AGENDA & Notice of Joint City Council and Bicycle/Pedestrian Committee Work Session, Urban Renewal Agency & Joint Meeting of Regular City Council, Public Arts Committee and Bicycle/Pedestrian Committee

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The City Council of the City of Newport will hold a work session on Monday, December 16, 2013, at 11:00 A.M., followed by Urban Renewal Agency meeting at 5:30 P.M. and regular meeting of the City Council at 6:00 P.M. The work session will be held in Conference Room A at City Hall, and the Urban Renewal Agency and City Council meeting will be held in the Council Chambers, City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

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

The City Council reserve 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.

JOINT CITY COUNCIL AND BICYCLE/PEDESTRIAN WORK SESSION
Monday, December 16, 2013 – 11:00 A.M.
Conference Room A

I. Additional Work Session Items Not Listed on the Agenda (for this and future work sessions)
II. Presentation by Bicycle/Pedestrian Committee
III. Discussion Regarding Formation of Business License Review Task Force
IV. Discussion Regarding Curbside Composting Program

URBAN RENEWAL AGENCY MEETING AGENDA
Monday, December 16, 2013 – 5:30 P.M.
Council Chamber

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

I. Call to Order and Roll Call

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

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

A. Approval of minutes from the Urban Renewal Agency Meeting of September 3, 2013 (Hawker)

IV. Public Hearing

A. Public Hearing on Resolution No. 3660 - Adopting a Supplemental Budget for Fiscal Year 2013-14 and Making Appropriations

V. Adjournment.

JOINT CITY COUNCIL, PUBLIC ARTS COMMITTEE AND BICYCLE/PEDESTRIAN MEETING AGENDA
Monday, December 16, 2013 – 6:00 P.M.
Council Chamber

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

I. Pledge of Allegiance

II. Call to Order and Roll Call

III. Additions/Deletions and Approval of Agenda

IV. Public Comment

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

V. Proclamations, Recognitions & Special Presentations

A. Proclamation - Jewelry Collection Month

VI. Consent Calendar

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

A. Approval of City Council Minutes from the Work Session, Executive Session and Regular Meeting of November 18, 2013, Special Council Meeting December 9, 2013 (Hawker)

VII. Officer's Reports

A. Mayor's Report
    1. Committee Appointments
        a. Bicycle/Pedestrian Committee
        b. Cascade West Council of Governments
B. City Manager's Report
    1. Monthly Department Reports
    2. Suggestion/Concern/Complaint Update
    3. Project Management Report

VIII. Discussion Items and Presentations

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

A. PAADA
B. Big Creek Road

IX. Public Hearing

A. Public Hearing on Consideration of the Need to Amend the Nye Beach Design Review Overlay
B. Public Hearing on Resolution No. 3652 - Adopting a Supplemental Budget for Fiscal Year 2013-14 and Making Appropriations

X. Action Items

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

A. Notice of Intent to Award Acoustic Sound System for PAC
B. OCCA Presentation and Request to Place Sculpture on City-Owned Property
C. Notice of Intent to Award 2013 Street Overlay Project
D. Consideration of Resolution No. 3653 Providing for Budget Transfers and Making Appropriation Changes for Fiscal Year 2013-14
E. Consideration of Resolution No.3654 Adopting a Supplemental Budget for Fiscal Year 2013-14 and Making Appropriation Decreases
F. Consideration of Resolution No. 3659 Regarding Construction Cost Index Adjustment to SDC Rates
G. Consideration of Resolution No.3651 – Closure of the Newport Urban Renewal Plan
H. Initiation of Amendments to Ordnance 1931 and Release of Associated Agreement Related to OCCC, Landwaves Inc., and GVR Investments Annexation and Zone Change
I. Consideration of Special Event Permit for the Seafood and Wine Festival
J. Selection of Council Liaison to Group Supporting the VAC Re-Envisioning Process

XI. Council Reports and Comments

XII. Public Comment (Additional time for public comment – 5 minutes per speaker)

XIII. Adjournment

6:00 P.M.
Newport, Oregon

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

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

CONSENT CALENDAR

The consent calendar consisted of the following item:

A. Approval of Minutes from the meeting of July 15, 2013.

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

ACTION ITEMS

Consideration of Resolution No. 3646 – South Beach Urban Renewal District Minor Amendment No. 10. Tokos reported that the issue before the Agency is the consideration of Resolution No. 3646 which amends the South Beach Urban Renewal Plan to adjust the timing for contributions toward the improvement of SW Abalone Street, Highway 101 and 35th Street, and SE Ferry Slip Road to align with private/public funding partnerships. He added that the financial element of the Plan is also being updated to include actual tax increment collections for the four years since Substantial Amendment No. 5 extended the life of the District, and to revise the estimated annual tax increment growth rate from 7.1% to a more conservative 3%. He noted that in March of 2013, the Agency, city, and OMSI entered into a nonbinding memorandum of understanding that outlines how the parties will work together to fund and construct road infrastructure needed to support the development of OMSI's new Outdoor Science Camp in South Beach. He stated that SW Abalone Street will serve as the primary access to the OMSI facility until a new signalized intersection at SW 35th Street and Highway 101 is constructed. He added that this will require that the street be extended from its present location opposite SW 29th Street, south to SW Anchor Way. He stated that the project is currently programmed for Phase Three of the Plan and it is necessary that it be moved to Phase Two so that construction can be funded in 2014/2015. He added that the Plan calls for the Agency to contribute approximately fifty percent of the project costs ($850,000). He noted that OMSI will also contribute funds as specified in the memorandum of understanding.

Beemer asked for Agency comments. Allen noted that this resolution requires separate action by the City Council as this is not a joint meeting of the Agency and the City Council.

MOTION was made by Allen, seconded by Swanson, that the Urban Renewal Agency adopt Resolution No. 3646, a resolution adopting Minor Amendment No. Ten to the South Beach Urban Renewal Plan. The motion carried unanimously in a voice vote.

ADJOURNMENT

Having no further business, the meeting adjourned at 6:07 P.M.

_____	_____
Margaret M. Hawker, City Recorder	Richard Beemer, Chair

Agenda Item # IV.A.
Meeting Date December 16, 2013

NEWPORT URBAN RENEWAL AGENCY AGENDA ITEM SUMMARY

City Of Newport, Oregon

Issue/Agenda Title: Resolution providing for a supplemental budget and making appropriations changes for the Fiscal Year 2013-2014

Prepared By: Gazewood Dept Head Approval: Gazewood City Mgr Approval: _____

Issue Before the Council: The purpose of this resolution is to adopt a supplemental budget to increase appropriations in the Newport Urban Renewal Agency (NURA) for the North Side Urban Renewal District. Pursuant to Oregon Local Budget Law, a public hearing is required for this Supplemental Budget.

Staff Recommendation: Staff recommends the adoption of the supplemental budget and making appropriation changes as detailed on Attachment "A" to Resolution No. 3660.

Proposed Motion: I move to adopt Resolution No. 3660 with Attachment "A", a resolution adopting a supplemental budget for fiscal year 2013-14 and making appropriation increases and changes for fiscal year 2013-14.

Key Facts and Information Summary: ORS 294.473 requires a supplemental budget with a public hearing when the estimated expenditures differ by more than 10 percent from the expenditures from the most recent amended budget prior to the supplement budget. The hearing must be published not less than five days before the meeting. Such publication appeared in the December 11, 2013 edition of the Newport News Times.

Other Alternatives Considered: None

Fiscal Notes: The Newport Urban Renewal Agency has taken official action to close-out the North Side Urban Renewal District and cease collection of property taxes. This supplemental budget appropriates an additional $80,610 to the NURA North Side Urban Renewal District for a total amended appropriation of $280,610 to provide for a transfer of $280,610 to the City of Newport's General Fund for debt payments on city held properties purchased with NURA North Side Urban Renewal District property tax collections. The $280,610 is the accumulated cash and receivables held by the District through November 30, 2013.

NEWPORT URBAN RENEWAL AGENCY

RESOLUTION NO. 3660

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2013-14, AND MAKING APPROPRIATIONS

WHEREAS, the Newport Urban Renewal Agency's 2013-14 budget requires changes of appropriation for the North Side Urban Renewal District; and

WHEREAS, the Newport Urban Renewal Agency (NURA) has taken official action to close-out the North Side Urban Renewal District and cease collection of property taxes; and

WHEREAS, the NURA is transferring the remaining accumulated resources of the North Side Urban Renewal District to the General Fund for debt payments on City of Newport held properties purchased with NURA North Side Urban Renewal District property tax collections, and

WHEREAS, the General Fund is receiving revenue from the Newport Urban Renewal Agency due to close-out of the North Side Urban Renewal District and such funds are for debt payments on City of Newport held properties purchased with NURA North side Urban Renewal property tax collections; and

WHEREAS, the budget changes to the NURA North Side Urban Renewal District are in excess of 10 percent and such transfer of resources is between two separate entities; and

WHEREAS, ORS 294.473 requires a supplemental budget with public hearing when the estimated expenditures differ by more than 10 percent from the expenditures from the most recent amended budget prior to the supplemental budget; and

WHEREAS, a public hearing was held in accordance with ORS 294.473; and

THE CITY OF NEWPORT RESOLVES AS FOLLOW: that this supplemental budget is hereby adopted and hereby increases the appropriation for the NURA North Side Urban Renewal District by $80,610 to $280,610 and hereby appropriates $280,610 for transfer to the City of Newport's General Fund as set forth in Attachment "A."

This resolution will become effective immediately upon passage.

Adopted by the Newport City Council on December 16, 2013.

_____

Sandra Roumagoux, Mayor

Attest:

_____

Margaret M. Hawker, City Recorder

NEWPORT URBAN RENEWAL AGENCY

ATTACHMENT "A" - RESOLUION NO. 3660 ADOPTING A SUPPLEMENTAL BUDGET, MAKING APPROPRIATION CAND CHANGES FOR FISCAL YEAR 2013-14

NS Urban Renewal - Debt Service			
Resource	**Amount**	**Expenditure**	**Amount**
Beginning Balance	29,497	Materials & Services	(20,000)
Property Taxes - Prior Years	51,113	Contingency	(180,000)
		Transfer to General Fund	280,610
Revised Total Resources	280,610	**Revised Total** Requirements	280,610

Comments: (1) To provide for an increase in budgeted expenses to allow for the transfer of closing costs for the repair, maintenance and improvements to building commitments for City assets purchased through NURA - NS to the General Fund, Facilities operations. This action is necessary due to the closing of the North Side Urban Renewal District on December 16, 2013 pursuant to Resolution of the NURA.

NEWPORT
OREGON

PROCLAMATION

JANUARY - JEWELRY COLLECTION MONTH
IN THE CITY OF NEWPORT
TO BENEFIT FOOD SHARE OF LINCOLN COUNTY

WHEREAS, Be Jeweled is a collectible and costume jewelry sale held annually to benefit Food Share of Lincoln County; and

WHEREAS, all proceeds of this event are used exclusively in Lincoln County; and

WHEREAS, the proceeds promote food security for seniors, children, low wage families, and homeless throughout the county; and

WHEREAS, Food Share of Lincoln County is able to acquire five pounds of food for each dollar; and

WHEREAS, a donated ring might feed a family of four for five days; and

WHEREAS, a donated pair of earrings could allow a single mom to buy gas because donated jewelry provided funding for Food Share to feed her children; and

WHEREAS, any jewelry donated will help feed families in Lincoln County; and

WHEREAS, Be Jeweled is successful due to community donations of collectible and costume jewelry.

NOW, THEREFORE, I, Sandra Roumagoux, Mayor of the City of Newport, Oregon, do hereby proclaim the month of January 2014 as Jewelry Collection Month in the City of Newport, and encourage all citizens to donate collectible and costume jewelry to support the efforts of Food Share of Lincoln County.

THE CITY OF NEWPORT INCORPORATED OCT. 29 1882 OREGON

Sandra N. Roumagoux

Sandra N. Roumagoux, Mayor

November 18, 2013
Noon
Newport, Oregon

CITY COUNCIL WORK SESSION

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

Staff present: Smith, Hawker, Tokos, Gazewood, and Rob Connell, General Legal Counsel.

Media present: Larry Coonrod from the Lincoln County Dispatch, Dave Morgan from News Lincoln County, and Wyatt Haupt from the Newport News-Times.

Others in attendance: Walter Chuck, Port of Newport Commissioner, Don Mann, Port of Newport General Manager, State Representative David Gomberg, Kyle Linhares, Chief of Staff to Representative Gomberg, and State Senator Arnie Roblan.

Roumagoux called the meeting to order and roll was taken.

1. Roumagoux asked whether there were other items, not on the agenda, that Council wished to discuss during this work session. Gazewood asked that the swimming pool general obligation bond issue be added to the agenda. Allen asked that a letter from the Port be added after the Coastal Economic Summit update.
2. Allen noted that it had been suggested to him that Roblan and Gomberg attend a Council work session to update Council on the recent Coastal Economic Summit. Roblan provided a history of the Coastal Economic Summit along with what it might look like in the future. He noted that the goal is an annual summit. Gomberg reviewed summit issues. Sawyer stated that he would like to see the replacement of the Yaquina Bay Bridge remain on the state's radar.
3. Allen distributed a letter regarding support for on-going funding for emerging harbors. He asked Council whether it wished to add the city as a supporter of making a permanent set-aside for emerging harbors. Mann spoke in support of the legislation. There was Council consensus to support permanent funding for emerging harbors and to add the city's name to the list of supporters.
4. MOTION was made by Beemer, seconded by Swanson, to enter executive session pursuant to ORS 192.660(2)(f) to discuss exempt public records regarding confidential attorney-client communication concerning the legislative process. The motion carried unanimously in a voice vote, and Council entered executive session at 12:52 P.M.
5. MOTION was made by Allen, seconded by Beemer, to leave executive session and return to the work session. The motion carried unanimously in a voice vote, and Council returned to its work session at 1:25 P.M.
6. Gazewood reviewed room tax information contained in the packet. He was asked whether funds would be allocated to departments by percentage if the 2013/2014 budget was amended. Council concurred that a supplemental budget was needed,

and that the transfer to the General Fund, from the Transient Room Tax Fund, on the 54% would be increased, and that the amount of $71,902.75 should be allocated to departments.

Dave Morgan asked whether the city is spending more money than it is taking in. Gazewood stated that no city fund is in a deficit spending position at the end of the year.

7. Gazewood reported that Council will be asked to review the preliminary official statement for the general obligation bonds for the swimming pool. He noted that the resolution authorizing the sale of the bonds is being prepared by bond counsel. He added that there are two policy issues that Council needs to decide. One is the signatories, and whether the incoming City Manager should sign, or Smith as Interim City Manager. It was agreed that if the closing was before December 16, Smith would sign, and after December 16, Nebel would sign.

   Gazewood noted that the other issue is bond counsel's concern that the assessment per $1,000 might be more than the $ .45 which was included in election materials. He noted that the rates could fluctuate if the assessed value assumptions change, or the interest rate is lower on the date of sale. Gazewood asked Council whether it wished to establish a maximum assessment per $1,000. Council agreed that the assessment be no greater than $ .49 per $1,000 of assessed value. Allen noted that the rate of $.49 per $1,000 of assessed value is a placeholder. Staff was asked to prepare a press release explaining this issue.
8. It was noted that two special meetings would be required in December. One would be held on December 2 to consider adopting the resolution authorizing the sale of general obligation bonds for a new indoor municipal swimming pool. The other meeting would be held on December 9 and relates to the LUBA remand of the Teevin Brothers appeal. It was agreed to hold both meetings in the evening.
9. Tokos presented an overview of the city's developed real property assets. It included the following properties: solid waste transfer station; northside fire station; Agate Beach Park; Smith water storage tank; Frank Wade Park; Abbey Street Pier building; Children's Advocacy Center; Visual Arts Center; Bornstein fish processing plant; Pig 'n Pancake; main fire station; Betty Wheeler Park; Chamber of Commerce; museum properties; public works buildings; water treatment facility; main water storage tanks; swimming pool; Yaquina Heights storage tank; Fall Street parking lot and dock; SW Fall and 13th Streets parking lot; Abbey Street parking lot; Hurbert Street and Highway 101 parking lot; Canyon Way parking lot; 9th and Hurbert Streets parking lot; Bayfront boardwalks; City Hall campus; Library and Literacy park; Performing Arts Center; Don Davis Park; Coast Park; Nye Beach Turnaround; Mombetsu Sister City Park; old sewer treatment facility; county juvenile facility; Sam Moore Parkway skate park; Oregon Coast Aquarium; Wilder Twin Park; South Beach sewer pump station; wastewater treatment plant; and the airport. Beemer asked whether the city owns any buildable lots, and suggested that if there are buildable lots that are not needed, they should be put on the market. Busby suggested looking at all properties and developing a plan. Tokos noted that the sale of city properties is done by sealed bid and an appraisal is required. Allen suggested looking at the undeveloped properties along with the developed properties and discussing the issue again.

Having no further business, the meeting adjourned at 3:40 P.M.

November 18, 2013
6:00 P.M.
Newport, Oregon

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

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

PLEDGE OF ALLEGIANCE

Council and the audience participated in the Pledge of Allegiance.

ADDITIONS/DELETIONS AND APPROVAL OF AGENDA

Roumagoux added action item E. regarding the public safety radio system.

CONSENT CALENDAR

The consent calendar consisted of the following items:

A. Approval of City Council minutes from the work session and regular meeting of November 4, 2013.

MOTION was made by Beemer, seconded by Sawyer, 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. Roumagoux thanked Sawyer for presiding over the last meeting in her absence.

Roumagoux reported that she had called the Oregon Government Ethics Commission relative to any discussion regarding the Visual Arts Center, and had asked how to classify herself in light of her history with the building. She noted that she was informed that if she had benefitted from her affiliation with the VAC, she had an actual conflict of interest. She stated that over the years when she has exhibited paintings at the VAC, and buyers have called her home to see if paintings were available. She added that these buyers would not have known about her work if not for the VAC. She reported that she has shown her work on numerous occasions at the VAC and these exhibits have resulted in direct or follow-up sales. She stated that due to this actual conflict, she will recuse herself from the discussion of Resolution No. 3650 and that Council President Sawyer will preside during discussion on this item. She added that

she is also removing herself as Council Liaison to the Public Art Committee and appointing Busby to replace her.

Roumagoux reported that she attended a YBEF meeting at which Bob Cowen, director of the Hatfield Marine Science Center, made a presentation on the potential increase of programming and students.

Roumagoux reported that she had spent the morning of October 25 touring the Lincoln County Jail. She added that in the afternoon, she attended the Lincoln County Mayor's meeting in Toledo.

Roumagoux reported that she had represented the city at the Rogue Brewery's 25th anniversary celebration.

Roumagoux reported that she had attended the city employee's soup and chili cook-off.

Roumagoux reported that she had met Blaze, the Portland Trailblazer's mascot, and celebrated bringing the game ball, from the first game of the season, from Coos Bay to Astoria.

Roumagoux reported that she had selected the Yaquina Arts Association photography exhibit award.

Roumagoux reported that she had attended the celebration of life for Oly Olson.

Roumagoux reported that she learned that the US Coast Guard Yaquina Bay will be featured in "Coast Guard: Cape Disappointment/ Pacific Northwest," on the Weather Channel in February.

Roumagoux read a letter from Business Oregon regarding the Special Public Works Emergency Fund project.

City Manager's Report. Smith reported that departmental reports are included in the packet.

Smith reported that he had delivered a welcoming address to the Association of Conservation Districts and Network of Watershed Councils. He thanked Saelens for the invitation to make this presentation.

Sawyer asked about the location of CoastCom's warehouse.

Sawyer thanked the Pool Advisory Committee for its work on the pool bond.

DISCUSSION ITEMS AND PRESENTATIONS

City Center Newport Association – Electronic Message Sign Presentation. Frank Geltner and Zach Poole, and a quorum of the board of directors of the City Center Newport Association, were in attendance to request Council direction on a proposed electronic message sign at Highway 101 and Hurbert Street. Geltner displayed a sample sign and requested that the city fund and construct an electronic message board sign as a gateway design feature for the Deco District. It was noted that the sign would be placed on city property at the northwest corner of SW Hurbert Street and Highway 101, and that the source of funding is transient room tax monies that were previously transferred to the city's capital projects fund for construction of a pocket park at this location. Geltner asked that these monies be repurposed so that they could be used to construct the electronic message sign that would be designed in an art deco style and serve as a gateway entrance to the business district. Smith reported that the money is available, and Tokos added that there are actions that Council may need to take in order

for it to be expended on this project. Tokos noted that staff can identify exactly what steps need to be taken if Council supports moving forward with the concept. Swanson asked whether the money is specifically for a sign or whether it can be used for something else. Sawyer asked Geltner whether the CCNA has a budget or will only use city money for the project. Geltner reported that the sign purchase plus site preparation will cost approximately $49,000. Roumagoux asked whether the sign content changes, and Geltner reported that it does change and that he hopes to garner enough support so that the city changes the ordinance to allow the sign to change in a shorter time than the current five minutes. Allen asked whether the Chamber of Commerce has a similar sign, and Geltner responded that it does not. Allen asked whether Geltner had approached the Chamber of Commerce to determine whether it might be interested in assisting with the funding of the sign, and added that this might be beneficial to the Chamber. Allen suggested approaching Lorna Davis, Executive Director of the Chamber of Commerce, and returning to Council after determining whether the Chamber is interested in partnering in this project. Busby asked who would be responsible for maintenance of the sign, and Geltner responded that the city would own the sign. Sawyer suggested that the parking district could be responsible for sign maintenance. Geltner reported that the broader non-profit community has wanted signage presence on Highway 101 for decades. Swanson reported that she had conducted a small survey and people are not in favor of the sign, but would be in favor of a small park. Geltner noted that CCNA wants something to happen on that corner, and that the sign currently has the most support as it would get messages out to the public. Swanson stated that she would like to see alternate ideas. Busby noted that his initial reaction is that he would rather see art at this location. Allen reiterated that he would not mind pursuing the issue further, but would like to see the cost with partners involved if the project moves forward. Allen added that he thinks this is along the lines of what Council thought CCNA would come back with, including the design, reader board time, and potential partners like the Chamber. Sawyer stated that he was opposed to the initially proposed concrete sculpture, but that this proposal includes art and a message, and he likes that. He added that his only concern is the budget, and stated that he would like to see the budget. Sawyer added that his greatest concern is that this is a private project and he would like Gross or Tokos to weigh in on the proposal. Gross stated that CCNA is going to run into prevailing wage issues on this project which will increase the cost by 25% - 50%. He suggested that the sign could be procured separately so that the prevailing wage does not apply to the sign. He added that the installation could also be procured separately. Sawyer stated that he would like city oversight on the sign construction. Gross stated that he is more concerned with long-term maintenance and operating costs. Saelens noted that it is an attractive sign, and suggested community forums to obtain full community support for the project. Saelens added that he is concerned that some citizens might rather see something else. Geltner stated that this design is something that the entire CCNA board supported. Swanson stated that another issue with the sign is that if there is ever a couplet developed, only half the travelers will see the sign. She added that the sign is not appropriate for that location and suggested that a piece of art designed by Stephan would be excellent. Allen noted that there are valid arguments on both sides, but that CCNA has proposed something to Council, and he would like to see it further vetted and returned to Council with additional information, and if there is a better proposal with artwork, to include that when the item returns to Council. It was

noted that since transient room tax money is used for advertising to tourists, this is a direct connection and appropriate use of transient room tax monies. Sawyer asked whether it would detract from the sign to add the time and temperature. Geltner noted that a sculpture could be placed in the archway. Geltner agreed to obtain additional information and return to Council.

Presentation by Thompson's Sanitary Service on Curbside Composting. Rob Thompson and Ken Riley, of Thompson's Sanitary Service, appeared before Council. Thompson introduced Lisa Kallenberger and Amy Thompson, from Thompson's Sanitary Service, and Jordan Trimmer, from Pacific Region Compost. Thompson noted that he plans to present the same presentation he made at the Town Hall meeting on September 30. The audio system malfunctioned and the presentation was narrated by Rob Thompson and Trimmer. The presentation included an overview; review of weekly curbside recycling; the proposed composting program that would include woody debris and food waste; and a proposed timeline for the institution of service. Saelens reported that the Solid Waste Advisory Committee will work on updating its master plan with food waste and woody debris on top of list, and integrating an emergency management plan. Thompson reported that 30% of landfill waste is food waste. It was reported that the curbside composting cost would be $6.59 per month of an increase, but that there is the potential for a customer to save money. It was noted that the amount of savings will depend on the size of the trash can, and whether enough waste can be placed in the composting can to reduce the size of the trash can. Busby asked Thompson and Riley how they expect their gross revenues to be impacted annually. Allen noted that Thompson and Riley are not asking for anything more than what is allowed by the agreement. Thompson stated that he has used data from other jurisdictions, and the best estimate is based on a lot of other data. Allen noted that if the estimate of $6.59 needs to be adjusted, Thompson's will have that information in front of Council during the next rate review. It was noted that there would be an ongoing vetting process on an annual basis. Swanson asked whether woody debris would include tissue paper and whether it would go into the composting. Trimmer reported that ink on newsprint is fine for composting as is tissue paper. He added that wrapping paper is probably acceptable. A small household compost bucket was on display, and it was noted that the small bucket would not be included in the monthly charge, but could be purchased if users were interested. Saelens asked how a 95 gallon container compares to yards. It was noted that a 95 gallon container is slightly less than one-half yard. Busby reported that one of the biggest complaints are from people who already have a way to get rid of compost, and the other complaint is that no one has a place to store a 95 gallon container as it will not fit in a garage. He added that it would be nice if there was an alternative to the 95 gallon container. Allen stated that there is no right or wrong answer, as it is a balancing act, and will be a policy choice for Council to weigh and determine the most favorable course of action. Allen noted that these presentations are great, but, that he would like more public feedback by April or May when a decision must be made. Swanson asked about the possibility of the compost coming back to Lincoln County so that rate payers can use it. Thompson noted that what would be picked up from the curb is a waste product which would be hauled to a facility to convert it to a desirable product. Sawyer stated that lots of folks have gone to smaller trash containers and some do their own composting. He added that the comment he is receiving is that since people are

already doing their own composting they will not save anything. Sawyer asked whether there is a way that a third size of trash can could be used. Riley noted that Thompson's could institute other plans, including picking up garbage monthly and recycling and composting on a weekly schedule. Riley noted that you cannot put everything in a backyard composting bin that you can put into one of the proposed bins. Sawyer suggested that Thompson's include a survey on the issue in one of its monthly bills. Thompson reported that rates have decreased when necessary. He added that a 96 gallon cart does not utilize more space than a 65 gallon cart. Thompson noted that when comingled recycling was instituted, there were tremendous improvements in the participation and recovery from the waste stream. He added that there need to be services so that customers can be responsible for their materials. Thompson reviewed the relationship between tons recovered and the monthly rate charged for those services. Allen stated that the best way to inform the public is what Thompson's is doing by getting the information out to the customers. Thompson noted that there is information on Facebook and on the Thompson's website. He agreed to e-mail this evening's presentation to anyone who wants it. Allen suggested that Thompson's include information in its newsletter regarding when Council will be considering the rate review and this particular proposal. Sawyer asked whether Thompson's has done research on contractor debris.

Presentation on Distracted Driving. Miranda had a video presentation on distracted driving, but the audio malfunctioned, so he narrated the presentation. Miranda stated that he would find out whether the video could be placed on the Police Department webpage.

ACTION ITEMS

Consideration of Resolution No. 3650 – Support for a Visual Arts Center in the City of Newport. Roumagoux recused herself from this discussion due to an actual conflict of interest. It was reported that the issue before Council is consideration of Resolution No. 3650 expressing support for a visual arts center in the city. It was noted that Council directed staff, at its October 7, 2013 meeting, to meet with members of the arts community to discuss the re-envisioning of the Visual Arts Center, and particularly to develop a plan of action to move this process forward. It was added that Council further directed staff to draft a resolution that: recognizes that the City Council is interested in seeing a financially sustainable plan that will ensure the long-term success of a visual arts center in the community; acknowledges the offer from the OCCA Board of Directors to develop such a plan for presentation to the City Council by its first meeting in March of 2014; reiterates that the City Council will provide a liaison to assist and support OCCA in its efforts; acknowledges that the plan for achieving financial sustainability will look strategically at the existing Visual Arts Center business model, its operations, maintenance, and ownership, and may result in a recommendation that the VAC continue to operate at its present location or that the property be sold if a sale would help secure the long-term viability of a visual arts center within the community; and defers discussion of the potential sale of the VAC property until OCCA has had an opportunity to develop the plan and present its recommendations.

Mark McConnell, Catherine Rickbone, and Sandy Williams appeared before Council representing OCCA. McConnell distributed a draft resolution. Rickbone reviewed the suggested changes and asked for Council consideration of the revisions. McConnell stated that the input on the resolution was provided by OCCA. He asked audience members who supported the change to stand up to express support, and most of the audience stood.

There was a consensus of Council to replace the old language with the language presented by OCCA. McConnell reviewed several of the revisions.

Sawyer reported that Bob Riggs and Sally Carr had expressed written support for the revised resolution, but had to leave the meeting.

Terry Brady thanked OCCA for taking the lead and getting this resolution moving forward. She stated that she believes that as OCCA moves forward in an attempt to solve the VAC problems, that more of the community should be involved. She added that in addition to OCCA, the Coastal Arts Guild, Yaquina Arts Association, and others should be involved in the effort. She noted that the city needs to carefully consider new expenditures.

Mary Peterson asked whether the VAC had been subsidizing the operation and maintenance of the public walkway and bathrooms near the VAC. She asked how much money this had totaled over the years.

Carla Perry noted that the title of the resolution refers to "a" visual arts center, rather than "the" Visual Arts Center.

Allen noted that the resolution indicates that OCCA will enlist the broader community in the effort. Rickbone reported that the first brainstorming session will be held December 12, and this will start a process for everyone in the community to have input.

MOTION was made by Beemer, seconded by Busby, to adopt Resolution No. 3650 expressing support for the visual arts center in the City of Newport, as amended by the OCCA management team. The motion unanimously in a voice vote. (Roumagoux had recused herself).

Roumagoux returned to the meeting at this point.

<u>Re-Adoption of Ordinance No. 2060 – Annexing a South Beach Property Owned by Spy, LLC into the Corporate Limits of the City and Withdrawing the Property from the Newport Rural Fire Protection District and the Lincoln County Library District</u>. Tokos reported that the issue before Council is the reconsideration of Ordinance No. 2060 approving an annexation application filed by Spy, LLC to bring the property (between 40th and 50th Streets on Highway 101) it owns into the city limits with an I-1/"Light Industrial" zoning designation. He noted that Council held a public hearing on the ordinance on October 7, and approved the request after considering the recommendation of the Planning Commission and the evidence and argument presented at the public hearing. Tokos added that the ordinance that was presented to Council on October 7 was not signed; subsequent legal review was performed; and changes have been made to the document necessitating that it be readopted by Council. He stated that since no comments or concerns were expressed regarding the ordinance, and in the interest of facilitating the petitioner's desire to proceed with the construction of a warehouse building which cannot occur until the annexation is

completed, the ordinance before Council this evening contains an emergency clause which would make it effective immediately on adoption.

MOTION was made by Beemer, seconded by Swanson, to read Ordinance No. 2060, an ordinance annexing territory to the City of Newport, withdrawing the annexed territory from the Newport Rural Fire Protection District and Lincoln County Library District, and establishing zoning for the annexed territory, by title only, and place for final passage. The motion carried unanimously in a voice vote. Hawker read the title of Ordinance No. 2060. Voting aye on the adoption of Ordinance No. 2060 were Swanson, Busby, Sawyer, Allen, Beemer, Saelens, and Roumagoux.

Consideration of an Intergovernmental Agreement with Lincoln County Related to the Agate Beach Storage Tank Project. Tokos reported that the issue before Council is consideration of whether it is appropriate for the city to enter into an intergovernmental agreement with Lincoln County that implements Condition No. 3 of a Conditional Use Permit that the city obtained to construct a domestic water storage tank on property located at the east end of NE 71st Street. He noted that the condition was imposed because the property lies outside of the city limits on land that is subject to Statewide Planning Goal 4 for the protection of forest land, and its corresponding statutes and rules that are implemented through the County's Timber-Conservation zoning district. He added that with this agreement, the city acknowledges the rights of adjacent landowners to conduct forest operations in accordance with applicable laws, accepts potential impacts associated with such activities, and agrees to avoid undertaking activities that conflict with nearby forest uses and practices. He stated that city and county legal counsel have reviewed the agreement and determined that it is sufficient to satisfy Condition No. 3, and the Board of Commissioners is scheduled to consider the agreement at its November 27, 2013 meeting.

MOTION was made by Beemer, seconded by Swanson, to authorize the City Manager to sign the intergovernmental agreement with Lincoln County relating to Condition No. 3 of County Conditional Use Permit No. 03-C-Adm-13. The motion carried unanimously in a voice vote.

Consideration of Change to the Schedule for Payment of Employee's Health Deductible for Employees Participating in the HSA and VEBA Health Plans. Smith reported that the issue before Council is consideration of a change to the schedule in which the city's contribution toward employee's health insurance deductible is paid for employees participating in the VEBA and HSA. He noted that the deductible payments were scheduled to be paid quarterly beginning in January 2014, but the recommendation is to pay the deductible in a lump sum on January 1, 2014 and subsequent years unless changed by motion of the City Council. Smith added that the change is being requested because staff was made aware of the potential hardship created by making quarterly payments in the event an employee, or family member, had a serious medical issue early in the calendar year or a continuing medical issue from the previous year, and the employee is required to pay the entire deductible up front and wait throughout the year for reimbursement.

MOTION was made by Busby, seconded by Beemer, that in calendar year 2014 and subsequent years, unless changed by motion of the City Council, the city's contribution toward the VEBA and HSA health insurance deductible, for all employees participating

in these plans, be paid to employees in a lump sum on January 1, beginning on January 1, 2014. The motion carried unanimously in a voice vote.

Public Safety Radio System. Miranda advised Council regarding issues associated with the police radio system. He stated that the Newport Police Association had sent a demand to bargain as they are unhappy with radio system. Miranda stated that the system is not good and is a hazard. He added that it is owned by the County, but the County is in the process of putting together a new radio system that will be operational by the end of this month. He stated that if it does not solve the problems, the bargaining unit will likely go through the demand to bargain process. He added that if that occurs, the city may have to come up with contingency money to purchase radios and/or a repeater. Miranda stated that if there are big ticket items or anything major, he will come back to Council. He noted that the extent will not be known until the new system is on line. Sawyer asked what discussions Miranda had had with Lincoln County. Miranda stated that Lincoln County is completely replacing the existing equipment. He noted that there are three repeaters in the county and the officers need to know where in the county to switch to those systems. Sawyer asked whether Homeland Security grants could have been obtained to fund this equipment. Allen stated that he would like more clarity on discretion and costs. Allen stated that the City Council will have to be involved if budgetary expenses have to be made and bargaining must occur.

MOTION was made by Allen, seconded by Beemer, to confirm and approve staff's discretionary decisions regarding the budgeting and management of the radio system as reported to Council by Police Chief Miranda. The motion carried unanimously in a voice vote.

COUNCIL REPORTS AND COMMENTS

Sawyer reported that he had participated in the KCUP radio show again.

Sawyer reported that he had attended the Kurt Shrader Town Hall meeting. He noted that it was well-attended, and the majority of questions focused on the Affordable Care Act.

Sawyer reported that he had chaired the last Council meeting when the Mayor was out of town, and noted that he is glad she is back.

Saelens reported that the pool bond measure passed, and that he enjoyed thanking the many people who worked to make it happen.

Saelens reported that he had attended a recent meeting of the Bicycle/Pedestrian Advisory Committee. He added that the focus was on letting go of the past and working on how to proceed in the future. He noted that the Committee has requested a work session with Council on December 16. He stated that the Committee will finalize its presentation to Council at its next meeting. Allen noted that he would like a list of what the Committee would like to talk with Council about.

Swanson reported that she had attended a recent meeting of the Senior Advisory Committee. She noted that a Thanksgiving dinner is scheduled on November 24; the Creating Legacy project will occur on December 14; and a drop and shop program will be offered to the community.

Swanson reported on a recent meeting of the Library Board. She noted that the Library is in the process of reassessment including facility, space, and technology

reviews. Smith added that the biggest issue is that the Library will be housed in the current building for at least eight to ten more years, and the assessment will include an analysis of workflow and how the Library is laid out to create efficiencies. He reported that an interior decorator will be consulted regarding paint, furnishings, etc. He added that another issue is a better opportunity to talk with the Library Foundation as a major funder of Library improvements.

Busby reported that he attended the open house for the newly-constructed Umpqua Bank.

Busby reported that he attended a recent meeting of the Airport Committee, and that the Committee continues to tackle major issues. He recommended that a closure date be established for the major issues under discussion.

Beemer reported that the Port of Newport Commission will meet tomorrow.

Beemer reported that the Big Creek Road repair appears to be on schedule, and it is planned to have the work completed by Thanksgiving.

Beemer expressed thanks to the anonymous person who paid for the pool bond signs.

Allen reported that the Infrastructure Task Force met on November 7. He noted that the funding restructuring agenda item was deferred until Gazewood can attend. He stated that the next meeting is scheduled for November 21. He added that after the November 21 meeting, the group will probably start talking about recommendations that it may wish to move forward on. Allen noted that there will be meetings on December 5 and 19, and the goal is to bring a set of recommendations to the City Council in January.

Allen noted that a Council liaison to the group supporting the VAC should be selected. Swanson indicated interest.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:37 P.M.

Margaret M. Hawker, City Recorder	Sandra N. Roumagoux, Mayor

December 9, 2013
6:00 P.M.
Newport, Oregon

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

Also attending were Ted Smith, Interim City Manager, Peggy Hawker, City Recorder, Derrick Tokos, Community Development Director, Bob Gazewood, Interim Finance Director, and Jim Protiva, Parks and Recreation Director.

Also in attendance was Dave Morgan from News Lincoln County, Larry Coonrod from the Lincoln County Dispatch, and Wyatt Haupt, and Dennis Anstine (arrived later during the meeting) from the Newport News-Times.

PLEDGE OF ALLEGIANCE

Council, staff, and the audience participated in the Pledge of Allegiance.

Roumagoux noted that this is Smith's last meeting as Interim City Manager. On behalf of the City Council, she thanked him for the excellent job he has done as Interim City Manager for past six months. Roumagoux noted that Smith is easy to work with, direct, honest, and she added that she understands why the Library staff is anxious for his return.

CONSENT CALENDAR

The consent calendar consisted of the following item:

A. Approval of minutes of Special City Council Meeting – December 2, 2013.

MOTION was made by Beemer, seconded by Allen, to approve the minutes of the December 2, 2013 Special City Council meeting as presented. The motion carried unanimously in a voice vote.

ACTION ITEMS

Consideration of Resolution No. 3657 – Continuing Disclosure Policy and Procedures. Gazewood reported that the issue before Council is the consideration of Resolution No. 3657 which, if adopted, would enact a continuing disclosure policy and procedures. Gazewood noted that prior to selling the $7,900,000 general obligation bonds, for the new indoor municipal swimming pool, the city's financial advisor is required to take a comprehensive look at the city's continuing disclosure undertakings and filing history, and then make sure that any filings missed over the last five years are taken care of. He added that when the city issues debt in the public market, the city enters into a continuing disclosure agreement to provide ongoing financial information to

investors. He stated that the agreement requires the city to provide its annual financial statements and certain financial information, as well as notice of material events. Gazewood noted that the financial advisor determined from its review of the city's continuing disclosure undertakings and history that the city failed to make its annual disclosure filings for multiple years on multiple bond issues. He added that the disclosure filing deficiencies were required to be disclosed in the Preliminary Official Statement related to the sale and issuance of the bonds for the municipal swimming pool. He noted that these deficiencies are described in information contained in the packet. He stated that the city was required to develop a policy to ensure future compliance with continuing disclosure requirements. He added that the policy, described as Exhibit A and attached to Resolution No. 3657, was accepted by the financial advisor and incorporated into the Preliminary Official Statement in summary format. He noted that the policy was also forwarded to, and approved by, bond counsel. Gazewood reported that the bid opening is Thursday and the successful bidder should be known quickly. He added that the actual closing of the bond sale will be December 19. Gazewood reported that the public can buy the bonds from the successful bidder. Busby asked that Council be added to the distribution list as outlined in the policy.

MOTION was made by Sawyer, seconded by Swanson, to adopt Resolution No. 3657, a resolution regarding Continuing Disclosure Policy and Procedures with the amendment to the policy recommended by Busby. The motion carried unanimously in a voice vote.

DISCUSSION ITEMS

Tax-Exempt Bond Post-Issuance Compliance Policy. Gazewood reported that development of a post-issuance compliance procedure for bonds is recommended by bond counsel. He stated that information included in the packet shows that after the bonds are issued, a Form 8038-G is required to be filed with the IRS. He noted that the form requires that the city indicate whether it has established written post-issuance compliance procedures to ensure compliance with the arbitrage and the private business use rules imposed on tax-exempt bonds and bond-financed facilities. He added that the intent is to make sure that the bonds remain tax exempt. Gazewood reviewed the sample policy that was included in the packet. He noted that the City Manager would be responsible for designating a Bond Compliance Officer. Gazewood added that the policy would require an annual reporting. He noted that with a policy in place, the IRS would be less likely to fine the city at the maximum amount allowed. He reviewed potential problems that could occur without the policy. He recommended adopting the policy to hold the city accountable. Council directed staff to prepare the policy for adoption by resolution at an upcoming Council meeting.

Allen noted the verbiage on page two "nationally recognized bond counsel law firm," and added that he understood that the city's bond counsel is a "nationally-recognized bond counsel law firm." Gazewood confirmed that it is his understanding as well.

COUNCIL COMMENTS

Sawyer stated that he is glad to hear that Rob Connell is recovering.

Sawyer reported that children were sledding on his street during the recent snow.

Saelens reported that the Bicycle/Pedestrian Committee will be meeting tomorrow, and the Parks and Recreation Committee will be meeting next week.

Roumagoux reported that she attended the November 24 Thanksgiving dinner at the Senior Center.

Roumagoux reported that she attended a recent YBEF meeting at the Aquarium.

Roumagoux reported that there are two upcoming marine-related conferences that will occur in Newport. She noted that Ruby Moon has been hired to assist Kaety Hildenbrand. Allen noted that Moon's work will be primarily educational.

Roumagoux reported that she had received a request from the Lincoln County Board of Commissioners to select a date for a joint meeting. Council selected January 15, 2013, at 6:00 P.M., at City Hall.

Roumagoux reported that a public hearing for a ten-year review of the Nye Beach Design Overlay District will be held at the evening meeting of December 16.

Allen asked whether a discussion of Big Creek Road was scheduled on December 16, and it was noted that this item will be on that agenda.

Busby reported that he had been selected for jury duty next month.

Busby reported that the Airport Committee will be meeting tomorrow to discuss minimum standards, Part 139 certification, and other matters.

Beemer reported that he plans to attend a meet and greet with finalists for the Port Director's position.

Allen reported that an Infrastructure Task Force meeting was held on December 5, and another is scheduled on December 19. He noted that a recommendation is expected to be presented to the City Council at its first meeting in January.

Busby reported that a discussion on the formation of a business license ordinance review task force will be held at the December 16 work session.

BREAK

Council took a break from 6:40 – 7:00 P.M.

PUBLIC HEARING

Public Hearing on the LUBA Remand of the Teevin Brothers Traffic Impact Analysis. Roumagoux opened the public hearing on the LUBA remand of the Teevin Brothers Traffic Impact Analysis at 7:00 P.M.

Roumagoux noted that the public hearing is to consider whether supplemental information provided by Teevin Brothers Land and Timber Company addresses shortcomings in its Traffic Impact Analysis (TIA) identified in Land Use Board of Appeals (LUBA) Final Order and Opinion No. 2013-057. She added that the Traffic Impact Analysis was required for the construction of a log yard at 1650 SE Bay Boulevard.

Roumagoux reported that following an appeal of the city's original approval, LUBA determined that the Traffic Impact Analysis did not clearly address the intersection of SE Running Springs Road and SE Yaquina Bay Road and remanded the application back to the city for further consideration of this narrow issue.

Roumagoux stated that testimony will be limited to issues contained in the LUBA decision that led to the remand and whether or not the applicant has adequately addressed those issues.

Roumagoux asked whether any Council members needed to disclose any conflicts of interest, bias, ex-parte contacts, or site visits.

Allen reported that site visits are ex parte communications, and that he has driven through the intersection in that area, and read several recent online and print articles on this and other matters relative to the use of the Port's International Terminal.

Beemer reported that he had made a specific trip to see where Running Springs Drive intersects with the Bay Road.

Busby reported that he has been through that intersection many times.

Swanson reported that she has read news articles.

Saelens reported that he has driven to the location and read articles.

Sawyer reported that he has driven there; has friends there; and recalls when the street was constructed.

Roumagoux asked whether there was anyone in the audience who objected to any of the Council members hearing this appeal. There was no objection.

Roumagoux stated that Oregon land use law requires several items to be read into the record at the beginning of each public hearing. She added that the applicable substantive criteria upon which the application will be decided are found in Chapter 14.45 of the Newport Municipal Code. She stated that these criteria are addressed in the draft final order and findings of fact included with the staff report and will be read and summarized by staff during the presentation. She added that all testimony, arguments, and evidence presented must be directed toward these criteria or other criteria in the Newport Comprehensive Plan or Newport Municipal Code which the speaker believes to apply to the decision.

Roumagoux stated that the failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue will preclude appeal to LUBA based on that issue.

Roumagoux stated that an issue which may be the basis for an appeal to LUBA shall be raised not later than the close of the record, at this hearing, or following this evidentiary hearing. She noted that such issues shall be raised and accompanied by statements or evidence sufficient to afford the city decision makers and the parties an adequate opportunity to respond to each issue.

Roumagoux reported that the failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city to respond to the issue precludes an action for damages in circuit court.

Roumagoux stated that the City Council may, at the request of a participant or on its own accord, continue the hearing to a date certain to provide an opportunity for persons to present and rebut new evidence, arguments, or testimony related to the approval criteria.

Roumagoux stated that staff and the applicant will be allocated up to 20 minutes each for presentations. She noted that the applicant will also receive up to ten minutes for final rebuttal. She added that all others wishing to testify will be given three minutes each.

Roumagoux noted that the order of testimony would be: 1. Staff reports; 2. Communications received and entered into the record; and 3. Testimony from citizens that have completed a speaker card.

Roumagoux asked for the staff report. Tokos reported that the issue before Council is to hold a public hearing to consider whether or not analysis contained in a November 26,

2013 memorandum from Kittelson & Associates, Inc. adequately responds to a remand from the Oregon Land Use Board of Appeals (LUBA) and satisfies city criteria for evaluating Traffic Impact Analysis (TIA) applications as it pertains to the intersection of SE Running Springs Road and SE Yaquina Bay Road.

Tokos reported that on November 6, 2013, LUBA issued Final Opinion and Order No. 2013-057 remanding the City of Newport's decision to approve a TIA application submitted by Teevin Brothers Land and Timber Company, LLC for a proposed log yard at 1650 SE Bay Boulevard. He noted that the rationale for LUBA's remand was limited to the narrow issue of the TIA having failed to adequately address the intersection of SE Running Springs Road and SE Yaquina Bay Road. Tokos noted that the criteria that the City of Newport applies to TIA applications are discretionary. He stated that this requires that a land use decision be made applying the relevant criteria in the Newport Municipal Code (NMC) Section 14.45.050 to the intersection of SE Running Springs Road and SE Yaquina Bay Road. He reviewed the relevant criteria.

Tokos reported that Teevin Brothers Land and Timber Company, LLC, through its agent Kittelson & Associates, Inc., submitted a supplemental memorandum dated November 26, 2013 analyzing traffic operations at the affected intersection. He added that the analysis was reviewed and accepted by the City Engineer by a memo of that date.

Tokos reported that a notice of the December 9, 2013 public hearing was provided to the applicant, appellants, property owners within 200 feet of the proposed log yard, persons who provided written testimony on the application prior to the remand, and affected utilities and city departments. He added that the notice was mailed on November 19, 2013. He added that a notice of the hearing was also published in the Newport News-Times on November 30, 2013.

Tokos reported that a letter had been received from Mike Becker, a resident of Running Springs Drive, in support of the application.

Tokos stated that a copy of the draft final order, findings of fact, November 26, 2013 Kittelson & Associates, Inc. memorandum, and the City Engineer's response, were available for public inspection seven days in advance of the December 9, 2013 hearing.

Roumagoux called for testimony from the applicant and proponents who have completed public comment forms.

Eric Oien, General Manager of Teevin Brothers Ranier operation, stated that his company stands by the findings and feels confident that they meet the remand requirements of LUBA. Allen referenced a letter from Sean Malone regarding all site-access points and intersections. Oien noted that LUBA already approved driveways within a 500 foot access spacing, other than an intersection.

Mike Becker, a resident of Running Springs Drive, reported that he had talked with six of the eleven resident families on Running Springs Drive, and had not found anyone who had been spoken with about safety issues. He stated that it was his opinion that there is not a safety issue at the entrance of Running Springs Drive onto the Yaquina Bay Road. He added that there is good visual access both ways. He noted that the neighborhood is mostly in favor of the log yard. He added that his greatest concern is what would happen to the property taxes if the Port could not use the facilities and had to start making up bond payments through taxes. He stated that he is more concerned with the intersection of Moore Road and Bay Boulevard. He noted that he has less of an issue with professional drivers than tourists. He stated that he is supportive of the project.

Warren Chopp, a resident of Running Springs Drive, stated that he has two safety issues. One is the need for a no passing zone on the Yaquina Bay Road, and the other is that the mailboxes need to be relocated away from the road.

Roumagoux called for testimony from opponents who have completed public comment forms.

Stella White began to address Council on matters outside the scope of this hearing, and Roumagoux reminded her that this hearing was on very narrow criteria.

Maria Sause began to address Council on matters outside the scope of this hearing, and Roumagoux reminded her that this hearing was on very narrow criteria.

Rio Davidson addressed Council regarding the intersection of Running Springs Drive and Yaquina Bay Road. During his testimony, he began to address Council on matters outside the scope of this hearing and Roumagoux reminded him that this hearing was on very narrow criteria. Davidson reported that another company (Alcan) is planning a debarking operation in Siletz and anticipates bringing the debarked logs to the International Terminal for shipping.

Allen noted that the previous speaker, Rio Davidson, had brought up an issue during his testimony regarding another potential log exporter (Alcan) using the International Terminal. He asked Tokos for a clarification. Tokos reported that since Alcan has not officially declared its intent through permit applications or other means, Teevin Brothers is not required to consider the additional truck traffic in its TIA, and since there has been no declaration of intent, the plans are speculative at this time.

Roumagoux closed the public hearing at 7:40 PM

MOTION was made by Swanson, seconded by Beemer, to adopt Order No. 2013-4, establishing that the November 26, 2013 memorandum from Kittelson & Associations, Inc. has addressed deficiencies in the Teevin Brothers log yard traffic impact analysis application, as identified in LUBA Final Opinion and Order No. 2013-057, and that the application satisfies applicable approval criteria contained in the Newport Municipal Code. The motion carried unanimously in a voice vote.

PUBLIC COMMENT

Rio Davidson reported that Mike Peterson had left town because of the way it is being run. He noted that the citizens had not been given ample opportunity to weigh in on this issue. Davidson noted that the city would be receiving a financial windfall from the lease with Teevin Brothers. Sawyer reported that there were many hours of hearings and the city received many letters and e-mails regarding this issue. In response to Davidson's comment about the city's financial windfall from the lease with Teevin Brothers, it was noted that the city has no control or jurisdiction over the lease agreement as it is with the Port of Newport.

Yale Fogarty, president of the local ILWU, reported that log trucks pay a substantial highway tax. He noted that he does not know what the Port's profit will be, per ship, but suggested that it could be $80,000 - $100,000. He stated that this operation will create jobs and pour millions of dollars into the community in wages. He added that he will support the City Council at the ballot box.

Maria Sause spoke in opposition to the Teevin Brothers facility due to its impact on the environment, safety, and other issues.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:00 P.M.

_____	_____
Margaret M. Hawker, City Recorder	Sandra N. Roumagoux, Mayor

Peggy Hawker

From: CommitteeApp@newportoregon.gov
Sent: Thursday, November 14, 2013 1:05 PM
To: n.clark@newportoregon.gov; Peggy Hawker
Cc:
Subject: Committee Application

Application for City Council - Email Application
Date: 11/14/2013
Commission/Committee of Interest: Pedestrian/Bicycle committee
Name: Susan Hogg
Address:
Newport, OR 97365

I live in Newport
Workphone:
Homephone:
Email:
Occupation:
Employer:

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? I have lived in Newport for many years, I've seen changes in the "walkability" of Newport. For the first few years I lived in Newport, I rarely used my car. While I no longer live in central Newport, walking is still one of my means of getting into "town" (via the beach) and, more frequently, getting around Newport.

As a result, I'm very familiar with the hazards of crossing 101, where it's pleasant to walk in Newport and where it's not. I've walked on some of the city's current built paths (from Agate Beach wayside, etc.), the NOAA headquarters/Rogue Brewery, as well as in the Mike Miller Park and Big Creek areas, so I am familiar w/some of the pluses and minuses of those facilities for pedestrians, walkers.

I've lived in other cities/towns, such as Eugene, OR, and Queens, Manhattan, and a medium sized town on LI, and used walking as a primary means of getting around in those areas. I've had an opportunity to see what works and what doesn't work (for pedestrian safety, for increasing the # of walkers, etc.).

I stopped bicycling into or in Newport after narrowly avoiding, several times, being hit by a motor vehicle. However, I see the advent of more long distance bicyclists and a good bike store in town as positive and events to be supported. I am interested in working to see more bike lanes established (particularly along 101) and for more bike racks. I'm interested in working with others to make bicycling safer in Newport.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? I have had to make such decisions in my professional life re: conflicts of interest, and the decisions are, governed by the rules of the profession. When there is doubt, then the problem/issue/possible conflict can be discussed w/members of a professional organization. W/luck that discussion will make it clearer what needs to happen to resolve the conflict.

Regarding bias, the difficult decision was probably realizing the bias existed and that it was strong enough that I wasn't the best person to be making a type of decision at that time. That I needed to counteract the bias by spending time listening to other people and deferring to their perceptions of some types of situations.

Describe the process of how you make decisions. (1) determine that a decision needs to be made;

Peggy Hawker

From: CommitteeApp@newportoregon.gov
Sent: Thursday, November 07, 2013 11:56 AM
To: n.clark@newportoregon.gov; Peggy Hawker
Cc:
Subject: Committee Application

Application for City Council - Email Application
Date: 11/7/2013
Commission/Committee of Interest: Bicycle and Pedestrian Advisory Committee
Name: Marsha Eckelman
Address:
Newport, Oregon 97365
Workphone:
Homephone:
Email:
Occupation:
Employer:

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? I run six miles every day. I would like to see improvements made in the flow of pedestrians and bicyclists. I have several ideas that would help make Newport a more desirable city for those not driving cars.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? As a former educator, I have made many decisions that have been a conflict of interest on my part. I always tried to keep in mind - what is best for the child?

Describe the process of how you make decisions. I try to look at all aspects of a situation, then prioritize what is important in making my decision. I think it is important to listen to all stakeholders even if I don't necessarily agree. My goal is to be nonjudgmental and to listen to all aspects and then make an informed decision.

What do you think about consensus decision making? What does the consensus decision making process mean to you? I have often been involved in consensus decision making and enjoy the process. To me, it means listening to everyone's thoughts on an issue and then together coming up with the best solution.

Describe all other pertinent information/background for this position.

Peggy Hawker

From: CommitteeApp@newportoregon.gov
Sent: Saturday, November 09, 2013 1:02 PM
To: n.clark@newportoregon.gov; Peggy Hawker
Cc:
Subject: Committee Application

Application for City Council - Email Application
Date: 11/8/2013
Commission/Committee of Interest: Pedestrian and Bicycle Advocacy Committee
Name: Amanda Capri
Address:
Newport, OR 97365
Workphone:
Homephone:
Email:
Occupation:
Employer:

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value? I am passionate about finding and providing opportunities for alternate transportation. If walking and biking is safe, convenient and comfortable, it is more likely people will choose to walk or bike. I believe exercise can be incorporated into our daily lives to improve not only our physical health, but our social health as well.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? A large part of my background is workshop facilitation. As a facilitator, it is important to listen to participant feedback rather than inject your own opinions. At times, this balance has been difficult as many of the workshops I facilitate are educational practicums. The balance between teaching participants the information necessary to make an educated planning decision, having my own design ideas based on site analysis and weighing conflicting information from multiple participants has given me a great deal of experience in weeding through biases. I find that the best way to make decisions is to listen to stakeholders and find solutions that are in their best interests.

Describe the process of how you make decisions. It is important to consider various perspectives when making decisions. Weighing pros and cons is valuable, but it is just as necessary for me to consider multiple points of view before making a decision.

What do you think about consensus decision making? What does the consensus decision making process mean to you? In my experience, consensus decision-making is critical to the success of any project or plan. In architecture and planning, stakeholder participation and collaboration improves the outcome of projects and helps ensure project success by securing buy-in. If more people are involved in discussion and information gathering, more ideas and more diverse ideas will emerge. This variety and quantity is of huge benefit to those in decision-making positions. I believe all stakeholders have the right to participate in decisions that will affect them; which, in turn, means we have the responsibility to participate.

Describe all other pertinent information/background for this position. I am licensed in sustainable master planning as a "LEED Accredited Professional (AP) in Neighborhood Development (ND)" by The U.S. Green Building Council. As a LEED AP ND, I have studied how walkability and alternate transportation enhance social cohesion as well as environmental sustainability. In a previous position, I worked as part of a team that developed sustainable master plans for military bases across the world. Some of my primary projects included Joint Base Pearl Harbor-Hickam, Marine Corps Air Station Miramar, and dozens of other installations in the US, Korea, Germany and Italy. The team received numerous awards for outstanding master planning and for the courses we taught to educate military planners in the core values of sustainable

master planning. In addition to planning, I work in the field of architecture focusing on sustainable techniques for buildings and how they relate to their sites. On a personal level, I enjoy walking for exercise and recreation. My husband and I selected our home in large part because it was part of a walkable neighborhood.

Memo

To: Ted Smith, Interim City Manager and City Council

From: Derrick Tokos, Community Development Director

Date: December 12, 2013

Re: Department Update

MONTHLY PERMIT FIGURES

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

	Building Permits	Electrical Permits	Plumbing Permits	Construction Value	Land Use Actions
Nov	9 ($7,175.50)	20 ($1,867.86)	6 ($535.02)	$878,900	1 ($577.00)
YTD	103 ($63,833.02)	243 ($27,556.02)	58 ($11,733.14)	$7,615,322	42 ($11,926.00)

Building permit activity included the remodel of the Lincoln County Health and Human Services building, a new single family dwelling, three commercial remodels, a residential remodel, wall signs, and temporary signs. The land use action is an estuary review for supplemental dredging at the Port of Newport's International Terminal.

STATUS OF MAJOR CONSTRUCTION PROJECTS

Port Terminal Project: City received a final write-up from the project engineer regarding deferred structural improvements. Occupancy permit has been issued.

Lincoln County School District: Revised plans for re-roof at the high school were submitted and are being reviewed. Work continues on a new storage building at the school.

O'Reilly Auto Parts: Revised building plans have been approved. Owner has indicated that they will likely begin construction in March.

Nazarene Church Outreach/Community Center: Beams are being painted and storm drainage work is being performed. Likely to issue a temporary occupancy permit for a one night fundraising/volunteer coordination meeting. Work is progressing slowly.

Curry Marine Building Remodel: Building now owned by Lincoln County and being renovated for use by the OSU Extension Service. Building permit is ready to issue. County is soliciting bids from contractors and will pull the permit once that process is completed.

Coastcom Warehouse: Plan review is completed and permit is being prepared. Awaiting Department of Revenue acceptance of annexation legal description.

County Health and Human Services Building: Footings for elevator to be poured 12/10/13. Remodel of the office space is ongoing.

Teevin Bros. Log Yard: On 12/9/13 City considered and approved Teevin Bros. supplement to its Traffic Impact Analysis addressing the intersection of Running Springs Road and the Bay Road. Decision will be final at close of business on 12/31/13 if not appealed to LUBA. Teevin Bros. is still negotiating its lease and is working on project design issues. They have not submitted plans for building permit review.

SIGNIFICANT PLANNING PROJECTS

Pacific Marine Energy Center – South Energy Test Site (PMEC – SETS): NNMREC-OSU held meeting with area stakeholders and agencies on 11/12, 11/13 and 11/14. They are hoping to narrow options for cable landing sites down to 2 or 3 alignments within the next three weeks. All options are now south of the jetty. Marine and terrestrial surveys to be performed spring/summer 2014 to confirm viability of preferred alignment. Easement acquisition and directional bore for cable conduit planned for 2015 with installation of the cable system in 2016 once all permits are obtained. BOEM lease application for grid connected test site submitted 6/13 and revised 11/13. Initial FERC license documents to be submitted first quarter 2014.

Safe Haven Hill Tsunami Evacuation Improvements: FEMA funded the Phase 1 scope of work, including supplemental geotechnical and benefit-cost analysis. The supplemental geotechnical work is complete and a report was delivered on 7/9/13. The report supports the development of the site as an assembly area and contains specific construction recommendations. City is awaiting the benefit-cost analysis that is being prepared by a consultant. Staff has completed required SHPO consultation, and was advised on 11/5/13 that a cultural resource survey will be required. Staff is in the process of lining up a qualified archaeological consultant to perform that survey. Phase 1 work must be completed by 1/26/14 and the project is on schedule.

Creation of Land Bank for Work Force Housing: Draft agreement between the City, Lincoln Community Land Trust, and Community Service Consortium to construct six workforce housing units over the next five years was vetted with policymakers at several meetings. Council tabled the agreement on 9/3/13, pending receipt of additional information about whether or not a broader, countywide effort might be a viable alternative. A Lincoln County Housing Forum was held on 10/24/13. The concept of a broader City/County coalition to fund the construction of workforce housing units was explored at that meeting and is being further developed.

Vacation Rental Code Update: At this time 138 applications for VRD or B&B endorsements have been submitted. The City has conducted 130 inspections, 95 of which have passed. On 10/30/13 the Embarcadero Unit Owner Association submitted a letter outlining a schedule for when they will be undertaking safety improvements that are common to the units, so those endorsements are being issued as the unit specific corrections are completed. Fire egress out of bedroom windows, safety glazing on windows close to doors, lack of GFCI outlets, inadequate hand railing or guard rails on staircases, and strapping on water heaters have been the primary issues identified through the inspection process.

Transportation System Plan (TSP) Update: Council adopted the TSP amendments on 11/5/12. Zoning code chapters for transportation impact analysis studies and street improvements for infill development were effective the first of the year. The trip budget program and alternate mobility standard for US 101 will be effective once the County and State adopt the proposal. The Board of County Commissioners adopted its amendments on 10/9/13. The Oregon Transportation Committee (OTC) is scheduled to hear the matter on 12/18/13.

Agate Beach Street and Recreation Enhancements: On 8/2/12 FHWA announced that the project will be funded in the amount of $557,696. City received a final grant agreement from ODOT on 7/30/13. City staff met with state officials on 10/15/13 to conduct a preliminary scoping meeting. ODOT has prepared a project schedule that would have design work completed no earlier than 4/15 with construction occurring no earlier than 8/15. Staff to prepare mailer to inform neighborhood of the status of the project.

Reservoir UGB Amendment and Annexation: The expansion proposal was approved by the City Council on 5/6/13 and has been forwarded to the County for its review and approval. The County Planning Commission held a hearing on the UGB expansion on 7/22/13 and recommended unanimously that it be approved by the Board of County Commissioners. A hearing date has not yet been set for Board action. The County Attorney is preparing an MOU addressing the future transfer of Big Creek Road, access to private lands, and recreational use of the reservoirs, and does not want to schedule the UGB amendment for BOCC consideration until it is complete and vetted between the two jurisdictions.

Port of Newport/City of Newport Task Force on Access to the International Terminal: Taskforce met on 5/22/13. Determined that it did not possess enough information nor is it timely to try and identify specific alternative freight routes. Requested that City, County, and ODOT staff assist the group in identifying general criteria for identifying

an appropriate route, which are to be presented to the taskforce at a future meeting. Criteria have been developed and shared with Port of Newport staff. Taskforce meeting to consider criteria to be scheduled by the Port.

