



**AGENDA and Notice of a Joint Meeting with  
the Newport City Council &  
the Plastic Bag Community Plan Task Force**

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The City Council of the City of Newport and the Plastic Bag Community Plan Task Force will hold a joint meeting on Monday, October 15, 2012 at 6:00 P.M. 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 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.

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**JOINT CITY COUNCIL & PLASTIC BAG COMMUNITY PLAN TASK FORCE MEETING**  
**AGENDA**  
**Monday, October 15, 2012 - 6:00 P.M.**  
**City 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 Chambers. 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 Council.*

- I. Pledge of Allegiance with Coast Guard Color Guard
- II. Presentation of Sailor of the Quarter
- III. Call to Order and Roll Call
- IV. Additions/Deletions and Approval of Agenda
- V. Public Comment  
*This is an opportunity for members of the audience to address Council regarding any item not listed on the agenda. Comments will be limited to three minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.*

VI. Consent Calendar

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

- A. Approval of Minutes from the City Council Work Session and Regular Meeting of October 1, 2012 (Hawker)
- B. Report of Accounts Paid - September 2012 (Marshall)
- C. OLCC License Approval - Bridges Restaurant and Lounge

VII. Officer's Reports

- A. Mayor's Report
  - 1. Public Arts Committee Appointments
- B. City Manager's Report
  - 1. Monthly Departmental Updates
  - 2. Project Management Report
  - 3. Gas Tax Report

VIII. Discussions and Presentations

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

- A. Pacific Marine Energy Center - Presentation by Kaety Hildenbrand
- B. LINT Team- Rob Bovett Letter

**7:00 P.M.**

IX. Public Hearings

- A. Amendments to the Transportation System Plan Element of the Newport Comprehensive Plan along with Implementing Provisions in the Newport Zoning Code
- B. Repeal and Replacement of Ordinance No. 2018, Vacating a Portion of SE First Street - Continued to November 5, 2012 at Applicant's Request

X. Action Items

*Citizens will be provided an opportunity to comment on action items after staff has given their report, and applicants, if any, have had an opportunity to speak. (Action items are expected to result in motions, resolutions, orders, or ordinances.)*

- A. Consideration of Resolution No. 3615 Regarding Utility Fees (Voetberg)
- B. Consideration of Tourism Facilities Grant Timeline (Voetberg)
- C. Consideration of Recommendations from the Plastic Bag Community Plan Task Force (Hawker)
  - 1. Presentation by Charlie Plybon
  - 2. Recommendation from Task Force

- XI. Council Reports and Comments
- XII. Public Comment  
(Additional time for public comment - five minutes per speaker)
- XIII. Adjournment



October 1, 2012  
Noon  
Newport, Oregon

## CITY COUNCIL WORK SESSION

Councilors present: McConnell, Brusselback, Beemer, Roumagoux, Allen, Sawyer, and Bertuleit (arrived at 12:05 P.M.).

Staff present: Voetberg, Hawker, Tokos, Gross, Miranda, Protiva, and Paige.

Media present: Dave Morgan, News Lincoln County.

Audience present: Stan Pickens and Bob Ward.

1. McConnell asked that the order of the agenda be reversed so that the discussion on tourism facility grants is held first. Council concurred.
2. McConnell reported that the Newport Sea Lion Docks Foundation had made an e-mail request regarding availability of a second round of tourism facility grants. He noted that OMSI had also inquired about availability of these funds. It was noted that \$300,000 remains in the fund, and that if Council is interested in offering a second round of grants, the calendar would need to be developed; the Committee would need to be reactivated; and a timeline would need to be developed. McConnell noted that Council should, during the next budget session, discuss how to keep the fund going. Allen noted that other groups may wish to weigh in on this discussion. Pickens distributed a handout regarding the sea lion docks and the proposal of the Newport Sea Lion Docks Foundation. He (Pickens) made a brief presentation that included potential funding sources. Ward explained the need for funding prior to next year, noting that the in-water work has to be completed between November and March. He (Ward) noted that the group is only asking for \$25,000, and asked whether they could attend the October 15 City Council meeting with an ad hoc request for matching funds for the in-water work, rather than to follow the normal process, as the timing would be such that the in-water opportunity would be missed. McConnell suggested a loan from the fund to be repaid pursuant to a yet to be developed memorandum of understanding. Ward suggested allowing the in-water work as a retroactive grant match. Beemer noted that this request is one-tenth of what others have been granted, and further that this is a good thing that the city should determine a way to accomplish this year. Allen noted that the city has a process and does not usually allow exemptions. He added that, at this time, no decision has been made to move forward and whether exemptions should be allowed. He stated that the following decisions need to be made at a regular Council meeting: whether to utilize the remainder of the funds; the timeline if a decision is made to move forward; and whether any exemptions would be allowed. McConnell asked that staff develop a second round timeline, and ask that Nicole Morris contact the Committee to

determine whether the members are still interested in serving; and that this item be placed on the agenda of the next regular meeting. It was noted that the monies are currently budgeted in contingency. Voetberg suggested that Council think about possible upper limits on grants.

3. McConnell noted that an update on the status of City Council goals has been included as a part of the City Manager's quarterly reviews. He added that today is the time to discuss the goals and determine the status, and the key people working toward fulfilling the goals, as the goals are an important part of the annual evaluation. It was noted that a goals update is not permitted as an executive session agenda item. McConnell asked that between now and the end of the year, the goals be delineated for the new City Council, as the next quarterly review will occur in January. It was agreed that input from outgoing Councilors is important for this quarterly review. Council reviewed the status of goals, by department, as presented in the packet.
  - A. Fire Department. A discussion ensued regarding volunteer recruitment and retention. Paige noted that volunteers fall into three categories, and some fill two or three roles within the ranks. He noted that he is hoping for more volunteers to participate in the shift program. Brusselback asked about the cost of equipping and training volunteers, and Paige noted that the cost to equip is approximately \$3,000 - \$4,000, and training is approximately \$2,000 - \$3,000. Paige reported that call pay is \$5 per call, and the stipend is \$50 for a 12 hour shift. He added that this is not a budget issue, but more one of getting interested people with time to devote to volunteering. Paige reported that he is talking with the Depoe Bay Fire District about collaboration and sharing of resources. McConnell expressed hope that Paige would continue to work hard on volunteer recruitment. Paige noted that the best help would be for OCCC to offer a Fire Science program. Paige reported that the department had formed a volunteer recruitment and retention committee. McConnell suggested encouraging Coast Guard personnel to volunteer.
  - B. Police Department. Miranda reported that the Police Department has a good volunteer corps, and suggested that Councilors thank volunteers when possible. Miranda displayed the new "Neighborhood Watch" signs. He reported that the accreditation process is 94% complete, and the goal is to have it finished by the end of the year with receipt of the accreditation occurring in January or April. Voetberg reported that the Lexipol policies will help the department with any claims, and also with standardization. McConnell asked about department staffing. Miranda reported that the department is currently fully staffed although one person is in training. He noted that if a list of potential hires was developed today, by the time it was needed, many of the people on the list would have already been hired by other departments. A discussion ensued regarding over-hiring. McConnell reported that he will be participating in the KCUP radio show on Wednesday, and would like to have Rob Murphy and Tony Garbarino appear with him to talk about emergency preparedness and efforts the city is making in that regard.

- C. Public Safety. Voetberg reported that the transition to Willamette Valley Communication Center has gone well. Miranda reported that on January 9, 2013, calls will go directly to Salem. Miranda reported that Lincoln City wants to join WVCC, but that it wants back-up. A discussion ensued regarding a dispatch center on the coast, and back-ups in the event of a disaster. McConnell asked who the city's representative is on the WVCC board, and whether that person has a voice. Miranda reported that he is the city's representative to the WVCC board, and he believes he is listened to.
- D. Airport. Voetberg reported that Lance Vanderbeck has been named Airport Operations Manager, and that Terry Durham has been named FBO Manager on a temporary basis, and that both are doing a fantastic job. He added that the two have received high praise from the Airport Committee. Voetberg reported that a recent FAA inspection found two items needing improvement, and both had been addressed successfully. He added that the airport is operating to FAA standards. Brusselback asked how long the temporary appointments will last, and Voetberg noted that historically the airport has had someone functioning in the position of Airport Director, and that he wanted flexibility if it is determined that the airport needs the position of Airport Director. Allen asked whether, after the assessment period, other employees would be needed, and Voetberg responded that, with the exception of summer/seasonal help, he did not believe so. Allen asked whether there had been follow-up with Butler Aviation, and Voetberg reported that representatives from Butler will try to be here during the third week of October. McConnell reported that Senator Betsy Johnson cannot say enough good about the airport. McConnell asked whether Ted Jones is providing project support to the airport, and Voetberg reported that the airport has received more grant money in the last three or four months than any time in the past. McConnell noted that there will be affordable rental cars soon.
- E. Library. Voetberg reported that surveillance cameras and new light fixtures have been installed at the Library. McConnell suggested enhanced security, and Voetberg stated that the RFID system will slow losses.
- F. Finance Department. Voetberg reported that the Finance Department is adjusting to the new financial software which allows department heads to make appropriate financial decisions. McConnell asked when the new water billing system will be implemented, and Voetberg reported that the utility billing component is a few months out. McConnell recommended including more information in the next utility bill about what is being done with the additional utility fees that are being collected.
- G. Parks and Recreation Department. Protiva reported that this was a good summer with visitors, but that the locals and youth are back in the building. He noted that maintenance was the focus during the last quarter, and that a water heater had been replaced at the Recreation Center, and that circuit boards will soon be replaced. He stated that the Senior Center is doing well. He stated that there

should be a discussion regarding an aquatic facility. Allen asked about the projected longevity of the pool, and Protiva reported that the building is likely sound, but the physical structure of the pool is really poor. A discussion ensued regarding the status of organizing a foundation to support recreation, and Protiva reported that a lot of paperwork had been completed and an attorney had been consulted. Sawyer asked whether the pool could be rebuilt at its current location, and Protiva noted that the site needs to accommodate a warm water pool and a cool water pool. McConnell suggested putting the issue out to the voters again. McConnell asked whether there had been an increase in programming and use of the Recreation Center. Protiva reported that he is focusing on more special events, but that there has been a small increase in programming. Voetberg noted that the current operating model is similar to the YMCA model, and that he had asked Protiva to develop four events to bring revenue to the Parks and Recreation Department to help offset the cost of programs. It was noted that the offer of free classes to annual pass holders has yet to make a change in the number of annual pass holders. Bertuleit asked whether there is a timeline on the equipment and facilities repair and replacement and Protiva noted that would occur this year. A discussion ensued regarding the adoption of parks, and Protiva reported that several people have adopted aspects of parks, but that the agreement is not palatable. Gross noted that he is working with Ocean Pulse on a model agreement that would initially be used at the skate park. Allen asked how much Coast Park is used, and it was reported that it gets heavy use.

- H. Economic Development. McConnell noted that this matter is on this evening's agenda. He added that the city continues to work with the City Center Newport Association regarding the corner at Hurbert Street and Highway 101. Gross reported that CCNA is looking at a kiosk/pavilion. Bertuleit noted that Bellingham, Washington provides kiosks for posting community notices. McConnell suggested talking with HMSC regarding inexpensive interpretive sign vendors.
- I. Community Development. Tokos reported that the packet contains updated information regarding goals assigned to the CDD.
- J. Water. Bertuleit asked how soon the new water treatment plant would be fully operational. Gross reported that it is fully operational now; acceptance testing is underway; and the old plant is in the process of being shut down. A discussion ensued regarding timing for a ribbon cutting, and it was agreed to have a ribbon cutting on November 5, from 10 A.M. until 2 P.M., and that Council attend rather than holding a formal work session. McConnell suggested getting additional information in utility bills regarding the use of revenues from the increased utility fees. Allen asked when this information would show up on the actual water bills, and it was noted that this is a long-term goal.
- K. Wastewater. No discussion.
- L. Stormwater. No discussion.

M. Streets and Transportation. McConnell suggested letting residents know what the gas tax revenues are being used for. Gross agreed to report on the use of gas tax monies at the next meeting. Gross reported that gas tax monies have been, or will be, used for projects including the Big Creek Road repair; the annual street overlay program; and pedestrian and sidewalk improvements. McConnell asked whether separate goals need to be developed for parks maintenance and facility maintenance. Gross reported that parks maintenance is understaffed. He noted that he plans to develop a parks CIP within the next year. McConnell reported that groups are performing ongoing work (similar to adopt-a-park) and they should be recognized for that work. He added that formalized agreements should be developed, and signs erected recognizing the adopting group.

N. Communications. No discussion.

N. Human Resources. No discussion.

Having no further business, the meeting adjourned at 2:16 P.M.



October 1, 2012  
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, Bertuleit, Brusselback, McConnell, Roumagoux, and Sawyer were present.

Staff present was City Manager Voetberg, City Recorder Hawker, Community Development Director Tokos, Public Works Director Gross, Public Works Senior Project Manager Jones, Fire Chief Paige, Police Chief Miranda, and Assistant Finance Director Brown.

### PLEDGE OF ALLEGIANCE

The City Council and audience recited the Pledge of Allegiance.

### ADDITIONS/DELETIONS AND APPROVAL OF AGENDA

McConnell noted that Council had received a revised copy of the staff report for Action Item B. at the work session earlier.

### CONSENT CALENDAR

The consent calendar consisted of the following item:

- A. Approval of City Council work session and regular meeting minutes of September 17, 2012.

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

### OFFICER'S REPORTS

**Mayor's Report.** McConnell read a short letter from the Friends of the Oregon Coast Aquatic Center regarding the recent half-marathon.

McConnell reported that he had received a letter from the Oregon Forest Resources Institute inviting folks to participate in a field trip and informational session regarding Oregon forestry issues.

McConnell reported that he had received a letter from Benjamin Baggett, with the Lincoln County Land Trust, regarding a housing information survey that will be conducted among larger local employers. Voetberg noted that Baggett will be at City Hall from 1 - 4 P.M., on Thursday, and that he also plans to visit satellite work sites.

McConnell reported thanked Nicole Morris and Hawker for their work on the city employee barbecue, noting that there was a big turnout.

McConnell reported that he attended a recent meeting of FINE.

McConnell reported that he had taken a field trip with the state parks beach ranger and hiked to homeless camps. He added that there is a lot of garbage at the camps, and they need to be cleaned up before winter.

McConnell reported that he had attended City Hall Week and met with mayors and coastal caucus members. A brief discussion ensued regarding potential transient room tax legislation. The LOC indicated that it would support TRT legislation if the opportunity presents itself.

McConnell reported that he had attended a recent meeting of the Airport Committee, and that it was positive and complimentary of staff.

McConnell reported that he welcomed the Port Director's Association Conference to Newport and gave an overview on how the city and port are working together.

McConnell reported that he had attended the HMSC candidate luncheons.

McConnell reported that he had attended the City Center Newport Association annual meeting at which potential plans for Deco Park were discussed. Voetberg noted that the city is not a member of CCNA, but is within the district, and asked whether Council thought the city should join. It was the consensus of Council that the city become a member of CCNA. Allen noted that he is not inclined to go forward with the membership; but that it is not a big enough issue to make an issue of.

McConnell reported that there is extra emergency money available through the Oregon Emergency Management office, and that HMSC is working on interpretive signs along the evacuation route from HMSC to Safe Haven Hill.

McConnell reported that he was interviewed by a Japanese National Television crew on Thursday regarding the planned tsunami memorial.

McConnell reported that he had attended the recent Plastic Bag Community Plan Task Force meeting.

**City Manager's Report.** Voetberg reported that Hawker had received the Recorder of the Year Award from the Oregon Association of Municipal Recorders.

Voetberg reported that the capital project update is included in the packet. McConnell noted that he liked the second part of the report regarding projects in the design and analysis phase, and asked whether some of the projects are possible due to the utility rate increases. Gross noted that the CIP was based on extra revenue that was part of that increase. Gross added that he is hoping to bid projects sooner next year in order to get the best bids from contractors. McConnell asked whether Ash Street will be completed before the rainy season. Gross reported that easements are being signed, but that there is a truck in the right-of-way that needs to be moved before work begins.

Voetberg noted that the plan was to have a quarterly financial report at the next meeting, but that may be postponed until the first meeting in November.

Voetberg reported that Council typically holds only one meeting in December, and he recommended that the meeting be held on the third Monday - December 17.

McConnell thanked department heads and Voetberg for their work on Council goals, noting that the first quarterly review of goals, which occurred at today's work session, revealed that a great amount of work had been done toward realizing the goals.

It was announced that the next Town Hall meeting will be held on October 29, 2012, at Mo's Annex, at 6:00 P.M.

### PROCLAMATIONS/RECOGNITIONS/SPECIAL PRESENTATIONS

McConnell proclaimed the month of October as Jewelry Collection Month in the City of Newport as a benefit for the Food Share of Lincoln County. Priscilla O'Brien accepted the proclamation on behalf of BeJeweled and encouraged folks to donate jewelry.

McConnell proclaimed the week of October 1 - 8, 2012 as Oregon Days of Culture.

McConnell proclaimed the month of October as Tsunami Preparedness Month in the City of Newport. He thanked the Police and Fire Departments and the volunteers who organized the emergency preparedness workshop this weekend. He reported that HMSC is holding a tsunami drill on October 11, evacuating people to Safe Haven Hill, and then on October 18, using the alternate route to OCCC.

### DISCUSSION ITEMS AND PRESENTATIONS

**Safe Haven Hill.** Tokos reported that the issue before Council is a discussion concerning interim steps that the city can take to improve pedestrian access to the Safe Haven Hill tsunami assembly area, while the city awaits a decision from FEMA on its grant application to fully improve the site. He added that DOGAMI has confirmed that Safe Haven Hill will remain a designated assembly area on its new tsunami evacuation route maps, which are to be released later this year, and it is reasonable for the city to invest resources to improve access to the site. He noted that such investments should be made with full knowledge that the expenses will not be reimbursed by FEMA should the city's grant application be approved. He stated that the city and URA budgeted \$200,000 to improve pedestrian access to Safe Haven Hill; worked with community partners to develop a plan for what those improvements should entail; and submitted a grant application to FEMA for a portion of the construction costs. FEMA has determined that the project is eligible for pre-disaster mitigation funds. He added that just under \$15,000 has been expended on a geotechnical investigation of the site, and that the analysis includes construction recommendations. He noted that the city's grant application to FEMA includes a proposal for supplemental analysis to address outstanding questions concerning the proposed improvements and how the site is likely to respond to a Cascadia event. The supplemental analysis will cost approximately \$16,000, and would be addressed if the grant is approved. He recommended interim improvements to make the top of the hill more accessible. Interim work could include: leveling the top of the hill; cleaning the top of the hill; replacing the gate; targeted grading and clearing of paths on north side; directional signage; and related clearing on streets that feed to the hill. It was noted that some of the work could be absorbed internally, and that HMSC has agreed to participate. Tokos noted that if Council is inclined, he could bring a more specific list of work to a joint meeting of the URA and City Council. A discussion ensued regarding the liquefaction and erosion factors of the hill. It was noted that because the property is owned by the State of Oregon, an intergovernmental agreement must be developed. A discussion ensued regarding funding and the potential grant match. It was noted there is approximately \$45,000 - \$50,000 that could be used now, and still have a match intact if the FEMA grant is

awarded. Beemer, reported that he is the chair of Tsunami Evacuation Task Force, and that he appreciates what staff has done. Allen asked how much of the \$200,000 set aside for the match should be utilized outside the FEMA grant, and Gross noted that he is reluctant to use any of it because he doesn't know what to expect, although it is reasonable to proceed with rudimentary work. He added that adjustments can be made later when the true costs are available.

Michael Wilkinson reported that he lives on a boat in the marina and may not feel the shaking of an earthquake. He suggested that Council consider an audible alarm, and added that during the Japanese earthquake, he heard the sirens the city provided. He noted that he looks forward to joining the HMSC evacuation drill on October 11. McConnell asked whether Wilkinson had had discussions with the Port of Newport regarding emergency planning, and suggested the city continue working with the Port on signage and drills. Sawyer reported that NOAA alert radios are inexpensive and very valuable. Maryann Bozza, from HMSC, expressed appreciation for the city's support. Sawyer asked how long it would take to develop and IGA with ODOT, and Tokos noted that it would be about four weeks. MOTION was made by Beemer, seconded by Roumagoux, to direct staff to begin working on the IGA with ODOT, and to schedule a joint meeting between the City Council and URA for follow-up. The motion carried unanimously in a voice vote.

## PUBLIC HEARINGS

**Public Hearing and Possible Adoption of Ordinance No. 2042 Repealing and Replacing the Economic Section of the Newport Comprehensive Plan.** McConnell opened the public hearing at 6:55 P.M. Tokos delivered the staff report, noting that the issue before Council is consideration of whether it is in the public interest to rewrite the Economic Section of the Newport Comprehensive Plan to implement recommendations of the recently completed Commercial and Industrial Buildable Lands Inventory and Economic Opportunities Analysis. He reviewed in detail the proposed recommendation. Brusselback asked for a time estimate on establishing a northside urban renewal district, and Tokos noted that it would take approximately 24 months. Allen noted that the general fund would be impacted by this district. Tokos reported that a full assessment would be necessary. Tokos noted that the other significant recommendation is the need for a business recruitment function that is not currently occurring, but if changes are adopted, the TAC would put together a work plan for that function to consider during the next budget cycle. McConnell noted that there are no guidelines regarding how revitalization might occur at underutilized property on Highway 101. It was noted that a discussion was also needed regarding what kinds of businesses the city would be interested in recruiting. Tokos noted that there is some direction built in as to how URA should approach those issues.

McConnell called for public comment.

Patrick Wingard, representing DLCD, stated that he supports the proposal to adopt the economic opportunities analysis and commended staff and the TAC. He noted that the report is very insightful about the city, its opportunities, and challenges, and that he and his colleagues had reviewed the document.

Allen stated that he would like more clarity in paragraphs two and three of the ordinance findings. Council concurred.

McConnell closed the public hearing for Council deliberation.

MOTION was made by Roumagoux, seconded by Beemer, to read Ordinance No. 2042, an ordinance that repeals and replaces the Economic Section of the Newport Comprehensive Plan, with the changes recommended by Allen, by title only, and place for final passage. The motion carried unanimously in a voice vote. Voetberg read the title of Ordinance No. 2042. Voting aye on the adoption of Ordinance No. 2042 were Allen, Beemer, Bertuleit, Brusselback, McConnell, Roumagoux, and Sawyer.

### **ACTION ITEMS**

**Notice of Award Big Creek Sewer Project.** Gross reported that the issue before Council is approval of an award of the Big Creek Sanitary Sewer Rehabilitation Project to CG Contractors, LLC, in the amount of \$234,985. He explained the project and its need. MOTION was made by Beemer, seconded by Bertuleit, that the City of Newport Public Works Department issue an award for the Big Creek Sanitary Sewer Rehabilitation Project to CG Contractors, LLC, in the amount of \$234,985, and direct the City Manager to execute the contract on behalf of the City of Newport. The motion carried unanimously in a voice vote.

**Notice of Intent to Award the 2012 Pavement Overlay Project.** Gross reported that the issue before Council is approval of a notice of intent to award the 2012 Pavement Overlay Project to Road and Driveway Company in the amount of \$144,146.30. He reviewed the project, and stated that he will give a gas tax report at the next meeting. MOTION was made by Sawyer, seconded by Beemer, that the City of Newport Public Works Department issue a notice of intent to award the 2012 Pavement Overlay Project to Road and Driveway Company, in the amount of \$144,146.30, and contingent upon no protest, authorize award and direct the City Manager to execute the contract after seven days on behalf of the City of Newport. The motion carried unanimously in a voice vote.

**Consideration of Real Estate Purchase Agreement for a Northside Fire Station.** Paige reported that the issue before Council is whether to enter into a purchase and sale agreement to purchase a building and property for a new northside fire station at 225 NE 73<sup>rd</sup> Street. He noted that there is an identified need for a fire station in the north part of the department's response area, and that this building has been identified as being located in the optimal area for a northside station. He reported that it is a contemporary building that could be immediately used as a fire station; it is properly zoned; and has utilities. He added that an appraisal of the building was performed that established a fair market value under the current market conditions of \$275,000. The purchase and sale agreement is before Council. He noted that there is no penalty for early payout and that payments can be budgeted over five years or paid earlier. Allen noted that he had questions that were e-mailed to the city attorney today. Allen asked whether the utility costs listed under the fiscal notes were a response to the question of operational costs. Paige indicated that this number is indicative of projected costs for trash removal, water, and basic utilities. Sawyer asked whether an alarm system would be needed, and Paige noted that would be optional, but was not budgeted. Allen noted that the issues he has raised need to be resolved. Allen noted that Christy Monson, the City Attorney, had responded to Allen and Voetberg with additional recommendations, and that Allen had replied to Monson with additional comments. Allen noted that he

would like to ask Bonnie Saxton, the property owner, for clarification on some issues. Allen referred to the purchase and sale agreement, and particularly whether an addition could be made to Section 14 as follows: "Seller's representations contained in this agreement shall expressly survive closing," and Saxton replied that she had no problem with this recommendation, but that the deed would go to the city on closing. A discussion ensued regarding the incorrect ORS Chapter 93 citations appearing in various documents. It was noted that the ORS citations should be updated, but Saxton noted that they are not likely relevant to this transaction. A discussion ensued regarding language in the warranty deed not reflecting current language from the ORS. Allen noted that there are other questions from Monson regarding insurance and taxes. Saxton noted that the property taxes would be waived when the property is in the city's name. It was noted that Monson had reported that the trust deed requires the city not to remove or demolish any property on the property and asked whether that is that acceptable to the city. It was noted that Monson wrote that the trust deed requires adequate insurance and reminded staff to check with the city's insurance provider regarding this coverage. Saxton noted that the purchase and sale agreement says she provides the initial insurance. In summary, it was recommended that the language from the revised ORS Chapter 93 should be included; the sale and purchase agreement should include the additional language in Section 14 as previously indicated; and the language in the purchase and sale agreements needs to be amended to delete Section 3.3 regarding financing. MOTION was made by Allen, seconded by Roumagoux, that the City Manager be authorized to purchase the building and real estate described in the purchase and sale agreement, for \$275,000, under the terms and conditions as described in the purchase and sale agreement, and as amended. Included in this motion is the authorization for the City Manager to sign other required documents for the closing of the sale; and to approve the satisfaction of any contingencies, such as inspections, as specified in the agreement with the changes as discussed. The motion carried unanimously in a voice vote.

**Approval of Automatic Aid Agreement.** Paige reported that the issue before Council is consideration of whether the city should formalize an automatic aid agreement with the Depoe Bay Rural Fire District. He added that the north part of the Fire Department's response area is a long distance from a fire station, and in some cases, a Depoe Bay fire station would be closer. The automatic aid agreement would provide additional equipment and staffing for emergency incidents in the north part of Newport's response area and the south part of Depoe Bay's response area. MOTION was made by Sawyer, seconded by Beemer, that the City Manager be authorized to sign an automatic aid agreement with the Depoe Bay Rural Fire Protection District on behalf of the City of Newport. The motion carried unanimously in a voice vote.

**Acceptance of AIP21 Grant.** Voetberg reported that the issue before Council is consideration of the acceptance of the AIP21 grant award for the Runway 16/34 rehabilitation design and construction. He reviewed funding sources. MOTION was made by Brusselback, seconded by Sawyer, that the City of Newport (confirm the city manager's) accept(ance) on S the AIP21 grant award for Runway 16/34 rehabilitation design and construction, from the FAA, in the amount of \$6,311,424, and acknowledge the City Manager's execution of the contract on behalf of the City of Newport. Allen

reported that there is an issue that needs to be clarified. He added that the document indicates that the city will accept the grant, and what occurred is that the grant was accepted on September 24 because that was the deadline; so to be more accurate, rather than accept the grant, it should be to confirm the City Manager's acceptance, on September 24, of the AIP grant 21. The motion was amended and the motion and amendment carried unanimously in a voice vote.

**Authorization for Design Services with Precision Approach Engineering for Runway 16/34 Pre-Design Services.** Voetberg reported that the issue before Council is consideration of authorization of Precision Approach Engineering for pre-design services for the Runway 16/34 rehabilitation. Allen asked whether the city's match is spread over two fiscal years, and Voetberg confirmed that it is. MOTION was made by Bertuleit, seconded by Sawyer, that the City of Newport authorizes Precision Approach Engineering (PAE) to proceed with pre-design services for the Runway 16/34 rehabilitation project for an amount not to exceed \$475,000. The motion carried unanimously in a voice vote.

## COUNCIL REPORTS AND COMMENTS

Bertuleit reported on a recent meeting of the Airport Committee. He noted that staff is progressing and doing a great job, and airport users are happy. He added that staff is pursuing additional rental cars and additional business development at the airport. A brief discussion ensued regarding the airport getting an international designation, and Voetberg reported that the process is extensive, and would involve moving a customs person to the airport.

Bertuleit reported that he attended LOC Conference, and will report on it at an upcoming meeting.

Roumagoux reported that the employee barbecue was excellent.

Roumagoux reported that she had attended the recent LOC Conference and the breakout sessions were really helpful.

Beemer reported that he attended a meeting with Paige, Murphy, Rampley and volunteers and the Depoe Bay Fire District to discuss collaboration, merger, etc. He added that he will keep Council apprised.

Beemer reported that he attended the employee barbecue.

Beemer reported that he attended a Chamber of Commerce luncheon at which Council candidates spoke.

Beemer reported that an emergency preparedness workshop was held last Saturday, and that it was well attended.

Brusselback reported that he had also attended the Chamber luncheon and listened to Council candidates.

Brusselback reported that he had attended a meeting of the Plastic Bag Community Plan Task Force. He added that the Task Force will meet again on October 11, and bring a recommendation to Council at its October 15 meeting. McConnell noted that other motions, than the motion currently on the table, may be presented.

Allen reported that he attended a FINE meeting on September 18, at which there was a discussion about the NMREC test berth site and the PEMEX grid connective site. It was noted that the Mayor had extended an invitation to Kaety Hildenbrand and Brenda

Batten to make a presentation to Council regarding their activities including the most recent selection process that is underway.

Allen reported that he had attended a recent meeting of the Port's task force regarding Highway 20 and John Moore Road, and had forwarded the draft meeting notes to Council. He noted that the next meeting will be held on October 10.

Allen reported that he attended a Bureau of Ocean Energy Management/Oregon Task Force meeting regarding renewable energy issues in the outer continental shelf.

Allen reported that the Oregon Wave Energy Trust conference was held immediately after the Bureau of Ocean Energy Management meeting.

Allen reported that he attended the Coastal Oregon Marine Experimental Station board meeting. He added that he is ex officio on behalf of the city to this group. He noted that he had invited Gil Sylvia to make a presentation to Council.

Allen reported that he had attended a luncheon with candidates to replace George Boehlert.

Allen reported that he attended a recent YBEF meeting regarding marine related activities.

Allen reported that he attended the legal issues workshop at the League of Oregon Cities Conference.

Allen reported that he had taken a boat tour to the NEMREC test site off Yaquina Head to look at the Sentinel.

Allen reported that the Plastic Bag Community Plan Task Force would be meeting again to formulate recommendations. He noted that there were issues about representation and membership, hoped that his earlier e-mail had provided clarity.

Allen reported that the next Territorial Sea Plan Advisory Committee meeting will be held on October 9 at OCCC.

Sawyer reported that a new round of CERT training began last week with 23 participants. He thanked Melanie Nelson, from the Fire Department, for coordinating the CERT training.

Sawyer reported that the Coho/Brant neighborhood should be added to the tsunami evacuation drill to be held on October 11.

## ADJOURNMENT

Having no further business, the meeting adjourned at 8:18 P.M.

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Margaret M. Hawker, City Recorder

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Mark McConnell, Mayor

**CITY OF NEWPORT**  
**MONTHLY DISTRIBUTIONS**  
**Sep-12**

<b>Name</b>	<b>Check Issue Date</b>	<b>Check Number</b>	<b>GL ACCT</b>	<b>Amount</b>
Aboveboard Electric, Inc	9/6/2012	17585	303-3320-6115	\$160.00
Allstart Auto Electric, Inc	9/6/2012	17586	304-3420-6112	\$125.00
Alsea Bay Power Products	9/6/2012	17587	303-3310-6114	\$104.27
Anderson, Tim	9/6/2012	17588	401-4160-6026	\$337.50
APPLIED INDUSTRIAL TECH, INC.	9/6/2012	17589	304-3410-6114	\$165.01
Barrett Business Svcs, Inc	9/6/2012	17591	402-4220-6009	\$2,828.05
Bendel, Amy	9/6/2012	17592	401-4160-6026	\$341.60
Berning, Stephanie	9/6/2012	17593	401-4150-4302	\$19.52
Blumenthal Uniforms & Equipmnt	9/6/2012	17594	101-1070-6407	\$530.00
Booth, Richard W.	9/6/2012	17595	401-4160-6414	\$1,176.00
BRENNTAG PACIFIC, INC	9/6/2012	17596	304-3410-6408	\$11,247.26
Calhoun and DeJong, Inc.	9/6/2012	17597	402-4220-6114	\$136.03
Carson Oil Co	9/6/2012	17598	101-1070-6403	\$14.41
Cascade Fire Equipment Company	9/6/2012	17599	101-1090-6114	\$23.97
CBS OUTDOOR	9/6/2012	17601	403-4310-6207	\$11,385.00
Charter Communications	9/6/2012	17602	303-3315-6206	\$61.99
Cheek, Rebecca	9/6/2012	17604	401-4160-6026	\$114.10
Clemons, Julia E.R	9/6/2012	17605	401-4160-6026	\$72.10
Cline, Kathy	9/6/2012	17606	401-4150-6201	\$23.32
Coast Street Dry Cleaners	9/6/2012	17607	101-1070-6030	\$26.90
Coast Telecomm	9/6/2012	17608	101-1090-6508	\$564.00
Coastal Arts Guild	9/6/2012	17609	101-1055-6030	\$160.00
Coastal Paper & Supply	9/6/2012	17610	101-1100-6101	\$202.55
Coastal Refrigeration	9/6/2012	17611	101-1035-6113	\$146.00
Copeland Lumber	9/6/2012	17612	302-3210-6522	\$27.00
Dell Marketing L.P	9/6/2012	17613	101-1025-6508	\$39.95
Devils Lake Rock Company	9/6/2012	17614	601-6110-7024	\$9,963.00
E2 Electric, Inc	9/6/2012	17615	101-1090-6014	\$1,473.00
Eldridge, Sheryl	9/6/2012	17616	101-1100-6202	\$76.59
Emerald Springs	9/6/2012	17617	101-1050-6402	\$24.00
Englund Marine Supply	9/6/2012	17618	304-3410-6508	\$17.81
ESRI	9/6/2012	17619	301-3120-6306	\$2,000.00
Fastenal Company	9/6/2012	17620	302-3210-6419	\$7.87
Global Equipment Company	9/6/2012	17621	101-1070-6502	\$319.26
Government Ethics Commission	9/6/2012	17622	101-1010-6225	\$455.27
Graymont Capital Inc.	9/6/2012	17623	304-3410-6408	\$3,798.00
HD Supply Waterworks, LTD	9/6/2012	17624	303-3320-6523	\$8,789.00
J.C. Market	9/6/2012	17625	101-1090-6216	\$44.44
Lazerquick	9/6/2012	17626	101-1030-6516	\$243.96
Lincoln Glass Company	9/6/2012	17627	101-1035-6113	\$57.50
Mackey, Lori	9/6/2012	17628	401-4160-6213	\$72.00
Malloy, Jason	9/6/2012	17629	101-1070-6203	\$347.60

Microflex Corporation	9/6/2012	17630	304-3410-6504	\$295.30
Miranda, Mark	9/6/2012	17631	101-1070-6216	\$120.00
Mulder Sheet Metal, Inc	9/6/2012	17632	303-3320-6523	\$1,800.00
NEWPORT AUTO PARTS, INC	9/6/2012	17633	304-3410-6112	\$270.28
Newport Electronics	9/6/2012	17634	101-1090-6111	\$16.96
Newport Rental Service, Inc	9/6/2012	17635	402-4210-6102	\$157.50
Newport Signs	9/6/2012	17636	403-4310-6516	\$60.00
News Lincoln County	9/6/2012	17637	401-4130-6207	\$25.00
Northwest Management	9/6/2012	17638	101-1052-6030	\$718.75
Northwest Land Surveying, Inc.	9/6/2012	17639	101-1035-6028	\$2,006.25
Northwest Vending Co	9/6/2012	17640	402-4220-6406	\$99.07
NW Natural	9/6/2012	17641	303-3310-6109	\$293.78
OBOA	9/6/2012	17642	404-4410-6216	\$350.00
Ocean Tire Factory	9/6/2012	17643	303-3320-6112	\$1,403.60
OFDDA/OFCA JOINT CONFERENCE	9/6/2012	17644	101-1090-6216	\$304.00
Oregon Apparatus Repair, Inc	9/6/2012	17645	101-1090-6112	\$2,660.13
OREGON HEALTH AUTHORITY-Cashier	9/6/2012	17646	303-3310-6216	\$35.00
PAIGE, PHIL	9/6/2012	17647	101-1090-6202	\$64.60
Pape Machinery, Inc	9/6/2012	17648	303-3320-6114	\$3,551.32
Peak Internet	9/6/2012	17649	402-4210-6206	\$141.98
Pioneer Printing, Inc	9/6/2012	17650	101-1070-6208	\$614.88
Pioneer Telephone Cooperative	9/6/2012	17651	101-1090-6204	\$541.20
Platt Electric Supply	9/6/2012	17652	304-3410-6111	\$620.32
Power Chrysler, Dodge, Jeep	9/6/2012	17653	101-1090-6112	\$1,068.16
Precision Approach Engineering	9/6/2012	17654	402-4210-6025	\$4,942.13
ProBuild Newport #609	9/6/2012	17655	304-3420-6115	\$1,222.14
PROGRESSIVE OPTIONS	9/6/2012	17656	101-1010-6231	\$1,000.00
Public Works Supply, Inc	9/6/2012	17657	402-4210-6415	\$57.35
Quality Printing Service	9/6/2012	17658	101-1055-6208	\$265.93
Red Rose Catering	9/6/2012	17659	101-1010-6481	\$26.00
Regal Forms Inc.	9/6/2012	17660	101-1070-6218	\$2,670.00
Riedl, Christopher	9/6/2012	17661	401-4160-4304	\$80.00
SCHEMBRI, LAURIE	9/6/2012	17662	401-4160-6026	\$1,734.95
Seal Rock Water District	9/6/2012	17663	402-4210-6411	\$1,547.18
Setere & Sons LTD	9/6/2012	17664	304-3410-6408	\$819.00
Sherwin-Williams	9/6/2012	17665	402-4210-6419	\$703.32
Solomonson, Mary	9/6/2012	17666	401-4160-6026	\$198.75
Staples	9/6/2012	17667	301-3110-6402	\$427.58
Steen's Master Lube	9/6/2012	17669	101-1035-6112	\$197.95
Stitchin Post, The	9/6/2012	17670	101-1090-6504	\$25.00
Stone, Elizabeth	9/6/2012	17671	401-4150-4302	\$152.84
Syn-Tech Systems, Inc.	9/6/2012	17672	402-4220-6092	\$125.00
T&L Septic & Chemical Toilet	9/6/2012	17673	101-1090-6102	\$249.00
Taoist Tai Chi Society	9/6/2012	17674	401-4150-4302	\$677.50
Thompson's Transfer & Disposal	9/6/2012	17675	101-1035-6107	\$63.90
Tokos, Derrick	9/6/2012	17676	101-1400-6202	\$75.46
TP Freight Lines Inc	9/6/2012	17677	304-3410-6114	\$356.03

Tradenet	9/6/2012	17678	601-6110-7018	\$8,950.00
Traffic Safety Supply Co., Inc	9/6/2012	17679	302-3210-6516	\$1,543.15
True-Cut Engraving, LLC	9/6/2012	17680	401-4110-6414	\$57.00
United Grocers	9/6/2012	17681	101-1090-6401	\$488.84
VerizonWireless	9/6/2012	17682	402-4210-6205	\$546.36
West Coast Linen	9/6/2012	17683	402-4220-6101	\$27.28
Wire Works LLC	9/6/2012	17685	101-1070-6112	\$366.95
Xerox Corporation	9/6/2012	17686	101-1070-6209	\$630.63
Lincoln County Clerk	9/7/2012	17687	101-1025-6051	\$161.00
Oregon Employment Department	9/7/2012	17688	402-4220-5250	\$3,983.00
ABECO	9/14/2012	17690	402-4220-6402	\$6.25
Aboveboard Electric, Inc	9/14/2012	17691	101-1035-6113	\$1,466.62
Allen and Sons, Inc	9/14/2012	17692	601-6110-7018	\$4,979.57
Allstart Auto Electric, Inc	9/14/2012	17693	304-3420-6112	\$1,864.00
Alesa Bay Power Products	9/14/2012	17694	303-3310-6114	\$921.51
AT&T	9/14/2012	17695	402-4210-6204	\$290.92
Barrelhead Supply, Inc	9/14/2012	17696	101-1090-6401	\$732.86
Barrett Business Svcs, Inc	9/14/2012	17697	402-4220-6009	\$1,866.45
Batteries Northwest	9/14/2012	17698	303-3320-6112	\$88.95
BRENNTAG PACIFIC, INC	9/14/2012	17699	303-3315-6408	\$3,726.00
Brown, Alan Tire Center	9/14/2012	17700	304-3420-6115	\$55.06
Bullfrog Enterprises	9/14/2012	17701	101-1050-6208	\$430.00
Utility Refunds	9/14/2012	17703	303-01114	\$87.48
Carquest Auto Parts Stores	9/14/2012	17704	304-3420-6115	\$59.54
CASELLE	9/14/2012	17705	101-1050-6302	\$1,398.00
Century Link	9/14/2012	17707	403-4310-6204	\$3,457.70
Chase Park Grants	9/14/2012	17708	304-3430-6034	\$3,650.52
Coastal Paper & Supply	9/14/2012	17710	101-1035-6401	\$2,635.19
Utility Refunds	9/14/2012	17711	303-01114	\$56.15
Complete Wireless Solutions	9/14/2012	17712	101-1070-6030	\$60.00
Utility Refunds	9/14/2012	17713	303-01114	\$33.01
Detroit Industrial Tool	9/14/2012	17714	303-3320-6508	\$206.97
Utility Refunds	9/14/2012	17715	303-01114	\$88.28
Dish Network	9/14/2012	17716	402-4220-6234	\$17.00
DMV Driver & Motor Vehicle Ser	9/14/2012	17717	101-1070-6225	\$11.50
Utility Refunds	9/14/2012	17718	303-01114	\$43.25
Employment Relations Board	9/14/2012	17719	101-1010-6006	\$500.00
Englund Marine Supply	9/14/2012	17720	304-3420-6115	\$271.35
Factory Matress Outlet	9/14/2012	17721	101-1090-6507	\$620.00
Fastenal Company	9/14/2012	17722	101-1090-6506	\$105.70
GC Systems, Inc	9/14/2012	17724	303-3350-7014	\$800.00
Industrial Welding Supply, Inc	9/14/2012	17725	304-3410-6111	\$9.50
LEAF	9/14/2012	17726	402-4210-6209	\$130.29
Light Source	9/14/2012	17727	402-4210-6111	\$336.00
Lincoln Co Parole & Probation	9/14/2012	17728	101-1035-6113	\$1,375.00
Lincoln County Print Shop	9/14/2012	17731	101-1020-6208	\$180.00
Lincoln County Public Works	9/14/2012	17732	101-1035-6403	\$9,801.09

Utility Refunds	9/14/2012	17733	303-01114	\$45.45
Utility Refunds	9/14/2012	17735	303-01114	\$69.17
New Horizons	9/14/2012	17736	101-1020-6216	\$6,312.00
NEWPORT AUTO PARTS, INC	9/14/2012	17737	304-3410-6112	\$1,521.67
Newport Diesel & Marine Co Inc	9/14/2012	17738	101-1090-6112	\$2,296.75
Newport Glass Company, Inc	9/14/2012	17739	101-1035-6030	\$183.50
Newport Plumbing, Inc	9/14/2012	17740	101-1090-6113	\$9.50
Newport Rental Service, Inc	9/14/2012	17741	302-3210-6108	\$47.42
News-Times	9/14/2012	17742	101-1020-6222	\$3,511.15
OAWU	9/14/2012	17743	303-3320-6216	\$795.00
OCPDA	9/14/2012	17744	101-1400-6216	\$95.00
Oregon Emergency Man Assn.	9/14/2012	17745	101-1070-6216	\$224.00
Oregon Fire Service Office Administrat	9/14/2012	17746	101-1090-6213	\$30.00
Oregon Quality Lighting	9/14/2012	17747	403-4310-6752	\$36.00
Overhead Door of Eugene Springfield	9/14/2012	17748	101-1070-6030	\$954.08
Pacific Coast Plumbing, Inc	9/14/2012	17749	101-1035-6113	\$200.90
Pacific Tire & Brake	9/14/2012	17750	301-3120-6112	\$430.87
Peak Internet	9/14/2012	17751	101-1090-6206	\$111.88
Utility Refunds	9/14/2012	17752	303-01114	\$91.21
Pioneer Telephone Cooperative	9/14/2012	17753	402-4210-6204	\$367.92
Platt Electric Supply	9/14/2012	17754	402-4220-6112	\$157.45
Power Chrysler, Dodge, Jeep	9/14/2012	17755	402-4220-6112	\$210.38
ProBuild Newport #609	9/14/2012	17756	101-1090-6113	\$208.81
Utility Refunds	9/14/2012	17757	303-01114	\$68.18
Utility Refunds	9/14/2012	17758	303-01114	\$42.60
Sherwin-Williams	9/14/2012	17759	303-3320-6115	\$264.55
SMITH, TED J	9/14/2012	17760	101-1100-6202	\$151.80
Staples	9/14/2012	17761	101-1050-6402	\$1,122.25
Staples Advantage	9/14/2012	17762	101-1070-6402	\$383.34
Statewide Environmental Svcs	9/14/2012	17764	306-3640-6030	\$1,288.00
Stitchin Post, The	9/14/2012	17765	101-1070-6030	\$40.00
TCB SECURITY SERVICES, INC.	9/14/2012	17766	101-1070-6218	\$3,750.00
Thompson's Sanitary Serv., Inc	9/14/2012	17767	403-4310-6113	\$1,969.98
Thompson's Transfer & Disposal	9/14/2012	17768	304-3410-6107	\$230.40
TimeMark, Inc	9/14/2012	17769	301-3120-6215	\$258.74
Utility Refunds	9/14/2012	17770	303-01114	\$35.95
United Grocers	9/14/2012	17771	101-1090-6413	\$44.38
Utility Refunds	9/14/2012	17772	303-01114	\$41.08
USAMOBILITY	9/14/2012	17773	402-4210-6205	\$32.50
VerizonWireless	9/14/2012	17774	401-4120-6205	\$1,106.04
Vern Wiles Construction	9/14/2012	17775	303-3320-6030	\$875.00
Utility Refunds	9/14/2012	17776	303-01114	\$46.40
West Coast Linen	9/14/2012	17777	101-1090-6101	\$14.72
Western States Elect Const.	9/14/2012	17778	101-1090-6113	\$764.19
WW Construction	9/14/2012	17779	101-1090-6113	\$4,993.50
Xerox Corporation	9/14/2012	17780	101-1050-6209	\$686.86
Utility Refunds	9/14/2012	17781	303-01114	\$50.99

A Work Safe Service, Inc	9/20/2012	17782	304-3420-6032	\$60.00
Alsea Bay Power Products	9/20/2012	17785	303-3310-6114	\$1,607.90
Analytical Laboratory & Consul	9/20/2012	17786	303-3310-6029	\$320.00
Aronson Security Group	9/20/2012	17787	101-1100-6113	\$3,521.36
Associated Cleaning Serv., Inc	9/20/2012	17788	403-4310-6101	\$7,028.00
Barrelhead Supply, Inc	9/20/2012	17789	303-3320-6508	\$74.54
Barrett Business Svcs, Inc	9/20/2012	17790	402-4220-6009	\$3,093.06
Blumenthal Uniforms & Equipmnt	9/20/2012	17791	101-1070-6407	\$2,562.74
Braxling & Braxling, Inc	9/20/2012	17792	303-3320-6523	\$3,808.44
Carquest Auto Parts Stores	9/20/2012	17794	301-3110-6229	\$13.52
Carson Oil Co	9/20/2012	17795	402-4220-4321	\$4,311.67
CBS OUTDOOR	9/20/2012	17796	403-4310-6207	\$7,065.00
Central Coast Excavating, Inc	9/20/2012	17797	402-4210-6111	\$517.50
Central Lincoln P.U.D	9/20/2012	17798	101-1900-6103	\$17,664.16
Central Oregon Coast Training Officers	9/20/2012	17799	101-1090-6213	\$510.00
Centro de Ayuda	9/20/2012	17800	101-1100-6207	\$50.00
Certified Folder Display Svc.	9/20/2012	17801	403-4310-6042	\$9,959.00
City County Insurance Service	9/20/2012	17802	101-1900-6030	\$1,500.00
Copeland Lumber	9/20/2012	17803	302-3210-6501	\$5.75
Cruise Master Engraving	9/20/2012	17804	101-1090-6504	\$53.87
Daily Journal of Commerce	9/20/2012	17805	402-4210-6008	\$396.75
David Gorton	9/20/2012	17806	601-6110-7025	\$3,675.00
Day-Timers, Inc	9/20/2012	17807	301-3120-6402	\$45.98
Demco	9/20/2012	17808	101-1100-6402	\$604.22
DAS STATE	9/20/2012	17809	101-1090-6506	\$1,005.00
DMV Driver & Motor Vehicle Ser	9/20/2012	17811	101-1090-6222	\$279.50
Dooley Enterprises	9/20/2012	17812	101-1070-6417	\$3,345.00
EMERGENCY MEDICAL PRODUCT, INC	9/20/2012	17815	101-1090-6416	\$72.15
Englund Marine Supply	9/20/2012	17816	303-3320-6523	\$213.54
Exercise Equipment Northwest	9/20/2012	17817	401-4150-6114	\$365.99
Greater Newport Chamber of Crc	9/20/2012	17818	403-4310-6207	\$1,529.65
Haines, Jeff	9/20/2012	17819	401-4160-4302	\$95.00
Hawker, Margaret	9/20/2012	17820	101-1020-6222	\$8.50
HD Supply Waterworks, LTD	9/20/2012	17821	303-3320-6523	\$3,994.76
Idea Print Works	9/20/2012	17822	401-4160-6413	\$214.40
Industrial Welding Supply, Inc	9/20/2012	17823	302-3220-6403	\$5.00
International Association of Fire Chiefs	9/20/2012	17824	101-1090-6213	\$249.00
Iron Horse Group	9/20/2012	17825	302-3220-6031	\$3,322.50
Itron, Inc	9/20/2012	17826	304-01243	\$620.08
J.C. Market	9/20/2012	17827	101-1035-6405	\$11.98
John B. Lehrer, MD	9/20/2012	17828	302-3220-6030	\$175.00
Keady, Kay	9/20/2012	17829	101-1010-6405	\$50.00
King Office Equipment & Design	9/20/2012	17830	101-1050-6502	\$162.89
KPPT-AM/KPPT FM	9/20/2012	17831	401-4150-6207	\$200.00
LGPI	9/20/2012	17832	101-1010-6006	\$970.50
Lieder, Ted Construction	9/20/2012	17833	101-1035-6113	\$12,256.60
Lincoln County Public Works	9/20/2012	17835	402-4210-6403	\$3,823.03

Lincoln Glass Company	9/20/2012	17836	101-1035-6113	\$95.00
Movie Licensing USA	9/20/2012	17837	101-1100-6512	\$290.00
NEWPORT AUTO PARTS, INC	9/20/2012	17838	304-3410-6114	\$18.49
Newport Diesel & Marine Co Inc	9/20/2012	17839	303-3320-6114	\$2,107.21
Newport Electronics	9/20/2012	17840	101-1090-6413	\$21.95
NW Natural	9/20/2012	17842	303-3310-6109	\$347.40
Ocean Tire Factory	9/20/2012	17843	101-1070-6112	\$3,478.65
ODOT	9/20/2012	17844	303-3320-6225	\$1,319.17
On Display Advertising	9/20/2012	17845	403-4310-6207	\$8,800.00
OREGON COAST TODAY	9/20/2012	17846	403-4310-6207	\$920.00
Oregon Fire Chiefs' Associatio	9/20/2012	17847	101-1090-6216	\$85.00
Peak Internet	9/20/2012	17848	402-4210-6122	\$141.98
Portland State University	9/20/2012	17849	601-6110-6027	\$107.25
ProBuild Newport #609	9/20/2012	17850	101-1090-6414	\$574.13
Quality Printing Service	9/20/2012	17851	304-3440-6215	\$265.93
Quill.com	9/20/2012	17852	302-3210-6402	\$130.17
Reeves Company, Inc.	9/20/2012	17853	101-1070-6407	\$24.97
Rembold, Luke	9/20/2012	17854	401-4160-6413	\$20.00
Samaritan Occupational Med	9/20/2012	17855	303-3320-6030	\$65.00
San Diego Police Equipment Co.	9/20/2012	17856	101-1070-6417	\$1,967.00
Satcom Global FZE	9/20/2012	17857	101-1070-6204	\$36.15
Shilo Inn- Salem Suites	9/20/2012	17858	303-3320-6216	\$429.00
SMITH, TED J	9/20/2012	17859	101-1100-6202	\$92.40
SPEER HOYT LLC	9/20/2012	17860	301-3110-6004	\$8,073.50
Spy, LLC	9/20/2012	17861	601-6110-7025	\$3,675.00
Staples	9/20/2012	17862	101-1090-6402	\$60.70
Staples Advantage	9/20/2012	17863	101-1070-6402	\$475.76
State of Oregon	9/20/2012	17864	101-1070-6213	\$40.00
Steen's Master Lube	9/20/2012	17865	101-1035-6112	\$55.50
Stitchin Post, The	9/20/2012	17866	101-1090-6504	\$5.00
Syn-Tech Systems, Inc.	9/20/2012	17867	402-4220-6092	\$125.00
Taylor, Tad	9/20/2012	17868	101-1025-6303	\$42.99
Tennis Surfacing & Maintenance	9/20/2012	17869	101-1035-6113	\$235.00
Thompson's Sanitary Serv., Inc	9/20/2012	17870	101-1100-6106	\$1,358.49
Thompson's Transfer & Disposal	9/20/2012	17871	101-1035-6106	\$50.40
TimeMark, Inc	9/20/2012	17872	301-3120-6215	\$3,211.08
Traffic Safety Supply Co., Inc	9/20/2012	17873	302-3210-6215	\$2,231.78
True-Cut Engraving, LLC	9/20/2012	17874	101-1020-6402	\$10.00
Uline	9/20/2012	17875	101-1070-6207	\$47.96
United Grocers	9/20/2012	17876	101-1035-6113	\$53.11
Valley Fire Control, Inc	9/20/2012	17877	401-4130-6113	\$2,752.00
VALLEY RETRIEVER BUSLINES	9/20/2012	17878	401-4160-6413	\$295.00
VerizonWireless	9/20/2012	17879	302-3210-6205	\$477.14
Voetberg, Jim	9/20/2012	17880	101-1020-6235	\$121.34
West Coast Linen	9/20/2012	17881	101-1090-6101	\$13.90
Western States Elect Const.	9/20/2012	17882	101-1100-6113	\$1,353.83
Xerox Corporation	9/20/2012	17883	101-1400-6211	\$232.33

**CITY OF NEWPORT**  
**MONTHLY DISTRIBUTIONS**  
**Sep-12**

CASELLE	9/6/2012	17600	101-1050-6302	\$54,025.00
Chase Park Grants	9/6/2012	17603	304-3430-6034	\$30,666.00
WEST COAST TRUST	9/6/2012	17684	401-02771	\$45,844.17
City of Bellevue	9/11/2012	17689	101-1090-7003	\$80,000.00
Central Lincoln P.U.D	9/14/2012	17706	304-3410-6103	\$56,111.75
Civil West Engineering Service	9/14/2012	17709	601-6110-6025	\$30,120.70
FRANK CONSTRUCTION	9/14/2012	17723	601-6110-7024	\$115,492.66
ECONorthwest	9/20/2012	17814	101-1400-6030	\$31,180.00

**Purchases over \$25,000 reported pursuant to 2.30.060 of the Newport Municipal Code**  
**Public Contracting Delegation of Authority**

**CITY OF NEWPORT - URBAN RENEWAL AGENCY**  
**MONTHLY DISTRIBUTIONS**  
**Sep-12**

Cameron McCarthy Landscape	9/14/2012	17702	901-9120-6030	\$8,785.00
Aboveboard Electric, Inc	9/20/2012	17783	901-9110-6113	\$12,420.00
A-Game Courts	9/20/2012	17784	901-9110-6113	\$17,604.00
Eagle Painting	9/20/2012	17813	901-9110-6113	\$4,900.00

## Peggy Hawker

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**From:** CommitteeApp@newportoregon.gov  
**Sent:** Wednesday, October 10, 2012 12:52 PM  
**To:** Nicole Morris; Peggy Hawker  
**Cc:** karen.marie.murphy@gmail.com  
**Subject:** Committee Application

Application for City Council - Email Application

Date: 10/9/2012

Commission/Committee of Interest: Public Arts Committee

Name: Karaen Anne-Marie Murphy

Address: 1355 NR Yaquina Heights Drive

Newport, Oregon 97365

Workphone: 541-270-3364

Homephone: 541-265-6064

Email: karen.marie.murphy@gmail.com

Occupation: self-employed counselor

Employer: Healing HeArts

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? I have resided in Newport for 26 years. It is my home. I love the natural beauty and the amazing gathering of labor, science and art that this community draws. I am at a stage in my career when time affords me the opportunity to give back to Newport. I have a life long interest in art and believe it to be essential to inspire and elevate the human spirit. I also believe that art fosters a sense of community in the shared experience of creation and appreciation.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? I was a social worker at the hospital for 18 years. Almost everyday I was confronted with dilemmas that involved conflicting interests: patient vs. family vs. funding source. Into that mix was pre-conceived notions (bias) about expectations and privilege. My job was to navigate the concerns and needs of the various parties to achieve the most healthful outcome for the patient within the constraints of the system. My "decision" was where to place my energy and imagination to that end. Also, in order to maintain my license, I am required to attend regular trainings on ethical decision-making.

