil sample testing. For the purpose of the preliminary seismic evaluation, an attempt was made to use the CPTu soundings to classify soils as “clay-like” and “sand-like”. Additional soil borings and laboratory testing will be required during future study phases and design to determine the PI of the soils and the appropriate soil behavior characteristics during and immediately following an earthquake.

Identification of potentially liquefiable soils that are non-plastic or have low plasticity from more plastic soils using cone penetrometer test data generally can be established using the soil behavior type index. Robertson and Wride (1998) developed this method specifically to evaluate the liquefaction potential of soils based on CPT data. Based on their method, soils are considered to have liquefaction potential if the soil behavior type index (I_c) is less than 2.6. With this method, specific PI values for the soil are not addressed.

The I_c profile for BC1-CPT-3 is plotted on Figure 11. The I_c values are generally greater than 2.6 below EL 39 feet (depth of 8 ft); therefore, based on this method, the soils should not be potentially liquefiable. However, based on the laboratory index testing results and evaluation of the boring BC1-B-1 drilling log, the silty-sand soils from EL -5 to -37 feet are primarily non-plastic or have a low PI (≤ 7), have less than 35 to 50 percent fines, and should be considered potentially liquefiable. As shown on Figure 11, the I_c values from the CPTu are about 3 to 3.2 for the silty sand layer. In fact, the I_c values in the silty sand layer are not appreciably different from the I_c values for the medium plasticity clayey silt soils in BC1-B-1 between EL 20 and -4.6 feet. Based on this comparison, I_c does not appear to be a good indicator of liquefiable sand-like soil versus non-liquefiable clay-like soil for the soils encountered at the BC No. 1 dam site. Therefore, I_c was not used as a means to identify soils that are potentially liquefiable ($PI \leq 7$) at this time. As previously noted, the foundation alluvial soils have some unusual characteristics that are similar to materials associated with materials that originate from volcanic ash. I_c will continue to be considered during future investigation to identify any adjustments that are appropriate for a potential liquefaction designation in the seismic response evaluations

For this project, a simple methodology was established to delineate sand-like soils from clay-like soils by comparing the CPTu cone resistance (q_t) to the normalized pore pressure ratio (B_q). This method only provides an estimate for this preliminary seismic evaluation and additional borings and laboratory testing will be required to accurately delineate soils with a PI less than or greater than 7. As shown on Figure 12, generally when the q_t values were relatively low and uniform during penetration through the very soft to soft MH soils and the B_q was positive, the soils had a higher plasticity as confirmed by Atterberg limit testing of the samples from boring BC1-B-1 (Appendix C.1). There was a discrepancy between the interpretation using this method and boring BC-B-1 between EL +5 and -5 feet. In this interval, the CPTu interpretation would indicate the soils are sand-like, but the laboratory testing indicated the soils were an MH with a PI greater than 7. To be conservative, soils below an elevation of 0 feet were considered as potentially liquefiable in our post-earthquake stability analyses.

This technique was applied to each CPTu profile and the results are shown on Figure 13 and Figure 14 for BC1-CPT-1 and BC1-CPT-4, respectively. Thin apparently sand-like soil layers that occurred within the clayey layers were not differentiated if the sand-like layers were thinner than about 5 feet. The same criterion was applied for thin clayey layers that occurred within a sandy layer.

The q_t and B_q values for BC1-CPT-4 are considerably different from the BC1-CPT-3 profile; the CPTu soundings are approximately 100 feet apart along the crest of the dam. The q_t for BC1-CPT-4 below about EL 0 feet is much less than encountered in BC1-CPT-3. Also, the B_q values are relatively high for BC1-CPT-4 compared to negative values for BC1-CPT-3. The proximity of BC1-CPT-3 and BC1-B-1 to the original creek channel may explain why these materials appear to be sand-like as compared to BC1-CPT-4.

The results of this evaluation and the stratigraphy interpreted from the explorations are summarized in Table 5. The CPTu soundings indicate the delineation of sand-like and clay-like soils vary across the dam site. For this preliminary seismic evaluation, the soil profile for BC1-B-1/BC1-CPT-3 and the interpreted soil profile for BC1-CPT-4 were used for the seismic evaluation and geotechnical analyses. For the BC1-

B-1/BC1-CPT-3 profile, an elevation of 0 feet was selected for the top of the potentially liquefiable silty sand layer.

BC No. 2

A series of explorations were also performed at the BC No. 2 dam site; three borings, three CPTu soundings, and two seismic refraction survey lines. Two of the borings and the three CPTu soundings were performed on the embankment crest. Boring BC2-B-3 was performed near the downstream toe of the embankment. As previously noted, the seismic refraction survey results were of limited value and not used in the development of the subsurface model at the BC No. 2 dam site.

About 67 feet of MH embankment fill was encountered to EL 24.6 feet in boring BC2-B-1. About 42 feet of silty sand (SM) and clayey high plasticity silt (MH) embankment fill was encountered to EL 49.2 feet in boring BC2-B-2. These two borings confirmed information presented on the 1968 construction drawings and preliminary design report for the dam modifications (CH2MHill, 1974), indicating that the alluvium was removed to the top of weathered siltstone bedrock for the construction of the cutoff trench as shown on Figure 8.

A typical cross-section through the dam and foundation compiled from the available design and exploration information obtained during this study is shown on Figure 7. The location of this cross-section is shown on Figure 10. Upstream and downstream of the cutoff trench, the embankment fill is probably underlain by alluvium as represented by the foundation soils encountered in boring BC2-B-3. In general, HDR believes that the embankment fill and alluvial sediment are underlain by decomposed to weathered siltstone bedrock encountered in the borings, CPT soundings, and outcrops north and south of the embankment dam.

The following is a description of the materials encountered in boring BC2-B-1. These descriptions, excluding the reference elevation information, are similar to the materials found in boring BC2-B-2:

Clayey SILT with some Sand (Dam Fill): The dam fill material generally consisted of high plasticity clayey silt with some fine sand that extends to EL 26.6 feet, 65.0 feet below the crest of the dam. The fill is generally stiff to very stiff with typical SPT N-values of 10 to 13; however, lower N-values were obtained to a depth of about 15 feet below the crest of the dam and in the bottom 10 feet of the fill. Laboratory testing on two samples indicates a PI of 10 to 18 (MH), with a water content below the liquid limit.

Silty Sand (Fill): A 2-foot-thick layer/lense of nonplastic silty fine sand was found in the BC2-B-1 embankment fill between EL 26.6 and 24.6 feet. An N-value of 2 indicates the relative consistency of this fill material is very loose.

Siltstone (Marine Sedimentary Rock): Decomposed Siltstone (Clayey silt) was encountered from EL 24.6 feet to the boring termination at EL 11.6 feet. From EL 24.6 to 19.6 feet, the decompressed siltstone is hard with N-values of 30 and 32. The siltstone could be sampled with rock coring methods from EL 19.6 to 11.6 feet. The bedrock in the core samples was generally highly weathered and for the two core runs completed were 100 and 93 percent, respectively.

In boring BC2-B-3 drilled near the downstream toe of the embankment, the following foundation alluvium materials were encountered:

Silty SAND to sandy silt with some clay (Fill): The fill extended to a depth of 10 feet (EL 40 feet). It was unclear whether this fill was placed as part of the original construction or as part of a later dam

modification in 1976. The SPT tests in this layer showed the fill is loose to medium dense with SPT N-values ranging from 4 to 14. Laboratory testing of two samples indicated a USCS designation of ML/SM with a PI ranging from 12 to 14. The fines percentage ranged from 48 to 52 percent. Since the PI is greater than or equal to 7, the material was classified as clay-like for the seismic analyses.

Sandy SILT and Silty SAND (Alluvium): The sandy silt (MH) and silty sand (SM) extended 20 feet below the base of the fill to the surface of decomposed siltstone at EL 20 feet and is generally loose with SPT N-values ranging from 2 to 9. The soil generally has 35 to 64 percent fines content and a PI ranging from non-plastic (i.e., sand-like) to 19.

Siltstone (Marine Sedimentary Rock): Decomposed siltstone extended from EL 20 feet to the termination of the boring at EL 8.6 feet. The siltstone had a stiff consistency and gradationally classified as a borderline ML/MH to SM material. There were some scattered gravel and wood fragments in the siltstone.

7.2 Engineering Property Characterization

The following sections summarize the engineering properties of the embankment and foundation soils/bedrock that are required to assess seepage conditions and associated water pressures and gradient in the dam and foundation, along with the potential for liquefaction or cyclic strength degradation and the corresponding shear strength values to be used in slope stability analyses.

Basic Soil Parameters

The basic soil parameters summarized in Table 6 were developed for input to the geotechnical analyses including the total unit weight and volumetric water content.

Permeability (K)

An estimate of the steady-state seepage phreatic water surface through the dam and foundation is required for stability and seismic response evaluations. To estimate the location of the phreatic surface, the vertical permeability (K_v), horizontal permeability (K_h), and the ratio of vertical to horizontal permeability of the embankment and foundation soils at the site are required. Laboratory permeability tests were not performed for this preliminary seismic response evaluation of the Big Creek Dams. Instead, permeability values were selected for the different soil types included in the models based on a variety of published sources of information including values developed through extensive testing for major levee improvements in the Sacramento River basin near Sacramento, California (Board of Senior Consultants [BOSC], 2010). A summary of estimated permeability values for a wide range of soil types adopted for these evaluations are shown in Table 7. The suggested model layer colors also shown in this table were established to provide for consistency in presentation of model layer characteristics as the project progresses.

The soil classifications and fines content determined from laboratory testing of samples obtained from the borings completed at BC No. 1 and BC No. 2 are summarized in Tables C.1-1 and C.1-2, respectively (Appendix C). As noted above, the foundation soils at both sites are predominantly high plasticity silt (MH) and silty fine sand (SM). Embankment materials are predominantly MH materials. In addition to the soil materials in the embankment and foundation, there is a blanket drain in both dams. A review of the available construction documents found that there were no specifications for this material. Further, blanket drain materials were not sampled during the recent site exploration program. For the analyses, HDR has assumed that the blanket drains were constructed from slightly silty fine sand (3 to 7 percent fines).

A summary of the selected permeability values and K_v/K_h ratios are presented in Table 8. In addition to these presumptive values, permeability values were also estimated based on CPTu pore pressure dissipation tests. One dissipation test performed in BC1-CPT-3 at a depth of 39.7 feet indicated a K of 5×10^{-8} centimeters per second (cm/sec) in the clayey silt material and a test in the silty sand material at a depth of 59.7 feet yielded a value of 3×10^{-7} cm/sec. These values are lower than the typical values summarized in Table 7 and Table 8, and hence were selected as the lower bound values used in the analyses.

Soil Strength Parameters

Shear strength parameters for the existing static (pre-earthquake) and post-earthquake loading conditions were selected for each soil type in the typical BC No. 1 and BC No. 2 cross-sections shown on Figure 3 and Figure 7, respectively. For BC No. 1, the static and post-earthquake strength parameters were developed from interpretation of the CPTu data, laboratory testing, and correlations with soil index properties. For BC No. 2, the strength parameters were based on the interpretation of CPTu data, SPT N -values, and strength data included in the CH2MHill preliminary design report (1974).

As discussed further in Section 8.0, below, an evaluation of the SPT $N_{1,60}$ values and liquefaction potential of the sand-like soils at both dam sites indicates that SM and ML materials will liquefy due to an earthquake on either the Yaquina faults (M6.1) or CSZ (M9.0). These materials have reasonably good strength under static loading conditions, however, they will lose significant strength during an earthquake event. Similarly, there will be cyclic softening and loss of strength of some of the “clay-like” MH embankment and foundation soils during and immediately following either earthquake loading condition.

BC No. 1 Dam

For BC No. 1 dam, information from boring BC1-B-1 and the four CPTu soundings were used to assess the static and post-earthquake shear strength of the soils used in stability evaluations as summarized below.

Static Shear Strength. Estimated minimum factors of safety (FOS) for the static loading condition (long-term steady state seepage conditions), were performed using estimates of drained (effective stress) strength parameters (e.g., USACE, 2003). The effective stress friction angle for the clayey-silt soils were estimated based on laboratory PI determinations (Mitchell, 1976). For an average PI of 30 for the clayey silt embankment soils in BC1-B-1, a drained friction angle of 28 degrees was selected. For the silty sand foundation soils in boring BC1-B-1, the drained friction angle was estimated using equivalent $N_{1,60}$ values estimated from the CPTu profiles. For an average $N_{1,60}$ of 4 blows per foot (bpf), a drained friction angle of 28 degrees was also estimated (Mayne et al, 2001). A cohesion of 0.1 kips per square foot (ksf) was included for both the embankment and foundation soils to reflect the expected curvature of the failure envelope in the low effective stress range and minimize the influence of shallow (infinite slope) failure surfaces on the estimates of the location and minimum FOS during stability analyses. A summary of the drained shear strength parameters used for BC No. 1 static stability evaluations is presented in Table 9.