Planning for Replacement of the Yaquina Bay Bridge: City and County staff and elected officials met with ODOT on 5/16/13 to discuss a scope of services for the data and base line modeling that the consultants will develop. Counters were placed to collect traffic data in August. Staff met with ODOT consultants on 10/23/13 to discuss how the modeling will be performed now that data collection is winding down. This effort will take several months and is funded by ODOT Region 2 to the tune of about $150,000.

Development of GIS Addressing Layer: City is responsible for assigning addresses within its corporate limits. The paper maps used for this purpose are frail, and the process for updating the maps in inefficient. A consultant is preparing a new GIS based addressing layers for all jurisdictions in the County. The project is funded by OEM and the information will be used to support 911 services. City maps to be scanned and geo-referenced beginning in November, with roll out of the new GIS layer anticipated by June of 2014.

COMMITTEE WORK

Planning Commission: The Commission held a public hearing on 11/12/13 to consider an application to expand a non-conforming manufactured dwelling park (Surfside Mobile Village), and approved the expansion at its 11/25/13 meeting.

Infrastructure Taskforce: A meeting was held on 11/7/13 to develop a framework for providing recommendations, and on 11/21/13 the taskforce explored options for restructuring how the City could fund its infrastructure. Two meetings are scheduled for December on 12/5/13 and 12/19/13 to develop the recommendations. Materials prepared by staff for these meetings are listed on the Taskforce web page: http://thecityofnewport.net/citygov/comm/itf.asp.

CWACT Technical Advisory Committee (TAC): The advisory committee did not meet in November.

Parking Districts: No parking district meetings were held in the month of November.

Newport Public Library
Librarian's Report to the Newport City Council
December 1, 2013

Library staff were interested in just how much money the Newport Public Library Foundation has raised for the library from the Foundation book sale. The book sale is ongoing with two shelves that are stocked weekly with items donated to the library. The sale began in February 2001 and has grossed (and netted) $89,367.06 since then. Those funds are used to both purchase items not covered in the Library's general fund budget and to sock away in accounts toward future needs such as the upcoming study to determine the community's needs for the Library in the coming years.

It's been a good month for collecting long overdue items and or replacement fees. We are now at a 60% (up from 53% in November) return rate for items overdue 3+ months. Our goal, albeit unlikely considering the transient nature of our society, is to push that return rate to 100%.

Youth Services staff presented 34 programs in the month of November, reaching 1,004 children. Adult Services staff presented 8 computer classes and 3 programs, reaching 67 community members.

Last month we reported that a grant application was submitted to the Lincoln County Cultural Trust Fund for $628.50 to purchase classroom sets of Roseanne Parry's *Second Fiddle*. These books will support a community literacy project that brings the author to Lincoln County in March, 2014, for speaking engagements in our middle schools, workshops for our teachers and programs for families. Great news! The grant request has been funded and the books are on order. More information is forthcoming as this project proceeds.

As time passes, there are inevitable changes in staff. Newport Public Library is not immune to these changes as we say farewell to long time staff member, Lynn Dennis. Retiring as of January 2, 2014, Lynn has spent over 20 years providing library services to people who cannot come to the Library. Her excellent public service and encyclopedic knowledge of both fiction and non-fiction books has brought pleasure and information to thousands of people over the years. In addition to her outreach work, she is the one who puts up the wonderful displays at the Library. She will be sorely missed.

Respectfully,

Ted Smith

Noble
Professional
Dedicated

Newport Police Department

Memorandum

One Team - One Future

Date: December 6, 2013

To: Ted Smith, Interim City Manager

From: Mark J. Miranda, Chief of Police

Subject: November Department Report

1. At the November 18th City Council meeting I attempted to show a video of the Distracted Driving project we held at the High School. Unfortunately there was no sound. You may now view this video on our Police Department web site: www.newportpolice.net A big thanks goes out to the Newport High School video class for this production.

2. Eyan, our narcotics detection canine has been out of service for the past few weeks due to an injury he suffered and he developed an infection. His veterinarian still is not sure of the injury issue, but we're hoping to get him back into service sometime soon.

3. A contingent offer for hire was presented to one of the police officer candidates. He passed his medical and psychological tests, and he will join for force towards the end of December. He will have to attend the police academy, which is slated to start in February.

4. Bids have been received for the removal of asbestos on the houses owned by Myrna Azar on NW Nye Street. The cost is estimated to be $22,000.00. We had anticipated this and there is money budgeted for this project. CSO Dustin Kittel will be obtaining another warrant from our Municipal Court so we can continue with this phase of the clean-up project.

5. A few of the various meetings I attended include:

    a. Partnership Against Alcohol and Drug Abuse (PAADA)Board Meeting
    b. Nye Beach Merchants
    c. Umpqua Bank Grand Opening
    d. CAD (car computer) training
    e. Congressman Schrader's Town Hall
    f. Port of Newport Board Meeting

g. Central Lincoln PUD Board Meeting

6. I participated in the table top exercise hosted by the U.S. Coast Guard. This exercise was to primarily benefit the Coast Guard's planning process, but everyone who attended got something out of the event. We here at the City will be stepping up our emergency planning.

7. Our Police Volunteers are keeping busy supporting the Department and City. The following are some of the events and/or projects they assisted with:

    a. Starting on a project to update emergency contact information for businesses
    b. Patrol the Bay Front on foot
    c. Preventative patrol for the rest of the City
    d. Brought on-board Elliott Black as a new volunteer

8. Newport police officers are starting to go through annual hearing testing. Since, at times, we can be subject to loud noises such as sirens, gun fire (at the range), it's important to practice hearing safety and to track any hearing changes an officer might experience.

9. Sgt. Tom Simpson and I attended the funeral for the Oregon City police officer that was killed in the line of duty. I've been to a bunch of these over my career and it's not really a great experience; other than to act as a reminder that we have a dangerous profession and we have to remain vigilant at all times.

10. I sat in on the Sheriff's radio show on KNPT. I covered emergency planning and stalking.

11. CSO Dustin Kittle posted then cleaned out the homeless camp just west of Walmart. 7000 pounds of garbage was collected along with about a half dozen library books from the Newport Library. This area is owned by Walmart and has been posted "No Trespassing."

12. Asst. Chief Rob Murphy and I assisted School District Safety Coordinator Sue Graves with a safety assessment of the Newport High School. We only had time to view the East Campus, but we did provide Ms. Graves with many suggestions. We still have to survey the West Campus and the rest of the schools in Newport.

NEWPORT FIRE DEPARTMENT
City Report November 2013

	CITY	RURAL
FIRE CALLS:	5	0
AUTOMATIC ALARMS:	13	0
MEDICAL CALLS:	81	10
MOTOR VEHICLE COLLISION	6	0
RESCUE	0	0
MUTUAL AID RENDERED:	1	1
MUTUAL AID RECEIVED:	0	0
AVIATION STANDBY:	0	
PUBLIC SERVICE	15	2
HAZARDOUS CONDITION	2	0
OVERPRESSURE/RUPTURE:	0	0

	CITY	RURAL
PERMITS ISSUED:		
BURN PERMITS:	31	39
FIREWORKS PERMIT:	0	0
FIREWORKS DISPLAY:	0	0
PERSON INSERVICES TOURS:	42	
TOTAL INSPECTIONS:	4	
VIOLATIONS:	0	
ABATEMENTS:	0	
PLAN REVIEWS:	6	
CONSTRUCTION INSPECTIONS:	2	
VOLUNTEER HOURS	67	

OCCUPANCIES of Fires and Automatic Alarms

AIRCRAFT:	0	0
BOATS:	0	0
HOSPITAL/CARE CENTER:	1	0
HOTEL/MOTEL:	0	0
LABORATORIES:	0	0
LAUNDRAMATS:	0	0
LAUNDRIES:	0	0
MANUFACTURING:	0	0
MARINA:	0	0
MISCELLANEOUS:	2	0
MOTOR VEHICLES:	0	0
NATURAL COVER:	1	0
OFFICES:	0	0

PROCESSING PLANTS:	0	0
PUBLIC BUILDINGS:	3	0
REPAIR SHOPS:	0	0
RESIDENTIAL:	5	0
RESTAURANT:	2	0
SCHOOLS:	1	0
SERVICE STATION:	0	0
STORAGE:	1	0
STORES:	3	0
TAVERNS:	0	0
TRAILERS:	0	0
UTILITIES:	0	0
VACANT BUILDINGS:	0	0

NEWPORT FIRE DEPARTMENT
City Report November 2013

CAUSES of Fires and Automatic Alarms

	CITY	RURAL		CITY	RURAL
ALARM MALFUNCTION:	7	0	HEATING APPLICANCE:	2	0
CARELESS SMOKING:	0	0	INCENDIARY:	0	0
CHILDREN W/HEAT SOUR	0	0	PROHIBITED MATERIALS	0	0
CLEARANCE:	0	0	MISTAKEN ALARM:	4	0
ELECTRICAL:	0	0	OPEN FIRES:	0	0
ENGINE BACKFIRE:	0	0	REKINDLE:	0	0
EXPOSURE FIRE:	0	0	SCORCHED FOOD:	0	0
FALSE ALARM:	3	0	SPARKS:	0	0
FIREWORKS:	0	0	UNDETERMINED:	2	0
FLAMMABLE LIQUID:	0	0	WELDING/CUTTING:	0	0
FLUES:	0	0			
FRICTION:	0	0			
GAS LEAK:	0	0			

LOSS OF LIFE

CIVILIAN: 0 FIREFIGHTER: 0

INJURY

CIVILIAN: 0 FIREFIGHTER: 0

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

December 11, 2013

To: Spencer Nebel, City Manager; Ted Smith, Interim City Manager
From: Phil Paige, Fire Chief
Re: Current Fiscal Year Budget Considerations

Department heads have been asked to outline the most immediate priorities that they will be dealing during the course of this fiscal year. The highest priority issues for the Fire Department are listed here, not necessarily in order of importance:

- Fire Engine Replacement- We have four fire engines, including one reserve. Our front line engines are twenty years old, and we need to buy one new engine as soon as possible, and fund plans to replace two other front line engines as well as rescue units in the near future. Repair costs continue to climb and reliability is a concern.

- Additional Staffing Needs- while our overtime budget has been replenished with the reimbursement for state mobilizations this past summer, the new positions requested were eliminated from the budget before it was adopted. I do not expect to be able to add positions within the fiscal year unless we receive the SAFER Grant that we applied for, and that is doubtful. If we are not successful in our grant request we will want to request at least two positions in the next fiscal year.

- Seismic evaluation of Newport Station (3200)- I would like to engage an engineering firm to conduct a preliminary engineering assessment for seismic rehabilitation. The results will tell us whether or not rehabilitation is feasible and the measures that would be necessary. This will help us determine whether to apply for a grant for seismic rehabilitation, or to aggressively move towards a new public safety building to replace Station 3200 (and give us some strong justification for doing so).

- Review our Volunteer Reimbursement Programs- There are possible changes on the horizon for the rules that cover volunteer compensation. Fire chiefs throughout the state and the country are trying to get clarification regarding IRS, DOL, PERS, and ACA definitions and rules that govern how we handle volunteer reimbursement. Depending what answers and definitions we receive, we may have to revise our volunteer programs. This could increase costs or decrease services.

- Agate Beach Station (3400) Remodel- Within this fiscal year, we should be completing minor renovations to the new Agate Beach Station (3400).

- EMS Transport Services- We need to decide whether or not to work towards providing EMS transport services. This could provide revenue for additional staffing, but would also be a

competitive proposal that would require much preparation. The current ASA agreements have been extended and will be reviewed next year.

- Collaboration Opportunities – We continue to look for efficiencies that may be realized by working more closely with neighboring fire departments.

- Paving at the Training Facility- This is budgeted for this year, but is dependent upon the demolition of the old building on the site. If Public Works does not demolish the building this year, we will need to move the monies to reserve or to next year's budget.

- Self-Contained Breathing Apparatus (SCBA)- We were awarded a FEMA grant that will help us replace all of our SCBA equipment this year and we have appropriated $35,000 that will cover the 5% matching funds as well as the associated equipment that is not covered by the grant.

- Replacement of one Command Vehicle- We are in the process of purchasing one command vehicle (SUV) and it is expected to be purchased and outfitted within the existing $50,000 budgeted amount.

NEWPORT FIRE DEPARTMENT
City Report November 2013

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PUBLIC SERVICE	15	2
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OVERPRESSURE/RUPTURE:	0	0

	CITY	RURAL
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OCCUPANCIES of Fires and Automatic Alarms

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BOATS:	0	0
HOSPITAL/CARE CENTER:	1	0
HOTEL/MOTEL:	0	0
LABORATORIES:	0	0
LAUNDRAMATS:	0	0
LAUNDRIES:	0	0
MANUFACTURING:	0	0
MARINA:	0	0
MISCELLANEOUS:	2	0
MOTOR VEHICLES:	0	0
NATURAL COVER:	1	0
OFFICES:	0	0

PROCESSING PLANTS:	0	0
PUBLIC BUILDINGS:	3	0
REPAIR SHOPS:	0	0
RESIDENTIAL:	5	0
RESTAURANT:	2	0
SCHOOLS:	1	0
SERVICE STATION:	0	0
STORAGE:	1	0
STORES:	3	0
TAVERNS:	0	0
TRAILERS:	0	0
UTILITIES:	0	0
VACANT BUILDINGS:	0	0

NEWPORT FIRE DEPARTMENT
City Report November 2013

CAUSES of Fires and Automatic Alarms

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CHILDREN W/HEAT SOUR	0	0	PROHIBITED MATERIALS	0	0
CLEARANCE:	0	0	MISTAKEN ALARM:	4	0
ELECTRICAL:	0	0	OPEN FIRES:	0	0
ENGINE BACKFIRE:	0	0	REKINDLE:	0	0
EXPOSURE FIRE:	0	0	SCORCHED FOOD:	0	0
FALSE ALARM:	3	0	SPARKS:	0	0
FIREWORKS:	0	0	UNDETERMINED:	2	0
FLAMMABLE LIQUID:	0	0	WELDING/CUTTING:	0	0
FLUES:	0	0			
FRICTION:	0	0			
GAS LEAK:	0	0			

LOSS OF LIFE

CIVILIAN: 0 FIREFIGHTER: 0

INJURY

CIVILIAN: 0 FIREFIGHTER: 0

Memo

To: Ted Smith, City Manager (interim) and City Council

From: Jim Protiva, Parks and Recreation Director

Date: December 10, 2013

Re: Department Update – November 2013

Recreation Center

- Staff decorated the foyer and surrounding area with impressive Christmas cheer!
- Santa visited the Rec. Center as part of the Chamber of Commerce "Santa Claus is Coming to Town" event, with kids of all ages stopping by to visit him.
- November 25-27 were non-school days, Child Center had 14 kids per day attending.
- Amy B.'s Zumba class set a new record with 33 participants at one time. Her popularity continues to grow!

Municipal Pool

- Job Corp swim program held
- High School Swim Team started with evening and morning practice times
- Thanksgiving Break Recreational Swims and Schools out swim

Sports Programs

- 7th/8th grade girls volleyball tournament at the Recreation Center Nov. 2nd with about 100 players and parents. (Congratulations to Waldport!)
- Free basketball referee clinic with Rick Booth held at Recreation Center Nov. 6th
- Youth basketball skills assessments Nov. 16th & Nov. 23rd with 125 players!

60 Plus Center

- 140 seniors ate a Thanksgiving meal with 50 meals delivered to shut ins
- 23 participants went through the Memory Screening program
- 34 attended AARP Driver Training

Suggestion/Concern/Compliant Update

11/5/2013	263-NPD-2013	Ralph Breitenstein	Intersection of SE Moore and Bay road. When going east, toward the port, there is a bush or tree that partially blocks the view it is difficult to see vehicles coming down the hill by 5th street. Could the bush be cut back or the limit line be moved foreword slightly for safety reasons?	
11/5/2013	264-NPD-2013	Ralph Breitenstein	Bush on the NE corner of Douglas and Olive makes it difficult to see west bound traffic on Olive when entering or crosssing Olive from southbound on Douglas, Bush is ugly, what are the chances of getting it removed?	
11/13/2013	265-PW-2013	Rob	Lateral backing up. Said it was caused by High School.	OPENED 11-13-13 Referred to collections. Used streets jet machine and jetted line. It seemed to be plugged just outside of the manhole. They went up past Rob's lateral. Rob was contacted and he will call if he has anymore problems. CLOSED 11-13-13

Memo

To: Ted Smith, Interim City Manager and City Council

From: Timothy Gross, PE, Director of Public Works/City Engineer

Date: December 16, 2013

Re: Capital Projects Status Update

Project: **Big Creek Road Landslide Repairs**
Project Number: 2011-003
Status: Project is complete. City Staff are completing maintenance before road is opened.
Contractor: Wildish Construction
Next Task: Open road.
Budget: $750,000
Description: This project will restore Big Creek Road. A January of 2011 storm caused portions of the road to slide away, making the road unsafe for vehicles and jeopardizing a buried water main and electrical and telecommunications overhead transmission lines. This project is 75% funded through FEMA and 25% through IFA (Oregon).

Project: **NE 71st Waterline Improvements**
Project Number: 2011-018
Contractor: WW Construction
Status: Contractor is installing watermain on the east side of Hwy 101.
Next Task: Watermain installation on Hwy 101 & Avery.
Budget: $482,125
Description: Installing a new water distribution pipeline along US-101 in the Agate Beach area and along NE 71st St for Phase 1 of the NE 71st St. Water System Improvements Project.

Project: **Lakewood Hills Pump Station**
Project Number: 2012-013
Status: Contractor is developing submittals of the pump station for review.
Contractor: Clackamas Construction
Next Task: Submittal review and approval. Fabrication of package pump station..
Budget: $622,378
Description: The Lakewood Hills Pump Station replaces an aging pump station that currently cannot provide fire flow and runs on only one pump. The new pump station will provide adequate fire flow, pump redundancy, and will have a backup generator that will keep the neighborhood in water in event of a power failure.

Project:	**Agate Beach Wastewater Improvements/ Big Creek Force Main**
Project Number:	2012-024
Contractor:	not awarded yet
Status:	SRF Funding Application is complete. Project is in 30 day public comment period.
Next Task:	SRF Funding Application approval. When funding is approved and City executes contract with DEQ, the project can be advertised. Staff expects the funding approval to be completed within a month.
Budget:	$1.3 MM
Description:	Installing a new force main from the Big Creek pump Station to the Northside pump station along NW Oceanview Drive, up NW 17th Street to NE Nye Street and then south on NW Nye Street. The existing force main is undersized and in poor condition.

Project:	**2013 Street Overlay Project**
Project Number:	2013-005
Contractor:	Road and Driveway
Status:	Notice of intent to award the contract will go to Council this evening.
Next Task:	Award project and execute contracts.
Budget:	$279,943
Description:	The annual overlay project generally mills old asphalt then overlay streets with 2 inches of new asphalt on streets with bad pavement condition. This year City staff plans to build curb and a 5' wide sidewalk on the north side of NE 3rd Street between NE Fogarty and NE Harney Streets just south of the Fairgrounds and repave the north lane. In addition the intersection of NE Fogarty and NE 3rd will be paved. NE Benton Street between NE 8th and NE 10th will have curb and storm drain added then be paved. NW 3rd Street between Hwy 101 and NW Coast Street will be milled and overlayed. The approaches of SW Alder and SW Lee Streets at Hwy 101 will be overlayed in anticipation of the new crosswalk improvements at these locations.

Project:	**Big Creek Dam 1 and 2 Assessment**
Project Number:	2011-025
Contractor:	HDR Engineering, Inc.
Status:	Reviewing results of soil sampling.
Next Task:	Meet with HDR and Cornforth & associates to review soil sampling results.
Budget:	$350,000
Description:	This analysis will continue the previous geotechnical analysis that was conducted on the dam structures to eliminate some of the assumptions that had to be made on the last study because of the inability to access certain parts of the dam for drilling. When the soils analysis is complete, the consultant will develop a feasibility study identifying remediation options and costs. The City in conjunction with assistance from Chase Park Grants and HDR Engineering Inc. have submitted a grant application to the Oregon Department of Water Resources to assist in funding the feasibility study for Big Creek Dams 1 and 2. This application was submitted Nov. 1 and may yield up to $250,000 in additional funding for this project. Awards for this grant should take place sometime after the 1st of the year.

Project:	**Bay Boulevard/SE Moore Drive Storm Sewer Improvements**
Project Number:	2012-015
Contractor:	not awarded yet
Status:	Engineer is developing preliminary environmental report for CWSRF Loan application.
Next Task:	Complete loan application.
Budget:	$2,925,532
Description:	This project corrects failing storm sewer at Bay Boulevard and SE Moore drive, Bay Boulevard and SE Fogarty Street, and along SE 4th and SE Fogarty. The intersection at SE Moore Drive and Bay Boulevard will be realigned to provide better intersection safety.

PAADA

Partnership Against Drug & Alcohol Abuse

Don McDonald
Coalition Coordinator

324 North Coast Hwy, Ste. 4
P.O. Box 2401
Newport, Oregon 97365

541-574-7890
paadadfc@gmail.com
PAADA.org

Our Partnerships

PAADA's Coordinators and Board of Directors work closely with a wide range of community organizations, volunteers and government agencies:

- *Youth leaders*
- *National Guard*
- *Lincoln County Dispute Resolution*
- *CEDAR*
- *Chamber of Commerce*
- *Local and state government officials*
- *OLCC Oregon Liquor Control Commission*
- *PFLAG Parents, Families & Friends of Lesbians & Gays*
- *Youth Development Coalition*
- *Seashore Family Literacy Center*
- *Centro de Ayuda*
- *APARC Addictions, Preventions & Recovery Committee*
- *Private Treatment Providers*

Lincoln County partners include:

- *District Attorney's office*
- *School District*
- *Health and Human Services*
- *Juvenile Department*
- *County Commissioners*
- *Sheriffs Department*

Visit us in our NEW location!

Newport Center
Behind Arctic Circle
324 N. Coast Highway,
Suite 4
Newport, OR 97365

Contact Us

Don McDonald, Coalition Coordinator
541-574-7890
paadadfc@gmail.com

Mindy Baxter, Youth Projects Coordinator
541-574-2995
paadadfcyouth@gmail.com

Elise Jordan & Bianca Dale, Outreach Assistants
Paada.outreach@gmail.com

Like us on Facebook

PAADA

Partnership Against Alcohol & Drug Abuse

Serving all of
Lincoln County

MISSION

PAADA is a grassroots community coalition working to empower youth and adults to make healthy decisions and to reduce the use or abuse of alcohol, tobacco & other drugs.

PAADA is a nonprofit 501(c) 3
funded by
Drug Free Communities Grant

Phone: 541-574-7890
Web site: www.paada.org

Serving Lincoln County Since 1994

- Raising awareness about alcohol and drug abuse in Lincoln County
- Empowering youth, parents and community to make healthy decisions regarding the use of tobacco, alcohol and other drugs
- Partnering with prevention coalitions and recovery programs on a local and statewide basis

We are here to further our community in the prevention of alcohol and drug abuse.

Community Change

PAADA has been a long-time friend and change agent of Lincoln County. With over 20 years of successful community-based prevention efforts, here is a snap shot of our current initiatives.

Prescription Drug Take Back
Safe disposal for unused prescriptions @ Rx drop-off locations at City Halls in Newport and Lincoln City; Toledo Police department

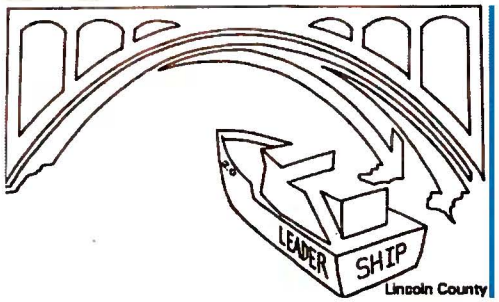
Policy Reform
Statewide Student Discipline Advisory Committee

Teen Justice Panels
Youth criminal court diversion program

Recovery & Prevention Events
Celebrate Recovery- Hands Across the Bridge
Prescription Drug Summit

Community Education
Presentations to community civic groups about substance abuse and prevention efforts

Youth Leadership Academies
Teen leaders from every school in the county attend the annual academies, topics include: alcohol & drug use prevention, conflict management, teamwork, leadership skills



Volunteer & Board Membership

I am interested in:

- ☐ Community Board Member
- ☐ Teen Justice Panels
- ☐ Youth Leadership Academy
- ☐ Event Volunteer

Name

Address

Phone

E-mail

PAADA welcomes interested community members to join the conversation

Consider joining the coalition, meetings are held the 2nd Tuesday of each month from 12-1:30 pm @ Yaquina View Elementary, room L
351 NW Harney St. in Newport

PLEASE RSVP

PAADA
324 N. Coast Highway, Suite 4
P.O. Box 2401
Newport, OR 97365

Phone: 541-574-7890
Website: www.PAADA.org
E-mail: paadadfc@gmail.com
Facebook: Partnership Against Alcohol & Drug Abuse

Oregon's Marijuana Milestones 1973-2014

1973
Oregon becomes the first state to pass cannabis decriminalization legislation
[source: norml.org]

November 4th 1998
Alaska, Oregon, and Washington Become 2nd, 3rd, and 4th States to Legalize Medical Marijuana: The result of the 55% "yes" vote allowed medical use of marijuana in Oregon within specified limits. It also established a state controlled permit system.
[source: norml.org]

May 1999
Oregon Department of Human Services (DHS) implements marijuana patient state registry, to administer the registration program under the Oregon Medical Marijuana Act: the Oregon Medical Marijuana Program (OMMP).
[Source: Oregon Medical Marijuana Program, Oregon Health Authority Public Health Division]

November 4th, 2010
Measure 74: Oregon Regulated Medical Marijuana Supply System Act Fails– a ballot measure that sought to create a medical marijuana dispensary program did not pass and was supported by 44.21% of Oregon voters
[source: Marijuana Policy Project]

November 4th, 2012
Measure 80 Oregon Cannabis Tax Act Initiative Fails – a ballot measure that sought to repeal Oregon's marijuana prohibition and replace it with a system of taxation and regulation – came up short on election night. The measure was defeated 53% to 47%.
[source: Marijuana Policy Project]

August 29th, 2013
Department of Justice Won't Block Recreational Marijuana Laws. The department announced it will not go to court to block Colorado and Washington state from permitting recreational use of marijuana. It will focus on other priorities, including drugged driving and violence in the cultivation of marijuana.
[source: pbs.org]

1973 | 1998 | 1999 | 2009 | 2010 | 2012 | 2013 | 2014

December 1998
Oregon Legislature passed Medical Marijuana Act into law: The law provides legal protections for qualified patients; requires a physician-written statement of the patient's qualifying debilitating medical condition; allows for a caregiver to provide assistance; and mandates an Oregon Health Authority registration system.
[Source: Oregon Medical Marijuana Program, Oregon Health Authority Public Health Division]

October 19, 2009
United States Department of Justice Issues Medical Marijuana Policy Memo: DOJ signs memorandum to provide clarification and guidance to federal prosecutors in states that have authorized the medical use of marijuana.
[Source: Oregon Medical Marijuana Program, Oregon Health Authority Public Health Division]

August 14, 2013
Oregon Gov. John Kitzhaber signs medical marijuana bill into law [HB 3460]: HB 3460 Makes Oregon the 14th state (plus D.C.) to create a regulated medical marijuana dispensary program.
[source: Marijuana Policy Project]

March 1, 2014 HB 3460 legislation becomes operative: Law will allow registered medical marijuana facilities where medical marijuana patients in Oregon will be able to procure their doctor-recommended medicine.
[source: Marijuana Policy Project]

PAADA
Partnership Against Alcohol & Drug Abuse

City Council Considerations

Oregon Medical Marijuana #s

*July 1st, 2013

Number of OMMP patients	55,937
Number of current OMMP caregivers	28,127
Number of Oregon-licensed physicians with **current** OMMP patients (MDs and DOs only)	1,484
Number of applications denied/rejected July 1, 2012 through June 30, 2013	1,882
Lincoln County OMMP patients	**874**

*October 1st, 2013

Number of OMMP patients	58,484
Number of current OMMP caregivers	29,323
Number of Oregon-licensed physicians with **current** OMMP patients (MDs and DOs only)	1,549
Number of applications denied/rejected October 1, 2012 through September 30, 2013	1,481
Lincoln County OMMP patients	**918**

In Washington

Cities are responding in a variety of ways including enacting moratoria, prosecuting dispensaries, establishing regulations, and simply taking no action. In addition, the City of Seattle recently passed an ordinance that would require any commercial medical marijuana operation to comply with all applicable laws including city business licensing and taxing requirements.

With the ambiguity surrounding medical marijuana, AWC recommends that cities consult with their legal counsel and carefully weigh the risks before taking any action.

Local jurisdictions will need to enact zoning provisions in the future for businesses that grow or retail marijuana

Local government liability The law provides immunity from civil and criminal liability for actions taken by cities and their employees in good faith and within the scope of their duties.

Land use regulations Cities are allowed to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements, and business taxes on the production, processing, and dispensing of cannabis.

[Source: Association of Washington Cities *"Changes to Washington's medical marijuana law took effect on* July 22, 2011. *What does this mean for cities"*
Cities should pay close attention to several key provisions in the law:
Olympia, WA www.awcnet.org]

Washington Laws

- Ch. 69.51A RCW - Medical Cannabis (Formerly Medical Marijuana)
- Legislative Information on SB 5073, Washington State Legislature Bill Information
  - Governor Gregoire's Statement About SB 5073, Press Release, 04/21/2011

Policy Discussion

- Medical Marijuana in Washington (), Fall 2012 WSAMA presentation by Jon Walker, Deputy City Attorney and police legal advisor for Tacoma.
- Are Sales of "Medical Marijuana" Subject to Sales Tax?, Washington State Department of Revenue Tax Topics
- Washington State Department of Health Medical Marijuana webpage
  - Information for Health Care Providers on the Medical Cannabis Law (ESSB5073) (), 12/2011
  - Information Summary: Patient Access to Medical Marijuana in Washington State (), Publication Number 631-001, Washington State Department of Health, 07/2008
- Medical Marijuana Fact Sheet (), Association of Washington Cities, 07/2011
- Reefer Madness: What Employers Need to Know About Medical Marijuana and Drug Testing Under Washington Law, by Brian M. Flock and M. Edward Taylor, *MRSC HR Advisor*, July 2011
- *Roe v. TeleTech Customer Care Mgmt. (Colo.), LLC*, 152 Wn. App. 388 (2009), review granted, 168 Wn.2d 1025 (2010) - The Court of Appeals ruled that Washington's Medical Use of Marijuana Act does not protect medical marijuana users from adverse hiring or disciplinary decisions based on an employer's drug test policy
- Update: Medical Cannabis (), by W. Scott Snyder, Senior Member, Ogden Murphy Wallace, Municipal, Municipal Research News, Summer 2011
- Washington Non-discrimination Laws and the Use of Medical Marijuana (), Washington State Human Rights Commission, 03/2009, modified 06/2011
- Medical Marijuana Uses - Local Regulation (), by Carol Morris, Morris Law, P.C., Seabeck, WA. Memo discussing the current status of the laws regarding city regulation of collective gardens, with a helpful listing of the issues a city might want to consider, 11/18/2011, updated 03/09/2012, 07/19/2012
- Letter to Board of Clark County Commissioners (), from the United States Department of Justice, Drug Enforcement Administration, re application of the Controlled Substances Act (CSA) to the Board of Clark County Commissioners and Clark County Employees, 01/17/2012 - This letter appears to be a response to the extensive medical marijuana statutory changes originally passed by the 2011 legislature, many of which were vetoed by Governor Gregoire

Washington Local Government Ordinances

Types of Ordinances and Decisions Adopted

Jurisdiction	Moratoria		Interim Ordinances			Permanent Ordinances		
	Dispensaries	Collective Gardens	Dispensaries Prohibited	Collective Gardens Prohibited	Collective Gardens Authorized	Collective Gardens Prohibited	Collective Gardens Authorized	De Facto Ban
Bellevue					X			
Bellingham					X			
Bonney Lake						X		
Castle Rock					X			
Chelan								X
Clark County							X	
Edgewood								X

Updated 09/2013

Medical Marijuana (Cannabis)

Contents

- Introduction
- Current Status of Medical Marijuana in Washington State
- Federal Law and Policies
- Washington Laws and Policies as They Currently Exist
- Washington Local Government Ordinances
- Additional References
- Chronology of Medical Marijuana Regulation in Washington State
- Related MRSC Pages
  - Recreational Marijuana: A Guide for Local Governments

Introduction

We are in the midst of a transition regarding how medical marijuana (cannabis) is regulated. This page is intended to keep you current regarding the changes, and the diverse ways that different jurisdictions are coping with the process. An ambitious move toward full regulation of medical marijuana was passed by the state legislature in 2011, but key provisions were vetoed by Governor Gregoire. "Collective gardens" are specifically allowed under current state legislation, but dispensaries are not. The resulting regulations are not fully consistent, and there are many unanswered questions. Also, Washington's medical marijuana laws conflict with federal drug laws, which do not recognize any medical uses for the drug.

Current Status of Medical Marijuana in Washington State

The 2012 legislature did not pass any amendments to the current medical marijuana statutes, and Initiative 502 did not contain any amendments to the medical marijuana statutes, so now there are two clearly separate regulatory systems, one dealing with medical marijuana and the other dealing with adult recreational use of marijuana. Local jurisdictions will need to enact zoning provisions in the future for businesses that grow or retail recreational marijuana, but that is a separate issue from medical marijuana collective garden zoning (though it is possible that there might be similar zoning approaches used for both). For previous updates, see Chronology of Medical Marijuana Regulation in Washington State below.

Federal Law and Policies

- Controlled Substances Act, 21 U.S.C. Ch. 13 - Drug Abuse Prevention and Control, *via* U.S. Drug Enforcement Administration
- Memorandum for Selected United State Attorneys (), Subject: Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana, U.S. Department of Justice, Office of the Deputy Attorney General, 10/19/2009
- VHA Directive 2011-004, Access to Clinical Programs for Veterans Participating in State-Approved Marijuana Programs, Veterans Health Administration, 01/31/2011
- Memorandum for Selected United State Attorneys (), Subject: Guidance Regarding the Ogden Memo in Jurisdictions Seeking to Authorize Marijuana for Medical Use, U.S. Department of Justice, Office of the Deputy Attorney General, 06/29/2011
- Gov. Gregoire's Letter and Petition to the Federal Government (), 11/30/2011 - Seeking to have marijuana rescheduled so that it can be prescribed as a medical treatment for appropriate patients

Washington Law and Policies as They Currently Exist

Agenda Item # VIII.B
Meeting Date 12-16-2013

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Big Creek Road

Prepared By: TEG Dept Head Approval: _____ City Manager Approval: _____

Issue Before the Council:

NE Big Creek Road between Frank Wade Park and NE Harney Street has been closed since January of 2011 due to landslides associated with a winter storm that year. The City has recently completed a restoration project that repaired the slide areas. The repair area encompassed approximately the northern half of the aforementioned section, and resulted in a road cross-section of between 16 to 20 feet in width. As Public Works staff began preparing Big Creek Road to be reopened, it became apparent that the entire length of Big Creek Road could be widened to accommodate a 16 to 20 foot width. City Staff, including the City Manager, Police Chief, Community Development Director, and Public Works Director, agreed that it was both safe and in the best interests of the City and the Lakewood Hills neighborhood to reopen Big Creek Road as a two-way road.

Staff Recommendation:

Confirm staff decision to open Big Creek Road as a two-way road.

Proposed Motion:

None. Discussion item only.

Key Facts and Information Summary:

Big Creek Road from NE 12th Street to NE Harney Street was originally constructed in the early 1900's and was maintained by Lincoln County until July 25, 1984 when it was transferred to the City of Newport. A few years before this transfer, the County changed the status of Big Creek Road to be one-way to the south, because the shoulders and ditches had decayed to the point where it was felt that the road cross-section was too narrow to allow two-way traffic safely. At its narrowest point at the north end, the travel lane of Big Creek Road was approximately 12 feet wide. The project that was recently completed to restore the landslide areas, and the maintenance work completed by Public Works staff, has restored Big Creek Road to an average width of 20 feet with a few short areas at the far north end and through the repaired slide areas as narrow as 16 feet. Public Works staff were able to achieve this extra width by excavating the overgrown ditch lines on the upslope side of the road and by removing the overgrown vegetation on the outside of the road. In addition, critical drainage structures were restored and improved, and in one case an additional culvert was added on the north end. Additional rock has been added to the road surface and graded, and Staff will be installing reflective delineators on the outside road edge.

Several of the local residents have expressed concerns about the City's plan to open the road two-way, including: questioning the authority of Staff to make such a decision without Council resolution, expressing concern for the safety of pedestrians and bicycles, and requesting that Council provide an opportunity for public input before the road is opened.

The authority to establish traffic control, open and close streets, and designate one way streets is given to the City Manager in Chapter 6 of the City Code. City Staff and the City Manager discussed the issues surrounding Big Creek Road and agreed that it is consistent with the City's adopted Transportation System Plan (TSP) and in the best interests of the City to open Big Creek Road as a two-way road. Big Creek Road became a one way road several decades ago while under County jurisdiction, therefore no City resolution nor traffic order exists. Because there was no original traffic order making Big Creek Road a one-way road, there is no need for the City Manager to issue a contradictory traffic order making the road a two-way road, since the TSP defines all local roads as two-way roads already. Chapter 6 of the City Code also gives the City Council authority to rescind a traffic decision by the City Manager and gives the public the right to petition the Council to make such a change. If the Council decides to reverse the Staff decision and make Big Creek Road one-way, a traffic order should be issued in accordance with Chapter 6 of the City Code.

The TSP identifies the need for a north-south arterial route from NE 7th Street to NE 31st Street, tentatively proposed to follow an alignment along Harney Street from NE 7th to the intersection with Big Creek Road just west of the City's Water Treatment Facility. (See attached map.) Because significant topographical challenges of the proposed alignment force the proposed cross-section to be narrower than desired, the TSP also identifies additional bicycle and pedestrian improvements along Big Creek Road to allow this alignment to meet the multimodal needs required of an arterial route. However, the TSP also cautions that, "*The actual feasibility and alignment of the new roadway must be determined by survey.*"[1] Furthermore, Goal 1, Policy 2.2 from the Goals and Policies of the TSP states, "*…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.*"[2]

In the last couple of years, developers have approached the City with tentative plans showing the proposed alignment of the Harney Street extension. This proposal included comprehensive topographical surveys and wetland delineations. The alignment of the proposed north-south arterial route cannot be built without crossing two critical coho salmon habitat streams and two significant wetlands. In order to align with Harney Street on the north without crossing through the Water Treatment Plant or across the face of the Lower Big Creek Dam, the alignment would be forced to go through the recently dedicated Forest Park. The initial proposal by the developer included a 600' long bridge to deal with the crossing of Jeffries Creek and the associated wetland habitat. The City would be unable to pay for long term maintenance or replacement of such a significant piece of infrastructure, nor is it likely the City would condone the environmental impact of forcing such an alignment.

The Lakewood Hills neighborhood stands perched on the edge of additional development, with several acres of high-density residential ready to be constructed, which will add potentially several

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[1] City of Newport Transportation System Plan Documents; Parsons, Brinkerhoff, Quade & Douglas, Inc.; June 1997, p. 6

[2] P. 20

hundred trips per day to this region. The significant challenges of constructing the Harney Street extension means that this improvement will be several years, if ever, from being implemented. The City must preserve its existing road corridors and improve them, as finances allow, to prepare for this additional demand on the system. Although not replacing the need for an additional arterial route to this region, Big Creek Road serves as a needed relief until such time that the financial, environmental, and geographic hurdles to the Harney Street Extension can be overcome.

Traffic counters were recently placed on NE 31st Street and on NE Harney Street for a week. The average number of trips entering and exiting the Lakewood Hills neighborhood is 24 trips per hour (TPH). The peak hour was 92 TPH. A very rudimentary and conservative analysis could say that 50% of this traffic could take Big Creek Road yielding 46 trips during the peak hour, or one trip every 1.3 minutes. The average TPH using this same analysis would yield 1 trip every 5 minutes.

Big Creek Road has sufficient width to allow vehicles travelling in opposite directions to pass each other safely. The extra width that was added also increases pedestrian and bicycle safety by allowing more distance between them and passing vehicles. For pedestrians who are uncomfortable walking Big Creek Road because of the additional traffic that opening the road two-way may generate, there is an alternate walking route via the trail between Big Creek Park and the City pool. This trail is maintained to a high level by City staff since it also serves as an access road to the City's main water storage tanks.

The Fire Department has also expressed concerns that Big Creek Road be kept open and maintained as an alternative access and egress to the Lakewood Hills Development. They do not have an opinion regarding whether Big Creek Road is one-way or two-way, but only that it is kept open and available for emergency access and evacuation if necessary. The letter is attached to this memo for your reference.

Other Alternatives Considered:

Open Big Creek Road one-way southbound. Staff would consider this alternative acceptable for the time being if the Council so requests. However the need to change Big Creek Road to two-way traffic should be reconsidered when additional development occurs in the Lakewood Hills neighborhood.

City Council Goals:

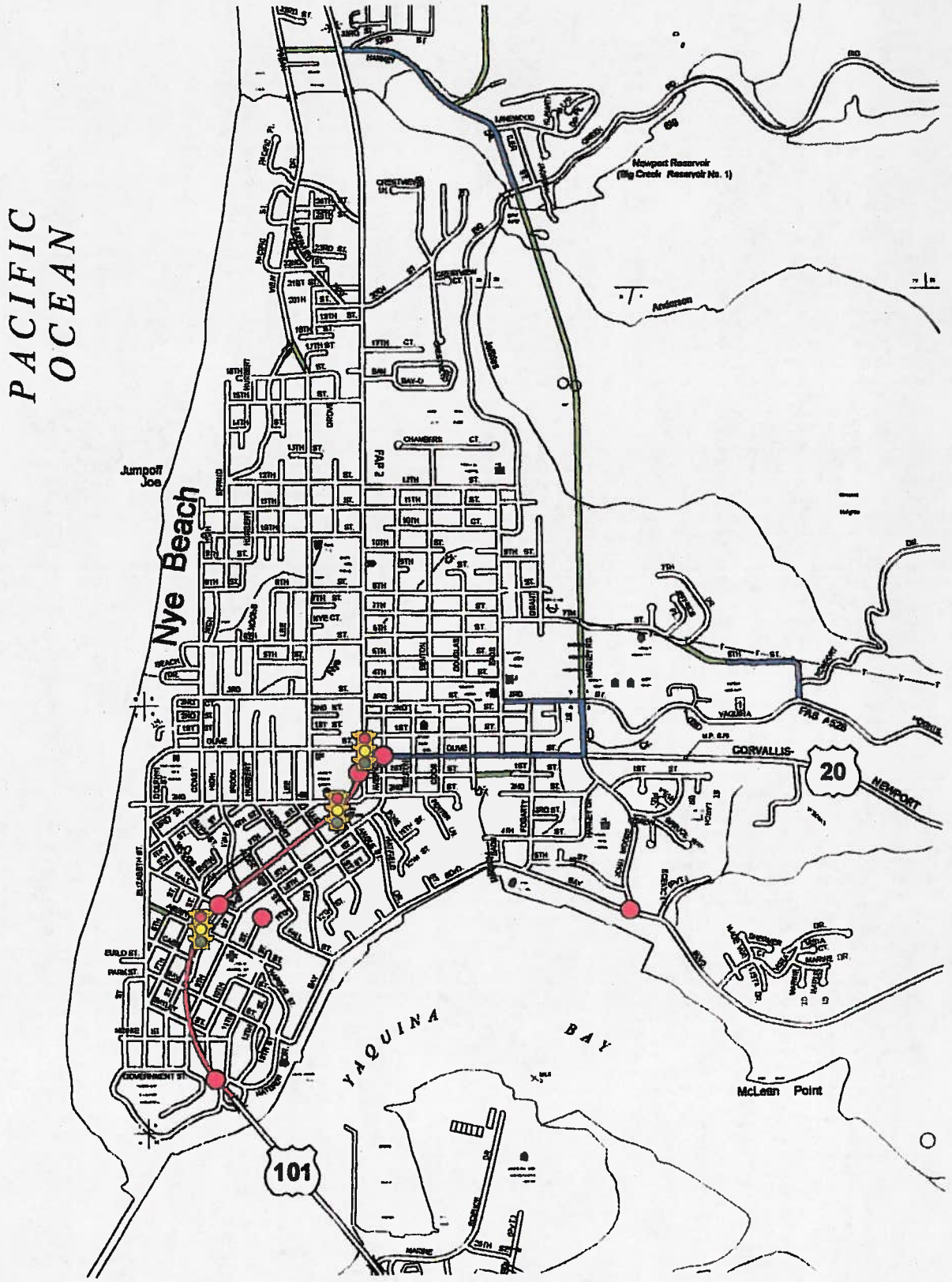
None

Attachment List:

- City of Newport Transportation System Plan, Fig. 2, *Roadway Improvements (North Newport)*
- Letter from Newport Fire Department

Fiscal Notes:

None



Legend:

- New Roads
- Improvements to existing roads
- TSM Projects
- New Traffic Signals or Signal Improvements

0' 500' 1,000' 2,000'

City of Newport Transportation System Plan

Roadway Improvements (North Newport)

Fig. 2

Wednesday, December 11, 2013

TO: Tim Gross PE, Public Works Director/City Engineer

FROM: Rob Murphy, Assistant Fire Chief

SUBJECT: Restricting Big Creek Road to vehicular traffic

Tim,
It is the position of the Newport Fire Department that the section of Big Creek Road between NE Harney and the Newport Swimming Pool remain open to vehicular traffic.

Big Creek Road serves as a secondary means of emergency access and egress for the Lakewood Hills and Big Creek Reservoir neighborhoods. By limiting or closing Big Creek Road to vehicular traffic, local residents would have just one way out and emergency vehicles would only have one way in in the event of an emergency.

A number of houses in the Lakewood Hills area and along Big Creek Road are in the tsunami inundation zone. In addition there is a risk of flooding in that area if there were a dam brake of either of the reservoirs.

If Big Creek Road is cut off to vehicular access then NE Harney heading north becomes the only way in and out for that area. This would cause problems for residents trying to escape and emergency vehicles trying to get in area for rescue and evacuation.

The only alternative the Fire Department would find acceptable for public safety would be to keep Big Creek Road a one way street heading southbound for local traffic while still allowing emergency vehicle access in both directions if the need arises. Thank you for your consideration on this matter. Respectfully,

Rob Murphy
Assistant Chief/Fire Marshal
Newport Fire Department

245 N.W. 10th St; Newport, OR 97365 – Phone 541-265-9461 Fax – 541-265-9463

Agenda Item # IX.A.
Meeting Date December 16, 2013

CITY COUNCIL
AGENDA ITEM SUMMARY
City of Newport, Oregon

Issue/Agenda Title: Public hearing on the scheduled 10 year review of the Nye Beach Design Review District

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

ISSUE BEFORE THE COUNCIL: A public hearing to take testimony on whether or not the City of Newport should make changes to the Nye Beach Design Review District. This is a scheduled 10-year review required by Ordinance No. 1865.

STAFF RECOMMENDATION: Staff recommends that the Council ask those who are providing testimony to be as specific as they can about issues they may have, so that it can determine whether or not those concerns can best be addressed through amendments to the Nye Beach Design Review District.

PROPOSED MOTION:

MOTION NO. 1 – NO CHANGES: I move that, based upon the testimony provided this evening, there is no need to revisit the provisions of the Nye Beach Design Review District at this time.

MOTION NO. 2 – INITIATE CHANGES: I move that, based upon the testimony provided this evening, the Council initiate changes to the Nye Beach Design Review District to address the following issues ____(list)_____, and direct the matter to the Newport Planning Commission to develop the necessary amendments in accordance with the appropriate procedures contained in the Newport Zoning Ordinance.

KEY FACTS AND INFORMATION SUMMARY: In 2003 the City of Newport created the Nye Beach Design Review District, which put in place architectural design requirements and flexible development standards for new construction or areas of redevelopment (Ordinance No. 1865) in Nye Beach. Its purpose is to ensure continued livability through a focus on how the built environment shapes the character of the community.

The ordinance establishing the Nye Beach Design Review District requires that within 10 years of the date of adoption, the Council hold a hearing to consider whether or not changes need to be made to the district polices, boundaries and implementing regulations. This public hearing serves as the required 10-year review.

On June 26, 2013 Nye Beach residents and business owners met with staff to share some concerns they have with the Design Review District. An email summarizing the issues raised at the meeting is enclosed. The need for the 10-year review was also discussed at the April 29, 2013 Town Hall meeting and information submitted to the Council at that time is included in the hearing packet. The last development project requiring a Design Review Permit was the hotel formerly known as the "Greenstone Inn." That decision was issued in 2008.

Notice of the December 16, 2013 hearing was provided to all property owners within the boundary of the Nye Beach Design Review District. Press releases were issued, and staff also attended the Nye Beach Merchants holiday potluck on December 11, 2013 to advertise the opportunity for interested parties to weigh in on this issue.

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: Initiating this required review process is a Council goal.

ATTACHMENT LIST:

- Chapter 14.30 Design Review Standards (as adopted by Ordinance No. 1865)
- Adopted Design Review Guidelines
- Notice of the December 16th public hearing
- August 6, 2013 Email listing concerns raised by some Nye Beach residents and business owners
- April 29, 2013 Town Hall meeting agenda and associated materials submitted by Wendy Engler

FISCAL NOTES: The City has limited staff resources to apply to legislative work, and it may be prudent to have an outside consultant assist if any kind of detailed reevaluation of the design standards is sought. Funding would need to be provided as part of the next budget cycle; however, this vetting process could help identify the specific needs.

CHAPTER 14.30 DESIGN REVIEW STANDARDS

14.30.010 Purpose. Design review districts may be adopted by the City of Newport in accordance with applicable procedures to ensure the continued livability of the community by implementing standards of design for both areas of new development and areas of redevelopment. Design review is an important exercise of the power of the City to regulate for the general welfare by focusing on how the built environment shapes the character of the community.

The Newport Comprehensive Plan identifies six potential urban design districts within the Newport Peninsula including the City Center District (and Highway 101 corridor), Waterfront District, Nye Beach District, Upland Residential District, East Olive District, and the Oceanfront Lodging/Residential District. Additionally, neighborhood plans may be adopted for other areas of Newport that include as an objective the implementation of design review to maintain and/or provide a flexible approach to development by offering two methods of design review from which an applicant can choose. One method of design review is under clear and objective design standards and procedures to allow development that is consistent with the standards to occur with certainty in a timely and cost effective manner. A second alternative method of design review is review under design guidelines, which area a more flexible process for proposals that are creative/innovative and meet the identified guidelines of the applicable design review district.

It is further the purpose of these standards to:

A. Preserve the beautiful natural setting and the orientation of development and public improvements in order to strengthen their relationship to that setting.

B. Enhance new and redeveloping architectural and landscape resources to preserve and strengthen the historic, scenic and/or identified neighborhood character and function of each setting.

C. Improve the vehicular and pedestrian networks in order to improve safety, efficiency, continuity, and relationships connecting Newport neighborhoods.

D. Strengthen Newport's economic vitality by improving its

desirability through improved appearance, function, and efficiency.

E. Improve the built environment in order to strengthen the visual appearance and attractiveness of developed areas.

F. Implement the goals and objectives of the adopted neighborhood plans.

14.30.020 Definitions. The following words and phrases for the purposes of the design review ordinance shall have the following meanings:

A. "Community Development Director shall mean the Community Development Director/Planning Director or designate.

B. "Design guidelines" shall mean the mandatory general design criteria with which a project is required to be in compliance. The design guidelines are applicable for applications that do not meet the design standards.

C. "Design review" shall mean the process of applying design guidelines and/or design standards as applicable to a project.

D. "Design standards" shall mean the mandatory specific design criteria with which a project must demonstrate compliance. If the project does not meet the design standards, then the project is reviewed under the design guidelines.

E. "Footprint" shall mean the total square footage of the area within the perimeter of the building as measured around the foundation of a building.

F. "Gross floor area" shall mean the total square footage of floor area within the exterior walls of a building excluding crawl spaces and unenclosed porches/decks.

G. "Substantial reconstruction" shall mean the value of the exterior construction work requiring a building permit that is 25% or more of the real market value of an existing commercial structure and 35% or more of the real market value of an existing residential structure based on the value on the most current rolls of the Lincoln County Tax

Assessor. Value of the work to be done shall be the valuation of the work as determined for the building permit on which the cost of the permit is based. In the case where one or more additional building permits involving exterior work are applied for within one year of the date of issuance of the first building permit for exterior work, the value of the exterior construction work on the projects shall be counted as one project for the purposes of determining the percentage of exterior construction work value.

14.30.030 Council Review of Design Review Districts and Implementing Regulations

A. Within 10 years of the date of the adoption of an ordinance establishing a design review district and the implementing regulations, the City Council shall consider reviewing the proposed design review district and the implementing regulations by soliciting public comment on the design review district and the implementing regulations. The Council shall provide public notice that the Council is considering reviewing the proposed design review district and implementing regulations and shall accept public comment on whether or not to review the proposed design review district and the implementing regulations. Following the acceptance of public comment on reviewing the proposed design review district and implementing regulations, the Council shall decide whether or not to review the proposed design review district and implementing regulations. If the Council decides to review the proposed design review district and implementing regulations, the Council may proceed in a manner provided by the Comprehensive Plan, Zoning Ordinance, and/or state law for review of the design review district and implementing regulations. The ability to amend an ordinance relating to design review, without the above process, as provided by the Comprehensive Plan, Zoning Ordinance, and/or state law is not precluded by this section.

B. The following are the 10 year review dates for the established design review district:

    1. Historic Nye Beach Design Review District. For the Historic Nye Beach Design Review District, the process in Section 14.30.030(A) shall be initiated by the City Council by December 1, 2013.

14.30.040 <u>Design Review Districts: Overlay Zones Established</u>. The following:

A. Historic Nye Beach Design Review District. The Historic Nye Beach Design Review District Overlay Zone shall be indicated on the Zoning Map of the City of Newport with the letters HNBO and is the area within the area described as follows:

   Starting at the intersection of SW Hurbert St. and SW 2nd St.; thence west along SW 2nd St. to SW Dolphin St.; thence north along SW Dolphin St. to W Olive St.; thence west along W Olive St. to SW Elizabeth St.; thence south along SW Elizabeth St. to SW Surf St.; thence west along SW Surf St. to the Pacific Ocean; thence north along the Pacific Ocean to NW 12th St.; thence east on NW 12th St. to NW Spring St.; thence south along NW Spring St. to NW 10th St.; thence east along NW 10th St. to NW Hurbert St.; thence south along NW Hurbert St. and SW Hurbert St. to SW 2nd St. and the point of beginning.

   The boundary of the area described shall be adjusted to also include Lot 6 of Block 19, OCEANVIEW.*

*(*Sentence added by Ordinance No. 1887 (11-7-05).)*

14.30.050 <u>Adoption of Design Review: Guidelines and Standards</u>. The document entitled "Newport Design Review: Guidelines and Standards" dated November 10, 2003, is hereby adopted by reference and made a part hereof. The guidelines and standards contained therein shall be the guidelines and standards applicable to the Historic Nye Beach Design Review District.

14.30.060 <u>Special Zoning Standards in Design Review Districts</u>. All zoning standards and requirements applicable under Ordinance No. 1308 (as amended) in the subject zoning district shall apply, except that the following additional zoning standards are applicable for the design review district as applicable in the underlying zoning designation and shall be modified for each district as specified.

A. Historic Nye Beach Design Review District:

   1. No drive through windows are allowed.

2. Any building with any exterior dimension of 100 feet or more shall be required to obtain a Conditional Use permit as outlined in Section 14.33.001, Conditional Uses, and using a Type III Land Use Action decision process consistent with Section 14.52.001, Procedural Requirements.* If a structure with an exterior dimension of 100 feet or more existing on the date of passage of this ordinance is destroyed or damaged by any cause, a conditional use permit under this subsection shall not be required for the replacement or rebuilding of the structure provided the replacement or rebuilding is within the footprint of the building prior to destruction or damage and the replacement or rebuilding does not exceed the exterior dimensions, including height, of the building as it existed prior to the destruction or damage. In addition to the criteria contained in Section 14.30.015(A), the proposed project shall be consistent with the design guidelines or standards established for the Historic Nye Beach Design Review District.

3. Commercial buildings with frontage on NW and SW Coast Street, W Olive Street, NW and SW Cliff Street, NW Beach Drive, and NW Third Street shall be set back from the property line fronting the street no more than 5 feet unless the development provides for a pedestrian oriented amenity (such as a courtyard, patio, or café with outdoor seating), compliance with the setback is precluded by topography or by easement, or a larger setback is authorized by the Planning Commission through the design review process.

4. All required yards and setbacks established in Section 14.11.001 (Required Yards and Setbacks) and Section 14.18.001 (Screening and Buffering between Residential and Non-Residential Zones) shall be reduced by 50%.

5. Residences associated with a bed and breakfast may be on any floor.

6. All applicants shall sign a waiver or remonstrance for future street and/or sidewalk improvement districts if said improvement is part of a plan adopted by the City Council.

7. For Tourist-Commercial (C-2) zoned property with frontage on NW and SW Coast Streets, W Olive Street, NW and SW Cliff Streets, NW Beach Drive, and NW Third Street, a single-family residence is allowed as a use permitted outright if located on a floor other than the street grade floor.

An existing single-family residence as of the date of passage of this ordinance with frontage on the above-named streets and located on the street grade floor is allowed as a use permitted outright for the footprint of the structure existing at the date of passage of this ordinance. For all C-2 zoned property within the District, up to 5 multiple family dwelling units are allowed as a use permitted outright if located on a floor other than the street grade floor. As noted in Subsection (5) above, a residence associated with a bed and breakfast may be on any floor. This section modified 14.23.020(B) for properties within the Historic Nye Beach Design Review District.

*(*Amended by Ordinance No. 1989 (1-1-10).)*

1.* Additional residential use, including at the street grade, is permitted outright for C-2 property located south of NW 2nd Court and north of NW 6th Street that front NW and SW Coast Street, W. Olive Street, NW and/or SW Cliff Street, if the residential use complies with the following additional requirements:

   a. The maximum density per residential unit is 1,250 square feet per unit.

   b. The maximum building height is 35 feet.

   c. The maximum lot coverage in structures is 64%. If the proposed residential use provides at least 1 actual off-street parking space for each residential unit in a below-grade parking structure (for the purposes of this section below-grade is defined to mean that 50% or more of the perimeter of the building is below-grade) located directly below the residential portion of the structure, the maximum lot coverage allowed is 90%.

   d. Residential structures built on C-2 property located south of NW 2nd Court and north of NW 6th Street that front NW and SW Coast Street, W Olive

Street, NW and/or SW Cliff Street, shall be required to meet the Design Standards and Design Guidelines for Single-Family, Two-Family, or Multiple-Family dwellings as applicable and contained in the Historical Nye Beach Overlay.

e. The residential use provides at minimum 1 actual off-street parking space for each residential unit.

f. At least one residential building per lot is set back from the property line abutting the street no more than 5 feet unless compliance with the setback is precluded by topography or easement or a larger setback is authorized by the Planning Commission by variance or through the design review process.

2. For C-2 zoned property with frontage on NW and SW Coast Street, W Olive Street, NW and SW Cliff Street, NW Beach Drive and/or NW Third Street, single-family residential use of a building that was either constructed for single-family residential use or has been previously used for a single-family residential use is permitted throughout the entire portion of the building.

*(*Subsection added by Ordinance No. 1946 (1-22-08).*
***Subsection added by Ordinance No. 1946 (1-22-08).)*

3. The following adjustments to the off-street parking requirements of Section 14.14.001 (Parking, Loading, and Access Requirements) are provided for uses within the District:

a. Commercial uses within the area bounded by SW 2nd Street, NW 6th Street, NW and SW High Streets, and the Pacific Ocean are exempt from the requirement to provide off-street parking if the commercial use participates in a Council-approved parking district.

b. Commercial uses outside of the area identified in Subsection (A) above shall have the first 1,000 square feet of gross floor area exempted from the off-street parking calculation.

c. All uses within the District shall be allowed an on-street parking credit that shall reduce the required number of off-street parking spaces by one off-

street parking space for everyone on-street parking space abutting the property subject to the following limitations:

i. Each on-street parking space must be in compliance with the City of Newport standards for on-street parking spaces.

ii. Each on-street parking space to be credited must be completely abutting the subject property. Only whole spaces qualify for the on-street parking credit.

iii. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street parking spaces are allowed except as authorized by the City of Newport.

9. The following adjustments to Section 14.16.010 (Minimum Size) and Section 14.12.005 (Table "A") are allowed within the District.

   a. The minimum lot area within both the R-4 and C-2 zones shall be 3,000 square feet.

   b. The minimum lot width for the R-4 zone shall be 30 feet.

10. The following adjustments to Section14.03.050 Residential Uses) and Section 14.03.060 (Commercial and Industrial Uses) are applicable within the District:

   a. For Section 14.03.050 (Residential Uses), uses permitted outright in the C-2 zone including those uses identified in Subsection (B) below and that are not specified as a use permitted outright or conditionally in the R-4 matrix, are allowed in the R-4 zone subject to the issuance of a conditional use permit in accordance with the provisions of Section 14.33.001, Conditional Uses, and Section 14.52.001, Procedural Requirements, and subject to the limitation that the use not exceed a total of 1,000 square feet of gross floor area.* This

provision does not preclude an application for a use as a home occupation under Section 14.27.001 (Home Occupations).

*(*Amended by Ordinance No. 1989 (1-1-10).)*

b.* For Section 14.03.060 (Commercial and Industrial Uses), uses permitted outright in the C-2 zone are also permitted outright in the District provided the gross floor area is less than or equal to 2,000 square feet. Uses in excess of 2,000 square feet of gross floor area may be permitted in accordance with the provisions of Section 14.33.001, Conditional Uses, and Section 14.52.001, Procedural Requirements.

11. Recreational vehicle parks are not permitted within the C-2/"Tourist Commercial" and "P-1/"Public Structures" zone designations within the District.**

*(*Subsection amended by Ordinance No. 2022 (10-20-11).*
***Added by Ordinance No. 1886 (7-18-05).)*

14.30.070 <u>When Compliance with Design Review is Required.</u> Unless exempted by Section 14.30.040 (Design Review Districts), or the proposed development activity is subject to the provisions of Section 14.23.001 (Historic Buildings and Sites), the following development activities in an established design review district are required to obtain a design review permit under the design standards in an identified design review district or, in the alternative, to apply for a design review permit and to obtain approval under the design guidelines for that design review district:

A. The new construction, substantial reconstruction, or relocation from outside the design review district of a single-family residence.

B. The new construction, substantial reconstruction, or relocation from outside the design review district of a principle commercial or public/institutional building.

C. The new construction, substantial reconstruction, or relocation from outside the design review district of an accessory structure that:

   1. Contains more than 300 square feet of gross floor area, or

2. Contains between 200 square feet and 300 square feet of gross floor area and is located within 20 feet of a public right-of-way.

D. The addition of more than 50% of gross floor area to an existing building or accessory structure or where the addition increases the footprint of the existing building by more than 1000 square feet. The 50% of gross floor area may come from either adding to the structure or from elevating the structure. If the sum of the gross floor area of the original accessory structure and the gross floor area of the proposed addition to the accessory structure would not require design review, then design review is not required.

14.30.080 Review Authority, Approval, Appeal and Modification.

A. Generally, the following are the initial review authorities for each type of application:

1. Planning Commission. For any project that requires design review under the design guidelines or in conjunction with a conditional use, a variance, or any other type of land use permit for which a Type III Land Use Action decision process is required, the Planning Commission shall be the review authority for both the design review permit and the land use permit if the applicant chooses to consolidate the applications into one request as allowed under Section 14.52.001, Procedural Requirements.*

2. Community Development Director. For any project that meets the design standards specified in the adopted design review criteria for a design review district, the Community Development Director is authorized to approve the application.

B. Approval Authority. For design review applications under design guidelines, the approving authority has the authority to approve, require modification(s) to the design and, if the findings justify, deny an application for design review based on the applicable design guidelines. Required modification(s) to the design shall only be specified if necessary to avoid a finding that the application does not meet the applicable design

guidelines and shall be limited to only those modification(s) necessary to avoid a denial of the permit application.

C. Appeals. Appeals from a decision of the Community Development Director are made to the Planning Commission. Appeals from a decision of the Planning Commission are made to the City Council. Appeals are conducted in accordance with the zoning ordinance section on appeals found in Section 14.52.001, Procedural Requirements.** The appeal fees and appeal notice forms shall be those normally used for a land use appeal.

D. Modification of approved design. A modification of an approved design may be requested of the approving authority for any reason by an applicant. Applications for a modification shall be submitted and processed in the same manner as the original application.