Describe the process of how you make decisions. I gather information. I consult trusted persons with specific knowledge on the subject. I verbally process with others who share my concern. I allow myself time and space to cogitate for original ideas. I have a professional history of solving problem quickly. My challenge is to pace myself.

What do you think about consensus decision making? What does the consensus decision making process mean to you? Consensus decision making is when a group of people, with varying perspectives, discuss and compromise to a satisfactory conclusion for all. This can be a difficult process unless the individuals approach the group with respect and a common purpose, agreed upon goals. Given the nature of this committee and the emotions that art evokes, this will be an interesting challenge for the participants. I feel fortunate that my professional background affords me some objectivity and practice with this process.

Describe all other pertinent information/background for this position. I have served with the Arts & Healing Committee at Samaritan Pacific Communities Hospital. In that capacity I helped to create the Surviving to Thriving program, that brought community artists and cancer

patients/families together for a healing experience through art. I also regularly produce and hang the staff/volunteer photography exhibit at the hospital. I was a sponsor-in-kind during the year-long creation of Rick Bartow's Welcoming Poles, commissioned by the Smithsonian. In this capacity, I organized meals, gatherings & celebrations, as well as opened my home to shelter visiting artists.

## Peggy Hawker

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**From:** CommitteeApp@newportoregon.gov  
**Sent:** Tuesday, October 02, 2012 11:25 PM  
**To:** Nicole Morris; Peggy Hawker  
**Cc:** mgarch@att.net  
**Subject:** Committee Application

Application for City Council - Email Application

Date: 10/3/2012

Commission/Committee of Interest: Public Arts Committee

Name: Mark Goodman

Address: 208 NW Coast Street, #2

Newport, OR 97365

Workphone: 850-803-8433

Homephone:

Email: [mgarch@att.net](mailto:mgarch@att.net)

Occupation: Architect

Employer: Self-employed: Mark Louis Goodman AIA Architecture

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? Being an architect, I have a love and passion for the arts, design and all things of an artistic nature. Many years experience in the architecture profession have given me the creative abilities to assess what is proper and fitting to specific environmental conditions, locations and sites. I have the intuitive ability and talents to determine what is appropriate relative to the overall aesthetic quality of the arts as they merge into the public realm. My own creativity and eye for the arts helps me to understand to see things in ways that others may not. One might say that architecture and art go hand in hand.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? The daily business of architecture deals with difficult decisions and issues of conflict (people and money) nearly on a constant basis, so I am well versed in solving these kind of problems. I am analytical in nature, have the ability to step back to assess the situation and have the ability to reason out what is best for an individual or group of people or issues that are problematic. Most importantly, I believe I have the ability to look forward to see the big picture by looking at all the component parts that make up the whole. By dissecting and identifying those parts which are troublesome, the individual parts or problems are much easier to deal with when you do not lose sight of the big picture or overall intent.

Describe the process of how you make decisions. The process of how I would make a decision would be to evaluate the situation, make sure I knew all the facts, do the necessary research to educate myself and understand the impact of the decision to be made.

What do you think about consensus decision making? What does the consensus decision making process mean to you? In general, I believe consensus decision making is a good process because it takes into account the education, viewpoints and experience of many people. It's good to understand how other people see things as it helps oneself to make a more informed decision and understand its impact. People do not always agree, however, the process of consensus decision making is acceptable if supported by the whole of the group. Sometimes compromise is necessary when making a decision that will affect many.

Describe all other pertinent information/background for this position. Registered Architect - Florida, Montana and Oregon Bachelor of Arts in Architecture - University of New Mexico

Master of Architecture - Virginia Polytechnic Institute and State University TAU SIGMA DELTA  
Honor Society in Architecture and Allied Arts PHI KAPPA PHI National Honor Society Custom  
residential, commercial and interiors building experience Participant in design competitions  
Honorable Mention Award - National Design Competition for an Indian  
Memorial - Little Bighorn Battlefield National Monument

## Peggy Hawker

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**From:** CommitteeApp@newportoregon.gov  
**Sent:** Thursday, September 20, 2012 4:57 PM  
**To:** Nicole Morris; Peggy Hawker  
**Cc:** janerogers63@gmail.com  
**Subject:** Committee Application

Application for City Council - Email Application

Date: 9/20/2012

Commission/Committee of Interest: Art Committee

Name: Wyma Rogers

Address: 960 SW Bay View Lane

Newport, OR 97365

Workphone:

Homephone: 541 265-3432

Email: janerogers63@gmail.com

Occupation: retired

Employer:

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? I love art and I love Newport. I want Newport to be attractive to residents and visitors. Aesthetic considerations include architecture, cleanliness and artistic expression. Public art welcomes people and it can define a town.

I have experience with juries who selected art for the City Hall, the Newport Public Library, and the Parks and Recreation Center.

I have overseen calls for artists and helped juries review the results and select art and/or artists.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? One of the tenets of the library profession is to operate without personal bias toward materials or persons. Choosing books that did not appeal to me but were in demand is an example of overriding personal bias to serve the whole community. I would apply the same principle to art selection: whatever we choose would not necessarily be what I would buy for my home, but would be something the whole community could appreciate, enjoy, and perhaps learn to see in a different way.

Describe the process of how you make decisions. In choosing public art I would want to hear from all those the Council designates for the art committee, and from professionals such as the Director of the OCCA. It is critical in choosing art or an artist for a public venue to hear from people whose thoughts are informed by experience and education that is different from mine. In addition I would take time to study each work myself so that I could contribute my viewpoint.

What do you think about consensus decision making? What does the consensus decision making process mean to you? I prefer consensus to voting. In a consensual process we would hear from each member of the committee and each professional. By sharing our viewpoints we would enrich the process with all of our experience and we hope, come to the best decision.

Describe all other pertinent information/background for this position. When we remodeled the library some funds were donated for public art. The result is the stained glass window in the entrance. Later we had a grant for art for the children's area and the result of that process is the mural in the children's story area. Over the years artists have wanted to donate works to the library. The same city-wide jury who selected architectural art also

**From:** [CommitteeApp@newportoregon.gov](mailto:CommitteeApp@newportoregon.gov)  
**To:** [Nicole Morris](#); [Peggy Hawker](#);  
**cc:** [svalentine@peak.org](mailto:svalentine@peak.org);  
**Subject:** Committee Application  
**Date:** Wednesday, October 10, 2012 4:58:49 PM

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Application for City Council - Email Application

Date: 10/9/2012

Commission/Committee of Interest: Public Arts Committee

Name: Sue Valentine

Address: 1505 NW Sarkisian Drive / Seal Rock OR 97376

Workphone: (541) 272-0500

Homephone: (541) 563-7625

Email: [svalentine@peak.org](mailto:svalentine@peak.org)

Occupation: Teaching Art / Graphic Design / Product Development

Employer: ArtDreams Studio & Gallery

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? I would love to be involved with helping in the aesthetic development of the arts, in the charming City of Newport. I have always wanted to be more involved in community programs. Art has been my life, and I feel it would be very rewarding to work on such meaningful projects.

I have more than 25 years of experience in the art and design industry, as well as teaching those subjects. I am an artist, designer, and teacher. I always have plenty of great ideas, and would love to share them with you.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? ( There is not a specific experience that is coming to mind.)

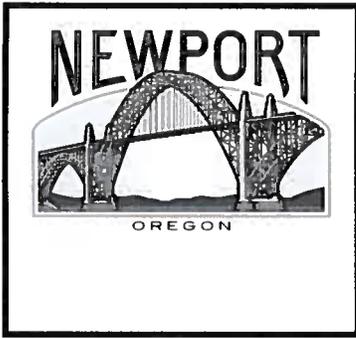
Describe the process of how you make decisions. I research all the facts. Talk to all parties involved. Then do what I call a P.C.I. - This is a list of all the pros, cons, and interesting possibilities. Some final decisions may be also based on good instinct.

What do you think about consensus decision making? What does the consensus decision making process mean to you? I think it's smart, because we can share different view points, and brainstorm ideas together. A synergy of multiple energies is created by consensus decision making.

Describe all other pertinent information/background for this position. I have served on the Newport City Center Association where I researched design and color information for the Deco District. I am on the board for the Yaquina River

Museum of Art. I have been involved with teaching and volunteer work for the Visual Art Center. I also served on many committees for four years, when I was teaching for Oregon Coast Community College.





Agenda Item #  
Meeting Date

V-C  
10/15/12

**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 City Mgr Approval: [Signature]

**Issue Before the Council:**

Shall the City Council recommend approval of the liquor license application for Bridges Restaurant and Lounge.

**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:**

Bridges Restaurant and Lounge, 1000 SE Bay Blvd., has made application to the Oregon Liquor Control Commission for a "Full On-Premises Sales" license, and "Off-Premises Sales" license due to a change in ownership. Such a license allows for the applicant to sell 'by the drink' wine, malt beverages, cider and distilled liquor. 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. The Off-Premises 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. Bridges Restaurant and Lounge is located in the Embarcadero Resort complex. There has been only one call to the restaurant and lounge within the last year. It involved a disturbance where there was a subsequent arrest made for DUII.

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

OCT -1 2012

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: 10/11/12

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: Jah

Date: 10/11/12

90-day authority:  Yes  No

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

① Embarcadero Resort Service Provider, LLC ③ \_\_\_\_\_

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): Bridges Restaurant & Lounge

3. Business Location: 1000 S.E. Bay BLVD Newport OR 97365  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 1000 S.E. Bay BLVD Newport OR 97365  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541 265 8521 541 265 7844  
(phone) (fax)

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

7. If yes to whom: Embarcadero Resort Rental Agency LLC Type of License: Full w/off site As Per Above

8. Former Business Name: N/A

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

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

11. Contact person for this application: Zachary Poek  
(name) (phone number(s))  
3910 NE HWY 101 Lincoln City OR 97367 zachpoek@yahoo.com  
(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 [Signature] Date 9/17/12 ③ \_\_\_\_\_ Date \_\_\_\_\_

② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_



**OREGON LIQUOR CONTROL COMMISSION  
INDIVIDUAL HISTORY**

1. Trade Name Bridges Restaurant & Lounge 2. City Newport, OR  
 3. Name Pool Zachary Robert  
 (Last) (First) (Middle)  
 4. Other names used (maiden, other) ZACH  
 5. \*SSN [REDACTED] 6. Place of Birth [REDACTED] 7. DOB [REDACTED] 8. Sex M  F   
 (State or Country) (mm) (dd) (yyyy)

**\*SOCIAL SECURITY NUMBER DISCLOSURE:** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature]

9. Driver License or State ID # [REDACTED] 10. State OR  
 11. Residence Address [REDACTED] OR 97002  
 (number and street) (city) (state) (zip code)  
 12. Mailing Address (if different) \_\_\_\_\_  
 (number and street) (city) (state) (zip code)  
 13. Contact Phone [REDACTED] 14. E-Mail address (optional) \_\_\_\_\_  
 15. Do you have a spouse or domestic partner?  No  Yes  
 If yes, list his/her full name: Kristine Pool  
 Will this person work at or be involved in the operation or management of the business?  No  Yes  
 16. List all states, other than Oregon, where you have lived during the past ten years:  
None

17. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
 No  Yes  Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.  
 If unsure, explain. You may include the information on a separate sheet.

18. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony?  No  Yes  Unsure  
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

19. Trade Name Bridges Restaurant & Lounge 20. City Newport

21. Do you have any arrests or citations that have not been resolved?  No  Yes  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

22. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  No  Yes  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

23. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  No  Yes  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

24. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?  No  Yes  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

Questions 25 and 26 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 25 and 26.

25. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  No  Yes  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

26. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  N/A  No  Yes  Unsure  
If yes or unsure, explain:

Question 27 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 27.

27. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  No  Yes  Unsure  
If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form). I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 9/17/12



OREGON LIQUOR CONTROL COMMISSION  
**INDIVIDUAL HISTORY**

1. Trade Name Bridges Restaurant & Lounge 2. City Albany  
 3. Name Pooler Kristine LeeAnn  
 (Last) (First) (Middle)  
 4. Other names used (maiden, other) Kristine L. Talbot  
 5. \*SSN [REDACTED] 6. Place of Birth [REDACTED] 7. DOB [REDACTED] 8. Sex M  F

**\*SOCIAL SECURITY NUMBER DISCLOSURE:** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature]

9. Driver License or State ID # [REDACTED] 10. State OR  
 11. Residence Address [REDACTED] OR 97002  
 (number and street) (city) (state) (zip code)  
 12. Mailing Address (if different) \_\_\_\_\_  
 (number and street) (city) (state) (zip code)  
 13. Contact Phone [REDACTED] 14. E-Mail address (optional) Kristipooler@yahoo.com  
 15. Do you have a spouse or domestic partner?  No  Yes  
 If yes, list his/her full name: Zachary Pooler  
 Will this person work at or be involved in the operation or management of the business?  No  Yes  
 16. List all states, other than Oregon, where you have lived during the past ten years:  
none

17. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
 No  Yes  Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.  
 If unsure, explain. You may include the information on a separate sheet.

18. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony?  No  Yes  Unsure  
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

19. Trade Name Bridges Restaurant + Lounge 20. City Newport, OR

21. Do you have any arrests or citations that have not been resolved?  No  Yes  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

22. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  No  Yes  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

23. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  No  Yes  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

24. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?  
 No  Yes  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

Questions 25 and 26 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 25 and 26.

25. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  No  Yes  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

26. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  
 N/A  No  Yes  Unsure If yes or unsure, explain:

Question 27 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 27.

27. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  No  Yes  Unsure If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form). I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: *Depura*

Date: 9/17/12



OREGON LIQUOR CONTROL COMMISSION  
**INDIVIDUAL HISTORY**

1. Trade Name Bridges Restaurant & Lounge 2. City Newport  
 3. Name Pool Lynn Yvonne  
 (Last) (First) (Middle)  
 4. Other names used (maiden, other) Maiden = Lynn Yvonne Edwards  
 5. \*SSN [REDACTED] 6. Place of Birth [REDACTED] 7. DOB [REDACTED] 8. Sex M  F

**\*SOCIAL SECURITY NUMBER DISCLOSURE:** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature] 9-18-2012

9. Driver License or State ID # [REDACTED] 10. State OR  
 11. Residence Address [REDACTED] OR 97146  
 (state) (zip code)  
 12. Mailing Address (if different) \_\_\_\_\_  
 (number and street) (city) (state) (zip code)  
 13. Contact Phone [REDACTED] 14. E-Mail address (optional) \_\_\_\_\_

15. Do you have a spouse or domestic partner?  No  Yes  
 If yes, list his/her full name: Wayne Elton Pool  
 Will this person work at or be involved in the operation or management of the business?  No  Yes

16. List all states, other than Oregon, where you have lived during the past ten years:  
N/A

17. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
 No  Yes  Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.  
 If unsure, explain. You may include the information on a separate sheet.

18. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony?  No  Yes  Unsure  
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

19. Trade Name Bridges Restaurant & Lounge 20. City Newport

21. Do you have any arrests or citations that have not been resolved?  No  Yes  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

22. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  No  Yes  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

23. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  No  Yes  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

24. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?  No  Yes  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

Questions 25 and 26 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 25 and 26.

25. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  No  Yes  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

26. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  N/A  No  Yes  Unsure  
If yes or unsure, explain:

Question 27 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 27.

27. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  No  Yes  Unsure  
If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form). I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: \_\_\_\_\_

*Robert Poole*

Date: 9-18-2012



OREGON LIQUOR CONTROL COMMISSION  
INDIVIDUAL HISTORY

1. Trade Name Bridges Restaurant & Lounge 2. City Newport  
3. Name Pooler Wayne Eitan  
(Last) (First) (Middle)

4. Other names used (maiden, other) N/A

5. \*SSN [REDACTED] Place of Birth [REDACTED] 7. DOB [REDACTED] 8. Sex M  F   
(State or Country) (mm) (dd) (yyyy)

**\*SOCIAL SECURITY NUMBER DISCLOSURE:** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 688(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

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Applicant Signature: [Signature]

9. Driver License or State ID # [REDACTED] 10. State OR

11. Residence Address [REDACTED] OR 97146  
(state) (zip code)

12. Mailing Address (if different) \_\_\_\_\_  
(number and street) (city) (state) (zip code)

13. Contact Phone [REDACTED] 14. E-Mail address (optional) Wayneepooler@yahoo.com

15. Do you have a spouse or domestic partner?  No  Yes  
If yes, list his/her full name: Lynn Yvonne Pooler  
Will this person work at or be involved in the operation or management of the business?  No  Yes

16. List all states, other than Oregon, where you have lived during the past ten years:  
N/A

17. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
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If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

19. Trade Name Bridges Restaurant & Lounge 20. City Newport

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If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

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If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

x Oregon Fine Foods Seaside Oregon 04/01/2012

24. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?  No  Yes  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

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If yes or unsure, explain:

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Applicant Signature: [Signature] Date: 9-18-2012



# OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type Embarcadero Resort Services Provider, LLC

Applicant Name: Bridges Restaurant & Lounge Phone: 541 265 8521

Trade Name (dba): \_\_\_\_\_

Business Location Address: 1000 S.E. Bay Blvd

City: Nasport ZIP Code: 97365

## DAYS AND HOURS OF OPERATION

**Business Hours:**

Sunday	7 AM	to	9 PM
Monday	7	to	9
Tuesday	7	to	9
Wednesday	7	to	9
Thursday	7	to	9
Friday	7	to	10:30
Saturday	7	to	10:30

**Outdoor Area Hours:**

Sunday	11	to	9
Monday	11	to	9
Tuesday	11	to	9
Wednesday	11	to	9
Thursday	11	to	9
Friday	11	to	9
Saturday	11	to	9

The outdoor area is used for:

Food service Hours: 11 to 9

Alcohol service Hours: 11 to 9

Enclosed, how \_\_\_\_\_

The exterior area is adequately viewed and/or supervised by Service Permittees.

\_\_\_\_\_ (Investigator's Initials)

Seasonal Variations:  Yes  No If yes, explain: May close earlier in winter.  
Outdoor area may be used in summer occasionally weather permitting

**ENTERTAINMENT** Check all that apply:

<input type="checkbox"/> Live Music	<input type="checkbox"/> Karaoke
<input checked="" type="checkbox"/> Recorded Music	<input type="checkbox"/> Coin-operated Games
<input type="checkbox"/> DJ Music	<input checked="" type="checkbox"/> Video Lottery Machines
<input type="checkbox"/> Dancing	<input type="checkbox"/> Social Gaming
<input type="checkbox"/> Nude Entertainers	<input type="checkbox"/> Pool Tables
	<input type="checkbox"/> Other: _____

**DAYS & HOURS OF LIVE OR DJ MUSIC**

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

**SEATING COUNT**

Restaurant: 96 Outdoor: 40

Lounge: 50 Other (explain): #

Banquet: 200 Total Seating: 386

**OLCC USE ONLY**

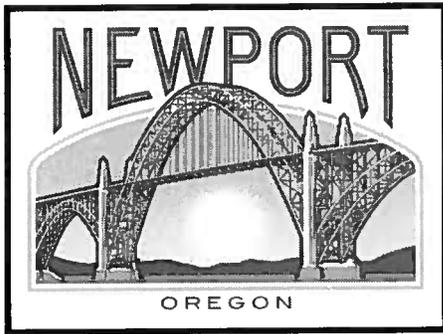
Investigator Verified Seating: \_\_\_\_ (Y) \_\_\_\_ (N)

Investigator Initials: \_\_\_\_\_

Date: \_\_\_\_\_

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

Applicant Signature: [Signature] Date: 10/1/2012



Jim Voetberg  
City Manager  
CITY OF NEWPORT  
169 S.W. Coast Hwy.  
Newport, OR 97365  
[j.voetberg@thecityofnewport.net](mailto:j.voetberg@thecityofnewport.net)

## Manager's Report Meeting of October 15, 2012

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Following is the Manager's Report for the City Council meeting of October 15, 2012:

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.

7/1/13 to 6/30/15 PERS Employee Contribution Rate: Attached for Council review is a Summary of PERS Employer Contribution Rates for the period 7/1/13 through 6/30/15. Fire and Police Department employees have PERS, with all other employees under the City's pension plan. Shown on page 11 of 18, Newport's PERS rate will increase from 7.19% to 10.80 %. In terms of actual costs, this represents an approximate \$50,000 increase to the Police Department and \$23,000 to the Fire Department. This approximate increase was anticipated and budgeted accordingly.

Artisan Fair at the Rec Center: The first annual Artisan Fair is scheduled for October 20<sup>th</sup> and 21<sup>st</sup> at the Rec Center. There is no admission fee and the event will feature holiday gifts including fine art, clothing, jewelry and glassware.

Maritime Museum Walk-Through: Executive Director, Lincoln County Historical Society, Steve Wyatt has invited Council for a walk-through of the Maritime Museum to observe work being completed with funding from the City's Tourism Facilities Grant. Please bring your calendars so that a date can be set (Steve will be out October 29<sup>th</sup> through the 31<sup>st</sup>).

Airport Closures October 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup>: As part of the airport runway 16/34 rehabilitation project, runway 16/34 will be closed October 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> while test coring is conducted on the runway. A full closure of the airport will occur on the 16<sup>th</sup> between 9:00am and 2:00pm will the coring takes place at the intersection of runways 16/34 and 2/20.

Closing of Guin Property: All documents relating to acquisition of the Guin property have been executed and recorded. The property is now owned by the city.

CIS Employment Claims – A Perfect Storm Handout: Attached for Council information is information from CIS regarding employment claims. I will be working with newly hired HR Generalist Elaine Chamberlain to establish policies and processes to help reduce the potential of employment claims for the City.

Manager's Weekly Report: Attached are my weekly Manager's Reports for the weeks of September 24<sup>th</sup>, and October 1<sup>st</sup>, 2012.

## Summary of PERS Employer Contribution Rates

Rates shown reflect the effect of side account rate offsets and retiree healthcare contributions,  
and exclude contributions to the IAP and debt service for pension obligation bonds.

Employer Number	Employer Name	Net Employer Contribution Rate 7/1/11 - 6/30/13			Net Employer Contribution Rate 7/1/13 - 6/30/15		
		Tier 1/ Payroll	Tier 2 Payroll	OPSRP General Service Payroll	OPSRP Police and Fire Payroll	Tier 1/ Payroll	Tier 2 Payroll
..... SLGRP (Default Tier 1/Tier 2 Rates) .....							
CC							
2901	Blue Mountain Community College	8.46%	6.80%	9.51%	13.88%	11.98%	14.71%
2999	Central Oregon Community College	10.21%	8.55%	11.26%	15.92%	14.02%	16.75%
2919	Chemeketa Community College	6.98%	5.32%	8.03%	11.39%	9.49%	12.22%
2908	Clackamas Community College	9.01%	7.35%	10.06%	13.64%	11.74%	14.47%
2900	Clatsop Community College	8.30%	6.64%	9.35%	12.77%	10.87%	13.60%
2996	Columbia Gorge Community College	10.63%	8.97%	11.68%	15.42%	13.52%	16.25%
2906	Klamath Community College	15.32%	13.66%	16.37%	20.17%	18.27%	21.00%
2904	Lane Community College	6.65%	4.99%	7.70%	12.20%	10.30%	13.03%
2910	Linn-Benton Community College	8.12%	6.46%	9.17%	12.96%	11.06%	13.79%
2905	Mt Hood Community College	5.62%	3.96%	6.67%	9.26%	7.36%	10.09%
2995	Oregon Coast Community College	9.84%	8.18%	10.89%	14.66%	12.76%	15.49%
2918	Portland Community College	7.10%	5.44%	8.15%	12.72%	10.82%	13.55%
2922	Rogue Community College	8.42%	6.76%	9.47%	13.72%	11.82%	14.55%
2998	Southwestern Community College	7.45%	5.79%	8.50%	11.54%	9.64%	12.37%
2997	Tillamook Bay Community College	7.74%	6.08%	8.79%	13.72%	11.82%	14.55%
2902	Treasure Valley Community College	5.77%	4.11%	6.82%	10.57%	8.67%	11.40%
2903	Umpqua Community College	9.58%	7.92%	10.63%	14.49%	12.59%	15.32%
City							
2258	City of Adair Village	14.79%	11.99%	14.70%	16.18%	15.98%	18.71%
2103	City of Albany	15.35%	10.20%	12.91%	19.78%	14.47%	17.20%
2235	City of Amity	10.70%	5.50%	8.21%	14.17%	10.89%	13.62%
2104	City of Ashland	15.12%	11.60%	14.31%	19.89%	16.03%	18.76%
2105	City of Astoria	17.65%	13.19%	15.90%	22.13%	17.77%	20.50%
2234	City of Aumsville	9.11%	5.52%	8.23%	14.02%	10.33%	13.06%
2272	City of Aurora	9.20%	5.12%	7.83%	10.26%	9.14%	11.87%
2159	City of Baker City	16.04%	10.77%	13.48%	20.56%	15.14%	17.87%
2150	City of Bandon	13.74%	10.88%	13.59%	18.34%	15.28%	18.01%
2231	City of Banks	7.09%	3.24%	5.95%	12.23%	7.98%	10.71%
2241	City of Bay City	9.83%	7.94%	10.65%	15.78%	11.53%	14.26%
2178	City of Boardman	14.68%	10.65%	13.36%	18.56%	15.02%	17.75%
2216	City of Brookings	14.78%	10.20%	12.91%	19.45%	14.55%	17.28%
2204	City of Burns	7.05%	5.75%	8.46%	13.23%	11.27%	14.00%
2109	City of Canby	11.70%	6.92%	9.63%	15.92%	11.57%	14.30%
2223	City of Cannon Beach	12.51%	8.82%	11.53%	16.09%	13.08%	15.81%
2198	City of Carlton	7.88%	1.95%	4.66%	2.51%	0.49%	2.52%
2182	City of Cascade Locks	18.06%	17.23%	19.94%	22.68%	22.23%	24.96%
2194	City of Cave Junction	10.88%	9.96%	12.67%	15.55%	14.38%	17.11%
2181	City of Central Point	14.53%	9.79%	12.50%	19.48%	14.65%	17.38%
2201	City of Coburg	5.21%	0.50%	2.54%	13.54%	8.57%	11.30%

## Summary of PERS Employer Contribution Rates

Rates shown reflect the effect of side account rate offsets and retiree healthcare contributions,  
and exclude contributions to the IAP and debt service for pension obligation bonds.

Employer Number	Employer Name	Net Employer Contribution Rate 7/1/11 - 6/30/13			Net Employer Contribution Rate 7/1/13 - 6/30/15			
		Tier 1/ Payroll	Tier 2 Payroll	OPSRP General Service Payroll	OPSRP Police and Fire Payroll	Tier 1/ Payroll	Tier 2 Payroll	OPSRP General Service Payroll
<b>SLGRP (Default Tier 1/Tier 2 Rates)</b>								
<b>City</b>								
2271	City of Columbia City	12.67%		11.01%	13.72%	17.20%	15.43%	18.16%
2177	City of Condon	27.70%		22.57%	25.28%	30.87%	25.44%	28.17%
2110	City of Coquille	16.28%		12.19%	14.90%	21.85%	16.68%	19.41%
2155	City of Corvallis	10.59%		6.53%	9.24%	14.96%	10.89%	13.62%
2236	City of Creswell	12.77%		10.25%	12.96%	17.68%	14.80%	17.53%
2202	City of Dallas	16.18%		10.90%	13.61%	21.19%	15.28%	18.01%
2252	City of Dayton	6.58%		5.43%	8.14%	9.32%	7.68%	10.41%
2294	City of Depoe Bay	12.96%		11.04%	13.75%	17.50%	15.44%	18.17%
2131	City of Drain	13.20%		11.11%	13.82%	17.83%	15.51%	18.24%
2245	City of Dundee	12.76%		9.14%	11.85%	17.46%	13.85%	16.58%
2299	City of Dunes City	16.01%		13.16%	15.87%	21.94%	18.96%	21.69%
2269	City of Durham	7.19%		7.43%	10.14%	12.69%	13.08%	15.81%
2225	City of Echo	17.02%		17.26%	19.97%	21.63%	22.02%	24.75%
2205	City of Elgin	1.56%		0.50%	0.50%	0.59%	0.49%	0.49%
2305	City of Elkton	14.99%		11.14%	13.85%	19.80%	15.55%	18.28%
2180	City of Enterprise	16.48%		12.75%	15.46%	20.86%	17.21%	19.94%
2179	City of Estacada	13.32%		12.23%	14.94%	18.03%	16.45%	19.18%
2208	City of Fairview	14.08%		9.07%	11.78%	18.74%	13.57%	16.30%
2224	City of Falls City	8.44%		6.50%	9.21%	15.30%	12.39%	15.12%
2291	City of Florence	10.38%		6.57%	9.28%	13.89%	9.72%	12.45%
2220	City of Garibaldi	17.70%		15.29%	18.00%	22.36%	19.74%	22.47%
2242	City of Gaston	0.59%		0.50%	0.50%	0.59%	0.49%	0.49%
2304	City of Gladstone	12.84%		7.02%	9.73%	15.63%	11.18%	13.91%
2274	City of Gold Hill	7.40%		2.27%	4.98%	8.70%	6.44%	9.17%
2284	City of Haisey	9.90%		6.05%	8.76%	15.42%	11.17%	13.90%
2296	City of Happy Valley	14.73%		11.11%	13.82%	19.47%	15.51%	18.24%
2268	City of Harrisburg	12.12%		10.29%	13.00%	16.67%	14.66%	17.39%
2193	City of Heppner	0.59%		0.50%	0.50%	3.73%	0.49%	2.21%
2160	City of Hermiston	16.02%		11.33%	14.04%	20.67%	15.73%	18.46%
2226	City of Hines	11.93%		10.22%	12.93%	15.78%	14.45%	17.18%
2138	City of Hood River	16.61%		10.23%	12.94%	20.94%	14.41%	17.14%
2196	City of Hubbard	17.41%		12.68%	15.39%	21.20%	17.14%	19.87%
2191	City of Huntington	56.05%		53.20%	55.91%	55.87%	52.89%	55.62%
2267	City of Independence	12.72%		9.03%	11.74%	17.16%	12.94%	15.67%
2266	City of Irrigon	11.07%		9.65%	12.36%	15.63%	14.11%	16.84%
2211	City of Jefferson	0.59%		0.50%	0.50%	0.59%	0.49%	0.49%
2229	City of John Day	8.62%		4.46%	7.17%	13.29%	9.14%	11.87%
2256	City of Jordan Valley	0.59%		0.50%	0.50%	0.59%	0.49%	0.49%
2199	City of Junction City	14.88%		10.41%	13.12%	20.01%	14.84%	17.57%

## Summary of PERS Employer Contribution Rates

Rates shown reflect the effect of side account rate offsets and retiree healthcare contributions,  
and exclude contributions to the IAP and debt service for pension obligation bonds.

Employer Number	Employer Name	Net Employer Contribution Rate 7/1/11 - 6/30/13			Net Employer Contribution Rate 7/1/13 - 6/30/15		
		Tier 1/ Tier 2 Payroll	OPSRP General Service Payroll	OPSRP Police and Fire Payroll	Tier 1/ Tier 2 Payroll	OPSRP General Service Payroll	OPSRP Police and Fire Payroll
SLGRP (Default Tier 1/Tier 2 Rates)							
City							
2287	City of King City	15.26%	6.36%	9.07%	20.24%	11.29%	14.02%
2148	City of Klamath Falls	9.41%	5.25%	7.96%	13.44%	9.08%	11.81%
2263	City of La Grande	16.40%	7.02%	9.73%	19.85%	10.93%	13.66%
2233	City of Lafayette	9.55%	5.16%	7.87%	14.91%	11.91%	14.64%
2120	City of Lake Oswego	16.13%	11.78%	14.49%	20.96%	16.28%	19.01%
2244	City of Lakeside	5.02%	2.89%	5.60%	12.65%	10.32%	13.05%
2140	City of Lebanon	11.10%	7.22%	9.93%	15.61%	11.67%	14.40%
2298	City of Lincoln City	10.61%	6.87%	9.58%	14.97%	11.37%	14.10%
2293	City of Lowell	11.15%	9.61%	12.32%	16.20%	14.63%	17.36%
2270	City of Lyons	10.72%	8.40%	11.11%	17.85%	15.34%	18.07%
2170	City of Madras	14.86%	10.22%	12.93%	18.40%	14.06%	16.79%
2247	City of Mailin	9.45%	7.79%	10.50%	14.04%	11.91%	14.64%
2281	City of Manzanita	13.61%	9.85%	12.56%	18.44%	14.46%	17.19%
2117	City of McMinnville	18.12%	14.06%	16.77%	22.68%	18.43%	21.16%
2102	City of Medford	12.43%	7.06%	9.77%	16.66%	11.29%	14.02%
2207	City of Mill City	13.29%	11.25%	13.96%	17.45%	15.68%	18.41%
2286	City of Millersburg	12.76%	10.53%	13.24%	17.25%	15.49%	18.22%
2158	City of Milton-Freewater	15.13%	12.71%	15.42%	19.21%	17.04%	19.77%
2163	City of Milwaukie	11.75%	7.23%	9.94%	16.68%	11.62%	14.35%
2157	City of Monmouth	11.71%	8.25%	10.96%	15.95%	12.65%	15.38%
2209	City of Monroe	0.59%	0.50%	0.50%	0.59%	0.49%	0.49%
2301	City of Moro	2.40%	2.64%	5.35%	7.56%	7.95%	10.68%
2302	City of Mt. Vernon	7.09%	5.76%	8.47%	10.68%	9.58%	12.31%
2197	City of Myrtle Creek	11.48%	7.60%	10.31%	15.14%	11.87%	14.60%
2183	City of Myrtle Point	6.89%	3.29%	6.00%	11.83%	7.88%	10.61%
2777	City of Newberg	14.75%	7.35%	10.06%	19.08%	11.90%	14.63%
2276	City of Newport	13.87%	4.48%	7.19%	16.99%	8.07%	10.80%
2292	City of North Bend	14.15%	8.69%	11.40%	18.26%	12.87%	15.60%
2192	City of North Plains	11.86%	8.94%	11.65%	19.00%	12.81%	15.54%
2308	City of North Powder	11.20%	7.35%	10.06%	17.56%	13.31%	16.04%
2166	City of Nyssa	15.53%	10.63%	13.34%	19.73%	14.98%	17.71%
2143	City of Oakland	22.67%	18.83%	21.54%	25.31%	22.33%	25.06%
2168	City of Oakridge	19.81%	14.93%	17.64%	24.36%	19.59%	22.32%
2119	City of Oregon City	11.54%	7.34%	10.05%	16.91%	12.44%	15.17%
2154	City of Pendleton	12.79%	7.57%	10.28%	17.43%	12.10%	14.83%
2187	City of Philomath	12.22%	8.02%	10.73%	16.83%	12.76%	15.49%
2249	City of Phoenix	7.78%	2.76%	5.47%	12.92%	7.16%	9.89%
2161	City of Pilot Rock	18.66%	14.27%	16.98%	23.61%	19.47%	22.20%
2184	City of Port Orford	12.09%	10.10%	12.81%	16.93%	14.60%	17.33%

## Summary of PERS Employer Contribution Rates

Rates shown reflect the effect of side account rate offsets and retiree healthcare contributions,  
and exclude contributions to the IAP and debt service for pension obligation bonds.

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		Tier 1/ Payroll	Tier 2 Payroll	OPSRP General Service Payroll	OPSRP Police and Fire Payroll	Tier 1/ Payroll	Tier 2 Payroll	OPSRP General Service Payroll	OPSRP Police and Fire Payroll
<b>SLGRP (Default Tier 1/Tier 2 Rates)</b>									
<b>City</b>									
2121	City of Portland	9.30%		7.69%	10.40%	13.74%		11.92%	14.65%
2122	City of Redmond	13.28%		7.33%	10.04%	16.13%		11.57%	14.30%
2139	City of Reedsport	4.31%		0.57%	3.28%	9.52%		4.92%	7.65%
2260	City of Riddle	9.01%		8.52%	11.23%	13.52%		13.00%	15.73%
2203	City of Rockaway Beach	10.80%		8.71%	11.42%	16.37%		12.89%	15.62%
2251	City of Rogue River	18.63%		14.46%	17.17%	23.16%		18.83%	21.56%
2100	City of Roseburg	21.54%		15.32%	18.03%	25.98%		19.76%	22.49%
2172	City of Sandy	13.24%		10.03%	12.74%	18.15%		14.55%	17.28%
2176	City of Scappoose	15.69%		11.42%	14.13%	20.06%		15.99%	18.72%
2254	City of Shady Cove	10.14%		6.80%	9.51%	6.33%		2.08%	4.81%
2142	City of Sherwood	15.91%		10.82%	13.53%	20.41%		15.21%	17.94%
2273	City of Silverton	12.59%		8.99%	11.70%	17.83%		13.51%	16.24%
2221	City of Sisters	11.09%		7.72%	10.43%	15.36%		11.76%	14.49%
2278	City of Springfield	11.56%		5.64%	8.35%	6.37%		0.49%	3.16%
2123	City of St Helens	18.86%		14.45%	17.16%	23.71%		19.06%	21.79%
2757	City of Stayton	19.16%		10.26%	12.97%	23.54%		14.59%	17.32%
2217	City of Sutherlin	10.42%		5.55%	8.26%	12.35%		8.33%	11.06%
2188	City of Talent	8.83%		4.93%	7.64%	12.68%		9.61%	12.34%
2295	City of Tigard	15.24%		5.97%	8.68%	19.42%		10.49%	13.22%
2128	City of Tillamook	13.09%		8.81%	11.52%	17.38%		13.18%	15.91%
2275	City of Toledo	5.65%		2.26%	4.97%	11.03%		7.54%	10.27%
2237	City of Troutdale	11.91%		7.68%	10.39%	15.62%		11.57%	14.30%
2288	City of Tualatin	16.93%		12.59%	15.30%	21.91%		17.00%	19.73%
2228	City of Turner	17.72%		12.35%	15.06%	22.31%		16.61%	19.34%
2175	City of Umatilla	5.62%		1.45%	4.16%	10.23%		6.09%	8.82%
2145	City of Vale	18.13%		17.02%	19.73%	23.46%		22.26%	24.99%
2285	City of Veneta	9.72%		8.46%	11.17%	14.09%		12.56%	15.29%
2125	City of Vernonia	5.69%		3.43%	6.14%	12.47%		9.50%	12.23%
2200	City of Willowa	1.27%		0.50%	0.88%	11.96%		8.67%	11.40%
2238	City of Warrenton	14.12%		9.75%	12.46%	19.03%		14.33%	17.06%
2126	City of West Linn	12.78%		9.02%	11.73%	17.35%		13.42%	16.15%
2147	City of Wheeler	5.06%		5.30%	8.01%	15.90%		12.92%	15.65%
2240	City of Wilsonville	12.03%		10.55%	13.26%	16.64%		14.96%	17.69%
2280	City of Winston	7.54%		2.30%	5.01%	12.68%		6.88%	9.61%
2185	City of Wood Village	10.86%		9.87%	12.58%	14.93%		13.97%	16.70%
2303	City of Woodburn	13.23%		9.35%	12.06%	17.82%		13.78%	16.51%
2300	City of Yachats	9.55%		7.36%	10.07%	14.04%		11.78%	14.51%
2214	City of Yamhill	11.71%		5.36%	8.07%	16.54%		10.60%	13.33%
2307	City of Yoncalla	14.63%		10.78%	13.49%	19.39%		15.14%	17.87%



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September, 2012

TO: CIS-Member Officials  
FROM: Lynn McNamara, CIS Executive Director  
RE: **Employment Claims – A Perfect Storm**

After a number of years of relatively stability in liability claims, and thus stable rates for liability coverage, the landscape has shifted. In the past two years, our actuary has increased the estimate of claims expenses for current and prior years in the CIS Property/Casualty (P/C) Trust by a combined \$16.4 million, an unprecedented amount.

A primary driver of that increase has been employment practices liability claims – claims brought by active employees, terminated employees or candidates not chosen for a job who allege discrimination, harassment, retaliation, or failure to accommodate a disability. Recently, jury awards in employment litigation have been unexpectedly high, in cases we expected to win based on the facts. Most of these claims are brought under federal statutes that have no cap on damages; the plaintiffs can be awarded legal fees as well. CIS covers these claims, including – unlike many commercial insurance policies – awards for back pay and so-called “front pay” for a terminated employee. This coverage protects you, the member, but can result in high payouts when a claimant wins in court.

Although CIS financial reserves are sufficient and have absorbed the increased costs to date, it is likely that a rate increase will be needed in 2013-14. Until rates for the next fiscal year are set in April, the CIS Board of Trustees will be reviewing options to provide both adequate funding for claims and stability for members.

The enclosed edition of CIS' *Quarterly Report* details this “perfect storm”, what it means for the future, what CIS is doing to mitigate the trend, and what you can do in your entity to help. We urge you to review the information carefully, and to contact me (503.763.3810), CIS Pre-Loss Legal (503.763.3848), or your entity's CIS Risk Management Consultant with any questions.

We have an opportunity to make changes now that will reduce the cost of these claims going forward. The Board, our staff and I look forward to working with you in this important risk management effort.

MAIN OFFICE • 1212 Court Street NE, Salem, OR 97301 • Phone 503-763-3800 or 800-922-2684 • Fax 503-763-3900  
CLAIMS OFFICE • PO Box 1469, Lake Oswego, OR 97035 • Phone 503-763-3875 or 800-922-2684 ext 3875 • Fax 503-763-3901



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CIS Quarterly Report to Members  
September 2012

## Employment Claims: A Perfect Storm

Oregon is far from the east coast, but for the past two years, it's been hurricane season for the CIS Property/Casualty Trust. In 2010-11, we saw in our claims costs the effects of assaults on police officers, a devastating car accident, and the aftermath of the Japanese tsunami. In 2011-12, the costs continued to grow, this time fueled by large jury verdicts – most notably with a \$6.2 million award in a Forest Grove land use case and in employment liability cases.

Employment claims have always been a challenge, but the current economic conditions have made the situation worse. Layoffs in the public sector, a continuing poor economy and “anti-government” sentiment, along with long-standing “anti-employer” bias among jurors, have created something of a perfect storm for CIS members. Our actuary, who estimates the ultimate cost of prior and future claims, has issued a preliminary report for June 30, 2012 that increases the estimate of claims expense for 2011-12 and prior years by \$8.7 million above what was previously expected.

### IN THIS ISSUE:

- **Employment Claims: A Perfect Storm**
  - What CIS is Doing
  - What You Can Do to Help
- “CIS 24” to Launch Pilot
- Introducing Kathi Prestwood, Senior P/L Claims Consultant
- TULIP: We're #1
- Surplus Furniture Available

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READ MORE ON NEXT PAGE



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## Quarterly Report • September 2012

Page 2 of 10

Last year an additional \$7.7 million was added to the estimate of claims expense.

CIS provides extremely broad coverage of employment practice liability (EPL) claims. In addition to tort claims, our coverage document addresses the state and federal “alphabet soup” of employment issues, encompassing laws prohibiting discrimination and retaliation, and those requiring disability accommodation and family medical leave. Unlike Oregon tort claims, there are no caps on awards in these federal cases, and the prevailing party often can be awarded legal fees as well as damages. And, unlike many commercial insurance policies, we also cover awards of back pay and so-called “front pay”. This coverage protects the member, but can result in very high payouts when the member is found liable for a terminated employee’s lost wages into the future.

This employment claim trend is not limited to CIS. Both schools and special districts in Oregon have been surprised by higher-than-usual jury awards, especially in employment cases. One only has to look at regional and national headlines to realize this is an issue affecting both private and public employers across the country, thought to be brought on primarily by the recession and continued high unemployment. The number of complaints to the U.S. Equal Opportunity Employment Commission has exceeded 99,000 in each of the past two years, a record. However, the fact that we’re not alone is little comfort when the cost of these claims is added up.

Staff has been keeping the CIS Board of Trustees abreast of these cases, and sharing concern about the potential impact of these claims on future rates. At its August 24 meeting, the Board again discussed the disconcerting trend and provided feedback and direction to staff on plans to mitigate its impact. Between now and April 2013, when rates for 2013-14 will be set, the Board will be looking at alternatives to provide both adequate funding for claims and stability for members.

*“Layoffs in the public sector, a continuing poor economy, and “anti-government” sentiment, along with long-standing “anti-employer” bias among jurors have created something of a perfect storm for CIS members.”*

READ MORE ON NEXT PAGE



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## Quarterly Report • September 2012

Page 3 of 10

The good news is that the number of employment claims hasn't been increasing at the same rate as costs. The cases recently decided have been for claims incurred a few years ago; fewer new claims have reached the litigation stage. And, although they've been reduced by these high-cost claims, CIS still has sufficient financial reserves. We are in a good position to attack the problem now and make a difference going forward.

Still, improving the employment claims situation will take a concerted effort on the part of both CIS and the members. Here's what we're doing, and what you can do to help:

### WHAT CIS IS DOING

We're adjusting our **claims management approach**. Changing times call for changing strategies, and here are some of the new strategies we're adopting:

**More up-front, in-person investigation.** We've found in about a third of the cases, facts that influence the outcome of employment claims are not coming to light until after the claim has reached the litigation stage. All too often we have seemingly defensible cases go bad during the 'discovery' phase of litigation (depositions, document production, etc.) when facts come to light that change the case from defensible to one that should be settled. By that time, substantial legal costs have been incurred. Had those facts been known early on we may have been able to settle the case before both parties incurred big legal fees - and typically in these cases we must pay the plaintiff's fees as well as defense fees.

By doing a more in-depth investigation early on, we're likely to discover those facts earlier and resolve the case sooner, potentially before any legal fees have been incurred.