Post-Earthquake Strength. Post-earthquake strengths were developed in a two-step process. First, a general determination was made on an expected “sand-like” or “clay-like” behavior as previously discussed. For those embankment and foundation materials that are expected to have a “clay-like” behavior, estimates of the peak undrained shear strength (S_u) of the embankment and foundations soils were made based on the results from the CPTu tests (see Figure 15 and Figure 16). Using the estimates of peak strength and results of laboratory cyclic simple shear tests, an estimate of the amount of strength degradation was made to establish the “post-earthquake” shear strength input to the stability analysis models. For the foundation materials that are estimated to have a more “sand-like” response to

earthquake loads, the post-earthquake residual strength (also referred to as post-earthquake steady state strength) for the potentially liquefiable sand-like soils was estimated using the relationship proposed by Seed and Harder (1990) as shown on Figure 17. Seed (2010) calculated a least squares fit through the Seed and Harder (1990) data, and this relationship (red dashed curve) was used to estimate the post-earthquake strength of the sand-like soils ($PI < 7$). The CPTu derived $N_{1,60}$ values adjusted for fines content were used with the Seed and Harder (1990) relationship to estimate the post-earthquake undrained strength as shown on Figure 18 for BC1-CPT-3. A value of 0.2 ksf (200 pounds per square foot) was selected for the post-earthquake stability analyses of BC No. 1.

As shown on Figure 15 and Figure 16, shear strength values for four MH embankment and foundation materials encountered in the BC1-CPT-3 and BC1-CPT-4 soundings were estimated using the CPTu q_t values and a cone factor (N_k) of 15. N_k can vary from about 10 to 20; however, a value of 15 is typically used for estimating the shear strength for these soil types (Robertson, 2009). The interpreted S_u values for BC1-B-1/BC1-CPT-3 and BC1-CPT-4 are summarized in Table 10 and Table 11, respectively.

The interpreted undrained shear strength for both the BC-1 soundings generally decreased with depth. The S_u value for the embankment fill is about 1 ksf. For BC1-CPT-3, the S_u value decreases to about 0.75 ksf and for BC-CPT-4 it decreased to about 0.5 ksf. The S_u values below EL -25 feet for BC1-CPT-4 were considerably less than what would be expected for a normally consolidated soil with an S_u/S'_v ratio of 0.22 (S'_v is the vertical effective stress) and a normal range of void ratio and corresponding effective stress. The S_u/S'_v ratio is based on an average PI of 30 for the MH soils in BC1-B-1. This relatively low strength however, is reasonably consistent with the high void ratios (low unit weights) encountered, particularly in the foundation soils at the site. The relatively high normalized pore pressure ratios and low q_t values for BC1-CPT-4 (Figure 14) may indicate some influence of an artesian groundwater pressure near the top of the siltstone layer.

For the clayey silt soil, results from the laboratory static and cyclic simple shear tests were used to develop strength reduction factors to apply to the insitu CPTu strengths to account for the loss in strength due to cyclic loading. The result for the cyclic simple shear test for the undisturbed clayey silt soil sample from BC1-B-1 is shown on Figure 19. The test was performed at a cyclic strength ratio of 0.8 and the sample failed after 27 cycles of loading. As shown, the test result agrees with the published data presented by Boulanger and Idriss (2007).

Immediately after completion of the cyclic test, a monotonic simple shear test was performed to determine the post-cyclic undrained shear strength. This test showed that the undrained shear strength of the clayey soil was reduced by 33 percent due to the effects of cyclic loading. Therefore, the S_u profiles shown on Figure 15 and Figure 16 were reduced by 33 percent to account for the effect of cyclic loading; these values are included in Table 10 and Table 11 for profiles from BC1-CPT-3 and BC1-CPT-4, respectively.

BC No. 2

Static Shear Strength. As discussed in Section 7.1, the soils for BC No. 2 consisted of the clayey-silt fill soil within the embankment and cut-off trench and the alluvial soils outside the cut-off trench as represented by boring BC2-B-3. Estimated minimum FOS for the static loading condition (long-term steady state seepage conditions), were also performed using estimates of drained (effective stress) strength parameters (e.g. USACE, 2003). Estimates of the drained shear strength properties for the various embankment and foundation soils were obtained from the CH2MHill 1974 preliminary design report and are summarized in Table 12. A conservative value of 35 degrees was assumed for the gravel filters and a relatively low total unit weight of 82.4 pounds per cubic foot (pcf) with zero strength was assumed for the approximate 15 foot thickness of reservoir sediment.



Post-Earthquake Strength. The undrained shear strength parameters used as part of the CH2MHill 1974 preliminary design are shown in Table 13.

The estimated peak undrained shear strength based on three CPTu sounding results are shown for “clay-like” soils on Figure 20 through Figure 22. The interpreted values are somewhat erratic; however, the undrained shear strength values are generally between 1 and 3 ksf.

The post-earthquake strength values used for BC No. 2 were selected based on the results of the liquefaction and cyclic softening analyses discussed in Section 8.0, below. As shown in Table 13, the post-earthquake undrained shear strength for the clay-like embankment dam soils soundings was reduced to 66 percent of the pre-earthquake strength if the factor of safety against cyclic softening was less than 1.2. For boring BC2-B-3, post-earthquake residual undrained (steady state) shear strength was calculated for the liquefiable sand-like soils based on SPT blowcounts as described for BC No. 1.

8.0 SEISMIC HAZARDS AND GROUND MOTIONS

As previously noted in Section 6.2, above, a seismic hazard evaluation including the identification of representative of ground motions for the dam sites was performed as part of these studies (Cornforth, 2012) and is included in Appendix D. Specifically, this portion of the current study included the following:

- Identification of the principal seismic sources that contribute to the seismic hazard,
- Development of site specific response spectra,
- PSHA to identify peak ground accelerations as a function of recurrence interval for the identified seismic sources, and
- Identification of representative time histories for the identified seismic sources to use in seismic response evaluations.

8.1 Seismic Sources

The primary seismic sources identified that could impact the dam sites are the shallow crustal earthquakes within the North American tectonic plate and the CSZ. As shown in Table 1 of the Cornforth (2012) report, the Yaquina fault located 2.4 km (1.5 miles) from the site can generate a M 6.1 earthquake and the CSZ located about 24 km (15 miles) can generate a megathrust M 9.0 earthquake. These hazard sources are applicable to both dams since the distance of the sources to the dams is similar.

Several earthquakes about M 4.9 or smaller have occurred in the vicinity of the Big Creek dams in the last 170 years. In addition, recent research has strongly suggested a notable estimated M 9.0 megathrust (interface) earthquake event that occurred around January of 1700 on the CSZ.

8.2 Probabilistic Seismic Hazard Analysis (PSHA)

A PSHA was performed to develop estimates of peak ground motions at the dam sites that correspond to return periods of 475 to 2,475 years utilizing the USGS 2008 Interactive Deaggregation's web site. As shown in Table 2A of the Cornforth report, the CSZ would contribute 67 percent and the Yaquina fault 33 percent to the PGA hazard (0.0 second) for an earthquake with a return period of 2,475 years. Based on the USGS deaggregation, the magnitude and distance for the principal seismic sources are provided in Table 1 (all tables are provided at the end of this report):

8.3 Ground Motions

A number of factors need to be considered in the selection of the ground motion return period for safety evaluations and design including: regulatory requirements, potential loss of life, economic damage, and the need to maintain water supply after the seismic event. For purposes of these evaluations, ground motions for a 2,475-year return period were selected for the initial seismic evaluation of the BC No. 1 and BC No. 2 dams; this corresponds to a 2 percent probability of exceedance for a 50-year time interval.

The deaggregated earthquake ground motion hazards determined from the analysis for a 2,475-year return period and the corresponding PGAs are shown in Table 2.

The PGA values were determined using attenuation relationships applicable to each seismic source. The 84th percentile ground motion corresponds to the value that is one standard deviation above the mean value. For the Yaquina fault source earthquake, this resulted in estimated PGA values of 0.52g to 1.10g

for the different attenuation relationships with an average of 0.83g for a M 6.1 reverse fault rupture event. For the CSZ interface-megathrust source, four attenuation relationships were used and a weighted average was applied to estimate the 0.56 PGA value that would occur in the 0.4- to 2-second period range. The average response spectra for the 2,475-year return period are shown in Figure 23 and Figure 24 for the Yaquina and CSZ seismic sources, respectively.

8.4 Ground Motion Time Histories

Available records were searched to select appropriate ground motion time histories that can be used in explicit seismic response evaluations. The selection of an appropriate time history is typically based on similar geologic conditions, earthquake magnitudes, fault mechanism, and distance to fault rupture. The selected time histories were provided in Excel format and accompanied the Cornforth (2012) report. For the CSZ earthquakes, a limited database of ground motions are available; however, as previously noted, numerous seismic records from the recent Tohoku, Japan, and Chili subduction zone earthquake are being evaluated by the PEER. This is important because the duration of intense ground shaking during a CSZ event is uncertain and evaluation of time histories from a similar subduction type earthquake will improve this understanding and the basis for updated safety evaluations and design.

9.0 SEISMIC RESPONSE

9.1 Evaluation Procedure

Evaluating the potential response of embankment dams to significant ground shaking events is a complex process and requires an understanding of the seismic hazard, site characteristics, and the corresponding material properties of the embankment and foundation relative to static and seismic loading conditions as discussed in the preceding sections of this report. Experience has shown that the most difficult aspect of predicting the response of structures to seismic loading is characterizing the shear strength of foundation and embankment materials, particularly if they are of low density (contractive) and subject to the loss of strength under rapid loading conditions that are typical during large earthquake events.

The standard of care for completion of seismic response evaluations generally consists of a series of increasingly complex site investigations, laboratory testing, and seismic response evaluations. Initial evaluations tend to be more conservative. If these initial evaluations determine that the structures will respond favorably to seismic loads, safety evaluations can be terminated with relatively simple and inexpensive evaluations. However, if the initial (and simplified) evaluations identify potential safety concerns or deficiencies, supplemental site characterization and seismic response evaluations are typically undertaken to reduce the conservatism of the simplified evaluation procedures. Supplemental investigations and evaluations typically result in either; 1) elimination of safety concerns, or 2) minimization of the safety modification requirements and costs should a deficiency be confirmed.

The simplified evaluation completed for this initial evaluation of the Big Creek Dams consisted of the following:

1. Development of simplified geologic model of the sites including representative dam axis profiles and cross-sections for engineering evaluation (Sections 2 through 7).
2. Identification of the seismic hazards at the site (Section 6.2 and 8.0)
3. Estimation of engineering properties including permeability and shear strength of the various embankments and foundation materials in the cross-section models (Section 7.2).
4. Estimation of any shear strength reduction that may occur during and/or immediately following an earthquake due to liquefaction (typical of loose, contractive “sand-like” material behavior), or cyclic softening (typical of low density, and saturated “clay-like” material; Section 0).
5. Perform steady state seepage and stability analyses using estimated water pressures and drain shear strength properties to estimate minimum static FOS for each dam (Section 10.1).
6. Perform “post-earthquake” stability analyses using any appropriate strength reduction to estimate minimum “post-earthquake” stability FOS (Section 10.2).

Results of the initial site characterization including *insitu* testing, laboratory testing, evaluation of the material characteristics including seepage and shear strength properties of the embankment and foundation materials at each site along with the potential for shear strength reduction have been discussed in previous sections of this report. In the sections that follow, results of additional evaluations of strength reduction potential, particularly of the high plasticity clayey silts found in the dams and dam foundations are presented. The initial site characterization included limited direct sampling and testing for correlation to CPTu results. The one set of cyclic direct simple shear laboratory test results showed cyclic softening and strength reduction. Further evaluation of the CPTu tests discussed below support estimates of strength reduction that may occur in the “clay-like” embankment and foundation soils at the site.

Finally, the results of the steady state (static) stability, and post-earthquake stability analyses (using the estimates of shear strength reduction due to liquefaction or softening) are presented in Section 10.

In a simplified evaluation procedure, the overall safety of the dams is assessed based on the estimated minimum stability FOS under both static and “post-earthquake” conditions. The minimum required FOS under static loading conditions are well established and documented under state and federal dam safety guidelines. In general, a minimum static factor of safety of 1.5 is required for significant and high hazard dams. Guidelines for “post-earthquake” FOS are more variable under state and federal safety guidelines. However, minimum “post-earthquake” FOS values are generally interpreted as follows:

1. Values that are less than 1.0 are indicative of a significant potential for a flow failure of the structure.
2. Values between 1.0 and 1.2 are generally indicative of a potential for large structure deformations. For this condition, additional seismic response evaluations using empirical to advanced numerical modeling methods will likely be required to assess potential deformations, available freeboard following an earthquake, and the potential for either an overtopping or seepage (through cracks) potential failure mode development.
3. Values greater than 1.2 are generally acceptable except for special conditions which may require further evaluation. Such conditions may include dams with limited available freeboard, long duration earthquakes (such as the CSZ events) that may produce abnormally large deformations, or unusual site or design conditions (steep abutments) where cracking could result in development of a failure mode even for relatively small deformations.

9.2 Cyclic Softening Evaluation Methodology

Boulanger and Idriss (2006) state that soils with a PI less than 7 may be susceptible to liquefaction while Bray and Sancio (2006) state that soils with a PI less than 12 is susceptible to liquefaction. Bray and Sancio include an additional condition that the ratio of water content to liquid limit should be greater than 0.85 for the soils to be susceptible to liquefaction. For purposes of this study, materials with a PI less than 7 were considered as sand-like and potentially liquefiable. All other soils with a PI greater than 7 to 12 were considered as subject to cyclic softening.