1. If the requested modification is from an approval issued under design standards, the modification request shall be approved by the Community Development Director if the modification also meets the design standards.

2. If the modification does not meet the design standards or if the modification is from an approval issued under the design guidelines, the modification shall be processed under the design review process for compliance with the applicable design guidelines. The Commission's authority is limited to a determination of whether or not the proposed modification is consistent with the applicable design review guidelines.

3. If the modification is of a design element specifically required as a condition of approval of a Planning Commission decision, the Planning Commission shall be the review authority. The Commission's review authority is limited to a determination of whether or not the proposed modification is consistent with the design guidelines and the reason for imposing the condition of approval. The request for modification shall be processed under the same procedure used for the initial application.

*(*Amended by Ordinance No. 1989 (1-1-10).*
***Amended by Ordinance No. 1989 (1-1-10).)*

14.30.090 Submittal Requirements.

A. The applicant for design review under the design standards shall follow the same procedure for a building permit application and shall submit information on the site plan and building plans to demonstrate compliance with the applicable criteria by clearly identifying the elements on the site plan and building plans as those elements provided to meet the design standards. Additionally, a written checklist of the design standards identifying the design elements used to comply with the design standards shall also be submitted.

B. The applicant for design review under the design guidelines shall submit a completed application and plans showing the following:

1. A completed and signed design review application including fee (if required) and a list of all names and addresses of property owners within 100 feet of the property as determined from the current rolls of the Lincoln County Assessor's Office.

2. A site plan, drawn to scale with:

   a. Project name

   b. Vicinity map

   c. Scale (the scale shall be at least one inch equals fifty feet or larger)

   d. North arrow

   e. Date

   f. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development as applicable

   g. Location of all parking areas and all parking spaces, ingress and egress to the site and on-site circulation.

   h. A landscape plan showing the location, type and variety, size and any other pertinent features of the

proposed landscaping and plantings for all multiple-family (more than 2 units), commercial, and public/institutional development

i. Location and general use of all buildings

j. Zoning

k. Dimensions of lots, structures, and other features

l. Any other feature required to be included on a site plan as identified by the requirements of a design review district

3. Exterior elevations of all buildings on the site as they will appear after development. Such plans shall indicate the material, texture, shape, and other design features of the building(s), including all mechanical devices.

4. A written set of proposed findings that explain how the project complies with the applicable design guidelines.

14.30.100 <u>Procedural Requirements.</u>

A. Procedural requirements for the Planning Commission as the approving authority on consolidated applications shall be the same as for the land use application.

B. Procedural requirements for design review applications only (not consolidated with another land use application):

1. Upon the submittal of an application, the Community Development Director shall review the application and determine within five working days whether or not the application is complete. If all required submittals accompany the application, the application shall be accepted. If all required submittals do not accompany the application, the applicant shall be notified within 30 days of the incomplete application with a written explanation of what needs to be submitted in order to make it complete. The application shall be deemed complete upon receipt by the Community Development Department of all of the missing information, some of the missing information and written notice from the applicant that no other information will be provided, or written notice from the

applicant that none of the missing information will be provided.

2. Upon acceptance of a complete application, the Community Development Director shall mail notice to the property owners within 100 feet of the subject property and any neighborhood or community association recognized by the City Council and whose boundaries include the site. Notice shall be required to be sent only to the chair of the association or any other person designated by the association. Notice does not have to be sent to each and every member of the association.

3. Persons subject to notice shall be given 14 days from the date the notices are mailed to make comment. Comments must be in writing and must be received by the Community Development Director by 5:00 P.M. on the 14th day. If the 14th day falls on a weekend or legal holiday, the deadline for comments shall be extended to 5:00 P.M. on the next business day.

4. After the comment period, the application shall be placed on the agenda for the Commission. The Commission shall review the application and all comments received during the comment period. The review process shall follow a Type III Land Use Action decision process consistent with Section 14.52.001, Procedural Requirements.* If the Commission finds that the application complies with the criteria, then the application shall be approved. If the Commission finds that the application does not comply with the criteria, then they shall state where the application fails to meet the criteria and may attach conditions of approval necessary to obtain compliance with the criteria to the application so that the application can be approved. If the application cannot be made to comply, the Commission may deny the request. All decisions shall be in writing and shall have findings explaining the decision. Applications may be resubmitted at any time after a denial.

5. After a decision, the applicant and any person or association who made comment shall be notified of the decision. The notification shall contain an explanation of appeal rights.

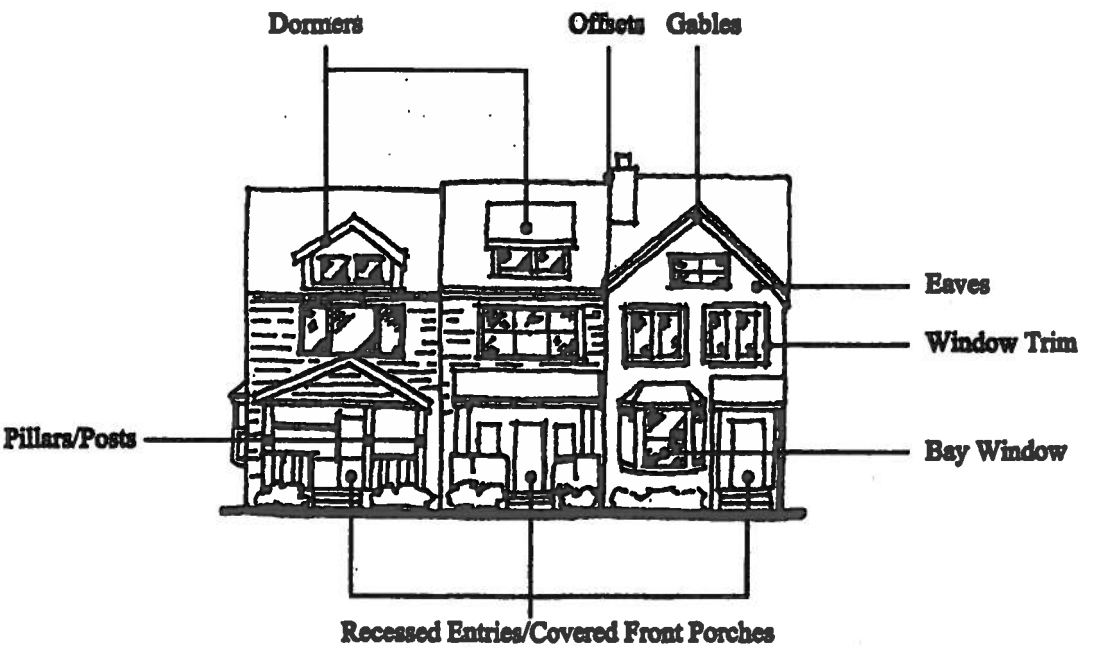
14.30.110 Time Limit on Design Review Permit.

A. A design review permit shall be void after 18 months from the date the permit is final unless substantial construction has taken place. Substantial construction shall mean at least 25% of the value of the building or the work permitted (or if multiple buildings are proposed, then 25% of the value of the first building) has been completed. If the permit is issued in conjunction with another land use permit through a consolidated application procedure or in conjunction with a building permit, the time limit on the design review permit shall be the same as the time limit on the accompanying permit.

B. The time limit on a design review permit shall be extended only once for a period of 12 additional months if a request for an extension is submitted by the permit holder or authorized agent in writing to the Community Development Department of the City of Newport prior to the permit expiration date. The Community Development Director shall be the approval authority granting the extension. If the permit was issued in conjunction with another land use permit through a consolidated application procedure or in conjunction with a building permit, the design review permit shall be allowed an extension as allowed by the accompanying permit.

NEWPORT DESIGN REVIEW: GUIDELINES AND STANDARDS

November 10, 2003



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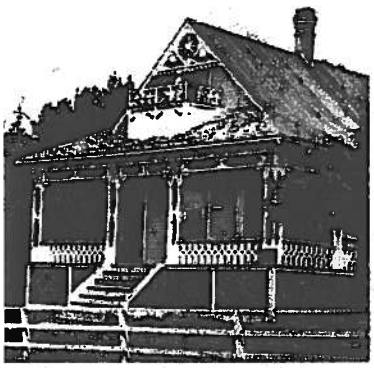

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DESIGN REVIEW DISTRICT # 1
HISTORIC NYE BEACH DESIGN REVIEW REQUIREMENTS

I. INTRODUCTION:

All new, substantially reconstructed, expanded, or relocated from outside of the district, single-family, multiple-family, commercial, and public/institutional building developments unless specifically exempted within the Historic Nye Beach Design Review District Overlay Zone are to be reviewed for compliance with the design review requirements established for the zone. Design review is implemented through either of two methods: 1) design guidelines or 2) design standards. The design guidelines are mandatory requirements of a general nature with which a proposed building must comply and applications are generally processed as a limited land use application requiring review after public notification. Alternatively, the design standards are mandatory requirements that are of a clear and objective nature and are reviewed in conjunction with an application for a building permit. The purpose of providing design guidelines and design standards is to guide development consistent with the purposes of the Historic Nye Beach Design Review District as defined in Section 2-14-16 of Ordinance No. 1308 (as amended) and to provide clarity to the process so that development consistent with the design review requirements can move forward with certainty and efficiency. While the design standards are not intended to discourage creativity and innovation in design, they are established to require incorporation of common elements and features deemed desirable by the community in the Nye Beach area. Freedom of expression in architectural design should be encouraged where it is compatible with the surrounding neighborhood and the character of Nye Beach. Projects requiring more flexibility than provided by the design standards may utilize the design guidelines to demonstrate a project's consistency with both the general purposes of the guidelines and the character of the immediate neighborhood. Unless specifically exempted by the zoning ordinance, the design standards and guidelines are standards required in addition to the requirements of the base zone.

The Nye Beach District is one of the districts identified by the Newport Comprehensive Plan as suitable for design review. The Newport Comprehensive Plan describes the Nye Beach District on pages 136d-136e:

> The Nye Beach District is significant for the collection of cohesive architectural resources and landscape elements which reflect a working-class neighborhood. The area consists of wood frame buildings, 1 to 2 1/2 stories in height, covered with gable and hip roofs, and clad with clapboard, shingle and/or fire retardant siding. The landscape character of the area is defined by rock walls, terraces, sidewalks, and small front lawns. There are some small scale commercial buildings within this residential neighborhood which relate directly in building materials, scale, and massing to the character of the area. (Some changes have occurred in the neighborhood, including building alterations such as retardant siding materials and infill of non-compatible buildings on once vacant properties.) The Nye Beach sub-area is most important as a cohesive neighborhood, defined by the character of the vernacular buildings and the building/site relationship.

One intent of design review as applied to development within the district is to maintain the

cohesive architectural character of Nye Beach by incorporating common architectural design elements currently and historically found within the neighborhood without requiring strict adherence to a particular architectural style. A few of the architectural styles found currently and historically within the district which demonstrate its architectural character include the following (information on styles below from the Rosalind Clark/City of Albany, Architecture Oregon Style, Professional Book Center, Inc. Portland, OR (1983)):

The Bungalow and Craftsman style prevalent in the 1900-1925 period and features gable or hipped roofs, exterior chimneys of cobblestone or rough brick, rectangular composition with horizontal earth hugging quality, double-hung windows with small panes in the upper sash, large windows often flanked by two smaller windows on front façade, dormer windows with gable, hipped, or shed roof, wood-frame construction, porches, verandas, sunrooms, and sleeping porches often supported by tapered porch posts (truncated obelisks).

The Stick and Eastlake Style prevalent in the 1870-1900 period and features steeply pitched, multiple gable roofs (sometimes in combination with a hipped roof), verandas or porches, balconies featuring posts with diagonal braces, asymmetrical composition with vertical emphasis, one-over-one double-hung sash windows, bay windows, dormer windows, wood-frame construction with shiplap siding, matched siding with "stickwork" and paneling, decorative Eastlake elements such as rows of spindles and knobs, turned columns, latticework, circular perforations and cutouts, sunbursts, and curved brackets.

The Colonial and Georgian Style prevalent in the 1910-1935 period and features low pitched hipped, gable, or gambrel roofs, small chimney, bilateral symmetry, small paned rectangular windows often with shutters, dormer windows, fanlights and side lights with transoms, wood frame construction with six-inch or narrower weatherboard siding or shingles for the smaller Cape Cod cottages, decorative elements including columns in classical orders, pilasters, and broken and scrolled or swan's neck pediments.

This document entitled "Newport Design Review: Guidelines and Standards" and the design review requirements on the following pages have been adopted in Section 2-4-16.025 of Ordinance No. 1308 (as amended) as implementation tools for the ordinance. Conformance with the design review requirements is mandatory. Section 2-4-16 of Ordinance No. 1308 (as amended) contains additional information on when design review is required and how to apply for design review. A copy of that section of the ordinance should accompany this document. The design guidelines are intended to provide a general direction for development. The design standards are a method of implementing the broader design guidelines. The design guidelines must be consulted and an explanation of how the project meets the guidelines or why the guideline should not apply needs to be submitted when requesting design review under the design guidelines. For assistance in understanding the guidelines and standards, please consult the attached glossary and illustrations or contact the Community Development Department located at 169 SW Coast Highway, Newport, OR 97365 or (541) 574-0629.

II. DESIGN GUIDELINES: The following guidelines are mandatory for projects requiring design review in Design Review District # 1 (Historic Nye Beach Design Review District) and that do not qualify for review under the design standards:

Design Guideline # 1. For residential development, a cohesive architectural resource shall be maintained by emphasizing common roof types (such as steep pitched gable, multiple lower pitched gable, hip or other roof types) and by including in the design common main façade elements (such as porches, verandas, sunrooms and/or other architectural/design features as identified in the design standards or as documented to exist within the design review district). For multiple family development (greater than 2 units), trash collection areas shall be screened. *See Illustrations # 2, # 3, # 4, and # 5.*

Design Guideline # 2. Commercial buildings shall acknowledge the scale of the streetscape and shall contain architectural features to break up building facades to reflect appropriate human scale measurements with windows, doors, ornamentation, awnings, and similar design features. Commercial buildings (excluding portions of a hotel/motel where guest rooms are on the ground floor) shall emphasize the pedestrian orientation of retail shopping by utilizing banks of windows with multiple small windows (less than 20 square feet) and/or large windows with multiple panes along all sides abutting a public right-of-way. The contextual scale of new large commercial buildings over two stories shall be reduced by using horizontal or vertical divisions and stepped roof lines. Buildings greater than one story in height shall be designed with canopies, balconies, offsets in the building façade along each public right-of-way, or other architectural/design features that reduce the building's vertical emphasis. *See Illustrations # 7 and # 8.*

Design Guideline # 3. Roof slopes on commercial projects shall be between 5:12 and 12:12 unless there is a flat roof with parapet. Mechanical equipment shall be screened and integrated into the roof design. Roof shapes shall be compatible with the neighborhood. A standing seam is recommended for metal roofs. Gable and hip roof forms are recommended. Parapet walls shall be integrated into the building. *See Illustration # 7.*

Design Guideline # 4. In commercial areas, commercial buildings shall abut the front property line. Allowable exceptions to the requirement to abut the front property line include areas where the existing buildings adjacent to the property are set back from the property line, where a pedestrian oriented feature such as a courtyard, patio, landscaped area with seating or outdoor café seating is included, or where severe topography or an easement precludes the building abutting the front property line. Commercial buildings shall abut a side yard property line where possible except to allow access for parking, the side abuts a zoning district which requires a side yard, or a setback is required for ocean front lots. Gaps in building walls shall be avoided except for pedestrian and parking access, or a pedestrian oriented feature such as a courtyard, patio, landscaped area with seating or outdoor café seating is included. Front and side yard setbacks, where they exist, shall be fully landscaped or shall provide a pedestrian oriented feature as described previously. Trash collection areas shall be screened. *See Illustrations # 7 and # 8.*

Design Guideline # 5. Buildings shall generally be compatible in design and appearance with other buildings in close proximity by including similar types of architectural features and materials. Where the surrounding buildings predominately do not include architectural features found in the design standards, the proposed building subject to design review shall include architectural features that are common to the district as identified in the design standards or by findings documenting similar architectural features found within the design review district. Where the surrounding buildings predominately do not include architectural features found in the design standards or in the design review district, innovation and creativity in design may be allowed consistent with the design guidelines. *See Illustrations # 7 and # 8.*

Design Guideline # 6. Where appropriate and necessary to promote the pedestrian orientation of the streetscape, building orientation shall be towards the frontage street(s) with entrances facing the street(s). An entrance facing the frontage street shall be included where appropriate and necessary to promote the pedestrian orientation of the streetscape for commercial, institutional, public, and multiple family residential (with three or more units) buildings. Buildings shall provide variety in building shape, height, roof lines, setbacks, and design features consistent with the design guidelines. *See Illustrations # 5, # 6, # 7, and # 8.*

Design Guideline # 7. Commercial and multiple family residential (greater than 2 dwelling units) projects shall not be shaped by off-street parking. On-site parking shall be at the rear or side of the building or below street grade underneath the building with access via alleys or interior streets unless, based on review of the project, the review authority determines that topography such as steep slopes precludes side or rear parking. Parking garages shall complement the main building by using similar architectural details as the main building. Shared parking facilities are allowed and are encouraged. Views of parking areas from adjacent residential and commercial uses shall be softened through the use of landscaping. Pedestrian movement shall be clearly defined. *See Illustrations # 6 and # 9.*

Design Guideline # 8. Pedestrian circulation for commercial projects is necessary to maintain the walking environment of Nye Beach. Linkages between adjoining uses shall be provided. Pedestrian circulation routes shall be continuous and integrated into the larger pedestrian circulation network. Specialty paving is encouraged. *See Illustrations # 6 and # 9.*

Design Guideline # 9. Exterior permanent lighting for commercial projects shall be restrained by using lighting features that minimize the impact of lighting such as full-cut off fixtures, low wattage bulbs, and/or recessed or shielded lighting, such that no light source is visible from a public right-of-way or adjacent property. Areas used extensively at night shall only be illuminated to the extent necessary for safety and security. On-site lighting shall be related to the site and retained on the site by directing the light downward, recessing the light, and/or shielding the light. Lighting fixtures shall complement the architectural character of the building. If landscape lighting is used, the

landscape lighting shall be restrained by using lighting techniques (ie. recessing the light, shielding the light, using low wattage bulbs) that minimize the impact of light. The use of light poles similar in appearance to the light poles installed as part of the Nye Beach Streetscape Project is acceptable for parking lot lighting and other lighting for which a light pole is used.

III. DESIGN STANDARDS (For Design Review District #1: Historic Nye Beach):

A. SINGLE-FAMILY (SF) AND TWO-FAMILY (T) DWELLINGS:

All single-family and two-family dwellings subject to design review are required to either meet the design standards (SFT DS # 1-4) identified below or to apply for design review under the design guidelines.

Design Standards (DS):

SFT Design Standard # 1. Requirement for roofs, main façade features, and other common design elements. All single-family and two-family dwellings subject to design review under the design standards are required to have at least one element from Element A (Roofs) and at least two elements from Element B (Main Façade Features) on the main façade or as specified.

A) ELEMENT A. Roofs (*See Illustration # 2*). All roof types shall contain eaves and rakes with a minimum 12 inch projection and be one of the following:

(1) Low-pitched (between 3:12 and 5:12) gable roof(s) with two or more distinct (minimum of 10 foot width along the façade and 5 foot of depth with a separate roof line) low-pitched gable roof elements on the main dwelling. *See Illustration # 4.*
(2) High-pitched gable roof(s) between 6:12 and 12:12.
(3) Hipped roof(s).
(4) Gambrel roof(s).
(5) A combination of two or more of the above roofs where the proposed dwelling has multiple distinct roof lines of more than 10 feet (measured from eave to eave) for each roof line.

B) ELEMENT B. Main Façade Features (at least two features are required).
See Illustrations # 2, # 3, and # 4 for examples.

(1) A covered porch (open-walled) that is a minimum of 5 feet deep from the front wall of the dwelling to the enclosing porch rail and running at least 75% of the length of the main façade of the dwelling with an elevated porch floor at least 2 feet off the ground.

(2) A veranda (covered porch or balcony) a minimum of 5 feet deep from the front wall of the dwelling running along the entire length of the main façade of the dwelling.

(3) A sun room (a room projecting from the main façade of the dwelling at least 8 feet for a length of at least 50 % of the length of the main façade and with a separate roofline from the main roof) that contains at least 75% of the front façade surface (measured from 2 feet above the floor of the room to the top of the wall) of the room in windows.

(4) Covered front entry porch that is a minimum of 5 feet deep from the front wall of the dwelling to the enclosing porch rail and a minimum of 5 feet wide.

(5) Portico (at least 5 feet deep and with a length of at least 50% of the length of the main façade) with exposed rafters, exposed purlins or decorative brackets.

(6) Columned porch with balustrade that is a minimum of 5 feet deep from the front wall of the building to the enclosing porch rail and extending at least 75 % of the length of the main façade.

(7) Projecting porch a minimum of 5 feet deep and 10 feet wide supporting an uncovered second-story balcony (which is accessible from the interior living space of the dwelling) on columns with one or more decorative Eastlake elements such as rows of spindles and knobs, turned columns, lattice wall, circular perforations and cutouts, sunbursts, or curved brackets.

(8) Projecting porch a minimum of 5 feet deep and 10 feet wide supporting a covered second-story balcony (which is accessible from the interior living space of the dwelling) where the covered second-story balcony contains at least one of the following items:

(A) A roof line separate and distinct from the main roof line by an offset of at least 2 feet.

(B) A minimum of at least 3 exposed rafters, purlins or decorative brackets.

(9) Exterior (from grade to above the roof/eave line) chimney of either cobblestone or rough brick.

(10) Exposed rafters (a minimum of 10 rafter ends) on the main facade. *See Illustration # 3.*

(11) A minimum of 3 exposed purlins on each side of the main roof that is exposed by a gable.

(12) A minimum of 3 decorative brackets on each side of the main roof that is exposed by a gable. *See Illustrations # 3 and # 4.*

(13) Horizontal weatherboard or clapboard siding composed of boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding that is in a clapboard or weatherboard pattern where the boards in the pattern are 6 inches or less in width or have an exposure of 6 inches or less.

(14) Shake, rake shake, cedar shingle siding or siding that simulates that shake or shingle appearance on all exterior walls.

(15) A belt course (8 inch minimum width) running around the entire building and located along the top of the main floor windows that divides the building into two areas with horizontal/beveled siding below the belt course and shake/shingle siding above the belt course. Where more than one floor is proposed, the belt course may start at the top of the windows on the second floor or anywhere between the top of the main floor windows and the bottom of the second floor windows provided there exists at least 5 feet of wall from the top of the windows to the roof. If 5 feet of wall does not exist, the belt course may run along the base of the second story windows and the top of the main floor windows. *See Illustration # 3.*

(16) Dormer (*see Illustration # 2)* of at least 3 feet in width and 2 feet of depth (at least one point of the dormer must measure 2 feet out from the roof) with one of the following dormer roof types facing the direction of the main facade:

a) Gable roof.
b) Hipped roof.
c) Shed roof.

(17) A cupola located along the main façade or at the corner of the main facade.

(18) A bay window or oriel window extending more than 2 feet from the building wall located along the main façade or at the corner of the main facade. *See Illustration # 5 (top illustration).*

(19) Offset(s) in the building face of a minimum of 16 inches for a minimum of 10 feet on the main façade of the dwelling. *See Illustrations # 1 and # 2.*

(20) A covered porch, veranda, or sunroom with a distinct roof from the main roof (with the same roof materials) projecting at least 5 feet from a side building wall for a length of at least 10 feet along the wall and that begins within 10 feet of the main façade wall. *See Illustration # 3 (bottom illustration).*

SFT Design Standard # 2. Requirements for windows.

A) Large windows (20 square feet or more) along the main façade shall be bracketed on each side by smaller windows (no more than 20 percent of the large window surface area). The tops and bottoms of the bracketing windows shall be level with the top and bottom of the large window. If the large window is curved or arched on top, the bracketing windows may continue the line of the curve or arch. If the large window contains multiple smaller (4 or more) panes (or has the appearance of multiple panes), the large window may be unbracketed. *See Illustrations # 3*

(bottom illustration) and # 5 (bottom illustration).

B) Windows shall have a minimum of at least 3 inches of trim around the window except for the portion of the window, if any, that is shuttered. *See Illustration # 3 (bottom illustration).*

SFT Design Standard # 3. Requirements for exterior finish material:

A) Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each façade.

SFT Design Standard # 4. Requirements for main façade features (Element list B):

A) Where the main façade feature is required to be covered/roofed, the roofing material of the main façade feature shall be roofed to match (with the same material or a material that in color and appearance matches the main roofing material) the main roofing material if the main façade feature roof is not a flat (no pitch) roof.

B) Where the building contains an offset in the main façade, main façade feature depth may be measured from the interior main façade wall provided the interior wall length is at least 25% of the total main façade length and the main façade feature extends beyond the exterior main façade wall. *See Illustration # 4 for an example.*

B. MULTIPLE FAMILY (MF) DWELLINGS:

All multiple family dwellings (greater than 2 dwelling units) subject to design review are required to either meet the design standards (MF DS # 1-4) identified below or to apply for design review under the design guidelines. If the proposed multiple family dwelling is to consist of a series of more than 2 attached row houses or townhouse dwelling units where the proposed units do not share a common roof, the applicant may choose to follow the requirements of the single-family-family design review criteria for each of the proposed units as a substitute for Design Standards # 1 (A)-(D) listed below.

Multiple-family (MF) Design Standards:

MF Design Standard # 1. All multiple-family dwellings (greater than 2 dwelling units) subject to design review under the design standards shall contain the following design features:

A) The continuous horizontal distance as measured from end-wall to end-wall of individual buildings shall be less than 100 feet. Where multiple detached buildings are proposed, each building shall be separated by a minimum of 10 feet of landscaped area.

B) The main front façade elevation of the building shall be divided into smaller areas or planes. *See Illustration # 5 (top two illustrations) and Illustration # 6.* When the front façade elevation is more than 500 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of walls that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:

(1) A porch on the ground floor that is at least 4 feet wide or a balcony on a second floor that is at least 2 feet deep and is accessible from an interior room;
(2) A bay window or oriel window that extends at least 2 feet;
(3) Recessing a section of the façade by at least 2 feet for a length of at least 6 feet; and/or
(4) Projecting a section of the façade by at least 2 feet for a length of at least 6 feet.

C) The roof of the primary structure that is either a gable roof with a slope of 5:12 to 12:12 or a hipped roof. Where the structure contains a roof width of more than 50 feet along the main façade, the roof shall be broken up into 25 foot or greater increments by dividing the roof frontage by 25 and creating approximately even increments (ie. 80 / 25 = 3 increments of approximately 26 feet). Each roof increment shall incorporate an offset on each roof increment from the following list. *See Illustration # 5 (top two illustrations) and # 6 (bottom illustration).* Where an applicable roof offset can be combined with a front façade offset (as identified in (B) above) in one feature, the property owner is allowed to do so.

(1) Cross gable with eaves overhanging on the front façade side.
(2) A roof offset of at least 2 feet.
(3) Distinct gable or hip roof for each increment.

D) Main entrance. For the purposes of this section, a main entrance is an entrance from outside the building that provides access to two or more dwelling units or to a dwelling unit and a common area.

(1) The location of a main entrance for each primary building must face the street. On corner lots the main entrance may face either of the streets or be oriented to the corner. If the building is designed with multiple main entrances, only one of the main entrances must meet this requirement.
(2) A front porch is required at all of the main entrances that face a street. If the porch projects out from the building, it must have a roof. If the roof of a required porch is developed as a deck or

balcony, it may be flat. The covered area provided by the porch must be at least 63 square feet and a minimum of 9 feet wide.

(3) For attached individual houses/dwelling units, a covered balcony on the same façade as the main entrance may be provided instead of a front porch. The covered portion of the balcony must be at least 48 square feet and a minimum of 8 feet wide. The floor of the covered balcony must be no more than 15 feet above grade, and must be accessible from the interior living space of the house.

E) All street-facing elevations must have landscaping along their foundation. *See Illustration # 6.* The landscaped area may be along the outer edge of a porch instead of the foundation. The landscaping provided in this section shall be counted as part of the landscaping required by Section 2-4-5 of the Zoning Ordinance (No. 1308, as amended). This landscaping requirement does not apply to portions of the building façade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

(1) The landscaped area must be at least 5 feet wide;

(2) There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

(3) A tree of at least 6 foot in height must be planted in the landscaped area for every 25 feet lineal feet of foundation.

F) The parking lot shall be located to the rear of the building's main facade. *See Illustration # 6.* An interior parking structure on a ground floor or lower floor can be utilized for off-street parking provided the access for the interior parking structure is from the side or rear of the building's main facade.

G) Accessory structures such as storage buildings and garages shall be sided and roofed the same as the main structure. Roofs shall be a minimum of a 3:12 pitch with 12 inch eaves. No accessory structure located within 10 feet of a public right-of-way shall have a solid blank wall of more than 15 feet in length without providing for window(s) with a minimum of 10 square feet in area for every 15 feet in structure length located on the façade facing the public right-of-way.

H) Recycling and trash collection areas if not located within the main building shall be located in an accessory structure or shall be screened by a sight-obscuring wood fence or evergreen hedge of at least 6 feet in height on at least 3 sides and all sides facing a public right-of-way.

I) All permanent area lights including parking area lighting shall be full cut-off fixtures. Permanent exterior lights and landscaping lighting shall be recessed or shielded so that no light source is visible from a public right-of-way or adjacent property.

J) Mechanical equipment located on a roof shall be screened.

MF Design Standard # 2. Requirements for windows on all multiple family buildings and accessory buildings with windows or requiring windows:

A) Large windows (20 square feet or more) along the main façade shall be bracketed on each side by smaller windows (no more than 20 percent of the large window surface area). The tops and bottoms of the bracketing windows shall be level with the top and bottom of the large window. If the large window is curved or arched on top, the bracketing windows may continue the line of the curve or arch. If the large window contains multiple smaller (4 or more) panes (or has the appearance of multiple panes), the large window may be unbracketed. *See Illustrations # 3 (bottom illustration) and # 5 (bottom illustration).*

B) Windows shall have a minimum of at least 3 inches of trim around the window except for the portion of the window, if any, that is shuttered. *See Illustration # 3 (bottom illustration).*

MF Design Standard # 3. Requirements for exterior finish material on all multiple-family buildings:

A) Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each façade.

MF Design Standard # 4. Requirements for main façade feature on all multiple family dwellings:

A) Where the main façade feature is required to be covered/roofed, the roofing material of the main façade feature shall be roofed to match the main roofing material with the same material or a material that in color and appearance matches the main roofing material if the main façade feature roof is not a flat (no pitch) roof.

B) Where the building contains an offset in the main façade, main façade feature depth may be measured from the interior main façade wall provided the interior wall length is at least 25% of the total main façade length and the main façade feature extends beyond the exterior main façade wall. *See Illustration # 4 for an example.*

C. COMMERCIAL (C) AND PUBLIC/INSTITUTIONAL (P/I) BUILDINGS:

All principle commercial and public/institutional buildings subject to design review are required to either meet the design standards (CPI DS #1-5 as applicable) identified below or to apply for design review under the design guidelines.

Commercial and Public/Institutional (CPI) Design standards. Commercial and public/institutional buildings shall meet the following standards:

CPI Design Standard # 1. Requirements for commercial and public/institutional uses excluding hotel/motel uses:

A) For the purpose of applying for design review under the design standards, the proposed building shall be no taller than 35 feet in height. Buildings taller than 35 feet in height must apply for design review under the design guidelines.

B) For the purpose of applying for design review under the design standards, the proposed building shall have less than 40 feet of building footprint along the frontage street. Buildings with a footprint of 40 feet or more along the frontage street must apply for design review under the design guidelines.

C) The proposed building meets the requirements of the Single-family and Two-family Design Standards including one of Element A (Roofs) and three of Element B (Main Façade Features). Commercial buildings may also choose from the following additional elements in meeting the Element B (Main Façade Feature) requirement:

(1) A canopy of at least 3 feet in depth running along a minimum of 75 % of the entire main façade of the building between 8 feet and 12 feet above grade.

D) Required off street parking is provided at the rear of the building, on one side of the building only (with the parking lot beginning no closer to the street than the front façade of the building), at a shared parking lot located within 200 feet of the building, or participation in the payment in lieu of parking program or a Council approved parking district.

E) All permanent area lights including parking area lighting shall be full cut-off fixtures. Permanent exterior lights and landscaping lighting shall be recessed or shielded so that no light source is visible from a public right-of-way or adjacent property.

F) Where the building has frontage on more than one public right-of-way, the second façade shall also contain a design feature of Element B (Main Façade Features) of the Single-family and Two-family Design Standards.

CPI Design Standard # 2. Requirements for hotel and motel commercial uses:

A) For the purpose of applying for design review under the design standards, the proposed building(s) shall be no taller than 35 feet in height. Buildings taller than 35 feet in height must apply for design review under the design guidelines.

B) The building (s) shall meet the multiple family design standards (A) – (J).

C) Each side of a building that is more than 50 linear feet shall comply with the multiple family design standard (B).

D) If a separate building is proposed for an office and/or management dwelling unit, the building shall either meet 1) the requirements of A)-C) above as applicable or, 2) if the footprint is less than 1000 square feet, the requirements of the Single-family and Two Family Design Requirements.

CPI Design Standard # 3. Requirements for windows on all commercial and public/institutional buildings:

A) Large windows (20 square feet or more) along the main façade shall be bracketed on each side by smaller windows (no more than 20 percent of the large window surface area). The tops and bottoms of the bracketing windows shall be level with the top and bottom of the large window. If the large window is curved or arched on top, the bracketing windows may continue the line of the curve or arch. If the large window contains multiple smaller (4 or more) panes (or has the appearance of multiple panes), the large window may be unbracketed. *See Illustration # 7.*

B) Windows shall have a minimum of at least 3 inches of trim around the window except for the portion of the window, if any, that is shuttered.

C) No windows on a ground floor level may be mirrored or reflective windows.

CPI Design Standard # 4. Requirements for exterior finish material on all commercial and public/institutional buildings:

A) Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each façade.

CPI Design Standard # 5. Requirements for main façade features:

A) Where the main façade feature is required to be covered/roofed, the roofing material of the main façade feature shall be roofed to match (with the same material or a material that in color and appearance matches the main roofing material) the main roofing material if the roof is not a flat (no pitch) roof. The requirement to match roofing material does not apply if the roof is a flat (no pitch) roof or the roof is screened from view by a parapet wall.

B) Where the building contains an offset in the main façade, main façade feature depth may be measured from the interior main façade wall provided the interior wall length is at least 25% of the total main façade length and the main façade feature extends beyond the exterior main

façade wall. *See Illustration # 4 for an example.*

D. ACCESSORY STRUCTURES (AS):

Accessory structures for which the design standards (AS DS # 1-3 as applicable) apply and the design standards are not elsewhere specified, must meet the following design standards or apply for design review under the design guidelines:

Accessory Structure (AS) Design Standards:

AS Design Standard # 1. Roofs of accessory structures must be either

A) Gable with a minimum of 3:12 pitch.
B) Hip, or
D) Gambrel.

AS Design Standard # 2. Requirements for exterior finish materials on all accessory structure facades:

A) Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each façade. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is 6 inches or less in width or has an exposure (reveal) of 6 inches or less.
B) Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

AS Design Standard # 3. Where a proposed accessory structure is also proposed to be a dwelling unit, the structure must contain two design feature on the main façade from Element B (Main Façade Features) of the Single-family Residential list above. For the purposes of this section, the main façade of an accessory structure dwelling unit is the façade that is the same direction as the main façade of the principle building. In the case of a lot with frontage on more than one public right-of-way, an accessory structure dwelling unit located within 20 feet of a public right-of-way shall have the building wall closest to the right-of-way as the main façade. If more than one main façade is possible because the property is bounded by multiple rights-of-way, the property owner shall pick the main façade from among the possible choices.

Newport Design Review Glossary and Illustrations

Many of the architectural/illustrations adapted from the City of Eugene Planning and Development Historic Preservation Program and from other sources.

Architectural & Design Review Terms

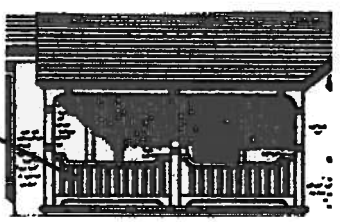
Arch. A construction technique and structural member, usually curved and made of masonry. Composed of individual wedge-shaped members that span an opening and support the weight above by resolving vertical pressure into horizontal or diagonal thrust.

Architrave. The lowest part of an entablature, or the molded frame above a door or window opening.

Balcony. A platform projecting from the wall or window of a building, usually enclosed by a railing.

Baluster. Any of the small posts that support the upper rail of a railing, as in a staircase.

Balustrade. An entire railing system including a top rail and its balusters, and sometimes a bottom rail.



balustrade

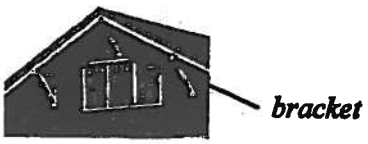
Bargeboard. *See " vergeboard" definition.*

Bay window. A projecting bay with windows that forms an extension to the interior floor space. On the outside, the bay should extend to ground level, in contrast to an oriel window, which projects from the wall plane above ground level.

Belt course. A horizontal ornamentation that often provided a division between siding styles. *See Illustration # 3.*

Board-and-batten siding. Vertical siding made up of alternating wide and thin boards where the thin boards cover the joints between the wide boards.

Bracket. A small projection, usually carved or decorated, that supports or appears to support a projecting eave or lintel.



Capital. The topmost member, usually decorated, of a column or pilaster.

Casement window. A window that is hinged on the side and opens in or out.

Chimney pot. A decorative masonry element placed at the top of a chimney, common on Queen Anne and Tudor Revival buildings.

Clapboards. Narrow, horizontal, overlapping wooden boards that form the outer skin of the walls of many wood-frame houses. In older houses, the exposure (the exposed area of each board not overlapped by another board) ranges from four to six inches.

Column. A vertical shaft or pillar usually circular in section that supports, or appears to support, a capital, load beam or architrave.

Corbel. A projection from a masonry wall, sometimes supporting a load and sometimes for decorative effect.

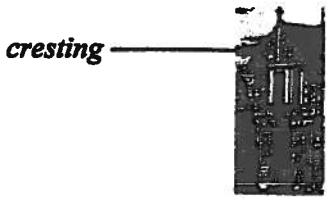
Corbeled cap. The termination of a brick chimney that projects outward in one or more courses.

Corner board. A board which is used as trim on the external corner of a wood-frame structure and against which the ends of the siding are fitted.

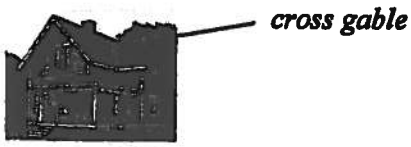
Cornice. The exterior trim of a structure at the meeting of the roof and wall; usually consists of bed molding, soffit, fascia, and crown molding. *See Illustration # 8 (top illustration).*

Course. In masonry, a layer of bricks or stones running horizontally in a wall. *See also "belt course."*

Cresting. Decorative grillework or trim applied to the ridge crest of a roof. Common on Queen Anne style buildings.



Cross gable. A gable that is perpendicular to the main axis or ridge of a roof.



Cupola. A small, sometimes domed structure surmounting a roof. Found mainly on Italianate and Colonial Revival buildings.

Dentil molding. A molding composed of small rectangular blocks run in a row.

Dormer. A structure containing a vertical window (or windows) that projects through a pitched roof. *See Illustration # 2.*

Double-hung sash window. A window with two or more sashes; it can be opened by sliding the bottom portion up or the top portion down, and is usually weighted within the frame to make lifting easier

Eave. The part of the roof that overhangs the wall of a building. *See "truss" for illustration.*

Entablature. Above columns and pilasters, a three-part horizontal section of a classical order, consisting of the cornice at the top, the frieze in the middle, and the architrave on the bottom.

Facade. The face or front of a building. *See Illustration # 1.*

Fanlight. A window, often semicircular, over a door, with radiating muntins suggesting a fan.

Fascia board. A flat board horizontally located at the top of an exterior wall, directly under the eaves. *See "truss" for illustration.*

French door. Two doors, composed of small panes of glass set within rectangularly arrayed muntins, mounted within the two individual frames. Usually such doors open onto an outside terrace or porch.

Frieze. The middle division of an entablature, below the cornice.

Gable. The vertical triangular portion of the end of a building having a double-sloping roof, usually with the base of the triangle sitting at the level of the eaves, and the apex at the ridge of the roof. The term sometimes refers to the entire end wall. *See Illustration # 2.*

Gable roof. A roof form having an inverted "V"-shaped roof at one or both ends. *See Illustration # 2.*

Gambrel roof. A roof having two pitches on each side, typical of Dutch Colonial and Colonial Revival architecture. *See Illustration # 2.*

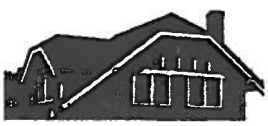
Gingerbread. Highly decorative woodwork with cut out ornament, made with a jigsaw or scroll saw, prominent in Gothic Revival architecture. Gingerbread in the Gothic Revival style can be distinguished from the ornamentation in the Stick and Eastlake styles which featured characteristically curved brackets and rows of spindles and knobs thicker than the gingerbread woodwork and were created with the lathe, the chisel, and the gouge.

Half-timbering. In late medieval architecture, a type of construction in which the heavy timber framework is exposed, and the spaces between the timbers are filled with wattle-and daub, plaster, or brickwork. The effect of half timbering was imitated in Oregon in the 19th and 20th centuries by the Queen-Anne and Tudor Revival styles.

Hipped (hip) roof. A roof which slopes upward on all four sides. *See Illustration # 2.*

Hood molding. A decorative molding over a window or door frame, commonly found on Italianate style buildings such as the Smeede Hotel in Eugene.

Jerkinhead roof. A gable roof truncated or clipped at the apex - also called a clipped gable roof. Common in Bungalows and Tudor Revival, and Arts and Crafts style buildings.



jerkinhead roof

Latticework. A wood or metal screen composed of interlaces or crossed thin strips.

Leaded glass. Small panes of glass, either clear or colored, that are held in place by strips of lead.

Lintel. A horizontal beam over an opening in a wall that carries the weight of the structure above.

Mansard roof. A roof with two slopes, the lower slope being nearly vertical, often concave or convex in profile. Common to the Italianate and Queen Anne styles.

Molding. A decorative band or strip with a constant profile or section generally used in cornices and as a trim around window and door openings. It provides a contoured transition from one surface to another or produces a rectangular or curved profile to a flat surface.

Mullion. The vertical member of a window or door that divides and supports panes or panels in a series.

Muntin. One of the members, vertical or horizontal, that divides and supports the panes of glass in a window.

Oriel window. A window bay that projects from the building beginning above the ground level. *See "bay window" definition for illustration.*

Palladian window. A window divided into three parts: a large arched central window, flanked by two smaller rectangular windows. These are found in Colonial Revival as well as Italianate buildings.

Parapet. A wall that extends above the roof line. Common in California Mission style buildings. *See Illustration # 7.*

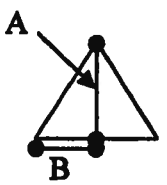
Pediment. A low triangular gable end, often found in classical architecture.

Pent roof. A small, sloping roof, the upper end of which butts against a wall of a house, usually above the first-floor windows.

Pilaster. An engaged pier or pillar, often with capital and base.

Pillar. A post or column-like support.

Pitch. The degree of slope or inclination of a roof.



Roof pitch / slope is measured by ratio from vertical (A) to horizontal (B).

Pointed arch. Any arch with a point at its apex, common but not restricted to Gothic architecture. Tudor Revival buildings also frequently incorporate pointed arch motifs.

Portico. A porch or covered walkway consisting of a roof supported by columns.

Quoins. Cornerstones of a building, rising the entire height of the wall, and distinguished from the main construction material by size, texture, or conspicuous joining. In masonry construction, they reinforce the corners; in wood construction, they do not bear any load, are made of wood, and imitate the effect of stone or brick.

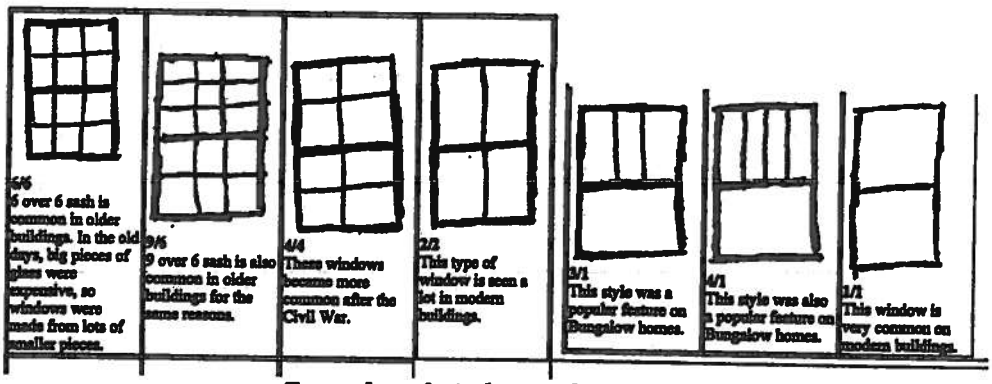
Rafters. The sloping wooden roof-frame members that extend from the ridge to the eaves and establish the pitch of the roof. In Craftsman and Bungalow style buildings the ends of these, called "rafter tails" are often left exposed rather than boxed in by a soffit. *See "truss" for illustration.*

Ribbon window. A continuous horizontal row, or band, of windows separated only by mullions. Used to some extent in Craftsman designs, but more common in Eugene on post-war modern buildings.

Round arch. A semicircular arch, often called a Roman arch.

Rustication. Masonry characterized by smooth or roughly textured block faces and strongly emphasized recessed joints.

Sash. Window framework that may be fixed or moveable. If moveable, it may slide, as in a double-hung window; or it may pivot, as in a casement window.



Examples of window sash.

Shiplap siding. Wooden siding tapered along its upper edge where it is overlapped by the next higher courses of siding.

Side light. A framed window on either side of a door or window.

Siding. The narrow horizontal or vertical wooden boards that form the outer face of the walls in a traditional wood-frame building. Horizontal wooden siding types include shiplap and clapboard/weatherboard, while board-and-batten is the primary type of vertical siding. Shingles, whether of wood or composite material, are another siding type.

Sill. The lowest horizontal member in a frame or opening of a window or door. Also, the lowest horizontal member in a framed wall or partition.

Skirting. Siding or latticework applied below the watertable molding on a building.

Soffit. The underside of the eaves on a building, particularly the boards enclosing the eaves and covering rafter tails. *See "truss" for illustration.*

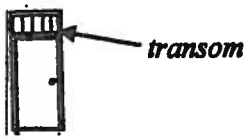
Stucco. A material, usually composed of cement, sand, and lime, applied to a surface to form a hard, uniform covering that may be either smooth or textured. Also, a fine plaster used in decoration and ornamentation of interior walls.

Surround. The molded trim around a door or window.

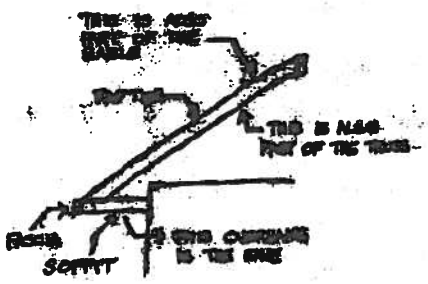
Swan's neck pediment. A pediment with an open apex; each side terminates in curves resembling a swan's neck. Found in Oregon mainly on Colonial Revival buildings.

Terra cotta. A red-brown fired but unglazed clay used for roof tiles and decorative wall covering. These roof tiles are common in California Mission style. Glazed terra cotta was frequently used for exterior decoration on commercial buildings of the early 20th Century.

Transom. Horizontal window opening above a door or window.



Truss. A framework of beams (like ribs) that support the roof (usually triangular).



Tongue and groove. A type of board milled to create a recessed groove along one long side and a corresponding flange along the other that lock together when two or more boards are placed side-by-side. Tongue and groove boards were commonly used for flooring and siding.

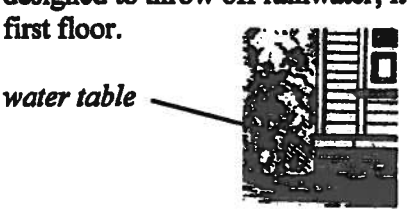
Tudor arch. A four centered pointed arch, characteristic of Tudor style architecture in England in the 15th and 16th centuries.

Turret. A small, slender tower, usually corbeled from a corner of a building

Veranda. A covered porch or balcony, running alongside a house; the roof is often supported by columns.

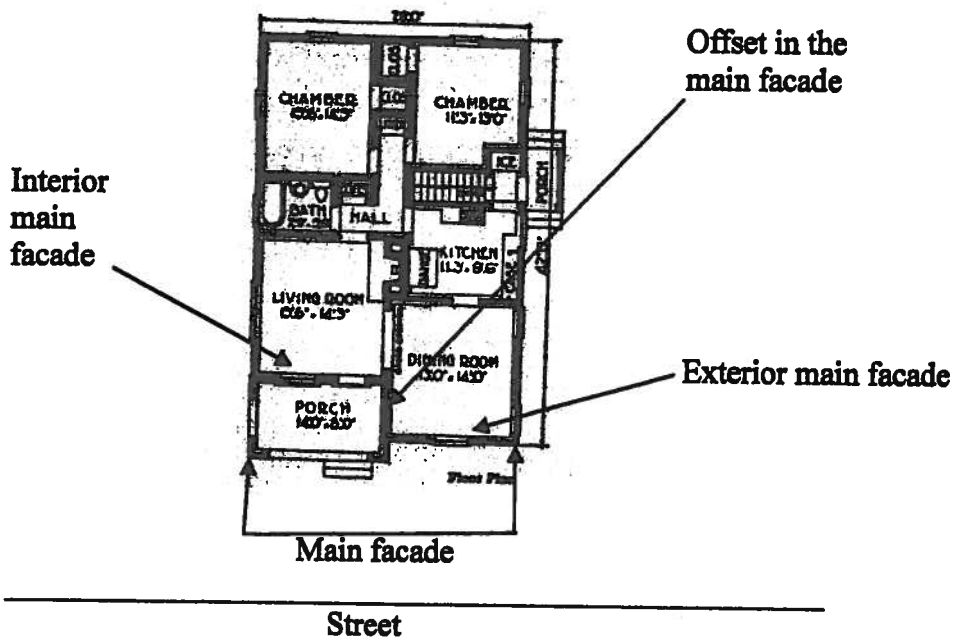
Vergeboard. An ornametal board, sometimes jigsaw cut, that serves as trim and is attached to the overhanging eaves of a gable roof; sometimes called a bargeboard.

Water table. A projecting ledge, molding, or string course along the bottom side of a building, designed to throw off rainwater; it usually divides the foundation of a building from the first floor.



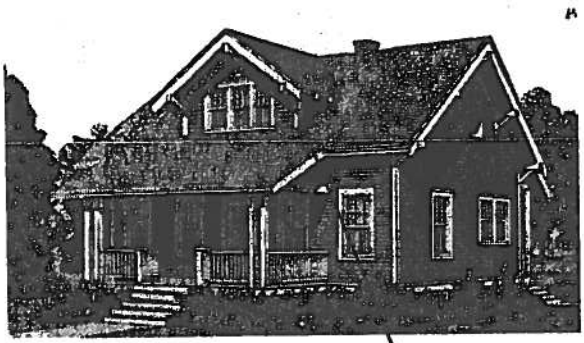
Weatherboard siding. Siding, usually wooden, consisting of overlapping, narrow boards usually thicker at one edge; also called clapboard siding.

ILLUSTRATION # 1
MAIN FACADE



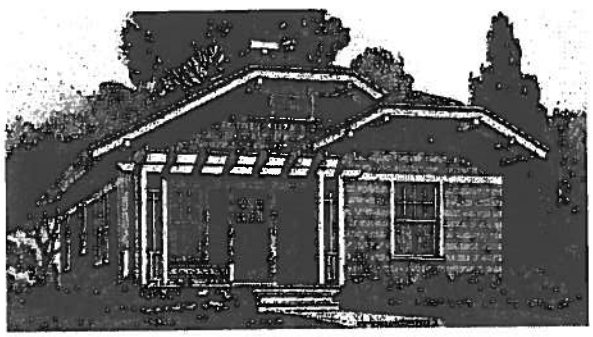
The façade is the face or front of the building. The main façade is the building front that faces the street. The main façade includes the building between the two main outer walls. Where the main façade is divided into sections by an offset in the building, the wall of the main façade most distant from the street shall be considered the interior main façade wall. The main façade wall closest to the street shall be considered the exterior main façade wall. Required depth of main façade features such as porches shall be maintained for each portion of the main façade (including interior and exterior main façade walls) from which the feature projects (not including the offset wall). Where the building fronts on more than two streets, unless specified elsewhere to the contrary, the property owner shall pick one of the facades to be the main façade.

ILLUSTRATION # 2
ROOF AND DORMER TYPES



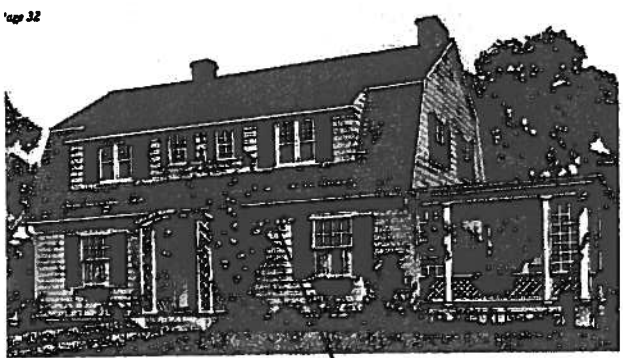
Side gabled roof
with front gabled roof dormer

Front gabled roof
with hip roofed porch

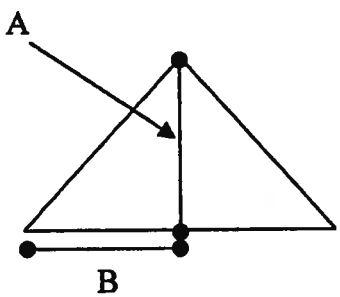


Multiple distinct low pitched gabled roofs
(with clipped gables/jerkinhead roof)

Hip roof
with hip roof dormer

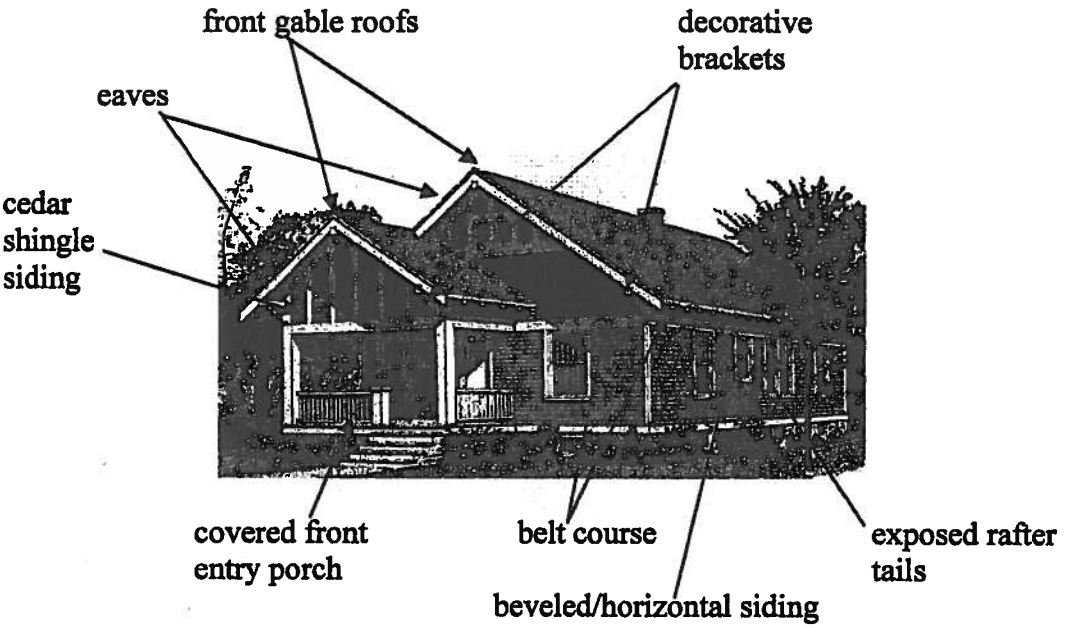


Gambrel roof
with shed roof dormer



Roof slope is measured by
ratio from vertical (A) to
horizontal (B).

ILLUSTRATION # 3
VARIOUS EXAMPLES OF FEATURES



The house above illustrates a main gable roof with eaves and with a distinct gable roof above the front entry porch located on the main façade of the building. The belt course (white line that wraps around the house at the top of the windows) separates the contrasting siding with the beveled siding below and the cedar shingle siding above. The exposed rafter tails (the ends of the rafters under the eaves) and the decorative brackets are visible on both the main gable roof and the porch gable.

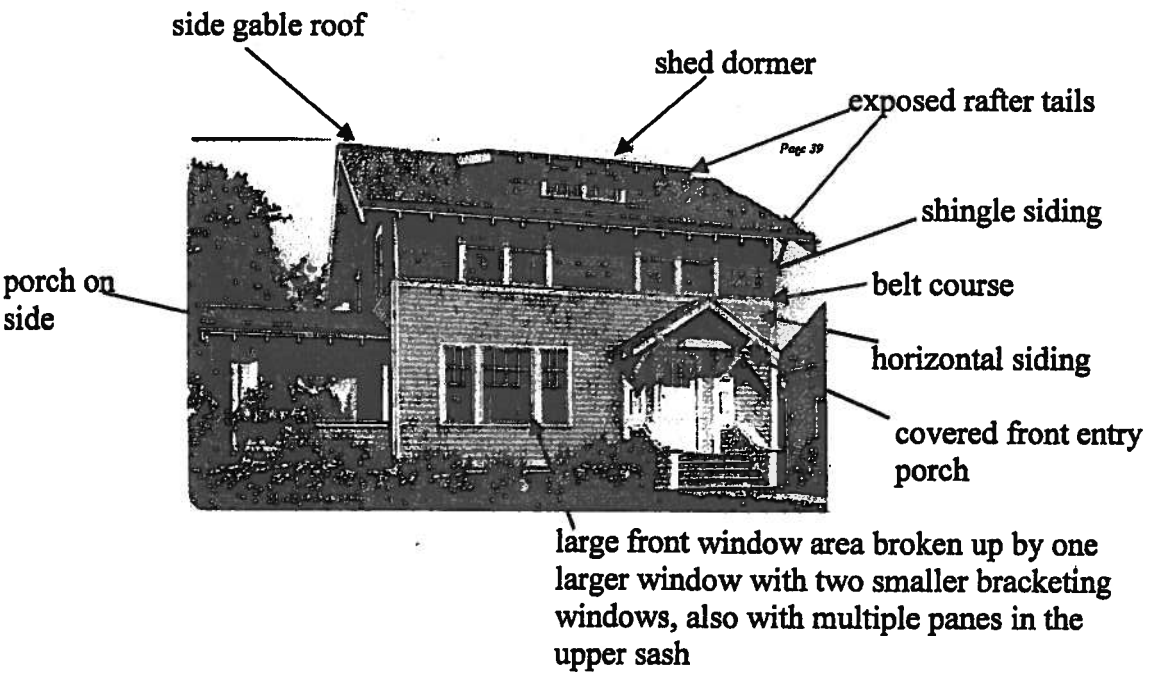
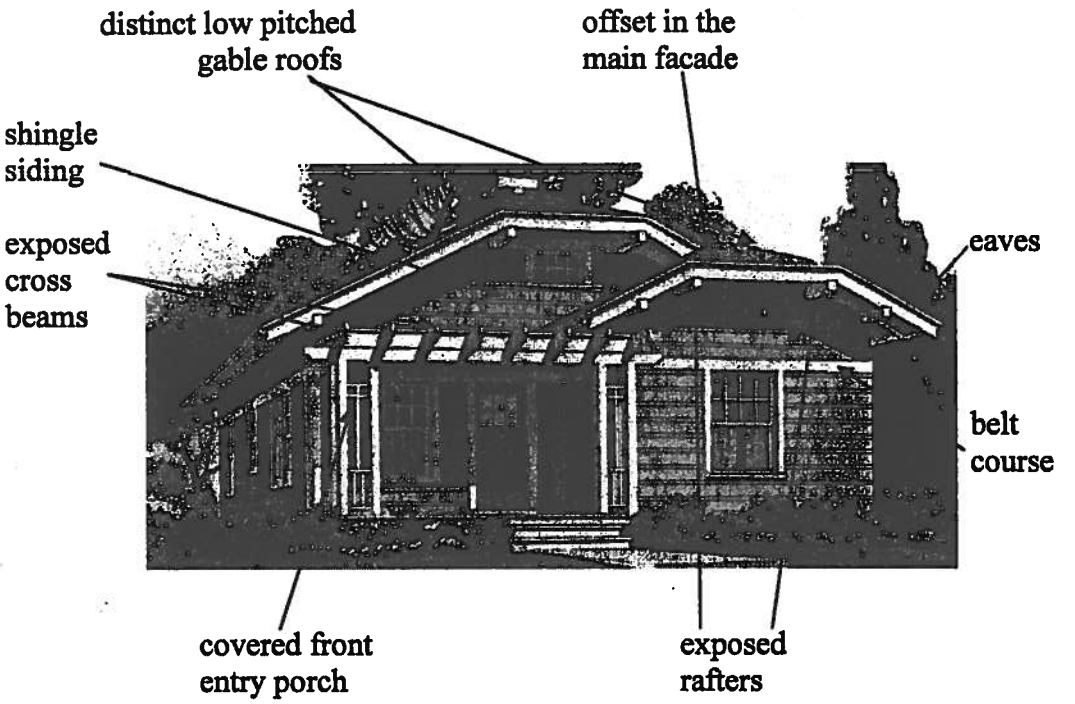
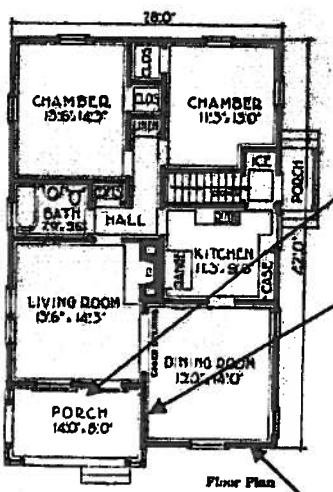


ILLUSTRATION # 4
VARIOUS EXAMPLES OF FEATURES



The house above illustrates a low pitched main gable roof with a distinct low pitched gable roof that extends over the portion of the building that extends out adjacent to the covered front entry porch. An offset in the main façade is created with the 6 foot extension of the building. The covered entry porch is located adjacent to the extension of the main building but is set a couple of feet forward of the building wall and features a flat roof with exposed cross beams. Exposed rafters/cross beams, a belt course, and shingle siding are other decorative features.

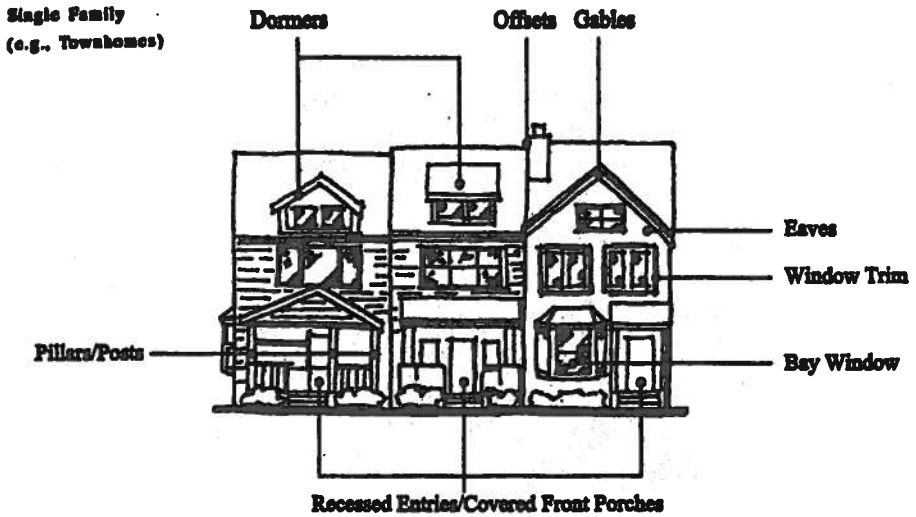


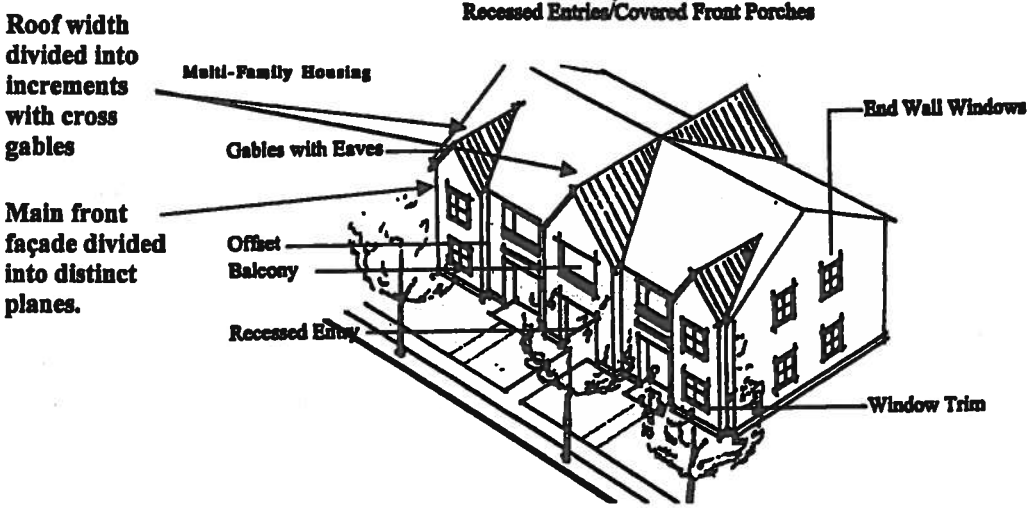
Interior main façade wall.