To give adjusters more time for investigations, we've eliminated a vacant claims management position and instead hired an



*"This employment claim trend is not limited to CIS. Both schools and special districts in Oregon have been surprised by higher-than-usual jury awards, especially in employment cases."*

READ MORE ON NEXT PAGE



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## Quarterly Report • September 2012

Page 4 of 10

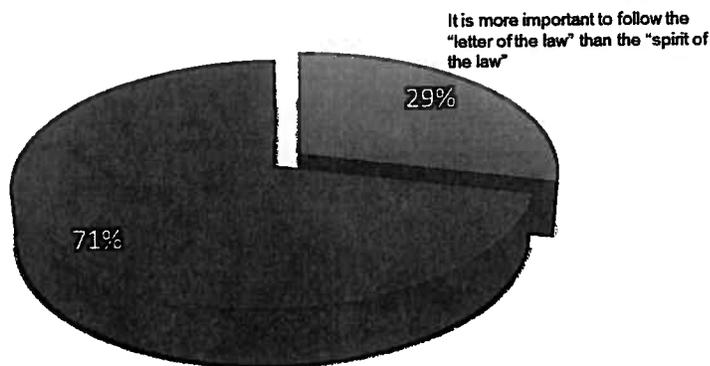
on-the-ground liability claims adjuster, based in Bend. We've also committed to using outside investigators to further strengthen our commitment to getting to the facts, fast.

You can expect to see more of CIS in the future when you have a claim. We appreciate that you will give our adjusters and investigators the assistance and information they need to learn and evaluate the facts of the case.

### Severance, settlement, trial?

Every employment issue has a slightly different set of facts. When an employment issue comes to us via our Pre-Loss Employment program, we try to evaluate the potential liability. Even if a layoff is supported by budget issues, or a performance-based termination is defensible, there may be other facts – disability, age, racial or ethnic background – that could support a claim of discrimination. Or, there may be a series of positive performance evaluations with little hint of a problem before termination occurs, leading to a perception that there must be something else behind it. The charts below, presented at a national risk management conference recently, provide some insight into jury viewpoints.

#### Which Best Describes Your Feelings?



It is more important to see that "justice is done" than to follow the "letter of the law"

Source: Dan Galipeau, PhD, <http://www.disputedynamics.com/>  
from a presentation by Dennis Molenaar, Esq., OneBeacon Government Risks  
at the 2012 National PRIMA Conference



*"...if there is a claim with a less-than-certain outcome, we may recommend a settlement earlier than we have in the past, rather than incurring extensive legal costs and taking our chances before a jury in this environment."*

READ MORE ON NEXT PAGE



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## Quarterly Report • September 2012

Page 5 of 10

When the facts suggest potential liability, we may recommend offering the employee a severance package at termination in exchange for a release of liability. Or, if there is a claim with a less-than-certain outcome, we may recommend a settlement earlier than we have in the past, rather than incurring extensive legal costs and taking our chances before a jury in this environment. Even in cases where the damages are expected to be low, the exposure for attorney fees on a case that goes through trial is generally in the \$200,000 range.

Of course, there are still cases that will go to trial, when the facts clearly indicate a win is possible, or when the plaintiff will not agree to a reasonable settlement. And, we'll continue to appeal certain verdicts that we believe can be reversed or mitigated.

**Adjusting the legal defense team.** CIS has been fortunate over the years to work with competent defense counsel representing our members on employment issues. We plan to add some new faces to the legal defense team, reaching out to more attorneys who specialize in employment law.

We're also enhancing our **risk management approach**. Our plans include:

**Strengthening our Pre-Loss Team.** In the past year, many members have had the opportunity to work on pre-loss employment issues with Steve Norman, CIS' administrative officer and an attorney with extensive human resources background, and our HR Risk Management Consultant Janie McCollister. Janie and Steve have provided issue-specific and training resources to members, enhancing and providing back up to the services that Pre-Loss Attorney Kirk Mylander has offered since joining CIS in 2005.

Our long-time General Counsel Mark Rauch will retire in December, and Kirk will take his place as general counsel. Kirk will continue to be engaged in pre-loss, supervising the program



*"In the coming months, look for a "Before You Act" checklist that will help managers assess whether they've considered all of the relevant facts and have the information they need to make a clean break with an employee."*

READ MORE ON NEXT PAGE



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## Quarterly Report • September 2012

Page 6 of 10

and doing some employment law training, but we'll also be bringing on an attorney to replace him in the day-to-day pre-loss legal role, effectively adding an additional employment attorney to our Pre-Loss team.

**Training and tools.** Employment law is complicated, and there are more and more land mines waiting for supervisors. In addition to continuing our annual spring supervisor training program, we're offering an **employment law track** at the 2013 CIS Conference in February with interactive programs aimed at managers and supervisors. We'll also be adding more employment law training to our online RiskNet service.

In the coming months, look for a "Before You Act" checklist that will help managers assess whether they've considered all of the relevant facts and have the information they need to make a clean break with an employee.

We continue to offer model severance agreements, to review responses to BOLI complaints, provide our sample employee handbook to help members update their own policies, and will even pay for a professional review by the Local Government Personnel Institute (LGPI) of the handbook's key policies. Members that haven't already updated their handbooks can do so and earn a 1% Risk Management Bonus for 2013-14, up to \$1,000.

## WHAT YOU CAN DO TO HELP

There are some common threads in the employment cases we see at CIS. Here are some suggestions for members to help all of us lower the cost of employment claims.

**Take a Little Extra Time at the Beginning.** The employment relationship is like most other relationships: our high hopes for success often overshadow potential problems. A thorough hiring process can help ensure a good hire who will give your entity a long career of solid performance. Complete



The CIS Annual Conference will be held February 13-15, 2013 at the Portland Marriott Downtown Waterfront and will feature an employment law track.

READ MORE ON NEXT PAGE



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## Quarterly Report • September 2012

Page 7 of 10

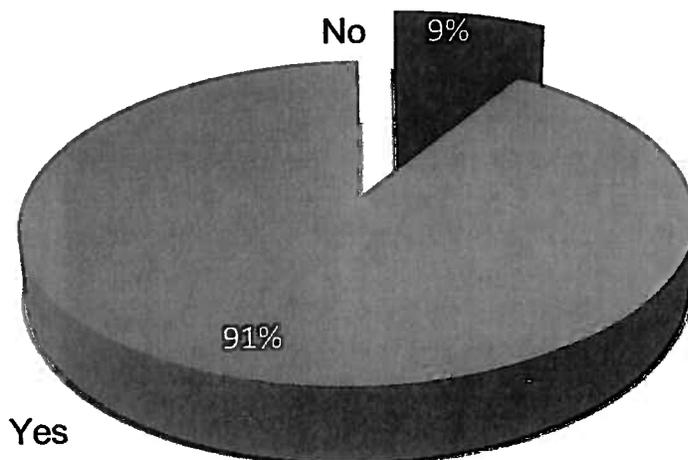
background checks, an accurate job description, and a skill or physical agility test that's tied to the job requirements can go a long way to ensure you've found the right candidate. CIS resources can help you get there.

**Tell the Whole Story.** The truth is, in employment situations as in all facets of life, people make mistakes. Whether you're seeking pre-loss advice or responding to questions from CIS about a claim, it's important to tell the whole story as you know it, even if it's uncomfortable or embarrassing to your entity. We aren't there to judge, we're there to assist and defend, and we need the best and most accurate information we can get to do that.

Once a claim is filed, if you know of, or even suspect there may be, aggravating facts or circumstances that have not been reported or are not readily apparent, it is critically important that the adjuster or investigator be made aware of that as soon as possible.

*"We aren't there to judge, we're there to assist and defend, and we need the best and most accurate information we can get to do that."*

**The organization is negligent if it does not properly document an employee's performance problems:**



Source: Dan Galipeau, PhD. <http://www.disputedynamics.com/>  
from a presentation by Dennis Molenaar, Esq. OneBeacon Government  
at the 2012 National PRIMA Conference

READ MORE ON NEXT PAGE



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Quarterly Report • September 2012

Page 8 of 10

**Accurately Appraise Performance.** Performance evaluations are not generally a favorite pastime of supervisors. But they're an important part of supervision, and a critical part of documenting an employee's actions and results at work. More than one employment case has risen or fallen on whether performance evaluations reflected the failings that led to an employee's termination... or whether there were performance evaluations in the employee's file at all. Watch for a session on this topic at the 2013 CIS Conference.

**Discover, or Face Discovery Requests.** When an employee complains to his employer about discrimination or harassment, employers can be hesitant to investigate the allegations for any number of reasons. We've learned that a thorough, unbiased investigation can get to the bottom of things, and provides a strong defense should the complainant take legal action. Bringing in an independent investigator to sift through allegations can be a good use of your entity's Risk Management Incentive funds.

**Patience...** CIS Pre-Loss often receives calls from members who want to terminate an employee NOW. The trouble is, you may not have considered all of the potential liabilities. And timing is everything. Another day or two of paid administrative leave and advice from CIS Pre-Loss can lessen the cost of termination.

**"Thanks, but my attorney already told me it's ok to fire that worker."** CIS' General Liability Coverage Document requires that the member call CIS Pre-Loss AND take the advice provided by CIS, or pay the first \$5,000 in damages should a claim occur. There are many good attorneys who give members advice, but CIS can best defend a claim where the member has followed the Pre-Loss recommendations.

*(continued at right)*



**Remember,  
We're All in This  
Together.**

From time to time we've heard the comment, "it's ok, the insurance company will cover it." It's important to remember that "the insurance company" isn't a distant corporation. It's CIS, a public entity serving other public entities, and CIS is its member cities and counties.

Every member's actions affect all of the other members of the pool. We all succeed when we all work together to manage risk and reduce losses.

READ MORE ON NEXT PAGE



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Quarterly Report • September 2012

Page 9 of 10

## “CIS 24” to Launch Pilot

CIS is making plans to launch a pilot of a unique medical management program for those members offering both CIS Medical and Workers' Compensation (WC) coverage. The program, “CIS24”, aims to reduce workers' compensation costs by ensuring an injured worker receives timely and appropriate medical treatment, regardless of whether the injury is ultimately determined to be compensable under workers' compensation.

This approach seeks to eliminate the “silos” between employee benefits and workers' comp associated with medical treatment. Often, an injured worker is caught in the middle: the health insurer doesn't want to pay a claim associated with a workplace injury until a workers' comp claim is denied, and providers don't want to treat the worker until the workers' comp claim is accepted, ensuring payment. This tug of war in the 60 days before a workers' comp claim is required to be accepted or denied can mean the injured worker doesn't receive simple diagnostic testing, let alone necessary treatment. This can lead to a longer time off the job, more expensive medical treatment, and potentially a larger disability award, if the claim ultimately is accepted.

CIS is in a unique position to address the problem, because CIS is the insurance provider on both sides of the WC/Benefits equation. We're working with Regence BlueCross BlueShield, CIS' medical claims administrator, and Kaiser Permanente on systems that will guarantee timely payment to providers and make any transition between workers' compensation and medical transparent to the injured worker.

A small group of members will soon be invited to participate in a pilot program. Using information gained during the pilot, we will refine the program and open it to all eligible members next year. Watch for an update in the next Quarterly Report.



*“This approach seeks to eliminate the ‘silos’ between employee benefits and workers' comp associated with medical treatment.”*

READ MORE ON NEXT PAGE



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Quarterly Report • September 2012

Page 10 of 10

## Introducing Kathi Prestwood Senior P/L Claims Consultant

CIS is pleased to welcome Kathi Prestwood as a Senior Property/Liability Claims Consultant. Kathi is based in Bend, and will be handling claims in the central and eastern Oregon regions.

Kathi has an extensive background in personal lines claims investigation and handling, employment law investigations, personal injury, criminal defense, and insurance defense investigations. She began her career with Farmers Insurance, and after 14 years with Farmers, opened her own private investigation company and handled multi-line claims for Farrell and Associates. A University of Oregon graduate, Kathi is looking forward to serving CIS members.



Kathi Prestwood, Senior Property/  
Liability Claims Consultant

## TULIP: We're #1

CIS members are leading the country in their use of the CIS-sponsored Tenant User Liability Insurance Program (TULIP) that protects members that allow the use of their facilities for special events. In the 18-month period between January 1, 2011 and June 30, 2012, users of CIS-member facilities took advantage of the TULIP program 233 times, the highest number among the 17 pools that participate in the National League of Cities Risk Information Sharing Consortium.

## Surplus furniture available

Reconfiguration in the CIS offices has made available some surplus furniture and computer monitors that are free to CIS members on a first-come, first-served basis. The items must be picked up by the member at the CIS Tigard office.

The surplus items include upholstered guest chairs, a sofa and matching side chairs, end tables, and flat panel 17" and 19" computer monitors. To express interest in the furniture or monitors, please contact Office Coordinator Dana Young at 503-763.3895, [dyoung@cisoregon.org](mailto:dyoung@cisoregon.org).

## **Manager's Office Weekly Report**

### **Week of September 24, 2012**

Following are various items and issues which the City has been involved with during the week of September 24, 2012.

2<sup>nd</sup> Meeting with Parks and Recreation Part Time Employees: Jim Protiva, John Baker and I met to discuss a meeting with the Parks and Recreation part-time employees to enhance their involvement with operations of the Parks and Recreation Department. Protiva and John Baker will lead the meeting. This is a follow up meeting to an earlier meeting with the part-time employees.

Ocean Oregon (YBOOI) Meeting: The Oregon Ocean (formally YBOOI) group met to continue their effort of promoting economic development relating to ocean observation activities. It was mentioned that a key to the success is developing a relationship between Corvallis and Newport. Also discussed was the shortlist between Reedsport and Newport for the wave energy test site.

City Fiber Extension: Tim Gross, Richard Dutton and I met with Coastcom to discuss the City's desire to extend its fiber to various pump stations, water tanks, lift stations and the airport. An opportunity may exist for Coastcom to lay the fiber with city participation with an understanding that a certain amount of fiber would be available for the city's use.

Airport Staff Meeting: The city attorney is currently reviewing an agreement that would allow the renting of vehicles at the airport with city staff handling the paperwork associated with the car rental. Staff reported that an individual appears to be conducting a flight school at the airport. While developing minimum standards when conducting business at the airport has been put off due to concerns voiced at council meetings, staff will at least determine if the individual has a business license.

Recreation Staff Meeting: Met with Recreation Staff. I mentioned to Jim Protiva and his senior staff my continued desire for them to develop information that show or gage the participation level, success, failure, etc. of their programs and activities. It is unclear if there is sufficient knowledge and/or ability to perform this task.

YBEF Meeting: I attended a YBEF meeting where various community projects were discussed. Top of the list was economic development relating to Ocean Observation, with similar discussions that were talked about at the Ocean Oregon meeting (many of the YBEF members are Ocean Oregon members). The city sponsored project of improving streetscapes along Highways 101 and 20 was discussed.

League of Oregon Cities Annual Meeting: Along with other members of the Council, I attended the League of Oregon Cities Annual Meeting.

Upcoming issues:

- Single use bag
- 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 Week of October 1, 2012**

Following are various items and issues which the City has been involved with during the week of October 1, 2012.

Airport Staff Meeting: Airport Staff is coordinating with field crews collecting data for the Runway 16/34 Rehabilitation project. The concessionaire (car rental) agreement has been reviewed by the city attorney and should be ready sometime the week of October 8<sup>th</sup>. The good weather has kept the airport busier than normal for this time of year.

Parks and Recreation: Planning continues for the first annual Artisan Fair, scheduled for October 20<sup>th</sup> and 21<sup>st</sup> at the Rec Center. There is no admission fee and the event will feature everything you need for the holidays including fine art, clothing, jewelry, glassware and more.

Police Supervisor's Meeting: I attended the monthly Police Supervisors meeting. Possible due to good weather, the number of calls has increased the past several months. The Sergeants recently attended supervisor training that will assist them in their supervisory responsibilities.

Tsunami Drill at Safe Haven Hill: Dustin Kittle checked Safe Haven Hill and found one camp consisting of a tarp and a sleeping bag which were removed. He later returned and found the tarp had been replaced by a tent. Dustin left a notice in the tent informing the occupant of the upcoming tsunami drill. While there does not appear to be a lot of trash to clean up, Dustin has coordinated with the Jail Crew to clean up the site prior to the drill.

Disaster Cache: I met with Schools Safety Coordinator Sue Graves, who is working on a grant to purchase supply caches for the schools in case of a major disaster. I've asked Tony Garbarino and Rob Murphy to provide assistance to Sue in her application.

Library Staff Meeting: I attended the monthly Library staff meeting. Also attending were HR Generalist Elaine Chamberlain and Peggy Hawker who handed out and discussed the updated Personnel Policy. The Library has finished its summer programs and gearing up for the fall programs.

Water Treatment Plant: I visited the new Water Treatment Plant which is nearing the completion of its start-up testing phase. In addition to noticeably improved water quality, the plant is clearly more reliability and automated.

Carpenter/Pavlish Hedge, 5806 NW Rhododendron: Attached for Council review are e-mails between Gregory Carpenter/Catherine Pavlish and the Police Department regarding their hedge located at 5806 NW Rhododendron. Police Chief Miranda has informed me that he and his department are working through the process on this issue.

Upcoming issues:

- Single use bag
- 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





# Memo

To: Jim Voetberg, City Manager and City Council  
From: Derrick Tokos, Community Development Director  
Date: October 11, 2012  
Re: Department Update

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## **MONTHLY PERMIT FIGURES**

The following is a summary of September 2012 building and land use activity.

	Building Permits	Electrical Permits	Plumbing Permits	Construction Value	Land Use Actions
Sept.	10 (\$1,593.07)	22 (\$1,783.04)	6 (\$746.14)	\$72,000	2 (\$483.00)
YTD	108 (\$103,357.75)	197 (\$25,550.31)	40 (\$11,336.08)	\$12,757,455	40 (\$22,217.00)

Building activity was relatively light, consisting of five residential remodels, a commercial renovation, a residential accessory structure, and four signs. The land use actions were a replat and property line adjustment.

## **STATUS OF MAJOR CONSTRUCTION PROJECTS**

Port Terminal Project: Work continues on the Fisherman's dock. Remaining warehouse structures have been torn down and in-water work on pilings and related structures will begin in November. City to final when all construction is completed.

Lincoln County School District: Framing and insulation inspections completed on classrooms at the Prep Academy. Sheetrock is installed and finish work is underway, but they are not quite ready for a final. Sam Case Elementary gym and classroom additions are framed and enclosed. A framing inspection was performed and they are beginning interior finish work. Remodel is underway for two classrooms at the High School. Framing inspection completed and finish work is being performed.

O'Reilly Auto Parts: To locate on the former Big Guys Diner site. Architect is preparing building plans and anticipates construction after the first of the year.

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

Walgreens: Developer received clearance from DEQ. Walgreens signed off on the environmental remediation and developer is waiting for final approval from the lender on the project financing. Lender has an issue with the format of the SE 1<sup>st</sup> Street right-of-way vacation. City and developer are working on an alternative that is to be presented to the City Council on 11/5.

Fred Meyer: Finish work is underway in targeted areas. New bus shelter to be installed. Contractor is still awaiting parts to finish installation of the elevator/escalator.

## **SIGNIFICANT PLANNING PROJECTS**

Safe Haven Hill Tsunami Evacuation Improvements: Scope of interim improvements the City intends to undertake while awaiting word on whether or not its grant application will be funded has been conveyed to OEM and FEMA.. ODOT will authorize interim work under a right-of-way permit. Staff to provide project details at a joint Council/URA meeting on 11/5/12.

Creation of Land Bank for Work Force Housing: Top implementation priority of Housing Study adopted by the City Council on 6/20/11. Staff is working with stakeholders to develop an ordinance to provide a framework for how the "Land Bank" and "Housing Fund" should function.

Vacation Rental Code Update: Endorsement applications are being collected and inspections of existing vacation rental and bed and breakfast operators are ongoing.

Transportation System Plan Update: Planning Commission conducted a public hearing and recommended adoption on 8/27/12. Final revisions have been coordinated with key stakeholders. City Council will hold a public hearing on 10/15/12.

Agate Beach Street and Recreation Enhancements: FHWA announced that project will be grant funded on 8/2/12 in the amount of \$557,696. City is awaiting grant agreement paperwork from ODOT, who administers the program for our state.

Territorial Sea Planning Process: The state is continuing to work on developing viewshed maps and a policy framework for reviewing future wave energy projects. Staff is assisting where appropriate.

Reservoir UGB Amendment and Annexation: Preliminary assessment of required UGB findings has been sent to the state and county for review and comment. Planning Commission held a work session to receive a report on the condition of the reservoir dams and will await a response from the state before initiating the UGB amendment process. A second, minor UGB amendment is proposed for the old quarry property at the end of NE 71<sup>st</sup> Street. This is the future site of the Agate Beach storage tank. The state and county are reviewing the preliminary findings and the Commission will hold a work session on that proposal on 10/22/12.

Forest Park Designation: A management strategy has been prepared, and the Planning Commission held a hearing and provided a favorable recommendation on designating the property next to Big Creek Road as a "Forest Park." The Parks and Recreation Committee will consider the proposal at a meeting on 10/24/12. This item is tentatively scheduled for Council consideration on 11/5/12.

US 101 Utility Undergrounding: Staff met with Central Lincoln PUD who asked that the City request, in writing, that they initiate work on preparing an estimate for undergrounding utilities along US 101. The letter is being prepared. This may lead into a broader conversation about how the franchise agreement might be adjusted moving forward. That agreement expires in December of 2018.

Newport Economic Opportunity Analysis: Council adopted the EOA on 10/1/12. Staff is to reform the Technical Advisory Committee to prepare a work plan, position description, and funding recommendations for a business recruitment/coordinator function. This will be timed to inform upcoming budget discussions.

## **COMMITTEE WORK**

Planning Commission: The Planning Commission held meetings on 9/10/12 and 9/24/12. A state sponsored land use planning training was provided at work sessions on each of these dates. At the regular sessions, the Commission considered a Conditional Use Permit from the Yaquina Bay Baptist Church and conducted a hearing on the Newport EOA Amendments.

Parking Districts: The Nye Beach Parking District met on 9/11/12 to discuss the status of the 3<sup>rd</sup> street sidewalk work, which is scheduled to be complete by the end of October. They also approved final plans for parking stickers (to replace the door hangars) that exempt area residents from 3 hour parking limits. The new stickers have been distributed. Neither the Bay Front nor the City Center Parking Districts held meetings in September. The new electric charging station at 9<sup>th</sup> and Hurbert public parking lot in the City Center District is now operational.

# MEMO...

To: **Jim Voetberg, City Manager**

From: **Linda Brown, Asst. Finance Director**

Date: **October 10, 2012**

Re: **Department Update – September 2012**

## **HUMAN RESOURCES:**

Elaine Chamberlain, our new Human Resources Representative, started on September 10<sup>th</sup>. Elaine has had an opportunity to go around to each of the Departments with Peggy Hawker and meet with the employees regarding our new Employee Handbook.

In addition, Elaine has been fielding questions from our employees regarding “Open Enrollment” and the High Deductible Health Plan, which the majority of the employees will be moving to on January 1, 2013.

## **FINANCE:**

**SOFTWARE CONVERSION:** On September 5<sup>th</sup>, we converted our Cash Receipts from the old software to Clarity. The great news about this is our cash received by Kay at the front desk is going directly into our General Ledger. We are in the process of converting our Accounts Receivable.

The week of November 12<sup>th</sup>, Caselle trainers will be here, training and converting our Utility Billing, Business Licenses and Room Tax to Clarity. The plan is for Court to go through the process during the month of December.

In December, we will also be trained on software called, “Express Pay”. Express Pay will allow the City of Newport to start receive credit card payments!! It will also get our Utility Billing customers the ability to go online and look at their Utility Bill, as well as paying on line.

**AUDIT:** Our Auditors, Pauly Rogers & Associates, are in the office during the week of October 8 through 12, doing final field work, in order to complete the audit on a timely basis. The Audit Committee is meeting on October 11 to discuss the findings.

**ACCOUNTS RECEIVABLE:** I have attached Accounts Receivable aging, similar to what David attached last month. Like David said this is a work in progress.

We may be a man down, but the Finance Department is working hard to keep our goals and plans moving forward.

**FINANCE DEPARTMENT  
REPORT OF DELINQUENT ACCOUNTS RECEIVABLE**

As of.....

**30-Sep-12**

<b>UTILITY BILLS:</b>			<b>\$85,153</b>
Total Customers	4500		
Total Arrears	49	1.09%	
Total Deqlinquent	225	5.00%	
 <b>MUNICIPAL COURT</b>			 <b>\$887,573</b>
> = 30 Days	33		
> = 60 Days	36		
> = 90 Days	35		
> = 180 Days	7750		
 <b>ROOM TAX</b>			 <b>\$26,940</b>
> 60 Days	9000		
> 90 Days	900		
> 120 Days	12000		
> 6 Months	940		
> 1 Year	4100		
 <b>BUSINESS LICICENSES</b>			 <b>\$13,430</b>
 <b>MISCELLANEOUS RECEIVABLE</b>			 <b>\$117,449</b>
Senior Center - Final Payment		42,449	
Naterlin Sidewalk Project		75,000	
 <b>TOTAL DELIQUENT ACCOUNTS RECEIVABLE</b>			 <b>\$1,130,545</b>



*Phil Paige, Fire Chief  
Newport Fire Department  
245 NW 10<sup>TH</sup> ST  
Newport, Oregon 97365*

October 11, 2012

To: Jim Voetberg, City Manager

Re: Monthly Activities

While we haven't had major incidents lately, we continue to have a lot of them. As of the end of September, we had logged 1,298 calls. At that rate, we could have over 1,700 calls this year.

We have made draft SOG's on Digital Imagery and Social Media. They are currently under review. These SOGs are based on national models and are intended to formalize the longstanding informal policy that pictures or videos taken on duty will belong to the department

The new Spartan H&W engines have been lettered, and are being equipped with radios and equipment, and hopefully will be ready to go by the end of October. Our apparatus operators are scheduling time to get familiar with driving and pumping the new engines.

The Council approved the purchase of a building to be used as a new station in the Agate Beach area at 225 NE 73<sup>rd</sup> street. They also approved an automatic aid agreement for certain calls between NE 100<sup>th</sup> and Cape Foulweather or Fogarty Creek. We'll be working to get similar agreements in place with Toledo and Seal Rock soon.

We continue to meet with the Collaboration Committee. The representatives - Brian Haggerty, Rob Pratt, Andy Parker and Chris Rampley - have been talking with our members to bring their thoughts to the meeting. Our next meeting will be October 30<sup>th</sup> in the Council Chambers at 1800 hrs. There has also been a blog set up, so people can ask questions about the collaboration possibilities. Offer your thoughts and learn as much as possible.

Work is coming along upstairs at Station 3200, the sheetrock is hung and mudding and taping is just about complete. Hopefully painting will begin this week. Once the construction and re-arranging is done, we will add an additional position to the volunteer staffing sign-up sheets, doubling the opportunity to sign up for the stipend shifts.

We have started our strategic planning process for the department. This will give us a framework for moving the Department forward. We are taking input from our members and hope to have a copy ready for the Council approval in a month or two.

Respectfully submitted  
Phil Paige, Fire Chief

rmm

# NEWPORT FIRE DEPARTMENT

## City Report September 2012

	CITY	RURAL		CITY	RURAL
FIRE CALLS:	6	5	PERMITS ISSUED:		
AUTOMATIC ALARMS:	9	0	BURN PERMITS:	0	0
MEDICAL CALLS:	93	8	FIREWORKS PERMIT:	0	0
MOTOR VEHICLE COLLISION	7	2	FIREWORKS DISPLAY:	0	0
RESCUE	0	0	PERSON INSERVICES TOURS:	150	
MUTUAL AID RENDERED:	0	3	TOTAL INSPECTIONS:	12	
MUTUAL AID RECEIVED:	0	0	VIOLATIONS:	48	
AVIATION STANDBY:	0		ABATEMENTS:	14	
PUBLIC SERVICE	18	0	PLAN REVIEWS:	7	
HAZARDOUS CONDITION	1	0	CONSTRUCTION INSPECTIONS:	2	
OVERPRESSURE/RUPTURE:	0	0	VOLUNTEER HOURS	228	

### OCCUPANCIES of Fires and Automatic Alarms

AIRCRAFT:	0	0	PROCESSING PLANTS:	0	0
BOATS:	0	0	PUBLIC BUILDINGS:	1	0
HOSPITAL/CARE CENTER:	1	0	REPAIR SHOPS:	0	0
HOTEL/MOTEL:	2	0	RESIDENTIAL:	6	3
LABORATORIES:	0	0	RESTAURANT:	0	0
LAUNDRAMATS:	0	0	SCHOOLS:	0	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:	2	1	TRAILERS:	0	0
NATURAL COVER:	1	1	UTILITIES:	0	0
OFFICES:	0	0	VACANT BUILDINGS:	0	0

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# NEWPORT FIRE DEPARTMENT

## City Report September 2012

### CAUSES of Fires and Automatic Alarms

	CITY	RURAL		CITY	RURAL
ALARM MALFUNCTION:	3	0	HEATING APPLICANCE:	0	0
CARELESS SMOKING:	0	0	INCENDIARY:	0	0
CHILDREN W/HEAT SOUR	0	0	PROHIBITED MATERIALS	0	0
CLEARANCE:	0	0	MISTAKEN ALARM:	2	0
ELECTRICAL:	0	0	OPEN FIRES:	0	1
ENGINE BACKFIRE:	0	0	REKINDLE:	0	0
EXPOSURE FIRE:	0	0	SCORCHED FOOD:	1	0
FALSE ALARM:	1	0	SPARKS:	1	0
FIREWORKS:	0	0	UNDETERMINED:	4	3
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



# Memo

To: Jim Voetberg, City Manager and City Council  
From: Ted Smith, Library Director  
Date: October 15, 2012  
Re: Library Department Update

## ***Professional Involvement:***

The Library Director continues to work on a committee, established by the Oregon Library Association and the Oregon State Library, to rewrite The Oregon Public Library Standards. To this end, the Library Director attended meetings at the Albany Public Library on September 21<sup>st</sup> and at the Oregon State Library on October 4<sup>th</sup>.

## **Other Library News**

With funding from the Foundation, the Library is conducting its annual Card for Every Child Program. Rebecca and Youth Services staff met with teachers and students from all the 2nd grade classes in Newport over the past month to encourage all second graders to come to the library and register for a library card. As an incentive, every 2nd grader who registers for a card will receive a free bencil as a reward. Bencils are bent pencils. The kids love them; so do staff.

During the last two weeks of September students from all 4th grade classes at Newport Intermediate School took turns visiting the Library for guided tours, computer instruction and library card registrations. With fewer and fewer libraries in the public schools, it is more important than ever for students to understand how a public library can help them complete their studies and meet their educational goals.

During the month of September, Newport Public Library joined libraries nationwide, celebrating Banned Books Week. Each September libraries highlight the importance of maintaining our freedom to read what we choose and to fight censorship each and every time it arises. Every year libraries are challenged to take materials off shelves because someone, or some group, finds them offensive. Over the years, people have challenged books like Huckleberry Finn and To Kill a Mockingbird. The freedom to read is one of the cornerstones of the library profession.

We've gotten a lot of help with electrical lighting issues from the City's Building Maintenance Department over the past couple of weeks. The electrical boards that run all the lights and timers throughout the building were recently replaced and all of our lights, including the one that lights up our name on the building now work. The building crew was able to do this work themselves – we paid for the parts – saving us the cost of labor from an electrical company.



# Memo

To: Jim Voetberg, City Manager and City Council  
From: Jim Protiva, Parks and Recreation Director  
Date: September 12, 2012  
Re: Department Update-September 2012

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## **Municipal Pool**

- Annual Pool maintenance shutdown - accomplished multiple tasks
- Sold out one session of swimming lessons and started registering for a second
- Average of 30 swimmers daily for swim team
- Started after school recreation swims on Fridays with good attendance

## **Recreation Center**

- Summer Activity Club concluded and After School Program began
- Re-painting of ducts, replacement of lights and refinishing of floors complete
- New classes include Baby & Me, Do Re Mi, and Toddler and Me
- Had some disruption of classes and use on 8<sup>th</sup> & 9<sup>th</sup> due to floor finish fumes

## **Sports Programs**

- Record participation in youth volleyball with 132 kids registered
- Middle School cross country meet on the beach had over 150 kids
- Adult coed softball league concluded (Izzy's victorious over Newport Café)
- A volleyball round robin tournament brought 900 people to the Rec Center

## **Senior Activity Center**

- September was Senior Center Month and was acknowledged by proclamation
- A new railing was installed around back deck and windows repaired (under warranty)
- Received an Outstanding Program Award by ORPA for Readers Theatre
- Hosted the Arthritis informational panel on Sept. 10<sup>th</sup> approx. 30 attended



**Noble**  
**Professional**  
**Dedicated**

Newport Police Department  
**Memorandum**

*One Team - One Future*

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**Date:** October 10, 2012  
**To:** Jim Voetberg, City Manager  
**From:** Mark J. Miranda, Chief of Police *MJM*  
**Subject:** **September 2012 Department Report**

1. We continue to utilize Social Media to get our public safety message out to the public. We receive a lot of “hits” each month. I also receive positive comments about our web page, and sometimes inquires. I received an e-mail this weekend from an individual looking for her father who she hasn’t seen since the 80’s. She apparently ‘Googled’ his name and was directed to our web site where he was listed as someone we arrested. Unfortunately I was not able to help as the person is a transient with no known address. If we had known where to locate this guy we could have gotten a message to him that family was looking for him.
2. We have also used Social Media to help solve crimes. We posted surveillance photos on Facebook of two individuals who were involved in thefts at a business. We did not know who they were. In less than a day we had many responses to the Facebook posting where we learned the names of the individuals. They were subsequently located and arrested.
3. I was gone several weeks in September on vacation. It was reported to me, that while I was gone, nothing much happened. Although nothing major happened, it was still a busy month for the Department. Our monthly stats show an increase in person crimes, property crimes and calls for service. I can’t pinpoint specific reasons for the increase. It could be the weather, economy and/or the end of summer. Whatever it is, our patrol officers and detectives are doing their best in trying to keep up.
4. The Newport Police Department, including our Police Volunteers, played a major part in putting together the Readiness Fair that was held at the Armory. The unofficial attendance count showed a substantial increase over the last fair that was held. More Readiness Fairs will be held in the future.

The mission of the Newport Police Department is to consistently invest available resources toward our City’s reputation as a safe place to live, work, play, learn and visit.

5. School started this month. We have provided extra patrol around the schools in the mornings and afternoons. Our Police Volunteers have also been assisting. There have been no traffic related or other incidents around the schools.

# Newport Police Department Monthly Statistical Review

SELECTED CALLS FOR SERVICE (CFS)	SEPTEMBER 2012			ARRESTS	Total CFS To Date	
	THIS MONTH	LAST MONTH	SAME TIME LAST YEAR		This Year	Last Year
RAPE	1	1	1	0	8	7
ROBBERY	0	0	1	0	3	3
AGGRAVATED ASSAULT	3	3	1	1	13	10
BURGLARY (Residential)	5	5	1	0	18	13
BURGLARY (Business)	3	3	2	0	11	8
BURGLARY (Other)	1	3	0	1	8	7
THEFT	45	45	26	20	312	267
MOTOR VEHICLE THEFT	4	0	11	0	34	30
FRAUD	5	9	1	1	51	46
SIMPLE ASSAULT	8	15	10	8	100	92
VANDALISM	5	13	5	1	57	52
SEX OFFENSE	1	5	7	0	21	20
NARCOTIC/DRUGS	3	10	7	1	78	75
DOMESTIC DISPUTES	27	22	16	x	177	150
LIQUOR LAWS	3	0	1	3	33	30
DUII	5	6	5	5	66	61
DISORDERLY CONDUCT	13	19	7	9	122	109
TRESPASS/PROWLER	7	8	6	4	69	62
TRAFFIC CRASH/INJURY/FATAL	2	5	8	x	40	38
TRAFFIC CRASH/PROPERTY	11	16	5	x	82	71
HIT & RUN	11	14	12	0	80	69
ANIMAL PROBLEMS	19	22	26	x	206	187
SUSPICIOUS PERS/CIRCUM	63	98	84	0	867	804
VEHICLE IMPOUNDS	4	5	4	x	70	66
ALARMS	39	28	29	x	378	339
<b>TOTAL CALLS FOR SERVICE</b>	<b>740</b>	<b>844</b>	<b>797</b>	<b>105</b>	<b>7,572</b>	<b>6,832</b>



### September Overtime Hours

Shift Coverage	155
Court	33
Investigations	45
Administration	13
Training	39
Other	28
<b>TOTAL HOURS</b>	<b>312</b>

### Top 5 Traffic Citation Charges

Driving Susp/Revoked	14
Speeding	12
Driving Uninsured	7
Following Too Closely	7
No Operator License	5
<b>TOTAL CITATIONS</b>	<b>73</b>

<b>PARKING CITATIONS</b>	<b>18</b>
<b>WARNING CITATIONS</b>	<b>161</b>
<b>TCB PRKNG CITES/WRNGS</b>	<b>94</b>

<b>Volunteer Hours</b>	<b>367</b>
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# Memo

To: Jim Voetberg, City Manager and City Council  
From: Ted Jones, PE, Sr Proj Mgr  
Date: October 15<sup>th</sup>, 2012  
Re: Capital Projects Status Update

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- Project: Naterlin Dr. to YBSP Sidewalks**  
Project Number: 2011-010  
Status: Final landscaping and punch list items remain. Lights are currently being wired.  
Next Task: Close out the project.  
Budget: \$182,417  
Description: Construct a network of sidewalks at the north end of the Yaquina Bay Bridge, connecting Naterlin Drive, Yaquina State Park, and Highway 101.
- Project: NW 3rd Sidewalks**  
Project Number: 2011-013  
Status: Construction continues along NW 3<sup>rd</sup> from NW Lee to NW Nye. Three (3) commercial driveways remain for completion and work will take place during normal business hours, during the workweek.  
Next Task: Complete commercial drives and sidewalk segments between NW Nye and US-101.  
Budget: \$165,000  
Description: This project will extend sidewalks on NW 3rd Street from Hwy 101 to Hurbert Street in Nye Beach.
- Project: Hwy 101 Sewer & Water Improvements**  
Project Number: 2011-008  
Status: Obtained dewatering well permits from OWRD. Submittal technical review is nearing completion. Laskey-Clifton is continuing with mobilization and site preparation.  
Next Task: Install dewatering system and start sewer installation approximately 500' north of SE 50<sup>th</sup> street.  
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: Street Overlays and Improvements**  
Project Number: 2012-017  
Status: A Notice of Intent to Award was issued to Road and Driveway Company for \$144,146.30. Evaluation of quantities is underway.  
Next Task: Issue the award notice.  
Budget: \$144,146.30  
Description: Repair and overlay NE 20<sup>th</sup>, NE 2<sup>nd</sup>, and NW 3<sup>rd</sup> Streets

**Project: NE 3rd & Avery Sewer Re-alignment**  
Project Number: 2010-012  
Status: Pre-Construction meeting held on 09 October 2012. Existing utility location is underway. Coordinating with GP Engineering staff to plan work around GP pressure pipeline.  
Next Task: Install storm sewer on NE 3<sup>rd</sup> St.  
Budget: \$335,183.66  
Description: This project is to relocate a failing sanitary sewer line that is currently located under a house on NE 3rd Street. The sanitary sewer and an adjacent storm sewer line will be relocated to the west within the street right-of-way.

**Project: Big Creek Sewer Rehabilitation**  
Project Number: 2010-001  
Status: Project awarded to CG Contractors LLC for \$234,985. Pre-Construction meeting held on 09 October 2012.  
Next Task: Planning underway for mobilization the week of 15 October 2012.  
Budget: \$234,985  
Description: This project will address infiltration and inflow issues that are contributing to sanitary sewer backups at the Big Creek Lift Station. In addition, the backwash water from the new water treatment plant will be discharged to this system. For these reasons, the Big Creek sanitary sewer system between Hwy 101 and Big Creek Road will be replaced and the pipe size increased through pipe bursting.

**Project: Water Treatment Plant**  
Project Number: 2010-010  
Status: Plant is producing water and 30-day acceptance testing continues.  
Next Task: Secure final commissioning certifications.  
Budget: \$15,000,000  
Description: Construction of a new water treatment plant which will provide significantly increased production and quality of water for residents of Newport.

**Project: AIP-020 RWY 16/34 Rehabilitation Pre-Design**  
Project Number: 2012-094  
Status: Geotechnical, Surveying, Pipe Inspection, and Electrical contractors are mobilizing to perform field investigations and data collection. It is anticipated that the work will take approximately three (3) weeks.  
Next Task: Monitor progress of field investigations and data collection.  
Budget: \$500,000  
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.

**Project:** Ash Street Design and Construction  
**Project Number:** 2010-003  
**Status:** Drainage re-design complete and contract documents are being prepared.  
**Next Task:** Finalize contract documents.  
**Budget:** \$557,000  
**Description:** Design and construct Ash Street between SE 40<sup>th</sup> St. and SE Ferry Slip Road.

### **Projects in Design or Analysis Phase**

#### Water Treatment and Distribution

- 2011-018 Agate Beach Tank, Salmon Run Pump Station and Waterlines – Tank design complete and pump station/waterline at 75%.
- 2012-012 Big Creek Dam Outlet Rehab Project – construction plan preparation started and permits required from DSL and COE.
- 2012-014 South Beach SCADA Improvements – project alternative under City Staff review.
- 2012-013 Lakewood Hills Pump Station Upgrades – Field investigation underway and design is initiated – on going.
- 2012-010 Yaquina Heights Tank Rehab - Scope of Work under development - NTR
- 2011-025 Big Creek Dam 1 and 2 – Finalizing the report. - NTR

#### Streets and Storm Drainage

- 2012-015 Bayfront/John Moore Drainage Upgrade – Scope of Work under development - NTR
- 2011-027 Infrastructure Mapping – new GPS equipment has increase the efficiency and accuracy of the on-going field work. Preparation of “Draft” maps is underway.
- 2011-024 US-101 Crosswalks – Scope of work under development to facilitate consultant selection. - NTR

#### Wastewater Collection and Treatment

- 2012-008 WWTP Biosolids Evaluation – Technical memo is being prepared by Consultant.
- 2011-005 Bayside Sewer Rehab – Technical memo is being prepared by consultant.
- 2012-025 Big Creek Pump Station – Design workshop with City Staff and Consultant is in planning.
- 2012-024 Big Creek Force Main – engineering Scope of Work under development. - NTR



## City of Newport

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# Memo

To: City Council  
From: Timothy Gross, Director of Public Works/City Engineer  
Date: 10/12/2012  
RE: Update on Newport Gas Tax Usage and Revenues

The City of Newport Gas tax has been collected since January of 2010. Total revenue accruals as of July 2012 are \$383,765. Street improvement projects over the past two fiscal years have been funded through three primary revenue sources: the City of Newport Gas Tax, the appropriations the City receives from the State Gas Tax, and the appropriations the City receives from the Federal Government distributed through the ODOT Fund Exchange program.

The following chart summarizes the street projects from the past two fiscal years since the Newport gas tax has been budgeted. The funding sources are listed across the top and have two columns: the original amount budgeted and the actual amount used or proposed for that project.

Unlike the City and State gas taxes which are collected monthly and annually respectively, the ODOT Fund Exchange money is received on a reimbursement basis. The policy of Public Works has been to submit reimbursement for the ODOT Fund Exchange money with whatever projects are completed first and are eligible. This requires staff to adjust the allocation of funding sources accordingly.

During the development of the CIP, staff has allocated revenues from the Newport Gas Tax based upon collections from the previous fiscal year. This ensures that the funds are actually available, and are not based upon projected revenues. Staff budgeted conservatively because the budget for the new fiscal year was completed before the total revenues from the previous fiscal year were determined. Actual Newport Gas Tax revenues exceed FY 2011 and 2012 budgeted revenues by \$53,759. Staff plans to submit a budget adjustment requesting to use a portion of these funds for street projects this fiscal year as reflected in the following project funding summary.

Project name	Project Number	Newport Gas Tax		State Gas Tax		2012 Fund Exc		2011 Fund Exc		2010 Fund Exc		2009 Fund Exc		Total Project Commitments to Date:	Total Funding Sources:
		Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual		
2011 Street Overlay Project	2011-009	\$108,316	\$14,465						\$60,581	\$38,177	\$35,995		\$57,707	\$168,748	\$168,747
Sidewalk and Bicycle Imp. (3rd Street Sidewalk)	2011-013			\$15,000	\$15,000									\$15,000	\$15,000
Big Creek Road Landslide Repairs	2011-003	\$71,690	\$132,271					\$115,810	\$55,229					\$187,500	\$187,500
2012 Street Overlays and Improvements	2012-017		\$42,953			\$103,661	\$103,611	\$32,202						\$144,146	\$146,564
2012 Street Operations, Materials and Services	N/A	\$103,611	\$103,611											\$103,611	\$103,611
Sidewalk and Bicycle Improvements	2012-016		\$5,611	\$9,389	\$9,389			\$5,611						\$14,090	\$15,000
Hwy 101 Pedestrian Crossings	2011-024	\$46,389	\$46,389	\$5,611	\$5,611									\$52,000	\$52,000
Naterlin Drive to YBSP Sidewalk Improvements	2011-010		\$17,417					\$17,417						\$17,417	\$17,417
		\$330,006	\$362,717	\$30,000	\$30,000	\$103,661	\$103,611	\$171,040	\$115,810	\$38,177	\$35,995	\$0	\$57,707	\$702,512	\$705,840
				Completed Projects											

**Newport Gas Tax**

Actual Accruals through end of FY12	\$383,765.00
Budgeted FY12	\$180,006.00
Budgeted FY13	\$150,000.00
	\$330,006.00

**Unbudgeted Gas Tax Available: \$53,759.00**

Spent/Committed:	\$702,512
Reimbursed through Fund Exchange:	\$154,283
Remaining obligation:	\$548,229
Remaining Fund Exchange Amount:	\$158,891
State Gas Tax Commitments:	\$30,000
Newport Gas Tax Needs:	\$359,338
Gas Tax Budgeted:	\$330,006

Budgeted Newport Gas Tax Available over current commitments: **-\$29,332**

**Newport Gas Tax Available over current commitments: \$24,427**

**ROB BOVETT**  
District Attorney

**KYLIE ANDRISA**  
Deputy District Attorney

**JOE BECK**  
Deputy District Attorney

**GWEN BEE**  
Deputy District Attorney

**MICHELLE BRANAM**  
Deputy District Attorney

**JILL WAGNER**  
Office Manager



**OFFICE OF THE DISTRICT ATTORNEY  
FOR LINCOLN COUNTY**

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Chief Deputy District Attorney

**JONATHAN CABLE**  
Deputy District Attorney

**BRIAN GARDNER**  
Deputy District Attorney

**ELIJAH MICHALOWSKI**  
Deputy District Attorney

**NELLY WRIGHT**  
Deputy District Attorney

**MARCIA THOMPSON**  
Victim Services Supervisor

October 11, 2012

Newport City Council  
Newport, Oregon

Dear Mayor McConnell, and Councilors Bertuleit, Roumagoux, Allen, Beemer, Brusselback, and Sawyer,

As you may recall, Sheriff Dotson and I visited you some time ago to express our concern about the City's lack of commitment to the Lincoln Interagency Narcotics Team (LINT). LINT is our primary tool for the interception of bulk illicit drugs, as well as the primary entity responsible for intervening in neighborhood drug houses and burglary rings. LINT is not just some cog in the ill-named and ill-fated so-called "war on drugs." They perform a type of vital work that street officers cannot effectively perform. This is a matter of community liability. The Sheriff and I left your meeting feeling like we had your commitment to a restored LINT detective.

Where do things stand right now? Newport still has no detective assigned to LINT. Bulk meth into Newport is up and, as I am told, so are burglary calls. Yet all we have is promises of possible restoration of a LINT detective maybe by next Spring, depending upon staffing. Well, staffing will never be at full capacity. Like other similar law enforcement agencies, someone will always be leaving Newport. Even if it were temporarily at full staffing, it is clear that LINT is the lowest priority for the City. In other words, if Newport is down by one officer, the LINT detective is the first pulled. If this situation remains the same at the end of this calendar year, I fear the demise of LINT.

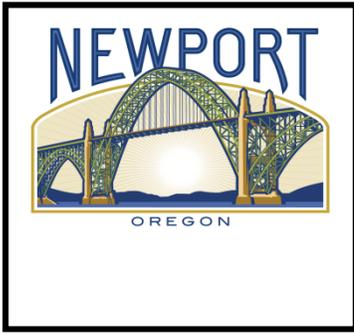
As a citizen of Newport, and as your District Attorney, I cannot remain silent while public safety in our community is impaired. I would like to know what, if anything, you intend to do.

As always, please don't hesitate to contact me if I can provide any further information.

Sincerely,

Rob Bovett  
Lincoln County District Attorney





Agenda Item # VIII-A  
Meeting Date October 15, 2012

**CITY COUNCIL AGENDA ITEM SUMMARY**  
City of Newport, Oregon

Issue/Agenda Title Public Hearing on Revisions to the Newport Comprehensive Plan and Zoning Ordinance Related to the City's Transportation System Plan and Creation of an Alternate Mobility Standard for US 101 in South Beach

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: \_\_\_\_\_

**ISSUE BEFORE THE COUNCIL:** Consideration of whether or not it is in the public interest to amend the Transportation System Plan element of the Newport Comprehensive Plan to set out a policy framework in support of an alternate mobility standard for US 101 south of the Yaquina Bay Bridge. An alternate mobility standard is a tool that the Oregon Department of Transportation (ODOT) can use to allow more vehicle trips to be generated onto US 101 than is permissible under current state law. It would be put in place by the Oregon Highway Commission once the City and County adopt the proposed amendments.

In addition to amendments to the Newport Comprehensive Plan, the Newport Zoning Ordinance will be amended to establish a trip budget program for South Beach, citywide traffic impact analysis requirements, and citywide transportation improvement requirements for infill development. Functional classification maps of the City's road network and future City transportation project priorities/cost estimates have also been updated.

At its August 27, 2012 meeting the Newport Planning Commission considered the proposal and provided a favorable recommendation. Some changes have been made since the Commission meeting, as outlined in the summary below.

**STAFF RECOMMENDATION:** If, after taking public testimony, the Council determines that it is in the public interest to adopt these amendments then it should direct staff to prepare an implementing ordinance for consideration at a future meeting.

**MOTIONS FOR ADOPTION:**

1(a) Adopt as Proposed: I move to direct staff, in consultation with the City Attorney, to prepare an ordinance amending the Newport Comprehensive Plan and Zoning Ordinance to incorporate the amendments as presented.

1(b) Adopt with Amendments: I move to direct staff, in consultation with the City Attorney, to prepare an ordinance amending the Newport Comprehensive Plan and Zoning Ordinance to incorporate the amendments as presented, with the following changes (describe additional revisions).

(2) Motion Requesting Fee Resolution: I move to direct staff to prepare a fee resolution for Council consideration that covers roughly 50% of the direct cost to the City of preparing trip assessment and vesting letters, such approach being consistent with existing City policy for establishing land use fees as set forth in Resolution No. 3486.

**KEY FACTS AND INFORMATION SUMMARY:** Since 2006 the City of Newport and ODOT have been working to update various elements of the City's Transportation System Plan (TSP). A local street plan was adopted for areas north of the Yaquina Bay Bridge and a comprehensive update was prepared to the City's Bike and Pedestrian Plan. Both of these plans were completed in 2008. Much of the City of Newport's growth potential is located in its South Beach neighborhood. The parties recognized that capacity limits of the Yaquina Bay Bridge and ODOT's existing mobility standard for US 101 severely restrict long term growth in this portion of the City.

To address this challenge, the City of Newport has worked with ODOT and area landowners to identify improvements that need to be made to the transportation system in South Beach to improve traffic flow so that more robust development can occur. This was done for a 20 year planning period. The City of Newport extended its South Beach Urban Renewal District to provide funding within this timeframe that can be matched with state resources, and funding from private developers to construct the projects. The effort assumes that the Yaquina Bay Bridge will not be replaced within 20 years, and this constraint is being relied upon by the state as justification for establishing an alternate mobility standard that will allow greater congestion on US 101 south of the bridge than is currently permitted.

The City, County, and State began to work in earnest to develop the US 101 alternate mobility standard in 2009, starting with detailed analysis of the existing transportation system, followed by modeling of different growth scenarios considering realistic levels of development that are likely to occur based upon interviews with key stakeholders and various environmental constraints. This analysis was packaged and presented to the public in 2011 at a series of informational meetings. A joint meeting of the Newport and Lincoln County Planning Commissions was held on February 28, 2011, followed by an open house on May 4, 2011, a joint meeting of the Newport Planning Commission and City Council on June 20, 2011, and a second open house on June 27, 2011. Direct mail notice was provided to property owners in South Beach for the open houses and press releases were issued to generate public interest.