A discussion of the materials in the dams and foundations that are “sand-like” and may be subject to liquefaction have been presented in Section 7.0. The associated drained and undrained “post-earthquake” residual (steady state) shear strength for these materials have been estimated based on direct insitu SPT testing or indirect correlations between CPT and SPT blowcounts normalized to an overburden pressure of 1 ton per square foot, a hammer efficiency of 60 percent, and corrected for fines content ($N_{1,60}$). A comparison of the SPT $N_{1,60}$ values from the soil boring BC1-B-1 or $N_{1,60}$ values based on the CPTu q_t profile in BC1-CPT-3 is shown on Figure 25, Results for BC No. 2 including boring BC2-B-3 are presented in Appendix E. No further evaluations of the sand-like materials were performed to support the estimates of post-earthquake strength reduction that may occur.

For clay-like soils, the potential loss in strength was evaluated using the methodology proposed by Boulanger and Idriss (2007). Their method is based on the original simplified procedure by Seed and Idriss (1982) for estimating cyclic stress ratio (CSR) and comparing this value to the cyclic resistance ratio (CRR) to estimate a factor of safety (FOS) against cyclic softening (also liquefaction) where:

$$\text{FOS} = \text{CRR}/\text{CSR}$$

An FOS less than one indicates softening could occur.

The CSR is used to quantify the stresses that may develop insitu during cyclic earthquake loading based on the following equation:

$$CSR = 0.6 * (a_{max}/g) * (S_{vo}/S'_{vo}) * r_d * K_0 * K_a$$

a_{max} = peak ground acceleration

g = acceleration of gravity

S_{vo} = Total overburden stress

S'_{vo} = Effective overburden stress

r_d = stress reduction coefficient

K_0 = Overburden stress correction factor

K_a = Ground slope correction

The CSR values were calculated using the PGA values determined for the Yaquina M 6.1 and CSZ M 9.0 deaggregated earthquake motions.

The procedure also requires an estimate of the CRR of the soils. To estimate CRR, first an estimate of the $CRR_{(M=7.5)}$ for clay-like soil is made from the following equation:

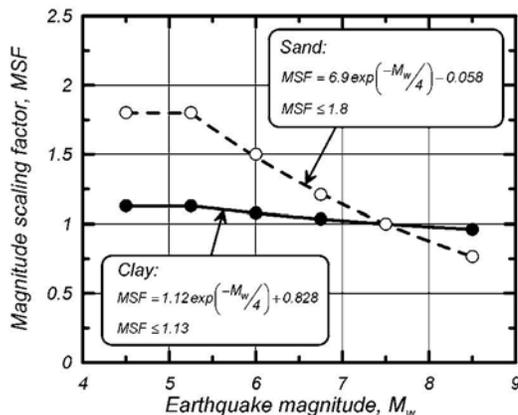
$$CRR_{(M=7.5)} = 0.8 * S_u/S'_{vo}$$

The CRR value is then adjusted for the earthquake magnitude as follows:

$$CRR = CRR_{(M=7.5)} * MSF$$

MSF = Magnitude scaling factor

The MSF is estimated based on the graph provided below. As can be seen, the MSF values for clay-like soils are less dependent on earthquake magnitude than sand-like soils.



9.3 BC No. 1

The FOS against cyclic softening for BC1-CPT-4 is shown on Figure 28. The FOS is acceptable to a depth of about 15 feet within the embankment, but decreases significantly in the relatively soft clay-like alluvial soils. This was expected based on the relatively low undrained shear strength values derived from the CPTu profile.

9.4 BC No. 2

The FOS against cyclic softening for BC2-CPT-1 is shown on Figure 29. The upper part of the embankment appears to be acceptable, but the lower portion above the siltstone has a relatively low factor of safety.

10.0 EMBANKMENT SEEPAGE AND SLOPE STABILITY ANALYSIS RESULTS

10.1 Embankment Seepage Analysis Results

The seepage analyses of BC No. 1 and BC No. 2 were performed using the finite element GeoStudio 2007 version 7.17 computer program. The purpose of these analyses was to estimate the location of the phreatic surface in the steady-state condition for use in slope stability and for yield acceleration analyses. To obtain the sensitivity of the phreatic line to the hydraulic conductivities, the seepage analyses were performed for the combination of the lower bound and upper bound permeabilities (referred to as hydraulic conductivity in Appendix F) of the foundation and embankment materials.

Analysis Cases

The seepage analyses were performed for the idealized cross-sections based on the results of CPTu borings BC1-CPT-3 and BC1-CPT-4, and geotechnical boring BC2-B-1, as previously discussed. The long-term or steady state seepage study cases are presented in Table 15. Due to the uncertainties in the functionality of the buried toe drain at BC No. 1, the seepage analysis was conducted for two cases of with and without toe drain. The toe drain for the BC No. 2 was assumed to be functional. A more detailed presentation and discussion of the analysis study cases and results are included in Appendix F.

Geometry and Boundary Conditions

The geometry of the embankment and soil stratification was developed from the current topography maps and geotechnical investigation of the project. The reservoir water levels in the models are summarized in Table 15. The potential seepage boundary condition with zero flux is applied to the downstream face of the embankment as well as the ground surface downstream of the toe of the dam in all models.

Material Properties

The material properties selected for the different material types are discussed in Section 7.0 and presented in Tables 2 through 5 in Appendix F. The material types are identified by color on the model cross-sections on Figures 1 through 6 in Appendix F.

The permeability curves of the partially saturated materials such as embankment and foundation soils were estimated using the Fredlund and Xing method in the SEEP/W manual (GeoSlope, 2010) up to a maximum matrix suction of 10,000 psf. The residual water content of the materials was also estimated using the method indicated in the SEEP/W 2007 manual.

SEEP/W Results

The output plots of the analysis are presented in Appendix F on Figures 7 through 14 for BC No. 1 and Figures 15 and 16 for BC No. 2. Analysis results indicate that the location of the phreatic surface would be similar for the lower and upper bound permeability values used in the analyses. The results also indicate that a functioning toe drain for the BC No. 1 dam would have a significant impact on the location of the phreatic surface (see Figures 9, 10, 13, and 14 in Appendix F). The pore water pressure values from the SEEP/W analyses were transferred to SLOPE/W models for estimating the slope stability FOS.

10.2 Embankment Stability Analysis Results

Slope stability analyses were performed using the GeoStudio 2007 version 7.17 computer program to estimate the FOS for static and post-earthquake loading conditions for BC No. 1 and BC No. 2. Static and post-earthquake shear strength values presented in Section 7.0 and discussed further in Section 9.0 above

were utilized. The Spencer's method of slices was used to perform the analyses since it satisfied both force and moment equilibrium of each slice. The geometry of the stability analysis models were the same as the geometry of the models used in the seepage analyses.

BC No. 1

The results of the stability analysis are summarized in Table 16. The minimum FOS values, estimated for the static loading conditions at BC No. 1, exceed 1.5 for both Study Case 1 (without toe drain) and Study Case 2 (with toe drain). An example of the results for the downstream slope at the BC1-CPT-4 cross section for Study Case 2 and drained strength parameters are shown on Figure 31.

Post-earthquake analysis results using reduced shear strength values are also summarized in Table 13. Undrained Strength Values for Post-Earthquake Slope Stability Analyses used in 1974 analyses by CH2MHill, Dam BC No. 2. As can be seen, the minimum post-earthquake FOS values are significantly lower than the static values. The greatest reduction in the estimated minimum FOS occurs using the cross-section characteristics and reduced shear strength values for BC1-CPT-3. The most critical potential failure surface corresponding to the estimated minimum FOS of 1.08 is shown on Figure 31 and extends into the liquefiable, sand-like soil foundation soils. The failure surface extends to a daylight location below the reservoir water surface elevation suggesting that an overtopping failure mode could develop if deformations become large enough. The minimum post-earthquake FOS results using the cross-section and reduced strength values for BC1-CPT-4 are 1.44. The critical potential failure surface corresponding to this minimum FOS value is shown on Figure 33. These results are also highlighted yellow. In both cases, the results suggest that additional evaluations of the downstream slope of BC No. 1 should be performed to further refine the cross-section properties and estimate deformations of the structure using more advanced numerical modeling methods to determine the potential for an overtopping or a cracking/seepage related failure mode to develop during a large earthquake event. Based on our experience, HDR believes that the ground motions associated with a CSZ M 9.0 megathrust event will be the critical safety and design event for this dam.

One of the significant characteristics of subduction zone earthquakes around the world is the occurrence of significant after shock events a relatively short time after the primary event occurs. The strength reduction to the clay-like soils associated with the BC1-CPT-4 cross section would likely occur during the initial and primary earthquake event. Pore water pressures that would develop in the high plasticity clayey silt materials in the embankment and foundation of the dam would not likely dissipate for several weeks allowing a corresponding return to a higher shear strength and minimum FOS conditions. Hence, any subsequent earthquake response would begin at the condition of reduced shear strength and additional significant deformations may be induced to the structure.

To make an initial assessment of this concern, a pseudostatic seismic analysis was performed to estimate the yield acceleration (i.e., FOS=1.0) for each case using the reduced shear strength parameters. The results for the downstream slope using strength values for BC1-CPT-3 are shown on the upper portion of Figure 34. The estimated yield acceleration for BC1-CPT-3 is about 0.006g (upper graph). This low yield acceleration (the acceleration to cause additional structure deformation) is expected because the post-earthquake minimum FOS was only 1.06. For BC1-CPT-4 conditions, (lower graph), the yield acceleration is only 0.04g, even though the post-earthquake minimum FOS was 1.49. These results suggest that aftershocks will be a significant consideration in the assessment of the overall safety of BC No. 1 and design of any remediation treatments.

BC No. 2

The results of the stability analysis are summarized in Table 17. The minimum FOS value of 1.83 estimated for the static loading condition of the downstream slope of BC No. 2 also exceed 1.5. The critical potential failure surface associated with this minimum FOS is shown on Figure 35.

Post-earthquake analysis results using reduced shear strength values are also summarized in Table 17. As can be seen, the minimum post-earthquake FOS value of 0.4 is less than 1.0 suggesting a significant potential for a stability failure of the structure during a large earthquake. The location of the critical failure surface associated with this minimum FOS value is shown on Figure 36. The failure surface daylights substantially below the reservoir and sediment levels strongly suggest the corresponding development of an overtopping failure mode releasing the full contents of the reservoir at the time of the earthquake. The minimum FOS value for the downstream slope results are highlighted red in Table 17. It should be noted that the minimum FOS value for the upstream slope is well above 2.0 suggesting that only the safety of the downstream slope requires further evaluation and corrective action. Similar to BC No. 1, based on our experience, HDR believes that the ground motions associated with a CSZ M 9.0 megathrust event will be the critical safety and design event for this dam.

11.0 CONCLUSIONS AND RECOMMENDATIONS

11.1 Conclusions

BC No. 1

The minimum FOS identified for BC No 1 (lower) indicates that this structure meets acceptable stability criteria and is stable under static loading conditions using the estimated static strength of the soils.

The BC No. 1 clay-like embankment soils are not well compacted, and the relatively loose sand-like and clay-like foundation soils extend up to 60 feet below the embankment. Based on the limited geotechnical explorations that were performed for this preliminary seismic evaluation, liquefaction of the relatively loose sand-like soils would result in a considerable loss of soil shear strength during a large earthquake event. The strength of the clay-like embankment and foundation soils would also be reduced in a seismic event. Simplified post-earthquake stability analysis results using the estimated reduced shear strength of these materials (that would occur during an earthquake) indicated that BC No. 1 could be susceptible to damage due to a large seismic event originating on either the Yaquina fault or CS Z. The dam may be subject to further and significant damage associated with aftershocks. Either fault system can generate large earthquakes, but the CSZ is of greater concern because of the relatively long duration of strong shaking from subduction-type earthquakes.

Field studies completed as part of this evaluation identified that the discharge end of the drainage blanket under the downstream embankment slope is not exposed as originally designed and constructed. This drain appears to be covered by up to 8 feet of clay-like soil fill (Figure 3). While the soils covering the drain discharge may slightly enhance the stability of the downstream slope, the drain is likely not functioning resulting in an increase in the water pressures in the dam and foundation materials beneath the downstream slope. The available records do not indicate when and why this fill was placed. Restoration of the drainage blanket function should be considered as part of future evaluation and remediation designs.

BC No. 2

The minimum FOS value identified for BC No. 2 (upper) indicates that this structure meets acceptable stability criteria and is stable under static loading conditions using estimated static strength of the soils.

As simplified analysis results indicated, however, the downstream slope of BC No. 2 is susceptible to significant damage and would likely experience a stability failure due to a seismic event originating on either the Yaquina fault or CSZ. Either fault system can generate large earthquakes, but the CSZ is of greater concern because of the relatively long duration of strong shaking from subduction type earthquakes. The critical potential failure surface identified in these evaluations suggest that an overtopping breach of the dam would occur releasing the full contents of the reservoir.