Offset of about 5 feet in building face and extending 14 feet. Where the building contains an offset in the main façade, the porch depth may be measured from the interior main façade wall provided the interior wall length is at least 25% of the total main façade length and the porch extends beyond the. exterior main façade wall.

Exterior main façade wall.

ILLUSTRATION # 5
SINGLE-FAMILY (TOWNHOUSE) AND MULTIPLE FAMILY DWELLINGS





Duplex / Two family dwelling

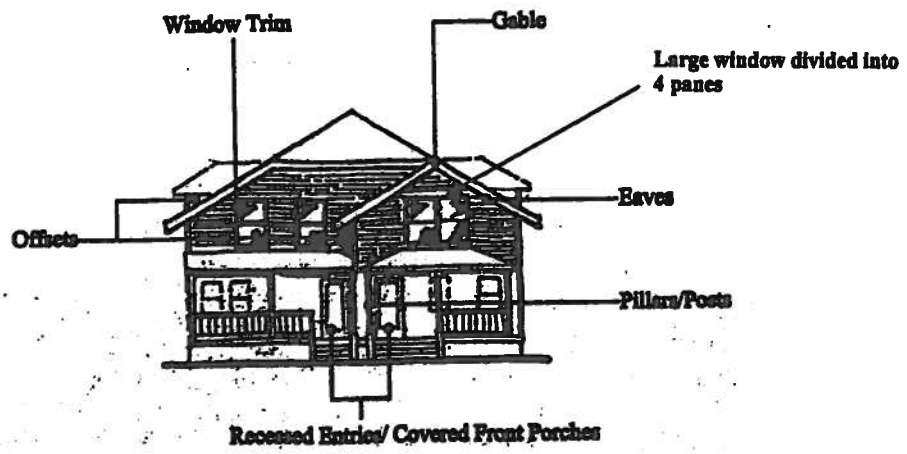
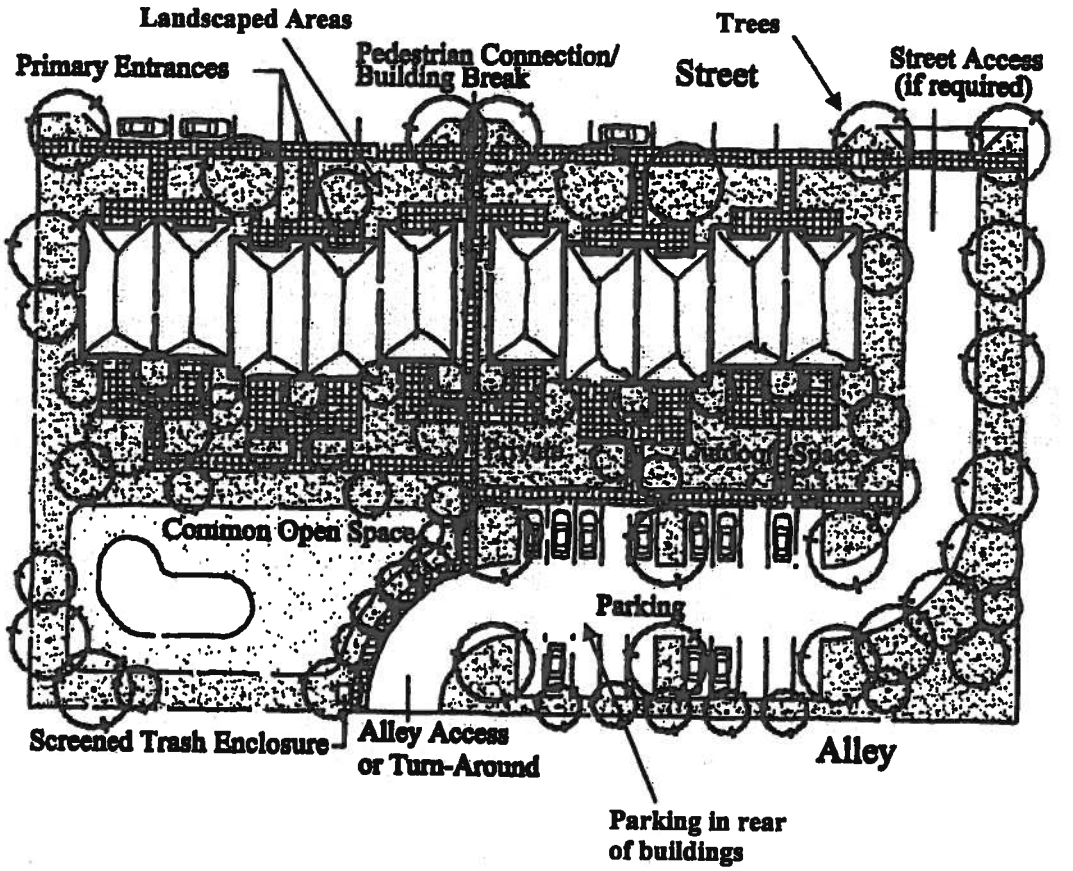


ILLUSTRATION # 6
LARGE MULTIPLE FAMILY RESIDENTIAL OR HOTEL DEVELOPMENT



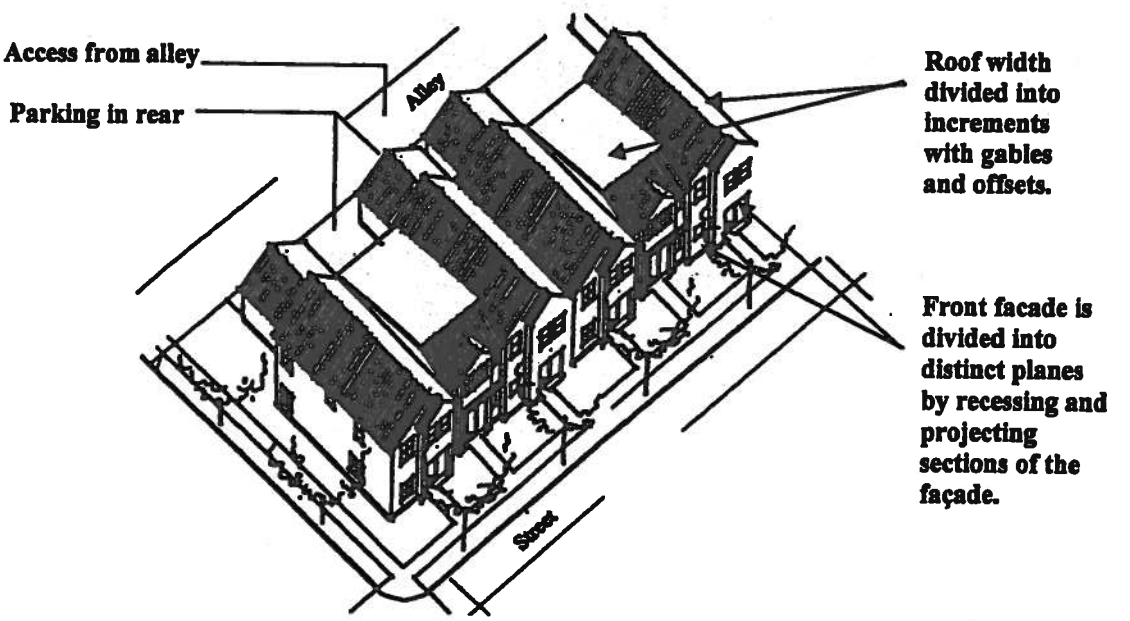
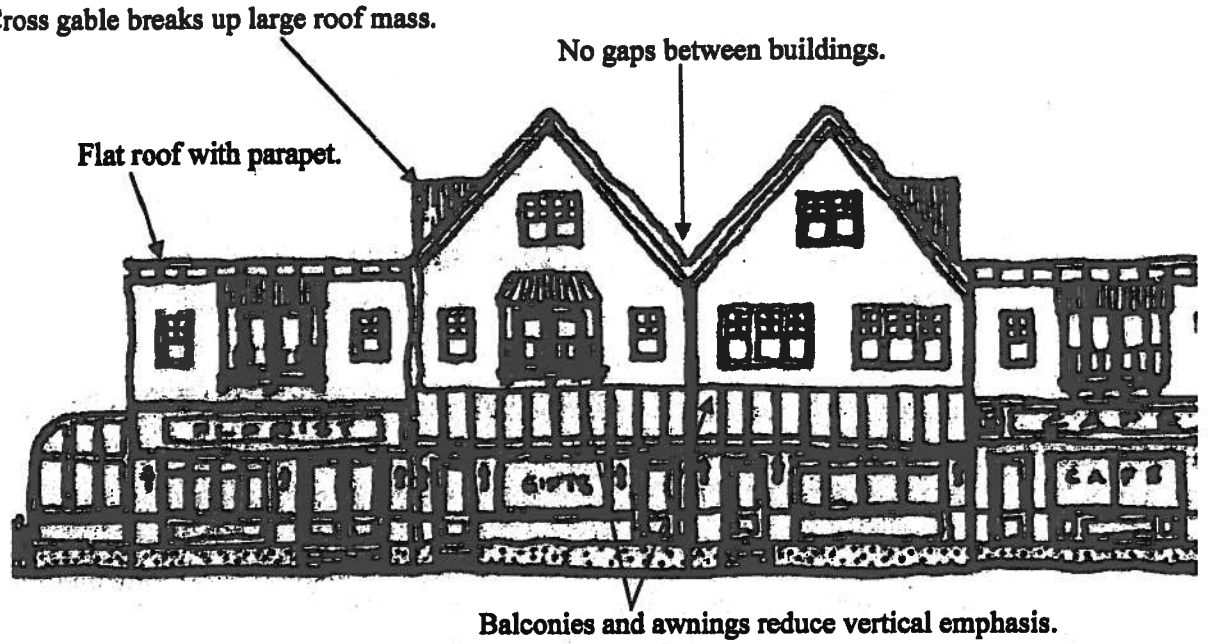


ILLUSTRATION # 7
COMMERCIAL BUILDINGS



In the illustration above, banks of windows along the ground floor help create a pedestrian oriented environment. Buildings abut the property line such that no building is setback significantly from the other buildings. Buildings vary in size, shape, roof lines and design features but are architecturally compatible through the use of similar design elements such as the use and placement of a common window treatment on the second floor.

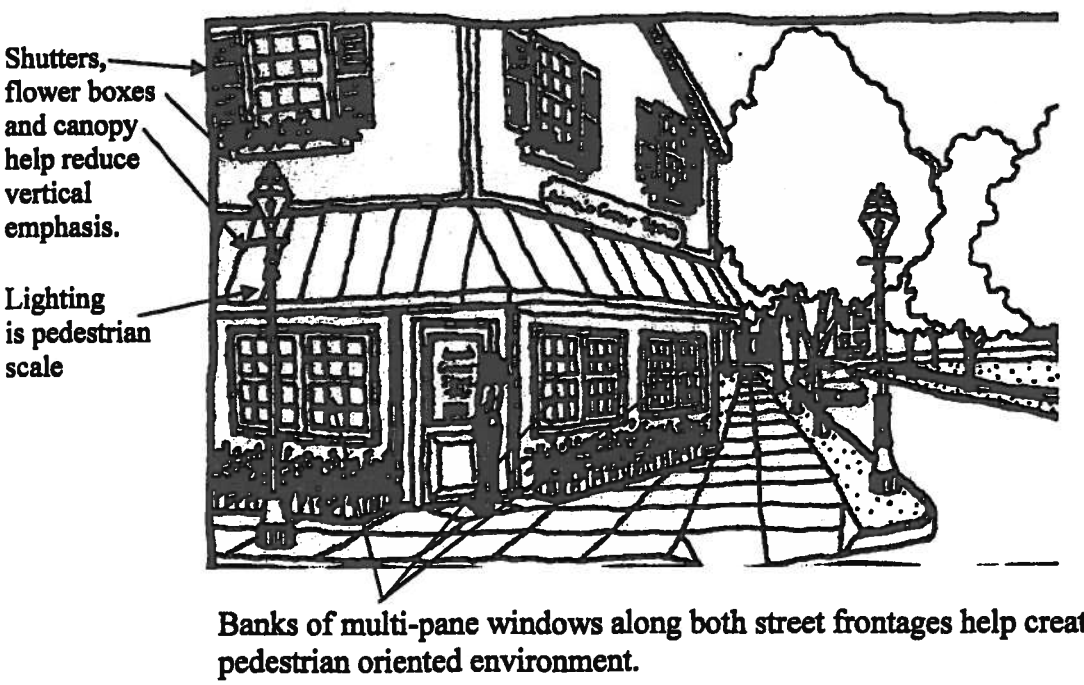
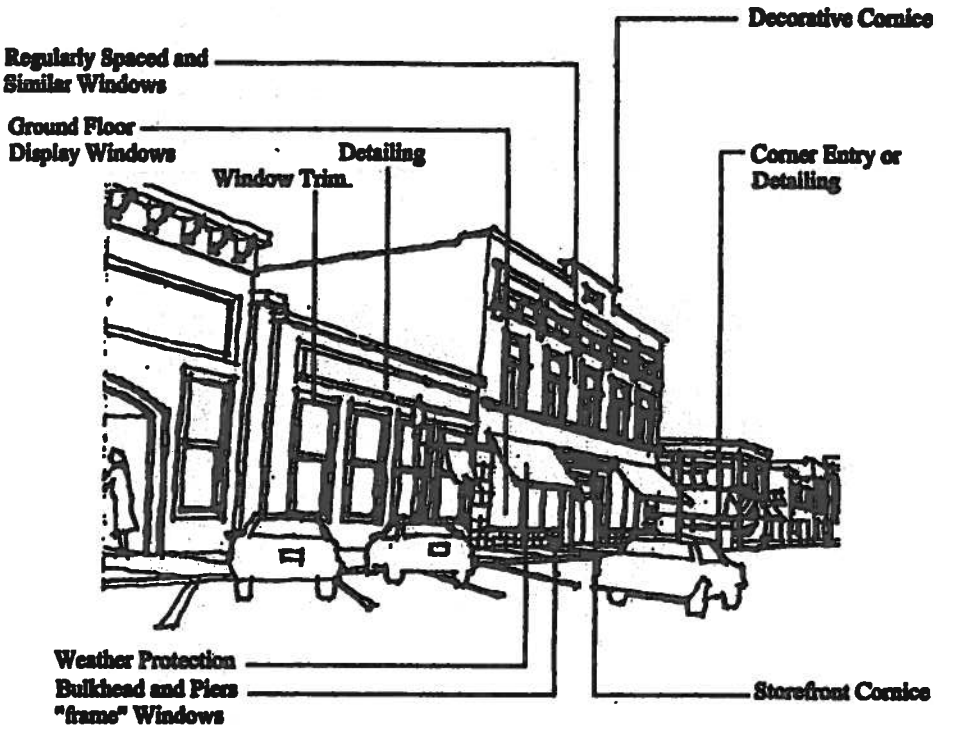


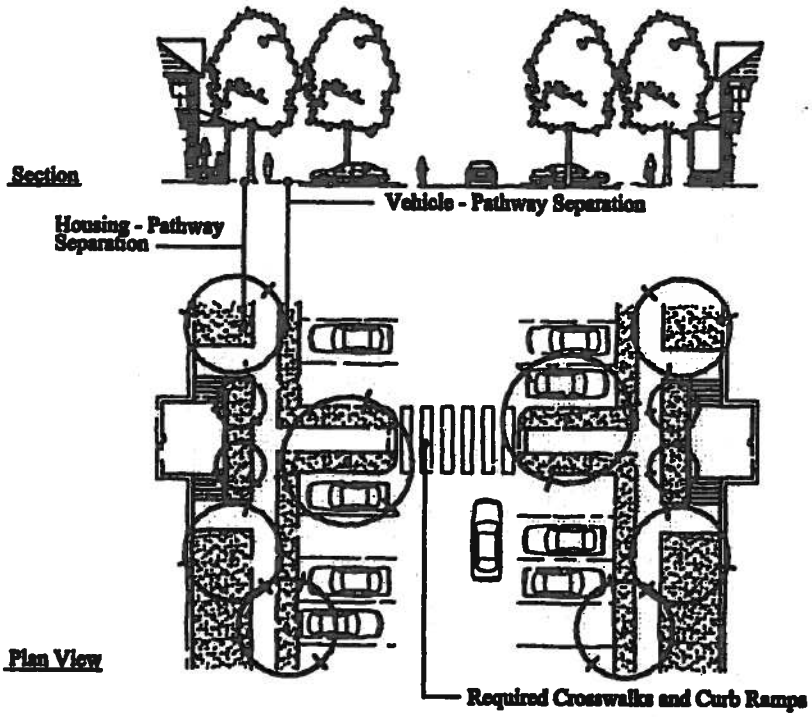
ILLUSTRATION # 8
COMMERCIAL BUILDINGS



Buildings illustrated above provide variety in shape, size, roof lines and design features but are architecturally compatible with adjacent buildings.

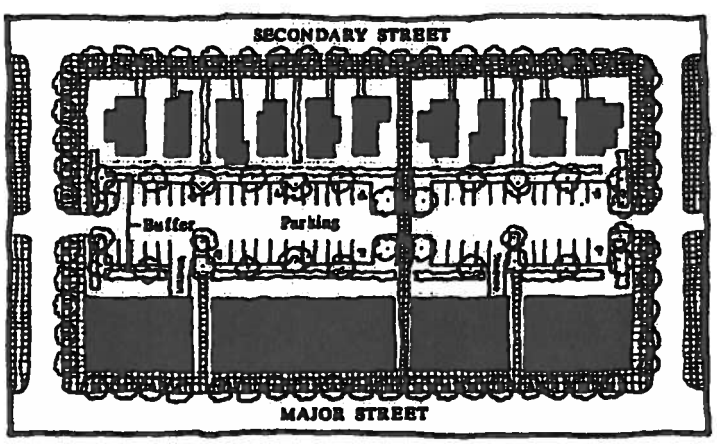
The illustration to the right shows a building setback from the property line but including a pedestrian oriented amenity (outdoor café seating) on a courtyard identifiable by the use of smaller specialty pavers than those used as part of the main sidewalk.

ILLUSTRATION # 9
PARKING AND PEDESTRIAN LAYOUT



The illustration above shows an interior parking lot. Note that the pedestrian pathways are separated from the vehicle traffic areas. Where the pathway crosses the parking lot, a landscaped area extends from each side to make the crossing short. Additionally, the crossing area is clearly marked. Specialty pavers could also be used to mark the pedestrian crossing area. Trees provide screening for the parking lot. A short hedge (3 – 4 feet) around the parking lot in the landscaped area would provide additional screening and would further separate the pedestrian and vehicle areas. Breaks in the hedge along large parking lots could be provided to allow easier access to and from parked vehicles.

Parking should be located to the side or rear of the building. The off street parking areas for the commercial buildings (along Major Street) are located in a common parking area that is landscaped with a buffer. Pedestrian linkages along and through the commercial buildings and the residential (along Secondary Street) area provide continuous and integrated pedestrian circulation through the block. Continuous sidewalks surrounding the block provide pedestrian connections to the adjacent blocks.



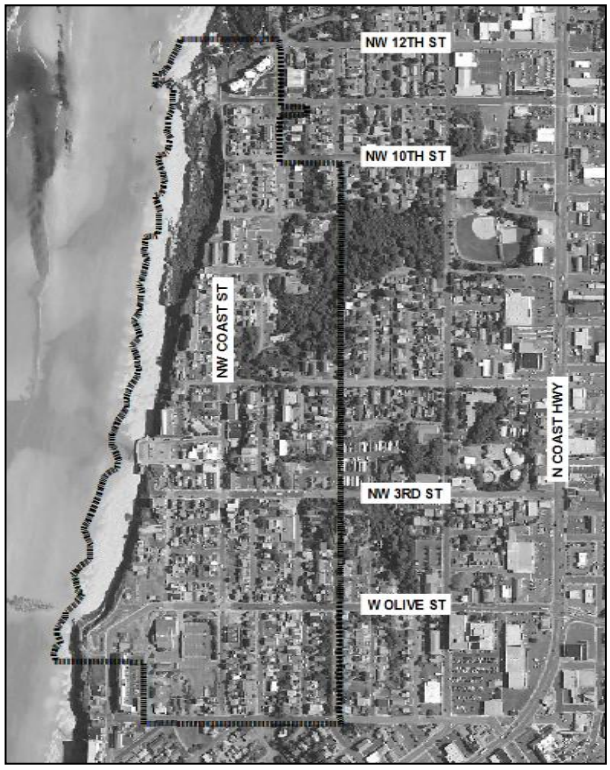
Public Hearing on December 16th!
10 Year Review of Nye Beach Design Review District

Come and share your views on whether or not the City of Newport needs to review and possibly make changes to the Nye Beach Design Review District

Monday, December 16, 2013
7:00 p.m. or shortly thereafter
Newport City Hall Council Chambers
(169 SW Coast Highway, Newport)

What is this about?

NYE BEACH DESIGN REVIEW DISTRICT



In 2003 the City of Newport created the Nye Beach Design Review District, which put in place architectural design requirements and flexible development standards for new construction or areas of redevelopment (Ordinance No. 1865). Its purpose is to ensure continued livability through a focus on how the built environment shapes the character of the community. The standards are further intended to:

- Preserve the beautiful natural setting and the orientation of development and public improvements in order to strengthen their relationship to that setting;
- Enhance new and redeveloping architectural and landscape resources to preserve and strengthen the historic, scenic and/or identified neighborhood character and function of each setting;
- Improve the vehicular and pedestrian networks in order to improve safety, efficiency, continuity, and relationships connecting Newport neighborhoods;
- Strengthen Newport's economic vitality by improving its desirability through improved appearance, function, and efficiency;
- Improve the built environment to strengthen the visual appearance and attractiveness of developed areas; and
- Implement the goals and objectives of the adopted neighborhood plans.

The ordinance establishing the Nye Beach Design Review District requires that within ten years of the date of adoption, the City Council shall consider whether or not changes need to be made to the district boundaries, policies and implementing regulations. This public hearing serves as the required ten year review.

What will happen at the hearing?

The City Council will take public comment on the question of whether or not changes should be made to the District and its implementing rules. If the Council decides that revisions are needed it may direct the Planning Commission to initiate work on amending the Comprehensive Plan and/or Zoning Ordinance, as appropriate.

Where can I review the Nye Beach Design Review District standards?

The Nye Beach Design Review standards are available at the Community Development Department, Newport City Hall or they can be accessed through the city website at: http://thecityofnewport.net/dept/pln

For more information, please contact:

Derrick Tokos, City of Newport Community Development Director, at 541-574-0626 or d.tokos@newportoregon.gov.

LINCOLN COUNTY
PROPERTY MGT
880 NE 7TH ST
NEWPORT OR 97365

HOUSING AUTHORITY
OF LINCOLN COUNTY
PO BOX 1470
NEWPORT OR 97365

WILSON CABIN LLC
C/O R M & L A AYERS LIFE ESTATE
221 ENTERPRISE DR
RICHLAND WA 1909

LARRY D LACY
995 N 7TH ST
AUMSVILLE OR 97325

PROJECT 2000
10285 NW FLOTOMA DR
PORTLAND OR 97229-6218

SCOTT LAWRENCE MORTON
PO BOX 33
NEWPORT OR 97365

WILBUR G & MILDRED J WELTY
20181 S COQUILLE DR
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CANDACE S FORD
1011 SE 141ST CT
VANCOUVER WA 98683

COASTAL DEVELOPMENT LLC
922 NW COAST ST
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TIMOTHY U & A GRETCHEN RANDALL
505 NW 11TH ST
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COWDEN FAMILY TRUST &
J R & E M COWDEN COTRUSTEES &
DIXIE L ADAMS
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STEPHEN & ANDERINE HARLAND
4790 FIR DELL DR SE
SALEM OR 97302

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KATHLEEN E PALOMBI
& TOBI PALOMBI
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DINO J ANDEREGGEN
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JAMES R HARSHFIELD &
PAMELA JO SIMPSON
634 NW 10TH ST
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LINCOLN COUNTY HOUSING
AUTHORITY
1039 NW NYE ST
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DAWN M HARDEN
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CESAR J JUAN &
MINERVA MARTINEZ
233 NE 9TH ST
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ROBERT I & MARTHA MARY
LLEWELLYN
1821 MOONSHINE PARK RD
LOGSDEN OR 97357

MARK R & MARIA B BARBERS
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NEWPORT OR 97365

EILEEN MARY TISO REV TRUST
EILEEN MARY TISO TRUSTEE
36946 AVE 12
MADERA CA 93638

ARLIN J & CYNTHIA E ROLER
24576 TERRITORIAL HWY
MONROE OR 97456

CARLA A JOHNSEN
TRUSTEE
1015 NE LAUREL CT
NEWPORT OR 97365

PAUL S & JUDITH A WARD
241 SW BIRCH
DALLAS OR 97338

MICHAEL R JOLING &
PATRCIA PATRICK-JOLING
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RODNEY E & DORA L RUMSEY
TRUSTEES
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KENNEWICK WA 99338

HECTOR H GARCIA
7214 N 35TH AVE
PHOENIX AZ 85051

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RICHARD K MOORE
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SAN DIEGO CA 92103

HARRY R & JOAN C CLARK
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JAMES D & JOAN M ROLPH
12892 SW 147TH PL
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LARRY A RODGERS
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LARRY E PARKER COTRUSTEE ET AL
C/O ADAM & TIFFANY THOMPSON CONT
355 HUHTULA RD
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460 SW JEFFERSON AVE
CORVALLIS OR 97333

DONALD E WHITNEY
729 EDMONDS ST
EDMONDS WA 98020

MALCOLM H & GLORIA M ZIRGES
PO BOX 938
NEWPORT OR 97365

PATRICIA K WEEKLEY &
HELEN WOOD
5117 N COAST HWY
NEWPORT OR 97365

MAX A POPE
PO BOX 86
NEWPORT OR 97365

MEGUMI YAMANOHA
PO BOX 72864
DAVIS CA 95617

DORA L LUTZ
3429 MOCK ORANGE CT
SALEM OR 97302

JENNIFER PICKERING WITTER &
ROBERT C WITTER
12001 ROLLING MEADOW CIR
ANCHORAGE AK 99516

LINCOLN COUNTY
225 W OLIVE ST
NEWPORT OR 97365

BEACHLAND ESTATES CONDOMINIUM
ASSN OF UNIT OWNERS
C/O LINCOLN COUNTY
225 W OLIVE ST
NEWPORT OR 97365

*****UNDELIVERABLE*****

OCEAN VISTA CONDOMINIUM
ASSN OF UNIT OWNERS
801 NW COAST ST
NEWPORT OR 97365

DANNY & TERESA REICH
142 VALLEY CHAPEL RD
WALLA WALLA WA 99362

JENNIFER R WEYMOUTH
4558 SE 111TH AVE
PORTLAND OR 97266-3429

MILDRED MCEACHRAN &
RONALD & MARJORIE A SETHER
C/O SCOTT & NAOMI SETHER CONT
31551 S KAUFFMAN RD
CANBY OR 97013

PEGGY KJELLSEN
PO BOX 704
NEWPORT OR 97365

PAUL F HOFFSTADT
TRUSTEE
1225 NE THOUSAND OAKS DR
CORVALLIS OR 97330

TETON CREEK CONDOMINIUMS
OWNERS ASSN
PO BOX 215
PHILOMATH OR 97370

MICHAEL R ADAMS
TRUSTEE
1001 NW LOVEJOY ST #1308
PORTLAND OR 97209

JAMES PHILLIP LEE &
JOANNA ELISABETH ROELL
TRUSTEES
3135 NE 17TH AVE
PORTLAND OR 97212

NANCY E LEONARD &
URBAN C LEHNER
TRUSTEES
1125 NW SPRING ST APT A302
NEWPORT OR 97365-0183

PATRICK O & SUSAN J LONG
33201 SE PEORIA RD
CORVALLIS OR 97333

TOBY A ROSS
3880 FOWLER RD
W SACRAMENTO CA 95691

GREGORY M & LIZA S BOYD
PO BOX 2479
WILSONVILLE OR 97070-2479

ROBERT A & NANCY E LEON
10125 SW ARBORCREST WAY
PORTLAND OR 97225-4224

*****UNDELIVERABLBE*****

MYRON TAI PENG &
MOLLY M FRANCIS
1125 NW SPRING ST UNIT C103
NEWPORT OR 97365

JANELLE M LOMBARD
PO BOX 938
PORTLAND OR 97207-0938

FRED W & HELENE JACK
TRUSTEES
PO BOX 50039
EUGENE OR 97405

SPRING ST OCEAN VIEW CONDO
ASSN OF UNIT OWNERS
29190 N WINDSONG LN
NEWBERG OR 97132

BRENDAN W & BONNIE A CARMODY
261 SE VIEW DR
NEWPORT OR 97365

JANA D & BARRY H COLLINS
915 KRENTZ
YUBA CITY CA 95993

VAN M POUNDS
PO BOX 701
HOLTS SUMMIT MO 65043

OREGON YOUTH AUTHORITY
LEASE
530 CENTER ST NE STE 200
SALEM OR 97301

*****UNDELIVERABLE*****

WILLARD NETTLES JR
14402 NE PIPER RD
VANCOUVER WA 98684

JAMES D & TINA M SCOTT
19225 SW WILLOW CREEK CT
ALOHA OR 97006

JAY A FEUERBACHER
127 NE 56TH ST
NEWPORT OR 97365

KEITH S & SALLY J BOWDLE
2645 NW ZINFANDEL LP
MCMINNVILLE OR 97128

PACIFIC CREST CONDOMIUM
HOMEOWNERS ASSN INC
ATTN: JOHN MELDRUM TREASURER
40506 COLE SCHOOL RD
SCIO OR 97374

JOYCE PALMER
PO BOX 725
NEWPORT OR 97365

COASTAL CABANAS LLC
PO BOX 800
SOUTH BEACH OR 97366

VERNA L ABRAHAM
C/O KAREN JO DOBSON CONT
3447 LINCOLN DR NE
RENTON WA 98056

MICHAEL R & MARY K MCGINNIS
TRUSTEES
7215 SW ARBOR LAKE DR
WILSONVILLE OR 97070

MICHAEL & ORIETTA DEGARIMORE
PO BOX 48
SILETZ OR 97380

WILLIAM M CHENOWETH
626 NW ALPINE ST
NEWPORT OR 97365

JASON D & RACHEL R NEHMER
1720 SW 4TH AVE APT 207
PORTLAND OR 97201-5528

JOHNNIE E & LATIESIA SCHMAUDER
18690 SW BOONESFERRY RD
TUALATIN OR 97062

UNDELIVERABLE
TRACEY P WEISS &
CROWN W LP
ATTN: GREGORY WEISS MGR
PO BOX 995
LORANE OR 97451

E T & STEVE GERMANERIE
NATHANIEL & ALISON GERMANERIE
920 SW 5TH ST
CORVALLIS OR 97333

PAUL GRACA MEDRANO
11715 EXETER AVE NE
SEATTLE WA 98125

ROBERT THORNTON &
BY THE SEA X LLC &
SUZANNE LEE
7459 N HURON AVE
PORTLAND OR 97365

JANET L & KEVIN CORNELIUS
34309 IRIS CIRCLE
PHILOMATH OR 97370

FUITEN WEST PARTNERSHIP
5475 NE DAWSON CREEK DR
HILLSBORO OR 97124

RODNEY & BARBARA KELLER
2056 CHASE LOOP SW
ALBANY OR 97321

ELMER H & DOROTHY P TAYLOR
555 NW ALPINE ST
NEWPORT OR 97365

DONNA F BROKKEN
TRUSTEE
2895 SW FAIRMONT DR
CORVALLIS OR 97333

DONALD J HUNT
546 NW COAST ST
NEWPORT OR 97365

MEI DENG CHEN
TRUSTEE
1130 NE 7TH DR
NEWPORT OR 97365

EMMA BEACH RETREAT LLC
989 NW SPRUCE #215
CORVALLIS OR 97330

RICHARD T STRUNK &
ROBBIN M SPRAITZ
774 VINCENT ST
EUGENE OR 97401-5265

MARLETTA N NOE
C/O LITCHFIELD & CARSTENS LLC
PO BOX 1730
NEWPORT OR 97365

THOMAS R & JOAN A BOOTHBY
PO BOX 2143
NEWPORT OR 97365

JOSEPH C & PAULA C ROTH &
STEPHANIE M SAYLER &
MERRITT N BRUCE TRUSTEES
PO BOX 92
LOCKWOOD CA 93932

EMILY R ANTHONY
206 NW 56TH ST
NEWPORT OR 97365

SANDRA S STREIT
3145 SW MARICARA ST
PORTLAND OR 97219

ROBERT L & SANDRA K ALLEN
203 W 21ST
SPOKANE WA 99203

THE BOEHLERT FAMILY TRUST
GEORGE W & SUSAN L BOEHLERT
TRUSTEES
4108 LOGSDEN RD
SILETZ OR 97380

CHARLES VANDERPOOL
547 NW COAST ST
NEWPORT OR 97365

UNDELIVERABLE
WALTER L & HELEN WEST
& JAMES D WEST ET AL
29765 TOWN CENTER LOOP
WILSONVILLE OR 97070

BURTON T & PATRICIA M WILLIAMS
PO BOX 514
NEWPORT OR 97365

WILLIAM E & JEANNE S INNIS
1517 COURT ST NE
SALEM OR 97301-4242

JOHN M DONOVAN &
REBECCA K STREET
921 E 7TH ST
THE DALLES OR 97058

ROBERTO LOPARDO
1040 57TH ST
BROOKLYN NY 11219

JON LYNCH
169 SE VIEW DR
NEWPORT OR 97365

KARA M BURKE
PO BOX 1584
WALDPORT OR 97394-1584

RUTH L BUROKER
612 E FRONT
BLOOMINGTON IL 61701

NEWPORT PROPERTY MGT
PO BOX 1404
NEWPORT OR 97365

COAST HOUSE LLC
ATTN: KENNETH JACKSON
2907 CONCORD WAY
FOREST GROVE OR 97116

PAULA SCHAAP &
ANDREW KADEL
175 9TH ST
NEW YORK NY 10011

PAUL B CALKINS &
MARILYN MARTIN CALKINS
4754 WEST MENLO AVE
FRESNO CA 93722

UNDELIVERABLE

LEW & NANCY BANK
1030 NW JOHNSON #501
PORTLAND OR 97209

PAULETTE E SANDERS
PO BOX 1306
NEWPORT OR 97365

VERNON R FAGAN SR &
VERLA SNOOK FAGAN
TRUSTEES
13821 W SPRINGDALE DR
SUN CITY WEST AZ 85375

JOE & MARIE G TERRA
TRUSTEES
408 LAURENT ST
SANTA CRUZ CA 95060

STANFORD P SEYB
PO BOX 2043
NEWPORT OR 97365

MARION E STOCKER
1011 SE 141ST CT
VANCOUVER WA 98683

ELLEN KATHERINE KIELBAUCH
504 NW BROOK ST
NEWPORT OR 97365

FLETTA O TALLAMANTE
419 NW HIGH ST
NEWPORT OR 97365

SUSAN E LIEDTKE
433 NW HURBERT ST
NEWPORT OR 97365

ELIZABETH J FRANKLIN &
THOMAS W FRANKLIN
742 NW BEACH ST
NEWPORT OR 97365

JACK L JOYCE
2320 SE MARINE SCIENCE DR
NEWPORT OR 97365

BONNIE L & PAUL M PARASHAK
TRUSTEES
1323 NE 5TH ST
NEWPORT OR 97365

CLAIRE H MCNEELY &
LUCINDA G CHAPMAN
716 NW BEACH ST
NEWPORT OR 97365

LUCINDA CHAPMAN
539 SW WOODS ST
NEWPORT OR 97365

JARED HYDE &
ELLEN EAGER
502 NW BROOK ST
NEWPORT OR 97365

KENNETH L SMITH
1227 NW LAKE ST
NEWPORT OR 7365

MICHAEL DITLEFSEN &
JANIE JENNE
1055 HIGHLAND AVE NE
SALEM OR 97303

NATALIA F & ALAN M TORRES
431 N ORANGE DR
LOS ANGELES CA 90036-2611

JUDITH M LINGHAM
PO BOX 28
NEWPORT OR 97365

H DEAN & MARY E BAUMAN
PO BOX 1355
NEWPORT OR 97365

DOUGLAS ALAN CHADWICK
334 NW HIGH ST
NEWPORT OR 97365

NYE VILLAGE ASSOCIATES
PO BOX 1930
NEWPORT OR 97365

YAQUINA ART ASSOCIATES
PO BOX 274
NEWPORT OR 97365

WILLIAM B & TARA L DEVENPORT
750 NW 3RD ST
NEWPORT OR 97365

DOUGLAS E & VERNA L FITTS
392 NW 3RD ST SP #1
NEWPORT OR 97365

WALTER S & CAROL T DUVALL
328 NW COAST ST
NEWPORT OR 97365

MARK JOSEPH WANKER
21373 SW JOHNSON RD
WEST LINN OR 97068

C SIMONE COPLEY
2000 NE 84TH AVE
PORTLAND OR 97220-5503

DIANE AARONSON
16560 GLENWOOD CT
LAKE OSWEGO OR 97034

CARL R & LORENE RAE WHITEMAN
1825 NE TIDE AVE
LINCOLN CITY OR 97367

JOYCE H NORTHAM
TRUSTEE
4125 NW TAMARACK DR
CORVALLIS OR 97330

RAYMOND J BRADLEY
700 LAWRENCE ST
EUGENE OR 97401

LAURA CHIPMAN
C/O VICTOR CHIPMAN
PO BOX 359
COTTAGE GROVE OR 97424

J A & L G JOHNSON TRUST
JEROME A & LUCILLE G JOHNSON
TRUSTEES
PO BOX 1114
NEWPORT OR 97365

NYE VILLAGE OFFICE CONDO
ASSN OF UNIT OWNERS
530 NW 3RD ST
NEWPORT OR 97365

NYE VILLAGE ASSOCIATES
PO BOX 1930
NEWPORT OR 97365

SUE ANN KELLEY
PO BOX 1466
NEWPORT OR 9765

NYE BEACH PLAZA CONDOMINIUM
ASSN OF UNIT OWNERS
1173 SW HARBOR CRESCENT
NEWPORT OR 97365

NYE BEACH PLAZA CONDOMINIUMS
ASSN OF UNIT OWNERS
ATTN: TREASURER
17067 HOOD CT
SANDY OR 97055

K/H INVESTMENTS LLC
PO BOX 608
APPLE VALLEY CA 92308

COLLEEN C HUGHES LIVING TRUST
COLLEEN C HUGHES TRUSTEE
269 LINNAEUS AVE
COOKEVILLE TN 38501

OREGON COAST HIDEAWAYS LLC
17067 HOOD CT
SANDY OR 97055-9406

ROGER D & LISA K ANTHONY
4224 SE LAMBERT ST
PORTLAND OR 97206

EVELYN D NAGY
PO BOX 10412
EUGENE OR 97440

SEAN M & LEIAH J GREENE
2300 NW BROADWAY
ALBANY OR 97321

BROOKVIEW CONDOMINIUMS
ASSN OF UNIT OWNERS
326 SW 12TH ST
NEWPORT OR 97365

DELMA I HORNE
1100 SE LINN ST
PORTLAND OR 97202

STEPHEN L WARREN
PO BOX 1423
NEWPORT OR 97365

L LEE GARDNER
TRUSTEE
425 NW BROOK ST #6
NEWPORT OR 97365

NANCY ELLEN BROSHOT
1126 8TH ST
OREGON CITY OR 97045

K ZANE & PAULA I SIMPSON
11 REYBURN DR
HENDERSON NV 89074

BRIANNA N LAFERLA
425 NW BROOK ST #1
NEWPORT OR 97365

DAVID WALTER & MARGARET RUTH HALL
TRUSTEES
8310 COUNTERPANE LN
JUNEAU AK 99801

THOMAS W BUSH &
KAREN I BAUMBACH
496 S 100 W
JEROME ID 83338

BARBARA MEZZETTA
415 EASTIN DR
SONOMA CA 95476

DONALD K & RUTH E FUNRUE
TRUSTEES
3296 SW BINFORD AVE
GRESHAM OR 97080

ARDEN A & JANET A BEDLE
2217 GRAND AVE
EVERETT WA 98201

WILLIAM REID GRAY III &
DIANA ADELE ROGERS GRAY
PO BOX 4411
BOISE ID 83711-4411

DONALD G HOLTGRIEVE &
SUSAN W HARDWICK
TRUSTEES
3615 GLEN OAK DR
EUGENE OR 97405

RICHARD L & MARILYN A CONNET
TRUSTEES
34635 KNOX BUTTE RD E
ALBANY OR 97322

WALTER L WEST
C/O GERALD PAVELEK ET AL CONT
3592 BUENA VISTA RD S
JEFFERSON OR 97352

MICHAEL LAWRENCE & CINDY LOU KENT
3608 NW TWINBERRY PL
CORVALLIS OR 97330-3342

LOUISE B AMAISMEIER
1201 HORN LN
EUGENE OR 97404

DORIS INMAN &
TIMOTHY DAHLE
PO BOX 45
DALLESPORT WA 98617

ZDENKA TRIPP
TRUSTEE
455 ALEXANDER LP APT 344
EUGENE OR 97401-6587

CATHEY E SMITH
245 NW ELDERBERRY LN
DALLAS OR 97338

R W RECO HORNING TRUST &
S R W REVOC TRUST
R W & S R W HORNING
TRUSTEES
8991 JANE RD N
LAKE ELMO MN 55042

MICHAEL D MCCOY
3433 SW MCNARY PARKWAY #203
LAKE OSWEGO OR 97035

JANET K SILVA
9461 CROSSRAIL DR
WILTON CA 95693-9262

WILLIAM J & EILEEN M GENTZKOW
1632 NW SUNRISE CIR
SALEM OR 97304

KATHLEEN R SIMMERMAN
25115 LAVEL RD
JUNCTION CITY OR 97448-9393

PICO 302 LLC
ATTN: JEFFERY LEITCH
9025 JANE RD N
LAKE ELMO MN 55042

TREVOR I & TAUNDRA L PITCHFORD
1105 MARYLHURST DR
WEST LINN OR 97068

JOHN C & LEA C MELDRUM
40506 COLE SCHOOL RD
SCIO OR 97374

MICHAEL R BRAMBLEY &
ANITA C PHILLIPS BRAMBLEY
330 ADAIR DR
RICHLAND WA 99352

SANDRA S LITT
TRUSTEE
7438 SE MADISON
PORTLAND OR 97215

JAMES M & VONDA J STUBBLEFIELD
PO BOX 338
MONUMENT OR 97864

CHARLES D & JANE K KEMP
1999 FARMER DR
EL CENTRO CA 92243

LIL MACS LLC
ATTN: ALEMA J MCCREA
1040 SE 78TH
PORTLAND OR 97215

GWENITH M FILBIN
TRUSTEE
PO BOX 307
DUFUR OR 97021

NYE SANDS CONDOMINIUM
ASSN OF UNIT OWNERS
507 NW ALPINE ST
NEWPORT OR 97365

CAROLINE E LEUTHOLD
ATTN: LEMASTERS & DANIELS
601 RIVERSIDE AVE STE 700
SPOKANE WA 99201

GARY R & DIXIE L SYLVESTER
509 VILLE DR
BOULDER CITY NV 89005

LINDA J ORANGE &
ARDIS L HUFFMAN
1420 NW SPRING ST
NEWPORT OR 97365

MARGARET M OLSON
9705 SW EAGLE LN
BEAVERTON OR 97005

ROBERT D & DONNA M ROWEN
PO BOX 777
NEWPORT OR 97365

MARGARET A FERNEKEES
2186 NW KEARNEY ST
PORTLAND OR 97210

CHRIS S & GLORIA L HENRICKS
2240 NW CLUSTER OAK AVE
ALBANY OR 97321

PATRICK F & ELIZABETH F BRESNAN
12338 FIRST FORK RD
LOS GATOS CA 95033

MICHAEL O MORAN
4421 SW MELVILLE AVE
PORTLAND OR 97239-1360

JAMES L & ADELIA A ERDMANN
PO BOX 470
AUMSVILLE OR 97325

ROY L & SANDRA N RIDER REVOC LVG TRUSTS
ROY L & SANDRA N RIDER TRUSTEES
6360 NW HAPPY VALLEY DR
CORVALLIS OR 97330

RICHARD M & LORRAINE M DANSKIN
TRUSTEES
3143 WINSLOW WAY NW
SALEM OR 97304

WILLIAM F HAAS &
EILEEN DALY HAAS
64764 OLD BEND-REDMOND HWY
BEND OR 97701

ERIC HELGE & SANDRA VIVIAN HARMS
204 S BROADWAY
YREKA CA 96097

ROBERT S & ANGELA M YEATS
TRUSTEES
1654 NW CREST PL
CORVALLIS OR 97330

CURTIS LUDWIG &
KAY GONZALES &
KIMBERLY ROUECHE &
BRENDA BAILEY
2224 ROSEWOOD CT
RICHLAND WA 99354-1834

KENT B & LORI S ROBERTS
375 CORBETT CREEK RD
COLVILLE WA 99114

DAN A & CHRISTINE M DUNNINGTON
2140 NORWOOD ST
EUGENE OR 97401

PAUL D & KAREN L JORGENSEN
4284 AVALON
EUGENE OR 97402

LYNDON R & BARBARA N MUSOLF
TRUSTEES
5480 SW DOVER LOOP
PORTLAND OR 97225

JOHN L & TRACY K HERROLD
935 WESTWOOD DR
STAYTON OR 97383

PATRICIA NAYGROW
2800 QUEEN ELAINE CT
EL DORADO HILLS CA 95762

*****UNDELIVERABLE*****

LIGHTHOUSE LODGES CONDOMINIUM
ASSN OF UNIT OWNERS
757 NW COAST ST
NEWPORT OR 97365

STEPHEN E SIVAGE
2951 CALLE ARANDOS
PALM SPRINGS CA 92264

SAMUEL EDWARD & AVELYN LORRAINE BAILIE
PO BOX 3189
MESQUITE NV 89024

JACK WOLCOTT &
SANDY SMITH
2700 NW ARNOLD WAY
CORVALLIS OR 97330

TERRENCE F & KAREN SUE MARTHALLER
2801 SE SWAIN
MILWAUKIE OR 97267

FRANK J BENISON
19 LINDENWOOD DR
LITTLETON CO 80120

US BANK NA TRUSTEE
C/O TERESA CLIFTON CONT
1232 SHOT POUCH RD
BLODGETT OR 97326

OLD TOWN CONDOMINIUMS
ASSN OF UNIT OWNERS
501 COLDWATER CREEK DR
ROCK SPRINGS WY 82901

GARY L & VICKI R MINES
PO BOX 676
SOUTH BEACH OR 97366

DAVID K CHAN &
LIANN CHENG
4402 NW SENECA CT
CAMAS WA 98607

PATRICK & YU YE LUM
TRUSTEES &
BRIAN LUM
4050 WYCOMBE DR
SACRAMENTO CA 95864

LINDA KAREN WILSON
PO BOX 160
NEWPORT OR 97365

HIGH ROAD CONDOMINIUMS
ASSN OF UNIT OWNERS
634 NW 10TH
NEWPORT OR 97365

BLUE WHALE CONDOMINIUMS
ASSN OF UNIT OWNERS
551 NW BROOK ST #4
NEWPORT OR 97365

MICHAEL E WALISER &
STACY K SCHELLINGER
538 NW HIGH ST
NEWPORT OR 97365

DONNEL & VICKI L BORNE
477 NE SEWARD AVE #1
BEND OR 97701-3837

BOB AMICK
TRUSTEE
PO BOX 790
ROSEVILLE CA 95678

ASSN OF UNIT OWNERS
THE KENNEDY BUILDING CONDO
526 NW COAST ST
NEWPORT OR 97365

DYLAN A & CELESTE L MCENTEE
PO BOX 83
NEWPORT OR 97365

LAURA M ANDERSON
526 NW COAST ST APT G
NEWPORT OR 97365

CONRAD S & SUSAN M PETERSON
614 SE 38TH ST
GRESHAM OR 97080

JOANNE H & MICHAEL DUBICK
PO BOX 838
CRESWELL OR 97426

ASSN OF UNIT OWNERS
THE COURTYARD COTTAGES CONDOS
713 NW HIGH ST
NEWPORT OR 97365

BRIAN J GETTING
711 NW HIGH ST
NEWPORT OR 97365

MICHAEL B & FRANCES A BONNER
9196 SE WYNDHAM WAY
HAPPY VALLEY OR 97266

SKN INVESTMENTS LLC
301 NE 132ND CT
PORTLAND OR 97230

KRONEPERSON LLC
260 SE 2ND ST
NEWPORT OR 97365

ARCHWAY PLACE
HOMEOWNERS ASSN
PO BOX 800
SOUTH BEACH OR 97366

C JOHN & SANDRA C SWINMURN
TRUSTEES
9111 NE 162ND ST
BATTLE GROUND WA 98604-9133

W STEVEN RULAND &
JUDITH K AVRITT
TRUSTEES
13115 SYLVA LN
SONORA CA 95370

DUANE G & SHEIRY T BEARD
3021 CONCOMLY RD S
SALEM OR 97306-9755

JOHN & SELINA GAIL MCDONNELL
41900 HORIZON VIEW AVE
CLOVERDALE OR 97112

JUDITH J HENDRICKS
325 NW COAST ST UNIT A
NEWPORT OR 97365

FRANK A & JUDY A HOGAN
TRUSTEES
42 QUIET HILLS RD
POMONA CA 91766

WEI HAO &
HONGLI LI
6237 SW CHESTNUT DR
CORVALLIS OR 97333

BARBARA L & RONALD P BREADEN
2155 DEVOS ST
EUGENE OR 97402

STEVEN G & MARIA J BENNETT
2255 DAWNWOOD DR
PHILOMATH OR 97370-9091

ALAN HOLCOMBE &
ALEITA HAAS HOLCOMBE
TRUSTEES
2022 NW MYRTLEWOOD
CORVALLIS OR 97330

DANIEL V & SANDRA N ROUMAGOUX
19 SW HURBERT ST
NEWPORT OR 97365

DONALD C & NADINE FUCHS
11003 PRESTWICK CT
WILSONVILLE OR 97070

BEVERLY CHAMBERLAIN
3548 N BROOKHAVEN LN
TUCSON AZ 85712

DONALD T TESDAL SR &
JANICE M TESDAL
47 SW HURBERT ST
NEWPORT OR 97365

EDWARD A & CAROL A JOHNSON
TRUSTEES
1655 FERGUSON DR NW
ALBANY OR 97321

STEPHEN E & SONJA S LOVAS
50 DOE VIEW LN
POUND RIDGE NY 10576

JOSEPH P PENZOLA &
NANCY K FARRELL PENZOLA
COTRUSTEES
13394 E ALSEA HWY
TIDEWATER OR 97390-9600

LYELL B & CLAIRE C GARDNER
46570 SW PATTON VALLEY RD
GASTON OR 97119

MARC D & BARBARA MEZZETTA
415 EASTIN DR
SONOMA CA 95476

MATEAM PARTNERSHIP
ATTN: SALLY M FORD
267 NW CLIFF ST
NEWPORT OR 97365

KENT P & APRIL A WOLCOTT
749 NW 3RD ST
NEWPORT OR 97365

BRIAN S & JULIE M ROSE
637 SE ST ANDREWS DR
PORTLAND OR 97202-9015

REAL ESTATE LOAN FUND CO
C/O ARDATH WALKER TRUSTEE CONT
3174 DOLBEER ST #12
EUREKA CA 95503

LAWRENCE J BRUSSELBACK &
WENDY C ENGLER BRUSSELBACK
715 NW 3RD ST
NEWPORT OR 97365

MARY ANN RODDEN
PO BOX 117
NEWPORT OR 97365

CARL W & VICTORIA S FOSTER
COTRUSTEES
9153 NW FULLNER CT
PORTLAND OR 97229

ROBERT C & BETH H MATHEWSON &
DAVID M JONES
6825 BOLAND WAY
OTTER ROCK OR 97369

ZARAGOZA BUILDERS LLC
6825 BOLAN WAY
OTTER ROCK OR 97369

JAMES G & LANA R WETHERILL
25804 NE OLSON RD
BATTLE GROUND WA 98604

RICHARD J & MARICELA KISS
30421 SIERRA MADRE DR
TEMECULA CA 92591

FRANCES C VANWERT
TRUSTEE
742 NW 2ND CT
NEWPORT OR 97365

SHARON K BLAIR
258 NW COAST ST #D
NEWPORT OR 97365

EMILY J NEWMAN
231 NW CLIFF ST
NEWPORT OR 97365

DAVID L & RACHEL L VANDERLIP
37990 COURTNEY CREEK RD
BROWNSVILLE OR 97327

JEAN LAMB
215 NW HIGH ST
NEWPORT OR 97365

HALCYON HOTELS LLC
ATTN: WINTHROP MCCORMACK
2601 NW THURMAN ST
PORTLAND OR 97210

JAMES L HARRINGTON JR &
TERRI A HARRINGTON
494 GRIFFIN RD
GRANTS PASS OR 97527

DAVID M JONES &
MICHELE S REDMOND
6825 BOLAND WAY
OTTER ROCK OR 97369

MARCUS LEHRMAN &
JODY L GEORGE
232 NW COAST ST
NEWPORT OR 97365

CENTRAL LINCOLN PUD
ATTN: BRIAN BARTH
MGR ACCT & FINANCE
PO BOX 1126
NEWPORT OR 97365

BERNARD P & LORI & CLIFFORD & FRANCES
PLETSCHETT
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929 11TH ST UNIT 101
BELLINGHAM WA 98225

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CHANDA NAVA
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MIKE & MARI CLARK
749 SAN YSIDRO RD
SANTA BARBARA CA 93108

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PORTLAND OR 97210-3359

LINDA RAE NEIGEBAUER
3914 NW CHEROKEE LN
NEWPORT OR 97365

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CORVALLIS OR 97330-9544

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TRUSTEE
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CORVALLIS OR 97330

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EUGENE OR 97405

KENNETH D & MARTHA A HEATH
615 NW SPYGLASS CT
ALBANY OR 97321

PATRICK D & IRMA D CANAN
12705 SE RIVER RD APT 101 D
PORTLAND OR 97222

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PATRICIA L CROWE
PO BOX 1557
NEWPORT OR 97365

BLAKESLEE PROPERTIES LLC
ATTN: WILLIAM BLAKESLEE
16004 SW TUALATIN SHERWOOD RD #437
SHERWOOD OR 97140-8521

JEANETTE L FAIR
25151 PLEASANT VIEW DR
PHILOMATH OR 97370

NICOLETTE BILELLO
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REDMOND OR 97756

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NEWPORT OR 97365

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CATHERINE M DEVEREAUX
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BEAVER CREEK OR 97004

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DAWN DARLING BUUS
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Derrick Tokos

From: Derrick Tokos
Sent: Tuesday, August 06, 2013 5:16 PM
To: 'Wendy Engler'; Frances VanWert; Gus & VeronicaWillemin; Norm Ferber; Kathy Cleary; Jody George; Karen Wilson
Subject: RE: Nye Beach Design Review Overlay

Hi Wendy,

A PowerPoint format is fine. It would be helpful if you could add text to the slides to note what is or isn't working for each (e.g. mass, design elements, building orientation, etc.).

Derrick I. Tokos, AICP
Community Development Director
City of Newport
169 SW Coast Highway
Newport, OR 97365
ph: 541.574.0626
fax: 541.574.0644
d.tokos@newportoregon.gov

From: Wendy Engler [mailto:wendy.engler@yahoo.com]
Sent: Tuesday, August 06, 2013 3:10 PM
To: Derrick Tokos; Frances VanWert; Gus & VeronicaWillemin; Norm Ferber; Kathy Cleary; Jody George; Karen Wilson
Subject: Re: Nye Beach Design Review Overlay

Hello Derrick,

Regarding issues with the Design Overlay Review, we will have some photos
for you in September of what we think has worked and what hasn't.

Would a PowerPoint format work best for you?
What else would be helpful?

Thank you,
Wendy Engler

From: Derrick Tokos <D.Tokos@NewportOregon.gov>
To: 'Wendy Engler' <wendy.engler@yahoo.com>
Sent: Wednesday, June 26, 2013 10:30 AM
Subject: Nye Beach Design Review Overlay

Wendy,

Here is the list of issues that the group raised at today's meeting. Also, attached is the section of the Municipal Code that spells out the process for updating the overlay.

- Allows too much building mass (Archway Place and McEntee Building are examples)

- Allowance for three-story construction is too generous
- Form of architecture not consistent with what should be occurring in Nye Beach (need examples)
- Consider setting the north boundary of the overlay at 8th street (a reduction in size)
- Limit design standards to commercial development
- Mechanisms needed to ensure that agreed upon design review elements are actually implemented
- Incentives for achieving residential/commercial mixed use may not be right

Let me know if you need anything else.

Derrick I. Tokos, AICP
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NEWPORT

OREGON

AGENDA & Notice of Town Hall Meeting of the City Council

The City Council of the City of Newport will hold a Town Hall Meeting on Monday, April 29, 2013, starting at 6:00 P.M. The Town Hall Meeting will be held at the Visual Arts Center, in Room 302, located at 777 NW Beach Drive, Newport Oregon 97365. A copy of the agenda follows.

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

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the.

TOWN HALL MEETING AGENDA

Monday, April 29, 2013 - 6:00 P.M.

Visual Arts Center, Room 302

Town Hall Guidelines: Every attempt will be made to give everyone present the opportunity to speak. Please be considerate of the acknowledged speaker by refraining from side conversations. While you may agree or disagree with the speaker, please refrain from audible responses, and respect each speaker.

Speakers will be heard in the order in which they signed in. Please keep comments as brief, and to the point, as possible, in order to allow time for everyone to speak. Try not to repeat points already made by a previous speaker, but briefly state your support for a previous speaker, and then add new information to express your point of view.

When appropriate, the presiding officer will allow for staff response, Council response, and other responses from the audience. Issues that cannot be addressed immediately will be noted, and follow-through will occur via the Council monthly Complaints and Suggestions for review.

I. Welcome

II. City Council and Staff Introductions

III. Update of Nye Beach Overlay Plan

IV. Tsunami Information

V. Upcoming Public Works Projects in Nye Beach

VI. Public Comment

VII. Adjournment

to: Derrick Tokos

April 25, 2013

Dear Newport Mayor, City Councilors, Staff, Planning Commissioners and Citizens,

The attached News-Times article from February, 1994, describes the beginning of the visioning and planning process that lead to the revitalization of Nye Beach.

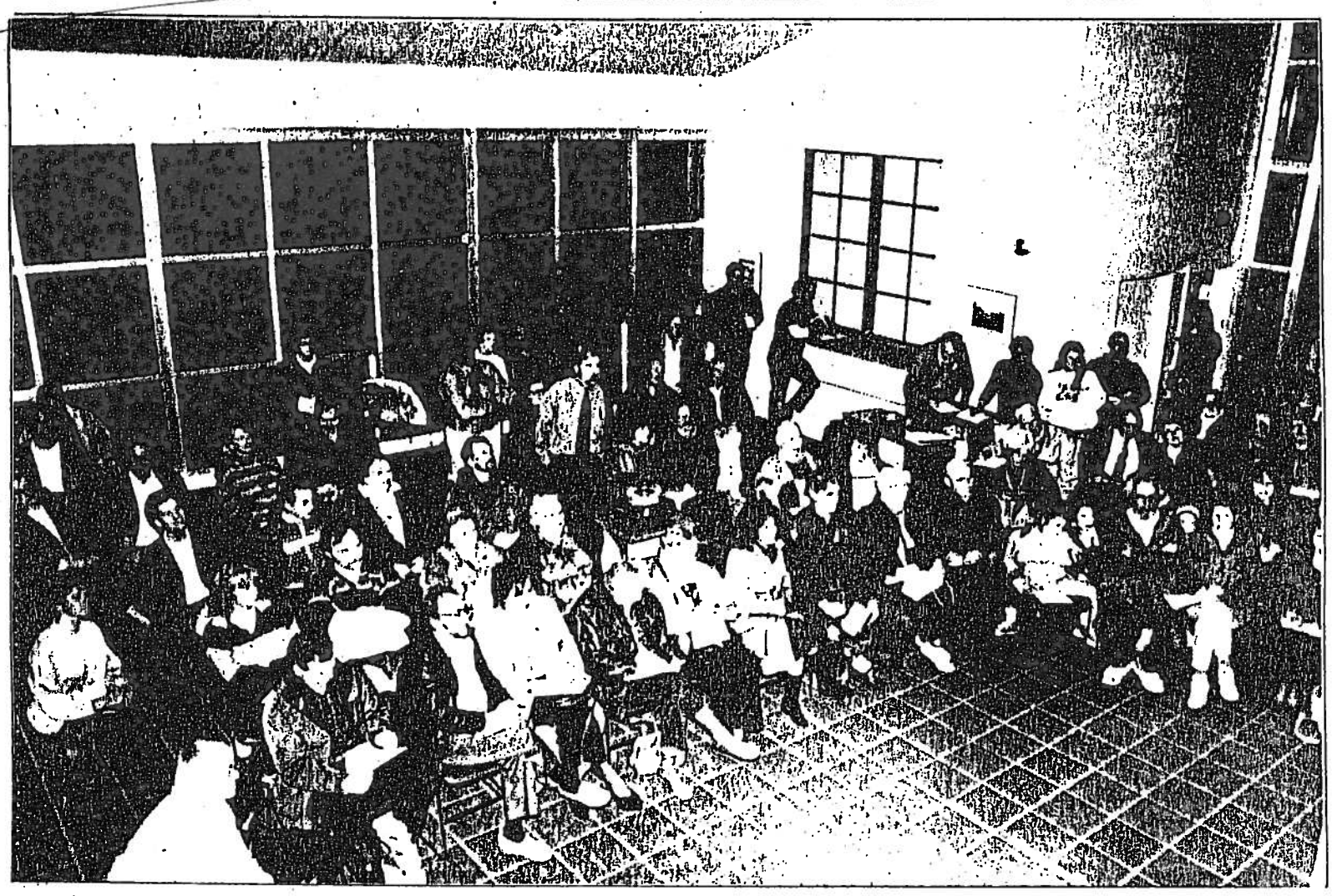
Nearly 20 years later, it is time to update the Nye Beach Overlay plan. The visioning and planning process worked well in the past. Let's use it again to update Nye Beach and other neighborhood plans. Let's bring our ideas together to create a vibrant future for our City. The upcoming Town Hall meeting on April 29 will be a good place to start. I hope to see you there!

Wendy Engler

715 NW 3rd St.

Newport, Oregon

NEWPORT NEWS-TIMES- FEB. 1994



More than 80 Nye Beach residents and property owners gathered last week to discuss how they would like future development to look in their section of Newport. Newport City Planner Mike Shoberg, at the slide projector in the center of the photo, conducted the meeting. (Photo by Steve Card)

"Visioning" process for Nye Beach attracts crowd

By Steve Card

More than 80 residents and property owners from Newport's Nye Beach area turned out last week for the kick-off meeting of the Nye Beach Visioning Process.

That meeting, led by Newport City Planner Mike Shoberg, was held Thursday evening in the lobby of the Newport Performing Arts Center.