Community engagement in 2011 was focused largely on the issue of what the community wanted to achieve with an alternate mobility standard. That feedback was then used to conduct additional analysis of the transportation system and to develop a proposed package of policies and standards. This occurred through the fall and winter of 2011/2012. Outreach efforts in 2012 were largely focused on gauging community acceptance of the proposal and making targeted adjustments to the new standards based upon that feedback. An open house was held on May 24, 2012, followed by work sessions with the Newport Planning Commission on June 25, 2012, July 9, 2012 and July 23, 2012.

The proposed package of policies and standards include amendments to the TSP element of the Newport Comprehensive Plan that set out a policy framework in support of an alternate mobility standard for US 101 that applies to lands within the Newport Urban Growth Boundary between the Yaquina Bay Bridge and SE 62<sup>nd</sup> Street. It includes direction to establish a trip budget program that divides the area into Transportation Analysis Zones (TAZs). Each TAZ is allocated a total number of trips that is based upon the amount of growth projected within a 20 year timeframe. The City is then charged with tracking the consumption of trips in each TAZ to ensure that growth is occurring in line with projections and to allow for adjustments if it is not. Functional classification maps describing the City's existing and future transportation system have been updated, as have the project tables that describe the City's transportation project priorities. A new Chapter 14.43 of the Newport Municipal Code contains the details of how the trip budget program will work. New Chapters 14.44 and 14.45 of the Newport Municipal Code are also proposed. They apply citywide, and put in place transportation improvement requirements for infill development and requirements for when and how traffic impact analysis is to be conducted. Cross references and targeted amendments are also proposed to Chapter 13.05 of the Newport Municipal Code regulating subdivisions and partitions.

While this work was being undertaken, the City completed transportation refinement plans for certain areas to address immediate needs. These include the South Beach Peninsula Transportation Refinement Plan (2010), the Agate Beach Wayside Improvements Concept Plan (2011), and the Coho/Brant Infrastructure Refinement Plan (2012). Recommendations in these plans that have not yet been implemented have been incorporated into the TSP amendments.

At a public hearing on August 27, 2012, the Planning Commission considered the proposed amendments and provided a favorable recommendation to the City Council. After this hearing, Landwaves, Inc., who owns a substantial amount of property in the area, expressed a concern that the trip budget program outlined in NMC Chapter 14.43 did not clearly identify when the City would deduct trips from the budget and allocate or "vest" them with specific properties. The language has been revised in response to this concern, and now provides that trips will be deducted at such time as a land use decision is approved and vest when the decision is implemented. For tentative and final subdivision plats,

the vesting period is limited to 10 years, which is consistent with the “no changing the goal post” guarantees for plats outlined under ORS 92.040. Minor replats, partitions, and property line adjustments will not receive trip allocations since they do not necessarily involve development. There are many types of development projects that do not require approval through a land use decision making process. In those cases, a developer may want assurances that trips are available before going to the expense of preparing construction plans. This is addressed by way of a vesting letter that is good for a period of up to 6 months or such time as a building permit is obtained, whichever timeframe is shorter.

In a October 10, 2012 letter, Landwaves, Inc. asks that the Council further revise Chapter 14.43 to take some portion of the vehicle trips that will become available when the state adopts the alternate mobility standard and vest those trips in their existing lots. They also ask that a procedure be put in place to allow an extension to the 10 year vesting limit for plats. Staff does not support these changes. Existing lots were approved under the existing state mobility standard for US 101, which in the case of Landwaves, Inc. led to a settlement agreement which caps the number of trips that the property can generate onto the highway. To the extent that the Landwaves, Inc. lots have a “vesting” interest in trips, it is to what is specified in that agreement. Once the state adopts the alternative mobility standard, Landwaves, Inc., and other property owners will be able to generate more traffic onto the highway. At public meetings early in this process the City, County and ODOT discussed whether or not this new batch of trips (4,862 in sum) should be allocated to individual properties or if they should be allocated on a first come first serve basis. This was discussed with stakeholders and it was ultimately determined that a first come first serve approach was preferable in that it is easier to implement and ensures that trips are available to properties that are ready to develop (as opposed to being locked up in properties that may not develop within the 20 year planning period). ODOT will not support allocating the new trips to some existing lots but not others, meaning that in order to get the alternative mobility standard adopted the City would have to redraft the amendments and allocate trips to all of the existing properties in the plan area. It does not have sufficient budget or resources to undertake this kind of effort at this time. As for extending the 10 year vesting period for plats, it is unclear if that is permissible under ORS 92.040. Also, the proposed amendments contain a 6 month vesting letter that can be obtained, and reauthorized, should a vesting period lapse so there is a means for a developer to ensure trips are available before investing resources in developing a property.

The City Council held a work session on the proposed amendments on September 17, 2012. Once the City and County adopt the changes (and the County has not started its process yet) the Oregon Transportation Commission will hold a public hearing to consider amendments to the Oregon Highway Plan. Adoption of the amendments by the Commission would put in place the alternate mobility standards.

The Department of Land Conservation & Development was provided notice of the proposed legislative amendment in accordance with the DLCDD requirements on July 9, 2012. Notice of the City Council hearing was provided to stakeholders and interested parties in the South Beach area; public/private utilities and agencies; and affected city departments on October 4, 2012. Notice of the hearing was published in the Newport News-Times on October 10, 2012.

**OTHER ALTERNATIVES CONSIDERED:** None.

**CITY COUNCIL GOALS:** Completing the Transportation System Plan Update was a prior Council goal.

**ATTACHMENT LIST:**

Mark-up copy of proposed Transportation System Plan amendments, dated October 15, 2012  
New Municipal Code Chapter 14.43, South Beach Transportation Overlay Zone, dated October 15, 2012  
New Municipal Code Chapter 14.44, Transportation Standards, dated October 15, 2012  
New Municipal Code Chapter 14.45, Traffic Impact Analysis Standards, dated October 15, 2012  
Minutes from the August 27, 2012 Planning Commission meeting  
Public Notice for October 15, 2012 City Council hearing  
Settlement Agreement

Letter from Landwaves, Inc. dated October 10, 2012  
Copy of ORS 92.040  
Resolution No. 3486

**FISCAL NOTES:** There will be an additional cost to the City in acquiring software to calculate trip consumption and in preparing trip assessment and vesting letters. A permit fee should be adopted to recover a portion of the City's direct costs in providing this service. This would be consistent with City policy outlined in Resolution No. 3486.

## NEWPORT TRANSPORTATION SYSTEM PLAN\*

*Proposed changes to the Transportation System Plan are shown in underlined text for new language and ~~strikethrough~~ text for suggested deletions. Tables and Figures are replaced in their entirety.*

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This Transportation System Plan (TSP) describes the individual elements that make up the transportation ~~framework~~ system for the City of Newport. Plus, the TSP represents recommended project improvements and goals and policies towards establishing a coordinated multi-modal transportation network for the City of Newport intended to comply with Statewide Planning Goal 12 and the Transportation Planning Rule.

The complete TSP describes in detail the various components of a transportation system, makes a complete analysis of those various components, and describes the process used to develop the plan. The current Transportation System Plan was completed in 1997 and adopted in 1999. ~~In 2008,~~ ~~Several updates to the plan were adopted, including major updates in 2008 and 2012.~~ By this reference, the complete TSP as amended by Ordinance No. ~~(s).~~ 1963 is incorporated herein. Where the text references “TSP<sub>1</sub>”, the reference is to the TSP as amended unless otherwise noted.

However, the complete plan, including the updates, ~~is more~~ contains more information than most individuals want to wade sort through to help when looking for guide-guidance ~~the on how~~ future decisions should be made to implement the plan. This section will therefore summarize the projects contained in the TSP and ~~include~~ the goals and policies needed to assure compliance. Persons interested in obtaining For a more complete thorough understanding of the or analysis reasoning for the projects, goals, and policies should review; the full TSP documentation referenced in Policy 1, Goal 1 of this chapter, should be consulted.

### Transportation System Plans for Each Mode

The ~~transportation System Plan~~ TSP places a strong emphasis on the preservation and improved operation of the ~~Highway US 20 and Highway US 101~~ corridors. The City of Newport views ~~Highway US 101 and Highway US 20~~ as the most important arterials in the multi-modal transportation network and likewise recognizes the importance of these facilities as statewide facilities per the Oregon Highway Plan. In implementation of the City’s Comprehensive Plan and the associated Transportation System Plan, the City will strive to maintain the function of these facilities to meet their statewide as well as regional needs.

The Transportation System Plan comprises all the improvements in the Middle Alternative, as developed during the TSP process. The Middle Alternative has been identified as the preferred alternative, which includes transportation improvements that support the identified goals and objectives and the adopted and acknowledged Comprehensive Plan. ~~The preferred alternative recommends \$77 million in capital improvements over the next 20 years (\$31 million in surface transportation improvements).~~ The following describes the recommended projects for each mode contained in the preferred alternative. For further specifics on the projects, refer to the complete Transportation System Plan.

The ~~transportation System Plan~~ TSP was amended in 2008 to add a North Side Local Street Plan to support commercial development and redevelopment activity within the area bounded by 12<sup>th</sup> Street on the north, John Moore/Harney Drive on the east, the Pacific Ocean on the west, and the Yaquina Bay on the south. The 2008 amendment included a more comprehensive Pedestrian and

\*Added by Ordinance No. 1802 (1-4-99); Amended by Ordinance No. 1963 (8-18-08) and Ordinance No. XX (X-X-12).

Bicycle Plan for the entire City. In February of 2010 a refinement plan was prepared for the South Beach Peninsula to identify transportation and related improvements to SE Marine Science Drive, SE Ferry Slip Road, SE Pacific Way, SE 25<sup>th</sup> Street and SW Abalone Street, needed to support marine research and industrial development anchored by the new NOAA Pacific marine operations center. The TSP was last amended in 2012 to address needed system improvements south of the Yaquina Bay Bridge, in Newport's South Beach Area, including an infrastructure refinement plan for the Coho / Brant neighborhood situated west of Highway 101 and north of SW 35<sup>th</sup> Street.

The City has concentrated recent efforts on addressing transportation and land use issues in the South Beach area (south of the Yaquina Bay Bridge) where a significant amount of the City's new development is anticipated. A combination of anticipated 2030 levels of land development in South Beach and increasing background traffic volumes along US 101 will result in greater congestion levels, particularly during the summertime peak. However, traffic growth is likely to be high enough that other times of the year will also experience significant congestion. The City has an adopted South Beach Urban Renewal Plan that includes street improvements which will be critical new components of the system. However, due to limited State transportation funding for bridge improvement or replacement, the capacity of the Yaquina Bay Bridge is expected to continue to be the major constraint in the operation of the transportation system south of the bridge. Because of this, the City and ODOT worked together to identify a transportation system and management strategy that will support future growth in South Beach, one that includes alternative mobility standards for US 101, strategic improvements to the state highway, and a variety of improvements to both the local roadway system and the pedestrian and bicycle system. The improvements are discussed further in the *Transportation Planning in South Beach* section. The local and state actions and improvements that are identified for South Beach constitute the reasonable limits of what can be done to improve congestion on US 101, short of building more capacity into the Yaquina Bay Bridge. The City is committed to finding long-term solutions sufficient to address the existing capacity and structural limitations of the existing structure that affect the bridge's ability to carry vehicles and pedestrians. To this end, the City will continue to engage ODOT, Lincoln County, and its other regional partners in conversations regarding future project planning and funding that would lead to improvements to, and possibly replacement of, the Yaquina Bay Bridge.

### **Roadway Improvements**

The roadway improvements include new roadway construction, focusing primarily on a north-south arterial to be constructed in stages. The majority of the projects include reconstruction or making minor improvements to existing roads in order to increase traffic flow, for extensions and improvements to existing facilities as well as the development of new facilities. The recommended roadway improvements are listed in Table 1 and Table 2 and are discussed in more detail in the Transportation System Plan. Table 2A identifies the recommended projects based on the north side local street plan amendment. Table 1 identifies project location, description and priority for projects in the local roadway system. As indicated by headings in Table 1, the projects listed are identified by the 1997 TSP, as well as updates to this plan in 2008 and 2012. All project cost estimates are shown in 2011-2012 dollars; cost estimates for projects from the 1997 TSP (and 2008 update) have been redone-adjusted for projects that have been altered or partially implemented. Projects-Costs for projects yet to be implemented have been adjusted to account for inflation.

**Table 1: Roadway Improvement Projects (replaces tables 1, 2 and 2A)**

Project Description	Functional Class	Sidewalks	Bicycle Lanes	Priority	Estimated Cost (\$2012) <sup>1</sup>	Source
<b>New Roadway Projects or Extensions</b>						
NE Harney Street between NE 3 <sup>rd</sup> and Hwy 20	Minor Arterial	Yes	Yes	High	\$824,000	2012 Cost Estimate
North-South Arterial – Phase IB (between NE 7 <sup>th</sup> St and NE 32 <sup>nd</sup> St) From 1997 TSP	Minor Arterial	No	No	Medium	\$3,720,000	1997 TSP
Extend NW Nye St to Ocean View Dr From 1997 TSP	Minor Arterial	Yes	Yes	High	\$240,000	1997 TSP
Connect SE 1 <sup>st</sup> St (between SE Douglas and SE Fogarty)	Local	Yes	Yes (one side)	Low	\$250,000	1997 TSP
Extend NE Avery St (between NE 71 <sup>st</sup> St and NE 73 <sup>rd</sup> St)	Local	Yes	No	Low	\$369,000	2012 Cost Estimate
Extend SW Abbey St to SW Elizabeth St	Collector	Yes	No	Medium	\$141,000	2012 Cost Estimate
Extend NE 5 <sup>th</sup> St (between NE 7 <sup>th</sup> Dr and Newport Heights Rd)	Local	No	No	Low	\$1,680,000	2012 Cost Estimate
Extend NW Biggs to NW 60 <sup>th</sup> St and Extend NW 60 <sup>th</sup> St to US 101	Collector	Yes	No	Low	\$102,000	1997 TSP/1995 Cost Estimate
Extend NW Harney Dr (between US 101 and Ocean View Dr)	Collector	Yes	Yes	Medium	\$452,000	1997 TSP/1995 Cost Estimate
Extend SW Abalone from SW 29 <sup>th</sup> Street to SW 35 <sup>th</sup> Street/US 101	Collector	Yes	Yes	High	\$2,315,000	2012 Coho / Brant Plan
Ash Street at SE 40 <sup>th</sup> Street, extend to approx. 1,200 feet south	Collector	Yes	Yes	Medium	\$1,473,000	2012 South Beach TSP update
New SE 50 <sup>th</sup> Street segment extending from existing road	Collector	Yes	Yes	Low	\$1,565,000	2012 South

City Council October 15, 2012 Hearing Draft

<b>Project Description</b>	<b>Functional Class</b>	<b>Sidewalks</b>	<b>Bicycle Lanes</b>	<b>Priority</b>	<b>Estimated Cost (\$2012)<sup>1</sup></b>	<b>Source</b>
to South Beach State Park entrance						<i>Beach TSP update</i>
New road from SE 50 <sup>th</sup> Street to SE 62 <sup>nd</sup> Street at US 101	Collector	Yes	Yes	Low	\$5,017,000	<i>2012 South Beach TSP update</i>
Extend SW 28 <sup>th</sup> Street south from SW 27 <sup>th</sup> Street to connect with SW Brant Street	Local	Yes	No	Low	\$554,000	<i>2012 Coho / Brant Plan</i>
Construct SW 35 <sup>th</sup> street from US 101 to SE Ferry Slip Rd	Collector	Yes	Yes	Medium	\$653,000	<i>2012 Coho / Brant Plan</i>
<b>Improvements to Existing Roadways</b>						
Reconstruct NE 3 <sup>rd</sup> St (between NE Eads St and NE Harney Dr)	Local	Yes	No	Medium	\$243,000	<i>1997 TSP</i>
Extension of 60 <sup>th</sup> east of Highway 101 to connect with Hazel Ct and the improvement of hazel down to NE 57 <sup>th</sup> Street	Collector	Yes	No	Low	\$94,000	<i>1997 TSP</i>
Widen US 101 to five lanes (NE NE 31 <sup>st</sup> Street to North City Limits)	Principal Arterial	Yes	Yes	Low	\$13,000,000	<i>1997 TSP</i>
Widen US 20 to five lanes (John Moore Rd to US 101)	Principal Arterial	Yes	Yes	Medium	\$1,730,000	<i>1997 TSP</i>
Add travel lanes on US 101 from Yaquina Bay Bridge to SE 32 <sup>nd</sup> Street and restrict westbound movements at Pacific Way to emergency and transit vehicles only.	Principal Arterial	Yes	Yes	Medium	\$659,000	<i>2012 South Beach TSP update</i>
Add travel lanes on US 101 from SE 40 <sup>th</sup> Street to South Beach State Park/New SW 50 <sup>th</sup> Street	Principal Arterial	Yes	Yes	Low	\$1,602,000	<i>2012 South Beach TSP update</i>
Add travel lanes on US 101 from New SE 50 <sup>th</sup> Street to SW 62 <sup>nd</sup> Street	Principal Arterial	Yes	Yes	Low	\$799,000	<i>2012 South Beach TSP update</i>

City Council October 15, 2012 Hearing Draft

<b>Project Description</b>	<b>Functional Class</b>	<b>Sidewalks</b>	<b>Bicycle Lanes</b>	<b>Priority</b>	<b>Estimated Cost (\$2012)<sup>1</sup></b>	<b>Source</b>
Widen and pave SE Ash Street from Ferry Slip to SE 40th	Collector	Yes	Yes	High	\$506,000	2012 South Beach TSP update
Add eastbound through lane to receive traffic from second southbound through lane at SE 40 <sup>th</sup> and US 101	Collector	No.	No.	Medium	\$161,000	2012 South Beach TSP update
Widen SE Ferry Slip to three lane section from SE Marine Science Dr to SE 29 <sup>th</sup> St	Minor Arterial	Yes	Yes	Medium	\$547,000	2010 SB Peninsula Plan
Widen and pave SW 27 <sup>th</sup> St from SW Brant St to SW Abalone St	Local	Yes	No	High	\$145,000	2012 Coho / Brant Plan
Widen and pave SW 27 <sup>th</sup> St from SW Coho St to existing improvements	Local	Yes	No	Low	\$101,000	2012 Coho / Brant Plan
Widen and pave SW 28 <sup>th</sup> St from Brant to Abalone slope (with pedestrian, stairs down embankment)	Local	No	No	Low	\$303,000	2012 Coho / Brant Plan
Widen and pave SW 29 <sup>th</sup> St from SW Coho St to SW Brant St	Local	No	No	Low	\$229,000	2012 Coho / Brant Plan
Widen and pave SW 30 <sup>th</sup> from SW Brant St to SW Abalone St	Local	Yes	Yes	High	\$311,000	2012 Coho / Brant Plan
Widen and pave SW Coho St from SW 29 <sup>th</sup> St to SW 30th St	Local	Yes	Yes	Low	\$186,000	2012 Coho / Brant Plan
Widen and pave SW Brant St from SW 27 <sup>th</sup> to SW 30 <sup>th</sup> St	Local	Yes	No	High	\$707,000	2012 Coho / Brant Plan
<b>North Side Local Street Plan Street and Roadway Projects</b>						
Improve to 2-lane NE Benton Street from NE 8th Street to NE 10th Street	Local	Yes	No	High	\$316,000	2008 North Side TSP update

City Council October 15, 2012 Hearing Draft

<b>Project Description</b>	<b>Functional Class</b>	<b>Sidewalks</b>	<b>Bicycle Lanes</b>	<b>Priority</b>	<b>Estimated Cost (\$2012)<sup>1</sup></b>	<b>Source</b>
SW 9th St/ NE Benton St Connectivity Enhancement; Pedestrian xing and signage improvements from Abbey to NE 11th to facilitate corridor as a local parallel route to US 101 and access between US 20 and the bay front. Consider all way stop at 9th/Hurbert.	Local			High	\$34,000	2008 North Side TSP update
Improve to 3-lane urban standard NE 1st Street from US 101 to US 20 to provide westbound-to-northbound bypass of intersection of US 101 with US 20.	Local	Yes	Yes	High	\$557,000	2008 North Side TSP update
Improve to 2-lane urban standard SW Neff Street from US 101 to SW 2nd Street to add system connectivity.	Local	Yes	Yes	High	\$515,000	2008 North Side TSP update
Improve to 2-lane urban standard SW 7th Street from SW 2nd Street to SW Elizabeth Street to add system connectivity.	Collector	Yes	Yes	Low	\$19,200,000	2008 North Side TSP update
Alternative Port Access Road Improvements; Evaluate improvements to SE Benson Road and/or SE John Moore Drive to improve access to waterfront area	Collector (Benson) Arterial (John Moore)			Medium/ Low	Planning study needed to determine alignment and cost	2008 North Side TSP update

**Transportation System Management/New Traffic Signals**

Transportation System Management is a traffic control tool that attempts to maximize the efficiency of the existing transportation system without additional roadway capacity. TSM projects can be characterized as being low-capital cost alternatives that can be implemented in a relatively short time frame and that aim to make better use of existing facilities, either by operational changes or by better traffic management.

There are several TSM projects that have been recommended for implementation in Newport. These projects are listed in Table 3 2 below. Table ~~3-A~~ 2 identifies ~~the projects~~ location, description and priorities priority for TSM projects in the adopted north-side local street plan amendment roadway system. As indicated by headings in Table 2, the projects listed are identified by the 1997 TSP, as well as updates to this plan in 2008, 2010 and 2012. All project cost estimates are shown in 2012 dollars; cost estimates for projects from the 1997 TSP (and 2008 update) have been adjusted to account for inflation.

**Table 2: Transportation Management System (TSM) Improvement Projects (replaces Tables 3 and 3A)**

Location/ Limits	Project Description	Priority	Estimated Cost (\$ 2012)	Source
<b>TSM Improvement Projects – City-wide</b>				
US 101 Revisions (between OR 20 and Yaquina Bay Bridge)	Removal of on-street parking, no bike lanes, left turns only at Bayley, Abbey, Hurbert, Angle, and Olive Bridge)	High	\$31,000	1997 TSP
US 101/NE Avery Street	Access management modification (right-in, right-out only)	High	\$18,000	1997 TSP
John Moore Rd at SE Bay Blvd	Provide realignment and channelization	High	\$51,000	1997 TSP
US 101 to Cape	Provide island and channelization	High	\$7,500	1997 TSP
Naterlin at US 101 (Yaquina Bay Bridge)	Provide realignment and channelization	High	\$45,000	1997 TSP
NE 52 <sup>nd</sup> St Area Improvements	Improve NE Lucky Gap between NE 52 <sup>nd</sup> St and NE 54 <sup>th</sup> St; provide access from Longview Hills to NE 52 <sup>nd</sup> St	Medium	\$1,000,000	1997 TSP
NW 56 <sup>th</sup> St Improvement Area	Eliminate Old Hwy Loop between NW 55 <sup>th</sup> St and NW 58 <sup>th</sup> St; extend NW 56 <sup>th</sup> St to US 101; improve NW Gladys St between NW 56 <sup>th</sup> St and NW 60 <sup>th</sup> St as a frontage road	High	\$545,000	1997 TSP
US 101	Surface Parking Lots for 101 Business: Construct surface parking lots to supplement parking removed from 101 restriping	Medium	\$270,000	1997 TSP
Abbey St	Construct a new parking structure on Abbey St parking lot (4 levels with top level open); include bike racks; restripe Bay Blvd to accommodate parallel parking south of Fall St to Naterlin Dr	Low	\$3,975,000	1997 TSP
NE 57 <sup>th</sup> St	Eliminate US 101 access; cul-de-sac NE 57 <sup>th</sup> St on its western terminus; connect NE Hazel Ct to NE 60 <sup>th</sup> St	Medium	\$270,000	1997 TSP
SW 2 <sup>nd</sup> St between US 101 and SW Angle St	Close SW 2 <sup>nd</sup> St between US 101 and SW Angle St (to be completed as part of signalization project at US 101 and Angle St)	Low	\$45,000	1997 TSP
US 101 and Hurbert St	Signal improvements to provide for left turns	High	\$270,000	1997 TSP
US 101/OR 20	Signal revisions/improvements; realign E Olive St	High	\$1,120,000	1997 TSP

City Council October 15, 2012 Hearing Draft

<b>Location/ Limits</b>	<b>Project Description</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
US 101 at NW 11th Street	Realign intersection to eliminate slight off-set. Consider need for additional east/west turning lanes and/or signalization improvements.	High	\$570,000 ROW needed	2008 North Side TSP update
US 101 at NW 6th Street	Realign intersection to eliminate off-set. Consider need for added east/west turning lanes and/or improved signal to address congestion problem.	High	\$730,000 ROW needed	2008 North Side TSP update
<b>North Side Local Street Plan TSM Improvement Projects</b>				
US 101, US 20 north to NW 12th Street	Evaluate opportunities for driveway and/or minor street closures or consolidation.	High	As redevelopment occurs.	2008 North Side TSP update
US 101 at US 20	Add 2nd southbound left turn lane. Widen eastbound US 20 to receive 2 lanes of traffic, transition to one lane east of US 101.	High	\$885,000 ROW needed	2008 North Side TSP update
US 20 at NE Coos Street	Add signal and improve intersection to encourage north/ south local street alternative to US 101. Signal could help relieve congestion at NE Eads.	High	\$605,000	2008 North Side TSP update
US 20 at SE John Moore Drive	Add north/south left turn lanes and adapt signal phase. Combine northbound right/through lanes.	Medium	\$220,000	2008 North Side TSP update
SW Hatfield Drive at SW Bay Boulevard	Stripe separate right and left turn lanes, add crosswalk and no parking designation on Hatfield Dr. Add curb extensions on Bay Blvd. to facilitate pedestrian crossing.	High	\$52,000	2008 North Side TSP update
SW 2nd Street, SW Coast Street to SW Lee Street	Realign intersections of SW Lee Street, SW Hurbert Street, SW High Street and SW Coast Street to eliminate off-sets.	Medium	\$805,000 ROW needed	2008 North Side TSP update
US 101 at Angle Street	Modify 1997 TSP to install traffic signal and left turn lanes on US 101. Remove on-street parking in vicinity of intersection to accommodate added lanes. Consider alternative to retain on-street parking by eliminating lefts on US 101 at Angle and evaluating local connectivity thru refinement plan after installation of signal at US 101/Abbey.	Medium	\$600,000	2008 North Side TSP update
US 101 at Hurbert Street	Modify 1997 TSP to install left turn lanes on US 101. Remove on-street parking in area of intersection for	High	\$100,000	2008 North Side TSP update

Location/ Limits	Project Description	Priority	Estimated Cost (\$ 2012)	Source
	added lanes. Consider alternative to retain on-street parking by eliminating lefts on US 101 at Hurbert and evaluating local connectivity thru refinement plan after installation of signal at US 101/Angle.			
John Moore Drive at Bay Blvd.	Stripe John Moore for separate left and right turns. Modify curb radii to enhance right turns from John Moore onto Bay. Add eastbound left turn lane and pedestrian crossing.	High	\$400,000	2008 North Side TSP update
Various Locations	Signage Improvements: <ul style="list-style-type: none"> <li>▫ Directional signs from US 20 to both John Moore and 9<sup>th</sup> for Bay Front visitors</li> <li>▫ Directional signs from Bay Front parking lots and along Bay Blvd to Naterlin for Ocean access</li> <li>▫ Improve signage to parking on Bay</li> </ul>	High	\$21,000	2008 North Side TSP update
<b>South Beach TSM Improvement Projects</b>				
US 101 at 32 <sup>nd</sup> Street	Remove traffic signal from intersection of US 101 and SE 32 <sup>nd</sup> Street. Convert intersection of US 101 and 32 <sup>nd</sup> Street right in and right out. Add one travel lane in each direction, construct multi-use path on west side with buffer and shoulder. Add shoulder/bike lane and sidewalk on east side of the highway. Acquire right-of-way as needed and institute access management.	High	\$787,000 (\$190,000 for interim improvements per 2012 Coho/Brant Refinement Plan)	2012 South Beach TSP update
US 101 at 35 <sup>th</sup> Street	Widen intersection to add channelization and install traffic signal. Add one travel lane in each direction and construct multi-use path on west side with buffer and shoulder. Add shoulder/bike lane and sidewalk on east side of US 101. Construct 35 <sup>th</sup> Street to connect with US 101 (approx. 600-700 ft.) with multi-use path on north side and sidewalk on south side. Acquire right-of-way as needed and institute access management.	High	\$1,935,000 (\$1,119,000 for interim improvements per 2012 Coho/Brant Refinement Plan)	2012 South Beach TSP update
US 101 at SW 40 <sup>th</sup> Street	Widen intersection to add channelization and install traffic signal. Add one travel lane in each	Medium	\$2,624,000	2012 South Beach TSP update

City Council October 15, 2012 Hearing Draft

Location/ Limits	Project Description	Priority	Estimated Cost (\$ 2012)	Source
	direction and construct multi-use path on west side with buffer and shoulder. Add shoulder/bike lane and sidewalk on the east side of US 101 north of 40 <sup>th</sup> Street and shoulder to the south. Add sidewalks on north side of 40 <sup>th</sup> [cost does not include 2 <sup>nd</sup> EB through lane to receive dual SB lefts from US 101 (see Project #12)]. Acquire right-of-way as needed and institute access management.			
US 101 at South Beach State Park/New SW 50 <sup>th</sup> Street	Construct traffic signal and intersection improvements to add new east leg. Multi-use path with buffer on west side of US 101 and shoulder/bike lanes on both sides. Multi-use path on north side of 50 <sup>th</sup> and sidewalk on south side.	Low	\$1,970,000	2012 South Beach TSP update
US 101 at SW 62 <sup>nd</sup> Street	Widen intersection to add channelization. Shoulder/bike lanes on both sides of US 101. Multi-use path on west side of US 101 with buffer and north side of 62 <sup>nd</sup> . Sidewalk on south side of 62 <sup>nd</sup> .	Low	\$1,054,000	2012 South Beach TSP update
SE Ferry Slip Road	Close intersection of US 101 at SE Ferry Slip Road, and overlay and widen roadway from SE 32 <sup>nd</sup> Street to north end of SE Ash Street (~1,100 feet).	High	\$144,000	2012 South Beach TSP update
SE 40 <sup>th</sup> Steet at US 101 to approx. 500-700 feet east	Add eastbound through lane to receive traffic from second south bound through lane at intersection of 40 <sup>th</sup> Street with US 101	Medium	\$154,000	2012 South Beach TSP update

## New Traffic Signals

It has been identified that as traffic volumes increase, several intersections throughout Newport will require the installation of traffic signals. The cost for each traffic signal is estimated at \$200,000, totaling \$1 million for five signals. This includes the cost for installation and signal coordination infrastructure but does not include intersection road work.

Listed below are the locations that will likely require new traffic signals or turn lanes, or both, as traffic volumes increase. The proposed location and spacing of new traffic signals on state facilities would comply with existing plans and policies, as indicated in the 1991 Oregon Highway Plan and as detailed in the City of Newport Access Management Plan. These intersections should be monitored to determine the point in time at which signalization is warranted:

- ~~Highway US 101 at Abbey Street (4-5 years-High)~~
- ~~Highway US 101 at Angle Street (11-15 years-Low)~~
- ~~Highway US 101 at NE 36<sup>th</sup> St. (6-10 years-Medium)~~
- ~~Highway US 101 at NE 52<sup>nd</sup> St. (6-10 years)~~
- ~~Highway US 101 at NE 73<sup>rd</sup> St. (16-20 years-Low)~~
- US 101 at SE 35<sup>th</sup> Street (High)
- US 101 at SW 40th Street (High)
- US 101 at South Beach State Park/New SW 50th Street (Low)

Transportation modeling shows that traffic flow near the bridge would be improved by relocating the traffic signal at 32nd Street southward to 35th Street. When the planned 35<sup>th</sup> Street intersection widening is complete and a traffic signal is installed, the traffic signal from the intersection of US 101 and SE 32nd Street will be removed and replaced with a stop sign for motorists approaching US 101 from the side street. In addition, the 32<sup>nd</sup> Street intersection with US 101 will be limited to right in and right out traffic movements.

## Functional Classification System

Streets perform various roles in a community, ranging from carrying large volumes of through traffic to providing direct access to abutting property. These functions are often conflicting, and a hierarchical classification system is needed to determine the appropriate function and purpose of each roadway.

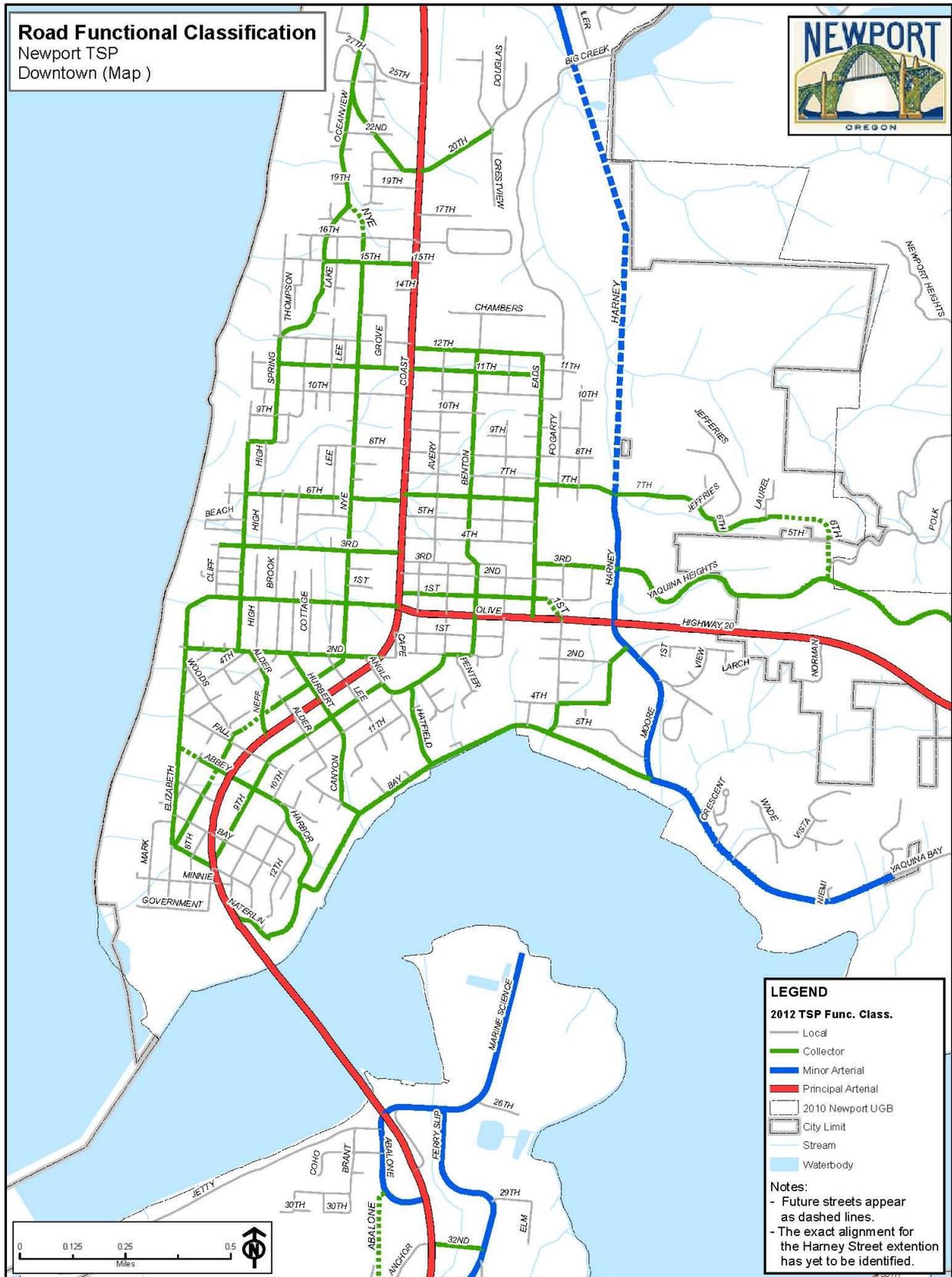
Figures 1 through 3, and Table 43 presents the recommended functional classification system plan for the City of Newport. This plan recommends four roadway classifications as follows:

- **Principal Arterials** – These facilities carry the highest volumes of through traffic and primarily function to provide mobility and not access. Principal arterials provide continuity for intercity traffic through the urban area and are usually multi-lane facilities. The only facilities identified as principal arterials are US Highways 101 and 20.
- **Minor Arterials** – These facilities interconnect and augment the principal arterial system and accommodate trips of somewhat shorter length. Such facilities interconnect residential, shopping, employment, and recreational activities within the community.

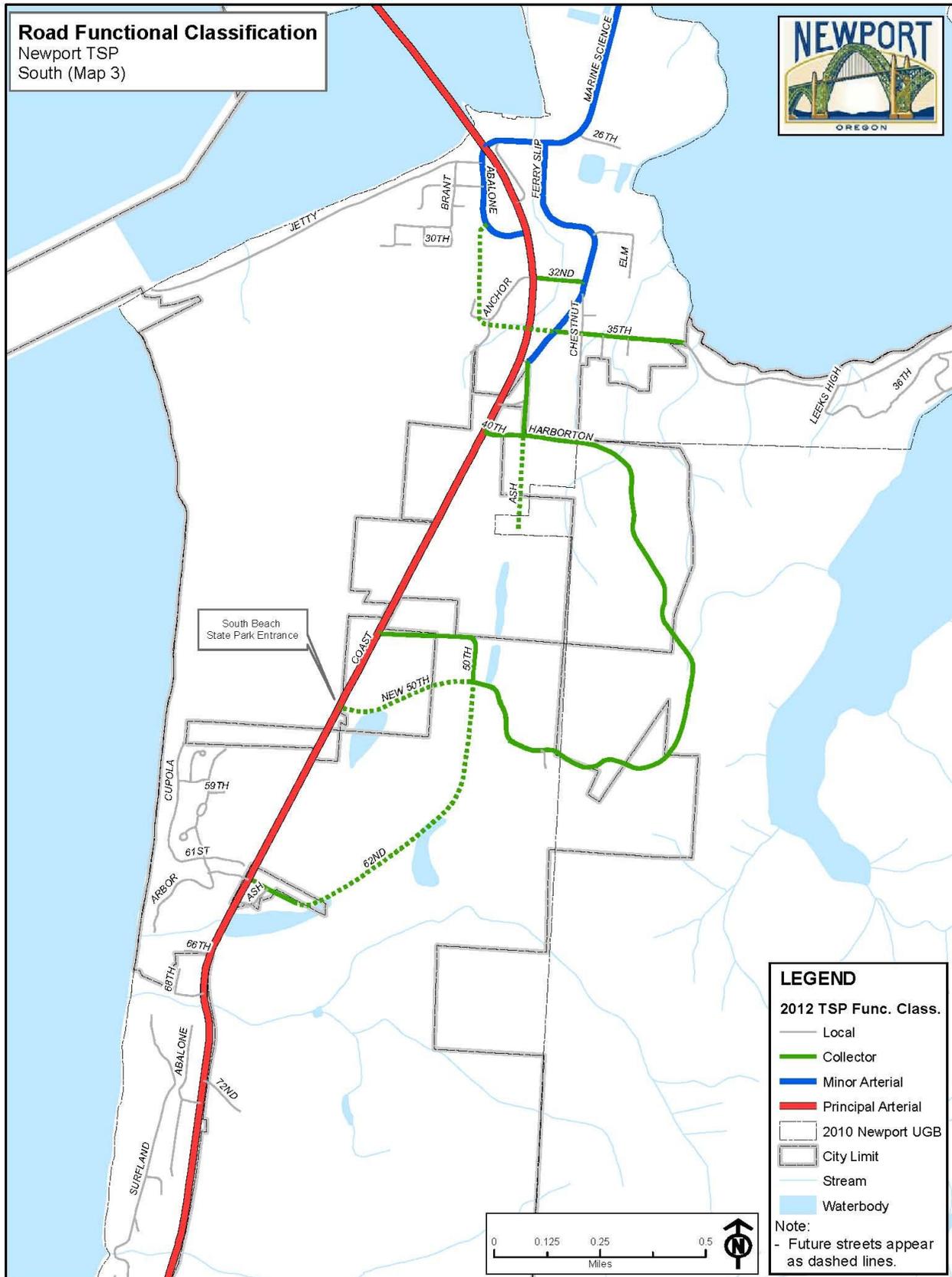
- **Collector Streets** – These streets provide both land access and movement within residential, commercial, and industrial uses. These streets gather traffic from local roadways and serve as connectors to arterials.
- **Local Streets** – These streets provide land access to residential and other properties within neighborhoods and generally do not intersect any arterial routes. All remaining streets not listed in Table 4 are classified as local streets.



**Figure 2: Functional Classification of Roadways – Downtown Map**



**Figure 3: Functional Classification of Roadways – South Beach Map**



**Table 43: Recommended Functional Classification of Roadways from 1997 TSP**

<b>Principal Arterials</b>	<b>Limits</b>
US Hwy 101 US Hwy 20	North UGB Limits to South UGB Limits Hwy 101 to East UGB Limits
<b>Minor Arterials</b>	<b>Limits</b>
SW Abalone St SE Bay Blvd SE Ferry Slip Rd Harney Dr John Moore Rd North-South Arterial <del>SE OSU Marine Science Dr</del> <del>SW 32<sup>nd</sup> St</del>	<u>Hwy 101 to SE Marine Science Dr</u> John Moore Rd to East UGB Limits <u>SE Marine Science Dr to SE Ash St</u> <del>Hwy 101 to North-South Arterial</del> <u>Hwy 20</u> SE Bay Blvd to Hwy 20 Harney Dr to Harney Dr SW Abalone St to end of Street <del>SE Abalone St to Hwy 101</del>
<b>Collectors</b>	<b>Limits</b>
<u>SW Abalone St</u> SE Abbey St SW Alder St SW Angle St <u>SE Ash St</u> SE Avery St <del>NE Avery St</del> <u>NE Avery St</u> SE Bay Blvd SW Bayley St <u>NE Benton St</u> SW Canyon Way NW Coast St <u>NE Coos St</u> NE Eads St NW Edenview Way SW Elizabeth St SW Fall St SW Fall St <u>SE Ferry Slip Road</u> SE Fogarty St SW Harbor Way <u>SE Harborton St</u> SE Harney Dr SW Hatfield Dr SW Hurbert St SW Naterlin Dr SW Neff Way NW Nye St SW Nye St NW Ocean View Dr W Olive St NW Spring St NE Yaquina Heights Rd <u>NE 1<sup>st</sup> St</u> <u>SE 2<sup>nd</sup> St</u>	<u>Stub out at cemetery to SW 35<sup>th</sup> St</u> Hwy 101 to SW Harbor Way SW 2 <sup>nd</sup> St to SW Neff Way SW 2 <sup>nd</sup> St to SW 9 <sup>th</sup> St <u>SE Ferry Slip to southern terminus</u> SE 2 <sup>nd</sup> St to East Olive (Hwy 20) <del>East Olive (Hwy 20) to NE 12<sup>th</sup> St</del> <u>NE 73<sup>rd</sup> to North UGB Limits</u> SE John Moore Rd to SW Naterlin Dr SW 7 <sup>th</sup> St to SW 11 <sup>th</sup> St <u>NE 3<sup>rd</sup> St to NE 12<sup>th</sup> St</u> SW Hurbert St to SW Fall St SW 2 <sup>nd</sup> St to NW 8 <sup>th</sup> St <u>NE 3<sup>rd</sup> St to SE 2<sup>nd</sup> St</u> East Olive (Hwy 20) to NE 12 <sup>th</sup> St Hwy 101 to NW Ocean View Dr SW Bayley St to W Olive St SW Canyon Way to SW Bay Blvd SW Elizabeth St to Hwy 101 <u>SE Marine Science Dr to SE Ash St</u> SE Bay Blvd to SE 4 <sup>th</sup> St SW Abbey St to SW 13 <sup>th</sup> St <u>SE 40<sup>th</sup> St to SE 50<sup>th</sup> St</u> SE 4 <sup>th</sup> St to SE John Moore Rd SW 9 <sup>th</sup> St to SW Bay Blvd SW 2 <sup>nd</sup> St to SW Canyon Way SW Government St to SW Bay Blvd SW Alder St to Hwy 101 West Olive St to NW Ocean View Dr SW 2 <sup>nd</sup> St to West Olive St NW 12 <sup>th</sup> St to Hwy 101 SW Elizabeth St to Hwy 101 NW 8 <sup>th</sup> St to NW 12 <sup>th</sup> St NE Harney Dr to Hwy 20 <u>Hwy 20 to Hwy 101</u> <u>SE Benton St to SE Coos St</u>

SW 2 <sup>nd</sup> St	SW Elizabeth St to SW Angle St
NW 3 <sup>rd</sup> St	NW Coast St to Hwy 101
NE 3 <sup>rd</sup> St	NW Harney St to NE Eads St
SE 4 <sup>th</sup> St	SE Fogarty St to SE Harney Dr
NW 6 <sup>th</sup> St	NW Coast St to Hwy 101
NE 6 <sup>th</sup> St	Hwy 101 to NE Eads St
NE 7 <sup>th</sup> St	NE 7 <sup>th</sup> Dr to Yaquina Heights Dr
<u>SW 7<sup>th</sup> St</u>	<u>SW 2<sup>nd</sup> St to SW Elizabeth St</u>
NW 8 <sup>th</sup> St	NW Coast St to NW Spring St
SW 9 <sup>th</sup> St	Hwy 101 to SE 2 <sup>nd</sup> 10 <sup>th</sup> St
<u>SE 10<sup>th</sup> St</u>	<u>SE Benton St to SW 9<sup>th</sup> St</u>
NW 11 <sup>th</sup> St	NW Spring St to Hwy 101
NE 11 <sup>th</sup> St	Hwy 101 to NE Eads St
NE 12 <sup>th</sup> St	Hwy 101 to NE Eads St
SW 13 <sup>th</sup> St	SW Harbor Way to SW Bay St
NW 15 <sup>th</sup> St	NW Ocean View Dr to Hwy 101
NE 20 <sup>th</sup> St	Hwy 101 to NE Crestview Dr
<u>SE 32<sup>nd</sup> St</u>	<u>Hwy 101 to SE Ferry Slip Road</u>
<u>SE 35<sup>th</sup> St</u>	<u>Hwy 101 to eastern terminus</u>
<u>SE 40<sup>th</sup> St</u>	<u>Hwy 101 to SE Harborton St</u>
<u>SE 50<sup>th</sup> St</u>	<u>SE Harborton St to US 101</u>
<u>SE 62<sup>nd</sup> St</u>	<u>SE 50<sup>th</sup> St to Hwy 101</u>
NE 73 <sup>rd</sup> St	Hwy 101 to NE Avery St

The hierarchical functional classification system requires different design standards for each roadway classification. For instance, major thoroughfare routes require different access control standards, paving requirements, right-of-way widths, and traffic safety devices. The TSP includes graphics showing the typical design standards for each roadway under the functional classification system.

The suggested design standards are to be used as a guideline for roadway construction, including the development of new roads and the reconstruction of existing roads. The roadway design standards are established to ensure consistency throughout the City, but because the City has diverse topographic and natural constraints, they must provide flexibility for unique and special situations. The City also may permit alternate street cross-section design in response to the challenges and needs of specific areas, where these standards are supported by the recommendations of a refinement planning process. Recent examples of where a more flexible approach to roadway design was adopted include the Coho/Brant and South Beach Peninsula Transportation Refinement Plans.

**Transportation Planning in South Beach**

*Overview*

Primary access to businesses and residents in South Beach principally relies on US 101. Recent analysis of the transportation system’s capability to support existing and future growth indicates that the existing Oregon Highway Plan’s (OHP) mobility standards or “targets” would not be met along US 101 for the 2030 planning horizon. This condition results from the combination of background traffic growth (e.g., through traffic) and anticipated development within the South Beach area. Substantial highway improvements in South Beach would not be sufficient to respond to the additional travel demand because the system is limited by the capacity of the Yaquina Bay Bridge, given its physical constraints as well as system infrastructure costs. To

respond to this expected future condition, and to come into compliance with the State's expectations for mobility on US 101, the TSP identifies a variety of improvements to local street, bicycle, and pedestrian systems, as well as to US 101 that will improve local circulation and facilitate traffic movements on US 101. The identified improvements on the local roadway system, are described in Table 1<sup>1</sup>. The Oregon Transportation Commission recognizes that the mobility targets established in OHP Table 6 may not be feasible or practical in all circumstances. OHP Policy 1F states that alternate mobility targets can be developed to reflect the balance between relevant objectives related to land use, economic development, social equity, and mobility and safety for all modes of transportation. New mobility standards for US 101 have been identified and analyzed in conjunction with planned transportation system improvements in the report titled "Newport Transportation System Plan Update - Alternate Mobility Standards Final Technical Memorandum #13 Summary of Measures of Effectiveness," dated April 2012 in order to confirm that the mobility targets can reasonably be met within the planning horizon.

The Oregon Transportation Commission has sole authority to set standards for state facilities. The City supports the application of alternative mobility standards at intersections on US 101 in order to facilitate planned growth in South Beach. This change to mobility standards on US 101 as a result of planning done in 2011-12 represents a decision to accept a higher level of congestion. In recognition of the constraint that the existing Yaquina Bay Bridge poses to access to South Beach, and the lack of funds for large capacity improvements on the highway system in the foreseeable future, the City has chosen to help implement the State's alternate mobility standards, given that a higher level of controlled congestion on US 101 is an acceptable trade-off for accommodating economic development and reduced costs of total transportation system improvements associated with development.

An infrastructure refinement plan was prepared for the Coho/Brant neighborhood concurrent with the preparation of the TSP. That plan identifies needed improvements to local and collector streets in the neighborhood considering the transportation network identified in the TSP update for the greater South Beach area.

#### *Development of an Alternative Mobility Standard*

A substantial seasonal increase in traffic volumes occurs on US 101 during the summer months due to tourist traffic. During the peak traffic months of July and August, Newport weekday traffic is 21% higher than the annual average traffic volumes and 40% higher than traffic volumes during January. The Oregon Highway Plan (OHP)'s mobility targets apply during this peak summer traffic period.<sup>2</sup> Current traffic conditions in South Beach; however, are better than the conditions allowed by the OHP mobility targets.<sup>3</sup>

The capacity of the two-lane Yaquina Bay Bridge also affects highway operations in South Beach. The narrow travel lanes, lack of highway shoulders and the significant road grade from the middle of the bridge to its south end in South Beach affect the bridge's capacity when compared to a typical highway. The TSP Update calculated that the two-

<sup>1</sup> In 2012, **Ordinance XX** updated the TSP to include transportation improvements for South Beach. The technical memoranda that constitute the analysis and recommendations for the transportation system in South Beach are documented and included in **Ordinance XX**. *Newport Transportation System Plan Update - Alternate Mobility Standards Final Technical Memorandum #13 Summary of Measures of Effectiveness* informs the development of alternate mobility standards for US 101 in the South Beach study area. The development of these standards is based on the findings of technical memoranda #5, #10, #11 and #12 prepared for the Newport Transportation System Plan (TSP) Update.

<sup>2</sup> OHP Policy 1F, Table 6.

<sup>3</sup> Newport TSP Technical Memorandum #5.

lane bridge's capacity is about 25% less than a typical highway. No replacement bridge can be expected in the planning horizon to provide additional capacity, so South Beach traffic movements will continue to be affected by this condition in 2030.

OHP mobility targets apply at the end of the planning horizon to evaluate the effect of future community development on highway operations, and substantial development is expected in South Beach during the planning horizon. Traffic volumes that would result from the level of development expected to occur in South Beach by 2030 were combined with ODOT's projections for background traffic growth. These future traffic volumes then were evaluated with the current local road network and current highway configuration, and with the existing road network and a five-lane highway alternative. The analysis showed that the existing network and the existing highway could not meet the OHP mobility targets anywhere in the system. Congestion would be so severe that traffic volumes would exceed the capacity of all highway intersections and the average travel speed would be 3.9 miles per hour for northbound traffic, and 2.5 miles per hour for southbound traffic on the existing highway. When the analysis included a five-lane highway, conditions north of 50<sup>th</sup> Street still could not meet the OHP targets and still exceeded capacity. South of 50<sup>th</sup> Street, most highway movements could meet the OHP targets, but none of the intersecting streets could. The average travel speed for a five-lane highway would be less than nine miles per hour for northbound traffic and less than six miles per hour for southbound traffic.<sup>4</sup>

A local road network is proposed in the South Beach Urban Renewal Plan to provide a local transportation system that is better able to support development in South Beach. The network would provide a more interconnected local street system that would allow local travel to occur on city streets rather than solely on the highway. This network was included in the Preferred System for the TSP Update because it would provide better long-term traffic conditions than the existing network and a five-lane highway.