The BC No. 2 clay-like embankment soils are generally well compacted; however, loss in strength of some of the clay-like embankment soils, particularly in the lower portions of the embankment and cutoff trench could still occur because of the intensity of ground shaking that is possible. Based on the available design and construction records, it appears that most of the alluvial soils were removed for construction of the cutoff trench; however, outside of the relatively narrow cutoff trench the embankment dam was constructed on the alluvial foundation soils that also appear to have the potential for significant strength loss during earthquake loading. One boring drilled near the downstream toe of the embankment dam (BC2-B-3) also revealed a relatively loose layer of potentially liquefiable sand-like soil. Liquefaction of this relatively loose layer of sand-like soil would also result in a considerable loss of soil strength.

11.2 Recommendations

The preliminary seismic evaluation of the BC No. 1 and BC No. 2 dams presented in this report has indicated significant safety concerns with each dam. It is noted however, that these evaluations were based on limited site characterization information and a simplified analyses procedure. Safety concerns as well as any remediation design are sensitive to the characterization of the embankment dam and foundation soils. The differentiation between the sand-like liquefiable soils and the clay-like soils and the corresponding post-earthquake strength of materials that may be susceptible to liquefaction or cyclic softening is a critical consideration and is dependent on the density and PI of the soils. The loss of strength of sand-like soils due to liquefaction during seismic loading is the more acute consideration at the site.

Based on the results of this evaluation and experience on similar projects including the nearby Scoggins Dam evaluations underway by the U.S. Bureau of Reclamation, HDR recommends that an additional phase of site characterization studies including additional sampling and testing of the embankment and foundation soils along with correlation of soil properties to existing and additional CPT soundings be completed. Further, we recommend that more advanced numerical modeling of the dams be performed to support the safety assessment and for development of remediation concepts. Laboratory testing of soil samples is the only means to reliably classify the soil as either sand-like or clay-like and to support the development of estimates of peak and reduced undrained shear strength.

Additional Field Exploration and Laboratory Testing

To properly characterize the soils, HDR recommends drilling three additional borings at BC No. 1 and four additional borings at BC No. 2. Each boring would be drilled at least 10 feet into the decomposed/weathered siltstone. Since the foundation soils are highly variable, soil samples spaced on 2.5-foot intervals is required. At each boring location, a boring will be drilled utilizing the SPT sampler to obtain disturbed samples to determine the soil PI. Based on the field classification of the soils, a companion boring will be drilled next to the SPT boring to obtain undisturbed samples with a hydraulic fixed-piston sampler. This will provide the highest quality undisturbed samples for laboratory testing. Such a program will target samples from the optimum depth and will result in the minimum number of required undisturbed samples and laboratory testing. Laboratory testing of the undisturbed samples should include consolidation, static triaxial, and static and cyclic direct simple shear.

Dam Repair Alternatives Analysis

The seismic evaluation of each dam would be revised based on the results of the additional boring and laboratory test data. If these results indicate that the dams are still vulnerable to damage during a seismic event, repair alternatives should be developed. Based on the workshop held at HDR's Portland office on August 2, 2012, it is understood that the City of Newport may not want to repair BC No. 1 even if the analysis indicates the dam could fail during a seismic event. HDR recommends that alternatives be developed for BC No. 1 that include a conceptual design and cost estimate to allow the City to then decide if the cost to repair BC No.1 is prohibitive and if storage from the BC No. 1 reservoir should be moved to BC No. 2 with a corresponding enlargement of that dam and reservoir.

Repair of BC No. 1 Drainage Blanket

As previously noted, restoration of the downstream embankment drainage blanket function should be considered as part of future evaluation and remediation designs.

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PLANNING STAFF MEMORANDUM
FILE No. 3-CP-12

I. Applicant: City of Newport. (Initiated pursuant to authorization of the Newport Planning Commission).

II. Request: Revisions to the Urbanization and Public Facilities elements of the Newport Comprehensive Plan to update standards against which an Urban Growth Boundary amendment is evaluated (i.e. implementation of Goal 14, effective 2006), establish that it is city policy to acquire lands and protect water quality within its municipal watershed, acknowledge structural deficiencies in the city municipal water reservoirs, and outline steps the city will take to resolve the deficiencies.

III. Planning Commission Review and Recommendation: The Planning Commission will review the proposed amendments and provide a recommendation to the City Council. At a later date, the City Council will hold an additional public hearing prior to any decision on the amendments.

IV. Findings Required: The Newport Comprehensive Plan Section entitled "Administration of the Plan" (p. 287-288) requires findings regarding the following for the proposed amendments:

- A. **Data, Text, Inventories or Graphics:** (1) New or updated information.
- B. **Conclusions:** (1) Change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information.
- C. **Goals and Policies:** (1) A significant change in one or more conclusion; or (2) a public need for the change; or (3) a significant change in community attitudes or priorities; or (4) a demonstrated conflict with another plan goal or policy that has a higher priority; or (5) a change in a statute or statewide agency plan; or (6) applicable statewide planning goals.
- D. **Implementation Strategies:** (1) a change in one or more goal or policy; or (2) a new or better strategy that will result in better accomplishment of the goal or policy; or (3) a demonstrated ineffectiveness of the existing implementation strategy; or (4) a change in the statute or state agency plan; or (5) a fiscal reason that prohibits implementation of the strategy.

These findings are addressed in the proposed ordinance, attached to this report.

V. Planning Staff Memorandum Attachments:

Attachment "A"	Draft of the proposed Ordinance, with exhibits
Attachment "B"	Dam Assessment PowerPoint, prepared by HDR, dated August 2012
Attachment "C"	DEQ/OHD Source Water Assessment Summary (PWS # 4100566)
Attachment "D"	Statewide Planning Goal 14, Urbanization, effective April 2006
Attachment "E"	1993 Park System Master Plan Reservoir Regional Park Concept
Attachment "F"	Notice of Public Hearing
Attachment "G"	Markup copy of revisions to Public Facilities and Urbanization Elements of the Newport Comprehensive Plan

VI. Notification: Notification for the proposed amendments included notification to the Department of Land Conservation & Development (DLCD) in accordance with the DLCD requirements on December 14, 2012. Notice of the Planning Commission hearing was published in the Newport News-Times on January 16, 2013 (Attachment "F").

VII. Comments: As of January 23, 2013, no written comments have been submitted on the proposed amendments. Staff met with representatives from DLCD on January 7, 2013 to review the proposed changes. They advised that the agency didn't have any issues with the revisions at that time.

VIII. Discussion of Request: Revisions to the Public Facilities element of the Newport Comprehensive Plan were initiated by the Planning Commission in response to a Dam Assessment, performed by HDR consultants, which identifies structural deficiencies in the City of Newport's Big Creek #1 and Big Creek #2 domestic water storage reservoirs (Attachment B). This new information is not addressed in the City's Water System Master Plan, which was last amended in 2008. While the full extent of the deficiencies is not yet known, it is evident from the analysis that the City will need to reconstruct one or both of its reservoirs. Proposed policies describe how the City should respond to this threat to its domestic water supply, including strategies for completing necessary engineering studies to ascertain the full scope of the problem, financing future construction and land acquisition, and protecting water quality consistent with a source water assessment performed by the Oregon Dept. of Environmental Quality/Oregon Health Department (Attachment C). A policy referencing an outdated Public Facility Plan from 1990 is being deleted.

A second set of amendments are proposed to the Urbanization element of the Newport Comprehensive Plan. This section of the Comprehensive Plan sets out the process and criteria for amending the Newport Urban Growth Boundary (UGB). Changes to a municipal UGB must comply with Statewide Planning Goal 14 (Attachment D). That statewide planning goal was updated in April of 2006. The City Council has expressed an interest in expanding the Newport UGB to include the reservoirs under urban "public" zoning that would make it easier for the City to modify its water infrastructure in response to the reservoir structural issues and to construct a future regional park called for in the 1993 Park System Master Plan (Attachment E). To efficiently accomplish this objective, the Commission felt it prudent for the City to update its standards for evaluating UGB amendments to comport with current state law before considering an expansion proposal involving the reservoirs. Proposed revisions include changes to the text of the section to reflect that the City's official population forecast has been updated to 2031, clarification regarding areas that have been studied for potential future inclusion into the Newport UGB, and amendments to the required findings section that set out the needs analysis required under the current (2006) version of Goal 14.

A markup copy of the specific changes is enclosed (Attachment G). A placeholder for a detailed geotechnical examination of the reservoirs is included in the draft ordinance. That report, which is in draft form, builds upon the analysis contained in the HDR PowerPoint presentation.

IX. Conclusion and Recommendation: The Planning Commission should review the proposed amendments and make a recommendation to the City Council. As this is a legislative process, the Commission may recommend changes to the amendments if the Commission chooses to do so. The City Council may also make changes to the proposal prior to adoption of a final decision.



Derrick I. Tokos AICP
Community Development Director
City of Newport

January 23, 2013

Draft Minutes
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
Monday, January 28, 2013

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

Commissioners Absent: Jim Patrick and Bill Branigan (*both excused*).

City Staff Present: Community Development Director Derrick Tokos and Executive Assistant Wanda Haney.

A. Roll Call. In the absence of the Chair, Vice-Chair Small presided over the meeting. Small called the meeting to order in the Council Chambers of Newport City Hall at 7:06 p.m. On roll call, McIntyre, Croteau, Small, Fisher, and East were present. Patrick and Branigan were absent but excused.

B. Approval of Minutes.

1. Approval of the Planning Commission work session and regular session meeting minutes of January 14, 2013.

MOTION was made by Commissioner Fisher, seconded by Commissioner Croteau, to approve the Planning Commission minutes as presented. McIntyre had noted some wording that he thought might be incorrect; but upon reviewing it, he found it to be okay and withdrew his comment. The motion carried unanimously in a voice vote.

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

D. Consent Calendar. Nothing on the consent calendar.

E. Public Hearings.

Legislative Actions:

1. **File No. 3-CP-12:** Consideration of proposed text amendments to the Urbanization and Public Facilities elements of the Newport Comprehensive Plan to update standards against which a Urban Growth Boundary amendment is evaluated (i.e. implementation of Goal 14, effective 2006), establish that it is city policy to acquire lands within its municipal watershed, acknowledge structural deficiencies in the city municipal water reservoirs, and outline steps the city will take to resolve the deficiencies. The Planning Commission will make a recommendation to the City Council on this matter.

Vice-Chair Small opened the public hearing for File No. 3-CP-12 at 7:10 p.m. He read the summary of the action from the agenda. He noted that this was a legislative hearing and asked the Commissioners for declarations of any conflicts of interest; and nothing was declared. He called for objections to any of the Planning Commissioners or the Commission as a whole hearing these matters; and no objections were raised. Small called for the staff report. Tokos noted that this was a legislative hearing where the Commission is considering amendments to two elements of the Comprehensive Plan. One is the Urbanization element for the rules by which the City evaluates changes to the UGB. The other is the Public Facilities element, which includes the policies on infrastructure. The changes to the Urbanization element are updates to the City standards so they are current with the most current State law on how a jurisdiction goes about doing UGB amendments. He noted that the packet included a draft ordinance with exhibits and a series of attachments. There was a "Dam Assessment" presentation provided by HDR. Attachment 'C' was the DEQ Source Water Assessment. Attachment 'D' was Statewide Planning Goal 14 (Urbanization), which was adopted in 2006 and is the current standards for urbanization. Attachment 'E' was part of the '93 Parks System Master Plan. Attachment 'F' was the public notice information. Attachment 'G' was the markup copies showing where the two different elements were modified. The Urbanization amendments bring that up to the current State law, which has a needs assessment requirement for evaluating when a jurisdiction can expand the UGB. We need to demonstrate the need to bring in public facilities, housing, or whatever urban-type use it might be. We have to show that there is no alternative to accommodate that use. Then if there is no alternative site, is there some rural exception land that could be used. Then it goes to Timber zones. There are standards that require us to demonstrate compliance with Statewide Planning Goals. Tokos noted that there was a recommended change to language in the proposal. That was on the one-piece memo that was distributed to the Commissioners tonight. In the proposed findings that have to be made, finding 5(c) currently states: "Statewide Planning Goal 2 exception criteria." The City Attorney is recommending that should be changed to: "Compliance with applicable Statewide Planning Goals, unless an exception is taken to a particular goal requirement." The modified language is more consistent with OAR 660-024-0020, which lists requirements for amending urban growth boundaries. Tokos said this is something that is important in terms of the change. He said that in our view, the Administrative Rule is very clear that cities have the right to seek exception to Statewide Planning Goals, and that is a path for

expanding the UGB. This is an alternative path. Tokos said that the changes to the Public Facilities element incorporate or acknowledge work done since the last master plan in 2008. For Big Creek Reservoir, there has been enough analysis done by HDR that we understand it will require work if we have any kind of earthquake. What these changes do is acknowledge that this is a new condition we didn't know about to begin with. We will work to fully understand the full range of options and come up with a plan to address that over time; including not only what the solution is, but how to finance the solution and things of that nature. There is also the acknowledgment that it is the City's policy to acquire lands within its watershed, which is not a policy now. The City is going to take the steps it can to protect water quality in the watershed. DEQ says to do that we should be targeting land within 1,000 feet of the reservoirs. Tokos said that is the nature of the proposed revisions, and they really do set the table for what we are planning to bring forward; the proposal the Planning Commission authorized to be initiated in order to bring in the reservoir property. Small asked if this was driven by the analysis of the condition of the reservoirs. Tokos said the changes to the public facilities are driven by that.