In his opening remarks to those attending, Shoberg said, "We would like to solicit your comments and concerns about what the future of Nye Beach should be." He said that this process was started several years ago when Fred Glick, a Portland urban designer, conducted a study of the Nye Beach area. Shoberg said he first wanted to determine if the Glick study was still viable, "and then we can build on that."

The visioning process started at last week's meeting is expected to take six months to a year to complete.

This visioning process can be broken into four areas, said Shoberg, noting that "The first question is where are we. Then we need to determine where are we going, where do we want to go and how do we get there."

In order to get a sense of what type of development people would prefer to see in the Nye Beach area, Shoberg showed a series of slides depicting a number of different developed properties. He asked people to rate each slide as to how well they liked the development pictured.

One particular slide depicted a concrete building with asphalt roads and parking lots. There was no vegetation and little, if any, pedestrian walkway.

"This is what the status quo ordinance in Nye Beach will get us," Shoberg said as he displayed the slide. "If you don't like this, then we have to change it. I'm not saying it is bad. I'm saying this is what we may hit the way it stands now."

Shoberg was asked if he thought property owners and residents could really make a difference in regard to future Nye Beach development.

"Yes, I believe you can, if that's the way the neighborhood wants to go," Shoberg answered. He added that the city council has the ultimate authority when it comes to ordinance changes, but if enough people become involved in the process, they can make an impact.

"You need to define what you want, then how to get it done and how to finance it," he said.

In addition, a member of the Newport Planning Commission, Don Giles, is acting in a liaison position between the Nye Beach group and the commission. Shoberg will also ask for a liaison from the city council, "so we won't be going to them cold."

As part of the information-gathering process during this first meeting, Shoberg asked those in attendance to comment on what they did or did not like about the Nye Beach area.

Property owner Joan LaMont said, "I think we all like the flavor of Nye Beach...and we'd like to keep it still a neighborhood, but have commerce that fits in with the neighborhood."

LaMont expressed concern, however, about what will happen as some of the properties are re-developed, with older homes being renovated or torn down. "Nye Beach has generally been a low-rent area. What's going to happen to that?" she asked, saying changes in the Nye Beach area will most likely put "some sort of burden" on Newport, in the areas of higher rents and possibly an increase in the housing shortage.

"And part of the atmosphere is the people who live here," LaMont added. "As those people are forced out because they can't afford to live here anymore, the atmosphere is going to change."

Another property owner said she would like something in the city ordinance to address how property is cared for by absentee landlords. She expressed disgust with the garbage scattered about at some properties that have no on-site managers. "I want something that will control the landlords," she said.

Another resident did not want development to "wall off the ocean view" in Nye Beach, as had been done in other areas along the beach, saying, "We don't want three- or four-story hotels like the Shilo,. This is still a fairly open view down here...it shouldn't be blocked off."

In listening to comments from citizens, Shoberg said, "We need to hear these issues, weigh the pros and cons, and come up with a plan to go with."

During the course of Thursday's discussion, Nye Beach resident John Crowe said he had been coming to these types of meetings for at least 25 years, and "we've hashed all this over before. The zoning has been changed and changed. I see 60 to 80 percent new faces here. Next year are we going to see more new faces with more opinions? When are we going to get it?"

Shoberg said that now is the time to start making some changes in preparation for future development. "I've been wanting to get it done, and now is the time," he said.

Property owner Doug Fitts wondered if time could be saved by looking at how other cities have addressed development. "Why can't we borrow what they've done?" he asked.

Shoberg responded, "We don't have to reinvent the wheel, (but) we're not Ashland, Oregon, and we're not Carmel, California. We have some things here that are distinctly Nye Beach."

To address the specific concerns and comments raised at last week's meeting, and to continue the visioning process for the Nye Beach area, Shoberg asked for volunteers to serve on a steering committee. Although he asked for seven to nine people, 19 individuals signed up to serve on that committee. The planning staff expects to be able to use all of these individuals.

Also at the end of Thursday's meeting, those in attendance were asked to offer written suggestions to consider as a plan begins to unfold. Thirty-seven people responded with approximately 85 suggestions.

The next step in the visioning process will be to begin the steering committee meetings. The first committee meeting should take place within the next couple of weeks. The committee will give occasional updates to the rest of the community as the process moves forward.

News-Times
Classified
265-6080

Sign

Doug Fitts, who owns property in the Nye Beach area of Newport, speaks at the Newport Planning Commission meeting Monday evening regarding a proposal to establish a design review process for future development in Nye Beach. (Photo by Steve Card)

Design review plan for Nye Beach discussed by planning commission

Members of the Newport Planning Commission present at Monday's meeting were:
Dietmar Goebel
Ken Johnson
Lill Patrick
Don Giles
Mark Jones
Absent were:
Stephen Hammond
Loretta Macpherson

By Steve Card

The pros and cons of a design review process for new development in Nye Beach were discussed this week by the Newport Planning Commission.

The commission met Monday evening in the council chambers at Newport City Hall.

About a year and a half ago, the Newport Planning Department organized residents and property owners from the Nye Beach area in an effort to plan for future growth in that part of the city. Approximately 100 people attended this initial brainstorming session, and from that group, a steering committee of about a dozen people was formed.

The Nye Beach Steering Committee had a goal of defining and preserving the historic character of Nye Beach. The group members looked at various development issues, which they tried to address through language in a proposed ordinance. That draft ordinance, which would create an overlay zone for the Nye Beach district, was presented for discussion at Monday's planning commission meeting.

The boundaries of the Nye Beach district are Southwest Second Street to the south, Hurbert Street to the east, Northwest 12th Street to the north, and the ocean to the west.

Included in this draft ordinance is a provision that says new development is required to be consistent with design guidelines. "That's a change in city policy," said City Planner Mike Shoberg. "The whole concept of a design review is something that's foreign to this community. There are some advantages and disadvantages."

Shoberg said that the steering committee developed these design guidelines, which were included in the draft ordinance discussed Monday evening. The guidelines "give people parameters that they can develop in," Shoberg said. He added that ideally, people would come to city hall and discuss these guidelines in terms of a particular project before that project is designed.

The suggested design parameters deal with a variety of criteria, including height, scale, setbacks, roofs, facades, building orientation, off-street parking, pedestrian circulation, exterior lighting, and signage.

"This doesn't include color," Shoberg said. "That was left off on purpose. Part of the flavor or character of Nye Beach is that colors are different, (and) they decided not to get into color."

According to the proposal drafted by the Nye Beach Steering Committee, a development permit would be required before development could occur in the Nye Beach district. This would be required in addition to the usual building permit. When a development permit application is received by the city, property owners within 100 feet of the proposed development would be notified of the request and allowed to give their input. Shoberg would then make a determination on the request, based on the information gathered.

Planning Commissioner Dietmar Goebel wondered whether the planning department staff had the capability of functioning in this design review capacity. "It's a whole different type of endeavor than what you're doing in planning right now," he said to Shoberg.

Goebel added that the only way design review guidelines are going to work "is if they have some teeth and some people who are willing to make it happen."

Shoberg reminded the planning commission that the recommendations submitted in the draft ordinance were those of the steering committee, not his. "I'm not the one making the decision alone," he said. "As staff, we're going to be contacting people within 100 feet. They will have input."

Shoberg said that the planning commission could also choose the option of reviewing some of the larger developments, and the commission would also hear any appeals to decisions made at the planning department level. "Or, you could decide not to do (design review) at all," Shoberg said.

Several Nye Beach property owners were present at Monday's meeting to express support or concerns about the proposed overlay zone.

Doug Fitts said he was concerned about the length of time that it could take to get a permit. "Any developer will have problems with that," he said. And although he thinks that Shoberg is doing a good job as the city's planner, "What happens if Mike leaves or is replaced? Is the new person going to have the same ideas Mike has? These (design guidelines) are too vague. In theory, there's a lot of good ideas here, and I'd like to see that, but implementing them is going to be a nightmare."

Brendan Carmody, the owner of the Viking's Motel in Nye Beach, said having such objective guidelines is a "scary" concept. "It may all be determined by one person," he said. "It's asking a great deal of any one person. It's asking a great deal of a committee." He added that there is a potential "for creating a great deal of problems."

Elmer Taylor, one of the members of the Nye Beach Steering Committee, said the committee preferred guidelines rather than a list of strict regulations. "The committee felt it was far better to keep this in the form of guidelines that we can negotiate, rather than dealing with specifics," he said.

Gayle Henry, another member of the steering committee, said, "There are quite a few people who are interested in preserving that area with a historical flavor to it. That's what we're all about."

A year and a half was spent in discussions leading to the creation of the draft ordinance presented to the commission this week, and the commission did not think it could adequately address all of the relevant issues in a single evening. It was decided that the commission will hold one or more study sessions and then bring the debate back into a formal meeting session for any additional public comment. The public is also invited to attend these workshop sessions.

A study session to deal with the Nye Beach overlay was scheduled for 11:30 a.m. Oct. 23.

In other business, the commission:

- Voted to pass on a recommendation to the Newport City Council for approval of an annexation request. This request came from M.R. and Mary Wood for property they own south of U.S. Highway 20 at the southeasterly boundary of the city limits. This parcel — which includes more than 18 acres — abuts Southeast Second, Southeast Third, and Southeast Fourth Streets.

The Woods' property has a county zoning designation of R-1, "suburban residential." They are asking for an R-2 "medium density low density" zoning designation.

Although some concerns were expressed by commission members regarding future access to this property, members thought that issue could be addressed in the future and was not necessarily pertinent to determining whether or not to annex the property.

- Granted a temporary use permit to Joe Frechetter to allow a portable, modular building to be used for a drive-through "Bento Box" business. He explained that Bento Box is Japanese for a quick, box lunch. The business will be located at the southwest corner of Highway 101 and Northwest 11th Street.

The commission approved a temporary use permit for a 12-month period. Goebel abstained from the voting. He said he is opposed to this type of temporary use permits and did not think he could be objective in dealing with the request.

News-Times 8/16/95

Agenda Item # IX.B.
Meeting Date December 16, 2013

CITY OF NEWPORT AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Resolution providing for a supplemental budget and making appropriations changes for the Fiscal Year 2013-2014

Prepared By: Gazewood Dept Head Approval: Gazewood City Mgr Approval: _____

Issue Before the Council: The purpose of this resolution is to adopt a supplemental budget to increase appropriations in the General Fund and he Room Tax Fund. Additionally, this supplemental budget establishes a Reserve Fund for Future Capital Purchases. Pursuant to Oregon Local Budget Law, a public hearing is required for this Supplemental Budget.

Staff Recommendation: Staff recommends the adoption of the supplemental budget and making appropriation changes in three funds as detailed on Attachment "A" to Resolution No. 3652.

Proposed Motion: I move to adopt Resolution No. 3652 with Attachment "A", a resolution adopting a supplemental budget for fiscal year 2013-14 and making appropriation increases and changes for fiscal year 2013-14.

Key Facts and Information Summary: ORS 294.471 and 294.473 requires a supplemental budget with a public hearing when the estimated expenditures differ by more than 10 percent from the expenditures from the most recent amended budget prior to the supplement budget. The hearing must be published not less than five days before the meeting. Such publication appeared in the December 11, 2013 edition of the Newport News Times.

Other Alternatives Considered: None

Fiscal Notes: The General Fund was included in this supplemental budget as the General Fund is the primary source of funding for the establishment of the "Reserve fund for Future Capital Purchases." Revenues for the Reserve Fund were provided by General Fund transfers to set aside or "save" monies for future Police ($35,000), Fire ($120,000) and Library ($10,000) capital purchases. The General Fund's increase appropriation totals $418,510 and is funded by beginning fund balance partial excess of $65,000; transfer from the Room Tax fund of $72,900 and a transfer from the Newport Urban Renewal Agency - North Side District of $280,610 and represents the District's close-out funds. This latter amount is the accumulated cash and receivables held by the District as of November 30, 2013 for debt payments on city held properties purchased with URA property tax collections. The General Fund appropriation increase totals $418,510.

The Reserve Fund for Future Capital Purchases is further financed by Fire conflagration monies of $25,000 directly allocated to the Reserve Fund. The revenue transferred to the Reserve Fund from the General Fund totals $165,000. An amount of $190,000 has been set aside in the Reserve Fund

assigned to three accounts to be available for future capital purchases. The Fire account has $145,000 set aside in this supplemental Budget. Please note that this supplemental budget only creates the Reserve Fund and the resolution specifically states that available funds are not appropriated.

The Room Tax Fund has an appropriation increase of $317,624 which is supported by an increase in beginning fund balance of $32,624; revised estimate of transient room tax collections of $135,000 and OCCA/PAC matching funds of $150,000 for the new acoustic sound system for the Performing Arts Center.

CITY OF NEWPORT

RESOLUTION NO. 3652

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2013-14, AND MAKING APPROPRIATIONS

WHEREAS, the City of Newport's 2013-14 budget requires changes of appropriation for the General Fund and the Room Tax Fund; and

WHEREAS, the City is creating a new fund (Reserve for Future Capital Purchases Fund) which requires a supplemental budget; and

WHEREAS, the General Fund is transferring expenditures to the new fund "Reserve for Future Capital Purchases;" and

WHEREAS, the General Fund is receiving revenue from the Newport Urban Renewal Agency due to close-out of the North Side District and such funds are for debt payments on City held properties purchased with NURA property tax collections; and

WHEREAS, the budget changes to the Room Tax Fund are in excess of 10 percent; and

WHEREAS, ORS 294.473 requires a supplemental budget with public hearing when the estimated expenditures differ by more than 10 percent from the expenditures from the most recent amended budget prior to the supplemental budget; and

WHEREAS, a public hearing was held in accordance with ORS 294.473; and

THE CITY OF NEWPORT RESOLVES AS FOLLOW: that this supplemental budget is hereby adopted and hereby increases the appropriation for the General Fund by $418,510; and hereby increases the appropriation for the Room Tax Fund by $317,624; and hereby creates the Reserve for Future Capital Purchases Fund as a means to set aside funding for future capital purchases and such funds are not appropriated by this resolution. Attachment "A" sets forth the supplemental budget requirements for the three funds.

This resolution will become effective immediately upon passage.

Adopted by the Newport City Council on December 16, 2013.

_____

Sandra Roumagoux, Mayor

Attest:

_____

Margaret M. Hawker, City Recorder

CITY OF NEWPORT, OREGON

ATTACHMENT "A" - RESOLUTION NO. 3652 ADOPTING A SUPPLEMENTAL BUDGET, MAKING APPROPRIATION AND CHANGES FOR FISCAL YEAR 2013-14

General Fund			
Resource	**Amount**	**Expenditure**	**Amount**
Beginning Balance	65,000	Transfer to Police Reserve Acct	35,000
Transfer from Room Tax Fund	72,900	Reserve for Future Capital - Police	(35,000)
Transfer from NURA - NS	280,610	Transfer to Fire Reserve Acct	120,000
		Reserve for Future Capital - Fire	(65,000)
		Fire Dept - Capital Outlay - Equip	(50,000)
		Transfer to Library Reserve Acct	10,000
		Reserve for Future Capital - Library	(10,000)
		Facil Oper-Repair/Maint/NURA - NS	280,610
		Non Departmental - Street Lighting	60,000
		Contingency	72,900
Revised Total Resources	13,129,657	**Revised Total** Requirements	13,129,657

Comments: (1) To provide funding for a Reserve Fund for Future Capital through transfers from the General Fund that were originally budgeted for FY 2012-13 and FY 2013-14. (2) To increase Non-Departmental and Contingency budgeted expense, accordingly. (3) To transfer repair, maintenance and improvements to building committments for City assets purchased through NURA to the General Fund- Facilities operations and provide for budget authority.

Reserve Fund for Future Capital Acquisitions			
Resource	**Amount**	**Expenditure**	**Amount**
Fire - Conflagration	25,000	Reserve for Future Capital - Police	35,000
Transfer from General Fund	165,000	Reserve for Future Capital - Fire	145,000
		Reserve for Future Capital - Library	10,000
Revised Total Resources	190,000	**Revised Total** Requirements	190,000

Comments: To establish the "Reserve Fund for Future Capital Acquisitions" and to set up individual cost centers to accumulate "saved" monies for use in future fiscal years for the specific activities.

Room Tax Fund			
Resource	**Amount**	**Expenditure**	**Amount**
Beginning Balance	32,624	Materials & Services - City Grants	20,600
Transient Room Tax	135,000	Transfer to General Fund - CY	72,900
OCCA Matching Funds	150,000	Capital Outlay - OCCA Equip. Match	150,000
		Contingency	74,124
Revised Total Resources	3,242,124	**Revised Total** Requirements	3,242,124

Comments: To increase budgeted categories of expense and line-items to reflect added costs due to revised revenues amounts, added materials & services costs and matching funds for capital outlay for OCCA/PAC sound system with remaining funding allocated to increase the Contingency appropriation.

Agenda Item # X.A.
Meeting Date Dec 16, 2013

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Notice of Intent to Award the PAC Acoustic Sound System Project

Prepared By: Melissa Román Dept Head Approval: _____ City Mgr Approval: _____

Issue Before the Council:
Notice of Intent to Award the Performing Arts Center (PAC) Acoustic Sound System Project.

Staff Recommendation:
Staff recommends proceeding with the Notice of Intent to Award the PAC Acoustic Sound System Project.

Proposed Motion:
I move the City Council authorize the Public Works Department to issue a Notice of Intent to Award the PAC Acoustic Sound System Project to Doug Wilson Construction, Inc. in the amount of $288,086.00, and contingent upon no protest, authorize award and direct the City Manager to execute the contract on behalf of the City.

Key Facts and Information Summary:
The PAC Acoustic Sound System is one phase of the Performing Arts Center building remodel spearheaded by the Oregon Coast Council for the Arts (OCCA).

The cost for acoustic sound system project has been isolated from other construction costs included in the remodel project. The OCCA received a $250,000 Tourism Facilities Grant, funded by Room Tax, a part of which they would like to use toward the purchase of an acoustic sound system. As part of the acoustic sound system purchase, the City has required OCCA to have on hand 50% of the project costs prior to moving forward with award of the proposal. The OCCA would prefer to pay more than 50% of the contract amount, using only $20,000 in grant funds; leaving any remaining grant funds available for other aspects of the larger remodel project.

The City and OCCA have signed an agreement requiring the OCCA to deposit 50% of the contract amount in a separate interest bearing City bank account prior to the City signing a contract with Doug Wilson Construction, Inc. The separate bank account allows the OCCA to deposit more funds into the

account as they fund-raise. The City will draw a minimum of 50% of the pay request prior to issuing construction payments, more than 50% as OCCA makes future deposits into the account.

Proposals were opened Tuesday, October 8, 2013, at 5:00 p.m. for the PAC Acoustic Sound System. The City received one proposal; Doug Wilson Construction, Inc. has been determined to be a responsive bidder.

Other Alternatives Considered:
No other alternatives were considered.

City Council Goals:
Maintenance and Properties: (B) Develop an inventory and plan for city-owned properties.

Identify Funding Sources:
PAC Acoustic Sound System—Oregon Coast Council for the Arts fund-raising; Tourism Facilities Grant awarded to the Oregon Coast Council for the Arts.

Attachment:
Funding agreement between the City of Newport and the Oregon Coast Council for the Arts.

Fiscal Notes:
Money for the Tourism Facilities grants comes from Room Tax.

ADDENDUM NO. 1
AGREEMENT FOR IMPROVEMENTS TO PERFORMING ARTS CENTER

BETWEEN:	City of Newport, a municipal corporation of the State of Oregon	(City)
AND:	Oregon Coast Council for the Arts, a non-profit corporation incorporated in the State of Oregon	(OCCA)

EFFECTIVE DATE: The latest date signed by the parties.

The following provisions are added to the Agreement for Improvements to Performing Arts Center, entered into between the City and OCCA, dated January 31, 2013, (Grant Agreement), for the purpose of upgrading Newport's Performing Arts Center (Project).

RECITALS

A. Pursuant to Grant Agreement §1.A, City has issued two requests for proposals (RFPs) to enhance the audience's experience within the Newport Performing Arts Center, one for acoustic engineering consulting services (Services) and one for an electronic acoustic enhancement system (System).

B. The contract for the Services was executed on May 31, 2013 for $4,200.00 and review of the one proposal submitted in response to the System RFP is under way, with contract execution scheduled on or before January 10, 2014.

C. Per Grant Agreement §§1.F and 3.A, the City will execute both contracts, thereby assuming all payment obligations.

D. Pursuant to Grant Agreement §1.C, the City is not required to contribute or pay any City funds to the Project unless and until the City has received a one-to-one dollar match from OCCA for the City funds.

NOW THEREFORE, the parties agree as follows:

AGREEMENT

1. Pursuant to Grant Agreement §§1.C and 1.D, the parties agree that the City shall not bind itself to pay for the Services or System without OCCA's prior payment to City of the amounts detailed in §2 of this Addendum No. 1.

2. Per Grant Agreement §3.B, OCCA hereby agrees to deposit into a separate City interest-bearing Escrow Account No. _____ ("Account") One Hundred Fifty Thousand Dollars ($150,000.00) on or before December 13, 2013 ("Deposit Funds"). This amount represents slightly in excess of 50 percent (50%) of the Services and 50 percent (50%) of the System anticipated costs, based upon the Services contract and System proposal, plus a 10 percent (10%) contingency for both Phase I projects. Upon final completion of both contracts, City will reconcile its Account and refund to OCCA any unexpended Deposit Funds. If contract amounts exceed OCCA Deposit Funds, City shall invoice OCCA for any such contract overages, as incurred.

3. City shall transfer OCCA Deposit Funds from Account to City on the day of, but prior to, City issuing payment checks to Contractors.

4. Only upon receipt of the OCCA funds, as set forth in §2 of this Addendum No. 1, will City be obligated to execute the System contract.

5. This Addendum is intended only to augment the existing obligations between the parties set forth in full within the Grant Agreement. In no way does this Addendum alter or amend those existing Grant Agreement obligations or provisions, which remain in full force and effect after execution of this Addendum No. 1.

THE PARTIES, by execution of this Addendum, hereby acknowledge that each party has read this Addendum, understands it, and agrees to be bound by its terms and conditions.

CITY OF NEWPORT	OREGON COAST COUNCIL FOR THE ARTS
By:_____	By:_____
Ted Smith, Interim City Manager	Catherine Rickbone
Date:_____	Date:_____

F:\1Clients\Muni\Newport, City of\GENERAL-ADMINISTRATION\Ordinances\ADD No 1 - Addendum to Agt for Improvements to Performing Arts Ctr (120213) CHCcc.docx

Agenda Item # X.B.

Meeting Date 12/16/13

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Request from the Oregon Coast Council for the Arts (OCCA) to Place a Sculpture on City-Owned Property

Prepared By: Hawker Dept Head Approval: ph City Mgr Approval: _____

Issue Before the Council: The Oregon Coast Council for the Arts is requesting that Council direct staff to prepare an agreement, between the city and OCCA, to allow the placement of a donated sculpture on city-owned property near the Performing Arts Center (PAC).

Staff Recommendation: Staff recommends that Council direct staff to prepare an agreement relative to the placement and maintenance of the donated sculpture on city-owned property.

Proposed Motion: I move to direct staff to prepare an agreement between the city and the Oregon Coast Council for the Arts allowing the placement of a sculpture on city-owned property near the Performing Arts Center, which should address maintenance, insurance, and other issues relative to the sculpture.

Key Facts and Information Summary: The late Mark Sponenburgh bequeathed $50,000 to OCCA for the purchase, placement, and maintenance of a sculpture, "Mother and Child," by sculptor Mary Lewis. The sculpture donation was presented to the city's Public Art Committee which reviewed various locations for placement of the sculpture and selected a location near the PAC and the intersection of Coast and Olive Streets. The Public Art Committee has also met with Jerry Harpster, a trustee of the Sponenburgh estate, and an artist in his own right. Harpster has designed a tamper-resistant base for the sculpture which is planned to be placed on an oval concrete pad. Costs of installation and maintenance would be borne by OCCA.

Other Alternatives Considered: None.

City Council Goals: None.

Attachment List: Information on Mary Lewis and "Mother and Child" sculpture
Siting design information showing the location and proposed concrete pad and benches
Sculpture installation details

Fiscal Notes: None

Artist Mary Lewis in her Rainier studio. One of her bronze sculptures can be seen in the Healing Garden at the OHSU Center for Women's Health.

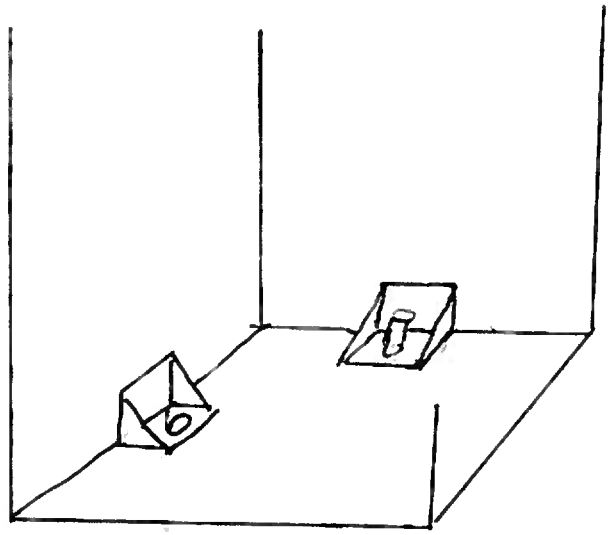
Mark Sponenburgh Trust

Gift of "Mother and Child"

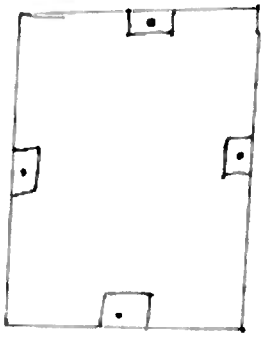
by sculptor Mary Lewis

Mary, a former student of Mark Sponenburgh, was a good friend for almost 70 years. She has sculpted her entire life and lives on the banks of the Columbia River near Portland.

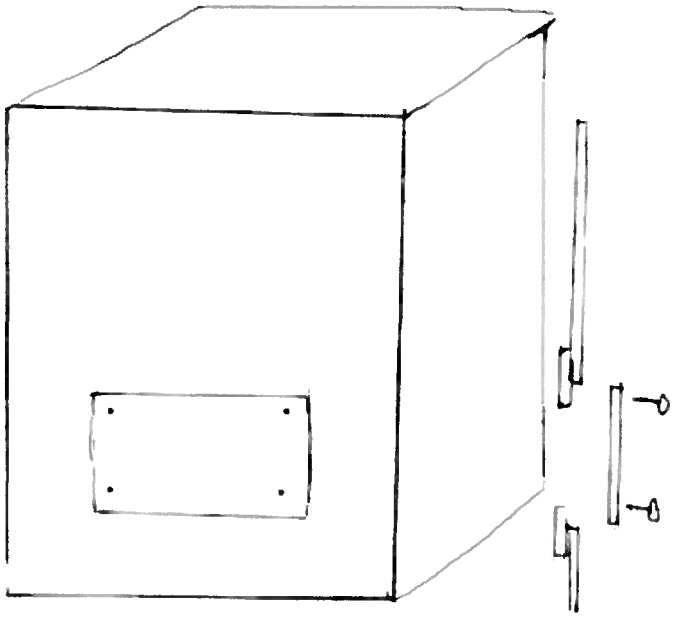
Mary Lewis Sculpture - Mark Sponenburgh Tru
Siting Design #2 on concrete with benches Oct



Tabs inside sculpture stand. Stand bolts to reinforced concrete slab.



Stainless Steel Bolts/Nuts



Window in back of stand allows access for installation and maintenance. Window is screwed to base with ss tamper proof bolts

Sculpture installation details: sculpture stand security

Agenda Item # X.C.
Meeting Date 16 December 2013

CITY OF NEWPORT
AGENDA ITEM SUMMARY
City of Newport, Oregon

Issue/Agenda Title: Notice of Intent to Award: 2013 Street Overlay Program (Project 2013-005)

Prepared By: Olaf Sweetman **Dept Head Approval:** _____ **City Mgr Approval:** _____

Issue Before the Council:

Notice of Intent to Award the 2013 Street Overlay Program (Project 2013-005)

Staff Recommendation:

Staff recommends awarding the 2013 Street Overlay Program (Project 2013-005), to Road and Driveway Co.

Proposed Motions:

I move that the City of Newport Public Works Department issue a Notice of Intent to Award the **2013 Street Overlay Program** project to **Road and Driveway Co.** in the amount of **$174,736.20** and contingent upon no protest, authorize award and direct the City Manager to execute the contract after 7 days on behalf of the City of Newport.

Key Facts and Information Summary:

The city streets proposed to be paved are as follows:

Street	From	To	Notes
NE Benton St.	NE 10th St.	NE 8th St.	Street is currently gravel.
NE 3rd St.	NE Fogarty St.	NE Harney St.	Paving for new curb & sidewalk adjacent to fairgrounds.
NW 3rd St.	NW Coast St.	Hwy. 101	
SW Lee St.	Hwy. 101	Both approaches to 101	These four areas are in preparation for a pedestrian crossing project on Hwy. 101.
SW Alder St.	Hwy. 101	Both approaches to 101	

Bids were opened Tuesday, December 3rd, 2013, at 2:00 p.m. Please see the attached bid tabulation for details.

Engineers Estimate (base bid)	*$195,240.00*
Contractor	**Base Bid**
Road and Driveway Co.	$174,736.20
Knife River Corp. - NW	$210,355.00

The apparent low responsive bidder is Road and Driveway Co. with a base bid amount of $174,736.20.

Other Alternatives Considered:

Not applicable.

City Council Goals:

Streets and Transportation

- Designate and develop gravel streets for paving, and develop a paving inventory and replacement program
- Continue to support multi-modal forms of transportation in the City of Newport.

Attachment List:

- Bid Tabulation

Fiscal Notes:

- $101,096 from Newport Gas Tax
- $73,640 from ODOT Fund Exchange 2013

Project: 2013 Street Overlay Program
Project Number: 2013-005
Bid Opening: 12/3/2013
Tabulated by: Olaf Sweetman

					Engineer's Estimate		Confirmed 1st Low Bid: **Road and Driveway Co.**		Confirmed 2nd Low Bid: **Knife River Corp. - NW**	
	Ref. Section	**Bid Item**	**Unit**	**Est. Qty.**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**
1	00210	Mobilization *(Not to exceed 10% of total bid)*	LS	1	$5,000.00	$5,000.00	$10,620.00	$10,620.00	$15,700.00	$15,700.00
2	00225	Temporary Work Zone Traffic Control, Complete	LS	1	$2,500.00	$2,500.00	$1,450.00	$1,450.00	$2,800.00	$2,800.00
3	00610	Excavation for Repair Patching	CY	50	$100.00	$5,000.00	$161.64	$8,082.00	$50.00	$2,500.00
4	00620	Cold Plane Pavement Removal, 2" Deep	SY	730	$8.00	$5,840.00	$3.86	$2,817.80	$8.50	$6,205.00
5	00620	Tapered Edge Milling, 0"-3" Deep	LF	2200	$6.00	$13,200.00	$3.86	$8,492.00	$3.15	$6,930.00
6	00620	Tapered Edge Milling, 3.5"-8" Deep	LF	1000	$8.00	$8,000.00	$3.86	$3,860.00	$5.75	$5,750.00
7	00640	Base Aggregate	TON	100	$30.00	$3,000.00	$16.46	$1,646.00	$37.00	$3,700.00
8	00640	Finish Grading for Aggregate Base	SY	3300	$4.00	$13,200.00	$2.44	$8,052.00	$1.50	$4,950.00
9	00744	Level 3, 12.5 mm (1/2 inch) Dense, MHMAC Mixture	TON	1,860	$75.00	$139,500.00	$69.74	$129,716.40	$87.00	$161,820.00
					TOTAL	**$195,240.00**	**TOTAL**	**$174,736.20**	**TOTAL**	**$210,355.00**

Official Bid Tabulation

Agenda Item # X.D.
Meeting Date December 16, 2013

CITY OF NEWPORT AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Resolution providing for budget transfers and making appropriations changes for the Fiscal Year 2013-2014

Prepared By: Gazewood Dept Head Approval: Gazewood City Mgr Approval: _____

Issue Before the Council: The purpose of this resolution is to provide for budget transfers and make appropriation changes consistent with Resolution No. 3634, the resolution adopting the fiscal year 2013-14 Budget and making appropriations. The resolution (No. 3653) before you corrects entries in the Budget Document for various funds that caused out-of-balance conditions between funds and/or such line-item entries were transfer items that were allocated to inappropriate expenditure line-items.

Staff Recommendation: Staff recommends the adoption of the budget transfers and making appropriation changes in the various funds as detailed on Attachment "A" to Resolution No. 3653.

Proposed Motion: I move to adopt Resolution No. 3653 with Attachment "A", a resolution providing for budget transfers and making appropriation changes for fiscal year 2013-2014.

Key Facts and Information Summary: ORS 294.463 allows transfers of appropriations within or between funds after adoption of the annual budget to provide appropriation increases for lawful expenditures of monies in excess of the original appropriation contained in the adopted annual budget. Contingency transfers, if 15% or less of the total fund appropriations, may be made by resolution without a supplemental budget. That is to say, contingency transfers over 15% require a supplemental budget and resolution. The contingency transfers in this resolution are under the supplemental budget requirement. Such intra- and inter- fund transfers between appropriation categories may be made by resolution, a statement of the need for the transfer, purpose of the expenditure and amount must be contained therein. The transfer resolution and the accompanying Attachment "A' incorporates these requirements.

Other Alternatives Considered: None

Fiscal Notes: Six different funds are detailed in Attachment "A" reflecting correction to line-item transfer appropriations and adjustment to funds' contingency account where required. However, consistent with Oregon Local Budget law, the net effect of such appropriation transfers is zero to each separate fund as no given fund has any overall appropriation increase due to the transfers.

CITY OF NEWPORT

RESOLUTION NO. 3653

A RESOLUTION PROVIDING FOR BUDGET TRANSFERS AND MAKING APPROPRIATION CHANGES FOR FISCAL YEAR 2013-2014

WHEREAS, the City of Newport's 2013-2014 budget is in need of adjusting various funds, departments, organizational units and category of expense accounts for additional appropriation authority; and

WHEREAS, under the provisions of Oregon Local Budget Law, fund units and accounts are required to reflect sufficient authorized appropriations; and

WHEREAS, appropriation authority may be made by transfers of appropriations within organizational units, transfers within categories of expense and/or transfers of contingency appropriations within a specific fund when authorized by official resolution of the governing body as provided by ORS 294.463.

WHEREAS, additional appropriation authority for expenditures may be made by transfer of contingency appropriations within a specific fund when authorized by official resolution of the governing body as provided by Oregon Local Budget Law; and

THE CITY OF NEWPORT RESOLVES AS FOLLOW: that such transfers of categories of expense, organizational units, and contingency appropriations to fund expenditures within each fund account as forth in Attachment "A" and providing expenditure authority is hereby increased and appropriated. The net effect of such appropriation transfers is zero.

This resolution will become effective immediately upon passage.

Adopted by the Newport City Council on December 16, 2013.

_____

Sandra Roumagoux, Mayor

Attest:

_____

Margaret M. Hawker, City Recorder

CITY OF NEWPORT, OREON

ATTACHMENT "A" - RESOLUTION NO. 3653 PROVIDING FOR BUDGET TRANSFERS AND MAKING APPROPRIATION CHANGES FOR FISCAL YEAR 2013-14

	ORIGINAL & AMENDED BUDGET	CHANGES	ADJUSTED BUDGET
GENERAL FUND			
Police Department - Transfer to DS General Debt Acct	0	35,472	35,472
Contingency	147,343	(35,472)	111,871
Total General Fund Changes	147,343	0	147,343

Comment: To provide for appropriation for debt service for police vehicles pursuant to lease/purchase agreement. The debt service payment was omitted from the Police Department's appropriation. A transfer of the Contingency account is necessary to provide for the appropriation transfer. The net effect of such appropriation transfers is zero.

	ORIGINAL BUDGET	CHANGES	ADJUSTED BUDGET
DEBT SERVICE FUND			
Transfer from Room Tax to Proprietary Fund WW Acct	126,500	(126,500)	0
Transfer from General Fund to Prop Fund WW Account	0	126,500	126,500
Transfer from Room Tax to General Debt Account	14,891	(14,891)	0
Transfer from General Fund to General Debt Account	200,913	14,891	215,804
Total Debt Service Fund Changes	342,304	0	342,304

Comment: To remove erroneous entries stated in the budget document and make adjustments based on Resolution No. adoptng the budget and making appropriations for FY 2013-14. The net effect of such appropriation tranfers is zero.

	ORIGINAL BUDGET	CHANGES	ADJUSTED BUDGET
WATER FUND			
Transfer to Debt Svc General Debt Account	64,484	(60,000)	4,484
Transfer to Debt Svc Proprietary Water Account	0	60,000	60,000
Total Water Fund Changes	64,484	0	64,484

Comment: To remove erroneous entries stated in the budget document and make adjustments based on Resolution No. adoptng the budget and making appropriations for FY 2013-14. The net effect of such appropriation tranfers is zero.

	ORIGINAL BUDGET	CHANGES	ADJUSTED BUDGET
WASTEWATER FUND			
Transfer to Debt Svc General Proprietary WW Account	465,769	(30,863)	434,906
Transfer to Debt Svc General Debt Account	0	30,863	30,863
Total Wastewater Fund Changes	465,769	0	465,769

Comment: To remove erroneous entries stated in the budget document and make adjustments based on Resolution No. adoptng the budget and making appropriations for FY 2013-14. The net effect of such appropriation tranfers is zero.

	ORIGINAL BUDGET	CHANGES	ADJUSTED BUDGET
SYSTEM DEVELOPMENT CHARGES FUND			
Transfer to Debt Svc General Debt Account	10,000	(10,000)	0
Transfer to Debt Svc General Proprietary WW Account	0	10,000	10,000
Total SDC Fund Changes	10,000	0	10,000

Comment: To remove erroneous entries stated in the budget document and make adjustments based on Resolution No. adoptng the budget and making appropriations for FY 2013-14. The net effect of such appropriation tranfers is zero.

	ORIGINAL & AMENDED BUDGET	CHANGES	ADJUSTED BUDGET
ROOM TAX FUND			
Services Provided by the General fund	75,000	(10,000)	65,000
Contingency	116,224	10,000	126,224
Total Room Tax Fund Changes	191,224	0	191,224

Comment: To remove erroneous entries stated in the budget document and make adjustments based on Resolution No. adoptng the budget and making appropriations for FY 2013-14. The net effect of such appropriation tranfers is zero.

Agenda Item # X.E.
Meeting Date December 16, 2013

CITY OF NEWPORT AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Resolution providing for a supplemental budget and making appropriations changes for the Fiscal Year 2013-2014

Prepared By: Gazewood Dept Head Approval: Gazewood City Mgr Approval: _____

Issue before the Council: The purpose of this resolution is to adopt a supplemental budget to increase appropriations in the General Fund for certain departments, and to decrease appropriations in the Public Works Administration Fund and the Airport Fund. The resolution (No. 3654) before you corrects entries in the Budget Document for the two funds that caused out-of-balance conditions between funds and/or insufficient funding. This supplemental budget does not require a public hearing as noted below.

Staff Recommendation: Staff recommends the adoption of the supplemental budget and making appropriation changes in the two funds as detailed on Attachment "A" to Resolution No. 3654.

Proposed Motion: I move to adopt Resolution No. 3654 with Attachment "A", a resolution adopting a supplemental budget for fiscal year 2013-14 and making appropriation decreases and changes for fiscal year 2013-14.

Key Facts and Information Summary: ORS 294.471 authorizes a supplemental budget without a public hearing when the estimated expenditures differ by 10 percent or less from the expenditures from the most recent amended budget prior to the supplemental budget. Therefore, fund budgets may be changed by supplemental budget without a public hearing that are within that threshold. Fund budgets requiring an increase in appropriations supported by additional revenues and/or fund budgets requiring a decrease in appropriations due to insufficient resources may be included, accordingly.

Other Alternatives Considered: None

Fiscal Notes: The General Fund requires an increase in appropriations totaling $390,841 for the Police Department's added overtime costs of $12,838 for expenses related to grants; the Fire Department's added expense of $185,877 for costs for fire conflagration at the summer "wildfires" and costs associated with a grant application for fire volunteer funding; and Non Departmental activity expenses of $192,126 for fiber optic conduit costs connecting City communications.

As reflected in the Budget Document, the Public Works Administration Fund was budgeted to receive $251,235 from the Street Fund in service provided charges. The Fund was appropriated in Resolution No. 3634 based on that level of funding from the Street fund. However, only $79,252 was actually allocated in the Street Fund for such charges. The Street Fund appropriation was based on this smaller amount. This left a deficit funding of $172,083 that was partially offset by a July 1, 2013 beginning fund balance amount of $90,205 that was not budgeted. "Savings" from vacancies in approved positions account for the net decrease of $81,878 in the appropriation for the Fund's personal services category of expense.

In the Airport Fund, additional resources of $42,187 were available from correction of errors contained in the Budget Document. The Airport Fund's Operations activity reflected revenues of $572,320 while the General Fund transfer portion to the Operations activity is $610,507 or $38,187 greater than what was budgeted. Also, the Room Tax Fund appropriated a transfer of $29,000 to the Airport Fund's Operations activity while $25,000 was shown in budgeted revenue. However, there was a decrease in the beginning fund balance of $51,828 from the budgeted amount of $436,614 for the two airport activities and the actual combined beginning fund balance of $384,726. The combined corrections cause a net decrease in appropriations of $9,641. The reduction in appropriation is made to the contingency account which decreases to $19,309 from $28,950.

CITY OF NEWPORT

RESOLUTION NO. 3654

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2013-14, MAKING APPROPRIATION DECREASES FOR SPECIFIC FUNDS

WHEREAS, the City of Newport's 2013-14 budget requires changes of appropriation for the Public Works Administration Fund and the Airport Fund; and

WHEREAS, under the provisions of Oregon Local Budget Law, fund accounts are required to reflect sufficient authorized appropriations consistent with available resources; and

WHEREAS, ORS 294.471 authorizes a supplemental budget without public hearing when the estimated expenditures differ by 10 percent or less from the most recent amended budget prior to the supplemental budget, the governing body may adopt the supplemental budget at a regular meeting. Fund budgets requiring an increase or a decrease in appropriations may be included pursuant to ORS 294.471; and

WHEREAS, the General Fund requires additional spending authority for the Police Department related to grant expenses of $12,838, the Fire Department increased needs of $185,877 for fire conflagration costs and estimated grant expenses, and the Non Departmental activity added requirements of $192,126 for fiber optic conduit communication expenses, and

WHEREAS, the Public Works Administration Fund has insufficient resources to support the appropriation as adopted in Resolution No. 3634, and related to errors contained in the Budget Document for FY 2013-14, and requires a decrease in appropriation, and

WHEREAS, the Airport Fund has additional resources attributable to correction of errors contained in the Budget Document for FY 2013-14: however, the beginning fund balance (BFB) is less than projected in the Budget Document. The BFB reduction is greater than the corrected additional resources requiring a decrease in appropriation; and

THE CITY OF NEWPORT RESOLVES AS FOLLOW: that this supplemental budget is hereby adopted and increases the appropriation for the General Fund departments by $390,841 and hereby decreases the appropriation for the Public Works Administration Fund by $81,878 and hereby decreases the appropriation for the Airport Fund by $9,641, as forth in Attachment "A".

This resolution will become effective immediately upon passage.

Adopted by the Newport City Council on December 16, 2013.

_____

Sandra Roumagoux, Mayor

Attest:

_____

Margaret M. Hawker, City Recorder

CITY OF NEWPORT, OREGON

ATTACHMENT "A" - RESOLUTION NO. 3654 ADOPTING A SUPPLEMENTAL BUDGET, MAKING APPROPRIATIONS AND CHANGES FOR FISCAL YEAR 2013-2014

General Fund			
Resource	**Amount**	**Expenditure**	**Amount**
Grants - Police Department	12,838	Police Department	12,838
Grants - Fire Department	185,877	Fire Department	185,877
Fiber Optic Conduit IRU	192,126	Non Departmental - FibOpt Conduit	192,126
Revised Total Resources	13,520,498	**Revised Total** Requirements	13,520,498

Comments: (1) To Increase the Police Department appropriation for overtime expended of $6,302 on the ODOT Safety Cooridor Grant and the US Marshall Joint Operation Grant and provide funding for vehicle maintenance and repair related to insurance reimbursement of $1,036. In addition, to provide appropriation increase of $5,500 for estimated overtime pursuant to a Sately Belt Overtime Enforcement grant application for funding. (2) To increase the Fire Department appropriation for personnel costs of $56,441 related to the "Pacifica Fire" and the "Douglas Complex Fire" and to increase M & S - vehicle fuel for $311. In addition, appropriation increase is provided for the SAFER Volunteer Recruitment and Retention Grant for added funding of $129,125 allocated to Volunteer Payroll of $16,000 and City Grant Expense of $113,125 for Depot Bay volunteers. (3) To provide appropriation increase in Non Departmental for costs related to fiber optic conduit connecting City communications.

Public Works Administration Fund			
Resource	**Amount**	**Expenditure**	**Amount**
Beginning Fund Balance	90,205	Personal Services	(81,878)
Services Provided Charges			
from Street Fund	(172,083)		
Revised Total Resources	787,689	**Revised Total** Requirements	787,689

Comments: (1) To decrease the FY 2013-14 appropriation in the Public Works Administration Fund due insufficient services provided charges transferred to from the Street Fund. The decrease in Personal Services category of expense is provided from vacancies in approved positions. The Street Fund did not have the resources for the total charges, but the budget document and appropriation level for the Public Works Administration Fund was not corrected to reflect the shortfall of charges assessed.

Airport Fund			
Resource	**Amount**	**Expenditure**	**Amount**
Beginning Fund Balance	(51,828)	Contingency	(9,641)
Transfer from General Fund			
for Operations activity	38,187		
Transfer from Room Tax Fund			
for Operations activity	4,000		
Revised Total Resources	9,597,943	**Revised Total** Requirements	9,597,943

Comments: (1) To correct discrepancy in the budget document for the Airport Fund pursuant to Resolution No. 3634 adopting the FY 2013-14 budget and making appropriations. Specifically,based on transfers appropriated in the General Fund and Room Tax Fund, the revenue in the Airport operations activity was understated by $42,187. However, there was a decrease in the beginning fund balance of $51,828 from the budgeted amount of $436,614 for the two airport activities and the actual combined beginning fund balance of $384,726. The corrections cause a net decrease in appropriations of $9,641. The reduction in appropriation is made to the contingency account which decreases to $19,309 from $28,950.

Agenda Item X.F.
Meeting Date December 16, 2013

CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Annual adjustment to City of Newport System Development Charge Rates

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

ISSUE BEFORE THE COUNCIL: A resolution adjusting System Development Charge (SDC) rates based on the difference in construction costs included in the Construction Cost Index published in the Engineering News Record. Consistent with Council Resolution No. 3579, adjustments are calculated using the most recent Cost Index available as of November 1, 2013 and will become effective January 1, 2014.

STAFF RECOMMENDATION: Staff recommends the Council adopt the resolution.

PROPOSED MOTION: I move to adopt Resolution No. 3659, amending the City of Newport SDC rates to reflect annual changes in construction costs.

KEY FACTS AND INFORMATION SUMMARY: Section 3(A) of City Council Resolution No. 3579, provides that SDC rates shall be adjusted annually on or about January 1st of each calendar year based upon inflation as evidenced by the Construction Cost Index (CCI) published in the Engineering News Record. It further provides that a resolution identifying the adjusted SDCs shall be placed as an action item on the Council agenda prior to January 1st of each calendar year, which shall be subject to public comment as required by ORS 294.160(1).

In December of 2007, the City adopted an SDC methodology that utilizes cost estimates of projects listed in the City's Capital Improvement Plans, assumed population growth rates, and related factors to establish SDC rates that are based upon equivalent dwelling units (EDUs). The CCI in effect on October 29, 2012 is the "base case" or denominator used in calculating SDC fee adjustments. The numerator is the CCI available on October 28, 2013, and the result from the calculation is a multiplier that can be applied against the existing SDC charges to tabulate the new rates. The multiplier was derived as follows:

$$9688.86 \div 9375.52 = 1.033$$

Proposed 2014 SDC rates are listed in the table below. Rates from 2010 through 2013 are also listed for comparison purposes.

System Development Charge per Equivalent Dwelling Unit (EDU)					
SDC	2010	2011	2012	2013	2014
Water	$1,643	$1,714	$1,755	$2,290**	$2,366
Wastewater	$3,442	$3,587	$3,675	$3,767	$3,891
Stormwater	$743 or $0.27/sq. ft.	$774 or $0.28/sq. ft.	$793 or $0.29/sq. ft.	$813 or $0.30/sq. ft.	$840 or $0.31/sq. ft.
Transportation	$964	$1,004	$1,029	$1,055	$1,090
Parks	$2,357*	$2,388	$2,447	$2,508	$2,591
Total	$9,149	$9,467	$9,699	$10,433	$10,778

* SDC rates reduced August of 2010 with construction of SE 40th Street area park (Res #3523)

** SDC rates increased June of 2012 when projects complimentary to the Water Treatment Plant development, and the extension of a water main from SE 40th to SE 50th were added back as SDC eligible because General Obligation Bond and Urban Renewal funds were inadequate to cover the costs (Res #3597). The projects had been removed in 2009 (Res #3464)

Section 3(B) of Resolution No. 3579 requires that staff review the City's Capital Improvement Plan project lists to see if they need to be amended prior to scheduling the annual adjustment to SDC rates. This could include adding new projects based upon planning needs, switching projects from improvement to reimbursement assessments as they are completed, or removing projects that have been funded by other sources of revenue or are no longer needed. Staff completed its review and has determined that no changes are needed at this time.

In July of 2012 the Newport City Council adopted Resolution No. 3597, which increased Water SDC rates from $1,755 per EDU to $2,234 per EDU. Three projects that had been removed from the Water System Capital Improvement Plan list were added back because the alternative funding sources envisioned to construct them were not adequate to the task. That is what necessitated the increase, and is the reason why the difference between the 2012 and 2013 SDC rates is greater than prior years.

System Development Charges were last adjusted with Resolution No. 3618, effective January 1, 2013.

OTHER ALTERNATIVES CONSIDERED: None. The method of calculating SDC rates and the timing for when they are to be adjusted is set by Council resolution.

CITY COUNCIL GOALS: Adjusting SDCs is consistent with the City's objective of maintaining fiscal responsibility and encouraging sustainable development.

ATTACHMENT LIST:

Proposed Resolution
Resolution No. 3618
Resolution No. 3597
Resolution No. 3579 w/o attachments
October 2012 Construction Cost Index
October 2013 Construction Cost Index

FISCAL NOTES: System Development Charges are based upon cost estimates to construct public infrastructure that will be needed to support new development. As construction costs increase, fees should be adjusted to ensure that, over time, the revenue generated from SDCs is adequate to finance these "public projects" when they are needed.

CITY OF NEWPORT
RESOLUTION NO. 3659

A RESOLUTION AMENDING CITY OF NEWPORT SYSTEM DEVELOPMENT CHARGE RATES

Findings:

1. The City of Newport adopted Resolution No. 3579 (as amended by Resolution No. 3597) adopting a System Development Charge methodology and rates.

2. Section 3 of Resolution No. 3579 provides that System Development Charge rates shall be adjusted annually based upon the most recent Construction Cost Index published in the Engineering News Record as of November 1st of each year.

3. System Development Charge rates were last amended with Resolution No. 3618, effective January 1, 2013.

4. Adjustments to System Development Charge rates are needed to account for changes in construction costs so that, over time, the revenue generated is adequate to finance eligible public infrastructure projects that will be needed to support new development.

5. By making rate adjustments annually to account for inflationary impacts, future increases in System Development Charge rates should be modest in size.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The Water System Development Charge eligibility identified in Section 1 of Resolution No. 3579, as amended with Resolution No. 3597, shall be amended to be $2,366 per Equivalent Dwelling Unit.

Section 2. The Wastewater System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be $3,891 per Equivalent Dwelling Unit.

Section 3. The Stormwater System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be $840 per Equivalent Dwelling Unit or $0.31 per square foot of new impervious surface.

Section 4. The Transportation System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be $1,090 per Equivalent Dwelling Unit.

Section 5. The Parks Development Charge eligibility identified in Section 2 of Resolution No. 3597 shall be amended to be $2,591 per Equivalent Dwelling Unit.

Section 6. All previously adopted resolutions or enactments establishing System Development Charges, are hereby repealed to the extent that their provisions conflict with the System Development Charges set by this Resolution

Section 7: The effective date of this resolution is January 1, 2014.

Adopted by a _____ vote of the Newport City Council on _____, 2013.

Signed on _____, 2013.

_____

Sandra Roumagoux
Mayor

ATTEST:

_____

City Recorder

CITY OF NEWPORT
RESOLUTION NO. 3618

A RESOLUTION AMENDING CITY OF NEWPORT
SYSTEM DEVELOPMENT CHARGE RATES

Findings:

1. The City of Newport adopted Resolution No. 3579 (as amended by Resolution No. 3597) adopting a System Development Charge methodology and rates.

2. Section 3 of Resolution No. 3579 provides that System Development Charge rates shall be adjusted annually based upon the most recent Construction Cost Index published in the Engineering News Record as of November 1st of each year.

3. Adjustments to System Development Charge rates are needed to account for changes in construction costs so that, over time, the revenue generated is adequate to finance eligible public infrastructure projects that will be needed to support new development.

4. By making rate adjustments annually to account for inflationary impacts, future increases in System Development Charge rates should be modest in size.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The Water System Development Charge eligibility identified in Section 2 of Resolution No. 3579, as amended with Resolution No. 3597, shall be amended to be $2,290 per Equivalent Dwelling Unit.

Section 2. The Wastewater System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be $3,767 per Equivalent Dwelling Unit.

Section 3. The Stormwater System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be $813 per Equivalent Dwelling Unit or $0.30 per square foot of new impervious surface.

Section 4. The Transportation System Development Charge eligibility identified in Section 2 of Resolution No. 3579 shall be amended to be $1,055 per Equivalent Dwelling Unit.

Section 5. The Parks Development Charge eligibility identified in Section 2 of Resolution No. 3597 shall be amended to be $2,508 per Equivalent Dwelling Unit.

Section 6. All previously adopted resolutions or enactments establishing System Development Charges, are hereby repealed to the extent that their provisions conflict with the System Development Charges set by this Resolution

Section 7: The effective date of this resolution is January 1, 2013.

Adopted by a 7-0 vote of the Newport City Council on December 17, 2012.

Mark McConnell, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

CITY OF NEWPORT

RESOLUTION NO. 3597

A RESOLUTION AMENDING THE WATER SYSTEM DEVELOPMENT CHARGE PROJECT PLAN AND RATES

Findings

A. The City of Newport has adopted Resolution No. 3579, consolidating prior System Development Charge (SDC) resolutions and readopting City SDC methodologies, rates and adjustment procedures.

B. Section 1.A of Resolution No. 3579 identifies SDC eligible Capital Improvement Plan (CIP) projects as being those listed in Table 8.4.1 of the 2008 Water System Master Plan (SDC Eligibility for CIP Projects).

C. Table 8.4.1 amended the SDC Project Plan for Water SDCs adopted in Resolution 3431, eliminating the Big Creek Water Treatment Plant Improvements, Upper Lake Syphon Intake, Dam to Plant Raw Water Transmission Pipe, Agate Beach Lower Storage Tank, and Highway 101 SE 40th to 50th Waterline projects from being SDC eligible.

D. Section 8.4.1 of the 2008 Water System Master Plan explains that these five projects were eliminated because they were to be paid completely through a general obligation bond, or in the case of the 40th to 50th Street waterline project, urban renewal funding. This had the effect at the time of reducing the Water SDC rates from $3,694 per Equivalent Dwelling Unit (EDU) to $1,632 per EDU.

E. General obligation bond and urban renewal funding has proven inadequate to fully fund the Upper Lake Syphon Intake, Agate Beach Lower Storage Tank, and Highway 101 SE 40th to 50th Waterline projects.

F. In order to generate sufficient funds to construct these projects it is necessary to make them SDC Eligible at the percentages originally established with Resolution 3431. This will have the effect of increasing Water SDC rates from $1,755 per EDU to $2,234 per EDU.

G. This potential change to the Water System CIP project list was discussed at a joint meeting of the Newport Urban Renewal Agency and Newport City Council on March 19, 2012.

H. All state and city procedural requirements have been followed in the preparation of this Water System SDC rate adjustment.

Based on these findings,

THE NEWPORT CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1. Water System CIP Project List. Section 1.A of Resolution No. 3579 is hereby amended to replace Exhibit B, setting forth Table 8.4.1 (SDC Eligibility for CIP Projects) with a new Table 8.4.1, as depicted in Exhibit A, attached hereto and incorporated herein by this reference.

Section 2. Establishment of City Water System SDCs. Based upon the SDC Methodology adopted in Resolution No. 3579, and the SDC Eligibility for CIP Projects adopted as Exhibit A in Section 1, above, the Water System Development Charge set by Section 2.A of Resolution No. 3579 is hereby amended to be $2,234 per Equivalent Dwelling Unit (EDU).

Section 3. Effective Date. This Resolution shall go into full force and effect on July 1, 2012.

Adopted by the Newport City Council on June 4, 2012.

Signed on July 5, 2012.

Mark McConnell, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

Table 8.4.1 - SDC Eligibility for CIP Projects

Exhibit A, Resolution No. 3597

Project No.	Project Description	Adjusted Cost Estimate (current)	Reimbursement SDC Eligible (Y/N)	Improvement SDC Eligible (Y/N)	% SDC Eligible	SDC Eligible Cost
T1	Big Creek Water Treatment Plant Improvements	17,083,068.96	N	N	0.00%	$0.00
T3	Upper Lake Syphon Intake	$703,000.00	N	N	23.50%	$165,205.00
T4	Raw Water Transmission Pipe, Dam to Plant (rolled into Project T1)	$0.00	N	N	0.00%	$0.00
S1	Agate Beach Lower Storage Tank - 1.0 MG GFS	$2,200,000.00	N	N	75.00%	$1,650,000.00
D1	Highway 101 SE 40th to 50th Waterline, Hwy Bore Crossing	$600,000.00	N	N	100.00%	$600,000.00
T2	Siletz River Pump Station - Pump Replacement	$642,060.00	N	Y	43.00%	$276,085.80
D2	12" Redundant Bay Crossing, East Option	$2,333,560.00	N	Y	25.00%	$583,390.00
D3	Highway 101 NE 36th to NE 40th Waterline	$228,780.00	N	Y	50.00%	$114,390.00
D5	NE 40th and Golf Course Drive Water Line Replacement	$389,670.00	N	Y	25.00%	$97,417.50
D6	NE Crestview Pl to 17th Ct Waterline Loop	$132,840.00	N	N	0.00%	$0.00
D7	NE Avery Street Loop Closure	$112,770.40	N	N	0.00%	$0.00
D8	NW 19th (Nye St to 101) and Nye St (18th to 20th) Waterline	$153,510.00	N	N	0.00%	$0.00
D9	Oceanview (12th to 14th) Waterline Replacement, Loop 13th to 12th	$196,160.40	N	N	0.00%	$0.00
D11	SW Coho St (27th to 29th) Waterline Replacement	$106,270.00	N	N	0.00%	$0.00
D12	Idaho Point Waterline Replacement and Looping	$574,314.60	N	Y	25.00%	$143,578.65
P1	Candletree Pump Station Rehabilitation	$206,640.00	N	N	0.00%	$0.00
P2	Lakewood Pump Station Rehabilitation	$187,450.00	N	N	0.00%	$0.00
D15	NE 5th St, Benton to eads	$107,600.40	N	N	0.00%	$0.00
D13	East Newport Waterline Extensions	$2,096,510.40	N	Y	100.00%	$2,096,510.40
D4	Hwy 101 NE 40th to Circle Way Waterline Replacement	$509,220.00	N	Y	50.00%	$254,610.00
S2	Agate Beach Upper Storage Tank - 1.0 MG GFS	$1,740,469.60	N	Y	50.00%	$870,234.80
S3	City Shops Tank Replacement - 1.0 MG GFS	$1,657,090.00	N	N	0.00%	$414,272.50
S4	King Ridge Storage Tank - 1.0 MG GFS	$2,533,740.00	N	Y	100.00%	$2,533,740.00
D14	Water Meter Replacement - Conversion to Touch Read Meters	$1,461,240.00	N	Y	25.00%	$365,310.00
					Subtotal	**$10,164,744.65**
Completed Projects						
S4	Siletz River Water Intake	complete	N			$0.00
15	Siletz River Raw Waterline	complete	N			$0.00
16	South Beach 1 MG Reservoir	complete	N			$0.00
17	Yaquine Heights 1 MG Reservoir	complete	N			$0.00
18	Yaquina Heights 4th Level Pump Station Upgrade	complete	Y			$25,000.00
19	East Newport Water Project	complete	Y			$161,040.00
20	12-inch HDPE - SW 35th & Hwy 101 to Southshore (8" to 12")	complete	Y			$150,000.00
					Subtotal	**$336,040.00**
	Totals	**$35,955,964.76**				**$10,500,784.65**

*Total Growth EDU's: 4,700

Max Reimbursement SDC ($336,040.00 / 4700):	$71.50
Max Improvement SDC ($10,164,744.65 / 4700):	$2,162.71
New Water SDC Fee (per EDU):	**$2,234**
Current Water SDC Fee:	$1,755
Water SDC Prior to GO Bond Offer:	$3,694

* Growth in EDUs reflects 20yr Planning Horizon

Figure taken from 2008 Water System Master Plan

Table 8.4.1 - SDC Eligibility for CIP Projects

Exhibit A, Resolution No. 3597

Project No.	Project Description	Adjusted Cost Estimate (current)	Reimbursement SDC Eligible (Y/N)	Improvement SDC Eligible (Y/N)	% SDC Eligible	SDC Eligible Cost
T1	Big Creek Water Treatment Plant Improvements	17,083,068.96	N	N	0.00%	$0.00
T3	Upper Lake Syphon Intake	$703,000.00	N	N	23.50%	$165,205.00
T4	Raw Water Transmission Pipe, Dam to Plant (rolled into Project T1)	$0.00	N	N	0.00%	$0.00
S1	Agate Beach Lower Storage Tank - 1.0 MG GFS	$2,200,000.00	N	N	75.00%	$1,650,000.00
D1	Highway 101 SE 40th to 50th Waterline, Hwy Bore Crossing	$600,000.00	N	N	100.00%	$600,000.00
T2	Siletz River Pump Station - Pump Replacement	$642,060.00	N	Y	43.00%	$276,085.80
D2	12" Redundant Bay Crossing, East Option	$2,333,560.00	N	Y	25.00%	$583,390.00
D3	Highway 101 NE 36th to NE 40th Waterline	$228,780.00	N	Y	50.00%	$114,390.00
D5	NE 40th and Golf Course Drive Water Line Replacement	$389,670.00	N	Y	25.00%	$97,417.50
D6	NE Crestview Pl to 17th Ct Waterline Loop	$132,840.00	N	N	0.00%	$0.00
D7	NE Avery Street Loop Closure	$112,770.40	N	N	0.00%	$0.00
D8	NW 19th (Nye St to 101) and Nye St (18th to 20th) Waterline	$153,510.00	N	N	0.00%	$0.00
D9	Oceanview (12th to 14th) Waterline Replacement, Loop 13th to 12th	$196,160.40	N	N	0.00%	$0.00
D11	SW Coho St (27th to 29th) Waterline Replacement	$106,270.00	N	N	0.00%	$0.00
D12	Idaho Point Waterline Replacement and Looping	$574,314.60	N	Y	25.00%	$143,578.65
P1	Candletree Pump Station Rehabilitation	$206,640.00	N	N	0.00%	$0.00
P2	Lakewood Pump Station Rehabilitation	$187,450.00	N	N	0.00%	$0.00
D15	NE 5th St, Benton to eads	$107,600.40	N	N	0.00%	$0.00
D13	East Newport Waterline Extensions	$2,096,510.40	N	Y	100.00%	$2,096,510.40
D4	Hwy 101 NE 40th to Circle Way Waterline Replacement	$509,220.00	N	Y	50.00%	$254,610.00
S2	Agate Beach Upper Storage Tank - 1.0 MG GFS	$1,740,469.60	N	Y	50.00%	$870,234.80
S3	City Shops Tank Replacement - 1.0 MG GFS	$1,657,090.00	N	N	0.00%	$414,272.50
S4	King Ridge Storage Tank - 1.0 MG GFS	$2,533,740.00	N	Y	100.00%	$2,533,740.00
D14	Water Meter Replacement - Conversion to Touch Read Meters	$1,461,240.00	N	Y	25.00%	$365,310.00
					Subtotal	**$10,164,744.65**
Completed Projects						
S4	Siletz River Water Intake	complete	N			$0.00
15	Siletz River Raw Waterline	complete	N			$0.00
16	South Beach 1 MG Reservoir	complete	N			$0.00
17	Yaquine Heights 1 MG Reservoir	complete	N			$0.00
18	Yaquina Heights 4th Level Pump Station Upgrade	complete	Y			$25,000.00
19	East Newport Water Project	complete	Y			$161,040.00
20	12-inch HDPE - SW 35th & Hwy 101 to Southshore (8" to 12")	complete	Y			$150,000.00
					Subtotal	**$336,040.00**
	Totals	**$35,955,964.76**				**$10,500,784.65**

*Total Growth EDU's: 4,700

Max Reimbursement SDC ($336,040.00 / 4700):	$71.50
Max Improvement SDC ($10,164,744.65 / 4700):	$2,162.71
New Water SDC Fee (per EDU):	**$2,234**
Current Water SDC Fee:	$1,755
Water SDC Prior to GO Bond Offer:	$3,694

* Growth in EDUs reflects 20yr Planning Horizon

Figure taken from 2008 Water System Master Plan

CITY OF NEWPORT

RESOLUTION NO. 3579

A RESOLUTION CONSOLIDATING SDC RESOLUTIONS AND READOPTING CITY SYSTEM DEVELOPMENT CHARGE METHODOLOGIES, RATES AND ADJUSTMENT PROCEDURES

Findings

A. HBH Consulting Engineers prepared a document entitled "Public Infrastructure System Development Charge Methodology" (Methodology), dated September 2007 that includes the City's methodologies and rates, as modified herein, for all City SDCs. This Methodology is attached as Exhibit A.