The OHP mobility targets cannot be met on US 101 in South Beach because of high seasonal traffic and the reduced highway capacity caused by the Yaquina Bay Bridge. The OHP calls for consideration of alternative mobility standards where it is infeasible to meet the OHP mobility targets. Future traffic conditions in South Beach will be affected by high seasonal traffic and the reduced capacity of the Yaquina Bay Bridge. The alternative mobility standard incorporates a seasonal adjustment to use the annual average traffic volume; assigns new mobility targets; evaluates mobility only at existing traffic signals and at the locations where signalized intersections are proposed as part of the TSP Update; and accounts for the development of community services in South Beach, thereby minimizing future travel on US 101 to reach such services elsewhere in Newport. The results are alternative mobility standards effective at the current signalized US-101/SE 32<sup>nd</sup> Street intersection and at the future signalized highway intersections at South 35<sup>th</sup> Street, SE 40<sup>th</sup> Street and at SE 50<sup>th</sup> Street/South Beach State Park.

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<sup>4</sup> Newport TSP Update, Technical Memorandum #11.

Trip Budget Program

The purpose of the Trip Budget Program is to ensure that the planned transportation system meets the needs of existing and future development in South Beach. The underlying premise of the program is that the planned transportation system can accommodate a reasonable level of land development and still operate at an acceptable level. The assumed number of trips that will be generated by development in South Beach over a 20-year planning horizon was determined based on projected population growth and permitted land uses, but with the assumption that not all areas were 100% buildable due to environmental constraints.<sup>5</sup> The land uses in this scenario, and the vehicular trips this future growth will generate, are anticipated to be accommodated on the adopted planned transportation system over a similar time horizon. The Trip Budget Program will be used to maintain the balance between the expected land uses and the identified needed transportation improvements in South Beach.

The City maintains a zoning overlay for South Beach that sets the parameters for allocating trips to new development and provides a framework for how and when the City of Newport and ODOT will revisit 20-year growth assumptions. The overlay, titled the South Beach Transportation Overlay Zone (“SBTOZ”), includes developable and redevelopable land in the South Beach portion of Newport, from the Yaquina Bay Bridge south to properties accessing SE 62nd Street (Figure 2: South Beach Overlay Zone). The SBTOZ helps the City track the consumption of trips from future development. It is a tool to assess new growth and compare it to the assumptions upon which the transportation system and improvements are based.

TAZ Trip Budgets

The Trip Budget Program is based on the number of trips projected to be generated from new development in South Beach over a 20-year time horizon. South Beach transportation analysis zones (“TAZs”) were created, as shown in Figure 2, to forecast future trips. Future development assumptions were made based on existing land use designations, environmental constraints in the area, and information gathered from property owners and businesses regarding assumptions about the amount of development that could be expected for each of the TAZs within the planning horizon. Table XX lists the TAZs in the SBTOZ and the PM peak hour trip total for each TAZ, at the time of plan adoption. The total number of trips available in the SBTOZ at the time of plan adoption also is shown in Table XX; these totals are the basis for the Trip Budget Program.

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<sup>5</sup> Land Use Scenario #2 in Newport Transportation System Plan Update - Alternate Mobility Standards Technical Memorandum #12 Analysis of South Beach Land Use Scenarios. Further supported by technical reports titled “Review of Newport TSP Update – Technical Memorandum #10: Biological/Wetlands Review” and “Newport Transportation System Plan Update – Alternate Mobility Standards Technical Memorandum #11 2030 Baseline System.”

**Table 4: South Beach Overlay Zone Trip Budget Totals**

Area	TAZ Trip Budget <sup>1</sup>
Area A	1,237
Area B and C	798
Area D	606
Area E	167
Area F	626
Area G	257
Area H	300
Area I	181
Area J	200
<b>Trip Reserve Total<sup>2</sup></b>	<b>490</b>
<b>SBTOZ Trip Total</b>	<b>4,862</b>

<sup>1</sup>TAZ Trip Budgets are projected PM Peak Hour Trips forecasted for each TAZ during the next 20 years. TAZ Trip Budgets are based upon Scenario #2 in the "Newport Transportation System Plan Update--Alternate Mobility Standards Final Technical Memorandum #12."

<sup>2</sup> The SBTOZ Trip Reserve Total is 10% of the PM Peak Hour Trips from each TAZ. These trips can be allocated anywhere within the SBTOZ through Newport Zoning Code provisions.

City shall develop a process for the allocating trips out of the TAZ Trip Budget. Such a process may provide for vesting trips with a valid land use decision or through the issuance of a vesting letter. As part of the trip allocation process, the City is responsible for determining whether or not remaining trips available in the TAZ can accommodate the development proposal. Proposed developments that would generate more PM peak hour trips than what remains in the budget for the TAZ can be approved only by submitting a land use application requesting to use trips from the Trip Reserve Fund or through mitigation supported with a traffic impact analysis.

Trip Reserve Fund

Trips from the Trip Reserve Fund can be allocated to development projects anywhere within the SBTOZ. The trips in the reserve fund were calculated based on the cumulative total of all the TAZs in the SBTOZ and roughly equal 10% of the total PM peak hour trips available in the SBTOZ, as shown in Table 4. Reserve trips may be allocated across TAZ boundaries, to any land use type that is permitted by the underlying zoning.<sup>6</sup> Through the SBTOZ, the City applies the following criteria to determine when trips should be allocated out of the Trip Reserve Fund to support a proposed development project:

- There are insufficient unassigned trips remaining in the TAZ to accommodate the proposed types of use(s).
- The proposal to use trips from the Trip Reserve Fund to meet the requirements of the Trip Budget is supported by a Transportation Impact Analysis.
- There are sufficient trips available in the Trip Reserve Fund to meet the expected trip generation needs of the proposal.

Approval of the allocation of trips from the Trip Reserve Fund is a discretionary decision, subject to attendant ~~with~~ public notice, opportunity to comment, and an appeals process. Allocation of reserve trips is approved only where a transportation analysis demonstrates that the impacts from

<sup>6</sup> As opposed to TAZ trips, which must be allocated within the TAZ boundaries where development is proposed.

the proposed development is consistent with the planned preferred transportation system, or that the transportation impacts can be mitigated with improvements proposed as part of the development.

#### Transportation Impact Analysis Requirement

To ensure that the number of trips available in the Trip Budget and Trip Reserve Fund are not being exceeded by development, the City will need to know the expected trip generation from each development proposal. In order for this information to be included in a development application, the City has traffic-related submittal requirements in the Zoning Ordinance. For development proposals, including changes in uses that will have a limited impact on the transportation system, this can be accomplished by determining the number of PM peak hour trips expected from the future development and ensuring that the effect to the transportation system is consistent with the transportation improvements planned for South Beach. Additional traffic analysis is required for higher traffic generating uses, such as development proposals that include a requested change in the underlying land use designation or zone; or, proposals that request trips from the Trip Reserve Fund to support a development proposal. The "two tiered" nature of such submittals in the City Zoning Ordinance requires a Trip Assessment Letter of all applicants, and requires a Transportation Impact Analysis ("TIA") when certain prescribed threshold conditions are met. The TIA section in the Zoning Code also includes thresholds that, if met or exceeded by a development proposal, would require that a TIA be submitted to the City for review and approval through a Type III review process.

The Zoning Code shall describe the thresholds for requiring a TIA that are applicable to development anywhere in Newport. The required elements of a TIA also are described. However, City staff has some discretion to determine the level of analysis necessary, based in part on the size and expected impact of the proposed project. Initial information on a proposed project and expected transportation impacts is gained through a pre-application conference between City staff and the applicant. The zoning code should allow the City to require needed transportation improvements as a condition of approval when the TIA shows that there is a need for the improvements. A fee-in-lieu option may also be included in the zoning code to provide for some flexibility as to when those improvements are made.

#### Trip Generation Calculation

The number of PM peak hour trips a proposed development is expected to put on the transportation system is based on trip generation by use in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. One identified way to reduce the number of trips across the Yaquina Bay Bridge to reach essential goods and services is to promote a mix of uses in South Beach and to encourage service-related uses not currently found south of the bridge. Consistent with this approach, certain land use types must only consider the "primary trips" for the use rather than the trips that also would accrue from "passby" or "diverted-link" trips. Passby and diverted link trips involve intermediate stops on the way from a trip origin to a primary destination. "Passby" or "diverted linked" trips are identified by the type of use in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The following uses will be required to calculate only "primary trips":

- Personal service oriented uses, such as professional offices and branch banks.
- Sales or general retail uses, total retail sales area under 15,000 square feet, such as a grocery store. This does not include restaurants.
- Repair oriented uses.

Monitoring the Trip Budget Program

The trip generation information obtained from the Trip Assessment Letter required of each development proposal, as well as alterations or changes in use, in South Beach will be used by City staff to keep the Trip Budget updated. Upon approval of the trip allocation, City staff will update the available PM peak hour trip total for the subject TAZ by deducting the trips allocated to the permitted development. In the case of a change in use, where the new use generates less trips than the previous use, or through mitigation capacity is added to the system then trips may be added to the Trip Budget. The Trip Reserve Fund will be similarly updated when development is allocated trips from the Fund.

The Planning Commission and City Council should receive periodic updates on the status of the Trip Budget. The frequency of these updates may depend upon the respective body's work program but occur at least once a year.

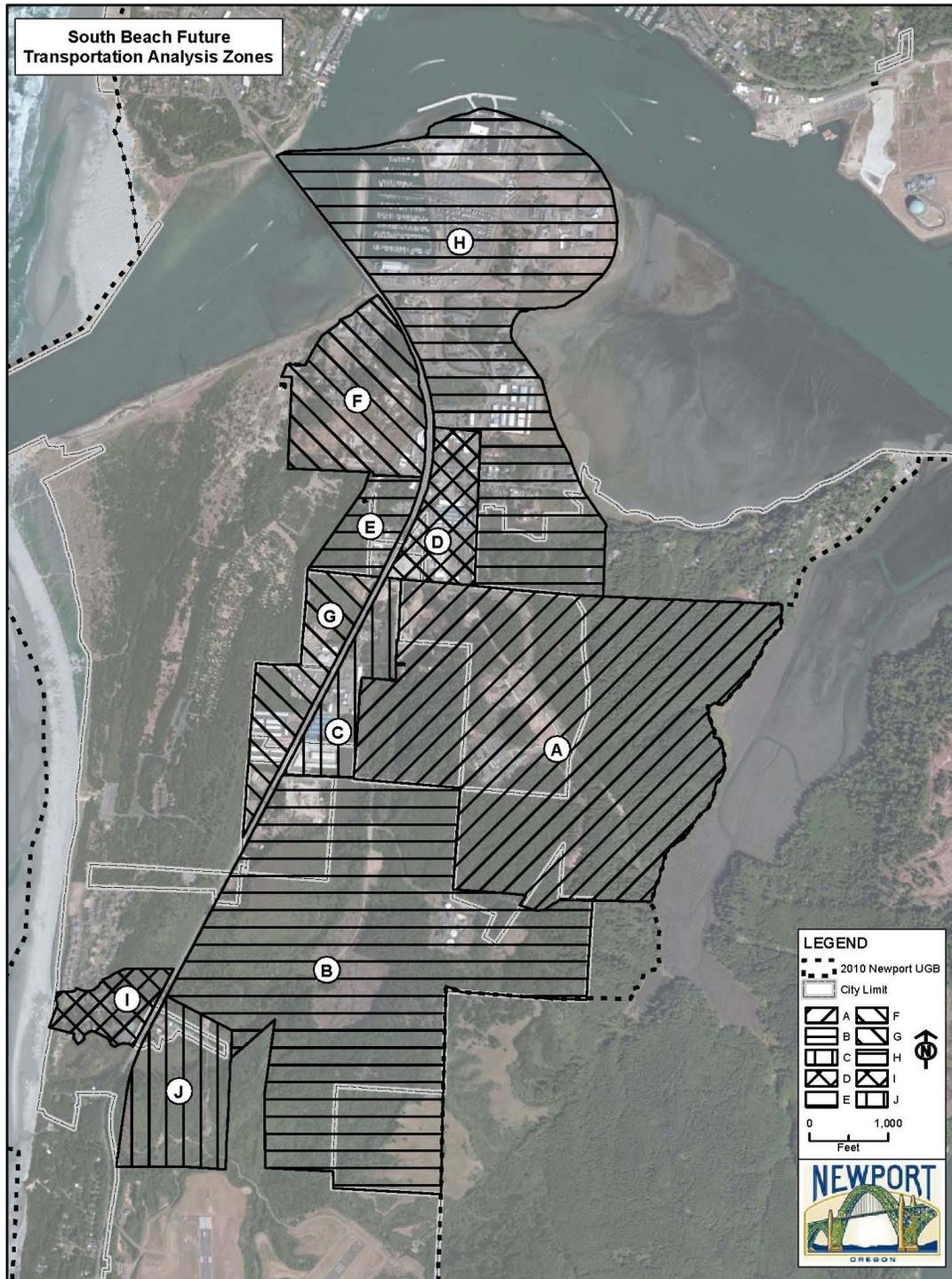
Amending the Trip Budget Program

It is unlikely that development will match up precisely to the assumptions in the future transportation analysis and, despite the flexibility afforded by the trip reserve, the Trip Budget Program may need to be updated to reflect actual development trends or to accommodate economic development opportunities that were not foreseen at the time of its adoption. These updates will be accomplished by:

- A comprehensive reassessment of the trip budget program that will begin no more than 10 years from effective date of Trip Budget Program ordinance.
- A reevaluation of the Newport Transportation System Plan and the associated trip budget will occur when 65% of the total trips in any given TAZ have been committed to permitted development.
  - This review will be initiated no later than 6 months from the time the threshold is reached. In anticipation of development reaching the 65% threshold, the City could also choose to commence the review any time development pressure in a certain TAZ warrants such an action.
  - The development proposal that triggers the 65% Review will not be denied based on this required review. Subsequent development proposals within the subject TAZ may also be reviewed and approved by the City during the review process. If the review necessitates updates to the Trip Budget Program, proposed changes will be adopted through a TSP and associated Zoning Code amendments.
  - To ensure that the 65% Review provides timely information, it will be completed within 12 months from initiation, or pursuant to a schedule that is part of a work program previously agreed upon by both the City and ODOT.

Major updates or adjustments of the land use scenarios and the trip budget for South Beach will require a legislative amendment to the TSP. Transportation Planning Rule findings of compliance with the adopted transportation system plan must support the modification.

**Figure 4: South Beach Overlay Zone<sup>7</sup>**



<sup>7</sup> Corresponds with Figure 2-2 from Newport Transportation System Plan Update - Alternate Mobility Standards Technical Memorandum #12 Analysis of South Beach Land Use Scenarios.

## Pedestrian Facility Improvements

Specific to the City's pedestrian plan are recommendations for a continuous sidewalk system in good repair that will connect existing and future pedestrian and transit traffic generators. Emphasis is given to the pedestrian/transit interface. Also critical to the plan is the support it provides for tourist foot traffic, from the main traffic area and to specific tourist attractions. To this end, sidewalk improvements were identified to link existing sidewalks and to provide a system of sidewalks to ensure a balanced transportation system that offers realistic non-motorized alternatives. Particular Early City efforts focus was focused on providing safe and convenient travel for children who walk to school. Figure 5 through Figure 8 of the 1997 Transportation System Plan presented the recommended pedestrian plan element of the transportation network for Newport that was adopted in 1999. Existing sidewalks are also shown on the 1997 TSP recommended plan. The pedestrian and bicycle plan was greatly expanded in 2008 as part of the Transportation System Plan Update project and resulted in a new pedestrian and bicycle plan being adopted by the City of Newport in when the City adopted a new Pedestrian and Bicycle Plan 2008. The City's existing pedestrian facilities and proposed pedestrian system in the pedestrian and bicycle plan adopted in 2008 are illustrated in Maps 2-1, 3-1, 3-2, and 3-3 of that plan the 2008 Pedestrian and Bicycle Plan.<sup>8</sup> The update to the transportation system serving South Beach resulted in recommended projects that will enhance the pedestrian experience south of the bridge, including sidewalks along the west side of US 101, south to 35th Street, which will be part of future roadway improvements, and a multi-use path and sidewalks east of the highway, along 40th Street, Harborton Road, and 50th Street. South Beach improvements are illustrated Figure 3, Recommended South Beach Pedestrian and Bicycle Projects.

In 2011 the City conducted a series of charrettes with the public to improve recreational access to Agate Beach. The Agate Beach Wayside Project resulted in a conceptual design and list of associated improvements after extensive outreach by the City of Newport and Lincoln County with neighboring property owners, business owners, Oregon Department of Transportation, the Oregon Parks and Recreation Department, Surfrider Foundation, and other stakeholders. Major elements of the project include: improved parking lot circulation and safety; pedestrian improvements for Lucky Gap Trail; pedestrian improvements to North Agate Beach (i.e. "surfer access"), and; improvements to NW Agate Way and sidewalks on NW Gilbert Way.

Specific to the plan are recommendations for a continuous sidewalk system in good repair that will connect existing and future pedestrian and transit traffic generators. Emphasis is given to the pedestrian/transit interface. Also critical to the plan is the support it provides for tourist foot traffic, from the main traffic area and to specific tourist attractions. Table 5 displays includes the recommended pedestrian facility improvements from the 1997 TSP along existing streets needed over the next 20 years. Table 6A identifies the pedestrian and bicycle facility improvements from the Newport Pedestrian and Bicycle Plan adopted in 2008. As indicated in the source column in Table 5, the projects listed are identified in the 1997 TSP, as well as updates to this plan in 2008 and 2012. All project cost estimates are shown in 2011 dollars; cost estimates for projects from the 1997 TSP (and 2008 update) have been adjusted to account for inflation.

Planning level cost estimates have been prepared for projects needed to provide continuous sidewalks within the school bus perimeter and in the core area, and to provide sidewalks where they do not currently exist on streets that will be part of the future arterial or collector network.

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<sup>8</sup> See maps 2-1, 3-1, 3-2, and 3-3 in the 2008 Pedestrian and Bicycle Plan. Note that the location of the shared use path and the proposed sidewalk along Highway 101 depicted on Map 3-3, Proposed Pedestrian System in South Newport, has been updated; see Figure 3, Recommended South Beach Pedestrian and Bicycle Projects.

Adding sidewalks along a roadway are only part of the pedestrian solution; many busy streets and intersections are difficult to cross and can be barriers to walking. Allowing people to cross streets as freely as possible is important in maintaining a pedestrian-friendly environment. Often the width of the street, the geometry of the intersection, and the signal timing are designed only for the needs of the vehicle; not the pedestrian.

To increase pedestrian crossing opportunities and safety, two approaches can be considered: (1) designing roads that allow crossings to occur safely by incorporating design features such as raised medians or signal timing that creates gaps in traffic; or (2) constructing actual pedestrian crossings with pedestrian-activated signals, mid-block curb extensions, marked crosswalks, etc.

There are a variety of locations in Newport where crosswalk improvements are necessary to maintain pedestrian safety. The ~~1995 Oregon Bicycle and Pedestrian Plan~~ 2008 Pedestrian and Bicycle Plan identify several techniques that can be implemented at busy intersections.

### **Bicycle Facility Improvements**

~~Figure 9 of the 1997 TSP illustrated the recommended bicycle plan for the City of Newport. The figure includes city and state designated facilities throughout the City, including bike lanes and designated bike routes. Highway US 101 currently is the a-state-designated bike route that is known nationally as the Oregon Coast Bike Route. In Newport, the Oregon Coast Bike Route diverges from the highway between Ocean View Drive and the Yaquina Bay Bridge onto city streets located west of the highway that have lower traffic volumes and are closer to the Pacific Ocean. Other City-designated routes are along Ocean View Drive, Coast Street, and Elizabeth Street. These routes are currently signed, but lack separated bike lanes. The City's goal was is to provide bicycle routes that enable safe and efficient travel for through bike traffic traveling along the Oregon Coast, as well as to provide a system for traveling within the city. The system of bicycle facilities has been designed to connect both north-south and east-west bicycle traffic. It has also been designed to connect all major generators of bicycle traffic with residential neighborhoods and tourist facilities. The pedestrian and bicycle plan was greatly expanded as part of the Transportation System Plan Update project and resulted in a new pedestrian and bicycle plan being and adopted by the City of Newport in 2008. The existing bicycle facilities and proposed bicycle facilities are illustrated in the 2008 pPedestrian and bBicycle pPlan adopted in 2008 are illustrated in Maps 2 2, 3 4, 3 5, and 3 6 of that plan.<sup>9</sup> The update to the transportation system serving South Beach resulted in recommended projects to enhance the pedestrian experience south of the bridge. Sidewalks will be extended on both sides of the highway south to 35th Street. South of 35th Street, a multi-use path will be constructed on the west side of the highway; a sidewalk will be constructed on the east side. Multi-use paths and sidewalks will be constructed along SE 40th Street, Harborton Road and the new alignment for SE 50th Street.~~

~~Table 6-5 presents the recommended bicycle route improvements identified in the 1997 TSP. The cost estimate for upgrading existing roads to include bicycle lanes has been prepared for each route or series of routes. The cost estimates for bicycle facilities on new roadways have been included in the roadway construction cost estimates. All project cost estimates are shown in 2012 dollars; cost estimates for projects from the 1997 TSP (and 2008 update) have been adjusted to account for inflation. Table 6A identifies the pedestrian and bicycle facility improvements from the Newport Pedestrian and Bicycle Plan adopted in 2008.~~

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<sup>9</sup> See Maps 2-2, 3-4, 3-5, and 3-6 in the 2008 Pedestrian and Bicycle Plan. The location of the proposed shared use path in South Beach was updated by the 2012 South Beach amendments (see Figure 3 Recommended South Beach Pedestrian and Bicycle Projects).

**Table 5: Recommended Pedestrian and Bicycle Improvements<sup>10</sup> (Replaces Tables 5, 6, and 6A)**

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
<b>US 101 Crossings</b>						
NW 68th Undercrossing	n/a	An undercrossing of US 101 at NW 68th	ODOT / Newport	Low	\$2,340,000	2008 Ped. Bike Plan
Mid-block between 16th Street & 17th Street	n/a	Add median, raised stop bars, appropriate signage, and striped continental crosswalk	ODOT / Newport	Low	\$265,000	2008 Ped. Bike Plan
NW 15 <sup>th</sup> Street	n/a	Add crosswalk	ODOT / Newport	Low	\$11,500	2008 Ped. Bike Plan
13th Street	n/a	Add median, raised stop bars, appropriate signage, and striped continental crosswalk	ODOT / Newport	Low	\$265,000	2008 Ped. Bike Plan
10th Street	n/a	Add median, raised stop bars, appropriate signage, and striped continental crosswalk	ODOT / Newport	Medium	\$265,000	2008 Ped. Bike Plan
8th Street	n/a	Add median, raised stop bars, appropriate signage, and striped continental crosswalk	ODOT / Newport	Medium	\$265,000	2008 Ped. Bike Plan
3rd Street / 4th Street	n/a	Add median, raised stop bars, appropriate signage, and striped continental crosswalk	ODOT / Newport	High	\$265,000	2008 Ped. Bike Plan
2nd Street (outside City Hall)	n/a	Add median, raised stop bars, appropriate signage, and striped continental	ODOT / Newport	High	\$265,000	2008 Ped. Bike Plan

<sup>10</sup> All project estimates, unless otherwise noted, are shown in 2012 dollars. Costs are escalated at a 4% per year from the previous project estimate (1997, 2008 or 2011).

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
		crosswalk				
SW Angle Street	n/a	Add curb extensions	ODOT / Newport	High	\$78,000	2008 Ped. Bike Plan
SW Lee Street	n/a	Add curb extensions	ODOT / Newport	High	\$53,000	2008 Ped. Bike Plan
SW Hurbert Street	n/a	Add curb extensions	ODOT / Newport	High	\$38,000	2008 Ped. Bike Plan
SW Alder Street	n/a	Add curb extensions	ODOT / Newport	High	\$53,000	2008 Ped. Bike Plan
SW Neff Way	n/a	Add median, raised stop bars, appropriate signage	ODOT / Newport	Medium	\$265,000	2008 Ped. Bike Plan
SW Abbey Street	n/a	Tighten the turning radius for vehicles, add marked crosswalks	ODOT / Newport	Low	\$205,000	2008 Ped. Bike Plan
SW Bay Street	n/a	Tighten the turning radius for vehicles, add marked crosswalks	ODOT / Newport	Low	\$205,000	2008 Ped. Bike Plan
Mid-block between SW Bayley Street & SW Minnie Street	n/a	Add median, raised stop bars, appropriate signage, and striped continental crosswalk, and curb extensions	ODOT / Newport	Medium	\$265,000	2008 Ped. Bike Plan
<b>Sidewalks</b>						
US 101 <sup>11</sup>	Yaquina Bay Bridge to Abalone Street	Construct sidewalk on west side of highway			\$186,000	2012 South Beach TSP update
US 101 <sup>12</sup>	Abalone Street to Anchor Way/35 <sup>th</sup> Street	Construct sidewalk on west side of highway			\$332,000	2012 South Beach TSP update

<sup>11</sup> Funding currently proposed from FEMA as part of tsunami evacuation route. The Ash Street Extension roadway improvement project (south of SE 40<sup>th</sup> Street) shows a multi-use path at this location. This estimate is for an independent sidewalk improvement.

<sup>12</sup> Project included as part of the Ash Street Extension roadway improvement project (south of SE 40<sup>th</sup> Street) as a multi-use path.

City Council October 15, 2012 Hearing Draft

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
NE Avery Street	US 101 to end of street	Construct sidewalk on west side of street	Newport	Medium	\$219,000	2008 Ped. Bike Plan
NE 71st Street	NE Avery Street to NE Echo Ct	Construct sidewalk on south side of street	Newport	Low	\$115,000	2008 Ped. Bike Plan
NE 70th Street	NE Avery St to fire access easement road	Construct sidewalk on north side of street	Newport	Low	\$79,000	2008 Ped. Bike Plan
Fire Access Easement	NE 70th St to NE 71st St	Construct pedestrian accessway	Newport	Low	\$18,000	2008 Ped. Bike Plan
US 101	NE Avery St to Agate Beach Access Rd	Construct sidewalk on west side of street	ODOT / Newport	Low	\$700,000	2008 Ped. Bike Plan
NE 57th Street	US 101 to NE Evergreen Ln	Construct sidewalk on south side of street	Newport	Medium	\$130,000	2008 Ped. Bike Plan
NE Evergreen Lane	End of street to NE 54th St	Construct sidewalk on west side of street	Newport	Low	\$245,000	2008 Ped. Bike Plan
NE 54th Street	NE Evergreen Ln to NE 56th St	Construct sidewalk on north side of street	Newport	Low	\$60,000	2008 Ped. Bike Plan
NE 56th Street	NE 54th St to NE Lucky Gap St	Construct sidewalk on east/south of street	Newport	Low	\$85,000	2008 Ped. Bike Plan
NE Lucky Gap Street	NE 56th St to NE 57th St	Construct sidewalk on east side of street	Newport	Low	\$55,000	2008 Ped. Bike Plan
NW 60th Street	US 101 to end of street	Construct sidewalk on both sides of street	Newport	Medium	\$155,000	2008 Ped. Bike Plan
NW 58th Street	US 101 to end of street	Construct sidewalk on both sides of street	Newport	Medium	\$225,000	2008 Ped. Bike Plan
NW 57th Street	NW Gladys St to end of street / NW Biggs St to end of street	Construct sidewalk on south side of street	Newport	Low	\$115,000	2008 Ped. Bike Plan
NW 56th Street	US 101 Access Rd to	Construct sidewalk on south side of	Newport	Medium	\$145,000	2008 Ped. Bike Plan

City Council October 15, 2012 Hearing Draft

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
	end of street	street				
NW 55th Street	US 101 to end of street	Construct sidewalk on north side of street	Newport	Medium	\$160,000	2008 Ped. Bike Plan
NW Rhododendron Street	NW 55th St to NW 60th St	Construct sidewalk on east side of street	Newport	Medium	\$105,000	2008 Ped. Bike Plan
NW Biggs Street	NW 56th St to NW 60th St	Construct sidewalks on both sides of street	Newport	Medium	\$155,000	2008 Ped. Bike Plan
NW Gladys Street	NW 56th St to NW 60th St	Construct sidewalks on west side of street	Newport	Low	\$90,000	2008 Ped. Bike Plan
NW Lighthouse Drive	US 101 to end of street	Construct sidewalks on north side of street	Newport	Low	\$335,000	2008 Ped. Bike Plan
NE Harney Street	US 101 to NE Big Creek Rd	Construct sidewalks on south side of street	Newport	Medium	\$210,000	2008 Ped. Bike Plan
NE Lakewood Drive	NE Harney to end of street	Construct sidewalk on one side of street	Newport	Medium	\$190,000	2008 Ped. Bike Plan
NE Crestview Drive	NE 20th St to end of street	Complete sidewalk gaps on west side of street	Newport	Low	\$34,000	2008 Ped. Bike Plan
NE Crestview Place	NE 20th St to end of street	Construct sidewalks on west side of street	Newport	Low	\$63,000	2008 Ped. Bike Plan
NE 20th Place	NE 20th St to end of street	Construct sidewalks on south side of street	Newport	Low	\$61,000	2008 Ped. Bike Plan
NE Douglas Street	NE 20th Pl to end of street	Construct sidewalks on west side of street	Newport	Low	\$59,000	2008 Ped. Bike Plan
NW Oceanview Drive	US 101 to NW Spring St	Construct sidewalks on west side of street	Newport	Low	\$495,000	2008 Ped. Bike Plan
NW Spring Street	NW Oceanview Dr to NW 8th St	Construct sidewalks on west side of street	Newport	Medium	\$105,000	2008 Ped. Bike Plan
NW 8th Street	NW Spring St to NW Coast St	Construct sidewalks on north side of street	Newport	Medium	\$32,000	2008 Ped. Bike Plan

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
NW 15th Street	NW Oceanview Dr to NW Grove St	Construct sidewalks on south side of street	Newport	Low	\$68,000	2008 Ped. Bike Plan
NW 12th Street	NW Spring St to just east of NW Nye St	Construct sidewalks on south side of street	Newport	Medium	\$87,000	2008 Ped. Bike Plan
NW 11th Street	NW Spring St to US 101	Complete sidewalk gaps on both sides of street	Newport	High	\$130,000	2008 Ped. Bike Plan
NW 10th Street	NW Spring St to NW Nye St	Construct sidewalk on south side of street	Newport	Medium	\$79,000	2008 Ped. Bike Plan
NW 6th Street	NW Coast St to NW Nye St	Construct sidewalks on north side of street	Newport	High	\$183,000 <sup>13</sup>	2008 Ped. Bike Plan
NW 12th Street	US 101 to NE Benton St	Complete sidewalk gaps on south side of street	Newport	High	\$60,000	2008 Ped. Bike Plan
NE 8th Street	US 101 to NE Eads St	Construct sidewalks on one side of the street	Newport	Medium	\$130,000	2008 Ped. Bike Plan
NE 7th Street	US 101 to NE Eads St	Construct sidewalks on one side of the street	Newport	High	\$130,000	2008 Ped. Bike Plan
NE Jeffries Place	NE 7th St to end of street	Construct sidewalks on west side of street	Newport	Low	\$39,000	2008 Ped. Bike Plan
NE 7th Drive	NE 7th St to end of street	Construct sidewalks on west side of street	Newport	Low	\$94,000	2008 Ped. Bike Plan
NE 6th Street	NE 7th Drive to end of street	Construct sidewalks on south side of street	Newport	Low	\$100,000	2008 Ped. Bike Plan
NE 4th Street	US 101 to NE Douglas St	Construct sidewalks on both sides of street	Newport	High	\$170,000	2008 Ped. Bike Plan
NE 3rd Street	NE Eads St to NE Harney St	Complete sidewalk gaps on both sides of street	Newport	High	\$140,000	2008 Ped. Bike Plan
NE 2nd Street	US 101 to NE Eads St	Complete sidewalk gaps on both sides of street	Newport	Medium	\$125,000	2008 Ped. Bike Plan

<sup>13</sup> Project cost estimate developed in 2012.

City Council October 15, 2012 Hearing Draft

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
SE 1st Street	US 101 to SE Douglas St	Construct sidewalks on south side of street	Newport	High	\$105,000	2008 Ped. Bike Plan
SE 2nd Street	SE Benton St to SE Douglas St	Construct sidewalks on south side of street	Newport	High	\$46,000	2008 Ped. Bike Plan
SE Benton Street	SE 1st St to US 20	Construct sidewalks on west side of street	Newport	High	\$18,000	2008 Ped. Bike Plan
SE Coos Street	SE 2nd St to US 20	Construct sidewalk on west side of street	Newport	Medium	\$39,000	2008 Ped. Bike Plan
SE Douglas Street	SE 2 <sup>nd</sup> St to US 20	Construct sidewalk on west side of street	Newport	Medium	\$39,000	2008 Ped. Bike Plan
SE 2 <sup>nd</sup> Street	SE Fogarty St to SE Harney St	Construct sidewalks on south side of street	Newport	High	\$45,000	2008 Ped. Bike Plan
SE 4 <sup>th</sup> Street	SE Fogarty St to SE Harney St	Construct sidewalks on south side of street	Newport	High	\$45,000	2008 Ped. Bike Plan
SE Harney Street	SE 4 <sup>th</sup> Street to SE 2 <sup>nd</sup> St	Construct sidewalks on east side of street	Newport	High	\$39,000	2008 Ped. Bike Plan
Bay Blvd	Length of street	Complete sidewalk gaps on both sides of street	Newport	Medium	\$185,000	2008 Ped. Bike Plan
SW Hatfield Drive	SW Bay Blvd to SW 10 <sup>th</sup> St	Construct sidewalks on west side of street	Newport	Low	\$67,000	2008 Ped. Bike Plan
SW Harbor Drive	SW Bay St to SW 11 <sup>th</sup> St	Construct sidewalks on west side of street	Newport	High	\$51,000	2008 Ped. Bike Plan
SW Neff Way / SW Alder St	US 101 to SW 2 <sup>nd</sup> St	Construct sidewalks on both sides of street	Newport	High	\$170,000	2008 Ped. Bike Plan
SW 7 <sup>th</sup> Street	SW Alder St to SW Elizabeth St	Construct sidewalks on north side of street	Newport	Medium	\$180,000	2008 Ped. Bike Plan
SW Elizabeth Street	SW Government St to SW Abbey St	Construct sidewalk on west side of street	Newport	High	\$145,000	2008 Ped. Bike Plan
SW	Yaquina State	Construct sidewalk	State Parks /	Low	\$140,000	2008 Ped.

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
Government Street / Yaquina State Park	Park	adjacent to road through park	Newport			<i>Bike Plan</i>
SE Marine Science Dr	SW Abalone to end of street	Construct sidewalks on south and east side of street	Newport	Medium	\$250,000	<i>2010 South Beach Peninsula Plan</i>
SE Ferry Slip Road	SE 29 <sup>th</sup> St to SE Marine Science Dr	Construct sidewalks on east side of street	Newport	Medium	\$27,000	<i>2010 South Beach Peninsula Plan</i>
SW Brant Street	SW Abalone St to end of street	Construct sidewalks on west side of street	Newport	High	\$433,000 <sup>12</sup>	<i>2012 Coho/Brant Infra. Plan</i>
SE 35 <sup>th</sup> Street	SE Ferry Slip Rd to end of street	Construct sidewalk on one side of street	Newport	High	\$400,000	<i>2008 Ped. Bike Plan</i>
SE Fogarty Street	US 20 to SE Bay Blvd	Construct sidewalk on east side of street	Newport	Medium	\$110,000	<i>2008 Ped. Bike Plan</i>
NE 36 <sup>th</sup> Street	US 101 to NE Harney St	Construct sidewalk on one side of street	Newport	Medium	\$135,000	<i>2008 Ped. Bike Plan</i>
NE 10 <sup>th</sup> Court	NE Eads to NE Benton St	Construct sidewalks on both sides of street	Newport	Medium	\$120,000	<i>2008 Ped. Bike Plan</i>
NE 10 <sup>th</sup> Street	NE Benton St to US 101	Construct sidewalks on both sides of street	Newport	Medium	\$125,000	<i>2008 Ped. Bike Plan</i>
NE 5 <sup>th</sup> Street	NE Benton St to NE Eads St	Construct sidewalks on both sides of street	Newport	Medium	\$125,000	<i>2008 Ped. Bike Plan</i>
NE Fogarty Street	US 20 to NE 3 <sup>rd</sup> Street	Construct sidewalks on both sides of street	Newport	Medium	\$115,000	<i>2008 Ped. Bike Plan</i>
SE Moore Drive	Bay Blvd to SE 2 <sup>nd</sup> Street	Construct sidewalk on west side of road	Newport	Medium	\$125,000	<i>2008 Ped. Bike Plan</i>
SE 2 <sup>nd</sup> Street	SE Moore Drive west	Construct sidewalks on both sides of street	Newport	Medium	\$23,000	<i>2008 Ped. Bike Plan</i>

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
SE 5 <sup>th</sup> Street	SE Moore Drive west	Construct sidewalks on both sides of street	Newport	Medium	\$180,000	2008 Ped. Bike Plan
San-Bay-O Circle	Proposed connection to Crestview to proposed connection to Chambers Ct	Construct sidewalk along one side of street from proposed connections to Crestview and to Chambers Court	Newport	Medium	\$48,000	2008 Ped. Bike Plan
<b>Sidewalks and Bike Lanes</b>						
40 <sup>th</sup> Street	East of US 101 to South Beach Village	Construct bicycle lane and sidewalk along north side of street			\$89,000	2012 South Beach TSP update
NW Nye Street	NW 15 <sup>th</sup> St to SW 2 <sup>nd</sup> St	Construct bicycle lanes on both sides of street and complete sidewalk gaps on east side of street	Newport	High	\$195,000	2008 Ped. Bike Plan
NE Benton Street / NE Coos Street	NE 12 <sup>th</sup> Street to US 20	Construct bicycle lanes and sidewalks on both sides of street	Newport	Medium	\$525,000	2008 Ped. Bike Plan
NE 7 <sup>th</sup> Street	NE Eads St to NE 6 <sup>th</sup> St	Construct bicycle lanes on both sides of street and sidewalks on south side of street	Newport	High	\$215,000	2008 Ped. Bike Plan
NE Harney Street	US 20 to NE 3 <sup>rd</sup> Street	Construct bicycle lanes and sidewalks on both sides of street and sidewalks on south side of street	Newport	Medium	\$91,000	2008 Ped. Bike Plan
US 20	NE Harney St / SE Moore Dr to US 101 intersection	Construct bicycle lanes and fill in sidewalk gaps on both sides of street	ODOT / Newport	Medium	\$55,000	2008 Ped. Bike Plan
SW 10 <sup>th</sup> Street	SW Hatfield Dr to SE 2 <sup>nd</sup> St	Stripe bicycle lanes on south side of street and fill in sidewalk gaps on both sides of street	Newport	Medium	\$45,000	2008 Ped. Bike Plan

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
SW 2 <sup>nd</sup> Street	SW Nye St to SW Coast St	Strip bicycle lanes on both sides of the street and complete sidewalk gaps on north side of the street	Newport	Low	\$72,000	2008 Ped. Bike Plan
SW 26 <sup>th</sup> Street	SW Brant St to SW Abalone St	Construct sidewalk on north side and striped bike lane on south side of the street	Newport	Medium	\$52,000	<u>2012 Coho / Brant Plan</u>
<b>Recommended Bicycle System Improvements</b>						
Bicycle Parking		Parking at major bus stops and bus stations (for tourists)		High	\$28,000	2008 Ped. Bike Plan
Bicycle Racks		Racks for all Dial-a-Ride vehicles (10 racks)		High	\$14,000	2008 Ped. Bike Plan
West Olive St	Elizabeth St to Nye St	Striping for bicycle lanes along identified roadways to complete the East-West Bike Route.		High	\$3,000	2008 Ped. Bike Plan
SW 2 <sup>nd</sup> St	Nye St to Angle St					
Angle St	SW 2 <sup>nd</sup> St to SW 9 <sup>th</sup> St					
SW 9 <sup>th</sup> St/Avery St	Angle St to SE 1 <sup>st</sup> St					
SE 1 <sup>st</sup> St	Avery St to Fogarty St					
Fogarty St	SE 1 <sup>st</sup> St to SE 2 <sup>nd</sup> St					
SE 2 <sup>nd</sup> St	Fogarty St to Harney Dr					
John Moore Rd	Harney Dr to US 20					
Eads St	NE 12 <sup>th</sup> St to NE 3 <sup>rd</sup> St	Provide a bike route		Low	\$145,000	2008 Ped. Bike Plan
NE 3 <sup>rd</sup> St	Eads St to Harney Rd					
Big Creek Rd	Harney Dr to NE 12 <sup>th</sup> St	Provide bikeway; also includes sidewalk improvements.		Medium	\$205,000	2008 Ped. Bike Plan

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
		Road will be closed to traffic after completion of the North-South Arterial.				
Ocean View Dr	US 101 to the new Nye St extension	Add bicycle route signs along identified roadways to provide a north-south alternate bicycle route to US 101 (signed route only).		High	\$1,000	<i>2008 Ped. Bike Plan</i>
Nye St	Ocean View Dr to Olive St					
Olive St	Nye St to the Beach at Elizabeth St					
Elizabeth St	Olive St to SW 2 <sup>nd</sup> St (connects to existing bicycle path along Elizabeth St)					
<b>Bicycle Lanes</b>						
SW Canyon Way	SW Fall St to SW 9 <sup>th</sup> St	Construct bicycle lane on east side of street	Newport	Low	\$11,000	<i>2008 Ped. Bike Plan</i>
US 101	Yaquina Bay Bridge to South Beach State Park Access	Stripe bicycle lanes on both sides of street	ODOT	Low	\$64,000	<i>2008 Ped. Bike Plan</i>
West Olive	US 101 to SW Elizabeth St	Stripe bicycle lanes on both sides of street	Newport	Medium	\$24,000	<i>2008 Ped. Bike Plan</i>
New Boat Launch Pathway	Marine Science Dr to New Boat Launch	Designate bike and pedestrian lane on access road on Northern edge of parking lot	Port	Low	\$11,000	<i>2008 Ped. Bike Plan</i>
<b>Shared Roadways / Bicycle Boulevards</b>						
Oregon Coast Bicycle Route	US 101 to Yaquina Bay Bridge	Implement Level 1 and 2 bicycle boulevard applications (signage, pavement markings)	Newport	Medium	\$9,000	<i>2008 Ped. Bike Plan</i>
NE Harney	US 101 to NE	Implement Level 1	Newport	Low	\$2,000	<i>2008 Ped.</i>

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
Street	Big Creek Rd	and 2 bicycle boulevard applications (signage, pavement markings)				<i>Bike Plan</i>
11th Street	NW Spring St to NE Eads St	Implement Level 1 and 2 bicycle boulevard applications (signage, pavement markings)	Newport	High	\$2,000	<i>2008 Ped. Bike Plan</i>
6th Street	NW Coast St to NE Eads St	Implement Levels 1, 2 and 3 bicycle boulevard applications (signage, pavement markings, intersection treatments)	Newport	High	\$2,000	<i>2008 Ped. Bike Plan</i>
NW 3rd Street / NW 4th Street	NW Coast St to NE Eads St	Implement Levels 1, 2 and 3 bicycle boulevard applications (signage, pavement markings, intersection treatments)	Newport	Medium	\$3,000	<i>2008 Ped. Bike Plan</i>
SW 7th Street	SW 2nd St to SW Elizabeth St	Implement Level 1 and 2 bicycle boulevard applications (signage, pavement markings)	Newport	Medium	\$2,000	<i>2008 Ped. Bike Plan</i>
SW 10th / 9th Street	SE 2nd St to SW Bay St	Implement Levels 1, 2 and 3 bicycle boulevard applications (signage, pavement markings, intersection treatments)	Newport	High	\$3,000	<i>2008 Ped. Bike Plan</i>
SW Canyon Way / SW Hurbert Street	SW Bay Blvd to NW 6th St	Implement Levels 1, 2 and 3 bicycle boulevard applications (signage, pavement markings, intersection treatments)	Newport	High	\$3,000	<i>2008 Ped. Bike Plan</i>

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
SW Bay Street	SW 9th St to SW 12th St	Implement Level 1 and 2 bicycle boulevard applications (signage, pavement markings)	Newport	High	\$1,000	2008 Ped. Bike Plan
SW 10th Street / SW 12th Street	SW Bay St to US 101	Implement Level 1 and 2 bicycle boulevard applications (signage, pavement markings)	Newport	High	\$1,000	2008 Ped. Bike Plan
Bay Blvd	SW Naterlin Dr to SE Moore Dr	Implement Level 1 and 2 bicycle boulevard applications (signage, pavement markings)	Newport	Medium	\$3,000	2008 Ped. Bike Plan
South Beach State Park	US 101	Implement Level 1 and 2 bicycle boulevard applications (signage, pavement markings)	Newport	Low	\$3,000	2008 Ped. Bike Plan
NE Eads Street	US 20 to NE 12th Street	Implement Levels 1, 2 and 3 bicycle boulevard applications (signage, pavement markings, intersection treatments)	Newport	High	\$18,000	2008 Ped. Bike Plan
SE Moore Drive	Bay Blvd to US 20	Implement Level 1 and 2 bicycle boulevard applications (signage, pavement markings)	Newport	High	\$2,000	2008 Ped. Bike Plan
SW 26 <sup>th</sup> Street	US 101 to west of town	Implement Level 1 and 2 bicycle boulevard applications (signage, pavement markings)	Newport	Medium	\$1,000	2008 Ped. Bike Plan
Old Boat Launch access	US 101 to old boat launch	Implement Level 1 and 2 bicycle blvd applications (signage, pavement markings)	Newport	Low	\$17,000	2008 Ped. Bike Plan

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
<b>Shared-use Paths</b>						
Ferry Slip Road	Marine Science Drive to SE 29 <sup>th</sup> Street	Shared use path	Newport	High	\$77,000	2010 South Beach Peninsula Plan
Bay Road		Shared use path	Newport	Medium	\$432,000	2008 Ped. Bike Plan
Harborton Road	40 <sup>th</sup> Street to 50 <sup>th</sup> Street	Multi-use path along south side with bicycle lanes and sidewalk along north side	Newport	Medium	\$1,344,000	2012 South Beach TSP update
Realigned 50 <sup>th</sup> Street	East of US 101 to existing 50 <sup>th</sup> Street <sup>14</sup>	Multi-use path along north side with bicycle lanes and sidewalk along south side	ODOT / Newport	Low	\$435,000	2012 South Beach TSP update
US 101	SE Ash St to South Beach State Park	Construct shared-use path on west side of road	ODOT / Newport	Low	\$349,000	2012 South Beach TSP update
NE Big Creek Road	NE Harney St to NE 12 <sup>th</sup> St	Construct a shared-use path along the NE Big Creek right-of-way	Newport	Medium	\$520,000	2008 Ped. Bike Plan
SE 2 <sup>nd</sup> Street Bridge	SE Douglas St to SE Fogarty St	Construct a non-motorized shared-use bridge over the existing ravine to provide a more direct connection to Yaquina View Elementary School from the nearby residential areas	Newport	Low	\$1,750,000 to \$3,500,000	2008 Ped. Bike Plan
Yaquina Bay Bridge	Bridge	Shared use path along west side of bridge; Provide a dedicated travel space for bicyclists and pedestrians	Newport	Low	\$16,000,000 to \$21,000,000	2008 Ped. Bike Plan; 2012 South Beach TSP update

<sup>14</sup> Project included as part of the Ash Street Extension roadway improvement project north of SE 40<sup>th</sup> Street as a multi-use path.

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
North Jetty Trail	SW Naterlin Dr to north jetty	Construct a shared-use path out the north jetty	Newport	High	\$920,000	2008 Ped. Bike Plan
San-Bay-O Connection	San-Bay-O Circle to NE Crestview	Construct a shared-use path connection; requires an easement over private property. Exact location uncertain.	Newport	Medium	\$41,000	2008 Ped. Bike Plan
Route to Main Shopping Area	NE Chambers Ct to Frank Wade Park and Park to San-Bay-O Circle	Construct a shared-use path connecting to main shopping area	Newport	High	\$96,000	2008 Ped. Bike Plan
Path across old RV Park	SE Pacific Way to Marine Science Dr	Improve pathway through RV park, route pedestrians off blind corner at SE Pacific Drive and Marine Science Dr	Newport	High	\$1,000	2008 Ped. Bike Plan
Estuary Trail Access	SE 35 <sup>th</sup> St to Chestnut St	Provide a dedicated travel space for bicyclists and pedestrians as an alternative to Idaho Point Road	Newport	Medium	\$205,000	2008 Ped. Bike Plan
Connector to OCCC	SE 35 <sup>th</sup> St to OCCC	Provide a dedicated travel space for bicyclists and pedestrians	Newport	Medium	\$530,000	2008 Ped. Bike Plan
Ash Extension	Ash Street end to SE 35 <sup>th</sup> St	Provide a dedicated travel space for bicyclists and pedestrians along railway right-of-way	Newport	Medium	\$225,000	2008 Ped. Bike Plan
Connector to US 101 Stairways	US 101 to SW 26 <sup>th</sup> and SW 27 <sup>th</sup> Avenues	Provide access to US 101 stairways	Newport	High	\$93,000	2008 Ped. Bike Plan
Develop of SW Coho St	S Jetty Rd to SW 29 <sup>th</sup> St	Construct shared use path	Newport	Medium	\$84,000 <sup>15</sup>	2008 Ped. Bike Plan

<sup>15</sup> Project cost developed in 2012 as part of the *Newport Coho/Brant Infrastructure Refinement Plan*.

<b>Project</b>	<b>From - to</b>	<b>Description</b>	<b>Project Lead</b>	<b>Priority</b>	<b>Estimated Cost (\$ 2012)</b>	<b>Source</b>
Connector – SW 29 <sup>th</sup> Street or SW 30 <sup>th</sup> Street	State Park and South Beach neighborhood	Links into State Park trail system	Newport	High	\$129,000 <sup>16</sup>	2008 Ped. Bike Plan
Connector	State Park to South Shore	Links into State Park trail system	Newport	Medium	\$185,000	2008 Ped. Bike Plan
Connector	South Shore to Airport	Links State Park trail system to airport	Newport	Low	\$1,050,000	2008 Ped. Bike Plan
Yaquina Bay Estuary Trail Extension	Yaquina Bay Trail to SE 35th Street	Extends existing trail	Newport	High	\$380,000	2008 Ped. Bike Plan
NW Coast Street	NW 8th St to NW 11th St	Provide bicycle and pedestrian improvements over existing gravel road	Newport	Medium	\$135,000	2008 Ped. Bike Plan
NW Nye Street	NW 15th St to Oceanview	Construct shared-use path connecting Nye to Oceanview	Newport	Medium	\$130,000	2008 Ped. Bike Plan
SW Coho St	Jetty Way to SW 29 <sup>th</sup> St	Construct shared-use path	Newport	Medium	\$82,000	2012 Coho / Brant Plan
Jetty Way	SW 26 <sup>th</sup> St to South Beach State Park parking areas	Construct shared-use path	OPRD / Newport	Low	\$486,000	2012 Coho / Brant Plan
SW Abalone Street	SE Marine Science Dr to US 101	Construct sidewalks on west side of street	Newport	High	\$490,000	2012 Coho/Brant Infra. Plan
<b>Wayside Improvements</b>						
Agate Beach	SW Corner of US 101 and NW Agate Way to north end of Agate Beach	Realign parking, improve streets, sidewalks, trails, and construct restroom/showers	Newport	High	\$697,120 <sup>17</sup>	2011 Agate Beach Design Charrette

<sup>16</sup> Project cost developed in 2012 as part of the *Newport Coho/Brant Infrastructure Refinement Plan*.

<sup>17</sup> Project cost developed in 2011. Project funded in 2012 with FHWA Scenic Byways Grant.