Small read the statement of rights and relevance and called for testimony.

Proponents: Patrick Wingard, Northwest Regional Representative for DLCD, 4301 3rd St, Tillamook, Oregon, spoke in support of the proposed amendments but not exactly to the criteria. He thought that staff has been very patient. DLCD has shared their opinion on much of the work the Commission is looking at tonight; but more for next month's hearing. Wingard said staff did a good job of modernizing Goal 14 rules. His department has reviewed this and has no objections to anything in the findings for text amendments. DLCD supports everything except one particular section. He said that the memo Tokos had provided makes the language somewhat better; but in DLCD's opinion it is not necessary. They feel they are additional findings that are not required; not alternative findings. It is their understanding that the City would have to make findings against all of those if seeking goal exception. He said that is probably the only thing he would raise at this point. He said that hopefully over the next couple of weeks they will provide the City with comment on the actual UGB proposal. As far as what the Commission is doing tonight, DLCD supports it and thinks it is a very good idea. What it offers is an easier path than what the old Goal 14 had where goal exceptions were part of the old rule. Wingard said that in conversation with his colleagues, they feel that one of the reasons for changing from the old Goal 14 rules to the new rules in 2006 was to remove the requirement to have to go through the exception process. He noted that the City's view may be that there is an opportunity if the local government so chooses to apply for goal exception; but he said that DLCD's viewpoint is different. They think that applies to other rules, like Goal 7 or Goal 16. He said that is their understanding but doesn't affect their support tonight.

Tokos said that the City's and the City Attorney's view is that applies to Goal 14 also. He said that in our view, the value of having language in there that says that complies with applicable Statewide Goals unless exception is taken is that we have more than one path to pursue the UGB amendment. We have the avenue of taking an exception. Wingard said that is the City's prerogative so long as Goal 14 is met. Tokos said that the language for finding 5(c) before the Planning Commission is almost verbatim in the OAR. Wingard thought that language was better, although DLCD would offer that it is not necessary at all. In answer to a question from Croteau, Wingard said that the way it was explained to him by their urban specialist is that the new rules in 2006 removed that exception to be taken. If an exception were taken, it would be for another aspect of the Statewide Planning Goals; not the needs assessment, which is mandatory. Wingard mentioned that the State is working on this issue because they realize that UGB amendments are challenging.

There were no other proponents wishing to testify.

Opponents or Interested Parties: There were no opponents or interested parties wishing to testify.

Small closed the hearing at 7:29 p.m. for Commissioner deliberation. McIntyre said that he had reviewed it all and the Commission has discussed this for some time now. He said it looks fine to him. Croteau said this sets essential ground work. He said it was sensible and he was comfortable with it. Fisher and East agreed. Small agreed also. He said this puts the framework into place to move ahead and address the real concerns and must be addressed.

MOTION was made by Commissioner Croteau, seconded by Commissioner McIntyre, to forward a favorable recommendation to the City Council on File No. 3-CP-12 involving revisions to the Urbanization and the Public Facilities elements of the Newport Comprehensive Plan with the language change to finding 5(c) that Tokos provided in his memo. The motion carried unanimously in a voice vote.

F. New Business. No new business items to discuss.

G. Unfinished Business. No unfinished business.

H. Director's Comments.

1. LCDC action on Territorial Sea Plan (TSP). Tokos noted that, as mentioned in work session, LCDC took action on January 24th on proposed amendments to the TSP to facilitate wave energy off the coast of Oregon within the territorial sea (3 miles out). What they adopted allowed a little broader use for wave energy than recommended. He noted that, with Newport having the grid-

connected testing facility and the non-grid test facility, our territorial sea should be reserved for test use only and not commercial deployment.

2. Teevin Bros./Port Taskforce Update. Tokos said that Teevin Bros. Logging has their Traffic Impact Analysis (TIA) submitted, and it is out for public comment until February 1st at 5:00 p.m. He has been collecting public comments. He said we have to be clear that TIA comments should be directed toward approval criteria and traffic generated. Comments about whether it is a good idea or not are not suitable. This is a permitted use, so that question has been answered for this site. The question is if the roads are in a condition capable of handling additional truck traffic or if they can be mitigated to handle it. He said that Teevin is working on changes to their submittal to address the identified deficiencies. A decision will be prepared that is subject to appeal to the Planning Commission and beyond that to the City Council. He said he would not be surprised if that is appealed. There are strong feelings on both sides.

3. Memo of Understanding (MOU) with OMSI. Tokos said he will work on a MOU with OMSI where the City spells out to what degree they need to do public road improvements for their project. Public Works helps get improvements in place that benefit other properties, not only OMSI. Tokos said this isn't dealing with what the Planning Commission deals with on a day-to-day basis, but he will be happy to bring this information to a work session.

Fisher asked about Safe Haven Hill accessibility. Tokos explained that the interim improvements are pretty much finished. Just to have basic accessibility, the City crews graveled the access, cleared out dead fall, and took out homeless camps. Actual permanent improvements would include path extensions along Abalone, forest trails, sidewalk along 101, actual paved access to the top, a pad at the top for a storage unit to hold emergency supplies, and wiring for power. The City submitted for a FEMA grant for that, and it has been months into FEMA for review. Tokos received an email today from our liaison with emergency management that the grant is in the formal moving process. There should be an agreement in the next few weeks to get that money obligated so we can do the phase 1 work. There is a lot of geo-technical work. By authorizing phase 1, they will automatically do phase 2 as well.

Croteau noted that at work session, the Commission had talked about the workforce housing issue. He said there had been other things the Commission had looked at to get entry level costs for houses. Tokos said there were regulatory things the Commission had talked about looking at; such as skinny streets, reducing minimum lot size, allowing park models, and accessory dwellings. Croteau asked if there was any hope of adjusting SDCs, which are a big chunk of the cost. Tokos said that formally changing SDCs to account for square footage would help significantly. That will have to be on the table if we open up changes to the SDCs. He noted that SDCs are a very small fraction of the funding for capital projects, but they are still a viable source for that kind of work.

I. Adjournment. Having no further business to discuss, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant

Oregon's Statewide Planning Goals & Guidelines

GOAL 14: URBANIZATION

OAR 660-015-0000(14)

(Effective April 28, 2006)

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Urban Growth Boundaries

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements, except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.

Land Need

Establishment and change of urban growth boundaries shall be based on the following:

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year

population forecast coordinated with affected local governments; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

(1) Efficient accommodation of identified land needs;

(2) Orderly and economic provision of public facilities and services;

(3) Comparative environmental, energy, economic and social consequences; and

(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Urbanizable Land

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

Unincorporated Communities

In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by commission rules which ensure such uses do not adversely affect agricultural and forest operations and interfere with the efficient functioning of urban growth boundaries.

Single-Family Dwellings in Exception Areas

Notwithstanding the other provisions of this goal, the commission may by rule provide that this goal does not prohibit the development and use of one single-family dwelling on a lot or parcel that:

- (a) Was lawfully created;
- (b) Lies outside any acknowledged urban growth boundary or unincorporated community boundary;
- (c) Is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and
- (d) Is planned and zoned primarily for residential use.

Rural Industrial Development

Notwithstanding other provisions of this goal restricting urban uses on rural

land, a county may authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, on certain lands outside urban growth boundaries specified in ORS 197.713 and 197.714, consistent with the requirements of those statutes and any applicable administrative rules adopted by the Commission.

GUIDELINES

A. PLANNING

1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area; (2) the needs of the forecast population; (3) the carrying capacity of the planning area; and (4) open space and recreational needs.

2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.

3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

B. IMPLEMENTATION

1. The type, location and phasing of public facilities and services are factors

which should be utilized to direct urban expansion.

2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian) and improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural areas.

3. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas.

4. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.

5. Additional methods and devices for guiding urban land use should include but not be limited to the following: (1) tax incentives and disincentives; (2) multiple use and joint development practices; (3) fee and less-than-fee acquisition techniques; and (4) capital improvement programming.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

NOTICE OF A PUBLIC HEARING

The City of Newport City Council will hold a public hearing on Tuesday, February 19, 2013, at 7:00 p.m., or shortly thereafter, in the City Hall Council Chambers to review a Comprehensive Plan text amendment (File No. 3-CP-12). The proposed legislative amendment is to the "Urbanization" and the "Public Facilities" elements of the Newport Comprehensive Plan to update standards against which a Urban Growth Boundary amendment is evaluated (i.e. implementation of Goal 14, effective 2006), establish that it is city policy to acquire lands within its municipal watershed, acknowledge structural deficiencies in the city municipal water reservoirs, and outline steps the city will take to resolve the deficiencies. The Newport Comprehensive Plan Section entitled "Administration of the Plan" requires findings regarding the following for the proposed amendment: A. Data, Text, Inventories or Graphics Amendment: 1) New or updated information. B. Conclusions Amendment: 1) Change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information. C. Goal and Policy Amendments: 1) A significant change in one or more conclusions; or 2) A public need for the change; or 3) A significant change in community attitudes or priorities; or 4) A demonstrated conflict with another plan goal or policy that has a higher priority; or 5) A change in a statute or statewide agency plan; and 6) All the Statewide Planning Goals. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from proponents, testimony from opponents, and questions and deliberation by the City Council. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be viewed or a copy purchased. Contact Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address d.tokos@newportoregon.gov (mailing address above).

(For Publication Once on Wednesday, February 6, 2013)

angles, which kept the Central competitor guessing as to where the 220-pounder's shots would come from.

"Last year Robby had a terrible habit of being strong for one round and then not being strong any longer, so him improving, conditioning and knowing when to pace himself and knowing how he can push himself is a big thing," said Russell. "To see how he's improved in the last year, to be able and not only compete but beat up that caliber of talent was a big win for him."

In the Cubs' practice room before the match, Russell talked about getting the early momentum and how important it was to make the meet work. Connor and Haynes, two of the first three grapplers to take the mat on senior night, accommodated Russell's wishes, pinning their respective opponents in rapid succession.

Haynes said he learned a lot of new moves last year that have been developed and put into effect as a senior. He's shooting for the second-seed in the 130-pound bracket, which would situate him in suitable position to go to state, and he said starting fast is paramount to his pursuit.

"Coach Russell has been telling us to have that mindset that we're the ones to beat, and we have to go out thinking they're

little more of an intense match, but it ended pretty well."

Brett Boys, at 170 pounds, is a wrestler who Russell says practices hard but hadn't been able to put it all together in match situations, that is until Thursday. The junior immobilized his man and excavated a second-round fall to put more points on the board for the Cubs.

Travis DeRocher also had a first-rate outing, securing his rival to the turf with a head-and-arm maneuver with 58 seconds remaining in the first round. Russell noted DeRocher hasn't been with the team enough this year because of sickness and family vacation to get the needed conditioning to go the full six minutes without having trouble.

Yet, Russell sees his captain's potential with the district just a week away because as a freshman and sophomore, DeRocher was one Newport's cream of the crop.

"I wrote him a little note because he's one of my four seniors this year, and I said 'my prayer for you is that when we get to districts everything is going to fall together' because I know what his capabilities are," said Russell.

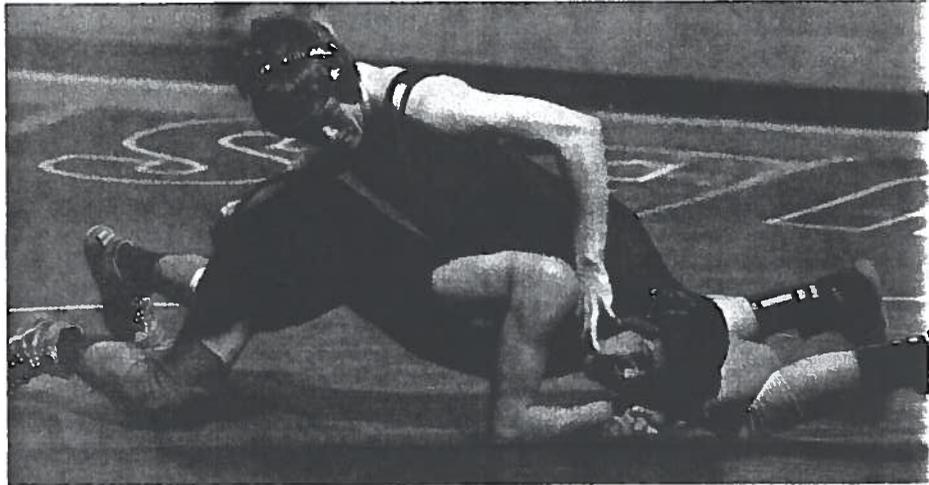
"It's just been slow getting it started, but every win for him is a big win because it encourages confidence. Travis is a racehorse, he's a skilled wrestler."



Newport's senior wrestler Chris Batchelder had the Cubs' fastest pin against Central on Thursday, flattening his man just 20 seconds into the first round. (Photos by Matt Singledecker)



182-pound wrestler Robbie DuPrau tries to fight of a Central opponent in the first round of the Cubs' dual meet with the Panthers Thursday. DuPrau went all six minutes in the match.



Newport's Matt Haynes won his last match ever at Spangler Court on Thursday against Central, getting a quick pin to help the Cubs pull a for the team win. Haynes is ranked second in the district and along with Josh Connor aided Newport's fast team start at home.