B. The Methodology and associated rates remain consistent with the standards imposed by ORS 223.304 and Newport Municipal Code (NMC) Chapter 12.15 System Development Charges.

C. The city followed all state and city procedural requirements for its prior adoption of the Methodology and associated SDC fees.

D. On December 18, 2007, the City Council for the City of Newport adopted Resolution No. 3431, adopting the Methodology and associated SDC fees.

E. On March 16, 2009, after public hearing, the Newport City Council adopted a 2008 Water System Master Plan prepared by Civil West Engineering Services, Inc. Section 8 of the 2008 Master Plan, attached and incorporated herein as Exhibit B, identified and removed four projects from the SDC Eligible Projects list, reflecting newly authorized GO bond funding.

F. By Resolution No. 3464, dated April 20, 2009, the City Council amended its SDC Projects Plan to replace the previously adopted water SDC Project Plan. The Council also lowered its Water SDC to $1,632 per EDU.

G. In June of 2010, Landwaves, Inc. dedicated a new park on SE 43rd Street within Phase 1 of the Wilder development. The Parks SDC Projects Plan identified development of a park site in the SE 40th Street area as eligible for SDC funds. The new park satisfied the development need and lowered acquisition needs in this area. Therefore, by Resolution No. 3523, on August 16, 2010, the Council reduced its Parks SDC eligible costs for the SE 40th Street Area Park Acquisition to $181,044.42, eliminated SE 40th Street Area Park Development from SDC eligible costs, and lowered its Parks Development Charge to $2,357 per EDU.

H. Since Council adoption of Resolution No. 3431, six amendments to Resolution No. 3431 have been adopted by the Council without repeal or replacement in full of Resolution No. 3431 or its ensuing resolutions.

I. The Council recognizes that incorporation of all SDC provisions into one resolution is a helpful housekeeping step which should provide clarity to city officials, staff and residents.

J. The City of Newport City Council has determined to modify the process by which it adopts annual SDC fee index adjustments and reviews Capital Improvement Plan (CIP) adjustments.

K. The city recognizes that it may adjust SDC fees periodically by inflation, based upon one or more specific cost indexes, per ORS 223.304(8).

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Methodology and CIP. The City of Newport hereby adopts the Methodology and associated CIPs, attached and incorporated herein as Exhibit A, as a basis for the City's desired SDC fees, per ORS 223.304, as modified as follows:

A. The SDC Project Plan for the Water SDC set forth in Table 3.4.1 of Exhibit A is hereby replaced with Table 8.4.1 (SDC Eligibility for CIP Projects) of the 2008 Water System Master Plan, attached as Exhibit B.

B. Table 7.5.1 - entitled "Stormwater Project SDC Eligibility Summary" is hereby renamed "Parks Project SDC Eligibility Summary" and replaced with Exhibit C, attached and incorporated by this reference.

Section 2. Establishment of City SDCs. Based upon the Methodology adopted above, and accounting for inflation since Methodology development (relying upon the November 1, 2012 ENR CCI), the following SDC fees are hereby imposed pursuant to NMC Chapter 12.15:

A. The Water System Development Charge eligibility identified in Section 2 of Resolution No. 3431, as amended with Resolution No. 3464, shall be amended to be $1,755 per Equivalent Dwelling Unit (EDU).

B. The Wastewater System Development Charge eligibility identified in Section 2 of Resolution No. 3431 shall be amended to be $3,675 per EDU.

C. The Stormwater System Development Charge eligibility identified in Section 2 of Resolution No. 3431 shall be amended to be $793 per EDU or $0.29 per square foot of new impervious surface.

D. The Transportation System Development Charge eligibility identified in Section 2 of Resolution No. 3431 shall be amended to be $1,029 per EDU.

E. The Parks Development Charge eligibility identified in Section 2 of Resolution No. 3431, as amended with Resolution No. 3523, shall be amended to be $2,447 per EDU.

Section 3. Annual Adjustments.

A. The SDC rates adopted herein for each SDC shall be adjusted annually on or about January 1st of each calendar year, based upon inflation as evidenced by the Construction Cost Index published in the Engineering News Record. The adjustment shall be based on the most recent Construction Cost Index available as of November 1st. A resolution identifying the adjusted SDCs shall be placed as an action item on the Council agenda prior to January 1st of each calendar year, which shall be subject to public comment as required by ORS 294.160(1).

B. Prior to placing the annual indexed adjustment resolution on the Council agenda, staff shall review city improvement and planning needs for new improvement projects and projects which have either been completed or are no longer needed. Staff shall analyze the impact of updating adopted CIPs and fees and shall present such differentials, if any, to the Council for a determination of whether such adjustments should be incorporate into the city's CIP and fees. Any such adjustments directed by Council shall be included within the annual index adjustment resolution, as described in Section 3(A), above.

Section 4. Repeal. Resolution Nos. 3574, 3530, 3523, 3488, 3464, 3454 and 3431 are hereby repealed.

Section 5. Effective Date. The effective date of this Resolution is February 21, 2012.

Adopted by the Newport City Council on February 21, 2012.

Signed on May 1, 2012.

Mark McConnell, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

Cost Indexes

Construction Cost Index

Annual inflation measured by the CCI bounced back 0.4% this month after slipping 0.1% last month.

20-CITY: 1913=100	OCT. 2012 INDEX VALUE	% CHG. MONTH	% CHG. YEAR
CONSTRUCTION COST	9375.52	+0.4	+2.5
COMMON LABOR	19939.61	+0.4	+2.8
WAGE $/HR.	37.89	+0.4	+2.8

Building Cost Index

Higher labor and material costs reversed last month's 0.2% decline in the BCI with a 0.2% monthly increase.

20-CITY: 1913=100	OCT. 2012 INDEX VALUE	% CHG. MONTH	% CHG. YEAR
BUILDING COST	5203.72	+0.2	+2.0
SKILLED LABOR	8972.79	+0.1	+2.3
WAGE $/HR.	49.80	+0.1	+2.3

Materials Cost Index

Steel and lumber prices both rebounded from last month's declines to boost the MCI 0.4%.

20-CITY: 1913=100	OCT. 2012 INDEX VALUE	% CHG. MONTH	% CHG. YEAR
MATERIALS	2900.75	+0.4	+1.3
CEMENT $/TON	108.70	–0.1	+3.4
STEEL $/CWT	49.32	+0.2	+0.6
LUMBER $/MBF	407.03	+0.8	+2.7

Public Works Is Weak Link in Recovery

Public construction continues to be the weak link in the recovery. While private construction through the first eight months of this year was up 15.5% above 2011's level (ENR 10/22/12 p. 58), the dollar value of total public works for the same time period was down 2.1% (see table), according to the U.S. Dept. of Commerce.

The Commerce Dept.'s seasonally adjusted annual data show that construction growth in the public sector fell for the second consecutive month in August (see chart). In that month, the public sector grew at an annual rate of $274 billion, down 0.8% from last July's pace and down 3.5% from August 2011's pace.

The only bright spot in the public sector was highway construction, which so far this year is the public sector's largest market with $51 billion in new work. Highway construction through the first eight months of this year was 4.4% above 2011's level, according to Commerce put-in-place data. However, other transportation markets, such as mass transit and airport work, were down 0.9% during the same period. School construction, the public sector's second-largest market, was down 2.2% from 2011.

Public Construction

SOURCE: U.S. DEPT. OF COMMERCE. CONSTRUCTION PUT-IN-PLACE, SEASONALLY ADJUSTED ANNUAL RATE IN CURRENT DOLLARS.

Public Construction

MARKET: YEAR-TO-DATE $ BIL.	2012 AUGUST	2011 AUGUST	% CHG. MONTH	% CHG. YEAR
TOTAL PUBLIC CONSTRUCTION	180.32	184.14	+4.3	–2.1
Residential	4.34	5.94	+5.5	–26.9
Office	7.14	7.90	+1.1	–9.7
Commercial	2.07	2.32	+12.0	–10.9
Health care	7.15	7.51	+3.3	–4.7
Educational	46.02	47.05	–0.1	–2.2
Public safety	6.75	6.46	+7.1	+4.6
Amusement and recreation	6.08	6.08	–2.4	0.0
Transportation	16.49	16.64	+4.3	–0.9
Power	6.01	6.78	+10.3	–11.3
Highway and street	50.63	48.48	+7.1	+4.4
Sewage and waste disposal	14.09	14.27	+8.2	–1.3
Water supply	8.43	8.88	+3.7	–5.0
Conservation and development	3.85	4.90	+4.1	–21.4

SOURCE: DEPT. OF COMMERCE, CONSTRUCTION PUT-IN-PLACE.

Structural Steel, Rebar, Building Sheet, Piling

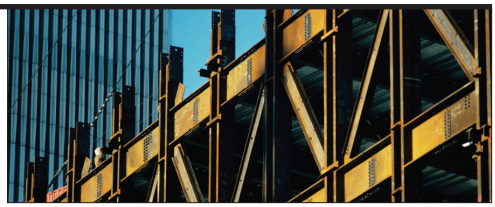
ITEM	UNIT	ATLANTA	BALTIMORE	BIRMINGHAM	BOSTON	CHICAGO	CINCINNATI	CLEVELAND	DALLAS	DENVER	DETROIT	KANSAS CITY
STANDARD STRUCTURAL SHAPES: AVERAGE	cwt	51.06	51.00	–53.87	51.21	+47.60	46.50	–45.57	+50.52	49.87	–40.57	61.36
Channel beams, 6" DEEP, 8.2 LB/LF	cwt	52.09	50.00	–56.85	51.00	+48.92	45.00	48.00	+50.10	48.97	43.60	57.40
I-beams, 6" DEEP, 12.5 lb/lf	cwt	53.85	54.50	–57.80	52.78	+50.70	47.50	45.65	+51.85	51.15	40.10	69.57
Wide-flange, 8" DEEP, 31 LB/LF	cwt	47.25	48.50	–46.95	49.85	+43.19	47.00	–43.05	+49.62	49.50	–38.00	57.10
REINFORCING BARS:												
Grade 60, #4	cwt	47.80	41.50	–48.35	48.93	49.90	44.50	50.00	+47.97	48.89	–51.00	37.96
Epoxy-coated	cwt	—	—	—	65.10	64.03	—	–85.00	—	64.65	70.00	—
HOT-ROLLED CARBON-STEEL PLATE:												
12 gauge, 48" x 10'	cwt	47.95	44.00	–43.95	49.00	+48.00	43.00	44.78	49.79	47.40	42.50	48.74
EXPANDED METAL LATH:												
Std diamond mesh, 3.4 LB/SY, GALVANIZED	cwt	209.80	275.00	108.00	215.90	+212.40	—	—	215.78	215.82	—	—
Flat-ribbed, 3.4 lb/sy	cwt	227.11	—	134.00	229.55	+227.93	—	—	223.68	221.25	—	—
BUILDING SHEET AND PLATE:												
Aluminum sheet, 3003H14, 36" x 96"	cwt	208.39	213.38	–168.00	+205.00	+210.79	204.00	210.90	207.15	+203.60	215.00	—
STAINLESS-STEEL SHEET:												
14 gauge	cwt	179.35	151.50	–155.00	170.73	174.93	–163.50	167.50	175.35	+174.32	161.50	181.53
16 gauge	cwt	180.10	152.50	–155.00	175.62	179.39	–163.50	170.00	179.62	+179.89	169.70	186.57
20 gauge	cwt	182.39	157.00	–159.00	185.58	181.68	–163.50	179.10	183.85	+182.45	175.10	187.57
STAINLESS-STEEL PLATE:												
304, 1/4", 72" x 240"	cwt	190.00	165.00	323.00	205.00	221.72	–190.00	153.00	217.20	205.35	221.80	178.80
316, 1/4", 96" x 140"	cwt	256.50	319.00	—	268.15	246.19	–417.00	222.50	245.05	253.00	241.10	242.73
STEEL PILING: H-PILE												
HP10 x 42	cwt	30.00	48.00	45.20	29.00	30.19	45.00	28.50	32.95	31.29	25.50	—

+ or – denotes price has risen or fallen since previous report. Monthly market quotations by ENR field reporters as of Oct. 19, 2012. All prices are spot prices quoted from a single source. All prices are FOB warehouse except metal lath, which is FOB city. Stainless-steel sheet prices are for type 304, 2B finish, 48 x 120-in. Steel piles are high-strength A572. Some prices may include taxes or discounts for prompt payment, etc. Product specifications may vary depending on what is most commonly used or most accessible in a city. All quantities are truckloads unless noted. Quotes for Montreal and Toronto are in Canadian dollars (cont. on p. 2)

enr.com
FOR A LOOK AT HISTORICAL COST INDEXES, VISIT **ENR.COM/ECONOMICS.**

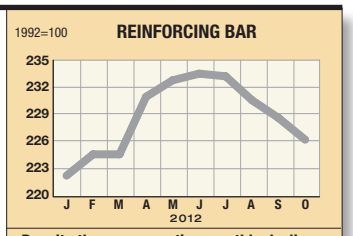
Structural-Steel Prices Start To Cool

Structural-steel prices slipped 0.1% in October, including a 0.8% decline for channel beams and a 0.1% dip for I-beams. That ebb was moderated by this month's 0.6% increase in wide-flange prices, which have rebounded this fall after steep declines during the summer (see chart below). Overall, ENR's average prices for all three structural-steel products are now just 0.2% above a year ago. The Bureau of Labor Statistics' producer price index for fabricated structural-metal products slid 0.9% last July, the index's largest monthly downturn in more than 15 months. The July PPI was just 0.1% above a year ago.

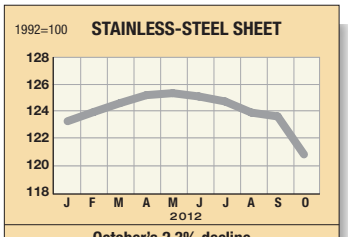


ENR's Materials Price Indexes

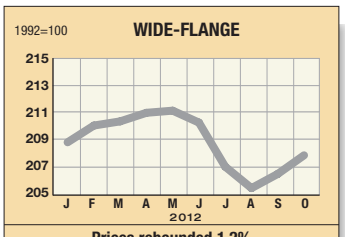
Prices declined 1.3% after holding steady for two months.



Despite three consecutive monthly declines, prices are still 2% above a year ago.



October's 2.3% decline pulled prices 3.0% below 2011's level.



Prices rebounded 1.2% during the past two months.

SOURCE: MCGRAW-HILL CONSTRUCTION RESEARCH & ANALYTICS/ENR.

20-City Average

ITEM	UNIT	PRICE	% CHG. MO.	% CHG. YEAR
STANDARD STRUCTURAL SHAPES: AVERAGE	cwt	49.28	–0.1	+0.2
Channel beams, 6" DEEP, 8.2 LB/LF	cwt	49.61	–0.8	+1.1
I-beams, 6" DEEP, 12.5 LB/LF	cwt	51.44	–0.1	–0.3
Wide-flange, 8" DEEP, 31 LB/LF	cwt	46.80	+0.6	–0.3
REINFORCING BARS:				
Grade 60, #4	cwt	46.44	–1.0	+2.0
Epoxy-coated	cwt	69.18	–0.9	+3.9
HOT-ROLLED CARBON-STEEL PLATE:				
12 gauge, 48" x 10'	cwt	46.27	–2.4	–0.4
EXPANDED METAL LATH:				
Std diamond mesh, 3.4 LB/SY, GALVANIZED	cwt	211.84	+0.3	+0.8
Flat-ribbed, 3.4 LB/SY	cwt	217.87	+0.2	+0.3
BUILDING SHEET AND PLATE:				
Aluminum sheet, 3003H14, 36" x 96"	cwt	196.14	–1.3	–0.8
STAINLESS-STEEL SHEET:				
14 gauge	cwt	166.76	–2.4	–2.2
16 gauge	cwt	172.07	–2.3	–2.0
20 gauge	cwt	173.96	–2.3	–3.0
STAINLESS-STEEL PLATE:				
304, 1/4", 72" x 240"	cwt	200.91	+0.2	+0.4
316, 1/4", 96" x 140"	cwt	246.11	0.0	–0.4
STEEL PILING: H-PILE				
HP10 x 42	cwt	32.19	+0.2	+1.7

Structural Steel, Rebar, Building Sheet, Piling — Canada

ITEM	UNIT	LOS ANGELES	MINNEAPOLIS	NEW ORLEANS	NEW YORK	PHILADELPHIA	PITTSBURGH	ST. LOUIS	SAN FRANCISCO	SEATTLE	MONTREAL	TORONTO
STANDARD STRUCTURAL SHAPES: AVERAGE	cwt	43.40	–44.43	49.25	54.46	+52.66	55.28	44.70	42.82	49.48	54.00	55.18
Channel beams, 6" DEEP, 8.2 LB/LF	cwt	44.12	46.50	48.35	54.59	+52.20	50.40	53.75	42.38	47.90	55.00	55.18
I-beams, 6" DEEP, 12.5 lb/lf	cwt	42.18	–44.60	51.50	56.45	+54.02	70.45	41.10	42.18	50.80	55.00	55.18
Wide-flange, 8" DEEP, 31 LB/LF	cwt	43.89	–42.20	47.90	52.33	+51.76	45.00	39.25	43.89	49.75	52.00	55.18
REINFORCING BARS:												
Grade 60, #4	cwt	31.97	–54.00	47.76	55.84	47.45	44.85	50.00	31.97	48.23	59.00	—
Epoxy-coated	cwt	0.00	–71.00	—	66.93	67.60	57.50	–80.00	0.00	—	109.00	—
HOT-ROLLED CARBON STEEL PLATE:												
12 gauge, 48" x 10'	cwt	46.80	48.80	+46.88	48.01	50.00	42.00	42.50	43.79	47.50	84.00	—
EXPANDED METAL LATH:												
Std diamond mesh, 3.4 LB/SY, GALVANIZED	cwt	196.79	162.00	+211.95	—	239.60	—	—	197.59	212.80	—	—
Flat-ribbed, 3.4 lb/sy	cwt	214.72	150.00	234.00	—	245.32	—	—	215.43	217.00	—	—
BUILDING SHEET AND PLATE:												
Aluminum sheet, 3003H14, 36" x 96"	cwt	186.75	182.10	202.95	168.91	198.95	171.00	177.00	187.63	205.90	190.00	—
STAINLESS-STEEL SHEET:												
14 gauge	cwt	175.53	167.70	172.22	134.01	175.00	154.00	146.50	182.33	172.65	108.00	—
16 gauge	cwt	185.33	195.00	178.58	136.05	184.19	156.00	148.55	183.97	181.89	105.00	—
20 gauge	cwt	180.47	156.80	183.70	139.30	186.37	164.00	162.25	181.64	187.45	107.00	—
STAINLESS-STEEL PLATE:												
304, 1/4", 72" x 240"	cwt	184.09	263.00	+204.55	126.27	199.30	164.00	197.50	184.79	223.89	107.00	—
316, 1/4", 96" x 140"	cwt	230.52	271.80	+248.08	137.98	237.55	200.00	164.90	231.81	242.30	103.00	—
STEEL PILING: H-PILE												
HP10 x 42	cwt	28.99	26.00	+32.96	27.84	31.00	—	26.80	29.36	30.78	55.00	—

(cont. from p. 1) and a mix of metric and American units. The above prices do not represent a city's prevailing or average price but track price movement from a single source for a given quantity and specification over time.

Cost Indexes

Construction Cost Index

The CCI's annual escalation rate jumped a full percentage point, to 3.3% this month.

20-CITY: 1913=100	OCT. 2013 INDEX VALUE	% CHG. MONTH	% CHG. YEAR
CONSTRUCTION COST	9688.86	+1.4	+3.3
COMMON LABOR	20622.34	+1.8	+3.5
WAGE $/HR.	39.22	+1.8	+3.5

Building Cost Index

A 0.7% increase in the BCI's labor component pushed the indexes' annual inflation rate to 2.0% from 1.7%.

20-CITY: 1913=100	OCT. 2013 INDEX VALUE	% CHG. MONTH	% CHG. YEAR
BUILDING COST	5308.38	+0.4	+2.0
SKILLED LABOR	9128.56	+0.7	+1.7
WAGE $/HR.	50.66	+0.7	+1.7

Materials Cost Index

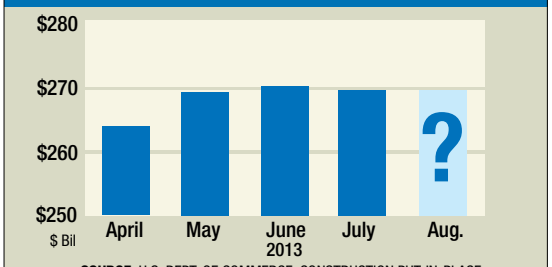
A 0.6% increase in lumber prices was offset by falling steel and cement prices.

20-CITY: 1913=100	OCT. 2013 INDEX VALUE	% CHG. MONTH	% CHG. YEAR
MATERIALS	2974.21	–0.1	+2.5
CEMENT $/TON	110.88	–0.2	+2.0
STEEL $/CWT	50.03	–0.4	+1.4
LUMBER $/MBF	430.32	+0.6	+5.7

Construction Stats Stalled by Fed Shutdown

The U.S. Commerce Dept. construction put-in-place data for public works for August, which would normally appear in this space, is still not available due to the lingering effects of the federal government shutdown. The shutdown ended on October 17 and updated statistics are expected to be available by next month's cycle. The latest data before the federal government shutdown, for July 2013, shows a 5.3% year-to-year decline in public works.

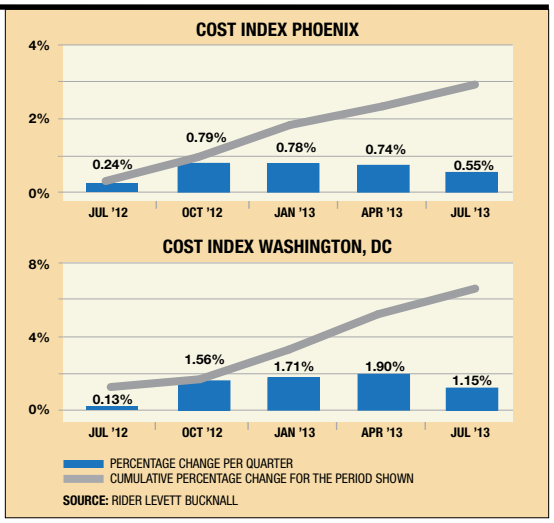
Public Construction



SOURCE: U.S. DEPT. OF COMMERCE. CONSTRUCTION PUT-IN-PLACE, SEASONALLY ADJUSTED ANNUAL RATE IN CURRENT DOLLARS.

Phoenix and DC Cost Indexes

Construction costs in Phoenix are up 0.6% for the quarter ending last July, according to Rider Levett Bucknall. The city's cost index is up about 3% from a year ago. The RLB building cost index for Washington, D.C., shows stronger gains. Construction costs there are about 6.5% higher than a year ago. This has been fueled by strong growth during the last four quarters, including quarterly gains of 1.2% in July, 1.9% in April, 1.7% in January and 1.6% for last October. These increases compare to a 3.6% nationwide.



SOURCE: RIDER LEVETT BUCKNALL

Structural Steel, Rebar, Building Sheet, Piling

ITEM	UNIT	ATLANTA	BALTIMORE	BIRMINGHAM	BOSTON	CHICAGO	CINCINNATI	CLEVELAND	DALLAS	DENVER	DETROIT	KANSAS CITY
STANDARD STRUCTURAL SHAPES: AVERAGE	cwt	–50.80	48.17	54.47	52.82	–50.30	47.67	47.48	49.95	50.91	42.51	61.36
Channel beams, 6" DEEP, 8.2 LB/LF	cwt	–51.30	46.00	54.50	52.30	–51.15	44.00	48.60	50.19	50.25	45.05	57.40
I-beams, 6" DEEP, 12.5 lb/lf	cwt	–53.87	54.50	58.95	54.92	–52.70	52.00	46.75	51.05	52.98	41.68	69.57
Wide-flange, 8" DEEP, 31 LB/LF	cwt	–47.22	44.00	49.95	51.25	–47.05	47.00	47.10	48.60	49.50	40.80	57.10
REINFORCING BARS:												
Grade 60, #4	cwt	–47.50	44.50	43.50	48.85	–47.57	42.50	52.00	49.46	46.22	43.00	37.96
Epoxy-coated	cwt	—	—	—	65.39	66.98	—	82.00	—	67.95	76.00	—
HOT-ROLLED CARBON-STEEL PLATE:												
12 gauge, 48" x 10'	cwt	47.95	44.00	42.95	–47.05	48.00	46.00	44.78	49.85	48.06	42.50	48.74
EXPANDED METAL LATH:												
Std diamond mesh, 3.4 LB/SY, GALVANIZED	cwt	212.82	275.00	108.00	215.90	212.40	—	—	212.73	212.56	—	—
Flat-ribbed, 3.4 lb/sy	cwt	221.49	—	134.00	229.55	227.93	—	—	219.90	219.78	—	—
BUILDING SHEET AND PLATE:												
Aluminum sheet, 3003H14, 36" x 96"	cwt	198.75	213.38	179.00	213.85	210.79	204.00	210.10	198.35	198.05	215.00	—
STAINLESS-STEEL SHEET:												
14 gauge	cwt	169.20	+146.00	154.00	166.62	170.35	+140.50	163.00	–171.80	172.85	156.80	181.53
16 gauge	cwt	172.88	+147.00	154.00	173.38	175.10	+140.50	166.25	–177.59	176.17	166.50	186.57
20 gauge	cwt	177.45	+151.00	163.00	181.90	178.69	+140.50	175.20	–181.42	180.44	170.00	187.57
STAINLESS-STEEL PLATE:												
304, 1/4", 72" x 240"	cwt	205.80	+163.00	323.00	205.00	212.62	–160.00	158.00	–209.72	–201.00	221.80	178.80
316, 1/4", 96" x 140"	cwt	265.15	+332.00	—	268.15	246.20	–383.00	226.50	–242.19	–249.68	241.10	242.73
STEEL PILING: H-PILE												
HP10 x 42	cwt	33.70	43.00	47.65	32.79	33.35	42.00	28.50	34.10	33.75	27.50	—

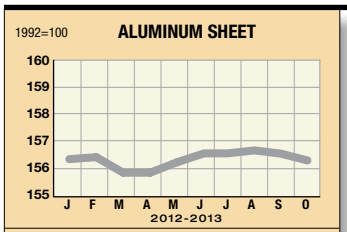
+ or – denotes price has risen or fallen since previous report. Monthly market quotations by ENR field reporters as of Oct. 18, 2013. All prices are spot prices quoted from a single source. All prices are FOB warehouse except metal lath, which is FOB city. Stainless-steel sheet prices are for type 304, 2B finish, 48 x 120-in. Steel piles are high-strength A572. Some prices may include taxes or discounts for prompt payment, etc. Product specifications may vary depending on what is most commonly used or most accessible in a city. All quantities are truckloads unless noted. Quotes for Montreal and Toronto are in Canadian dollars (cont. on p. 38)

enr.com
FOR A LOOK AT HISTORICAL COST INDEXES, VISIT **ENR.COM/ECONOMICS.**

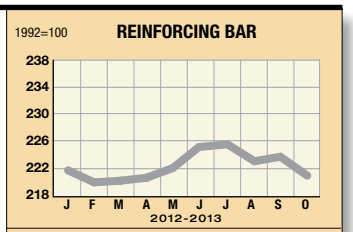
Rebar Prices Drop 1.1% in October

Prices for grade-60 reinforced concrete bar declined 1.1% this month to $45.34 per cwt, according to ENR's 20-city average price. This nearly matches a 1.2% price drop last August. The two large price cuts were interspersed by a modest 0.1% gain in September. The recent trend left rebar prices 2.4% below October 2012's level. Falling prices are expected to continue, according to the Washington, D.C.-based forecasting firm IHS Global Insight. The firm predicts that 2013 prices will average 7.3% below 2012. Rebar prices during the third quarter of this year were $590 a ton, 9.9% below 2012.

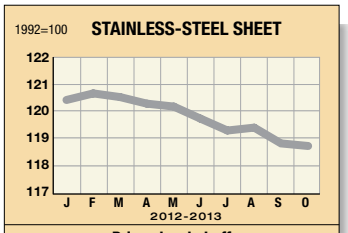
ENR's Materials Price Indexes



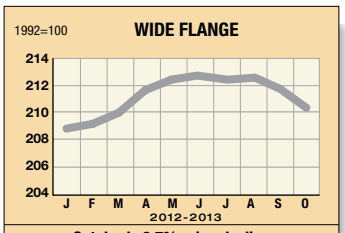
Prices slipped 0.2% for the second consecutive month.



Prices fell another 1.1% this month, following August's 1.2% decline.



Prices leveled off after dropping 0.5% in September.



October's 0.7% price decline follows September's 0.4% drop.

SOURCE: MCGRAW HILL CONSTRUCTION RESEARCH & ANALYTICS/ENR.

20-City Average

ITEM	UNIT	PRICE	% CHG. MO.	% CHG. YEAR
STANDARD STRUCTURAL SHAPES: AVERAGE	cwt	49.71	–0.6	+0.9
Channel beams, 6" DEEP, 8.2 LB/LF	cwt	49.66	–0.6	+0.1
I-beams, 6" DEEP, 12.5 LB/LF	cwt	52.16	–0.6	+1.4
Wide-flange, 8" DEEP, 31 LB/LF	cwt	47.31	–0.7	+1.1
REINFORCING BARS:				
Grade 60, #4	cwt	45.34	–1.1	–2.4
Epoxy-coated	cwt	69.56	–1.2	+0.5
HOT-ROLLED CARBON-STEEL PLATE:				
12 gauge, 48" x 10'	cwt	46.25	–0.2	0.0
EXPANDED METAL LATH:				
Std diamond mesh, 3.4 LB/SY, GALVANIZED	cwt	210.69	–0.4	–0.5
Flat-ribbed, 3.4 LB/SY	cwt	214.92	–1.0	–1.4
BUILDING SHEET AND PLATE:				
Aluminum sheet, 3003H14, 36" x 96"	cwt	195.54	–0.2	–0.3
STAINLESS-STEEL SHEET:				
14 gauge	cwt	163.21	–0.1	–2.1
16 gauge	cwt	167.46	–0.1	–2.7
20 gauge	cwt	170.96	–0.1	–1.7
STAINLESS-STEEL PLATE:				
304, 1/4", 72" x 240"	cwt	199.39	–0.3	–0.8
316, 1/4", 96" x 140"	cwt	246.31	–0.2	+0.1
STEEL PILING: H-PILE				
HP10 x 42	cwt	33.27	–0.5	+3.4

Structural Steel, Rebar, Building Sheet, Piling — Canada

ITEM	UNIT	LOS ANGELES	MINNEAPOLIS	NEW ORLEANS	NEW YORK	PHILADELPHIA	PITTSBURGH	ST. LOUIS	SAN FRANCISCO	SEATTLE	MONTREAL	TORONTO
STANDARD STRUCTURAL SHAPES: AVERAGE	cwt	43.40	–46.01	48.71	54.46	–52.49	55.28	–45.64	42.82	49.02	54.00	55.18
Channel beams, 6" DEEP, 8.2 LB/LF	cwt	44.12	–48.68	48.10	54.59	–52.93	50.40	–53.51	42.38	47.82	55.00	55.18
I-beams, 6" DEEP, 12.5 lb/lf	cwt	42.18	–45.85	50.77	56.45	–53.20	70.45	–42.80	42.18	50.35	55.00	55.18
Wide-flange, 8" DEEP, 31 LB/LF	cwt	43.89	43.50	47.25	52.33	–51.35	45.00	–40.60	43.89	48.90	52.00	55.18
REINFORCING BARS:												
Grade 60, #4	cwt	31.97	50.00	46.90	55.84	–46.72	44.85	–48.00	31.97	47.49	59.00	—
Epoxy-coated	cwt	0.00	72.00	—	66.93	–68.80	57.50	–72.00	0.00	—	109.00	—
HOT-ROLLED CARBON STEEL PLATE:												
12 gauge, 48" x 10'	cwt	46.80	48.80	–48.15	48.01	48.37	42.00	42.50	43.79	46.75	84.00	—
EXPANDED METAL LATH:												
Std diamond mesh, 3.4 LB/SY, GALVANIZED	cwt	196.79	162.00	216.62	—	–229.63	—	—	197.59	–205.28	—	—
Flat-ribbed, 3.4 lb/sy	cwt	214.72	150.00	–225.17	—	–234.34	—	—	215.43	209.15	—	—
BUILDING SHEET AND PLATE:												
Aluminum sheet, 3003H14, 36" x 96"	cwt	186.75	181.90	199.72	168.91	209.33	171.00	177.00	187.63	–191.80	190.00	—
STAINLESS-STEEL SHEET:												
14 gauge	cwt	175.53	159.00	167.69	134.01	177.78	154.00	148.58	182.33	172.65	108.00	—
16 gauge	cwt	185.33	167.50	172.33	136.05	183.90	156.00	146.25	183.97	181.89	105.00	—
20 gauge	cwt	180.47	150.75	175.20	139.30	190.15	164.00	163.00	181.64	187.45	107.00	—
STAINLESS-STEEL PLATE:												
304, 1/4", 72" x 240"	cwt	184.09	262.00	204.55	126.27	215.72	164.00	205.00	184.79	202.68	107.00	—
316, 1/4", 96" x 140"	cwt	230.52	270.75	248.08	137.98	250.25	200.00	167.88	231.81	245.90	103.00	—
STEEL PILING: H-PILE												
HP10 x 42	cwt	28.99	27.70	34.98	27.84	–32.85	—	27.48	29.36	33.35	55.00	—

(cont. from p. 37) and a mix of metric and American units. The above prices do not represent a city's prevailing or average price but track price movement from a single source for a given quantity and specification over time.

Agenda Item # X.G.
Meeting Date December 16, 2013

CITY COUNCIL
AGENDA ITEM SUMMARY
City of Newport, Oregon

Issue/Agenda Title Consideration of Resolution No. 3651 closing the Newport Urban Renewal Plan

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

ISSUE BEFORE THE COUNCIL AND URBAN RENEWAL AGENCY: Determination of whether or not the Newport Urban Renewal Agency has satisfied the final debt obligation attributed to the Newport Urban Renewal Plan (i.e. Northside Urban Renewal District). This last debt obligation is with the City of Newport, pursuant to an Intergovernmental Agreement (IGA) between the Agency and City, dated December 8, 2010. If the city accepts that the debt obligation has been satisfied then the Newport Urban Renewal Plan will officially close.

STAFF RECOMMENDATION: Staff recommends that the Council accept Agency's final debt payment as satisfying the terms of the IGA and close the Newport Urban Renewal Plan.

PROPOSED MOTION: I move that the Council adopt Resolution No. 3651 acknowledging that the Newport Urban Renewal Agency has satisfied the terms of its December 8, 2010 Intergovernmental Agreement with the City of Newport and that the Newport Urban Renewal Plan be terminated.

KEY FACTS AND INFORMATION SUMMARY: City of Newport adopted the Newport Urban Renewal Plan ("Plan") in May of 1973 by Resolution No. 1685 to provide tax increment funding and urban renewal authority to foster the redevelopment of real property in portions of the City lying north of the Yaquina Bay Bridge, as shown on the Exhibit A map attached to the proposed resolution. Over the years, the Newport City Council and the Newport Urban Renewal Agency approved eleven amendments to the Plan.

The Plan authorizes Agency to undertake the installation of project site improvements, as provided for in the Plan, and specifies that the Plan shall remain in full force and effect for so long as the principal and interest on the indebtedness incurred to finance or refinance the projects remains unpaid. On December 8, 2010, Agency entered into an IGA with the City of Newport to fund the repair, maintenance, and improvement of buildings originally constructed with urban renewal district funds. The IGA was entered into before the final debt service payment was paid on previously issued borrowings to fund projects specified in the Plan, and is the only remaining indebtedness attributable to the Plan. The IGA further specified that Agency would no longer collect a tax increment within the Project Area and that Agency would only make payments to the City from revenues available following the final debt service payment on previously issued borrowings, plus delinquent taxes that posted after the execution of the IGA.

On December 16, 2013, Agency made a final payment of $280,610 to the City, which concludes the repair, maintenance, and improvement of buildings envisioned in the IGA. This was accomplished through a supplemental budget transfer, and has resulted in an additional $80,610 being available above the $200,000 anticipated in the budget. On January 17, 2012 the Council received a formal briefing on the repair, maintenance and improvement projects that the City was pursuing. All have been completed, except for the replacement of the City Hall heating, ventilation, and air conditioning system. Additional funds made available with this budget transfer should allow the project to move forward. Until expended, monies will be placed into a restricted account so that they can only be used for the purposes outlined in the IGA.

The City of Newport is initiating a feasibility study to form a new urban renewal plan area north of the bridge, and having the original district still be "technically" open could confuse the public and affected taxing districts as that process moves forward. Also, the City is almost finished with the repair and rehabilitation projects envisioned under the IGA, so it is timely that the Newport Urban Renewal Plan be formally closed.

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: None.

ATTACHMENT LIST:

Resolution No. 3651
Intergovernmental Agreement between the Agency and City, dated December 8, 2010
January 17, 2012 Council Agenda Summary Listing Priority Maintenance Projects

FISCAL NOTES: The urban renewal tax increment was released in 2010 pursuant to the IGA; however, delinquent taxes payable prior to that date have continued to accrue to the Northside Urban Renewal District. Any new delinquent taxes will now be distributed to the taxing districts on a prorated basis, including the City of Newport. This is very modest amount of funds, typically just a couple thousand dollars a month, which will diminish over time as delinquent accounts are paid up.

RESOLUTION NO. 3651

A RESOLUTION CLOSING THE NEWPORT URBAN RENEWAL PLAN

FINDINGS:

1. City of Newport adopted the Newport Urban Renewal Plan ("Plan") in May of 1973 by Resolution No. 1685 to provide tax increment funding and urban renewal authority to foster the redevelopment of real property within the Project Area as identified in Exhibit A to this resolution, and the Newport City Council ("City Council") and the Newport Urban Renewal Agency ("Agency") have thereafter approved eleven amendments to the Plan.

2. The Plan authorizes Agency to undertake the installation of project site improvements, as provided for in the Plan, and specifies that the Plan shall remain in full force and effect for so long as the principal and interest on the indebtedness incurred to finance or refinance the projects remains unpaid.

3. All real property owned by Agency within the Plan District was transferred to the City in 2009.

4. On December 8, 2010, Agency entered into an Intergovernmental Agreement (IGA) with the City of Newport to fund the repair, maintenance, and improvement of buildings originally constructed with urban renewal district funds. The IGA was entered into before the final debt service payment was paid on previously issued borrowings to fund projects specified in the Plan, and is the only remaining indebtedness attributable to the Plan.

5. The IGA further specified that Agency would no longer collect a tax increment within the Project Area and that Agency would only make payments to the City from revenues available following the final debt service payment on previously issued borrowings, plus delinquent taxes that posted after the execution of the IGA.

6. On December 16, 2013, Agency made the final reimbursement payment of $280,610 to City, which concludes the repair, maintenance, and improvement of buildings envisioned in the IGA. All debt, including all accrued interest, has therefore been paid off for indebtedness incurred under the Plan.

7. The City Council and Agency have decided not to further amend or issue any additional indebtedness under the Newport Urban Renewal Plan.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The Newport Urban Renewal Plan is terminated. No further debt will be issued, no further expenditures will be made, and no new projects will be initiated as part of the Newport Urban Renewal Plan that require additional Urban Renewal Funds.

Section 2. The Executive Director of the Newport Urban Renewal Agency is hereby directed to: (1) Record this resolution with the Lincoln County Clerk; (2) Distribute a copy of this Resolution to the governing bodies of the taxing entities located in whole or in part within the Newport Urban Renewal District; (3) Inform the County Assessor that Agency will turnover any unexpended funds

to the County Treasurer, and that such funds, along with any additional tax revenue collected which otherwise would have been used to fund the Newport Urban Renewal Plan, including receipt of delinquent taxes, shall be prorated by the County Treasurer back to the taxing districts within the Urban Renewal District area, in conformance with ORS 457.450(3); and (4) take any additional steps needed to terminate the Plan or tax increment financing in the Plan area, including, but not limited to, further coordination with the Lincoln County Assessor, Tax Collector and Treasurer.

Section 3. While this resolution officially closes the Newport Urban Renewal Plan, dated May of 1973, the City of Newport South Beach Urban Renewal Plan and Report remains in full force and effect, and the City of Newport Urban Renewal Agency remains viable and will continue to operate into the indefinite future.

Section 4. This resolution shall be effective immediately upon passage.

Adopted by the Newport City Council on December 16, 2013.

Signed on _____, 2013.

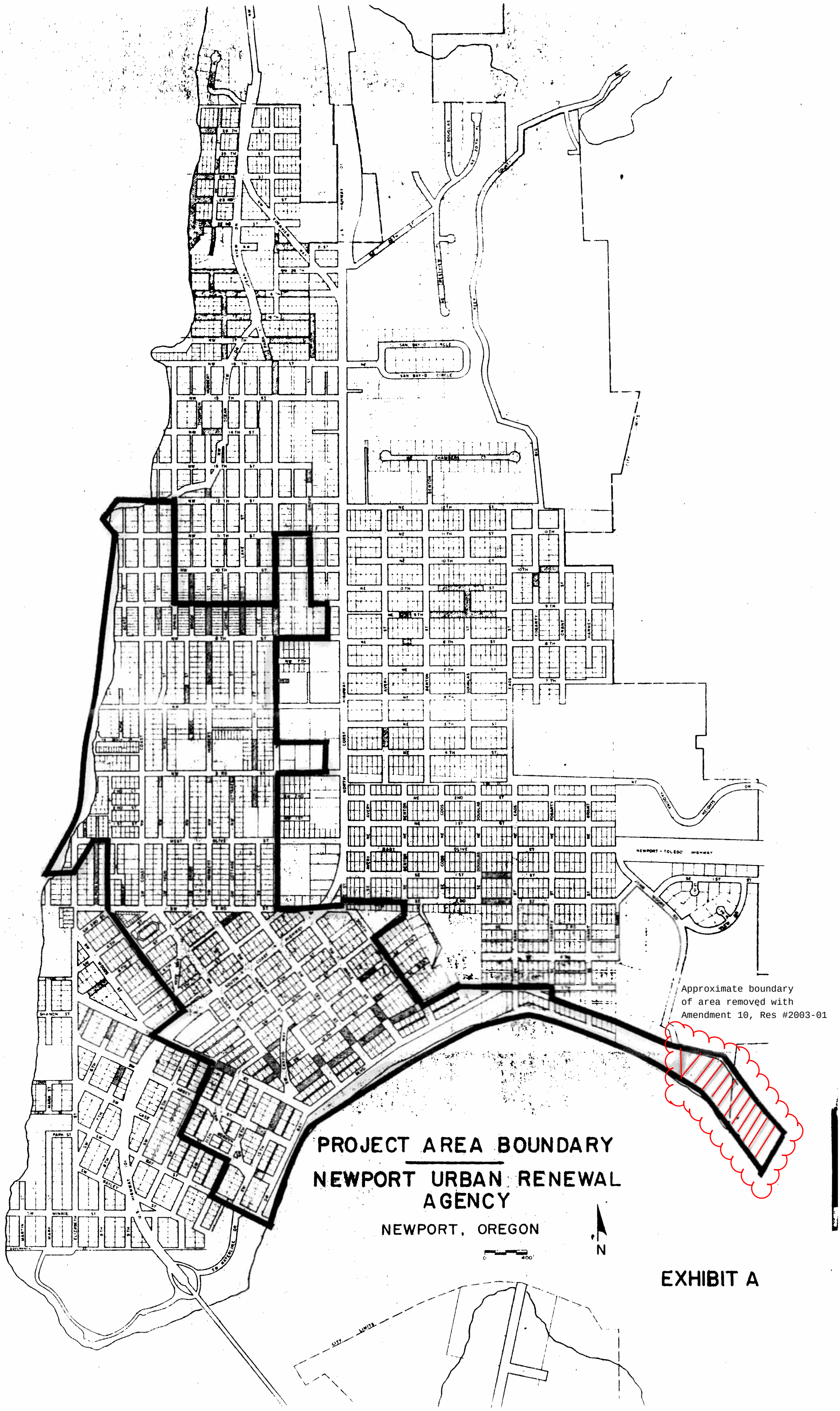
_____
Sandra Roumagoux
Mayor

ATTEST:

_____
City Recorder

Approved as to form:

_____
City Attorney


PROJECT AREA BOUNDARY
NEWPORT URBAN RENEWAL AGENCY
NEWPORT, OREGON
N
EXHIBIT A
Approximate boundary of area removed with Amendment 10, Res #2003-01
NEWPORT - TOLEDO HIGHWAY
SAN BAY-O CIRCLE
CHAMBERS CT
CITY LIMITS

INTERGOVERNMENTAL AGREEMENT

BETWEEN THE NEWPORT URBAN RENEWAL AGENCY AND THE CITY OF NEWPORT TO REPAIR AND MAINTAIN PROPERTIES CONSTRUCTED WITH NORTH SIDE URBAN RENEWAL FUNDS

This Intergovernmental Agreement is entered into by and between the Newport Urban Renewal Agency, Oregon ("Agency") and the City of Newport, Oregon ("City"). The parties hereby agree as follows:

1. Recitals

1.1 The Agency intends to make its final debt service payment on previously issued North Side Urban Renewal District ("North Side URD") borrowings on December 15, 2010. The Agency enters into this Agreement to create indebtedness for the North Side URD in the amount of the available tax increment revenues for the North Side URD after repayment of all previously issued borrowings for that district (the "Available Revenues"). Staff estimates that after the final payment is made on previously issued borrowings, approximately $110,000. (one hundred ten thousand dollars) will remain in the North Side URD fund as Available Revenues.

1.2 Buildings constructed with North Side URD funds ("North Side URD Buildings") have experienced normal wear and tear over the years and because of a lack of funds, the City has deferred maintenance on these buildings. Buildings particularly in need of repair, renovation, refurbishment and maintenance include the Performing Art Center, the Public Library (roof and air handling system), and the City Hall (air handling system). Upgrades to City Hall are also required for increased energy efficiency.

1.3 The Performing Arts Center (PAC) has several issues of concern. The roof has numerous leaks which are causing damage to the building itself. Attempts to repair the roof have not been successful. Staff recommends that the roof be replaced, the cost of which is estimated to be $100,000. The smoke doors located on the roof of the PAC also need to be replaced as they are badly corroded. Finally, beams in the covered parking structure are rotting and need to be replaced. The cost of replacement is estimated to be $10,000.

1.4 The Agency has approved a minor amendment to the North Side Urban Renewal Plan which states that North Side URD funds may be used for the repair of North Side URD Buildings. To carry out this purpose, staff recommends the Agency and City execute this Agreement for the City to perform or to contract for the performance of appropriate repairs and maintenance on North Side URD Buildings and to be compensated for such purpose with Available Revenues.

1.5 The urban renewal plan for the North Side URD will remain in effect until such time as all indebtedness of the North Side URD is repaid.

2. Scope of Agreement

2.1 The City will perform or contract for the performance of appropriate repairs and maintenance on North Side URD Buildings pursuant to this Agreement. The Agency will repay the City from Available Revenues for such repairs and maintenance. The City acknowledges that the Agency will only make payments to the City under this Agreement from Available Revenues.

2.2 The Agency directs the City to perform or contract for the performance of the following repairs and maintenance to North Side URD Buildings as prioritized by the Executive Director of the Agency and to the extent that Available Revenues are available to repay the City for such project. The priority for repair and maintenance efforts is the Performing Arts Center. Before the City takes action related to any projects, it may require the Agency to provide a certification that Available Revenues are available to repay the City for such repairs or maintenance.

2.3 This Agreement creates an indebtedness on behalf of the Agency for North Side URD funds. The repair and maintenance of North Side URD Buildings described in this Agreement is authorized under the urban renewal plan, as amended, for the North Side URD. The Agency is authorized to enter into this indebtedness by execution of this Agreement and the State urban renewal statutes. The urban renewal plan for the North Side URD will remain in effect until such time as all indebtedness of the North Side URD is repaid.

2.4 The County Assessor will be informed that as of December 15, 2010, a tax levy is no longer required for the North Side Urban Renewal District.

2.5 The maximum indebtedness limit for the North Side URD has not been reached.

2.6 The Executive Director and other staff shall take necessary steps to carry out this Agreement.

3. Miscellaneous

3.1 Binding Effect

This Agreement shall inure to the benefit of and shall be binding upon the Agency and the City and their respective successors and assigns.

3.2 Severability

In the event any provisions of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

3.3 Amendments & Execution

This Agreement may be amended only by a writing signed by both parties. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute the same instrument.

3.4 Applicable Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon. Any action regarding this Agreement or the transactions contemplated hereby shall be brought in an appropriate court of the State of Oregon in Lincoln County, Oregon.

IN WITNESS WHEREOF, the Agency and the City have executed this Agreement as of the last date set forth below.

Newport Urban Renewal Agency

12/7/10

Patricia Patrick-Joling, Chair Date

City of Newport

12/8/2010

William D. Bain, Mayor Date

Agenda Item # _____
Meeting Date January 17, 2012

CITY COUNCIL/URBAN RENEWAL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Briefing on additional maintenance projects funded by the North Side Urban Renewal District

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

ISSUE BEFORE THE COUNCIL AND URBAN RENEWAL AGENCY: A briefing on the use of remaining Newport Urban Renewal District funds to rehabilitate and conserve buildings that were originally constructed using district funds.

STAFF RECOMMENDATION: This is a briefing only and no action is required by the Newport Urban Renewal Agency or City Council.

PROPOSED MOTION: None needed.

KEY FACTS AND INFORMATION SUMMARY: In December of 2010 the Newport Urban Renewal Agency and City of Newport entered into an Intergovernmental Agreement, which set aside north side urban renewal district funds that remained after the district's final debt payment for use by the city to rehabilitate and conserve buildings that had been constructed in the past with north side urban renewal funds. An eleventh amendment to the Newport Urban Renewal Plan for the north side district was approved at the same time identifying the rehabilitation and conservation of these buildings as an urban renewal project. At that time, the City Finance Department estimated that $110,000 would remain after the final debt payment. Roof repairs at the Performing Arts Center (PAC) were identified as the top rehabilitation priority. The roof repair work has been completed.

The Finance Department's estimate was conservative, and additional delinquent taxes have been received. This has resulted in more than $269,000 of additional funds being available above and beyond what was needed for the PAC roof repairs. City staff has prioritized the use of these funds as follows:

1. Replace the HVAC system at City Hall – $135,000
2. Library Maintenance Package #1 – $25,000
   (includes furnace replacements, restroom remodel, and new laptop outlets)
3. Refinish Recreation Center gym and dance floor - $20,000
4. Update elevator controls (Visual Arts Center, Rec. Center, and Library) - $9,000
5. Library Maintenance Package #2 – $58,000
   (includes new lighting, painting, and security enhancements)
6. Install LED lighting in the Rec. Center gym – $24,000

Projects will be undertaken in priority order until available funds are exhausted. The intergovernmental agreement created indebtedness between the north side urban renewal district and the City of Newport. The district cannot be closed until that debt has been paid. This means that at some point the City Council will need to take action to find that the terms of the Intergovernmental Agreement have been met. Staff can bring this forward at the appropriate time.

OTHER ALTERNATIVES CONSIDERED: None. Staff efforts to rehabilitate and conserve these buildings are consistent with the direction provided in the Intergovernmental Agreement and 11th Amendment to the Newport Urban Renewal Plan.

CITY COUNCIL GOALS: None.

ATTACHMENT LIST:

Intergovernmental Agreement
Eleventh Amendment to the Newport Urban Renewal Plan

FISCAL NOTES: The additional north side urban renewal district resources (i.e. the $269,000) will need to be recognized and appropriated as part of a supplemental budget. The Finance Department intends to bring that to the City Council at one of its February meetings.

Agenda Item # X.H.
Meeting Date December 16, 2013

CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Initiation of Amendments to Ordinance No. 1931 and Associated Settlement Agreement Related to the Intersection of SE 40th Street and 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 for the City to participate in amending a Settlement Agreement and to initiate revisions to Ordinance No. 1931, both of which relate to the 2007 annexation of the Oregon Coast Community College District, Landwaves, Inc., Emery Investments, Inc. and GVR Investments properties. The proposed amendments lift restrictions on the number of vehicle trips that can be generated from development of the annexed parcels at the intersection of SE 40th Street and US 101. Such restrictions were put in place to meet the State's Transportation Planning Rule, and will no longer be needed once the Oregon Transportation Commission accepts a program for improving the transportation network as outlined in recent City and County Transportation System Plan amendments and puts in place more lenient mobility targets for US 101 in South Beach, as the Commission is scheduled to do on December 18, 2013.

STAFF RECOMMENDATION: Staff recommends that the City Council enter into an amended agreement and initiate amendments to Ordinance No. 1931 because the trip caps imposed by both documents are no longer needed to ensure compliance with the Transportation Planning Rule.

MOTIONS FOR ADOPTION:

Motion No. 1 – Amending the Settlement Agreement: I move to authorize the Mayor to enter into an amendment to the 2007 Annexation Settlement Agreement that is substantially similar to the draft presented this evening, and clarifies the intent to terminate the obligations and limitations in the 2007 Annexation Settlement Agreement.

Motion No. 2 – Initiating Amendments to Ordinance No. 1931: I move that the Council initiate amendments to Ordinance No. 1931, an ordinance that approved the annexation and established zoning for the affected properties, so that the vehicle trip caps and related limitations are removed.

KEY FACTS AND INFORMATION SUMMARY: In July of 2007 the City of Newport approved a 102.23 acre annexation which included the proposed Community College Campus Site, a planned development known as "Wilder" owned by Emery Investments, Inc. and Landwaves, Inc., and a vacant industrial property owned by GVR Investments (Ordinance No. 1922). The Oregon Department of Transportation appealed the City's decision arguing that it did not satisfy Oregon's Transportation Planning Rule. To resolve the issue, the parties agreed to require that certain improvements be made to the intersection of SE 40th Street and US 101 before development could proceed, that a limitation of 180 peak hour trips be imposed at the improved intersection, that Ash Street be improved between SE 40th Street and Ferry Slip Road, and that the intersection of US 101 and Ferry Slip Road be closed. These requirements were memorialized in a Settlement Agreement that was signed by all parties and the City amended its annexation decision to impose the requirements as conditions of the annexation approval (Ordinance No. 1931).

Subsequently, the City worked with its community partners to identify a series of transportation projects to improve traffic flow and mobility in South Beach, extended the duration of the South Beach Urban Renewal Plan to create a funding source for the projects, and updated its Transportation System Plan to include policies and implementation strategies for moving ahead with the projects (Ordinance No. 2045). In turn, the State of Oregon agreed to allow more congestion on US 101 in South Beach then it would normally allow by putting in place alternative mobility targets. The

new mobility targets must be adopted by the Oregon Transportation Commission, which is scheduled to consider them at its December 18, 2013 meeting. This item is on the Commission's consent calendar, so there is little chance that it will not be approved. In sum, these changes eliminate the concern that led to the imposition of the "trip cap" at SE 40th Street. Further, the required improvements to the intersection of SE 40th Street and US 101 and Ash Street have been completed, and the intersection of Ferry Slip Road and US 101 will be closed as part of a planned and funded construction project that is included in the 2015-2018 State Transportation Improvement Plan.

On December 10, 2013, Bonnie Serkin, Chief Operating Officer for Landwaves, Inc., submitted a letter to the City asking that it assist in amending the Settlement Agreement and Ordinance No. 1931. This would address the trip cap which is an impediment to the development of their property. Section 14.36.020 of the Newport Municipal Code allows the City Council, by motion, to amend a land use ordinance and that is the course of action that Ms. Serkin has requested.

The reason that this request is being brought to the Council's attention at this time, is that the staff person most familiar with these issues at the Oregon Department of Transportation will be retiring soon meaning that there is a limited window within which this can be shepherded through the agency in an expedited manner.

OTHER ALTERNATIVES CONSIDERED: None.

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

ATTACHMENT LIST:
December 10, 2013 letter from Bonnie Serkin, Chief Operating Officer, Landwaves, Inc.
Draft Amendment to Annexation Agreement, prepared by Dana Krawczuk, attorney for Landwaves, Inc.
2007 Settlement Agreement
Ordinance No. 1931
Ordinance No. 1922
Ordinance No. 2045
Agenda for December 18, 2013 Oregon transportation Commission Meeting
December 5, 2013 Letter from Matthew Garrett, ODOT Director to the OTC with attached mobility target map

FISCAL NOTES: There are no direct fiscal impacts associated with this agenda item.

landwaves inc

2712 SE 20th Ave. | PORTLAND, OR 97202 | P: 503.221.0167 | F: 503.221.0741 | CCB#174124

December 10, 2013

VIA EMAIL

Mayor Sandra Roumagoux
City of Newport
City Council
169 SW Coast Highway
Newport, OR 97365

Re: Request to Clarify and Terminate Obligations Related to 2007 South Beach Annexation

Dear Mayor Roumagoux and Councilors:

Landwaves has worked closely with the City of Newport to achieve our shared vision of a complete community in the South Beach area of Newport. One of the major milestones in this effort was the 2007 annexation and rezoning of about 102 acres in the South Beach area. At the time of that annexation, property owners and the City were required to limit the intensity of development in South Beach pursuant to a trip cap that was imposed by ODOT. At the same time, property owners, the City and ODOT committed to certain transportation planning efforts and improvements. These limitations and obligations were memorialized two ways -- (1) City Ordinance No. 1931, which annexed portions of South Beach subject to certain conditions and limitations, and (2) the 2007 Annexation Settlement Agreement between the City, ODOT and property owners.

In the intervening six years, the transportation planning efforts have become a reality. 40th Street and Ash Street have been constructed, Ferry Slip Road is anticipated to be closed, and Alternative Mobility Standards have been adopted by the City and Lincoln County. ODOT is expected to adopt the standards on December 18, 2013.

With the completion of these transportation improvements and final adoption of the Alternative Mobility Standards, we believe that it is time for the parties to formally terminate the 2007 Annexation Settlement Agreement and revise the 2007 annexation and rezoning ordinance (Ordinance 1931) to make it abundantly clear that the trip cap is terminated (and replaced by the SBTOZ and trip budget) and other obligations have been fulfilled. We have offered Derrick

Tokos a draft of an amendment to the 2007 Annexation Settlement Agreement that accomplishes these goals.

Accordingly, we request that you authorize staff to:

(1) Enter into an amendment to the 2007 Annexation Settlement Agreement that is substantially similar to the draft we have provided, and clarifies the intent to terminate the obligations and limitations in the 2007 Annexation Settlement Agreement; and

(2) Once ODOT adopts the Alternative Mobility Standards, staff should initiate a legislative process that will result in an ordinance adopted by City Council that amends Ordinance No. 1931, so that the trip cap limitations and other obligations are removed.

It is our understanding that all of the other parties to the 2007 Annexation Settlement Agreement are in support of these actions.

Thank you for your consideration

Very truly yours,

Bonnie Serkin
Chief Operating Officer

Cc: Derrick Tokos (via email)

FIRST AMENDMENT TO 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:	December ___, 2013	
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. The parties entered into the Settlement Agreement City of Newport Annexation and Zone Change for South Beach Neighborhood Ordinance No. 1922, File No. 1-AX-07/2-Z-07 on August 6, 2007 (the "Agreement"), which is attached as Exhibit 1, to address ODOT's concerns that the annexation and rezoning of approximately 102 acres into the City by City Ordinance No. 1922 (the "Annexation Approval") did not comply with the Transportation Planning Rule. The Annexation Approval is attached as Exhibit 2.

B. All capitalized terms used and not otherwise defined in this Amendment (defined below), but defined in the Agreement, shall have the meaning set forth in the Agreement.

C. The Agreement included conditions and obligations on the parties, such as limitations on the intensity of development with the Annexation Territory and required transportation planning and improvements, which were imposed not only by the Agreement, but were also incorporated into City Ordinance 1931 (the "Revised Annexation Approval"), which is attached as Exhibit 3.

D. Since the Agreement and Revised Annexation Approval, the parties have undertaken several transportation planning efforts and constructed transportation system improvements, which are collectively referred to herein as the "Transportation Mitigation Measures," including:

1. The 40th Street Improvements have been constructed and are operating, and the related Approach Road Permit has been issued by ODOT.

2. The Ash Street Construction has been completed and is operating.

3. The Ferry Slip Road and Highway 101 intersection has not yet been closed (the "Ferry Slip Road Closure"). The Ferry Slip Road Closure has been approved by ODOT as

part of the 2015-2018 Statewide Transportation Improvement Program, and closure is anticipated by approximately 2020.

4. ODOT, City and Lincoln County have worked together to develop alternative mobility targets for the Oregon Coast Highway (US 101) in the vicinity of the Annexation Territory (the "Alternative Mobility Targets"). The Alternative Mobility Targets have been and are anticipated to be implemented by the following actions:

a. ODOT's Oregon Transportation Commission ("OTC") is scheduled to adopt the Alternative Mobility Targets as an amendment to the Oregon Highway Plan on December 18, 2013 (the "OHP Amendment").

b. The City's adoption of City Ordinance 2045, which amended the City's comprehensive plan and implementing ordinances in support of and reliance upon the anticipated OHP Amendment.

c. Lincoln County's adoption of County Ordinance 470, which amended the County's comprehensive plan and implementing ordinances in support of and reliance upon the anticipated OHP Amendment.

E. The parties agree that once the OHP Amendment is adopted and effective, the Transportation Mitigation Measures are adequate to demonstrate that the Annexation Approval complies with the TPR, so the limitations and obligations in the Agreement and Revised Annexation Approval are no longer necessary, as specified below. Accordingly, the parties desire to amend and modify the Agreement and clarify the conditions precedent to the satisfaction and termination of the Agreement, as specified below (this "Amendment").

AGREEMENTS

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

SECTION 1. ODOT OBLIGATIONS

1.1. ODOT, acting by and through the OTC, will consider and take final action on the OHP Amendment no later than January 31, 2014.

1.2 ODOT shall not oppose or appeal any City action related to the 2014 Amendment to Annexation Approval (defined below) that is in compliance with Section 2.1. of this Amendment.

SECTION 2. CITY OBLIGATIONS

2.1. Within three (3) months of the later of the OHP Amendment effective date or any appeals of the OHP Amendment are resolved, the City shall initiate the "2014 Amendment to Annexation Approval," which is an amendment to the Revised Annexation Approval that, by ordinance, is limited to:

2.1.1 Deleting Sections 2(B), 2(C) and 2(D) from Ordinance No. 1931.

2.1.2 Sections 2(E) and 2(F) of Ordinance No. 1931 shall be retained, which ensures the completion of the Ferry Slip Closure.

2.2 The City shall take final action on the 2014 Amendment to Annexation Approval by ____ [July 1, 2014?].

SECTION 3 TPR COMPLIANCE AND TERMINATION OF AGREEMENT

3.1. The parties agree that once the OHP Amendment becomes effective, the Transportation Mitigation Measures are adequate to demonstrate that the Annexation Approval complies with the TPR. Accordingly, Sections 2(B), 2(C) and 2(D) of the Revised Annexation Approval and Sections 1, 2, 3, 4 and 5 of the Agreement are no longer necessary.