**Transit Plan**

It is difficult for cities the size of Newport to support fixed-route transit. The City had attempted to provide such transit service through the Newport Area Transit System, but low ridership and funding constraints lead to discontinuation of the service in July 1991. In November 1992, Lincoln County, with some funding from the City of Newport, began operation of a county-wide public transit system, the Central Coast Connection. The name was later changed to Lincoln County Transit (LCT). Lincoln County Transit currently provides the combined services of a scheduled stop system and a dial-a-ride service. County employees coordinate ~~at the~~ daily fixed-route system consisting of an intercity shuttle system with ~~and~~ east and south county ~~vans~~ buses operating as feeder lines to the intercity shuttle. The ~~CCC~~ LCT shuttle makes intercity runs from Newport to Lincoln City daily. Newport is the hub for all intercity routes. The ~~CCC~~ LCT shuttle and the intercity feeder lines between Siletz, Toledo, Waldport, Yachats, and Newport are open to the general public. LCT has added a coast to valley service that operates five days from Newport to Corvallis and Albany Amtrak. Dial-a-ride service operates on a demand/response basis for Newport residents.

Lincoln County Transit provides bus service to the South Beach community through the "Newport City Loop," between 7:30 a.m. to 5:30 p.m., seven days a week. Stops are provided north and south of the Yaquina Bay Bridge. Improvements to the transit system could make bus ridership more viable for South Beach employees and residents, with the dual benefit of reducing single-occupancy trips on US 101 and supporting economic development in the area. Anecdotal evidence supports the assertion that the infrequency of bus service and the daytime-only service hours hinder employees working in South Beach from commuting by bus. In addition to the recommended transit improvements included in the TSP, the City is committed to working with Lincoln County Transit to improve the bus system and, in particular, increasing ridership in South Beach and decreasing local single-occupancy vehicle trips on US 101 and the Yaquina Bay Bridge.

Table 7 6 displays all the recommended transit improvements included in the Plan with their associated annual or capital costs. Funding is from state and federal sources.

**Table 6: Recommended Transit Improvements**

<b>Transit Improvements</b>	<b>Priority</b>	<b>Estimated Annual Operating Costs</b>	<b>Estimated Capital Cost</b>
Support expanded daily Lincoln County Transit Service to enhance commute options for Newport employers and access to retail districts	High	\$434,200	-----
Provide covered bus shelters at major bus stops	High		\$40,000
Enhance dial-a-ride service through the use of private taxis as a backup service	Medium	8,000	-----
Construct a centrally located transit facility	Low		\$500,000
<b>Total Cost (Transit Improvements)</b>			<b>\$540,000</b>

**Airport Transportation Plan**

The Newport Municipal Airport is owned by the City of Newport. It is classified as a General Aviation General Utility category airport and is a public airport capable of handling corporate-type aircraft. The Newport Municipal Airport Master Plan outlines a staged development program for the airport (see Table 87, below).

**Table 87: Staged Development Program – Projected Development**

<b>Stage II (1995-1999)</b>	<b>Local</b>	<b>FAA</b>	<b>Other</b>	<b>Total</b>
Road Relocation	\$18,000	\$162,000	\$0	\$180,000
Land Acquisition	\$1,000	\$9,000	\$0	\$10,000
Hangar Taxiways	\$4,000	\$32,000	\$0	\$36,000
Auto Parking	\$40,000	\$0	\$0	\$40,000
Aircraft Apron	\$11,000	\$94,000	\$0	\$105,000
Clear Zone Earthwork	\$10,000	\$90,000	\$0	\$100,000
Runway Marking	\$200	\$1,800	\$0	\$2,000
Single-Unit Hangars (5)	\$0	\$0	\$125,000	\$125,000
FBO Hangar	\$0	\$0	\$300,000	\$300,000
Corporate Hangar	\$0	\$0	\$200,000	\$200,000
Airport Maintenance Shop	\$200,000	\$0	\$0	\$200,000
ARFF Station/City Fire Station	\$9,000	\$81,000	\$0	\$90,000
<b>Total Stage II</b>	<b>\$293,200</b>	<b>\$469,800</b>	<b>\$625,000</b>	<b>\$1,388,000</b>
<b>Stage III (2000-2009)</b>				
Terminal	\$300,000	\$280,000	\$0	\$580,000
Auto Parking	\$225,000	\$0	\$0	\$225,000
Terminal Roadway	\$22,000	\$198,000	\$0	\$220,000
Apron Expansion	\$10,000	\$90,000	\$0	\$100,000
Relocate VOR	\$50,000	\$0	\$0	\$50,000
Parallel Taxiway Extension	\$39,000	\$351,000	\$0	\$390,000
Overall Runway 16-34 & Taxiway	\$88,000	\$787,000	\$0	\$875,000
Runway 2-20 Taxiway	\$23,000	\$207,000	\$0	\$230,000
Corporate Hangars (2)	\$0	\$0	\$400,000	\$400,000
Single-Unit Hangars (5)	\$0	\$0	\$375,000	\$375,000
<b>Total Stage III</b>	<b>\$757,000</b>	<b>\$1,913,000</b>	<b>\$775,000</b>	<b>\$3,445,000</b>
<b>Total Stages II and III</b>	<b>\$1,050,200</b>	<b>\$2,382,800</b>	<b>\$1,400,000</b>	<b>\$4,833,000</b>

Source: Newport Municipal Airport Master Plan, 1991

**Water Transportation**

The upland areas adjacent to, and development within, Yaquina Bay are controlled by the City of Newport, Lincoln County, the Port of Newport, and the State of Oregon. The tourism, commercial fishing, and commercial shipping industries that use the bay provide a significant part of the local economy. The Recommended Water Transportation Plan considers a wide variety of needs and acknowledges the competition between marine-related industries for certain tracts of waterfront property.

Recommended improvement projects for the port have been prioritized into three categories based on the time frame for implementation (see Table 98, below). Funding has not been determined for all of the projects.

**Table 98: Recommended Port Improvement Projects**

<b>Priority 1 – Develop in the Next 5 Years Project</b>	<b>Cost (\$ X 1,000)</b>	<b>Funding Source</b>
Rehabilitation of Port Dock 5 Pier	75	Port
Multi-Level Parking Structure	2,000	Urban Renewal
Revitalization of Newport International Terminal	Unknown	Port
Rehabilitation of Existing Corps of Engineers Breakwater and d175 Feet of New West Extension	1,200	Corps/State/Port
Marine Commercial Lease Facility	Undetermined	Undetermined
<b>Priority 2 – Develop in the Next 5 to 10 Years Project</b>		
Widening of Bay Blvd	Undetermined	Undetermined
Public Viewing Dock	Undetermined	Undetermined
<b>Priority 3 – Develop in Next 10 to 15 Years Project</b>		
Second Ship Berth	32,000	Port
Second Barge Berth	5,800	Port

Source: Public Facilities Plan, 1990 and Port of Newport Staff Review, 1996

### **Rail Transportation**

Willamette and Pacific Railroad provides freight service from the western Willamette Valley to the terminus of the rail line at Toledo, six miles east of Newport. There is no direct service into Newport.

### **Pipeline Transportation**

Current pipeline service includes transmission lines for electricity, cable television, and telephone service, and pipeline transport of water, sewage, and natural gas. The Newport TSP encourages the continued use of these services for the movement of these commodities through the City.

The Plan also recognizes the increasing likelihood that telecommuting and other “super-highway” technologies will become viable alternatives to physical commuting, thus reducing and possibly even eliminating some auto trips during the peak hours. The use of telecommuting and other similar technologies should be encouraged through land use policy and plans.

**Other Elements of TSP**

Funding

The City of Newport Transportation System Plan also contains a section on the funding of the various projects and an analysis of transportation funding alternatives. For a complete discussion on the available options, please refer to the TSP and the adopted TSP updates.

There are a variety of funding options available to the City of Newport. To fund all of the recommended capital improvement projects in the TSP and the TSP updates would most likely require a number of new revenue sources. For purposes of illustration, the following provides an example of what it would take to fund the entire TSP (see Table 9). The funding options include:

- Obtain \$16 million in additional revenue from State grants and programs
- Use revenue bonds to pay for recommended parking structure
- Create local improvement districts to pay for neighborhood street improvement projects
- Increase SDC charges from \$300/dwelling unit to \$837 (from 20% to 50% of needed capital expenditure)
- Implement a city-wide street utility fee (e.g. \$2/month for all residences)

Table 409 shows that the new funding sources would generate a surplus of revenue of about \$1 million in Years 1-5. If this surplus were carried forward into Year 6-10, there would be enough revenue for all of the recommended capital improvement projects.

Table 409 shows that the new funding sources would generate a surplus of revenue of about \$1 million in Years 1-5. If this surplus were carried forward into Years 6-10, there would be enough revenue for all of the recommended capital improvement projects.

Table 409 displays a potential scenario that would fund the entire recommended 1997 TSP over the 20 year period. It does show that the recommended 1997 TSP can realistically be implemented over the next 20 years. Regardless, the following funding strategy should include the following:

- Aggressively pursue federal and state funding options for capital improvement projects, especially for ~~Highways~~ US 20 and US 101.
- Increase System Development Charges (SDCs) to a more comparable rate with surrounding communities (i.e. 50 to 60% of the needed revenue, \$875 to \$1,000 per dwelling unit).
- Seek one or more of the local funding options previously discussed.
- Carefully prioritize capital improvement projects.

**~~Table 109: Total Funding From Various Sources to Fund the Recommended 1997 TSP (1996 Dollars)~~**

	<b>Years 1-5</b>	<b>Years 6-10</b>	<b>Years 11-20</b>	<b>Total</b>
<del>Existing Highway Fund Revenue</del>	\$349,800	\$384,000	\$742,500	\$1,476,300
<del>City's Existing SDC Revenue</del>	\$763,000	\$500,000	\$1,000,000	\$2,263,000

Additional State Contributions	\$535,100	\$1,024,300	\$14,496,500	\$16,055,900
<b>Total Available Funds</b>	<b>\$1,647,900</b>	<b>\$1,908,300</b>	<b>\$16,239,000</b>	<b>\$19,795,200</b>
Revenue Bonds for Parking Structure	\$0	\$0	\$3,207,000	\$32,070,000
Local Improvement Districts for Neighborhood Street Improvements	\$268,000	\$0	\$268,000	\$5,360,000
Increase SDC Charge (50% of needed TSP)	\$895,000	\$89,500	\$1,790,000	\$3,580,000
Street Utility Fee (\$2/month residential)	\$1,000,000	\$10,000,000	\$2,000,000	\$4,000,000
<b>Total Revenue from New Sources</b>	<b>\$2,163,000</b>	<b>\$1,895,000</b>	<b>\$7,265,000</b>	<b>\$11,323,000</b>
<b>TOTAL REVENUE</b>	<b>\$3,810,900</b>	<b>\$3,803,300</b>	<b>\$23,504,300</b>	<b>\$11,323,000</b>
Total Project Costs	\$2,807,300	\$5,060,700	\$23,079,400	\$30,947,400
<b>Unfunded Project Costs</b>	<b>(\$1,003,600)</b>	<b>\$1,257,400</b>	<b>(\$424,600)</b>	<b>(\$170,800)</b>

### Access Management

The purpose of the Access Management Plan is to define an effective access management program that will enhance mobility and improve the safety of roadways in the City of Newport. Access management strategies that limit the number of conflict points, separate conflicts as much as possible, reduce deceleration requirements, and separate turning traffic from traffic will all contribute to better mobility and safety on the City of Newport’s roadways.

The primary focus of the access management plan is on the major arterials in the City of Newport; HighwayUS 101 and HighwayUS 20. The plan seeks to maintain the function of these roadways as the primary through routes in the City of Newport. The Access Management Plan as detailed in the TSP establishes policies and criteria that support this function.

The Access Management Plan must address the growth in traffic in Newport through planning for the future transportation system. The Oregon Transportation Planning Rule requires in Section 660-12-045 Subsection (2):

*Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors, and sites for their identified functions. Such regulations shall include: (a) ~~a~~Access control measures; for example, driveways and public road spacing, median control and signal spacing standards, which are consistent with the functional classification of roads and consistent with limiting development on rural lands to rural uses and densities; [...]*

Access management can be most effectively implemented when it is integrated into the land use permitting process. Or developing areas, this allows jurisdictions an immediate tool to implement their access management goals as these areas apply for permits and submit plans for agency review. Applying access management to a developed arterial – representative of the conditions of many sections of HighwayUS 101 and HighwayUS 20 in the City of Newport – is a much more difficult task due to right-of-way limitations and the economic concerns of adjacent property

owners. In such areas, access management can best be implemented as adjacent properties redevelop or as part of roadway improvement or retrofit plans.

Access management is a set of measures to regulate access to streets, roads, and highways from public roads and private driveways. The purpose of access management is to maximize the efficiency and safety of the existing roadway while preserving the flow of traffic and limiting the number of traffic conflicts. A traffic conflict occurs where the paths of two traffic movements intersect. Crossing conflicts are the most serious because of the potential for collisions. The area and complexity of the crossing conflicts are also affected by the roadway cross-section. For example, with a four-lane cross-section, each conflict involves two lanes, whereas with a two-lane section, each of the conflict points involves only one lane.

There are many different strategies for accomplishing access management, but the common theme of all strategies is to reduce traffic conflicts. Strategies to reduce conflicts are listed below followed by select examples for tools that can be used to implement the strategy:

- Limit the number of conflict points
  - / Installation of median barriers or closure to eliminate left turns at ingress and egress points
  - / Installation of traffic signals at high volume intersections or driveways
  - / Optimization of traffic signal spacing and coordination
  - / Installation of physical barriers along frontage properties, e.g. curbs, fences, Landscaping
  - / Regulate maximum width of driveways
- Separate conflicts as much as possible when they cannot be eliminated
  - / Regulate minimum spacing of driveways
  - / Consolidate access for adjacent properties
  - / Regulate maximum number of driveways per frontage property
  - / Consolidate existing access as parcels redevelop
  - / Require access on adjacent cross-section (when available) in lieu of driveways on major highways
- Reduce deceleration requirements
  - / Improve driveway sight distance
  - / Increase effective approach width of driveway
  - / Restrict parking on roadway adjacent to driveway to increase driveway turning speeds
  - / Install right-turn acceleration lane
- Separate turning traffic from through traffic
  - / Install continuous two-way left turn lane
  - / Require adequate internal design and circulation plan
  - / Provide local service roads
  - / Encourage connections between adjacent properties

Many of these tools can be used within the City of Newport. Specific recommendations for application of these access management strategies will be provided in the Goals and Policies section.

During the development of the Newport TSP, specific access management goals were established for the City of Newport's primary arterials, Highway US 101, and Highway US 20. These access management goals address these facilities in both the established and the developing areas of the

City as defined in the maps contained in the Access Management Plan contained in the TSP. The goals reflect the input of the Technical Advisory Committee, the Citizens Sounding Board, and public input from the Open Houses as well as correspondence from members of the public.

Supporting access management goals were developed for the two types of areas in the City: established areas and developing areas. The goals for these areas are defined below as well as the range of strategies that were explored by the study team.

### Established Areas

Many properties now having direct access to the highway within these established areas will eventually redevelop. At such time, alternate access may be provided and existing private accesses can be closed. The reduction in traffic conflicts, due to preventing future private accesses and closing old private accesses, will allow the highway to operate safely at higher volumes of traffic.

The types of access management tools most appropriate for these established areas include:

- Optimize traffic signal spacing and coordination
- Install physical barriers along frontage properties, e.g. curbs, fences, landscaping
- Regulate maximum width of driveways
- Regulate minimum spacing of driveways
- Consolidate access for adjacent properties
- Regulate maximum number of driveways per frontage property
- Require access on adjacent cross-street (when available) in lieu of driveways on HighwayUS 101 and HighwayUS 20
- Require adequate internal design and circulation plan
- Encourage connections between adjacent properties
- Install traffic signals at high volume intersections or driveways

Spacing goals for the established areas are 500 feet for driveways, ¼ mile for public roads, and ½ mile for signals. As redevelopment occurs, these spacing standards and access management tools should be evaluated and applied as appropriate to the specific needs of the project.

### Developing Areas

The types of access management tools most appropriate for these areas are:

- Install median barriers or closure to eliminate left turns at ingress and egress points
- Install traffic signals at high volume intersections or driveways
- Optimize traffic signal spacing and coordination
- Install physical barriers along frontage properties, e.g. curbs, fences, landscaping
- Regulate maximum width of driveways
- Regulate minimum spacing of driveways
- Consolidate access for adjacent properties
- Regulate maximum number of driveways per frontage of property
- Require access on adjacent cross-street (when available) in lieu of driveways on major highways

- Improve driveway sight distance
- Increase effective approach width of driveway
- Install right-turn acceleration lane
- Install continuous two-way left turn lane
- Require adequate internal design and circulation plan
- Provide local service roads
- Encourage connections between adjacent properties

Spacing standards for primary arterials in developing areas are 800 feet for driveways, ½ to one mile for public roads, and ½ to one mile for signals. As development and redevelopment occurs, these spacing standards and access management tools should be evaluated and applied as appropriate to the specific needs of the project.

## GOALS AND POLICIES

The following goals and policies are intended to guide the decision makers and the development community in the administration of the Transportation System Plan (TSP) and the development of applicable implementing ordinances consistent with the TSP. This section is not intended to provide review criteria for specific projects or to function as a capital improvement plan.

### **Goal 1: To provide a safe and efficient multi-modal transportation system consistent with the Transportation System Plan.**

Policy 1: ~~To improve and maintain a transportation system that is consistent with the The middle alternative shall be the preferred alternative of the adopted 1997 TSP, as amended by the project lists contained within~~ the following updates:

- A. Transportation system Plan Update Technical Memo # 2 (Northside Local Street Plan) dated July 2008.
- B. Transportation System Plan Update Technical Memo # 4 (Pedestrian and Bicycle Plan) dated July 2008.
- C. Newport Transportation System Plan Update - Alternate Mobility Standards Final Technical Memorandum #13 Summary of Measures of Effectiveness dated April 2012. [Note: Final Draft TSP will include a Final Report in place of TM #13.]
- D. South Beach Peninsula Transportation Refinement Plan, dated February 9, 2010.
- E. Agate Beach Wayside Improvements Design Charrette Concept Plan dated, March 2, 2011.
- F. Coho/Brant Infrastructure Refinement Plan, dated July 2012.

Policy 2: To develop implementing ordinances and funding options consistent with the following:

#### A. Street System Plan

1. New roadway projects, transportation management system improvements and improvements to existing roadways shall be consistent with the TSP subject to available funding.
2. ~~The City does hereby adopt the classification system contained in the TSP as guidelines and shall develop implementing ordinances consistent with the classifications. However, the topography of the City of Newport limits the ability to develop streets that are totally consistent with the classification system~~

at all times. It is therefore imperative that the classification system be flexible in its application to account for specific circumstances. Streets created as part of a subdivision shall be designed in accordance with the adopted street design classification system in the TSP and the development standards in the subdivision ordinance unless a modification through the subdivision approval process is granted. The City shall require all new development to make street frontage improvements consistent with adopted engineering standards proportional to the impact of the development on public facilities.

3. The City will implement street cross-section designs that deviate from adopted street classification system standards where such designs apply to a defined area, respond to area-specific challenges and needs, and are supported by the findings and recommendations of an adopted Refinement Plan.

~~3.4.~~ The City shall require that any change to the acknowledged Comprehensive Plan land use designations must make a finding that the change will not reduce the function of streets, especially Highway 101 and Highway 20, as identified in the TSP.

~~4.5.~~ Because the cost of a new bridge is beyond the capability of the City of Newport, the City shall, within two years, prepare a refinement plan to develop a strategy for dealing with increased traffic across the Yaquina Bay Bridge. The City supports optimizing the existing transportation system through modifications to US 101 and local transportation system improvements in South Beach, as identified in the TSP. The capacity of the Yaquina Bay Bridge is expected to continue to be the major constraint in the operation of the transportation system south of the bridge, and funding for a new or expanded facility is not likely in the foreseeable future.

6. To ensure that capacity on US 101 is sufficient to accommodate planned local growth south of the Yaquina Bay Bridge, the City supports adoption of alternate mobility standards by the Oregon Transportation Commission for the section of highway between the bridge and South 62<sup>nd</sup> Street. These standards will allow a higher level of congestion than would be acceptable without the alternate standards. The alternate standards will support economic development and reduce the costs of total transportation system improvements associated with development.

7. Comprehensive plan land use changes and development proposals that meet established thresholds for traffic generation or heavy vehicles, or that propose to take access directly from US 101, shall submit a transportation impact analysis as part of the application. The analysis shall evaluate the impacts of the development and propose mitigation that would allow transportation facilities to operate under conditions consistent with the planned transportation system. These analyses are a necessary tool to aid City decision-making related to the transportation system and its adequacy to accommodate both existing and future users. Whenever a direct property connection to US 101 is proposed, the City will coordinate with ODOT to ensure that the analysis addresses both state and local requirements.

8. Many of the commercial activities needed by residents are missing from the South Beach community. South Beach residents currently must travel across the Yaquina Bay Bridge to obtain these goods and services. Development of

commercial uses that provide for the goods and services needed in the South Beach community warrants special consideration by the City of Newport. The Newport Development Code shall include special traffic analysis provisions for certain uses in order to encourage such development.

9. The City shall monitor the transportation impacts of development in South Beach through a South Beach Transportation Overlay Zone (SBTOZ) and an associated Trip Budget Program to ensure that vehicle trips that result from new development do not exceed the number of trips that can be accommodated by the planned transportation system. When development in the SBTOZ occurs inside the urban growth boundary but outside City limits, the City shall coordinate with Lincoln County through the development approval process to ensure that County-approved trips are recorded.

10. The Trip Budget Program envisions circumstances where an applicant may identify measures as part of a traffic impact analysis that mitigate the impacts the development will have on the transportation system allowing trips to be authorized in excess of what would otherwise be permitted in the TAZ. An amendment to the TSP is not required in such cases; however, the City should update the Trip Budget to reflect the additional trips.

11. The City shall continue to engage ODOT in conversations regarding future project planning and funding that would lead to improvements to, and possibly replacement of, the Yaquina Bay Bridge. The City is intent on finding long-term solutions sufficient to address existing capacity and structural limitations that affect the bridge's ability to carry vehicles and pedestrians

#### B. Pedestrian System Plan

1. The City shall provide a continuous pedestrian network consistent with the TSP, to the greatest extent possible considering funding limitations, topographic constraints, and existing development patterns.
2. The City shall provide a safe walking environment.
3. The City shall provide a pedestrian-oriented urban design especially on the Bay Front, in the City Center, and in Nye Beach.
4. The City shall work to implement the Goal, Policies and Implementation Strategies related to pedestrian facilities identified on pages 1-3 and 1-4 of the Newport Pedestrian and Bicycle Plan adopted in 2008. The City also shall work to implement identified pedestrian system improvements in South Beach, consistent with the adopted TSP.

#### C. Bicycle System Plan

1. The City shall provide a safe and efficient bicycle network consistent with the TSP, considering funding limitations, topographic constraints, and existing development patterns.
2. The City shall work to implement the Goal, Policies and Implementation Strategies related to bicycle facilities identified on pages 1-3 and 1-4 of the

Newport Pedestrian and Bicycle Plan adopted in 2008. The City shall also work to implement identified bicycle system improvements in South Beach, consistent with the adopted TSP.

D. Transit System Plan

1. The City shall support the Lincoln County Transit Service consistent with the TSP considering funding limitations, topographic constraints, and existing development patterns.

2. The City shall work with Lincoln County Transit to identify and address the following:

a. Barriers to transit ridership, such as frequency of buses, convenience and proximity of the transit stops to employment areas, etc.

b. Enhancements to service, including but not limited to modifying existing transit loops, adding stops to the loops, or adding additional routes.

c. Impediments to providing service (funding, ridership numbers, etc.)

d. Physical amenities to promote transit use, such as shelters, signage, benches, posted schedules, signal timing/preferential treatment at intersections, etc.

3. The City shall continue to work with Lincoln County Transit, ODOT, and Lincoln County to identify opportunities for transit improvements in the planned roadway system, such as “queue-jump” opportunities for buses through intersection configurations and preferential signal timing along US 101.

4. The City shall encourage new retail, office, industrial, and institutional developments to provide transit facilities on site if identified in an adopted transit plan and shall work to ensure that there are safe pedestrian and bicycle connections through and from the site to existing and planned transit routes.

2.5. The City shall explore with Lincoln County Transit opportunities to provide the possibility of providing a shuttle service across the bay during the busy tourist season to help reduce traffic congestion, i.e. on the Yaquina Bay Bridge, subject to the availability of funding.

E. Access Management Plan

1. The City shall implement an access management strategy for the established and developing areas of the City of Newport along Highway 101, Highway 20, and other arterials that supports the City’s Transportation Goal and ensures that those streets can accommodate traffic in a safe and efficient manner as traffic increases.

2. In established areas of the City of Newport as identified in the TSP, the City shall encourage consolidation or reduction of accesses as possible during property redevelopment and/or frontage improvements. Spacing goals for the established areas are 500 feet for driveways, ¼ mile for public roads, and ½ mile for signals. As redevelopment occurs, these spacing standards and access management tools should be evaluated and applied as appropriate to the specific needs of the project.

3. In developing areas of the City of Newport as identified in the TSP, as sites develop or redevelop, accesses shall be planned, consolidated, and/or reduced to meet the spacing standard to the greatest extent possible. Spacing standards for primary arterials in developing areas are 800 feet for driveways, ½ mile to one mile for public roads, and ½ mile to one mile for signals.
4. The City shall develop specific ordinance provisions to further this access management plan.

F. Funding Plan

1. The City shall continue to employ a variety ~~seek one or more of the~~ local funding options ~~discussed in the TSP (i.e., such as the~~ local gas tax, street utility fee, general obligation bonds, local improvement districts, developer exactions, system development charges), to fund the planned transportation system.
2. The City shall carefully prioritize capital improvement projects through the development, maintenance, and implementation of the TSP and Capital Improvement Program.
3. The City shall aggressively pursue federal and state funding options for capital improvement projects, especially for Highways 101 and 20.
4. The City shall continue to plan for and finance needed infrastructure improvements necessary to support economic development consistent with adopted urban renewal plans.
5. The City shall pursue extending the South Beach Urban Renewal Plan to provide funding for projects beyond the year 2020 if needed to better coordinate City plans with the timeline for future state funding.

*The following is a new chapter in the Newport Zoning Ordinance, to be codified at Chapter 14.43 of the Newport Municipal Code.*

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#### CHAPTER 14.43 SOUTH BEACH TRANSPORTATION OVERLAY ZONE (SBTOZ).

14.43.010. Purpose. The purpose of the SBTOZ is to promote development in the South Beach area of Newport in a way that maintains an efficient, safe, and functional transportation system. This Section implements the Trip Budget Program for South Beach established in the Newport Transportation System Plan to ensure that the planned transportation system will be adequate to serve future land use needs.

14.43.020. Boundary. The boundary of the SBTOZ is shown on City of Newport Zoning Map.

14.43.030. Applicability. The provisions of this Section shall apply to development that has the effect of increasing or decreasing vehicle trips to a property that is within the city limits. Any conflict between the standards of the SBTOZ and those contained within other chapters of the Newport Zoning Ordinance shall be resolved in favor of the SBTOZ.

14.43.040. Permitted Land Uses. Any permitted use or conditional use authorized in the underlying zone may be permitted, subject to the applicable provisions of this Ordinance and the additional provisions of this overlay zone.

#### 14.43.050. Definitions

- A. Transportation Analysis Zone (TAZ). A geographical area used in transportation planning modeling to forecast travel demands.
- B. Trip. A single or one-direction vehicle movement with either the origin or destination inside the area being studied as specified in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- C. Primary Trip. A trip made for the specific purpose of visiting the generator. The stop at the generator is the primary reason for the trip. The trip typically goes from origin to generator and then returns to the origin. Primary trips do not include "passby" or "diverted linked" trips as those terms are defined in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- ~~E~~. D. Trip Budget Program. The program for tracking the number of vehicle trips attributed to new development as described in Chapter 14.43 of the Newport Zoning Ordinance and Transportation System Plan element of the Newport Comprehensive Plan.

14.43.060. Trip Generation. Proposed development on parcels within the SBTOZ may not generate more PM peak hour trips than are budgeted for the TAZ in which the parcel is located, except as provided in Section 14.43.100.

A. Documentation that this requirement is met can be provided through the submittal of a Trip Assessment Letter, pursuant to 14.43.080.A, or a Traffic Impact Analysis, if required by 14.45.010.

B. The PM peak hour trip generation is determined through the latest edition of the ITE Trip Generation Manual. The following uses are required to calculate primary trips only, as defined in 14.43.050.C:

- (1) Personal service oriented uses.
- (2) Sales or general retail uses, total retail sales area under 15,000 square feet.
- (3) Repair oriented uses.

14.43.070. Trip Budget Ledger. The Community Development Director shall maintain a ledger which contains the following:

- A. For each TAZ, the total number of vehicular PM peak-hour trips permitted to be generated by future development projects.
- B. The balance of unused PM peak-hour trips within each TAZ.
- C. The balance of unused PM peak-hour trips in the Trip Reserve Fund.
- D. For each TAZ, where applicable, the number of trips allocated from the Trip Reserve Fund.
- E. For each TAZ, where applicable, the number of additional trips authorized as a result of mitigation performed in accordance with recommendations contained in a Traffic Impact Analysis approved by the City of Newport, pursuant to Chapter 14.45.
- F. The percentage of the total trips that have been allocated within each TAZ.

14.43.080. Trip Assessment Letter.

A. Proposed development that would increase or decrease the number of vehicle trips being generated to or from a property must submit a Trip Assessment Letter that demonstrates that the proposed development or use will not generate more PM peak-hour trips than what is available in the trip budget for the TAZ in which it is located. A Trip Assessment Letter shall be prepared and submitted:

- (1) Concurrent with a land use that is subject to a land use action; or

(2) If no land use action is required, than prior to issuance of a building permit.

- B. Upon request by the applicant, the City shall develop and provide applicant with a Trip Assessment Letter.
- C. The latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) shall be used as the standard by which to determine expected PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate.
- D. A copy of the Trip Assessment Letter will be provided to ODOT prior to City action on the proposal.
- E. A Trip Assessment Letter shall rely upon information contained in a Traffic Impact Analysis, where such analysis has been prepared pursuant to Chapter 14.45 of this Ordinance.

14.43.090. Allocation of Trips. Trips are allocated by TAZ in the SBTOZ. The trip totals for each TAZ, available for future allocation within the SBTOZ, can be obtained from the Community Development Department.

- A. Trips may not be transferred from one TAZ to another.
- B. Total number of trips allocated to any TAZ may be exceeded only through:
  - (1) The allocation of trips from the Trip Reserve Fund, pursuant to 14.43.100, or
  - (2) Mitigation of the expected impacts of the proposed development, supported by a Traffic Impact Analysis (Chapter 14.45).
- C. City shall allocate trips to proposed development by deducting them from the Trip Budget Ledger if trips available in the Trip Budget Ledger meet or exceed the number of trips identified in the Trip Assessment Letter.
- D. Except as otherwise provided in this subsection, City shall deduct trips from the Trip Budget Ledger at such time as a land use decision is approved and is to treat those trips as vested so long as that land use decision is valid. In the event a land use decision expires, the City shall add the trips back to the Trip Budget Ledger.
  - (1) For a tentative (preliminary) plat that does not include phases, trips shall be vested so long as the application for final plat is submitted within the time established by the Subdivision Ordinance;

- (2) For a tentative (preliminary) plat that includes phases the total vesting period for all phases shall not be greater than ten (10) years;
- (3) For a final plat, trips shall vest for a period of ten (10) years from the date the plat is recorded;
- (4) City shall not deduct trips from the Trip Budget Ledger at such time as a land use decision is issued for a property line adjustment, partition plat, or minor replat; and
- (5) An applicant seeking approval of a tentative or final plat may elect to have the City not deduct trips from the Trip Budget Ledger at such time as a land use decision is approved. In such cases the land use decision shall note that use of the resulting lots may be limited to available trips within the TAZ as documented in the Trip Budget Ledger.

E. For development that is not subject to a land use decision, the City shall deduct trips from the Trip Budget Ledger at such time as a Trip Assessment Letter is submitted or requested by the applicant. The number of trips deducted is to be documented in writing as vested with the development for a period of six months or until such time as a building permit is issued, whichever is shorter. If a building permit is not obtained within this timeframe then the City shall add the trips back to the Trip Budget Ledger. City implementation of this subsection shall be a ministerial action.

14.43.100. Trip Reserve Fund. The Trip Reserve Fund total is maintained by the Community Development Department.

- A. Development proposals that require trips from the Trip Reserve Fund to satisfy the requirements of this Section are subject to a Type III review process.
- B. Trips from the Trip Reserve Fund may be used to satisfy the requirements of this Section for any permitted land use type, provided all of the following criteria is met:
  - (1) There are insufficient unassigned trips remaining in the TAZ to accommodate the proposed types of use(s);
  - (2) The proposal to use trips from the Trip Reserve Fund to meet this Section is supported by a Transportation Impact Analysis, pursuant to Chapter 14.45; and

- (3) There are sufficient trips available in the Trip Reserve Fund to meet the expected trip generation needs of the proposal.

14.43.110. Notice of Allocation of Trips. Notice of a proposal to allocate trips from the Trip Budget and notice of the subsequent decision is not required. The City will provide notice of an application for approval of trips from the Trip Reserve Fund in a manner consistent with that of a Type III notice procedure.

14.43.120. Amending the Trip Budget Program.

- A. A comprehensive reassessment of the Trip Budget Program will occur no later than 10 years from the effective date of this ordinance.
- B. The Trip Budget Program shall be evaluated for compliance with the provisions of OAR 660-012 prior to, or concurrent with, changes in the comprehensive plan land use designations within the SBTOZ.
- C. A reevaluation of the Trip Budget Program is required when 65% of the total trips in any given TAZ have been committed to permitted development.
  - (1) A 65% Review will be initiated by the City and coordinated with ODOT. A 65% Review must be initiated no later than 6 months from the time the threshold is reached.
  - (2) The 65% Review will be completed within 12 months from initiation, or pursuant to a schedule that is part of a work program previously agreed upon by both the City and ODOT. Prior to completion, applicants can propose mitigation and potentially obtain approval of proposed development, pursuant to OAR 660-012-0060.

*The following revisions and cross references are proposed for the City Subdivision Ordinance (shown in double underline).*

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### **13.05.040 Public Improvement Requirements**

A. The following public improvements are required for all land divisions, except where a subdivision plat is reconfiguring or establishing rights-of-way for future public streets:

[...]

5. Sidewalks. Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:

a. Delayed Sidewalk Construction. If sidewalks are designed contiguous with the curb, the subdivider may delay the placement of concrete for the sidewalks by depositing with the city a cash bond equal to 115 percent of the estimated cost of the sidewalk. In such areas, sections of sidewalk shall be constructed by the owner of each lot as building permits are issued. Upon installation and acceptance by the city engineer, the land owner shall be reimbursed for the construction of the sidewalk from the bond. The amount of the reimbursement shall be in proportion to the footage of sidewalk installed compared with the cash bond deposited and any interest earned on the deposit.

b. Commencing three (3) years after filing of the final plat, or a date otherwise specified by the city, the city engineer shall cause all remaining sections of sidewalk to be constructed, using the remaining funds from the aforementioned cash bond. Any surplus funds shall be deposited in the city's general fund to cover administrative costs. Any shortfall will be paid from the general fund.

c. Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 13.05.090(C).

### **13.05.070 Land Division Application**

A. A person seeking approval of a land division shall submit the following to the Community Development Department:

[...]

13. A Trip Assessment Letter, if required by Chapter 14.43.

14. A Traffic Impact Analysis, if required by Chapter 14.45.

~~13.15.~~ Other materials that the applicant believes relevant or that may be required by the city.

*The following is a new chapter in the Newport Zoning Ordinance, to be codified as Chapter 14.44 of the Newport Municipal Code*

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## CHAPTER 14.44 TRANSPORTATION STANDARDS

14.44.010 Purpose. The purpose of this Chapter is to provide planning and design standards for the implementation of public and private transportation facilities and city utilities and to indicate when and where they are required. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth and provide a range of transportation options, including options for driving, walking, bus, and bicycling. This Chapter implements the City's Transportation System Plan.

14.44.020 When Standards Apply. The standards of this section apply to new development or redevelopment for which a building permit is required that places demands on public or private transportation facilities or city utilities. Unless otherwise provided, all construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall comply with the standards of this Chapter.

14.44.030 Engineering Design Criteria, Standard Specifications and Details. The design criteria, standard construction specifications and details maintained by the City Engineer, or any other road authority within Newport, shall supplement the general design standards of this Chapter. The City's specifications, standards, and details are hereby incorporated into this code by reference.

14.44.040 Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact.

14.44.050 Transportation Standards.

A. Development Standards. The following standards shall be met for all new uses and developments:

1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street.
2. Streets within or adjacent to a development subject to Chapter 13.05, Subdivision and Partition, shall be improved in accordance with the Transportation System Plan, the provisions of this Chapter, and the street standards in Section 13.05.015.

3. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance Chapter 13.05, and public streets shall be dedicated to the applicable road authority;
  4. Substandard streets adjacent to existing lots and parcels shall be brought into conformance with the standards of Chapter 13.05.
- B. Guarantee. The City may accept a future improvement guarantee in the form of a surety bond, letter of credit or non-remonstrance agreement, in lieu of street improvements, if it determines that one or more of the following conditions exist:
1. A partial improvement may create a potential safety hazard to motorists or pedestrians;
  2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
  3. The improvement would be in conflict with an adopted capital improvement plan; or
  4. The improvement is associated with an approved land partition or minor replat and the proposed land partition does not create any new streets.
- C. Creation of Rights-of-Way for Streets and Related Purposes. Streets may be created through the approval and recording of a final subdivision or partition plat pursuant to Chapter 13.05; by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Transportation System Plan and the deeded right-of-way conforms to the standards of this Code; or other means as provided by state law.
- D. Creation of Access Easements. The City may approve an access easement when the easement is necessary to provide viable access to a developable lot or parcel and there is not sufficient room for public right-of-way due to topography, lot configuration, or placement of existing buildings. Access easements shall be created and maintained in accordance with the Uniform Fire Code.
- E. Street Location, Width, and Grade. The location, width and grade of all streets shall conform to the Transportation System Plan, subdivision plat, or street plan, as applicable and are to be constructed in a manner consistent with adopted City of Newport Engineering Design Criteria, Standard Specifications and Details. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets, pursuant to the requirements in Chapter 13.05.

*The following is a new chapter in the Newport Zoning Ordinance, to be codified at Chapter 14.45 of the Newport Municipal Code*

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## CHAPTER 14.45 TRAFFIC IMPACT ANALYSIS

14.45.010. Applicability. A Traffic Impact Analysis (TIA) shall be submitted to the city with a land use application under any one or more of the following circumstances:

- A. To determine whether a significant affect on the transportation system would result from a proposed amendment to the Newport Comprehensive Plan or to a land use regulation, as specified in OAR 660-012-0060.
- B. ODOT requires a TIA in conjunction with a requested approach road permit, as specified in OAR 734-051-3030(4).
- C. The proposal may generate 100 PM peak-hour trips or more onto city streets or county roads.
- D. The proposal may increase use of any adjacent street by 10 vehicles or more per day that exceeds 26,000 pound gross vehicle weight.
- E. The proposal includes a request to use Trip Reserve Fund trips to meet the requirements of Chapter 14.43, South Beach Transportation Overlay Zone.

14.45.020. Traffic Impact Analysis Requirements.

- A. Pre-application Conference. The applicant shall meet with the City Engineer prior to submitting an application that requires a Traffic Impact Analysis (TIA). This meeting will be coordinated with ODOT when an approach road to US-101 or US-20 serves the property so that the completed TIA meets both City and ODOT requirements.
- B. Preparation. The submitted TIA shall be prepared by an Oregon Registered Professional Engineer that is qualified to perform traffic engineering analysis and will be paid for by the applicant.
- C. Typical Average Daily Trips and Peak Hour Trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE) shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate. An applicant may choose, but is not required, to use a trip generation study as a reference to determine trip generation for a specific land use which is not well represented in the ITE Trip Generation Manual and for which similar facilities are available to count.

- D. Intersection-level Analysis. Intersection-level analysis shall occur at every intersection where 50 or more peak hour vehicle trips can be expected as a result of the proposal.
- E. Transportation Planning Rule Compliance. The TIA shall comply with the requirements of OAR 660-012-0060.
- F. Structural conditions. The TIA shall address the condition of the impacted roadways and identify structural deficiencies or reduction in the useful life of existing facilities related to the proposed development.
- G. Heavy vehicle routes. If the proposal includes an increase in 10 or more of the vehicles described in Section 14.45.010.D, the TIA shall address the provisions of Section 14.45.020.F for the routes used to reach US-101 or US-20.

14.45.030. Study Area. The following facilities shall be included in the study area for all TIAs:

- A. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
- B. Roads through and adjacent to the site.
- C. All intersections needed for signal progression analysis.
- D. In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.

14.45.040. Approval Process. When a TIA is required, the applicable review process will be the same as that accorded to the underlying land use proposal. If a land use action is not otherwise required, then approval of the proposed development shall follow a Type II decision making process.

14.45.050. Approval Criteria. When a TIA is required, a development proposal is subject to the following criteria, in addition to all criteria otherwise applicable to the underlying proposal:

- A. The analysis complies with the requirements of 14.45.020;
- B. The TIA demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve the traffic

safety problems in a manner that is satisfactory to the City Engineer and, when state highway facilities are affected, to ODOT; and

- C. Where a proposed amendment to the Newport Comprehensive Plan or land use regulation would significantly affect an existing or planned transportation facility, the TIA must demonstrate that solutions have been developed that are consistent with the provisions of OAR 660-012-0060; and
- D. For affected non-highway facilities, the TIA establishes that any Level of Service standards adopted by the City have been met, and development will not cause excessive queuing or delays at affected intersections, as determined in the City Engineer's sole discretion; and
- E. Proposed public improvements are designed and will be constructed to the standards specified in Chapter 14.44 Transportation Standards or Chapter 13.05, Subdivision and Partition, as applicable.

14.45.060. Conditions of Approval. The City may deny, approve, or approve a development proposal with conditions needed to meet operations, structural, and safety standards and provide the necessary right-of-way and improvements to ensure consistency with the City's Transportation System Plan

14.45.070. Fee in lieu Option. The City may require the applicant to pay a fee in lieu of constructing required frontage improvements.

- A. A fee in lieu may be required by the City under the following circumstances:
  - (1) There is no existing road network in the area.
  - (2) There is a planned roadway in the vicinity of the site, or an existing roadway stubbing into the site, that would provide better access and local street connectivity.
  - (3) When required improvements are inconsistent with the phasing of transportation improvements in the vicinity and would be more efficiently or effectively built subsequent to or in conjunction with other needed improvements in area.
  - (4) For any other reason which would result in rendering construction of otherwise required improvements impractical at the time of development.
- B. The fee shall be calculated as a fixed amount per linear foot of needed transportation facility improvements. The rate shall be set at the current rate of construction per square foot or square yard of roadway built to adopted City or

ODOT standards at the time of application. Such rate shall be determined by the City, based upon available and appropriate bid price information, including but not limited to surveys of local construction bid prices, and ODOT bid prices. This amount shall be established by resolution of the City Council upon the recommendation of the City Engineer and reviewed periodically. The fee shall be paid prior to final plat recording for land division applications or issuance of a building permit for land development applications.

- C. All fees collected under the provisions of Section 14.45.070 shall be used for construction of like type roadway improvements within City of Newport's Urban Growth Boundary, consistent with the Transportation System Plan. Fees assessed to the proposed development shall be roughly proportional to the benefits the proposed development will obtain from improvements constructed with the paid fee.

*The following cross reference to the "payment in lieu" option is proposed for the City Subdivision Ordinance (shown in double underline).*

**13.05.090 Final Plat Requirements for Land Divisions Other than Minor Replats or Partitions**

[...]

B. Provision of Improvements. It shall be the responsibility of the developer to install all required improvements and to repair any existing improvements damaged in the development of the property. The installation of improvements and repair of damage shall be completed prior to final plat approval. Except as provided in Subsection C, or where payment in lieu of constructing a required improvement is allowed by City and has been paid by developer per Chapter 14.45, the final plat will not be approved until improvements are installed to the specifications of the city and "as constructed" drawings are given to the city and approved by the city engineer. The developer shall warrant the materials and workmanship of all required public improvements for a period of one year from the date the city accepts the public improvements.

**Minutes**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, August 27, 2012**

**Commissioners Present:** Jim Patrick, Glen Small, Mark Fisher, Bill Branigan, and Gary East.

**Commissioners Absent:** Jim McIntyre and Rod Croteau (*excused*).

**City Staff Present:** Community Development Director Derrick Tokos and Executive Assistant Wanda Haney.

**A. Roll Call.** Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:00 p.m. On roll call, Small, Patrick, Fisher, East, and Branigan were present. McIntyre and Croteau were absent but excused.

**B. Approval of Minutes.**

1. Approval of the Planning Commission work session and regular session meeting minutes of July 9, 2012, and the work session minutes of July 23, 2012.

**MOTION** was made by Commissioner Fisher, seconded by Commissioner East, to approve the Planning Commission minutes as presented. 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.**

Patrick opened the public hearing portion of the meeting at 7:02 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, bias, ex parte contact, or site visits; which none were declared. Patrick called for challenges to any of the Planning Commissioners or the Commission as a whole hearing these matters; and no objections were raised.

**Legislative Actions:**

1. **File No. 2-CP-11.** Legislative amendment to continue the update to the Transportation System Plan (TSP) element of the Comprehensive Plan by focusing the effort on US 101 in South Beach between the Yaquina Bay Bridge and SE 62<sup>nd</sup> Street setting out policy framework in support of an alternative mobility standard. The update includes zoning ordinance amendments establishing a trip budget program for South Beach, citywide traffic impact analysis requirements, and citywide transportation improvement requirements for infill development by updating the Zoning Code chapter of the Newport Municipal Code with the addition of Chapter 14.43 (South Beach Transportation Overlay Zone), Chapter 14.44 (Transportation Standards), and Chapter 14.45 (Traffic Impact Analysis). Functional classification maps and project priorities/estimates are also updated.

Patrick opened the hearing for File No. 2-CP-11 at 7:03 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that this is a large comprehensive package of changes that the City has worked on for a very long time. He had prepared a brief PowerPoint presentation that was a synopsis of the meeting packet. He noted that the packet included the staff report with fairly detailed findings on how the request complies with the Transportation Planning Rule (TPR). This will be rolled into an actual ordinance should the Commission decide to forward it to the City Council with a recommendation that it should be adopted. The packet also included the full draft of the amendments that would go into the TSP element of the Comprehensive Plan; Chapters 14.43, 14.44, and 14.45 of the Municipal Code, a copy of the Commission's July work sessions where the document was reviewed and comments were provided, and the notice of the public hearing that was provided. Also, as the staff report mentions, Tokos had with him a copy of the Coho/Brant Infrastructure Plan that was developed separately but is incorporated into the TSP element.

Tokos began the PowerPoint presentation by giving the elements of the proposal; the TSP amendment to the Comprehensive Plan and three Zoning Ordinance chapters. He gave a quick overview of the process which started in 2005-06 as an update to the 1997 TSP. The first products of that effort were the North Side Local Street Improvement Plan and the Bicycle and Pedestrian Plan in 2008-09. Work then shifted to development of alternative mobility standards for South Beach. There are technical memos reflected in several documents. Three public open houses were held. Direct mailing notice was provided to South Beach residents. There were press releases. A stakeholders list was developed, and they were kept informed of the open houses and the

hearing tonight. The Planning Commission held numerous work sessions, and in July reviewed a draft. Given the length of time for the update, several refinement plans have developed. One was the South Beach Peninsula Plan in 2010 because the City needed to facilitate access to NOAA's development site. Another was the Coho/Brant Refinement Plan just completed and will be adopted by reference into the TSP. Next, Tokos covered the elements of the TSP amendment. It sets an alternative mobility standard for 101 in South Beach; we will be tracking trips, and there are a series of improvements to improve traffic flow, add traffic impact analysis (TIA) requirements citywide, adds policy language for improvements citywide, and updates maps and tables. It emphasizes the need for ODOT to begin planning for replacement of the bridge. The reason why the alternative mobility standard is justified is because the State recognizes that nothing will be done with the bridge as it obstructs traffic flow. In planning, ODOT recognizes what can be done short of replacing the bridge and that they need to loosen the congestion limit and allow more congestion to happen on 101. Tokos noted that there have been some changes to the overlay zone since the work session. With the PowerPoint, he showed the map that was included during the Commission work session on July 9<sup>th</sup>. It was cleared up to line up with property boundaries. He showed the amended overlay map and noted that area B was adjusted a bit. Some properties outside the UGB were removed. It was extended a little to the south to correspond with property boundaries. Area J was enlarged to include the entire city-owned industrial properties. The changes were basically to align with the boundaries on the ground. Next, Tokos showed the functional classification maps and noted that there are basically three; north side, downtown, and south side. Copies of these were included in the packet materials as well. These show the principal arterials, minor arterials, and collector roadways and the local system. They correspond with the standard street system. We do have standards for that. He explained that the planned future improvements were shown with dotted lines. He noted that these do not have to be in place before trips can be consumed. He talked about the trip budget program. He noted that there are potential TSP changes prior to the City Council hearing. We might want to make changes to the TSP element post-Planning Commission recommendation. This comes from review by our legal counsel, and some of this may require more back and forth with the attorney to get exactly right. One gets at how the baseline system analysis was conducted. Another is how to describe the specific alternative mobility standards south of the bridge and how that standard provides for additional development. Another was to consider narrowing the area where payment in lieu can be utilized so that they are more closely tied to the development they generate by fee payment. Tokos said they need to figure out how to fine tune that language.

Tokos showed the alternative mobility standard table that was presented at the last open house. The vehicle capacity limit on 101 under the Oregon Highway Plan is now a volume to capacity ratio based on PM peak hour traffic. The recommendation is to use average annual PM peak hour.

Tokos discussed the Zoning Code changes. Chapter 14.43 is the South Beach Overlay Zone from the bridge south to 62<sup>nd</sup> Street. It is a tracking tool. The trip budget assumes realistic growth within the 20-year planning period. Trips are allocated by Transportation Analysis Zones (TAZ) and are tracked ministerially. 10% of trips are held in flexible trip reserve but can be added back. That pool is accessed through application to the Planning Commission. If 65% of trips are utilized in a particular zone, or within ten years, program review is required.

Chapter 14.44 contains the transportation standards. It authorizes the City to require frontage improvements for new development or redevelopment. It identifies the standards the City applies to determine the type of needed improvements. It authorizes payment of fee in lieu of frontage requirements. It identifies the process by which public rights-of-way are created. There currently are no requirements for infill as there are for new development; and this fills in that gap.

Chapter 14.45 covers the TIA requirements. It sets the threshold for when a TIA is needed and how analysis should be performed; what the City should use to evaluate it; and the criteria for evaluating. It includes the fee in lieu of option for certain circumstances (maybe there are no roads in the area, or in the event that something is planned to be coming on line in the area). There is a cross-reference of the payment in lieu option included in the subdivision ordinance. Tokos noted that Chapter 14.45 Applicability section may need to be amended before the City Council hearing. He said we need to delve into it further under what circumstances the state can require a TIA. Right now reference crosses over to the OARS. He said that we need to look at it a little more carefully to be sure we can be as clear as possible.

**Testimony:** Patrick opened the hearing to testimony. First to speak was Bonnie Serkin of Landwaves, 2712 SE 20<sup>th</sup>, Portland, OR 97202. She noted that they are developing the Wilder Community in South Beach. As a developer, she said that she wanted to give credit to Tokos and deTar and their consultants who put together a remarkable piece of work. She said that will help South Beach achieve its place as the future of Newport. She said that the process was complex and involved a lot of balancing, but these folks did a masterful job. She thanked them for allowing Landwaves' own traffic engineer to participate. Serkin said there is one thing that doesn't appear in the ordinance, and that is that several years ago when the annexation of Wilder took place, there was a problem with compliance with the TPR. As a result of that, Landwaves and other neighbors along 40<sup>th</sup> Street entered into a settlement agreement that set out temporary trip count on development that would result in traffic coming down 40<sup>th</sup> to 101. The idea was when the TSP was adopted, that agreement would disappear and be replaced. She just wanted to get into the record that this should be handled once the ordinance is adopted. She said that once the State Commission gets this revision, that agreement needs to be torn up because the new rules will substitute for it. She seconded Tokos' request that the criteria for a TIA be clarified to the extent possible under

local and state law even though she didn't think Wilder will need a TIA for a while. She said this makes it pretty clear, but it would be nice to clarify that for surety.