SILETZ *Continued from page C1*

a giant upset probably wasn't going to transpire, but they knew they had to play the best they could and prove they were a like-minded team. People are starting to take notice of the betterment Siletz has assembled this year. T-Lake head coach Chad Brown, considered one of the best coaches in the state, told Warren after the game that Siletz has made an upsurge of improvement in the last year. Siletz supporters around town approach the girls all the time and tell them approving things about their style of play.

"It's been the first time we've been in that position to win

(against Triangle Lake). We always count ourselves out before we play that game, and the girls came in believing they could play ball with them, and they did well," said head coach Willie Worman. "I've been telling the girls all year that I have faith in them, I know they're warriors and can handle business, but they have to have faith in themselves. They're finally getting there. They're just now hitting their stride, and I wish we had another month of basketball instead of another week. Every one of the goals we set before this game were reached, except for the score."

Worman said Triangle Lake's experience size and athleticism eventually wore down the Warriors, but watching the young Warriors compete at the Lakers' astronomical level was memorable. Siletz put the effort in and played extremely hard, especially against first-team all-state returnee Kianna Brown. The Warriors fronted her, doubled her, denied her the basketball and made her work for every single point, which is something you have to do against a great player. Brown got hers, scoring 35 points, but mostly off transition opportunities. In the half court, if Brown drove, she was

met by the long arms and physical nature of Kaetlin Bayya, Misty Warren and Lexi Metcalf, who had no qualms about sending Brown to the deck with fleshy fouls.

"We tried to make sure she couldn't get any shots up," said Metcalf, who had five rebounds and two blocks. "We were playing hard. We made smart passes, looked for our open shots and played good D. If we found holes in their defense, we took them."

Senior Cecelia DeAnda had seen her share of one-sided, inequitable blowouts at Siletz's expense, but she was proud of

how her young team went into the contest with a positive demeanor and believed they could fight roughhouse around with the Lakers. Twice in the second half, the Warriors had possessions where they grabbed at least five offensive rebounds, a testament to strength of character and desire to stay in an out-of-reach contest.

DeAnda even blocked Brown from behind when the first-team all-stater went baseline, and the 5'4" Warrior got her right hand on the rock and roped it away. In the third, DeAnda scored four points, and Misty Warren swished two jumpers from the right elbow to help keep pace with T-Lake.

In the fourth, Bayya drained a three, and DeAnda flicked in a 15-foot jumper from the top of the key. Bayya had a rundown, come-out-nowhere swat, and Morgan Crawford used her dexterous frame to get in the key and inhale a pair of offensive

rebounds.

Siletz could've called it a game when they were down 32 at halftime, but they withst the 2012 state semi-finalists hovered around late enough the contest that Kianna Brown had to play three quarters. 39-point defeat felt a lot more competitive than what the I score indicated. With just games left in the season, Warriors can take Friday's game and use it as a stepping-stone the near and distant future.

"We gave up a little bit but we just stopped it and back in the game. I'm just we stayed in it for the game all the way to the Usually we give up because they score so much, but we kept playing. That's the clutch score and the most points we scored as a team against angle Lake," said DeAnda, had to stop them shooting that all night - that's what they ally do - and we did."

PUBLIC NOTICES

LEGAL DEADLINES

NOTICE: In the matter of the civil forfeiture of Methamphetamine and \$2,285.00 in U.S. Currency. Notice of Potential Claimants: Read this Notice Carefully! The property described above has been seized for civil forfeiture if you have an interest in that property, you must claim that interest or you will automatically lose that interest. To claim an interest you must file a legal paper called a "claim" with the forfeiture court, named below. The "claim" must be signed by the claimant under penalty of perjury and must include: (a) The true name of the claimant; (b) The address at which the claimant will accept future mailings from the court or forfeiture counsel; and (c) A statement that the claimant has an interest in the seized property. The "claim" must be filed with forfeiture court within 21 days after the last publication date of this notice. This notice will be published on four successive weeks, beginning January 16, 2013 and ending February 5, 2013. If you have any questions, you should see an attorney immediately. Write to file a claim: Kristin H. Yule, Forfeiture Counsel, Lincoln County Courthouse, 225 West Olive Street, Room 110, Newport, OR 97365 (541) 295-4788. Summary statement of basis for civil forfeiture: On or about October 4, 2012, the property described above was seized for civil forfeiture by agents of the Lincoln Interagency Narcotics Team (LINT). The property was seized from Heien Estep. The property is subject to forfeiture pursuant to the laws of the State of Oregon (ORS 131A), because it is drugs, equipment, and money that are the proceeds of or that were used to facilitate, a violation of the

WEDNESDAY EDITION: 8:00pm THURSDAY PRIOR
 On Feb. 22 at 2:30 pm a public sale will be held at Ideal Storage, 134 NE Metcalf, Siletz, OR. We reserve the right to reject any or all bids/uses. Contents of unit #5082 rented by JAKES STRICKLER, 25 BOX 47, Siletz, OR 97380 will be for sale. Min bid \$50. CASH ONLY. The aforementioned party can contact us prior to the sale at the address above or call 541-338-9611 F-6, 13 (56-13)

PUBLIC SALE
 On Feb. 22 at 2:30 pm a public sale will be held at Ideal Storage, 134 NE Metcalf, Siletz, OR. We reserve the right to reject any or all bids/uses. Contents of unit #5174 rented by Patrick Crouch PO Box 853, Siletz, OR 97380 will be for sale. Min bid \$50. CASH ONLY. The aforementioned party can contact us prior to the sale at the address above or call 541-338-9611 F-6, 13 (56-13)

PUBLIC SALE
 On Feb. 22 at 2:30 pm a public sale will be held at Ideal Storage, 134 NE Metcalf, Siletz, OR. We reserve the right to reject any or all bids/uses. Contents of unit #5174 rented by Jason Lupchin, 472 NE Aider St, Toledo, OR 97351 will be for sale. Min bid \$50. CASH ONLY. The aforementioned party can contact us prior to the sale at the address above or call 541-338-9611 F-6, 13 (57-13)

PUBLIC SALE
 On Feb. 21 at 2:30 pm a public sale will be held at Ideal Storage, 5441 W Hwy 20, Toledo, OR. We reserve the right to reject any or all bids/uses. Contents of unit #1072 rented by JAMES SPRUEY, 125 DUNLAP RD APT C-23, MILLEDGEVILLE, GA 31062 will be for sale. Min bid \$50. CASH ONLY. The aforementioned party can contact us prior to the sale at the address above or call 541-338-9611 F-6, 13 (60-13)

PUBLIC SALE
 On Feb. 21 at 2:30 pm a public sale will be held at Ideal Storage, 5441 W Hwy 20, Toledo, OR. We reserve the right to reject any or all bids/uses. Contents of unit #1072 rented by JAMES SPRUEY, 125 DUNLAP RD APT C-23, MILLEDGEVILLE, GA 31062 will be for sale. Min bid \$50. CASH ONLY. The aforementioned party can contact us prior to the sale at the address above or call 541-338-9611 F-6, 13 (60-13)

PUBLIC SALE
 On Feb. 22 at 2:30 pm a public sale will be held at Ideal Storage, 5441 W Hwy 20, Toledo, OR. We reserve the right to reject any or all bids/uses. Contents of unit #1072 rented by JAMES SPRUEY, 125 DUNLAP RD APT C-23, MILLEDGEVILLE, GA 31062 will be for sale. Min bid \$50. CASH ONLY. The aforementioned party can contact us prior to the sale at the address above or call 541-338-9611 F-6, 13 (60-13)

FRIDAY EDITION: 5:00PM TUESDAY PRIOR

PUBLIC SALE
 On Feb. 22 at 2:30 pm a public sale will be held at Ideal Storage, 134 NE Metcalf, Siletz, OR. We reserve the right to reject any or all bids/uses. Contents of unit #5082 rented by JAKES STRICKLER, 25 BOX 47, Siletz, OR 97380 will be for sale. Min bid \$50. CASH ONLY. The aforementioned party can contact us prior to the sale at the address above or call 541-338-9611 F-6, 13 (56-13)

PUBLIC SALE
 On Feb. 22 at 2:30 pm a public sale will be held at Ideal Storage, 134 NE Metcalf, Siletz, OR. We reserve the right to reject any or all bids/uses. Contents of unit #5174 rented by Patrick Crouch PO Box 853, Siletz, OR 97380 will be for sale. Min bid \$50. CASH ONLY. The aforementioned party can contact us prior to the sale at the address above or call 541-338-9611 F-6, 13 (56-13)

PUBLIC SALE
 On Feb. 22 at 2:30 pm a public sale will be held at Ideal Storage, 134 NE Metcalf, Siletz, OR. We reserve the right to reject any or all bids/uses. Contents of unit #5174 rented by Jason Lupchin, 472 NE Aider St, Toledo, OR 97351 will be for sale. Min bid \$50. CASH ONLY. The aforementioned party can contact us prior to the sale at the address above or call 541-338-9611 F-6, 13 (57-13)

Comprehensive Plan to update standards against which a Urban Growth Boundary amendment is being studied. (As implemented by ORS 2008, establish that it is city policy to acquire lands within its municipal water- and sewer service areas. A public hearing is planned to consider the adoption of Civil Service Rules during a meeting, F-6 (62-07)

NOTICE
 Notice is hereby given that in conformance with ORS Chapter 264 as amended by 1997 laws Chapter 285 Lincoln County has posted and made available for review at the county courthouse and public libraries with the county a schedule of expenditures of the county which shall exceed \$500 for the previous month, and a statement of the proceeds of the County Board of Commissioners (Summary of Minutes) from the previous month. Copies of a part of the posted information may be obtained from the county upon request and payment of a copying fee. Further information can be obtained by calling the County Department of Finance & Accounting, 265-4177 or by writing to the Finance & Accounting Department, 210 S.W. 2nd Street, Newport, OR 97365. Dana W. Jenkins, Lincoln County Clerk, F-6 (63-0)

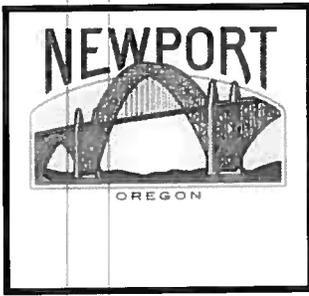
NOTICE OF A PUBLIC HEARING
 The City of Newport City Council will hold a public hearing on Tuesday, February 19, 2013, at 7:00 p.m. or shortly thereafter at the City Hall of Go o Chamber to review a Comprehensive Plan text amendment (Title No. 62-07). The proposed legislative amendment is to the "Urbanization" and the "Public Facilities" elements of the Newport

of the hearing or must be personally presented during testimony at the public hearing. Material related to the proposed amendment may be reviewed or a copy purchased at a cost of \$10.00. Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be viewed or a copy purchased. Contact Derrick Tokos, AICP Newport Community Development Director, (541) 574-0628, email address: dtokos@newportoregon.gov (mailing address above) F-6 (64-06)

PUBLIC NOTICE
 Marys Peak Resource Area Young Stand Silvicultural Activities. The Bureau of Land Management has made a decision to perform pre-commercial thinning and manual maintenance on approximately 40 acres within the Marys Peak Resource Area in 2013 and 2014. The activities are under 35 years of age and are located throughout Lincoln, Benton, and Polk counties. The Catalogic Exclusion/Decision Record for the project can be obtained above or from the Salem District Office, 1717 Fabry Road SE, Salem, Oregon, 97306 or from the Salem District website. This notice constitutes the decision on document for purposes of protests and appeals, under 43 CFR Subpart 5003 - Administrative Remedies. The BLM must receive protests within 15 days after the first publication of this notice. The regulations do not authorize the acceptance of protests in any form other than a signed, written copy that is delivered to the physical address of the advertising BLM office. For more information, call Ariene Roux at (503) 316 5955, F-6 (65-06)



Siletz Valley freshman power forward Lexi Metcalf snatches a deflected rebound in the lane against Triangle Lake on Friday. The Warrior 10-8 at one point in the first quarter. (Photo by Matt Singledecker)



Agenda Item # VIII.B.i.
Meeting Date February 19, 2013

CITY OF NEWPORT AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Public Hearing on Resolution No. 3621 to Consider Adoption of a Supplemental Budget for Fiscal Year 2012/2013

Prepared By: David Marshall Dept Head Approval: dm City Mgr Approval: [Signature]

Issue Before the Council: The issue before Council is to conduct a public hearing on Resolution No. 3621, and adopt Resolution No. 3621 which would approve a supplemental budget to the city's FY 2012/2013 budget to address increased appropriation changes in the General Fund.

Staff Recommendation: Staff recommends holding a public hearing on Resolution No. 3621.

Proposed Motion: I move to adopt Resolution No. 3621, a resolution approving a supplemental budget and making appropriations in the city's fiscal year 2013/2013 budget to address increased appropriation changes in the General Fund.