3.2 Upon the later of the OHP Amendment effective date or any appeals of the OHP Amendment are resolved, the entirety of the Agreement, as amended by this Amendment, shall automatically terminate, is null and void and without further obligation of, or limitation upon, any of the parties whatsoever.

SECTION 4. GENERAL PROVISIONS

4.1 Time. Time is of the essence of this Amendment.

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

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

4.4 Exhibits. All exhibits are attached to this Amendment are incorporated herein by this reference.

4.5 Recitals. All Recitals to the Agreement and this Amendment are incorporated herein by this reference.

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

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

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the day and year first above written.

CITY OF NEWPORT

By:_____
Name:_____
Title:_____

OREGON DEPARTMENT OF TRANSPORTATION

By:_____
Name:_____
Title:_____

EMERY, INVESTMENTS, INC. an Oregon Corporation

By:_____
Name:_____
Title:_____

LANDWAVES, INC., an Oregon Corporation

By:_____
Name:_____
Title:_____

GVR INVESTMENTS

By:_____
Name:_____
Title:_____

OREGON COAST COMMUNITY COLLEGE

By:_____
Name:_____
Title:_____

Exhibit 1

The Settlement Agreement City of Newport Annexation and Zone Change for South Beach Neighborhood Ordinance No. 1922, File No. 1-AX-07/2-Z-07 -- the "Agreement"

Exhibit 2

Ordinance 1922 -- the "Annexation Approval"

Exhibit 3

Ordinance 1931 -- the "Revised Annexation Approval"

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 LANDWAVES, INC., an Oregon corporation	("EI") ("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 101/40th Street

intersection, the Highway 101/32nd 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 40th Street. At this time, no signal at the intersection of Highway 101 and 40th Street is warranted or authorized by ODOT for installation. The improvements to the intersection of Highway 101 and 40th 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 40th Street to Highway 101 southbound ("40th Street Improvements"). An approach road permit for 40th 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 40th 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 40th 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 1. 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 40th 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 40th 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, 6th 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. 40th STREET

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

2.2 As explained in Recital I, the 40th 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 40th Street Improvements. Accordingly, LW and GVR intend to apply for an Approach Road Permit to Highway 101 for 40th Street and the 40th 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: MAYOR

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: 40th 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 40th Street Traffic Impact Analysis (TIA), prepared by myself and dated May 2, 2007. This additional analysis evaluates the maximum number of peak hour[1] 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 32nd and 40th 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 40th 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 40th 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

40th 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, 7th 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

[1] As discussed in the TIA, "peak hour" refers to Saturday mid-day. Use of this time period was required by ODOT

2003 Southwest River Parkway Portland Oregon 97201 Telephone 503.223.6663 Facsimile 503.223.2701

intersections (consisting of US 101 at 32nd Street, Ferry Slip Road and 40th 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[2], 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^2	0	0	7	35
			Total Trips	140		140

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

[2] Revised enrollment estimates provided by Patrick O'Connor, OCCC president.

vehicle trips[3]. 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[4] 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 40th 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 40th Street the v/c ratio at the intersection of US 101 and 40th 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 40th 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.

---

[3] Based on average trip rates contained in ITE Trip Generation, 7th Edition for Saturday mid-day.

[4] 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 40th: 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 32nd and half will be rerouted to 40th 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 40th Street will remain unsignalized. Analysis results show that in addition to the 180 peak hour site trips from Phase 1 of South Beach and GVR, an additional 160 peak hour site trips at 40th 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 101/40th 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 32nd Street would operate at an overall v/c ratio of 0.80, which is equivalent to the mobility standard. Peak hour *site* trips at 40th Street in excess of 340 would cause the v/c ratio at this intersection to exceed the mobility standard[5].

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 1 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	2011			2021		
		30th HV	Back-ground	Phase 1	Phase 1 +40 Trips (180 Total)	Back-ground	Phase 1 Total	Phase 1 +200 Trips (340 Total)
US 101 at 32nd 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 40th 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 40th 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

[5] Because of the trips rerouted from Ferry Slip Road, *total* peak hour trips at 40th is expected to be higher than 340.

of use. This translates to roughly 20-30 vehicle trips during the PM peak hour[5]. 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 signficantly less than the 340 trip cap, once Ferry Slip Road is closed).

Conclusion

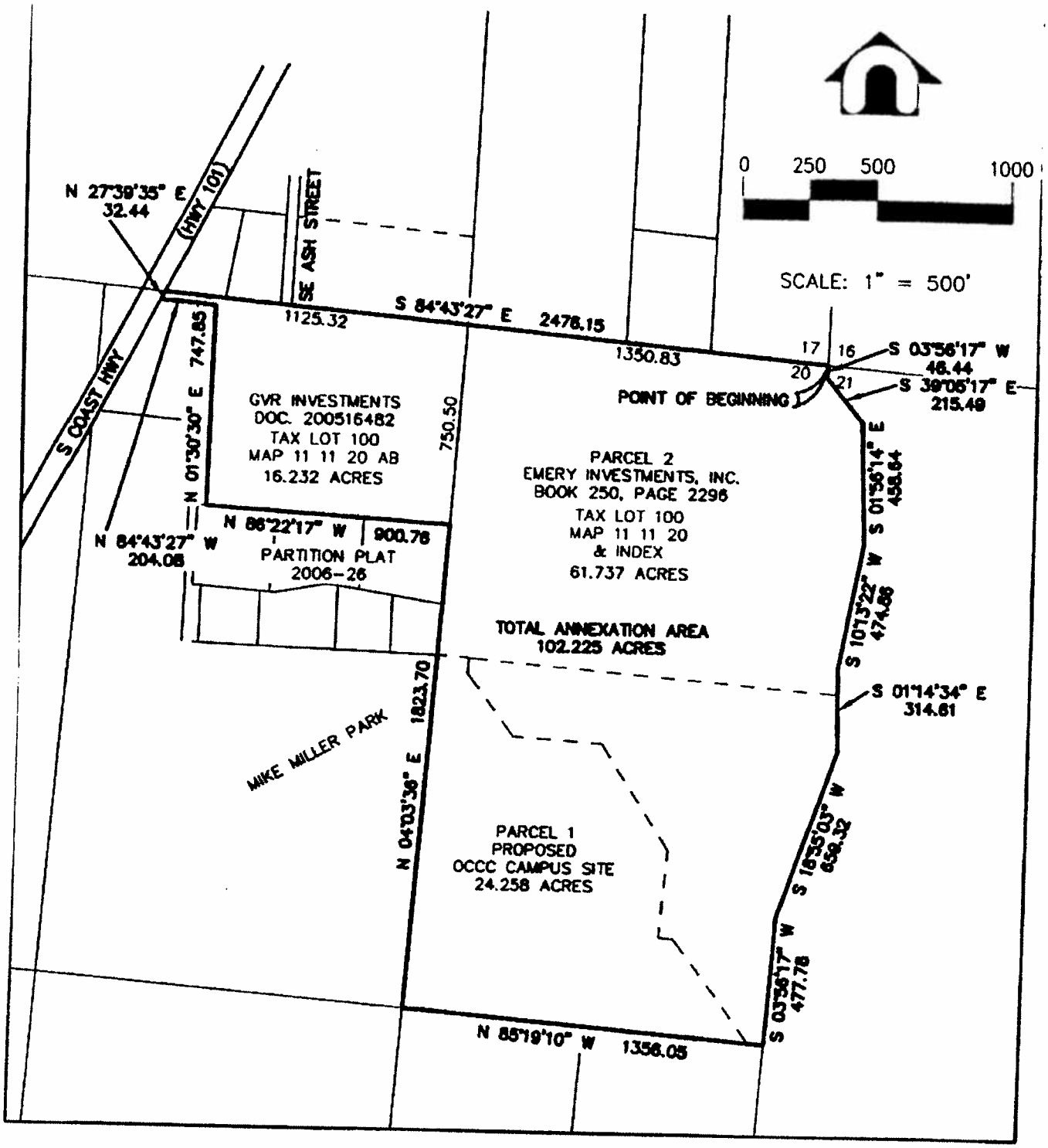
The analysis shows that an additional 40 peak hour site trips beyond the proposed South Beach Phase 1 development (for a total of 180 peak hour site trips) could be added to the 40th Street approach under 2011 conditions without causing any of the study area intersections to fail to meet the ODOT mobility 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 40th 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"


0 250 500 1000
SCALE: 1" = 500'
N 27°39'35" E
32.44
(HWY 101)
SE ASH STREET
S COAST HWY
S 84°43'27" E 2476.15
1125.32
1350.83
17 16
20 21
S 03°56'17" W
46.44
S 39°05'17" E
215.49
POINT OF BEGINNING
N 01°30'30" E 747.85
GVR INVESTMENTS
DOC. 200516482
TAX LOT 100
MAP 11 11 20 AB
16.232 ACRES
750.50
PARCEL 2
EMERY INVESTMENTS, INC.
BOOK 250, PAGE 2296
TAX LOT 100
MAP 11 11 20
& INDEX
61.737 ACRES
S 01°56'14" E
458.64
N 84°43'27" W
204.08
N 86°22'17" W 900.76
PARTITION PLAT
2006-26
S 10°13'22" W
474.86
TOTAL ANNEXATION AREA
102.225 ACRES
S 01°14'34" E
314.61
MIKE MILLER PARK
N 04°03'36" E 1823.70
PARCEL 1
PROPOSED
OCCC CAMPUS SITE
24.258 ACRES
S 18°55'03" W
659.32
S 03°56'17" W
477.78
N 85°19'10" W 1356.05

CITY OF NEWPORT

ORDINANCE NO. 1931

An Ordinance Amending Ordinance No. 1922 By Adopting New Conditions and Findings In Support of Approval of Annexation, Zone Change and Withdrawal In Planning File 1-AX-07/2-Z-07 and Declaring an Emergency

Findings

1. In Ordinance 1922, the city approved the annexation of property in the South Beach area, the withdrawal of the property from certain special districts, and the rezoning of the property from county to city zoning.

2. The Oregon Department of Transportation appealed the decision to LUBA and has argued that the decision did not comply with the Transportation Planning Rule (TPR).

3. The city withdrew its decision for reconsideration so that it could adopt a new decision that unquestionably complies with the TPR.

4. The city has consulted with ODOT and the parties, and ODOT has agreed that the additional conditions adopted in this ordinance assure compliance with the TPR.

5. On reconsideration, the city council held a duly noticed public hearing, and decided to reaffirm its original decision, but add additional conditions and findings.

Based on the above findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Section 2 of Ordinance No. 1922 is amended to read as follows:

The findings attached as Exhibit "B" are hereby adopted in support of the annexation, withdrawal, and zoning designations as adopted in Section 1. The *Supplemental Findings* attached as Exhibit 1 are adopted as findings in support of the annexation, withdrawal and zoning designations and provide the relevant findings necessary for demonstration of compliance with the Transportation Planning Rule.

Section 2. Section 3 of Ordinance No. 1922 is amended by adding additional conditions B through F to read as follows:

B. The 40th Street Improvements shall be constructed and operating, with an approach road permit from ODOT, prior to issuance of occupancy permits for the Annexation Territory.

C. City shall not issue building permits for land uses in the Annexation

Territory that would generate more than 180 peak hour trips (based on a Saturday mid-day peak hour in August), based upon the expected trip generation called for in the ITE Trip Generation Manual, 6th Edition.

D. Development of the Annexation Territory that creates impacts in excess of 180 peak hour trips (based on a Saturday mid-day peak hou in August) 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 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.

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

F. Terms used in Conditions B through E shall have the meanings used for those terms in the Settlement Agreement attached to Exhibit 1.

Section 3. Ordinance No. 1922 is amended by attaching a new Exhibit 1, Supplemental Findings, in the form of Exhibit 1 to this ordinance.

Section 4. Ordinance No. 1922 is further amending by deleting Conclusion 3.D.2 from Exhibit "B" Findings of Fact and Conclusions.

Section 5. Except as expressly modified in this ordinance, all provisions of Ordinance No. 1922 as originally adopted remain in effect.

Section 6. Immediate adoption of this ordinance is needed for the immediate preservation of the peace, health and safety of the city, accordingly an emergency is declared and this ordinance shall take effect immediately upon passage.

First Reading: 8/6/07
Second Reading: 8/6/07
Adoption: 8/6/07

Signed by the Mayor on 8/6, 2007.

William D. Bain, Mayor

ATTEST:

City Recorder

EXHIBIT 1

SUPPLEMENTAL FINDINGS
File No. 1-AX-07/2-Z-07
(Ordinance No. 1922 as Amended)

Findings

Procedural Findings

1. After Ordinance No. 1922 was adopted approving the annexation, withdrawal and zoning designation of property in File No. 1-AX-07 and 2-Z-07, the Oregon Department of Transportation (ODOT) appealed the decision to the Oregon Land Use Board of Appeals.

2. After discussions with ODOT about ODOT's concerns with the decision and what it would take to address ODOT's concerns, the city withdrew the decision for reconsideration. After the appeal was filed, representatives of the applicants, ODOT and City staff met to discuss possible resolution of the appeal issues. Discussions continued after the decision was withdrawn, and the representatives present at the meetings reached agreement regarding an acceptable solution to ODOT's concerns. A copy of agreement as agreed to be the representatives is attached and the recitals of that agreement are incorporated as findings. Final agreement by the parties consistent with the agreement of the representatives is anticipated.

3. The city held a duly noticed hearing on the decision on reconsideration on August 6, 2007.

4. After considering all evidence and arguments, the Council decided to uphold the original decision as modified with additional conditions that resolve all of ODOT's concerns.

Substantive Findings

5. The record includes a letter from Christian Snuffin dated July 20, 2007, with the subject line: "40th Street TIA/Revised Analysis" (the "Supplemental TIA"). Mr. Snuffin is a licensed professional traffic engineer. Mr. Snuffin is an experienced and knowledgeable profession and well qualified to analyze traffic impacts of development. The city accepts that the Supplemental TIA is a reliable professional analysis of traffic impacts.

6. The Supplemental TIA demonstrates that, on development of the planned improvements to the 40th Street/Highway 101 intersection, development in the annexed area resulting in up to 180 Saturday mid-day peak hour trips in August may occur without causing any transportation facility to fall below acceptable standards, including ODOT mobility standards.

7. The City will soon update its Transportation System Plan (TSP) and Capital Improvements Project (CIP) list. The City anticipates that the TSP and CIP will provide for construction and funding of Ash Street between 40th Street and Ferry Slip Road and the closure of the current intersection of Ferry Slip Road and Highway 101 by 2021.

Conclusions

8. The TPR requires governments to assure that planning decisions do not increase the impact on transportation facilities to the extent that the transportation facilities fail to meet applicable performance standards.

9. The Supplemental TIA demonstrates that applicable performance standards will be met at all relevant transportation facilities if development is limited so that the total trips generated from the annexed area do not exceed 180 peak hour trips.

10. The decision imposes conditions of approval limiting development by placing a cap on the number of trips. The conditions of approval assure that development in the annexed and rezoned area will not cause any transportation facility to fail to meet applicable standards.

11. Construction of Ash Street between 40th Street and Ferry Slip Road and closure of the Highway 101/Ferry Slip Road is reasonably likely to be provided within the planning period, in compliance with the TPR (OAR 660-012-0060(4)(b)(E)).

12. As conditioned, the decision complies with the TPR.

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 LANDWAVES, INC., an Oregon corporation	("EI") ("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 101/40th Street

intersection, the Highway 101/32nd 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 40th Street. At this time, no signal at the intersection of Highway 101 and 40th Street is warranted or authorized by ODOT for installation. The improvements to the intersection of Highway 101 and 40th 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 40th Street to Highway 101 southbound ("40th Street Improvements"). An approach road permit for 40th 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 40th 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 40th 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 1. 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 40th 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 40th 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, 6th 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. 40th STREET

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

2.2 As explained in Recital I, the 40th 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 40th Street Improvements. Accordingly, LW and GVR intend to apply for an Approach Road Permit to Highway 101 for 40th Street and the 40th 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:_____

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: 40th 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 40th Street Traffic Impact Analysis (TIA), prepared by myself and dated May 2, 2007. This additional analysis evaluates the maximum number of peak hour[1] 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 32nd and 40th 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 40th 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 40th 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

40th 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, 7th 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

[1] As discussed in the TIA, "peak hour" refers to Saturday mid-day. Use of this time period was required by ODOT.

2100 Southwest River Parkway Portland Oregon 97201 Telephone: 503.223.6663 Facsimile: 503.223.2701

intersections (consisting of US 101 at 32nd Street, Ferry Slip Road and 40th 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[2], 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^2	0	0	7	35
			Total Trips	**140**		**140**

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

[2] Revised enrollment estimates provided by Patrick O'Connor, OCCC president.

vehicle trips[3]. 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[4] 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 40th 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 40th Street the v/c ratio at the intersection of US 101 and 40th 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 40th 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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[3] Based on average trip rates contained in ITE Trip Generation, 7th Edition for Saturday mid-day.

[4] 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 40th: 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 32nd and half will be rerouted to 40th 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 40th Street will remain unsignalized. Analysis results show that in addition to the 180 peak hour site trips from Phase 1 of South Beach and GVR, an additional 160 peak hour site trips at 40th 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 101/40th 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 32nd Street would operate at an overall v/c ratio of 0.80, which is equivalent to the mobility standard. Peak hour *site* trips at 40th Street in excess of 340 would cause the v/c ratio at this intersection to exceed the mobility standard[5].

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 1 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	2011			2021		
		30th HV	Back-ground	Phase 1	Phase 1 +40 Trips (180 Total)	Back-ground	Phase 1 Total	Phase 1 +200 Trips (340 Total)
US 101 at 32nd 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 40th 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 40th 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

[5] Because of the trips rerouted from Ferry Slip Road, *total* peak hour trips at 40th is expected to be higher than 340.

of use. This translates to roughly 20-30 vehicle trips during the PM peak hour[5]. 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 signficantly 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 40th 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 40th 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

CITY OF NEWPORT

ORDINANCE NO. 1922

AN ORDINANCE PROVIDING FOR THE ANNEXATION, THE WITHDRAWAL FROM THE LINCOLN COUNTY LIBRARY DISTRICT AND NEWPORT RURAL FIRE PROTECTION DISTRICT, THE ESTABLISHMENT OF ZONING, AND MAKING FINDINGS OF FACT, FOR A CERTAIN TERRITORY AS HEREIN DESCRIBED, ALL IN THE CITY OF NEWPORT, COUNTY OF LINCOLN, STATE OF OREGON

WHEREAS, a request (Newport File No. 1-AX-07/2-Z-07) was filed by the owners of real property (Emery Investments, Inc, and GVR Investments) (Landwaves, applicant) to annex a portion of the property into the city limits and withdraw property from several districts, and to amend the Newport Zoning Map to adopt a City zone designation for the annexed property,

WHEREAS, the Planning Commission of the City of Newport, after providing the required public notification, including the notification to the Department of Land Conservation & Development, held a public hearing on May 14, 2007, for the purpose of reviewing the proposed requests and providing a recommendation to the City Council,

WHEREAS, the above said public hearing was held in accordance with the appropriate provisions of the city ordinances, and, after due deliberation and consideration of the proposed change, the Planning Commission, by a unanimous vote did recommend that the proposed requests be approved;

WHEREAS, the City Council of the City of Newport, after provision of the required public notification, held a public hearing on June 4, 2007, on the requested annexation and withdrawal, and the zoning of the property to be annexed,

WHEREAS, the City Council, after receiving testimony in regard to the proposed requests at the hearing on June 4, 2007, continued the public hearing to the June 18, 2007, City Council meeting,

WHEREAS, the Council made a determination after considering the recommendation of the Planning Commission, the staff memorandum, and the evidence and argument presented at the public hearing and in the record, that each of the requests were in compliance with the applicable criteria and voted 6-0 to approve the requested annexation, withdrawal, and zoning designations with condition(s) of approval,

NOW, THEREFORE, THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. ANNEXATION, WITHDRAWAL, AND ZONING

A. Annexation. The following described territory (illustrated in Exhibit "A") is hereby annexed to and incorporated within the City of Newport, Oregon:

A parcel of land situated in the North half of the Northwest quarter, East half of Northeast quarter of Section 20 and a portion of the West half of the Northwest quarter of Section 21 all in Township 11 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon and also being a portion of that property described in Statutory Special Warranty Deed to GVR Investments, an Oregon General Partnership in Document Number 200516482, as recorded on October 14, 2005 and along with a portion of property described in Special Warranty Deed to Emery Investments, Inc., an Oregon Corporation in Book 250, Page 2296 as recorded on September 24, 1992, Lincoln County Book of Records, Lincoln County, Oregon and being described as follows:

Beginning at the Northeast corner of Section 20, Township 11 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon said point being a found 1 1/2" iron pipe with a 3" brass cap as recorded in Survey Number 2401, Lincoln County Survey Records; thence on the East line of said Section 20 South 03°56'17" West, a distance of 46.44 feet; thence leaving the said East line South 39°05'17" East, a distance of 215.49 feet; thence South 01°56'14" East, a distance of 458.64 feet; thence South 10°13'22" West, a distance of 474.86 feet; thence South 01°14'34" East, a distance of 314.61 feet; thence South 18°55'03" West, a distance of 659.32 feet to the East line of said Section 20; thence on the said East line South 03°56'17" West, a distance of 477.78 feet to 1 1/2" iron pipe with 2" brass cap at the East quarter corner of said Section 20, as recorded in Survey Number 5392, Lincoln County Survey Records, said point also being the on South line of said Book 250, Page 2296; thence on the said South line North 85°19'10" West, a distance of 1356.05 feet to the Southwest corner of said Book 250, page 2296, said point also being on the East line of that property described in Warranty Deed to Lincoln County (Mike Miller Park) in Book 183, Page 478, of said Lincoln County Book of Records; thence on the said East line North 04°03'36" East, a distance of 1823.70 to the Northeast corner of Partition Plat 2006-26, Lincoln County Plat Records, Lincoln County, Oregon; thence on the North line of said Partition Plat 2006-26 North 86°22'17" West, a distance 900.76 feet more or less to the Southwest corner of that property described in said Document Number 200516482; thence on the West line of said Document Number 200516482 North 01°30'30" East, a distance of 747.85 feet to a point 30.00 feet Southerly and parallel with the North line of said Section 20; thence parallel with and perpendicular to the North line of said Section 20 North 84°43'27" West, a distance of 204.08 feet to the Easterly right-of-way line of U.S. Highway 101 (Oregon Coast Highway); thence on the said easterly right-of-way line North 27°39'35" East, a distance of 32.44 feet to the North line of said Section 20; thence on the said North line of Section 20 South 84°43'27" East, a distance of 2476.15 feet to the point of beginning containing 4,452,926 square feet or 102.225 acres, more or less.

The basis of bearing for this legal description is Oregon State Plane (NAD 83/98) North Zone grid bearing (Survey Number 18043 Lincoln County Survey Records).

B. Withdrawal. The property annexed to the City of Newport, as described in Section 1 (A) above, is hereby withdrawn from the Lincoln County Library District and the Newport Rural Fire Protection District, such withdrawal being deemed to be in the best interest of the City of Newport. The City of Newport also hereby elects to assume the liabilities and indebtedness, if any, against the property so withdrawn from the Lincoln County Library District and Rural Fire Protection District and further elects to assume such liability to the Lincoln County Library District in the manner

provided by ORS 222.520(2)(b).

C. Zoning. Ordinance No. 1308 (as amended) adopting the City of Newport Zoning Map is hereby amended to provide for a zone designation on the Zoning Map for the property annexed to the City of Newport by designating the subject property described in Section 1(A) above with the zone designations as illustrated in Exhibit "C".

Section 2. The findings attached as Exhibit "B" are hereby adopted in support of the annexation, withdrawal, and zoning designations as adopted in Section 1.

Section 3. As a condition of annexation, the following condition of approval is attached:

A. The portion of the GVR Investment property identified as High Density Residential by Ordinance No. 1899 (adopting the South Beach Neighborhood Plan) as illustrated in Exhibit "D" shall be designated with a City of Newport Zoning Map designation of I-3 but with the condition that the adoption of an ordinance amending the Comprehensive Plan map designation of High Density Residential to Industrial occurs within 18 months of the effective date of this ordinance. If after 18 months of the effective date of this ordinance, no such ordinance amendment has been adopted, the designation of the subject property in Exhibit "D" shall be R-4/"High Density Multi-Family Residential" consistent with the High Density Residential Comprehensive Plan map designation adopted by Ordinance No. 1899. If an appeal is filed in conjunction with ordinance amendment adoption, the 18 month period shall be extended until such time as the ordinance becomes final without further appeal.

Introduced and passed the first reading at a regular meeting of the City Council of the City of Newport, Oregon, held on the 18th day of June, 2007.

Passed to the second reading, placed on final passage, and adopted by the City Council of the City of Newport, Oregon, held on the 18th day of June, 2007.

Approved by the Mayor of the City of Newport, Oregon, this 18th day of June, 2007.

MAYOR

ATTEST:

CITY RECORDER

EXHIBIT "A"

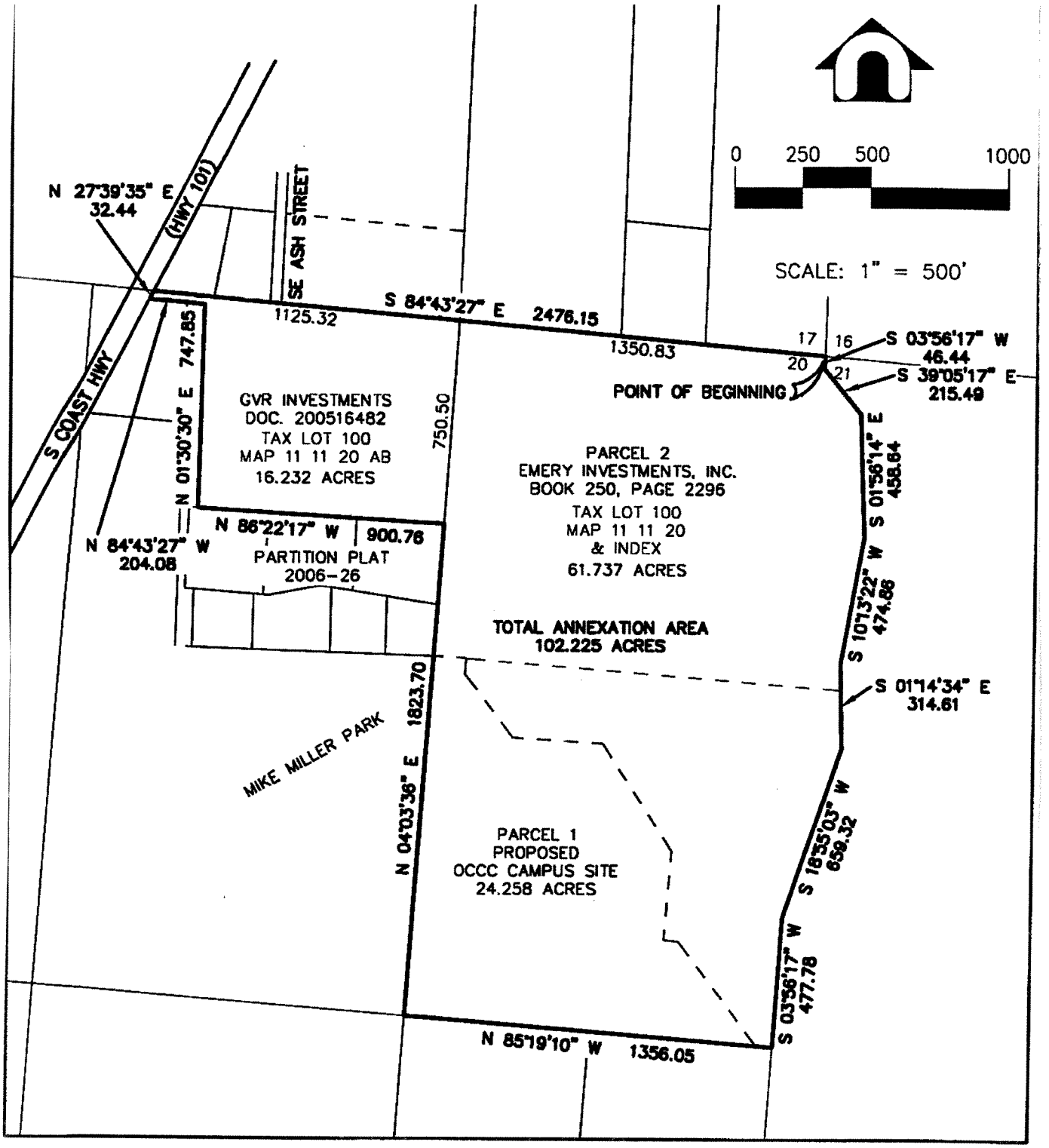

0 250 500 1000
SCALE: 1" = 500'
N 27°39'35" E
32.44
(HWY 101)
S COAST HWY
SE ASH STREET
S 84°43'27" E 2476.15
1125.32
1350.83
17
16
20
21
S 03°56'17" W
46.44
S 39°05'17" E
215.49
POINT OF BEGINNING
N 01°30'30" E 747.85
GVR INVESTMENTS
DOC. 200516482
TAX LOT 100
MAP 11 11 20 AB
16.232 ACRES
750.50
PARCEL 2
EMERY INVESTMENTS, INC.
BOOK 250, PAGE 2296
TAX LOT 100
MAP 11 11 20
& INDEX
61.737 ACRES
S 01°56'14" E
458.64
N 86°22'17" W 900.76
N 84°43'27" W
204.08
PARTITION PLAT
2006-26
S 10°13'22" W
474.86
TOTAL ANNEXATION AREA
102.225 ACRES
S 01°14'34" E
314.61
MIKE MILLER PARK
N 04°03'36" E 1823.70
PARCEL 1
PROPOSED
OCCC CAMPUS SITE
24.258 ACRES
S 18°55'03" W
658.32
S 03°56'17" W
477.78
N 85°19'10" W 1356.05

EXHIBIT "B"

File No. 1-AX-07/2-Z-07

Findings for Requested Annexation of Property, Withdrawal from the Newport Rural Fire Protection District and the Newport Library District, and Establishment of a Zoning Designations

FINDINGS OF FACT AND CONCLUSIONS

1. An application for annexation, withdrawal, and zoning of property (Newport File No. 1-AX-07/2-Z-07) was submitted on March 2, 2007, by applicant Landwaves, Inc. (John Stutesman, authorized representative) for property owned by Emery Investments, Inc., and GVR Investments. The requests were to: (1) annex approximately 96.5 (subsequently determined to be 102.225 acres upon completion of a revised legal description of the property to be annexed) including approximately 80 acres (subsequently determined to be approximately 86 acres upon completion of revised legal description of the property to be annexed) of property owned by Emery Investments, Inc. (approximately 75 acres of Tax Lot 100 of Assessor's Tax Map 11-11-20 and approximately 5 acres of Tax Lot 700 of Assessor's Tax Map 11-11-21) and approximately 16.5 acres of property owned by GVR Investments (generally described as Tax Lot 100 of Assessor's Map 11-11-20-AB) into the Newport city limits; (2) amend the City of Newport Zoning Map to establish zoning designations (zoning designations are established as part of the annexation process) for the subject property consistent with existing Newport Comprehensive Plan Map designations and those designations adopted as part of the South Beach Neighborhood Plan (as adopted by Newport Ordinance No. 1899) including Low Density Residential (implemented by a zoning designation of R-1/"Low Density Single-Family Residential" and/or R-2/"Medium Density Single-Family Residential" – both R-1 and R-2 designations requested as part of the application with approximately 24.2 acres proposed for R-1 and 5.8 acres proposed for R-2), High Density Residential (implemented by a zoning designation of R-3/"Medium Density Multi-Family Residential" and/or R-4/"High Density Multi-family Residential" – R-3 zoning requested as part of the application for approximately 15.3 acres), Commercial (implemented by a zoning designation of C-1/"Commercial Retail and Services", C-2/"Tourist Commercial" and/or C-3/"Heavy Commercial" and approximately 2.1 acres to be designated with a commercial zoning designation), Public (proposed implementation of P-1/"Public Structures" for approximately 25 acres of property to be utilized for the Oregon Coast Community College central campus site), and Industrial (I-3/"Heavy Industrial" requested as part of the application for the GVR Investment property of approximately 16.5 acres). Note: Acreage figures for zoning designations do not appear to always include land to be utilized for public right-of-way purposes. Uses permitted outright and conditionally for the subject zones are identified in Newport Zoning Ordinance (NZO) (No. 1308, as amended) Section 2-2-1.025 (Residential Uses), NZO Section 2-2-1.035 (Commercial and Industrial Uses), and NZO Section 2-2-1.045 (Public Uses); and (3) withdraw property to be annexed from the Newport Rural Fire Protection District and the Lincoln County Library District.

2. The GVR Investment property (generally described as Tax Lot 100 of Lincoln County Assessor's Map 11-11-20-AB) is currently identified with an address of 4003 South Coast Hwy (Hwy 101) and is located directly south of the Central Lincoln PUD facility and substation at 3807 SE Ash Street. The Emery Investment property (generally described as approximately 75 acres of Tax Lot 100 of Assessor's Tax Map 11-11-20 and approximately 5 acres of Tax Lot 700 of Assessor's Tax Map 11-11-21) abuts the GVR Investment property and Mike Miller Park to the east.

3. Pursuant to Policy 1, Implementation Measure 3 of the South Beach Neighborhood Plan), the applicant was required to submit a Master Development Plan (such as that provided for through the Planned Development process) in conjunction with a request for annexation and development of the subject property owned by Emery Investments. Applications for preliminary approval of a planned development plan (Newport File No.1–PD-07) and final planned development plan approval (Newport File No. 2-PD-07) for the portion of the subject property that would contain the Oregon Coast Community College central campus site were filed along with the annexation requests. The Planning Commission, after a duly noticed public hearing held on May 14, 2007, voted to approve the related preliminary approval of a planned development (File No. 1-PD-07) of Phase I of the Emery Investments, Inc., property and final planned development plan approval (File No. 2-PD-07) for a portion of Phase I of the Emery Investments, Inc., property for the proposed Oregon Coast Community College central campus site. Final Orders on File No. 1-PD-07 and File No. 2-PD-07 were adopted at the May 29, 2007, Planning Commission meeting. The Final Orders of the Planning Commission on File No. 1-PD-07 and File No. 2-PD-07 are hereby incorporated by reference into the record. Pursuant to NZO Section 2-5-4.075 (D) no buildings can be constructed within the planned development except for areas of the planned development that have received final planned development plan approval. Final planned development plan approval has only been authorized for File No. 2-PD-07, which consists of the proposed Oregon Coast Community College central campus site. Final planned development plan approval for the remaining portion of Phase I of the Emery Investment property to be annexed will need to demonstrate compliance with the applicable zoning ordinance criteria found in NZO Section 2-5-4.075, including demonstrating that the streets are adequate to serve the anticipated traffic.

4. The Planning Commission held a public hearing on the proposed annexation and rezone request on May 14, 2007. John Stutesman, Dennis Bartoldus, and Patrick O'Connor provided testimony on behalf of the applicants at the public hearing. In addition to written testimony submitted by Crandall (see Planning Staff Report Attachment "E") and Schell (see Planning Staff Report Attachment "E-1") in favor of the annexation/rezone request with a few identified considerations, additional testimony in support at the hearing came from Stephen Salisbury. The Planning Commission voted unanimously (6-0 with Commissioner Atwill absent) in support of forwarding the proposed annexation and rezone request to City Council subject to compliance with the TPR, that the GVR property be designated I-3, and effective only upon the acknowledgement of the SBNP. See attached portion of Planning Commission May 14th draft minutes (Planning Staff Report Attachment "H").

5. A Planning Staff Report (hereby incorporated by reference with attachments into the findings) was prepared for the June 4, 2007, City Council. The following facts and attachments were contained within the Planning Staff Report:

A. **Plan Designation:** For the GVR Investment property, the City Comprehensive Plan Designation is "Industrial". Ordinance No. 1899 adopting the South Beach Neighborhood Plan also identifies a portion of the property to be "High Density Residential". For the Emery Investment property, Ordinance No. 1899 adopting the South Beach Neighborhood identifies the property with a mix of Comprehensive Plan Designations including Public, Commercial, High Density Residential, and Low Density Residential.

B. **Zone Designation:** The current Lincoln County zone designation for the GVR Investments property is I-P/"Planned Industrial." The current Lincoln County zone designation for the Emery Investment property is T-C/"Timber Conservation." City of Newport zoning is established at time of annexation.

C. **Surrounding Land Uses:** The South Beach neighborhood contains a mix of public, commercial, water-dependent and water-related, industrial and residential uses. Land uses in the area near the subject property include a mix of developed and undeveloped industrial land, residential zoning that allows for single-family and multi-family uses, a trailer park, a mix of commercial uses, the Central Lincoln PUD warehousing and substation facility, and public uses such as Mike Miller Park and the Newport Waste Water Treatment facility.

D. **Topography and Vegetation:** The subject property contains a mix of level and steep sloped property. There is typical coastal brushy vegetation and wooded areas on the property. The GVR Investment site was previously developed and utilized as an industrial site. See also Planning Staff Report Attachment "D" (Topographical Map).

E. **Existing Residences/Buildings:** None.

F. **Utilities:** Currently not being served with city services.

G. **Development Constraints:** Portions of property with steep slopes.

H. **Past Land Use Actions:** File No. 1-CP-06/1-UGB-06/2-CP-06/2-Z-06 (South Beach Neighborhood Plan as adopted in December 2006 by Newport Ordinance No. 1899).

I. **Notification:** The required 45 Day Notice to the Department of Land Conservation and Development was mailed on March 28, 2007. For the Planning Commission public hearing, notification in accordance with the NZO Section 2-6-1.030 (B) requirements included mailing notice to surrounding property owners, City departments and other public agencies and utilities, and other individuals (including individuals who had submitted written comments on the South Beach Neighborhood Plan and individuals who had served on the Employment Lands and Conceptual Land Use Plan Ad Hoc Advisory Committee) on April 24, 2007. The notice of public hearing in the Newport News-Times was published on May 4, 2007. For the City Council public hearing, notification in accordance with the NZO Section 2-6-1.030 (B) requirements included mailing notice to surrounding property owners, City departments and other public agencies and utilities,

and other individuals (including individuals who had submitted written comments on the South Beach Neighborhood Plan and individuals who had served on the Employment Lands and Conceptual Land Use Plan Ad Hoc Advisory Committee) on May 15, 2007. The notice was published in the Newport News-Times on May 18, May 25, and May 30, 2007.

J. **Attachments**: The following attachments were included in the Planning Staff Report:

Attachment "A" – Applicant Request
Attachment "A-1" – Bartoldus 3/13/07 Letter
Attachment "A-2" – South Beach Village Phase I Master Plan (Applicant Exhibit C)
Attachment "A-3" – 40th Street Traffic Impact Analysis Report 5/2/07
Attachment "A-4" – 40th Street TIA Update Memo 5/10/07
Attachment "A-5" – Applicant Presentation from 5/14/07 PC Hearing
Attachment "B" – Notice of Public Hearing and Map
Attachment "C" – Newport Zoning Map
Attachment "D" – Transportation Planning Rule Requirements
Attachment "E" – Crandall 4/25/07 and 5/18/07 Letters
Attachment "E-1" – Schell 5/11/07 Letter
Attachment "E-2" – Forest Capital Partners 5/21/07 Letter
Attachment "F" – Employment Lands and Conceptual Land Use Planning Project Timeline (Through March 14, 2007)
Attachment "G" – Newport Ord. No. 1899 Exhibit "E" (Map 1)
Attachment "G-1" – Newport Ord. No. 1899 Exhibit "F" (Map 3)
Attachment "H" – Planning Commission 5/14/07 Draft Minutes

6. Pursuant to NZO Section 2-6-1.040/"Public Hearing Procedures", all actions that have the City Council as the approving authority (with the exception of withdrawals) shall first be referred to the Planning Commission for review and recommendation. The petitioners are requesting the City Council to include certain territory into the city limits of Newport and to change the zoning designation of the subject property. Consequently, a public hearing by the Planning Commission is required to make recommendations to the City Council regarding the request.

7. As part of the annexation and as provided for in Oregon Revised Statutes (ORS) 222.524, the subject property would be withdrawn from the Newport Rural Fire Protection District and the Lincoln County Library District as the City of Newport provides these services. The property is currently within the Seal Rock Water District and withdrawal from the Seal Rock Water District is not proposed at this time. Representatives of the City of Newport and Seal Rock Water District have been in discussion regarding the City of Newport becoming the water service provider in this area and it is anticipated that the discussions on this issue will reach fruition in the near future.

8. ORS 197.625 (When amendment or new regulation considered acknowledged; application prior to acknowledgement) (3)(a)-(d) specifies that post-acknowledgment plan amendments

become effective on the date specified by local ordinance or charter and that approval of land use decisions subject to an unacknowledged amendment to a comprehensive plan shall include findings of compliance with those land use goals applicable to the amendment. Newport Ordinance No. 1899 (adopting the South Beach Neighborhood Plan) and Lincoln County Ordinance No. 447 (concurring in the adoption of the UGB adjustment as part of the South Beach Neighborhood Plan) provide the required findings of compliance for the statewide land use planning goals applicable to the proposed applications with the exception of the findings of compliance related to the Transportation Planning Rule (TPR) requirements under Statewide Planning Goal 12 (Transportation) as set forth in Oregon Administrative Rule (OAR) 660-012-0060 (Plan and Land Use Regulation Amendments). See Planning Staff Report Attachment "D" for the TPR requirements. The requirements for findings of compliance with the TPR were deferred under Newport Ordinance No. 1899 as the 268 acre area added to the Urban Growth Boundary was not rezoned as part of the South Beach Neighborhood Plan but remained in the Lincoln County Timber-Conservation designation until annexation of the property. No change in use of the 268 acre area added to the UGB occurred with the adoption of Newport Ordinance No. 1899 and therefore the amendment did not significantly affect a transportation facility under the OAR 660-012-0060 definition.

9. The following written comments were submitted prior to the June 4, 2007, public hearing:

A. Allan and Kathleen Crandall by letter dated April 25, 2007, noting that they hold a way of necessity over Tax Lots 100 of Assessor's Tax Map 11-11-20 and Tax Lot 700 of Assessor's Tax Map 11-11-21 and that they support the South Beach Village and College Plan. See Planning Staff Report Attachment "E" (Crandall 4-25-07 and 5-18-07 Letters).

B. Toby Cole, Newport Fire Department, by comment dated April 26, 2007, stating that: "It is the expectation of Newport Fire Department that the requirements of the 2007 Oregon Fire Code will be met with regard to fire apparatus access roads and infrastructure for fire hydrant location and distribution, for this subdivision."

C. Greg Schaecher, Newport Public Works, a "No Comment" comment dated May 1, 2007, and Lee Ritzman, Newport Public Works, a "No Comment" comment dated May 16, 2007.

D. Steven Schell, by letter dated May 11, 2007, representing Marion and Ocie-Ellen Gardner Trust, the Caroline and Robert Bently Trust, and David Brewer, property owners within the area added to the UGB by the South Beach Neighborhood Plan in support of the annexation and requesting urban services be provided to their property. See Planning Staff Report Attachment "E-1".

E. Janet Runkle, Land Use Specialist with Forest Capitol Partners, LLC, by letter dated May 21, 2007, on behalf of Meriwether Northwest Oregon Land & Timber LCC which she asserts owns land somewhere to the east of the annexed property and requests that no development occur on the property until such time as plan can be developed and implement that gives Meriwether additional rights over the subject property in regard to forestry practices and requests the granting of asserted prescriptive easement rights over

the property. See Planning Staff Report Attachment "E-2".

F. A preliminary review (DOR 21-P18-2007) dated June 1, 2007, of the proposed annexation legal description and map by the Oregon Department of Revenue Cadastral Information Systems Unit was received finding that the proposed legal description and map met the requirements for use with an ordinance.

G. John deTar, Oregon Department of Transportation, by letter dated June 4, 2007, raising several issues regarding several of the assumptions in the May 10, 2007, Traffic Impact Analysis (TIA) Update and a concern regarding potential uses allowed in the City I-3 zoning to be applied to the GVR Investment property and the lack of what ODOT calls a "reasonable worst case" traffic generation analysis for uses allowed in the I-3 zoning. Mr. deTar indicates that if the uses identified in the I-3 zone were restricted so that these uses were not possible, then ODOT would agree that no significant effect would result.

10. A public hearing before the City Council was held on June 4, 2007. At the public hearing, staff entered a number of items into the record, including affidavits of mailing, publishing and posting notice, the complete set of annexation application file materials, the complete set of file materials for the planned development requests (File No. 1-PD-07 and File No. 2-PD-07), and complete copies of Newport Ordinance No. 1899 and Lincoln County Ordinance No. 447. Testimony in favor of the requests was presented by John Stutesman, Patrick O'Connor, Dennis Bartoldus, Sandra Ramigoux, Chris Chandler-DiTorrice, and Joshua Dodson. At the conclusion of the public hearing, in order to allow time to respond to the ODOT June 4, 2007, letter, the hearing was continued to the June 18, 2007, City Council meeting. The minutes of the June 4, 2007, Council meeting are hereby incorporated by reference.

11. At the continued public hearing on June 18, 2007, the City Council allowed for additional testimony and evidence to be submitted. Following the submission of additional testimony and evidence, the City Council closed the public hearing, deliberated, and voted to approve the requests. The minutes of the June 18, 2007, public hearing and the written material submitted at the June 18, 2007, hearing are hereby incorporated by reference into the findings.

12. The City of Newport received approval from the Oregon Department of Land Conservation and Development of Newport Ordinance No. 1899 and Lincoln County Ordinance No. 447 by letter dated June 11, 2007 (DLCD Order 001728). The South Beach Neighborhood Plan amendments, which included the adjusted Urban Growth Boundary that included the subject Emery Investment property, have been officially acknowledged.

13. The applicable criteria are as follows:

A. Annexation/Withdrawal: Newport Zoning Ordinance (NZO) Section 2-5-6.020: The required consents have been filed with the City; the territory to be annexed is within the acknowledged urban growth boundary (UGB); and the territory to be annexed is contiguous to the existing city limits. Note: There are not specific criteria for withdrawals from a district. Withdrawals are done in conjunction with the annexation

when the City becomes the service provider for the property.

B. Zone Map Amendment: Zone Map Amendments (as per NZO Section 2-5-6.030 & NZO Section 2-5-5.005): Findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare.

C. Ordinance No. 1899 (adopting the South Beach Neighborhood Plan): Section 7 (B): Findings of compliance with the Transportation Planning Rule requirements found in Oregon Administrative Rule (OAR) 660-012-0060.

CONCLUSIONS

1. In regard to the annexation criteria (*Newport Zoning Ordinance (NZO) Section 2-5-6.020: The required consents have been filed with the city; the territory to be annexed is within the acknowledged urban growth boundary (UGB); and the territory to be annexed is contiguous to the existing city limits.)*, the City Council concludes as follows:

A. The City Council concludes that the required consents have been filed. Pursuant to Oregon Revised Statutes (ORS) 222.170, petitions for annexation of a territory into the city limits must have the consent of more than 50 percent of owners of land in the territory, and such owners must also own more than 50 percent of the assessed value of all real property in the subject territory. The owners of the subject property are Emery Investments, Inc. (approximately 75 acres of Tax Lot 100 of Assessor's Tax Map 11-11-20 and approximately 5 acres of Tax Lot 700 of Assessor's Tax Map 11-11-21) and GVR Investments (approximately 16.5 acres of property owned by GVR Investments generally described as Tax Lot 100 of Assessor's Map 11-11-20-AB). The applicant has provided all signed consents and the Lincoln County Assessor's values of all properties to be annexed. See Planning Staff Report Attachment "A" (Applicant Request).

B. The City Council concludes that the territory to be annexed is within the acknowledged urban growth boundary (UGB). The GVR Investment property is currently within the Urban Growth Boundary pursuant to the Comprehensive Plan Map of the City of Newport. The Emery Investment property has been added to the Urban Growth Boundary as part of the South Beach Neighborhood Plan process with approval from the City of Newport (Ordinance No. 1899 – adopted December 4, 2006) and with approval from Lincoln County (Ordinance No. 447 – adopted April 18, 2007). The Department of Land Conservation and Development completed a review of the South Beach Neighborhood Plan approvals from the City of Newport and Lincoln County and by letter dated June 12, 2007, from DLCD (Order 001728) "acknowledged" the adjusted Urban Growth Boundary.

C. The City Council concludes that the territory to be annexed is contiguous to the existing city limits. The subject property is contiguous to the existing city limits with property within the city limits abutting the GVR Investment property on the north side. See Planning Staff Report Attachment "A" (Applicant Request), Planning Staff Report Attachment "B" (Public Notice and Map) and Planning Staff Report

Attachment "C" (Zoning Map).

D. The revised legal description and map prepared for the annexation ordinance by David Evans & Associates and submitted on May 29, 2007, on behalf of the applicant contains additional land outside of the area of annexation for which notice was provided but the City Council concludes that the adjustment is relatively minor and the annexation is still consistent with the notice submitted as the notification area was not impacted. A revised legal description was submitted June 1, 2007, by David Evans & Associates to bring the description into compliance with the state requirements for use in the ordinance was made pursuant to a preliminary review by the Cartography Department of the Oregon State Department of Revenue.

2. In regard to the Zoning map amendment criteria (*Zone Map Amendments (as per NZO Section 2-5-6.030 & NZO Section 2-5-5.005): Findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare.)*, the City Council concludes as follows:

A. The zone designations requested for the Emery Investment property (see Planning Staff Report Attachment "A-2" which illustrates the proposed zoning designations on the Emery Investment property) are consistent with the Newport Comprehensive Plan designations that would apply to the property as identified in Ordinance No. 1899 adopting the South Beach Neighborhood Plan (see Planning Staff Report Attachment "G" (Newport Ord. No. 1899 Exhibit "E" (Map 1)). The Commercial portion of the property is not identified with a specific Commercial designation, but the applicant has indicated that a C-1/"Retail and Service Commercial" designation is to be applied. The City Council will therefore apply the zoning designations for the annexed area of the Emery Investment property consistent with the Comprehensive Plan map designations as adopted by Ordinance No. 1899 consistent with the criterion that the proposed zoning is consistent with the Comprehensive Plan Map. The applicant has indicated through the Power Point presentation material that some changes to the Comprehensive Plan map and Zoning map designations may be needed and those changes can be processed as amendments at a later date.

B. The Zoning Map designation of I-3/"Heavy Industrial" is requested for the GVR Investment property consistent with the Newport Comprehensive Plan designation of Industrial for the subject property. An explanation of the zone designation request for GVR Investments was submitted by Dennis Bartolodus on behalf of GVR Investments. See Planning Staff Report Attachment "A-1". The South Beach Neighborhood Plan did amend the Comprehensive Plan Map designation of a portion of the GVR Investment property on the southeast corner of the property (approximately 1.5 acres) to include a portion of the property as High Density Residential. See Planning Staff Report Attachment "G-1" (Newport Ord. No. 1899 Exhibit "F" (Map 3)). As part of the South Beach Neighborhood Plan process, GVR Investments had requested that that portion of the property be High Density Residential. If the property is to be designated as I-3, an amendment to the Comprehensive Plan designation adopted by the South Beach Neighborhood Plan

would need to be completed. The identification of the I-3 zone designation was included in the original application materials and was a part of the public notification process. It is likely that there will be several other minor amendments to the Comprehensive Plan designations as part of the overall development of the property added to the UGB, and this could be completed as part of those amendments as well. The ordinance approving the annexation and zone designations will contain a condition of approval addressing this issue.

C. Because the Comprehensive Plan Map has designated the property with land use designations to implement the Comprehensive Plan (which establishes the limits of growth within the Urban Growth Boundary for the City of Newport to the year 2010 as amended by the South Beach Neighborhood Plan), the City Council concludes that the application of a zone designation in conformance with the Comprehensive Plan as amended by the South Beach Neighborhood Plan would further a public necessity and promote the general welfare. The South Beach Neighborhood Plan and the OCCC central campus site have both had extensive public involvement in the development process and the annexation and zoning implementation would both further a public necessity and promote the general welfare. See Planning Staff Report Attachment "F" regarding the time line and public involvement in the Employment Lands and Conceptual Land Use Planning project (resulting in the South Beach Neighborhood Plan) and the Oregon Coast Community College central campus project.

D. In regard to the Schell letter (Planning Staff Report Attachment "E-1"), the property owners whom he represents are free to pay for the extension of urban services to their property at such time as they would like the services. The Council may consider as a separate matter as part of the overall development of the area added to the UGB a provision for a local improvement district or a reimbursement district that could provide a reimbursement mechanism to Emery Investments, the City, or other property owner/entity that pays to oversize an urban level facility in order to accommodate anticipated development from other property owners who would then utilize the facility but have not yet contributed to the facility. As the Schell property owners have not yet submitted an annexation request with the required master planning, their property remains in a Timber-Conservation designation and at the present time it would be hard to know what levels of services are specifically needed for their proposed development, if any.

E. In regard to the Forest Capital Partners letter (see Planning Staff Report Attachment "E-2"), Ms. Runkle does not identify where to the "east" the property of Meriwether Northwest Oregon Land & Timber LLC is located. The current UGB leaves a substantial area of land designated with the existing Timber-Conservation (T-C) designation along the west side of King Slough. There are only two properties owners with property in a T-C designation between the UGB and King Slough (Emery Investments and King Slough Enterprises). The Meriwether property would then presumably be located somewhere to the east of King Slough, so it is unclear as to how the development of the property within the area added to the UGB would interfere or add operating costs to timber harvest on the Meriwether property (which is apparently designated T-C and for which normal forestry and logging activities are

uses permitted outright under the Lincoln County Code (**1.1375 Timber Conservation Zone T-C** In a T-C zone the following regulations shall apply: (1) **Uses Permitted Outright**: The following uses and their accessory uses are permitted outright, subject to applicable siting criteria, other applicable provisions of this section, and applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, and 1901-1.1999: (a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.). There is already residentially designated and developed property along the King Slough portion of Idaho Point. Ms. Runkle does not provide sufficient information as to how interference or increased costs would occur, or how that is an issue that needs to be addressed relevant to the applicable criterion. In regard to the prescriptive easement assertion, Ms. Runkle provides no basis for her assertion of prescriptive easements nor is the City Council the appropriate forum for resolving prescriptive easement issues.

3. In regard to the Transportation Planning Rule requirements (*Ordinance No. 1899 (adopting the South Beach Neighborhood Plan): Section 7 (B): Findings of compliance with the Transportation Planning Rule (TPR) requirements found in Oregon Administrative Rule (OAR) 660-012-0060)*, the City Council concludes as follows:

A. The required findings for the TPR need to be completed as part of the annexation/rezone request as required by Newport Ordinance No. 1899. In regard to the Transportation Planning Rule requirements, the City as part of the approval of the South Beach Neighborhood Plan in Ordinance No. 1899 has adopted a condition of approval regarding the subject Emery Investment property that was added to the Urban Growth Boundary as part of the South Beach Neighborhood Plan in Section 7 (B) of Ordinance No. 1899 that states:

> As part of any future annexation and rezone proceeding for the property added to the Urban Growth Boundary as identified in Section 3 (B) above, an additional criterion for the annexation and rezone shall be a requirement to make findings as applicable in regard to compliance with the Transportation Planning Rule requirements found in Oregon Administrative Rule (OAR) 660-012-0060.

B. The subject Emery Investment property is currently designated with a Timber Conservation designation in the County and was added to the Urban Growth Boundary as part of the South Beach Neighborhood Plan. The subject GVR Investment property was already within the Newport UGB prior to the South Beach Neighborhood Plan and is currently identified with a Planned Industrial (I-P) designation on the Lincoln County Comprehensive Plan and Zoning Map.

C. The applicant submitted as part of the application a Traffic Impact Analysis dated October 31, 2006. Both the Oregon Department of Transportation and the Department of Land Conservation and Development had previously reviewed the October 31, 2006, report as part of the South Beach Neighborhood Plan amendment process and a number of deficiencies with the 10/31/06 TIA Report were identified. A meeting was held on March 21, 2007, that included John Stutesman (Landwaves), members of David Evans and Associates, ODOT (including John deTar and Gerry Juster), and the City of Newport to review the corrections necessary to the October 31, 2006, TIA. Laren Woolley and Bob Cortright of DLCD were invited to attend the March 21, 2007, meeting but were

unable to do so. The applicant has subsequently submitted a new Traffic Impact Analysis Report dated May 2, 2007, (see Planning Staff Report Attachment "A-3") and memo dated May 10, 2007, from David Evans and Associates (DEA) (see Planning Staff Report Attachment "A-4") that is intended to address the deficiencies previously identified with the report. The 5/2/07 TIA Report was submitted to both ODOT and DLCD on May 2, 2007, and the 5/10/07 TIA Update memo was distributed on May 11, 2007. A meeting with ODOT staff, City staff, and representatives of Landwaves was held on May 31, 2007, to discuss the 40th Street transportation analysis and the need for an approach road permit.

D. The 5/2/07 TIA describes the Phase 1 analysis on page 10 to include 46 single family units, 48 high density residential dwelling units and the OCCC central campus. However, the Preliminary Phase 1 Planned Development application (File No. 1-PD-07) identifies a higher number of dwelling units proposed (between 132-216 dwelling units) for Phase 1, includes approximately 10,000-20,000 square feet of floor area for Commercial uses, and also includes the OCCC central campus. The differences between the proposed uses in the 5/2/07 TIA Phase I analysis and the proposed uses in the File No. 1-PD-07 South Beach Village Phase I in the planned development application needed to be reconciled. The 5/10/07 TIA Update DEA memo identifies on page 2 (Table 2) an alternative Phase 1 development scenario (included would be 86 single-family residences, 31 condo/townhomes, community college, and 7,000 square feet of commercial) that would allow for a portion of the annexation Phase 1 to develop under the existing 5/2/07 TIA analysis with additional development beyond the uses identified requiring further transportation analysis.

1. The applicant proposes to construct access to the subject Emery Investment property by the construction of a new street (referred to as SE 40th Street) that would connect with Highway 101 and would cross along the northerly edge of the subject GVR Investment property. No existing public right-of-way currently exists for the proposed SE 40th Street. The proposed SE 40th Street is identified in the adopted and acknowledged South Beach Neighborhood Plan but is not identified in the City of Newport Transportation System Plan (TSP). As part of the South Beach Neighborhood Plan, SE 40th Street would serve as a part of a loop road system through the area added to the UGB in the South Beach Neighborhood Plan and would connect into SE 50th Street as illustrated in the South Beach Neighborhood Plan on page 105. The proposed looped road system including SE 40th Street would be designated as either a collector or minor arterial under the current standards of the Transportation System Plan. The public right-of-way needed under either classification would be 60 feet based on the TSP street design standards in Figure 5 (page 13) of the TSP. The South Beach Neighborhood Plan identifies the proposed looped road system including SE 40th Street is identified as a recommended amendment to the Transportation System Plan for which an amendment to the TSP is required to implement the looped road system. The City is currently in the process of updating the Transportation System Plan (TSP) and implementing ordinances with a grant from the Transportation & Growth

Management Program. The update of the Transportation System Plan can include the proposed SE 40th Street and transportation improvements identified in the South Beach Neighborhood Plan and would involve additional public notice and land use hearings. Additional comments regarding the adequacy of the proposed SE 40th Street and transportation planning issues would be permitted through the Transportation System Plan update. The completion of the TSP update is expected to occur prior to the acceptance of the City of Newport of public right-of-way for the SE 40th Street. The development of SE 40th Street may begin as a private approach road as identified by the applicant.

2. A related application for a final development plan (File No. 2-PD-07) for a portion of File No. 1-PD-07 (South Beach Village Phase I) for the OCCC central campus site has been approved. The remaining development proposed for Phase I of the subject Emery Investment property will require another public hearing and notice before the Planning Commission prior to final development plan approval. Until such time, no buildings may be erected pursuant to NZO Section 2-5-4.075 (D) for an area within a planned development except for an area of the planned development for which final development plan approval has been issued.

3. Currently, only a building permit for the OCCC central campus facility for the subject Emery Investment property may be issued until such time as the rest of the subject Emery Investment property receives final development plan approval and meets the applicable criteria, which requires in part that "Access shall be designed to cause minimum interference with traffic movement on abutting streets" (NZO Section 2-5-4.075 (B)(4)) and that "The streets are adequate to serve the anticipated traffic." (NZO Section 2-5-4.075 (C)(3)). The provision of master planning such as that through the City's planned development process was included as an implementation measure (Implementation Measure 3 of Policy 1) in the South Beach Neighborhood Plan for the property added to the Urban Growth Boundary as part of Ordinance No. 1899.

C. The 5/2/07 TIA Report on page 27 concludes that: "Analysis of year 2011 conditions under build-out of Phase 1 shows that the transportation system can be made adequate to efficiently and safely accommodate the proposed development and will satisfy all City and State performance standards for traffic operations. Phase 1 development [as defined in the 5/2/07 TIA] will not have a 'significant effect' on the transportation system as defined by the state's Transportation Planning Rule."

D. John deTar, ODOT, by letter dated June 4, 2007, identified a number of issues related to the Transportation Planning Rule (OAR 660-012). A response prepared by Christian Snuffin, PE, Transportation Engineer with David Evans & Associates to Mr. deTar's concern was received on June 15, 2007, and submitted to the City Council which included discussion about ODOT's authority under OAR 734-051 (Division 51) regarding the permitting of the proposed SE 40th Street. Because the proposed SE 40th Street has not been dedicated to the public for a right-of-way, the

proposed street would be considered a private approach road and ODOT has the ability to regulate the uses that would utilize the private approach road. Given that an approach road permit for the proposed SE 40th Street improvements has not been granted by ODOT, further review of the approach road will be conducted by ODOT prior to the permitting of a connection with Highway 101 with the proposed SE 40th Street.

1. In regard to the Phase 1 improvements evaluated as part of the TIA Update of part of the Emery Investment property, Mr. Snuffin identifies the improvements necessary in his needed improvement section of his letter received on June 15, 2007. For the proposed development in Phase 1 of the TIA Update, Mr. Snuffin states that the minimum improvements required consist of:

1) A southbound left-turn lane from Highway 101 to 40th Street
2) A northbound right-turn lane from US 101 to 40th Street; and
3) A two-lane approach on 40th Street to Highway 101

As noted in Mr. Snuffin's letter, the developer is committed to providing the identified improvements (with possible financial assistance from the City's Urban Renewal Agency).

2. Mr. deTar notes in his June 4, 2007, letter regarding the GVR Investment property that most of the many of the uses in the I-3 zone within the City appear to be the same as those uses allowed within the County zoning designation. However, Mr. deTar contends that the restrictions in regard to the City provision of sewer outside the City limits creates a different type of use potential once the property is within the City limits than is possible outside the City limits when consideration of limits on development outside of the general land uses allowed by the zoning. Mr. deTar notes in his letter that: "If the uses are not possible, no significant affect would result." Mr. Snuffin in his letter received June 15, 2007, identifies the provision of OAR 734-051-0045 in his response which allows ODOT to regulate private approaches and changes of uses of an approach. Mr. Snuffin notes that "The rules and procedures outlined in OAR 734-051 (Division 51) provide a mechanism for ODOT to ensure that developers construct suitable transportation improvements even if the zoning permits the land use outright." The GVR Investment property currently has direct access to Highway 101 from a private approach. As the GVR Investment property is currently vacant, the uses for which Mr. deTar has expressed a concern in his June 4, 2007, letter would trigger the requirements for an ODOT approach road permit. As Mr. deTar has indicated that regulatory limitations on a general land use permitted in a zone is relevant to the TPR analysis in the determination of whether or not there is a significant affect under OAR 660-012-0060 and as no approach road permit has been issued for any of the proposed uses for the GVR Investment property, the City determines that there is not a significant affect from the

annexation of the GVR Investment property for the uses identified by Mr. deTar as there has not been an ODOT issued approach road permit to allow for those uses on the GVR Investment property.