Dennis Bartoldus, PO Box 1510, Newport, represents GVR (the Tryon Family). He echoed what Serkin had said about the settlement agreement; only he would like to see it go further. He would like it noted that the previous agreement entered into by those parties would no longer be in effect. He would like to see it annulled by the Planning Commission and the City Council if this matter goes forward. Tokos thought the Planning Commission could make a recommendation that upon adoption, the City Council take whatever steps are necessary to rescind that agreement.

John deTar of ODOT said that it is their intent to rescind that agreement and nullify the 40<sup>th</sup> Street settlement agreement at the conclusion of this process. He said that when this is adopted, the settlement agreement would be immediately rescinded. Bartoldus said he would like to have that occur simultaneously at the time the final ordinance is adopted. Tokos noted that after the City adopts it, the State has to as well. He said it would go sequentially. Using whatever is the appropriate language, the Planning Commission can make a recommendation to the City Council that they take action following this adoption to make sure that takes place. Patrick agreed that it can't be done at the same time. Tokos said that the Commission can ask that the City Council follow up to make sure it's taken care of as soon as it can be done.

Patrick closed the public hearing at 7:34 p.m. for Commissioner deliberation. Branigan had nothing to say. East thought the Planning Commission should move forward and make the necessary recommendations to the City Council and to terminate the 40<sup>th</sup> Street settlement agreement. Fisher concurred. Small thought the TSP is a good body of work in that it does everything it can to improve traffic flow and not minimize development south of the bridge short of what is really the problem (the limitation of the bridge). He appreciates that the Comprehensive Plan itself mentions that the bridge is a significant factor in the flow of traffic. Small said that Tokos did a great job in describing alternative mobility standards and why it is a necessary piece to development south of the bridge. He noted, however, that an alternative mobility standard will not move traffic across the bridge any faster. He said it is a temporary solution. But, he thinks this does everything that can be done to address that impact. Patrick agreed. He liked the 10-year and 65% review so that when we get close, we have to do something else. He said that he would entertain a motion to approve the action with additional instruction to the City Council to take a look at removing the settlement agreement as soon as possible.

**MOTION** was made by Commissioner Small, seconded by Commissioner Fisher, to forward the proposal in File No. 2-CP-11 along with the proposed changes to the TSP to the City Council with a recommendation that they adopt language to clarify when a TIA takes place and a recommendation to revisit the previous agreement as has been discussed. The motion carried unanimously in a voice vote.

**F. New Business.** No new business to discuss.

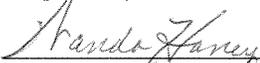
**G. Unfinished Business.** No unfinished business to discuss.

**H. Director's Comments.** Tokos noted that in the packets was a notice of a training opportunity for Planning Commissioners. He asked that if any of the Commissioners were interested, to please let the department know so that we can get them enrolled.

Fisher asked about South Beach Urban Renewal money that has been collected over a number of years, and if it can be used for infrastructure improvements. He asked if there were some dates when sewer and water will be improved down there. Tokos said that there is a current budgeted program for the extension of sewer from 40<sup>th</sup> to 50<sup>th</sup> Streets. Public Works is moving forward on that; but he had no specific date of when work will start. It should be completed this fiscal year. Ash Street surfacing is budgeted and is substantially designed and moving forward as well. Funds have been budgeted for acquisition of rights-of-way at 35<sup>th</sup> and 101 for the future signalized intersection. That is part of an enhancement project we are sending out for a 2015 state grant; and it is important to hit that window because that is when the City will be able to fund on our end through Urban Renewal. He said that might be the highest of Phase 2 Urban Renewal projects. He said he will take an amendment package to the City Council shortly to update the Urban Renewal Plan to adjust dollars based on the Council's last budget decision and to put in Coho/Brant projects now that those have been identified. Fisher asked if there was any Urban Renewal money used for Safe Haven Hill, and Tokos said a couple hundred thousand dollars were budgeted for that project and the City is working with FEMA to finalize that work. East asked about coordination with OMSI. Tokos said OMSI's window of development for their youth camp is 2016-17. They have been supportive of the Coho/Brant plan. Work on rights-of-way is the first piece. Certain rights-of-way will be vacated, and others acquired to get it lined up with what the planned course is. Tokos thought that would go fairly smoothly.

**I. Adjournment.** Having no further business to discuss, the meeting adjourned at 7:45 p.m.

Respectfully submitted,



Wanda Haney, Executive Assistant

# CITY OF NEWPORT

## NOTICE OF A PUBLIC HEARING<sup>1</sup>

NOTICE IS HEREBY GIVEN that the City Council of the City of Newport, Oregon, will hold a public hearing on Monday, October 15, 2012, at 7:00 p.m. or shortly thereafter, to review the following Comprehensive Plan text amendment.

**File No. 2-CP-11.**

**Initiated by:** City of Newport.

**Proposed Legislative Amendment:** The proposed legislative amendments update the Transportation System Plan (TSP) element of the Newport Comprehensive Plan by setting out a policy framework in support of an alternative mobility standard for US 101 in South Beach between the Yaquina Bay Bridge and SE 62<sup>nd</sup> Street. The update includes zoning ordinance amendments establishing a trip budget program for South Beach, citywide traffic impact analysis requirements, and citywide transportation improvement requirements for infill development. Functional classification maps and project priorities/estimates are also updated.

**Applicable criteria:** The Newport Comprehensive Plan Section entitled "Administration of the Plan" (p. 287-288) 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:** 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 (address under "Amendment Material") 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.

**Amendment Material:** Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 S. W. Coast Hwy, Newport, Oregon, 97365. 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. The most current Newport Transportation System Plan update materials will be available on the City of Newport website at: [www.newportoregon.gov](http://www.newportoregon.gov) on the Community Development Department webpage seven days prior to the date of the public hearing.

**Contact:** Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov) (mailing address above in "Amendment Material"); or John deTar, Oregon Department of Transportation, (541) 757-4159, email address [john.G.DETAR@odot.state.or.us](mailto:john.G.DETAR@odot.state.or.us).

**Time/Place of Public Hearing:** Monday, October 15, 2012; 7:00 p.m., City Hall Council Chambers (address above in "Amendment Material").

**Notice Mailed:** October 4, 2012.

**Published:** October 10, 2012/[News-Times](#).

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<sup>1</sup> Notice is being sent to various individuals and entities on the South Beach Transportation System Plan Update stakeholders list and public/private utilities/agencies and affected city departments.

## Wanda Haney

---

**From:** Wanda Haney  
**Sent:** Thursday, October 04, 2012 8:44 AM  
**To:** David Marshall; Elwin Hargis; Jim Protiva; Mark Miranda; Phillip Paige; Ted Smith; Terry Durham; Tim Gross; Victor Mettle  
**Subject:** File 2-CP-11  
**Attachments:** File 2-CP-11 - Notice - CC.doc

Attached is a notice of a City Council public hearing to consider a legislative Comp. Plan text amendment. The notice contains an explanation of the request and a date for the public hearing. Please review this information to see if you would like to make any comments. We must receive comments at least 10 days prior to the hearing in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Thanks,

*Wanda Haney*

Executive Assistant

City of Newport

Community Development Department

541-574-0629

FAX 541-574-0644

[w.haney@newportoregon.gov](mailto:w.haney@newportoregon.gov)

## Wanda Haney

---

**From:** Wanda Haney  
**Sent:** Thursday, October 04, 2012 8:31 AM  
**Subject:** City Council hearing on Transportation System Plan Update

Please see attached notice of public hearing.

*Wanda Haney*  
Executive Assistant  
City of Newport  
Community Development Department  
541-574-0629  
FAX 541-574-0644  
[w.haney@newportoregon.gov](mailto:w.haney@newportoregon.gov)

**Wanda Haney**

---

**Distribution List Name:** SB TSP Update

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NEWPORT OR 97365

911 EMERGENCY DISPATCH  
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NEWPORT OR 97364

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PO BOX 1318  
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MARK & CINDY MCCONNELL  
4915 NW WOODY WAY  
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8450 SW MARINE VIEW  
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ONNO HUSING  
LINCOLN COUNTY PLANNING &  
DEVELOPMENT  
210 SW 2<sup>ND</sup> ST  
NEWPORT OR 97365

JIM KALDY  
7677 SW SUFLAND ST  
SOUTH BEACH OR 97366

JOYCE GAFFIN  
PO BOX 530  
SOUTH BEACH OR 97366

**SETTLEMENT AGREEMENT  
CITY OF NEWPORT ANNEXATION AND ZONE CHANGE FOR SOUTH BEACH  
NEIGHBORHOOD ORDINANCE NO. 1922, FILE NO. 1-AX-07/2-Z-07**

DATED: August 6, 2007

BETWEEN: CITY OF NEWPORT ("City")

AND: THE STATE OF OREGON, by and through the OREGON DEPARTMENT OF TRANSPORTATION ("ODOT")

AND: EMERY INVESTMENTS, INC., an Oregon corporation ("EI")  
LANDWAVES, INC., an Oregon corporation ("LW")

AND: GVR INVESTMENTS, ("GVR")

AND: OREGON COAST COMMUNITY COLLEGE DISTRICT ("OCCC")

RECITALS:

- A. City annexed and rezoned approximately 102 acres of real property owned by EI and GVR by Ordinance No. 1922, File No. 1-AX-07/2-Z-07 ("Annexation Approval").
- B. The property involved in the Annexation Approval is adjacent to State Highway 101, a Highway under the jurisdiction and control of ODOT.
- C. The approximately 85 acres of real property owned by EI is legally described in Exhibit A ("EI Property"), and is expected to be developed with the first phase of the South Beach Neighborhood Plan, including OCCC's new campus, residential and commercial uses. Through the Annexation Approval, the EI Property was rezoned from Timber Conservation (Lincoln County zoning) to Public, Commercial, High Density Residential and Low Density Residential (City zoning).
- D. The approximately 16.5 acres of real property owned by GVR is legally described in Exhibit B ("GVR Property"). Development is not immediately planned for the GVR Property, although it may be used in the future for an industrial use such as a concrete batch plant. Through the Annexation Approval, the GVR Property was rezoned from Planned Industrial (Lincoln County zoning) to Industrial (I-3) (City zoning).
- E. The EI Property and GVR Property are collectively referred to as the "Annexation Territory."
- F. ODOT appealed the Annexation Approval to the Oregon Land Use Board of Appeals ("LUBA") because ODOT does not think that the Annexation Approval complies with Transportation Planning Rule ("TPR"). In particular, ODOT is concerned about the functioning of three intersections with Highway 101 including the proposed Highway 101/40<sup>th</sup> Street

intersection, the Highway 101/32<sup>nd</sup> Street intersection and the Highway 101/Ferry Slip Road intersection (collectively, the “Impacted Intersections”).

G. As part of the development of the South Beach Neighborhood Plan, a loop road off of Highway 101 will be constructed, with an intersection at Highway 101 and 40<sup>th</sup> Street. At this time, no signal at the intersection of Highway 101 and 40<sup>th</sup> Street is warranted or authorized by ODOT for installation. The improvements to the intersection of Highway 101 and 40<sup>th</sup> Street that are needed to accommodate the traffic generated by the Annexation Territory include a southbound left turn lane on Highway 101, a northbound right turn lane on Highway 101 and a left turn lane from 40<sup>th</sup> Street to Highway 101 southbound (“40<sup>th</sup> Street Improvements”). An approach road permit for 40<sup>th</sup> Street at Highway 101 will be required by ODOT and may include other requirements of OAR Chapter 734, Division 51.

H. Ferry Slip Road currently has a stop-controlled intersection with Highway 101. By 2021, it is expected that the intersection of Highway 101 and Ferry Slip will be closed and Ash Street will be extended from Ferry Slip Road to 40<sup>th</sup> Street to accommodate some of the traffic from the closed Ferry Slip Road intersection (“Ash Street Construction”).

I. City is currently updating its Transportation System Plan (“TSP”) and intends to adopt a Capital Improvement Plan (“CIP”). The 40<sup>th</sup> Street Improvements and Ash Street Construction are expected to be included in the TSP and CIP. The TSP and CIP are expected to be adopted in 2008. The TSP is expected to consider the traffic impacts from the Annexation Territory under City zoning, in compliance with the TPR. The CIP will set out a funding mechanism to ensure that the Ash Street Construction will be provided by 2021.

J. The construction of OCCC’s new campus is dependant upon a timely resolution of ODOT’s appeal of the Annexation Approval.

K. The Parties desire to enter into a settlement agreement that will insure that the Annexation Approval will not have a significant effect on Highway 101, or that any effect is mitigated as required by OAR 660-012-0060.

L. City has withdrawn the Annexation Approval from LUBA under ORS 197.839(13)(b). City intends to reconsider the proposed annexation and rezoning of the Annexation Territory, and adopt a new ordinance that is supported by additional findings and conditions consistent with this Settlement Agreement that will replace the Annexation Approval (“Revised Annexation Approval”).

AGREEMENTS:

NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement, and other valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

## SECTION I. TRIP CAP CONDITION

1.1 The Parties agree that the Saturday mid-day peak hour in August is the peak hour ("peak hour") that shall be used to determine if the Impacted Intersections meet ODOT mobility standards.

1.2 The July 20, 2007 supplemental traffic impact analysis, attached as Exhibit C, analyzed how many peak hour trips could be generated by the Annexation Territory while maintaining compliance with ODOT's mobility standards for the Impacted Intersections.

(1.2.1) The supplemental traffic impact analysis demonstrates that 180 peak hour trips can be generated from the Annexation Territory and the Impacted Intersections will continue to operate within ODOT mobility standards through the build year of 2011, assuming (1) the 40<sup>th</sup> Street Improvements are constructed and (2) the Ash Street Construction has not occurred.

(1.2.2) The Parties agree that the Revised Annexation Approval will comply with the TPR if it includes the following conditions of approval:

(a) The 40<sup>th</sup> Street Improvements shall be constructed and operating, with an approach road permit from ODOT, prior to issuance of occupancy permits for the Annexation Territory.

(b) City shall not issue building permits for land uses in the Annexation Territory that would generate more than 180 peak hour trips, based upon the expected trip generation called for in the ITE Trip Generation Manual, 6<sup>th</sup> Edition.

(c) Development of the Annexation Territory that creates impacts in excess of 180 peak hour trips may occur only after a demonstration of compliance with the TPR. TPR compliance can be demonstrated through the amendment of the TSP and CIP, or at the time of a land use application or building permit. To comply with OAR 660-012-0060 the City will treat any building permit application as a land use application subject to the procedures used for a Type II Conditional Use permit and for all land use applications and building permits, City will ensure that notice is provided to ODOT, that ODOT is allowed to participate in review of the development proposal and that the final City decision regarding the development proposal with respect to compliance with OAR 660-012-0060 can be appealed to LUBA if necessary. TPR compliance means the proposal complies with OAR 660-012-0060, and a demonstration that the proposed development would not cause the Impacted Intersection to fail to meet ODOT performance standards, taking into account any mitigation required as a condition of approval as well as any completed improvements and any projects on a Capital Improvements Project list that are planned for construction and funding within the planning horizon. City may impose conditions to insure that the performance standards are met and the TPR is complied with, but any improvements to the Impacted Intersections are subject to ODOT approval.

(d) The Ferry Slip Road and Highway 101 intersection will be closed after Ash Street Construction is completed.

(1.2.3) The first phase of development of the EI Property is expected to generate 140 peak hour trips. An industrial use of the GVR Property is expected to generate less than 40 peak hour trips. EI, LW and GVR agree to enter into a separate agreement to allocate the peak hour trips allowed by the Trip Cap Condition.

## SECTION 2. 40<sup>th</sup> STREET

2.1 EW, LW, GVR, OCCC and City are currently negotiating an agreement to allocate the costs of constructing the 40<sup>th</sup> Street Improvements. It is expected that LW will construct the 40<sup>th</sup> Street Improvements, utilizing real property dedicated by GVR and financial assistance from City and OCCC.

2.2 As explained in Recital I, the 40<sup>th</sup> Street Improvements are expected to be included in the TSP and CIP.

2.3 Access to OCCC's new campus is expected to rely upon the 40<sup>th</sup> Street Improvements. Accordingly, LW and GVR intend to apply for an Approach Road Permit to Highway 101 for 40<sup>th</sup> Street and the 40<sup>th</sup> Street Improvements prior to August 15, 2007 (the "Approach Road Permit").

2.4 ODOT agrees to process an Approach Road Permit application filed pursuant to OAR 734-051 *et seq.* immediately upon receipt of an application filed by Landwaves and/or GVR.

## SECTION 3. ASH STREET CONSTRUCTION

As explained in Recitals H and I, the Ash Street Construction is expected to be included in the TSP and CIP, and is expected to be complete by 2021. Accordingly, the Parties agree that the completion of the Ash Street Construction is reasonably likely to be provided within the planning period, in compliance with the TPR. OAR 660-012-0060(4)(b)(E).

## SECTION 4. REVISED ANNEXATION APPROVAL

4.1 As explained in Recital L, City intends to adopt the Revised Annexation Approval.

4.2 ODOT agrees to not appeal the Revised Annexation Approval if the decision includes:

(4.2.1) The conditions of approval described in Section 1.2.2.

(4.2.2) Findings that the Ash Street Construction is reasonably likely to be provided within the planning period, in compliance with the TPR (OAR 660-012-0060(4)(b)(E)), as provided in Section 3.

SECTION 5. GENERAL PROVISIONS

5.1 Time. Time is of the essence of this Agreement.

5.2 Successors. The terms of this Agreement shall be binding on and inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns.

5.3 Severability. If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

5.4 Exhibits. All exhibits attached to this Agreement are incorporated herein by this reference.

5.5 Recitals. All Recitals to this Agreement are incorporated herein by this reference.

5.6 Complete Agreement. This Agreement constitutes the complete agreement of the parties with respect to the subject matter of this Agreement, except any contemporaneous written agreement between the parties relating to the same, and supersedes and replaces all prior oral and written agreements.

5.7 Counterparts. This Agreement may be executed in counterparts, which when taken together shall constitute an original. This Agreement may also be executed by signature transmitted by facsimile and conformed with an original signature thereafter.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

CITY:

CITY OF NEWPORT

By: 

Title: MANAGER

ODOT:

OREGON DEPARTMENT OF  
TRANSPORTATION

By: \_\_\_\_\_

Title: \_\_\_\_\_

EI: EMERY INVESTMENTS, INC., an Oregon corporation

By: \_\_\_\_\_  
Title: \_\_\_\_\_

LW: LANDWAVES, INC., an Oregon corporation

By: \_\_\_\_\_  
Title: \_\_\_\_\_

GVR: GVR INVESTMENTS

By: \_\_\_\_\_  
Title: \_\_\_\_\_

OCCC: OREGON COAST COMMUNITY COLLEGE DISTRICT

By: \_\_\_\_\_  
Title: \_\_\_\_\_

## EXHIBIT A

### LEGAL DESCRIPTION OF EMERY INVESTMENTS, INC. PROPERTY

**Parcel I:**

R364534 11-11-20-00-00100-00

The East one-half of the Northeast one-quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon

**Parcel II:**

R481032 11-11-21-00-01300-00

R464454 11-11-21-00-00700-00

The South one-half of the Southeast quarter; the Northwest quarter; the North one-half of the Southwest quarter; the Southeast quarter of the Southwest quarter; and the Southwest quarter of the Southwest quarter. Section 21, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, EXCEPT tract conveyed to Port of Newport by deed recorded in Book 100, Page 158, Deed Records.

**Parcel III:**

Parcel I

That portion of the Northwest quarter of the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at the intersection of the North line of said Section and the Easterly right of way line of the Oregon Coast Highway 101; thence East, on said North section line, to the Northeast corner of the Northwest quarter of the Northeast quarter; thence South, on the East line of the said Northwest quarter of the Northeast quarter 700.00 feet, more or less, to the Northeast corner of the tract conveyed to Jack Stocker et ux, by deed recorded February 10, 1961 in Book 214, Page 134, Deed Records; thence North 88 deg. 54' West 900.0 feet, more or less, to the Easterly right of way of the former U.S. Spruce Production Railroad right of way, described in deed to Henry J. Stocker et ux, recorded November 18, 1947 in Book 122, Page 89, Deed Records; thence Northerly, following the said Easterly right of way line to a point that is 30.0 feet from, when measured at right angles to, the North line of said Section; thence West 30.0 feet from and parallel to, said North line of said Section to the Easterly right of way line of the Oregon Coast Highway; thence Northerly along said Highway right of way line, to the point of beginning.

**Parcel 2:**

Commencing at the Southeast corner of Section 17, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence North 87 deg. 14' 17" West along the Southerly line of Section 17, a distance of 1353.62 feet to the true point of beginning; thence continuing along said section line, North 87 deg. 20' 22" West a distance of 83.75 feet; thence North 51 deg. 00' 00" East to the Easterly right of way of SE Chestnut Street a distance of 107.29 feet; thence South 00 deg. 13' 26" East along said Easterly right of way, a distance of 71.41 feet to the point of beginning.

Tax Parcel Number: R347233 and R509944 and R518998

## EXHIBIT B

### LEGAL DESCRIPTION OF GVR PROPERTY

Real property in the County of Lincoln, State of Oregon, described as follows:

#### PARCEL 1:

That portion of the Northwest quarter of the Northeast quarter of Section 20, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at the intersection of the North line of said Section and the Easterly right of way line of the Oregon Coast Highway 101; thence East, on said North section line, to the Northeast corner of the Northwest quarter of the Northeast quarter; thence South, on the East line of the said Northwest quarter of the Northeast quarter 700.00 feet, more or less, to the Northeast corner of the tract conveyed to Jack Stocker et ux, by deed recorded February 10, 1961 in Book 214, Page 134, Deed Records; thence North 88 deg. 54' West 900.0 feet, more or less, to the Easterly right of way of the former U.S. Spruce Production Railroad right of way, described in deed to Henry J. Stocker et ux, recorded November 18, 1947 in Book 122, Page 89, Deed Records; thence Northerly, following the said Easterly right of way line to a point that is 30.0 feet from, when measured at right angles to, the North line of said Section; thence West 30.0 feet from and parallel to, said North line of said Section to the Easterly right of way line of the Oregon Coast Highway; thence Northerly along said Highway right of way line, to the point of beginning.

#### PARCEL 2:

Commencing at the Southeast corner of Section 17, Township 11 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence North 87 deg. 14' 17" West along the Southerly line of Section 17, a distance of 1353.62 feet to the true point of beginning; thence continuing along said section line, North 87 deg. 20' 22" West a distance of 83.75 feet; thence North 51 deg. 00' 00" East to the Easterly right of way of SE Chestnut Street a distance of 107.29 feet; thence South 00 deg. 13' 26" East along said Easterly right of way, a distance of 71.41 feet to the point of beginning.

Tax Parcel Number: R347233 and R509944 and R518998

## EXHIBIT C

### JULY 20, 2007 SUPPLEMENTAL TRAFFIC IMPACT ANALYSIS



DAVID EVANS  
AND ASSOCIATES INC.

July 20, 2007

John G. deTar, Senior Region Planner  
ODOT Region 2  
3700 SW Philomath Boulevard  
Corvallis OR 97333

**SUBJECT: 40<sup>th</sup> Street TIA: Trip Cap Analysis**

Dear Mr. deTar:

This letter summarizes additional traffic operations analyses performed at each of the intersections that were evaluated in the 40<sup>th</sup> Street Traffic Impact Analysis (TIA), prepared by myself and dated May 2, 2007. This additional analysis evaluates the maximum number of peak hour<sup>1</sup> vehicle site trips that could be accommodated while simultaneously providing for adequate operations at each of the study area intersections. Results are provided for two street configuration scenarios: 1) existing Ferry Slip Road unchanged, and 2) Ferry Slip Road closed, traffic is rerouted to 32<sup>nd</sup> and 40<sup>th</sup> Street via Ash Street.

The analysis shows that an additional 40 peak hour site trips beyond the proposed South Beach Phase 1 development (for a total of 180 peak hour trips) could be added to the 40<sup>th</sup> Street approach under 2011 conditions without causing any of the study area intersections to fail to meet the ODOT mobility standard of 0.80. Furthermore, once the Ferry Slip Road/US 101 intersection is closed (which was assumed under the future analysis scenario), the analysis shows that 160 peak hour site trips (for a total of 340 peak hour site trips) could be added to 40<sup>th</sup> Street under year 2021 conditions while simultaneously meeting the mobility standard at each of the study area intersections.

This analysis is intended to establish a "trip cap" for future development associated with the properties recently annexed into the City of Newport in Case File No. 1-AX-07/2-Z-07.

#### **Background**

##### **40<sup>th</sup> Street Traffic Impact Analysis Report**

The TIA presented a proposed development for Phase 1 of the South Beach that consisted of 46 single-family residential units, 48 condo/townhouse units, and the central campus of the Oregon Coast Community College (OCCC) with an assumed enrollment of 1470 students. Based on data contained in ITE Trip Generation, 7<sup>th</sup> Edition, it was estimated that the proposed development would generate 140 peak hour trips. The TIA noted that Phase 1 was expected to be completed by year 2011. The analysis showed that all study area

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<sup>1</sup> As discussed in the TIA, "peak hour" refers to Saturday mid-day. Use of this time period was required by ODOT

intersections (consisting of US 101 at 32<sup>nd</sup> Street, Ferry Slip Road and 40<sup>th</sup> Street), could be made adequate to accommodate the proposed development under build-year conditions.

**May 10, 2007 TIA Update Memorandum**

In a memorandum dated May 10, 2007 I presented updated trip generation estimates and traffic operations analyses based on a revised Phase 1 development scenario. The land uses of the revised scenario differed somewhat from the development scenario presented in the TIA, but the trip generation did not. The purpose of the memorandum was to propose a potential alternative development scenario with a mix of uses that would result in the same number of peak hour vehicle trips as the development mix contained in the original TIA, thereby retaining the validity of the TIA analysis results. The alternative development scenario consisted of 81 single family residential units, 15 condo/townhouse units, OCCC campus with student enrollment of 200<sup>2</sup>, and a 7000 square-foot shopping center. Table 1 below provides comparative trip generation for the original and revised South Beach Phase 1 development from the TIA and the May 2007 memorandum, respectively.

**Table 1. South Beach Phase 1 Alternative Development Scenario**

Land Use	ITE Land Use Code	Unit	Original Phase 1 Development Scenario (Provided in TIA)		Alternative Phase 1 Development Scenario	
			Size	Saturday Pk Hr Trips	Size	Saturday Pk Hr Trips
Single Family Residential	210	DU	46	43	86	81
Condo/Townhomes	230	DU	48	23	31	15
Community College	540	FTE	1470	74	200	10
Shopping Center	820	1000 ft <sup>2</sup>	0	0	7	35
<b>Total Trips</b>				<b>140</b>		<b>140</b>

The development scenarios presented in Table 1 represent two land use mixes that would generate equivalent vehicle trips. There are numerous combinations of college, residential and retail land uses that could be developed with identical traffic impacts.

The May 2007 memorandum also provided analysis of the Phase 1 development alone under 2021 traffic conditions. The 1999 Oregon Highway Plan requires that the year selected for future traffic operations analysis is the greater of the planning horizon in the local transportation system plan (TSP), or 15 years, whichever is greater. A 15-year planning horizon is greater than that of the Newport TSP. Therefore, traffic operations were analyzed under 2021 conditions. The analysis showed that the existing facilities could be made adequate to accommodate Phase 1 under future traffic volume conditions.

**Revised Analysis**

The initial TIA and May 2007 memorandum both studied only property currently owned by Emery Investments, and the developer is Landwaves Inc. The owner and developer of the property, has agreed to limit the extent of the Phase 1 South Beach development to no more than what would generate 140 peak hour

<sup>2</sup> Revised enrollment estimates provided by Patrick O'Connor, OCCC president.

vehicle trips<sup>3</sup>. It is understood that additional future development proposals by Landwaves will require further traffic analysis and appropriate mitigation of traffic impacts. The annexation and zone change application also includes the 16.5 acre GVR property, which was not included in previous TIAs.

The purpose of this revised analysis is to analyze the traffic operations at the study area intersections under year-of-build (2011) and future year (2021) conditions that accounts for development of both Phase 1 of the South Beach development and the GVR parcel. Therefore, this analysis determines the maximum number of peak hour vehicle trips that could be accommodated while simultaneously providing for adequate operations<sup>4</sup> at each of the study area intersections. It is anticipated that the annexation and zone change will be conditioned on capping total trip generation potential at 40<sup>th</sup> Street so that each of the study area intersections will operate within the ODOT mobility standard.

I performed traffic operations analysis under two local street configurations and two future years:

#### **Existing Ferry Slip Road in Place**

*Analysis year: 2011*

*Maximum additional peak hour site trips at 40th Street: 40 (for a total of 180 peak hour site trips)*

This configuration assumes that the existing stop-controlled Ferry Slip Road intersection with US 101 is open to traffic. This configuration is only analyzed under year-of-build (2011) conditions, as it is assumed that the intersection will be closed prior to 2021. The results, shown in Table 2, show that with the addition of 40 peak hour site trips (in addition to the 140 Phase 1 trips) at 40<sup>th</sup> Street the v/c ratio at the intersection of US 101 and 40<sup>th</sup> Street will increase slightly over Phase 1 total conditions. All movements at this intersection are expected to remain well below the mobility standard.

The controlling intersection under this scenario is US 101 at Ferry Slip Road. The combination of background traffic growth and the South Beach Phase 1 development (140 trips) is expected to result in a v/c ratio of 0.79 for the westbound left movement. The intersection can accommodate some additional trips on the US 101 mainline with no change to the critical v/c ratio. However, when additional peak hour site trips at 40<sup>th</sup> Street exceed 40, the critical v/c ratio reaches 0.80, which is equivalent to the ODOT mobility standard. A v/c ratio in excess of 0.80 represents unacceptable traffic operations.

Therefore, assuming that the existing stop-controlled Ferry Slip Road intersection with US 101 is open, that intersection (and other study area intersections) will operate within the ODOT mobility standard if the land annexed and rezoned (Phase 1 of South Beach and the GVR Parcel) is subject to the condition that Saturday mid-day peak hour trips are limited to 180.

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<sup>3</sup> Based on average trip rates contained in ITE Trip Generation, 7<sup>th</sup> Edition for Saturday mid-day.

<sup>4</sup> The applicable mobility standard for US 101 (Statewide Highway, non freight-route) is a v/c ratio of 0.80. Source: Table 6, 1999 Oregon Highway Plan.

**Ferry Slip Road Closed**

*Analysis year: 2021*

*Maximum additional peak hour site trips at 40<sup>th</sup>: 160 (for a total of 340 peak hour site trips)*

Like the analysis contained in the original TIA, the future year analysis assumes that Ferry Slip Road will be closed and half of the vehicle trips from the former Ferry Slip Road intersection will be rerouted to 32<sup>nd</sup> and half will be rerouted to 40<sup>th</sup> Street via the future Ash Street. The analysis also assumes that the cross-section of US 101 will have one through lane in each direction, and the intersection of US 101 at 40<sup>th</sup> Street will remain unsignalized. Analysis results show that in addition to the 180 peak hour site trips from Phase I of South Beach and GVR, an additional 160 peak hour site trips at 40<sup>th</sup> Street could be accommodated while simultaneously providing for adequate operations at each of the study area intersections.

As Table 2 shows, with the addition of 340 peak hour site trips at the US 101/40<sup>th</sup> Street intersection, the westbound left-turning movement at the intersection would operate with a v/c of 0.70, which is less than the mobility standard. The signalized intersection of US 101 at 32<sup>nd</sup> Street would operate at an overall v/c ratio of 0.80, which is equivalent to the mobility standard. Peak hour site trips at 40<sup>th</sup> Street in excess of 340 would cause the v/c ratio at this intersection to exceed the mobility standard<sup>5</sup>.

Therefore, assuming that the existing stop-controlled Ferry Slip Road intersection with US 101 is closed, the study area intersections will operate within the ODOT mobility standard if the land annexed and rezoned (Phase I of South Beach and the GVR Parcel) is subject to the condition that Saturday mid-day peak hour trips are limited to 340.

**Table 2. Revised Intersection Operations Analysis Summary**

Intersection	Critical Movement	v/c Ratio						
		2006 30 <sup>th</sup> HV	Back- ground	2011 Phase I	Phase I +40 Trips (180 Total)	Back- ground	2021 Phase I Total	Phase I +200 Trips (340 Total)
US 101 at 32 <sup>nd</sup> Street	n/a*	0.67	0.67	0.71	0.73	0.72	0.75	0.80
US 101 at Ferry Slip Road	WBL	0.48	0.61	0.79	0.79	--	--	--
US 101 at 40 <sup>th</sup> Street	SBL	--	--	0.55	0.55	0.60	0.60	0.60
	WBL	--	--	0.17	0.23	0.12	0.28	0.70

\* Signalized intersection. Overall intersection values shown.

**Potential Industrial Development**

It should be noted that much of the land of concern (i.e. beyond the control of Landwaves, Inc.) is zoned for industrial uses. As such, the trip generation potential is relatively low in general, and very low during the design hour, which is Saturday mid-day. Of particular concern is the GVR parcel, which consists of 16.5 acres adjacent to the proposed 40<sup>th</sup> Street. Due to topographical constraints, the usable area is closer to 14.5 acres. The owners have indicated their intent to develop this property as a concrete batch plant. Based on review of similar land use types, a typical employment density can be expected to be 3-5 per acre for this type

<sup>5</sup> Because of the trips rerouted from Ferry Slip Road, total peak hour trips at 40<sup>th</sup> is expected to be higher than 340.

John deTar  
July 20, 2007  
Page 5

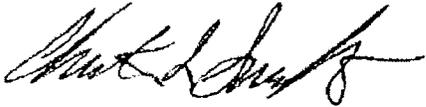
of use. This translates to roughly 20-30 vehicle trips during the PM peak hour<sup>5</sup>. Very little published trip generation data exists for the Saturday mid-day peak period. However, industrial trip generation is typically lower during weekends than during weekdays. Therefore, it is reasonable to conclude that if a concrete batch plant is constructed, the combined trips generated from the plant and Phase 1 of the South Beach development will be less than the 180 trip cap (and significantly less than the 340 trip cap, once Ferry Slip Road is closed).

#### **Conclusion**

The analysis shows that an additional 40 peak hour site trips beyond the proposed South Beach Phase 1 development (for a total of 180 peak hour site trips) could be added to the 40<sup>th</sup> Street approach under 2011 conditions without causing any of the study area intersections to fail to meet the ODOT mobility standard of 0.80. Furthermore, once the Ferry Slip Road/US 101 intersection is closed (which was assumed under the future analysis scenario), the analysis shows that 160 peak hour site trips (for a total of 340 peak hour site trips) could be added to 40<sup>th</sup> Street under year 2021 conditions while simultaneously meeting the mobility standard at each of the study area intersections.

Sincerely,

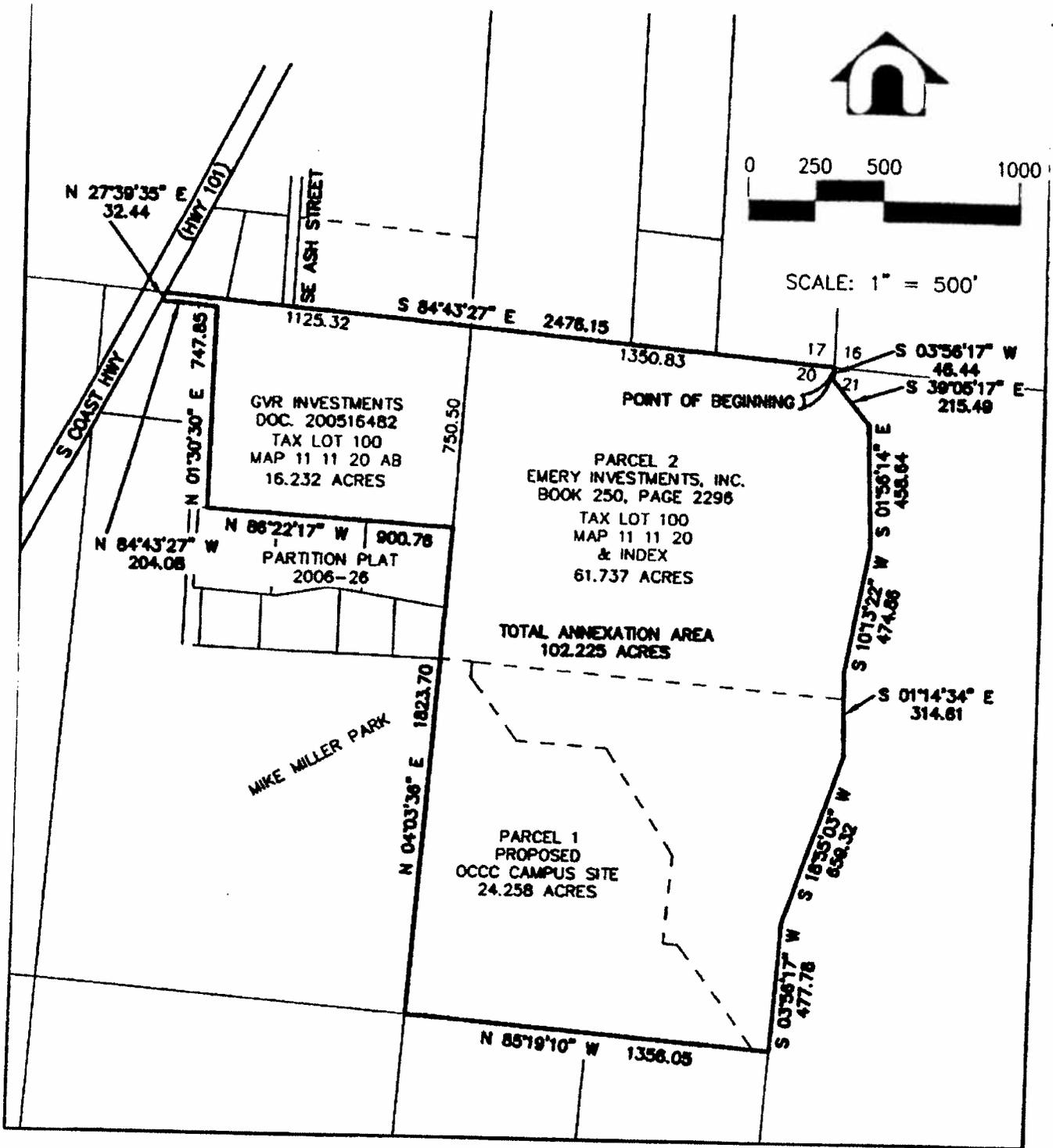
**DAVID EVANS AND ASSOCIATES, INC.**



Christian Snuffin, PE  
Transportation Engineer



**EXHIBIT "A"**



October 10, 2012

City Council  
City of Newport  
169 SW Coast Highway  
Newport, Oregon 97365

**Re: Amendments to the Draft South Beach Transportation Overlay Zone (SBTOZ)  
Related to Trip Allocation for Land Divisions**

Dear Mayor McConnell and Councilors:

Landwaves, Inc. appreciates the years of effort that the City has expended in crafting a solution to capacity issues in the South Beach area of Newport, and how collaborative the City has been throughout this process, particularly Derrick Tokos. Landwaves, Inc. is supportive of the Alternative Mobility Standard and the related amendments to the City's comprehensive plan and code, with one exception – the length of time trips may be vested for lots that have been created by final plat. While this concern would be true for any developer, we are particularly affected because of the tremendous investment we have made (and intend to continue to make) for Wilder – over \$4 million so far.

Problems with draft

Two provisions in the draft code are in question.

First, as currently proposed, lots that were created prior to the effective date of the Alternative Mobility Standard do not have any vested trips. Instead, these lots are eligible for 6 month temporary trip allocation letters. Wilder Phase 1, which has had final plat approval since 2010, has 40 lots; eight of those have completed homes and three are about to have homes under construction. We are concerned that potential buyers of the remaining 29 lots may be dissuaded from purchasing (and will likely have difficulty getting financing) if there is the kind of uncertainty about the availability of trips that a temporary trip allocation letter raises. By way of comparison, phases platted after the Alternative Mobility Standard is adopted will have a 10 year vesting period, measured from the time the final plat is recorded. We do not see the rationale for treating trip vesting differently based on the timing of plat approval.

Second, for lots in phases platted after adoption of the Alternative Mobility Standard, the proposed Code does not allow the trip vesting period to be extended beyond 10 years under any circumstances. While we understand the City's objective to avoid trip hoarding, a discretionary extension review process would allow the City to weigh the benefits of extending vested trips for phased developments such as Wilder with potential competing demands for those trips.

## Wilder examples

In Phase 1, we have final plat approval for 40 residential lots – some large, some not-so-big. As the Code draft stands, we will have to apply for temporary 6-month allocation letters on each lot – perhaps repeatedly every six months - in order to assure builders (and their lenders) of their ability to build. And there is an additional wrinkle. If the market for \$300,000+ homes does not improve in the next couple of years, the seven remaining large lots in Phase 1 could well remain undeveloped after the 33 smaller lots are sold. As construction on the smaller lots nears completion, Landwaves will likely have to wait out the market on the seven large lots, moving on to another single-family phase in order to create more small lots. Meanwhile, marketability of the seven large lots in Phase 1 will suffer even more because, not only will they still be caught in the 6-month allocation letter process, but lots in phases platted after the effective date of the Alternative Mobility Standard will have trips vested for 10 years. Ironically, the certainty of the vesting period for lots in later phases could make the remaining lots in Phase 1 undesirable by comparison.

We also urge adoption of a discretionary extension of the 10-year vesting period (for both pre- and post- Alternative Mobility Standard subdivisions) in order to accommodate market conditions. Consider Wilder Phase 2, the village center commercial and apartment area, where we have preliminary subdivision approval and have been working on the engineering for final plat approval. We have already built the infrastructure for the village center, with the exception of a portion on the south side of College Way. If Landwaves begins apartment construction in 2013, but the absorption rate is slower than anticipated, after 10 years we would lose the ability to complete the full complement of 110 apartments. At that point, all we could seek would be a temporary six-month trip allocation letter, a stopgap measure that is likely to give lenders pause.

As for commercial development in the Wilder Village Center, over the next 10 years it can be anticipated that South Beach will grow to justify and accommodate uses like a wellness center, a daycare center, a bank, professional offices, service providers, new restaurants, retail shops and other uses that are not now available south of the bridge. Many of these are ideally suited for Wilder, especially uses that have synergy with Oregon Coast Community College. But the velocity of economic growth cannot be predicted with any degree of certainty. While pioneering the village center commercial district is something Landwaves is willing to undertake, it doesn't seem fair that allocated trips should irrevocably expire if full buildout takes more than 10 years.

Another effect that an inalterable 10-year vesting period could have is to force us to consider submitting final plats for artificially small phases in order to ensure a sufficient vesting period for each phase. Under this scenario, instead of going to final plat for all of the Phase 2 commercial and apartment area (which would start a 10-year clock on all the apartments and commercial buildings), we would have to consider getting final plat approval for, say, two apartment lots, then a year later a commercial lot, followed in the third or fourth year by another apartment lot when the apartment lender is satisfied with occupancy rates in the first apartment buildings. Although as a strategy this would give us certainty that the trips would remain vested for the window we need, it seems that the multiple filings lot by lot could create an unnecessary burden on both City and County staff.

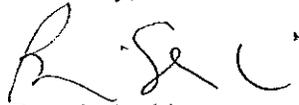
Solutions

Attached to this letter are proposed changes to the current draft of the SBTOZ that we believe will handle platted lots equitably without creating extra administrative work for the City.

We also remain open to the idea of entering into a vesting agreement with the City at the time final plat approval is given. This agreement could address vesting periods and development conditions on a case-by-case basis rather than impose a strict 10-year limit.

Thank you for the opportunity to continue to be involved in crafting a transportation solution for South Beach. I will attend the hearing on October 15th, and will be happy to answer any questions.

Sincerely,

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

Bonnie Serkin  
Chief Operating Officer

cc: Dana Krawczuk, Perkins Coie LLP

## Landwaves, Inc.'s Suggested Revisions to Trip Allocation Program

14.43.090. Allocation of Trips. Trips are allocated by TAZ in the SBTOZ. The trip totals for each TAZ, available for future allocation within the SBTOZ, can be obtained from the Community Development Department.

\* \* \*

C. City shall allocate trips to proposed development by deducting them from the Trip Budget Ledger if trips available in the Trip Budget Ledger meet or exceed the number of trips identified in the Trip Assessment Letter.

D. Except as otherwise provided in this subsection, City shall deduct trips from the Trip Budget Ledger at such time as a land use decision is approved and is to treat those trips as vested so long as that land use decision is valid. In the event a land use decision expires, the City shall add the trips back to the Trip Budget Ledger.

- (1) For a tentative (preliminary) plat that does not include phases, trips shall be vested so long as the application for final plat is submitted within the time established by the Subdivision Ordinance;
- (2) For a tentative (preliminary) plat that includes phases **(approved either prior to or following the effective date of this ordinance)**, trips shall be vested in accordance with the phasing schedule in the tentative approval, but in no case shall the total vesting period for all phases be for a period greater than ten (10) years.
- (3) **For a multi-phase tentative (preliminary) plat that includes a phase(s) that received final plat approval prior to the effective date of this ordinance, trips shall vest for the lots in the final plat for a period of ten (10) years from the effective date of this ordinance. The vesting period may be extended in two (2) year increments by the community development director based upon the criteria for extensions of a tentative plan approval in the Subdivision Ordinance.**
- (4) Once a final plat is recorded trips shall vest for a period of ten (10) years from the date the final plat is recorded. **The vesting period may be extended in two (2)-year increments by the community development director based upon the criteria for extensions of a tentative plan approval in the Subdivision Ordinance;**
- (5) City shall not deduct trips from the Trip Budget Ledger at such time as a land use decision is issued for a property line adjustment, partition plat, or minor replat; and

(6) An applicant seeking approval of a tentative or final plat may elect to have the City not deduct trips from the Trip Budget Ledger at such time as a land use decision is approved. In such cases the land use decision shall note that use of the resulting lots may be limited to available trips within the TAZ as documented in the Trip Budget Ledger.

E. For development that is not subject to a land use decision the City shall deduct trips from the Trip Budget Ledger associated with the use and document such action in the form of a Trip Assessment Letter. Issuance of a Trip Assessment Letter is a ministerial action and such a letter shall be valid for a period of six months or until such time as a building permit is issued, whichever is shorter. Should a Trip Assessment Letter expire, City shall add the trips back to the Trip Budget Ledger.

**92.040 Application for approval of subdivision or partition; tentative plan; applicability of local government laws.** (1) Before a plat of any subdivision or partition subject to review under ORS 92.044 may be made and recorded, the person proposing the subdivision or partition or authorized agent or representative of the person shall make an application in writing to the county or city having jurisdiction under ORS 92.042 for approval of the proposed subdivision or partition in accordance with procedures established by the applicable ordinance or regulation adopted under ORS 92.044. Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or partition. No plat for any proposed subdivision or partition may be considered for approval by a city or county until the tentative plan for the proposed subdivision or partition has been approved by the city or county. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording. However, approval by a city or county of such tentative plan shall be binding upon the city or county for the purposes of the preparation of the subdivision or partition plat, and the city or county may require only such changes in the subdivision or partition plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or partition.

(2) After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.

(3) A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government. [Amended by 1955 c.756 §7; 1973 c.696 §7; 1983 c.826 §8; 1989 c.772 §5; 1995 c.812 §9; 2005 c.22 §71]

**CITY OF NEWPORT  
RESOLUTION 3486**

**RESOLUTION SETTING FEES FOR LAND USE ACTIONS  
AND REPEAL THE PREVIOUS LAND USE FEE RESOLUTION**

Findings:

1. The City of Newport has established fees for land use actions to cover expenses incidental to the cost of reviewing such requests, including costs related to publishing notices for hearings, mailing notices to affected property owners/agencies, preparing and copying staff reports, and other responsibilities as required by state law and city ordinances.
2. Fees for land use actions were last updated in August of 2003 (Resolution No. 3319) and were not established for the purpose of recovering a specific percentage of the costs incurred by the city.
3. A Comprehensive Use Fee Study for the City of Newport, by FCS Group, dated September of 2009, considered the direct and indirect costs the City incurs in reviewing land use requests, including estimates for each permit type in today's dollars. The FCS Study found that the city is currently recovering about 15% of its direct costs through land use fees.
4. The FCS Study provides guidance for establishing a cost recovery policy, including weighing the public benefit versus private benefit when determining the level of full cost of services that should be recovered through fees. Considering this guidance, and the direct and indirect costs detailed in the FCS Study, it is appropriate to set a target of collecting 50% of the direct cost of administering land use actions through fees.
5. Given the length of time since the city last amended its fees, and the amount of increase needed to achieve 50% recovery of direct costs, it is appropriate to phase in fee adjustments over a four (4) year period, adjusted for inflation using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U).
6. Once the fees increases are phased in, land use fees shall be adjusted annually effective January 1<sup>st</sup> of each year to account for changes in the CPI-U, and such adjustments are to be placed in a resolution on the consent calendar of the Newport City Council at a December meeting to allow for public awareness of the fee changes.
7. A cost recovery policy for land use fees was considered by the City of Newport Planning Commission at an October 12, 2009 public meeting, and the approach outlined herein is consistent with their recommendation. The Newport City Council considered the Commission's recommendation on December 7, 2009. Appropriate public notification was provided for both the Planning Commission and City Council meetings.

8. The prior land use fee ordinance (Resolution No. 3319), being no longer current, should be repealed. Those sections of Resolution No. 3319, which are still applicable, have been incorporated into this ordinance.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Land Use Fees. Fees for land use actions shall be increased over a four (4) year period as reflected in Exhibit A, beginning on January 1, 2010.

Section 2. Annual Fee Adjustments. Once the fee increases in Exhibit A have been implemented, land use fees shall be adjusted annually on January 1<sup>st</sup> of each year. Fee adjustments are to be calculated by multiplying the fee as of November 2013 by a fraction, the numerator of which is the CPI Index Figure for the month of November proceeding the January in which the fee is to be adjusted and the denominator of which is to be the "Base CPI Index Figure." As used in this section, "Index" refers to the All Urban Consumers (CPI-U), U.S. City Average, CPI Index published by the Bureau of Labor Statistics of the United States Department of Labor. The Base CPI Figure will be the index figure for the month of November 2012.

Section 3. Fees Relating to ORS 227.186 Notifications. The applicant for a land use application requiring notification under ORS 227.186 (Measure 56 notification) shall pay, in addition to the land use application fee, the cost of preparing and mailing the notification. The city shall prepare an estimate of the cost and shall notify the applicant of the estimated cost. The estimated cost shall be paid within five (5) business days after notification of such determination or the application shall be subject to dismissal. In the event that actual costs exceed estimated costs, the applicant shall be billed the difference and payment of the difference is due within 30 days after notice is provided to the applicant. In the event that the amount of such estimated payment exceeds the actual cost of notification, the difference shall be refunded to the applicant.

Section 4. Fees Relating to Appeal Transcripts. For appeals of land use actions, the appellant shall pay the actual cost of preparing a verbatim written transcript up to \$500. If there is more than one appellant, each such appellant shall pay an appeal fee and the cost of preparing a written transcript. All of the appellants shall be jointly and severally liable for the cost and charges of such transcripts, and any or all appeals pending in any matters may be dismissed by the Newport City Council in the event of failure to make payment of the transcript fees. Upon filing an appeal, the city shall determine the estimated cost of such transcript, and the amount of such estimated cost shall be paid to the city within five (5) business days after notification of such determination, or the appeal shall be subject to dismissal. In the event that actual costs of preparing the transcript exceed the amount of the estimate, the appellant(s) shall be billed the difference and payment of the difference is due within 30 days after notice is provided. Failure of appellant(s) to make payment within 30 days will subject the appeal to dismissal. In the event that the amount of such estimated payment exceeds the actual cost of the transcript, the amount so paid shall be refunded, prorated, to those parties actually having paid

them. As provided by ORS 227.180, in lieu of a transcript prepared by the city and the fee thereof, parties to an appeal held on the record may prepare a transcript of relevant portions of the proceedings conducted at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the transcript fee shall be refunded.