Key Facts and Information Summary: Upon completion of the audit for fiscal year 2011/2012, the city found that the General Fund had more had more resources than had been budgeted. In order to make some of these resources available for additional appropriations, the Council must adopt a supplemental budget for the following reasons:

General Fund - The city took a conservative approach to forecasting the Beginning Fund Balance (BFB) for the General Fund. The receipt of both property taxes (primarily delinquent taxes) and franchise taxes were both greater than historical averages. Accordingly, city staff is recommending additional appropriations in the General Fund as shown in the attachment entitled, "Notice of Supplemental Budget Hearing." In addition, Generally Accepted Accounting Principles (GAAP) requirements dictate that we show three years' of revenue and expense activity for the lease and eventual purchase of the northside fire station all in one year - this year. Those additional expenses, and the resources to fund them, are also shown in this fund. Finally, there are other miscellaneous costs associated with the northside fire station - the anticipation of revenues and expenses associated with the SAFER grant, and minor revenues and expenses with the Police Department. Council can expect a future supplemental budget, likely in March, to address appropriations in facilities and grounds.

Other Funds - In the Housing Fund, the city recognized the proceeds from the sale of a fish plant on the Bayfront, and, in the Airport Fund, the revenue and expenses associated with the AIP 18, 19, 20 and 21 FAA grants.

Other Alternatives Considered: None

Fiscal Notes: The Supplemental Budget authorizes the city to legally expend monies not previously appropriated during this fiscal year.

CITY OF NEWPORT
Notice of Supplemental Budget Hearing

A public hearing on a proposed supplemental budget for the City of Newport, Lincoln County, State of Oregon, for the fiscal year July 1, 2012, to June 30, 2013, will be held City Hall, 169 SW Coast Highway, Newport, Oregon. The hearing will take place on February 19, 2013, at 7:00 pm. A copy of the supplemental budget document may be inspected or obtained on or after February 13, 2013, at the Finance Department, City Hall, 169 SW Coast Hwy, Newport, Oregon between 8 a.m. and 5 p.m.

<--- Resources --->	Amount	<--- Requirements --->	Amount
Loan Proceeds	260,000	Capital Outlay - Building	\$ 257,861
	-	Loan Expenses	\$ 2,139
<i>Lease and Purchase of North Side Fire Station</i>			
General Debt Fund		General Fund	
Contingency	16,498	NS Fire Station - Principal	7,897
		NS Fire Station - Interest	8,553
		NS Fire Station - Loan Charge	48
<i>To appropriate debt payments due to lease/purchase of North Side Fire Station</i>			
General Fund		Grant Expense	
Grant Revenue	195,000		100,000
		Contingency	95,000
<i>To record potential receipt of SAFER Grant revenue</i>			
General Fund		Contingency for K-9 Augmentation	
Beginning Fund Balance	26,723		10,000
K-9 Revenue	5,000	Traffic Citation Assessment	21,723
<i>To adjust balances in these accounts.</i>			
General Fund		Cost Center 1070 - Personal Services	
Beginning Fund Balance	30,000		30,000
<i>To transfer additional resources for Personal Services forecast to exceed Adopted Budget</i>			

Summary of Supplemental Budget (All Other Funds)

<--- Resources --->	Amount	<--- Requirements --->	Amount
Housing Fund			
Contingency	173,473	Misc Sales and Services	173,473
<i>From Sale of Fish Plant on Bay Front</i>			
Airport Fund			
Grant Revenue	162,000	Grant Expenses	162,000
<i>To record possible receipt of AIP 18/19 Revenue</i>			
Grant Revenue	1,100,000	Grant Expenses	1,100,000
<i>To record possible receipt of AIP 20/21 Revenue</i>			

CITY OF NEWPORT

RESOLUTION NO. 3621

**A RESOLUTION ADOPTING
A SUPPLEMENTAL BUDGET AND MAKING APPROPRIATIONS**

WHEREAS, certain additional resources have become available because of larger-than-budgeted beginning fund balances for Fiscal Year 2012/2013; and

WHEREAS, appropriations for certain expenditures need to be increased; and,

WHEREAS, a public hearing was held in accordance with ORS Chapter 294;

The City of Newport resolves as follows: that the appropriations as outlined in the attachment are hereby approved.

This resolution will become effective immediately upon passage.

Adopted by the Newport City Council on February 19, 2013.

Sandra Roumagoux, Mayor

Attest:

Margaret M. Hawker, City Recorder

From: Derrick Tokos
Sent: Thursday, February 14, 2013 8:19 AM
To: Cindy Breves
Subject: RE: SDC Appeal - Teevin Bros - Storm Water - SDC's

No attachment. Just the email.

Derrick

From: Cindy Breves
Sent: Thursday, February 14, 2013 8:05 AM
To: Derrick Tokos
Subject: RE: SDC Appeal - Teevin Bros - Storm Water - SDC's

Derrick, I have changed the agenda but there was no attachment on this email . Should there be?

From: Derrick Tokos
Sent: Wednesday, February 13, 2013 5:37 PM
To: Cindy Breves
Cc: Jim Voetberg; City Council; Peggy Hawker
Subject: FW: SDC Appeal - Teevin Bros - Storm Water - SDC's

Cindy,

Please include this in the Council packet and note on the agenda that the SDC appeal has been postponed to March 18th.

Thank you,

Derrick I. Tokos, AICP
Community Development Director
City of Newport
169 SW Coast Highway
Newport, OR 97365
ph: 541.574.0626
fax: 541.574.0644
d.tokos@newportoregon.gov

From: Paul Langner [<mailto:plangner@teevinbros.com>]
Sent: Wednesday, February 13, 2013 4:50 PM
To: Derrick Tokos

Cc: portman@portofnewport.com; Eric Oien

Subject: SDC Appeal - Teevin Bros - Storm Water - SDC's

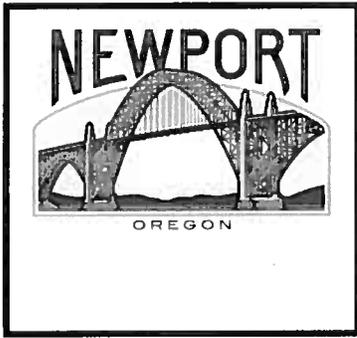
Mr. Tokos –

We respectfully ask a continuance of our appeal of storm water systems development charges.

Please set-over the appeal until March 18th

Eric Oien, General Manager

Sent per direction //s// P W Langner



Agenda Item # IX. B.
Meeting Date 2/19/13

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Consideration of Resolution No. 3619 - Calling for an Election on a Proposed Amendment to the Newport Municipal Code that would Create a New Chapter 4.30 which would Prohibit the Distribution of Single-Use Plastic Carryout Bags by Retail Establishments and Impose a Fee for Paper Bags

Prepared By: Hawker Dept Head Approval: ph City Manager Approval: _____

Issue Before the Council: The issue before Council is consideration of Resolution No. 3619 calling for an election on the creation of a new Chapter 4.30 of the Newport Municipal Code which would prohibit the distribution of single-use plastic carryout bags by retail establishments and impose a fee for paper bags

Staff Recommendation: This is solely a Council decision. In order to move this item forward so that it can appear on the May 21, 2013 ballot, this resolution must be adopted this evening.

Proposed Motions: I move to adopt Resolution No. 3619 calling for an election to be held on May 21, 2013, to refer to the voters of the City of Newport, Oregon, a measure that would create a new Municipal Code Chapter 4.30 regarding single-use plastic carryout bags.

Key Facts and Information Summary: On December 6, 2010, the City Council adopted Resolution No. 3529 supporting the state Legislature passing legislation to ban single-use plastic checkout bags. That legislation was not passed. Subsequently, the City Council was asked to consider adopting an ordinance banning single-use plastic checkout bags.

On October 17, 2011, the City Council held a public hearing at which time public testimony and written comment was presented almost entirely in favor of a local ban on single-use plastic checkout bags. Following this public hearing, the City Council decided in a 5-2 vote to move forward with drafting an ordinance to ban single-use plastic checkout bags with a charge on paper checkout bags.

On November 7, 2011, the City Council voted 4-3 to reconsider and then deny its October 17, 2011 decision.

On December 5, 2011, the City Council considered the suggestion to form an advisory task force.

On January 3, 2012, the City Council considered a potential list of stakeholders for an advisory task force; a timeline for the task force; and the responsibility of the task force.

On January 17, 2012, the City Council considered a draft resolution that would establish this task force.

On February 6, 2012, the City Council adopted Resolution No. 3576 establishing a task force to study and recommend a community plan for single-use plastic checkout bags. The Plastic Bag Community Plan Task Force met eight times during 2012 (April 19, May 3, May 31, June 28, July 26, August 23, September 27, October 11). At its last meeting, the Task Force voted on four options: 1. Adopt the Corvallis Model - Ban with Fee for Paper; Newport Model - No Ban + Fee; Transition - Assess in One Year; Voluntary Ban. The option receiving the most votes was the Corvallis Model - Ban with Fee for Paper.

The Task Force made a presentation to City Council on October 15, 2012. Council heard comments from the audience and received copies of written comments. At this meeting, the City Council adopted the following motion in a 4-3 vote: MOTION was made by Sawyer, seconded by Bertuleit, to direct staff to bring an ordinance, based on the Corvallis model, banning the use of single use plastic bags, to send to the voters in May of 2013, to become effective if approved by the voters.

On January 22, 2013, the City Council voted 7 - 0 on the following motion: "to direct staff to prepare a resolution calling for an election on the adoption of Ordinance No. 2047, as changed per the direction of the City Council this evening, which would create a new Municipal Code Chapter 4.30 regarding single-use plastic carryout bags and stating an effective date; and adopting a ballot title and explanatory statement, and bring this resolution to Council for consideration at its meeting of February 19, 2013." Resolution No. 3619 was drafted pursuant to Council direction.

The draft Ordinance No. 2047 set out code amendments needed to impose the proposed regulation of single-use plastic carryout bags. The ordinance was drafted so that Council's adoption would be contingent on voter approval. Instead of the Council needing to take action on that ordinance, staff have prepared a resolution to refer the question to the voters. The resolution that is included with this report simply refers to the voters a measure that includes the code amendments that were included in Ordinance No. 2047. If the measure passes, the voters will create a new Municipal Code Chapter 4.30. Attachment C of Resolution No. 3619 contains wording that was in the draft Ordinance No. 2047. In consultation with legal counsel, minor changes to the code text were made, including:

1. Removal of 4.30.060 in Section 1.
2. 4.30.050(B) was changed to remove the reference to Class A infraction as there is no other reference to this term in the Municipal Code.
3. Sections 2, 3, and 4 of the draft Ordinance No. 2047 were removed in Attachment C to the resolution.
4. The term "point of sale" is used three times in the referral, and 4.30.020(G) has been amended to read: "Separate Offense means each time of checkout (point of sale) in which a single-use plastic carryout bag(Os) is provided or made available to customers." This is necessary as both "time of checkout" and "point of sale" are used throughout the referral and appear to have the same meaning.

Resolution No. 3619, and the draft Ordinance No. 2047 (now the referral measure) have been reviewed by the city's legal team.

Other Alternatives Considered: None.

City Council Goals: None.

Attachment List: Resolution No. 3619

Fiscal Notes: The election costs are projected not to exceed \$1,500.

CITY OF NEWPORT

RESOLUTION NO. 3619

A Resolution Calling for an Election to
Refer to the Voters of the City of Newport, Oregon,
A Measure that Would Create
A New Municipal Code Chapter 4.30
Regarding Single-Use Plastic Carryout Bags

Findings

- A. On December 6, 2010, the City Council adopted Resolution No. 3529 supporting the state Legislature passing legislation to ban single-use plastic checkout bags. That legislation was not passed.
- B. Subsequently, the City Council was asked to consider adopting an ordinance banning single-use plastic checkout bags.
 - 1. On October 17, 2011, the City Council held a public hearing at which time public testimony and written comment was presented almost entirely in favor of a local ban on single-use plastic checkout bags.
 - 2. Following this public hearing, the City Council decided in a 5-2 vote to move forward with drafting an ordinance to ban single-use plastic checkout bags with a charge on paper checkout bags.
 - 3. On November 7, 2011, the City Council voted 4-3 to reconsider and then deny its October 17, 2011 decision.
- C. On December 5, 2011, the City Council considered the suggestion to form an advisory task force.
- D. On January 3, 2012, the City Council considered a potential list of stakeholders for an advisory task force; a timeline for the task force; and the responsibility of the task force.
- E. On January 17, 2012, the City Council considered a draft resolution that would establish this task force.
- F. On February 6, 2012, the City Council adopted Resolution No. 3576 establishing a task force to study and recommend a community plan for single-use plastic checkout bags.

G. The Plastic Bag Community Plan Task Force met eight times during 2012 (April 19, May 3, May 31, June 28, July 26, August 23, September 27, October 11). At its last meeting, the Task Force voted on four options:

1. Adopt the Corvallis Model - Ban with Fee for Paper;
2. Newport Model - No Ban + Fee;
3. Transition - Assess in One Year;
4. Voluntary Ban.

The option receiving the most votes was the Corvallis Model - Ban with Fee for Paper.

H. The Task Force made a presentation to the City Council on October 15, 2012. Council heard comments from the audience and received copies of written comments. At this meeting, the City Council adopted the following motion in a 4-3 vote: "to direct staff to bring an ordinance, based on the Corvallis model, banning the use of single use plastic bags, to send to the voters in May of 2013, to become effective if approved by the voters.

I. Staff drafted Ordinance No. 2047 based on the Corvallis model.

J. The City Council held two public hearings on Ordinance No. 2047; one on January 7, 2013, and the second on January 22, 2013.