OVERALL CONCLUSION

Based on the staff report and attachments, the application material, and other evidence and testimony in the record, the City Council concludes that the requested annexation, withdrawal, and zone designations comply with the criteria established for approval of each of the requests under the applicable criteria as explained in the findings. The requested annexation, withdrawal, and establishment of zone designations are hereby **APPROVED** with the following condition(s):

A. The portion of the GVR Investment property identified as High Density Residential by Ordinance No. 1899 (adopting the South Beach Neighborhood Plan) as illustrated in Exhibit "D" shall be designated with a City of Newport Zoning Map designation of I-3 but with the condition that the adoption of an ordinance amending the Comprehensive Plan map designation of High Density Residential to Industrial occurs within 18 months of the effective date of this ordinance. If after 18 months of the effective date of this ordinance, no such ordinance amendment has been adopted, the designation of the subject property in Exhibit "D" shall be R-4/"High Density Multi-Family Residential" consistent with the High Density Residential Comprehensive Plan map designation adopted by Ordinance No. 1899. If an appeal is filed in conjunction with ordinance amendment adoption, the 18 month period shall be extended until such time as the ordinance becomes final without further appeal.

EXHIBIT "C"

Zoning Map Designations applied to portion of annexed Emery Investment and GVR Investment Property

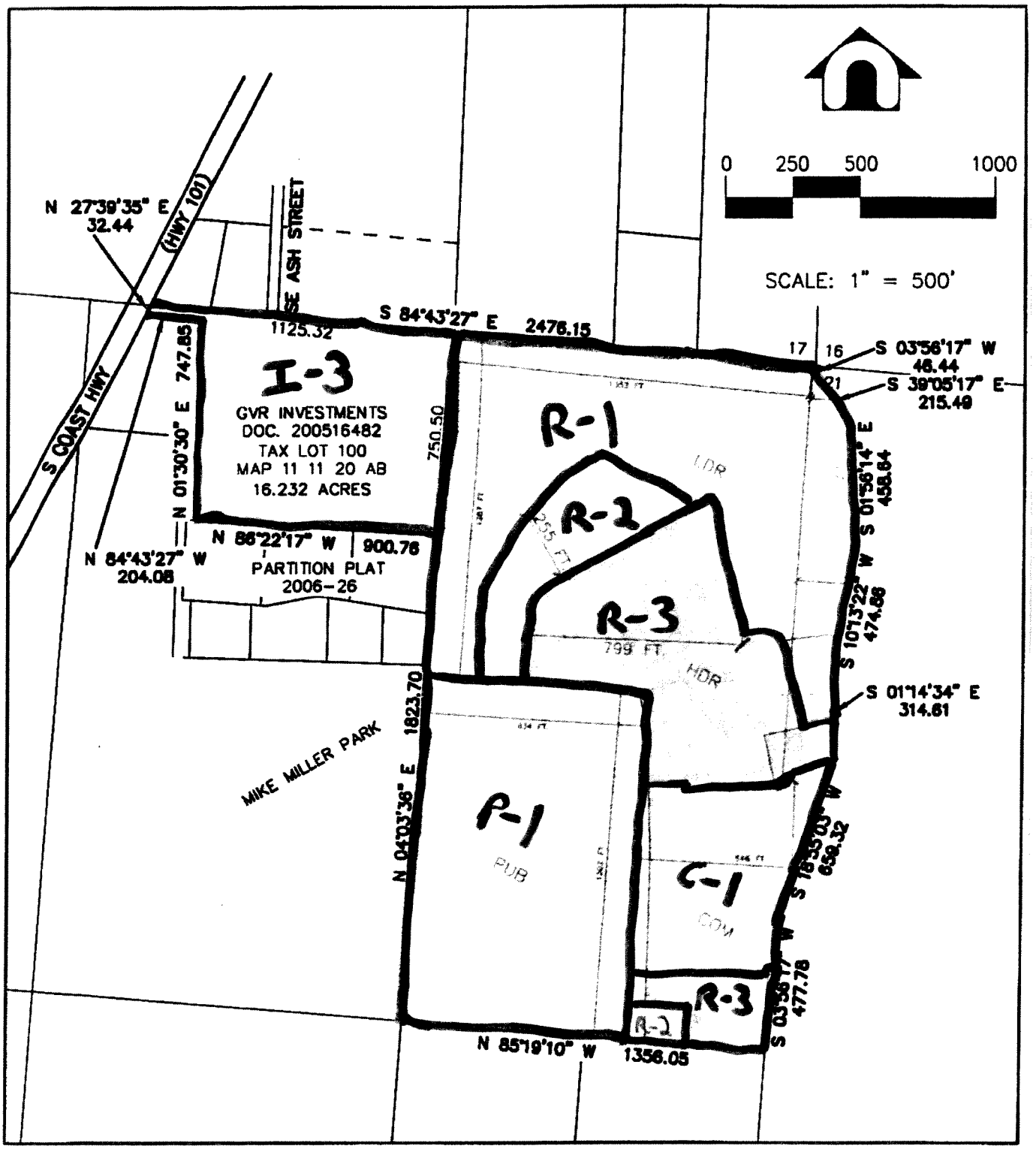
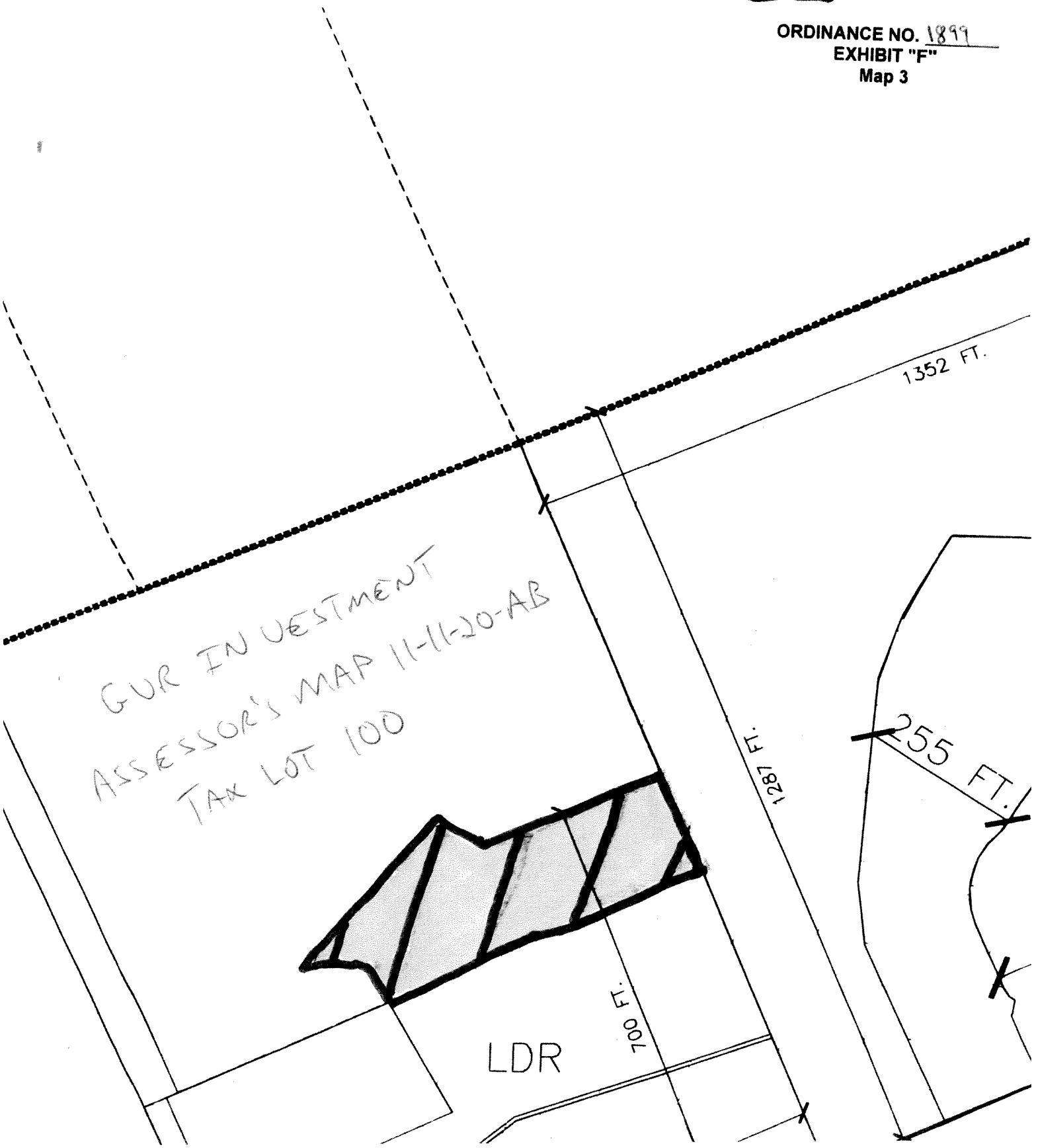


EXHIBIT "D"

PORTION OF GVR INVESTMENT PROPERTY SUBJECT TO CONDITION OF APPROVAL =

ORDINANCE NO. 1899
EXHIBIT "F"
Map 3



CITY OF NEWPORT

ORDINANCE NO. 2045

AN ORDINANCE TO REPEAL AND REPLACE THE TRANSPORTATION SYSTEM PLAN ELEMENT OF THE NEWPORT COMPREHENSIVE PLAN, AND TO AMEND RELATED PROVISIONS OF THE NEWPORT ZONING AND SUBDIVISION CODES
(Newport File No. 2-CP-11)

Summary of Findings:

1. Since 2006 the City of Newport, Lincoln County, and Oregon Department of Transportation (ODOT) have worked collaboratively to update the Transportation System Plan (TSP) element of the Newport Comprehensive Plan, Newport Zoning Ordinance, and Newport Subdivision Ordinance to put in place policies and implementation strategies for establishing a coordinated, multi-modal transportation network that meets Newport's current and future needs. The last comprehensive update to the Newport TSP occurred in 1997.

2. This collaboration led to the adoption of a local street plan for areas north of the Yaquina Bay Bridge and resulted in a comprehensive update to the City of Newport's Bike and Pedestrian Plan. Both of these plans were completed in 2008.

3. As these plans were prepared, it became evident that much of the future growth in Newport will occur in its South Beach neighborhood. The parties further recognized that capacity limits of the Yaquina Bay Bridge and ODOT's existing mobility standard for US 101 severely restrict long term growth opportunities in this portion of the City.

4. An alternate mobility standard is a tool that ODOT can use to allow more vehicle trips to be generated onto US 101 than is permissible under current state law. ODOT indicated a willingness to develop such a standard as part of a coordinated effort with the City, County and stakeholders in South Beach to identify future transportation system enhancements needed to improve the flow of traffic on the highway. This effort was undertaken considering a 20 year planning period, in accordance with Statewide Planning Goal 12 and the Transportation Planning Rule contained in Chapter 660, Division 12 of the Oregon Administrative Rules (OARs).

5. The proposal assumes that the Yaquina Bay Bridge will not be replaced within 20 years, and, further, that this constraint to traffic flow justifies establishing the alternate mobility standard. At some point; however, the bridge will need to be replaced and the City of Newport will continue to engage with ODOT to develop

10. The finalized proposal includes the repeal and replacement of the TSP element of Chapter 5 of the Newport Comprehensive Plan (Ordinance No. 1621 (as amended)) with a new plan that sets out policies in support of an alternate mobility standard for US 101 to allow higher levels of congestion on the highway. In turn, this will provide increased opportunities for economic development and reduce the costs of transportation system improvements associated with development. New policies and related revisions include:

a. Direction to establish a trip budget program for lands within the Newport Urban Growth Boundary (UGB) located between the Yaquina Bay Bridge and SE 62nd street to more effectively track where growth is occurring to ensure that it is progressing in line with projections and to allow for adjustments if it is not.

b. Updates to Functional Classification Maps that illustrate the City's existing and future transportation system.

c. Identification of enhancements that should be made to the transportation system in South Beach to improve traffic flow along US 101. This includes likely funding sources, and constitutes the maximum level of improvement that can be made short of replacing or expanding the Yaquina Bay Bridge.

d. Support for the establishment of traffic impact analysis standards that apply to new development anywhere in the City so that decision makers will have information they need to fully understand the impacts and effectiveness of proposed mitigation on the transportation system.

e. Street frontage improvement requirements for new development to the extent that such requirements are proportional to the impact of the project.

f. Adoption by reference of transportation refinement plans that have been completed since the TSP was last amended, including the South Beach Peninsula Transportation Refinement Plan (2010), the Agate Beach Wayside Improvements Concept Plan (2011), and the Coho/Brant Infrastructure Refinement Plan (2012).

g. Updates to project tables to reflect 2012 cost estimates, align priorities with current policy direction and likely funding sources, and to eliminate completed or redundant projects.

h. A commitment from the City of Newport to find long term solutions that sufficiently address the existing capacity and structural limitations of the Yaquina Bay Bridge, particularly in light of the Oregon Department of Transportation's decision to place the bridge on the "Weight-Restricted Bridges on Major State Routes" list.

11. The proposed new Chapter 14.43 to the Zoning Ordinance element of the Newport Municipal Code (Ordinance No. 1308 (as amended)) describes the mechanics of how the trip budget program will work. It creates a zoning overlay district for lands inside the Newport UGB between the Yaquina Bay Bridge and SE 62nd Street. The overlay is divided 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. City will be responsible for deducting trips from the budget as new development occurs. The new code anticipates variations in growth and holds back 10% of the trips across all TAZs as a reserve that can be allocated where needed. Further, the code requires that a comprehensive review be performed by the City and State in 10 years or upon allocation of 65% of the trips in any TAZ. A developer may also mitigate a project's impact on the transportation system or enhance the system such that additional vehicle trips would be permitted.

12. The proposed new Chapter 14.44 to the Zoning Ordinance element of the Newport Municipal Code (Ordinance No. 1308 (as amended)) authorizes the City to require frontage improvements for new development or redevelopment that require a building permit and places demands on transportation facilities or city utilities. It includes standards for determining the types of needed improvements, authorizes the City to charge a fee in lieu of requiring the installation of frontage improvements in certain circumstances, identifies processes by which public right-of-way can be created, and sets out requirements for creating access easements. The provisions of this chapter would apply citywide.

13. The proposed new Chapter 14.45 to the Zoning Ordinance element of the Newport Municipal Code (Ordinance No. 1308 (as amended)) requires that developers conduct traffic impact analysis for projects that significantly impact the transportation system. It identifies how the analysis is to be performed and the process the City is to use to evaluate requests. Further, this new chapter sets out criteria for evaluating the analysis to ensure that transportation facilities are adequate to handle the additional traffic; requires that improvements be made by a developer proportional to the project's impacts if the transportation system is not adequate; and provides developers the option of paying a fee in lieu of constructing needed transportation system improvements, in certain circumstances. The provisions of this chapter would apply citywide.

14. Targeted revisions are proposed to the Subdivision Ordinance element of the Newport Municipal Code (Ordinance No. 1990 (as amended)). They include clarifications for when public improvements are required in association with a subdivision plat and how the improvements can be guaranteed; an allowance for payment in lieu of constructing a required improvement as outlined in the new Chapter 45; and a requirement that traffic impact analysis be conducted and trips allocated to new subdivision lots consistent with the provisions of new Chapters 43 and 45.

15. When considered as a whole, analysis performed by Parametrix demonstrates that the City of Newport can anticipate significant increases in vehicle traffic and other transportation modes over the next 20 years. The resulting recommendations identify a range of transportation system improvements that can reasonably be made to accommodate this demand and facilitate traffic flow along US 101 and US 20 to the extent possible recognizing the bridge's capacity limitations.

16. The proposed amendments to the zoning and subdivision ordinances are a public necessity which furthers the general welfare of the citizens of Newport. The proposed measures establish a method for the City to more accurately assess where growth is occurring and how it is impacting the transportation system. The revisions ensure that new development offsets impacts to the transportation system in an equitable manner and put in place a trip budget program that quantifies available capacity on US 101, while providing persons interested in developing in South Beach with a clear, predictable path for doing so. This promotes economic development and increases opportunities for commercial and industrial uses to locate in South Beach. In turn, this may decrease local users' reliance on the bridge for needed services and employment over the long term.

17. Detailed findings have been prepared showing how the proposed amendments satisfy procedural and substantive requirements for amendments to the City's Transportation System Plan and related implementing ordinances, as well as applicable Statewide Planning Goals and the Transportation Planning Rule. The findings are contained in a document titled "*Newport South Beach Findings to Support Comprehensive Plan and Code Amendments*," prepared by Angelo Planning Group on August 24, 2012 and adopted herein to supplement these findings.

18. In August of 2007, a settlement agreement was signed by the State of Oregon, City of Newport, Emery Investments, Inc., Landwaves, Inc., GVR Investments, and the Oregon Coast Community College District (Settlement Agreement). The Settlement Agreement authorized a specific number of vehicle trips to be generated onto US 101 at SE 40th Street from South Beach properties annexed with Ordinance No. 1922. In performance of its obligations under the Settlement Agreement, the City will reserve trips out of the TAZ trip budget for this area for the exclusive use of these properties. Since the Settlement Agreement does not have an explicit expiration date, it is appropriate that the trips be reserved for a period of ten years from the date that final plats for the properties were recorded, or preliminary plat approval in the case where no final plat has been recorded. This approach is consistent with limitations contained in ORS 92.040 regarding vesting of prior land use regulations with land division approvals. Any unused trips would be returned to the TAZ trip budget once the ten year period has lapsed.

19. On August 27, 2012, the Newport Planning Commission held a public hearing on the proposed amendments and voted to recommend adoption of the amendments.

20. On July 9, 2012, the Department of Land Conservation & Development (DLCD) was properly provided notice of the proposed legislative amendments. 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.

21. The City Council held a work session on September 17, 2012 and public hearing on October 15, 2012, regarding the question of the proposed amendments. The Council voted in favor of its adoption after considering the recommendation of the Planning Commission and all evidence and argument in the record.

22. In adopting these amendments, the Council recognizes that successful implementation of the trip budget program set forth in the proposed Chapter 14.43 requires close coordination with Lincoln County and the Oregon Department of Transportation. Both organizations will need to adopt rule changes. For Lincoln County, this involves amendments to its land use plans and regulations to put in place the trip budget for unincorporated areas that fall within the boundaries of the South Beach Transportation Overlay Zone and to authorize the City to track consumption of trips associated with new development on these lands. With regards to ODOT, the Oregon Transportation Commission must amend the Oregon Highway Plan to put in place the alternate mobility standard for US 101 that provides the additional trip capacity built into the trip budget program. The City cannot reasonably implement a trip budget until these organizations have acted.

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

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The above findings, those contained in the document titled "*Newport South Beach Findings to Support Comprehensive Plan and Code Amendments*," prepared by Angelo Planning Group on August 24, 2012, as set forth in Exhibit A, and technical memorandums prepared by Parametrix, listed as Exhibits B1 through B5, attached and incorporated herein, are hereby adopted as support for this Ordinance and the Council's following amendments.

Section 2. The Transportation System Plan Element (§5; pps 152a - 152ab) of Chapter 5 "Public Facilities" of the City's Comprehensive Plan, Ordinance No. 1621 (as amended) is hereby repealed and replaced with the text entitled "Newport

Transportation System Plan", as set forth in Exhibit C, attached and incorporated herein by this reference.

Section 3. Title XIV, Chapters 14.43, "Procedural Requirements," through 14.51, "Fees" of the Zoning Ordinance element of the Newport Municipal Code (Ordinance No. 1308 (as amended)) are hereby renumbered as Chapters14.46 through 14.54, respectively.

Section 4. Title XIV, the Zoning Ordinance element of the Newport Municipal Code (Ordinance No. 1308 (as amended)), is hereby amended to include a new Chapter 14.43 entitled "South Beach Transportation Overlay Zone (SBTOZ)" as set forth in Exhibit D. The overlay zone is as described on the map and legal description prepared by John Thatcher, PLS, dated October 30, 2012, attached and incorporated herein as Exhibit E.

Section 5. Title XIV, the Zoning Ordinance element of the Newport Municipal Code (Ordinance No. 1308 (as amended)), is hereby amended to include a new Chapter 14.44 entitled "Transportation Standards", as set forth in Exhibit F, attached and incorporated herein by this reference.

Section 6. Title XIV, the Zoning Ordinance element of the Newport Municipal Code (Ordinance No. 1308 (as amended)), is hereby amended to include a new Chapter 14.45 entitled "Traffic Impact Analysis," as set forth in Exhibit G, attached and incorporated herein by this reference.

Section 7. The introductory language of Subsection 13.05.040(A) and Subsection 13.05.040(A)(5), of Title XIII, Land Division, the Subdivision Ordinance element of the Newport Municipal Code (Ordinance No. 1990 (as amended)), are hereby amended as follows:

> "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 interested 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)."

Subsections 13.05.040(A)(1) - (4) remain unamended and in full force and effect.

Section 8. Subsection 13.05.070(A) of Title XIII, Land Division, the Subdivision Ordinance element of the Newport Municipal Code (Ordinance No. 1990 (as amended)), is hereby amended, to insert new Subsections A(13) and (14), and to renumber existing Subsection A(13) as A(15), as follows:

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

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

15. Other materials that the applicant believes relevant or that may be required by the city."

All other subsections of 13.05.070(A) and Subsections (B) - (E) of that section remain unamended and in full force and effect.

Section 9. Subsection 13.05.090(B) of Title XIII, Land Division, the Subdivision Ordinance element of the Newport Municipal Code (Ordinance No. 1990 (as amended)) is hereby amended as follows:

"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."

Section 10. City shall reserve trips out of the TAZ budget for properties annexed with Ordinance No. 1922, per the Settlement Agreement, as follows: For properties owned by Emery Investments, Inc. and/or Landwaves, Inc. 130 weekday PM peak hour trips, plus an additional 127 trips at such time as Ash Street is improved between Ferry Slip Road and SE 40th Street. With respect to properties owned by GVR Investments, 47 trips will be reserved, plus an additional 43 trips once Ash Street is improved. The City will reserve 20 trips for the Oregon Coast Community College property, once the Ash Street improvements are constructed. These trips will be reserved for a period of ten years from the date that final plats for the properties were recorded, or preliminary plat approval in the case where no final plat has been recorded. Any unused trips will accrue back to the TAZ trip budget once this ten year period has lapsed.

Section 11. Section 4, adopting Chapter 14.43, of this ordinance shall take effect at such time as both Lincoln County adopts corresponding implementation measures for unincorporated lands with the boundary of the zoning overlay and the Oregon Transportation Commission amends the Oregon Highway Plan to put in place the alternate mobility standard for US 101.

Section 12. Except as provided in Section 11, this ordinance shall take effect 30 days after passage.

Date adopted and read by title only: November 5, 2012

Signed by the Mayor on November 6, 2012.

Mark McConnell, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

OREGON TRANSPORTATION COMMISSION
AGENDA
December 18, 2013
Portland, Oregon

FORMAL MONTHLY MEETING
ODOT Region 1 Office
123 NW Flanders
Public Conference Room A-B
Portland, OR 97209
(503) 731-8256, Fax (503) 731-8259

Wednesday, December 18

8:30 AM Oregon Transportation Commission and Staff to meet in the lobby of Region 1 Headquarters.

8:45 AM Oregon Transportation Commission and Staff to board bus and view local. **(2.5 hours)**

11:15 AM Lunch, agenda review and briefing session with ODOT staff in *Conference Room 344 (third floor)*.

Note: The Commission may choose to take agenda items out of order, pull, defer or shorten presentation time of agenda item(s) to accommodate unscheduled business needs. Anyone wishing to be present for a particular item should arrive when the meeting begins to avoid missing an item of interest.

Website address to view agendas/minutes on the Internet: *http://www.oregon.gov/ODOT/COMM/otc_main.shtml*

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Jacque Carlisle, Commission Assistant, at (503) 986-3450.

12:45 PM A) Director's Report. Informational. ***(15 min., Matthew Garrett)***

1:00 PM B) Public Comments. ***(Up to 15 min.)***
(Public testimony is valued by the Commission, and those who wish to testify are encouraged to sign up on the public comment sheet provided at the meeting handout table. Note: This part of the agenda is for comments on topics not scheduled elsewhere on agenda. General guidelines: provide written summaries when possible and limit comments to 3 minutes. If you bring written summaries or other materials to the meeting, please provide the Commission Assistant with 10 copies prior to your testimony.)

1:15 PM C) Request approval of projects in scenario B recommended for inclusion into the 2015-2018 Statewide Transportation Improvement Program (STIP). The list represents those projects that would be funded using $42 million of discretionary funding allocated by the Oregon Transportation Commission (OTC). The approval into the STIP then provides for a public review of all projects being proposed, with OTC approval of STIP sometime in 2014. Action. ***(30 min., Highway Division Administrator Paul Mather and Transportation Development Division Administrator Jerri Bohard)***

OREGON TRANSPORTATION COMMISSION
AGENDA
December 18, 2013
Portland, Oregon

Wednesday, December 18, (continued)

1:45 AM	D)	Request approval to adopt the rule changes associated with the *Connect*Oregon program. The rule changes are proposed amendments to OAR 731-035-0010, 731-035-0020, 731-035-0050, 731-035-0060 and 731-035-0080. Action. ***(15 min., Transportation Development Division Administrator Jerri Bohard and ODOT Freight Program Manager Chris Cummings)***
2:00 PM	E)	Receive an informational presentation about the partnership between the Oregon Health Authority, Public Health Division and the Oregon Department of Transportation including a Memorandum of Agreement. Informational. ***(40 min., Transportation Development Division Administrator Jerri Bohard; Sustainability Manager Margi Bradway; Office of State Public Health Director Michael Tynan)***
2:40 PM	F)	Receive an informational report about selected system operations and Intelligent Transportation Systems (ITS) initiatives in Oregon. Informational. ***(40 min., Highway Division Administrator Paul Mather and ITS Manager Galen McGill)***
3:20 PM	G)	Request concurrence with evaluation panel's recommendation, and director's acceptance of the recommendation to not move forward the unsolicited proposal of RPS Development Company, Inc. (RPS), for the Interstate 5 Kuebler Interchange and to reject the proposal. Action. ***(30min., ODOT Director Matthew Garrett)***
3:50 PM	H)	Request direction to address revenue shortfall to fund Oregon Travel Information Council management and operation of Rest Areas. Action. ***(15min., ODOT Director Matthew Garrett)***
4:05 PM	I)	Consider approving items on the Consent Calendar. Action. ***(5 min., Matthew Garrett, Director)***
4:10 PM	J)	ADJOURN

CONSENT CALENDAR

1. Approve the minutes of the November 20, 2013, Commission meeting in Salem.

2. Confirm the next two Commission meeting dates:
   - Thursday, January 17, 2014, meeting in Salem
   - Thursday, February 20, 2014, meeting in Salem

3. Request approval to adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.

Wednesday, December 18, (continued)

4. Request approval of the following Oregon Administrative Rules:
    a) Amendment of 731-147-0010, 731-147-0040, 731-149-0010 relating to procurement updates; implementing HB 2212.
    b) Temporary adoption of 734-051-8010, 734-051-8015, 734-051-8020, 734-051-8025, 734-051-8030 related to Access Management; implementing SB 408.
    c) Adoption of 735-010-0250, 735-0018-0130 and the amendment of 735-080-0010 relating to ODVA notification; implementing HB 2421.
    d) Amendment of 735-062-0007 and 735-062-0010 relating to driver license and ID card expiration under specific circumstances; implementing HB 2517.
    e) Amendment of 735-062-0385 relating to drive test for person with limited vision condition; implementing SB 288.
    f) Amendment of 735-064-0070 and 735-070-0082 relating to medical exemption from use of ignition interlock device; implementing HB 2116.
    g) Amendment of 735-070-0185 and 735-070-0190 relating to drug and alcohol testing of bus drivers; implementing SB 193.
    h) Amendment of 735-072-0035 relating to the update of DMV conviction tables; implementing SB 444.
    i) Amendment of 735-150-00445 relating to vehicle dealers and dismantlers; implementing HB 2263.
    j) Amendment of 740-200-0010 relating to MCTD's annual readoption of IRP, IFTA, HVUT regulations.
    k) Amendment of 741-040-0040 relating to rail infrastructure notification; implementing SB 810.

5. Receive the final annual report on the effects of implementing driver license and identification card issuance standards as required by the Oregon Legislature in 2008.

6. Request endorsement of statewide consensus priorities for reauthorization of Moving Ahead for Progress in the 21st Century (MAP-21).

7. Request approval of the following summary of financial charges incurred by the Oregon Department of Transportation director for the fiscal year ended June 30, 2013.

8. Request approval to adopt the Alternative Mobility Targets for the Oregon Highway Plan (OHP) on the Oregon Coast Highway (U.S. 101, State Highway 9) in the South Beach portion of Newport, Oregon, at intersections with SE 32nd Street (milepoint (mp) 142.22), SE 35th Street (mp 142.33 (approx)), SE 40th Street (142.61), and South Beach State Park/realigned SE 50th Street (mp 143.35).

9. Request approval to amend the 2012-2015 Statewide Transportation Improvement Program (STIP) to add the U.S. 20 at Suttle Lake Drainage project in Region 2. Project funding will come from savings realized in Region 2 Operations funds. The total estimated cost of this project is $750,000.

Wednesday, December 18, (continued)

10. Request approval to amend the 2012-2015 Statewide Transportation Improvement Program (STIP) to cancel project, Oregon 42 Expressway Upgrade. The money will be used to fully fund two existing projects in the STIP. The projects were identified by the Oregon Department of Transportation (ODOT) and Douglas County as being mutually beneficial to the state and local transportation systems. These include: KN17918 Oregon 42: Grant Smith Road to Interstate 5 Ramp Extension and KN17121 Hwy 99: Interstate 5 Exit 120 to Happy Valley Road.

Oregon
John A. Kitzhaber, MD, Governor

Department of Transportation
Office of the Director, MS 11
355 Capitol St NE
Salem, OR 97301-3871

DATE: December 5, 2013

TO: Oregon Transportation Commission

FROM: Matthew L. Garrett
Director

SUBJECT: **Consent 8** – Amendment to the Oregon Highway Plan that establishes alternative mobility targets on the Oregon Coast Highway (U.S. 101) in the South Beach portion of Newport.

Requested Action:
Request approval to adopt the Alternative Mobility Targets for the Oregon Highway Plan (OHP) on the Oregon Coast Highway (U.S. 101, State Highway 9) in the South Beach portion of Newport, Oregon, at intersections with SE 32nd Street (milepoint (mp) 142.22), SE 35th Street (mp 142.33 (approx)), SE 40th Street (142.61), and South Beach State Park/realigned SE 50th Street (mp 143.35).

Background:
A recent update of Newport's transportation system plan (TSP) involved Oregon Highway Plan (OHP) mobility targets. Analysis for the TSP update involved creating 10 transportation analysis zones (TAZ) where new development is anticipated. Each zone includes multiple properties. The TSP project evaluated the development impact at the TAZ level, but did not consider property-by-property access. The analysis revealed that planned future development in South Beach (and increased through traffic) could result in as much as three times more peak-hour traffic in 2030. The OHP mobility targets would not be achievable on U.S. 101, a statewide highway, because it has one travel lane in each direction across the Yaquina Bay Bridge and through South Beach. Incremental capacity improvements to the highway and the rest of the transportation system in South Beach are called for in the TSP update. More bridge capacity also is needed to address the congestion, but the existing 1936 bridge, constructed by Conde McCullough, is too narrow for additional travel lanes. The financial cost associated with constructing more bridge capacity is so great that it cannot be expected by 2030. This system limitation makes the OHP mobility targets unrealistic. Alternative targets are needed in order to avoid curtailing planned community development in South Beach.

The transportation system planning process allowed the community and ODOT to develop a package of actions in response to this future condition. Newport and Lincoln County have adopted a Trip Budget program that will manage and monitor development in South Beach for both jurisdictions. Both jurisdictions' TSPs have been amended to include an expanded street network to provide for local travel. An urban renewal plan provides funding for transportation. Changes to the highway also are part of the TSP, including improvements for pedestrians and bicyclists, additional traffic signals (when signal warrants are met), turn lanes, additional travel lanes, and improvements for transit and

emergency vehicles. However, without more bridge capacity, alternative OHP mobility targets are needed.

The alternative targets differ from the OHP targets in three ways. First, the OHP uses the 30th highest traffic volume hour for its targets. This time period occurs in Newport during the summer months when traffic volumes are substantially elevated by tourist travel. Traffic volumes during this period are as much as 126 percent of the average daily traffic in Newport. The proposed targets rely upon the Annual Average Weekday PM Peak Hour (AAV) — traffic volumes more akin to May or September conditions. Second, the volume/capacity ratios used in the OHP targets are increased (see table below). Lastly, the OHP applies volume-to-capacity (v/c) ratios at signalized and unsignalized highway intersections. Adoption of the alternative mobility targets would apply at signalized intersections, but no targets would be applied at unsignalized intersections. Traffic volumes in 2030 are projected to be so high that signals will control the flow of traffic; measuring mobility at unsignalized intersections will be unnecessary.

Public involvement for the project included advertised open houses, mailed newsletters, and an electronic website accessible from the city of Newport's website and ODOT's website. Informational briefings were provided at city and county planning commission meetings during the project. Each jurisdiction completed the public hearings needed to adopt the new city and county provisions. Adoption of alternative mobility targets, however, is an amendment to the OHP that calls for action by the Oregon Transportation Commission.

Adoption of alternative mobility targets will initially apply only at the SE 32nd Street intersection because it is the only intersection with a traffic signal. Alternative targets would be applied when other traffic signals are installed (after warrants are met). The alternative target locations are listed in the table below and shown on the attached map.

Current OHP and Proposed Alternative Mobility Targets,
U.S. 101 South Beach Newport

Location	Current OHP Target	Alternative Mobility Target[1]
SE 32nd Street/Anchor Way[2]	0.90	0.99
South 35th Street[3]	0.90	0.99
SE 40th Street[3]	0.80	0.99
SE 50th Street/South Beach State Park Entrance[3]	0.80	0.85

1. The alternative mobility target measures the Annual Average Weekday PM Peak Hour.
2. Traffic signal exists; target is applicable when adopted by the OTC. Target does not apply when signal is relocated to South 35th Street.
3. Target becomes operational when a traffic signal is installed.

Attachments:

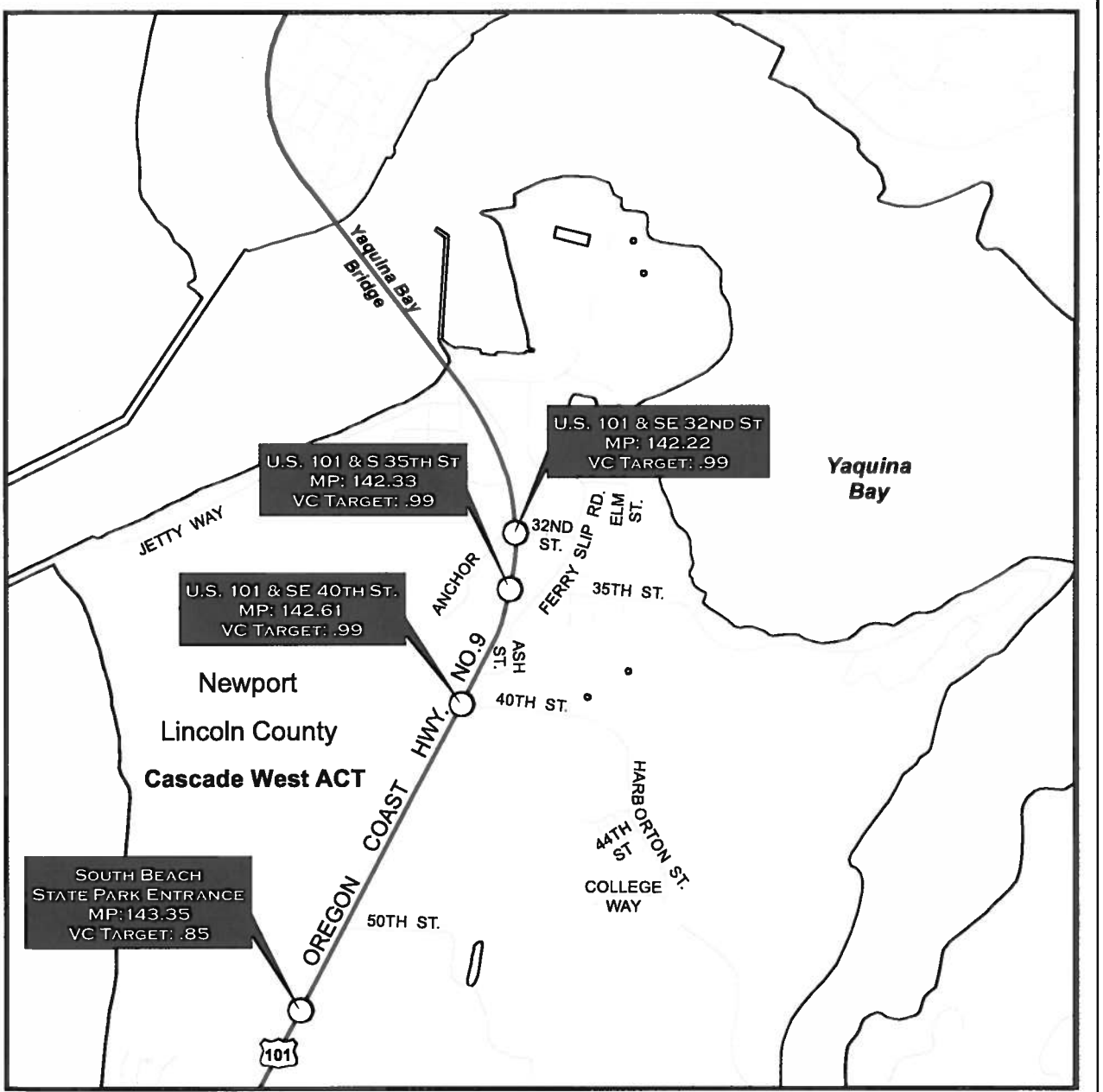
- Alternative Mobility Target map
- Findings of Fact and Conclusions
- U.S.-101 South Beach Alternative Mobility Report

Copies (w/attachments) to:

Jerri Bohard	Dale Hormann	Patrick Cooney	Clyde Saiki
Paul Mather	Sonny Chickering	Erik Havig	Lisa Nell
John deTar			

ALTERNATIVE MOBILITY TARGET LOCATIONS

ODOT REGION 2



ALTERNATIVE MOBILITY TARGETS
VOLUME TO CAPACITY RATIOS

LEGEND

○ ALTERNATIVE MOBILITY TARGET LOCATION

"This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information."

0 0.25 Miles

PRODUCED BY ODOT - GIS UNIT
(503) 986-3154 - AUGUST 2013
GIS No. 23-52

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Agenda Item # X.I.
Meeting Date 12/16/13

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Special Event Fee Waiver Request – 2014 Seafood and Wine Festival – Greater Newport Chamber of Commerce

Prepared By: C. Breves Dept Head Approval: ph City Mgr Approval: _____

Issue Before the Council: The issue before Council is whether to approve a special event permit fee waiver request for the Greater Newport Chamber of Commerce for the 2014 Seafood and Wine Festival to be held on February 20, 21, 22, 23, 2014.

Staff Recommendation: This is a City Council decision based on the criteria for special event fee waivers. Those criteria are:

1. Whether the event is a benefit to the community.
2. Whether the event creates positive publicity for the city.
3. The city's cost of providing services for/to the event.
4. Whether there are revenues that can be used to offset the impact of a fee waiver on the general fund.
5. Whether the event promotes education, public health, or public safety.
6. Whether the event is operated by a non-profit organization.
7. Whether the event has in the past, or is likely in the future, to take action that, if taken by a governmental entity, would be unconstitutional.

Proposed Motion: I move to approve the special event permit request for the Greater Newport Chamber of Commerce for its 37th annual Seafood and Wine Festival to occur on February 20, 21, 22, 23, 2014, as the event complies with special event permit criteria and guidelines, and to transfer $4,200 from the Transient Room Tax Fund to the General Fund representing a contribution by the city of 35% of the estimated total city costs, the balance of which will be invoiced to the Chamber. A condition of approval is that the Community Development Department authorizes the temporary structure permit, and the temporary signage request, and that signs not be placed to create a hazard to pedestrian or vehicular traffic such as obstructing sight distance or other views. A further condition is that where public or emergency access could be blocked or impeded, event organizers are required to consult with the Fire and Police Departments prior to the event.

Key Facts and Information Summary: The Seafood and Wine Festival is an annual event in its 37th year. Its current location is on Port of Newport property next to the Rogue Brewery. The Festival will feature many vendors offering food, arts and crafts, wine and beer, and will occur during the low season. It has historically brought in many tourists for the weekend filling many lodging establishments, and it is projected to attract 15,000 – 20,000 spectators.

The Chamber has submitted the following documentation in support of the request:

1. Application for special event fee waiver.
2. Temporary structure permit application.
3. Letter of permission from the Port of Newport to use its property.
4. Site listing for signage.
5. Site location map that includes parking locations.
6. 2014 Master Control Plan with security information.
7. Certificate of insurance naming the city as an additional insured.

The city services requested include police, fire, and septic dumping. The city has reduced fees for these services in the past, and the Chamber is requesting the same consideration for the 2014 event. A copy of the Chamber's request was sent to all departments for input, and the impacted departments are the Police, Fire, and Public Works Departments.

The Police Department estimates its costs to be $10,000 representing primarily additional overtime costs associated with monitoring the event.

The Public Works Department estimates its costs to be $2,100, representing disposal of 6,000 gallons of septage at $ .35/gallon.

The Fire Department estimates its costs to be $1,900, representing primarily Fire Marshall monitoring duties.

The total fiscal impact to the city is $14,000.

Last year, the city's total cost was roughly $16,715 which the city contributed approximately 35% ($5,850) from Room Tax funds. Using a similar percentage contribution, this year's contribution would be $4,900 (35% of $14,000) with the balance of $7,800 being invoiced to the Chamber.

Other Alternatives Considered: None.

City Council Goals: The request complies in part with the city's mission statement that follows: The Newport City Council and staff pledge to provide and manage city services utilizing sustainable practices. To enhance the livability of Newport, we strongly encourage citizen participation through volunteerism on committees and task forces. We will maintain fiscal responsibility and encourage community partners and agencies to achieve economic and sustainable development.

Attachment List: Special Event Permit Application
Memo from Mark Miranda Regarding Costs to Police Department
E-Mail from Robert Murphy Regarding Costs to Fire Department
E-Mail from Tim Gross Regarding Costs to Public Works Department

Fiscal Notes: The fiscal impact will be any waived amount.

GREATER NEWPORT CHAMBER OF COMMERCE

555 S.W. Coast Highway • Newport, Oregon 97365-4934
(541) 265-8801 • FAX: (541) 265-5589 • 1-800-262-7844
website: http://www.newportchamber.org

October 22, 2013

City of Newport
City Recorder
Peggy Hawker
169 SW Coast Hwy
Newport Oregon 97365

Dear Peggy,

Attached is the Greater Newport Chamber of Commerce Special Events Application for the 2014 Newport Seafood & Wine Festival.

We are excited to once again to hold this annual festival, which over the years has drawn a large number of people (over 19,000 each year) to Newport, who come not only to enjoy the festival, but enjoy everything Newport has to offer.

The festival is held the last full weekend of February in order to provide an economic boost to our community during the slow winter months. Lodging establishments are typically 98-100% full for the weekend which helps to increase winter room tax collection significantly. Restaurants and retail have a marked increase in business during the weekend, as well as over 19 local non-profits have the opportunity to raise funds by participating in the festival, either pouring for wineries, or by contracting with the Chamber to provide services for the event.

We've also attached our site layout, our sign plan, request, and our 2014 control plan that is approved each year by Mark Miranda, Chief of Police-Newport. A certificate of Liability Insurance additionally naming the City of Newport for the 2014 event will be provided this month.

Please do not hesitate to contact me if you should need any additional information or documents to support this application.

Thank you for your time and consideration.

Sincerely,

Lorna Davis
Executive Director
Greater Newport Chamber of Commerce

This Packet Contains:

- The City of Newport Special Events Application
- City of Newport Special Event Structure Agreement
- Port of Newport letter of support
- Site listing for signage
- Site location map to include parking locations
- 2014 Control Plan

SPECIAL EVENT PERMIT APPLICATION

Submit to: City Recorder
City of Newport
169 SW Coast Highway
Newport, Oregon 97365
p.hawker@thecityofnewport.net
541.574.0613

This application must be completed, signed, and submitted far enough in advance of the event to allow staff time to properly analyze and determine the impacts on city services. It is recommended that applications be submitted at least 60 days prior to the scheduled event. Late applications may be accepted, but the city cannot assure that late applications will be processed in time to issue the permit.

Use Additional Sheets if Necessary

Event Name: Newport Seafood & Wine Festival

Event Date: February 20,21,22 & 23, Time(s): Thurs 5-9,Fri 12-9, Sat 10-6, Sun 10-4

Location: 2320 OSU Drive Newport, Oregon 97365

Facilities to be used: Park XX
(Be specific)
City Building:
Sidewalk: XX
Street: XX- Closing of the entrance to the Port & Rogue, re-opening the south entrance
Other City Property: XX
Private Property: Port of Newport Property

Set-up Dates and Start Times: February 1, 2014 set up starting at 8am.

Take-down Dates and End Times: March 4, 2014, completed by 6pm

Estimated Crowd Size: Participants (Including Vendors and Volunteers)
1,000
Spectators 15,000 to 20,000

Is this a New Event: No If not, Previous Dates/Years Held: 37th year

Applicant: The Greater Newport Chamber of Commerce

Mailing Address: 555 SW Coast Hwy Newport, Oregon 97365

Telephone: 541-265-8801

E-Mail: Lorna@newportchamber.org

Fax: 541-265-5589

Contact Person (must be authorized to sign for applicant): Lorna Davis

Contact Person Address, Phone(s), E-Mail: Same as above

Applicant Status (Non-Profit/For Profit): Non-Profit

DETAILED DESCRIPTION OF EVENT

Provide a detailed description of all activities associated with the event, including a detailed description of city services requested. In the description, state whether food, drink, and/or alcoholic beverages will be served. To the extent that the event involves use of parks, streets, or other city facilities, provide a description of how and when the facilities will be used and a diagram of the areas that the event will use. If applicable, provide a parking plan, security plan, medical assistance plan, letter control and disposal plan, and any other information that would be useful to the city. Use additional sheets as necessary to provide complete information.

This is an annual event held in South Beach on OSU drive adjacent to the Rogue Brewery on Port of Newport property. The Festival has approximately 150 vendors offering food and beverage, arts and crafts, wine and beer.

Water and power are provided on site. Litter control is contracted to a local service organization and overseen by the Chamber. Disposal is contracted between the Chamber and Thompson Sanitation. The tent is set up early in February and is dismantled after the event.

City services required are Police, Fire Department and Septic dumping. The City of Newport Police Department has reduced their fees to the Greater Newport Chamber of Commerce for services provided during this event, we are asking for the same consideration for this year's event. The Chamber of Commerce has utilized the disposal facilities at the wastewater treatment plant to dispose of the waste from the portable toilets at the Seafood & Wine Festival. In the past years the fee for this disposal has been waived. We are asking again to have the disposal fee waived for the 2014 Festival.

Security is provided by Newport City Police, TCB Events, and Lincoln County Sheriff. The security plan is determined and approved by Newport City Police Chief Mark Miranda.

Our medical assistance plan is determined and provided by the Newport Fire Department. The first aid station is staffed by Volunteer Fire department personnel and EMT's, the volunteer fire department utilizes booth space as an opportunity to raise funds for their operations.

We have coordinated the closure of the entrance to the Port/Rogue north of Ferry Slip road and the opening of the previous entrance for the event with the Port of Newport and the Rogue.

The Site location map is attached. Parking is staffed by GNCC SWF Committee and a local service organization. Parking is allowed in Rogue parking lot and the Oregon Coast Aquarium Southwest parking lot. Free shuttle service is provided throughout the festival by GNCC contracting with a local bus company.

CITY OF NEWPORT
SPECIAL EVENT TEMPORARY STRUCTURE AGREEMENT

Recitals:

WHEREAS, Applicant has applied for and received a special event permit and wishes to erect a temporary structure for the special event at the address set forth below; and

WHEREAS, Newport Municipal Code Section 9.80.020 provides that temporary structures may be erected in conjunction with a special event permit provided certain criteria are met, including an applicants' agreement to comply with such criteria.

Now Therefore:

By my signature below, I acknowledge that I have read this Agreement and I agree to comply with the conditions set forth below. I understand that failure to comply with this Agreement constitutes a violation of the Agreement, and the City may take any action it deems appropriate, including but not limited to the revocation of my special event permit and this Agreement:

A. The structure will be erected no more than thirty (30) days prior to the date of the special event and must be removed within five (5) days after the event.
B. The written permission of the property owner on which the structure is erected will be secured prior to any work commencing on the location.
C. A City business license will be obtained prior to erection of the structure.
D. I will be responsible for the maintenance of the grounds surrounding the structure and will provide trash receptacles for the duration of the temporary structure.
E. Sanitary facilities will be available at the site through the duration of the event.
F. The structure will not interfere with the provisions of parking for the permanent (regular) use of the site, or a traffic management plan will be provided in a form acceptable to the city.
G. The structure will satisfy the vision clearance requirements of the Newport Zoning Code.
H. Written approval for the temporary structure will be obtained from the Newport Building Official.

Greater Newport Chamber of Commerce — October 22, 2013

Applicant Name — Date

2320 OSU Drive Newport, OR 97365

Location (Address) of Temporary Structure

February 20, 21,22, & 23, 2014

Date(s) of Special Event

2/1/2014 – 3/4/2014

Date(s) of Duration of Temporary Structure (erection, maintained, dismantled)

Type of Business: Newport Seafood & Wine Festival – GNCC operations fundraiser 501(c)6

Zoning: W-2

City Acknowledgement:

[signature] — 10/31/13

Community Development Director — Date

[signature] — 10/31/13

City of Newport Building Official — Date

SUBJECT TO BUILDING OFFICIAL INSPECTION AT TIME OF TENT INSTALLATION. CHAMBER TO ARRANGE FOR INSPECTION.

Port of Newport

600 S.E. BAY BOULEVARD NEWPORT, OREGON 97365 (541) 265-7758 FAX (541) 265-4235

October 15, 2013

Lorna Davis, Director
Greater Newport Chamber of Commerce
555 SW Coast Highway
Newport, OR 97365

Dear Lorna,

This letter grants the Greater Newport Chamber of Commerce permission to use Port property at the Port of Newport Marina & RV Park in South Beach for the 2014 Seafood & Wine Festival. As in previous years, this will include property for placing the main activity tent and all ancillary tents and parking. Please provide us with a current site use plan.

It is our understanding that set up will begin on Thursday, January 30, 2014, and removal of the tent will start on Sunday, February 23, 2014 and be completed by Friday, February 28, 2014.

We look forward to another successful event. If you need anything further, please do not hesitate to contact me.

Sincerely,

Don Mann
General Manager

C: Chris Urbach, South Beach Marina Harbormaster
Port of Newport Special Projects Manager

October 22, 2013

City of Newport
City Recorder
Peggy Hawker
169 SW Coast Hwy
Newport, OR 97365

Dear Peggy,

I am writing to ask for a permit to place signs for the Seafood and Wine Festival. The Festival occurs on February 20th thru the 23rd on the Port of Newport property adjacent to the Rogue Brewery in South Beach. It is our understanding that Non-Profit organizations receive a fee waiver for sign placement.

We plan to place signs at several locations. The signs will be placed from February 19th to February 24th 2014.

Those locations are:

- Highway 101 North at approximately 31st street.
- Highway 20 at approximately NE Harney
- Highway 101 at Highway 20 (Bank of America corner)
- Highway 101 South at Beven's Market (app 960 SW Coast Hwy)
- Highway 101 South at the south end of the bridge prior to the turn onto OSU drive
- Highway 101 South at LaQuinta Inn (SE 32nd)
- Highway 101 South (app 50 feet north of Orca RV Park)
- Highway 101 South at right turn out, south end of the bridge
- OSU Drive near 2320 and SE Ferry slip road, several parking signs (app 10)
- Tyee Lodge 4925 NW Woody Way
- Best Western Plus Agate Beach 3019 N Coast Hwy
- Wal-Mart 160 NW 25th St
- America Inn & Suites 710 N Coast Hwy
- Rodeway Inn & Suites 206 North Coast Hwy
- Green Stone Inn 729 NW Coast St
- Oregon Coast Properties 415 NW Coast Street
- Hallmark Resort 744 SW Elizabeth Street
- Elizabeth Street Inn 232 SW Elizabeth
- Comfort Inn 531 SW Fall St
- Abbey Street Pier SW Bay Blvd
- Mariner Square SW Bay Blvd
- Marine Discovery Tours 345 SW Bay Blvd

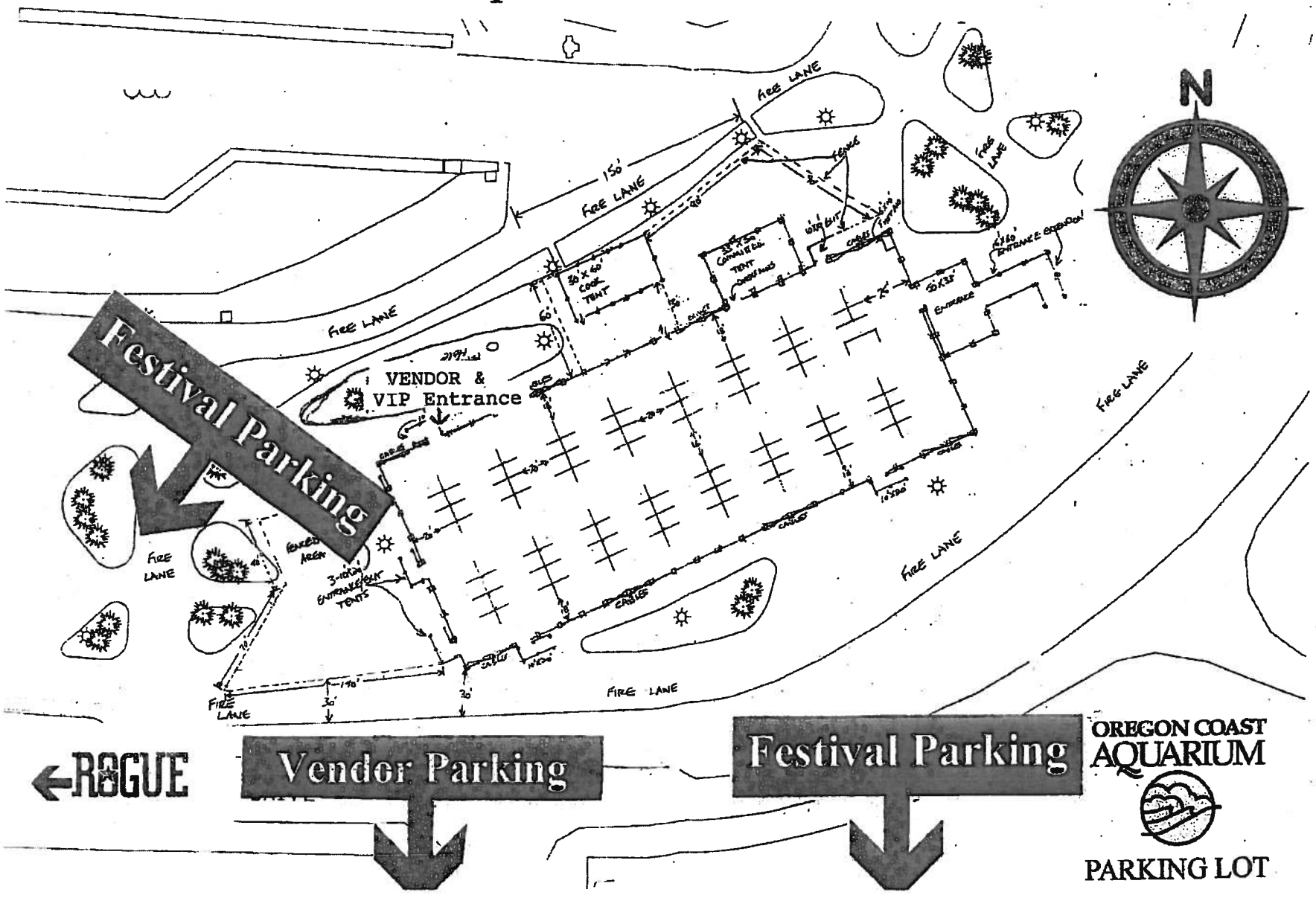
- Embarcadero Resort 1000 SE Bay Blvd
- Newport Motor Inn 1311 N Coast Hwy
- Art Deco Public Parking on 9th & Hurbert
- South Beach State Park
- Don Davis Park West Olive Street
- Whaler Motel 155 SW Elizabeth Street
- Shilo Oceanfront Resort 536 SW Elizabeth Street
- Holiday Inn Express 135 SE 32nd
- La Quinta Inn & Suites 45 SE 32nd Street

Please let me know if you have questions or concerns.

Thank you,

Lorna Davis
Executive Director
Greater Newport Chamber of Commerce
541-265-8801

Newport Seafood &Wine Festival



NEWPORT Seafood & Wine Festival

The Original And Still The Best

2014 Seafood & Wine Festival
Master Control Plan & Security Information
February 20th - February 23rd 2014
Thursday 5:00pm-9:00pm
Friday 12:00pm to 9:00pm
Saturday 10:00am-6:00pm
Sunday 10:00am-4:00pm

ENTRY AND EXIT TO THE FESTIVAL

- All patrons and vendors must be 21 years of age or older to attend festival. All patrons appearing under the age of 30 will have ID checked and or scanned upon entry.
  - Door 1 & 12 are the initial entrance for general ticket patrons.
  - Door 2 is an exit only/ vendor loading and unloading area.
  - Door 3 is an exit only/vendor loading and unloading area.
  - Door 4 is a vendors & volunteer check in entrance and patrons exit. Sponsors may also enter here. Volunteers and Vendors entering at the start of their shift will need to present valid ID to staff at door. Staff at door will confirm volunteer name and shift prior to allowing admittance into festival tent. This will be used as re-entrance for patrons. ID's must be checked at this entrance.
  - Doors 5 & 6 are a passage way to the restrooms and smoking area. Patrons may drink in this area. No open glass bottles in this area. This area is fenced off. Possibility of fence jumpers in this location so security will have personnel stationed to enforce restricted area.
  - Door 7 is for group tours, water taxi groups, sponsor entry, patron re-entry, vendor loading and unloading and exit.
  - Door 8 is a passage way to the cook tent, garbage, vendor bathrooms, committee tent, and bank. No patrons will exit here, this area is fenced in.
  - Door 9 is a passage way to the cleanup crew's station. No patrons will exit here and this area is fenced in.
  - Door 10 is a patron exit only with vendor loading and unloading.
  - Door 11 is the initial entrance for e-ticket holders and re-entrance for all patrons. NO vehicles parking around this door.
  - First aid station is located at booth number 55 & 88 (Newport Volunteer Fire-EMT)
  - E-Ticket holders will have an express line located at door 11. E-Ticket holders will be subject to the same bag search and ID checks as non E-ticket holders.
  - All Patrons that re-enter are subject to a bag check.
  - Doors 4, 7, and 11 are re-entrance doors to all patrons that have been in the Festival that day unless at capacity, they must have the proper day stamped on their hand, or wrist band to indicate entrance.

SAFETY RULES

- All bags may be searched upon entering the festival.
- Prohibited items: knives, guns, corkscrews, replica weapons, and other items deemed hazardous or illegal.

CUTTING OFF A VISIBLY INTOXICATED OR UNRULY PATRON (VIP)
VIP'S SHALL NOT BE SERVED

- ***Anyone who is an unruly patron, or denied service has to leave the Festival site. Subjects refusing to leave or attempting to re-gain entry are subject to arrest.***
- Once outside, security will direct patron to free shuttle service area.
- When a patron is identified as a possible VIP or unruly, security will first remove them from their friends before questioning and determining their status. Then the VIP may be escorted out of the tent by security and their information given to the dispatch officer. In addition, security will inform dispatch as to patron's denial or acceptance of free shuttle.
- Provide dispatch with name, DOB, ID #, physical description and time cut off.
- Patrons who accidentally break their glass need to be warned. Patrons who deliberately break a glass will be removed. If they are unruly or over intoxicated, please call for security to remove them from the event.
- If security detains a patron and need police assistance, contact dispatch and if possible, escort the suspect outside the closest exit and wait for police to arrive.

HANDLING A POLICE, FIRE, MEDICAL SITUATION

- If you need to have Police, Fire or Medical assistance, please contact the dispatch center immediately.
- If you have a minor medical problem that is mobile, the first aid area is located at booth 55 & 88 (Newport Volunteer Fire-EMT). If you have a non-mobile medical emergency, contact dispatch and provide the location. Keep an area clear around the victim so medical personnel can respond.

ADDITIONAL INFORMATION

- Alcohol monitors are non-confrontational. Their job is to look for intoxicated and unruly patrons. They are to inform dispatch of persons who are to be removed, not to handle the physical removal.
- If assistance is needed from OLCC, the Dispatcher will be contacted.
- Any and all changes of the Control Plan must be approved by Chief Miranda.

Wrist Band Colors

Vendors – Red	(4 Day Pass)
Sponsors – Orange	(3 Day Pass)
Volunteers – Aqua	(3 Day Pass)
VIP Thursday- Purple	(Thursday only)

Key Contacts

DISPATCH

Mike Goff, Owner TCB Productions & Security: Cellular: 961-0831
WVCC Dispatch Center - Police – Fire – Medical: 265-4231
Mark Miranda, Newport Police Chief: 574-3348 (work) 270-1055 (cell)
TCB Dispatch: 574-2828
Port of Newport Office: 265-7758
Tobacco Enforcement Officer – Amy Ward 272-7243 (cell)
OLCC Inspector –541-265-4522

Festival Contacts

Chamber Director: Lorna Davis 270-1810 (mobile) 336-1429 (home)
SWF Chair – Doug Orr: 270-4556
Seafood & Wine Festival Coordinator- Bobbi Price- 541.270.1995

Cindy Breves

From: Mark Miranda
Sent: Monday, November 25, 2013 4:00 PM
To: Cindy Breves
Subject: RE: Special Event Permit For Seafood and Wine

I use the SWAG method for determining the estimates. The cost last year was only about $8k, I think. So I should have put the estimate at $10K. If I didn't would you please adjust it. The Chamber picks up 65% of the tab anyway.

Chief Mark J. Miranda
Newport Police Department
Newport, Oregon
www.newportpolice.net
(FBINA 198)

Please note our new mailing address:

Newport Police Department
P. O. Box 2260
Newport, Oregon 97365-0167

Cindy Breves

From: Robert Murphy
Sent: Wednesday, November 20, 2013 4:01 PM
To: Cindy Breves
Cc: Phillip Paige
Subject: RE: Special Event Permit Seafood and Wine Festival 2014

Hi Cindy, Here are the estimated costs to the Fire Department for Seafood and Wine Festival for 2014. Please let me know if you have any questions. Thanks,

2013 Costs:
Total Supervisor Costs=$757.00
Total Crew Costs=$1,058.00
GRAND TOTAL- $1,815.00

2014 Costs (Estimated)
Total Supervisor Costs=$795 (assuming a 5% increase)
Total Crew Costs=$1,111 (assuming a 5% increase)

Rob Murphy
Assistant Chief/ Fire Marshal
Newport Fire Department
245 NW 10th St.
Newport, OR 97365
541-265-9461
r.murphy@newportoregon.gov

Cindy Breves

From: Tim Gross
Sent: Thursday, October 31, 2013 8:12 AM
To: Cindy Breves; Department Heads
Subject: RE: Special Event Permit Seafood and Wine Festival 2014

John estimates the Seafood and Wine festival dumps about 6 – 1000GAL septage haulers. This is a cost of $2,100. ($0.35/gal per the last rate resolution.) We would charge what the actual cost is when they dump however.

Timothy Gross, PE
Public Works Director/City Engineer
City of Newport
169 SW Coast Highway
Newport, OR 97365
P 541-574-3369
F 541-265-3301
C 541-961-5313

From: Tim Gross
Sent: Wednesday, October 30, 2013 5:12 PM
To: Cindy Breves; Department Heads
Subject: RE: Special Event Permit Seafood and Wine Festival 2014

The only thing that public works has traditionally done for this event is install the signs for Seafood and Wine at the entry signs to the City. There is no real cost for this. I would recommend charging for septage fees and NOT waiving this cost. Septage is very hard on the wastewater treatment process and as I recall, they bring a LOT of septage from the portable toilets at the event.

Timothy Gross, PE
Public Works Director/City Engineer
City of Newport
169 SW Coast Highway
Newport, OR 97365
P 541-574-3369
F 541-265-3301
C 541-961-5313

From: Cindy Breves
Sent: Monday, October 28, 2013 10:13 AM
To: Department Heads
Subject: Special Event Permit Seafood and Wine Festival 2014

Attached is a special event permit application for 2014 Seafood and Wine Festival. Would you please let me know the fiscal impact to your department.

Cindy Breves
Executive Assistant/ Municipal Court Clerk
169 SW Coast Highway