Section 5. Fees Relating to Withdrawal of Annexations. Withdrawals are administered as annexations. In addition to the filing fee, the owner of each parcel of property to be so withdrawn shall, as a condition of such withdrawal action, and prior thereto, pay or make arrangements satisfactory to the city for the payment of any bonded indebtedness or any other charges attributable to such property which may become a debt, obligation, or liability of the City of Newport by reason of such withdrawal. Nothing herein contained shall be construed to prevent the Newport City Council from initiating and carrying out the withdrawal proceedings on its own motion and the assumption of such obligations pursuant to the applicable state law if the City Council determines that to do so is in the best interest of the city.

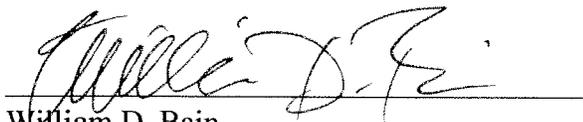
Section 6. Additions or Amendments to Land Use Fee Categories. In the event there is a need to make changes to the categories of fees charged for land use actions, the city may put such changes into effect by amending Exhibit A to this resolution. For new fees, the Base CPI Figure will be the index figure for the month of November proceeding the date the fee was adopted.

Section 7. Repeal of Prior Resolution. Resolution No. 3319 is repealed in its entirety.

Section 8: Effective Date. The effective date of this resolution is January 1, 2010.

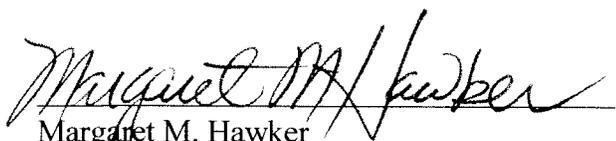
Adopted by a 7 – 0 vote of the Newport City Council on , 2009.

Approved by the Mayor on 12/22, 2009.



William D. Bain  
Mayor

ATTEST:



Margaret M. Hawker  
City Recorder

Exhibit A to Resolution 3485

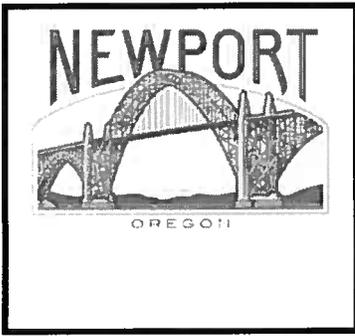
Permit Type	Current Fee	Direct Unit Cost	50% of Direct Cost	50% Cost Adjusted	Fees Effective:			
					1/1/10	1/1/11	1/1/12	1/1/13
Annexation	\$700	\$1,126	\$563	\$638	\$700	\$700	\$700	\$700
Each additional parcel in separate ownership	\$20	\$77	\$39	\$44	\$26	\$32	\$38	\$44
Appeals*	\$150	\$515	\$258	\$292	\$185	\$221	\$256	\$292
Comprehensive Plan Amendment:								
Text	\$325	\$2,079	\$1,040	\$1,178	\$538	\$752	\$965	\$1,178
Map	\$325	\$2,079	\$1,040	\$1,178	\$538	\$752	\$965	\$1,178
Conditional Use Permit:								
Planning Commission	\$195	\$1,322	\$661	\$749	\$334	\$472	\$611	\$749
Staff	\$150	\$1,058	\$529	\$600	\$262	\$375	\$487	\$600
Estuarine Use Permit	\$0	\$1,018	\$509	\$577	\$144	\$288	\$433	\$577
Design Review - Nye Beach	\$0	\$1,064	\$532	\$603	\$151	\$301	\$452	\$603
Encroachment - right-of-way	\$100	\$822	\$411	\$466	\$191	\$283	\$374	\$466
Exception to Statewide Goal	\$325	\$0	\$325	\$368	\$336	\$347	\$358	\$368
Geologic Permit	\$65	\$355	\$178	\$201	\$99	\$133	\$167	\$201
Interpretation	\$150	\$730	\$365	\$414	\$216	\$282	\$348	\$414
Land Use Compatibility Signoff	\$0	\$94	\$47	\$53	\$13	\$27	\$40	\$53
Minor Partition	\$50	\$550	\$275	\$312	\$115	\$181	\$246	\$312
Nonconforming Use Permit	\$195	\$1,322	\$661	\$749	\$334	\$472	\$611	\$749
Partition	\$50	\$550	\$275	\$312	\$115	\$181	\$246	\$312
Planned Destination Resort:								
Conceptual Master Plan	\$325	\$2,306	\$1,153	\$1,307	\$570	\$816	\$1,061	\$1,307
per acre charge	\$2	\$83	\$42	\$47	\$13	\$25	\$36	\$47
Preliminary Development Plan	\$130	\$2,000	\$1,000	\$1,133	\$381	\$632	\$883	\$1,133
per charge per each lot	\$13	\$83	\$42	\$47	\$22	\$30	\$39	\$47
Final Development Plan	\$130	\$1,818	\$909	\$1,030	\$355	\$580	\$805	\$1,030
Planned Unit Development:								
Tentative Plan	\$260	\$2,000	\$1,000	\$1,133	\$478	\$697	\$915	\$1,133
charge per each unit	\$10	\$83	\$42	\$47	\$19	\$29	\$38	\$47
Final Plan	\$260	\$1,818	\$909	\$1,030	\$453	\$645	\$838	\$1,030
charge per each unit	\$10	\$83	\$42	\$47	\$19	\$29	\$38	\$47
Property Line Adjustment	\$50	\$528	\$264	\$299	\$112	\$175	\$237	\$299
Shoreland Impact Permit	\$0	\$877	\$439	\$497	\$124	\$248	\$373	\$497
Signs:								
One temporary/portable sign	\$25	\$119	\$60	\$67	\$36	\$46	\$57	\$67
each additional	\$10	\$0	\$10	\$11	\$10	\$10	\$10	\$10
Other signs	\$100	\$205	\$103	\$116	\$104	\$108	\$112	\$116

Permit Type	Current Fee	Direct Unit Cost	50% of Direct Cost	50% Cost Adjusted	Fees Effective:			
					1/1/10	1/1/11	1/1/12	1/1/13
Subdivisions:								
Tentative Plan	\$230	\$1,670	\$835	\$946	\$409	\$588	\$767	\$946
charge per each unit	\$10	\$83	\$42	\$47	\$19	\$29	\$38	\$47
Final Plat	\$230	\$728	\$364	\$413	\$276	\$321	\$367	\$413
charge per each unit	\$10	\$83	\$42	\$47	\$19	\$29	\$38	\$47
Urban Growth Boundary Amendment	\$325	\$2,497	\$1,249	\$1,415	\$598	\$870	\$1,143	\$1,415
Vacations**	\$500	\$1,335	\$668	\$757	\$564	\$628	\$692	\$757
Variances/Adjustments:								
Planning Commission	\$195	\$1,018	\$509	\$577	\$290	\$386	\$481	\$577
Staff	\$150	\$877	\$439	\$497	\$237	\$323	\$410	\$497
Zoning Ordinance Amendments:								
Text	\$325	\$2,079	\$1,040	\$1,178	\$538	\$752	\$965	\$1,178
Map	\$325	\$2,079	\$1,040	\$1,178	\$538	\$752	\$965	\$1,178
Other staff level permits requiring public notice	\$50	\$831	\$416	\$471	\$155	\$260	\$366	\$471

\* plus cost of producing a verbatim transcript.

\*\* plus appraisal cost and damages.





Agenda Item # IX. A.  
Meeting Date 10/15/12

CITY COUNCIL AGENDA ITEM SUMMARY  
City Of Newport, Oregon

Issue/Agenda Title: Consideration of Resolution No. 3615 Repealing Resolution No. 3525 and Establishing a Minimum Monthly Charge for all Properties Connected to the City Water System

Prepared By: Hawker Dept Head Approval: ph City Manager Approval: [Signature]

**Issue Before the Council:** The issue before Council is consideration of adoption of Resolution No. 3615 regarding water utility charges.

**Staff Recommendation:** Staff recommends adoption.

**Proposed Motion:** I move to adopt Resolution No. 3615 repealing Resolution No. 3525 and establishing a minimum monthly charge for all properties connected to the city water system.

**Key Facts and Information Summary:** Resolution No. 3615 is a housekeeping measure. On June 4, 2012, Resolution 3592 was adopted which set the current rates for water utility charges, fees, deposits and penalties; and repealed Resolution No. 3544, the previous resolution setting rate effective August 2, 2011. However, it was recently discovered that there were two errors in Resolution No. 3544 that even though repealed, causes confusion with water charges.

First, Resolution No. 3544 failed to repeal the previous water rate resolution, Resolution No. 3525 adopted September 20, 2010. While the record is clear the current rate schedule is what Council has adopted for rates, the fact that two resolutions list water rates needs to be cleaned up. Second, Resolution 3544 omitted language from a previous resolution indicating that properties connected to the city's water system remain connected and responsible for paying the base rate. Resolution No. 3615 will correct both errors in that it will repeal Resolution No. 3525 and reaffirm a minimum monthly charge for all properties connected to the city water system.

**Other Alternatives Considered:** None.

**City Council Goals:** None.

**Attachment List:** Resolution No. 3615

**Fiscal Notes:** None.

CITY OF NEWPORT

RESOLUTION NO. 3615

A RESOLUTION REPEALING RESOLUTION NO. 3525  
AND ESTABLISHING  
A MINIMUM MONTHLY CHARGE  
FOR ALL PROPERTIES  
CONNECTED TO THE CITY WATER SYSTEM

Findings:

- A. The City of Newport operate a water utility that diverts, stores, treats, and delivers water to customers within the city, and to its customers outside the city.
- B. The Newport Municipal Code Chapter 5.10 governs the operation and use of the city's water utility. NMC Section 5.10.200 specifically authorizes the City Council to set charges, fees, deposits, and penalties for water utility users.
- C. On June 4, 2012, Resolution 3592 was adopted which set rates for water utility charges, fees, deposits and penalties and repealed Resolution No. 3544, the previous resolution setting rate effective August 2, 2011.
- D. It was discovered that Resolution 3544, adopted on June 20, 2011 contained two errors. First it failed to repeal the previous resolution setting water rates, and second, it omitted language from the previous resolution indicating that properties connected to the city's water system remain connected and responsible for paying the base fee.
- E It is the desire of the Council to correct the two errors discovered by repealing Resolution No. 3525, and establishing minimum monthly charges for all properties connected to the city water system

Based on these findings, the City of Newport resolves as follows:

Section 1. Repeal of Resolution No. 3525. Resolution 3525 is repealed in its entirety.

Section 2. Establishing a Minimum Monthly Charge for all Properties Connected to the City Water System. The following will apply to all properties connected to the city water system:

Any property that has a water meter installed and connected to the city's water system is considered to have metered city water service, even if water service to the property is shut-off. The property shall continually incur at least the appropriate minimum monthly charge based on the meter size to the property. The Finance Director may waive the

minimum monthly charge in the event of extenuating circumstances. A property owner may appeal to the City Manager a denial by the Finance Director of a waiver of this policy.

Section 3. Effective Date. This resolution shall become effective immediately upon passage.

Adopted by the Newport City Council on October 15, 2012.

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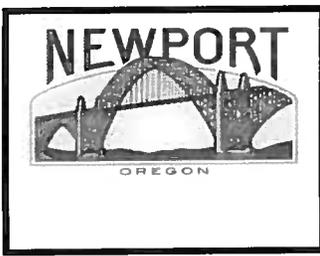
Mark McConnell, Mayor

ATTEST:

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Margaret M. Hawker, City Recorder





**CITY COUNCIL AGENDA ITEM SUMMARY**  
 City Of Newport, Oregon

Issue/Agenda Title: Consideration of Tourism Facilities Fund Grant Application and Timeline

Prepared By: nc Dept Head Approval: ju City Mgr Approval: [Signature]

**Issue Before the Council:** The issue before Council is the consideration of the tourism facilities grant review task force timeline for acceptance of applications.

**Staff Recommendation:** This is a City Council decision.

**Proposed Motion:** I move the city begin the solicitation process for awarding Tourism Facilities Fund Grants with the timeline as presented in the October 15, 2012 agenda summary report.

**Key Facts and Information Summary:** The Tourism Facilities Grant Fund Task Force was established per Resolution Number 3553 and charged with developing criteria for a grant policy and application that solicited requests for use of the city's tourism facilities funds of approximately \$1,000,000. The Task Force funded three of five applicants last fiscal year in the amount of \$700,000. The remaining \$300,000 has been set aside for future granting processes.

The task force members from the previous grant cycle have committed to this year's process if needed. They are Caroline Bauman, John Lavrakas, Julie Hanrahan, Stan Rowe, Randy Getman, Ann Aronson, and Margaret Dailey.

Staff is requesting authorization to advertise the remaining grant dollars of \$300,000. Once advertised and proposals are submitted, the task force will be responsible for reviewing grant applications and forwarding recommendations of award to the City Council. The proposed timeframe is below.

	Last Year's Time Frame	Proposed Timeframe if approved at October 15, 2012 meeting
Grant made available day after council approval	October 18, 2011	October 16, 2012
Questions regarding the application submitted to the committee	November 18, 2011 (5 weeks)	November 16, 2012
Committee reply to questions	November 30, 2011 (1.5 weeks)	November 28, 2012
Applications Deadline	January 20, 2012 (7 weeks)	January 18, 2012
Packets available for committee members to pick up and review	January 24, 2012 (4 days)	January 23, 2012
Meeting to review applications and interviews if needed	February 2, 2012 (1 week)	January 30, 2012
Recommendations to Council	February 20, 2012	February 4, 2012

**Other Alternatives Considered:** None.

**City Council Goals:** The request does not address a specific City Council goal.

**Attachment List:** Attached is the Resolution 3553 establishing the task force, Tourism Facilities Grant Program guidelines and the grant application.

**Fiscal Notes:** None.

RESOLUTION NO. 3553

A RESOLUTION ESTABLISHING A  
TOURISM FACILITIES GRANT REVIEW TASK FORCE  
FOR THE CITY OF NEWPORT

FINDINGS:

1. The City of Newport has funds for tourism facilities for which the City Council desires to establish a grant program for distribution of the funds; and
2. The City of Newport recognizes the importance of allocating these funds to non-profit agencies for the improvement or construction of tourism facilities through a grant process.

NOW, THEREFORE, THE CITY OF NEWPORT RESOLVES:

Section 1. The City Council creates a Tourism Facilities Grant Review Task Force that will be comprised of seven members; two of which may be from outside the city with an interest in economic development.

Section 2. The Task Force will be responsible for developing criteria for distribution of tourism facilities funds.

Section 3. The Task Force will be responsible for reviewing grant applications for the tourism facilities funds.

Section 4. The Tourism Facilities Grant Review Task Force will be responsible for forwarding recommendations on the grant criteria and funding recommendations for tourism facilities funding to the City Council for approval.

Section 5. This resolution shall be effective immediately upon passage.

Adopted by the Newport City Council on July 18, 2011.

Signed on July 20, 2011.

CITY OF NEWPORT



Mark McConnell, Mayor

ATTEST:



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Margaret M. Hawker, City Recorder

## **TOURISM FACILITIES GRANT PROGRAM**

### **Purpose**

This policy is intended to guide the City of Newport in accepting applications and considering grant proposals for funding under the Tourism Facilities Grant Program established by the Newport City Council. The Tourism Facilities Grant Program is funded by local transient room tax revenues, so state law controls the types of projects to which grants may be provided. If a project cannot meet legal requirements, it will not be awarded a grant.

### **Title**

The provisions adopted by this Resolution shall be known as the "Tourism Facilities Grant Program Rules."

### **Policy**

It is the policy of the City to make Grant Funds available to qualified Applicants without regard to race, color, religion, sex, sexual orientation, national origin, marital status, age, disability or familial status.

### **Definitions**

(1) "Applicant" means any 501(c) organization or government entity may apply for a grant from the Tourism Grant Program.

(2) "City" means the City of Newport.

(3) "City Manager" means the City Manager of the City of Newport or the City Manager's designee.

(4) "Council" means the City Council of the City of Newport.

(5) "Grant Agreement" is the legally binding contract between the City and the grant recipient. The Grant Agreement consists of the conditions specified in these rules, special conditions enumerated in the agreement, if applicable, and the grant application approved by the Council.

(6) "Grant Funds" means the funds requested by an Applicant and/or the funds delivered to a grantee through the Tourism Facilities Grant Program.

(7) "Match" is any contribution to a project made up of funds other than Grant Funds. Match may include:

- (a) Cash on hand or cash that is pledged to be on hand prior to commencement of the project;
- (b) Secured funding commitments from other sources; or
- (c) Pending or potential commitments of funding from other sources. In such instances, Tourism Grant Program funding will not be released prior to secured commitment of the

other funds. Pending commitments of the funding must be secured within the time provided in the Grant Agreement.

(8) "Tourism Facilities Task Force" is a Task Force, consisting of 7 members, appointed by the Council in accordance with Resolution 3553.

### **Definitions for "Tourism-Related Facilities"**

(1) "Conference center" means a facility that:

- (a) Is owned or partially owned by a unit of local government, a governmental agency or a nonprofit organization; and
- (b) Meets the current membership criteria of the International Association of Conference Centers.

(2) "Convention center" means a new or improved facility that:

- (a) Is capable of attracting and accommodating conventions and trade shows from international, national and regional markets requiring exhibition space, ballroom space, meeting rooms and any other associated space, including but not limited to banquet facilities, loading areas and lobby and registration areas;
- (b) Has a total meeting room and ballroom space between one-third and one-half of the total size of the center's exhibition space;
- (c) Generates a majority of its business income from tourists;
- (d) Has a room-block relationship with the local lodging industry; and
- (e) Is owned by a unit of local government, a governmental agency or a nonprofit organization.

(3) "Tourism" means economic activity resulting from tourists.

(4) "Tourism-related facility":

- (a) Means a conference center, convention center or visitor information center;
- (b) Means other improved real property that has a useful life of 10 or more years and has a substantial purpose of supporting tourism or accommodating tourist activities.

(5) "Tourist" means a person who, for business, pleasure, recreation or participation in events related to the arts, heritage or culture, travels from the community in which that person is a resident to a different community that is separate, distinct from and unrelated to the person's community of residence, and that trip:

- (a) Requires the person to travel more than 50 miles from the community of residence; or
- (b) Includes an overnight stay.

(6) "Visitor information center" means a building, or a portion of a building, the main purpose of which is to distribute or disseminate information to tourists.

### **Application Requirements**

(1) Applications that do not comply with the requirements in this section will not be considered.

- (2) Applications must be submitted on a form provided by the City.
- (3) Applications for the 2011/2012 grant cycle are due in the City Manager's office by 5:00 p.m. on Friday, January 20, 2012. Applicants must submit 10 hard copies of the application and one electronic copy on a flash drive or memory stick. Applications submitted by email or FAX will not be considered.
- (4) All Applicants shall supply the following information:
- (a) Name of Applicant;
  - (b) Name, physical and email address, and FAX and telephone numbers of the Applicant's contact person(s) and, if applicable, the Applicant's fiscal officer(s);
  - (c) The name and a description of the proposed project;
  - (d) Estimated line item budget for the project;
  - (e) Identification of specific project elements for which Grant Funds will be used;
  - (f) A list of any non-Grant Funds, services or materials available or secured for the project and any conditions which may affect the completion of the project;
  - (g) If the project is part of a multi-year project, and a new funding request continues a previously City-funded activity, a description of the previous project accomplishments and results as well as an accounting of past expenditures and revenues for the project;
  - (i) A project schedule including times of project beginning and completion; and
  - (j) Any information requested by the Tourism Facilities Task Force or the Council in order to evaluate the project.
- (5) All Applicants shall demonstrate a dollar for dollar match, based on the total Grant Funds request, at the time of application.
- (6) All Applicants shall demonstrate that the Grant Funds requested will be used to fund Tourism-Related Facilities.
- (7) Applications must include the following attachments:
- (a) If applicable, documentation from the Internal Revenue Service confirming that the Applicant is a 501(c) tax exempt organization;
  - (b) Three years of year-end revenue/expense summaries and current balance sheet, or feasibility study;
  - (c) An executive summary of the business plan for the project, including a budget;
  - (d) A time frame for fundraising, if applicable;
  - (e) A time frame for project completion.
- (8) Clarification of information submitted may be sought from the Applicant during the evaluation process.

## **Application Processing**

(1) Submission of an application does not ensure funding. Decisions to award Grant Funds will be made based on the criteria and rating schedule attached to these rules as Exhibit A. The Council may elect to terminate the Tourism Facilities Grant Program and not award any Grant Funds.

(2) The Tourism Facilities Task Force will review all applications that comply with the application requirements included in these rules (qualifying applications). The Tourism Facilities Task Force will then rate the qualifying applications based on the criteria and rating schedule attached to these rules as Exhibit A.

(3) All Applicants who submit qualifying applications will be invited to make an oral presentation to the Tourism Facilities Task Force.

(4) Based on the application materials submitted and the Applicant's oral presentation, the Tourism Facilities Task Force will forward a recommendation to the Council as to which Applicants should be awarded Grant Funds, as well as the recommended amount of Grant Funds to be awarded to each Applicant.

(5) Applicants recommended to the Council by the Tourism Facilities Task Force will be expected to make an oral presentation before the Council.

(6) The Council is not bound by the Tourism Facilities Task Force recommendations.

(7) The Council will make its decision as to which Applicants should be awarded Grant Funds, as well as the amount of Grant Funds to be awarded to each Applicant based on the criteria and rating schedule attached as Exhibit A.

(8) The City may require additional information from the Applicant to aid in evaluating and considering a proposed project.

(9) Applicants will be notified in writing of award of a grant or denial of an application. Written notifications will be sent by first class mail to the address provided in the application. Notifications will be deemed received by the Applicant three calendar days after deposit by the City in the United States Mail.

## **Grant Agreement Conditions**

(1) If a grant application is approved, the City Manager, on behalf of the City, will enter into a Grant Agreement with the grantee.

(2) If the Grant Agreement has not been fully executed by all the parties within one month of Council approval, funding shall be terminated. The money allocated to the grant shall be available for reallocation by the City.

- (3) The terms of the Grant Agreement may be tailored to fit the project for which the Grant Funds are awarded. Grantees shall comply with all Grant Agreement conditions.
- (4) Obligations of the City under the Grant Agreement are contingent upon the availability of monies for use in the Tourism Facilities Grant Program.
- (5) The grantee shall comply with all federal, state and local laws and ordinances applicable to the work to be done under the agreement.
- (6) Grant Funds may not be used to refinance existing debt.
- (7) The grantee is responsible for all the expenses of the operation and maintenance of the project, including but not limited to adequate insurance, and any taxes or special assessments applicable to the project.
- (8) The grantee shall comply with all prevailing wage laws if they are applicable to the project.
- (9) The Applicant's total financial resources must be adequate to ensure completion of the project.
- (10) Upon notice to the grantee in writing, the City Manager may terminate funding for projects not in compliance with the terms of the Grant Agreement. The money allocated to the project but not used will be available for reallocation by the Council.
- (11) The grantee will obtain all required permits and licenses from local, state or federal government entities.
- (12) The City may place additional conditions in the Grant Agreement as necessary to carry out the purpose of the Tourism Facilities Grant Program, including any provisions that the City Manager considers necessary to ensure the expenditure of funds for the purposes set forth in the application.

#### **Distribution of Funds**

- (1) The City will not reimburse the grantee for any expenditures incurred prior to the signing of the Grant Agreement by all parties.
- (2) Prior to disbursement of Grant Funds, the grantee must provide proof that the dollar for dollar required Match, based on the total Grant Funds awarded, has been secured.
- (3) Funds shall not be disbursed until the City Manager receives satisfactory evidence that necessary permits and licenses have been granted and documents required by the City have been submitted.
- (4) The City shall retain ten percent of the Grant Funds until the final project report, as required by the Grant Agreement, has been approved by the City. Final reports are due within 60 days of

project completion. Any unexpended Grant Funds must be returned to the City with the final report. Upon receipt of the final report, the City shall have 90 days to approve the completed report or notify the grantee of any concerns that must be addressed or missing information that must be submitted before the report is considered complete and reviewed for approval. Once the final report has been approved the final payment shall be promptly provided to the grantee.

### **Appeals**

(1) If the Tourism Facilities Task Force or the Council denies a grant application, the Applicant may appeal the denial to the Council by submitting a written notice of appeal to the City Manager's office within 5 business days of the receipt of the denial.

(2) Within 20 calendar days of the City's receipt of the written appeal, the Council will review the denial on the record of the application. No new information will be accepted for review.

(3) The Applicant is not entitled to an appeal hearing.

(4) The Council's decision on the appeal is final.

(5) The Council's decision regarding the appeal will be transmitted to the Applicant at the address provided in the application, by first class mail.

**CITY OF NEWPORT CITY COUNCIL  
TOURISM FACILITIES GRANT INSTRUCTIONS**

**City of Newport  
169 SW Coast Highway  
Newport, Oregon 97365  
541.574.0603**

**Answer questions completely within the page limitations provided below. Applications will be considered based on project merits and according to the criteria approved by the City Council and attached to this application. Applicants may be contacted to provide more information. Hard copies of completed applications are due in the City Manager's Office by 5:00 P.M., on Friday, January 20, 2012 - NO EXCEPTIONS. E-mailed or faxed applications will NOT be accepted. Only one application per entity allowed.**

Please Note:

1. These funds were created by transient room tax collections. There are legal restrictions on how the money may be spent, and if the project cannot meet the legal requirements, the project cannot be funded.
2. The Newport City Council has established policies governing the Tourism Facilities Grant Program. A copy of those policies is attached to this application.
3. Applicants will be selected for funding based on information included in the application materials, and oral presentations.
4. At least a one-to-one funding match is required.
5. Applicants are defined as any 501(c) organization or government entity.

Currently there is a Contingency of **\$1,000,000.00** in the Room Tax Fund of the City of Newport Budget. The existing funds do not need to be distributed in one fiscal year. The City Council and Tourism Facilities Task Force have established a process for distributing those funds to promote economic development and generate an increase in the Room Tax Fund in future years.

Once a grant has been awarded, the City of Newport will enter into an agreement with the Grantee that will spell out the terms of the grant and the time frame in which the grant funds will be released. Each agreement will be tailored to fit the Grantee's proposed project. The Grantee will be required to indemnify the City of Newport from financial liabilities incurred by the project. The grant funds will not be distributed until the matching dollars for a project have been raised or secured.

Each application will be considered on its own merits. Each application will be judged by the criteria attached to this the application form.

Submission of an application does not ensure funding. Funding decisions will be made based on the criteria attached to this application form. The City Council may elect to cancel the Tourism Facilities Grant Program and not fund any projects.

The Tourism Facilities Task Force will review and rate all applications. Applicants who submit qualifying applications will be invited to make an oral presentation to the Tourism Facilities Task Force Based on the application materials submitted and the Applicant's oral presentation, the Tourism Facilities Task Force will forward a recommendation to the Council as to which Applicants should be awarded Grant Funds, as well as the recommended amount of Grant Funds to be awarded to each Applicant. Applicants recommended to the Council by the Tourism Facilities Task Force will be

expected to make an oral presentation before the Council. The Council will make the final decision regarding which Applicants will be awarded Grant Funds, as well as the amount of Grant Funds to be awarded to each Applicant.

The applicant should respond in 12-point, single-spaced text. Ten double-sided hard copies of the complete application and one electronic copy on a flash drive must be delivered to the **City Manager's Office by 5:00 P.M., on Friday, January 20, 2012.**

#### **PREVAILING WAGE**

Please note that use of City funds in a public works project may subject your project to prevailing wage laws. You may wish to consider whether acceptance of Tourism Facilities Grant Funds will subject your project to prevailing wage and review the project budget in light of that determination.

**CITY OF NEWPORT  
TOURISM FACILITIES GRANT APPLICATION**

Name of Applicant/Organization : \_\_\_\_\_  
Mailing Address & City: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Contact Phone No.: \_\_\_\_\_ Contact Fax No.: \_\_\_\_\_  
Contact E-Mail Address: \_\_\_\_\_  
Name of Project: \_\_\_\_\_  
Total Project Budget: \$ \_\_\_\_\_  
Amount Requested: \$ \_\_\_\_\_  
Authorization Signature: \_\_\_\_\_

\_\_\_\_\_  
Title: \_\_\_\_\_

**General**

Simply check the appropriate boxes below. If there is a question as to whether the proposed project meets these qualifications, the question may be submitted to the task force for preliminary review. A preliminary review only answers the questions of whether the project appears to qualify. It is not the final decision nor does it mean the project will be funded. Submit the question by **November 18, 2012**, so the task force can reply by **November 30, 2012**. This will allow time to complete the application by **January 20, 2012**. The application deadline will not be extended by preliminary review requests.

Is the project proposed by a government agency? Yes  No   
OR

Is the project proposed by a non-profit organization? Yes  No   
(A non-profit agency is defined as a 501(c) organization)

Will the project encourage people to travel to Newport from more than 50 miles away? Yes  No

Will the project encourage people to spend the night in Newport? Yes  No

Is the reason the project encourages visitors due to one or more of the following? (Check all that apply):

- Business
- Pleasure
- Recreation
- Arts
- Heritage
- Culture

Are you requesting funding for improved real property with a useful life of at least ten years? Yes  No

## Project Description

In this section, describe the project and how it meets various qualifications. First review the heading and questions, then check all boxes that apply to the project or give short answers. Finally, provide a narrative explaining how the project addresses the questions. The length of the answer to any question is optional, however, the applicant should attempt to answer all questions. **The total narrative should not exceed ten pages including application (excluding attachments).**

Summary description of the project (summarize the project so that reviewers have a general sense of the project)

### Business Plan and Budget: (25 points)

What is the total cost of the project?

---

What is the amount requested from the city?

---

What is the ratio of the request to the total cost?

---

What funds have already been raised for the project? (Include the source of funds, i.e., cash on hand, grants awarded, grants committed.)

---

What funds remain to be raised for the project?

---

How are the remaining funds to be raised? (Other grants, pledges, etc.)

Does the project provide a service that the city currently funds?

Yes  No

Does the project require continued support from the city? If yes, explain.

Yes  No

When do you anticipate completion of the project?

What is the plan for operations over a 3 - 5 year period?

How does the project demonstrate financial stability?

How does the project demonstrate a viable business plan?

### Economic Impact: (20 points)

Are project funds to be spent locally on:

Planning	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Design	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Construction	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Post-Completion	Yes <input type="checkbox"/>	No <input type="checkbox"/>

How does the project create local jobs in all phases?

What is the projected economic impact?

Will the project create spin-off businesses?

Tourism Spending: (15 points)

How does the project encourage overnight stays?

How does the project encourage increased spending at local businesses?

How does the project increase the capacity for tourism?

Facility Usage: (Check all that apply) (10 points)

Is the project open year round:      Yes         No  

If yes:

Daily      \_\_\_\_\_

Weekdays      \_\_\_\_\_

Weekends      \_\_\_\_\_

Once a week      \_\_\_\_\_

Is the project seasonal:      Yes         No  

Daily      \_\_\_\_\_

Weekdays      \_\_\_\_\_

Weekends      \_\_\_\_\_

Once a week      \_\_\_\_\_

Is the project off-season:      Yes         No  

Daily      \_\_\_\_\_

Weekdays      \_\_\_\_\_

Weekends      \_\_\_\_\_

Once a week      \_\_\_\_\_

Is the project monthly:      Yes         No  

Daily      \_\_\_\_\_

Weekdays      \_\_\_\_\_

Weekends      \_\_\_\_\_

Once a week      \_\_\_\_\_

Is the project open on holidays:      Yes         No         Only  

Other: \_\_\_\_\_

Who is the targeted tourist? (Check all that apply)

Children \_\_\_\_\_  
Families \_\_\_\_\_  
Adults 21+ \_\_\_\_\_  
Seniors \_\_\_\_\_  
Groups \_\_\_\_\_  
Business \_\_\_\_\_  
Pleasure \_\_\_\_\_  
Arts \_\_\_\_\_  
Heritage \_\_\_\_\_  
Cultural \_\_\_\_\_  
Sports \_\_\_\_\_  
Other \_\_\_\_\_

Will the project attract repeat visits:

during a single stay?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
during a single season?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
over a single year?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
over multiple years?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

What is the potential for repeat business?

What is the regularity of usage?

Does the project allow for multiple activities or uses? State size and types of events.

Is there a particular new demographic that the project is intended to reach?

Who does the project attract?

Other: (5 points)

How does the location relate to the current tourism hubs?

How is the project energy efficient or environmentally friendly?

What is the effect of the project on local livability components?

Is there any additional information that you would like the committee to consider?

(Overall project 25 points)

**In responding to questions, use additional sheets as necessary, but not to exceed the ten page limit.**

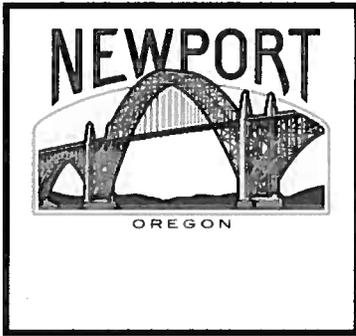
## **Required Attachments**

1. IRS determination letter for 501(c) - if applicable
2. Financial history of the project, if available: three years of year-end revenue/expense summaries, and current balance sheet; or feasibility study
3. Executive Summary of the business plan for the project, including a budget
4. Timeframe for fundraising
5. Timeframe for project construction/completion

## **Optional Attachments**

1. Up to 5 pages of 8 ½ x 11 drawings of any facility and floor plan to be constructed or renovated with the requested funds





Agenda Item # \_\_\_\_\_  
Meeting Date X.C.  
10/15/12

CITY COUNCIL AGENDA ITEM SUMMARY  
City Of Newport, Oregon

Issue/Agenda Title: Consideration of Recommendations from the Plastic Bag Community Plan Task Force

Prepared By: Hawker Dept Head Approval: ph City Manager Approval: \_\_\_\_\_

Issue Before the Council: The issue before Council is consideration of options recommended by the Plastic Bag Community Plan Task Force.

Staff Recommendation: This is solely a Council decision.

Proposed Motion: None proposed.

Key Facts and Information Summary: On February 6, 2012, Council adopted Resolution No. 3576 establishing a task force to study and recommend a community plan for single-use plastic checkout bags. Task Force appointments were subsequently made, and the Task Force began meeting in April. The Task Force met eight times and had lively discussions. A conceptual framework was developed by Laura Kriz (representing the solid waste haulers), Councilor Allen, and staff (copy attached). Subsequently a decision matrix was developed by Mark Saelens, from Lincoln County Solid Waste District (copy attached). Section 3 of Resolution No. 3576 states, "The responsibility of the Task Force is to identify different approaches to reduce or eliminate the use of single-use plastic checkout bags, and ways in which to measure their effectiveness." At the meeting of October 11, 2012, the Task Force members agreed to remove the plastic bag ban from the Newport Model, and voted on each of the approaches described in the revised decision matrix provided by Saelens (copy of voting summary attached) by voting for "Not Support," "Could Support", "Support." Members of the Task Force will attend the October 15, 2012 City Council meeting to present the results of the decision matrix, and because there may be a quorum of the Task Force in attendance, this meeting has been noticed as a joint meeting between the City Council and the Plastic Bag Community Plan Task Force. In addition, Charlie Plybon, from Surfriders Foundation, will attend and make a brief PowerPoint presentation that he previously made to the Task Force.

Other Alternatives Considered: There were various alternatives discussed during the Task Force meetings, but were ultimately those voted on were the alternatives included in the decision matrix.

City Council Goals: None.

Attachment List: Resolution No. 3576  
Preliminary Conceptual Framework  
Decision Matrix  
Compilation of Votes on Decision Matrix  
E-Mails from Debra Smith, Lyle Mattson, and Councilor Allen

Fiscal Notes: None.

**CITY OF NEWPORT  
RESOLUTION NO. 3576**

**A Resolution Establishing a Task Force to Study and Recommend  
A Community Plan for Single-Use Plastic Checkout Bags**

**FINDINGS:**

1. On December 6, 2010, the Council unanimously adopted Resolution No. 3529 in support of the state Legislature passing legislation to ban single-use plastic checkout bags. Such legislation was not passed in the 2011 session.
2. Subsequently, the Council was asked to consider passing an ordinance to ban single-use plastic checkout bags. A petition signed by around 50 local groups and businesses was submitted to the Council in support of this request.
3. On October 17, 2011, the Council held a public hearing in which public testimony and submitted written comment ran almost entirely in favor of a local ban on single-use plastic checkout bags. Following the public hearing, the 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.
4. On November 7, 2011, the Council voted 4-3 to reconsider and then deny its October 17 decision. Councilor Allen, who voted against drafting an ordinance, offered and was asked to put together some suggestions for discussion the following month.
5. On December 5, 2011, the Council considered the suggestion to form an advisory task force. Councilor Allen, with assistance from Councilor Roumagoux, who voted in favor of drafting an ordinance, was asked to put together some preliminary ideas for an advisory task force for discussion the following month.
6. On January 3, 2012, the Council considered a potential list of stakeholders for an advisory task force, a timeline for the task force, and responsibility of the task force. Councilor Allen, with assistance from Councilor Roumagoux, was asked to put together a draft resolution for discussion the following Council meeting.
7. On January 17, 2012, the Council considered a draft resolution to establish a task force, and after further discussion directed city staff to initiate the process of establishing a task force with membership, a timeline, and responsibility as set forth below.

**NOW, THEREFORE, THE CITY OF NEWPORT RESOLVES:**

**Section 1.** The Council establishes a Plastic Bag Community Plan Task Force with the following members:

Surfrider Foundation - Newport Chapter  
Oregon League of Conservation Voters - Lincoln County Chapter  
Lincoln County Solid Waste District  
Lincoln County Solid Waste Hauler/s  
Northwest Grocery Association  
J C Thriftway Market  
Newport Farmer's Market  
Large Retailer (non-grocery)  
Smaller Retailer (non-grocery)  
At least two Public at-large

Section 2. The members listed in Section 1 above, with the exception of larger retailer, smaller retailer, and public at-large, can select the person/s to represent them on the Task Force. Council will appoint larger retailer, smaller retailer, and public at-large through the standard city application and interview process.

Section 3. The responsibility of the Task Force is to identify different approaches to reduce or eliminate the use of single-use plastic checkout bags, and ways in which to measure their effectiveness. This may include community outreach and education, local recycling efforts, a local ban either with or without a charge/deposit on paper checkout bags, or a combination of these or other approaches.

Section 4. The Task Force can seek assistance from local organizations, like the Greater Newport Chamber of Commerce, as an information resource. Task Force members can do their own information gathering as well.

Section 5. The Task Force will be responsible for forwarding recommendation/s to the Council for consideration and potential plan of action.

Section 6. The Task Force will be responsible for completing its task by the Council's regular meeting on September 4, 2012.

Section 7. This resolution is effective upon adoption.

Passed and adopted by the Newport City Council on February 6, 2012.

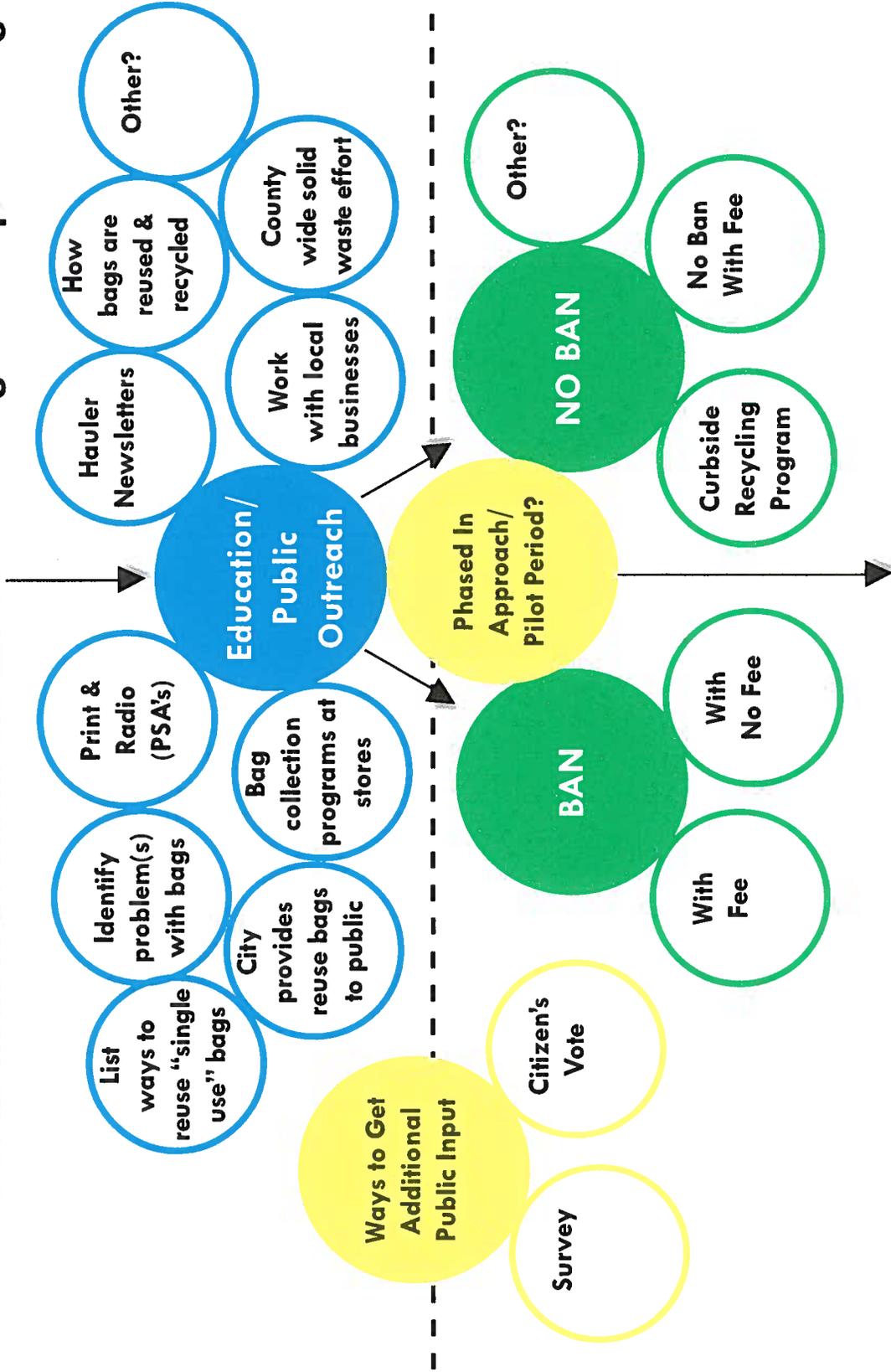


Mark McConnell, Mayor

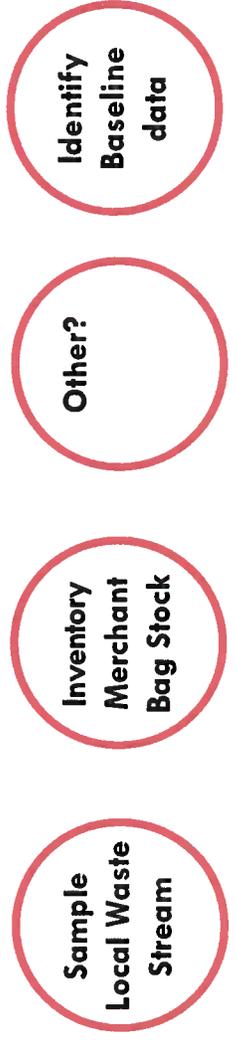
ATTEST:

  
Margaret M. Hawker, City Recorder

# GOAL: Reduce or eliminate the use of "single use" plastic bags



## How to Measure Effectiveness/Change?



Plastic Bag Community Plan Task Force - Decision Matrix

Attributes	Option Number			
	1	2	3	4
Option Name	Corvallis Model	Newport Model	Newport Transition	No Ban - Education Only
Reduction Target		100%	75%	50%
Monitoring		Monitor Target	If Education Only (#4) significantly < 50%	Monitor target
Education Plan	?	Yes	Yes	Yes
	Public, Schools, Business, Organizations, Store Displays	Public, Schools, Business, Organizations, Store Displays	Public, Schools, Business, Organizations, Store Displays	Public, Schools, Business, Organizations
Plastic Bag Ban Specifics	Yes	?	Yes - staged	No
Fee	< 2.25 mil inc. bio 5 - 8 cents	?	?	--
Rebate for bringing bag	Yes	Yes	Yes?	--
Includes Implementation	Large and Small Retail Lg in 6 mo, Sm in 1 yr	Yes	Large - Yes, Small ? 1 yr	No
Rebate for bringing bag		?		immediate
Excludes	meat, produce, frozen food Pharmacy Fast Food	meat, produce, frozen food Pharmacy	meat, produce, frozen food Pharmacy Small Retail or Grocery	--
	WIC program must be provided with either a reusable bag or a paper bag at no cost	?	?	--
Fines	\$200/plastic bag	Lg \$200/plastic bag Sm \$15/bag	\$200/plastic bag	--
Notes	Paper bags, 40% post-consumer content, 100% recyclable	Committee assigned to discuss details of monitoring and education program. Consider education regarding other plastic		

Respectfully Submitted for Consideration, Mark Saelens, Lincoln County Solid Waste District

Thursday, October 11, 2012

	Corvallis Model Ban + Fee	Newport Model No Ban + Fee	Transition Assess in One Year	Voluntary
Not Support	4	6	5	6
Could Support	0	1	4	0
Support	6	3	0	4
Abstentions*	2	2	3	2

\*Abstentions were: Lincoln County Hauler Representative, Mark Saelens, and for Option 3 (Transition) Herb Goblirsch.

## Peggy Hawker

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**From:** David Allen  
**Sent:** Thursday, October 11, 2012 11:25 PM  
**To:** Peggy Hawker  
**Cc:** Matt Hawkyard; Mark Jones; Mark McConnell  
**Subject:** RE: Plastic Bag meeting 10-11-2012

Peggy,

Along with the decision matrix (from Mark Saelens), conceptual framework (from Laura Kriz), and tonight's voting results (including abstentions) for the different options, which the task force asked to forward to the council for Monday evening's meeting, please also include in the council packet the e-mails below from the two task force members unable to attend tonight along with the following note:

- 1) Northwest Grocery Association representative unable to attend tonight.
- 2) Newport Farmer's Market representative unable to attend tonight.

Twelve task force members either voted or abstained from voting tonight. Along with the four unable to attend tonight, that totals all 16 positions on the task force.

Thanks. --David

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**From:** Peggy Hawker  
**Sent:** Thursday, October 11, 2012 3:59 PM  
**To:** City Council; Debra Smith; Dennis Fry; Gretchen Ammerman; Heiner Wagener; Herb Goblirsch; Jay Fineman; Jim Voetberg; Joe Gilliam; Katherine Howard; Ken Riley; Laura Kriz; Leora Johnson; Lyle Mattson; Mark Jones; Mark Jones; Mark Saelens; Matt Hawkyard; Peggy Hawker; Peggy Sabanskas; Rex Capri; Rhonda Fry; Stephen Farish; Tob Thompson; Vince Pappalardo  
**Subject:** FW: Plastic Bag meeting 10-11-2012

FYI. I will make copies for tonight's meeting.

**From:** dj smith [mailto:djsmith21@hotmail.com]  
**Sent:** Thursday, October 11, 2012 3:58 PM  
**To:** Peggy Hawker  
**Subject:** RE: Plastic Bag meeting 10-11-2012

Peggy, I wanted to send this out because I will not be able to attend tonight's meeting. However, I wanted to express my viewpoint and let everyone know that I oppose a plastic bag ban.

Is it really government's business to dictate this aspect of my life? NO!! The City of Newport is crossing the boundaries of working for the people and deciding for the people. Education is the appropriate way to go. In the meetings, I have heard this phrase over and over, "low fruit, easy to pick," from those who are advocating for a plastic bag ban. My question is, what's the next low hanging fruit they will be wanting to pick? I live in America. Which should mean that my personal choices are just that, my personal choices. If I want to use a plastic bag for my groceries and then recycle that bag, that should be my right to do so. According to Surfrider, EVERYONE who uses plastic bags are throwing them everywhere. That isn't exactly true, there are those who are responsible. Just as there will always be cigarette smokers who throw their cigarette butts out of car windows and litter the ground with cigarette butts, so there are those who litter with other things as well. Why

not use time and energy in education and incentives? Why punish everyone? Especially when reusable cloth bags tend to get filthy and filled with bacteria.

If Surfrider really wants to clean up the roadsides and beaches, they can form clean up groups and educate the community on the appropriate way to dispose of trash.

There are tons of people who take their dogs to the beach and do not pick up after them. Even though there are bags, plastic, I might add, there for the using. As a result, children who are playing on the beach, digging in the sand, are exposed to animal waste. Should we ban dogs from the beach? No, because we love our pets. The appropriate thing to do is to continue to educate pet owners on the appropriate method of cleaning up after them.

I believe the "solution" of banning plastic bags is too drastic, and as I said, what is next for this group?

Debra Smith

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From: P.Hawker@NewportOregon.gov<mailto:P.Hawker@NewportOregon.gov>  
To: CityCouncil@NewportOregon.gov<mailto:CityCouncil@NewportOregon.gov>;  
djsmith21@hotmail.com<mailto:djsmith21@hotmail.com>;  
newdimensions@peak.org<mailto:newdimensions@peak.org>;  
gammerman@northlincolnsanitary.com<mailto:gammerman@northlincolnsanitary.com>;  
heinerw@msn.com<mailto:heinerw@msn.com>;  
herb.goblirsch@gmail.com<mailto:herb.goblirsch@gmail.com>;  
jayandann@newportnet.com<mailto:jayandann@newportnet.com>;  
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ken@thompsonsanitary.com<mailto:ken@thompsonsanitary.com>;  
l.kriz@dahl DISPOSAL SERVICE.COM<mailto:l.kriz@dahl DISPOSAL SERVICE.COM>;  
pelicanle@charter.net<mailto:pelicanle@charter.net>;  
lyle@jcmarket.net<mailto:lyle@jcmarket.net>; mcmjones@gmail.com<mailto:mcmjones@gmail.com>;  
bigguymj@gmail.com<mailto:bigguymj@gmail.com>;  
msaelens@co.lincoln.or.us<mailto:msaelens@co.lincoln.or.us>;  
Newport@surfrider.org<mailto:Newport@surfrider.org>;  
P.Hawker@NewportOregon.gov<mailto:P.Hawker@NewportOregon.gov>;  
sabanskas@charter.net<mailto:sabanskas@charter.net>; trcapri@msn.com<mailto:trcapri@msn.com>;  
Rhonda@oceanafoods.org<mailto:Rhonda@oceanafoods.org>;  
bayview23@yahoo.com<mailto:bayview23@yahoo.com>;  
rob@thompsonsanitary.com<mailto:rob@thompsonsanitary.com>;  
vince.pappalardo@hp.com<mailto:vince.pappalardo@hp.com>  
Subject: FW: Plastic Bag meeting 10-11-2012  
Date: Thu, 11 Oct 2012 22:48:28 +0000

FYI

From: jc market [mailto:jc@jcmarket.net]  
Sent: Thursday, October 11, 2012 3:31 PM  
To: 'Mark Jones'; 'Mark Jones'; 'Matt Hawkyard'; Peggy Hawker  
Cc: David Allen  
Subject: Plastic Bag meeting 10-11-2012

Ladies and Gentlemen

I will not be attending the meeting tonight and do not wish to cast a vote for or against a plastic bag ban in the City of Newport. I was asked to join this committee to express some views that I had pertaining to this issue, I feel in the first meetings that I attended I expressed those concerns well that I had about the promotion of reusable bags

for the general public and the health concerns I have seen with this. Again I am neither for nor against the plastic issue, I am concerned about the suggestion of reusable bags in place of plastic bags for food purchases. I still feel strongly that a better alternative needs to be sought out other than reusable bags for food safety reasons before we ban the plastic bags and/or tax for plastic and paper bags suggesting to the public a direction that I feel is a step backwards for food safety.

Thank you for allowing me the opportunity to express my feelings and I hope my input has found some merit in your decision making process.

Lyle Mattson  
J.C. Market  
Newport, Oregon