K. On January 22, 2013, the City Council voted 7 - 0 on the following motion: "to direct staff to prepare a resolution calling for an election on the adoption of Ordinance No. 2047, as changed per the direction of the City Council this evening, which would create a new Municipal Code Chapter 4.30 regarding single-use plastic carryout bags and stating an effective date; and adopting a ballot title and explanatory statement, and bring this resolution to Council for consideration at its meeting of February 19, 2013."

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. An election is called in and for the City of Newport for the purpose of submitting to the legal voters of the city the following question:

Shall retail establishments, except restaurants, be prohibited from distributing single-use plastic bags and required to charge for paper bags?

Section 2. Tuesday, May 21, 2013 is designated as the date for holding the election on the question stated in Section 1.

Section 3. The election will be conducted by the Lincoln County Clerk's Office.

Section 4. The precincts for the election shall include all territory within the City of Newport and no other territory.

Section 5. The Council approves the Explanatory Statement for the Voters' Pamphlet in substantially the same form as provided in Attachment B to this Resolution.

Section 6. If the ballot measure is approved by the voters of the City of Newport:

- A. The Newport Municipal Code will be amended as provided in Attachment C to this resolution;
- B. Enforcement of the provisions of the new Chapter 4.30 of the Newport Municipal Code shall begin at midnight on November 21, 2013.
- C. An extension of the start of the enforcement period described in B., above, up to an additional 180 days, may be granted to a retail establishment by the City Manager upon the City Manager's determination that enforcement would result in undue hardship.

Adopted by the Newport City Council on February 19, 2013.

Sandra Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

ATTACHMENT A
TO
CITY OF NEWPORT RESOLUTION NO. 3619

BALLOT TITLE

CAPTION

Regulating Single-Use Plastic Carryout Bags and Paper Bags

QUESTION

Shall retail establishments, except restaurants, be prohibited from distributing single-use plastic bags and required to charge for paper bags?

SUMMARY

The City Council established a task force to study and recommend a community plan for single-use plastic checkout bags. The Plastic Bag Community Plan Task Force recommended that the City Council prohibit retail establishments from distributing single-use plastic carryout bags and require those establishments to charge for paper bags. The City Council held two public hearings to consider whether to adopt city code changes as recommended by the Task Force. The Council decided to refer the question to the voters. If approved by the voters, the code will prohibit retail establishments in the City of Newport from providing single-use plastic bags at the time of checkout and require those establishments to charge at least five cents for a paper bag. The Ordinance will not apply to establishments that primarily prepare food or drink or to prescription bags. Customers using a voucher issued under Oregon's Women, Infants and Children program will not be required to pay for bags. Violation of the Ordinance after six months could result in penalties of up to \$100 per violation.

ATTACHMENT B
TO
CITY OF NEWPORT RESOLUTION NO. 3619

EXPLANATORY STATEMENT

In December 2010, the Newport City Council adopted a resolution supporting the state Legislature passing legislation to ban single-use plastic checkout bags. That state legislation was not passed.

Subsequently, the City Council was asked to consider adopting an ordinance banning single-use plastic checkout bags.

A. In October 2011, the City Council held a public hearing where public testimony and written comment was almost entirely in favor of a local ban on single-use plastic checkout bags.

B. Following this public hearing, the City Council voted to move forward with drafting an ordinance to ban single-use plastic checkout bags with a charge on paper checkout bags.

C. In November 2011, the City Council voted to reconsider and then deny its October 2011 decision.

In February, 2012, the City Council established the Plastic Bag Community Plan Task Force to study and recommend a community plan for single-use plastic checkout bags. The Task Force met eight times and voted to recommend that the City Council adopt an ordinance that would impose a ban on single-use plastic carryout bags and require a fee for paper bags.

The Task Force made a presentation to City Council on October 15, 2012. The City Council heard comments and received written comments. At this meeting, the City Council adopted the following motion in a 4-3 vote: "to direct staff to bring an ordinance, based on the Corvallis model, banning the use of single use plastic bags, to send to the voters in May of 2013, to become effective if approved by the voters."

The City Council held two public hearings on Ordinance No. 2047; one on January 7, 2013, and the second on January 22, 2013.

On January 22, 2013, the City Council voted 7 - 0 on the following motion: "to direct staff to prepare a resolution calling for an election on the adoption of Ordinance No. 2047, as changed per the direction of the City Council this evening, which would create a new Municipal Code Chapter 4.30 regarding single-use plastic carryout bags and stating an

effective date; and adopting a ballot title and explanatory statement, and bring this resolution to Council for consideration at its meeting of February 19, 2013.”

On February 19, 2013, the City Council passed a resolution referring to the voters the question of whether the City should regulate the distribution of single-use carryout bags by prohibiting retail establishments in the City of Newport from providing single-use plastic checkout bags and by requiring those establishments to charge most customers at least five cents for a paper bag. If the measure passes, the regulations will not apply to establishments that primarily prepare food or drink for public consumption or to pharmacy prescription bags. Further, customers using a voucher issued under Oregon’s Women, Infants and Children program will not be required to pay for bags. The regulations would not be enforced by the City until November 22, 2013. After that date, a violation of the regulations could result in penalties of up to \$100 per violation.

NOTICE OF RECEIPT OF BALLOT TITLE AND ELECTION

Notice is hereby given that the City of Newport has called a measure election for May 21, 2013 to submit to the city voters the following ballot title:

CAPTION: Regulating Single-Use Plastic Carryout Bags and Paper Bags

QUESTION: Shall retail establishments, except restaurants, be prohibited from distributing single-use plastic bags and required to charge for paper bags?

SUMMARY:

The City Council established a task force to study and recommend a community plan for single-use plastic checkout bags. The Plastic Bag Community Plan Task Force recommended that the City Council prohibit retail establishments from distributing single-use plastic carryout bags and require those establishments to charge for paper bags. The City Council held two public hearings to consider whether to adopt city code changes as recommended by the Task Force. The Council decided to refer the question to the voters. If approved by the voters, the code will prohibit retail establishments in the City of Newport from providing single-use plastic bags at the time of checkout and require those establishments to charge at least five cents for a paper bag. The Ordinance will not apply to establishments that primarily prepare food or drink or to prescription bags. Customers using a voucher issued under Oregon's Women, Infants and Children program will not be required to pay for bags. Violation of the Ordinance after six months could result in penalties of up to \$100 per violation.

An elector dissatisfied with the ballot title may file a petition for review of the ballot title in the Lincoln County Circuit Court no later than 5:00 P.M. on March 6, 2013.

Signature of City Elections Officer

Date Signed

This legal notice is to be published by the City Elections Officer in the Newport News-Times, Newport, Oregon, or in another newspaper of general distribution within the city.

ATTACHMENT C
TO
CITY OF NEWPORT RESOLUTION NO. 3619
PROPOSED CODE AMENDMENTS SUBJECT TO VOTER APPROVAL
TO CREATE A
NEW MUNICIPAL CODE CHAPTER 4.30
REGARDING SINGLE-USE PLASTIC CARRYOUT BAGS

Title IV, Businesses, of the Newport Municipal Code is amended to add Chapter 4.30 as follows:

- 4.30.010 Purpose.
- 4.30.020 Definitions.
- 4.30.030 Supervision by City Manager.
- 4.30.040 Single-Use Plastic Carryout Bag Regulation.
- 4.30.050 Enforcement and Penalties.

4.30.010 Purpose.

The purpose of this Chapter is to prohibit retail establishments from distributing single-use plastic carryout bags to their customers and to encourage the distribution and use of reusable options.

4.30.020 Definitions.

- A. ASTM Standard means the current American Society for Testing and Materials (ASTM)'s International D-6400.
- B. City means the City of Newport.
- C. City Manager means the City Manager for the City of Newport or the City Manager's designee acting under his or her direction.
- D. Recyclable Paper Bag means a paper bag that meets all of the following requirements:
 - 1. Is 100% recyclable and contains a minimum of 40% post-consumer recycled content;
 - 2. Is capable of composting consistent with the timeline and specifications of the ASTM Standard.
- E. Retail Establishment means any store, shop, sales outlet, vendor, or special event vendor located within the City of Newport that sells goods at retail. Retail

Establishment does not include any establishment where the primary business is the preparation of food or drink:

1. For consumption by the public;
2. In a form or quantity that is consumable then and there, whether or not it is consumed within the confines of the place where prepared; or
3. In consumable form for consumption outside the place where prepared.

F. Reusable Bag means a bag with handles that is either:

1. Made of cloth or other machine washable material; or
2. Made of durable plastic that is at least 2.25 mils thick.

G. Separate Offense means each time of checkout (point of sale) in which a single-use plastic carryout bag(s) is provided or made available to customers.

H. Single-use Plastic Carryout Bag means a plastic bag made from synthetic or natural organic materials that is provided by a retail establishment to a customer at the point of sale for use to transport or carry away purchases from the retail establishment. A single-use plastic carryout bag does not include:

1. A reusable bag;
2. A plastic bag provided by a retail establishment to a customer at a time other than the time of checkout. As examples, plastic bags for produce, meat, or bulk items; or
3. Pharmacy prescription bags.

I. Special Event Vendor means any person engaged in selling or offering for sale any food, beverage, merchandise, or service within the city during a special event for which the event organizer has obtained a valid business license. Special event vendors must possess all other necessary city, county, and state permits and authorizations.

J. Vendor means any person engaged in the activity, whether directly or indirectly, of selling or offering for sale any food, beverage, merchandise, or service on public property, streets or sidewalks from a stand, from the person or otherwise.

4.30.030 Supervision by City Manager.

The regulation of single-use plastic carryout bags in the city under the provisions herein shall be under the supervision of the City Manager.

4.30.040 Single-use Plastic Carryout Bag Regulation.

- A. Retail establishments shall not provide or make available single-use plastic carryout bags to customers.
- B. When a retail establishment makes a recyclable paper bag available to a customer at the point of sale, the retail establishment shall charge the customer a reasonable pass-through cost of not less than five cents per recyclable paper bag provided to the customer.
- C. A Retail establishment shall provide customers who use a voucher issued under the Women, Infants and Children Program established by the Oregon Health Authority under ORS 413.500 with a reusable bag or a recyclable paper bag at no cost upon request of the customer at the point of sale.

4.30.050 Enforcement and Penalties.

- A. A person is in violation of this Chapter 4.30, if that person is the one who provides or makes available a single-use plastic carryout bag to customers, and/or is a person who is in charge or in control of a retail establishment that provides or makes available a single-use plastic carryout bag to customers, and/or is a person or business entity (e.g., corporation, firm, partnership, association, limited liability entity, cooperative) who owns a retail establishment that provides or makes available a single-use plastic carryout bag to customers, or is an agent, officer, or manager, director, or employee who exercises authority over the retail establishment that provides or makes available a single-use plastic carryout bag to customers.
- B. A violation of Chapter 4.30 shall be enforced as a civil infraction as provided in Chapter 2.15 of the Newport Municipal Code, with a civil penalty for each separate offense not to exceed \$100.00.



Agenda Item # IX.C.
Meeting Date February 19, 2013

CITY OF NEWPORT AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Consideration of Resolution No. 3620 Transferring Revenue from Parks SDC Contingency Account to Land Acquisition; and Transferring Expenses between Police Expense Accounts

Prepared By: David Marshall Dept Head Approval: dm City Mgr Approval: _____

Issue Before the Council: The issue before Council is consideration of the adoption of Resolution No. 3620 which would transfer revenue from the Parks SDC Contingency account to Land Acquisition, and transfer expenses between police expense accounts.

Staff Recommendation: Adopt Resolution No. 3620

Proposed Motion: I move to adopt Resolution No. 3620 transferring appropriations for Fiscal Year 2012/2013.

Key Facts and Information Summary: This item asks the Council to transfer amounts from the Parks SDC Contingency account to the Land Acquisition account in the amount of \$23,321, and to transfer \$3,000 from K-9 expenses account to contingency for K-9 Augmentation account. These are "housekeeping" accounting entries.

Other Alternatives Considered: None

Fiscal Notes: None

CITY OF NEWPORT

RESOLUTION NO. 3620

A RESOLUTION TRANSFERRING APPROPRIATIONS
FOR THE FISCAL YEAR 2013 BUDGET

WHEREAS, the City of Newport is responsible to its citizens for the care and management of public funds; and

WHEREAS, certain needs have arisen during the fiscal year that were unforeseen at the time the budget for Fiscal Year 2012/2013 was prepared; and

WHEREAS, the appropriations for certain expenditures must be increased;

The City of Newport resolves as follows: that the appropriations described below be transferred and approved.

Resolution Transfers, 19Feb13							
CITY OF NEWPORT							
<u>Resolution Transfer:</u>							
Parks SDC Fund							
1.	From:	Contingency				\$ 23,231	
	To:	Land Acquisition				\$ 23,231	
<i>Purchase of 2.5 acres of wetland property for eventual trail project...</i>							
General Fund							
2.	From:	Acct 6418 - K-9 Expenses				\$ 3,000	
	To:	Acct 9901 - Contingency for K-9 Augmentation		\$ 3,000			
<i>To adjust balances in these accounts; related to Supplemental Budget item #5</i>							

This resolution will become effective immediately upon passage

Adopted by the Newport City Council on February 19, 2013.

Attest:

Sandra Roumagoux

Margaret M. Hawker, City Recorder